

# SIANI Expert Group Discussion Series

## Part 2: Wild Foods, Customary Tenure Rights and Traditional Food Systems and Knowledge

A transcript of the proceedings from the 28 July 2020, 3:00pm (GMT+8) discussion



### Background

The Expert Group Discussion Series on Wild Foods, Biodiversity and Livelihood is part of the activities of the SIANI Expert Group of the same name led by NTFP-EP Asia with support from SIANI, an open and inclusive network supporting multi-sectoral dialogue and action around the vision of SDG 2. The discussion series will run from June – September 2020.

The Wild Foods, Biodiversity and Livelihood (WFBL) Expert Group works to consolidate the traditional ecological knowledge about wild foods in Asia and links these with relevant policy arenas on food security, poverty reduction and sustainable forest management.

The session on *Wild Foods, Customary Tenure Rights and Traditional Food Systems and Knowledge* is the 2<sup>nd</sup> in a four-part series of discussions on wild foods. The discussion is moderated by *Dr. Jeremy Ironside*, Board of Trustee of NTFP-EP and a Steering Committee member of the SIANI WFBL Expert Group. He is joined by other Expert Group members, particularly *Dr. Prasert Trakansuphakon*, *Miks Guia-Padilla* and *Yun Mane*, in providing inputs and commentaries on wild foods and rotational farming systems and the important role of women and youth in this context.

Learnings and recommendations from the series will be put together in a dialogue with policymakers to be organized by the expert group<sup>1</sup>. These discussions will be consolidated and will be related to issues associated with policies on food security, poverty reduction and sustainable forest management.

*Note: The recommendations in this document are not yet formally developed, but will be developed from the discussions in the webinar series.*

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<sup>1</sup> Date to be finalized and announced

## Opening remarks and recap of previous discussion

**Femy Pinto, WFBL Expert Group Lead and Executive Director, NTFP-EP Asia**

In the first session last June 30, Madhu Ramnath gave an introductory overview on wild foods and took us through a very good discussion on the definition of wild foods and related topics associated with it. We learned from him, and through affirmation by other participants, that *wild foods are a symbol of indigenous knowledge encompassing identification, harvest protocols, processing and knowledge of the territory. terrain. It is often passed on by watching and doing and basically living in intimacy with the forest and landscapes in which wild foods are found.* There are many existing practices where this intimate knowledge with the forest and with food in these terrains can be found. There are also various issues that may impinge on or threaten these typical relationships.

In our second discussion, we will probe into and deepen discussion on wild foods in relation to customary tenure rights and traditional food systems. How does customary tenure support diverse food systems? Some of these systems we will be discussing with the participation of some of our experts who have a lot to talk about on these – rotational farming, harvest of food products and other forest products.

Our moderator Jeremy Ironside will give us an introduction about this topic. We will be broken up into 3 groups to facilitate a more direct dialogue with all of you on your experiences.

## Inputs from resource speakers from the expert group

**Jeremy Ironside**

*Jeremy is one of the members of the WFBL EG and is part of the steering committee. He has a PhD in geography and has long studied and worked in the area of sustainable agriculture and customary tenure rights. He has explored deeply the nexus of culture and land relationships and has observed the process of fragmentation of customary land and territories, and land use changes in rural Cambodia, particularly up in the northeast. He has challenged in his studies government driven land reform in conservation programs and market-driven policies that threaten customary tenure and management systems and threaten customary users. He is currently a member of the board of NTFP-EP and program and grants consultant for the McKnight Foundation which supports indigenous and ethnic minorities to protect their land and natural resources.*

In the session we will be looking at questions such as:

- How does customary tenure support diverse food systems?
- How are wild foods linked to tenure security? food security?
- What are the options for this kind of this tenure security to ensure these diverse food systems? How do we get recognition for these?
- What policy challenges are needed?

Obviously, we see traditional food systems as beneficial, but the problem is there is another view that sees them as not so and instead, views it as rather backward and not in line with the idea that people should become 'modern', etc. We want to explore how tenure security builds on these traditional food systems.

- What have we seen so far? What can we promote?
- What can we do to show that these things work and are beneficial for not only people who manage them, but also for environment but other people in the country as well and not just people in the system?

As an introduction, what I want to do is briefly discuss Laos as an example of traditional systems. There is this concept of *subsistence affluence* (Chamberlain, 2008)<sup>2</sup>. There have been studies in Laos where poverty has not been an issue in the past for the people of Laos because they have had access to lots of forest resources and their own agricultural systems. Laos is hilly and not as densely populated as other countries. But this idea of poverty – is it a new poverty?

There has been resettlement of more than 900 villages (19% of upland villages with up to 300 more planned or already implemented) in Laos because of the intention to 'save the forest', as well as to get people nearer to public services. However, this has caused a real upset of customary systems. Consider for example an indicator of the way Laos used to function (and still does to a certain extent): the 13,600 varieties of rice in Laos and many more different kinds of non-rice crops. But lenses like that of the World Bank assessment of poverty in Laos measure the reduction of poverty with indicators like the increase of small farmers starting to sell produce from their farms, for example increasing from 35% in 1998/99, to 71% in 2010/11. However, there is no talk about all the food that people have to eat [within their own area, such that they] never have to go to the market. People don't need to go to the market and sell, because it's their own time, their own management systems, that keeps them going. So there is this concept of sustainable, subsistence affluence. To me, that's important. How do we ensure that these kinds of systems are able to continue? Because otherwise, we have increases in poverty, high incidence of child stunting in Laos, for example. I am not saying that it's an all new problem, but it's just that we need to try and find ways to protect these tenure and food systems, acknowledge their benefits, and convince the government about that. And build people's voice as well. This is one of the issues of tenure that I wanted to raise.

Second, there is the whole idea of *tenure as more than just ownership*. There is the idea of different dimensions in these forest systems and tenure. You have the land, its area, but then you also have its height, and here you have all these food systems – honey, resin, fruit, and it goes on and on. Another good example was all the amount of wild fruit that people used to be able to sell along national road no. 5 in Cambodia. When the communities' forest areas in this area were taken over by the Pheapimex concession (over 300,000 hectares), there is now no more food to eat or sell, leading to no source of income as well. It is not just a piece of land but *it's a whole system* – and how it's managed, which brings us to the idea of *communal systems*. How do we get recognition of these communal systems when it is very difficult to convince government of their values? We could talk about the different kinds of communal systems. It is interesting to note for example again, in Cambodia, where these traditional communal systems were resistant to the other forms of collective ownership such as under the Khmer Rouge and Vietnamese occupation of the country. *We need to look at these kinds of ways how people are managing these areas and understand, so we can adapt our ways of thinking about rights, how do we manage those rights, who has the power, all these kinds of issues we need to really discuss.*

### **Dr. Prasert Trakansuphakon**

*Dr. Prasert is a Karen indigenous person from Thailand. He has done a lot of work on rotational agriculture and how the Karen have been able to stand up and show their sustainable resource use and how this works. He has been a leader and practitioner of social development among indigenous peoples in Thailand and Southeast Asia. His expertise comprises indigenous knowledge, natural resource management, in particular rotational farming, and indigenous education of indigenous peoples. He holds a PhD in Sociology. He is presently Chairperson of [Pgakenyaw \(Karen\) Association for Sustainable Development \(PASD\)](#), Thailand.*

I used the term *rotational farming* instead of swidden agriculture or shifting cultivation because in Thailand, government tends to translate or perceive these other terms as something very negative. There is that first struggle about the image – and this discourse that has already been here for a long time – where rotational

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<sup>2</sup> Chamberlain, J. (2008) Participatory Poverty Assessment (2006). National Statistics Center, Asian Development Bank - Institutional Strengthening for Poverty Monitoring and Evaluation (ADB TA 4521), 2006-2007, Lao PDR.

farming is viewed as a 'negative system' vs. all these other processes. However, when we talk about rotational farming for the Karen people, it's a *system based on self-reliance* as its main process. The produce are mainly for [the people] themselves (subsistence), although there are some products for sale, that is another part.

We found that many things are linked to biodiversity to create a good ecological system. We also found out that *rotational farming produces strong food security*. The food in rotational farming is diverse. In research in the last 3 years, we found around 207 species in the plot on rotational farming which is quite diverse! There were all kinds of traditional seeds and plants. It very much goes together with the weather and the landscape, because mostly we have sloping landscapes for rotational farming.

Another thing, *rotational farming is also organic and so it helps create [healthy soils]*. When we talk about rotational farming, there is also a *fallow period*, the cycle of the process which can take around 7-12 years so that the people can continue farming. If the period is too short, as in the case where government policies are trying to shorten the fallow period, there are concerns that you cannot do well on that process as there will be struggles with things like grass, weed, etc. so it's not possible to produce [good] food products [in such a condition].

*Indigenous practices on agriculture and all kinds of that also relate to spirituality*. For example, the process of rotational farming usually starts with a ceremony, with the shaman. *It is a sacred process for the people who are based on this system*. A lot of knowledge inside spirituality all relates to conservation – how to preserve the ecosystem, how to preserve the ecology for the long-term process. A lot of knowledge goes through that process.

In Thailand, in the last 10 years, there has been support on rotational farming. For example, there is a cabinet resolution – the policy framework – for the recovering of livelihoods of Karen people to include rotational farming as part of support to livelihoods. Although implementation is still quite difficult given that not all authorities recognize this, and that there has been a long process of lobbying, now at least, the ministry is in part aware of this. Inside the cabinet, we have a mechanism to create recognition for the rotational farming land. This has helped to continue the knowledge and practices, and at the same time, there is that recognition. In the next few days, we will try to celebrate this process, where we try to create the space for lobbying with the government ministry to come and see the practice in the province, and discuss the outcome of what we have done in the last 10 years to show that this is something that we have really done.

Tenure rights recognition is always in the negotiating process. Even if not officially recognized by law, in practice, they cannot refuse [rotational farming] because people have followed this process. So we see that they are starting to become a little more aware of this and they see practical proof by the geography or the forest or where the rotational forest is –that ecology, the wildlife, all kinds [thrive]. If this is gone [and not practiced], we see that everywhere is empty, [i.e.] no forest. So it is very clear in this process.

In practice, whether governments allow or not allow, we need to do it – we need to survive for our community's food security. It is part of life, and so people continue the process. But for the negotiation process, we've noted that they are starting to be more and more open and there is not much resistance as before. So it's more open in practice [now], although by law, we still need to struggle. For example, arresting people doing rotational farming in lands is becoming less and less.

We can celebrate these [wins] and we need to work together in this process more and more!

*After inputs from the speakers, participants were redirected into their breakout rooms to further discuss topics in detail, and based on their own experiences.*

## Breakout Session Summaries

Guide questions were shared and each group were given 30 minutes to discuss amongst themselves the following:

1. What have you observed as models of good practice in relation to wild foods and customary tenure and traditional food systems such as hunting/forest product harvesting/rotational farming How to build on these?
2. What are the challenges?
3. What recommendations and next steps are needed?

### Group 1: Customary Tenure Recognition

Moderator: Jeremy Ironside

Rapporteur/Participant: Dazzle Labapis

Attendees/Participants:

Mai Thin Yu Mon, CHRO (Myanmar)

Hla Doi, POINT (Myanmar)

Kate Mana-Galido, NTFP-EP Philippines (Philippines)

Miks Padilla, NTFP-EP Asia (Philippines)

Elpidio Peria, ACB (Philippines)

Yun Mane (Cambodia)

**What have you observed as models of good practice in relation to wild foods and customary tenure and traditional food systems such as hunting/forest product harvesting/rotational farming How to build on these?**

Miks Guia-Padilla (NTFP-EP Asia/AnthroWatch) shared that ICCAs<sup>3</sup> are a good model pursued internationally and claiming more ground in terms of policy. The idea behind ICCAs is that the communities pursue the conservation of their traditional areas. [It is] not necessarily always about cultural identity, but frequently it is also about practical uses. But because they have something invested in the area, then they do their best to protect it. In the case of the Philippines it is more tied with indigenous traditions. Generally, these ICCAs are within the ancestral lands or ancestral domains of indigenous peoples so that inherently, customary ways of management, including the way they look at ownership or tenure, is looked at.

From the indigenous people's perspective, ICCA is not a new concept. The concept itself of *communal ownership* and not looking at it by just ownership but stewardship of a piece of land is very important to be recognized. What is new here is that it is already being pursued, and sometimes successfully already attained, in policy. There are many specific examples in the Philippines

*Indigenous peoples claim that ICCAs are a complementary way of establishing their tenure and ownership in their areas.* It is frequently tied with environment, conservation, encouraging traditional ways of livelihood as a complement to pursuing tenurial security, although it is difficult to do so.

Kate Galido (NTFP-EP Philippines) added that most of the communities with good models or practices showed that they have strong links to their natural resources' management. A case for example is in Coron Island in the Northern part of Palawan, Philippines and their *Certificate of Ancestral Domain Title (CADT)*. They were able to control and assert their rights over their island and they are the ones managing their community-based sustainable tourism. It is not a perfect system, but they were able to maintain good quality of their coral reefs. They were able to maintain their environment in good condition, which is a good indicator that they are really good in its management.

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<sup>3</sup> [ICCAs](#) are also known as "territories of life" and refer to indigenous and local community conserved territories and areas.

Another example is the link of their management of *almaciga resin*. They were able to unite and protect their knowledge systems that protect and enhance the sustainable management of their almaciga and strengthen their tenure rights. The group managing their almaciga have their *Certificate of Domain Claim (CALC)*.

Dazzle Labapis (NTFP-EP Asia) shared that another tenure modality for the Philippines is the *Community-Based Forest Management Agreement (CBFMA)*. It is not a permanent tenure but a 25-year stewardship agreement, renewable for another 25 years issued by the Department of Environment and Natural Resource (DENR). They can develop a certain area of land awarded to them for instance, planting of forest trees, fruit trees. With this tenorial instrument, they can avail different government programs – for example, the National Greening Program or the Comprehensive Agrarian Reform Program (CARP) where the government gives funding and technical assistance to develop their land. There are almost more than 1,000 agreements in the country. There are small CBFM areas of over 50 hectares per peoples organizations (POs) and as big as a thousand hectares, awarded to organized peoples organizations (POs).

Ping Peria (ACB) shared their experience in their GIZ-funded project in an ASEAN heritage park in the northern part of Vietnam. He shared that they did not directly work with the customary tenure, but with the products [found thereinb, in particular] forest honey. *The community was able to work with the local government and have also entered into an agreement with a private company*. They considered this as a step towards the clarification and recognition of the community's tenure. They do not have a direct work on tenorial instrument because this is a [rather] sensitive issue to ASEAN governments. The project, however, was successful and the communities were able to develop products (honey) and were able to enter into an agreement. They look at the agreement as the initial step in engaging in further long-term discussions in tenorial rights and a good starting point because there is already a product and the communities are benefiting from it.

Jeremy Ironside (NTFP-EP Asia/McKnight) responded that it is a good start in Vietnam. They have brought in a new Forestry Law in 2017 (but effective starting in 2019) and for the first time ever, it recognizes customary rights over forest areas. Communities can own forests in that forestry law. It is an interesting progress and now we can use it.

Ping Peria (ACB) also added that In Laos, they were able to *work with the forestry department to insert and lobby specific provisions with support from GIZ. But the issue on tenure was not approached directly, but through biodiversity-based products from forestry*. In the case of Laos, it is NTFPs and wild foods. From their experience, the government does not like specific discussions on tenorial rights.

Hla Doi (POINT) shared that in Myanmar, land issue is quite problematic. Less than 10 years ago, there was no legal reform or discussion about land. But recently, the parliament has [been] established again, and many laws and policies were revised. The most updated progress is that *Myanmar already adopted a land use policy*. This policy in 2016 mentioned [something about] to recognize the land that is customarily for the local community and indigenous peoples. Being a member of key international conventions (UNFCCC, UNCBD), the guidelines of these conventions identify that countries have to integrate [the] international standards stipulated.

*One of the good provisions for indigenous peoples in the revision of forestry law in 2015 in Myanmar is that the people can establish control of their forests and this is customarily protected and practiced*. Another policy amendment was on the vacant, 'virgin', and fallow land amendment. Land grabbing is excluded in areas that are owned by the indigenous community. Hla Doi also added that there are *Community Conserved Areas* in the country as well.

Jeremy provided an update on communal land titling in Cambodia. There was a land law that recognizes indigenous land as communal land in 2001. It took until 2009 before they approved the sub-decree that governs that process. There were originally 3 pilot processes. Now, there are still only 30 communities that have received their communal land title. It has been long and slow. *The problem with the communal land title in*

*Cambodia is you cannot get recognition for forests, you can only get recognition for your shifting cultivation land, but even that posed a challenge, and is [already] disappearing.* The government has been rarely supportive, and it is difficult to push. However, in some ways, it has helped the local people to push for what they want for their land.

#### What are the challenges?

- In Laos, the state is claiming rights over the forests, as in most of the ASEAN states/governments, the state is still the dominant authority over land; Challenge is to directly assert/challenge current land governance dominated by state or ultimate state control of the land.
- Customary ownership of indigenous peoples in the Philippines is quite a struggle both in policy in actual practice even if you already have the law.
- In terms of the CBFMAs in the Philippines, the challenge is [that] now, there are tenure agreements that will be expiring soon, and the DENR is *still in the process of developing a guideline* to assess the tenure. There is also *issue of overlapping of different tenure*, some CBFM areas are overlapping with ancestral lands. Some also overlapped with other tenure like protected areas. Furthermore, another challenge is also the *participation of indigenous communities to decision making processes* especially on the policies and development plans that will impact their ancestral domain. For example, the agriculture roadmap which promotes exotic and high value crops that do not support forest foods.
- In Myanmar, the government recognize indigenous peoples as partial and mentioned only as Community Conserved areas (CCAs) not Indigenous (ICCAs) with the provision favoring centralization as the decision will be made by the Union level minister.
- Mr. Peria cited that *tenure is a very sensitive topic in ASEAN*. And while it is good to approach it tangentially, he also suggested that there has to be a lot of thinking to directly challenge the overarching authority of the state government over these natural resources in Southeast Asia. It is risky for indigenous peoples and very difficult, but this is the ultimate challenge. *ASEAN is one platform, but it must be multi-platform (regional, global, local)*. Come up with an alternative vision. UNDRIP is one approach, but somehow, we need to find more approaches to directly confront that.
- Development and negotiation for national land law is still pending in Myanmar. Many arguments and discussions are still happening
- Miks Guia-Padilla (Anthrowatch/NTFP-EP Asia) noted that a new challenge has come up in the Philippines. Before *the pandemic, we became dependent of foreign sources of our food*. Because of the lockdown, transportation of food has been quite limited in various areas. It brought about the issue of food security or the tension of not having enough food in the mainstream society. Also, in the Philippines, top officials of the government recommended that indigenous lands should be harnessed to become agribusiness areas so that it would resolve the problem of food security in the country. Without talking about the security of tenure of indigenous peoples, this is quite dangerous. *Mainstream societies sees these large tracks of land as idle lands and not seeing the whole ecosystem and how it is serving the country*. The opportunity is that it has mainstreamed idea that *food can be grown locally or it is better if foods are grown locally*, not just in indigenous areas but also in settings like urban areas, looking at traditional food.

#### What recommendations and next steps are needed?

- The indigenous peoples, international society and civil society in Myanmar are pushing through *dialogue, workshop, and research, awareness raising* for the community on what kind of legal provisions they have
- Not to approach/talk about land rights directly, but through other mechanisms such as livelihood and biodiversity
- Organize *workshops and discussions* e.g. International organizations, Civil society to push for recognition of land law
- *Capacity building and information sharing* for local communities on their rights, technical assistance for communities

- Link customary tenure recognition on natural resources management and strengthen their knowledge systems and practices
- Direct challenge to the current land governance
- Experiment with various contractual arrangements, *multi-platform approach* – local, regional, global
- Miks cautioned that we should *be on the lookout for how agribusiness will be promoted*. Provide more awareness raising and education about how ecosystems work and that idle lands are not necessarily unproductive in terms of how they serve humanity in general
- Hla Doi recommended *to review other good practices* of other ASEAN countries on customary land tenure and share information of indigenous peoples and local communities and their traditional practices so it can be mainstreamed into various laws
- Yun Mane reiterated that when we talk to the government about land rights, it is important to highlight economic benefits that secured tenure rights can give to indigenous peoples, and highlight poverty problems brought about by land grabbing
- Kate said it will be good to support capacity building activities that would support *stronger participation of IPs* such as understanding of laws and processes where IPs can assert their rights, participation in development councils, etc.

## Group 2: Rotational Farming

Moderator: Denise Matias, ISOE/NTFP (Germany)

Rapporteur/Participant: Robin Bustamante, NTFP-EP Asia (Philippines)

Attendees/Participants:

Amalia Maling, NTFP-EP/WWF (Philippines)

Muneezay Jaffery, Greenshoots Foundation (UK)

Pirawan Wongpithisathaporn, Asia Indigenous Peoples Pact (Thailand)

Prasert Trakansuphakon, PASD (Thailand)

Rohan Mukerjee, Keystone Foundation (India)

What have you observed as models of good practice in relation to wild foods and customary tenure and traditional food systems such as hunting/forest product harvesting/rotational farming How to build on these?

In terms of good practices – it has been brought up that *rotational farming is dynamic*. Rohan in India mentioned that indigenous peoples and local communities (IPLCs) are already adapting. For example, there can be 1-year monocrop – this can become mulch, then reduce burning.

In Thailand, there is already *honey bee keeping on rotational farms* and this has a special taste of honey – in honey taste, in fallow lands. These are one of the good practices.

Another good practice is in Myanmar and in Thailand, they *document all wild and medicinal food and plants*. They publish it and this becomes basis for practice itself and as well as land tenure to be given focus or recognized by governments.

And during this pandemic, it has been brought up that the forest lands became sources of food for people in the city. So not just for those in communities but also those in city. It was also brought up by Pirawan that it's also good to remember that rotational farming is not only food for people but also food for animals and can bring other products such as clothing – not just agriculture but the whole ecosystem itself.

What are the challenges?

In terms of challenges, of course the *policy challenge* is always there. Land tenure security is a major issue across all countries represented in our breakout group, especially in India, Rohan mentioned that even if there is the *Forest Act*, land tenure security, especially in central India, is a big challenge.



In Thailand also, they are working under customary law, but there is also a government policy that if your land is idle for 1-2 years, it automatically becomes state land for example. I guess it's also the same for Myanmar, Cambodia and the Philippines that there are tenure security problems.

*Another challenge is on a cultural level – so now, increasingly, some communities, if I remember correctly, this was in Myanmar, there is less and less practice of rotational farms. They are now turning into permanent farming. This is something that we could think about – whether on cultural level if it is a challenge especially for indigenous communities.*

In terms of recognition, we still try to *lobby the government for recognition of first, the indigenous peoples themselves, and second the land tenure for people*, and third is that all these *documentations* that are being done can be a good practice that can be adopted when trying to have recognition of land of indigenous communities. It was a very rich discussion and I thank the group for all their contributions.

### Group 3: Forest Food Management and Harvesting

Moderator: Madhu Ramnath, NTFP-EP India (India) and Femy Pinto, NTFP-EP Asia (Philippines)

Rapporteur/Participant: Diana San Jose, NTFP-EP Asia (Philippines)

Attendees/Participants:

Crissy Guerrero, NTFP-EP Asia (Indonesia)

Hongnapha Phommabouth, GCD (Laos)

Ma. Theresa Matibag, NTFP-EP Asia (Philippines)

Margherita Maffii, Independent Researcher (Cambodia)

Mayna Pomarin, NTFP-EP Asia (Philippines)

Melanie Narciso, University of Georgia, Athens (USA)

Natasya Muliandari Harahap, NTFP-EP Indonesia (Indonesia)

Ou Chheng, NTFP-EP Cambodia (Cambodia)

Patricia Tanyag, ACB (Philippines)

Ramon Razal, UPLB/NTFP-EP Asia (Philippines)

Sim Bunthoeun, NTFP-EP Cambodia (Cambodia)

*What have you observed as models of good practice in relation to wild foods and customary tenure and traditional food systems such as hunting/forest product harvesting/rotational farming How to build on these?*

Madhu shared that the group's discussion began when he went against the word "model" because it sort of assumes replication and it is often used by donors [i.e.,] that we need to have projects that can be replicated. I consider that each community, each terrain and landscape is unique.

*It is in situ that we need to consider each experience.* And then perhaps from these experiences, to understand what is valid and what we can use and learn for another situation. So it started with disagreement, but then we continued with a more free-flowing kind of discussion. So the idea was *how tenure enhances and is positively correlated with harvest protocols*. When people have secure tenures, then they are more likely to take care of how they harvest honey for example, which Femy elaborated on. Whether the hive is mature, or whether they leave something behind, because they need to come back. There were many examples around proper harvests. Ramon mentioned that most harvest protocols followed by indigenous peoples are backed a lot by science. For example, the detail he mentioned about harvesting bamboo shoots – primarily used as a food. [People do not collect the shoots at the start of the rainy season, because the shoots that are collected then are the ones that become poles later on. They try to avoid collecting shoots at the start of the rainy season because they want these to become culms. So this is one way of the *understanding of the science behind a harvest protocol*. And such protocols are followed when tenure is secure.

Similarly, there was an example about birds, that certain fruits are left for birds so that the generation of fruit species are assured. Then our discussion went into tenure --- definition of wild foods itself – so we revisited it though we talked about it last month because Margherita took us back to review this definition and that the understanding –*that there is very good cost-benefit analysis among IPs* which makes them very conscious of whether they go far in the forest to find certain forest food, or whether they find these around shifting cultivation plots around their villages. Because the wild forest foods found in the forest are a much more challenging affair – they need to go far and may need to spend the night, other obstacles are involved compared to what is found in the village and swidden plot. With tenure not being secure because of shifting cultivation issues, then these uncultivated foods found along swiddens are also endangered, and tend to be less managed and less protocol followed around these. *So the definition we talked about for wild foods need to take into consideration also these tenure factors.*

Then Christus brought in the factor of food safety – certain foods, like wild maize as he mentioned, there are *aflatoxins* in these and we need to be careful about harvest of certain wild foods. He mentioned that this is a laboratory find and neutralizing agent he talked about is calcium hydroxide compound I think that was used to neutralize it, and that we need to get into this part of it.

That is as far as we got, and then Melanie brought in ethnographic discussions she has read about wild foods especially in relation to tenure. She mentioned about some practices where dogs, for example, were being trained to scout for truffles.

What recommendations and next steps are needed?

One kind of generic suggestion was to *see how customary systems that are already followed have evolved* – Margherita mentioned that it would be useful to *go back into studying the evolution of such systems so that we might find answers to the challenges that we are facing today and in the future.* Gates were closed when Femy was halfway through her sentence.

What are the challenges?

Femy added one point about the challenge – that it can be debated further in the last discussion on wild foods, livelihoods and markets. One point of Margherita, in Cambodia is that *the more you make use of wild foods and interact with market, it seems that customary control and practices are reduced.* So market forces play out in how much the customary practices are applied, with the assumption that customary practices, having earlier said that they have scientific basis, and has a reason for making sure that you keep and ensure that availability of resources are sustained.

The other point I was halfway through saying was that *we have an implicit understanding that customary tenure and seeking recognition of that also means recognition and protection of customary practices and traditions.* In terms of a recommendation, it will just be a point of strategy if you will be going into entry points of tenure and recognition of that, whether you want to go for legalization or the policy route to push for customary tenure or you take the strategy of showing the importance of wild foods, that it still exists and feeds communities and feeds even communities beyond those communities that harvest them. The recommendation there is to try and settle first how you understand both and then be strategic and be wise in which you form your partnerships around the entry points, whether you go the wild foods and forest products route and push for that, or recognize customary tenure part and recognition, realizing that they are both together.

## Commentaries from resource speakers from the expert group

### Miks Guia-Padilla

*Miks is an anthropology worker and the Executive Director of AnthroWatch and the Board Chairperson of NTFP-EP Asia. She has been working alongside indigenous peoples and local communities on policy advocacy issues related to tenure, gender, health and*

*environmental rights. She is also active in the Zero Extreme Poverty 2030 movement. Her background is in anthropology and gender studies.*

I was tasked by Femy to mention points about gender and tenure. We have been talking about customary tenure but we have seen in the discussions that there has been a lot of work already and many cases of successes in formal recognition of tenurial rights or lands for IPs. But what I would like to remind is [that] when we talk about tenure security or stewardship – *[there is a tendency to] immediately bring to mind ownership on paper by men – On a formal document – it is a man's name that is shown, or usually, men's names are shown and we say that they represent community. But it has an effect eventually, or immediately, on how gender relations are looked at and how women are on the short end of that kind of arrangement.* Even let's say, when we take our studies in communities either about livelihoods or about tenure security, the very simple household census form --- concrete recognition – we [should not] automatically put name of the man when we ask for the household head. Maybe use [the term] household representative and have it co-named [instead]. This is something we can't slam on community [though. In our group] we also talked about skirting around sensitive issues – we don't need to get into that now, but there are certainly ways to skirt around that without slamming gender at the community level. The thing is, *if we are involved in interventions, we should be aware that simple documentations do have an effect on gender relations and how customary tenure is later on solidified as a formal or official document.*

I have time for just one more comment or reminder – and it is a bit more difficult one. When we talk about tenure and formal livelihood systems – it is usually more on the civil, political, economic rights discussion. And something that I feel should be discussed even in things like tenurial security and livelihoods is the issue of *reproductive rights of women and men and youth.* And immediately, probably the reaction of some is what, *"how are they related?"* I hope we can have a separate session on how these are related. [To illustrate, for example] and make a bit of connection – [consider, for example] that when one goes to the forest, do women need the permission of men? Would pregnancy affect how the women undertake work at community level in relation to tenure, in relation to foods? In relation to marketing? Are women constrained from being involved in external activities outside of their own villages due to fear of sexual violence or even just the connotation within the community – that *'oh, traveling with man who isn't the husband or brother, she must be bad woman?* These kinds of things, looking at it through these lens, has a very direct effect on how women can be engaged in tenurial, economic matters. So it should not be left behind.

Maybe just one more point, that in times of crisis like what we have now with the pandemic, at the family and household level, as can also be seen in decades of work with gender/women, that *women bear the brunt of coping with a crisis.* Even when we have long-term goals or long-term projects, looking at things strategically, *we should not forget practical needs of families that usually women are the ones taking care of them.* I am reminded of one of the NTFP newsletters – Voices from the Forest – where I mentioned [in one of the articles](#) that if we want to hear voices of forest, when we only have the voices of men – that is only 50% of all the voices possible. So let us not forget that other dimension as well. It's not an easy task, it's an uncomfortable task, but you know, it has to be done, for me. Thank you!

### **Yun Mane**

*Mane is an indigenous Bunong from Mondulkiri in the North East of Cambodia. She is a graduate of the Royal University of Law and Economics and has held positions such as Chair of the Board of the Cambodia Indigenous Youth Association. Mane has worked with the United Nations Development Program on the Regional Indigenous People Program and has worked with the International Labour Organization in its Support to Indigenous Peoples Project.*

I want to just update that just today, the national government from the Ministry of Land, Ministry of Environment and Ministry of Agriculture -these 3 ministers have come to Mondulkiri and other indigenous places in order to promote their planning for land registration. The objective of their campaign is to register more as individual lands.

Today, most community members are calling me to ask questions about this and [share about] their challenges, because the government is trying to convince and push them to accept the individual land and stop the rotational farming. This is bad news for today from Cambodia. *This is very fast – the campaign - and we indigenous communities are not well prepared in how to accept or prepare for this.* Actually, [our] IP Alliance also has a meeting [today] but I was not there as I have something today and tomorrow. With this campaign, actually most communities have accepted the individual titles [which means that] they will lose the land for shifting cultivation. Because in Cambodia, if you accept the individual land title- you will get residential, farming or permanent land, and also the rice fields, but for example, *you lose land for shifting cultivation and won't get it anymore.* The others you lose the rights to it. Some communities conflict with each other –some want collective, but the trend is more of going to individual [titling]. If they accept the individual titles, it will get supported by government. This is funding that is supported by World Bank.

We are not really well prepared yet, as I mentioned earlier– so for me and for the others, we don't know how to make sure that this [we can still] register [the] collective land title. But some other communities have started to prepare – some [have been] mapping, and other documents to request for the collective title [have been prepared].

If any feedback or any support for this [can be given] that would be great. There are still lots of discussions on-going today. Actually for the government, they do not want collective land registration for IPs because they think they lose benefits [Land Law, policy, etc.] by giving more land to IPs. This campaign is very much cutting the land for IPs [and the traditions] that we have [long] been practicing. Sorry [to share the sad news] about this.

*Nuning Barwa from Indonesia said that in future opportunities she also would like to discuss updates about the situation in Indonesia. Femy said that this is good to have reality checks from different countries, and that all are free to email and share issues that they feel should also be tackled in the discussions.*

## Closing Remarks

Femy mentioned that there is an online, on-going campaign on wild foods. NTFP-EP and the Expert Group has a presence online and all are invited to submit stories. We are running this call for proposals and submissions particularly from community on wild food stories. Of course, as we heard today, it goes beyond just talking about species and particular food that we enjoy that are still being harvested in communities, but including also other related issues and topics which are most welcome to be presented. We want to use this platform to raise these voices and raise stories online. Systematically, we are also consolidating these issues challenges and recommendations towards a policy dialogue.

In the mean time, we have the 3<sup>rd</sup> of our discussion series coming up on August 18. Like today, when we explored the link on customary tenure and wild foods, and traditional food systems and knowledge, we will be exploring further the relationship and linkage between wild foods and biodiversity. We will not be able to resist going back to some of these issues, but we will have particular focus on the link between wild foods and biodiversity and conservation strategies. Watch out for the invitation to register and mark on your calendars the date in the mean time. I think that's it for now. Thank you very much!

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***The participants were invited to the next Discussion Series focusing on Wild Foods and Biodiversity, to be moderated by Dr. Denise Margaret Matias, research scientist at ISOE Frankfurt and NTFP-EP Associate and Expert Group Steering Committee member on 18<sup>th</sup> of August at 3:30 pm (GMT +8).***