Are we entitled to our land?
A study of six informal settlements

Sanna Pho
University of Helsinki
Faculty of Social Sciences
Social Policy
Master’s Thesis
March 2012
In recent years, Cambodia has endured a siege of land conflicts, notably land grabbing. Land grabbing is a serious issue as it violates fundamental human rights and denies land from local communities. Moreover, the question of land ownership tends to exhaust informal dwellers as they have no legal documents to their land. Various international donors, especially the World Bank supported the Land Management Administrative Project (LMAP) in order to establish land titling in Cambodia. An important figure behind such proposal is Hernando De Soto.

This research is primarily focused upon four crucial aspects of land and housing situation in informal settlements: the Cambodians conceptions of land ownership and their perceptions on land titling; the effects of private development; land disputes cases; and housing wishes/needs or recommendations from the locals. I seek to close the gap of previous research on landownership and land tenure in Cambodia. I have conducted a qualitative research that is based on twenty-one semi-structured interviews in Phnom Penh. In the literature review I draw on the history of land ownership in Cambodia and the Land Law, as well as land titling theory by De Soto (2000) and previous studies on the effect of land titling.

The major findings are based on people’s conceptions of land ownership that were shaped by the 2001 Land Law. Although 18 of the 20 interviewees are without land titles, they still consider themselves as owners of their land. The interviewees referred to the 2001 Land Law, states that anyone who has occupied their land for five consecutive years prior to the Land Law has the right to apply for a definite title. Thus, the interviewees are inspired to obtain land title as they believe that land titling will prevent them from eviction. Only two of the twenty interviewees viewed land titling as insignificant and inefficient, this is mainly because the Government/authorities are corrupted and does not obey the Land Law. Such feelings stems from the corrupted and violent nature of the Cambodian Government/authorities. Land disputes in Phnom Penh mainly revolve around resettling/eviction of poor dwellers in informal settlements. Informal dwellers in informal settlements. Informal dwellers are often alienated from socioeconomic seriously hampered them from integrating into the society, thus, preventing them from finding formal jobs. As interviewees from the outskirt of the city confirmed relocation would mean that their living condition and housing situation will be significantly reduced. The interviewees want to stay in the city due to the great locations, proximity to services, and work. Interviewees stated that private development is “making the poor poorer and the rich richer.” In general, slum dwellers are happy and satisfied to live in city center.
## Contents

Tables, Figures, and Pictures .................................................................................................................. 4
1 Introduction ............................................................................................................................................ 6
2 Cambodia: a kingdom in transition ........................................................................................................ 10
  2.1 History of Land Ownership ............................................................................................................. 10
  2.2 The ‘Year Zero’ (1975-1979) .......................................................................................................... 11
  2.3 Post 1989-present day Cambodia .................................................................................................. 13
  2.4 Cambodia’s Legislative Framework ................................................................................................. 14
    2.4.1 Land Law 1992 ......................................................................................................................... 14
    2.4.2 The 2001 Land Law ................................................................................................................ 15
    2.4.3 Social Land Concession .......................................................................................................... 16
    2.4.4 Land Ownership in Cambodia ................................................................................................. 18
  2.5 Land Titling ..................................................................................................................................... 18
3 Phnom Penh: city of squatters ............................................................................................................ 20
  3.1 Defining and understanding of poor settlements ............................................................................ 23
4 Land Titling - A solution? ..................................................................................................................... 25
  4.1 De Soto’s theory on land titling ....................................................................................................... 25
    4.1.1 Collateral .................................................................................................................................. 27
    4.1.2 Reduction of poverty .............................................................................................................. 27
    4.1.3 Tenure security ....................................................................................................................... 28
    4.1.4 Economic Growth .................................................................................................................... 28
  4.2 Studies on the effects of land titling and Critics on De Soto’s ideas ................................................. 30
    4.2.1 Collateral .................................................................................................................................. 30
    4.2.2 Tenure security ....................................................................................................................... 33
    4.2.3 Economic growth .................................................................................................................... 35
    4.2.4 Reduction of Poverty .............................................................................................................. 36
  4.3 Previous studies on Phnom Penh ..................................................................................................... 37
    4.3.1 Eviction in Phnom Penh .......................................................................................................... 37
    4.3.2 Previous Studies on land tenure in Phnom Penh .................................................................... 38
5 Methods and Data ................................................................................................................................. 41
  5.1 Semi-Structured Interviews ............................................................................................................. 42
    5.1.1 Conducting theme interviews and its challenges .................................................................... 43
    5.1.2 A Cambodian-American interviewer ..................................................................................... 44
  5.2 Research Materials ........................................................................................................................... 45
  5.3 The Research Setting ....................................................................................................................... 47
6 Untitled and undefined land in Phnom Penh ....................................................................................... 50
  6.1 Misconceptions of land ownership ................................................................................................. 50
    6.1.1 Acquisition of homes .............................................................................................................. 56
    6.1.2 “It’s not bribery, just a way of speeding up the process” ....................................................... 60
  6.2 Mentalities on Land Titling ............................................................................................................. 62
    6.2.1 A sense of security ................................................................................................................... 63
    6.2.2 Improving the home ............................................................................................................... 65
    6.2.3 Collateral .................................................................................................................................. 65
    6.2.4 Land title is ineffective .......................................................................................................... 65
    6.2.5 Putting the investors first and the poor last ........................................................................... 66
  6.3 Examples of land disputes in Phnom Penh ..................................................................................... 69
    6.3.1 In NGOs we trust ................................................................................................................... 69
Tables, Figures, and Pictures

PICTURE 1 Interviewee’s house and the train track, in Srak Chork commune........53
PICTURE 2 interviewee’s home next to the railway in srak chork commune ..........54
PICTURE 3 interviewee’s home next to the railway ..................................................54
PICTURE 4 at the interviewee’s house in ka moung commune (outskirt of the city)..58
PICTURE 5 interviewee’s home in Ka moung commune............................................59
PICTURE 6 riverside in bassac (center of phnom Penh) ..........................................74
PICTURE 7 Bulldozer and submerging sand into the lake .......................................75
PICTURE 8 Boeung kak 1 more mud had been submerged into the lake ...............76
PICTURE 9 the interviewee’s house has flooded.........................................................77
PICTURE 10 Interviewee’s house and backyard are filled with sand ......................78

Figure 1 569 low income settlements in phnom penh ..............................................21
Figure 2 Poor settlements in phnom Penh, 1999 survey .........................................22

Table 1 Eviction in Phnom Penh .............................................................................38
Table 2 Profiles of the communes ........................................................................49
Table 3 Years of residence ..................................................................................51
Acknowledgements

I am thankful to Anne Haila for being a supportive supervisor and offering perceptive feedbacks since the inception of this thesis. I owe her my deepest gratitude. I would also like to extend my appreciation to the University of Helsinki and Social Sciences Research Program for granting me a travel grant which made it possible for me to collect my data in Cambodia. To my ‘urbanism’ peers for their support and valuable critics. Most importantly, special thanks to the interviewees, without them this study would not have been possible and thanks for sharing your insights and stories with me. Also, I would like to thank my host family in Phnom Penh for embracing me into their lovely home. Last but not least, my biggest thanks go to my husband, thank you for all your support.
1 Introduction

Since early 1990s, land grabbing has escalated in Cambodia, consequently undermining the livelihoods and homes of urban and rural dwellers. Land grabbing refers to land acquisition, in other words, taking land that has already been occupied. The main problem of land grabbing is that it often erodes the poor communities; the people’s struggle is made very grim due to the lack of resources and ambiguous ownerships. In addition, the investing parties and developers are strongly supported by the Cambodian government. ‘What constitutes ‘actually existing’ neoliberalism in Cambodia as distinctly Cambodian is the ways in which the patronage system has allowed local elites to co-opt, transform, and (re)articulate neoliberal reforms through a framework which asset strips public resources, thereby increasing people’s exposure to corruption, coercion, and violence’ (Sringer, 2011, 2554).

Drawing on the Guardian news article reported by Pilorge (2012): “In the first nine months of the year, we have seen the killing of Cambodia’s leading environmental activist, a journalist and a 14-year-old girl whose community faced eviction. We’ve also seen the conviction of 13 land activists for legitimate protests; a judicial move against one of the country’s most respected human rights activists; the harassment of politically active monks; and the arrest of an independent radio station owner on charges of secessionism. And these are just the most outlandish and publicized incidents.”

As Naly Pilorge describes, land conflicts in Cambodia are both “radical” and “dangerous.” International donors, the World Bank, the United Nations, NGOs, U.S. law makers are all concerned about land rights in Cambodia. Both national and international media are frequently reporting about land conflicts in Cambodia, such as LICADHO, the Guardian, and STT (Sahmakum Teang Tnaut). A case in point, Campbell (2012) urged the Cambodian government to stop forced evictions and asked the European commission to investigate the country’s economic land concession policy. In 2011, the World Bank pended all future loans to Cambodia over plans for development projects to build new apartments and shopping malls Prime minister Hun Sen disagrees with donor conditions, issued a special sub-decree by giving 12.44 hectares of land to lakeside residents (Fawthrop, 2011). However, until this day there is no sign of construction, the vacated area is left empty.
The ambition for conducting this study is manifold. The primary purpose stems from my personal interest as a Cambodian American. In the fall of 2005, the first time I had set foot on Cambodian soil was during the time I had studied abroad in Thailand. Cambodia had left a deep impression on me; it struck me as both glorious and tragic. With its troubled history that centralizes in the Khmer Rouge (KR) era (1975-79), Cambodia stands for a captivating case study. During the KR period, Pol Pot and the KR soldiers attempted to turn the country into an agrarian society by forcing urban dwellers to relocate to the countryside. Phnom Penh, the capital of Cambodia was completely wiped out; everything was destroyed, such as land records, cadastral mapping, schools, and especially land ownership was extinguished under the KR regime. This tragic makes Phnom Penh a relevant city to study. After the KR regime toppled in 1979, the city had to be restored, which explains why its land tenure system and land titling is lacking, leaving most of the Cambodian residents without land titles, consequently caused pressure of domestic and foreign land grabs. In 1980s, Phnom Penh was rapidly repopulated with massive migrants from the rural, especially of young people seeking work and education (Heinonen, 2009).

Land grabbing in Phnom Penh mainly occurs in the informal or slum settlements. According to SPUF (2003) Phnom Penh is home to one-fifth of Cambodia’s slum dwellers. The number of informal settlements had increased rapidly. In 1997 there were 139 informal settlements; in 2000 it increased to 502 settlements and as many as 569 settlements in 2003 (ibid.). Majority of these informal settlements are under eviction pressure or in the midst of eviction. According to Fawthrop (2011) Phnom Penh is transforming into an exclusive city for the rich and the poor were relocated to the outskirt of the city, where jobs and amenities are ‘non-existent’.

Although the Cambodian government has well developed its land reforms, sub-decrees for economic land concessions and land policies have been criticized for being inadequate and ineffective, not contributing much to the poor. Displacements and evictions are seen throughout slum settlements in Phnom Penh. The ongoing land disputes still exist because the land rights are not fully endorsed. Questions surrounding the rights of informal dwellers, whether they are the rightful owners to their land and dwellings have posed as a major concern. Pilorge (2012) describes: “Cambodia’s land title system is in shambles, and poor farmers rarely hold deeds for their land—even if they are legally entitled to them, based on possession rights.”
To this end, my study aims to fill in the gap of previous study on land titling and land ownership in Cambodia from urban perspectives are sparse. Hence, the thesis seeks to understand and analyze from the grass roots level of landownership. Also, to analyze people perceptions of land titling that are contrasted to the Cambodian Land Law and sub-decrees on economic land concession. In addition, people’s conceptions and understanding of their rights and the land law is important because people’s conceptions (to a certain extent) are affected by their memories. As land rights in Cambodia go deeper in the past, this study also traces back to the history of land ownership and the evolving of Cambodia tenure during its different regimes.

There are four research questions that I aim to answer. The first research question: **What are the Cambodians conceptions of landownership?** According to Durand-Lasserve (2007) about 70 percent of the citizens in Phnom Penh misunderstood the notion of land ownership; they thought that they are owners of their land, although only 5 percent of them have a land certificate. The majority of the people living in Phnom Penh believe that if they have occupied land without conflict or controversy for the five years prior to the Land Law in 2001, they have rights over the land. However, this is an unfathomable misunderstanding (Khemro, 2008). Thus, to understand this phenomenon, examining the locals’ conceptions of landownership will provide a crucial idea of what landownership is in Cambodia. The supporting question that I will inquire in order to further clarify people’s conceptions of land ownership is: **What are the Cambodians perceptions of land titling?** An influential figure behind the land titling programs in Cambodia as well as in the Third World countries in general is Hernando de Soto. Critics of de Soto argue and empirical studies done of the effects of land titling program lead to conflicts and eviction. For this reason, this study also investigates the current land conflicts in Cambodia.

The second question: **What are the major forces of land disputes?** As previously mentioned, land disputes prevail across Cambodia, such as displacements, landlessness, and evictions. The purpose of answering this question is to demystify why land disputes are soaring.

The third question of this study: **How have private developments affect the lives of urban dwellers? Who are the actors (i.e. private developers, government, foreign direct investors) involved in land speculations and development?** Cambodia has undergone tremendous developments, especially in Phnom Penh. The city thrives to
accommodate the rich, foreign investors, and tourists, resulting in land grabbing. Therefore, it is vital to understand the locals’ perspectives on private development and inquire how private development has affected the residents. The UN special rapporteur for Cambodia described companies that have demolished people’s homes and property, expropriated land and livestock, have not been held accountable, reported in the Guardian by Tran (2012).

Lastly, this study also examines the locals’ wishes and needs, by asking: What are the dwellers’ wishes, needs and recommendation concerning land and housing in Phnom Penh? The World Bank and international donors gave several recommendations for developing countries to ‘improve the lives of slum dwellers’ however, often without considering the opinions of the locals. I wanted to give voice to the informal dwellers to express their opinions, wishes and concerns regarding land and housing conflict. The historical context will be traced back in order to grasp a deeper understanding of the current land issues.

To answer these questions I have conducted a qualitative study and semi-structured interviews. In addition, photographs detailing and illustrating the interviews will be utilized in order to interpret the living environment of the interviewees. Twenty-one interviews were conducted in a span of one week, from February 29th to March 10th of 2012. Majority of the interviewees are informal dwellers of Phnom Penh and one interviewee is a lawyer that was interested about the study. The interviewees were randomly selected using a snowball method.

The structure of the research is as follows. Chapter two entails a background to Cambodia were traced in its history of land ownership, land tenure system and legal framework. Slum settlements are defined here as well. Chapter three entails a background to Phnom Penh the city of informal settlements. Chapter four discusses the theory of de Soto in giving land titles to the poor in the Third World countries was considered as a phenomenon while emphasizing criticism against his theory. Moreover, reviews of studies on the effects of land titling were considered and previous studies in Cambodia. Chapter five defines the methodological background. Chapter six presents the analysis of the research. The final chapter summarizes the answers to all the research questions of this study.
2 Cambodia: a kingdom in transition

2.1 History of Land Ownership

Cambodia has withstood dramatic and violent political changes throughout its history. Each new government has introduced its own system for the use and ownership of land. However, what remains the same is the lack of ownership titles. Thus, the current land ownership issues must regard its peoples’ relation to land. My historical summary of property rights in Cambodia starts as far back as the Pre-French Colonial era.

During the pre-colonial period Cambodian were able to occupy any vacant land without a need to formalize their user rights. Land was abundance, the population was small and people were free to move from one place to another. (Boreak, 2000.) All land belonged to the sovereign and people had a user right (Meijers, 1994).

During the French colonization between 1863 until 1953, the French revised the traditional land use system in Cambodia by first passing a Land Act in 1884. However, Cambodian farmers were against the Land Act, hence it was finally revised and was fully implemented by 1912. By 1930, most of the rice-paddy fields were registered as private property and people were able to sell their land. Unoccupied land became available for those people who wanted to settle in the forests for free. (Boreak, 2000.) Land were divided into plots of less than five hectares and large plantations had been established (Greve, 1993). Royal decrees were established so that French citizens had the right to purchase land had produced a real estate boom in Phnom Penh (Chandler, 2008).

After the French colonization, when Cambodia gained independence in 1953, the Western system of property ownership continued and land was traded in the market. According to Meijers (1994) more than 30,000 nonagricultural households in Cambodia had land in 1962. During this period people were poor due to low productivity of rice fields, farmers became indebted and some eventually had to sell their land and became landless. Some farmers had borrowed money from private lenders at extremely high interest rate, at least 30 percent to as high as 100 to 200 percent per season. (Ibid.) Several political parties have emerged attempting to take power from King Sihanouk. Sihanouk viewed himself as the “father of Cambodian Independence” his desire was to rule Cambodia (Chandler, 2008, 230). Sihanouk abdicated and was replaced by his
father, which led him to form his own political party for the upcoming election. During the elections, his party won, Sihanouk had then gained political power in Cambodia until circa 1970s. The economy in Cambodia declined considerably, as Sihanouk had perpetually been neglecting the Cambodian’s livelihood. Yields in agriculture were low, irrigation system was poor and farmers were compelled to take out huge loans with high interest rates. For these reasons, Sihanouk lost support and his interest in governing the country declined. (Ibid.)

In 1970, the prime minister of Cambodia Lon Nol was bound to sign a declaration to overthrow Sihanouk in the National Assembly removing him as chief of state (ibid., 249-250). After Sihanouk lost his position, Lon Nol remained prime minister with the provision of the U.S. Government. Meanwhile, the neighboring country, Vietnam, was undergoing a war with the North Vietnamese troops hiding out in the forest of Cambodia. By May 1970, the U.S. and their alliance (South Vietnam) had invaded Cambodia to drive out the North Vietnamese forces. All the while, the leftist movement in Cambodia was growing stronger; by 1970 the Communist Party of Kampuchea (KR) powered through arm forces, took over a fifth of Cambodia’s territory. In trying to prevent the Communist Party from taking over the country, the U.S. subsequently bombed the countryside of Cambodia. The bombings reached its peak in 1973 that had swept away the people’s property and killed the civilians. (Ibid., 251-252.) Due to all the bombings, the Cambodians became exasperated and sided with the Communist Party and King Sihanouk (Kiernan, 1985, 351). The U.S. had bombed a neutral country, Cambodia, from 1965 to August 1973 in order to drive out the Viet Cong forces thought to have relation with Cambodia (Owen and Kiernan, 2006). To a certain extent this was how Khmer Rouge gained support.

2.2 The ‘Year Zero’ (1975-1979)

On April 17, 1975, Cambodians were informed that they must “obey only Angka, the ruler of Cambodia, calling it the Year Zero” (Shawcrow, 1979, 365) this period is infamously known as the Khmer Rouge. It was estimated that nearly two million inhabitants of Phnom Penh were relocated to the country side and the property rights of the people living in the capital city were abandoned (ibid.). Consequently, Phnom Penh remained an empty city within the four years of the regime. An estimation of 1.7 to 3
million people had died from forced labor, starvation or execution during this period (Adler et al., 2006). Any form of private ownership, land records, cadastral maps and titles had all been destroyed (Amnesty International, 2008) which is the main concern of this study. During the KR period, land was collectivized, private ownerships were abolished, and records of land were destroyed. The aim of the KR regime was to transform Cambodia so that, “the poor could finally become the masters of their lives and the collective masters of their country” (Chandler, 1998, 209). The country was renamed Democratic Kampuchea and during this new regime the country was isolated from the outside world only opening its frontiers to Chinese technicians and advisers (Shawcross, 1979, 368). In 1978, Khmer Rouge was under threat of a new war with Vietnam; Cambodia began to open to some extent. A numerous journalists from Yugoslav and Scandinavian ambassadors visited the country were distressed by what they had witnessed. (Ibid.)

In 1979 the Vietnamese invaded Cambodia and helped in the termination of the KR regime. Subsequently, after the collapsed of the KR and Pol Pot, Cambodia was occupied by Vietnam. The Vietnamese helped to establish the People’s Republic of Cambodia and appointed Hun Sen as the Prime Minister. (Chandler, 2008.) Hun Sen remains as the Prime Minister of Cambodia until today. When the genocide toppled in 1979, reforms were due in many spheres -- political, social, economic, and property rights as the country was in the midst of chaos.

All legal claims of property before the year 1979 were no longer valid, since the previous owners had been killed or died of starvation during the KR period. People were allowed to return to places of origin and reoccupy on vacant land and empty buildings, except those reserved for government utilities. The land and houses remained the state property and people settled on a ‘first come first served basis.’ (Khemro, 2000.) Private properties were not recognized under this People’s Republic regime (Chandler, 2008).

Many of the abolished institutions have been revived, such as religion, education, and family farming (ibid., 278). The Cambodians were distressed as their dwellings in the villages had been either torn down or neglected, namely there were no tools for them to farm or tend the land and nothing to harvest. To enable the cultivation, the Vietnamese formed a system where people would cultivate the land collectively, grouping families together. (Ibid., 278-279.)
During the Khmer Rouge regime, educated, upper-class, or anyone that had relations with the Lon Nol government were executed. Only a few had survived the KR regime, however, those few had fled to the bordering countries such as Thailand and many others escaped to find a better future (especially for their children); thus, Cambodia had lost its few educated people. (Ibid., 281) After the Khmer Rouge was seized by the Vietnamese forces, Cambodians were still suffering from shortage of foods and resources. The only country that aided Cambodia was Vietnam, although not having much resource themselves due to the Vietnam and U.S. war; they were still securing some foods for the Cambodians.

Finally at the end of the eighties, Cambodia had managed to promulgate several reforms. Primarily, new laws allowed farmers to pass land titles to children and they were allowed to sell and buy real estate. Gradually collectivism introduced by the Vietnamese was terminated. All the while Phnom Penh significantly increased in population.

### 2.3 Post 1989-present day Cambodia

After the Vietnamese withdrawal in 1989, Cambodia was repositioned in the world and welcomed the implementation of the United Nations Transitional Authority for Cambodia (UNTAC). The aim was to reintegrate Cambodia into the global economy, while straighten out any internal civil conflict that was still left. (Abdoumaliq, 2008.) In 1989, the Cambodian government implemented private ownership rights in residential property. Families had to apply for land right with the local authorities. Cambodians were seen to buy houses and land and develop and resell them. This procedure had resulted in land speculation as a result prices for land and houses increased. Although people were able to register and applied for a definite title, only small portions of applied registration were accepted. The informal land market continues to be at large. (Khemro, 2000.) In the Constitution of the State of Cambodia, private property of the people is protected by the law including anything that they have improved. The forceful confiscation of people’s property is prohibited (Royal Government Cambodia (RGC), 1993, article 18).

When the land law was introduced in 1989, it was generally presumed that the privatization of property relations would result in an improvement in housing conditions
for most Phnom Penh residents. To the contrary, the measuring conditions for the majority remained the same or worsened, with a small number of residents experienced an improvement in their housing conditions. Instead of improving housing conditions, the privatization of property rights led to land speculation (Khemro, 2000.). After 1989 privatization of land had been reintroduced, 4.5 million applications were made for ownership titles, although only 14 percent have so far been granted with ownership titles (Boreak, 2000, 12).

2.4 Cambodia’s Legislative Framework

A country that virtually started from scratch in the early 1990s, due to decades of war time casualties, political turbulence and dislocation, it is not startling that the legislative framework had to be renewed. Presently, Cambodians are beginning to recover from the oppressive regimes. However, it will take some time for the country to improve land reforms since the country has to start from scratch.

2.4.1 Land Law 1992

The Cambodian government promulgated the Land Law in 1992. The new law did not replace the existing regulations, which describes that all land in Cambodia belongs to the State and is governed and protected in agreement by the State. The State does not recognize any property existing before 1979 (article 1) and all citizens have full right to ownership and to use land and have the right of inheritance and can use the land for living and for doing business (article 2). Violation of the private property rights is forbidden except when the public interest requires. In this case the property owner has the right to receive in advance a just and proper compensation (article 3).

Article 10 describes that, “Real estates and secured rights on that estates may sometimes be privately owned by single individual or several individuals each having a share of that one property (…) sometimes it is a communal estate belonging to one group of people or to all of them.” The property of the first category called “private property” is private personal property of each person. Whereas, the second category called “communal estate” is public and communal property. Therefore, private person or community should have right to estate property on the immovable properties, as follows:
proprietorship, refers to the right to manage absolutely any property, as long as it is not prohibited by the law (article 19); temporary possession (such as settlements in informal settlements); authorization to cultivate land; franchise; usufruct; right of use and stay; easement, secured loan on estate; mortgage. All other rights are not recognized by law. “The land proprietorship can only acquire on the residential land” (article 19) although in some cases of temporary possession (some informal settlements in Phnom Penh are classified as temporary possession) allows for the conversion to full ownership rights (article 74 & 75).

The Land Law also requires the issuance of a court order prior to an eviction in the case of a private land dispute (RGC, 2001, article 35). Chapter 3 defines the basic types of property under Cambodian law, namely private property, collective ownership of monasteries or indigenous communities, and state public and state private land. State public land for public use, e.g. airports, roads, parks, territories of natural origin (such as rivers), and archaeological and religious sites – cannot be sold (article 15).

In contrast, state private land is all land that is neither state public land nor legally privately or collectively owned or possessed under the land law. But as the state holds the right to determine when a property loses its public interest, public land can be renamed as private land (Khemro & Payne, 2004).

By 1992 there were no maps of the city, hence state private and state land was not possible to identify. Many informal settlements in Phnom Penh had established, even prior to privatization of property relations. By 1994 only 26 percent of the Phnom Penh dwellers were granted title to their land. It was surmised that the government purposely stalled to initiate land regulation, as the sale of land to foreigners continue rapidly. Therefore, speculation and redevelopment of property became a major form of investment for both domestic and international capital interests. (Shatkin, 1996.)

2.4.2 The 2001 Land Law

On August 13, 2001, the Land Law was promulgated by the National Assembly. The 2001 Land Law is a progressive law and thoroughly defined, recognizing that people may be owners of a property even though they lack the official papers to prove it. Article 1 describes “the objective to determine the regime of ownership for immovable
properties in the Kingdom of Cambodia for the purpose of guaranteeing rights of ownership and other rights related to immovable property.”

Article 2 defines the immovable property as follows: firstly, immovable property by nature, such as forest land, cleared land, cultivated land and land submerged by waters; secondly, immovable property, such as items that are fixed to the ground and cannot be separated from it without creating damages; third, immovable property by law.

The issuing of land titles related to immovable property is responsible by the Ministry of Land Management, Land Planning and Construction (MLMLPC) (article 3). No one may be deprived of his ownership, unless it is in the public interest (article 5). In case of deprivation of ownership, it should be carried out according to the procedures and forms by law and regulations and should be compensated fairly and in advance (RGC, 1992, article 3).

The Land Law recognizes customary land rights. Any person, who has settled on his land ‘peacefully’ for at least five years before the promulgation of the land law in 2001, has the right to request a definite title of ownership, but only for the land that can be privately owned, thus not for state public land (article 30). This article makes many of the informal dwellers in Phnom Penh legal possessors of their settlements (Rabe, 2005).

To claim legal possession of property one has to meet these five conditions as follows: Firstly, occupation of the property must be unambiguous, in other words, the person claiming ownership must be the exclusive possessor of the land and must represent for oneself. Secondly, one must occupy the land without any violent and must acquire the peacefully. Thirdly, the individual seeking ownership must occupy the land with the public acknowledgement. Forthly, the possessor must have occupied the land continuously, with only few interruptions for short periods of time allowed. Lastly, the possessor must occupy the land in good faith. (article 38.) Often time people get confused between possession rights and ownership rights, thus it is important to clarify that legal possession is a right per se and does not amount to ownership of the land. As previously stated in article 30, people can apply for a land title.

2.4.3 Social Land Concession
Social land concession (SLC) is defined as a legal mechanism to allocate private state land for social purposes to the poor who lack land for residential and or family farming purposes (RGC, 2003: article 2). On March 19, 2003, the Royal Government of Cambodia (RGC) issued sub decree on social land concessions which draws the criteria, procedures and mechanisms of social land concession. This sub decree is specifically designed for granting of social land concessions for residential use as well as family farming (RGC, 2003, article 1). It was very important contribution in protecting the vulnerable and marginal groups, it also promote basic infrastructure and services to ameliorate the living conditions and livelihood of recipient families (ADB, 2007).

The social land concessions aimed at providing land for poverty-stricken families, resettled families that have been relocated as a result of public infrastructure development or natural disasters and develop land that has not been developed (typically in the outskirt of the city), demobilized soldiers and families of soldiers who were disabled or died while serving the country (RGC, 2003, article 3).

Any loyal person working under the ruling Cambodian People’s Party led by Prime Minister Hun Sen, would be rewarded with urban or rural land concessions (Hirsh, 2011). Social land concession has not been beneficial to the deserving civilians, for example the concession land that has so far been granted is considered insufficient in size or of no value and far away from the town or city center (ADB, 2007). Most of the families that were relocated to the outskirt of the city had abandoned the land and moved back to the city center to live closer to their work places and rather live in informal settlements (Interviewee from Srak Chork Commune).

Chapter four of 2003 Royal Government Cambodia (RGC) describes the necessary qualification for social land concession. Article 10, describes what an eligible applicant should have and for the application process for social land concession is found in article 12. Chapter five describes the types of social concession land and occupancy conditions. The maximum size of social concession land for residential in urban area is 1200 square meters, while in the countryside where land is more abundance people can receive up to 2300 square meters (article 16).

The latest Land Policy Declaration in 2009 promises the needs of all the Cambodian citizens: “This vision of land policy in Cambodia is to administer, manage, utilize, and distribute land in an equitable, transparent, and sustainable manner in order to
contribute to achieving national goals of poverty alleviation, ensuring food security, natural resources and environmental protection, and socio-economic development orienting towards market economy.”

2.4.4 Land Ownership in Cambodia

Land ownership is the central of this study, therefore it is important to make this explicit. According to the 2001 Land Law, ownership can be individual, collective, or state. Collective ownership is reserved for two different categories of land. The first category includes land within the premises of Buddhist monasteries and such property cannot be sold or in other way divested (article 20-21). The second category is where the indigenous communities live and where they practice their traditional agriculture. Furthermore, the indigenous property is protected from outsiders (article 28).

Individual ownership of land, also referred to as immovable property, is ownership by either a natural or legal person. Immovable property has already been defined in the previous chapter. State ownership is any land owned by the kingdom of Cambodia. State land can be classified as either public or private. State Public Land refers to any property that has a “natural origin” e.g. lakes, rivers, and forests. Public land can be used for development, such as roads, schools, parks, railway, airports, etc. Private land is land that is neither State Public Land nor privately, individually, or collectively, owned or possessed (Article 12).

2.5 Land Titling

“Cambodia’s justice system has proven easy to criticize but hard to reform” (Adler, 2006, 5).

In 2003 the Cambodian Prime Minister announced a plan to upgrade 100 settlements per year in Phnom Penh for the next five years (Payne, 2005). In 2002 Land Management and Administrative Project (LMAP) supported by multi-donors (Germany GTZ, Government of Finland, World Bank, and Canadian International Development Agency CIDA) however, is mainly funded by the World Bank. LMAP was established to facilitate the land law (Grimsditch & Henderson, 2009).
The aim of LMAP was to draw up land policies and to develop regulatory framework. To do so, it would be necessary to provide education programs and private surveying programs. An important part of the LMAP was to establish land titling in Cambodia, through either the systematic or sporadic registration system. Systematic titling is initiated by the LMAP staff, whereas sporadic registration is initiated by the individual families to the local authorities. (Grimsditch & Henderson, 2009.) Unfortunately, the LMAP neglected thousands of households with controversial cases or from areas of unclear status. Many poor communities have been denied land title in spite of having documented possession rights. Failing to register title could put many at risk of being evicted and becoming landless; even when they are qualify for title. Since there are few real stimuli for the titling of those families, whose possession is unclear, the titling process will not stop illegal land-grabbing and displacements. (Ibid.)

The LMAP also suggested resolving land disputes in the Cadastral Commission. The land law asserts that any dispute over unregistered land must be heard by the Cadastral Commission. Grimsditch and Henderson (2009) claim that the cadastral commission has not been able to resolve land issues the vulnerable communities had intensified because it usually represents the powerful. Since the seven years of working of LMAP land disputes still remain typical issues among the poor (ibid.).

Moreover, LMAP is also concerned with the state land management, by far according to Grimsditch and Henderson (2009) has been the least success land improvement. Presently, state land still management does not function, posing a critical concern. Practically no reforms have been implemented, for example, the coordinated and transparent mapping of State lands and a publicly accessible database is still missing. A lack of adequate identifying of State land has a serious effect on tenure security of Cambodia’s poor settlements. Hence, many legal owners are continuously denied of land title, as they are told their property is on state land. (Ibid.)

Initially LMAP was initiated to last five years, but in 2007 it was extended for additional two years, and was set to finish at the end of 2009. In 2006 World Bank funding for LMAP was suspended and investigated, because it disregarded some principles - mishandling of 17 contracts and .7 million USD were missing. (Ibid.) The LMAP had allegedly denied land titles to the Boeung Kak residents in 2006, even
though they have had strong evidence to prove their legal rights to the land as they have lived lawfully in the area since the fall of the Khmer Rouge regime in 1979, were suddenly blamed by the Government of being illegal squatters on state-owned land (BIC, 2011). The company that is responsible for land disputes in Cambodia is the Shukaku Inc, chaired by Lao Meng Khim, a Senator from the ruling Cambodian People’s Party and close relation of Prime Minister Hun Sen. Subsequently, some 4,250 families living around Phnom Penh’s ‘iconic’ Boeung Kak lake were evicted and the municipality of Phnom Penh illegally granted a 99-year lease to Shukaku Inc. The residents of Boeung Kak had filed the complaint with the Inspection Panel requesting that the World Bank and bilateral LMAP development partners, Germany, Finland and Canada to work with the Cambodian government to stop the forced evictions and to provide a fair compensation for the dwellers. (Ibid.)

Ministry of Land Management, Urban Planning and Construction (MLMUPC) is responsible in maintaining the development of land policy, land registration, distribution and administration of land titles (RGC, 2001, article 3). Most households have traditionally depended on various documents issued by local authorities (known as “soft title”) to prove their claims to the property (Saracini, 2011). The reform of Land Law 2001 had produced more land titles, mainly in the rural; establishing a cadastral system where land titles are centrally registered to those people who occupied land for at least five years before 2001 Land Law (ibid.). Due to the increased demand of land and increased in the price of land, it results in numerous conflicts over land rights, intensified by a feeble land law and lack of land titling and implementation (Un & So, 2011).

3 Phnom Penh: city of squatters

Phnom Penh has always been the most significant destinations for migrants, this is because many of the rural people are seeking employment opportunities or education (Heinonen, 2009). Since the city has been rapidly populated, informal settlements have increased in the pockets of the city which houses the infamous squatters. During the fall of the Khmer Rouge, people gradually came to occupy any vacant buildings/land until there were no houses and flats available. Therefore, newcomers started building their own dwellings wherever there were vacant spaces, even on roof top. According to SPUF (2003) there were 569 low income settlements in 2003, 77 percent of those were
first settled between 1979 and 1990, 11 percent were settled between 1991 and 1997, while 12 percent had relocated between 1998 and 2003, refer to figure 1. During this period, the location of settlements in Phnom Penh has altered significantly. Initially most low income communities were located in the city center. (Durand-Lasserve, 2007, 4.)

**FIGURE 1** 569 LOW INCOME SETTLEMENTS IN PHNOM PENH (SPUF, 2003)

Back in 1999, a survey was conducted by local NGOs estimating that 35,000 families (180,000 people) were residents of poor settlements (Fallavier, 2003) refer to figure 2. Within those poor settlements, 5 percent of the families live along railway tracks, 5 percent reside along roadsides, 9 percent dwell on rooftops of downtown buildings, 2 percent reside on river banks and along the canals, and 40 percent reside on open land (ACHR, 2001). Additionally, up to 20 percent of the poor residents were not registered with local authorities; they were renters, seasonal migrants, and extremely poor people (Fallavier, 2003).
Phnom Penh’s colorful squatting history and various registration statues make the land tenure structure complicated. Payne (2004) identified nine types of land tenure listed from the least to the most secure tenure: pavement or mobile dweller; unauthorized settlement on state-owned public land; unauthorized settlement on state-own private land; unauthorized settlement on private land; family registered book; court order after dispute; government concession; certificate of possession; and certificate of ownership. Typically there are two recognized documents for claiming land ownership in Phnom Penh: receipts (when applied for land titles), and certificates (approved by the state confirming land ownership). According to Durand-Lasserve (2007) the sales agreements that are signed and stamped by District chiefs are viewed as official enough to certify the ownership transfer.

It is important to note that, about 70 percent of the citizens in Phnom Penh misunderstood the land ownership; they thought that they are owners of their land, although only 5 percent of them have a land certificate (Durand-Lasserve, 2007). According to Khemro (2008) the majority of the people living in Phnom Penh believe that if they have occupied land without conflict or controversy for the five years prior to the Land Law in 2001, the land is automatically theirs. However, this is a deep misunderstanding.

The pressures to upgrade low-income settlements are high due to the assumption of economic growth, liberalization of the land markets and land titling programs (Durand-
Subsequently, displacement of the residents in poor settlements has increased. Displacements have usually been ordered without any dialogue between decision-makers and displaced residents (Durand-Lasserve, 2007). ‘Dialogue is key’ suggested Surya Subedi a law professor, calling on all actors to dialogue in order to prevent violent protests (cited in Tran, 2012).

3.1 Defining and understanding of poor settlements

“Slums begin with bad geology” (Davis, 2007, 122).

The two main factors that forces family to live in the informal settlements are due to low income and high living costs. One-third of the world’s urban population does not have access to adequate housing and are without access to clean water and sanitation. The slums are usually situated on marginal and dangerous land and people tend to live in overcrowded and nonexistent serviced areas. Worse of all, their waste goes untreated surrounding them and their daily activities, affecting their health, particularly that of their children. (UN-Habitat, 2003b, 5.) A quarter of Phnom Penh inhabitants dwell in poor settlements, or slums. Taking over state public land, these settlements are situated along the main roads, railway tracks, riversides, and boeungs (water reservoirs used to irrigate farm land during dry season). Moreover, urban poor also buy plots on the rooftops buildings where they are considered squatters. In addition, poor settlements in Phnom Penh are mostly located where their inhabitants can easily get access to work places and services. (Fallavier, 2003.)

Fallavier (2003) who has studied poor settlements in Phnom Penh emphasizes the complicated nature of poor settlements. In 2000, Municipality of Phnom Penh classified slums into two types of settlements known as squatter and urban poor. For squatters, they occupy public or private land illegally. While urban poor were low-income families their occupancy status are recognized, which give them some security of tenure, but no ownership rights just possession rights. (Ibid.) Squatters are not regarded as members of civil society, for this reason, they live without any protection or recognition. In the Khmer language poor settlements mean “people settling in anarchy” and to the middle-class and upper class Cambodians, they represented disorder, shadiness and criminality.
In 2000, the Prime Minister reclassified squatters as ‘temporary residents’. ‘Temporary residents’ have use right of the land (article 10) and could apply for a definitely title (article 19). An interesting metaphor by one of the interviewee of my study, Mrs. Bo a lawyer, stated that the Cambodian elites and authorities describe the squatters or urban poor as ‘rats in the city.’ According to Fallavier (2003) most poor settlements are invisible to the ordinary city dwellers, as they are located away from main roads or above the city on its rooftops. The rich people in Cambodia are not aware of the living conditions in slums, and the actual situations the slum dwellers experience. (Ibid.) “Slums must be seen as the result of a failure of housing policies, laws and delivery systems, as well as of national and urban policies” (UN-Habitat, 2003b, 5).

Generally squatter settlements were established on vacant land and on the land which is located in hazardous areas or was prone to flooding. According to Fallavier (2003) the poor are active in politics and advocate democratic participation. Since 1994, the poor in the city have formed the Urban Sector Group (USG), and the Squatter and Urban Poor Federation (SUPF), these two groups support the poor dwellers in decision making, urban planning and to help raise their concerns to the government. Local and international NGOs had pressured the public authorities to resolve land disputes in poor settlements. Between 1996 and 2001, more than 6.000 families benefited from 160 small-scale slum upgrading projects. (Ibid.) UN-Habitat (2003b, xxxi) describes the poor dwellers as:

“People in slums are among the most disadvantaged. Slums are distinguished by the poor quality of housing, the poverty of the inhabitants, the lack of public and private services and the poor integration of the inhabitants into the broader community and its opportunities. Slum dwellers rate far lower on human development indicators than other urban residents; they have more health problems, less access to education, social services and employment, and most have very low incomes.”

In Phnom Penh majority of the slums locate on state public land. The people that live on state public land can be evicted without any compensation. Most slum dwellers work as unskilled workers: most male work as taxi drivers (on cyclos or on motorbikes) and unskilled laborers on construction sites, and women are street vendors. Skilled male are often builders and mechanics, on the other hand, women are tailors. (Fallavier, 2003.)
The daily income of the poor are very low, on average the daily salary for a single family is 12,500 Riel or 3.20 USD (ibid.,12).

Majority of low-income settlements are squatters, illegally occupying the plot where they live. About 75 percent of slum dwellers perceived themselves as owners of their plots. The squatters often bought plots of land from the previous owner or from local authorities (the police, chief of village, and/or representatives of the district), who are not owners of the land; nevertheless sell public land for their own benefit. (Fallavier, 2003, 13.) The rest of them are renting and are under threat by landlords. Fortunately, slum dwellers in Phnom Penh are represented by local NGOs and Community Bank Organizations (CBOs) which cooperate with the municipality to help with their livelihoods by way of local development projects, and help people in communities. To take part in the community projects, people must belong to a community saving group. (ibid.) Fallavier’s survey (2003, 15) reveal of that 63 percent of respondents did not belong to an organized saving group, and 16.4 percent did not trust to put money into saving projects. While 65.7 percent found it uneasy of what living in a community supposed to be like. However, it does not mean that the poor dwellers do not support each other, as they often do in informal ways. A third of the households borrowed from their neighbors when they need financial support and another 25 percent for investment loans. While a third of them had received assistance from their neighbors to build their houses and 22 percent from families. Moreover, 80 percent of the households would be inclined to borrow, half of them desire to improve their dwellings, 37.5 percent wished to open a business and the poorest about 13.4 percent need lower interest credit to pay off their high interest rates loans. (Ibid.)

4 Land Titling - A solution?

The World Bank and international donors have suggested the developing nations, including Cambodia to formalize their property relations. An important figure behind such proposal is Hernando De Soto and his famous book titled “The Mystery of Capital”. In the following I will introduce De Soto’s ideas, and discuss the implications of his policy recommendations and the criticism presented against his ideas.

4.1 De Soto’s theory on land titling
Hernando De Soto, a Peruvian economist and entrepreneur is notable for his recent book titled: “The Mystery of Capital” (2000) in which he hypothesizes that formalization of property rights is the ultimate solution to unlock ‘dead capitals’ in third world nations and former socialist states. De Soto (2000) argues that the West has managed to replace the multiple informal orders with one orderly and consistent legal framework where neighborhood relationships or local arrangements no longer play a pivotal role in property relations. De Soto’s ideas of ‘formalizing property rights’ refers to the crucial existence of a legal property rights. He describes that: “Every parcel of land, every building (...) is represented in a property document that is the visible sign of a vast hidden process that connects all these assets to the rest of the economy” (De Soto, 2000, 6).

Moreover, in order for formalization of property rights to work, De Soto (2000, 6) suggests that everyone including the authorities should abide by the law to produce a stable economy, or else their asset remains as “dead capital”. Admittedly, De Soto mentions that this is not an easy task, in which he questions the complexity of it: “Why property law does not work outside the West?” (ibid., 11).

The linkage between formalization of property rights and economic efficiency is not a new idea; such belief had been deserted in early 1990s, since four decades of failure in land tenure reform that has failed to produce the desired anticipated results (World Bank, 2003). Over the last two decades, there are numerous international donors and national governments attempting to implement and promote land titling programs as a means of strengthen tenure security, access to formal credit and poverty reduction (Payne, Durand-Lasserre & Rakodi, 2007).

De Soto has gained much attention and supports, particularly from the World Bank. The aim at providing land titles to people has been extensively supported financially and

---

1 The term ‘formalization’ refers to the process of legal registration of property by distributing land titles. The terms ‘formalization’, ‘land registration’, and ‘regularization’ are used interchangeably in this thesis.
technically by the World Bank and German Technical Assistance as well as foreign governments such as Finland (Khemro & Payne, 2004; Payne et al., 2007). De Soto asserts that in most developing countries, titling and registration systems are usually centralized, making them inaccessible to the marginalized groups. Important concepts of De Soto’s theory of empowering the poor by means of issuing land titles are: poverty alleviation, economic growth, increased in tenure security, access to credit, and that formal property serves as collateral.

4.1.1 Collateral

De Soto (2000) describes that the lack of formal ownership impedes access to credit and loans. The key element that is required to convert the poor people into successful business people is by granting them the access to formal credit, and the way to that is by giving land titles to their property. Furthermore, he points out that access to credit is fundamental not only for investments in housing improvement, but as well as opening new business and expansion of their business. De Soto points out that land title allow the people to borrow money from the banks as the people would have a property title to give.

De Soto describes that people from the underdeveloped nations are having their resources in “defective forms”: the land in which they built their houses on are not legally registered, their business has undefined liability, and that they are merely possessing but not owners of their properties. The disadvantage of an informal property system is that property “cannot be used as collateral for a loan and cannot be used as a share against an investment” (De Soto, 2000, 5).

4.1.2 Reduction of poverty

De Soto (2000) asserts that there is a direct link between the prosperousness of the West and property ownership. Prolonged poverty in developing countries, he argues, is caused by their undeveloped property system. “They have houses but not titles, crops but not deeds, businesses but not statutes of incorporation” (ibid., 7). De Soto stresses on the idea that formal property rights is the solution to poverty reduction and the key to unravel the potential capital of assets. In lieu of a simplified formal system of law and guidance on property, De Soto asserts that, “Property relations are governed through
webs of informal norms based on trust, which do not extend beyond narrow local circles” (2000, 6). Poverty reduction is the goal that formalization claims to do by converting mere possession into clear ownership, new businesses and increase investment in agriculture.

Furthermore, De Soto suggests that the perfect means for poverty eradication in developing countries is to let the poor people gain access to land ownership. It is on these grounds that many land titling programs have recently been adopted worldwide, including Cambodia. De Soto describes why property of the poor cannot be fully used is because they do not have clear land titles, thus their assets are unclear. Thereby, De Soto suggests that by giving the poor property titles will show them a way out of poverty by giving them access to the productive capital that they previously lacked.

4.1.3 Tenure security

One of the most crucial arguments for land titling programs is that it is assumed that titling increases tenure security. Since tenure security constitutes many meanings, it is worth defining what tenure security entails. Borrowing a definition from UN-Habitat (2003), tenure security entails:

“(i) a shield against eviction; (ii) making the sells, and transfers rights through inheritance possible; (iii) the possibility (titles give access to credit) mortgage and access to credit under certain conditions.”

De Soto suggests that there is a positive relationship between legalization of tenure and tenure security. Land policies that resulted in the majority of the population suffering from insecurity of tenure have been viewed as inefficient and inequitable.

4.1.4 Economic Growth

“It is formal property that provides the process, the forms and the rules that fix assets in a condition that allows us to realize them as active capital” (De Soto, 2000, 46). De Soto asserts that formalization of use rights will eventually revives dead capital, in which it will lead to economic growth. De Soto describes that, “What creates capital in
the West, in other words, is an implicit process buried in the intricacies of its formal property systems” (2000, 39). He sought out why the West is generating the most wealth while two-third of the world is lagging behind. The reason for that, De Soto argues is the lack of a well-defined property rights in developing nations and former socialist states. He advocates the idea that land titling will help poor people to accumulate capital because it allows property to be transferred legally from one owner to another. In De Soto’s (2000) words:

“Even in the poorest nations the poor save. The value of savings among the poor is, in fact, immense (...) but they hold these resources in defective forms: houses built on land whose ownership rights are not adequately recorded, unincorporated businesses with undefined liability, industries located where financiers and investors cannot adequately see them. Because the rights to these possessions are not adequately documented, these assets cannot readily be turned into capital, cannot be traded outside of narrow local circles where people know and trust each other, cannot be used as collateral for a loan, and cannot be used as a share against an investment.” (Ibid., 5.)

De Soto (2000) argues why poor people remain poor even when they have assets is because their properties are informal properties. Furthermore, the goods only remain within the local circles. De Soto urges the governments to regulate land law: “Living standards rose only when governments restored the law and the property system to facilitate the division of labor” (ibid., 66).

De Soto’s ideas have been influential and used by the World Bank and international donors. The World Bank’s housing policy emphasizes the benefits of legalization: “The registration of property rights in squatter settlement is (...) important in making land and house transaction possible and giving occupant’s legal protection. It encourages the buying and selling of housing and makes it possible for households to move to a dwelling that suits their needs and their budgets. It also increases the choice of tenure available to households, allowing them to own or rent as they see fit” (WB, 1993, 17.) For this reason, the World Bank has recommended and supported the reforms of legalizing and issuing land titles in many underdeveloped nations, including Cambodia. However, the World Bank has failed to regulate the issuing of land titles in Cambodia, as it did not reach out to the people that needed most.
4.2 Studies on the effects of land titling and Critics on De Soto’s ideas

De Soto’s theory on formalization has been hotly debated in the years and several researchers have disagreed with his theory that he so easily assume that the poor will benefit from privatization of land or property. Insufficient previous research on the effects of land titling in Cambodia, has led me to examine the literature related to land titling more broadly and generally in other countries as well. Payne et al. (2007), Nyamu (2006), Buckley and Kalarickal (2006) stated that De Soto’s proposal lack empirical support.

De Soto’s assumes that there is a link between land titling and collateral; land holders with land title would gain access to formal credit. Thus, collateral will now be examined in more details, including previous research on whether there is a relationship between land titling and collateral.

4.2.1 Collateral

One of the main arguments and reasons for the enforcement of land titling programs is that the lack of formal ownership prevents access to credit and loans (De Soto, 2000; World Bank, 1993; Feder & Nishio, 1998). De Soto (2000) easily assumes that access to credit is fundamental for investments in the expansion and opening of new businesses. A research that has been conducted in low income settlements in Buenos Aires, Argentina by Van Gelder (2009) asserts that there is no distinctive relation between tenure legality (the official registration of property) and access to credit. This could be that the poor are not interested to obtain official credit as they are reluctant to put their only asset (i.e. property) for collateral (Gilbert, 2002; Durand-Lasserve & Selod, 2007). Poor people rather choose the flexibility of informal arrangements with friends or relatives over dealing with the official bank (Pamuk, 2000; Varley, 2002).

Typically people that lack legal titles are making more frequent sells, because informal finance is readily available at the commencement of an illegal settlement and the lack of formal finance is forthcoming after legalization (Gilbert, 2002,1). “(...)Sales are sometimes more frequent when people lack legal title, how informal finance is available at the commencement of an illegal settlement and how little formal finance is forthcoming after legalization” (ibid., 1).
Pamuk (2000) findings suggest that poor people living in informal settlements in Trinidad were able to sort out their credit and land predicaments through informal institutional arrangements. Informal arrangements such as Rotating Savings and Credit Association known as ROSCA (‘sou sou’) give poor people access to credit even without land titles.

In the second study, conducted in 1997, Pamuk followed-up his study on informal institutions of cooperation, particularly on the operation of an informal finance institution ‘sou sou’ and its effects on land and basic infrastructure. He describes ‘sou sou’ as the least commercialized finance institution as transactions were made within family members. As in other developing countries, informal finance arrangements in Trinidad are a useful way in facilitating investments and consumption for poor families. Essentially, such informal financial arrangements respond to small-scale capital unlike the banks. (Ibid.) “In the absence of collateral, informal lenders reduce transaction costs by their proximity of the borrowers, especially through their first-hand knowledge of a borrower’s creditworthiness” (ibid., 283). Generally, the poor are often denied access to commercial banks, making sou sou an easier means in access to credits, in addition to that, ‘sou-sou’ finance is not only being utilized by the poor, but is also popular amongst the wealthy people. This is because in case of a default, they will only lose membership from the ‘sou sou’ group, which is less risky than the bank as they could lose any asset that was used as collateral. (Ibid.)

What is also remarkable about the informal institutional arrangements is that it thrives to support communities that are especially vulnerable to eviction that have no means to resolve the circumstance locally (Pamuk, 2000). “Informal institutional arrangements in credit, land markets and infrastructure delivery allow markets to function” (ibid., 392). In addition to that, institution such as ‘sou-sou’ supports transactions by reducing the cost of information and transactions, lowering exposure to risk (such as losing a property), provide a tool to deal with in case of emergency, provide a forum of network and promote savings. Pamuk also states that informal institutions help makes a difference in the economic, social and policy between different actors crafted in the process of gaining access to credit (sou sou), land and basic infrastructure. Pamuk’s study clearly shows that perhaps it is unnecessary to gain access to formal credits since
study reveals the positivity of the existing informal institution already gives people access to credit.

A study in Mexico conducted by Varley (2002) finds that residents reject formal arrangements of credit opting for informal arrangements with relatives or friends instead. Another study conducted by Angel et al. (2006) reveals that there is no relation between land titles and access to mortgage credit. This could be because most informal dwellers do not have formal jobs; therefore, even having land title does not guarantee that the banks will approve of their loans. This indicates that the theory on giving land titles to the informal dwellers so that they can use it as collateral is not true.

Varley’s (2002) article in the “meaning of tenure legalization” suggests that family and friendship play important roles in providing informal credit. Hence, this questions the power of legalization. Both Varley’s and Pamuk’s studies indicate that in fact poor people rely on informal credit and relations with their family/friends. Pamuk (2000) asserts that relationship with family/friends/neighbor is extremely strong and powerful as the poor dwellers have their own way of financing. With this said, it is not important for the poor to gain access to formal credits and they do not have to risk losing their property when it is required to use e.g. property as collateral.

On the other hand, Galiani and Schargrodsky’s (2005) research in “Property rights for the poor: Effects of land titling” reveal that the number of families with property titles in housing has increased and the effect of it has been great in terms of reducing household size and improving their children’s educations. However, their study showed that there are no effects of titling on credit access defeating the purpose of land titling.

Ho and Spoor (2006) warn that under conditions of low socioeconomic development land titling could be risky for the state. It could end up being nothing but an ‘empty institution’ and not what it is anticipated for a ‘credible institution.’ (ibid., 580.) The authors point out that land would be commoditized, altering land market that could result in land acquisition by the ‘mighty’ few. In other words, it could just benefit the powerful ones, while harming the poor people. Moreover, land titling is a sensitive issue and should be implemented with caution (ibid.)

Another study conducted by Bromley (2008) suggests that, “Urban slum dwellers who get titles but who are without work cannot possibly leverage credit from the banking
sector. Formalization erodes and displaces existing social networks and arrangements that do not offer security.” (Ibid., 20.) Bromley’s (2008) study shows that formalization of tenure had ruined social networks and the new arrangement lacks security. Overall, previous studies suggest that there are no relations between access to credit and land titling (see, Bromley, 2008; Angel et al., 2006; Pamuk, 2000; Varley, 2002). There are many social historical facets to them that exacerbate biases.

4.2.2 Tenure security

It is now well recognized in the literature that security of tenure does not require the distribution of formal land titles (see, Durand-Lasserve & Rakodi, 2009; Ho & Spoor, 2006) as De Soto (2000) easily assumes. Because of De Soto’s (2000) suggestion on giving land titles to the poor, the World Bank had created many land titling programs in the Third World country, such as Cambodia. Legalizations can end up with adverse effects if it is not judiciously implemented: community life could be disrupted and may lead to social exclusion and displacement (Varley, 2002) this was the case in Cambodia. The Cambodian Government had developed a land titling program aimed at reduction of poverty by producing more than a million land titles, however, there would be great obstacles and challenges related to land tenure because of overlapping claims and border delineation disputes (see, Khemro & Payne, 2004).

In August 2001, the government has enacted the land law, however still lacking in many spheres, for instances, no policy institution to maintain housing for the poor and no regulation of the urban land market. Many of the urban poor in Phnom Penh are settling on state public land, some have settled since 1979 or later on, due to the legalization of land their recognition of settlement has been altered. In recent years, the Cambodian government considered these informal settlements as illegal settlement, putting the exiting dwellers under pressure of eviction, as many dwellers have already been evicted or resettled from their existing settlements (Khemro & Payne, 2004).

Land titling could address land grabbing and reduce the numbers of forced eviction or unfair displacements (Hirsh, 2011, 1). Hence, land titling could help the informal dwellers in Cambodia but the Government has not been issuing land titles to the poor, especially dwellers that are settled in disputed areas. “Titles and a public record of ownership can help the beneficiaries of legalization resist attempts to dispossess them of
their property” (Varley, 2002, 459). This may works if the people actually receive land titles.

In contrast to Van Gelder (2009) study suggests that legalization can instead reduce tenure security for ‘certain groups of dwellers’ only, since the price of land will rise it will result in exclusion of poorer residents through market forces or through service charges and property taxes that are too expensive (ibid., 142). Nyamu (2007) study on land relations in rural Africa suggests that formalization of titling as the means to secure tenure ignore the fact that formal title could also cause insecurity. As in the case of Cambodia, many of the poor dwellers were regarded as now informal dwellers as they settle on state public land.

Payne et al. (2007) describe that tenure security is not questions of legal or illegal, formal or informal status; it is rather a relative idea and a matter of perception as well as law. My research will investigate in people’s perceptions of land titling and conceptions of land ownership in order to understand this phenomenon. Varley (2000) highlights that land tenure in urban Mexico is a division between ‘legality’ and ‘illegality’ which is more intricate than it is often reputed. “The difference between conditions before and after legalization is not necessarily as great as they assume” (ibid., 455). Despite the lack of land titles, a remarkable percentage of households in Spain still make strong claims on the land they occupy (Pamuk, 2000). For these reasons, I am motivated to study peoples’ perceptions of land titling in Cambodia.

It is worth making a distinction between legal tenure versus perceived of tenure security and the correspondence of one kind of security with another (Van Gelder, 2009). Although De Soto (2000) is a firm believer in formalizing property by giving property titles, describes that property in extralegal is nearly the same as legal property. In other words, property in extralegal is similar to legal property. For this reason, many informal dwellers are not invaders or intruders of their properties.

To investigate the perceived tenure security Van Gelder (2009) describes the tenure situations of the four types of tenants: squatters, residents who claimed to have purchased their plot but had no documents, informal owners and registered owners. The results in Van Gelder’s (2009) study shows that squatters have the highest fear of eviction when compared to informal owners and registered owners. Informal owners
also experienced higher fear of eviction in comparison to registered owners. The author describes that while there is a greater fear of eviction for squatters over informal owners and registered owner, the difference between registered owners and informal owners, was not significant. (Ibid.) “The effect of perceived probability of eviction is largely explained by fear of eviction and that the latter is more prominent predictor than the former” (ibid, 140). In this study, I aim to explore and investigate in the Cambodians perceptions of land titling as the majority of the residents are without land titles.

On the contrary, Lanjouw and Levy (2002) assert that, “All but two (respondents) gave improved tenure security as the primary or secondary reason for their efforts (...) however even untitled owners are not particularly worried about eviction by the government, at least in the short run” (ibid., 991). In addition, the study shows that people without land titles do not feel threaten of eviction. One main reason is that there has not been much eviction in Guayaquil and Ecuador, where the authors conducted the study. Titling is particularly in favor when people are susceptible of evictions (Payne et al., 2007). Where tenure security has increased is not necessarily due to the possession of land title instead it increases the complexity of the land tenure system (ibid.).

### 4.2.3 Economic growth

De Soto easily assumed that the formalization of land would lead to economic growth. Hence, why many third world nations have implemented land titling programs, e.g. Cambodia. The outcome is the opposite, according to Durand-Lasserve (2007) asserts that titling programs have so far focused on supporting the land market, while the poor also need protection against market forces, by way of appropriate public regulation. Phnom Penh’s historical center has recently developed various high-rise projects. “Five edge-city projects are planned- land has been acquired and work has begun on four of these, but progress has typically been slow and occupancy rates are low” (Paling, 2012, 4). “Rapid economic growth and influx of investment in property development saw a corresponding increase in the price of land in and around the city” (ibid., 4). Payne et al. (2007) assert that the World Bank had given first priority to the promotion of international investment rather than the interests of local residents of informal settlements. It is thought that foreign investors are more likely to stimulate the economy and will be using the land more efficiently.
In Buckley and Kalarickal’s (2006, 23) words, “It would be dangerous to promote formal titling programs as the sole solution necessary to solve the problems of the urban poor as some have suggested. In many cases, formal titles are unquestionably valuable. Nevertheless, in most developing countries, where the capital markets are undeveloped and a spectrum of ownership structures exist, titling alone will not “unlock” capital. While such property rights may often be a necessary condition to develop a fully functional housing market, they are not a sufficient condition to unlock the trillions that are now locked up in dead assets.” Titling would not automatically result in increased assets for the poor: it is a costly process, it is rarely modified to meet the variety of land rights and tenure types, and access to mortgage credit is troublesome when there is a lack of effective formal financial system (ibid.).

As land titling program in Cambodia has been recently adopted research on the effect of land titling is limited. Drawing on a study by Galiani and Schargrodsky (2005, 29) assert that the relation between titling and income household is weak, twenty years after receiving land title, families are still very poor, and their income amounts to only 38 percent of the official poverty line, and an astounding 94 percent of households are below this line this is the case in Buenos Aires (2005, 29). This indicates that land titling has not been breathing life into ‘dead capital’ as De Soto (2000) believes.

According to Payne (2005) who has been conducting study on property rights in Cambodia states that by giving land titles to the people for free or at an affordable price they can command a high price in the formal land market. Geoffrey Payne is an important figure in Cambodia as well as in developing countries with which the Geoffrey Payne and Associates was established in 1995 a consultant on housing and urban development. Payne has conducted various researches concerning housing and urban development in Cambodia.

### 4.2.4 Reduction of Poverty

In 2010, the World Bank launched a report about land deals and describes that investments lack far behind their goal of poverty alleviation and can even contribute to an increase in poverty (World Bank, 2010). As it frequently appears in news articles on how evictions and displacements have swept many residents from their existing homes,
or leaving many dwellers in informal settlements vulnerable to forced evictions throughout Cambodia. The municipality of Phnom Penh has not been able to address informality, e.g. relocation, evictions, ineffective policy frameworks and protocols (Heinonen, 2008). “The relocations, for instance, have moved a majority of the poor settlements to the outskirts of the city and created new poverty pockets in even more demanding conditions. These development processes have focused on housing but excluded the other elements of poverty such as income generation and empowerment. This is a major reason why these upgrading processes have not succeeded nor led to sustainable poverty reduction in Phnom Penh.” (Ibid., 153)

Kingwill et al. (2006, 1) suggest that in order to reduce level of poverty it requires more than just securing property rights, tenure reform is also important in the process of reducing poverty. Cambodia has well developed its land tenure and land law but poverty has not been reduced, it requires more effort from the Government to endorse the land law and not just reform it. When rebuilding the dominant frameworks of land law and administration, the government shall support the interests of the poor, although that tends to be a difficult task (Kingwill et al., 2006). The authors also describe that informal tenures are manifold and diverse in comparison to that of individualized exclusive and private property regimes of Western capitalism. This is the ambition for studying the informal tenure in Phnom Penh.

### 4.3 Previous studies on Phnom Penh

#### 4.3.1 Eviction in Phnom Penh

Forced evictions are an epidemic in Cambodia, with at least 150,000 Cambodians under threat of eviction (Amnesty International, 2008, 7). This course of action has swept thousands of families into displacement or forced evictions (Durand-Lasserve, 2007).

<table>
<thead>
<tr>
<th>Cause of eviction</th>
<th>Settlement</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Infrastructure</td>
<td>74</td>
<td>38</td>
</tr>
<tr>
<td>Beautification</td>
<td>22</td>
<td>11</td>
</tr>
<tr>
<td>Commercial</td>
<td>23</td>
<td>12</td>
</tr>
<tr>
<td>Ministerial</td>
<td>11</td>
<td>6</td>
</tr>
<tr>
<td>Cause of eviction</td>
<td>Settlement</td>
<td>%</td>
</tr>
<tr>
<td>-------------------</td>
<td>------------</td>
<td>---</td>
</tr>
<tr>
<td>Private</td>
<td>11</td>
<td>6</td>
</tr>
<tr>
<td>Uncertain</td>
<td>56</td>
<td>27</td>
</tr>
<tr>
<td>Total</td>
<td>197</td>
<td></td>
</tr>
</tbody>
</table>

**Table 1: Eviction in Phnom Penh**

(ACHR, 2004)

Table 1 illustrates the cause of eviction in Phnom Penh with 38 percent of evictions were due to infrastructure, 11 percent were due to beautification of the city, 12 percent were due to commercial, 6 percent were due to ministerial and private developments, while 27 percent of eviction are unknown; altogether a total of 127 settlements have been evicted. In addition, such evictions concern nearly half of the population. (ACHR, 2004.) This cause of eviction in Phnom Penh has not contributed to the local communities in Phnom Penh.

To make space for contemporary developments in the city, at the same time tackling the informal settlements, the Municipality of Phnom Penh has relocated or evicted many of the dwellers of poor settlements from the city center. The relocation sites have been located in the poor outer fringe of the city where the infrastructure and job opportunities are significantly reduced e.g. Ka Moung commune. Until 1994, the municipality of Phnom Penh managed the poor by way of forcibly evicting the residents of informal settlements because they were holding back development projects (ACHR, 2001). This study also investigates the current living conditions of these residents living in the outskirts of the city.

**4.3.2 Previous Studies on land tenure in Phnom Penh**

Literature on land grabbing has increased considerably. While the range of empirically focused case studies has remained limited in Cambodia. In particular, there is a lack of studies on the early impacts of such investments or developments on the general livelihoods conditions of the local population, taking into the account the context and process of foreign direct investments. Moreover, there is a limited study on the impacts
and role of development companies working with local people affected by development. The main problem of this research attempt to explore and understand is conceptions of land ownership in Cambodia. Although there is a previous study on land administration in Cambodia (see, Törhönen, 2001) but this author did not explain why the people are without land titles and their conceptions of land ownership. There are also case studies conducted in Phnom Penh region on tenure security for the urban dwellers (see, Khemro & Payne, 2004; Heinonen, 2009). My study aims at investigating the present tenure security for the urban dwellers of informal settlements and relocation in the outskirts of the city.

Dwellers in informal settlements do not have full legal rights to their property, in general they often enjoy a reasonable degree of security and are able to use or transfer properties on the market (Khemro & Payne, 2004). A more recent research, conducted by Heinonen (2009) asserts that land tenure had an impact on informality, subsequently excluding informal settlements and workers from the development process of Phnom Penh. According to Khemro and Payne (2004) pavement dwellers in Phnom Penh also treat their property in various ways, e.g. rent, sell, or inherit their property, even though these transfers are not acknowledged by the legal system. Dwellers on state private land enjoy greater protection from eviction than those on state public land. While those on state public land has low levels of security. “However, despite the permanent threat of eviction, the houses are built with good quality and expensive materials, perhaps due to poor enforcement of regulations or laws. Living conditions are fairly convenient due to their close proximity to all services and infrastructure of the city.” (ibid., 186.)

According to Khemro (2000) Bassac River settlement is not authorized for development. This area is the largest poor settlement in Phnom Penh and location is great as it is at the center of the city, a walking distance to the National Assembly and the famous Royal Palace. The area has been faced with threat of resettlement as the government want to make space for development, e.g. businesses, hotel, high rise apartments. In 1998, the settlements have experienced many fire disasters in the area. Most families have the family book which increases their rights, though will not prevent them from eviction or relocation. (Khemro & Payne, 2004.) This research aims at investigating the livelihoods of these poor dwellers from Bassac settlement that have been resettled by the Government to the outskirts of the city. Therefore, in this study I ask: How has development impacted the livelihoods of dwellers? What is the conditions of housing
and living been like in the outskirts of the city? This will be presented in the analyses chapter.

An interesting case study that was illustrated by Khemro and Payne (2004) of the ‘life in a roof-top settlement’ and life inside private property, the former Hem Cheat Cinema that is the worst housing conditions of the poor in Phnom Penh although with great location. Dwellers have built huts and rooms inside the cinema, in extremely poor condition, overcrowded and danger of collapsing since the cinema has not been maintained (ibid., 189). During the Khmer Rouge period the cinema has been abandoned, the cinema has never reopened even after the fall of KR. Since Phnom Penh was rapidly repopulated, inflow migration has increased since the 1980s, poor people have nowhere to live as land is scarce and lack of resource, life in the cinema began. The author noted that inside the cinema all garbage are disposed under staircases, and human waste is out of control, flowing into the back walkway of the building in open canals. The entire community inside the cinema “has no toilets, sewerage or hygienic living environment (i.e., no ventilation and sun light goes through the building.” (Ibid., 189.)

Khemro and Payne (2004) also presents a case study of the Boeung Kak Lake informal settlement is on state private land in one of the most favorable sites in Phnom Penh. The authors describe people’s living situation. Presently, dwellers that reside on the lake have been removed by private investors. However, dwellers around the Beoung Kak area are currently under threat of eviction as well. The authors suggested that relocation should not be the only strategy to address the needs of the poor in Phnom Penh. As land sharing is more favorable by the urban poor living in informal settlements. This method would allow the residents to attain formal tenure on part of their site while allowing the state or private landowners to develop the remainder. The authors concluded that this is a win-win situation between the communities, government and other investors. This strategy would also satisfy the residents as well as resolving the ongoing conflicts. As relocation seems to be inconvenient for the poor dwellers’ livelihood, thus land sharing method not only allows the residents to stay where they are, but as well as giving them an opportunity to improve their homes.

Törhönen’s (2001) study finds that that dwellers desire for secured land titles is high. The author’s main concern is with issuing land titling in rural regions of Cambodia, in which sporadic land titling has failed. Furthermore, the only people that seem to have
land titles are residential and business, while agriculture land titling is rare. The author proposed systematic registration over sporadic land titling in Cambodia in order to achieve equality in a transparent manner. Moreover, to bring 90 percent of land holders their rights, who are presently without land titles, therefore dwellers, would be protected under the Land Law. (Ibid.) Törhönen (2001) and Khemro and Payne (2004) agree on the part that land holders should receive land title.

The benefits of providing land titles for the poor will shield natural reserves land, discouraging the overexploitation, boosting improvement of land in long terms, and alleviating the troubled history of the Khmer Rouge time. In addition, land titling will stimulate land market in Cambodia, since systematic registration will bring about registered parcels of land, including connected rights and duties, providing trusty information to transaction parties. (Törhönen, 2001, 426.) The author asserts by giving land titles the residents can benefit from all the aspects mentioned above, but so far research on the effects of land titling in Cambodia is rather limited. Törhönen’s (2001) theories are similar to that of De Soto’s (2000) theories on land titling.

Khemro and Payne’s (2004) case studies on Phnom Penh reveal that relations between land tenure and property rights need to be viewed as an ample urban management platform. The authors noted, in various cases, the poor who live in informal settlements did not invade the land but are victims of land speculation by the first land intruders who had the means to grab land for free and then sold it to the poor. Most of the residents were reported to have purchased their land or house from previous owners, even in the absence of legal documents relating to their claim. (Ibid.)

5 Methods and Data

The aim of this study is to understand the locals’ conceptions of land ownership, perceptions of land title, and urban perspectives on private development. Therefore, I employed a qualitative approach using interview method to access people’s opinions, feelings and experiences. Qualitative research seeks to explore and understand the outside world, in describing and even explaining social phenomena through the eyes of others as describe by Flick (2007). My aim is to address the locals’ opinions and experiences. In addition, to answer: what are the locals’ recommendations to resolve
Even though this study is not meant to be used for generalization, as the sampling size is too small based on 21 interviews, however, it could offer valuable insights to individual lives. Moreover, it could be expanded for future studies.

This chapter presents the interview as a qualitative method, composing of various layers, e.g. the process of conducting interviews and its challenges, reflecting on the different models of interviews, on data analysis and the setting of the interview.

### 5.1 Semi-Structured Interviews

Semi-structured interviews have been an important part of the research process, as it is the main data of this study. Through collecting the data by means of interview method this research hopes to reflect on authentic insights to the Cambodians’ conceptions of land ownerships, perspectives on private development and their experiences in land disputes. It is through these interviews that I was able to establish meanings that people attribute to their experiences and social worlds a task given to interviews. The benefit of semi-structured interviews is that it offers new perspectives by giving the locals the chance to express their opinions in a more detailed manner. It also allows the interviewer to encourage people to voice their viewpoints and tell a story. Hammersley and Atkinson (1995) the leading social researchers, describe an interview as, “The expressive power of language provides the most important resource for accounts. A crucial feature of language is its capacity to present descriptions, explanations, and evaluations of almost infinite variety about any aspect of the world, including itself.” (Ibid., 126.)

Interviews are typically and widely used in qualitative research in the fashion of semi-structured, structured and unstructured interviews, but also in quantitative research. Semi-structured interviews are one of the main data collection methods that are applied in social research. They are employed when the researcher is interested in people’s experiences, behavior and understandings and to understand how and why they experience and understand the social world in this particular way. (Ibid.) One of the key features of interview method is that there is an interaction, or conversation, between the interviewer and interviewee. It is crucial that the interviewer should not influence the conversation or evaluate it. Therefore, the researcher must exhibit good interviewing
skills, which require patience, probing and objectiveness. Those skills are especially useful in complex or sensitive interview topics, such as this study.

### 5.1.1 Conducting theme interviews and its challenges

In order to gather people’s housing information that is relevant to this study, I applied thematic interview. Thematic interview is a form of discussion where the interviewer has fixed themes. The method is quite interactive and both the interviewer and interviewees sway each other as well as the plot of the interview. In a thematic interview the themes of the discussion have been arranged in advanced. Moreover, the order of interview does not follow a particular order as long as the interviewer sticks with the themes. With any interviews, one should always keep in mind the crucial steps when approaching the interviewees. First, I made small talks with the interviewees’ and explained the purpose of my research. In addition, I explained the confidentiality of the interviews and that their names will not be revealed in the study. The interviews were conversational and interviewees were told that they could switch off the tape recorder anytime they feel uncomfortable. Moreover, I went over with them the structure of the interview and told them the average time it takes, that is anywhere between 40 minutes to an hour at most. Before starting the interview I asked if they had any questions for me. At the end of the interviews I asked the interviewees’ permission to take some photos of their dwellings and the surroundings. All of them allowed me to take pictures of their homes and even of them.

The interview questions were carefully formulated in a way to ensure that the interviewees understood the questions correctly and it includes a possibility for them to comment on the questions and ask the meaning of what are being asked. Interview questions were first written in English and then translated to Khmer.

The disadvantages of using interview method is it’s costliness due to the time-intensive nature of interviews, additionally, the possibility of biased informants. On the other hand, the advantages of employing interview method are that it allows for intimate, detailed, and sensitive discussions, especially when the intention is to understand the phenomena.
The accuracy of data can be influenced by the interviewer, whose subjectivity generally plays a distinct role in interviewing. I noticed that the interviewees were very respectful toward me; they addressed me as a professor, even though I introduced myself as a student. When asking them of sensitive topics such as tenure security and housing problems, they assumed that I had some power to help them out with their situation; some interviewees begged me to support them. Sometimes I have heard of fascinating stories from a basic background question, for instance, when questioned the interviewees of their previous homes many of my interviewees told me they had been previously evicted from their homes. After this it was easier to move to my questions concerning land disputes.

Ethical issues in interviewing may also be involved, such as assurance of confidentiality and anonymity after the interviewing. Therefore, the interviewees’ names in this study were made up to assure the anonymity. Also problematic power-related issues resulting from the position of the interviewer and interviewee should be considered (Nairn, et al. 2005).

5.1.2 A Cambodian-American interviewer

Interview data are valid as long as researcher recognizes the influence of one’s presence (Hammersley & Atkinson, 2007). My ethnic background is Cambodian, which enables me to have an emotional intimacy with the interviewees; in addition I can speak and write Khmer, which has been a valuable asset as it has allowed me to conduct the interviews. In Miller’s and Glassner’s (1997) words, “some scholars have argued that researchers should be members of the groups we study, in order to have the subjective knowledge necessary to truly understand their life experiences” (ibid., 105).

Beyond my personal background, interviewees may be influenced to a certain extent by the identities and histories of those involved, especially with its troubled history. That being said, while interviewing with the people it requires a forthcoming and nonjudgmental attitude, which was very crucial for me as the places of interviews were located in the poverty pockets of the city. For instance, I recalled many times when interviewees handed me a glass of water I was contemplating (inside) whether I should drink the water - *is it cleaned*? The following days I made sure to bring my own bottled-water to avoid any awkwardness, especially with Cambodians one must accept the gifts,
similar to Marcel Mauss’s concept (1967) in his essay, titled “The Gift”. In many ways Cambodian culture and tradition reminds me of the Polynesian, Pacific Northwest, and Melanesia cultures that Mauss wrote about in his essay; especially on the concepts of the obligation to give, to reciprocate and exchange as well as other aspects of the society: politics, morality, law and aesthetic. With this said, it was important to compensate the interviewees for their time and stories. In the analysis chapter, my personal background and experiences as a Cambodian has enabled me to interpret the data in an idiosyncratic way. In addition, people’s conceptions and perceptions are (to a certain extent) influenced from their own culture(s), tradition(s), and historical facets.

5.2 Research Materials

This study analyzes the grassroots level conceptions of land ownership and their perspectives on various problems such as tenure security, land titling and private development of informal settlements in urban area. In order to understand the phenomena of urban perspectives, the primary data is based on the twenty-one interviews held in six informal settlements in Phnom Penh, Cambodia. In addition to that, there are visual data of photographs taken at the field work, the purpose is to illustrate the living condition of interviewees “photos can reach something that methods relying on speech and writing cannot” (Rose, 2001, 237-238).

The interviews were conducted in a span of one week, from February 29th to March 10th of 2012. Each interviews lasted from 40 minutes to an hour, during which we would discuss topics that I introduced according to the flow of their stories, although always covering the same themes with each interviewee. The place of interviews was held at the interviewees’ home (except with one interviewee) as I thought it was the most ideal place to conduct interviews. Few reasons for conducting interview at their homes. One of the advantages is that it had given me chances to observe the (exterior) surroundings and their living situations (interior) and they could easily refer to some things at home that could be an insightful data for this study. One particular interviewee showed me pictures of her house being destroyed and things that were damaged in her house as she was being forcibly evicted. Moreover, is that informants could be in the comfort of their own home thus allowing for sensitive topics to emerge. Additionally, it eliminates any distractions from the outside world and outsiders. The interview data are reflections of the interviewees’ ‘external reality’ pertaining facts or events as well as
‘internal experiences’ pertaining feelings and meanings (Silverman, 2005). In terms of external reality, my interviewees discussed their previous homes and current homes, the settlement and how they acquired their land. For internal experiences the interviewees expressed their thoughts, opinions and feelings toward their homes and housing situation, housing wishes and private developments.

The additional data that I obtained were photographs of the surroundings and inside their homes; in addition, observations and reflections of the interview were made after the interviews. The interviewees gave me permission to take pictures of their homes and even presented me with their pictures.

The selection of interviewees was random, based on their availability at the time of my visit to their communes. By chance, one of the interviewees happened to be a lawyer who does not live in a low-income settlement; conversely, she is an upper-class. Although I had my preference, I would rather interview older people as they may have more stories to tell. The age of the interviewees varied from 30 to 78. Out of the twenty-one interviewees, three were male, hence majority of men were at work. Interestingly though, one of the male interviewee told me that he had lost his job due to fear of eviction, especially companies/authorities coming to demolish his home.

The four themes of this study are as follows: (1) Housing background: this is to gather all of the interviewees’ housing information to determine what are their land rights and to understand their conceptions of land ownerships and perceptions of land titling. (2) Land disputes: this is to understand the phenomena of land grabbing. (3) Private development: this is to investigate their attitude towards private development since it is soaring in Phnom Penh. (4) Housing wishes needs and recommendations from the grassroots level of poor people in Phnom Penh. I came up with these four themes from my four research questions which would help me to analyze the empirical data.

After collecting data, the next step is analyzing the data. The three fundamental parts of qualitative analysis are in the process of description, classification, and how our ideas interconnect. The aim of qualitative analysis is to provide ‘thorough’ descriptions, whereas, classification lays the foundation of new connections to made between different bits of data. (Dey, 1993, 31.) When analyzing my collected material, I underline the frequent themes, also new themes were found. Some of the themes interlaced with other concepts.
5.3 The Research Setting

Phnom Penh is made up of poor settlements; it continues to be a problem for the government and private development. By the time land was privatized in 1993, 87 percent of the existing poor settlements had already established in Phnom Penh. The SUPF (2003) survey shows that existing settlements are expanding and new larger resettlements are also on its way, by merging small relocated communities into one large settlement. Moreover, settlements on private land continue to increase, in contrast from those on public land. Settlements on public land are continuously relocated to private land where they were promise to get a title. Back in 1997, settlements on public land were over a quarter whereas those on private land are small. Then in 1999, the numbers of settlements on public and private land were equal with some settlements on mixed land. (Ibid.)

The poor communities in Phnom Penh have a lack of tenure security. In addition, people are not well informed about development plans, almost 30 percent of them are unaware of what the plans are for their land. (ibid.) The SUPF (2003) study shows that eviction threats are greatest on public land where 60 percent of settlements are at risk and 20 percent of settlements are at risk on private land, and on mixed land less than 10 percent are at risk of evictions. (Ibid.)

In terms of education, according to NIS (2005) the majority of the population in Phnom Penh has acquired some education. Nearly a third of the population has completed primary/grammar level of education and 30 percent has attained a secondary or higher education. However, these percentages do not include the inhabitants in the informal settlements. According to CDRI (2007) these informal dwellers are originally from poor rural areas with low level of education. Due to the lack of basic education and training, illiteracy and lack of arithmetic skills prevents these dwellers to attain formal work.

In order to get information from the grass root level of Phnom Penh, this study selected six informal settlements for special examination: Srak Chork, Tork Thalar, Boeung Kak 1, Tork Laouk, Boeung Kak 2, and Ka Moung (see appendix 2 for map of Phnom Penh and the 6 informal settlements selected in this study). These communes were chosen to
represent diverse poor settlements in Phnom Penh of location, land tenure, and infrastructure.

**Srak Chork commune** is located in the district of Daun Penh. It is located along the railway track and along the main road. It is at the heart of the city, with the Psar Thmey (New Market) in the corner. Due to the good location, the commune is under threat of eviction. 92 percent of those living in this district have long established the communities, in other words, they have lived there by the time land was privatized. Most of the eviction threats are settlements along the railway track. The settlements along the railway track are public land and mixed land, and those that are residing along the main road are private land. This district is a commercial and heritage area of Phnom Penh, development is targeted at: heritage and tourism potential. (SPUF, 2003.)

**Tork Thalar commune** is located in the Dangkor district. Homes are built on top of the water. All the in situ settlements in Dankor were established between 1979 and 1989. About 89 percent of poor families in Dangkor district live on their own private land. The dwellers in this commune live in mixed land. So far the dwellers have not been informed about any development plans. New houses continue to be constructed. However, 96 percent are experiencing water problems. (SUPF, 2003, 32.)

**Boeung Kak 1 commune** is situated in the Toul Kok district and homes are located along the railway track. The settlements were established in 1999 with at least 5 settlements (394 families) were already evicted. In recent years, more settlements were evicted and relocated (SPUF, 2003).

**Tork Laouk commune** is situated in the Toul Kok district. Homes are built on top of the water. The settlements in Tork Laouk are indeed under threat of eviction as well. Toul Kok district (including Boeung Kak 1 & 2 and Tork Laouk) is transforming into a district for high-income residential development. Water supply has improved, so is solid waste management and electricity supply are planned for the future development. Currently, 50% of settlements in district have problems with water supply, and 80% with flooding and drainage problem. (SUPF, 2003.)

**Boeung Kak 2 commune** is situated in the Toul Kok district. The homes are built on top of the water canal, majority of the families are renting. Families are under pressure of evictions for canal development.
**Ka Moung commune** is located in the Sen Sok district. The settlements are situated in the outskirts of the city. It is a relocation site. Due to its distant location about 40 miles from the city center, the infrastructure is poor, such as hospitals, jobs and schools.

The dwellers of these settlements make a living through a wide variety of jobs and occupations. Some are technicians, tailors, retirees, small traders, a professor, a few stay at home moms and others own a small informal business at home (typically selling miscellaneous goods).

<table>
<thead>
<tr>
<th>communes</th>
<th>number of interviewees</th>
<th>number of inhabitants</th>
</tr>
</thead>
<tbody>
<tr>
<td>Srak Chork</td>
<td>6</td>
<td>28.535</td>
</tr>
<tr>
<td>Tork Thalar</td>
<td>3</td>
<td>31.896</td>
</tr>
<tr>
<td>Boeung Kak 1</td>
<td>2</td>
<td>30.526</td>
</tr>
<tr>
<td>Tork Laouk</td>
<td>4</td>
<td>30.237</td>
</tr>
<tr>
<td>Boeung Kak 2</td>
<td>1</td>
<td>29.875</td>
</tr>
<tr>
<td>Ka Moung</td>
<td>4</td>
<td>29.968</td>
</tr>
</tbody>
</table>

**TABLE 2 PROFILES OF THE COMMUNES**

It would be crucial to understand the administrative structure in Cambodia, as they will be mentioned frequently in the analysis chapter. The hierarchy of the Cambodian administrative structure starts off with highest level as: (1) the national government, (2) the ministry of interiors, (3) the province, (4) the provincial local administration Unit, (5) the district, (6) the commune council they are assigned with three to four villages or communities each, and finally (7) the village or community’s chief (Pellini, 2008). The village’s chief (VC)\(^3\) is appointed by the commune council. The VC serves as the main messenger between the village and the commune council. The VC’s duties are to act in the best interest of the village, to be responsible to the duties given by the commune

---

2 The number of inhabitants was provided by the commune’s chief as there is no official record of the communes. Informal settlements tend to be excluded from the consensus bureau. However, there is information on Khans (districts) of Phnom Penh.

3 The term village’s chief will be replaced with community’s chief in this thesis.
council, to give recommendations to the commune council that benefit the village, to manage and coordinate the work with the commune council. (Ibid.)

6 Untitled and undefined land in Phnom Penh

This chapter presents the analysis of the empirical research that stems from the interviews and observations from the fieldwork. To analyze people’s conceptions of landownership, I employed a qualitative research method by means of semi-structured interviews. In order to better understand people’s conceptions of land ownership that are composed of multiple layers, the housing background of the dwellers will be explored. Since I aim to analyze the themes from urban perspectives, the fieldwork was conducted in Phnom Penh, focuses upon six informal settlements.

6.1 Misconceptions of land ownership

“This semi-utopian view of the informal sector, however, grows out of a nested set of epistemological fallacies” (Davis, 2007, 179).

The interviewees were three types of tenants: informal owners, evictees, and renters. It was apparent that all the households (except for the renters) strongly believed that they are owners, even without land title. A study conducted by Durand-Lasserve (2007) reveals that about 70 percent of the citizens in Phnom Penh considered that they own their land, but only 5 percent of them have a land certificate. Why do these people believe that they are owners in the absence of land titles?

The interviewees often highlighted the Cambodian Land Law which affirmed that all persons, individually or collectively, have the right to land ownership, and that the citizens have a right to request for a title, if they could provide proof that they have occupied the dwellings for at least five consecutive years, peacefully, unambiguously, and with the public acknowledgement (RGC, 2001). Some of the interviewees have learned about the Land Law through the Prime Minister Hun Sen who promised to settle land disputes for the poor and to distribute land titles to those that have occupied their land for more than five years before the 2001 Land Law. NGO have been the main source of information for the poor dwellers providing them with knowledge of the Land
Law and their rights to their property. For this reason, many of the interviewees believe that they are owners of their land even without land title. Cambodians will regard themselves as owners based on occupation and the actual land use; this has been the traditional system in Cambodia (see, chapter 2.1) but the new Cambodian Land Law has turned many the settlements into informal settlements, invading state land.

A country that recently restoring itself from the destructed KR regime (1975-1979), where private ownerships, land records, education, law, etc. were extinguished, it is no wonder that land tenure and land title are lacking. Cambodian residents are given a ‘family book’ which “registered their right of occupancy and ownership of built edifices, and therefore their right to compensation if the state changed the status of the land” (see, Abdoumaliq, 2008, 190). All twenty interviewees reported to have a ‘family book’ and/or certificate of purchasing the properties. The interviewees are aware that family books are not the same as title deeds, nonetheless, ‘family book’ is still important in Cambodia since it has been a way of keeping track of occupancy.

<table>
<thead>
<tr>
<th>Years of Residence</th>
<th>Number of Interviewees</th>
</tr>
</thead>
<tbody>
<tr>
<td>Since 1979</td>
<td>3</td>
</tr>
<tr>
<td>10 years &lt;</td>
<td>12</td>
</tr>
<tr>
<td>5 to 9 years</td>
<td>3</td>
</tr>
<tr>
<td>4 years &gt;</td>
<td>2</td>
</tr>
</tbody>
</table>

**TABLE 3 YEARS OF RESIDENCE**
(February-March 2012): 3 of the 20 interviewees have occupied their land since the fall of the Khmer Rouge. 12 of the interviewees have occupied their land for more than a decade.

The years of residence (Table 3) reported by the interviewees is vital to determine their possession rights as well as whether they are entitled for a land title. Fifteen of the interviewees reported that they have occupied the land for more than ten years in that case they could apply for a land title as long as the land is not state public. Three of the interviewees have occupied their land since the fall of the Khmer Rouge, while twelve of the interviewees were reported to have occupied their property well over a decade. The interviewees often referred to the 2001 Land Law.
“It’s my land, my property I’ve paid for it and have lived here long enough. All lands belong to the state, but according to the law since I’ve lived here for more than five years, it is my property.” (Mrs. Im, from Srak Chork Commune)

“According to the Land Law anyone occupying the land over five years they will get land title automatically.” (Mrs. Ny, from Srak Chork Commune)

All the interviewees have recognized that they are either settling on state private or state public lands (the difference between the two was discussed in chapter 2.4.2). Some of the interviewees settling next to the railway track suspected that their land could be state-owned public land; in accordance to the Cambodian Land Law, those that are settling on state public land cannot apply for a title (Khemro, 2008) however, it can be converted to state private land by the government. The interviewees had a hard time establishing between what is state-public and state-private land. Despite the uncertainty of the type of land, the people still went ahead and purchased or occupied the land.

“Before I bought this land and house, I knew that the land is not stable in the long term, but as I saw more people purchasing the land I had decided to do the same because it was cheap and in good location.” (Mrs. Im, from Srak Chork commune)

Mrs. Im still regards herself as the owner despite the absence of a land title. According to Payne et al. (2007) he describes that tenure security is not the questions of legal or illegal, formal or informal status; it is rather a relative idea and a matter of perception as well as law. It is for certain though that Mrs. Im among the others do not have title-deeds to their property, but they do have possession rights. The interviewees strongly perceive their property as their own, whether it is legal/illegal or formal/informal. The reason for this perception is because Cambodia has always lacked legal/formal land law and especially under the KR regime when all private properties, land records, cadastral mapping, among other things were abolished. The first time private properties were ever introduced in Cambodia was during the colonization of the French. To go further back into the history, before the French colonization, all land belonged to the King-- people were free to settle anywhere as long as they cultivate the land that is not already occupied.

Another interesting aspect, interviewees that live along the railway track were required by the municipality to back up their dwellings, moving their homes further away from the track, some were displeased to downsize their homes without any compensation. It
is obvious that the railway is state-public own land, still the people expect to be 
compensated for backing up their dwelling. For instance, Mrs. Moa was aware that the 
railway track is state-owned public land; therefore, she considered it by leaving a big 
gap between their home and the railway track when building it, thus she was not 
required to back up her dwelling. According to several interviewees, many of the homes 
and lands near the railway track used to belong to the railway staffs before the KR 
regime. When I mentioned about the health hazardous living next to the railway 
interviewees were not concern at all.

“The train hardly runs, maybe once or twice at most, so it is not a problem for us. When 
it does run, it is slow anyway.” During the Khmer Rouge period the train was no longer 
in used.” (Mr. Chan, from Srak Chork Commune)

Picture 1 illustrates Mr. Chan’s home that is next to the railway track. On the left side of 
the track is Mr. Chan’s home, he has lived there since 2000. He had purchased the land 
and built the house himself when starting a family. He does not have title-deed, but the 
commune’s chief had issued residence card/family book that cost him 30 USD, paying 
the commune’s chief and police officer. He also believes that he should receive land 
title naturally after five years of occupancy according the land law. Moreover, Mr. Chan 
stated that the price of land in Phnom Penh is from 2000 USD to 3000 USD per square
meter. His house is about 20 square meter, according to the calculation, he is expecting to get at least 40,000 USD from the investors/companies.

**PICTURE 2** INTERVIEWEE’S HOME NEXT TO THE RAILWAY IN SRAK CHORK COMMUNE
(Picture by Sanna Pho, February 2012)

**PICTURE 3** INTERVIEWEE’S HOME NEXT TO THE RAILWAY
(Picture by Sanna Pho, February 2012)
In picture 2 and 3, the dwellers have backed up their homes away from the railway track upon the request of the authority. Payne suggests (2005) “Given that there are already several hundred residential plots developed along the main railway line serving Phnom Penh, relaxing this arbitrary requirement could at a stroke make these settlements eligible for upgrading rather than relocation” (ibid., 142). In my opinion, I agree with Geoffrey Payne, since there are hundreds of families living along the railway track, if the government or the Phnom Penh municipality would give them title deeds, these dwellers could upgrade their homes instead of relocating to the outskirt of the city. In addition, it would enhance their livelihoods as they could continue working in the city center. Some of the interviewees argued that when they bought the lands and homes no authority came to stop them.

“Only if the authority had stopped us from building the house to begin with, then we would not be building our homes and there wouldn’t be so much land disputes. It is wrong to tell us that we are not the legal owners now.” (Mrs. Moa, from Srak Chork Commune)

Another type of tenant, Mr. Chea, a renter, stated that he has lived in his current home since 1997 when he returned from the refugee camp in Thailand. After the Paris Peace agreement, he had migrated back to Phnom Penh. His rent is 40 USD/month but the landlord has been trying to raise his rent. Although he is only renting, the commune’s chief still issued him a family book (residential card). Mr. Chea would rather own a property, but that is not possible for him as he is a retiree with zero income. Though, he hopes that one day the government will give him a plot of land under the Economic Land Concession. Mr. Chea is well-over 70 years old, he is unable to work but, luckily his children still resides with him, therefore they all help each other out with rent. Mr. Chea stated that his landlord was a squatter as well. Mr Chea was what Davis classified as the poorest of the poor, “...the poorest of the poor, however, rent from the squatters” (Davis, 2006, 44).

Mr. Chea stated that in case of eviction he would find another place to rent. He was not too concerned about eviction. According to some interviewees, renting is becoming more pervasive in Phnom Penh because of eviction and people are unhappy about the resettlement area. According to Mr. Chan, some families end up moving back into the city center, living in slum settlements again because relocation sites are typically far from the city.
During the Khmer Rouge time nearly all the lawyers, legislators, and educators were killed or exiled, except for one. Hence, law was completely extinguished under Pol Pot control. In the late 1980s the Cambodian government enacted private property in an attempt to restore the legal system that was wrecked by the KR, however it has been insufficient. In addition, lack of resources and staffs, exacerbated by political conflict within the Phnom Penh Government has hampered significant progress. Mrs. Boe stated that the current Prime Minister Hun Sen is not highly educated, having attained only a high school diploma, hampers him from implementing viable solutions to the people. According to Mrs. Boe, in order to study law in Cambodia one must establish a connection with the Prime Minister and often time the lawyers and judges must side with the government even if it means breaking the law. Mrs. Boe has studied International Law in Japan, she stated that after studying the law in Japan and coming back to a corrupted country like Cambodia she sees no point in being a lawyer. She asserts, “It is disheartening to witness how the legal system functions.” Question: what rights do the people in poor settlements have to their land?

“The poor dwellers have legal entitlements to their land whether it is state private or state public land. According to the Land Law, people who have settled on their properties for five consecutive years prior to the 2001 Land Law can automatically claim ownership.” (Mrs. Boe, a lawyer)

All of the interviewees have a family book that they all referred to when asked if they had any documents to their property. They are aware that family books are not the same as title deeds, it is just a recognition from the commune’s chief that certify who occupies the dwelling. Moreover, a family book does not necessarily guarantee them from eviction, but they should at least expect fair compensations. One of the major problems regarding people’s conceptions of land ownership is that interviewees could not determine whether their land is state-own private or state-own public.

6.1.1 Acquisition of homes

My interviewees have acquired their property in various ways. The majority of the informants had bought their land, five interviewees in the Ka Moung commune were relocated, and three of the informants had occupied vacant land or houses after the Pol Pot regime in 1979. By the time Pol Pot was seized the city was rapidly repopulated. During this increased in population, the land and houses remained state property, people came and occupied houses and land on a ‘first come first serve basis’ (Khemro & Payne,
2004, 182). The process of restoring and resettling Phnom Penh began. In 1989, the
government had recognized possession rights as well as the right to sell and buy
properties (ibid.). Phnom Penh is a centrically city of Cambodia, comprising of three
zones: the city center, the suburban and the outskirt of the city. In the city center many
poverty pockets and informal settlements exist this is due to the great location, with
easy accesses to all the nearby services, especially many markets are located in the
center. The markets in Cambodia act as the main place of trading, selling and buying
goods for ordinary people, one must go to those markets when visiting Cambodia.
While in the outskirt of the city, such as the Ka Moung commune remains critical, with
poor infrastructure, lack of services, and no thriving markets or job opportunities.

In Mrs. May’s case she has acquired her property based on a ‘first come first served’
since the end of the Pol Pol era in 1979. When asked if she knew the previous owner,
her response was:

“No, I have not seen the previous owner. When I moved in here it was empty. The
previous owner was a railway staff. I guess the Khmer Rouge had destroyed
everything.”(Mrs. May from Srak Chork Commune)

Before Pol Pot took control of the country the houses in Srak Chork commune were
occupied by the railway staffs this may be the reason the interviewee believe the
previous owner was a former railway staff. Another similar story, Mrs. Roaum was the
first person to build the house around the Boeung Kak area she has occupied the land
since the collapsed of the Pol Pot regime in 1979 when lands were still abundant due to
the genocide. Prior to the Pol Pot regime Mrs. Roaum had lived in the number 1
commune in the city center, her house was made of stone, unfortunately the Khmer
Rouge had damaged it. When she returned to Phnom Penh from the country side in
search of a new home, she noted that there were plenty of vacant homes and villas,
some wooden, some stone-material, and some straw-material. She said it was foolish of
her not to occupy big stoned homes or bricked homes, as she thought that the State
perhaps would evict her later on. Presently, those that occupy expensive homes are not
facing eviction instead it is those that occupy shanty old homes, like herself.

Mr. Han has also occupied his house since the collapsed of the KR regime by means of
‘first come first serve basis’. He was seeking work in Phnom Penh and has lived here
until now. The commune council had informed him to apply for land title, but later they ignored it. When I asked Mr. Han: Are you happy to live here?

“It is good here, easy access to all the things I need, health center, market, clean water, and electricity.” (Mr. Han, retiree)

His house is located next to the main road across from the Minister’s office; thus his property is worth a lot considering the great location. When asked what his plans in case of eviction, he said that he will ask the company to pay him 1,500-3,000 USD per square meter as long as he could afford to buy another land or house in the city center.

One of the interviewees from Ka Moung (relocation site) had acquired the house through a lottery system in which 80 families out of 160 were to be compensated with a new house in the outskirt of the city (see picture 4) while the rest received a small plot of land or 8,000 USD. Picture 4 shows these homes that were designed by the Cambodian King Norodom Sihamoni, initially it was built for the retirees as he was concerned of the evictees having nowhere to live, and he decided to give it to the evictees instead. One of the interviewees said that she is not worried about being evicted, since her house was a gift from King Norodom because she believes that the authorities and investors do not have power over the King. Mrs. Sam described this house as
fragile and cheaply built although she is very happy with this house and prefers it over a small plot of land or 8.000 USD.

“I am glad that I had won the lottery, I prefer this house over a small plot of nonagricultural land that is quite useless.” (Mrs. Sam, from Ka Moung Commune, Outskirt of Phnom Penh)

Those that were required to build their own homes and received only a plot of land are in worse condition, see picture 5. A decade later, their livelihood and housing condition has stayed the same or even worse off now. The government has not improved on the infrastructure and lack of services (e.g. school, hospital, jobs, etc.). During the rainy season people’s homes are flooded, everything would be soaking wet. Evidently, their living condition and livelihoods is extremely critical since the eviction, where they once lived in such a thriving and rich area and most significantly people were able to generate income in the city center.

These relocated dwellers were promised by the municipality of Phnom Penh that after having lived there for five consecutive years they will be given a land title; however, over a decade later most of the people have not received land title. One interviewee
reported that she has gotten a land title now; Mrs. Moon was reported as happy and appreciative to finally have a formal housing without fear of eviction. When asked about her previous home, Mrs. Moon said she was evicted from her home and is still sad about it, she misses living in the city center at Bassac; it is not the most expensive area in Phnom Penh.

The interviewees that have purchased their dwellings were reported that they have not taken out loans from the bank (this is common in Cambodia) they have all used their own savings. Many of the interviewees had purchased their homes with gold. For instance, Mr. Chan stated that, “I bought my house with 2 dam lung gold.” Currently, 2 ‘dam lung’ gold is about 20,000 USD. Mrs. Im had bought the land for 2,000 USD and another 2,000 USD to build her house. Mrs. Theary had purchased the land in 2007 for the amount of 15,000 USD.

In essence, this study reveals that interviewees have had the experiences of selling and buying lands and houses. “…how sales are sometimes more frequent when people lack legal title, how informal finance is available at the commencement of an illegal settlement and how little formal finance is forthcoming after legalization” (Gilbert, 2002, 1). Moreover, a few of the interviewees have occupied their lands since the fall of the KR regime and mainly with the approval and acknowledgement of commune’s chief. When selling or transferring lands and properties, the commune’s chief is present to issue ‘family book’; thereby, reflecting that there is at least a system in place despite its lack in validity. Land distribution in Cambodia is uneven; the wealthy Cambodians occupy large areas of land and the majority of the poor occupy a small piece of land (Boreak, 2000).

6.1.2 “It’s not bribery, just a way of speeding up the process”

4 An interviewee’s statement
One of the aims of this study was to investigate if there is any bribery in the process of obtaining a property in Cambodia. A country that is known to be corrupted, bribery must be common. The data revealed that bribery does occur in the process of building a house, but the people does not establish it as bribery, indeed it is part of the system. Interviewees asserted that, in case you need to build a house immediately one is obligated to provide a larger sum of money to the police officer and the community’s chief. The community’s chief then issued a ‘family book’ to the households. Interviewees said that without paying the police officers and the commune’s chief they will take a long time to process the ‘family book’; thereby, to speed things up they are compelled to pay a fee. The reason that the community’s chief sometimes demand a fee from the residents is because their income is extremely low, in some cases they have not received salary for several months. One interviewee noted that her husband who is a police officer could go on for several months without getting his salary from the government. Another interviewee’s husband who is an army has not received his salary for some months. The same goes for a professor whose income is very unstable. This could explain why state workers find other ways to make money. However, not all of them are taking advantage of ordinary people; for instance, the professor who I had interviewed refused to accept my compensation for the one hour that I interviewed him for. He said that he is glad that a student from abroad is conducting such a study about the reality of how poor people live in his country.

Interviewees reported the community’s chief would at times demand the residents to pay land tax, which according to the land law the residents without land titles are not mandated. Some of the interviewees were familiar of the law and had refused to pay the land tax; the community chief just never asked them again when they were challenged lawfully.

“I will pay the land tax once you issued me a land title, I would be more than happy to pay the tax. Therefore, until that day comes I am not ever going to pay land tax.” (Mr. Chan, unemployed, from Srak Chork Commune)

“The authority and chief of community demanded me to pay for land tax. When I told them that they first need to issue me a land title, they never asked again. I know that they are corrupted.” (Mrs. Sweet)
In general, Cambodia has a long history of having a corrupted political system, one notorious example is illegal logging, and I will not go into detail about this as it is not part of this study.

However, some interviewees who did not have a land title paid the land tax annually. Mrs. Im, whose spouse is a police officer, said that she pays land tax each year. Since eviction is pervasive in Phnom Penh especially in her area, hence in fear of eviction she pays the land tax.

“I am afraid of being evicted so I just pay it and the authority had issued me a certificate that I have paid for it, and they also took measurements of my house.” (Mrs. Im, from Srak Chork Commune, Tailor)

Mr. Han also pays property tax each year in the amount of 110 USD. As we can see from the two interviewees, the role of the community’s chief is influential. Their jobs are to look after the residents and to help settle any land disputes. Often time community’s chief want to make profit from the poor people whose salary is as low as 20 USD per month. Mrs. Sweets stated that at first she was not allowed to build her house, until she offers the police 20 USD. This is the case for most of the interviewees that had just bought the land. Mrs. Thy stated that she had to pay the authority and police officer in order to proceed building her house.

“I gave 150 USD to the commune.” (Mrs. Thy)

Mrs. Ona had also rewarded the chief village for allowing her to build the house, in the sum of 200 USD. It seems as if people who are generally aware of their rights and the Land Law are better off, such as avoiding land tax. While those who do not fully understand their rights cannot exercise them and had to pay land tax even without land titles. Majority of the interviewees have to offer money to the commune’s chief in order to build their homes, the payment ranges between 20 USD to as high as 200 USD. For these informal dwellers this is a huge sum of money; however they have no other choice as they cannot afford to live anywhere else in the city center.

6.2 Mentalities on Land Titling
This part of the analysis I am going to assess the local’s perceptions of land titling. There are many different views on land titles. The majority of interviewees strongly expressed opinions in favor of land title with only a couple of the respondents being skeptical and critical. Why they approve of land titling; considering that a majority of them does not have proper land title? It seems as though they have similar mentality on land titling, by mentality I mean their way of rationalizing land title. The interviewees believe that land title is a safeguard against eviction, increase in tenure security, as well as providing legal rights to their land, for this they can demand for fair and just compensations. It seems as if the NGOs had informed them about the importance of title deeds. For example, Mrs. Roeum stated that the NGOs had helped her to realize the 2001 Land Law and inspired her not to give in to the investing company and must demand for fair and just compensations. Mrs. Roeum stated that without the NGOs support she would have given up a long time ago, like the rest of the residents in her area. Moreover, according to Mrs. Roeum the World Bank had also threatened the Cambodian Government to not evict her without a fair compensation.

Under article 45 of the 2001 Land Law, if the authorities deny title of possession to immovable property, the holder of the property may report to the Ministry of Land Management, Land Planning and Construction (MLMUPC). The issuing of land titles related to immovable property is responsible by the MLMLPC (article 3). No one may be deprived of his ownership, unless it is in the public interest (article 5). In case of deprivation of ownership, it should be carried out according to the procedures and forms by law and regulations and should be compensated fairly and in advance (RGC, 1992, article 3). Mrs. Roaum reported that she has taken the case to the MLMUPC, but even then they have not processed her application for land titling. Evidently, Mrs. Roaum is deprived of ownership. She has occupied her home since the fall of KR regime and her property is on state-private land, thus she is qualified for a land title.

6.2.1 A sense of security

It is estimated that 75 percent of the slum houses in Phnom Penh are without land title (Sophy, 2002). For this reason, land security is one of the key elements in the land titling program.
“If I have a land title from authorities I could live here; if not the authorities or investing companies may evict me any coming day.” (Mrs. Im from Srak Chork Commune)

“If I had land title I can live here and if company wants to purchase this land it must be a fair compensation (...) however, without a land title the company may just give a small amount of money and that would be inadequate to buy another property or land in the city, and I might end up moving back to the rural.” (Mrs. Sweet)

Both of the interviewees perceived land titling as a safeguard against eviction and in case of eviction they could demand for fair compensations. Feder and Nishio (1998) assert that titles give landholders a promise of security over their property and serves as a mean of productive investments. That is the case for these informal dwellers, the lack of land titles put them under pressure of eviction. Payne et al. (2007) describe that titling is primarily in favor when people are under eviction pressure or where they see that titling provided great advantages to other social groups compared with those living under tenure system. This could explain why 18 interviewees viewed land titling as a safe guard against eviction and would be given fair compensation. Insecure land rights are one of the issues hindering urban poverty reduction (Amin, 2002; De Soto, 2000).

During the KR regime, private properties, land records, money, among other things, were all abolished. Private properties were only reintroduced in the early 1990s. At present, the country still lack of land titles. Although the World Bank had attempted to promote and issuance of land titles in Cambodia, the program was doomed barely making a dent in Phnom Penh’s informal settlements. Thus, eighteen out of twenty interviewees were reported without land titles, with two interviewees claiming that they have title deeds (one interviewee seems uncertain about holding a title deed, or is she just paying property tax of her untitled property). Mrs. May reported to have a land title, she stated that it cost her .75 USD per square meter; she also pays property tax each year. When I asked the interviewee: how did you manage to get a land title?

“People that control old houses from previous regime will most likely get land title. However, I am still worried about eviction... If I get evicted I will be compensated according to the market value.” (Mrs. May, from Srak Chork Commune)
6.2.2 Improving the home

Many of the interviewees have applied for a land title but have not been issued nor have they been informed the reasons for not receiving it. Mrs. Roaum stated that there were meetings about giving land titles to the people that have occupied it for five years prior to the 2001 Land Law. The commune had promised to give land titles, but they have not distributed it.

“I am qualified for a land title, I don’t want money, just a title so that I can improve my home ... I was afraid to occupy big homes after Pol Pot regime. There were many vacant houses and villas; instead I picked a small shack. I thought that if I were to take the big house I would be evicted by the owners or government, ironically it is the other way around.” (Mrs. Roaum, Boeung Kak 1)

Here we can see Mrs. Roaum would like to obtain a land title to improve her home and to be protected from eviction.

6.2.3 Collateral

Mrs. Ona revealed that she was able to use her property as collateral. She told me that when her house was caught on fire and she needed money to rebuild her home, she was able to borrow money from the bank using her untitled property as collateral.

“I took a loan out from ADB (Asian Development Bank) using my property as collateral...they just needed my residential card and the certificate that was issued to me when buying the land.” (Mrs. Ona)

ADB has been supportive of the poor dwellers in Cambodia, even providing sites of relocation in the city for some of the evictees in the past.

6.2.4 Land title is ineffective

There are two interviewees that view land title as ineffective. Stating that it would not make a difference, nor would it increase tenure security.
“If the government or the private developer want our land, despite having land titles they would still confiscate it no matter what. There’s no point for a title, it is written on the title that in case the government needs land for development he has the right to confiscate it, but with a fair compensation. A fair compensation sounds vague, it could be very little money, as you know the government can just say or do what pleases him thus title is useless, it does not guaranteed full protection, a waste of money, and it is very expensive.” (Mrs. Theary from Tork Laouk Commune)

It looks like Mrs. Theary is not approving land titles due to a couple of reasons, essentially she does not trust the Cambodian government and that land title is costly. Both of the interviewees expressed the vagueness of title-deed, therefore making it fruitless, as the government can use the land for development, but must offer fair compensations to the owner and inform the owner in advance.

One of the interviewees with land title does not feel secure; the fear of losing her property and livelihoods to private companies or government was expressed. On the other hand, an interviewee residing in Ka Moung commune was without land title, but feels assured that she will not be evicted because the King had given it to her. The interviewee asserted that not even the government would dare to evict her because the King has even more power. This is an interesting perception; Cambodians have always had a tradition of saluting to the more powerful. For instance, the way Cambodians greet each other’s in Khmer is by salutations that is placing the palms together and say *chom riep suah*. Moreover, the higher you hold your hands the more respect you convey to the person you are greeting, starting from the chest, chin, nose and forehead levels. For instance when greeting your friends or a younger person than yourself you hold your hands at chest level, to your parents or elderly you hold your hands at chin level, to the monks, teachers/professors, or government/authorities you hold your hands at nose level (to the monk you must kneel down to your knees), and you only hold your hands to the forehead level when greeting the King or royalties. This could help explain why the interviewee feel secure of her property as it was handed to her from the King.

6.2.5 Putting the investors first and the poor last

Some interviewees claimed that the investors were eligible for land titles right away.

“There were many families applying for land titles, until now no one has received it. We complained and pondered why authorities have not issued land titles to us. Of course,
later on we discovered that some companies wanted to buy these lands for development." (Mr. Han from Srak Chork Commune, a retiree)

The above statement indicated that the government does not want to issue land titles to the people even though they have applied for land title. Drawing on Paling (2012) land registration mainly profited more powerful and well-connected people, to the disadvantage of those who lacked the knowledge and resources to steer the registration process successfully. In addition, the police and the military have aided private investors making sure to guard land concession (Hughes, 2011). During my field work one of the interviewee from Srak Chork commune took me to the empty land that was guarded by the militaries and police to fence off land invaders. Ironically, the militaries and police had already evicted the existing residents. One of the interviewee said that he has not been able to work for the past year because he is afraid that companies will send in militaries and police to destroy his house while he is away.

Interviewees feel that they are unable to compete with companies or private investors because generally investors have more resources and are aided by authorities or government. The overarching feature of the sub-decrees on state land, is that government must convert state land as state private land before it can sold, leased, subject to land concession, etc. Furthermore, it requires for public consultation and chances for objections are required, however in the Boeung Kak case, the interviewee asserted that the companies failed to consult with the dwellers, instead they were threaten by the companies and forced them to move out. According to the Land Law, all of the dwellers in the Boeung Kak 1 commune had legal rights over their land, even though it was state-public own land, the government manage to register it as state private land since it was sold to the Shukkaku company.

Interviewees from the Ka Moung commune expressed how the government failed to resolve land disputes in their area when their homes were lit on fire. The government never came to help them out; instead they were forced to evacuate and were prohibited from rebuilding their homes. The same day that people’s homes were lit on fire, they were loaded onto the trucks to live in the outskirts of the city, i.e. the Ka Moung commune. Presently, the interviewees’ previous home at Bassac is a tourist attraction place, homes for the elites, and other businesses as seen in Picture 6.
“There is no difference between Vietnamese pushing Cambodian away, Cambodian pushing ghost away...The investors and companies are the King of the planet.” (Mrs. Angie)

This metaphor refers to the fact that Cambodian government is pushing the poor out of the city. She also indicated that the investors and companies have power over the poor dwellers. Interviewees also reflect to the Khmer Rouge regime, as they feel that history is repeating, in terms of eviction or resettlement.

The dialogue that I made with the lawyer Mrs. Boe indicated the struggle of obtaining land titles and how private investors are aided by the government. I asked Mrs. Boe: How does it affect them that they are lacking land titles? This is to see whether the absence of land title causes tenure insecurity and what is the implication of not having a land title.

“The government will not issue land titles in poor settlements. They would rather side with the rich, foreign investors, or developers, but by no means should the people give up on their lands, they must ask for fair and just compensation, because they have rights to their land.” (Mrs. Boe, Lawyer)

To find out if there is anything the people can do, I inquired: ‘What should the people do? Would you recommend them to file a law suit?’

“Well, they just have to remain strong and resistant, until they receive a fair compensation. There is no point in opening the case; the judge will not even listen during the trial. The court room is like a playhouse...the judge does not even take it seriously...talking on the phone or taking a nap during the trial. However, the communities resist eviction; they are demanding and protesting for a fair compensation. Protestors are typically women; Cambodian women are strong here, as they put their lives at risk, also because they assume that the police will not use forces against the women.” (Mrs. Boe, Lawyer)

Question: Have you had any land dispute cases recently?

“Yes, recently I had a case, an investor came in to file a law suit against another man for his land, but I rejected him and said it is not possible to take over his land. It is a huge land. Later on he came in again with a document stating that the man has
transferred the land to him in case he dies, well he was dead. The document looked forged but it would be hard to prove it, after all it is Cambodia.” (Mrs. Boe, Lawyer)

Then Mrs. Boe referred to an infamous slogan: “We must get rid of the rats in the city first before beautifying the country.” This slogan is used to describe the city’s poor by developers, companies, and government in Cambodia. The slum dwellers are viewed as being the lowest in the society as “rats”. “Yet, at the end of the day the majority of the slum-dwelling laboring poor are truly and radically homeless in the contemporary international economy” (Davis, 2006, 178).

6.3 Examples of land disputes in Phnom Penh

In this part of the analysis I am going to explore the current land disputes in Phnom Penh. In 2009, according to Amnesty report there were 26 forced evictions in Cambodia, displacing at least 27,000 people (Amnesty International, 2010). Evicted people were relocated to the outskirts of the city, without access to basic infrastructure, without clean water and electricity, and a far distance from their original homes and jobs. Some were left homeless. Nearly all my interviewees were concerned of eviction, indicating that tenure insecurity is rather strong.

“It is state public land, but the state gave it to the residents to tend the land. There is law, but the authority does not obey it; it is only on paper, but no one is practicing it. The company had evicted 4,500 families.” (Mr. Chan, from Srak Chork Commune)

This indicates that the interviewee believes that the authority does not obey the Land Law and that the private companies are also responsible of the eviction. However, the interviewees expressed their trust in NGOs and the World Bank for substantial reasons.

6.3.1 In NGOs we trust

In August 2001, Cambodia adopted a new Land Law in hopes of improving tenure security. It is noteworthy, that the majority of my interviewees stated that their trust is
not upon the authorities nor the government, but their trust rest upon the NGOs. Many of the interviewees said they would only seek help from the NGOs also some would also ask the World Bank and the United Nation to help them resolve land disputes. Fortunately, slum dwellers in Phnom Penh are represented by local NGOs and Community Bank Organizations (CBOs) cooperate with the municipality to help with their livelihoods by way of local development projects. For instance, Mrs. Angie remarked that, “No one will help us with this eviction process, besides the NGO.” The NGOs advises people of their property rights. Interviewees displayed trust toward NGOs, often referring to NGOs for aids. NGOs play a significant role in assisting the communities of their rights.

“I will NGO for help if I would be face with eviction because NGOs know and understand about Land Law and Human Right...Thankfully the NGOs have helped me to realize the value of my property, or else I would have accepted the 8000 USD already.” (Mrs. Roaum from Boeung Kak 1)

On the other hand, many interviewees expressed their distrust in the government. For instance, Mrs. Im expressed her distrust towards authorities even though her husband is a police officer. Poor people in Cambodia have no power and no resources to go against the private investors, authorities, and government. In addition to that, interviewee reflected on the evictions in Bassac, by way of setting dwellers’ home on fire. Such incidents had caused many informal dwellers to be petrified of eviction.

“People here are afraid where they would end up going. We will end up having to listen to the authority because we have no power to stand up to our rights...I am worried of forcible eviction, afraid of house catching on fire, and that the authority would not let me rebuild my home as in many of the other poor settlements. People’s homes were caught on fire and the authority did not allow them to rebuild their home stating that there is no evidence that they used to live there...When companies want something; they will pursue it by making the authorities come and threaten the residents. Residents are afraid of violence being used upon them (...) armies harming the people.” (Mrs. Im from Srak Chork Commune, tailor)

Many news articles have been reported that often times violence are used to evict the households. For example, LICADHO (2013) reported, “This has been the most violent year ever documented ... in terms of the authorities using lethal force against activists.”
Moreover, it was reported that 17 leaders from Phnom Penh communities facing eviction spent time in prison (ibid.). Another report from the Sahmakum Teang Tnaut (STT) states that residents at Trapeang Anchang railways relocation site, were faced with forcible eviction that had resulted in a brutal attack despite the police presence, several people were injured. The community sought for medical assistance from local human rights NGO LICADHO but, when the medical assistance arrived to the scene the authorities blocked the medical assistance to treat the villagers. A program development manager at STT, Nora Lindstrom, remarked that the situation at the Trapeang Anchang relocation site is “simply unacceptable” and that families from the railway tracks have been relocated as part of the ADB and AusAID funded railway rehabilitation. (cited in STT, 2012.)

6.3.2 Relocation or Abandonment?

One of the objectives of this study is to ask: how did their standard of living change since the relocation to the outskirts of the city? All of my interviewees believe that relocation to the outskirt of the city would mean: higher possibility for unemployment, school dropouts for children and even poorer infrastructure. All the interviewees expressed grave concerns about moving to the outskirts of the city, this fear of eviction is overwhelming.

“In Phnom Penh my husband and I had worked and earned some income, here we cannot sell anything. There’s a primary school here, but not enough teachers at the school, so my husband volunteer to teach there...” (Mrs. Sam, from Ka Moung Commune, has been resettled)

Over a decade later the relocation area is still in shambles: lacks schooling for the children, jobs, and poor infrastructure. There is over 40 relocation sites have been established in the outskirt of the city to house the primarily evicted former dwellers of informal settlements in the city center (Paling, 2012).

The interviewees living in the Ka Moung commune reported that they were forcibly evicted from their homes by the government. Interviewees reported that Prime Minister Hun Sen’s son wanted to develop their area, since people refused to move, the son had bon chea (ordered) someone to lid their homes on fire. Their living conditions are
horrible and the houses are in critical conditions. No wonder the interviewees prefer to live in the city. Additionally, crime rates are high as reported by some of the interviewees, such as robberies occur frequently at night; I was informed to leave the area before it turns dark for my own safety. When I asked what the interviewees think of relocation, they responded:

“I would not want to be relocated to the outskirt of the city, being removed from the city center means that I will lose my jobs and income, lack of everything in my life.” (Mrs. Thea)

“I will lose my job, lack of school for my children and no health center.” (Mrs. Im)

The field interviews showed the poor living condition of these dwellers in the Ka Moung commune as far worse than informal settlements in the city center. When I first visited all five of the informal settlements in Phnom Penh I already thought that their housing conditions were very poor, however after witnessing the housing conditions and the living situations in the outskirts of the city it reveals to be much more critical. Overall, the plan to improve the lives of slum dwellers has clearly been unsuccessful in Phnom Penh. Relocation in Cambodia has proven to be more acute as livelihoods of the people are undermined, thus why people reflected it as abandonment than improving the situations of landlessness.

6.3.3 “People are left with fear, tears and shock”

Mrs. Roaum expressed the results of the eviction as: “people are left with fear, tears, and shock.” There have been many strategies of eviction: fire, filling the lake and people’s home with sand, bulldozing locals’ homes, harming the people with electric batons, and tricking the people to thumb print the document by getting them drunk. Like many Cambodians, Mrs. Sam’s home had been crushed in a cruel way, while she was sound asleep at two in the morning; someone started a fire that spreads drastically throughout her neighborhood leaving them no time to save anything, including valuable documents. Interviewees attitude towards private development tend to be negative.

“Private development is bad. Set our homes on fire and then relocate us to the outskirt of the city when we used to live in the center of Phnom Penh and close to the Market. It was the Prime Minister’s son that wanted our land, we never agreed about
compensations, in the middle of the night our house was lit on fire.” (Mrs. Sam, from KaMoung Commune)

Mrs. Sam suspected that her house was set on fire purposely; it was not by accident, as the very next day the authority had forcibly evacuated the people to the outskirt of the city in a truck to make space for development. Although now Mrs. Sam has a home with land title, she wishes to live in the city center. Her current home is far away from the city center, it took me about 40 minutes to reach there by tuk tuk. Her previous home was located at the very heart of Phnom Penh, see picture 6 below.

“The area had caught on fire twice, the first time around the dwellers had rebuilt their home including myself, then the second time the authorities impeded us from rebuilding our homes. The powerful person hired someone to set the homes on fire, because people refused to move. They had wanted to buy the land from us but we refused, because the compensation was not enough. Therefore, they burned our homes with arsenal in the middle of the night around two in the morning...this was back in 1998. 2 hours after the fire, authorities came and evicted us...” (Mrs. Sophat, from KaMoung Commune, retiree)

In the same vein, in 1998 Mr. Sophat’s house has also caught on fire. Instead of finding out how the fire had started in the first place, the government just evicted people. Another interviewee from the same commune, Mrs. Lan a single mother, stated that her house was also set on fire, she even saw the people that did it but they had escaped with a motorboat. After this incident, the authority impeded her from rebuilding her home; instead she was relocated to the outskirt of the city. She said that her livelihood has decreased tremendously earning only .50 cents from recycling old clothes and still has to support her children.

“The authority relocated me to the Ka Moung commune because my house was caught on fire. I wanted to build my house again, but the authority stopped me from building it and had evicted me.” (Mrs. Moon, from Srak Chork Commune, has a land title now)

Mrs. Sam, Mr. Sophat, Mrs. Lan and Mrs. Moon previous home were located in Tonle Bassac (tonle translates into river) at the heart of the city and along the coast. The area has been developed and beautified into a tourist attraction place, for the elites and rich. There are restaurants, hotels, bars and new flats, see picture 6.
In Srak Chork Commune, Mr. Chan described a new strategy of eviction.

“The Shukkako company has pumped soil to fill the lake caused capsized of the villagers homes since 2009.” (Mr. Chan, from Srak Chork Commune, unemployed because of under eviction)

This is an example of how developers would forcibly evict the people. Mr. Chan’s house used to be on dry land, but because Shukaku Company has pumped soil into the lake, it has caused the water to move toward his house causing a flood. Mr. Chan had to lift up his house, but the kitchen and bathroom area are no longer functioning due to the flood and is now filled with sands. Every rainy season his house is flooded and it was swarmed with mosquitos, due to the sewage and water underneath his house. This has affected Mr. Chan’s family living condition.

The method of eviction in Boeung Kak has been harsh; at first the companies had bulldozed people’s homes and then submerged sand into the lake. Some of the dwellers had reconstructed their homes over a span of one day, but the authorities and police had demolished the structures again the next day. The homes were torn down by using
bulldozers, even when dwellers still had their belongings inside the houses. To prevent them from rebuilding their homes, the police and authorities had poured sand into the lake which also destroyed the surrounding neighbors’ homes that are on pavement (see pictures 7, 8 and 9). Due to the authorities relentless aggression, some of the dwellers abandoned their homes, while others demolished their own homes as they were extremely petrified of the authorities harming them.

In Picture 7 reveals an interviewee’s neighborhood had been submerged in mud by the so-called developer Shukaku Inc. back in 2010. These households were unfairly excluded from the World Bank-funded land titling program under the LMAP in 2007, leading to forced evictions three years later.
Picture 8 illustrates the eviction in Boeung Kak in 2010 after the destruction of the residents’ homes more mud had been submerged into the lake and is now completely filled with sand. Mrs. Roaum has remained resistance and even protested at the Prime Minister’s house. She stated that the government issued paper against eviction but has not taken further action. She also sought the municipality for resolution, but no help was given. Since she is not willing to move with the proposed compensations, the discussion between her and the developers were blocked. This is for the reason that the developers want to pay her just for the price of her home and not the land; Mrs. Roaum refused to accept unfair compensations offered by the Shukaku Company. She said without the WB she would have given up and accepted 8,000 USD, NGOs had helped her to realize the value of her property. The WB and ADB pressured the government to resolve land disputes in Boeung Kak, subsequently pending all loans to the Cambodian government. The dwellers were informed about the investment since 2007 and immediately Mrs. Roaum was in fear of eviction so she had protested but was informed that the developers were only interested of the houses on the lake and not hers.

Land disputes prevail across the country. However, Mrs. Roaum was not afraid when developers poured sand onto her land (see picture 7 and 8), she even climbed to the
roof top while they were trying to push her out of her home. Until this day the government has not taken account of the warning from the WB. Drawing on the Guardian news article:

“The World Bank has suspended new lending to Cambodia in a dispute over the eviction of thousands of poor landowners to make way for a property development in the capital, Phnom Penh. Relations between the bank and the Cambodian government have frayed over plans by a property developer to fill in a lake in the middle of Phnom Penh to build luxury flats and high-end shops. Thousands have been forced from their homes, with more facing eviction. The World Bank responded to a critical internal review by calling on the Cambodian government to stop evictions and agree to fair compensation for remaining landowners. But the two sides have failed to reach agreement and the World Bank’s patience has snapped. Landowners at the lake expected their claims would be respected when government workers began surveying the area in 2006. But the government excluded them from the process in early 2007, and then announced a $79m, 99-year lease to a developer with close ties to the Prime Minister, Hun Sen. Many of the owners were suddenly accused by the government of being illegal squatters on state-owned land. In 2008, developers began pumping sand into the lake, flooding out homes and virtually destroying the lake's ecology.” (Tran, August 10, 2011.)

PICTURE 9 THE INTERVIEWEE’S HOUSE HAS FLOODED
Was once on pavement (Photo by Sanna Pho)

The submerging of sand into the lake did not only damage the lake, it has also ruined the neighbors’ homes. During field work I had taken some pictures of interviewee’s house to illustrate the interviewee’s current living condition. Picture 9 displays Mr.
Chan’s house that was once on dry land, presently it has been lifted to avoid flooding of the house.

This was caused by submerging sand into the lake that was behind Mr. Chan’s house, see picture 10. Mr. Chan had to lift up his house several times as his house was flooded by the lake that the companies wanted to get rid of. Until this day, the private companies that had wrecked Mr. Chan’s home had never compensated for the damage.

6.3.4 Unsanitary and unhygienic in slum settlements

With a majority of the interviewees being deeply concerned of evictions and relocations, there are other concerns as well. Majority of the informal settlements are located in the most disastrous and health hazardous areas in the city. This is the case for Mrs. Ona whose house is located on top of the water that has been polluted with garbage.

“My neighbors just throw all of their garbage around my house, as if my house is a garbage bin. This is because no one comes to pick up trash from this area, even though we all pay a fee for maintenance, which includes picking up the trash.” (Mrs. Ona, a tailor)

“I am faced with poor sanitation, bad sewage canal and waste disposal, tremendous garbage and plastic bags... However, I am happy to live here, as it is safe and I have
nearby access to all the social services, like health care, pipe water, and school for my kids.” (Mrs. Thea)

During my stay in Cambodia one thing that I have quickly noticed is that Cambodians have a habit of discarding trashes everywhere and where ever. When I asked some people that I was dining with in Cambodia, Why is it that people discarded trashes under the dining table or on sides of the street? One person responded that there is no trash bins in the restaurants. Then, I had pointed to the trash that was placed underneath every table. Another person said because people rather have the table look clean and who cares about what is underneath the dining table.

“The urban poor are trapped in an informal and ‘illegal’ world – in slums that are not reflected on maps, where waste is not collected, where taxes are not paid and where public services are not provided. Officially, they do not exist” (UN-Habitat, 2003b, 6). During my fieldwork at Srak Chork commune I noticed how filthy the environment was with garbage surrounding the homes and underneath it as well. There were loads of non-recycled wastes, especially plastic bags. Homes that are on located top of the water canal are filled with human wastes and all other wastes, this cannot be healthy.

6.3.5 Unfair compensations

Mr. Chan is currently under threat of eviction, but he refuses to move until the company offers a fair price for his property.

“So far the government and authorities have not enforced restrictions upon company to give just compensations for the people. Now the price of land in Phnom Penh is 2.000 USD to 3.000 USD per square meter. About 20 families had left this community because they were afraid of violence, and had not received any compensation from the company.” (Mr. Chan, from Srak Chork Commune)

Until this day over twenty families had left without any compensation, while the rest had received either 8.000 USD or a small plot of land in the outskirt of the city. There are some returnees and now they are either living with their relatives or renting. People return to slum dwellings because it is possible to make a living, the location is more important than what type of dwelling it is, formal or informal.
“By far the government and authorities have not enforced restrictions upon companies to give fair compensation for the people. Now, the price of land in Phnom Penh is 2,000 USD to 3,000 USD per square meter...Land grabbing began when Cambodia signed the Paris Peace Agreement.” (Mr. Chan, from Srak Chork Commune)

Mrs. Raoum is still struggling to resolve land dispute between the companies. She detests the compensation for housing and not for land. This signifies that she does not understand what compensation is, all land is state-owned, and therefore she should only be compensated for her house and not the land.

“What is the point of paying only for the size of the house, when they are going to demolish anyhow? The land is what they need and desire for. Therefore, it is not fair that they are paying only for what the house is worth, although the house is worth more than 8,000 USD.” (Mrs. Roaum, from Boeung Kak 1)

In general, Cambodians’ conception of land ownership differs from the West. In the West, majority of the land are state-owned as well, households are aware that they only own the house or share of an apartment and not the land. However, Cambodians regards the land as theirs as long as they occupy it. As far as I can tell, this may be that a large percentage of Cambodians are or used to be farmers and what they sow are theirs to harvest. Mrs. Raoum further stated that the compensation was unfair and some people were not compensated at all.

“Some accepted 8,000 USD because their cottages were small and probably was not worth more than that. Some families were extremely afraid and scared that they had demolished their own homes and left to live with their relatives or rent elsewhere without any compensation. Presently, they are demanding for compensations from the company as they have realized their rights.” (Mrs. Raoun, 71-year-old, from Boeung Kak 1)

“The Shukako’s company compensated the Boeung Kak’s residents 8,000 USD, which is not adequate. Some families have a bigger size land, while some have smaller size land, thus the compensation should be according to the size of the land. I am mad at the company to only compensate me with 8,000 USD after having lived in Boeung Kak for 25 years.” (Mrs. Thy)
This indicated that land disputes have not only resulted in eviction, but as well as unfair compensations. Moreover, private companies have not properly consulted with the people; all the while investors/authorities have been forcibly and brutally vacating the people by ways of demolishing their homes. The dwellers, however, are committed to claiming a property compensation considering that the land prices are high in Phnom Penh.

6.3.6 Solidarity

Solidarity is essential when it comes to the poor dwellers, as two of my interviewees described how they are not afraid of eviction because their neighbors would come together. One interviewee stated that she is not afraid of evictions because she sees that her neighbors’ had recently upgraded their houses and are more expensive than her own little house. From what I see is that the neighbors’ home are indeed more expensive looking, the material of the house is built of stone in comparison to the interviewees’ house that is built of straws. This increased Angie’s sense of security furthermore.

“I am really not that afraid of being evicted because if they try to evict us we will fight together.” (Mrs. Angie)

Most of the land disputes case in Phnom Penh originates from the pressure of eviction/resettlement as well as insufficient compensations. Also the strategy of eviction of informal settlements has been violent and radical. Dwellers’ homes have been destroyed in various ways: bulldozing, submerging sand into the land and people’s home, and arsenal.

6.4 “Development is just a fancy term”

One of the objectives of this study was to find out people’s attitude towards private development, by asking: how private developments have affected the livelihoods of the poor dwellers? The collected data revealed that development in Phnom Penh means sheer businesses as usual; in addition development undermines locals’ lives and overrides the Land Law.
“Development is just a fancy term it is not designed to help the poor. Development in Phnom Penh only pushes the poor into deeper poverty... A good development would mean that the companies or investors would improve the lives of locals already living there, by giving them choices and fair compensation.” (Mr. Chan, from Srak Chork commune)

Majority of the interviewees stated that both the development and investors are not good, making the poor even poorer. One interviewee reported that the rich need the land to build luxurious homes, all the while, giving inadequate compensation to the original residents. Furthermore, developers in general do not bring jobs for the younger generation because the labor is cheap.

“It would be a good thing if the company would allow us to choose whether the people in this community or any community would like to settle in the future high rise apartments, instead they just relocate the evictees to the suburban.” (Mrs. Thea)

This indicate that development have not considered the locals’. Interviewees expressed the fact that they would like to have options as well, such as living in new apartments. Furthermore, interviewees stated that development has not produced jobs for the locals.

“Development does not provide work or else people here would not move abroad to find work.” (Mrs. Angie)

Most of the development in Phnom Penh is strictly for businesses and beautifying the city, e.g. new shopping malls, hotels, and replacing high-rise apartments over shanty old homes (see, Paling, 2012). Many interviewees expressed that development in Cambodia hardly benefit the poor and expressed very similar response as Paling (2012).

“It has been rumored that they will construct a shopping mall, hotels, and high-rise apartments...Development like this only harm the locals, the poor become poorer and the rich become even richer.” (Mrs. May, retiree)

The above statement is commonly expressed by the interviewees, that development is hindered people livelihoods and in no way has it contribute to the locals especially to poor people. Instead development in Cambodia is about profit making.

“Development such as taking land from the poor people to give it to the rich man is not regarded as a good development.” (Mrs. Ann)
Due to the fact that land in Cambodia is in high demand and prices of land is continuously increasing, the more powerful are grabbing land from the informal dwellers and sell it to foreign companies. Shukaku Inc. is one company that has been confiscating most of the land. Phimex is also another company that frequently appears in news article on land grabbing, it seems as if the two companies Shukaku Inc and Phimex are the same as it shares the same address.

“Some local companies sell land to companies from abroad in order to get rich quick. Some development is good for people because they can get jobs. However, bad development is when people’s livelihood is exacerbated; people could lose their jobs, homes, kids’ school, and so on.” (Mrs. Theary)

Although the government has established relocation sites for displaced families, many other crucial aspects have not been well thought out, such as services, infrastructure, and employments. In addition to that, relocation sites tend to be located in the outskirts of the city, making it a far commute, thus people are unable to get to the city center.

Interviewees also expressed how development tends to wrecked their livelihoods and pushing them into deeper poverty. Not only that development has sabotaged people’s home and the investors/government does not compensate for the damages that have been done.

“Private development affects my overall well-being, breaks my home, and made me become jobless because I have been preoccupied with the land disputes...Development are coverage of land transaction only benefitting companies and elites. If they should develop the house, then residents here should be able to live in the new homes, instead they are removing us to live in the forests...People were forced to get their finger printed and promised 8,000 USD will be compensated. Yet, they just poured sand into the lake hoping that that was a huge enough threat to the residents...There is corruption and the developers are Cambodian, but the investors are most likely Chinese. Foreigners want to wash their money here claiming that they generate income from Cambodia, and later transferring it back to their country of origin. This is not development, but sheer business, money and greed are the main motives.” (Mr. Chan, from Srak Chork Commune)
The statement reveals that both national and international investors are crooks, stripping assets from the locals and forcing locals to thumb print documents. Cambodia is fairly an easy country to cover up illegal land transactions.

“The private investors and developers only think about themselves, not helping the people, they want everything for free. People are left with sadness, tears, and shock.” (Mrs. Raoum, from Boeung Kak 1)

According to the interviewees, there are a few companies that are buying and eyeing the land, among them are Shukako Inc, Phan Rimex, Osman Ha San (a South Korean company); because companies and authorities have conflicting interests, in the meantime there is no eviction in Tork Thalar commune.

“It is always the same investor buying all the lands for these companies. Her name is Yey Phan (Grandma Phan); she is the prime minister Hun Sen’s advisor. This is why she goes around taking people’s land to sell it to both foreign companies and local companies.” (Mrs. May, a retiree, from Srak Chork Commune)

The point she is stressing here is that the investor, Yey Phan, is backed up by the Prime Minister Hun Sen. Land grabbing in Cambodian are often done by developers that are well connected to the government. This is why many interviewees do not trust the government and authorities.

“12.44 acre of land in Boeung Kak is for residential, but it is not for the poor people, it is for the owners of the company. The residential land is under one person and that person is working for the government, 114 acre goes to the company towards their so-called development.” (Mr. Chan, from Srak Chork Commune, land activist)

Several years later since the eviction in Beoung Kak shows no signs of new construction, an interviewee reported that the authority and investors have conflicted interests. Although interviewees’ attitude towards private development is primarily negative, however they define development as a good thing if the locals and communities would benefit from development. Common responses about development is that it should produce jobs for the poor and include the locals in the development plan (i.e. let them live in the newly built apartment). With this said development is not necessarily bad if it also help out the poor people. It is clear that the interviewees would
not like to be resettled in the outskirts of the city but rather remain in the city center where the can generate income and living near the services.

6.5 The locals’ wishes and needs

In this final section of the analysis, I inquired the people’s wishes, needs, or recommendations for land disputes in Cambodia. My interviewees shared the same wishes, needs and concerns. The interviewees wished to stay where they are now: city center. Moreover, they wished for private investors or government to give a fair and just compensation based on the market value for land in case of eviction. In addition, they suggested that private companies should consult and dialogues with the locals and make fair assessments. Furthermore, they believed that development should also benefit the poor. Hence, they requested that government should obey the law and help stop evictions. Also, solidarity among the community was expressed as an important way of strengthening and stabilizing the community.

According to the Land Law before if there are any development takes places the government or companies must consult with the people and give advanced notice about development plans. However, it has not been the case in Cambodia, as some of the interviewees complained that usually there is no dialogue and no consultations with the poor, as a matter of fact, private investors/authorities block all communications with the poor.

“Before starting a development companies or government should start dialoguing with the locals. That is the only way for a successful development.” (Mr. Chan, from Srak Chork Commune)

This is a very viable recommendation. It is obvious that there is no dialogue between the private investors and the locals. Payne (2005) who is studying land issues in Phnom Penh also has similar suggestions. “In the past, relocation is rejected, it is important to provide both the affected communities and the authorities with sufficient time to make alternative arrangements. In the past, relocation has involved moving families to sites well outside the urban area, where many were unable to settle due to the lack of income-
generating opportunities and even basic services.” (Ibd., 142.) Payne (2005) also note that relocation is rather ineffective and hinders people’s living conditions.

All the interviewees wished to live or remain in the city for several reasons: firstly, it is close to their work places and for some they have small businesses at home; secondly, all the nearby services (e.g. school for their children, hospitals, market, etc.). All the interviewees wished for companies and government to give fair compensations when evicting people from their homes. A couple of interviewees suggested that the company should allow the residents of Boeung Kak to buy the apartments that will be built and that private developers should build homes for the locals instead of shopping malls and hotels.

The main aim of this study was to investigate the conceptions of land ownership in Cambodia. The data reveals that a majority of the interviewees perceived themselves as owners even in the absence of title deeds. Land titling is lacking in Cambodia, actually it has always been the case. The people are more familiar with the concept of possession rights, which grant them the right to occupy the land. Moreover, people are fully aware of the Land Law, mainly the right to apply for ownership after occupying the land for five consecutive years prior to the 2001 Land Law. According to this Land Law and occupation interviewees believed that they have ownership rights but the government is not distributing it to them.

Based on the findings of this study, the roots of land disputes in Cambodia seem to be the seizing of land by private investors and the government. The fear of evictions has heightened, for this reason the people strongly believe that land title would prevent them from eviction/resettle and even if the locals were to be evicted they could ask for fair and just compensations.

7 Conclusion

In the 2000s, Cambodia has continuously struggled with land disputes. The World Bank has adopted De Soto’s (2000) concepts of giving land titles to the poor people in third world nations in order to stimulate economic growth, in Cambodia. It seems like it has failed to issue titles to disputed areas of informal settlements in and around the city.
This final chapter of the thesis will conclude the findings for the four research questions. At the beginning of the study it was asked: (1) what are people conceptions of land ownership? What are people’s perceptions of land titling? (2) What are the major forces of land disputes? (3) How have private developments affected the lives of urban dwellers? Who are the actors (i.e. private developers, government, foreign direct investors) involved in land speculations and development? (4) What are the dwellers’ wishes, needs and recommendation concerning land and housing in Phnom Penh?

In order to better understand the ownership issues in Cambodia one must reflect to its violent history, the Khmer Rouge regime (1975-1979) and people’s relation to land. Phnom Penh was once a thriving city which was consequently emptied out by the Khmer Rouge, in addition, the existing property rights were extinguished (Shatkin, 1996). When the Vietnamese troops ousted the Khmer Rouge, people were able to return to the city and reoccupy vacant buildings and land, except those reserved for the government used. Until 1989, the land and houses remained state property and people settled on a first come first served basis (Khemro & Payne, 2004).

Since the fall of Khmer Rouge, Phnom Penh has strived on restoring its land tenure and legal system, but conflict within Phnom Penh Government between liberalist and socialist, has hampered significant progress. The most important and well-defined Land Law was finally drafted in 2001, stating that anyone who has occupied the land or houses for five consecutive years, with public acknowledgement, peacefully and unambiguously is entitled for a land title. There were many land title applicants, but the Government did not process the applications. However, this consequently led the people to believe that they are land owners, as a majority of dwellers have settled for more than five years prior to the Land Law 2001. Until this day land issues in Cambodia continues to be chaotic.

7.1 Whose land is it anyway?

The major finding of people’s conceptions of land ownership is that the interviewees strongly believe that they are legal owners based on the 2001 Land Law and occupation. Majority of the interviewees are expecting compensations not just for the house but as well as their land. One interviewee said that it is unfair how companies are only paying
for the size of the house and not for the land. Until this day an interviewee from Boeung Kak 1 is still under pressure of eviction by the Shukaku Inc. as she does not agree with the company’s compensation.

Land titling was believed to address the problems of land grabbing and economic growth in the developing nations (De Soto, 2000). De Soto’s (2000) theory of land titling argues that a well-defined property would increase tenure security. De Soto has swayed the World Bank to re-launch this idea and apply it in developing countries, e.g. Cambodia. Some of the interviewees were promised with a land title and some have applied for it but the Land Management and Administrative Project (LMAP) have not given them land title. This is because the government desires people’s land and without land titles the government could easily grab local’s land. According to De Soto (2000) in most developing countries, titling and registration systems are usually centralized, making them inaccessible to some groups of the society particularly the poor; which is the case for the dwellers living in informal settlements. The interviewees perceived land titling in a positive light due to a couple of reasons. That land title will increase tenure security, but in case of eviction they could attain a fair and just compensation.

7.2 The major land problems

If the Land Law is implemented and promoted fairly, it could increase tenure security for the Cambodian people. Unfortunately, the law is not fully endorsed by the Government/authorities and private investors. The confusion between state-owned private/public lands has further exacerbated land disputes. The primarily problem regarding land, is that interviewees expressed concern over their land, indicating the lack of tenure security that could lead into forced eviction and inadequate compensation. The fear that their land will be taken at any given moment discourages the dwellers from leaving their home, which in turn affected their livelihoods. One of the interviewee reported a lost in income and job altogether because he is busy guarding his home from being torn down by private investors. The eviction of residents of informal settlement in the city center is primarily to clean up the streets of Phnom Penh getting rid the ‘undesirables’ (LICADHO, 2008, 1) getting ‘rid of rats in the city’ (Mrs. Boe, Lawyer). It seems to me that evictions/resettlement will caused residents to lose out on everything,
e.g. health, jobs, income, schools for their kids, as it is the case for Ka Moung Commune.

There are two renters that hope to receive economic land concession from the government, as it is the only way for them to acquire land, the chances of that seems unlikely. So far economic land concessions are given to the already rich folks and are awarded to the Prime Minister’s employees and relatives. As Davis (2006, 44) describes, renters are the most invisible and vulnerable of slum-dwellers. When redevelopment and eviction occur, they are typically ineligible for compensation or resettlements (ibid.).

The interviewees also complained that there is lack of dialogue between the communities and authorities or companies. The informal dwellers, however, remain resistance of forced eviction, or until companies agreed to provide them with adequate compensation. Because lands are expensive in Phnom Penh and the companies that are investing in those lands would like to make huge profit. Phnom Penh’s infrastructure systems are privately controlled in order to make profit (Paling, 2009). Therefore, all the interviewees viewed the private development in negative light.

### 7.3 Private development made the poor poorer

The locals’ attitude towards private development is evidently adverse. The majority of the interviewees argued that these land grabbing are conducted in the name of development has hindered their livelihoods: *developments make the poor poorer and the rich richer*. Because private development has been replaced with hotels, shopping malls, and flats, the poor have not reaped benefits from it, instead they are resettled to the outskirts of the city. The empirical data also demonstrated that the poor would like to partake in development planning and dialogues are viewed as an important mean for a successful development. Some of the interviewees mentioned that development does not create jobs for the poor, nor do locals have the chance to live in those newly built apartments. The residents living in informal settlements are dismissed from decision-making in the city, development plans or the resettlement plans.

Moreover, the developers usually under-compensate the residents, all the interviewees stated that their land is worth more than just 8,000 USD. In fact, it is worth over 70,000
USD per house in Boeung Kak area, a place that was once thriving with tourists and backpackers. Now the lake is destroyed as developers had pumped soil back in 2008, it looks like sand dunes, all the while waiting for development to take off. Rapid economic growth and an inflow of investment in property development led to an increase in the price of land in the city (Paling, 2009) however, this has not benefited the locals. Furthermore, the locals and regional processes and positions that stimulate and drive development in the city have not considered the locals in the process (Paling, 2009) dwellers of informal settlements have never been consulted on any developments. Often time the poor dwellers and locals in third world are left out from urban planning and development, unlike the west residents from third world would like to be proactive and engage in the process of development.

7.4 To remain in the city

The locals’ wishes and needs are very similar to each other. All the interviewees wish to stay in the city and for eviction to stop completely. There are several reasons why they wish to stay in the city: employment opportunities, children’s school, and services and easier for them to generate income. Their needs are very basic, as long as they can provide their families with food, shelter, school, etc. The living standards of the relocation families have been extremely undermined since proper infrastructure is lacking and lack of services, i.e. schools, health center, or employment opportunities in proximity.

Relocation will further push the poor into deeper poverty. Dwellers residing in the city center have monthly earnings that are higher than those dwellers from the outskirt of the city and this is excruciating considering that informal dwellers’ income is meager. All the interviews from the Ka Moung commune stated that there are no jobs opportunities for them, which is why they all sell miscellaneous goods at home. The interviewees from the outskirt of the city stated that people with motorbikes can earn some sort of monetary profit because they can commute to the city center where there is work or sell goods at the central market. A 71-year-old retiree from the outskirts reported that he and his wife had survived off of church’s charity he receives food on a monthly basis. This indicates that if it were not for the church’s charities this couple would have starved to death. While this couple’s living condition are grave, there are a soaring number of
people residing in the Ka Moung commune who are HIV positives and no nearby
hospital for them.

Bibliography
London: Goldsmiths.

Environment & Urbanization, 61-72.


ADB. (2009). Technical assistance, Kingdom of Cambodia: developing deposit services in rural


Amin. (2002). 2002 the informal economy in asia from the decent work perspective, working

Amnesty International. (2008, August 27). Cambodia: Lake filling must not lead to forced
 eviction. Amnesty.

International.


Angel, S. B. (2006). Secure tenure in Latin America and the Caribbean: Regularization of
informal urban settlements in Peru, Mexico and Brazil. Woodrow Wilson School of
Public and International Affairs Princeton University, 3-135.

BIC. (2011, March 8). World Bank project tied to forced evictions in Cambodia. BIC.

BIC. (2011). World Bank project tied to forced evictions in Cambodia.

Blunt, P. &. (2005). Decentralization, democracy and development in a post-conflict society:
Commune Councils in Cambodia. Public Administration and Development, 75-87.

Boreak, S. (2000). Land Ownership, Sales and Concentration in Cambodia. Phnom Penh:
Development Resource Institute.


Pilorge, N. (2012, September 25). Conflict over land in Cambodia is taking a dangerous turn: As land grabs marginalize those evicted, Cambodian authorities are increasingly using violence to keep a lid on things. *The Guardian*.


SUPF. (n.d.). *Phnom Penh: an information booklet on the city’s development and the settlements of the urban poor: Urban Poor Development Fund (UPDF), the Urban Resource Center (URC), and the Asian Coalition for Housing Rights (ACHR)*. Phnom Penh: Municipality of Phnom Penh.


**Interviews**

Mrs. Roeum, 2012, February 29
Mr. Chan, 2012, February 29
Mr. Chea, 2012, February 29
Mrs. Chan, 2012, February 29
Mrs. Im, 2012, March 1
Mrs. Sweet, 2012, March 1
Mrs. May, 2012, March 1
Mr. Han, 2012, March 1
Mrs. Theary, 2012, March 2
Mrs. Thy, 2012, March 2
Mrs. Moa, 2012, March 2
Mrs. Ann, 2012, March 2
Mrs. Oona, 2012, March 2
Mrs. Angie, 2012, March 3
Mrs. Ny, 2012, March 3
Mrs. Thea, 2012, March 3
Mrs. Sam, 2012, March 5
Mr. Sophal, 2012, March 5
Mrs. Lan, 2012, March 5
Mrs. Moon, 2012, March 5
Appendix 1 Interview Questions

1. Household Information
   (a) Tell me your name, age, occupation.
   (b) How long have you lived here?
   (c) Where did you live before moving here? (province, commune, village, or the house).
   (d) What’s the major reason for moving/migrating?
   (e) What are your rights to this land (ancestral land with or without title, tenant/leased land, occupied land, titled land, communal land)? People may not know about the word -rights and thus it is important to open the variations to people
   - How did you get your land/home?
   - Who lived here before?
   - Do you own any land now? If yes, what type of land (residential, agricultural land, other)? - How did you get it?
   (f) Who built this house?
   (g) Is the house lacking anything?
   (h) Are you happy with your house?
   (i) Is this state land or public land?

2.1. Questions for those who own the property proceed with:
(a) How did you get this property (free-unoccupied land, ancestor, purchased, exchanged, given by relatives/friends, given by authorities)?
 - How many years have you owned this land?
 (c) What kind of legal documents/proofs do you have? (land title, receipt, application for possession and use of land, land investigation form)
 (d) What was the biggest obstacle you were faced with when pursuing for the home?
 (e) How long was the process? What were the procedures?
 - To whom you paid about the land (e.g. owner, middleman, police)? It would be interesting to see about bribes or corruption that is related to this process.
 - How did you finance it?
 - Do you feel secure about the possession of this land?
2.2. Questions for those who do not own the property:
   (a) Whose your landlord? Is your rental fees fair, manageable?
   - Has your rent increased? If yes, by how much?
   - How did you find this home?
   (b) Have you owned a property before?
   - If so, what happened? Who did you sell it to? And what were the reasons for selling it?
   - How did you lose it?
   (c) Have you thought of purchasing a property? If not, why?
   - If so, what happened? What sort of drawbacks or obstacles have you dealt with?
   (d) Would you feel more secure if you were to own a property?
   - Why? (for raising a family or for investment)

3. Housing Problems and Information about Foreign Direct Investment (FDI)
   (a) Could you recall any bad moments with housing?
   (b) Have you ever been homeless, near homeless, or landless?
   - What exactly happened?
   (c) Are you ever afraid of evictions? What about homeless/landless?
   (d) Ever been threatened of evictions? If yes, who did it?
   - What were the reasons?
   - When did it happen?
   - Did you seek any help from the government? Was the government helpful?
   - Did you see any help from the local authority? Was the local authority helpful?
   - Did you seek any help from the NGOs? Were they helpful?
   (e) Have there been any foreign direct investments (i.e. rubber plantation) in this area or surrounding area?
   - What do you know about the investment?
   - Size of the investment?
   - Who are the investors? Name?
   - From which country?
   - Anything else you know about the investment?
   - Were you informed about the investments planned in your area? If no, how did you learn about it?
   - How have you been affected by these investments?
   - Are there any opportunities from the investment for you or your family? If yes, which kind?
- Are there any threats from the investments? If yes, which kind?
- Has the government assist you in dealing with the investors?
- Has the NGOs assist you in dealing with the investors?
- Has your land situation changed because of the investment?
- Which kind of land is affected?
- How much of your land is affected in total?

4. To obtain people’s attitudes towards the private development plans
- How do you feel about private development plans (e.g. commercial, housing)?
- Has it affected your livelihood?
- Has it affected the community?

Appendix 2 Maps of Cambodia and Phnom Penh

Picture 11: Cambodia
The five informal settlements in this study are:
Thork Thlar: 12102
Boeung Kak 1: 12151
Boeung Kak 2: 12152
Srak Chork: 12202
Tork Laouk 12156