

# Access to Justice: Community Legal Education Center\*

Ginney Liu and Clémence Calzaroni

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The United Nations Development Programme’s (UNDP) Access to Justice (A2J) Project in Cambodia aims to create solutions that bridge the gaps between the formal and informal justice systems in a way that is effective, responsive and accessible. The project focuses on alternative dispute resolution mechanisms and targets assistance to the most marginalized Cambodians: the poor, women, and indigenous peoples.

The component of the A2J Project relating to indigenous peoples operates on a twin-track strategy to strengthen the capacity of indigenous peoples to resolve disputes through both the formal and informal legal systems and, in particular, the enhancement and legitimization of customary dispute resolution mechanisms, promotion of awareness of rights and regulations related to land ownership, improvement of the dissemination of legal and judicial information, and the full recognition of the rights of indigenous peoples to communal lands.

The A2J Project provides supplementary support to indigenous peoples through legal aid, legal awareness, and advocacy. The activities related to the A2J indigenous peoples component are focused on two provinces in Northeast Cambodia—Ratanakiri and Monduliri, where the majority of the population is indigenous. To implement this component of the project, a local non-governmental organization (NGO) has been contracted as the implementing partner organization.

## Community Legal Education Center

The Community Legal Education Center (CLEC), a Cambodian legal resource center promoting the rule of law, justice and democracy in Cambodia, has been contracted as the partner organization for the A2J Project. CLEC has taught over five thousand Cambodians in different subjects of law through its “certificate in law” program since 1996. CLEC has also produced a legal

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textbook series, which represents the few Cambodian legal texts on a wide range of subjects. CLEC focuses on projects that combine legal education, legal empowerment and advocacy. Its trainings are designed for a wide range of target groups, including local communities, NGOs and government officials. CLEC has been involved in advocacy on a number of significant law reform issues, including: the 2001 Land Law, the sub-decree on indigenous communal land titling, establishment of the Arbitration Council, the election dispute resolution process, the draft Peaceful Assembly Law, and commentary and review of numerous pieces of legislation. Since 2004, CLEC has embarked on a major project of high-impact public interest legal advocacy relating to land and natural resources.<sup>1</sup>

### **Capacity-building Series: Empowerment of Indigenous Peoples**

One component of the A2J Project consists of a series of capacity-building training activities for the elders of indigenous communities. In indigenous peoples culture, the elders are the authorities that solve conflicts within the community through their customary rules. The training focused on raising awareness of fundamental rights and understanding of Alternative Dispute Resolution (ADR) mechanisms.

These elders, recognized as traditional authorities, are being trained on national laws that have direct impact on indigenous peoples and their livelihood, such as laws related to land, environment, mining, and forestry, as well as on the formal court system, and conciliation skills.

From July 2007 to March 2010, CLEC held training activities on fundamental and legal rights for the indigenous elders in four out of ninety-one villages in Mondulakiri province and eight out of two hundred forty-nine villages in Ratanakiri province. The training activities were also meant to assist them in the process of collective land registration and indigenous legal entity registration. The training of indigenous elders on ADR and legal awareness focused on the principle of fairness in dispute resolution, conciliation skills, and introduction to the formal state system.

The series of training activities developed by CLEC consisted of the following modules and follow-up training activities:

- Module I: Training on fundamental and legal rights for indigenous peoples
- Module II: Training on Contract Law and ADR mechanisms

- Follow-up Training on Modules II
- Modules III-IV: Advanced knowledge skills on ADR and introduction to the Cambodian judicial system
  - Follow-up on Modules III-IV
  - Modules V-VI: Post basic of mediation and conciliation techniques
  - Follow-up on Modules V-VI
  - Follow-up training for final evaluation.

For each of the modules, trainers from CLEC designed methods that aimed to assist indigenous peoples to develop their capacities in resolving conflict. CLEC sought to enhance community and organizational capacity-building through interactive participation and self-initiated mobilization and collective action. The emphasis was placed on participation as a systematic learning process linked to action and change and the training methodology was mainly based on a Participatory Learning Approach (PLA) and Visualization in Participatory Processes (VIPPP). This latter methodology was particularly useful when working with people who do not read or write confidently. The training used basic language to make the training as accessible as possible. The trainers were assisted by interpreters in order to communicate in indigenous language if participants did not understand Khmer.

However, considering the large number of indigenous groups with their own language in Ratanakiri, it was difficult to provide translations in all indigenous languages.

CLEC has implemented during the July 2007 and April 2010 period a number of activities under the A2J Project consisting of the following:

1. Commune Council Training
2. Regional Training Seminar for Officials
3. TV/Radio Talk Shows
4. NGO Network Collaboration.

### **Commune Council Training**

CLEC held a number of two-day training workshops during the 2007-2009 period in Mondulakiri and Ratanakiri provinces for commune council members. Those who participated in the 2008 workshop were also the participants in the 2009 workshop.

The training raised awareness on fundamental rights, customary rules as well as state laws that support indigenous peoples livelihoods, with a focus on land issues. It aimed to increase the knowledge and understanding of commune council members (and also commune officials, commune chiefs and officials, district/vice chief and officials) on their roles and responsibilities in protecting indigenous peoples lands. The training was organized in close cooperation with the provincial coordinator and expert on community facilitation of a local Cambodian NGO called Indigenous Community Support Organization or ICSO.<sup>2</sup>

The training employed a semi-participatory learning approach and focused on group discussion, brainstorming, question-and-answer (Q&A), and debates combined with presentations and lectures. The target group consisted of officials and local authorities, for which a participatory learning approach was not suitable.<sup>3</sup> The training aimed at facilitating information sharing and collective appraisal. After each topic, participants' feedback and opinions on the subject were discussed and recorded for future revision of the training curriculums. The participants filled evaluation forms at the end of the two-day training in order to evaluate their new level of understanding.

The training used the following materials:

1. Training manual on indigenous peoples livelihood and legal framework published by CLEC;
2. *Indigenous Peoples Rights regarding Land and Natural Resources Management*, published by CLEC in February 2007. This book was shared with the communities of indigenous peoples as a text reference. CLEC distributed copies of this book to local officials to make sure that both indigenous peoples and local authorities used the same legal background when solving conflicts;
3. Articles discussing the laws related to the topics in the training modules;
4. Visuals such as posters, hand-out sheets, mind maps, short bulletins, flipcharts, powerpoint presentations, etc.;
5. Two videos: a short documentary on gender awareness by Women Media Center and Part I of the TV show produced by CLEC on indigenous livelihood;
6. Procedural rules on registration of land of the indigenous peoples;
7. Training manual on ADR.

## Contents of the training

The commune council training provided important highlights on

- Indigenous peoples livelihood and legal framework that protect their rights; and
- Land security and tenure for indigenous peoples.

In 2008, the training focused on the following issues:

1. Duties and obligations of provincial authorities and commune councilors in protecting indigenous peoples land and natural resources;
2. Land tenure and land security for indigenous peoples;
3. Basic principles of the sub-decree on the Participatory Land Use Planning (PLUP) process;
4. Experiences and best practices of PLUP;
5. New national policies on recognition and registration of indigenous peoples lands;
6. Key points of the sub-decree on indigenous peoples land registration;
7. Legality and enforcement of contracts on land including land sale and purchase;
8. Peaceful alternative conflict resolution.

In 2009, the training curriculums were revised and additional issues were included:

1. Traditional practices of boundary demarcation;
2. Land issues and the new challenges faced by indigenous peoples;
3. Introduction to ADR skills;
4. Identification of relevant needs and recommendations for improvement in terms of law enforcement at communal level.

## Feedback

The training materials were found to be very interesting and appropriate but participants asked for additional materials, such as relevant legal texts. Commune council members expressed a very positive attitude and were pleased to meet and share experiences with other district/communal representatives. However, even though the training activities were perceived positively, the participants were still not willing to put their learnings into practice. The participants were not yet confident about the new lessons that have been learned, and thus requested for further training particularly on these key points:

- Technical aspects of the PLUP;
- Commune Council Roles in Preliminary Land Registration;
- Legality of land sale contracts;
- Clarification of ADR mechanisms and their legal status.

Local authorities and commune council members asked for financial and technical support in order to apply PLUP (such as in mapping their community boundaries).

### **Lessons learned/Recommendations for improvement**

Following are the recommendations on how to improve the training activities:

#### **a. Methodology/Training Materials**

- Publication and distribution of new teaching aids like the training manual on “Indigenous peoples livelihood and legal framework” to local authorities.
- Development of new facilitation strategies and learning of new methods on how to train local authorities. CLEC has a strong experience with PLA and VIPP but these tools are not appropriate for government officials.

#### **b. Training**

- Follow-up training for commune council members to clarify the scope of applicability of ADR mechanisms at commune level.
- Training for provincial officials to highlight the role of NGOs in dealing with legal cases.

#### **c. Cooperation**

- Since local authorities do not acknowledge the authority of NGOs in explaining indigenous peoples issues, the success of the training would depend strongly on the participation of national government representatives (from the Ministry of Interior or the Ministry of Justice) who can explain the issues.
- But there should be efforts to facilitate the change of attitude of local authorities, in order to have more effective collaboration between NGOs and the local authorities.

### **Future of Commune Council Training**

In order to replicate the training for members of the commune council, CLEC is planning to:

a. Improve cooperation with national government agencies by inviting representatives from the relevant ministries/departments as guest speakers on specific topics. This relates to what was earlier indicated about commune council members being more comfortable in interacting with national government authorities than with NGO representatives. This strategy also aims at engaging all levels of authority involved in the issues covered by the training activities. The topic on land policy, for example, can be discussed by a representative from the Land Management Department; the topic on commune council members' responsibilities in protecting indigenous peoples lands can be discussed by a court official or prosecutor.

b. Include the commune clerk in the training. Instead of inviting only one commune council member per commune, the commune clerk will also be asked to join the training to help make the training activities sustainable over the long term. Commune clerks have a permanent mandate, while commune council members stay in office for only five years.

### **Regional Training Seminar for Government Officials**

Under the agreement with UNDP, CLEC held two-day training seminars during the July 2007 to April 2010 period for government officials including members of the police, judges, prosecutors, local authorities, and relevant ministry officials. The training seminars, with the theme "The indigenous system of livelihoods and traditional rules," were held for sixty government officials each year. Furthermore, in 2008 and 2009, the curriculum was revised based on the experiences of the previous year. Three regional training seminars were held, consisting of one training seminar in Mondulkiri Senmonorom (forty five participants, 2007), one in Kratie (fifty five participants, 2008), another one in Ratanakiri Banlung (fifty eight participants, 2009).

The training seminars focused on (1) educating the local law enforcers on how to value the indigenous livelihood systems and customary rules, and (2) strengthening and building capacities of bottom-level government officials who are enforcing the national laws and regulations that are supposed to protect indigenous livelihood and lands.

The participants included local authorities (Provincial Governor, District Chief, etc.), members of the provincial police / military police (armed forces), court officials and clerks, prosecutors, judges, line ministry officials (Land Management Department, Forestry Administration, Mining Department, Agriculture Department, District Office for Local Administration), NGO representatives from Ratanakiri and Mondulakiri, and legal specialists. A total of one hundred fifty eight participants attended the seminars.

### **Training approach**

The seminars contained a semi-participatory learning approach and focused on group discussion, brainstorming, and Q & A. The seminars aimed at getting the active participation of the government officials on sharing of experiences/knowledge. After each topic, a session followed where the participants expressed and discussed feedback and opinions on the subject.

### **Training materials**

The training materials consisted of the following documents:

1. Training Manual on indigenous peoples livelihood and legal framework published by CLEC;
2. “Indigenous Peoples Rights regarding Land and Natural Resources Management;”
3. Videos (such as Part I of CLEC TV Show on sustainable use of the natural resources to support the livelihood of indigenous peoples)
4. Power point presentations and visual aid, posters, hand-outs, drawings, flipcharts, mind maps, short bulletins, etc.
5. Textbook on “National Policy on Development of Indigenous People” (adopted by the Royal Government of Cambodia on 24 April 2009).

### **Content of the training**

The regional training seminar for officials covered the following issues:

1. Indigenous livelihood systems and customary rules;
2. Fundamental human rights/Internationally recognized indigenous peoples rights;
3. Indigenous peoples rights recognized by ILO Convention No.169;
4. Indigenous peoples rights recognized by the 2001 Land Law and the 2002 Forestry Law that recognize the unique features of the land tenure of



the indigenous peoples and provides them with the autonomous management of their communal lands;

5. Process of collective land registration for indigenous communities;
6. Pilot experiences of organizing indigenous communities as legal entity and use of the communal land registration;
7. Participatory Land Use Planning (PLUP);
8. Legality of land sale contracts;
9. Law enforcement and legal system;
10. Concept of Environmental Impact Assessment (EIA) and Socio-Economic Impact Assessment (SEIA).

### **Feedback**

The regional training seminar was the first step in gaining input from local authorities regarding the drafting a new legal framework for indigenous peoples. Participants were quite satisfied by the training seminar and actively participated in the group discussions. Local authorities (such as the Provincial Governor) recognized that they had a limited understanding of indigenous peoples and land laws, and therefore asked CLEC to replicate this training for provincial officials who could not attend the training. For the replication of the training, the local authorities asked that the topic on indigenous livelihood system and customary rules be merged with lessons on civil and criminal legal procedures. They also suggested that CLEC should train local authorities on both formal and informal judicial systems.

Generally, participants would have preferred to focus more on duties and obligations that local officials have to comply with and not only focus on indigenous peoples rights.

There were also feedbacks on specific topics and training approach that led CLEC to revise its training curriculum annually during the July 2007-April 2010 period:

#### ***A. Basic Human Rights/International Human Rights Standards***

- In 2007, in Mondulkiri, the representatives from the Ministry of Interior, the Ratanakiri Provincial Court, and the Mondulkiri Prosecutor requested that this topic be not included in the training session because the contents were confusing and had less importance.

- Local authorities refused to discuss basic human rights on the ground that they might jeopardize the social norms and existing power relations. They also thought that human rights law should only be applied in relation to the international community and not at local/provincial level. CLEC was requested to put more focus on rules, regulations, policies or legislations of the country.
- Local authorities did not acknowledge the legal status of international human rights standards. They argued that during the Pol Pot regime Cambodia did not receive support from the international community, despite violations of international human rights standards. Local authorities and officials therefore did not recognize their actual legal value. Cambodian law enforcement officials expressed the view that they would only obey the Cambodian legal system, which included the 1993 Cambodian Constitution and its provisions on human rights.
- Interventions by NGOs working on human rights were often said to hinder the work of the law enforcement officers.

CLEC responded to these feedbacks and revised its training curriculum in the following years.

In the second year in Kratie, CLEC decided to combine three chapters altogether in a panel discussion format, including basic human rights, international human rights standards and indigenous peoples' right to their livelihood system, and customary rules.

In the third year in Ratanakiri, CLEC managed to keep this topic in the training curriculum although a Deputy Provincial Governor had requested the removal of this topic in the curriculum. CLEC refocused the topic by discussing the specific international human rights standards that deal with the indigenous peoples issues. Consequently, the Deputy Provincial Governor wanted CLEC to conduct a Training Need Assessment (TNA) prior to providing more training courses on state obligation in international law, human rights and international law, and the international context of the current indigenous people's concerns. The training facilitator managed to present the international concepts of human rights through concrete examples on indigenous peoples livelihood and by linking the international human rights concepts to several relevant national legal provisions (such as the 2001 Cambodian Land Law and 2002 Forestry Law).

### ***B. Indigenous customary rules***

The participants were concerned about the legal application of the indigenous customary rules presented by the UNDP's Regional Expert and requested that this information be not shared and disseminated to the indigenous peoples yet.

They also requested for proof of the legitimacy of these rules and expressed concerns that these rules had not yet been acknowledged by any of the relevant government ministries nor endorsed by the government. Participants feared that customary rules could be in conflict with the formal judicial system.

### ***C. Land issues***

The participants asked for additional training that specifically focused on how to solve land conflict/dispute between two indigenous communities.

### ***D. Training methodology***

The participants complained about trainers using mainly powerpoint presentations that made the training "very one-sided."

### ***E. Venue arrangement***

- The participants suggested to extend the training period from four to five days as this would allow them time to understand more deeply the training materials.
- They would like to have a higher daily subsistence and travel allowances.
- In Ratanakiri, the participants said that meeting room was too hot.

## **Lessons learned/recommendations for improvement**

### ***Methodology/Training Materials***

- Make available in the training the main legal documents including international human rights treaties, UN declarations, land law and its regulations, and research reports on indigenous peoples issues. Clear connections should be made between the Cambodian national law and international law.
- Training should employ the semi-participatory learning approach. PLA does not work with Cambodian government officials; however,

the use of powerpoint presentations during the training does not work either. The training curriculum should take into account the Buddhist Khmer culture and the strong hierarchy between officials (thus, reaching the senior officials likely leads to the support of junior officials). CLEC already re-designed the training curriculum based on a semi-participatory approach but was not satisfied with the results. CLEC suggested that working groups or small discussion groups might be an appropriate approach for further training.

#### *Cooperation with government offices*

- The success of the training relies on the participation of “high-ranking” guest speakers from the different relevant government ministries, and experts. CLEC as NGO needs the strong support from relevant government ministries and international institutions when working with local authorities.
- Since NGOs are not fully recognized by local authorities (especially at the provincial level) as actors of the Cambodian judicial system, CLEC has to be prepared to prove the basis for the enforcement of new laws or policies to be able to effectively communicate them to local authorities.
- NGOs have to redefine their roles and review their approach when collaborating with national and local authorities.

#### **Future of the Regional Training Seminar**

With the experience in the regional training seminars in Mondulhiri and Ratanakiri, CLEC re-designed its strategy to focus on two key activities:

1. Capacity-building training of local officials on formal and informal judicial systems as well as on the integration of international law into domestic law regarding indigenous peoples’ livelihood system. This training will be held in close cooperation with International Labour Organization (ILO), NGO Forum, and the United Nations Office of the High Commissioner for Human Rights (OHCHR). Cooperation with other relevant partners such as the Cambodia Human Rights Action Committee (CHRAC) and the Cambodian Center for Human Rights (CCHR) will be sought. A Training Needs Assessment (TNA) will be undertaken. The capacity-building training will aim at strengthening bottom-level government officials who are enforc-

ing the national laws and regulations that are supposed to protect indigenous livelihood and lands.

2. Awareness-raising campaign targeting all lawmakers and law enforcers on the new development policy for indigenous peoples and their lands. The target group will include all relevant stakeholders such as government officials, local authorities, NGO workers, Senate members and the private sector (private companies or the Cambodian Chamber of Commerce). By gathering and giving voice to all concerned actors, including the private sector, CLEC aims to set up the basis for a new dialogue.

### **Radio and Television Talk Shows**

Under the agreement with UNDP, CLEC organized television and radio talk shows each year about indigenous livelihood system and traditional rules. During the July 2007-April 2010 period, CLEC aired four television shows and broadcasted eighteen radio shows, totaling four hours of television show and eighteen hours of radio show.

The television talk show included interviews and discussions with guest speakers, including representatives of NGOs, international organizations and experts.

The topics of the radio show were:

- Indigenous peoples livelihood and traditional rules<sup>4</sup>
- National and international legal support for indigenous peoples.

The television talk show was divided in two parts:

- Part I focused on livelihood of indigenous peoples and customary rules. Interviews of indigenous elders, video-documentaries of farming ceremonies, play on how traditional authorities use to solve conflicts in the villages. Guest speakers in this part were representatives of the Ministry of Justice, the NGO Village Focus and UNDP.

- Part II focused on land rights and legal support provided to indigenous peoples (e.g., land registration), including national and international legal instruments supporting indigenous peoples rights. Guest speakers were representatives of ILO and CLEC.

### **Target audience**

Without any budget for a prior market survey, CLEC used a survey made by the British Broadcasting Company (BBC) to decide on the radio stations and the hours for the shows that would make an impact on the selected audience. The radio show was meant for national coverage (with a special focus on Phnom Penh) with the identified target groups being lawmakers, government officials, people occupying high-responsibility positions, rich people with economic interests for Ratanakiri and Mondulakiri, and law students.

CLEC chose only government-owned or pro-government television channels and radio stations in order to limit problems in broadcasting. Most television channels and radio stations did not want to collaborate with NGOs. CLEC chose VOD (FM 105), FM 96 (National) FM 97 (Apsara), Sarika and WMC radio stations; TVK and Apsara television stations.

One of the main issues raised in the Part II of the television talk show broadcasted by TVK related to the limited size assigned to spirit forests and burial grounds of the indigenous peoples in the draft sub-decree, which was considerably smaller than what was provided for in the Land Law of 2001. This show was criticized by officials of Land Management Department and of the Council of Ministers, which resulted in the reluctance to rebroadcast Part II in Apsara television station.

### **Distribution of materials**

Thirty sets of DVDs and eighty sets of VCDs of the television talk show and forty sets of CD of the radio talk shows have been produced. They were distributed to relevant stakeholders and to interested communities.

### **Feedback**

Various people were selected by random and interviewed by CLEC to share comments on these mass media programs. The response was generally very positive and great interest was expressed in the programs. The messages in the programs were perceived as important and clarified misunderstandings of the Khmer people from the lowlands about indigenous peoples.

Furthermore, the NGO Forum perceived the programs as a good communication tool that NGOs wanted to replicate and learn more from CLEC's experiences in organizing radio and television programs. After broadcasting the shows on TVJ, the NGO Forum requested CLEC to also broadcast this on different channels such as Apsara or Bayon.

## **Lessons learned and recommendations for radio and television talk shows**

- The implementation of mass media projects has to contend with a number of challenges. Censorship exists in Cambodia and hinders the exercise of freedom of expression. Most television channels and radio stations do not want to collaborate with NGOs. At the same time, broadcasting radio and television programs is very costly. This situation explains the decision of CLEC in choosing only government-owned or pro-government channels and radio stations for its radio and television talk shows.

- NGOs working on land issues appreciate such television talk show and request for their rebroadcasting because of the timeliness of the broadcast. The draft indigenous peoples sub-decree and policy were not yet handed to Prime Minister Hun Sen and there was hope that the Prime Minister would possibly see the television show before signing the documents.

- There is an urgent need to improve the relationship between CLEC and the relevant government ministries to avoid the various conflicts that occurred in implementing mass media projects such as the censorship of Part II of the television talk show due to supposed potential effect of causing national conflict, and the non-participation of representatives of government ministries in the talk show especially when sensitive issues were being discussed.

- There is a need to improve on the current insufficient collaboration and facilitation by UNDP with the government ministries (in particular with Ministry of Interior).

- CLEC should widen the target audience.

The main objective of the campaign in raising awareness among people mostly in Phnom Penh, those working with indigenous peoples, and those who have economic interest in the provinces where the majority of the population is indigenous is good. But there is also value in reaching a wider audience such as the Ratanakiri and Mondulkiri populations. The radio programs can have versions that use the language of the indigenous peoples. Existing radio programs for indigenous peoples (such as the UNESCO project in Ratanakiri) can be explored for partnership programming.

## Campaign Materials

A number of materials were produced under the project as a tool to support the awareness-raising campaign on the rights of indigenous peoples protected by the Cambodian legal system, especially focusing on land issues. CLEC produced these materials and distributed them to indigenous peoples during the capacity-building training, and also to village leaders, commune councils members, NGOs from the NGO Network and national authorities and ministries involved in indigenous peoples issues.

The materials consisted of booklets, posters, t-shirts, and fold-out posters.

### Booklets

The following booklets were produced:

- Booklet on indigenous communal land issues (2,000 copies)
- Booklet for the Department of Ethnic Minority Development on the national policy of the Ministry of Rural Development (3,000 copies)

These booklets were distributed in the workshop on the new policy on the development of indigenous peoples. More than one hundred members of the Senate, National Assembly, Constitutional Council and other relevant stakeholders received the booklets. In another training workshop, more than one hundred sixty provincial governors, provincial and municipal councilors, district and commune authorities and indigenous community representatives received them.

- Booklet on the 2001 Land Law for Indigenous Peoples.

This material aims to raise awareness among lawmakers, law enforcers and national authorities on indigenous peoples land rights.

### Posters

One poster was designed and published in September 2009 for the project with 500 copies. The designing of the poster was done in close collaboration with UNDP, ILO, CWS, ICSO, the NGO Forum, the Land Management Department, and the Ministries of Interior and Justice. It illustrates the ADR mechanisms and the roles of indigenous traditional authorities in conflict management within their communities. It was distributed to indigenous communities and to relevant stakeholders to support education campaigns.



## T-shirts

Using t-shirts with appropriate messages, CLEC aimed at raising awareness on the new land policy with a focus on illegal sale/purchase of land of indigenous peoples. For the project, CLEC revised the previous t-shirt design under a 2008 project funded by the New Zealand Aid Programme (NZAid) taking into account the feedbacks received. Eight hundred t-shirts were produced in July 2009.

### *Messages on the t-shirt:*

- Front message: The life of indigenous peoples strongly relies on their land and natural resources.
- Back message: Buying and selling indigenous communal lands is a violation of the land law.

CLEC distributed the t-shirts to:

- Indigenous traditional authorities, village elders and villagers during the capacity-building training;
- National and local authorities of Ratanakiri and Mondulkiri;
- Representatives of government ministries involved in indigenous peoples and land issues (Land Management Department, and the Ministries of Interior and Justice).
- NGOs: Khmer Youth and Social Development, Sasar Troung Association, Vigilance, etc.;
- Indigenous students of Ratanakiri and Mondulkiri;
- UNDP.

## Foldout posters

CLEC published, in September 2009, five hundred fold-out posters to distribute to indigenous peoples and the relevant stakeholders. This material describes the different steps in the community land registration.

## Feedback

The participants found the campaign materials to be easy to understand, the messages being simple. Indigenous peoples and other stakeholders also expressed very positive feedback on the materials. The posters and t-shirt were appreciated the most. CLEC's partners requested to produce more campaign materials to support the awareness-raising campaign on indigenous peoples' livelihood and rights.

Unfortunately, some campaign materials were published very late (mid-2009) for use in the access to justice training forcing CLEC to use materials previously produced for an indigenous peoples project of NZAid.

### **General Observations and Recommendations**

CLEC had limited time in taking into account the feedbacks and lessons learned at the end of each year of project implementation and in revising the activities accordingly. Overall, CLEC implemented a wide range of activities, some with limited success while some have contributed greatly to the improvement of access to justice for indigenous peoples. Donors see the necessity of having strong technical support and monitoring in order to replicate the project in other places. Furthermore, to improve the flow of the activities and maximize the potentials of the project outputs, greater involvement and cooperation of relevant government institutions (such as through a memorandum of understanding between CLEC and the government ministries) is highly recommended to increase ownership of the project by the Cambodian government.

To be able to replicate the project, the following key observations and recommendations should be taken into consideration:

1. Expectations, in terms of measurable objectives, implementation structure, indicators, budget allocation, should be clearly defined.
2. CLEC should assign more legal staff for the project, particularly in the field offices, to strengthen the legal aid component of their work. This can also address the need to make the indigenous peoples become more aware of the availability of free legal aid.
3. CLEC should continue to train indigenous peoples on the formal judicial system with a focus on the advantages of being assisted by lawyers.
4. The empowerment of traditional authorities was a successful component of the CLEC project and a necessary first step to bridging the gap between the formal and informal judicial systems for the benefit of indigenous peoples. Indigenous traditional authorities and villagers expressed their strong appreciation of CLEC's methods and approach in conflict management. The new understanding of ADR has already resulted in positive outputs as it has helped indigenous peoples become more confident within their community or when dealing with outsiders.

5. There should be greater emphasis on the potential multiplier effect of training traditional authorities. They (traditional authorities) should be encouraged to provide training within their communities and nearby villages, in particular to the younger generation, to raise the awareness level on indigenous peoples rights and ADR mechanisms and to enhance the understanding of the formal judicial system.

6. CLEC needs to do follow-up activities at the village level to consolidate the knowledge and strengthen the abilities of indigenous peoples and make the ADR mechanisms operate. The traditional authorities, for example, have indicated that they have not been very effective in addressing domestic violence in their ADR efforts.

7. To increase the long-term sustainability of the training, it is advisable to include the commune clerk in the training for commune councils. Commune clerks have a more permanent position, in contrast to the commune council members who have limited mandate of five years.

8. Generally, the training seminar was well received by the local authorities who acknowledged their limited understanding of indigenous peoples rights and land laws. The participants would however have preferred a stronger focus in the training on duties and obligations that local officials have to comply with rather than only focusing on indigenous peoples rights.

9. The regional training for government officials, as well as the commune council training, face the challenge of overcoming the limited effect of (semi-) participatory learning approach. Further development of the training strategy is needed to make it more adaptable to the target groups.

10. Training of local authorities and other officials should be continued to increase the understanding of indigenous peoples rights.

11. Strong involvement of the donor agency in coordination and monitoring, and closer collaboration with the Ministry of Interior and Ministry of Justice are recommended.

12. Since local authorities do not see NGOs as having the authority to involve themselves in finding resolution to cases, especially in land dispute cases, CLEC has to work more closely with government institutions when dealing with local authorities. CLEC's actions may be perceived as an infringement of the responsibilities of local authorities. Therefore, CLEC needs strong support from partner government ministries when working with local authorities to change this mentality.

13. A major limitation of the activities was the lack of national ownership and support from senior government officials. In replicating the project, it is advisable to revise the role of the government, with the government ideally acting as Project Manager. CLEC's plan of having memorandum of understanding/agreement with government ministries would improve co-operation between them (and also with local authorities).

14. Since CLEC is very active in the Cambodian NGO Network, further collaboration with other NGOs should be explored, if not already done so, to coordinate and identify overlapping or complementing activities. The NGO Network should be used to strengthen their advocacy and negotiation position with local/national authorities.

15. The OHCHR legal officer who can provide technical assistance on international law to national legal aid organizations when dealing with high-level human rights cases can be requested to provide technical support to the project.

## Endnotes

1. The text describing the work of the CLEC is drawn from its website, see [www.clec.org.kh/AboutUs.html](http://www.clec.org.kh/AboutUs.html).

2. Visit the ICSSO website for more information: [www.icso.org.kh](http://www.icso.org.kh)

3. Commune officials are not willing to engage in role play activities or games.

4. Discussions on indigenous peoples livelihood were divided into two sessions. The first session had guest speakers from UNDP: Mr. Yin Sopheap and Mrs Yun Mane. Mrs. Yun Mane, a Phnong (indigenous person), mainly shared her daily life experiences as member of an ethnic group. Mr. Yin Sophea shared his eight-year research experiences on traditional rules in Ratanakiri. The second session guest speakers were external indigenous peoples livelihood experts: Dr. Meas Nee, Mr. Bouy Kimsreng and Mr. Seng Sovathana.