

## **LESSONS LEARNED**

### **Experiences from the Implementation of Social Land Concessions in Cambodia**

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### Disclaimer

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## SUMMARY

The Cambodian Land Law from 2001 guides all aspects of land administration and management in Cambodia. According to this law, only land peacefully occupied and used before August 2001 can be titled to private individuals as a full ownership (freehold). Furthermore, the law establishes land concessions for social purposes as a legal mechanism to permit the transfer of state private land to private individuals or groups. A so called Social Land Concession (SLC) may be utilised in a variety of situations where there is a social need for land, e.g. residential land shortages, landlessness, resettlement, distribution of de-mined land, development of housing and subsistence plots for plantation workers.

Identification of suitable land posed the biggest challenge to the initiation of SLCs. In general, land for SLCs should originate from three sources: cancelled Economic Land Concessions (ELC), recovered illegally occupied lands and degraded forestland. Furthermore, the Sub-Decree on SLCs requires that land must be vacant and conflict-free in order to be considered for a SLC. Despite its legal status as state land, vacant state land resources of sufficient size are very rare in rural Cambodia. Overall, the process of land identification, mapping, classification and registration of SLC takes long time due to bureaucratic procedures and involvement of various institutions at different administrative levels.

The Land Allocation for Social and Economic Development Project (LASED)<sup>1</sup>, a fully donor-funded government project, supported the implementation of the Royal Government of Cambodia's SLC Program by distributing land and providing support and infrastructure to improve the livelihoods of the landless and land-poor. In total, 5,953 households applied to be included as land recipients in a SLC scheme. Land recipient selection was based on the criteria formulated in the Sub-Decree on SLCs. 3,148 recipients were selected based on transparent mechanisms and participatory selection processes that included the "ID Poor System" as well as their current land holdings. During the overall process, 678 complaints were received related to the land recipient selection. All complaints were reviewed and screened against the selection criteria. However, the biggest challenge posed the integration of existing settlers at the proposed SLC site as well as assessment of their rights to the land.

Overall, procedures and legal requirements have been adhered to while implementing the measures. With all its challenges, SLCs have been established as a legal tool to distribute land to poor households without access to sufficient land for living and food production. The legal basis is well developed and corresponds to the overall land policy. All necessary procedures are outlined in detail and have been adequately proven for implementation in rural Cambodia. Legal, technical and operational procedures and experiences on SLC implementation have been continuously improved. All in all, the costs involved in implementation of SLC schemes are high. This makes it very difficult to replicate the approach without additional donor support. Due to the socio-economic constraints of the target group, the implementation of SLCs requires a long-term engagement and an integrated development approach in order to secure the livelihoods of the land recipients. The lessons learned assessments presented in this document are also based on

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<sup>1</sup> LASED was a project of the Royal Government of Cambodia (RGC) with financial support provided by the World Bank and technical assistance provided through German Development Cooperation. It was implemented in 2008 and ended in March 2015. The credit and grant amount of 13 million USD covered the cost associated with the implementation of SLCs in six communes, allocating 10,273.13 ha of land and benefiting 3,148 land recipients.

experiences in the areas of improvement of livelihoods, poverty reduction as well as local economic development and rural infrastructure. These experiences show how important integrated and interlinked approaches are.

# 1. BACKGROUND

## 1.1. SOCIAL LAND CONCESSIONS AS PART OF THE CAMBODIAN LAND POLICY

The **Cambodian Land Law (2001)** guides all aspects of land administration and management in Cambodia. It sets a clear cut-off date administering private rights to land. According to this law, only land peacefully occupied and used before August 2001 can be titled to private individuals as a full ownership (freehold). The law establishes land concessions for social purposes as a legal mechanism to permit the transfer of state private land to private individuals or groups for social purposes and specifically for residential and family farming. A SLC may be utilised in a variety of situations where there is a social need for land, e.g. residential land shortages, landlessness, resettlement, distribution of de-mined land, development of housing and subsistence plots for plantation workers. Other circumstances may also qualify for a SLC, including the provision of land to victims of natural disasters, demobilized soldiers or families of disabled soldiers or those killed in the line of duty. The introduction of SLCs gives for the first time a legal instrument to allocate land to private households which have no land or very limited land resources available for residential or production purposes. The implementation of SLCs is guided by the following legal documents:

The overall guideline is provided through the **Policy Paper on Social Land Concessions in the Kingdom of Cambodia (2002)**. This policy outlines SLCs in the framework of state land management and defines responsibilities and implementation procedures.

The **Sub-Decree on Social Land Concessions (2003)** states: “Social Land Concession is a legal mechanism to reclassify public to private state land for social purposes for those poor who lack land for residential and/or family farming purposes.” Furthermore, the Sub-Decree on SLCs sets out the requirements for SLC planning.

The **Prakas on Guideline for Implementing Sub-Decree on Social Land Concession (2003)** provides the practical guideline for implementation of SLCs. It describes the necessary steps to be undertaken to initiate and implement a SLC scheme.

Furthermore, the **LASED Implementation Manual on Commune Council Initiation of Social Land Concession Projects (2006)** guides the Commune Land Use Planning Steps in line with the Sub-Decree on Social Land Concessions and the Commune Development Planning Process.

The **Guideline on Approach and Methodology for Establishing an Integrated Extension Mechanism for Social Land Concession Beneficiaries (2006)** summarises the proposed extension approach.

With the signing of **Directive 001/BB (2012)** an additional instrument to donate land to individual households has been introduced. In contrast to the SLC approach, which requires adherence to conditions outlined in an agreement signed by the land recipients and includes a waiting time of five years to qualify for the allocation of a land title for the new land, donation of land under Directive 001 is administered instantly and unconditionally. The **Manual on Implementation of Order 01 (2012)** summarises various notifications and instructions related to the implementation of Directive 001/BB.

The **Sub-Decree No. 118 on State Land Management (2005)** guides the registration, classification and reclassification of state public and state private land. It also stipulates the possibility of granting state land for SLCs, ELCs or other concessions. **Prakas No.42 on Identification, Mapping and Classification of State Land (2006)** provides further technical guidance.

For the elaboration of this document all above-mentioned legal documents have been analysed with regard to their implications for SLC schemes in Cambodia.

## **1.2. THE LASED PROGRAMME**

The Land Allocation for Social and Economic Development Project (LASED) was a project of the Royal Government of Cambodia (RGC), with financial support provided by the World Bank and technical assistance provided through German Development Cooperation.

LASED supported the implementation of the RGCs SLC Program by distributing land and providing support and infrastructure to improve the livelihoods of the landless and land-poor. LASED had two main objectives: (1) introduce and implement a transparent and standardized process for expanded implementation of locally initiated SLCs; and (2) distribute state land suitable for agriculture, together with appropriate support to qualified landless and land-poor households. It was a pilot project to test and further develop the approach of distribution of state-owned land to landless and land-poor households in Cambodia.

LASED was implemented in 2008 by the RGC. LASED officially ended in March 2015. Initially, LASED was designed as a multi-donor pilot project with rather ambitious quantitative targets in terms of land area to be distributed and number of beneficiary households. Among others, initial program targets and project indicators included the distribution and official land titling of around 50,000 ha agricultural state land to at least 10,000 households formerly having little or no land.

Overall, the project has been introducing and testing the necessary legal, institutional, organizational and technical requirements for a countrywide mechanism for the identification of land and beneficiaries for commune-based SLCs and the appropriate means of social and economic support for the target land recipients.

Until March 2015, the credit and grant amount of 13 million USD covered the cost associated with the implementation of SLCs in 6 communes, allocating 10,273.13 ha of land and benefiting 3,148 land recipients in the Provinces of Kampong Thom, Kratie and Tboung Khmum (former Kampong Cham).

LASED has implemented 9 SLCs<sup>2</sup> in 6 communes, allocating 10,273.13 ha of land and benefiting 3,148 land recipient families. The table below provides details about land recipients and allocated land per site.

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<sup>2</sup> This figure varies in the different reports as some sites have been combined and counted differently. However, the overall amount of beneficiaries as well as area remains the same.

Table 1 Overview of target SLCs and sample size

SLC	District	Province	Lottery date	Total number of land recipients	Total number of beneficiaries
Tipou 1	Santuk	Kampong Thom	11/2010	479	2,142
O Thom (Tipou 2)	Santuk	Kampong Thom	12/2012	300	1,405
Dar	Chet Borie	Kratie	11/2011	402	1,841
Thmey 1	Chet Borie	Kratie	02/2012	269	2,066
Thmey 2	Chet Borie	Kratie	09/2012	163	
Chambok	Preaek Prasab	Kratie	11/2012	400	2,336
Sambok-Changkrang 1	Chet Borie	Kratie	11/2008	525	4,292
Sambok-Changkrang 2	Chet Borie	Kratie	12/2010	360	
Choam Kravien	Memot	Tboung Khmum (former Kampong Cham)	02/2009	250	1,184
<b>Summary</b>				<b>3,148</b>	<b>15,260</b>

Table 2 Overview of land distribution

SLC	Total area (ha)	Number of land recipients who received		
		residential and agricultural land	residential land only	agricultural land only
Tipou 1	1,508.00	431	0	48
O Thom (Tipou 2)	1,335.44	300	0	0
Dar	572.37	280	16	106
Thmey 1	923.90	213	5	51
Thmey 2		135	3	25
Chambok	1,163.20	256	0	144
Sambok-Changkrang 1	3,906.57	273	20	232
Sambok-Changkrang 2		278	30	52
Choam Kravien	863.65	250	0	0
<b>Summary</b>	<b>10,273.13</b>	<b>2,416</b>	<b>74</b>	<b>658</b>

The timeline for the implementation of LASED SLCs is summarised in the following table.

Table 3 Overview of the timeline of Social Land Concession implementation

SLC	Date of SLC registration	Land Recipient Selection			
		Date of announcement for application	Deadline for land recipient application	Date of land distribution (lottery date)	Date when settling-in of land recipients started
Tipou 1	21/05/2010	01/03/2010	15/03/2010	11/2010	12/2010
O Thom (Tipou 2)	10/04/2012	01/08/2011	30/08/2011	12/2012	12/2012
Dar	20/09/2010	17/09/2009	17/10/2009	11/2011	09/2012
Thmey 1	10/02/2012	06/06/2011	23/06/2011	02/2012	09/2012
Thmey 2				09/2012	
Chambok	24/10/2012	29/03/2012	12/04/2012	11/2012	
Sambok-Changkrang 1	10/07/2007	27/01/2007	27/02/2007	11/2008	06/2009
Sambok-Changkrang 2		06/06/2007	26/06/2007	12/2010	03/2011
Choam Kravien	17/08/2007	12/06/2007	12/07/2007	02/2009	06/2009

In collaboration with the LASED framework but **not** as part of LASED, a number of additional SLC sites have been implemented with support by NGOs. The sites and beneficiaries are summarised in the following table.

Table 4 Overview of SLCs supported by NGOs

SLC	District	Province	Total number of land recipients	Total number of beneficiaries	Supported by
Veal Chloy	Samaki Meanchey	Kampong Chhnang	206	1,035	Life with Dignity and Japan Social Development Fund / World Bank
La-Ngim	Samaki Meanchey	Kampong Chhnang	233	1,197	
Ksach Sar	Samaki Meanchey	Kampong Chhnang	258	1,334	
Sambok Kriel	Samaki Meanchey	Kampong Chhnang	196	1,030	
Prey Thom	Aoral	Kampong Speu	400	1,884	
Preaek Preah Sdach		Battambang Town	256		Habitat for Humanity International – Cambodia
<b>Summary</b>			<b>1,293</b>		

Nevertheless, the following lessons learned are based on experiences from sites which were supported by World Bank and GIZ in the Provinces of Kampong Thom, Kratie and Tboung Khmum.

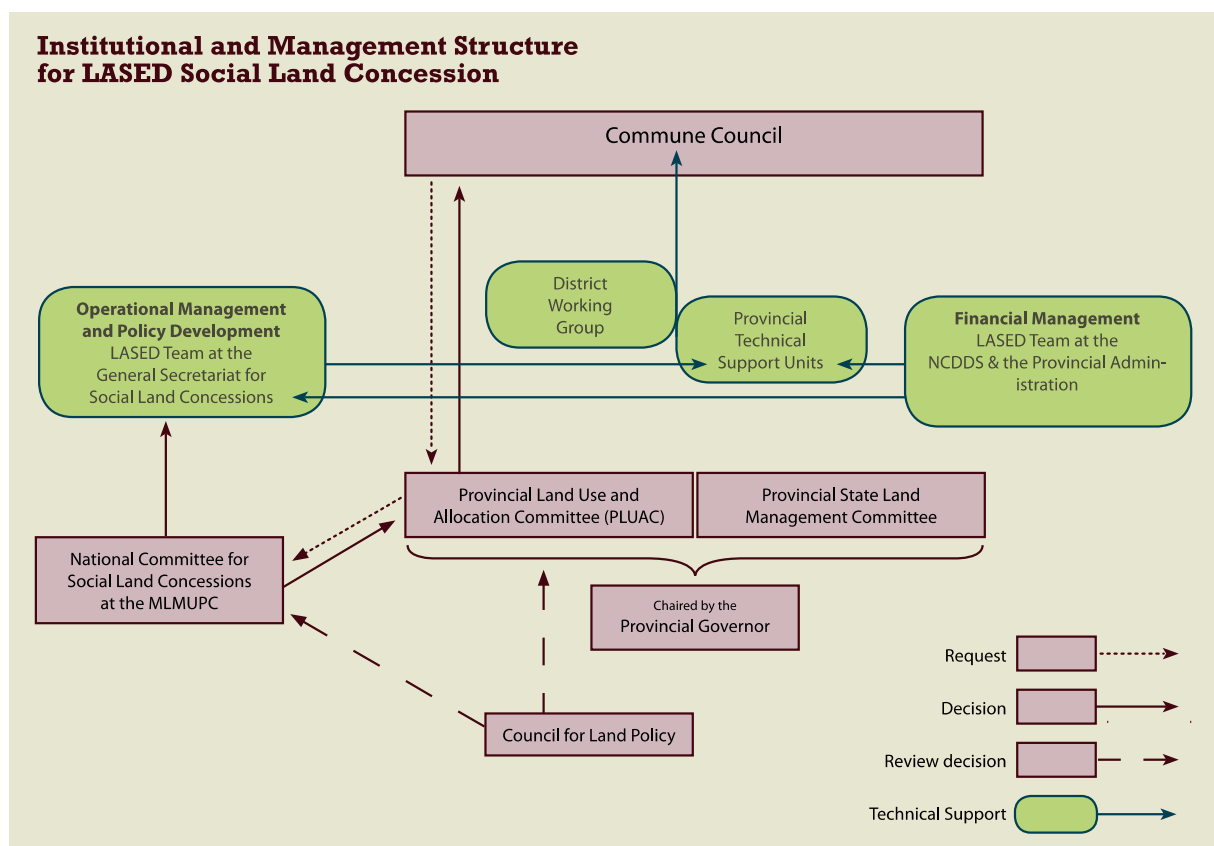


### 1.3. PROCEDURES FOR IMPLEMENTATION OF SOCIAL LAND CONCESSIONS UNDER LASED

At sub-national level, the responsibility for implementing the process lies with the provincial and district working groups under the Provincial Governor who chairs the Provincial Land Use and Allocation Committee. This committee is responsible for all decisions regarding SLCs.

Commune councils play the most important role in initiating and implementing LASED SLCs. Throughout the process, they receive technical support from the provincial and district working groups.

In general, a SLC Programme may be initiated either at local or national level depending on the complexity and scale of the envisaged programme. In either case, an approved planning process is followed. Under LASED, all SLCs have been locally initiated. The institutional mechanisms for planning and implementing SLCs under the LASED project are visualized in the following graph.



The process follows the Project Implementation Manual and outlines the following main steps:

1. Land Identification, Mapping, Classification and Registration
2. Land Recipient Selection
3. Rural Development

The detailed steps applied under LASED are outlined below:

## **0 Preparation**

This includes general project preparation including awareness raising for SLCs, capacity development and development of guidelines and procedures.

### **1 Private State Land Identification**

1. Training and Planning Workshop for DWG
2. Awareness raising and provision of information in selected commune
3. Pre-identification of proposed state private land on commune level
4. Preliminary Land Resource Assessment & state land identification & mapping
5. Public Display of map with proposed state private land
6. Collection of complaints and submission to DWG
7. Selection of state private land available and suitable for SLC
8. Submission to PLUAC and approval on Provincial level
9. Detailed Land resource assessment (LRA 2)
10. Approval from MLMUPC and registration as state private land

### **2 Target Land Recipient Selection**

1. Public notice of SLC application period
2. Application of Social Land Concession
3. Public display of applicants' list
4. Preliminary eligibility selection
5. Public village meeting to verify eligibility scoring
6. Public display of ranked list of applicants
7. Approval of ranked list
8. Public display of the priority target land recipient list and waiting list
9. Complaint
10. Land Distribution

### **3 Implementation of Integrated Rural Development Measures**

This phase includes a comprehensive appraisal of the status of development at the Social Land Concession sites as well as the provision of services and infrastructures. Agricultural extension and training forms an integral part of this phase.

Overall, the LASED Programme received support through a World Bank loan and technical support provided by GIZ. However, not all SLC sites benefitted equally. The following table summarises the type of support provided to each SLC site.

Table 4 Overview of support provided by World Bank and GIZ

SLC	Province	Supported by World Bank	Direct support by GIZ	Indirect support by GIZ (through training to the Provincial and District Working Group)
Tipou 1	Kampong Thom	yes	yes	
O Thom (Tipou 2)	Kampong Thom	yes		yes
Dar	Kratie	yes		yes
Thmey 1	Kratie	yes		yes
Thmey 2	Kratie			
Chambok	Kratie	yes		yes
Sambok-Changkrang 1	Kratie	yes	yes	
Sambok-Changkrang 2	Kratie	yes	yes	
Choam Kravien	Tboung Khmum (former Kampong Cham)	yes	yes	

### Support by World Bank

World Bank provided a grant and partial credit over a period of five years from 2008 until 2013. Four main components have been financed through the support: (A) Commune Based Social Land Concession Planning and Land Allocation; (B) Rural Development Services and Investments; (C) Sustainable and Transparent Program Development; and (D) Project Administration.<sup>3</sup>

**Component A: Commune Based Social Land Concession Planning and Land Allocation:** The component aimed to support the preparation of SLC sub-project plans, including: (i) identification, environmental and social screening and registration of state private lands for SLCs, (ii) soliciting application from screening and selecting eligible landless and land poor from the commune, and (iii) developing the SLC sub-project plan with land recipients for submission to their respective Provincial Land Use and Allocation Committee (PLUAC) for approval. The support included training, incremental operating costs and equipment for the communes, as well as provision of state land mapping registration services by Ministry of Land Management, Urban Planning and Construction (MLMUPC).

**Component B: Rural Development Services and Investments:** The component financed implementation of SLC sub-project plans, including basic SLC site preparation, first year settling in assistance for land recipient (LR) families, and second and third year rural livelihood support. Financing was for civil works, goods, technical assistance and training. The component provided grants to the commune councils, working with LRs, to contract civil works, goods, technical assistance and training services identified in approved SLC sub-project plans.

<sup>3</sup> Source: World Bank (2015): Implementation Completion and Results Report

**Component C: Sustainable and Transparent Program Development:** The component financed the development of institutional capacity at the national, provincial and district levels to support transparent and sustainable implementation of locally initiated SLCs in LASED project areas and nationally. Financing covered technical assistance, salary incentives, incremental operating costs, training, vehicles and goods for key government agencies involved in supporting locally initiated SLCs.

**Component D: Project Administration:** The component financed capacity strengthening for project implementation support including procurement, financial management and donor-specific reporting.

World Bank support focussed on all LASED Social Land Concession sites.

### **Support by GIZ**

GIZ provided assistance and support to the MLMUPC, relevant technical line departments at sub national level and commune council for technical implementation of LASED in the fields of land identification, beneficiary selection and integrated rural development.

Between January 2007 and June 2014, GIZ supported the following Working Areas:

#### **Working Area 1: Supporting Food Security and Nutrition**

Support under this Working Area included the preparation of the Food Security and Nutrition Strategy (FSNS) for land recipients as part of an Agro-Ecosystems Assessment (AEA). Furthermore, support focussed on the preparation of Development Plans, community development as well as technical support to agricultural production techniques.

#### **Working Area 2: Capacity Building for SLC**

GIZ provided training to government departments at various levels, local authorities and NGOs on all aspects of initiation and implementation of SLCs.

#### **Working Area 3: Supporting the Land Titling Program for Land Recipients**

This includes the development of procedures for land title application and issuance of titles. However, as land recipients are eligible to apply for land titles after occupation and utilization of the allocated land over a period of five years, LASED focused on preparation and awareness raising related to upcoming land titling procedures. In 2015, first land titles have been distributed to land recipients in Choam Kravien. Titling of land in other SLC areas will follow subsequently.

#### **Working Area 4: Support to National Guidelines and Manuals for SLC**

GIZ supported the development of guidelines and manuals for initiation and implementation of SLCs. In addition, experiences gained from LASED have been evaluated and lessons learned and recommendations drafted.

#### **Working Area 5: Monitoring and Evaluation**

Under LASED a number of monitoring tools have been used to study the impacts on local livelihoods. In particular, the Food and Nutrition Surveillance System and the Poverty and Economic Development Observation System (PEDOS) have been developed as additional monitoring tools based on the specific monitoring requirements of LASED.

## **2. LESSONS LEARNED**

### **2.1. LAND IDENTIFICATION, MAPPING, CLASSIFICATION AND REGISTRATION**

#### **Land Identification**

Identification of suitable land posed the biggest challenge to the initiation of SLCs. LASED SLCs have been initiated by the Commune Council. The land had been identified by the communes.

According to project documents, land for SLCs should originate from three sources: cancelled Economic Land Concessions, recovered illegally occupied lands and degraded forestland. In reality, LASED SLC sites were former degraded forestland and recovered illegally occupied lands. At that time, no land was made available from cancelled ELCs. ELCs in Cambodia are either allocated by the Ministry of Agriculture, Forestry and Fisheries (MAFF), Ministry of Environment (MoE) or Ministry of Mines and Energy (MME) depending on the area and the type of activity to be undertaken by the ELC. The MLMUPC is not involved in the ELC allocation and the contract arrangements. Over the past months many ELCs have been officially reviewed, some cancelled, others confirmed or reduced in size. Nevertheless, even cancelled ELCs formally stay under the responsibility of the allocating ministry and so far none of the cancelled ELCs has been made available for new SLCs. In several cases, cancellation of ELCs is connected with a prolonged legal battle or downright refusal by the concessionaire to vacate the land.

In addition, the identification of degraded forestland posed a further challenge. Forestland - by law - falls under the jurisdiction of the Forestry Administration, while SLCs are initiated under the leadership of the MLMUPC. At present, no mechanisms are in place to concentrate all land administration issues under a single ministry. Furthermore, the term "degraded forestland" is not clearly defined which caused further delay in identification of suitable land.

The Sub-Decree on SLCs requires that land must be vacant and conflict-free in order to be considered for a SLC. Despite its legal status as state land, vacant state land resources of sufficient size are very rare in rural Cambodia. Huge areas of state land have been partly encroached and settled upon by the landless or land poor population or claimed by local or national investors. All land which is suitable for any type of farming is already somehow occupied or claimed by somebody. This includes normal people on the search for arable land as well as influential individuals, military or a combination of various actors. The Cambodian rural population is extremely mobile. This includes migrant labour as well as voluntary resettlement in search for new farming land. As the land should be vacant in order to be suitable for a SLC, SLCs are not an instrument for land conflict resolution.

At the stage of land identification, a detailed Land Resource Assessment is required. In practice, land suitability and fertility with regard to farming purposes is rarely sufficiently considered and assessed. Nevertheless, it has to be noted that areas of high soil fertility and with access to water tend to be the most populated and therefore do not necessarily qualify for SLC identification.

A Land Resource Assessment includes the assessment of existing rights to the proposed land as well as claims of various stakeholders. This has not always been done in sufficient detail which results in ongoing land conflicts over some SLC land.

## **Mapping**

This step includes the mapping of boundaries and natural features. This requires a field check, which is often difficult to conduct due to the local conditions. These maps serve as a basis for the identification and demarcation of individual plots. Therefore, a certain level of detail and geographic accuracy is required.

In some cases, due to issues of access, maps have been produced based on satellite images or aerial photographs. Results lack the necessary accuracy and resulted in problems related to plot sizes. Very often this will lead to boundary conflicts once the land distribution is undertaken.

In order to guarantee public participation and provide means for complaints, SLC maps are displayed in public. Therefore, a preliminary and later the final SLC maps are publically displayed for one month to allow sufficient time for complaints.

Overall, mapping requires in most cases external support. Most provincial offices do not hold qualified staff to undertake such tasks with the required expertise.

## **Classification**

In most cases, a re-classification of state public into state private land is necessary. This is a formal procedure, which requires approval by the MLMUPC. Due to the involvement of several institutions at provincial and national level, such as PDAFF/MAFF or PDoE/MoE, this process takes some time.

## **Registration**

Based on the assessment, mapping and re-classification of proposed land, the site will be proposed as suitable for a SLC scheme. This means that an official request will be sent by the Province to the MLMUPC in Phnom Penh. Based on this request, the ministry reviews the details and recommends enforcement. Details are further outlined in a Sub-Decree for each SLC.

Overall, the process of land identification, mapping, classification and registration of SLC took a long time due to bureaucratic procedures and involvement of various institutions at different administrative levels. In particular, the Land Resource Assessment would need to be conducted in greater detail. However, it has to be noted that as soon as the message about a new SLC spreads, an influx of opportunistic settlers hoping to become part of the scheme, starts. Due to the length of the process between first announcement of an SLC and its registration, the danger of encroachment by settlers and land grabbers is very high. This means, that a good balance between a detailed assessment (which often means longer time requirements) and keeping the procedure as short as possible has to be found.

Conflicting land claims are still a topic in some of the SLCs. Therefore during this process, a legal assessment of all existing rights to the land should be carried out to avoid land conflicts after settlement by the land recipients. In the past, this has not been conducted in sufficient detail.

## **2.2. LAND RECIPIENT SELECTION**

The land recipient selection process followed in principle the following steps:

1. Public notice of SLC application period
2. Application of SLC
3. Public display of applicants' list
4. Preliminary eligibility selection
5. Public village meeting to verify eligibility scoring
6. Public display of ranked list of applicants
7. Approval of ranked list
8. Public display of the priority target land recipient list and waiting list
9. Complaint
10. Land Distribution (Lucky Draw)

After the distribution of land to the land recipients through lucky draw, rules and regulation for usage of the land are stipulated in a standard contract to be signed by each land recipient. A sample of such a contract can be found in Annex 1.

In total, 5,953 households applied to be included as land recipient in a SLCs scheme. Land recipient selection was based on the criteria formulated in the Sub-Decree on SLCs. Families were selected based on transparent mechanisms and participatory selection processes that included the "ID Poor System" as well as their current land holdings. During the overall process, 678 complaints were received related to the land recipient selection. All complaints were reviewed and screened against the selection criteria. 297 complaints were made by non-eligible households or unrelated to the selection process and failed. The remaining 381 complaints were reassessed. 207 complainants increased their scores sufficiently to be successfully allocated a plot. The rest were left on the waiting list for the next consideration for plots. Since the number of plots was limited, the increase in the scores of some meant that others were moved down the list of applicants and were no longer able to receive a plot in that round. The end results of the reassessment process were made public for public discussion and acceptance.

The biggest challenge poses the integration of existing settlers at the proposed SLC site as well as assessment of their rights to the land. In the past, different approaches have been applied. In some cases, settlers were resettled to neighboring areas outside the proposed SLC while in other cases the land of the settlers was cut out from the SLC land. In particular, resettlement of "old settlers" caused prolonged land conflicts and resentments.

## **2.3. RURAL DEVELOPMENT**

### **Infrastructure Development**

Access roads and roads within the settlement area as well as the agricultural land have been constructed at most of the SLC sites. As the quality of most of the roads has already deteriorated, it can be assumed that the quality of road construction was not sufficient.

Primary schools have been constructed in all SLC sites, except in Chambok. Nevertheless, appointment of teachers and their willingness to provide regular and professional teaching is often problematic. Despite having appointed teachers, a number of schools operate irregularly. The lack of functioning education facilities impedes the settling-in of land recipient families with children at school age.

Health Centres have been built at the SLC sites in Kampong Thom and Tboung Khmum Province. All sites in Kratie Province lack operational health facilities.

In terms of water supply, pumping wells as well as open wells are available in all sites. However, maintenance of pumping wells poses a problem. Therefore, a number of wells is not functional anymore.

Overall, infrastructure development started late in the project. This affected settlement activities and can be seen as one reason for low settlement rates in some sites as well as the main cause for the overall delay in project implementation. In addition, it has to be noted, that infrastructure development requires a timely settling-in by land recipients. Otherwise, an influx of illegal settlers is often difficult to control. Nevertheless, at the end of support to LASED basic infrastructures have been established at all SLC sites.

### **Settling-in Support**

All the land recipients and their households received basic settling-in support to facilitate settlement at the SLC site. This included residential starter kits, housing construction materials, latrine materials, demarcation poles, agricultural starter kits, and other planting and livestock inputs (seeds, seedlings, chicken) as well as rice under a food-for-work scheme. The amount distributed was the same for each land recipient household irrespective of household size. As no mechanism was in place to ensure the exclusive use of this donation on the allocated SLC plots, a number of land recipients used the construction material as well as agricultural tools at their old settlements. Based on project evaluation documents, the provision of shelter was envisaged. This was reflected in the amount and quality of distributed construction material. Due to the socio-economic background of the land recipients, most land recipients had no additional funds to upgrade their housing. Overall, the settling-in support was in most cases not sufficient to stabilise the livelihood of land recipients at the SLCs. Land recipients still heavily rely on external labour.

### **Land Preparation and Agricultural Extension**

Land preparation was a critical issue as most land recipients had neither the means nor the labour force to prepare the land on their own. In addition, there is a clear relationship between land fertility and vegetation cover. This means that especially on fertile land, land clearing required a higher labour input. Assistance to land preparation was provided to all land recipients. However, in most cases, only 0.5 ha land were cleared and ploughed to facilitate a start of agricultural production. Land preparation tasks were tendered to local companies which prepared the land with bulldozers and tractors. Not in all cases, land preparation was timed according to the cultivation season. In addition, land preparation by machine often requires additional manual labour to prepare the land for cultivation. Furthermore, the land required additional soil improvement measures especially on poorer soils. In most cases, soil improvement was not sufficiently considered during the subsequent agricultural extension.



Agricultural extension support provided to land recipients had the objective of enabling all land recipients to make productive use of their allocated land as well as to guarantee their livelihood at the new location. Most land recipients have limited experience in farming and farm management.

Land fertility and suitability differs significantly between all LASED sites. In particular, the sites in Kampong Thom Province consist of relatively poor soils with a limited water holding capacity. On the other hand, the allocated land in Tboung Khmum Province is relatively fertile and suitable for diversified farming practices.

Despite the differences in land fertility and suitability for farming, a rice-based and conservative approach has been erroneously applied across all sites. Farming innovations in terms of an adapted, diversified and multi-faceted extension approach have not been offered. Site specific agricultural extension and advice would have to be applied in order to assist land recipients. In this context, it has to be noted that such extension approach would require intensive training and coaching of land recipients and therefore be quite costly. Despite the legal documents, farming requirements under SLC have been often interpreted as rice cultivation only. Animal husbandry based farming systems or perennial cropping systems have generally been neglected. For example, such alternative farming systems would have been much more adapted to the difficult soil conditions in Tipo (Kampong Thom).

In addition, the extension approach mainly focussed on subsistence agriculture, marketing opportunities and local value chains of agricultural products have not been sufficiently explored.

### **Community Development**

Despite being poor and landless, land recipient families have social ties and networks in their old settlements. A move to a SLC area takes them out of their usual social network. From a social perspective such move is often a turn to an unpredictable and uncertain future despite the hope for land of their own. As resettlement is initiated on a voluntary basis, not all land recipients take the involved risks.

LASED efforts tried to minimise these risks by supporting community structures. Even so, the delay in provision of infrastructure at the SLC sites had a negative impact on peoples' trust and affected the settling-in of the land recipients.

The majority of land recipients' households rely heavily on off-farm activities to make a living. Labour migration plays an important role. Income opportunities at the SLC sites can hardly compensate for lost income derived from migrant labour. At the same time, part or permanent absence of the main labour force from the household (mostly men but also women) affects the progress of land and housing development at the new settlement area. These are fundamental reasons for the slow settling-in and stabilisation of the livelihoods in almost all SLC sites. Nevertheless, settling-in rates are higher in SLCs where better infrastructure has been developed and which has received intensive technical support through GIZ.

In addition, land recipient families often hold very limited savings and debt levels tend to be relatively high even before they settle in the SLC. Once they arrive in the new location, and based on the SLC agreement they sign, additional debts are often incurred due to the needs

for investment into the land and the new house construction. Not all costs involved in the establishment of the families in the new location are covered by the LASED project.

### **3. OVERALL LESSONS LEARNED AND RECOMMENDATIONS**

The costs involved in implementation of SLC schemes are relatively high. This makes it very difficult to replicate the approach without additional donor support. Due to the socio-economic constraints of the target group, the implementation of SLCs requires a long-term engagement and an integrated development approach in order to secure the livelihoods of the land recipients.

The following recommendations can be drawn regarding the implementation of SLC schemes:

#### **Land Identification, Mapping, Classification and Registration**

- The time between first rumours about a SLC spread and settling of land recipients should be kept as short as possible. Otherwise the influx of opportunistic settlers and land grabbers is difficult to control and the rights of land recipients hard to protect. As the Cambodian rural population is often very mobile, experiences have shown that simple rumours might initiate important migration.
- On the other hand, the Land Resource Assessment would require a more detailed approach in terms of existing right holders to avoid land conflicts at a later stage.

#### **Land Recipient Selection**

- As in the past, old settlers have not been integrated sufficiently in new SLC schemes, it might be recommended to explore such procedures to integrate them as part of an approach to land consolidation. Land conflicts with old settlers in the area must be avoided, as they will hinder the success of any SLC.
- Furthermore, ongoing assistance to all land recipients would be necessary during the implementation of SLC schemes to be able to address issues in a timely manner and limit the number of land recipients who do not comply with the SLC agreements.

#### **Rural Development**

- Infrastructure development should start at an earlier stage. Ideally, basic infrastructure should be in place when the settling-in of land recipients starts. This would provide a strong incentive and could increase settling-in rates.
- A target-group oriented agricultural extension approach is required. Advisory services and support should have a stronger focus on land suitability and fertility, availability of water and marketing potential. A wide range of land use options need to be presented and discussed with the land recipients, including their specific advantages and risks, for a final selection by the land user.

Howsoever, contrary to other programmes in the field of land management or land administration, which benefit from substantial government fund allocation, counterpart funding for LASED has always been very limited. LASED was a fully donor-funded government project. Until now, the RGC gave priority to implementation of SLCs for the benefit of veterans and demobilised soldiers only, which is funded entirely through public funds.

Overall, procedures and legal requirements have been adhered to while implementing the LASED project. With all its challenges, SLCs have been established as a legal tool to

distribute land to poor households without access to sufficient land for living and production. The legal basis is well developed and corresponds to the overall land policy.

All necessary procedures are outlined in detail and have been adequately proven for implementation in rural Cambodia. Legal, technical and operational procedures and experiences on SLC implementation have been continuously improved. Practical implementation has proven feasible.

However, some challenges for the implementation and a further expansion of the approach remain. These are:

- Limited availability of suitable land for additional SLCs: Despite the recent cancellation of several ELCs, it can't be concluded that those areas are now available for creation of additional SLCs. Most of the cancelled ELCs were part of important land conflicts, which have to be settled prior to the consideration as an SLC. Land conflicts in rural Cambodia are often multi-faceted and despite the legal situation often difficult to settle.<sup>4</sup>
- Due to cumbersome and bureaucratic procedures, the process from land identification up to settlement of land recipients is definitely too long. In some cases, it took around 6 years from the registration as a SLC and the start of settling-in. It has been observed that with an announcement of a new SLC, an immediate influx of opportunistic settlers starts. This makes it very difficult to enforce the law and protect the land recipients from encroachment before and during their settlement period.
- LASED has been working with the poorest of the poor who have had some serious challenges like malnutrition, very limited sources of income, low education and limited agricultural skills, high dependency on migrant labour as well as often high debts. In particular, debts and limited savings minimise their possibilities for investment in new settlements and their new land resources. In this context, the necessary support to stabilise the new communities has been underestimated. Overall, SLC support has proven to be very costly and as such is not financially feasible for the RGC without further donor support.
- SLCs are not embedded in a regional development plan. Targeting the poorest layer of the population requires the creation of additional employment opportunities. In most cases, land recipients have as their main asset their labour force. Labour migration plays an important role to sustain their family income. Farming on newly created land will need a long period to put them in a position to gain an adequate income from farming and processing of farm products.
- LASED support focussed mainly on infrastructure development. Allocation of land does not guarantee successful farming activities. A more focussed and adapted agricultural extension approach would be necessary. In the past, extension had been mainly focussed on a rice-based farming system. However, as the allocated farm land is not always suitable for rice farming, a more creative and market-oriented approach should

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<sup>4</sup> For the interested reader: The following research document provides a good example of the complexity of land conflicts in Cambodia. It describes a very special case. However, it is not an exceptional case: Diepart, J.C. et.al. (2014): The peasants in turmoil: Khmer Rouge, state formation and the control of land in northwest Cambodia. *The Journal of Peasant Studies*.

be applied. This requires the introduction of innovative options for land use ranging from livestock production, alternative permanent cropping, agro-forestry and even tree and bamboo plantations.

- During the initial 5-year period until they fulfil the requirements to obtain a permanent land title, land recipients are not entirely protected against encroachment. At this stage the SLC land is still registered as private state land and it is therefore the state who would have to prosecute any encroachers which is unlikely to happen.
- The challenges for socially and economically adapted technical assistance to the project's target group have been considerable. Some of target land recipients have been able to improve their livelihoods.
- LASED implementation had a great impact on the status of land recipients. Through the allocation of land under LASED, poor and landless people had for the first a chance a change to acquire the right to a legal land ownership.

In general, concerns about the sustainability of some of the achievements remain. The examples and good practices have not yet taken a deep and broad root in the community and in their livelihood practices. Benefits have certainly not accrued equally across all sites and participants, and the sustainability of the current achievements is not fully secured yet. In particular, the more recent sites still face low settlement rates and agricultural plots are often underutilised.