

# Pilot REDD Activities in Cambodia are Expected to Improve Access to Forest Resource Use Rights and Land Tenure for Local Communities

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## Abstract

There is concern that REDD+ revenues might encourage re-centralized control and management over forests, but Cambodia has shown an opposite trend. At pilot demonstration sites and in national readiness documents a strong intent has been documented to identify and strengthen traditional rights holders.

This case study examines the Seima Protection Forest REDD project.

Pre-existing strategies there aim to support the recognition of traditional forest use rights and issuance of indigenous communal land titles. Management also aims to protect the underlying resources from both external and local threats. REDD should provide both an impetus and increased resources to accelerate and sustain these processes, whilst also strengthening economic arguments at the national level for maintaining this forest. Local communities have been found supportive, especially because they perceive a high and rising external threat to their resources.

The Seima case illustrates how improved tenure could be a central outcome of REDD in some settings, and that tenure itself may serve as a more dependable type of community benefit than direct financial payments. The risk that REDD will fail to compete with the economic drivers of deforestation is highlighted as perhaps a more serious threat to current forest users than any future risk of re-centralisation, at least in Cambodia.

## Introduction

While more than 80 percent of forest around the world remains government-owned there has been a significant movement towards decentralization of the forest sector in the last 25 years (FAO 2005; Larson et al. 2010; Phelps et al. 2010). ‘Decentralisation’ in this sense can range from a full transfer of ownership to various co-management arrangements. Payments for improved forest protection under the REDD<sup>1</sup> framework might undermine this progress by increasing the monetary value of forests and so leading governments to recentralize (Sandbrook et al. 2010; Phelps et al. 2010; Larson et al. 2010.) The need for performance measurement under REDD may also favour recentralization due to economies of scale and ease of standardization (Phelps et al. 2010). In this case study we discuss whether these risks are likely to

affect implementation of REDD in Cambodia, using evidence from the Seima Protection Forest (SPF) REDD demonstration project and national REDD-readiness plans. We focus on the Permanent Forest Reserve, under the management of the Cambodian Forestry Administration (FA). Our hypotheses are that (1) in Cambodia REDD will stimulate improvements in land tenure and forest resource access rights for local communities; and (2) REDD will increase the feasibility of protecting these forest and land areas against growing threats, a crucial precondition for exercising those access and tenure rights.

## National context

Cambodia had 58.9 percent forest cover in 2006 and a deforestation rate during 2002-2006 of about 0.8 percent per annum. Clearance is concentrated along forest frontiers and new roads, with ongoing degradation through e.g. illegal logging and charcoal manufacture. Issuance of large agri-industrial plantations of rubber, acacia and other crops (locally termed ‘economic land concessions’) has recently emerged as a dominant threat to forest nationwide (RGC & UN REDD 2011).

REDD rose in prominence in Cambodia forests following decisions at UNFCCC COP 13 in December 2007<sup>2</sup>, and the Royal Government of Cambodia (RGC) is now planning a national-level REDD framework. The Cambodia Readiness Plan Proposal was approved by the World Bank Forest Carbon Partnership Facility (FCPF) Participants Committee in March 2011 and the Cambodia UN-REDD National Programme Document was approved by the UN REDD Programme Board in June-July 2011. Drafting these documents led to the creation of an Interim Inter-Governmental agency REDD+ Taskforce (RGC & UN REDD 2011).

<sup>1</sup> We use REDD and REDD+ more or less interchangeably in this paper.

<sup>2</sup> Decision 2-/CP.13 on “Reducing emissions from deforestation in developing countries: approaches to stimulate action” (<http://unfccc.int/resource/docs/2007/cop13/eng/06a01.pdf#page=8>)

The Forest Administration (FA)'s responsibilities for REDD were set out in Subdecree 188 (2008) and REDD was also highlighted in the National Forestry Program (NFP; approved December 2010) under Programme 6 on Sustainable Financing. In early 2011 FA created an Office of Carbon Credits and Climate Change within the Department of Forest Industry and International Cooperation. Several site-based projects have also been proposed or initiated from 2008 onwards and three of these, all under FA jurisdiction with extensive NGO involvement, have been adopted by the government as pilot projects to inform national policy. The primary pilot is the Oddar Meanchey Community Forestry REDD Project, approved by Council of Ministers Decision number 699 in 2008 (Bradley 2009), followed by SPF and the Southern Cardamoms Protected Forest.

Most natural forests in Cambodia, including all Community Forests, are state owned. Typical Community Forests are restricted to production forest areas and so are not directly relevant to the Seima Protection Forest. Protected Forests are state-managed, with various forms of community co-management being tested at Seima and elsewhere around the country. The key legal basis is the Forestry Law (Article 40) which protects the traditional forest use rights of local communities, including the harvest of non-timber forest products (NTFPs), timber for housing and grazing rights over most of the forest estate, including Protected Forests. Such use rights do not constitute tenure as such, but are nonetheless crucial, since dependency on forest products is typically high. They are generally respected by the state<sup>3</sup>, but are at risk due to decline in the availability of the resources as forests are converted or degraded.

Agricultural land tenure is also relevant to REDD in Cambodia since so many forest boundaries are disputed between the state and local communi-

ties, or at least are legally ambiguous. In Seima most communities belong to the Bunong indigenous ethnic group. They are vulnerable to land alienation so the 2001 Land Law allows them to obtain communal land titles that recognise and protect their unique way of life. Communal titles cover mainly residential/cultivated land and fallow swidden areas. In Seima and other similar sites they represent prior claims and can lead to the legal reclassification of parts of the protected forest. This process redefines forest management boundaries and resolves community doubts about their tenure security on agricultural lands - such doubts would otherwise be problematic for REDD implementation. In addition to residential and farming land, these titles can place small areas of natural forest (e.g. sacred groves)<sup>4</sup> in community ownership and this may give the communities ownership of some forest carbon, although that issue has not yet been decided on by the Royal Government of Cambodia (Keo Omaliss pers. comm. 2011). To date no such communal titles have been issued but several villages are near to completing the complex process, including two in the case study area.

## REDD+ at the Seima pilot site

### Overview

Seima Protection Forest (SPF)<sup>5</sup> covers 292,690 hectares, mainly in Mondulkiri province (Figure 1). It protects extensive evergreen, semi-evergreen and deciduous forests with high biodiversity value on the flanks of the Annamite mountain range and adjacent plains (Evans et al. in press).

The Forest Administration (FA) has managed the site, with support from the Wildlife Conservation Society (WCS), since 2002. Dominant threats are the accelerating rates of forest clearance for agriculture, illegal logging of high value timber and

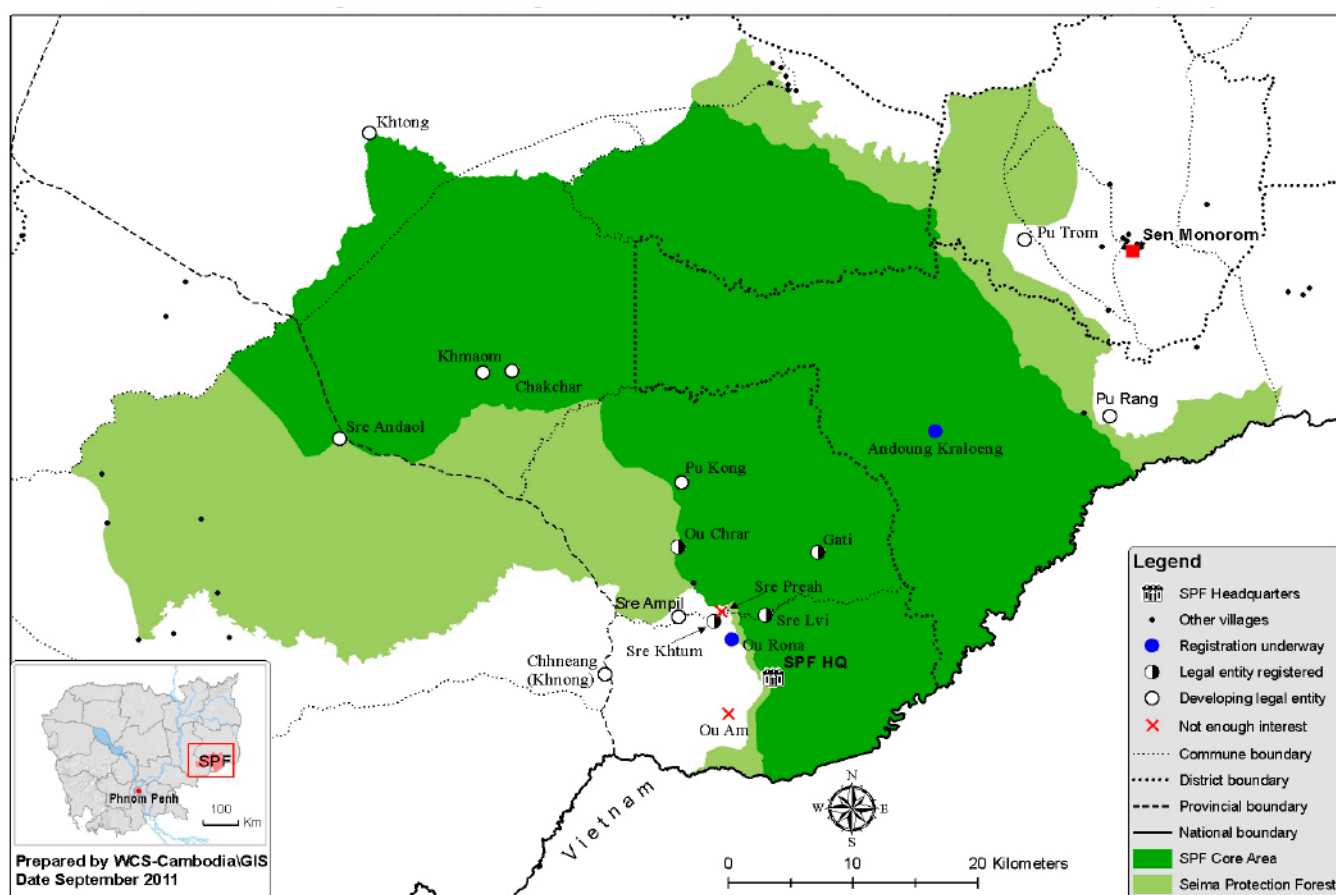
<sup>3</sup> Although these use rights have been violated by some concessionaires

<sup>4</sup> In contrast to some other countries (e.g. Canada, the Philippines) communal titles cannot legally include extensive mature forest, even if it is used for the collection of fish, timber and non-timber forest products (NTFPs).

<sup>5</sup> Formerly Seima Biodiversity Conservation Area



Figure 1: Current status of registration of indigenous communal lands in Seima Protection Forest (SPF)



unsustainable trade-driven hunting of wildlife. Both outsiders and local residents are involved in these practices. Seima is also under potential threat from the issuance of large-scale agro-industrial concessions, and possibly from mining (prospecting is currently underway). These threats are partly driven by local factors such as improving road access, population growth and weak protection measures and partly by broader economic factors such as increased demand for cash crops (Evans et al. in press).

### Existing management and social values

Management of SPF includes forest protection patrols, forest monitoring, resource zones for use by local communities, indigenous communal land titling and a buffer-zone community sustainable forest management project. Significant progress has been made in at least partially controlling

some of the key threats (Evans et al. in press).

The site has high community value. The area that will generate REDD credits is used by 20 villages (c.12,800 people; Figure 2). These local citizens' livelihoods are threatened by resource declines and land loss to outside groups. They typically live in small, remote villages with high poverty. In addition to agriculture they continue to have a high degree of economic and cultural dependence on the forest. For example, the trade in wild tree resins is economically crucial and largely sustainable (Evans et al. 2003) and they collect a high diversity of other foods medicines and fibres for subsistence or sale. Most of their agricultural land currently lies within the legally defined forest estate.

Existing conservation activities already focus on indigenous communities, as set out in the legal

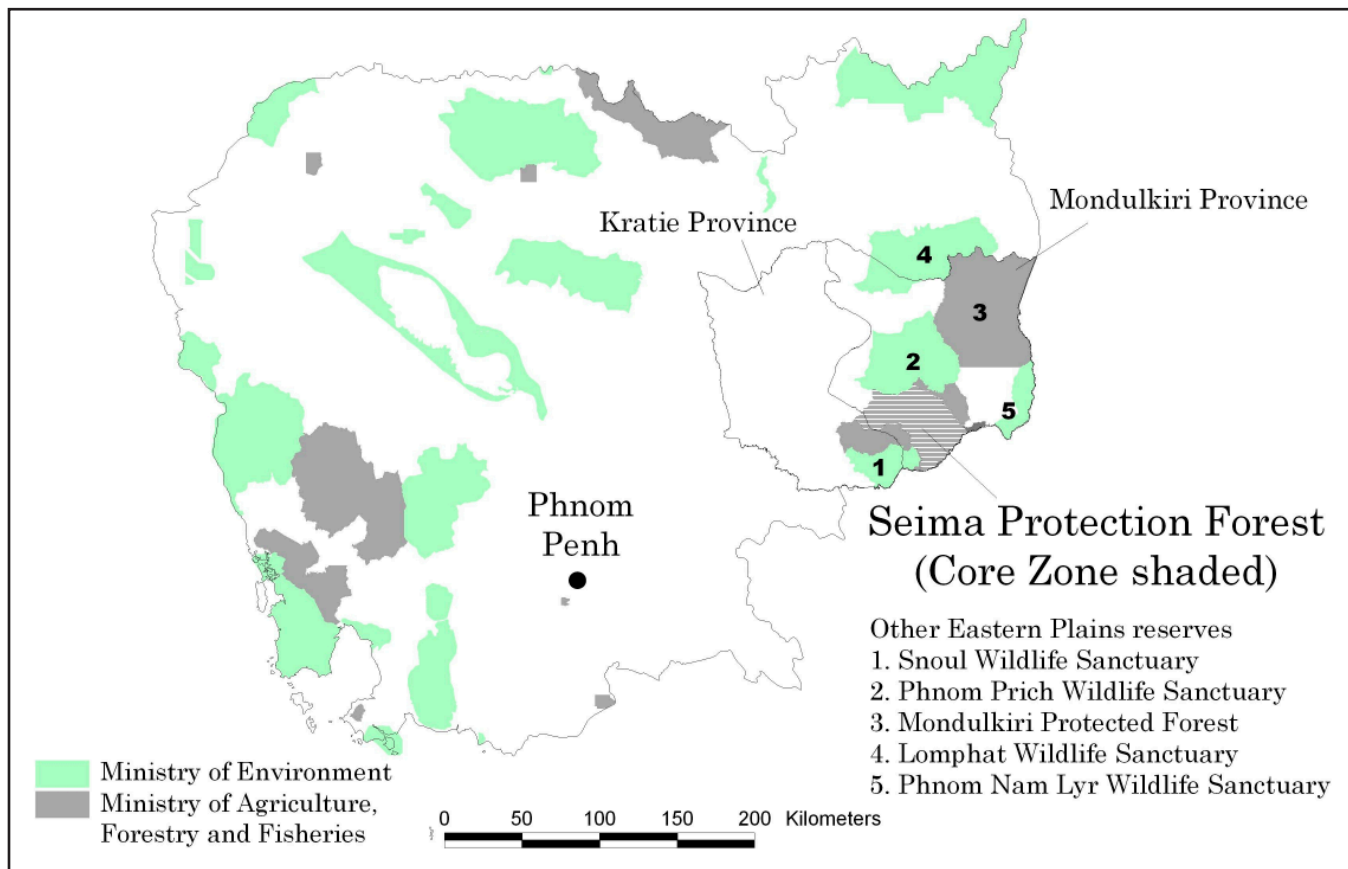
instrument creating the SPF and in the SPF strategic plan (Evans et al. in press). The two activities discussed below are of special relevance to the debate over whether REDD is a threat to tenure security - (i) clarifying forest user rights and (ii) formalising village land tenure rights.

### Clarifying forest user rights

Concepts of traditional forest tenure are widespread in Cambodia but rather more weakly expressed in practice and in law compared to regions of Melanesia or Latin America. Thus, whilst the main forest areas used by each village in places like Seima are distinct, this has rarely resulted in sharply defined boundaries, codified management arrangements or systematic exclusion of users from other communities. For this and other reasons, legal ownership rights over forested land are not available in a Protected For-

est (with the exception of the small areas within Communal Land Titles, see below). Given this legal setting, two aims of SPF management are to enhance the long-term availability of forest resources and ensure secure continued access rights for legitimate (mainly traditional) users in clearly designated zones. To enhance long-term availability the project aims to prevent deforestation and reverse past degradation. This entails preventing deforestation and restoring degraded forests as well. As formalising use rights and demarcating use zones. Forests in Cambodia are generally treated as open access resources, with illegal users swamping legitimate local users and making sustainable management impossible. The SPF approach identifies legitimate traditional users in accordance with the Forestry Law and ensures they receive identity cards. People without cards can then be excluded. The process of checking card users thus encourages compliance with for-

Figure 2. Project location in relation to the Cambodian protected area system



est laws, thus deterring unsustainable use by all parties. The largest forest user group in Seima is the resin tappers, who have locally recognised family-level ownership of groups of large *Dipterocarpus* trees in deep forest areas and visit them on a roughly weekly basis to draw resin in a manner analogous to rubber-tapping (Evans et al. 2003). In a phased process, all resin tapping families are gradually being issued with cards, as are other families who regularly collect other products such as fish or bamboo.

### Formalising village land tenure rights

All communities in or near the project site of appropriate ethnicity who have retained concepts of collective land ownership and other traditional practices are eligible to apply for indigenous communal land titles. Most communities consulted by the project team have chosen to exercise this right. A village supported by the Seima project since 2003<sup>6</sup> was selected in 2004 as a national pilot site for the legislation, has had its land claims agreed and physically demarcated, and is on the verge of becoming the first in the country to have its lands formally registered by the Ministry of Land Management, Urban Planning and Construction (MLMUPC). Of the other 11 villages engaged so far, four have made strong progress (having completed their registration with the Ministry of Interior as legal entities eligible to hold land) and seven have begun the process but remain at an earlier stage. The Seima area has arguably achieved greater progress in indigenous land titling than any other part of the country.

This is important for reserve management since it constructively addresses two of the main long-term drivers of deforestation - expansion of farmland by existing residents and forest clearing by new migrants. The communities perceive titling as beneficial too, because their lands are highly threatened by a combination of threats from outsiders (e.g. migrants, loggers, rich businessmen,

and land concessions to companies) coupled with weak internal and external governance. It also reassures them that future conservation measures will not impact their rightful livelihoods. Most villages have decided that these benefits outweigh the perceived restrictions inherent in demarcating the maximum future extent of village agricultural lands. The two villages that have made the most progress towards communal land-tilting have both found that their ability to resist or mitigate external threats is noticeably increased, even prior to issuance of titles, through better internal organisation, confidence, awareness of rights and back-up from the SPF patrols teams. Other villagers are eager to gain similar protection. Other, more intangible benefits include the strengthening of traditional community governance systems and the creation of constructive relationships between villagers and reserve staff, moving gradually towards co-management. After titling the communities are expected to benefit from continued direct support (to assist their own protective activities) and indirect support (from other project activities such as law enforcement patrols and provincial land-use planning).

### Design of the proposed REDD project

The REDD project was initiated in mid 2008. The REDD project focuses on the Core Area, which covers 187,983 ha. Credits will be sold on the voluntary market with Verified Carbon Standard and Climate, Community and Biodiversity (CCB) Standard certification. The Forest Administration is the project proponent, with Wildlife Conservation Society as a technical partner.

The REDD project builds closely on existing management, described above, providing additionality mainly through expanded and sustained finance, thus enabling management activities to extend across the whole landscape and to fully address all key threats long-term. The REDD project also aims to enhance the perceived economic and so-

<sup>6</sup> Andoung Kraloeng village in O Rang District

cial benefit of maintaining this part of the national forest estate (in the eyes of national decision-makers), and so reduce the pressure from external threats such as the demand for economic land concessions. One element of the project will be to provide direct conservation incentives to local communities from the net revenues, but the exact form of these incentives has yet to be decided by RGC.

Each village will sign a Community Agreement that *inter alia* clarifies carbon ownership, confirms community consent for the project and ensures that the voluntary, revocable nature of the agreement is clear. It also commits the community to:

- ▶ cooperate to respect and implement laws protecting natural resources and the rights of the Community to use these resources sustainably;
- ▶ cooperate with the FA in developing and following land-use plans, management plans and other sustainable resource-use agreements as needed;
- ▶ cooperate with the FA to develop alternative livelihoods that reduce deforestation; and
- ▶ avoid increasing deforestation outside the Project Area<sup>7</sup>

A detailed list of planned REDD project activities is appended to the agreement, but most communities are familiar with these activities through past collaboration. The benefit-share arrangements are not specified at this stage. Communities can later terminate the agreement without liabilities, placing them in a position to demand equitable treatment at each stage of project implementation.

## Discussion

### **Effects of the SPF REDD project on opportunities for improved land tenure and forest resource access rights**

Evidence to date suggests that the SPF REDD project will strengthen rather than undermine local forest access and agricultural land tenure. In fact, the project is designed assuming that this will be necessary to achieve real and permanent emissions reductions. Hence it both provides an additional reason why such policies and investments should be maintained into the future and will eventually supply the funding needed for increased implementation. REDD implementation has also increased the level of community participation in decision-making for the Protection Forest. This is mainly due to the project's approach to implementing the requirements for consent under the CCB Standard, since extensive consultations are underway prior to the signing of the Community Agreements and will be repeated periodically. These outcomes are consistent with Hypothesis 1 set out in the Introduction, namely that in Cambodia REDD will stimulate improvements in land tenure and forest resource access rights for local communities.

The REDD project design also aims to have a broader effect on protective measures for the SPF. This is consistent with Hypothesis 2. Political support for protection of the SPF as a whole has been increased, as shown by the Council of Ministers upgrading the site to Protected Forest status in 2009, an action which was partly influenced by the potential for REDD revenues. Even prior to the delivery of any credit sales, this decision has already been instrumental in blocking a number of serious threats to the reserve and its inhabitants, most notably a number of agri-industrial concessions that were proposed during 2010. When REDD revenues begin this will also increase the funding available for implementation

<sup>7</sup> Primarily by continuing to adhere to existing rules and law in those parts of SPF outside the Core Area, and in adjacent forest management units such as Snoul Wildlife Sanctuary.



of essential non-community focused activities such as improved law enforcement.

### **Improved resource security as a more dependable REDD benefit than financial incentives**

Consultations in SPF have sought to minimise expectations of direct benefits and focus much more on the indirect benefits from improved protection of existing livelihood assets. Hence these are among the key benefits of REDD perceived by the local communities. These will flow from the most basic project activities, which can be funded reliably even in lower income scenarios. The eventual scale of direct financial and development benefits from REDD in SPF is acknowledged to be uncertain due in part to weak current prices for credits and doubt about market demand without a global regulatory signal. Furthermore RGC has yet to establish a formal benefit-sharing system for the site, although it is likely to be modelled on the system for the Oddar Meanchey pilot site, where 50% of net revenues (after the significant project implementation costs) are earmarked for community benefits.

The target communities presented with this message have been sufficiently receptive and expressed consent. They accept that benefit-sharing arrangements will be decided later and may be limited if the net revenues are small, with the caveat that maintenance of consent for the project will be dependent on the system being perceived as fair. In essence, better resource- and access-protection were sufficient incentives to achieve buy-in, at least at the project start, because of the high level of concern regarding the difficulties forest-user communities will face in a business-as-usual scenario. A similar result was found in the Oddar Meanchey pilot (A. Bradley and Long Ratanakoma, pers. comm.). Internationally, direct benefit-share arrangements often take centre stage in discussions about the effect of REDD on communities; however our experience to date in

SPF suggests that indirect benefits such as forest protection may be as important, or more so, in some situations.

### **National comparisons**

Cambodia has a mixed record on the recognition and promotion of decentralised forest management. The legal framework is progressive in many ways, for instance regarding community forestry, community protected areas and titling of indigenous communal lands, and there is growing evidence of a will to implement these recently developed instruments. However, many powerful interests resist implementation of this legislation, leading to serious disputes with communities, for example around logging concessions (during the 1990s) and agri-industrial land concessions (in recent years). Against this backdrop it should be asked what incremental change REDD might bring. We argue that initial indications are positive but monitoring of implementation is required.

Site-level REDD is under consideration for a number of other Protected Forests in Cambodia, which are also likely to take a progressive approach to community involvement. REDD has also stimulated increased activity in Community Forests in Production Forest areas<sup>8</sup>. The official Oddar Meanchey REDD pilot is based on a group of 13 Community Forests sites shared by >50 villages. Community Forestry legislation is different from that for Protected Forests, since although the forest remains state property, it establishes a 15 year co-management agreement between state and community over the whole extent of the forest in question. Thus the model is even more fundamentally linked to community tenure rights than in SPF (Bradley 2009). Replication of the Oddar Meanchey model has already begun in a cluster of Community Forests in Siem Reap Province (Hour Lim Chhun pers. comm. 2011).

<sup>8</sup> To date 430 Community Forests have been declared, covering 377,502 ha (Phan Kamnap, Director, Community Forestry Office, pers. comm. July 2011).



Policy documents also provide evidence that national-level REDD will be designed so as to promote rather than hinder the recognition of community rights. The programmes agreed by RGC with FCPF and UN REDD both state that REDD will be implemented by strengthening existing laws and policies, rather than setting up parallel systems. The key relevant policy for areas under FA management is the National Forestry Programme (NFP; RGC 2010). This sets out a progressive vision based on the concept of sustainable forest management, with secure tenure and use rights as one of its six defining characteristics. These concepts recur throughout the NFP, notably in Programme 1 on Forest demarcation and classification (in which the ‘..recognition..of indigenous people’s rights and local user rights... is fundamental.’), Programme 2.4 (which aims to increase the coverage of Protected Forests and the successful models they employ for protecting community use rights to 3 million ha), and Programme 4 (which aims to expand the area of Community Forests to 2 million ha). Thus if the NFP is effectively implemented, community forest tenure and use rights in Cambodia will be greatly enhanced. RGC & UN REDD (2011) reinforces this approach in Section 4.5 (Draft Strategy and Implementation Framework) with statements such as:

- ▶ ‘a critical [implementation] issue is clarifying management rights of local people over forest areas, through existing modalities such as Community Forestry, ....and Indigenous Communal Land Titling. REDD+ would need to support scaling up of these existing modalities.’ [p86]
- ▶ ‘During the evaluation of the candidate REDD+ strategies key environmental and social issues will be considered in order to (a) enhance the formulation of the strategies, and (b) apply social and environmental safeguards. [p89]
- ▶ ‘For REDD+ demonstration activities tenure over forestlands should be clarified through

the development of the project. [...] clear agreements over tenure and forest carbon ownership should be developed through the project.’ [p89]

### **Longer term prospects and underlying factors**

The positive initial signs do not guarantee that REDD will be implemented in Cambodia with due regard for community tenure rights but the process has evidently started in a promising way. Below we list three of a number of likely reasons for the progressive stance of the Cambodian government on these issues:

- i) National socio-political factors. The forestry sector is going through a prolonged period of restructuring and repositioning within Cambodian society. Centralised industrial forestry is no longer a mainstay of the economy due to the seemingly irretrievable collapse of the concession system, so over the past ten years the agencies entrusted with the forest estate have increasingly sought to remain relevant, and in control of the lands they manage, by highlighting the broader social contribution that forestry can make (e.g. through Community Forestry, poverty alleviation measures and protection of watersheds). REDD planning is just one example of this strategy.
- ii) The increased global recognition of the value of community involvement in forest management has shifted attitudes in-country gradually towards a more pluralistic approach, both for REDD and in NFP formulation.
- iii) The involvement of international NGOs and donors in the site-based pilots and of multi-lateral organisations in planning for the national system may both also have played a role in bringing a progressive agenda to the fore. The market demand for certified social co-benefits has encouraged a specific focus on this aspect in the site-based pilots.

These three factors seem likely to remain relevant

in the near to medium-term although changes in political or economic logic may lead to changes of direction in the future and it is critical that implementation is transparently monitored so that such changes can be brought to public attention. On balance, however, we suspect that the benefits that REDD brings to users of Cambodia's highly threatened forests may be more at risk from a failure to compete with the economic factors driving deforestation, rather than any reversal of current pro-tenure policies.

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