

Safeguards regarding indigenous peoples. WCS has screened for indigenous peoples in the four target areas. There are none around Prek Toal, Ang Trapeang Thmor and the IFBAs. Preah Vihear Province in general is a recognised homeland to the Kouy indigenous minority. One of the nine target villages, Dangphlet, supports some speakers of the Kouy language and was the subject of a more detailed screening in 2006 by Ashish John, a highly experienced social specialist with, at that time >5 years experience of indigenous land rights and related issues in Ratanakiri Province, Cambodia. The screening report has recently been updated and submitted to CEPF. It includes both research and consultation, and has been validated by three years of subsequent intensive community engagement work in this village. It was found that the Kouy speakers do not self identify as an ethnic minority and strongly prefer to be seen and treated as part of the Khmer majority. They no longer show any of the characteristics that might require special treatment as an ethnic minority group as envisaged under the safeguards - for example they are no more vulnerable, no less literate in the national language and show no distinctive resource management traditions or cultural norms in comparison to the Khmer majority, nor do they express any interest in obtaining indigenous communal land title as permitted under the Land Law (2001). Access to natural resources is important for all members of this community so the same participatory approaches will be required as in any village where WCS works, but setting up a distinct 'Indigenous Peoples' Plan' would be unnecessary, divisive and potentially harmful to families who have long ago chosen to integrate.

Safeguards regarding involuntary restrictions. At Prek Toal the key threat is illegal egg collection. This was tackled during 2001-2004 by the establishment of a set of measures including engaging former egg collectors as colony guards (see Goes [2005] *Four years of waterbird conservation activities in the Prek Toal Core Area of the Tonle Sap Biosphere Reserve 2001-2004*. WCS Cambodia Program for a full account). Hence egg collection has not taken place since 2004 (and not on a significant scale since 2002) so the main intervention under CEPF funds is to prevent resumption of this illegal activity and build up financial sustainability. Therefore no impacts on existing livelihoods can be anticipated and it is argued that no process framework or action plan is required.

The ecotourism and wildlife friendly rice interventions across the other three sites (Ang Trapeang Thmor, the IFBAs and the Northern Plains) focus on building incentives for changing livelihood and natural resource use practices on a voluntary basis, as a complement to formal park management activities taking place at the same sites under other donors and through other staff. Therefore we consider that they are not likely to trigger the Involuntary Restrictions safeguard and no Process Framework/Action Plan will be required.

Screening report: a review of the need for special actions to protect people of the Kouy ethnic minority group during conservation activities in Dangphlet village, Preah Vihear

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Introduction

This document concerns social safeguards for local communities related to the proposed project 'Conserving A Suite of Cambodia's Highly Threatened Bird Species' which has been submitted to the Critical Ecosystem Partnership Fund (CEPF) for funding.

The CEPF's Indigenous Peoples Planning Framework has been prepared to ensure that the World Bank's Indigenous Peoples policy is applied to CEPF-supported projects. The objectives of the policy are to avoid adverse impacts on Indigenous Peoples and to provide them with culturally appropriate benefits. The Indigenous Peoples policy recognizes the distinct circumstances that expose Indigenous Peoples to different types of risks and impacts from development projects. As social groups with identities that are often distinct from dominant groups in their national societies, Indigenous Peoples are frequently among the most marginalized and vulnerable segments of the population. As a result, their economic, social, and legal status often limit their capacity to defend their rights to lands, territories, and other productive resources, and restricts their ability to participate in and benefit from development.

After an initial screening the policy requires a social assessment whose main purpose is to evaluate the project's potential positive and adverse impacts on the affected Indigenous Peoples. It is also used to inform project preparation to ensure that project activities are culturally appropriate, will enhance benefits to target groups, and is likely to succeed in the given socioeconomic and cultural context. In this way the assessment informs the preparation of the design of the project as well as any particular measures and instruments needed to address issues and concerns related to Indigenous Peoples affected by the project.

The concept of an 'indigenous ethnic community' is somewhat subjective, but most authors agree that a key element is self-identification as belonging to an ethnic group different from the dominant culture of the country. In the context of Cambodia, examples of other defining characteristics include¹: having indigenous minority ancestors; living communally; using land and forests communally; respecting local spirits and having ceremonies for the village spirit every year; praying for help from the spirits and having ceremonies to compensate when spirits help; having ceremonies to call up "araks" (a spirit called up to find out why someone is sick); practicing or having a history of practicing rotational agriculture; holding sacrifices during the farming calendar; following traditional village leaders (chah srok) and using burial forests. Few indigenous communities show all of these characteristics but all show some of them. Cambodian Law recognises the concept of an indigenous community, and if they choose to register as such they then become eligible for special protection under the Land Law (2001) Articles 23-28, which allows them to register their lands under a communal title secure from illegal sales.

Dongphlet is a remote, rural village on the boundary of Preah Vihear Protected Forest in Chhep II Commune, Chhep District. It had previously been flagged by some NGOs as being potentially eligible for communal land title and WCS wished to clarify this important issue before beginning land-use

¹ NGO Forum (2006) *Indigenous Peoples in Cambodia*. NGO Forum on Cambodia, Phnom Penh.

planning. Preah Vihear Province in general is a recognised homeland to the Kouy indigenous minority² but of the nine target villages in Preah Vihear under this project only Dangphlet supports more than a handful of Kouy speakers and so requires detailed screening.

Methods

The main screening was conducted in April/May 2006 by a WCS/Forestry Administration team led by Ashish John, a highly experienced social specialist with, at that time, >5 years experience of indigenous land rights and related issues in Ratanakiri Province, Cambodia. The team had already built up good rapport and trust with the villagers before this study. Subsequently the team has worked continuously in the village and helped it to form a natural resources management committee and develop land-use plans; this has involved many consultations and data collection exercises relating to natural resource management, and confirmed that the results of the initial screening were robust.

The 2006 review involved detailed discussions with the village chief, collection of family-by-family data, interviews with a sample of families, and a focus group discussion with the main six families who still practice swidden cultivation.

Family data came from the Family Information Data 2005-2007 (a small booklet providing information on each family and kept in the village chief's house). The village chief was asked to identify booklets belonging to Kouy families. The Family Information Data booklet has boxes that are ticked indicating ethnicity of person, parents and wife. There are other details in this booklet which the team did not focus on.

Results

From Family Information Data booklets

The total number of families according to the Family Information Data Booklets was 132 but some booklets were kept one inside the other indicating two families with one head of family and the team took this to be one family for this study. Only one family head in the village had registered himself as Kouy and two others did not indicate their ethnicity. In all other cases both husband and wife were registered as Khmer.

It is possible people conceal their ethnicity for some reason. We first cross-checked these data by questioning the village chief, who identified 99 families as wholly Khmer. There may be a few members of other ethnicities (e.g. Chinese) so we took this to mean that 99 of the families (75%) were clearly non indigenous.

The village chief also identified for us 30 Khmer-registered families with strong Kouy ancestry according to his own knowledge - 15 heads of households (male) with both parents Kouy and another 15 heads of households with one parent Kouy. He felt that of these, only about 7 families had older members of the family that spoke Kouy and identified themselves as Kouys. He reported that the younger members in these families considered themselves Khmers. Table 1 confirms that none of these people identify themselves as Kouy in their Family Information Data booklets.

² e.g. NGO Forum (2006) *op. cit.*

Table 1. Ethnicity as recorded in the Family Information Booklet

Description	Number	Percent
Families registered as Khmer		
<i>Identified by village chief as Khmer</i>	99	75
<i>Reported by village chief as having one parent Kouy</i>	15	11
Number indicated one or both parents Kouy	0	0
Number indicated both parents Khmer	7	47
Number indicated one parent Khmer other left blank	2	13
Number left ethnicity of both parents blank	6	40
<i>Identified by village chief to have both parents Kouy</i>	15	11
Number indicated one or both parents Kouy	0	0
Number indicated both parents as Khmer	5	33
Number indicated on parent Khmer other left blank	2	13
Number left ethnicity of both parents blank	8	53
Families registered as Kouy		
<i>Identified by village chief as Kouy</i>	1	1
Families not registering their ethnicity		
<i>Identified by village chief as Kouy but did not fill ethnicity</i>	2	1

We further cross-checked by interviewing 14 families selected opportunistically across the village, irrespective of the information in Table 1. About 57% said both parents were Kouy while 29% said that one of their parents was Kouy. Two families (14%) said that their parents were Khmer while their grandparents were Kouy. Despite this widespread evidence of Kouy ancestry, all the families with either one or both parents Kouy formally identified themselves to us as Khmer. Some acknowledged that they were Kouy by birth, but formally registered themselves as Khmer and said that all their children were Khmer.

A specific example of these identity decisions is the case of Mr. Prey, who lives next to village chief. He considers himself Khmer along with his family. He says he is actually Kouy by birth and his wife is Kouy from Laos but now both identify and register themselves as Khmer. He said he cannot speak Kouy so does not want to identify himself as Kouy. He did speak Kouy when younger but now does not. His wife's parents spoke Kouy but she does not. The daughter clearly identified herself as Khmer and showed that she did not like being identified as Kouy.

Evidence of characteristics typical of indigenous people

- Language and habitation

The Kouy language is used in the home by some older people, but Khmer is spoken by all. Few if any young people have learnt Kouy. Levels of literacy and fluency in Khmer are essentially the same in people of Khmer and Kouy ancestry. People live in individual houses, but this is also true of strongly traditional Kouy communities.

- Land and natural resource management

Land is held and managed by individual families. We have found no evidence of the collective land management systems that characterise strongly indigenous groups. All land parcels in the village have been GPS mapped as part of the land-use planning work. Most farmland is perennial rice paddy which lends itself well to individual tenure. Swidden cultivation, a defining characteristic of many indigenous communities and one which leads to collective management regimes, is a marginal

activity in Dangphlet. It is often practised by young families who have yet to save enough capital to begin paddy farming, including both those of Khmer and Kouy ancestry; when they have enough capital they tend to stop swidden. Parcels are selected and used according to the wishes of the individual farmers and there is no systematic, planned rotation.

The option of communal land registration was discussed at length. The village chief felt there would be some interest in it, but that most of the younger members of the community would not be interested. The option was explained widely in the village during legal extension work in 2006-2007 but villagers did not wish to pursue it. In 2007 the Deputy District Governor (Mr. Chok Reun), a Kouy man, visited the village to encourage people to take pride in their Kouy ancestry and put together a request for communal land, but again there was no significant interest.

Other natural resources are also managed in an individualistic way and there is little evidence of traditional social structures governing this. Furthermore, where rules do exist for land or forest resources, there is no distinction between people of Khmer or Kouy ancestry either in the location or the way people exploit these resources.

- Spiritual beliefs and respect for elders

All villagers are Buddhist (as is true for most of the Kouy in Cambodia) and as with most Cambodian Buddhists they retain some animist beliefs/practices. However, the strong belief in a set of spirits that governs peoples' relationship with natural resources is absent, and there are few or no sacrifice ceremonies during the agricultural calendar.

Village elders are informally recognised on the basis of their age and wisdom, as in many Khmer villages, and they take part in ceremonies in the wat. However we do not consider they are elders in the same sense as in traditional indigenous villages, since they do not take a leadership role on land, or natural resources and do not draw their authority from close links to the world of nature spirits.

Conclusion

Around 75% of the adults in the village officially report themselves to be of Khmer ancestry. The remainder have some Kouy ancestry but almost without exception prefer to register themselves as Khmer. The persons who explicitly identify themselves as Kouy are the older members in the family, in their 50's or 60's. Almost without exception the younger generations prefer to be identified as Khmer.

The Kouy speakers do not self identify as an ethnic minority and strongly prefer to be seen and treated as part of the Khmer majority. They no longer show any of the characteristics that might require special treatment as an ethnic minority group as envisaged under the safeguards - for example they are no more vulnerable, no less literate and show no distinctive resource management traditions or cultural norms in comparison to the Khmer majority, nor do they express any interest in obtaining indigenous communal land title as permitted under the Land Law (2001). Access to natural resources is important for all members of this community so the same participatory approaches are required as in any village where WCS works, but setting up a distinct 'Indigenous Peoples' Plan' would be unnecessary, divisive and potentially harmful to families who have chosen to become integrated into the mainstream of Khmer society. Therefore we believe that this village does not trigger the CEPF safeguards for indigenous people and no further steps are necessary in this regard.