

## STREAMLINING THE ESTABLISHMENT OF COMMUNITY PROTECTED AREAS (CPAS) IN CAMBODIA



Members of Pu Chrey CPA in Phnom Prich Wildlife Sanctuary in Mondulkiri observe a bird while patrolling their forest (Photo: Enric Català Contreras, RECOFTC)

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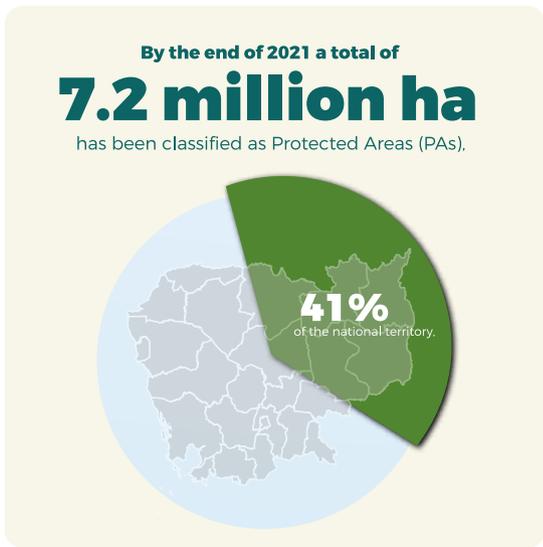
### KEY MESSAGES

1. CPAs should be defined based on existing customary tenure practices and include areas of high value forest resources for the communities
2. CPA registration needs to be simplified, decentralised, and streamlined
3. CPA management plans need to identify and map the key socio-economic potentials
4. Zoning of PAs should be a collaborative process with the communities involved and with Indigenous Peoples

### BACKGROUND

By the end of 2021 a total of 7.2 million hectares (ha) had been classified as Protected Areas (PAs), or 41 percent of the national territory, with the aim of conserving biodiversity and ensuring sustainable development. Many of these PAs overlap with areas that had been customarily used and managed by local communities long before they were classified as such.

To encourage the contribution of communities to conservation activities alongside sustainable development and the improvement of communities' livelihoods, the Protected Areas Law (2008) allocates rights to these local communities through two processes: the zoning of the PAs and the establishment of Community Protected Areas (CPAs).



### The Zoning of PAs

The purpose of zoning Protected Areas is to identify appropriate zones based on their biodiversity role and conservation needs, landscape setting, socio-cultural, and economic requirements, to identify various strategies for protection, conservation and the sustainable use of natural resources.

The zoning process is defined in the “Zoning Guidelines for the Protected Areas in Cambodia” (MoE, 2017).

According to the PA Law each Protected Area should be divided into four management zones:

Management Zones	Definition
<b>1. Core Zone</b>	Area of high conservation value with restricted access; use of natural resources strictly prohibited
<b>2. Conservation Zone</b>	Area of high conservation value as a buffer around the core zone; access is allowed for small-scale activities that support local communities, such as collecting NTFPs
<b>3. Sustainable Use Zone</b>	Area of high economic value where infrastructure and economic use can be developed; the use of natural resources by local people is allowed in designated Community Protected Areas (CPAs), limited to collecting NTFPs and for traditional uses at “family scale”
<b>4. Community Zone</b>	Area for socio-economic development for local communities and Indigenous Peoples that includes residential lands, agricultural fields and gardens; land titles can be issued in the community zone with the approval of the Ministry of Environment (MoE)

### Community Protected Areas

The MoE has the authority to allocate a part or parts of a sustainable use zone to communities residing within or adjacent to a PA as a Community Protected Area (CPA). The establishment of CPAs provides the local community with user rights and management responsibilities over this area. This is intended to encourage sustainable development practices, which will subsequently lead to improvements in the communities’ livelihoods.

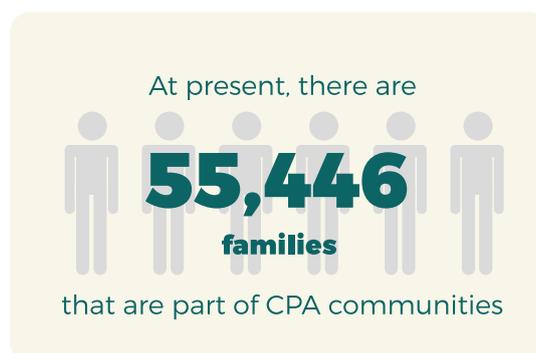
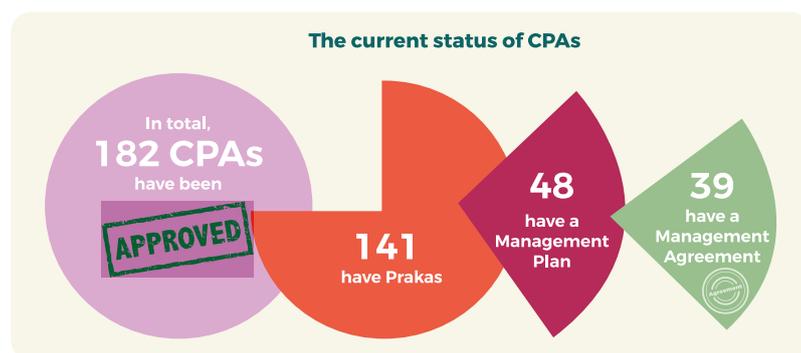
The “Guideline on Procedure and Process for Community Protected Area Establishment” (CPA Guideline, MoE, 2017) defines the following steps:

- the election of a CPA committee
- the drafting of CPA by-laws
- the approval of the CPA committee and by-laws by the MoE
- the final proclamation (*prakas*) by the MoE to establish the CPA
- the preparation of a CPA management plan
- the signing of a CPA agreement

CPAs have been established since 1999. The policy was then formalized in 2008 by passing the related law, and, by that time, there were already 61. The current 182 CPAs cover an area of nearly 310,000 ha, which is less than 5 percent of areas under protection.<sup>1</sup> The status of CPAs is shown in the graph below.

According to the CPA Guideline, a new CPA can be established:

- as an initiative of the Ministry of Environment (MoE) or the Provincial Departments of Environment (PDoEs), local authorities, or the community itself, mostly supported by an NGO or development partners
- by communities from a single village or up to five villages together residing within or adjacent to a PA
- on the basis of the voluntary participation in the CPA process of at least 60 percent of the households in the villages
- over parts of a sustainable use zone
- over an area of land that is manageable by the community, which varies in general from a few hundred to several thousand hectares
- under a 15-year renewable agreement between the local communities and the MoE.



Rangers and CPA members from the Chheap Wildlife Sanctuary check the map while of patrol. (Photo: WCS)

## Decentralisation Reforms

Most CPAs have been initiated by the MoE at central level, and support during the establishment of the CPAs has been directly provided by staff from the General Department of Natural Protected Areas (GDNPA) and the General Department of Community Livelihoods (GDCL). More recently, in line with the decentralisation reforms led by the National Committee for Sub-National Democratic Development (NCDD), the District Offices of Natural Resource and Environment (DONRE) have taken charge of identifying CPA areas and have been helping communities to establish their by-laws and committees, demarcate the CPA boundaries and support the management and monitoring.<sup>2</sup> This delegation of PA and CPA management responsibilities to local authorities has yet to be implemented in practice and needs additional support from the MoE. As the reform moves forward, provincial, district and commune authorities will become the key institutional actors in Protected Areas management.

In respect of aligning relevant laws and regulations with these decentralisation processes, the Royal Government of Cambodia (RGC) is currently reviewing the Protected Areas Law (2008). This process provides an opportunity to consider the lessons from many years of experience with CPA implementation in Cambodia and an important number of recent case studies and research work on CPAs to assess how PA management can be made more inclusive within these communities.

<sup>1</sup> Data provided by the MoE and ClientEarth

<sup>2</sup> According to the Sub-Decree 184 of December 2019 on functions and structure of district administration. In this Decree, the three district offices previously in charge of the Environment, Agriculture and Water Management were merged to form DONRE.

## ISSUES AND RECOMMENDATIONS

**Key message 1: CPAs should be defined based on existing customary tenure practices and include areas of high value forest resources for the communities**

In the past, CPAs have too often been established in a top-down approach. The MoE or PDoEs have unilaterally decided on the area, size and objectives of these CPAs. In many cases, allocated areas for CPAs do not cover the entire traditionally- or customarily-managed area of the respective community. Actual land areas allocated for CPAs are often much smaller and can be in a different location than the land requested in the submitted CPA proposal. PDoEs often use an informal rule to estimate the maximum area to be allocated by multiplying five hectares with the total number of households in the specific community. These decisions made by the MoE and other authorities in terms of approving or refusing CPAs, defining its borders, size and management rules, are often not explained to the communities and therefore seem arbitrary to them.

Often the inclusion of paddy fields and *chamkar*<sup>3</sup> areas is seen as a priority, while forestland is not necessarily incorporated in the CPA allocation. Partly due to the authorities' mistrust of communities' capacities for forest management, areas with abundant forest cover and higher biodiversity are, in practice, often excluded from CPAs. This limits a community's opportunity to maintain traditional practices and develop livelihood activities. This practice also weakens the conservation potential of CPA management and community commitment to the mechanism. Contrary to authorities' perception, the view of several practitioners is that, in general, CPAs face less encroachment and illegal use than MoE-managed areas.

In many instances, CPAs are established and agreed without prior consultation with neighbouring villages, which may result in conflicts over the resources and, later on, encroachments. The CPA Guideline does not require such consultations.

A further practical problem for PA management is that boundaries and management responsibilities between the MoE and community-managed areas are sometimes not clear. This creates uncertainty about who is in charge and who should monitor illegal activities. CPAs are in many cases established one by one without planning at landscape level, before the PA zoning is done, and without discussions about options for a joint CPA between several communities.



Giant ibis (*Thaumatibis gigantea*) (Photo: Sithan Phann, WCS)

### RECOMMENDATIONS :

- The size and location of CPAs need to be defined at landscape level based on existing customary use and practices as identified by the communities through a participatory process.
- The size of the CPA needs to be adapted to the ground realities of communities and should not be arbitrarily mapped without their involvement.
- The CPA Guideline needs to include a step in the CPA establishment process to ensure that neighbouring villages are consulted and provide their consent.
- CPA areas should not exclude areas with forest cover or with high biodiversity if the communities have demonstrated their ability to manage and protect them.
- The conditions for acceptance or rejection of CPA applications and any change to the original submission from the communities need to be justified and explained. To be legitimate, these decisions need to reflect the point of view of the communities and should be agreed through a participatory process and an open negotiation.
- All CPAs sharing a specific landscape or PA should be identified together, and discussions should be held between all the communities concerned. This would allow for the identification of joint CPAs or CPA areas bordering with each other that may increase the efficiency of monitoring and protection.



Illustration for community members in Mondolkiri about the importance of collaboration between various stakeholders for sustainable forest management. (Photo: RECOFTC)

<sup>3</sup> *Chamkar* is used in opposition to paddy fields to characterise fields of rainfed crops, shifting rice cultivation and other forms of agroforestry.

## Key message 2: CPA registration needs to be simplified, decentralised, and streamlined

Many CPAs have not yet completed their formalization process and are operating without an agreed management plan. Other communities are stuck in the long administrative process of preparing and issuing the required documentation. And it is important to keep in mind that the vast majority of villages located within PAs or nearby have not even started the process to establish a CPA at all.

The decentralisation reforms have the potential to improve PA management in several ways. Provincial, district and commune authorities are more accessible to the communities. The process to establish a new CPA could be shorter and decision-making will be closer to the local stakeholders, especially communities. There are of course many challenges for the success of these reforms, particularly in regard to the proper resourcing and capacitating of the local offices.

In 2016, 13 protected and five production forest areas were transferred from the Ministry of Agriculture, Forestry and Fisheries (MAFF) to the MoE and converted to PAs (Sub-Decree No.69). This transfer included existing Community Forests (CFs) located within those areas. Since then, these CFs have not known whether their CF agreements are still valid or not, or if they should get a new agreement signed by the MoE. New guidelines for the conversion of CFs to CPAs have been developed but have not yet been enacted officially. Currently the CF and CPA mechanisms provide some similar rights to local communities. Future legislation should further clarify these rights.

### RECOMMENDATIONS :

- The establishment process for new CPAs should be simplified as much as possible, while ensuring the meaningful involvement of communities throughout the working steps.
- The CPA establishment process needs to be completed for all existing CPAs as a priority, including management plans, area demarcation, zoning within CPAs and signing of CPA agreements in all cases.
- The decentralisation process is an opportunity to reduce and shorten steps and delegate decision-making to the sub-national authorities.
- Capacity development for local authorities, provincial and district offices should become a priority for the MoE.
- All remaining CFs located within PAs should be transferred to CPAs with the consent of the communities and the process of CPA recognition completed by new CPA agreements, in line with the draft guidelines for the conversion of CFs to CPAs.



The fishing community of Boeung Kachang CPA in Koh Kong (Photo: Saroth Thong, WMC)

### Key message 3: CPA management plans need to identify and map the key socio-economic potential

CPAs can be declared as effective by the MoE even when there are no management plans. Yet the collaborative development of a comprehensive management plan is of key importance to the functioning and regulation of management activities within each CPA. The management plan is the core document to define land use zones within the CPA area, the permitted and prohibited uses of natural resources, and the planned management activities adapted to the local situation, including those related to restoration and sustainable economic development. Management plans need to be agreed by members of the community, and accepted by all local stakeholders, and their enforcement is essential to achieve socio-economic and conservation objectives. The management plan is finally reviewed and approved by the GDNPA/MoE.

Overall, the development of a CPA management plan includes seven steps according to the CPA Guideline (2017). Yet essential elements for the development of management plans are still missing, such as the completion of land resources inventories, appropriate mapping and land use planning activities, as well as the identification of forest restoration needs and REDD+ opportunities. Often the emphasis of plans rests entirely on conservation aspects and does not sufficiently highlight economic benefits to communities, such as opportunities for sustainable agricultural and agroforestry practices, private sector developments and benefit sharing systems. The capacity of CPA committees to prepare comprehensive management plans without direct support from NGOs remains limited.

Currently, it is not sufficiently clear which activities are allowed within a CPA. Some restoration activities are conducted with the monocropping of non-native tree species which might not be sustainable, although this might be acceptable in heavily degraded areas or previously farmed land inside CPAs.



Members of Yaek Laom Lake CPA discuss their plans  
(Photo, Saroth Thong, WMC)

### RECOMMENDATIONS :

- Accelerate preparation of management plans for all CPAs. The management planning process should be conducted earlier in the overall process of establishing a CPA.
- The management plan, given the lengthy process in its development, should remain valid over a longer period (e.g., 10 years or more) than currently provided in the CPA Guideline (five years) and reflect long-term needs for investment.
- The management plan should be revised as regularly as necessary to reflect new opportunities for the communities.
- The management plan structure and content need to be simplified and streamlined to a level of technical detail appropriate to local capacity and proposed activities.
- The management plan needs to incorporate regulations for both the sustainable use zone and the community zone.
- The process of preparing the management plans needs to include more elements of land use planning by mapping and identifying:
  - CPA boundaries
  - Land use zones
  - Degraded areas for future forest restoration activities
  - Natural resource availability and consumption demand (e.g., extraction levels of NTFPs)
  - Areas with potential for collaborative private sector investments
  - Areas with potential for REDD+ project implementation.
- Mapping requirements can be made less technical and rely on digitized community-generated sketch maps.
- The CPA guidelines should be more precise about what sustainable activities are allowed, what forest restoration means, and which type of plantation should be allowed, under what conditions and where.



White-shouldered ibis (*Pseudibis davisoni*) (Photo: Sithan Phann, WCS)

#### **Key message 4: Zoning of PAs should be a collaborative process with the communities involved and with Indigenous Peoples**

The overall progress of zoning activities has been slow. Zoning activities are planned or on-going only under international NGO or donor support. Ideally, the zoning process needs to be concluded before parts of the identified zones can be allocated as CPAs. In practice, as official zoning is still missing, CPAs often include parts of what can later become sustainable use zones and the community zones in PAs.

The CPA Guideline lacks some aspects of land use and resources inventory, participatory mapping, and the identification of degraded areas. Local knowledge and management experience from customary use are essential elements in decisions relating to the four zones. Proposed zoning is currently not subjected to a Free, Prior and Informed Consent (FPIC) process by the Indigenous Peoples involved, and neighbouring communities.

In principle, a CPA should not overlap with the conservation zone. Access to conservation zones is allowed only with the prior consent of the GDNPA in the MoE, and usage rights are limited to small-scale community uses of NTFPs to support livelihoods. In practice, many community members continue to access this zone for their livelihoods without any effective control.

## **CONCLUSION**

### **Ensure coherence and clarity between key laws through substantial consultations**

In 2014, the Royal Government of Cambodia established a committee to review and amend the Forestry Law, Fisheries Law and Protected Areas Law, and assigned the NCDD to work with the MoE, MAFF and the Ministry of Interior on this task. The revision of the PA Law 2008 is on-going, although the timeline and the process remain unclear. At the same time, the MoE continues to update the Environment and Natural Resources Code (ENR Code).

As the two legal revisions are proceeding in parallel, there is a risk of overlaps or that the contents of the two documents might be contradictory. This could be avoided, for example by removing all articles relevant to PA and PA management from the draft ENR Code and integrating relevant parts into the new PA Law. Then, based on the revised PA Law, the Zoning Guidelines and the CPA Guideline should be amended separately at a later stage.

These laws and guidelines should be developed in consultation with the communities concerned and with NGOs and development partners that have a long experience in supporting the management of CPAs and PAs.

### **RECOMMENDATIONS :**

- Government should allocate more funding and resources for zoning within PAs as a basis for PA management plans and include within this process the identification of CPA areas.
- The PA Law should allow CPAs to include areas in the sustainable use zone as well as in the community zone.
- Revise the Zoning Guidelines to add steps for participatory land use mapping, customary land tenure documentation, resource inventories, and the identification of degraded areas by the community.
- Revise the Zoning Guidelines to ensure the substantive participation of all communities whose livelihoods would be affected by the zoning. FPIC exercises need to be conducted in all the villages that are involved in the preparation of any draft PA zoning plan.
- Conservation zones should not only be accessible for villagers for limited small-scale community use of NTFPs, but also for low impact eco-tourism. No extra permission by the GDNPA should be required if such activities are approved in the management plan.
- CPA committee representatives should be formally engaged in the management of the whole PA to ensure that the views of the local communities are taken into account and that the enforcement of rules is legitimate and effective.

Beyond legal reforms, the successful implementation of these policies will depend on government funding and resource allocation to deliver on ambitious targets so that communities around the country are legally capacitated to manage their lands within the coming years.



*The committee of Pu Chrey CPA in Phnom Prich Wildlife Sanctuary in Mondulkiri working on their monthly plan (Photo: Enric Català Contreras, RECOFTC)*

This policy brief has been written by Florian Rock with editorial reviews by Antoine Deligne, Sophorn Poch and Natalie Y. Campbell (MRLG). It is the first policy brief of a series of three that have been compiled as one input into the revision of the Protected Areas Law (2008) based on a comprehensive document review, case studies and interviews with stakeholders. They are summarizing analyses and key recommendations for ways to improve the CPA system made by the members of the Alliance for the Recognition of Customary Tenure in Cambodia:



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For more information on MRLG, please visit [www.mrlg.org](http://www.mrlg.org).

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