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**COOPERATION COMMITTEE  
FOR CAMBODIA**

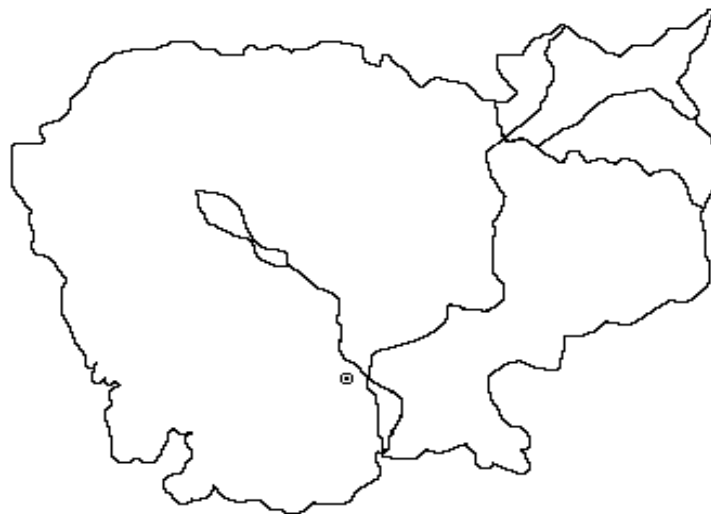


***SMALL-SCALE LAND DISTRIBUTION  
IN CAMBODIA:  
LESSONS FROM THREE CASE STUDIES***

CCC-ADI Training Team & Workshop Participants

with

Rebecca (Pem) F. Catalla, Ph.D.



Cooperation Committee for Cambodia (CCC)  
Analyzing Development Issues (ADI) Project

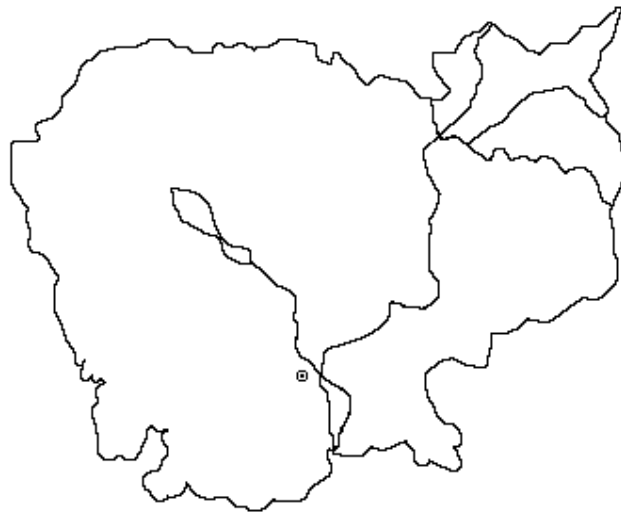
Phnom Penh, November 2001

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**ACRONYMS**

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CDC	Commune Development Committee
CRS	Catholic Relief Services
IDP	Internally displaced persons
INGO	International Non-Government Organization
LDS	Land Distribution Scheme
LUPU	Land Use Planning Unit
LWS	Lutheran World Service
MAG	Mines Advisory Group
NGO	Non-Government Organization
UNHCR	United Nations High Commissioner for Refugees
WFP	World Food Program

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- The ADI Training Team -

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## EXECUTIVE SUMMARY

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The CCC Analyzing Development Issues Project (ADI) recently engaged in a short investigation of selected land distribution cases. The purpose was to help inform a new sub-decree on social concessions which is being written as a follow-up to the recently passed land law. Social concessions are legal rights established by a contract issued under the discretion of a competent State authority, that authorizes a person or group of persons to occupy a certain parcel of State property for residential and/or cultivation purposes. If successfully implemented, the Royal Government, NGOs and local communities could use social concessions as a significant tool to alleviate poverty and better the lives of the poorest Cambodians.

Locally determined land distribution methods have always been a part of Cambodia's history and culture. However, there is little documentation or literature on these examples. It is in this context that the research was conducted in order to identify strengths, weaknesses and lessons learned. The study looked into three examples of small-scale land distribution:

1. A NGO-initiated scheme in a village in Siem Reap
2. A Government-facilitated initiative in two villages in Battambang
3. A Community-led endeavor in a village in Kompong Thom

The three examples of land distribution in Cambodia depict differing degrees of success and failure. Success was viewed in terms of beneficiaries' participation in the key phases and processes of land distribution, types and size of land handed out, proofs of ownership or rights over the land, as well as support obtained from governmental offices and non-governmental organizations prior to, during and after the giving away of the land.

**1. NGO Initiative in Siem Reap:** Of the three cases, the NGO-led experience in Siem Reap is the most successful example land distribution scheme or social concession program. Although not without its set of problems, it illustrates the collaborative initiative of two international organizations (UNHCR and CONCERN) and local government to provide land to returnees, as well as to other marginalized persons who also did not have access to this resource. A set of guidelines on who would receive the land provided the direction to the land distribution. Most beneficiaries received residential and rice land at 0.4 and 1.4 hectares, respectively, and a certificate for each type of land they obtained access to. They also had full support from CONCERN in terms of land titling, cash, home construction materials, agricultural production inputs and infrastructure maintenance.

**2. Government Initiative in Battambang:** The land distribution experience in the two villages of Battambang had a different approach. In one village, land distribution came about because of the efforts of local authorities' to expand the commune's land area. In the second, migrants' from other provinces requested and received parcels of land from their former military commander. Broad distribution guidelines were only evident in the first village. A little over two-thirds of all the beneficiaries received about 0.3 hectare of residential land, while nearly a third obtained one hectare or larger parcels. Only 6 families among the household interviewees received rice land, while only 2 persons claimed having access to

chamcar land. None of the household interviewees mentioned receiving proof of ownership or rights over their land. Especially in one of the two villages, land occupation and confiscation dominated the land distribution experience.

**3. Community Initiative in Kompong Thom:** In Kompong Thom, land distribution took place when the Prime Minister intervened in response to the protest actions of former soldiers who were being intimidated and tricked into selling the small parcel of land that local military and provincial authorities had given them permission to occupy and use. Government officials at provincial, district and commune levels subsequently responded to the Prime Minister's order and granted land to the group. Broad distribution criteria were drawn up which specified the existing occupants of the land. Only residential land was given out to the beneficiaries, averaging at 0.25 hectare. Their only proof of ownership is a collective map that the village chief keeps. The uniqueness of the social concession experience in this site, lies in the solidarity and vigilance of the beneficiaries in the face of intimidation, and is especially noteworthy because IOs and NGOs did not have a presence in the community.

#### **Common Problems That Led to Difficulties**

- Legal framework was weak
- Patronage, corruption and/or competing interests
- Lack of clear procedures/eligibility guidelines or these were not followed
- Poor quality or not enough land for rice
- Lack of technical skills in implementing the schemes

#### **Key Factors That Can Lead to Success**

- Beneficiaries committed to the action
- Clear authority and eligibility guidelines followed
- Beneficiaries involved in the planning and distribution of land
- Technical skill during distribution process
- Require proof of ownership (title papers)
- Additional development/infrastructure support from NGOs

*A key determining factor in preventing outright failure was the determination of the beneficiaries themselves to keep demanding a fair outcome until they were successful.*

From the study, it is clear that NGOs can help with small scale land distribution schemes, but need to be aware of creating dependency and/or complacency. A first step might be for NGOs to identify motivated groups or communities that are already involved in seeking additional land. There are many reasons for this such as numerous new families due to marriage or migration. Once identified, NGOs can play a critical role in helping villagers to use the social concessions sub-decree to request land, advocate for people-centered processes, and assist in monitoring the land distribution for fairness. Finally, NGOs can provide critical support to the government and villagers by providing development aid to ensure the long-term success of the scheme.

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## I - INTRODUCTION

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Stories of land disputes are plentiful in rural and urban Cambodia today. Instances of land encroachment, eviction, intimidation, and outright violence for ownership claims are becoming defining patterns for the growing contention over access to land. In majority of instances, those without resources and political connections find themselves in the losing end and become a statistic among the landless.

The depth and scope of the problem is substantiated by existing statistics:

- In a study among 39,621 families, one in eight rural families have no agricultural land and are too poor to purchase it. This figure will be nearer one in six by the year 2002 (*Oxfam-GB/ Cambodia Land Study Project, Land Dispute Database* as cited in Biddulph, 2000:5).
- Landlessness amongst families that are 'headed' by single women is significantly higher than amongst families 'headed' by a married couple. Of 7,060 families (in the same study sample of 39,621 families), 1,497 or 21.2% were landless. Hence, while one in eight families in the sample are landless, the figure for families headed by single women is more than one in five. (Biddulph, 2000:25)
- Landlessness in the northwest is much higher than in the southeast. Subsistence is becoming more and more precarious, especially for families without their own agricultural land (Biddulph, 2000:6, 8)

Compared to other countries, Cambodia already had a fairly equitable land ownership system. In 1989, Sub-decree No. 25 and Instruction No. 3 redistributed land to private households based on the number of family members and land availability in the area (Boreak, 2000:5, Van Acker 1999:34). Local authorities, with full participation from village residents, identified the number of members in each family and the available land in the area, then subdivided the land accordingly. They also took into account soil fertility and location so that each family received a few plots of land.

Clear land titles, however, were never given to individual owners. Applications for this document goes through at least seven or eight offices at village, commune, district, province and national capital levels. It is not surprising that only those with adequate resources and political access are able and willing to obtain proper land certificates (Chan and Acharya, 2001). Today, increasing population pressures, restricted access to forest and fish resources, ambiguity in rules and multiplicity of practices in land ownership and/or land use rights (Chan and Acharya, 2001), as well as unclear procedures in land transfers/ transactions have all contributed to increasing land disputes as well as the rapidly growing problem of landlessness.

In July 2001, the Royal Government legislated the new Cambodian land law. In it is a provision stating that social concessions will be used to distribute land to the poor. Social concession is a legal right established by a contract issued under the discretion of a competent State authority, that authorizes a person or group of persons to occupy a certain parcel of State property for residential and/or cultivation purposes. The land law states that a separate sub-decree will be written to explain the process for how these will be determined.

Locally determined land distribution methods have always been a part of Cambodia's history and culture and currently, there are many formal and informal examples of these. However, there is a dearth of documentation or literature on these examples, reducing the opportunity to build upon their strengths and weaknesses. It is in this context that the Cooperation Committee for Cambodia – Analyzing Development Issues Project (CCC-ADI) engaged in a short investigation of selected land distribution cases. The end in view is to help inform the new sub-decree and to help support the work of NGO advocacy networks active in land rights issues. A simultaneous agenda was to strengthen the research and analytical skills of past participants to the ADI training course.

In focusing on a concern that is also useful to others involved in land rights issues, it is hoped that the material gathered will be used to propose effective processes for land distribution in Cambodia. If successfully implemented, social concessions can be a significant tool to better the lives of the poorest Cambodians.

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## II - OBJECTIVES & RESEARCH QUESTIONS

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The overriding goal of this research is to contribute to an understanding of existing land distribution schemes in Cambodia, as well as to offer insights on these initiatives based on their differing approaches. The specific objectives of the study are:

1. to describe the processes and mechanisms used to grant land to poor people,
2. to identify factors/actors that have contributed to the success, problems and/ or failure of the land distribution schemes, and

In conjunction with these objectives, the investigation sought to address the following research questions:

1. What are the conditions and reasons for implementing a land distribution scheme in a particular area?
2. What are the criteria, processes and decision-making mechanisms used to select, verify and approve eligible persons?
3. What were the conditions required and the methods used to actually transfer the land?
4. What are factors/ actors that have contributed to success, problems and/ or failure?
5. What are suggestions or recommendations that would make social concessions work or be as successful as possible?

In finding answers to these questions, the study did not an attempt to be exhaustive and to look into the range of issues that confront land distribution schemes. Neither did it aim to come up with a design of a land distribution process or to identify solutions to existing land-related problems. Rather, it aimed to describe actual experiences and to generate lessons that can contribute to the design of more people-centered processes in land distribution or social concession schemes. This report presents a synthesis of the findings on the above questions, the more specific answers being found in the case studies.

III - METHODOLOGY

Case study research was the methodological approach taken for the study. Three cases from eight identified land distribution schemes were selected using the following criteria:

- Relative distance of the locality where land distribution had taken place
- Type of land distributed (e.g., demined land, inundated forest, etc.)
- Implementers and approach taken to distribute land (i.e., NGO-initiated, government-facilitated, person-sponsored, etc.)
- Number of families affected by the land distribution scheme
- Availability (or lack) of existing documentation or research on the case
- Support with logistics from organization that implemented the land distribution scheme

Based on these criteria, the three cases explored were:

- a community-led land distribution scheme in the villages of Tomnop Takuon and Takot, Kdol Taken Commune in Bovel District in Battambang, as supported by the Lutheran World Service (LWS)
- a NGO-initiated land distribution endeavor in the village of Kok Krouel, Leang Dai Commune, Angkor Thom District in Siem Reap, with CONCERN as a key actor, and
- a government-facilitated initiative among families of former soldiers with disabilities in Traping Chambak village, Traping Reuse Commune, Kompong Svay District in Kompong Thom.

The study builds on both qualitative and quantitative data, with the former (i.e., interviewees' views and stories) providing the basis for most of the findings. Household interviews and group discussions were the methods employed to collect the information (Table 1). Simultaneously carried out on 9–12 August by 5–6 researchers at each site, the interviews purposively focused on direct (and some indirect) beneficiaries of the land distribution schemes. In Siem Reap, additional information were solicited from CONCERN, the INGO that played key roles in the implementation of the scheme.

Table 1. Number of household and group interviews per study site.

PROVINCE	NUMBER OF VILLAGES	NUMBER OF HOUSEHOLD INTERVIEWS	NUMBER OF GROUP INTERVIEWS
Battambang	2	36	2
Kompong Thom	1	31	1
Siem Reap	1	32	1
TOTAL	4	99	4

The researchers of this study were all past participants of a training course on Analyzing Development Issues (ADI) under the auspices of the Cooperation Committee for Cambodia (CCC). Occupying middle- to senior-level positions in their respective NGOs, they have –

individually and/or as a member of a team in their respective organizations – undertaken field investigations on a range of development issues. Their participation in this particular study included developing and pre-testing the interview instruments, collecting and analyzing the needed information, as well as finalizing the research report. The ADI team and the research consultant provided the leadership in every stage of the research process.

### **Definition of Terms**

*Village*, in this study, has been specified to be the geographical area covering that being occupied by members of the local population for residential purposes, as well as those being used for agricultural, commercial, and subsistence-related needs. Communal property resources (e.g., lakes, ponds, mountain, forest) within the boundaries were considered part of the village.

*Infrastructures, facilities and services* consist of **functioning or operational** irrigation systems, roads, schools, health centers, and markets.

*Beneficiaries* are those who **directly or indirectly** received a parcel (or parcels) of land as a result of the land distribution scheme. **Direct** beneficiaries are those who actually received the land from the scheme, **indirect beneficiaries** include family members who use the land because the parents or a member of the family was a direct beneficiary. Those who may have bought the land from the direct beneficiaries are also among the indirect beneficiaries.

*Ownership of land* refers to one's ability to use and dispose of land. This indicates that a person has full rights – i.e., s/he can build a house or shack on the land, can use it for production, consumption, income-earning purposes, can rent out the land to others, can subdivide it among his/her children, or can sell the land.

*Major events* include a variety of circumstances such as community insecurity, natural disasters, etc.

*Migration* refers to the **permanent** movement of local population members from the village to another destination such as another village, province, or to a city.

In addition to the above terms that this study employs, others that are being used in this report are those that have been derived from a CDRI study on *Land Ownership, Sales and Concentration in Cambodia* (Boreak, 2000:2). These terms are:

*Ownership rights (kamaset)* – the right to manage absolutely and exclusively any property, provided that it is not prohibited by law. Ownership right can only be acquired on residential land in Cambodia.

*Possession right (phokeak)* – the right to exclusive possession of any property and to undertake any actions concerning the property as an owner would. Unlike land under ownership right, land under possession right shall become the private domain of the state if it is abandoned for three consecutive years (Article 76 of Land Law as cited in Boreak, 2000:2).

*Land acquisition* – refers to the way in which populations obtain residential and agricultural land in Cambodia.

*Land tenure* – refers to the legal right (or legal document to prove ownership) of landholders to live in a particular building or to use a particular piece of land.

*Land ownership* – refers to circumstances in which people have land to live and work on.

***Limitations of the study***

This study focuses only on three case studies that aim to represent some experiences in land distribution in Cambodia. The researchers recognize the existence of a variety of other experiences but time and financial considerations prevented an examination of these other examples. As noted elsewhere in this report, the researchers were all past participants to the ADI training course and as such, were otherwise involved in their respective organizations' work. It will also be recalled that this study served as part of a learning process for the researchers who were acquiring additional knowledge and skills in the practical conduct of research.

The largely qualitative nature of the research partly contributed to the limitations of the study. Specifically, a number of interviewees' responses did not correspond to the interview questions, indicating the mismatch of the researchers' perceptions and expectations regarding processes relating to land distribution and the realities that underlay the initiatives. For this same reason, several interviewees were completely unable to respond to some questions. The limited number of governmental, NGO and community key informants interviewed also prevented the availability of information, particularly on concerns that the interviewees could not offer responses to. In all, these imply data limitations and suggest that findings should be interpreted as simply indicative of the challenges that land distribution schemes can face.

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**IV - SUMMARY & ANALYSIS OF FINDINGS**

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The three examples of land distribution in Cambodia portray a picture of varying degrees of success and failure. Success in this particular study has been viewed in terms of beneficiaries' participation in the key phases and processes of land distribution, types and size of land handed out, proofs of ownership or rights over the land in the form of a certificate, as well as support obtained from governmental offices and non-governmental organizations prior to, during and after the giving away of the land. The degree to which the scheme has made a meaningful difference in the lives of the beneficiaries has been a consideration as well in examining the degree to which the three land distribution schemes attained success.

Of the three cases, the NGO-led experience in Siem Reap is the most successful example land distribution scheme or social concession program (Figure 1). Although not without its set of problems, it depicts the collaborative initiative of two international organizations (i.e., UNHCR and CONCERN) and the local government to provide land to the returnees, as well as to other disadvantaged population groups who also did not have access to this resource. The initiators also made public the plan to distribute land and solicited the involvement of people in making the announcement. A set of guidelines on who will receive the land provided the frame of reference when the land distribution took place. Most beneficiaries received residential and rice land at 0.4 and 1.4 hectares, respectively, and received full support from CONCERN in terms of land titling, cash, construction materials for the recipients' homes, agricultural production inputs and infrastructure maintenance. Other organizations such as AgriSud, WFP, ACLEDA, and human rights organizations similarly provided support albeit not on the same scale as that given by CONCERN.

The land distribution experience in the two other study sites, while less successful, depicts unique attributes of their own that equally offer valuable insights. In one village of Battambang, land distribution came about as a consequence of an effort to expand the geographical area of the commune. In the second village, this was due to the migrants' requests from a Khmer Rouge commander for parcels of land. Broad distribution guidelines were only evident in the first village, which may have been shaped by the rationale of the scheme and by the formation of a committee whose members had interest in pursuing said rationale. The weaknesses in the guidelines become apparent, however, in the fact that a little over two-thirds of all the beneficiaries received less than 1 hectare of residential land, while nearly a third obtained one hectare or larger parcels of land. This likewise shows in the situation where only 6 families (22%) received rice land. Only 2 persons claimed having access to chamkar land. In the household interviews, none of the recipients mentioned receiving proof of ownership or rights over their land. Over and beyond the conditions and processes that characterize the land distribution in this province, land occupation, confiscation, and incursions by the very people who gave out this resource distinguish this particular experience from that in Siem Reap and Kompong Thom.

The Kompong Thom experience offers a different land distribution perspective yet shows some similar patterns to those in Battambang. Here, land distribution took place due to the intervention of Prime Minister Hun Sen in response to the protest actions in Phnom Penh of former soldiers. These former soldiers and their families were occupying a piece of land based on an informal permit from a KR commander and were being intimidated and tricked

ATTRIBUTES OF SUCCESS/FAILURE IN THREE LAND DISTRIBUTION SCHEMES

ATTRIBUTES	BATTAMBANG		KOMPONG THOM (Traping Chambak)	SIEM REAP (Kok Krouel)
	Takot	Tomnop Takuon		
Involvement of government officials (in terms of beneficiaries gaining/ losing access to land)	✓	✓	✓	✓
Information dissemination about land distribution	–	–	–	✓
With some guidelines/ mechanisms in land distribution	–	✓	✓	✓
Land distribution processes built on people's participation	–	✓	–	✓
Size of land distributed (residential land only)				
Less than 1.0 hectares		69%	100%	94%
≥ 1.0 hectares		31%	–	6%
Type of land distributed				
Residential	✓	✓	✓	✓
Rice land		22%	–	✓
<i>Chamcar</i>	–	–	–	–
Proofs of ownership/ certificates/ land titles issued	–	–	–	✓
Availability of support from NGOs	✓	✓	–	✓
Impact in livelihood of beneficiaries	–	–	✓	✓
Problems				
Land grabbing/ confiscation/ encroachment	✓	✓	✓	✓
Claims of ownership from outsiders/ non-beneficiaries	–	–	✓	✓
Lack of clarity on offices/ persons responsible for land issues	✓	✓	✓	✓
Inadequate/ absence of infrastructures	✓	✓	✓	–
<b>OVERALL SENTIMENTS OF BENEFICIARIES</b>	<b>(–)</b>	<b>(–)</b>	<b>(–)</b>	<b>(+)</b>

into selling the land they had cleared and settled in which was just outside Kompong Thom town. To assert their rights over the land, they organized themselves and took their grievance in front of the National Assembly in Phnom Penh.

Government officials at provincial, district and commune levels subsequently responded to Hun Sen's order to grant land to the families of the ex-soldiers. Broad distribution criteria were drawn which were simply descriptions of existing occupants of the land – i.e., the former ex-soldiers who were mostly disabled during the war. Like the Battambang LDS recipients, only residential land was given out to the beneficiaries, the size of which averaged 0.25 hectare. Their only proof of ownership is a collective map that the village chief keeps. The Kompong Thom experience is particularly distinct for the solidarity and vigilance that the LDS beneficiaries exercised in the face of intimidation, and amidst a context where IOs or NGOs did not have a presence.

### *Analysis*

The land distribution schemes in the three sites illustrate three varying approaches that necessarily, generate key similarities and differences:

1. Implementation of the LDS in the three sites did not necessarily reflect the distribution guidelines, where these were evolved. Rather, a pattern of circumventing and/or violating the guidelines seemed common, as persons who were key to the LDS took advantage of their positions to benefit themselves, their families, and their friends. This showed in practices of land distribution among relatives and friends, in the variations in size and type of land given out, as well as in the amounts paid out by beneficiaries [in Battambang, this ranged from 5,000 to 216,700 riels (~US\$1.00–55.00)]. The lack of clear mechanisms for reporting these abuses as well as for resolving conflicts or disputes lends added weakness to the schemes, which had led beneficiaries to seek support – without success – from different levels of the government. Others opted to give up their land when external pressures to leave were greater than the perceived benefits of staying on.

From a cursory analysis, the low salary levels of government officials would seem to explain the above abuses and corrupt practices. However, this does not appear to be a firm factor given the relative success of the Siem Reap experience where government functionaries were likewise involved. The lack of technical skills in designing and implementing the LDS offers a partial explanation in that none of the key actors – except perhaps for CONCERN which placed people in the center of the scheme and were guided by this principle – were knowledgeable in the fairly specialized area of land distribution.

The more important explanation strongly points to the weak legal framework concerning land distribution. To date, the existing framework has not provided the necessary guidelines for handling land-related problems or for penalizing those who would go around existing procedures. The latter is suggestive of the problem of impunity, or of condoning abuses being committed particularly by those who are in key governmental positions. As observed across the three sites, high-ranking government and military officials were among those who abused their positions and have gone unpunished for their actions.

2. An extension of the above issue is also evident in the pattern of land grabbing or confiscation and encroachment across the three LDS experiences, suggesting the lack of

recognition and to an extent, respect, for the initiative that had been undertaken. The abuse is aggravated in some instances by the fact that government representatives from village, district, and provincial levels themselves commit the abuse. Instances of such abuse include under-measurement of land being given out to the designated recipients, receiving payments from individuals who wanted to acquire land in the area, receiving payments from villagers yet not awarding them the land that was paid for (e.g., rice land), and deceiving villagers into withdrawing their complaints at the National Assembly through false promises. Throughout and despite the abuses, beneficiaries have remained committed to asserting their rights over the land that they have cleared and tilled.

As in the issue of circumventing LDS guidelines, this problem of land incursion, confiscation, and/or occupation illustrate the absence of a legal framework and its accompanying implementation structures that can provide the necessary checks and balances, as well as penalties for specific abuses.

3. Not as obvious as the Hun Sen example but certainly similar is the element of patronage that underlaid the LDS schemes. In one village in Battambang, a person who was in a powerful position played the pivotal role in the distribution of land. In addition, those who got along well with the village chief who was key to the process, received residential and rice land, including a certificate of ownership. This pattern continues today in Kompong Thom where the village chief has been said to have power over the rest of the beneficiaries with regards to the buying and selling of the land. Interviewees report that they "have had to be nice" to this village authority especially because of the transactions they may engage in concerning their land. Less viewed perhaps in this light but nonetheless shows traces of patronage is the role that CONCERN had in Siem Reap as it extended support to the beneficiaries in all phases of the process, and as the beneficiaries looked to or depended on them to facilitate the receipt of land.

This issue of patronage is of significance as it highlights the powerlessness of the beneficiaries, and the unwritten social rules that frequently work against the poor. It also assumes importance because it underscores: (a) the value of creating in beneficiaries a sense of ownership over the LDS process as the Kompong Thom experience had shown, and (b) the need for NGOs to attain a careful balance between creating dependence and facilitating empowerment when they help advance an LDS, as lessons from the Siem Reap experience reveal.

4. Finally, several other issues also emerge across the LDS schemes:
  - a. The non-distribution of rice land among majority of the recipients is noteworthy in Kompong Thom and Battambang. In Kompong Thom, this appears to be due to the limited land made available to the recipients. In Battambang, corruption as well as land confiscation prevented the recipients' access to this food and income-earning resource.
  - b. Claims of ownership from others also emerged as a problem, a situation that, on the one hand, created insecurity among the LDS beneficiaries and on the other, a vigilance over the land that they occupy. While this problem has been addressed in Siem Reap with the help of CONCERN and human rights organizations, those in Battambang and in Kompong Thom remain unresolved. In these latter two experiences, recipients have actively taken steps to protect their rights.

- c. Lack of infrastructures (e.g., roads, irrigation systems), particularly evident in Battambang and Kompong Thom, appears to have diminished the impact of the schemes. Low productivity in the cultivated portions of residential land and lack of markets (in addition to their lack of rice land) have led the recipients particularly those in Kompong Thom to engage in multiple income earning activities to maintain their subsistence.
- d. In Siem Reap, land distribution did not take into account variations in family structure. Here, a household head who had two wives received only a piece of residential land and a plot of rice land. Because the man was staying with the second wife, he decided to give the rice land to his second wife and the residential land to the first wife since he was not divorced from the latter. In a similar case, the male household head gave both residential and rice land to his second wife because his first wife was apparently better off.
- e. Last but not least, household interviewees in Siem Reap did not appear to see the value of keeping their certificates in a safe place. There were instances when interviewees did not know where their certificates were, suggesting situations where people did not see the value of this document and its importance in avoiding problems in the future.

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**V - CONCLUSIONS and RECOMMENDATIONS**

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A land distribution program is perhaps the most challenging issue that any government or NGO can take on. Land lies at the heart of people's livelihoods and as such, provides the foundation for raising their own productive capacity, pulling themselves out of poverty, and reducing their vulnerability to crises such as crop failure, illness, and death in the family. As the three case studies show, existing land distribution schemes have a long ways to go and many challenges to overcome before vulnerable and marginalized individuals, families and groups can genuinely benefit from and acquire a sense of ownership over the process and the land.

In Cambodia today, there is a key opportunity for NGOs to play significant roles in advancing a people-centered land distribution scheme. Current thinking concerning social concessions, in particular, offer a unique space for bringing vulnerable people's concerns at the forefront. NGOs can build upon this space by identifying situations, advocating for people-centered processes, monitoring land distribution for fairness, and providing support in terms of development aid.

In closing, it should be remembered that the purpose of the research is not to provide all the solutions. Rather, it aimed to describe differing situations and lessons learned to contribute to the development of more clear and effective processes in land distribution. It is from the lessons of the three examples that the study lays out some conditions that could help shape a more successful land distribution.

***Conditions that will make for a successful land distribution scheme (LDS)***

Foremost among the conditions for a people-centered land distribution scheme is the ***legal framework*** that will serve as its foundation. It is to this framework that planners and implementers will look to for guidance in what land can be given out, what falls within the bounds of an effective and equitable program, and what practices abide by and upholds the law. At the core of this framework will be guidelines that strongly and categorically signify that the powerful – because of their positions, their ability to wield their resources and political access – cannot take the property of others, and that such actions can face corresponding penalties and/or punishments. Among others, it will also offer guidance on the selling and buying of land, and how these are linked to the overall Cambodian development strategy.

The more specific conditions that emerge from the findings of the study are outlined below, presented under broad topics requiring careful thought and definition. These more detailed guidelines proceed from the research results, where relevant lessons could be culled. As noted elsewhere in this report, the study did not attempt to be exhaustive. The suggested guidelines then are not comprehensive but offer preliminary discussion points in further laying out the particulars in each topic.

A. Purpose of land distribution or social concession schemes

Three purposes should underlie any effort to distribute land or to undertake social concessions:

1. To make land available to the rural (and urban) poor in order to afford them opportunities to build a sound and sustainable livelihood, and to ensure their secure access to food
2. To maintain socio-economic and political stability, and to restore confidence and trust in local leadership and/or governance structures, and
3. To help build cohesive, informed and self-determining communities.

B. Guidelines concerning regulations and decisions in land distribution schemes

1. Land to be distributed is free, without charges, and belongs to the State. No government entity, official, civil servant or military personnel can attempt to require or receive payment of any kind, officially or unofficially, from designated recipients. Violators and attempted violators will be subject to administrative penalty, civil damages, and/or criminal prosecution.
2. Attempts or acts by designated recipients to obtain favored treatment by way of bribe, promises of future reward, or any other benefit to a government entity, official, civil servant or military personnel shall cause the violator or attempted violator to be immediately disqualified from receiving a parcel of land for a minimum number of years.
3. Distribution of land or social concession schemes must be based on actual facts of homelessness, landlessness and lack of private resources of the designated recipients to provide for themselves.
4. The distribution of land must be done through procedures that are in full compliance with relevant laws and regulations.
5. There must be open, transparent and fair criteria and standards for prioritizing and selecting recipients of the land distribution.
6. There must be a balance between the land planning needs of the State and the subsistence needs of eligible individuals and families

C. Administrative decisions

1. Standards and criteria to be established

- a. Identifying lands from the private domain of the State to be used for social concessions

Issues of security and safety, productivity, and accessibility should be considerations in distributing land to the landless.

- *Security and safety* have to do with presence of landmines/ UXOs in the immediate vicinities of the area where land will be distributed; with whether or not the area is prone to flooding; and, with the relative frequency with which (armed) bandits come to threaten villagers. It also considers the

historical background of the land to be distributed to prevent situations of ownership claims from individuals, families, or from an entire village.

- *Productivity* refers to the capacity of the land to nurture crops that LDS recipients can produce, consume and/or sell. In particular, land to be given out should be arable and permit the recipients to establish agriculture-based livelihoods.
- *Accessibility* has to do with the geographic location of the land that is distributed – in effect, enabling beneficiaries to have easy access to local markets and/ or neighboring villages with whom they can trade or exchange their goods and services.

b. Eligibility of applicants for receiving social concessions

- Land should be distributed among vulnerable individuals and families who number among the landless, those with disability, female-headed, are orphans, elderly, internally displaced, the returnees, demobilized soldiers, and others who number among the poor.
- Distribute land strictly according to the established guidelines and without bias for or against particular persons within or outside the village. In this regard, bribes or payment of some form to some people should be penalized.
- Variations in the family structure should be taken into account in defining the criteria. That is, situations of several families having one single and the same male head (i.e., a man has 2 or more wives) should also be a basis, to diminish the likelihood of some *de facto* women-headed households being excluded in the scheme.<sup>1</sup>

c. Type and size of land to be distributed

- Residential, rice land, and *chamcar* land should be distributed to the designated recipients of the land distribution scheme.

As the three examples substantiate, beneficiaries plant portions of their residential land (averaging 0.395 hectares in all 3 sites) to vegetables, rice and fruit trees. Evidently, beneficiary families work with their limited land in terms of generating a livelihood that will ensure their secure access to food and income for other basic needs (e.g., treatment of the sick, purchase of food items, schooling of young children).

- Land should be distributed among the designated recipients based on family size.

There is a clear rationale for the people's bias for this criterion. For them, relatively larger parcels of land to larger households permit these units to mobilize members who are already able to contribute to food production and or income earning activities, or to devise strategies for avoiding poverty. The proposal likewise suggests a degree of foresight in that households are given

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<sup>1</sup> *De facto* female-headed households are those in which the self-declared male head is absent for at least 50 percent of the time. This is often contrasted with *de jure* female-headed households where the woman is considered the customary and legal head of the unit (Haddad et al., 1995:11)

the opportunity to subdivide their land among its younger members without necessarily contributing to a situation that leads to land fragmentation.

- d. Conditions to be met for converting a social concession to private ownership
  - Beneficiaries are registered with an appropriate local cadastral body, to ensure recognition of their rightful occupation of distributed residential, rice, and *chamcar* parcels of land.
  - Beneficiaries should have lived and productively utilized the land they received for at least 5 years. This period will help establish the intent of the beneficiaries to establish a long-term base in terms of residence and livelihood and indirectly, will help support the development of the country's rural economy.
  - Beneficiaries hold a certificate of temporary ownership, in addition to having their family book and relevant documents that will establish their legal occupation of land.

## 2. Procedures needed

A host of other activities critical to a land distribution scheme are carried out. These suggested activities are outlined below:

- a. Conduct a cadastral survey, which will establish the location, type and size of land that can be distributed as part of social concession, as well as determine the extent, value and possession/ ownership of land in localities where social concessions are being considered.
- b. Pre-determine, in a transparent manner, the number of beneficiaries for a given size of land. Defining this number can minimize the likelihood of abuse (e.g., bringing in relatives or friends who would ask for favored treatments either through bribe or promises of future reward) by those invested with the power to distribute land.
- c. Prior to land distribution and with designated beneficiaries participating, draw up tentative measurements of land that will be distributed, and carefully define the boundaries of each land parcel based on the defined dimensions. Once final, these measurements and boundaries are documented in the cadastral map of the locality.
- d. Where feasible and it does not create jealousies and/or conflicts, offer the designated beneficiaries the opportunity to choose the location of the land that they are to receive. Seemingly, beneficiaries' participation in this matter contributes as well to their sense of ownership over the LDS processes.
- e. Upon land distribution, mobilize and/or involve existing organizations in the locality (e.g., NGOs, formal and/or informal community associations) to assist beneficiaries with registration procedures at the district cadastral office.
- f. District cadastral offices to issue official land titles to the beneficiaries immediately upon distribution of the land. Alternatively, issuance of land titles can take place 5 years after the beneficiaries have received their parcels of land, as well as established their residence and livelihoods on the distributed land.

Creating feelings of security on the part of the beneficiaries is the chief advantage of making titles immediately available upon distribution. A disadvantage to this option, however, is that it could open opportunities for recipients to engage in land speculation. On the other hand, distributing land titles after 5 years affords beneficiaries to work their land and helps establish a strong sense of ownership over this resource.

- g. Undertake information campaign concerning the beneficiaries' rights of possession or ownership over the land they received. This information campaign should be undertaken among the beneficiaries and other members of the community, including local governance structures at village, commune, district and provincial levels. The campaign will also focus on the corresponding penalties in situations of illegal land incursions or encroachment, confiscation, or occupation.

#### D. Key actors

Key actors to an effective LDS are the different stakeholders. In particular, these are the designated beneficiaries, government personnel representing the governance structures, small-scale entrepreneurs representing the private sector, formal and informal community organizations, as well as the NGOs.

1. *Government offices and officials* to be involved at village, commune, district and provincial levels should be defined. While these 'layers' of officials are full participants to the design and implementation of the scheme, efforts should be avoided in creating a hierarchy that becomes prohibitive and difficult to follow. Governmental participation in the scheme is especially important in terms of giving recognition to the LDS process and to facilitating the issuance of land titles or certificates of ownership of the beneficiaries.
2. *NGOs* will help facilitate the planning, implementation, and post-distribution processes of the land distribution scheme. These organizations could help identify and screen beneficiaries; lend support to the cadastral survey, as well as measurement and mapping activities; and help monitor the actual distribution of the land. They could also provide support in terms of agricultural inputs (e.g., knowledge, skills, implements), options for supplementary sources of livelihood, and organizing the beneficiaries so that they may become stronger in their efforts to exercise self-determination. Additionally, they could extend other forms of assistance (e.g., horizontal and vertical linkages to support organizations) that will help create strong and cohesive rural communities.
3. *Designated beneficiaries or recipients* are to actively participate in drawing up the guidelines for the actual distribution, in the actual distribution itself (e.g., measurement of plots, setting up markers, preparing map) and for the necessary follow up activities such as land titling.
4. Once all stakeholders and/or power parties agree, a *technical team* with skill must be given mandate to implement the LDS according to clear procedures. Others who will directly work with this technical team could benefit from a training course on the mechanics of land distribution and concomitant support mechanisms.

In addition to the technical team, representatives of the above stakeholders could *form a committee* which will be tasked with defining the eligibility guidelines, of calling for meetings, of holding regular and timely discussions on the guidelines and

on problems being met, and of coordinating with appropriate government officials on specific land distribution concerns. This committee may well be the group that could work with the land distribution technical team.

5. A *conflict resolution committee* is formed. This body will be responsible for investigating land-related disputes and resolving these according to relevant laws and regulations.

E. Support structures and mechanisms

1. Infrastructures should be constructed or are made available to the LDS beneficiaries. This evidently stems from a concern to have improved productivity through an irrigation system, as well as to have easy access to markets and other communities through roads. Inferring from the data of the study, infrastructures could well include a school and a health center.
2. Beneficiaries should receive support in terms of agricultural knowledge and skills, as well as implements and inputs (including draft animals and equipment) they will require for their agricultural production.
3. A strong community support system (e.g., community organizations) should be fostered. This group will coordinate with a conflict resolution committee as it monitors the well-being of the land distribution beneficiaries.

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***CASE 1 – LAND DISTRIBUTION IN VILLAGES OF TAKOT AND  
TOMNOP TAKUON, BATTAMBANG PROVINCE***

In 1998, land distribution took place in the two villages of **Takuon Tomnop** and **Takot** in Kdol Taken Commune, Bovel District when local people sought to secure a piece of land for residence and for livelihood. *Tomnop Takuon* and *Takot* are in isolated and heavily forested, de-mined areas but remain vulnerable to the threat of land mines as these are prevalent still in the immediate areas of the two villages. This precarious living situation of the villagers is compounded by their feelings that there are no guarantees to their rights over their land. In these two communities, disputes arising from land occupation as well as confiscation by soldiers and an association claiming to serve disadvantaged people remain unresolved. Residents have called for an intervention that is just and secures their rightful access to their land.

#### *Background information*

The fairly remote and wooded area of **Tomnop Takuon** is about 40 kilometers from the district town of Bovel. Established in 1997, it was pioneered by its former village chief, Mr. Daun Teng, and 5 other households when no one else wanted to settle in the area. The 5 households were originally from the provinces of Takeo, Prey Veng, Svay Rieng, Kompong Cham, and Siem Reap. The total land area of the village is not known but that for rice cultivation is at 1,264 hectares. About 453 households, at a combined population of 1,546 persons, make up its present residents. Settlers have built their homes in the area according to the structure of the divided land.

Adults and children alike have had access to a 4-classroom school since 1999 although the nearest one is some 18–20 kilometers away. The school offers one literacy class for adults as well. There has been a 10-kilometer stretch of road since 2000-2001 which connects 4 villages with one another. About 7 wells exist in the village and these have been in place since 2000. The nearest market and health center is about 28 kilometers away from the village. This lack of access to a nearby health facility appears to be compensated by the presence of 2 midwives, and some CRS-trained health practitioners who help disseminate information and bring patients to a hospital. About 376 of the households have latrines.

Five NGOs are working in *Tomnop Takuon*. Catholic Relief Services (CRS) staff provides training on primary health care, and gives out nets and water buckets. The Mines Advisory Group (MAG), on the other hand, undertakes mine clearance and education. To date, MAG has made available 13 hectares of de-mined land and on which the existing road and school now stand. The other organizations in the village are World Food Program (WFP), SEILA (a UNDP rural development program), and Lutheran World Service (LWS).

**Takot** village, on the other hand, is about 18 kms away from the Bovel District town and has a total area of 695 hectares. Of these, 510 hectares have been designated for rice cultivation, and the remaining 185 hectares for *chamcar*. A small village existed during the Sihanouk regime and it was re-established in 1998 upon the initiative of the village chief and several other people, most of whom were Khmer Rouge soldiers. They requested land measuring 1800x1000m from Divisions 6 and 20 of the Khmer Rouge which, at that time, controlled the locality where they wanted to establish the village. Later, migrants from Takeo, Kompot, Siem Reap, Kompong Thom, Svay Rieng, Battambang and Kompong Cham came and settled in the area. Presently residing in the locality are some 217 households, or a total population of 1193 persons of whom 684 are women. Residents generally live along the main road of the village.

Roads, irrigation canals, a school, and sources of drinking water are among the infrastructures in place since 1998. The nearest health center and market is 18 km away in the district town of Bovel. Small stores sell medicines, but in serious illnesses, people go to clinics around Bovel market.

There are four NGOs that have programs in *Takot*: WFP provides food for work; CRS focuses on malaria prevention, giving nets and blankets, and general health awareness; MAG undertakes mine clearing; while LWS assists in health sanitation, environment, and human rights. In 1999, LWS also helped renovate a two-classroom school, and in constructing 7 borewells.

The two villages then, are relatively recent communities of migrants and, in the case of *Takot*, of ex-soldiers. While fairly remote, both receive development assistance but yet remain isolated from basic facilities and services, such as a health center and a market. Of the two, *Takot* seems more advantaged however, in that it has a few more infrastructures such as a school and irrigation canals.

#### *Household interviewees' characteristics*

Majority of the household interviewees fall under the 30-39 age group followed by those under the 40-49 category (Table 1). Two-thirds of them are male, and represent households with an average size of 5 members.

According to the interviewees, many of them came from other parts of Battambang while a handful moved from Banteay Meanchey, Svay Rieng, Kampot, and Kampong Thom. More than half cited not having land or not having enough land as the main reason for moving to Tomnop Takuon and Takot. Others stated that they were refugees/ returnees, or that they came because they heard about the land distribution scheme. Approximately 35% percent moved to their present community in 1997, while 47% relocated there in 1998 or around the time when land distribution took place in both villages. Six interviewees followed the year after.

Rice farming and *chamcar* are the major occupations of the household interviewees (Table 2). For supplementary sources of income, they cited day labor, subsistence fishing and small businesses. Small businesses cover activities such as cutting wood for sale, carpentry, charcoal production, and engaging in small-scale buying and selling. Six interviewees said their major source of income was not within the village.

#### *CONDITIONS AND REASONS FOR IMPLEMENTING THE LAND DISTRIBUTION SCHEME*

The events leading up to land distribution in the village of *Tomnop Takuon* are unclear. Focus group discussants noted that the Commune Development Committee (CDC) sought to enlarge the commune, and to create villages for people who have no land. To this end, the village chief, CDC members, the police, and village, commune and district cadastral authorities decided to distribute land in 1998. All of the village land area was included as distributed land.

In *Takot*, land distribution took place in two stages. The first stage occurred due to a request made by 25 families (approximately 200 persons) from Chroay S'dao, Battambang to a Khmer Rouge army commander in May 1995. LWS, an NGO working in the area, witnessed this first

distribution of land. In 1998, people who had moved into the area also asked the KR Infantry Divisions 6 and 20 to distribute land. In the same year, and with the approval of the village chief, they received parcels of land.

*CRITERIA, PROCESSES AND DECISION-MAKING MECHANISMS TO SELECT, VERIFY AND APPROVE ELIGIBLE PERSONS*

The key personalities involved in the decision to implement the land distribution scheme in *Tomnop Takuon* consisted of the village chief, CDC, police, and village, commune and district cadastral authorities. People were informed through meetings and grouped. A leader was then selected for each group and made responsible for the division of the land. The actual process involved measuring a certain amount of land and dividing these among the families.

The CDC apparently made the decision on the guidelines of eligibility for the land distribution. Consistently with the interest of expanding the commune and in the process giving out land to those who did not have this resource, parcels of land were given out to (a) migrants who have proof that they did not have access to land from their previous residence; and, (b) families and individuals who were willing to live in the area permanently. This latter guideline proved to be the actual characteristics of those who now live in the area. Beneficiaries were said to have acquired 2400 square meters (0.24 hectare) to 15,360 sq m (i.e., about 32 x 480m or 1.5 hectares) of residential land *and* 4 hectares of rice land.

In *Takot*, the major decision maker was the Khmer Rouge army commander who provided and distributed land to the 25 families. The subsequent land distribution in 1998, on the other hand, involved two other officers of Infantry Divisions 6 and 20 who worked with the village chief on this activity. No mention was made of any form of eligibility guidelines.

Residents in this village received residential plots, riceland and *chamcar* land at a combined size of 40x1000m. However, some received parcels with width sizes of 18, 20, 40, and 50m, at length sizes of 200m up to 1000m. Only 30% of the villagers received 10-20mx1000m of land, the type of which was unspecified. The reasons for the unequal land sizes are unclear but villagers claimed that the Khmer Rouge army commander determined the dimensions of the land given out, and that the district authority did not recognize the village that the land distribution gave rise to. Only in the year 2000 was the village registered as part of Bovel district.

The findings from the household interviews in the two villages do not shed further light on the land distribution criteria or eligibility guidelines (Table 3). With most of the interviewees receiving their land in 1998, responses varied with 48% citing poverty or landlessness as a criterion for the land distribution. Some 23%, on the other hand, noted that they paid for the land, about 16% said that volunteering to live in the area was sufficient, while 13% mentioned that being a soldier qualified them as recipients. Examined in relation to a question on how they acquired their land, more than half of the interviewees in both villages said they obtained it because they knew an official in the village and in the military (63%). Others noted that they asked for the land that they are cultivating (23%), while a few said that they paid for the land (14%). *Thus, while there seemed to be sketchy guidelines in the land distribution, it would appear that knowing people who were key to this activity was a facilitating factor to people's access to this important livelihood resource.*

The sketchiness in the land distribution guidelines also finds evidence in the varying sizes and types of land received (Table 4). Interviewees disclosed that the dimensions of the distributed land were not uniform and for those who obtained residential lots, 62% got less than 0.5 hectare. Of the 29 recipients of residential land, only 6 and 3 persons received riceland and *chamcar*, respectively.

Asked on how they participated in the land distribution activity, household interviewees cited involvement in several ways, with some 45% of them claiming they measured land (Table 3). About 18% stated that they attended meetings, while 14% mentioned clearing forests. The participation of a few other households (23%) did not directly relate to the land distribution tasks but it would appear that their role focused more on helping build the community. Clearly, a coherent plan to involve people in the land distribution scheme was not within the orientation of those who gave out land even as the people themselves initiated the idea of acquiring this key resource for their livelihood.

#### *CONDITIONS AND METHODS TO ACTUALLY TRANSFER THE LAND*

Household interviewees had a range of viewpoints concerning their rights over the land they received (Table 5). Majority of those who expressed having rights to their land claimed that they can do anything to the land they received, such as occupying it for residential purposes, for production and consumption purposes, or for subdividing it among their children. Interestingly, only 30% mentioned that they could sell the land they received, while an almost equal proportion did not offer any response.

From among the array of reactions (including lack of it) to this question on rights over land, significant numbers noted that they did not have full rights since ownership is still conditional (50%), and that there are no clear demarcations on the land they are occupying (44%). Those indicating that ownership is still conditional were mainly from *Tomnop Takuon* who qualified this response by saying that full ownership would occur only after living in their land from 3 to 5 years. This is apparently true for any type of land – i.e., residential, rice or *chamcar* land (Table 6). Focus group discussants in this village lent support to the household interviewees in expressing that ownership depended on staying in the area for about 5 years.

The procedures involving transfer of ownership over the land was unclear, much like in the selection of recipients (see Table 5). A handful of the household interviewees who shared information on this issue noted that they are staying on the land permanently, or at least for the stipulated 3-5 years, so transfer of ownership can occur. Some 48% of them, on the other hand, mentioned paying for the land and its documentation. Payments ranged from 5,000 to 216,700 riels (1US\$=3900 riels). In many instances, however, making these payments did not necessarily result in ownership or access to a rice land, in some firm assurance (such as a certificate) over their rights to the land, or immediate ownership of land. An equally interesting situation among those who paid for their land is the fact that most of them have had to negotiate with authorities at village, commune, district and even National Assembly levels – *suggesting (a) the lack of clarity regarding the hierarchy of authority, (b) the villagers' not knowing who they should deal with, and (c) the absence of support for villagers' efforts to have secure access to their land.*

Consistently with the seeming lack of system in the land distribution scheme in both villages, 61% of the household interviewees do not have proof of ownership. Of the 36% who claimed having this document, 11 said that the commune chief signed and issued the papers, while 2

others noted the cadastral office prepared the documents. *Worth noting, however, is an apparent lack of guarantee of certificates of land transfer.* This is evident in 2 cases where household interviewees claimed that despite a clear map of their 4-hectare land area, the land was still taken by an association purportedly serving disadvantaged women and the poor.

Beneficiaries who do not have proof of rights over their land currently seek the assistance of the Lutheran World Service in obtaining land titles. A Land Use Planning Unit (LUPU), established in 1999 to handle land ownership problems, including issuance of temporary titles, presently exists in the province. But while this unit has the two study villages under its coverage, none of the beneficiaries to the land distribution have received a land title from this governmental arm.

#### *FACTORS/ACTORS CONTRIBUTING TO SUCCESS, PROBLEMS, AND/ OR FAILURE*

Overall observations from the interviewees at household and group levels in the two villages reveal that the land distribution scheme had more weaknesses than strengths (Table 7). Only 11% of the household interviewees articulated some satisfaction with the scheme, while the majority expressed opposing views. About half of them characterized the activity as being filled with conflict, and more than a quarter thought that it involved corrupt and unjust practices (Box 1). Interviewees in *Tomnop Takuon* substantiate this feedback with stories of how the village chief measured plots of land that were smaller than the defined size. Villagers apparently did not dare to complain, however, and did not offer clear reasons for not speaking out.

The predominantly poor 'ratings' on the land distribution scheme may be traced to a number of factors that the interviewees' comments echo. Chief among these was the lack of clear planning in the distribution of the land, as further evidenced by the ambiguity of the guidelines on who has priority over the resource, as well as by the absence of proof of ownership among majority of the beneficiaries. This was particularly true in *Takot* village where key officers of KR, with support of the village chief, were the main actors to the scheme and, as such, appear to have acted in an "un-participative" mode as is the practice in military organizations, and in a "non-strategic" manner which is uncharacteristic of military persons. In *Tomnop Takuon*, a committee led the planning and implementation of the scheme, including the drawing up of a few broad guidelines on who will be the scheme's beneficiaries. An overriding reason for this seemingly more systematic approach, however, lies in the commune leaders' initiative to give out land as part of an intention to expand the commune area.

The villagers' limited involvement in the land distribution process is also evident in their lack of voice in selecting the land they were to receive. Only 39% of the household interviewees were able to choose the land they preferred and now occupy, while 61% had to accept what they were given. Findings concerning their forms of participation lend support to their lack of meaningful contributions to the scheme. It will be recalled that the few who played a role only took part in the physical work of clearing the forest and measuring the land, as well as in attending meetings.

Independently of or interactively with the lack of careful planning and implementation of the scheme and the villagers' lack of participation in it, other situations emerged which further shaped the lack of direction of the land distribution. The growth in the population in both villages and the key players' increased recognition of how land can be a source of power and

**BOX 1**      **IRREGULARITIES, DISPUTES AND APPEALS CONCERNING ACCESS TO LAND IN TOMNUP TAKUON**

Before getting a piece of residential land of 40x60m and rice land of 40x200m, 40x250m, or 40x1000m and a piece of paper indicating ownership, each family had to pay 700 Bahts. So far, everyone has paid this amount, but some people who got along with village chief usually obtained both rice and residential land and the certificate of ownership. However, some people got only residential land and their certificates of ownership (indicating both residential and rice land) were destroyed. The villagers stated that the village chief has sold some pieces of land to newcomers and this is why the number of families has increased up to more than 400 families. So, this has created problems. There are 3 other big problems that the villagers face:

Dispute 1: The neighboring villagers had intimidated and attempted to kill people of Tomnup Takuon and had burned many houses down. Many people have run away from the village. Villagers were accused of cultivating on neighboring villagers' land (Actually, the land was distributed by Division 6). This dispute lasted for years.

Dispute 2: According to the people, the association is led by a wife of a top chief of the armed forces and this group is located on the village land. The association has brought many people to stay on the land and created a big camp. It promised people that those who stay on this piece of land will own the land in the coming several years. When villagers from Tomnup Takuon farm near the camp, people affiliated with the association chase them out and say that the land belongs to their group. The villagers also said that the association is illegally located on Tomnup Takuon land. It is not registered in Phnom Penh at all, and is composed only of a few people who took the chance to grab land for their benefit. Village interviewees also mentioned that those who stay in the camp were being cheated because the piece of land will not be given to them, but that the leader of the association will sell it.

Dispute 3: The soldiers making up Division 6 did not allow those who received residential land to cultivate crops on this land. People have filed complaints to the National Assembly and other leaders to solve this dispute between the villagers and the association and Division 6 who grabbed their land. Top leaders agreed that all disputes would be solved. However, people's solidarity was simultaneously being broken up because the village chief was on the side of Division 6. Soldiers from this military division then requested people to withdraw the complaints and promised to give back the land. They told people to reason out that they are withdrawing the complaint due to a misunderstanding. People then agreed to give their thumbprints for this withdrawal of complaint. But Division 6 did not give the land at all. Consequently, people could not complain again because they already agreed to withdraw the complaint. For this reason, people still suffer. However, not all villagers have agreed to give thumbprint for withdrawing complaints.

The village informants present three requests regarding their plight. **One**, they ask the government and NGOs to support them so the disputes are solved in a just manner. They are ready to die for justice. **Two**, they appeal to the government to legislate a law prohibiting district and provincial governors from having rights to give or sell hundreds or thousands of hectares for individuals. They believe it is unfair that people do not have land to cultivate, but the rich and powerful people keep uncultivated big pieces of land. Where are the rights of people who are supposed to live in dignity? **Lastly**, they ask that the government give land to people based on number of family member to avoid future conflict.

non-production income, for instance, gave way to unfair and exploitative practices in gaining access to a parcel of land, whether residential, riceland, or *chamcar*. This is evident in the interviewees' comments about how other residents did not receive land of any type even as a number of them paid out some amounts for this resource. It likewise shows in how some community members (e.g., the key actors' relatives, an association supposedly serving poor people) benefited more than others in terms of the type and size of land received, and in how land was sold rather than given to the needy. Similarly, unclear demarcations of parcels of land made for easy encroachment and confiscation by others. The reported participation of village, district and provincial officials in these unfair practices suggests the lack of recourse on the part of the people on who to approach so that these land issues may be settled. This latter observation also finds support in an earlier finding that villagers made payments on their land to authorities at different levels so they may have secure access to it.

Another visible factor to the problems that beset the land distribution scheme and its relative lack of success was the issue of soldiers in the village and how they staked prior claim to the distributed land or land cleared by the villagers. Such was the situation in ***Tomnop Takuon*** when soldiers and an association for the poor came to occupy the villagers' land in 1999, and rendered some 300 families landless. Villagers brought the matter to the attention of the National Assembly. But while the president of this legislative body signed and issued a letter suggesting to all concerned to deal with the problem, the issue has not been addressed to date. Similar instances were recorded in ***Takot*** where soldiers confiscated land. One household interviewee noted that he had cleared land in the forest but a soldier claimed it and left him only with a small piece of land. There were also reports from the two study villages that soldiers tended to receive larger parcels of land compared to non-soldiers.

Beyond the key actors who have been pivotal to the inadequacies of the land distribution scheme, the small parcels of mostly residential land received by many beneficiaries appear to have created less than adequate levels of living. The limited production they could have from these small parcels apparently did not meet their food and income needs. In ***Takot***, this has translated in the selling of land by 10 families from among the 20–30 who had left the village. These families reasoned out that they sold their land because of an illness in the family, lack of food, poor harvest, and unavailability of work. In ***Tomnop Takuon***, around 10-20 families have sold about a fifth of their land for almost the same reasons and for other unspecified problems. None of the ***Tomnop Takuon*** beneficiaries has left the village, however, because staying on has at least meant having somewhere to live on. Clearly then, access to small parcels of land has not generated sufficient harvests and employment in the two villages. Inadequate infrastructures (e.g., irrigation) appear to have also contributed to their poor production. Thus, even as NGOs had provided them support in the form of agricultural implements and food-for-work, said support could not go a long way in the face of other problems that the beneficiaries encountered.

#### *RECOMMENDATIONS FOR MAKING SOCIAL CONCESSIONS WORK OR MORE SUCCESSFUL*

Against a perception that the land distribution scheme has been inadequate, household interviewees recommended that people should participate in all aspects of the distribution scheme (Tables 8 and 9). Recipients recommend as well that they should have separate parcels of residential, rice and *chamcar* land that are clearly demarcated. They also propose that the conditions for owning land must be clearly explained to occupants. They specifically note that the conditions should stipulate that land cannot be sold and that recipients have to

stay for a given period before the resource can be owned. Land titles, they further suggested, must be issued to occupants.

Household interviewees' suggestions mirror those of the group discussants'. According to them, land distribution schemes could be made more effective if the process were to be participative before and during distribution (26% and 9% respectively). They clarify these by saying that a committee involving all possible stakeholders should be established. During the land distribution stage, they also propose that high profile officials, as well as NGOs should be actively involved. Across all the stages – i.e., before, during and after – the interviewees consistently mentioned the need for the issuance of land titles.

Table 1. Demographic characteristics of interviewees, Tomnop Takuon and Takot villages

CHARACTERISTICS	Number (N = 36)	%
<i>Age</i>		
20 – 29	3	8
30 – 39	15	42
40 – 49	8	22
Older than 50	10	28
<i>Gender</i>		
Male	24	66
Female	12	34
<i>Household size</i>		
1 – 3	7	20
4 – 6	16	44
More than 7	13	36
<i>Location of previous residence</i>		
Battambang	30	83
Banteay Meanchey	2	5.5
Svay Rieng	2	5.5
Kampong Thom	1	3
Kampot	1	3
<i>Reasons for moving to present locality (n=38)</i>		
No land/ not enough land	22	58
Refugee/ returnee	7	18
Heard about land distribution scheme	7	18
Newly married	1	3
Transferred/ re-assigned (?) soldier	1	3
<i>Year moved to present location (n=34)</i>		
1999	5	15
1998	16	47
1997	12	35
1996	1	3
<i>Year received land (n=35)</i>		
2000	1	3
1999	4	11
1998	18	51
1997	11	31
1996	1	3

Table 2. Primary and secondary occupation of interviewees.

OCCUPATION	LOCATION OF WORK		
	Within Village		Outside Village
	Number	Percent	
<i>Primary occupation</i>			
Rice farming and <i>chamkar</i>	30	91	6
Small business	2	6	-
Soldier	1	3	-
Total	33	99	6
<i>Secondary occupation</i>			
Rice farming and <i>chamkar</i>	11	44	-
Small business	10	40	-
Day labor	3	12	-
Fishing	1	4	-
Total	25	100	-

NOTE: Interviewees provided multiple responses on their primary and secondary occupations.

Table 3. Eligibility guidelines and forms of participation in land distribution scheme.

Item	Number	Percent
<i>Eligibility guidelines in land distribution (n=31)</i>		
No response	5	14
Reported some eligibility guidelines	31	86
No land/poor	15	48
Volunteered to live in area	5	16
Paid for the land	7	23
Soldier	4	13
<i>Mode of land acquisition (n = 36) <sup>a/</sup></i>		
No response	1	3
Reported modes of land acquisition	35	97
Knows official (village chief/ army commander)	22	63
Asked for land	8	23
Paid for land	5	14
All soldiers who defected got land	1	3
<i>Forms of participation in land distribution (n=36) <sup>a/</sup></i>		
Did not participate/ no response	14	39
Participated in some way	22	61
Measured land	10	45
Made road, school, well	5	23
Attended meetings	4	18
Cleared forest	3	14
Paid for land	1	4

<sup>a/</sup> Percentages exceed 100 percent due to multiple responses from some interviewees.

Table 4. Type of land received by size and use.

TYPE OF LAND	SIZE	NUMBER	PERCENT	USAGE
Residential	Less than 0.5 ha	18	62	House Rice farming <i>Chamkar</i>
	0.5 to 1.0 ha	2	7	
	1.0 to 1.5 ha	1	3	
	1.5 to 2.0 ha	4	14	
	More than 2 ha	4	14	
	Total	29	100	
Riceland	3 to 6 ha	6	22	Rice farming
<i>Chamcar</i>	0.42 ha	1		
	1.20 ha	1		
	1.28 ha	1		

NOTE: The number of responses is less than the sample of 36 due to non-response from several interviewees; numbers are not consistent for each type of land since not all who acquired residential land also received riceland or *chamcar*.

Table 5. Ownership rights and steps taken to acquire rights.

OWNERSHIP-RELATED ISSUES	NUMBER	PERCENT
<b><i>Rights over land received</i></b>		
No responses	13	36
With rights to land <sup>a/</sup>	23	64
Can stay/live on the land	22	96
Can use for production, consumption purposes	20	87
Can rent out to others	15	65
Can subdivide among children	13	56
Can sell	7	30
<b><i>Reasons for not having full rights over land(n=36)</i></b>		
No responses	20	56
Reasons cited <sup>a/</sup>	16	44
Not lived in the area long enough/ conditional tenure (3-5 years)	8	50
No clear demarcations	7	44
Land is for the poor	2	12
<b><i>Steps undertaken for transfer of ownership (n=36)</i></b>		
No response	11	31
Steps taken	25	69
Paid for land and documentation	12	48
Staying permanently or for 3-5 years/ conditional	4	16
Awaiting government action	3	12
No apparent steps taken (3 in Tomnop Takuon with temporary certificates; 3 different responses in Takot)	6	24
<b><i>Evidence of proof of ownership (n=36)</i></b>		
No response	1	3
With evidence	13	36
With no evidence	22	61
<b><i>Source of ownership (n=13)</i></b>		
Signed, issued by commune chief	11	85
Signed, issued by cadastral office	2	15

<sup>a/</sup> Interviewees claiming rights to land gave multiple responses to the question hence total number exceeds 23.

Table 6. Length of time needed to become full owners, by type of land.

LENGTH OF TIME	RESIDENTIAL LAND		RICELAND	CHAMKAR
	Number	Percent		
1-5 years	12	80	5	2
5 months	1	7	1	1
20 days	1	7	1	1
Others	1	7	1	1
TOTAL	15	100	8	5

Table 7. Overall comments of interviewees on the land distribution scheme in their village (n=36).

INTERVIEWEES' COMMENTS/ STATEMENTS	NUMBER	PERCENT <sup>a/</sup>
<b>LAND DISTRIBUTION CHARACTERIZED WITH CONFLICT</b>	19	53
Some conflicts (1)		
A lot of conflicts, not fair (13)		
More people than land to distribute caused conflict (1)		
Initially land was for 200 people, and now 400 and in addition military took big portions of the land (1)		
Some soldiers came and took a big piece of land and then left it and did not use it. Others came to take it and when soldiers returned there was a big problem (1)		
Soldiers do not listen to authorities (2)		
<b>INCIDENCE OF CORRUPTION &amp; INJUSTICE</b>	10	28
There is no justice here; it all goes to their family and relatives (1)		
Village chief took some of the people land and took one meter from each family (1)		
Some receive less and some more (3)		
No justice because some got 5 hectares, some got none, and a big portion was given to big soldiers and association (3)		
Land is for giving to people, but they sell it instead (1)		
Provincial officials come and say to (village) chief "keep one plot for me," district officials come and say to (village) chief "keep one plot for me" (1)		
<b>RECIPIENTS UNFAIRLY TREATED/ EXPLOITED</b>	5	14
Some manipulate us and take our money (1)		
Village chief is very exploitative (1)		
It was very partisan and money orientated (1)		
Boundaries are not clear; soldiers claim it is their land (1)		
Not clear rice farm land was promised 5, 2 and then not at all (1)		
<b>OTHER COMMENTS</b>	6	17
Land distribution was fair, but later abused by outsiders (1)		
Distribution committee no chance to debate with association (1)		
Please help me to say this story to higher folks in PP (1)		
Request that NGOs intervene in solving land conflict for all people (1)		
Should have to build a house (1)		
Should distribute land equally (1)		
<b>GOOD (NO EXPLANATIONS OFFERED)</b>	4	11

<sup>a/</sup> Percentages total more than 100 due to the multiple responses of interviewees.

Table 8. Group discussants' suggestions on how to improve land distribution schemes.

PERIOD	TOMNOP TAKUON	TAKOT
Before	Should organize meeting to tell people about land distribution. Grouping their family by drawing (lucky draw) Committee should measure the land for each family prior to distribution	Village should have clear boundary, have land for residential, for rice farm, irrigation system Conduct meeting with participation from people, NGOs, local authority and cadastral officials.
During	Contact with commune office to form a committee Should have participation from NGO Should have intervention from authority (governor)	Should give clear land titles to people
After	Set clear boundaries [on distributed land] by inviting governor and ministry of interior to be witness	Ban on land sale should be stated in law. Formulate clear terms and conditions that beneficiaries have rights after they stay on land over a certain period of time.
Overall comment	Good but there are some land encroachments from outsiders. The villagers urge to get land back (land that they received from distribution scheme). This matter had been raised to Prime Minister Hun Sen and a judge.	Land distribution insecure because beneficiaries do not have title

Table 9. Interviewees' suggestions on measures towards an effective land distribution scheme.

SUGGESTIONS	Number	Percent
<b>BEFORE LAND DISTRIBUTION (n=36)</b>		
Set up a land distribution committee involving all possible stakeholders	26	72
Map, title should be clear & pre-determine number of beneficiaries	5	14
Distribute land among homeless and disabled	3	8
No partisan influence	1	3
Clear and committed	1	3
<b>DURING LAND DISTRIBUTION (n=25)</b>		
Set a committee that involves people	9	36
Involve high-profile officials, including NGOs	13	52
Issue land titles	2	8
Apportion equal sizes of land	1	4
<b>AFTER LAND DISTRIBUTION (n=17)</b>		
Issue land titles	11	65
Maximize utilization of land through crop production	4	23
NGOs should provide assistance to improving village	1	6
Create/establish village	1	6

***CASE 2 – LAND DISTRIBUTION IN TRAPING CHAMBAK VILLAGE,  
KOMPONG THOM PROVINCE***

The small-scale land distribution in Traping Chamkak, Kompong Thom province was not a product of some government program or NGO intervention. It is a story of a group of former soldiers, many of whom have physical disabilities, who came to settle on a piece of vacant forestland on their own. After other people tried to take it away from them, they organized and protested until the government agreed to implement a land distribution scheme. Beneficiaries of the scheme received small *residential* plots only, a situation that today, continues to undermine their income and food earning opportunities.

### ***Background information***

The village of Traping Chambak in Traping Reuse commune, Kompong Svay district is located about seven kilometers north of the Kompong Thom town along the road to Preah Vihear. Seven years ago, the village did not exist and was simply unoccupied forestland. Founded by a small group of former soldiers, the village has 108 families totaling 531 inhabitants. Adult male members of this population are almost twice the female members at 189 and 102, respectively. There are 240 individuals who are in the less than 18-year-old age category. The total size of the village land is 114 hectares, with residents settled in a concentrated manner in one part of the village.

There are no infrastructures in Traping Chambak, except for one national road and 5 other lines made possible by the World Food Programme between 1996 and 2000. The market and health center are 3 and 6 kilometers outside of the village, respectively. The distance to the nearest school is 4 kilometers, which children attend by walking. There are no sources of water – people gain access it by digging 1–2 meters deep into the ground. The village is not assisted by development organizations or NGOs, although WFP and the Cambodian Red Cross provided relief assistance to the residents in the past.

### ***Characteristics of Interviewees***

Interviewees to the household survey fall under the 25–40 age category (55%), 61% of whom are males (Table 1). Majority of them (45%) represent households with 4–6 members, although a significant proportion (39%) also claim to be in families that have 7 or more members.

Almost a third of the interviewees came to the village from other provinces. Nearly half of them were from Kompong Thom province, many from a nearby village and the rest from the center of the province. Most (64%) relocated to the locality because they were soldiers and had been sent by their commander to live there. Several (26%) were not necessarily soldiers but simply went to the village to gain access to a piece of land. About 45% moved to the village in 1996.

The lack of development support to the village finds evidence in the lack of sources of employment and income earning opportunities, and as such in the multiple livelihood activities of the interviewees. Fifty-five percent of them, for instance, depend for their primary occupation on growing rice on their small residential and/or borrowed land (Table 2). About 24%, on the other hand, engage in small business such as petty trading, cutting and selling wood, as well as repairing bicycles and *moto* taxi. Almost all have a secondary

income earning activity, with 50% growing crops for selling, 15% cutting wood to make charcoal, and another 15% engaging in daily labor.

#### ***CONDITIONS AND REASONS FOR IMPLEMENTING A LAND DISTRIBUTION SCHEME***

Traping Chambak's founding group of former soldiers were mostly from the same army division who had stopped fighting or defected from the Khmer Rouge in 1992 – 1993. With almost all of them being physically disabled by the war, they came to Kompong Thom in search of land and originally settled along the road with no land rights. Local military and provincial authorities eventually took pity on them and informally encouraged them to look for a good place to live. However, no legal arrangements were made at this time. It was only a verbal commitment.

The former soldiers and their families settled in the area of Traping Chambak, and started to clear the forest and live there. Later, other soldiers from their division and people from nearby villages joined them. Even more people without land saw this situation and came to clear the remaining parts and live there. Because the land was in a relatively good location along a main road and not far from Kompong Thom town, some local business people and provincial military officials intimidated and/or cheated the families into moving out or selling their land (Box 1). Many families left the village during this time. Others stayed and organized a series of protests in Phnom Penh. In response to the protests, Hun Sen intervened and ordered the provincial authorities to solve the matter. Upon receiving this order, provincial officials held meetings with various government departments and organized themselves to distribute land to the village's residents.

#### ***CRITERIA, PROCESSES AND DECISION MAKING MECHANISMS TO SELECT, VERIFY AND APPROVE ELIGIBLE PERSONS***

Officials from the village up to the provincial levels, the cadastral office and other related departments developed the eligibility guidelines and distributed the land. In addition to the provincial level discussions, these officials held some meetings with the villagers and subsequently developed a village map. In 1996 and partly based on the map as well as on the land that the families cleared, all 108 family units who fought for their rights received a plot each of 25x80m residential land. None of them received rice land. Focus group participants noted that no other type of land had been distributed due to the limited land area of the village. According to them, the primary criterion for receiving land was that the person had to be a disabled person, a widow or an orphan.

More than half (58%) of the household-level interviewees expressed that having been a soldier and being disabled had entitled them to receive a piece of land (Table 3). Others (29%) were not aware of the criteria for which they received the land they not have. They commented that a few of the relatives of government officials also obtained a piece of land, and that there were some who got larger parcels than the others. Their responses on how they acquired their land complemented the broad guidelines that the focus group discussants mentioned. That is, 48% of them said that they cleared the forest and were given permission by the authorities to stay in the area. A few noted that their relatives cleared the land and later asked them to join them in the village.

**"I will not go so easily!"**

There were many tactics that various people used to intimidate or trick villagers into selling their land. In one incident, military authorities came and informed the residents that the land was going to be used for a military camp. They warned them that if they did not sell, the government would take their land without compensation. Some people felt threatened and sold their land.

In another instance, one government official came to the village and said he would help the villagers obtain titles to their land. He showed them papers and said that in order for them to receive their respective land titles, they had to mark their names on the papers with their thumbprints. After some people did so, he told them that the paper actually said that they had sold their land to him. When some protested, he then said: "Come to my house in Kompong Thom and I will give \$300., and then you must leave the land." The villagers who went reported that he only gave them \$50., with promises to pay the rest later. The official took the land and the full amount was never paid.

Also another trick that has been played on the villagers is the non-payment of the soldiers' pension. Orchestrated by the military commander, such non-payment could take up to one year. This commander blames it on the central government and claims that the government has not sent the money for the pensions. By this time, people had incurred debts. The person who issued the salary would come and say that if people wanted to borrow money, he would give it to them personally and charge an interest of 60%. If villagers borrowed in middle of the year, they were charged 50% interest. If they obtained loans in the last quarter of the year, the interest was 35%.

In yet another instance of intimidation, provincial soldiers came and threatened to shoot the villagers if they did not leave their land. At this time, one of the villagers decided that he was not going to take it anymore. He said, "I will not go so easily. Even if they have to kill me, I will not leave the land that I cleared." He then went around the village and got others to agree not to sell their land. After many more meetings with local, district and provincial authorities who did not give any clear response regarding their rights to stay on the land, a group of villagers went and protested in Phnom Penh in front of the National Assembly.

After many days of sitting out in front of the legislative body offices, Hun Sen met the villagers and told them to go back to their homes. He said that he would inform the provincial officials to solve the matter. Soon after, all the provincial officials came to the village and organized the land distribution. "They measured and divided the land among us. However, some of these officials' friends and families also got land during this time."

Asked on their roles in the land distribution processes, over half (58%) said they did not in any way participate. Thirty five percent, on the other hand, indicated that they attended meetings. However, it was not clear from their responses whether the meetings were about the land distribution plans or were in preparation for their own protest action to solve the conflict. This protest clearly happened before the government recognized their rights to live there.

Except for two interviewees, all claimed that they received a parcel of either 25x80m or 30x80m residential land (Table 4). Two among these recipients claimed having rice land: one received 0.75 hectare, while the other said that he bought this property and that it is located about 30 km away from the village.

#### ***CONDITIONS REQUIRED AND METHODS TO ACTUALLY TRANSFER THE LAND***

When asked on issues of ownership, most of the interviewees asserted that they had full rights over their land in that they can stay or live on it, use it for production and consumption purposes, rent out to others, sell, or subdivide among their children. They admitted that individually, they do not have any papers to prove these full rights but that there is a collective plot map of the village being kept by the village chief. In what appears to be a unique arrangement, interviewees said that even though they do not have any ownership papers, they can sell their parcel of land if they want to but *they must get the agreement of the village chief before they can do so*. Given the conditions that led to the land distribution, staying on the land or keeping residence in the village for a given period of time did not seem to be a prerequisite to acquiring full rights over the land.

#### ***FACTORS/ACTORS CONTRIBUTING TO SUCCESS, PROBLEMS AND/OR FAILURE***

About 45% of the interviewees generally felt satisfied with the land distribution scheme in Traping Chambak (Table 7). This was apparently because their land had given them a place to live. An equal proportion stated, however, that they did not feel happy with the scheme. This set of interviewees reasoned out that their unhappiness stems from (a) their continued lack of rice land, (b) not having any legal papers indicating their ownership over the land, and (c) the occasional pressure from outsiders for them to leave the land.

Stories told by the interviewees point out that the key actors who have caused them problems were the corrupt provincial soldiers and officials who tried to intimidate or trick them off their land. They added that it was only upon the intervention of Hun Sen that provincial officials gave attention to their plight and began the land distribution process. Key to this intervention and the villagers' subsequent success to their rights over the land, however, were the few individuals who were willing to organize the others and take their case all the way to Phnom Penh.

Despite the interviewees' seeming secure access to their land, some issues characterized the land distribution scheme. For one thing, there were irregularities in the distribution of the land even as it was clear that the beneficiaries were the families of soldiers who were mostly disabled during the war. In particular, some relatives of government officials also gained access to a piece of land, and several acquired larger plots than the others. And, while the villagers themselves played critical roles in pushing for the land distribution

scheme, they had little say or participation in its planning and implementation. Some interviewees also expressed reservations about the seeming power of the village chief over the villagers on the issue of buying and selling of land.

Of greater concern to the beneficiaries is their lack of access to individual ownership papers, except for the collective map. They also note that the size of the land distributed among them is not proportionate to the size of their families, suggesting that whatever income they derive from it cannot be adequate to cover their needs. This seems aggravated by the lack of external support to the beneficiaries, particularly from NGOs in terms of assistance in agricultural production and other forms of income earning. The unavailability of infrastructures in the locality has also apparently limited their opportunities to better their lives.

In the face of these constraints, villagers have maintained a strong solidarity and remained firm in their conviction on their rights over their land.

#### *RECOMMENDATIONS FOR MAKING SOCIAL CONCESSIONS WORK OR MORE SUCCESSFUL*

Several interviewees proposed many measures for improving the land distribution process (Tables 8 and 9). These measures generally fell under those that could be taken before, during and afterwards. There was no one idea that was raised by a majority of those interviewed.

##### *Before actual land distribution process*

The interviewees noted that many preparation meetings are needed to gather ideas from villagers, NGOs and government staff. Afterwards, people should select a committee made up of villagers, NGOs, and government to make a clear plan and decide how to divide the land, by voting or other means. The committee should invite high-level persons to visit and recognize the process to avoid problems.

When planning, the committee should first determine the official boundaries of the entire village and make sure there are no other claims to ownership or conflicts with other villages. They should also consider the placement of roads, schools and other necessary infrastructure. When determining the size of the land, each family should receive land for both residential purposes and for rice growing.

Most agreed that the committee should also set clear criteria for who is eligible for land and who is not. The committee should be empowered and prepared to decide about disputes over the criteria.

There was no clear consensus on how land should be divided among those who are eligible. Some people felt that the land should be divided equally and others said it should be by family size. Some felt that a draw should be taken to determine who receives what land. Some people said that those living close to road should be happy with a smaller piece of land, but those people willing to live farther away should get more land.

*During actual land distribution process*

The people interviewed had some very practical ideas of how to make the actual distribution process go smoother. First, there should be an overall map of the village with the boundaries given to everyone showing the different plots of land. The land should be divided on the map before it is measured on the ground in order to make sure that there is enough for all those who are eligible.

A high level person or cadastral office should issue the title certificate before distributing the land. The village chief should not be the one who issues the titles or deeds. A higher authority is needed. During the actual measuring, representatives from the committee, NGOs, government and village chief should be present. When a family's land is measured, the other families adjacent to their land should also be present. A set of sturdy boundary markers should be used, not just wooden stakes as these often fall down and can be easily moved. Afterwards, a map showing their property boundaries should be given to each family along with their title.

*After actual land distribution process*

There were still concerns about ways to solve problems or disputes that happen after the land distribution. Structures and procedures such as a village legal committee are needed to deal with any ongoing disputes. There were many requests for development assistance. It is not enough to have land, according to them. Beneficiaries felt they needed roads, irrigation canals, schools and hospitals as well.

Others wanted more individual assistance, especially during the early years. They mentioned that they could benefit from a training activity in agriculture, and from support in the form of draft animals, fertilizers, farming implements and rice seed. A few people requested funds to build a house and food-for-work activities until they are able to cultivate the land by themselves.

Table 1. Demographic characteristics of household interviewees

CHARACTERISTICS	Number	%
<i>Age</i>		
18 – 24	1	3
25 – 40	17	55
41 – 60	12	39
Older than 60	1	3
<i>Gender</i>		
Male	19	61
Female	12	39
<i>Household size</i>		
1 – 3	5	16
4 – 6	14	45
More than 7	12	39
<i>Location of previous residence (n=31)</i>		
Nearby village	9	29
Kompong Thom	7	16
Soldier living in war zone	5	23
Other provinces [Svay Rieng (3), Preah Vihear (3), Battambang (2), Siem Reap (2)]	10	32
<i>Reasons for moving to present locality (n=31)</i>		
Soldier & sent by army commander	20	64
Not a soldier but came there & got some land	8	26
Soldiers from other provinces who came on their own & got land	2	7
Authorities took my own land & gave me \$100.	1	3
<i>Year moved to present location (n=31)</i>		
1993	1	3
1994	6	19
1995	4	13
1996	14	45
1997	3	10
1998	3	10
<i>Year received land (n=31)</i>		
1992 – 1993	4	13
1994 – 1995	7	23
1996 – 1997	17	55
1998 or after	3	9

Table 2. Primary and secondary occupation of interviewees.

<i>Occupation</i>	Location of work		
	Within Village		Outside Village
	Number	Percent	
<i>Primary occupation (n=31)</i>			
Rice farming	18	55	-
Small business	8	24	4
Civil servant	3	9	-
Sell labor	2	6	1
Grow crops	1	3	-
Big business (Rice seller)	-	-	1
Have no work at all	1	3	-
<i>Secondary occupation (n=24)</i>			
Grow crops for selling	16	62	-
Small business	4	15	1
Day labor	4	15	1
Work for NGO	1	4	-
Civil servant (soldier)	1	4	1

NOTE: Some interviewees provided multiple responses on their primary and secondary occupations.

Table 3. Eligibility guidelines and forms of participation in land distribution scheme.

Item	Number	% <sup>a/</sup>
<i>Eligibility guidelines met by interviewees</i>		
No response	9	29
Soldier (mostly with physical disability); commander approved	18	58
Old person	2	6
I know a government person who distributed the land & they told me to move here	1	3
No criteria	1	3
<i>Mode of land acquisition (n = 31)</i>		
Cleared forest; authorities later gave permission to stay here	15	48
Commander/ local authorities told me to come here	12	39
Relatives cleared land for me & invited me to come	4	13
<i>Forms of participation in land distribution scheme (n=31)</i>		
No response	2	7
No participation	18	58
Attended meetings; during eviction problems, met with authorities at all levels; protested in Phnom Penh in front of National Assembly.	11	35

<sup>a/</sup> Percentages exceed 100 percent due to multiple responses from some interviewees.

Table 4. Type of land received, by size and use.

Dimensions	Residential		Riceland	Chamkar
	Number	Percent		
Less than 0.2 hectare	6	19	-	-
0.2 hectare	15	48	-	-
More than 0.2 hectare	8	26	2	-
No response	2	7	-	-

Table 5. Ownership rights and steps taken to acquire rights over land

OWNERSHIP-RELATED ISSUES	Number	Percent
<b><i>Rights over land received</i></b>		
Stay/ live on the land	27 of all 31 interviewees claimed having these rights over their land.	87
Use for production, consumption purposes		
Rent out to others		
Sell		
Subdivide among children		
<b><i>Steps undertaken for transfer of ownership</i></b>		
Not applicable; Hun Sen ordered the transfer of the land to the beneficiaries.		
<b><i>Evidence of proof of ownership N=31)</i></b>		
Yes	2	6
No (Land occupants' names are in a map indicating collective ownership BUT each family does not have any individual certificate of ownership or land title)	29	94
<b><i>Source of proof of ownership</i></b>		
Recipients do not have papers; there is a collective map with the village chief.		

Table 6. Length of time needed to become full owners, by type of land

NOT APPLICABLE DUE TO THE UNIQUE CONDITIONS SURROUNDING LAND DISTRIBUTION

Table 7. Overall comments of interviewees on the land distribution scheme.

COMMENTS	Number	Percent <sup>a/</sup>
Happy/equal and fair/ unfair but can live with it	14	45
Not happy/insecure due to continuing problems, no land titles or other reasons	14	45
Need help to protect land from who will take our land	3	10
No response	3	10

<sup>a/</sup> Percentages total more than 100 due to multiple responses of some interviewees.

Table 8. Group discussant's suggestions on how to improve land distribution schemes

<b><i>Before land distribution</i></b>
Must develop clear land distribution policies
Must develop clear land distribution committee (composed of all related departments and representatives of NGOs)
Should have land utilization map
Should have farming land
Residential land should be distributed by family size but farming land should be according to member size
Ownership papers should be prepared in advance
Should ask anyone who will volunteer to stay in the land
<b><i>During land distribution</i></b>
The people should be informed and participate
A contract with the people who agree to stay on the land should be made
Plot selection should be done by voting
Prepare the village structure
<b><i>After land distribution</i></b>
Ask for recognition
A contract with the people who agree to stay on the land should be made
Plot selection should be done by voting

Table 9. Interviewees' suggestions towards an effective land distribution.

SUGGESTIONS	Number	Percent
<b><i>Before land distribution</i></b>		
Establish a committee to handle land distributions scheme	3	27
Disseminate information	2	18
Land should be distributed equally	1	9
Have clear agreement on paper and make a map	1	9
Establish roads	1	9
Establish criteria	1	9
Land close to the road can be small but people far from the road should get more land	1	9
High-level persons should visit and control the place to avoid problems	1	9
<b><i>During implementation</i></b>		
Vote/draw lots to determine who gets what land	2	25
Mark off plot of land before distribution/allow people to join in measuring	2	25
Create a village legal committee to deal with disputes	1	12
High level person should issue certificate before land distribution	1	12
For rice land, divide by number of families	1	12
Give land for house and for rice farming	1	12
<b><i>After implementation</i></b>		
Develop village infrastructure or provide assistance	8	80
Provide mechanism to settle problems	1	10
Government should give land title at low cost	1	10

***CASE 3 – LAND DISTRIBUTION IN  
KOK KROUEL VILLAGE IN SIEM REAP***

### *Background Information*

Kok Krouel is a village in Leang Dai commune, district of Angkor Thom, Siem Reap province, covered by a semi-dense forest. Established in 1993, it is about 15 kilometers away from the temple of Angkor Thom and is accessible by a fairly good, 1500m un-asphalted road. About 84 families who are dispersed throughout the village make up the residents in the area.

A school, established in 1996, lies about 650 meters from the village center, and the nearest market is 20 kilometers away. A health center is located 3 kilometers outside the village, and a *wat* serves the religious and spiritual activities of local residents some 4 kilometers away. Within the village are irrigation canals, 84 dug wells, and several pump wells. The total land area for rice cultivation is 172.5 hectares while residential land, parts of which owners also use as *chamcar*, is approximately 31 hectares.

Several international organizations (IOs) and NGOs serve the village. Among these are CONCERN WorldWide, the organization that played a critical role in the land distribution scheme; AgriSud, an NGO that has provided agricultural support to the villagers through locally trained agricultural technicians; and WFP which undertook food-for-work programs when the forest was being cleared for land distribution. Other organizations present in the village are human rights NGOs, ACLEDA, and some Christian groups that undertake missionary work.

### *Interviewees' characteristics*

Slightly less than half of the household interviewees fall in the age range of 30 to 39 while the rest belong to the cohort of 40 years and older (Table 1). Both sexes were equally represented in the sample. More than half of the interviewees' households had more than 7 members.

Nearly all interviewees cited their status as returnee/ refugee or as not having (enough) land as the motivation for moving to the locality. Majority came from unspecified camps while others came from other parts of the province and Kompong Speu. The returnees were those that the UNHCR and CONCERN assisted. Many came in 1992 or the year before the village was formally established. With the announcement of the land distribution scheme in 1993, about a third of them came to settle in the area, and a similar proportion moved into the village in 1994.

The primary occupation of the interviewed households is rice farming and *chamcar* (Table 2). Secondary livelihood activities consisted of animal raising, day labor, small business, and petty trading. Fifteen (15) interviewees mentioned that their secondary occupation was outside the village.

## **CONDITIONS AND REASONS FOR IMPLEMENTING THE LAND DISTRIBUTION SCHEME**

Land distribution in the village of Kok Krouel occurred in the midst of the return of border camp refugees into the country and the resettlement initiatives of international organizations. Kok Krouel already had a small population prior to its establishment and the land distribution scheme in 1993. In 1992, UNHCR brought returnees from refugee camps to settle in Siem Reap. CONCERN, with the cadastral authority, obtained approval and authorization from the Royal Government to distribute land among these returnees. CONCERN bought the land with the sanction of the local authority for distribution to the returning refugees, poor people who

had no land, and persons with disabilities. In collaboration with CONCERN and the local authority, UNHCR offered the returnees two options: 1) take money to re-start their life and new livelihood, or 2) acquire a piece of land to live on. At that time, 7 families chose the second option and settled in the village of Kok Krouel.

Later, insecurity in the local situation arising from the presence of the Khmer Rouge, the fighting between government and KR forces, as well as existing and ongoing 'planting' of land mines caused the villagers to hesitate to stay on in the community. Many of those who had moved to the area left and relocated to other places. In 1993, UNHCR, CONCERN and the local authority made public announcements and organized meetings to disseminate information that they were giving land to people who were willing to live in the locality, particularly poor people, disabled persons and returnees who have no land. Returnees who chose the first option were also given the opportunity to receive land.

Fifty families volunteered to live in Kok Krouel in that same year. In addition to the land, they also received housing construction materials, rice and money from CONCERN to start their lives. Other villagers who saw this situation subsequently also came to live there such that by 1994, some 115 families were residing in the area. Presently, 84 families are still living in the village.

***CRITERIA, PROCESSES AND DECISION-MAKING MECHANISMS TO SELECT, VERIFY AND APPROVE ELIGIBLE PERSONS***

Participants to the group discussion noted that the initiative to distribute land originated from CONCERN and UNHCR. CONCERN and the district cadastral officials subsequently developed the criteria for the giving away of land and supervised the actual distribution. According to the group discussants, chief among the guidelines was that beneficiaries should be landless, poor people, persons with disabilities, and returnees who have come to live in the area. In addition, equal allocations of 30x90m residential land, and 1.5 ha rice land were to be given to the defined recipients.

In implementation, the scheme was generally consistent with the guidelines (Table 3). Majority of the household interviewees claimed they were returnees (50%), who, at the same time, were poor, widowed, and had been disabled. A third of them also said they had no land, while almost a fourth of them mentioned that they volunteered to live in the area. Asked on how they got their land, almost all of them said that they received the parcel of land through CONCERN. Many also had the opportunity to participate in the processes to work out the implementation of the scheme. They mentioned that prior to the actual distribution, villagers helped in clearing the forest, and in construction works such as schools, wells, and roads, a seeming effort to start building their community. They apparently helped as well in disseminating the information about the distribution of the land, attending meetings, measuring the land, or volunteering to live in the designated areas. Twenty-nine or 91% reported having had the opportunity to also choose the land that they received. Three of the household interviewees were unable to select the parcel they wanted because they came late, could not be physically present during the distribution due to an illness, and because the interviewee received the land from other people rather than directly from CONCERN.

Variations characterized the dimensions of the distributed land. Some families reported receiving smaller plots of residential land (e.g., 30x30 m) than the others. About 84% received residential lots measuring roughly 30x 90m or 0.27 hectare (Table 4). Of the recorded responses, only 25 interviewees said they received residential and rice land, implying

that about 7 households benefited only in terms of residential land. Only one among the interviewees reported receiving *chamcar* land. In addition to building their homes in the residential land they received, household interviewees noted putting it to use by planting fruit trees in it, growing vegetables, or using portions of it as rice land. There were a few recipients of rice land who employed a part of this resource for *chamcar* use.

#### ***CONDITIONS AND METHODS TO ACTUALLY TRANSFER THE LAND***

All the household interviewees stated that they have full rights over the land they received – i.e., that they had the right to sell it (Table 5). The majority achieved ownership with the help of CONCERN, with most of them presenting the necessary documents (i.e., 'family book' and identification card) and paying about 2000-3000Riels to the district cadastral office.

All 32 household interviewees also claimed that they had proof of ownership or a certificate for each type of land they received. They reported that this was an outcome of CONCERN's initiative, including payments of US\$2 per certificate, so individual or household beneficiaries would have documents that are duly recognized and signed by the chief of the district cadastral office. About 84% of the interviewees confirmed that the district cadastral office issued this document, but nearly a quarter of them did not know where said document came from. Due perhaps to the paper work and CONCERN's careful efforts to coordinate with appropriate government officials, most of the household interviewees (88%) noted that it would take about 2 years before full rights could be had over the residential and rice land (Table 6). Participants to the group discussion lent support to this finding when they stated that ownership would be realized only after two years. Only one interviewee said that living in the area for at least one year was a condition that he had to meet before he can be a full owner.

#### ***FACTORS/ACTORS CONTRIBUTING TO SUCCESS, PROBLEMS, AND/ OR FAILURE***

Household interviewees generally felt happy and satisfied about the land distribution scheme (Table 8). They report that apart from presently having their own homes, the land they received has good soil and has enabled them to produce rice. They are equally happy with their ownership rights, and the good solidarity among the beneficiaries. According to them, acquisition of the land has also given them an opportunity to earn an income and to improve their living standards.

##### Factors and Actors

Several factors appear to have contributed to the relative success of the land distribution scheme. A central one among these is the constant support of CONCERN from the planning, implementation and up to the follow through phases of the activity. At the outset, it established with the district cadastral office fairly clear guidelines on who would be the beneficiaries, as well as the type and amount of land to be given out. These guidelines, despite some deviations, appear to have been generally observed by all those involved in the implementation of the scheme. Its particular effort to solicit the participation of the recipients in carrying out the plan – e.g., informing others about the land distribution activity, clearing forested areas, constructing essential infrastructures, etc. – seems to account for the sense of solidarity that the interviewees spoke of. CONCERN also carefully collaborated with governmental offices and local authorities to issue certificates of ownership and hence, to

ensure recognition of the beneficiaries' rights over the land. To strengthen the work it initiated, the organization also implemented agricultural production support activities, and established a rice bank.

The presence of several other actors such as AgriSud, WFP, ACLEDA, human rights groups, and Christian missionaries apparently complemented CONCERN's initiatives to make the scheme work. Beneficiaries participated, for instance, in WFP's food-for-work schemes in the clearing of the forest prior to the distribution of the land. Some took part in ACLEDA's credit program, while others became active in AgriSud's support work in crop and animal production.

### Problems Met

The land distribution scheme was not without its problems. The number of interviewees who said it was difficult to live on the land they received equaled the number of those who felt generally happy about it. The difficulty, according to the interviewees, stems from the ownership claims on the land by a neighboring village. After Kok Krouel was established, had developed its infrastructure and became relatively free security problems, the residents in the adjacent village of Nokor Krom filed ownership claims over the land and asserted that the land belonged to their ancestors. The 'grievance complaint' reached the chief of district and representatives of human rights organizations. Interviewees pointed out that the complaint did not go very far, however, since all the Kok Krouel residents already had their respective certificates of ownership. Evidently, the issue continues to be a threat to the villagers even as local authorities, a human rights organization and CONCERN took steps to openly and legally clarify the matter.

A source of discontent among the beneficiaries was the *unequal sizes of land* distributed to the families. As noted earlier, 2 to 3 families received residential plots that were less than the stipulated sizes of 30x90m. There were also reports that the dimensions of the land were not necessarily the same as that reflected in the certificates they received. Some noted that the actual size of the land were smaller than what is specified in the document, although a few also stated that the dimensions of their land can be bigger than what is in the certificate. Interviewees reported that the village chief and/or the district cadastral office played roles in this irregularity. *It would seem then that despite CONCERN's efforts to carry out a fair land distribution scheme, some irregularities occurred during the implementation of the scheme.*

Interviewees also reported several other problems. *Land encroachment* is apparently occurring among a few but this has so far been tolerated, and villagers seem to have ignored the problem. Interviewees likewise noted the incidence of *selling of already distributed land*. Apparently, a district cadastral officer took over the land of one beneficiary when she was away to earn money even as her mother and daughter were staying in the village. While the buyer initially felt hesitant to buy the land, he eventually decided to do so since the cadastral officer sanctioned the transfer of the land to him.

There have also been instances of *land selling by the beneficiaries* themselves. Participants to the group discussion noted that about 3 families already sold their land. According to them, these families gave up their land because of a sickness in the family, to settle a debt, and because they were elderly and could not earn enough from the land. Still another issue that one interviewee reported was a case of one man who has two wives. When land distribution took place, his family of two wives got only a piece of residential land and a plot of rice land. Because he was staying with the second wife, he decided to give the rice land to his second wife and the residential land to the first wife since he was not divorced from the latter.

Summing up, the land distribution scheme in Kok Krouel village appears to have taken into account certain basic considerations (e.g., establishing distribution guidelines, providing land among the poor, soliciting participation of the beneficiaries) in order to be effective. Despite efforts of the key actors to make the initiative fair, however, certain irregularities appear to be occurring, and are resulting in discontent among the affected beneficiaries.

***RECOMMENDATIONS FOR MAKING SOCIAL CONCESSIONS WORK/ MORE SUCCESSFUL***

The recommendations that interviewees offered to make land distribution schemes work proceed from their experience with it in their village (Tables 8 and 9). More than half of those who offered suggestions (59%) suggested for instance that prior to the giving out of this resource, clear policies and guidelines should be established. About 45 percent of them proposed also that information dissemination be undertaken so that all concerned can present their ideas. A third of the interviewees, on the other hand, noted the need to involve appropriate government officials (including the cadastral officers), NGOs and the people themselves. Government officials, according to them, are critical to the process so that the activity and its accompanying processes, as well as the beneficiaries are given due recognition. Interviewees also noted that information concerning the land should be given out, especially if the land is under dispute, has landmines, or gets flooded.

During the land distribution, interviewees called for the involvement of all stakeholders in carrying out the established policies and guidelines. One interviewee also asserted that the allocation and distribution of land at this phase should take into account the size of the recipient families. Still another advanced the idea that beneficiaries should not have to pay any amount for their land. This latter idea apparently stems from interviewees' comments that they have had to pay some amount to the cadastral office when they collected their certificates.

Majority of the interviewees (80%) felt that after land distribution, issuance of land titles should be given attention. They likewise suggested that beneficiaries should help one another in terms of protecting the land and protecting one another from thieves. Interviewees also noted the need to maximize the utilization of land, the provision of inputs and other forms of support.

Table 1. Demographic characteristics of household interviewees.

CHARACTERISTICS	Number	%
<i>Age</i>		
20 – 29	-	-
30 – 39	14	44
40 – 49	9	28
Older than 50	9	28
<i>Gender</i>		
Male	16	50
Female	16	50
<i>Household size (n=31)</i>		
1 – 3	4	13
4 – 6	9	29
More than 7	18	58
<i>Location of previous residence</i>		
Refugee Camps	20	63
Siem Reap	11	34
Kompong Speu	1	3
<i>Reasons for moving to present locality (n=31)</i>		
Refugee/ returnee	20	65
No land/ not enough land	10	32
Received land	1	3
<i>Year moved to present location (n=30)</i>		
1992	10	37
1993	9	30
1994	9	30
1995	2	7
<i>Year received land (n=31)</i>		
1995	2	6
1994	15	48
1993	9	29
1992	5	16

Table 2. Primary and secondary occupation of household interviewees.

Occupation	Location of work		Outside Village
	Number	Percent	
<i>Primary occupation (n=32)</i>			
Rice farming and <i>chamcar</i>	31	97	-
Small business	3	9	2
Gardening	2	6	-
<i>Secondary occupation (n=32)</i>			
Vegetable farming and <i>chamcar</i>	11	31	-
Petty trading	8	22	-
Day labor	7	19	6
Small business	5	14	9
Animal raising	5	14	-

NOTE: Interviewees provided multiple responses on their primary and secondary occupations.

Table 3. Eligibility guidelines and forms of participation in land distribution scheme.

Item	Number	Percent
<b>Eligibility guidelines met by interviewees (n=32)</b>		
Returnee/refugee	20	53
Poor/widow/handicapped	16	50
No land	11	34
Volunteered to live in village	6	19
Involved in CD in village	1	3
<b>Mode of land acquisition (n = 29)</b>		
Received land through assistance (CONCERN)	26	90
Heard from/ know village chief	2	7
Paid for land	1	3
<b>Forms of participation in land distribution scheme (n=32)</b>		
Did not participate	1	3
Participated in some way	31	97
Cleared forest	21	68
Helped spread information about land distribution	21	68
Helped build road, school, well	11	35
Attended meetings	8	26
Measured land	6	19
Volunteered to live here	6	19

Table 4. Type of land received by size and use.

Size of land	Residential		Riceland	Chamcar
	N	Percent		
Less than 0.5 ha	27	84.4	-	-
0.5 to 1 ha	3	9.4	-	1
1 to 1.5 ha	-	-	25	-
More than 1 ha	2	6.2	-	-
Total	32	100	25	1

Table 5. Ownership rights and steps taken to acquire rights over land.

OWNERSHIP-RELATED ISSUES	NUMBER	PERCENT
<b><i>Rights over land received</i></b>		
Can sell	32	100
<b><i>Steps taken for transfer of ownership (n=32)</i></b>		
Presented necessary documents and paid (with CONCERN's assistance)	28	88
CONCERN coordinated with government	27	84
Must be resident for at least a year	1	3
<b><i>Access to proof of ownership</i></b>		
Yes	32	100
No	-	-
<b><i>Source of proof of ownership</i></b>		
Cadastral office	27	84
Don't know	5	16

Table 6. Length of time needed to become full owners, by type of land.

DURATION	Residential Land		Riceland		Chamcar
	N	Percent	N	Percent	
Up to 2 years	28	88	28	88	-
Up to 3 years	1	3	1	3	1
Don't know	3	9	3	9	-
Total	32	100	31	100	1

Table 7. Overall comments of interviewees on the land distribution scheme (n=32).

COMMENTS	Number	Percent
Land distribution was good	32	100
Difficult to live on the land because it is not clear who the land belongs to/ conflict with neighboring village; encroachment	32	100
No big impact yet	7	22
Land distribution not equitable	6	19

Table 8. Group discussants' suggestions on how to improve land distribution schemes.

PERIOD	SUGGESTIONS
Before	Have participation from authority Accuracy in measurement of land Distribute land among people who meet the criteria
During	Recipients and those dividing the land should be in agreement Provide land title as soon as possible  Distribute land to people who contribute their labor in development activities
After	No payments on plots of land received (i.e., parcels of land received should be free) Recognition from local authority and cadastral office NGO to provide agricultural assistance
Overall comment	Crops should be grown on distributed land; divide land to their children Have recognition from authority, have plot of land (land title). Voting Distribute to all families who meet eligibility guidelines

Table 9. Interviewees' suggestions on measures towards an effective land distribution scheme.

SUGGESTIONS	Number	Percent
<b><i>Before land distribution (n=32)</i></b>		
Don't know/ no suggestions	10	31
Suggested measures	22	69
Establish clear criteria and policy	13	59
Undertake information dissemination	10	45
Concerned officials/relevant agencies, beneficiaries should be involved	8	36
Provide information about the land	3	14
<b><i>During land distribution (n=32)</i></b>		
Don't know/ no suggestions	14	44
Suggested measures	18	56
All stakeholders work together to carry out land distribution regulations/ policies	18	100
Divide land by family size	1	6
Should not have to pay money	1	6
<b><i>After land distribution (n=32)</i></b>		
Don't know/ no suggestions	12	38
Suggested measures	20	62
Have full rights over land/Issue land titles	16	80
Help one another to protect land/property and for protection against thieves	10	50
Provide inputs and other forms of support	6	30
Maximize use of land by growing crops	3	15

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VII - ANNEXES

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Date: \_\_\_\_\_ Village code: \_\_\_\_\_ Survey # \_\_\_\_\_

**HOUSEHOLD INTERVIEW**

1. **Characteristics of beneficiaries**

- a. Name \_\_\_\_\_
- b. Age \_\_\_\_\_
- c. Male \_\_\_\_\_ Female: \_\_\_\_\_
- d. Number of members in the family \_\_\_\_\_
- e. Occupation \_\_\_\_\_

OCCUPATION	WHERE/VILLAGE	
	Inside	Outside
Primary		
Secondary		

2. When did you move to this place? \_\_\_\_\_

3. Why did you move here? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Where did you live before you came here? \_\_\_\_\_

5. When did you get your land? \_\_\_\_\_

6. How did you get it? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. **Information concerning land received**

- a. In what ways did you participate in the land distribution scheme? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_ Village code: \_\_\_\_\_ Survey # \_\_\_\_\_

b. What eligibility guidelines did you meet? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

c. What types of land did you receive (residential, riceland, *chamkar*)? Can the distributed land be used for agricultural purposes?

TYPE OF LAND	SIZE (in hectares)	ARABLE? (Y/N)	USES	% OF LAND USED
Residential				
Riceland				
<i>Chamkar</i>				

d. Were you able to choose the land that you received?

- Yes
- No

If no, why: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

e. How has the land you received contribute to improving your living condition?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8. **Land Rights**

a. What rights do you have over the land you received?

- can stay/ live on the land
- can use for production, consumption purposes
- can rent out to others
- can sell
- can subdivide among children

Date: \_\_\_\_\_ Village code: \_\_\_\_\_ Survey # \_\_\_\_\_

b. If not full rights, why? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

c. If full rights, what steps did you go through for transfer of ownership? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Probe:

- *What application procedures did you follow?*
- *What document (ID card, family book) did they require from you?*
- *What fees did you pay? How much did you pay?*
- *What difficulties did you encounter? How did you solve these difficulties? Who did you approach? What happened after you approached these persons?*

d- Do you have any paper that indicates your ownership?

- Yes
- No

e- Who issued and signed that paper? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

f- How long did it take for you to become full owners of land?

Residential land \_\_\_\_\_  
Riceland \_\_\_\_\_  
Chamkar \_\_\_\_\_  
All three \_\_\_\_\_

FOR KOMPONG THOM: Did receiving land from the land distribution scheme affect your monthly pension/ salary from the government?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_ Village code: \_\_\_\_\_ Survey # \_\_\_\_\_

9. What measures (a) before land distribution, (b) during implementation, and (c) after implementation need to be taken in order to make land distribution work well in the future? *Who should be involved?* \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

10. Overall, what can you say about the land distribution scheme in your village? *Probe: Please elaborate.* \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Village: \_\_\_\_\_ Commune: \_\_\_\_\_  
District: \_\_\_\_\_ Province: \_\_\_\_\_

***FOCUS GROUP INTERVIEW***

**I- Background Information on Village**

1. When was the village established? \_\_\_\_\_
2. Who established it? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
3. How many households are there in the village? \_\_\_\_\_
  - a- How many adult males and females are there? \_\_\_\_\_
  - b- Boys and girls between 0 – 18 years old? \_\_\_\_\_
4. What is the size of land in this village? \_\_\_\_\_
  - a- What is the land size for rice cultivation? \_\_\_\_\_
  - b- What is the land size for chamkar? \_\_\_\_\_
5. Are all these land under distributed land?  
 Yes  
 No, What is the actual size of the distributed land? \_\_\_\_\_
6. Does your village have infrastructures as well as facilities and services (*e.g., roads, irrigation, school, health center, sources of drinking water, market*)? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
  - a. Since when did these infrastructures, services and facilities exist? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  - b. If there are no infrastructures, etc., where is the nearest:  
school \_\_\_\_\_ kms.  
market \_\_\_\_\_ kms.  
health center \_\_\_\_\_ kms. (other health services available in the  
village? Specify. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Village: \_\_\_\_\_ Commune: \_\_\_\_\_  
District: \_\_\_\_\_ Province: \_\_\_\_\_

7. What NGOs and other development agencies are working in your village? What activities do they have? *(please describe each of them separately)*

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8. What is the settlement pattern in this village?

- People live in a concentrated area / in one place  
 People live in a dispersed manner throughout the village/ separately from one another

## II- Information concerning land distribution scheme

1. How many times did the land distribution take place? Can you describe when each took place? \_\_\_\_\_

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2. How much land did each family get? \_\_\_\_\_

3. What types of land were distributed (*residential, riceland, chamcar*)? \_\_\_\_\_

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4. Mechanics of land distribution

- a. Who decided to give the land? \_\_\_\_\_

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- b. How was decision reached? \_\_\_\_\_

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Village: \_\_\_\_\_ Commune: \_\_\_\_\_  
District: \_\_\_\_\_ Province: \_\_\_\_\_

c. Who decided to implement/ distribute the land? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

d. How was land distributed? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

e. Who decided on eligibility guidelines concerning land distribution? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

f. How were eligibility guidelines developed? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

g. What were the eligibility guidelines? *Probe: Do you still have the paper that specifies these guidelines?* \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

h. What were the characteristics of those who actually got the land? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. In principle, how long should it take for beneficiaries to become full owners of the land? \_\_\_\_\_  
\_\_\_\_\_

6. What other forms of support did the government, NGOs and other development agencies provide in addition to the land that the beneficiaries received? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Village: \_\_\_\_\_ Commune: \_\_\_\_\_  
District: \_\_\_\_\_ Province: \_\_\_\_\_

7. What problems relating to land distribution did you face before, during and after the distribution? What solutions did you take at each these stages?

STAGES	PROBLEMS	SOLUTIONS
Before		
During		
After		

8. Besides above problems, what other problems happened in your village? *Probe: check for major events, ceremonies, etc* \_\_\_\_\_

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a- How did people help to solve the problems? \_\_\_\_\_

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b- Who participated in solving them? \_\_\_\_\_

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Village: \_\_\_\_\_ Commune: \_\_\_\_\_  
District: \_\_\_\_\_ Province: \_\_\_\_\_

9. How many families migrated to other places from this village? \_\_\_\_\_

Why? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

10. Of the total number of beneficiaries, how many already sold their land? \_\_\_\_\_

Why? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

11. What measures (a) before land distribution, (b) during implementation, and (c) after implementation need to be taken in order to make land distribution work well in the future? *Probe: Who should be involved?* \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

12. Overall, what can you say about the land distribution scheme in your village? *Probe: Please elaborate* \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Village: \_\_\_\_\_ Commune: \_\_\_\_\_  
District: \_\_\_\_\_ Province: \_\_\_\_\_

**SPECIFIC TO SIEM REAP**

**(Question to CONCERN staff in a separate interview regarding these specific questions)**

1. Why did you get involved in the land distribution scheme in this village?

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2. What did you have to do to make this scheme possible? *Probe*: Can you elaborate on each activity that you had to do?

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## LIST OF PARTICIPATING RESEARCHERS

Chhim Simach	FHI	Food for the Hungry International Cambodia
Chhun Hong	MODE	Minority Organization for Development of Economy
Doung Vuthy	DAC	Disability Action Council
Hak Boonthan	NTFP	Non Timber Forest Project
Huy Komnith	CREDO	Cambodia Rural Economic Development Organization
Kim Kim Leang	LWS	Lutheran World Service
Kong Bunna	MCC	Mennonite Central Committee
Nao Sok	CWS	Church World Service
Ngeth Suy	WDA	Women Development Association
Ouk Chettra	WGWR	Working Group on Weapons Reduction
Oung Chanthol	CWCC	Cambodian Women's Crisis Center
Phim Sopheap	SKIP	Stiftung Kinderdorf Pestalozzi
Phoeung Sinam	CONCERN	Concern Worldwide
Pov Ith	FORUM SYD	Forum Syd
Seng Tinekor	FHI	Food for the Hungry International Cambodia
Sim Chanborina	SKIP	Stiftung Kinderdorf Pestalozzi
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Sin Sarana	SST	Sor Sor Troung
Sok Sophal	CDRCP	Cambodia Development and Relief Centre for the Poor
Sok Sothavy	SKIP	Stiftung Kinderdorf Pestalozzi
Sok Sovannarith	MEDICAM	Medicam
Sun Sothy	CWCC	Cambodian Women's Crisis Center
Thean Sarom	WVI	World Vision International
Yim Yaren	WVI	World Vision International

### CCC-ADI TRAINING TEAM

Ang Sopha	CCC	Cooperation Committee for Cambodia
Oeur Il	CCC	Cooperation Committee for Cambodia
Saumweber David	CCC	Cooperation Committee for Cambodia
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### CONSULTANT

Catalla, Rebecca F.	Consultant
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