

CASE STUDY

Thuy Tum and Thuy Ampil Indigenous Communities (ICs) vested in advantages and disadvantages in engagement and not engagement the indigenous community land titling (ICLT) registration process.



I. Introduction:

This is a case study examined by the Indigenous Community Support Organization (ICSO), focusing on the contrasting situations of the two different of Kreung Indigenous Communities (ICs) based in Ratanakiri province, Cambodia. The significant of this case study is highlighted into two categories of the implications; **(1) The Thuy Tum IC, which has been continuing the ICLT registration. And (2) The Thuy Ampil IC, which has decided not to continue its ICLT registration.** These two ICs have already completed phase-1 and phase-2. They are recognized their identity by the Ministry of Rural Development (MRD), and registered their legal entity with Ministry of Interior (MOI) in late 2019.



Analyzing these two ICs; ICSO aims to understand the implications of the ICLT registration for their land tenure and security, cultural preservation, and economic development of the differential circumstances and environment. Interviews with villagers, committee leaders, community members, and local authorities reveal the following insights. This analysis examines the differences between IC that actively engages and registers its ICLT compared to those that opt not to take further process of the ICLT.

1. The summarized profiles:

1.1. The Thuy Tum IC:

The Thuy Tum IC of the Kreung Indigenous Peoples (IPs) group forms a local community situated in Thuy Tum Village, Cha Ung Commune, O Chum District, Ratanakiri province, Cambodia. This community comprises 566 populations [278 women], from 150 families that rely heavily on land and natural resources for their economic development and cultural conservation. This IC initiated the process in 2011, with the support of ICSO, for the engagement of its institutional and constituency building. This IC has accomplished phase-1, 2, 2.5 and phase-3 of the ICLT registration process. They are now awaiting the awarding of the ICLT Certificates from the Ministry of Land Management, Urban Planning, and Construction (MLMUPC). This IC, under the recognition of its ICLT by the Royal Government of the Kingdom of Cambodia (RGC), along with clearly defined the community's boundaries, provides a legal framework that protects them from external threats on land alienation and speculation.

1.2. The Thuy Ampil IC:

Thuy Ampil IC of Kreung IPs' group forms a local community located in Cha Ung Commune, O Chum District, Ratanakiri province, Cambodia. It is comprising 1,089 populations (528 women) from 267 families. This IC is a neighborhood of Thuy Tum IC above, which is connected their boundaries of the communities. This IC initiated its process under the support of the ICSO in 2018 for the community institutional and constituency building, and subsequently undertook the ICLT process, which was completed, phases-1 and phase-2. Meanwhile, it was recognized its identity by MRD and registered its Legal Entity by MOI. However, this IC opted to halt the process during the early second quarter of 2023 due to various challenges. The final decision was made by the community people not to continue its ICLT process and intends to do the individual land title (private land or systematic land title). The community faced a lack of land security due to the absence of formal ICLT registration, leaving it vulnerable to potential invasions and land disputes over the land boundaries and ownership, which in turn expose it to external pressures, land encroachments, and speculation.

2. The current situation:

2.1. Land Security:

- **Thuy Tum IC:** This IC feels a degree of security regarding its land tenure due to the recognition of its ICLT in accordance with the legal and policy frameworks of the RGC. Clear boundaries have been established and demarcated, contributing to a sense of stability of land tenure. Nevertheless, the IC has not yet received the official ICLT certificate from the MLMUPC. However, the ICLT process was completed by the phase-1, 2, 2.5 and phase-3, as outlined in the Cambodian Government Sub-Degree #83, 2009.
- **Thuy Ampil IC:** In contrast, this IC does not feel secure, citing the absence of surveys, land registration, and ownership titles as significant concerns. This lack of a formal recognition leads to potential land encroachments and speculation from outsiders, as well as land alienation, which occurs both internally and externally leads to land dispute.

Nevertheless, their individual family's land tenure security is still vested in the upcoming systematic land registration process.

2.2. Land Conflicts:

- **Thuy Tum IC:** There has been a notable decrease in land conflicts, attributed to well-defined boundaries set by the government, which have reduced external invasions of land and forest. The IC benefits from the training pieces in land and natural resource management, fostering solidarity and mutual understanding. Conflicts are generally resolved by committee leaders internally based on its bylaws and internal rules, with the continuation of support by ICSO for the capacity development, networking, economic development, and institutional and constituency strengthening. The establishment of the clear boundaries through ICLT registration has reduced land conflicts. The IC committee leaders possess a deep understanding of land management, and the emphasis on solidarity enables them to resolve land disputes internally.
- **Thuy Ampil IC:** The land disputes are infrequent but do arise, primarily concerning boundary and ownership issues. This IC's decision to halt the ICLT registration may contribute to the tensions due to unclear land ownership by private land. In Thuy Ampil IC, although land disputes are infrequently. The lack of formal registration can lead to ambiguity in land ownership, increasing the potential of land conflicts. The absence of a structured resolution process is exacerbated tensions within this IC.

3. Land alienation:

- **Thuy Tum IC:** This IC has not engaged in selling or renting its land to outsiders since registering its ICLT, focusing instead on maximizing the use of its land to enhance its economic development and maintain its social structure.
- **Thuy Ampil IC:** In contrast, approximately 20 families of this IC have sold their lands to outsiders, resulting in significant challenges. New landowners have fenced land properties, obstructing access for villagers and forcing to rent their land for agricultural purposes.

4. Protection of traditional culture:

- **Thuy Tum IC:** The registration of collective land is seen as a vital factor in protecting traditional practices. Community members actively maintain cultural heritage, including ceremonies, and uphold important lands, such as burial land-forest and spiritual land-forests, which are central to its identity and is protected.
- **Thuy Ampil IC:** This IC continues to hold the significant ceremonies and traditions, although participation varies among members. Approximately half a hectare of spiritual land-forest and three hectares of burial land-forest remain, indicating ongoing cultural practices.

5. Economic development:

- **Thuy Tum IC:** Various organizations and government institutions have provided training in several areas, including legal empowerment, socio-economic development, specific livelihood programs, and agricultural practices. Although the official ICLT certificate has been long-awaited, community members remain motivated to manage its land effectively, increasing agricultural productivity through traditional practices.
- **Thuy Ampil IC:** Economic support is primarily derived from the Government institution, which provides financial assistance from corporate payments. However, limited engagement in the ICLT registration may hinder broader economic opportunities.

II. Conclusion:

This case study highlights the significance of the differences between the Thuy Tum and Thuy Ampil ICs regarding the ICLT registration and its impacts. Thuy Tum IC ongoing ICLT registration process has fostered a sense of security, cultural preservation, and economic development as well as could be gained advantage of development support from CSOs' and Government's projects. The continuation of the support for its institutionally and constituency building is a significant of building the local land rights for the protection and conservation of their land-forest rights, even though, the ICLT certificates are not yet awarding from MLMUPC to ICs. This finding underscores of the importance of the ICLT registration for enhancing their land security, protecting cultural heritage, and promoting sustainable community economic development contributing to the climate change adaptation and mitigation aspect.

