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IMPACT OF LAND REFORMS IN CAMBODIA



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Executive summary

The land reform in Cambodia in 1989 was a significant event in the country's history. The reform aimed to resolve disputes, ensure equitable distribution of land, and promote agricultural productivity as a means of economic development. It included measures such as land registration, land titling, and establishing land management institutions. This reform was a significant shift from the previous socialist regime's policies and laid the foundation for the 2001 Land Law, which aimed to strengthen land tenure security and land markets and prevent or resolve land disputes. The 1989 land reform marked a crucial step in recognizing private ownership rights, setting the stage for subsequent land policy developments in Cambodia.

Positive Impacts

Land reform in 1989 and later on in Cambodia had significant socio-economic impacts on the country. Those positive impacts can be summarized as follows:

Redistribution of Land: The implementation of land reform aimed to address the issue of land inequality by redistributing land from large landowners to landless peasants. This led to a more equitable distribution of agricultural resources across the country.

Agricultural Productivity: Land reform played a crucial role in boosting agricultural productivity. Providing land to landless peasants enabled them to have a stake in agriculture, leading to increased motivation and productivity in the farming sector.

Poverty Reduction: The redistribution of land contributed to poverty reduction by providing impoverished households with an opportunity to own and cultivate land. This allowed them to generate income, improve their livelihoods, and escape poverty.

Social Cohesion: Land reform promoted social cohesion and stability by addressing grievances related to land inequality. By providing equal access to land, it reduced social tensions and conflicts, fostering a more cohesive society.

Investment and Economic Growth: The land reform created an environment conducive to investment in the agricultural sector. With increased land rights security, farmers were more willing to invest in their land, leading to increased agricultural production and contributing to economic growth.

Gender Equality: Land reform also aimed to address gender inequalities in land ownership. By providing land to both men and women, it contributed to empowering women, promoting gender equality, and enhancing women's economic participation.

Negative Impacts

Despite the positive impacts, land reform also faced challenges and limitations. Land reform in Cambodia has had several socio-economic negative impacts on the country.

Displacement of rural communities: One of the significant effects of land reform in Cambodia has been the forced displacement of rural communities from their ancestral lands. This has resulted in the loss of livelihoods and social disruption for thousands of families who heavily rely on agriculture for sustenance. Displaced communities often face difficulties in finding alternative means of income and struggle to adapt to unfamiliar urban or resettlement areas.

Inequitable distribution of land: Land reform in Cambodia has witnessed an uneven distribution of land among the population. Large-scale economic interests, including foreign investments and powerful elites, often acquire most of the redistributed land. As a result, marginalized and vulnerable groups such as small-scale farmers, indigenous communities, and landless peasants are left with limited access to productive land, exacerbating socio-economic inequalities.

Lack of tenure security: Many land reform initiatives in Cambodia lack proper mechanisms to ensure tenure security for land recipients. Land titles and ownership rights are often unclear, leading to land disputes and conflicts. The absence of a robust legal framework and transparent land administration contributes to an atmosphere of uncertainty, discouraging investments in land and hampering agricultural productivity.

Environmental degradation: In some cases, land reform has led to the unchecked exploitation of natural resources and environmental degradation. Commercial agribusiness ventures and land concessions, often a result of land reform policies, may prioritize profits over sustainability. This can result in deforestation, loss

of biodiversity, and depletion of fertile soil, negatively impacting local ecosystems and the long-term viability of agriculture.

Impacts on food security: Land reform policies that prioritize large-scale agribusiness or speculative investments may prioritize cash-crop production over food crops essential for local consumption. This can lead to a decline in food security, especially for vulnerable populations. Additionally, reduced access to land and limited control over agricultural resources can hinder small-scale farmers' ability to secure sustainable livelihoods and contribute to overall food production.

Policy Recommendations

Secure Land Tenure Rights: Establish clear and enforceable land tenure rights for all citizens, including marginalized groups such as indigenous communities and small-scale farmers. This will foster confidence in the system and reduce conflicts and displacement.

Strengthen Land Registration and Administration: Invest in digitized land registration systems to ensure transparency, efficiency, and accuracy of land records. This will reduce land disputes and corruption and facilitate investments and economic growth.

Promote Equitable Land Redistribution: Implement a fair land redistribution program that prioritizes the needs of landless or land-poor farmers, ensuring they have access to productive land. Consider family-based or cooperative land management approaches to enhance productivity and social cohesion.

Enhance Land Use Planning: Develop comprehensive land use planning frameworks that consider ecological sustainability, agricultural productivity, and infrastructure development. Encourage multi-stakeholder participation to ensure fair representation and inclusivity.

Introduce Zoning Regulations: Establish clear zoning regulations to optimize land use in both urban and rural areas. Zoning can prevent uncontrolled land speculation, protect agricultural land, and designate specific areas for industrial, residential, and environmental conservation purposes. This would help balance development with environmental sustainability and ensure that land is utilized effectively while minimizing conflicts.

Strengthen Agricultural Support Systems: Provide necessary support to small-scale farmers in the form of improved access to credit, technical knowledge, irrigation facilities, and market linkages. This will enhance productivity, income generation, and food security.

Protect Environmental Sustainability: Enforce strict regulations on land use practices to prevent deforestation, soil degradation, and unsustainable exploitation of natural resources. Encourage the adoption of climate-smart agriculture techniques to mitigate the impacts of climate change.

Ensure Social Safeguards: Implement comprehensive social safeguards to protect vulnerable populations affected by land reform. This includes providing compensation, alternative livelihood options, and access to basic services like healthcare and education.

Strengthen Legal and Judicial Institutions: Invest in capacity building and resources for legal and judicial institutions to ensure effective and timely resolution of land disputes. This will promote a sense of justice and confidence in the land reform process.

Foster Transparent Governance: Promote accountability, transparency, and citizen engagement in the land reform process. Establish mechanisms for public consultation, grievance redressal, and monitoring to ensure the fair implementation of policies.

Monitor and Evaluate Impact: Continuously monitor and evaluate the socio-economic and environmental impacts of land reform policies. Regular assessment will help identify any unintended consequences and enable policymakers to make necessary adjustments.

1. Introduction

1.1 Background

Cambodia underwent a land reform program in 1989, which aimed to redistribute land from the state to the poor and landless. The program was implemented by the government of the People's Republic of Kampuchea under the leadership of Samdech Decho Hun Sen, which was established after the fall of the Khmer Rouge regime. The land reform program was part of a broader effort to rebuild the country after years of war and political turmoil. Cambodia's land reform in the 1980s is expected to have produced a significant impact on the country's economy, social structure, and political stability. Here are some of the perceived impacts of the land reform:

Redistribution of land: The land reform aimed to address the issue of land concentration by redistributing land to the landless or those with insufficient land. This led to around 1.2 million households receiving land titles, giving them secure tenure and access to agricultural land.

Agricultural productivity: The redistribution of land allowed previously landless farmers to have access to fertile land, leading to increased agricultural production. This helped in improving food security and reducing poverty levels in rural areas.

Reduction in poverty: Land reform played a crucial role in poverty reduction, as it provided opportunities for the landless rural population to become self-sufficient and generate income. With improved access to land and increased agricultural production, many families were able to improve their living standards and escape poverty.

Political stability: The land reform program aimed to promote social equity and reduce inequality. By addressing land concentration and providing land ownership to the landless, it helped reduce social tensions and grievances related to land disputes. This contributed to political stability in the country.

Economic growth: The redistribution of land and increased agricultural productivity, combined with other economic reforms, contributed to economic growth in Cambodia. The agricultural sector remains a significant contributor to the country's GDP, and the land reform played a crucial role in strengthening this sector.

Despite such enormous perceived benefits of this reform, there is little literature comprehensively written about it. This study aims to fill this gap by looking at historical context, reviewing reform approaches, and evaluating the impact of the reform with an intention to build a good case study and provide a lesson learned for other developing countries.

1.2 Objectives

The objective of this study is to examine the impact of the land reform program in Cambodia from 1989. Specifically, the study aims to:

- Describe the background and context of the land reform program.
- Analyze the general approaches and basic principles of the land reform program.
- Assess the impact of the land reform program at the national and subnational levels

1.3 Methodology

The study will use a mixed-methods approach, combining qualitative and quantitative data. The primary data sources will be:

- Desk review of existing documents
- Secondary data analysis
- Interviews with key informants, including government officials, civil society organizations, and community leaders.

- Focus group discussions with different stakeholders, including the poor, landless, wealthy, and powerful.

2. Historical Context (Since Pre-colonial Period)

Cambodia is a country situated in Southeast Asia, on the southern part of the Indochina peninsula. It covers an area of 181,035 square kilometres and shares borders with Thailand to the Northwest, Laos to the Northeast, and Vietnam to the East. On the fourth side, it faces the Gulf of Thailand.

The issue of land tenure is a central and contentious topic in the discourse surrounding Cambodia's socioeconomic development. Private land ownership rights have played a significant role in allowing farmers in the fertile lowlands to recover from the devastating effects of prolonged conflict. Conversely, the resource-rich uplands and border areas have witnessed large-scale land acquisitions for the purpose of cash crop production and extractive industries. The resultant displacement and land disputes have spilt over into urban and lowland areas, culminating in one of the highest rates of land inequality in the Asian region.

Land tenure and use information is essential for rural and agricultural development policies. Cambodia faces resource constraints in collecting and analyzing data. The agrarian systems in rural Cambodia revolve around land tenure arrangements, which include an agrarian structure and institutions. The agrarian structure primarily deals with the distribution of land ownership and operational land holdings (land use), while the agrarian institutions are concerned with the social and economic aspects of land (property rights) and labor (contracts), and are governed by informal and formal rules.

The creation and implementation of regulations that control ownership rights and agreements are part of the government's responsibility, as it has a significant role in determining the relationship between natural surroundings, the distribution of land and labor, technology, and markets. As time passes, the allotment and effective use of land are affected by fluctuations in current social, economic, and political patterns, as well as as unexpected events such as wars and revolutions.¹

The land tenure situation in Cambodia is complex and deeply rooted in the country's history.^{2 3} To understand land tenure in Cambodia in 1989, it is essential to consider the country's historical context. The policies that oversee land possession must be also viewed in the broader context of history.

Before Cambodia was colonized by the French in 1863, the King owned all the land in the country. The French introduced the concept of land ownership, which was maintained even after Cambodia gained independence.

Between 1975 and 1979, the Democratic Kampuchea (DK) regime of the Khmer Rouge took control and imposed policies that abolished private property. This led to a mass displacement of both urban and rural populations as they enforced collectivization. As a result, crucial documents, cadastral records, and maps were destroyed, individual rights were lost, and most professionals fled the country. This left Cambodia with the immense challenge of reconstructing its land tenure system from the ground up.

In 1989, the government summit admitted to the failure of collectivism and decided to open Cambodia's markets to the world. As a result of this decision, the state of Cambodia started re-issuing the suite of private rights in real estate that was created by the French. In April 1989, a land policy was introduced that affirmed the state's ownership of the country's land by default. It also granted Cambodian citizens the right to acquire private ownership of residential land and possess agricultural land privately.

The policies introduced ownership, possession, and concession rights for Cambodian citizens based on the size and use of their land. Ownership rights were granted for residential plots less than 2,000 square meters, possession rights for cultivated land less than 5 hectares, and concession rights for plantation land larger than 5 hectares. These rights were only available to citizens who had continuously used and cultivated their land for at least one year before the policies were promulgated and based on the family's ability to work in

¹ <https://www.fao.org/3/a0306t/A0306T08.htm>

² https://www.foncier-developpement.fr/wp-content/uploads/Country-profile-6_Cambodia_VF.pdf

³ <https://opendevelopmentcambodia.net/topics/land/>

order to encourage rice production. Additionally, ownership rights were granted to Cambodian citizens occupying houses or dwellings in Phnom Penh in 1989 to calm growing street unrest.⁴

While the allocation was intended to provide land to everyone who could work, it is unclear how many people were able to regain their original holdings as the distribution did not follow pre-existing ownership patterns. Hence, the denial of pre-1979 land rights in areas inhabited by indigenous communities caused immense hardship, as it disrupted their property regimes and affected relationships within and between the communities. Villages were often relocated from their traditional lands. For instance, the entire Bunong population of Monduliri Province was moved to Koh Niek to cultivate lowland rice.

In other areas of the country, Despite the passing of time, the impact of the conflict with the Khmer Rouge until the 1990s still affected some villages, leading to their relocation to different lands to ensure their safety and prevent any possible alliances with the enemy. Unfortunately, this resulted in land and boundary disputes as rival villages attempted to sell disputed land to outsiders. Additionally, government officials were allocated land by provincial governors as a means of securing their employment, further exacerbating the situation.

Following the Paris Peace Agreement in 1991, which ended the Vietnamese occupation and established a market economy. In 1992, the Land Law acknowledged the reintroduction of private use rights, which had already become the dominant tenure system, based on the customary "land for the tiller" arrangements. The law also allowed possession rights of up to five hectares of forestland for those who cleared it.

With the enactment of the 1992 Land Law, people could apply for land certificates that confirmed occupancy and use rights. However, the law allowed only possession rights rather than ownership in rural areas. According to the Department of Cadastre and Geography, not more than 14 percent of the estimated 4.5 million applicants have received formal certificates of ownership since the early 1990s.⁵

In the areas where indigenous communities practiced shifting cultivation, protecting their fallow (secondary forest) lands became a serious challenge. These communities could not assert ownership over these lands as their customary claims were not recognized, and they were also forced to rely on post-1979 5-year possession rights. Many people were displaced from their native land due to the imposition of administrative boundaries that often ignored traditional boundaries. This led to confusion and disputes over land ownership and usage rights.

Chapter Five of the 1992 Land Law allows for land concessions to be granted. The aim is to transfer state-owned land, including forests, to private companies to promote private enterprise, generate state revenue, and alleviate rural poverty. The concessions are of three types: economic land concessions, social concessions, and "others" not covered under the Land Law, such as mining, fishing, and port concessions. Economic land concessions are for commercial farming, and social concessions for residential construction or subsistence cultivation, while "others" are granted for different reasons.

Private land ownership was restored under the 1993 Constitution. Foreign experts have introduced legal transplants into Cambodia about land possession, use, and ownership in successive waves.

Among other difficulties, the cadastral System has been ill-equipped and under resourced to manage even modest workloads. In some parts of the country, security was also a significant factor, as fighting between the Khmer Rouge insurgents and government forces continued up until 1998. Government offices at the district and commune level, as well as village chiefs, were sometimes attacked, and in some cases, cadastral records were once again destroyed.

The Land Law of 2001, supported by the World Bank, created three primary land categories: State land, Collective property, and Private land. Since the Land Law was passed, the Cambodian government has been making progress in developing policy, regulatory, and administrative frameworks for land management.

It was first created a registration system that made land ownership dependent exclusively on a central cadastral registry. The Law brought about some notable modifications to the customary tenure arrangements that were in place. These changes included formal registration of land ownership through systematic and sporadic land registration, recognition of communal land use by indigenous communities, abolition of the

⁴ https://www.mrlg.org/wp-content/uploads/2019/06/The-Recognition-of-Customary-Tenure-in-Cambodia_FINAL.pdf

⁵ <https://www.fao.org/3/a0306t/A0306T08.htm>

ability to claim possession rights to land by clearing and claiming forest land, and establishment of a framework for the granting of ELCs and social land concessions (SLCs).

It also addressed the need for pro-poor land reform in Cambodia. The reform has two objectives: (1) to improve tenure security and land access through market-based land distributive reform and social land concessions, and (2) to stimulate investment for better agricultural productivity and diversity under the "economic concession" banner. However, implementing the Land Law involves contentious formalisation processes of land property rights from state property, which include private and collective rights differentiation and public and private land differentiation. Concessions have been a central element of state land management in Cambodia, despite the failures of the 1990s.

The Law also allows for the allotment of extensive land concessions to local and foreign investors. Land concessions come in three types: Social Land Concessions (SLCs), Economic Land Concessions (ELCs), and use, development, and exploitation concessions (UDEC). It's worth noting that UDECs are governed by a distinct law. It's good to know that a concession is a legal right granted by a contract with a competent authority that allows someone to occupy and use a specific piece of state or private land for a particular purpose.

Though the Constitution provides for private ownership of land in Cambodia, most of the land neither surveyed nor titled is still owned by the State, making it easier to grant concessions on such land. While communal land titles are acknowledged, applying for communal land tenure recognition is quite protracted due to various legal obstructions that have been set up. Those applying for such recognition must opt for private or indigenous recognition, as these two forms cannot be combined.

The Asian Development Bank made it a conditionality for a loan for agricultural development. The World Bank suggested that large-scale land investments be brought into the Cambodian countryside. This explains the focus of the Land Law on neo-liberal concepts of formalization of land holdings to encourage land markets and agricultural investment as part of a general commercialization of Cambodian agriculture. It can be said that the Law was primarily influenced by external factors and aimed at improving land administration for agricultural development. However, this approach may not have been entirely appropriate for Cambodia at the time, as most of the rural population relied on subsistence agriculture to combat food insecurity.

The government also created the Land Administration, Management and Distribution Program (LAMDP) in 2001, which the MLMUPC implemented. This program covers land registration, dispute resolution, land distribution, and land management policy. The social land concessions are a part of the land distribution pillar, which aims to distribute land with equity. The land management policy ensures the sustainable use of land and natural resources. However, progress under the land management pillar has been slow despite passing several regulations relating to land management issues.

In the meantime, the 2001 Land Law poses a problematic aspect of privatizing peasants' land property rights, which involves converting possession to inalienable ownership rights. According to the law, those who started occupying state private land in open, peaceful, and continuous ways were considered as possessors. The possessor was entitled to ownership if the occupation lasted for at least five years. However, unlike previous Cambodian laws and practices, the 2001 law does not allow possession based on occupation that starts on or after the law's effective date. This means that the practice of clearing and temporary occupation leading to legal possession that existed in the 1992 law was no longer allowed.

At the start of 2002, the government, with the help of donors, initiated a comprehensive process to classify and register all land parcels based on the categories specified in the 2001 Land Law. This programme aimed to eliminate any uncertainty regarding land ownership, which had been a cause of disputes and insecurity in terms of tenure. To tackle disputes that arose during the registration of land, a Cadastral Commission was established. The Rectangular Strategy for Growth, Employment, Equity, and Efficiency in Cambodia included a pledge to enhance land distribution to the poor and issue titles to ensure legal ownership.

The 2007 Civil Code, sponsored by the Japanese International Cooperation Agency, raised questions about the exclusivity of the registry by stating that it only serves as presumptive evidence of ownership. The 2001 Land Law and the 2007 Civil Code are modelled on foreign legal frameworks that presuppose economic, technical, and professional resources that Cambodia lacks as a very poor and post-conflict country. Despite the efforts to reconcile the laws, implementation remains uneven and legal ambiguity persists. While it is too early to make conclusive judgments, the Cambodian experience questions the wisdom of top-down foreign

intervention and the desirability of any form of centralized formal legal construction in a society without the necessary social, political, and institutional prerequisites.

In 2009, the government reaffirmed the significance of the three pillars in the Declaration on Land Policy.

In 2012, the Land Policy aimed to achieve several goals, which included strengthening the security of land tenure to ensure confidence and efficiency of land markets, guaranteeing the management, protection, and use of land and natural resources transparently and effectively to ensure equity of socio-economic development in both rural and urban areas, and maintaining environmental sustainability to prevent disputes over land use. Additionally, the policy provided a clear direction in the transparent and equitable distribution and use of state land for public and private purposes.

On 7 May 2012, the Prime Minister of Cambodia, Hun Sen, announced a halt to the allocation of Economic Land Concessions in the country. This decision was made through a document called "Measures to Strengthen and Enhance the Effectiveness of the Management of Economic Land Concessions (ELCs)", which is now commonly referred to as Order 01. Along with halting the allocation of ELCs, Order 01 also launched a land titling campaign that aimed to grant land rights to people and companies that overlapped with state land. The Order 01 specifically targeted land within ELCs through private land titling. However, the actual implementation of Order 01 has been quite different, as the land adjudication areas have been expanded to include other land categories such as forest concessions, Protected Areas, and forest rehabilitation warrants from provincial authorities.

The government registration staff consisted of a total of 2,000 people, with 1,000 individuals from the Systematic Land Registration process and around 750 staff members from MLMUPC and other ministries. In 2015, young volunteers from 30 universities, institutes, public and private training centers, and three NGOs were recruited and sent to the field in 168 teams called Krom Niset to support the government staff. Each team comprised 12 government staff members, including representatives from the Ministry of Interior, Ministry of Agriculture, Forestry and Fisheries, the Ministry of Environment, and other ministries, and up to 12 young volunteers. The presence of young people in supporting the titling process drew substantial media attention, and the initiative became known as the "Prime Minister Youths land titling campaign".

According to the available data, the Order 01 land titling initiative measured an area covering 1,010,429 hectares, with 92 percent (927,848 hectares) formally distributed to 317,444 families. The remaining 8 percent of the land has been reserved for future use. The initiative made significant progress within a year, compared to the Systematic Land Registration efforts, which only reached 625,000 families over the course of 10 years (from 2002 to 2012). The largest portion of land excised from state land (30 percent) came from un-categorized forest cover, while only 25 percent came from ELCs. It is worth noting that the dataset specifies a few other land categories where titles were issued that were not initially foreseen (Social Land Concessions). These results indicate that the Order 01 titling scheme was a comprehensive effort to address the problem of insecurity associated with irregular occupation of state land in the Cambodian uplands.

Implementing comprehensive land titling initiatives in the uplands can be perceived as a step towards commodification and privatization of the commons. These initiatives promote private property rights, which pose as an alternative property right in areas where collective arrangements of the commons have been established historically. Land titling has led to different reactions from communities to safeguard and preserve common property rights. Studies have indicated that introducing private land titles as substitutes for communal land titles in Northeast Cambodia has caused a division within communities, with some advocating for communal ownership while others prefer private land titles.

It's worth noting that the Cambodian government had reiterated its dedication to the White Paper on Land Policy and the National Strategic Development Plan 2014-2018 in its third phase of the Rectangular Strategy. These plans aim to enhance the legal framework for land management and land use, accelerate land registration and title issuance to improve land tenure security, promote transparency, efficiency, and sustainability in land use and management, and encourage land distribution through social land concessions.

By the end of April 2019, around 5.2 million land parcels were registered nationwide, accounting for 74% of the total 7 million land parcels. The Ministry has planned to achieve 100% nationwide land registration, including indigenous communal land registration, by 2021.

3. Land Tenure Systems and Land Reform Policies in 1989

Despite efforts to reestablish formal land registration systems, the majority of land tenure in Cambodia in 1989 was based on informal, traditional practices. The land was primarily communally owned, with multiple households sharing the right to use and benefit from the land resources. However, this informal system often lacked legal recognition, leading to increased vulnerability and conflicts over land ownership.

In response to prevailing land tenure issues, the Cambodian government implemented land reform policies in 1989. These policies aimed to formalize and strengthen land tenure, promote land redistribution, and enhance land productivity. The most notable initiatives included the Collective Farms Policy and the Sub-decree on Land Management (1989).

In 1989, Cambodia recognized private ownership rights over land. Cambodian citizens were granted the right to acquire private ownership of residential and agricultural land. The Government reintroduced private property rights through Instruction Number 3 and Sub-decree 25, which established ownership rights for residential land up to 2,000 square meters and possession rights for cultivated land of fewer than five hectares. Land was informally divided among villagers using various methods and criteria for distribution, with some villages recording the distribution outcomes by hand but such records were not always kept.

On 22 April 1989, a Sub-decree was issued in Cambodia, providing house ownership and confirming land rights for the population. According to Article 1, land for housing, buildings, and flats in the People's Republic of Kampuchea is the property of the people and is managed by the state in accordance with the law. Furthermore, no one can claim ownership rights that existed before 1979 over any housing land.

The state grants ownership to any Cambodian family residing in a house in the country's Commune or District. It is the responsibility of the commune and district to acknowledge this ownership. Any Cambodian family that resides in a house, separate house, or flat has the right to continuous ownership and occupation, allowing them to live there permanently.

House ownership can be passed down to heirs or relatives for indefinite use or management or transferred to any individual, provided their usage and management do not violate the law. The government prohibits foreigners from buying any land or houses for residential purposes.

A house owner is responsible for paying taxes on the land on which the house is located. In cases where multiple individuals own a house, the owners of the flats or portions of the house are jointly responsible for paying taxes on the shared or common areas according to their respective ownership percentages. The annual land tax shall not exceed 5% of the net salary earned by employees, civil servants, or armed forces members.

Residents who are heads of household and live in communes must apply for ownership of their residence through the commune or district. On the other hand, employees, armed forces, and workers should apply for ownership through their respective ministries, departments, or entities, which will then send the application forms to the provincial municipal revolutionary people committee for further action. This committee is the competent entity to issue official certification to individuals.

In cases where people live in a residential house or land, they will have to purchase it from the state, except if they have built a house on it with their own money. In such cases, ownership will be granted to them. However, the provincial municipal People Revolutionary Committee may determine the policy in special circumstances. House fees will be determined based on areas, types, and conditions, and the Council of Ministers authorizes the provincial municipal people revolutionary committee to determine the fees based on the actual situation of each province/municipality.

It's important to note that those living in public buildings will not have any right to claim ownership of those buildings as they are meant for public use. House transferring or donation should be processed with a contract prepared by the buyer or transferee, which should then be registered in the land registry by paying 10% of the house value as residential houses, business offices, craft or industrial places.

Buildings or houses used for industrial purposes must pay tax to the state. The Council of Ministers will determine the amount of tax based on the size of the industry.

As a house owner, it is your responsibility to keep your property clean, hygienic and free from any bad smells or sound vibrations. Any necessary repairs should be carried out promptly to prevent such issues. Moreover, it is mandatory to obtain permission from the Provincial Municipal People Revolutionary Committee before carrying out any renovations or new constructions.

According to this sub-decree, the Provincial Municipal People Revolutionary Committee will have the responsibility of managing houses and buildings, as well as monitoring registration, ownership allocation, fees, and tax collection. They will also be responsible for maintaining public roads, and drains, and controlling noise within their jurisdiction. Any provisions that go against this sub-decree will be deemed null and void. The Council of Ministers, ministries, departments, and all Provincial Municipal People Revolutionary Committees have been tasked with carrying out this sub-decree.

On 03 June 1989, the instruction (Sechkdey Nainom) on implementing the Land Use and Management Policy was issued. Following the second country's official meeting in April 1989 on the Policy of Land Use and Management, the Council of Ministers instructs that the land of the state of Cambodia is the state property; the Cambodian citizens have full rights to possess and use land and have the right to inherit the land which was granted by the state for residence and business. No one may claim the right of the previous land ownership before 1979, and the state does not reshuffle and re-allocate land which has been possessed from 7 January 1979 to the date of the instruction issues until there is a land law.⁶

The Government of the State of Cambodia (SOC) reintroduced private property rights through Instruction Number 3 and Sub-decree 25. The sub-decree established ownership rights for residential land up to 2,000 square meters and possession rights for cultivated land of fewer than five hectares, among other provisions.

Hence, for Land for Residence, families can receive ownership of residential land up to 2000 square meters by the decision of the chief of the municipal-provincial people committee. If a family already owns more than 2000 square meters of residential land, the extra land will be integrated into possession land. The temporary master plan of a locality will determine the allocation of land, roads, and reserved portions for future expansion. For Farming Land for Production-Business, Possession Land is granted to farmer families for the exclusive management and use of a rice field or farm for production, business, and heritage purposes.

The main difference between possession land and ownership land is that possession land is stable only during the use process, and after use, there is no more possession. On the other hand, land ownership is indefinitely stable, and even if it is not in use or business, it remains ownership, except for special cases under the law. There are no limitations on the use of possession land, and the area of possession land shall be limited to not exceed 5 hectares based on the available land in the location and the possibility of each family. To be granted possession of land, a family must have struggled with cultivation for at least one year before the specified date, and the district people's committee shall issue the title of possession of the possession land.

The government has determined that cultivation land for authority cashier support and village-commune people organization must be kept as reserved land. This is because each commune is allowed to keep a maximum of 6 hectares of farming land in any large area with less population. In a small area with a dense population, only 3 hectares of farming land may be kept. Similarly, each village may keep farming land from 1 to 2 hectares in any large area with less population, and only 1 hectare may be kept in a small area with a dense population.

If a village-commune has kept land exceeding the limited amount, the surplus will be distributed among the people. Furthermore, for newly-cleared or ready-to-clear lands, permission must be obtained from the Ministry of Agriculture before the title of possession can be issued. This is to prevent any overlapping of the forestry and fishery boundary.

Refugees, Cambodian returnees from abroad, and all persons who give up enemy forces and come back to live with the people and revolution are entitled to receive residential lands, free farming lands, or newly cleared lands, depending on each location's ability.

Land can be granted to individuals in the form of concession, provided that the land area is at least 5 hectares. Concession is a right to possess and process a large area of land, in order to cultivate important crops for

⁶ <https://chhoridalawbrary.files.wordpress.com/2016/06/ins-soc-03-89-land-use-policy-e.pdf>

economic purposes. The concession land is only granted for a specific time period, based on the duration of each plant's growth cycle. After the first planting period expires, the rights can be granted for subsequent planting periods. The allocation of concession land is based on the availability and possibility for each family's location. The Minister of Agriculture is responsible for issuing the title of possession of concession land. Each family member has the right to possess and use the above three types of land. In cases where there is no land law in place, the State will issue a title of possession instead.

The conflicts on State land in Cambodia reflect a recent shift in the agricultural development model. Despite being at the forefront of agricultural development efforts, smallholder farmers have been increasingly subordinated and excluded by processes that favour foreign direct investment and large-scale agricultural modernisation. Although the government has granted economic concessions to domestic and foreign companies for agro-industrial investments on apparently underdeveloped land, these concessions have often resulted in these companies encroaching on farmland or common pool resources already used by smallholder farmers, directly impacting their livelihoods. While the premise was that large-scale concessions would support national development and restore degraded land, the reality is that they have created competing claims to land between smallholder farmers and State authorities.⁷

It has been observed that land dispute resolution mechanisms in the past were often biased towards political powers and had high associated costs, which made it challenging for smallholder farmers to afford them. Additionally, the state's repression of social movements and intimidation of land rights activists has further limited people's opportunities to express their concerns and contest the decisions made by the authorities. However, despite these challenges, people have continued to strive towards protecting their land and livelihoods against the economic land concessions made by the state.

Land reform has the potential to significantly impact a country and its people. In many cases, land reform aims to address historical injustices by redistributing land to those who were previously dispossessed. This can have positive effects on economic growth, as it allows more people to participate in agriculture and other industries that rely on land ownership. Additionally, land reform can help to reduce poverty and inequality by providing opportunities for previously marginalized groups to become landowners and improve their economic prospects. However, land reform can also be a contentious and divisive issue, particularly in countries where land ownership is concentrated in the hands of a small elite. Poorly executed land reform programs can have negative consequences, including reduced productivity and economic growth, social unrest, and political instability. It is important to approach land reform with sensitivity and care, taking into account the needs and concerns of all stakeholders involved.

4. Impacts of Land Reform at the National Level

In the second half of the 1990s, a series of land reform policies were developed, leading up to the adoption of the 2001 land law and the establishment of the Land Management and Administration Project (LMAP) in 2002, with support from international donors such as the World Bank. The LMAP's primary focus was on systematic land registration (SLR), a compulsory program designed to formalize and legalize all informally held land. Following its launch, the project made significant strides, registering over one million land parcels, mainly in rural areas. However, forced displacement of people in urban areas remains a persistent problem, with some victims of eviction filing complaints against the World Bank for its inadequate supervision of the project. The high-profile land issue in Cambodia remains unresolved due to the poor design of the LMAP project and its implementation by a personalized and politicized bureaucracy.⁸

Land tenure conflicts have been on the rise in Cambodia since the government shifted from collective to private land ownership in 1989. However, the absence of a central database makes it difficult to get an accurate picture of the extent of the problem. According to various sources, an estimated 1,310 cases of conflicts over land ownership were heard in court in 2001, making it the fourth most common lawsuit filed. A 2005 report by USADI revealed that over 1 percent of the Cambodian population, that is, 153,584 people, were affected by land conflicts. However, this figure is not comprehensive, as many people do not report their cases to the authorities or take them to court. In 2008, a government spokesperson estimated that around 3 percent of the population, that is, 420,000 people, had been affected by land conflicts.⁹

⁷ <https://journals.sagepub.com/doi/10.1177/1868103419845520>

⁸ <https://scholarspace.manoa.hawaii.edu/server/api/core/bitstreams/1bae406c-01ec-4552-be11-aef5bf9383ee/content>

⁹ <https://scholarspace.manoa.hawaii.edu/server/api/core/bitstreams/1bae406c-01ec-4552-be11-aef5bf9383ee/content>

Over 20 years, Cambodia has been plagued by a large number of land disputes and human rights violations that are connected to land rights. The expansion of extractive and agribusiness industries, especially in upland areas where migrant workers have occupied land traditionally used by local communities, is a significant factor behind these problems. Urban regions like Phnom Penh and the surrounding provinces, as well as both sides of Tonle Sap Lake, have also experienced a high number of land disputes.

Most of the land rights disputes are concentrated in conflict-prone areas of poor urban settlements, forest lands, and seasonal lakesides where people have different ways of claiming land rights. Claims to land ownership in these areas are usually based on three distinct types of claims. Firstly, people may claim land based on the long-established practice and social norm of clearing and using the land, which is widely accepted among rural Cambodians despite being illegal under the current land law. Secondly, land may be claimed based on evidence of purchases authorized or witnessed by the different levels of government empowered to authorize such transactions by previous regulatory regimes and practices. Lastly, land may be claimed based on legal provisions in the current land law, which is supposed to be the most secure type of claim as it connotes the backing of the state.¹⁰

The land dispute resolution mechanisms in the past have been known for their bias towards the political powers and the high costs associated with them, which made it difficult for smallholder farmers to afford them. The State's repression of social movements and intimidation of land right activists have further limited the opportunities for people to voice their concerns and contest the decisions made by the authorities. Despite these challenges, people have tried to safeguard their land and livelihoods against the economic land concessions made by the State. The presence of competing claims leaves many people vulnerable to expropriation, particularly those whose claims rest on principles other than the legal provisions of the land law.

Land reform has a significant impact on a country and its people. It's important to understand how initiatives related to land reforms affect agriculture, rural development, economic growth, social equity, and more. By comprehending the dynamics of land reform, we can gain insights into the challenges and opportunities that lie ahead and develop strategies to create a more just and sustainable society.

4.1 Formalization of Land Ownership

The land reform policies sought to formalize land ownership by introducing land registration processes. While limited in scope, these efforts provided some legal recognition and protection to farmers' land rights, improving tenure security. The implementation of land titling is an important element of land reform, as it is based on the idea that giving people inalienable private property rights can improve their security of tenure.

Land transfer, particularly in the 1990s, was not well regulated. Certain households could access land in the forest periphery of the village kept as reserved land by local authorities. Access to the peripheral land, usually in the forested or flooded commons, was possible through either the household's reclamation of land (secondary forestland) before the war or was contingent on good connections with commune and/or district authorities.

Starting in 2001, when the Land Law forbade the clearance of forestland was passed, the land was negotiated financially in certain cases with local authorities (virtually a land purchase). Nowadays, the intense land speculation by companies or individuals in respect of state land has made access to additional land through clearing more difficult. However, land access and ownership are still debatable. Especially those who owned the land before the 2001 Land Law have larger landholdings because the household had more active labour, and those later young householders acquired their land mainly through inheritance and usually from elders.

The land purchase and sale markets favor those who have amassed significant wealth. The ability of households to buy land seems to be contingent on their capacity to raise capital, with a strong correlation between total income and the total area of land purchased, among other wealth indicators. It is unfortunate that non-productive factors such as health issues, household expenses, and debt repayment often motivate land sales and that these sales are often driven by household vulnerability. This unregulated land market has resulted in the privatization of land and disconnected it from its social context.

¹⁰ <https://scholarspace.manoa.hawaii.edu/server/api/core/bitstreams/1bae406c-01ec-4552-be11-aef5bf9383ee/content>

The Land Management and Administration Project (LMAP) directed its titling efforts towards high-capacity areas in and around rural market centers, rice farming areas with stable land tenure, and developed transport and credit services. However, LMAP's titling process was exclusionary, as it avoided targeting vulnerable groups who were at risk of eviction. The main challenge with systematic land registration lies in registering subsequent land transfers, which involves a complex and costly bureaucratic process that peasants are often hesitant to navigate.

Hence, articles 23-28 of the 2001 Land Law in Cambodia introduced the concept of 'indigenous community property' as a form of collective ownership. However, acquiring indigenous communal land titles is challenging and involves lengthy negotiations with three ministries and their respective line agencies. A lot of indigenous communities in Cambodia lack the resources and the legal expertise to engage successfully in this process. As of February 2016, only 11 indigenous communities (out of 166 that have filed an application) have received communal land titles, with support from international donors (CCHR, 2016). The programme was largely by-passed by the fast-track individual titling that began in June 2012 under the so-called Order 01. Since then, no further donor funding has been allocated for this programme, and the community land titling process has stalled.

The land dispute resolution mechanisms in the past have been known for their bias towards the political powers and the high costs associated with them, which made it difficult for smallholder farmers to afford them. The State's repression of social movements and intimidation of land right activists have further limited the opportunities for people to voice their concerns and contest the decisions made by the authorities. Despite these challenges, people have tried to safeguard their land and livelihoods against the economic land concessions made by the State.

In conclusion, the 1989 land reform in Cambodia had a significant impact on the formalization of land ownership by acknowledging private ownership rights and introducing new land laws. However, the country still faces challenges in implementing these reforms and ensuring equitable and sustainable land use.

Acknowledgment of private ownership rights the 1989 land reform marked a shift from collective to private ownership of land, acknowledging the private ownership rights of Cambodian citizens over certain types of land¹¹.

Formation of the 2001 Land Law: This reform laid the foundation for the 2001 Land Law, which recognized three forms of land ownership: private ownership, state ownership, and collective ownership by indigenous communities¹².

Increased land disputes: After the switch from collective to private ownership of land in 1989, land tenure conflicts began to emerge, leading to an increase in disputes and evictions¹³.

Progress in land management and administration: The 1989 land reform led to improvements in land management and administration, with the establishment of the Land Management and Administration Project (LMAP) to focus on land registration and title issuance¹⁴.

Ongoing challenges: Despite the progress made in land reform, Cambodia still faces significant challenges related to land disputes and evictions, indicating that the formalization of land ownership is an ongoing process.

4.2 Land Redistribution

Land redistribution programs were implemented to address inequalities by transferring land from large estate owners to smallholders. Although this led to a more equitable distribution of land in some areas, challenges such as inadequate resources, corruption, and lack of transparency hindered the success of these initiatives.

11 <https://opendevelopmentcambodia.net/topics/land-policy-and-administration/>

12 <https://opendevelopmentcambodia.net/topics/land-policy-and-administration/>

13 <https://www.fao.org/3/a0306t/A0306T08.htm>

14 <https://scholarspace.manoa.hawaii.edu/server/api/core/bitstreams/1bae406c-01ec-4552-be11-aef5bf9383ee/content>

Land management reform in 1989 brought significant changes to land distribution policies. Under the new decision on land use and management, all land possessors were required to submit a possession-application form to the district office through the chief of the village and commune between June and December 1989. Possessors of land since 1979 were not subject to reshuffling or reallocation by the state. This policy encouraged people to comply with possession requirements, and land not claimed by the December 1989 deadline was considered free and open.¹⁵

Initially, it was believed that the land reform processes of 1989 had resulted in a fair degree of equity in land distribution to the people living in villages. However, evidence from the local level about a decade later proved that land distribution was unsatisfactory, leading to landlessness and inequality. For instance, people who returned from Cambodia-Thailand border camps after 1989 did not receive any land. The direct impact of land distribution between 1989 and 1998 exacerbated poverty for some Cambodian people, making their subsistence even more miserable. Although data on land inequality is inadequate for research, existing sources indicate a clear increase in land inequality, which disproportionately affects the rural poor. Such people are often forced to undertake hazardous forms of employment, such as migrant work, that compel them to move from one place to another, especially to urban areas.¹⁶

The private sector and local elites have a significant hold on Cambodia's land, controlling nearly 22% of the country through land leases for agroindustry, energy generation, and extractive industry. The bulk of these leases come from economic land concessions, which only generated \$5 million in government revenue in 2015. To address this, the government has taken steps to strengthen ELCs management and review existing concessions. As a result, over 1 million hectares of forest land leased by private companies have been returned to government control. Furthermore, at least 370,000 hectares have been removed from ELCs, and over 250,000 hectares have been taken from state-owned and seized forest land.

Land disputes have become a pressing issue in Cambodia, despite the recent legal and institutional reforms on the management of ELCs and protected areas. Hence, the number of land disputes tripled in 2015, according to LICADHO. However, the figures fell for 2016, with the NGO Adhoc receiving 112 land dispute complaints involving 8,973 families in 2016, down from 182 cases affecting 16,679 families in the previous year. Land Management Minister Chea Sophara attributed the decline to land registration and dispute resolution efforts. Nevertheless, more than 500,000 people have been affected by land disputes cumulatively over time. The government has contested these figures, with Sar Sovan, secretary of state at the Ministry of Land Management, Urban Planning and Construction, stating that land conflicts are not a major problem in the 357 communes across the country in which land titling has taken place. However, land conflicts often result in eviction, with nearly 30,000 families being evicted from their homes in Phnom Penh alone in the last 25 years, according to NGOs. Large-scale land acquisition for agribusiness and contract farming are becoming driving forces behind growing inequality in land access, bringing new threats to secure land tenure.

Social Land Concessions (SLCs) were introduced in 2003 to address landlessness and near landlessness. Under the SLC programme, concession rights are very similar to possession, at least for the first five years. 12,374 families were registered under the SLC programme as of June 2014. However, the procedure and mechanisms of SLCs are time-consuming and there seems to be a lack of political will on the part of the government to implement a more ambitious SLC policy. The Land Allocation for Social and Economic Development (LASED) project faced problems such as insufficient quantity and quality of land to be distributed, lack of settling-in support, missing health and educational infrastructure, and overly long processes from land identification to land distribution.

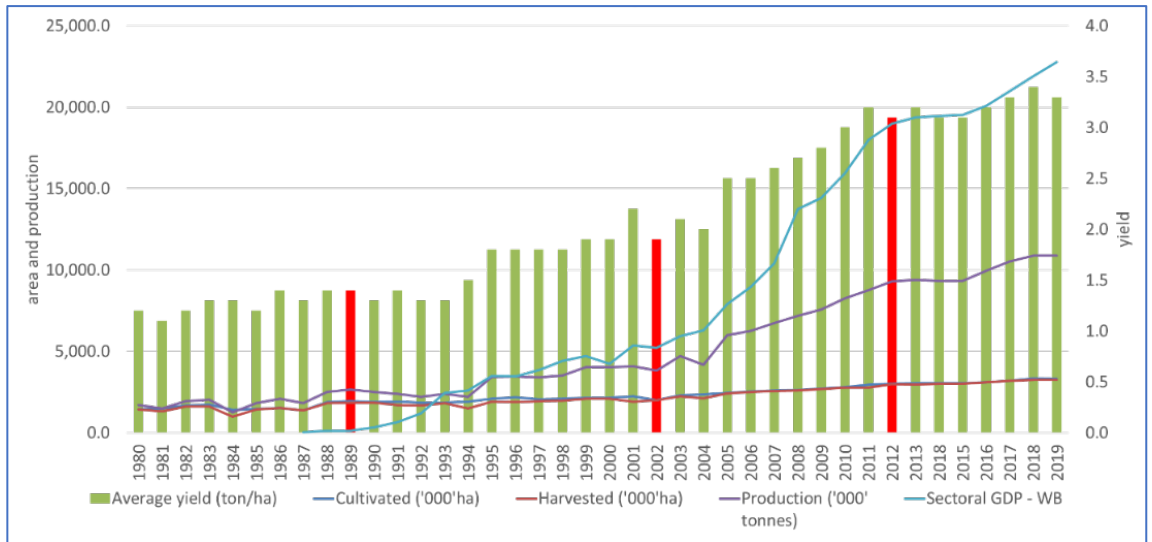
Economic Land Concessions (ELCs) in Cambodia are granted for up to 99 years, up to 10,000 hectares, and allow the beneficiaries to clear land for agro-industrial purposes. However, other uses such as clear-logging or tourism development are also common. For the Cambodian government, ELCs represent an opportunity to revive the concessions economy and attract foreign investment. The legal framework for ELCs has evolved, and ELC contracts are subject to payment and must be developed within 12 months after issuance. Safeguards such as land use plans, resettlement solutions, and impact assessments must be conducted, and public consultations must be held with local authorities and residents. However, there is a lack of transparency in the attribution of ELC contracts, and the actual size and status of the concessions on the ground may differ from the area specified in the contract. Some contracts have been terminated, but the cancellations procedure is inconsistent.

¹⁵ <https://phalthy.files.wordpress.com/2006/11/thesis-final-june-25-2007.pdf>

¹⁶ <https://phalthy.files.wordpress.com/2006/11/thesis-final-june-25-2007.pdf>

4.3 Agricultural Productivity

Figure 1: Impact of land reform on agricultural production



Source: Authors' illustration based on data from different sources

The land reform policies aimed to increase agricultural productivity by encouraging mechanization, introducing new techniques, and providing necessary support to farmers. However, the success of these efforts varied depending on the region and the implementation capacity of local authorities.

It's worth noting that agriculture is the primary occupation for many Cambodians, particularly those living in rural areas. As such, rice production is a major contributor to the country's economy, and it largely depends on arable land and irrigation systems. However, there are a number of economic, social, and environmental issues that need to be addressed in order to promote sustainable development in this sector.

Cambodia is currently undergoing a shift in its agricultural development model. The focus on smallholder farmers, which was central to agricultural development efforts in the 1980s and 1990s, has given way to a promotion of foreign direct investment and large-scale agricultural modernization. As part of this shift, the government has granted large economic concessions to both domestic and foreign companies for agro-industrial investments, with the understanding that these concessions would support national development, create employment opportunities in rural areas, and restore degraded land. However, companies that receive these concessions often encroach upon land that is already being used by smallholder farmers, resulting in direct impacts on their livelihoods. This has led to conflicts between smallholder farmers and State authorities over competing claims to land. It is important to investigate how these contradictions are being addressed, as it could potentially reveal something about the nature of power and State formation processes in contemporary Cambodia.¹⁷

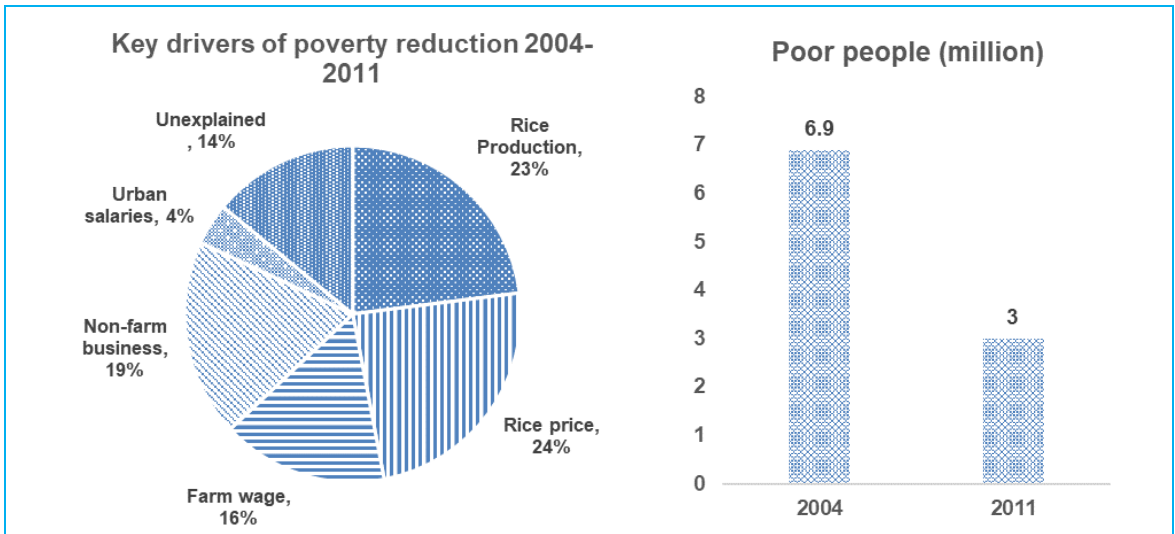
Most agricultural production in Cambodia is carried out by individual households, with 85 percent of households engaging in some form of agricultural activity in 2013. Additionally, 72 percent of households in Cambodia manage some form of agricultural holding, covering a total land area of 3.1 million hectares. However, the average agricultural land size per household is relatively small, at just 1.6 hectares. Of those households with agricultural holdings, 73 percent engage in agriculture primarily for personal consumption needs. It's worth noting that as of 2011, 29 percent of households in Cambodia were classified as agricultural landless.

¹⁷ <https://journals.sagepub.com/doi/10.1177/1868103419845520>

4.4 Reduction in poverty and social security

Land reform played a crucial role in poverty reduction, providing opportunities for the landless rural population to become self-sufficient and generate income. With improved access to land and increased agricultural production, many families could improve their living standards and escape poverty.

Figure 2: Poverty Reduction from 2004 to 2011 and Its Drivers



Source: Authors' illustration based on data from the World Bank

The previous efforts made towards land registration have raised concerns about arbitrary exclusions of communities, especially those living in high-value urban areas or near ELCs, who belong to low-income households. The Cadastral Commission, responsible for overseeing land registration, has faced significant challenges with bureaucracy and corruption, which has resulted in a slow pace of registration. These issues are attributed to limitations in law enforcement and irregularities in the implementation of existing legislation rather than the absence of policy.

The development of areas where many poor people live can often have a negative impact on their daily lives, leading to a loss of confidence in the government. Most of these areas are occupied by squatters who lack legitimate documents and can be easily intimidated by the authorities. Additionally, these areas are often owned by wealthy individuals who possess legal documents, such as titles of ownership that allow them to legally evict the squatters. As a result, the development of these areas usually worsens the situation for the squatters, as they may be forced to move to other areas without proper infrastructure. This situation can lead to feelings of despair among the squatters, who may see the government as failing to improve their standard of living and exacerbating their already poor conditions. Eviction can be a particularly traumatic experience, leading to disconnection between family members and financial strain. Children may be forced to drop out of school if they cannot access it, and families may face food shortages and other difficulties due to the separation of their living arrangements.

The wealthy landowners who own these squatter areas may also be affected by government orders, as the land has not been regulated firmly by the rule of law. Political leaders may use their power to benefit themselves, leading to a lack of trust in governmental institutions. Although laws and regulations exist in Cambodia, their effectiveness largely depends on the competent authorities' implementation. However, these authorities may sometimes make decisions that favor powerful individuals or political issues, leading to a lack of trust in the justice system. This situation can leave the poor feeling hopeless and without access to justice.

It was on May 28, 2006, when the Prime Minister made an announcement about his intention to abolish some of the decisions made by local cadastral authorities and provincial/municipal administrations who granted

land ownership to the wealthy or influential individuals. However, he failed to address the issue of holding the relevant authorities accountable for issuing the titles improperly. This trend is indicative of the political culture in Cambodia, often ignoring the rule of law.¹⁸

Although the 2001 Land Law recognizes the right to possession until August 30, 2001, legal protection for poor squatters is still limited. The lack of legal documents to prove ownership is a major disadvantage for the poor, who do not have the knowledge or financial resources to protect their property rights. In contrast, the rich pay more attention to legal documents to protect their property rights, leaving the poor more vulnerable. The absence of a land tax also exacerbates the problem, as it fails to encourage landowners to invest in or make use of their land and gives squatters an opportunity to settle on empty land. This trend causes local authorities to have less responsibility for land management in their territory, while the chaotic resettlement movement from vacant plots of land is difficult to stop.¹⁹

However, The Land Law of 2001 in Cambodia fails to provide the necessary legal tools to restrict land speculation, leading to a rise in land atomization. The free-market principles encourage the poor to sell their land to speculators who understand that the area is targeted for development by the government. This results in more landless people who put pressure on the government, but any drastic intervention by the government could harm the rural poor. The rich can buy unlimited hectares of land and easily obtain title to land, causing land that is meant for speculative purposes to be bought up. Without restricting land acquisition, land speculation can never be prevented. The social problems arising from food shortages exacerbate the country's development, leading to illiteracy and making it challenging for a country to develop in every field.

4.5 Political stability

The land reform program aimed to promote social equity and reduce inequality. Addressing land concentration and providing land ownership to the landless helped reduce social tensions and grievances related to land disputes. This contributed to political stability in the country.

The issue of inaccurate land management is a serious concern as it erodes public trust in the government's institutions. The efficacy of implementing laws and regulations is heavily reliant on the competence of government agencies. However, in Cambodia, the authorities often decide cases in favor of individuals who may benefit them, which undermines the credibility of the legal system. In cases that involve political issues or powerful individuals, local authorities may be hesitant to make decisions and may instead refer the case to higher authorities or even the Prime Minister.²⁰

With rising demand for land due to Cambodia's integration into the global economy, land has become a valuable resource that replaces the diminished forest. However, poorly demarcated and managed state land allows for the expropriation of land through legal instruments. The country's political instability, including the civil war and political dilemmas, has resulted in an improper implementation of land laws and regulations. The ruling party's intervention in land disputes can exacerbate the legal system, making it more likely for land disputes to depend on political leaders for resolution. This has resulted in many people suffering from the improper implementation of laws and regulations.²¹

Land and related policy and law reform in Cambodia have been influenced by diverse interests within the bureaucracy and government apparatus, state-linked business elites, donor agencies, and civil society. This has resulted in significant tension between policies that aim to attract foreign investment through large-scale concessions and the protection of land rights for smallholder farmers and indigenous people. Additionally, there has been tension between formal legal commitments to land formalization through individual and communal land titling and a lack of government commitment to a transparent process of state land (re)classification and mapping.

Unfortunately, since the passing of Cambodia's Land Law in 2001, there has been an increase in the number of Cambodian citizens who face land tenure insecurity, forced evictions, land-grabbing, and other violations of the land laws. While systematic land titling has made significant progress in issuing land titles in the agricultural lowlands areas where land is not disputed, most people in the rural uplands have not been able to register for land titles or have been excluded from these rights. The process of state land classification

¹⁸ <https://phalthy.files.wordpress.com/2006/11/thesis-final-june-25-2007.pdf>

¹⁹ <https://phalthy.files.wordpress.com/2006/11/thesis-final-june-25-2007.pdf>

²⁰ <https://phalthy.files.wordpress.com/2006/11/thesis-final-june-25-2007.pdf>

²¹ <https://phalthy.files.wordpress.com/2006/11/thesis-final-june-25-2007.pdf>

has worked by default, with the granting of economic concessions being the trigger for the reclassification of state-public land to state-private land. Meanwhile, the government has deprioritized allocating state land to SLCs, rendering the key redistributive mechanism for the landless and land-poor ineffective.

Order 01 introduced a new element to Cambodia's land reform process. It included a moratorium on ELCs and a land titling campaign to fast-track private land registration on forest land and other state land targeting areas with land disputes. Farming households previously branded as "illegal settlers", including those inside ELCs and in Protected Areas, suddenly became eligible – and many received – full property title through "donation." This dramatic change in policy direction and the speed at which it was implemented in 2012-2013 took many by surprise. Recent government initiatives amounted to recognition that something had gone wrong and that the land crisis had begun to threaten the country's stability.

Modifications in the system are more likely to be politically driven than to reflect a long-term strategy for reversing current land and developmental inequalities. On the other hand, Order 01 also provided new possibilities for some communities under certain contexts to advocate for the formal recognition of their land through titles.

For the private sector, domestic companies have had little impetus for more accountable and transparent land governance. More reform-minded domestic and foreign companies may want to see improvements in resolving Cambodia's land conflicts and a more streamlined process for approving and obtaining land concessions. Conflicts with local communities and allegations of illegal land grabs can pose significant risks to investors and increase their exposure to judicial claims.²²

4.6 Economic growth

The redistribution of land and increased agricultural productivity, combined with other economic reforms, contributed to increased Foreign Direct Investment and to economic growth in Cambodia. The agricultural sector remains a significant contributor to the country's GDP, and the land reform played a crucial role in strengthening this sector.

Cambodia, with 84% of the population living in rural areas, has faced significant land issues in recent decades, leading to landlessness and inequality. Speculative land causes extreme imbalances in resource allocation, with influential people and civil servants using their knowledge of the law to acquire land ownership at the expense of the poor. A recurrent land dispute over titling has resulted in a serious destruction of the livelihood of the poor. Speculative land is also a rudimentary cause of poverty and income inequality, with unequal access to land acquisition leading to a large gap between the rich and poor.

Table 1: Foreign Direct Investment in Agriculture Sector from 1994-2017

SUBSECTORS	PROJECTS	FIXED ASSETS (US\$)	% OF FIXED ASSETS
Agro-Industry	98	3,537,035,284	57.975
Rubber Plantation	67	1,643,469,505	26.94%
Rice mill	27	551,735,783	9.04%
Plantation (other)	41	212,052,208	3.48%
Other	10	95,220,556	1.56%
Animal Farming	9	48,313,940	0.79%
Flour	3	6,641,400	0.11%
Fishery	1	4,951,325	0.08%
Tobacco	1	2,164,800	0.04%
Total	257	6,101,584,801	100%

Source: The Council for the Development of Cambodia. (2018). Analysis of Capital by Sector Approved from 01.08.1994 to 31.12.2018

²² https://www.mekonglandforum.org/sites/default/files/Political_Economy_of_Land_Governance_in_Cambodia_FA.pdf

Table 2: Cambodia's macro poverty outlook indicators (annual percent change)

	2019	2020	2021	2022e	2023f	2024f
Real GDP growth, at constant market prices	7.1	-3.1	3	4.8	5.2	6.3
Price Consumption	7	-0.8	10.9	-8.3	1.2	2.1
Government Consumption	10	12.5	-24.1	4	12	17.8
Gross Fixed Capital Investment	6.9	11.2	35	-11.5	-0.2	14.7
Exports, Goods and Services	7.8	1.1	2.9	16.5	12.6	12.3
Imports, Goods and Services	6	7.3	48.7	1.2	6.5	9.3
Real GDP growth, at constant factor prices	6.8	-3.1	2.8	4.3	5.2	6.3
Agriculture	-0.5	0.4	1.1	1.3	1.5	1.5
Industry	11.3	-1.4	7.4	8.6	9.1	9.2
Services	6.2	-6.2	-1	0.9	2.6	4.9
Inflation (Consumer Price Index)	1.9	2.9	2.8	6	4.2	3.8
Current Account Balance (% of GDP)	-15.2	-12.4	-41.9	-25	-15.5	-12.5
Net Foreign Direct Investment Inflow (% of GDP)	13.2	13.5	12.4	12.4	13	14.2
Fiscal Balance (% of Gdp)	1.5	-4.9	-6.7	-5.8	-5.4	-4.4
Debt (% of GDP)	28.2	36.1	35.3	35.1	35.1	35.7
Primary Balance (% of GDP)	1.9	-4.3	-6.1	-5.2	-4.8	-3.8
GHG emissions growth (mtC02e)	1.9	-1.3	-0.4	1.7	2.5	3.3
Energy related GHG emissions (% of total)	19.3	18.5	18.3	19.4	20.9	22.8

Source: World Bank, Poverty & Equity and Macroeconomics, Trade & Investment Global Practices. Emissions data sourced from CAIT and OECD. Note: e = estimate, f = forecast.

The growth of land speculation has a significant impact on economic development, with an increase in titleholders leading to more landless people. There is no restriction on the selling of land, leading to new landowners buying land and waiting for high market prices without improving land use conditions. This has a serious impact on land productivity, making it difficult for an agricultural country to improve its economic growth through agriculture. Land inequality, resulting from a defect in law, is a serious impediment to economic development.²³

The Land Law of 2002 was enacted to acknowledge the need for a stronger land tenure system, as well as improved land management and administration, to drive economic and social development in Cambodia. The law identifies three types of land ownership: state public property (such as forests and protected areas) for resource conservation, state private property for economic and social development, and private property (such as residential or agricultural land). Private ownership, in turn, can take the form of individual, communal, undivided, or co-ownership.²⁴

5. Impact of Land Reform at the Sub-national Level

This section delves into the sub-national impact of land reform, specifically through detailed interviews with key stakeholders in the coastal provinces of Kampot and Kep. These interviews were meticulously conducted to gather nuanced insights from those directly involved in or affected by the land reforms. The choice of Kampot and Kep for this study was strategic, emphasizing the importance of recent qualitative evidence to complement and enhance the national-level findings, which were based on comparatively older and potentially less representative secondary data. The qualitative research in these provinces aimed to capture the contemporary experiences and perspectives of local stakeholders, providing a more granular and current understanding of land reform impacts. This approach ensures a robust comparison and a richer overall analysis by integrating fresh, primary data with secondary sources. This research initiative was carried out by a dedicated group of students who received expert guidance and supervision from the authors.²⁵

Kampot Province

Covering an area of approximately 4,873 km² with a population nearing 720,000, Kampot boasts a diverse landscape that includes potential tourist attractions, coastal regions, industrial zones, and mountainous terrain. In partnership with the Asian Development Bank (ADB), the administration of Kampot has registered

²³ <https://phalthy.files.wordpress.com/2006/11/thesis-final-june-25-2007.pdf>

²⁴ <https://www.fao.org/3/a0306t/A0306T08.htm>

²⁵ The collaboration between students and the authors underscores a commitment to academic mentorship and the cultivation of research skills among emerging scholars. Students from National University of Management involved in this study includes Mr. Ren RithyDen, Ms. Rith Somaly, Ms. Manh Pisal, Ms. Kim Sophors, Mr. Siv HengSrun, and Ms. Chhum Sochana.

land rights titles for the province's two towns, achieving an 80% registration rate for the land used in the province, equivalent to 660,000 land titles. The completion of the remaining 20% is projected for 2025.

The land reform program in Kampot has markedly influenced its residents and overall development. The formalization of land ownership enables residents to leverage their land assets by either selling them or using them as collateral for loans to finance business ventures. Furthermore, the program facilitates agricultural diversification, allowing for the cultivation of mixed and new crops that meet market demands. Notably, land conflicts among residents have decreased by 85 percent to 90 percent, with most disputes occurring between residents and large companies, and a minority among villagers. The industrial zone in Kampot benefits from six cement factories and five international ports, enhancing both national and international trade activities.

Despite these successes, the land reform program faces several challenges. A significant number of residents have relocated, complicating efforts to complete land title registrations. Additionally, the registration process can incite conflicts among neighbors. Furthermore, some residents occupy public land, claiming it as private property, while others struggle with understanding the new land measurement systems. The slow pace of the land reform's implementation is partly due to limited collaboration from beneficiaries, a situation exacerbated by the COVID-19 pandemic, which has imposed additional constraints.

Since 2019, Kampot's administration has been addressing these challenges by accelerating the registration process using QR codes for systematic titles, transitioning from certificates of land use rights, soft titles, and white titles, which are typically sporadic. To mitigate land conflicts, governors prefer resolving issues locally rather than resorting to judicial proceedings.

In summary, the land reform program in Kampot has largely been successful, enabling residents to maximize the use of their land and contributing significantly to the development of the tourism sector and overall provincial growth.

Kep Province

Kep, known initially as Krong Kep Bokor and established in 1994, spans 336 km² and has a population of approximately 45,000. It includes 12 islands and a 5,000-hectare national park. Notably, Kep was the first province in Cambodia to become mine-free in February 2002. The province's city is strategically built along the seaside.

Between 1989 and 1992, Cambodia experienced four phases of land distribution, with the initial phase forming "production solidarity groups" (Krom Samakki Bongko Kongkaeun Phol). However, this phase was disrupted by the Pol Pot invasion, particularly around Phnom Val during 1991-1992. During this period, the government continued land registration for residents, issuing "soft titles" granted by city or district governors to transfer possessory rights over unregistered property. This land distribution process, however, led to conflicts between residents and authorities, as the new land distribution maps were not aligned with resident expectations.

In 2001, under Anokrat 46 and 48 of the land law and with UNESCO's support, the government received the authority to distribute land at the village level. Consequently, 270 hectares and 900 hectares of land were distributed to residents on May 5, 2012. The government aims to complete land registration by 2022 and resolve all conflicts by 2023.

Post-land reform, the positive impacts were significant. The clearance of mines in 2000 enhanced living conditions and livelihoods, enabling residents to sell and own land without conflicts. The decrease in land tenure conflicts fostered societal peace and equality, encouraging effective land use and increased agricultural production. The governor designated Phnom Kon Seak and Phnom Vor for vegetable cultivation, contributing to the rise of agrotourism and attracting more visitors. Infrastructure developments, such as roads and ports, were also facilitated.

However, land reform also brought some challenges. Certain residents cannot fully utilize their land due to area-based use limitations. The National Park for Biodiversity has seen its size reduced from 5,000 hectares to 981 hectares due to land invasions. Additionally, some land is bought for speculative purposes without intentions of development, leaving areas unused and undeveloped. Despite these challenges, the lack of industrial development and land concessions has preserved the environment.

Several persistent issues remain. Land tenure conflicts, stemming from discrepancies between the 2001 and 2007 land laws, continue to affect seven families, a situation anticipated to persist until 2024. Moreover, many lands owned by wealthy residents remain abandoned and undeveloped. Between 2006 and 2009, governors urged residents to develop their land, but participation was low due to a lack of understanding of the government's intentions. Furthermore, the primary occupations of residents, mainly fishermen and sellers, impede clear land occupation strategies.

The support infrastructure for tourism and accommodation, such as on Koh Tonsay, is underdeveloped due to a lack of skilled human resources and financial support. Despite requests for funding from benefactors and French sources, limited financial backing continues to pose a challenge.

Overall, the four phases of land reform in Kep have significantly contributed to economic growth by enabling land transactions, increasing agricultural production, and promoting agrotourism. Infrastructure improvements have been made, leading to a more peaceful and equitable society. Nonetheless, land exploitation remains limited and dependent on area-specific constraints and resident participation. The provincial government plans to complete the registration of approximately 7 million land titles (with each family owning around 3-4 titles) by 2025. To further alleviate land tenure conflicts, a mini-project initiated in 2019 involves a team of six members working with villagers to adhere to the government's land ownership policy.

6. Emerging Challenges

The land reform policies also faced challenges, including inadequate infrastructure, limited technical knowledge and human resources due to migrations, and a lack of effective dispute-resolution mechanisms. These challenges further contributed to land tenure conflicts, undermining the reform's intended goals.

Cambodia has been making progress in the development of its land reform agenda. The MLMUPC has set up strong mechanisms for systematic land registration, indigenous land registration, and social land concessions, among others. However, the full implementation of these mechanisms remains a challenge. Other frameworks for state land management have been developed but are still not consistently implemented. Land disputes and evictions continue to be a significant problem in Cambodia. While the government has made significant progress in developing policies and frameworks for land, it still has some way to go to achieve its objectives.²⁶

The government's land policy strategy framework (Royal Government of Cambodia 2002b) aims to create a state land inventory and classification system that can protect areas of public interest and maximize the benefit that the state gets from the sale, lease, and concession or possession rights of land in the private domain. However, the notion of "benefit to the state" is complex and subject to different and contradictory interpretations, making this a central debate in contemporary land reform.

A sub-decree outlines the mechanisms for state land management and classification (Royal Government of Cambodia 2005c), but in reality, it has only proceeded marginally due to a lack of government commitment and resources for state land mapping and classification. The process of state land classification and mapping seems to work by default through the granting of economic concessions and by occasionally granting Social Land Concessions and community entitlements.

The inefficiency of state land management is also due to the absence of a sound and multi-level integrated land use planning system that would develop, organize, and protect the entire territory through integrative and strategic territorial planning mechanisms.

In areas where land use is changing, such as when agricultural land is converted to commercial or industrial uses, rival claimants may produce different kinds of documentation to legitimize their claim due to the absence of clear administrative roles and legal procedures and the lack of accurate and well-organized land tenure data. Despite the presence of a formal land-governance institution regulated by the state, most land holdings remain outside state regulation. Many rural families lack secure title or ownership of their land, and most people hold land without appropriate documentation. The land law and contract decree No. 38, or the

²⁶ <https://opendevelopmentcambodia.net/topics/land-policy-and-administration/#ref-73683-2>

"Law Referring to Contract and Other Liabilities," recognizes the first person who registered the land as the legal owner.

Forced transactions are a source of tenure insecurity, as powerful individuals such as tycoons and government officials may force landowners to sell their land at an offered price determined by the buyer. This is often the case before the development of new infrastructure when speculators buy up large tracts of land in anticipation of a high return once the infrastructure is in place.

When conflicts arise over land ownership, the courts have the power to decide who the legal owner is. However, the Cambodian courts are highly politicized and corrupt, leaving the poor with no place to seek legal remedy. In urban areas, the state expropriates land for private housing development, while in rural areas, land is taken for agro-industrial development. Both types of development involve the government's expropriation of large land areas for the benefit of private companies, often through dubious means.

Land titling and promotion of land markets in the lowland regions contradict the historically established institutions of peasants, leading to private enclosure of land and disembodiment from its social fabric. In the uplands, land reforms have been implemented in the context of the post-war political economy fueled by the extraction of natural resources. The state's allocation of forest and agro-industrial concessions has undermined the security of peasants' land tenure. The existing state land management instruments are not robust enough to address power imbalances in the upland areas. The processes of land rights formalization in lowland and upland areas are not articulated, leading to new forms of land tenure fragmentation. Greater attention should be given to articulating different land tenure regimes that bring peasant movements and migration back to the center of the debate to ensure more secure land access for peasants.

In Cambodia, the government's ability to collect and use information about land tenure, land use, and production has been severely impacted by years of war and civil conflict. The country faces significant constraints in terms of human resource capacity and financial resources for data collection, making it challenging to provide secure land tenure for farming households and manage state land resources effectively.

It is crucial to have a well-organized and maintained land tenure database to safeguard individuals' ownership and contractual use rights in rural and urban areas. Secure land tenure promotes investment in productive agricultural practices and better access to formal credit. So, land tenure databases should include a wide range of factors and be linked to other databases on agricultural production, productive assets, and capital mobilization. Such linkages provide policymakers with important insights into areas that require more attention. A comprehensive and reliable land tenure database system is not feasible without effective arrangements for managing state land, including economic and social land concessions. Three initial steps are required: identifying and mapping state land, registration and classification of state land, and creating and maintaining the state land maps and database. Existing occupancy and land use must be identified, and a type of land use suitability mapping must be conducted, including databases associated with soil type classifications and water resources availability.

7. Conclusions and policy Recommendations

Land reforms in Cambodia have had both positive and negative effects.

Positive effects

Increased land tenure security: Land reforms have aimed at providing formal land titles to farmers and indigenous communities, thus ensuring their rights and protecting them from forced evictions and land disputes.

Reduction in poverty: By redistributing land to landless farmers and marginalized communities, land reforms have helped alleviate poverty and promote rural development.

Agricultural productivity improvement: Land reforms have encouraged investment in agricultural infrastructure and technology, leading to increased productivity and improved rural livelihoods.

Social stability: By addressing historical injustices and reducing land conflicts, land reforms have contributed to enhanced social stability and reduced inequality.

Negative effects

Displacement of vulnerable groups: Land reforms have not always been implemented smoothly, resulting in the displacement of vulnerable groups, such as indigenous communities, who may face difficulties adjusting to new areas or lose access to their traditional resources.

Inequitable distribution of land: Despite efforts to redistribute land, there have been cases of influential individuals or corporations benefiting more, leading to unequal distribution of land resources.

Lack of enforcement: Weak enforcement and corruption in implementing land reforms have undermined their intended outcomes, allowing powerful actors to circumvent land laws and exploit resources unlawfully.

Environmental degradation: Large-scale land conversions for commercial purposes, driven by land reforms, have sometimes resulted in environmental degradation, deforestation, and biodiversity loss.

Policy recommendations

The following policy recommendations aim to maximize the positive socio-economic impacts of land reform while minimizing the negative consequences. It is essential to consider Cambodia's specific context and needs in implementing these recommendations while also acknowledging the importance of stakeholder collaboration and participatory decision-making processes.

Secure Land Tenure Rights: Establish clear and enforceable land tenure rights for all citizens, including marginalized groups such as indigenous communities and small-scale farmers. This will foster confidence in the system and reduce conflicts and displacement.

Strengthen Land Registration and Administration: Invest in digitized land registration systems, ensuring transparency, efficiency, and accuracy of land records. This will reduce land disputes and corruption and facilitate investments and economic growth.

Promote Equitable Land Redistribution: Implement a fair land redistribution program that prioritizes the needs of landless or land-poor farmers, ensuring they have access to productive land. Consider family-based or cooperative land management approaches to enhance productivity and social cohesion.

Enhance Land Use Planning: Develop comprehensive land use planning frameworks considering ecological sustainability, agricultural productivity, and infrastructure development. Encourage multi-stakeholder participation to ensure fair representation and inclusivity.

Strengthen Agricultural Support Systems: Provide necessary support to small-scale farmers through improved access to credit, technical knowledge, irrigation facilities, and market linkages. This will enhance productivity, income generation, and food security.

Protect Environmental Sustainability: Enforce strict regulations on land use practices to prevent deforestation, soil degradation, and unsustainable exploitation of natural resources. Encourage the adoption of climate-smart agriculture techniques to mitigate the impacts of climate change.

Ensure Social Safeguards: Implement comprehensive social safeguards to protect vulnerable populations affected by land reform. This includes providing compensation, alternative livelihood options, and access to basic services like healthcare and education.

Strengthen Legal and Judicial Institutions: Invest in capacity building and resources for legal and judicial institutions to ensure effective and timely resolution of land disputes. This will promote a sense of justice and confidence in the land reform process.

Foster Transparent Governance: Promote accountability, transparency, and citizen engagement in the land reform process. Establish mechanisms for public consultation, grievance redressal, and monitoring to ensure the fair implementation of policies.

Monitor and Evaluate Impact: Continuously monitor and evaluate the socio-economic and environmental impacts of land reform policies. Regular assessment will help identify any unintended consequences and enable policymakers to make necessary adjustments.

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