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A Preliminary Review of Secondary Data and Primary Data from Four Recent Surveys

Working Paper 16

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Responsibility for the ideas, facts and opinions presented in this research paper rest solely with the author. His opinions and interpretations do not necessarily reflect the views of the Cambodia Development Resource Institute.

Cambodia Development Resource Institute
56 Street 315, Tuol Kork, Phnom Penh (Postal address: PO Box 622, Phnom Penh, Cambodia)
Tel: (855-23) 368-053/880-734/883-603 Tel/Fax: (855-23) 366-094
e-mail: cdri@camnet.com.kh website: http://www.cdri.org.kh

Editing and Layout: Ann Bishop, Em Sorany and Oum Chantha
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Contents

Abstract

Land is the most important productive asset in agrarian societies such as Cambodia's. Throughout Cambodian history, land ownership rights have varied with changes in government. In the period before French colonisation (pre-1863), when all land belonged to the sovereign, people were freely allowed to till unoccupied land and could cultivate as much as they liked. With French colonisation, a property-rights system was introduced in 1884. After Cambodia gained independence from France in 1953, a Western-style land ownership system continued until 1975, when the Khmer Rouge seized power and eliminated all private property rights. Land ownership rights were reintroduced in 1989, following the failure of the Khmer Rouge regime in 1979 and ten years of unsuccessful collectivised production.

Within ten years of the reintroduction of private ownership and the redistribution of land, land issues have become one of the most sensitive economic, social, and political issues in Cambodia, demanding urgent solution. In the absence of comprehensive land-related data, this study extensively analyses secondary data and primary data from four large-scale surveys to better understand the magnitude of current land issues.

Based on this analysis, it appears that most of Cambodians own at least some land, but only a small proportion of the population has official land titles. Over 70 to 80 percent of the total rural population possesses agricultural land acquired in different ways (government distribution, gifts from relatives/friends, purchase, or clearance of unused land), but only 1 percent has legal title to their land.

The average size of agricultural holdings in Cambodia is quite small (only about 1 hectare per family) and distribution is highly unequal. Female-headed households generally have smaller holdings than male-headed households. About 40 to 50 percent of the landless and marginal landholders possess only about 10 to 15 percent of all agricultural land in rural areas. The estimated Gini coefficients of land concentration range from 0.47 to 0.66 for the different surveys that target different population groups.

Even though only a very small proportion of the population has official title to their land, people have been actively transferring land (their only productive asset) on the market. Not only has private property changed hands, but also common property, such as forestry and fishery resources (state property), has been actively transferred to private use as concessions or for long-term investment.

In the concluding chapter, the study draws some policy implications and proposes some suggestions for the improvement of future studies of land issues. The suggestions include questions to be answered in future research, as well as specific items to include in future survey questionnaires.

Acronyms and Abbreviations

CASD	Community Action for Social Development
CPR	Common Property Resources
GDP	Gross Domestic Product
IDP	Internally Displaced Persons
MAFF	Ministry of Agriculture, Forestry and Fisheries
MRC	Mekong River Commission
NIS	National Institute of Statistics
PET	Protracted Emergency Targets
SOC	State of Cambodia
UNICEF	United Nations Children's Fund
UNWFP	United Nations World Food Programme

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Chapter One

Introduction

Land is the most important productive asset and store of accumulated wealth for 84 percent of the Cambodian people, whose main income is derived from agricultural activities. Traditionally, Cambodian farmers use land to produce food for subsistence, especially rice, and to generate a surplus of agricultural products for sale. In 1997-98, over two million ha of agricultural land were devoted to rice production, which contributed 11 percent to the total Gross Domestic Product (NIS 1999:15). In addition, large areas of land are allocated to other types of agricultural production such as rubber plantations, fisheries and livestock. These too are important sources of income for rural people.

The way in which land rights are assigned determines farmers' social and economic status and affects their ability to sustain themselves. With major economic reform in 1989, the Cambodian government attempted to implement an effective land management policy. Land was redistributed to private individuals (with rejection of pre-1979 ownership) and private ownership[1] of land was reintroduced.

Since 1989, the government has approved and implemented the following legal frameworks related to land in order to ensure efficient land privatisation and management:

- Sub-Decree No. 25, Council of Ministers of the People's Republic of Kampuchea, 22 April 1989; Political Instruction No. 3, Enforcing Instruction of the Principles for the Management (krup krong) and Use (prae prass) of Lands, Council of Ministers of the State of Cambodia, 03 June 1989;
- Land Law, National Assembly of the State of Cambodia, 13 October 1992;
- National Constitution, National Assembly of the Kingdom of Cambodia, September 1993; and
- Law for the Management of Urbanization and Construction, National Assembly of the Kingdom of Cambodia, May 1994.

Sub-decree No. 25 clearly redistributed residential land and houses to private individuals (those who occupied the land at the date of the signing of the order), whereas Instruction No. 3 provided agricultural land to most (if not all) farmers who had been working on the land. Private ownership of land has been possible since then.

However, the complexity and lack of clarity of these regulations has given rise to enormous issues and conflicts relating to land encroachment, land grabbing and land transactions. These processes appear to be contributing to a rapid increase in the incidence of landlessness throughout the country, especially among vulnerable groups (households headed

[1] The situation in which a private individual or household is allowed to own and to have the right to manage land exclusively and solely as residential land or residential buildings.

by females and disabled people). The majority of the population occupy land without legal documents. Many private and state properties have changed hands legally or illegally as a result of market forces and other reasons. Despite some confusion between application receipts and ownership rights (*kamaset*)[2], with the re-introduction private ownership, people have transferred their residential land from one to another. Although possession rights (*phokeak*)[3] can only be obtained for agricultural/cultivation land, the market for this type of land has also been active.

Moreover, owing to the lack of distinction between common property and state property, millions of hectares of forest and agricultural land have been granted to private companies for long-term investment and concession exploitation. According to the Department of Planning and Statistics of the Ministry of Agriculture, Forestry and Fisheries (MAFF), 4,739,153 hectares (ha) of forest have officially been granted to private companies for long-term investment (up to 20-30 years). This includes 264,924 ha for three forest concessions which were recently cancelled. Likewise, 662,496 ha of agricultural land have been granted to private companies for long-term investment (up to 70 years). This includes 46,600 ha for five agricultural concessions which were recently cancelled. In addition, 1 million ha of fishing lots have been allocated for commercial use. The transfer of common property resources to private owners is believed to be much higher than the above figure because of land grabbing and land encroachment by various groups.

Objectives

The magnitude of these legal and illegal transactions and their impact has not yet been critically and comprehensively studied at the aggregate level. The main objectives of this study, therefore, were to use existing large-scale databases to:

- identify patterns of land acquisition[4], land tenure[5] and land ownership;[6]
- identify the magnitude of land transactions in the market;
- identify trends in the availability of benefits derived from common property resources (CPR);
- identify the incidence of land concentration and landlessness;
- identify the relationship between gender- and land-related issues; and
- make some suggestions for improvement of future surveys on land.

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

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

[4] This refers to the way in which populations obtain residential and agricultural land in Cambodia.

[5] This refers to the legal right (or legal document to prove ownership) of landholders to live in a particular building or to use a particular piece of land.

[6] This refers to circumstances in which people have land to live and work on.

Chapter Two

Historical Background

Since land is the most valuable asset for the majority of people in Cambodia, successive governments have considered it in planning for economic development and sustainable poverty reduction. It has often been the central focus of government intervention, as the following review of land policies since the nineteenth century shows.

Pre-French Colonisation (Pre-1863): It is believed that all land belonged[1] to the sovereign. Practically-speaking, most people were able to freely till their own land and could cultivate as much as they liked. With a small population and the absence of a land market, the cultivating proprietor could move from one area to another and assume ownership. Owners had exclusive right to possess, use and inherit agricultural land, without having to fulfil any formalities except *corveé* or other feudal tribute.

French Colonial Period (1863-1953): After colonising Cambodia in 1863, the French changed the traditional land use system in Cambodia by first promulgating a *Land Act* in 1884, which was not fully implemented before 1912 due to the resistance of Cambodian farmers. By 1930, most of the rice-growing fields were registered as private property and people were also free to sell their land. More importantly, all free areas or unoccupied land, became available for customary ownership rights[2] and sale after clearing and occupation. Virgin land was still available, leaving opportunities for those people who sold their land to move to the forests. By 1930, most of the land was divided into plots of less than 5 hectares and large plantations had been established (Greve, 1993).

Independent Period (1953-1975): After Cambodia gained independence from France in 1953, the Western system of property ownership continued, with an increase in land transactions. Meijers (1994) claimed that by 1962 more than 30,000 non-agricultural households had land. He added that even though the 1962 census showed that out of 800,000 agricultural families, 84 percent were "owners only" (neither tenants nor share croppers), they were not well off.

Since the majority of rice fields had low productivity (about 1 ton per hectare, t/ha) under the predominant production system of rain-fed rice, farmers became indebted (three-quarters in 1952) and some eventually became landless. For both farm expenses and non-farm expenses, farmers borrowed from private moneylenders at very high interest rates. These were often as high as 30 percent, but sometimes as high as 100 to 200 percent per season (Meijers, 1994). In order to repay debts, farmers had to sell their rice harvest to private moneylenders at less than the market price. As a result, they did not have much rice left for family consumption, and had to borrow money again to buy rice at the much higher market price.

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1 The sovereign possessed, theoretically, absolute right over land (Meijers, 1994:3).

2 The rights to clear virgin/unoccupied land for possession, use and inheritance.

This vicious circle often continued and some poor farmers had to sell their land to pay debts and thus became landless (Greve, 1993).

Democratic Kampuchea (1975-79): The Khmer communists, known as Khmer Rouge, seized power from the Lon Nol government and proclaimed 1975 as *Year Zero.* Under Khmer Rouge ideology, all people were equal and everybody had to work in the fields. All land belonged to *angkar*, and nobody could own even a little piece of land as private property (*troapsambat eckachun*)[3] and private ownership (*kamaset eckachun*)[4] of land was abandoned. Angkar was master of water and master of the earth *"Angkar mchah teuk mchah dei"* (Greve, 1993).

Under Khmer Rouge policies, rice production was the highest priority. Rice fields were redesigned into 1 ha square plots and the production system was collectivised with a tremendously-heavy workload of up to 18 hours a day. In the hope of increasing rice production to the level of 7 t/ha, many poorly-designed irrigation systems, dams, canals and reservoirs were inadequately built by manual labour. These were largely ineffective.

Centrally-Planned Economy (1979-1989): After the failure of the Khmer Rouge regime in 1979, the country was devastated. Under the threat of widespread famine, millions of displaced and starving people returned to their homes. With limited foreign support (mainly from the former communist bloc), a war-torn infrastructure and scarce human resources, the new government decided to set up collective property rights[5] for land and housing. Because of shortages of labour, draft animals, production equipment and cohesive collectives, *Krom Samaki (collectives)* were established in order to fulfil immediate food requirements.

The collectives consisted of 10 to 15 families who shared land, labour and draft animals. The *Krom Samaki* were allowed to occupy and use agricultural land, although all land, including residential land, was officially the property of the State. Land was redistributed to *Krom Samaki* based on the labour, draft animals and land available in each area. It is important to mention that even though all land belonged to the state, occasionally during this period some residential land was unofficially transferred between people by mutual agreement[6] (Greve, 1993).

Post-1989 (1989-Present): By 1989 the failure of collectivisation and the centrally-planned economic system was obvious and the government concluded that Cambodian conditions made the adoption of such policies impossible. Following a massive reduction in support from former Eastern Bloc countries, the government began reforming the entire economy towards a free-market system. In addition to implementing major economic reforms, the government took a further step and reintroduced private property rights in 1989[7].

According to Political Instruction *(prakas)* No. 3, all land in Cambodia belongs to the State: "the land of the State of Cambodia is the property of the State." But Cambodians have the right to possess and use it: "the Cambodian population has the full right to occupy *(kankap)* and use *(praeapras)* the land and has the right to sell the land provided by the State for domicile and exploitation." At the same time, the ownership rights in force before 1975 were invalidated: "no one can claim the rights (*set*) of ownership of land (*kamaset*) prior to

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3 A property that does not generally benefit the public interest as a whole and that a private individual can own.

4 The situation in which a private individual/household is allowed to own a property.

5 The rights given to a group (collective or *krom samaki*) to occupy and use land while the outputs from the land were shared among all group members.

6 This information was obtained from an interview on 23 June 1999 with Mr. Huy Phab, previously Vice-Chief of the Land Conservation Office, and now Deputy-Director of the Conservation Cadastre Department of the General Department of Cadastre and Geography.

7 The rights given to a private individual/household to have ownership for residential land/buildings and possession for agriculture.

1979." Furthermore the occupation of land and residential buildings from 7 January 1979 onward was recognised: "the State will not review and make a new division on land that is already occupied from 7 January 1979 to the date of this instruction which shall be applied until there is a land law." The instruction also defined three categories of land, as follows:

- *land for domicile:* shall be provided for ownership *(kamaset)* by the provincial committee or municipality;
- *cultivation land (dey damdos)/agricultural land:* is for production and exploitation. It is state land allocated for the farmers to manage *(krupkrong)* and use *(praeaprass)* for production and exploitation; and
- *concession land (deysampatein):* greater than 5 ha. Concessions provide the right to occupy land *(kankup)* for large-scale crop production which will contribute to the national economy.

Of these three land categories, *private ownership rights* could be obtained only on land for domicile; whereas on cultivation land and concession land respectively, only *possession and use rights* and the *right to exclusively occupy* could be obtained.

Along with the reintroduction of private property rights, Sub-Decree No. 25 and Instruction No. 3 also redistributed land to private households. Land redistribution was based on the number of family members and land availability in an area. Generally, redistribution was implemented by the local authorities with full participation of the local communities. The villagers apparently gathered together to identify the number of members in each family and the available land in the area. Then they divided the available land in accordance with the number of people in each family and land availability. They also took into account soil fertility and location so that each family received a few plots of agricultural land. The redistribution system seemed fair to ordinary people, even returnees. As stated in the Instruction, Cambodian refugees, overseas returnees, and Khmer Rouge returnees, if returning to a village, were to be provided with land for housing, paddy for farming on land that was free or vacant claimable land (Meijers, 1994).

The amount of land distributed to households varied depending upon the population density in an area. In some provinces with low population density, people could get up to three ha/family (for example in Pursat); whereas in the high density areas they were given only 0.5-1.0 ha/family, e.g. Takeo (Huy Phab, 1999). Only residential/housing land and productive land were redistributed to people to be owned and possessed. The remaining land was kept as state/common land for future development.

In addition to Sub-Decree No. 25 and Political Instruction No. 3, the Land Law of 1992 contains significant provisions such as Articles 1 and Article 2:

Article 1: All the land in Cambodia belongs to the State and shall be governed and protected in agreement by the State. The State does not recognise land property rights existing before 1979. The property rights and any other rights relating to land shall be governed by this law.

Article 2: Cambodians have full right to possess and to use land and have the right to inheritance of the property provided by the State for living and for doing business.

Again, this means that all land in Cambodia belongs to the State and that Cambodians can have the right to possess, use, transfer and inherit land and that the ownership rights existing before 1979 will not be returned to the prior owners.

Chapter Three

Description of the Data

As stated earlier in this paper, attempts were made to analyse relevant land-issue indicators from available large-scale databases. Four large-scale household surveys were obtained from various institutions – one from a Mekong River Commission (MRC) project, another one from the National Institute of Statistics (NIS) and two from the World Food Programme (WFP). It is important to bear in mind that all of these surveys had different characteristics since they focused on different groups of people and were designed to fulfil different purposes. The questions relating to land asked in each survey are shown in Appendix A.

3.1 Household Socio-economic Survey in Fishing Communities (Socio-economic Assessment of Freshwater Capture Fisheries of Cambodia), MRC 1995-96 (identified hereafter as the MRC Survey)

A Socio-economic Household Survey of Fishing Communities in Cambodia was conducted by the Mekong River Commission (MRC) under the project *Management of Freshwater Capture Fisheries of Cambodia*. The primary purpose of the survey was to assess the socio-economic conditions of households living in fishing-dependent communes in order to provide necessary information and an appropriate perspective for the sustainable management of freshwater-capture fisheries in Cambodia.

The study identified eight provinces (Siem Reap, Battambang, Pursat, Kampong Chhnang, Kandal, Phnom Penh, Kampong Cham and Kampong Thom) with a population of about 4.19 million people in freshwater fisheries communities. This is more than 40 percent of the total population in these provinces. From those provinces, a total of 5,117 sample households covering 83 sample communes in 51 fishing districts were randomly selected to represent 328 fishing-dependent communes. The selected communes also covered the two major water systems involved in freshwater-capture fisheries: the Great Lake and Tonle Sap River system; and the Mekong-Bassac Rivers and adjoining flood-lands system.

3.2 Cambodia Socio-economic Survey 1997 (identified hereafter as the SES)

The Cambodia Socio-economic Survey, the first large-scale multi-objective household survey, was conducted by the National Institute of Statistics (NIS) between May and June 1997. The principal objective of the survey was to collect data needed for the measurement of living standards and for monitoring and analysis of poverty.

The survey was based on a two-stage stratified random sampling design, with villages as primary sampling units, and households as secondary sampling units. The truncated frame used for the survey covered 100 percent of the villages in Phnom Penh, 91.2 percent of villages in other urban centres and 86.3 percent of villages in rural areas. For security reasons, however, two provinces and a number of communes in the other 15 provinces were excluded from the survey frame. The proportion of households excluded was low, amounting only to

4.8 percent of the households in "other urban areas" and 1.6 percent of the households in rural areas.

Based on the above criteria, 6010 households were selected for interview. These were distributed as follows:

Phnom Penh,	120	sample villages and 1200 sample households
Other urban centres,	100	sample villages and 1000 sample households
Rural areas	254	sample villages and 3810 sample households
Total	474	sample villages and 6010 sample households

3.3 Cambodian 1998 Baseline Survey of Community Action for Social Development (CASD) Project and WFP Target Areas, UNICEF-WFP (identified hereafter as the Baseline Survey)

The Joint UNICEF-World Food Programme (WFP) Baseline Survey was conducted by WFP between May and June 1998. The main purpose of the survey was to provide a comprehensive set of information for use in the development, targeting and evaluation of two of their programmes: (1) the Community Action for Social Development (CASD) programme for health and nutritional status, and (2) the WFP programmes on food security and vulnerability. The survey focused on some provinces in which selected villages had a CASD or a WFP project. The survey limited the target sample to those who had at least one child under five years of age.

The survey was based on a multi-stage, random sampling procedure, with the village as the sampling unit. A random sample of approximately 50 villages was selected from the six CASD-UNICEF provinces. In addition, 13 villages of CASD-PFD were randomly selected in Kratie and Stung Treng provinces. Another sample of 62 villages was drawn from five WFP food economy zones, based on the national distribution of villages by zone. A total of 125 villages were selected for the survey.

In these sampled villages, households with children under five years of age were randomly selected as the target group. The number of households selected depended on village size. In some cases there were as many as 300 households. In others there were as few as 50. The survey also limited the number of families to be interviewed to eight if the village had 80 households, 10 if the village had 80-120 households, and 12 if the village had more than 120 households. Therefore, 1230 households were actually selected for interview.

3.4 Protracted Emergency Target Survey, UNWFP 1998 (identified hereafter as the PET Survey)

The Protracted Emergency Target (PET) Survey was conducted by WFP in late 1998. The main objective of this survey was to provide a baseline of information on social conditions and on the nutritional status of returnees and internally-displaced persons (IDP)[1] against which programme impacts could be measured in the year 2000. Like the Baseline Survey, the PET survey targeted parts of selected provinces in which the surveyed villages were randomly selected from PET communes. The targeted households were those which had at least one child under five years of age and with the mother present.

Based on regional grouping, homogeneity of social conditions and IDP origin, the sample was stratified into four zones and a two-stage, random-sampling methodology was used to select samples. In the first stage, five communes from each PET zone were randomly

[1] WFP-Cambodia defined internally-displaced persons (IDP) as "those persons who have been displaced from their normal place of living by fighting in the period since 1989", Helmers and Kenefick 1999:12.

selected. In the second stage, two villages per commune, which were eligible according to WFP criteria, were selected and non-PET villages were eliminated. Then the PET villages were randomly selected for interview by using a random numbers table. However, communes and villages with unacceptable levels of risk from mine hazards, such as mines on the main road into the commune, were eliminated from the sample.

Within these sampled villages, 26 households were selected from each village in order to produce a total sample of 1040 households. The households which fell within PET criteria, with at least one child under five years of age, and the mother of that child in the house, were randomly chosen by interval selection. In the very few cases where villages were too small to provide enough mothers and children to reach the target of 26 households, a third village was randomly selected and the remaining households were selected and included in the survey process.

Table 3.1 Summary of Available Information from the Surveys

Obtainable information	MRC's Survey	SES	Baseline Survey	PET Survey
Sample Size	5,117	6,010	1,230	1,040
Coverage of Province	8	20	14	7 (4 zones)
% of Female-headed households	19%	24% 1/	6%	8%
Household Demography				
Age, sex, education, ...	√	√	√	√
Displacement	√	×	√	√
Employment	√	√	√	√
Land				
Acquisition	×	×	×	√
Tenure	√	√	√	√
Ownership	×	√	×	√
Sales	×	×	√	√
Common Property Resources				
Access to CPR	√	×	√	√
Changes in availability of CPR	√	×	√	√
Asset Ownership				
House type	√	√	√	√
Valuable assets	√	√	√	√
Animals, trees ...	√	√	√	√
Crises				
Debts/loan	√	√	√	√
Income				
Agricultural production	√	×	√	√
Sources of income	√	√	√	√
Expenditure				
Food items	×	√	√	√
Non-food items	×	√	√	√
Health				
Nutrition	×	×	√	√
Child & mother nutrition	×	√	√	√

Note: Ô =Yes, the survey contains the question; ´ =No, the survey does not contain the question; 1/percentage of female-headed households in both rural and urban areas, urban-27% and rural-23%.
Sources: Household Socio-economic Survey, MRC 1995-96; Socio-economic Survey, NIS 1997; Baseline Survey, UNWFP 1998; and, PET, UNWFP 1998.

3.5 Comparability and limitations of the surveys

All four surveys were unlike each other in terms of geographical coverage, time frame and target groups. Since they were separately designed and conducted to fulfil different purposes, some information can be obtained from some surveys, but not from the others, and vice versa (Table 3.1).

Since the Mekong River Commission (MRC) and NIS surveys randomly selected the sample population within the surveyed areas, the percentage of female-headed households is high (19 and 24 percent respectively). This figure is consistent (although slightly lower) than the results of the 1998 population census which was 25.7 percent (NIS, 1999:4). However, the proportion of female-headed households is quite low in the Baseline and the PET surveys (6 and 8 percent respectively), given their selection of sampled households with at least one child under five years old (the vast majority of children are born in wedlock). Therefore, these households represent only those that have become female headed during the last five or six years, at most.

The main limitation of the surveys, from the point of view of this report, is the differentiation among the sampled groups. The Household Socio-economic Survey in fishing communities targeted the people who lived in fishing communes. The Socio-economic Survey of NIS, on the other hand, focused on much broader samples, but excluded some areas from the sample frame due to security concerns. The stratification was based on three strata *viz.* Phnom Penh, other urban centres and rural areas. This distinction was defined by the Population Census Office and that constitutes another significant limitation. The Baseline survey targeted only the people in the CASD and WFP target areas. In the PET survey, the groups of people in the PET communes and sampled households were exclusively those who had at least one child under five years of age and the mother present.

In general, all four surveys provide valuable information, including detailed data on household demography, land ownership, access to common property resources, other durable asset ownership, household income and expenditures and other facts. However, it is important to keep in mind that not all four surveys cover the same questions. Furthermore the way in which the questionnaires were designed, and the questions were asked, differ.

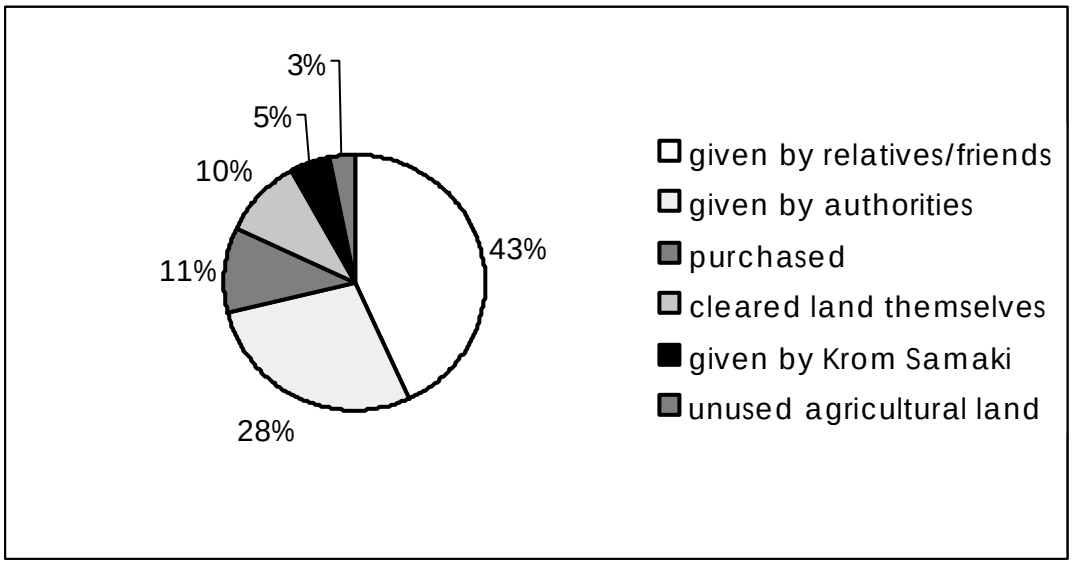
Chapter Four

Land Acquisition, Tenure and Ownership

4.1 Land acquisition (PET survey data only)

Based on relevant regulations and on the land redistribution of the 1980s, the majority of the Cambodian population could be reasonably assumed to have had access to land, both residential and agricultural, during the 1980s. As mentioned above, 1989 land distribution was based on land availability in the villages and the number of family members. Apparently the redistribution was implemented by local authorities, with the participation of *Krom Samaki* farmers in each village. To ensure fair distribution, the government ordered local authorities to allocate 1-2 ha of agricultural land in each village, according to population density and land availability. This was for future redistribution to returnees from border camps, demobilised or retired soldiers, and Cambodian returnees from overseas. Therefore, it is reasonable to assume that most of the people legally acquired land through redistribution in 1989 and were officially recognised as landowners by local authorities.

Figure 4.1 Land Acquisition



Source: PET Survey (Question 601, Appendix A-4), UNWFP 1998

However, the results of the PET survey, which focused on internally-displaced persons, showed that PET households had commonly acquired land through different sources. Forty-three percent of the interviewed households reported that they acquired land from their relatives or friends (Figure 4.1). This high figure is suspected to have been the result of the

high displacement rate of the sampled population: three-quarters of the surveyed households had been displaced by fighting since 1989, and hence, were vulnerable to loss of land in their villages of origin. They probably could not acquire land in the new resettlement villages (Table 4.1). The findings of the PET survey also show that 28 percent of the respondents were given land by local authorities, whereas only 5 percent obtained land through the 1989 *Krom Samaki* distribution. This is a surprisingly low percentage, given that such a distribution was probably the principal means of acquiring land in Cambodia in the period before 1989. A further reason why many households in these areas have only come to own land since 1989 may be the young average age of the sampled household heads, an assumption which is reinforced by the fact that many were given land by relatives.

Table 4.1 Household Mobility and Settlement

Household	Percentage
Displaced because of fighting since 1989	76%
Returned from Thai border camps with United Nations	8%
Lived in new village (which existed only after 1992)	11%
Currently displaced from normal place of living	4%
Moved more than 2 times since 1989	36%
Lived in more than 2 different settlements since 1989	28%

Source: PET Survey, UNWFP 1998

4.2 Land tenure (SES and PET data only)

By law, only possession rights and occupation rights were available for agricultural land and agricultural concession land, respectively. In the first few months after the 1989 privatisation of land, large numbers of applications were made for ownership titles. However, only a small proportion of applicants have so far been issued with ownership titles. According to the Department of Cadastre and Geography, only 14 percent out of a total of 4.5 million applicants have received certificates of possession rights. But those people who applied for possession rights presumably still have the application receipts from the local authorities (see Appendix B for details of the application process).

The Socio-economic Survey (SES) shows that the majority of households interviewed had some form of land title: approximately 80 percent of the respondents in both urban and rural areas reported that they owned/occupied residential land and farmland with titles (Table 4.2). Yet, the property rights referred to were not clearly defined: perhaps respondents were referring to the application receipt that they received when they applied for possession rights. The Questionnaire also asked whether respondents still had application receipts or not (Question 24, Appendix A-2 of the SES). The high percentage of reported owners with titles is probably the result of the vagueness of the question. The question only allows three categories of answer "owned with title", "ownership unsettled/held for free" and "rented/leased", for those people who owned either residential or agricultural land. Inevitably the respondents who owned land would report that they owned/possessed land with title if they did not hold land for free and/or lease land. Hence, the level of land ownership titles cannot be reliably estimated from the SES.

The PET survey questions about land ownership documentation,[1] which attempted to identify the form of entitlement held by people, shows a different picture. Only a small

[1] Questions 603-604, which were designed by Shaun Williams (Oxfam GB), provide multiple options for respondents to give the appropriate answer on the type of land ownership paper they held. However, the interviewers did not ask if the respondents still had those papers - receipt, application form, land investigation record or certificate.

proportion of PET households had application receipts to prove their possession rights, whereas a mere 2 percent of the respondents had been issued official certificates for their residential land. One percent had certificates for agricultural land (Table 4.3). Thus, more than 70 percent of the households had nothing to prove their possession rights for either residential or agricultural land.

Table 4.2 Percentage of Urban and Rural Households Reported to Own Land with Ownership Status

Ownership Status	Residential land		Agricultural land	
	Urban	Rural	Urban	Rural
Owned with title	77%	82%	79%	87%
Ownership unsettled/held for free	22%	17%	19%	12%
Rented/leased	1%	1%	2%	1%
Total	100%	100%	100%	100%

Source: Socio-economic Survey (Question 24.1-24.3), NIS 1997

The survey also reported that the proportion of female-headed households who had applied for title to their land was higher than that of male-headed households. Table 4.3 shows that the proportion of female-headed households who had papers (either a receipt, application for possession or land investigation record) was slightly higher than for male-headed households. However, none of the female-headed families had certificates for the right to possess their residential and agricultural land. This difference might be due to the small number of female-headed households (only 72) in the sample population of the PET survey, and therefore might not be statistically significant.

Table 4.3 Percentage of Households Reported to Have Land Ownership Title

Ownership Status	Residential land			Agricultural land		
	male-headed	female-headed	total[1/]	male-headed	female-headed	total[1/]
	n=934	n=72	n=1006	n=902	n=69	n=971
No paper	74%	60%	73%	75%	62%	74%
Receipt	14%	18%	15%	13%	16%	13%
Application for possession	2%	4%	2%	2%	6%	2%
Land investigation record	1%	3%	1%	1%	1%	1%
Certificate	2%	0%	2%	1%	0%	1%
No land	7%	15%	7%	8%	15%	9%
Total	100%	100%	100%	100%	100%	100%

Note: [1/] weighted average
Source: PET Survey (Questions 603-604, Appendix A-4), UNWFP 1998

The PET survey also showed that female-headed families were more than twice as likely to have no residential or agricultural land as male-headed households. To sum up, only 2 percent of the male-headed households and none of female-headed households who owned land had legal title for their residential or agricultural land.

4.3 Land ownership (all 4 surveys)

Issues related to land ownership are clearly vital for the livelihood of more than 80 percent of the population living and working in rural areas. Most of the rural population strive to own at least a piece of land for subsistence in rice output and to pass on to their heirs. Land is generally classified differently depending upon its use and a distinction is made for different land uses.

The MRC's survey classified land in fishing-dependent communities as *residential land*, *agricultural land*, *orchard land*, *fishpond* and other land. The survey reported that most of the sampled population owned residential land (nearly 100 percent) although they lived in fishing communities. Additionally, a markedly-lower proportion (approximately 75 percent of the respondents), owned agricultural land (mainly rice fields), and a smaller proportion reported possessing other land such as orchard land and fishponds within and outside residential areas. The proportion of female-headed families who possessed any kind of land was slightly lower than for male-headed households (Table 4.4).

Table 4.4 Percentage of Households Reported as Possessing Land

Land	male-headed n=3999	female-headed n=953	total[1/] n=4952
Residential land	99.1%	99.2%	99.1%
Agricultural land	76.9%	70.2%	75.6%
Orchard land	15.4%	13.2%	15.0%
Other type of land	0.5%	0.3%	0.5%
Fishpond in homestead	3.6%	2.6%	3.4%
Fishpond outside homestead	0.5%	0.1%	0.4%

Note: [1/] weighted average
Source: Household Socio-economic Survey, MRC 1995-96

The SES, on the other hand, grouped land into residential land and agricultural land and reported a high rate of residential land "owned" in the sampled areas. In both urban and rural areas, more than 95 percent of the population reported "owning" residential land. Meanwhile, over 80 percent of the rural population possessed agricultural land. It is noteworthy that 27 percent of the urban population possessed 25 percent of total agricultural land. The urban population in this survey was not clearly defined because some of the suburban population of Phnom Penh, Sihanoukville or other provincial cities, could be classified as rural. Some of these people still lived in rural areas (although close to the cities), worked in the fields and predominantly relied on farm work. Again a marginally lower rate of possession of both residential and agricultural land can be observed among households headed by women in both urban and rural areas (Table 4.5). The significantly-lower rate of female-headed households possessing agricultural land in rural areas might indicate that female-headed households do not have enough adult labour to undertake land preparation or to claim more land.

Table 4.5 Percentage of Households in Urban and Rural Areas Reported as Possessing Residential and Agricultural Land

Land	Urban			Rural		
	male-headed	female-headed	total[1/]	male-headed	female-headed	total[1/]
Residential land	95.7%	94.9%	95.4%	97.4%	97.3%	97.4%
Agricultural land	27.6%	26.5%	27.3%	87.0%	83.7%	86.2%

Note: [1/] weighted average
Source: Socio-economic Survey, NIS 1997

The Baseline and PET surveys divided agricultural land into wet-season rice-growing land, dry-season rice-growing land and *chamkar* land (land with multi-cropping systems composed of various combinations of tree, vegetable and other non-rice crops, UNWFP 1999:26). The majority of the households in the WFP target areas held house plots, rice-growing land or *chamkar* land. As wet-season rice is the most important crop in terms of production volume, most of the sampled households reported possessing wet-season rice-growing land. Dry-season rice was not common in the Baseline and PET communes. Similar to the results of the SES, the proportion of female-headed households holding land was smaller than that of male-headed households (Table 4.6).

Table 4.6 Percentage of Households Reported as Possessing Rice and *Chamkar* Land

Land type	Baseline			PET		
	male-headed	female-headed	total[1]	male-headed	female-headed	total[1]
Any land	..	..	..	93%	83%	92%
Wet-season rice	82%	86%	82%	74%	62%	73%
Dry-season rice	8%	8%	8%	2%	4%	2%
Chamkar	24%	19%	24%	42%	31%	41%
Home garden	32%	32%	32%	61%	62%	61%
House plot	..	..	..	89%	78%	88%
Other land outside this settlement	..	..	..	4%	3%	4%

Note: [1] weighted average
Sources: Baseline and PET Surveys, UNWFP 1998

Chapter Five

Land Sales, Land Tenancy and Land Grabbing

5.1 Land sales (Baseline and PET data only)

Although a small proportion of the population has obtained official title to their land and only have small plots of land, land transactions and speculation have emerged and developed in the market. Since the reintroduction of land privatisation, a high volume of land sales and land speculation can be observed in many areas of Cambodia.

The official figure for the number of land transactions since 1995 given by the General Department of Cadastre and Geography is over 10,000, excluding transactions in Phnom Penh. But the actual figure is believed to be much higher. Transactions have affected all three categories of land – residential land, agricultural land and common-property land.

All land transactions in Cambodia have to be approved by the relevant local authority. Both buyer and seller have to fill out a *Definitive Sale Form*[1] (Appendix C). In practice, however, many transactions do not follow this procedure. The *Definitive Sale Form* is not necessarily used. Instead, an informal transaction letter is mutually agreed upon and signed with the endorsement of local authorities.

5.1.1 Residential land

Since the government reintroduced private ownership of residential land, land has changed hands at an increasing rate[2], especially in the urban areas of Phnom Penh, Kompong Cham, Battambang, Sihanoukville, Siem Reap etc. Due to poverty and price incentives, some people who live in the central areas of major cities have sold their houses or land and moved to other areas.

Residential land transactions have also occurred in rural areas, particularly in the areas with easy access to Phnom Penh and other major cities. Areas with fertile soil or near recreation areas are also affected by land speculation. Meijers (1994:10) stated that wealthy urban people like to buy some fertile land where they can plant some fruit trees and visit on Sundays. This can be observed on the outskirts of major cities and towns.

According to the two surveys, Baseline and PET, land sales over a 12-month period were observed to be high. The Baseline survey results show that as much as 3 percent of the

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1 One copy for the General Department of Cadastres and Geography and another to be kept by the buyer and certified by local authorities.

2 Renting of accommodation and land plots has also been observed to be high in urban areas, but the extent of transactions is hard to estimate since none of the four surveys provided any information on residential land transactions in urban areas.

surveyed households sold their houses in 1997 to cope with large unexpected shortages of food or income for the household. Meanwhile, about 1 percent of the respondents in the PET survey reported having sold their land in 1998. This discrepancy was probably due to the fact that 94 percent of Baseline's households had been in the same area since 1989. Hence they seemed to have had more opportunity to acquire residential land in the 1989 redistribution than those who had been displaced or had returned from border camps. The high level of displacement (76 percent) of the households in the PET survey, as opposed to only 36 percent in the Baseline survey, could logically have resulted in low sales of house plots (Table 5.1).

A significant difference between female and male-headed households in the rate of selling house plots also can be observed in both surveys. Female-headed households reported that they were vulnerable to selling their land when they faced unexpected crises. This survey showed that the percentage of house sales among female-headed households was double that of male-headed households in 1997 (Table 5.1). The PET survey also reported a similar difference when comparing the rate of transactions between male- and female-headed families.

Table 5.1 Percentage of Households Reported as Selling House Plots

Percentage of households	Baseline Survey			PET Survey		
	male-headed	female-headed	total [1]	male-headed	female-headed	total [1]
Sold house in 1997	2.6%	6.8%	2.8%	..	..	..
Sold house plot since 1989	..	..	..	1.0%	2.6%	1.2%
Sold house plot in 1998	..	..	..	0.8%	1.3%	0.9%

Note: [1] weighted average
Sources: Baseline Survey and PET Survey, UNWFP 1998

It is not just private property that has been transferred: in the course of privatisation of state-owned property, buildings, land, cinemas, factories, hotels, etc. have also been sold or leased for long-term investment. For instance, almost all the cinemas in Phnom Penh have been demolished, many formerly-government factories have been closed down or rented to private companies, government facilities have been moved from expensive to less-expensive areas, and so forth. All these assets are now privately owned or leased for the long term (up to 99 years). Commenting on the sale of state properties, Greve (1993: 52) stated that "State of Cambodia officials have nonetheless sold, and may still sell, just about anything that can be exchanged for money, and pocket the proceeds." The official figure for transactions of state property has never been made available to the public.

In general, the price of residential land in rural areas, as defined in the SES, was much lower than in urban areas. Information on land prices in specific markets in Cambodia is very limited. Fortunately the 1997 SES provides some information on land prices in the 20 provinces covered by the survey. Although it is unlikely that a relationship can be shown between price variation and transactions of land in the provinces covered by the survey, some significant information can be drawn from the data. Unfortunately though, Question 24 of the SES, which estimated land prices, was poorly designed. Respondents were asked to estimate the price of all the land they owned in local currency (Riel). Out of fear of paying tax, they may have under-stated the value of their land, which means the data they provided is of questionable validity.

With this caution in mind, one can look at variations in prices among different provinces. The price of land differs from one province to another depending upon the location of the province and the location of the areas surveyed. Generally, land in major cities is more expensive than land in remote areas. The price of residential land in urban areas, such as in the towns of Kandal province and Phnom Penh, was the highest in the country (ranging from 0.5-1 million Riel per square meter [Riel/sq.m] in 1997). This was followed by the provincial towns of Kompong Cham, Kompong Thom, Kampot and Battambang where land prices were

about 0.1-0.2 million Riel/sq.m (Table 5.2). The high price of residential land seems to be an artefact of the small sample size (40 cases). The high price of land in urban areas seems to reflect the high demand for land for development activities, and other factors such as location, road access, size, etc.

Table 5.2 also shows that the price of land in other major provinces and towns (Sihanoukville and Takeo) was about 100,000 Riel/sq.m Again this depended on geographic location and importance of the areas. In remote provincial towns, the prices for residential land were much lower. It is important to bear in mind that the high price of residential land (40,000 Riel/sq.m) in the towns of Ratanakiri province, a remote province in the north-east of Cambodia, seemed to be biased by the small sample size (only 8 households responded to the relevant question – Question 24.1, Appendix A-2).

Table 5.2 Prices of Residential Land by Province

Province	Urban			Rural		
	Ave. Price, R/m²	Median	n	Ave. Price, R/m²	Median	n
Kandal	921,400	254,600	40	10,300	2,500	454
Phnom Penh	593,800	216,600	1,136	..	..	..
Kompong Cham	258,400	37,600	40	4,000	1,100	663
Kompong Thom	160,500	3,000	58	5,700	2,000	206
Kampot	124,200	40,700	28	1,900	1,000	210
Battambang	101,600	12,600	146	9,200	1,200	224
Sihanoukville	65,700	2,700	140	..	..	..
Takeo	60,900	4,700	30	3,200	1,000	331
Rattanakkiri	41,400	18,000	8	1,300	500	30
Svay Rieng	38,900	4,600	20	500	300	221
Koh Kong	22,200	6,400	21	5,000	2,000	25
Kompong Chhnang	21,700	11,100	30	13,700	2,000	131
Siem Reap	13,400	6,500	69	3,700	1,000	224
Kompong Speu	9,200	400	39	1,500	500	164
Banteay Meanchey	4,900	2,100	68	3,100	1,300	158
Pursat	3,700	1,800	57	27,000	1,100	103
Prey Veng	2,200	700	60	3,000	960	461
Kep	1,800	800	20	..	..	..
Kratie	1,600	1,100	69	2,100	1,100	73
Stung Treng	400	200	18	300	100	28

Note: n = number of sample. Exchange rate: 2,989 Riel/US$ (World Bank, 1999)
Source: Socio-economic Survey (Questions 24.1-24.3), NIS 1997

The price of residential land in the urban areas of the provinces of Kandal (periphery of Phnom Penh), Kampong Cham and Battambang (high demand for industrial use) was much higher than in the rural areas of those provinces. The urban-rural differential in other provinces was much smaller, as Table 5.2 shows.

5.1.2 Agricultural land

Despite the uncertain tenure available for cultivated land, agricultural land is being transferred with increasing frequency. Even though only possession and use rights can be obtained for cultivated land, land has been actively transferred wherever there is a land market and speculation. However, the PET survey reported that only 3.8 percent of the PET households had sold rice-growing land and that only 0.9 percent had sold *chamkar* land since 1989 (10-year period). Among those households which reported selling their agricultural land, the percentage of households headed by women was more than double the percentage for male-headed households (Table 5.3).

Table 5.3 Relationship between Land Sales and Incidence of Landlessness

Percentage of HH	Baseline Survey			PET Survey		
	male-headed	female-headed	total [1]	male-headed	Female-headed	total [1]
sold rice land since 1989	..	..	..	3.4%	7.8%	3.8%
sold *chamkar* since 1989	..	..	..	0.7%	2.6%	0.9%
sold land in previous year [2]	5.2%	12.3%	5.6%	3.2%	5.2%	3.4%
- of which became landless	28.3%	22.2%	27.5%	22.6%	50.0%	25.7%

Note: [1] weighted average; [2] Baseline Survey referred to 1997, while PET referred to 1998.
Sources: Baseline Survey and PET Survey, UNWFP 1998

Both the Baseline and PET surveys reported a high level of land sales in the sampled areas within a year interval [3]. These surveys showed that 5.6 percent and 3.4 percent of total respondents sold land in 1997 and 1998, respectively, to cope with unexpected crises. Again the rate of land transactions among female-headed households was observed to be about double that for male-headed families. This implies that female-headed families tend to be more vulnerable to distress sales of their land when they experience unexpected crisis than is the case for male-headed households.

Table 5.4 Prices of Agricultural Land

Province	Price, Riel/sq.m	Median	n
Kandal	11,140	7,400	378
Phnom Penh	4,750	4,000	140
Kampot	440	130	224
Kampong Cham	240	250	547
Takeo	170	160	349
Battambang	140	150	192
Kompong Speu	110	90	186
Kompong Thom	100	80	224
Svay Rieng	100	60	224
Banteay Meanchey	..	..	..
Kompong Chhnang	..	..	..
Kep	..	..	..
Koh Kong	..	..	..
Kratie	..	..	..
Prey Veng	..	..	..
Pursat	..	..	..
Rattanakkiri	..	..	..
Siem Reap	..	..	..
Sihanoukville	..	..	..
Stung Treng	..	..	..

Note: n = number of sample
Source: Socio-economic Survey, NIS 1997

Questions 149 of the Baseline survey and 2009 of the PET survey clearly asked "did the household sell land because of these problems?" (the household has experienced one or more crisis events or shocks). According to the question, which had the same wording but referred to different years (1997 and 1998 respectively), all of land sales in the previous year were distress sales. Consequently, the distress sales of land assets appear to have a close relationship with incidence of recent landlessness in the sampled areas. Both surveys reported

[3] Questions 149 of the Baseline survey and 2009 of the PET survey did not clearly identify what kind of land (residential or agricultural), was sold in 1998 and 1997 respectively.

that over a quarter of the respondents who had sold land in the previous year were landless the next year (Table 5.3). The proportion of female-headed families becoming landless was observed to be double that of male-headed households in the Baseline survey, but slightly lower in the PET survey. The surveys could only identify the relationship between land sales and the incidence of landlessness among those targeted groups who still lived in the sampled areas. The land sales data would probably show a much closer relationship with landlessness if the survey had included those households which had sold land out of desperation and had migrated to urban or other areas.

As in the case of residential land, prices of agricultural land in the central provinces were much higher than in remote provinces[4]. In 1997, the price of farmland in Kandal province, which is at the periphery of the capital Phnom Penh, was the highest (11,400 Riel/sq.m on average). This was followed by Phnom Penh itself which was about 5,000 Riel/sq.m (Table 5.4). Among the surveyed provinces, farmland in the rural areas of other provinces was as cheap as a few hundred Riels per square meter[5]. Again the reliability of this information seemed to be low due to the poorly-designed question. In addition, as stated before, respondents normally under-priced their land for fear of paying taxes.

5.1.3 Common property resources (all surveys except SES)

Although common property in Cambodia is not clearly defined by existing regulations, it has been observed to have been diverted to private ownership at an alarming rate. Considerable areas of common property resources, such as forests, rivers, lakes and agricultural land which were not redistributed in 1989, have become *privately controlled*. Millions of hectares of forests have been granted to private companies as concession forests. Many large plantations have been developed. Many private fishing lots have been created along the banks of major rivers and lakes; and a considerable amount of unallocated agricultural land has been illegally encroached upon, and has dubiously become private property. As a result of privatisation, common property is becoming less accessible to other people, and hence, benefits to the majority have been reduced.

Even though it is believed that common property has been transferred to private interests for long-term use, information about this is very scarce. The 1989 land redistribution and the 1992 Land Law did not identify which land was common property. Moreover, none of the four surveys provided significant information on common property transactions. All that is available is the official figure for forest concessions, agricultural-land concessions and fishing lots that have been allocated for private use. As stated previously, according to the Ministry of Agriculture, Forestry and Fisheries, nearly 5 million hectares of forest (including the 264,924 ha for three recently-cancelled concessions) and 0.7 million hectares of agricultural land (including 46,600 ha for five recently-cancelled concessions) have already been granted to private companies for long-term investment. Another one million hectares of fishing lots have been auctioned off to private companies and individuals or allocated for research stations.

The decreasing availability of products and benefits derived from common property resources is shown in three surveys. In general, the benefits from common property resources have been dramatically decreasing over time. The MRC survey classified land into five categories: inundated forests, big rivers/lakes, flooded rice fields, banks/beds of rivers/lakes and irrigation canals/dikes/small rivers. The survey critically analysed trends in availability of

[4] The SES Questionnaire did not identify the location, province or town of farmland owned by the urban or rural population. The urban population could obviously possess farmland outside the urban areas where they lived.

[5] The high price of farmland owned by the urban Ratanakiri respondent is an exceptional case due to n=1.

products and benefits derived from common property. The findings showed that products and benefits derived from common resources have significantly decreased in the last 10 years. The vast majority (over 80 percent) of sampled households reported a decrease in the benefits and products from inundated forests, from big rivers/lakes and from banks/beds of river/lakes (Table 5.5). A somewhat smaller proportion of respondents reported decreasing availability of products from flooded rice fields and irrigation canals/dikes/small rivers.

Table 5.5 Percentage of Households that Reported Change in Availability of Products and Benefits Derived from CPR in the last 10 Years

CPR	Increasing	Decreasing	Constant
Inundated forests	1.7%	95.3%	3.0%
Big river/lakes	5.6%	83.2%	11.2%
Flooded rice fields	37.2%	40.0%	22.8%
Bank/bed of river/lake	8.6%	81.9%	9.5%
Irrigation canals/dike/small river	15.7%	62.3%	22.0%

Source: Household Socio-economic Survey, MRC 1995-96

The Baseline and PET surveys also reported that the trend in availability of products and benefits derived from common property resources, forest and fishing activities, have been declining compared to the year before the survey. The majority of survey respondents reported that availability of products and benefits derived from foraging in the forest had been declining. Thirty-seven percent of Baseline respondents and 65 percent of PET respondents reported that they obtained fewer products and benefits from the forest than in the year before the interview. This difference is likely due to differences in the ecology of the surveyed areas.

Table 5.6 Percentage of Households that Reported Change in Availability of Products Derived from CPR Over a One-year Period

CPR	1998-Baseline [1]	1998-PET [2]
Products derived from forest activities		
- less	37%	65%
- more	19%	15%
- same	44%	20%
Products derived from fishing activities		
- less	49%	77%
- more	10%	4%
- same	41%	19%

Notes: [1] The Baseline survey compared the trend in availability between 1997 and 1996; [2] The PET survey compared the trend in availability between 1998 and 1997
Sources: Baseline Survey and PET Survey, UNWFP 1998

Similarly, the surveys showed that products and benefits derived from fishing had declined dramatically, compared to the previous year. Forty-nine percent of the respondents in the Baseline survey and 77 percent in the PET survey reported that they had collected fewer products from their fishing activities than in the previous year[6].

The declining trend in products and benefits derived from CPR has been attributed primarily to overexploitation. The MRC survey reported that as many as 77 percent of the respondents thought that overexploitation was the main reason for the reduction in products and benefits from common property (Table 5.7). The MRC survey, which took place in 1995-

[6] The Baseline survey compared the availability of common property resources in 1996 and 1997. The PET survey made the comparison for 1997 and 1998.

96, indicated that only 5 percent of the respondents claimed that the conversion of common property to private use was an important factor.

Table 5.7 The Most Important Factors Affecting Availability of CPR

Factors	Percentage of Households
Overexploitation	77%
Change of environment	7%
Destruction of habitat	3%
Increasing population pressure	7%
Use of chemicals in the rice fields	1%
Conversion of CPR to private use	5%
Others	0%

Source: Household Socio-economic Survey, MRC 1995-96

Meanwhile, the 1998 PET survey showed that over 82 percent of the interviewed households complained about the declining availability of forest and fisheries resources. Similar to the MRC findings, the majority of the respondents (over 80 percent) reported collecting fewer products from forest and fishery activities due to a decline in the availability of these products. The restriction of access to forest resources was a complaint mentioned by over 10 percent of the respondents, as opposed to only 1 percent for fisheries resources (Table 5.8). These responses are consistent with an increase in transference of common property land to private control.

Table 5.8 Reasons for Declining Benefits from CPR

Reasons	PET	
	Forest	Fishing
Declining availability of forest/fisheries resources	82%	87%
Lower prices for forest/fisheries products	2%	0%
Traders buying fewer forest/fisheries products	1%	12%
Restricted access imposed by other users	11%	1%
Forest/fisheries becoming more insecure	4%	..

Sources: PET Survey, UNWFP 1998

5.2 Land tenancy

The empirical evidence suggests that large landowners are those who are rich or well-off, while the landless or small landholders are those who are worse-off, poor or extremely poor. The gap between rich and poor is exacerbated further by the inequalities of land distribution and ownership. The process results in increased tenancy as a common alternative to land possession. Landless people and small landholders eventually have to rent land either in the form of *fixed*[7] tenancy arrangements or *sharecropping*[8]. Fixed-rent tenancy in cash and in kind seems to be the most favored arrangement in rural areas.

The surveys clearly showed that the land-lease market was relatively active in the surveyed areas. Nearly 10 percent of the population in the MRC survey reported renting land, while 3 percent in the SES did (Table 5.9). It is important to bear in mind that the MRC survey focused on fishing-dependent communities, while the SES was more representative of the whole country (covering 22 provinces). The rate of land rental was observed to be higher among male-headed families.

[7] Fixed rent – the tenant pays a fixed sum of money or fixed amount of produce to the landlord in return for the right to cultivate the land (Ray 1998:419).

[8] Sharecropping – the tenant yields to the landlord an agreed-upon share of the crop (Ray 1998:419).

Table 5.9 Tenancy of Land

Percentage of households who:	MRC Survey			NIS Survey		
	male-headed	female-headed	total[1]	male-headed	female-headed	total[1]
Rent land	10.7%	5.9%	9.8%	3.2%	2.2%	3.0%
Rent-out land	5.1%	6.5%	5.4%	..	..	..

Note: [1] weighted average
Sources: Household Socio-economic Survey, MRC 1995-96, Socio-economic Survey, NIS 1997

Tenancy of agricultural land is common, although not predominant relative to owners' cultivation. In both the Baseline- and the PET-sampled areas, both surveys reported that the proportion of rented wet-season rice-growing land was much higher than for dry-season rice-growing land and *chamkar* land (Table 5.10). This was obviously due to the small areas of dry-season rice-growing land and *chamkar* land in the project areas. The proportion of farmers who rent land is higher than the proportion who rent out land, illustrating the inequalities in land distribution. Table 5.10 also provides more detail on the tenancy rates of female-headed and male-headed households.

Table 5.10 Tenancy of Rice-growing land and *Chamkar* Land

Percentage of households who	Baseline Survey			PET Survey		
	male-headed	female-headed	total[1]	male-headed	female-headed	total[1]
Rent wet-season rice land	9.7%	2.6%	6.7%	7.1%	2.6%	6.7%
Rent out wet-season rice land	..	..	..	2.9%	1.3%	2.8%
Rent dry-season rice land	0.9%	0%	0.8%	0.4%	0%	0.4%
Rent out dry-season rice land	..	..	..	0.1%	0%	0.1%
Rent *chamkar* land	1.2%	0%	1.1%	1.3%	0%	1.3%
Rent out *chamkar* land	..	..	..	0.1%	0%	0.1%
Rent out land [2]	4.5%	11.0%	4.9%	2.5%	0%	2.3%

Note: 1 weighted average 2 Question 148 of the Baseline survey and Question 2008 of the PET survey did not identify what kind of land was rented out to other farmers to cope with large and unexpected crises in 1997 and 1998 respectively.
Sources: Baseline Survey, UNWFP 1998 and PET, UNWFP 1998

5.3 Land grabbing (PET survey)

Notwithstanding the operation of the land market, land grabbing has become a common alternative method of land of acquisition in almost all provinces in recent years. According to Shaun Williams (1999), "land grabbing is pervasive, and is dominated by people with more power than their victims[9]." Since 1987, 217 large-scale land disputes affecting 50 families and 120 hectares on average, have been inventoried. The PET survey (Question 1601) shows that 3 percent of the interviewed households reported a forced take over of agricultural land in 1998.

[9] Quoted in Vehaskari, (1999) "Land Problems to Cost Millions, Study Says", *The Cambodia Daily*, July 16, 1999.

Chapter Six

Land Pressure and Concentration (all four surveys)

Land pressure and concentration are likely to become some of the most challenging problems in Cambodian economic policy. It is believed that the incidence of landlessness, affecting both residential land and agricultural land, has been increasing in many urban and rural areas. This seriously affects the livelihood of many Cambodians since they do not have land to live on and/or do not have enough land for food self-sufficiency.

The proportion of households without land for housing varied widely between surveys. The MRC survey showed that only 0.9 percent of the population in fishing-dependent communities had no residential land. The SES reported that 2.6 percent of rural and 4.6 percent of urban dwellers had no residential land. The PET survey, which covers internally displaced persons, showed that in 1998 about 12 percent of the surveyed population had no residential land (Figure 6.1). The figure takes into account only those people who had no residential land or did not own the plots their houses were built on, but still lived in the surveyed areas. Hence the figure would be much higher if we included those who have no residential land and have moved to urban areas to find an alternative way to earn a living. Households with female heads were more likely to have no residential land.

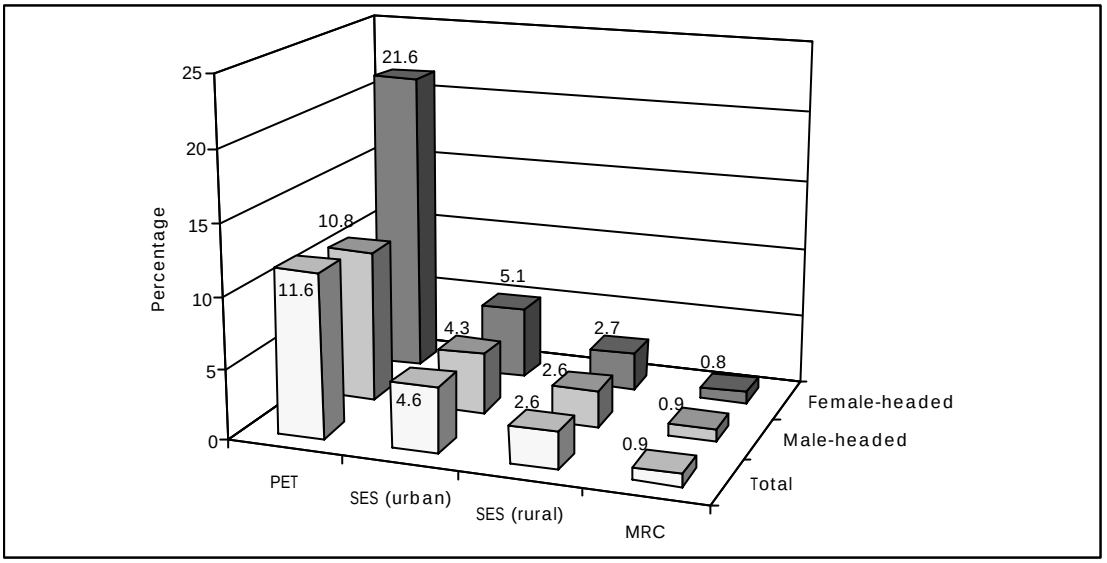
The total supply of agricultural land, which is the most important means of production and source of income for more than 80 percent of the Cambodian population, increased by 14 percent between 1993 and 1998. However many farmers complain of not having enough land for self-sufficient agricultural production. This is due to the combined effect of increasing population and uncontrolled land concentration.

The average amount of land per household is quite small in Cambodia. According to the surveys, the average piece of agricultural land for the rural population is around 1.0 ha per household (similar to the national estimate of 1.3 ha/hh). Across the different surveys, average agricultural land holdings were significantly different, ranging from 0.75 ha to 1.32 ha per household, depending upon the survey. The average agricultural land holding was smallest (0.75 ha/hh), in the fishing communes of the MRC survey and was about 1 ha/hh in the other three surveys (Figure 6.2). Not surprisingly, the small average size of holdings found by the MRC survey seemed to be a consequence of the availability of alternative sources of income (either fishing or forest collection), in the sampled areas.

Furthermore, the gap in average agricultural land holdings between female-headed and male-headed households was significant in the MRC and NIS surveys. The MRC and NIS surveys reported that female-headed households owned only just over 0.5 ha/hh on average. This is much lower than the overall average in the surveys (Figure 6.2). The smaller size of agricultural land holdings among women-headed households was likely due to the fact that

they lacked the adult labour to acquire more agricultural land or farm profitably, and hence were under pressure to sell their land.

Figure 6.1 Average Size of Agricultural Land [1] Holding per Household



Notes: [1] Only agricultural land was calculated from the MRC survey, while in the Baseline and PET surveys, agricultural land was the sum of wet-season rice-growing land, dry-season rice-growing land and chamkar land.
Sources: Household Socio-economic Survey, MRC 1995-96; Socio-economic Survey, NIS 1997; Baseline Survey, UNWFP 1998; and, PET Survey, UNWFP 1998

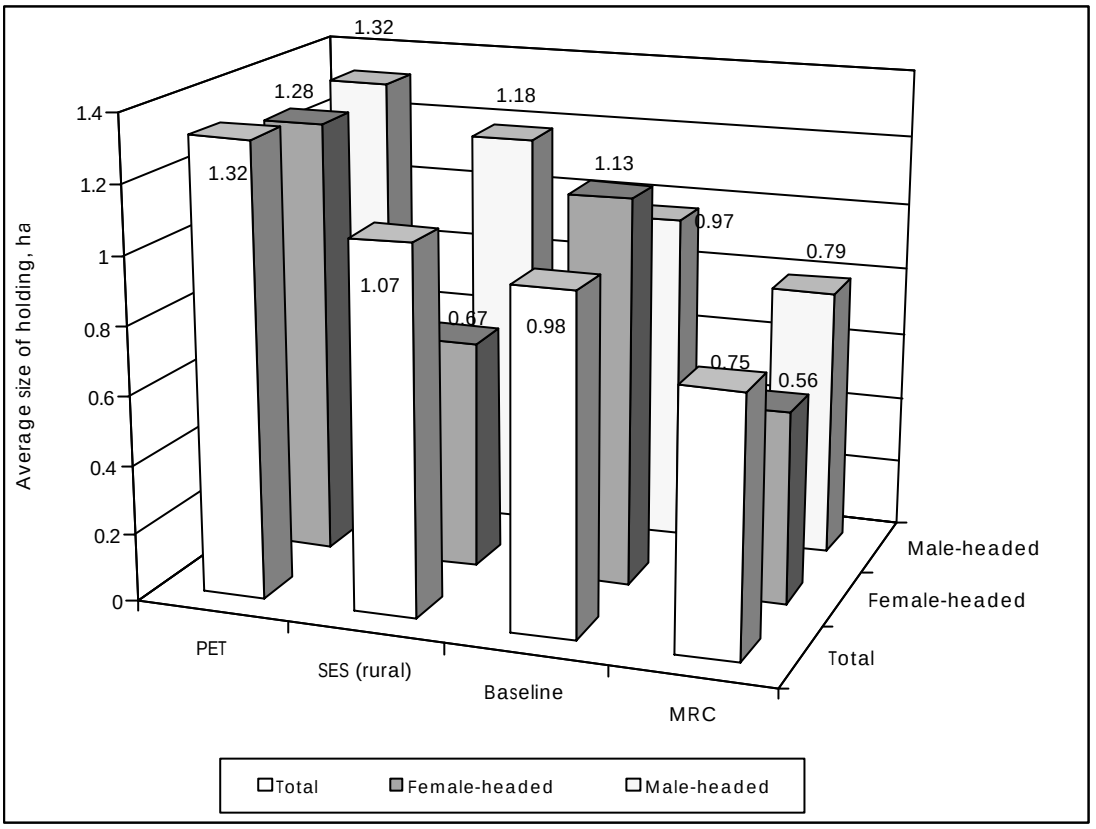
The surveys show that the incidence of landlessness (which refers to those people who do not have agricultural land for farming but might have other land (residential or garden) ranges from 11 percent to 30 percent, depending upon the geographical locations of the survey areas and the gender differentiation within the surveys. Both the SES and the Baseline surveys indicated that just over 10 percent of total households interviewed were landless. The SES, however, was much more comprehensive than the Baseline survey in its coverage, since the Baseline survey focused only on the population in CASD and WFP Target groups. Although these two surveys cover different populations, the rate for landless people was similar in both, implying that the rate of landlessness is over 10 percent in rural areas.

The MRC and PET surveys, which targeted specific sampled groups (fishing-dependent communities and internally-displaced persons under PET criteria) recorded much higher rates of landlessness – 24 and 17 percent respectively. These higher figures probably reflect the fact that the MRC survey concentrated on fishing-dependent communities which had alternative sources of income from fishing, forest products or farming. The PET survey concentrated on those people who had been internally displaced since 1989 due to fighting, and those who returned from Thai border camps. Despite their limitations, these surveys suggest that the rate of landlessness in Cambodia is relatively high.

The incidence of landlessness among female-headed households is generally higher than among male-headed households (Figure 6.3). This might be due to the fact that female-headed households usually lack the strength to do heavy farm work such as land preparation or pay the high cost of having it done for them. Hence they tend to engage in other activities for their living and sell off their land.

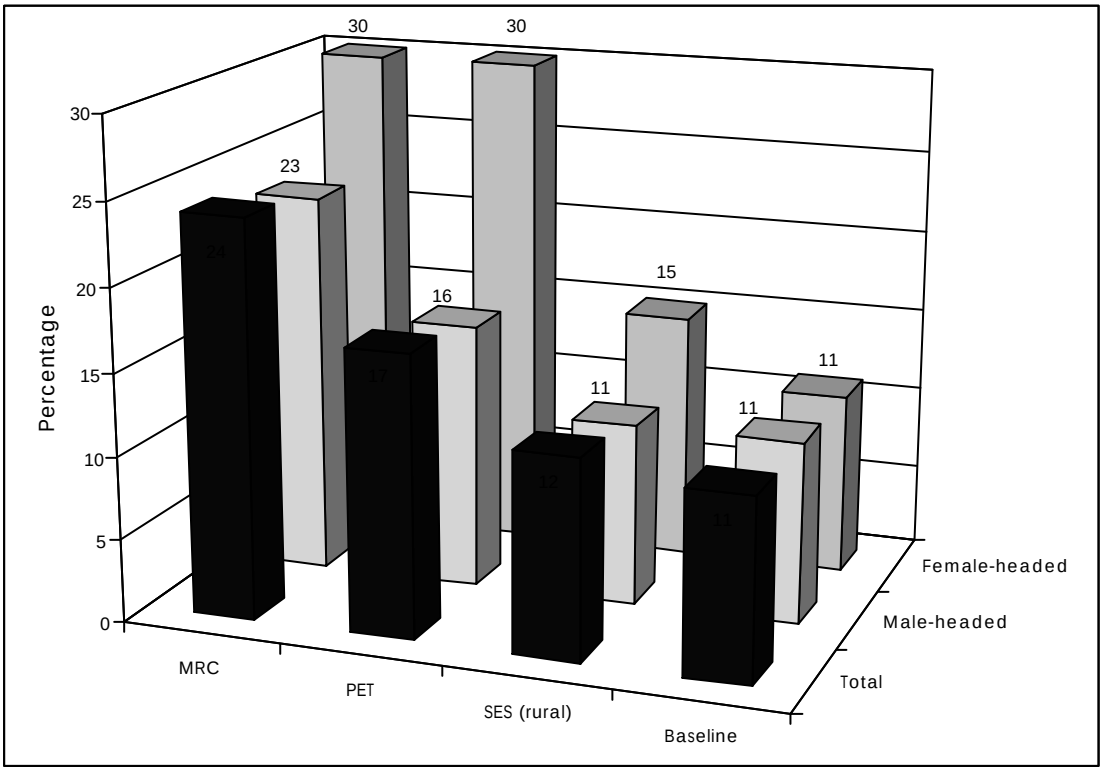
As agricultural land access is very important for the livelihood of rural populations, there has recently been a debate about levels of landlessness in rural areas. Recent studies by WFP and FAO report that the landlessness rate in rural Cambodia is over 20 percent (MAFF, 1999).

Figure 6.2 Percentage of Households without Residential Land



Sources: Household Socio-economic Survey, MRC 1995-96; Socio-economic Survey, NIS 1997; and, PET Survey, UNWFP 1998

Figure 6.3 Percentage of Households without Agricultural Land



Sources: Household Socio-economic Survey, MRC 1995-96, Socio-economic Survey, NIS 1997, Baseline Survey, UNWFP 1998 and PET Survey, UNWFP 1998

Average agricultural land size per household and average incidence of landlessness vary significantly across provinces (Table 6.1)[1]. However, as the surveys focused on different target groups, Figure 8.3 shows great variation in average land size in the same province. Table 8.1 illustrates that the major provinces of Battambang, Kompong Cham, Kompong Chhnang and Kandal tended to have a relatively-high incidence of landlessness. But they do not show a significant relationship between land availability in the province and the incidence of landlessness. For instance, although the population in Battambang province is low, the rate of landlessness is still high (over 25 percent). This might be due to the fact that the demand for land in those provinces is higher than in the other remote provinces and that there are more alternative income opportunities in those provinces than in the more remote provinces. According to the SES, landlessness in Koh Kong province was surprisingly high (50 percent). This is probably because the people of Koh Kong province are largely fishermen and have more alternative-income opportunities, such as businesses with Thai partners and logging activities.

With the high level of landlessness and the small size of average agricultural land holdings, problems may be aggravated when the land is unevenly distributed. The minority rich hold very large areas of agricultural land, leaving the poor majority little on which to live and work. Farmers obviously have different starting points in terms of their economic resources. Some may have inherited wealth. Although during the Khmer Rouge period nobody could own anything privately, some people were able to keep valuable assets and use them afterwards. After 1979, some families may have had resources from relatives in third countries. These groups are likely to be better off when facing large and unexpected crises.

Table 6.1 Average Farm Size[1] and Landlessness[2] by Province

Province	Pop. density[3]	1995-96 MRC		1997 SES		1998 Baseline	
		Av. Size	Landless	Av. Size	Landless	Av. size	Landless
Banteay Meanchey	86	..	..	2.05	13%	..	..
Battambang	64	1.76	25%	1.15	27%	1.32	29%
Kompong Cham	171	0.51	20%	0.63	19%	0.91	4%
Kompong Chhnang	79	0.81	25%	0.43	16%	0.44	17%
Kompong Speu	88	..	..	0.91	6%	0.71	7%
Kompong Thom	46	0.97	16%	1.31	9%	0.91	1%
Kampot	113	..	..	0.77	2%	0.83	..
Kandal	301	0.45	35%	0.79	17%	0.55	13%
Koh Kong	11	..	..	4.38	50%	..	..
Kratie	22	..	..	1.23	23%	0.48	37%
Phnom Penh	2,680	0.35	..	..	..	..	..
Prey Veng	196	..	..	1.09	7%	1.21	8%
Pursat	31	1.63	7%	1.81	13%	..	..
Rattanakkiri	8	..	..	0.42	3%	..	..
Siem Reap	58	1.10	12%	0.97	8%	0.99	4%
Sihanoukville	112	..	..	0.40	..	..	..
Stung Treng	7	..	..	1.87	..	1.04	2%
Svay Rieng	167	..	..	1.28	4%	0.57	6%
Takeo	226	..	..	0.83	3%	0.92	8%
Oddar Meanchey	13	..	..	..	..	0.86	6%

Note: [1] average farm size is the agricultural land size in hectares per household. [2] landlessness is the percentage of households without agricultural land. [3] census results.
Sources: Household Socio-economic Survey, MRC 1995-96; Socio-economic Survey, NIS 1997; Baseline Survey, UNWFP 1998; and, Population Census, NIS 1999.

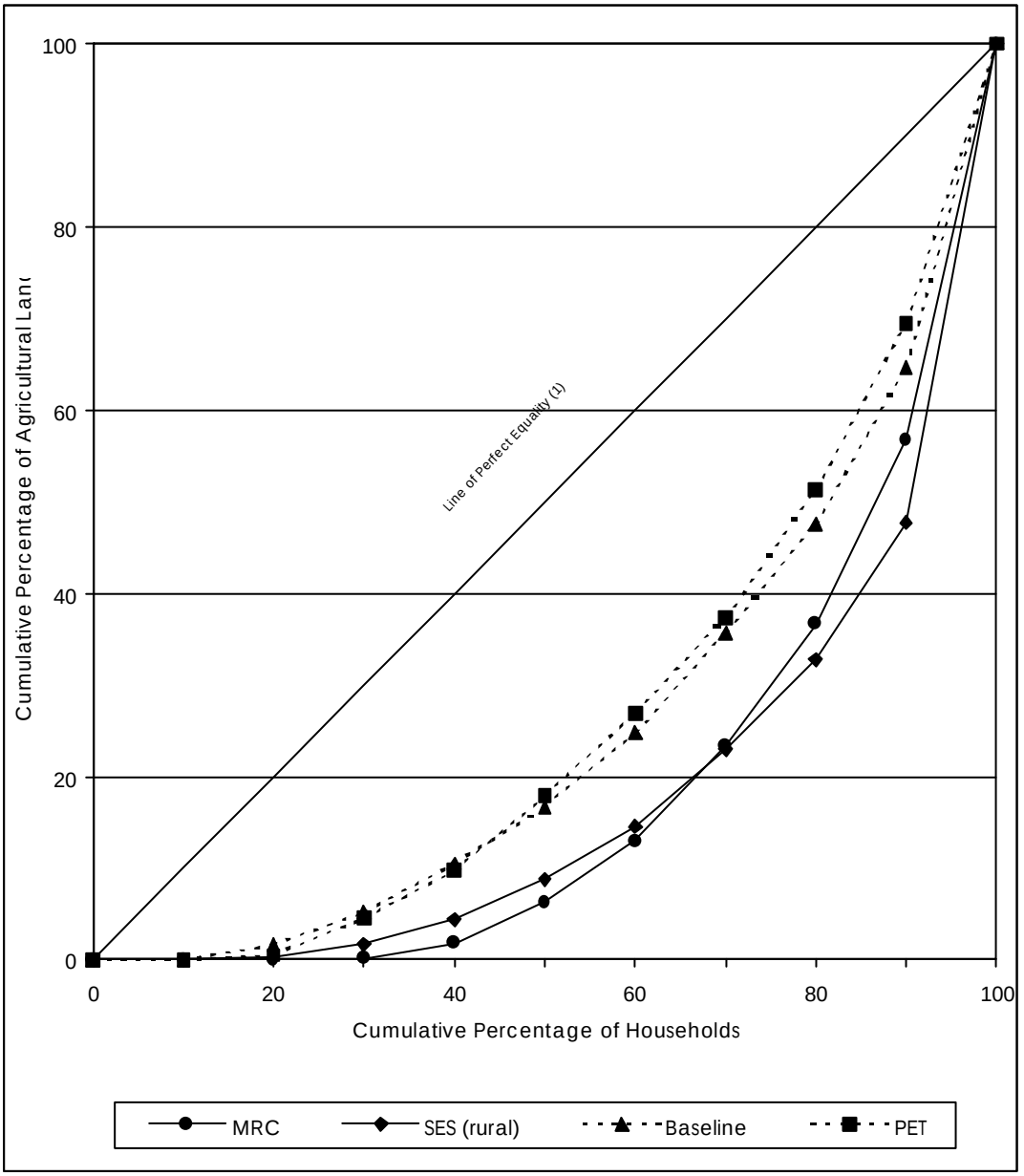
Depending upon the number of family members and the areas where they were living until 1989, people received varying amounts of land and land with different soil quality. As

1 The way in which the surveys selected their target population was different, although they chose their samples from the same provinces.

mentioned earlier, people in densely-populated provinces such as Takeo, Prey Veng and Svay Rieng, seemed to get smaller amounts of land than those in the north-eastern parts of the country, such as Battambang or Pursat. In addition, soil quality in Battambang and Pursat provinces is higher than in Takeo, Prey Veng and Svay Rieng. As a result, the people in those parts of the country were likely to be able to produce more, and hence, to supply themselves with sufficient food.

Consequently, some people have been able to expand their land holdings by buying up more land while others have had to sell their land, and as a result, have become landless or nearly landless. High population growth and the poor land supply system have exacerbated this process. Current land market distortions not only cannot prevent land concentration, but also accelerate the concentration in rural areas. Unfortunately, there is no comprehensive data on land concentration in Cambodia in general.

Figure 6.4 Lorenz Curve for Agricultural Land Distribution



Note: [1] line of perfect equality corresponds to the value of 1 of Gini coefficient, denoting perfect land distribution. It shows that the ratio of landholders shares the same percentage of land size. For example, 10 percent of the lowest group shares 10 percent of land size and 10 percent of the highest group also shares only 10 percent of land size.
Sources: Household Socio-economic Survey, MRC 1995-96; Socio-economic Survey, NIS1997; Baseline Survey, UNWFP 1998; and, PET, UNWFP 1998

Based on the survey data, it is possible to construct a Lorenz curve[2] and calculate Gini coefficients[3] to represent the current degree of land concentration. The surveys show that farmers who owned farmland larger than 1 ha, controlled large areas of farmland, leaving the rest too little for agricultural production. Table 6.2 and Figure 6.4 provide two illustrations of the inequality in land distribution in Cambodia. The Gini coefficient of overall inequality in land ownership based on the survey data, range from 0.47 to 0.66, denoting a high degree of inequality. While the Lorenz curves of all four surveys represent the degree of inequality in land distribution, Table 6.2 provides more detail about the inequality in land ownership by illustrating the ratio of the percentage of owners to the percentage of land in each category of size.

Table 6.2 Percentage of Households and Average Agricultural Land Size Holdings

Land size categories	Percentage of Households			Percentage of Agr. land holdings		
	male-headed	female-headed	total [1]	male-headed	female-headed	total [1]
MRC Survey (Gini Coefficient of land concentration = 0.61)						
Landless	23%	30%	24%	-	-	-
>0-0.5 ha/hh	34%	37%	34%	12%	19%	13%
>0.5-1.0 ha/hh	22%	20%	21%	24%	32%	22%
> 1.0 ha/hh	21%	13%	21%	64%	49%	65%
SES (rural) (Gini Coefficient of land concentration = 0.66)						
Landless	11%	15%	12%	-	-	-
>0-0.5 ha/hh	37%	48%	40%	8%	18%	10%
>0.5-1.0 ha/hh	26%	23%	25%	19%	29%	20%
> 1.0 ha/hh	26%	14%	23%	73%	53%	70%
Baseline Survey (Gini Coefficient of land concentration = 0.50)						
Landless	11%	11%	11%	-	-	-
>0-0.5 ha/hh	34%	43%	35%	14%	14%	14%
>0.5-1.0 ha/hh	32%	23%	31%	31%	18%	30%
> 1.0 ha/hh	23%	23%	23%	55%	68%	56%
PET Survey (Gini Coefficient of land concentration = 0.47)						
Landless	16%	30%	17%	-	-	-
>0-0.5 ha/hh	19%	17%	18%	7%	8%	7%
>0.5-1.0 ha/hh	29%	23%	29%	24%	24%	24%
>1.0 ha/hh	36%	30%	36%	69%	68%	69%

Note: [1] weighted average
Sources: Household Socio-economic Survey, MRC 1995-96; Socio-economic Survey, NIS1997; Baseline Survey, UNWFP 1998; and, PET, UNWFP 1998

Land distribution in Cambodia is skewed and the minority who are rich/well off occupy large areas of land, while the large majority of the poor/worse off have only small pieces of land to live on. All three surveys, except the 1998 Baseline survey, indicate that the minority, about 20-30 percent of the total population, who had land greater than one hectare per household (ha/hh) occupied nearly 70 percent of total agricultural land. This leaves about 10 percent of farmland for the majority who have less than 0.5 ha/hh. The table shows that the farmers who had 0-0.5 ha/hh occupied only about 10 percent of total agricultural land. The table, moreover, illustrates that about 30 percent of the total population who owned land between 0.5-1.0 ha/hh also occupied only 20 percent of total agricultural land.

2 This is indicative of the amount of unequal land distribution in the society it represents. The greater the extent of inequality, the further the Lorenz curve will be from the line of perfect equality (45° line).

3 This is a summary statistic of inequality derived from the Lorenz curve which gives the area between the observed Lorenz curve and the line of perfect equality as a proportion of the total area under the line of perfect equality. This coefficient has a maximum value of 1 (absolute inequality) and a minimum of zero (perfect equality).

It is likely that the more representative and/or larger the sample size, the greater the degree of inequality of land distribution. All of the Lorenz curves and Gini coefficients of land distribution in the four surveys show significant differences in the unevenness of land distribution. It seems that large surveys such as the MRC and the SES, which are more nationally representative, produce a curve which is further to the right of the line of perfect equality and higher values of Gini coefficients (over 0.60). This implies that in general, land distribution in Cambodia is very skewed.

Chapter Seven

Suggestions for Improvement of Future Questionnaires

To capture a clear picture of the land situation in Cambodia, questions should be carefully and precisely defined. On the basis of the current, effective, land-related regulations, some of the most important assumptions about land access, acquisition and transactions are:

1) The land redistribution programme which took place in the 1980s was the main source of land for private ownership;
2) The vast majority of the rural population obtained agricultural land in the 1980s redistribution; and
3) All types of land have presumably been transferred and legally-recognised subsequent to the 1989 redistribution only.

Based on these assumptions, the following questions can be framed to investigate land access, ownership, tenure, tenancy and transactions in a specific area.

1. How long have you been living in this village? ..... years
2. Did you have land before 1989/90? Yes No
3. Do you own any land now? Yes No
4. How many square meters/*are*/hectares of land do you own?
   - 4.1 Residential land ...…….. sq.m/*are*/ha.
   - 4.2 Wet-season rice .....…….. sq.m/*are*/ha.
   - 4.3 Dry-season rice ....…….. sq.m/*are*/ha.
   - 4.4 *Chamkar* .....…….. sq.m/*are*/ha.
   - 4.5 Other (specify) .....…….. sq.m/*are*/ha.
5. How did you get most of your land?
   - 5.1 1980s distribution/*Krom Samaki*
   - 5.2 Given by relatives/friends
   - 5.3 Bought
   - 5.4 Cleared land/occupied free
   - 5.5 Given by authorities
   - 5.6 Other (specify) ……..

6. In the case of 5.3, from whom did you buy the land?
   a) Relative/friend (in the same village/area)
   b) Urban people (outsider)
   c) Other (specify) ……
7. What price did you pay? ..... Riel/$/Chi per sq.m/*are*/ha
8. When did you buy your land? 19 .....
9. Do you have any of the following ownership papers for your land?

   Residential land
   a) Certificate of possession rights
   b) Application receipt
   c) Certificate of ownership
   d) None of the above

   Agricultural land
   a) Certificate of possession rights
   b) Application receipt
   c) Certificate of ownership
   d) None of the above
10. In whose name is the title?

    Residential land
    a) Husband
    b) Wife
    c) Both
    d) Someone else (specify) .....

    Agricultural land
    a) Husband
    b) Wife
    c) Both
    d) Someone else (specify) .....
11. Did you rent any agricultural land to farm this year? Yes No
12. How many square meters/*are*/hectares of agricultural land do you rent?
    a) Wet-season rice …….. sq.m/*are*/ha.
    b) Dry-season rice …….. sq.m/*are*/ha.
    c) *Chamkar* …….. sq.m/*are*/ha.
    d) Other (specify) ……. …….. sq.m/*are*/ha.
13. How do you pay the rent? in cash in kind
14. Did you rent any agricultural land to others this year? Yes No
15. How many square meters/*are*/hectares of agricultural land do you rent to others?

a) Wet-season rice …….. sq.m/*are*/ha.

b) Dry-season rice …….. sq.m/*are*/ha.

c) *Chamkar* …….. sq.m/*are*/ha.

d) Other (specify) …….. sq.m/*are*/ha.

16. How do you receive the rent? in cash in kind

17. Have you sold any land since 1989/90? Yes No

18. When did you sell your land? 19 _ _

19. Why did you sell your land? (main cause)

a) Repaid heavy debts

b) Did new business (non-farm work)

c) Did not have enough labour to farm

d) Paid for medical treatment/accident

e) Bought food

f) Paid for son/daughter's marriage

g) Sold land to gain profit

h) Others (specify) ……

20. Whom did you sell your land to?

a) Relative/friend (in the same village/area)

b) Urban people (outsider)

c) Other (specify) ……

21. Have you ever had your land taken by force by other persons for their own use?

Yes No

22. When did it happen? 19 _ _

23. Who did it?

a) Local authorities

b) Soldiers/police

c) Other (specify) ……

24. Are you involved in any kind of land dispute now? Yes No

The above questions are expected to provide more precise information related to land. Questions 1-4 will provide a clearer picture on land access in the past and present. These questions will be able to identify trends in rural people's land access since land was redistributed in the 1980s. The rest of the questions will detect the current situation of land ownership, land tenure status, land transactions, land tenancy, landlessness, landlords and others in a specific area.

Chapter Eight

Conclusion

8.1 Summary of results

Although it is not entirely conclusive to compare different analyses from different surveys with different sample populations, some generalisations can be drawn from the above results. First, the majority of the population does not have official documents to prove their ownership. Although the General Department of Cadastre and Geography has claimed that over four million applicants have applied for ownership title for their land, only a small proportion of the population has officially received the certificates. The situation is even worse in rural areas, especially among female-headed households.

Second, all three types of land, residential land, agricultural land and common land have actively changed hands at a high rate. Even though it is hard to find out the actual volume of sales in residential land, agricultural land and common property, the surveys show that sales have occurred in both rural and urban areas wherever there is a land market. The surveys also suggest that transactions in common property have reduced the availability of the products and benefits derived from common property, and hence, reduced supplementary sources of income and food security for the poor in rural areas.

Finally, one result of these transactions and development processes has been an increase in homelessness, landlessness and land concentration, with the rich holding a great deal of land and the poor with only a little to live and work on. Again, female-headed households are the most vulnerable groups with respect to landlessness and have the smallest areas of land for farming.

8.2 Policy implications

A number of policy implications can be drawn from the above discussion. Land issues are a concern for policy makers because they often lead to social, economic and political problems. Only a small proportion of landholders (mostly those who could afford the high cost of registration), have legal certificates for their land. The rest of the landholders, especially the powerless, the poor and female-headed households, live under the threat of losing their land by encroachment. Insecure land ownership also discourages farmers from investing more in their land. This discourages increased productivity and perpetuates food insecurity among the rural poor. Therefore, land registration and titling are an urgent need for the government to address. Secure ownership will serve as a tool to protect the poor and will provide incentives to invest in their land assets, which in turn will significantly increase agricultural productivity, and hence, improve food security.

The increasing rate of land transactions in both rural and urban areas has highlighted other worrisome problems. On the one hand, land transactions serve as a catalyst to increase

land speculation in cities, along main roads and in areas where land is fertile. This in turn leads to under-utilisation of productive agricultural land and efficiency losses. On the other hand, transactions serve as a means of increasing land concentration for the benefit of a handful of the rich, while leaving the majority poor with no land to live and work on. Appropriate and effective controls over state-owned land are needed to reserve some land for future development and distribution.

The above processes contribute to uneven land distribution and land concentration. As over 60 percent of rural households live on about 30 percent of total agricultural land, they face a high risk of food insecurity. Again, the appropriate management of state-owned land and de-mined land would improve land distribution and help the poor to access land, ensuring household food security.

The situation is worse still when land sales are due to crisis situations. Because of a lack of credit and social services in rural areas, distress sales of productive assets, especially land, are commonly used as the only coping strategy during emergencies. The expansion of rural credit accessibility and better and affordable social services, especially health care, would make the lives of the poor significantly different.

Natural resources, such as forests and fisheries constitute a significant source of subsistence income and food security in rural Cambodia. Their reallocation to private use affects rural livelihoods. The allocation of 50 percent of the remaining forests to private companies as forest concessions is greatly diminishing the well-being of Cambodians, as it limits access for the majority. As far as beneficiary distribution is concerned, the reallocation of forests to local communities would both ensure the sustainability of the resources and improve food security for the rural poor.

Likewise, the expansion of fishing lots allocated to private individuals or companies results in over-exploitation of the resources, leading to a rapid reduction in available products. It threatens food security for the majority of the poor, whose main source of daily protein is derived from fisheries products. The uneven reallocation and distribution of these resources brings about frequent conflicts between local communities and lot holders, which occasionally end with serious violations of people's rights. Here again, the reallocation of fishery resources to community management might help to prevent future conflicts and ensure sustainability of the resources.

8.3 Suggestions for further research

The goal of this paper was limited to an examination of four existing data sources on land issues. Thus it cannot provide comprehensive conclusions and recommendations about land issues and their consequences, especially concerning the welfare of the landless and different groups of landholders. Further research should be done in these areas to investigate the following questions in greater depth:

1) What are the economic activities of households in different farm-size categories?
2) What are the linkages between land transactions and the socio-economic welfare of rural households?
3) Are the landless or near-landless worse off and are landowners better off, in terms of social and economic welfare in rural areas?
4) To what extent have common property resources been transferred to private control? And how are farmers and local communities affected by the consequent restriction to access?
5) To what extent does the price of agricultural land vary in different geographical areas?
6) Do we still have available land for the poor and landless? Can land be better utilised?

Appendix A

Land-related Questions

Appendix A-1. Household Socio-economic Survey in Fishing Communities

Section IV. Ownership of Land, Livestock and Trees

1. Land owned

	Area (m^2)
a. homestead (include dwelling house and pond)	_ _ _ _ _ _
b. agricultural land	_ _ _ _ _ _
c. orchard	_ _ _ _ _ _
d. fish pond outside homestead	_ _ _ _ _ _
e. others (specify).....	_ _ _ _ _ _

2. Do you have fishpond in your homestead? Yes = 1 No = 0
3. If you have fish pond(s) in your homestead, what is the size (m^2)? _ _ _ _ _ _
4. Land currently under use by the household

a. agricultural land	_ _ _ _ _ _
b. orchard	_ _ _ _ _ _
c. fish pond outside homestead	_ _ _ _ _ _
d. others (specify)	_ _ _ _ _ _

5. Leased in and leased out land

a. leased in land	_ _ _ _ _ _
b. leased out land (m^2)	_ _ _ _ _ _

6. Do you have a trap-pond(s)/ditch within your ricefield? Yes = 1 No = 0
7. Do you raise fish in cage(s) Yes = 1 No = 0

Section V: Access to Common Property Resources

1. Do you have access to common property resources located within/outside your commune? [Yes = 1, No = 0]
2. If yes, what type of common property resources?
   a. inundated forest ›
   b. big river/lakes ›
   c. flooded rice field ›
   d. bank/bed of rivers/lakes ›
   e. irrigation canals/dike/small river ›
   f. others ›

3. What has been the trend of availability of products and benefits from the CPR in recent years (last 10 years)?

   [increasing = 1; decreasing = 2; remained constant =3]

   a. Inundated forest ›
   b. Big river/lake ›
   c. Flooded rice field ›
   d. River/lake banks ›
   e. Irrigation canal/dike/small rivers ›
   f. Others (specify) _____ ›

4. If the availability of products and benefits from common property resources for your family are decreasing over time, what are the main reasons? [rank in order of importance, if applicable; put zero otherwise]

   a. Overexploitation ›
   b. Change of environment ›
   c. Destruction of habitat (e.g., loss of inundated forest) ›
   d. Increasing pressure of population in the commune ›
   e. Use of pesticides/poisons in rice fields ›
   f. Conversion of common land/waters into crop lands for private use ›
   g. Others (specify) ›

Appendix A-2

Cambodia Socio-economic Survey 1997

A. To be completed by supervisors before interview

Urban (=1) / Rural (=2)

VII. Household Assets and Liabilities

1. Does the household own or occupy any residential lands or farm lands?

   1.1. Residential lands Yes = 1 No = 2
   1.2. Farm lands Yes = 1 No = 2

2. If you own or occupy any residential lands or farm lands please provide the following information.

Lands	Residential lands/buildings		Farm lands	
	area (sq.m)	value (Riel)	area (sq.m)	value (Riel)
	(1)	(2)	(3)	(4)
2.1. Owned with title				
2.2. Ownership unsettled /held for free				
2.3. Rented/leased				

Appendix A-3

The Cambodian 1998 Joint UNICEF-WFP Baseline Survey of CASD Project and WFP Target Areas

105	Did this household return from the Thai border camps with the UN in 1992/93?	Yes ……. 1			No …... 2
Land Access					
Write the amount in *are* or *rai* in the appropriate column – if no land, use '00'		*Are*			*Rai*
109	Land area o*wned* by the household for *wet-season* rice	_ _ _ _ _ _ _			_ _ _ _ _ _ _
110	Land area *rented* or *exchanged* for this household to grow *wet-season* rice	_ _ _ _ _ _ _			_ _ _ _ _ _ _
111	Land area owned by the household for dry-season rice	_ _ _ _ _ _ _			_ _ _ _ _ _ _
112	Land area *rented* or *exchanged* for this household to grow *dry-season* rice	_ _ _ _ _ _ _			_ _ _ _ _ _ _
113	Land area owned by the household to grow *chamkar*	_ _ _ _ _ _ _			_ _ _ _ _ _ _
114	Land area *rented* or *exchanged* for this household to grow *chamkar* rice	_ _ _ _ _ _ _			_ _ _ _ _ _ _
115	Do you also have garden around the house?	Yes …... 1			No ……. 2
116	Does your rice land or *chamkar* land contain land mines?	Yes …... 1			No ……. 2
117	Does any member of your household have to go to forest areas with land mines for livelihood needs?	Yes …... 1			No ……. 2
Crises or Shocks to Household Food and Income Access					
127	In 1997, did you go to the forest more often, less often, or the same as in 1996?	more (1)	less (2)	same (3)	n.a. (8)
128	Did you collect more, less or the same amount of forest products in 1997 as you did in 1996?	more (1)	less (2)	same (3)	n.a. (8)
129	In 1997, did you go fishing more often, less often, or the same as in 1996?	more (1)	less (2)	same (3)	n.a. (8)
130	Did you catch more, less or the same amount of forest products in 1997 as you did in 1996?	more (1)	less (2)	same (3)	n.a. (8)

Coping Strategies Adopted to Meet Crises and Shocks

Complete this section only if the household has experienced one or more crisis events or shocks listed in the previous section. The crises or shocks experienced by the household could mean a large and unexpected shortage of food or income for the household. Here we ask what the household did **in 1997** because of these problems.

In 1997, did you or your family:

148	Rent out land to other farmers?	Yes …... 1	No ……. 2
149	Sell land?	Yes …... 1	No ……. 2
150	Sell your house?	Yes …... 1	No ……. 2

Appendix A-4.

Protracted Emergency Targets Survey, 1998

Particular Household Circumstances			
202	Did this household return from Thai border camps with the UN in 1992/93?	Yes …… 1	No ……. 2
Household Mobility and Settlement			
302	Is your household currently displaced from your normal place of living?	Yes …… 1	No ……. 2
304	Is this household now resettled in your normal living place after being displaced due to fighting in the past?	Yes …… 1	No ……. 2
306	How many times has your household moved its place of living in Cambodia since 1989? (record number of times moved) (definition: this refers to moves to settlements involving most of the household members for a minimum period of one month)		––– –––
Land Access			
501	Do you own any rice land or *chamkar* land or a house plot?	Yes …… 1	No ……. 2
Rice Land			
Write the amount in *are* or *rai* in the appropriate column – if no land, use '00'		*Are*	*Rai*
502	Land area *owned* by the household for *wet-season* rice crops	+	+
503	Land area *rented* or *exchanged* for this household to grow *wet-season* rice	+	+
504	Area of wet-season land owned by the household *rented* or *exchanged to* other farmers to grow their rice	-	-
505	Land area *owned* by the household for *dry-season* rice crops	+	+
506	Land area *rented* or *exchanged* for this household to grow *dry-season* rice	+	+
507	Area of wet-season land owned by the household *rented* or *exchanged to* other farmers to grow their rice	-	-
Chamkar Land			
508	Land area *owned* by the household to grow *chamkar*	+	+
509	Land area *rented* or *exchanged* for this household to grow *chamkar*	+	+
510	Area of Chamkar land owned by the household *rented* or *exchanged to* other farmers to grow their *chamkar*	-	-
House Plot			
511	Do you own the plot of land on which this house is built?	Yes …… 1	No ……. 2
512	Do you have a garden near this house?	Yes …… 1	No ……. 2
513	Do you sell any fruits or vegetables grown in your garden?	Yes …… 1	No ……. 2
6. Land Acquisition and Tenure			
601	How did you get most of your land?	1989 subdivision of commune *Krom Samaki* land ……...	1
		Occupied free/unused existing agricultural land	2
		Cleared this land for agriculture yourself	3

		Bought this land	4
		Exchanged labor or goods for this land	5
		Given by relatives/friends	6
		Given by authorities	7
602	For how many years have you owned most of this land? (record number of years)		
603	Which land ownership papers do you have for your house plot land?	Application for possession and use of land	1
		Receipt	2
		Land investigation form	3
		Certificate for the right to possession of real estate	4
		None of the above papers	5
		No house plot land	6
604	Which land ownership papers do you have for your agricultural land?	Application for possession and use of land	1
		Receipt	2
		Land investigation form	3
		Certificate for the right to possession of real estate	4
		None of the above papers	5
		No agricultural land	6

Land Asset Disposal

701	Since 1989 have you sold any rice land to purchase food, pay for medical treatment or to repay debts?	Yes 1	No 2
702	What is the total area of rice land that you have sold in all locations since 1989? (Write the amount in *are* or *rai* in the appropriate column)	*Are*	*Rai*
		_ _ _ _ _ _	_ _ _ _ _ _
703	Since 1989 have you sold any *chamkar* land to purchase food, pay for medical treatment or to repay debts?	Yes 1	No 2
704	What is the total area of *chamkar* land that you have sold in all locations since 1989? (Write the amount in *are* or *rai* in the appropriate column)	Are	Rai
		_ _ _ _ _ _	_ _ _ _ _ _
705	Since 1989 have you sold your house plot?	Yes 1	No 2
706	How many times have you sold a house plot since 1989? (number of times)		

16. Shocks Affecting Agricultural Production

1601	Has land you farmed last year been taken over by force by other persons for their own use?	Yes ..... (1) No ..... (2)		

17. Shocks Affecting Access to Common Resources

1701	Did you go to forest or scrub areas to get food or other forest products in 1998?	Yes ..... (1) No ..... (2)		
1702	In 1998, did you go to the forest more often, less often, or the same as in 1997	more ... (1)	less ..... (2)	Same ... (3)
1703	Did you collect more, less, or the same amount of forest products in 1998 as you did in 1997?	more ... (1)	less ..... (2)	Same ... (3)

1704	If your forest activities have given you less results of food and income over the last year what are the reasons for this change?	Declining availability of forest resources ..... 1 Lower prices for forest products ……..... 2 Traders buying fewer forest products ..... 3 Restricted access imposed by others ..... 4 Forest becoming more insecure ……..... 5		
1705	Did you fish to get food or income in 1998?	Yes …….. (1) No ……..…. (2)		
1706	In 1998, did you go fishing more often, less often, or the same as in 1997?	more … (1)	less ….. (2)	same … (3)
1707	Did you catch more, less, or the same amount of fish in 1998 as you did in 1997?	more … (1)	less ….. (2)	same … (3)
1708	If your fishing activities have given you less results of food and income over the last year, what are the reasons for this change?	Declining availability of fisheries resources ..... 1 Lower prices for fisheries products ..... 2 Traders buying fewer fisheries products ..... 3 Restricted access imposed by others ..... 4 Fisheries becoming more insecure ……..... 5		

20. Coping Strategies Adopted to Meet Crises and Shocks

Complete this section only if the household has experienced one or more crisis events or shocks listed in the previous section. The crises or shocks experienced by the household could mean a large and unexpected shortage of food or income for the household. Here we ask what the household did **in 1998** because of these problems.

In 1998, did you or your family:

2008	Rent out land to other farmers?	Yes …... 1	No ….. 2
2009	Sell land?	Yes …... 1	No ……. 2
2010	Sell your house?	Yes …... 1	No ……. 2

21. Land Mines and UXO
Land Mines on other Land Owned Outside this Settlement

2105	Do you have other agricultural or house plot land outside this settlement?	Yes …... 1	No ……. 2
2106	Are you using this land outside this settlement?	Yes …... 1	No ……. 2

Appendix B

The Application Process for Land Occupation and Use Rights Certificate

The following procedure is obtained from Oxfam GB 1999, "The Application Process for Land Occupation and Use Right Certificate", Cambodian Land Study Project.

1. The Application

An application form, entitled "Application for Possession and Use of Land," is first obtained from a village or commune chief, of the district land title office, and completed. The application form identifies the kind of land, the village, commune, and district where it is located, the size, the length of time the person has been using the land, and information to identify the adjoining borders (i.e., the name of the neighbour, or natural landmark, such as a stream). Three options for the description of the type of land are provided on the application-residential land, rice land, or farmland. The application formerly was signed by both the village and commune leaders, though the newer form promulgated in 1994 requires only the commune chief's signature.

2. Receipt

This application is sent through the commune or section chief, or the land title department, to the district land title office. The applicant gets a receipt indicating that he has made the application, which is identified by a receipt number, and which repeats the basic identifying information about the claimant and land. Roughly 90 percent of the more than 4.4 million families who applied for a land certificate by the end of 1995 have never been issued land certificates, and therefore have only their receipt to verify their claim of ownership. These receipts are frequently viewed by landowners as title certificates, and commonly are exchanged when land is sold or pledged as collateral for loans. However, because there are no "checks" on the authenticity or veracity of the applications, there are numerous disputes in which two or more parties have obtained receipts for the same piece of land.

3. Claim Investigation and Survey

The Land Title Office then appoints a sub-committee to investigate the claim for possession (technically a sub-committee of the District Central Committee for land titling). This sub-committee will consist of the commune and village chiefs, a representative of the district land title office, and at least one village elder. The sub-committee announces its investigation to the village and completes a "Land Investigation Record" form. To complete the form, the sub-committee obtains complete identification concerning the applicant and his/her spouse and family, identifies any dispute concerning the land, measures the plot, obtains the thumbprints from adjoining landowners, and provides its conclusion about the applicant's claim. The form also requires the signatures and opinions of the district chief and land title office, the

provincial land title office, the forestry or fishery departments (if relevant to the claim), and if the claim is for residential land, the provincial governor.

4. Certificate Preparation

The district land title office will prepare a Certificate for the Right to Possession of Real Estate, which currently must be sent, together with the application for possession and the record of the land investigation, to the provincial land title offices, the provincial governor, and then on the Land Title Department in Phnom Penh for checking, copying in their respective registers, and certification. (Up until year 1996, these documents did not have to be sent to Phnom Penh. For agricultural land, the district office could issue the old version of the Certificate for agricultural land, and the provincial land title office could issue the card for residential land.)

5. Issuance of Certificate

The Land Title Department, after keeping copies of the forms and certificate, returns the documents to the provincial land title office. The provincial office registers the documents in its register books, keeps a copy of the forms, and sends the documents to the district land title office. That office also registers the certificate, and then gives it to the owner. Registration of a sale of land, mortgage, or any other interest, is done at the district land title office, and the documents are forwarded to the provincial land title office and to Phnom Penh for checking, certification, and registration.

Appendix C

Land Sales Form

Form No. 1

Registered Book #

No: ……..

Definitive Sale

Seller-name: …… Age …….. Nationality …… Domicile ……...

Commune …… District ……. Province ……...

Agrees to sell without any sign

Buyer-name: …… Age …….. Nationality …… Domicile ……...

Commune …… District ……. Province ……...

Background

Husband	Wife
Date of birth ……	……..
Commune……..	……..
Father ……...	……..
Mother ……..	…….....

Marriage License No. …….....

Date ……..... Commune …….....

……. District ……..

Agrees to buy without condition

Price ……....……...

……...…..……

Stamp …… original received

Seal …… Receipt …… Date …….. Date ……...

Award Doc……. Receipt …… Date …….. Name ...……...

(Abbr?) ……. Receipt …… Date ……..

Total ..... Thumbprint

Parcel of land and real property below are in the commune …… district …….....

Ser. No. and Map No. or Claim No.	Size	Land Type	Boundaries				Encumbrances on the real property
			North	South	East	West	

Have made two copies on day ……. Month ……. Year …… In the presence of …… …… have seen this name …… ……..… and this name ……..... We have questioned both parties and found that both parties are the actual persons described in this entire document in detail to both parties and both parties agreed that it is correct and agreed to sign and place their thumbprints below.

Have read this document to both parties before:

Name ……..... Age …..... Commune ……. District ……..... Province …….....

Witnesses

Name ……..... Age …..... Commune ……. District ……..... Province …….....

Right thumbprint Registered No. …….....

Seller	Buyer	Witnesses	Signature and seal of Certifying Official
.....	.....	.....	.....

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Land Ownership, Sales and Concentration in Cambodia:

A Preliminary Review of Secondary Data and Primary Data from Four Recent Surveys

Within ten years of the reintroduction of private ownership and the redistribution of land in Cambodia, land issues have become one of the most sensitive economic, social, and political issues in the country, demanding urgent solutions. In the absence of comprehensive land-related data, this study extensively analyses secondary and primary data from four large-scale surveys to better understand current land issues.

In conducting this study, CDRI asked questions about: the patterns of land acquisition; land tenure and land ownership; the magnitude of land transactions in the market; trends in the availability of benefits derived from common property resources; the incidence of land concentration and landlessness; and the relationship between gender- and land-related issues. The study also considered implications for future policy and how future studies of land issues and their questionnaires might be improved.

In undertaking this research, CDRI analysed relevant land-issue indicators from four large-scale household surveys: one from a Mekong River Commission (MRC) project, another one from the National Institute of Statistics (NIS) and two from the World Food Programme (WFP).

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Sik Boreak is a researcher with the Cambodia Development Resource Institute.

$ 7.00

56 Street 315, Tuol Kork, Phnom Penh, Cambodia
(Postal address: PO Box 622, Phnom Penh, Cambodia)
Tel: (855-23) 881-701 / 881-916 / 881-384 Fax: (855-23) 880-734
e-mail: cdri@camnet.com.kh website: http://www.cdri.org.kh