

**ASSESSMENT OF THE CREDIT
OPPORTUNITIES FOR INDIGENOUS
COMMUNITIES IN CAMBODIA HOLDING
A COLLECTIVE LAND TITLE**

**Indigenous people communities in the
Provinces of Ratanakiri, Mondulhiri and
Kratie**

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ABBREVIATIONS

CLT	Collective Land Title
IPC	Indigenous peoples' Community
MDI	Microfinance Deposit-taking Institution
MFI	Microfinance Institution
NGO	Non-Governmental Organisation
UN-OHCHR	United Nations Office of the High Commissioner for Human Rights
SLC	Social Land Concession

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1. SUMMARY

For Indigenous Peoples' Communities (IPC) in Cambodia, securing rights over their lands and resources is a *sine qua non*-condition for their long-term well-being and a precondition for them to be able to continue to exist as distinct people. Secure land and resource tenure is one of the most basic human rights for indigenous peoples and is a key feature of the international recognition of their human rights.

A collective title is meant to provide permanent tenure security for the entire community as land under the Collective Land Title (CLT) can only be sold to fellow community members. This provides protection, but also prohibits the use of the land title as collateral for loans and significantly reduces the opportunities for titled communities to access finance and to develop economically. Financial institutions were reportedly unwilling to accept as collateral a collective land title issued in the identifying name of an entire village, and pointed to a number of challenges in doing so, including who should be registered as the recipient of the loan (the entire community, the community management committee, the village leader, or other individuals or groups in the community) or how the lending agency could retrieve its money if the borrowers default on a loan.

To explore the reports that it might be more difficult for members of indigenous communities with collective titles to access finance, OHCHR commissioned an in-depth review of the indigenous communities that have received CLTs to compare their level of access to finance to that of typical rural Khmer villages.

The objectives of the assignment were:

- Compare indigenous peoples' access to financial opportunities to develop their land, including to micro-finance and bank loans and access to saving groups and informal money lending, to that of typical rural Khmer villagers and review and document financial institutions' policies on collective land title as collateral;
- Examine the situation of indigenous women and challenges they face in realizing their human rights, particularly in respect of livelihood support;
- Identify capacity constraints on beneficiary indigenous communities that limit their ability to fully benefit from loans;
- Provide concrete and action-oriented recommendations to key stakeholders that have a role to play in supporting indigenous communities with collective land titles.

The study was carried out between June and August 2017. It was based on a thorough literature review and an extensive field survey aiming to cover all IPCs, which received collective land titles in the past. Interviews and focus group discussions were conducted with representatives of IPCs, individual households as well as various providers of financial services.

Overall, 10 IPCs were visited. In all these IPCs, a group discussion with members of the IPC committee as well as village representatives and elders was conducted. Furthermore, household interviews were undertaken.

In general, the study aimed to assess access to finance for members of IPCs with a CLT. As the sample size of interviewed IP households is relatively small¹, no statistical conclusions regarding the rate of indebtedness among the surveyed IPCs were possible. However, based on group discussions, household interviews and interviews with financial institutions as well as

¹ In total, only 18 IPCs had been issued a CLT at the time of the study.

private loan providers, a general overview about debts of IP compared to Khmer could be provided.

FINDINGS

In total, representatives of 19 Micro-Finance Institutions (MFI) branch offices were interviewed for this study. While none accepts CLT as collateral, all MFIs interviewed offer loans to members of IPCs. 14 MFIs provide loans under group liability schemes. These loans are provided to a group of 2 – 6 people. All group members guarantee for each other. Group members do not have to produce any collateral such as a land title, which in particular allows access to this type of loans for members of IPCs. Only 6 MFIs require collateral (land title) at least from one of the group members. Interest rates are similar to individual loans at 1.5% per month. Most of the MFIs confirmed a high rate of punctual repayment by members of IPCs. In general, members of IPCs are seen as “good” clients. Due to a good cohesion among fellow IPC members, group liabilities are seen as a good instrument by MFIs.

Based on the village group discussions in the visited IPCs, interviews with MFIs and household interviews, members of IPCs use the following options to access finances (in their order of importance):

- Banks / Microfinance Institutions
- Village Saving Groups
- Relatives / Friends / Neighbours
- Traders
- Private Moneylenders

For most villages, the range of indebted households averages 70-80%. Ponchea village is the big exception with very few loan-takers, while Putrom has for some years tried to limit the number of loans by information sharing through the IPC committee, but is now under high pressure by MFI agents (as witnessed by the consultant). Overall, and similar to other parts of Cambodia, debts are on the increase. MFIs have a strategy to increase loan volume after successful repayment of loans. The majority of debtors are still first-time clients with MFIs. But some are already second or third-time borrowers who have increased the loan volume. The regulation capping interest rates at a maximum of 1.5% per month, makes loans with MFIs more affordable for rural households.

At least one Village Saving Group exists in eight of the 10 IPCs. All of them seem to be very active in providing loans to their members and in some cases even to non-members at higher interest rates. Normal interest rates are 2% for members and 3% for non-members. Nevertheless, in most cases deposits are insufficient to serve all loan requests of its members.

Households reported that in urgent cases, small loans are taken from relatives, neighbours or friends.

Most loans are taken by husband and wife together, although mostly the husbands sign the documents at the MFI. All MFIs accept both women and men as loan-takers. No discrimination against women was observed. In addition, among the interviewed households, some group loans have been taken by all-female groups. The majority of loans from MFIs are used for land development, tools, seeds, fertilizers and pesticides. In addition, a number of households also reported loans for the construction of their house as well as for higher education of their children. Loans from Village Saving Groups are more often used for general household purposes.

In general, no indication could be found that women are disadvantaged regarding their access to finances. Women were very actively participating in group discussions and, even in personal interviews, openly shared their views and experiences.

Based on the findings, a number of conclusions have been drawn on:

- the situation in the IPCs concerning the CLT, land use and land conflicts
- loan provision
- indebtedness
- social infrastructure.

Furthermore, recommendations have been included in this study, to:

- the national Government and local administration
- the banks and MFIs
- UN OHCHR Cambodia
- NGOs supporting the CLT process and community development, and
- the 10 IPCs visited.

2. INTRODUCTION

2.1. OBJECTIVE OF THE STUDY

For IPCs in Cambodia, securing rights over their lands and resources is a *sine qua non*-condition for their long-term well-being and a precondition for them to be able to continue to exist as distinct people. Secure land and resource tenure is one of the most basic human rights for indigenous peoples and is a key feature of the international recognition of their human rights.

In Cambodia, the 2001 Land Law is the principal legal framework for formalizing customary ownership of indigenous peoples through the granting of collective land titles (CLTs). The Land Law recognizes the collective land management practices of indigenous peoples and the need to safeguard their right to maintain their traditional ways of life, which are closely associated with the use of land and resources under their customary use. As of September 2017, 18 indigenous communities in Cambodia had obtained a CLT.²

The process to obtain a collective land title is cumbersome and costly. Some estimates³ indicate that the total costs for one title may be as high as 70.000 USD per community. In practice, this has meant that communities are entirely dependent on the financial and technical support of NGOs and donors to formalize their collective rights to land. In terms of duration, estimates⁴ suggest that it takes indigenous communities on average close to four years to obtain a title. As the process is very long, many indigenous community members withdraw from it before even reaching the land registration process. Notwithstanding, collective land titles remain the most important tool by which indigenous communities can assert their rights against external land encroachment.

A collective title is meant to provide permanent tenure security for the entire community as land under the CLT can only be sold to fellow community members. This provides protection, but also prohibits the use of the land title as collateral for loans and significantly reduces the opportunities for titled communities to access finance and to develop economically. Financial institutions reportedly are unwilling to accept collective land title as collateral issued in the identifying name of an entire village and have pointed to a number of challenges in doing so, including who should be registered as the recipient of the loan (the entire community, the community management committee, the village leader, or other individuals or groups in the community), and how the lending agency could retrieve its money if the borrowers default on a loan.

To explore the reports that it might be more difficult for members of indigenous communities with collective title to access finance, OHCHR commissioned an in-depth review of the indigenous communities that have received CLTs to compare their level of access to finance with that of typical rural Khmer villages.

Based on the findings, this study presents action-oriented recommendations to stakeholders involved in supporting indigenous communities with collective land titles, including Government authorities at the national and sub-national levels, UN agencies (OHCHR included), NGOs and indigenous communities. Recommendations are also directed at lending institutions and banks or saving groups, with the view of ensuring that indigenous peoples with CLTs are not excluded

² Including four in early 2017.

³ Source: GIZ (2016). Lessons Learned on Indigenous Communal Land Titling

⁴ Source: GIZ (2016). Lessons Learned on Indigenous Communal Land Titling

from economic opportunities to develop their lands and improve their livelihoods as they wish after they have obtained collective land titles.

In principle, the intention was for the study to cover all 18 IPCs that had received CLTs at the time of the study. Nevertheless, it was left to the consultant to select the IPCs to be visited. The IPCs which had obtained their CLT less than a year ago and those that were very inaccessible in the rainy season were therefore left out. A total of 10 CLTs were surveyed.

The Objectives of the Assignment were to:

- Compare indigenous peoples' access to financial opportunities to develop their land, including to micro-finance and bank loans and access to saving groups and informal money lending, to that of typical rural Khmer villagers and review and document financial institutions' policies on collective land title as collateral;
- Examine the situation of indigenous women and challenges they face in realizing their human rights, particularly in respect of livelihood support;
- Identify capacity constraints on beneficiary indigenous communities that limit their ability to fully benefit from loans; and
- Provide concrete and action-oriented recommendations to key stakeholders that have a role to play in supporting indigenous communities with collective land titles.

2.2. METHODOLOGY

In preparation for this study, the consultant conducted a thorough literature review on access to finances in rural Cambodia. Interview guidelines and questionnaires were elaborated in collaboration with the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Cambodia. The questionnaires can be found in Annexes 1 – 3. Interviews and focus group discussions were conducted with representatives of IPCs, individual households as well as various providers of financial services.

Overall, 10 IPCs were visited. In all these IPCs, a group discussion with members of the IPC committee as well as with village representatives and elders was conducted. Furthermore, household interviews were undertaken (see Annex 6). Unfortunately, due to the timing of this study during the rainy season, access to the communities was quite challenging. In addition, during this period of the year, which is the main cropping season, rural people including indigenous peoples are extremely busy with work on their fields and in their gardens. Many IP households have small houses near their farms and stay near their fields for longer periods of time. These villagers could therefore not be reached for interviews. A total of 82 households were interviewed and all available interview partners openly shared their views and experiences.

Due to the limited sample size of IP households interviewed, no statistical conclusions regarding the rate of indebtedness among the surveyed IPCs were possible. However, based on group discussions, household interviews and interviews with financial institutions as well as private loan providers, a general overview about debts of IP compared to Khmer could be provided.

Table 1 Overview of IPCs with Collective Land Title (as of September 2017)⁵

No.	Location				Name of Community	Ethnic Group	No. of Members	No. of Families
	Province	District	Commune	Village				
1	Ratanakiri	O'Chum	O'Chum	La'Eun Kren	La'Eun Kren	Tompoun	493	135
2	Ratanakiri	Koun Mom	Teun	La In	La In	Tompoun	828	214
3	Ratanakiri	O'Chum	Poy	Krala	Krala	Kreung	758	205
4	Ratanakiri	O'Chum	O'Chum	La'Eun Chong	La'Eun Chong	Tompoun	486	96
5	Ratanakiri	O'Chum	O'Chum	Pi	Pi	Kreung	680	165
6	Ratanakiri	O'Chum	Poy	Tar Ngarch	Tar Ngarch	Kreung	unknown	unknown
7	Ratanakiri	O'Chum	Poy	Korng Koy	Korng Koy	Kreung	unknown	unknown
8	Ratanakiri	O'Chum	Poy	Kreis	Kreis	Kreung	unknown	unknown
9	Ratanakiri	O'Chum	Poy	Kagn Chheung	Kagn Chheung	Kreung	unknown	unknown
	Total	2 districts	3 communes	9 villages	9 communities		(3245)	(815)

10	Mondulkiri	Keo Sema	Sre Ktom	O' Rona	O' Rona	Bunong	373	80
11	Mondulkiri	Keo Sema	Sre Preah	O' Chra	O' Chra	Bunong	123	27
12	Mondulkiri	Keo Sema	Sre Preah	Ghati	Ghati	Bunong	215	45
13	Mondulkiri	Keo Sema	Sre Ktom	Sre Ktom	Sre Ktom	Bunong	404	93
14	Mondulkiri	Keo Sema	Sre Ktom	Sre Lvy	Sre Lvy	Bunong	127	31
15	Mondulkiri	O' Raing	Sen Monorum	Andoung Kraleung	Andoung Kraleung	Bunong	453	102
16	Mondulkiri	Sen Monorum	Romanea	Putrom	Putrom	Bunong	875	116
	Total	3 districts	4 communes	7 villages	7 communities		2570	494

17	Kratie	Sombo	O' Krieng	Ponchea	Ponchea	Bunong	546	132
18	Kratie	Sombo	O' Krieng	O' Kok	O' Kok	Bunong	129	37
	Total	1 district	1 commune	2 villages	2 communities		675	169
	Grand total	6 districts	8 communes	18 villages	18 communities		(6490)	(1478)

Table 2 Overview of the surveyed IPCs

No.	Location				Name of Community	Ethnic Group
	Province	District	Commune	Village		
1	Ratanakiri	O'Chum	O'Chum	La'Eun Kren	La'Eun Kren	Tompoun
2	Ratanakiri	Koun Mom	Teun	La In	La In	Tompoun
3	Ratanakiri	O'Chum	O'Chum	La'Eun Chong	La'Eun Chong	Tompoun

⁵ Further details are available in Annex 4.

4	Mondulkiri	Keo Seima	Sre Ktom	O' Rona	O' Rona	Bunong
5	Mondulkiri	Keo Seima	Sre Preah	O' Chra	O' Chra	Bunong
6	Mondulkiri	Keo Seima	Sre Ktom	Sre Ktom	Sre Ktom	Bunong
7	Mondulkiri	Keo Seima	Sre Ktom	Sre Lvy	Sre Lvy	Bunong
8	Mondulkiri	O' Raing	Sen Monorum	Andoung Kraleung	Andoung Kraleung	Bunong
9	Mondulkiri	Sen Monorum	Romanea	Putrom	Putrom	Bunong
10	Kratie	Sombo	O' Krieng	Ponchea	Ponchea	Bunong

In one IPC, a private moneylender volunteered to answer questions regarding provision of private loans among villagers. In addition, committee members and heads of several saving groups were interviewed separately in the IPCs where saving groups had been established.

In addition to the field survey in the IPCs, representatives from MFIs in all three provinces were interviewed regarding their policies and experiences of loan provision to members of IPCs compared to Khmer communities. In each provincial capital, the main MFIs and banks working with rural communities were interviewed.

Following the drafting of the report by the consultant, the draft was shared with relevant Ministries and stakeholders for comments early 2018. These comments, when relevant and verified, were included in the final draft by OHCHR.

3. BACKGROUND

3.1. IPCs AND THEIR LAND RIGHTS

The legal basis for the recognition of indigenous peoples' (IP) land rights has been set in the Land Law of 2001⁶. Cambodia pursues a community-based approach to granting IPCs land rights for collective use. In contrast to private land owners who received their individual land titles under the systematic or sporadic land titling approach, members of IPCs with a CLT are neither allowed to sell their land (except for sales to fellow community members) nor to use it as collateral.

Based on the experiences gained during a pilot registration in three IPCs which had been identified by the General Secretariat for the Council for Land Policy (CLP) in 2004⁷, the existing legal framework was reinforced by the "Policy on Registration and Right to use of Lands of Indigenous Communities in Cambodia" in 2009. It was further clarified by the Sub-Decree 83 on "Procedures of Registration of Lands of Indigenous Communities" (2009). This decree enables the transfer of private state land to IPCs. In addition to the already existing collective rights on residential, farming, and reserved land for shifting cultivation, the sub-decree also grants IPCs the right to the use of their burial and spiritual land. While the other land use types are unlimited in size, spiritual and burial land areas are limited to seven hectares each. Therefore, all IPC land which qualifies for being titled is classified into one of the 5 categories of residential land, farming land or rice fields, reserved land (for shifting cultivation or future allocation to new families), burial grounds (cemeteries) and spiritual forests. Notably, this excludes larger stretches of forest, non-timber forest product (NTFP) collection areas or water bodies of all kinds. One collective title usually includes between 20 and 70 separate parcels of the 5 categories.

An essential step to secure land rights of IPCs was achieved with the adoption of an inter-ministerial Circular on Interim Protective Measures issued by the Ministry of Interior and the Ministry of Land Management, Urban Planning and Construction in 2011. An Interim Protective Measure, issued by the respective provincial governor, prohibits the sale, lease, encroachment, or transfer of land claimed by IPCs. It also grants IPCs the right to use legal measures to protect their traditional rights. Protective measures can only be declared by the governor, once a full application for collective land titling has been submitted to the corresponding Provincial Department of Land Management, Urban Planning and Construction.

The process to receive collective land titles consists of three essential steps, which are linked to different ministries:

- Step 1 Self-identification, appraisal, and determination of indigenous peoples as such by the Ministry of Rural Development;
- Step 2 Development of by-laws and registration as legal entity after approval by the Ministry of Interior;
- Step 3 Land registration by the Ministry of Land Management, Urban Planning and Construction.

⁶ The Land Law of 2001 (Article 23 §1) defines an indigenous community as a group of people that resides in the territory of the Kingdom of Cambodia whose members manifest ethnic, social, cultural and economic unity and who practice a traditional lifestyle, and who cultivate the lands in their possession according to customary rules of collective use.

⁷ Pilot-IPC: La'Eun Kren and La In in Ratanakiri province, and Andoung Krালেung in Mondulkiri province.

Of around 455 IPCs⁸ which exist in Cambodia, 141 are recognized by the Ministry of Rural Development and 128 communities have been recognized by the Ministry of Interior (as of October 2018).

As of the end of 2016, when the latest update was published, a total of 49 IPCs had submitted land applications, with 43 applications accepted (3 applications were rejected in Kampong Speu and 3 in Preah Vihear). 43 IPC received Interim Protective Measures. As of October 2018, a total of 24 IPCs in the four provinces of Ratanakiri (13), Mondulhiri (6), Kratie (4) and Stung Treng (1) had received their collective land titles.

3.2. ACCESS TO FINANCES IN RURAL AREAS

In the past, access to finances in rural Cambodia was driven through informal sources. Private moneylenders and relatives played a major role. As private moneylenders requested enormous interest rates often reaching up to 20% per month for short-term loans, loans were expensive and exclusively used for emergencies. Furthermore, only a few rural households could provide collateral to access the formal banking sector.

This situation has changed fundamentally. Nowadays, the formal banking sector has expanded to rural areas, providing much better access to financial services in rural Cambodia. Banks and MFIs are now represented in all provincial capitals, all district towns and even in some main communes.

In general, rural households can choose from a variety of sources to access finances. This includes in particular:

- Banks / Microfinance Institutions (MFIs)
- Village Saving Groups
- Private Moneylenders
- Relatives / Friends / Neighbours
- NGOs
- Traders

The banking sector in Cambodia has developed rapidly over the last years. As of 2016, the banking system comprises of 37 commercial banks, 15 specialized banks, 70 microfinance institutions (including 7 microfinance deposit-taking institutions), 170 rural credit operators, 12 leasing companies, 1 credit bureau company, 8 third-party processors, 7 foreign bank representative offices, and 2,261 moneychangers⁹.

In 2012, the Credit Bureau Cambodia (CBC) was established as a private credit bureau with strong support from the National Bank of Cambodia (NBC), the Association of Banks in Cambodia (ABC), the Cambodia Microfinance Association (CMA), and the International Finance Corporation (IFC) to support the Cambodian banking sector. Among others, it provides a database on private loans. MFIs use this database to check creditworthiness of clients as well as their loan history.

Banks and financial institutions have continued to expand their operation to rural areas, which at the same time caused a shift from informal financial service providers to the formal sector. The influence of private moneylenders has been reduced substantially. Even rural people now have good access to the official banking services. This is particularly true due to the fact that all banks and MFIs providing loans to villagers living in rural areas have their agents come to the villages by motorbike.

⁸ According to estimations by NGOs working with IPCs

⁹ Source: National Bank of Cambodia. Annual Report 2016

Village Saving Groups exist in a number of Cambodian villages. They function as small loans institutions at village level organised by the villagers themselves (mostly with initial support from projects or NGOs). However, as they require a certain amount of savings by the members, overall deposits remain relatively low and result in low credit volumes. The request for loans is usually higher than what the group can serve. Therefore, Village Saving Groups are often unable to provide loans at the preferred amount and at the right time. Furthermore, they are used for small household loans and in emergencies rather than for land development and real investment.

In the past, NGOs played a greater role as providers of microcredits. Due to the attempt by the Cambodian Government to regulate the banking sector, a number of NGOs were registered as MFIs. Others are now focussing more on community development activities, but have excluded loan provision.

Traders play an important role in providing cash to farmers in rural Cambodia. For certain cash crops, traders are often buying the whole harvest “on the tree” or “on the field” before harvest time. In some cases, they are buying the whole harvest before being harvested at a fixed price while sometimes only providing a down payment to guarantee that the harvest will be sold to them. This transfers the risk of harvest failure from the farmer to the trader. But at the same time, it minimises the revenue from the field as prices offered often remain below real market prices. Furthermore, some traders provide loans for seeds, fertilizers and pesticides. Loans are then paid back through the sale of crops to the loan providing trader. This practice provides some limited cash for investment in agricultural production. Nevertheless, the paid amounts can help farmers to bridge their income from one season to another. Yet, overall amounts are often too low for major investments.

3.3. DEBTS AND INDEBTEDNESS IN CAMBODIA

Not many studies or in-depth surveys on debts and indebtedness in Cambodia are available. According to the Socio-Economic Survey 2015, about 38% of the surveyed Cambodian households reported that they had debt and liabilities in 2015. In rural Cambodia, 43% of the surveyed households stated debts and liabilities compared to less than 10% of the households in Phnom Penh. Overall, the number of indebted households had increased compared to the previous year by 22%.

Furthermore, the average amount of outstanding loans had increased over recent years. In particular, the average amount of outstanding loans more than doubled in rural areas between 2011 and 2015.

Table 3 Average amount of outstanding loans¹⁰

		2011	2012	2013	2014	2015
Cambodia (Overall)	in Thousand Riels	2,264	2,762	3,952	4,043	5,157
	<i>equivalent in US Dollar</i>	<i>566</i>	<i>691</i>	<i>988</i>	<i>1,011</i>	<i>1,289</i>
Phnom Penh	in Thousand Riels	6,488	3,801	5,394	6,582	10,270
	<i>equivalent in US Dollar</i>	<i>1,622</i>	<i>950</i>	<i>1,349</i>	<i>1,646</i>	<i>2,568</i>
Other Urban	in Thousand Riels	4,622	6,771	9,857	6,896	8,873
	<i>equivalent in US Dollar</i>	<i>1,156</i>	<i>1,693</i>	<i>2,464</i>	<i>1,724</i>	<i>2,218</i>

¹⁰ Source: Ministry of Planning / National Institute of Statistics (2016). Cambodia Socio-Economic Survey 2015

Other Rural	in Thousand Riels	1,913	2,274	3,363	3,609	4,600
	<i>equivalent in US Dollar</i>	<i>478</i>	<i>569</i>	<i>841</i>	<i>902</i>	<i>1,150</i>

In the past, NGOs played a major role as loan providers. As many of those NGOs were registered as MFIs recently, the formal banking sector provided most of the loans in rural Cambodia in 2015. Through the attempts by the Cambodian Government to formalise and regulate the banking sector, this share has most likely further increased during 2016 and 2017.

The sources of loans held by households in rural Cambodia are summarised in the following table.

Table 4 Average outstanding debt by sources of loan in rural Cambodia (in percent)¹¹

Source of Loan	2011	2012	2013	2014	2015
Relatives in Cambodia	18.2	16.3	10.4	11.1	5.9
Relatives Abroad	1.6	0.5	0.9	0.8	1.6
Friends / Neighbours	6.3	5.4	3.4	3.7	1.7
Moneylender	13.9	19.4	14.8	11.8	11.3
Trader	1.5	0.8	1.4	1.9	1.2
Landlord	0.1	0.1	0.0	0.0	0.0
Employer	0.1	0.1	0.3	0.2	0.1
Bank / MFI	15.5	24.0	33.9	47.9	56.6
NGOs	40.5	32.1	34.2	21.9	20.6
Others	2.3	1.3	0.7	0.9	1.0
Total	100	100	100	100	100

Access to loans through informal sources including private moneylenders has decreased over the past years due to better access to banks and MFIs in rural areas as well as a steady decrease in interest rates charged by the formal banking institutions. According to the National Bank of Cambodia¹², MFI interest rates decreased from 36% per annum in 2006 to 23.5% per annum in 2015. In March 2017, the interest rates for loans provided by MFIs were regulated by the Cambodian Government at a maximum of 1.5% per month (18% per annum). Furthermore, MFIs started to provide loans to individual households based on group liabilities without the provision of traditional collateral such as a land title.

With regard to indebtedness among rural Khmer households, a number of project studies contain relevant data. In order to use comparable data, the author comprehensively evaluated available data from baseline surveys among poor Khmer households within Social Land Concessions¹³. For these two baseline studies, 2,173 land recipient households were interviewed in 17 Social Land Concession sites in the Provinces of Kampong Chhnang, Kampong Speu, Kampong Thom, Kratie and Tboung Khmum.

A high percentage of the interviewed households proved to have debts and loans.

¹¹ Source: Ministry of Planning / National Institute of Statistics (2016). Cambodia Socio-Economic Survey 2015

¹² Source: National Bank of Cambodia. Annual Report 2016

¹³ GIZ (2015 & 2016). Baseline Survey for the Projects ILF I and II (Internal Document)

Table 5 Summary of household debt burden in 17 SLC areas

SLC	Province	Percentage of interviewed households having debts and loans
Tipou 1	Kampong Thom	74.6%
Tipou 2	Kampong Thom	85.2%
Dar	Kratie	67.5%
Thmey	Kratie	58.6%
Chambok	Kratie	83.7%
Sambok-Changkrang 1	Kratie	70.6%
Sambok-Changkrang 2	Kratie	68.8%
Choam Kravien	Tboung Khmum	69.5%
Kiri Akphivat	Kampong Chhnang	69.8%
Khsach Sar	Kampong Chhnang	67.3%
Sambok Kriel	Kampong Chhnang	67.5%
Sok Sen Chey	Kampong Chhnang	70.4%
Prey Thom	Kampong Speu	74.1%
Sochit	Kampong Thom	78.0%
Chrangbak	Kampong Thom	65.8%
Sen Serey Mongkul	Kampong Thom	83.8%
Kampong Domrey / Domrey Phong	Kratie	69.3%

Table 6 Average amount of debts per household

SLC	Average amount of debts per household [in Riel]	Average amount of debts per household [in USD]	Maximum amount of debts per household [in Riel]
Tipou 1	1,400,837	350	18,000,000
Tipou 2	3,315,800	829	18,400,000
Dar	1,375,800	344	12,500,000
Thmey	1,058,200	265	4,000,000
Chambok	2,121,100	530	16,000,000
Sambok-Changkrang 1	2,038,253	510	20,000,000
Sambok-Changkrang 2	2,406,328	602	10,000,000
Choam Kravien	2,025,277	506	15,200,000
Kiri Akphivat	3,279,148	820	58,000,000
Khsach Sar	4,074,533	1,019	68,000,000
Sambok Kriel	3,916,896	979	105,000,000
Sok Sen Chey	2,594,143	649	100,000,000
Prey Thom	2,258,279	565	120,000,000
Sochit	6,322,500	1,581	48,000,000
Chrangbak	3,032,000	758	10,000,000

Sen Serey Mongkul	3,311,790	828	32,000,000
Kampong Domrey / Domrey Phong	6,022,747	1,506	92,000,000

The average amounts of debt per household demonstrate the extremely high level of indebtedness among the land recipients. In view of current interest rates charged by the various loan providers and in relation to the actual levels of household income, it is realistic to say that a majority of them are caught in a debt trap. Around 35% of the interviewed households mentioned that their monthly expenditures exceeded their monthly income during the last month.

Most households have debts with more than one loan provider. The majority of loans are sourced from private moneylenders and official credit institutions. Hereby, interest rates from private moneylenders often reach 10 – 20 % per month. Interest rates with banks and credit institutions were in the range of 2 – 5 % per month, but now are lower due to the latest regulations.

Furthermore, a study on indebtedness in Cambodia¹⁴ conducted in selected MFI saturated villages¹⁵ concluded that 22% percent of clients in the sample of 1,480 were insolvent or over-indebted, (56%) were “solvent,” meaning that their monthly debt instalments were 75% or less of their net monthly income, 12% of the borrowers were categorized as “at risk” and 10% could not be classified because no income data was available.

This study identified multiple loans as a main driver for over-indebtedness. Among the 1,326 borrowers in the sample, 56% had more than one loan, 28% had two loans, 13% had three loans, 9% had four loans, and 6% more than four loans.

¹⁴ Cambodia Institute of Development Study (2013). Study on the Drivers of Over-Indebtedness of Microfinance Borrowers in Cambodia: An In-depth Investigation of Saturated Area

¹⁵ The study selected the study area based on the coverage by MFI institutions. Only villages with a full coverage by MFIs were evaluated.

4. FINDINGS

4.1. VISITED IPCs AT A GLANCE

In this chapter, each of the IPCs visited in July 2017 during this study is characterized by a few key observations. This will help to understand the general assessment and the overall conclusions.

The relevant data on the CLTs issued to the 18 IPCs is reflected in Annex 4.

Ratanakiri Province

1. La'Eun Kren

- Located near Banlung Town (8 km, relatively good road access, last 1.5 km dirt road)
- Strong community committee, strong solidarity and cohesion among IP members
- All villagers are members of the IPC
- Land area under CLT is still the same, no conflict with outsiders, no encroachment, some small internal boundary conflicts which can be resolved locally
- Reserved land has been distributed among IPC members, no land left for distribution to new families
- IPC very happy with CLT, members state that without CLT they would have lost land and their entire community
- IPC members have no interest to sell land to outsiders
- Access to finances: MFI, private moneylenders, village saving groups, relatives, land sales (among IPC members), advance payments for agricultural products by traders
- Social infrastructure
 - Primary school exists in the village and is operational
 - Water supply: some wells and spring water
 - Health services: district health centre, Provincial hospital
 - Electricity: access since two months before visit

2. La In

- Located not too far from Banlung Town (26 km, relatively good road access, last 5 km dirt road and under construction)
- The community has 1218.56 hectares of communal land, including 736 hectares of reserved agriculture land.
- Very weak community leadership and low social cohesion, numerous social problems (e.g. alcoholism)
- All villagers are members of the IPC
- Encroachment by neighbouring villages.
- Spiritual land partly used as farming land
- Village chief involved in land sales to outsiders (However, this was not supported by Commune authorities)
- IPC members still in favour of CLT, without CLT all land would have been lost
- Access to finances: MFI (estimated 70 – 80% of the households hold a loan under a group liability scheme with an MFI), relatives, land sales (among IPC members), advance payments for agricultural products from traders
- Social infrastructure
 - Primary school, newly constructed by KfW
 - Water supply: difficult, some wells and river water
 - Health services: district health centre, Provincial hospital

- Not connected to the power grid

3. La'Eun Chorng

- Located near Banlung Town (12 km, relatively good road access, last 5 km dirt road)
- All villagers are members of the IPC
- Some encroachment on reserved land (not quantified, but estimated to be less than 10%)
- IPC members still in favour of CLT
- Access to finances: MFI, private moneylenders, village saving groups, relatives, land sales (among IPC members), advance payments for agricultural products by traders
- Social infrastructure
 - Primary school exists in the village and is operational
 - Water supply: some wells and spring water
 - Health services: district health centre, Provincial hospital
 - Not connected to the power grid

Mondulhiri Province

4. O'Rona

- Located in Keo Seima District (5 km from main road), bordering a protected area
- Very weak community committee, breakdown of solidarity and social cohesion among IP members
- Only few villagers are still active members of the IPC
- According to the interviewed villagers, the village chief is working against the interests of the IPC
- Important encroachment on the entire reserved land (more than 200 ha)
- IP villagers are encroaching on the neighbouring environmentally protected area (approx. 20 families)
- O'Rona is the only IP community in possession of a CLT that has a pending court case submitted by Vishnu Law Group at the Appeal Court in Phnom Penh. Court injunctions by the first instance court and confirmed by the appeal court in favour of the community could not be enforced so far.
- Virtually all IPC members are in favour of the issuing of individual titles. A request has been submitted to the Commune administration to cancel their IPC and also the CLT.
- Access to finances: MFI, village saving groups, relatives, land sales (among IPC members and also to outsiders), advance payments for agricultural products by traders
- Social infrastructure
 - Primary school exists in village and is operational
 - Water supply: well water
 - Health services: health centre in Sre Ktum or hospital in Or Am
 - Connected to the power grid

5. O'Chra

- Located in Keo Seima District (14 km from main road, very difficult access, bridges are under construction, diversions are impassable at high water levels), bordering a protected area
- Weak community committee, still solidarity and cohesion among IP members
- All villagers are members of the IPC
- Encroachment on CLT land and surrounding protected areas from neighbouring villages, mainly encroachment on reserved land, some on chamkar land

- Support from Wildlife Conservation Society (WCS), Department of Environment and Cambodia Indigenous Peoples Organizations (CIPO) to undertake land survey to map the extent of encroachment on CLT land.
- IPC in favour of CLT
- Access to finances: MFI, village saving groups, relatives, land sales (among IPC members), advance payments for agricultural products by traders
- Social infrastructure
 - Primary school exists in village and is operational
 - Water supply: well water
 - Health services: health centre in Sre Ktum
 - Not connected to the power grid

6. Sre Ktom

- Located in Keo Seima District (8 km from main road, difficult access, bridge under construction, diversion impassable at high water levels)
- Weak community committee, still some solidarity and cohesion among IP members
- Not all villagers are members of the IPC
- Some encroachment on CLT land by villagers from O'Rona, a complaint was sent to commune
- Reserved land has been equally distributed to IPC members as a protective measure to prevent further encroachment
- Burial and spiritual land unchanged
- Some land sales among members and to outsiders (unregistered land sales)
- A majority of the villagers in the IPC would prefer individual land titles, in order to be in better position to protect their land tenure rights against encroachment
- Access to finances: MFI (majority of households hold loans with MFI), moneylenders, village saving groups, relatives, land sales (among IPC members), advance payments for agricultural products by traders
- Social infrastructure
 - Primary school under construction
 - Water supply: rain water
 - Health services: health centre in Sre Ktum
 - Connected to the power grid

7. Sre Lvy

- Located in Keo Seima District (10 km from main road, road not accessible by car)
- Weak community committee, no enforcement of internal rules
- All villagers are members of the IPC
- No encroachment by outsiders
- Reserved land has been occupied by IPC members, no land remains for distribution to new families, burial and spiritual land untouched
- IPC in favour of CLT
- Access to finances: MFI, village saving groups, relatives, land sales (among IPC members), advance payments for agricultural products by traders
- Social infrastructure
 - Primary school exists in village and is operational
 - Water supply: well water
 - Health services: health centre in O'Rona
 - Not connected to the power grid

8. Andoung Kraleung

- Located not too far from Sen Monorom (4 km from main road, road not accessible by car in rainy season)
- Strong community committee, strong solidarity and cohesion among IPC
- All villagers are members of the IPC
- Some encroachment by outsiders
- No sale of land to outsiders
- Some internal land disputes, village chief and committee play a strong role to solve conflicts
- IPC in favour of CLT to protect the land
- Access to finances: MFI, village saving groups, relatives, land sales (among IPC members), advance payments for agricultural products by traders
- Social infrastructure
 - Primary school exists in village and is operational
 - Health services: health post available
 - Water supply: no information
 - Not connected to the power grid

9. Putrom

- Located near Sen Monorom (6 km from Sen Monorom, good dirt road)
- “Elephant village”, supported by NGO ELIE (Elephant Livelihood Initiative Environment)
- Strong community committee, strong solidarity and cohesion among IPC
- All villagers are members of the IPC
- Some encroachment by outsiders
- No sale of land to outsiders after CLT, a lot of pressure from outsiders to buy land inside CLT; some signboards with “land for sale” could be observed in the village
- IPC in favour of CLT to protect the land (Village chief compared the CLT to cattle: if they are not fenced, they run away; the amount of people grows but the land does not)
- Access to finances: MFI, village saving groups, relatives, land sales (among IPC members), advance payments for agricultural products by traders
- Social infrastructure
 - Primary school exists in the village and is operational
 - Health services: in Sen Monorom
 - Water supply: well water
 - Partly connected to the power grid

Kratie Province

10. Ponchea

- Located in Sombo District along the Mekong (difficult access during rainy season)
- Strong community committee, strong solidarity and cohesion among IPC
- All villagers are members of the IPC
- No encroachment from outsiders, no land conflicts; limited potential of the land and therefore less demand
- Land under CLT unchanged
- IPC in favour of CLT to protect the land
- Access to finances: MFI, relatives
- Social infrastructure
 - Primary school exists in village and is operational
 - Water supply: some wells, river water
 - Health services: health post in next village (3 km), health centre in O’Khieng
 - Not connected to the power grid

4.2. THE ROLE OF MICROFINANCE INSTITUTIONS IN PROVIDING LOANS TO IPCs

In total, representatives of 19 MFI branch offices were interviewed for this study (see Table 7). Most branch managers, deputy branch managers or client officers were willing to answer questions openly and very constructively. Only in a few cases were answers denied for reasons of confidentiality.

All interviewed MFIs offer loans to members of IPCs. Mobile client officers visit IPCs. Due to the high competition among the different MFIs, some members of IPCs mentioned a somehow aggressive behaviour of MFIs mobile client officers. All 10 villages visited for this study reported regular visits by several MFI agents and in one case the consultant could directly observe the activities of the agents in the village.

The overall loan policy by the interviewed MFIs is summarised in Table 7.

Table 7 Summary of loan policy of interviewed MFIs

Name	Location	Type of Loan	Collateral (land title) for Group Loan	Work in IPC	CLT acceptance	Interest rate	Agents going to the village
Sathapana Bank	Banlung, Ratanakiri	Individual		yes	no	1.5%, depending on amount	yes
AMK	Banlung, Ratanakiri	Individual + Group	no	yes	no	1.5% per month	yes
Hattha Kaksekar	Banlung, Ratanakiri	Individual		yes	no	1.5% per month	yes
Amret	Banlung, Ratanakiri	Individual + Group	yes / no	yes	no	1.5% per month	yes
ACLEDA	Banlung, Ratanakiri	Individual		yes	no	1.5% per month	yes
PRASAC	Banlung, Ratanakiri	Individual		yes	no	1.5% per month	yes
Kredit MFI	Banlung, Ratanakiri	Individual + Group	no	yes	no	1.5% per month	yes
Vision Fund	Banlung, Ratanakiri	Individual + Group	no	yes	no	1.5% per month	yes
LOLC	Banlung, Ratanakiri	Individual + Group	no	yes	no	1.5% per month	yes
Mohanokor	Senmonorom, Mondulkiri	Individual + Group	yes / no	yes	no	1.5% per month	yes
LOLC	Senmonorom, Mondulkiri	Individual + Group	yes / no	yes	no	1.5% per month	yes
Sathapana Bank	Senmonorom, Mondulkiri	Individual		yes	no	1.5% per month	yes
PRASAC	Senmonorom, Mondulkiri	Individual + Group	yes	yes	no	1.5% per month	yes
AMK	Senmonorom, Mondulkiri	Individual + Group	no	yes	no	1.5% per month	yes
Vision Fund	Senmonorom, Mondulkiri	Individual + Group	no	yes	no	1.5% per month	yes
AMK	Kratie Town, Kratie	Individual + Group	no	yes	no	1.5% per month	yes
PRASAC	Kratie Town, Kratie	Individual + Group	yes	yes	no	1.5% per month	yes
LOLC	Kratie Town, Kratie	Individual + Group	yes / no	yes	no	1.5% per month	yes
Kredit MFI	Kratie Town, Kratie	Individual + Group	no	yes	no	1.5% per month	yes

Fourteen MFIs provide loans under group liability schemes. These loans are provided to a group of 2 – 6 people. All group members guarantee for each other. Group members do not have to produce any collateral such as a land title which in particular allows access to this type of loans for members of IPCs. Only 6 MFIs¹⁶ require collateral (land title) from at least one of the group members. Interest rates are similar to individual loans at 1.5% per month. Some of the interviewed MFIs mentioned additional administration or processing fees. In principle, loans are approved by MFIs in less than 5 working days. However, loan volume is often lower under group liability schemes without collateral than for individual loans with collateral. Most MFIs mentioned loan maximums of 2.4 Mil Riel (600 USD) for an average period of 1 year under a group liability scheme. MFIs often start with a lower loan amount and increase the amount on consecutive loans after successful repayment.

Most of the MFIs confirmed a high rate of punctual repayment by members of IPCs. In general, members of IPCs are seen as “good” clients. On the other hand, MFIs reported a number of issues with Khmer clients. While the database from Credit Bureau Cambodia is not always complete, it sometimes makes reference to incorrect ID numbers provided by Khmer clients and as the Khmer rural population is somehow very mobile, some loan-takers disappear before paying back their loans.

Due to good cohesion among fellow IPC members, group liabilities are seen as a good instrument by MFIs. Nevertheless, as repayment rates from Khmer borrowers under group liabilities are decreasing, some MFIs are currently evaluating options to suspend group loan schemes. This would highly affect access to finances for members of IPCs. At the same time, as competition among MFIs is very high, a complete suspension of group loan schemes seems unlikely.

4.3. INDIGENOUS PEOPLES ACCESS TO FINANCES AND INDEBTEDNESS

Based on the village group discussions, interviews with MFI and household interviews, members of IPC use the following options to access finances (in order of importance):

- Banks / Microfinance Institutions (MFIs)
- Village Saving Groups
- Relatives / Friends / Neighbours
- Traders
- Private Moneylenders

The overall debt situation among the interviewed household is summarised in the following table:

Table 8 Indebtedness of interviewed households in sample IPCs

IPC	Percentage of interviewed households holding debts	Percentage of interviewed households with multiple loans	Average amount of debts per household in Riel (<i>equivalent in US Dollar</i>)	Maximum amount of debts per household in Riel (<i>equivalent in US Dollar</i>)	Loan provider
La'Eun Kren	100%	100%	3,600,000 (900)	4,500,000 (1,125)	MFI, Village Saving Group, Moneylender
La In	100%	40%	3,880,000 (970)	6,000,000 (1,500)	MFI

¹⁶ For details see Table 7 above.

La'Eun Chorng	100%	50%	2,500,000 (625)	3,000,000 (750)	MFI, Village Saving Group
O' Rona	50%	0%	2,000,000 (500)	2,000,000 (500)	MFI, Village Saving Group
O' Chra	100%	0%	2,000,000 (500)	2,000,000 (500)	MFI
Sre Ktom	80%	80%	7,625,000 (1,906)	13,000,000 (3,250)	MFI, Village Saving Group
Sre Lvy	100%	14.3%	1,857,000 (464)	2,500,000 (625)	MFI, Village Saving Group
Andoung Kraleung	100%	0%	3,000,000 (750)	3,000,000 (750)	MFI
Putrom	45%	0%	4,600,000 (1,150)	12,000,000 (3,000)	MFI, Village Saving Group
Ponchea	0%	0%	-	-	-

As the sample size is relatively low, it is very difficult to extrapolate the data in relation to the total population in the interviewed IPCs. However, group discussions with representatives from the IP Committee and Village Representatives confirmed the overall impressions. For most villages, the range of indebted households averages 70-80%. Ponchea village is the big exception with very few loan-takers, while Putrom has for some years tried to limit the number of loans by information sharing through the IPC committee, but is now under high pressure by MFI agents (as witnessed by the consultant).

Overall and similar to other parts of Cambodia, debts are on the increase. MFIs have a strategy to increase loan volume after successful repayment of loans. The majority of debtors are still first-time clients with MFIs, but some are already second or third-time borrowers who have increased the loan volume.

As a substantial number of rural households, same as the members of IPCs, have no land titles to use as collateral for obtaining a bank loan, MFIs have reacted and offer loans for groups of people under a group liability scheme. Most of the interviewed representatives of MFIs are aware of the Collective Land Titling procedure and take special caution with regard to individual titles for members of IPCs. None of the MFIs reported misuse of CLT with regard to obtaining a loan.

Nevertheless, some members of IPCs have soft titles for land not covered by the CLT. Yet, systematic land titling has so far not been conducted in any of the adjoining areas to the 10 surveyed IPCs.

The regulation capping interest rates at a maximum of 1.5% per month, makes loans with MFIs more affordable for rural households. In addition, mobile client officers visiting IPC villages and the unbureaucratic and fast loan approval (less than 1 week), opens the formal banking sector to rural households and limits the influence of private moneylenders. Moneylenders were reported to now charge 4 -5% interest per month for short-term emergency loans.

At least one Village Saving Group exists in 8 of the 10 IPCs. All of them seem to be very active in providing loans to their members and in some cases even to non-members at higher interest rates. Normal interest rates are 2% for members and 3% for non-members. Nevertheless, in most cases deposits are insufficient to serve all loan requests of its members.

Households reported that in urgent cases small loans are taken from relatives, neighbours or friends. Usually such short-term loans are provided without any interest. Only for higher amounts and a longer period must interest be paid. However, in communities breaking apart even relatives request interest payment for any kind of loan amount.

4.4. ACCESS TO FINANCES FOR WOMEN

Most loans are taken by husband and wife together, although mostly the husbands sign the documents at the MFI. All MFIs accept both women and men as loan-takers. No discrimination against women was observed. In addition, among the interviewed household some group loans have been taken by all-female groups.

The majority of loans from MFIs are used for land development, tools, seeds, fertilizers and pesticides. In addition, a number of households also reportedly take out loans for the construction of their house as well as for higher education of their children.

Loans from Village Saving Groups are more often used for general household purposes. Women are often actively involved in commercial activities. They often have small grocery shops and are economically very active.

In general, no indication could be found that women are disadvantaged regarding their access to finances. Women were very actively participating in group discussions and even in personal interviews openly shared their views and experiences. Nevertheless, a number of women reported high debt burdens due to loss of their husbands or having husbands with alcohol addictions.

4.5. RISKS OF INDEBTEDNESS

Members of IPCs are in most cases still cautious with regard to taking a loan. Many are still first-time loan-takers and do not have much experience with MFIs. However, they are closely observing neighbouring Khmer villages. Many of the interviewed households reported cases of Khmer households losing their land due to over-indebtedness. Therefore, the majority of the interviewed households still see the restrictions imposed by a CLT not to be legally used as collateral as an advantage. They favour the idea that even under a high debt burden they will never lose their land to a bank.

This means, in general, that the awareness of risks related to loans and concerning debts is quite widespread. On the other hand, temptations are high and the pressure from MFI agents is palpable. Currently, the debt burden of IPC members is still lower compared to Khmer villagers. Most of them have a stable income from cash crops (cashew, cassava). However, any failure of crops would increase their debt burden and risks of indebtedness.

For some, the annual taking of group loans has become something of a routine, especially in communities relying mostly on cash crop production. There is an effect of getting used to loans. People want to have funds at their disposal without having to wait for the harvest once a year. Similar to Khmer villages, multiple loans are posing the highest risk for over-indebtedness. MFIs evaluate the economic situation of every household before providing loans as well as check their creditworthiness through the database of the Credit Bureau Cambodia (CBC). Nevertheless, this system is not yet functioning at 100%.

Similar to Khmer households, health issues are another of the main reasons leading to indebtedness. Health insurance is not common. Some of the MFIs now actively promote health insurance schemes in combination with their loan portfolio. In one of the surveyed villages (Putrom) the NGO E.L.I.E (Elephant Livelihood Initiative Environment) is covering the health expenses for all IPC households. This reduces household burdens substantially.

5. CONCLUSIONS

The following conclusions can be drawn from the various interviews with MFI representatives, as well as the interviews or discussions and direct observations in the 10 villages.

5.1. ON THE SITUATION IN THE IPCs CONCERNING THE CLT, LAND USE AND LAND CONFLICTS:

- The variability between the villages and their specific situation is extremely high. As can be seen from the brief summaries in chapter 4.1, some villages have managed their land resources under the CLT well, do not face any encroachments and have avoided illicit land sales. Others are on the brink of dissolving the IPC, have lost up to an estimated 70% of their land resources and face enormous socio-economic challenges.
- The main factors which decide on the “success” or “failure” of each IPC to keep their identity and to protect their land resources are (in order of importance):
 - a) Community leadership and social cohesion; role of traditions and cultural identity (good examples: La'Eun Kren and Andoung Kralleng; bad example: O'rona)
 - b) Long-term support by an NGO on all aspects of community development (positive example: Putrom)
 - c) The attractiveness of their land resources for outside investment and purchase (soil fertility, slopes, distance from town or market etc.) (example: La'Eun Chong)
 - d) Influence by Khmer communities in the direct neighbourhood, on the one hand through offers for land acquisition, encroachments, but also through showing examples of rapid development due to the availability of individual or group loans (bad example: O'rona)
- Among the 10 IPCs visited and interviewed, 2 communities are strongly convinced of the benefits of the CLT and have defended their cause well (La'Eun Kren and Andoung Kralleng), 3 others are more or less convinced of the benefits of the CLT, but face some internal challenges by certain individuals who would favour individual land titles or are tempted to engage in land sales (La'Eun Chong, Sre Lvy and Ponchea), another 3 face important challenges in terms of land encroachment and/or land sales (La In, O'Chra and Putrom), while the last 2 communities have clearly expressed that they are unhappy with the CLT, would prefer individual land titles and the opportunity to take individual loans and sell their land when needed (O'rona and Sre Ktom).
- Although most villagers still supported the idea of a CLT for their collective land resources, in terms of perceived tenure security most interview partners still ranked an individual title higher than a CLT. This could be due to the numerous encroachments experienced so far, but also because the boundaries of individual plots are surveyed by officials, demarcated with boundary markers and clearly shown on the title document, whilst land within a CLT area allocated to families is less clearly demarcated. Some Bunong families have individual land titles (mostly through the Directive 001 campaign) or possession titles (“soft titles”) issued by the Commune administration for individually held land outside their village area. These families generally consider themselves as lucky and often use this title for an individual loan of higher amount.
- There have been cases of requests for individual (possession) titles within CLT areas to the Commune administration. In most cases this illegal procedure was

rejected by commune officials, but in a few cases soft titles were issued against payment.

- Two IPCs (O'rona and Sre Ktom) have submitted requests to the Commune administration to cancel their IPCs and to split up the remaining land among all current members. In view of the 3-step process (see Chapter 3.1) a breakup of an IPC cannot be sanctioned by the Commune Council. The Commune informed the villagers that they should collect thumbprints of all villagers and then address the request to the Ministry of Interior.
- At least 4 IPCs have experienced important encroachments on their land resources covered by the CLT. None of them had received any meaningful support from the Commune administration in charge or from other levels of local administration or the police. In 2 cases NGOs (WCS and CIPO) got involved, surveyed the contested area and in one case a Law Firm submitted a legal case at the Appeals Court (the case of O'rona). None of the encroachments have been resolved until now.
- The land reserved for future allocation and use which was part of each of the CLTs issued, has in most cases already been converted to agricultural land after only a few years of having the CLT. In 3 cases, the IPC distributed the land among its members. In 4 villages, the entire reserved land was encroached upon by outsiders or in one case by specific IPC members. Only 2 villages still have some reserved land at their disposal for future allocation. The management of reserved land has proven one of the biggest challenges to IPCs and their committee. Several cases of misuse of power even within the community were mentioned.

5.2. ON LOAN PROVISION:

- Same as in other areas in rural Cambodia, the IP villagers have increasingly turned towards MFIs for loans in recent years. The fact that all MFIs have accepted and even promoted group loans has dramatically increased the accessibility of loans, also for IPC members. Interest rates have been falling since 2015 and repayment rates for group loans have proven to be very high due to the group liability arrangements. No complete defaults on payment have so far occurred in any IPC, although in a few cases group loan members had to advance money for fellow members when repayment was due.
- The services of moneylenders with higher interest rates are only made use of in real emergencies. Their importance is decreasing. More commonly villagers will request short-term loans from relatives and neighbours who might or might not charge some interest, once again depending on solidarity and community cohesion.
- Most of the IPCs visited had one or several functioning saving groups. Nevertheless, saving groups generally suffer from low saving rates and therefore small loan amounts per loan taker and are often plagued by internal management problems. In several villages, the number of active members in saving groups was decreasing. Interest rates charged by saving groups are similar or even slightly higher than those demanded by MFIs.
- The new regulations on banks and MFIs by the Cambodian Government have helped to re-organize and strengthen the sector. The capping of the interest rates at 1.5% per month has been very beneficial.
- No major differences between rural Khmer villagers without land title and IP villagers with a CLT could be identified in relation to a group loan. The administrative process, the group arrangements, the interest rates, the loan periods and the loan amounts are the same or very similar. Men and women have equal chances to request group loans. Obviously, loan amounts without collateral based purely on group liability will always be lower than loans with individual land titles as collateral. While group loans without collateral are generally limited to a maximum

amount of 2.4 million Riel, individual loans based on collateral (land title) can reach 4-5 million Riel depending on a simple valuation of the land by the MFI agents. In some cases, these lower amounts can lead to a gradual and slower development of their land and can hamper larger investments. Nevertheless, most people see this as an advantage as they always will be able to retain their land. Failing to reimburse a loan would never put their land holdings at risk.

5.3. ON INDEBTEDNESS:

- Nevertheless, the competition between MFIs for new clients can be fierce and the MFI agents have defined personal targets for their agents in terms of signed loans per month which pushes them to very actively promote their services. Many interview partners mentioned that it is difficult to resist their marketing techniques in the long run.
- Once an individual IPC member has started with his or her first group loan a certain addiction to taking loans on a regular basis sets in. First of all, timely repayment of the first loan opens up higher loan amounts for the group in the second and third year. Most loan takers therefore continue to take loans after their first experience.
- Many IPC members are somewhat aware of the risks of high debts. Families with important cash crop production (mostly cashew and cassava) are especially at risk to overstretch their repayment capacities and take several loans from different MFIs. The highest amounts of accumulated debts recorded during household interviews were 12 million Riel (US\$ 3000) plus interest, which comes close to the higher levels recorded in Khmer villages. On average, debts are comparable to the rural Khmer villagers interviewed in the Social Land Concession areas (see chapter 3.3)

5.4. ON SOCIAL INFRASTRUCTURE:

- In terms of provision of primary school education, water supply and health services, no major differences were recorded when comparing the 10 IP communities visited for this study with neighbouring villages of similar size.
- It is worth noticing that several villagers interviewed mentioned that parts of the loans taken from MFIs were destined for funding higher school education for their children, such as school fees, accommodation or transport to the next town.

6. RECOMMENDATIONS

6.1. RECOMMENDATIONS TO THE NATIONAL GOVERNMENT AND LOCAL ADMINISTRATION

- Review the Land Law of 2001 and the current regulations and procedures for the issuing of CLTs. More flexibility and a less cumbersome and lengthy process is urgently needed.
- Apply the principles of Free Prior Informed Consent (FPIC) in the CLT process and provide each IPC with 3 basic options to choose from. All conditions and restrictions, but also possible advantages or disadvantages of each of the 3 options need to be carefully explained.¹⁷

¹⁷ a) All land resources of the community are titled in one CLT. This is basically what is done now. The CLT will not allow for land sales to outsiders and not be useable as collateral. This option will most probably appeal to strong IPCs which have clear internal rules already, strong leadership and see this as their best option to protect the land and their customs. b) Only the strictly collectively used land categories, such as burial grounds, spiritual forests and possibly the reserved land are classified as "collective land" and titled with a CLT. All other parcels,

- Continue the stringent regulation of banks and MFIs in their loan arrangements and procedures.
- Provide support to IPCs facing land encroachments by outsiders. Deal with court cases in a timely manner. Assist in the enforcement of court decisions. Without urgent action on the cases of encroachment by outsiders in the CLT areas, the land title is losing its value and relevance to IPC members. Perceived tenure security has already suffered tremendously from these unresolved cases.

6.2. RECOMMENDATIONS TO THE BANKS AND MFIS

- Continue the provision of group loans to IPC members. Strictly cap maximum loan amounts to 2.5 million Riel per group member¹⁸.
- Improve the data exchange system of CBC to eradicate multiple loan allocations to the same individuals being members in different loan groups.

6.3. RECOMMENDATIONS TO UNOHCHR CAMBODIA

- Assist the drafting committee on the revision of the Land Law and in particular the regulations pertaining to IPCs. The findings of this study might be of some help in this process.
- Support financial literacy campaigns for IPCs with and without CLT. IP members need to learn how to estimate their disposable income and thereby estimate their loan taking capacities. They must become even more aware of the risk of falling in the debt trap.
- Lobby in support of the maintenance of the group loan approach. If this arrangement of providing loans against group liability is discontinued by the MFIs, all IPCs will face enormous difficulties to access finance for development.

6.4. RECOMMENDATIONS TO NGOS SUPPORTING THE CLT PROCESS AND COMMUNITY DEVELOPMENT

- Conduct financial literacy campaigns as part of all community development activities in IPCs. In particular train IPC committee members and village chiefs on group loans, their risks and advantages and general aspects of debt management.
- Provide all necessary support in the case of land encroachment in CLT areas and facilitate legal cases at the courts for all these communities.
- Continue to promote the CLT process, but provide clear information to the IPCs on possible advantages, but also disadvantages compared to individual titling. Do not encourage or force IPCs hesitant to fully adopt the concept of CLT to go along this direction. Only communities with strong leadership, good social cohesion and solidarity and strict enforcement of their management rules will be able to protect their collective land in the long term.

such as the agricultural land, rice fields and the residential plots are titles as individual land and thereby can be used as collateral or can be sold legally. c) All land that is applicable for individual titling is titled as such, exactly the same as under the systematic land titling approach implemented in Khmer villages. Obviously, this also entails the risks that land is lost to the banks or MFIs in case of default on loans or is sold to outsiders.

¹⁸ MFIs adopted this 2.5 million limit considering that they do not have capacity to sufficiently evaluate each group member and his/her income and capacity to pay back. Furthermore, it is a mean to keep the risk for the other group members under control as group liability applies.

6.5. RECOMMENDATIONS TO THE 10 IPCs VISITED

- Each IPC should be empowered to find its own way of dealing with their land issues. If many continue to rely on NGO support for land conflict resolution, surveying of encroachment areas and the submission of court cases, this support should come with capacity building of the IPC for the IPC to be able to defend its own interests and rights by itself.
- The IPC committee and the village authorities should continue their communication and information sharing on the risks of taking too high group loans to all their members.

ANNEXES

ANNEX 1 QUESTIONNAIRE FOR HOUSEHOLD INTERVIEWS

Household Questionnaire					
1. Name of interviewed person					
2. Sex					
3. Province / District / Commune					
4. Village					
5. Member of IPC?	<table style="margin-left: auto; margin-right: auto;"> <tr> <td style="padding: 0 10px;">Yes</td> <td style="padding: 0 10px;">No</td> </tr> <tr> <td style="text-align: center;"><input style="width: 40px; height: 20px;" type="text"/></td> <td style="text-align: center;"><input style="width: 40px; height: 20px;" type="text"/></td> </tr> </table>	Yes	No	<input style="width: 40px; height: 20px;" type="text"/>	<input style="width: 40px; height: 20px;" type="text"/>
Yes	No				
<input style="width: 40px; height: 20px;" type="text"/>	<input style="width: 40px; height: 20px;" type="text"/>				
6. Female-headed household	<table style="margin-left: auto; margin-right: auto;"> <tr> <td style="text-align: center;"><input style="width: 60px; height: 20px;" type="text"/></td> <td style="padding: 0 10px;">Yes / No</td> </tr> </table>	<input style="width: 60px; height: 20px;" type="text"/>	Yes / No		
<input style="width: 60px; height: 20px;" type="text"/>	Yes / No				
7. Number of household members	<table style="margin-left: auto; margin-right: auto;"> <tr> <td style="text-align: center;"><input style="width: 60px; height: 20px;" type="text"/></td> <td style="padding: 0 10px;">Adults (18 and older) No. of males/females</td> </tr> <tr> <td style="text-align: center;"><input style="width: 60px; height: 20px;" type="text"/></td> <td style="padding: 0 10px;">Children (younger than 18) No. of boys/girls</td> </tr> </table>	<input style="width: 60px; height: 20px;" type="text"/>	Adults (18 and older) No. of males/females	<input style="width: 60px; height: 20px;" type="text"/>	Children (younger than 18) No. of boys/girls
<input style="width: 60px; height: 20px;" type="text"/>	Adults (18 and older) No. of males/females				
<input style="width: 60px; height: 20px;" type="text"/>	Children (younger than 18) No. of boys/girls				

A. General situation
<p>1. Has your personal situation changed since the CLT was issued? If yes, what changed exactly? Is this change related to the obtaining of the CLT or other factor(s)?</p>
<p>2. Do you feel secure on your land (farming, residence, ...)? If not why? If yes why?</p>
<p>3. Have you or other members of the community experienced encroachment onto your/their land? If yes, since when and by whom? What area? Is the area land titled or not? What has been done to address the situation? By whom?</p>

B. Economic situation																
<p>1. Do you have an ID poor card? If yes, since when? Before or after CLT?</p>																
<p>2. What are your sources of income? Can you estimate a percentage in relation to the overall income?</p>																
Now																
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%; padding: 5px;">Source of income</th> <th style="width: 50%; padding: 5px;">Amount/Percentage</th> </tr> </thead> <tbody> <tr> <td style="padding: 5px;">Crop production</td> <td style="padding: 5px;"></td> </tr> <tr> <td style="padding: 5px;">Livestock raising</td> <td style="padding: 5px;"></td> </tr> <tr> <td style="padding: 5px;">Daily labour / employment</td> <td style="padding: 5px;"></td> </tr> <tr> <td style="padding: 5px;">Fishing</td> <td style="padding: 5px;"></td> </tr> <tr> <td style="padding: 5px;">Remittances</td> <td style="padding: 5px;"></td> </tr> <tr> <td style="padding: 5px;">Family support</td> <td style="padding: 5px;"></td> </tr> <tr> <td style="padding: 5px;">Other</td> <td style="padding: 5px;"></td> </tr> </tbody> </table>	Source of income	Amount/Percentage	Crop production		Livestock raising		Daily labour / employment		Fishing		Remittances		Family support		Other	
Source of income	Amount/Percentage															
Crop production																
Livestock raising																
Daily labour / employment																
Fishing																
Remittances																
Family support																
Other																

Before CLT

Source of income	Amount/Percentage
Crop production	
Livestock raising	
Daily labour / employment	
Fishing	
Remittances	
Family support	
Other	

2. If you compare your income today with your income before CLT, what is the change? Can you estimate the change?

4. Do you save more or less or the same amount of money today per year than before the CLT? Why? Can you guess the percentage?

5. Does your household produce enough agricultural products to be self-sufficient?

Yes	No
<input type="checkbox"/>	<input type="checkbox"/>

7. Does your household hold debts now?

How much?

Yes	No
<input type="checkbox"/>	<input type="checkbox"/>

8. Did your household hold debts before the CLT was issued?

How much?

If YES, to whom do/did you owe money?

Now

Type of Creditor / Name of MFI ¹⁹	Initial amount ²⁰	When did you borrow that money?	Remaining amount	Interest rate	Pay-back date

Before CLT issuance

Type of Creditor/Name of MFI ²¹	Initial amount ²²	When did you borrow that money?	Remaining amount	Interest rate	Pay-back date

¹⁹ Money lender, MFI, bank, friends/family/neighbor, community rice bank, community saving group, agricultural cooperative

²⁰ Include money as well as assets (rice, labour, etc.)

²¹ Money lender, MFI, bank, friends/family/neighbor, community rice bank, community saving group, agricultural cooperative

²² Include money as well as assets (rice, labour, etc.)

9. Please describe the process to get the loan(s) one by one? Were you approached by someone (e.g. moneylender, MFI/Bank) or did you go to see them? How did you know about the availability of loan(s)? What did you have to do to get the loan? Who signed? How long did it take? Are you satisfied with the process?

10. What did you use as collateral?

11. Do you pay higher or lower or the same interest rates today compared to before the CLT?

12. Do you manage to pay the interest rates? (Are you experiencing / Did you experience difficulties in reimbursing so far? In case you were not able to reimburse fully, what would happen?)

13. If you compare your situation with your Khmer neighbours: do you feel you have the same chance to access finance, or a better chance, or is it more difficult for you as IP villager? Why?

14. What did you do with the loan(s)?

C. Reflections

1. What was the biggest change for your household after CLT?

2. Compared to before CLT, has your situation improved or worsened?

much worse slightly worse same slightly better much better

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Why?

3. Are you still preferring a CLT vs. individual land title?

Why?

5. Do you have any suggestions/ideas on the future development of your community with the CLT?

15. Are you, or is your family / your community, receiving external assistance, e.g. from NGOs, local authorities? If yes what type?

ANNEX 2 VILLAGE MEETING INTERVIEW GUIDELINE / FOCUS GROUP DISCUSSION

Village Meeting Interview Guideline / Focus Group Discussion	
Basic Information	
1. Province / District	
2. Commune	
3. Village	
4. Date	
5. Number of participants (see attached list of participants)	<input type="text"/>
Number of male/female	

A. IPC Structure
1. Number of IPC members (households and individuals)
2. Total number of households and individuals
3. Date of CLT issuance
4. CLT land area
5. CLT land use (today vs. past)
6. Land transfer

B. Land Security & Conflicts
1. General situation
2. Land conflicts / encroachments (IF YES: Where in your community area? What have you done to address this/these conflict(s) /encroachment(s)? Do you receive support from CSOs? If yes which?)
3. Conflict resolution
4. Role of stakeholders in conflict and its resolution
5. Comparison situation before and after CLT

C. Economic situation

- 1. Availability of finances for land development?

- 2. Access to finances at household level

- 3. Sources of finances (MFI/banks, money lender, internal saving system, land sales, etc.)

D. General situation towards CLT

- 1. IPCs satisfaction with CLT

- 2. Advantages/Disadvantages from CLT

- 3. Compared to before CLT, has land situation improved or worsened?

much worse slightly worse same slightly better much better

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- 4. Does the community have access to other social services such as education, healthcare, etc.? What kind of social facilities are available in the area? Are they operational?

- 5. What could have been done differently? What does the community want to see improve the most?

ANNEX 3 INTERVIEW GUIDELINE FOR MEETING WITH FINANCIAL INSTITUTION

Meeting with Financial Institution / Lender Interview Guideline

1. Province / District

2. Name of Institution (HQ or regional branch)

3. Name of Interview Partner and Position (ONLY IF PERSON AGREES)

4. Date

A. Current Situation

1. Lending procedures for IPC with CLT (theory and practice) (individual loans and group loans). Is there a formal/written policy for CLT based loans? Were directives received on this issue from Govt./HQ? Who has to counter-sign?

2. Current loans for IPC with CLT (Situation regarding request for loans, how many, amounts, average credit sums, proposed use of loans, collaterals, interest rates, individual versus group liability etc.)

3. Problems and issues

B. Discussion about Access to Finances for IPC versus non-IPC

1. Differences regarding availability and acceptance of collaterals

2. Differences regarding Request for loans (Do agents of the MFI/Bank go to the villages or purely request-based?) How is information provided to IPC villagers (radio, visits, leaflets, other, in indigenous languages? In a culturally sensitive way?)?

3. Differences regarding interest rates

4. Differences regarding pay-back rates

5. Suggestions and Recommendations

6. Who are other MFIs/Banks in the same Province/District? Is there any specialisation among the MFIs/Banks with regards to IPC?

ANNEX 4 SUMMARY OF DATA ON CLT

No.	Province	Name of Community	Ethnic Group	No. of Members	No. of Families	No. of Titles		Residential		Current Rice field		Current Chamkar		Reserved/shifting		Spiritual F.		Burial F.		Date Title Distribution
						No. parcels	size	No. Par.	size	No. Par.	size	No. Par.	size	No. Par.	size	No. Par.	size	No. Par.	size	
1	Ratanakiri	La'Eun Kren	Tompoun	493	135	17	723.50	2	10.82	0	0.00	3	487.18	1	158.20	1	6.30	2	6.90	2012
2	Ratanakiri	La In	Tompoun	828	214	47	1,218.56	2	11.80	4	33.24	31	425.11	5	735.79	1	7.00	2	3.31	2011
3	Ratanakiri	Kiala	Kreung	758	205	21	1,765.98	2	46.94	0	0.00	8	1,449.40	8	256.95	2	5.85	1	6.86	25.07.2016
4	Ratanakiri	La'Eun Chong	Tompoun	486	96	16	675.90	7	15.67	0	0.00	6	590.14	1	60.54	1	6.97	1	2.58	25.07.2016
5	Ratanakiri	Pi	Kreung	680	165	23	854.86	10	22.64	10	824.26	0	0.00	0	0.00	1	1.23	2	6.73	12.10.2016
6	Ratanakiri	Tar Ngarch	Kreung	unknown	unknown	9	62.16	4	21.06			3	498.21	1	102.31	1	2.58			2017
7	Ratanakiri	Kong Koy	Kreung	unknown	unknown	6	463.52	1	3.42			1	453.71	2	4.06	1	1.44	1	0.89	2017
8	Ratanakiri	Kreis	Kreung	unknown	unknown	15	748.28	5	93.80			7	650.72	1	1.23	1	1.17	1	0.99	2017
9	Ratanakiri	Kagn Chheung	Kreung	unknown	unknown	9	1,512.14	3	42.29			2	1,367.80	2	93.65	1	6.13	1	2.26	2017
	Total	9 communities		3,245	815	163	8,586.90	36	268.44	14	857.50	61	5,922.27	21	1,412.73	10	38.66	11	30.52	
10	Mondulakiri	O' Rona	Bunong	373	80	59	648.07	15	33.44	4	7.54	35	365.90	3	236.83	1	3.18	1	1.16	May 2013
11	Mondulakiri	O' Chra	Bunong	123	27	27	526.09	10	146.00	10	55.00	4	92.48	1	219.14	1	6.98	1	6.49	2011
12	Mondulakiri	Ghail	Bunong	215	45	22	482.69	8	88.19	3	66.34	7	263.27	1	60.65	1	3.28	2	0.96	
13	Mondulakiri	Sre Ktom	Bunong	404	93	61	1,048.48	27	47.00	5	183.25	20	282.13	4	563.02	1	2.41	4	6.67	2013
14	Mondulakiri	Sre Lvy	Bunong	127	31	13	383.84	5	19.70	1	33.58	4	305.23	1	11.73	1	6.87	1	6.73	2013
15	Mondulakiri	Andoung Kraleung	Bunong	453	102	37	1,424.26	10	166.94	2	31.74	10	636.50	9	573.33	3	5.73	3	10.02	2012
16	Mondulakiri	Pultrom	Bunong	875	116	60	1,606.24	24	79.06	0	0.00	29	926.00	4	593.94	1	0.76	2	6.48	30.11.2015
	Total	7 communities		2,570	494	279	6,119.7	99	580.33	25	377.45	109	2,871.51	23	2,258.64	9	29.21	14	38.51	
17	Kratie	Ponchea	Bunong	546	132	35	597.28	14	95.73	14	277.99	0	0.00	6	216.77	0	0.00	1	6.79	02.01.2016
18	Kratie	O' Kok	Bunong	129	37	21	402.04	5	35.72	9	59.26	0	0.00	6	300.26	1	6.80	0	0.00	02.01.2016
	Total	2 communities		675	169	56	999.32	19	131.45	23	337.25	0	0	12	517.03	1	6.80	1	6.79	
	Grant Total	18 communities		6,490	1,478	498	15,706	154	980.22	62	1,572.20	170	8,793.78	56	4,188.40	20	74.67	26	75.82	

ANNEX 5 SAMPLE SIZE

No.	Location		Name of Community	Number of Participants Group Discussion		Number of Household Interviews
	Province	District		Female	Male	
1	Ratanakiri	O'Chum	La'Eun Kren	1	6	9
2	Ratanakiri	Koun Mom	La In	2	5	5
3	Ratanakiri	O'Chum	La'Eun Chorng	5	1	6
4	Mondulkiri	Keo Seima	O' Rona	3	3	9
5	Mondulkiri	Keo Seima	O' Chra	-	2	5
6	Mondulkiri	Keo Seima	Sre Ktom	7	8	13
7	Mondulkiri	Keo Seima	Sre Lvy	6	5	11
8	Mondulkiri	O' Raing	Andoung Kralleng	-	3	4
9	Mondulkiri	Sen Monorum	Putrom	3	3	15
10	Kratie	Sombo	Ponchea	-	4	5

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