



PERGAMON

Habitat International 28 (2004) 181–201

HABITAT
INTERNATIONAL

www.elsevier.com/locate/habitatint

Improving tenure security for the urban poor in Phnom Penh, Cambodia: an analytical case study

Beng Hong Socheat Khemro^{a,*}, Geoffrey Payne^b

^a *Ministry of Land Management, Urbanisation and Construction, Department of Urbanisation, Royal Government of Cambodia, #173-177 Monivong Boulevard, Phnom Penh, Cambodia*

^b *Geoffrey Payne and Associates, London, UK*

Abstract

In its effort to fight poverty, the Royal Government of Cambodia has emphasised the importance of providing land titles to its population. This aim has been widely supported both financially and technically by the World Bank and German Technical Assistance (GTZ) as well as foreign governments such as Finland. The World Bank's Regional Land Policy Workshop in Asia held in Phnom Penh in April 2002¹ sought to kick off the process of a country-wide land titling programme which also covers Phnom Penh city.

Even though this heavily budgeted project looks set to produce more than a million² land titles within approximately 5 years, it will face many difficulties and challenges related to land tenure due to overlapping claims and border demarcation disputes.

This paper addresses the types of land tenure existing in Phnom Penh which will present problems to the land titling programme and suggests that an alternative approach may be preferable. It is based on a field survey of households in a range of informal and formal low-income settlements of 10 areas in Phnom Penh, Cambodia. It also involved interviews with a number of key stakeholders in government agencies, the private sector, NGOs and representatives of international agencies. A total of 700 householders were interviewed and an additional 70 informal case studies were completed to obtain qualitative information to complement the quantitative data obtained through the survey.

© 2003 Elsevier Ltd. All rights reserved.

Keywords: Tenure; Relocation; Property rights; Evictions

*Corresponding author. Tel.: +855-11-876-169.

E-mail address: bhskhemro@yahoo.com (B.H.S. Khemro).

¹ Minister's speech, April 2002.

² The total target of land titles to be issued is varied from one executive year to another, i.e., 12,000 in 2002, 102,000 in 2003, 192,000 in 2004, 300,000 in 2005, 330,000 in 2006, and only 66,000 in 2007 (The World Bank, 2002, p. 43).

1. Background to the study

Land ownership patterns in Cambodia have been heavily influenced by historical factors, in particular the political developments of the last three decades. When the Khmer Rouge regime took control of the country in 1975, all people were forced to move out from the cities to cultivate land in the countryside. During this period, all land and houses were taken over by the government and all forms of private ownership were abolished.

When the genocidal Pol Pot regime was toppled in early 1979, all legal claims to immovable property before 1979 were declared void by the then government and all land and houses became the property of the state. Most property owners in the urban centres had been killed or had died between the period of 1975 and 1979. This left most land and buildings vacant in all urban centres. In the years that followed, people came and occupied vacant buildings and dwellings on a 'first come first served' basis.

Until 1989, the government usually allowed people the right to occupy the properties where they were staying and also to have the right to sell and buy them on the emerging de facto land and housing market. However, since that time as the city's population grew rapidly, it became increasingly hard to find vacant land or houses. With high demand, land and property therefore increased rapidly in value. This intensified further when UN officials arrived in Cambodia in 1992 to prepare for the general elections of 1993. Though a land law was promulgated in August 2001, to date the government has had no policy or institution to support housing for the poor or to control or regulate the urban land market. Poor people who came to Phnom Penh later were not able to find any vacant or free land and could not afford to buy formal houses. Therefore, they had to find somewhere to stay at very low prices, usually on state public land those resulting settlements are now usually considered as informal settlements.

Even those families which have been settled on state public land since 1979 or later on are now also considered by the government as informal settlements and have been facing eviction, or have already been evicted or been relocated from their existing settlements. Many of the state public lands where people have been living have subsequently been or are being leased or sold to become state private lands or private lands.

Until recently, government policy concentrated on moving communities from existing informal inner city settlements and providing individual land titles in new developments outside the city. This has proved socially disruptive and economically disastrous for the poor as it has reduced their access to livelihood opportunities, and further increased their poverty. Recently, however, a more pragmatic approach is being adopted by the Ministry and Municipality which offers an opportunity to improve both the security of tenure and livelihoods for the urban poor and the efficiency of the city's land market.

2. The field survey

To obtain evidence on land tenure options and preferences by low-income households in Phnom Penh, surveys, case studies and interviews with key stakeholders were undertaken in April 2002. Following the appointment and training of survey enumerators, a pilot testing survey was conducted and a debriefing held to assess any further training needed by the interviewers.

Weaknesses in the questionnaire were also rectified prior to starting the survey proper. Questionnaires were originally prepared in English and then translated into Khmer.

A total of 700 households were interviewed and 70 informal case studies completed over a 7-day period in April 2002 in different parts of Phnom Penh. Interviews were also held with representatives of official and private sector stakeholders.

3. Types of land tenure in Phnom Penh

In Phnom Penh city and Cambodia as a whole, there are two main types of land ownership claimed and recognised by the [Royal Government of Cambodia \(2002\)](#) in the poor urban communities studied, namely public and private land. In the public domain, land is further classified as state public and state private ownership ([Cambodian Land Law, 2001, Article 14, p. 7](#)). Therefore, in our survey, land was classified into state public land, state private land, private land and government concession land provided to the squatter re-settlers, as follows.

According to Article 12–16 ([Cambodian Land Law, 2001, p. 6–7](#)) state public property is basically referred to as property belonging to the State and which can only be used for the public interest, and is not subjected to transaction. It includes roads, parks, railways, airports and other specifically public uses.

According to Article 17 ([Cambodian Land Law, 2001, p. 8](#)) state private property is basically referred to as property belonging to individual state institutions which can be transferred, distributed (in the form of social concession) and can also be subject to transaction according to the appropriate laws. This includes land and buildings occupied by government institutions.

According to Article 85 ([Cambodian Land Law, 2001, p. 29](#)), private property is basically referred to as property to which individuals enjoy full rights of use, transfer, inheritance and transaction, except in a manner that is prohibited by law.

A number of additional tenure systems also exist, including the following:

- pavement/mobile dweller,
- tenant in informal housing,
- unauthorised occupation of state public land or mobile boat house,
- unauthorised occupation of state private land or building roof top,
- unauthorised occupation of private land or building roof top,
- temporary housing allocated by government agency,
- family registered book,
- social concession by the government,
- tenant in formal housing,
- court order after dispute,
- certificate of possession,
- certificate of ownership.

The total range of tenure types, and the property rights associated with them are shown in the typology presented in [Fig. 1](#).

The rights enjoyed by occupants listed in [Fig. 1](#) are described according to their legal status. However, whilst people in informal settlements do not enjoy full enforceable legal rights, in

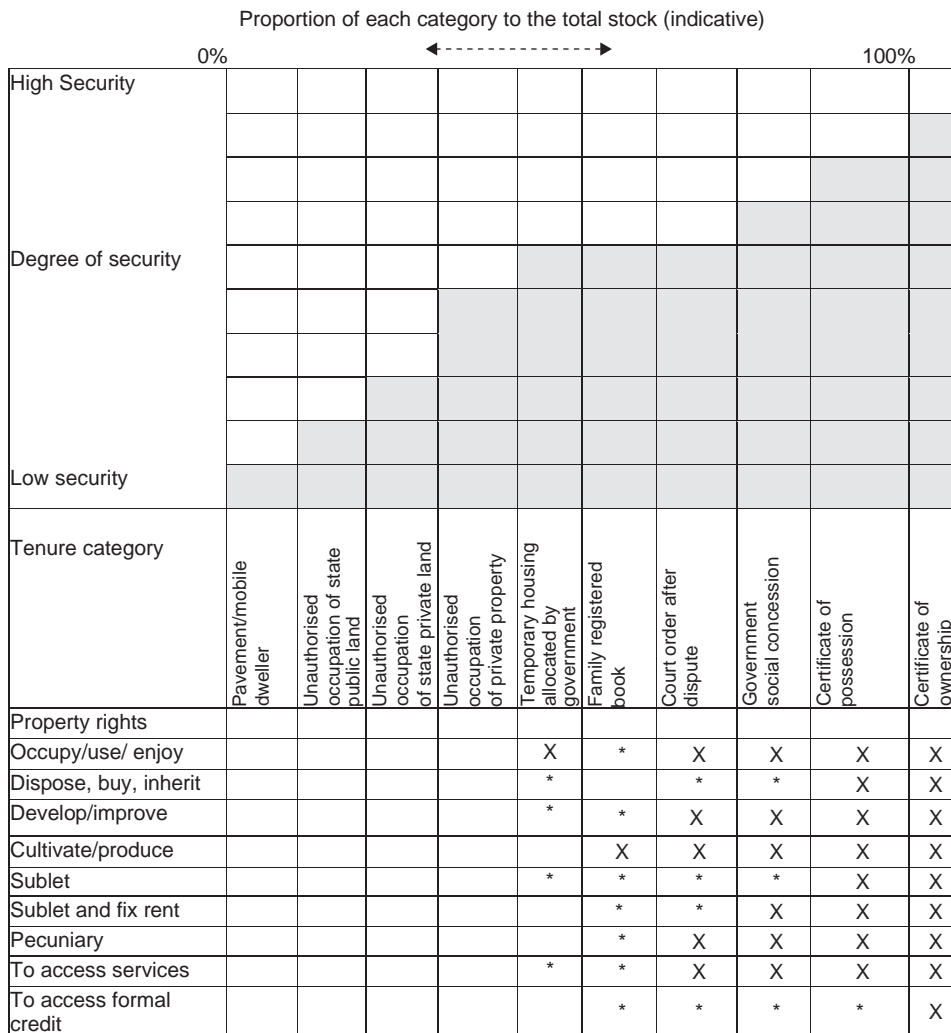


Fig. 1. Comparison between the degree of security and right enjoyed by occupants.

practice they often enjoy a reasonable degree of security and are able to use or transfer properties on the market. That is to say, in many cases, pavement dwellers also sublet, sell, or inherit their property, even though these transfers are not recognised by the legal system. Inevitably, the realities of tenure rights are more complicated than the table suggests, so it should be treated with caution. This is particularly important in that many settlements include more than one, and sometimes several, different tenure categories. It should also be noted that although all the informal tenure categories lack any formal property rights there are subtle but significant variations in the level of tenure security. For example, those on state private land enjoy greater protection from eviction than those on state public land.

Taking into consideration the above cases, this research project has chosen examples representing the main categories listed above in its target areas for interviews. The location of

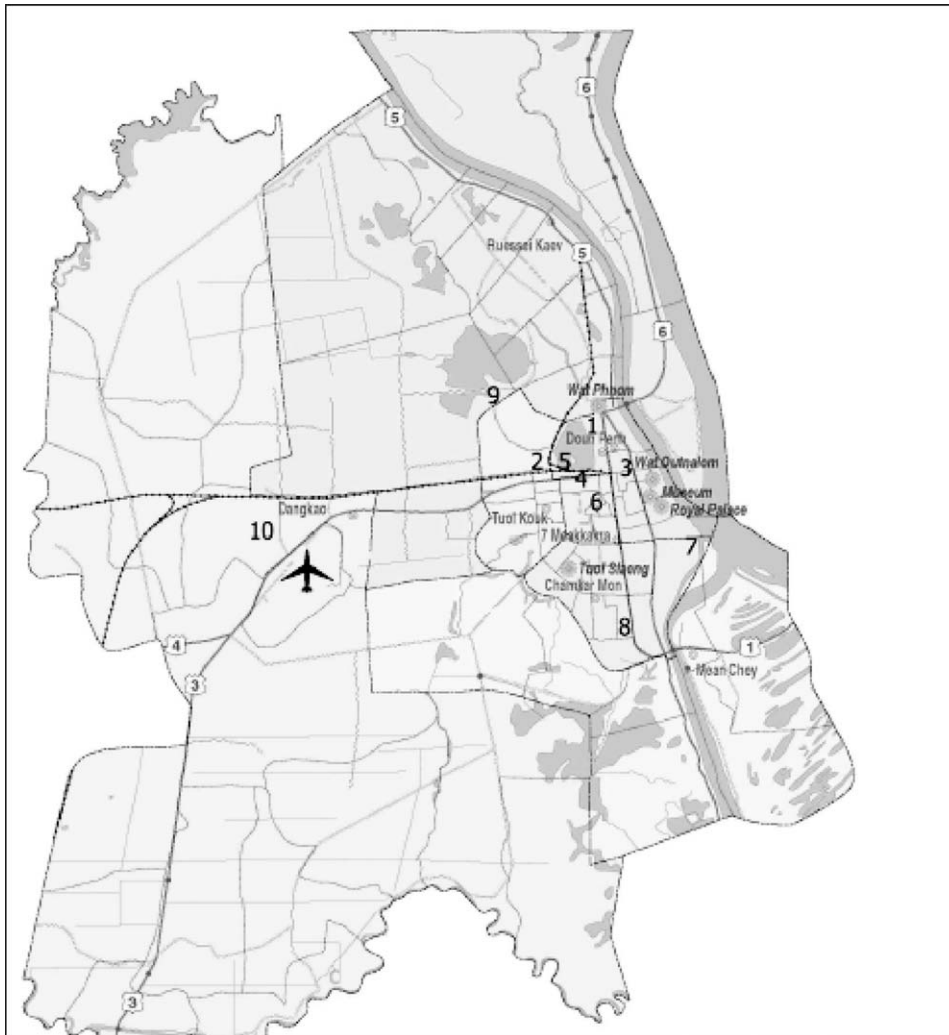


Fig. 2. Map of Phnom Penh and location of case study sites. Key—location of study sites: 1, Boeung Kak; 2, railroad areas; 3, rooftop settlement, Hem Cheat Cinema; 4, rooftop settlement, Department of Fine Art; 5, Wat Neak Vann; 6, Borey Keyla; 7, Bassac River settlements; 8, Street 474 and 97 pavement dwellings; 9, Boeung Prayap; 10, Samaki resettlement site.

the case study settlements is shown in Fig. 2 and background information on target areas is provided as a key in the figure caption.

4. Examples of low-income settlements in Phnom Penh

4.1. *Pavement dwellings on streets 474 and 97 of Boeung Trabek commune (state public property)*

These dwellings are built along many streets of Boeung Trabek commune in Chamkamorn District of Phnom Penh. Initially, the pavements were built as extensions, but over time, they have



Fig. 3. Economic activities and housing along road 97.

developed into housing of quite good condition, many of which have two storeys (see Fig. 3). One of the main reasons why such dwellings have been able to develop is due to the low population density of the commune. Many parts of the commune have undeveloped land that has no planned boundary, roads, or other infrastructure.

The area is currently popular with Vietnamese immigrants, most of whom migrated to the city illegally. The dwellings are currently used for living and as workshops and accommodate 78 families of approximately 312 people. Since they live on public pavements, they cannot claim to be the rightful owners of the land. According to local authorities, these residents will have to be resettled in order to clear the pavements for public use. However, despite the permanent threat of eviction, the houses are built with good quality and expensive materials, perhaps due to poor enforcement of regulations or laws. Living conditions are fairly convenient due to their close proximity to all services and infrastructure of the city.

4.2. *Unauthorised settlements*

Among the informal settlements with low levels of security are those on state public land. An example of these is the long and continuous cluster of settlements on both sides of state public land along the national railway at Wat Neak Vann. They were first built by people waiting to enter the city in late 1979 and the early 1980s when only those who were qualified to work in Phnom Penh were allowed to settle in the city (see Khemro, 2000). The rest of the settlement was booming in the period 1991–1993 and has been growing ever since. The area is home to around 2000 families with an average population of approximately 12,000 people (The World Bank, 2002).



Fig. 4. Housing condition along the railroad at Wat Neakavan.

The housing situation and services available in the area are divided into two forms according to different locations. Those settlements situated along the railroad far from the intersection between the city's main streets and the railroad have better housing conditions with fairly good facilities, such as toilets and sewerage systems as seen in Fig. 4. This reflects the greater degree of de facto security felt by the residents, compared to those near the main road–rail junctions or close to the railway tracks.

The settlements are defined as on state public land due to current planning standards which stipulate that all land within 25 m of the centre line of a railway track is state public land. This also applies in urban areas. However, land in the national railway stations and warehouses is defined as state private land as it is owned by the royal railway authority. This means that, officially, housing along the railway line cannot be eligible for regularisation or in situ upgrading, unless the definition of state public land were to be revised or relaxed. However, many residents did not even realise that they lived in areas officially prohibited by the government authorities. In fact, many are government employees of the railway authority and have some kind of formal documents from the authority to live there though, as Box 1 demonstrates, such documents may not provide much security.

Another example of unauthorised development is the Bassac River settlement. This is the largest low-income settlement in Phnom Penh and is located in the heart of the city less than a kilometre from the National Assembly and the Royal Palace doors (Khemro, 2000, p. 37). In 1998, the settlement faced more threats from eviction or resettlement than other area, as it has always been regarded by the municipal government as a disgrace to the city's image.

Except for a few cases of areas connected to the river where people used to cultivate irregularly and informally since perhaps the early 1980s, the rest of the area was occupied intensively during the transitional period of 1991–1993. Most of the settlement is prone to flooding and there have

Box 1

Life beside the tracks

Mrs. Chan^a is 35 years old and lives with two of her children beside the railway track. She moved here in 1991 from the eastern province of Prey Veng in order to live with her elderly mother. At that time there were only five families living in the area. The land was swampy, overgrown and brimming with wildlife. Mrs. Chan bought the land for five chea of gold (equal to approximately US\$180). The bushes were then cleared by her family and others. More and more families began to settle rapidly in the area, and by 1993, it was densely occupied. After this, the local authority established administrative structures such as nominating a village head and issuing a family registration book to each family living in the area.

Despite this the government have now ordered all the families living along the railroad to move their houses 15 m from the railroad without compensation. While Mrs. Chan is willing to move her house she feels her family should receive compensation from the government for the loss of their house and land. The house was built and slowly improved through the hard work and sacrifices of her family. In order to improve the condition of the house she had invested all the money she had been able to save from food trading and her husband took on extra work as a taxi driver outside working hours.

Mrs. Chan recognises that this settlement is considered illegal, which makes the position of her and her family more vulnerable. However, on her husband's meagre income of \$20 per month her family could not afford to live in a legal area. If forced to move, they will have to move outside the city where land is more available. This will mean that not only will all their past investment and effort be wasted, but they will also lose their sources of income generation and will therefore be forced into even deeper poverty.

^a All the names used in boxes have been changed to protect the confidentiality of the interviewees.

been many fire disasters in the area. Some of the settlement is on state public land, some on state private land and others on private land. This inevitably complicates attempts both to remove the residents and also the level of de facto security of the community groups. Most families have the family register book which increases their rights, though does not protect them from eviction or relocation. A further complication is that several tenure categories can be found in the area, including, state public, state private and private. The degree of de facto security increases from the first to the last of these, though no households felt secure given previous attempts to remove them. This is another constraint to improving the housing and living conditions.

There are many other types of unauthorised settlements in Phnom Penh, many of which are in fairly good condition while others are in a very poor condition. Examples include the following:

4.3. *Unauthorised settlements on the rooftops of private apartment buildings*

These rooftop settlements consist of wooden huts with thatch roofs and offer reasonable living conditions, due to the facilities they share with the buildings on top of which they are built. They have good living environments and some environments are even better than many apartments for better-off households which have inadequate ventilation and light exposure. However, many are vulnerable to destruction by fire and some settlements were completely destroyed, as fire hoses did not adequately reach them. A case study is presented here for an overview of the living situation in the area (Box 2). Until recently, the municipality conducted a campaign to remove these settlements and relocate their occupants to sites outside the city. However, a more pragmatic approach is now being adopted.

Box 2

Above the city—life in a roof-top settlement

Mr. Hout is 54 years old, and lives with his wife and five children on the rooftop of a building. He was given an area of roof to build his hut on by the municipality as part of a compensation package when he was resettled from his previous home.

Although the family is happy to continue living on the rooftop, they are not sure if the government will allow them to live there permanently or not. When they were resettled here they were told it was only a temporary location and that the government would find a more permanent destination for them later. However, Mr. Hout and his family find the rooftop convenient as all the basic services such as water, electricity and sewerage systems are available to them at government supply prices and the children's school and other facilities are close by. These benefits have allowed the family to survive despite their meagre income. Like many of the other families on these rooftops, they wish the government would allow them to live there permanently. If this were assured, they would begin to invest in improving their housing conditions when possible, safe in the knowledge that they would not be forced to move and start from scratch again in another area.

5. Squatting inside private property

The former Hem Cheat Cinema (private property) represents one of the worst housing conditions of the poor in Phnom Penh and is located in a prime location close to the National Bank of Cambodia. After the collapse of the Khmer Rouge regime in 1979, the former Hem Cheat Cinema building was occupied by a few families. The physical situation of the cinema in those early years was however in fairly good condition, including its facilities such as the seating and stage. However, the numbers of families living in the cinema increased in the late 1980s and early 1990s. Such a population increase led to the removal of the seating and other facilities in order to make way for a living space for the newcomers. Today, the cinema is home to 78 families with a total population of around 300 people.

Inside the cinema, residents have built huts and rooms. These are in extremely poor condition, cramped and often in danger of collapsing as a result of lack of maintenance and old age. Even the cinema's former toilets were converted into living spaces. All garbage is thrown under the stairs, and human waste is allowed to flow into the back footpath of the building in open canals. The rooftop floor of the building shows clear signs of falling down as the result of the long erosion of its floor-reinforcements. The whole community living inside the building has no toilets, sewerage or hygienic living environment (i.e., no adequate ventilation and sun light goes through the building). Some of the huts and rooms have no sunlight or ventilation.

The environment inside the cinema smells of rotten garbage and dead animals such as rats and human waste from the open sewer. It has been very fortunate for all the residents inside the cinema that they have been able to avoid a fire disaster, because most of them would have no chance to escape if one started. In short, Hem Cheat Cinema is one of the worst, if not the poorest and most dangerous, low-income settlement in Phnom Penh (see [Box 3](#)).

The Boeung Kak Lake low-income settlement is located on state private land in one of the most favourable sites in Phnom Penh, close to commercial and residential areas and a railway station. In the early 1980s, it was an amusement park with restaurants and nightclubs, but in 1989 the area was steadily occupied by squatters and by the transitional period of 1991 when the country prepared to hold its first general election, most of the land had been completely taken over by

Box 3

The case of a family living in one of the huts inside the former Heam Cheat Cinema

Mrs. Muoy was born in Svay Rieng province on the border with Vietnam. In 1986 she and her husband migrated to Phnom Penh. At the time of their arrival in the city her husband worked as a construction worker. However, her husband left her for another woman. Since then she has been living with her three children. Her hut was built under the staircase inside the cinema. She makes a living by doing laundry in peoples' houses for an income of between 2000 and 3000 Riel/day (US\$0.5–0.6), which is barely enough for a day-to-day existence. As a result, her three children are sometimes unable to go to school when she does not have enough money to pay their teachers. If Mrs. Muoy is forced to move to a resettlement area by the government she will not have any money to build a new hut. It is also unlikely that she will find her current work in the resettlement site as no family will be able to afford the laundry service because most of them are as poor as her. However, Mrs. Muoy would not reject the resettlement programme of the municipality if her family was provided with adequate food for the first year, plus a water well, a decent house and some money so she can start her own business, and provided that the land they were relocated to was protected from flooding during the monsoon season.



Fig. 5. Housing and living conditions in Bassac River settlement.

newcomers. Like other low-income settlements, the area also has its own hygienic and environmental problems and poor living conditions due to its crowded situation with inadequate services and facilities (see Fig. 5). The area is home to approximately 3000 families with a population of around 18,000 people. A case study of one family is presented here as an example of people's living conditions (see Box 4).

A consortium of foreign developers attempted to acquire the area for commercial development recently, but opposition from the residents and informal commercial interests catering to budget travellers succeeded in warding off the challenge. Many properties in the area have been developed as apartment complexes funded by local developers who would also be reluctant to see their investment forfeited. Until the long-term tenure issues are resolved, prospects for widespread improvement will be restricted to those with influence, large-scale funds, or both.

Box 4

A case study of a family living in the north-east side of Boeng Kak Lake

Mrs. Sophal moved to the illegal settlement area of Boeng Kak Lake with her children when her husband left her for another woman. Although Mrs. Sophal had heard through informal channels that this land was not legal, she had no choice but to buy it as she could not afford to buy land in legal areas. Mrs. Sophal had felt very vulnerable during this period as she had no one to comfort and support her and she bore all the responsibility for feeding her young children. Since the separation she has been working as a tailor. However, this does not provide enough for her family's daily needs especially because when she tried to sell her goods at the market the police and market guards often fine her. As a result, she has had to borrow money from private lenders. The interest she has to pay of 20,000 Riel (\$5) a month for a loan of 100,000 Riel (\$10) means that her living conditions deteriorate every day. Some days she cannot even afford the cost of her children's schooling. This situation is made worse for her because she is not allowed to connect to government supplies of water and electricity because of the illegal status of the settlement. Instead she has to pay more than three times more than the government price for these services—electricity is 800 Riel (\$0.2)/kWh from a vendor compared to the government supply of only 300 Riel (\$0.076)/kWh.

Borey Keyla is another unauthorised settlement on state private land and is located in a former sports complex next to the Olympic stadium. The area is in the central city with perfect access to most services and facilities. Its historical occupation by squatters is similar to the Boeung Kak area when it was rapidly settled in the transitional period of the early 1990s and again in late 1998 when the country prepared to hold its national elections. Housing in Borey Keylar is mainly in two forms; first those who occupied the existing buildings and second those who occupied buildings on the ground. Both types of housing and living condition have the same poor situation. Hygienic problems are perhaps worse than the risk of fire disaster. Living and housing conditions in Borey Keylar are much worse than in the Boeung Kak area. This is due to the very real threat of eviction so that its residents dare not invest any savings to improve their living and housing conditions. It is estimated that around 10,300 families with approximately 50,200 people currently live in the settlement both in the buildings and on the ground.

Perhaps the most visible example of housing problems in Phnom Penh is the White Building near the Bassac River (see Fig. 6). This presently was re-designated as private property after 1979. Many of the residents occupy their rooms legally. They have all the relevant documents to claim rightful ownership over the place where they live. These people are mostly government employees who were settled there by the government. Many have lived there since 1979 or the early 1980s and have done what they can to make living conditions within their apartments comfortable. To increase their incomes, some have sublet to families who occupy rooms or subdivided apartments unofficially. Whilst both groups can reasonably claim security on the grounds of their tenure status, the overall condition of the building, and its prominent location, make it a target for redevelopment for more commercially and environmentally viable developments and for this reason, many residents feel insecure. This perception is heightened by the recent eviction and relocation of squatters from land next to the building (Fig. 7).

The Boeung Tumpum settlement is an example of unauthorised settlement on private land and is located along the city ring road. The area is subject to flooding and the name “Boeung” itself translates as “lake”. In fact, many parts are still lakes or low-lying, swampy land. Land tenure is not clear. Many residents claim they have occupied the area legally through their respective government institutions or ministries, while others claim they have bought it from rightful owners



Fig. 6. Housing and living condition in Boeng Kak Lake poor settlement.



Fig. 7. The white building near Bassac River.

who also have never had any concrete ownership. However, during our field survey we observed that many parts of the area were developed with warehouses and even a golf course, and other medium scale developments.

Since the areas are newly developed (by residents and the private sector), there are not many services available and infrastructure is very disorganised and unplanned. There is no sewerage system and no water supply, although there are signs of an electricity supply available. Many residents have built the traditional Cambodian wooden style house popular in rural areas, while others have built their houses using modern materials and styles. There is a real need for proper physical planning of the areas, which will provide an infrastructure layout plan and other services and facilities to enable the settlement to become a liveable area. It is estimated that there are around 120 families with approximately 480 people living in both areas. However, this population is estimated only in the related interviewed settlements and thus does not necessarily represent all of those in the two Sangkats (communes).

Finally, a case study was made in the planned settlement at Samaki to which residents from various squatter settlements in Phnom Penh, including those of the Bassac River settlements, were relocated by Phnom Penh Municipality. The relocation area is located around 15 km from Phnom Penh on 6 ha of rice paddy land which is subjected to monsoon flooding. The government purchased the land and subdivided it into small plots (average 7 m × 17 m) and allocated Certificates of Possession to each family. It also provided some basic infrastructure, such as building a dyke to protect the area from flooding. The residents also raised their plots to increase ground level. At the time of the survey, the site was still in need of some services and facilities in order to improve living conditions (see Fig. 8). The site is home to around 900 families with approximately 3600 people.

Interviews with residents revealed that many were unhappy with their new plots as they were too far from their places of employment and the travel times and costs were difficult to sustain. In



Fig. 8. Physical conditions in the Samaki resettlement area.

fact, it appears that many of the original residents had sold their plots and moved back to rent dwellings in the inner city, sublet them to other households, or simply failed to move in. Many plots remain unoccupied.

6. Survey findings and analysis

The survey revealed that the percentage of households headed by women is similar to other recent studies in urban poor communities in Phnom Penh, where the average is 29 per cent (see Khemro, Vuday, & Angkeara, 2002). Such a high percentage is one of the main reasons for poverty as women normally hold lower paid jobs. However, on closer inspection it becomes apparent that there are variations between areas. Although male-headed households, as shown in Fig. 9, are dominant in all cases, the percentage varies between 22 per cent of female-headed households in Boeng Prayap, and 41 per cent in the Bassac area, where tenure is least secure. The variation also affects the living standards of the population and thus impacts on the physical conditions of different areas.

Fig. 10 shows that most squatters occupy land belonging to the state. However, the level of uncertainty (the threat of eviction) of the state properties varies according to the priorities of the government development, land use, planning of the areas and their geographical locations. For example, squatter populations who live in areas designed for public open space along the pristine location of the Bassac River front, face a higher threat of resettlement than those who live in areas designed for similar purposes in the less visible areas of Boeng Kak Lake.

Fig. 10 also indicates that most squatters have lived in the areas for over 5 years across all categories of land and many also have occupied their properties since 1979 or the early 1980s. Since the squatters and the government have therefore tolerated each other for a long time

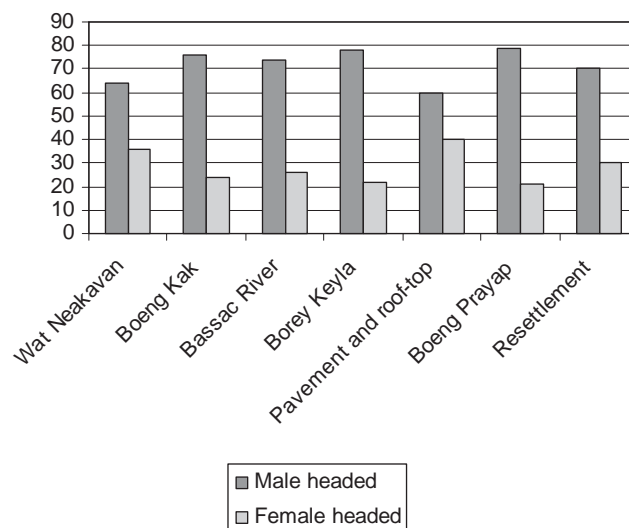


Fig. 9. Percentage of headed household status of each studied area.

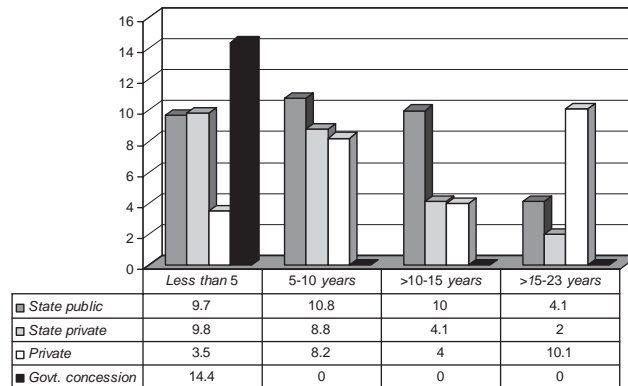


Fig. 10. Government recognised land ownership by years of residence.

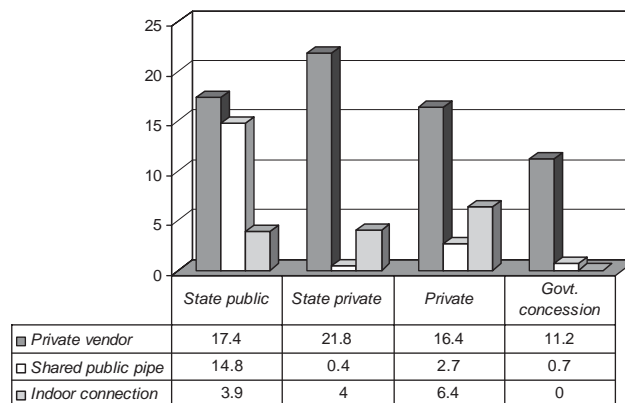


Fig. 11. Type of water supply available in the studied areas by type of property.

already, they should not rush into failure and conflict by settling for a short-term solution which is not viable. Most of the unauthorised settlements in Phnom Penh are in locations with reasonable access to livelihoods, services and public facilities. They are not occupying sites which are either environmentally dangerous or economically strategic and would no doubt be rapidly improved by the residents themselves if they felt adequately secure.

Access to water supply for the majority of the urban poor living in all the different forms of land tenure is via private vendors (see Fig. 11). However, the urban poor also have access to public water pipes in all areas although with comparably smaller percentage. Fig. 11 also shows that those who settle on state private, state public and private land have access to an indoor public water supply. Comparing the three types of land tenure areas, we can see that the urban poor who settle on state public land have better access to water supply than others. However, they are on land which legally cannot be transferred to private tenure and therefore offers limited prospects for future upgrading. From this we also clearly see that the water supply in squatter settlements within the city is far better than that of the government resettlement area (government concession area) as squatter settlements are located inside the city where such services are already in place or

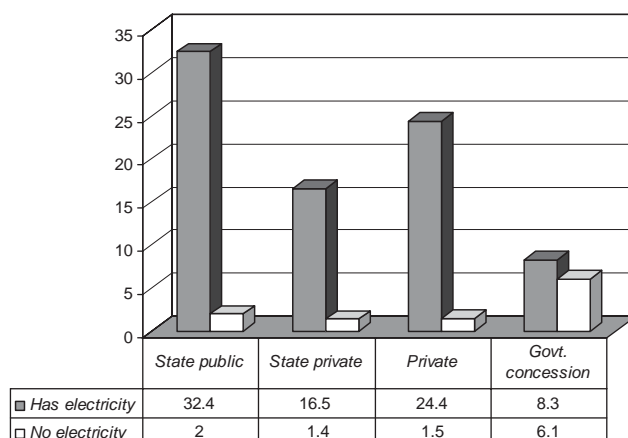


Fig. 12. Electricity supply available in the studied areas.

available at a short and affordable distance. As the relocation projects are far from the city centre, it has been difficult to provide public services to these areas, thereby compounding the problems facing relocated families.

The percentage of the urban poor having access to an electricity supply reflects a similar situation to that of access to a water supply. As shown in Fig. 12, the majority of the population have access to electricity, although with different levels of access and sources. The highest percentage of the population with access to an electricity supply is the urban poor who live in the state public land, followed by those living in private land, state private land and finally those living in the government concession area. As in the case of water supply, those living in the resettlement areas have the poorest access to electricity. Again, this is because the resettlement areas are often located far from the city centre and in uninhabited areas.

It is an encouraging sign that the majority of the urban poor have access to a toilet, although of different types (see Fig. 13). As with the other two services, the population living in squatter settlements has better access to a toilet than those living in the resettlement area. The most sanitary type of toilet is a connection to the public sewerage system or a septic tank. Because of its close proximity to the city centre, these areas provide their populations with better-sanitised toilets. In summary, the findings indicate that people living in squatter settlements have better access to basic services and livelihoods than those living in the government resettlement site.

As shown in Fig. 14, the location of work places confirms that the urban poor place a high priority on proximity to employment areas where they can earn a livelihood. It also shows that 57.8 per cent of the population worked within 5 km of their homes. Within the relocated settlement, 59 per cent of the population worked more than 5 km from their homes, or were mobile in their search for work; while 23 per cent of the population worked more than 10 km from their homes (see Fig. 15). Case studies in this area reinforced the view that people's net incomes had declined due to the additional time and costs of travelling to places of work. The resettlement programme is therefore actually increasing poverty rather than reducing it.

At a major workshop held at the end of the fieldwork, the key stakeholders and their roles in the implementation of land tenure policy were identified and a set of policy options agreed. These are summarised in Table 1.

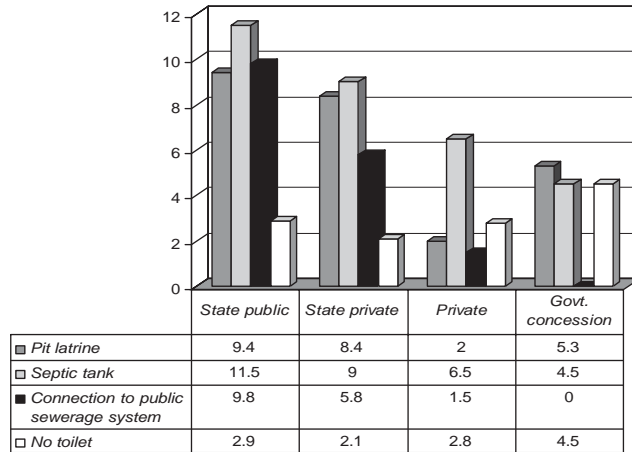


Fig. 13. Type of toilet available in the studied areas.

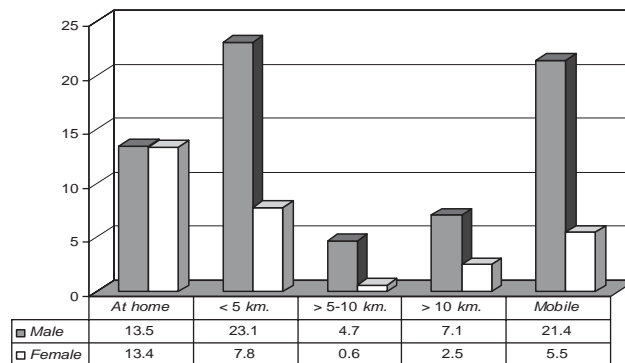


Fig. 14. Working distance of the interviewed headed households.

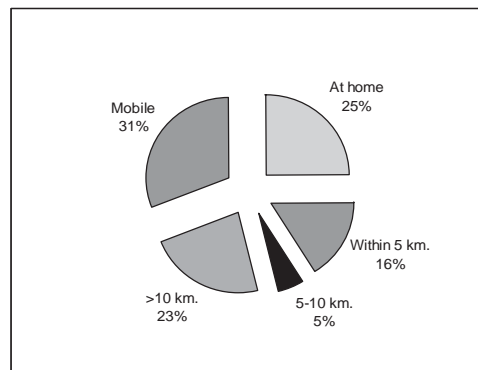


Fig. 15. Percentage of the working distance of the resettlement residents.

Table 1
Summary of the roles of stakeholders (from workshop discussion)

Central government	Municipal government	Communities	NGOs, IOs, etc.	Land owners	Donors
Provide support for land sharing programme	Implement and coordinate the programme	Forming into strong and well-organised communities	Provide support both financially and technically (human resource), and coordination	Participate in the programme and willing to compromise	Financial and technical support
Provide funds for purchasing the land	As above	Participate in the programme actively	As above	Willing to compromise to share land or provide fund to buy land in relocation site	As above
Provide public education and awareness on land policies	As above	As above	As above	Participate in the programme	As above
Develop land policies efficiently for the whole country	Develop urban development planning programme related to urban poor communities	As above	As above		As above
Provide land and funding for public housing project	Cooperate with central government and effectively implement the project	Provide labour to investors	Provide fund for land purchasing		As above
Develop and enforce law and regulations	As above	Participate actively in housing project	Provide jobs and decent living condition to urban poor	Participate in law and regulation making process	As above
Register all land	As above, and implement land registration	Understanding their own rights related to land tenure, and identifying their needs to other stakeholders	Participate in law and regulation making process	As above	As above
Law and regulation making	As above	As above	Disseminate, educate and publish law and regulation to wide public and especially for the poor		As above

An important result of the workshop was an agreement among participants that relocation should not be the only policy option to address the needs of the poor in Phnom Penh. Land sharing was widely considered to offer the best option for the urban poor living in temporary or informal settlements. This would enable existing residents of unauthorised settlements to obtain formal tenure on part of their site whilst allowing the state or private landowners to develop the remainder. The approach can also be applied to new developments. It is considered cost effective and more likely to be popular and therefore able to create a ‘win–win’ situation between the communities, government and other stakeholders.

The workshop also recommended that the government should identify urban informal settlements that are suitable for upgrading, or land sharing, and those that are not. This would reduce the existing levels of uncertainty expressed in most areas surveyed. Even in areas where land-sharing programmes could not be implemented, temporary land tenure should be provided before relocation programmes were implemented. This would allow affected families to prepare to move, and give the relevant authorities time to develop acceptable alternative sites within reasonable distance of employment opportunities and also extend infrastructure services without delay.

7. Conclusions

The Phnom Penh surveys and case studies confirmed that land tenure and property rights need to be seen as part of a comprehensive urban management package. In many cases, the poor who live in illegal areas did not invade the land but are victims of land speculation by the first land invaders who had the means to grab land for free and then sold it to the poor. Most of the residents interviewed claim they bought their land or house from previous owners, even though most failed to produce any concrete documents relating to their claims.

The relocation site studied is not a successful project because it was too far from existing livelihood opportunities, services and social facilities and transport to these was both expensive and time consuming. As such, the relocation projects are actually increasing, rather than reducing urban poverty and only a few of the original families remain in the area. Most of the re-settlers have kept their plots but do not live there anymore. Many plots were built with small run-down huts and the doors were locked. We were told by the neighbours that the owners of the plots and huts had gone back to Phnom Penh and now rent houses in the city. In many other cases, the families leave one of their members to look after the plot and hut, while the rest have also returned to live in the city. The main reason cited in interviews for the return of families to the city is the fact that the new resettlement site lacks job and income opportunities.

Effective urban management policies need to combine measures to attract inward investment with programmes to offer a range of options in terms of tenure security reflecting the diverse needs and ability to pay of different social groups. There is no ‘silver bullet’ that can solve all these problems using a single measure such as the provision of land titles. Other essential components include enabling the poor to live in areas near employment and providing basic services according to people’s ability to pay. However, a strong case can be made for subsidising the provision of basic services, since the improved health standards that result benefit everyone and do not distort land markets in the way that other subsidies often do.

Finally, case study interviews revealed that people are modest in their needs and only require a secure place with access to employment areas and basic services in order to improve both the city and their own lives. Moving them away from these assets inhibits both objectives. The Ministry of Land Management, Urban Planning and Construction, together with the Municipality of Phnom Penh should therefore urgently explore options which can both improve the city's economy and environment, and also enable low-income citizens to play an active part in this process.

8. Recommended policy options related to land tenure in Phnom Penh

The lack of a coherent land tenure and housing policy in Phnom Penh have inhibited attempts to create an efficient land market in which the key stakeholders—the state, landowners, developers and particularly the poor—can meet their needs. Ad hoc actions have resorted in widespread insecurity and a reluctance to invest in home improvements even when resources are available. However, there are welcome signs that the authorities are addressing the challenge and several studies and projects are under way to resolve the problems and replace resettlement programmes with in situ improvement programmes, land sharing, and land readjustment projects. One recommendation is to announce a Moratorium on Relocations and Evictions (MORE) for a period of at least a year, so that residents in unauthorised settlements can obtain short-term security and the authorities can identify which settlements can be upgraded and which ones need to be relocated because they are in environmentally vulnerable or economically strategic locations. Sites can then be identified and developed for infill development for households which need to be relocated. All households can then be granted longer terms of tenure, though not necessarily full freehold titles. Recent evidence suggests that the Royal Cambodian Government is making positive moves in this direction. In a recently approved Strategic Framework for Land Policy (Interim Paper, 2002, p. 26) it states that “The policy consensus at this time is to recognise limited, temporary rights to occupancy for informal settlements while searching for permanent shelter solutions.” The paper also stipulates that “if the site of an informal settlement is public land which is required for a more socially beneficial alternative, then a policy of compensation and relocation may be implemented. If the site is not required for alternative use, then the settlers will be recognised with either longer-term rights or full ownership and services upgraded over time. The policy consensus which is emerging is that forced evictions should be avoided as much as possible and that if compulsory relocation is required, then both adequate preparation time, and adequate relocation sites, must be provided”.

One aspect deserving of reconsideration is the criteria used for defining the boundaries of state public land be reviewed. For example, it is questionable to define a distance of 25 m from the centre of a railway track as unsuitable for development in urban areas when less than 5 m is common in many countries, including the UK. Reducing this criterion would enable many households to be eligible for longer-term tenure and in situ upgrading. This would not only be popular, but also extremely cost effective.

Another recommendation from the research is to sell part of state private land to investors on condition that the investor allocate part of the land to building houses for the urban poor. The work should be monitored by an independent outside agency, whilst the landowner could keep part of the money generated.

References

- Cambodian Land Law, The Royal Government of Cambodia, Ministry of Land Management, Urban Planning and Construction. (2001). *Land Law*. Phnom Penh: The Royal Government of Cambodia, Ministry of Land Management, Urban Planning and Construction.
- Khemro, B. H. S. (2000). *Patterns of squatting in Phnom Penh: An evaluation of the socio-economic characteristics of squatters and their reasons for squatting*. Unpublished Ph.D. thesis, Development Planning Unit, University College London, UK, February.
- Khemro, B. H. S., Vuday, O., & Angkeara, P. (2002). *Research study on population agglomeration: Socio-economic characteristics. Phnom Penh City, Kandal, Kampong Spun, and Kampong Chung provinces*. Sponsored by UNESCO, Phnom Penh, Cambodia.
- The Royal Government of Cambodia. (2002). *Strategy of land policy framework: Interim paper*. Prepared by the Council of Land Policy, Phnom Penh, September.
- The World Bank. (2002). Project appraisal document on a *Proposed credit in the amount of SDR 19.3 million (US\$24.3 million equivalent) to the Kingdom of Cambodia for a Land Management and Administration Project*; Report No: 22869-KH, Washington, DC.