

Land Titling and Poverty Reduction

*A Study of Two Sangkat in Prey Nup District,
Sihanoukville Municipality*



**Analyzing Development Issues
Team and Research Participants**

**in collaboration with the
Land Information Centre**

**November 2007
(Revised Version)**

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Abstract

This ADI study in collaboration with the Land Information Centre seeks to understand the relationship between land titling and poverty reduction in two *sangkat* of Prey Nup District, Sihanoukville Municipality. More specifically, it attempts to document the manner of landholder acquisition and the land titling process of the Land Management and Administration Project (LMAP) in four villages of the two *sangkat*; to examine land sales and land transfer processes before and after titling; to explore the link between land titles and access to credit; and to assess the contribution of land titles to security of land tenure and the resolution of land disputes. A survey questionnaire was conducted with 264 households in four villages of the two *sangkat*. In addition key informant interviews were convened with villagers, LMAP officials, and district managers of lending institutions.

In the two *sangkat* villagers actively participated in the mapping and measurement of their lands for titling under LMAP and more than 90 percent of all agricultural plots owned by the households surveyed were titled under LMAP. This was a remarkable achievement. Land sales in the two *sangkat* were higher in the four and a half years since LMAP implementation than in the previous fourteen years combined. While higher land values benefited village sellers, proceeds from land sales were spent mainly on health costs and rarely invested in productive pursuits. Meanwhile, the majority of land sales after LMAP were still transacted by making sales contracts with notification at village and commune levels without processing the transfers through the Land Registry. This practice of transferring land extralegally threatened to undermine the viability of the systematic land titling program. Of note, more than 90 percent of all households surveyed had never used an LMAP title as collateral for a loan. A major benefit conferred through LMAP was the stronger tenure security on LMAP titled lands. While LMAP titling did not immediately translate into poverty reduction for most of the recipients it did constitute a contributing component of development interventions and reforms with potential for moving people out of poverty and allowing them to share more equitably in economic growth.

Introduction

Following upon the passage of the 2001 Land Law, the Ministry of Land Management, Urban Planning and Construction (MLMUPC) initiated in 2002 a Land Management and Administration Project (LMAP). LMAP aims to reduce poverty and stimulate economic development by improving land tenure security and promoting the development of efficient land markets. The project has five components: 1) development of land policy and regulatory guidelines; 2) institutional development of the MLMUPC; 3) issuance of land titles, and the establishment of a land registration system; 4) strengthening dispute resolution; and 5) simplifying land management classification with aerial photographs and satellite images.

LMAP incorporates two pilot projects: the Land Management Project supported by technical assistance from GTZ (German Agency for Technical Cooperation) and the Cambodia Cadastral Project supported by FINNMAP (a private Finnish company contracted by the Finnish Government). Scheduled to run to year-end 2009, the World Bank IDA credit provides US\$ 24.3 million of the total project cost of \$US 33.9 million.¹ By year end 2007, the project had expanded its coverage to 14 provinces and municipalities. In September 2007, MLMUPC reported that one million titles had been issued under LMAP.²

Land titling programs are based on the assumption that improved property rights over land assets have a positive effect on the use and productivity of those assets. The LMAP Baseline Survey Project in rural areas undertaken by the Cambodia Development Resource Institute (CDRI) in 2004 was guided by several key hypothesis: 1) access to credit: people will use land titles as collateral with which to obtain credit from formal lending institutions; 2) investment: people in rural areas will increase investments in agricultural production and land improvements, thus increasing yields and incomes; 3) land markets: as land values increase and transaction costs decrease, land markets will direct land use toward more economically efficient uses; and 4) land administration: a greater percentage of transactions such as sales and inheritance will be facilitated through the official registry; and 5) disputes: secure land titles will reduce the volume and frequency of land disputes by clarifying ownership, parcel boundaries, and transaction procedures.³

Access to Credit

The CDRI baseline survey, citing research theory, predicted that people in project areas would use land titles as collateral with which to obtain credit from formal lending institutions. CDRI researchers expected to observe changes in borrowing behavior as villagers shifted from informal institutions such as family, moneylenders, and self-help groups to more formal institutions such as micro-finance institutions and banks. CDRI likewise anticipated a shift in the number, size and intended use of loans as title holders took

¹ Other project donors are the Royal Government of Cambodia (US\$ 2.6 million), Germany BMZ (\$US 3.5 million), and Finland Ministry of Foreign Affairs (US\$ 3.5 million).

² This study makes frequent reference to “LAMP titles” to denote cadastral land titles issued under LMAP.

³ Ballard, Brett and So Sovannarith, *Cambodia Land Titling Program Baseline Survey Project, Final Report Rural Phase I*, Phnom Penh, Cambodia Development Resource Institute, 2004, p.iv. See also Brett Ballard and So Sovannarith, “Can Land Titles Help Reduce Rural Poverty in Cambodia?” *Cambodia Development Review*, Volume 8, Issue 3, July-September 2004 and CDRI, *Cambodia Land Titling Rural Baseline Survey*, Phnom Penh, Cambodia Development Resource Institute, 2007.

out larger loans more frequently for productive investments. In addition CDRI expected to see a larger volume of borrowing in areas where formal credit institutions were more accessible to local villagers. This suggested that villagers living closer to district and market centers near main roads were more likely to obtain formal credit than those residing in more distant or remote areas.⁴

Investment

The CDRI baseline survey, referring to research theory, predicted an increase in production expenditures for rice and other crop production in the titled areas. Production expenditures included inputs such as fertilizers and pesticides as well as hired labor, farm machinery, or land improvements such as irrigation. CDRI researchers looked for increased investment outlays, in turn, to stimulate increases in crop yields and to augment land and labor productivity.⁵ The World Bank Project Appraisal Document likewise listed opportunities to increase investments and productivity as one of the main benefits of LMAP. However, it cautioned that such benefits would not likely be evident during the life of the project.⁶

CDRI's prediction about increased investments in agricultural production was also tempered with caveats. CDRI assumed that factors such as market conditions (prices for inputs and produce), soil quality, and climate (adequate rainfall, absence of floods and droughts) would have to remain more or less constant.⁷ This would be problematic indeed. Several studies conducted recently in Cambodia have convincingly demonstrated that floods and droughts in the early years of the new millennium together with lack of good soil and irrigation have resulted in low rice yields and decreases in productivity.⁸ If such conditions persisted it was more likely that the prevailing high incidence of lands sales and labor migration would continue rather than increased investments in agricultural production.

Land Markets

The CDRI baseline survey generally expected that land values would increase as farm households improved their use of land and diversified towards more economically efficient land uses. This would involve shifts over time in land use patterns. The CDRI survey team also predicted that land values would increase at a faster rate along main roads and near administrative and market centers and that lands with titles would tend to have higher values than lands without titles. CDRI further observed that land titling programs like LMAP involved efforts to govern land markets more efficiently so that scarce resources would eventually be allocated to their most productive use. CDRI expected that secure and predictable property rights would help reduce procedural uncertainties and provide more

⁴ Ballard and So, *Cambodia Land Titling Program Baseline Survey Project*, pp. 16-17, 46-47.

⁵ Ballard and So, *Cambodia Land Titling Program Baseline Survey Project*, p.18. .

⁶ World Bank, *Project Appraisal Document for a Land Management and Administration Project*, 2002.

⁷ Ballard and So, *Cambodia Land Titling Program Baseline Survey Project*, p.18.

⁸ See Analyzing Development Issues, *Understanding Social Capital in Response to Floods and Droughts, A Study of Five Villages in Two Ecological Zones of Kompong Thom Province*, Phnom Penh, Cooperation Committee for Cambodia, August 2007; Ballard, Brett M., ed, "We are Living with Worry All the Time," *A Participatory Poverty Assessment of the Tonle Sap*, Phnom Penh, Cambodia Development Resource Institute, April 2007; FitzGerald, Ingrid and So Sovannarith, *Moving Out of Poverty?, Trends in Community Well-being and Household Mobility in Nine Cambodian Villages*, Phnom Penh, Cambodia Development Resources Institute, September 2007.

accurate information about actual land values. This, in turn, would increase the volume and frequency of land transactions.⁹

At the same time CDRI was acutely aware that active land markets could have adverse consequences for vulnerable groups. As spoken by CDRI's Research Director, "Market imperfections in Cambodia ... are serious, particularly in the real estate sector. Information asymmetry combined with differences in absorption of economic shocks between different socio-economic groups, is likely to affect different groups within the country differently and therefore the possibility that some groups, particularly the poor, may be adversely affected by titling. For a country that has a high rate of poverty, this would be a worrying development."¹⁰

Land Administration

Prior to LAMP informal land transactions prevailed throughout Cambodia largely ignoring legal registration with the cadastral authorities in Phnom Penh. These included transactions made (with or without sales contracts) between parties without notification by local authorities or those with sales contracts with notification up to the village, commune, district or provincial levels. Land transactions which involved sales contracts with notification of Commune Chiefs were the most common. To register land transactions formally owners first had to possess a certificate for the land which the majority of them did not have. Moreover, many owners who actually possessed land certificates did not formally register their transfers.¹¹

LAMP was envisaged as a response to the prevailing lack of land certificates and the pervasiveness of informal land transactions. A key LAMP component aimed to "support the issuance of first time land titles, and the establishment of land registration systems for land transactions, which includes information dissemination, and community organization. Land titling programs and effective land registrations systems will be developed." To make subsequent transfers easier LAMP made it possible for titles to be transferred legally through the Land Registry at the provincial/municipal level.

The CDRI researchers argued that the issuance of titles alone would neither slow nor accelerate the rate of land sales among owners of different landholding sizes. CDRI expected that land sales after titling would continue at a similar, if not higher, rate in areas where affordable health care, extension and credit services were lacking. This expectation was rather disconcerting for smaller landholders on the verge of landlessness.¹²

At the same time the CDRI baseline survey, acknowledging research theory, expected an increase in the volume of transactions such as sales and inheritance processed through the Land Registry, especially in more active land markets with increasing land values. These predictions assumed that transaction costs associated with legal registration would be lower than current costs, that people would have more confidence than currently in their security of tenure, and that people would have adequate knowledge of the proper procedures and capacity to use the system.¹³

⁹ Ballard and So, *Cambodia Land Titling Program Baseline Survey Project*, pp. viii, 16, 18, 62.

¹⁰ Jalilian, Hossein, CDRI Research Director, Wrap Up at Land Titling Baseline Survey Project: Rural and Urban Phases Dissemination Workshop, Phnom Penh, 22 October 2007.

¹¹ Chan, Sophal and Sarthi Acharya, *Land Transactions in Cambodia, An Analysis of Transfers and Transaction Records*, Working Paper 22, Phnom Penh, Cambodia Development Resources Institute, 2002.

¹² Ballard and So, "Can Land Titles Help Reduce Rural Poverty in Cambodia?"

¹³ Ballard and So, *Cambodia Land Titling Program Baseline Survey Project*, p. 19.

Disputes

Before LMAP formal mechanisms for dispute resolution in the land administration system were perceived by many as inherently unfair in terms of a bias that privileged those with more resources and access to power, while inhibiting the full and equal participation of disadvantaged groups such as the poor. This had led to a crisis of confidence in the dispute resolution process.¹⁴

The CDRI baseline survey, following upon research theory, predicted that secure land titles would, over time, reduce the volume and frequency of land disputes by clarifying ownership, parcel boundaries, and transaction procedures. However, the CDRI survey team recognized that the process of clarifying boundaries and ownership could initially stimulate conflicts and disputes. CDRI also observed that some people might take the opportunity to encroach on or otherwise grab land prior to the LMAP process.¹⁵

Land Titling and Poverty Reduction

The CDRI baseline researchers maintained that secure land tenure rights would contribute to socio-economic growth and poverty reduction to the extent that property rights were effectively enforced. They further argued that the benefits from land titles would depend on prevailing conditions in specific areas; for example the level of land market activity, the availability of social services (credit, extension, affordable health care), the level of infrastructure development, and access to transport and markets. Noting that many households sold land to pay for health care, they voiced concern that in the absence of affordable and effective health care and other social services for the poor, land titles might not have the desired effect on reducing poverty associated with landlessness.¹⁶

Clearly land titling under LMAP holds enormous promise for promoting equitable economic growth and poverty reduction. At the same time CDRI argues convincingly that land titling must be viewed as one essential component of a package of development interventions and reforms. These include governance and institutional reforms, particularly legal institutions to ensure that the rule of law prevails.¹⁷ These also involve access to affordable credit, knowledge and information through extension services, and improved infrastructure, roads and irrigation.¹⁸ As noted above provision of affordable and effective health care is likewise crucial.

This ADI study in collaboration with the Land Information Centre seeks to understand the relationship between land titling and poverty reduction in two *sangkat*¹⁹ of Prey Nup District, Sihanoukville Municipality. More specifically, it attempts to document the manner of landholder acquisition and the LMAP titling process in four villages of the two *sangkat*; to

¹⁴ So, Sovannarith, Real Sopheap, Uch Utey, Sy Rathmony, Brett Ballard and Sarthi Acharya, *Social Assessment of Land in Cambodia*, Working Paper 20, Phnom Penh, Cambodia Development Resources Institute, 2001.

¹⁵ Ballard and So, *Cambodia Land Titling Program Baseline Survey Project*, pp. 19, 69.

¹⁶ Ballard and So, *Cambodia Land Titling Program Baseline Survey Project*, pp. 92, 97.

¹⁷ Jalilian, Wrap Up at Land Titling Baseline Survey Project Dissemination Workshop.

¹⁸ Strange, Larry, CDRI Executive Director, Welcome Remarks at Land Titling Baseline Survey Project: Rural and Urban Phases Dissemination Workshop, Phnom Penh, 22 October 2007; See also CDRI, "The World Bank's 2006 Cambodia Poverty Assessment: A CDRI Response," *Cambodia Development Review*, Volume 10, Issue 2, April-June 2006.

¹⁹ A *sangkat* is the administrative unit in municipalities/cities that is equivalent to the *khum* or commune in provinces.

examine land sales and land transfer processes before and after titling; to explore the link between land titles and access to credit; and to assess the contribution of land titles to security of land tenure and the resolution of land disputes.

Research Objectives

To document the manner of landholder acquisition and the LMAP titling process in four villages of two *sangkat* in Prey Nup District, Sihanoukville Municipality

To examine land sales and land transfer processes before and after titling

To explore the link between land titles and access to credit

To assess the contribution of land titles to security of land tenure and the resolution of land disputes

Research Methods

The research was undertaken in May and June 2007 in Prey Nup and Teuk Laak *sangkat* in Prey Nup District, Sihanoukville Municipality. Prey Nup *sangkat* is located along National Road 4 south of Prey Nup district center on the way to Sihanoukville town. Teuk Laak *sangkat* is located along National Road 3 east of Prey Nup district center on the way to Kampot province. While Prey Nup *sangkat* was affected by economic growth along National Road 4, Teuk Laak *sangkat* was rather isolated until the improvement of National Road 3 in the new millennium.

The research employed quantitative and qualitative methods. Overall 130 households were surveyed in Prey Nup 2 and Bot Se Moan villages of Prey Nup *sangkat* while 134 households were surveyed in Tuol and Kampong Smach Touch villages of Teuk Laak *sangkat*. The survey was administered purposively to households that currently owned at least one agricultural plot titled under LMAP.²⁰ In addition to the survey questionnaire focus group interviews were convened with villagers from the four research sites and in-depth interviews were undertaken with selected village land sellers and buyers. Key informant interviews were conducted with MLMUPC staff in Phnom Penh and municipal staff in Sihanoukville and in Prey Nup District with the district managers of AMRET micro-finance institution and ACLEDA bank.

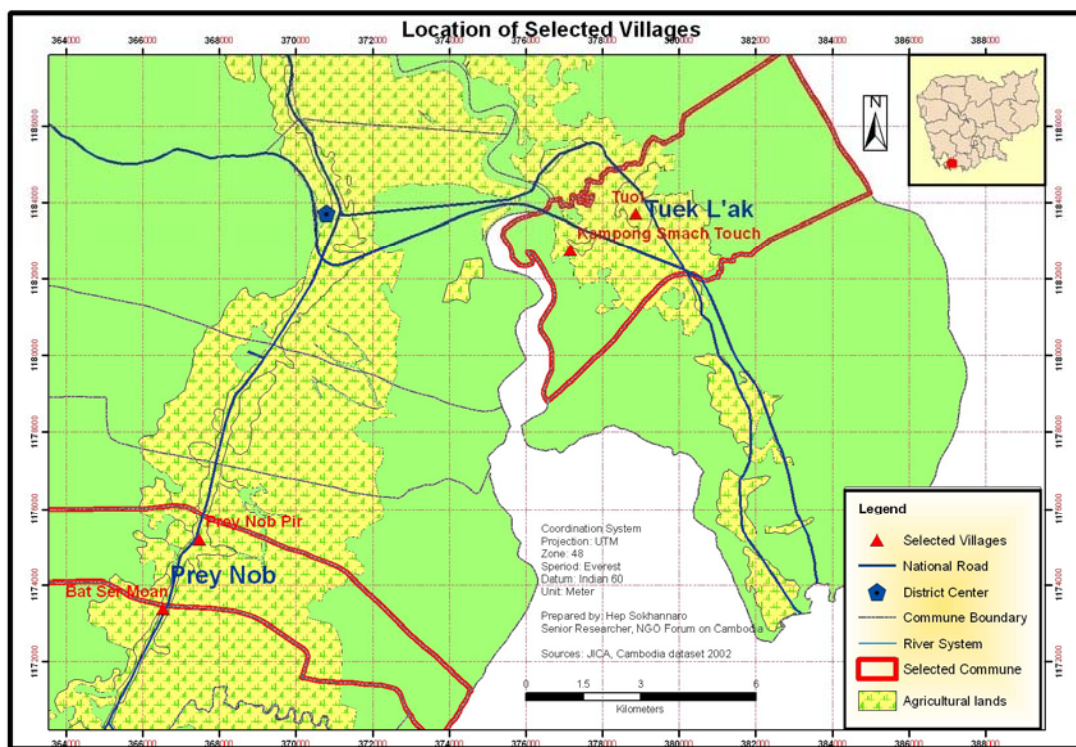
²⁰ The survey questionnaire was based on the instruments used in the CDRI Baseline Survey Project.

Findings and Analysis

Background of the Study Sites

This study focuses on Prey Nup and Teuk Laak *sangkat* which comprise two of the 14 *sangkat* of Prey Nup district in Sihanoukville municipality (Figure 1).²¹ Prey Nup *sangkat* consists of five villages and in March 2007 had a population of 1,134 households. Teuk Laak *sangkat* consists of four villages and in March 2007 had a population of 778 households. Prey Nup *sangkat* is located along National Road 4 south of the Prey Nup district center in Veal Renh *sangkat* on the way to Sihanoukville town while Teuk Laak *sangkat* is located along National Road 3 east of Veal Renh on the way to Kampot province. Veal Renh *sangkat*, located at the juncture of National Roads 3 & 4, serves as Prey Nup district's commercial and administrative center. It contains the district's main market, formal and informal credit services, healthcare facilities, and government extension services.

Figure 1. Map of Prey Nup District



In Prey Nup the study selected two of the *sangkat*'s five villages for in-depth research. In Prey Nup 2 village the researchers surveyed 67 or 20 percent of the total 329 households. In Bot Se Moan village the researchers surveyed 63 or 28 percent of the total 229 households. Prey Nup 2 and Bot Se Moan villages are both located along National Road 4. In Teuk Laak two of the *sangkat*'s four villages were selected for study. In Tuol village the researchers sampled 65 or 23 percent of the total 280 households. In Kampong Smach Touch village the researchers sampled 69 or 34 percent of the total 201 households. Tuol village is situated along National

²¹ These two *sangkat* were included in the CDRI Cambodia Land Titling Rural Baseline Survey.

Road 3 while Kampong Smach Touch is located off of the national highway accessible by a village road. The survey was purposively sampled to include only household respondents which held at least one LMAP title to agricultural land.

In-migration and Composition of Households

While the majority of the households surveyed in both *sangkat* were headed by persons who had taken up residence in their respective villages before 1980, a higher proportion of the sample in Prey Nup *sangkat* had come to the area since 1980. While 58 percent of the sample households had settled in Prey Nup before 1980, 25 percent had arrived from 1980 to 1989, 15 percent had come from 1990 to 1999, and 2 percent had moved in since 2000. By comparison, a larger proportion of the sample in Teuk Laak *sangkat* had established residence in the area before 1980. Indeed 78 percent of the sample households had settled in Teuk Laak before 1980, 10 percent had arrived from 1980 to 1989, 7 percent had come from 1990 to 1999, and 5 percent had lived there since 2000. The principal reason for the higher rate of in-migration in Prey Nup *sangkat* was the rapid growth of economic activity along National Road 4 which gave rise to densely populated built up areas. Meanwhile Teuk Laak *sangkat* was rather isolated until the improvement of National Road 3 in 2003. The demographic trends that took place in the two *sangkat* were to have far reaching consequences for emerging patterns in land transactions.

In Prey Nup *sangkat* the mean household size of the 130 households interviewed (including migrant workers contributing to household livelihood) was 5.83, the mean households workers was 2.81, and the mean migrant workers was 0.38. Disaggregated by sex, the mean male household members was 2.85, the mean male household workers was 1.5, and the mean male household migrant workers was 0.22. Comparatively the mean female household members was 2.98, the mean female household workers was 1.31, and the mean female household migrant workers was 0.16. These figures indicate a rather large household labor force, composed almost equally of males and females, with relatively few migrant workers.

In Teuk Laak *sangkat* the mean household size of the 134 households interviewed (including migrant workers contributing to household livelihood) was 5.72, the mean households workers was 2.87, and the mean migrant workers was 0.31. Disaggregated by sex, the mean male household members was 2.86, the mean male household workers was 1.51, and the mean male household migrant workers was 0.12. Comparatively the mean female household members was 2.86, the mean female household workers was 1.36, and the mean female household migrant workers was 0.19. In contrast to Prey Nup *sangkat* these data point to a slightly larger labor force supporting somewhat smaller households, comprised nearly equally of males and females, with less male and more female migrant workers than Prey Nup.

Rank of Livelihood Sources

Paddy rice cultivation was ranked as the most important source of livelihood for the households surveyed in all four villages. At the same time in the Prey Nup *sangkat* villages of Prey Nup 2 and in Bot Se Moan paddy rice cultivation was cited more often as the most important livelihood source than in the Teuk Laak *sangkat* villages of Tuol and Kampong Smach Touch (Tables 1 & 2). In Prey Nup 2 village principal sources of livelihood were the least diversified. Nonetheless, raising livestock and/or poultry, buying and selling goods, fishing, and government work were mentioned as important secondary livelihood sources. In

Bot Se Moan village local wage work, migrant work, and fishing were ranked as important livelihood sources (Table 1).

Table 1. Household Ranking of Livelihood Sources in the Past Year, Prey Nup Sangkat, May-June 2007								
Livelihood Sources	Prey Nup 2 village				Bot Se Moan village			
	1 st most Important		2 nd most important		1 st most important		2 nd most Important	
	#	%	#	%	#	%	#	%
Paddy rice cultivation	55	82	9	13	49	78	9	14
Livestock/poultry raising	---	---	19	28	1	2%	7	11
Fishing	---	---	9	13	---	---	10	16
Buying and selling goods	3	5	7	10	1	2	2	3
Local wage work	4	6	3	5	6	10	9	14
Government worker, civil servant, military	1	2	8	12	1	2	4	6
Migrant work	2	3	3	5	3	5	7	11
Cultivating other crops	---	---	4	6	---	---	4	6
Making and selling goods	---	---	1	2	1	2	7	11
	N=67				N=63			

In the Teuk Laak *sangkat* village of Kampong Smach Touch fishing ranked high with paddy rice cultivation as an important source of livelihood. In Kampong Smach Touch and in Tuol villages, raising livestock and/or poultry was an important secondary source of livelihood. In Tuol village fishing and local wage work were likewise mentioned as important secondary sources of earning (Table 2).

Table 2. Household Ranking of Livelihood Sources in the Past Year, Teuk Laak Sangkat, May-June 2007								
Livelihood Sources	Tuol village				Kampong Smach Touch village			
	1 st most Important		2 nd most important		1 st most important		2 nd most Important	
	#	%	#	%	#	%	#	%
Paddy rice cultivation	48	74	7	11	45	65	19	28
Livestock/poultry raising	1	2	14	22	2	3	6	9
Fishing	1	2	8	12	18	26	36	52
Buying and selling goods	4	6	5	8	2	3	---	---
Local wage work	3	5	7	11	1	1	4	6
Government worker, civil servant, military	1	2	2	3	---	---	---	---
Migrant work	1	2	1	2	---	---	2	3
Cultivating other crops	---	---	5	8	---	---	1	1
Making and selling goods	3	5	3	5	1	1	2	3
	N=65				N=69			

Ranking of expenditures

As expected households surveyed in all four villages ranked food expenditures high among their major expenditures. In Prey Nup 2 village investments in paddy rice production for fertilizer, pesticide, wage labor, and polder user fees were ranked even higher than food expenses and demonstrated once again the heavy dependence of Prey Nup 2 households on rice cultivation as the principal livelihood source. In Bot Se Moan village investments in paddy rice cultivation ranked high as a secondary expense. More striking perhaps, one-fifth of the respondents in Bot Se Moan village ranked healthcare as their major expense. Compared

to the households in the other three villages, respondents in Bot Se Moan village ranked education costs relatively high (Table 3).

Table 3. Household Ranking of Expenditures in the Past Year, Prey Nup <i>Sangkat</i>, May-June 2007								
Expenditures	Prey Nup 2 village				Bot Se Moan village			
	Most money spent		2 nd most money spent		Most money spent		2 nd most money spent	
	#	%	#	%	#	%	#	%
Food purchases	25	37	24	36	38	60	12	19
Investment in paddy rice Production	35	52	16	24	3	5	21	33
Investment in fishing	---	---	2	3	---	---	1	2
Ceremonies	2	3	13	19	2	3	2	3
Healthcare costs	2	3	4	6	13	21	12	19
Repayment of debt	---	---	2	3	---	---	1	2
Investment in poultry and/or livestock raising	---	---	2	3	---	---	2	3
Investment in small business	2	3	2	3	---	---	2	3
Education costs	---	---	1	2	4	6	8	13
House improvement	---	---	---	---	---	---	---	---
	N=67				N=63			

Not surprisingly, given their reliance on fishing, households in Kampong Smach Touch village ranked investments in fishing high among their major expenditures. In Kampong Smach Touch and Tuol villages expenditures for healthcare and paddy rice production ranked fairly high (Table 4). The high ranking of healthcare expenditures by households in Bot Se Moan, Tuol, and Kampong Smach Touch villages had significant implications for its obvious link to land sales.

Table 4. Household Ranking of Expenditures in the Past Year, Teuk Laak <i>Sangkat</i>, May-June 2007								
Expenditures	Tuol village				Kampong Smach Touch village			
	Most money spent		2 nd most money spent		Most money spent		2 nd most money spent	
	#	%	#	%	#	%	#	%
Food purchases	47	72	11	17	32	46	14	20
Investment in paddy rice Production	4	6	11	17	6	9	16	23
Investment in fishing	---	---	4	6	16	23	13	19
Ceremonies	---	---	6	9	2	3	3	4
Healthcare costs	5	8	17	26	8	12	11	16
Repayment of debt	---	---	---	---	2	3	5	7
Investment in poultry and/or livestock raising	---	---	5	8	---	---	2	3
Investment in small business	2	3	1	2	---	---	2	3
Education costs	2	3	4	6	---	---	---	---
House improvement	4	6	3	5	4	6	2	3
	N=65				N=69			

Residential Landholdings

Of the 264 households surveyed, 96 percent in both Prey Nup and Teuk Laak *sangkat* owned plots of residential land. Several households (10 in Prey Nup and 12 in Teuk Laak) owned

more than one residential plot. Nearly all of the respondents who did not own residential plots were living on parental land. Only one respondent had sold residential land. Prey Nup *sangkat* was part of the pilot titling program which did not map and title residential plots. Teuk Laak *sangkat*, however, was included in the regular LMAP program which mapped and titled both agricultural and residential plots.

Size of Residential Plots

The mean area of the 133 residential plots owned by the 121 households interviewed in Prey Nup *sangkat* was 1,250 square meters (Table 5). Nonetheless, 47 (35 percent) of these residential plots were 600 square meters and below and averaged only 362 square meters. The disparity in size of residential plots could have resulted from land fragmentation within families or from the division of original plots for sale to in-migrants.

Within Prey Nup *sangkat* the average area of residential plots in the Prey Nup 2 village sample was much less (900 square meters) than the average area of residential plots in the Bot Se Moan village sample (1,576 square meters). In Prey Nup 2 village 31 (48 percent) of the residential plots fell into the size category of 600 square meters and below, while in Bot Se Moan village only 16 (23 percent) of the residential plots fell into this same size category. These figures could reflect the relative scarcity of, and greater demand for, residential plots in the more highly populated Prey Nup 2 village.

Table 5. Household Residential Landholding Summary, Prey Nup Sangkat, May-June 2007						
Landholding size	Number of households	Total plots	Total area of plots (square meters)	Area per household (square meters)	Plots per household	Area per plot (square meters)
600 square meters and below	45	47	17,004	378	1.04	362
601 to 1200 square meters	33	34	30,809	934	1.03	906
1201 to 1800 square meters	22	24	33,380	1,517	1.09	1,391
More than 1800 square meters	21	28	85,117	4,053	1.33	3,040
Total	121	133	166,310	1,374	1.1	1,250

The mean area of the 143 residential plots owned by the 129 households interviewed in Teuk Laak *sangkat* was 1,465 square meters, slightly higher than that in Prey Nup *sangkat* (Table 6). At the same time, 71 (49 percent) of the residential plots in Teuk Laak *sangkat* were larger than 1,200 square meters compared to only 52 (39 percent) of those of the same size category in Prey Nup *sangkat*. This demonstrated less fragmentation of original residential plots in Teuk Laak *sangkat* compared to Prey Nup *sangkat*.

Within Teuk Laak *sangkat* the average area of residential plots in the Tuol village sample was only slightly less (1,379 square meters) than the average area of residential plots in the Kampong Smach Touch village sample (1,548 square meters). However, in the Tuol village sample only 15 (21 percent) of the residential plots were larger than 1,800 square meters compared to 29 (40 percent) of those of the same size category in the Kampong Smach Touch village sample. This manifested the expansive residential areas owned by two-fifths of the households within the interior village of Kampong Smach Touch.

Table 6. Household Residential Landholding Summary, Teuk Laak <i>Sangkat</i> , May-June 2007						
Landholding size	Number of households	Total plots	Total area of plots (square meters)	Area per household (square meters)	Plots per household	Area per plot (square meters)
600 square meters and below	21	21	8,637	411	1	411
601 to 1200 square meters	48	51	44,697	931	1.06	876
1201 to 800 square meters	26	27	39,633	1,524	1.04	1,468
More than 1800 square meters	34	44	116,588	3,429	1.29	2,650
Total	129	143	209,555	1,624	1.11	1,465

Acquisition of Residential Plots

In Prey Nup *sangkat* most residential plots of the respondents surveyed were acquired from the year 1989 or before (65 percent), while others were acquired between 1990 and 1999 (27 percent), and the less since 2000 (9 percent). In Teuk Laak *sangkat* the pattern was somewhat similar. Most residential plots of the respondents surveyed were acquired from the year 1989 or before (72 percent), while equal percentages (14 percent) were acquired between 1990 and 1999 and since 2000. Nearly all of the home plots owned were located in the respondents' village of residence. These figures reveal that a majority of the respondents had resided in their respective communes for nearly two decades, and that long-term residence was slightly higher in Teuk Laak *sangkat* compared with Prey Nup *sangkat*. These trends were consistent with the patterns of in-migration in the two *sangkat* discussed earlier.

Other indicators also point to a longer settled population in Teuk Laak *sangkat* compared with Prey Nup *sangkat*. In Teuk Laak *sangkat* most residential plots acquired by the households surveyed were inherited or donated by relatives (45 percent) or given by the state (43 percent). Few of the residential plots (9 percent) were bought and even fewer (2 percent) were cleared or occupied without cost. By contrast, in Prey Nup *sangkat* the highest single percentage of residential plots acquired by the households interviewed were bought (37 percent). Smaller percentages were given by the state (24 percent), inherited or donated by relatives (21 percent), and cleared or occupied without cost (17 percent). The much higher percentage of residential plots purchased in Prey Nup *sangkat* likewise reflected a higher rate of in-migration with the consequent need for migrants to buy residential plots.

LMAP Titled Residential Plots

As mentioned earlier, Prey Nup *sangkat* was a pilot area and residential plots were not mapped and titled under LMAP. Some of the 133 residential plots owned by 121 households interviewed in Prey Nup *sangkat* were nevertheless covered by various certification papers. The residential plots of those surveyed were covered by *slab moan* with the respondent's own name (15 percent), *slab moan* with sales contract (5 percent), *bankanday* with the respondent's own name (10 percent), and *bankanday* with sales contract (11 percent).²²

²² In the study area *bankanday* referred to certification paper of possession rights. *Slab moan* literally "chicken feather" was so called because of the chicken feather mark on the possession paper.

However, the majority (58 percent) of the residential plots of the respondents were owned without any certification papers.

As part of the regular LMAP program, residential plots in Teuk Laak *sangkat* were mapped and titled. Indeed all but one of the 143 residential plots owned by the 129 households surveyed in Teuk Laak were titled under LMAP. A large majority of these residential plots (78 percent) registered under LMAP had names of both spouses on the title. Others had the name of the wife (or woman) only (11 percent), the name of the husband (or man) only (4 percent), or the name of other family members (2 percent). This indicated that women legally held equal ownership to household residential plots. Five residential plots had the name of the previous or past owner on the title indicating that these land transfers had not been registered legally. The one residential plot in the Teuk Laak sample without a LMAP title was covered by a *bakanday* with sales contract.

Agricultural Landholdings

Participation in the sample survey required respondents to own at least one plot of agricultural land titled under LMAP. For that reason all 264 households surveyed in Prey Nup and Teuk Laak *sangkat* owned plots of agricultural land. In Prey Nup the 130 households interviewed owned on average agricultural holdings of 1.75 hectares with 3.09 plots per household of 0.57 hectare each (Table 7). Within Prey Nup *sangkat* the 67 households surveyed in Prey Nup 2 village owned on average agricultural holdings of 2.14 hectares with 2.91 plots per household of 0.74 hectare each. By comparison, the average area of agricultural land owned in Bot Se Moan village was considerably smaller. The 63 households surveyed in Bot Se Moan village owned on average agricultural holdings of 1.34 hectares with 3.29 plots per household of 0.41 hectare each.

Landholding size	Number of households	Total plots	Total Area (hectares)	Area per household (hectares)	Plots per household	Area per plot (hectares)
Less than 0.5 hectares	19	28	6.49	0.34	1.47	0.23
0.5 to 0.99 hectares	31	47	21.44	0.69	1.52	0.46
1.0 to 1.99 hectares	45	140	63.18	1.40	3.11	0.45
2.0 to 2.99 hectares	16	70	37.85	2.36	4.38	0.54
3 hectares or more	19	117	99.12	5.21	6.16	0.85
Total	130	402	228.07	1.75	3.09	0.57

In Teuk Laak *sangkat* agricultural plots owned by respondents were greater in number but smaller in size than those owned by the respondents in Prey Nup *sangkat*. More crucially, average agricultural holdings were 64 percent smaller in Teuk Laak than in Prey Nup. In Teuk Laak the 134 households interviewed owned on average agricultural holdings of 1.07 hectares with 4.78 plots per household of 0.22 hectare each (Table 8). Within Teuk Laak *sangkat* the 65 households surveyed in Tuol village owned on average agricultural holdings of 0.98 hectares with 4.65 plots per household of 0.21 hectare each. By contrast, the average area of agricultural land owned in Kampong Smach Touch village was somewhat larger. The 69 households surveyed in Kampong Smach Touch village owned on average agricultural holdings of 1.14 hectares with 4.91 plots per household of 0.23 hectare each.

Table 8. Household Agricultural Landholding Summary, Teuk Laak <i>Sangkat</i> , May-June 2007						
Landholding size	Number of households	Total plots	Total Area (hectares)	Area per household (hectares)	Plots per household	Area per plot (hectares)
Less than 0.5 ha	35	85	10.78	0.30	2.43	0.13
0.5 to 0.99 hectares	43	195	31.33	0.72	4.53	0.16
1.0 to 1.99 hectares	43	269	58.22	1.35	6.26	0.22
2.0 to 2.99 hectares	7	53	16.97	2.42	7.57	0.32
3 hectares or more	6	39	25.54	4.25	6.5	0.65
Total	134	641	142.84	1.07	4.78	0.22

Disproportionate Ownership of Agricultural Land

Closer scrutiny of the data reveals that the large land holders in Prey Nup *sangkat* owned a disproportionate share of the agricultural land. For instance, households with less than one half hectare of agricultural holdings comprised 15 percent of the sample, but owned only 3 percent of the agricultural land. Similarly, households with holdings of less than one hectare made up 38 percent of the sample, but owned only 12 percent of the land. At the same time, households with 2 hectares or more of agricultural holdings made up only 27 percent of the sample but owned 60 percent of the land.²³

The data from Prey Nup *sangkat* further discloses that households with smaller agricultural holdings had fewer agricultural plots compared to households with larger agricultural holdings. Moreover, the average plot areas of the households with smaller holdings were also smaller in size relative to the average plot areas of the households with larger holdings. Indeed the number and size of plots steadily increased from one landholding category to another (Table 7).²⁴

A pattern of disparity of land ownership was likewise evident in Teuk Laak *sangkat* although it was not as pronounced as that in Prey Nup *sangkat*. The data reveals that the large land holders in Teuk Laak *sangkat* owned a disproportionate share of the agricultural land. For example, households with less than one half hectare of agricultural holdings comprised 26 percent of the sample, but owned only 8 percent of the agricultural land. In like manner, households with holdings of less than one hectare made up 58 percent of the sample, but owned only 29 percent of the land. Meanwhile, households with 2 hectares or more of agricultural holdings made up only 10 percent of the sample but owned 30 percent of the land.

In Teuk Laak *sangkat* households surveyed with smaller agricultural holdings for the most part too had fewer agricultural plots compared to households with larger agricultural holdings. Similarly, the average plot areas of the households with smaller holdings were smaller in size relative to the average plot areas of the households with larger holdings. Indeed the number and size of plots, in all but one instance, unvaryingly rose from one landholding category to another (Table 8).

²³ This pattern was also found in the CDRI baseline survey. See Ballard and So, *Cambodia Land Titling Program Baseline Survey Project*, p.32. Moreover, research conducted on land inequalities in the Prey Nup Polders Rehabilitation Project in Prey Nup district reports that the gini coefficient in polder areas 1 & 2 increased from 0.402 in 1999 to 0.463 in 2006, while the percentage of landless farmers in these two polder areas increased from 13 to 23 percent during the same years. See Lagandre, Damien and Philippe Lavigne Delville, *Polder Rehabilitation, Agricultural Growth, and Inequalities: The Socioeconomic Impact of the Prey Nup Project (Cambodia)*, Etudes et Travaux, Editions du Gret, Paris, 2007, p.20.

²⁴ This trend was likewise noted in the CDRI baseline survey. See Ballard and So, *Cambodia Land Titling Program Baseline Survey Project*, p.32. .

Kind and Location of Agricultural Plots

Nearly all of the agricultural plots owned by the households surveyed in both Prey Nup and Teuk Laak *sangkat* were wet season rice lands. In the past year the large majority of these plots were cultivated by their owners to one crop of paddy rice. In Prey Nup *sangkat* 70 percent of all agricultural plots reportedly benefited from a water management system compared to only 12 percent of all agricultural plots in Teuk Laak *sangkat*. This was due to the construction of the polder hydraulic systems in Prey Nup *sangkat* which combined two functions: 1) the protection of agricultural land from sea water intrusion; and 2) the regulation of fresh water levels to facilitate paddy cultivation in the polders.²⁵ In Teuk Laak several plots were left idle because salt water had flowed into them. *Chamcar* plots were also owned by some respondents, mainly from Tuol village in Teuk Laak *sangkat*.

Not all of the agricultural plots owned were located in the respondents' village of residence. More specifically, shares of agricultural plots owned outside of same village locations reached 18 percent for Prey Nup 2 village, only 1 percent for Bot Se Moan village, 16 percent for Tuol village, and 11 percent for Kampong Smach Touch village.

Acquisition of Agricultural Plots

In Prey Nup *sangkat* most of the agricultural plots of the respondents surveyed were acquired from the year 1989 or before (60 percent), while others were acquired between 1990 and 1999 (25 percent), and some since 2000 (15 percent). In Teuk Laak *sangkat* the general trend was similar but with a higher percentage of plots acquired from 1989 and before. Almost three-fourths of the agricultural plots of the Teuk Laak respondents were acquired from the year 1989 or before (74 percent), while others were acquired between 1990 and 1999 (15 percent) and since 2000 (11 percent). These figures also indicated that long-term residence was higher in Teuk Laak compared with Prey Nup.

In Teuk Laak *sangkat* most agricultural plots acquired by the households surveyed were given by the state (62 percent). Smaller percentages were inherited or donated by relatives (28 percent), bought (7 percent), and cleared or occupied (4 percent). In Prey Nup *sangkat* the highest single percentage of agricultural plots acquired by the households interviewed were also given by the state (48 percent) but proportionally this was considerably lower than that recorded for Teuk Laak *sangkat*. Moreover, the percentage of agricultural plots acquired through purchase by the Prey Nup sample (36 percent) was proportionally much higher compared to the Teuk Laak sample. Taken together these figures too pointed to a higher rate of in-migration in Prey Nup. Some agricultural plots owned by the Prey Nup respondents were also inherited or donated by relatives (9 percent) and cleared or occupied (7 percent).

LMAP Titled Agricultural Plots

In Prey Nup *sangkat* 91 percent of all the agricultural plots owned by the households surveyed were titled under LMAP, while in Teuk Laak *sangkat* 93 percent of all agricultural plots owned by the households surveyed were similarly titled. Since large landholders in both *sangkat* owned a disproportionate share of the agricultural land this meant that they benefited

²⁵ See Brun, Jean-Marie, *Prey Nup Polders Rehabilitation Project, Project's Rationale, Achievements and Stakes*, Ministry of Water Resources and Meteorology and GRET, Phnom Penh, February 2006.

more from land titling than the small land holders.²⁶ For example, in Prey Nup *sangkat* households with 1 hectare or more of LMAP titled agricultural holdings made up 54 percent of the sample but owned 83 percent of the LMAP titled land. Similarly, households in Prey Nup with 2 hectares or more of LMAP titled agricultural holdings made up only 20 percent of the sample but owned 54 percent of the LMAP titled land. At the same time, the number and size of LMAP titled plots in Prey Nup increased from one landholding category to another.

In Teuk Laak *sangkat* large land holders who owned a disproportionate share of agricultural land also benefited more from land titling than the small land holders. For instance, in Teuk Laak households with 1 hectare or more of LMAP titled agricultural holdings made up 38 percent of the sample but owned 69 percent of the LMAP titled land. In like manner, households in Teuk Laak with 2 hectares or more of LMAP titled agricultural holdings made up only 10 percent of the sample but owned 33 percent of the LMAP titled land. Meanwhile, the number and size of LMAP titled plots in Teuk Laak, in all but one instance, steadily rose from one landholding category to another.

Of note, levels of LMAP coverage differed rather sharply among respondents from village to village. Within Prey Nup *sangkat*, 98 percent of the agricultural lands in the Bot Se Moan village sample had LMAP titles compared to only 84 percent of the agricultural lands in the Prey Nup 2 village sample. In Prey Nup 2 village several households included in the study claimed ownership to agricultural land in neighboring Bek Krang village where LMAP titling was suspended due to a pending land dispute.

Similarly, within Teuk Laak *sangkat*, 98 percent of the agricultural lands in the Tuol village sample had LMAP titles compared to only 88 percent of the agricultural lands in Kampong Smach Touch village sample. In Kampong Smach Touch village several respondent households, who owned and cultivated agricultural land in neighboring Samrong village, did not receive notice of the LMAP registration process in Samrong village and as a result did not receive LMAP titles for their plots there.

In Prey Nup *sangkat* a large majority of the agricultural plots (77 percent) registered under LMAP had names of both husbands and wives on the title. Others had the name of the wife (or woman) only (8 percent), the name of the husband (or man) only (3 percent), or the name of either parent (3 percent). This revealed that women legally held equal ownership to household agricultural plots. In addition, the names of previous and past owners appeared on 8 percent of the titled agricultural plots (almost all in Bot Se Moan village) indicating that these land transfers had not been registered legally.

In Teuk Laak *sangkat* the names of wives (or women) also stood out prominently on the LMAP agricultural titles. A vast majority of the LMAP agricultural plots (83 percent) had names of both husbands and wives on the title. Others had the name of the wife (or woman) only (12 percent), the name of the husband (or man) only (1 percent), or the name of other family members (3 percent). This again underscored that women legally held equal ownership to household agricultural plots.²⁷ Meanwhile, the names of previous and past owners appeared on only 1 percent of the titled agricultural plots. This did not necessarily

²⁶ Large landholders who owned a disproportionate share of the agricultural land gained more from land titling than small landholders through added value to property, increased collateral for obtaining formal credit, and security of tenure over larger land areas.

²⁷ Mr. Sar Sovann, Director of LAMP, stated that the LMAP data base reveals that 70 percent of the LMAP titles are held jointly by men and women, 20 percent by women only, and 5 percent by men only (Land Titling Baseline Survey Project Dissemination Workshop held in Phnom Penh on 22 October 2007).

indicate that land transfers in Teuk Laak *sangkat* had been registered legally. It revealed rather that land transfers, for the most part, had taken place with buyers from outside the village.

In both Prey Nup and Teuk Laak *sangkat* more than half of the agricultural plots that were not titled under LMAP were owned without any possession papers. Others were covered by *bankanday* with the respondent's own name or sales contract, or in one instance a *slab moan* with the respondent's own name.

LMAP Mapping and Registration Process

With the promulgation of the land law in August 2001, the Ministry of Land Management, Urban Planning and Construction (MLMUPC) became the institution in Cambodia responsible for land registration and land titling. MLMUPC uses two procedures for the registration of property rights, the sporadic land registration system and the systematic land registration system. LMAP supports the systematic land registration system in which all lands in a given location, usually a commune/*sangkat*, are mapped and titled at the same time. LMAP developed out of two pilot projects: the Land Management Project and the Cambodia Cadastral Project.

The systematic land registration process under LMAP entails five steps. The first step involves preparation, i.e. identifying the geographical area for land registration, establishing the local administrative committee, and informing the people in the area about the upcoming land titling operation. The second step constitutes the technical tasks of land mapping and the identification of land owners. The third step involves the public display of the plots to be titled together with the corresponding list of owners, so that everyone concerned will have an opportunity to verify whether the size of the plots and/or the names on the documents are correct. The fourth step comprises the report of the local administrative committee, signed by the provincial or municipal governor, which attests to the fact that the public display has taken place and that the lands submitted for titling are free of conflict. The fifth step involves the legal registration of the property on the Land Register, the issuance of the title, and the delivery of the title to the owner. The entire systematic land registration process was designed to take five months although it often takes more than one year.

Land Titling Process

Systematic land titling was launched in Prey Nup *sangkat* early in the new millennium as part of the pilot efforts. Prey Nup *sangkat* was selected as a pilot site since its coastal areas fell within the 10,500 hectare coverage of the Prey Nup Polders Rehabilitation Project. The issuance of titles on land within the polders²⁸ was envisaged to complement the rise in productivity expected to occur with the rehabilitation of the paddy rice fields. In 2003 land titles on agricultural plots were issued to landowners in four of Prey Nup *sangkat's* five villages. No titles were issued in Bek Krang village after a land dispute erupted during the period of public display. In late 2003 systematic land titling began in Teuk Laak *sangkat* under the LMAP project. In 2004 land titles on residential and agricultural plots were issued to landowners in Teuk Laak *sangkat's* four villages.

²⁸ A polder is an area of land located along a coastal zone, below the sea water level (at least in high tide), which is protected from sea water by dykes. See Brun, *Prey Nup Polders Rehabilitation Project*.

Procedures in the pilot registration process in Prey Nup *sangkat* differed somewhat from the procedures followed in the regular LMAP project. In the pilot project cadastral officials relied mainly on village and commune chiefs to disseminate information about the registration process. Thus in Prey Nup 97 percent of the households surveyed had learned about the land titling operation from village and commune chiefs. Prey Nup households too had learned about the land titling from neighbors (28 percent) and cadastral officials (15 percent).

Implementation procedures adopted in the regular LMAP project likewise depended on village and commune chiefs to inform villagers about the scheduled land titling. At the same time LMAP teams were recognizable in their blue and white caps and blue T-shirts and actively spread news about land titling operations throughout the villages. So while a large majority of the households surveyed in Teuk Laak *sangkat* had learned about the registration process from village and commune chiefs (90 percent), respondents too had heard about it from LMAP teams (69 percent), and from neighbors (68 percent).

Participation in Land Mapping

Villagers actively participated in the LMAP mapping operations. Overall, 97 percent of the households surveyed in Prey Nup *sangkat* and 99 percent of the households surveyed in Teuk Laak *sangkat* had members present when their agricultural plots were measured. This demonstrated the high value households placed on land titling and their interest in making sure that the process was implemented without incident.

Owners of agricultural plots adjacent to those of the respondent households were also strongly represented during the mapping activities. In all, 97 percent of the households interviewed in Prey Nup *sangkat* and 96 percent of the households interviewed in Teuk Laak *sangkat* reported that owners of adjacent agricultural plots were present during the measuring process. Only 5 percent of the total respondents from the two *sangkat* had arguments about plot boundaries with the owners of adjacent agricultural land. Of the small percentage that had disagreements, half were satisfied with the outcome of the final plot measurements.

Duration of Plot Measurement and Title Issuance

With regard to the duration of mapping and measurement of agricultural plots the process was expedited very quickly in Prey Nup *sangkat* but much more slowly in Teuk Laak *sangkat*. For the large majority of households surveyed in Prey Nup *sangkat*, the mapping and measurement of their agricultural plots was completed in only one day (91 percent). For several households it took a little longer; two days (7 percent), three days (1 percent), or more than three days (1 percent). By comparison, the mapping and measurement of agricultural plots for only 38 percent of the households surveyed in Teuk Laak *sangkat* was concluded in one day. For the others it took longer; two days (11 percent), three days (11 percent), or more than three days (39 percent). A possible explanation for the variance in the process was that mapping of agricultural plots in Teuk Laak involved aerial photography and the measurement of the decidedly smaller plots in Teuk Laak took more time.

With respect to the duration of the issuance of land titles the pattern that emerged in the two *sangkat* was reversed. In Prey Nup it generally took longer for households to receive their agricultural land titles after completing mapping and measurement than that it did for households in Teuk Laak. In Prey Nup, only 3 percent of the households surveyed received their titles within six months of completing the mapping and measurement of their plots. For

most households it took from seven to twelve months (84 percent) and for others it took more than twelve months (13 percent). By contrast in Teuk Laak 71 percent of the households surveyed received their titles within six months, and 29 percent from seven to twelve months, of completing the mapping and measurement of their plots.

The reason for the discrepancy in the delivery time of titles between the two *sangkat* may be explained by the different procedures in place during the pilot and regular LMAP project. In the pilot project titles for Prey Nup *sangkat* were issued by the MLMUPC in Phnom Penh and then sent back to the municipal office for delivery. In the regular LMAP project titles for Teuk Laak *sangkat* were issued directly by the MLMUPC Sihanoukville municipal office which helped to expedite the process.

Land Titles Still in LMAP Office

By far the majority of the respondents surveyed had received the LMAP titles that were issued for their lands. Within Prey Nup *sangkat* several households interviewed in Prey Nup 2 village (12 percent) and Bot Se Moan village (3 percent) acknowledged that titles issued for their agricultural plots still remained in the MLMUPC municipal office. Within Teuk Laak *sangkat* none of the households interviewed in Tuol village and only a few of the households interviewed in Kampong Smach Touch village (7 percent) reported that titles issued for their agricultural plots were still to be received from the MLMUPC municipal office. Generally the respondents in the two *sangkat* who had not yet claimed all of their titles did not provide clear reasons for the failures in delivery.

The data gathered in the household survey was consistent with the figures provided by the LMAP unit of the MLMUPC municipal office in Sihanoukville. The LMAP municipal records showed that only 36 (2 percent) of the 1,748 titles issued for plots in Tuol village still remained in the office. Similarly, the LMAP municipal records revealed that only 37 (3 percent) of the 1,252 titles issued for plots in Kampong Smach Touch village remained to be delivered. The municipal office did not have data available on the status of the titles issued in the pilot systematic land registration project in Prey Nup *sangkat*. Overall the official figures for titles issued and delivered in Tuol and Kampong Smach Touch villages demonstrated the capacity of LAMP to generate and deliver a large volume of titles to household beneficiaries with a minimal amount of loss within the system.

Agricultural Plots without Titles

This study purposively interviewed households that had possession of at least one LMAP title on agricultural land. In that sense all of the households included in the survey were beneficiaries of the LMAP project. At the same time LMAP coverage of agricultural lands owned or claimed by respondents differed from village to village. Within Prey Nup *sangkat* 18 percent of the Prey Nup 2 village sample and 3 percent of the Bot Se Moan village sample had agricultural plots not measured under LMAP. Similarly, within Teuk Laak *sangkat* 13 percent of the Tuol village sample and 48 percent of the Kampong Smach Touch sample had agricultural lands not measured under LMAP.

In several instances agricultural lands claimed by respondents were also considered state land and for that reason not included under LMAP. In other instances *chamcar* lands were not mapped and titled. Circumstances peculiar to Prey Nup 2 and Kampong Smach Touch respondents accounted primarily for the lack of full LMAP coverage for households in these

villages. As mentioned earlier several households interviewed in Prey Nup 2 village claimed ownership to agricultural land in neighboring Bek Krang village where LMAP titling was suspended due to an ongoing land conflict. In Kampong Smach Touch village numerous respondent households owned and cultivated agricultural land in neighboring Samrong village located in Samrong *sangkat*. These households were not informed of the LMAP registration schedule in Samrong and as a consequence did not receive LMAP titles for their agriculture plots in that village.

Conversations with villagers in key informant and focus group discussions indicated general satisfaction with the LMAP mapping and registration process. People mentioned that the process was transparent and that information was disseminated to them at all steps of implementation. The beneficiaries participated actively in the process and were able to negotiate boundary disputes. Villagers also declared that the systematic land titling process cost them very little compared to payments incurred with sporadic land titling.

Land Transactions

This section focuses on land transactions and compares land sales in Prey Nup and Teuk Laak *sangkat* in the years before the LMAP program was initiated (1989 to 2002) to land sales in the years since the awarding of LMAP titles (2003 to mid 2007). In addition, trends in land purchases are examined in both *sangkat* since 1989. With respect to land sales and purchases an attempt is made to document the use of the Land Registry in the two *sangkat*.

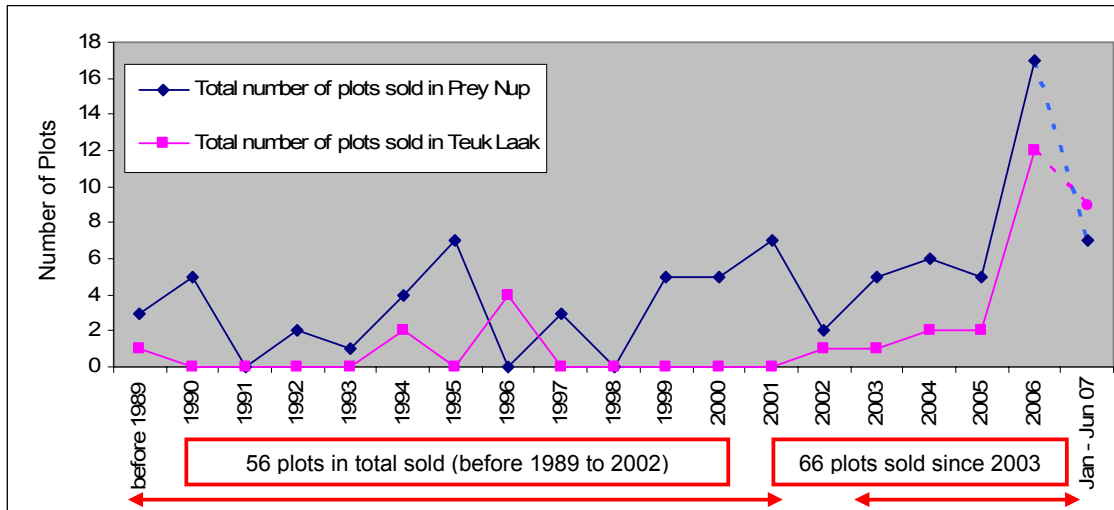
Land Sales from 1989 to mid 2007

Land sales by respondents in the two *sangkat* were higher in the four and a half years since LMAP implementation than in the previous fourteen years combined. From 1989 (and the years before) through 2002, 56 plots of land were sold by 34 households from Prey Nup and Teuk Laak *sangkat*. By comparison, from the granting of LMAP titles in 2003 to the time of the research in mid 2007, 66 plots of land were sold by 51 households from the two *sangkat*. These included 59 plots with LMAP titles and 7 plots without LMAP titles. A sharp increase in land sales by respondents from both *sangkat* was evident in the year 2006 indicating that the land market was robust and expanding (Figure 2).²⁹

Overall, land sales in the Prey Nup sample to 2006, with the exception of 1996, had been greater than, or equal to, those in the Teuk Laak sample. In the years preceding LMAP from 1989 to 2002, 48 or 86 percent of the total 56 plots sold were transacted by respondents from Prey Nup. In the LMAP era from 2003 to the research in mid 2007, 40 or 61 percent of the total 66 plots sold were transacted by respondents from Prey Nup. These data revealed that land sales continued to be higher in the LMAP era among Prey Nup respondents, although proportionately the gap in land sales between respondents from the two *sangkat* had narrowed after LMAP. Of note, 9 or 60 percent of the total 15 plots sold in the first six months of 2007 were transacted by Teuk Laak respondents. This suggested that in the year 2007 land sales transacted by Teuk Laak respondents could be higher than those transacted by Prey Nup respondents.

²⁹ A study by CEDAC & GRET noted a sharp decrease in land speculation in Prey Nup district since 2000. See Pel, Sokha, Pierre-Yves Le Meur, Sam Vitou, Laing Lan, Pel Setha, Hay Leakhena, and Im Sothy, *Land Transactions in Rural Cambodia: A Synthesis of Findings from Research on Appropriation and Derived Rights to Land*, Phnom Penh, CEDAC & GRET, May 2007, p.128. Our data from two villages of Prey Nup *sangkat* pointed to a drop in land sales in 2002, although after this year land sales began to rise again (Figure 2).

Figure 2. Plots Sold in Prey Nup and Teuk Laak *sangkat* from 1989 to mid 2007



While land sales were higher in the LMAP era (2003 to mid 2007) than in the period preceding LMAP (1989 to 2002), a caveat to keep in mind was that the total area sold in the LMAP era was far smaller (20 hectares) compared with the total area sold in the years before LMAP (30 hectares). While areas per plot sold in the LMAP era averaged 0.30 hectares, areas per plot in the years before LMAP averaged 0.54 hectares. Moreover, in the years before LMAP the mean area of plots sold by Teuk Laak respondents was larger (0.78 hectares) than the mean area of plots sold by Prey Nup respondents (0.49 hectares). This explains why in the years before LMAP, land sales by respondents from Teuk Laak comprised only 14 percent of the total plots sold but 21 percent of the total area sold.

LMAP Land Sales from 2003 to mid 2007

Since the awarding of titles in 2003, 17 percent of the LMAP recipient households surveyed had sold LMAP titled plots. In Prey Nup *sangkat* 24 households or 18 percent of the total 130 household surveyed had sold LMAP titled plots from 2003 to mid 2007.³⁰ By contrast, 20 households or 15 percent of the total 134 households interviewed in Teuk Laak *sangkat* had sold LMAP titled plots during these years. These rather similar figures with respect to household sellers belied the fact that a much larger area of LMAP titled land and a greater number of LMAP titled plots had been sold by Prey Nup respondents compared to Teuk Laak respondents (Table 9). Most LMAP land sellers in both *sangkat* had sold only one plot of land. However a higher percentage of the Prey Nup sellers (25 percent) had sold two or more plots compared to the Teuk Laak sellers (10 percent). One household in Prey Nup had sold five plots of LMAP titled land.

Within Prey Nup *sangkat*, 13 households from Bot Se Moan village had sold 22 LMAP plots totaling 7.71 hectares, compared to 11 households from Prey Nup 2 village which had sold 15 LMAP plots totaling 4.65 hectares.³¹ Within Teuk Laak *sangkat*, 15 households from Tuol

³⁰ This section includes only the 59 LMAP titled plots sold from 2003 to mid 2007 and not the 7 non-titled plots sold during the same period.

³¹ The 13 households from Bot Se Moan that sold LMAP titled agricultural plots amounted to 21 percent of the total village sample. By reason of their inclusion in the survey all of these households still owned at least one agricultural plot titled under LMAP. Key informant interviews revealed, however, that in Bot Se Moan several LMAP beneficiaries had sold all of their LMAP titled agricultural lands and now operated small businesses out of their residential plots or had migrated to work in Thailand.

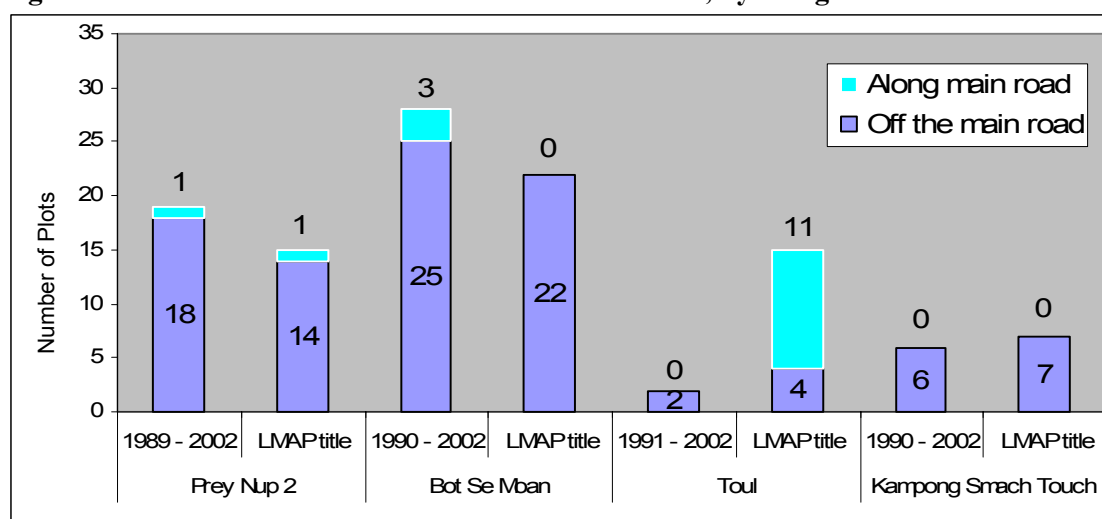
village had sold 15 LMAP plots amounting to 2.80 hectares, compared to 5 households from the interior Kampong Smach Touch village which had sold 7 LMAP plots amounting to 1.44 hectares.

Table 9. Summary LMAP Titled Land Sold , Prey Nup and Teuk Laak <i>Sangkat</i> , May-June 2007					
	Prey Nup		Teuk Laak		Total
	Number	Percent of total	Number	Percent of total	Number
LMAP plots sold	37 plots	63	22 plots	37	59 plots
LMAP area sold	12.36 ha	74	4.24 ha	26	16.6 ha
Mean LMAP area sold	0.33 ha		0.19 ha		0.28 ha
Households who sold LMAP plots	24 households	55	20 households	45	44 households

Location of Land Sold from 1989 to mid 2007

In Prey Nup *sangkat* 43 or 91 percent of 47 plots sold from 1989 to 2002 were located off the main highway. In Teuk Laak *sangkat* all 8 plots sold in these years were also located off the main road. This pattern persisted with respect to LMAP titles sold from 2003 to mid 2007 with the notable exception of Tuol village. In Prey Nup *sangkat* 36 or 97 percent of 37 LMAP plots sold from 2003 to mid 2007 were located off the main highway. Moreover, in the Teuk Laak *sangkat* interior village of Kampong Smach Touch all 7 LMAP plots sold were by village location situated off the main highway. The striking difference occurred in Tuol village (Teuk Laak *sangkat*) where 11 or 73 percent of the 15 LMAP plots sold were located along the main highway (Figure 3).³²

Figure 3. Location of land sold before and after LMAP, by village



In Tuol village large tracts of land along National Road 3 were still cultivated to paddy rice, while built up residential areas were located primarily off the main road. By contrast, the built up residential areas of Prey Nup 2 and Bot Se Moan villages in Prey Nup *sangkat* were located along National Road 4. This limited opportunities for converting lands along National Road 4 in these villages to industrial uses. Moreover, the residential lands in Prey Nup 2 and

³² In addition, the three plots sold without LMAP titles in Prey Nup and the four plots sold without LMAP titles in Teuk Laak in the years from 2003 to mid-2007 were all located off the main highway.

Bot Se Moan villages had yet to be titled under LMAP and may therefore have been less preferred by buyers. The improvement of National Road 3 in 2004 which passed through Tuol village added value to the LMAP titled lands along the highway. In Tuol village buyers were mainly interested in purchasing land along the highway for speculation.

Average Values of Land Sold Before and After LMAP

Since the distribution of LMAP titles in 2003, average values of land sold per hectare in the study area rose sharply.³³ The Teuk Laak *sangkat* villages of Tuol and Kampong Smach Touch recorded the highest differentials. Comparing prices received per hectare in the years before LMAP (1989 to 2002) to prices received per hectare in the years after LMAP (2003 to mid 2007) average values for plots sold increased in Tuol village by an astounding 2,313 percent and in Kampong Smach Touch village by a huge 448 percent (Table 10).³⁴ Similar trends, albeit on a smaller scale, were evident in the Prey Nup *sangkat* villages of Prey Nup 2 and Bot Se Moan. After LMAP, average values of plots sold per hectare in Prey Nup 2 increased by 323 percent and in Bot Se Moan by 19 percent. While Bot Se Moan registered the lowest percentage increase, the village nonetheless posted the second highest land value average in the LMAP years (Table 10). This revealed that average land values in Bot Se Moan had remained the most consistent among the four villages studied. And while land values were rising more rapidly in Teuk Laak *sangkat*, more households in Prey Nup *sangkat* had sold more LMAP titled plots of larger average size than households in Teuk Laak *sangkat* (see Table 9).

Table 10. Average Values of Plots Sold by Village in US\$ per hectare, Prey Nup and Teuk Laak Sangkat, May-June 2007				
	Prey Nup 2	Bot Se Moan	Tuol	Kampong Smach Touch
US\$ average per hectare received for plots sold (1989 to 2002)*	\$419	\$1,631	\$292	\$161
US\$ average per hectare received for LMAP plots sold (2003 to mid-2007)**	\$1,771	\$1,940	\$7,047	\$883
Percent increase	323%	19%	2,313%	448%
	*n=14 plots ** n=15 plots	*n=29 plots ** n=22 plots	*n=2 plots **n=15 plots	*n=5 plots **n=7 plots

From the view of the households surveyed 91 percent of the respondents in Prey Nup *sangkat* and 65 percent of the respondents in Teuk Laak *sangkat* declared that the value of their agricultural lands had increased since titling under LMAP. Moreover, 80 percent of the households surveyed in Prey Nup and 55 percent of the households surveyed in Teuk Laak expected that the value of their titled agricultural land would increase in the next five years. These responses revealed a greater awareness among the Prey Nup sample about the rising values of their own lands compared with the Teuk Laak sample. At the same time more respondents in Prey Nup (35 percent) had been approached about selling LMAP titled agricultural plots than respondents in Teuk Laak (25 percent).

³³ These data do not include the 7 plots without LMAP titles sold from 2003 to mid 2007.

³⁴ The remarkable surge in land values in Tuol village was largely predicated on the value of plots along National Road 3 which had reportedly reached US\$ 10,000 per hectare at the time of the research. At the same time the percentage increases reported are based on small samples and should be treated only as indicative of general trends.

The rise in land values documented in the study area is substantiated by other research. A sample survey undertaken by GRET in the polder areas of Prey Nup district documents a rather steady increase in land values from 1985 to 2001 averaging just over US\$ 400 per hectare. Land prices then increased sharply from 2003 reaching an average of just under US\$ 1,400 per hectare in 2006.³⁵ A study conducted by CEDAC and GRET estimates that land prices in Prey Nup district between 1993 and 1995 varied between US\$ 130 and US\$ 280 in the foothills, and between US\$ 260 and US\$ 3,000 for rice land based on location and road proximity. Over the next 10 years land values in Prey Nup district reportedly increased by 300 to 900 percent with the price of orchard land or tree plantation reaching up to US\$ 8,000 per hectare.³⁶

Clearly the accelerated changes taking place in the land market in Prey Nup district cannot be attributed solely to land titling. Other factors were also at work. These included road rehabilitation, polder dyke construction, land speculation, in-migration, and the nationwide trend towards higher land values. The interplay of these factors underscored the “link between emerging land markets, location and development infrastructure” documented in the CDRI baseline study.³⁷ In large measure, land titling was a contributing factor rather than a causal factor.

Land Markets and Research Theory

Research theory informing the assumptions of LMAP predicted that land values would increase at a faster rate along main roads and near administrative centers and market centers and that lands with titles would tend to have higher values than lands without titles. This was apparently borne out by the present study especially in the Teuk Laak *sangkat* village of Tuol where land values soared along the road in the aftermath of land titling and the rehabilitation of National Road 3. During key informant interviews and group discussions in both *sangkat*, people stated that the LMAP titles had increased the value of their land, partially because LMAP titled land was preferred by outside land brokers and purchasers. These observations are supported by the World Bank Equity and Development Report 2007 which argues that LMAP titles make it easier to sell land to buyers from outside the local community.³⁸

Research theory also expected that land values would increase as farm households improved their use of land and diversified towards more economically efficient land uses. Clearly there was no evidence as yet of this happening in the study area. However, the construction of the polder dykes in Prey Nup district to contain the inflow of seawater enabled cultivated rice lands in the coverage areas to increase from 7,500 hectares before 2000 to 10,504 hectares in 2006 and rice productivity in the same areas to increase from 1.6 tons per hectare before 2000 to 2.4 tons per hectare in 2006.³⁹ Thus in the Prey Nup *sangkat* villages of Prey Nup 2 and Bot Se Moan the increase in land values that resulted from more economically efficient land uses was primarily a consequence of polder infrastructure development than of land titling.

³⁵ Lagandre, Damien and Philippe Lavigne Delville, *Polder Rehabilitation, Agricultural Growth, and Inequalities*, p.18.

³⁶ Pel, Sokha et al, *Land Transactions in Rural Cambodia*, p 127.

³⁷ Ballard and So, *Cambodia Land Titling Program Baseline Survey Project* Ballard and So, *Cambodia Land Titling Program Baseline Survey Project*.

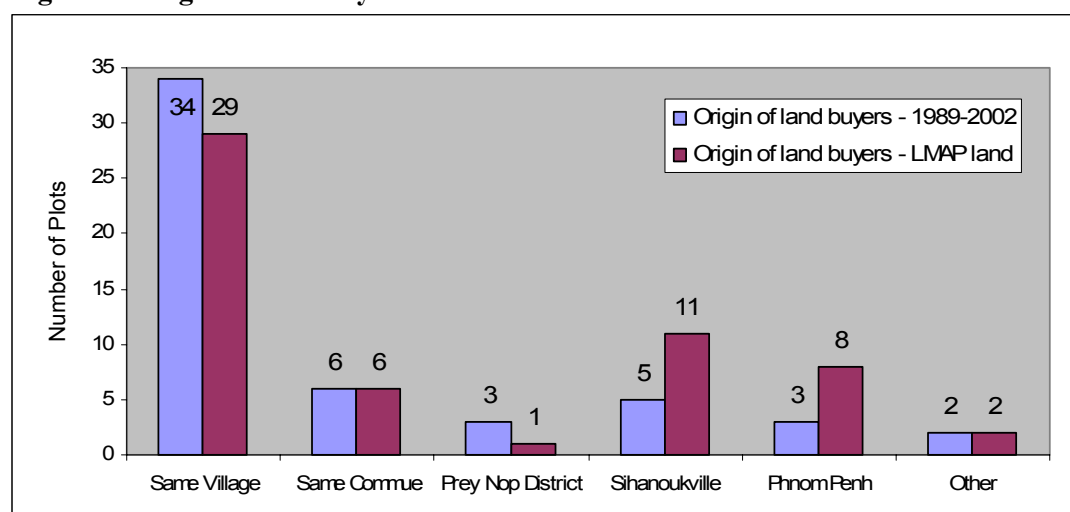
³⁸ World Bank Equity and Development Report 2007, *Sharing Growth*, p 71.

³⁹ Brun, Jean-Marie, GRET, Complementary Information on Prey Nup Polders and on Land Issue in the Polders Area, Land Titling and Poverty Reduction Workshop, Phnom Penh, 29 November 2007.

Origin of Buyers Before and After LMAP

In the years before and after LMAP the buyers of plots sold by the Prey Nup and Teuk Laak respondents were primarily from the same village. From 1989 to 2002, 64 percent of the buyers of plots sold were from the same village compared with 51 percent of the buyers of LMAP plots sold from 2003 to mid 2007. Meanwhile buyers from the same commune remained the same in both periods as buyers from Prey Nup district dropped after LMAP. Not unexpectedly buyers from Sihanoukville increased from 9 percent before LMAP to 19 percent after LMAP, while buyers from Phnom Penh rose from 6 percent before LMAP to 14 percent after LMAP (Figure 4). Of mention, 67 percent of the buyers of LMAP plots sold by the respondents of Tuol village were from either Sihanoukville or Phnom Penh. These trends lend support to the anecdotal evidence that buyers from outside the *sangkat* preferred to buy plots with LMAP titles.

Figure 4. Origin of land buyers before and after LMAP



Reasons for Selling Land Before and After LMAP

By far the predominant reason given by households in Prey Nup and Teuk Laak *sangkat* for selling land both before and after LMAP was to pay health costs (Figure 5).⁴⁰ This is consistent with the high ranking of healthcare expenditures by respondents in Bot Se Moan, Tuol, and Kampong Smach Touch villages that was presented earlier (Tables 3 & 4). In the years before LMAP (1989 to 2002) 48 percent of the plots sold were liquidated to raise cash for healthcare. Similarly, in the years after LMAP (2003 to mid 2007) 46 percent of the plots sold were disposed of for health treatments.⁴¹ The frequency of selling land for buying food, for doing other business, and for ceremonies was about the same in both time periods. However, in the years before LMAP a higher percentage of respondents sold land to buy other land, while in the years after LMAP a greater percentage sold land to pay off debts.

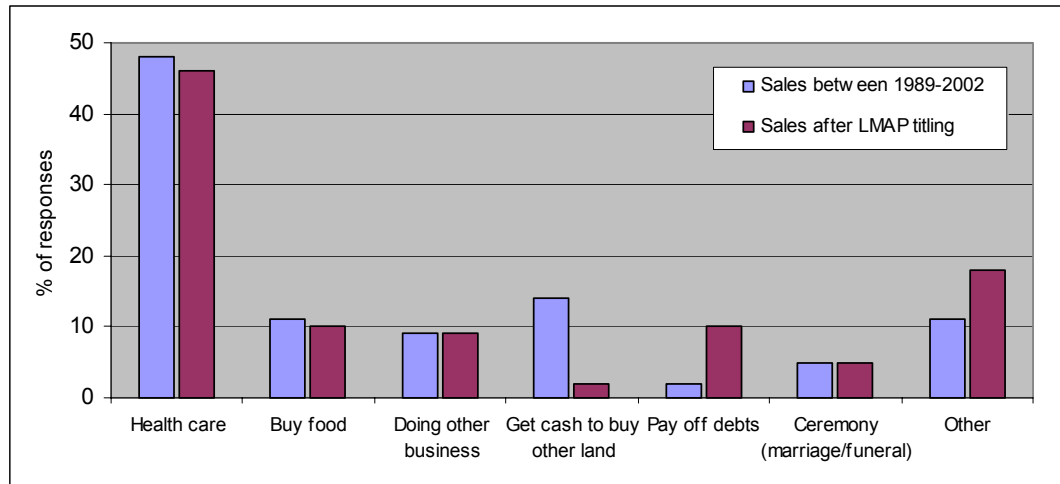
Rice productivity rose fairly steadily in the Prey Nup polder areas from 1.6 tons per hectare before 2000 to 3.1 tons per hectare in 2003. It then declined to 2.7 tons per hectare in 2004

⁴⁰ Again these figures do not include the 7 plots without LMAP titles sold from 2003 to mid 2007.

⁴¹ These figures are higher than those found in the CDRI LMAP baseline survey which reported healthcare as the reason given for the sale of 25 percent of the plots sold in the LMAP designated areas from 1989 to 2004. See Ballard and So, *Cambodia Land Titling Program Baseline Survey Project*, pp 61-62.

and 2005 and to 2.4 tons per hectare in 2006.⁴² Some key informant respondents at Bot Se Moan village (Prey Nup *sangkat*) maintained that the decline in rice harvests coupled with the rise in polder user fees led farmers to sell paddy rice plots. Other villagers explained that the drop in productivity and the burden of user fees occasioned some household members to become migrant workers.⁴³

Figure 5. Reasons why people sold their land before and after LMAP



Research theory forecast that that land titling programs like LMAP involved efforts to govern land markets more efficiently so that scarce resources would eventually be allocated to their most productive use. This presumes that secure and predictable property rights would help reduce procedural uncertainties and provide more accurate information about actual land values which, in turn, would increase the volume and frequency of land transactions. In the study area the volume and frequency of land transactions increased dramatically after LMAP. Information about actual land values was likewise fairly accurate. But the poverty and powerlessness⁴⁴ of the village land title holders, coupled with the absence of affordable and effective health care, left them extremely vulnerable to the exigencies of the market economy. This raises a serious question: Is LMAP's aim to promote the development of efficient land markets in conflict with its aim to reduce poverty?⁴⁵

⁴² Brun, Complementary Information on Prey Nup Polders and on Land Issue in the Polders Area.

⁴³ GRET contends that the payment of user fees is necessary to maintain the polders infrastructure and sustain the economic benefits derived from the system. GRET points out that annual polder fees of 365 million riel (US\$ 91,250) amount to only 5.5 percent of the value of the paddy production increase worth 6,624 million riels (US\$ 1.65 million). See Brun, *Prey Nup Polders Rehabilitation Project*.

⁴⁴ Pel, Sokha et al, *Land Transactions in Rural Cambodia*, p. 127 observes that: "In Prey Nup district, land speculators and brokers represent different categories of social actors. The former are generally urban dwellers, the latter often representatives of local authorities. Both are, however, considered by local people as powerful men who could persuade – meaning all too often, by their threats – to sell them their foothills land."

⁴⁵ Ballard and So, *Cambodia Land Titling Program Baseline Survey Project*, p.97 note that: "In the absence of affordable and effective health care and other social services for people, land titles may not have the desired effect on reducing poverty associated with landlessness."

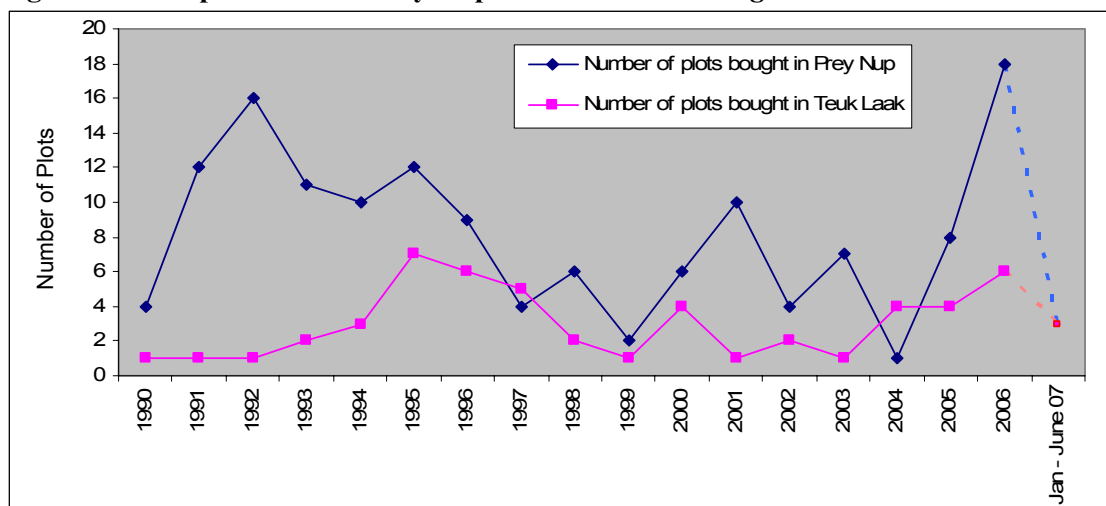
The Story of Morn Mara Tuol village, Teuk Laak *sangkat*

Morn Mara was a 48 year old widow living in Tuol village in Teuk Laak *sangkat* with three of her five children. Mara and her husband acquired seven plots of land from the State and cleared five other plots on their own. All of these plots were titled under LMAP. Before the LMAP titles were issued Mara's household had never sold any land. However, after they received their LMAP titles her husband became very sick. The value of land along National Road 3 had started to increase and Mara decided to sell one plot of family land along the highway to pay for her husband's health treatment. Unfortunately, despite the high cost, the treatment was unsuccessful and her husband died. As a result Mara had to borrow money to pay for the funeral costs. She then sold her remaining plot of land along National Road 3 to pay off her debts and repair her house. Mara's cousin, a school teacher in the Prey Nup district center of Veal Rinh, bought this 0.3 hectare plot from her for US\$ 2,700. The two parties agreed that Mara's household could cultivate the plot until the area started to be developed. Morn Mara narrated that land values and land sales along the highway in Tuol village had increased dramatically in 2007. Mara and other Tuol villagers had heard that in a few years the land along the highway would become an economic development zone and that many factories would be built there. Mara was hopeful that this would increase local job opportunities for young people in the area.

Land Purchases in Prey Nup and Teuk Laak Sangkat

Overall land purchases were much higher in Prey Nup *sangkat* compared to Teuk Laak *sangkat*. From the mid 1980s to mid 2007, 76 Prey Nup respondents bought 188 or 76 percent of the total 247 plots purchased. This pattern once again reflects the higher proportion of in-migrants that moved into Prey Nup and needed to buy land compared to the largely settled population within Teuk Laak. By contrast, 35 Teuk Laak respondents bought only 59 or 24 percent of the 247 plots purchased from the mid 1980s to mid 2007. Unlike the pattern seen earlier in land sales, one-fifth of all land purchases occurred in the year 1989 or before as in-migrants mostly to Prey Nup began to acquire residential and agricultural land for their households. After 1989, however, the trend in land purchases from 1990 to mid 2007 more closely correlated with the trend in land sales with transactions in Prey Nup consistently higher than those in Teuk Laak (compare Figure 6 to Figure 2).

Figure 6. Land purchases in Prey Nup and Teuk Laak *Sangkat* since 1990



Over the years the trends in land purchases in the two *sangkat* generally followed similar peaks and troughs, although the numbers were usually lower in Teuk Laak, (Figure 6). One interesting difference was that the rapid rise of plots purchased in Prey Nup in 2006 was not

accompanied by a rapid increase of plots purchased in Teuk Laak although land sales in Teuk Laak had peaked in 2006 (Figure 2.) This quandary may be explained by the fact that land purchases in Teuk Laak in this year were mainly driven by external buyers residing outside of Tuol and Kampong Smach Touch villages. As such these buyers would not have been included in the household survey.

Of note, 31 percent of the plots bought in Teuk Laak were purchased after LMAP (2003 to mid 2007) compared to only 20 percent of the plots bought in Prey Nup. This helps to explain why at the time of purchase more plots bought in Teuk Laak had LMAP titles (30 percent) compared to the plots bought with LMAP titles at the time of purchase in Prey Nup (12 percent).

Types and Area of Land Purchased

Since the mid 1980s more respondent households from Prey Nup *sangkat* had purchased more plots of larger sizes than those from Teuk Laak *sangkat*. Overall the households surveyed in Prey Nup comprised 68 percent of the total buyers, purchased 76 percent of the total plots, and acquired 89 percent of the total land area purchased (Table 11). Moreover, 31 percent of the Prey Nup respondents had purchased more than two plots compared to 11 percent of the Teuk Laak respondents.

Of the total 87.12 hectares of land purchased by Prey Nup respondents 92 percent was rice land, 6 percent was residential land, and 2 percent was *chamcar* land. By contrast, of the total 11.31 hectares of land bought by Teuk Laak respondents 86 percent was rice land, 12 percent was residential land, and 1 percent was *chamcar* land.

Table 11. Summary of Land Area Purchased since mid 1980s, Prey Nup and Teuk Laak Sangkat, May-June 2007					
	Prey Nup		Teuk Laak		Total
	Number	Percent of total	Number	Percent of total	Number
Residential land	5.36 ha	79	1.41 ha	21	6.78 ha
Rice land	80.16 ha	89	9.75 ha	11	89.91 ha
<i>Chamcar</i> land	1.60 ha	91	0.15 ha	9	1.75 ha
Total area	87.12 ha	89	11.31 ha	11	98.44 ha
Mean area per plot	0.46 ha		0.19 ha		0.40 ha
Total plots	188 plots	76	59 plots	24	247 plots
Total households	76 households	68	35 households	32	111 households

Given the low response rate (70 percent) to the question about the location of plots purchased it is difficult to speak about trends in the data with a high degree of certitude. This caveat noted, information given on 174 plots purchased revealed that 95 percent of the plots bought in Prey Nup and 89 percent of the plots bought in Teuk Laak were located off the main highway. Similarly given the low response rate (72 percent) to the question about the origin of plot sellers, patterns in the data are presented with caution. This noted, information collected on 177 plots purchased indicated that 91 percent of the plot sellers in the Prey Nup sample and 79 percent of the plot sellers in the Teuk Laak sample were from the same village.

Reasons for Purchasing Land

The principal reasons for purchasing land in Prey Nup and Teuk Laak *sangkat* were to acquire residential and agricultural lands sufficient for the needs of household members. In Prey Nup

58 percent of 172 plots purchased were acquired to expand agricultural land, while 23 percent were bought to provide adequate residential land. By comparison, in Teuk Laak 49 percent of 47 plots purchased were acquired to enlarge agricultural lands, while 17 percent were bought to increase residential holdings. This underscores the link of land transactions to demographic changes which are reflected in the population growth figures of Cambodia. While plots in Prey Nup and Teuk Laak *sangkat* were also bought to expand agricultural production (16 and 25 percent respectively), few were bought for business purposes or for future speculation.

Current Documentation on Purchased Plots

As mentioned above only 12 percent of the plots bought in Prey Nup were covered by LMAP titles at the time of purchase compared to 30 percent of the plots bought in Teuk Laak. This underscores once again that the vast majority of plots purchased in Prey Nup were bought before titling. By mid 2007, at the time of the research, titling on agricultural plots had been completed and 64 percent of the plots that had been purchased in Prey Nup were now covered by LMAP titles. By comparison, at the same time, 88 percent of the plots that had been purchased in Teuk Laak were now covered by LMAP titles (Table 12).

Closer scrutiny reveals that some of the plots in the two *sangkat* now covered by LMAP titles were held under the owner's own name (55 percent) while others were held with sales contracts under the name of the previous or past owner (15 percent) (Table 12). This indicated that these subsequent transactions had not been legally updated on the Land Register and therefore could be considered extralegal.

Table 12. Current Documentation on Plots Purchased since mid 1980s, Prey Nup and Teuk Laak Sangkat, May-June 2007						
	Prey Nup		Teuk Laak		Total	
	#	%	#	%	#	%
LMAP title with own name	90	48	46	78	136	55
LMAP title with sales contract	31	16	6	10	37	15
No documentation paper	29	15	2	3	31	13
<i>Bankanday</i> with sales contract	23	12	---	---	23	9
Land has been sold	7	4	---	---	7	3
<i>Slab moan</i> with sales contract	3	2	3	5	6	2
<i>Bankanday</i> with own name	2	1	2	3	4	2
<i>Slab moan</i> with own name	3	2	---	---	3	1
	N=188 plots		N=59 plots		N=247 plots	

In Prey Nup *sangkat* a much higher proportion of purchased plots were held without documentation paper or with *bankanday* compared to those in Teuk Laak (Table 12). This might result from the fact that LMAP titles had yet to be issued for residential plots in Prey Nup.

Land Transfer Processes

Respondents in Prey Nup and Teuk Laak *sangkat* transferred freehold and possession titles from one owner to another through a number of witnessing and notification procedures common throughout Cambodia (Table 13). At times no documentation or notification papers were exchanged with the money agreed upon by the parties who were often relatives,

neighbors, or friends.⁴⁶ Not unexpectedly, the majority of sales before LMAP were transacted by making sales contracts with notification at village (23 percent) or commune levels (52 percent). Less anticipated, this practice persisted after LMAP with the majority of subsequent transfers still completed through making sales contracts with notification at village (24 percent) or commune levels (54 percent).

A similar trend was evident with respect to plots purchased. Here again the majority of plots purchased were transferred by making sales contracts with notification at village (32 percent) or commune levels (51 percent) (Table 13). LMAP intended to augment the use of the Land Registry but underestimated the resilience of local custom. The practice of transferring land with notification at local levels was deeply embedded in the two *sangkat* researched. In June 2007 records in the Sihanoukville Municipal LMAP office revealed that subsequent transfers of only 9 LMAP plot in the entire district of Prey Nup had been recorded at the Municipal Office and the names of the new owners legally updated on the Land Registry.

Table 13. Land Transfer Processes on Land Sales and Purchases, Prey Nup and Teuk Laak Sangkat, May-June 2007						
	Sales of plots before LMAP		Sales of LMAP titled plots		Purchases of Plots	
Changed name of ownership by:	#	%	#	%	#	%
Making sales contract with notification at the village level	13	23	14	24	63	32
Making sales contract with notification at the commune level	29	52	32	54	100	51
Making sales contract with notification at the district level	2	4	---	---	---	---
Transferred title at Sihanoukville Municipal LMAP Office	---	---	1	2	---	---
Making title at the Phnom Penh MLMUPC office	---	---	---	---	2	1
Other	12	21	12	20	29	15
	N=56 plots		N=59 plots		N=194 plots	

Research theory predicted that with land titling the volume of land transactions processed through the Land Registry would increase, especially in more active land markets with increasing land values. This patently did not happen in the study area due to the persistence of traditional custom. Until requirements became more strictly enforced, which was both unlikely and undesirable, or procedures were changed the practice of making subsequent transfers “extralegally” would continue and ultimately threaten the viability of the systematic land titling program.⁴⁷

Reasons for Making Sales Contracts with Notification at Local Levels

Respondents who sold or bought land by making sales contracts with notification at local levels were asked to explain the reasons for this. By far the most common response was that people thought it unnecessary to go further since they trusted one another. With respect to

⁴⁶ Transfers made without documentation or notification papers account for many of the “other” responses in Table 13.

⁴⁷ The persistence of extralegal transactions also had consequences for the Prey Nup Polders Rehabilitation Project: 1) it weakened the legal basis for fee collection; 2) it cost time and money for the Polders Users Committee to gather their own information on transactions; and 3) it raised questions about the investment in the complementary land titling program. Brun, Complementary Information on Prey Nup Polders and on Land Issue in the Polders Area.

plots transferred at local levels, this was the answer given for 61 percent of the plots sold before LMAP, for 54 percent of the plots sold with LMAP titles, and for 78 percent of the plots purchased (Table 14). With regard to LMAP titled plots sold, 13 percent of the plot sellers responded that they were unfamiliar with the registration procedure. This indicated that LMAP staff needed to play a stronger role in raising public awareness about the importance of establishing an accurate Land Register, if LMAP was to achieve one of its key components. Of note, the response of avoiding tax payments was scarcely mentioned.

Table 14. Reasons for Making Sales Contract with Notification At the Village, Commune or District Level, Prey Nup and Teuk Laak Sangkat, May-June 2007						
	Sales of plots Before LMAP		Sales of LMAP Titled plots		Purchases of Plots	
Think it unnecessary to go further/ trust one another	27	61	25	54	122	78
Avoid paying tax	---	---	---	---	1	1
Too high unofficial payments	9	20	6	13	10	6
Take too long	---	---	---	---	4	3
Unfamiliar with the registration procedure	1	2	6	13	9	6
Other	7	16	9	20	10	6
	N=44 plots		N=46 plots		N=156 plots	

The Story of Khoun Sophal Bot Se Moan village, Prey Nup sangkat

Khoun Sophal was 50 years old and suffered physical impairments. He lived in Bot Se Moan village in Prey Nup *sangkat*. Sophal initially owned four plots of agricultural land. The first plot he relinquished in the 1980s to neighbors from Prey Veng Province who needed land to produce rice for their family.

Sophal received LMAP titles on his three remaining agricultural plots which were located off National Road 4 in Prey Nup *sangkat*. In early 2007 he sold two adjacent plots of this land to a buyer from Sihanoukville. This sale was negotiated through a land broker living in the village. The combined area of the two plots was 0.75 hectare. Sophal received \$1,900 for the two plots. A nephew of the buyer lived in Bot Se Moan village and was allowed to cultivate the plots bought by his uncle. Meanwhile, Sophal retained his remaining LMAP titled agricultural plot of 0.42 hectares for rice cultivation.

Sophal explained that the value of his agricultural plots had increased since the LMAP titling. If he had sold both plots before LMAP he would have received only 2 to 3 chis of gold (about \$US 200 to 300). With the money he received from his two agricultural plots Sophal bought a residential plot for his married daughter. This plot was located along National Highway 4 and adjacent to another residential plot that he had previously purchased. The newly bought residential plot was 366 square meter and cost US\$ 2,500. Like other residential plots in Bot Se Moan village this residential plot was not yet titled under LMAP.

When Sophal sold his two agricultural plots with LMAP titles, he made notification with the village and commune authorities. Sophal paid 20,000 riel to the village chief and 40,000 riel to the commune chief in transfer fees. The buyer did not notify the Land Register of the subsequent transfer and as a result the buyer now holds the LMAP title with name of Khoun Sophal on it. However, the buyer has a notification of the sales contract signed by the village and commune chief attached to the title. When Sophal bought the two small plots of untitled residential land along National Highway 4, he likewise only made notification of the sales contract with the village and commune chiefs.

Time and costs required to complete transfer processes

The time required for transferring land was normally short and the costs relatively inexpensive. Of the plots sold before LMAP 83 percent were transferred in one day, and for 87 percent the transaction cost was 10,000 riel (US\$ 2.5) or less. Of the LMAP titled plots sold 83 percent were likewise transferred in one day, and for 66 percent the transaction cost was 10,000 riel or less.⁴⁸ Of the plots purchased the length of the transaction process was unknown, and for 89 percent of the plots purchased the transaction cost was 10,000 riel or less.

Historical Norms and Legal Framework of Subsequent Land Transfers

A review of the historical norms and current legal framework related to subsequent land transfers helps to illuminate common perceptions and practices which persist in the systematic land titling process. Traditionally, the majority of Cambodians only held possession rights to land which were transferred by witnessing of village and commune authorities. In 1925 (following articles 689 and 722 of the 1920 Civil Code) Commune Chiefs were further authorized to prepare fixed asset registration books to which people could voluntarily apply to transfer their titles from possession to ownership. The Commune Chief was then responsible for formally registering their title in the “Land Book” which was held at the District Land Office. However, very few households in rural areas applied for these ownership titles. By 1975 only an estimated 10 percent of all private lands were legally owned. The communist regimes of the Khmers Rouges and the Peoples Republic of Kampuchea collectivized land holdings until 1989 when private property rights were formally re-instated by the Government.

From 1989 onwards, the legal framework changed such that transfers of ownership titles were only valid if updated on the land register, a service charge of 10 percent of the purchase price was paid and this procedure was completed at the District Land Office within 30 days of certification (see the 1992 Land Law, articles 60, 182 and 203). The 2001 Land Law formalized this process further by establishing the Cadastral Land Register. According to Article 238 of the 2001 Land Law, once a plot of land has been entered on to the Land Registry (as occurs during the LMAP systematic titling process) then any subsequent transfers of ownership of that plot (through sale, inheritance, gift or exchange) must be updated in the Land Register with the Cadastral Authorities at the Municipality/Provincial levels.

Moreover, these transfers could no longer be done at the District Land Office, but had to be made either at the national MLMUPC office, or at Provincial/Municipality levels as delegated by the MLMUPC. As the transfer is registered then the new owner’s name on the register is also updated, and, as Article 239 states, the record on the Land Register is final and legally binding. This means that subsequent transfers of land are only legal if they have been registered. Article 65 explains: “The transfer of ownership can be enforceable as against third parties only if the contract of sale of immovable property is made in writing in the authentic form drawn up by the competent authority and registered with the Cadastral Registry Unit. The contract of sale itself is not a sufficient legal requirement for the transfer of the ownership of the subject matter.”

⁴⁸ Anecdotal evidence supplied by NGO Forum networks across Cambodia indicate that formal and informal transaction fees are usually much higher than 10,000 riel.

The requirements for registration outlined in the 2001 Land Law include a sales contract which must contain the selling price; this is then used to calculate the 4 percent registration tax that must be paid before registration of subsequent transfer can be completed. The buyer of land must provide the relevant documents to the Cadastral Authorities who change the name of the owner of the land title. Until this name has been changed, the legal ownership remains with the seller, even if the sales contract has been signed by all parties and the price agreed upon exchanged. In addition to the transfer tax, Article 69 also states that land transfers can only be registered after all taxes on the property have been paid. The Interim Land Policy Framework states “we should not permit legal land transfer operation without payment of the unused land tax”, calculated at 2 percent of the market price of the land.

Results of this study revealed that the vast majority of subsequent land transfers in Prey Nup and Teuk Laak *sangkat* were not being updated on the Land Register, nor were land purchasers paying the 4 percent transfer tax. In fact only 1 respondent household had completed this transfer registration. According to the 2001 Land Law, these subsequent transactions are not legal; however they could be described as “extralegal” rather than “illegal” as they reflect what is considered to be normal practice. Other studies conclude that this small proportion of buyers who are updating the land register, and therefore paying the 4 percent registration tax, reflects the situation found across the LMAP titling sites and poses a formidable challenge to LMAP officials.⁴⁹

The discussion above showed that higher costs (transfer and unused land taxes and transportation costs to and from the municipality/provincial offices) were rarely mentioned as the reason for not formally registering title transfers. Instead the majority of people believed, and their experience until now had proven, that it was sufficient to continue to transfer titles through the commune and village authorities. This indicated that although respondents were aware of the benefits which the systematic titling had brought in terms of increased land security, land value and access to credit, during subsequent transfers people were continuing to use transfer mechanisms used for traditional possession rights as the 1920 and 1961 legal framework allowed.

There are several implications for the continued prevalence of transferring subsequent titles through “extralegal” means. The first is the loss of Government revenue due to the non-payment of 4 percent transfer and 2 percent unused land taxes. The second is that the Land Register cannot be considered to be the actual proof of genuine land holding in Cambodia. It does not reflect accurate data about the size, land value and demographic information about ownership and land transfers. More importantly however, if a conflict occurs over land which has been subsequently transferred, then the courts are legally obliged to recognize the owner as that named on the Land Register, regardless of the number of sales contracts transferring that plot of land to other individuals. The researchers are not aware of any instance where the courts have resolved land conflicts in this way in the study sites or for that matter in any other of the LMAP areas. However, until this issue is resolved by MLMUPC through policy directives supported by its donors, LMAP titling and the creation of the Land Register will not achieve its desired goal. Land tenure security for owners of land plots which have been subsequently transferred through extralegal processes are not guaranteed. Ironically, the benefit of stronger tenure security gained by the LMAP recipients could be seriously undermined by the failure to legally register subsequent land transfers.

⁴⁹ Pel Sokha et al, *Land Transactions in Rural Cambodia*; The World Bank likewise acknowledges that: “It is uncommon to register titled land with cadastral authorities following sale: rather villagers are selling property by physically handing over the title under cover of contracts witnessed by local authorities.” See World Bank Equity and Development Report 2007, *Sharing Growth*, p 71.

Land Disputes

Villagers in the study area rarely encountered conflicts on their LMAP titled lands. The simple reason for this was that LMAP did not issue titles on lands with disputed ownership. Moreover, efforts were made to resolve boundary disputes during the LMAP mapping and measurement process. Not unexpectedly, only 2 percent of the entire households surveyed in the two *sangkat* had experienced conflicts on their LMAP titled land. In all instances the plots in conflict were agricultural lands located off the main highways. In most cases the disputes were with non-relatives. Respondents with conflicts on LMAP titled plots usually approached village and commune authorities to help them resolve the disputes. At the time of the research the few odd conflicts on the respondents' LMAP titled land were all still pending.

In the study area land conflicts on non-titled land were slightly more common. Overall, 6 percent of the households surveyed in the two *sangkat* had encountered conflicts on their non-titled lands since the first commune council election in 2002. Most of the non-titled plots in conflict were agricultural lands located off the main highways. Of note, in more than half of the cases the disputed plots were under threat of take over by powerful individuals or by a company. Most cases were reported by households in Prey Nup 2 village where a substantial number of residents were caught up in the Bek Krang village land dispute. Respondents with conflicts on non-titled plots likewise approached village and commune authorities to help them resolve the disputes. Some even brought the cases to court in Sihanoukville municipality and in Phnom Penh. At the time of the research all but one of the conflicts on the non-titled plots were still pending.

Land Conflict in Bek Krang village

Bek Krang village, one of the five villages in Prey Nup *sangkat*, was designated an LMAP coverage area and included in the CDRI baseline study. However, during the public display, after agricultural lands were mapped and measured for titling, a conflict arose over the ownership of 100 hectares of paddy rice land. As a consequence land titling in the entire village was suspended. The land conflict in Bek Krang involved about 60 households from Prey Nup 2 village who had been cultivating paddy rice plots in the neighboring village since the construction of the first polder dykes in the late 1990s.

The Prey Nup Polders Rehabilitation Project under the Cambodian Ministry of Water Resources and Meteorology (MOWRAM) was first financed by the French Agency for Development (AFD) in 1997. This supported the construction of dykes, water gates, and canals covering polders (1 to 4) in Prey Nup district. In 1999 AFD provided additional funds for dykes and infrastructure covering polders 5 & 6. In 2002 AFD signed a third financing agreement to complete the construction. Polders 1 to 4 were placed in service in 2001 and polders 5 and 6 in 2003. In all the Prey Nup Polders Project rehabilitated 10,500 hectares of rice land (2,700 hectares recultivated) at a total cost of 10.7 million Euros. The French NGO, GRET, assisted in the implementation of the agriculture development and management transfer components. A Polder Users' Committee (PUC) was created in 2000 and started to collect user fees a year later.⁵⁰

⁵⁰ See Brun, *Prey Nup Polders Rehabilitation Project* and Kibler, Jean-Francois and Catherine Perroud, *Towards Co-Management of Hydro-Agricultural Infrastructures: Lessons Learnt from the Prey Nup Project in Cambodia*, Etudes et Travaux, Editions du Gret, Paris, 2006.

The Bek Krang Land Conflict as Viewed by the Commune Chief of Prey Nup *Sangkat*

The Commune Chief of Prey Nup *sangkat* explained that Bek Krang was established as a village in 1987 under the name of Trapeang Probos. At that time agricultural lands were divided among the villagers and families were able to receive 2.5 hectares for cultivation. However, families did not occupy many of the village lands as they were subject to flooding by sea water and thus relatively unproductive. The commune chief explained that local authorities encouraged Bek Krang villagers to invest in agriculture and to expand the rice land areas under cultivation but that their exhortations were largely ignored by the people who were dissuaded by the pervasive salt water.

In the late 1990s the NGO GRET built several dams which helped to keep back the salt water. This opened up areas for paddy rice production and households from Bek Krang and neighboring villages began to clear and cultivate the lands. In 2002 these farmers presented themselves to the cadastral authorities as the people who should receive the LMAP titles.

The Commune Chief maintained, however, that in 1992 and 1993 the cadastral office from Sihanoukville had measured these lands and awarded *slab moan* to municipal, district, and commune officials. The Commune Chief was even able to produce some of these *slab moan*. These lands were now mapped and measured under LMAP and the Commune Chief expected that the LMAP titles would soon be given to those he claimed to be the rightful owners. The petition of the local and municipal officials who held the earlier titles had been sent to the Ministry of Land Management, Urban Planning and Construction (MLMUPC) and the case remained pending.

The Commune Chief acknowledged that the conflict would be difficult to solve. Already farm laborers, who were hired by the officials to cultivate plots on their behalf, were chased out of the area by those already cultivating the land. The Commune Chief maintained that a situation of anarchy prevailed and that the case was now in the hands of the court.

As a result of the Prey Nup Polders Project land areas in Bek Krang village that were previously considered unarable became suitable for rice production. More than 300 households from Bek Krang and surrounding villages began to clear plots for rice cultivation. While some families bought land rights from others, none of the households on these newly opened up plots held certification papers of land ownership. When LMAP began to map and measure these lands in 2002, the rice cultivators actively participated in the land registration process and looked forward to receiving their titles. However, during the public display a group of government officials came forward to assert counter claims of ownership. These officials professed to have *slab moan* to the lands in question. However, they had never cleared or cultivated any of the lands themselves nor had they previously contested the rights of the occupant cultivators.

At the time of the research in mid 2007, farmers from Prey Nup 2 village continued to cultivate their rice plots on the disputed land in Bek Krang. However, steps had been taken to move them off the land. Small markers placed on the contested land had been removed by the farmers. The son of a Prey Nup *sangkat* official reportedly destroyed farm tools of farmers who refused to stop cultivation. The farmers in turn demanded payment for the damaged tools. Moreover, two farmers from Prey Nup 2 village were called to appear before the Sihanoukville court. They were charged with cultivating land that did not belong to them and jailed for a few months. Some Prey Nup 2 villagers feared that the conflict would erupt into violence.⁵¹

⁵¹ For more details on cases of conflict in Prey Nup over rights to rice lands in the polders see Pel Sokha et al, *Land Transactions in Rural Cambodia*, pp. 128-129.

The Bek Krang Land Conflict as Viewed by an Elderly Widow in Prey Nup 2 Village

Srey Mom was 68 years old and a widow since her husband's death in 2004. She lived in Prey Nup 2 village with her daughter, her daughter's husband, and three of the couple's small children. Srey Mom and her husband had acquired seven plots of agricultural land after their marriage. Mom had sold three of these plots to pay for the healthcare of her husband before his death and more recently for her own health treatments for a broken hip which had not successfully healed. This left her with three plots of agricultural land. One plot of 0.7 hectares was titled under LMAP. The other two plots were located in Bek Krang village on the contested land and not titled under LMAP because of the dispute. Srey Mom declared that these plots were cleared by her household in 1998 after the dam was built. She had no ownership papers for these two plots, which measured 1 hectare and 1.25 hectares respectively.

Srey Mom explained that no one before had ever claimed ownership of their plots. It happened when the lands were in the process of being measured for titling that powerful people from Sihanoukville, whose names she did not know, claimed to be owners. These powerful people enjoyed the support of some local authorities in Prey Nup *sangkat*.

Paddy rice cultivation was the household's primary source of livelihood and the two plots in dispute provided the household's largest share of subsistence. The loss of the two plots would have devastating consequences for the household. The husband of Srey Mom's daughter continued to cultivate the two plots in Bek Krang although her daughter was afraid that the police would come and take him away. The daughter lamented, "If the local authorities do not support us, what can we do?"

Research theory expected that secure land titles would, over time, reduce the volume and frequency of land disputes by clarifying ownership, parcel boundaries, and transaction procedures. This hypothesis acknowledged, however, that the process of clarifying boundaries and ownership could initially stimulate conflicts and disputes. In the study area disputes on LMAP titled lands were extremely rare precisely because LMAP, in Rural Phase I, did not designate disputed lands for coverage nor did it issue titles on lands with disputed ownership. In subsequent phases the challenge of clarifying ownership and parcel boundaries prior to titling could be much more formidable. The failure to update subsequent transfers in the Land Registry could also result in a wave of future legal disputes brought before the courts.

In Bek Krang village the LMAP registration process did precipitate the land conflict in the polder area. However, as GRET points out the land in conflict represents 100 hectares of the 2,700 hectares reclaimed under the polder project.⁵² At the same time, more than 22,000 titles have been distributed to owners of agricultural land inside the polder areas leaving only about 2,000 plots left to be titled.⁵³ Still, the Bek Krang case demonstrates how some persons with power and influence can direct technological and legal improvements into mechanisms for their own personal benefit. One lesson that emerges from the Bek Krang conflict is that development interventions must take cognizance of the uses of local political and economic power.

⁵² Personal communications Jean-Marie Brun, GRET.

⁵³ Brun, Jean-Marie, GRET, Complementary Information on Prey Nup Polders and on Land Issue in the Polders Area

Credit

Extent and Source of Cash Loans

At the time of the research in mid 2007, 46 percent of the households surveyed in Prey Nup *sangkat* had cash loans that had to be repaid compared with 66 percent of the households surveyed in Teuk Laak *sangkat*. The vast majority of these borrowers had only one cash loan outstanding. Within Prey Nup *sangkat* households with cash loans outstanding were higher in Prey Nup 2 village (51 percent) compared with households in Bot Se Moan village (41 percent). Similarly, within Teuk Laak *sangkat* households with cash loans outstanding were higher in Kampong Smach Touch village (78 percent) compared with households in Tuol village (52 percent). The main reason for the higher rate of borrowing in Kampong Smach Touch village was the greater participation of households in the AMRET group loan program.

AMRET microfinance institution had a branch office in Prey Nup District and AMRET group loans were by far the principal source of cash loans outstanding for the households surveyed in both Prey Nup and Teuk Laak *sangkat* (both 69 percent). On a much smaller scale AMRET supplied individual cash loans to the household samples in Prey Nup (4 percent) and in Teuk Laak (2 percent). Moneylenders and traders followed AMRET as a distant second major source of cash loans in Prey Nup (13 percent) and in Teuk Laak (11 percent). Relatives, friends and neighbors were also sources of cash loans in Prey Nup (11 percent) and in Teuk Laak (3 percent). Three ILO projects - International Programme on the Elimination of Child Labour (IPEC), Cambodia Centre for Protection of Child Rights (CCPCR), and Cambodia Health Committee (CHC) - accounted for a very small percentage of cash loans in the two *sangkat*. Although the ACLEDA bank had a branch office in Prey Nup District, it accounted for only 3 percent of the outstanding cash loans of the household sample in Prey Nup and for only 6 percent of the outstanding cash loans of the household sample in Teuk Laak.

Generally, it was too early to tell whether LMAP titling precipitated changes in borrowing behavior in line with the research hypothesis that villagers would shift from informal institutions such as family, moneylenders, and self-help groups to more formal institutions such as micro-finance institutions and banks. The AMRET group loan program, which supplied the large majority of cash loans to the survey respondents, was in place before the villagers received their land titles and had to an extent already occasioned this shift.

Amount, Duration and Use of Cash Loans

Average cash loans in Prey Nup *sangkat* of 678,500 riel (US\$ 170) were much higher than average cash loans of 443,600 riel (US\$ 111) in Teuk Laak *sangkat*. Within Teuk Laak *sangkat* average cash loans in Tuol village of only 267,000 riel (US\$ 67) served to depress the *sangkat* average. More than half of the cash loans in Tuol village averaged less than 200,000 riel. Meanwhile, almost two-fifths of the cash loans in Kampong Smach Touch village averaged more than 500,000 riel. Within Prey Nup *sangkat* the variation between villages was less, with 57 percent of the cash loans in Prey Nup 2 village and 65 percent of the cash loans in Boat Se Moan village averaging more than 400,000 riel. An inverse relationship between the percentage of households with cash loans outstanding and the average amounts borrowed thus emerged across the two *sangkat*. While the proportion of households with cash loans in Teuk Laak *sangkat* was much higher than in Prey Nup *sangkat*, the average amounts borrowed in Prey Nup *sangkat* were decidedly higher.

Research theory predicted that land titling would produce a larger volume of borrowing in areas where formal credit institutions were more accessible to local villagers. This was not obvious among the survey respondents whose volume of borrowing was predicated principally on the mechanics of the AMRET group loan program and not on the possession of land titles. At the same time Prey Nup District Managers of AMRET and ACLEDA indicated that individual loans requiring collateral from their formal lending institutions had increased in the district since the receipt of land titles. These diverse findings revealed that LMAP titling affected different groups differently necessitating a further refinement of research hypotheses.

The duration of the majority of cash loans in Prey Nup *sangkat* (86 percent) and in Teuk Laak *sangkat* (93 percent) was from 7 to 12 months. This again reflected the preponderance of AMRET group loans which were awarded to households normally for 12 months. Cash loans from moneylenders and traders were usually granted for shorter periods and with higher interest. The duration of loans from 1 to 6 months accounted for 11 percent of all loans in Prey Nup *sangkat* and for 5 percent of all loans in Teuk Laak *sangkat*. Cash loans for more than 12 months were rare in the two *sangkat*.

AMRET Microfinance Institution in Prey Nup District

AMRET Microfinance Institution was established in 1991 and started operations in Prey Nup district in 1998 in tandem with the Prey Nup Polders Rehabilitation Project. AMRET has two loan programs in Prey Nup district: 1) the group loan program started in 1998; and 2) the individual loan program started in 2000. As of April 2007, 59 villages in Prey Nup district participated in the group loan program with 2,913 million riel (US\$ 728,250) outstanding. As of the same time, individual riel loans to 638 borrowers totaled 902 million riel (US\$ 225,500) and individual dollar loans to 116 borrowers amounted to US\$ 139,000.

Group loans. AMRET loan officers worked with local village coordinators to facilitate the formation of groups of five households each and the processing of loans. All groups in a particular village operated on the same loan cycle. The groups in the village had first to determine the duration of the loan cycle which could be from six months to one year. The interest on the loans was 3.5 percent per month or 42 percent per year. As of 2007 the maximum amount that could be loaned to individual group members was 600,000 riel and the minimum amount was 400,000 riel. In practice loans as small as 50,000 riel were approved. Households had to guarantee the loans of other members in their groups. At the end of the cycle all group loans had to be repaid before a new village cycle could begin. The group loans did not require the provision of any assets for collateral.

Individual loans. Individual loans were processed either at the village or at the district office for 3 to 24 months. Amounts of individual loans ranged from 50,000 riel to 40,000,000 riel at interest rates from 3.5 to 2.5 percent per month. Individual loans had to be guaranteed with land titles in *sangkat* like Prey Nup and Teuk Laak where LMAP titling had taken place. In places such as Prey Nup *sangkat* where residential land had yet to be titled under LMAP, AMRET required notification of the village chief for residential plots used as collateral for individual loans. In cases of newly married couples without land of their own, AMRET accepted the land titles of their parents as collateral. AMRET also allowed individual borrowers to use LMAP titles with the names of past or previous owners as long as the titles were accompanied by sales contracts with notification of the village and commune chiefs. AMRET recognition of titles that were not transferred through the Official Registry thus served to reinforce the prevailing practice of “extra-legal” transfers.

According to the AMRET district manager, the volume of AMRET individual loans had increased substantially since the LMAP land titling process had begun. While some borrowers had defaulted on individual loans AMRET had been able to renegotiate these loans. In Prey Nup district AMRET had yet to foreclose on a LMAP title to repay an outstanding individual loan.

The use of cash loans varied from village to village and reflected the diverse needs and interests of the disparate residents. In Prey Nup 2 village cash loans outstanding were used mainly for rice farming (65 percent), fishing (11 percent), and business (8 percent). In Bot Se Moan village cash loans outstanding were used primarily for health costs (28 percent), animal raising (22 percent), and business (19 percent). In Tuol village cash loans outstanding were used mostly for home improvement (23 percent), animal raising (23 percent), and business (19 percent). In Kampong Smach Touch village cash loans outstanding were used principally for fishing (34 percent), rice farming (27 percent), and animal raising (10 percent). Cash loan investments were predominant in rice farming for Prey Nup 2 village and in fishing for Kampong Smach Touch village. The use of cash loans for animal raising and small business ventures was common to all four villages. The research hypothesis that LMAP titling would result in a shift in the number, size and intended use of loans as title holders took out larger loans more frequently for productive investments was not evident from the findings.

Extent, Source, Amount, and Duration of Paddy Rice Loans

At the time of the research, only 4 percent of the households surveyed in Prey Nup *sangkat* had paddy rice loans that needed to be repaid compared with 13 percent of the households surveyed in Teuk Laak *sangkat*. The large majority of these rice borrowers had only one paddy rice loan outstanding. The source of most paddy rice loans in Prey Nup 2, Bot Se Moan and Tuol villages was relatives, friends and neighbors. Moneylenders and traders also provided a few paddy rice loans in these three villages. The supply of all paddy rice loans in Kampong Smach Touch village was ILO/IPEC.

ACLEDA Bank Prey Nup District

ACLEDA was organized as a microfinance institution in 1993 and started to operate in Prey Nup district several years later. ACLEDA became a specialized bank in 2000 and a commercial bank in 2003. As of April 2007, individual and group riel loans made by the ACLEDA Bank in Prey Nup district benefited 270 households and totaled 1,226 million riel (US\$ 306,500), while individual dollar loans reached 184 individuals and amounted to US\$ 589,301. Amounts of dollar loans ranged from less than US\$ 2,000 to US\$ 30,000 or more at interest rates from 3 to 1.5 percent per month.

The vast majority of ACLEDA loans in Prey Nup district were individual riel and dollar loans. These loans needed to be guaranteed with collateral usually in the form of land documentation papers. The Prey Nup district manager stated that about 40 percent of the current individual loans were guaranteed by LMAP titles. With the issuance of LMAP titles loans were easier to process and approve and as a consequence the volume of borrowers using land titles as collateral increased. While ACLEDA had foreclosed on land titles used as collateral prior to LMAP titling, the bank had yet to foreclose on any LMAP titles.

Aside from LMAP titles, ACLEDA accepted land certification documents such as *bankanday* and *slap moan* papers as collateral for individual loans. However, these needed to be accompanied with notification by the village and commune chiefs. Parents could also use their titles to guarantee the loan contracts of their children. In instances where the names of past or previous owners were on the LMAP titles ACLEDA required the borrower to provide sales contracts with notification by the village and commune chiefs all the way up to the district level with notification by the cadastral authorities and the district governor. ACLEDA did not insist that borrowers register their land transfers through the Official Registry at the municipal level. Thus ACLEDA also helped to legitimize the common and pervasive practice of “extra-legal” transfers.

Within Prey Nup *sangkat* amounts of paddy rice borrowed averaged 275 kilograms in Bot Se Moan village and 185 kilograms in Prey Nup 2 village. By comparison, within Teuk Laak *sangkat* amounts of paddy rice borrowed averaged 147 kilograms in Tuol village and only 93 kilograms in Kampong Smach Touch village. Once again an inverse relationship was evident between the number of households with loans and the average amounts borrowed. While the number of households with paddy rice loans in Tuek Laak *sangkat* was higher than in Prey

Nup *sangkat*, the average amounts borrowed in Prey Nup *sangkat* was certainly higher. The duration of the majority of paddy rice loans in the two *sangkat* was from 7 to 12 months.

Loan Collateral and LMAP Titles

By virtue of inclusion in this study's purposive sample, all 264 household respondents currently held an LMAP title for at least one plot of agricultural land. It was therefore extremely interesting to discover that 93 percent of all households surveyed in Prey Nup *sangkat* and 94 percent of all households surveyed in Tuek Laak *sangkat* had never used an LMAP title as collateral for a loan. This becomes more understandable when one considers that AMRET group loans predominated as the major source of cash loans among respondents in the two *sangkat*. AMRET group loans required group and village guarantee and not the security of individual assets such as land titles as collateral.

AMRET group loans had to be repaid at the end of an agreed upon cycle for a particular village. Group members were responsible for repaying the delinquent loans of others in their respective groups. If one group in the village did not repay the full amount loaned to its group then AMRET would close down the entire village program after that cycle. The group and village guarantees were strong enough to ensure the repayment of individual loans made within the groups. AMRET had yet to close down a village group loan program in Prey Nup district for the lack of full loan repayments.

The AMRET group loan program supplied countless villagers in the study area with much needed credit. At the same time the guarantee process did have its drawbacks. When households found themselves unable to repay their AMRET group loans at the end of the agreed upon cycle they would often borrow cash from moneylenders at high interest rates to repay the AMRET loans. The turn around time between cycles was about one week and once the cash for the next cycle was received the households would repay their loans to the moneylenders. This had the effect of eroding the working capital of the group borrowers and holding them in a situation of perennial debt. While AMRET was able to report 100 percent repayment rates on group loans, some members were sliding further into debt year by year.

Evidently, the cash amounts received through the AMRET group loan program were sufficient for the needs of the households interviewed in the two *sangkat*. Individual loans from AMRET and ACLEDA, which were usually of larger amounts and required collateral such as LMAP titles, were rare among the households surveyed. As long as the AMRET group loan program continued to supply the credit requirements of the village borrowers the land titles they received under LMAP would do little to increase their access to credit or to alter their current credit practices. In this case study the research hypothesis that people in LMAP areas would use land titles as collateral with which to obtain credit from formal lending institutions did not hold true.

Security of Land Tenure

In large measure the households surveyed felt that they had stronger security of tenure on their LMAP titled agricultural lands than they did on these lands before titling. These sentiments were voiced by 91 percent of the respondents in Prey Nup *sangkat* and 90 percent

of the respondents in Teuk Laak *sangkat*.⁵⁴ Multiple reasons were given for the augmented sense of security. These reasons included having one's own name on the title (92 percent), the Land Law's recognition of the title (87 percent), the cadastral officials' signatures on the title (78 percent), and the disposition of boundary and ownership disputes (30 percent). Of the respondents in the two *sangkat* which held both LMAP titled agricultural land and non-titled agricultural land, 97 percent stated that their LMAP titled plots were more secure.

Before receiving LMAP titles on their agricultural plots, a total 32 percent of the total respondents in the two *sangkat* had been concerned that their lands might be taken away from them. The concern was the most serious among Kampong Smach Touch households (51 percent) and the least serious among Bot Se Moan households (13 percent). Various and diverse reasons were mentioned by those expressing concern in the two *sangkat* for their anxiety. Their responses included having heard about land grabbing accounts in the newspaper (60 percent), having heard about land grabbing accounts in other areas (56 percent), having heard about land grabbing accounts in the village or commune (40 percent), having attended meetings convened by NGOs which discussed land grabbing (14 percent), and having had personal experience of land grabbing in the past (12 percent).

Perceived Threats to Land Tenure Security

Perceived threats to land tenure security largely depended on the type of people who might be interested in buying the land. Tellingly, 80 percent of all households surveyed in Prey Nup and Teuk Laak *sangkat* declared that they would not have to sell their LMAP titled agricultural lands to powerful business people who might want to buy them. Moreover, only 1 percent of the total respondents felt that they would have to relinquish their LMAP titles to such powerful business people at the price offered. The remaining 19 percent felt that they would only have to give up their titles at the market price.

Meanwhile, the household sample felt less able to refuse government authorities who might want to buy their LMAP titled agricultural land for a development project. Only 54 percent of the respondents in the two *sangkat* asserted that they would not have to sell their land titles to government authorities. Another 43 percent of the households felt that they could not refuse the government authorities but that they could demand the market price for their lands. The remaining 3 percent of the sample felt that they would have to accept the price offered by the government authorities.

In another scenario villagers were asked if they would eventually have to sell their LMAP titled agricultural lands if owners with plots next to their own were to sell their lands to outside buyers. Interestingly, 57 percent of all households interviewed in the two *sangkat* felt that they would not eventually be forced to sell their own land in such a case. However, another 40 percent of the respondents felt that they would eventually have to sell at the market price while 3 percent felt that they would ultimately have to sell at the price offered. These perceptions revealed awareness about the pressures that could be brought to bear by speculators or developers once they had amassed enough land in a village to initiate large scale industrial projects.

⁵⁴ The CDRI baseline survey reported that 80 percent of the household respondents felt that security of tenure was the most important benefit to be gained from land titling. See Ballard and So, *Cambodia Land Titling Program Baseline Survey Project*, p 66.

Land Tenure Security and Poverty Reduction

The CDRI baseline researchers expected that secure land tenure rights would contribute to socio-economic growth and poverty reduction to the extent that property rights were effectively enforced. They argued that the benefits from land titles would depend on prevailing conditions in specific areas; for example the level of land market activity, the availability of social services, the level of infrastructure development, and access to transport and markets. Noting that many households in the baseline survey sold land to pay for health care, they voiced concern that in the absence of affordable and effective health care and other social services for the poor, land titles might not have the desired effect on reducing poverty associated with landlessness.

In the Prey Nup study area the contributions of land titling to poverty reduction are still somewhat ambiguous. Certainly land titling has strengthened the property rights of small holders and enabled them to guarantee their entitlement to benefits gained from local infrastructure development. This is true especially for title holders with paddy rice plots in the rehabilitated polder areas.⁵⁵ LMAP beneficiaries with plots along National Road 3 have also secured their claims to this highly valuable real estate. At the same time the lack of affordable and effective health care in Prey Nup district has left title holders vulnerable to the exigencies of the market economy and eroded the benefits gained for some households who have sold their land titles. As an isolated intervention LMAP titling has done little to realize economic growth for small holders in the area studied. However, in support of the Polders Rehabilitation Project and security of tenure on rehabilitated roads it has contributed to development initiatives and reforms that hold promise for moving people out of poverty and achieving a fuller life.

⁵⁵ Lagandre, Damien and Philippe Lavigne Delville, *Polder Rehabilitation, Agricultural Growth, and Inequalities* report from their sample survey that household annual agricultural income in the polder areas increased from 414,434 riel (US\$ 104) before 2000 to 1,100, 588 riel (US\$ 275) in 2006. Meanwhile, rice self-sufficiency in the sample survey increased from 44 percent of households before 2000 to 74 percent of households in 2006.

Conclusions

In the study areas of Prey Nup and Teuk Laak *sangkat* villagers actively participated in the mapping and measurement of their lands for titling under LMAP. Landowners generally concurred that the process was transparent and that information was disseminated to them in a timely manner. The notable exception was households in Kampong Smach Touch village who owned and cultivated agricultural lands in neighboring Samrong *sangkat*. These respondents were not informed of the LMAP registration schedule in Samrong and as a consequence did not receive LMAP titles for their agricultural plots in that *sangkat*.

More than 90 percent of all agricultural plots owned by the households surveyed were titled under LMAP. This is a remarkable achievement. At the same time the inequality of landholdings among the title recipients meant that large landholders in both *sangkat* who owned a disproportionate share of land benefited more from land titling than small landholders. In this sense titling under LMAP reinforced patterns of landholding inequality at the same time that it strengthened property rights for all.

Land sales in the two *sangkat* were higher in the four and a half years since LMAP implementation than in the previous fourteen years combined. This indicated that LMAP titling in line with research theory had indeed contributed to an active land market. While buyers from the same village continued to predominate both before and after LMAP, buyers from Shanoukville town and Phnom Penh doubled in the LMAP era. Land values also increased sharply since LMAP titling in three of the four villages studied. While higher land values benefited village sellers, households were not normally selling land to invest in productive pursuits. Indeed close to half of the plots sold after LMAP were still given up to raise funds for healthcare. Land sales after LMAP served mainly to provide cash in times of shocks and crises and to support subsistence needs. Surely the poverty and powerlessness of the village land title holders left them extremely vulnerable to the exigencies of the market economy. This raises a serious question: Is LMAP's aim to promote the development of efficient land markets in conflict with its aim to reduce poverty?

After LMAP the majority of sales were still transacted by making sales contracts with notification at the village and commune levels without processing the transfers through the Land Registry. Most villagers thought it unnecessary to go further since they trusted one another. To a large extent their experience confirmed this. Buyers from outside the villages did not normally require subsequent transfers to be processed through the Land Registry. Similarly, in Prey Nup district the AMRET micro-finance institution and ACLEDA bank accepted LMAP land titles with sales contracts and notification as collateral for loans even though they had not passed through the Land Registry. Until requirements became more strictly enforced, which was both unlikely and undesirable, or procedures were changed the practice of making subsequent transfers "extralegally" would continue and ultimately threaten the viability of the systematic land titling program.

Villagers in the two *sangkat* rarely encountered conflicts on their LMAP titled lands. The simple reason for this was that LMAP did not issue titles on lands with disputed ownership. Land conflicts on non-titled land were slightly more common. Most instances were reported by households in Prey Nup 2 village where a number of residents were caught up in the land dispute in Bek Krang village over rights to rice lands in the polder area. The Bek Krang case

demonstrated how some persons with power and influence could direct technological and legal improvements into mechanisms for their own personal benefit.

More than 90 percent of all households surveyed in the two *sangkat* had never used an LMAP title as collateral for a loan. AMRET group loans, which predominated as the major source of cash loans in the study area, required group and village guarantee rather than land titles as collateral. Individual loans from AMRET and ACLEDA, which were usually of larger amounts and required collateral such as LMAP titles, were rare among the households surveyed. As long as the AMRET group loan program continued to supply the credit requirements of the village borrowers the land titles they received under LMAP would do little to increase their access to credit or to alter their current credit practices. In this case study the hypothesis that people in LMAP areas would use land titles as collateral with which to obtain credit from formal lending institutions did not hold true.

A major benefit conferred through LMAP, voiced repeatedly by the vast majority of households interviewed, was the stronger tenure security on LMAP titled lands. Villagers were well aware of the pressures that could be brought to bear against them by speculators and developers and having ownership titles in their possession was a decided advantage. While LMAP titling did not immediately translate into poverty reduction for most of the recipients it did constitute a contributing component of a package of development interventions and reforms, necessarily including the provision of affordable and effective health care, with potential for moving people out of poverty and allowing them to share more equitably in economic growth.

Policy Issues

Following upon the conclusions of this study, several policy issues present themselves for consideration:

How can LMAP teams expand their notification procedures to make sure that land owners residing outside of targeted communes are aware of scheduled mapping and measurement activities?

How can accurate information about land values be disseminated to villagers?

How can healthcare delivery services be improved for poor villagers in rapidly developing areas such as Prey Nup District?

How can procedures for processing subsequent transfers through the Land Registry be further decentralized?

How can governance and institutional reforms be enacted to facilitate the resolution of land disputes such as those pending in the polder areas of Prey Nup district?

How can title holders participate in development planning regarding the transformation of village agricultural lands into industrial uses?

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