



អង្គការសហគមន៍រដ្ឋបាល

Sahmakum Teang Tnaut Organization - a Cambodian Urban NGO

LAND SECURITY OF URBAN POOR COMMUNITIES

Challenges and Solutions

2024

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LIST OF ABBREVIATIONS

CLT	COMMUNITY LAND TRUST
FGD	FOCUS GROUP DISCUSSION
GIZ	GEMAN INTERNATIONAL COOPERATION IN CAMBODIA
HHS	HOUSEHOLD SURVEY
LMAP	LAND MANAGEMENT ADMINISTRATION PROGRAM
LASED	LAND ALLOCATION FOR SOCIAL AND ECONOMIC DEVELOPMENT
MPP	MUNICIPALITY OF PHNOM PENH
MLMUPC	MINISTRY OF LAND MANAGEMENT URBAN PLANNING AND CONSTRUCTION
PPS	PROBABLITY PROPORTIONATE TO SIZE
STT	SAHMAKUM TEANG TNAUT ORGANISATION
SLR	SYSTEMATIC LAND REGISTRATION
USD	US DOLLAR

EXECUTIVE SUMMARY



Picture 1 - Houses in Samrong Tbong

This research aims to conduct a comprehensive study into the land issues experienced by residents of 11 urban poor communities in Phnom Penh. The study seeks to understand the nature of these issues and apply existing national and international instruments to propose possible solutions for securing land and housing rights in these communities.

The specific issues facing each community are summarized below:

- Andoung Ta Eang: Residents are excluded from systematic land registration (SLR). This community has strengthened its capacity to find cooperation regarding land registration and community upgrading plans.
- Boeung Chhouk Meanchey Thmey 2: Residents have applied for systematic land registration (SLR), but they have not heard back from local authorities. Residents use non-violent advocacy and are open to communicate with the government to secure land.
- Chma Aoet community: The community has been excluded from SLR. Residents have submitted a

letter to authorities to gain official information about their situation.

- Kao Pi community: Residents have land conflicts with private companies. The community is advocating for their right to land ownership, and have submitted complaint letters to the Sangkat and Khan authorities but had no response so far.
- Pongro Senchey community: The community do not know what their land status is and what solution to propose because there is an unclear road development project planned in their area.
- Raksmei Samaki community: People face eviction/relocation because of a JICA-funded project. They want to develop enumeration (household survey) and mapping to develop an on-site upgrading or relocation plan.
- Samrong Tbong community: Residents have received conflicting advice by government authorities regarding their situation. Residents feel vulnerable as they don't have clear plans.
- Satrei Klahan community: Residents fear they will face eviction and want to develop an on-site upgrading plan. They are open to relocation with proper compensation.
- Stoeung Kambot Community: Residents have submitted letters to local authorities requesting upgrading and land titles, and/or selling land at the market price. Authorities have not given a response.

- Tomnob Ta Thlang community: The SLR project surveyed residents' land and gave people a receipt in 2019 but no land titles. The community wants to advocate for on-site upgrading.

- Samaki Rong Roeung community: The Municipality of Phnom Penh and cadastral office have conducted a detailed measurement survey (DMS). The community wants to emulate the Stung Meanchey Canal project, where residents were relocated to upgraded on-site housing under Circular 03.

Based on the results of this study, the report provides recommendations targeted at NGOs, government officials and international agencies to address the land and housing rights issues in the subject communities. Specific local policy instruments and international human rights law are identified for the purpose of implementation and advocacy.

RESEARCH BACK GROUND



Picture 2 - Samaki Rung Reoung

Phnom Penh is a city that has been rapidly urbanizing, and as in many other cities in the global south, urbanization has brought challenges to urban poor communities who bear the costs of the controlled and uncontrolled development of real estate by private and government actors through forced evictions and lack of security for housing and land. Estimates from previous studies conducted by STT suggest that 29,358 families (146,790 persons) were evicted in Phnom Penh between 1990 and 2011, over 12,000 families were under threat of eviction in 2014¹, and 77 eviction sites were identified in 2016².

Further to this, 12 settlements in Phnom Penh, Kandal and Takeo were evicted between 2020 to 2022 during the Covid-19 pandemic, as government authorities asked people to stay home³. A consistent pattern of violation of rights has been observed in connection with forced evictions of urban poor communities in Phnom Penh and Cambodia overall including a systematic lack of due process and procedural protections, inadequate compensation, lack of effective remedies for communities facing eviction, and excessive use of force, harassment, intimidation, and criminalization⁴.

1. Sahmakum Teang Tnaut, *Facts and Figures # 24: Phnom Penh's communities under threat of eviction*, Available at: https://teangtnaut.org/wp-content/uploads/2023/09/STT_Phnom-Penh-Survey_2023_ENG_Final.pdf

2. Sahmakum Teang Tnaut, *Promises kept? A study on the development of 77 eviction sites in Phnom Penh*, 2016, Available at: https://teangtnaut.org/wp-content/uploads/2016/12/1PK-Final-Report_V12.1_final-edits_formatted518907-1.pdf

3. Sahmakum Teang Tnaut, *Eviction, Compensation and Debt*, Available at: https://teangtnaut.org/wp-content/uploads/2016/12/1PK-Final-Report_V12.1_final-edits_formatted518907-1.pdf

4. UN-OHCH, RRoInik, R, *Forced evictions in Cambodia make thousands of people homeless*. *Dialog*, 98(3), 33, 2008, Available at: <https://www.ohchr.org/en/statements/2009/10/forced-evictions-cambodia-make-thousands-people-homeless-un-expert>

Urban poor communities in this report are defined under UN-HABITAT (2003) as settlements lacking all or some of the following conditions:

- Durable housing of a permanent nature that protects against extreme climate conditions,
- Sufficient living space, which means not more than three people sharing the same room,
- Easy access to safe water, in sufficient amounts, and at an affordable price,
- Access to adequate sanitation in the form of a private or public shared toilet by a reasonable number of people,
- Security of tenure that prevents forced evictions.

The vulnerabilities to force eviction experienced by urban poor communities in Phnom Penh, are historically associated with access to land. In the absence of land records after the Khmer Rouge regime, legal claims to immovable property were declared invalid by the then government and all land and houses became property of the state. However, most property owners in Phnom Penh were killed or died between 1975 and 1979, leaving land and buildings vacant in the city. People returning to Phnom Penh, occupied land and empty buildings on a 'first come first served' basis. Until 1989, the government allowed people the right to occupy property and to sell and buy this on the emerging de-facto land and housing market. With the return of refugees and people living on rural camps, various informal living arrangements expanded rapidly in the city⁵. These were characterized by an active informal market, with rapid turnover and occupation, and the development of diverse housing options including: housing on rental land, housing on owner-occupied land, shared low-income housing in shop houses, apartments or other single-family houses, subdivisions inside multi-storey buildings in the city,

occupation of old flats and apartments, rooftop settlements, settlements on the rural fringe of the city, and rental rooms. These types of informal arrangements are widely common in cities of the global south, showing that informal access to land and housing is, in many cases, the norm rather than the exception⁶.

Surveys of urban poor communities in Phnom Penh have consistently indicated a decrease of the number of urban poor communities in the city. The 2017 PP Survey identified 277 urban poor settlements in Phnom Penh⁷; however, in 2023 the PP Survey identified 191 urban poor settlements, signifying a continual downward trend in urban poor settlements in the city⁸. The reasons for this include settlements undertaking significant upgrades or receiving legal land tenure that removes them from the classification of 'urban poor'. Also, many urban poor communities have 'disappeared' because of eviction and people moving to other places in the city. Thus, even when the official number of 'urban poor communities' has decreased, there are still a number of urban poor communities that are facing vulnerabilities due to experiencing a lack of land tenure security.

5. GOV.UK, Boonyabancha, S, Cambodia: *The Urban Poor Development Fund Case Study. Homeless International*, 2000, Available at: https://assets.publishing.service.gov.uk/media/57a08d82e5274a31e00018d0/R7394paperACHR_CambodiaFINAL_June00.pdf

6. UN-Habitat, Fallavier, P, Nairobi, *The challenge of slums. Global report on human settlement*, 2003, Available at: <https://unhabitat.org/sites/default/files/download-manager-files/The%20Challenge%20of%20Slums%20-%20Global%20Report%20on%20Human%20Settlements%202003.pdf>

7. Sahmakum Teang Tnaut, *The Phnom Penh Survey: A study on urban poor settlements in Phnom Penh*, 2018, Available at: https://teangtnaut.org/urban_poor_settlement_phnompenh/.

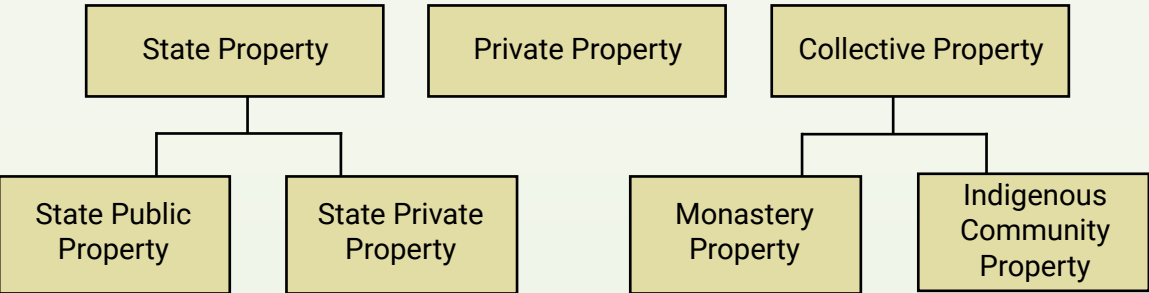
8. Sahmakum Teang Tnaut, *The Phnom Penh Survey in 2023: A study on urban poor settlements in Phnom Penh*, 2023, Available at: https://teangtnaut.org/wp-content/uploads/2023/09/STT_Phnom-Penh-Survey_2023_ENG_Final.pdf

The vulnerability of urban poor communities to land tenure insecurity varies depending on their specific circumstances and the documentation they have. Under the Land Law 2001 the most secure right is ‘ownership’ giving exclusive right to control, use and dispose of land and anything connected to that land. Under the Land Law 2001, ownership could be claimed by the state (as state public or state private land) by private companies or individuals as private land, and/or indigenous communities and Buddhist monasteries as collective land⁹. The second right is ‘legal possession’ recognizing any person who had been in possession of their land prior to the passing of the Law in August 2001. If someone commenced occupation of their land after 30 August 2001 but could prove they purchased the land from the original legal possessor their claim was also legitimate; however, the law stated that no possession on state public or private land was legal no matter when it commenced.

Under the Land Law 2001, people who do not have rights as owners or possessors and occupy state private and/or public land are considered illegal and unable to claim land rights¹⁰. State public property is land held by the state that has a general public use, benefit or service. This includes roads, public gardens, schools, hospitals, and administrative buildings. It also includes land that is of natural origin such as rivers, lakes and seashores, and areas of archaeological or heritage value. Both riverbanks and reserved areas alongside roads are classed as state public property. State public property cannot be owned or possessed by private individuals, and encroachment on state public land is in offence punishable by a fine or time in jail. State private land is all the land that is neither state public land, nor legally privately or collectively owned or possessed under the Land Law of 2001. State private property may be subject to sale, exchange, distribution or transfer of rights to private individuals or companies, provided this is in accordance with the law¹¹.

A diagram explaining the classification of land in Cambodia is presented below.

Graphic 1. Land classification in Cambodia under the Land Law 2001 (Flower & Grimsditch, 2014)



9. Royal Government of Cambodia. (2001). *Land Law 2001*. Policy Document

10. Ibid

11. People in Need, Flower, B and Grimsditch, M, *Legal Analysis of land tenure in urban poor settlements in Phnom Penh, Sangkat Chrang Chamres Muoy, Khan Russeikeo*, 2014, Available at: <https://www.peopleinneed.net/media/publications/562/file/1461667582-hrbsp-interactive-2.pdf>

Flower and Grimsditch (2014) explain that in many cases urban poor residents may not be aware that their occupation is illegal and may have resided on their land in full knowledge of local authorities without ever experiencing any problems or being told that they are illegal occupants. In some cases, urban poor residents may be in possession of land occupancy documents or land sale contracts that were witnessed by local village chiefs or commune officials, but if their occupation does not meet the conditions set out above they are likely to be regarded as illegal occupants under the law. Illegal occupants under the Land Law 2001 may include:

- Households who commenced occupation of vacant land after the Land Law was passed;
- Households who commenced occupation of land before the Land Law was passed, but do not meet the five conditions of legal possession;
- Households who are occupying land that is legally owned by somebody else; or
- Households that are occupying state public property, no matter when they commenced occupation.

Under the Land Law 2001, illegal occupants have limited protections, and may even be fined or imprisoned if they are found to be illegally occupying state public land. The law states that people occupying state public property must vacate immediately and have no right to compensation for the land or any building or improvements conducted on that land¹².

According to the 1993 Constitution of the Kingdom of Cambodia, the State

has the responsibility to ensure the well-being of all citizens including poor people in Phnom Penh. In the context of urban poor communities, national and sub-national institutions, especially the Ministry of Land Management, Urban Planning and Construction (MLMUPC), which are responsible for managing and enforcing laws that affect the poor, such as circulars 03 and the National Housing Policy are discussed in this study. The MLMUPC has also been responsible for the registration of land under the Land Management Administration Program (LMAP) and the Land Allocation for Social and Economic Development (LASED) (I,II & III).

By 2013, SLR had registered more than 2.2 million land parcels in the country (mainly in rural areas), benefiting over two million citizens and solving 11,000 land disputes¹³. The program also strengthened mechanisms for dispute resolution and increased technical and institutional capacity for the Royal Government of Cambodia¹⁴. Despite the results, Bugalski and Pred identified two main factors in the design and implementation of SLR which impaired its capacity to improving tenure security: the exclusion of difficult areas with competing land claims from obtaining registration, and the lack of transparency from the government in the classification of state land. These factors allow the program to be manipulated by the state at the expense of vulnerable households. Many studies have argued that land reforms and frameworks introduced by foreign donors in Cambodia had not achieved tenure security for vulnerable groups, and in fact had been designed to purposely exclude residents living in

12. Ibid

13. GIZ, Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ), *Lessons learned on land dispute resolution during GIZ and GIZ programs in Cambodia 1999-2016*. Unpublished Resource, 2016, Available at: https://www.giz.de/en/search/searchresult.aspx?query=.+Lessons+learned+on+land+dispute+resolution+during+GIZ+and+GIZ+programs+in+Cambodia+1999-2016.+&send_button_search=Search

14. Ibid

informal settlements from securing land rights¹⁵. These claims highlight the need to address the political dimensions of insecurity to achieve tenure security for the urban poor in Phnom Penh.

It is also important to note that even when urban poor residents access land titles as a form of tenure security, they are still subject to vulnerabilities such as greater debt due to opening their borrowing portfolio to semi-formal and formal institutions. For example, many urban poor residents use their land titles as collateral to borrow from micro-finance institutions charging very high interest rates and face losing their land because of not being able to make the repayments. Enduring poverty causes many urban poor residents having no option but to sell their land.

This study focuses on investigating the situation of 11 urban poor communities facing the threat of eviction in Phnom Penh due to their land declared as state public land. The study sheds light on the specific trajectory of the urban poor communities to get their land rights recognized by the state, and concerns of community leaders and residents in terms of advocacy processes, community organising and the implementation of the land rights instruments available to them. The study presents global case studies of successful strategies for ensuring tenure security in rapidly urbanising cities in Asia and the global south. These examples offer insights into addressing the vulnerabilities faced by Phnom Penh's urban poor.



15. - Grimsditch, M., & Henderson, N, *Untitled: Tenure Insecurity and Inequality in the Cambodian Land Sector*. Phnom Penh: Bridges Across Borders, Centre on Housing Rights and Evictions, Jesuit Refugee Service, 2009, Available at: <http://surl.li/tgghx>

- Bugalski, N., & Pred, D, *Land titling in Cambodia: Formalizing Inequality*. LRAN Briefing Paper Series, 2010, Available at: https://www.inclusivedevelopment.net/wp-content/uploads/2012/02/LRAN-9_Formalizing_Inequality.pdf

- The NGO Forum of Cambodia, Grimsditch, M., Kol., & Sherchan, D, *Access to land title in Cambodia: A study on systematic land registration in three Cambodia provinces and the Capital*. Phnom Penh, 2012, Available at: <http://ngoforum.org.kh/files/7d93f5c543d70a6aaca86cdeb170c92ec-Report-of-National-Workshop-on-Land-Registration-V2-Eng.pdf>

Picture 3 - A man in Samrong Tbong brings the fish to sell, 2024



RESEARCH AIMS

Research Objectives

The aim of this study is to conduct a comprehensive investigation into the land issues faced by 11 urban poor communities in Phnom Penh, with the goal of explaining existing national and international laws, policies, and other legal documents to find potential solutions to their land and housing rights issues. The specific objectives of this study are:

- To analyse the current land tenure circumstances of 11 urban poor communities in Phnom Penh
 - To understand the perceptions of land tenure security of 11 urban poor communities in Phnom Penh
 - To provide recommendations to local authorities and the National government on how to guarantee tenure security for 11 urban poor communities in Phnom Penh.
- What are the challenges that the communities face in the process of advocacy activities to claim their land?
 - What are the challenges of community participation in land and housing rights advocacy?
 - What are the specific recommendations to address the land and housing rights issues in the subject communities?

Research Questions

- What are the communities' issues related to land and housing rights?
- Are there any legal documents or legal analysis that support the land and housing occupation of the subject communities?
- Do community members participate in any activities to protect their land and houses? If so, what actions have they taken and why? If not, why not?

RESEARCH METHODOLOGY

Research Locations

The research project targeted a total of 11 urban poor communities in Phnom Penh facing land insecurity. The name and location of the urban poor communities is summarized in the Table below.

Table 1. Names and locations of the urban poor communities participating in this study in Phnom Penh:

Community	Village	Commune	District
Samrong Tbong	Samrong Tbong	Samrong	Prek Pnov
Stoeung Kambot	Kambor	Svay Pak	Russey Keo
Boeung Chhouk Meanchey Thmey 2	Boeung Chhouk	Niroth	Chbar Ampov
Samaki Rong Roeung	Phum V	Phsar Derm Tkov	Chamkarmon
Pongro Senchey	Toul Pongro	Chaorm Chao Ti I	Posenchey
Raksmey Samaki	Russey Ti I and Russey Ti II	Steoung Meanchey III	Meanchey
Satrei Klahan	Krol Ko	Kilomet 6	Russey Keo
Chma Aoet	Chompus Koek	Prek Tmey	Chbar Ampov
Andoung Ta Eang	Prek Tmey	Prek Tmey	Chbar Ampov
Tomnob Ta Thlang	Champuh Kaek	Prek Tmey	Chbar Ampov
Kao Pi	Trapang Svay	Kork Kiang	Sen Sok

Research Methods

The research used a variety of research methods to obtain information from urban poor communities. These methods include:

- Policy document review
- Collection of international case studies
- Focus group discussion (FGD) with urban poor community leaders and members
- Household Surveys (HHS) in each urban poor community making part of the study.

Policy document review

A review of relevant national policies and programs related to land and housing rights for urban poor communities in Cambodia as well as international human rights legislation was conducted by the consultants. A summary of the policy documents that were reviewed is included in the Table below.

Table 2. Summary of National and International Policy documents reviewed in this study

National	International
• Land Law 2001 • Land Management and Administration Program (LMAP) and Land Allocation for Social and Economic Development (LASED) • The Civil Code of Cambodia 2007 • Circular 03: Resolution on temporary settlements on land which has been illegally occupied in the Capital, Municipal and Urban Areas (2010) • National Housing Policy 2014 • Policy on Incentives and Establishment of National Program for the Development of Affordable Housing 2017 • Law on management usage and handling of state properties 2020	• Universal Declaration of Human Rights • International Covenant on Economic, Social and Cultural Rights • Basic Principles and Guidelines on Development-based evictions and displacement • Guiding Principles on Security of Tenure for the Urban Poor • Guidelines for the Implementation of the Right to Adequate Housing • Agenda 2023 for Sustainable Development

The reason for reviewing both land and housing legislation, is because urban poor communities' needs involve both secure land and adequate housing to live; the wellbeing of urban poor families depends on both land and housing rights and thus any intervention by government, international donors and civil society should consider the implementation of these rights in a comprehensive way.

Also, internationally, land rights make part of the 'rights to housing' ratified under various international human rights legislation and guiding principles. Thus, it is important to consider land and housing rights together in policy implementation as well as advocacy activities.

Collection of international case studies

Three international case studies of successful land and housing rights programs for urban poor communities were selected and analysed. The aim of these case studies is to highlight the characteristics of successful examples that have worked internationally to secure land and housing for urban poor communities and use these to provide recommendations in the context of Phnom Penh and the situation of the 11 communities making part of this study.

The case studies include:

- Land access by informal dwellers under the Baan Mankong Program in Thailand
- Land and housing access by informal dwellers under The Martín Peña Channel Community Land Trust (CLT) in Puerto Rico
- Inclusive informal settlement upgrading supported by land use planning instruments under the City Statute in Brazil (Federal Law No 10.257 of 2001).

Focus Group Discussions (FGD)

One FGD per community was conducted in the 11 target communities. Both men and women from the community committee and active members were selected to participate in the FGD.

Household Surveys (HHS)

Household surveys were conducted in each of the 11 target communities.

Participants in both the FGD and HHS included different people in terms of social status, gender, ethnicity, age, etc such as:

- Community representatives;
- Active women members;
- Elderly and socially vulnerable people;
- People with disabilities.

A random sampling method was used to select the households that participated in the research. Since the target communities are not equal in population size, the samples were taken with a probability proportionate to size (PSS)¹⁶. This means a random sample from the database in target communities was selected taking 30% sampling size from the total households in each community.

The table below illustrates the different sample sizes across the 11 communities.

16. The rule of thumb here is that PSS sampling is called for when the researcher is dealing with large, unevenly distributed populations, Available at: https://cdn.who.int/media/docs/default-source/hq-tuberculosis/global-task-force-on-tb-impact-measurement/meetings/2008-03/p20_probability_proportional_to_size.pdf?sfvrsn.

Table 3. Sampling Strategy in the 11 target urban poor communities

Settlement's name	Village	Sangkat	Khan	No. of HHs	Total Pop.	30% of HHs Samples Size
Kao Pi	Trapang Svay	Kork Kliang	Sen Sok	111	399	33
Pongro Senchey	Toul Pongro	Chaorm Chao Ti I	Posenchey	147	459	39
Samrong Tbong	Samrong Tbong	Samrong	Prek Pnov	77	350	30
Stoeung Kambot	La Kambaor	Svay Pak	Russey Keo	209	847	63
Satrey Klahan	Krol Ko	Kilomet 6	Russey Keo	38	270	12
Samaki Rong Roeung	Phum V	Phsar Derm Tkov	Meanchey	84	522	26
Raksmei Samaki	Russey Ti I and Russey Ti II	Steoung Meanchey III	Meanchey	73	263	23
Boeung Chhouk Meanchey Thmey 2	Boeung Chhouk	Nirouth	Chbar Ampov	34	150	10
Chma Aoet	Chompus Koek	Preaek Thmei	Chbar Ampov	32	138	12
Andoung Ta Eang	Preaek Thmei	Preaek Thmei	Chbar Ampov	47	200	16
Tomnob Ta Thlang	Champuh Kaek	Preaek Thmei	Chbar Ampov	32	200	10
Total	11	9	6	884	3798	274

RESEARCH RESULTS

Document review

Access to secure land and adequate housing are key factors that continue to impact on the urban poor in Phnom Penh. Lack of land security contributes to urban poverty including lack of adequate housing, sanitation, food and services for the urban poor in Phnom Penh. Despite the progress in the generation of land rights and housing policies, including the increase of land registration in urban poor settlements in recent years¹⁷, the urban poor continue to experience insecurities in land, housing, and livelihoods in Phnom Penh. These insecurities arise from various sources. Some communities face threats of forced evictions due to development pressures,

such as the in-filling of lakes in Phnom Penh. Others experience market-driven evictions where the urban poor lose their land due to using it as collateral for loans from microfinance institutions and banks. In some cases, communities are forced to sell their land to receive a financial benefit in emergencies, such as experiencing health issues¹⁸.

Table 4 provides a summary of the policies in Cambodia that are relevant to land and housing rights for the urban poor in Phnom Penh. Table 5 summarizes key international legislation relevant to land and housing rights for the urban poor globally and thus relevant to the case of the 11 poor communities making part of this study.



Picture 4 - An old woman in Stoeung Kambot walks across the house with red spay, 2024

17. Sahmakum Teang Tnaut, *The Phnom Penh Survey in 2023: A study on urban poor settlements in Phnom Penh*, 2023, Available at: https://teangtnaut.org/wp-content/uploads/2023/09/STT_Phnom-Penh-Survey_2023_ENG_Final.pdf
18. Brugman, J, *Uncovering the individual/collective divide in planning responses to informal settlements as a structural cause of tenure insecurity in Phnom Penh, Cambodia*, International Development Planning Review, 2022, Available at: <https://doi.org/10.3828/idpr.2022.5>

Table 4. Summary of national policies and international instruments for land and housing rights for the urban poor in Phnom Penh

National Policies				
Policy	Year	Management body	Purpose	Achievements and Progress
Land Law	2001	Ministry of Land Management, Urban Planning and Construction	The Land Law 2001 provides the legal basis to achieve legal recognition of ownership rights to land. It especially aims to determine the regime of ownership for immovable properties in Cambodia for the purpose of guaranteeing the rights of ownership and other rights related to immovable properties. It also intends to establish a modern system of land registration that guarantees the rights of people to own land.	The Land Law 2001 was an important step towards achieving land rights for the urban poor as the document is the main legislation outlining the types of tenure in the country and the 'rules' on how various residents can claim land ownership. The law distinguishes the categories of ownership, legal possession, and illegal occupation and classifies land into State Property, Private Property and Collective Property. Also, the Cadastral Committee was established under the 2001 Land Law to aid land registration across the country and settle disputes over unregistered land. The Land Law is a key instrument for urban poor communities and civil society organisations to understand the land situation to either claim land as 'ownership' or find alternative solutions through other legal instruments in cases where public land is occupied.

Land Management and Administration Program (LMAP)/ Land Allocation for Social and Economic Development (LASED) (I, II & III)	LMAP 2002-2009 LASED I, II, III 2008-ongoing	Ministry of Land Management, Urban Planning and Construction	Land registration programs to register land for urban and rural poor communities through systematic land registration, and social land concession as well as build the cadastral capacities to maintain a database of land records in the country.	The LMAP was the first program aiming to register land in urban and rural areas in Cambodia. In 2016, 2.2 million land parcels had been registered under systematic land registration (SLR) across the country with 134,067 land parcels in Phnom Penh¹⁹. Despite this, the LMAP was not as successful in Phnom Penh due to land disputes, forced evictions such as Boeng Kak Lake and mismanagement of the program by the government. In 2016 GIZ (the key partner of the state in this program) withdraw support for the direct implementation of the LMAP within the MLMUPC. GIZ continues to provide some assistance to the RGC in the LASED programs. Land registration for the rural poor have been supported by the Land Allocation for Social and Economic Development Program funded by the World Bank. Three different phases of the program have been implemented in rural provinces in Cambodia and selected rural and Indigenous communities have registered their land successfully. To date, in Phnom Penh, registration of land for residential purposes happens in an ad hoc way. There is no formal data on the actual land parcels registered in the city. Land registration in Phnom Penh is a political process which favours certain kinds of developments and residents rather than the urban poor. Also, the lack of clear registration of public land impacts on the registration of land for urban poor communities. The latest survey of urban poor communities by STT found an increasing number of urban poor settlements receiving land titles under SLR in Phnom Penh. This has contributed to the decreasing trend in urban poor settlements in the city since 2014²⁰.
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19. GIZ, Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ), *Lessons learned on land dispute resolution during GIZ and GIZ programs in Cambodia 1999-2016*. Unpublished Resource, 2016, Available at: https://www.giz.de/en/search/searchresult.aspx?query=.+Lessons+learned+on+land+dispute+resolution+during+GIZ+and+GIZ+programs+in+Cambodia+1999-2016.+&send_button_search=Search

20. Sahmakum Teang Tnaut, *The Phnom Penh Survey in 2023: A study on urban poor settlements in Phnom Penh*, 2023, Available at: https://teangtnaut.org/wp-content/uploads/2023/09/STT_Phnom-Penh-Survey_2023_ENG_Final.pdf

Civil Code of Cambodia	2007	All government and Khmer citizens	The Civil Code of Cambodia was adopted in 2007 as part of the first phase of the Plan of Action for Implementing the Legal and Judicial Reform Strategy which was implemented by the Royal Government of Cambodia on 29 April 2005.	The Code consists of 1,305 articles and is structured into nine Books: general rules (book I); persons (II); real rights (III); obligations (IV); particular types of contracts/torts (V); security (VI); relatives (VII); succession (VIII); and final provisions (IX). The Code contains several provisions on land rights. Article 139 is on land ownership, Articles 215 to 226 of the code address indivisible joint ownership, a situation where co-owners of adjacent parcels of land create a partition to distinguish those parcels or buildings on the land from each other; Article 243 (Protection of occupant of immovable property prior to the enforcement); usufruct over land (art. 258) and the right to collect natural fruits (art. 261); and land rights created by concession (art. 307).
Circular 03: Resolution on temporary settlements on land which has been illegally occupied in the Capital, Municipal and Urban Areas	2010	Ministry of Land Management, Urban Planning and Construction General Department of Housing Local government authorities NGOs Urban Poor Communities, GIZ (until 2016)	Key instrument available for the Cambodian government, urban poor communities and civil society organizations to find solutions for tenure security for temporary settlements in Phnom Penh and other major cities in Cambodia through mapping, enumeration, housing and tenure options.	Pilot projects in Phnom Penh, Siem Reap and Battambang to test the provisions of this instrument and its effectiveness in securing land for the urban poor with support from GIZ (until 2016) Stung Meanchey Community in Phnom Penh used this instrument to agree on on-site relocation and received land title and connection to water. Between 2018-2020 the EU supported an upgrading program to public spaces and facilities in Stung Meanchey Community however no clear strategy for individual upgrading of houses was developed.
National Housing Policy	2014	Ministry of Land Management, Urban Planning and Construction General Department of Housing	The policy is the first official document to focus on strategies to be undertaken to provide affordable housing in Cambodia, both through ownership and rental. The policy's scope is broad and acts as a framework to guide action plans for the development of housing for all Cambodian citizens, not just the urban poor.	Since the passing of the housing policy, the GHD has focused on enabling private investment for the development of affordable housing.

Policy on Incentives and Establishment of National Program for the Development of Affordable Housing	2017	Ministry of Land Management, Urban Planning and Construction General Department of Housing Private Developers	This policy establishes a framework to support the development of housing priced between 15,000 USD and 30,000 USD. Developers who build a minimum of 100 units in that price range, located at maximum 20 km from the city center, and plan for green and community spaces within the development, are able to benefit from a series of “incentives” such as tax concessions, access to infrastructure and services, and facilitation of bureaucratic procedures to obtain construction permits, business licenses and other necessary documents for private developments. Developers must also cooperate with financial institutions to create credit schemes with low-interest rates for eligible participants. Under this incentive policy civil society organizations are also encouraged to invest in affordable housing.	Pilot projects in Kandal Province (Worldbridge homes Co Ltd Projects), and Phnom Penh (The Arakawa Residences) have been built.
Circular 06: outlines the rules and criteria for donating state property to citizens and civil servants.	2019	The Royal Government, State Property Authority, and the Ministry of Economy and Finance.	Circular 06 reflects the government's intention to address poverty by improving the lives of people and civil servants who are struggling due to a lack of housing and livelihoods, and to help them manage their wealth more effectively.	Circular 06 outlines the conditions for obtaining property rights through state property donations. These conditions are as follows: 1. Residency and Identity: Citizens or civil servants must have a history of residing and/or occupying the land for at least 10 years, with the most recent year being 2015 (as confirmed by the competent authority). It appears that the settlement applies to those who occupied the land up to 2015. However, there is no settlement for those who occupied the land in the years following 2015.

				2. Eligibility Criteria: to qualify, individuals must be poor citizens or civil servants with a genuine livelihood and no ownership of other land or houses. The size of land or housing for donations is determined by state authorities, following the principle of equity. After 5 years of tenure on state-granted land, eligible individuals can apply for a certificate of identification as the owner of real estate, in accordance with the social land concessions principle. In summary, this circular provides an opportunity for poor citizens or civil servants residing on state property to secure property rights based on the specified conditions.
Law on management usage and handling of state properties	2020	Cambodia Government	This law is aimed to manage the use and handling of all kinds of state properties. This law aims to strengthen the legal framework and institutional structure for managing state assets, improve capacity in this area, and establish mechanisms for key management tasks such as determining asset sources, preparing inventories, transferring rights, conducting inspections, and determining penalties.	A State Land Working Group, operating at the municipal, district, and khan levels, has been set up at the Office of Land Management, Urban Planning, Construction. This working group is currently working in the identification, mapping of state public land in Phnom Penh.



Picture 5 - Houses in Andoung Ta Eang

Table 5. Summary of international instruments for land and housing rights for the urban poor in Phnom Penh

International Instruments relevant to land and housing rights				
Instrument	Year	Management body	Purpose	Relevance in the context of Phnom Penh
Universal Declaration of Human Rights	1948	United Nations	Article 25 recognizes the right to adequate housing as part of an adequate standard of living as a human right. The right to adequate housing contains entitlements including: • Security of tenure • Housing, land and property restitution. • Equal and non-discriminatory access to adequate housing. • Participation in housing-related decision-making at the national and community level. The right to adequate housing contains freedoms including: • Protection against forced evictions and the arbitrary destruction and demolition of one's home; • The right to be free from arbitrary interference with one's home, privacy and family; • The right to choose one's residence to determine where to live and to freedom of movement.	The universal declaration of human rights is an important instrument of human rights law that outlines the basic human rights that governments must ensure for citizens of every state and can be used to advocate for the right to land and housing for the urban poor in Phnom Penh.
International Covenant on Economic, Social and Cultural Rights	1966	United Nations	Article 11 recognizes the right to adequate housing (including security of tenure) as part of an adequate standard of living as a human right.	The International Covenant on Economic, Social and Cultural Rights is an important instrument of human rights law that outlines the basic human rights that governments must ensure for citizens of every state and can be used to advocate for the right to land and housing for the urban poor in Phnom Penh.

Basic Principles and Guidelines on Development-based evictions and displacement	2007	United Nations	These guidelines aim to assist States in developing policies and legislation to prevent forced evictions at the domestic level. They specify human rights obligations of States before and during and after evictions, remedies for forced evictions such as compensation, restitution and return, resettlement and rehabilitation, monitoring, evaluation and follow-up, obligations of international organizations.	This guideline contains information about the obligations of states in relation to forced evictions that can be used as advocacy tools in Phnom Penh to ensure the state complies with international standards and human rights.
Guiding Principles on Security of Tenure for the Urban Poor	2014	United Nations	These Guiding principles give guidance on existing human rights standards as they pertain to housing and land tenure. They cover the following topics: • Strengthening diverse forms of tenure, • Improving security of land tenure, • Prioritizing in situ solutions • Promoting the social function of property, • Combating discrimination on the basis of tenure, • Promoting women's security of tenure. • Empowering the urban poor and holding states accountable. • Ensuring access to justice.	This guideline contains information about the principles that can be supported by states to ensure tenure security for the urban poor. The guideline is an important instrument that can help civil society organisations in Cambodia to hold the state accountable in ensuring the urban poor have tenure security; but also advocate for more diverse tenure options (such as collective land tenure instruments) in land rights programs that are more suitable for the urban poor than only receiving individual land titles.
Guidelines for the implementation of the Right to Adequate Housing	2020	United Nations	These Guidelines outline key elements for States, local Governments and others that are needed for the effective implementation of the right to housing. Guideline No. 7 relates to upgrading informal settlements using a human-rights approach.	This guideline contains information about the obligations of states in relation to the implementation of the right to housing (including land security) that can be used as advocacy tools in Phnom Penh to ensure the state complies with international standards and human rights.

Agenda 2023 for Sustainable Development.	2023	United Nations; Cambodian government	The 2030 Agenda for Sustainable Development, includes Sustainable Development Goal 11 to make cities and human settlements inclusive, safe, resilient and sustainable. Under SDG target 11.1 States have declared to ensure “by 2030, [...] access for all to adequate, safe and affordable housing, basic services, and upgrade slums”	Cambodia is a state member that has ratified the 2030 Agenda for Sustainable Development and thus must maintain commitment to work towards the SDG implementation.
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This review provided a background of the policy instruments in Cambodia regarding land and housing rights which are relevant for the 11 communities part of this study. The 11 communities that participated in this study occupy some type of public land such as road reserves or riverbanks, and thus are considered illegal under the Land Law 2001. Despite this, due to the lack of clarity in the registration of public land in Phnom Penh it is unclear to the communities where do they stand in terms of what exactly constitutes public land, and what options are available to them to find a resolution to their situation. As seen in the result of the focus group discussion and the household survey, land registration in these communities happened in an ad hoc basis, and even some communities have had their registration reverted by the state due to their occupation of public land. Thus, the communities are in constant threat of eviction and land insecurity. Apart from fundamental laws such as the Civil Code of Cambodia which ensures that basic rights to land are met for individuals in the country, the Law on Management Usage and Handling of State Properties 2020 as well as Circular 03 are important instruments that the communities should understand

and use to continue to advocate and make plans for both on-site upgrading and relocation options to be negotiated with the government.

Also, this document review shows that currently there are no plans from the government to focus on the delivery of social housing to address the specific needs of the urban poor living in informal conditions. More comprehensive housing policies are needed to address the land and housing insecurity faced by the urban poor in Phnom Penh, policies that not only focus on the technicalities of land registration but that address the various poverty needs of the urban poor under the ‘right to housing’.

The international human rights instruments reviewed in this study provide international standards in relation to land and housing rights for the urban poor globally. These instruments are important to highlight in the context of the situation of the 11 urban poor communities making part of this study as they provide reference to the basic human right of ‘adequate housing’ that states should guarantee for every citizen across the world. These instruments can be used for advocacy purposes to hold

the government accountable for the need to provide adequate housing solutions for the 11 communities making part of this study. Furthermore, guidelines such as the Basic Principles and Guidelines on Development-based evictions and displacement provide guides on how to manage these processes and the breach of human rights that evictions constitute. Practical guides such as the Guiding Principles on Security of Tenure for the Urban Poor and Guidelines for the Implementation of the Right to Adequate Housing provide practical recommendations for state governments and civil society on strategies that can be applied to realize security of tenure and housing rights for urban poor communities. These strategies include recognizing and implementing diverse models of land tenure, beyond the individual property model.

International Case Studies

Case Study 1: Land access under the Baan Mankong Upgrading Program

The Baan Mankong slum upgrading program, managed by the Community Organisation Development Institute (CODI) of the Thai Government, is a community-led housing and land program, where organised urban poor communities can receive collective low-interest loans to buy land, upgrade housing, and/or develop income generating projects. CODI supports communities with flexible finance and technical support, as well as connecting urban poor networks nationally and internationally. The Baan Mankong Program empowers urban poor communities by making information available, providing finance, facilitating collective action, and

decentralizing decision-making. This allows communities to have a real say in their future and address various poverty needs through land and housing.

Case Study 2: The Martín Peña Channel Community Land Trust, Puerto Rico

The Martín Peña Channel was a waterway in the Puerto Rican capital San Juan. Informal settlers settled on the mangroves' banks, building more than 5,000 informal homes. The water filled with debris, and due to the lack of sewer systems, homes became polluted as well as flooded, creating a dangerous situation for residents. In response, the government developed a plan to dredge the channel and drain the lived-on land. Despite the benefits of the plan, it created the risk that when the environmental problems were resolved, the land (a prime city location) would soar in value displacing the original residents. The Fideicomiso or Community Land Trust was created between 2002 and 2004 in partnership between the community and the government and ensured that the improvements made in the area did not displace them.

Case Study 3: City Statute in Brazil (Federal Law No 10.257 of 2001)

The City Statute is a result of an intensive, decade-long negotiation process involving social and political forces in Brazil. This federal law provides municipalities with a 'toolbox' of legal instruments to formulate master plans regulating, stimulating, or reversing urban land and property markets in ways that promote social inclusion and environmental sustainability. The diverse instruments available under the

federal law include traditional planning mechanisms like zoning rules and innovative instruments like building rights transfers to support the upgrading of informal settlements and the provision of social housing.

The three case studies have been successful in achieving the right to housing and land tenure security for urban poor communities in rapidly urbanising cities like Phnom Penh. Even if the context of each case study is different from the context of Phnom Penh, there are similar characteristics that have led to the success of these programs:

1. **Strong communities and political commitment:** All the initiatives presented in the case studies have been successful due to having political support from key government actors to implement the land and housing programs in partnership with urban poor communities. This political support is an outcome of urban poor communities being organised and having clear goals on their land and housing needs in order to being able to realistically negotiate with government authorities about their priorities and work collaboratively with them.
2. **Collective tenure:** All of the case studies support collective tenure/ titling (rather than individual titling) in their programs. Collective tenure protects the land security of urban poor communities in the long term by reducing land speculation and ensuring that individual members do not sell their land individually;
3. **Participation of urban poor communities in decision-making:** All case studies are based on the principles of urban poor communities leading decision

making through participation and collective action;

4. **Comprehensive financial support for land, housing, and livelihood activities:** Even if the focus of the program is on land security for the urban poor; these programs also provide financial support and provisions for the development of housing and livelihood activities. Comprehensive programs that address the various poverty needs of urban poor communities are essential in achieving the right to housing.

These case studies can provide valuable reference to strategies that can aid the situation of the 11 urban poor communities making part of this study. Conducting city-wide land surveys, as is the case of the Baan Mankong Program, can help the 11 urban poor communities to find suitable land across Phnom Penh that can be used for resettlement purposes in cases where on-site upgrading may not be possible. This strategy can help communities be more empowered about the location where they will move and make a comprehensive plan to present to the government. On the other hand, the community land trusts and the land use instruments presented in the cases of Puerto Rico and Brazil, can be used as models that communities can think about when advocating to the government and international agencies for implementation.

Results from Focus Group Discussions (FGDs)

Table 6. Summary of participants in FGDs

Community	Participants	Date	Venue
Tomnob Ta Thlang	5 women	15-01-2024	Champus Kaek Village, Sangkat Prek Tmey, Khan Chbar Ampov
Stoeung Kambot	10 women and 1 man	11-01-2024	Group 5 & 7, Lor Kambor village, Sangkat Svay Pak, Khan Russey Keo
Satrei Klahan	12 women	12-01-2024	Kraol Ko Village, Sangkat Kilomet 6, Khan Russey Keo
Samrong Tbong	11 women	11-01-2024	Samrong Tbong Village, Sangkat Samrong, Khan Prek Pnov
Raksmeni Samaki	2 women and 2 men	10-01-2024	Russey Ti I and Russey Ti II Village, Sangkat Steoung Meanchey III, Khan Meanchey
Pongro Senchey	4 women and 1 man	10-01-2024	Toul Pongro Village, Sangkat Chaorm Chao I, Khan Posenchey
Kao Pi	6 women	12-01-2024	Group 2, 4, Trapang Svay Village, Sangkat Kork Kliang, Khan Sen Sok
Chma Aoet	6 women	15-01-2024	Chompus Koek Village, Sangkat Prek Tmey, Khan Chbar Ampov
Boeung Chhouk Meanchey Thmey 2	6 women and 2 men	13-01-2024	Boeungng Chhouk Village, Sangkat Niroth, Khan Chbar Ampov
Andoung Ta Eang	11 women	15-01-2024	Prek Thmei 1 Village, Sangkat Chba Ampov, Khan Chba Ampov
Samaki Rong Roeung	4 women	12-01-2024	Phum V, Sangkat Phsar Derm Tkov, Khan Chamkarmon

Discussion of results from FGDs

All communities that participated in the research occupy some form of public state land and thus face land and housing insecurity.

Residents of Tomnob Ta Thlang community experience land and housing insecurity even when the SLR was initiated in 2019. The SLR process was prematurely revoked in this community, due to the government plans to develop a drainage system. However, the drainage system was developed in the road in front of the community rather than within the radius of the resident homes. The local government asked the community to give away their SLR receipts back to the government office, leaving residents without proof of the land registration process.

They said:

Our SLR receipt was revoked and kept in Sangkat and they told us to wait for a new one

Furthermore, residents in this community experience insecurity due to the development of boreys in the nearby area as well as the in-filling of lakes. Private developers have asked community members to sell their land to them to be developed in the future. So far, two households (who didn't live in the community at the time) have sold their land; however, most residents do not sell it because it will sell for a cost below market price, and they will have no place to live.

In the case of the of Chma Aoet and Andoung Ta Eang communities, residents were excluded from the SLR process because the Chma Aoet communities live on the canal, while the Andoung Ta Eang communities is living in a former well that authorities considered as state public lands. However, some wealthy families have squatted on some part of the same land and received a SLR receipt. Residents of Andoung Ta Eang said:

At the time the community members did not ask MLMUPC officers about the reason for their exclusion from SLR because people didn't have knowledge of land issues. In 2023, community members have built capacity and knowledge about land laws through STT, and now have understanding on land issues. Now, they feel confident to advocate for their land »

Local authorities have told residents that they will never obtain land titles. Residents have sent letters to the Sangkat requesting information about their land situation, but to date they have not received any information back. The community would like to establish connection with authorities to form a plan for on-site upgrading or relocation. This is the same case as Andong Ta Eang community whose residents were excluded from SLR and have not received information from local authorities on how to move forward to secure land.

In Samrong Tbong community, residents' land documents which were endorsed by the Sangkat authorities have also been revoked. Boreys have been developed around the community, supported by infrastructure such as canals and roads which have impacted the community directly with flooding. Residents have

received conflicting advice from the government over the years. The MPP told residents in 2021 that they could upgrade their housing on-site; however, in 2023 the Sangkat asked people to consider compensation for their land and move to a resettlement site. Community members participating in the FGD mentioned:

MPP used to tell people they can upgrade their house 4.2m x 18m after the 2021 statistic survey by Khan and MPP. However, in October 2023, the Sangkat asked residents to consider compensation options, but some communities offered to sell the land at market price, and some families proposed on-site upgrading. But the response of the local authorities is unacceptable. »

Thirty-two families have exchanged a house in a resettlement site about 2 kms from the existing community and have been paid 10,000 USD for their land. Despite this, residents currently living in the community prefer on-site upgrading. Members of the community have talked with the media and negotiated with local authorities to get land titles for on-site upgrading. They sent a request letter to the new Khan Governor, MPP, embassies, the Prime Minister's cabinet, MEF, and LMUPC. However, all these agencies have since returned the community's letter to the Khan, and the people have not received a response.

The Tomnob Ta Thlang community's situation mirrors that of the Stoeung Kambot community. Like Stoeung Kambot, Tomnob Ta Thlang is facing pressure from private companies seeking to buy land from residents. In Stoeung Kambot, this began when Long Chhen Construction Company filled in a



Picture 6 - The view behind Samrong Tbong, 2024



canal in 2000 and built a new canal on the other side of the community. Borey Lim Chheang Hak and Angkor Real Estate later continued filling in the canal, leading to the development of housing complexes. Now, private companies are buying land from community residents, despite the fact that local authorities once considered the land public and thus unavailable for private purchase. In recent years local authorities have allowed private developers to buy land from residents. Today, a total of 58 families have sold land in Stoeung Kambot community. Currently, road development projects wanting to enlarge a road from 16 m to 30 m will impact on 14 m of land occupied by members of Stoeung Kambot community. This is the same case as Kao Pi community, originally evicted in 1992 from the Cambodiana Hotel area and now living in a road corridor considered state public land. Since then, the community has experienced land conflicts with various companies but have not been evicted; they are constantly under the threat of eviction. Participants in the FGD said:

In 2023, 38 community members had a conflict with a local businessman. On the 23 Feb 2023, he filed a complaint and took 3 community members to court. As a consequence, two of three families reduced the area of their house/land by 3 m for that local businessman while one of them did not agree and asked community people to help him. People heard the rumors, that all 38 families will be evicted as per order of the court, but they did not hear/ receive order from the court so far.

Residents in Kao Pi have no land title, only a land receipt endorsed by the

Sangkat. Residents are unable to access loans due to not having land titles and have not been able to upgrade their houses; however, thanks to development in their neighbourhood, they have access to essential services.

Other communities that participated in the research such as Satrey Klahan community do not have any land documentation, and thus experience a higher degree of insecurity. Residents of Satrey Klahan community have not received formal eviction notices, but the local authorities have told them they live in public state land and thus their future is uncertain. Participants in the FGD said:

“People don’t have land titles and the local authority have told them that the land near the riverbank where peoples’ houses are is public state land. People have been able to continue to live normally, but they do not know when they are required to leave the community. So far, there has been no threat of eviction.”

People in Satrey Klahan community are very poor and live in a very poor, insecure, and degraded environment. For example, due to the road condition, fire trucks and garbage collection trucks cannot access the community area. Once there was a fire set in the community and ships from the adjoining river helped the community by spraying water from the river. Residents also have to pack their waste to take it out to the main street for the garbage trucks to collect. The environment is not good and there is no hygiene, the CTN TV station funded a wastewater drainage system on the community road and released wastewater into the community area where children played, generating a very bad smell in the area. They also have

little collective organisation, as people act individually and don't necessarily co-operate to make a living. Many residents have taken out loans with micro-finance institutions (MFIs), banks or private lenders to renovate their houses incrementally every year, and even when they have access to water and electricity some families struggle to pay the rates. Residents of Satrei Klahan community want to upgrade their community on site, however they are willing to relocate if the local authorities provide them with land titles, housing support and access to services.

Similarly, residents of Raksmei Samaki community do not have land documentation and currently live in a canal considered public state land. The canal will be developed through a project funded by JICA in mid-2024. Residents have attended meetings with JICA and government authorities where they have been offered compensation to move out of their land. However, residents have not been informed about any viable relocation plan and official compensation figures or support. Residents would like to continue to live on site as they can access jobs and services, but they are willing to relocate under the condition that the relocation site is no more than 5km from the existing site. Residents want Circular 03 to be applied to find a suitable solution for their future.

Residents of Boeung Chhouk Meanchey Thmey 2 community have applied for SLR to the MLMUPC but have not had any response. They occupy a wetland, which is considered state public land. Residents have not experienced eviction threats but feel insecure because of not having land titles. Residents are organizing community meetings to develop action plans on how to contact the government and advocate for secure land tenure. The

lack of clear land ownership is dividing the community, as some residents are applying for sporadic land registrations while others cannot afford to do so. The residents seek support to gain more certainty over their land and future.

Residents of Pongro Senchey live on the side of the road (right of way) and have not been able to obtain any land documentation, as well as any other document such as a family book. Local authorities considered this community as a temporary settlement and have mentioned to residents that sooner or later they will have to move. People would like to continue living in this location and obtain proper ID documents. The community is subject to flooding and is surrounded by a degraded environment. Many residents obtain loans from private lenders to upgrade their houses and for emergencies and have large amounts of debt. Community members have not received any clear information about development of the road, and thus they have not been able to make an informed plan or proposal for the government. Community representatives think that if people are going to be relocated, a comprehensive plan should be developed where residents are ensured access to secure land, housing, and ID Documents. No cash compensation should be given as people will use it to pay their debts and they can become landless.

The Phonm Penh Municipality and Khan asked residents in Tomnob Ta Thlang community to exchange their land for a plot in a resettlement site in Champuh Kaek 1 Village as the government has plans to develop 60 a meter road within the community. Residents visited the resettlement site and agreed to move with the condition that the government give them an official land receipt and land title, paid the fee for moving their

house, as well as ensured proper access to infrastructure (e.g. public electricity, drainage, and water connection system). The PPM and Khan government did not answer to the community's request. The local authority doesn't know about the relocation project and is unable to support the community. Despite this, the preference of residents is to stay on their land and do on-site upgrading.

In Stoeung Kambot community in 2019, the local authority told residents to move to a resettlement site in 7NG, Veahear Sou. People did not agree but they proposed a new resettlement site in Samrong Tbong village. Later, the local authority proposed a new site, Kraol Kor sangkat near a waste canal and a canal road and said to residents that within 10 years, resettled families will be given land titles. Despite this, community people want onsite upgrading, as residents are established in their communities close to jobs, schools, health centers, markets, and facilities. Residents of Stoeung Kambot community have had different meetings with Khan to discuss their land situations, however no solution has been agreed, and residents are still waiting for a clear and fair plan from the government.

Residents of a number of communities such as Tomnob Ta Thlang and Samaki Rong Roeung community see their collective organization and solidarity among residents as their great asset to secure land and housing rights. Being organized has allowed residents to work together and gain support from NGOs and recognition from the local government. Thanks to the support and recognition, residents have learnt about their legal status, and the actions that they can do to obtain land and housing security. The community feels confident to attend meetings with local officials and negotiate about their future. The same is

the case of Chma Aoet community, where thanks to the community's solidarity, residents have been able to resist eviction. Collective organization and having a unified voice are important when developing cohesive upgrading plans and agreeing on important conditions for suitable relocation options.

Not all communities feel safe and confident when engaging with local authorities. Community activists in Stoeung Kambot community have been threatened by government authorities. They were told "if community activists interpret the legal aspects wrong, they will be accused" during the meeting with the Khan governor. Also, two activists were taken out of the meeting with Khan when they tried to question some statements. Community activists have been afraid to speak in meetings with the Municipality of Phnom Penh and Khan, despite all families attending the meetings. Only three active members have questioned or raised requests to the Municipality of Phnom Penh.

Currently, communities don't say they are a representative of the community to avoid any dangerous situation for them. So, they speak as an affected people. The residents decided to not have a community leader because if local authorities knew about them, they may be charged/accused as they could be considered to incite people to act against the government. However, they have a leader for development projects, and they use the gatherings as opportunities to also discuss advocacy action for housing and land rights. Similarly, in Satrey Klahan community, local authorities told community representatives "don't be active on land issues otherwise you will be arrested and imprisoned". Also, residents faced discrimination from local authorities after advocating

for land security in the way that during flooding time some residents were not provided with food assistance while other communities in the same village had full assistance. Similarly, in Samrong Tbong community, activists have been under government surveillance and 16 activists have received court orders due to their advocacy activities. Furthermore, residents have been threatened by authorities in terms of cutting their water and other services because of being involved in advocacy activities. Because of this, residents feel scared of conducting advocacy activities. Similarly in Kao Pi community, residents have experienced threats for conducting advocacy activities even when soft advocacy and non-violence are used as a principle.

Some communities such as Kao Pi and Andoung Ta Eang have experienced issues between community members. The lack of solidarity between community people is correlated with the community being experiencing more social problems and insecurity. Despite residents of poorer communities such as Kao Pi, who are willing to continue to work together and advocate for their land and the children's future.

Communities have also strengthened their capacity to seek solutions to land issues to act against evictions. The Stoeung Kambot community has jointly rejected eviction notices that local authorities have posted on the walls of their homes. The notice states that communities are not allowed to rent rooms to others. The community was notified of the eviction, stating that they had only one week to relocate, but the community did not accept the notice. Currently, there is no evictions notice but they did not know if new notifications will be available at any time. In communities

with lower poverty levels like Satrei Klahan and Raksmei Samaki, residents have less time and fewer resources for collective organizing and community activities, making them more vulnerable.

This is the case of Raksmei Samaki community, where residents have no time to join community meetings and develop advocacy plans. People mainly attend meetings when a government official is present. Participants in the FGD from Raksmei Samaki mentioned:

Community people have been busy so they could not attend advocacy activities and do not pay attention to join the community meeting and training. Some of community people don't think about their future plans and do not value community's work. They don't understand about the benefit of community.

Results from Household Surveys (HHS)

Demographic and background information

Out of 274 respondents living in the 11 urban poor communities 77% of respondents are women and 52.55% are the head of the households (41.61% are wives). All respondents are Khmer ethnic (100%) each household have many people live together, the data revealed, 5-7 people per household (40.51%), 2-4 people (24.82%), up to 7-10 people (20.44%) and over 10 people (7.66%).



Pictire 7 - The view of Pongro Senchey

Table 7. Number of respondents per community

Settlement's name	Village	Sangkat	Khan	%	N
Andoung Ta Eang	Prek Thmei	Prek Thmei	Chbar Ampov	5.8	16.0
Boeung Chhouk Meanchey Thmey 2	Boueng Chhouk	Nirouth	Chbar Ampov	3.6	10.0
Chma Aoet	Chompus Koek	Preaek Thmei	Chbar Ampov	4.4	12.0
Kao Pi	Trapang Svay	Kork Kliang	Sen Sok	12.0	33.0
Pongro Senchey	Toul Pongro	Chaorm Chao Ti I	Posenchey	14.2	39.0
Raksmey Samaki	Russey Ti I and Russey Ti II	Steoung Meanchey III	Meanchey	8.4	23.0
Samaki Rong Roeung	Phum V	Phsar Derm Tkov	Meanchey	9.5	26.0
Samrong Tbong	Samrong Tbong	Samrong	PrekPnov	10.9	30.0
Satrey Klahan	Krol Ko	Kilomet 6	Russey Keo	4.4	12.0
Stoeung Kambot	La Kambaor	Svay Pak	Russey Keo	23.0	63.0
Tomnob Ta Thlang	Champuh Koek	Preaek Thmei	Chbar Ampov	3.6	10.0
Total	11	9	6	100.0	274.0

Livelihood and income information

Most households rely on income from the formal sector (27.07%), the informal sector includes construction workers, drivers, scavengers, street vendors, small shop operation (68.47%) and the unemployed (4, 46%). Households' daily income averages 1-10 USD (71.53%), 10-20 USD (14.23%), and 20-30 USD (3.28%), with 10.22% having no income.

Most workplaces are in the outer Khans of Phnom Penh (61.68%) and inner Khans²¹ (36.86%), which is similar to their family members' workplaces. Households have accessed welfare and health support from different programs – ID Poor (46.03%), Health Equity Fund (12.25%), community saving group (10.26%), National Social Security Fund (9.93%).

21. Inner Khans: Cham Karmorn, Daun Penh, Prapi Makara, Meanchey, Sensok, Boeung Kengkang

Table 8. Daily income per community

Community's Name HHs daily income	Andoung Ta Eang	Boeung Chhouk Meanchey Thmey 2	Chma Aoet	Kao Pi	Pongro Senchey	Raksmei Samaki	Samaki Rong Roeung	Samrong Tbong	Satrey Klahan	Stoeung Kambot	Tomnob Ta Thlang	TOTAL	%
1-10 USD	14.0	7.0	10.0	20.0	33.0	9.0	18.0	24.0	10.0	41.0	10.0	196.0	71.5
10-20 USD	1.0	1.0	0.0	10.0	2.0	13.0	4.0	4.0	0.0	4.0	0.0	39.0	14.2
20-30 USD	0.0	1.0	1.0	2.0	0.0	1.0	3.0	0.0	1.0	0.0	0.0	9.0	3.3
30-40 USD	0.0	0.0	0.0	0.0	0.0	0.0	1.0	1.0	0.0	0.0	0.0	2.0	0.7
40-50 USD	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0.0
More than 50 USD	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0.0
No income	1.0	1.0	1.0	1.0	4.0	0.0	0.0	1.0	1.0	18.0	0.0	28	10.2
Total	16.0	10.0	12.0	33.0	39.0	23.0	26.0	30.0	12.0	63.0	10.0	274	100.0

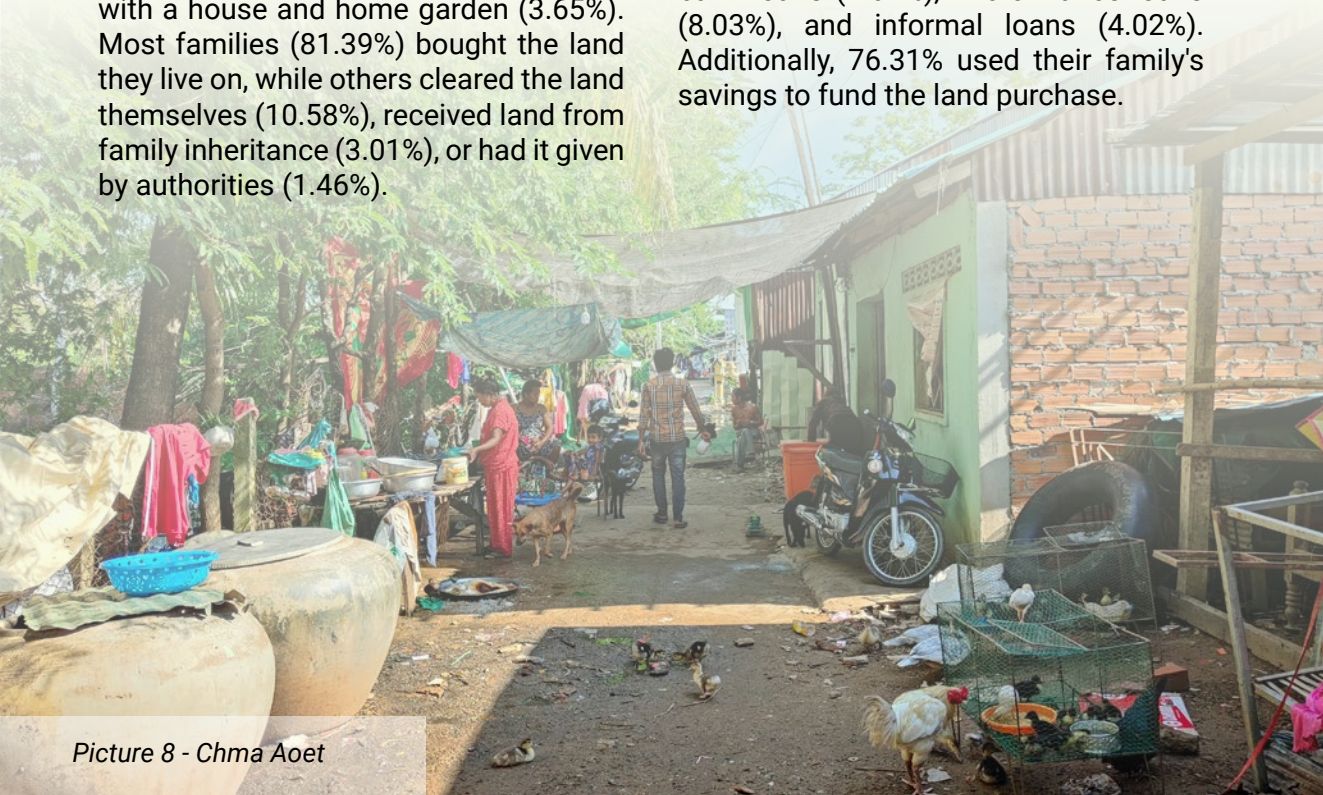
Land and housing information

As explained in the focus group discussions, all the communities surveyed in this study occupy some type of designated state public land. Because of this, these communities are subject to high land and housing insecurity.

The majority of respondents live on a plot of land with only a house (96.35%), and a smaller percentage live on a plot with a house and home garden (3.65%). Most families (81.39%) bought the land they live on, while others cleared the land themselves (10.58%), received land from family inheritance (3.01%), or had it given by authorities (1.46%).

Land sizes vary, with the largest percentage (47.45%) having 7.5-50 m², followed by 31.75% with 51-100 m², 8.03% with 101-200 m², and only 6.20% with 501-800 m². Many families (56.20%) had a sale contract when buying the land, and the sale was witnessed by village or commune officials (50.36%).

However, 17.52% of respondents took out loans to buy the land, including bank loans (9.64%), microfinance loans (8.03%), and informal loans (4.02%). Additionally, 76.31% used their family's savings to fund the land purchase.



Picture 8 - Chma Aoet

Table 9. Type of finance for housing

Type of financial housing	Andoung Ta Eang	Boeung Chhouk Meanchey Thmey 2	Chma Aoet	Kao Pi	Pongro Senchey	Raksmei Samaki	Samaki Rong Roeng	Samrong Tbong	Satrey Klahan	Stoeung Kambot	Tomnab Ta Thlang	Total	%
Family/individual savings	4.0	7.0	8.0	29.0	35.0	20.0	15.0	21.0	5.0	45.0	1.0	190.0	76.3
Bank loan	0.0	1.0	2.0	0.0	0.0	3.0	2.0	2.0	1.0	10.0	3.0	24.0	9.6
Microfinance loan	0.0	1.0	1.0	2.0	5.0	0.0	0.0	3.0	0.0	7.0	1.0	20.0	8.0
Informal lender loan	0.0	0.0	1.0	0.0	0.0	0.0	2.0	3.0	1.0	3.0	0.0	10.0	4.0
Other	0.0	0.0	0.0	0.0	0.0	0.0	0.0	1.0	3.0	1.0	0.0	5.0	2.0
Total	4.0	9.0	12.0	31.0	40.0	23.0	19.0	30.0	10.0	66.0	5.0	249.0	100.0

A total of 90.51% of people's land has not been registered. Only 1.46% of families who applied for the land title registration got the land title, while 2.92% have their applications

accepted (but not yet implemented) or are in the process of the land survey. The registration period was in 2006 (0.36%), 2019 (2.55%), and 2023 (1.09%). Other respondents (12.27%) stated they have certificate of possession rights, their application receipt (9.51%), contract of sale (42.64%), and land plot distribution/concession from local government (0.92%). Other people have proved possession/ownership right of the place

where they are living through various means, including known agreement among themselves and/or community representatives and neighbours, recognition by local authorities and residential book.

Table 10. Number of households with systematic land registration

Has your land been registered under systematic land registration?	Andoung Ta Eang	Boeung Chhouk Meanchey Thmey 2	Chma Aoet	Kao Pi	Pongro Senchey	Raksmei Samaki	Samaki Rong Roeng	Samrong Tbong	Satrey Klahan	Stoeung Kambot	Tomnab Ta Thlang	Total	%
No	14.0	9.0	12.0	33.0	39.0	14.0	20.0	29.0	12.0	63.0	3.0	248.0	90.5
Don't know	2.0	1.0	0.0	0.0	0.0	8.0	3.0	0.0	0.0	0.0	0.0	14.0	5.1
Yes	0.0	0.0	0.0	0.0	0.0	1.0	3.0	1.0	0.0	0.0	7.0	12.0	4.4
Total	16.0	10.0	12.0	33.0	39.0	23.0	26.0	30.0	12.0	13.0	10.0	274.0	100.0

Eviction and security information

A total of 60.22% of respondents have experienced or been threatened with eviction from their land/house. Of these, 60.95% said their settlements are facing eviction and/or pressure to relocate. Community members have received eviction notices verbally (46.07%), through rumors/hearsay (28.37%), and through formal meetings (13.76%). Sources of eviction information include Sangkat (32.22%), Khan (26.44%), Phum and/or community leader (11.73%),

and the municipality of Phnom Penh (3.28%). However, 50.36% of community members are unsure or don't know the reason for the eviction. Known reasons include public development (40.88%) and private development projects (8.76%). Evictions are often related to infrastructure projects such as road extension/widening (27.01%), canal improvement (8.39%), new bridge/road construction (5.11%), and building construction (4.38%).

Graphic 2. Households facing eviction

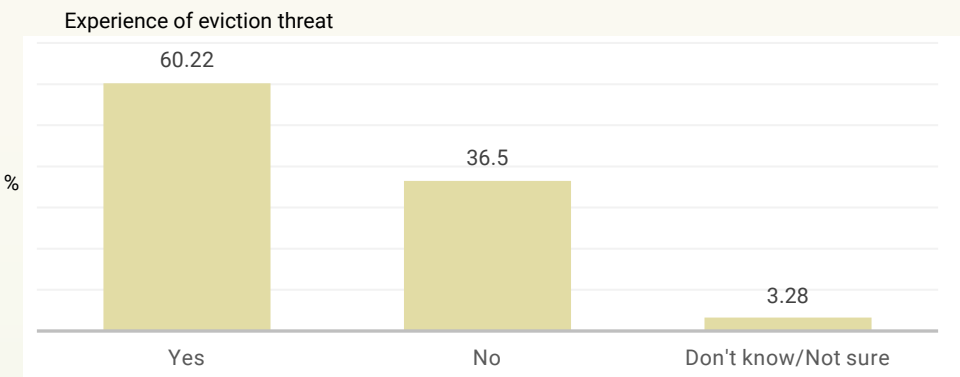


Table 11. Is the settlement facing eviction and/ or presure to relocate?

Yes	4.0	7.0	7.0	33.0	23.0	5.0	8.0	29.0	4.0	43.0	4.0	167.0	69.0
No	8.0	3.0	4.0	0.0	14.0	17.0	15.0	1.0	7.0	7.0	4.0	80.0	29.2
Don't know	4.0	0.0	1.0	0.0	2.0	1.0	3.0	0.0	1.0	13.0	2.0	27.0	9.9
Communities	Andoung Ta Eang	Boeung Chhouk Meanchey Thmey 2	Chma Aoet	Kao Pi	Pongro Senchey	Raksmei Samaki	Samaki Rong Roeung	Samrong Tbong	Satrey Klahan	Stoeung Kambot	Tomnob Ta Thlang	Totoal	%

Table 12. Reasons for eviction/relocation

What is the reason for eviction or relocation?

	Building construction	Canal Improvement	City Beautification	Existing road extension/ widening	Filling the lake (not sure why)	Improve green space	New bridge/ road construction	Riverbank improvement	Don't know/Not clear	Other	Total
Andoung Ta Eang	1.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	15.0	0.0	16.0
Boeung Chhouk Meanchey Thmey 2	1.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	5.0	4.0	10.0
Chma Aoet	0.0	0.0	0.0	1.0	0.0	0.0	1.0	0.0	10.0	0.0	12.0
Kao Pi	0.0	0.0	0.0	24.0	0.0	0.0	0.0	0.0	9.0	0.0	33.0
Pongro Senchey	0.0	0.0	0.0	6.0	0.0	0.0	0.0	0.0	33.0	0.0	39.0
Raksmey Samaki	0.0	17.0	0.0	3.0	0.0	0.0	0.0	0.0	2.0	1.0	23.0
Samaki Rong Roeung	1.0	4.0	1.0	0.0	0.0	1.0	13.0	0.0	6.0	0.0	26.0
Samrong Tbong	9.0	0.0	0.0	9.0	0.0	0.0	0.0	0.0	12.0	0.0	30.0
Satrek Klahan	0.0	0.0	1.0	0.0	0.0	0.0	0.0	0.0	11.0	0.0	12.0
Stoeung Kambot	0.0	0.0	0.0	31.0	0.0	0.0	0.0	0.0	32.0	0.0	63.0
Tomnob Ta Thlang	0.0	2.0	0.0	0.0	0.0	0.0	0.0	0.0	8.0	0.0	10.0
Total	12.0	23.0	2.0	74.0	0.0	1.0	14.0	0.0	143.0	5.0	274.0
%	4.4	8.4	0.7	27.0	0.0	0.4	5.1	0.0	52.2	1.8	100.0

Some community members have been offered compensation (14.60%), including a plot of land with some budget according to affected land size (4.38%), relocation to a new site (1.36%), and compensation for their land plot (8.76%). However, because of the eviction threat, local authorities do not allow people to build a firm house (13.50%).

As a result, people live in fear (11.68%), feel insecure (11.68%), and live on unsecured land (4.01%). Some live in inappropriate housing (1.82%). Respondents expressed that eviction would mean "no life" (1.65%). Overall, 70.44% of respondents feel insecure living in their land due to the potential for eviction.

Table 13. Sources of information about evictions

Who/what was the source of this information?	Andoung Ta Eang	Boeung Chhouk Meanchey Thmey 2	Chma Aoet	Kao Pi	Pongro Senchey	Raksmei Samaki	Samaki Rong Roeung	Samrong Tbong	Satrei Klahan	Stoeung Kambot	Tomnab Ta Thiang	Total	%
Company	0.0	0.0	0.0	23.0	17.0	0.0	0.0	2.0	0.0	19.0	0.0	61.0	11.4
Khan level	0.0	1.0	0.0	33.0	17.0	1.0	7.0	29.0	0.0	54.0	0.0	142.0	26.4
Landlord	0.0	0.0	1.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	1.0	0.2
Neighbour/friends	9.0	4.0	0.0	0.0	18.0	0.0	4.0	0.0	10.0	15.0	20.0	62.0	11.5
Sangkat level	3.0	2.0	6.0	33.0	17.0	13.0	16.0	25.0	0.0	55.0	3.0	103.0	32.0
Village chief/commune leader	3.0	0.0	8.0	0.0	3.0	4.0	5.0	1.0	0.0	35.0	4.0	63.0	11.7
Other	2.0	5.0	2.0	0.0	5.0	6.0	2.0	1.0	2.0	9.0	1.0	35.0	6.5
Total	17.0	12.0	17.0	89.0	77.0	24.0	34.0	58.0	12.0	187.0	10.0	537.0	100.0

Participation in community and advocacy activities

The majority of respondents (97.08%) said they or their family members participate in community activities. A total of 38.68% of respondents participated in advocacy activities for land and housing security, including construction activities such as roads (21.65%), serving as community leaders or committee members (14.71%), participating in annual celebrations and parties (13.22%), and being part of community savings groups (10.74%). Community members find that community activities are helpful to the community (97.45%). However, respondents also acknowledged negative aspects of community activities, such as the risk of eviction (36.84%), strained relationships with government and local

authorities (28.95%), loss of community resources (21.05%), and harmful leadership (13.16%). Active community members have experienced problems due to participation, with 54.38% reporting a drop in income, 4.47% facing court charges, and 39.42% experiencing other issues. As a result, many members expressed dissatisfaction with the community activities implemented in their settlements.

Table 14. Participation in community and advocacy activities

Participation in community	Andoung Ta Eang	Boeung Chhouk Meanchey Thmey 2	Chma Aoet	Kao Pi	Pongro Senchey	Raksmei Samaki	Samaki Rong Roeung	Samrong Tbong	Satrey Klahan	Stoeung Kambot	Tomnab Ta Thlang	Total	%
No	0.0	0.0	0.0	0.0	0.0	0.0	1.0	0.0	0.0	0.0	0.0	1.0	0.4
Don't know	0.0	1.0	0.0	0.0	1.0	2.0	3.0	0.0	0.0	0.0	0.0	7.0	2.6
Yes	16.0	9.0	12.0	33.0	38.0	21.0	22.0	30.0	12.0	63.0	10.0	266.0	97.1
Total	16.0	10.0	12.0	33.0	39.0	23.0	26.0	30.0	12.0	63.0	10.0	274.0	100.0

Respondents have identified their top priorities for the settlement as applying for the systematic land titling process (69.05%), relocation to another place (9.18%), organizing a savings scheme (8.84%), and 4.42% for infrastructure improvement.

Table 15. Top priorities for the settlement

	Apply for systematic land titling process	Building capacity of members on land & housing rights	Community organization and official registration	Community training in leadership	Infrastructure improvement	Onsite development	Relocation to other place	Saving scheme organisation	Total
Andoung Ta Eang	8.0	0.0	0.0	0.0	0.0	0.0	3.0	1.0	12.0
Boeung Chhouk Meanchey Thmey 2	4.0	1.0	2.0	1.0	1.0	0.0	1.0	4.0	14.0
Chma Aoet	8.0	0.0	1.0	0.0	2.0	0.0	3.0	4.0	18.0
Kao Pi	30.0	0.0	0.0	0.0	0.0	5.0	0.0	0.0	35.0
Pongro Senchey	27.0	1.0	1.0	1.0	0.0	0.0	6.0	4.0	40.0
Raksmei Samaki	18.0	1.0	0.0	0.0	4.0	0.0	0.0	0.0	23.0
Samaki Rong Roeung	17.0	0.0	1.0	1.0	4.0	0.0	0.0	0.0	23.0
Samrong Tbong	20.0	0.0	0.0	0.0	0.0	0.0	2.0	3.0	25.0
Satrey Klahan	10.0	1.0	0.0	1.0	0.0	0.0	2.0	0.0	14.0
Stoeung Kambot	52.0	1.0	1.0	0.0	1.0	0.0	9.0	6.0	70.0
Tomnab Ta Thlang	8.0	1.0	0.0	0.0	0.0	0.0	0.0	3.0	12.0
Total	203.0	7.0	7.0	5.0	13.0	6.0	27.0	26.0	294.0
%	69.0	2.4	2.4	1.7	4.4	2.0	9.2	8.8	100.0

CONCLUSION

The conclusions of the report have been presented to respond to each of the research questions proposed for this study.

1. *What are the communities' issues related to land and housing rights?*

This research shows that the 11 subject communities experience land and housing insecurity due to occupying public state land. They are vulnerable to eviction due to development projects for infrastructure within their land. Clear information from local authorities about plans for these communities is lacking, along with consistent communication from government authorities. Most communities are willing to collaborate with authorities to find a solution, but need a commitment to secure land and housing for residents. The preferred option is in-situ upgrading, but relocation is considered if conditions are satisfactory.

Key concerns raised by households include fear of eviction, lack of appropriate compensation, living in a polluted environment, food insecurity, inability to afford children's education, potential homelessness, difficulty accessing jobs and services if relocated, feelings of insecurity due to lack of land ownership, and inability to improve their houses due to land insecurity.

The specific issues facing each community are summarized below:

- The Andoung Ta Eang community, although the surrounding lands has titles, they have not yet received a title. In 2023, The Andoung Ta Eang community received legal training on land and housing rights to be able to find solutions to their land issues through NGOs. Communities are now gathering information for SLR applications and considering on-site development and potential modifications to their settlements.
- The Boeung Chhouk Meanchey Thmey 2: community lacks land titles, despite applying for systematic land registration (SLR). The MLMUPC has not responded to their application. The community has direct communication with the Khan, who promised to prepare documents and discuss the application with MLMUPC. There is no current eviction threat, but residents are concerned about the delay in SLR approval compared to their neighbours. Non-violent advocacy is ongoing, and regular meetings with Khan officers are planned.
- The Chma Aoet community was excluded from the MLMUPC's 2023 SLR survey. Despite living on land classified as state property, some wealthy families are considered to be squatting but have received SLR receipts, while the community as a whole awaits a response. The community feels undervalued by local chiefs and fears their land may be used for development. They have submitted a letter to the Sangkat requesting a land title and plan to appeal to the Phnom Penh Municipality for a land title and enquiring about potential relocation.
- The Kao Pi community has faced land conflicts with three companies since 2016. In 2016, a gas company returned land to the community after

a dispute, but in 2022, a Chinese company claimed 18 plots for compensation of \$5,000-\$10,000/family. Currently, a company called Junk Shop Company is claiming land belonging to 33 families. The community has submitted complaints to the Sangkat and Khan but has not received a response.

- The Pongro Senchey community, established since the 2000s, faces land insecurity due to occupying state public land near a road. While they have not been officially evicted, the local authority has threatened eviction for road development. The community lacks access to family books and birth certificates. They have proposed land titling and road rerouting options, but these have been rejected. The community is concerned about the impact of road development on their homes and livelihoods.
- The Raksmei Samaki community, which has occupied a canal since 1998, faces imminent displacement due to an upcoming development project funded by JICA. The project is scheduled to start in Jun./Jul. 2024. The community has been involved in multiple meetings with JICA, where they were told compensation would be provided but have not been given specific details. The community wants to remain in place due to the good facilities and opportunities in the area, but are open to relocation if full compensation, mitigation measures, and a site within 5 km of their current location are guaranteed. They have requested JICA and the Municipality to follow Circular 03 and provide land titles and services at the new site. So far, JICA has not shared any relocation options/sites with

the community. The community is seeking support from NGOs, lawyers, and others to facilitate a consultative workshop and develop an upgrading or relocation plan.

- Samrong Tbong community: The community lives within a wetland that has been filled in over the years and developed with boreys following a land concession project. Borey residents have land titles but community people don't. In 2022-2023, a canal project affecting community land and homes began flooding and releasing wastewater into the community. Construction reached community land, and the municipality proposed on-site upgrading. However, in October 2023, the Sangkat asked the community to consider compensation for their land, instead. Some families asked for on-site upgrading, but the local authorities have not responded yet. The community has taken actions such as contacting the media, negotiating with the authorities, sending letters to officials, and defending their land against eviction attempts.
- The Satrey Klahan community, which resides on state public land along a riverbank, lacks land titles. While they have faced no direct eviction threats, the community is uncertain about their long-term security. They prefer on-site upgrading but would require proper compensation and infrastructure if relocated. The community is actively collecting land documents and developing a profile to advocate for their rights to the Sangkat, Khan, and Municipality of Phnom Penh.

- The Stoeung Kambot community resides on a former canal filled in 2000. The local authority claims the land is public and illegal to sell, but boreys and sales have occurred. In 2019, the authority proposed a resettlement site but the community refused. They now propose their own site and the authority has counterproposed another. The community wants on-site upgrading and land titles. They have requested these multiple times since 2017 but have received no positive response.
- The Tomnob Ta Thlang community lives on a former canal road (Ta Thlang canal). They currently have equal land sizes (5 m x 8 m/ dwelling), but no titles. In 2019, the SLR project team surveyed their land and gave receipts, but titles have not been issued. The Sangkat wants them to exchange land for a resettlement site due to a planned drainage system, but the drainage has been built elsewhere. Their receipts were revoked, and they are waiting for new ones. The Khan and Municipality propose an exchange to a smaller plot at the resettlement site. The community wants official receipts, titles, and infrastructure at the new site, and advocates for on-site upgrading. The current situation involves uncertainty and ongoing negotiations.
- The Samaki Rong Roeung community lives on state public land along a canal. In 2023, the local authority announced development plans but provided no details. The Municipality of Phnom Penh and cadastral office conducted a survey, but the community has not been allowed to renovate or build new houses. The area floods during the rainy

season, and meetings with NGOs are prohibited. The authority has been selective in inviting families to meetings and has encouraged secrecy. The Sangkat chief hinted at possible relocation to 7NG land, but the community prefers on-site upgrading under Circular 03, as occurred with the Stung Meanchey Canal project.

2. Are there any legal documents/ legal analysis that support the land and housing occupation of the 11 communities?

From the focus group discussions and household surveys, members of the 11 communities are aware of the documentation they need to prove ownership of their land. The documentation available within community members ranges between communities and households, some having more 'secure' documents endorsed by the Sangkat/Village chiefs, while others having another form of informal documentation or not having anything at all. The different NGOs across Phnom Penh have been instrumental in providing legal training and awareness of land laws to the communities, and thanks to their training and information sessions, the 11 communities have been successful in working together to collect the necessary documents to claim and prove land ownership. Despite this, the majority of the 11 communities have not received or have been excluded from systematic land registration (SLR). In the case of communities receiving SLR, the government has revoked the process because of development project.

- Andoung Ta Eang: There is a residence book, birth certificate, ID card, voter card, but no family book and no land receipt.



Picture 9 - The canal behind Raksmei Samaki

- Boeung Chhouk Meanchey Thmey 2 People in this community have all complete documents necessary to apply for SLR.
- Chma Aoet community: People in this community have all documents necessary to apply for SLR.
- Kao Pi community: There is no family book. All families have land receipts from Sangkat but no land title.
- Pongro Senchey community: No family book, or birth certificates for new children. No land receipts.
- Raksmei Samaki: Community members have no land titles but residents have land buying contracts verified by the village chief. Besides, they have family books, residential books, birth certificates.
- Samrong Tbong community: ID documents.
- Satrey Klahan community: Community members have family books, birth certificates, ID poor, and vulnerable family cards but no land document.
- Stoeung Kambot Community: ID documents.
- Tomnob Ta Thlang community: Family book, birth certificate, ID, voting card, and their receipts of land registration were revoked.
- Samaki Rong Roeung community: Most families have ID poor and equity fund cards.

3. What are the challenges that the communities face in the process of advocacy activities to claim their land?

Community organization and advocacy has been threatened by both local authorities and harmful leadership. Fear of government retaliation is pervasive, with community members and leaders

reluctant to get involved due to concerns about personal and family safety. Despite this, residents from the 11 communities all expressed fear and intimidation from Sangkat and Village-level government due to their involvement in advocacy activities. This includes direct threats to personal and family security, and witnessing the negative consequences for community leaders who organize advocacy efforts. This widespread intimidation is a clear violation of human rights and national and international law, including the Cambodian constitution, civil code, and freedom of expression.

4. Do community members participate in any activities to protect their land and houses? Why or why not?

Most communities have participated and experienced community organization. The level of organization varies across communities and has changed across time. Community activities, including advocacy and setting up a community structure and saving group have been instrumental in helping residents to resist eviction, collate necessary documents to claim their land, improve their living situation and quality of life.

Community participation varies. Some communities, like Andoung Ta Eang, have low participation due to issues like drug abuse and crime. Others, like Boeung Chhouk Meanchey Thmey 2, face frustration over lack of results from their efforts. Economic disparities within communities can further hinder collective action, as seen in Boeung Chhouk Meanchey Thmey 2, where some members can afford to apply for land registration independently. Communities like Samaki Rong Roeung face direct intimidation from authorities, limiting their ability to organize and advocate for their rights. The current situations in these communities reflect challenges

to participation and advocacy due to various factors.

5. What are the main challenges in participation?

The key challenges to participation across the communities are the intimidation and control by local government, as well as the fear that community people have to participate in advocacy activities and raise their voices. Also, people are tired and don't have time to attend community meetings and in some cases they have had bad experiences with community leaders. The household survey showed that there are still a high number of residents that are not aware of their vulnerabilities regarding land and housing insecurity. Also, many residents are not aware of any community organization and collective structure and support within their settlements. This is normal considering the transient nature of people migrating to Phnom Penh and living in informal settlements; however, this uncovers an issue that needs attention.

6. What are the specific recommendations to address the issue of these 11 communities?

In general, community members need the support from NGOs for future advocacy on their insecure land and housing situation and to continue to attend meetings and discuss their future options with local authorities and funders of development projects such as JICA. NGOs can support communities to develop their technical plans for on-site upgrading or relocation and ensure that relevant policies (e.g. Circular 03) are well implemented. NGOs can help in bringing the communities' voices [e.g. suggestion for upgrading on site] to local authorities. Also, NGOs can support communities with capacity building on land laws, collection of ID documents, community mapping, and legal assistance for community people, especially those who are not still aware of these requirements. NGOs can support communities to improve their local environments by supporting clean up days and documenting environmental pollution in urban poor communities. Urban poor communities do think NGOs can help by making their struggles more visible in the media.

Based on the results of this study, the following specific recommendations are proposed to address the land and housing rights issues in the subject communities:



Picture 10 - Houses in Satrey Klahan

RECOMENDATIONS

1. In line with “Circular 03,” policy NGOs should support the 11 communities in conducting enumeration activities to update their information, including demographics and land documentation. This will allow the communities to develop effective plans for on-site upgrading or relocation and facilitate communication with government authorities.
2. NGOs, or the NGO forum, to conduct advocacy activities using “Circular 03” as the key policy instrument to voice the need to develop land solutions for these 11 communities to the Municipality of Phnom Penh and the National Department of Housing. Use the example of Stung Meanchey Community in Phnom Penh to highlight the benefits of implementing “Circular 03” for all parties involved. Advocacy activities can include organising forums with local government authorities where communities can present their updated plans and information, as well as use the media to disseminate information. International examples of successful programs to resolve the land and housing rights of poor communities as presented in this document can be used as part of advocacy activities.
3. Local governments, and NGOs to help the 11 communities do a land survey across Phnom Penh to identify suitable relocation sites for each community. These surveys can make use of spatial data and field surveys to locate available land in each Sangkat that can be suitable for relocation. Information regarding the land such as landowner, land price, and land area should be recorded in the survey. Community representatives and members should lead these surveys and identify land that would be suitable for relocation for members of their community.
4. Civil society organisations should continue to strengthen and support the collective organisation of the 11 urban poor communities. Consistent support from NGOs is needed to continuously strengthen the capacity of communities to work together, to trust one another, and to see the tangible results and changes in living conditions that can be achieved from working together. Also, it is important to ensure that community leaders are accountable to community members and are supported with training to share knowledge and facilitate community processes. Exchanges between communities in Phnom Penh, cities in Cambodia, and between Cambodia and other countries of Southeast Asia to support and maintain collective learning, action, and mobilization are encouraged.

Recommendations for government organisations in Phnom Penh

1. Allegations that communities are illegally occupying state land, when that land hasn't even been officially registered, violate the rights of the poor and perpetuate social injustice. Before making such claims, the government must transparently complete the land registration process. This should include participation from the communities involved in defining what constitutes public state land. Anything less undermines their rights and fuels further inequity.
2. Circular 03 and Circular 06 are important foundations for the protection of the rights and interests of the poor, especially those living in unregulated areas, but implementation is limited. Phnom Penh Capital Hall and the General Department of Housing should implement these guidelines in collaboration with relevant institutions, including the Ministry of Economy and Finance, civil society and the private sector, in order to improve the right to housing and livelihoods of the poor through adequate housing funding for poor communities.

Recommendations for International Agencies

The transformation of housing policy frameworks in line with liberalization and the 'enabling approach' has resulted in international donors moving away from the 'housing' agenda as this is seen as a responsibility of national governments. Even when housing makes part of the Sustainable Development Goals (SDGs) and different international laws highlight the need for the 'right to housing' there still no clear agenda on the financial support given for this purpose from the United Nations and other international organisations. It is imperative that international donors commit towards funding adequate housing and land rights programs in Cambodia in partnership with the Cambodian government, civil society and urban poor communities.



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