

Increasing tenure security and options for new housing in Phnom Penh, Cambodia

Final Report



**Submitted to the Ministry of Land Management, Urbanisation and
Construction, Royal Government of Cambodia, Phnom Penh
Municipality, Cities Alliance, UN-Habitat and GTZ Cambodia**

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Disclaimer:

The views expressed in this report are those of the authors and do not represent the policies of Cities Alliance, UN-Habitat or GTZ.

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Acronyms used in this report:

ACHR	=	Asian Coalition for Housing Rights
ADB	=	Asian Development Bank
ANS	=	Action Nord Sud (Currently, Handicap International, urban action)
CDS	=	City Development Strategy
CLP	=	Council of Land Policy
CLR	=	Communal Land Right
CLT	=	Communal Land Title
JICA	=	Japan International Cooperation Agency
LMAP	=	Land Management and Administration Project
MAFF	=	Ministry of Agriculture, Forestry and Fishery
MEF	=	Ministry of Economics and Finance
DLMUCC	=	Department of Land Management, Urbanization, Construction and Cadastre
MLMUC	=	Ministry of Land Management, Urban Planning and Construction
MPP	=	Municipality of Phnom Penh
RGC	=	Royal Government of Cambodia
SUPF	=	Solidarity of Urban Poor Federation
UPDF	=	Urban Poor Development Fund
URC-YP	=	Urban Recourse Centre-Young Professionals
USG	=	Urban Sector Group
WB	=	World Bank

Executive summary

In 2001, research carried out on tenure issues in Cambodia by Geoffrey Payne and Dr Beng Socheat Khemro ¹ demonstrated the potential for innovative approaches to improving tenure security for the urban poor. On completion of the project, a request was made by the Royal Government of Cambodia for assistance in developing practical options for improving secure tenure and a proposal was submitted to Cities Alliance, UN-Habitat (Fukuoka) and GTZ (Cambodia) for funding. This was approved and work commenced in March 2003 with the appointment of Mr Din Somethearith as local consultant.

The central objective of the project has been to provide improved security of tenure and property rights for the people of Phnom Penh living in various forms of informal settlements. The present project commenced in March 2003 for a period of 20 months to the end of October 2004. This report summarises the activities undertaken during this period, the lessons learned and recommendations for consideration by the relevant authorities and funding agencies.

The project comprised proposals for four phases, as follows:

- Phase 1: Undertake a regulatory audit or review of the present planning regulations, standards and administrative procedures affecting access to legal shelter.
- Phase 2: Identify existing unauthorised settlements in environmentally hazardous or economically strategic locations and identify available sites for Guided Land Development projects.
- Phase 3: Issue Temporary Occupation Licenses and detailed plans prepared for a Guided Land Development.
- Phase 4: Reports prepared on research studies in Siem Reap and Battambang and Guided Land Development. Workshops to be held and final reports prepared.

The project recommended that security of tenure be increased on an incremental basis for residents in informal settlements on selected state private land as well as state public land. The reason for this incremental approach, rather than the conventional approach of providing full individual titles to households in informal settlements was to prevent a dramatic increase in land values within inner city settlements. This was considered undesirable in that it would:

- Encourage many residents to sell their houses, probably for less than their new value to developers and speculators
- Encourage such sellers to invade other state land in an attempt to repeat the process
- Increase rents or lead to the eviction of existing tenants, who represented the poorest social groups
- Place an excessive burden on the existing administrative agencies responsible for surveying informal settlements and issuing titles.

For these reasons, an initial Moratorium on Relocations and Evictions (MORE) was proposed in order to guarantee residents in all informal settlements a minimum period of security for a period of up to nine months. During this period, criteria were developed and surveys carried out to identify any informal settlements which would need to be relocated because they are on land needed for a public purpose, or which is environmentally unsuitable for housing. Discussions were held with the relevant authorities to confirm the list. However, the Municipality considered that residents may interpret a moratorium as providing longer term tenure and the proposal was not adopted.

¹ The project was part of an international research project 'Progress in the provision of secure tenure for the urban poor'. The project was carried out in nine countries and was funded by the UK Department for International Development undertaken between 2001-2003.

Following this decision, it was proposed to move directly to the second stage of providing a Communal Land Right (CLR) to designated informal settlements to be upgraded in-situ as part of the RGC policy announced in May, 2003 of upgrading 100 slums a year for five years. It was intended to introduce this in selected settlements during late 2003 and early 2004. This would have enabled the project objectives of providing practical improvements to tenure security to be realised within the project period and provided a framework for introducing longer term tenure arrangements (Communal Land Titles) within a five year period covered by the CLR. Any household still wanting to obtain individual titles would be free to do so provided they resolved any competing claims, agreed borders with their neighbours and paid the associated survey and registration costs.

The project was undertaken at a time of considerable change in Cambodia. Whilst the team pressed for the introduction of the project proposals on communal tenure, progress was constrained by several factors, including:

- The outcome of the national elections held in July 2003. These did not produce a clear majority led to a hung parliament and negotiations to form a coalition government were only completed in August 2004.
- Both CLR and CLT are new types of tenure and are not specified as options within the 2001 land law or any other sub-laws such as sub-decrees. In this regard, it was not possible for the Municipality to implement the proposed tenures without the legal support.
- The project was a relatively small, freestanding initiative with one part-time local project manager. It operated independently of other, more substantial projects such as the LMAP. As such, it proved difficult to create sufficient critical mass to influence key stakeholders.
- The duration of the project was probably insufficient to convince the authorities of the benefits of introducing and implementing a new approach to tenure policy.
- There was uncertainty between the ministry and MPP regarding their respective roles and responsibility for the project and the implementation of proposals.
- The long period following the elections and the establishment of a stable government meant that elected representative and officials were unable to commit themselves to a policy initiative that was politically sensitive.
- Preparatory work on the draft national Housing Policy and studies to introduce land sharing proposals, which took place at the same time, provided logistical problems for the tenure project team and the projects could have been better co-ordinated, though it enabled tenure issues to be included in the housing policy.
- A lack of clear information on the local communities which would be affected by the project proposals meant that the authorities were unable to identify potential beneficiaries or prevent ineligible applications.

After many discussions with key persons responsible for the legal framework on land issues at the Ministry of LMUPC, the conclusion was reached that a CLR could be issued once a sub-decree on registering urban poor communities was approved. Since Cambodia has no such sub-decree, it is recommended that this be drafted and approved by RGC as soon as possible.

Whilst the project objectives of introducing and implementing innovative proposals for incremental increases to tenure security for the urban poor in Phnom Penh were not realised during the project period, it is clear that considerable progress has been achieved in generating support for such an approach. The Senior Minister, MLMUPC, the Secretary of State in MLMUPC, the Governor of Phnom Penh, senior officials from Siem Reap, Battambang, Banteay Meanchey Province and Kandal Province, together with all the local NGOs have expressed active support and participants at the Siem Reap workshop in September 2004 requested that funds be provided to enable the approach to be

implemented in other locations, indicating widespread agreement that such an approach has made considerable headway.

1 Objectives of the project

The central objective of the project has been to provide improved security of tenure and property rights for the people of Phnom Penh living in various forms of informal settlements. It has sought to achieve this by adopting an incremental approach to increasing formal tenure status and property rights to all informal settlements for a short initial period, during which surveys would identify those settlements considered suitable for in-situ upgrading and those which would need to be relocated. For those settlements to be upgraded, the objective has been to integrate them into the formal tenure system over time, in order to minimise speculative pressure, protect tenants from rapid rent increases and minimise distortion in land markets.

Background:

The project is based on research carried out on tenure issues in Cambodia by Geoffrey Payne and Dr Beng Socheat Khemro during 2001-2003.² This research demonstrated the potential for innovative approaches to improving tenure security for the urban poor. On completion of the project, a request was made by the Royal Government of Cambodia for assistance in developing practical options for improving secure tenure and a proposal was submitted to Cities Alliance, UN-Habitat (Fukuoka) and GTZ (Cambodia) for funding. This was approved and work commenced in March 2003 with the appointment of Mr Din Sometharith as local consultant. The project duration was 20 months, terminating at the end of October 2004. This report summarises the activities undertaken during this period, the lessons learned and recommendations for future consideration by the relevant authorities.

The project was undertaken in four phases, as follows:

- Phase 1: Undertake a regulatory audit or review of the present planning regulations, standards and administrative procedures affecting access to legal shelter.
- Phase 2: Identify existing unauthorised settlements in environmentally hazardous or economically strategic locations and identify available sites for Guided Land Development projects.
- Phase 3: Issue Temporary Occupation Licenses and detailed plans prepared for a Guided Land Development.
- Phase 4: Reports prepared on research studies in Siem Reap and Battambang and Guided Land Development. Workshops to be held and final reports prepared.

The initial research project sought to assess the range of informal settlements in Phnom Penh and the degree of tenure security experienced by residents. It also explored options for increasing tenure security as part of measures to stimulate investment in home improvements and integrate such settlements into the formal land and housing markets. The research confirmed that there are more than 500 informal settlements in and around Phnom Penh and that they are distributed on public and private land. Informal settlements in Phnom Penh occur when land is occupied without official approval or formal tenure status on one of the three main categories of land as follows:

- Settlements on state private land. This is defined as the property of Ministries.
- Settlements on state public land. This is defined as those lands belonging to public services such as railway stations, park, lakes, rivers, streams, forests, etc. It represents about 30% of the developed area of Phnom Penh
- Settlements on private land. They account for 65% of informal settlements

² The project was part of an international research project 'Progress in the provision of secure tenure for the urban poor'. The project was carried out in nine countries and was funded by the UK Department for International Development undertaken between 2001-2003.

A further distinction needs to be made in formulating proposals for informal settlements. This concerns the suitability of a particular settlement to be upgraded. For example, if a settlement on state private land is in an area required for a public purpose, or is vulnerable to environmental danger such as flooding, it may not be considered suitable for long term occupation. Similarly, a settlement on state public land may be suitable for upgrading in that the land is not required by the state and is not subject to environmental risk. Under such conditions, it may be considered appropriate to reclassify it as state private land so that it can be upgraded and the community provided with long term security of tenure. Tenure options were required for each of these categories.

In May 2003, soon after the project began, the Prime Minister announced the government's intention to upgrade 100 informal settlements annually in Phnom Penh for five years. This ambitious programme has been based on the implied or assumed provision of individual titles to selected settlements. This poses a number of problems which include:

- Identifying eligible households. Disputes over claims to land and property can be expected, especially in areas where land value increases are likely to be substantial.
- Surveying each plot. If there is an average of 100 households in each settlement, this would require 10,000 titles to be issued annually, or one every 12 minutes for 5 years. The MPP does not possess the technical or financial capability to achieve this.
- Even if it were possible to issue titles at the scale required, this would encourage land speculation, especially in locations where formal land prices offer the possibility of large windfall profits.
- The prospect of individual land titles may also encourage in-migration into well located settlements as newcomers, or relatives and friends of existing residents, arrive seeking land titles. This is already happening in some areas.
- Individual titles would expose existing tenants to the risk of eviction or much higher rents. In some settlements, tenants form a significant proportion of all residents and are invariably the poorest households.
- Surveying individual plots in informal areas takes time and raises costs.

Tenure policy therefore needs to address these issues and provide practical measures for meeting the needs of different communities in each of the land tenure categories listed above. Policy also needs to meet the needs of the Ministry and the Municipality to be seen to deliver improved security of tenure and services to settlements entitled to them within existing institutional resources. It also needs to provide reasonable alternatives to communities not eligible for such benefits.

Project proposals:

For all the above reasons, it was proposed that tenure policy be based on incremental improvements to tenure security and that this consist of three main stages, as follows:

Stage 1: Short term tenure security

It was recommended that the most urgent need was to provide short term security of tenure for the residents of *all* informal settlements. The period proposed was nine months, which was considered sufficient time to survey all settlements and identify those suitable for in-situ upgrading and tenure formalisation and those for which relocation was required.

To meet the needs for short term security and provide time for these preliminary activities, it was therefore proposed that the MLMUPC and/or MPP announce a general Moratorium on Relocations and Evictions (MORE) with immediate effect for a period of nine months. The MPP indicated that it had no plans to remove any existing settlements, thereby making the need for a moratorium less critical. In addition, concern was expressed that the

announcement of MORE could be interpreted by some communities as guaranteeing long term security. For these reasons, the proposal was not adopted.

Stage 2: Medium term tenure options for different settlement categories

Tenure options were needed to address the following broad categories of land ownership:

Settlements on state private land deemed suitable for upgrading:

It was proposed that the MPP issue Certificates of Communal Land Right (CLR) to all eligible communities which applied. The Certificate would consist of a simple document as described in draft in Appendix 1, Annex 1. It was further proposed that the CLR be for a period of five years. It was anticipated that *all* selected settlements could be issued with a Certificate within a year or so of commencing implementation, resulting in a more rapid allocation of tenure rights even than presently proposed by the government programme on slum upgrading. However, the programme was intended to complement the existing slum upgrading programme rather than replace it.

For settlements on state private land not considered suitable for upgrading (Appendix 4):

An appeal process was proposed to consider appeals from all affected communities. In the event of this proving unsuccessful, a settlement would need to be relocated to a site as close as possible and with reasonable access to livelihood opportunities and services. Alternatively, land sharing projects were proposed as part of a programme being developed by another international consultant at the time the project started. As an incentive for communities to agree to relocation, it was proposed that households be provided with a Community Land Right in the new settlement.

For settlements on state public land considered suitable for upgrading:

It was proposed these communities be offered a Community Land Lease. This was proposed for a period of 12 years, before the end of which the community would be a) offered a new lease for a further 12 years; b) offered a Communal Land Title, or c) be informed that the land would need to be vacated at the expiry of the lease, in which case compensation would be paid at full market value for any development made on the land. Given that the MPP would be unable to pay such compensation in all but exceptional cases, it could therefore be assumed that longer term security would be available in most such cases. Communities opting for the Communal Land Lease would be able to provide individual sub-leases for periods of ten years to individual households.

For settlements on state public land not considered suitable for upgrading:

It was proposed that these settlements be relocated to other sites and be provided with Communal Land Leases if on state public land as part of the social concessions sub-decree, or with Communal Land Right certificates if on state private land.

For settlements on private land:

It was proposed that incentives be given to land-owners to undertake land sharing projects, unless alternatives were agreed between the land-owners and residents.

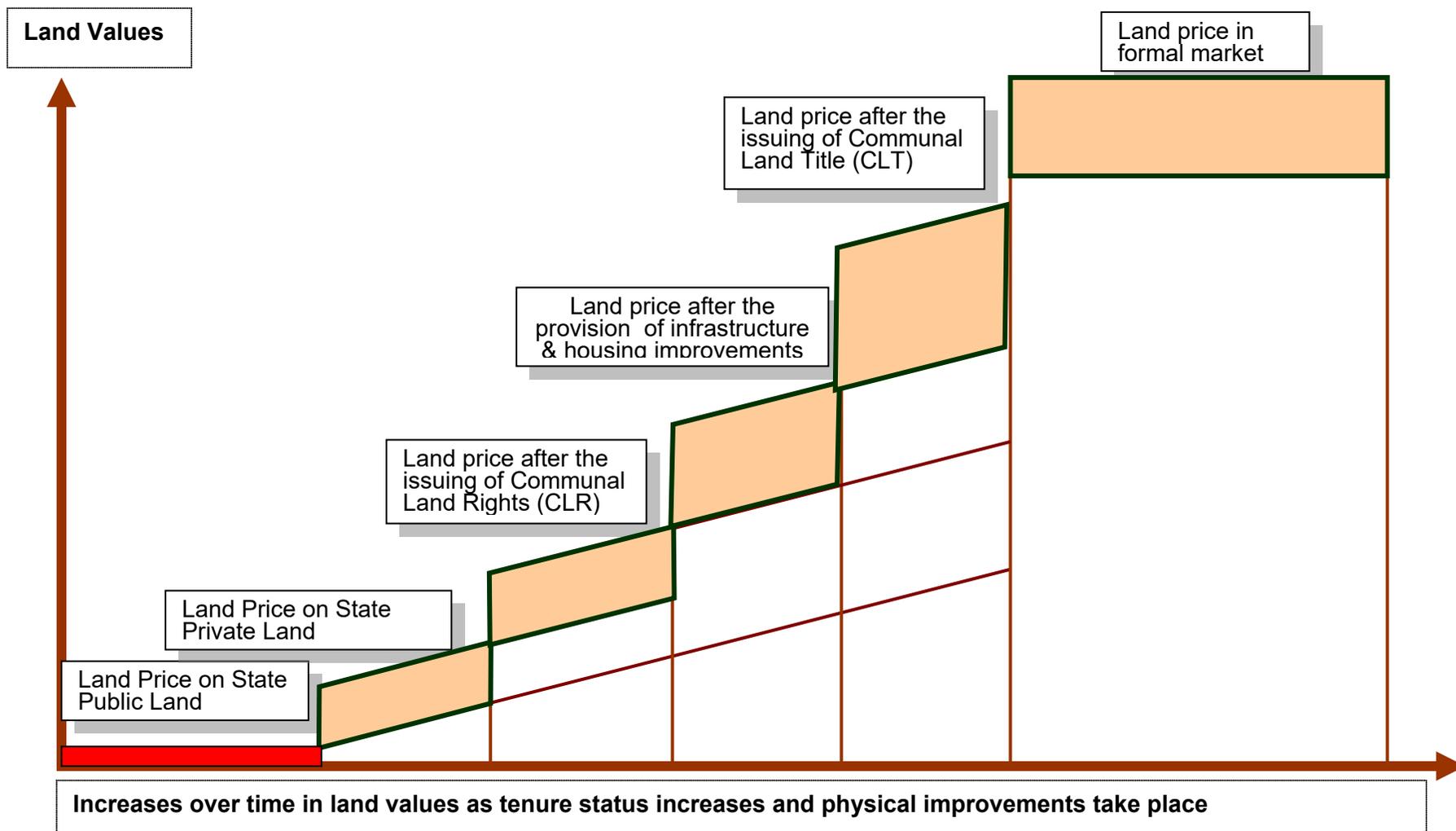
Stage 3: Long term tenure options:

For settlements with a Certificate of Communal Land Right, it was recommended that MPP provide Communal Land Titles for all communities which registered the names and addresses of all households and established community organisations that met defined conditions of good governance, such as electing a community committee and initiating community development works. The Certificate would consist of a simple document as described in draft in Appendix 1, Annex 2. This would provide residents with permanent security of tenure and the right to sell, inherit and transfer their properties on the open market, though at a discounted price from that in the formal market, since only the buildings could be sold, not the land. It was anticipated that the disparity in prices between land held

under Communal Land Titles and individual freehold titles would be reduced over time (see Fig 1) as the newly formalised settlements improved and the social stigma associated with informality is reduced. This would reward households who remain for some years in their existing locations and ease the transition from informal to formal land markets. It would also enable tenants to adjust gradually to increased rents or have time to find alternative low-cost rental accommodation. The Figure also shows that land prices in informal settlements occupied on state public land before legalisation is very low compared to land prices of informal settlements occupying state private land.

This arrangement was also intended to strengthen community organisations which acted as a focal point for physical upgrading and multi-sectoral development programmes. Should individual households or communities wish to replace the Communal Land Titles with individual titles they would be free to do this provided they resolved any competing claims, agreed borders with their neighbours and paid the associated survey and registration costs.

Fig 1: Anticipated increase in land values in areas provided with CLR and CLT:



2 Activities undertaken in Phases 1-3

Summary of Phase One activities:

Cambodia has been devastated by three decades of wars during which almost all of the country's legal and administrative records were destroyed or lost. Since the country was liberated from the Khmer Rouge, spatial planning, planning standards and regulations relating to urban land development and construction have been conducted on an *ad hoc* and case-by-case basis. Each municipality and provincial authority therefore has decided its own spatial standards and construction regulation practices to suit its own situation. Whilst this has the merit of enabling each city or provincial authority to set standards and adopt practices to reflect local conditions to a certain degree, it also means that the resulting planning fails to adhere to any basic common principles. This in turn poses problems for coordination and integration of planning and construction activities. To rectify this situation, the government prepared a national land policy and this has been approved by the Council of Ministers. The UNDP and UN-Habitat project on drafting a national housing policy should also assist the government to develop an improved capacity for integrating urban planning and development with poverty alleviation and low-income needs.

Phase One of the tenure project involved three activities, namely:

- Recommendations to announce 'Temporary Occupation Licences'. These were proposed to improve short-term security for the urban poor living in informal settlements throughout Phnom Penh.
- Proposals for the form and duration of longer terms of tenure for those living in settlements considered suitable for *in-situ* upgrading.
- The regulatory audit of planning and building standards, regulations and administrative procedures relating to urban housing and land development in Phnom Penh. The regulatory audit was intended to identify constraints faced by low-income households in obtaining access to legal shelter and thereby to reduce the need for the continued growth of informal settlements.

The local consultant, Mr Din Somethearith, was formally appointed in March 2003 and commenced work immediately on the regulatory audit with information supplied by Dr Khemro and other sources. During April, Geoffrey Payne visited Phnom Penh during which a matrix which had been prepared during a previous research project, was adapted to suit current local conditions. Additional meetings were held to consider the options for Temporary Occupation Licenses (TOLs) and longer terms of tenure with key stakeholders in Ministerial, Municipal and local authorities, NGOs and the local representatives of UN-Habitat and GTZ (co-funders of the project).

A number of other urban development and housing research and policy formulation initiatives are currently under way in Cambodia which are intended to improve the living conditions of the urban poor. These presented an opportunity to maximise the collective impact of individual activities. In this context and with the goal of ensuring co-ordination and maximising synergies, discussions were held with representatives of all key stakeholders.

Geoffrey Payne and Din Somethearith attended a workshop organised by SUPF and ACHR, which was followed by a working lunch with Somsook Boonyabanha of ACHR to discuss options for collaboration. A visit was made also to the Ros Reay settlement which was being upgraded as part of the SUPF/ACHR/CDS programme.

Finally, discussions were held between Geoffrey Payne, Din Somethearith and others to agree actions to be carried out in Phase Two. At the end of the visit, a short presentation was made to brief His Excellency, Kep Chuk Tema, Governor of Phnom Penh Municipality on the Cities Alliance project.

Summary of Phase Two activities:

Soon after completing the Inception Report in May 2003, the Prime Minister announced the government's decision to upgrade 100 informal settlements a year as a result of the efforts of UPDF, SUPF and other stakeholders, as well as the Municipality of Phnom Penh (MPP). This announcement took place during the 5th Anniversary of UPDF at the end of May 2003. The announcement marked a major turning point in government policy towards informal settlements in Phnom Penh and throughout the country. During 2001, MPP resettled over 13 percent³ of all informal settlements to suburban areas and this practice was also widespread in 2002. Although a few evictions still take place, or are threatened, it is no longer a routine practice. Since the announcement, the relocation policy has been replaced by proposals for in-situ upgrading and land-sharing.

The initial proposal in this project had been to encourage MLMUPC and MPP to provide individual Temporary Occupation Licenses (TOLs) to all residents in informal settlements as a means of encouraging in-situ upgrading. However, the Director of MDLMUCC pointed out that this would impose a heavy administrative burden on officials who would need to identify all eligible households. Instead, he proposed that we revise the proposal to a general moratorium which would only require an announcement in the media and could provide short term security for all households. The project team accepted this suggestion and the Moratorium on Relocations and Evictions, or 'MORE' was proposed in April 2003 before preparing the Inception Report.

Given the new policy environment, 'MORE' was considered by the MPP to be less necessary. The official view was that short-term tenure security had already been established by the announcement. However, it will take some time to remove the distrust which exists within informal settlement communities of government intentions on housing and even the occasional threat of eviction is sufficient to cause widespread concern. The situation will not have been helped by the fact that six months after the Prime Minister's announcement, MPP is only now starting on the first upgrading project, meaning that it is highly unlikely that the target of upgrading 100 settlements a year (equivalent to two a week) will be achieved for some time.

A further consideration during Phase Two was that the General Election held in July 2003 made practical progress difficult, as officials were unwilling or unable to make decisions for several months. During Geoffrey Payne's visit to Phnom Penh in September for the workshop, it was clear that the project was losing momentum and that little or no progress had been possible in terms of taking the recommendations forward. As a result, an application was made to Cities Alliance in October for Mr Payne to undertake an additional visit to Phnom Penh to rebuild momentum. Following the approval of additional funding, a further visit was made in November, during which extensive discussions were held with representatives of key stakeholder groups. This generated broad support for the revised proposals from key stakeholders, including the Minister for Land Management, Urban Planning and Construction.

The project team continued to seek support for the introduction of 'MORE' in order to build community trust and to enable the MPP to publicly demonstrate its commitment to upgrading and land sharing rather than relocation. There were indications during the visit in November of a growing sympathy towards this proposal which later received the active support of an adviser to the Prime Minister.

Following the submission of the Inception Report, the local project team began the task of formulating criteria for selecting settlements suitable for upgrading and those for which

³ SUPF survey in 2003

relocation would be necessary. This activity was carried out in conjunction with other stakeholders, including UPDF, URC, SUPF, MPP, BAU, MDLMUPCC, USG and GTZ. The criteria were discussed in the September joint workshop on tenure and housing policy and the Director of BAU, Mr. Chay Rithisen is urging MDLMUPCC, BAU, MPP and MLMUPC to approve them and establish a standard to follow in the future. Whilst no response was received on the issue of the approval process, constructive comments and revisions were received on the criteria proposed.

Following the agreement on criteria for upgrading or relocating informal settlements (see Appendix 3), the project team began the task of identifying specific settlements within each category. For this purpose, four research assistants were recruited and trained by the project manager Mr Somethearith and Dr Khemro. Applications were invited through announcements to several NGOs where many young professionals and volunteers work. University departments were also contacted through some students from Norton University and Royal University of Phnom Penh. There were 15 applicants, of which four were selected and commenced work following initial training on applying the criteria to different parts of Phnom Penh. Although the criteria had not received official approval, unofficial agreement had been obtained, so the research assistants were able to visit sites in all seven Khans in the city to identify those settlements suitable for upgrading and those for which resettlement may be necessary. After the identification of those settlements considered suitable for upgrading or resettlement, the project team joined a group discussion with the Director of LMUPCC and all chief offices of LMUPCC in all seven Khans to discuss those settlements and the results were detailed in the first Progress Report.

Survey work commenced in mid-November for a period of 3 months. During this time, the assistants helped the project manager to find sites for relocation projects as well as to find more settlements in locations which the criteria indicate should be relocated, such as those located along road sites, in insecure unhealthy sites, or in pagoda grounds. All such sites were listed in the first Progress Report, (see Appendix 4).

The survey started on 19th November and the settlements that identified settlements considered necessary for relocation. While the project is committed to in-situ upgrading, it was easier to identify the few areas that may need re-locating rather than list the many suitable for upgrading.

A key objective of the visit to Phnom Penh in September for the Phase Two workshop was to formulate and discuss detailed proposals for medium and long term tenure options with a range of stakeholders, especially MLMUPC and MPP. This was intended to provide them with practical options for improving tenure security in settlements designated for upgrading. In preparing and presenting options it was considered important to inform discussions by listing the characteristics, advantages and limitations of each tenure option so that the recommendations could be seen to be soundly based. The list proposed during the September visit was as follows:

Short term tenure options:

- MORE (Moratorium on Relocations and Evictions)
- Temporary Occupation Licenses (TOL)

Medium term tenure options:

- Communal lease

Long term tenure options:

- Communal ownership/titles
- Co-operative ownership
- Condominium ownership
- Social concession

- Private rental
- Public rental
- Individual lease, and
- Individual ownership or title.

These tenure categories are described and assessed below in terms of short, medium and long term options.

Short term tenure options and recommendations:

MORE (Moratorium on Relocations and Evictions):

<p>Characteristics: An announcement by Government or a municipality that no residents of unauthorised settlements would be evicted or relocated for a specific period. The period could be anything from three months to over a year depending upon circumstances. The announcement could be made in Parliament, on radio or television or in the press and would therefore commit the relevant authorities to prevent any such evictions within the stated period.</p>	
<p>Advantages:</p> <ul style="list-style-type: none"> • Provides a basic level of security for all residents of unauthorised settlements; • Easy to implement, since no administrative action is required. • Buys time for the authorities to identify which settlements may be suitable for in-situ upgrading and those which may need to be relocated for environmental, economic or other reasons. • Buys time for the authorities to identify sites for relocating those settlements not considered suitable for in-situ upgrading. • Keeps options open for future developments. 	<p>Disadvantages:</p> <ul style="list-style-type: none"> • Dependent upon political will.
<p>Recommendations: Initially it was not thought to be relevant to the situation in Phnom Penh in view of the Government's stated commitment to upgrading 100 unauthorised settlements a year for the next five years and in the RGC, Strategy of Land Policy Framework (interim paper) page 26 which states that "The policy consensus recognizes limited, temporary rights to occupancy for informal settlements while searching for permanent shelter solutions". However, given recent evidence of attempted evictions, which may cause widespread insecurity, it is recommended that MORE be announced for an initial period of nine months.</p>	

Temporary Occupation Licenses (TOLs)

<p>Characteristics: These are licenses allocated by local authorities to residents of unauthorised settlements on public land and entitles them to remain for a specific period which may range from three months to over a year. Licenses may be renewable or restricted to a specific period.</p>	
<p>Advantages:</p> <ul style="list-style-type: none"> • Provides short term security of tenure and limited rights, especially to residents of unauthorised settlements; • Can apply to residential, commercial or industrial activities; • Allows unused public land to be put to a good use in the short-term, where governments do not wish to re-allocate or re-classify the land. 	<p>Disadvantages:</p> <ul style="list-style-type: none"> • May impose a heavy burden on urban authorities to identify all eligible households and allocate individual licenses.

<ul style="list-style-type: none"> • Enables the public sector agencies to formulate criteria for selecting which unauthorised settlements should be upgraded and regularised in situ and those which need to be relocated; • Provides time for urban development authorities to identify sites for relocation where it is deemed necessary. 	
<p>Recommendations: It is not recommended that TOLs be provided since the moratorium is a simpler means of achieving the same objective.</p>	

Medium term tenure options and recommendations

Communal trust/lease:

<p>Characteristics: The right to hold or use property for a fixed period of time at a given price, without transfer of ownership, on the basis of a lease contract. A leasehold is a fixed asset. A main or head lease would be provided to the representatives (such as a co-operative or trust) of residents in a selected settlement for a specific period considered suitable for in-situ upgrading. The community or co-operative would then be able to provide sub-leases to individual households. The sub-leases would need to be for a shorter period than the main or head lease, but both would need to be for a sufficiently long duration to stimulate investment in home improvement. The lease may provide for the residents to renew the lease for a further period or purchase the site at the termination of the lease period. Alternatively it may offer compensation at the market value applicable at the end of the lease period to residents for all plot improvements made.</p>	
<p>Advantages:</p> <ul style="list-style-type: none"> • Provides residents with full security for the duration of the lease, providing terms and conditions are fulfilled. This may include payments for the ground rent or other costs stated within the lease contract; • Makes minimal demands on the administrative system for land management since only plot boundaries need to be specified; • Discourages the tendency for higher income groups to buy up plots or houses in the settlement, making it easier for it to be available on a long term basis to low-income households; • Facilitates the installation of services. 	<p>Disadvantages:</p> <ul style="list-style-type: none"> • Unfamiliarity with the concept of leasehold tenure may discourage acceptance by authorities or local residents; • Requires legal advice in preparing leases; • Requires strong and honest community organisations since any costs for ground rent, etc will have to be collected from the community rather than individuals. Failure to meet obligations may therefore prejudice the lease. • May not facilitate access to formal credit, though this is usually dependent upon incomes rather than property collateral. • Ownership of the land remains with the government. • If lease duration is sufficient to attract higher income households to buy into a settlement, it may encourage speculative pressure and 'downward raiding'.
<p>Recommendations: Recommended that CLTs be introduced in pilot upgrading and land sharing projects on state public land in Phnom Penh being prepared by UPDF/SUPF and others, where a community organisation is strong. The period recommended for the main or head lease is twelve years as this is considered sufficient to encourage residents to invest in home improvements, but not long enough to encourage higher income groups to buy up land and property in the selected areas. Sub-leases could then be provided for a period of ten years, which is considered sufficient to encourage local investment.</p>	

Long term tenure options:
Communal ownership or title⁴:

<p>Characteristics: This involves the residents of a settlement receiving or purchasing the land from the owners, usually government, on terms and conditions acceptable to both the party disposing and the party receiving the land and/or property. Where repayment is involved, it would need to be affordable to the community as a whole.</p>	
<p>Advantages:</p> <ul style="list-style-type: none"> • Provides permanent security of tenure; • Discourages speculative pressure on land and property prices, especially if transferred at or near market values; • Facilitates the provision of services. • Enables areas to be available to low-income households in future. • Enables land values to increase gradually as services are provided and the social stigma is reduced. • Enables households to sell their properties on the open market at any time, though the land will remain in communal ownership so prices will be discounted. 	<p>Disadvantages:</p> <ul style="list-style-type: none"> • Largely unknown in practice and therefore requires innovative approach on behalf of authorities and support from donors and potential communities; • Dependent upon strong, honest and efficient community organisation, especially where payment for the land is involved over a period of years; • Does not facilitate access to formal credit since no effective collateral is available; • If standard payments are required from households where affordability varies considerably, it could impose hardship; Similarly, if repayments vary according to affordability, obtaining agreement within the community could present problems; • If land is given free or substantially below its market value, it may encourage households to sell plots and distort land markets.
<p>Recommendations: Conditions in Phnom Penh are unlikely to be conducive at present to the introduction of communal ownership. It might, however, be an option for future application. Among the conditions which would make it attractive to both MPP and low-income communities are: 1) the need for land to be provided either free or at a nominal price (eg to cover survey and administration costs); 2) freedom for residents to be able to sell their property (but not the land on which their structures stand) on the open market, albeit at a heavily discounted price; 3) residents have access to other forms of credit than private banks and 4) communities are able to demonstrate specified criteria of good governance to avoid abuse.</p>	

4. This form of tenure does not exist yet in Cambodia but it is a very practical option in this country for those settlements that are located on state private land.

Co-operative ownership:

Characteristics: A co-operative ownership is formed when residents of a manufactured home community join together on a democratic basis to own and control the community in which they live. To own their homes co-operatively, the residents form a corporation that buys the land on which the homes sit. Each resident has a share in the corporation and a collective proprietary right to the land on which their development stands. The benefits of real estate ownership then accrue to the residents collectively. These include: security and stability, cost and charges are set by the residents. If wanting to sell their home residents would have to sell their proprietary rights to the land back to the co-operative.	
Advantages: <ul style="list-style-type: none">• Provides permanent security of tenure;• Discourages speculative pressure on land and property prices, especially if transferred at or near market values;• Widely known in both developed and developing countries;• Facilitates the provision of services.	Disadvantages: <ul style="list-style-type: none">• Dependent upon strong, honest and efficient community organisation, especially where payment for the land is involved over a period of years;• May inhibit access to formal credit since no effective collateral is available;• If standard payments are required from households where affordability varies considerably, it could impose hardship; Similarly, if repayments vary according to affordability, obtaining agreement within the community could present problems;• If land is given free or substantially below its market value, it is likely to encourage households to sell plots illegally.
Recommendations: It is recommended that they be tested in pilot projects for settlement upgrading and regularisation.	

Condominium ownership:

Characteristics: A condominium is a residential complex in which dwellings are owned individually while land and common areas are held in communal ownership with others.	
Advantages: <ul style="list-style-type: none">• Facilitates multi-occupancy of properties, especially in areas where land prices are relatively high compared to construction costs;• Does not require strong or established community organisation;• Differential pricing of apartments (eg by floor) makes this a viable option for most income groups.	Disadvantages: <ul style="list-style-type: none">• May require secondary legislation;• Requires legal documentation.• May not be familiar to local people.
Recommendations: Land prices in larger Cambodian cities are now becoming high enough to justify apartment housing for most income groups. It is recommended that it be introduced through private sector development projects.	

Social concession:

Characteristics: It is a legal mechanism to transfer private state land for social purposes to the poor who lack land for residential and/or family farming purposes.	
Advantages: <ul style="list-style-type: none">• Provides land for residential purpose to poor homeless families.• Provides land to poor families for farming• Provides land title to beneficiaries after completing all conditions of agreement for social land concession.• Facilitates socio-economic development.	Disadvantages: <ul style="list-style-type: none">• May increase speculation after having infrastructure in social land concession areas, especially in peri-urban areas• Conflict between private state land owners by relevant ministries• Competition of villagers.
Recommendations: It is recommended that this option should be used for landless people as well as resettlement programmes.	

Private rental:

Characteristics: This involves the rental of a plot, house, apartment, room or bed from the private owner. This may be with or without a written contract and for periods from a week, or several years according to mutual agreement. In some countries rent control legislation has discouraged property owners from providing rental accommodation, or required large sums of 'key money' to offset reduced rent income.	
Advantages: <ul style="list-style-type: none">• Provides an important option for very poor or highly mobile households or individuals;• Provides valuable additional income for house-owners;• Offers flexibility to both renters and owners.	Disadvantages: <ul style="list-style-type: none">• Can be exploitative, especially if landlords are not resident in the property.
Recommendations: Already a widespread tenure option in Cambodia, especially the larger urban areas. An important component of any housing supply system, it is recommended that it be allowed to continue.	

Public rental:

Characteristics: This involves the rental of a plot, house or apartment from a central or local government agency. Rents may be at or below market rates and are usually of undefined duration. They may also be subject to rent control. Such rental accommodation is usually intended for low-income or other vulnerable groups, though sometimes others obtain access.	
Advantages: <ul style="list-style-type: none">• Can provide housing of a higher standard than would be provided by the private sector.	Disadvantages: <ul style="list-style-type: none">• May not be available in sufficient quantities to meet potential demand;• Commonly attracts higher income groups if heavily subsidised;• May not be in locations required by lower-income groups;• Invariably produces inflexible, standardised environments;• Cost recovery levels are often low;• Often badly maintained due to scarcity of resources;• May impose restrictions on tenants regarding home-based economic activity or pets, etc.
Recommendations: It is not recommended that public rental housing be provided in Cambodia, since the capacity to develop and maintain public sector housing is weak. For special interest groups, such as public sector personnel required to move from one location to another, it is recommended that housing allowances or transfer payments be provided to enable staff to obtain their own accommodation in the market.	

Individual lease:

Characteristics: The right to hold or use property for a fixed period of time at a given price, without transfer of ownership, on the basis of a lease contract. A leasehold is a fixed asset. Contracts may contain clauses entitling leaseholders to a renewal or extension of the lease, or the right to purchase the freehold on the expiry of the lease. Residential leases are usually for longer periods than commercial leases, but may be for any period up to 999 years.	
Advantages: <ul style="list-style-type: none">• Provides complete security of tenure for the period of the lease;• Flexible in that it may be extended, renewed or surrendered at the termination of the lease;• Lessees are usually free to dispose of the remaining period of the lease on the open market.• Provides a high level of control over land use subject to local rules, regulations and procedures.	Disadvantages: <ul style="list-style-type: none">• May require lessees to spend more than they can afford to obtain the lease, unless financial institutions are willing to lend for leases, or payments are made over time;• May not be a familiar tenure option and therefore requires market testing;• Requires the legal, institutional and financial recognition of leasehold as a recognised form of tenure.
Recommendations: It is recommended that leasehold tenure be encouraged in the urban areas of Cambodia and that the legal, institutional and financial systems be revised to facilitate this.	

Individual ownership or title:

Characteristics: A form of tenure in which land or property is held in fee simple or for life.	
Advantages: <ul style="list-style-type: none">• Provides permanent security;• Permits owners to inherit, transfer, lease, rent;• Provides maximum control over land use subject to local rules, regulations and procedures;• Provides collateral for credit;• Provides opportunities for pecuniary gain if property values rise.	Disadvantages: <ul style="list-style-type: none">• Requires either a sum sufficient to purchase land or housing outright or a financial system willing to make funds available on acceptable terms and conditions to enable households to repay a loan over time;• May significantly distort land and housing markets if provided at less than market values;• May not increase access to formal credit if incomes are low;• May expose owners to property taxes and other charges;• The value of property may go down as well as up, resulting in negative equity;• Requires owners to assume full individual responsibility for property maintenance;• Places a heavy burden on land administration agencies responsible for surveying, registering and allocating titles.
Recommendations: It is recommended that individual ownership, or freehold titles, be made widely available to all those who can afford the market value of the land or housing they seek to obtain. It is <i>not</i> recommended for application in the case of regularising informal settlements as some properties will be so valuable as to encourage residents to sell to higher income groups (either legally or illegally) and squat elsewhere in the hope of repeating the process. The potential demand would also impose a burden on the land administration agencies with which they are presently unable to cope. However, it could form a final option in settlements which have been granted communal land ownership or titles. Under such conditions, it is recommended that any negotiations regarding boundary definitions with neighbours or the status of owners and tenants, etc, be resolved between the parties affected locally and on the basis of professional advice and surveys paid for by the residents seeking such titles. This will prevent potential conflict between the residents and the municipal authorities.	

These options were introduced to many stakeholders during the September joint workshop with the UN-Habitat housing policy project, which was attended by 86 representatives of central and local government agencies, NGOs, local communities, Khan administrations, professional groups and international agencies. They were also translated by the project manager into a Khmer version so that local people could understand them easily.

The report on tenure options has been distributed in both English and Khmer languages and distributed to many stakeholders such as URC, YP, UPDF, SUPF, ACHR in Cambodia, UN-Habitat in Phnom Penh, MPP, BAU, MDLMUCC and also MLMUPC. We also introduced the Communal Lease option to them and they mostly supported it, especially the communities that lack secure tenure (including two communities at Rous Reay and Rasmey Monyvong). However, due to the difficulty of arranging a group discussion we did not have the chance to have such a meeting.

The key recommendation arising from the discussions at the September workshop was that a range of options should be encouraged in order to stimulate a diverse and dynamic land and housing market in the country's expanding urban areas. Some may be appropriate for application in pilot projects for upgrading and regularising unauthorised settlements, land

sharing or new developments. It was then agreed to formulate detailed documentation concerning Communal Land Leases or Trusts for testing in pilot projects.

Following the September workshop, steps were taken to formulate a draft Communal Land Trust document and Professor Patrick McAuslan agreed to draft a document for local consideration. Whilst the draft was prepared without any detailed knowledge of land law or the other considerations that would have to be applied before it could be implemented, this was not a problem thanks to the generous support and advice provided by Mr George Cooper, a lawyer working with GTZ. A draft was therefore prepared and sent for comment and revision.

Whilst the September visit and workshop had enabled discussions to take place on a range of tenure options, and ideas for innovation had received a sympathetic response, it became increasingly clear in the following weeks that none of the recommendations proposed were making progress. One reason for this is that, there appeared to be different interpretations on the 2001 Land Law. A key point of uncertainty concerns the definition of eligibility for ownership of land. At the present time some communities, NGOs and institutions consider that people who came to live in a settlement even 1 second before the law came into effect have the right to own their land, but this is not the view held by many government officials. Once all the institutions have agreed on an interpretation of this law, it will be easier to make a joint selection of the most appropriate options for tenure.

During the additional visit to Phnom Penh in November, a number of new proposals were formulated during discussions in order to try and make progress, pending the solution to legal interpretations. A key consideration was that we did not want to delay implementation of practical measures to improve tenure security whilst a debate on the law was taking place. In any case, it was noted that in the event of the law being defined favourably from the viewpoint of the informal settlement residents, there was still no guarantee that they would receive any formal tenure status within 3-5 years, unless they were selected for upgrading in the first batch of 200.

It became apparent that there were three main stakeholder groups and that each had its own pre-occupations. Any progress on tenure security would therefore depend upon being able to satisfy their primary or initial concerns. The three groups are the government (central and local), the NGOs, which are highly active and efficient in campaigning for improved security and, last but not least, the residents themselves. To meet their respective interests, an approach was adopted akin to selling a rabbit by emphasising the component parts which each stakeholder group could identify with. Therefore if the government recognised a rabbit by its ears, NGOs by the body and communities by the tail, we concentrated in discussions on selling the components which they identified with, rather than assuming they were interested in the whole concept – or rabbit.

The primary concern of government was how to implement its stated commitment of upgrading 100 settlements a year. Given the unresolved situation, the government was under increasing pressure to demonstrate that the new policy was not just empty rhetoric. However, after more than six months had elapsed since the upgrading of 100 settlements a year was announced, the first project had only just begun. It was therefore hoped that any proposals which could yield early practical benefits would therefore be attractive to government.

For the NGOs, community structures have been established during the last two years and there is now a number of community organisations working independently and together to improve tenure security and access to services and facilities. Any proposals which enable the NGOs to further this process and enable communities to act as the conduit for other

developmental programmes, such as HIV/AIDS campaigns, educational and vocational training projects, etc were also considered likely to prove attractive.

Finally, the primary concern of residents in informal settlements is to obtain improved security not just in the short, but also in the long term. To date, this has been interpreted as obtaining full individual land titles. However, under the 100 settlements a year programme, residents are aware that they may have to wait up to five years before they receive titles and the slow start to the programme means that this delay could be even longer. A further consideration is that this would exceed the duration of the present government's tenure and there is no guarantee that a subsequent government would maintain the same policy. Any measure which offers short and medium term security with the prospect of long term security was therefore thought likely to be attractive.

For these reasons, a three stage strategy was developed during discussions in the November visit. This consisted of the following:

Stage 1:

The project team recommended that the government announce the introduction of the Moratorium on Relocations and Evictions for a period of nine months. During this time all settlements would be surveyed to determine if they are suitable for upgrading or relocation to nearby sites.

Stage 2:

The MPP introduce Communal Land Rights (CLR) for all communities selected for upgrading. The duration of the CLR would be for five years, during which communities would be encouraged to form representative community organisations able to meet specified standards of good governance. All those able to demonstrate this would be eligible to proceed to Stage 3. Those that failed to meet these criteria would be entitled to extend their CLR for a further five years. For settlements on state public land considered suitable for upgrading, the land can be re-designated as state private land and Communal Land Leases (CLL) offered.

Stage 3:

All communities which meet the good governance criteria will be eligible to receive Communal Land Titles (CLTs). These will be based on accurate surveys of the settlement and will record all properties and residents in the area, but need not identify owners or tenants. The titles can be made available at a nominal cost and will therefore provide permanent security to all residents. For any households seeking individual titles, they will need to obtain the agreement of the community and be responsible for financing and completing the necessary administrative procedures, including the appointment and payment of surveyors and lawyers. They will also be responsible for resolving any conflicts between neighbours, owners and tenants, etc. and obtaining communal approval for their application.

Discussions on this strategy and the various options were held with representatives of central and local government, all main NGOs and a local community during the November visit. All expressed their support. The only dissenting voice in the community was from a resident in Rous Reay who has recently bought land in the neighbourhood and was thought to be hoping for a windfall profit. However, we were informed that some other residents needed titles soon as they had already committed themselves to selling their plots to cover debts for drinking or gambling, though it is not clear how extensive this is. Among professionals, the only reservation came from George Cooper who expressed the view that the law entitles the residents of informal settlements on state private land to full ownership. In view of the different interpretations given to this part of the law, however, the CLR and CLT would enable more people to obtain tenure security than will be likely if a conventional

approach of individual land titling is adopted. The additional option of individual titles, for those willing and able to pay the necessary charges and resolve potential problems regarding tenants and plot boundaries themselves, has been developed in response to this concern. All other responses to these proposals have been extremely positive and it is hoped that progress in adopting and implementing them will be forthcoming in the near future. During workshop on Housing Policy which was held on December 16th, the Minister mentioned that all options or proposals regarding land title or tenure should follow the Land Law 2001 and the Land Policy Framework, 2001. He gave his support to our revised proposals.

During the next few months, it was proposed to build support for the three stage tenure proposals. Initially this will be pursued during the additional workshop planned for January 2004. However, considerable preparatory work is being undertaken to win support for the proposals from key stakeholder groups, especially in the local communities so that the workshop can ratify the proposals rather than merely introduce them. It is then hoped that the proposals can be introduced without delay over the coming months and within Phase 3 of the project.

Summary of Phase Three Activities

Activities scheduled for Phase Three included the issuing of Temporary Occupation Licenses and preparing detailed plans for a Guided Land Development project. As stated in the previous Progress Report submitted in December 2003, it was decided not to pursue ToLs and instead focus on the introduction of the Moratorium on Relocations and Evictions (MORE). Proposals for the Guided Land Development could not be progressed at this stage.

An additional workshop was held since the previous report was submitted. This took place on February 4th 2004 thanks to the additional funding provided by Cities Alliance. The workshop took the full day and was held in the Municipality of Phnom Penh, with the participation from all related stakeholders from the Ministry of Land Management, Urban Planning and Construction, the Municipality of Phnom Penh, the Municipal Department of Land Management, Urban Planning Construction, and Cadastral, NGOs, and other many representatives of affected urban poor communities in Phnom Penh.

After a full day of presentations, discussion, and question and answer sessions, we were successful in getting broad agreement from all participants on the incremental approach advocated. Both before and after the workshop, intensive discussions were held with key stakeholders in the Ministry of Land Management, Urban Planning and Construction and the Municipality of Phnom Penh to confirm the Moratorium. These discussions took longer than expected, but appeared to have borne fruit as we were advised that the Governor of Phnom Penh had signed the letter authorizing the MORE and it was expected that this would be announced in the local press at the time of writing.

3 Activities in Phase 4:

Since activities in Phase Four have not been addressed in previous Progress Reports, they are presented here in a separate section. During this final phase of the project, efforts were made to persuade the Governor of Phnom Penh to introduce the Moratorium on Relocations and Evictions (MORE) and make progress on the issue of medium term tenure options. However, no decisions were made on either option during the period up to September, 2004. It is understood that the Governor was concerned that any announcement of a temporary moratorium would be interpreted by the residents of informal settlements as providing official approval of their occupation of land and that it would subsequently be difficult to relocate any such settlements. Unfortunately, no progress was made either on introducing the Community Land Right in any settlements linked to the slum upgrading programme.

It was therefore decided not to hold a final workshop in Phnom Penh but to proceed with the one scheduled for Siem Reap. This was held on 07 September 2004 and was attended by 76 participants from a range of organisations including local government officials in provincial, district, and commune levels, the Seila Programme, some local NGOs, and from many departments in other provinces. It should be noted that the three provinces were recommended by the Senior Minister and Minister of MLMUPC personally. This demonstrates the personal interest of the Senior Minister towards the project's proposals

The workshop participants agreed with the programme proposed by the project. Whilst they have considered that MORE is not very necessary, all participants agreed that the Communal Land Right (CLR) and Communal Land Title are very practical and reasonable options to deal with informal settlements in urban areas of Seam Reap Province. The participants also signed a petition to endorse support for the project's proposals and request that it be implemented in their territories as well as in other urban areas facing tenure security problems. (See Appendix 6 for the original signatures in the Khmer language).

The team also met with representatives of the Ministry's Land Management and Administration Project (LMAP) and Mr. Willi Zimmermann, Team Leader, GTZ to discuss the proposed Communal Land Right (CLR). The result of the discussion indicated that the proposed Communal Land Right might be fully covered by the 2001 Land Law and thus it probably needed no further legal support, such as a sub-decree. However, the Ministry suggested that the project team should also discuss the issue with Mr. Lim Vann, Deputy General Director who has extensive knowledge on the issue and the land law.

After many attempts, the project team successfully met and discussed the issue with Mr. Lim Vann. The result was that both CLR and CLT are appropriate and could be issued in the forms of an administrative letter by the Municipality. However, CLR and CLT will not be validated without the sub-decree and the recognition of urban poor communities. The main purposes of the sub-decree on the recognition of the urban poor community are to:

1. Identify and establish community structures and community steering committees
2. Establish community statutes
3. Identify criteria for community organisations
4. Establish the terms and conditions of community occupation of land and buildings. These terms and conditions could be based on many articles of the Sub-decree number 19 on Land for Social Concession.

The draft of the proposed sub-decree on the recognition and registering of an urban poor community could be based on many articles of the Land Law 2001, such as article 31 and article 10, Sub-decree number 19 on Land for Social Concession, and the Strategy of Land Policy Framework which was approved by the Council of Ministers in 2002. The discussion also foresaw that the proposed sub-decree might have a maximum of 20 articles which

covered all 4 main issues mentioned above. The project team therefore recommend that the necessary sub-decree be drafted locally and approved by the Royal Government of Cambodia.

4 Project outcomes:

This project has taken place during a time of major changes in Cambodia. Not only were elections held, the result of which led to a period of many months before a new government was installed, but a number of related initiatives were taking place in the field of land and housing policy. Outcomes for the present project therefore need to be assessed within this context.

There has been a positive reception to the proposals advocated in the project and this is a welcome indication of progress in approaching the issues of managing land markets and improving the living conditions of the low-income population. It has contributed to the change in approach from large-scale slum clearance programmes in favour of in-situ upgrading and more flexible, sympathetic approaches towards the issue of helping low-income households to obtain more secure, legal shelter. The project can also claim to have:

- Influenced the formulation of national housing policy, in that secure tenure issues are now successfully incorporated
- Helped support the 100 slum settlements upgrading policy through the survey and identification agreed criteria for upgrading appropriate settlements
- Tested and questioned and clarified the interpretations of the land law
- Provided an environment to establish a locally owned process on secure tenure leading to the establishment of the Housing Rights Task Force which attempts to monitor evictions and the Resettlements Action Network to support communities which are being relocated.
- Provided inputs to on-going land sharing implementation
- Contributed to the urban component of LMAP.

Considerable progress has also been achieved in building support for the incremental and community based approach proposed. The Secretary of State in the MLMUPC has urged that the incremental approach be applied in either Siem Reap or Battambang. The petition signed by all delegates at the Siem Reap workshop provides further evidence of local interest and support. Leading NGOs and representatives of international agencies active in Cambodia have also provided support. This collective response suggests that initiatives of this nature require a period of gestation before they can expect to be widely accepted. The response from elected central and local government officials also represents a considerable step forward from the previous approach adopted by the RGC, which routinely evicted the residents of informal settlements. It also has to be acknowledged that the approach proposed has not been implemented in any other developing country so far and will therefore take time to generate the necessary confidence to ensure implementation.

Despite recent progress, a number of concerns remain. Occasional forced evictions continue to take place, mainly on private land and there are cases of land grabbing by officials in and around Phnom Penh and Siem Reap. Despite the announcement by the Prime Minister that the government would upgrade 100 informal settlements a year for five years, work has only started on improving two such settlements more than one and a half years after the programme was announced. These setbacks do nothing to increase trust between government and the population, which the Secretary of State in the Ministry of Land Management, Urban Planning and Construction acknowledged in the Siem Reap workshop represents a key issue to be addressed. As the population of Phnom Penh and other urban centres continues to grow rapidly, the need to address the needs of existing low-income communities and provide legal and affordable options for obtaining land and housing new places where people can generate a sustainable livelihood, become ever more urgent.

Inevitably, project outcomes have been influenced by the above factors. Although the project team and our proposals enjoyed widespread support within the MLMUC, MPP and local NGOs, and can claim to have significantly influenced government approaches to tenure issues, it did not therefore prove possible to implement the original proposals in Phnom Penh. There are several reasons for this, including:

- The project was a relatively small, freestanding initiative with one part-time local project manager. In retrospect, it would have been better to integrate the project with other, more substantial projects such as the LMAP, with which team regular discussions were held throughout the project. However, at the time, it appeared important to focus on Phnom Penh rather than national tenure issues. As such, it proved difficult to create sufficient critical mass to influence key stakeholders.
- The duration of the project was limited and probably insufficient to convince the authorities of the benefits of introducing and implementing a new approach to tenure policy.
- There was uncertainty between the ministry and MPP regarding their respective roles and responsibility for the project and the implementation of proposals.
- The long period following the elections and the establishment of a stable government meant that elected representative and officials were unable to commit themselves to a policy initiative that was politically sensitive.
- Concern was expressed that the proposals were not consistent with the articles of the Land Law and might therefore require additional legislation or a new sub-decree.
- Concern was expressed by MPP that the proposed Moratorium on Relocations and Evictions (MORE) may be considered by some groups as providing long term security and possibly therefore encouraging further unauthorised settlement or encroachment.
- Preparatory work on the draft national Housing Policy and studies to introduce land sharing proposals, which took place at the same time, provided logistical problems for the tenure project team and the projects could have been better co-ordinated, though it enabled tenure issues to be included in the housing policy.
- A lack of clear information on the local communities which would be affected by the project proposals meant that the authorities were unable to identify potential beneficiaries or prevent ineligible applications.
- A lack of clarity and differences by various partners, especially MPP, on the interpretation of the land law and the lack of clear legal procedures.
- Problems within MPP regarding the status of state public and state private land because the Ministry has not yet prepared an inventory.
- Land tenure security is quite a new concept for Cambodia and it would need more time to adopt such complicated and innovative proposals.
- The lack of financial support to the MPP to implement proposals not only in those settlements that are suitable for upgrading, but also for those that are not suitable for upgrading. Hence the MPP hesitated to implement the proposals which were proposed by the project for the time being, although the Governor of MPP has agreed with what we have proposed.

Whilst the project objectives of introducing and implementing innovative proposals for incremental increases to tenure security for the urban poor in Phnom Penh were not realised during the project period, it is clear that considerable progress has been achieved in generating support for such an approach. The Senior Minister, MLMUPC, the Secretary of State in MLMUPC, the Governor of Phnom Penh, senior officials from Siem Reap, Battambang, Banteay Meanchey Province and Kandal Province, together with all the local NGOs have expressed active support and participants at the Siem Reap workshop in September 2004 requested that funds be provided to enable the approach to be implemented in other locations.

5 Recommendations:

The project is now complete. It is clear that the project has made a significant contribution to perceptions and policy discussions on tenure and property rights in Cambodia and Phnom Penh in particular. The original proposals contained in the project proposals have been adapted in response to local concerns and interests. The main recommendation remains, however, that the Royal Government of Cambodia and the MPP adopt an incremental increase in tenure security for all settlements deemed suitable for in-situ upgrading. This is considered socially desirable and acceptable to the majority of low-income households in Phnom Penh and protects tenants and other vulnerable groups against short term distortions in the land market had individual titles been allocated in prime locations. Equally important, the incremental approach avoids placing undue pressure on the departments of the MPP responsible for land management and the administration of tenure policy, which would be the case if individual land titling programmes were adopted.

The team's recommendations for tenure and property rights in Phnom Penh and other urban centres in Cambodia therefore centre on stabilising the existing situation and providing a sound administrative basis for implementing longer-term options to improve tenure security and the functioning of a dynamic and responsive land and housing market accessible to all sections of the population. The recommendations propose that the Royal Government of Cambodia and municipalities should:

1. Provide basic short-term security for *all* households in slums and unauthorised settlements.
2. Offer residents of settlements designated for relocation sites that offer close access to existing livelihood opportunities and services (i.e. within the city). These communities should be able to participate actively in the planning and development of their new sites.
3. Designate all extra-legal settlements considered acceptable for in-situ upgrading as entitled to communal leases, or communal land rights (CLR). This will allow such areas to receive services and environmental improvements through a participatory process of physical and socio-economic development. It will also increase security without stimulating rapid increases in land prices which could attract downward raiding by higher income groups and the displacement of very poor tenants. For unauthorised settlements on private land, options can include land sharing, under which settlers may be provided long-term tenure on part of their site and the landowner develops the remainder. Local authorities can assist this approach if they permit relaxation on planning or building restrictions so the landowner can recoup any lost profit or income. Temporary land rental is another way of reconciling conflicting interests. The duration of such forms of tenure should be based on local conditions but may reasonably be expected to be between 3-10 years. During this period, communities should be encouraged to form representative community organisations that would be qualified to meet specified standards of good governance. Those communities able to demonstrate this should be eligible to proceed to Stage 4. Those that failed to meet the criteria should be entitled to renew their CLR for a further of period.
4. All communities that meet the good governance criteria should be considered eligible to receive Communal Land Titles (CLTs). These would need to be based on accurate surveys of the settlement and record all properties and residents in the area, but would not need to distinguish between owners or tenants. The titles should be made available at a nominal cost and would therefore provide permanent security to all residents. Finance institutions should be encouraged to offer loans to residents in such settlements.

5. Households seeking individual titles would need to obtain the agreement of the community and be responsible for agreeing plot boundaries with their neighbours and resolving any conflicts between owners and tenants, etc. They would also be responsible for financing and completing the necessary administrative procedures, including the appointment and payment of surveyors and lawyers.

The team considers that these measures can provide a sustainable, practical and socially progressive way of improving the tenure security and rights for the urban poor in Phnom Penh and other urban centres. They can also improve the functioning of urban land and housing markets by gradually reducing the land value disparity between formal and informal areas, stimulating economic development and improving the effectiveness of government in urban management. They can also operate in conjunction with other forms of tenure, such as private and public rental, leasehold or co-operative housing.

It is also recommended that tenure policy be integrated more closely with other related initiatives such as the draft national Housing Policy, the LMAP programme, the 100 slum settlements upgrading programme and the national Secure Tenure Campaign. Where necessary, enabling legislation will need to be put in place.

It is also recommended that tenure policy encourage a broad range of public, private, communal and individual tenure options available on a short, medium or long term basis. Such diversity will enable all households to obtain access to land and housing in locations, at prices and on terms and conditions most likely to reflect their needs. Such proposals will require the active participation of the MPP or other municipalities if they are to be successfully implemented.

Discussions with representatives of the Ministry of Land Management, Urban Planning and Construction and other authorities suggest that a pilot project be initiated to implement the proposed Communal Land Right and Communal Land Title in Battambang and possibly also in Phnom Penh. This may require that the sub-decree on communal tenure be drafted and approved by RGC.

Finally, the experience of this project has confirmed the view that incremental approach to increasing tenure security in developing countries is economically fair, socially acceptable and operationally more feasible than conventional land titling programmes. It is therefore recommended that serious consideration be given to exploring opportunities to apply it in other cities and countries where formal land markets and tenure systems exclude large sections of the population from legal ways of obtaining land and housing.

Appendices:

Appendix 1:

Proposed forms for Communal Land Right and Communal Land Title

Annex 1: Draft form for the issuing of the Communal Land Right

This is to certify that those people who are living in the Community:.....located on.....
With the total area of landhectares.....
With the north border is connected to.....
South border is connected to.....
East border is connected to.....
West border is connected to.....

Have right to live in this area for a period ofyears which is valid from.....to.....

Before the expiry of the above period, the government would find a proper solution to provide a land suitable tenure security to all communities by following the reality situation.

Confirmation: Communal Land Rights mean that people just has a right to live on their houses/lands but they have no right to sell, lease or give the land to another people. However, they are free to transfer their property. If a community can fulfil the good governance standard they would get Communal Land Titles after a period of 5 years with the Communal Land Right.

Annex 2: Draft form for issuing the Communal Land Title

This is to certify that people who are living in the community.....
With the total area of landhectares.....
With the north border is connected to.....
South border is connected to.....
East border is connected to.....
West border is connected to.....

Is the owner of the community land from the day of.....

If the community can fulfill the good governance standard, they would be able to apply for individual ownership for their own area and they have to pay for all cost.

Confirmation: household cannot sell, lease, and give to other people without the permission from the community.

Appendix 2:

Presentation by G Payne at Siem Reap workshop, 07 September 04

The increased populations of urban areas in developing countries has placed great pressure on land and housing markets. Costs of both land and housing have risen due to increased demand and the inability of both private and public developments to supply this level of demand. At the same time, high planning and building standards, restrictive regulations and complex, time consuming and therefore expensive administrative procedures all raise costs to levels which a large proportion of households cannot afford.

The result is that a large and increasing proportion of urban populations is forced to obtain land and housing outside the formal market and live in a range of unauthorised settlements. The United Nations estimates that at present nearly 1 billion people presently live in slums and illegal settlements worldwide and that this may increase to 1.5 billion by 2020 and even 2 billion by 2030 unless a major effort is made to help the poor obtain legal and affordable shelter.

Given the low incomes of the poor and the limited human and technical resources available to most governments, it is unlikely that these problems can be solved overnight. Some observers claim that these problems can be solved simply by giving people titles to a plot of land which they can use as collateral to obtain credit and start a business or improve their houses. However, research has shown that such simple approaches do not work. The realities are more complicated and poor people cannot get loans from banks as they can only repay the loan by selling their house which puts them back where they started. Also, titles are usually given on cheap land outside the main city, yet the very poor need good access to employment locations as they cannot afford the cost and time involved in travelling to central city locations for work in the informal sector. Giving titles to the poor in informal settlements may also encourage more people to invade land in the hope of getting titles themselves.

Given that there are no simple solutions to these complex problems, what is the best approach to cities which are growing rapidly and need to prevent the growth of slums and illegal settlements? Our experience of working throughout the world for more than 30 years suggests that the most effective approach is to adopt an incremental approach to improving security of tenure for residents of informal settlements which are considered suitable for in-situ upgrading and to simplify the regulations and procedures applicable to new development so that costs of entry are affordable to the majority. This can help create dynamic and diverse land and housing markets to meet the needs of all sections of the population

Of course, such measures need to be undertaken in collaboration with other initiatives such as a range of options for obtaining credit which do not require land as collateral and the provision of basic services, transport and community facilities so that cities can meet all the needs of their expanding populations. A comprehensive, co-ordinated approach is vital. But we can start anywhere and providing basic security of tenure is a good place to begin.

In our project in Phnom Penh, we proposed a three stage approach as follows:

Stage 1:

Surveys be undertaken to determine which informal settlements were considered suitable for in-situ upgrading. Others would be informed that they would need to move and should be given help and enough time to find alternative locations.

Stage 2:

For the settlements to be upgraded, we recommended that they be given a Communal Land Right (CLR) for a period of five years so that they could feel secure enough to invest in home improvements. This would not require a great amount of administrative work on the part of the authorities since they would only need to define the boundaries of the settlement and register the number of dwellings and their occupants. Since titles were not being given, it was not anticipated that property values would rise substantially and therefore disputes over land would be minimal.

Stage 3:

For those settlements with Communal Land Rights which are able to demonstrate specified minimal standards of governance before the end of the five year CLR period, we proposed that they be given Communal Titles. This would provide residents with permanent security of tenure and the right to sell, inherit and transfer their properties on the open market though at a discounted price from that in the formal market, since only the buildings could be sold, not the land. It was anticipated that the disparity in prices between land held under Communal Land Titles and individual titles would be reduced over time as the newly formalised settlements improved and the social stigma associated with informality reduced. This would reward households who remain for some years in their existing locations and ease the transition from informal to formal land markets.

This arrangement could help strengthen community organisations which are also able to act as a focal point for physical upgrading and multi-sectoral development programmes. Should individual households or communities wish to replace the Communal Land Titles with individual titles they would be free to do this provided they agreed borders with their neighbours, resolved any disputes over ownership claims and paid the associated survey and registration costs.

In the event, a number of factors made it difficult to implement our proposals. These included:

- The project was a relatively small initiative with one part time local project manager. It operated independently of other, more substantial projects such as the LMAP. As such, it proved difficult to create sufficient critical mass to influence key stakeholders.
- The duration of the project was limited and probably insufficient to convince the authorities of the benefits of introducing and implementing a new approach to tenure policy.
- Differences between the ministry and MPP regarding responsibility for the project and the implementation of proposals.
- The long period following the elections and the establishment of a stable government meant that elected representative and official were unwilling to commit themselves to a policy initiative that was clearly politically sensitive.
- Concern was expressed that the proposals were not consistent with the articles of the Land Law and might therefore require additional legislation.
- The coincidence of the national Housing Policy and studies to introduce land sharing proposals at the same time as the tenure project is thought to have detracted from a strong focus on tenure issues.
- A lack of clear information on the local communities which would be affected by the project proposals meant that the authorities were unable to identify potential beneficiaries or victims.

We have not given up hope that the proposals will still be of interest in Phnom Penh. We also hope that this approach will be of interest to the authorities in other cities where efforts are being made to develop the local economy in ways in which all sections of the population can share the benefits. We hope that the lessons learned in Phnom Penh can help in

resolving any problems which exist in other cities and that you will consider adopting them in Siem Reap, Battambang and other urban centres.

Appendix 3: Criteria for identifying settlements suitable/acceptable for upgrading or relocation programmes

Criteria	Acceptable for upgrading (land sharing and in-situ upgrading)	For relocation
Land ownership without legal right residing on:		
1. Public park		√
2. Public open space	√	√
3. Small piece of public land		√
4. State private land (Government Ministries' lands)	√	√
5. Private land (individual/company)	√	√
6. Temple ground		√
Government land use planning priority		
1. The area is planned for public park		√
2. The area is planned for road infrastructure	√	√
3. The area is planned for sewerage system	√	√
4. The area is planned for commercial development	√	√
5. The area is planned for industrial development	√	√
6. The area is planned for residential development	√	√
7. Land which may required for tourist development	√	√
Geographical/physical vulnerability of the site		
1. The area is located on the sewerage system	√	√
2. The area is located too close to or on the dumping site.		√
3. The area is located on public pavement		√
4. The area is located too close to water supply sources (rivers, lakes)	√	√
5. The area is located on the bank of flood-protected dike.	√	√
6. The area is located along river	√	√
7. The area is located along railway lines	√	√
8. The area is located on roof-top	√	√

Note: In case of there are two signs of √ on the right hand of the criteria then it requires flexibility in deciding the appropriate category

Appendix 4: Settlements considered suitable for upgrading or resettlement⁵

Following the submission of the Inception Report, the local project team began the task of formulating criteria for selecting settlements suitable for upgrading and those for which relocation would be necessary. This activity was carried out in conjunction with other stakeholders, including UPDF, URC, SUPF, MPP, BAU, MDLMUPCC, USG and GTZ and produced the set of criteria presented in Appendix 3. The criteria were discussed in the September joint workshop on tenure and housing policy and the Director of BAU, Mr. Chay Rithisen is urging MDLMUPCC, BAU, MPP and MLMUPC to approve them so that we will have a standard to follow in the future. A final decision on this is awaited shortly.

Following the agreement on criteria for upgrading or relocating informal settlements, the project team began the task of identifying specific settlements within each category. Although the criteria have not yet received official approval, unofficial agreement has been obtained, so the research assistants were able to visit sites in all seven Khans in the city to identify those settlements suitable for upgrading and those for which resettlement may be necessary.

Survey work commenced in mid-November for a period of 3 months. During this time, the assistants have helped the project manager to find sites for relocation projects as well as to find more settlements in locations which the criteria indicate should be relocated, such as those located along road sites, in insecure unhealthy sites, or in pagoda grounds.

The survey started on 19th November and the settlements that are considered located on street, roadside, railway line, in the Lake area and rivers bank are listed below. While the project is committed to in-situ upgrading, it is easier to identify the few areas that may need re-locating rather than list the many suitable for upgrading. Information is presently being obtained regarding peoples' reactions and the findings will be discussed with other stakeholders as well as the local authority. The settlements identified so far are:

Khan Pram Pei Makar

The project and the Department of Land Management, Urban Planning, Construction, and Cadastre have found two communities in this Khan. Those are Pet Krong Community with 44 families and Juliana Community with 34 families. Both communities are located along roadside.

Khan Don Penh

There are 24 communities in this Khan. The department of Land Management, Urban Planning, Construction, and Cadastre has found seven communities in this Khan that need to be resettled. All communities can resettle to the nearby area in Boeung Kak lake except for Hem Cheat Community that may not be able to move nearby. Those are:

- *Roteh Pleung A community*: There are 29 families (Saving families). They have been there since 1999. It is located next to the river and along the railway line in Phum 4, Sangkat Sras Chork. No eviction has occurred so far. They agree to move, if the new site provided them by the government is not too far from the city center and has basic services.

⁵ The photographs for this appendix have been removed to reduce the size of the file. The pictures can be found in an earlier report.

- *Phum 2 community*: There are 484 families located along the railway line over the lake, Sangkat Sras Chork. No eviction has happened. They have been there since 1993. They agree to move if the government provides them with a new site not so far from the city centre with the basic services they need. Source: Community Survey (Nov. 03)
- *Bourn-Bei, Bourn-Bourn, Chamkarchek and Boeung Thong Community*: These communities are all located in the Boeung Kak area.
- *Roteh Pleung A, Phum 2, Bourn-Bei, Bourn -Bourn, Chamkarchek and Boeung Thong Communities* are located in the Boeung Kak area and according to the result from the meeting with the Department of Land Management, Urban Planning, Construction and Cadastral, the department have agreed to recommend to the MPP to resettle them to a nearby area in the Boeung Kak compound.
- *Hem Cheat Community*, which consists of 109 families, most of whom are labourers living in an old cinema. A total of 84 families have joined the community organisation. The housing is of five storeys and all have been occupied. The authorities would like to renovate it to be a cinema again. The company would like to buy land in the Kork Kleang area to move people to, however an agreement has not yet been reached. During interviews the residents stated that they would prefer to move because of the unhealthy environment in the cinema and the hazardous condition of the building. They plan to move in two steps.

Khan Toul Kok

The project and the Department of Land Management, Urban Planning, Construction, and Cadastre have found fourteen communities for which resettlement may be necessary in this Khan. Those communities are:

- *Phum 3*: There are 199 families on roads 349, 528, 347 and 345. They have been there since around 1993. No eviction has occurred as of yet. They agree to move if the government provides them with a new site nearby the city center with basic service. Mostly, they would prefer to live at Kork Kleang area.
- *Phum 2, Krom 5*: Located on the road 598. There are 79 families. They have been there since around 1989 and the number of families have increased in 1994. The MPP used to move them out during 1997, 1998 and 2002. Until now, no eviction has taken place. They would prefer to live at Kork Kleang area, if the government wants them to move out for road development. They would prefer insitu-upgrading, if the government doesn't allow them to move.
- *Phum Mouy, Krom Mouy Community*: This is located on the roadside of street 566. There are around 50 families. So far, there has been no eviction. They are mostly self-employed. The residents have said that if the government wants to move them in order to develop the site they would prefer to move to Kork Kleang⁶.
- *Samaki Phum Pram Mouy*: This settlement is located on street 337 and consists of 199 families. They mostly have been there since around 1995 but growth increased in 1999. The authorities tried to move them a few times to move them in order to develop the road. It is located close to Kit Meng's land. People also prefer to move to Kork Kleang

⁶ Land price in Kork Kleang is around \$5 per square metre.

because they do not feel secure in their present location. They would prefer to have a plot of land in the resettlement site of around 8m X 15m.

- Psadepo Mouy: There are 88 families located in Sangkat depot 1. Around 15% are Vietnamese. They have mostly been there since around 1993. The authorities had planned to move them but no such plans exist at present. If the government wants to move them, they would prefer to move to Kork Kleang.
- Phum 14 community: there are around 124 families who have mostly been there since 1992. The site is located on the street close to a powerful official. The authorities tried to move them a few times but it seems no plans exist at present. If the government wants to move them they would prefer to go to Kork Kleang area.
- Samaki Plov Dek: located along railway and street 608 in Phum 17. There are 273 families. 80% of them are concrete house. Within this there are some families located along the railway. They have been there since 1992. They prefer site upgrading.
- 57 Community: There are 186 families who have been there since around 1993. They would prefer the option of site upgrading. So far no evictions have taken place. Their houses are located at around 2 metres from the railway line.
- 23 community: There are 244 families located long the railway line. They have been there since 1989. So far, no evictions have taken place.
- 101 community: There are around 46 families. They have been there since 1990. The government wants to develop the railway and wants the families to set their houses back but they would prefer site upgrading.
- New community located along roadside 335: There are 70-80 families made up mostly of garment workers, motor taxi drivers, and labourers. They have been there since 1993. Sangkat also used to ask them to move but not with any determination. If the government prefers to move them they would choose to move to Kork Kleang area.
- Located along roadside, 313: There are around 63 families who have been there since 1995 however they have not yet formed as a community. The local authority has tried to evict them around 6 times from nearby sites and now the government continues trying to move them. They would agree to move if the government finds a suitable site for them. They are mostly bodyguards of powerful officials.
- Boeung Kak B Community: There are 130 families located in Phum 2, group 5, street 598, Sangkat Boeung Kak 1. A few people have been there since 1989 and the number has been increasing dramatically since 1994. So far, they have been warned to move out several times however there has been no action to the present time. They would prefer to have a land-sharing programme and if the government still wants them to move out they would prefer to move to a nearby area. However if there is no choice for them they may agree to move to Kork Kleang.
- The community is located on roadside along the street number 291:
- Phum 1 Krom 1 Community: this community is located in Sangkat Boeungkak2, it is not really located on street and it is possible for it to be upgraded with little improvement.
- Phum 1 Krom 2-3 Community: it is in Sangkat Boeungkak2 and it is located on the roadside.

The MDLMUPCC has proposed to have a relocation program for another one warehouse that is located on street 247 and has also proposed to have site upgrading for one community on street 227:

Khan Chamkarmon:

We have found above nine communities that are located on the street, roadside, pagoda ground and river unhealthy environment site in this Khan:

- *Boeung Trabek Phum 4-5 Community*: is located on a few streets (west side of Boeung Trabek High School).
- *Wat Prayouvong community*: There are more than 300 families in this community and they have been there since the pagoda was abandoned during the period of the Khmer Rouge. The compound has served as a pagoda after people have been there. Although the government has wanted to relocate them since around 1992 only a few families volunteered to resettle with the compensation of one plot of land in the resettlement site, therefore most people still remain there.
- *Wat Than community*: There are around 85 families in this community with 65 families in the pagoda ground and the rest located along the way to the rear side of the pagoda. They have been there since around 1991 and are mostly construction workers and motorbike taxi drivers. They are also faced with eviction. If the government wants to move them to a new site they should find somewhere not far from the city centre and basic services must also be provided.
- *Rakmsey Kdei Sangkheum 1-2 communities*: This is located on the roadsides of 474 and 466, in Sangkat Boeung Trabek. They are around 58 Khmer and Vietnamese families who have been there since around 1992 and operate wooden furniture shops. The local authority has tried to evict them several times without any compensation. They have agreed to move if the government provides compensation of around USD 5,000 for each family or if they are provided with a new site not far from city centre and with basic services.
- *Banteay Slek Community*: This community is divided into four portions. The first is located on street number 199. The MPP already bought a plot of land in the relocation site for them and the people are now just waiting for the provision of basic infrastructure and services in the new site so that they can move to the new site. The second community is located on street number 434 and there are 195 families. A few people have been there since the early 1980s and the number has increased in the early 1990s. If the government wants to resettle them, they need fair compensation and they would prefer to go to Kork Kleang. The third community is located on street number 430 and consists of 60 families. They have been there since 1994. The last portion is located on street number 207. There are 22 families and they have been there since around 1993. The local authority used to threaten them with eviction. If the government want to move them to the new site, the government should find a site located not far from the city center with basic services and infrastructure.
- *Mohamontrey Community*: This is located in Sangkat Olympic on streets 159 and 292. There are around 27 families in this community who have been there mostly since 1991. Their settlements are made from wood and the residents are mostly construction workers and motor taxi drivers. The local authority have attempted to relocate them several times through eviction without any compensation, but the community prefer

compensation of around US\$ 5,000 for each family. Alternatively they feel the authority must find somewhere for them to live with sufficient basic services, which is not far away from the city centre and is close to industrial areas. A private developer has already developed a row of houses nearby and in order to sell those houses at a better price they want to develop that road and would therefore prefer that the government move the people out.

- *Kleang Kradas Community:* This settlement is located in Sangkat Toul Svay Prey 1. There are around 45 families. They have been there since around 1992. The local authority has tried to evict them a few times without any compensation however people did not want to move because it is close to their jobs. However if the government would be able to find somewhere close to the city centre or industrial area people may agree to move.
- *Akphiwat Phum 1 Community:* This settlement is located on street 430 with 14 families in Sangkat Psadeum Thkov.
- *Ponheahok community:* this community is located along the roadside (north side of Ponheahok secondary school). There are around 30 families in this community. So far, MPP have relocated most of them to the Toul Sambo relocation site. The rest of the families are still living there and the community has also increased in number.

There are a few more communities that would be affected by the Basac Development Project. Those communities are Sambok Chab, Rikreay, and some other nearby communities. There are a lot of big plots of private owned vacant land nearby. Hence the contribution from those private owners is the best solution for those nearby communities.

Khan Russey Keo:

The survey found five communities that may need to be resettled from their existing sites which are located on roadsides, along the dikes, railway line, etc. Those communities have mostly been faced with eviction. If the government really needs to relocate them, they should follow the recommendations below for each community.

- *Pet Pram Mouy Community:* located on 4 street-sides nearby in Sangkat Phnom Penh Thmey, group 7, Phum Phnom Penh Thmey. There are 124 families in total with 81 families on street 1986, 23 families on street 1011, 10 families on street 1009, and another 10 families on street 1007. They have been there since 1997. On the 21st August 2001 the local authority had announced its intention to develop the road and informed the people to move 20 metres from the centre of the road. However, no action has taken place since the announcement. If the government wants to move them they would prefer to move to near by Kork Kleang 1 and 2 or if they must move farther than this they need basic services. 20% of them are military and police, 10% public servants, and the rest are factory workers, motor taxi drivers and also operate small grocery shops at home. In 1999 the local authority used to give them family books to register their residence in the area, however this does not provide any form of title or ownership. 5% of them used to be refugees, and the others are from Prey Veng, Svay Reing, Kampong Speu and Takeo.
- *Cheun Leun Community:* Located in Sangkat Phnom Penh Thmey, Phum Trapang Svay. It is made up of 413 families who were moved from Phnom Penh (Casino) in 1992. They are living along dikes. The government did not have any plans to relocate them. However if the government wants to develop the dikes, the community would prefer to move to nearby vacant land, which is now privately owned. The land price in

that area is around \$5 per square metre. The resettlement plan is already being designed and the plot sizes of the new area will be 7 meters by 15 meters. They are mostly motor taxi drivers, construction workers, garment factory workers, or villagers who sell vegetables in the markets.

- *Steung Kambot community*: This settlement of 554 households is located on the existing dike. The local authority wants to relocate them urgently to develop the highway. The community did not oppose the development project but they prefer to stay nearby the site. They are involved with recycling work, motor repairs and also selling food. There are many more communities located along the railway line but there are only two communities which are organised.
- *Toul Sanke 1*: There are 115 families, living nearby Toul Sangke Pagoda. The authorities also want to move them away because the settlement is located very close to the railway line.
- *Toul Sangke 2*: There are 65 families living in a pagoda and at the back site of the pagoda. This community is not yet organised into a community.

Khan Dangkor:

The MDLMUPCC have found only two communities for which resettlement may be necessary but the project has recommended for them to be upgraded:

- *Rotesh Pleung Timouykor community*: There are around 450 families, or 206 houses, who mainly arrived in 1998. Only 36 families have joined in the community organisation. 70% of the families sell firewood for a living. They also face eviction by the railway authority because the settlement is located along the railway line. They would prefer to move to Boeung Taben nearby Wat TangKorang Khang Cheung. The land price in the relocation site is around \$7-8 per square metre.
- *Rotesh Pleung Tipykhor community*: There are 47 houses and 17 families in the community. If the government wants them to move their plots back from the railway line, around 9 families would not have any land or will be landless. The railway authority wants to move them. They would prefer to go to the area of Kork Kleang and would need basic services and a housing loan.

Khan Mean Chey:

The MDLMUPCC found six communities in this Khan that are located too close to riverbanks and roadsides, for which resettlement may be necessary. Those are:

- *Tnot Chrum Ty1 Community*: This is located on Road 271. It consists of 39 families of which 23 have their own land near the site. Most have been there since 1985. The government wants to develop the highway and invited them for a meeting several times regarding the road development project. MPP also announced their proposed resettlement. The government is trying to find a new resettlement site for them but people prefer to move to a nearby site.
- *Stungmeanchey community*: This is located on the sewerage system in Phum Meanchey, Sangkat Meanchey, nearby the Beung salang community. There are around 56 families. The government wants to relocate them but in many phases. The people would also prefer to move to Kok Anjan area. They have been there mostly since 1985.

- Phum Prek Community: This settlement is located along the river. There are 69 families who have mostly been there since 1986. The authorities previously warned them to move but the new resettlement site is not clear. The residents would prefer to move to Phum Tnot.
- Deum Chan Community: There are 39 families located along the river who have been there since around 1986. The authorities warned them to move, however it is not clear which is the new resettlement site. People would prefer to move to Phum Tnot. Another two communities have also been proposed for resettlement by the MDLMUPCC because they are located along the river bank. Those two communities are Deum Makleu, and Deum Ampil.

Appendix 5: Workshop attendance list

No	Name	Position	Institution	Comment
A	Seam Reap Province			
1	Rous Hey	Director	Real Estate Company	
2	Boun Ly	Chief office	Office of LMUPCC	
3	Rous Sor	Director	Department of Rural Development	
4	Ky Kim Chhou	Director	Canadia Bank	
5	Chung Ratana	Secretary General	Provincial Office	
6	Choa Sen	Governor	Prasat Bakong District	
7	Mork SamChhor	Governor	Sotre Nikom District	
8	Phouk Sarerotmony	Deputy governor	Chikrang District	
9	Teb Bounchhay	Deputy governor	Siem Reap District	
10	Ann Khoun	Governor	Krolagn District	
11	Tang Chenda	Deputy Director	Department of Environment	
12	Lim Sophan	District Governor	Srey Snom District	
13	Heul Sangha	Governor	Bakorng District	
14	Eam Seut	Commune Chief	Kampongdor commune, Krolgn District	
15	Dr. Tarifal Islam	GIS Advisor	Seila Program, SRP	
16	Hou Sab	Chief Office	DLMUPCC	
17	Hun Hat	Commune Chief	Boeung Mala	
18	Ngoun Sotbounmey	Chief Office	DLMUPCC	
19	Pech Soladoy	Deputy Governor	Pouk District	
20	Boun Chroup	Representative	Department of Education, Youth, and Sport	
21	Khem Phalla	First Deputy	Svay dongkom Commune	
22	Chheam Saveun	Commune Chief	Srea Nouy	
23	San Pey	Commune Chief	Pouk District	
24	Heng Lat	Commune Chief	Dom Deak Commune	
25	Dit Sareyratana	Deputy chief office	Dept. of Public work and transport	
26	Cheun Chean	Deputy Governor	Srey Snom District	
27	Thot Chor	Deputy Governor	Angkor Thom District	
28	Klouk Kleun	Deputy Governor	Svay Leu District	
29	Eurm Saravut	Deputy Director	Dept. of Culture and Fine Arts	
30	Chhem Kimsan	Deputy Director	Dept. of Economy and Finance	
31	Hout Ratmony	Deputy Director	Dept. of Planning	
32	Oum Vung	Commune Chief	Rolous Commune	
33	Sreng On	Chef office	Office of LMUPCC, Seam Reap District	
34	Kim Chayheang	Deputy Director	Department of Tourism	
35	Mao Chamroeun	Deputy Director	DLMUPCC	

36	Eang Sun	Chief office	Office of LMUPCC, Svay Loeu District	
37	Kun Choeun	Commune Chief	Kampong Ktey Commune	
38	Soun Kosal	Officer	Dept. of Education, Youth, and Sport	
39	Rot Chom	Deputy Governor	Angkor Thom District	
40	Teang Kimsan	Director	Cambodia Commercial Bank	
41	Kong Min	Deputy Governor	Banteay Srey District	
42	Doung Ann	Commune Chief	Knor Sanday Commune	
43	Hai Vasna	Deputy chief office	Dept. of Agriculture, forestry, and Fishery	
44	Huy Sek	Commune Chief	Charchhouk commune, Angkor Thom District	
45	Chhoun Em	Commune Chief	Svay Chek Commune	
46	Meas Yi	Chief office	Office of LMUPCC, Pouk district	
47	Lat Soeup	Commune Chief	Tram Sorsor Commune, Srey Snom	
48	Orn Sithorn	Assistant	H.E. Nouth Narang	
49	Pov Sokheang	Deputy Director	DLMUPCC	
50	Hoeul Saroun	Chief office	Office of LMUPCC, Angkor Chom District	
51	Mai Vun	Chief office	Office of LMUPCC, Sotra Nekom District	
52	Meuk Det	Chief office	Office of LMUPCC, Banteay Srey Dist	
53	Kean Chamnan	Deputy Chief office	Office of LMUPCC, Angkor Thom District	
54	Mao Sony	Chief office	Office of LMUPCC, Krolanh District	
55	Ouk Keoratanak	Chief office	Provincial Cabinet Office	
56	So Sampon	Socio-economic officer	CMAC	
57	Poch Nat	Deputy Director	DLMUPCC	
58	Deum Nan	Chief office	Office of LMUPCC, Varin District	
59	Neng Thou	Chief of Cabinet	Varin District	
B	Battambang Province			
	Ngoun Ratanak	Director	Dept. Land Management, Urban Planning, Construction, and Cadastre (DLMUPCC), Battambang Province	
C	Banteay Meanchey Province			
60	Our Nouvrat	Chief office	DLMUPCC, Bantey Meanchey Province	
D	Kandal Province			
61	Ngorn Sor	Director	DLMUPCC, Kandal Province	

Appendix 6: Original signatures requesting project extension

ಶ್ರೀಮತಿ ಲಲಿತಾ ಕುಮಾರ್
 ಸಹಿ ಲಲಿತಾ ಕುಮಾರ್

ಉದ್ದೇಶಿತ ದಿನಾಂಕ 07/09/04.

ಜನಪ್ರಿಯತೆ ಮತ್ತು ಸಮಸ್ಯೆಗಳನ್ನು

ಜನಪ್ರಿಯತೆ ಮತ್ತು ಸಮಸ್ಯೆಗಳನ್ನು ಯಾವುದೇ ವಿಧದಲ್ಲಿ
 ಸುಸ್ಥಿರವಾಗಿರಿಸಿ ಕೊಡುವುದು ಮತ್ತು ಇತರರನ್ನು ಸಹಾಯಿಸುವುದು: ಜನಪ್ರಿಯತೆ
 ಮತ್ತು ಸಮಸ್ಯೆಗಳನ್ನು ಯಾವುದೇ ವಿಧದಲ್ಲಿ ಸುಸ್ಥಿರವಾಗಿರಿಸುವುದು
 ಮತ್ತು ಸಮಸ್ಯೆಗಳನ್ನು ಯಾವುದೇ ವಿಧದಲ್ಲಿ ಸುಸ್ಥಿರವಾಗಿರಿಸುವುದು

ಜನಪ್ರಿಯತೆ ಮತ್ತು ಸಮಸ್ಯೆಗಳನ್ನು ಯಾವುದೇ ವಿಧದಲ್ಲಿ ಸುಸ್ಥಿರವಾಗಿರಿಸುವುದು
 ಮತ್ತು ಸಮಸ್ಯೆಗಳನ್ನು ಯಾವುದೇ ವಿಧದಲ್ಲಿ ಸುಸ್ಥಿರವಾಗಿರಿಸುವುದು
 ಮತ್ತು ಸಮಸ್ಯೆಗಳನ್ನು ಯಾವುದೇ ವಿಧದಲ್ಲಿ ಸುಸ್ಥಿರವಾಗಿರಿಸುವುದು
 ಮತ್ತು ಸಮಸ್ಯೆಗಳನ್ನು ಯಾವುದೇ ವಿಧದಲ್ಲಿ ಸುಸ್ಥಿರವಾಗಿರಿಸುವುದು

ಜನಪ್ರಿಯತೆ ಮತ್ತು ಸಮಸ್ಯೆಗಳನ್ನು
 ಸುಸ್ಥಿರವಾಗಿರಿಸುವುದು

ಲ.ಸ	ಉದ್ದೇಶಿತ ದಿನಾಂಕ	ಪ್ರಾಜೆಕ್ಟ್ ನಾಮ	ಜಿಲ್ಲೆ	ಹೆಸರು
1.	07-09-04	ಜನಪ್ರಿಯತೆ ಮತ್ತು ಸಮಸ್ಯೆಗಳನ್ನು	ಜಿಲ್ಲೆ	ಹೆಸರು
2.	07-09-04	ಜನಪ್ರಿಯತೆ ಮತ್ತು ಸಮಸ್ಯೆಗಳನ್ನು	ಜಿಲ್ಲೆ	ಹೆಸರು
3.	07-09-04	ಜನಪ್ರಿಯತೆ ಮತ್ತು ಸಮಸ್ಯೆಗಳನ್ನು	ಜಿಲ್ಲೆ	ಹೆಸರು
4.	07-09-04	ಜನಪ್ರಿಯತೆ ಮತ್ತು ಸಮಸ್ಯೆಗಳನ್ನು	ಜಿಲ್ಲೆ	ಹೆಸರು
5.	07-09-04	ಜನಪ್ರಿಯತೆ ಮತ್ತು ಸಮಸ್ಯೆಗಳನ್ನು	ಜಿಲ್ಲೆ	ಹೆಸರು