

# **Successful Story about Advocacy on Land Dispute in Bak Nim Village, Oddar Meanchey, Cambodia CISOM Project—Funded by CISU**

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## **1-Fact and History**

Bak Nim Village is one of 16 villages in Samrong Commune/District, Oddar Meanchey. It is one of the very remote areas in the Country and is located closed to Cambodia Thailand border. Bak Nim Village is situated on 2694 hectares land size and the population is approximately 244 families (around 1167 people) are living in this village. Unfortunately, land dispute is the main trouble to the people in this area. Land dispute occurs among three parties who own different pieces of land: 1) BakNim rural dwellers, 2)Prey Rattanak Rukha Forestry Community who owns community forestry, and 3) The monks who own Rukha Vorn Community.

The history was that there were once the area was considered as a development area, numbers of land encroachments started to occur on many huge land sizes in this area, afterward. Some private companies and individual began to clear the forest illegally in order to get the land for farming or for business purposes. In order to stop these illegal logging and land encroachment, certain group of people started to register certain parts of Bak Nim land size as the community forestry lands. It was considered as a good strategy to protect the land from land encroachment and illegal logging by claiming clear and firmed ownership through registration. Regrettably, it was a fault of Bak Nim villagers who agreed to give their land to the forestry communities, Prey Rattanak Rukha Forestry Community and Rukha Vorn Forestry Community. They did not have a clear understanding of the registration processes of community forestry, said Muth Thorn, group leader of Self Help Group (SHG) in Bak Nim. The misunderstandings of the processes of registration were happened in two statuses:

- During the formation of the Community Forestry Management Committee, Bak Nim villagers had never seen the local authorities or the commune council conducted the assessment, nor analysis on the problem facing by the community in accordance to the legal requirement.
- After the approval of the Community Forest Agreement, Bak Nim villagers have never seen the Community Forest Management Plan, which was done by Community Forestry Management Committee.

As the result, in 2004, the registration was successfully done and BakNim Villagers, totally, lost their land for farming.

Additionally, without knowledge of Community Forest Management Plan, they cannot be ensured to enjoy their traditional user rights for their living. People cannot access other forest products and by-products consistent with traditional family use. Furthermore, some of the Bak Nim villagers who are members of our SHG have been charged with illegal logging and illegal hunting of wildlife since last year when they attempted to access the Community Forest, as usual. The fact was that another group of villagers, came first into the jungle and they committed the above-mentioned offenses, then, left the crime scene. Later, another group of

villagers, including some of our SHG members, came into the forest and they were identified as the offenders. Now these villagers are facing with arrested warrant.

## **2- Intervention from CISOM Project**

Advocacy is highly likely to be one of the effective ways to help the people benefiting more from this land dispute. One of our advocacy strategies is done through the training on Commune Investment Plan to the SHG members and key persons. During this training, the people described their concerns regarding their land dispute to us and relevant authorities. Later on, the local authorities also promised to support the people to settle this case. Meanwhile, the project staff, Ms. Yun Sinang, Project Coordinator, with technical support from Legal Advisor accompanied by the partner staff RCEDO, did the fact finding in order to support the villagers. After conducting the fact-finding and legal analysis; the advocacy strategies were as following:

- Arranging series of meetings with the commune chief to ensure that:
  1. The rights of Bak Nim Villagers are respected
  2. The crime charges against the villagers in Bak Nim regarding the illegal logging and illegal hunting are dismissed.
- Coordinating to get people to join in the Public Forum organized by the government in Wat Prasat Reachea Pagoda on August 26, 2014 at Samrong City, OddarMeanchey.

One day before the public forum, the project staff informed the SHG and the villagers about the forum which was run by the government in Wat Prasat Reachea Pagoda, Samrong, Oddar Meancheyon August 26, 2014. We organized a meeting with the people and instructed them how to speak in the public as following; before we raise our concerns, first of all we should pay respect to all speakers and audience, then briefly describe the fact/problems and finally, the most important point is to say our requests, it must be raised.

**During the public forum on August 26, 2014, Bak Nim Villagers request to the forum as following:**

1. Claiming their land ownership back
2. Requesting the city governor to enable the local communities living within or near the these community forests to have better access to forest products and by-products fairly
3. Making clear land boundary of each community forests
4. Locating/Putting clear signs for each boundaries

## **3-Outcome from the intervention of CISOM**

- 1- The city governor recognizes and ensures that the traditional user rights for villagers' living will be protected. People can have access to other forest products and by-products consistent with traditional family use. Now, the governor is in the process of forming a committee to settle these issues by establishing a contract among the three parties, Prey Rattanuk Rukha Community, Rukha Vorn Community and Bak Nim rural dwellers, to enable the local communities living within or near these community forests to have better access to forest products and by-products fairly.

- 2- It is beyond the governor's capacity to transform the land from the community lands to the individual family. However, the governor promised to bring people's requests to the Ministry of Interior for further intervention
- 3- About one month later, the government grants the new decision offering 700 hectares land size to Bak Nim dwellers for the purpose of farming.
- 4- The crime charged against the villagers in Bak Nim regarding the illegal logging and illegal hunting are diverted from criminal justice system to commune competence. It is likely that the charges will be lower, with possibility to be dismissed or considering of mitigating circumstances.

## **4-Conclusion**

The land prices have skyrocketed in the recent years. This is the main cause of land dispute in the countries. The land dispute mechanisms of the government are unlikely to be effective. Hence, it needs further support from other sectors. CISOM Project intervention is considered as the effective design since the project has practically and legally provided supports to meet the real need of local communities. Additionally, soft advocacy tactic by working in cooperation with the government, particularly on the existing mechanism, is the effective method to gain best benefit for the people.