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## The formalization fix? Land titling, land concessions and the politics of spatial transparency in Cambodia

Michael B. Dwyer

In a widely read paper, the United Nations Food and Agriculture Organization, World Bank and others propose systematic property rights formalization as a key step in addressing the problems of irresponsible agricultural investment. This paper examines the case of Cambodia, one of a number of countries where systematic land titling and large-scale land concessions have proceeded in parallel in recent years. Cambodia's experience exemplifies the challenges of the 'formalization fix' – the proposition that property formalization constitutes a preferable front-line defense against land grabbing – and highlights formalization's uneven geography as an issue that has yet to generate adequate discussion internationally. Three dimensions of Cambodia's less-than-successful formalization fix efforts stand out: (1) the spatial separation of systematic land titling and agribusiness concessions that emerged during the 2000s and has only recently begun to be addressed; (2) the deployment of property formalization as a means of land grabbing, especially when applied selectively and unevenly; and (3) the political arena of efforts to legitimize 'state land'. The paper questions the formalization fix as a policy solution, and argues for both greater spatial transparency in property formalization efforts throughout the global South, and greater attention to the problem of unmapped state land in general.

**Keywords:** land titling; land concessions; state land; property formalization; Cambodia; spatial transparency

### 1. Introduction

In mid-2011, an important map of Cambodia was posted to the website of the World Bank's Inspection Panel. Produced in early 2011 by World Bank cartographers, the map showed the communes where systematic land titling had taken place in Cambodia between 2003 and 2009 under the Bank's Land Management and Administration Project (LMAP). The map was a revision, and contrasted markedly with an earlier version which had shown the project's target area at the level of provinces. The new map resolved the project area two administrative levels downward, to that of the *commune*, and in doing so added much to the map's information content. But it also changed the map's meaning. In contrast to the original, which showed roughly 60 percent of the country as the project's target area, the new map showed a far more limited geography of titling operations. The communes shown in the revised map covered only a small fraction of Cambodian territory. The new map thus ratcheted down the project's coverage by a few orders of magnitude (Figure 1).<sup>1</sup>

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<sup>1</sup>Both maps are available from the World Bank Inspection Panel (WBIP n.d.). The revised map is the Management Report and Recommendations Map 1; the original is the Eligibility Report Map 1. On the Inspection Panel more generally, see Clark, Fox, and Treakle (2003).

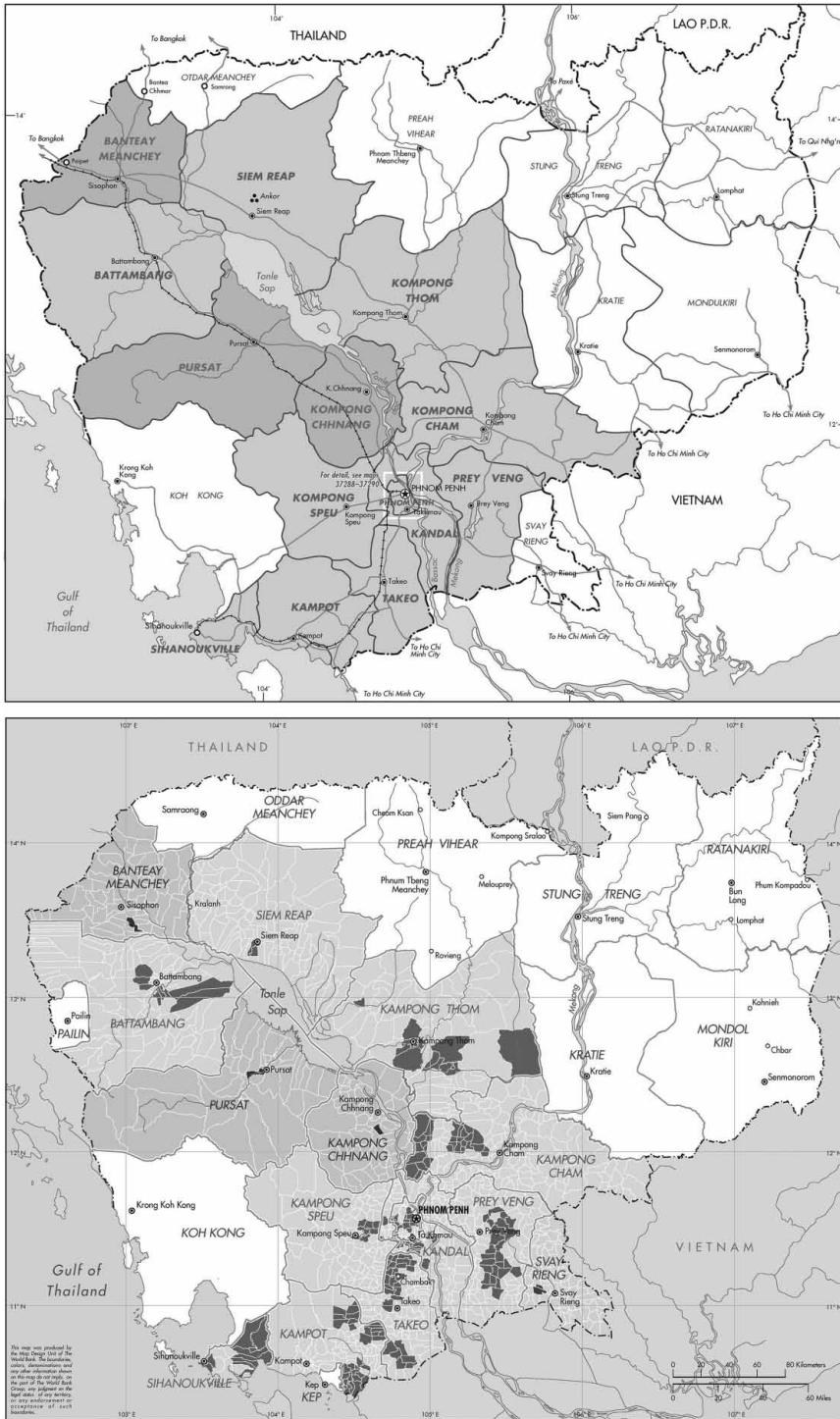


Figure 1. Publicly disclosed geography of titling in Cambodia before and after the *Boeing Kak* conflict (top: October 2009; bottom: January 2011).  
 Source: WBIP (n.d.); see note 1 for details.

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As concerns about land grabbing by political and economic elites have resurfaced over the last half decade,<sup>2</sup> land titling has become increasingly popular as a proposed policy solution (FAO et al. 2010; Leon et al. 2013). A process of legally recognizing land rights, land titling is often seen as a way to operationalize a basic pillar of ‘responsible’ agriculture investment: respect for existing property. This entails not only strengthening smallholder and, in some versions, communal land rights; it also involves creating checks on expansive state land claims through the concrete demarcation of state property (FAO et al. 2010; Deininger, Selod, and Burns 2012). Yet even as titling gets increasingly popular, its *current* geography, the result of nearly two decades of donor-assisted titling efforts in the global South, remains both inadequately understood and far from transparent. Cambodia is an extreme but particularly illustrative case; its political-economic context is such that its land concession politics have come to light in highly visible ways. These extremes concern not just land concessions, but their interplay with land titling; in doing so, they highlight processes that are likely at work elsewhere, albeit in subtler and more hidden ways (cf. Ferguson 1994).

Cambodia is one of the few places in the world where a relatively detailed national map of donor-funded land titling efforts is in the public domain. The revision on display in Figure 1 helps explain why this is: the new map was created – and *published* – only after there was a problem. In early 2007, Phnom Penh city officials declared a 133-hectare ‘development zone’ over a centrally located area that had been recently selected for land title adjudication. Over the two years that followed, the *Boeung Kak* concession conflict erupted into a battle between radically conflicting modes of development: large-scale land allocation among Cambodian business elites and well-capitalized global investors, and bottom-up development based on the enhanced tenure security of propertied smallholders. The map shown at the bottom of Figure 1 emerged relatively late in this process: after eviction notices were issued to the residents of the ‘development zone’; after a legal advocate filed a claim with the World Bank Inspection Panel arguing a failure to adequately oversee LMAP’s operations, and a resulting lack of due process for potential title recipients (COHRE 2009); and after the Inspection Panel investigation largely vindicated this charge, criticizing project managers in Phnom Penh for failing to appreciate the ‘political economy context’ in which they were working and expressing ‘extreme concern’ for ‘the large number of people who were forcibly evicted, displaced, or [who remained] under threat of eviction in Project areas’ (WBIP 2010, xx, 71–72).

Enter the revised map. Confronted with these assertions, LMAP’s managers countered that their project was a limited contribution to ‘a very complex development problem’, and that it had never intended ‘to address all of the land transactions and conflicts in the Project provinces’ (World Bank 2009, 26–27). The new map provided a spatial reiteration of this claim.<sup>3</sup> It attempted to distance the project from land conflicts – many of which stemmed from land concessions and other ‘transactions’ aimed at realizing the value of so-called state land (Adler et al. 2006; Hughes 2007, 2008; NGO Forum 2008, 2009, 2010; LICADHO 2009; O’Keefe 2009; Un and So 2009; WBIP 2010) – that occurred in project *provinces* but not in project *communes*. In short, project managers were trying to distance their

<sup>2</sup>This paper presumes that readers are familiar with the general outline of the ‘global land grab’ and its associated debates. See, among others, recent special issues of the *Journal of Peasant Studies* (vol. 39, nos. 2 and 3–4), *Globalizations* (vol. 10, no. 1), *Development and Change* (vol. 44, no. 2) and *Third World Quarterly* (vol. 34, no. 9).

<sup>3</sup>For additional support for this inference, see Management Report and Recommendations Map 4, available at WBIP (n.d.).

titling activities from the spate of land concessions that increasingly covered the Cambodian countryside.

The transparency that resulted from this revision illustrates two things which comprise central concerns of this paper. First, the argument deployed by titling project managers – that they should not be held responsible for concession-related land conflicts because their operations occurred largely elsewhere – is distinctly at odds with the current interest in titling as a way to preclude land grabbing. In clarifying the wider geography of their operations, LMAP managers were in essence arguing that the conflict at *Boeung Kak*, where titling operations and land concessions *did* overlap in space and time, was the exception that proved the rule. This rule, as critics of the project had long pointed out (Grimsditch and Henderson 2009; Biddulph 2010; Bugalski and Pred 2010), was that systematic land titling efforts had been actively avoiding areas where smallholder tenure was insecure (also see Adler and So 2012), and were thus failing to live up to the stated intention of enhancing tenure security for Cambodia's poor and vulnerable (cf. World Bank 2002; Bekhechi and Lund 2009; Müller 2012). The publication of the map at the bottom of Figure 1 is thus highly significant. It not only allows this critique of property formalization's uneven geography to be analyzed with additional rigor; it also shows just how significant a reorientation is entailed by recent proposals to use land titling to address the 'land grab' problem.

Second, the episode surrounding the maps in Figure 1 shows that the politics of spatial transparency apply not only to the 'inherently' opaque process of land concessions (Rulli, Saviori and D'Odorico 2013, 893; Cotula et al. 2009; Schönweger et al. 2012; Scoones et al. 2013). They also apply to development activities that are widely believed to have at least implicit, if not actually explicit, commitments to transparency. While this paper does not propose a simple 'more = better' formula for spatial transparency – spatial transparency of titling operations may be a questionable proposition, for instance, if it provides otherwise unavailable information about where smallholder rights are weak or nonexistent – it nonetheless shows that spatial transparency politics apply to titling operations as well. In doing so, the case of Cambodia shows that there is no easy fix to the problem of land grabbing: even as property formalization is proposed as a solution to unscrupulous agricultural investment, it is bound up with the always political question of what is put on and what is left off the proverbial map. In such a context, formalization cannot be seen as merely putting an official stamp on rights which already unambiguously exist. Rather, it is part and parcel of highly contested processes which continue to sort out and give official sanction to competing rights and claims. Titling must thus be embraced, or deprioritized, as such.

This argument is elaborated in four parts. Section 2 reviews what I refer to as the formalization fix: the proposition that systematic property rights formalization is an appropriate and efficient way to address the scourge of highly visible yet operationally opaque land deals that have been widely glossed as a 'new global land grab'. Paying special attention to the formalization fix's spatial dimensions, section 2 highlights the question of sub-national geographies of land titling. Section 3 takes this up through the case of Cambodia, which is compelling both for its high material stakes and for its exceptional degree of transparency. Section 3 thus elaborates the claim, noted above, that donor-funded land titling in Cambodia has largely steered deliberately clear of land concession areas, and that the conflict at *Boeung Kak* – which effectively ended the World Bank's engagement with Cambodia's titling program – was the exception that proved the rule. Highlighting the mechanisms by which land titling and land concessions have been deliberately kept apart, this section points to the challenges inherent in the formalization fix as it is currently articulated by the United Nations Food and Agriculture Organization (FAO), World Bank and others.

Section 4 then digs deeper into the Cambodian case by looking at an example of property formalization – and, specifically, state property formalization – in the region *outside* the areas where systematic land titling takes place. In doing so, it shows how concession formalization provides a very different sort of ‘fix’ to the challenges of concession-based development: by gatekeeping the arena of formal property rights, concession formalization prevents alternative, competing formalizations of local land entitlements from appearing on the maps that matter. Section 5 continues to highlight this focus on state land creation by examining its legitimacy in the arena of popular discourse. Section 5 focuses on two key audiences for whom the legitimacy (or not) of state land is particularly important: the landless poor and the international donor community. The conclusion wraps up by reflecting on the relevance of Cambodia’s 2012–2013 ‘student volunteer’ titling campaign, undertaken in the lead-up to the national elections of 2013 and conducted largely without donor influence, to the arguments presented throughout the paper. It also reflects on the Cambodian case more generally, helping situate its significance not only in the national and regional landscape, but globally as well.

## 2. Land grabbing and the formalization fix

In recent years, land titling has emerged as a central yet often implicit point of contention in the ‘global land grab’ debate. While land titling and land administration more generally have been enmeshed in policy and academic discussions about agrarian change and poverty alleviation for some time (Borras 2007; Bromley 2009), property rights formalization has increasingly assumed a key role in the recent effort by the FAO, the World Bank and other institutions to define and promote ‘responsible’ investment in the agricultural sector (FAO et al. 2010).

Responsible agricultural investment is a highly contested term. In the FAO et al.’s 2010 discussion paper on the topic (which sought to define the term authoritatively by capitalizing it), Responsible Agricultural Investment (‘RAI’) is a delicately calibrated concept. On the one hand, it acknowledges the problem of the global land rush, which in 2008 and 2009 caught the RAI authors (FAO, IFAD, UNCTAD and the World Bank) off guard as the transnational public–private partnerships championed initially by FAO director Jacques Diouf in June 2008 began to morph into something far more sinister looking (cf. Diouf 2008). On the other hand, the RAI paper, along with the World Bank (2010) study on ‘rising global interest in farmland’ issued later the same year, sought to maintain policy space for large-scale agricultural investment, including large-scale land acquisition, if it is conducted under the ‘right’ conditions. One such condition concerns formal property rights.

Notwithstanding the contested nature of the term ‘responsible’ investment,<sup>4</sup> one thing the RAI document is very clear about is its authors’ commitment to pursuing property rights formalization on an immense scale in order to counter the problem of land grabbing. This approach is consistent with the long-held rationale for titling as making land markets more efficient (e.g., World Bank 2002), and it emerges early on in the steps proposed for the first principle of RAI: respect for ‘existing use or ownership rights to land, whether statutory

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<sup>4</sup>In contrast to the FAO et al.’s efforts to authoritatively define RAI based on key principles, the inter-governmental Committee on World Food Security has since attempted to define the term (albeit in lower case: ‘responsible agricultural investment’) based on mechanisms and processes (see HLPE 2011, 39).

or customary, primary or secondary, formal or informal, group or individual' (FAO et al. 2010, 2). This is, of course, easier said than done; echoing critiques by Cotula et al. (2009), Borras, Fig, and Suárez (2011) and others, the RAI authors note that:

Many investments requiring access to land on a large scale focus on areas that outsiders have often considered to be 'empty' or 'marginal'. Yet it is important to recognize that there are few areas truly 'unoccupied' or 'unclaimed', and that frequently land classified as such is in fact subject to long-standing rights of use, access and management based on custom. Failure to recognize such rights, including secondary ones, will deprive locals of key resources on which their wealth and livelihoods depend. (FAO et al. 2010, 2)

Anticipating their preferred solution, they then highlight the problem of land that is claimed as 'state' land, but not actually mapped:

In many countries of interest to investors, the state 'owns' large amounts of land, which may make it easier to transfer such land to outsiders in less than fully transparent ways, even if it is still occupied by traditional users. The fact that governments often do not know the extent or location of their holdings, or that by law all land that is not 'productively used' can administratively be transferred to other uses, increases such dangers. (FAO et al. 2010, 3)

The authors thus frame the problem essentially as a conflict between the formal claims of states – which 'own' land but don't *actually* own it since they don't know where it is (also see Deininger, Selod, and Burns 2012) – and traditional or common property-based claims 'to which no formal records exist' (FAO et al. 2010, 3). The solution they propose is that this complex array of entitlements – the 'statutory or customary, primary or secondary, formal or informal, group or individual' rights of communities and individuals, and the 'ownership' claims of the state – be sorted out and reconciled through a process of adjudication and formalization. This entails a number of steps, the first two of which comprise what is often called systematic land titling: '(i) the identification of all rights holders' and '(ii) legal recognition of all rights and uses, together with options for their demarcation and registration or recording' (FAO et al. 2010, 2). While the authors acknowledge that this is an ambitious undertaking, they make it clear that the long-term vision is a landscape-scale version of the titling efforts that have been underway across the global south for the better part of two decades (cf. De Soto 2000; Borras 2007; Bromley 2009). The goal, in short, is 'a countrywide systematic identification and registration of rights' (FAO et al. 2010, 3) that settles the competing claims of individuals, communities and states.

Alongside this vision, however, the question of priorities and tradeoffs emerges almost immediately. Despite stating the long-term desirability for formalization everywhere, the RAI authors advise that 'countries with limited resources may do well to initially focus efforts on areas with high agro-ecological and infrastructure potential and expand from there' (FAO et al. 2010, 2). This is a notable statement, and it is the only reference to the geography of titling in the entire document. It is important because it gestures to the herculean task that property rights formalization entails in practice, and acknowledges that there will be tradeoffs as certain areas (and types of rights) are selected first, and others are deprioritized and excluded. It also offers a basis for comparison with previous titling efforts. In articulating this vision, the RAI document essentially proposes that titling should focus on fertile and accessible areas – the same areas often targeted by land concessions (cf. Cotula et al. 2009; Borras, Fig, and Suárez 2011; Messerli et al. 2014) – but that it should do a better job of getting to these areas first.

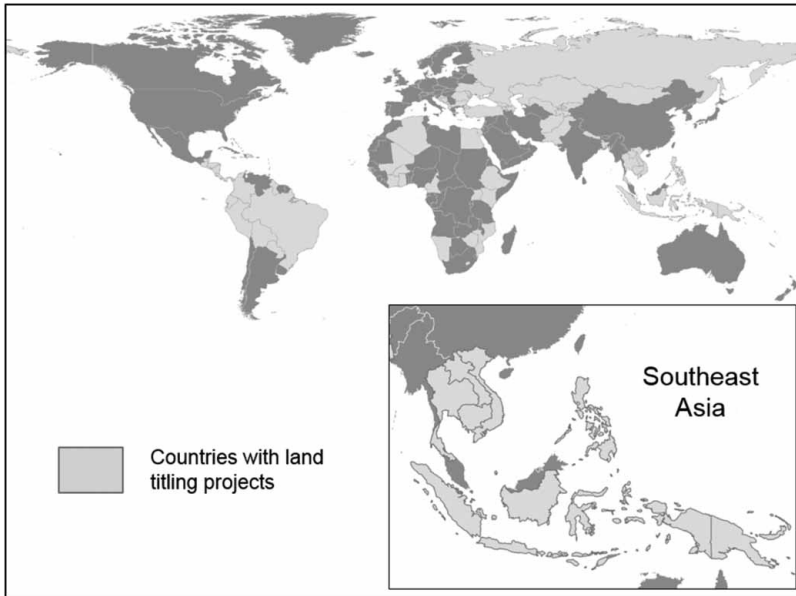


Figure 2. Countries with land titling projects.  
 Source: Data from Johnson (2012); figure by the author.

This is a significant reorientation of the way that titling's spatial prioritization has been pursued in the past. While titling programs regularly acknowledge a number of different benefits that property formalization creates – increased tenure security, more efficient land markets, a larger tax base and increased access to credit – in practice, it seems to be the last two of these that are often prioritized. This prioritization takes the form, as noted above for Cambodia, of actively avoiding areas where tenure is believed to be 'complicated', and focusing on areas where titling will go quickly so as to issue as many titles as possible. Such an approach prioritizes titling's potential to create what Hernando de Soto (2000) called property's 'double life' as loan collateral, as well as its potential to generate land tax revenues. Its potential to provide legal weight for communities whose tenure situation is precarious is deprioritized correspondingly.

In practice, the spatial dimensions (and associated tradeoffs) of land titling have been slow to emerge, largely due to a shortage of available data. While both land administration projects and transnational land deals tend to target regions with what experts call 'weak land governance regimes' (Figure 2), it has also been asserted that land titling can undermine the existing tenure rights of smallholders in areas where titling does *not* occur (COHRE 2009; Grimsditch and Henderson 2009). Philip Hirsch calls this land titling's central conundrum:

While most farmers and other landholders are pleased to obtain formal title over plots of land that they hold individually under more weakly demarcated and state-recognized arrangements, the process of land titling in some areas can weaken security in others and can entrench, sharpen and exacerbate existing inequalities in access to land. (Hirsch 2011, 15)

In his research on 'titling against [land] grabbing' in Southeast Asia, Hirsch has posited something like a diffusion model for the way that titling moves through the social landscape:

For the main part, land titling has tended to work outward from core agricultural areas where land and its produce have been commodified for longer than in more peripheral areas. However, the [titling programs in Southeast Asia] have extended titling into the margins, and increasingly we see a geographical overlap with areas more commonly associated with land grabbing. (Hirsch 2011, 5)

Actually, the geographic progression of land titling programs has been quite difficult to see due to the lack of publicly available data. Hirsch's assertion of core-to-periphery expansion and the 'growing ... geographical overlap' between titling and land grabbing is in this regard more a hypothesis than a result; with the exception of the *Boeung Kak* conflict, his examples – of untitled swidden land, grazing land and teak plantations in Laos that are increasingly at risk of concession expansion (Hirsch 2011, 9, 11) – tend to fit the pattern of separation rather than convergence. More generally, though, this sort of example-based argument illustrates the fact that systematic data is hard to come by. Although province-scale maps of titling projects' target areas (like that at the top of Figure 1) tend to be relatively common, precise information about project geographies is rarely in the public domain.<sup>5</sup> The World Bank, for example, which tends to be on the more transparent end of the spectrum of development institutions, has yet to fill in the geographical details on its titling projects' public websites. In a brief survey conducted in mid-2013, the 'Map' pages for titling projects in Ghana, Indonesia, Laos, Thailand and Zimbabwe all said – in place of the Google Map data that populate other Bank projects' map pages – that 'detailed locations for this project are currently not available' (see e.g. World Bank 2014).

### 3. The geography of formalization: the case of Cambodia

For reasons outlined in the introduction, the sub-national geography of donor-assisted land titling is somewhat more transparent in Cambodia. Although recent events, notably the 'student volunteer' titling campaign described in the conclusion, have added a new and opaque twist to this story, the relative transparency of Cambodia's titling landscape makes it a compelling case in which to examine the challenges of the formalization fix.<sup>6</sup>

On top of the transparency angle, the other dimension of Cambodia's importance as a case is its land grabbing problem, which creates the stakes by which decisions about where titling occurs (and why and for whom) gain their importance. One of the most distinctive features of Cambodia's land grabbing problem is its reliance on large concessions of putatively state land as a central pillar of national development efforts. Concessions have a heterogeneous pedigree that reflects multiple aspects of Cambodia's modern history and geography: its uneven density of settlement and production, which creates the impression (at least for some) that peripheral areas have large swaths of 'under-populated' and 'available' land; constitutionally mandated state ownership of key natural resources like forests, mountains, rivers and minerals; the population displacements

<sup>5</sup>In Laos, for instance, provincially resolved project maps are shown on calendars distributed by the World Bank-funded Land Titling Project's second phase. In contrast, despite repeated efforts, I was only able to get detailed locational information for a single district; as in Figure 1, this information showed titling's coverage to be far less than implied when represented using provinces.

<sup>6</sup>The work of Hurtado, Grandia and others also highlights the importance of Guatemala as an object lesson in the challenges of the formalization fix, albeit with dynamics that are substantially different from those described here (see Grünberg et al. 2012; Hurtado and Grandia 2013; Milian and Grandia 2013). I thank one of *JPS*'s anonymous reviewers for pointing this out.

during and after the Khmer Rouge period, which have been widely interpreted as calling earlier property relations into question in a systemic and fundamental way; and the role of forestry – and, particularly, forest concessions and the tycoon-centered business networks that developed and exploited them – in the period during the mid- and late 1990s that ultimately brought relative peace to the country (Chandler 1993; Le Billon 2000; Gottesman 2003; Hughes 2007).

The current round of land concessions began in the late 1990s and early 2000s. These are generally referred to as ‘economic’ land concessions (or ELCs) to distinguish them from the forest concessions that preceded them. Although the two are often distinguished in official policy language – ELCs being framed as rehabilitating and developing the lands that forest concessions exploited and degraded – there is actually a strong continuity between the two in that both foster the impression that much of Cambodia’s hinterland is state land. Official estimates of the percentage of Cambodian territory that is state land vary, but 80 percent is a widely cited number (e.g., Council for Land Policy 2002; GTZ 2006; Ministry of Planning and UNDP 2007; USAID 2011; also see section 5 below). While challengeable on a number of grounds – the most basic being that Cambodia has not had a full cadastral survey (Chan, Tep, and Sarthi 2001; Sar 2010) and that such estimates thus put the cart before the horse – the belief that much of the Cambodian countryside belongs to the state gives significant cover to concession-based ‘development’ efforts. Moreover, the widespread belief that great swaths of the countryside are degraded – significant because concessions can legally be granted only on lands that are no longer fit to be ‘state-public’ property – adds to the putative legitimacy of a concession-rich landscape.<sup>7</sup>

In such a context, scrutiny of the spatial dimensions of Cambodia’s land titling project has been almost inevitable. Although the *Boeung Kak* conflict described above brought these issues into exceptionally public view, the uneven geography of Cambodia’s tenure formalization efforts has been the subject of critique for over half a decade. The debate centers on the project’s explicit decision to avoid ‘areas where disputes are likely’ (World Bank 2002, 24), and reflects both the mechanisms by which ‘contested’ areas are avoided and the implications of this avoidance.

As a project whose stated goals include the enhancement of land tenure for the poor and vulnerable as a high priority (World Bank 2002), it may come as a surprise that LMAP targeted ‘precisely [those] areas in which preexisting tenure systems [were] best embedded, where the least conflict occur[red], and where the interests of the poorer majority [were] least at risk’ (Adler and So 2012, 88). Robin Biddulph, who has studied the issue extensively, describes the combination of factors that produce this geography; provincial authority figures centrally:

According to the relevant legislation [a 2002 sub-decree], it is provincial governors who must allocate an adjudication area and determine its boundaries, before initiating the work of officials of the Ministry of Land Management Urban Planning and Construction to conduct the registration process. At this stage, therefore, strategic choices may be made about project location on the basis of the sort of vested interests and networks that order the economic development of contemporary Cambodia. (Biddulph 2010, 99)

<sup>7</sup>Although my focus is not on the legal dimensions, it is worth comparing the doctrine of state land laid out in the 1993 Constitution with that explicated in the 2001 Land Law. The former mentions neither concessions nor ‘state-private’ land, the legal category on which they are based in the latter. What the Constitution calls state property (art. 58) becomes ‘state *public*’ property in the 2001 Land Law.

Biddulph also recalls an interview with the LMAP project director in Phnom Penh who used cock-fighting as a way to explain the project's spatial logic:

[He] said that if a cock is sent to fight and loses, that will be the end of the cock with no second chances. So it is always wise to send the cock out to fight against some weaker opponents first to get some victories and become stronger before fighting a stronger opponent. For this reason, he argued that it is beneficial that the systematic land titling program has been implemented in areas where tenure is already secure. (Biddulph 2010, 98)

Biddulph questioned this framing of tenure conservatism as temporary and capacity-building-oriented, and described a more permanent and deliberate arrangement in which provincial authority functioned as 'a decentralized safety valve which ensures that systematic land titling only travels to places which government feels comfortable with' (Biddulph 2010, 99). Brett Ballard, who interviewed provincial governors in 2007 with colleagues at the Cambodia Development Research Institute, found that the public transcript described provincial authority quite differently, but led to a similar result:

Most [provincial] administrators were reluctant to title land in areas that were further away from market centers and had poor access, and where there tended to be more disputes. They felt that they could not issue titles as quickly in such areas and that they would receive poor performance ratings, as performance was evaluated on the number of titles issued. (Ballard 2010, 3)

Mark Grimsditch and Nick Henderson, in their investigative report that helped ground the request for the World Bank Inspection Panel investigation, echoed this emphasis on performance over substantive impact, writing that 'LMAP has evaluated the success of the titling program largely based on its outputs, particularly the number of titles issued, rather than its impacts, such as clear improvements in tenure security and a reduction of land-grabbing and disputes' (Grimsditch and Henderson 2009, 4). Such a focus articulates with the tenure conservatism of land titling projects in Southeast Asia more generally, which, according to one expert cited by Biddulph, have systematically avoided 'complex tenurial situations, as well as complex land types such as forests, so as to be able to concentrate on reaching high production targets in non-contested areas' (Shawn Williams, cited in Biddulph 2010, 99).

The revised map of Cambodia's titling zone that was published in 2011 gives spatial clarity to this line of critique. When compared to data on ELCs that Cambodian human rights organizations have collected in recent years, the mismatch with titling operations is striking. As Figure 3 shows, only two areas of overlap are visible at the national scale: one is in central Cambodia's Kampong Thom province (Figure 3, center), while the other is in Preah Sihanouk province, located in the southwest (Figure 3, lower left). There may be other areas of overlap not visible here – areas that, like *Boeung Kak*, are too small to see when viewed at the national scale. Nonetheless, Figure 3 gives an indication of how systematically the articulation of tenure conservatism, territorial discretion by provincial authorities and performance-based evaluation has maintained land titling and ELCs as essentially separate domains. *Boeung Kak* is, in this sense, truly the exception that proves the rule: it is one of the few spots in the country where the factors listed above *failed* to keep titling and concessions apart.

The mismatch between concessions and titling shown in Figure 3 is only part of the formalization fix's failure in Cambodia. Two other interventions, not shown in Figure 3 but generally targeting the less densely populated white spaces on the map, are part of the

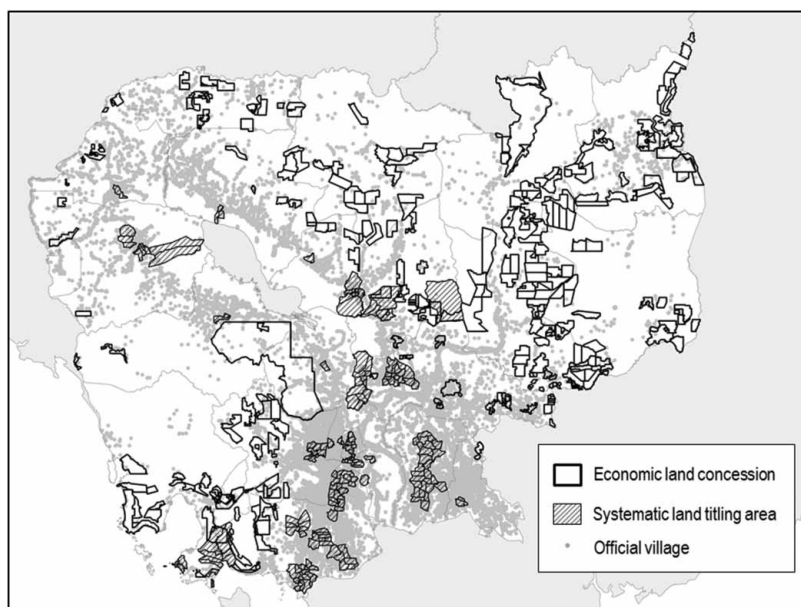


Figure 3. Titling areas versus economic land concessions. The diagonally hatched polygons are communes where LMAP operated, and were extracted from the World Bank map at the bottom of Figure 1 (digitizing by the author).

Source: Figure by the author, using data from the Cambodian League for the Promotion and Defense of Human Rights (LICADHO, pers. comm. March 2013) and the World Bank.

story as well. These are communal land titles and social land concessions, both of which were rolled out during the 2000s more or less in parallel with LMAP's individual household titles, but which have had far less success in terms of implementation. In their absence, ELCs have done the bulk of the property formalization in the Cambodian hinterland, often with adverse consequences (Cambodia Daily 2012, 2013c; Neef, Touch, and Chienthong 2013; Milne 2014).

Communal land titling and social land concessions both date from the rewriting of Cambodia's Land Law in 2001, which attempted to place property-making on a firmer legal and bureaucratic footing. Communal titling has focused largely on northeastern Cambodia, depicted as white space in Figure 1 and containing one of the country's heaviest densities of ELCs (see Figure 3, also LICADHO 2012). Social land concessions have occurred throughout the country, but have also tended to focus on less densely populated areas.

The Social Land Concession (SLC) program, despite receiving its operationalizing sub-decree before the ELC program, has produced results that verge on negligible, despite the deployment of the (post-LMAP) Land Allocation for Social and Economic Development (LASED) project in 2009. As the LASED project's top foreign advisor complained in a paper for the 2012 World Bank Conference on Land and Poverty,

Whereas 1.7 million hectares have been officially reported to be distributed as economic land concessions (ELCs) for about 200 rich and powerful investors, only 6 thousand hectares were made available for 1,614 rural poor households as social land concessions by the end of 2011 through ... donor [support]. In addition, a few thousand retired military staff and their families received land through a so-called 'national SLC [social land concession] program' without

donor support. As a gross summary it has to be stated that 99% of the distributed [state] land was handed over in long-term leases of up to 99 years to national and international investors to the detriment of the rural poor[,] who got only a 1% share. (Müller 2012, 3–4)

Communal titling has achieved even less, at least so far. Only three villages had received titles as of early 2013 (Pickardt, Graefen and Müller 2013, 5; also see Ironside 2011), with another few slated for later in the year (Rabe 2013). This compares unfavorably with the many tens of community title applications still pending (Rabe 2013; Baird 2013), as well as with the extensive landscape of concessions that have sprung up over roughly the same time period (see Figure 3 and LICADHO 2012). As many communal title applications remain bogged down in procedural requirements – the most significant one being the application for ‘indigenous’ status required by the 2001 Land Law – the systematic ignoring of legal and regulatory process by many concession developers (Müller 2012) has become an increasingly glaring contrast (LICADHO 2009; Cock 2010; BABSEA 2010; HBF 2011; Springer 2011; Un and So 2011; Bugalski 2012; Neef, Touch, and Chienthong 2013). This selective (ab)use of process, which often involves the deployment of formalization, is examined in more detail in the next section.

#### 4. Formality politics outside the titling zone: a case study

One of the key shortcomings of Cambodia’s titling project highlighted by the Inspection Panel was its failure to implement what was known as Component 5: the systematic demarcation and formalization of *state* landholdings (Grimsditch and Henderson 2009; Bekhechi and Lund 2009; WBIP 2010). Although LMAP project managers ultimately acknowledged (after problems had come to light) that component 5 was overly ambitious given the project’s ‘political economy context’ (WBIP 2010, xx), in practice, state land remained largely un-demarcated (also see section 5), and when it *was* formalized, this tended to happen in an ad hoc manner, often via the development of land concessions. This section examines this process through what has become a well-known land grab in western Cambodia. By focusing on the formal dimensions of concession-making, this section shows how the formalization of property rights can be deployed in *support* of land grabbing – in this case, far outside Cambodia’s titling zone. The case thus illustrates formalization’s double-edged qualities, highlighting the importance of attending to the political and political-economic dimensions of property formalization.

Western Cambodia has emerged in the last few years as one of the country’s most notorious areas for agribusiness-related land grabbing. This is due in part to the rise of sugar as a new ‘boom crop’ (BABSEA 2010; also see Hall, Hirsch, and Li 2011), and in particular to the influence in Koh Kong, Kampong Speu and Oddar Meanchay provinces of Ly Yong Phat, a ruling party senator and ‘one of Cambodia’s most influential businessmen’ (BABSEA 2010, 2). According to researchers who have helped bring the story to an international audience, Ly Yong Phat and his business associates have been able to ‘flout the law at will’ in their development of at least 60,000 hectares of sugar plantations in these three provinces, leading to ‘serious and widespread human rights abuses and environmental damage ... affecting more than 12,000 people’ (1, 2). One of those cases – a pair of side-by-side concessions in Koh Kong’s Sre Ambel and Botom Sakor districts – forms the backdrop for the analysis presented here.

The details of the Koh Kong sugar concessions have been extensively documented elsewhere, and are summarized here as a prelude to the analysis of formality and formalization presented below. In mid-2006, a pair of adjacent concessions were demarcated and

allocated to Ly Yong Phat and Chamroon Chinthammit, a Thai businessman who, along with a third (unnamed) Taiwanese partner, subsequently developed them into large-scale sugar plantations. Each concession was roughly 9500 hectares; totaling 19,100 hectares,<sup>8</sup> their separation was ‘an apparent attempt to circumvent’ Cambodia’s legal ban on concession holdings larger than 10,000 hectares (BABSEA 2010, 2). Since then, project operations have been disturbingly reminiscent of Marx’s classic account of primitive accumulation: documented impacts include loss of farmland and grazing land, destruction of crops (including tree crops), shooting and confiscation of livestock, exclusion of communities from forest areas and water sources, and impoverishment and lack of livelihood alternatives to the point that children have been pulled from school and adults forced to take jobs with the company – a process which entails their renouncing any claims to compensation (BABSEA 2010, 3; also see UNCOHCHR 2007 and cf. Marx 1873, 873–913). Adding insult to injury, sugar from these and the other concessions in the region has been receiving duty-free access to the European market under the European Union’s ‘Everything But Arms’ trade provisions (BABSEA 2010, 8–9; Danish Church Aid 2011; Clean Sugar Campaign 2012).

In parallel to its on-the-ground disparities, the ‘on-paper’ geography of the Koh Kong sugar concessions provides a useful illustration of formalization politics in practice. Not only does the project exemplify the pattern of geographical separation shown in Figure 3, it helps take the analysis a step further by showing how state land formalization has been pursued selectively and strategically, to the exclusion of other possible formalizations, including counter-formalizations which might have protected communities from land grabbing.

The boundaries for the two sugar concessions were demarcated in a pair of survey maps that, based on their dates of approval by government authorities, seem to have been made sometime in early 2006.<sup>9</sup> These maps were replete with all the trappings of formality, including official-sounding titles (see Figure 4 source information below), embossed stamps and signatures of office. These maps were made to impress, if not with their cartography (see below), then at least with the array of authorities whose approval they symbolically marshal.

Figure 4 locates the two survey maps in the wider landscape shown above. As maps a and b show, the two sugar concessions are located well away from the systematic titling zone farther to the east. As evidenced by map b, the concessions appear to have been carved out of territory just north of a string of villages that line one of western Cambodia’s main roads. Zooming in even closer (map c), the concession areas appear to have been demarcated in such a way as to avoid the large areas of dark space as well. The map legends (not shown here) label these dark areas as ‘evergreen forest’, and specify a few different types of white space which are not visible on the photocopies shown here. The legends classify the areas inside the two concession polygons as shown in Table 1 below.

These numbers track closely to those on the final concession contracts, and provide strong evidence that the two concessions were formally allocated on the official rationality that they avoided the high-quality forest represented by the category ‘evergreen’. Once the evergreen forest is removed from the numbers above, the west concession comes out to be

<sup>8</sup>See Open Development Cambodia (2013). This information was formerly available at a website maintained by the Cambodian Ministry of Agriculture, Forestry and Fisheries (MAFF n.d.) but has since been taken down.

<sup>9</sup>The approval dates are in late April 2006; copies of these maps are in the author’s possession.

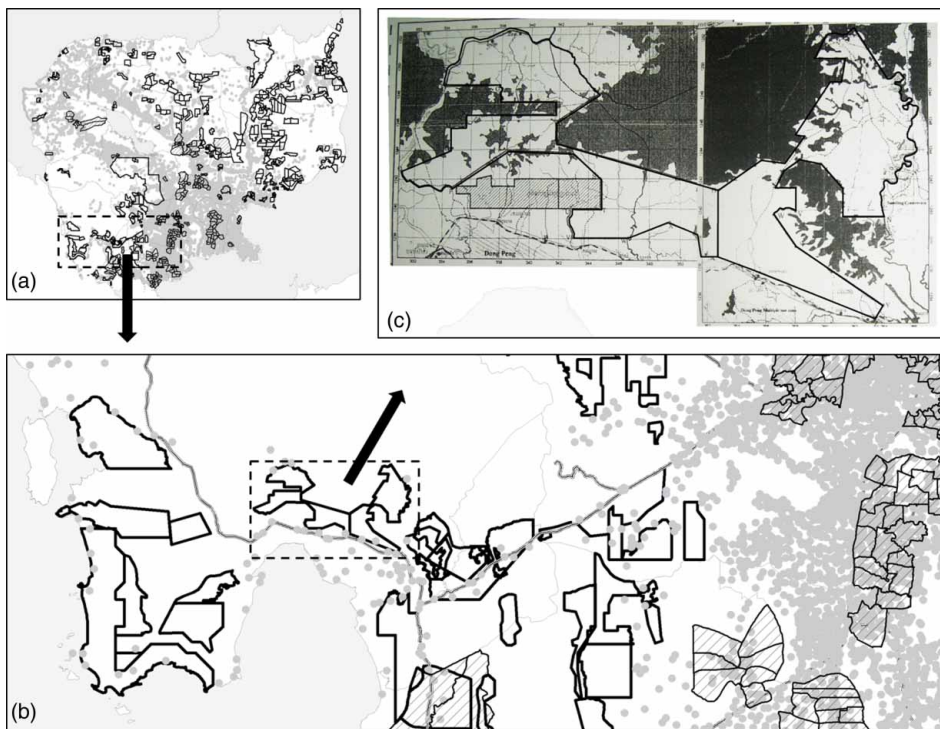


Figure 4. Location and survey maps of Koh Kong sugar concessions.

Source: Figure by the author, using data from LICADHO and the World Bank (same as Figure 3) for maps a and b; Koh Kong Plantation Co., Ltd. (2006) for map c (left side) and Koh Kong Sugar Industry Company, Ltd. (2006) for map c (right side).

Table 1. Land categorizations in Koh Kong sugar concessions.

|                     | West (left) concession | East (right) concession |
|---------------------|------------------------|-------------------------|
| Evergreen forest    | 918 ha                 | 812 ha                  |
| Other forest        | 122 ha                 | 572 ha                  |
| Land without forest | 9288 ha                | 9159 ha                 |
| Total               | 10,328 ha              | 10,543 ha               |

9410 hectares, while the right measures 9731. The two concessions allocated to Ly Yong Phat and Chamroon Chinthammit, according to the contracts, are 9400 and 9700 hectares respectively (Danish Church Aid 2011, 18). What this says is that the formal geography for these two concessions comes primarily from the domain of forestry, and that the official rationale in laying down lines of exclusion was not an effort to avoid smallholder land, but rather to avoid relatively intact (and also state-owned) forest (also see Dwyer 2013).

In its attention to forest exclusion, the concession demarcation process is notable for doing what LMAP's Component 5 could not: *inventorying large parcels of state land*. But this 'inventory' process is in fact less inventory than *creation*, via a selective reading of the landscape. As evidenced by the categories above, the purpose of the survey was not to address the 'state land problem' identified by the FAO et al. – namely,

the worry that states ‘own’ large tracts of un-demarcated land and thus risk dispossessing smallholders if they act on those rights (see section 2). Rather, what the survey process shows is an effort to distinguish high-value forest, which the Cambodian Land Law classifies as inalienable ‘state *public* land’, from other areas (classified here as ‘other forest’ and ‘land without forest’) that were classified as ‘state *private* land’, which can legally be alienated to concessions (Land Law 2001, art. 16–17 and 48–62). The formal geography of the Koh Kong concessions thus shows a very different set of priorities being applied to the formalization of hinterland property rights than what is intended by proponents of the formalization fix. In fact, it shows a different sort of formalization fix entirely. Rather than formalizing property rights *in advance* of large-scale concessions in order to protect smallholders and delimit state claims to land, what we see here is the use of the concession process to *create* state land legibility – just in time for state land to be alienated to private concession-holders. Formalization thus becomes a technology for writing smallholders out of the legal picture, creating a ‘fix’ not in the FAO et al.’s sense, but in that described by David Harvey. For Harvey (1982), a spatial fix is a mechanism by which capital gains access to new territory; in this case, this territory is otherwise occupied and exploited by small-scale land users, and the formalization fix provides a means to undermine the legitimacy of these uses.

In addition to showing the just-in-time formalization of state land, this case is notable in a second way. Just prior to the concession survey, three villages in the eastern ELC were deliberately documented as land under smallholder use through Cambodia’s Commune Land Use Planning (CLUP) program. CLUP grew from a donor effort to promote decentralization and deconcentration (‘D and D’) as part of Cambodia’s post-conflict reconstruction process; although the process was not widely implemented, one place it *was* deployed was in three of the villages that line the southern edge of the soon-to-be Koh Kong Sugar concession. Figure 5 shows one of three village-scale CLUP maps produced in February and March of 2006, in an area that ended up just a few months later inside the concessions described above; using the geo-referencing done by a local nongovernmental organization,<sup>10</sup> Figure 5 shows the overlapping claim to the same space, contrasting the simplification of the concession polygon to the variety of smallholder land uses shown in the CLUP map. Figure 6 shows a portion of the same CLUP map, and highlights the attention to detail both in terms of land uses (see Figure 6 legend) and the global positioning system (GPS) points (visible as numbered points in Figure 6) that facilitated the overlay shown in Figure 5. Together, Figures 5 and 6 show the results of what was likely an attempted formalization fix of the type described in section 2. As evidenced by the impacts summarized above, however, this effort has been, so far, largely unsuccessful.

The concessions examined here thus provide a compelling challenge to the ‘formalization fix’ proposal elaborated above. Indeed, the case shows the formalization of *state* property rights being deployed for almost opposite ends, as the closely managed relationship between legible and illegible rights is used to paper over the unsavory operations of a plantation company. Managed illegibility paired with the just-in-time formalization of state land is surely not what proponents of the formalization fix have in mind; nonetheless, this has emerged as a functional piece of what scholars call the neopatrimonial resource politics of contemporary Cambodia (Hughes 2007; Un and So 2009, 2011; Biddulph 2010; Cock 2010; Springer 2011; Adler and So 2012). Indeed, the legal-cartographic manipulations and exclusions on display above help put the ‘neo’ in neopatrimonialism: they show

<sup>10</sup>Interview, Phnom Penh, 1 September 2011.

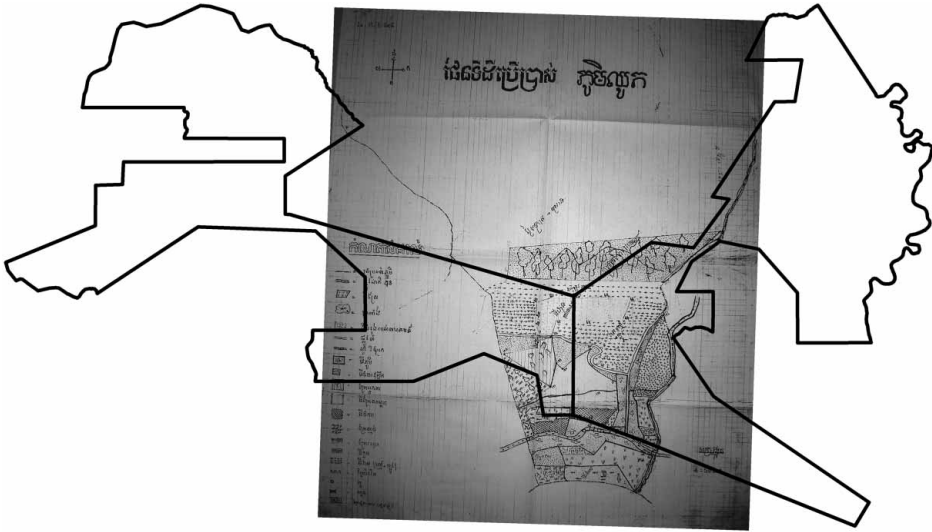


Figure 5. Commune Land Use Planning (CLUP) maps overlaid with Koh Kong concession.  
 Source: CLUP map: Chi Kha Leu Commune, '[Village Scale] Commune Land Use Planning map' (2006). Concession polygons extracted from the data set shown in Figure 3. Figure by the author.

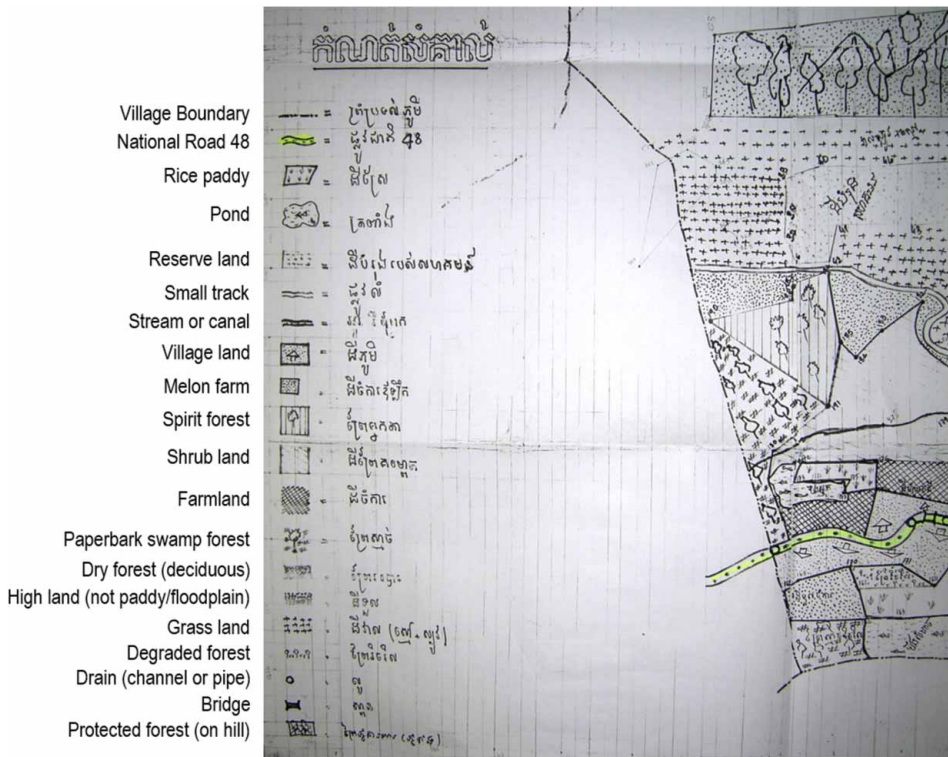


Figure 6. Commune Land Use Planning (CLUP) map detail.  
 Source: CLUP map (2006).

how elites are able to mobilize the legal-bureaucratic mechanisms of formal state authority in order to support and legitimize dubious business operations.

Aiding machinations like those above is an abiding belief that state land exists even prior to its formal demarcation, and that formalizing its existence is thus largely a technical matter. The next section presents two brief examples of the myriad ways in which faith in state land is cultivated. Given the dearth of state land mapping outside the concession process, and given the negative associations that concessions have come to carry, these sorts of ‘off-the-map’ political work are an important piece of maintaining the legitimacy of state land as a social fact.

## 5. Conjuring state land: two vignettes

[Land] policy requires broad agreement to make it a consensual undertaking which has the support of people in all walks of life, whether they are farmers, fishermen, loggers, builders, soldiers, government officials, lawyers, bankers, tourism operators, industrialists, or workers. It needs the support of minorities and the poor or least visible members of society. With consensus, policy can be implemented in a way that will encourage confidence and security, and foster trust and transparency. (Royal Government of Cambodia’s Council for Land Policy 2002, 4)

The formalization apparatus examined in section 4 is deeply unstable and prone to crisis, as evidenced by both the wider pattern of land conflict in Cambodia (INGO Forum 2008, 2009, 2010) and by the overtly political efforts to address it that tend to creep up before elections (Un and So 2011; Milne 2014). At the heart of this instability is the fact that state land often appears in a highly dubious light when it *is* finally brought into concrete view, as illustrated above. This legitimacy problem is the focus of this section, which examines two examples of processes that have been occurring in parallel to the efforts examined above. These efforts, conducted ‘off the map’, so to speak, are oriented toward creating state land in more positively (or at least neutrally) connoted and abstract ways, and framing state land demarcation as a technical rather than a political matter.

The first vignette focuses on a key figure in Cambodia’s land regime: the landless person who exemplifies the ‘poor and least visible members of society’ whose consent is required for the system to work (Council for Land Policy, above). The second vignette focuses on the international community, and returns to the statistic, noted in section 3, that roughly 80 percent of Cambodia’s national territory is allegedly state land. These vignettes are intended as snapshots of processes that are far more complex than what can be presented here, but that nonetheless illustrate the degree to which state land is not just the product of cartographic work and enclosures at the margins, but of everyday political work as well.

### 5.1. Educating Uncle San

‘Sorry uncle!’ These are the words of a cadastral officer who appears at the beginning of *Land is life*, an educational booklet produced by the Cambodian Ministry of Land Management and handed out to local residents at the beginning of the systematic titling process. The cadastral officer has just told an elderly peasant named Uncle San that his and his son’s plans ‘to clear the bush for planting’ are strictly forbidden (LASSP n.d., the source of all quotes in this section). Previously, Uncle San had owned a plot of farmland, which he had mortgaged and lost due to a combination of ‘drought, flood, disease and destitution’:

Uncle San saw a cement marker (Geodetic Marker), and was about to remove it. While getting ready to remove it, suddenly a neighboring teacher arrived at the scene, telling him not to do it because it was public property and that the action was illegal. After having words, they decided to go to the commune chief. To be clear, the chief brought them to see the cadastral officer for resolution.

After his makeshift apology ('Sorry uncle!'), the cadastral officer continues:

Since the enactment of the Land Law on August 30, 2001, '... absolutely no encroachment of land can take place within the private property of the state and public legal entities. Occupation of possession shall end when this law comes into effect'.

Uncle San asks him what will happen if he clears the land anyway. The officer again quotes directly from the 2001 Land Law:

'After this law comes into force, any new occupant without title to an immovable property belonging to public bodies or private persons shall be considered as an illegal occupant and shall be subject to the penalties provided in Article 259 of this law'. In [the] case of clearing the land for [farming], according to the law, 'An infringement against public property shall be fined from five million (5,000,000) Riel to fifty million (50,000,000) Riel [roughly USD 1200 to USD 12,000] and/or imprisoned from one to five years'.

After hearing this, Uncle San and his family are 'extremely scared'. The elderly man expresses gratitude for having been prevented from breaking the law, but asks how he can feed his family: 'I promise to give up the idea of clearing forest land; however I'm still concerned because I have no productive land'. The cadastral officer reassures him – 'Don't be worried, Uncle!' – and then launches into another long passage from the Land Law, this time about the distribution of state land to landless people. Aware that he is speaking legalese, the officer then translates this into common terms: 'Social land concessions are granted to poor families needing lands for agricultural practice. So your family also fulfills the conditions for securing a land concession. Don't worry anymore!' The episode ends with Uncle San and his family 'expectantly and hopefully' requesting a social land concession and, in the meantime, 'determining to continue their ordinary living': Uncle San by working for wages, his wife by 'baking cakes for his children to sell'.

This episode appears at the beginning of a document that devotes the majority of its attention to people *with* property. What follows the four-page story of Uncle San is a 35-page account of one family's journey through the multi-stage process of systematic title adjudication: community education, parcel registration, the cataloging and resolving of disputes and, ultimately, the production and handing out of formal land titles. The story is a morality tale that illustrates the social benefits of legal conformance and written transactions, a mode of thought and action that land professionals sometimes call 'the culture of land administration'. After his opening vignette, Uncle San reappears only once – much later – and his new clothes and home-grown produce convey the fact that his social land concession has lifted his family out of poverty. His story nonetheless remains in the background through the presence of his son, who marries into the main (propertied) family featured in the booklet. Through this liminal presence, Uncle San thus completes a key message of *Land is life*: By working hard, 'giving up old ideas' and forging ties to the propertied, even the landless can benefit from the post-2001 land regime. Uncle San's trajectory from encroacher to stakeholder makes it clear that although he is not the story's protagonist, his participation and consent are nonetheless essential to its happy ending.

## 5.2. *Eighty percent state land*

The donor community comprises a second key constituency in the hegemony politics of state land. Despite a history of attempts to rein state land in as an operational category, the international community (such as it is) remains on both sides of the issue, as should be clear from a number of examples above, as well as from recent debates among donors (see, e.g., HBF 2011; BMZ 2012). A second vignette thus concerns the estimation of state land on a national scale. Despite the widespread acknowledgment that state land remains largely un-mapped (RGC 2007; Sar 2010), the statistic that roughly 80 percent of Cambodia is state land remains in wide circulation. The genealogy of this number is significant, given that one of its clear implications is to counterbalance widespread public outrage at the concession boom by pointing out that much of the country is ‘in fact’ state land. Where this number comes from and how it has come to be so widely and uncritically cited are thus of major importance.

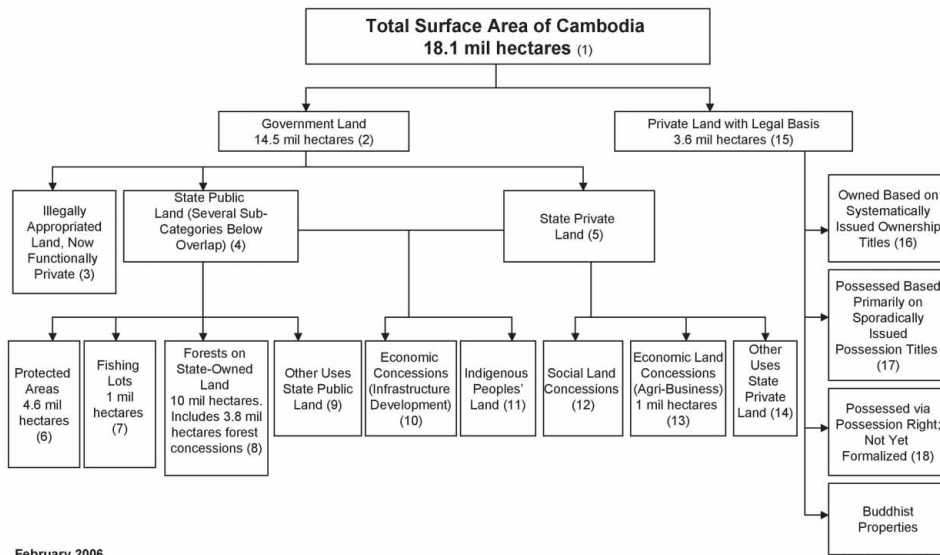
The immediate source of the 80 percent statistic is the 2002 Interim Land Policy Strategy paper quoted in the epigraph to this section. The statistic itself appears in the middle of a passage called ‘types of ownership and land rights’, where it precedes the distinction between state-public and state-private land discussed in section 4:

A shortage of accurate information and issues of classification make precise definitions difficult, but general estimates indicate that about 80% of land area in Cambodia now falls under State ownership categories, and 20% falls under private ownership. State property is divided into the public domain of the State and the private domain . . . (Council for Land Policy 2002, 14)

What is immediately clear from this passage (and surrounding language, not quoted here) is that the 80 percent statistic is not only hedged by uncertainty, but also unaccompanied by *any* form of additional evidence, citation or description of the ‘general estimates’ referred to by the Council. We are thus forced to dig a bit deeper, and it is here that the donor community comes centrally into view. In 2006, German Technical Assistance (GTZ) created a five-page *Overview of major legal categories of lands and waters in Cambodia* (GTZ 2006). Although not attached to any official publication, the document has circulated widely within Cambodia’s professional development community. It is cited by nongovernmental organizations (e.g., Grimsditch and Henderson 2009, 56), and it has ended up partially or fully reproduced in products like the UN World Food Program’s Food Security Atlas and GTZ’s Watershed Management Resource Kit. While the second of these cites the document as ‘unpublished’ and accompanies it with the disclaimers that it ‘does not consist of any legal advice’ and ‘is the work of a consultant’ (GTZ 2007), the first reproduces the key piece of the document – a box diagram shown here as [Figure 7](#) – paired with the unelaborated statement that ‘the state owns 14.5 million hectares (80 percent) while 3.6 million hectares (20 percent) are with private entities’ (WFP n.d.). Such uncritical use of the 80 percent statistic is repeated in a number of other sources, including Cambodia’s Human Development Report 2007 (Ministry of Planning and UNDP 2007, 44), a high-level government report from the same year on Land and Human Development (SNEC 2007, 13) and USAID’s 2011 country profile on Property Rights and Resource Governance (USAID 2011, 6).

In its full form, the GTZ diagram is accompanied by four pages of footnotes, one paragraph of which pertains to the box that lists ‘government land’ as comprising 14.5 million hectares out of a national total of 18.1 million. This box has the advantage of at least attempting to trace its origins:

## Overview of Major Legal Categories of Lands and Waters in Cambodia



February 2006

Figure 7. Widely cited estimate of various legal land categories in Cambodia.  
Source: Reproduced from GTZ (2006).

[The] Council of Ministers on pg. 13 of ‘Strategy of Land Policy Framework, Interim Paper’ (2002) wrote that about 80% of Cambodia’s land area is government land, 20% private. These percentages, applied to 18.1 million hectares, produces the 14.5 million government and 3.6 million private figures used [here]. Very roughly speaking, private lands would be urban lands plus cultivated lands, which in [the] ‘Forest Policy Assessment’ (1996) by World Bank, UNDP [United Nations Development Program] and FAO are about 4 million hectares, and are about 3.7 million on page 3 of [the] ‘Project Appraisal Document on a Proposed Credit in the Amount of SDR 19.3 Million (US\$24.3 Million Equivalent) to the Kingdom of Cambodia for a Land Management and Administration Project [i.e., LMAP]’, January 29, 2002. (GTZ 2006, 2)

Unfortunately, this paragraph also opens with the sentence that ‘Various sources draw the same approximate conclusions on figures for amounts of government versus private lands’ (GTZ 2006, 2). In doing so, it suggests both that there is more than one source of valid primary data, and that there is a consensus about what these various data mean. In fact, the citations given by GTZ all appear to lead back to two remotely sensed land-cover data sets, the first from 1992–1993 (which yielded the 4 million hectare figure of non-state land) and the second from 1996–1997 (which yielded the smaller figure of 3.7 million hectares). These data sets were produced by the Cambodian Ministry of Agriculture, Forestry and Fisheries (MAFF) with assistance from the Mekong River Commission, and were analyzed by the Cambodia Development Research Institute (CDRI) in a 2001 study (Chan et al. 2001, 5, 27); CDRI’s document was in turn cited for the 3.7 million hectare figure by the LMAP Project Appraisal Document, which seems to have taken the more recent figure as more authoritative.<sup>11</sup>

<sup>11</sup>I have been unable to obtain a copy of the 1996 Forest Policy Assessment mentioned by GTZ; a publicly available book chapter based on it does not include the numbers in question.

The CDRI study, however, provides a very different assessment of the data than that presented by later authors. Emphasizing the ‘tentative and provisional’ nature of their inferences (Chan et al. 2001, 2), the CDRI researchers took great care to distance themselves from the MAFF data with which they were working. Noting its inconsistencies and incompleteness, they presented it with the repeated caveat that the data were ‘reproduced without formal editing’ (5, 6, 7, 8, 11, 13), and emphasized that *‘the reason that [the data] are reproduced here is ... that [they] are all that is available in the public domain’* (7, italics in original). Even more importantly, they emphasized the need to avoid conflating land cover with land ownership. Noting the absence of reliable boundary data (5), the researchers concluded that ‘for sure, no major conclusions are possible in the absence of more detailed cadastral surveys’ (6). Much of the donor community, unfortunately, seems to have lost this cautiousness through the citation process, and now accepts as unproblematic the statistic that Cambodia is roughly four-fifths state land.

## 6. Conclusion

In June 2012, with national elections a year away, and facing a record number of land-related conflicts and arrests (Milne 2012; Cambodia Daily 2013a), Cambodian prime minister Hun Sen began a dramatic reversal of land titling operations. As part of his so-called ‘Leopard Skin’ policy, which seeks to develop concessions *around* smallholders rather than by evicting them from the landscape entirely (Phnom Penh Post 2012a), ‘some 2000’ student ‘volunteers’ were deployed to the countryside in mid- and late-2012 with the intent of issuing 1,200,000 hectares of land titles to smallholders living inside land ‘once covered by forest, canceled economic land concessions, [and] existing land concessions being disputed by local villagers’ (Phnom Penh Post 2012b; Cambodia Daily 2013b). The project has been criticized on a number of grounds, including its failure to live up to the rhetoric of targeting actually contested areas (Cambodia Daily 2013b), the student volunteers’ inability to actually adjudicate conflicts (Phnom Penh Post 2012b) and its fracturing of indigenous communities by forcing them to accept individual rather than communal property rights (Cambodia Daily 2012, 2013c; Rabe 2013; Milne 2014).

Like LMAP prior to 2011, the new campaign is geographically opaque. Beyond the land categories specified above, the only public details are aggregate statistics: numbers of titles handed out, numbers of hectares and numbers of families involved. As these numbers balloon into the hundreds of thousands – 125,000 titles, 214,000 hectares and 74,066 families as of January 2013 (Cambodia Daily 2013b) – it is nonetheless clear that rural land entitlements, and indeed the entire relationship between concessions and smallholder land titling, are being systematically reworked. As western donors are largely excluded from this process, the Cambodian state is pursuing a version of the formalization fix – although far later and less transparently than many would have liked – largely on its own.<sup>12</sup>

This paper has presented three lines of evidence through which Cambodia’s experience with property rights formalization challenges the ‘formalization fix’ proposed by the FAO

<sup>12</sup>See especially Müller (2012, 12), which outlines an approach to addressing the titling exclusion problems described above that was supposed to ‘ready by’ June 2012 as part of ongoing German collaboration with the Cambodian Ministry of Land Management, Urban Planning and Construction. Rather than beginning this ‘milestone process’ (upon which ongoing support would have been made contingent), the Ministry of Land Management was enrolled in the student campaign, which began in the same month (June 2012) the German-funded program was supposed to begin.

et al. (2010) and others. First, it examined the geography of systematic land titling, using evidence released in the wake of the *Boeung Kak* conflict to support critics of Cambodia's land titling project who have argued that it has focused on the wrong areas. This section of the paper highlighted the competing priorities that are often rolled into formalization projects. It also reviewed the mechanisms that are often used to keep titling and concessions in geographically separate domains, foregrounding the need for greater geographical transparency in land administration schemes. Second, the paper examined the problem of selective and uneven property rights formalization at the scale of a single agribusiness concession, showing how the formal geography of concession surveying can be used to paper over a land grab using the legal discourse of state land. This case highlighted the importance – but also the difficulties – of pursuing more democratic and locally grounded methods of supporting land use in pursuit of the common good. Although it is hardly possible to make across-the-board recommendations, the example of commune-scale land use planning illustrates the types of land formalization that might be put to use, in combination with better regulatory controls on large-scale investment, to protect common resources and the rights of the socially and politically vulnerable. Third, the paper examined two sets of practices that have been used to try to make state land a more legitimate entity, given its highly visible problems in the land concession arena. The vignettes presented above provide a fitting ending to the analysis by pointing to the need to pursue the land grab debate into the halls of not only legal-geographic practice, but also popular education, social movements, civil society and donor assistance. Only by taking uneven property formalization into these domains 'off the map' can the problem of unmapped state land and the regulatory abuses and confusions that are widely associated with it be adequately addressed.

Finally, notwithstanding the substantial work that has gone into bringing Cambodia's land problems under greater public scrutiny, it is worth pointing out that the study that most alarmed the World Bank Inspection Panel in 2010 was never published. This was conducted in early 2006, and found that 'at least a fifth of households (19.6 percent) in 13 of the adjudication areas visited are being adversely affected by the systematic land titling process, usually through the refusal to register land in household possession or use'. The reason for this exclusion was that 'the LMAP demarcation teams flatly refused to register either their "claim or possessory rights" to some of "their" land due to it being "State land"' (O'Leary 2006, cited in WBIP 2010, 49). In light of the analysis presented here, this should not be surprising. Formalization may be part of a sustainable fix to the problem of land grabbing. But without critical scrutiny of past efforts, and without addressing the question of state land head on, naïvely deployed formalization fixes will surely only produce more of the same problems, or worse.

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## References

- Adler, D. et al. 2006. Towards Institutional Justice?. A Review of the Work of Cambodia's Cadastral Commission in Relation to Land Dispute Resolution. GTZ and The World Bank, Phnom Penh, Cambodia. <http://ssrn.com/abstract=1012490>.
- Adler, D., and S. So. 2012. Reflections on legal pluralism in Cambodia: Towards equity in development when the law is not the law. Pages 83–92 in *Legal pluralism and development policy: Dialogues for success*, eds. C. Sage, B. Tamanaha, and M. Woolcock. Cambridge University Press.
- Baird, I. 2013. 'Indigenous Peoples' and land: Comparing communal land titling and its implications in Cambodia and Laos. *Asia Pacific Viewpoint* 54(3): 269–281.
- Ballard, B. 2010. Land titling in Cambodia: Procedural and administrative exclusions. Paper presented at the RCSD International Conference on 'Revisiting Agrarian Transformations in Southeast Asia: Empirical, Theoretical and Applied Perspectives', 13–15 May 2010, Chiang Mai, Thailand. [http://rcsd.soc.cmu.ac.th/InterConf/paper/paperpdf1\\_497.pdf](http://rcsd.soc.cmu.ac.th/InterConf/paper/paperpdf1_497.pdf).
- Bekhechi, M.A. and L. Lund. 2009. Cambodia Land Management and Administration Project: Enhanced Review Report (July 13). The World Bank. <http://go.worldbank.org/IUTVJ7CXG0>.
- Biddulph, R. 2010. Geographies of Evasion: The Development Industry and Property Rights Interventions in Early 21<sup>st</sup> Century Cambodia. Doctoral dissertation, University of Gothenburg.
- BMZ (German Federal Ministry of Economic Development and Cooperation). 2012. Investments in land and the phenomenon of land grabbing: Challenges for development policy. BMZ Strategy Paper 02/ 2012e.
- Borras, S. Jr. 2007. *Pro-Poor Land Reform: A Critique*. Ottawa: University of Ottawa Press.
- Borras, S. Jr., D. Fig and S. M. Suárez. 2011. The politics of agrofuels and mega-land and water deals: Insights from the ProCana case, Mozambique. *Review of African Political Economy* 38: 215–34.
- Bridges Across Borders Southeast Asia (BABSEA). 2010. *Bittersweet: A briefing paper on industrial sugar production, trade and human rights in Cambodia*. Phnom Penh: BABSEA.
- Bromley, D.W. 2009. Formalising property relations in the developing world: The wrong prescription for the wrong malady. *Land Use Policy* 26: 20–27.
- Bugalski, N. 2012. *A human rights approach to development of Cambodia's land sector*. Phnom Penh: Bridges Across Borders Cambodia/Equitable Cambodia and Heinrich Böll Stiftung Cambodia.
- Bugalski, N., and D. Pred. 2010. Formalizing inequality: Land titling in Cambodia. Land Research Action Network (LRAN). [http://www.acciontierra.org/IMG/pdf/LRAN-9\\_Formalizing\\_Inequality.pdf](http://www.acciontierra.org/IMG/pdf/LRAN-9_Formalizing_Inequality.pdf).
- Cambodia Daily. 2012. Ethnic minorities risk more than just land. 6 December.
- Cambodia Daily. 2013a. Arrests of land rights activists doubled in 2012. 24 January.
- Cambodia Daily. 2013b. Hun Sen to cease delivering land titles. 29 January.
- Cambodia Daily. 2013c. National program dropped communal titles. 6 February.
- Center on Housing Rights and Evictions (COHRE). 2009. Request for Inspection by World Bank Inspection Panel (letter). September 4. <http://go.worldbank.org/IUTVJ7CXG0>.
- Chan, S., S. Tep, and A. Sarthi. 2001. Land tenure in Cambodia: A data update. CDRI Working Paper 19, Phnom Penh.
- Chandler, D. 1993. *The tragedy of Cambodian history: Politics, war, and revolution since 1945*. New Haven and London: Yale University Press.
- Clark, C., J. Fox, and K. Treakle. 2003. *Demanding accountability: Civil society claims and the World Bank inspection panel*. USA: Rowman and Littlefield.
- Clean Sugar Campaign. <http://www.boycottbloodsugar.net/> (accessed September 2012).
- CLUP map. 2006.: Chi Kha Leu Commune, '[Village Scale] Commune Land Use Planning map.' From anonymous source, Phnom Penh.
- Cock, A. 2010. External actors and the relative autonomy of the ruling elite in post-UNTAC Cambodia. *Journal of Southeast Asian Studies* 41: 241–265.
- Cotula, L., S. Vermeulen, R. Leonard, and J. Keeley. 2009. *Land grab or development opportunity?. Agricultural investment and international land deals in Africa*. London and Rome: IIED, FAO and IFAD.

- Council for Land Policy. 2002. *Interim paper on strategy of land policy framework*. Phnom Penh: Supreme Council of State Reform, Royal Government of Cambodia.
- Danish Church Aid. 2011. *Stolen land, stolen future: A report on land grabbing in Cambodia and Honduras*. Copenhagen: Danish Church Aid.
- Deininger, K., H. Selod, and A. Burns. 2012. *The land governance assistance framework: Identifying and monitoring good practice in the land sector*. Washington, DC: The World Bank.
- De Soto, H. 2000. *The mystery of Capital*. New York: Basic Books.
- Diouf, J. 2008. The food crisis and the wrong solutions. In *Kommunikation Global/Global Perspectives*, October 2008. The Bumpy Road to Accra. [www.global-perspectives.info](http://www.global-perspectives.info).
- Dwyer, M. 2013. Building the politics machine: Tools for 'resolving' the global land grab. *Development and Change* 44, no. 2: 309–333.
- FAO, IFAD, UNCTAD and the World Bank Group. 2010. Principles for responsible agricultural investment that respects rights, livelihoods and resources (extended version): A discussion note prepared by FAO, IFAD, UNCTAD and the World Bank Group to contribute to an ongoing global dialogue. 25 January.
- Ferguson, J. 1994. *The anti-politics machine*. Minneapolis: University of Minnesota Press.
- Gottesman, E. 2003. *Cambodia after the Khmer Rouge: Inside the politics of nation building*. New Haven and London: Yale University Press.
- Grimsditch, M., and N. Henderson. 2009. Untitled: Tenure insecurity and inequality in the Cambodian land sector. Bridges Across Borders Southeast Asia, Centre on Housing Rights and Evictions, and Jesuit Refugee Service, Phnom Penh and Geneva.
- Grünberg, G., et al. 2012. *Land and equity: Challenges for land administration in Petén, Guatemala*. Guatemala City: World Bank.
- GTZ. 2006. *Overview of major legal categories of lands and waters in Cambodia*. Phnom Penh: GTZ.
- GTZ. 2007. Watershed Management Resource Kit, Module 1: Basics of Watershed Management, Technical Annex. [http://www2.gtz.de/snr/d/wmrk/1Basics/133TA\\_Legal\\_Categories\\_Land\\_and\\_Water\\_Cam.pdf](http://www2.gtz.de/snr/d/wmrk/1Basics/133TA_Legal_Categories_Land_and_Water_Cam.pdf).
- Hall, D., P. Hirsch, and T.M. Li. 2011. *Powers of exclusion: Land Dilemmas in Southeast Asia*. Honolulu: University of Hawai'i Press.
- Harvey, D. 1982. *The limits to capital*. Chicago: University of Chicago Press.
- Heinrich Bolle Foundation (HBF). 2011. Negotiations about development cooperation with Cambodia: Land crisis requires a political solution. 13 December. German language only; <http://www.boell.de/weltweit/asien/asien-landkrise-landgrabbing-kambodscha-13643.html>.
- Hirsch, P. 2011. Titling against grabbing?. Critiques and conundrums around land formalisation in Southeast Asia. Paper presented at International Conference on Global Land Grabbing, April 2011.
- HLPE. 2011. Land tenure and international investments in agriculture: A report by the High Level Panel of Experts on Food Security and Nutrition of the Committee on World Food Security, Rome.
- Hughes, C. 2007. Transnational networks, international organizations and political participation in Cambodia: Human rights, labour rights and common rights. *Democratization* 14: 834–52.
- Hughes, C. 2008. Cambodia in 2007: Development and dispossession. *Asian Survey* 48: 69–74.
- Hurtado, L., and L. Grandia. 2013. Multi-ethnic communal and collective forms of tenure in post-war Guatemala: Lessons from the Petén. Paper prepared for presentation at the Annual World Bank Conference on Land and Poverty, Washington, DC, April 8–11.
- Ironside, J. 2011. The competition for the communal lands of indigenous communities in Cambodia. Presentation at International Conference on Global Land Grabbing, April 2011.
- Johnson, S. 2012. Land administration in the developing world (website). <http://landadmin.co.uk/Projects.htm> (accessed January 2012).
- Koh Kong Plantation Company, Ltd. 2006. Land concession map for agro-industrial crop investment and sugar factory, Koh Kong International Resort Club Cambodia Company, Sre Ambil, Thmar Bang and Botom Sakor district, Koh Kong province.
- Koh Kong Sugar Industry Company, Ltd. 2006. Land concession map for agro-industrial crop investment and sugar factory, Duty-free Shop, Sre Ambil, Koh Kong province.
- Land Administration Sub-Sector Program (LASSP). No date. Land is Life. Ministry of Land Management, Urban Planning and Construction, Royal Government of Cambodia. English version.

- Land Law. 2001. Royal Government of Cambodia, statute no. NS/RKM/0801/14, 13 August. English translation prepared by the Cambodian Ministry of Land Management, Urban Planning and Construction, supported by ADB TA 3577 and LMAP TA GTZ.
- Le Billon, P. 2000. The political ecology of transition in Cambodia 1989–1999: War, peace and forest exploitation. *Development and Change* 31: 785–805.
- Leon, R. d., T. Garcia, G. Kummel, L. Munden, S. Murday, and L. Pradela. 2013. Global Capital, Local Concessions: A Data-Driven Examination of Land Tenure Risk and Industrial Concessions in Emerging Market Economies: The Munden Project, prepared for the Rights and Resources Initiative.
- LICADHO. 2009. *Land grabbing and poverty in Cambodia: The myth of development*. Phnom Penh: LICADHO (Cambodian League for the Promotion and Defense of Human Rights).
- LICADHO. 2012. Carving up Cambodia: One concession at a time. LICADHO and the Cambodia Daily. <http://www.licadho-cambodia.org/land2012/>
- Marx, K. 1873 [1990]. *Capital volume I*. London: Penguin Books.
- Messerli, P., M. Giger, M.B. Dwyer, T. Breu, and S. Eckert. 2014. The geography of large-scale land acquisitions: Analysing socio-ecological patterns of target contexts in the global south. *Applied Geography* 53: 449–59.
- Milian, B. and L. Grandia. 2013. Inheriting inequality: Land administration and agrarian structure in Petén, Guatemala. Paper prepared for presentation at the Annual World Bank Conference on Land and Poverty, Washington DC, April 8–11.
- Milne, S. 2012. Chut Wutty: Tragic casualty of Cambodia's dirty war to save forests. New Mandala: <http://asiapacific.anu.edu.au/newmandala/2012/04/30/chut-wutty-tragic-casualty-of-cambodia%E2%80%99s-dirty-war-to-save-forests/>.
- Milne, S. 2014. Under the leopard's skin: Land commodification and the dilemmas of indigenous communal title in upland Cambodia. *Asia Pacific Viewpoint* 54, no. 3: 323–339.
- Ministry of Agriculture, Forestry and Fisheries (MAFF). No date. Company profile. <http://www.elc.maff.gov.kh/en/profile/17-kkg.html> (accessed mid-2011).
- Ministry of Planning and United Nations Development Programme (UNDP). 2007. Cambodia human development report: Expanding choices for rural people. Phnom Penh.
- Müller, F.-V. 2012. Commune-based land allocation for poverty reduction in Cambodia: Achievements and lessons learned from the project: Land Allocation for Social and Economic Development (LASED). Paper prepared for presentation at the Annual World Bank Conference on Land and Poverty, Washington DC, April 23–26.
- Neef, A., Touch, S. and Chienhthong, J. 2013. The politics and ethics of land concessions in rural Cambodia. *Journal of Agricultural and Environmental Ethics*. DOI 10.1007/s10806–013–9446-y.
- NGO Forum on Cambodia. 2008. Statistical analysis on land disputes in Cambodia. <http://www.ngoforum.org.kh/eng/enallpublication.php>.
- NGO Forum on Cambodia. 2009. Statistical analysis on land dispute occurring in Cambodia. <http://www.ngoforum.org.kh/eng/enallpublication.php>.
- NGO Forum on Cambodia. 2010. Statistical analysis on land disputes in Cambodia. <http://www.ngoforum.org.kh/eng/enallpublication.php>.
- O'Keefe, K. 2009. *Land is life: Land conflict interventions in Cambodia: a review of case studies and NGO perceptions*. Phnom Penh: NGO Forum.
- O'Leary, D. 2006. Independent Review of Transparency and Accountability Issues in the Systematic Land Titling Field Systems and Procedures of the Land Management Administration Project (LMAP) Adjudication Areas, February 2006. Cited in WBIP (2010, 49).
- Open Development Cambodia. Company profiles for 'Koh Kong Plantation Company Limited' and 'Koh Kong Sugar Company Limited'; <http://www.opendevdevelopmentcambodia.net/company-profiles/>.
- Phnom Penh Post. 2012a. Largest teak nursery in Cambodia. 4 July.
- Phnom Penh Post. 2012b. PM's land titling scheme full of ambiguity. 6 July.
- Pickardt, T., C. Graefen, and Y. Müller. 2013. Land registration supported by German development cooperation: Concepts and practical experiences. Paper prepared for presentation at the Annual World Bank Conference on Land and Poverty, Washington DC, April 8–11.
- Rabe, A. 2013. Directive 01BB in Ratanakiri Province, Cambodia: Issues and impacts of private land titling in indigenous communities. Produced in collaboration with the Ratanakiri Communal Land Titling Working Group, with translation funding provided by Welthungerhilfe. SVC, NTFP, HA, CLEC and WHH, Phnom Penh.

- Royal Government of Cambodia (RGC). 2007. Circular 02. On Measures against Illegal Holding of State Land. Phnom Penh, 26 February.
- Rulli, M. C., A. Savioli, and P. D'Odorico. 2013. Global land and water grabbing. *Proceedings of the National Academy of Sciences* 110 (3):892–897.
- Sar, S. 2010. Land Reform in Cambodia. FIG Congress Paper. [http://www.fig.net/pub/fig2010/papers/ts07j%5Cts07j\\_sovann\\_4633.pdf](http://www.fig.net/pub/fig2010/papers/ts07j%5Cts07j_sovann_4633.pdf)
- Schönweger, O., A. Heinimann, M. Epprecht, J. Lu, and Thalongsechanh. 2012. Concessions and leases in the Lao PDR: Taking stock of land investments. Bern and Vientiane: Centre for Development and Environment (CDE), Geographica Bernensia.
- Scoones, I., R. Hall, S. M. Borrás, B. White, and W. Wolford. 2013. The politics of evidence: methodologies for understanding the global land rush. *The Journal of Peasant Studies* 40 (3):469–483.
- Springer, S. 2011. Articulated neoliberalism: the specificity of patronage, kleptocracy, and violence in Cambodia's neoliberalization. *Environment and Planning A* 43: 2554–2570.
- Supreme National Economic Council (SNEC). 2007. *Report [on] land and human development in Cambodia*. Phnom Penh: SNEC (Royal Government of Cambodia).
- Un, K. and S. So. 2009. Politics of natural resource use in Cambodia. *Asian Affairs* 36: 123–38.
- Un, K. and S. So. 2011. Land rights in Cambodia: How neopatrimonial politics restricts land policy reform. *Pacific Affairs* 84: 289–308.
- United Nations Cambodia Office of the High Commissioner for Human Rights (UNCOHCHR). 2007. *Economic land concessions in Cambodia: A human rights perspective*. Phnom Penh: UNCOHCHR.
- USAID. 2011. Property Rights and Resource Governance profile – Cambodia. [http://usaidlandtenure.net/sites/default/files/country-profiles/full-reports/USAID\\_Land\\_Tenure\\_Cambodia\\_Profile.pdf](http://usaidlandtenure.net/sites/default/files/country-profiles/full-reports/USAID_Land_Tenure_Cambodia_Profile.pdf).
- World Bank. 2002. Project Appraisal Document, Land Management and Administration Project, Report No: 22869-KH, 29 January.
- World Bank. 2009. Management response to the request for an Inspection Panel review of the Cambodia Land Management and Administration Project. 2 November. <http://go.worldbank.org/IUTVJ7CXG0>.
- World Bank. 2010. *Rising global interest in farmland: Can it yield sustainable and equitable benefits?*. Washington, DC: The World Bank.
- World Bank. 2014. Projects and Operations page. [Lao PDR] Land Titling Project. <http://www.worldbank.org/projects/P004208/land-titling-project?lang=en>.
- World Bank Inspection Panel (WBIP). 2010. Investigation report: Cambodia: Land management and administration project (Credit No. 3650 – KH). Report No. 58016–KH. 23 November. <http://go.worldbank.org/IUTVJ7CXG0>.
- World Bank Inspection Panel (WBIP). No date. Case tracker, Cambodia: Land management and administration project. <http://go.worldbank.org/IUTVJ7CXG0>.
- World Food Program (WFP). No date. Food Security Atlas. Cambodia section > Natural Resources > Land. <http://www.foodsecurityatlas.org/khm/country/assets/physiographic>.

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