



Uneven Developments: Toward Inclusive Land Governance in Contemporary Cambodia

Michael B. Dwyer and Young Sokphea

Cambodia has long exemplified a difficult mix of resource wealth and weak land governance, given its legacy of enduring post-war conflict and neoliberal development policies. Since 2012, however, the government has undertaken a series of ‘deep reforms’ aimed at overcoming the enduring poverty, extensive land conflicts, and extreme imbalance in rural landholdings created by the boom decade of the 2000s, when over 2 million hectares of economic land concessions were issued to private companies. Reforms include an ongoing moratorium on new land concessions, a program of accelerated rural land titling targeted specifically at areas excluded from earlier titling efforts, and most recently, a year-long review that claims to have reduced the country’s land concessions by over 1 million ha. With elections on the horizon and the government promising to redistribute this newly reclaimed land to ‘the people’, many are asking whether these reforms are creating durable and grounded institutional change, or are simply temporary, calculated forms of inclusion aimed at managing an increasingly volatile landscape.

This paper, commissioned as part of the Swiss Agency for Development and Cooperation’s ‘learning journey’ on inclusive land governance, examines this question using case study evidence from Cambodia’s north-eastern frontier. It draws on three weeks of fieldwork in Phnom Penh and Stung Treng province, including key informant interviews, document analysis, and a validation workshop with experts in Phnom Penh. Of central importance to the material presented in our paper is the spatial dimension of land and resource tenure. Given the range of issues that shape and impede the enforcement of policy and law, scholars have emphasized the need to examine land governance, transparency, resource exploitation and policy implementation on the ground and in practice in order to understand their true efficacies and shortcomings.

We thus begin by reviewing the uneven development of different tenure-creating mechanisms in rural Cambodia, including land titling, land concessions and community forestry. We do so by describing the array of land and resource tenure regimes that have been used to lay claim to the Cambodian countryside during the past two decades, taking account of their both their timing and spatial distribution vis-à-vis one another. We then examine the geographic dimensions of rural land governance and development, drawing on fieldwork we conducted in Stung Treng province. Lastly, we examine the question of conflict resolution by drawing on examples from our fieldwork in Stung Treng, as well as an ongoing effort by indigenous





communities in Ratanakiri province to pursue a land claim with the International Finance Corporation's Compliance Advisor/Ombudsman against a Vietnamese rubber company. We focus on the ways in which land conflicts at various stages help illuminate both the challenges and the opportunities to improve governance in a landscape where land conflict is widespread, and conflict resolution forums limited. We also examine the issue of transparency and (especially spatial) information creation, emphasizing the ways that maps help reveal land conflict, but can also help address it if they are mobilized within good-faith processes. At the same time, we highlight the likely limits of even good-faith processes given the extensive allocation of ELCs, and note the need to address jurisdictional conflict in the search for socially sustainable outcomes.

We argue that since land conflicts are endemic in many rural areas, the success of recent reforms is best assessed through ongoing efforts to mitigate and address them. As such, we do not believe that the question of durable versus temporary reforms can be answered definitively, but rather demands sustained inquiry of a variety of rural landscapes and associated land conflicts. Our case studies suggest that community forestry has played an important, if imperfect, role as a de facto tenure institution of tenure enhancement, even as land titling and concession regulation have failed for various reasons. Nonetheless, current efforts to combat 'encroachments' into community forest spaces – and onto village lands more generally – highlight the rise of concession-induced land scarcity and associated tensions as indigenous communities and Khmer migrants end up competing for arable land. Adding to these examples, the case from Ratanakiri suggests that third-party conflict resolution is a viable option when it can be compelled, but that even as the case offers a number of insights and promises, it also highlights the need to reform statutory conflict resolution institutions such as the Cambodian court system.

Our research proposes four general 'ways forward': First, we suggest that SDC and other donors continue to support the use and strengthening of institutions that protect land and resource tenure. We suggest a context-based approach to deciding which institutions to support, and highlight the importance of particular cases (e.g. HAGL) given their wider institution-building potential. Second, we recommend continued support for broader efforts to create land-related transparency, inquiry and informed debate; while this is already occurring, more is needed, especially when it comes to using the information that is already available. Third, we suggest building a series of land-related linkages across donor programming; current SDC support in a number of areas offers opportunities to capitalize on the lessons learned from this study. Finally, we recommend supporting efforts to reform Cambodia's current Land Law; we focus specifically on refining (and possibly redefining) the category of possession rights, as well as using the state land doctrine for socially protective purposes rather than largely as an incentive to attract foreign capital.

