



Ministry of Justice



Ministry of Interior



Tumpoun Ethnicity

Documentation of Customary Rules

Indigenous People in UI Leu village

Sen Monorom commune, O'Raing district, Mondulkiri province

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Preface

Minister of Interior

Minister of Justice

Country Director of the United Nations Development Program

This documentation came forth from a concerted effort by the Access to Justice project team consisting of MoJ and Mol and with the support of the UNDP to enhance the Alternative Dispute Resolution system which is one of the objectives of the administration and justice reform of the Government's Rectangular strategy.

The Cambodian Government is in the process of transferring responsibilities and resources including funds, properties and staff to sub-national councils, such as the municipality council, provincial council, district council and commune council to meet real local needs through implementation of the *Law on the Administration and Management of the Capital, Provinces, Municipalities, Districts and Khans* (the Organic Law) and the *Law on the Administration Management of the Communes/Sangkats*.

The preparation for this documentation took almost one year with contributions from project staff of MoJ, Mol and the UNDP by interviewing village elders. When edited it was ensured that all the information was correctly written and did not show the position of the MoJ or Mol.

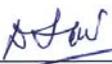
This documentation does not constitute compulsory laws and is different from the Cambodian state law. It was composed to provide more knowledge for stakeholders, particularly those working in the justice sector, on the customary traditions of indigenous people, which have special characteristics that are different from the traditions of other Cambodian people. These differences cause problems in the implementation of the conventional law. Obviously a judge will base their judgment on the law, but especially in civil cases, where the law leaves room for interpretation, the judge can fill in statutory gaps through customary rules and social traditions. In addition, conflict with indigenous people can arise through events that are interpreted differently from most Khmer people. It is important to understand the culture and tradition of indigenous people and to take these into account while preparing draft laws or other government policies.

The documentation will play an important role in assisting the work of the government, the law makers and the implementers. It will also be useful for government officers and other authorities besides those who work in the justice system to have more knowledge on the customary rules of indigenous people. The knowledge will help them to be gentle and create understanding. The customary rules will also contribute to the work of researchers, lawyers and policy makers. 

The Ministry of Interior, the Ministry of Justice and UNDP are confident that this first documentation will show the procedures and methods used in dispute resolution of the indigenous people in Cambodia to all the involved authorities and also to serve all concerned. 

Phnom Penh, 15th of February 2010

On behalf of Minister of Interior
Secretary of State



Nouth Sa An

Minister of Justice



Ang Vong Vathana

Deputy Country Director
of UNDP-Cambodia



Sophie Baranes

Foreword

Indigenous people in Cambodia live in remote areas and highlands of the country, particularly in the northeast provinces of Rattanakiri and Monduliri. These provinces, situated far from the capital Phnom Penh, are rich in natural resources. Economic development and increased migration from the Cambodian lowlands to these areas has impacted on the traditional land security and natural resource management of indigenous populations. Detrimental large-scale activities include illegal logging, land concessions and land encroachment. People in these remote provinces lack access to key public services such as education, health and communication infrastructure. Such important factors contribute to the lack of knowledge and limited capacity of indigenous people to deal with the multitude of challenges facing them today.

Indigenous communities maintain their own traditional mechanisms, rules and practices in solving a wide range of disputes and conflicts. These include community disputes between neighbours, domestic strife between couples, land and farming disputes, physical abuse and injury and accusations of sorcery and curses. Traditionally village elders, based on customary rules and traditional beliefs held by the community, have solved many of these disputes. However, such customary rules are not recognised by local government authorities and formal justice operators.

From 2006 to 2010 UNDP in Cambodia implemented the Access to Justice Project, which piloted different alternative dispute resolution mechanisms in Cambodia, with women, indigenous people and land issues being focal areas for the interventions. In terms of working with indigenous people, the project has focused on enhancing and legitimising customary dispute resolution mechanisms, promoting the awareness of rights and regulations related to land ownership, improving the dissemination of legal and judicial information, increasing recognition of the rights of indigenous people to communal lands and supporting the application of their customary rules and decision-making processes.

In 2006, the project conducted a case study on 'Indigenous Traditional Legal Systems and Conflict Resolution in Rattanakiri and Mondulakiri Provinces'¹, which found that traditional dispute resolution mechanisms play an important role in solving conflict within indigenous communities. One of the recommendations was to support an ongoing process of consultation, research and documentation with Indigenous Peoples' communities, with the ultimate goal of building agreement on how traditional systems can be best recognised by the formal system and how the interface between the two could function.

As a result, the project has assisted six indigenous communities to compile their customary rules to assist in recommending to the government to acknowledge Indigenous Peoples' traditional dispute resolution mechanisms and customary rules. This set of six books is the product of this work and an analysis as to what extent each of these rules complies with fundamental international or national human rights norms will follow. It is hoped that this will provide indigenous organisations and networks with a strong basis with which to advocate for the recognition of traditional rules and practices that are specific to community needs and that do not contradict national or international norms. At the same time, indigenous people will be strongly encouraged to abandon those rules that seriously contradict fundamental human rights norms or which affect public order or national security.

¹ *A case study of indigenous traditional legal systems and conflict resolution in Rattanakiri and Mondulakiri Provinces*, Jeremy Ironside, 2007, published by UNDP Cambodia in collaboration with the Royal Government of Cambodia.

Methodology

Prior to beginning field research, the project team prepared a questionnaire, including a list of possible offences at the village level such as criminal, civil and traditional belief violations, to be used in the research. The questionnaire was created in consultation with indigenous students from the Cambodia Youth Association (CIYA). The purpose of this consultation was to ensure the questions, and terminology used, were relevant to indigenous situations. The CIYA students were trained for two days on how to use the questionnaire. These students were employed as interpreters during the study. We also cooperated with members of the Khmer Leu association and Development Partnership in Action (DPA), who assisted in arranging meetings.

The research was conducted in four villages in Rattanakiri and two villages in Mondulkiri province. Below are the villages involved.

No.	Village	Commune	District	Province	Ethnicity
1	Kameng	Peoy	O'Chum	Rattanakiri	Kreung
2	Tumpoun Reung Thom	Taveng Kroam	Taveng	Rattanakiri	Brao
3	Ul Leu	Patang	Lum Path	Rattanakiri	Tumpoun
4	Pa Dol	Sesan	O'Yadao	Rattanakiri	Charay
5	Pu-Trou	Sen Monorom	O'Raing	Mondulkiri	Phnong
6	Pu-Char	Sre Preh	Keo Seima	Mondulkiri	Phnong

The project team met with villagers accompanied by the village chief and traditional elders. The team interviewed traditional elders, village mediators, village chiefs and male and female villagers, using a group discussion format. Approximately 15 people were interviewed in each village. Project staff also occasionally took part in cultural ceremonies when they occurred during the six-week period of this study. All information recorded has been checked with those interviewed and has not been changed or interpreted in any way.

Although most of the villagers interviewed could speak Khmer, the project team posed questions through indigenous interpreters. The project staff took interview notes and sessions were recorded to ensure a full and accurate account of statements made by those interviewed. In some instances, participants described past cases and settlements they had been involved in or had been recounted to them. In others, they could identify fixed rules that had been dictated by their ancestors, particularly relating to traditional beliefs. With some cases, participants said past dispute resolutions could inform current dispute settlements if/when a similar case arose in the village.

The resulting research is presented in narrative form highlighting offences and their resulting penalties or resolutions and the rationale behind the decisions made.

Acknowledgements

We are grateful to the traditional authorities in all six villages, who have provided invaluable information for this exercise. We would also like to thank the indigenous youth association CIYA, the Khmer Leu association, DPA and the local authorities in these areas. Without their cooperation and support, this documentation could not have been achieved. Finally we would like to thank the Agencia Española de Cooperación Internacional para el Desarrollo (AECID, the Spanish Agency of International Development Cooperation), the Spanish Government and UNDP Cambodia for their financial support.

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1. Village background

During French colonial times in Cambodia, there was a pond called Trapeang UI, located in Bor Keo district, Stung Treng province. This pond was plentiful in fish and the surrounding soil was very fertile. Due to overpopulation in a village ten kilometres away - Long Khong – an elder named Yak² Lev of *Phoang*³ *Klaong* (*Klaong* ancestry) and her family members moved to resettle near Trapeang UI. Soon Yak Lev's friends and relatives along with other *Phoang Klaong* families also moved to live there and the *Phoang Klaong* village grew rapidly. As Yak Lev was regarded as a clever person, everyone respected her and she became the *Krak Shrok*⁴ of the village. Due to the village's geographical proximity to the Trapeang UI, people called her Elder Trapeang UI and later on the village became known as UI Leu village. When Yak Lev died, her son Vak Thang became *Krak Shrok* in her place. After Vak Thang, his nephew Vak Ngil and after that another successor Vak Proeng, all of whom belong to *Phoang Klaong*. The current *Krak Shrok* in the village is Vak Choeung and is also from *Phoang Klaong*⁵. After the fall of the Khmer Rouge, the UI Leu village was temporarily relocated to Patang commune, Lum Phat district. In the 1990s, half of the villagers returned to resettle the original UI Leu village location near Trapeang UI. The other half remain at the Patang village until the present day. However the administrative authority has rezoned UI Leu village from Long Khong commune in Bor Keo district to Patang commune in the district of Lum Phat.

Today UI Leu village is home to 94 families with a total of 503 inhabitants. The villagers subsist on farm cultivation and collection of non-timber forest products. Their main farming activities include traditional cultivation of rice, beans and cashews. Villagers live in a small community which strictly maintains its identity, culture and traditions. The villagers continue to live together peacefully in a community atmosphere of love, understanding, tolerance and strong solidarity.

² Since Yak and Vak are in common use, we maintain these words in the original language in this document.

Yak means Grandmother and Vak means Grandfather in Tumpoun language

³ Phoang means ancestral family origin.

⁴ Traditional leader.

⁵ UI Leu villagers belong to the *Klaong* ancestry, thus *Krak Shrok* must come from the *Phoang Klaong*.

1.1 Ancestry explanation of Tumpoun indigenous families

The Tumpoun indigenous people live in small communities consisting of members from different *Phoang* ancestries. To maintain their ancestral identities, the Tumpoun people maintain the names of their *Phoang* from generation to generation, through the maternal line. That is if mother comes from *Phoang Ting* and father from *Phoang Klaong*, their children are *Phoang Ting*. There are many *Phoang* in the Tumpoun ethnicity, including *Phoang Ting*, *Phoang Klaong*, *Phoang Romas*, *Phoang Sal*, *Phoang Sanlang*, *Phoang Kamal* and *Phoang Mroeu*. Within the Ul Leu village there exists only four *phoang*: *Phoang Ting*, *Phoang Klaong*, *Phoang Romas* and *Phoang Sanlang*. In each *Phoang*, the respected leader called is typically an elderly with traits of the highest virtue.

After marriage, a man adapts himself to the tradition of his wife if she carries a different *phoang* from his own. It is typical that his entire family will from then on be seen as belonging to the *phoang* of his wife. This signifies he has merged into another *phoang*. He can also be appointed to be the *Krak Phoang* on his wife side despite the fact that he is from a different *phoang* (see additional explanation in 2.2 below).

Case study 1: The relationship between Tumpoun and Khmer groups

In the old days the Khmer, Tumpoun, Lao and Kroeng communities lived together. According to legend, the Thais always wanted to rule these communities but could not beat the Khmers because they possessed a magic gold necklace which hung around the neck of the Ox-God, Preah Kor. Likewise, the Thai soldiers also possessed a powerful bird, the *sarika* bird⁶. The *sarika* bird was assigned to steal the magic gold necklace from Preah Kor. However unable to do so, the bird sought the assistance of other animals. The bird requested a dog to do the job, but it refused. Then the *sarika* bird offered a reward to any animal that successfully completed this task. A cat claimed it

⁶ This is a bird that exists in many parts of Asia and can be taught to speak like a person.

could do it and successfully took the necklace from Preah Kor. The *sarika* bird then delivered the magic necklace to the Thai King. As a result, the Thais beat the Khmers causing them to flee to different parts of the country. After this time the Tumpoun and Kroeng moved to live in the Rattanakiri highland region.



Villagers' houses in Ul Leu village, Patang commune, Lum Phat district. (Photo: UNDP/Yin Sopheap)

Traditional Authority refer to the group of elders in the village, including *Krak Shrok*, *Krak Phoang*, *Angkang Krak* and *Kanong*. They play key roles in governing the community, settling disputes, conducting sacrifices to the spirits and generally maintaining solidarity, peace and happiness within the community.

2.1 *Krak Shrok*

A *Krak Shrok* is a respected elder considered by villagers to have magical or spiritual powers. A *Krak Shrok* is able to make requests to the spirits for peace, happiness and forgiveness, using sacrificial ceremonies. Such a person is knowledgeable in culture, beliefs and traditional sacrifices. Traditionally, s/he is related to previous *Krak Shrok* who were born and raised in the village and came from *Phoang Klaong*, this practice continues today. Today there is only one *Krak Shrok* whose name is Vak Choeng. The *Krak Shrok* has two distinct tasks: organising sacrificing ceremonies and resolving disputes.

Sacrificing ceremonies

The *Krak Shrok* is responsible for mobilising villagers for sacrificing rituals including village sacrificial ceremonies, funerals and other traditional ceremonies. He also is responsible for mobilising villagers in their resources contribution of buffaloes, cows, pigs, chickens and wine for important village rituals. In the old days⁷ *Krak Shrok* played key roles in governing the community, including the maintenance of peace and happiness within the community against possible enemies.

Dispute resolution

Additionally, the *Krak Shrok* is a person knowledgeable in the customary rules, who embodies a spirit of fairness and is entrusted by villagers to deal with dispute resolution.

⁷ This refers to until the French colonial era.

2.2 Krak Phoang

In this village there are four *Phoang*: *Phoang Ting*, *Phoang Klaong*, *Phoang Romas* and *Phoang Sanlang*. There is an elder to represent and govern each *phoang*. In the Tumpoun language this person is called *Krak Phoang*. An elder or an esteemed knowledgeable person within a *phoang* is usually selected by the members of the *phoang* to be their *Krak Phoang*. He is entrusted with the responsibility of dispute resolution within his *phoang*. He also assists the *Krak Shrok* in various rituals in the village and in settling issues concerning the community. In general a *Krak Phoang* is a male villager.



Traditional Authority: The Krak Shrok from UI Leu village (seated in the middle) and other leaders.
(Photo: UNDP/Yin Sopheap)

2.3 Angkang Krak

This is a married man who is elderly or considered to be an elder. *Angkang Krak* play the role of assistant to the *Krak Shrok* in organising sacrificing ceremonies and meetings related to dispute resolution within the village. They provide ideas and suggestions to the *Krak Shrok*, as well as to the villagers. There can be many *Angkang Krak*, but there are only a select number who have important roles and are trusted by villagers to be their *Kanong* (or mediator) in dispute resolution. An *Angkang Krak* can be from any *phoang*.

2.4 Kanong

A *Kanong* can be an *Angkang Krak* or another elder who villagers trust and request to be their spokesperson in seeking conflict resolution and in requesting compensation. In addition to their mediation role, *Kanong* also serve as matchmakers in engagement processes and weddings. A *Kanong* can either be a male or a female villager. *Kanong* are usually involved in most village dispute resolution activities. A *Kanong* must be an honest person and serve as an impartial and effective intermediary in a conflict. A *Kanong* can be from any *phoang* as long as s/he is capable of settling conflicts. In the resolution process through a *Kanong*, the winning party has to pay 10 percent of the total *phak* amount to the *Kanong* as thanks for solving the dispute.



Chief of UL Leu village.

(Photo: UNDP/Yin Sopheap)

2.5 Village chief

The village chief is nominated by the commune authority and plays the role of village coordinator and facilitator in all issues involving interaction with levels of government, aid organisations and institutions from outside the village. The village chief, for example, can call on villagers to participate in meetings or training workshops. In addition, s/he supports the group of village elders in organising ceremonies in the community such as a weddings or funerals. S/he also facilitates village activities by making announcements, passing on information, collecting contributions and conducting meetings with outside organisations. In conflict resolution, s/he is sometimes asked to act as a *Kanong* or to join hearings conducted by *Krak Shrok* to share his/her opinions. In cases where a disputing party does not agree with a resolution proposed by the *Krak Shrok*, the village chief can refer the case to the commune authorities and facilitate their solving of the conflict. On occasion, he is asked by villagers to act as *Kanong* for a wedding or divorce settlement. However, in general he listens to the group of elders, especially to decisions made by the *Krak Shrok*. If the *Krak Shrok* decides to organise a sacrificing ceremony or move the village, the village chief would never refuse as it is thought that the *Krak Shrok* is the most knowledgeable individual on traditions.

For many generations, village elders and villagers have solved conflicts through mediation, continuing such efforts until an agreed settlement is reached. This has ensured community members continue to live peacefully together and has avoided the occurrence of acts of revenge between village members. The villagers report that:

‘It is not considered a good settlement if any party involved is not happy to accept it. However, since the establishment of this village there was never a case that could not be solved by our *Krak Shrok*’.

Generally the conflict resolution procedure consists of four steps as follows.

3.1 Solving conflict by the parties themselves

In cases when the dispute is not serious, the aggrieved party may meet with the opposing party to discuss the dispute. In such a case, the party who admits fault for the dispute will often ask for forgiveness from the other party. A small amount of compensation is usually offered to ensure the conflict does not escalate. In negotiating a solution to the conflict themselves, the parties involved avoid having to pay *phak* (compensation paid to the victim by the party at fault) and having to host a party requiring chicken and wine, which serves as a symbol of reconciliation.

Phak serves two purposes: one is to ensure both parties are content with the outcome; the other is to serve as a warning to the others. *Phak* also consists of a conciliation ceremony in which both parties must drink wine together in sacrificial celebration of a future where they will remain friends.

3.2 Mediation through a *Kanong*

When a dispute occurs, the claimant (victim or aggrieved party) will find a *Kanong*, to report the dispute whom s/he will recount the events that took place and request compensation. The respondent must provide reasons for the alleged

wrongdoing against the claimant, and does so through the *Kanong*. If the claimant agrees with the respondent's reasons, the *Kanong* will ask the two parties to bring a chicken and a jar of wine to share together as a celebration of the end of the dispute and the continuation of friendship. By contrast, if the claimant does not agree with the respondent's rationale, s/he will then take their case to a *Krak Phoang*.

On the other hand, if the respondent agrees to confess, apologise and provide compensation to the claimant, s/he can request the *Kanong* to try to persuade the claimant to discount the claim price. The *Kanong* goes back and forth from the claimant to the respondent to negotiate until an agreed claim price is reached. Then the parties will come together to share chicken and wine in celebration of the end of the dispute. However, if a negotiated price cannot be reached, a *Kanong* may become frustrated and stop the negotiations. S/he would then refer the parties to the *Krak Phoang*. Any party can also stop the negotiation at any time by telling the *Kanong* that s/he will take the dispute to a *Krak Phoang*.

In cases when the disputing parties reject a *Kanong's* proposal of compensation, however later agree with a *Krak Phoang's* or *Krak Shrok's* compensation proposal of an equal or lesser amount, the *Kanong* can penalise the disputing parties requiring them to pay addition *phak* of chicken and wine. As an example, party A files a complaint against party B for defamation. The *Kanong* mediates for a compensation of a pig the size of three *chap*⁸ and a jar of wine. Party A turns down the offer and demands a pig the size of five *chap*, while party B bargains for only a chicken and a jar of wine. The two parties go to the *Krak Phoang* or *Krak Shrok*. In the end, the *Krak Phoang* or *Krak Shrok* manages to persuade the two parties to agree on a solution of a pig the size of three *chap* and a jar of wine. This means that the *Krak Phoang's* or *Krak Shrok's* proposed resolution is the same amount as the *Kanong's*. In such cases, the two parties must each pay *phak* to the *Kanong* consisting of a chicken and a jar of wine.

⁸ *Chap* is an ancient measurement used by Tumpoun indigenous people and other indigenous people in parts of northeast Cambodia.

3.3 Arbitration by a Krak Phoang

Any disagreeing party can take the case to his/her *Krak Phoang* regardless of what *phoang* the other party belongs to. If the dispute is not serious, the claimant's *Krak Phoang* may call the respondent to come and negotiate face to face with the claimant. However, if the dispute is potentially harmful to the honour of the claimant's *phoang*, the *Krak Phoang* will have to personally meet with the respondent's *Krak Phoang* to settle the matter together. Conciliation efforts using a *Krak Phoang* are similar to the steps taken by a *Krak Shrok* (see details in section 3.4).

3.4 Arbitration by a Krak Shrok

Conflict resolution through a *Krak Shrok* is different from the steps taken by a *Kanong*. A *Krak Shrok* will not go back and forth serving as an intermediary between one party and another. Instead, he first listens to both parties, balances the *phak* price, and then makes the final decision to order either party to pay *phak*. In addition, he will also provide advice to both parties on how to live peacefully with each other. Conflict resolution through a *Krak Shrok* generally involves the following steps:



Krak Shrok of Ul Leu village.

(Photo: UNDP/Yin Sopheap)

3.4.1 Storytelling

When villagers come to him to resolve their conflict, the *Krak Shrok* organises a meeting in the *Rong* house⁹ calling the disputing parties, village elders, *Kanong* and other interested parties to join. During this hearing, everybody present is free to participate and share their ideas. The disputing parties sit on either side of the *Krak Shrok*. Firstly, s/he listens to both sides of the dispute claim. Both parties must speak the truth, providing clear and reliable evidence and/or witnesses to support their claim. Any participant at the hearing can offer information that s/he is privy to relating to the case. The *Krak Shrok* allows time for this storytelling

⁹ The *Rong* house is built in the centre of the village circle. It is usually much larger than the villagers' houses. It is used for village meetings, sacrificial ceremonies and to house visiting guests.

until s/he fully understands the case or finds the truth. S/he can then offer his or her suggestions of the cause of the dispute and which party is at fault. In the case where both parties reject the other's story and each insists that they are right, the *Krak Shrok* will ask them to undertake a *bet-swear test* (see details in 4.7.3).

3.4.2 Compensation bargaining

After the party at fault is determined, the *Krak Shrok* asks the parties to negotiate the amount of compensation to be paid by the guilty party. The respondent can attempt to bargain down the price based on his/her resource ability. If an agreement cannot be reached, the *Krak Shrok* may provide suggestions on the level of compensation to be paid based on various reasons s/he puts forth. Apart from the compensation, the *Krak Shrok* may also ask the party at fault or both parties to provide a buffalo, cow, pig or chicken and wine for sacrificing to the village spirits.

3.4.3 Post agreement

After the two disputing parties come to an agreement regarding compensation and resources for sacrificing to the village spirits, the *Krak Shrok* will ask all involved in the conflict resolution as well as other villagers to join in a party celebrating the end of the dispute. In doing so, the participants bear witness to the parties' promise for a continuation of friendship without revenge. If the case is minor, the party will include sacrificing a chicken and a jar of wine. For a serious offence, a buffalo, cow, or pig is required for sacrifice. During this sacrificing ceremony everyone eats and drinks together, so that the ill will between the parties is healed. In cases where the conflict is resolved using a *bet-swear test*, the losing party is responsible for paying for a larger share of the ceremony and the sacrificial animals needed for offering to the spirits.

4.1 Physical abuse

4.1.1 Murder¹⁰

Harming or killing others is prohibited by customary rules as it violates Tumpoun traditional values of peace and tranquillity in the village. Villagers maintain that they have always lived peacefully in their community and there have been no cases of murder since the establishment of Ul Leu village. According to Tumpoun tradition, murder is punishable in accordance with traditional rules and is implemented by a group of *Krak Phoang* and the *Krak Shrok*. Perpetrators must pay compensation of a buffalo, a cow, a pig the size of three *chap* and a jar of wine, to cover the cost of the funeral which typically lasts for at least three days. During the funeral, the perpetrator must perform a *Slab Chreh* ceremony (see details in section 4.7.2) to sacrifice to the spirits asking for forgiveness, to be cleansed of bad luck and for future happiness and fortune for all involved. In addition, the perpetrator must compensate the victim's family with five buffaloes and a pig three *chap* in size. In the Tumpoun language this type of reparation is known as *sorng anteng*¹¹, a type of *phak*. If the perpetrator cannot afford to pay, his/her relatives can contribute to the payment. A perpetrator shall not be killed even in cases when s/he cannot pay the required amount. If s/he cannot pay the *sorng anteng*, s/he must work for the victim's family until the debt is paid off¹².

4.1.2 Manslaughter¹³

Manslaughter is also punishable according to traditional rules and implemented by *Krak Phoang* and the *Krak Shrok*. Perpetrators must pay compensation of a buffalo, a cow, a pig the size of three *chap* and many jars of wine to cover the cost of the funeral, which typically lasts for at least three days. In addition, the

¹⁰ According to the Criminal Code Article 199, murder is punishable with a sentence of ten to 15 years in jail.

¹¹ A reparation payment to the victim's family for the loss of the victim. This is part of the *phak* that the perpetrator must pay.

¹² Villagers affirmed that working to pay off this debt does not constitute hard labour or slavery. The worker is considered a family member with the exception that s/he does not have the privilege of owning anything; everything produced by the worker belongs to the family. S/he also does not have the right to decide on any family matters.

¹³ According to the Criminal Code Article 207, manslaughter is punishable with a sentence of one to three years in jail and a fine of 2-6,000,000 riel.

perpetrator must compensate the victim's family with two buffaloes and a pig measuring three *chap* in size. If the perpetrator cannot afford to pay, his/her relatives can contribute to the payment. During the funeral, the perpetrator must perform a *Slab Chreh* ceremony to sacrifice to the spirits asking for forgiveness, to be cleansed and for future happiness and fortune for participants in the funeral.

To get to the truth of the case, the *Krak Shrok* needs to find evidence determining whether the crime constitutes manslaughter or murder. Types of evidence can include the act of killing itself and the relationship between the parties prior to the death. For example, if the parties always quarrelled and were not on good terms with each other and/or may have plotted against each other then the case is likely to be considered murder. The *Krak Shrok* typically calls all *Krak Phoang* for a discussion before making an assumption on the intentionality of the murder. Young people attending the meeting are not permitted to express opinions. Thus far all manslaughters reported were caused by spur-gun traps (*knar*) (see details in section 4.1.8). All remaining deaths were the result of suicides.

4.1.3 Rape¹⁴

Rape is referred to as *torm rat*, and is defined as a violation when a man forces a woman to have sexual intercourse with him. Villagers reported that there have not been any cases of rape committed by people from the village and they do not understand why such acts occur elsewhere. However, if there was a rape perpetrated by a young man from the village, village elders such as *Angkang Krak*, *Krak Phoang* and *Krak Shrok* would handle the matter on the basis of fact collecting and in accordance with village tradition. If the perpetrator were an outsider they would send the case to the relevant commune police.

¹⁴ According to the Criminal Code Article 239, rape is punishable with a sentence of five to ten years in jail.

Case study 2: A case occurring in the village

A few years ago, while villagers were attending a funeral, a young woman went to bathe by herself in a nearby forest outside the village. A Khmer man followed her. When she took off her clothes to bathe, the man raped her and then left. She reported the case to her parents who filed a complaint to the police. The perpetrator agreed to pay reparations to the victim in the amount of 100,000 riel.

Villagers maintain that the fact that such a case has never been perpetrated by someone from the village reflects their collective belief that such an act is cowardly and shameful towards others. Other deterrents cited include the fact that, if the victim brings the case to the *Krak Phoang* or *Krak Shrok*, the perpetrator will definitely be penalised in accordance with traditional rules. In addition, if the victim were to get pregnant, the perpetrator would face problems in the community, and particularly with the victim's parents, the *Krak Phoang* and *Krak Shrok*, to whom he would be subjected to give up his property and assets as well as suffering societal condemnation.

4.1.4 Molestation

In Ul Leu community, there have never been any cases of molestation and villagers again do not understand why such acts are committed elsewhere. However, villagers maintain that if molestation was committed, the elders, including *Angkang Krak*, *Krak Phoang* and *Krak Shrok* would settle it on the basis of fact finding and in accordance with village tradition. They estimate *phak* for this crime could range from 50,000 to 1,000,000 riel in cash.

4.1.5 Disputes causing physical injury¹⁵

Any villager provoking a fight with another villager who is deemed innocent is required to pay *phak* of one pig and a jar of wine to sacrifice to the spirits asking for forgiveness, to be cleansed of bad luck and for future happiness. In addition, the perpetrator is required to pay reparations of around 200,000 riel in cash to the victim and hold a ceremony called *Tatas Pra* or *Tatas Chreh* (see details in

¹⁵ According to the Criminal Code article 217, disputes causing physical injury are punishable with a sentence of one to three years in jail and a fine of 2-6,000,000 riel.

section 4.7.2). If the perpetrator does not have the required assets to compensate the victim, s/he becomes indebted to the victim and has to find other means to repay the debt. If unable to repay, s/he would have to work for the victim to pay off the debt for a certain period of time subject to the actual cost of treatment for the injuries inflicted (typically a period of two or three years).

Villagers explained that the majority of the injuries from fighting in the village occurred as a result of intoxication and drunken fights. However villagers maintained that such disputes have rarely caused severe injury. In most cases, after recovering from their intoxicated state the parties go to the *Kanong* to mediate the dispute and the case will be resolved by the *Kanong* or *Krak Phoang* with a chicken and a jar of wine to celebrate the healing of friendship.

During the mediation, the *Kanong* or *Krak Phoang* will try to identify the root causes of the dispute and use this information to determine the level of *phak* required of the parties. In the case when the two parties are involved in a fight, no judgment is made on who is right or wrong and there is no requirement for *phak*, however each party is required to offer a chicken and a jar of wine to share in the presence of *Krak Phoang* or *Krak Shrok*, making the resumption of friendship.

Case study 3: A case occurring in the village

A few years ago in a neighbouring village, a man's buffalo broke loose at night and strayed over to graze in another man's rice farm. The rice farm owner informed the buffalo owner of the damage the buffalo had caused to his property. The buffalo owner reprimanded the farm owner for not having done enough to guard his property against the animal. A verbal argument ensued, escalating until a physical fight broke out. At that point other villagers intervened to stop the fight. The farm owner went to the *Kanong* for mediation. The *Kanong* persuaded the buffalo owner to pay for damage to the rice field in the amount of 50,000 riel and *phak* in the form of a pig of three *chap* in size with a jar of wine, marking the end of the dispute and the resumption of friendship.

4.1.6 Threatening to kill or cause injury

Villagers confirmed that every so often such threats to kill or cause injury to others do occur. They explained that people do not respond well to threats as it can cause the victim to become anxious and lead to illness. In this village, anyone who threatens to kill another person shall be required to pay *phak* of a buffalo, a cow or a gong or traditional jar depending on the circumstances. In cases where the perpetrator does not have resources to pay the *phak*, his/her parents or relatives must share the responsibility or s/he must work for the victim for a period of time.

Case study 4: A case occurring in the village

During the Sangkum Reas Niyum era¹⁶, a group of men were drinking in the village and became inebriated. One man raised a sword against another threatening to kill him. The other men intervened to stop him but the man continued his threats. To prevent possible injuries, the group chained the man using an elephant chain. The next morning relatives of the perpetrator offered a settlement. He in turn admitted his wrong doing to the mediator, the *Krak Shrok*, and agreed to provide a chicken and a jar of wine for the celebration of *Tatas Chreh* calling for the return of the victim's soul and to signify reconciliation between the two men.

4.1.7 Arrest or detention¹⁷

Arresting or detaining a person without reasonable cause is viewed by the villagers as an abuse against a person and reflects negatively on the individual's honour. Therefore anyone daring to arrest or detain another person without reasonable grounds is required to pay *phak* to the victim. The level of *phak* is dependent on the severity of the act weighed against the reasons for detention or arrest. Upon request of the victim, the *Kanong*, *Krak Phoang* or *Krak Shrok* will solve the dispute and assess the amount of *phak* required.

¹⁶ Regime governed by Prince Sihanouk, from 1954 to 1970.

¹⁷ According to the Criminal Code Article 253, detention or arrest is punishable with a sentence of one to ten years in jail.

In cases where the *Krak Phoang* or *Krak Shrok* finds that the act was reasonable, for example in cases of self protection or to prevent danger to others, the perpetrator is found not guilty and is not responsible for any *phak*. If the traditional authorities found that the act constituted an abuse by the perpetrator, s/he would ask the perpetrator to pay *phak*, such as a pig or chicken and wine.

4.1.8 Injury or death caused by traps

Villagers use traps, often spur-guns traps (*knar*¹⁸), to protect their crops and farms against wild animals such as wild pigs and deer. Sometimes traps are placed on pathways frequented by wild animals or at the entrance of farms. Before setting the traps, all villagers are informed about their location. Physical warning signs such as a small bow and arrow are placed in the trees close by, or something visible to passersby is tied to the bushes or grass near the traps as an additional warning to the villagers.

If anyone dies or is injured by a trap while accidentally entering a farm, the responsibility does not fall on anybody and there are no grounds for claiming *phak*. However, if anyone in the village is injured by a trap, a *Tatas Chreh* ceremony must be performed to rid the victim of bad luck.

4.1.9 Injury caused by domestic animals

Every family keeps animals such as dogs, cats, cows, buffaloes, pigs and chickens. In this village, only dogs and buffaloes have caused injuries to people. Buffaloes are considered to be the most dangerous animal. Although there have been frequent incidences of injuries caused by domestic animals, none have ever been lethal.

¹⁸ A *knar* is a type of trap with a spur-gun made of bamboo and wood sticks. It can measure up to two metres high. A *knar* typically has a wooden handle ten centimetres in diameter and is bent like a bow, designed to shoot a bamboo stake whenever an animal steps on the trigger. Depending on the height or size of the intended animal target, the trap can be placed on the ground or at a height. For example, to kill a wild pig/boar the spur-gun should be placed forty to fifty centimetres off the ground. For a deer, the trap has to be set at the height of approximately a metre.

In cases where an animal injures a person, the owner of the animal is required to pay for the costs of medical treatment. In addition, the owner has to pay *phak* of a pig or a chicken and a jar of wine which is used to celebrate a *Tatas Chreh* ceremony, held to recover the victim's soul. It is believed that if this is not done, the victim's injuries will never heal.

In cases when a buffalo kills a person, the animal is slaughtered and its meat is eaten at the victim's funeral. After the funeral, there is a discussion on the *sorng anteng* to the victim's family. For example, the *sorng anteng* could be a set of traditional gongs (which are worth the price of three or four buffaloes), a copper pot 6,000,000 riel.

Case study 5: A case occurring in the village

A few years ago in a neighbouring village a man was seriously injured by a buffalo. The *Krak Shrok* and the owner of the buffalo agreed to have the buffalo slaughtered to serve as a compensation and *phak*. The villagers used the buffalo meat in a celebration of *Tatas Chreh* for the injured victim. In this ceremony, villagers participated with attendees from neighbouring villages who each contributed a jar of wine.

4.2 Offences over property and animals

4.2.1 Theft and robbery

***Theft*¹⁹**

Villagers define theft as taking someone's wealth when the owner is unaware. Theft is considered an offence in the Tumpoun tradition of Ul Leu village and village elders have forbidden it to the community.

Villagers confirmed that in the past, cases of theft were rare. Today however, with the increasing use of cash, theft happens with increasing frequency. Thefts generally include stealing items such as chickens, gongs and copper pots. The penalty for the theft is equal to double the cost of the stolen property, plus a

¹⁹ According to the Criminal Code Article 358, this crime is punishable with a sentence of six months to three years in jail a fine of 1-6,000,000 riel.

chicken and jar of wine to mark reconciliation and the end of dispute. If a perpetrator refuses to admit to a theft, a *bet-swear test* is applied. In such cases, the claimant must have evidence to prove the theft and asks the *Kanong* to settle the matter with the perpetrator.

If the perpetrator is from the same or a neighbouring village the issue is generally solved in accordance with tradition. If an outsider commits a theft, the case is brought to the provincial authorities or police.

Case study 6: A case occurring in the village

A few years ago, four people approached a young man and persuaded him to steal four gongs and one copper pot from his grandfather, which he did. Eventually the owner of the stolen property got hold of evidence proving the guilt of the four men and asked the *Kanong* to settle the matter. The thieves confessed and agreed to return the stolen gongs and copper pot and pay *phak* of four oxen. Each thief had to provide one ox. The oxen were then slaughtered at a party celebrating the end of the dispute.

Recipients of stolen property

A person who has unknowingly bought, received or consumed stolen property (including animals) is not held accountable. However, if s/he is aware of the theft and still commits the offence, s/he and the perpetrator must pay *phak* together. There is an additional *phak* of a pig, a chicken and wine and must be penal. If the perpetrator claims sole responsibility, the recipient(s) will not be held responsible.

***Robbery*²⁰**

Robbery in Ul Leu village refers to an act of taking property from another person by force of threat with a weapon (typically knives, sticks, or guns). Villagers claim that no such acts have ever occurred. However, if it were to happen in their

²⁰ According to the Criminal Code Article 364, this crime is punishable with a sentence of two to five years in jail and a fine of 4-10,000,000 riel.

village, the village elders such as *Angkang Krak*, *Krak Phoang* and *Krak Shrok* would settle the matter in accordance with village tradition. Depending on the act, the perpetrator would be penalised from 100,000 to 1,000,000 riel. There would be an additional *phak* of a pig five *chap* in size and a jar of wine for the *Tatas Chreh* ceremony to call back the victim's soul.

For perpetrators who live in the same or a neighbouring village the settlement is in accordance with tradition. However, for outsiders cases would be sent to the provincial authorities or police. Settling such issues is similar to that regarding theft, however, the level of *phak* for robbery would be higher than that for theft.

4.2.2 Fraud and forgery

There have been no cases of fraud or forgery reported in this village, but there have been many cases of confusion over villagers' property. In such cases, a person who has mistaken someone else's property as their own must return the object to its rightful owner or compensate them in cash. Such confusion is not considered an offence and is typically not a source of dispute. However, if the person who took someone else's property refuses to return the object to the owner as requested, a *Kanong* might be asked to mediate this dispute. If mediation through the *Kanong* is not successful, the case may be passed on to the *Krak Shrok*. When an agreement is reached, the person who mistakenly took another's belongings is required to provide one chicken and a jar of wine to celebrate the resumption of friendship between the two parties.

In general, fraudulent property must be returned to its rightful owners. If the fraud is over objects of little value, such as chickens or ducks, there will be no requirement for any *phak* besides the return of the property itself. However, if the property is of the value of a pig or higher, then the perpetrator is required to pay *phak* of equal value to that of the property taken as well as returning the object. Taking someone else's property, such as a cow or a buffalo and refusing to confess will result in a *bet-swear test* to resolve the dispute. Such a test may include holding rice in one's mouth while jumping into water or having boiling liquid lead poured onto one's palm.

Case study 7: A case occurring in the village

Years ago, a man took another man's buffalo. Having been unsuccessful in resolving the dispute directly with the perpetrator, the owner of the buffalo asked a *Kanong* for help. However the perpetrator still refused to confess. The *Kanong* suggested a *bet-swear test* whereby both parties would be submerged in water. The two parties agreed to this. Before the test, the *Kanong* performed a ritual to praise a particular spirit, *Bokathik*, to help bring about the truth. The perpetrator lost the test and agreed to return the buffalo to its owner as well as provide an additional buffalo. He was also required to bring a pig four *chap* in size and a number of jars of wine for a party marking the end of the dispute.

Case study 8: A case occurring in the village

In 2006, two Khmer men from Banlong district lent a chainsaw to a villager to cut timber for them in return for a payment of 1,000,000 riel plus the chainsaw. After completing the task the two men, claiming to need to borrow the chainsaw to clear fell trees, took with them the cut timber and chainsaw and left. Villagers tried in vain to locate the men in the district town. The two men were not seen again.

4.2.3 Fire (arson)

Traditionally, fire represents an important element of villagers' lives. Villagers use fire for cooking, protection against insects and the cold, livelihoods such as burning resin-trees and bushes for farming, as well as for light at night. They also use fire to burn bushes to cultivate a new farm area, known as shifting cultivation. Care is taken in order to prevent fires from spreading and harming residents, villages and neighbours' farms. Nevertheless, Ul Leu village does have a history of problems with fires that destroy some houses and farms.

Residential fire

Any person responsible for causing a fire that damages the house or property of others must rebuild the destroyed house and pay *phak* to the victim in accordance with the total damages incurred. The *Krak Shrok* will deliberate on the cause of the fire. If the fire is deemed accidental, the suspect does not have to pay any *phak*, only the cost of the damaged property. If a person is found to have intentionally started a fire, the additional *phak* will be double the value of the damaged property.

In addition to the *phak*, the perpetrator must perform a *Tatasrast* ceremony for the victim to rid him/her of bad luck (see details in section 4.7.2). Providing a pig and wine for the *Tatasrast* ceremony is the responsibility of the perpetrator. Then s/he must take pig-blood mixed with wine and rice-husks used for making wine to sprinkle over the burnt areas and whisper prayers. In case a fire damages one's own house, the house owner must also perform the *Tatasrast* ceremony.

Farm fires

Fire caused by the inability to control the burn

Before burning the bushes for a farm, the farmer usually slashes and clears a buffer area to prevent the spread of fire to neighbouring farms. All neighbouring farmers are invited to witness the setting of the fire to ensure the protection of their land. However despite careful preparation, if the fire does spread due to strong winds, unless crops are damaged the burner needs only to help clear the affected farms. If crops are damaged, the burner must compensate the farmer for half the value of the affected crops. Compensation required in such cases is dependent upon the notion of tolerance and understanding. If the burner refused to help clean up the farm, s/he would be required to pay *phak* of a pig, a chicken and a jar of wine.

Case study 9: A case occurring in the village

Two men burned their adjacent farms at eight o'clock one morning. A strong wind caused the fire to spread over to a neighbouring cashew farm, damaging some cashew plants. The two men asked the *Krak Shrok* to mediate this issue with the owner of the cashew farm. The *Krak Shrok* invited him to a meeting, during which it was determined that the two men were not at fault as they had taken all the necessary fire precautions. In the end, the two men provided a chicken, a jar of wine each and 50,000 riel in cash, as compensation to the cashew farm owner.

Fire caused by carelessness of the burner

If the burner does not inform his/her fellow farmers of plans to slash and burn their land and the fire spreads to neighbouring farms, the burner is deemed careless and held accountable. S/he would be responsible for helping to clean the affected farms, as well as paying *phak* in the amount equal to the total damages incurred and a pig, a chicken and a jar of wine to signify reconciliation.

Most fire disputes today occur on cashew farms. A solution is usually found with the aid of a *Kanong* or *Krak Shrok* and those responsible are required to pay compensation for the damages.

Case study 10: A case occurring in the village

A man slashed and burned his farm without informing his fellow neighbouring farmers and the fire spread to neighbouring farms. Owners of the affected farms asked the *Kanong* to mediate the dispute. In the end, the burner agreed to pay compensation in the amount of 28,000 riel plus *phak* of a chicken and a jar of wine for a party to signify reconciliation.

4.2.4 Causing damage to people's property

There have been some cases of property destruction in this village, especially when people are intoxicated. Often property damaged includes items such as

plates, pots and wine jars. The conflict is contingent upon the tolerance of the property owner, who may or may not take the case to the *Kanong*, *Krak Phoang* or *Krak Shrok*. If s/he does, the perpetrator must pay reparations or replace the damaged property in addition to *phak* in the form of a chicken and a jar of wine. If someone causes damages to another's property more than twice, the property owner will always ask the *Kanong* to mediate the conflict and impose *phak*. If the perpetrator is a minor, then his/her parents are held responsible.

4.2.5 Cattle grazing on someone else's rice farm

Traditionally villagers cultivate rice once a year during the rainy season between July and December. During cultivation season, all cattle are required to be tied up to prevent them from consuming the rice crop of others. In cases where a cow/ox eats someone else's rice, the owner of the animal is held responsible for paying for the damage.

During the dry season, cattle are able to wander freely without fear of reprisal for grazing on other people's land. If a dispute occurs, it is normally settled by *phak*. *Phak* can be in the form of rice, livestock and/or wine.

There are typically two ways of settling these disputes. For minor damages, reparations are given in *kapha* of rice (a backpack-type bag used to carry rice grain), typically one *kapha* per grazing buffalo. That is, one *kapha* of rice is typically *phak* for one grazing buffalo; five baskets for five buffaloes. For serious damages, the farm owner would require the owner of the buffalo to take over all his farming work for the remainder of the year and to pay reparations in the form of rice crops equal to the amount of crop that he usually reaps. For example, if he harvests 100 *kapha* per year, the buffalo owner must pay him 100 *kapha* of rice crop for that year. Additionally, he must pay *phak* of a chicken and a jar of wine for a party signifying reconciliation and the end of the dispute.

In cases where a buffalo repeatedly strays and grazes onto another farm and its owner does not take measures to prevent it, the farm owner can make the decision to slaughter the buffalo, after which he would share the meat

equally with its owner. In such a case, the buffalo owner does not have right to demand anything. Both parties must also provide a chicken and a jar of wine to symbolise the resumption of friendship.

Case study 11: A case occurring in the village

In 2006, a man borrowed a buffalo from another man. The buffalo broke loose and strayed onto a neighbouring farm, eating and damaging many bundles of rice. The farm owner decided to hold the buffalo captive. The buffalo owner informed the borrower to come jointly with the farm owner to settle the matter. Eventually the borrower agreed to return the buffalo to its owner. The borrower, who was responsible for the damage to the rice, agreed to pay reparations in the form of rice based on the number of damaged rice plants. At that time, fifty bundles of rice plant was equal to one *kapha* of rice grain.

4.2.6 Killing or causing injury to someone's animal

Killing another's animal without permission is generally considered to be culturally immoral and requires reparation to be paid by the responsible party. Cases of killing stray cows or buffaloes that have grazed on rice plants and farms have occurred in the village. In such cases, the cattle owner needs to find evidence proving the identity of the perpetrator. If the animal is injured (rather than killed), the perpetrator must pay for treatment of the injury as well as *phak* of one chicken and a jar of wine. If the animal is killed, the responsible party must replace the animal or offer an object of equivalent value. The meat of the animal would then be shared among all the villagers in a party to mark the end of the dispute and reconciliation.

As for dogs in the village who eat people's food (such as steamed rice), the dog cannot be held responsible or killed. If a dog is killed under such circumstances, the dog's owner will impose *phak* in the form of a replacement dog.

4.3 Offences over honour and reputation

4.3.1 Curses and verbal assault

Against other people

Handed down through many generations, village culture and tradition prohibit the casting of spells or curses on others. Also prohibited are acts of looking down on or disrespecting elders and parents. No serious cases have been reported, with the exception of youth in the village who reportedly often break these rules. In such cases, village elders including the *Angkang Krak*, *Krak Phoang* and *Krak Shrok* consider ways and means to tackle the matter based on their village traditions.

Against parents

Verbal assaults or curses towards one's own parents are not punishable by *phak*. Village elders will instead work to educate and correct unacceptable behaviour towards parents. In cases of repeated curses and verbal assaults towards parents or in-laws, villagers will often openly criticise such behaviour, especially when committed by young girls. When the perpetrators are minors, their parents will be urged to discipline them. There is no *phak* for minors.

4.3.2 Defamation

Defamation is regarded in the same way as curses and verbal assaults against others: it is prohibited. There have been no serious cases reported in the village with the exception of some mocking and teasing. If cases were to occur, the *Angkang Krak*, *Krak Phoang* and *Krak Shrok* would deal with this according to village tradition. Defamations cases might require the perpetrator to pay *phak* with a chicken, a jar of wine and 20-30,000 riel as a deterrent to others.

4.4 Relationships in the community

4.4.1 Borrowing, renting and contract caretaking (of cattle)

'When borrowing somebody's object we must return, it is our culture' villagers said. If a person borrows something, s/he must return it to its owner by the promised due date. However there have been a number of cases reported in the village whereby the borrowed object has not been returned by the agreed date. In general, when a debtor fails to return the object by the due date and for an additional six to 12 months, the lender can ask the *Krak Shrok* to confiscate the

borrowed object/property in accordance with the *Krak Shrok's* decision. If the borrower cannot afford to pay, s/he must work for the lender until the debt is paid off.

If a loan is in the form of cattle (buffaloes or cows) for ploughing purposes and the cattle die, no matter what the cause of the death, the cattle owner is entitled to a new buffalo, cow or object of equivalent value to the cattle.

If cattle break loose and stray to graze on someone else's rice farm, the borrower must return the cattle to the owner and settle the damage with the owner of the rice field (for example see case study 11 above). If the animal is killed, the borrower must replace the buffalo or cow with another, as well as settle the rice damage.

In contract caretaking of cattle, the typical arrangement would be for the owner to take the first calf and the caretaker the second calf the following year. If the caretaker does not abide by this agreement, the cattle owner can ask the *Krak Shrok* to take back the cattle and any calf that was meant to be for the caretaker. In addition, *phak* of a chicken and a jar of wine is required for a party to end the dispute and signify reconciliation.

Villagers have always engaged in contract rice paddy farming with each other but have never have such contracts for highland farming. For rice paddy, the rice crop is shared between the owner and the worker. An agreement of who gets what amount must be reached beforehand. Generally, the paddy field owner gets 30 percent while the contract worker gets 70 percent of all rice crops in the season. However, if any contract worker does not abide by the prior agreement, the paddy field owner may ask a *Krak Phoang* or *Krak Shrok* to confiscate their share.

4.4.2 Helping each other

Villagers affirmed that indigenous minorities are unselfish people. For example, if a villager sets a spur-gun trap which hit a deer but the injured deer breaks loose, typically villagers will come together to help find the deer. When the deer is found, it will be killed and cut in half, with the second half shared among those who helped find it. In turn, the helpers will cut up the deer meat and share it with the rest of the villagers to consume together.

Helping each other is a strong aspect of solidarity in Ul Leu village. Villagers report always lending each other a hand, particularly during the farming season with activities such as slashing and burning forests and planting and harvesting rice. The villagers rotate their assistance to one another; however, if a person is repeatedly absent for his/her turn and keeps giving excuses, *phak* will be imposed on that individual. In such cases, s/he is required to pay *phak* in the form of cash of 5,000 riel (present currency) for each day of labour.

4.5 Farming systems (*shifting cultivation or crop rotation*)

Prior to 1975, all the Ul Leu villagers practiced shifting cultivation or crop rotation. Shifting cultivation is practiced in the same way as that of other indigenous people in Cambodia, as follows. For the ceremonies associated with this practice see section 4.7.2.

- Search for fertile land based on the growth of forests
- Start cutting down the forest and leave the timber to dry out. Then clear an area large enough to conduct farming
- Burn all the cleared forest timber and clean the land
- Plant the rice crop
- Tend to the rice to ensure crop growth by clearing land and weeding as needed
- Harvest the rice
- Leave the retired soil until the rains begin
- After the rains, clear the soil by removing grasses and clearing bush. Plant and tend to the crops, then harvest at the end of the season. Villagers repeat this practice on the same farmland until the soil is exhausted and a new area of land is required.

- After cultivating a piece of land for several years, the land becomes exhausted. Villagers then leave this farm to 're-grow the forest' and allow recovery of its fertility; it thus becomes fallow land. Villagers leave the fallow land unused for 20 to 30 years depending on the time need to recover land fertility and on the availability of forest farmland close to the village. The fallow land is considered communal land, so any villager can clear it to conduct their farming.
- The members of other village communities cannot cross the customary boundary to farm within their territory; this is considered a taboo. If they want access to the land, they must ask permission from the *Krak Shrok* in advance. The customary territory of UI Leu community is identified by their traditional practices, which acknowledges the natural boundaries created by mountains, trees, steams and valleys.
- Look for new land to cultivate farms. In general, new forest farms are created on fallow land abandoned for more than 15 years. Villagers explained that according to their practices, they do not like to clear virgin timber forests. This is due to the fact that they do not have enough tools for clearing, as well as their belief that such forests are spiritual places to be kept for wildlife hunting and collection of non-timber forest products.

Under the Khmer Rouge, villagers learned how to farm rice in lowland paddy fields. As a result, since 1979 some indigenous villagers farm rice in lowland paddy fields while others continue to traditionally plant their rice on mountain slopes. Today, villagers continue to practice shifting cultivation, inter-cropping rice, vegetables and fruit-trees in much the same way as their ancestors and using traditional farming methods. Some types of farms however, do not involve shifting cultivation, such as fruit or cashew farming.



Rice paddy fields in Ul Leu village. (Photo: UNDP/Yin Sopheap)

In the past, indigenous minorities had the right to farm any piece of land without the threat of conflict. However, nowadays land conflicts often occur. Today ownership of land and farms has become more important, partly because after rice crops are harvested, farmers find they can grow more crops such as cashews, mangoes and jackfruits on land that they had previously let lie fallow.

Case study 12: A case occurring in the village

A couple of years ago, two families cultivated crops in adjacent farms. One family farmed on the slope of a mountain that stretched down to a valley where there was a swamp. Another family farmed in the valley that stretches all the way to the area where the swamp was located. The wives of the two families claimed that the swamp belonged to their farm. The dispute escalated into a fight between the two women until their husbands intervened. The two women sustained minor injuries. The *Krak Phoang* was subsequently asked to mediate the dispute. They finally agreed that the piece of land with the swamp belonged to the farm located in the valley. The families celebrated their reconciliation sharing a chicken and jar of wine together.

4.6 Marriage and family

4.6.1 Marriage

According to tradition, men and women enjoy full rights to choose their partners in life without discrimination based on race or ethnic group. However, there is a taboo that strictly prohibits marriage among people of the same *phoang*. The *Krak Shrok* reiterated that people of the same *phoang* are considered to be biological siblings, having being born from the same mother.

If a man and a woman of the same *phoang* want to be together, the couple will be punished by the community who consider this relationship a violation of their traditional rules. According to longstanding beliefs, any couple violating this cultural taboo is seen as bringing bad luck upon the village. To rid the village of bad luck, parents of the couple must spend resources such as a buffalo, a chicken and a jar of wine to perform a sacrificial ceremony, *Tatas Shrok* (see details in section 4.7.2). However, even if a *Tatas Shrok* is performed, the couple is still forbidden to live together as husband and wife. They must remain separated unless they decide to move away to live in another village. Villagers reported that in their village there have been cases of children of the same *phoang* loving each other, but none have ever been allowed to live together as husband and wife.

Case study 13: A case occurring in the village

In 1979 after the fall of the Khmer Rouge regime, a young man and a young woman in the village fell in love. They belonged to the same *phoang*. Village elders together with their parents performed a *Tatas Shrok* in praise and honour of their ancestors and the spirits in the village, also begging for forgiveness. The villagers forbade the two from seeing each other due to the cultural taboo against their relationship. Nevertheless the couple kept seeing each other in secret, while their parents insisted on separating them. Sadly because the couple could not be together, they both ended up committing suicide.

However, due to the fact that several young couples have committed suicide, signifying their continuing love for each other and protesting against the traditional taboo, the *Krak Shrok* and *Krak Phoang* recently held discussions on how to address this matter. It was decided that a couple of the same *phoang* can live together as husband and wife if they are from different villages and have no common relatives, going back five generations. The *Krak Shrok* will make this determination after tracing back the ancestry of the couple. If no ancestral linkage is found, the couple can live as husband and wife after a *Tatas Shrok* ceremony is performed. For those couples born in the same village of the same *phoang*, marriage is still prohibited.



A family of the Tumpoun ethnic group in Ul Leu village. (Photo: UNDP/Yin Sopheap)

Pre-wedding

Typically if a young man is in love with a young woman he will ask a *Kanong* to consult with the young woman on his behalf to ensure the feelings are mutual. If the feelings are mutual, the young man will then ask the same *Kanong* to consult with his own parents, with a fee of a jar of wine. The same is then conducted with the young woman's parents with a fee of another jar of wine.

When all parties come to an agreement, the young man and young woman each finds a *Kanong* to discuss the wedding arrangements. The two *Kanong* then work together to fix the date of the wedding. A ceremony is organised for a spiritual sacrifice signifying the couple's engagement. In this engagement ceremony, the couple establishes conditions that they will be faithful to each other until their wedding day and if one betrays the other, or terminates

the engagement without valid reason, s/he shall pay *phak* according to the agreement. After this engagement ceremony, the couple can live together and have children. The couple must prepare themselves for the wedding with resources such as pigs, chicken and rice wine.

Wedding

For a wedding the groom and the bride must each offer four chickens. One jar of wine is for the *Kanong*, another jar is for friends and two other jars are for a party. A party is held on the first day, during which a chicken or pig is sacrificed at the groom's house to praise their late ancestors and to inform them that the groom is moving into the bride's house. During the sacrifice they also ask the ancestors for their continued protection and care. On the second day the groom goes to the bride's house where there is a welcoming ceremony. This involves the sacrificing of a cow, buffalo or pig and a chicken to pray to their ancestors. In addition to this the groom has to prepare a wedding offering package for the bride's family. This will typically include a pair of trousers, a shirt, a skirt, a blouse, a scarf, a pillow and a blanket, twelve bowls, a jar and 20,000 riel in cash. During the wedding, the couple commits to remain faithful to each other until they die and establish *phak* conditions for if one betrays the other. Nowadays, villagers explained that Tumpoun people often replicate the Khmer culture by holding a wedding banquet with guests who are invited to witness the wedding ceremony and attend an afternoon feast at the bride's house. Like in Khmer culture, the guests are expected to make a cash contribution to the couple.

Post-wedding

Four years after the wedding, the groom's parents must sacrifice a pig the size of four *chap* and a jar of wine to mark the move of their son and daughter-in-law into their home. Participants include parents from both sides, the *Krak Shrok*, the *Angkang Krak* and friends and relatives. They usually feast and drink together for a whole day and night. The next morning, their son, daughter-in-law and all the grandchildren move to live with them for four or five years. After that, the couple may live wherever they choose.

4.6.2 Divorce

Traditionally, divorce is considered a major dispute that must be solved by enlisting the help of the *Kanong*. There can be many reasons for requesting a divorce, including the death of a spouse. When getting divorced, the *Kanong* must refer to the conditions determined during the engagement or the wedding regarding conflict resolution. Furthermore, either the *Kanong* or the *Krak Shrok* will discuss the causes that led to the divorce request, and try to balance the considerations of both sides. In cases where the couple cannot be reconciled, the *Krak Shrok* will grant them a divorce after which their property and resources are divided in accordance with the agreement of both parties. The children are required to stay with their mother regardless of which party is at fault. Anyone disagreeing with the proposed divorce must seek a *Kanong's* help in finding the root cause of the problem in order to negotiate the healing of the dispute.

Acceptable reasons for a husband to divorce his wife without paying *phak* are:

- If the wife becomes pregnant by other man
- If the wife has sexual intercourse with another man

Acceptable reasons for a wife to divorce her husband without paying *phak* are:

- If another women is pregnant with his child
- If he commits more than two cases of physical abuse against his wife
- If he has sexual intercourse with another woman more than twice

Apart from the above-mentioned reasons, anyone wanting a divorce must pay *phak* to his/her partner as promised during the wedding. In the case where a wife or husband dies, the living partner cannot remarry unless their partner has been dead for a year or more. Before remarrying, the living partner must perform a sacrificial ceremony for their dead partner to signify the breaking of marital relations as well as provide compensation to his/her family in accordance with the premarital conditions promised. If the living partner marries or with conceive a child someone else without performing such a ceremony, s/he is considered to have committed 'cultural guilt'. The dead partner's family will demand compensation on his/her behalf as promised at the wedding.

4.6.3 Sexual intercourse 'against culture'

Traditionally, the Tumpoun indigenous people refer to the term sexual intercourse 'against culture' to describe a sexual relationship between a man and woman who are not officially engaged nor have asked permission from the spirits to become physically involved. This is considered a 'cultural guilt' for which a victim can claim compensation for damages resulting from the guilt.

In the case where an unmarried woman and unmarried man have sex and do not inform their parents or elders and the young woman becomes pregnant, this will bring about 'cultural guilt' due to the fact that this is considered a violation of traditional norms. Typically, the young woman must tell her parents and elders that she is pregnant and by whom. The accused young man must find evidence or a witness to prove that he did not commit such an act, otherwise he is presumed responsible. Usually the parties involved will confess the truth. Along with their parents, both parties must offer at least a pig, a chicken and a jar of wine for a ceremony called *Tatas Shrok*, which is a sacrificial ceremony to pray to the spirits to ask for forgiveness and wish for happiness and health. The *Tatas Shrok* ceremony requires the two guilty individuals, together with their parents, to use pig or chicken blood to paint the ladders of certain houses in the village, such as the houses of *Me Arak*²¹, *Krak Shrok*, pregnant women, villagers owning traditional objects such as gongs and jars, people who are ill or injured and families of people who have recently died. When doing this, they must ask these people for forgiveness and wish them health and happiness. In the case where both individuals want to marry each other, their parents will arrange a wedding for them according to tradition. In the case where the young man does not want to marry the young woman, he must compensate her parents with at least one cow, one pig, one chicken and a jar of wine. If the young woman does not want to marry the young man, she is free to refuse.

In the case where an unmarried man has sex with an unmarried woman and refuses to marry her, he is deemed guilty of breaking customary rules and must pay *phak* to her according to the situation and claim from her family.

²¹ A woman who can be asked by the spirit to borrow her body to communicate with human beings.

In the case where an unmarried man has sex with a married woman, he will be responsible to paying *phak to the husband*. If her husband is willing for his wife to marry the other man, they can live together, but they must pay *phak* including compensation as agreed in the previous wedding and a sacrificial ceremony to signify the breaking of marital relations. This *phak* must be at least a cow, a pig, a chicken and a jar of wine. The pig, chicken and jaw of wine are for ceremony, sacrificing to the spirits and asking them to bring happiness and rid them of bad luck. A party will then be held to signify the healing of the dispute. The cow however, is not sacrificed but rather is given to the husband.

If neither the unmarried man or the husband want the woman to be his wife, then the unmarried man must pay separate *phak* to the husband according to his claim, and the woman must also pay *phak* to her husband according to the wedding/engagement promise. If the husband wishes to stay married to his wife, the unmarried man must pay *phak* to the husband, while the wife also must pay *phak* to her husband. The amount of *phak* to be paid is negotiable among the parties.

In cases where a married man has sex with an unmarried woman, both are considered to have committed 'cultural guilt'. If the wife is willing for her husband to marry the unmarried woman and her husband agrees, they can live with each other. However they must pay *phak* as promised during the wedding/engagement plus additional compensation to the wife. If the husband refuses to divorce his wife, she cannot divorce her husband if he has committed adultery only once, but she can demand *phak* from the unmarried woman. Likewise, the unmarried woman's parents can demand *phak* from the married man. If the wife still insists on a divorce, she must pay *phak* to her husband, and the unmarried woman must also pay *phak* to the married woman. If the married man betrays his wife twice or more, she has the right to divorce her husband without paying *phak*. Her husband must pay *phak* in accordance to the promises made during the wedding/engagement ceremony.

If a married man has sexual intercourse with a married woman, both are considered to have committed 'cultural guilt'. This matter requires multiple *phak*. The innocent man can demand *phak* from both his wife and her lover, and the innocent woman can demand *phak* from her husband and his lover as well.

4.6.4 Inheritance

After the death of a spouse, if no will was left, the family's inheritance is divided into three parts shared among the living spouse, the children and the parents of the deceased as a token of gratitude. If the deceased spouse's parents are not alive, their share goes to his/her relatives. For example, if a family possesses two buffaloes and one spouse dies, one buffalo is given to their child, one buffalo to the living spouse and their rice stock given to the dead spouse's mother. The *Krak Phoang* is responsible for sharing the property in accordance with this custom.

Case study 14: A case occurring in the village

Four years before his death, a widower left a will on the division of his assets. One of his three buffaloes was to be given to his children, one to his own relatives and the last buffalo was for eating at his funeral. Other assets such as jars, gongs and other objects would be given to his late wife's relatives.

Inheritance sharing can also be based on a will shared by the person prior to his/her death. In cases where there are many children, the buffalo is typically given to the eldest child, a cow to the second child and the remainder of the animals to the youngest child.

Case study 15: A case occurring in the village

In 1993, a man kept an elephant but was too old to care for the animal himself. His sons were all away in the army. He subsequently sold the elephant for 800,000 riel. He shared the money with his and his wife's relatives, giving them 40,000 riel each. The rest of the money, 400,000 riel, was for his own needs until his death.

Case study 16: A case occurring in the village

In 1998, a man had ten buffaloes as well as copper pots and wine jars. Before his death, he gave one buffalo to each of his two children. Two buffaloes were kept for his funeral, and other assets such as copper pots he left to his wife. The remaining six buffaloes were also for his wife, two of which were to be kept for her funeral. The remaining four buffaloes were to be shared equally among his and his wife's relatives after her death. Cooking utensils and other materials were shared between his two children.

4.6.5 Abduction and consensual running away

The villagers affirmed that there has never been any forced abduction in the village. However, there have been reports of couples in love deciding to run away together to live elsewhere because their parents disapprove of their relationship. Such a couple can return to their home village without fear of punishment. Their parents could then marry them in accordance with tradition. If the young woman is pregnant, it is necessary to perform a *Tatas Shrok* ceremony.

Case study 17: A case occurring in the village

In 2006, there was a case of a couple who were very much in love. However, their respective parents were not on good terms with each other and thus prohibited their children from getting married. Having been unable to persuade their parents to agree to their wishes, the couple ran away together to live in another village. Five to six years later, parents of both sides became reconciled and agreed to invite the couple back to their village. They were then married in accordance with tradition and lived together without having to pay any *phak*.

If a man were to abduct a woman to live with him as his wife without her consent, her parent can demand *phak* of a pig of three *chap* in size, 50-60,000 riel and a jar of wine. For cases where threats of abduction are accompanied by threats to the victim or to her parents, the perpetrator must pay a much higher *phak*.

4.7 Taboos, major ceremonies and beliefs

4.7.1 Taboos

Ul Leu village does not have strict taboos imposed on the whole village. However, each *phoang* maintains its own taboos including the following:

- *Phoang Romas* has a strict taboo on wild buffalo, which are not to be eaten, touched or brought into the village.
- *Phoang Ting* has strict taboos on lake lizards and taro, which are not to be eaten, touched or brought into their homes.
- *Phoang Sanlang* has a strict taboo on *sarika* birds, which are not to be eaten, touched or brought into their homes.
- *Phoang Klaong* has a strict taboo on taro, which are not to be eaten, touched or brought into their homes.

Case study 18: Phoang Romas' taboo legend on wild buffalo

Krak Phoang Romas recounted the story that led to the ban on members of his *phoang* from eating wild buffalo. In the past there was fighting among different tribes. Thus the *Phoang Romas* built a strong fence around their village leaving only one entrance and one exit so as to protect the village against enemies, including Thai soldiers. One day a large jungle buffalo came to protect the village. The animal guarded the village by walking back and forth in front of the entrance to prevent the enemy from approaching the village fence. Every day at nightfall, the animal appeared to guard and protect the village from possible invasion. Since then *Krak Shrok* have prohibited members of their *phoang* from eating wild buffalo.

Case study 19: Phoang Klaong's taboo legend on taro plants

Krak Phoang Klaong recounted a tale that that lead to the ban on member of his *phoang* from eating taro. Long ago, two sisters from *Phoang Klaong* lived together. One day the elder sister cut a taro plant to cook for food. She told her younger sister to keep the fire burning which she did until she returned. However upon returning she found only a small amount of taro left in the pot. Thinking her sister had eaten the taro herself, she got angry and started

scolding her younger sister. The younger sister got so upset that she left and went away. Later on, the elder sister cut another taro and boiled it. She then found out that the taro shrank by itself to a much smaller quantity upon boiling. Realising she made a mistake by blaming her sister for something she had not done, she tried her best to get her to return home. However no matter how hard she tried, the younger sister refused to come back. The elder sister blamed this separation on the taro, which she believed to have magic powers. From then on she believed taro plants must not be eaten or touched, for fear that it would leave to separation from loved ones. Subsequently, all members of *Phoang Klaong* were strictly prohibited from touching or eating taro.

Case study 20: Phoang Ting's taboo legend on lake lizards

Krak Phoang Ting recounted the tale that led to the ban on members of his *phoang* from eating lake lizards. Long ago *Phoang Ting* village was relocated and all the villagers moved their homes and belongings to the new village. An old woman who was not able to walk was left behind in the village waiting for people to return to assist in carrying her to the new village. When the villagers returned, the old woman was nowhere to be found. Instead they came across a lake lizard. The villagers assumed the lizard must have eaten the old woman so they killed the lizard and cut open its stomach hoping to find her body. However, what they found in the contents of the lizard's stomach was not the old woman, but her straw mat, cooking pot, pillow and blanket. They concluded that the old woman must have become the lizard and cried bitterly for having lost their elder village member. From then on, the *Krak Shrok* prohibited members of his *phoang* from killing, harming, eating or even touching lake lizards.

Case study 21: Phoang Sanlang's taboo legend on oxen and *sarika* birds

Krak Phoang Sanlang recounted the story that led to the ban on members of his *Phoang* eating beef. One day a girl put a bushel of yarn out to dry in the sun, asking her sister to guard it. However, an ox came and ate all the yarn. The girl became very angry, scolded her sister for allowing this to happen, and told all the members of her *phoang* not to touch or eat beef from then on. (Note: today this taboo no longer applies in this community due to the understanding that such an occurrence was not the ox's fault).

Krak Phoang Sanlang recounted another tale that led to the ban on members of his *phoang* eating *sarika* birds. There was once a man who had been taken from his home, enslaved and forced to do hard manual labour everyday. The man was very unhappy having to endure the hard work and be away from his home. By chance, one day a *sarika* bird came to perch nearby and speaking in a human voice asked the man why he was so sad. The man told the *sarika* bird his story. The *sarika* bird helped the man find his way home by jumping from one tree to another ahead of him, showing him the way home. When the man arrived safely home, the *sarika* bird then asked the man for some sort of compensation. The man promised that from then on, all the members of his *phoang* would no longer eat *sarika* birds.

4.7.2 Key sacrifices and ceremonies

Village sacrificing

Generally, a village sacrifice is organised when a new village is built or a *Rong* house is repaired or rebuilt. Before moving their village, the *Krak Shrok* and village elders meet to discuss the problems encountered in the old village and debate the appropriateness of the new location with regard to village safety, happiness and prosperity. At the new location the *Krak Shrok* and the elders perform a prayer to the spirits and leave a small amount of rice as an offering. If all the rice disappears they believe this is a sign the new location is not appropriate, however if the rice remains, this signifies that the new location will bring them happiness and prosperity. In light of a favourable result, the *Krak Shrok* will then allow villagers to build their homes in the new location. Together the community will build a *Rong* house in the centre of the village to be used for meetings and ceremonies.

Before tearing down the old *Rong* house or building one in the new location, the *Krak Shrok* and *Krak Phoang* have to raise resources from the community (specifically from the married members of the community) in order to buy buffaloes, pigs, chickens and jars of wine for sacrificing to the spirits. The buffaloes, pigs and chickens are slaughtered for their blood, which is mixed together with rice wine. The mixed blood/rice wine is then used to pray to the spirits in a ceremony at the village bathing pond. After that, the remaining blood is poured onto the banana and sugar cane plants that are planted specifically for the ceremony. After the ceremony the meat is consumed with rice wine as well as singing and dancing to gong music. The ceremony is held for seven days and nights.

For the repair of a *Rong* house, only a pig the size of five *chap*, a chicken and a jar of wine are used for the sacrifice. This major ceremony is typically held every five to seven years.

After the ceremony, for seven days, a village taboo is strictly imposed prohibiting outsiders from passing through or entering the village. A piece of string laden with tree branches is tied across the village entrance as a warning sign. Only people participating in the ceremony can enter or leave the village. In case there is an emergency and, for example, someone needs to be taken by car to the hospital, the car/ambulance must wait at the village entrance and the sick person carried from the village out to the car. Violating this taboo is punishable by *phak* equivalent to all resources used in the previous ceremony, which is then used to conduct a new sacrificing ceremony.

Rain sacrificing

Typically at the beginning of the monsoon season (between June and July) there is plenty of rainfall. However if rainfall is scarce, villagers perform a sacrifice requesting the spirits to bring them rain. The *Krak Shrok* and *Krak Phoang* erect a decorated altar about 100 meters from the village. A carved wooden statue of a human is placed at the altar. The elders perform a ceremony praising spirits using rice wine mixed with pork and chicken blood, which is poured on the altar. Two senior elders sit together on a bed before the altar each holding a jug of water while ten other elders stand behind them

also each holding a jug of water. As the two senior elders praise the spirits they splash water onto the statue in the altar, and the other elders behind the bed simultaneously splash water onto the two senior elders. Then, they all shout in unison: 'It rains very hard, it rains very hard'. They then return to the village carrying the senior elders on their shoulders. Back at the village, they eat, drink and dance together. This sacrificing ceremony lasts a whole day. During the ceremony, quarrelling between any of the community members is strictly prohibited.

After the ceremony, there is a village taboo that prohibits outsiders from passing through or entering the village for seven days. A sign is placed across the village entrance as a warning. The sign is typically a piece of string hung with tree branches. Only participants in the ceremony can enter or leave the village. Violating this taboo is punishable by *phak* in the form of all the resources used in the previous ceremony. In this situation, a new sacrificing ceremony is necessary.

Funerals

Natural death

When someone dies from natural causes, their family, relatives and friends traditionally organise a funeral ceremony with participation from other villagers. The *Krak Shrok* and *Angkang Krak* help coordinate the duties of all participants at the funeral. Typically, the women are in charge of food preparation and the men go to the woods in search of a tree trunk that is suitable for a coffin. A piece of timber two metres long is split in half and a hole big enough to fit the dead body is carved out. Then the body is placed inside one half of the trunk, covered by the other half and sealed with resin to preserve it. To keep company and comfort the family of the dead, villagers play gong music accompanied by dancing, eating and drinking day and night. Relatives and close friends speak and sing to the dead, recalling memories about the individual from when they were alive. Villagers may contribute wine for the occasion. The funeral ceremony may take three, five or seven days, depending on resources available to the family. It is prohibited to bury the body two, four or six days after the death, as it is believed even-numbered days are days during which the

dead can take someone with them as a partner. On the day of the burial, the body is buried in the forest burial ground. Then all the villagers must stay calm throughout the day because they believe that anyone who breaks these rules will become sick or have an accident. Subsequently everyday at mealtime for a period of time, family members must set aside some food for the dead.

One year after from the funeral, the *Pa Thei* ceremony (a one-year anniversary) is performed. The ceremony includes a sacrifice of one or two buffaloes or cows, pigs, chickens and wine. A day prior to the ceremony, the tomb is cleaned and decorated with new roof, fence and new sculptures. In the afternoon of the first day, a party is held at the tomb with singing and dancing to gong music. Participants stay the night at the tomb. On the second day, a buffalo or cow, pig, chickens and wine are sacrificed along with dancing and singing at the tomb. The next day the party ends at 4pm. There are no taboos that apply to this ceremony.

Accidental death (ty hong)

The villagers consider accidental deaths to include acts such as falling from a tree, hanging oneself (suicide) or death during childbirth.

If a villager is killed or dies due to an accident, the body cannot be brought into the village for a funeral ceremony. This is due to a strong belief that bad fortune would accompany the body and befall the villagers. The funeral instead would take place outside the village with the building of a small hut for the body and another larger hut for the ceremony. In case of accidental death within the village, the funeral ceremony must be held at the location where the dead body is found. This kind of ceremony cannot be held for more than three days. In fact, the body is taken into the forest to be buried as soon as the coffin is available. Furthermore, the body cannot be buried close to the graves of those who have died of natural causes; it must be placed at the edge of the cemetery. This tradition has been followed for many generations in the village, without exception.

Villagers said that for many generations whenever repeated accidental deaths occurred in the village within one year, they would move their village to another location. This stemmed from the belief that an accident could befall any villager, and the soul of the dead person would become a would become a ghost and haunt them. Today, the community no longer move their village based on this rationale.

After the funeral, the family must sacrifice a buffalo for an additional ceremony, called *Slab Chreh*. During this ceremony, pig's blood is painted on the toes of all participants and everyone in the village to prevent bad fortune from spreading to other villagers.

Ceremonies related to farming systems

During January and February when the weather is dry, villagers go in search for fertile farmland. Before starting a new farm, villagers perform a test using a lizard. A hole of 20 centimetres in width, length and depth is dug in the ground. A lizard is placed inside the hole, which is then covered up. Four objects, a shoulder-stick (used for carrying a dead body), a pestle, a pickaxe and a spade, are placed at each of the four corners around the hole. The farmer then uncovers the hole and calls the lizard to advise him/her according to directions given by the spirits. If the lizard runs in the direction of the shoulder-stick, this means that farming this land is extremely dangerous. Those insisting on farming there must accept that his/her family members may incur death. If the lizard runs in the direction of the pestle, this signifies that the farm will yield plenty of crops. If the lizard runs towards the spade, this signifies the land is not fertile enough for a good yield. In insisting on farming there it is believed that the farmer will experience starvation. If the lizard runs in the direction of the pickaxe, this signifies that farming there will cause illness unless a buffalo or a cow is sacrificed.

If the above performance yields a favourable result, the farmer will conduct a sacrificing ceremony praying to the forest before clearing the land. In this ceremony, farmers sacrifice a chicken and a jar of wine together with banana and pineapple plants that are planted in the lot of land. Rice wine mixed with chicken blood is poured on the banana and pineapple plants while asking the

forest spirits to protect them and grant happiness. At the end of the ceremony the participants have a party there (for those who have the means, gong music is played). Then they start clearing the land, leaving all the trees and bushes to dry in the sun before burning the farm in the following months.

At the end of the dry season (April) and before preparing for plantation, villagers start burning and clearing their new farms and perform a sacrificing ceremony asking that their seeds grow and reap a good yield. As in other ceremonies, they do this using chicken and wine, pouring chicken blood and wine on rice seeds. This also culminates in a party with music.

In the middle of the rice plantation period, the farmer is required to perform another sacrifice using a chicken or a pig depending on the spirits' demands as seen in a dream. If the demand is for a chicken, then chicken blood is mixed with rice wine and poured on bushes of rice plants as a symbol. Then a bush-fence (using *roun* plants) is made around the farm on which rice and chicken blood are sprinkled. Again the sacrifice ends with a party and singing and dancing.

When the rice is ready for harvesting, the farmer makes a small altar and a small rice barn measuring about twenty centimetres. The rice barn is then filled with dirt. Two or three bushels of newly harvested rice are put atop the dirt and then the barn is placed inside the altar. In this ceremony, the farmer sacrifices a chicken with a jar of wine and uses the chicken blood to pour over the rice crops in the barn. Afterwards the farmer and community celebrate with a party.

Sacrificing ceremony for curing illness

When a sick person cannot be cured using medicine, villagers traditionally resort to praying to the spirits in order to cure the illness. The offering given to the spirits can be large or small depending on the condition of the illness. A small offering would consist of a pig, chicken and wine, a large offering a buffalo and wine.

For a small offering of a pig, chicken and wine, the sick person together with their family members must go through a three-day abstention period. For a larger offering involving the sacrifice of a buffalo, a seven-day abstention is required.

During such abstention periods, people other than family members are strictly prohibited from entering the house or disturbing the family. A sign such as a piece of string laden with tree leaves is hung across the path to the house informing the public of the prohibition. Any person entering the perimeter of the house during this period must pay *phak* of a buffalo, a pig or a chicken and wine depending on what was used for the initial sacrifice. The resources from the *phak* are used to perform the sacrifice again. At the end of the prohibition period, the string is removed.

Other small ceremonies

Slab Chreh

The villagers conduct this sacrifice when someone has died as a result of an accident. It is conducted in order to praise the spirits and to eschew bad luck while welcoming good luck. In this sacrifice, at least one cow or one buffalo, a pig and chickens are sacrificed and rice wine is offered. The *Krak Shrok* and other *Krak Phoang* will use pig blood to paint the toes of those attending the funeral so that bad luck will not befall others.

Tatas Par or Tatas Chreh

Villagers conduct this sacrifice to allow a guilty person to apologise and to pray to the spirits asking for the recovery of a victim's soul. This in turn allows for the victim's health to return. It is conducted whenever an act of physical violence has occurred resulting in bleeding or broken bones. It is also performed when a villager's general health or a specific wound cannot be cured, and if it is thought that the patient is afflicted with *chreh* - a condition when one's soul is said to be temporarily separated from body. In some cases, when parents have beaten or severely reprimanded their child and the child becomes sickly and thin, villagers believe that the child has become afflicted with *chreh*. In such cases, they will perform this sacrifice with the purpose of calling back the soul of the sick child, allowing the individual to be cured.

In the case of physical violence, the perpetrator must pay *phak* with a chicken and a jar of wine to use for the sacrifice. The perpetrator is required to put his finger into the wine, whisper apologetic words and ask for the removal of

the bad luck of illness and injury from the victim. After this, s/he gets a piece of chicken flesh, soaks it in the wine and offers it to the victim to eat. The *Kanong* or *Krak Shrok* is responsible for organising this ceremony.

If parents suspect that their children have *chreh*, they are responsible for conducting the sacrifice. If this suspicion is predicted by a *Me Arak*, then the *Me Arak* is the one who conducts the sacrifice.

Tatasrast

The villagers conduct this ceremony with the purpose of rejecting all bad luck and ill fortune that may befall a rice crop yield, as well as by owners whose property and rice are damaged by fire or animals, in order to bring back prosperity. As in other ceremonies, they do this using chicken and wine. This sacrifice is performed by those responsible for the fire or the owners of the cattle that ate rice from another family's farm. Chicken blood mixed with wine is showered on the site where the fire burned or the cattle grazed and various words of prayer are whispered.

Tatas Shrok

This sacrifice is performed when a woman gets pregnant before getting engaged or married in accordance with tradition.

For a young man and young woman who come from different *phoang*, their parents only have to use a pig and chicken for the sacrifice. But if they are from the same *phoang*, the sacrifice needs a buffalo, a pig and wine. In this case, the *Krak Shrok* and *Krak Phoang* perform the sacrifice of the buffalo to pray to the spirits asking for forgiveness. Other elders must prepare food and put it in a newly made trough for feeding pigs, for the young man and woman to eat from. Then they utter the following to the spirits: 'To the spirits of the mountains, forests and sky, please forgive the young man and woman. They are not human, they are virtually pigs and eat like pigs as you see'. Villagers believe that by doing so their late ancestors and all the spirits will forgive them for their offence to culture and tradition.

4.7.3 Beliefs

Sacred ground

In this village, villagers worship certain large trees, ponds and big rocks, which they consider to be sacred. It is believed that those who trespass on these sacred areas or touch these sacred items will get sick.

There are two places the spirits look after and do not allow anyone to enter or destroy, Kbal Yanorng and Myanh. Anyone behaving disrespectfully in the sacred forests or entering forbidden forest areas will have to answer to the spirits. Although the *Krak Shrok* and *Krak Phoang* do not consider this an offence to traditional rules, it is believed that the perpetrator will be guilty in the face of the spirits who will themselves punish the perpetrator. Villagers believe that the spirits will only punish those who commit the offence, not those who are innocent.

Cemetery

The UI Leu village cemetery is approximately 800 meters outside the village. The cemetery is located close to the village because the dead are relatives and villagers do not want their relatives to live far from them. This proximity also makes it easier for villagers to carry bodies for burial, as well as to perform other sacrificing ceremonies for their late relatives. All objects, such as knives, clothes, blankets, pillows, *kapha* and wine jars that the dead person used to use are placed for him/her at the tomb. The tomb is surrounded with a low fence and covered with a roof made of khammar leaves, wood or tin.



Tumpoun cemetery and tombs in UI Leu village. (Photo: UNDP/Yin Sopheap)

The cemetery is not a forbidden area. However, the villagers believe that those who enter the cemetery should not perform any acts of disrespect to the dead. Acts considered disrespectful include shouting, cursing, digging for objects inside the vicinity of the tomb, destroying the surrounding environment or felling trees onto the tomb. Anyone failing to follow such rules will be penalised by the *Krak Shrok* with *phak* of a pig the size of three *chap*, a chicken and a jar of wine.

4.7.4 Sorcery

Villagers believe that there have been occurrences of ghost hauntings, acts of sorcery (by sorcerers: *Arb* or *Thmub*) and that there are individuals with magical powers within the village. *Arb* are believed to have existed in the old days, while *Thmub* or magical individuals are believed only to have started existing after 1979. *Arb* or *Thmub* cannot be seen by human eyes, but appear as visions in dreams when people are afflicted by illness. If a sick person dreams of a man trying to harm him/her with a cleaver or a machete, the person is believed to have been affected by sorcery. *Arb* are believed to have been born naturally through generations of *Arb*. In contrast, *Thmub* or magical persons are those who study and concertedly practice magic.

Since no evidence exists proving whether an individual is a sorcerer and/or causes someone to fall sick or die, there is no punishment for this. However, villagers affirm that in a neighbouring village, a person suspected of being a sorcerer causing a number of people's deaths, was subsequently murdered.

Angkang Krak: Elders

Bet-swear test: A test to find who the guilty party is

Chap: A traditional scale of measurement for a pig. This is done by measuring the diameter of a pig's stomach using a piece of string. Measurements are then taken by folding this string in half (i.e. the length is half the diameter of the string) and counting the number of hand widths from the top to the bottom. The amount of *chaps* corresponds to the number of hand widths in the length of the halved string from top to bottom. This indicates the size of the pig, and thereby its worth

Chreh: A condition when one's soul is said to separate from the body temporarily, often during times of fear or trauma. It is said that the soul will then try to find its way back to the body

Kanong: A mediator; a person who assists in resolving conflict

Kapha: A traditional basket worn on the back, made with bamboo

Knar: Trap

Krak Phoang: Clan leader

Krak Shrok: Traditional leader of the village

Me Arak: A woman who can be asked by the spirit to borrow her body to communicate with human beings

Pa Thei: Anniversary of a death

Phak: Compensation, in both wealth and spirit

Phoang: Clan

Rong house: Communal house in the village

Sangkum Reas Niyum era: Regime governed by Prince Sihanouk, from 1954 to 1970

Slab Chreh: A sacrifice for asking the soul of a person to return to the body

Sornng anteng: Compensation from the perpetrator of murder or manslaughter to the family of the victim

Tatas Chreh or **Tatas Pra:** A sacrifice for the perpetrator to apologise to the victim after he/she has caused the victim to bleed or has broken a bone of the victim

Tatas Srok: A sacrifice performed for the whole village

Torm rat: rape

Ty hong: Accidental death

Vak: Grandfather

Yak: Grandmother

Elders in Ul Leu village



Set Cheung,
Chief Elder



Seuk Phoeuk,
Elder



Bour Yang,
Deputy Village Chief



Kven Noeun,
Natural Resource
Management
Committee member



Kham Phoeu,
Elder



Top Lou,
Elder



Eving Sing,
community member



Teun Phoeun,
Elder



Gne Prese,
Member of women's
group



Kven Phen,
Elder



Nil Tel,
Elder



Mut Tor,
Elder



Pleun Phit,
Village Chief

Members of the Cambodian Indigenous Youth Association (CIYA)

Mr. Choung Phea	Active member of CIYA
Mr. Sovann Bunthai	Active member of CIYA
Mr. Nun Sokunthea	Active member of CIYA
Ms. Latt Samneang	Cook, Khmer Leu Association

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