

**LAND ALLOCATION FOR SOCIAL AND ECONOMIC DEVELOPMENT
(LASED)**

Ministry of Land Management, Urban Planning and Construction (MLMUPC)
Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ)
and World Bank

**REVIEW OF
EXPERIENCES IN LAND DISTRIBUTION
IN CAMBODIA**

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Acknowledgements

This report is mainly based on a field study, and owes a lot to the valuable information gathered from numerous persons that were met at different levels, from Ministry of Land Management, Urban Planning and Construction, to directors of provincial departments, government district officers, commune council members, village chiefs and development committee members, and of course villagers, who accepted to grant some of their precious time for this study.

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LIST OF ACRONYMS USED IN THIS REPORT

AAH	: Action Against Hunger
ADB	: Asian Development Bank
ADHOC	: Association pour les Droits de l'Homme au Cambodge (Cambodian Human Rights and Development Association)
ADI	: Analyzing Development Issues project
CARERE	: Cambodia Resettlement and Reintegration Program
CC	: Commune Council
CCC	: Cooperation Committee for Cambodia
CDP	: Commune Development Plan
CSO	: Civil Society Organisation
CLP	: Council for Land Policy
CFDS	: Cambodia Family Development Services
CMAC	: Cambodia Mines Action Center
CRS	: Catholic Relief Services
DCC	: Danish Cambodia Consortium
DTSU	: Development Technical Support Unit
DWG	: District/Khan Working Group
FFI	: Fauna and Flora International
GPS	: Geographic Positioning System
GTZ	: Deutsche Gesellschaft für Technische Zusammenarbeit
IDDP	: Integrated Demining and Development Project
IGA	: Income Generating Activity
IO	: International Organisation
KAWP	: Krom Akphiwat Phum
KR	: Khmer Rouge
LASED	: Land Allocation for Social and Economic Development
LMAP	: Land Management and Administration Project
LMUPC	: Land Management, Urban Planning and Construction
LRA	: Land Resources Assessment
LWF	: Lutheran World Federation
MAG	: Mines Advisory Group
MAPU	: Mine Action Planning Unit
MLMUPC	: Ministry of Land Management, Urban Planning and Construction
NGO	: Non governmental organisation
NPA	: Norwegian People's Aid
NSLCC	: National Social Land Concessions Committee
PDRD	: Provincial Department of Rural Development
PLG	: Partnership for Local Governance

PLUAC	: Provincial/Municipal Land Use and Allocation Committee
PLUP	: Participatory Land Use Planning
PRA	: Participatory Rural Appraisal
RGC	: Royal Government of Cambodia
SC	: Social Concession
SLC	: Social Land Concession
SKIP	: Stiftung Kinderdorf Pestalozzi (Pestalozzi Children's Foundation)
TLR-s-TSU	: Target Land Recipients selection Technical Support Unit
UNDP	: United Nations Development Program
UNHCR	: United Nations High Commissioner for Refugees
VDC	: Village Development Committee
VDP	: Village Development Plan
WB	: World Bank
WFP	: World Food Programme
WVI	: World Vision International
ZOA	: Zuid Oost Azië (South East Asia Refugee Care, Netherlands)

**REVIEW OF EXPERIENCES
IN LAND DISTRIBUTION
IN CAMBODIA**

1. Introduction

As part of the Royal Government of Cambodia (RGC)'s strategy for poverty reduction, which supports the achievement of Cambodia's Millennium Development Goals, the 2001 land policy ascribes three missions to the Ministry of Land Management, Urban Planning and Construction (MLMUPC): land management, land administration, and land redistribution. GTZ and the World Bank assist the RGC in its efforts to address land allocation, considered a cornerstone of its strategy to ensure sustainable economic growth with equity. In this respect, the World Bank and GTZ support a Land Management and Administration Project (LMAP), which has focused on laying the institutional groundwork of land policy and legislation, strengthening of the core land administration institution (the MLMUPC) and establishing the procedures for and implementation of land titling and registration.

A main step to address the issues of landlessness and rural poverty was taken by the RGC within the land law, with the approval of the Sub-Decree on Social Land Concessions in March 2003. This sub-decree provides the basis for distributing state private land to landless and land poor households. The Land Allocation for Social and Economic Development (LASED) project, with consistent commitment from GTZ and the World Bank, comes therefore as a natural complement to the LMAP.

The LASED project will support the implementation of Social Land Concessions on a pilot basis. The LASED preparation team helps the RGC in the development of guidelines for (a) land identification, (b) target land recipient identification, (c) service delivery and infrastructure provision for LASED communes (public packages) and land recipients (private packages), (d) planning and management of local social land concession sub-projects.

Together with the MLMUPC, the World Bank and GTZ want to ensure that the preparation of this project can be tailored to the particular context of Cambodia, and draws benefit from past experiences in this country relating to land distribution. To fulfil this objective, they recruited a consultant to assess and describe various experiences with settlement and land distribution in Cambodia, and assist to prepare advisory guidelines on how key issues could be addressed by the LASED program.

The expected outputs of this assignment were the following :

1. A background note on past experiences in land distribution and settlement experiences.
2. The documentation of a consultative workshop of identified researchers and practitioners (including government representatives) on key issues related to land distribution and settlement.
3. Recommendations as to how these key issues could be addressed by the LASED team.

This report reviewing experiences in land distribution in Cambodia is process oriented : it describes past experiences and analyses the best practices that can be learnt, then provides recommendations for the programming of LASED. It integrates the outputs of discussions (documented in a separate report) regarding key issues related to land distributions.

2. Objective

The overall objective of this report is to propose recommendations for the programming of land distribution, by reviewing and analysing past experiences implemented by various practitioners of settlement and land distribution in Cambodia.

The review of existing literature on the subject showed that only one document reports specific Cambodian case studies where the surface of land distributed was significant for agriculture. In a country where 85% of the population lives in rural areas, the scope of the intended LASED project requires a more systematic review of existing experiences in the rural context, and calls for an understanding of specific issues related to substantial land sizes distributed for agriculture. This report therefore puts particular emphasis on land distributed for agriculture.

It addresses three specific objectives, namely :

- to identify different experiences and actors engaged in land distribution and settlement programs in the country
- to document processes and outcomes of their experiences in land distribution in rural areas, agricultural land in particular
- to provide recommendations based on the analysis of lessons learnt from these experiences.

3. Methodology

a. Literature review

An assessment of available information revealed that very few documents report the process and outcome of specific land distribution experiences. Among the list of documents reviewed (attached in annex A), only 5 proved instrumental in profiling different experiences and actors engaged in land distribution and settlement programs in the country.

Two were prepared in relation to the LASED and Land Management and Administration projects, and provide general information on land distribution experiences :

AUGUSTAT Karin, 2004 – Draft summary of Study on Migration Patterns and (Re)Settlement experiences in Cambodia, LMAP, 27p.

O'NEILL Bernie, 2005 – Study on Previous experiences with Resettlement in Cambodia, LASED, 27p.

Two others describe the specific processes of some experiences, but focus mainly on land distribution for residential purpose, with maximum surfaces of 1500m². They draw essentially on resettlement experiences involving urban populations from slums :

- OXFAM, 2002 – Learning lessons from settlement programmes in Cambodia : a contribution to the development of appropriate social concessions legislation, Final Report, 30p

- THEAM R., 2004 - A study if population movement in Prachea Thom village, Poipet commune, O'Chrou district, Banteay Meanchey province, NPA, 43p.

Only one document reports specific Cambodian case studies on distribution of land with a significant surface for agriculture (superior to 3600m², the Sub-Decree on Social Land Concessions threshold for residential land) :

- CCC-ADI Training Team with Rebecca F. Catalla, 2001 – Small-Scale Land Distribution in Cambodia : Lessons from three case studies, CCC-ADI project, Phnom Penh, 65p.

Findings of this report are consistent with those of these documents, and their recommendations were taken into account when drawing the recommendations of this report.

The existing literature did not document systematic approaches to land distribution, if one considers an approach to be a choice between different options for each step of a land distribution process. Settlements or land distribution happened in various contexts with different objectives, that are listed here :

- 1) land distributed in relation to the repatriation of refugees
- 2) land distributed by Mine Action Planning Units (MAPU) after de-mining
- 3) land distributed by the military to de-mobilised soldiers
- 4) land allocated by a government body (district and/or provincial levels)
- 5) spontaneous settlements
- 6) land bought by a NGO on behalf of benefiting families
- 7) land allocated to its workers by a private company

These kind of experiences provide valuable lessons for specific steps of a land distribution process, and were therefore reviewed in this study.

Practitioners identified through the literature review were systematically contacted to identify other potential actors involved in land distribution, and regions where such experiences took place (see annex B: list of persons met)

In view of the absence of available documentation on approaches to land distribution, especially concerning distribution of agricultural land related to land use planning, the consultant particularly searched for such field experiences. A field research was then organised in key provinces to study specific cases of each of the sorts identified in the above mentioned list. During that research, two experiences could be found related to land use planning : one followed a village development planning exercise, the other a (partial) Participatory Land Use Planning (PLUP) process.

For the kind of experiences listed in number 6 and 7 above, no other examples than those already documented could be found. The advance of funds to purchase land on behalf of benefiting families by an NGO is described in the OXFAM, 2002 document : it happened in Battambang, with the khmer NGO Krom Aphiwat Phum, and concerned 500m² of residential land. Allocation of land owned by a private company is described in K. AUGUSTAT, 2004, in the case of the Mong Reththy Oil Palm Plantation in Sihanoukville. Residential plots of 20x30m were provided to workers of the plantation together with infrastructures (roads, market) and services (housing materials, electricity, paid teacher, free health treatment), and the distribution of 200ha of rice land in one village within the plantation is mentioned. But it was not possible to ascertain if indeed legal ownership was granted to these workers.

b. Field research

Field research was conducted in the key provinces of Pursat, Battambang, Banteay Meanchey, and Oddar Meanchey¹.

Cases reviewed are listed below² :

Context	Organisations with activities related to land issues	Location	Year of land distribut^o	Beneficiaries	Surface distributed per family
Repatriation of refugees	UNHCR, CARERE	Keav Muni village Banteay Dei commune Kandieng district Pursat province	1993	returnees (35-40 families); new village	0,5 ha (residence 0,2 ha + 0,3 ha for agriculture)
Repatriation of refugees	UNHCR, CARERE	Kruos village Anlong Run commune Thmor Kol district Battambang province	1993	returnees (50 families) + local villagers with only residential land (50 families)	returnees: 30x40m resid. all: 2 ha agric. land

¹ The transcription of khmer names for provinces, district and communes is consistent with those proposed by the RGC's website <http://www.nis.gov.kh>, which at the time of the report, did not yet provide information down to village level.

² The consultant's visit to the experience of NPA in Prochea Thom village, Poipet commune, O'Chrou district, Banteay Meanchey province, is not reported in the detailed cases studies of this document : it is the subject of a detailed study from Mr. R. THEAM. The lessons from this experiences are nevertheless considered in the findings and recommendations of this report.

Context	Organisations with activities related to land issues	Location	Year of land distribut ^o	Beneficiaries	Surface distributed per family
Repatriation of refugees	UNHCR	Thma Daekkeh vil. Banteay Chhmar com. Thma Puok district Banteay Meanchey pr.	1994	returnees (around 80 families); new village	25x75m for residence, 1ha for agriculture
De-mining	WVI/MAG	3 villages in Traeng commune Rotanak Mondol dist. Battambang province	2004 2005	25 selected local families (Ta Kruok village)	20x40m residential land
De-mining	NPA/CMAC and Halo Trust	Banteay Mean Rit vil. Kouk Romiet com. Thma Puok district Banteay Meanchey province	1998	211 selected local families	25x50m for residence; agricultural land planned in 1999 not officially distributed: grabbed since 2002
De-mining	NPA/CMAC	Tchouk Chey and other villages O Bei Choan commune Ou Chrov district Banteay Meanchey province	2002 (residence) 2004 (agricult.)	124 selected local families from the for residential land 58 outside buyers and few locals for agricultural land	30mx40m (residence) plan for 0,5ha/fam. agricultural land : village chief sold different surfaces, mainly to wealthy people
De-mobilised soldiers	FFI	4 villages in Anlong Reab commune Veal Veang district Pursat province	2000	All villagers of former Khmer rouge villages	50m along the road x 100m or more (depending on families' capacity) for residence and farming
Spontaneous settlement	none	road to Veal Veang, Veal Veang district, Pursat province	2001	around 35 families from Bakan district	40m along the road for residence, 30m along the river for agriculture, depth according to families' capacity
Creation of a new village by provincial authorities	LWF	Kompong Chamlang Leu village Ta Krei commune Kamrieng district Battambang province	1999	70 families from various provinces	50m along a path, depth according to families' capacity, for residence and agriculture
Village Development Planning	ZOA	Kirivong village Koun Kriel commune Samraong district Oddar Meanchey pr.	2002	all families in the village (140)	30mx 100m agricultural land with supplementary irrigation
Participatory Land Use Planning	CARE	Phnom Preal village Stueng Trang com. Sala Krau district Païlin	2004	all families in the village (80)	50mx200m (1ha) per family, agricultural land

In accordance with the objective, this case studies were process oriented, and focused on cross-checked qualitative data. For each experience, interviews were carried with different stakeholders :

- when applicable/possible interview with the agency involved in land distribution
- interview with local authorities, most of time village chiefs (sometimes commune council or VDC members)

- household interviews and group discussions with villagers (beneficiaries)

The field research took place between 11-15 July and 18-23 July 2005. Interviews were conducted with 72 persons in rural areas, direct actors or beneficiaries of land distribution programmes. Semi-directed interviews with 47 of them focused on in-depth review of various aspects of the land distribution experience :

- background of the land distribution, including land identification
- characteristics of initial settlers, including selection of land beneficiaries
- land allocation process and ownership rights
- infrastructures and services
- outcome of the land distribution

With 25 other persons, probing interviews helped verifying or completing information gathered through in-depth questioning.

These interviews were completed with meetings with development agencies involved in the visited areas, and, when feasible, those directly working with interviewed communities. All agencies met were able to review the report of the case study in which they were involved and comment on it.

c. Data analysis

The frame for analysing the reviewed experiences builds on programming phases of a land distribution project, namely :

- identification of areas suitable for land distribution and land resources assessment
- application and selection of beneficiaries
- development planning
- land allocation, registration and titling
- infrastructure and support services

The goal in mind is improvement of beneficiaries' livelihood through long term use of the land they received.

For reporting purpose, cases were grouped into 4 categories of dominant features:

- land distribution in relation to repatriation
- land distributed in relation to de-mining
- land distributed by government structures and spontaneous settlements
- land distributed in relation to land use planning

The summary emphasises aspects of the experiences from which key lessons can be learnt for particular programming phases.

4. Limitations

- This study does not intend to provide an exhaustive review of all past experiences related to land distribution in Cambodia, but rather to document experiences that had not so far been reported, with a sample for each of the identified approaches.
- Compared to the number of people in all the villages that were visited, the number of interviewees is very small : no quantitative data can be drawn from such a study, which was not designed for this purpose
- Villagers who answered our questions were those who managed to make a living by staying in the village; reasons for failure would be better understood if it had been possible to meet those who left...
- In order to gain longer term feed-back on the outcome of land distribution schemes, old experiences were studied, for which it was not always possible to meet agencies that had been involved, or their staff had changed and the memory of events was thus lost. Information then rely on villagers' perception, supplemented by interviews of local authorities

5. Definitions of terms used in this report

Beneficiary / recipient	these two words refer to households who actually received plots of land from a land distribution scheme
Complementary services	include operational infrastructures (roads, schools, wells, health centres...) and services (distribution of seeds, tools or other materials, credit, cow banks, rice banks, training...) that are made available to beneficiaries besides the plot of land they receive from a land distribution scheme
Land allocation	this expression refers to assigning a plot of land to a particular household
Land distribution	means land allocation together with certain rights on the land for the beneficiary
Land certificate	this expression is used to designate any document that states the rights of a person on a plot of land, issued by various authorities, but that does not constitute an official land title according to the land law

Land title	official document issued by the legally entrusted government body to prove full ownership of a person over a piece of land; this plot is registered in the cadastre with its size, boundaries, and the name of its owner
Plot	parcel of land, either for residential or farming purpose
Settlement	(legal or illegal) establishment of a group of people (settlers) in a formerly unoccupied area, for housing, with or without any right on the land
Village	this term relates to the area in which a community lives under the authority of a village chief, and includes their residential plots, but also farming land and common property resources situated within its administrative boundaries (however clearly determined)

6. Summary of case studies

1. Land distributed in relation to repatriation (1993-1994)

Land available for distribution was identified by provincial authorities, in areas where most Cambodians did not dare to go, either because it had a bad reputation as a Khmer rouge (KR) killing field, like in Keav Muni village, or because they were close to the front line between government troops and KR forces, like in Anlong Run and Banteay Chhmar communes. Beneficiaries were selected amongst a clearly identified population, the returnees, who had cards from border camps, and applied to receive land. They were entitled to benefit from the land distribution even if they had initially chosen another benefit (option) proposed by UNHCR. These returnees arrived in areas where there was no existing village, except in Anlong Run, where measures were taken to ensure their integration into the local community. This was achieved by allowing young couples and poor villagers who owned a residential plot but no land for agriculture, selected by the village chief, to participate in the land distribution scheme. UNHCR organised groups of 10 families, mixing returnees and local people.

The measurement of individual plots was made by village and commune leaders with representatives of the beneficiaries and either UNHCR staff, or government staff from district and provincial levels, and was therefore found very transparent. Planning for access to plots was ensured during measurement, so that each plot would start along a path or road. Participants in the land measurement process and delimitation of plots by poles did not know who would receive which plot, as allocation was done later through a lottery process. In Keav Muni all beneficiaries drew a plot

number at the same time, while in the two other cases a first lottery allocated plots to groups, and a second lottery within each group allocated individual plots to beneficiaries. Returnees received residential land and 0,3 to 2 ha of land for agriculture.

Returnees benefited from a lot of support from UNHCR and partner agencies (CAREERE and various NGOs), including housing material, wells, roads, schools. Most returnees were still receiving food rations at the onset of the land distribution scheme, but this did not last long enough to enable them to complete the clearance of their plots. In order to survive until their plots became productive, they relied on food for work schemes, or on collection of natural resources (hunting, charcoal production for sale...). Another hindrance during their first years on the allocated land was the lack of draft power to till newly cleared parcels for agriculture, except in Anlong Run, where CAREERE hired tractors to plough the land the first year.

Beneficiaries received land titles, paid for by a UN agency (either UNHCR or CAREERE) within 1 to 3 years after the land distribution, except in Thma Daekkeh village (Banteay Chhmar commune) where they received only land certificates. However, even official land titles signed by cadastral authorities at the district and even national level did not protect beneficiaries of Anlong Run from land being sold by district official to high ranking militaries while beneficiaries had temporarily fled combats in the area. Despite all kinds of actions taken by villagers to solve the land dispute, including a demonstration in Battambang town, appealing to provincial governor, pleading their case in Phnom Penh with support from various NGOs, they have not been able to use their land. Many beneficiaries therefore lost hope to get back their land and left the area, most of them being the returnees. Those who stayed are mainly beneficiaries from the previous local community (88% of them stayed, compared to only 16% of returnees), but all have to earn a living by selling their labour or through other income generating activities.

Beneficiaries interviewed were satisfied with the land distribution process, that was found fair and transparent. Except in Anlong Run, they are now able to make a living in the village where they received land, and own documents asserting their rights on the land. In Keav Muni, 12 years after the land distribution, 50-55% of the initial beneficiaries are still living on the land they received, whereas the retention rate in Thma Daekkeh seems to be as high as 80% after 11 years. A few factors might explain the lower rate of Keav Muni :

- immediately after land allocation, as all beneficiaries did not move to the area at the same time, some families ended up alone on their plots, isolated in a forested area; they became too afraid to stay and abandoned their land. In Thma Daekkeh, beneficiaries settled along a major road.
- the size of the land distributed, 0,5 ha both for residential and agricultural purposes, was found insufficient to meet the needs of benefiting families : most of those who stayed were able to buy or clear

- additional land. In Thma Daekkeh, beneficiaries received 1ha of agricultural land besides their residential plot.
- the village is not far from Pursat town, and speculative purchase by merchants and government officials began 3 years after land distribution. Until recently, there was no prospect for speculation in Thma Daekkeh area.

2. Land distributed by MAPU after de-mining

MAPU³ is a government structure, with staff at provincial and district level, that is responsible for pre- and post-demining activities. The role of MAPU is to identify mined land, to prioritise mine clearance activities and develop yearly plans for de-mining, to ensure de-mined land is used for resettlement, crop production or public infrastructures and that it goes to the intended beneficiaries (poor returnees, IDPs, landless or de-mobilised soldiers' families), to prepare documents related to applicants for de-mined land, and monitor de-mining projects and land use. Villages file requests for de-mining that are compiled at commune level and presented during a yearly district workshop that prioritises de-mining activities for the following year according to the availability and capacity of de-mining teams. This step also enables to verify that the land does not have any known owner (government body or official, protected area...), so that it can really be used for the intended purpose. District yearly de-mining plans are presented to the provincial mine action committee for approval. Though requests for land clearance for community benefit (schools, community wells...) are favoured, in some instances, land was also cleared to be distributed to landless families. So far the main emphasis on the MAPU process has been on pre-clearance activities. What happens next, post-clearance, is as yet not systematically monitored.

Two agencies were involved in the cases reviewed : World Vision International (WVI), and Norwegian Peoples' Aid (NPA).

In Traeng commune, World Vision International (WVI) conducted PRAs. Lack of infrastructures and landlessness were identified as problems, and mined land without owner was available. That led to the preparation of Village Development Plans (VDP), and villages filed a request for mine clearance to the Mine Action Planning Unit (MAPU), presenting the intended use of de-mined land. Once these plans were approved, WVI and MAG organised a meeting with villagers to explain how the de-mined land answers their VDP and their request for community infrastructures, and how much is left for land distribution. This limits the risk of villagers settling on de-mined land kept for community purpose, as it happened in O Bei Choan commune (where monitoring focused on residential land distribution but none was

³ Previously called LUPU (land use and planning unit) in Battambang, and LUMU (Land use and management unit) in Banteay Meanchey. The main difference was that LUPU was only working on de-mined land, whereas LUMU dealt also with land found available outside de-mining activities. Their functioning and procedures were harmonized, and their names changed to MAPU.

done on actual use of land de-mined for common purposes - school construction in Yoeung Nikhum village, area of gravels for road maintenance in Banteay Thmey-). During that meeting, WVI then discussed criteria to select beneficiaries. Priority is given to families without their own residential land, having 5 children or more, widow(er)s, disabled, very poor, and residing in the village for more than 5 years. WVI's experience shows that families that are less than one year in a community are more likely to leave it again. The list of applicants is compiled by the village chief.

WVI learnt from its experience in Kilo village that different sources of information should be investigated to screen applicants, and now cross-checks data gathered through wealth ranking during a PRA, individual meetings with applicants to assess their income and house assets, and discussions with key informants in the community (village chief, VDC members, elderly, achar, midwife...). Should WVI find that the village chief might have favoured a family, verified data about their situation are discussed in order to settle the issue.

After screening of applicants, selected families were invited to another meeting to discuss the 11 conditions attached to de-mined land, some of which particularly address ownership issues : beneficiaries have to build a house within 3 months, otherwise the distributed plot can be taken back by the district working group, MAPU or Land Cadastral Department. That can also happen if beneficiaries try to sell, rent or pawn the land within the 5 years following the distribution. However, after three years of permanent use, they (or their heirs if anything happened to them) can apply for a definitive land title that will be issued by the district/provincial cadastral office. After 5 years, they can acquire full ownership. The meeting with potential beneficiaries aimed particularly at assessing families' capacity and motivation to effectively use the land. Families failing to attend that meeting stopped qualifying for land distribution, as that was interpreted as a lack of interest. Others were rebuffed by the conditions. During a last meeting with final beneficiaries, they were helped filling the official request to the district working group for de-mined land, with their picture, a signed statement that they agreed to abide by the conditions, and a copy of their family book.

Some beneficiaries wanted to clear their land even before the completion of mine clearance, but that was forbidden to them. Non-beneficiaries actually did so around the area being de-mined.

Beneficiaries received a temporary land certificate signed by the provincial director of the department of LMUPC, during an official ceremony for the handing over of de-mined land to each village in 2004. For each certificate, WVI pays around 20 USD as per diem and related fees to the LMUPC department. This document states again that the land cannot be sold, and both the village chief and the commune leader know about this condition. This is considered an additional guarantee that the condition will be applied, because sales of land normally require the signatures of both the village and commune leaders. The certificate can be used as a proof of right on the land

when it comes to borrowing money from a private lender. However, there seems to be a grey area as to how land distributed after de-mining fits into the Land Law. Though land is distributed through a government structure (MAPU) with land certificates established by the DLMPUC, land is de-mined without prior official demarcation of private and state land.

Problems related to the dissemination of information and the selection of beneficiaries occurred in the two other cases reviewed :

- In 1998, in Banteay Mean Rit, NPA staff realised when they called the names of intended beneficiaries that some beneficiaries were not there, and that other people were turning out instead. Beneficiaries were supposed to be informed by the village chief and group leaders, that allocation would be done by a lottery on a specific date. Unfortunately the process of informing the beneficiaries did not take place as expected. It was not clear if those who attended were close relatives of intended beneficiaries, or completely different families that came to acquire land with or without the consent of those who were called. NPA staff said they learnt from that experience, and decided in future resettlements to take pictures of land applicants, in order to be able to compare it with persons claiming land on a distribution day.
- In O Bei Choan commune, the selection process left to the sole responsibility of village chiefs lead to all kinds of abuses, including proposing wealthy beneficiaries or only persons from their own political parties, or providing many names from relatives or trusted persons and then selling the plots and sharing profits. In 2004 in Tchouk Chey village, less than 10 poor families received agricultural plots, and actually had to pay 12 to 50 USD to the village chief to get it, while the other 50 plots or so benefited wealthy people, most of them from outside the village. Commune council members knew that beneficiaries were wealthy people, but complained they had not been involved in the selection process and did not have the authority to refuse names proposed by the village chief.

Land demarcation was transparent for residential plots in WVI supported Traeng commune, when staff from district land management office did it with beneficiaries, and in Banteay Mean Rit, when NPA staff using a GPS did a precise job together with villagers and local authorities. But again in O Bei Choan, some village chiefs conducted the measurement process only with entrusted people, and delimited smaller plots than planned, in order to sell land left from the de-mined area once all recipients would have received their plots. In that commune, council members complained that they could not verify that all the de-mined land had actually been used, because the size, geometry and boundaries of de-mined land was recorded on a map given only to village chiefs. Besides, as land distribution often took place more than a month after the end of mine clearance, poles marking the limits could be moved. In Tchouk Chey village, when multiplying the size of individual plots distributed by the number of beneficiaries, as announced by the village chief himself, the total size of land used was only 22 ha out of 41 ha that had been de-mined. The village chief explained that the remaining area was left for community infrastructures, but according to villagers and commune

authorities, it had already long been sold to wealthy persons outside the community.

As far as land allocation is concerned, lotteries were organised in all the reported cases. The distribution benefited the intended families when NPA staff, together with district and provincial officials attended the residential land allocation in Tchouk Chey village. But commune representatives, who were the only officials together with one MAPU staff, could only witness the mocked agricultural land distribution that took place later, as most plots went to wealthy beneficiaries.

The example of Banteay Mean Rit village also advocates for a rapid allocation of land once it has been identified for distribution. During a few months halt of mine clearance activities following the killing of de-miners, the village chief sold plots in de-mined areas of the resettlement site, and prompted the resettlement working group to proceed to plot allocation. A large mined area of 400ha had also been identified there in 1999 by then provincial governor, for agricultural land distribution. However, by 2002, as no action had been taken, militaries started grabbing 20 ha, quickly followed by villagers from neighbouring villages fearing nothing would be left for them if they did not clear the land. They either disposed of the string triggered mines that they found there themselves, or called for the Halo Trust squad based in Thma Puok to blow them once spotted. By the time of this study, the whole 400ha were reported cleared by villagers, who are now farming most of it.

3. Land distributed by government structures and spontaneous settlements

In Pursat, land was distributed to demobilised Khmer rouge soldiers in Anlong Reab commune in 2000, and a spontaneous settlement took place along the road to Veal Veang in 2001. A third case was studied in Kompong Chamlang Leu village, Battambang province, where provincial authorities allocated land for a new settlement in 1999.

In the 3 cases reviewed, people cleared new land in mined areas, where there was no village prior to their settlement. A strong sense of community existed in Anlong Reab, where initial beneficiaries all came from the same villages and had been KR forces. They had decided all together to leave these villages because they were far from any road, and located at the (rainy) bottom of a mountain plagued with malaria. People of the spontaneous settlement along the road to Veal Veang came from the same area in Bakan district. They were acquaintance of the person who proposed to move there, and also showed a strong sense of community : they combined their efforts to build a one classroom school, cutting and assembling wooden planks for its construction, making a roof with leaves, and choosing among themselves someone who could write to teach the children. In Kompong Chamlang Leu, land recipients came from various provinces. People from these cases all had in common the desire to establish their families in the settlement area and make a living there, from agriculture mainly.

Both settlements in Pursat province were prompted by the rehabilitation of a major road, and made feasible by sources of drinking water. In Anlong Reab, each village chief organised a visit to the future settlement site with one representative of each family. This opportunity was taken to assess access to drinking water. The only permanent source of water during the dry season would be Anlong Reab river, and villages were organised accordingly : each village bordering the river, and one village on each side of the road. Villagers found it important to have been able to assess the conditions in their future living environment before resettling.

In the three studies, land ownership had not been assessed prior to settlement, which is particularly problematic in Anlong Reab where the land clearance took place in a wild life sanctuary. With the support of Fauna and Flora International, a set of rules has since been established with these communities to limit further disturbance to the protected area. In Kompong Chamlang Leu, a letter from the deputy governor and district chief entrusting the village chief to establish a settlement there, together with his own strong personality as ex KR officer, proved instrumental in settling a land claim by a high ranking military.

These cases also share common features as far as the process of land measurement and distribution is concerned. No plot delimitation took place: stretches along either a main road or an oxcart part were measured and set to represent the width of the allocated plots. The depth was left up to the capacity of land recipients to clear the land. Therefore plots end up with different sizes, but the pattern always allows beneficiaries to have both residential and agricultural land (up to their land clearance capacity). Local authorities assigned each stretch of land to individual families. In Anlong Reab, though families could not choose their plot, they were given the opportunity to swap plots if they wanted to stay near former neighbours or relatives, but it had to be within the stretch of the same village.

Security of land tenure is very poor. Most beneficiaries do not have any document asserting their rights on their plots, and rely on village and/or commune leaders to acknowledge their rights in case of problems. This, of course, is of concern, given the risks of corruption. Interestingly, in Anlong Reab, people only take steps to get certificates for their agricultural plots. In Kompong Chamlang Leu, according to the village chief, land recipients can only get full ownership after 5 years. But some villagers said they had filed a request for a land certificate at commune level two years after land was allocated to them. Though legally this does not guarantee any ownership, they were confident that this administrative step ensured at least their plots were registered in commune files to their names. Though they did not yet have any paper in hand, they believed they already had full ownership.

Land recipients did not receive any external support at the onset of their settlement, this came only later. Drinking water during the dry season was sometimes up to 3 km far. They first relied on whatever savings they had, the sale of their labour and of collected natural resources. These survival

activities slowed considerably the clearance of their plots. By now, NGOs like CFDS or LWF are providing free health services for the poorest, along with other safety net measures.

Many interviewees along the road to Veal Veang were indebted. They incurred their debts at the onset of their settlement to pay for the daily labour that helped them clear their land, and for the start of the production cycle. One family explained it took 4 days for them plus 10 hired labourers to clear around 2 ha. They paid each daily worker 6000 riels/day (food expenses paid by labourer). They also borrowed for seeds. Including other expenses, their total debt soon amounted 1 million riels (around 250 USD). They borrowed from a relative who came also to settle there, and who sells small grocery. They reimburse after each cash crop harvest, and at the time of the interview their debt had decreased to 400,000 riels. The deal with the money lender is that repayment is made in kind : for every 100,000 riels lent, the borrower should pay back with 100 kg of cash crop, either soyabean or mungbean. Last year, soyabean average price for 100 kg was 100,000 riels, but part of the repayment was also done in mungbean, which was then worth 180,000 riels/100kg...

The outcome of these schemes is mixed. People did not have any choice in the land allocation process, and tenure security is very poor. However, interviewees were satisfied with their resettlement, the main reason being that they are now able to make a living out of their agricultural land (size already or soon sufficient). But on the road to Veal Veang or in Kompong Chamlang Leu, many got indebted to start productive activities on their land or because of health problems. In Anlong Reab, the situation is better, as is the retention rate so far. People there had fertile old chamcars to rely on during land clearance and grow at least two cash crops per year.

4. Land distributed in relation to land use planning

In Kirivon, the VDC chief had identified 200ha for land allocation in his village. With the support of ZOA, a plan was prepared to build a dam that would serve the then forested area suitable for rice cultivation. Out of 200ha initially expected to be used by the VDC chief, 52ha were claimed by military officers, and 102ha were finally found to belong to a neighbouring village. Therefore only 46 ha were left for agricultural land distribution to Kirivon villagers in 2002. Each family received 0,3 ha of land for rice cultivation with access to complementary irrigation.

Through its Integrated Demining and Development Project (IDDP), CARE complements land mapping and de-mining with development activities such as agricultural extension, water and sanitation, infrastructure construction (roads, schools, bridges...), and basic health training. It focuses on capacity building for government staff at provincial and district levels (military, department of forestry, of environment, MAPU, cadastral commission...), and local authorities (commune councils and VDCs). In the last two years, it

supported the implementation of a pilot Participatory Land Use Planning (PLUP) exercise in Phnom Preal village, after staff from the Provincial and District offices of Land Management Urban Planning and Construction had received training by the ministry on that methodology. MAPU and CARE staff wanted villagers to get benefit from the PLUP as soon as possible. Therefore so far they conducted only the first steps, mainly problems identification and village mapping. However, the exercise was found beneficial : first villagers came to know better the law concerning their rights and duties on land; they also now know reference persons at district level from MAPU, and from forestry and environment departments. But mostly, the village mapping exercise clearly showed village boundaries, where land could be used for rice production and distributed to villagers, where some could be kept as community forest, and in which areas village land was claimed by military officials. Villagers already had residential land, but as most came from all over the country, mainly between 2001 and 2003, they did not yet have agricultural land. However, the village chief did not dare to distribute village idle land because of the claim by military officers. With the involvement of district officials and from the provincial LMUPC department, and with CARE staff facilitation, the military chiefs involved finally accepted to give back the land to the village for people's use. Cement poles were put into the ground to delineate village boundaries. In November 2004, the village chief organised an agricultural land distribution (1 ha/family) in the then forested area identified as suitable for rice production, comprising unclaimed land and that retrieved from military claims.

In both cases land was identified by the communities, and ownership issues had to be settled before land distribution. Beneficiaries were all the villagers registered in the villages. They participated in all steps of the land distribution process, from land measurement, to the design of the lottery process, with support, through all the process also, from respectively ZOA and CARE. These NGOs ensured follow-up and monitoring, together with the provision of infrastructures and other complementary services to villagers.

Both agencies try to guarantee tenure security to beneficiaries. CARE facilitates the issuance of provisional land certificates, currently under preparation by MAPU staff from the department of LMUPC. ZOA so far only obtained a document signed by commune authorities, and stating that such area was distributed to an attached list of beneficiaries.

The payment of tractor services and provision of free seeds turned out irrelevant in Kirivon. Beneficiaries started to slash and burn their plots in March, and ZOA hired tractors in end of May-June to support initial ploughing of the land. However the soil was too muddy for tractors to operate. Later, a drought season caused yields to be very low with the long maturing seed variety that had been distributed by ZOA. Today beneficiaries use different varieties.

Involvement of these two NGOs was instrumental in fostering fair processes, but the outcome can never be ideal :

- In Kirivon, for the purpose of land distribution, the village was organised into 6 groups. One of the group, involving 16 families, gathered all woman headed households/widows. The VDC, together with ZOA CD team, decided that this group would not be part of the lottery allocating areas to groups. Rather, they were offered an area along a laterite road, closest to the dam, where forest was not as dense as elsewhere, and where it was expected that individual plots clearance would be easier. Though that helped, most widows are still behind as far as land clearing and preparation is concerned.
- In Phnom Preal, plots were initially allocated on a first come first served basis. Group leaders were to inform each family under their responsibility that they could go and pick up a plot. But some families were not informed and started arguing, because plots close to the village had been taken first. It is not sure that they would have dared to raise the issue if CARE had not been working with the village. Thereupon only was a lottery system put in place, with which villagers agreed. But still the process was not as straightforward as it sounded through the village chief's account : the lottery system actually took place at least 5 times. The first lottery involved a little bit more than 40 families. Other families did not participate in this first wave of land allocation because they were out of the village to earn a living either when information was spread, or the actual day of the draw. After a few weeks, when a group of 8 other families came back from their wage labour, another draw was organised for them within the remaining plots. Through the interviews, two other draws that occurred still later on were clearly identified, with groups of respectively 3 and 10 families. Beneficiaries from later draws found that system acceptable because villagers remaining in the village would not wait to get land. They found the allocation through lottery fair, because all draws allocated plots either close or far from the road leading to the distribution area, and that criteria had triggered their resentment with the first allocation process. In that way, each family had a chance to get land close to the road either if they participated in the first draw or in subsequent ones. However, when asked about soil fertility, villagers confirmed what interviewers had suspected : the land distributed during the first draw was closer to a hill, and is of better quality... It thus seems that the process advantaged participants to the first draw, who might have been earlier informed by village leaders.

However transparent the process and substantial the complementary services provided by the agencies, land transactions occur, even without beneficiaries having land titles. In Phnom Preal, villagers reported that the village chief did not authorise the sale of agriculture land as requested by one family. But a few families sold their residential plots within the village, and with it was attached the right to clear and use the plot for agriculture. In this way, if the buyer clears and uses the land for 3 years, he will be able to claim ownership on the agricultural land also. Villagers referred to this practice as "changing the name" (of the plot owner). In Kirivon, land transactions are already taking place despite the fact that people do not own any individual document stating their rights on the land. The most common

pattern is the sale of a piece of the distributed land where part of land clearance at least is already done. A letter from the village chief authorising the sale can be obtained if he is paid a dozen dollars.

It might seem too early to assess the outcome of these two land distribution schemes, especially as far as retention is concerned, but many positive features can be found : beneficiaries were satisfied with the land distribution process, which they found fair, and in which transparency was ensured through their involvement in all the steps. Land sizes were significant enough (even in Kirivon if one considers access to complementary irrigation) to contribute to the livelihood of beneficiaries. Land tenure security is being addressed, though legally land ownership so far remains unsettled.

7. Findings and recommendations

A. KEY FINDINGS AND RECOMMENDATIONS

Three main recommendations stem out of this study :

- **Start implementation : the “Interim Approach” as an efficient tool for state private land identification that leads to official registration**

Documents of the RGC and the various agencies met during this study all state that there is an urgent need for implementation. Except those related to distribution of land to returnees, reviewed experiences took place after 1998, and therefore none of their beneficiaries can justify an uncontested occupation of the land for five years prior to the promulgation of the 2001 Land Law and claim legal ownership rights. When agencies are involved in these experiences, including government structures such as MAPU, they strive to harmonise their operations with the law. Some of the experiences reviewed fit within the frame of social land concessions. In the cases of land distributed after de-mining or after local planning, they would probably have qualified for what the Sub-Decree on Social Land Concessions refers to as local social land concessions programs. As stated in the Council of Land Policy (CLP)’s Paper on Social Concessions⁴, social land concessions could be used for “distribution of de-mined land” and “new land development”. But so far they are conducted with no clear legal background. Even when land titles are issued by provincial DLMUPC and plots registered in the cadastre, these schemes operate in a grey area of the law because so far the land they distribute could not be registered as state private land. There is currently no legal mechanisms to officially identify state private land suitable for Social Concessions, nor to deal with current land distribution schemes, even when they comply with expected standards of transparency, participation and equity.

⁴ Council of Land Policy, 2002 – Policy Paper on Social Concessions in the Kingdom of Cambodia, 19 March 2002, 16p. See p.1

State private land is what is left once private and state public land are demarcated, and the identification of those is still in its infancy. As clearly pointed out by the CLP:

“Before land can be granted for social purposes, state land needs to be identified and classified and plans for its use need to be adopted. [...] These are giant tasks that will take many years to complete. But the need to grant land concessions for social purposes is crucial to poverty reduction and economic development. Therefore we cannot wait until these long-term issues are entirely resolved.”⁵

These remarks enhances the relevance of the “Interim Approach” designed by LASED to specifically identify state private land suitable for social concessions. This approach aims at efficiently and effectively identify such land in selected areas where the probability of identifying state private land is high, while it would take too long before a systematic state land mapping and identification process can actually be completed⁶.

Experiments of the “interim approach” with MAPUs and agencies involved in land distribution after de-mining or after a planning process should be fostered. LASED could test and improve the approach after feed-back from the field, while building on partners who already have experience in land distribution issues. These partners would also benefit from this collaboration by being able to fully integrate their activities within the legal frame.

- **Keys to transparency are villagers’ participation in all steps of the SLC program, involvement of NGOs or non political CSOs, and support from district and provincial levels**

The RGC is determined to ensure transparency in social land concessions related processes. Prakas N°200 DNS/BRK of the MLMUPC on Guidelines for Implementing Sub-Decree on Social Land Concession state:

“The social land concession mechanisms have the mission to initiate social land concession program and to prepare social land concession plan in order to allocate land to the people effectively and transparently.”⁷

Experiences with the most transparent processes had in common the following features, which were also recommended by various interviewees

⁵ *Idem*, p.3

⁶ cf. LASED Planning Team, 2005 - “Interim Approach” of State Land Mapping/Identification for Social Concessions, - Procedures proposed for testing in LASED pilot areas – draft 18-5-05.

Though official procedures are not yet adopted, this interim approach draws to the maximum possible extent from drafted procedures.

⁷ MLMUPC, 2003 - Prakas on Guidelines for Implementing Sub-Decree on Social Land Concession, N°200 DNS/BRK, RCG, 19 November 2003. Quote from praka 3. CLP’s Policy Paper on Social Land Concessions in Kingdom of Cambodia emphasises the need for transparent procedures, while the sub-decree on Social Land Concessions also shows concern for transparency and effectiveness in articles 19, 25, 26 and 28.

during the field research (cf. recommendations from villagers in Keav Muni, Thma Daekkeh, Kompong Chamlang Leu, and from commune council members in O Bei Choan):

1. Procedures, criteria for land/beneficiary selection, conditions to apply/receive land are explained clearly to the people before implementation

Transparency is about being able to verify that intended procedures are followed and all stakeholders' rights are respected. Clear procedures that are understood by all stakeholders are therefore a pre-requisite to any transparent process. Procedures should be easy for villagers to understand, and criteria based on objective and measurable indicators that all stakeholders can verify. Similarly, explaining key issues of land laws and procedures before starting a participatory process will later facilitate the reconciliation of villagers' ideas with the legal framework. Village meetings and public displays should therefore be carried out with the aim of enabling people to understand the process, and not merely as administrative steps.

2. people participate in all steps of the process

Main stakeholders are villagers themselves, and the best way to check if procedures and their rights are respected is for them to take part in the process. Broad dissemination of information is critical to ensure most villagers' participation. In state private land identification, interests of villagers owning land are at stake when private land is identified, and, for those who are landless or land poor and would qualify for SLC, their interests lie in the demarcation of state private land itself. For selection of beneficiaries, experience in Traeng and O Bei Choan communes show that no outsider can know better who fit eligibility criteria than fellow villagers. Beneficiaries' needs and contribution capacity cannot be assessed during development planning without their own commitment. Experience in O Bei Choan commune also showed all kinds of abuses when beneficiaries cannot participate in and thus monitor the demarcation of plots.

3. NGOs or non political civil society organisations (CSOs) facilitate and monitor the process

When abuses are observed in the process, people often feel afraid to report them, and do not know to whom they can complain. The main purpose of NGOs or non political CSOs' involvement is to ensure non partisan monitoring of the process, and to support people's expression of concerns when they feel their interests were not safeguarded, especially when local officials are involved in abuses. The presence of NGOs was instrumental in finding solutions to such problems in Bantey Mean Rith and Phnom Preal cases.

4. High ranking officials, from district and provincial level, are officially responsible for the process and support it

Responsibility to enforce the law lies in government structures, and therefore the commitment of high level authorities in the process is necessary. Conflict resolution and procedure/law enforcement can only be achieved by district authorities, or, when district officials are part of the problem, through provincial authorities. The legal framework (Sub-Decree and Prakas on Social Land Concessions) assigns responsibilities to various government bodies, under the overall control of the PLUAC. This should translate into the presence of district and provincial officials during field activities.

- **Detailed procedures should not be carved into stone**

Except for a sub-decree on State Land Management, which is still under preparation, the legal framework already provides sufficient guidelines and procedures for the implementation of SLC.

Commenting on institutional issues related to SLC, C. RUSTEN noted that
“With the LASED project, social land concessions will be implemented for the very first time in Cambodia. Experiences from the decentralisation reform programme have shown that step-by-step approaches and flexibility to make adjustments along the way, is an important pre-condition for a project of this magnitude to have a chance of being successful.”⁸

Only when detailed procedures are tested and improved through lessons learnt in pilot areas can larger scale implementing capacity within the MLMUPC and other government structures be fostered. Praka 39 of the PRK 200 DNS-BRK wisely acknowledges this need to “gain experience”. Procedures might have to be simplified, especially if pilot implementation shows that delays in implementation took place because of cumbersome administrative steps involving too many hierarchic structures.

NGOs should be involved in pilot projects. It is anticipated that a lot of training and technical support will be required at the onset of SLC programs, especially for the provincial technical units and district working group members. Some NGOs already have experience in land issues, in particular with the PLUP process and land conflict resolution, and could provide training then facilitation in all steps of the interim approach for state private land identification. The same organizations, or others with experience in selection of beneficiaries in relation to land issues, could provide training and facilitation for the selection of target land recipients. Once some capacity is already built through these pilot experiences within government structures, and when training materials and procedures have been tested and adjusted according to field experience, then NGOs’ involvement can be limited to key steps of the process to ensure transparency. These key steps requiring NGO or CSO participation are village mapping (identification of boundaries and conflicting areas) and problem solving in the interim

⁸ RUSTEN C., 2005 – Institutional and Administrative Arrangements for the Social Land Concessions, Nordic Consulting Group a/s for LASED preparation team, LASED, MLMUPC, WB, GTZ, 56p.

approach, the village meeting to evaluate preliminary ranking during TLR selection and subsequent follow-up of appeal, physical land demarcation and lottery draw. They should also monitor the actual issuance of land certificates and land use, to prevent or at least report possible attempts by wealthy people to acquire land distributed through social concessions.

B. DETAILED RECOMMENDATIONS FOR EACH PROGRAMMING PHASE

The LASED purpose is to pilot locally initiated social concessions. The detailed recommendations presented hereafter therefore apply principally to local social land concessions, though many are also relevant for social concessions at national level. It is important to start with local social land concessions, especially since capacity and experience of implementing government structures remain to be built.

With commune councils playing a central role, LASED guidelines are in line with the RCG's program of decentralized planning and decision making. Experiences reviewed in the literature and in the field show that since commune council members are elected, in most instances they feel more accountable to commune voters than appointed village chiefs. Besides, commune council members in O Bei Choan pointed out that different political parties are represented in this local structure, and their joint involvement might reduce political bias (particularly in the selection of beneficiaries).

Detailed findings and recommendations are presented for each programming phase, and specific issues are proposed in relation to most recent guidelines (page 23 and 25). Experiences show that timing of field activities is critical. In Banteay Mean Rith village and Traeng commune, when people did not see anything happening on land identified as "free", either unauthorised sales occurred and/or people tended to settle on idle land fearing it would be grabbed by others. A timing of activities to be conducted in parallel is therefore proposed (page 28).

1. Identification of area available for land distribution and land resources assessment (LRA)

The commune level seems particularly relevant for state private land identification. Significant areas can be identified at that level, and conducting mapping in adjacent villages of a same commune would reduce the risk of neighboring villagers encroaching land kept for community purpose, as happened in Phnom Preal. However, to ensure broad people's participation, mapping and state private land identification should be conducted at village level first, and then integrated into a commune map. This would also nurture villagers' ownership of the process and of the maps.

Specific issues related to the interim approach are presented hereafter:

**GUIDELINES FOR THE
IDENTIFICATION OF STATE
PRIVATE LAND FOR SC
« INTERIM APPROACH »,
draft June 10, 2005**

Step 1 : Training and Planning workshop for DWG

Step 2 : Awareness raising and provision of information in selected communes

Step 3 : Pre-identification of proposed state private land on commune level

Step 4 : Preliminary Land Resource Assessment (LRA1) and state land identification and mapping

Step 5 : Public display of map with proposed state private land

Step 6 : Collection of complaints by CC and submission to DWG

Step 7 : Selection of state private land available and suitable for SLC

Step 8 : Submission to PLUAC and approval on Provincial level

Step 9 : Detailed land resource assessment (LRA 2)

Step 10: Approval from MLMUPC and registration as state private land

**FINDINGS AND
RECOMMENDATIONS**

If villagers do not understand clearly the purpose of land mapping, they might fear it might be taken by high officials and start grabbing land to get their share, like in Banteay Mean Rith. Information should be provided through village meetings. These meetings can be a platform to teach villagers about key features of the land law, as in Phnom Preal

Land mapping should be done first at village level. Participation of most villagers will allow local ownership of the maps. It seems unlikely many would look at billboards for a map that would have been drawn during a meeting at the commune office. Besides, involvement of only a few persons selected by village chiefs might cover up land conflicts. Identification of state private land on village maps would be done by exclusion of residential areas, farm fields established before 2001, protected areas, non degraded forest, areas kept for common property resources (grazing, collection of non-timber products...), critical watershed for main water supply, as identified by villagers themselves. The experience of Banteay Mean Rith shows that villagers' perception of the possible use of land might differ from that of technicians: they could propose a LRA1. Conducting the same exercise in adjacent villages of a commune could reduce the risk, observed in Phnom Preal, of encroachment on land kept for community purpose by neighbouring villagers.

Villagers should be informed that their map will be integrated into a commune map using same symbols, and told where and when they can control it (public display). DWG should assist commune council members to integrate village maps, and report on the commune map those areas officially – data provided by relevant ministries - under the authority of government agencies (forestry, environment, military...).

Involvement of district authorities from various departments trained and supported by CARE was instrumental in solving a land conflict with military officers in Phnom Preal. DWG should receive training in conflict resolution in order to fulfil their task of seeking consensus among conflicting stakeholders. NGOs with experience in conflict resolution or non political CSOs should support this step.

Problems that occurred in Anlong Run prove that some conflicts require involvement of mandated authorities at a level higher than the district. The PLUAC therefore plays an important role in solving conflicts. Cases requiring further time to solve should however not block the process for other areas.

Time between land identification and further field activities should be minimised. Experiences in Banteay Mean Rith village and Traeng commune show that when people do not see anything happening on land identified as "free", either unauthorised sales occur and/or people tend to settle on idle land fearing it would be grabbed by others. This enhances the importance of keeping villagers informed of the process. The following are propositions to reduce time with no field activity: efficient processing of national level approval (not longer than 2 weeks upon reception of request); start TLR selection as soon as national approval and PLUAC decision to make land available for SLC are obtained; LRA2 and registration of state private land could be done while TLR selection process has already started. LRA2 is more important for the subsequent planning of land use than for the identification of land suitable for SC. LRA2 is critical to determine the size of land to be distributed to beneficiaries for farming purpose. It should be conducted by trained technicians, but include discussions with villagers involved in LRA1.

Land resources assessment is critical to determine the size of land to be distributed to beneficiaries for farming purpose. Production from that piece of land should enable families to cover at least their basic food requirement, otherwise people will leave the area. This happened in O'Tko, as reported by Oxfam, 2002. It was also a determinant of the lower retention rate in Keav Muni where beneficiaries received only 0,3ha for rice production, as opposed to Thma Daekkeh where they received 1ha. However, 0,3 ha might be enough in an area where irrigation is made possible, but then it should be ensured at the onset of the land distribution. How much land is enough to cover basic family needs depends on the land itself (location – upland/lowland/flooded areas-, fertility, possibility of water management...), on the potential cropping systems, and on the (current) size of the family. As experience in Banteay Mean Rith shows villagers' perception of the possible use of land might differ from that of technicians, it is proposed that they conduct a preliminary LRA, and that the second one be done by technicians. Should two areas be found suitable for SLC in the same commune, it is expected that they will present different potential for agriculture, for example one suitable for crops/trees, the other for rice cultivation. In that case, each areas could be divided into lots that account for half what is needed per family : applicants would be entitled to 2 lots, and should state if they want 2 lots in the same area or 1 in each.

2. Application and selection of beneficiaries

All kinds of past experiences showed practices of land distribution to relatives or friends of local authorities involved in the selection of beneficiaries. A wide broadcast of the possibility to apply for social land is requested to ensure a transparent process. Abuses observed in O Bei Choan stemmed from the fact that the selection of beneficiaries was under the sole responsibility of village chiefs, and that their proposed list of beneficiaries was not publicised. Commune council members did not have the authority to propose or refuse beneficiaries. Those interviewed pointed out that district officials cannot know the economic situation of applicants, and that they themselves might not have the time to check if all applicant to a land distribution scheme meet the criteria. Most of these problems are already addressed in the guidelines for TLR identification and selection.

There is a higher proportion of beneficiaries remaining on the allocated land among those who were selected from populations close to the resettlement site, with whom they keep their social ties (cf. experience in Anlong Run for example). The process of TLR selection should therefore be conducted in priority within villages neighbouring the area identified for SLC. If the area is big enough, the process can be extended to communes neighbouring the SC area. In this case, during the ranking process, additional scores should be given to people applying from the villages that surround the SLC, and in the communes, to people established there for a long time (more than 3 years).

See following page for specific issues related to selection of TLR:

**SUMMARY OF DRAFT IMPLEMENTATION
GUIDELINES, IDENTIFICATION AND
SELECTION OF TARGET LAND RECIPIENTS
FOR LOCAL SLC PROJECTS,
Version 7 – 19 May 2005**

**FINDINGS AND
RECOMMENDATIONS**

Preparation Step A :
Awareness raising sessions (general)

Prep. Step B :
Expression of interest in local SLC project

Prep. Step C : PLUAC pre-appraisal

Prep. Step D :
Appointment of SLC temporary working group

Prep. Step E : Adaptation of selection criteria to local conditions

Prep. Step F :
Awareness raising sessions (detailed)

Select° Step 1 : Public notice of application period

Select° Step 2 : Villagers apply for SLC land

Select° Step 3 : Public display of applications

Select° Step 4 : Preliminary eligibility check and ranking of applicants

Select° Step 5 : Village meeting to evaluate preliminary ranking

Select° Step 6 : Public display of ranked applicants

Select° Step 7 : Commune chief endorses ranked list; matches people to land

Select° Step 8 : Public display of confirmed list of land recipients

Select° Step 9 :
Possibility for appeal

Village meetings should provide feed back on how villagers' mapping work led to approval of SLC by PLUAC. Experience in Traeng commune shows that a meeting with villagers to explain how the de-mined land answers their village plan, and how much is left for land distribution was useful to limit the risk of villagers settling on de-mined land kept for community purpose, as it happened in O Bei Choan commune. During these meetings, villagers should propose representatives to participate in the SLC temporary working group. The village chief being automatically part of it, they should identify key respected persons in the village among VDC members, achars, elders, midwife (cf. experience in Traeng commune)...

All political parties represented in the commune council should participate in the selection of SLC temporary group members, in order to avoid political bias in this panel and subsequently in the selection of beneficiaries, as observed in O Bei Choan commune. The selection should be based on the list of persons identified at village level, but CC members should be allowed to propose additional persons. A NGO and/or or non political CSO working in the district should be invited by DWG to participate in this meeting and in subsequent steps (F, 4, 5, 7, 9)

Broad dissemination of information is critical to ensure equal chances to potential beneficiaries. Experiences in Banteay Mean Rit and O Bei Choan show that some village chiefs and group leaders might inform only their relatives or fellow party members. This information channel should be completed by announcement a few days ahead, by mobile microphone or other broadcasting system organised by the CC. This important step should be conducted in each village. During the meeting, facilitated by DWG, CC members should explain selection criteria, period and place for applying, ranking procedures –including step 4 village meeting-

Applicants specify if they apply for residential or agricultural land or both. As in Anlong Run, young couples from villages surrounding the SLC might have a residential plot and lack only agricultural land, whereas families who sold all to settle debts might lack both. A household that currently shares a house with another one, and makes a living outside agriculture, might request residential land only, even in rural areas.

At least two persons from the SLC temporary working group together with one from the NGO/CSO involved in the selection process should conduct the visit to individual applying families and preliminary ranking. The difficult assessment of applicants' willingness to make use of agricultural land can be offset by assessing their capacity to get a daily return from IGA higher than what can be expected from agriculture

For this step particularly, broad dissemination of information is necessary to avoid rubber-stamping by attendants who would mainly be supporters of specific interests. The usual information channel through village chief and group leaders should again be supplemented by mobile microphone broadcasting or other appropriate tool. Besides CC and SLC temporary working group members, representatives from the DWG, the TLR selection TSU and from the NGO/CSO involved in the selection should be present.

How much land is left for individual plots will depend on development planning, and surfaces kept within the plan for public infrastructures. It should therefore be made clear that this matching of land with higher ranking applicants leads to a minimum list of beneficiaries. Some families of the ranked reserve list might be selected once land use planning determines precisely how much is left for individual distribution.

The NGO or non political CSO involved in the selection process should assist non selected applicants who wish to appeal to fill the written request for appeal to PLUAC. They should report their observations re. the fairness of the selection process to the TLR selection TSU.

3. Development planning

Selected beneficiaries should participate in development planning. In the experiences reviewed for example, they took special attention in reserving land for roads, to ensure access to each individual plots. However, as it is anticipated that they might be scattered among many villages neighbouring the SC, selected beneficiaries of each village could be invited to make propositions and convey them through 2-3 elected representatives. For this step and the later provision of infrastructures and services, a SLC project should seek the collaboration of NGOs experienced in community development, VDP and “rural development”.

Timing of development planning (and retrospectively, of prior activities) will be critical in relation to yearly district integration workshops (DIW). SCL use planning will include infrastructures and services that need to be merged into the overall commune development plan, and presented to the DIW and then at provincial level for approval. It is of paramount importance that at least an outline of the plan be prepared on time, if not a detailed plan, to avoid one full year delay in land distribution or in the provision of essential infrastructures.

4. Land allocation, registration and titling

Praka 31 of the PRK 200 DNS/BRK calls for explanations of conditions attached to SC land to beneficiaries. This important step should preferably be conducted before land is allocated by lottery, so that selected TLR can withdraw from the process if they find the conditions too demanding.

In all experiences reviewed, the lottery system was widely accepted as being the fairest way to allocate plots to individual beneficiaries. Beneficiaries expressed satisfaction with two variants :

- one draw for all selected beneficiaries
- one draw to allocate a group of plots to a group of beneficiaries; followed by a second draw within groups to allocate land to individual families. This system enables beneficiaries who know each other to stay close to each other on SCL⁹.

Not only the presence of an independent agency and/or government staff from the provincial level was noted in all experiences where this process happened smoothly, but it was specifically recommended by interviewed beneficiaries to ensure transparency.

Experience in Banteay Mean Rith shows that in some cases, especially if many months passed since the selection of beneficiaries, some TLR of the main list might have moved to another location. Praka 27 gives responsibility to the TLR-s-TSU to make sure attendants to the draw are on the list of selected beneficiaries. This unit should check with the village chief and

⁹ cf. recommendation of B. O'NEILL, 2005b, p.

temporary working group members if all selected TLRs are still living in the same communes. If some selected TLR moved outside the communes involved in the selection process, it can be considered they do not wish to participate in the SLC scheme anymore, and the highest ranking families on the reserve list should be called instead.

Following the example of Kirivon, the possibility to reserve advantaged plots to widows and disabled headed families should be envisioned by prior consultation with all beneficiaries (potentially during development planning). If this option is favoured by the majority of beneficiaries, one draw should be organised to allocate the reserved plots to individual widow and disabled headed families, and another one for the rest of beneficiaries.

Demarcation is the translation on the ground of the plans and maps showing plots and areas kept for community infrastructures/use. Rigorous measurement proves necessary in order to avoid the kind of abuses observed in O Bei Choan commune. A transparent process, with measurement tools, should involve, as in the example of repatriation cases, three categories of stakeholders: local authorities, representatives of beneficiaries, and either an independent agency and/or government staff from the district and provincial level.

The issuance of land certificates for social land concessions to beneficiaries, as provided for in Praka 32, should be done as soon as possible after the lottery. In the experiences reviewed, all agencies involved in land distribution facilitated the issuance of some sort of land certificates, in order to ensure beneficiaries' commitment to the land, and to protect them to some extent from land grabbing. However, in Anlong Run, even official land titles did not protect beneficiaries from land grabbing. The value of these titles is measured by the extent of law enforcement in case of conflicts. In the current sensitive environment of widespread abuses by powerful and wealthy people, a social land concession program cannot avoid to commit resources into land conflict resolution and law enforcement mechanisms.

5. Infrastructures and support services

Experiences show clearly that two infrastructures are essential for people to be willing to stay on the land at an early stage: sources of drinking water and roads to main centres. At least one source of drinking water should be available before people settle in an area, but the provision of additional community ponds and/or wells might be necessary. Roads are second most important. Cambodians do not like to stay in an isolated place (as shown in the Keav Muni experience), and difficulties of access should not be added to the many difficulties inherent to settlement in a new area. These essential infrastructures should be supplied as soon as PLUAC/NSLCC approval is secured. Preparation related to an equity fund for health services should also start as soon as possible (see steps to be implemented in parallel to reduce delays between field activities hereafter).

IDENTIFICATION OF STATE PRIVATE LAND FOR SC

Steps 1 to 8 of the "Interim Approach"

Approval from MLMUPC and PLUAC decision to make land available for SLC

Land Resource Assessment (LRA) 2

Registration of state private land

Steps to be implemented in parallel to reduce delays between field activities

IDENTIFICATION AND SELECTION OF TARGET LAND RECIPIENTS FOR LOCAL SLC PROJECTS

Awareness raising sessions (general)

All subsequent steps (preparation step B to F, and selection step 1 to 6)

Commune chief endorses ranked list; matches people to land

Public display of confirmed list of land recipients

Possibility for appeal

DEVELOPMENT PLANNING

Selected families elect representatives to develop planning group, composed also of VDC members of villages surrounding SLC

Planning for SC land use and individual packages with support from DTSU from PRDC and DWG.

Meeting with selected recipients to present and discuss development plan and individual packages

Integration of SC Development Plan into Commune Development Plan (CDP)

District workshop integrating CDPs

PLUAC and NSLCC final approval

LAND ALLOCATION

Meeting to explain conditions and rights attached to SLC to TLR

Lottery to allocate plots to individual beneficiaries

DELIVERY OF INFRASTRUCTURES AND SERVICES

Building of first infrastructures required prior to settlement/land use, if relevant, with labour contribution from beneficiaries

Though community building is a long process, a sense of community between beneficiaries could be fostered by their involvement in the construction of community infrastructures, as was observed in spontaneous settlements. This should be discussed during development planning with beneficiaries as part of their contribution. However, timing would be critical in order to avoid adversely affecting farming related activities.

6. Monitoring and evaluation

The many problems encountered in O Bei Choan commune remind of the importance of designing a monitoring and evaluation system from the early stages of a land distribution project onwards. Quantitative data until land distribution (surface of area identified, planned and actual use for distribution vs. public infrastructures, number of plots allocated, number of applicants, of selected recipients in the main and reserve lists, names and number of beneficiaries), and after (compliance with conditions attached to the land, retention rates...) should be monitored by the district working group and reported to PLUAC. PLUAC and/or NSLCC should appoint auditors of these data. Qualitative information related to the process and to changes of beneficiaries' livelihood after distribution (including beneficiaries' satisfaction surveys and case studies) should be done jointly by a PLUAC and/or NSLCC appointed team and NGOs.

8. Conclusion

A comparison of lessons that can be learnt from experiences in land distribution in Cambodia, with the processes envisioned by the LASED preparation team, shows that most best practices are already integrated into the current proposed guidelines. This review of Cambodian experiences draws its recommendations from two sources. The existing literature describes mainly experiences pertaining to distribution of residential land. The field research conducted for this study focused on the distribution of agricultural land. Altogether, around 20 Cambodian experiences of land distribution were studied, and 7 major NGO's experiences and recommendations were taken into account¹⁰.

This review yielded three main keys to address the transparency concern expressed in all the official documents of the RGC related to SLC and by all interviewed stakeholders:

- villagers and particularly TLRs should participate in all steps of the SLC program
- NGOs or non political CSOs should facilitate and monitor the process
- high ranking officials, from district and provincial, are officially responsible for the process and support it

¹⁰ CARE, NPA, WVI, ZOA, Oxfam, Concern, CCC-ADI

All persons met during this study were supportive of distribution of land on social concessions, and expressed their eagerness to see it starting implementation. Some of the experiences reviewed fit within the frame of social land concessions, especially those related to de-mining and following a PLUP exercise. But so far, even when they involved provincial DLMUPC, their activities could not fully comply with the legal framework, because state private land could not be officially identified and registered. It might be too long before private land and state public land can be fully mapped in order to identify the remaining state private land to be used for social concessions. The “interim approach” for state land identification proposes an efficient tool for state private land identification that leads to official registration. This approach could be tested with government structures and agencies already experienced in land distribution in relation to de-mining or to participatory planning.

However well prepared, it can be anticipated that initial procedures will have to be revised, and probably still simplified, once field work allows for feed back. The detailed procedures so far proposed by the LASED project and commented in this paper should therefore not be carved into stone.

The MLMUPC, together with the World Bank and GTZ, are to be commended for the initiative taken through this review to use field experiences in land distribution in Cambodia to provide guidelines for future implementation of social land concessions. It can only be recommended that this bottom-up approach be continued through pilot implementation and experimentation of procedures in specific areas.

CASE STUDIES

Land distributed in relation to UNHCR repatriation of refugees in 1993 in Pursat province

Field research in Keav Muni village, Banteay Dei commune, Kandieng district, Pursat province.

Background

Following the Paris Peace Accords, UNHCR had to organise the repatriation of over 360,000 persons from border camps in Thailand into Cambodia, so that they could participate in the national election of 1993. Initially, returnees were to be offered 2 ha of land for farming, depending on land fertility. But shortly before the repatriation process began, it became obvious that there was little available land : supposedly idle land was either controlled by the Khmer rouge, or mined, or had an owner. Therefore UNHCR offered other options to most returnees, including cash plus food for 400 days, and various kits, but eventually, a small proportion of returnees were allocated land, generally only for residence. One of the few cases of agricultural land allocation took place in Pursat province, in what was then called Keav Muni village.

Characteristics of initial settlers

Land was allocated to returnees from border camps. They were not directly brought to that area : there were many waves of transportation from the camps, and all initial settlers interviewed first stayed some time with their family or relatives in north-western provinces (mainly Battambang and Pursat). However, these returnees realised they could not remain with them : some quickly spent the cash they had received from UNHCR, but did not manage to use it to start any income generating activity, and did not want to be a burden for their relatives. Others first helped their family with their farming, but the land was too small to sustain two households. Those of Pursat province were the first to hear that UNHCR was going to distribute land, and applied to be part of the distribution scheme. Returnees had identification cards from the camps, and only landless families holding such cards could apply for land. Between 35 and 40 families (interviewees did not remember the exact number) initially benefited from the land distribution scheme.

Land allocation process

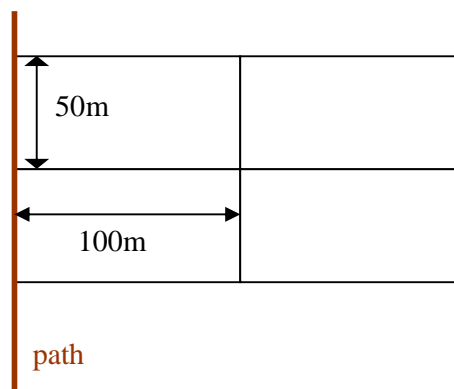
The land was distributed, and thereby the village established, in 1993. The area identified by UNHCR and provincial authorities for this settlement was initially shrub land and degraded forest. The area had a bad reputation as a

Khmer rouge killing field, and, according to interviewees, even militaries did not dare coming there.

UNHCR staff, along with the appointed village chief and commune chief measured plots of 50m wide along two roughly parallel paths that were to become real roads later, and 100m depth from there.

The rationale behind this surface was to provide benefiting returnees with 20 ares of residential land, and 30 ares of farming land. Plots were delineated by wooden poles with marks. A lottery organised in Keav Muni assigned plots to beneficiaries.

Families did not move there altogether in one time but established themselves on their plot when they could or wanted. Therefore some of the initial beneficiaries ended up alone on their plot with no neighbour yet, isolated in a forested area. Eventually, they became too afraid to stay and left their plots, which had at that time no monetary value. After a few months, the first village chief decided to re-organise the settlement, and the remaining families moved their shanty in order to stay in adjacent plots.



The first activity undertaken by settlers when they moved to the site was to build a shanty, using household kits and house materials provided by UNHCR. Often the husband came alone to do this, and brought the rest of his family when he had established a shelter where they could live. The second activity was to secure a source of drinking water. Families helped each other to provide 4-5 labour forces and dig wells. The digging of one well took 3 to 7 days : in some places they found water after digging 5 meters, in others no water was to be found even 10 meters deep.

Only after that did they start cutting trees and burning the vegetation. They planted vegetables as soon as a piece of land had been sufficiently cleared, but it took them many more months to remove all remaining stumps and obtain a flat arable land.

To survive until their land became productive, families relied on what remained from their UNHCR supported 400 days rations. A food-for-work scheme for road construction came as a relief to extend external food support, and allow them to continue the plot clearance.

UNHCR checked with the village chief if families had actually established a residence and cleared some land, in order to assess their commitment to stay on the land. Those who did received land titles in 1994, one year after the beginning of the resettlement scheme. UNHCR paid for all costs related to the issuance of two land titles per family : one for the 20 ares residential land, and another for the 30 ares farming land (labelled “chamcar”). These titles, issued by Kandieng district cadastral office, gave beneficiaries full ownership over their plot, including the right to sell the land. UNHCR provided titles only once. Many families came after the land titles

distribution. They established themselves on the remaining plots left by initial beneficiaries who had run away, or on non-allocated land within the village area. These families, even if they were returnees and came as soon as in the last quarter of 1994, did not receive support from UNHCR to get land titles. They were told by the land titling department that they had to pay to get them, and most could not afford it.

Infrastructures and services

The first infrastructure requested by villagers through their first village chief was the road, linking the village to national road number 5 (the village starts 1km away from NR5) : it was build with WFP assistance on a food-for-work scheme. The second type of infrastructure requested by villagers were wells, first provided by Concern. Starting in 1995, Agrisud then provided extension in agriculture, mainly for vegetable production and small animals raising (pigs, chicken), together with seeds and cement to build pigsties (farmers were to contribute wood and labour). At the same time, with CAREERE came a primary school, more wells, credit through the Department of Women's Affairs. Through the SEILA program the road was then improved with a laterite cover and adjacent canals. There is now also a kindergarten, and today the only IO working there is SKIP, involved in community building, credit, education, health care and children's rights. For health services, villagers have to go to Pursat town, 12 km away : they wanted to have a closer health centre, but they were told there were not enough benefiting families to justify the establishment of such an infrastructure in their area.

Outcome of the land distribution

Today the village hosts 120 families. Of the group of 35-40 families who initially received land from UNHCR, around 20 are still living in the village. This accounts for a retention rate of 50-57%. Three main reasons can explain this relatively low rate:

- some beneficiaries left at an early stage because they found themselves in isolated areas with no neighbours
- land distributed was too small to make a living out of agriculture. Those who are still here often bought 0,5-1ha additional land from villagers who left (0.5ha bought 500,000 riels years ahead), or cleared additional land on previously village idle land located towards the lake, in an area called Tran Chma. This enabled them to feed their own family and to capitalise in animals, but is not enough once children are older.
- The village is located close to Pursat town, and speculation already started in 1996, once plots had been well cleared and roads constructed. Today, many plots belong to merchants or government officials from nearby Pursat town, who either leave them idle or plant them with fruit trees.

Only 10% of the families in the village were able to grow rice on the second year after their arrival on the site. And the majority of these were non returnees who owned draft animals, very few returnees having any draft power. Those who did not own any but had established there early enough to have land suitable for rice cultivation, were able to exchange labour against land ploughing (1 morning of land ploughing being worth 2 to 3 days labour during transplanting or harvesting time). However, they noted that this exchange did not really turn beneficial : owners of draft animals understandably used them for themselves first, on a timely manner in relation to rains. For those who exchanged labour for draft power, the ploughing often came at odds with rains, and their yields were not as good.

As other families heard later (mainly in 1994) of the availability of land there for returnees, and came after the initial distribution, there are now around 60 families of returnees in the village.

Villagers make a living out of rice cultivation, vegetable and fruit production, and animal raising. A majority of villagers are 40-50 years old, with or without young children up to the 7th grade in school, the oldest ones having to earn a living elsewhere. "There are mainly old people here who stay to keep the property, the animals, and who grow rice", interviewees noted. These people said they would be ready to leave their land to their children and move elsewhere to start anew; but they wouldn't like to sell their land, though its price raised from no value to 1,000\$-1,500\$/ha (depending on presence of fruit trees on the land...).

Those having one hectare or less find it insufficient. It is therefore common to find one of the spouses or the oldest children selling their labour far from the house for 5-6 months without returning home (in tailoring, construction works, in fishing lots...). Over the last 10 years, interviewees estimated that around 30 families left the village because they did not manage to sustain their families there, and a few run away to avoid reimbursing debts to a credit scheme. Most went to Poipet. Those who sold early were only able to obtain 30,000 riels for their 0.5 ha, but current prices range between 1,000 to 1,500 USD for nearly 1ha, depending on how neatly the land is cleared and if it is planted with trees.

Villagers remaining in the village said they were happier here than in the camps, though there it was easy because they received food without effort (sic!). Here they are free to move, they are the owners of their plots and houses. "And we have a pond (trapeang), mushrooms, fruits..."

Recommendations of interviewees

Regarding complementary services :

"It would be better to have a road constructed prior to a settlement. Roads are most important to people because it enables them to go to the market, to allow international organisations to come in and help the village, and to have

a link with government bodies. Then [a land distribution project] should have the people come and dig wells together. After that, a school and a health centre should be constructed for the new community in the middle of the village.”

Asked upon what would be an acceptable distance for villagers to access such infrastructures (school, health centre), interviewees said 3 km.

Asked about the most suitable timing for a land distribution scheme, they said beneficiaries should be able to come in the dry season to build a house and start clearing the land, so that they could start some vegetable production with the first rains after Khmer New year, along with animal raising. They should receive food aid for 1 year so that they could concentrate on rice production, without having to sell their labour to feed the family, to the detriment of timely farming activities.

Regarding ownership :

Land titles should not be given at the onset of the land distribution, otherwise beneficiaries might sell their plots to people who will not live there. A land distribution program should verify that they built a house, that they started planting crops, before giving land titles. Land titles should therefore not be provided before two years. This condition, interviewees reckoned, should avoid the purchase of land by rich people : rich people do not want to live in the village...

Asked if mechanisms should be put in place to ensure that land can only be sold to people from the same community or commune, interviewees replied that they found it good if the local population can be increased by outsiders coming to live in the village after buying land from people who do not want to stay. However they said, there should be conditions, like these persons have 3 months to establish a house and use the land. Otherwise, the land should fall to the community, to be re-distributed to potential land distribution beneficiaries. To assess if they are really poor, the village chief and neighbours from their place of origin should be interviewed. The same rule of two years permanent stay or land use in the village prior to full ownership should be applied to them once they receive the land.

Regarding retention rate :

Interviewees estimated that if 80% of the beneficiaries of a land distribution scheme remained in the village after 2 years, it would be a success.

Without any question on this issue, the village chief together with a VDC member (lady) emphasized the need to ensure villagers participation and contribution. Regarding participation “People should participate in saying what are their needs, and how to address them”. They added that “If something is given free, people do not take care of it.” And “when they are conditions [attached to a benefit], they should be very clearly stated and explained before implementation, otherwise the scheme will fail.” They also spontaneously stressed the need to establish a committee responsible for the

activities to be undertaken in the village, and that this committee should receive training and shown other experiences. They gave the example of a road construction, saying that there should be a discussion with the committee about the length and size of the road, and about the organisation of its construction.

Land distributed in relation to UNHCR repatriation of refugees in 1993 in Battambang province

Field research in Kruos village, Anlong Run commune, Thma Koul district, Battambang province.

Background

In relation to the repatriation of border camp refugees, UNHCR requested Battambang provincial governor for an area to distribute agricultural land. Around 400 ha were identified as available in Kruos village. However, as adjacent villages also needed land for their population, around 200ha were redistributed to them, the rest being left for distribution to returnees. A group of 68 families of returnees were brought to the village in 1993, but some of them moved away to go living with relatives, only around 50 stayed in the village.

Characteristics of initial settlers

In order to avoid resentment in the existing community, it was decided together with the local population to distribute land to the returnees (50 families), but also to young couples recently married, who only had a residential plot but lacked land for agriculture, and to local poor families (50 families). Groups of 10 families were organised, mixing returnees and landless locals identified by the village chief.

Land allocation process

In 1993, each of the 100 families received 2 ha of agricultural land, while returnees also got residential land : 30 meters along the road by 40m. The process described here focuses on agricultural land :

The allocated land was abandoned rice fields on which natural vegetation had grown since the end of the Khmer rouge regime.

Land was measured by the village and commune leaders, together with representatives from each family of beneficiaries, and staff from UNHCR (and seemingly also from UNDP/CAREERE). They counted 100m per family, and 10 families per group : one pole was planted every 1km, to limit the area set for 1 group. The length of each plot was 200m. After the whole area had been divided, a small road was raised around the whole perimeter, each family's plot starting along the road.

Agricultural land was first divided by lottery to groups, and within each group, another lottery took place to allocate individual plots.

Beneficiaries remembered having to buy only little food at that time, because they used to hunt wild animals.

Villagers left the area in 1994 and 1995, fleeing combat that had resumed between government and Khmer rouge forces.

When they came back in 1996, CAREERE provided land titles to land recipients for their agriculture plots, bearing the stamp of the cadastral office and the signature of the then deputy director of cadastre in Phnom Penh, with cadastre registration numbers. The district office of the cadastre also signed the titles that were shown to the reporter. These titles give full ownership to their owner, including the right to sell and pawn the land.

Infrastructures and services

A road was built around the distributed area, to ensure access to each individual plot.

Rice seeds were distributed by DCC. In 1993, as time was running out at the onset of the rainy season, end of June-July CAREERE paid for tractors to plough and harrow the distributed agricultural land.

In 1997 villagers organised themselves to build a one classroom wooden school, and paid a teacher 50kg of rice per pupil and per year. In the past years, LWF started activities in the village. A new school was built, and LWF helped getting a government paid teacher.

LWF also provided other infrastructures like wells, and supported the improvement of the road. It provided vegetable seeds (one can of each vegetable per group) along with agricultural extension, and organised a village bank.

As far as health is concerned, LWF built and supports the commune health centre, and distributed mosquito nets to villagers.

Poorest families receive clothes, books and pens for their children to attend school up to the 6th grade, and had medical expenses paid for by LWF, who also built latrines behind their houses. As a villager puts it “better off people do not say anything because they help the poorest”.

Outcome of the land distribution

Only 52 families who received land in 1993 are left, of which 8 are returnees, and the rest are families of then young couples and landless persons. The 52% overall retention rate (RR) hides huge disparities between returnees

(16% RR among them), and local villagers (88% RR). The low figures are consequences of major land conflicts in that area.

In 1997, problems arose because commune authorities and the district chief had sold most of the land to a high ranking military, and by then, it seemed that 5 persons claimed ownership over 104 ha.

Villagers organised themselves to rent a tractor to plough their land, each family contributing 2,000 riels, but once rice started growing, the military sent a tractor of their own to till the land again, thus ruining the efforts of villagers.

Since then, all kinds of actions have been taken by villagers to try to solve the land dispute. They organised a demonstration in the provincial town and appealed to then province governor. They received support in advocacy and got food plus transport expenses paid by LWF to plead their case in Phnom Penh, and filed a complaint through ADHOC. Oxfam also helped them contacting authorities in the capital, but so far to no avail.

In 2000, one group leader was persuaded by a deputy commune leader and one district official to buy land from his fellow villagers on their behalf. He went from one house to the next telling people who got land titles but were de facto evicted from their land : “you can eat your piece of paper [land title] or get money now”. Some families sold him their agricultural land 3,000 bath/ha (around 75 USD). To validate such a transaction, the village chief normally signs to authorise the sale : he did not, because he was not an accomplice of the deal. But the deputy commune leader signed on behalf of the commune, and handed over the land titles to the military, who now claim that these plots were sold to them. (The implicated group leader run away three years ago).

Militaries employ paid labour to farm “their” land, and used to protect their farming activities with armed soldiers. Many recipients left to earn a living elsewhere, as they lost hope to get back their land. Most (especially families of returnees) have to sell their labour in weeding chamcars and other activities because they cannot access their land.

Recommendations of interviewees

One villager; Mr. Hen Savouth, had a very clear idea of what should be provided to settlers under a land distribution scheme, and other villagers agreed with him :

“Most importantly, a source of drinking water should be secured, like wells. A few materials for house construction might be needed for poorer families, but then they can build it themselves. A canal should be dug to be used for vegetable production and animals, and the earth used to make a road [along which the canal would run], because it provides a link with outside, with the

market, with a national road, motorbikes and cars can circulate easily, and people can go to the doctor. After that, there should be a 2 classrooms school, even if it is in wood, and some ponds. But the most important conditions for people to stay on the land are a source of [drinking] water and a canal along a road, with culverts [sic!]. If the organisation ploughs the land for them, but these [infrastructures] are not there, this is a 1 year help, but people remain in the mud, with no link to go anywhere, and they will not stay.”

He later added : “The price for hiring a tractor to plough and harrow the [newly cleared] land is huge, but [the benefit] is gone within 1 year, there is nothing left. This is different if wells, canals and roads are constructed.”

And also : “On a family basis, people need mosquito nets to avoid diseases. If they could receive rice, prohoc [fish paste] and salt for one year that would be good, like a starting capital, to avoid having to sell their labour force for others, spoiling their own harvest because they come back home late for their own farming activities, and end up with less yield than those for whom they worked as labourers.”

Regarding ownership :

Interviewees thought land titles should not be provided right away to recipients, but only after a 3 to 5 years period. The main point being to ensure that beneficiaries really use their land. They pointed out that after 2-3 years, when they have invested their time and effort into the land, and that there is no more wild vegetation, most people do not want to sell and to leave. If land titles are provided since the beginning, there might be many sales and land exchanges...

Regarding retention rate :

Villagers estimated that if 70% of the beneficiaries would still be there after 2 years, that would be a success.

Land distributed in relation to UNHCR repatriation of refugees in 1994 in Banteay Meanchey

Field research in Thma Daekkeh village, Banteay Chhmar commune, Thma Puok district, Banteay Meanchey province.

Background

Following the Paris Peace Accords, UNHCR had to organise the repatriation of over 360,000 persons from border camps in Thailand into Cambodia, so that they could participate in the national elections in 1993.

Characteristics of initial settlers

Land was allocated to returnees from border camps. However, they were first brought to a transition camp in Banteay Chhmar (Banteay Meanchey province) and voted there. Only one year after the election, in 1994, were they offered land in the area of what is now Thma Daekkeh village. Around 80 families benefited from the land distribution.

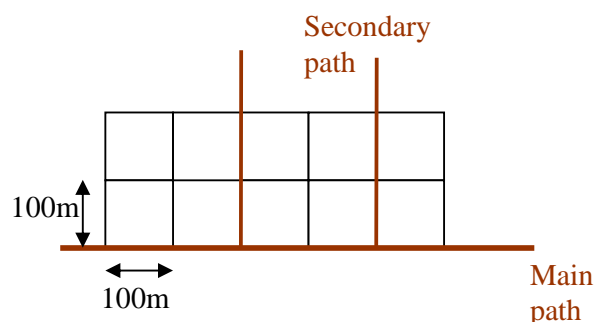
Land allocation process

The area identified by UNHCR and provincial authorities for this settlement is located along the road from Sisophon to Banteay Chmar, and was initially covered with shrubs and degraded forest.

In 1994, each family of returnees received residential plots of 25m x 75m, and 1 ha agricultural land. UNHCR organised groups of 10 families.

Residential land was measured by the village chief with group leaders, and then divided by lottery to groups. Individual plots were subject to another lottery within each group. People were allowed to swap plots, based on mutual agreement, in order to stay close to relatives or friends. But they had to do it immediately after the lottery and inform the village chief.

Measurement of the agricultural plots took place with the village chief, beneficiaries, staff from provincial cadastral office, plus district and commune authorities. They measured 100m stretches along a path, and 100m inland, and set poles with numbers on them. Every two plots they left space for a secondary path. Villagers said



that was important to facilitate access to rice fields and bringing animals to graze further away.

Beneficiaries participated in that preparatory work without yet knowing who would receive which plot. When the division was finished, a lottery was organised to allocate land to groups, and then another lottery within each group determined how land would be allocated to individual families. They accepted the result of the allocation as fair, though plots with lower land or along the main path were considered better.

Two old ponds existed in the village area. The first activity undertaken by settlers when they arrived at the site in January 1994 site was to build a shanty, using household kits and house materials provided by the UN agency.

Beneficiaries received rice, canned fish and cooking oil for 6 months from the Red Cross, but this was not sufficient, because by the end of that period they had not yet finished clearing the land. In order to buy food, they then started cutting wood to do charcoal for sale in the day time, and came back late afternoon to clear some additional part of their plots. They remember hardship conditions, and not having enough food during that period.

Arrived in January 1994, beneficiaries started to plant rice in June, but by that time most of them could use only 2 raï (around a third of a hectare) of their land. They had to plant their rice seeds with sticks because their plots were not yet levelled like rice fields, and anyway, they did not have draft animals.

A second wave of people came by end of 1994, and were allocated land behind, further from the main path, by the village chief.

Initial beneficiaries have land certificates signed by commune and district authorities, one for the residential plot, one for agricultural land, that were given to them 3 years after land distribution in 1997, but they could not tell by which agency. Interviewed villagers were not able to find these certificates in their house. But they said these are not land titles, for which they would have to pay. However, they believed they have full ownership over their land, including the right to sell and pawn.

Infrastructures and services

Beneficiaries of the land distribution scheme were transported with their belongings from the transition camp of Banteay Chhmar.

Interviewees said a UN agency gave them a set of wooden poles and planks and nails, mosquito nets, and tools to build their house. They were provided food for 6 months, but food support should have lasted one year to enable them to clear their land and make it productive.

In 1996 a community pond was dug under a food for work scheme.

A first classroom was constructed in 1995. Then in 1997 one more classroom extended the local school, which was rebuilt in bricks in 2003 with funding from ADB.

The road, linking Sisophon to Bantey Chhmar, was improved in 2004.

There is no health centre near the village, they have to go either to Thma Puok or to Banteay Chhmar.

Outcome of the land distribution

Less than 10 families left the village since land was distributed according to interviewees. Of these, some returned after one year : they had gone to a mined area hoping to get more land, but the conditions were too difficult. They had to request to villagers a piece of land to establish their house, and sell their labour to earn a living.

This means that the retention rate could be as high as 87%. This compares favourably with the retention rates of around 55% in Keav Muni and Anlong Run. Reasons for that success seem to lie in four reasons:

- beneficiaries were brought there altogether with all their belongings, and settled along a road; they were not isolated.
- The surface provided for agriculture to individual families was at least sufficient to cover the basic food requirements of an average family. Besides beneficiaries were able to clear more land than was initially allocated to them. The first ones to request idle land from the village chief to do so did not have to pay anything. Others had to pay 4,500 bath/ha (around 112 USD) of degraded forest in the area. Those who were able to buy plots from other villagers paid around 40,000 bath/ha rice field (around 1,000 USD), and 60,000 bath (around 1,500 USD) for a residential plot.
- That area was insecure for many years, and not subject to speculation until recently
- There was no major land conflict following land distribution

At the beginning very few of the beneficiaries had draft power, and most of the rare cattle of the village got stolen. After a while, most beneficiaries were able to buy a young cow and slowly constituted their livestock. Many of them now have a pair of draft animals and a few cows.

Recommendations of interviewees

Interviewees recommended that if beneficiaries of a land distribution scheme come from far, transport should be provided to them, and they should receive house materials (wood, nails...).

They said that to spare people a lot of hardship, food should be supplied during one year.

They suggested that vegetable seeds be provided to beneficiaries, so that they can start planting around their house as soon as their residential land is cleared, and do not need to buy vegetables.

They reckoned a pond is better than wells, and that it should be done through food for work. The same applied for roads.

Regarding ownership :

Villagers all said that ownership should not be granted since land distribution, but that it should first be ascertained that people actually make use of the land.

If beneficiaries leave their land idle or run away, the village chief should be entitled to distribute it to a new family.

Three years to get ownership seemed a good timing to them. They thought that would prevent indebted people to sell the land immediately. However they said, these conditions must be clearly stated and explained before the land distribution.

Land distributed after de-mining (with WVI support)

Field research in 3 villages of Traeng commune (mainly Ta Kruok), Rotanak Mondol district, Battambang province.

Background

Ta Kruok initially was a village located at the foot of a hill, where malaria was widespread among inhabitants. The present location along road N°10 was a fighting area along the K5 barrier¹¹. In 1999, when fighting ended, Ta Kruok village chief requested PM militaries, who controlled land there, for the right to move his village along the road to its present location. Reasons were that the area at the foot of the hill was isolated, far from a main road, and plagued with malaria.

Ta Kruok is supported by World Vision International (WVI). Through its Area Development Programme, WVI conducts PRA in its target areas in Battambang, that lead to the preparation of Village Development Plans (VDP). During the PRA, more than 60 families claimed to be landless in Ta Kruok village. Its result showed that an area of 300m x 400 m (12 ha) without owner could be used for land distribution and community infrastructures. But one of the main hindrances to village development was the presence of mines. WVI helped village authorities to file a request for mine clearance. That request followed the Mine Action Planning Unit (MAPU¹²) procedures, and was presented at the district workshop that prioritises yearly de-mining activities in Rotanak Mondol.

MAPU is a government structure, with staff at provincial and district level, that is responsible for pre- and post-demining activities. The role of MAPU is manifold :

- identify mined land
- prioritise mine clearance activities
- develop yearly plans for de-mining
- ensure that de-mined land is used for resettlement, crop production or public infrastructures
- ensure that de-mined land goes to the intended beneficiaries (poor returnees, IDPs, landless or de-mobilised soldiers' families)
- prepare documents related to applicants for de-mined land
- monitor de-mining projects and land use.

Villages file requests for de-mining that are compiled at commune level and presented during a yearly district workshop that priorities de-mining activities for the following year according to the availability and capacity of de-mining teams. District authorities should use this occasion to verify that the land does not have any known owner (government body or official, protected area...), so that it can really be used for the intended purpose. District yearly de-mining plans are presented to the provincial mine action committee for approval.

¹¹ Barrier of mines, anti-tank ditches and fences constructed with conscripted labour during the 1980's.

¹² Previously called LUPU (land use and planning unit) in Battambang, and LUMU (Land use and management unit) in Banteay Meanchey. The main difference was that LUPU was only working on de-mined land, whereas LUMU dealt also with land found available outside de-mining activities. Their functioning and procedures were harmonized, and their names changed to MAPU.

Staff from WVI and from the de-mining agency MAG assessed the location and size of land to be de-mined, and its accessibility for de-mining teams. Because other areas in the district also required the service of de-miners, it was decided that only 4.5ha could be cleared in a first stage. WVI and MAG met with the whole community to explain how the de-mining of this area could meet the objectives of their VDP. As deminers' priority are public infrastructures, part of these 4.5 ha would be used for a small road, a health centre, a village office and a pond, which had been requested by the community. Therefore only around 2ha would remain for distribution as residential land.

Characteristics of beneficiaries

During the meeting with the whole community to discuss future use of the land to be de-mined, WVI emphasised it should benefit most needy families, and set up criteria with villagers to select beneficiaries. Priority was given to families without their own residential land, having 5 children or more, widow(er)s, disabled, very poor, and residing in the village for more than 5 years.

WVI then reviewed each candidacy, through individual meetings, to assess applicants' income and house assets, match it with the wealth ranking from the PRA, and to verify from their family book if they had been living for at least one year in the village. WVI's experience shows that families that are less than one year in a community are more likely to leave it again, and these people therefore do not qualify as beneficiaries. Individual interviews were completed by discussions with key informants of the community (village chief, VDC members, elderly, achar, midwife...).

Potential beneficiaries were invited for a meeting to discuss the 11 conditions attached to de-mined land, some of which particularly address ownership issues. The key features of these conditions can be summarised as follows:

- beneficiaries have to build a house within 3 months, otherwise the distributed plot can be taken back by the district working group, MAPU or Land Cadastral Department
- that can also happen if beneficiaries try to sell, rent or pawn the land within the 5 years following the distribution
- however, after three years of permanent use, beneficiaries (or their heirs if anything happened to them) can apply for a temporary land title that will be issued by the district/provincial cadastral office
- after 5 years, they can acquire full ownership.

The meeting with potential beneficiaries aims particularly at assessing families' capacity and motivation to effectively use the land. Some families did not come to that meeting : that was interpreted as a lack of interest in the land, and they stopped de facto to qualify for land. Others were rebuffed by the conditions.

Within the 25 families finally selected, there were 6 widow(er)s, 4 disabled, and 5 having more than 5 children. Those who were not selected were notified why through village leaders.

During a last meeting with beneficiaries, they were helped filling the official request to the district working group for de-mined land, with their picture, a signed statement that they agreed to abide by the conditions, and a copy of their family book. A discussion was also held about the size of the allocated plot : it should follow the 2001 Land Law but also depends on land available after de-mining. In Ta Kruok, village leaders and beneficiaries agreed that each family should receive plots of 20m along the road and 40m depth.

Land allocation process

Before the completion of mine clearance, a map was drawn of the area to be de-mined, featuring the future plots. Numbers for each 20m x 40m plots were given on the map, and a lottery was organised in early 2005, to allocate plots to each beneficiary on the base of this mapping.

As de-mining in Ta Kruok was not finished at the time of the interview, the following steps were observed in another village. Once the land is de-mined, plots for residential purpose are delineated and measured by staff of the district land management office together with beneficiaries. These data then appear on a provisional land certificate signed by the provincial director of the department of LMUPC, that is given to each beneficiary during an official ceremony for the handing over of de-mined land to the community. For each certificate, WVI pays around 20 USD as per diem and related fees to the LMUPC department. This document states again that the land cannot be sold. Both the village chief and the commune leader know about this condition. WVI considers this an additional guarantee that the condition will be applied, because sales of land normally require the signatures of both the village and commune leaders. However, the certificate can be used as a proof of right on the land when it comes to borrowing money from a private lender.

Infrastructures and services

In 2001, WVI conducted the PRA in Ta Kruok village and provided 4 wells

In 2002, WVI supported a school construction.

Since then, WVI has also provided various services through its Area Development Programme :

- agricultural extension; seeds were distributed freely as part of this activity; a village veterinarian was trained
- credit scheme
- health; this includes support to the commune health centre, and partnership with the district hospital to ensure access to medical treatment for the poor; health representatives in the community report

- to WVI about sick poorest families, and WVI health coordinator can pay for transport to hospital, fees and medicine.
- Food supply to most needy families in years of drought

Outcome of the land distribution

The land is not yet completely de-mined, but already the 25 beneficiaries wanted to start clearing land there. This was forbidden to them, but other villagers who were not entitled to de-mined land have already established small huts on nearby mined areas.

It should be noted that nearly all the 25 benefiting families already have some land : they have 3 to 10 raï (0.5 to 1.7 ha) of chamcar, but cannot live close to their chamcar for many reasons:

- The area is far from a source of water
- Chamcars are located in a malaria prone area
- There is no nearby school for the children.

In the case of Ta Kruok village, WVI provides the necessary support for building the planned community infrastructures, and monitors the building of houses by beneficiaries on allocated plots. This monitoring compensates for a current weakness in the de-mining process, because so far MAPU focuses mainly on pre- mine clearance activities. But what happens next is as yet not systematically monitored.

Recommendations of interviewees

Villagers set the following priorities for infrastructures in a new area :

- 1) source of drinking water
- 2) road
- 3) health centre
- 4) school

So far, since WVI started its activities in the village, no family was so heavily indebted that they had to sell land, mainly thanks to health facilities for the poor and food support in years of drought. But the village chief together with villagers said, in relation to this issue, that it was good that beneficiaries could not sell the land before 5 years, because this is the time it takes to optimise the benefit from it.

With these infrastructures in place, and safeguards mechanisms like those put in place by WVI, they expect a 90% retention rate after 5 years...

WVI's experience in Kilo Village

Kilo Village is located in Traeng commune, Rotanak Mondol district, Battambang province.

WVI had started working in that village during the previous phase of its programming, and the organisation had committed itself to continue its support. It was therefore the first area in which WVI de-mining component started its activities.

Initial work with the community had shown that some villagers had land suitable for agriculture since 1997, that they had started to cut trees there to clear it, but had stopped to use it because of the presence of mines. By then they had full ownership on the land according to the land law, and WVI agreed to support the de-mining of this agricultural land for 7 families. These families, who had residential land along road N°10, agreed that after de-mining they would build their house in the de-mined plots and farm them. However, 3 families out of 7 never established their house there once their plots were de-mined, claiming they lacked the labour force to build it. WVI realised that the real reason was that these families preferred staying along the large road. These plots were 50m behind the road, with no nearby source of water, and accessible only through a muddy path that made it difficult to bring for example drinking water there. These families did not even really farm the land, but planted it with fruit trees and do not tend them regularly.

After this experience, WVI changed its beneficiary selection process, cross-checking applicants' interest to the land with key village informants, and considering non attendance to any preparatory meeting as disqualifying.

Another lesson from this experience was that the contractually agreed conditions for de-mined land should include a provision that a house has to be built within a determined period (3 months), otherwise the land will be withdrawn from the beneficiary.

In the case of Kilo village, beneficiaries were full owners of the land prior to de-mining, and WVI, MAPU or Land Cadastral Department could not take it back from them.

Land distributed after de-mining (with NPA support)

Field research in Banteay Mean Rit village, Kouk Romiet commune, Thma Puok district, Banteay Meanchey province.

Background

In 1997, a resettlement working group, composed of representatives of local authorities including the village and commune chiefs, military representatives and NPA staff, identified 211 seemingly poor families living in huts on the edge of Banteay Mean Rit market. The governor's cabinet and PDRD supported the initiative of resettling these people to a nearby site. Local authorities proposed an area to the south of the village, idle and suitable for housing. NPA launched its first de-mining for resettlement project there, with CMAC as the de-mining agency. In June 1998, CMAC had completed around three-quarters of the clearance on that land proposed for residential plots, when its staff was attacked by the Khmer rouge and de-miners were killed. CMAC decided to withdraw after this incident, and NPA approached Halo Trust to complete the work. Due to prolonged discussion related to work plans between the two de-mining agencies, it took some time before Halo Trust resumed mine clearance. The whole area was very unstable at that time, and insecurity often forced NPA staff to leave their field office in Banteay Mean Rit to go back to Sisophon. In this difficult context, they organised the settlement of the 211 families into the de-mined area now called Boeung Trakoun C. The plan was also to provide agricultural land to these poor families.

Characteristics of initial settlers

Most of the intended beneficiaries initially identified by the resettlement working group were families of demobilised soldiers and economic migrants. Among those, the village chief and village group leaders had selected beneficiaries according to the following criteria : families that do not own a house but rent it, or have only a little shanty along the road, and poor families staying permanently in the village. Families often leaving for long periods to work in Thailand did not qualify, as the condition to receive land was to promise to live there permanently. Though the resettlement working group had established criteria, it was later found out that some people that should not have been selected, policemen or soldiers, were among the beneficiaries.

Land allocation process

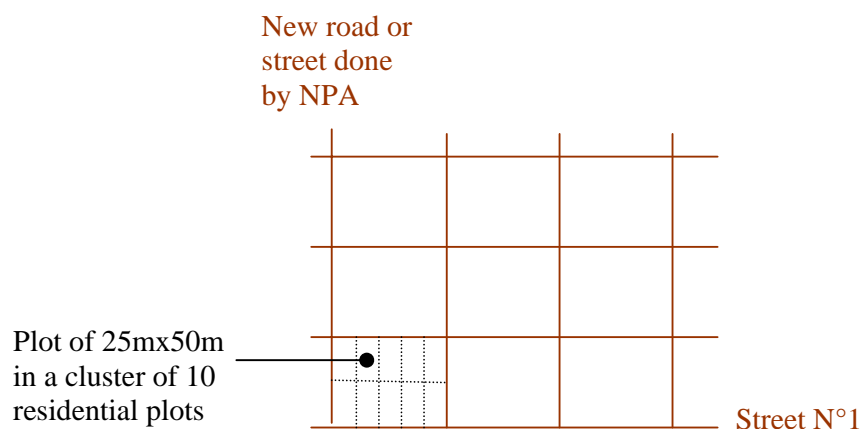
In 1998, as three quarters of the land had already been de-mined by CMAC NPA staff, together with other members of the resettlement working group,

prepared a map of the resettlement, featuring roads and individual plots. But when there was a halt of de-mining activities, following CMAC withdrawal, the village chief, without the knowledge of the other members of the working group, distributed land to 26 families. These families were selected beneficiaries, especially military families and other people who knew the village chief. It is reported that the village chief received payment for that. Families moved in by the village chief settled mainly along the first row in the site (future road N°1). This location, closest to a warehouse were many beneficiaries used to work to unload trucks, was considered the best.

The resettlement working group put a halt to this, and decided to start land demarcation

within the $\frac{3}{4}$ area already demarcated, even though the whole site was not yet demarcated. NPA staff using a GPS, together with villagers, village and commune leaders, measured

individual plots of 25 m x 50m, delineated them with poles and numbered them, leaving space for roads around clusters of 10 plots.



A lottery was then organised to allocate plots to individual families, including those who had come in advance. This lottery was organised in 1998, whereas mine clearance was not yet complete, because the resettlement working group feared the delay in resuming de-mining activities would otherwise induce anarchic settlement. 4-5 days were left after the lottery to allow families to swap plots if they wanted (not many did). Definitive plot allocation was recorded by the village chief.

Problems arose the day of the lottery. Beneficiaries were supposed to be informed by the village chief and group leaders, that allocation would be done by a lottery on a specific date. Unfortunately the process of informing the beneficiaries did not take place as expected. On the lottery day, when NPA staff called the names of intended recipients, they realised that in many instances somebody else was turning out. This problem, of matching the plot to the person/family who had been selected as eligible, often was due to the fact that other family members came to claim the plot if the actual beneficiary was out of the village. It was difficult to assess that day if they were close relatives of those who were called, or completely different families that came to acquire land with or without the consent of intended beneficiaries.

NPA staff said they learnt from that experience, and decided in future resettlement to take pictures of land applicants, in order to be able to compare it with persons claiming land on a distribution day.

The resettlement was planned to take place progressively as the infrastructure was completed – the villagers worked on making the roads through food-for-work and they were also responsible to clear their own plots. Indeed, as soon as the first road was built with NPA support (street N°1), families started to establish their houses in plots along that road. As NPA went on building the second road, the settlement pattern continued to follow the infrastructure, notably also water points.

After the completion of mine clearance by Halo Trust, an official ceremony handed over the de-mined land to local authorities and beneficiaries.

NPA facilitated the issuance of land titles to the beneficiaries, but the initial plot demarcation was not recognised by the newly created provincial department of LMUPC, and its staff came to measure the plots again.

Infrastructures and services

There were a market, a school and a private clinic in Banteay Meanrith. NPA constructed a health centre in the existing village. NPA also built roads through food for work inside the new settlement, some in collaboration with WFP, and dug wells inside the new residential area. Such infrastructures were also provided in the old village.

Outcome of the land distribution

Some beneficiaries did not move to the new site, considered less secure than the vicinity of the market, and preferred to remain close to the market area. Besides, they felt it was easier for them to find work there if they stayed closer.

In 2003, five years after land distribution, NPA surveyed the resettlement, and made interviews of 163 out of the 211 beneficiaries. In other plots, there was nobody to answer at the time of the interview. Of the respondents, 100 were original beneficiaries (61% of respondents), 29 were new settlers (18% of respondents), and 34 (21% of respondents) declared “looking after the plot” on behalf of somebody else, but it was not inquired whether this was the initial beneficiary or a new settler. The retention rate among respondents therefore stands between 61% and 82%, five years after land distribution.

NPA planned to distribute also agricultural land to beneficiaries of Boeung Trakoun C settlement. In 1999, the organisation asked local authorities for land suitable for agriculture. Authorities and the military from the villages of Pi 5 and Mean Rit proposed a mined area of 400 ha under their

responsibility, and allocated it to NPA for implementation of agricultural development activities. NPA mapped the boundaries of that area, but did not find it suitable for agriculture. At that time NPA phased out of Banteay Mean Rit because of programming constraints, and because its mandate was only to work with CMAC, that did not accept to engage into any new activity there. A document was then prepared to ensure the land would be used for poor families, either for residential purpose or other development activities. Any proposal for use by local authorities was to follow the MAPU process and be approved by signatories of that document. This document, delineating the 400 ha of land, was signed by then provincial governor, a high ranking military officer, commune and village leaders.

However, in 2002, some of the authorities who had the responsibility to manage this land started unofficial sales of part of the area. This prompted villagers to go and clear land there. Neighbouring militaries had taken 20 ha of that land to sell it to wealthy outsiders, and villagers thought they had better get some land there before the military take it all. The first families to enter that area came from Banteay Mean Rit and neighbouring villages. They cleared surfaces of 4-5ha and planted them with poles to clearly mark their limit. After that, many more families came to clear land there and farm it, and cleared ever more land. When they noticed mines (mostly string detonated mines), they either disposed of them (many are demobilised soldiers), or called for the Halo Trust emergency squad based in Thma Puok to blow them. Many disputes arose, because initial settlers had, by early 2005, relatively big surfaces (5 to 10 ha). In 2005, group leaders and village authorities intervened to settle problems between families who had cleared a lot of land and those who wanted to get some. Those who had cleared more than 5ha accepted to give up to 2 ha to other families, but made them compensate for their time and labour spent in land clearance : 200-300 bath/raï (roughly equivalent to 30-45 USD/ha), or 3 bath per meter (7.5 USD/100m) of path. It seemed involved authorities received payment for these land transactions. By the time of the interview, the 400 ha had entirely been claimed.

Land distributed after de-mining in O Bei Choan commune

Field research in O Bei Choan commune, Ou Chrov district, Banteay Meanchey province.

Background

This commune was a former front line, and the area is heavily mined. CMAC was in charge of the de-mining there, whereas LUPU (later called MAPU) was responsible for pre and post mine clearance activities (assess intended use of de-mined land, selection of beneficiaries, hand over to local authorities...). The commune was NPA's second area of operation : from 1998 until 2002 the NGO worked on a programme of demining, resettlement and community development, including rehabilitation of infrastructure and land distribution. There are 11 villages in O Bei Choan commune. NPA conducted community development activities in all villages and resettlement in six. In Tchouk Chey, Banteay Thmei and Yeang Dangkum villages, NPA's role was to observe the process and support CMAC financially.

During the field research, commune council members were met first. After that meeting, information was cross-checked in the village of Tchouk Chey through discussion with villagers, and by meeting separately with the village chief. This report starts with information from Tchouk Chey village. CMAC worked in 2 phases in that village, first over 33 ha, and then over another 8 ha. Mine clearance of the total 41 ha was completed by the end of 2001.

Characteristics of initial settlers

The village chief explained that there were two criteria for selecting the 124 beneficiaries of residential land : families having a permanent address and without residential land (sic!).

For beneficiaries of agricultural land (officially 58 families), he gave the following criteria :

- people working for the community
- poor

As confirmed by NPA, there were better defined criteria. But the village chief was not very familiar with them because he never applied them.

Land allocation process

Residential land was distributed to villagers in August 2002. The village chief said that he measured plots of 30m x 40m together with his deputy and "a few villagers", and numbered each plot. Plots were then allocated by a lottery

that involved all 124 benefiting families. The provincial governor, MAPU staff, the district chief and NPA staff were present the day of the lottery.

Agricultural land however was only distributed in October 2004, almost 3 years after the end of land clearance. According to commune council members, the initial plan was to provide each beneficiary of agriculture land with around 3 raï (0,5ha). According to the village chief, he also measured plots of 30m x 40m. The day a lottery was organised to allocate plots to 58 families, only MAPU staff and representatives from the commune came to attend the event.

The interviewer commented to the village chief that the surface of land distributed to each family, multiplied by altogether 182 families, amounted to roughly 22 ha out of the 41 ha that had been de-mined. The village chief had an explanation : the area left was kept for community infrastructures such as roads, pond, school, and for the pagoda. Actually, he had sold the land left after the distribution for residence, mainly to wealthy people.

Infrastructures and services

In the commune, roads and schools were rehabilitated with funds from Social Fund and NPA.

MSF built a health centre, while NPA supported its activities.

Outcome of the land distribution

Commune council members interviewed acknowledged that the distribution of residential land in Tchouk Chey village went according to the plan. But they said that only 7 or 8 poor families received agricultural land, out of the 36 families they estimated were really poor and needed such land. They added that the village chief refused to put the others' names on the list of beneficiaries, because they had not been in the village for at least 5 years or did not yet have a family book. However, interviewed commune council members pointed out that these families were registered as voters in the commune.

When these commune council members saw the list of beneficiaries for agricultural land sent by the village chief, they realised that most of the names listed were those of military or wealthy people. They said they informed NPA about that problem. NPA urged MAPU to follow-up these issues, but the allocation still went on, and the MAPU staff involved told commune council members that all land was distributed. They commented this saying they were not sure whether he had not verified this information or whether he was part of a deal with the village chief.

Villagers of Tchouk Chey confirmed that less than 10 poor families received agricultural land, and added they had to pay pay between 500 bath (12.5

USD) and 2,000 bath (50 USD) to the village chief to receive it. Others were wealthy people, most of them from outside the village.

Recommendations of interviewees

Problems encountered, as reported by commune council members, and their recommendations :

- The MAPU does not know who is poor or rich in the village; therefore the selection process relies mainly on the village chief to make sure applicants fit the criteria. In the villages of Tchouk Chey and Prey Chan, it appeared that the village chiefs forwarded a list in which many beneficiaries already had land and were wealthy families. In Yeang Dangcum village, NPA expected the de-mined land to benefit many families, each receiving 3 raï (around 0.5ha), as the village chief gave many names, but it turned out that many plots finally benefited the same single person. They said it is easy for a village chief to give the names of his relatives and people he trusts, so that later he can sell their plots as he wishes and share some money with them.
 - Interviewed commune council members recommended that NGOs should participate in the selection of beneficiaries, to ensure that selection criteria are really applied.
 - They recommended that the MAPU, in charge of post de-mining activities, should not let many years pass without a transparent distribution taking place, as was the case for agricultural land in Tchouk Chey and Yeang villages. NPA commented that they were aware of abuses and delays, but that they could only encourage relevant authorities to take action, as in the end it is the government's responsibility to enforce regulations.
 - They also proposed that village chiefs not be able to send their list of beneficiaries directly to district authorities, without prior approval of the commune¹³. Commune authorities should have the right to refuse applicants/listed beneficiaries. Without any comment from interviewers, the commune council members realised balancing powers is not easy : they said that if too much power is given to commune authorities, they might do just the same as what village chiefs did in this commune, but if they have too little authority, they cannot do anything when such problems occur at village level. However, they pointed out that commune council members are elected, and therefore accountable to their electors, most of which are poor, whereas village chiefs are appointed. Besides, they noted, village chiefs often represent one party and tend to give information or provide land only from

¹³ The normal MAPU process allows for a commune review of the list of beneficiaries before it is sent to the district and then to the provincial governor who authorises the land distribution to the people on the list. But in 2004, MAPU staff gave village chiefs solely the responsibility of listing land beneficiaries. After that the commune received the list later, for endorsement only. Asked why the commune council did not propose people between 2002, when clearance was finished, and 2004, when that meeting took place, they said they had proposed names that were forwarded to the district and eventually came back with approval, but that village chiefs did not call people for land distribution, and that the commune did not have the right to enforce land distribution.

villagers of their party : they said involving the commune council, where different parties are represented, would avoid this problem.

- When the measurement of individual plots on de-mined land was left to village chiefs, it also happened that out of 15m planned width, plots actually only had 10m. Even when all intended beneficiaries received their plots, one third of the de-mined land was then left for sale by the village chief.
- In two instances, villagers came to settle on de-mined land that was kept for community purposes. In Banteay Thmey village, one such area was intended to be kept idle as a source of gravels for road maintenance, but villagers came there to establish their houses. Though according to the law, commune authorities could force them to leave, they said they knew they would not get support from higher authorities to enforce the law in that case. In Yoeung Nikhum village, according to the de-mining plan, land cleared from mines was to be used for school construction, distribution of residential land to 100 registered families, and for community needs (pond and community building). But there are now around 30 families there claiming that they bought their plots on that land left for community infrastructures, probably sold by the village chief. MAPU attended the land distribution to the 100 families, but there has been no monitoring of land use on the community ground.
- To delineate the de-mined area, CMAC places poles, but there is no binding between them to clearly mark the geometry of the area. The map of the de-mined area is given only to the village chief. As land distribution often took place more than one month after mine clearance was completed, it was impossible for commune authorities to make sure that poles were not displaced, and to retrieve the exact shape of the de-mined area. They also cannot ascertain that all the land cleared from mines is actually distributed. Even when MAPU attends plot measurement and that process is transparent, it cannot be verified if the distributed land covers the whole area that was de-mined.
→ The interviewed commune council members wanted to recommend that agencies involved in the follow-up of de-mining should monitor more closely, and calculate how much land do beneficiaries actually receive, how many of them get land, and how much de-mined land might still be free. Besides, they proposed that a copy of the description of de-mined land area (boundaries and surfaces) and of the list of beneficiaries be given to the commune council for possible verification.
- Pictures of beneficiaries are taken for the issuance of provisional land certificates. Pictures should be taken even before that step, during application process, so that it is then possible to compare with people

showing up during the distribution, and later when the time comes for provisional land certificates.

It was found difficult to assess recipients' willingness to really make use of the land. With the proximity of job opportunities in Thailand, many people in that area want to get land to sell it. Though there is a land use condition attached to the land distribution, and beneficiaries do not have any land title, many manage to sell their plots with the complicity of village chiefs who authorise the transaction. They receive a relatively low price for their land, ranging between 500 to 1,000 USD/ha. These figures have to compare with the costs incurred to clear the plots : 5,000 to 10,000 USD/ha...

Land distributed by the military to de-mobilised soldiers

Field research in 4 villages (mainly in Chamcar Chrey Choeng and Krang Rongien) of Anlong Reab commune, Veal Veang district, Pursat province.

Background

In 1993, King Norodom Sihanouk declared the establishment of a Wild Life Sanctuary in the western mountains of Pursat province, that were then under the control of Khmer rouge forces. Shortly after their re-integration into the Cambodian civil society in 1997, a district was created bearing the name of Veal Veang, that encompasses that area. To support their families, former Khmer rouge soldiers continued selling timber and hunting, but also now wanted land and starting clearing the forest. In 2000, beginning of the construction of a road linking that remote area to the provincial town of Pursat prompted them to settle along the new road, and to expand land clearance from there. Land distribution along the road was organised by local authorities, who were these soldiers' former chiefs. In 2002 Fauna and Flora International (FFI) started activities there, trying to enforce the law protecting wild life sanctuaries. That meant stopping to cut trees and hunt wild animals, and went against the interest of families there, but also of authorities who wanted to ensure the conversion of soldiers to peaceful farmers. FFI had to acknowledge the existing settlements and de facto cleared land, and engaged into a training and negotiation process with the communities to limit further damages to the protected wild life. A participatory land use planning (PLUP) adapted to wild life sanctuary was conducted, and four zones were defined, each under the supervision of different authorities, from the Department of Environment for the first one to local authorities for the fourth :

- wild life sanctuary core zone : there should be no entry nor any use of this zone except for staff from the Department of Environment and for scientific research with no impact on the zone
- conservation zone : local communities have the right to harvest non timber forest products for non commercial purposes from this zone
- sustainable use zone, where some commercial resources can be harvested
- community zones are those were settlements, agricultural activities for people from existing communities and infrastructure are officially accepted

Characteristics of initial settlers

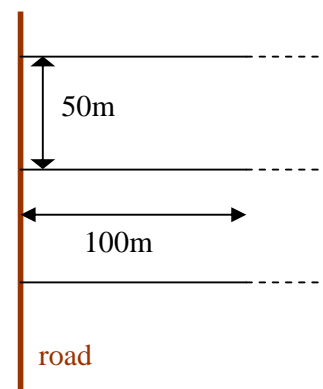
Initial settlers were ex-Khmer rouge family members who came from three villages located 15 km away on the foot of a mountain. Two main reasons were given for leaving these villages :

- the first being that they were far from any road, making it impossible to sell perishable food products, whereas “imported” products, rice in particular, were expensive due to transport time and costs (80,000 riels a 50kg bag of rice, compared to 50,000 riels/bag today along the road)
- the bottom of the mountain was “always rainy and dark” and plagued with malaria. As interviewees put it, they used to spend more money on medicines than on food.

Land allocation process

Both villagers and authorities reported that the decision to move from their initial villages was taken by all families together. They all wanted to break with their isolation and get close to the road. Each village chief organised a visit to the future settlement site with one representative of each family. This opportunity was taken to assess access to drinking water. The only permanent source of water during the dry season would be Anlong Reab river, and villages were organised accordingly : each village bordering the river, and one village on each side of the road. Villagers found it important to have been able to assess the conditions in their future living environment before resettling.

Land was allocated along the road in 2000. Authorities from the initial villages divided stretches of roads according to the number of families in each village, counting 50m per family. Within each stretch, lengths of road were allocated to groups, that further allocated plots to each family. Village chiefs made the measurements of 50m stretches. Residential plots could take up to 100m but beneficiaries could clear even more behind that for farming. All inhabitants of former villages were resettled.



Village chiefs organised the process and allocated plots to families. They did not request any payment from people. Though families could not choose their plot, they were given the opportunity to swap plots if they wanted to stay near former neighbours or relatives, but it had to be within the stretch of the same village. No dispute was reported over the plots, though those situated on flatter soil and close to the river were obviously the best. The discipline within the ex-Khmer rouge structure still seemed to apply.

Inhabitants of the former villages at the bottom of the mountain came along the new road in November, when the soil had dried enough so that transport of their assets and house planks became feasible along the existing foot and oxcart trails. Though they knew the area was mined, they started slashing and burning the forest on their allocated plots, in order to clear an area on

which to build their house. As these activities took place during the dry season, some had to go up to 3 km away to the river to get drinking water.

Villagers do not have any paper acknowledging their rights on their residential plots. They said they had the right to sell their land, but had to ask first the authorisation of the village chief. However, asked about villagers' rights on the land, a village chief confirmed their right to use it, but denied any right to sell, though he stated that if he was requested, he would accept a plot to be given to a relative from the same community. This reliance on the village chief for ownership rights is of concern, when in nearby communes high ranking military already requisitioned land along the road supposedly for military purpose, or manoeuvred in various ways to retrieve land cleared along roads and sell it, thus forcing villagers to move back of the road.

The area around housing plots is heavily mined because the road was built upon a former military track. CMAC is currently working there to de-mine patches 70m wide on each side of the road. So far many villagers did not clear land for farming just nearby their house but a little bit further. There was no allocation of farming land : families started slashing and burning plots for farming according to their will and capacity. They mentioned the PLUP activities and that they are entitled a maximum of 5ha per family. But most said they had less than that, because they could "only" clear 0.5ha/year. Once a plot is cleared and cultivated, they take necessary steps to get a land certificate from commune authorities and the district cadastral office. Usual costs involve 50,000 riel for the chief of commune and 100,000 riels for district cadastre staff to come to measure the plots of a family. The village chief of Krang Rongien estimated that 50% of the families have land certificates for their chamcar.

During their first months along the road, families relied on rice they had brought from their former village. When this was exhausted, they sold forest products or their labour to buy additional food, until they got their first chamcar harvest. Time spent in these activities hampered their land clearance.

Infrastructures and services

The road is the very infrastructure that triggered the settlement. It was started in 2000, finished by end of 2003, and allows fast driving across forests to the commune. Village chiefs could not tell clearly which agencies or government bodies provided the various infrastructures and services that can be found in the commune.

For each of the following infrastructures a contribution of 2,000 to 3,000 riels was requested from each family and collected by local authorities :

2002, construction of a health care centre

2003, school construction

2004-2005, two ponds of 10x15m were dug

In the first years poorest families received one 50kg bag of rice per family. A NGO launched a cow bank scheme.

The provincial Department of Women's Affairs is providing credit services in the commune. CFDS (Cambodia Family Development Services) is providing health services to the poor of the commune. CFDS staff first surveys all families to assess their economic situation, and classify them through a scoring system in very poor/medium poor/poor or not poor families. The three first categories are given health cards, that entitle them to different payments through an equity fund if they need treatment at Pursat provincial hospital. Costs covered by the equity fund are described in the table.

<i>Health related costs covered by the equity fund managed by CFDS</i>		
very poor	medium poor	poor
treatment fees, all transports, food for care taker	treatment fees, first transport	treatment fees

Outcome of the land distribution

Two populations compose the villages today: ex-Khmer rouge families from the villages at the bottom of the mountain, and their relatives from various provinces (mainly southeast of the country), who came there later and established their houses further from the river along the road.

Most interviewees have cleared 0.5 to 2 ha so far. They plan to clear up to the 5 ha authorised, and state that this will not be sufficient when they will have to divide their land to their children. On their newly established chamcar, they rotate cash crops and rice, according to the following calendar (started in February) :

	F	M	A	M	J	J	A	S	O	N	D	J
year 1	sesame				soyabean							
year 2				rice				mungbean				

To fulfil this tight programme they have to exchange labour in periods of harvest and planting. Rice is planted with a stick (not broadcasted nor transplanted). Land in old KR villages is not used regularly any more because it takes too long to get there. Villagers planted it with fruit trees (coconuts, mangoes, limes, custard apples...).

All interviewees were satisfied about their resettlement. Ex KR who used to live at the bottom of the mountain reckoned their land there was more fertile, and provided them with plenty of food but that they could not sell and make money. Now they felt their livelihood had improved because there is more light, less rains and less malaria, and because their chamcar are bigger and they can sell their products thanks to the road. Families who came from

other provinces where they owned none or little land are happy to be able to acquire enough to sustain their families. However, access to drinking water during the dry season is still problematic.

Recommendations of interviewees

They established the following priorities for infrastructures to be provided by a land distribution programme :

- 1) most importantly, a source of drinking water should be secured, for people and their animals
- 2) a road. As one interviewee puts it : “a road is a breathing way”
- 3) a health care centre
- 4) a school

Spontaneous settlement in Pursat province

Field research along the road to Veal Veang district, Pursat province.

Background

Settlements were observed along the road in Veal Veang district. It turned out that they are not yet registered as belonging officially to any village. They sort of incorporate with the village of Stung Thmey (Pramaoy commune), and settlers call their place Chomnoat.

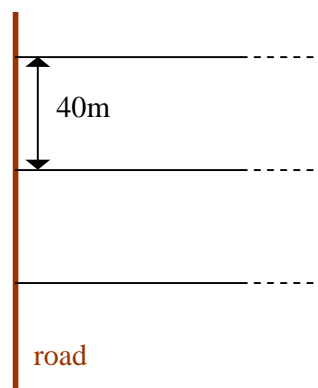
Characteristics of initial settlers

People in this settlement come from the district of Bakan in Pursat province. In 2001, today acting “village leader” Ta Oeun spread the word that an area would be opened here for settlement for poor people, and that district authorities were willing to have people coming in to live in the newly created district so that it would not only be inhabited by former Khmer rouge. One of the interviewees was the person who gathered a group of around 35 families to come to that area. The only criteria was to respond positively to the question : do you volunteer to go to live in Veal Veang? Families which accepted were indebted because of 3-4 years of bad harvests in a row. They had been severely affected by the previous years of floods. They only had less than 1 ha of land. Some had also incurred debts to pay for health treatment for one of their family member. Most then decided to sell their 0.5 to 1 ha of land in Bakan to cover these debts, and to come to live in Veal Veang.

Land allocation process

A district cadastral officer had measured stretches of 40m along the road. The group of more than 30 families that came together took “plots” 40m wide, the depth being left to them and to their capacity to clear land. People established there on a first come first served basis.

So far people there do not have any document asserting their right on their land. They said the village and commune leaders guarantee their right to be there. They believe they could sell their plots if they wished.



They went with the acting village chief to look for a place to clear their chamcar for farming, and he allocated 30m along the river bank a few kilometres away. Families clear from the river bank a 30m wide stretch into

the forest, the depth of it depending on their available labour force. They do not have any document proving ownership for this land either.

The first activities undertaken by settlers upon their arrival was to build a shanty and to look for a place to establish their chamcar. They paid for daily workers to help them clear a piece of land to start production as soon as possible. They had to take daily workers coming from Bakan district once the transplantation period was finished there, because all labour available in the settlement area is busy with chamcar farming. In order to sustain their families before the first harvest, they used whatever money was left from the sale of their land in Bakan, and collected forest products for sale (resin for boat makers, mushrooms used in Chinese medicine).

Infrastructures and services

People settled along the road linking Veal Veang to Pursat provincial town. Water is 2km away, where there is a pond that was dug while the road was being upgraded.

The Minister of Interior, H.E. Sar Kheng, came by helicopter and distributed a kit to settlers, containing 25 kg of rice, a mosquito net, a large plastic sheet, a water can, one sarong, one kroma, one pair of thongs, an axe, a hoe...

As settlers wanted their children to learn, they combined their efforts to build a one classroom school, cutting and assembling wooden planks for its construction, making a roof with leaves, and choosing among themselves someone who could write to teach the children. Then in 2002 they received the support of the government or an IO (they did not agree on that point) to build a second classroom : those who participated in the construction received rice (a total of 1.5 ton was distributed), canned fish, oil and salt. There is now a government paid teacher.

Malaria is common, but the closest health centre is at the district town.

An NGO (they did not remember the name) started a cow bank scheme.

Outcome of the land distribution

Settlers practice the same kind of rotation on their chamcar as in Anlong Reab commune : half of the surface they cleared is planted with rice, the other half is used for cash crops (soyabean, mungbean...), and the tight farming calendar leaves them little time to clear additional land.

Many interviewees were indebted. They incurred their debts at the onset of their settlement to pay for the daily labour that helped them clear their land, and for the start of the production cycle. One family explained it took 4 days for them plus 10 hired labourers to clear around 2 ha. They paid each daily worker 6,000 riels/day (food expenses paid by labourer). They also borrowed for seeds. Including other expenses, their total debt soon amounted 1 million riels (around 250 USD). They borrowed from a relative who came also to

settle there, and who sells small grocery. They reimburse after each cash crop harvest, and at the time of the interview their debt had decreased to 400,000 riels. The deal with the money lender is that repayment is made in kind : for every 100,000 riels lent, the borrower should pay back with 100 kg of cash crop, either soyabean or mungbean. Last year, soyabean average price for 100 kg was 100,000 riels, but part of the repayment was also done in mungbean, which was then worth 180,000 riels/100kg...

Recommendations of interviewees

Most importantly sources of drinking water should be ensured. In their area, they said wells would not be appropriate, but they could have community ponds.

Land distributed in relation to the creation of a new village by provincial authorities in Battambang province

Field research in Kompong Chamlang Leu village, Ta Krei commune, Kamrieng district, Battambang province.

Background

That area had been a fighting ground mainly controlled by Khmer rouge forces. By the end of 1998, Battambang second deputy governor Mr. Toum and district chief, Mr. Sokoun, appointed Mr. Ream Muong, a former Khmer rouge officer, as village leader, and gave him a letter asserting he was to organise a village in what was to become Kompong Chamlang Leu.

Characteristics of initial settlers

In 1999, 70 families came into that area. Most were demobilised soldiers and landless families, coming from various provinces (Battambang, Banteay Meanchey, Pursat, Siem Reap, but also Kompong Cham, Svay Rieng...). Mouth to ear information about the availability of land in that area prompted them to come. They just had to request a piece of land to the village chief to be allocated a plot.

Land allocation process

All families that came to request land were accepted, and so far 266 families are registered in this village. As families arrived, the village chief measured stretches of 50m along an oxcart path that now runs through the village. He did not have any tool to measure, so he counted his steps. He did this each time new families arrived, and it later turned out that plots were not of the same width, ranging rather between 30 and 50m. From that path, recipients were allowed to clear as much as they could from the degraded forest, to use it as residential and agricultural land. As they were afraid government officials might claim the land, they strived to clear as much as they could in order to be able to argue they had used it in such an eventuality. Individual plots' depth ended up ranging anywhere between 160 to 1200m (most are around 500-700m). The depth was either limited by the little family labour force available, or by the presence of natural features (some plots ended up with a small stream) or by the presence of a plot already cleared by someone. Hence villagers now have between 0.5 and 6 ha.

In most cases, only the head of the family came at first, in order to assess the location, request for land, clear enough space to build a shanty for the family, and then only had wife and children to come.

To support initial settlers during land clearance, WFP distributed 100kg of rice per family. Some among demobilised soldiers had a little bit of money, and started small income generating activities (grocery selling, or moto-taxi for those better off...)

The village chief explained that he put only one condition to the land allocation : recipients must establish their house and stay permanently there within 3 months to maximum 1 year, otherwise he allocates the land to somebody else. Villagers knew this condition. According to the village chief they can get full ownership after 5 years, but some villagers said they had filed a request for a land certificate at commune level two years after land was allocated to them. They were confident that this administrative step ensured at least their plots were registered in commune files to their names. Though they did not yet have any paper in hand, they believed they already had full ownership.

Other villagers already have land certificates signed by village and commune authorities for their residential land (3 raï or 0.5 ha) and farming land. They have to pay 30,000 riels for commune officials to come and measure residential land, and around 50,000 riels for farming land. Of this the village chief receives 5,000 riels. When villagers are very poor, these authorities accept to work for only 10,000 riels, saying they had rather ensure people have official recognition of their right to the land. These certificates enable people to sell and pawn land, and are accepted by the ACLEDA bank.

Infrastructures and services

At the beginning, during the dry season, people could only get drinking water from the river, 1 km away.

In 1999 after the village chief had filed a request for de-mining, CMAC cleared the oxcart path and CARE built a road that now runs through the village.

In 2000, MAG started activities in the village, first de-mining ground that was to be used for school construction and for wells. That same year CRS distributed mosquito nets and constructed a nearby health centre. After that LWF also started its activities in the village, and supported the school building with labour contribution from villagers.

Since 2003, MAG is clearing stretches 65m wide on both sides of the road that runs through the village, and should soon complete the 3km long mine clearance.

As of 2005, LWF is the main organisation involved in development activities, including community development, health, education, environmental issues, disaster management, food security and income generation. They target 20 poorest families, identified by villagers themselves according to criteria

explained during a village meeting. These families have more than 4 children, can only grow enough food to cover their family requirements for 6 months in a year, have less than 1 ha farming land, reside permanently in the village, have thatched houses, do not own valuable assets (bicycle, motorbike, TV...), lack clothes and knowledge, and want to change their livelihood.

People also have access to micro-finance services through ACLEDA.

Outcome of the land distribution

Soon after villagers had started to clear the area, soldiers came with weapons to claim the land on behalf of their commander. The village chief had to negotiate three times with the military. The first time he showed them his letter from provincial and district levels. Another time 5 armed soldiers came and threatened to burn houses in the village. Being a former soldier himself, the village chief gathered his 14 militia men, but after being advised on the radio by district officials that he should avoid armed conflict, he managed to obtain a meeting with these soldiers' chief. This officer came to the village, and though the discussion was pretty tense, villagers were able to resume their settlement peacefully after that meeting. At the time of the interview, of the 400 ha initially claimed by the military commander, only around 4 ha remained idle. But as the village chief puts it : "he had to go by the law".

Some families already left the village after having sold their land to reimburse debts incurred for medical expenses. In most cases, other villagers bought these plots.

Of the 70 families who settled in this village during the first year, 10 have already left. The retention rate can therefore be estimated to be 86%

Recommendations of interviewees

Regarding complementary services :

Both the village chief and all the villagers interviewed set priorities as follows:

- 1) constructing a road
- 2) digging wells

They assumed there would be at least one source of drinking water at the onset of a settlement, but gave advice that it should not be further than 1km from the residential area.

They clearly stated that these were the most important infrastructures, and that people could manage if these were ensured. However, other infrastructures would have to be provided at a second stage, namely a school and a health centre. They could not agree on which one was the most

important, but finally stated that in areas where endemic diseases are common (like malaria), the health centre should come first, and otherwise it should be the school.

Regarding ownership :

The village chief emphasised that it should be assessed whether or not recipients stayed permanently on the land for 3 years before they could apply for ownership.

Regarding retention rate :

The village chief recommended that people be first allocated housing plots, and then farming land. There should be monitoring, to make sure they build a house in their allocated land, otherwise he said, they will run away when the rainy season starts. Verifying that they build a house would avoid them just registering their names with the plots and then sell the land. The condition of permanent residence should be clearly explained to them and be subject to contractual agreement.

Regarding indebtedness :

The village chief pointed out that land recipients cannot be asked about their debts, and that it is difficult to know how indebted they would be. But he added that families usually have a few reserves of rice, even if it is only for a short time, and have some tools to build a shanty and clear land.

Land distributed in relation to village development planning (with support from ZOA)

Field research in Kirivon village, Koun Kriel commune, Samraong district, Oddar Meanchey province.

Background

Kirivon village is located midway on the road that links Samraong to O'Smach, around 20km away from the provincial town. The village was established in 1994 by a military officer, called Ta Saroeun, from the "para" forces that used to fight the Vietnamese supported government army, and went back to civil life after the national election. At that time, he fixed the boundaries of an area that he called "his" land, and made a village there with some of his former soldiers' families. These families relied on chamcar fields they had cleared long ago, located more than 5km away from the road whereby the village stands. During the 1997 upheavals, he ran away with all villagers to the Thai border¹⁴. In 1999, many organisations supported the return of families who had fled combats in border camps, and the settlement of economic migrants to the newly created province of Oddar Meanchey. Both populations can be found in Kirivon village today.

Villagers elected a VDC chaired by Ta Saroeun. With the support of ZOA, a plan was prepared to develop a then forested area, 1 km away from the village. It was to be used for rice cultivation, with a dam to secure supplementary irrigation. Ta Saroeun first expected that 200 ha of the land he had demarcated could be used for that purpose. But military had taken 52 ha, and the prospect of a source of water for irrigation raised interest for that land in neighbouring Koun Kriel village. The commune council (of which Koun Kriel village chief is a member) made decisions regarding village boundaries, and finally allocated 102 ha of that land to Koun Kriel village. Therefore, in 2002, only 46 ha were left for agricultural land distribution to Kirivon villagers.

It should be noted that the division of standardised 30m x 40m residential plots and their distribution to all villagers had also taken place in that village, but the following notes focus on agricultural land.

Characteristics of initial settlers

Early families who returned to the village in 1999 resumed their chamcar farming, and new comers were clearing chamcars, but none of them had rice

¹⁴ Maybe he did not want to fight anymore, or he did not want to stay amidst political troubles because he had already then changed allegiance to the CPP - a party placard is marking the entry of his house -

fields. The VDC therefore decided to distribute plots suitable for rice production under the command of the dam to all 140 families in the village.

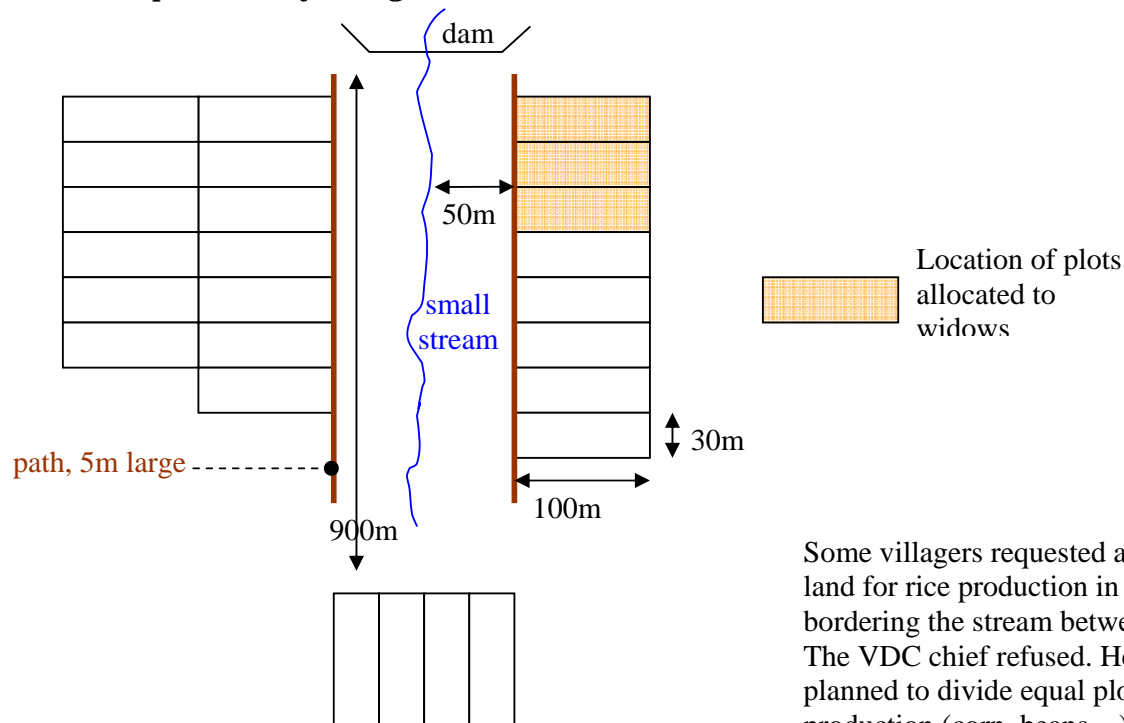
For the purpose of land distribution, the village was organised into 6 groups. One of the group, involving 16 families, gathered all woman headed households/widows. The VDC, together with ZOA CD team, decided that this group would not be part of the lottery allocating areas to groups. Rather, they were offered an area along a laterite road, closest to the dam, where forest was not as dense as elsewhere, and where it was expected that individual plots clearance would be easier.

Land allocation process

Initially, the plan was to distribute 1ha of agricultural land per family, but after having to share more than half of the land with neighbouring Koun Kriel village, Kirivon villagers were only able to get plots of 30m x 100m. The village chief, VDC chief, group leaders and some villagers went to measure plots and limit them with poles. Each plot was then given a number.

In 2002, a lottery was organised, first amongst groups, except for the group of widows, which received a specific area. Then a second lottery took place within each group to allocate individual plots to families. ZOA staff took pictures of beneficiaries on their plots near the number mark, and assigned them a code number for future issuance of land certificates.

Sketch map drawn by villagers :



Some villagers requested additional land for rice production in the area bordering the stream between paths. The VDC chief refused. He said he planned to divide equal plots for crop production (corn, beans...) to everybody.

Beneficiaries started to slash and burn their plots in March, and ZOA hired tractors in end of May-June to support initial ploughing of the land.

Old villagers relied on their old chamcar (grown with rice, cucumber and water melon), and newcomers who had just started with chamcar farming complemented that income by selling their labour or occasionally benefiting from a food for work scheme to sustain their families while they were clearing the distributed plots.

Beneficiaries do not have any document stating their ownership on the land. ZOA keeps a document signed by commune authorities, asserting that the area was allocated to listed beneficiaries.

Infrastructures and services

The small stream nearby the village was the only source of water when people arrived there. They first dug wells themselves to ensure more sources of drinking water. ZOA supported the digging of 2 wells in 2000, 2 in 2001, and 3 more in 2005.

In 2000, UNHCR funded additional materials (hoes, axes, blankets, buckets, water jars, one per family), and the building of a school through ZOA. That same year, ponds to raise fish were dug with support from WFP and AAH

In 2001, ZOA supported the construction of the dam that allows supplementary irrigation of the distributed plots during the rainy season.

In 2002, ZOA contracted a tractor owners to plough the land, for 1,500 bath (around 38 USD) per hectare. ZOA also distributed 30kg of rice seeds to each benefiting family (that were to initiate a rice bank scheme) and, for the poorest families, agricultural tools (axes, hoes, knives...).

OCKENDEN, ZOA and the SEILA program supported cow bank schemes in the village. ZOA is now providing agricultural extension through “farmer field schools” for vegetable and rice production, along with cow and pig banks, and the training of a village veterinarian.

The closest health centre is 10km away.

Outcome of the land distribution

As of July 2005, only around 40% of beneficiaries can actually farm their plots. Some did not even finish to clear the plots. The main hindrance to rice production is the lack of draft power. Those who grow rice either own draft animals, or rent them from relatives. Hiring tractors did not prove very effective. In 2002, when the tractors arrived, the soil was too muddy because of previous days rainfalls. They attempted to till the land, but could not

complete the job. The rest of the season was affected by drought. This showed all the more detrimental as the seeds that had been distributed, of the CAR 3 variety, are long term maturing, requiring more water than was available in that area. The few farmers who had cleared enough land to test this variety got a very poor yield, equivalent to maximum 400 kg/ha, when they were able to harvest at all. Today, villagers grow only mid-term maturing varieties like Phkar Ampel, Somali, and Choeung Moan.

Though the allocation of “easier” plots to widows helped, most of them are still behind as far as land clearing and preparation is concerned. They plant rice with sticks, and were able to get yields of around 1.2 ton/ha, when the majority of other rice farmers broadcast it and can get up to 1.8 ton/ha.

Most families continue to grow various crops on their chamcars, often staying there a few days in a row because they are very far from the village.

Land transactions are already taking place in the village, despite the fact that people do not have any document for their allocated land. The most common pattern is the sale of a piece of land (30m x 50m) where part of land clearance at least is already done, for 3,000 to 4,000 bath (depending on how neatly the plot is cleared). The village chief gets 500-600 bath (12-15 USD) for a letter authorising the sale. Many people sell because they lack money, in particular to pay for health expenses (interviewed villagers estimated that nearly 50% of the families here had sold a piece of land for these reasons). A few sellers however buy land further away in a cheaper area (2,500 bath for 3ha!), keeping their residence in the village. Most of times, the buyer is another villager who has a lot of labour force and/or draft power.

Speculation over residential plots has also started : they are located along a main road, and rumours spread that a company wants to establish a plant in the village, especially since the governor’s family bought a 20m x 60m plot for 36,000 bath (900 USD) one year ago. The VDC chief was offered 4,000 USD for his own 30m x 40m plot, but so far refused to sell.

Recommendations of interviewees

Regarding complementary services :

ZOA staff recommended for the future not to focus on distribution of goods (seeds) or services (tractor hiring), but rather to provide more support in planning to farmers.

Villagers also said that given a certain amount of fund available, it would better be used to construct a school or a health centre than to pay for a contractor to till the land.

They recommended that food be given to families during land clearance, to avoid the present situation in the village, where many plots are not yet

totally cleared because every other day people have to sell their labour to feed their families.

Asked about timing of activities and duration of food support, they proposed the following schedule :

January : people should start clearing the land; that entails land distribution should take place at the beginning of the dry season.

April : land clearance of 1ha can be completed

May : beginning of first cropping activities

Food support should last until the first harvest (3 to 6 months later)

Regarding ownership :

Villagers recommended not to give land titles just after land is distributed. Otherwise, they said, many beneficiaries will just sell it within the first months. They gave that advice despite the fact that transaction are already taking place with provisional titles in their own village

Land distributed following a Participatory Land Use Planning process (with support from CARE¹⁵)

Field research in Phnom Preal village, Stueng Trang commune, Sala Krau district, Païlin.

Background

In the last two years, CARE supported (though skill training but also salary topping ups) the implementation of a pilot Participatory Land Use Planning (PLUP) exercise in two villages, after staff from the Provincial and District offices of Land Management Urban Planning and Construction had received training by the ministry on that methodology. One pilot PLUP was conducted in the village of Phnom Preal.

MAPU and CARE staff thought villagers would get frustrated by a whole PLUP process conducted in one time. They estimated it would take one full month, and wanted villagers to get benefit from it as soon as possible. Therefore so far they conducted only the first steps, mainly problems identification and village mapping. The exercise was found beneficial : first villagers came to know better about what is in the law concerning their rights and duties on land; they also now know reference persons at district level from MAPU, and from forestry and environment departments. But mostly, the village mapping exercise showed clearly village boundaries, where land could be used for rice production and distributed to villagers, where could some be kept as community forest, and in which areas village land was also claimed by military officials. Villagers already had residential land, but most did not yet have agricultural land. To earn their living, they used to sell their labour near the border, sometimes for many months before coming back for some time in the village. However, the village chief did not dare to distribute village idle land because of the claim by military officers. During the mapping process, in which representatives of 50 families from the village participated (in particular VDC and elderly), a military representative claimed that part of the land identified as suitable for rice cultivation was his boss' land. He did not have any land title for it, but had "reserved" it. With the involvement of district officials (in particular from MAPU) and from the provincial LMUPC department, and with CARE staff facilitation, the military chiefs involved, Mr. Via Roun and Mr. Ta Son, were

¹⁵ Since 2000 CARE implements an Integrated Demining and Development Project (IDDP) in Battambang province. This project complements land mapping and de-mining with development activities such as agricultural extension, water and sanitation, infrastructure construction (roads, schools, bridges...), and basic health training. It focuses on capacity building for government staff, and first started with staff from the cadastre at district level. It nowadays involves the Mine Action Planning Unit (MAPU) at provincial and district level, various district officials (military, department of forestry, of environment, MAPU, cadastral commission...), and local authorities (commune councils and VDCs). The component specifically addressing issues related to demining and security of land tenure provides training in land law, village mapping, land using regulations, village boundary mapping and land dispute resolution.

invited to discuss with villagers. They were explained the need of these people for agricultural land, and finally accepted to give back the land to the village for people's use. Cement poles were put into the ground to delineate village boundaries. The village chief organised an agricultural land distribution in the then forested area identified as suitable for rice production (fairly fertile sandy-loamy soil and pretty flat), comprising unclaimed land and that retrieved from the military.

Information in this report concentrates on the distribution of land for agricultural purpose in that village, as this was found less common than distribution of residential land. However, it should be noted that a residential plot allocation had also taken place, after CMAC demining along the road that runs through the village. By the time of the interview, beneficiaries had already received individual provisional land certificates issued by the district cadastral office and the district chief for this residential land. These certificates state seven conditions and regulations attached to these plots :

- 1) possession is linked with use
- 2) the recipient have to live and use the land 3 years at least to have the right to apply for ownership
- 3) the recipient do not have the right to sell or pawn the land, though exceptions can be made on that point after discussion with authorities (district working group, commune council, village chief and VDC)
- 4) if these conditions are not respected, the district working group can retrieve the plot and distribute it to someone else
- 5) the recipient must not build a permanent or temporary dwelling on the road
- 6) and 7) limit the rights of authorities on this land; in particular, village and sangkat authorities cannot take back the land of the holder of this provisional land certificate if s/he abides by the above mentioned 1 to 5 regulations.

Besides individual certificates, there was also a master plan approved at provincial level for the whole village, showing each residential plot with its number and areas left free for the future construction of a school.

Characteristics of initial settlers

Villagers come from two different populations:

- Some initially came in that area in 1998-1999, after mouth to ear information had spread that the government was administratively creating new villages there. People came from all over the country (Battambang, Banteay Meanchey, Prey Veng, Takeo, Svay Rieng...) expecting to receive 5 ha of land per family. They described their disappointment in finding out there was no water, no road, and that it was no longer so sure they could receive that surface of land. Most of them went back : only 4-5 families stayed there. However, they had registered there with newly appointed village authorities, so that when a road was built, many came back, fearing they would lose their

entitlement to land if they did not show up. Many new families came also at that time, in 2001, until 2003 mainly. Most said they only had residential land in their place of origin. One family explained that they came from Battambang because this village's deputy chief came to their area to inform people that there was land available in his village; they indeed were given 25m x100m residential land within the village, and later 1 ha of agricultural land. Another person was a returnee who had received land from UNHCR, but as it was only residential land, she sold her 25 x 70m plot before coming here (she added she had to sell it, otherwise her previous village chief would have done so himself...). That made up her seed capital to start in the new village.

- Others came from a village on the river bank 1km away, where they had received 40m x 200m in 1999-2000 plus 3 raï (around 0.5 ha) of chamcar. Their village chief told them he "kept" (residential) land for them here but that they would lose the opportunity if they did not come while the road was being built. As many of their neighbours had not managed to make a living near the river where there were lots of diseases, they decided to come (but could still farm their chamcar and rice fields there).

All families that are registered in the village received land (80 families); 16 families who recently registered there also after buying nearby chamcars, but who do not (yet) have residential plots there, were not entitled to participate in the land distribution. Initially the village chief wished to distribute 1.5ha per family. But after measuring the land with tools provided by MAPU, he realised there was not enough available surface, and the amount was reduced to 1ha/family. He said he knew another option was to distribute the land to the other 16 families also, but he would have had to reduce even further the surface distributed per family, and found it would have been too small for everybody.

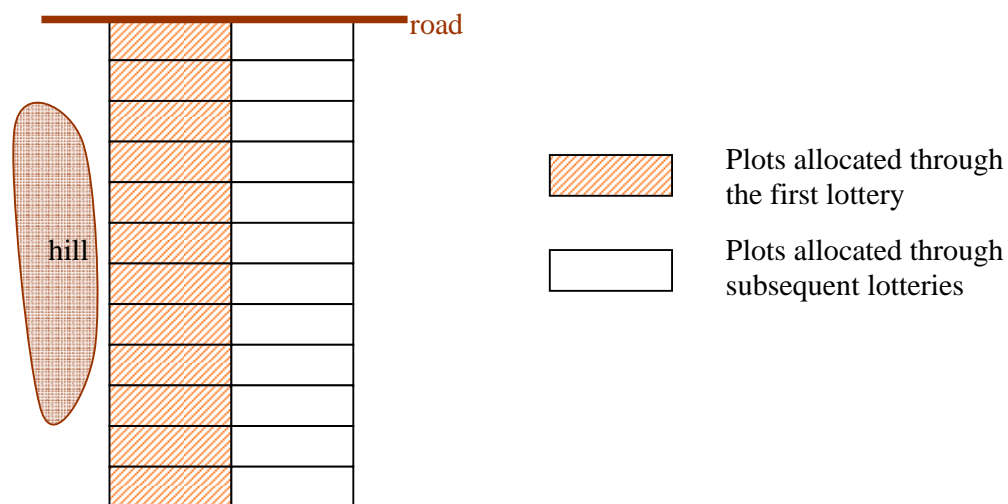
Land allocation process

The village map is dated 9/9/04, and the distribution of agricultural land took place in November 2004.

To divide land into plots, the village chief first conveyed representatives from all families to participate, but too many people made the work inefficient. He therefore decided to continue only with group leaders : they measured plots of 50m x 200m, established wooden poles to mark their limits and numbered them over 1 month. Then he explained plots were allocated by lottery, and people went to see the plot corresponding to the number they had drawn.

Villagers asked in the absence of the village chief confirmed that land measurement and plot delineation had been undertaken in common, and in particular with group leaders, but they told a slightly different story regarding the actual allocation of plots to beneficiaries. Initially, plots were allocated on a first come first served basis. Group leaders were to inform each family under their responsibility that they could go and pick up a plot,

but some families were not informed and started arguing, because plots close to the village had been taken first. Thereupon only was a lottery system put in place, with which villagers agreed. They accepted whatever plot the draw had assigned to them. But still the process was not as straightforward as it sounded through the village chief's account : the lottery system actually took place at least 5 times. The first lottery involved a little bit more than 40 families, on one side of the distributed area, with some plots close to the road, and others further away (see drawing).



Other families did not participate in this first wave of land allocation because they were out of the village to earn a living either when information was spread, or the actual day of the draw. After a few weeks, when a group of 8 other families came back from their wage labour, another draw was organised for them within the other side of the distributed area. Through the interviews, two other draws were clearly identified with groups of respectively 3 and 10 families that occurred still later on.

People found the allocation through lottery fair, because different draws allocated plots either close or far from the road leading to the distribution area, and that criteria had triggered their resentment with the first allocation process.

Beneficiaries from later draws found that system acceptable because villagers remaining in the village would not wait to get land. But they said that if it was sure nobody would take land before a certain date, clearly announced for example 20 days in advance, they would have preferred to have one lottery only for everybody at the same time.

With this process, each family had a chance to get land close to the road either if they participated in the first draw or in subsequent ones. However, when asked about soil fertility, villagers confirmed what interviewers had suspected : the land at the bottom of the hill is of better quality... It thus

seems that the process advantaged participants to the first draw, who might have been earlier informed by village leaders.

Asked whether there were conditions attached to the distributed land, the village chief said that two applied for the community :

- land recipients have to clear their land and use it for farming, otherwise he will confiscate the land and distribute it to somebody else. However, he said he did not set any deadline in terms of months or even years, because the rationale for this condition is not to withdraw the land from people, but to make sure it is not left idle or kept for speculation, and it should be understood that many families need a lot of time due to the fact that they often have to go away to earn a living
- until the land is not cleared and transformed into a rice field, recipients do not have the right to sell it; he said after that they could enjoy full ownership

Villagers confirmed that the village chief had explained he would take back the land from those who did not clear it, but he did not give any timeframe for clearance to be completed. They said after three years they could claim ownership, and they believed by that time they would have to contact the village chief and CARE to get a land title. This, and the fact that some mentioned CARE as participating in the measurement process (though CARE staff denied it) shows that the agency is considered as protecting their rights and guaranteeing fair processes. It is likely that CARE's presence, even only as facilitator, was instrumental in people daring to challenge the first allocation process.

So far, villagers do not have any land title or certificate for their agriculture land. The MAPU staff who conducted the PLUP said conditions attached to the land might be similar to those applying to residential land, but that he wants to involve beneficiaries in the drafting of these regulations in August 2005. CARE committed itself to support the issuance of land certificates to beneficiaries through MAPU staff and the department of LMUPC.

Infrastructures and services

The road was raised in 2001, and improved with a laterite cover in 2003 through the SEILA programme. 2001 and 2003 also saw the establishment and improvement of a health centre, though SEILA and CARE funding. A government funded school was built in 2003, and that same year CARE dug 4 wells in the village.

CARE also distributed water jars and buckets, and started a revolving fund scheme, through which villagers can get credit with a monthly interest rate of 4%. Private lenders within the village also lend money, but their interest rates range from 15 to 20%/month. Villagers said they did not dare to borrow unless they had serious illness problems, because they were afraid indebtedness might lead them to lose their land

Outcome of the land distribution

Villagers estimated that an average family with 3 labour forces needs 3 months to clear 1 ha so that it can become productive. This includes cutting trees and taking off stumps, but they estimated that 1 or 2 years of farming would be necessary to make a cleared flat rice field out of an originally forested plot. Around 60% of the recipients were not yet able to do much of the first basic land clearing, because they have to sell their labour to earn enough to buy food and meet their expenses during the clearance. Woman headed households lacked family labour force and had not even started. Those 40% who had cleared their land within the last 9 months could make money with the products of nearby chamcars. The price for a hired tractor to remove trunks and then plough one hectare in that area is 300,000 riels (75 USD/ha), and none of them can afford this.

Villagers reported that the village chief did not authorise the sale of agriculture land as requested by one family. But a few families sold their residential plots within the village, and with it was attached the right to clear and use the plot for agriculture. In this way, if the buyer clears and uses the land for 3 years, he will be able to claim ownership on the agricultural land also. Villagers referred to this practice as “changing the name” (of the plot owner).

During the land mapping exercise, villagers identified an area to be kept as community forest. The village chief raised the issue of this area being now cleared in some places by families of neighbouring villages that seem to have the support of a military officer. The MAPU staff conducting the PLUP envisions to invite him to discuss and settle the problem, and hope to go on with another step in the process: mapping for the future.

Recommendations of interviewees

Regarding selection of beneficiaries that could apply for local social land concessions :

District officials involved in the PLUP process (Mr. Khem Khorm, from sangkat forestry office, Mr. Phat Vang, from Sangat working group, and Mr. Si Voun, MAPU-Pailin) recommended that a PRA with wealth ranking be conducted to identify potential recipients, but that this should be complemented with a land map showing where whom owns what kind of land to make sure that only landless or land poor families benefit from the land distribution scheme.

Regarding complementary services :

District officials emphasised the need of a permanent road access and of other services to avoid indebtedness. They set the following priorities for complementary services to beneficiaries :

- 1) drinking water
- 2) road

- 3) irrigation water. They stressed that an easy way to achieve this is to dig canals along the road (and use the soil to raise the road itself), and link these to a permanent water source.
- 4) Marketing facilities (skill training, cheap access to credit)

Villagers made the following recommendations :

- 1) first land should be de-mined
- 2) as for the second priority they did not agree on whether it should be source of water (also for irrigation use) or a road (those in favour of the road stressed its importance to enable de-miners and NGOs to come to the village)
- 3) rice should be given to families to avoid them losing time during land clearance (they estimated that a family of 4 persons needs around one bag of 50kg/month); but rather than distributing rice for a long time, they thought it would be better to let villagers cut trees but, if possible, hire a tractor to remove trunks and do the first ploughing

Regarding ownership :

Villagers recommended to attach conditions to a land distribution scheme, to ensure it is reclaimed, otherwise it should be taken back to be distributed; they even went further stating that if rice is distributed to support families during land clearance, this support should be withdrawn if they did not perform well enough...

Asked how to ensure people's commitment to the land when the law provides that ownership cannot be claimed before a 3 years period, they said land recipients should be given temporary land certificates, like the ones they received for their residential land.

Regarding retention rate :

District officials thought the retention rate should be assessed three years after land distribution. However, they did not agree on what would be an acceptable rate, MAPU staff proposing 90%, but others believed this figure was too high, and that 80% would still be good. They pointed out that people in Phnom Preal village would have left after less than a year if there was no infrastructure (and indeed that is what happened in 1998-1999). They also noticed that people often have land, even if it is a small plot, in the area from which they emigrate, and usually first come on a trial basis : if living conditions are not suitable (and that relates primarily to the existence of water sources –at least drinking water- and a road), they go back to their place of origin. They recommended a village infrastructure planning should be undertaken prior to any settlement.

List of persons met

Organisation	Address	Name, Surname, (title)	Phone number
ACF	8, Str. 328, PNP	Agnès Rizzo	012 948 900
AFD	5, Str.106, PNP	Swan Fauveaud, (chargée de projets)	023 426 360/362 490
Care International	52, Str. 352, PNP Battambang	Joseph Kodamanchaly, (program coordinator rural development) Corita So (project coordinator) Chhunly Keo (project manager)	012 800 955 012 642 425 012 946 389
CEDAC	39, Str.528, PNP	Koma Yang Saing (director) Horng Lang Seng, (program director)	012 802 201 012 959 736
Department of LMUPC	Battambang	Rattanak Nguon (director)	012 914 691
Department of Womens' Affairs	Pursat	Ponna Em (director)	012 824 663
ECHO	9, Str. 370, PNP	Chanthou Hem (program assistant)	012 262 265
FFI	Pursat	Richard Paley (management advisor) Heng Aing Leang Phary So (community & environment officers)	012 969 741 012 991 242 012 413 935
GRET	Hotel Cambodiana, office N°4	Frédéric Naulet	011 762 445
HOPE	Pursat	Phealy Kim (program coordinator)	012 932 479
LWF	Battambang	Rithy Hem (training officer) Song Kim Phen Thorn Chetra	012 724 711
MAG	61, Str. 294, PNP	Rupert Leighton, (country programme manager)	012 819 127
MAPU	Battambang Banteay Meanchey	Rebecca Day (GIS, community planning advisor) Andy Kervell (advisor)	012 787 614 012 787 621
NPA	Sisophon	Ruth Bottomley (program research advisor) Hao Tang Sun (field coordinator)	012 801 993 012 800 103
OCKENDEN	Sisophon	Nharn Nhov (program coordinator)	012 421 242

Oxfam GB	54, Str.352, PNP	Thierry David (program advisor)	016 880 072
PLG	CDC building, PNP Pursat Battambang Sisophon	Scott Leiper (senior program advisor) Samnang Cheng Sokuntho Sophat Khiev (senior provincial program advisors)	016 995 501 016 996 605 012 819 763 012 788 834
Projet Hévéaculture Familiale	48, Str. 84	Philippe Monnin (assistant technique principal)	012 767 011
UNHCR	2, Str. 352, PNP	Vladimir Vasilevski, programme officer	023 362 150/216 005
VSF	13, Str. 400, PNP	Stefano Linguanotto (program coordinator)	012 607 447
World Vision	20, Str71, PNP Battambang	Vibol Chab (senior program manager) Sokha Cham (integrated mine action program manager) Davy Sok (officer)	012 687 910 012 996 421 012 483 710

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