

Towards equitable and secure access to land and natural resources for family farmers in the Mekong region



Thematic Study

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THEY WILL NEED LAND!

The current land tenure situation and future land allocation needs of smallholder farmers in Cambodia



Thematic Study

Written by Jean-Christophe Diepart

Reviewed by:

Ngin Chanrith, Royal University of Phnom Penh

Amaury Peeters, Graduate Institute, Geneva

Christian Castellanet, Mekong Region Land Governance

Ngo Sothath, Mekong Region Land Governance

For more information, contact

Jean-Christophe Diepart at Mekong Region Land Governance: jc.diepart@gmail.com

Christian Castellanet at Mekong Region Land Governance: castellanet@gret.org

Ngo Sothath at Mekong Region Land Governance: sothath.ngo@gmail.com

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List of acronyms

| | |
|---------|--|
| CF | Community Forestry |
| CLT | Communal Land Title |
| ELC | Economic Land Concession |
| GDP | Gross Domestic Product |
| GIZ | Gesellschaft für Internationale Zusammenarbeit |
| IP | Indigenous People |
| LASED | Land Allocation for Social and Economic Development |
| LICADHO | Cambodian League for the Promotion and Defence of Human Rights |
| LMAP | Land Management and Administration Project |
| LWD | Life With Dignity |
| MAFF | Ministry of Agriculture, Forestry and Fisheries |
| MoE | Ministry of Environment |
| MLMUPC | Ministry of Land Management, Urban Planning and Construction |
| MRLG | Mekong Region Land Governance |
| NCDD | National Committee for Democratic Development |
| ODC | Open Development Cambodia |
| PA | Protected Area |
| RGC | Royal Government of Cambodia |
| SLC | Social Land Concession |
| SLR | Systematic Land Registration |
| UNDP | United Nations Development Programme |

Executive summary

The objective of this background paper is to provide a succinct description of the land tenure situation in Cambodia and, on that basis, discuss the needs smallholder farmers have for land, projected up to the year 2030. The main problem it examines lies at the intersection between, on one hand, the demographic increase in the rural smallholder population and its associated need for land in the future (the demand side) and, on the other hand, the possibility offered by the different land tenure regimes to meet this demand (the supply side); the central question focuses on how supply can meet demand.

By looking first at how much land is available under different categories (the supply side), the paper succinctly presents and maps the different land tenure regimes with updated statistics and discusses their main outcomes and shortcomings. On that basis, we present a preliminary assessment of land distribution by main land tenure systems in Cambodia.

The land under cultivation by smallholders represents 19 percent of the total area of the national territory and is itself sub-divided into agricultural land with land titles (systematic land registration, 6 percent and land covered by the Order 01, 6 percent), under Social Land Concession arrangements (1 percent) and untitled (6 percent). The forest cover includes forest concessions (10 percent), Community Forestry (2 percent), Protected Areas and Protection Forests (20 percent)¹ and an unclassified forest cover area (14 percent). Economic Land Concessions under operation represent 12 percent while cancelled concessions represent 2 percent of the total territory. The actual tenure of a large non-forested area (14 percent) remains undetermined and further updates are needed to shed light on this issue.

The paper suggests that the central problem of the current Cambodian land reform is its ineffectiveness in coordinating the processes of land rights security and formalization in lowland and upland areas, although both regions are closely linked through land-driven migration movements that have intensified over the past 20 years. This has been particularly contentious given the fact that in a parallel process, and driven by a strong, state-based political economy, large land deals have been concentrated in the uplands of the entire country along processes that are exclusionary in nature. The overlap of competing land claims has created a widespread conflict situation in all uplands region of the country.

By looking at how much land is needed for family farmers in the future (the demand side), the paper anticipates the land requirements of smallholder farmers by 2030 based on the projected demographic increase in the economically active population in rural Cambodia and on two sets of scenarios i) the transfer of unskilled labour from the agricultural to the secondary and tertiary sectors (industries and services) and ii) the provision of land for smallholder farmers.

The analysis suggests that by the year 2030, the transfer of unskilled labour from agriculture to the secondary and tertiary sectors will lag behind the demographic increase in the active rural population. With 2015 as a baseline, the scenarios suggests that by 2030 smallholder farmers will need an additional land area ranging from 320,600 ha (+10 percent in relation to the actual area at the present time) to 1,962,400 (+64 percent). An average scenario based on an allocation of 1 ha per active labourer (in accordance with the present social concession policy) and on the continuation of the present transfer rate of unskilled manpower from agriculture to the secondary and tertiary sectors (i.e. the transfer of 40.000 workers per year) predicts that 1,622.000 ha will be needed for smallholder farmers by 2030.

So the question that needs to be formulated does not revolve around whether or not the rural population will need land in the future, but rather around how this can occur. Along these lines, the paper discusses different options, which are not mutually exclusive, to allocate this land without further impact on the forest cover: i) by redistribution of land from cancelled Economic Land Concessions, ii) through a firmer recognition of swidden agriculture inside Protected Areas, iii) through a far more ambitious Social Land Concession programme and iv) through further reform of the forest concession system.

The paper concludes by stressing the need for relevant ministries to engage in open and constructive research-based discussion so that these options can materialize into concrete actions.

Introduction

In Cambodia, land and natural resources occupy a central place in the production systems of peasants, who represent the vast majority of the country's population. The development and governance of socio-ecological systems trigger considerable economic, social and environmental issues that need to be addressed urgently given the profound nature of the transformations at play in these systems.

The objective of this background paper is to describe in a synthetic manner the land tenure situation in Cambodia and, on that basis, to discuss future trends related to the projected needs smallholder farmers have for land up to the year 2030. The problem it examines lies at the intersection between the demographic increase in the rural smallholder population who will need land in the future (the demand side) and the possibilities offered by the different land tenure regimes to meet this demand (the supply side).

The experiences of other countries in the region have shown that agrarian transition pathways to industrialization and urbanization are uneven and not straightforward, so the protection and promotion of smallholder farming systems are vital for transforming countries (Dorner & Thiesenhusen, 1990; Kawagoe, 1999).

The central argument is that, despite the demographic transition and the structural transformation of Cambodia's economy towards more urbanization and industrialization, the smallholder farming population will continue to grow in absolute terms and will continue to play a central role in the development of Cambodia. This partly results from the fact that the transfer of unskilled labour from agriculture to the secondary and tertiary sectors will lag behind the demographic increase in the active rural population. So the question that needs to be formulated revolves not so much around whether or not the rural population will need land in the future, but more around how this can occur.

This background paper is organized as follows: we first present the overall land and demographic context in Cambodia. We then review the various land tenure regimes in lowland and upland areas, their socio-political circumstances, outcomes and challenges. Maps illustrate their location and spatial extent. We then turn to a prospective exercise to envisage the needs smallholder farmers will have for land in the future. We adjust the demographic projection up to the year 2030, made by the National Institute of Statistics, focusing on the specific category of 'active rural people'. On that basis we develop two series of scenarios on *i*) the capacity of the secondary and tertiary sectors to absorb unskilled rural labour and *ii*) pro-smallholder farmers land provision. We then bring supply and demand sides together and discuss how land can be made available in the future for the smallholder population.

In a nutshell: the land and people of Cambodia

Agriculture and Cambodian economic development

Cambodia remains one of Asia's poorest countries but has witnessed dynamic and sustained growth over the past two decades. Amidst a challenging global economic environment, the annual gross domestic product (GDP) growth rate between 2005 and 2013 was 7.6 percent².

Agriculture is a central pillar of the economy representing 35.6 percent of the GDP structure in 2012 (World Bank, 2015). The other important sectors are the garment industry (16 percent of GDP) and services (mainly construction and tourism) accounting for 40.1 percent of GDP in 2012. The 2008 World Development Report (World Bank, 2007) classified Cambodia as a transforming country wherein the transition of people out of agriculture and rural areas is not keeping pace with the restructuring of economies away from agriculture. In Cambodia, agriculture represents a declining yet still important fraction of the GDP (World Bank, 2015), continues to provide the main employment for a majority of the total labour force (54 percent) (FAO, 2014, 2015) and contributes to poverty decline although national poverty levels remain high and overwhelmingly rural.

Although poverty in Cambodia has fallen sharply, the poverty rate in 2012 was still considerable, at 18.6 percent, with almost 3 million poor people and more than 8.1 million who are in the 'near-poor' bracket. About 90 percent of these poor and near-poor people live in the countryside. The actual gap between the rich and the poor has increased in absolute terms, and the majority of households that have escaped poverty have done so by only a small margin—they remain highly vulnerable to falling back into poverty (World Bank, 2013).

Despite this structural transformation, agriculture undoubtedly remains central and strategic in Cambodia. In a context of rampant rural poverty, constrained agrarian transition and low public investment in agriculture, the pressure on agriculture and on the peasants is immense. The sector needs to address the increase in the rural population, the food consumption diversification of the urban population - which has grown proportionally faster – and to generate surplus rice for export.

The demographic increase and, in particular, the effects of the post-war baby boom, have resulted in an annual labour force increase estimated at 220,000 to 300,000 people in the early 2000s (Lundström & Ronnas, 2006). Agriculture has reached a limit in its capacity to absorb newcomers in the job market and, given the importance of this sector in the Cambodian economy, the creation of viable and productive jobs in the farm and non-farm sectors is key. But this is further challenged by the narrow development options in the secondary and tertiary sectors that rely mostly on a few sub-sectors: garment factories, tourism and construction (Acharya, Kim, Chap, & Meach, 2003; Jalilian, 2008).

Cambodian smallholder agriculture: some figures

Agricultural production is predominantly carried out by household-scale exploitation. As of 2013, 85 percent of the total number of households were engaged in some form of agricultural-related activities, and 72 percent of the total number of households in Cambodia managed a so-called agricultural holding³, covering a total land area of 3.1 million hectares. The average agricultural land size per farming household is 1.6 ha (National Institute of Statistics, 2015). Among households with agricultural holdings, 73 percent are engaged in agriculture mainly to meet their personal consumption needs (National Institute of Statistics, 2015).

The large majority of rural households are not engaged only in agriculture but also have a diversified portfolio of activity including access to common pool resources, wage labour and self-employed non-farm activities. The percentage of agricultural landless households has increased and was 29 in 2011 (Phann, Phay, Tong, & Pon, 2015).

In the central plains, the rising incidence of landlessness, land concentration, and atomization, and the decline of landholding size per household, create big challenges for farming households. In the lowland area a growing number of households (more than 25 percent) live with less than 0.5 ha of land, which is not enough to sustain a family throughout the year. Landlessness and land concentration are closely related to the emergence and rapid development of an active land market legitimized by the new economic reform agenda, namely economic liberalization and privatization. Land sales are usually driven by the socioeconomic vulnerability of the household (distress sales). On the demand side, land purchases are triggered by two types of actors: the successful farmers who accumulate capital in the agricultural and non-agricultural sectors and buy additional land from their fellow peasants, and the emerging urban investors. In the absence of protective mechanisms that would prevent peasants from falling into over-indebtedness, the land market leads to market-based dispossession and increasing landlessness in rural Cambodia.

According to the 2008 demographic census the Cambodian population figure at the time was 13,395,682 of whom 48.6 percent were male (National Institute of Statistics, 2009). More recent population records produced by the National Committee for Democratic Development (NCDD) reveal that the total population in 2013 was 15,391,059 people (National Committee for Democratic Development, 2015).

The overwhelming majority of the population is of Khmer ethnicity (96.3 percent). The most important ethnic minorities are Vietnamese (1.5 percent of the population) and Cham (0.5 percent). The proportion of indigenous people (IP) is generally reckoned to range from 1 to 1.7 percent of the population as a whole and they mostly live in the Northeast plateau area where they practice swidden agriculture (Save Cambodia's Wildlife, 2014).

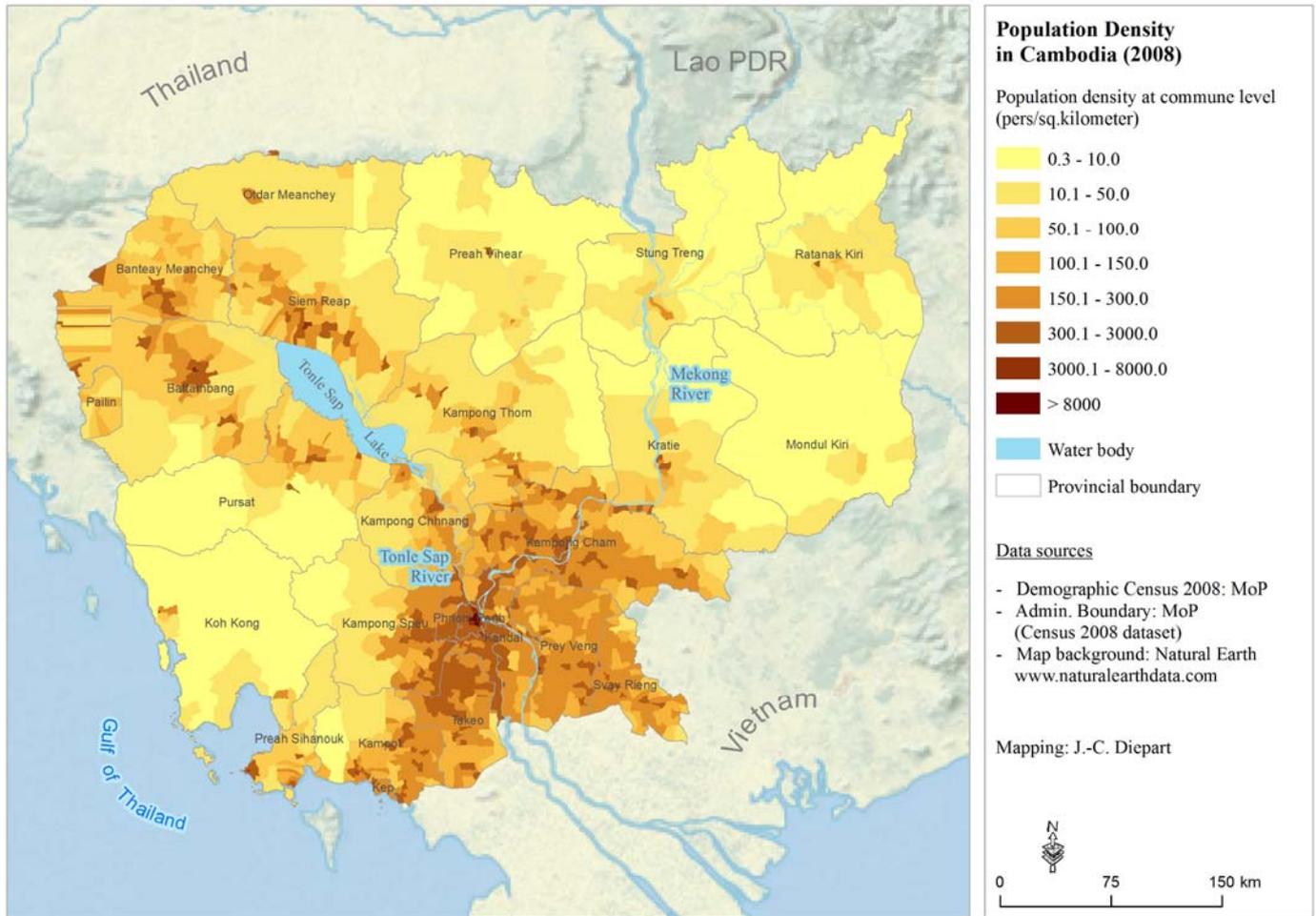
Between 1998 and 2008 the annual growth rate of the population was 1.54 percent, which was higher than that of other countries in Southeast Asia. Historically, the Cambodian population has been concentrated in lowland areas around the Tonle Sap Great Lake and the Mekong River. These regions have the highest population figures and are the most densely populated regions in the country (Map 1).

The differences observed in the proportions of people who are, and are not, of working age is accounted for jointly by the index called "age dependency". It is defined as the ratio of the combined child population (0-14) and aged population (65+) to the number of persons in the intermediate age group (National Institute of Statistics, 2010). During the decade from 1998 to 2008, Cambodia has shown a declining trend in the age dependency ratio from 86.15 to 61.19, as the post-war baby-boomers now enter job markets. The challenges of job creation are becoming more acute in the country.

The urbanization, measured as a percentage of the population living in urban areas⁴ to the total population, has increased from 18.3 in 1998 to 19.5 in 2008 (National Institute of Statistics, 2012). This means that the rural-urban transition is still slow and the vast majority of the population remains rural.

There is much evidence to suggest that an increase in the mobility of the population and its redistribution through migration, both within and beyond the national border, have been central in the recent development of Cambodia. According to the 2008 demographic census, 3,457,228 people were considered to be internal migrants (in that they had changed their area of residence inside Cambodia), representing 25.8 percent of the total population.

In a nutshell: the land and people of Cambodia



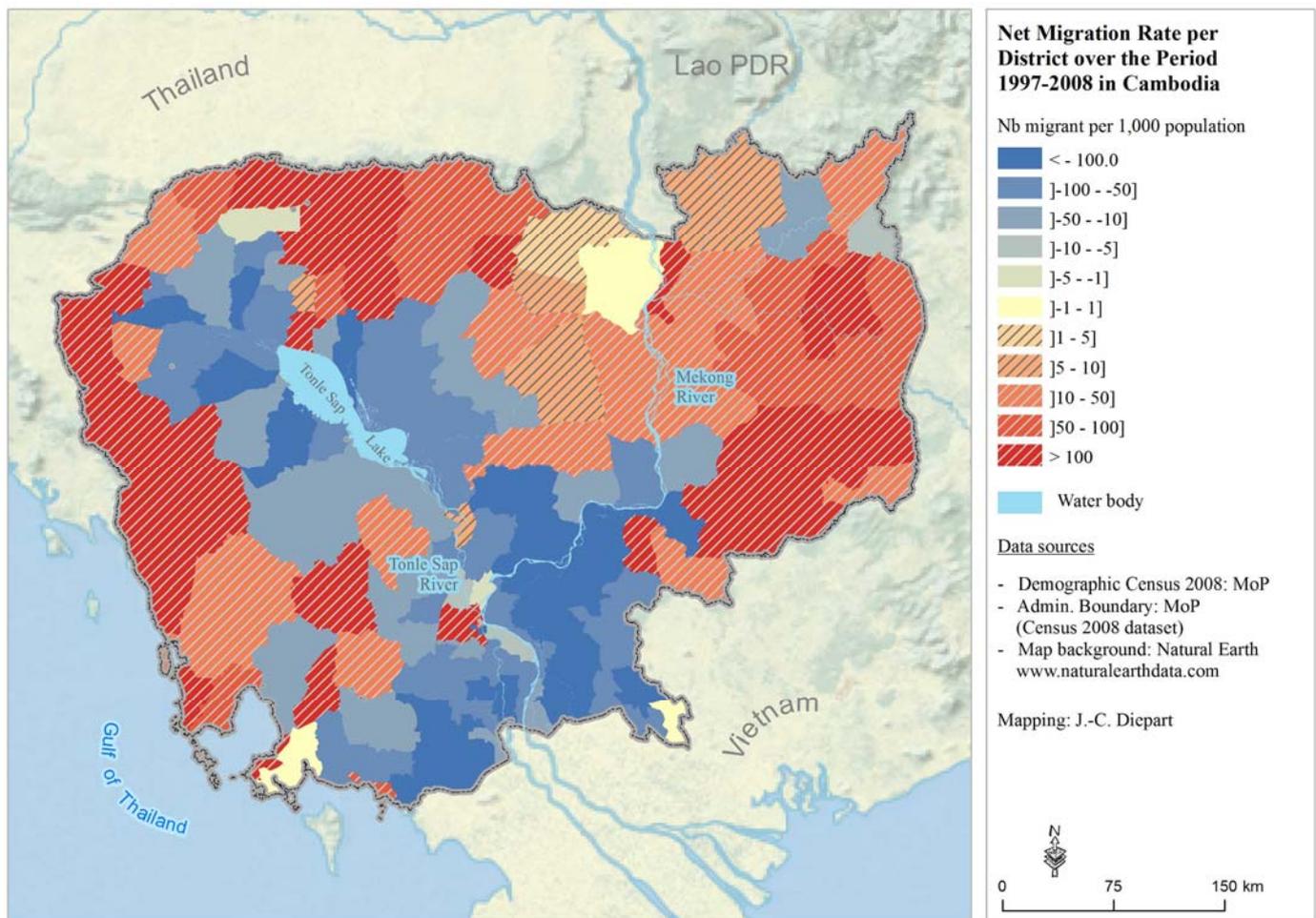
Map 1. Population density in Cambodia in 2008

A relatively important migration is the movement from rural villages to the city, mostly to Phnom Penh. According to the National Institute of Statistics (2009), rural-to-urban migrants represent 28 percent of the total migrant population. Migrants to Phnom Penh come from every corner of the country but migration follows a basic 'gravity model' in that there are concentrations of migrants from provinces with large populations that are close-by, most notably Kampong Cham, Svay Rieng, Prey Veng and Takeo (Ministry of Planning 2012) (Map 2).

Another migrant flow has, however, remained practically unnoticed in Cambodia over the past 15 years. This involves people moving from one rural place to another. The phenomenon is not insignificant: it is nearly twice the rural-to-urban migration rate (representing 51 percent versus 28 percent of the total number of migrants). To shed light on internal migrations, we have framed the analysis to the period 1997-2008 in order to form an accurate picture of recent trends.

Map 2 shows quite a striking contrast. The districts with a positive migratory dynamic (shown in red on the map) are rural districts located in the upland peripheral regions on both the east and west sides of the Tonle Sap plain and the Mekong delta. In-migration has been particularly important in the Northwest, and reflects a movement of populations, mainly from the Mekong delta and Tonle Sap basin, suffering land shortages in these rice growing lands and seeking to acquire land in the forested areas near to the border between Cambodia and Thailand. These districts are characterized by high population growth rates indicating that migration plays an important role in the overall population change in those areas. The districts with a negative migratory dynamic (shown in blue on the map) are essentially located in the Cambodian central plains (Tonle Sap plain and Mekong delta).

In a nutshell: the land and people of Cambodia



Map 2. Net migration rate per district over the period 1997-2008

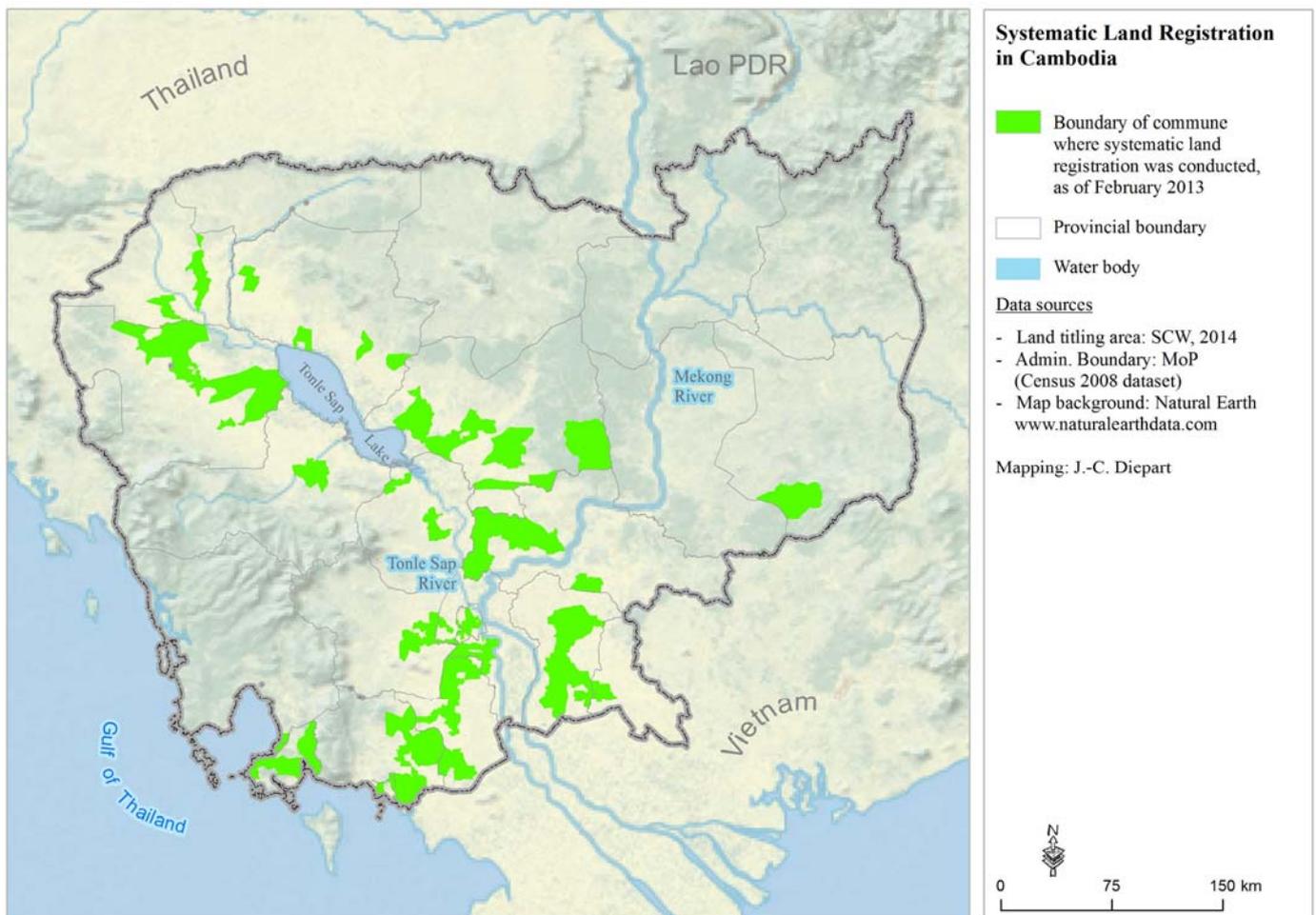
Land reforms in lowland central plains

Private land titling

Outcomes

As of December 2012, Systematic Land Registration (SLR) delivered 2.1 million titles to 625,000 families. If we assume an average area of landholding of 1.63 ha per household (National Institute of Statistics, 2015) the total area of agricultural land whose tenure is formalized with systematic land titles would be slightly above 1 million hectares.

The process has accelerated over the years thanks to technological improvements but the areas where titles have not been delivered remains considerable. As indicated on Map 3, the areas targeted by the titling efforts are exclusively located in the central lowland plain where the decentralized and locally-driven distribution of land to the households by the *Krom Samaki*⁵ allowed the peaceful creation of secured land tenure arrangements (So, 2009). A considerable number of private land titles have been delivered through a second form of titling process, the so-called sporadic land registration, but I do not have any updated data. Cited in Mellac and Castellanet (2015), Hap suggests that at the end 2008 approximately 590,000 titles had been delivered under the sporadic land titling process.



Map 3. Location of areas (communes) where systematic land registration had been conducted as of February 2013

Issues and challenges

- In the central areas, titling efforts were targeted towards “high capacity areas” in and around rural market centres, where transport and credit services were more developed, or in rice farming areas where land tenure was more stable and could thus provide more benefits relative to the time and expense of issuing titles (Ballard, 2010; Biddulph, 2010; Diepart, 2007).
- Grimsditch et al. (2009) likewise argue that titling conducted by LMAP (Land Management and Administration Project) was an exclusionary process in that it precisely avoided directing efforts to those who were most vulnerable to eviction.
- So (2009) suggests that much of the problem in the systematic land registration lies with the registration of subsequent land transfers which involves a multi-stage procedure within a bureaucracy with high and unpredictable costs that the peasants are reluctant to pay.

Land reforms in peripheral upland areas

The high population density makes access to land more competitive in the central plains and strengthens a process of land concentration. These constraints are further complicated by limited possibilities for agricultural intensification and by the restricted opportunities for acquiring non-farm jobs (Chheang & Dulioust, 2012; Pilgrim, Ngim, & Diepart 2012). To a large extent, the migrations described above can be seen as an expression of the agency of peasant households in responding to rural poverty. They are also the expression of an on-going trend on the part of the Cambodian peasant to consider the principle of appropriation 'by the plough' as a legitimate mode of land acquisition, which has been a consistent trend throughout Cambodian agrarian history.

But the Land Law forbade the acquisition of forestland (i.e. state public land) after 2001. Land appropriations resulting from these migrations were completely at odds with the land legal framework that authorities were supposed to implement. This has resulted in a huge population living on land that they appropriated after 2001 in respect of which they have virtually no land tenure security under the 2001 Land Law institutions.

Protected Areas and Protection Forests

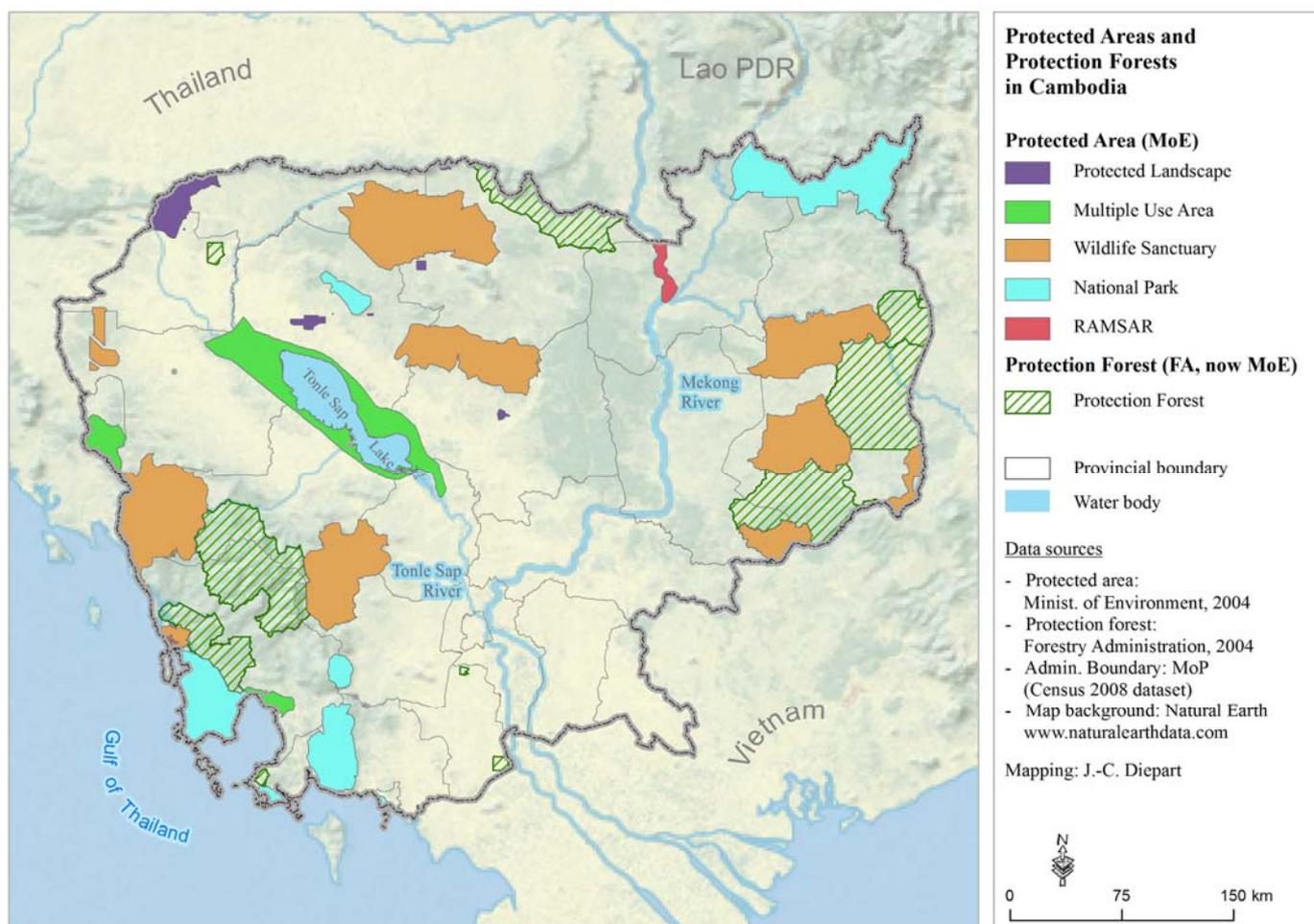
Outcomes

In 1993, a royal decree for Protected Areas was issued to empower the Ministry of Environment to lead, manage and develop a Protected Area system to preserve Cambodia's land, forest, wildlife, wetlands and coastal zone (Royal Government of Cambodia, 1993). Twenty-three areas were included in the decree covering a total area of 3,289,000 ha (18 percent of Cambodia's total national territory) including three RAMSAR sites (i.e. wetlands of international importance) signifying the global importance of Cambodian wetlands (Save Cambodia's Wildlife, 2006). This decree distinguished four different types of protected natural areas: *National Parks*, *Wildlife Reserves*, *Protected Scenic View Areas*, and *Multi-Purpose Areas* (Map 4). To these, one should add the Protection Forests managed under the mandate of the Forestry Administration of the Ministry of Agriculture, Forestry and Fisheries that cover a total area of 1,531,357 ha (Map 4). However, the Prime Minister has recently indicated that these Protection Forests will be soon placed under the sole management of the Ministry of Environment together with other Protected Areas (Kuch, 2016).

A law on Protected Areas (PA) provided clearer information about the management of Cambodia's nature conservation areas (Royal Government of Cambodia, 2008). Among other things it proposed that each PA be structured into four different spatial zones: core zone area, conservation zone area, sustainable use zone and a community zone, which embraces area(s) to be utilized in the socio-economic development of the local communities.

In the sustainable use zone, an agreement would then be signed between the Ministry of Environment and local communities to give them the rights to manage and exploit the so-called Community Protected Area for a period of 15 years. According to updated statistics from the Ministry of Environment, there are 129 Community Protected Areas in Cambodia covering a total land area of 180,931 ha (Ministry of Environment, 2015).

Land reforms in peripheral upland areas



Map 4. Protected Areas and Protection Forests in Cambodia

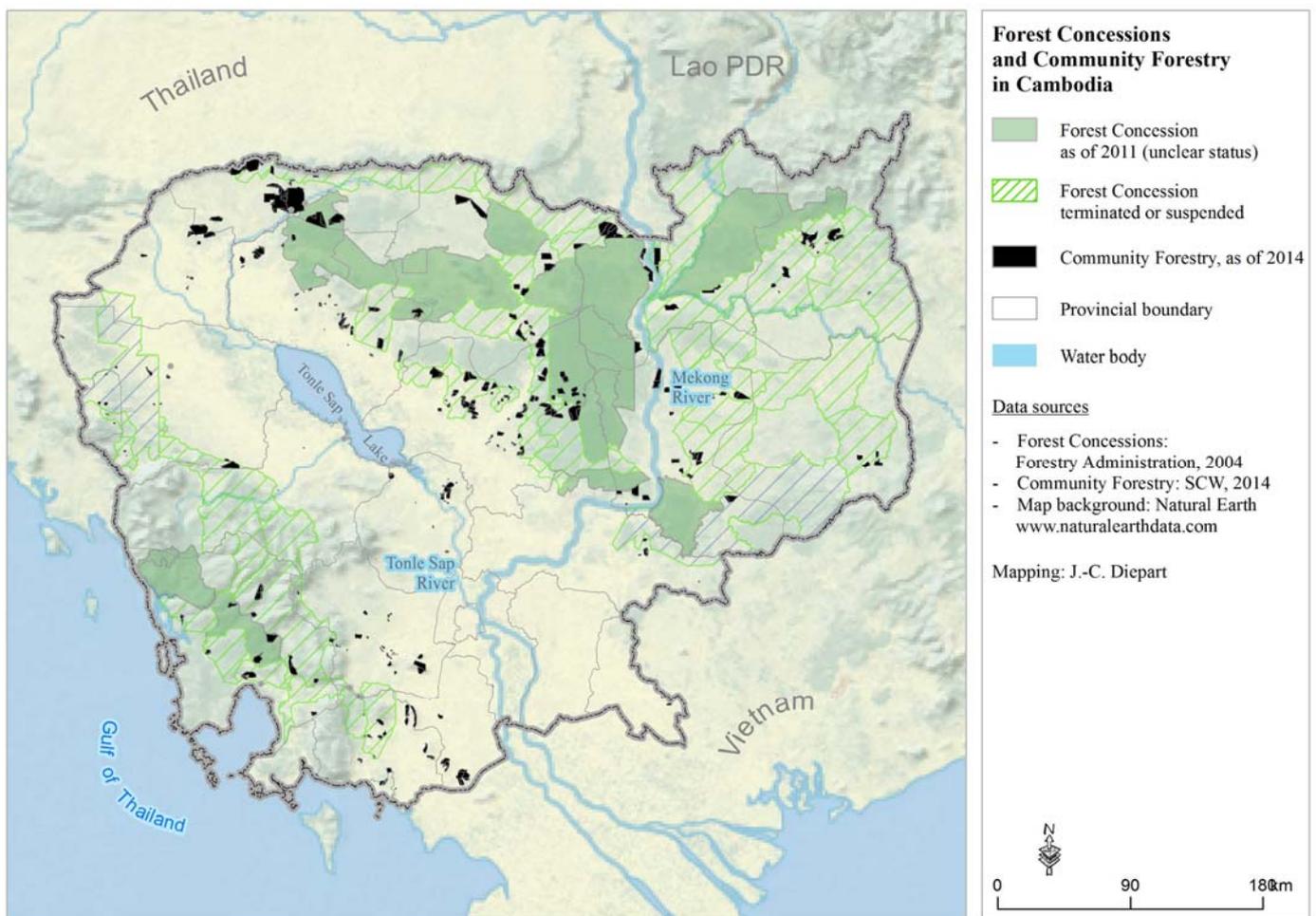
Issues and challenges

- Protected Area management is beset by threats driven by the irregular exploitation of resources both at national and local level, and attempts to improve PA management have so far been mostly technical (zoning etc.) and do not address the political economic nature of the problem (Paley, 2015);
- Ironside (2015) has suggested that Protected Area management in Cambodia follows a 'Yellowstone model', free from human use and impact, which sometimes clashes with the many ways people (particularly IPs) have been living in the midst of resources and effectively managing forest resources inside PAs;
- PAs face high development pressures. Since 2008, the Ministry of Environment has been involved in the allocation of Economic Land Concessions (ELCs) inside Protected Areas (see below). The main reason the ministry puts forward for targeting PAs for economic development is that there is limited land of sufficient quality for concessions elsewhere.

Forest resources co-management (under the Forestry Administration)

Outcomes

In early 2000, the overall area of forest concessions had been drastically reduced from the initial high of 7,084,215 ha to 2,163,600 ha (Save Cambodia's Wildlife, 2006) (Map 5). As an alternative, the Forestry Administration and donors alike started to encourage the establishment of Community Forestry management arrangements, which are co-management schemes through which a community-based association co-manages a determined area of forest in cooperation with the local Forestry Administration. Thirteen years after the release of the sub-decree on the Community Forestry initiative (Royal Government of Cambodia, 2003), the contribution of community forests remains modest. The most recent data indicates that there are 485 Community Forestry schemes in the country covering a total surface area of 410,025 ha (Forestry Administration, 2015). As of the end of 2015, a number of forest concessions had not been formally cancelled. In those, a large number of Order 01 land titles had been issued, but the legal status of these forest concessions remains unclear.



Map 5. Remaining forest concessions (as of 2011) and forest and fisheries co-management schemes (as of 2014)

Issues and challenges

- Resource co-management, as implemented in Cambodia, has introduced a principle of community exclusivity on the access, use and management of the resources, which is quite at odds with the endogenous logic of land and resource management of the commons. This principle - applied to new community territories - has actually reinforced and stimulated the over-exploitation of resources in places where this exclusivity principle is not applied. In these areas, unregulated exploitation and privatization of the resources has unfolded (Diepart, 2015).
- The rallying of communities to the development of natural resource co-management has more to do with the need to protect Cambodian commons against those external privatization trends, rather than to a need or desire to improve forest management *per se* (Diepart, 2015).

Large-scale land acquisition through Economic Land Concessions

Outcomes

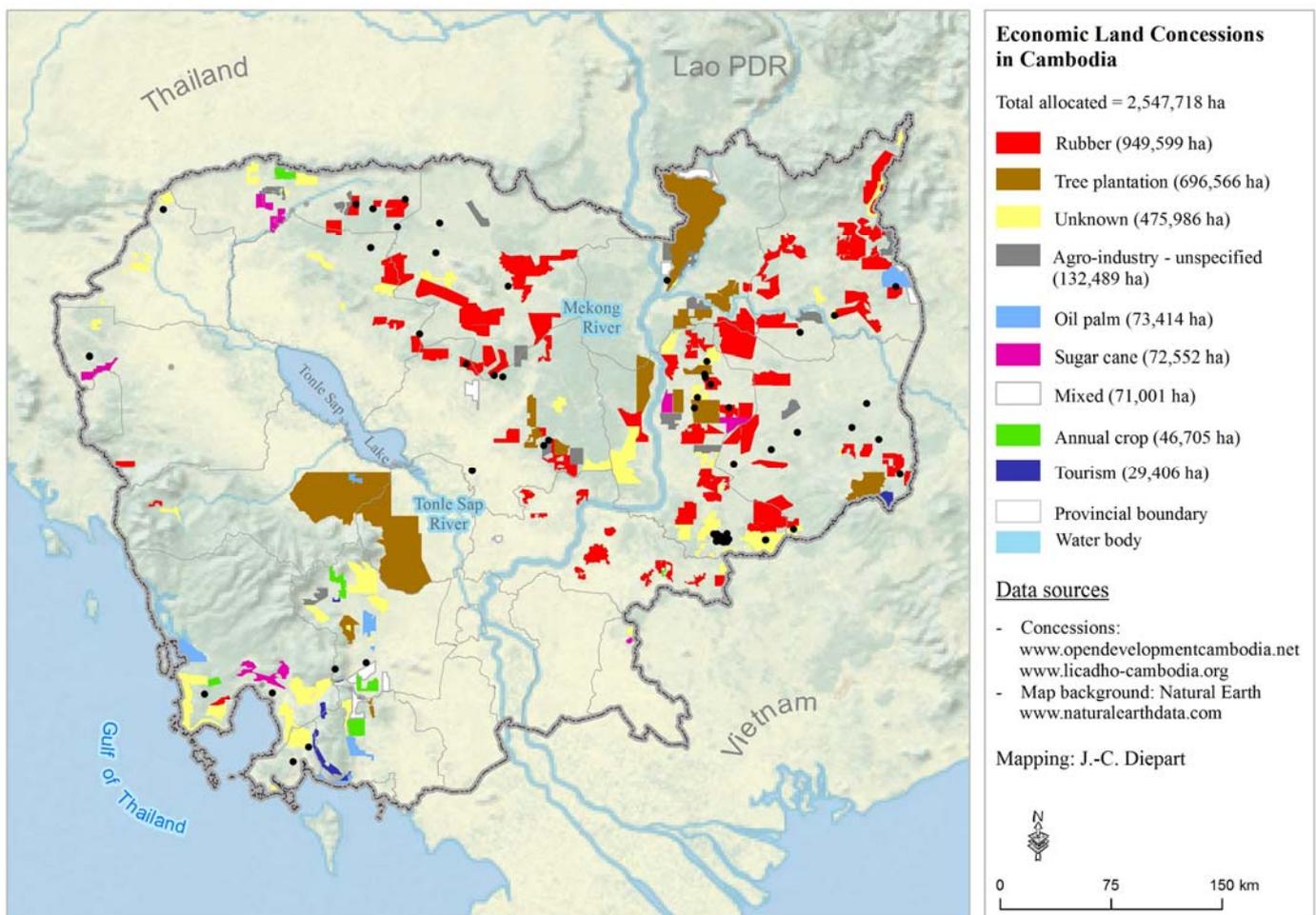
It is difficult to formulate an accurate picture of the location, size and status of all Economic Land Concessions due to the lack of transparency that surrounds the granting and cancellation processes (Diepart, 2015). Given these limitations, our dataset, resulting from a consolidation of datasets from Open Development Cambodia (ODC) and the Cambodian League for the Promotion and Defence of Human Rights (LICADHO), suggests that 2,547,718 ha of land had been granted as ELCs by the end of December 2012. This encompasses 271 contracts including ELCs that were cancelled afterwards. In recent estimates that take these cancellations into account, LICADHO came up with a figure of 2,14 million hectares (Zsombor, 2015). All ELCs are located in the peripheral uplands on both sides of the Tonle Sap Great Lake, with a higher concentration in the Northeast (Map 6). ELCs are allocated through two different ministries: MAFF and the MoE. Thirty seven percent of the total area consists of rubber plantations, by far the most important crop. Our dataset suggests that between 2007 and 2012, the attribution of ELCs had somehow intensified for the purpose of rubber production inside Protected Areas with investment from countries from the ASEAN region and China. A more recent country-wide review of ELCs in Cambodia shows them to be located in relatively accessible areas within around three hours travelling time from the closest provincial capital. The spatial analysis offered by the author also highlights the fact that rubber plantations are granted in relatively richer areas of the country. These two observations contradict the government's stated determination that ELCs would support infrastructure development in remote areas and help to reduce poverty (Peeters, 2015).

In 2012, Prime Minister Hun Sen issued an important directive – the so-called Order 01 – with three measures aiming to strengthen and increase the effectiveness of the management of Economic Land Concessions (Royal Government of Cambodia, 2012). The Order 01 foresaw a moratorium on the granting of ELCs, a titling campaign following the leopard skin strategy (see below) as well as a full review of existing ELCs in an effort to discover which companies were in violation of their contracts with the government. The review process took a while to get going, but a number of concessions were eventually cancelled for not complying with the institutional framework that had been put in place. The cancellations have proceeded along ministerial lines, with the MoE and MAFF making separate announcements starting in 2014.

Land reforms in peripheral upland areas

Turning first to the MoE, that ministry announced in September 2014 that that eight companies that had failed to uphold their development obligations had been cancelled (Aun, 2014). Later, in October 2014, the MoE said that it had revoked or reduced 11 ELCs covering a total area of 62,000 ha (Chhay, 2014; Ouch, 2014). Those were in addition to the ELCs cancelled in September (Chhay, 2014). In January 2015, the MoE announced that it had revoked agreements in respect of 90,682 ha involving 23 companies, that an additional three companies had voluntarily handed over a total of 28,855 ha of ELC land and that two other ELCs had been reduced, reaching a total of 127,000 ha (Khuon, 2015). This series of announcements meant that the total area of ELCs located in Protected Areas has been considerably reduced. Nevertheless, it remains difficult to determine how many ELCs are left and the total areas they cover.

In January 2015, MAFF announced the cancellation of eight ELCs within its jurisdiction of about 50,000 ha since the 2013 elections, in addition to 100,000 ha that had been reclaimed from four other ELC areas (Aun, 2015). An internal report from MAFF released in 2015 indicated a total of 115 ELCs (with contracts) covering a total area of 1,164,525 ha (MAFF, 2015). More recently, in a policy dialogue, MAFF indicated that 111 ELC contracts covering 1,030,672 ha remain (MAFF, 2016), which suggests that the process of cancellations is on-going.



Map 6. Distribution of ELCs in Cambodia by type of crop/investment

Issues and challenges

- There is a broad consensus in Cambodia that the process of authorising and implementing Economic Land Concessions shows clear deviations from the established legal and policy framework (Sperfeldt, Tek, & Chia-Lung Tai, 2012);
- The lack of fully disclosed information from both ministries concerned still impedes the production of a comprehensive picture of ELCs in Cambodia;
- Very often the land granted to concessionaires is already occupied and/or cultivated by people, and consistent surveys to identify these were not conducted. In those cases, logging or land clearing operations have led to land dispossession and forced evictions. Human rights violations associated with these evictions have consistently featured in the conclusions of reports and public declarations by successive United Nations High Commissioners for Human Rights in Cambodia (Ghai, 2007; Leuprecht, 2004; Subedi, 2012) and rights groups (ADHOC, 2014; LICADHO, 2005, 2009);
- The agro-industrial development that was supposed to take place on ELC ground has not materialized, resulting in a failure to cultivate the land. A survey by the United Nations Development Programme (UNDP), cited in Sperfeldt et al. (2012), revealed that, as of 2005, only 2 percent of the land under concession was being actively cultivated. As of today, this figure is probably higher but it can be assumed that a significant part of ELC land remains uncultivated.
- The government has also been involved in implementing the so-called “Leopard Skin” strategy aiming to donate land ownership titles to farming households having, and cultivating, land inside ELC land.
- As indicated above, the government has been increasingly aware of these problems and has engaged in a comprehensive review of ELCs since 2012. This has led to the cancellations of ELC contracts with companies that do not comply with agreements signed with the government. However, it is not fully clear where these cancelled areas are located and how they should be managed in the future. A particular point of concern revolves around the extent to which cancelled areas will be reproduced as State Land (thus allocated to other State-managed functions) or redistributed to smallholder farmers. So far, the announcements made by the government are contradictory. Relevant ministries announced that cancelled ELCs will be put back under other forms of State control (Aun, 2014), whereas Prime Minister Hun Sen announced that 1 million hectares of cancelled ELC land would be re-allocated to smallholder farmers (Kuch, 2016). These tensions are clearly palpable in current discussions about State Land Management, and the policies to acknowledge and deliberate these competing interests have not been fully elicited.

Social Land Concessions

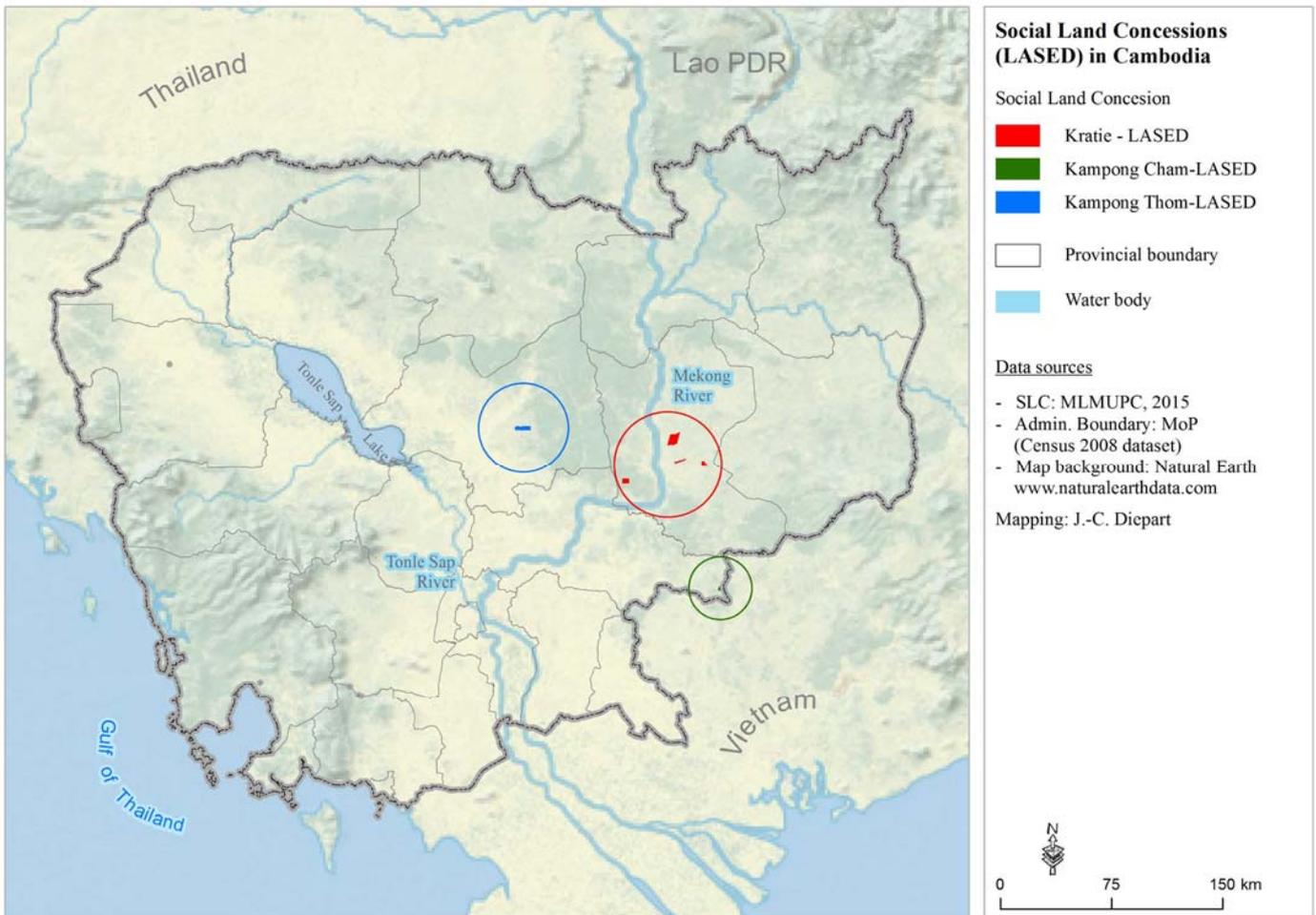
Outcomes

Social Land Concessions (SLCs) are tools the government has promoted to address the problem of landlessness and near landlessness. They imply a legal mechanism to transfer private state land for social purposes to the poor who lack land for residential and/or family farming purposes.

The national SLC programme differentiates between three types of concession: one managed by the government to address civil poor landlessness; a second managed by the government to address the demobilization of soldiers from the Royal Armed Forces; and a third co-managed between the government and donor organizations (World Bank, Gesellschaft für Zusammenarbeit (GIZ), Life With Dignity (LWD) and Habitat for Humanity), also to address civil poor landlessness.

Land reforms in peripheral upland areas

According to the Ministry of Land Management, Urban Planning and Construction (MLMUPC), as of June 2014, the total number of recipients of Social Land Concessions - for all three programmes - was 12,374 families in respect of 113,167 ha of land registered (for settlement, infrastructure and agriculture) (MLMUPC, 2014). This represents only 4 percent of the total area granted as Economic Land Concessions. See Map 7 and Annex 2 for details



Map 7. Location of Social Land Concessions (map displays only Land Allocated for Social and Economic Development (LASED) Social Land Concessions).

Note: The area covered by LASED Social Land Concessions is 13,752 (12 percent of the total) and the number of beneficiaries is 4,577 households (37 percent of the total).

Issues and challenges

- The procedure and mechanisms of SLCs are very time-consuming for authorities and we suggest that there is clear competition between Economic Land Concessions and Social Land Concessions in the allocation of state land by state representatives;
- The quality of land made available for SLCs is also open to debate. In Ti Pou (Kampong Thom) for instance, the land distributed comprises very sandy soil which is difficult for farmers to cultivate, and the cost unit price of rice is consequently much higher than they are in other parts of the province, which is an important disincentive for farmers.

Land reforms in peripheral upland areas

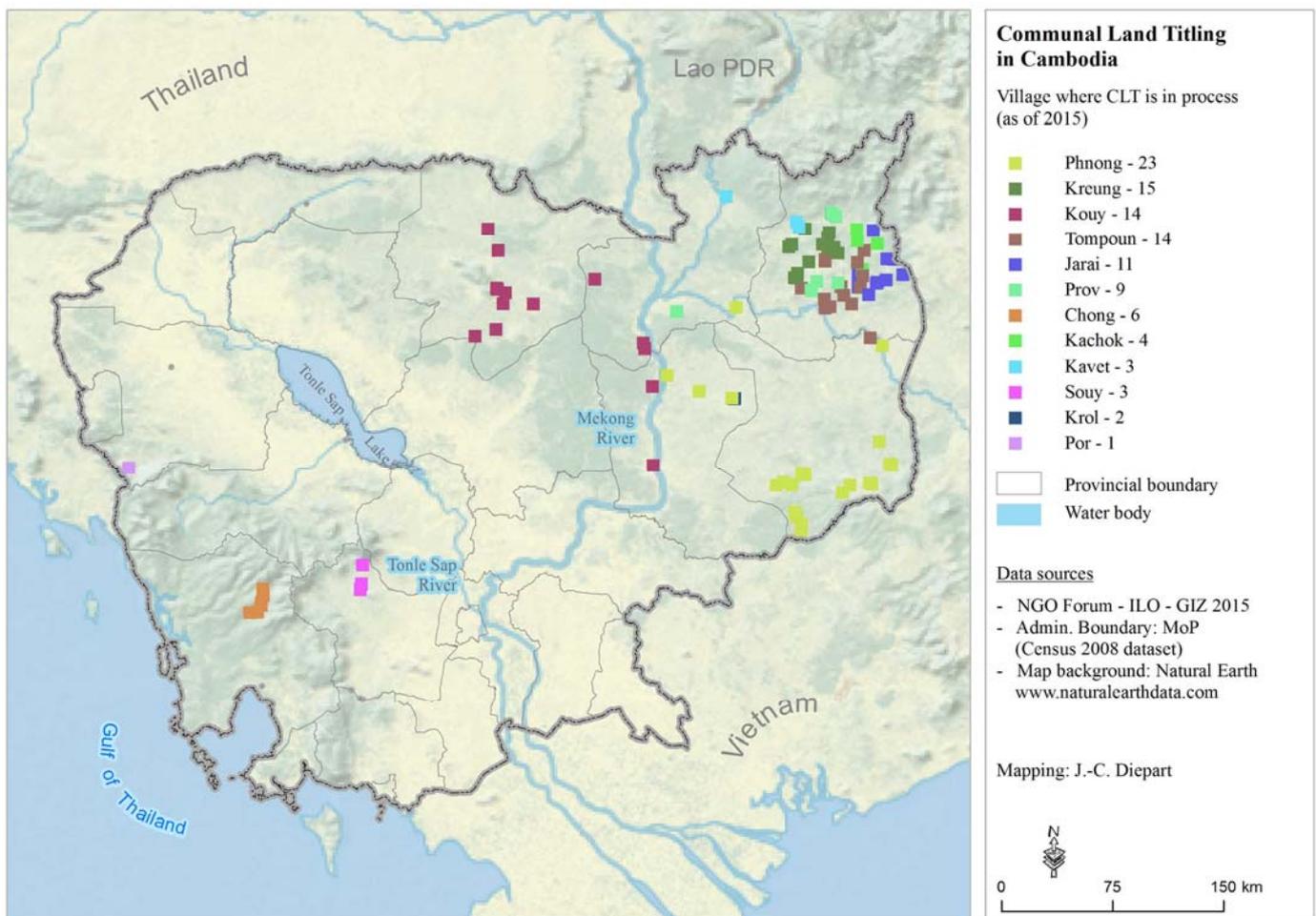
- The SLC programmes do not address the complexity of social, political and legal assemblages in the uplands and are not properly integrated with other land distribution instruments such as the regulation of unauthorized land use. There is a lack of clear coordination between SLC and ELC schemes (Müller, 2012).

Communal Land Titling

Outcomes

The possibility offered by the 2001 Land Law to grant communal land titling is particularly significant as it was the first time in Cambodian history that this had occurred (Save Cambodia's Wildlife, 2014). Communal land titling was conceived to provide indigenous communities with legal rights over their land tenure in order to preserve their identity, culture and customary practices. Communal Land Titling applies to a variety of land uses ranging from residential, swidden agriculture including fallow land, spiritual and burial forest (Royal Government of Cambodia, 2009).

According to a recent update, a total of 166 communities have engaged in the process of applying for a collective land title. Of these, 117 indigenous communities have been recognized by the Ministry of Rural Development and 111 have been recognized as indigenous people (IP) by the Ministry of Interior. Among them, only 16 have completed the process and received land titles (NGO Forum, 2015) (Map 8).



Map 8. Villages where Communal Land Titling is in progress

Issues and Challenges

- The timespan between the enactment of the Land Law in 2001 and the promulgation of the sub-decree in 2009 has been too long. In the meantime, massive and quick changes have occurred, driven by the granting of Economic Land Concessions (Vize & Hornung, 2013);
- Illegal logging and the demand for new land emerging from peasants who have migrated from the lowlands, have put tremendous pressure on the land and resource bases of indigenous people. These changes have forced or induced the conversion of swidden to permanent upland agriculture; in those cases, the access to communal land titles is not envisaged or desired, or is simply not possible (Diepart, 2015).
- The separation of agricultural lands from forestlands has resulted in Communal Land Titling mainly covering agricultural lands, while forestlands have become increasingly reified as state owned. The entanglement between Communal Land Titling and indigenous people has adversely affected non-indigenous communities (e.g. Khmer) practising swidden agriculture who are denied any right to communal land titles (Baird, 2013);
- Another threat affecting Communal Land Titling has been the possibility for indigenous people to obtain private ownership of land through fast upland titling schemes. In a context where swidden agriculture has already been changed into a composite agricultural system with permanent upland cropping, the choice of private land instead of land possessed under a communal land title is, in some cases, a more rational and relevant choice for indigenous people (Milne, 2013).

Land titling in upland areas (Order 01)

Outcomes

On 7 May 2012, the Prime Minister Hun Sen announced the introduction of Order 01, entitled 'Measures to strengthen and enhance the effectiveness of the management of Economic Land Concessions (ELCs)'. In addition to freezing the granting of new ELCs and outlining a thorough revision process for existing ELCs, Order 01 has initiated an unprecedented land titling campaign in those areas where the land rights of people and companies overlap onto state land. Order 01 specifically tries to address land security inside the ELCs through private land titling (Dwyer, 2015). However, the implementation has been quite different as the adjudication areas for the Order 01 titling scheme were largely expanded to include other land categories such as forest concessions, Protected Areas, and forest rehabilitation warrants from provincial authorities.

According to our dataset, an area covering a total of 1,010,429 ha was measured under the Order 01 land titling initiative of which 92 percent (927,848 ha) was formally distributed to 317,444 families. The most important share (30 percent) of land excised from state land came from un-categorized forest cover. based on a 2010 Forest Cover assessment (Forestry Administration, 2011), while only 25 percent came from ELCs (annex 1). Interestingly, the dataset specifies a few other land categories where titles were issued which were not initially foreseen (Social Land Concessions). It seems clear from these results that the Order 01 titling scheme has been a comprehensive attempt to address the problem of insecurity associated with irregular occupation of state land in the Cambodian uplands.

Issues and challenges

The process has proved to be largely incomplete and large areas appropriated by people have been left untitled.

This incompleteness of land titling in areas where people live and/or cultivate might give legitimacy to the concessionaires or Protected Area authorities in forcing/evicting those people who have land untitled outside the delineated land;

- In some places in the North-eastern region, the process also resulted in an increase of forest clearing as an attempt for local people to secure land before the land demarcation started (Gironde & Peeters, 2015);
- A case study conducted in Battambang revealed that the formalization of land through titling has addressed some of the land security issues but has actually reinforced insecurity in a wider region through i) the intervention of external actors in land acquisition and ii) the incomplete nature of the process that has reproduced State land in areas where titles have not been issued (Diepart & Sem, 2016) ;
- As far as figures are concerned it is also not entirely clear whether recent pledges by Prime Minister Hun Sen to re-allocate 1 million hectares of cancelled ELC land to smallholder farmers (Kuch, 2016) includes the upland areas where titles were issued under the Order 01 titling campaign or whether they represent additional areas to be redistributed in the future. The information available to us so far does not clarify the mechanisms that will govern this process of land distribution (location, recipients, etc.).

Estimation of land distribution by land tenure regimes

Based on the above, we are able to provide a preliminary assessment⁶ of land distribution in Cambodia relating to main land tenure systems (Table 1 and Figure 1). It results from a detailed - yet still incomplete - computation of data using a mix of updated statistics and geo-referenced data such as the 2010 forest cover data (Forestry Administration, 2011). Details about calculations and assumptions are given in Annex 3.

Table 1. Estimation of land distribution by land tenure regimes

| Land Categories | Area size | |
|---|------------|------------|
| | Ha | % of total |
| Systematic Land Registration | 1,023,125 | 5.6% |
| Land titles under 'Order 01' | 1,010,429 | 5.6% |
| Other cultivated areas (untitled + with sporadic land titles) | 1,037,829 | 5.7% |
| Social Land Concessions (SLCs) | 113,167 | 0.6% |
| Economic Land Concessions (ELCs) | 2,114,485 | 11.6% |
| ELCs Cancelled | 433,240 | 2.4% |
| Protected Areas (PA) + Protection Forests (PF) | 3,667,404 | 20.2% |
| Forest Concessions (FC) - unclear status | 1,761,390 | 9.7% |
| Community Forestry (CF) | 410,025 | 2.3% |
| Forest Cover (unclassified) | 2,576,702 | 14.2% |
| Water bodies | 827,088 | 4.6% |
| Roads | 50,000 | 0.3% |
| Settlements + Infrastructure | 343,172 | 1.9% |
| Undetermined (Non Forest) | 2,792,882 | 15.4% |
| Total Cambodia | 18,160,938 | 100.0% |

Land reforms in peripheral upland areas

The land under cultivation by smallholders represents 19 percent of the total area of the national territory. The forest cover includes forest concessions (10 percent), Community Forestry (2 percent), Protected Areas and Protection Forests (20 percent). A forest cover area designated as Permanent Forest Estate (but that does not fall under any specific forest tenure system) accounts for 14 percent. Economic Land Concessions under operation represent 12 percent whereas the area for which ELCs have been cancelled represents 2 percent of the total national territory.

The area covered by other forms of land use such as water bodies, road corridors and built-up areas (urban areas, other settlements and industries) was estimated using data available (details in Annex 3). These figures are not fully updated and the actual totals are probably more significant than those indicated. The breakdown that has been provided so far does not equal the total area of the national territory. A large non-forested area (14 percent) remains undetermined. This is a limitation of the data computation as it stands. This is work in progress and future updates will shed further light on this methodological issue⁷.

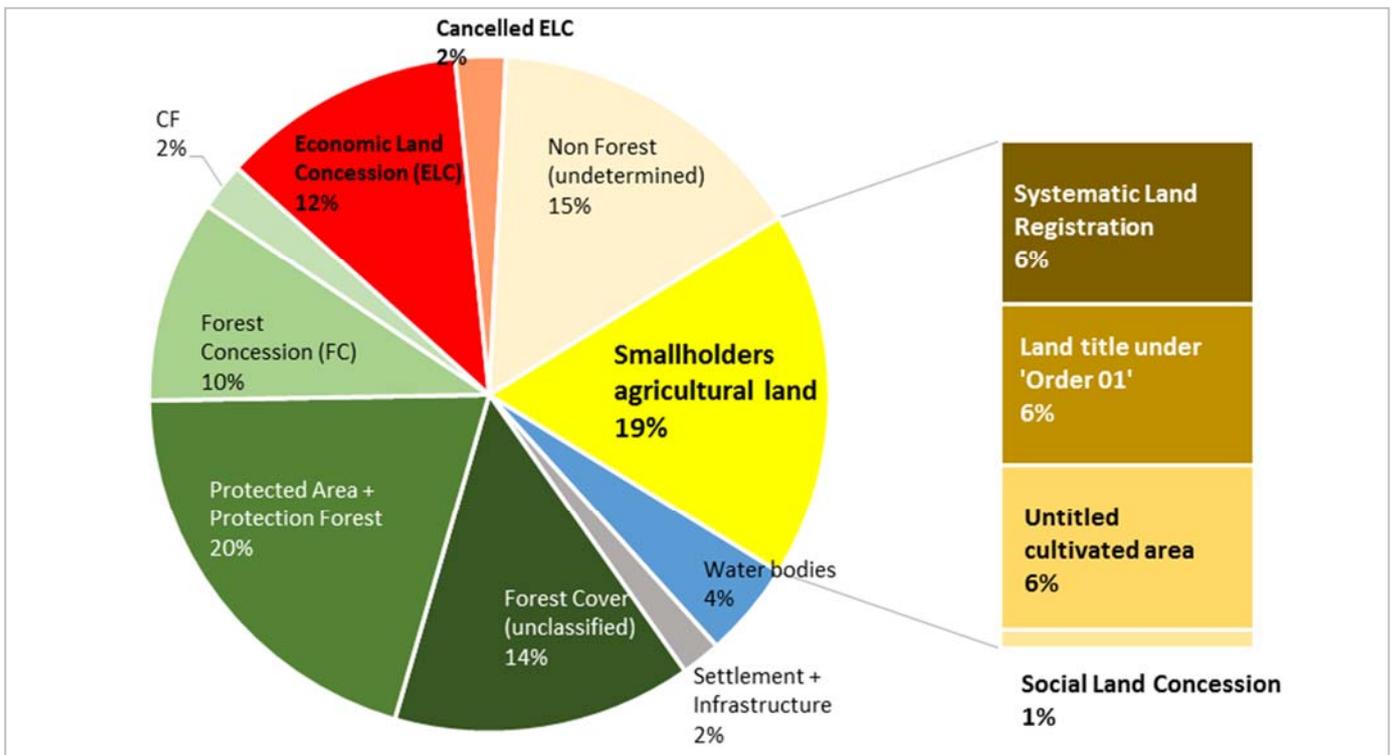


Figure 1. Distribution of land area by main land tenure regimes

Land scenarios for Cambodian smallholders

This brief review of land tenure regimes suggests that the spatial and legal fragmentation of land tenure regimes in Cambodia between lowland central plains and peripheral uplands has yielded problematic results.

So what is the way forward? In the prevailing governance context, the possibilities for change remain narrow. But we adopt a realistic perspective in which smallholder farmers will inevitably continue to play a central role in agricultural development. Consequently, two key questions are posed: How much land is needed for future smallholder populations and; ii) Where is the land needed to support their livelihoods in a decent way to be found?

Demographic growth, economic development and land provision scenarios

In the wake of the 2008 demographic census, demographic projections were carried out for the country up to the year 2030. We will refer to these projections as they captured the most reliable fertility and mortality information. The projections estimate the total population of Cambodia by 2030 to have reached 18,390,683 people⁸. On that basis, we estimate the total population that will be living in the rural areas by 2030 by projecting the average urbanization rate observed between 2008 and 2013⁹. We then estimate the active population by projecting the decrease in the age dependency ratio (number of not-working-age population as a percentage of the working-age population) observed during the same time span¹⁰. Based on these different hypotheses, 3 million people will be added to the rural labour force by 2030 (baseline 2008) or +/- 2 million people (baseline 2015) (see Annex 4)

On average, the annual increase in the economic labour force will be approximately 140,000 people, slightly lower than the annual increase (221,000 people/year) that occurred between 1998 and 2004 (Lundström & Ronnas, 2006). This is not surprising as the Cambodian population is well engaged in a demographic transition process (wherein the population evolves from high birth and death rates to lower birth and death rates as the country develops).

On that basis, we introduce a scenario of labour transfer from the agricultural sector to the secondary and tertiary sectors. In a detailed exercise conducted in 2000, Pillot et al. (2000) considered that the secondary and tertiary sectors were able in the nineties to create approximately 10,000 unskilled jobs per year (jobs that do not require any specific qualifications, such as construction work) in the formal sector. Based on more recent World Bank data (2015), it seems that this transfer has been particularly important for the period 2008-2014, and thus, to be realistic, we consider here a figure of 40,000 unskilled jobs created per year in the secondary and tertiary sectors. On that basis, we establish three hypothetical scenarios¹¹ that we characterize based on the pace of growth in these sectors:

- **Slower growth in the secondary and tertiary sectors** - 20,000 unskilled formal jobs created/year
- **Similar growth in the secondary and tertiary sectors** - 40,000 unskilled formal jobs created/year
- **Faster growth in the secondary and tertiary sectors** - 60,000 unskilled jobs created/year

Land scenarios for Cambodian smallholders

In calculating the difference between the annual increase in the economically active population and the number of jobs created annually, we have a rough estimate of the number of people who will potentially need land.

In all likelihood, the transfer of unskilled labour from the agricultural to the secondary and tertiary sectors will not catch up with the demographic increase in the active population in rural areas. In other words, the economic structure of Cambodia is such that the rural population will continue to need land to secure its livelihood. This forms the rationale behind, and the basis to, the introduction of three pro-smallholder farmers land allocation scenarios¹²:

- **Minimal support scenario** - each active labourer receives 0.50 ha. (Based on an average rice yield of 2T/ha, this area would ensure rice sufficiency at the prevailing dependency ratio and allow for the production of surplus for market.)
- **Medium support scenario** - each active labourer receives 0.75 ha. (This scenario corresponds to the current situation: 1.6 ha of agricultural land for one household with 2.2 active labourers on average.)
- **Significant support scenario** - each active labourer receives 1 ha. (This scenario is equivalent to the area a landless household would usually receive in the context of a Social Land Concession programme.)

Combining these different scenarios, we are able to give a rough estimate of land requirement by the year 2030, which is 15 years from the starting point of 2015 (Table 2). We consider the agricultural holding area as provided in the 2013 agricultural census (3,071,384 ha) as a baseline, against which we measure the percentages of land area increase (percentages in Table 2 below).

Table 2. Projection of agricultural land requirement by 2030 under different scenarios of unskilled labour transfer to industries/services and pro smallholder farmer land provision

| | | Scenario of labour transfer from the non-farm sector (secondary and industrial sectors) in rural or urban areas (in people per year) | | |
|--|------------------------|--|---------------------------|---------------------------|
| | | 20,000 jobs / year (1) | 40,000 jobs / year (2) | 60,000 jobs / year (3) |
| Scenario of land allocation to smallholder farmers | 0.50 ha per active (A) | 981,200 ha (+32%) (1A) | 811,200 ha (+26%) (2A) | 641,200 ha (+21%) (3A) |
| | 0.75 ha per active (B) | 1,471,800 (+48%) (1B) | 1,216,800 (+40%) (2B) | 961,800 (+31%) (3B) |
| | 1 ha per active (C) | 1,962,400 (+64%) (1C) | 1,622,400 (+53%) (2C) | 1,282,400 (+42%) (3C) |

These figures are inevitably indicative and cannot serve as an accurate basis for actual land allocation. They do, however, provide an indication of the magnitude of the situation at the country level and help to envisage possible future scenarios.

- In the case of slower economic growth in the secondary and tertiary sectors, the need for land would range from approximately 0.98 million (1A) to 2 million hectares (1C)
- In a scenario where the secondary and tertiary sectors continue to grow at the prevailing rate (2A, 2B and 2C), which is likely given the Chinese economic downturn, the total agricultural area needed is inevitably higher and would have to increase by a significant margin depending on the government's readiness to support the smallholders.
- In an optimistic scenario of faster growth in the secondary and tertiary sectors (3A, 3B and 3C), the requirement for land remains important (scenario 3A, + 21 percent increase). And if the government is ready to be more supportive to the smallholder farming sector (scenario 3C), 1.2 million ha would be need, approximately 42 percent of the current landholding size.

How to make ends meet for smallholder farmers

There is no time to dither around the issue: more agricultural land will be needed in the future. And given the importance of natural resources in rural livelihoods, land allocation should not be conceived at the expense of forest and wetlands. To engage in active, voluntary and positive land allocation, several options that are not mutually exclusive can be envisaged and prioritized:

- Actively implement the ELC reform policy and reallocate cancelled areas to smallholder farmers. Prioritize allocation of the most appropriate land for swidden agriculture to indigenous people who have claims on those lands, and allocate the rest of the available land to smallholders for permanent agriculture. The Prime Minister's recent pledge to allocate 1 million hectares to poor smallholder farmers is probably a step in the right direction. But as argued in this paper, the uncertainties and doubts surrounding this political announcement need to be seriously addressed so that the government promise can materialize into concrete actions for the benefit of Cambodian smallholders;
- In areas inhabited by communities of indigenous people, swidden agriculture should be recognized as a possible land use option inside Protected Area management, including inside conservation zone and CPA;
- If the upland land titling programme continues (a government announcement suggested that this is the case), it is highly advisable to issue titles based on the anticipation of the future expansion of the rural population;
- If the government reconsiders the allocation of land for landless or near-landless households, it needs to engage in a far more ambitious Social Land Concession programme;
- Further reform of the Forest Concession system is also urgently needed with clearer and spatially-explicit indications about how to allocate land and resources to provide further support for forest conservation efforts and possible conversion of highly degraded forestland to farmland for smallholder farmers.

The development of Cambodia in the next two decades cannot simply ignore smallholder farmers. They will continue to represent a major demographic sector in the country, and agriculture will continue to play a central role in their livelihoods. All the possibilities outlined above require the strong engagement of government, and the recognition of smallholder farming as a potentially effective measure for equitable and sustainable rural and national development.

There is a need to engage in open and constructive discussion with relevant ministries about possible options to allocate additional land for the growing population of smallholder farmers (for example, how to deal with cancelled ELCs, how to clarify the legal status and actual use of land and forest within forest concessions, and how to engage a more ambitious Social Land Concession programme) that would be at least partly related to Economic Land Concessions under various forms of contract farming. From an institutional viewpoint, there is a crucial need for a spatially-explicit inventory system embedded in the administration and available to the public to facilitate a regular update on the highly dynamic forces gravitating around ELCs.

Recommendations for further researches

In order to fine-tune the scenarios presented here, and to develop a dialogue with all relevant stakeholders, and first of all with government, further research is needed. Activity is needed to:

- Improve existing databases with more geo-localized data, which would enable the production of more spatially-explicit analysis;
- Triangulate data and information about labour transfer scenarios based on updated data from National Institute of Statistics;
- Breakdown scenarios produced at national-level into provincial-level components to formulate more accurate recommendations about how additional land for smallholder farmers might be found;
- Follow-up the preliminary estimates offered in this background paper. This would require availability of, and access to, updated information;
- Conduct further research into landlessness and in particular to differentiate landlessness in relation to several drivers: 1) dispossession from large-scale land acquisition; 2) market-based land concentration and; 3) land atomization through inheritance. And in a wider perspective, to conduct more serious research to understand smallholder production strategies and in particular the way they integrate farming and non-farming activities, as well as the role that migration plays in the re-composition of production processes in the countryside;
- Conduct more in-depth research to evaluate the value-added and land-labour-capital productivities of agricultural production units of different scales.

Conclusions

Despite the demographic transition and the structural transformation of Cambodia's economy towards more urbanization and industrialization, the smallholder farming population will continue to grow in absolute terms and will maintain a central role in Cambodia's development. This partly results from the fact that the transfer of unskilled labour from agriculture to the secondary and tertiary sectors will lag behind the demographic increase in the active rural population. So the question revolves not so much around whether or not the rural population will need land in the future, but rather around how this can occur. This background paper is a contribution towards answering this question.

A central priority is to coordinate the processes of land rights security and formalization in lowland and upland areas as both regions are closely linked through land-driven migration movements that have intensified over the past 20 years. The failure to do this has created widespread conflict in that, in parallel processes, large land deals have been concentrated in the uplands of the entire country in accordance with processes that are exclusionary in nature.

The recent announcements made by the government to cancel ELCs and re-allocate land to smallholder farmers are important, positive steps, but this process needs to materialize quickly as re-appropriation of land is already being undertaken by corporate and individual actors who have been taking advantage of the absence of a clear vision, policies and mechanisms.

The Mekong Region Land Governance (MRLG) project, that commissioned this study, aims to assist the emergence of more favourable policies and practices for securing the rights and access of family farmers to land and natural resources. It also aims to strengthen the effectiveness of relevant stakeholders through learning, alliance building and regional cooperation. MRLG has identified the redistribution of land from cancelled ELCs as a priority issue and is committed to collaborating with partners from government and civil society groups to transform these intentions into concrete actions for the benefit of Cambodia's smallholder farmers.

Endnotes

1. This is the figure prior to the jurisdiction swap between both ministries.
2. <http://databank.worldbank.org/data/views/reports/tableview.aspx>
3. An economic unit under single management comprising at least two large livestock animals and/or at least three small livestock animals and/or at least 25 poultry of any kind and/or land with a size of at least 300 square meters, used wholly or partly for agricultural production purposes regardless of title, legal form or size (National Institute of Statistics, 2015)
4. Urban areas are designated according to criteria set by the National Institute of Statistics and have the following characteristics: (i) population density exceeding 200 per km², (ii) percentage of male employment in agriculture below 50 percent and (iii) total population of each commune exceeding 2,000 people
5. Namely Solidarity Group. *Krom Samaki* were declared and recognized between 1979 and 1989 as the main unit of rural development. A *Krom Samaki* comprised a small group of 10-15 families who used the land, agricultural equipment and draught animals collectively. Agricultural land was the property of the state but was distributed to each family within the group according to the number of active labourers. General rules of distribution were dictated by the central party but implemented locally by the group chief
6. Data and information from the last waves of cancellations (2015-2016) have not been integrated in the analysis as a result of a lack of reliable and comprehensive data. This is work in progress.
7. Including the use of unstandardized class definitions across the different datasets used, of datasets from different dates, of the author's own calculations and assumptions, of different minimum mapping units according to the data sources used, lack of validated datasets and lack of full disclosed information
8. The projection seems robust as it is confirmed by population data recorded in the Commune Data Based from 2011, 2012 and 2013
9. Data from World Bank (World Bank, 2015) – Cambodia Country Profile. The trend of urbanization is clear but given the demographic increase in the rural area, the percentage of the rural population remains high. Other population projections consistently find that the proportion of the urban population will reach only 21.97 percent in 2030, and 27.49 percent in 2060 (Pardee Center). This strongly suggests that a very large part of the population will continue to live in rural areas. This is of crucial importance as the rural economy will continue to be of major significance in supporting national development
10. Data from the World Bank (World Bank, 2015) – Cambodia Country Profile. Percentage of working-age population. A figure that is declining sharply as the post-war baby-boomers now enter job markets
11. Because international migrations remain mostly illicit and undocumented, these scenarios do not take into account the cross-border migration, mainly to Thailand, where Cambodian migrant workers are typically confined to dirty, difficult and dangerous jobs (fishing, construction and farming sectors). In 2011, the number of people whose primary occupation implies an international migration was 227,764 (Diepart, Pilgrim, & Dulioust, 2014). This figure is likely to increase but will not compensate for the demographic increase in Cambodia
12. A no-support scenario, i.e. no land would be made available for the growing rural active population, would exacerbate informal job -migration processes (particularly to Thailand) and the casualization of a growing population

References and suggested readings

- Acharya, S., Kim, S., Chap, S., & Meach, Y. (2003). *Off-farm and Non-Farm Employment: A Perspective on Job Creation in Cambodia*. Phnom Penh: Cambodia Development Resource Institute.
- ADHOC. (2014). Land Situation in Cambodia 2013. Phnom Penh.
- Aun, P. (2014, September 30). Despite ELC Ban, Minister Talks of New Land Deals, *The Cambodia Daily*.
- Aun, P. (2015, January 22). Government Cancels More Land Concessions, *The Cambodia Daily*.
- Baird, I. (2013). 'Indigenous Peoples' and land: Comparing communal land titling and its implications in Cambodia and Laos. *Asia Pacific Viewpoint*, 54(3), 269-281. doi: 10.1111/apv.12034
- Ballard, B. (2010). *Land titling in Cambodia: Procedural and administrative exclusions*. Paper presented at the RCSD International Conference on "Revisiting Agrarian Transformations in Southeast Asia: Empirical, Theoretical and Applied Perspectives" Chiang Mai, Thailand. http://rcsd.soc.cmu.ac.th/InterConf/paper/paperpdf1_497.pdf
- Biddulph, R. (2010). Geographies of Evasion: The Development Industry and Property Rights Interventions in Early 21st Century Cambodia. PhD, University of Gothenburg, Göteborg.
- Chhay, C. (2014, October 18). Another 11 land concessions cancelled, *Phnom Penh Post*.
- Chheang, V., & Dulioust, J. (2012). *Rural – Rural Migrations in Cambodia*: Supreme National Economic Council and Agence Française de Développement.
- Diepart, J.-C. (2007). The Problems and Challenges of Cambodian Rural Economy. Between New Governances and Peasant's Realities. PhD Thesis, University of Liège, Gembloux Agro-Bio Tech, Gembloux. URL: <http://hdl.handle.net/2268/108408>
- Diepart, J.-C. (2015). The fragmentation of land tenure systems in Cambodia: peasants and the formalization of land rights. Paris: Technical Committee on "Land Tenure and Development". URL: <http://hdl.handle.net/2268/183306>
- Diepart, J.-C., Pilgrim, J., & Dulioust, J. (2014). Migrations. In Save Cambodia's Wildlife (Ed.), *Atlas of Cambodia: Maps on Socio-Economic Development and Environment* (pp. 89-96). Phnom Penh: SCW. URL: <http://hdl.handle.net/2268/164163>
- Diepart, J.-C., & Sem, T. (2016). Fragmented territories: incomplete enclosures and agrarian change on the agricultural frontier of Samlaut district, Northwest Cambodia. *Journal of Agrarian Change*. doi: <http://dx.doi.org/10.1111/joac.12155>
- Dorner, P., & Thiesenhusen, W. C. (1990). Selected Land Reforms in East and Southeast Asia: Their Origins and Impacts. *Asian-Pacific Economic Literature*, 4(1), 31.
- Dwyer, M. B. (2015). The formalization fix? Land titling, land concessions and the politics of spatial transparency in Cambodia. *The Journal of Peasant Studies*, 42(5), 903-928. doi: <http://x.doi.org/10.1080/03066150.2014.994510>
- FAO. (2014). FAO Statistical Yearbook 2014, Asia and the Pacific. Roma: FAO.
- FAO. (2015). FAOSTAT Retrieved 07 October, 2015, from <http://faostat.fao.org/>
- Forestry Administration. (2011). 2010 Cambodian Forest Cover. Phnom Penh: Forestry Administration.
- Forestry Administration. (2015). Updated List of Community Forestry in Cambodia, as of 11 December 2014. Phnom Penh.
- Ghai, Y. (2007). *Economic Land Concessions in Cambodia: A human rights perspective*. Phnom Penh: United Nation, High Commissioner for Human Rights.
- Gironde, C., & Peeters, A. (2015). *Land Acquisitions in Northeastern Cambodia: Space and Time matters*. Paper presented at the Land grabbing, conflict and agrarian environmental transformations: perspectives from East and Southeast Asia Conference, Chiang Mai University, 5-6 June 2015.

References and suggested readings

- Grimsditch, M., & Henderson, N. (2009). *Untitled Tenure Insecurity and Inequality in the Cambodian Land Sector*. Phnom Penh: Bridges Across Borders Southeast Asia, Centre on Housing Rights and Evictions, Jesuit Refugee Service.
- Ironside, J. (2015). What about the 'unprotected' areas? Building on traditional forms of ownership and land use for dealing with new contexts. In S. Milne & S. Mahanty (Eds.), *Conservation and Development in Cambodia. Exploring frontiers of change in nature, state and society* (pp. 203-224). New York: Earthscan from Routledge.
- Jalilian, H. (2008). Cambodia: A 2008 Macro View - Key Indicators, Major Development Challenges, Our Region, the Private Sector. *Cambodia Development Review*, 12(2), 4.
- Kawagoe, T. (1999). Agricultural Land Reform in Postwar Japan. Experiences and Issues *Policy Research Working Paper No 2111* (pp. 60). Washington: World Bank.
- Khuon, N. (2015, January 7). Try Pheap Concessions Among 26 Canceled by Ministry in 2014, *The Cambodia Daily*.
- Kuch, N. (2016, 26 February). PM Pledges 1M Hectares of ELC Land to Poor, *The Cambodia Daily*.
- Leuprecht, P. (2004). *Land Concessions for Economic Purposes in Cambodia: A Human Rights Perspective*. Phnom Penh: United Nation, High Commissioner for Human Right.
- LICADHO. (2005). Harmful Effects of Economic Land Concessions on Poor Cambodians A *LICADHO Briefing Paper* (pp. 6). Phnom Penh: Cambodian League for the Promotion and Defence of Human Rights.
- LICADHO. (2009). Land Grabbing and Poverty in Cambodia: the myth of development (pp. 30). Phnom Penh.
- Lundström, S., & Ronnas, P. (2006). *Employment and Growth in Cambodia - An Integrated Economic Analysis*. Stockholm: Swedish International Development Cooperation.
- MAFF. (2015). First report on the overall status and results of the investment and implementation of ELCs located in areas under the jurisdiction of Ministry of Agriculture, Forestry and Fisheries. Phnom Penh: MAFF.
- MAFF. (2016). *Current and Future Management of Economic Land Concessions*. Paper presented at the Policy Dialogue on the Management of Economic Land Concessions in Cambodia, 25.05.2016, Phnom Penh.
- Mellac, M., & Castellanet, C. (2015). Histoires divergentes d'une convergence sous tension: les réformes foncières vers la propriété privée dans quatre pays du Mékong (Birmanie, Cambodge, Laos et Viêt-Nam). Paris: Technical Committee on "Land Tenure and Development".
- Milne, S. (2013). Under the Leopard's Skin: Land Commodification and the Dilemmas of Indigenous Communal Title in Upland Cambodia. *Asia Pacific Viewpoint*, 5, 323-339.
- Ministry of Environment. (2015). List of Community in Protected Area (CPA) - Update October 2015. In Office of Research and CPA (Ed.). Phnom Penh.
- MLMUPC. (2014). Status of implementation of Social Land Concession as of 15 July 2014 (indicative yet to be approved). Phnom Penh: Ministry of Land Management, Urban Planning and Construction.
- Müller, F.-V. (2012). Commune-based land allocation for poverty reduction in Cambodia. Achievements and lessons learned from the project Land Allocation for Social and Economic Development (LASED). Paper presented at the Annual World Bank Conference on Land and Poverty, Washington DC.
- National Committee for Democratic Development. (2015). Commune Database - 2014. In NCDD (Ed.). Phnom Penh.
- National Institute of Statistics. (2009). General Population Census of Cambodia 2008: National Report on Final Census Results (pp. 308). Phnom Penh: Ministry of Planning - Royal Government of Cambodia.
- National Institute of Statistics. (2010). *Report 3: Sex and age structure*. Phnom Penh.
- National Institute of Statistics. (2012). *Reclassification of urban areas in Cambodia, 2011*. Phnom Penh: National Institute of Statistics and UNFPA.

References and suggested readings

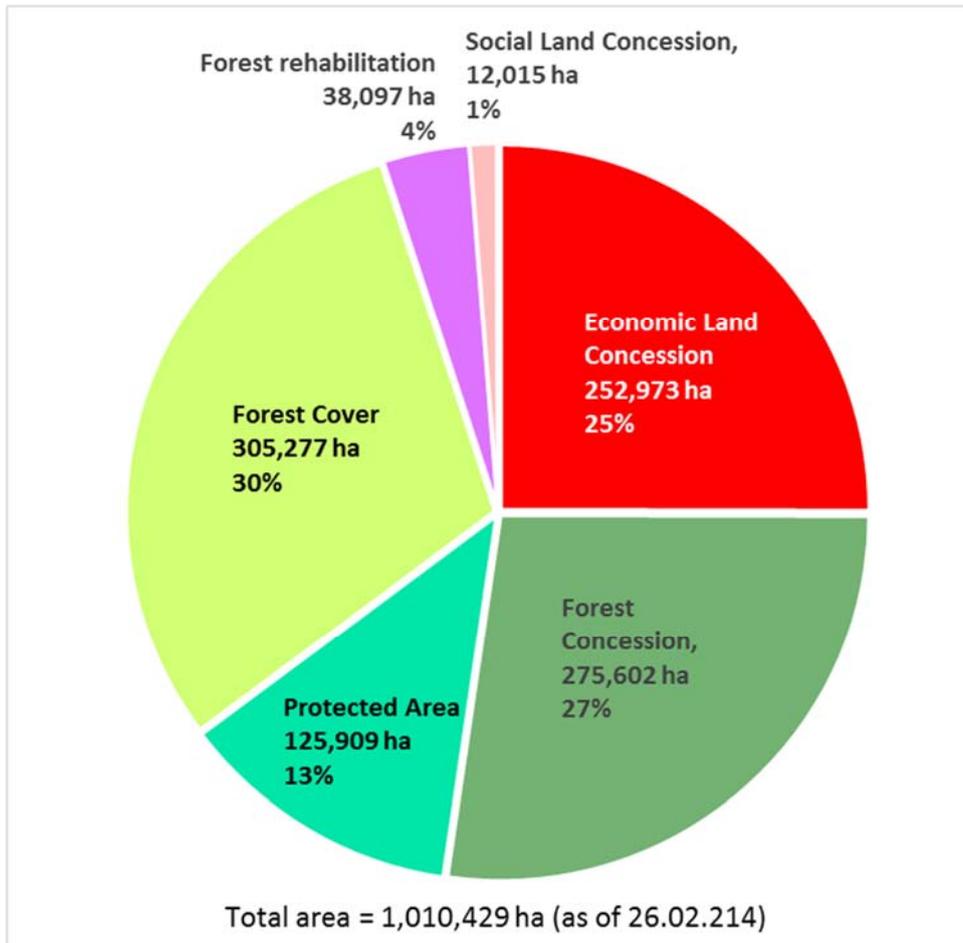
- National Institute of Statistics. (2015). *Census of Agriculture of the Kingdom of Cambodia 2013: National Report on Final Census Results (2nd Edition ed.)*. Phnom Penh: Ministry of Planning & Ministry of Agriculture, Forestry and Fisheries,.
- NGO Forum. (2015). *Updated List of Collective Land Titling Progress with Support of ILO, GIZ and NGO and Target Affected by Directive 01 from 2003-13/01/2015*. Phnom Penh.
- Ouch, S. (2014, October 18). *Ministry Revokes 11 More Commercial Concessions*, *The Cambodia Daily*.
- Paley, R. (2015). *Managing protected areas in Cambodia. The challenge for conservation bureaucracies in a hostile governance environment*. In S. Milne & S. Mahanty (Eds.), *Conservation and Development in Cambodia. Exploring frontiers of change in nature, state and society* (pp. 141-159). New York: Earthscan from Routledge.
- Pardee Center. *Demographic projection* Retrieved 18 October 2015, from http://www.ifs.du.edu/ifs/frm_CountryProfile.aspx?Country=KH
- Peeters, A. (2015). *Disclosing recent territory-lift and rural development contributions of Cambodian large-scale land acquisitions*. Paper presented at the Land grabbing, conflict and agrarian environmental transformations: perspectives from East and Southeast Asia Conference, Chiang Mai University, 5-6 June 2015.
- Phann, D., Phay, S., Tong, K., & Pon, D. (2015). *Landlessness and Child Labour in Cambodia*. Phnom Penh: Cambodia Development Resource Institute.
- Pilgrim, J., Ngin, C., & Diepart, J.-C. (2012). *Multiple Migrations, Displacements and Land Transfers at Ta Kream in Northwest Cambodia*. In S. B. Hecht, S. Kandel & A. Morales (Eds.), *Migration, Rural Livelihoods and Natural Resource Management* (pp. 33-56). El Salvador: International Development Research Centre (IDRC) of Canada - Ford Foundation - Fundación PRISMA.
- Pillot, D., Fusillier, C., Pouliquen, A., Morel, N., & Yang Saing, K. (2000). *Scenarios for the Rural Sector of Cambodia and the Agricultural Education System. Part 2 - Farming Systems in Cambodia and their Evolution*. Phnom Penh: GRET-IRAM-CEDAC.
- Royal Government of Cambodia. (1993). *Royal Decree on the Protection of Natural Areas*.
- Royal Government of Cambodia. (2003). *Sub-Decree on Community Forestry Management*.
- Royal Government of Cambodia. (2008). *Law on Protected Areas*.
- Royal Government of Cambodia. (2009). *Sub-Decree on the Procedures of registration of land of indigenous communities*.
- Royal Government of Cambodia. (2012). *Order 01 on the procedure to reinforce and improve effectiveness of economic land concession management*.
- Save Cambodia's Wildlife. (2006). *The Atlas of Cambodia. National Poverty and Environment Maps*. Phnom Penh: Save Cambodia's Wildlife.
- Save Cambodia's Wildlife. (2014). *Atlas of Cambodia: Maps on Socio-Economic Development and Environment (2nd ed.)*. Phnom Penh, Cambodia: Save Cambodia's Wildlife.
- So, S. (2009). *Political Economy of Land Registration in Cambodia*. PhD, Northern Illinois University, DeKalb.
- Sperfeldt, C., Tek, F., & Chia-Lung Tai, B. (2012). *An Examination of Policies Promoting Large-Scale Investments in Farmland in Cambodia*. Phnom Penh: Cambodian Human Rights Action Committee (CHRAC).
- Subedi, S. P. (2012). *A human rights analysis of economic and other land concessions in Cambodia*. Addendum to the Report of the Special Rapporteur on the situation of human rights in Cambodia: Human Rights Council.
- Vize, J., & Hornung, M. (2013). *Indigenous peoples and land titling in Cambodia: a study of six villages*. Paper presented at the Annual World Bank Conference on Land and Poverty 2013, Washington DC.

References and suggested readings

- World Bank. (2007). World Development Report 2008: Agriculture for Development Washington DC: The International Bank for Reconstruction and Development / The World Bank.
- World Bank. (2013). Where Have All The Poor Gone? Cambodia Poverty Assessment 2013. Washington, DC: World Bank.
- World Bank. (2015). Cambodia databank Retrieved 24 October, 2015, from <http://data.worldbank.org/country/cambodia?display=graph>
- Zsombor, P. (2015, 31 March). Rights Group Asks Gov't to Disclose True Land Figures, *Cambodia Daily*.

Annexes

Annex 1. Distribution of land excised from state land under the Order 01 land titling scheme, by size



Source: (MLMUPC, 2014)

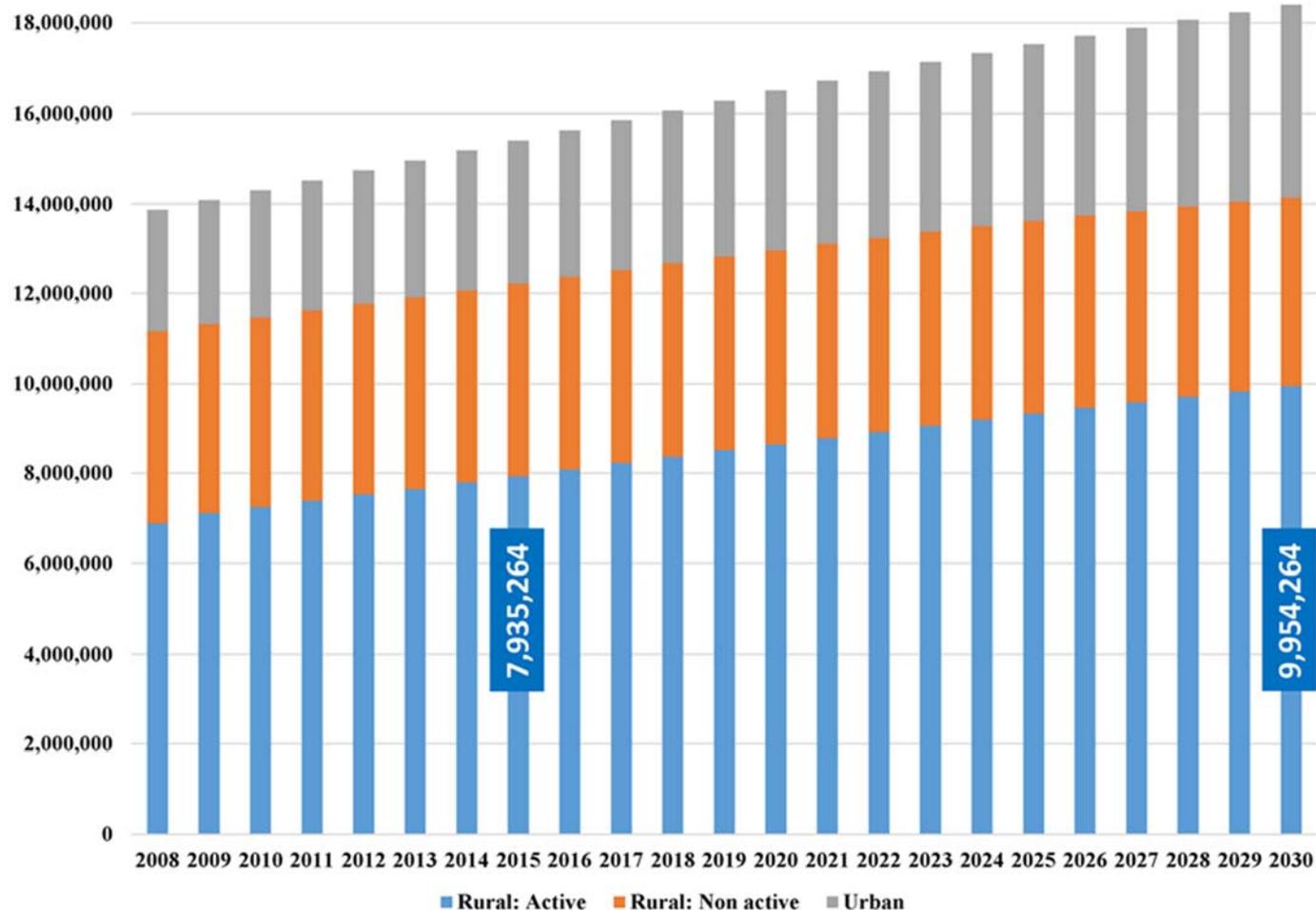
Annex 2 - Outreach of the Social Land Concession programme as of June 2014

| Social Land Concession (SLC) programme | Province | Area of land registered (ha) | Number of beneficiaries (households) |
|--|--|------------------------------|--------------------------------------|
| SLC programme for demobilized soldiers | Kampong Speu, Kratie, Battambang, Kampot, Pursat, Kampong Chhnang, Preah Sinhouk, Siem Reap, Steung Treng, Banteay Meanchey, Kampong Thom, Mondulkiri, Koh Kong, Ratanakiri and Oddar Meanchey | 49,312 ha | 3,409 HH |
| SLC programme for the civil poor | Kampong Speu, Kratie, Kampong Thom, Kampong Cham and Mondulkiri | 50,103 ha | 4,388 HH |
| SLCs supported by donor organizations (World Bank, GIZ, LWD and UN Habitat for Humanity) | Kratie, Tbong Khmum, Kampong Thom, Kampong Chhnang, Kampong Speu and Battambang | 13,752 ha | 4,577 HH |
| Total | | 113,167 ha | 12,374 HH |

Annex 3. Distribution of land by main land tenure regimes

| Land Availability | Land Categories | Area size | | Calculation - Assumptions | Reliability (1=very low to 5=very high) | Spatial attribute |
|------------------------------------|--|------------|------------|--|--|---------------------------------------|
| | | Ha | % of total | | | |
| | Systematic Land Registration | 1,023,125 | 5.6% | Estimation based on number of HH recipient (625,000 families x 1.637 ha/HH) | 3 | No, just commune boundaries |
| | Land title under 'Order 01' | 1,010,429 | 5.6% | Data from MLMUPC | 4 | No |
| Agriculture: Cultivated/Attributed | Untitled cultivated area | 1,037,829 | 5.7% | =Total agricultural landholding size in Agricultural Census 2013 - (SLR + Order 01) | 2 | No |
| | Social Land Concession (SLC) | 113,167 | 0.6% | Total MLMUPC | 4 | Yes, but Only for LASED |
| | Economic Land Concession (ELC) | 2,114,485 | 11.6% | =ELC area size according to LICADHO - land excised from Order 01 | 4 | Yes, but partly |
| | ELC Cancelled | 433,240 | 2.4% | = Author's Database - LICADHO area size | 3 | No |
| | Protected Area (PA) + Protection Forest (PF) | 3,667,404 | 20.2% | =Total area (PA+PF) - area ELC inside PA-PF - land excised from Order 01 | 3 | Yes except land excised from Order 01 |
| | Forest Concession (FC) - unclear status | 1,761,390 | 9.7% | =Area of remaining forest concession - land excised from Order 01 | 3 | Yes except land excised from Order 01 |
| | Community Forestry (CF) | 410,025 | 2.3% | Area based on Forestry Administration Statistics | 4 | Yes - partly |
| Not available | Forest Cover (unclassified) | 2,576,702 | 14.2% | Own calculation based on Forest Cover 2010-(ELC+CancelledELC+FC+PA+PF) | 3 | Yes - partly |
| | Water bodies | 827,088 | 4.6% | Based on Aruna Technology Data (827088 ha) | 4 | Yes |
| | Road | 50,000 | 0.3% | Own Calculation based in MPWT road length data | 3 | Not yet |
| | Settlement + Infrastructure | 343,172 | 1.9% | Augmentation of JICA data from 1999 that 400,747 ha | 2 | Yes, only as of 1999 |
| | Undetermined (Non Forest) | 2,792,882 | 15.4% | =Total Cambodia - Total above (certainly include agricultural land) + CLT + grass-land/shrubland | 2 | No |
| | Total Cambodia | 18,160,938 | 100.0% | | | |

Annex 4. Demographic projection based on rural active and non-active population by 2030.



The **Mekong Region Land Governance** Project aims to contribute to the design of appropriate land policies and practices in the Mekong Region, responding to national priorities in terms of reducing poverty, improving nutrition, increasing economic development, and supporting family farmers, so that they can be secure and make good decisions on land use and land management. MRLG is operating in Cambodia, Laos, Myanmar and Viet Nam since April 2014, with the support of SDC and the German cooperation. For more information on MRLG, please visit www.mrlg.org.

The **MRLG Thematic Study series** examines major themes related to land tenure in the Mekong Region. It is aligned with strategic priorities of MRLG and is intended as background document for all relevant MRLG partners. As such, the series consists of a synthesis of existing references in a particular theme, which can be complemented with additional enquiries and studies. The production of Thematic Study is usually undertaken at the initiative of MRLG but we also accommodate proposals originating from outside the programme.

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