

# Mapping Indigenous Communal Lands: 52555 A Review of the Literature from a Cambodian Perspective

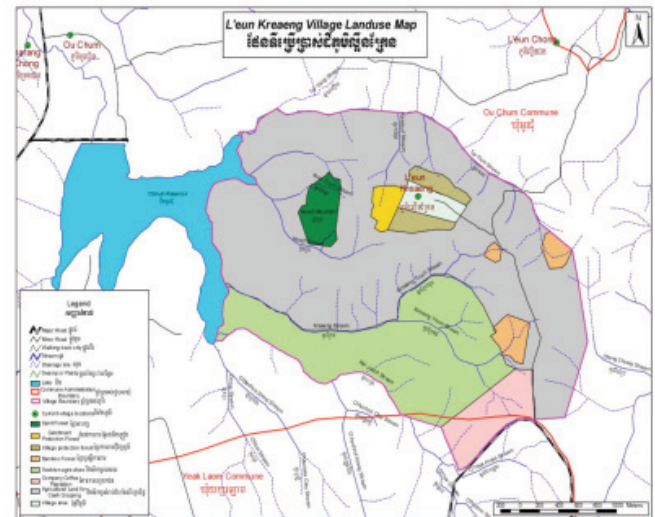
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The Cambodian Land Law (2001) provides indigenous ethnic minority groups with a right to register their traditional residential and agricultural lands under communal title. To date, however, this right has remained unrealized. While the government has been working on a pilot registration process in three villages and drafting implementing regulations under the land law, Cambodia's once remote highlands have become increasingly exposed to the forces of state and market. The result: Indigenous communities are being transformed; livelihoods change; and land is subject to deforestation, sales and grants of government concessions for mining and agribusiness. The Royal Government has included in its policy documents a commitment to the 'interim protection' of indigenous lands prior to registration, however, to progress on this front has been limited. The review of the literature contained in this note is adapted from a study examining the potential of community mapping to serve as an interim protective measure.

## Technologies of Power

From the international experience it is clear that mapping will not automatically be empowering for communities or protective of their lands. There are inherent tensions around maps and map making. On the one hand maps have always been instruments of the powerful or 'technologies of power' (Harley 1988). Produced by specialists and controlled by the state they have been used to define territory from the perspective of those who have political and economic influence (Harley 1988). Mapping has therefore often been accused of reinforcing and re-creating the status quo of power relations (c.f. Dunn et al 1997, Cooke and Kothari 2001), and being closely related to 'practices of colonialism' (Bauer et. al 2006 32–33).

On the other hand because they are such powerful tools there is a long history of disenfranchised groups using (and



Land use map Ratanakiri

making) maps to assert contrary claims to land (Fox 2002; Fox et al 2005; ILC 2008). Thus mapping may be viewed as potentially both 'empowering and disadvantaging indigenous communities' (Fox et al 2005:1–2).

When the state or other powerful actors map or re-define areas in which indigenous groups live, the lives of indigenous people are transformed to a greater or lesser extent. This tends to occur whether or not indigenous people actively engage in the process. Once 'modern' mapping discourse is introduced into a geographical area 'pre-modern' perceptions of space are rapidly challenged and pre-existing claimants to land are under real pressure to demarcate their own territory or loose out to actors who do (Fox 2002:76). Nevertheless, the adoption of modern

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mapping technologies by indigenous communities is not unproblematic (a) because it disadvantages communities that have limited access to these technologies and (b) because when adopted by disadvantaged communities it can contribute to the transforming of ‘relationships between human actors and their spatial environments in ways that correlate with the loss of indigenous spatial practices’ (Fox et al 2005:4).

In the best case scenario “[b]ottom up geo-referenced mapping can help rural communities’ land claims to be recognized by state institutions, particularly where the existing legal framework is supportive of these claims” (ILC 2006:3). A well accepted and accessible legal framework may render mapping a largely technical process—that of surveying what is granted by law. But where the enabling environment is less settled, as in the majority of cases involving indigenous communities and their lands in Cambodia, it must be acknowledged that mapping involves a contest. The more contentious the legal and political environment the less likely mapping is to lead to smooth across the board gains for communities. In the worst case scenario mapping may lead to the formalization of realities which reflect and entrench the disempowered position of indigenous minorities (ILC 2008:14), rather than assisting such groups to assert domain (Peluso 1995).

### **Mapping as a Catalyst**

Nevertheless there are instances, even in difficult circumstances, where mapping has been seen as a catalyst for effective collective action and provided some improvement in tenure security. This has occurred “... via informal agreements between communities, their NGO partners and [local level] officials” (Fuys *et al* 2006) or because communities have been able to use maps to legitimate a claim when conflict arises (Cronkelton *et. al.* 2008).

Change is not necessarily a linear process and the short-term benefits of mapping may not be immediately clear. However, the literature suggests that mapping can have long term benefits for tenure security. Thus for example early attempts at mapping indigenous lands in Canada showed poor results for almost 20 years. However, as the political and legal environment changed old



Presentation of village map

maps were drawn on and used to document successful claims (Chapin *et. al.* 2005). Similarly in the context of South and Central America it has been found that ‘work of mapping and documenting indigenous territories (...) is helpful, even if government does not immediately respond positively, because the work tends to support the emergence of indigenous polities unified toward a concrete end. (Stocks 2005:99).

As improved tenure security may realistically be a long term goal it is sometimes argued that the immediate value of mapping should be assessed in terms of its effect on ‘community empowerment’ (Corbett & Keller 2005). Maps have been observed to build community ownership and confidence in circumstances where they allow people to base claims on documents that reflect their own perceptions of reality (Cronkelton *et. al.* 2008:12). Where, however, mapping is imposed and/or controlled by outsiders the results are often detrimental to communities (Harley 1988). “[T]he promise of community empowerment through mapping may be tempered by concerns that the mapping process—including control and management of its technology—can reinforce or reconfigure existing forms of power distribution and relations” (ILC 2008:14).

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The literature also provides a basis for an initial analysis of the mapping experience in Cambodia’s indigenous communities— with two caveats: (a) the existing literature is based largely on work in Ratanakiri, the province where participatory mapping has both the longest history and the broadest coverage; and (b) most of the published studies are based on fieldwork completed in 2004 or before, making them somewhat out of

date. This said it is worthwhile to recount some of the key findings from these studies.

## Key Findings

1. Mapping is occurring in the context of changing patterns of land use, rapid in-migration and economic ‘development’. Deforestation has accelerated as new roads and improved security have opened up previously remote areas (Fox *et al.* 2008). At the same time government concessions and land transactions of questionable legality have

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decreased the amount of land available to indigenous communities and fueled conflict. Mapping was introduced as a tool which might support the ability of disadvantaged indigenous groups with legitimate historical claims assert their rights to land and natural resources (Prom & Ironside 2005) in response to increasing outside pressures. The focus of mapping efforts, which were introduced in the

context of general support or at least the acquiescence of provincial level authorities, was often on areas under most immediate threat (Veer 2006).

2. Mapping appears to be at best a second order factor when determining trends in tenure security and access to natural resources for indigenous communities. Thus the rate of deforestation and land alienation in Ratanakiri province has increased rapidly during the period that efforts at mapping have been underway. Factors which have been identified as the main (first order) drivers of tenure insecurity and loss of natural resources include: Integration into a market economy (with cash needs for health, education as well as household consumption); lack of alternative methods of generating income; increasing land value; improved infrastructure (particularly roads); demographic change/pressure (in particular population growth through immigration of lowland groups); national level grants of land for agri-business and other purposes; a lack of enforcement of existing laws which protect state lands from encroachment, illegal land transactions, weak recognition of communities’ land rights, etc; and diminished community cohesion in the face of these changes (Fox *et al.* 2008).
3. Given these factors mapping has been unsuccessful in securing access to land and natural resources on a broad or systematic basis. The forces which

undermine tenure security and access to natural resources are complex, interrelated and supported by a system of powerful actors and incentives. The widespread exercise of power by both private and public interests through coercion, intimidation and illegal practices means that having a map or a particular kind of map is unlikely to be determinative (at least not in favor of indigenous people).

4. The potential strength of mapping efforts has been reduced on the one hand because the maps produced in indigenous communities have never had a settled place within the legal framework and on the other because mapping has generally been done on a ‘one off’ basis with limited community engagement or follow up. The one-off nature of this work has meant that communities have not had the support to understand maps or to be able to use them effectively. In addition many NGO staff who are assisting communities themselves lack the technical expertise and understanding necessary to facilitate skills and information exchange. The clear message from the international experience of this sort of work is that mapping has the best outcomes for communities when it is done within a supportive regulatory framework and with high levels of community ownership (ILC 2008). One or both of these factors has generally been absent in the Cambodian experience.
5. There are nevertheless well documented instances of villagers using maps as a tool to resolve land and natural resources management conflicts (L&NRM) or increase their bargaining power in negotiations with outsiders. Map making may not have had the desired across-the-board effect of improving indigenous people’s control over land and natural resources. However, there are a range of reported instances where maps have been used by indigenous communities to assert or defend claims to land and natural resources (Prom & Ironside, 2005; Klot & Ironside, 2005; Hou 2005). Discussions with practitioners indicate that maps have been crucial in presenting and explaining indigenous land use and in advocating for tenure security with outside authorities. Thus the fact that community lands had been mapped in Ratanakiri starting from the

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late-1990s was important in persuading decision makers to develop a legal framework which would allow indigenous communities to hold communal title (Ashish John, personal communication, 2008).

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### What is J4P?

Justice for the Poor (J4P) is a global research and development program aimed at informing, designing and supporting pro-poor approaches to justice reform. It is an approach to justice reform which:

- Sees justice from the perspective of the poor/marginalized
- Is grounded in social and cultural contexts
- Recognizes the importance of demand in building equitable justice systems
- Understands justice as a cross-sectoral issue

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