Community Guide to Legal Issues in Natural Resources Management Manual

A How-to manual for community activists in Cambodia to realize their legal rights in natural resource management

ABSTRACT
The community guide to legal issues in natural resources management is a guide to empowering local communities and indigenous peoples to engage in decision-making related to their land by using participatory Land Use Impact Assessments (LUIA).

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Acknowledgements

List of Acronyms

- LUIA- Land Use Impact Assessments
- NGO- Non-Governmental Organization

Content

THE COMMUNITY GUIDE TO LEGAL ISSUES IN NATURAL RESOURCES MANAGEMENT

I. INTRODUCTION

The community guide to legal issues in natural resources management is a guide to empowering local communities and indigenous peoples to engage in decision-making related to their land by using participatory Land Use Impact Assessments (LUIA). Using LUIA is meant to develop the internal strength and organization of local communities in Cambodia so that they are able to analyze their situation, explore its realities, articulate their priorities, and take action. With this guide's assistance, communities can increase their confidence and capacity to engage in natural resource management and evidence-based documentation. Communities may also enhance their legal awareness and ability to gain effective legal assistance needs from partners while also increasing community solidarity, improving management of their natural resources, and achieving tenure security. As the guide continues, some sections have extra information that may be used to help solve problems or may be put aside if it is not helpful for the community creating the LUIA.

Land Use Impact Assessments follow a people-led and participatory planning process. The participation of local communities is the key to LUIA success, and communities must be motivated to lead the LUIA process for themselves and for the potential benefits to their community. This process should remain continuous and participatory for so long as the community seeks sustainable long-term solutions related to land disputes and use. Because this process requires continuous participation, reflection, and learning, it should not be considered a short-term solution.

Generally, LUIA integrate existing national laws, human rights norms, and evidence-based approaches to solving land-related disputes. This integration comes from the collaboration between communities, local government representatives, and stakeholders. While the local community should lead the LUIA process, the government, investors, and key stakeholders should also be considered in the participatory planning processes. This consideration supports communities by holding local representatives and investors accountable for development commitments in each community. The LUIA process, including knowledge sharing, legal empowerment, history and resource documentation (as described in section III), and creation of resource and community land use maps (as described in section VII) will help communities to develop their own agendas while maintaining communication with the authorities, investors, and other stakeholders.

The planning outlined in this community guide is an ongoing process. There is always room for improvement and change. The communities that have participated in this process so far have found it to be useful, with some on their way to adopting community zoning, monitoring land use, and enacting management plans. These changes have created a possibility that standards of living will increase and that advocacy by community members on land registration and collaborative management of their forests and natural resources will also increase.

II. INITIAL PRIMARY ASSESSMENT

Purpose: The purpose of the Initial Primary Assessment is to discuss the upcoming development project by companies/investors and the government once a community has been informed of the pending project.

At this stage, the community should come together and have a discussion to understand the facts of the project, the nature of the development, and possible conflicts. During this discussion, the community should consider different steps that can be taken, define the key actors involved, and identify its community structure and information.

*Note: A **facilitator** is a person or organization who works closely with the local community. Facilitators could be lawyers, paralegals, Non-Governmental Organizations (NGOs), spiritual leaders, community leaders, etc. A **partner** is a person or organization selected by the community to assist them. A partner may also be a facilitator, but a partner is less likely to be a member of the community. A **stakeholder** is an "outsider" (non-community member or organization) with an interest in the community's project. An NGO may be a stakeholder and later become a partner.*

Process:

1. Have a focus group discussion among key persons within the community, such as spiritual leaders, community leaders, committee members, and representatives of different groups, such as women, the elderly, youth, monks, health care workers, and local authorities.
2. Ask facilitators to organize a community meeting and inform the community of the meeting's purpose.
3. Allow the facilitators to provide a summary of the development project to the rest of the community as a warm-up discussion. After this, give time for the participants to raise any questions and for the facilitators to provide clarification, if needed.
4. After all questions have been raised and answered, ask participants for their opinions on what was discussed and what they would like to see going forward. If the participants hesitate or have trouble articulating their ideas, the facilitators should use the following key points as a guide to discuss the proposed project:

   A. **Analysis of key economic entity:** It will be important for the community to identify the primary entity whose interests create the land conflict at issue in the meeting. This entity could be a private company, government institutions, a powerful individual, or a combination of those. In order to identify a key entity, members of a community may ask questions. These questions should be welcomed and will help the community better understand not only who the project developer is, but also why the project has been proposed for this specific area.

   B. **Legal rights:** Your community should reflect on current laws and regulations governing the areas and how it affects them. This may be difficult given the lack of legal empowerment in many communities, but each member of the community should be included in understanding the whole community's rights and customs. Some communities may not share the same legal rights, or one family may have different legal rights than others. In understanding current laws, NGOs and other facilitators should always remember the underlying legal issue and dispute. This issue could be from local regulations, national laws, or

international conventions, and each presents new opportunities to discuss with the community.

C. **Political posture**: The community, with help from facilitators, may also want to consider the political goals around the project. For example, formal government involvement with a developer may lead the project in a different direction than a project funded by a private investor.

D. **History and structure:** Any history of the community being in similar conflicts is an important discussion point. If there have been similar disputes before, communities may feel that they can resolve the current dispute in the same way or different ways based on this history.

With all of these points considered, the community will be able to form a stronger sense of understanding that will help to create a unified community vision.
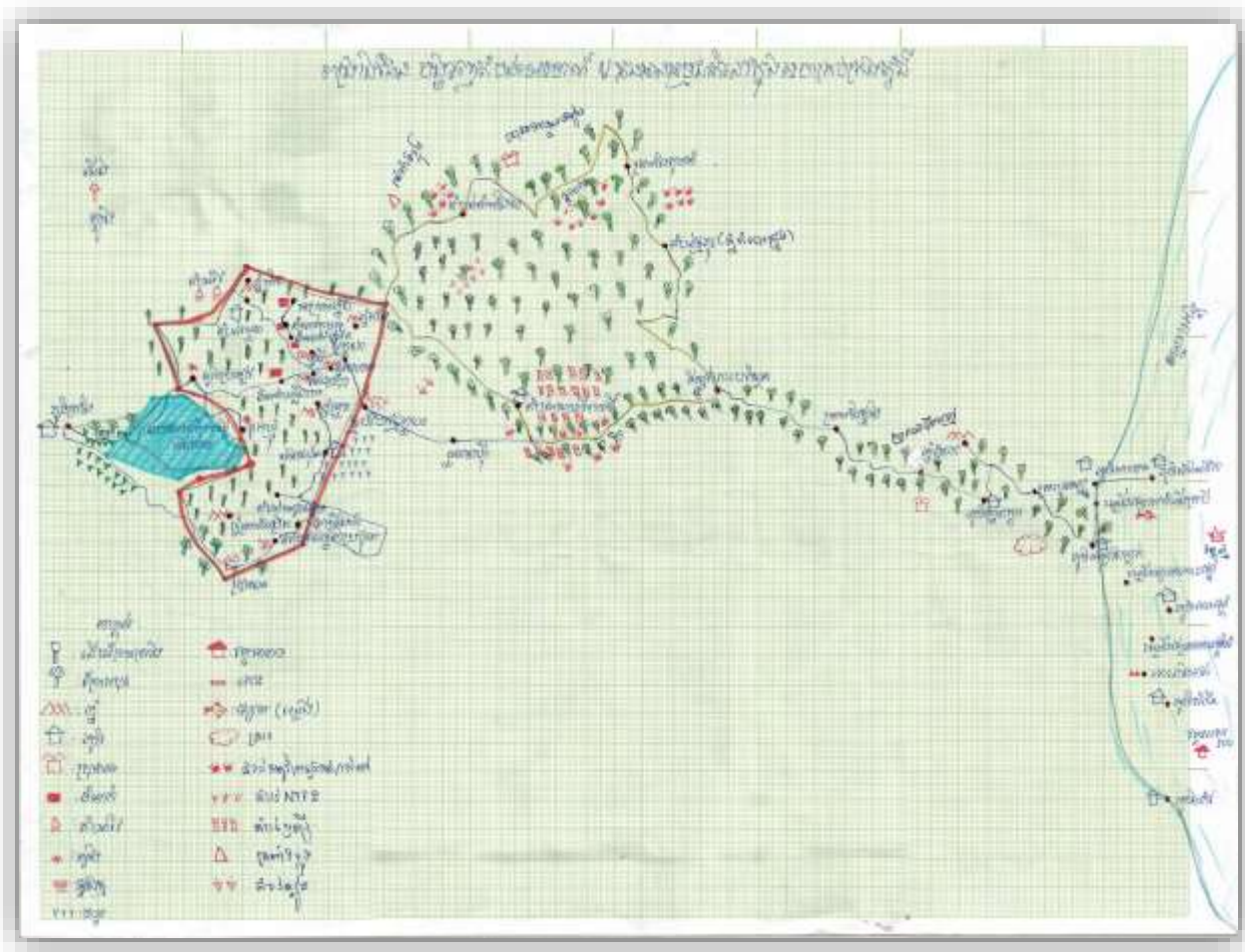
III. COMMUNITY ASSESSMENT

The next step in the LUIA process will be a Community Assessment. This assessment will help your community better understand its structure and history.

Your community should form a group of representatives for this process. The representatives should include your community's core leadership, religious and spiritual leaders, business people from the community, soldiers and police officers, elders and youth leaders, women leaders, people with disabilities, and indigenous and ethnic minorities. This will help the community understand the whole community's thoughts and perspectives on the conflict.

PROCESS
1. Have a focus group discussion with community members, representatives, leaders, etc.
2. Introduce the information that was discussed during the initial primary assessment. Give time for the participants to process the information and provide clarification as needed.
3. Gather community information needed to build and review the community profile. [This profile is important to understand community demographics, data, land use, population trends, business and employment patterns, settlement history, community structure and power relations, stakeholder's involvement, etc.] The Community Assessment Guided Questions chart can be used to organize this information because the information will likely be gathered over a long period of time.
4. Discuss any community background needed to understand issues or conflicts and identify the key actors involved [government authorities, the private sector, etc.]
5. Listen to community members about their past experiences with conflict and how they handled the positive and negative impacts arising from it.
6. Review relevant legal documentation, the frequency of issues highlighted by the media and the public response, the location of controversial areas, and whether the public opinion from the community members is positive or negative.
7. Summarize all discussions and write down important messages, such as type of conflicts, key actors, process/steps, techniques, and information.

Sketch Mapping on Community Natural Resources Map in Phnom Chi, PreyLang Wildlife Sanctuary

Community Assessment Guided Questions

Note: Facilitators within the community should lead the process of collecting community assessment information as it may take time for the local people to process on their own. Facilitators should lead because they are more well known in the local community and will be able to understand and address challenges better than an NGO or other outsiders. For example, if a community is spread out, it is important to travel to all parts of the community and this travel, to each person, will take time. Also, communities may not traditionally have regular meetings or may not work together closely in everyday life. If a community has knowledge about its land and background, it may be held by multiple people and passed through oral tradition rather than written. Each of these possible challenges makes gathering information for community assessments time consuming and difficult. This shows why it is important to involve local leaders and gather the community for a large meeting, if possible, and to have facilitators help the community gather this information and turn it into a profile.

Community Features	Considerations	Information Collecting Tools
A: Demographics	- Population: total families, houses, population, age, gender, ethnic/indigenous, etc. - Levels of literacy, prior education, prior training and knowledge transfer received - What is the main source of income/livelihood for the people in the village? - What are cultural/traditional activities within the village or communities? - What percentage of the community is employed and when do they work?	River of life
B: Village History	- When was the village established? - What do the community members currently use their land for (land use)? What is the size of the community's land? - Does the community have collective land or individual land title? - What other resources does the community own? (For example, infrastructure, facilities, natural resources, etc.) - Do community members access and use communal resources, such as forest products, rivers, grazing lands, etc.? - Are there any other culturally important places for the community? (For example, spirit forests, cemeteries, etc.)	Storytelling
C: Community Structures and Engagement	- Are there existing networks, committees, structures to support engagement within the community? - Are there existing local community governance structures? Do they include woman, elderly, disabled people, youth, key traditional persons, indigenous people, etc.? - What are the roles and responsibilities of community representatives and local people? - How can community members ensure that they are representing the views of the community, as people may have different opinions? - Has the community ever had to deal with disagreements or conflicts in the community or within the community network? How does the community deal with conflicts?	Mapping diagram on community structure and power relations and group discussion

Part D: Current Issues	▪ What are the issues (community land, housing, forestry, land concession, human rights violations, etc.)? ▪ Who is directly impacted by the issue? ▪ Are there any issues related to the private sector/company or government land? ▪ If there are issues regarding the private sector, how much do you know about the company? ▪ What processes/discussions have occurred between the community and the company/government? What are the notes following these interactions (including the format of the meeting/discussion, the level of information sharing, the appointees from either side, how the parties worked together, etc.)? ▪ Does the community know about the company/government complaints? If yes, has the community filed a complaint?	Community hand-drawn maps (very brief to highlight overlapping boundaries)
Part E: Previous engagement with government agencies	▪ Assess the relationship status between the communities and authorities (village, commune, district, municipal, provincial, etc.). ▪ Has previous engagement with the government been largely positive or negative? ▪ Is there trust and connectedness within the community? Between the government and the community?	Focus group discussion
Part F: NGO supported Group discussion and Stakeholder mapping	▪ Are there other groups who already engage with the community? Will they support this project? (NGOs, partners, etc.) ▪ What support are the NGOs giving the community? How long do/have the communities engage/d with these partners? ▪ Have networks of villagers, or local authorities been trained by the NGOs (include study visits)? What training has your community received? ▪ Do you have any influence over the kinds of activities the NGOs undertake? For example, if you want to conduct an activity, can you ask for their support? ▪ Could you ask them to leave if you didn't want their assistance anymore? (E.g. if you are not happy with what they are doing or suggesting?)	Stakeholder Mapping

IV. NETWORK DIAGRAM

This section includes information for communities, facilitators, and NGOs, but it is explained more for NGOs and lawyers. It is the responsibility of NGOs and legal professionals to help facilitators move through this process with the community. Additionally, this process is fluid and does not need to be followed step by step. The community knows what it needs better than anyone else and should be allowed to proceed in this process in its own way.

4.1 Stakeholders Mapping: Stakeholders are organizations, or individuals, outside of the community with an interest in the project. Stakeholder mapping is important because it allows a community to identify all possible stakeholders and their connections to each other and the conflict. This can also help identify the links between multiple communities that are affected by one project. This can then be used to analyze the nature of these links and determine how frequent contact between your community and individuals outside of your community can be used to strengthen connections and lead to strategic alliances.

PROCESS
1. Explain the purpose of stakeholder mapping to participants and initiate group discussion.
2. Write, as well as depict, the group of community members/farmers on a sheet of paper and keep it in front of the participants on the floor.
3. Ask the participants to identify their contacts. As they list the contacts, ask them to write or depict the contacts on individual cards.
4. Spread the smaller cards and set of key questions to be discussed, finalized and then depicted on the ground for each of the contacts. The key questions can include:
   a. What is the quality of their relationship with the contacts?
   b. What function does the contact perform?
   c. How frequent is the contact?
   d. What are the other relevant issues?
5. Take up one contact at a time. Discuss general issues and ask the key questions. After completing one contact, move to other contacts.
6. Ask the participants to represent the different aspects of their relationship with the contacts or make modifications if needed.
7. The community will need to highlight what services, partnerships, and information they will need. Once they have identified these services, your community can see who on the stakeholder map will be able to help provide that service.

Community Stakeholders Mapping

4.2 Stakeholders Discussion: After the map has been created, community members should meet with the contacts that can help provide the services the community needs. The community can discuss a strategy for attending these meetings and presenting their proposals to each stakeholder. At these meetings, it will be important to discuss the potential collaboration between the community and the proposed partner.

PROCESS
1. Select key persons from your community to talk to partners. These people can be leaders, committee members, spiritual leaders, or women representatives; the people selected will depend on the community structure and decisions made amongst the team.
2. Arrange meetings with difference target partners.
3. Introduce them to the partners and present the proposal.
4. Listen to experiences, services, and proposed strategies from potential partners (for instance, how do they engage with local authorities and companies?).
5. Discuss potential collaboration and briefly discuss roles, responsibilities, capacity of partners, and methods for following up.

4.3 Internal Assessment: This assessment may be easier to do with a lawyer or partner working with the community once the meetings with the partners have been held and the community has obtained the necessary information from them. These meetings should be used to evaluate the selected key partners. The following sheet is a helpful starting place

for the evaluation process and can help the community to develop strategies for working with partners.

Partners' situation	Considerations include
Goals and objectives	▪ Why engage this partner? ▪ What do you hope to achieve from this engagement?
Political and policy environment	▪ What level of political support or motivation exists to support your communities? ▪ Are the community's plans a part of a broader government agenda? ▪ How does the current relationship between the partners and government appear? ▪ Is it possible to solve any community land tenure issues through the courts, or land dispute resolution bodies?
Resources	▪ What resources are available to support your community, for example: 　▪ Skilled, knowledge, experiences, and services? 　▪ What are their techniques, strategies, and attitudes and behavior towards your community? 　▪ Information and communication technologies? 　▪ Financial support, technical advice, material support? 　▪ Staff and time commitments to work with the community?
Backup	▪ Are other partners or agencies also engaging this community? Is collaboration possible?

V. STRATEGIC INTEGRATION
5.1 Strategic Discussion
After the key partners have been selected, it is important for the community and partners to discuss their working relationship, approaches and techniques that will be taken, what resources will be committed, any backup plans, and how partnerships can be terminated. This discussion will help the community and partners form an agreement. The strategic integration will help your community and partners gain a full understanding of the background issues, community situation, political environment, government engagement, legislative requirements, the capacity of the community, commitments from partners, etc. However, it is important to remember that the process and agreement between the community and partners are flexible. Every situation is different, and what works for one community may not work for another community.

PROCESS
1. Prepare to have meetings with potential partners to discuss the detailed steps, procedures, and strategies to protect their interests in the land dispute.
2. Arrange meetings with individual institutions where facilitators will summarize the background of the community's situation and review its community assessment report.

3. Explain ideas related to the community vision, strategy, possible ways partners and your community can cooperate, and resources that will be committed toward resolving the dispute.
4. Discuss important documents your community needs. For example: community maps, zoning maps, community history and documentation of your rights, family documentation on land rights, by-law/regulations, community structure, and governance, etc.
5. Ask partners for their opinions and discuss their thoughts related to the dispute.
6. Raise important questions to get a better understanding of partners' thoughts and ideas as well as community situation. The following are guide questions:

The aspects	Considerations include
General information about the case	▪ What is the source of conflict? Land, forests, fisheries, wildlife, etc.? ▪ Who are the parties involved in the conflict? Outsiders, government authorities, or company? ▪ Who are the other actors involved in the conflict?
Community situation	**Background of community:** demographics, statistics, history of occupancy, community structure, etc. (Based on Community Assessment Guided Questions)
Legal rights of the community	▪ **What are the community rights on land and natural resources?** Based on Cambodia' national laws, legal instrument, and international laws or conventions. ▪ **What legal documents does the community have?** For example, community status, by-laws, recognition as a legal entity from the Ministry of Interior (MOI), collective land title, contract as community protected areas or community forestry attached with zonation, land use, and management plan, and so on. ▪ What are the legal strengths and weaknesses that equip and block your community? ▪ What is the legal capacity of the community?
Political and policy environment	▪ What level of political support or motivation exists to support your communities? ▪ Are the community's plans a part of a broader government agenda? ▪ How does the current relationship between the partners and government appear? ▪ Is it possible to solve any community land tenure issues through the courts, or land dispute resolution bodies?
Engagement with government agencies	Refer to section III
Company engagement and legal procedure	▪ **Background of the development project**: geographic, company name, type of investment plan, company structure, foreign or local, etc. ▪ **Government approval process**: consultation with local people, government approval

	including contract, maps, management plan, and investment plan, etc. ▪ **Any surveys/interviews with local people** related to Environmental Impact Assessment (EIA) and Social Impact Assessment (SIA) or Human Rights Impact Assessment (HRIA) and Free Prior Informed Consent. ▪ **What is their local network**? Is it through construction workers hired from community, mediator, or local authorities (commune, district)? ▪ Which ministries/tycoons are involved in the investment project? Any connection to international or local companies? ▪ **Do they have any meetings with community**? To explain the proposed project, contract, and company's annual profit and revenue from the investment (Refer to section III) ▪ Any threats or violence? ▪ What are the legal strengths and weaknesses for this investment project?
Goals and objectives from community	▪ What are the goals and objectives for your community? ▪ What are your concerns related to the development project? ▪ What are alternative solutions you want to see in the community? ▪ What type of engagement do you need from your community? ▪ What type of cooperation do you want to have with your partners? ▪ What type of support do you need from your partners?
Recommendations/conclusions	
Legal Empowerment	▪ Capacity building and raising community representatives', leaders', and members' awareness and understanding of sub-national, national, and regional laws, policies, and other regulations. ▪ International laws and conventions to ask about, including the United Nations Declaration on the Rights of Indigenous People (UNDRIP), customary international law, grievance mechanisms, and Free Prior and Informed Consent, etc.
Legal Analysis	▪ Look for partners/legal aid groups to support the community by preparing legal analysis to do more in-depth research on and more analysis of specific laws and documents, legal rights of the community, obligations, legal procedure of approval process of the investment project, and responsibilities and transparency of the company to the community.

	▪ The partners should explain the process of doing legal analysis. What type of information does a lawyer need? What legal analysis will benefit the community? How long would it take? Will the lawyer present the results and give documents to the community? How do you spread this information? Is the analysis the lawyer's property, community property, or half?
Relationship/engagement with stakeholders	▪ Strengthen relationships between the community and local authorities. ▪ Build a relationship and trust between community and company (if possible).
Partners	▪ Look for partners who could build capacity and assist the community with: 1). Technical skills on mapping, land use, documentation. 2). Legal consultation and training/coaching and legal analysis. 3). Capacity building on communication or negotiation skills, strengthening community structure, community members' engagement, and other skills if needed.
Existing groups/networks	▪ Looking for existing groups or networks that have similar experiences to create alliances.

Future interaction with the company	▪ The community and partners should deal with the case by thinking ahead about alternative solutions, such as:
	
	Non-Judicial approaches (outside the court system), including:
	
	▪ Collaborative management of the area (joint management with proper management plan between community and company).
	▪ Negotiating based on community customary law.
	▪ Recruiting a mediator to facilitate the process of negotiation.
	▪ Requesting local authorities or relevant Ministries be facilitators in the case.
	▪ Propose alternative solutions, such as:
	  ✓ Sell or lease community land contracts (if it is private land).
	  ✓ Rental payment, build infrastructure, job creation for the community.
	  ✓ Exclude community land from the concession and compensation for the degradation of forest, land, and other natural resources.

	Judicial approach: filing complaint through the court system with legal representation (a lawyer)

Note: Strategic integration should be a series of discussions. Some information may only become available after future interactions between the community and company. Partners should remain involved, and strategic integration should remain flexible and updated to allow for this involvement.

Community Strategic Meeting/Workshop

5.2 Terms of Engagement
This section describes how a local community and partners may create terms of engagement. These terms are to show how the partner will assist the community. It can be in writing, but it does not have to be. Terms are to help the community identify the assistance that they want or need. Terms show how the community and partners will cooperate with each other, including by communicating, sharing information, etc. The terms of engagement can be outlined in a simple document to list the roles and responsibilities of each partner and to monitor and their work. If some partners disrespect the terms, this document can be used as a basis for discussion about either correcting the relationship or dismissing the partner.

PROCESS
1. Community invites partners to have meetings. Representatives from each family in the village will contribute ideas and questions.
2. Community explains the purpose of the meeting and introduces each partner to the members.
3. Community discusses the background of the dispute, skills, and needs with partners and explains why it wants partners.
4. All participants in the meeting discuss terms and conditions for the terms of engagement. Questions to discuss include:
   a. Why does the community need support from partners?
   b. What skills, knowledge, and experiences does the partner have?
   c. Why are partners interested in cooperating with your community?
   d. What do partners contribute? (Human and financial resources, time, and afford and commitments)
   e. What can the community contribute?

5. List the skills and knowledge of the partners and your community. Identify what skills the two parties need to develop.
6. Seek opinions from community members (women, youths, and ethnics and minority groups) to design their own roles and responsibilities.
7. If putting the terms in writing, draft the contract describing the purpose of the terms of engagement, the representatives signing the contract, the roles and responsibilities of each partner, and the terms of dismissal. Include the names and signatures of members and partners.

Note: Communities should separate into different small groups. Dividing into small groups (women, youths, people with disabilities, etc.) can strengthen community groups and allow them to identify concerns so they can contribute opinions and solutions. This can also help small groups identify their expectations and how to contribute within the community and with partners.

Also, local authorities (village and commune) should be able to join this meeting because they have experience working with many partners. They can share their ideas about content, effective roles and responsibilities, and implementation challenges. They can also propose how to fix potential problems.

5.3 Sample roles and responsibilities

Community roles and responsibilities:

- Work to involve partners and lawyers in all activities, such as assessment, data collection, analysis, and research.
- Lead/facilitate regular meetings to update partners or stakeholders.
- Participate and organize meetings/trainings/coaching/workshops with partners. Cooperate with partners to develop/update community structure and by-laws, and to create community maps, resources documentation, and profile history.

Partners:

- Provide skills development/guide/support through training/coaching/meetings/ workshops with community representatives and community members so that the community can:
    - Promote ecosystem regeneration, environmental and natural resource sustainability, and security of tenure on land and forests.
    - Develop community mapping, land use and management plans, zoning, a baseline survey of biodiversity, ecology, and history of occupation.
    - Develop community action plans for priority community issues.
- Facilitate community engagement and relationships with local authorities (provincial or department officers) or/and national authorities (ministries).
- Support community engagement and communication with stakeholders.
- Support the community to create/strengthen community by-laws, regulations, community structure, etc.

Roles of Lawyers:

- Provide legal education on national law, international law, and government regulations/structure.

- Represent the community through communication with the company and government authorities (provincial and ministries) by writing letters, making phone calls, emailing, etc.
- Assist the community in data collection and analysis, legal research (Legal analysis), and presentations on the research.
- Provide legal consultations to the community when needed (for example, strategies to move the case forward).
- Represent the community by filing complaints to national or international courts.
- Defend the community in court.
- Help determine, with community and partners, what information is considered confidential. Inform the community about partners sharing information to outsiders.
- If any party does not perform the roles and responsibilities according to the terms of engagement, dismiss them.

Designing Roles and Responsibilities between Community and Partners

VI. COMMUNITY GOVERNANCE AND STRUCTURE
6.1. Community Identity
It is important for a community to define itself based on territories, geographic area, governance structure, resources, community members, ethnic groups (indigenous, minority, migration, and local Khmer), and neighboring villages. These questions can assist the community in identifying itself:

1. Does the community identify by geographic location, customs, livelihood, a shared history, or other factors?

2. Who will participate in this identification, and how will the facilitator ensure that the process is as inclusive as possible?
3. Are there actual or potential divisions within the community?

6.2. Community Power Dynamics

Community leaders or committees are the best people to review community structure, understand power dynamics, and influence people in a local community. The representatives should assess individual village or community governance structures, including village organizational structures, decision making structures, and supporting legal documents. Also, information on relationships, power, and level of trust among community members and neighboring villages should be assessed.

6.3. Interim Committees

When development projects impact a large area, many communities may be affected. In this case, community leaders from different communities should work together during negotiations. To do this, leaders should form one interim committee. To prepare for this, communities should be prepared to select representatives and create terms of engagement.

The election of interim committees:

Community leaders, spiritual leaders, and elderly persons in each village should work together to establish an election process for interim committees. This process may be based on traditional methods and position descriptions that detail the roles, responsibilities, and conditions for elected committee members should be developed.

Other options instead of formal elections include:

- The community nominating representatives from across the whole village, commune, district, or community.
- Existing representatives/committees nominating potential representatives followed by a public vote where community members/local people can elect the interim committees.

Voting procedures:

- Key informants meet to discuss the election/selection of candidates based on candidate qualifications.
- Key informants compile the community's agreed upon list of candidates and voting members and materials needed for the voting session, including ballots, pens, and ballot boxes.
- Each voting member shall have one vote and shall vote only once.
- The key informants shall invite local authorities and local/international NGOs to preside over and observe the election;
- The candidate with the most votes will be interim committee representative and the runner-up will have a deputy position;
- The ballot will be counted immediately after the voting, and the result of the voting will be announced to the participating members;
- The working group will provide the results and be responsible for collecting and storing any documents related to the voting process and results.

6.4. Rules and Regulations and Decision Making

The main roles of the interim committees are to support the community members in the resolution of their case and to support community member decisions. Other responsibilities may include:

- Making decisions related to the development project and conflict resolution based on the results of transparent and democratic voting;
- Organizing and facilitating regular meetings within each village and network;
- Helping local people coordinate with local authorities and develop and adopt their own regulations, management plans and mapping on natural resources;
- Promoting reforestation on degraded or idle areas;
- Representing the local communities in negotiation and conflict resolution between their own communes, neighbouring villages, and the company;
- Representing the local communities' decisions when preparing regulations related to benefit sharing within their own communities, other communes, and districts;
- Reporting on decisions and findings or incidents within the areas to local people;
- Coordinating and facilitating communities' communication with government authorities, development partners, companies, media, and other stakeholders; and
- Ensuring transparency and accountability to the local communities.

Note: The interim committees could be removed from the committee members for:

- *Engaging in forest crimes, such as illegal logging, illegal hunting, and non-compliance of their roles and responsibilities (instant dismissal).*
- *Being regularly absent from mandatory meetings or not performing tasks (3 warnings).*
- *Working against the interests of the communities if a conflict of interest arises (instant dismissal).*

VII. MAPPING OF COMMUNITY NATURAL RESOURCES
7.1. Community Resources Mapping

Introduction

Community resources mapping is an important participatory planning tool to engage and empower local communities. It involves the creation of a comprehensive hand drawn GIS map and community profiles by the community with support from the technical team. Natural resource mapping focuses exclusively on the community members' spatial knowledge and provides the skills and expertise necessary for community members to create maps, articulate their priorities, and develop interventions on their own.

PROCESS
Sketch Mapping

1. Find time, venue, location, and participants for natural resource mapping that considers the local people. Participants can include community leaders, representatives, spiritual leaders, village authorities, other key members, and marginalized groups such as women, children, people with disabilities, and elderly persons.
2. Divide responsibilities, such as sketching, note taking, and correcting and filling in information, among facilitators (interim committees/partners).

3. The facilitators explain the purpose and objective of doing natural resources mapping by answering questions such as: What is it? What are its benefits and why? What is the process? How is it used?
4. An outline of the village and surrounding forest area, including obvious landmarks, is drafted first. Then the entire area is first mapped out broadly showing constituent parts, wards, etc.
5. The facilitators should ask people from different areas within the community to lead mapping in their area of the village.
6. Allow the participants to lead and detail areas that are familiar to them or the land that they utilize.
7. Facilitators take participant's information and sketch the approximate boundaries of the community natural resources, farming land (such as rice fields, plantation fields, rice paddies, grazing area, etc.), forests, hills, watchtowers, railway lines, lowlands, wetlands, rivers, spirit forests, etc.
8. Sketch other landmarks including roads, access roads, small blocks, rivers, schools, pagodas, drainage areas, factories, leaders' houses or villagers' houses, etc.
9. Once the village map has been completed, facilitators assist the community members in presenting their maps. Questions and comments will be noted and amendments made.
10. After the presentation, the facilitators help community members to combine their maps. The final map should show the areas in which they live and the different areas they use within the forest. It should also show the delineation between villages/communes, districts, and the forests that they utilize.

Note: Natural resource mapping is flexible. It could be done on the ground, using colored paper, drawn as a picture, overlaying a drawing over an Aerial photo, etc.
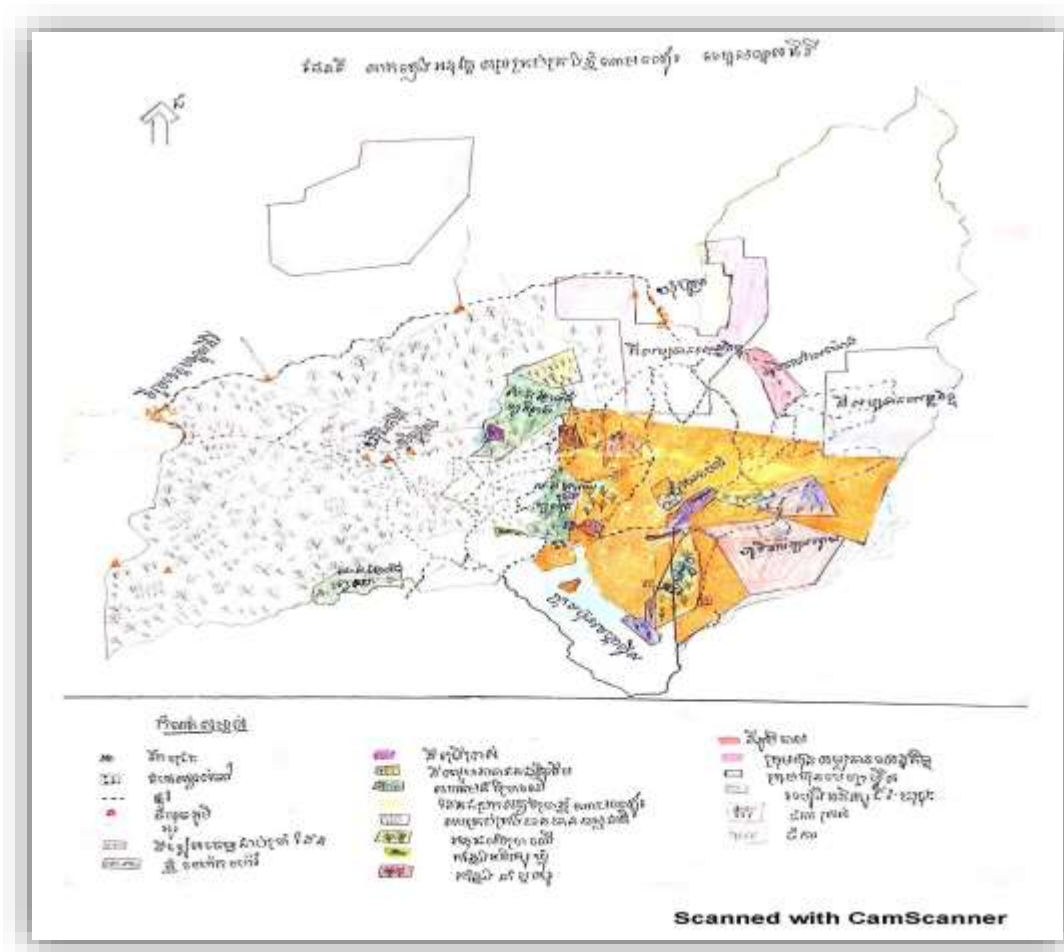
Collaborative Management on Natural Resources Map in Phnom Namler Wildlife Sanctuary

7.2. Documentation of Community Natural Resources Profile

Documentation of the community natural resources profile helps gather clear information relating to the background of the community. Facilitators, with community help, will make a survey to collect this information to create a community natural resources profile.

PROCESS

Preparing the survey form

1. Facilitators explain the purpose of the community resources profile.

2. Facilitator teams divide into roles including:

   o Helping partners prepare data encoding, analysis, and GIS maps;
   o Interim committees mobilizing the community to verify and correct their information, organize community public meetings, publish displays, and summarize the report to authorities;
   o Involving the community in the creation of the community map and correcting the resources profile information to correctly reflect the situation.
3. A team of community surveyors will administer the survey questionnaire to each household.

4. A group discussion with the community will be organized to determine what community information they, and you, would like to include in the final survey, such as the background of your community, current governance structure, geographic areas, natural resources, etc.

Carrying out the survey
5. Once the survey is finalized, the facilitators train the community surveyors on survey techniques, including role-play and other participatory methods.

6. Divide the roles and responsibilities of surveyors, including who will do: GPS marking and tracking, record information into the survey sheet, interview community members, etc.

7. Once the survey team is familiar with the process, they can conduct the survey in the community.

Land Plot Measurement and Housing Design Layout

Digitalize GIS Maps and Documentations
8. Partners (local or international firms) can assist the community in digitalizing the sketched maps into GIS maps.

9. The resources surveys should be encoded and documented in your community resources profile.

10. The facilitators will organize and publish display information of both maps and resource profile for your community members to correct.

11. After correction, the facilitators will combine all relevant information into one document including sketched maps, GIS maps, and resource profiles.

12. The document can be kept with your community and also shared with the local authority and other stakeholders.

Note: All portions of the communities should be involved in collecting necessary information and preparing the profiles. Especially:

-   *Women who have specific knowledge about NTFP locations and optimal land use.*

- *Youth who have knowledge and understanding of technology, such as GPS and computer software.*

- *Elderly persons who have historical knowledge and background of the areas.*

Community Profile

VIII. LEGAL EMPOWERMENT

Once the mapping and profile documents are finalized, these documents will be used as evidence to prove existing tenure rights through customary law (evidence of prior land use, possession rights, and occupancy) and customary rights (i.e. how precise the information should be regarding land use planning, physical land features, legal occupancy of individual families, or collective rights, etc.).

PROCESS

1. Communities are ready to talk with legal firms/lawyers about their case and legal empowerment. (If a community is not ready, this discussion may not be beneficial)
2. Communities introduce interim committees and give any updates on governance structure before presenting information from the resource mapping and community resource profiles to their lawyers.
3. Seek lawyers' opinions and feedback related to the documents, including whether there is enough information.
4. Discuss any community need for legal education, legal analysis, and strategic advocacy through judicial or non-juridical court, and grievance mechanism.

5. Clarify roles and responsibilities between your communities and lawyers, including roles of lawyers (mediator, dialog, representatives, etc.), responsibilities of each party, and termination of each party, and property rights to information (similar to the terms of agreement)
6. Set up a work plan to conduct these activities including setting a timeline, responsible persons, number of participants, budget, etc.

Legal education: Community members or representatives should become familiar with sub-national, national, regional and international laws and policies. Although in-depth knowledge is not necessary, being able to summarize key points, analyze situations related to community strength and weakness (based on current evidence, legal rights, community solidarity, current politic, etc.) and investors/development projects (the legal procedure to receive the grant) would be beneficial.

Community rights under national laws:

❖ Rights of communities related to basic land and natural resource rights, constitutional laws, and other relevant national laws (Land Law 2001, Constitutional law, Law on Environmental and Natural Resources Protection, etc.)
❖ Economic land concession process, Cambodian Civil Code Concerning Land Law (2007), Environmental and Social Impact Assessment, Customary laws, and other investment ventures on community land, Protected Law, Forestry Law.
❖ Other relevant laws or forms, including royal degree, sub-degree, circular, parka, decision, local regulation: Community Protected Areas, Community Forestry, Community Fishery, Commune Land Registration, Leopard Directive, etc.

Community rights under international laws:

❖ Right of communities related to Free, Prior Informed Consent (FPIC).
❖ Voluntary Guidelines for the Responsible Governance of Tenure.
❖ Convention on the Elimination of Racial Discrimination.
❖ International Covenant on Economic, Social and Cultural Rights.
❖ International Covenant on Civil and Political Rights.
❖ International Convention on the Elimination of All Forms of Discrimination Against Women.
❖ Convention on the Rights of the Child.
❖ Convention on Biological Diversity.
❖ ILO's Discrimination (Employment and Occupation) Convention (No. 111).
❖ Voted in favor of the UN Declaration on the Rights of Indigenous Peoples.

Government approval procedures

Understanding government procedure for approving the development projects, including rights to access to public information, land classification (from public state land to private state land), and other steps investors need to engage with your communities are also important for communities to understand.

Reference:

- Blackmore, E., Bugalski, N. and Pred, D., 2015. Following the money: An advocate's guide to securing accountability in agricultural investments.
- Charnley, S., Fischer, A.P. and Jones, E.T., 2007. Integrating traditional and local ecological knowledge into forest biodiversity conservation in the Pacific Northwest. *Forest Ecology and Management*, *246*(1), pp.14-28.
- Corrigan, C. and Hay-Edie, T., 2013. A toolkit to support conservation by indigenous peoples and local communities: building capacity and sharing knowledge for indigenous peoples' and community conserved territories and areas (ICCAs). *Cambridge, UK*.
- Daley, E. ed., 2013. *Governing Land for Women and Men: A Technical Guide to Support the Achievement of Responsible Gender-equitable Governance of Land Tenure* (No. 1). Food & Agriculture Org.
- Golub, S. ed., 2010. *Legal Empowerment: Practitioners' Perspectives*. Rome: International Development Law Organization.
- Goodwin, L. and Maru, V., 2017. What do we know about legal empowerment? Mapping the Evidence. *Hague Journal on the Rule of Law*, *9*(1), pp.157-194.
- Harper, E., 2010. Promoting legal empowerment in the aftermath of disaster: an evaluation of post-tsunami legal assistance initiatives in Indonesia. *Legal Empowerment: Practitioners' Perspectives*, p.157.
- Huntington, H.P., 2000. Using traditional ecological knowledge in science: methods and applications. *Ecological applications*, *10*(5), pp.1270-1274.
- Kanyara, S., Dara, O., and Sherchan, D., November 2009. Community Mapping Training Manual. Cambodia: Center on Housing Rights and Evictions (COHRE) and Community Managed Development Partners (CMDP).
- Knight, R., Brinkhurst, M., and Vogelsang, J., 2016. Community Land Protection Facilitators Guide. NAMATI.
- OXFAM and FIDH., 2012. Community-Based Human Rights Impact Assessment: The Getting it Right Tool, Training Manual. COHRE.
- OXFAM., 2010. Community-based human rights impact assessments: Practical lessons. Report from an international meeting, Canada.
- Stephanie Booker et al., 2014, *Exploring The Development And Use Of Biocultural Community Protocols To Help Secure Community Interests And Rights In Relation To Extractive Industrie*s. A Framework Methodology. Natural Justice: Cape Town.
- Swiderska, K., Pant, R., Argumedo, A., Song, Y., Mutta, D., Munyi, P., Herrera, H. and Vedavathy, S., 2009. *Protecting community rights over traditional knowledge: implications of customary laws and practices. Key findings and recommendations 2005-2009*. IIED.