



Food and Agriculture
Organization of the
United Nations

WOMEN'S LAND RIGHTS AND AGRARIAN CHANGE: EVIDENCE FROM INDIGENOUS COMMUNITIES IN CAMBODIA



Required citation:

FAO, 2019. *Women's land rights and agrarian change: evidence from indigenous communities in Cambodia*. Phnom Penh, FAO. 56 pp. Licence: CC BY-NC-SA 3.0 IGO.

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ISBN 978-92-5-131364-0

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Food and Agriculture Organization of the United Nations
Bangkok, 2019



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ACKNOWLEDGEMENTS

The study was conducted by Margherita Maffii, independent Gender Specialist, under the technical supervision of Clara Mi Young Park, Gender Officer and Marianna Bicchieri, Land Tenure Officer in the Food and Agriculture Organization of the United Nations (FAO) Regional Office for Asia and the Pacific. The draft benefitted from technical inputs and comments by Clara Mi Young Park, Marianna Bicchieri and Bettina Gatt in FAO. Editorial support was provided by Christina Schiavoni.

FAO is grateful to all the people and institutions who supported the development of this study, in particular, the experts, researchers and community activists that have contributed with their meaningful suggestions and comments to the study, including Jeremy Ironside, Gordon Paderson, Nun Sokunthea, Phon Sothea, Khiev Sotha, Fong Chompey and Sotha Junior.

FAO also wishes to thank members and representatives of the indigenous people's organizations *Highlanders Association and Cambodia Indigenous People Organization* for their availability and their valuable insight; and the communities of Kalai 2, Sway, L'eun Chon, Lapo and Lon, Kachok and Tangmlu for their welcoming, hospitality and willingness to share and discuss issues concerning their resources, customs and family life. The author is also particularly grateful to all the facilitators that contributed to the study with their translation and valuable support, including Papo Polloni, David Ford and Ruud Corsel.

ACRONYMS AND ABBREVIATIONS

CEDAW	Convention for the Elimination of Discrimination Against Women
CLT	communal land title
Directive 01BB	Royal Cambodia Government – Measures Reinforcing and Increasing the Efficiency of the Management of Economic Land Concessions – Policy expediting the issuing of land titles in economic land concession areas
ELC	Economic Land Concession
NGO	non-governmental organization



EXECUTIVE SUMMARY

This research analyses the ways in which current changes in land tenure, agrarian and socio-economic systems are reshaping resource allocations and transfers within households in indigenous communities in Ratanakiri Province, Cambodia. While other gendered aspects of the transformations occurring in indigenous societies have received more attention in recent years, the changes occurring in the customary laws that determine land access, ownership and inheritance alongside gender, as well as generational lines, have not been explored.

Customary laws derive their legitimacy from social systems that are context specific and change with time. This determines their ambiguous character as instruments for resistance and self-determination as well as generators of unequal social relations in rural communities. The experiences from other continents and countries have shown the contradictory and often conflicting linkage between customary systems and women's rights to land. In some areas of the world, customary land rights, grounded within kinship systems, have evolved. These are shaped by their historical socio-economic and political context in ways that limit women's access to land, which is mediated or sometimes impaired by male kinship. This also occurs in areas of the world where indigenous people's collective land tenure systems are recognized, but male household heads hold exclusive rights to land management or ownership. On these themes the study offers a brief analytical perspective.

In indigenous communities in Northern Cambodia, customary laws that have determined land usage and rights are undergoing profound transformations. The commodification of land, influenced by processes of dispossession and alienation, is reshaping communities' norms and customs. Land, before freely available to users, is now substantially a private asset and as such is transferred, like other assets, from one generation to the next one. This study investigates if and how these changes are influencing the customary inheritance system of indigenous groups in Northern Cambodia, mainly centred around matrilineal or bilateral kinship, where women used to inherit and own the principal family assets. The research questions focus on indigenous women's inheritance and property rights as they apply to land, against a background of increasing land commoditization and scarcity. The aim of the enquiry is to contribute to the understanding of the gender implications of these changes, by gaining insight about women's position vis-à-vis land property, inheritance and transfer to new generations.

Indigenous groups inhabiting Ratanakiri province are part of the multiethnic fabric of Cambodian society, which includes groups that identify themselves as indigenous, as well as other minorities. Their farming system, centred on shifting cultivation, was more than a simple agricultural practice. It constituted the cultural, spatial and ritual environment of indigenous communities. Their traditional land tenure system was ordered and articulated through different levels, connecting the invisible world of the spirits governing the territory, the ancestors who first cleared the land, and living people with their need to access productive resources for themselves and their descendants. Based on land usufruct and not ownership, the system guaranteed everybody in the community access to land, either ancestral plots or new ones, as long as compliance with customary rules, rituals and taboos was maintained. The indigenous groups at the centre of this study, Kreung, Tampuan and Jarai, are characterized by bilateral or matrilineal kinships structures. Inheritance and intergenerational transfer of assets situate women at the core of households' ownership and the circulation of goods. Land, traditionally not conceived as an individual property but as a common good, was not encompassed among the assets transferable from one generation to the other following the kinship inheritance rules. Now that land is commoditized, the question of its inheritance and transfer becomes central to understanding to what extent indigenous women have maintained their rights and control over household assets, and how customary kinship rules are being preserved or modified by the new context.

The changes in land tenure that have occurred in Ratanakiri province over the last decades have resulted in a substantial alienation of land and resources formerly available to indigenous people. Consequently, the area farmed under shifting cultivation has significantly decreased and has been replaced by permanent commercial crops, while the increasing monetization of the communities' economy has triggered new processes of social differentiation. Little support has been given to indigenous farmers in order to manage this transition and adapt their farming system while maintaining its sustainability. The legal instruments deriving from the Land Law, which were meant to provide formal legal protection to indigenous land and allow communities to continue using land according to their traditional tenure system, were impaired by delays and the obstacles in the practical implementation of the law. External actors, institutional as well as non-governmental, have been actively promoting agricultural practices centred on

rapid gains, unsustainable exploitation of land and forest, and blanket introduction of monocultures without creating the conditions for the establishment of favourable value chains and market conditions. These changes have important implications in terms of women's roles and status within communities: not only because of the farming system transformation, but also as a consequence of the increasing influence of the mainstream patriarchal culture, in which gender norms are more hierarchical and constrictive than the ones used by the indigenous peoples targeted by this study.

The study has been conducted in seven communities representing the three main ethnic groups in the province, Kreung, Tampuan and Jarai, whose kinship and inheritance systems are diverse. The research questions focused on households' practices in relation to land inheritance and intergenerational transfer, and the persistence or modification of matrilineal and bilateral kinship norms. The selected communities differed in terms of land tenure systems, individual or collective, exposure to processes of land commodification and social differentiation, and initiative and agency to manage or counteract the implications of this transition. Qualitative research methods encompassed discussions with women, elders and in-depth interviews with household members, both women and men. In addition to inheritance and intergenerational transfer of land, the discussions included perspectives and concerns in relation to women's participation in collective land management.

The information gathered indicates that a process of adaptation of customary land rights is taking place, even if these are driven by households' interpretation of the rules and not adopted as a collective and statutory reshaping of the kinship norms. In some of the communities where matrilineal kinship is in use, such as in Tampuan and Jarai, some of the families now include men as heirs of assets and land. This derives from the awareness that scarcity impairs young men's ability to clear new land, and represents a serious disadvantage for them. However, women's access, use and inheritance of land remain well established, and entitle women to exert their rights without limitations within the land tenure system in use in the community. The system still allows women to enter a marriage alliance without depending on a male family member to get access to land. There are no traces of an unequal partition of land between men and women based on its productivity, nor are women simply stewards of their ancestors' assets over which they lack control. In Kreung communities, bilateral inheritance rules remains unchanged. None of the communities in the study has adopted patrilineal inheritance norms or shifted toward a male-dominated ownership of land and assets. It has to be said that Cambodia has adopted a joint land titling system, and, even if official land titles are still not ubiquitous and their release is made difficult by bureaucratic and cost-related obstacles, the right of women to jointly own land is not questioned.

On the other hand, even if customary rules determine women's exclusive inheritance of land, as was the case in the Jarai community in the study, they do not protect women from other forms of marginalization and exclusion. With the commoditization of land, the role of internal community structures that supervised or advised community land use has become more relevant, and the functionality, legitimacy and gender inclusiveness of these governing structures are of crucial importance for the preservation of women's land rights. From the experiences of the two communities where collective land tenure is now in place, it appears that processes of social differentiation can interfere with community land management and determine the prevalence of power groups, their colonization of traditional authorities and, therefore, their substantial control of land management and norms regulating it. The active participation the community and women in the land management structures, such as the land committees established by the Land Law communal land title (CLT) process, or other community decision-making instances, appears to be the most effective mechanism to ensure accountability and guarantee that decisions concerning land allocation, property and transfer are fair and that processes of reinterpretation of customary norms do not marginalize women.

Evidence gathered for the study indicates that indigenous women's access to and participation in community affairs has started to become complicated as community affairs intertwine with legal and administrative structures, markets and networks, or development actors. Norms, values and the cultural construction of gender that is brought in by mainstream influences are less inclusive and can act to marginalize indigenous women. When communities move to integrate into these new webs, either women are able to maintain their ground with the support of a community that expresses inclusiveness, or are left behind.

Where villages had strong and autonomous agency and were able to reconstruct community solidarity in reaction to external challenges that corrode their social and spatial cohesion, women's participation and gender equality were also strengthened. When communities did not reach a consensus on land management and the reaction to external challenges and land dispossession did not result in a shared community strategy and initiative, women were marginalized, despite their active participation in land rights claims and in opposing land grabs.

In terms of agency, initiatives presided over or organized by women are widely-dispersed and poorly effective. This is also the result of the general weakness of gender initiatives implemented by development organizations, including indigenous networks that promote neutralized versions of the gender equality agenda.

For the women who participated in this study, the highest risk in terms of access to land is represented by external threats of land dispossession. The processes of internal social stratification and the growing pressure on land also promote social differentiation, favouring the concentration of wealth and resources and leaving behind those community members with less power and whose voices are less likely to be heard, in particular, widows. Moreover in some cases land-management structures appeared to lack accountability or to definitively exclude women. Little external support is available to indigenous women to address these challenges and equip them to defend their land rights if and when this may become necessary.

Recommendations

Based on the evidence presented here, strengthening indigenous women's land rights may result from a multipurpose approach that embraces different types of interventions and stakeholders.

- The delay in the implementation of the Land Law articles referring to indigenous land titling, which has caused significant land losses, needs to be corrected, and the process sped up, simplified and made more accessible.
- Access to proper and legally recognized land titles should be made easier by allowing local authorities to release valid titles at affordable prices.
- Alternatives should be found to secure community land in communities that are now not eligible for CLT but are at great risk of land dispossession, uncontrolled inflow of new settlers and the rapid erosion of the customary land management system.
- Affirmative actions or interventions in public services such as health care and education, and access to drinking water, sanitation, energy and public transport are advisable and should be the focus of development policies in the provinces that are predominantly inhabited by indigenous people.
- Agricultural applied research, agricultural policies and extension services should have a sound and culturally appropriate approach to the upland farming systems, examining their specificities, opportunities and constraints, and adapting relevant approaches to support their development.
- The Commune Development Plans and District Investment Plans should include the role of indigenous women in agriculture and in household's reproduction and care, and should plan coherent measures to respond to their needs.
- Indigenous organizations and networks active in Ratanakiri Province should strengthen capacity and resources deployed in gender-related issues, with dedicated resources, adequate budgets, enhanced capacity, and monitoring and evaluation systems to consistently tackle constraints faced by indigenous women.
- Initiatives are needed to help indigenous women formulate agendas, encompassing different aspects of their lives, needs and rights, which are centred on women's multiple roles in their society. This can be done in consultation with communities and in coordination with indigenous national advocacy initiatives.
- Indigenous organizations and networks should develop strategies and interventions that can support women in need, ensure their access to essential resources and assets, and restore solidarity initiatives.
- In collaboration with country and regional indigenous women's networks, indigenous organizations should start a dialogue and consultation process on the changes occurring in the interpretation of customary land rights and their repercussions on indigenous women.
- Gender should be included among the areas where indigenous organizations have started to develop autonomous research activities in order to understand the changes and influences that are threatening indigenous women's status and rights, and find strategies to counteract the emergence of new gender hierarchies and discriminatory values.
- There is a need for culturally and technically appropriate gender initiatives by development agencies that look at solutions to adapt and make shifting cultivation sustainable with new crops rotation systems, integrated animal husbandry systems, soils refertilization and protection from erosion, water retention and storage, support for organic farming including certification and marketing, opportunities for local small-scale processing plants, better market integration etc.
- Development projects should actively support indigenous women's practices, such as plant selection, seed conservation, wild food gathering, agricultural produce transformation, food processing and other kinds of knowledge, through exchanges, farmers' fairs or other forms of farmer-to-farmer learning.
- The creation of women farmers' associations and indigenous women's cooperatives should be actively supported as it can open up social spaces, allow for knowledge sharing on farming and other practices, increase mobility, enhance visibility and back indigenous women's status within their communities and outside.
- Indigenous networks and organizations should give priority to radio programmes in the local language and other media communication that challenge misleading representations of indigenous women's status and role.



INTRODUCTION

This research explores how current changes in land tenure, agrarian systems and socio-economic structures of communities are reshaping the indigenous systems of resource transfer and allocation along gender and generational lines in Ratanakiri Province in northeastern Cambodia. The substantial alienation of land and natural resources formerly available to indigenous people and the rapid process of land commodification that resulted have caused significant alterations to the economic, social and cultural fabric of indigenous populations. Communities have reacted and adjusted to these changes in various ways principally by trying to protect forestland and secure land tenure through the legal instruments offered by the Land Law, which allows granting communal land titles to indigenous communities. When such approaches have fallen short, due to infringement or delay in the implementation of these legal instruments, communities have developed forms of resistance and engaged in active protest. At the same time, they have embarked on a process of adaptation to the increasing monetization of the surrounding economic environment. Shifting cultivation, made difficult by land scarcity and threatened by land tenure insecurity, has been transformed into a mixed farming system with the introduction of permanent and commercial crops. In this process, land tenure, previously based on usufruct, has changed and land has become an asset that can be owned, transferred or exchanged.

In particular, this study focuses on how the customary rules that placed women at the centre of circulation and ownership of goods among matrilineal and bilateral groups are either persisting or are being reshaped by land tenure changes, as well as in what ways. While other gendered aspects of the transformations occurring in indigenous societies have received significant attention in recent years, such as the reshaping of women's and men's roles and the impact of gender norms imported from Khmer society, little is known about the changes occurring in the customary laws that determine access, ownership and inheritance, including of land. Now that land has become an asset (or commodity), it is important to understand the matrilineal and bilateral kinship systems that have until now guaranteed indigenous women's access and ownership of resources, and, if they are still in use, how they are being adapted to accommodate the changes.

This study also looks at women's role in land management within families and communities to determine if their right to inherit land reflects an active decision-makers' role or a more passive status of steward of kinship resources over which others have control. In addition, the study explores women's agency and participation in overall initiatives and decision-making that orient communities' development, including their capacity to articulate their specific needs and demands.

Research objectives and methodology

This study seeks to promote a better understanding of the impact that agrarian transformations have on indigenous women's land rights. At the same time, it looks into the legal and policy frameworks related to indigenous land rights and women's rights to assess whether they adequately support gender equality and protect indigenous peoples' land rights. This study is based on a desk review of literature, reports, government policies and documents, along with the collection of primary data in the field. The fieldwork included key informant interviews, focus group discussions and semi-structured, in-depth interviews with selected women and men in the communities visited.

Specific objectives

- Provide the background of overall land tenure security issues with reference to the legal framework in Cambodia, including the 2001 Land Law and further regulations and their enforcement in relation to indigenous communities' rights and women's rights.
- Generate knowledge and raise awareness of gender issues and indigenous women's access to land and natural resources under customary land tenure systems.
- Take stock of changes in access to land in view of the ongoing agrarian transformation, and document their gender implications.
- Provide recommendations for policies and programmes aimed at increasing tenure security, strengthening livelihood options of indigenous women and men, and enhancing indigenous women's role in resource management.

Research questions

- **Intrahousehold level:** How have kinship, locality, inheritance, access to assets and decision-making been shaped by changes in land tenure and agrarian systems? How do different groups of indigenous women across generational and social lines perceive these changes?
- **Community level:** How has the societal role of women been influenced by changes in the social, economic, cultural and religious context? How do indigenous women of different generations and social groups perceived these changes?
- **Indigenous women’s agency:** What is the level of participation or exclusion, and role of indigenous women in the formulation of specific women’s agendas across different generations and social groups?

Selection of research sites

The selection of the target communities took into consideration a number of criteria: land tenure arrangements within communities, whether collective or individual; the community’s exposure to land grabbing or land sales; the cohesion and strength expressed by communities in reacting to external threats to their resources. As the study aimed to investigate how traditional inheritance rules were maintained or reshaped by current changes in land tenure, ethnicity represented another selection criterion. The communities were selected to represent the main indigenous groups in the province: Kreung, Tampouan and Jarai.

The research sites, shown in Figure 1, included: the Kreung villages of Kalai 2 and Sway, both located in O’chum district; the Tampouan communities of L’eun Chon, in O’chum district, and other two Tampouan villages, Lapo and Lon, located in Banlung district; the Jarai communities of Kachok, in Borkeo district; and Tangmlu in Andong Meas district. Table 1 provides more information on the communities’ location, demography, and accessibility.

FIGURE 1: RESEARCH SITES IN RATANAKIRI PROVINCE



TABLE 1: RESEARCH SITES DEMOGRAPHY, GEOGRAPHICAL LOCATION AND ACCESSIBILITY

Community	Demography and ethnicity	Location	Distance from nearest urban centre and provincial capital	Access
Kalai 2	190 families 780 inhabitants Kreung with Khmer settlers	Kalai commune, O'chum district	38 km from O'chum district, 16 km from Banlung	Concrete road to O'chum then laterite road easily accessible in dry and rainy season
Sway	63 families 360 inhabitants Kreung	Pouy commune, O'chum district	312 km from O'chum district, 20 km from Banlung	Concrete road except for the last 2 km difficult access in rainy season
L'eun Chon	103 families 481 inhabitants Tampouan	O'chum commune, O'chum district	34 km from O'chum district, 10 km from Banlung	Laterite road from O'chum; alternative road difficult in rainy season
Lapo	130 households 600 inhabitants Tampouan and Khmer	Yak Laom commune, Banlung district	2 km from Banlung	National road
Lon	80 households 450 inhabitants Tampouan	Yak Laom commune, Banlung district	2 km from Banlung	Easily accessible from Yak Laom Lake
Kachok	132 families 750 inhabitants Jarai and Khmer settlers	Kok commune, Borkeo district	38 km from Borkeo district, 35 km from Banlung	National road until Borkeo then 5 km small road difficult in rainy season
Tangmlu	100 families 490 inhabitants Jarai	Nhang commune, Andong Meas district	3 30 km from Andong Meas district, over 60 km from Banlung	Concrete road to Andong Meas; 30 km of difficult road after crossing Sesan River

With the exception of the village of Tangmlu, in all the other communities the author had previously conducted research activities or had the opportunity to interview indigenous women during workshops or meetings organized by indigenous organizations.

The selection of the target communities was made in collaboration with informants from indigenous organizations active in Ratanakiri and with other local informants, researchers and activists, who have an in-depth understanding of community dynamics in relation to land and customary rules.

Research methods

The methodological approach relied on qualitative data collection methods, such as group discussions and semi-structured or in-depth interviews, which left the participants free to voice main concerns and priorities. This methodological approach, validated during previous field experiences with women (Maffii, 2009; Maffii & Hong, 2010; Maffii, 2015), reduces the power imbalance between the researcher and the informants and allows the informants to actively elaborate on the research questions and frame them in light of their holistic experience.

In each community the field work started with an introductory meeting with the community elders and the women, where the aim of the research was

discussed and agreed, followed by house to house interviews with families about their land inheritance practices and group discussions with the community women, where emerging themes were discussed and validated.

Access to the communities was agreed during the introductory meetings, when prior informed consent was negotiated. In some cases this required long discussions and explanations, which were useful for understanding community concerns and dynamics. This approach was preferred to the mediation and facilitation by local intermediaries such as NGOs or authorities, which tend to influence directly or indirectly the communities' perspectives by emphasizing or downplaying particular dynamics, or preselecting informants.

In all villages women were keen to participate in the discussions where they could freely voice their perspectives, an opportunity that they rarely have. In-depth family interviews were conducted through a snowball approach, based on family members' availability and willingness to speak up. Efforts were also made to obtain the perspective of marginalized women, like widows or particularly poor households. However the sample remains limited (27 interviews); therefore the outcomes must be considered indicative of trends but not exhaustive.

Visits to the communities generally lasted two days, but in some cases additional time was spent to accommodate peoples' busy time schedule. Finding time for discussions was often complicated for women and meetings were sometimes interrupted and postponed to allow them to deal with their numerous

daily tasks. Different age groups and marital statutes were represented in women's discussions, including elders as well as young unmarried or recently married women. Table 2 summarizes the activities conducted at the different research sites.

TABLE 2: FIELD ACTIVITIES AT RESEARCH SITES

Community	Meeting with community elders	Meeting with community women	Households interviews
Kalai 2	✓	✓	4 interviews
Sway	✓	✓	4 interviews
L'eun Chon	✓	✓	4 interviews
Lapo	-	✓	4 interviews
Lon	✓	-	3 interviews
Kachok	✓	✓	4 interviews
Tangmlu	✓	✓	5 interviews





STRUCTURE OF THE STUDY

The study is divided in two main parts. Part 1 provides an overview of the literature review concerning gender and customary laws, with the aim of situating the study within the lively debate around this particular aspect of gender and agriculture. It includes also an overview of the status of indigenous groups in Ratanakiri Province, with a focus on the changes that have occurred during the last decades and their impact on communities' livelihoods, and social and economic life from a gender perspective

Part 2 of the study presents the results of the fieldwork carried out in seven communities in Ratanakiri Province

and is aimed at understanding how kinship systems are changing rules related to inheritance and circulation of goods. The fieldwork also was used to collect information concerning land tenure, initiatives to strengthen land rights and women's participation and agency in each community.

The last two sections of the report, Conclusions and Recommendations, provide a synthesis of the key findings and identifies some possible areas of intervention that can contribute to securing women's rights to land and their full participation in communities' decision-making processes.



PART:

1

LITERATURE REVIEW AND OVERVIEW OF INDIGENOUS GROUPS IN RATANAKIRI

Gender, land and customary rights: A literature review

Customary land rights derive their legitimacy by the acknowledgement that besides States' formal legal systems, other forms of binding rights and non-written laws exist that frame land access, use, control, and/or ownership and inheritance. Communities, ethnic groups and other social groups have developed specific rules in relation to land access, control and/or ownership, use and transfer, and related mechanisms for their enforcement that vary upon cultures, geographical areas and land use. These sets of rules are what constitute customary land rights (White, 1965; Oberech, 2005). Customary land rights tend to be recognized and endorsed by communities, but seldom by larger or official groups, and, more than a legal code, they represent a social system. This explains both their continuity and their adaptability (Alden Wily, 2011). As such, customary land rights reflect processes of recognition, interpretation and evolution that are context specific and change with time. In Africa, customary land rights persist all over the continent and are formally or informally recognized by a number of state legal frameworks (Cotula *et al.*, 2007). Customary land rights in many Asian countries express the demand by indigenous peoples to have their territories and historical land claims recognized, and their rights to collective ownership of farm land and natural resources, such as forests and pastures, legally acknowledged. However these customary rights are highly contested by other actors who have an interest in using these lands (AIPP, 2015b).

Despite their perceived authenticity, customary laws are not fixed or static but constantly being restructured as is the social context from which they emanate and *"attempts to codify customary laws characteristically result in reductionist understandings of them."* (Ministry of Justice LAO PDR 2011, p. 5). For example, the re-shaping of customary land rights, as it occurred in many African countries under direct, indirect and post-colonial rule, has resulted in the legitimization of customary chiefs as owners and controllers of resources instead of as trustee administrators of common resources (Chimhowu and Woodhouse 2006; Alden Wily 2011).

Within the debate on customary land rights, gender has emerged as a powerful critical tool, exposing the *"tension between the customary as the site of resistance to the state, and hence an important discourse around which greater local level political capacities can be built, and the customary as the site of unequal rural social relations"* (Whitehead and Tsikata, 2003, page 16).

This discussion was triggered by the global land titling and privatization policies enacted under the stimulus of the structural adjustment programmes, which promoted the notion that land market development would strengthen women's land tenure (World Bank, 2003). This assumption was challenged by the reality on the ground that showed how the implementation of women's legal rights to land faced strong obstacles and challenges due to women's lack of negotiating power and vulnerability to systemic discrimination, while land market liberalization ended up favouring elite groups more than smallholders, and men more than women (Whitehead & Tsikata, 2003).

The debate on gender and land titling has challenged the complex foundation of customary land tenure as a possible more equal basis for women's access to land (Quan, 2000; Tripp 2001; Manji, 2006). Within customary land tenure systems, rights are mediated by lineage, as expressed in a quote attributed to a Nigerian Chief, *"I conceive that land belongs to a vast family of which many are dead, few are living, and countless members are yet unborn"* (Berge, Kambewa, Munthali & Wiig, 2014). This brings the kinship system to the foreground in the analysis of gendered aspects of customary land tenure; in patrilineal and patrilocal kinship systems, women can only obtain land from men, husbands, fathers, sons or brothers (McFadden, 2001; Asiimwe and Crankshaw, 2011).

This exclusion is further reinforced when customary land rights lose the flexibility and safeguards that can accommodate women's access to land even within patrilineal kinship systems, which typically occurs when land becomes scarce or is being commoditized (Alden Wily, 2011). Hence, in contexts where women's contractual power is weak and land tenure is transformed by market-oriented policies, both customary and statutory legal systems limit women's ownership and access to land (Daley and Pallas, 2013; Mafa, 2015). When states and development actors, such as the World Bank, were confronted with the poor results of individual land titling campaigns, they started to promote a "return to customary", exemplified by the legislation approved in South Africa in 2003 and 2004. However, the "return to customary", in fact, continued to promote the colonial system of 'indirect rule', fixing customary rights into static power structures and exacerbating gender inequalities by boosting patriarchal control in communities and societies (Claassens, 2012; Wambui, 2016).

The "return to customary" and vagaries of the titling campaigns in the African continent have been reviewed and re-analysed in light of the wave of large-scale land grabs and dispossession that have occurred in the last decade. Customary land rights have been revisited for their potential to evolve into more legitimate and secure land tenure systems where women's land rights can be reclaimed and reinstated. However, this debate is still developing and is context specific (Ossome, 2014).

Another important contribution to the analysis of gender and customary land rights comes from Latin America. Despite the widespread adoption of neoliberal policies aimed at individualizing land tenure and strengthening individual over collective rights, indigenous peoples in different countries of Latin America have been able to secure the recognition of their collective land claims (Deere and Leon, 2001). However, in the struggle for collective rights, gender claims were put aside and considered divisive. The collective land tenure of communities, in which cultural roots extended back to the concept of mother earth, was considered to encompass the rights of the whole community without distinction between women and men (Deere and Leon, 2001). As a result, indigenous women found themselves in a weaker position in respect to access to land: they were often not included in collective land management structures, generally managed by men, or were disadvantaged by inheritance systems that privileged patrilineal descendants (Radcliffe, 2013). At the same time, the promise of equality promoted by land reform policies based on individual titles largely failed indigenous women, as land privatization did not constitute an engine for women's emancipation and access to land in Latin America, as on the African continent (Deere, 2005). The situation has evolved during recent years with the adoption of gender-equality agendas by indigenous organizations, largely driven by women's organizations and networks in many Latin American countries. This has been nurtured by a critical approach which challenged the gender blindness of customary and "essentialist" perspectives and cosmologies, relevant in terms of strategies to achieve collective rights recognition, but not of women's land rights claims (Acevedo, 2010).

The discussion about customary land tenure and gender in Asia is more characterized by the struggle to get state recognition of collective land rights for indigenous communities, in the context of rampant land grabbing and dispossession (AIPP, 2013). Studies and analyses have focused more on the impact that denial of collective land rights has had on women's status and wellbeing than on customary land rights' potential for women's emancipation or discrimination (AIWN, 2010; AIPP, 2015c). Customary rights and laws have been investigated more for their likely impact on women's rights and violence against women, and only tangentially in relation to women's land rights (AIPP, 2012). Analyses of customary land rights and women's access to land are limited to specific case studies.

For example, an analysis of women's access to land within customary systems among indigenous groups in Bangladesh has highlighted the systematic dispossession and marginalization of women due to patrilineal kinship rules that privilege sons' inheritance and deny women's land ownership (Besra, 2014). A study conducted among the Khasi indigenous groups inhabiting the Indian state of Meghalaya provides insights into the gender aspects of customary land

tenure among matrilineal groups, and the changes that have occurred as these groups are confronted by market forces and land commoditization (Mukhim, 2008). The study shows that matrilineal and matrilineal kinship practices, which influence inheritance patterns and privilege daughters over sons, may also be informed by a patriarchal culture, which is increasingly influential when land is commoditized and new “customary” structures are created to manage land resources. In such a context, women are described as stewards of ancestral resources but do not have full ownership over them. Community land committees and chieftaincies are men-only decision-making structures, which increasingly assume power to determine community land use and ownership. The kinship and inheritance process is by contrast charging women with a number of social obligations toward their kin, a change that is described as “a reversal of women’s status from owners of land to mere inheritors of ancestral property with all its social encumbrances” (Mukhim, 2008, page 50). A study conducted in Lao PDR has looked at the gender dynamics in land rights among five different ethnic groups (Mann and Luangkhot, 2008). The study highlighted important differences in how women inherit land, either through customary or statutory rights; patrilineal and patrilineal ethnic groups, such as the Hmong, are less committed to allowing women control over farming land. By contrast, among the Brao, classified as bilateral but adopting a matrilineal and matrilineal kinship system in the study location, women have rights to inherit land, legal land titles are more often in two names and rights to land are protected in cases of divorce or widowhood.

The debate around customary land tenure and gender equality should also take into account feminist analyses that have highlighted aspects of agrarian changes left unaccounted for in gender-blind approaches. The process of land commoditization, large land acquisitions, and conversion of subsistence farming into commercial ventures provides a necessary background to an analysis of customary land tenure and women rights for their differential impact on rural women and men, and for their power to influence and put a strain on communities (O’Laughlin, 2009; Tsikata and Golah, 2010; Daley and Park, 2012; Prüggl, Razavi, and Reysoo, 2013). At the same time, generalized and systemic forms of gender discrimination against rural women, such as the lack of recognition of women’s productive work in agriculture, their marginal position within the labour market, the scarce recognition of their essential contribution to reproduction and child care, and their increased vulnerability to agrarian changes well beyond land ownership (Razavi 2007, 2009). Also, customary lineages, kinship, residence and inheritance patterns favourable to women tend to succumb to patriarchal values brought into the communities by mainstream

culture, economic forces or policies that recognize only men as heads of household (Stege *et al.*, 2008; Cotula *et al.*, 2007; Doss, Summerfield and Tsikata, 2014; Rao, 2011).

This brief literature review offers insight to an analytical perspective concerning how customary land rights are evolving and how this transition incorporates or marginalizes indigenous women from being recognized as having equal rights in Northeastern Cambodia.

Indigenous groups in Cambodia

Cambodia is a multiethnic society, home to 24 indigenous groups, which comprise about 1.34 percent of the national population (AIPP, 2015).¹ Cambodia is a signatory to the United Nations Declaration on the Rights of Indigenous Peoples, and, while the Cambodian constitution does not include reference to indigenous people and identifies all Cambodian citizens as ethnic Khmer, indigenous peoples in the country have subsequently been recognized within the provisions of the Land Law (2001), the Forest Law (2002) and more recently by a National Policy released in 2009 (AIPP, 2015a). As in other countries in Asia however, the formal recognition of indigenous peoples’ rights has not been followed by the implementation of coherent policies, especially concerning exploitation of land and natural resources in areas inhabited by indigenous people (Feiring, 2013). Cambodia is also inhabited by other ethnic groups, including Vietnamese, Lao, Chinese and Cham, whose legal recognition poses a challenge to authorities even greater than that of indigenous people (Ehrentraut, 2013).

The concept of *indigeneity* applied to the indigenous groups in Cambodia has been recently problematized by different scholars (Padwe, 2013; Baird, 2016a), who contest the legitimacy of claims based on the “aboriginal” essence of the highlander populations that identify themselves as indigenous. However, these recent contributions have not added to the very articulate debate organized in 2006 by world and regional indigenous organizations (IWGIA, AIPP and TEBTEBBA), where scholars, indigenous activists and leaders discussed “*who the indigenous people of Asia are*” (Erni, 2008). Some aspects are of particular relevance for the indigenous groups in Cambodia. For example, the historical divide between valleys and hills, where hills can be conceptualized as margins and frontiers and not simply as mountainous areas (Scott, 2008). Those areas were out of reach of the dominant power, cultural and religious structures of the valleys, and their production systems, the surplus generated as well as the people that produced them, develop in a relatively independent way. Therefore, the particular

¹ A percentage that is contested by Cambodian indigenous organizations as too low; a dialogue is open on these issues with the institutions which should aid in the design of a census process able to catch more in-depth ethnic diversity in Cambodia.

farming system of shifting cultivation, which is common to the mountainous regions of Southeast Asia, created a context of autonomy from the state and relative “economic egalitarianism,” and represented a sanctuary for valley populations escaping famines, forced labour or enslavement.² The populations of Cambodia that are now considered indigenous have been described in the historical chronicles of the Khmer Kingdom as non-Khmer ethnic groups living at the margin of the Khmer civilization, of which they had not adopted the cultural, religious, social organization and technical traits (Chou, 1993; Mak, 1995).

In addition to the debate concerning *indigeneity*, it is worth noting that Cambodia stands out amongst Southeast Asian countries for the small size of its indigenous population, less than 2 percent of the total population compared to 40 to 60 percent in Lao PDR, 30 percent in Indonesia, 30 to 40 percent in Myanmar, 13.8 percent in Viet Nam, 10 to 15 percent in the Philippines and 12 percent in Malaysia (AIPP-IWGIAForum Asia, 2010). Of the 24 recognized indigenous groups in Cambodia, some have populations of less than 1 000 people, some have nearly disappeared, and others once widespread groups, such as the Stieng and the Pears, are now limited to a few communities (AIPP, 2015).

These facts highlight the significant degree of assimilation that has occurred in Cambodia, as well as the relevance of “strategic essentialism” for the survival of the remaining indigenous communities. This, however, has not inhibited Cambodian indigenous communities from making alliances and participating in joint advocacy initiatives with non-indigenous rural communities against land grabbing, deforestation and hydroelectric projects.³

Regarding the “*considerable symbolic benefits*” of being recognized as indigenous people in Cambodia, such as bilingual education, donor recognition, cultural support and overall legitimacy mentioned by some authors (Baird, 2016b), it should be highlighted that education services, as with other public services in indigenous areas, remain among the poorest in the whole country, and bilingual education occurs only with direct support of non-governmental organizations (NGOs). Land tenure is the most insecure in areas inhabited by indigenous people when Economic Land Concessions (ELCs), covering thousands of hectares are granted to domestic and foreign private investors, and official cultural legitimacy turns out to be more a cosmetic representation of indigeneity for touristic purposes than recognition. In fact, indigenous

communities are often targeted by restrictive measures such as police control, threats and imprisonment, and in general are treated as hot spots of civil unrest and protest.

From a regional perspective, contrary to the taxonomic concerns of colonial powers to define and characterize the differences between ethnic groups, more similarities than differences emerge, for example in rituals and practices. Indigenous “*cultural hybridity is ubiquitous*” as is their capacity to adapt, change and evolve in response to threats and challenges (Scott, 2008). The responses and the survival strategies adopted by indigenous groups in Cambodia enduring events, which include slave trade, forced labour and forced assimilation during different waves of colonization, two regional wars, a genocide and the following civil war, are a testimony of their significant resilience (Baird, 2008a).

Among the cultural *hybridity* that characterizes indigenous peoples in Cambodia and the region, gender relations and women’s role and status have an important but scarcely recognized place. Indigenous groups living in the mountainous belt that extends from Viet Nam to India, which includes the insular Southeast Asian uplands of Malaysia, the Philippines and Indonesia, either have not incorporated or have only partially or sporadically incorporated into the dominant cultural, social and religious paradigms, and this is clearly reflected by gender relations. The “state” religions, Confucianism, Hinduism, Buddhism, Islam, and Christianity that in different epochs have penetrated the region and informed its cultural landscapes have, to different extents, reshaped gender relations and women’s role in social, public and religious spheres (Andaya, 2006).

From the historical analysis of the norms and restrictions progressively introduced by states and religious authorities, it is possible to delineate Southeast Asia as an area where gender relations were less hierarchical and women’s roles in social, religious and economic activities were more equal than in other parts of the world (Andaya, 2006). As the alliance between religious systems and state authorities progressed, new restrictions to women’s participation in all societal aspects and strict control over their reproductive life affected women’s roles, mobility and social spaces, changing marriage and kinship customs to ensure their subordination to male authority in the public and private sphere (Andaya, 2006). Yet at the “margins”, in the hills and the forest areas inhabited by indigenous groups where central authorities’ control

² The lack of integration between valleys and hills in the context of irrigated paddy rice monocultures in Asia has been widely discussed by F. Braudel in the chapter on rice cultivation (Braudel, 1979).

³ The Prey Lang Forest protection network involved the participation of indigenous and Khmer communities. Similar initiatives are occurring in Koh Kong and Kompong Speu provinces, where Pear, Souy and Khmer communities have cooperated to reclaim land and resources.

and cultural influence were weaker, gender relations maintained a less hierarchical frame and women's roles in social, religious and economic activities remained significant. Aspects of these "loose and unregulated" expressions of gender relations can be found among many indigenous groups in the region, in terms of participation of women in productive activities and complementarity, subsistence of matrilineal and matrilocal kinship systems, lack of norms selectively restricting women's behaviour, and reproductive life. Furthermore, in the animist and spirit propitiation belief system still prominent among many Southeast Asian indigenous groups, including those living in Cambodia, women are seen as *"equally advantaged as men, if not more so"* in their communication with the spiritual world, holding a privileged status as priestesses in many instances (Andaya, 2006, page 71).

It is worth noting that the strengthening of states' economic, political and social control over indigenous areas, which occurred at different paces and with different intensities in many parts of Southeast Asia in the last decades, has led to a reorganization of gender relations among indigenous groups. In many cases has determined the erosion of women's "advantages" in terms of status, role and authority, as highlighted by research conducted in Thailand, Malaysia and India (Kelkar, Nathan and Walter, 2003).

Kinship and inheritance

Lineage and kinship determine the intrafamily transfer and inheritance of land in most areas of the world where customary land rights are still in use (Cotula *et al.*, 2007). The kinship and inheritance systems of the indigenous groups of this study applied until recently only to certain assets that were not considered individual property but not land. In fact, while private ownership existed in all groups, it entailed the ownership and inheritance of valuable assets like gongs, bronze pots, ceramic jars for rice wine, jewellery and animals such as buffaloes and elephants. These assets are shared between daughters and sons (Ironsides, 2007). The family house is generally inherited by the youngest child, more often a daughter, who will take care of the aging parents until their death.

The indigenous groups selected for this research, Kreung, Tampouan and Jarai, the most represented in Ratanakiri Province, are bilateral or matrilineal (see Table 3). Women in all groups have a prominent position in inheritance of goods and do not depend on male family members for their access to assets. All ethnic groups are monogamous and have a tendency to form nuclear families more than large extended family groups.

TABLE 3: KINSHIP, RESIDENCE, DESCENT AND INHERITANCE RULES OF THE MAIN ETHNIC GROUPS IN NORTHEASTERN CAMBODIA

Ethnicity*	Kinship structure	Residence rules	Descent	Traditional inheritance rules
Kreung (Brao-Kavet)	Extended family	Alternation between matrilocal and patrilocal residence, followed by independent residence Some Brao from Lao PDR are matrilocal	Bilateral Some Brao from Lao PDR are matrilineal	Equal rights to inheritance of assets; family house inherited by the youngest daughter
Tampouan	Matrilineal clans	Matrilocal; can be followed by patrilocal residence for some years, or independent residence more frequently matrilocal	Matrilineal; family name now inherited from father but before deriving from matrilineal clans	Assets and properties inherited through the female line; family house inherited by the youngest daughter
Jarai	Matrilineal clans	Matrilocal permanent, traditionally within longhouses; now tendency toward independent residence near the maternal residence	Matrilineal; family name derives from matrilineal clan	Assets and properties inherited through the female line; youngest daughter inherits the family house

*For data on Kreung, Brao and Kavet (Matras-Troubetzkoy, 1975; Baird, 2000; Mann and Luangkhot, 2008); for data on Tampouan (Bourdier, 1995; Ironsides, 1999); for data on Jarai (Dournes, 1972; Salemin, 2003)

Among the Kreung and the subgroups Brao and Kavet, the kinship system is bilateral and undifferentiated, but matrilineal and matrilineal systems have also been reported (Matras-Troubetzkoy, 1975; Mann and Luangkhot, 2008). After marriage, which is not arranged, the young couple moves to reside with the husband's parents for a number of years, and then moves to the wife's parents' household for an equivalent period of time. Ideally this alternation will last until the death of the parents after which the couple settles into its own house, often, but not necessarily, near the wife's parents' house (Matras-Troubetzkoy, 1975). Nowadays, the newly married couples tend to spend less time alternating and set up their nuclear family residence quite soon. Family crises or diseases may require the couple to return to care for one of their parents and the system is sufficiently flexible to allow such exceptions to customary norms.

Among the Tampouan and Jarai, kinship follows matrilineal clans and lineages (Bourdier, 1995; Dournes, 1972). Marriages are not arranged; young people are free to choose their spouses, but marriage between people of the same clan is forbidden (Bourdier, 1995; Dournes, 1972). The Tampouan, a group that has shown great adaptability and easy adherence to neighbouring customs, have changed their family name system, which before was given by the clan name, and have adopted the Khmer patrilineal rule. However, the clan name still stands as the family name among the Jarai. In both groups, residence is matrilineal. In both the Tampouan and Jarai groups, valuable assets are inherited by the female descendants, while sons leave the family household "empty handed" as they are supposed to join the spouse's clan and work with them until reaching their independence as a married couple (Bourdier 1995; Dournes 1972). The only assets that belong to men are their hunting tools. Some of the assets inherited by women, such as the gongs, are only used by men, but will stay in the clan and will be transferred to the family's daughters. A daughter, in general the youngest one, is also the heir to the family house, where she is supposed to live and take care of aging parents until their death (Bourdier 1995; Dournes 1972). Maternal uncles in the Tampouan and Jarai kinship structure have important roles as advisers in issues related to the extended family, but without actually interfering in the various nuclear family affairs or acting as decision-makers or owners of family resources (Bourdier 1995; Dournes 1972). The clan's men have an obligation to support their female relatives whenever this is needed.

Among all groups, in case of divorce, the one who is 'at fault' needs to pay compensation decided by the elders

and mediators from both families (Bourdier, 1995; Ironside, 2007). However, according to Jarai customary rules, a wife who abandons a husband who could not support the family does not have to pay compensation (Salemink, 2003). Adultery and spousal abandonment incur fines that increase with the number of children. Children of divorced couples remain with the mother according to both Jarai and Tampouan tradition. In case of death of one of the spouses, the surviving partner and the children inherit the assets, but other relatives are entitled to some inheritance (Salemink, 2003).

In Jarai society there is a stronger polarization between women, perceived as more powerful within the domestic sphere, and men, who seek empowerment through engagement in the public sphere, outside the household or even the community, either as civil servants or through the military or other activities (Dournes, 1972; Salemink, 2003). In Tampouan society, such tensions are not so evident and have not been reported except for the frustration that widowed husbands express in relation to the matrilineal dominance in case of widowhood or divorce (Bourdier, 1995).

The customary kinship, inheritance and residence system adopted by indigenous people present similarities as well as important differences with the Cambodian legal system. The Family Law, in force since 1989 and incorporated in the Civil Code of 2007, adopts equality as a principle and provides equal rights to spouses and children (Sar, 2012). The law requires mutual consent in marriage, equal rights to initiate divorce and considers housework as valuable as work done outside the home. The Family Law and the Civil Code distinguish between individual property, over which individuals maintain property rights after marriage, and joint properties. Divorce must be settled by a court, and property division based on spouses' contribution to family income and properties, but issues concerning alimony are not clearly defined in the law. Despite loopholes, both legal instruments are considered advanced in terms of recognition of equal rights and gender equality. However, there are caveats in their application, especially in cases of litigation and judicial settlements.⁴ In cases of divorce, division of property tends to be influenced by cultural biases and low access to legal education impairs women's exercise of their rights (Van der Keur, 2014). The 1992 decree institutionalized the family booklet, a document released by the commune to the head of the household, which de facto formalizes the role of male heads of family, contradicting other equality stance provisions of the Family Law and the Civil Code.

⁴ Courts in Cambodia are only established in provincial capitals, procedures may entail official and unofficial costs, which makes access to justice problematic for the rural population and particularly for women. Gender biases are common among authorities called to intervene in litigations as well as property matters.

Indigenous land tenure and agrarian systems

Statutory indigenous land rights

The 2001 Land Law and the Forest Law of 2002 provided indigenous people with an opportunity to have their collective rights to land and natural resources, such as forest, legally recognized (Baird, 2013). The CLT grants them rights over resources actually cultivated as well as resources necessary for shifting cultivation (NGO Forum, 2006). In the communities that have succeeded in acquiring a CLT, demarcated land cannot be alienated or sold (Vize and Hornung, 2013). But the delay in the application of the law and its complex and slow procedure have hampered the process of CLT release, so that, until now, only 16 communities out of 166 have been able to complete the legal procedure and only with the support of NGOs (CCHR, 2016).

The Land Law includes provisions for the protection of women's land rights. With the introduction of the joint registration of land, joint titles have been issued under the country-wide programmes for the systematic land registration, which have included between 45 and 58 per cent of the landowning population. According to data from 2010, women and men enjoy similar levels of land ownership, either jointly or individually (Kieran *et al.*, 2015). However, an important part of the population in rural areas has not been reached by the systematic land titling process and land titles have not offered substantial protection from expropriation due to economic land concessions and infrastructure development plans (Dwyer, 2013).⁵ In addition to land conflicts and land dispossession, other interrelated phenomena have contributed to changing the agrarian, economic and social landscape of the province. The inflow of migrants to Ratanakiri Province is among the highest in the whole country, generating an increase in competition for access to resources and accelerating the depletion of natural resources. Non-indigenous settlers are often economically more active and connected to markets and networks, which in turn further boosts unsustainable practices and resource exploitation (Gironde and Peeters, 2015).

Shifting cultivation

Shifting cultivation practiced by indigenous people in Northeastern Cambodia over a long period of time (Bourdier, 2014) represents much more than an agricultural practice; it constitutes the cultural, spatial and ritual environment from which indigenous groups

derive their cultural coherence and meaning (Bourdier, 1995). Indigenous communities in Northeastern Cambodia were, until recently, self-governing structures, dwelling within a specific territory where they farmed, fished, hunted and collected various products from the forest. Animist beliefs defined this sociocultural setting, where land and environmental "resources" were not conceived as objects that humans had the right to exploit, dominate or own, but as an animated realm to be used through the intermediation of spirits (Matras-Troubetzkoy, 1975; Bourdier, 1995; Ironside, 1999; Baird, 2000).

Clearing land for shifting cultivation requires acquiring the benevolence of the spiritual forces inhabiting the territory by interpreting particular signs and performing specific rituals. Without this agreement, the process of clearing and preparing land for farming will fail to provide prosperity or will turn into a dangerous or even deadly initiative for communities that rely exclusively on subsistence farming (Bourdier, 1995; Matras-Troubetzkoy, 1975; Baird, 2000). Land plots are prepared for farming by families or groups of families, and the labour invested in farming gives to the users the usufruct rights for the cultivation cycle, which according to customs, generally lasts between one and three years (Ironside, 2007). When the fallow cycle ends, the fallow land left to regenerate vegetation cover reverts back to community control, free to be used by other farmers (Bourdier, 1995; Matras-Troubetzkoy, 1975; Baird, 2000). This land tenure system reflects what has been described as "circular usufruct" by studies on shifting cultivation practices in Borneo (Appell, 1997).

In practice, families or groups of families tended to farm land nearby their old plots or revert periodically to their old plots left fallow. This established a sort of "lineage right" on some of the land within the community boundaries, which the indigenous peoples refer to as ancestors' land. Everybody in the community has access to land within the boundaries of the community territory, either by reverting to the old plots or when these are not yet ready for a new cycle, by cutting and farming new ones in a location decided by the spirits' "agreement" and in compliance with customary rules and taboos. The size of the land plots depended on the labour capacity and manpower available within the household or group of households - large enough to fulfil the needs of the household but appropriate to the labour availability (Matras-Troubetzkoy, 1975). The elders are the repositories of the historical memory concerning land use, lineage and customary rules and are called to help solve problems arising within or between communities.

⁵ Concerns about land tenure insecurity for women in Cambodia has prompted the CEDAW committee intervention to urge the Government of the Country to improve women's access to land and land tenure security and ensure that land acquisition for economic or other concessions follow due processes and adequate compensation following consultative processes, as well as to urge Cambodia to recognize that forced evictions are not a gender-neutral process and that they necessitate urgent measures to protect women and girls.

Gender division of labour

The farming system, centred on self-consumption, was characterized by the integration of different crops, primarily rainfed rice, vegetables and fruits, and products gathered from forestland, including wild vegetables and fruits, fish and game. The main constraint was the availability of labour, not access to farming land. Everybody, regardless of gender, was called to work on labour-demanding tasks. In general, men took care of the most strenuous tasks, like cutting trees, building fences around the farmed plots, hunting and gathering products from the farther forest. Women's tasks tended to be less intense, and are often performed while carrying infants and interrupted to accomplish domestic tasks such as preparing food or caring for children and elderly or sick relatives. Once the farming plots were cleared, burned and sowed, most of the farming tasks were performed by women, whose skills included plant and seed selection and the spatial organization of crops and varieties within the plots (Matras-Troubetzkoy, 1975; Bourdier, 1995). The division of labour however, was flexible and adaptable. Both men's and women's work was generally carried out in groups, gathering together relatives or neighbours, or even larger groups for labour-demanding task. Tasks including water and wood provision; care for children, the sick and elders; cleaning and washing; and tending to small animals such as chicken and pigs, were carried out by women, while men took care of house construction and repair, as well as the production of different tools used in everyday life.

Agrarian changes

In the indigenous areas of Ratanakiri Province, the ongoing agrarian changes resulting from deforestation, land grabbing and land alienation, among others, have been well documented (Bourdier, 1995; White, 1996; Colm, 1997; Ironside, 1999; Baird, 2000; Ironside and Baird, 2003; Ruohomäki, 2004; Ironside, 2006; Fox *et al.*, 2008; Baird, 2008a). The province extends over 1 078 200 hectares, and according to data released by the Cambodian Ministry of Agriculture, Fishery and Forestry, in 2002, 85 percent of the province was covered by forests. In 2014, the number of ELCs covered a total area of 232 168 hectares; and licences for mining exploration covered an additional 588 632 hectares (NGO Forum, 2015).

The land available for communities is now surrounded by large plantations granted as ELCs to companies or private individuals. The indigenous farming system has been forcibly transformed into a mix of permanent crops, prevalently cashew nuts, combined with a few upland farms wherever this is still possible. Rice production has also changed. Wherever soils and land configuration allow, communities tend to cultivate permanent paddy rice fields instead of rotational

upland fields. Attempts to maintain upland rotational rice farms by reducing the fallow interval require an unmanageable amount of labour for weeding and resulted in reduced yields. Initially, the introduction of permanent tree plantations was strategically exploited to secure the fallow land and, therefore, lower the risk of land grabbing and appropriation (NGO Forum, 2006). Cashew nut plantations marked the ownership of land and protected it from the assault of land brokers and investors that reached a peak in 2006–2007, when the price of land skyrocketed to unprecedented highs (Baird, 2008b).

The process of dispossession of land and natural resources in indigenous areas continued with the granting of ELCs, mining concessions and development of infrastructure, such as dams, while land sales and land grabbing on a smaller scale has not stopped (Dwyer, 2013; Bugalski and Thuon, 2015; NGO Forum, 2015; Diepart and Sem, 2016). In particular, the expansion of ELCs covering thousands of hectares has infringed on communities' land ownership with documented cases of land already planted being bulldozed by companies (Dararath, Top, and Lic, 2011; Vize and Hornung, 2013; Diepart and Sem, 2016).

In 2012, the Government, with the declared aim of securing land rights for indigenous minorities and other citizens, initiated a moratorium on ELCs, known as Directive 01; and started a process of land titling for targeted forest areas and ELCs (Milne, 2013). The application of this moratorium in indigenous areas was confusing and resulted in obstructing the process of several communities' access to CLT (Rabe, 2014). The titling process provided communities with contradictory information concerning CLT, and pushed people to accept individual land titles (CCHR, 2016). In many communities, the application of Directive 01 translated into the forced abandonment of CLT, made impossible where community land was fragmented and individual land tenure coexisted with collective rights.

At the same time as communities were losing access to resources and livelihoods, there were no socio-economic programmes aimed at mitigating the impact of dispossession on Indigenous populations by creating alternative livelihood options

While many NGOs have supported indigenous peoples' land rights claims, the vision of development brought into indigenous areas by non-governmental actors has uncritically promoted markets and growth as key signs of emancipation. Furthermore, the penetration of the 'development industry' and the 'NGOization' of indigenous areas has had important repercussions in terms of indigenous cultural structures, forms of representation and decision-making, and have acted as leverage for cultural assimilation (Bourdier, 2008; Baird, 2008a).

Gender implications of agrarian changes

The massive shift in resource access and control that has occurred in indigenous areas, which has been referred to as “development aggression”, has eroded women’s roles as managers of resources, repositories of knowledge and practices, and promoters of community cohesion, identity and spiritual life, in addition to exacerbating their work burden (Yun, 2013; AIPP, 2015d). Although still important for food production, agrarian changes render shifting cultivation more time consuming and labour intensive. The workload of women, traditionally in charge of tending farms, has increased, and the displacement of upland farms to distant areas forces women to endure long and time-consuming walks to reach their farms (Maffii, 2010; Erni, 2015).

The central role of indigenous women in cultivation – as when they used to plan, decide upon varieties, and manage seed and plant selection, as well as tend farms – continues even when cash crops substitute rotational uplands. However, this multitude of overlapping tasks, often carried out with limited access to mechanization and technology, creates chronic time poverty, which limits women’s participation in networks or development projects (Maffii, 2009). The role and work of men has changed too. Men were traditionally responsible for forestry activities, but this now is quite limited, and men tend to be involved in mechanized farming tasks, such as land preparation, transport or marketing. This reorganization of labour and disruption in the traditional roles of women’s and men’s work has occurred following mainstream patriarchal norms, where gender relations are constructed around men’s dominant role in production and public decision-making, and women are confined in the reproductive and domestic domain. Among indigenous societies, as in other rural societies, this hierarchy of roles does not reflect reality: indigenous women are seldom housewives, as they have multiple productive roles as

farmers, gatherers, fishers and agricultural labourers, in addition to their domestic tasks. Now, men are also more likely to be accepted in decision-making positions in new state agencies, networks, markets and other socio-economic structures, while women see their influence and decision-making power reduced and their space restricted to the boundaries of their communities (Frewer, 2017). At the same time, the provision of services that could critically improve women’s lives, such as childcare, health care and education, along with access to drinking water and sanitation, extension and agricultural services or transportation, are still inadequate (AIPP, 2015d).

Cultural biases, which portray indigenous people as backward and their culture as not adapted to modern life, conceptualize indigenous women as the weakest members of their societies. Women’s limited knowledge of Khmer reinforces these prejudices and further limits their agency, power and political participation in local governance processes (Maffii and Hong, 2010). Similarly, indigenous women’s status and role within communities is not acknowledged and significantly misjudged. Gender discourse among organizations working in indigenous areas is very weak and unarticulated. Often initiatives and projects are managed by staff with a general predominance of Khmer and male field officers, with the few indigenous female staff in subordinate positions (Frewer, 2017).

From the Government, there is a general lack of effective gender-sensitive policies tackling structural discriminatory norms (Maffii, 2016). Policies tend to marginalize women in their reproductive role and associate them with children, while the few existing initiatives are flawed by lack of budgets and resources, or implemented through patronizing activities that reinforce women’s subordination (Frewer, 2017). The specificities of indigenous societies are ignored, and indigenous women’s roles in farming, community affairs or religious matters are overlooked.



I conceive that land belongs to a vast family of which many are dead, few are living, and countless members are yet unborn.



Berge, Kambewa, Munthali & Wiig, 2014



PART:

2

FIELDWORK IN SEVEN COMMUNITIES IN RATANAKIRI PROVINCE

Research sites and key land issues

Kalai 2

The Kreung community of Kalai 2 is located along the road that links the district of O'chum to the district of Veunsa, a few kilometres away from O'chum town. The village is a large assemblage of 190 families and around 750 inhabitants that resettled along the road more than 30 years ago. It has since lost its typical round structure and original spatial configuration, a change that has also influenced the community's internal cohesion: *"Before the village was round, traditional, and we used to have more community activities and ceremonies; now there are many different groups, the community is not so united"* (Elder woman, group discussion).

In addition to the Kreung majority, a number of Khmer families are now registered as residents of the village after having bought land plots in the area. The relocation and the arrival of new non-indigenous settlers, facilitated by easy access along the main road, have accentuated the process of eroding cultural traits and the system of beliefs, such as the traditional collective ceremonies that used to cement the community socially and which have now been cancelled.

The community of Kalai 2 did not engage in the process of acquiring a communal land title. According to the village chief, "villagers were not interested". For some community members, the obstacle was their lack of awareness and lack of clear information about the process, and little incentive to find external support from NGOs. Now many community members regret this choice: *"Newcomers are grabbing land here around and we are worried; we have lost land, but we do not know how to intervene to get it back"* (Women's group discussion).

The residential land and farming land are owned individually by community members who do not have registered land titles but only certificates signed by the commune, which increases their feeling of insecurity concerning land tenure.

The community has been confronted with different threats due to the encroachment of a rubber company and new non-indigenous settlers coming from other provinces, who, after having bought land plots from villagers, then increased their land area. The rubber company concession extended over the farms of a group of householders, who were relocated and received a compensation of USD 200 per hectare by the company; far below the market price. The villagers who received new land in exchange to their previous land plots describe the new land as not sufficient in terms of quantity and quality.

According to the community leaders, the situation is now one of reduced availability of farmland and forest areas, which they acknowledge is also due to the weakening of internal customary laws and rules. Families are rushing to secure income by increasing the area of commercial crops, mostly cashew nuts, and some are also engaging in logging activities, thereby contributing to deforestation and resource depletion. Despite these challenges, the community hasn't come together and the research activities in the village show that there is a lack of community initiative.

Kalai 2 women described a situation in the village where their public role and participation is hampered by men's prejudices and behaviour: *"Men say that women are under them and do not encourage women to take any role."* Even though women stood up and reacted with force to defend their farms at the time of the plantation encroachment on community land, this has not moderated their marginalization and exclusion from decision-making. The allocation of land within the community is a process that is managed prevalently by elders and community men. Despite this exclusion, women feel that their rights to own and dispose of their land are not at stake: *"Nobody can take away our land within the community or the family"*. Women's rights to own and dispose of their land is not perceived as an endangered and women's complaints about exclusion seem to refer to decision-making roles in community issues other than land.

According to the women, their village has been abandoned: *"Nobody comes to visit us; no NGOs work here to support or start activities"*. The community lacks organized activities and its internal cohesion is low; there are no role models for women to follow or opportunities for engaging in initiatives.

Sway

The Kreung community of Sway is located in a hilly area around 1 kilometre away from the road that links O'chum to Ta Veng in the northern part of the province. The community is relatively small, including 63 households and around 360 inhabitants. Despite its relatively easy accessibility, and a quite wealthy appearance shown by the large wooden houses, the village has maintained the traditional round structure with a large open area and the community hall at its centre. Sway is part of Pouy commune, and communities in this area were the first in Ratanakiri to engage in forest protection in collaboration with NGOs in the early 1990s (Poffenberger, 2000). Their experience has been instrumental in the advocacy process that led to the drafting of the land law articles on indigenous collective land titling. As a result, they have managed to secure large areas of forestland. Sway community is where, for the first time, cashew nut fields were planted to secure land tenure and provide cash income.⁶

The village has been strengthened by this history of more than 20 years of forest and land protection, and so has actively engaged in the process to acquire the communal land title, which is now about to be issued. According to the community leaders, this was done in order to *"protect land and forest, indigenous culture and tradition, and stay together as a community; even more important, we do not want other people to come in and start to grab our land and forest."* The initial process of demarcation and protection of the community forests was supported by one of the first NGOs active in natural resource protection in the 1990s (NTFP). The experience of Pouy commune, informed by the engagement of the communities, was instrumental in influencing the Land Law and the recognition of indigenous land tenure and farming systems.

The process of CLT acquisition started as soon as the legal procedure was made available by the Government in 2009. It was supported by an NGO, which facilitated the necessary interactions between communities and government institutions involved in the land recognition process. The land title comprised only a share of the land available to the community in 1995, but according to the community members and leaders *"This is what we managed to secure"*. The land is considered not enough and the community is concerned about land scarcity in the future. However the village has never faced land-grabbing by outsiders or sold its land, therefore the ethnic composition of the community is homogeneous.

The community of Sway appears to be better off in terms of access to resources, lack of direct threats to land tenure, and capacity to protect its own territory and culture. However, community members lament the emergence of an internal elite of decision-makers, who combine traditional and newly acquired roles ratified by NGOs and governmental institutions: *"The strongest people here can manage to get more assets and resources. The NGO compensates them for their participation in meetings, around 5 dollars each time"* (women's discussion group). In fact, getting approval from elders and community members for the research activities was particularly difficult. According to the women who participated in the group discussion later on and were welcomed to voice their concerns, this was due to the lack of compensation offered by the research team. Community elders are also blamed for what some women perceive as abuses of power: *"Here we have people who pretend to be elders; if you bring up a problem and ask for their help you risk paying the fees without getting justice. They like eating our pigs."* The reference to "smarter" or "powerful" families, who arrogate to themselves power or privileges considered illegitimate, coloured all research activities in this community.

⁶ Gordon Paderson, personal communication.

The land committee set up to comply with the collective land titling process includes four women out of 13 members. However the role of women in the committee is more passive than active. As one of the female members said: *“Women mostly listen, while men hold the management role. If they ask us we give opinions.”* A clear example referred to the process of land demarcation, one of the crucial phases of the procedure for acquiring CLT: *“We participated in some of the land committee initiatives but not in the demarcation; women did not go, it was very far, but also we were not invited. Men said they pitied us, but in fact we used to go inside the forest before, fishing all together, and spend some days there.”* The female members of the committee do not seem to represent women or undertake initiatives to bring women’s collective voices into this important community structure.

Apart from the process of land titling there are no structured community activities or opportunities for women to attend initiatives outside the village. Women do not travel outside the village and all external relations, market activities or participation in networks are male domains.

L’eun Chon

L’eun Chon is a Tampouan community located in the commune of O’chum, in the homonymous district, a few kilometres away from the district town and the provincial capital Banlung. The village counts 103 families and 481 inhabitants, all of whom are indigenous people, mostly Tampouan but also including a few Kreung and Jarai members. The proximity to O’chum district town and Banlung has exposed the community to land-grabbing and an inflow of non-indigenous settlers, but the community has engaged in an effort to maintain its internal cohesion and identity by forbidding land sales and settlement of non-indigenous people within its boundaries. Some of these actions have created conflicts with neighbouring communities, which have then been solved through negotiations and setting of clear boundaries.

The village has completed the process of collective land titling and is expecting to receive the title soon. They have secured 800 hectares of farmland, a size which is considered insufficient by the community for the needs of the next generation. The process of acquiring the land title has involved the community in discussions and consultations, and the land committee has maintained a dynamic dialogue with the rest of the community members who were all well informed about the process and its outcomes: *“We participate in the land demarcation all together, women and youths, and when we negotiated land issues with our neighbouring village the whole community went there”* (women’s group discussion). The community has celebrated the land title by restructuring the community hall, redecorating it with traditional patterns outside, and erecting an altar inside decorated with pictures and flowers

dedicated to recently deceased village elders. The new hall was greeted with a traditional ceremony: *“We held the ceremony and everybody participated, and we also invited non-indigenous people living nearby to enjoy with us this event”* (Elder discussion). The community has received support from different NGOs and development projects and has managed the flow of aid by collectively setting priorities and projects.

L’eun Chong community is known at the provincial level as having been able to navigate changes and challenges while maintaining a good balance between its traditional structures, norms and values, and the changes imposed by the new context. That said, the community is not immune from disruptive practices. Recently some areas of protected forest have been cut to make way for new farms. Years ago the elders tried to limit the rate of conversion of shifting farm land into cashew nut plantations, due to concerns about the reduction of free farmland for future generations, but the rules were not observed.

During the field activity in L’eun Chon, women have taken a central role, expressing their perspective clearly during community meetings and providing relevant information on a wide range of issues such as land titling, farming, traditional norms and current changes.

L’eun Chon women think that their community is open to women’s participation in decision-making processes. There are four women elders, representatives of clans, who are well respected by the community. In the community hall deceased elders pictures hang above the ancestors’ altar, and some are women. Women participated actively in the CLT process and were elected to the land committee where they had relevant functions: *“In the first meeting we elected the committee by hand clapping and we were selected. Then we had many meetings with the village and the committee to clarify and explain issues to the community. We decided since the beginning that we wanted to have women be active in the committee, so all roles in the committee are double, the vice chief is a woman, the cashier too and so on.”* Women, as well as youths, participated in all the activities related to the CLT process, including land demarcation, land and forest patrolling, and negotiations with the neighbouring communities about village boundaries. The land committee held regular meetings with the community to explain the process and women were always involved. During the research meetings they appeared well informed, providing a clear description of the process and its details.

In the view of women there are evident changes in men’s behaviour: *“Men listen to women and are happy if women speak, and also ask specifically for women’s advice and for them to speak. Women drink during the ceremonies, and not only after all the men. For sure we feel more confident.”* Women now can travel alone and attend workshops away

from home, which was difficult before and hardly accepted by husbands and by women themselves who did not feel confident enough. *“Before only men participated in meetings and made decisions; women were seldom involved and mostly followed men’s ideas or hardly disagreed with them. But now we know that women have rights; women are elected to Commune Councils, in the government, and can also be Village Chiefs. Women have different ideas, so we can combine ideas and can prioritize. Now women are more comfortable to speak; this does not mean that all women dare to speak yet.”*

Some men are not happy with women speaking, participating and having more power in community issues, but the majority seems more open and appreciative. In the informants’ view, women are very active, have very good memories, and companies or other land grabbers are more careful if women are involved in land protection. In their view these changes are also the result of an internal solidarity that has grown around the process of land titling and resources protection. Now they organize ceremonies attended by the whole village, there is more participation in community activities, and less gossiping and jealousy among community members and women themselves.

Lapo

The Tampouan community of Lapo, counting around 130 households and 600 inhabitants, is situated in the suburban area of the provincial capital Banlung, in the commune of Yak Laom. Lapo has been among the most affected by land commodification, land sales and inflow of non-indigenous settlers, which started more than two decades ago. Yak Laom Lake is the main tourist attraction in Ratanakiri Province, and the lake’s site management was delegated to indigenous communities 20 years ago. However, the areas near Yak Laom Lake are a major target for land deals by real estate brokers and investors, and communities now fear that the government lease will not be renewed.

Lapo village is among the communities where land sales started earlier and have been most intense, due to the market pressure exerted by new settlers and brokers, so that land is now completely privatized and there is no free community land that can be allocated to new generations. According to some of the women interviewed, the people who have lost most are those who did not understand the recent changes and continued the traditional rotation farming while others started planting trees and claiming ownership rights over their land. Some land was claimed as ancestors’ land by the most “clever” families. These changes have undermined the social fabric and internal cohesion of the community. With no collective resources left, the role of traditional authorities has faded and the community is now relying on the external legal system more than on its elders.

In Lapo women live in a context where indigenous and non-indigenous households coexist, and where land commoditization has substituted traditional land management systems. Farmland near the community has a very high commercial value; so new farms are often bought where land is still available, usually very far away from the community and in areas with poor soils. Concerns of women were mostly related to their difficulties in adapting to such changes, mainly land scarcity and land prices, which make it impossible for families to buy new land, and to access markets for their commercial products. Many women face problems in dealing with the mixed ethnic environment of the village. According to them, Khmer people steal produce from their fields, not only cashew nuts but also fruits from trees and vegetables from orchards. This is a problem related to the recent inflow of poor families in search of work opportunities in the area. Despite that, many women expressed their empathy for these families and were surprised to see Khmer people poorer than them: *“We used to see Khmer as richer and smarter; now we see that there are also poor people among them, whose children steal fruit or vegetables in our fields to eat.”*

Women in Lapo mentioned drug abuse among youths as an emerging problem, which causes criminal behaviour. Many young men are now addicted to methamphetamines, made accessible by powerful and well connected drug traffickers, both Khmer and Tampouan, and authorities do not intervene to stop the traffic.

Some women in the village have a role as local authorities, such as commune councillors. Others work with NGOs or as health volunteers within the commune women and children’s committee. However, these activities have not resulted in an organized women’s initiative or in the development of a women’s agenda that could bring forward their requests.

Lon

Located near Lapo, in the same commune of Yak Laom, the Tampouan village of Lon, counting around 450 inhabitants and 80 households, underwent a similar process. The land surrounding the village was sold or alienated by newcomers, who progressively managed to enlarge their properties. According to the elders, the process was triggered by some NGOs: *“Human rights NGOs came here and spread a wrong message about individual rights and ownership rights. So people started a group and begun to claim their land”* (Elders’ group discussion). This was facilitated by an appeal, made by land brokers, to customary land rights and norms: *“The land brokers and middlemen, some Khmer and some Tampouan, gathered the clan chiefs and lured them to claim their ancestors’ land and sell it. So many people rushed to demarcate land as ancestors’ land, legitimately or not, and sold it”* (Elders’ group discussion). The village chief reported that some village people claimed and seized his land too, saying that his own ancestors’

land was elsewhere. At the peak of the land sales rush, when even the community cemetery was sold, the community broke up, and families, having sold or lost their land, moved and scattered to live around their farms.

After a few years, some elders took the initiative to gather the families together and rebuild the village, overcoming the process of disintegration and restoring the traditional system of collective management and decision-making. The incentive for the coming together of the dispersed community was cultural: customary norms forbid burying people in farms. Therefore the driving idea for the reconstruction of the village was restoring a common burial land for all the people scattered around their farms. New land, around 1 hectare in size, was purchased from one community member. Each family participated and now owns part of the residential land. The process of reconstruction lasted seven years and entailed the definition of new rules concerning the management of village land. The village farmland is owned individually, which does not allow the community to apply for the CLT; however, the community has managed to restore a collective management of their residential land and now share a sense of community that was lost in the years following the land sales.

The new village has been reconstructed in the traditional round shape with a small meeting hall at its centre, which was built with the contribution of all families. During the research activities, a sense of having learned a harsh lesson and paid a high price emerged, but also a sense of pride in having been able to overcome those mistakes. Now the village has an association fund where money is collected to support family funeral ceremonies and participation in Yak Laom Lake management, along with four other villages located in the same commune.

Concerns about farmland, which is limited and impossible to increase, remain. Land speculation is very active and many outsiders have settled nearby or are planning to do so, including large plantations and tourist resorts. But the community appears animated by the willingness to protect what they managed to restore.

Women have actively participated in the creation of the new Lon village community and are now involved in community activities. Women are co-managing the community fund established with individual and family contributions that support families to hold funeral ceremonies, a sort of insurance that reflects and responds to indigenous cultural needs. In addition to these activities, women are developing an activity to gather, protect and exchange seeds, with the support of an indigenous NGO working in agricultural issues: *“Seeds are a growing problem for women. You can buy seeds and plant them, it is easy, but you cannot keep those seeds for the next season, you must buy them every*

year. Seeds are about identity, our own traditions. Saving seeds and exchanging them supports our identity. Before women managed seeds but now when seeds are bought in the market women lost control over them.”

Kachok

The Jarai village of Kachok, in Kok commune, Borkeo district, is located around 10 kilometres away from Borkeo urban centre. The community counts 132 families and 750 inhabitants, mostly ethnic Jarai. In recent years, the community has experienced a wide range of challenges that have impacted its resources and internal cohesion. The community has suffered substantial loss of land due to the granting of a land concession for a rubber plantation in 2007, and a second larger economic land concession in 2011. A wave of land sales followed, mostly generated by the fear of losing land without compensation and also by the mirage of new goods: *“Families started to sell land; the land buyers persuaded them that the companies would take their land without compensation and they rushed to sell; some sold land for motorbikes or simply wanted money, without thinking about their future. Now they are poor, with no land for themselves and their children”* (Elders' group discussion). When the company arrived, the community advocated against land encroachment with local authorities and, according to the leaders, a petition was sent to the central government too, but they were not successful in stopping the land seizure. According to the community leaders, the community had enough land in the past and did not face shortages, but now the rubber plantation surrounds the village and reaches the road to Borkeo.

The community applied for CLT very late, in 2011, under the threat of the economic land concession, but before accomplishing the first step of the process and being recognized as an indigenous community, it was targeted by the land titling process under Directive 01BB (Rabe, 2013). A group of 47 families accepted the individual land titles offered by the students mobilized by the government for the campaign who came to measure the land, and around 200 hectares of land was redistributed to them. Now the position of the community in relation to the communal land titling is not clear. According to some community members, they are pursuing the process, while for others the collective land titling is now impossible because one third of the villagers have individual land titles, and the presence of non-indigenous settlers makes the recognition of the community as an indigenous entity – the first step of the collective land titling process – problematic.

The community appears fractured along many different lines. First, between the families that have accepted individual land titles and the rest of the community; second, between families that have large land areas of over 10 hectares and landless families. Within the village, wealth differences are

very evident with new large houses coexisting with shaky and unfinished ones. Third, there are religious differences: some of the inhabitants are Christian and more recently some villagers have become Muslim. According to the community leaders, Christian villagers are not discriminated against, but some other community members feel that some forms of discrimination or disrespect exist. The new conversions to Islam are seen as simply opportunistic: *“Christian Jarai are true believers; Cham Jarai just pretend to be believers to get some advantage,”* say community elders, mentioning access to new patronage networks as the main reason for these conversions.

Khmer settlers are contributing to fostering the conflictive atmosphere in the community: *“The relation with Khmer is difficult, they kill cattle or let pigs free to graze; they do not participate in ceremonies and do not follow community rules on how to manage common resources”* (elders’ group discussion). Khmer tend to have larger farms, and are seen as more skilful in managing business, but are also not interested in socializing or participating in community life and ceremonies.

Many young men are drug users. Elders, women and other community members felt that it was mainly due to external influences and especially the exploitation of the forests. Businessmen from Oyadaw town or from Viet Nam engaged village youth in logging, and the community leaders suspect that they started using drugs for this reason. *“Drugs make them feel stronger and braver; they work in the forest to cut wood at night and they transport big wood with motorbikes, which is very dangerous. Then they gain money and they get even more involved; they threaten their families, force them to sell land to get more money and buy drugs, they do not respect their mothers and elders.”* The community shares a feeling of helplessness; they try to educate the youths and explain the danger to them, but it is not very effective. Young people know the danger but do not stop. According to community leaders, high-ranking people in town and even police are involved in the drug trafficking, and that is the main reason why it is difficult to stop.

Even if traditional Jarai matrilineal inheritance rules are not questioned, and women own family assets and resources, women’s participation in the public sphere is very limited and their marginalization significant. *“Almost all men here say that women do not have rights. Some NGOs came to teach us about women’s rights, but they train women and not men, who are the ones in need of education!”*

However when land problems with the company arose, women reacted very quickly and fiercely and were at the frontline of the action: *“When the company came to grab our land the women stood up before the men. During that time women spoke to men and gave ideas, and men agreed.”*

We discussed together and they listened to us.” However, after this episode, things went back to normal and, according to the women, they were marginalized again.

Except for some sporadic training meetings organized by NGOs or local authorities, within the community there are no specific development activities targeting women. This, together with the exclusion from the public sphere, is hampering women’s action and learning. There are no role models or experiences that can be shared, and there is a lack of opportunities for women to move on and develop their skills, agendas and initiatives. It is a striking paradox in the community where women have undisputable access and control over resources including land.

Tangmlu

The village of Tangmlu is part of the commune of Nhang, located in the most remote part of Andong Meas district, near the Viet Nam border north of the Sesan River. The road to reach the village from Andong Meas district centre is particularly difficult, and the last part near the community can only be covered by motorbike. The community, which counts around 100 families, moved to this area from their previous location along the Sesan River, after repeated floods induced by the upstream dam, which twice caused the destruction of the village. The decision to move away from the river area and relocate in the uplands was an initiative of the whole community, taken through consultations: *“It was our idea to move near our fields, and before moving we discussed with the elders about where to live and all people participated in the discussion, men, women, elders and youths, and finally we agreed that nobody would be left behind”* (woman elder).

The village is quite remote, surrounded by large forests, and was rebuilt in its traditional shape, with a large meeting hall at its centre. The community does not have a communal land title and is evaluating the pros and cons of engaging in the process, which they consider to be long and troublesome and in some ways not effective in protecting their land and resources. Villagers have individual land certificates recognized by the commune but are facing threats to their land and natural resources. Two mining companies, Angkor Gold and Mesco Gold, tried to convince the villagers to sell their land. The community reacted with rallies against the companies and did not accept their proposals of financial compensation and infrastructure, such as a new road: *“We do not need a new road, which will only bring land grabbers here! We do not want companies here! They said that they will build the road but the villagers said no! Of course we want a good road but it will not be for free and we don’t want to lose our land; how could the next generation live without land?”* (women’s group discussion).

The village was also selected for the implementation of Directive O1BB, due to the conflict with the companies, but the community did not accept the land measurement and titling process and sent the students back: *“The stupid [sic] students came here but the villagers did not allow them to measure the land”* (elders’ group discussion). Tangmlu is recognized by indigenous organizations in the province as a community representing a new stage of self-organizing capability developed in reaction to different threats, and expressing a very strong and autonomous agency.

A large area of forestland has been recognized by government authorities as protected forest and is constantly patrolled by Tangmlu villagers to protect it from illegal loggers. A case actually arose during the field visit: a team of Tangmlu men patrolling the protected forest found a group of illegal loggers from the neighbouring village of Nhang. They seized the loggers’ chainsaws, motorbikes, logs and gasoline, but the loggers ran away. The confiscated material was kept in the community meeting hall and the community met to discuss the situation. During the meeting in the overcrowded hall, women, men, elders and youths voiced their opinions, and unanimously decided to reject the suggestion coming from the commune authorities to hold a meeting at the communal school in the loggers’ village, and, instead, convened the meeting in Tangmlu meeting hall. Many members addressed the community youth, reiterating the need to protect community resources and to not yield to the promises of easy gains by unscrupulous businessmen managing transborder log traffic with Viet Nam. The study team learned that, in a previous episode, some youth from Tangmlu had engaged in illegal logging too, and were subsequently stopped and educated by the community, which took the opportunity of this illegal logging affair to repeat the message.

Women in Tangmlu feel strongly about the protection of their land and forest, and think that

they play an important role in it: *“Women are stronger than men and were the first to stand up against the companies. They were not afraid. Now women speak in the meetings, share ideas and men listen, support them and do not complain.”* As in L’eun Chon, Tangmlu women were well informed and could explain in detail the relocation process of the community, how they made the decision and the different threats they have faced, from companies as well as from the land titling process of the Order O1.

According to the women, land threats have pushed the community to react: *“Everybody realized that we needed to be united and strong; women were brave and their role was recognized.”* It is interesting to note that women consider themselves brave and capable, and involved in the many traditional aspects of community life, but perceive the current challenges and the community decision-making processes as a new field where they need to acquire self-confidence and assertiveness: *“Before women were shy and did not dare to share ideas, even though women have always been strong. They used to walk deep into the forest to collect things; they even went with the men to clear the land from landmines. Women elders participated in prayers with men and could recognize the origin of diseases, guess why they happened and provide indications on what ceremony should be performed. This is due to the connection that women have with the spirits, which is very powerful.”*

The village is very far from the nearest urban centre and its remote location means that participation in activities outside the community is difficult. However, one of the most active women participated in initiatives related to land protection at district and provincial level organized by advocacy networks. She cannot read or write, but she does not feel this is a limitation: *“I travel with the community leader to attend meetings. I listen carefully and then report back to the community and the women.”*

“

The relation with Khmer is difficult, they kill cattle or let pigs free to graze; they do not participate in ceremonies and do not follow community rules on how to manage common resources.

”

Elders’ group discussion

TABLE 4: LAND TENURE AND LAND THREATS IN RESEARCH SITES

Communities	Land tenure	Land issues
Kalai 2	Individual land ownership; no attempt to engage in the process of collective land titling	Land conflict with a rubber plantation and threats of land-grabbing by new settlers
Lapo	Individual land ownership; land fragmentation and sales made collective land titling unachievable	Land grabbing and illegal land sales, inflow of new settlers which started very early and was facilitated by the proximity to the provincial town
Kachok	Individual land ownership; the process to acquire the CLT started late, under threats by ELC; land sales and the application of the Directive 01BB has diverted the CLT process	Large land concessions for rubber plantations that seized part of the community resources.
L'eun Chon	Communal land title nearly achieved, community land demarcated	Land conflicts with neighbouring villages, rubber plantations encroachment now solved
Sway	Communal land title nearly achieved, community land demarcated	No reported land threats
Lon	Individual land property, but resettlement of the community in a new area after purchasing the village land and establishing new collective rules for its management and protection	Not after the relocation of the village and the reconstruction of the community, but the area is at risk for its proximity to the town and Yak Laom Lake tourist site
Tangmlu	Individual land property but collective management of the community large forest resources; the community has chosen not to get involved in the process of collective land titling, considered too troublesome and not offering enough guarantees	Attempt to purchase land by mining companies; located in a remote area and surrounded by forests, the area is at risk of land alienation by ELC.

In many respects, Tangmlu is a community with an outstanding willingness to maintain their internal cohesion and a rare capacity to react to challenges. The community does not like visitors very much and the research team visit had to be negotiated through contacts with indigenous organizations. However, once the agreement was reached, community leaders and members were very open and talkative and unlike in other communities, food for the team was brought by different households and offered “in solidarity”.

Common trends in land use

In all research sites, the conversion to commercial crops has been massive, as is the reduction of land available for the traditional shifting cultivation cycles. As a result, many households are now, at least partially, purchasers of rice. The phenomenon is exacerbated in the communities where land speculation has been more intense, such as the ones located near urban centres. In communities that are less accessible, such as Tangmlu and Sway, where land was not affected by the expansion of ELCs, upland rice cultivation is still relevant and made possible by the larger land areas available. However, even there, the transformation is ongoing: *“It is not possible to survive by farming only rice and vegetables, even if some upland farm produce like sesame can be sold: prices are low and income not sufficient”* (women’s group in Tangmlu). The households’ economies now rely on cash income, which is necessary to pay for food purchase; service

costs, including health care and education; house buildings and repair, now that forest materials are no longer available; and buying goods, such as clothes, communication or household tools, and motorbikes, which are necessary for reaching fields and transporting goods and persons. Moreover, cash crops have increased the need for inputs such as fertilizers and herbicides, machinery such as tractors, and hired labour during crucial cultivation stages. In substance, as the women in L’eun Chon explained: *“Nowadays, in order to live without too much risk and avoiding debts, a normal family with children at school, elders requiring medical care, farming cash crops and self-subsistence farms with tools like small tractors, needs income of around 3 000 dollars a year. This amount is adequate if no serious health emergencies or important ceremonies like weddings or funerals occur.”*

The most common cash crop is cashew nuts, which have the dual advantage of securing land tenure by establishing ownership rights over it, and providing a significant and regular income without needing too much additional investment in inputs and labour. Cashew trees are planted in newly cleared land and intercropped with rice and vegetables until the canopy closes after a few years. The relative stability of the cashew nut market price has contributed to its diffusion, even if farmers have experienced fluctuations in productivity recently, which they tend to ascribe to climate change and increased temperatures during the initial phases of fructification. Cashew nuts are sold to traders and

exported to Viet Nam, as no processing plants are operating in the province, with cashew trees being planted in red soils to produce larger nuts, which are particularly prized on the market. Cashew farms are often rented seasonally to non-indigenous settlers and migrants, a phenomenon that has recently increased due to the availability of manpower provided by Khmer migrants reaching Ratanakiri Province in search of seasonal work. Contracts are registered at the commune and renters have to pay half of the amount due in advance and the remaining amount before completing the harvest. The rental does not provide rights over land but only over produce.⁷ The poorest indigenous families however seldom rent their cashew fields, preferring to secure the entire income for themselves even if it involves more labour.

The other recently introduced commercial crop is cassava, which has been planted in most villages during recent years.⁸ Cassava plantations are labour intensive during land preparation, at harvest and post-harvest, which requires strenuous work; the growing phase is less labour demanding, and the need for manual weeding has been reduced by the use of herbicides. However, during the last season, cassava was abandoned or significantly reduced by many indigenous farmers because of the low prices. Other cash crops planted in uplands include soybeans, other bean varieties, peanuts and sesame. Prices for these products are more stable, but tend to be quite low.⁹ Despite the introduction of commercial crops, farmers are not yet organized in groups or associations to cope with the market and increase their contractual power when dealing with traders.

The spraying of herbicides, first introduced on large plantations, is now widespread all over the uplands, and accepted as unavoidable: *“There is no time to weed the different farms now, we must use herbicides to complete the work in time”* (women’s group in L’eun Chon). People are aware of the risks and, for some informants, the use of chemicals in agriculture is a reason for poor health: *“People die earlier now and there are many new diseases; chemicals are used by farmers and by plantations near the village and perhaps this is the reason”* (elder woman in Kalai 2 community). The herbicide utilized is glyphosate[®], which is available in the markets and, according to some villagers, is being promoted by vendors and through advertisements.

Cash crops have increased capital demand and microcredit institutions are now largely available in Ratanakiri Province with dozens of firms promoting their financial products with aggressive marketing campaigns and practices. As in the rest of Cambodia, land title deeds are required as collateral to obtain the loans, which put households at risk of losing their land in case of default.

The communities that have obtained a CLT do not have individual land certificates to present as collateral to microcredit institutions. In L’eun Chon and Sway access to capital is available through the credit groups set up in their communities, though interest rates are similar to the ones set by microcredit institutions and in both communities the regulations of the groups are strict. For example widows, elders or other poor families are not allowed to borrow, as they are perceived as weak in working capacity and at risk of default.

The situation of these economically marginalized households is worsened by the abandonment of the traditional system of labour exchange among families and the increasing recourse to hired labour: *“I must hire workers to help me with rice planting and to clear land in the cashew nut fields. I pay them 10 or 20 dollars for the whole work”* (woman widow in Sway village). In general, it appears that for some households, social reproduction is now more at risk. In case of complications, like health problems, conflicts or alcohol abuse, there are no social mechanisms that help households or individuals deal with the crises other than selling household assets or land, and falling abruptly into poverty.

Another important consequence of the shift to permanent crops is the reduction of pastures and consequently of the number of large grazing animals, which are very important for the ritual life of communities and represent a source of capital that could be mobilized in case of crises. This change is perceived as a loss of status by elders, as a woman in L’eun Chong affirmed: *“Before we were rich, perhaps more than now. We used to have a lot of buffaloes, and also elephants, an animal very valuable that could only be bought with gongs or jars”* (elder woman interview, L’eun Chon).

The division of labour has now adapted to the new practices: tasks that are mechanized, such as

⁷ The rental prices mentioned by indigenous farmers are difficult to compare: two hectares of cashew were rented for the season at USD 1 500 in Sway village; one hectare of cashew was rented just for the harvest for USD 250 in Lapo. However, the author could not verify the effective land size or other factors influencing the rental price, such as the plantation density, its average production or the seasonal prices.

⁸ The diffusion of cassava in Cambodia has been encouraged by national policies, and cassava is now the second major cash crop after rice, having increased from 16 000 planted hectares in 2000 to more than 400 000 hectares in 2014 (SNV Cambodia, 2015). Cassava grows well in soils just cleared, and its diffusion is directly related to deforestation. However, productivity decreased after repeated cultivation cycles, and the recent fall in market prices has shaken the sector and boosted indebted cassava farmers’ migration to Thailand.

⁹ For example black sesame was sold in the visited communities at 0.1 USD/kg, while its price in the capital can reach 4 USD/kg.

land preparation, cutting grass with lawn cutters, spraying herbicides or transporting produce with tractors or motorbikes, are usually carried out by men; while women tend to be confined to tasks that require manual work and are labour and time intensive. Cashew plantations are typically tended by women who are also more active in harvesting nuts. The harvesting and post-harvesting processes for cassava, peanuts and beans require all available resources or hired labour. Machines can also be rented and paid for in cash or in exchange for labour. The different tasks are often overlapping or follow each other without intervals, and women, who are engaged in most of the production and especially in the more time consuming tasks, complain about their workload: *“With the new cash crops we have no rest, you finish one task and you have to start another, and always rush because otherwise you cannot complete them. Before we used to have time for rest during the dry season, after rice harvest, but now it is impossible”* (women’s group in Kalai 2). The activities required by the new cash crops add to subsistence farming in rice and vegetables and the collection of NTFP for daily consumption, which continue to rely entirely on women’s work, as do the provision of water and firewood and the rest of the domestic tasks. However, the role of women is one of decision-maker and not simply labourer: women have a say in the choice of crops and control seed varieties. Decisions concerning hiring labour, purchasing tools and selling produce are made jointly, and women are fully informed about production, yields, calendars and manpower required for completing different processes, as well as market prices and trading conditions.

The progressive dismissal of upland rice cultivation is not occurring without apprehension. In L’eun Chon the elders are trying to advise the community to maintain upland rice production as a means of ensuring not only self-sufficiency but also the cultural and social fabric of the community: *“We advise people to continue to plant rice, because even if we need income now for health, education, clothes and everyday life, we also need rice because this is our culture; rice is important for us; we do not rely on cash crops only”* (elders’ group discussion). Some of the rituals usually performed to gain the spirits’ benevolence and ensure a prosperous harvest are now performed for the commercial crops. But as an elder observed, while many of the ceremonies during the rice farming cycle were collective and involved the whole community, rituals for cashew or cassava farms are organized by families on their own farms and do not contribute to the community’s social and cultural cohesion. This is also exacerbated by the new farming calendar. Resting time after rice harvest was once a time dedicated to ceremonies, festivities, visits and exchanges, important to revive the community cohesion and solidarity. It is also clear to many community members that incomes and cash crops

tend to encourage individualism and self-interest, increasing social differences and undermining traditional solidarity and communitarian values. This further endangers community resources because some inhabitants tend to disregard traditional rules by clearing land anarchically or exploiting protected areas and resources. Youth appear particularly at risk and tempted by antisocial behaviours, often lured by businessmen and traders who recruit young indigenous men for illegal logging activities, often entailing very dangerous journeys transporting logs on motorbikes. Drug consumption is also on the rise, facilitated by transborder traffic; and drug addiction has been mentioned by women in Kachok and Lapo villages as a new and very important concern: *“We don’t know why the young use drugs. We think that they have brought drugs here to make the people stupid, and when everybody is becoming dumb they will take all our land.”*

The search for monetary income is not just a matter of greed or personal gain. Ratanakiri Province is still characterized by a severe lack of services. Not only are electricity, clean water and sanitation left to the initiative of the private sector, but also health care and education are still poorly provided. Roads are often in bad condition and public transport does not exist. Off-farm employment for youth is practically absent, which increases the attractiveness of rapid gains even through illegal activities.

In terms of support for indigenous farmers, very little has been done until now to introduce techniques and tools adapted to the context. In fact, efforts by policy makers, local agriculture departments and even development actors have pushed the abandonment of shifting cultivation and the introduction of monocultures, without concern for impact on food security and long-term sustainability. This is lamented by many farmers, who think that both government agencies and NGOs working in agriculture are only interested in pushing commercial crops and intensifying production without considering the specificities of upland farming: *“They want us to use the rice intensification technique, sowing with less seeds, as in the lowland rice fields. But here in the upland there is no water. If we plant less seeds, they are eaten by ants and we get nothing. Or they introduce vegetable seeds from the market, but they are not fertile, and each season we need to buy them back”* (women’s group discussion, L’eun Chon). The attitude is also changed toward “solutions” introduced by agriculture development actors: *“There are organizations that promote commercial seeds, saying that agriculture is not for conservation but for development. They promote standards that are sustainable for business, not for farmers. Moreover indigenous people are more skilful than NGOs; NGOs mostly know lowland cultivation and have not done research or know about indigenous people’s way of cultivation and way of life. Also, NGOs seem not to consider or explain why one*

million Khmer farmers living in paddy rice areas migrate to Thailand because of their low income” (women’ group in Lon village). A common trait of development actors is the lack of recognition of indigenous women’s knowledge and their role in agriculture, and, as a consequence, the absence of adapted services and initiatives.

Community land allocation: A system in transition

In communities that have not obtained the CLT, land is treated as private property; it can be exchanged or sold to other community members, temporarily leased to non-indigenous farmers, as occurs usually with cashew plantations, and inherited by relatives, although it cannot be sold to outsiders or mortgaged (see Table 5). In other communities, land ownership provides rights to sell or mortgage land, with the exception of Lon, where the newly established village has adopted rules that forbid sales of village land.

In communities that have been granted the CLT, private ownership of land is recognized internally by the community, but does not allow owners to exert full property rights: land sales can only occur internally, between community members, and land cannot be mortgaged or used as collateral. Land rental is instead individually managed.

The process of allocating new land for clearing to families or groups of families continues in all the communities where farming land is still available, including those without CLT, under the guidance of the elders. The criteria for land allocation take into consideration the family’s availability of manpower and their willingness to cultivate. The main difference with the past is that the new land,

once cleared, becomes a family property and is not alienable, while before the land was left fallow and after 10-15 years returned to the community common land pool, and other farmers or families could start a new cycle of shifting cultivation. Now new land, initially cleared and farmed with rice and vegetables, is quickly replanted with cashew trees or other cash crops, at least in part, which is an unequivocal indication of property rights.

The traditional concept of allocating land in accordance to families’ availability of manpower is also becoming blurred now that hired labour is increasingly available. This accentuates social inequalities and further marginalizes the poorest households. The monetization of exchanges favours households that are able to hire and pay labourers, allowing them to get access to larger surfaces. Widows often find themselves in a particularly weak position in that they lack male labour, which is essential in order to clear new land.

In summary, communities and traditional authorities maintain a key role in land management and allocation even if other factors are now becoming relevant. In communities where land is owned privately, community and traditional authorities exert some control over the free land available, but this is not exclusive because villagers can sell land and new settlers are not compelled by communitarian decisions. When land has been massively privatized, communities cannot exert control over it, as there is no free land to be allocated anymore.

Community leaders’ and traditional authorities’ accountability and equity remain essential to ensure fairness and avoid conflicts. However, in the past, land availability limited the potential for

TABLE 5: LAND RIGHTS IN USE IN RESEARCH SITES

	Usufruct rights on community land	Right to claim ancestors’ land	Ownership rights on new allocated land	Right to rent land	Right to sell land to community members	Right to inherit or transfer land to relatives	Right to sell land to outsiders	Right to mortgage land
Communal land title (CLT)	Yes	Yes	Yes but only internally	Yes	Yes but only internally	Yes	No	No
Individual Land Title but community rules forbidding land sales	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes
Individual Land Title	Yes, if land is still available	Yes, if land is still available	Yes	Yes	Yes	Yes	Yes	Yes

internal conflict, now with less land available for land allocation, it is becoming a very sensitive issue. Families and groups of families often claim rights over farms that have been cultivated in the past by their “ancestors” but the legitimacy of those claims lies in the hands and the memory of the elders, who keep track of the community farms’ locations, and the community, whose active participation keeps the internal decision-making system accountable and fair.

Women, men and land inheritance

In order to understand how land rights and land property are distributed within households and, particularly, between women and men, a number of factors need to be considered. First, until recently, indigenous communities were self-governing entities guided by internal and autonomous rules, and in many respects they still are. Ethnicity and customary laws are general guiding principles for the inheritance and intergenerational transfer of assets, but their implementation is diverse and can vary among communities of the same ethnic group and can be influenced by other changes to different degrees. Therefore the information gathered here is specific to each research site and outlines different processes of adaptation within the local ethnic, social, gender and cultural context.

Second, the transition from the traditional farming system, where land was free to be used but not owned, to the new context of land property and commercial farming, has occurred recently in the time interval of a generation. Therefore, this is a time of adjustment, where new rules apply for the first time to a generation whose parents grew up in a traditional context: old and new rules often coexist with all the contradictions that this implies.

The intergenerational transfer of land occurs, with few exceptions, before the death of the parents, usually at the time of daughters’ or sons’ marriage to allow them to engage autonomously in farming activities and secure means for their new nuclear family. This seems to indicate that despite the pressure on land and resources, and the reduction of land available to communities and households, land scarcity hasn’t yet reached a critical point where inheritance is the main means of intergenerational transfer.

The division of family land to sons and daughters often entails several steps. Different children, usually four to five per family, marry at different times, so land division follows a time line that reflects heirs’ entrances into adulthood. The land and

assets division, while providing resources to the newly married offspring, should not endanger the livelihood of the younger siblings and the parents. If new land is available or parents have access to ancestors’ land, new plots can replace the ones given to the married children. Other arrangements are also in use: in some families land is left undivided and farmed collectively, even after the sons’ or daughters’ marriage, and the income is allocated each year to the different nuclear families. This arrangement, often adopted by families with limited land resources, optimizes the household manpower and tools, while the allocation of the whole income allows substantial investments, such as for house building or the purchase of machinery.

The amount of land devolved to the younger generation is variable. Some families own enough land to provide children with 2 or 3 hectares each, while others can only provide 1 hectare or less. The land that offspring inherit is generally planted with rice and vegetables, and intercropped with commercial crops, mainly cashew, at least on part of the surface. The new family will immediately have a rice and vegetables harvest, crucial for their livelihood, and at the same time start to plant the basis for an income generating cultivation.

Another relevant factor influencing the intergenerational dynamic of inheritance concerns the importance of rituals related to death, which are perhaps the most important ceremonies in indigenous societies (Matras-Troubetzkoy, 1975). Funerary rites mobilize relevant resources, such as animals for sacrifices, food or wine, as well as materials for the coffin and grave. The entire family is called to contribute and cooperate to ensure a proper funeral for their deceased relatives, especially parents. Elder parents actively prepare for their own funeral ceremony.¹⁰ Until recently, in communities characterized by cohesion and solidarity, funerals were social events and the whole community participated in supporting the ritual sharing of food and wine. Now funerals tend to be more private affairs, but, nonetheless, not being able to ensure a proper funeral ceremony for relatives, especially parents, is seen as a social failure and all means are engaged to avoid such a situation. This centrality of funerary rituals influences the decisions concerning inheritance because of the need to set aside resources for that purpose and ensure the cohesion and cooperation of all the descendants.

The transfer of land to female, male or both offspring is a function of the kinship and descent rules of the different ethnic groups. Even if the system is evolving and changing, none of the families in the Kreung, Jarai and Tampouan

¹⁰ One of the study informants commanded her young male relatives to cut the wood and start building her coffin; work that was taking place just beside the house during the interview.

research sites adopted patrilineal inheritance rules. When land is shared among female and male offspring, there are no differences in land quality or commercial value. Non-land assets are, in general, inherited by daughters, but new assets like machinery or motorbikes are often shared or given to sons when land is given to daughters.

When matrilineal inheritance rules are in use, they are not contested by men and no resentment or discontent was perceived during the interviews. Despite the investment required for children's education, especially after primary school when students must move to urban centres to continue their studies, this is not accounted for in the division of assets. This can be explained by the increasing concern about the livelihood options for future generations, in a context where resource scarcity is increasing. Parents are pushing children to continue education, without differences between girls and boys, to incentivize off-farm employment. This is a significant change compared to years ago, when girls' education was impaired by their role in supporting mothers.

The most important changes are occurring in matrilineal Tampouan and Jarai communities, where inheritance rules tend to include both sons and daughters. This is justified by the increasing scarcity of land, which makes male access to land through newly cleared land impossible or very difficult. In the eyes of many families, this disproportionately disadvantages sons and fuels jealousy and conflicts. How much this is due to the influence of non-indigenous practices, which are perceived as more "modern", is difficult to establish but also could play a role.

Evidence from Kreung villages: Persistence of bilateral rules

Among the Kreung communities of Kalai 2 and Sway, the traditional undifferentiated pattern that characterizes traditional kinship rules is maintained, and assets and land are divided equally between offspring, without privileging one sex over the other. In fact, parents manage division of land and assets with care in order to provide an equal share to all offspring: *"We did an initial land division to provide land plots to our three married daughters. Land was divided into four equal parts: the three married daughters received one part each and one part remained for us and the other two children, a girl and a boy. For some years after the division, the land was still farmed collectively and the harvest alternated year by year between one of the daughters and the parents. In the future, we plan to clear more land to be able to give land of the same size to the youngest children when they marry"* (household interviewed in Kalai 2).

Assets are also divided equally or kept by the parents for everybody to use. When parents do not

farm anymore, these assets remain at the parents' house which is inherited by the youngest daughter or, if there are no daughters, by the youngest son: *"The motorbikes, the rice mill and the animals will be divided equally in the future or compensated with money, to make sure that everybody gets an equal share. Now the machines are kept at the parents' house and can be used freely"* (household interview in Kalai 2).

In the Kreung communities of Kalai 2 and Sway, rules are elastic and can be adapted to life circumstances and crises: *"We have three sons and a daughter. The sons are all married and received an equal amount of land. Now one of the sons has divorced and married another woman and his wife moved away from the village, so his son is living with us. So we plan to leave land to our young daughter when she is married, but also a land plot to our grandson"* (household interview in Sway).

In the past, according to some informants, the oldest daughter was entitled to a large share of inheritance: *"Before, according to the tradition, the first daughter received more property, to compensate for her support to the mother in caring for younger siblings and helping her. Now some families still practice this, and some do not, preferring to divide all assets and land equally"* (household interview in Kalai 2). This information was confirmed also in Sway and L'eun Chon, but none of the informants interviewed during the study still practice this rule anymore and parents stress the need to divide land and assets equally to ensure cooperation and solidarity among siblings and avoid conflict and jealousy. The custom of keeping some of the property aside for ceremonies and the parents' funeral is also practiced whenever this is possible.

Bilateral rules do not show an increased relevance of men's land control or ownership: division of family land among offspring of both sexes is characterized by great care for equality and women's land ownership is not questioned.

The traditional alternation of residence between the bride and groom households is now often reduced to a few years. The residential choice of the offspring is very important for the parents: in Kalai 2 village, elderly parents, whose male and female children were all living with their spouses in other villages, decided to invite the wife's younger brother and his family to stay with them to get some help with the farm. The time spent by the bride with the husband's parents is perceived by women as a burden, a time of strenuous work often under the control of the mother-in-law, and reverting to their maternal household is considered the better option. For sons, similarly, the time spent with the wife's parents is generally felt as demanding: they are expected to demonstrate their ability to work and deal with the various typical male tasks.

Evidence from Tampouan communities: A matrilineal system in transition

The Tampouan communities of L'eun Chon, Lapo and Lon appear in transition from a traditional system that was essentially matrilineal toward more bilateral arrangements, where sons are entitled to inheritance. However, exceptions are the rule and changes are more the results of internal households' adaptation processes and free choice rather than new agreed customary norms. The adaptation is seen as necessary in the current situation, where cash income is required to cope with everyday life, and land has gained a different value. In such a context, depriving male offspring of land is considered by some families as unfair and a decision that may create division and jealousy among offspring with nefarious impact on the whole extended family. However, even among families that are adopting bilateral rules, the matrilineal inheritance legacy is not completely by-passed: daughters often inherit more land than sons and if there is little land, this is given preferentially to daughters. According to the informants that have adopted these changes: *"Equal land distribution among children is needed to avoid conflicts and keep the family united; women are not undermined by these changes because if the siblings are united and there are no jealousies, brothers will help sisters if needed, according to Tampouan tradition"* (women's group discussion in L'eun Chon). This exemplifies the complexity of the matrilineal kinship and the network of obligations that it entails, as well as the particular position of women in it, in their different roles as wives, daughters and sisters.

Two household interviews held in L'eun Chon expressed very well the tension between former matrilineal and new bilateral arrangements. Both informants, an elderly woman and an elderly man, are living in big and well-furnished houses, and their families gather different generations living in the house or in houses nearby. Both families are well connected within the community and have members involved in off-farm work in the local administration. Both are farming upland farms with shifting cultivation and commercial crops, with access to machineries like small tractors and rice mills. The elderly woman, a widow in her eighties, healthy and still active, has transferred the bulk of her land to her daughter and none to her son. When asked about her decision she offered this explanation: *"Men know the rules. All what comes from ancestors belongs to women; men do not have rights to it but they can use it. Land and other property goes to daughters, this is the tradition. Now also machines like rice mills are inherited by daughters."* Nevertheless, she has given to her son a small piece of land in the village to build a house and now that the grandchildren are married, a grandson has received some land, even if smaller than the share given to granddaughters. The lady has stopped working on the farms, but she still

takes part in decision-making concerning land use and farming with her daughter. Her perception of the changes ongoing in the community is critical: *"Now we have less land, less forest, less meat; if we want to eat meat we need to buy it. You have to pay for everything. Before we had time to rest, now we have machines that make work less strenuous but we work all the time. If I were young and strong, I would pound my rice by hand as I have done all my life"*. Education is one of the few modern aspects of life that she values and her granddaughter is one of the village teachers.

The other informant, a man in his sixties, healthy and fit, with three daughters and two sons, shows a very different approach: *"The family land has already been divided; each married daughter and son have received an equal share of land. The rest of the land is farmed by me and the youngest daughter, who is unmarried and still living in the house. Things have changed; land is the most important asset and needs to be shared equally. There is not so much land available now and young men can hardly find new plots."* However, customary kinship rules are not rejected and another share of family land went to his sister: *"By tradition brothers have to share valuable assets with sisters whenever they have the opportunity"*. The man, a skilful farmer currently experimenting with new ways of rotating crops, seemed a strenuous defendant of Tampouan traditional values and practices, including shifting cultivation and all rituals associated with it, which in his view were essential in keeping the community united and capable of solidarity.

In the Tampouan villages of Lapo and Lon, land pressure and land scarcity are influencing decisions over inheritance and intergenerational transfer, and families tend to opt for bilateral arrangements where sons are included in land transfer. However in the same community, a family living in a big house with large amounts of land, access to off-farm employment and a small business, in addition to farming, provides a perspective in favour of traditional inheritance patterns: *"In Tampouan, traditionally all assets should go to the daughters. That's not unfair and does not disadvantage the boys; it is because boys move away to live with the wife's family; this is the only reason. Anyway, we have given some land to the boys too, even if less than the share for the daughters. Now things have changed and it is difficult for them to find new land. The house will be inherited by the youngest daughter but some assets will go to the elder one, to compensate for her work and help."*

In Lapo village, a widow, worried about her future, did not yet allocate the land among her daughters and sons, instead waiting for them to commit to live with her and take care of her during her final years. This was the only case in this study where an informant planned to devolve land only after her death.

In Lon village, similar to in Lapo, land is now totally privatized and there is no free farmland available. Families with available land divide it among their children, often including sons, albeit with lesser shares. Families with small plots of land keep land undivided and share farming outputs. When the land available is very small, daughters are privileged over sons in terms of plot size; while sons may receive compensations like motorbikes or money.

The matrilineal residence norm and the house inheritance by the daughters did not change. Matrilineal rules are seen by men as demanding and challenging: *“For the young men it is not easy at the beginning; the relation between the son-in-law and the wife’s family is not comfortable, the young husband is under scrutiny, feels the pressure and is shy. He must show that he is able to work and is capable”* (middle-aged man, community discussion in L’eun Chon). However, for Tampouan women, living with parents is considered an advantage and a deterrent for husbands to do wrong or engage in domestic violence.

The data collected among Tampouan villages do not allow for clear tracing of the driving criteria influencing families’ decisions. In some cases it appears that well-off and large families prefer to keep land under the control of the matrilineal clan, but in other cases this is not observed and sons receive a share of the land. What appears clear is the unquestioned right of women to own and receive land by inheritance: the idea of excluding women from inheritance rules or denying them rights to land is not even vaguely contemplated: *“Women are very important in our society, are very powerful, and are connected with the more powerful spirits; women own houses, tools and land, while men can use these tools but cannot appropriate them. This is our tradition”* (elder in L’eun Chon).

Evidence from Jarai communities: A polarized context

The inheritance rules in use in the two Jarai villages of Kachok and Tangmlu show very different patterns: attached without exceptions to the customary matrilineal system in Kachok, while engaging in transitional and adaptation in Tangmlu. More intriguingly, the observance of customary matrilineal rules in Kachok goes together with the estrangement of women from community issues and the denial of women’s rights to manage other issues besides household assets. In Tangmlu, the transition from the matrilineal system toward a bilateral system happens in a context where women participated in decision-making and are actively involved in land management.

The community of Kachok is firmly attached to Jarai customary laws of matrilineal inheritance, which are seen as part of the Jarai cultural legacy, not revisited as in other communities, and not contested by either

women or men: *“Me and my sisters received a share of land, but not my two brothers. This is our tradition, because men will marry outside the clan and will live with their wives’ families. I only have two daughters, but if I had a son I would have followed the same rule”* (woman informant). Derogation to rules happens when contingencies occur, but daughters’ privileged rights are preserved. For example, a family divided the land when the daughters got married and no land was allocated to sons; however when one of the sons moved back to the parents village because his in-law’s household land wasn’t enough, the mother decided to give him a small land plot: *“Just enough for him to support his family”*. Wealthy families may devolve assets like motorbikes or money.

The attitude toward women’s and men’s ownership and access to resources was summarized by one of the community elders and chief of a clan: *“All what you see around here belongs to women!”* However, if women are unanimously considered the owners of the most important assets and productive tools, which they can use, dispose of and manage, their power appears to stop there. Men are the community decision-makers: *“Here men do not respect women; we do not have rights to speak. They say that women don’t know the problems and only know about kitchen issues. Men here think that we never leave our kitchens, while women go out, do farming and a lot of other things!”* (Kachok women’s group discussion). In this sense, Kachok stands out as the community where women’s social space appears deliberately restricted to the domestic sphere, and their participation in decision-making actively opposed. This appeared evident during the community meeting: not only did men, elders and clan chiefs monopolize the discussion and none of the women dared to speak, but also, spatially, men occupied the central stage while all the women were sitting in an outer circle.

During the discussion meeting with the women’s group, some elder women said this is a recent development: *“In the past, women participated in community gatherings and discussions and our ideas were heard.”* The marginalization of women has paralleled the strengthening of centres of power outside the community and the involvement of men in commune and district decision-making entities, as well as their recruitment in police and army positions. According to the women, men’s role within these structures has contributed to introducing stereotypes and discriminatory attitudes that before were not common. Women have reacted to this situation by not allowing the community to depart from matrilineal inheritance rules that protect their interests, at least within the private sphere, and are considered fundamental and unchangeable.

The matrilineal residence is also preserved. Even though there are no more long houses, typical of Jarai villages, matrilineal groups still tend to settle in

agglomerates, with the daughters' family residences surrounding the maternal parents' house, often with communicating structures. The youngest daughter remains in the family house and inherits it on the death of the parents.

In the community of Tangmlu, if kinship and residence patterns are consistent with Jarai customary laws, inheritance rules have been reinterpreted and adapted. Land and assets are often now shared between daughters and sons as a result of land scarcity and the difficulties that young men face in getting access to new land. It is also considered a deterrent to the antisocial behaviour of young men who, finding themselves without resources, may resort to illegal activities, like logging. As one of the women informants explained: *"According to the Jarai tradition, only women should inherit land from the parents, but I will not follow the tradition with my children. The traditional rules risk creating conflicts and jealousy between the sons and daughters, and if sons do not receive land they will not be able to make a life. Changes in land inheritance rules are necessary and sticking to the tradition now that there is less land is not useful."*

In another case, in one of the poorest families in the village headed by a widow, the land was divided among daughters and sons, *"the ones more in need will receive a larger part of it"* (woman informant). This shows that adaptation and flexibility are now considered essential to cope with resource scarcity and social differentiation. There is also a clear recognition that other mechanisms are now in place and customary rules should evolve and adapt to it. An elder woman with a disabled husband and four married children, two daughters and two sons, divided the family land equally between them, and explained this decision: *"Now it is difficult for men to find new land and, moreover, there are other traditions that are more important, especially the protection of forests and natural resources, otherwise the next generation will be lost"* (woman informant).

Nevertheless, even if the division of land among offspring now follows new rules, the mechanisms that privilege women's control over assets within matrilineal clans are maintained. An elder woman without daughters explained that land was obviously divided among her sons, but part of the land was devolved to her younger sister, while another land plot went to her older sister's daughters.

Not all the families in Tangmlu are changing rules. A young man explained that all the family land

went to his sisters, but he received a motorbike as compensation. He joined his in-law's household, which was one of the biggest houses in the village, having access to quite large land resources. Questioned about his feelings concerning land inheritance he said that: *"Giving land only to daughters is correct because this is our Jarai tradition."*

As for the other ethnic group, education is not accounted for in the allocation of assets to offspring and is very much encouraged by parents. It is important to note that access to education for Jarai people is particularly difficult, because communities are located far away from the provincial capital, and educational facilities in district centres are not developed.¹¹

Land deals in cases of divorce and widowhood

Divorce and widowhood are critical events in many cultures where women's livelihoods, assets and property are at risk. In the research sites, the rules in place are still offering protection to women by sanctioning spousal abandonment and guaranteeing allocation of resources to divorcees. A man divorcing his wife has to leave the children, the house and the assets with his wife if there is no demonstrable reason for his leaving or fault on the woman's side. Customary rules applied in the past also included fees, which could amount to a buffalo for the wife and one for each child.¹² If there is an agreement between the spouses, land and assets can be divided, but if one of the spouses asks for divorce and the other does not agree and there are no faults, the departing spouse must leave all land and assets. If the wife asks for divorce due to her husband's behaviour, such as domestic violence or alcohol abuse, the accusation needs to be verified by community elders or authorities. If confirmed, all assets including land will stay with the wife. The same happens in Jarai communities, if the husband does not comply with his duties to support the family. However, according to the women, very few such cases occur. Women, even if victims of spousal abuse, often do not dare to resort to divorce, fearing shame, social exclusion or the hardship of taking care of their children alone. These kinds of decisions occur more often when the parents are still alive and women can go back to their family of origin and find support there. In Tampouan communities, the land cleared by the couple is given to the woman and the children even if she is

¹¹ The Jarai do not belong to the same ethno-linguistic family of the other ethnic groups in the province, which limits exchanges. Moreover only a minority of Jarai people live in Cambodia, the majority live in Viet Nam and maintain strong links with the rest of their group living there.

¹² Interestingly this issue triggered intense discussion during the field work, and men were very keen to know how the division of resources in case of divorce was settled by westerners; when they learned about the system based on alimonies they were perplexed: "We prefer our system."

the one asking for divorce. In Jarai communities, the house and property, as well as children, remain with the woman as a general rule, but some negotiations may occur and women may decide to share some of the assets with the husband, albeit not the land.

These rules are intended to preserve the matrilineal kinship group resources but also to protect women from abandonment by husbands. Similar rules exist among Kreung, where kinship is not structured through matrilineal clans. Marriage is a central and well-protected institution in all indigenous groups in Ratanakiri Province. Premarital socialization between girls and boys is not sanctioned and considered functional to the choice of a spouse, a married couple's stability is actively protected, and divorce and abandonment are made extremely difficult and are heavily fined.

In the case of widowhood, the husband's family does not have rights on the spousal property. However, at least in one case in this research, this rule was recently reinterpreted. In the Kreung village of Sway, a young woman, mother of three children, whose husband passed away because of an accident, had part of the family land taken back by her in-laws. The husband's family claimed the land was given to him at his marriage and the village elders accepted the deal. The young widow was angry: she worked with her husband to farm their land, and now she was left with three children and a land plot that was not enough for their livelihood, without even considering the difficulties related to the lack of manpower that she will have to face in the future. According to her: *"The husband's relatives were able to win [the cause submitted to the elders] because they are more "powerful" and "smart". This is because now there are unequal relations among families within the community and the most powerful act with arrogance. Also, traditional authorities are easily diverted and abuse*

their role." Other women in other Kreung villages confirmed that this was a new behaviour, not part of traditional rules. This was confirmed by the experience of a middle-aged widow in the same village of Sway: *"When my husband passed away, I managed to organize the funeral and gave some assets to his relatives, even though they did not ask for that, but I thought it was fair. But it was out of the question to give them some land, neither had they asked for it. Life as a widow with six children was very difficult. I had to respond to all issues, from house repairs, to farming, and contributions for ceremonies, and I needed all available resources to face this situation for 19 years!"*

The women in Sway considered the decision of the elders a bad example for the community and expressed their dissent. According to them, the interpretation of the customary rules related to widowhood and inheritance in the past were fairer: *"Before they never did that; it is happening now because the land is scarce! Sometimes the family comes and takes other property. It is a very bad behaviour due to the situation nowadays with land and depends on how powerful the families are"* (elder women in Sway).

In cases of widowhood in the Tampuan villages of L'eun Chon, Lapo and Lon, land and assets remain with the woman: *"When my husband, a soldier, passed away I gave his family some money, but no other assets or land"* (woman informant in Lapo). According to another woman, it is up to the widow to share part of the assets or land: *"No inheritance will go to the husband's side but in case my husband should pass away while his family is in need, I will give them some cows or jars, or even some land, but I do not have any obligation in that sense"* (woman informant in Lapo). Similarly, in the Jarai communities of Kachok and Tangmlu, women keep land and assets in case of widowhood; they are



Here men do not respect women; we do not have rights to speak. They say that women don't know the problems and only know about kitchen issues. Men here think that we never leave our kitchens, while women go out, do farming and a lot of other things!



Kachok women's group discussion

free to share some assets with the husband's family but this is not an obligation and the parents-in-law cannot reclaim them.

In case of widowed men, the custody of children and resources such as land are claimed by the wife's clan in the Tampouan or Jarai groups. A widowed man can remain in the clan by marrying one of the wife's sisters. However, according to some Tampouan informants, these rules have become more blurred and negotiable.

Women, men and intra-household decision-making

Apart from ownership, women retain decision-making power over land and assets: *"If the wife does not agree, spouses need to negotiate, and if she still does not approve, nothing can be done"* (women's group discussion in L'eun Chon). This is valid for all the villages in this study, including those where women appear more marginalized, like Kachok. In fact, in Jarai villages, the control of women over land and assets is firm and, in issues concerning land, the matrilineal family tends to stand behind the woman, making it difficult for husbands to make unilateral decisions.

In communities where land is privatized, land certificates released by the commune are in both the husband and wife's names: *"But this does not mean that men become the owners!"* (women's group in Kachok).

Land sales are now less frequent than years ago as there is a general understanding that selling land is a bad choice that brings only short-term gains and can cause the ruin of the family. Therefore, the pressure exerted by men to make their wives agree on land sales, which was very common when land prices peaked, is now uncommon. Nonetheless, husbands can exert very strong pressure on women to make them accept land sales and, in some cases, sales occurred without consent involving illegal deals signed by men with land brokers.

Apart from land, spouses, in general, negotiate and discuss important decisions concerning asset purchases, loans or produce sales. When the joint decisions are not respected, this can create conflicts: *"We have to discuss together before buying a machine, or a motorbike or else. If we do not agree, then all the responsibility for a wrong purchase will fall on me and my wife will complain a lot!"* (man informant in Kalai 2).

Women are the keepers of the family income, which is managed autonomously in cases of small expenditures. For example, the sale of vegetables in the market is exclusively women's business: they decide what and when to sell; they set the price and use the income to buy food or children's

clothes or other goods. Decisions concerning the purchase of tools, the hiring of labour or the sale of cash crops are made together, and the option of an independent initiative is quite limited: *"We talk about the price of cashew nuts, and we check with other households before meeting the dealers. Then, if during the discussion with the dealer, the husband accepts some little variation, this is normal; we do not have to agree on that"* (women's group in L'eun Chon). Loans are also decided together, but women claim that it is never difficult to convince men to borrow money: *"When we talk about borrowing money, the husband's answer is always yes!"* (women's group in L'eun Chon).

Women's role in managing family assets and income is not one of submissive acceptance of men's decisions, and many men acknowledge that women are good managers of family resources, and women are often considered to have better skills in dealing with traders or planning family budget and expenditures.

However, inequality is significant for workload. From the interviews and discussions in all the research sites, it appears evident that women's time poverty is an excruciating problem. Women's workloads are overwhelming because of their double role in being responsible for all household care and farming activities. The provision of water and firewood relies on women, and if some men are now more helpful than before, this support is not enough to ease women's heavy daily burden. Moreover, everyday tasks are made more difficult by scarcity and lack of resources in nearby villages, while work on the farms has increased with the introduction of new crops. When machines are available, especially tractors and motorbikes, men participate more by transporting women to the fields or carrying water and wood. However, when these means are not available, usually the tasks fall on women alone.

In some villages, domestic violence was reported as a problem, particularly among younger generations. The incidents of domestic violence tended to be reported as isolated cases occurring especially in families where men are drinkers and linked to alcohol abuse. According to elder women, this is a new problem, as in the past, violence against women was rare and was sanctioned by customary norms. Years ago domestic violence was presented by government staff and NGO practitioners as a widespread problem, and taken as proof of indigenous "primitivism", therefore necessitating preventive intervention of the more civilized non-indigenous culture. In reality, domestic violence and violence against women, including sexual assaults, are more common in Khmer society, where gender hierarchies are very pronounced and control of women's sexuality and reproductive life is part of moral education. Violence and sexual assaults on indigenous women are often the act of non-indigenous settlers, and indigenous women who

once felt safe while walking to upland fields or gathering products in nearby forests, tend now to carry out these tasks in groups for fear of assault.

Women's agency

As reported in previous chapters, the participation of women in decision-making in relation to land management varies. In some communities, women's active roles are significant and recognized, in other villages they are marginalized and not allowed to participate. However, when asked if women discuss common issues or present proposals to the community to address problems that are particularly relevant for them, the answer was invariably 'no'. The case of Lapo village is illustrative of this situation. In the provincial capital market a few kilometres away from the village, the local government allocated a space for indigenous women to sell their products. But Khmer and Vietnamese sellers took it over and indigenous women continued selling their products outside, sitting on the ground. A few of the indigenous women were brave enough to protest and claim their space, but no collective initiative has been taken by women to claim back their rights or advocate for the respect of the local government's decision. This was explained as follows: *"If we could have a group for selling our vegetables, it would*

be good, but we don't know how to get organized. We don't have experience and we lack training and support" (women's discussion in Lapo).

Women do not dare to initiate discussions or present proposals concerning community issues, unless those are already in the agenda and women are specifically asked to provide their ideas or approval. Women mention the lack of role models and the scarce support received until now by external actors as reasons for their lack of agency. NGOs and indigenous organizations have provided general gender training and sensitization on women's rights, but have rarely supported women's capacity to translate those principles into action. Another reason is the continuous threats posed by land dispossession in the province, which has catalysed indigenous communities' initiatives in an effort to protect community land and resources. Women have been at the frontline of initiatives and actions to protect land, and their involvement has been extremely relevant. However, this hasn't translated into recognition of their rights to participate in decision-making. Moreover, indigenous organizations' gender discourse is either scarcely articulated or exclusively focused on the aspects more functional to the advocacy discourse, on topics such as the impact of land and resource dispossession on women, while overlooking communities' internal gender inequality and women's own self-organizing capacity.



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CONCLUSIONS

The customary land rights in use among the indigenous groups analysed in this study, Kreung, Tampouan and Jarai, do not encompass norms or provisions that limit women's access to land. On the contrary, women's access, use and inheritance of land are well established and entitle women to exert their rights without limitations within the land tenure system in use in the community. In terms of inheritance and intergenerational transfer in Jarai and Tampouan societies, women are in a privileged position as sole heirs to resources and assets. In Kreung communities, inheritance rules are bilateral and women have equal rights. The system allows women to enter marriage with their own land without depending on a male family member, such as a husband, brothers or others, to get access to it.

If compared with customary norms in use in other areas of the world, the situation of Kreung, Jarai and Tampouan have women stand out as an exception. Moreover, the collective land rights claimed and enacted by indigenous communities in Ratanakiri Province are moulded on norms and customs that do not exclude women from access and control of land, unlike in indigenous groups in countries where the collective structures presiding over land allocation are often male dominated and exclude women. Neither are women simply stewards of ancestral assets over which they lack control, as in some other groups where matrilineal heritage is still in use. In the matrilineal groups in Tampouan and Jarai, internal clan rules ensure the transfer of assets, including land, from brothers to sisters or other female relatives or descendants of female relatives whenever this is possible or needed. In the bilateral system of Kreung, even if inheritance rights are equal, daughters are generally the family house heirs.

That said, the system is adapting and evolving. The changes in the social, economic and cultural indigenous context have been massive and rapid. The agrarian system that constituted the foundation of indigenous societies, under the pressure of land and resource dispossession, land commodification and the monetization of the communities' exchanges, has undergone a profound transformation. From a system of land tenure where land was free to be farmed based on need and labour capacity, land tenure has changed to encompass property rights, which are incorporated differently by communities according to the land tenure adopted. As a result, land is now the main asset for indigenous households, influencing the farming system and quickly turning farming toward commercial crops. This evolution is pushing

families to adapt the customary inheritance system to the new circumstances by including men into the inheritance line, as the opportunities for young men to clear new land after leaving the parental house are now reduced. However, the process of adaptation is gradual and perceived as a private matter left in the hands of families and not translated into binding collective norms. Moreover, women's rights to inherit and own land are not denied and none of the communities in this study have adopted rules that alienate women's land rights.

Nevertheless, with the commoditization of land, the internal community structures that supervised or advised community land use are changing. Their role is going to be more and more relevant as the resources that allow most of the communities to allocate free land to households to create new farms become further depleted and scarce. Therefore, the accountability of these structures, their legitimacy and their gender inclusiveness are of crucial importance for the preservation of women's land rights. From the experiences of two communities where the collective land tenure is now in place, it appears that the marginalization of women can easily occur even when collective land rights are established. Only the active participation of women in land management issues, and their recognition as equal partners in decision-making can avoid this marginalization. Even where matrilineal inheritance rules are strictly adhered to, women are not exempt from discrimination and exclusion from community public life and decision-making. This highlights the fact that land ownership and land rights are not the only factors at work in gender-based discrimination.

Evidence from this study shows that indigenous women's participation in community affairs has become more difficult when community affairs intertwine with legal and administrative structures, markets and networks, or policy development actors, whose centres of power are far away and ethnically outside of the indigenous culture. Norms, values and the cultural construction of gender brought in by mainstream influences are less inclusive and tend to marginalize indigenous women, who often lack language skills or have limited mobility. When communities move to integrate into these new social constructs, either women are able to regain ground, with the support of a community that expresses inclusiveness, or are left behind, and access to and inheritance of land does not compensate for their marginalization and exclusion. In communities where women have been

actively integrated within decision-making systems, the changes in traditional inheritance rules from matrilineal to bilateral are not perceived as a threat.

When villages expressed strong and autonomous agency and achieved important results in terms of community solidarity, women's participation and gender equality were strengthened. In Lon village, the struggle to recover from the disaster of land sales mobilized the whole community and strengthened its cohesion. Similarly, in Tangmlu village, reconstruction and the continuous threat of dispossession by companies, policies and neighbours resulted in a commitment to solidarity and equality that encompassed gender and various age groups. However, in other cases, when communities did not reach a consensus on land management, and protests did not create a shared community strategy and initiative, women's active participation in land rights claims did not provide them with permanent rights or enhance their inclusion in community decision-making.

The forced shift from traditional sustainable land use to commercial agriculture, induced by the massive seizure of resources, is having important impacts on indigenous societies. The pressure on income generation has impacted communities' social lives, solidarity and shared values, as well as cultural practices used to strengthen those aspects. In general, inequalities are increasing, and the weakest groups are facing marginalization, as is the case of widows. The need to ensure income is pushing some community members to anti-social behaviour, such as illegal logging and drug consumption. In this context, the increasing socio-economic stratification and the emergence of new social and power groups may easily interfere with customary norms, including those that, until now, ensured women's land access and ownership. As women of Sway suggest, if new power groups colonize the traditional authorities that are monitoring the fairness of customary norms, the risk is that much greater, with women in particular finding themselves marginalized, and customary laws may need to be reinvented to justify top-down interpretations and enactments.

Undoubtedly, women in the research sites have also benefited from recent changes: access to machinery, health care and education are considered among the main benefits. However, modernity has reached indigenous people in Northeastern Cambodia with a paradigm based on laissez-faire capitalism, which has put individual rights over collective ones, rapidly depleted resources and is embedded in a hierarchy that is social, ethnic and gendered. Many of the problems highlighted by indigenous women would have been less excruciating if the political, social and economic environment had encompassed more efficient and more affordable public services, basic infrastructure development, integrated agricultural practices, mitigation measures to counteract resource losses, and inclusive representational structures.

In terms of women's agency, other than land tenure issues, there are few initiatives presided over or organized by women. One rare example is the seed group in Lon community, where women gather to act on a specific matter that is of great relevance to their roles. Other examples of women's self-organized activities that target needs and priorities are lacking. This is also the result of general weakness of gender initiatives among organizations, including indigenous networks. The example of Tangmlu seems to indicate that communities are better managers of their internal problems, including gender equality, when left alone, without the influence or models that are flawed by gender biases.

In summary, for women that participated in this study, the highest risk in terms of access to land is represented by external threats and the numerous forms of land dispossession now at work in the province. However, the processes of internal social stratification and the growing pressures on land are creating important differences, favouring the concentration of wealth and resources, and leaving some community members with less power and voice. Little external support is available to indigenous women facing these challenges to help them address these issues and prepare for a defence of their internal community and household land rights if and when this may become necessary.

RECOMMENDATIONS

Following the evidence presented here, strengthening indigenous women's land rights may result from a multipurpose approach that embraces different areas of interventions and actors. Three main areas of interventions have been prioritized: policies, indigenous organizations and development agencies.

Policies

Recommendation 1: The Land Law implementation needs to be streamlined, especially in relation to indigenous land titling. The process should be simplified and made more accessible to indigenous peoples. The lack of implementation has allowed for land dispossession. Furthermore, more than internal processes of dispossession and re-interpretation of customary norms limiting women's rights, external threats remain the main reason why indigenous women, as well as men, lose their land.

Recommendation 2: The protection offered to women by the joint land title provision adopted all over Cambodia is undermined by the complex and costly process of land registration and titling. Access to proper and legal recognized land titles should be made easier by allowing local authorities to release valid titles at affordable prices.

Recommendation 3: Many indigenous communities face complex situations due to the inflow of new settlers or land sales that occurred in the years between the approval of the Land Law and the decree that provided instruction for the CLT process implementation. Alternatives should be found to secure community land in communities not eligible for the CLT but at great risk of land alienation.

Recommendation 4: Public interventions in essential services, such as health care, education, access to drinking water, sanitation, energy and public transport, are necessary to improve communities, particularly women's lives, to stabilize their livelihoods. Affirmative actions in these fields of public interventions are advisable and should be the focus of policy makers and development policies in the provinces prevalently inhabited by indigenous people.

Recommendation 5: Cambodian uplands, the greater share of national territory, represent potential for their inhabitants and the rest of the nation but are scarcely appraised, poorly supported

and unsustainably exploited. Agricultural applied research, agricultural policies and extension services should develop a sound approach to upland farming systems, acknowledging opportunities and constraints, and developing adapted approaches to support development in these areas.

Recommendation 6: The role of indigenous women in agriculture and in household reproduction and care should be recognized by policy makers and implementers at central and local levels. The Commune Development Plans and District Investment Plans should include gender analyses and women's needs appraisals, and should plan coherent measures to respond to those needs.

Indigenous organizations and networks

Recommendation 1: Indigenous organizations and networks active in Ratanakiri Province should strengthen capacity and resources deployed in gender-related issues. Dedicated gender resources should gain skills and decision-making positions within organizations in order to influence priorities and interventions. Overall, organizations gender knowledge and capacity should be strengthened to address current challenges; resources should be allocated for gender-specific projects; and specific monitoring and evaluation systems should be developed to allow for progress and consistently tackle constraints.

Recommendation 2: In collaboration with country-based indigenous networks, initiatives are needed to help the formulation by indigenous women of agendas encompassing different aspects of women's lives, needs and rights, centred on the recognition of women's multiple roles in society. The initiatives could set the ground for the development of women's community platforms to orient internal governance, as well as local development policies, such as commune and district plans. A broad consultation process could involve other provincial networks and contribute to indigenous women's national advocacy initiatives.

Recommendation 3: Under the influence of social differentiation, some indigenous communities have lost the internal cohesive and equality-driven structure that allowed a fair distribution of resources. Poor women and families, widows, and families where men are drinkers or abusive, risk entering cycles of exclusion and poverty if they

lack the support and solidarity that characterized communities before the recent changes. There is a need for strategies and interventions that can support women in need, ensure their access to essential resources and assets, and restore solidarity initiatives once in use.

Recommendation 4: In collaboration with country and regional indigenous women's networks, start a dialogue and consultation process on the changes occurring in the interpretation of customary land rights and their repercussions on indigenous women. From this study it appears that women's land rights are quite solid despite the recent changes. However, land resources are becoming scarce and this can easily generate competition, and the dismissal or re-invention of customary rules that give women access to and control over land. The initiative should gather information and experience from a larger sample of communities and involve indigenous women, elders and youth in a dialogue and searching for strategies and initiatives.

Recommendation 5: Indigenous organizations have started to develop autonomous research activities on different aspects of their societies. Gender should be included among the areas where research is needed to develop awareness on gender-specific indigenous issues such as women's role in indigenous societies' productive, social, cultural and religious lives. This will improve understanding of the changes threatening indigenous women's status and rights, and can help to find strategies to counteract the emergence of new gender hierarchies and discriminatory values.

Development actors and agencies

Recommendation 1: The changes occurring in the farming system and the transition from shifting cultivation to permanent cash crops has not been the object of research looking at sustainable and adapted long-term solutions. Nor have the roles of indigenous women, at the centre of this transition, been fully acknowledged. Therefore, there is a need for culturally and technically appropriate gender initiatives that fill this gap. Research and new initiatives should be focused on solutions to adapt shifting cultivation with new crop rotation systems, integrated animal husbandry, soil fertilization and protection from erosion, alternatives to herbicides in weed control, technologies for water retention and storage, support for organic farming including certification and marketing, opportunities for local

small-scale processing plants, and better market integration strategies, among others. Indigenous women farmers, as the primary target of such initiatives, could benefit from suitable innovation and engagement in enhanced farming outputs, while avoiding unsustainable practices pushed by need and scarcity.

Recommendation 2: In collaboration with country-based indigenous networks, there is a need for research and the collection of indigenous women's practices, such as plant selection, seed conservation, wild food gathering, agricultural and natural resource produce transformation, and food processing, as well as other knowledge areas, with the aim of supporting exchange and learning initiatives. Gatherings of women farmers around specific themes or techniques offering knowledge-sharing opportunities during agricultural fairs or other events may further support such initiatives.

Recommendation 3: In collaboration with indigenous networks, support the creation of women farmers' associations and indigenous women's cooperatives, with the aim of enhancing production coordination, as well as enabling women farmers to deal with markets through a collective and cohesive approach. Women farmers' associations and cooperatives can increase women's skills and offer opportunities for capacity building in different technical and managerial skills. Associations or cooperative funds could help women farmers with capital requirements to avoid women being forced into the spiral of high-interest debts proposed by some microfinance institutions. Most of all, associations can open up social spaces, increase mobility, create new employment opportunities for younger generations, and support indigenous women's status within their communities and outside. This can help women meet the challenge of men's dominance in social spaces and networks, and can boost their agency in a multitude of other issues relevant for their wellbeing and status.

Recommendation 4: In collaboration with indigenous local networks, develop radio programmes in local languages, during which women can receive and exchange information on different aspects and issues relevant for their life, and support local indigenous networks and organizations in developing media that challenges mainstream misleading perspectives and representations of indigenous women that increase their ethnic and gender-based marginalization.

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ISBN 978-92-5-131364-0



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CA4004EN/1/04.19