



“Moving Forward: Study on the Impacts of the Implementation of Order 01BB in Selected Communities in Rural Cambodia”

June 2013

“New Actions on the Existing Policy in the Land Sector”

On May 7, 2012, Prime Minister Hun Sen issued an instruction known as Order 01BB.¹ This order temporarily suspended the granting of Economic Land Concessions (ELCs), and required a review on the implementation of ELCs granted to date by the Royal Government of Cambodia. It was to form part of the government’s ‘New Actions’ to tackle land disputes, a plan that involved sending out hundreds of students across the country to measure land for villagers and to hand out land titles.

“To sum up, this campaign to carry out these New Actions on the Existing Policy in the Land Sector is an additional step in the comprehensive land reform programme designed: to resolve those instances where possession is unclear by granting full ownership rights and by granting small-scale economic land concessions or social concessions in order to ensure security of land tenure; to resolve land conflicts; to promote the economy by using and managing small, medium and large landholdings in an efficient manner; and to maintain environmental sustainability and the preservation of natural resources.” Im Chhun Lim, Minister of Land Management, Urban Planning and Construction, September 2012.

“I was excited about the work that I did and I felt a strong obligation to fulfill this duty for my nation. I’ve kept the military uniform.” Former student volunteer, June 2013.

“They promised to solve [the problem] but no one has yet done so. I had legal title to my land. In fact, I owned five hectares, but when the student volunteers came to measure it, they measured only three hectares. I accepted it but now I don’t even have that land, only a piece of paper so I’ve asked the authorities to help solve my problem.” Villager in Pursat, May 2013.

“In my village the student volunteers were meant to hand out temporary title certificates to each family once they had finished measuring the land. However the local authorities said the students had worked hard and were exhausted and so didn’t need to do that. Instead the authorities said they would, so the student volunteers left the titles with them. Later when the authorities handed us the temporary titles, they said we should remember which party to vote for in the upcoming election, because if we failed to vote correctly then we might not receive the permanent titles.” Villager in Oddar Meanchey, March 2013.

¹ Order 01BB is referred to as a Directive 01 in many English language press, media and non-governmental reports. However the term Order 01BB is retained in this document to maintain consistency with official government terminology.

Contents

Acronyms ----- 4

Introduction ----- 5

Methodology and Processes of the Study ----- 6

 1. Purpose ----- 6

 2. Key questions ----- 6

 3. Locations ----- 7

 4. Respondents ----- 7

 5. Data gathering and analysis ----- 7

 6. Limitations ----- 8

“Samdech Techo Student Volunteers” Background and Mission -----10

 2.1 Background -----11

 2.2 Legal aspects of Order 01BB -----11

 2.3 Recruitment and composition of student volunteers -----12

 2.4 Training of student volunteers -----13

 2.5 Plan and results to date -----14

 A. Phase I -----15

 B. Phase II -----16

 2.6 Financing the implementation of Order 01BB -----16

 2.7 Management body of student volunteers -----18

 2.8 Summary on backgrounds of student volunteers -----18

People’s experiences participating in the land measurement process in four provinces:
Kampong Chhnang, Pursat, Battambang and Oddar Meanchey -----21

 3.1 Documents required for land measurement -----21

 3.2 Types of land measured in the Land Titling Campaign -----22

 3.3 Collaboration in the land measurement process -----22

 3.4 Challenges encountered during the land measurement process -----23

 3.5 Hopes on the benefits of receiving land titles -----23

 3.6 People’s concerns about land titles -----24

 3.6.1 Undermining the solidarity of people in the community -----24

 3.6.2 Limitations on the use of land -----24

 3.6.3 Making political capital from the implementation of Order 01BB -----25

 3.6.4 Abuses in the land measurement process -----25

 3.6.5 Discrimination -----25

 3.7 Participation of female student volunteers -----26

 3.8 The issue of other communities not receiving land titles – as highlighted at the
Cambodian Grassroots People’s Assembly -----26

Case studies in specific locations-----	28
Case study 1: On the effectiveness of the new land titles-----	28
A. Background to the problem-----	28
B. The root cause of the problem: overlapping titles -----	30
C. Threats from the authorities -----	32
D. Impacts on affected families -----	32
Case study 2: Titles withheld-----	35
Case study 3-----	37
Case study 4-----	38
Case study 5-----	39
Case study 6-----	40
Discussion on new land titles granted under Order 01BB: actual practices -----	41
4.1 Size of land per title and the types of land measured-----	41
4.2 Renting names for ownership of land titles -----	41
4.3 Limited dissemination of information about the campaign -----	42
4.4 Repeated changes to the implementation of Order 01BB -----	42
4.5 “Technical problems” in the land measurement process -----	43
4.6 Lengthy waiting times for permanent title -----	43
Conclusion -----	45
References -----	47

Acronyms

CGPA	Cambodian Grassroots People’s Assembly
CNV	Cambodia New Vision
CPP	Cambodian People’s Party
ELCs	Economic Land Concessions
LGBT	Lesbian, Gay, Bisexual and Transgender
MLMUPC	Ministry of Land Management, Urban Planning and Construction
MoAFF	Ministry of Agriculture, Forestry and Fisheries
MoE	Ministry of Environment
RFA	Radio Free Asia
RULE	Royal University of Law and Economics

Introduction

In late June and early July 2012, more than 1,000 student volunteers were despatched to targeted provinces across the country, accompanied by officials from the Ministry of Land Management, Urban Planning and Construction (MLMUPC). It marked the start of the process to implement Hun Sen's Order 01BB, and involved the student volunteers measuring land and granting land certificates to rural residents. The student volunteers, trained in basic measurement techniques, were kitted out with military uniforms bearing the MLMUPC's logo and transported by army trucks. The land titling campaign,² which critics contended was highly political coming a year before the general election, was the personal initiative of Hun Sen, and as such received support from all levels of government.

The campaign was implemented by officials from the MLMUPC with support from the student volunteers and relevant ministries. Funding came from Hun Sen and his wife as well as from key members of the ruling Cambodian People's Party (CPP). Although most news reports focused on the involvement of the student volunteers, it was the MLMUPC officials who had overall responsibility for the programme. The training and subsequent fieldwork carried out in often-distant provinces provided a new experience for many of the student volunteers.

In order to understand the effectiveness of Order 01BB in addressing land conflicts in the country, Focus on the Global South and the Heinrich Boell Foundation funded a study to document its implementation in selected areas. The main goal of this study is to shed light on the positive and negative impacts of the programme on people in rural communities. While this study is not comprehensive, it does provide an important snapshot of what is arguably Cambodia's most ambitious land titling initiative in years.

The report is divided into four sections. The first outlines the study's methodology and processes. The second examines information about the backgrounds of the student volunteers and their activities in regard to the implementation of Order 01BB. The third section illustrates key findings gathered from four provinces (Kampong Chhnang, Pursat, Battambang and Oddar Meanchey), and also reports specific case studies related to land measurement in selected villages. The fourth section discusses key findings and conclusions regarding the impact of Order 01BB on people in these communities.

² This initiative is referred to as both, a campaign and programme, in this paper. Although the initiative was projected by the Cambodian Government as a land titling programme, its implementation resembled a political campaign and was widely referred to as a campaign in press/media coverage.

Methodology and Processes of the Study

This paper is a qualitative study of people's participation and experiences in the process of land measurement through the implementation of Hun Sen's Order 01BB. This section details the methodology and processes, the participants, the data gathering and the exercise in which the findings were analysed.

1. Purpose

The study aims to document the history and process of the implementation of the land measurement programme carried out by the student volunteers, as well as the experiences of community people involved. Its specific objectives are:

- a) To understand the political factors that enabled the creation of this body of student volunteers;
- b) To document the process of recruitment, training, task allocation and actual conduct of the work carried out by the student volunteers;
- c) To understand the impacts (positive and negative) of the implementation of the land measurement programme by the student volunteers; and,
- d) To record the perspectives of people in the communities surrounding the activities, processes, results and effects on their livelihoods of the student volunteers' work.

2. Key questions

The information in this study was gathered from primary and secondary sources. The primary data focuses on the experiences of people in rural communities, while secondary sources are used to illustrate the history of Order 01BB and its implementation by the student volunteers.

Data gathered from websites and news reports form an important background to this study. These include: government websites such as the MLMUPC (www.mlmupc.gov.kh) and Cambodia New Vision, which reports speeches made by Hun Sen in his official capacity; news website Kolbot Khmer; the *Phnom Penh Post*, *The Cambodia Daily* and other news outlets. Recent research focusing on the implementation of Order 01BB is also used as secondary source of information. Field data is based on interviews and discussions with people in four provinces in March, May and June 2013.

Key questions that guided the data gathering were:

1. Who are the student volunteers? How were they recruited? Who supported them?
2. Why was this task force created? What political forces or incidents or events triggered the formation of the student volunteer task force?

3. How many task force teams are there in the country? How do they operate?
4. What have been the positive and negative effects of their work so far?
5. How do community members view/assess the results of the student volunteers' work?

3. Locations

This study gathered data from 16 villages in four provinces: Oddar Meanchey, Battambang, Pursat, and Kampong Chhnang.

Table 1: Location of the study data

Name of province	# of villages	# of people
Kampong Chhnang	2	62
Pursat	5	128
Battambang	1	15
Oddar Meanchey	8	108
Total	16	313

The villages were chosen based on finding people in that area willing to help collect information on the activities regarding the land measurement programme in their own and in nearby villages.

4. Respondents

The villagers who took part in the data collection exercise include people who volunteered to help gather information, people who have had their land measured, people whose land has not been measured, people who have received temporary land titles, those who have received permanent land titles, and others who have had problems in using their permanent titles. The respondents also included local authorities, village chiefs, commune councillors, staff from the MLMUPC's cadastral offices, and former and current student volunteers.

By March 2013, a total of 114 people had taken part in the data collection of whom at least 47 were women. In the second data gathering exercise in May, a further 199 persons participated. In total then, at least 313 people were involved in discussing and sharing their perspectives and experiences.

5. Data gathering and analysis

Analysing the data involved three important steps:

- A. *Preparatory workshop on the documentation process:* This took place in February 2013. In this workshop, the objectives and the plan to carry out the

documentation were discussed, and a list of questions was developed for the first stage of data gathering.

- B. Analytical workshop assessing the first stage of data collection:* This took place over two days at the end of April 2013 in order to report on and discuss the data that had been collected. With the participation of community representatives, the workshop analysed the primary data collected from villages as well as the secondary data on the backgrounds of the student volunteers and the purpose of implementing Order 01BB. As a consequence, the team developed a new set of questions to deepen the data collection and crosscheck the apparent trends.
- C. Analytical workshop for the second stage of data collection:* This was conducted in May 2013 after the second phase of data was collected. This workshop took place in Battambang province.

In each workshop, a collective analysis of the data from the four provinces was undertaken to compare the trends, similarities and differences of the activities of the student volunteers based on the context in each province.

The Khmer-language draft report of the findings was the subject of a further consultation in July that sought feedback from community representatives prior to its finalization.

6. Limitations

The study represents an effort to document the experiences of people in selected communities who took part in the land measurement programme carried out by the student volunteers. It does not seek to claim that the issues or findings reported here are representative of the experiences of people in other villages, or even of those in the same districts. It is solely documenting the experiences and perceptions of people in trying to obtain land titles through the Land Titling Campaign, and during the initial stage – the first six months or less – of being awarded those titles. The data gathered through discussion reflect the perceptions, feelings, fears, hopes and expectations of many people who had previously experienced land rights abuses.

It should also be noted that the main purpose of data collection in five villages in Krakor district, Pursat province was to record conflicts arising from the measurement of land in these target villages as well as assessing other issues related to the effectiveness of the new land titles of some selected groups. During the data-gathering period, the authorities arrested an activist in Krakor district after he tried to ensure that a group of families who had recently received their land titles were able to access their land. His arrest intimidated people in the target villages and prevented them from sharing their experiences about the impact of Order 01BB, because they feared doing so might affect them and their families. The activist's arrest also affected the process of the second phase of data collection because efforts in those communities were diverted towards active, non-violent advocacy demanding his release.

Given the sensitivity of land titles and the political realities surrounding the land measurement programme, the real names of people involved in this study have not been revealed. The only exception is where those names have already been published.

“Samdech Techo Student Volunteers” Background and Mission



Photographs courtesy: Phnom Penh Post

2.1 Background

Land disputes have reportedly affected between 400,000 and 700,000 people in Cambodia – a nation of 15 million people – and are considered a highly sensitive issue (LICADHO, 2012; May & Worrell cited in Vize & Hornung 2013, p. 2). In its 2013 human rights report, LICADHO states that more than two million hectares of land have been granted as land concessions to companies. Land disputes have become a near daily event, yet the mechanisms to tackle them have largely failed to work or to address the effects on the livelihoods of the poor, who constitute the bulk of the victims.

On May 7, 2012, Prime Minister Hun Sen issued an order demanding a halt to the granting of economic land concessions (ELCs) to private companies and called for a review into the implementation of the contracts of existing ELCs (Kuch & Seiff, 2012; May 2012a). Media reports made it clear that the order was issued as a direct consequence of the heated issue of land disputes. Shortly after the order was issued, Hun Sen publicly announced the plan to launch the Land Titling Campaign, which would measure land and give legitimate land titles to people. This programme was to be implemented within six months by the relevant ministries and authorities (May, 2012a). In order to meet the targets, Hun Sen called on students to volunteer should the authorities require more manpower. Shortly after Hun Sen’s speech, the recruitment of student volunteers began.

This section outlines: the legal aspects of Order 01BB; the backgrounds of the student volunteers; their recruitment; the steps taken to implement Order 01BB; the financing of the programme; and the results achieved in the year since it commenced in June 2012.

2.2 Legal aspects of Order 01BB

Order 01BB contains four key elements:

- **first**, it temporarily suspended the granting of any new ELCs;
- **second**, ministries, institutions and those authorities with the relevant competencies were to assess ELC contracts, particularly with regard to the tiger-skin policy³, and ensure the ELCs did not affect communal lands or the livelihoods of citizens, and thereby warranting that ELCs produced tangible and sustainable benefits for the nation and its citizens;
- **third**, that companies holding government permits and which had failed to comply with the relevant laws would be stripped of their ELCs; and,
- **fourth**, that this Order would not apply to companies that had already received permits “in principle” from the government before the order was issued. (RGC, May 7, 2012.)

3. In which ELCs are meant to skirt forest and land that is important to local communities, creating a patchwork of land holdings in the manner of a tiger’s skin.

The student volunteers, who were variously referred to as senior students, youth volunteers or *Samdech Techo* youth volunteers (after the commonly used honorific for Hun Sen), were to measure land for rural families facing land conflicts. By working closely with staff from MLMUPC and other relevant ministries, student volunteers would measure land, fill in the requisite forms and hand out land titles. However, the students were not to measure land that was in dispute, and pointedly had no authority to resolve any such disputes. Some analysts felt the implementation of Order 01BB and the mission of the student volunteers was overly ambitious given the gap between the limited time in which they could carry out their work and the expectations surrounding the results. That said, the work did seem to move quickly during the first six months, from June to December 2012.

That period also saw numerous amendments to the legal framework of Order 01BB, ostensibly in order to make it easier for all involved to implement it. An early guideline appeared on the website of the MLMUPC: *The Guideline on the Implementation of Order 01BB issued on May 7, 2012 on the Action to Strengthen and Increase the Effectiveness of the Management of Economic Land Concessions*. Since Order 01BB was publicly announced, more than 200 legal documents – decrees and sub-decrees – were issued to support, legitimize and facilitate its effective implementation (source: speech by Hun Sen in Cambodia New Vision,, January 2013). This torrent of supporting legislation is unique in this government’s time in office.

2.3 Recruitment and composition of student volunteers

After Hun Sen’s publicly announced Order 01BB, the recruitment of the student volunteers began so as to ensure a speedy start to the land measurement process (ADHOC, 2013). In June 2012, more than 1,000 student volunteers were recruited from associations and various universities. Some students at universities in the capital reported that the recruitment drive was posted on boards (source: personal interviews). Second-, third- and fourth-year students at Phnom Penh’s Royal University of Agriculture – and particularly those studying urban planning – were required to join the land measurement campaign.

“At my university, it was compulsory for students to take part in the implementation of Order 01BB because it is exactly what we are studying. Students who are studying in years two to four are required to join in this activity, every class, and particularly those who are majoring in urban planning.” Interview, student volunteer, June 2013.

A careful review of the names and political stance of the student associations that mobilized the recruitment indicates that most of the recruited students were selected from student bodies in Phnom Penh that favour the ruling CPP, such as the Cambodian Democratic Students’ Intellectual Federation, which consists of 22 member associations (CDSIF, 2009). In addition, CPP activists from different colleges and universities were important agents in mobilizing students to participate. The table below summarises the number of students recruited from different universities.

Table 2: Number of students by institution

No	Name of institution	No of students
1	Royal University of Agriculture (RUA) - Chamkar Dong	391
2	The Buddhist Intellectuals	312
3	Cambodian Democratic Students' Intellectual Federation or K22	216
4	Cambodia Institute of Technology	83
5	Royal University of Law and Economics (RULE)	51
6	Royal University of Phnom Penh (RUPP)	35
7	Ministry of Land Management, Urban Planning and Construction (MLMUPC)	12
Total		1,100

Source: Cambodia New Vision website (2012a) and Khmerlivetv (2013).

At the ceremony to close out Phase I of the land measurement campaign on January 6, 2013, Hun Sen thanked seven student associations⁴ that took an active part in the programme. These student associations, one of which was The Buddhist Intellectuals, are known to be pro-CPP networks. Student volunteers were also recruited from private universities in Phnom Penh and a handful from MLMUPC staff. For example, the student volunteers from Group 118 who measured land in Kep province comprised students from RULE, the National Institute of Management, RUPP, the Human Resources University, the Sachak Asia Development Institute, Build Bright University, and the RUA (Kolbot Khmer, 2013a). In addition there were students from Norton University, the Cambodian University for Specialties (CUS), the Cambodian Mekong University, Asia Euro University, and the Prek Leap National School of Agriculture. Those recruited from the Royal University of Agriculture consisted of students majoring in Urban Planning and Land Administration (MLMUPC, 2012).

2.4 Training of student volunteers

Before being deployed, the student volunteers received training from specialised staff at the MLMUPC on leadership and on managing their assignment. They were instructed on their roles, how to measure land and how to handle technical equipment such as the GPS devices. The weeklong training programme was also aimed at improving their understanding of the campaign's purpose (Muller and Zulsdorf 2013).

"I heard that the training focused on how to fill out the forms for parcels of land, about the Land Law, how to measure land, and techniques such as

4 Hun Sen singled out seven student associations for praise: Kolbot Khmer, Confederation of Cambodian Youth Federations, Student Association, Cambodian Democratic Students' Intellectual Federation (K22), The Buddhist Intellectuals, CPP activists at Higher Education Institutions in Phnom Penh (K77), Cambodia Muslim Student Association (Cambodia New Vision, 2013; Khmerlivetv, 2013).

using GPS... I don't know the detailed content because I did not participate like the other volunteers. I am from the youth of the ministry [MLMUPC] and I was deployed immediately after I was assigned to join the mission. Former student volunteer, June 2013.

The student volunteers were authorized to measure land according to the legal proceedings recommended by the Supreme Council on State Reform's Council for Land Policy. Hun Sen stressed that, "land disputes are not the role of the student volunteers," (Khuon, 2013), and generally students refused to measure land if it was in dispute, as was borne out by statements from residents of those areas. For instance, 300 families in Pursat province confirmed that the students had refused to measure land for them because they considered that it fell within a Social Land Concession (May, 2013d).

One study assessing the impact of the land measurement programme among indigenous communities in Ratanakkiri province, which has a large indigenous population, criticised the way the student volunteers operated. The study noted that the student volunteers "have not received training on the way of life, culture and tradition of indigenous people" (Rabe, 2012 p. 24.) Gaps in knowledge about the context and traditional practices of indigenous people, as well as incorrect information disseminated by student volunteers, affected how indigenous families saw the process, with some accepting having land measured for private land title rather than for communal land (Rabe, 2012)

This lack of training caught the eye of UN Special Rapporteur Surya Subedi, who outlined his concerns in a letter to the Ministry of Foreign Affairs in which he pointed out that the students had received only a brief period of training before being sent out to measure land. In his response, MLMUPC Minister Im Chhun Lim stressed that the student volunteers were merely providing assistance to the technical teams that were measuring the land, and that they were learning by doing under the mentoring of the technical teams. And, he added, some were third- or fourth-year students or had finished their studies or were studying urban planning and land administration. Im Chhun Lim dismissed Subedi's fears, stating that his concerns showed the rapporteur, "does not clearly understand how the work is actually being done" (MLMUPC, 2012).

That assurance aside, each student volunteer was expected to fulfill their assignment, and that made the question of oversight and training an important one. For instance, the problem of overlapping titles held by families in Damnak Pring in Kbal Trach village, Pursat province – which is discussed later – was one of several ascribed in part to technical mistakes made in the measurement process. It not only cast doubt on the effectiveness and precision of the land measurement process, but on the knowledge of the students who operated the measuring equipment.

2.5 Plan and results to date

"In a single day, one sub-group could measure up to 10 parcels. The minimum we could achieve was two parcels a day (and that happened

particularly when the land was in more remote areas). During the measurement process some groups had to walk a long way. If the plot of land was just a hectare then that was fine, but if it was five hectares we had to walk a lot." Former student volunteer, June 2013.

The student volunteers were divided into 168 groups (May, 2012e), with each group typically comprising 12 students. There were two phases to the Land Titling Campaign.

A. Phase I

Phase I ran from June to December 2012, and saw four deployments of student volunteers. On June 28, the first two batches of 734 volunteer students were despatched in 61 groups to assist hundreds of ministry and provincial officials across the country. The second deployment took place on July 5, and saw two more batches totalling 444 students divided into 35 groups (May, 2012e). The aim was for the nearly 1,200 students taking part in this first phase to measure 350,000 hectares for more than 100,000 families.

The *Phnom Penh Post* (May, 2012f) reported that the target provinces for Phase I included Kampong Chhnang, Pursat, Battambang, Banteay Meanchey, Kampong Cham, Kampong Thom, Kratie, Preah Vihear, Kampong Speu, Kampot, Ratanakkiri, Mondulhiri and Stung Treng. By the end of this initial phase, some 340,000 parcels of land had been measured on 580,000 hectares, giving an average plot size per family of 1.7 hectares. With around five people per family, that represented around 1.5 million people (May, 2012f).

The student volunteers took three breaks during Phase I. The first break was in September on different dates for different batches (see table below). The second break was for Pchum Ben, between October 13 and 18. The third break was a six-day holiday for the Water Festival, and they resumed work on December 1, 2012 (Supreme National Council on State Reform, 2012). The student volunteers finished Phase I of the land measurement mission on December 26, 2012 (Kolbot Khmer, 2012f).

Table 3: Holiday schedule for student volunteers

Month	Date	Group
Sept 2012	2-8 Sept	Group who departed in 1st and 2nd batches
	16-22 Sept	Group who departed in 3rd and 4th batches
Oct 2012	13-18 Oct	Student volunteers, technical staff, medical staff, logistics team
Nov 2012	25-30 Nov	Student volunteers, technical staff, medical staff, logistics team
Dec 2012	26-30 Dec	Student volunteers, technical staff, medical staff, logistics team

Source: Announcement of Supreme National Council on State Reform (28 August 2012).

The completion of Phase I saw a party organized for the student volunteers and the staff involved, presided over by Hun Sen and his wife in which the prime minister thanked those involved for their efforts.

B. Phase II

Phase II began on January 15, 2013 and lasted until the end of June. Around 2,000 student volunteers (Mesa, 2013) took part, of who 1,362 were new recruits. The rest had taken part in Phase I⁵ (Mesa, 2013). In Phase II, the student volunteers were required to measure roughly one million hectares in 19 provinces, with half of that target scheduled for completion before the July general election and the remainder by March 2014 (Mesa, 2013). Phase II saw a break for Khmer New Year (Khoun, 2013). The first stage in this two-step Phase II process ended on June 20 (Student Volunteer Group Leader, May 2013).

At the time this report was written, the first stage of the two-step Phase II process had been completed. The government's figures for the entire project to June 20, 2013 stated that it had distributed 361,734 permanent titles to individuals, checked land parcels for 426,907 families and measured parcels totalling 962,707 hectares (MLMUPC, 2013).

2.6 Financing the implementation of Order 01BB

"I want to emphasize that I am not using the national budget to support the youth volunteers. I am committed to supporting them and making their mission to measure land." Hun Sen, CNV, June 2012a.

"The mission to measure the land would not have happened without the support of the Cambodian People's Party." So said MLMUPC Minister Im Chhun Lim during a speech to student volunteers in Phnom Penh's Koh Pich Convention Centre on April 19, 2013 (Kolbot Khmer, 2013b). According to Radio Free Asia (RFA) and a report from Vize et al. (2013), Hun Sen and other members of the CPP personally funded the student volunteers (RFA, 2012; Vize et al, 2013). The *Phnom Penh Post* noted that Hun Sen and his wife had paid for the stipends and materials needed for the student volunteers to ensure that it did not affect the national budget (May, 2012a). There was no indication as to who else within the CPP had contributed.

An article in the *Jakarta Globe* (Fitzpatrick, 2012) reported that each volunteer received a monthly stipend of USD 220. In his speech to student volunteers before their departure on June 26, 2012, Hun Sen said he would pay each student volunteer 30,000 Riel per day, or approximately 900,000 Riel⁶ a month (CNV, 2012b). Every student volunteer, regardless of whether they were a group leader or a member, received the same stipend (source: interview with former student volunteer group leader, June 2013). It is worth noting that this stipend is far higher than a typical civil servant's wage. At the party marking the completion of Phase I⁷, Hun Sen and his wife also gave

5 MLMUPC staff said student volunteers from Phase I who passed a test were appointed as technical staff and went on mission with the newly recruited students in Phase II. Former volunteers from Phase I were allowed to continue volunteering in Phase II provided they did not need to resume their university studies.

6 Approximately USD 220 at the exchange rate of 4,000R/USD

7 It was held at the Koh Pich Convention Center on January 6, 2013.

USD 100 to each of the student volunteers, specialised staff, medical staff and logistics staff. This handout alone amounts to USD 456,600 (Bopha, 2013, Khmerlivetv, 2013).

Each group of student volunteers received the following equipment:

- Handheld GPS (Garmin GPDMap 62s) for surveying, providing 1.5m – 3m positional accuracy.
- Two iPads for photographing applicants and their supporting documents.
- One laptop, used for filing documents and downloading the Garmin data and iPad files.
- Official forms and stationary to collect applicants' information.
- Contact radios for communication in case the mobile telephone networks did not reach certain areas.
- Two mobile phones with a special number for the student volunteers linking them directly to Hun Sen's office.
- One generator and solar panels to recharge batteries for the surveying instruments, iPads and laptops.
- Cooking materials and food.

Besides the financial support, the student volunteers also received rice, instant noodles, canned fish, medicines, and other necessities (May, 2012e). Among the public and private institutions that contributed were Metfone, CP Group, Angkor Beer, Vital Drinking Water, Kong Hong Group, and Solar Energy Company (CNV Team, 2013). The Cambodian Red Cross – a mainstay of the CPP – provided pots, pans, water filters and tents.

In addition, each student volunteer was given a military uniform with the MLMUPC's logo to wear while conducting their work (May, 2012e). Some analysts were concerned at the government's decision to hand out military uniforms to student volunteers and to transport them in military trucks on the grounds that – in a country where the military is distrusted by many – this could cause uncertainty, particularly among rural residents. UN Special Rapporteur Surya Subedi said as much in his letter to the Ministry of Foreign Affairs when he cautioned that the use of military uniforms and military trucks to transport the students could create the impression that they were engaged on a military project. The MLMUPC rejected that, saying the uniforms bore the ministry's logo and had been the subject of a public announcement, so people would not be confused (MLMUPC, 2012).

To date there has been no information to suggest that people did mistake the student volunteers for military. Plainly, though, for some students the opportunity to don a uniform was a key motivator.

“Since I was young, I wanted to wear a military uniform but when I grew up I missed the chance to serve in the military. Thus, when Order 01BB came out, I raised my hand to volunteer. I felt excited when my boss told me that the youth volunteers would wear a military uniform. For me as a man, I must serve this military obligation. Then, I will become a real, strong man.” Former student volunteer, June 2013.

2.7 Management body of student volunteers

The prime minister assigned one of his sons, Hun Manith – who at the time was a colonel in the military, and who has since been promoted to brigadier-general – to manage the Land Titling Campaign. That assignment came despite Hun Manith having no experience in land administration (Strangio, 2012; May, 2012c). Hun Sen’s speech on June 26, 2012 – prior to the deployment of the student volunteers – made it clear that Minister Im Chhun Lim was the programme’s chief of staff while Hun Manith was in charge of equipment and logistics (Cambodia New Vision, 2012b).

LICADHO’s 2012 human rights report noted that while the land titling programme was “laudable in theory ... [it] completely bypassed established state institutions set up explicitly to perform such duties”. LICADHO also pointed out that it had been “implemented in a secretive manner” and lacked any way to monitor it independently (LICADHO, *Human Rights 2012*, p. 4). A report from rights group ADHOC drew similar conclusions stating that the programme had been carried out without consultation with the very government institutions that were in charge of land titling and land management (ADHOC, 2013, p. 35).

Those student and youth volunteers who took part in the land titling programme received special treatment after they completed Phase I. In late 2012, Hun Sen made it clear that the MLMUPC would give priority to volunteers who had worked in the land titling programme when recruiting 600 new staff (Khmerlivetv, 2013). In late December 2012, more than 1,600 applicants sat the exam for the MLMUPC exam, and 599 of the former student volunteers passed (speech of Hun Sen in Khmerlivetv, 2013; Kolbot Khmer, 2013c). Staff at the ministry said those students that passed were appointed as technical staff for Phase II of the programme (source: interview, June 2013).

The recruitment process raised questions in the minds of the community researchers and the author of this report as to why the student volunteers had appeared to receive preferential treatment regarding the new posts at the ministry over other university graduates, and whether the ministry needed to hire another 599 employees. In short, was the recruitment a genuine human resources need or, in a nation with few jobs on offer, was this simply a political response to the prime minister’s pledge to motivate the students?

2.8 Summary on backgrounds of student volunteers

Analysing the backgrounds of the student volunteers gives a clear indication of the political motivation behind the programme. Interviews with the student volunteers (Rabe, 2012, p. 5) noted that it was a smart way for the prime minister to secure votes from university students and from villagers in rural areas. Numerous rights activists and experts on land issues concluded that the programme was, at least in part, a vote-buying exercise by the ruling CPP ahead of the July 2013 election (Muller & Zulsdorf, 2013; Naly Pilorge cited in LICADHO, 2013; Strangio, 2012; Vize et al, 2013). LICADHO’s Director Naly Pilorge, for instance, was quoted as saying that the land measurement programme was clearly linked to the upcoming election.

Others surmised that the programme might also be a consequence of donor pressure on the government (RFA, 2012) and the critical reports from UN Special Rapporteur Surya Subedi on land disputes and ELCs (De Certo et al, 2012). Other contributory factors, some analysts suggested, were the murder of land activist Chhut Vuthy and the forced evictions and associated violence in recent years (De Certo et al, 2012).

Hun Sen and other government officials denied that, and said it stemmed instead from indications it had previously given on land reform (May, 2012b; Kuch et al, 2012). Critics wondered why, if it was indeed part of the land reform programme, it was being funded by Hun Sen and senior CPP officials and not from the public purse.

People's experiences participating in the land measurement process in four provinces: Kampong Chhnang, Pursat, Battambang and Oddar Meanchey



Between June 21-23, 2013, community network activists held a peaceful protest at Pursat's provincial court demanding the release of land activist Kuch Veng. Photographs courtesy Sim Socheata May 2013..

People's experiences participating in the land measurement process in four provinces: Kampong Chhnang, Pursat, Battambang and Oddar Meanchey

The land measurement programme has been widely covered in the media, with disputes in Pursat province seeming to generate the most headlines. Among the topics covered in the stories appearing in the two leading English-language daily newspapers⁸ were: student volunteers refused to measure land (May, 2013h); villagers' homes were razed when student volunteers began to measure land (Aun, 2012); the authorities seized land titles from people causing landowners to file complaints to human rights NGOs (May, 2013d), and to Hun Sen's cabinet (Kuch, 2013); and promises to resolve land disputes for people (May, 2013g).

Other articles focused on the activities of student volunteers in Battambang province. At a ceremony to present land titles to families in one commune in Kors Krolor district, Battambang province, Hun Sen reiterated that the goal of the programme was to resolve land disputes between people and companies holding ELCs by measuring the land and granting titles (Phorn, 2012). Another article reported that 137 families had held a rally in front of Battambang's provincial hall demanding that the local authorities hand back their land, after claiming the student volunteers had given the new land titles to others (Phak, 2013).

This section presents the findings from 16 villages in Pursat, Battambang, Kampong Chhnang and Oddar Meanchey provinces, and analyses the activities of the student volunteers. It also assesses the problems faced by some people after they received their land titles.

3.1 Documents required for land measurement

Villagers told the study team that they were required to provide key records such as their family book, yellow book, birth certificates, identification cards, passport photos, and – in the event the original landowner had died – a letter showing that ownership had been transferred.

Preparing these documents was difficult for some families, as one former student volunteer admitted when saying that villagers' troubles in providing them had in some cases delayed the land measuring process, particularly during Phase I. In such cases the specialised staff and the student volunteers had to decide whether or not to accept letters issued by the commune authority in lieu of the proper documents, not least because they did not want their work delayed.

⁸ Articles related to land measurement from June 2012 to June 2013 are collated from the *Phnom Penh Post* and *The Cambodia Daily* newspapers.

3.2 Types of land measured in the Land Titling Campaign

The Council of Ministers letter No 666 *SarChorNor* specified the type of land to be measured under Order 01BB. This included logging concessions, ELCs, land under the authority of the Ministry of Environment, and state land confiscated by court order from provinces and municipalities (Council of Ministers, 2012). Student volunteers were instructed to measure these types of land and issue titles to villagers.

Villagers told the study team that the types of land measured varied in different provinces. They reported that among the types measured were: fields used for rice and other crops; house plots; other village land; and forest land as per ELC maps. In target villages in Krakor district, Pursat province and in Boribo district, Kampong Chhnang province, most of the land measured was located in ELCs belonging to Pheapimex and to Ratanak Visal Development Co. Ltd.

Some villagers in Pursat province said the student volunteers had measured only land that had been used for productive purposes such as fields, other farmland and house plots. They refused to measure land that had recently been cleared or that was partly cleared, and noted that they would not measure disputed land. Some villagers in Boribo district, Kampong Chhnang province, said that land that fell into the ELC of Pheapimex, including forest land, was measured and that villagers were granted land titles. Residents of Anh Chanh Rung village in Boribo district said the following types of land were excluded from the measuring process: spirit forests and other sacred land, land that was home to wildlife, land in dispute, public resting areas (known as *sala bon*), mountain land, land around ponds, the land of the commune office, and railway land. Aside from those exclusions, the villagers said the student volunteers had measured all of the land that the villagers owned.

3.3 Collaboration in the land measurement process

Student volunteers worked alongside specialised staff from the MLMUPC as well as provincial and district cadastral officials, local authorities from the commune and village level, and villagers.

“In each community, there is technical working group comprising 12 members from specialised departments such as the Department of Land Management and Urban Planning, the Department of Environment, the Department of Agriculture, Forestry and Fisheries, and the Forestry Administration. Student volunteers needed to collaborate with these technical working groups but we were not under their authority.” Former student volunteer, June 2013.

Villagers from Bovel district, Battambang province, told the study team that the provincial governor had set up a people’s committee with between five and seven community representatives to work with the student volunteers to observe the

measurement process and to seek resolutions for people who encountered problems in the process. Once the mission finished, the people's committee was dissolved. This initiative was not reported from other villages where data was collected.

3.4 Challenges encountered during the land measurement process

Although all of the challenges listed below came from villagers, some student volunteers did give similar feedback.

- Some landowners did not know the precise boundaries of their land.
- Some villagers did not know the names of the landowners whose property bordered theirs. That was problematic because the land measurement process requires owners of neighbouring plots to provide their thumbprints as witnesses.
- Some landowners had migrated to other provinces or abroad in search of work, or did not know when the student volunteers were coming to measure their land.
- The land measurement mission was planned and implemented over a short period with the result that villagers who had migrated did not get information on time. That was particularly pronounced in areas where information-sharing was limited and where no date for measuring land was fixed. It was most often encountered in Oddar Meanchey province due to the high rate of migration to work across the border in Thailand.

3.5 Hopes on the benefits of receiving land titles

Villagers who talked with the team were very hopeful that the land titles would provide them with legal protection in the event of disputes. Among the main benefits of the land titles were that they would:

- Reduce disputes between villagers over land boundaries, and reduce confrontations between companies or local authorities.
- Provide legal protection against encroachment or confiscation by companies for those villagers whose land borders on or falls within ELCs.
- Ensure compensation from companies or the government in the event their land is expropriated or their right to it is otherwise abused.
- Be useful as collateral in the event families need to borrow money urgently from microfinance institutions or banks (as expressed by villagers in Battambang province).
- Allow owners to leave their land to their children or other family members.

- In the event where husbands and wives share the land title, provide legal protection for the women in the case of divorce.
- Perhaps most importantly, allow the landowner to feel secure in their property by removing the fear of abuse or arbitrary confiscation of land.

The hopes expressed by villagers mirrored the message from government during the land measurement campaign. That message appears to have been well received in rural areas where people believe that having title will provide them with access to and control of their land. However any conclusion on the effectiveness of their land titles will need to take into account the realities villagers face once the campaign is over.

3.6 People's concerns about land titles

3.6.1 Undermining the solidarity of people in the community

Some villagers in Krakor district, Pursat province, feared the land titling programme had undermined community solidarity, and the team found that was particularly true in communities experiencing ongoing conflicts with companies owning ELCs. The reason was that the land measurement process was not uniformly implemented across all provinces. In some places, the student volunteers measured the land and granted titles while in others they refused to measure the land (see below for further discussion of this). In addition, some villagers reported being verbally threatened by the local authorities or by specialised staff during the measuring process, while others whose land had been measured were barred from supporting fellow villagers who had encountered problems or who had not received title. This made people fearful that they would not receive their land titles if they supported others.

3.6.2 Limitations on the use of land

The government's express purpose for implementing the land measurement programme was to give people ownership rights to their land. While this has been welcomed as a positive step, some villagers told the team that they feared their access to other land would be restricted. Under the programme, and as per the Land Law 2001, land parcels were not to exceed five hectares. However, given that title is granted based on the actual size of land a family currently possesses, villagers with small plots and those who have none said they were fearful because in the future they would have no right to access other land that they currently use to sustain themselves.

Villagers in Krakor district living inside or near the boundaries of Pheapimex's ELC said this was of grave concern because for years they have been able to survive by harvesting non-timber forest products from the forest, which is regarded as communal. However all land in the ELC that the student volunteers did not demarcate for villagers now belongs to Pheapimex, which means the poorest villagers will no longer be able to access the forest and will have to sell their labour to survive. In short, they and their children will likely be much worse off.

3.6.3 Making political capital from the implementation of Order 01BB

Community residents also expressed concerns about the highly political nature of the land measurement process. Villagers in Pursat and Oddar Meanchey provinces said the local authorities had warned them that they had better vote for the ruling party in the July 2013 ballot if they wanted to convert their temporary titles to permanent titles.

“In my village the student volunteers were meant to hand out temporary title certificates to each family once they had finished measuring the land. However the local authorities said the students had worked hard and were exhausted and so didn’t need to do that. Instead the authorities said they would, so the student volunteers left the titles with them. Later when the authorities handed us the temporary titles, they said we should remember which party to vote for in the upcoming election, because if we failed to vote correctly then we might not receive the permanent titles.” Villager in Oddar Meanchey, March 2013.

Although the local authorities lacked the right to refuse to issue permanent land titles, these threats did worry some voters. Villagers from these provinces said the technical staff and student volunteers should have shown greater responsibility for their task and should not have left the temporary titles with the local authorities. In short, they ought to have ensured there was no opportunity for the local authorities to misuse the titling process to advance any political party’s agenda.

3.6.4 Abuses in the land measurement process

In some villages in Oddar Meanchey province, wealthy landowners abused the land titling programme to their benefit. Local authorities did not intervene to prevent this, and villagers typically could do little about it.

“Some powerful people whose land boundaries were adjacent to villagers’ plots took the opportunity when the student volunteers came to steal pieces of our land. If we hadn’t given it to them, then they wouldn’t have put their thumbprints to witness the measurement of our land. This meant people like me had no choice but to give in.” Case study from Oddar Meanchey, June 2013.

3.6.5 Discrimination

Some villagers reported that some student volunteers had discriminated against certain residents because of how they dressed, while others spoke to them inappropriately. Residents of one village in Oddar Meanchey province said the student volunteers were far less responsive to their needs than they were to those of the wealthy.

“If the villagers asked them to come and measure, they wouldn’t move fast or work decisively. But when the rich arrived in a car to ask them to measure land, they went immediately. Some villagers were forced to wait the entire morning and still the student volunteers did not come to measure their land.” Villager in Oddar Meanchey, May 2013.

3.7 Participation of female student volunteers

It seems from the existing information and the data collected by the team from the four provinces that the campaign saw limited participation from female student volunteers. Villagers said that those female students who were involved typically stayed at the workstation where they were in charge of records and filling out forms, and generally did not measure land. One villager from Krakor district, Pursat province, said: ***“If the female volunteers had gone out to measure land, the situation might have been better because we would likely have found it easier to talk to them and to understand each other compared to the male volunteers.”***

Former student volunteers told the team that there were no restrictions on the roles that female volunteers could play. That said, the rate of participation by female volunteers in this campaign was low, with traditional and cultural practices that restrict women’s mobility likely partly to blame. A further reason could be that the essentially military nature of the programme – with the student volunteers wearing military uniforms, transported by military trucks, and camping – could paint it as a largely male enterprise.

3.8 The issue of other communities not receiving land titles – as highlighted at the Cambodian Grassroots People’s Assembly

The cross-sector network of grassroots groups comprises farmers, fisherfolk, forestry activists, land activists, indigenous people, feminists, labour activists, sex workers, youth activists, activists against forced eviction, activists against capitalism, LGBT activists, victims of hydropower dams, and artists.

In June 2013, they came together to organise the Cambodian Grassroots People’s Assembly, which provided a space to discuss the problems they face in their everyday lives, and to draft a statement seeking public commitments from members of the three main political parties: the ruling CPP, the opposition Cambodia National Rescue Party (CNRP), and the royalist FUNCINPEC party. They demanded that parliamentary candidates commit to tackling these problems should they get elected. The assemblies were held in three regions: the Northwest (held in Kampong Chhnang), the Northern (held in Siem Reap) and the Southern region (held in Sihanoukville). Land disputes and the lack of land titles issued during and after the measurement programme were among the key issues raised.

“One group of student volunteers came to measure land in my village, but they measured only the land of the businesspeople. They didn’t measure ordinary people’s land. At first when I heard that students would come, I was very happy, but on the morning they arrived I asked them and they said they would not measure my land because it was in dispute. That same afternoon, the same students came to me and asked for access to my land so that they could measure it with a GPS device. I refused them access. If they wouldn’t measure my land, then why would they need to use a GPS device there?”

Villager from the Skuon Community Network, Cambodia Grassroots People's Assembly, Siem Reap, June 24, 2013.

The table below lists the amount of land and the 1,914 families from Siem Reap, Koh Kong, Kratie and Sihanoukville provinces who did not receive land titles during the Land Titling Campaign.

Table 5: Villages that demanded the government grant land and lawful land title to their residents, Cambodian Grassroots People's Assembly, June 13-24, 2013.

Village	Commune/District	Province	# of affected families	Size of land (in Ha)
Southern region – Sihanoukville Province, June 19, 2013				
CE5 community		Sihanoukville	126	
Anlung Trey		Sihanoukville	157	400 Ha (residential & farm land)
Prek Treng		Sihanoukville	92	135 Ha
Veal Chanty/Ream	Ream/Ream	Sihanoukville	70	125 Ha
Spean Chhes		Sihanoukville	107	
Kampenh Chas		Sihanoukville	24	
Kampenh Thmey		Sihanoukville	137	
Koh Kchorng	O'Chrov/Prey Nub	Sihanoukville	152	
Skor Ampov		Koh Kong	200	1,365 Ha
Northern region – Siem Reap province - June 24, 2013				
Tani	Run Ta Ek/Banteay Srei	Siem Reap	38	158 Ha
Tapen		Siem Reap	90	183 Ha
Skorn	Banteay Srei	Siem Reap	117	
Rerl	Rerl/Puok	Siem Reap	12	
Tbeng Lech		Siem Reap	105	427 Ha
Chi Kreng	Chi Kreng	Siem Reap		475 Ha
Sna Sang Kream	Balang/Prasat Bakorng	Siem Reap	87	254 Ha
	Snuol	Kratie	400 ⁹	
Total				1,914 families

Source: Statement of the Cambodian Grassroots People's Assembly in the Southern and Northwest regions demanding immediate solutions for the community networks that participated in the assembly. The statements were signed by parliamentary candidates from the CPP, the CNRP and FUNCINPEC.

9. Land reportedly taken from villagers in Ben Pheouk I and Ben Pheouk II in Snuol district, Kratie province.

Case studies in specific locations

This section outlines six case studies from Kampong Chhnang, Pursat, Battambang and Oddar Meanchey provinces. The first illustrates the issue of the ineffectiveness of land titles by telling the story of 11 families who were barred by a company in the Pheapimex ELC from accessing the land to which they had received title. The second highlights the case of the residents of several villages in Krakor district, Pursat province, whose land titles were withheld by the authorities on the grounds that their land was located in the community forestry.

The third looks at the situation of impoverished villagers in Rumchek village, Oddar Meanchey province, who were forced to give up some of their land to richer neighbours, and where large tracts of land were not measured. The three remaining case studies look at: areas that saw delays in measuring land; barring villagers from using machinery to prepare their land until after the results of the July election; the amount of time some villagers had to wait before getting permanent title documents; and concerns about the validity of the titles once Hun Sen leaves office.

Case study 1: On the effectiveness of the new land titles

A number of families in Pursat province found that a company operating in the Pheapimex ELC blocked them from accessing their fields despite their having been issued title documents on December 3, 2012. The land in question lies in Kbal Trach commune, Krakor district, Pursat province, and the titles were issued by Cheng Lai, the provincial director of the Department of Land Management and Urban Planning and Construction.

A. Background to the problem

The 11 families made their living by growing rice and other cash crops such as cashews, beans, mangoes and jackfruit on their land in the Damnak Pring area near Kralanh village in Kbal Trach commune, Krakor district, Pursat Province. Ten of these families farmed land adjacent to each other, and their plots stretched from the roadside and across to the boundary of neighbouring plots several hundred yards away. (The eleventh family farms some distance away.) All of the farmland and household plots in this commune and others in Krakor district fall within the massive Pheapimex ELC, which totals more than 300,000 hectares and which the government awarded to the company in 2000¹⁰. Disputes between Pheapimex and the villagers have been going on for years.

Villagers told the team that – well before Hun Sen issued Order 01BB in 2012 – the company cleared their crops from their plots, taking a tract of land that ran alongside

¹⁰ The villagers claimed that Pheapimex began operating here in 1997.

the road and about 100 yards deep. At the time the villagers filed a complaint to the local authorities but to no avail.

Representatives of seven of the families said that by the time the student volunteers, technical staff and cadastral officers arrived to measure the land in July 2012, the company had been growing cassava on the land it had annexed for more than a year.

The villagers told the measuring teams what had happened, but at that time the land was covered with the company's cassava crop. The company's representatives, the local authorities and the villagers agreed that once the cassava crop had been brought in, the land would revert to the villagers.

With agreement reached, the families said the team could get to work, and the students measured the full stretch of land from the roadside to the neighbouring plots before issuing the temporary titles – which properly reflected the full plots. However when the families received their permanent titles from Cheng Lai in December 2012, the plots represented on them no longer began at the side of the road. And when some families tried to farm their land, the company blocked them.

A land title issued to one of the 11 families by the provincial land management office. The document states that the size of the land is 3.19 hectares. Photo supplied, May 2013.

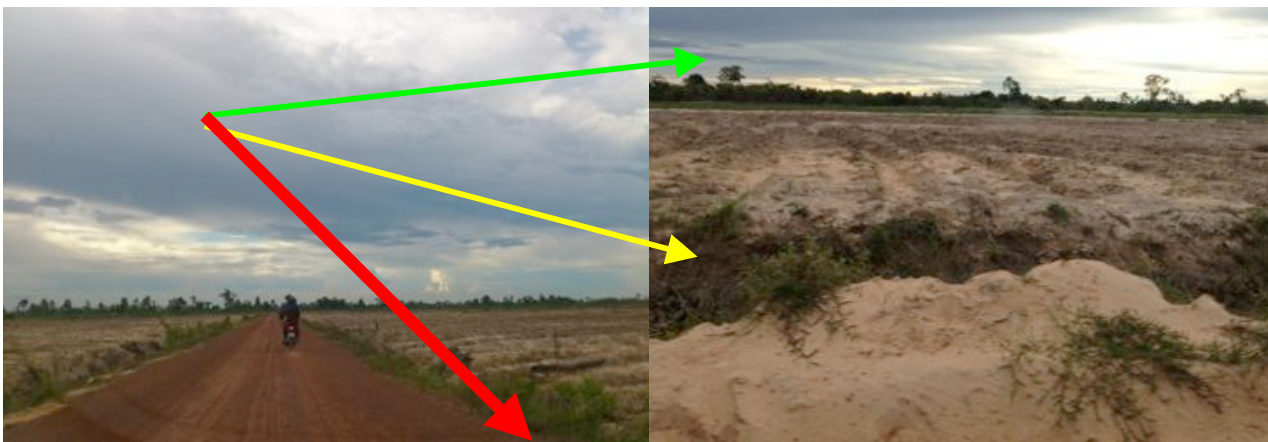


One villager told the team that after farming five hectares for years, he was now left with just three. The rest was reserved for the company¹¹. The company representative reportedly told the villager that the company owned the rest. When Radio Free Asia (RFA) interviewed the company representative at its temporary office No. 1.7 in May 2013, he said the commune authorities had agreed that the company could use the land. For that reason it would not hand back the land – which the representative claimed it had farmed for three years – unless the commune authorities ordered it to do so. When RFA spoke to a commune councillor from Kbal Trach, he told the journalist that the land belonged to the families, not to the company.

¹¹ RFA reported that 10 families were in dispute with the company; other reports said 11 were.

B. The root cause of the problem: overlapping titles

When the student volunteers assessed the contested land in August 2012, they measured the land from the roadside to the boundary and issued temporary titles to the villagers on that basis. As per the agreement struck between the company, the villagers and the local authorities, this included the land on which the company had planted cassava – from the roadside to around 100 metres in. But when they were handed their permanent titles, the villagers found that the land that the company had farmed had been omitted. They ended up with less land than expected – between one and two hectares each – and some said they have since been blocked from accessing any of their land.



The families claimed their land began at the side of the road (red arrow). But by the time the permanent titles were issued, the land in their favour excluded the first 100 metres on which the company had planted cassava. The green arrow shows the green area where – according to the permanent titles – their land now begins. The yellow arrow shows an irrigation channel that the company dug on the land. Pictures by the data collection team, May 19, 2013.

After the families rejected the land measurement, the local authorities (the cadastral officers, the district authorities and the commune councillors) stepped in to measure the area again. However the families were unsatisfied with that effort and rejected the new measurements. The local authorities and the specialised staff claimed that the differences between the measurements on the temporary land titles and those appearing on the permanent land titles were due to a technical error in the GPS. That caused one villager to query whether it really was the technology that was at fault:

“Sister, between using GPS and using the traditional string method, which is more accurate? I think GPS is correct. I am afraid it is the people who are at fault.” Affected family, May 2013.

A ministry staff member explained that the handheld GPS machines were not always accurate. Although that is true, they are reliable to between 1.5m and 3m. Given the

inaccuracies in the Pursat measurements, ascribing the difference to technical errors appears to be more an excuse than a reason.

For his part, Cheng Lai, from the provincial land management office, told RFA that the villagers had originally pointed out the wrong land for measurement. However the villagers claimed that at the time of the first measurement in mid-2012, all of the parties involved – the villagers, the company, the land measurement team and the local authorities – had agreed the land started from the roadside.

The consequence is that the land awarded to – and rejected by – these families amounts to around three hectares each and, to complicate matters further, it overlaps with land already granted to other families under the same process. Two villagers whose property borders this disputed land said they were unhappy too:

The company cleared that land last year but after we complained to their office, the village chief and the commune chief came and resolved the issue for us. So by the time the student volunteers arrived I already had title to my plot. The land of those 10 families, who had title, was expanded into my land where they meet. The local authorities wanted to take some of mine to give to them. I asked the official who came to measure the land: "Why are you measuring my land and changing my boundary?" He told me that there had been a technical problem, but I know that the student volunteers had no idea what land belonged to whom until we villagers told them – and actually showed them. Only then did they measure. So how then is an official telling me that there were technical errors that caused titles to overlap? If they didn't overlap, then that would be fine. But if it's not correct then I won't accept it. Then the official threatened me, telling me to stop talking about it because landowners don't know how GPS works. Well, I believe that I and the other landowners all know exactly where our fields start and end. Disgruntled neighbour whose land borders that of some of the 11 families, May 2013.

"They came to measure the land yesterday [May 17, 2013]. The authorities came four or five times already but we've seen no result. They came to measure using GPS but they didn't mark any boundaries. There are only small plots. If we have only this much land, how can we divide three hectares each? If we measure then it's only around 30 metres. How can that be enough for everyone? That white land, the Chinese cleared it and planted cassava. But that land belongs to the 10 families ... from there until the the roadside." Villager whose land borders that of some of the 11 families, May 2013.

When the study team met representatives of the families on May 20, 2013, they all refused to accept the cadastral officers' measurements because the plots overlap with those owned by other families who already have title. To do otherwise would be to invite conflict within the community. Those who were guilty of taking their lands, they said, were the company, the local authorities and the staff from the land ministry.

C. Threats from the authorities

The families concerned allege that they have received numerous verbal threats from the local authorities, including from Cheng Lai, the head of the provincial land management office, who reportedly told them: “I granted those land titles and I can take them back at any time.” The families said the threats intensified after they refused to accept the smaller measurements.

The box lists some of the threats or intimidatory words allegedly spoken by the local authorities and the cadastral officials, as reported by the families to the study team.

- *“Time and again we have measured for you, and it never seems to be correct.”*
- *“We measured the land for you already. Why don’t you accept it? Why do you not listen to us?”* Local authority to villagers.
- *“Thumbprint and agree! Afterward, you can plant whatever crops you wish, cassava or rice.”* Local authority to villagers.
- *“The commune chief thumbprinted the contract with the Chinese company, so if you people want to resolve this problem, go and speak to the commune office.”* Company representative to the villagers.
- *“Don’t act too strong. Be careful. Later on, you might need to come to back to us.”* Uk Nhorn, Kbal Trach commune chief.
- *“You villagers are good at protesting. You are too strong! You can always be arrested and put in the van.”*

D. Impacts on affected families

“They told me to accept it and said they would address the problems. But how could I accept it if they measured a different size from that in the title? They promised to resolve this but I don’t know when they will do so because we are already at the start of the planting season.” Female-headed household, May 2013.

The families said that in the past year their livelihoods had suffered because they had been busy trying to resolve the land title issue with the local authorities and unable to plant. This affected all of them, and especially those headed by widows.

“I am always busy with this land problem ... travelling here and there and leaving me no time to do any work. My children don’t have enough food to eat. First [the authorities] said they need to measure the land here or look at the land over there so we as the owners had to go along to witness that. In the last year, I have been continuously busy with this land issue.” Land owner, May 2013.

Some families have been forced to borrow from private lenders or microfinance institutions simply to meet their daily needs. Others have had to take jobs labouring on the cassava plantation on land that was once theirs.

“I live here but there’s no work for me since the company took my land. So I have to work for the company collecting cassava in exchange for rice and some money to feed my children and grandchildren. If I don’t work, my grandchildren will have nothing to eat. I have many children and grandchildren but I have only a small plot of land. Now I don’t even have all of that. Before, we were the owners of this land but now we have become labourers on it. If we don’t work, we will have no other job. Some people don’t have to do this because they have other land on which to grow rice but I don’t.” One of the 10 landowners, May 2013.

“Issuing these land titles has had a strong impact on the people here because we cannot live harmoniously in our hearts. If the government continues to ignore addressing this issue, it will affect the relationships between people in this community. We will quarrel and we won’t be able to look each other in the eye because of these overlapping titles.” Representatives of the families, May 2013.

The affected families want the government to resolve the issue by ensuring that their land on the ground matches the land in the temporary titles.

In mid-June 2013, villagers living near the families said the authorities were continuing to issue threats. The arrest the previous month of land and human rights activist Kuch Veng (see box below) also intimidated the families and added to their scepticism about the Land Titling Campaign.

As of June 2013, seven of the families had stopped protesting and were waiting for a solution as proposed by senior members of the ruling CPP in Pursat province. The remaining families were despondent that the government would protect them and their land titles.

Arrest of land, natural resources and human rights activist, Kuch Veng

Kuch Veng, an outspoken activist on issues of land, natural resources and human rights, was arrested on May 19, 2013 in the Damnak Pring area of Kbal Trach commune, Krakor district in Pursat province. He has long been a vocal supporter of the 10 families who are the subject of Case Study 1.

A witness to Kuch Veng's arrest said the police did not have an arrest warrant or a letter from the court ordering his incarceration. At first, Kuch Veng refused to go with the police but relented after being told that the arrest warrant was in the police vehicle.

Kuch Veng was later jailed for a year, with three-quarters of that term suspended, ostensibly for defrauding a villager out of USD 4,500 several years before. The case was widely seen as retribution for daring to stand up to the powerful Pheapimex company, which is owned by Choeung Sopheap, wife of CPP senator Lao Meng Khin.

Kuch Veng's arrest came days after articles appeared in local media highlighting the families' ongoing battle with Pheapimex and the local authorities.

The original verdict in Kuch Veng's case was delayed after hundreds of villagers turned up outside Pursat provincial court in support of the activist. Far fewer villagers were present during the verdict's eventual delivery in August, the *Phnom Penh Post* reported at the time, on the grounds that to do so might further delay his release.

In the run-up to the election, CPP member Ty Ravuth denied Kuch Veng's arrest was related to his activism, and promised to resolve the families' problems.

(Case study written using information collected during the documentation process in March, May and June 2013, and subsequent news reports.)

Case study 2: Titles withheld

Residents of villages bordering 500 hectares of community forest in Krakor district, Pursat province, were not given title documents despite having their land measured by the student volunteers in August 2012. The data collected from a number of families, while not conclusive, does show that at least 88 families from Kralanh village and Tropeang Rumdenh village (both in Kbal Trach commune) and from Khla Kroper village in Anlung Tnot commune, have yet to receive their land titles. Table 4 illustrates the breakdown of the affected families.

Table 4: Name of village and number of affected families

Village	Commune	No of family
Kralanh	Kbal Trach	46
Tropeang Rumdenh	Kbal Trach	13
Khla Kroper	Anlung Tnot	29 ¹²
Total		88 families

(Source: information collected from interviews in March and June 2013.)

Villagers from Kralanh and Khla Kroper said they had farmed their land since 1992 or 1993. (The team did not speak to villagers from Tropeang Rumdenh.)

In 2010, community representatives in Kbal Trach and other communes sought permission to set up a community forest but did not hear back from the government department concerned. However on June 14, 2011, the Council of Ministers sent a *SarCharNor* letter to all relevant departments in Pursat province requiring them to establish a 500-hectare community forest carved from Pheapimex's ELC. This community forest is situated in Krakor and Phnom Kravanh districts, and borders a number of communes including Anlong Tnot, Svay Sar, O Sandan, Tnot Chum, Ansar Chambok and Kbal Trach in Krakor district. Thousands of families depend for their livelihoods upon this forest.

When the student volunteers arrived in mid-2012, they initially refused to measure villagers' lands on the grounds that these infringed on the community forest at the heart of the *SarChorNor*. The villagers disagreed on the grounds that they have been farming their land for two decades, and would not allow their farmland to be absorbed into a community forest. In the end the student volunteers agreed to measure the land, and the landowners received their temporary titles.

However when they brought those temporary titles to exchange for permanent land titles in December 2012, the authorities refused to hand them over saying the student

¹² Residents of Khla Kroper village said more than 50 families had not received permanent titles after the student volunteers measured their land in October 2012.

volunteers had mistakenly measured land belonging to the community forest (Kuch, 2013). To date, the villagers still have not received permanent title to their land and the issue remains unresolved.

In March 2013, 10 families representing the 46 families in Kbal Trach commune traveled to Phnom Penh and lodged a complaint with Hun Sen's cabinet and at the MLMUPC demanding a solution that would allow them to obtain their titles (May, 2013).

The villagers said the team leader of the student volunteers who measured their land had told them the ministry did issue the titles and had sent them to the authorities. Villagers from Kralanh village in Kbal Trach commune told the study team in March 2013 that the local authorities had "withheld the titles in December 2012" on the grounds that their land conflicted with the community forest. The villagers insist that they want their title documents.

"In the consultative meeting on June 14, 2013, I asked the district governor [of Krakor] about the issue of the community forest in Anlung Tnot commune where the student volunteers had already measured land the previous October. Why after measuring the land had no titles been granted, and why tell people that the land was a community forest? The district governor promised to send his deputy to inspect the area to see whether that was correct or not. After that he could send back the student volunteers¹³. But Mr. Tim Sarin, the governor of Krakor district, told people in this same meeting that whether they had the title or not, they should not worry, and that they should just carry on working their land and growing their rice or other crops." Resident of Khla Kroper village, June 19, 2013.

Villagers in Khla Kroper whose livelihoods depend on the community forest said that local NGO Star Kampuchea was helping with the process to establish the community forest¹⁴, ***"and is seeking support from villagers to become members. To date [June 2013], about 20 people in my commune have thumbprinted to become members. Star Kampuchea needs to gather at least 60 percent of all people whose livelihoods depend on this forest to form a community forest ... I thumbprinted because I want to have a community forest but I think that it should be established in areas that are not the subject of a dispute."*** June 19, 2013.

It is worth noting that many disputes that took place during or after the land measurement process by the student volunteers have not been addressed. Even though the National Committee for Land Dispute Resolution was set up to deal with land issues, it seems to have done little in either of the first two case studies assessed or in others the study team encountered – for example, in areas such as Bakan or Veal Veng. Given that the purpose of the land measurement programme was to address disputes in areas where there are ELCs, it is ironic that, in these cases at least, the project has had the opposite effect.

¹³ Student volunteers were measuring land in Svay Sar commune in Krakor district in June 2013.

¹⁴ One of Star Kampuchea's main activities is to help groups establish community forests and provide other capacity-building activities for members of community forest groups.

Case study 3

Boundary conflict in Rumchek village, Oddar Meanchey

On January 30, 2013, the student volunteers Group 108 arrived in Rumchek village to measure land. They measured 1,048 parcels totalling 2,627 hectares. However the measurement of a further 500 or so parcels was delayed, the village chief told the team, because the measurements of the initial batch of parcels needed to be displayed publicly first; that had not taken place until May 20. Only after that, he said, could the second round of measuring commence. At the time of the team's visit, the villagers had not yet received their permanent titles.

The team also heard that some powerful people whose land bordered plots belonging to villagers took the opportunity to extort land from their weaker neighbours. Should the neighbour refuse to thumbprint their agreement, the powerful would refuse to witness their document for the purposes of the title. In this way, those poorer villagers were forced to concede land.

Some villagers felt too that the student volunteers had discriminated against them in their approach to their work: *"If the villagers asked them to come and measure, they wouldn't move fast or work decisively. But when the rich arrived in a car to ask them to measure land, they went immediately. Some villagers were forced to wait the entire morning and still the student volunteers did not come to measure their land."*

Despite that, others were happy with the programme because the student volunteers had conducted their measurements according to the land they actually owned.

However, land that was in dispute between residents of Rumchek and Srolao Srong villages in Lum Torng commune was not measured. The village chief of Rumchek told the team that the disputed land belongs to Srolao Srong village, and said he had tried several times to resolve the matter. In his second effort, the village chief proposed to divide up the 200 hectares under dispute between each of the households in the two villages (100 in Rumchek and 36 in Srolao Srong), giving each family an extra 1.45 hectares.

Most villagers agreed. However some objected because they had only a single plot of land, and that fell inside the disputed area. They knew that if the contested land were divided equally, they would end up owning a smaller piece of land than they held. The village chief finally told the villagers that if they could not reach agreement then he would hand the contested land back to the state.

(Information gathered in May 2013.)

Case study 4

High rates of migration prevented families from benefiting

Srolao Srong village is located in Lum Torng commune, Anlong Veng district, Oddar Meanchey province. Fifty-nine families live in the village, yet in Phase I the land of just 10 families was measured. The rest lost out because:

- There were not enough witnesses to testify to the land boundary;
- There is a high migration rate, which is one reason why few couples have documents proving they co-own the land. The women heading several families told the study team their husbands had left them or died (although the reappearance of several husbands the following day showed that was not always true);
- Families who disputed tracts of land were unable to reach agreement; and,
- Some of the land fell outside the measurement area for which the student volunteers were responsible at that stage of the programme.

Despite the fact that the Phase I measurement process had been carried out 10 months before the study team arrived, by late May 2013 the local authorities had still not displayed those results publicly, and said they did not know when they would get around to doing so because the election was looming and they were preparing for that.

Many villagers expressed unhappiness with the process of land measurement on the grounds that it was overly strict and required too many vital documents (thumbprints from witnesses, letters to certify women were widowed or divorced). In addition, on May 14, 2013, the commune chief of Lum Torng told the 10 families whose land had been measured that those who had more than five hectares of land would lose the entirety of that excess. Those with less than five hectares would not be affected.

The villagers said they expected that a public display of the land measured for the 10 families would take place shortly after the study team left in May 2013, and called for Phase II of the programme to start as quickly as possible.

(Information gathered in May 2013.)

Case study 5

Right to use land was not fully realized even after obtaining title

During the ceremony to hand out land titles to villagers in Boribo district, Kampong Chhnang province on May 9, 2013, the provincial governor announced that the programme had measured and granted 2,815 titles for 1,800 families. In Anh Chanh Rung village in Krang Skear commune, Boribo district, there were 2,820 land parcels belonging to 610 families; in O'Lapov village in the same commune 1,240 land parcels belonging to 556 families were measured. Other areas of land were not measured as per the government's policy, including land in dispute, overlapping tracts of land, ponds and streams, commune office land, etc.

The land measurement programme got underway in Kampong Chhnang province on July 15, 2012 with nine groups of student volunteers. Group No. 85 was tasked with measuring the land in Krang Skear commune. The volunteers were responsible only for measuring the land and issuing receipts and temporary titles. Villagers were allowed 30 days from the date of public display of the results to seek help from the students or cadastral officers if they disagreed with the measurements.

Villagers told the study team that the student volunteers did not limit the size of land for each title to five hectares, a breach of the programme. In Krang Skear commune, each title was allowed to have up to 30 hectares listed, while villagers with up to 50 hectares of land were told to divide it and list tracts no larger than 10 hectares in the names of their children.

More positively, villagers said the student volunteers were prepared to measure all types of land including forest linked to disputes with Pheapimex's ELC. In this phase the student volunteers measured 20,000 hectares in Boribo district and Samaki Meanchey district. That was the amount of land cut out of Pheapimex's ELC.

Despite being given title, the local authorities and the police told villagers they were not permitted to use machinery to work their land until after the July 2013 election, although they were allowed to use manual methods. Villagers questioned why the authorities would grant land title and then bar them from working their land until after the ballot. Some suggested that the local authorities were waiting to see how people voted before deciding on their right to use the land.

(Information provided by villagers in Anh Chanh Rung village, Kampong Chhnang, May 2013.)

Case study 6

Concerns about the effectiveness of land titles

Tumnup Takuon village in Kleang Meas commune, Borvel district, Battambang province has 257 families, and borders two other districts: Banon and Ratanak Mondul. Some of the villagers' land therefore lies in these neighbouring districts.

Three groups of student volunteers arrived in neighbouring Banon district in October 2012 and, villagers said, measured residential and farmland, granting titles to 210 families, some of whom are residents of Tumnup Takuon village. A further 63 families did not have their residential or farmland measured, mainly for the following reasons: 1) unresolved boundary disputes of farmland; and 2) the student volunteers planned to measure land only in Banon district, which meant families in Borvel district were not included in this phase. The residential land of the 63 families located north of the main road in the village will be measured in Phase II.

Villagers who took part in the meetings arranged by the local authorities to raise awareness of the land measurement programme said they felt respected and empowered by the process.

Residents of Tumnup Takuon told the study team they were satisfied with the land measurement mission because it resulted in their receiving permanent titles for their residential land. In consequence they were now less fearful of losing that land. Some villagers said they were optimistic that they could use their land titles as collateral against bank loans but worried that, "after the mandate of Prime Minister Hun Sen, the situation would change and the titles could be ineffective".

In the past, many villagers from Tumnup Takuon have had disputes with residents of other villages, and the local authorities have yet to resolve them. For that reason, a total of 181 families in Tumnup Takuon remain affected by land disputes and are consequently at a high risk of ending up with no land to farm.

(Information collected on May 8, 2013.)

Discussion on new land titles granted under Order 01BB: actual practices

4.1 Size of land per title and the types of land measured

The information gathered from some villages in the target provinces demonstrates that the granting of land title on each land parcel differed. In some villages in Kampong Chhnang province, for instance, the size of land per parcel could be as large as 10 hectares. In addition, families with larger holdings were allowed to divide their land and put it in the names of their relatives. Residents of one village in Boribo district, Kampong Chhnang province, said some families ended up with title to as many as 50 hectares (May, 2013). In some villages in Oddar Meanchey province, on the other hand, the student volunteers and specialised officials granted titles for as much as 10 hectares of land. However the commune authorities later told villagers that anyone with title to more than five hectares would lose the excess. They gave no reason for that decision.

“On May 14, 2013, the commune chief of Lum Torng told the 10 families whose land had already been measured that the authorities would confiscate the excess of any landholding greater than five hectares per title. Those families with less than five hectares per title would not lose any land.” Case study from Srolao Srong village, Oddar Meanchey, June 2013.

In the guideline for the implementation of Order 01BB, title was to be given for agricultural land that was not larger than five hectares (Council of Ministers, 2012) in accordance with the Land Law 2001. However the study shows that Order 01BB was not implemented uniformly, and that the process and size of land permitted did differ from place to place. That was particularly unfair to poorer households who own small plots of land and to families who lost land to powerful people and companies.

As residents of Krakor district, Pursat province, pointed out, the student volunteers were quick to measure land for the wealthy who own large tracts of land and with the means to bribe the local authorities. Residents of one village in Krakor district claimed that wealthy landowners sought to bribe a commune councillor who was working closely with the student volunteer team because that councillor was authorized to decide which plots were to be measured. The study team was told that the student volunteers obeyed the councillor’s instruction (source: interview, June 19, 2013).

4.2 Renting names for ownership of land titles

In some villages in Krakor district, Pursat province, although the size of land for each title was limited to five hectares, wealthy landowners circumvented that restriction by paying people to put their names on the titles then later switching the registered names. A resident of Khla Kroper village told the study team:

“In this village, one large landowner hired villagers and workers to put their names to land titles when the student volunteers came to do their work.”

Initially this wealthy landowner wrote down the names of his aunt, uncles, nephew, niece and their children. But even then, he still had more land to register, so he paid some of the villagers to put down their names. So on the title there is the hired person's name and photograph. Later when the permanent title will be handed out, the wealthy landowner will pay each person 150,000 Riel [approximately USD 37.50]. My neighbour was one of those hired to put his name on the title. Interview, June 19, 2013.

The study team heard similar stories in other places including in villages in Oddar Meanchey province. If nothing else, this practice raises questions about how effective the land titling programme is at granting legitimate and equitable rights to land for poor families or whether it is intentionally providing opportunities for the rich and powerful to control more land.

4.3 Limited dissemination of information about the campaign

The implementation guide for Order 01BB stated that the authorities at the provincial, district and local level (village chiefs and commune councillors), in conjunction with the provincial working group, must work together to disseminate information at the local level about, for instance, the types of land to be measured, the dates when the volunteers and cadastral staff would be working, what documents were needed, and also required them to erect boundary poles on the land. In practice it seems these key steps were not widely carried out. In some villages in Krakor district, Pursat province, dissemination took place only in selected villages when the authorities rigged up sound systems on horse- and ox-drawn carts. This happened mainly in villages along the national road, and it seems people living elsewhere heard only limited information, and only then by word of mouth or from the student volunteers once they had arrived.

That was problematic because the student volunteers and specialised officials were only there for a short period of time, which is why preparation and information-sharing in advance were so important. Some villagers told the study team that the first they knew that a land measuring team was coming was when they arrived on site. In other places – particularly where villagers rely for a living on harvesting non-timber forest products or where they are forced to migrate for work – the short notice or lack of notice made it difficult for villagers and family members to return home and take part. That was a central problem in Srolao Srong village, for instance. All of these factors and more conspired to ensure that some missions measured fewer parcels of land for far fewer families than planned, and why many families missed out entirely. In consequence, some of the land measuring teams will have to return in order to complete their work.

“People are worried about this land measurement process because it takes very little time, but the land itself is so very important [for people's lives].” Villager, Boribo district, Kampong Chhnang province, June 2013.

4.4 Repeated changes to the implementation of Order 01BB

The campaign to implement Order 01BB was carried out quickly in the six months following its announcement. However the Order itself was amended between Phase I and Phase II. One such change related to the legal procedures and followed a speech by Hun Sen in which he decided to cut the transitional period between awarding the temporary title and the permanent title. Hun Sen said he did not want landowners to wait more than six months to get their permanent titles, adding that the work of the student volunteers had shown they were thorough and could be trusted (RFA, broadcast on September 4, 2012; letter from MLMUPC, dated September 7, 2012).

The government also amended the types of land to be measured. In Phase I, Minister Im Chhun Lim said the student volunteers would be sent “to measure in areas where there are many conflicts”. However Hun Sen later stepped in to say they were not permitted to measure disputed land (May, 2012). This change shared similar characteristics with the issuance of Order 01BB itself: that there was no prior consultation with the people.

There were also concerns raised regarding the lack of training for the student volunteers to ensure they could carry out their roles properly. But perhaps more important has been the participation of the authorities at all levels, especially those at the local level: to what extent do they understand the purpose of this campaign and how widely do they disseminate the necessary information, including how procedures have changed? It is worth pointing out that Hun Sen warned donor agencies, national and international NGOs not to get involved with the Land Titling Campaign, insisting that it be left to the student volunteers and specialised officers to work with the authorities, which made the role of the local authorities in sharing information even more crucial. Among the questions remaining: how much information about the changes made to Order 01BB and about its implementation was shared with local communities? And did villagers receive clear and accurate information from the working groups?

4.5 “Technical problems” in the land measurement process

This study found that, in some places at least, the land measurement programme, rather than resolving land conflicts, caused more of them. Critical issues identified include overlapping titles and confiscation of titles and land, which cadastral officials ascribed to technical problems. However each working group contained an array of expertise from relevant ministries, including the MLMUPC, the MoE and MoAFF, as well as the Forestry Administration, the police, the local authorities and the landowners. With all of this expertise brought to bear, it is hard to see how errors could have arisen in the measuring process. Furthermore, in nearly every dispute that arose after the measuring process it was the poor who were affected by errors and who lost out. This loss is significant – not only of their land but also their livelihoods and any chance of a better future for their families. The study team heard no reports of similar technical errors affecting the measurement of land belonging to rich landowners or to Pheapimex.

4.6 Lengthy waiting times for permanent title

During Phase I, landowners in some provinces – particularly those in remote areas – appear to have had to wait longer than anticipated for their permanent title documents. By way of example, residents of some villages in Anlong Veng district, Oddar Meanchey province, whose land was measured in July 2012, still had not received permanent title when the study team questioned them 10 months later. That lengthy delay came despite the provision in Order 01BB that landowners were to receive their permanent titles within six months of their land being measured. The villagers received no clear explanation from the local authorities for the delay other than that they were “waiting for orders from above”.

This delay unsettled many of the families interviewed, not least because the local authorities and the specialised staff were unable to tell them during the measuring process how long they would need to wait. Their fears were compounded by the fact that all of their supporting documents for the land measurement process were kept by the technical working group during this processing period. This again raises the question of the lack of clear information being provided by those responsible before and during the land measurement programme.

The slogan commonly displayed during the ceremonies in which land titles were handed over states that: “Your land title is your treasure and your safety net”, which aptly reflects the document’s importance. The case of the 10 families in Krakor district, Pursat province, among others, shows that the government must do more to resolve such problems. Land violations remain an everyday occurrence, and if the land titles do not provide protection, safety and security, and do not allow people to access and control their land, the core mission of Order 01BB to address land disputes will not be met.

Villagers in rural areas – particularly those living in remote parts – do not have enough knowledge about the principles and processes surrounding the land measurement programme. Some families depend on fishing or on harvesting non-timber forest products or timber for their livelihoods, which requires them to be absent from home for many days at a time, raising the risk that they would miss out on information and on taking part in village meetings. In addition, rural people have limited knowledge of the law, and this makes it essential that the authorities at all levels, and particularly at the local level, communicate the land measurement programme clearly and share information as widely as possible. The entire process – from the beginning until the point at which people receive their permanent land title documents – must be explained in straightforward terms so that people can participate fully and make the process as meaningful as possible.

Conclusion

The ongoing campaign, “New Actions on the Existing Policy in the Land Sector”, implements Hun Sen’s Order 01BB by recruiting student volunteers to measure land. Although it has an overtly political character, it is being conducted in a timely manner to address the issue of land disputes that have mushroomed in recent decades. The campaign is funded by Hun Sen and other senior CPP members, and is being overseen in part by the prime minister’s son, Hun Manith. It is not being conducted solely through the existing state mechanisms – primarily the Ministry of Land Management, Urban Planning and Construction – but instead in large part by using a small army of student volunteers recruited from universities and student associations affiliated with the CPP.

The land titling programme has resulted in many families getting documents that mark their ownership in law. However others have faced significant problems, including: land titles being withheld by local authorities; not receiving land title documents; being barred from full and unrestricted access to their land; and losing land to powerful local interests during the measurement process. Villagers in some communities in Pursat province saw their homes razed by Pheapimex and the military, according to news reports, while others were threatened by the local authorities or specialised officials, and at least one activist was arrested and jailed.

The crucial challenge faced during Phase I of the land titling campaign, particularly at the local level, was that this was an entirely new process. The order came down from the highest level that student volunteers and working groups would arrive to measure land, but the local authorities and ordinary people were not clear about how this work would be carried out. Moreover, the working groups spent only a brief amount of time in each place and were under pressure to deliver significant results, yet much of the work was dependent on student volunteers who had received limited training.

And although national law requires the National Authority for Land Dispute Resolution to find answers to disagreements, many villagers who felt wronged during the land measurement programme found no redress from this state body. The impact for some small landowners was not only the loss of their livelihoods but the chance of a better future for their families, with land disputes as yet unresolved.

Inasmuch as the villagers interviewed during this study are reflective of the broader experience, the land measurement process and the granting of titles to date did not, in many cases, empower people or increase their knowledge of it. Moreover the campaign has done nothing to strengthen the government’s existing mechanisms for demarcating land and granting land titles.

The government’s information programme about the campaign, and the attitudes of the student volunteers and working groups, indicate that recipients of land titles are viewed as mere beneficiaries rather than active participants. Some villagers, particularly those in indigenous areas, reported that the local authorities and student volunteers had told them that they must get their land measured when the teams were on the ground, and that if they did not then they would have to wait much longer for their land titles and

the process would cost them more money. Given the plague of land grabbing in Cambodia, that left many with little choice but to rush into the process uninformed.

Many Cambodians in both urban and rural areas face the threat of land disputes, particularly from the rich and well connected. One of the main reasons is the lack of legal ownership of land, and for this reason the government's decision to tackle that is both timely and vital. However the current campaign – funded, as it is, by the prime minister and other CPP officials, and implemented by student volunteers – is an overtly political exercise and is not sustainable in the longer term.

Instead the government should use existing state mechanisms to grant legal title to people, allowing them to access and control their own land. That would further strengthen these mechanisms, making them more efficient, effective, transparent and accountable for everyone. Only in that way will the Cambodian people get the equitable benefits they deserve.

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