Land Tenure and Human Security during Post-Conflict Development

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The first person, who having enclosed a plot of land, took it into his head to say this is mine and found people simple enough to believe him, was the true founder of civil society. What crimes, wars, murders, what miseries and horror would the human race have been spared, had someone pulled up the stakes or filled in the ditch and cried out to his fellow men: “Do not listen to this imposter. You are lost if you forget the fruits of the earth belong to all and the earth to no one!” But it is quite likely that by then things had already reached the point where they could no longer continue as they were. For this idea of property, depending on many prior ideas which could only have arisen successively, was not formed all at once in the human mind.

Jean-Jacques Rousseau, 1755
Civil war, genocide, political instability, and endemic corruption have made an indelible mark on Cambodian society, and continue to shape how people respond to both opportunities and threats. Despite these challenges, the rural Cambodian villagers that I interviewed demonstrated a great deal of fortitude and integrity when discussing their country's turbulent past. Their engaging and inquisitive nature was a source of inspiration for me, increasing my determination to learn more about the challenges facing human development in post-conflict countries. For these reasons, I feel it is important that I first acknowledge the hundreds of villagers who took the time to answer my questions, and who shared with me such personal and emotive stories.

I am also indebted to those who contributed both professionally and personally to the completion of this thesis. I feel honoured by the unconditional support I have received from my friend and supervisor Brent Hall. His guidance and enduring generosity were essential to the completion of this thesis. I am grateful to my supervisor David Goodwin for his support over the past four years. David's understanding of conflict, land tenure, and the challenges facing developing countries proved invaluable. I am also appreciative of the assistance provided by School of Surveying staff, particularly Paul Denys who has worked to establish a supportive environment for PhD students in the School of Surveying.

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I have also benefited greatly from interaction with my fellow PhD candidates at the University of Otago. I am especially grateful to Jeremy Ironside for sharing his years of experience working and living in Cambodia, Robert Wayumba for engaging me in countless hours of debate on the perils of recent land tenure interventions, and my office mate Judy Rodda for her friendship during my years in Dunedin.

Most importantly I would like to acknowledge my family, without whom this thesis would not have been possible. My partner Emily Nichol provided me with the love, support, and guidance that was critical to my mental and emotional well-being throughout my time in Dunedin. I would have been lost without her. As always, my parents Gillian and Alun Joseph deserve credit for any good that comes from my work. They have been the inspiration, guides, and financiers of so many great adventures, and continue to inspire me to take the road less travelled.

This research was carried out under University of Otago Human Ethics Approval 09/176 and 11/031, and was funded by the School of Surveying.
Despite a growing acceptance of the urgent and unique development needs of post-conflict societies, there remains a general lack of research on how these needs can be addressed through the process of land tenure reform. The lack of consideration for the broader impacts of post-conflict land tenure arrangements on the well-being of individuals has resulted in the formation of conceptual and practical gaps between the role of tenure reform, the normative understanding of development, and the principles of sustainability. As the concept of sustainable development continues to gain prominence in both policy and research, the need to address these gaps becomes increasingly important.

This thesis addresses the conceptual and practical separation that exists between land tenure reform in post-conflict societies and the processes required to achieve sustainable human development. Specifically, the thesis identifies significant characteristics of rural land tenure in post-conflict Cambodia and examines their relationships with various dimensions of human security.

In order to meet the research objectives, and overcome the challenges faced by complexity, contextual relevance, and data reliability, the thesis utilises a range of qualitative and quantitative data drawn from primary and secondary sources. First, the research establishes four contrasting development environments in Cambodia based on the levels of exposure to past conflict and recent land tenure reform intervention. Next, each of these environments is linked to two rural villages using a variety of geographic information system (GIS) techniques. A field study was conducted in each of the selected villages to capture a range of primary data regarding the land tenure regime and human security that currently characterise the rural villagers.

An analysis of primary data is reported in two phases. The first phase presents a contextual analysis that uses an exploratory technique to analyse the social, political, economic, and physical contexts of Cambodia. The second phase utilises a series of
statistical methods in order to identify more specifically how the human security of rural Cambodians may have been affected by exposure to conflict and land tenure reform.

The results of the analysis show that, despite evidence of an overall improvement to the strength of human security following a high exposure to land tenure reform, rural Cambodians may not have experienced significant improvements in their physical or psychological security. Endemic corruption, a dysfunctional political system, and excessive levels of household debt contribute to the continued vulnerability of the rural communities examined in the research. These findings suggest that the benefits of land tenure reform are even narrower than has typically been proposed, and international development resources may be of better use in other areas, at least during the early stages of post-conflict development.
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<th>Full Form</th>
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<tr>
<td>AC</td>
<td>Administrative Commission</td>
</tr>
<tr>
<td>CHS</td>
<td>The Commission on Human Security</td>
</tr>
<tr>
<td>CIA</td>
<td>United States Central Intelligence Agency</td>
</tr>
<tr>
<td>CPK</td>
<td>Communist Party of Kampuchea</td>
</tr>
<tr>
<td>CPP</td>
<td>Cambodia People's Party</td>
</tr>
<tr>
<td>DC-Cam</td>
<td>Document Centre of Cambodia</td>
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<tr>
<td>DCA</td>
<td>Development Credit Agreement</td>
</tr>
<tr>
<td>DKCC</td>
<td>District/Krom Cadastral Commission</td>
</tr>
<tr>
<td>ELC</td>
<td>Economic land concessions</td>
</tr>
<tr>
<td>ERM</td>
<td>Enhanced Review Mission</td>
</tr>
<tr>
<td>FAO</td>
<td>Food and Agricultural Organisation of the United Nations</td>
</tr>
<tr>
<td>FIG</td>
<td>Fédération Internationale des Géomètres (International Federation of Surveyors)</td>
</tr>
<tr>
<td>FSD</td>
<td>Fondation Suisse de Déminage (Swiss Foundation for Mine Action)</td>
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<tr>
<td>FUNCINPEC</td>
<td>Front Uni National pour un Cambodge Indépendant, Neutre, Pacifique, et Coopératif (National United Front for an Independent, Peaceful, Neutral, and Cooperative Cambodia)</td>
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<tr>
<td>GIS</td>
<td>Geographic information system</td>
</tr>
<tr>
<td>GIZ</td>
<td>Deutsche Gesellschaft für Internationale Zusammenarbeit (German Agency for International Cooperation)</td>
</tr>
<tr>
<td>GTZ</td>
<td>Deutsche Gesellschaft für Technische Zusammenarbeit (German Agency for Technical Cooperation)</td>
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<tr>
<td>HDI</td>
<td>Human Development Index</td>
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<td>ICSID</td>
<td>International Centre for Settlement of Investment Disputes</td>
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<td>UNHCR</td>
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<td>United Nations Transition Authority in Cambodia</td>
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<td>USSR</td>
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<tr>
<td>UXO</td>
<td>Unexploded ordnance</td>
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<td>WCED</td>
<td>World Commission on Environment and Development</td>
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<td>WWII</td>
<td>World War Two</td>
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### List of Statistical Abbreviations and Symbols

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<td>Analysis of variance</td>
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<td>A standardised score</td>
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Chapter 1

Introduction

Previous evaluations of land tenure and its role in sustainable development have typically relied on the use of an evaluation framework based on economics and focused on the ability of land markets to achieve narrowly defined development aims and objectives. However, the potential contributions of land tenure to human development are in reality much broader. As tenure arrangements incorporate a diverse range of human relationships, identifying and interpreting the outcomes of tenure require a much broader and more versatile approach.

This chapter first introduces the background to the research presented in this thesis. It then discusses the thesis rationale, its goal and objectives, the approach used, the thesis scope, limitations, and choice of study area. The chapter concludes with an outline of the structure of the thesis document.

1.1 Background

Over the past 20 years the process of human development has undergone a significant transformation, evolving beyond a focus on modernisation and aggregate improvements in economic growth to provide greater consideration for the general well-being of individuals. The international development community has recognised the significance of this transformation and embraced the idea that enhancing the freedom of individuals and groups should be a fundamental aim of the development process (Picciotto, 2004). No longer is transforming a simple, low-income economy into a modern, high-income economy seen as meeting development needs. Rather, development is increasingly being framed as a “multi-dimensional and multi-sectoral process, involving social, economic and political change aimed at improving people's lives” (Alkire & Deneulin, 2009, p. 4).
At the same time, emphasis in development discourse is now being placed on the need for sustainable development, especially in the era following the release of the report of the United Nations' World Commission on Environment and Development (WCED, 1987), more commonly known as the Brundtland Report. Drawing on the recommendations in this report, development policies have increasingly sought to harmonise a variety of changes that enhance current and future human needs and aspirations. Hence, the concept of sustainable human development has become an effective way of acknowledging the common ground between economic, social, and environmental concerns, and the need for a coherent approach to their resolution (Baker, 2006). Maintaining policy coherence between different aspects of development helps to avoid contradictions or limitations, and may increase the effectiveness of an already stretched pool of resources (Dalal-Clayton & Bass, 2002; Martin, 2009). Given that land is a finite resource for all countries, and it is fundamentally important in maintaining human well-being, land use and land management are centrally important to the goal of sustainable development.

As a basic component of land administration and land management systems, land tenure is an important consideration for human development since it can affect the social and economic stability of societies (Clover & Eriksen, 2009; UNECA, 2003; van der Molen & Österberg, 1999). Land tenure represents the relationships among people, as individuals or groups, with respect to land (FAO, 2002). These relationships may be formal or informal, statutory or customary, and they are often poorly defined with ambiguities that are open to exploitation, conflict, and instability (Dale & McLaughlin, 1999; FAO, 2002). A tenure regime defined by statutes or laws comprises rules that define how property rights to land are allocated within a society. These rules dictate how land and its associated rights are to be used, controlled, and transferred, as well as the responsibilities and restrictions that are placed upon its occupants. Customary rules can also exert a great deal of influence over a land tenure system, and in practice can be formal and secure in their own context (FAO, 2002; Toulmin & Quan, 2000). Furthermore, given that land tenure is essentially a social phenomenon comprising rules designed to regulate behaviour, the social implications of change are relevant to human development. Hence, reforming or changing these relationships is likely to have a variable impact on people's lives (FAO, 2002).
Although international development policies increasingly seek to provide a multifaceted approach to improving opportunities for greater overall well-being within societies, the implementation and evaluation of approaches to land tenure reform have typically remained focused on achieving primarily economic gains. While tenure reforms also maintain the goals of social and environmental sustainability, these are often a secondary focus or are left to other development agendas that emphasise environmental or social objectives (Barnes, 2003). Instead, most interventions are based on the belief that, in order to create an environment conducive to development, governments must first achieve improved access for citizens to formal credit and higher land values, which will in turn create higher rates of investment in land and increases in income. Although these outcomes may sometimes help to address income-based poverty, the social and equity impacts of tenure reform require different considerations (Deininger & Jin, 2006; Feder & Nishio, 1998; Gavian & Fafchamps, 1996; Smith, 2004). In this context, predominantly neoliberal conceptualisations of the relationship between land tenure reform and development may fail to recognise and incorporate more subtle yet important aspects of the interplay between people, land, and sustainable development. This failure can only be understood and remedied if methods of assessing the complex relationships between land tenure and development are explored in a manner inclusive of more complex outcomes, including increased security for individuals.

Whereas the traditional conceptualisation of security is often associated with a military component and a pivotal role for the state, the changing power structures that have emerged since the end of the Cold War have prompted a debate over the changing nature of security (Buzan, Wæver, & Wilde, 1998). This in turn has provided additional impetus for governments, policy communities, and civil society groups to expand their understanding of what constitutes a threat to global and national security and how such threats can be reduced along the path to social and economic development (Emmers & Caballero-Anthony, 2006). In countries where threats to security have been manifest in armed struggle, attention in the post-conflict era has turned to re-examining the objectives of development. Hence, a human security framework that addresses a wide range of threats to, and the needs of, sustainable human development, particularly in a post-conflict context, is an important component of an overall human development
strategy. Within such a strategy, assessments of human security must be able to look beyond statistical indicators showing the occurrence of disease, disability, or income to examine the nature of vulnerability and facilitate the expansion of people's capabilities (Anand & Sen, 1997; Gasper, 2007; Webb, 2000).

1.2 Rationale for the Thesis

Examining the interface between land tenure and human security in post-conflict societies may help to reveal ways in which tenure reform can contribute to establishing a secure foundation for broad-based and sustainable human development. Existing efforts to improve human security are premised on the understanding that, in order for the development process to be effective, efforts must first be made to protect the vital core of all human lives from critical and pervasive threats in ways that enhance human freedoms and fulfilment (CHS, 2003). In this context, a functional human security framework must be developed to allow exploration of the underlying conditions or factors that provide people with constructive coping mechanisms to deal with threats to their general well-being (Leaning & Arie, 2000).

By achieving a better understanding of the human security implications of land tenure change, opportunities can be revealed where the process of reform will make a more coherent contribution toward broader human development goals in line with the principles of sustainable development. In this context, the concept of sustainable development requires that the utility of an intervention be understood in terms of its potential to meet human needs and aspirations both now and in the future. If development goals become compartmentalised and isolated from each other there is the potential for unforeseen adverse effects, which may undermine the overall development process. Hence, land tenure reforms must take place in the context of policies that seek to manage and protect the necessary resource base for economic and social development to occur (UNDP, 2005).

Experience has shown that land tenure analysis should be undertaken at an early stage in the design of development projects to ensure that existing land rights are made secure, and that the potential for future conflicts over land is reduced (FAO, 2002). However, despite a significant investment by governments and donor organisations to
achieve reform in land administration and management, there remains a lack of understanding about the actual impact of these reforms (Burns, 2007). This may be due, in part, to the fact that the primary subject and objectives of tenure reform have, in most cases, been limited to economic indicators that seek to facilitate the development of a land market (Barnes, 2003; Dale, 2000; Mitchell, Clarke, & Baxter, 2008). As noted earlier, the progress of reforms toward meeting development objectives has been measured largely in terms of the increased economic opportunity for individuals and the achievement of national economic gains. Though such outcomes may address the contributions tenure reform can make toward improving the long-term economic opportunities for a country, they also risk ignoring unintentional outcomes that may affect broader development needs, both now and across generations (Clover & Eriksen, 2009; de Soto, 2000; Deininger, 2003). This is especially true for societies recovering from a prolonged period of violent conflict where citizens remain vulnerable to social, economic, or political instability (Unruh, 2004).

Despite a growing acceptance of the urgent and unique development needs of post-conflict societies, there remains a general lack of research on how these needs can be addressed through the process of land tenure reform (Picciotto, 2004; Stewart, 2004). For example, Unruh (2004) stated that:

> While land access or re-access constitute the more problematic and volatile facets of societal relations during and subsequent to armed conflict, important operative aspects of land tenure during a peace process remain unexamined, and there exists a lack of theoretical and applied tools to address tenurial issues in the context of postwar social relations (p. 352).

The normative model for land tenure assessment generally fails to address issues surrounding the differential impacts among groups within a country and the conflicts that may result from the relative strength and effectiveness of a particular tenure regime (Augustinus & Barry, 2006; Barry & Fourie, 2002; Daudelin, 2003). Equating the advancement of land tenure with economic growth is an inadequate characterisation of what constitutes progress in terms of people's overall well-being as the process of development is considerably more complex (Annan, 2005; CHS, 2003; Haq, 1995; Stewart, 2004). For instance, over the last two decades, academic literature has paid increasing attention to the contribution that institutions, governance, and social capital
can make toward establishing a solid foundation for the achievement of sustainable development. Hence, examining the overlaps between the social, cultural, and economic aspects is essential in both policy and research (Lehtonen, 2004; Robèrt et al., 2002). As a result of this, greater emphasis is now placed on individuals as the intended beneficiaries of interventions by key development organisations (such as the United Nations Development Programme (UNDP)), and the term development is now prefaced with the word “human” to form the clause “human development.” Furthermore, policies increasingly seek to accommodate the need for sustainability and require that “the exploitation of resources, the direction of investment, the orientation of technological development, and institutional change are all in harmony and enhance both current and future potential to meet human needs and aspirations” (WCED, 1987, p. 46).

The lack of consideration for the broader impacts of post-conflict land tenure arrangements on the well-being of individuals has resulted in the formation of conceptual and practical gaps between the role of tenure reform, the normative understanding of development, and principles of sustainability. As the concept of sustainable development continues to gain prominence in both policy and research, the need to address such gaps becomes increasingly important (White & Lee, 2009). In this thesis, the creation of a comprehensive conceptual framework to investigate this need reveals the extent to which land tenure reform can empower individuals to reach their full potential while providing protection from threats to their overall well-being.

In support of an approach centred on individual well-being, Leaning and Arie (2000) argued that “human security must be attained prior to and as pre-condition for the successful implementation of a human development strategy” (p. 12). Hence, a minimum level of security is required for human development to be possible and sustainable, as both the long-term and short-term success of development interventions rely on the ability of individuals and groups to participate in opportunities and maintain their freedom from threats. If land tenure reform and human development are divided in their contributions to post-conflict recovery, significant opportunities for improving the lives of people recovering from conflict may not be realised.
1.3 Thesis Goal and Objectives

Consistent with the above rationale, the over-arching goal of this thesis is to understand better the conceptual and practical separation that exists between land tenure reform in post-conflict societies and the processes required to achieve sustainable human development. This goal is achieved by assessing the characteristics of rural land tenure in post-conflict Cambodia and examining their relationships with various dimensions of human security. Four specific research objectives stem from this goal, namely:

i. To establish a comprehensive conceptual framework that allows potential incongruencies to be identified between the normative approach to land tenure reform and sustainable human development;

ii. Within this framework, to design and implement a research methodology that is able to identify characteristics of rural land tenure that demonstrably affect human security in a post-conflict environment;

iii. Using this methodology, to evaluate relationships that exist between different land tenure regimes and human security; and

iv. From this evaluation, to clarify the utility of these regimes relative to the development needs of a post-conflict society.

1.4 Research Approach

Research of this nature faces three major challenges. First, human development is a highly complex concept, which carries implications for how policies are represented and translated into effective decision-making (Munda, 2004). The relevant aspects of this concept cannot be captured using a single perspective (Funtowicz, Martinez-Alíer, & Munda, 1999). Rather, an approach is required that can integrate a range of concepts and associated data sources, including the knowledge and experience of stakeholders.

Second, conditions necessary for sustainable human development to occur are often highly contextual (Chambers, 2006; Mkandawire, 2001). Despite some common fundamental freedoms associated with human security, what constitutes a basic set of needs for individuals in one society may not be the same for those living in another.
Similarly, threats may also be unique to the social, economic, physical, or temporal circumstances in which they originate. This creates an additional layer of complexity for research that seeks to compare opportunities and threats when there may be fundamental contextual differences in terms of experience, present needs, and future expectations.

Third, the collection and analysis of primary data are often problematic in the aftermath of a prolonged and violent conflict (Lundy & McGovern, 2006). Under ideal research conditions, information should be precise, certain, exhaustive and unequivocal. However, in “real-world situations, it is often necessary to use information which lacks these characteristics” (Munda, 2008, p. 136). In Cambodia, the Khmer Rouge regime that controlled the country from 1975 to 1979 destroyed all government records and official documents, including those pertaining to land. Under such circumstances, traditional sources of secondary data may have significant gaps or inconsistencies, making it difficult to construct a complete picture of the situation on the front-lines of a development intervention (Vickery, 1990). Furthermore, competing interests for control of knowledge resources are also likely to influence the availability or credibility of data (Hammersley, 2000). These problems are similar to other areas of social science which seek to provide credible answers to urgent and complex social problems in the face of uncertain facts and disputes over values. Funtowicz and Ravetz (1991) described such problems as “post-normal” science, where the traditional relationships between hard facts and soft values is inverted, resulting in decisions that are “hard in every sense, and for which the scientific inputs are irremediably soft” (p. 138).

Consideration is also given in this thesis of the extent to which the approach adopted can be related to existing assessments of development. For example, a potential benefit of taking a combined qualitative/quantitative approach to data collection and analysis is the similarity it holds with evaluative processes already being employed by key international development agencies, such as the UNDP and the World Bank. It is clearly of benefit to the progress of sustainable human development to contribute knowledge which is both practically and theoretically compatible with predominant systems of evaluation, especially given the complexity of the problems facing post-conflict countries such as Cambodia.

In order to meet the goal and objectives of the thesis and overcome the challenges
faced by complexity, contextual relevance, and data reliability, the research used a range of qualitative and quantitative data drawn from primary and secondary sources. First, the research established four contrasting development environments in Cambodia based on the levels of exposure to past conflict and recent land tenure reform intervention. Next, each of these environments was linked to two rural villages using a variety of geographic information system (GIS) techniques. A field study was then conducted in each of the selected villages to capture a range of primary data regarding the land tenure regime and human security that currently characterise the rural villagers.

Sixty households from each village were randomly selected for interview. Data were obtained on exposure to conflict, the current land tenure regime, and the perceived levels of human security. Key informant interviews were also carried out to provide more detailed data, to identify information gaps in the questionnaire, and to allow villagers to tell stories about their experiences in dealing with conflict and land tenure change.

An analysis of the resulting data revealed how human security differs between the four contrasting development environments in post-conflict Cambodia. Using the results of this analysis, the thesis demonstrates the existence of significantly different levels of human security across the development environments. Given the nature of these differences, and using the supporting evidence provided by key informants, several conclusions are drawn about the human outcomes of land tenure reform and how these outcomes compare with expectations expressed in the literature.

1.5 Scope, Limitations, and Choice of Cases

When dealing with complex issues, it is possible either to adopt a reductionist approach, tackling only one dimension of the problem at a time, or to attempt to address complexity at once. Munda (2004) suggested that either approach will yield only a sub-set of the possible representations of an issue. Thus, it is important to note that the intention of this thesis is not to explain completely the impact land tenure reform can have on a society, but to examine its potential impact based on the proposition that a greater degree of human security will provide a foundation upon which to pursue sustainable human development in post-conflict countries such as Cambodia.
The choice of Cambodia as a case study for this research was based on three factors, namely (i) its turbulent and conflict ridden recent past, (ii) its relative level of accessibility, and (iii) the progress that has been made in implementing post-conflict land tenure reforms, including the process of land title registration. The design and stated intent of the reforms typify a neoliberal approach to land tenure reform, where the World Bank has led a process specifically designed to “improve land tenure security and promote the development of efficient land markets” (World Bank, 2002, p. 2). Here, success has been described not in terms of qualitative improvement in the lives of Cambodians, but rather by a reduction in the number of conflicts over land (formal disputes and instances of land grabbing), increased levels of agricultural productivity, greater access to credit, higher investment in the property sector, increases in the number of land transactions, and the amount of taxes and fees collected (World Bank, 2002). These indicators suggest the potential for aggregate economic improvements, but fall short of demonstrating the extent to which reforms contribute toward the broader and more complex needs of Cambodians, especially as far as personal freedoms are concerned.

The availability of time and resources also shaped the approach taken in the research. Though many of the practical and conceptual contributions of the thesis are applicable beyond the study area, the relationship between land tenure and human security is only tested across a limited area and subset of the population within rural Cambodia.

1.6 Thesis Outline

The thesis is divided into five parts, namely (i) the conceptual framework, (ii) the research environment, (iii) the research design, (iv) the results and discussion, and (v) conclusions. The conceptual framework includes Chapters 2 and 3, which review and synthesize the concepts fundamental to the research, including development, human security, and land tenure. Chapter 4 presents a brief history of conflict and land tenure regime change in Cambodia. The research methods are presented in Chapters 5, and the results of the analysis are presented and discussed in Chapters 6 and 7. The thesis concludes in Chapter 8 with a summary of the findings and directions for future research.
Chapter 2

Security and Development

This chapter reviews relevant literature on human security in order to demonstrate its place within development studies. Development studies represents a multidisciplinary approach to identifying and addressing issues that concern countries with a relatively low standard of living, extensive poverty, and widespread inequality. Examining land tenure reform from the perspective of development studies takes into account a wide range of critical human needs, many of which remain neglected in the land tenure literature.

The first part of this chapter discusses development policy trends that have emerged since the end of World War Two (WWII). The second part helps to clarify what sustainability means in the context of post-conflict development and identifies examples of its misrepresentation within development studies. The third part discusses the concept of human security and its contribution to sustainable development. Based on this discussion, the fourth part presents a framework to aid in the assessment of post-conflict human security.

2.1 Defining Development

Although land tenure reform is often identified in the literature as being an essential component of sustainable development, its place within a broader set of development processes is rarely considered in detail. Since land tenure reforms continue to focus primarily on the modernisation of land administration systems and the development of land markets, the human outcomes that are important to achieving the goal of sustainable development remain, at most, a secondary concern. Hence, recent efforts to reform land tenure have become increasingly isolated, both conceptually and functionally, from broader development objectives.
In order to establish a conceptual basis for discussing the growing isolation of land tenure reform from the broader goals of sustainable development, this section discusses three different development paradigms, namely modernisation, neoliberalism, and the capabilities approach. These “paradigms” represent a coherent set of beliefs or assumptions that have guided the design and implementation of research and policy (Willis, 2007). Thus, the term “paradigm shift” implies the adoption of a new set of assumptions that takes research and policy in new directions.

Two broad paradigm shifts are apparent in development discourse and are of particular relevance to the thesis goal, namely a move “away from the concern to maximise economic growth towards enhanced freedoms of individuals and groups, and... away from the traditional concern with the security of states towards the security of individuals and groups” (Picciotto, 2004, p. 543). These changes have resulted in a re-examination of existing development policies in order to formulate more appropriate responses to the problems facing developing countries, particularly those emerging from a period of conflict.

This section also explains how modernisation, neoliberalism, and the capabilities approach each encourage substantially different responses to development problems. This explanation links the normative principles that underlie their associated policies and interventions with known human outcomes. The term “policy” is used here to represent the plans for changing the social, economic, or physical conditions in a particular place, and the term “intervention” is used to represent the actions of a state or non-state entity in influencing change. Whereas it is usually assumed that such change has the potential to benefit all citizens of developing countries, experience has shown that the actual outcomes may vary significantly between and within societies.

**Characterising development outcomes**

Differences between development policies can be described in terms of the subject of development (what is going to improve) and the objectives of development (what improvements look like). These are the fundamental dimensions of any development policy and should be defined as clearly and concisely as possible. It is also imperative that overlapping or parallel development policies be mutually supportive. The implementation of incoherent or contradictory policies risks undermining the potential
for improvement or even exacerbating existing problems (Picciotto, 2004). Furthermore, where the subject or objectives of policies are poorly defined or ambiguous, the success of those policies may be difficult to determine.

To a certain extent, the problem of ambiguity in defining development objectives can also be attributed to the inconsistent interpretation and frequent misrepresentation of the term itself (Gasper, 2005, 2007). Underlying this problem is the fact that the term “development” has become ubiquitous in daily language and is used to describe the improvement to, or progressive change of, nearly anything (Gasper, 2004). In order to help address this problem, Table 2.1 contains four common applications of the term “development” that can be used to deconstruct development policies. Following the example outlined by Gasper (2004), development policies can be broadly divided between those promoting structural changes expected to result in long-term and widespread improvements to social or economic systems (Table 2.1a), or normative changes expected to alter the behaviour and ambitions of citizens (Table 2.1b).

**Table 2.1**

*Applications of the Term Development*

<table>
<thead>
<tr>
<th>Type</th>
<th>Application</th>
<th>Example</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Structural</td>
<td>Development as fundamental change</td>
<td>New electoral system</td>
</tr>
<tr>
<td></td>
<td>Development as action</td>
<td>Distribution of food</td>
</tr>
<tr>
<td>(b) Normative</td>
<td>Development as improvement or good outcome</td>
<td>Increased life satisfaction</td>
</tr>
<tr>
<td></td>
<td>Development as the platform for improvement</td>
<td>Gender equality</td>
</tr>
</tbody>
</table>

*Note.* Adapted from Gasper (2004, p. 28).

Achieving an understanding of structural versus normative changes is essential to understanding processes of development as well as interpreting their outcomes. Whereas the implementation of a fundamental change or action often implies a value-neutral approach, the improvements are likely to be normative (or ethical) in so much as they are based on value judgements that describe how groups ought to behave in order to achieve those improvements (Gasper, 2004). Hence, while human responses to structural change may be more easily anticipated, the outcomes of normative change
are more complex, and thus difficult to decipher. One reason for this is that normative changes are often not an explicit part of development policies. For instance, ethnocentric policies often assume that what has benefited one society will benefit all societies, suggesting the universality of a particular set of norms. Thus, it is possible for policy makers to pursue improvements through a combination of both structural and normative changes that simultaneously alter people's priorities, expectations, and their ability to function. In practice, the merging of structural and normative change is quite common and can easily result in vague or misrepresented sets of objectives, as well as diverse and complex social outcomes. Examples include policies designed to introduce democracy to an authoritarian state or those that seek to reduce the income gap between the rich and poor segments of a population. In each case, the changes or actions that comprise the structural components of an intervention depend on an underlying development philosophy that characterises progress in a particular way and prescribes what ought to be done to achieve it.

Hence, the idea of “progress” is itself a normative principle that has historically been defined as requiring a specific set of social, institutional, and technological advancements (Rostow, 1960). This definition is now increasingly being interpreted as including a broader set of improvements to human well-being (Alkire & Deneulin, 2009). Whereas easily verifiable measures of income, expenditure, or consumption can only provide a limited picture of the development environment, more subjective measures of well-being are believed to capture better the cognitive responses and affective reactions of those affected by change (Diener, 2009; Graham, 2007).

Over the past 20 years the idea of focusing more on individual well-being has gained currency within the development community. For example, in the “Report by the Commission on the Measurement of Economic Performance and Social Progress,” Stiglitz et al. (2009) highlighted the need for policy-makers to place greater emphasis on the importance of well-being, arguing that “measures of subjective well-being provide key information about people's quality of life. Statistical offices should incorporate questions to capture people's life evaluations, hedonistic experiences and priorities in their own surveys” (p. 58). The move to integrate measures of well-being with more traditional statistical data is representative of the growing desire to make fundamental
changes to both the process and the desired outcomes of development.

The following sections build upon the above understanding by discussing the application of modernisation, neoliberalism, and the capabilities approach, each of which has come to embody a development paradigm. Differences in such paradigms have also resulted in varied interpretations of the appropriate subject and objectives of development policies. These variations have sometimes produced incoherent and even contradictory responses to development problems, producing outcomes that do not always favour improvements to human well-being.

### 2.1.1 Modernisation

As a theoretical basis for development, modernisation theory has proven especially detrimental to the long-term improvement of non-Western societies. This is particularly evident among the former colonies of Asia and Africa. Modernisation has not only failed to produce positive and sustainable outcomes within these societies, but it has also often been harmful to the overall well-being of those it professes to help (McCaskill & Rutherford, 2005). Modernisation refers broadly to a model of evolutionary transition where “less developed societies acquire characteristics common to more developed societies” (Lerner, 1968, p. 386). Although this approach is now widely rejected by mainstream development scholars, several of its underlying principles remain embedded in some sectors of development and must be addressed (Berger, 2004; Willis, 2005).

This section outlines the principles of modernisation theory and explains how they have been generally detrimental to, rather than supportive of, development. It also helps to distinguish between two fundamentally different approaches to post-conflict recovery that are often confused by modernists, namely those approaches that pursue reconstruction and those that pursue development. Whereas reconstruction seeks simply to restore and to improve upon pre-conflict infrastructure, development invariably requires a much greater degree of attention to detail in order to integrate new infrastructure with prevailing social, economic, and political systems. Confusing the two approaches, or simply ignoring the significance of their differences, has been a hallmark of past and present applications of modernisation-based development policies.
Background to modernisation theory

Modernisation theory came to dominate development discourse beginning in the late 1950s, most notably through the work of American sociologists Talcot Parsons (Parsons & Smelser, 1956; Parsons, 1960, 1966) and Edward Shils (Parsons & Shils, 1951; Shils, 1960), as well as economist Walter Rostow (Rostow, 1952, 1960). Their support for the comprehensive economic and social modernisation of developing societies had a significant influence on both Western academic discourse and foreign policy throughout the latter part of the 20th century. Both typically focused their attention on the development needs of the state, while largely ignoring the varying needs of individuals or groups within a country. The modernist proposition for development was premised on the belief that, for developing countries to experience the stability and affluence achieved by more modern countries (most notably the United States (US)), they had to adopt Western rationality that was centred on greater efficiency and increasing productivity. For example, Shils (1960) argued that being “‘modern' means being Western without the onus of dependence on the West. The model of modernity is a picture of the West detached in some way from its geographical origins and locus” (pp. 266-267).

Early advocates of modernisation theory argued that traditional or customary practices had made many societies stagnant, holding them back from realising their true potential. The idea of “true potential” was drawn from an idealised image of an American society that portrayed a perfect balance between personal freedoms and social and economic stability. In this regard, early advocates of modernisation were explicit in their intentions to “Americanise” completely the economic, social, and political structures of the developing world. For example, Berger (2004) noted that “ultimately, modernisation theory privileged an evolutionary conception of political change and development grounded in a romanticized vision of the history of the United States of America” (p. 89). However, by the late 1960s this view changed slightly, with supporters of modernisation proposing that all countries were more or less advancing along the same continuum leading toward modernity, albeit at different rates of change (McClelland, 1967; Rostow, 1960).

In 1960, Rostow published “The Stages of Economic Growth: A Non-Communist Manifesto,” in which he attempted to outline the modernisation continuum. The optimal
2.1 DEFINING DEVELOPMENT

Stages of development according to Rostow’s definition are summarised in Table 2.2. Here, five steps lead a country on the path to modernity. By implementing a variety of policies in support of each step, it was suggested that countries would be transformed from an agricultural base, incorporating mainly traditional practices, into rational, industrial, and capitalist societies similar to that in place in the US.

Table 2.2
The Stages of Development According to Modernisation Theory

<table>
<thead>
<tr>
<th>Stage</th>
<th>Characteristics</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Traditional society</td>
<td>Traditional beliefs, limited production, and fatalism.</td>
</tr>
<tr>
<td>2. Pre-conditions for take-off</td>
<td>New attitudes to change, expanding population, and class divisions.</td>
</tr>
<tr>
<td>3. Take-off</td>
<td>Development of science, national spirit, and the growth of national savings.</td>
</tr>
<tr>
<td>4. Drive to maturity</td>
<td>Economic growth becomes normal and there is an apparent division of labour.</td>
</tr>
<tr>
<td>5. High mass consumption</td>
<td>Mass consumption and market capitalism become the norm.</td>
</tr>
</tbody>
</table>

Note. Adapted from Monnier (2009, p. 277) and Rostow (1960).

Evidence in support of this approach is drawn largely from the experiences of the US and its allies after World War Two (WWII, 1939-1945). As the end of the war drew near, the creation of forced displacement, bombing, genocide, and prolonged economic isolation resulted in a large number of fragile states, particularly among those that contained the main battlefields of Europe (Bordo & Eichengreen, 1993). Embattled governments sought to establish a new set of global development policies that guarded against a repeat of pre-WWII economic problems and promoted greater diplomacy and negotiation (Willis, 2005). In 1944, delegates from 44 Allied nations gathered in an area known as Bretton Woods, located in the US state of New Hampshire, in order to forge a plan to rebuild Europe after the war. The delegates successfully negotiated a new global system of commercial and financial cooperation that became known as the Bretton Woods Agreement.

Bretton Woods formed the most unified response of non-communist industrialised states to concerns over the stability and economic viability of post-WWII Europe. It is often used as evidence of why modernisation was regarded as a necessary part of the
development process. In the chaotic aftermath of the war, the Bretton Woods Agreement attempted to foster post-conflict development through a comprehensive set of structural changes. In addition to the establishment of a system of rules, institutions, and procedures to regulate the international monetary systems, the Bretton Woods Agreement also established the International Monetary Fund (IMF) and the International Bank for Reconstruction and Development (IRBD), which today is part of the World Bank. For over 65 years, these institutions have continued to play a central role in the formation and implementation of development policies throughout the world, including those pertaining to land tenure reform.

Although the objectives of the IMF and World Bank have evolved and expanded since their founding, it is important to note that both grew from a mandate to foster greater economic cooperation between Europe and North America, and to facilitate the economic strengthening of European states. This mandate has had a lasting effect on the manner in which development problems are framed and addressed by these institutions (Stiglitz, 1999). For instance, the original aim of the IMF was to maintain currency stability and eliminate exchange restrictions that hindered world trade, often by providing financial support on the condition that governments complied with a specified set of strict structural reforms (Willis, 2005). The IMF cites its response to the outfall from the energy crisis in the 1970s and the transformation of former communist states in the 1990s as examples of how it has continued to shape the global economy since the end of WWII (IMF, n.d.).

The World Bank has also maintained its position as a leading donor of both financial and strategic support for social and economic development. Although the title “World Bank” implies one organisation it actually comprises five agencies, each pursuing a different mandate. The agencies include the already noted International Bank for Reconstruction and Development (IRBD), the International Development Association (IDA), the International Finance Corporation (IFC), the Multilateral Investment Guarantee Agency (MIGA), and the International Centre for Settlement of Investment Disputes (ICSID). However, the IBRD and the IDA play the most visible role in the design and implementation of global development policies (Willis, 2005, p. 41).
A defining characteristic of the contribution of the World Bank and the IMF, and of Bretton Woods generally, has been a distinctly top-down approach to development. For example, throughout the post-WWII period national governments remained the primary beneficiaries of foreign intervention. Despite the varying toll of WWII on sub-national and transnational ethnic groups, addressing social and economic inequalities on a domestic level was not part of the overall development strategy after the war (Eichengreen, 2007). Instead, under the Bretton Woods model, individual sovereign states generally assumed sole responsibility for protecting the welfare of their citizens.

The Bretton Woods approach represented a massive undertaking on both the part of development donors (mainly the US) and recipient governments. However, significant changes were not imposed within countries, at least not at the community level. As most populations within recipient countries had already experienced similar economic conditions prior to the war, the nature of the changes imposed under Bretton Woods did not require a significant deviation from pre-WWII social norms (Bordo & Eichengreen, 1993; Eichengreen, 2008). Thus, the overall intent of Bretton Woods was not to bring about a normative transformation of societies so much as it was to restore and improve upon pre-WWII economic structures and expand the industrial base of recipient countries. Unlike the development interventions imposed upon African and Asian countries during the latter part of the century, the Bretton Woods approach did not fundamentally alter people's perception of what progress entailed (Berger, 2004; Bordo & Eichengreen, 1993; Brohman, 1995; Eichengreen, 2007). Hence, Western Europeans were not forced to reconcile new and conflicting social norms in order to participate fully in economic opportunities. This reality contributed significantly to the overall success of Bretton Woods, but was largely ignored by those who advocated modernisation-based development polices beyond the contexts of post-WWII Europe and Japan.

Modernisation beyond the post-WWII period

The successful reconstruction of Western European and Japanese societies became the primary validation for modernisation efforts beyond the post-WWII period (Szirmai, 1997). This led to three broad assumptions about development that defined a wide range of policies, namely (i) the developing world and its inhabitants are a homogeneous entity; (ii) the economic, social, and political structures within developing countries can
be re-made to resemble Western countries (most notably the US); and (iii) the state should be the primary recipient of aid (Schuurman, 2000). These three assumptions characterised both the success of post-WWII reconstruction and the failure of a modernisation-based approach to achieve sustainable development since that time in developing countries (Brohman, 1995; Mehmet, 1999).

Subsequent applications of modernisation theory have invariably had a destabilising effect on the overall development of societies, especially where customary institutions are eliminated without regard for the support and security they provide. For instance, changes to economic and state infrastructure, combined with the suppression of customary practices, are known to conflict with basic pre-conceptions of justice and equity (Findlay, 2009). Crime and corruption tend to increase, especially in countries where patronage remains a feature of the social hierarchy (Fjeldstad, Kolstad, & Lange, 2003; Szeftel, 2000). Highlighting these failures, Fukuda-Parr et al. (2002) stated that:

...the assumption that developing countries with weak capacities should simply be able to start again from someone else's blueprint flies in the face of history.... The most natural process is development as transformation. This means fostering home-grown processes, building on the wealth of local knowledge and capacities, and expanding these to achieve whatever goals and aspiration the country sets itself (p. 8).

Modernisation theory may also undermine the psychological security derived from traditional institutions, such as a person's sense of belonging within a specific place or environment. For instance, when people are forced to function under completely unfamiliar circumstances they may become unwilling or unable to adapt. Jones (2009) argued that a rapid rise in human insecurity during modernisation may also induce religious fundamentalism as a backlash to foreign intervention. Thus, attempts to modernise can sometimes have a reverse effect on societies by pushing people away from technology and more efficient social and economic structures toward more familiar and immediate sources of empowerment.

Given their predominantly rural populations and a heavy reliance on agricultural production as a provider of food, income, and social status, the modernisation of land management and agricultural systems in developing countries can also be socially destabilising, especially when traditional systems are undermined. Rather than taking an
integrative approach to improving well-being, modernisation theory explicitly describes customary systems as being an impediment to progress. Whereas pre-existing economic and social systems are often the result of planning and adapting to a unique set of human needs over multiple generations, modernisation puts forward the ethnocentric view that all societies face the same challenges and should be addressed in the same way. For example, Willis (2005) stated that:

In the 1950s and 1960s, in particular, aid was channelled into industrial development and projects to improve agricultural efficiency through the use of technology... This form of 'top-down development' was advocated because policy-makers believed that this development path had worked in the North so could work elsewhere. It did, however, have serious social... and environmental... impacts (pp. 50-51).

A notable example of this is the efforts of the US to “win the hearts and minds” of the South Vietnamese people during the drawn-out conflict there from 1955-1975 (Brewer, 2009, p. 180). With the increasing threat from the spread of communism across parts of South East Asia, the US feared that it was losing ground to its main strategic and economic adversary, the Union of Soviet Socialist Republics (USSR). One response to this threat was to make the delivery of development and military aid conditional on the continued political and strategic support of US objectives. This was similar to the approach taken by the US government during the Korean War (1950-1953), when efforts to modernise social and economic structures became a means of connecting anti-communism with development (Berger, 2004; Gilman, 2007). When Walter Rostow became senior foreign policy advisor to US President Lyndon Johnson in 1966, as well as chief spokesperson for the Vietnam War, modernisation theory became fully integrated with US Vietnam policy, as well as the overall Cold War strategy (Belmonte, 2003; Haefele, 2003). In this context, Latham (2003) notes that the “problems of politics were reduced to matters of mere administration as modernisers evaluated the world with categories drawn from their own sense of national success” (p. 13).

One of the many troubles with Rostow's conceptualisation of development (Table 2.2), and with modernisation generally, is that it is fraught with assumptions about the grass-roots response to the implementation of Western institutions. For instance, Cold War policy-makers seemed convinced that their model of society was in every way superior, and they believed that the outcomes of modernisation would incite
both economic and military allegiance to US interests. However, Latham (2006) argued that mixing development and security in this way was a major contributor to US setbacks during the early stages of the Vietnam War. In particular, the reorganisation of Vietnamese society to promote capitalist markets, along with the rearrangement of rural settlements, contributed to a great deal of disdain for US interference. “CIA field reports, USAID officers, and RAND Corporation studies all documented the degree to which peasants resented being forced off ancestral lands, put on corvé [forced and unpaid] labour teams, and losing access to their crops and fields” (Latham, 2006, p. 36).

Hence, efforts to drive South Vietnam down a path toward modernity not only failed to win grass-roots support, they were counter-productive to the overarching military and development objectives of the US Government by increasing local support for communist Vietcong insurgents battling against US forces (Haefele, 2003). “In the end, Vietnamese culture and history mattered immensely, and the 'traditions' turned out not to be so malleable after all” (Lantham 2003, p. 13).

The US and its allies are currently experiencing similar setbacks in Afghanistan. With the formation of Provincial Reconstruction Teams (PRT), development donor countries are once again attempting to combine military operations with development interventions. As was the case in South Vietnam in the 1960s, the line between military and development activities in Afghanistan has become unclear, making the effectiveness of each difficult to discern. For example, a report by USAID (2006) on the effectiveness of the PRT system in Afghanistan stated that:

Most PRT members explicitly acknowledged that it was difficult to disentangle violence perpetrated by anti-Coalition militia from violence driven by other factors – tribal competition over natural resources, violence linked to poppy cultivation and opium production, or fighting between local military commanders over control of transit routes. Even when the original causes of violence were not directly a result of the anti-Coalition militia, generalized instability and lack of governance in remote districts made it easier for such militia to take root and flourish (p. 20).

Within this context of violence and confusion, soldiers and development workers have attempted to guide the implementation of Western-style institutions that are foreign to most Afghans. Although the US has described this as “reconstruction,” it is actually more characteristic of modernisation-based development. For example, Wood (2005)
stated that “reconstruction has become almost a mission mantra that masks a wide gulf between the perceptions of the occupiers and the occupied over what needs to be done and how” (p. 126). In their analysis of the situation on the ground in Afghanistan, Johnson and Leslie (2004) stated that:

Current policies of market liberalization run counter to the needs of state-building on many levels. In a country that lacks both regulatory frameworks and the means to impose them, such policies fuel corruption and encourage the pursuit of political power through markets and accumulation. Meanwhile, the unseemly dash to contract everything out, in a country where market choice is so meaningless in so many places, brings few benefits to its citizens (p. 212).

Thus, efforts to modernise a war-torn society not only risk wasting valued resources, but they also can perpetuate further social and political unrest. Recent experiences in Afghanistan continue to demonstrate that imposing a Western model of development without consideration for the variation of human vulnerability is likely to exacerbate pre-existing problems. Both Afghanistan and Vietnam had a long history of foreign occupation that has contributed largely to their current social and political aspirations. Such historical experiences do not bode well for reforms that are not instigated internally. For example, while describing recent development efforts in Afghanistan, Suhrke (2007) stated that:

The conflation of post-war reconstruction and modernisation has brought out a wide range of tensions associated with social change…. As a result, the entire project shows signs of severe contradictions that are adding to the problems caused by the growing insurgency (pp. 1291-1292).

As was the case in South Vietnam, setbacks to development in Afghanistan are characteristic of what can be expected of development when external forces dictate the direction of change without effectively understanding and sufficiently integrating historical experience and indigenous knowledge. As Szirmai (1997) pointed out, the “initial conditions and circumstances are so different for each country, region and historical period, that previous development experiences cannot be copied” (p. 9).

Development scholars continue to express concern that policy-makers have perpetuated the same ethnocentric policies masked with new forms of rhetoric. For the past 30 years, modernisation has, to a large extent, been re-branded as “neoliberalism”
and this paradigm continues to influence key development institutions such as the World Bank and IMF (Monnier, 2009). The discussion in Chapter 3 reveals that land tenure policies are not exempt from these concerns, as many aspects of modernisation theory remain evident in neoliberal polices designed to establish a “formal” or “modern” land tenure regime in developing countries.

2.1.2 Neoliberalism

The neoliberal paradigm proposes that “human well-being is advanced by liberating individual entrepreneurial freedoms and skills within an institutional framework characterized by strong private property rights, free markets, and free trade” (Harvey, 2007, p. 2). Hence, neoliberal development means letting economic markets rather than governments guide the design and implementation of development policy (Willis, 2005). In order to support this model of development, governments are expected to create and preserve an institutional framework that minimises their ability to regulate the economy. As part of this process, they are expected to “commodify” resources such as land, water, education, healthcare, and social security by creating market mechanisms that are independently able to assign values to each resource to facilitate their exchange (Harvey, 2007). To achieve these outcomes, developing countries are expected to require significant macroeconomic reforms similar to those that led to the formation of a stable and affluent middle class in Western countries.

This section outlines the characteristics of the neoliberal paradigm. It also examines how neoliberalism is manifested in development policies and discusses the impacts of those policies on developing populations. Although the ethnocentric and top-down aspects of this approach are similar to the now unpopular modernisation paradigm, support for neoliberalism continues to have a major influence on the design and implementation of a wide range of development polices (Payne & Phillips, 2010; Williamson, Enemark, Wallace, & Rajabifard, 2010). Hence, it is currently impossible to examine critically the outcomes of development interventions such as land tenure reform without first understanding the core components of neoliberal theory.
2.1 DEFINING DEVELOPMENT

Background to neoliberal theory

Although neoliberal theory was generally absent from global economic policy until the 1970s, some core components began to surface soon after WWII, largely as a response to the rise of communism (Harvey, 2007). In 1947, the Marshall Plan (officially named the European Recovery Programme) expanded upon the Bretton Woods policies of inter-state economic cooperation and reconstruction, with the addition of stricter provisions guiding developing countries. This included the implementation of a distinctly capitalist economic structure (Kunz, 1997). Particular emphasis was put on the need to reduce trade barriers and the rapid expansion of liberal, market-led economies (Eichengreen, 2008). It was assumed that, as countries become more economically integrated under the Marshall Plan, Western Europe would experience greater security and stability while at the same time remaining closely integrated with the US both economically and politically.

The driving force behind generous amounts of development support offered by the US in the post-War era was the fear that an economically weak Western Europe would become vulnerable to the spread of communism (Willis, 2005). Hence, so-called development policies were widely considered a matter of national defence throughout the Cold War period (1947-1991) (Haefele, 2003). During this time, the conflict was seen to stem from an ideological divide between capitalism and communism, each comprising a different model for social and economic development. The capitalist model, exemplified by the neoliberal paradigm, directly challenged the communist model of development, where the state administers the entire economy based on a predetermined plan it professes to impose on behalf of the people (Haque, 1999; Sachs, Warner, Åslund, & Fischer, 1995; Wilber, 1982). With neoliberal development policies being deployed in defence of the “communist threat,” it was difficult to identify clearly the true objective of many development interventions.

As noted earlier, application of the neoliberal paradigm was most prominent in the 1970s and is often attributed to the work of economists Friedrich Hayek (1949, 1960) and Milton Friedman (1948, 1953). Their work contributed greatly to the shift in Western-based development policy away from Keynesian economic theory, toward a distinctly market-based approach to social and economic development (Harvey, 2007). US President Ronald Reagan (in office 1981-1989) and United Kingdom Prime
Minister Margaret Thatcher (in office 1979-1990) were strong advocates of neoliberalism and their support was integral to the introduction of neoliberal policies, both within their own countries and abroad (Childs, 2006; Monnier, 2009; Niskanen, 1988).

The integration of neoliberalism with development policy

The dominance of neoliberal theory during this period is commonly described as the “Washington Consensus.” This term was coined by Williamson (1990) and is widely used as a way of summarising a core set of neoliberal policy reforms that were actively promoted by several Washington-based institutions in the 1980s and 1990s. These included US government institutions, as well as the numerous global institutions and networks based in the US capital, such as the World Bank and the IMF (Monnier, 2009). Ten reforms received widespread support among these institutions, namely (i) fiscal discipline, (ii) a redirection of public expenditure priorities to support high economic returns, (iii) tax reform, (iv) interest rate liberalisation, (v) a competitive exchange rate, (vi) trade liberalisation, (vii) liberalisation of inflows of foreign direct investment, (viii) privatisation, (ix) deregulation, and (x) secure property rights (Williamson, 1990).

Perhaps the most evident impact of these priorities was the clear increase in the participation of the corporate sector in determining political and economic priorities for developing countries (Harvey, 2007). In particular, policy-makers sought to greatly restrict state influence during the course of development by making the privatisation of state infrastructure and assets a requirement of development aid. The resulting influence of the corporate sector, comprising mostly private companies and financial institutions, invoked a significant shift in the way development problems were framed and development policies justified (Gore, 2000). For instance, in order to receive support from institutions such as the World Bank and IMF, governments of developing countries were often required to undertake a massive deregulation of their economy, open it to foreign investment, privatise state-owned enterprises, protect private property rights, and reduce government spending (Morrissey & White, 1996). However, despite the expectation that these reforms would lead to a higher standard of living for the citizens of developing countries, they are now considered to be largely responsible for the extreme poverty that continues to characterise much of the developing world (Harvey, 2007).
There has also been a sharp rise in the economic disparity between the rich and the poor in many countries (Monnier 2009). Under a neoliberal economic model, the general population is assumed to benefit indirectly from the emergence later of a more stable and affluent economy. Hence, the benefits of neoliberal policies are assumed to “trickle down” over time to eventually improve the well-being of common citizens. This became known as “trickle down economics,” a concept that become synonymous with neoliberalism in the 1980s and 1990s. For example, Mehmet (1999) stated that:

The trickle-down orthodoxy was that making the wealthy richer in the take-off stage was justified because in due course, and without any special intervention (i.e. automatically), accelerated economic growth would filter down and spread across, bringing the benefits of capitalist growth to the poorer segments of developing societies. Thus, the well-being of individuals is a secondary consideration of neoliberal policy (p. 88).

For the most part, the belief that the economic gains of the wealthy would trickle-down to improve the lives of the poor has proved groundless. Instead, poverty has become entrenched in many parts of the world, particularly where neoliberal reforms eliminated social welfare for the poorest parts of the population (Mesa-Lago, 1997; Navarro, 2007). Monnier (2009) pointed out that “the effects of [neoliberal] policies were so disastrous on poor countries that the 1980s have come to be named 'the lost decade' because so many of the poor countries lost the gains of previous decades” (p. 230). It was not until 1991, with the collapse of the USSR, that a real transformation of global development seemed possible.

**The decline of neoliberalism**

The collapse of the USSR ended fears that communism, in any complete form, could ever exist as a competing system for economic or social development (Thomas, 2001). The relevance of the strategic aims that defined development during the Cold War began to diminish, and neoliberal policies were no longer considered integral to Western security. Hence, the end of the Cold War is now seen as a transition period, during which there was a sharp decline in interstate warfare followed by an increased global awareness of rising instability within developing countries (Axworthy, 2004; Buzan, Wæver, & Wilde, 1998). This allowed for a more objective re-examination of
neoliberal development principles without appearing to challenge the security of Western nations. As a result, the development policies from the Cold War period began to be recognised as lacking a clearly defined set of outcomes. For example, King and Murray (2001) argued that, by the end of the Cold War, policies regarding development and security became tumultuous as donors began to confront the clearly inequitable patterns of change. It became increasingly clear that the underlying problem facing development was not simply a lack of production, but rather a problem of inequitable distribution of the benefits of production.

However, in the years following the end of the Cold War, Western governments seemed unable or unwilling to identify an alternative model of development. For instance, a study by Riddell (1999) revealed that in the six years following the fall of the Berlin Wall in 1989 official aid disbursements to sub-Saharan Africa fell in real terms by 21%, contracting on average by 3% - 5% a year (p. 313).

Joseph Stiglitz, who served as Senior Vice-President for Development Economics and Chief Economist of the World Bank between 1996 and 1999, has been a leading critic of the ongoing application of neoliberal policies. In a speech at the United Nations Conference on Trade and Development (UNCTAD), Stiglitz (1989) stated that the Washington Consensus “all too often confused means with ends: it took privatisation and trade liberalisation as ends in themselves, rather than as means to more sustainable, equitable, and democratic growth” (p. 4). Although neoliberal reforms have brought significant changes to many developing countries, the changes have clearly not been conducive to achieving sustainable development, as they appear unconcerned with a wide range of development objectives that remain largely unfulfilled. Stiglitz's criticisms effectively cost him his job with the World Bank in 1999, but they continue to reflect the growing discontent with the prescriptive policies espoused by the world's dominant financial institutions such as the World Bank and the IMF (Payne & Phillips, 2010).

These kinds of criticisms are often labelled as anti-development or post-development sentiments (Blaikie, 2000; Simon, 2007). Anti-development represents the assertion that “the discourse or general language of development has been constructed by the West, and that this promotes a specific kind of intervention” (Potter,
2.1 DEFINING DEVELOPMENT

Binns, Elliott, & Smith, 2008, p. 18). For example, Escobar (1995) has argued:

Development proceeded by creating “abnormalities” (such as the “illiterate,” the “underdeveloped,” the “malnourished,” “small farmers,” or “landless peasants”), which it would later treat and reform. Approaches that could have had positive effects in terms of easing material constraints became, linked to this type of rationality, instruments of power and control (p.41).

However, a problem with this perspective of development is that it is prone to generalisation (Simon, 2007). Although this chapter has discussed several examples of how a modernisation or neoliberal approach to development has embodied assumptions that are detrimental to individual well-being, the benefits of Western experience should not be ignored completely. Instead, there remains a great deal of potential for improvement where interventions are able to “turn to the poor themselves and recognize them as actors who shape their lives even under conditions of hardship and destitution. In this view, poverty derives from a deficit of power rather than a lack of money” (Sachs, 2002, p. 15).

2.1.3 The capabilities approach to human development

The capabilities approach offers a distinct departure from the previous development paradigms. This approach is largely a proposition “that social arrangements should be primarily evaluated according to the extent of freedom people have to promote or achieve functionings they value” (Alkire, 2010, p. 20). Hence, “capabilities” represent people's' ability to solve problems, as well as to set and achieve objectives that are relevant to their life situations and that correspond with their needs (Fukuda-Parr et al., 2002; Sen, 1999).

This section outlines the principles of the capabilities approach and discusses how its use is reshaping the inclusion of human well-being in development policies. Although the capabilities approach does not explain well-being per se, it does provide the means to conceptualise and evaluate how phenomena such as poverty and inequality can affect well-being (Robeyns, 2005).
**Background to the capabilities approach**

The capabilities approach was first developed by economist Amartya Sen, largely as an alternative to welfare economics. Sen (1985, 1992, 1999) suggested that human development should be seen as a process of expanding the “real freedoms” that people enjoy, by emphasising the importance of freedom of choice, individual heterogeneity, and the multi-dimensional nature of human well-being. For example, Sen (1999) stated that:

> Development can be seen, it is argued here, as a process of expanding the real freedoms that people enjoy. Focusing on human freedoms contrasts with narrower views of development, such as identifying development with the growth of gross national product, or with the rise in personal incomes, or with industrialization, or with technological advance, or with social modernization (p. 3).

It is important to note that Sen does not directly challenge the importance of economic progress as a means of development, but instead rejects its relevance as the end point of the development process or as an indication of its success. Thus, the capabilities approach contradicts the principles of neoliberal theory which propose that development should seek to strengthen and maintain the freedom of market-mechanisms. Instead, increased capabilities characterised by human freedoms form the objectives of development, and human functionings replace market-mechanisms as the primary subject of change, as well as providing a means of tracking progress. Although the capabilities approach and modernisation paradigm each promote social change as a catalyst for development, it requires that such changes are based on the expectations of the primary beneficiaries of an intervention.

Three concepts are central to Sen's model of development and can help to distinguish the capabilities approach from other paradigms, namely functionings, capability, and agency. Sen (1985) described functionings as a person's “beings and doings” that contribute to the “state” of that person (p. 10). In other words, they are the activities that constitute a person's well-being, such as being healthy, safe, or employed. Functionings may also constitute more complex activities, for example being fulfilled or confident. According to Sen (1992), the widespread inequality that has been so detrimental to achieving development results primarily from the inability of members of society to achieve their desired functionings. Hence, the concept of capability
represents a person's ability to achieve these functionings.

As an objective of development, the expansion of human capability is reflected in how free people are to carry out these functionings, or to pursue different functionings in combination (Alkire & Deneulin, 2009). Sen (1985, 1992, 1999) emphasised that capability reflects a person's opportunities and freedom to choose between possible outcomes. Thus, the capabilities approach does not limit development to easily quantified improvements to wealth, health, or education measures alone, but instead pursues the overall expansion of capability marked by a broader range of outcomes (Sen, 1992). Development problems such as poverty or forced dislocation are dealt with as forms of capability deprivation, allowing them to be addressed as part of a larger network of threats identified through the concerns of those affected.

A consequence of this approach is that people are not always expected to pursue what, to an outsider, may be considered practical improvements to their well-being. Sen (1999) argued that, as agents of development, people will act to bring about change on their own terms and based on their own values. Sen (1985) described this as “agency freedom.” For example, if an individual chooses to fast as part of a religious observance, their ability to do so may constitute a valued form of human functioning, despite the fact that physical well-being may diminish as a result.

**Applying the capabilities approach**

Some proponents of the capabilities approach, most notably Nussbaum (2001, 2011), question the need for a distinction between “agency freedom” and “well-being freedom,” as long as the concept of well-being is clearly defined. The main advantage of ignoring this distinction is to make the capabilities approach more actionable, especially in terms of assessing development outcomes. For example, Nussbaum (2001) argued for an approach that is able to:

...go beyond the merely comparative use of the capabilities space to articulate an account of how capabilities, together with the idea of a threshold level of capabilities, can provide a basis for central constitutional principles that citizens have a right to demand from their governments (p. 12).

Nussbaum has also pointed out instances where thresholds might help to frame, rather than specify, how capabilities relate to development. Table 2.3 includes a
summary of the 10 life characteristics that Nussbaum (1999) linked to core human capabilities. By providing an explicit list of capabilities, Nussbaum attempted to utilise the capabilities approach in direct support of human rights and human dignity.

**Table 2.3**  
*Summary of Core Human Capabilities*

<table>
<thead>
<tr>
<th>Capability</th>
<th>Characteristics</th>
</tr>
</thead>
<tbody>
<tr>
<td>Life</td>
<td>Not dying prematurely.</td>
</tr>
<tr>
<td>Bodily health</td>
<td>Maintaining reproductive health, nourishment, and shelter.</td>
</tr>
<tr>
<td>Bodily integrity</td>
<td>Being mobile, secure against violent assault, having opportunities for sexual satisfaction, and choice in matters of reproduction.</td>
</tr>
<tr>
<td>Senses, imagination, and thought</td>
<td>Being able to use the senses, being able to imagine, to think and to reason, being protected by guarantees of freedom of expression with respect to both political and artistic speech, as well as freedom of religious exercise.</td>
</tr>
<tr>
<td>Emotions</td>
<td>Being able to have attachments, grieve, experience longing, gratitude, and justified anger all without undue fear or anxiety.</td>
</tr>
<tr>
<td>Practical reason</td>
<td>Being able to form a conception of moral good and to engage in critical reflection.</td>
</tr>
<tr>
<td>Affiliation</td>
<td>Being able to live for and in relation to others, to recognize and show concern for others, to engage in various forms of social interaction, and having the capability for friendship.</td>
</tr>
<tr>
<td>Other species</td>
<td>Being able to live with concern for and in relation to animals, plants, and the world of nature.</td>
</tr>
<tr>
<td>Play</td>
<td>Being able to laugh, to play, and to enjoy recreational activities.</td>
</tr>
<tr>
<td>Control over political and material environments</td>
<td>Being able to participate effectively in political choices that govern one's life including, free speech and freedom of association, as well as being able to hold property and having equal employment opportunities</td>
</tr>
</tbody>
</table>

*Note.* Adapted from Nussbaum (1999, pp. 41-42).

By framing human capabilities in terms of a broad set of functionings, the capabilities approach becomes more easily integrated with existing approaches to development, as well as allowing development outcomes to be compared between countries. Such an adapted approach is used by the United Nations Development Programme (UNDP). The UNDP’s “human development approach” has resulted in the most visible and widely applied evaluations of development to date (Ravallion, 2011; Sumner, 2007), including the widely referenced Human Development Reports (HDR) and the associated Human Development Index (HDI).

The UNDP reports have focused the discussion within development studies
regarding the scope of human needs that may be responsive to development interventions (Fukuda-Parr, 2003; Fukuda-Parr et al., 2002). This has, in turn, resulted in an emphasis on development policies that actively protect human well-being, rather than simply expecting improvements to trickle-down from broader macroeconomic reforms (Haq, 1995a; Sagar & Najam, 1998). Hence, the capabilities approach, and more generally the human development approach, are widely regarded as viable replacements for the neoliberal paradigm. For example, Jolly (2004) noted:

[The] Human Development (HD) approach embodies a robust paradigm, which may be contrasted with the neoliberal (NL) paradigm of the Washington consensus. There are points of overlap, but also important points of difference in objectives, assumptions, constraints and in the main areas for policy and in the indicators for assessing results (p. 106).

Evolving beyond the limitations of neoliberal policies does not require ignoring the usefulness of economic growth as a tool against poverty. On the contrary, improved access to markets can make a huge difference to a person's ability to expand their livelihood, and thereby achieve collective poverty reduction (Sen, 1999). Although some observers may blame the negative consequences of neoliberal policies simply on their promotion of markets, a close examination of economic reforms reveals that markets only perform as well as the institutional and social context in which they function (Wiebe & Meinzen-Dick, 1998). Hence, neoliberalism, as well as modernisation more generally, have failed because of their tendency to prescribe changes without considering the unique circumstances that impact on people's lives and help to define the nature of individual well-being.

Whereas the capabilities approach represents primarily the reassignment of development priorities to address better the needs of individuals, the implications of development for future generations is a significant concern. The main response to this is a resurgence of interest in the concept of sustainable development. The following section discusses the concept of sustainable development and its potential as an over-arching development paradigm to guide how development problems are framed and addressed.
2.2 Sustainable Development

Development outcomes that yield benefits across multiple generations establish a continuity that can contribute significantly to people's sense of security as well as their willingness to embrace opportunities for development. Here, sustainable development describes a specific type of improvement that “meets the needs of the present without compromising the ability of future generations to meet their own needs” (WCED, 1987, p. 43). Hence, as an over-arching development paradigm, sustainable development challenges development objectives, especially the overriding importance placed on financial growth and resource consumption. However, despite a strong presence of the concept in development discourse, it remains unclear exactly how the principles of sustainable development have altered development policies or the evaluation of their outcomes. Hence, concerns continue to be raised as to whether the promotion of sustainable development is simply a new form of development rhetoric or if it can actually produce substantive changes in how development problems are framed and addressed.

This section defines sustainable development, outlines its conceptual relationships with other development paradigms, and discusses its potential for improving human security during post-conflict recovery. It also helps to establish the extent to which the principles of sustainable development have become integrated with existing policies.

Widespread use of the term sustainable development began 25 years ago with the publication of the report of the United Nations World Commission on Environment and Development (WCED, 1987). Since that time, all major development efforts have, to some degree, accepted the need to support and espouse its principles (Daly, 1990; Sneddon, Howarth, & Norgaard, 2006). Hence, the WCED report is widely seen as instigating a transformative period in development discourse by asserting the need for a fundamentally new approach to the persistent problems of environmental degradation and rising poverty.

Although the WCED report is primarily concerned with human impacts on the natural environment, these concerns are extended throughout the report to many of the normative principles associated with human development. According to the report, there exists broader interconnectivity between all potential outcomes of, and threats to,
development. These include population growth, food security, rising energy demands, resource depletion, pollution, and species extinction. The report attempts to re-conceptualise the world and its problems as being parts of a single system – connecting space, time, the natural environment, and people, including the threats they may face. Hence, the report has helped to link environmental protection, seen previously as comprising mostly structural changes, with more normative aspects of human well-being, such as justice, participation, and equitable access to resources, both in the short term and over multiple generations.

The introduction of sustainable development as an over-arching paradigm has made the concepts of human development and environmental protection accessible to a wider range of international organisations than was previously possible due to the complexity of the concept (Baker, 2006). By viewing the physical and social worlds as parts of the same system, the issue of causation is highlighted and a much broader range of factors can be considered within a unified development process. No longer is one aspect of development seen as a necessary sacrifice for the greater good. Rather, everything is considered part of the same global system, and every action has consequences beyond the immediate scope of a single project. As such, the sustainable development paradigm has provided a new means of maintaining policy coherence between previously fragmented development approaches. In this context, Picciotto et al. (2007) described policy coherence as:

A process designed to minimise the risks of either unintended or unnecessary incoherence – that is, of policy solutions that make both rich and poor countries worse off. It seeks synergies in policymaking, but first and foremost, it helps to prevent policy decisions that benefit vested interests at the expense of the common welfare (p. 47).

In the decades since the release of the WCED report, many international organisations and agencies have directly incorporated its recommendations as part of a broader effort to achieve coherent global development (Lafferty & Meadowcroft, 2000). However, as the application of the concept broadens, a more diverse set of policies and research claims to advance sustainable development. As a direct result of this, the original proposals contained in the WCED report have become diluted to the point that they risk losing their meaning. For example, Victor (2006) observed that:
Human rights watchdogs, large chemical companies, small island nations, green architects, and nuclear power plant operators have attached themselves to the fashionable notion only to subvert it for their own ends. Instead of bringing together nature, the economy, and social justice, sustainable development has spawned overspecialised and largely meaningless checklists and targets (p. 92).

In fact, criticisms have been raised in response to the large number of policies that claim to espouse the principles of sustainable development, but make no effort to integrate them beyond rhetorical changes in how development is presented. Thus, there is a need to be clear about what sustainable development means, especially in regard to how it differs from the ideas of efficiency and longevity, as well as the ways in which it remains incompatible with aspects of neoliberalism and modernisation.

### 2.2.1 Defining sustainable development

The increasing use of the term sustainable development by politicians, policy-makers, and scholars has seen it evolve beyond a paradigmatic framework for configuring and assessing development policies, to become a kind of ideological approach that characterises human progress. However, as an ideology, sustainable development describes processes related to a much broader range of objectives than were originally conceived by the WCED (Baker, 2006). For example, Amanor (2008) argued that the concept is defined in three different ways, namely as (i) the technical management of particular resources in order to attain a sustainable yield over a long period; (ii) the management and regulation of the environment by society to ensure its continued existence for future generations; or (iii) the availability of equal opportunities and access to resources for all.

Although there is a clear overlap between these definitions, there are also points of contrast that risk undermining the overall utility of the concept. For instance, policy objectives that seek to promote change “over a long period” may have implications different from those that promote their “continued existence for future generations.” Although both imply longevity, only the latter denotes the concept of intergenerational equity that was fundamental to earlier interpretations. Also, the idea of “sustainable yield” may be interpreted differently depending on the context of development and possible bias of the development donor. Hence, it is apparent that at least some of the
 recent claims of support for sustainable development may mask incoherent policy objectives.

Victor (2006) argued that the only way to overcome the problem of incoherence and to achieve the potential of the concept of sustainable development is to return to the core principles in the WCED report. Furthermore, Cormick et al. (1996) argued that achieving sustainable development is, in reality, more than simply a technical challenge or a problem of resource management. The authors suggested also that in practice “...it is about dealing with people and their diverse cultures, interests, visions, priorities, and needs” (p. 3). However, these are complex issues that require careful preparation and planning. Those who pursue sustainable development must first identify the unique challenges that a society faces, and then address them in a way that will not rob future generations of comparable opportunities. Thus, the capabilities approach discussed earlier is important as a means of achieving sustainable development.

In support of an integrated model that combines elements of sustainable development and the capabilities approach, Solow (1995) described development as “whatever it takes to achieve a standard of living at least as good as our own and to look after their next generation similarly” (p. 18). Sen has also shown significant support for the integration of sustainable development as it was first presented by the WCED (1987). Building upon Solow's ideas for development, Sen (2004) argued that there is a clear need to preserve and protect “the substantive freedoms of people today 'without compromising the ability of future generations' to have similar, or more, freedoms” (p. 1). It is important to note that Sen (2004) encapsulated a broader set of concerns by demonstrating how the concept of sustainable development can be utilised to expand human freedoms perpetually.

The merger of the capabilities approach and sustainable development increases the coherence of each. It highlights the interactive effect of the natural environment and human capabilities, as well as the importance of inter-generational equity. The desire for sustainable freedoms, a process best described as empowering people now and in the future, is able to combine the principles of sustainable development and the capabilities approach to create a plan for “sustainable human development.” Hence, the pursuit of sustainable human development provides a means for more effectively operationalising
both of these important development concepts.

However, despite a broad acceptance among many development donors of the need to promote actively sustainable human development, attempts to engineer sustainable outcomes have often conflicted with neoliberal principles that remain embedded in many policies. This has become particularly evident during more recent efforts to curb the long-term depletion or inequitable distribution of resources, particularly land or land-based resources such as timber, oil, and fresh water (Payne & Phillips, 2010). Hence, the translation of sustainable human development into actionable policies has been undermined by the continuation of neoliberalism across some sectors of development.

The pursuit of sustainable outcomes has also varied between economically advanced countries concerned with environmental impacts, and less developed countries where issues such as poverty reduction, improving health, education, and food security are significant (Blewitt, 2008). This divide has, in effect, relegated environmental protection in many countries to a secondary concern that needs to be addressed after poverty has been reduced. This contradicts the interconnectivity of development outlined by the WCED (1987). In particular, it fails to differentiate between the issue of development sustainability, namely the ability of interventions to be implemented and sustained, and sustainable human development, which promotes outcomes that expand people's capabilities in a manner that is equitable across multiple generations. Although it is reasonable to assume that the causes and the nature of environmental and human vulnerability will differ between countries, efforts should not negate the need for a coherent response to these concerns.

Another challenge facing sustainable human development is the fact that differences between sustainable and unsustainable outcomes can often only be discerned by the absence of failure. As circumstances change, often beyond the control of those involved, outcomes of development interventions that were once considered sustainable may begin to falter, thus becoming unsustainable. For example, half of all attempts at maintaining peace through peace-keeping (use of force) and peace-building (application of development aid) are known to have failed within five years (Krause & Jutersonke, 2005). In many instances, such failures have stemmed from unanticipated local changes.
or unwanted external interference that has destabilised local development efforts. With this in mind, there is growing support for a more organic form of development that learns from the past and is able to adapt quickly to threats to people's well-being as they arise. In this context, sustainable human development should never be considered an objective that is *obtained*, rather it is a goal that must be *maintained* on an ongoing basis. The following section builds upon this concern by discussing the concept of human security.

### 2.3 Human Security

History has shown that, without consideration for the security of those most in need, development interventions are likely to fail, or even to cause more harm than good (Borras, 2007; Mehmet, 1999). Whereas traditional notions of security have focused on military capabilities, the concept of human security is more holistic, integrating concerns for both the security and development of all levels of society. Hence, the overarching goal of human security is to expand the scope of people's capabilities, while at the same time protecting them from circumstances or events that threaten to undermine achieving this goal.

With individuals positioned at the centre of development, it is evident that human vulnerability affects a much broader range of development goals than may previously have been understood. In response to this concern, human security attempts to build upon the concept of human development by acknowledging the need to protect more actively the various forms of human functioning. As Picciotto et al. (2007) explained, “the concept of human security modifies rather than displaces that of human development” (p. 33). In doing so, human security forms the conceptual basis for a proactive approach to development that seeks to reduce people's vulnerability to critical and pervasive threats which may undermine their capabilities (Alkire & Deneulin, 2009).

This section demonstrates how attention to human security during the planning, delivery, and evaluation of development policies is critical to maintaining a coherent approach toward meeting both the immediate and long-term needs of vulnerable populations. Specifically, it outlines the role of human security in protecting and
supporting sustainable human development.

**2.3.1 Defining human security**

The concept of human security entered mainstream development discourse with the release of the 1994 HDR (UNDP, 1994). This report addressed the need for a unified approach to development and security by proposing that the concept of security be incorporated into development planning. It is also credited with bringing the principles of development to the forefront of the security debate by incorporating threats to individual well-being (Alkire, 2003; Glasius, 2008; Krause & Jutersonke, 2005). Hence, its release was widely seen as a “unifying event,” as it created a bridge between two aspects of development that had been poorly integrated in the past (King & Murray, 2001, p. 589).

Whereas human development had typically promoted a widening of people's choices, the 1994 HDR shifted the focus toward the ability of people to exercise their choices safely, regardless of where threats may exist. This particular objective has gained ground in recent years and has become a defining feature of the human security approach. For instance, although adverse socio-economic conditions, such as malnutrition or homelessness, do not necessarily lead directly to the spread of violence, there is mounting evidence that development and prolonged periods of peace are positively correlated (Collier et al., 2003; Collier & Hoeffler, 2004; Picciotto et al., 2007). Thus, as an analytical tool human security can help to identify and expand upon interdisciplinary objectives by prioritising the need to maintain pro-actively people's freedoms so that they can expand their capabilities in a secure environment. Although the interactions between development and security may, in practice, be highly complex, their unification may enable better understanding of the reality of life in a developing country, especially where violence has been widespread (Bottomley, 2003).

The departure from traditional notions of security is especially critical when a government's actions are the underlying cause of violence against their own citizenry. This is highlighted by the fact that during the last century significantly more people have been killed by their own governments than by foreign armies (Rummel, 1997). Thus, existing threats may continue to undermine progress when development policies make assumptions about the intentions of governments and institutional actors
The ability to identify and respond to negative outcomes will also remain limited where consideration for human security is absent from the development process. This is due to the fact that human development is focused on the presence or absence of improvements to well-being, whereas human security identifies more specifically where well-being is threatened or worsening (Glasius, 2008). Thus, a human security perspective enhances development processes by more directly addressing the hurdles facing vulnerable populations rather than assuming people will overcome hurdles on their own. This is particularly beneficial to the pursuit of sustainable development which relies on the adaptability of policies following changes in the development environment.

**The narrow versus broad approach to human security**

Despite a general acceptance of the need to address some form of human security among major development donors, such as the UN, World Bank, and IMF, there remains disagreement within the broader development community over the scope of the concept. The definitions that have been implemented by governments, non-governmental organisations (NGO), and inter-governmental organisations (IGO) have often reflected distinct interpretations of what human security means and how it should be integrated with development. The most pronounced divide is between the so-called narrow and broad descriptions of human security, with each comprising different ideas about both the appropriate subject and objectives of a human security approach.

As one of the first progenitors of the human security concept, the 1994 HDR (UNDP, 1994) described human security simply as an interdependent, universal, and people-centred concern that is easiest to ensure through early prevention. It also suggested that integrating human security with existing development policies requires modifications to the traditional concept of security in two ways, namely from an exclusive stress on territorial security to a much greater stress on people's security, and from security through armaments to security through sustainable human development. These modifications provided the conceptual basis for two over-arching dimensions of human security that were emphasised throughout the report and that are central to this thesis, namely a *freedom from fear* and *freedom from want* (UNDP, 1994, p. 24).
The deconstruction of development into a concern for these freedoms is a common feature of subsequent HDRs and is highly characteristic of the broad approach to human security. Hence, the reports have promoted a form of human security that is equally concerned with the normative aspects of people's lives. While a narrow focus on people's safety may be relatively uncomplicated, issues of well-being are clearly more indicative of grass-roots values and aspirations, and are thus able to incorporate more effectively the complex reality of conditions on the ground. The seven domains of human security that the UNDP (1994) proposed are incorporated into Table 2.4 and they provide an insightful perspective on the contextual nature of human development problems.

Table 2.4
The Seven Domains of Human Security According to the UNDP

<table>
<thead>
<tr>
<th>Domain</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Economic Security</td>
<td>An assured basic income (income security) or support from some publicly financed safety net.</td>
</tr>
<tr>
<td>Food Security</td>
<td>A minimum level of nutrition, often requiring multiple sources of food.</td>
</tr>
<tr>
<td>Health Security</td>
<td>A confluence of factors such as adequate nutrition, protection from disease, a safe environment, and the availability of medical support.</td>
</tr>
<tr>
<td>Environmental Security</td>
<td>A healthy physical environment protected from threats which may include deforestation, overgrazing, poor conservation, air pollution, water pollution and water scarcity.</td>
</tr>
<tr>
<td>Personal Security</td>
<td>Protection from direct acts of physical violence as well as freedom from the threat of violence.</td>
</tr>
<tr>
<td>Community Security</td>
<td>Recognition that most people derive their security from membership in a group such as extended family, tribal systems, or the traditional community.</td>
</tr>
<tr>
<td>Political Security</td>
<td>Requiring the protection of basic human rights and freedoms of individuals and groups.</td>
</tr>
</tbody>
</table>

Note. Adapted from UNDP (1994, pp. 24-33).

Within this set of domains, there are three themes, or natural divisions, that can be used to define the conceptual scope of human security as set by the UNDP. Dale (2001) suggested that these divisions include (i) the ecological imperative which addresses environmental security; (ii) the social imperative which addresses personal, community,
and political security; and (iii) the economic imperative which addresses economic and food security. Thus, the 1994 HDR can be seen as promoting human security as a facilitator of both the environmental and human domains of sustainable development. As such, the continuity between the capabilities approach, the human development paradigm, and the concept of human security is maintained. This continuity has made the concept of human security more accessible to those already familiar with the path set by the UNDP in their earlier reports and helped to promote it to the forefront of development discourse.

Soon after the release of the 1994 HDR, the development community began to confront the challenge of integrating human security with existing development policies (Glasius, 2008; Krause & Jutersonke, 2005). However, stark differences soon appeared between those who advocated a narrow approach to human security integration and those who saw human security as a broader and more inclusive concept. This debate has dichotomised human security policies and, to some extent, challenged the long-term usefulness of the concept in helping to shape development discourse.

Pragmatism is the most common defence of those advocating a narrow approach. Quantifiable outcomes, such as the number of landmines detected, number of people housed, or amount of food distributed can be more easily planned for, and their outcomes monitored. In this context, advocates of a narrow approach appear to be driven by the belief that limiting the scope of human security is necessary in order to maintain more realistic or obtainable results. They also argue that attempting to address a broader range of threats within a single conceptual framework makes it impossible to determine where policy attention is required most, and thus effectively reduce human security to a statement about shared moral and political values (Tadjbakhsh & Chenoy, 2007).

Narrowing human security to include a more pragmatic list of concerns does not completely rule out the benefits of the broader developmental approach to security as reflected in the 1994 HDR. Rather, it relegates them based on the belief that they target less attainable objectives or less tangible subjects of development (Bajpai & Mallavarapu, 2005). Thus, in a sense, the narrow approach may be interpreted as a form of specialisation that may address some of the most pertinent threats to human security.
Despite the advantages of this integrative perspective, a narrow approach may continue to mask the significance of broader threats to people's well-being. For instance, even in situations where the objective of an intervention is to support livelihoods or reduce income-based poverty, less tangible threats to well-being are known to be important if the benefits of intervention are to be both long-lasting and widely accessible (Haq 1995).

A broad approach to human security is better equipped to deal with sources of insecurity that are more complex and look beyond a person's happiness, pleasure, or pain (Gasper, 2007). It is able to enrich development by drawing upon more relevant connections that exist between the processes of development and people's life situations, taking into consideration how their environment can affect their current well-being and opportunities for improvement (McGillivary, 2007). Leaning and Arie (2000) argued that this will provide the necessary platform upon which development can be pursued. Hence, it should be attained “prior to and as a pre-condition for successful implementation of human development” (Leaning & Arie, 2000, p. 12). Just as the report of the WCED (1987) argued that for sustainable development to exist it must enhance both current and future potential to meet human needs and aspirations, human security must include more than threats to the physical well-being of individuals if it is to extend the benefits of development to future generations.

Although there continues to be disagreement among scholars regarding a specific definition for human security (Alkire, 2003), even among those who support a broad conceptualisation, the definition proposed by the United Nations' Commission on Human Security (CHS) is perhaps the most widely accepted. The final report of the CHS (2003) stated that the aim of human security is:

...to protect the vital core of all human lives in ways that enhance human freedoms and human fulfilment. Human security means protecting fundamental freedoms – freedoms that are the essence of life. It means protecting people from critical (severe) and pervasive (widespread) threats and situations. It means using processes that build on people’s strengths and aspirations. It means creating political, social, environmental, economic, military and cultural systems that together give people the building blocks of survival, livelihood and dignity (p. 4).

By following a broad interpretation of the human security concept, the above
definition comprises components that are necessary for a people-centred approach, including an emphasis on the importance of human aspirations, culture, and dignity. These components encourage policy-makers to be more responsive to variations in the development environment and provide a basis for using contextually relevant frameworks that are able to assess the progress of development for a given country or region.

2.4 A Framework for Assessing Post-Conflict Human Security

This section builds upon the earlier discussion in order to present a comprehensive conceptual framework that is able to identify potential incongruencies between the normative approach to land tenure reform and sustainable human development. The framework is adapted from Leaning and Arie (2000) who argued for the psychological and social requisites of community stability (referred to as psychosocial needs), as well as Leaning et al. (2003) who put forward the additional proposition that psychosocial distresses provide an accurate expression of breakdowns in human security.

Although this framework is designed specifically to evaluate the human outcomes of land tenure policies and practices in the context of rural Cambodia, it is sufficiently general to be transferable to other contexts. In contrast to the modernisation and neoliberal paradigms that dominated development discourse throughout the second half of the 20th century, this framework seeks to identify the appropriate course of development without giving preference to any particular aspect of well-being. Furthermore, the domains of human security are intended to track changes in the subjective well-being of people, rather than to evaluate social and economic circumstances based upon their symmetry with Western ideals.

The following sections describe the proposed framework and discuss its potential contributions toward achieving sustainable human development. The thesis demonstrates that central to these contributions is the understanding that human security is designed “to safeguard the vital core of all human lives from critical pervasive threats, in a way that is consistent with long-term human fulfillment” (Alkire, 2003, p. 2). Threats to human security are seen as critical when they threaten to undermine the core activities and functions of human lives (vital core), and pervasive when they are
substantial, likely to affect a large number of people, and are not an anomalous event (Alkire, 2003). People who have been exposed to either kind of threat are often described as being “vulnerable.” In the context of development studies, and particularly with respect to human security, the concept of vulnerability is central to identifying the aspects of people's lives which prevent them from functioning effectively or freely.

2.4.1 Addressing human vulnerability

When exposure to any form of threat is high, and when an individual's ability to cope with critical and pervasive threats is poorly developed, then vulnerability increases. Hence, a core bundle of material and psychosocial resources are needed to empower and protect individuals whose capabilities have been compromised, especially after exposure to prolonged or violent periods of conflict (Leaning & Arie, 2000; Leaning et al., 2003). In the context of post-conflict development, vulnerability does not simply imply poverty, but also a broader range of insecurities that can result from defencelessness, shocks, and stress (Chambers, 1989, p. 33). In order to identify and understand the nature and extent of these kinds of outcomes, vulnerability-based analysis examines adverse social, economic, and political circumstances that expose people to a level of adversity with which they are unable to contend. Webb (2000) pointed out that, “while much of the [existing] development policy seeks to improve the ability of poor people to deal effectively with socioeconomic risks, emergency relief is critical when the local capacity to mitigate risk fails for large numbers of people” (p. 35).

The framework presented in this section is designed specifically to identify where the capacity to mitigate risks or threats has failed. This is achieved by relating variations in people's capabilities to deal with post-conflict threats to their physical or psychosocial well-being. It is important to note that the use of the term “post-conflict” throughout this section is not meant to imply a universal set of circumstances, but rather a range of potential threats that may exist at varying levels. Attempts to identify such threats represent a significant challenge, as the various normative and structural changes that typically occur during and after conflict can be difficult to articulate, especially by researchers or policy-makers who have not experienced comparable conflict themselves.

In response to this challenge, Webb (2000) suggested that a human security
approach should consider the difference between exposure to hazards and the ability to cope with them. This difference equates to the level of vulnerability of the affected population. Hence, Webb reduces the concept of vulnerability to include a set of reactions (coping mechanisms) to a real or perceived threat. However, simplifying vulnerability in this way appears to underplay the real-world complexity of the interactions between threats to a person's well-being and their ability to cope. For instance, coping strategies may address one hazard while at the same time worsening the impact of another, such as when increased income levels lead to increased risks of corruption and violent crime as well as social and economic inequality. Thus, the categorisation of potential threats is complicated by the variable impact that different circumstances can have on people's security. Any attempt to reduce vulnerability must allow for overlap between the categories or domains, as well as the possibility of a single factor simultaneously affecting two or more domains in different ways.

The human security framework proposed in this section identifies human security along four domains, as demonstrated in Figure 2.1. These include (i) basic human needs, (ii) a relationship with location, (iii) a relationship with community, and (iv) a relationship with time. These domains represent the ability of populations to maintain a diverse range of capabilities and relate to a variety of post-conflict threats. Furthermore, the domains are not mutually exclusive, as a particular set of circumstances may affect multiple domains in different ways. The following discussion describes the four domains, establishes their contributions to the broader aims of human security, and identifies measurable criteria that support their assessment.

2.4.2 Basic human needs

Basic human needs are fundamental to the physical protection of individuals. For these needs to be met, a person must be protected from life threats, maintain income security, be able to maintain food security, and have access to adequate shelter. Given that most of these needs are necessary for survival, this domain can be considered universal in nature relative to the remaining three. However, within some societies, income security may not be as fundamentally important as the remaining criteria. It is included here not as a neoliberal compromise, but rather as a way of addressing the need for diverse or secure sources of wealth. This does not have to be monetary income, but
could instead represent the attainment of resources that can be traded or have intrinsic value. In some societies non-monetary trading is common and may be superior in terms of maintaining the value of goods inside the community (Gaughan & Ferman, 1987; Hodder, 1965).

Figure 2.1 Framework for the assessment of post-conflict human security. The use of location, community, and time as domains of human security was adapted from Leaning and Arie (2000).
Attention to meeting basic human needs has always been a strong component of policies targeting both developed and developing countries (McHale & McHale, 1979; Sparks, 2009). However, this is largely due to the fact that these needs are easily identified and compared, as demonstrated by the HDI. The HDI's popularity has been due, in large part, to its relatively straightforward and consistent comparison between different countries or regions (spatial comparison), as well as from year-to-year (temporal comparison). The HDI provides a comparative measure of life expectancy, literacy, education, and standard of living for countries worldwide by setting a minimum and a maximum for each dimension, referred to here as “goalposts,” and then shows where each country stands in relation to these (UNDP, 2011).

The HDI functions very well as a means of making broad temporal or transnational comparisons. However, when attempting to assess subjective well-being at the grass-roots level it is too cumbersome and inflexible relative to local conditions. For example Booysen (2002) and Klugman et al. (2011) argued that, although composite indices such as the HDI are of a cardinal nature (i.e. some attribute that is associated with a precise measure), differences lack substantive meaning and are often considered to be more akin to a simplified statement of development ideology than a meaningful expression of people's freedoms. Further, McHale and McHale (1979) argued that a long and healthy life is not determined by health services alone but by an interactive combination of other factors such as “meaningful work, education, recreation, and security; and ultimately by the satisfaction of values and by desire for living itself” (pp. 16-17). Whereas pervasive threats of violence at the social level are known to correlate well with disparities in access to economic, political, or social resources, assessments of well-being do not. Moreover, these factors should not rely simply on indicators of mortality to determine where a person's life has improved (Meddings, Bettcher, & Ghafle, 2003).

Hence, understanding development invariably requires the coordination of more diverse criteria if the contextual relevance of human well-being is to be maintained. For this reason the basic needs dimension in this thesis is confined to the most basic factors necessary for maintaining human functioning, while more complex functionings are examined by the addition of the remaining three psychosocial domains (Drèze & Sen,
While basic human needs are regarded as an elemental part of human well-being, few of the realistic threats to well-being can be addressed without equal consideration for the additional domains included in the framework.

### 2.4.3 Relationship with location

A person’s relationship with their location comprises the physical and psychological connections they maintain with an identifiable place or places. For this domain of human security to be sustained, a person must have the ability to mitigate forced dislocation, maintain tenure security, and maintain mobility. These criteria are of particular importance to post-conflict recovery and relate well to the stated aims of land tenure reforms underway in developing countries such as Cambodia.

Forced dislocation is a common feature of many violent conflicts, but may also be prevalent in societies where class divisions or excessive income disparities have forced people from their normal place of residence. As is the case with basic needs such as food security and shelter, this kind of insecurity can be easily identified and measured, for example by the United Nations High Commission for Refugees (UNHCR). This typically entails counting the number of people that are displaced, but this does not necessarily account for the distances people may be forced to migrate or the challenges faced along the way. Hence, as a compromise, the number of people being displaced is often used as a surrogate for the severity of the threat.

Despite the frequent association of forced displacement with acts of physical violence, displacement may not always be the underlying cause. For instance, endemic poverty may also force a group of people to give up their normal place of residence in order to protect their basic needs in the short term. In this case, selling land may appear at first as an opportunity for the poor, but in actuality they may be forced to choose between two negative scenarios, namely either to stay and starve or to give up their land and relinquish the familiarity associated with their home.

A similar and often overlooked level of threat may occur when people become confined to a place they want or need to leave. For example, land may be inadequate or unusable, or the social or economic environment may become untenable. If people are unable to relocate then they can become equally vulnerable as those forcefully
dislocated. Thus, both avoidance of forced dislocation and the inability to relocate voluntarily are freedoms that are fundamental to human security. Although the causes of forced dislocation and confinement vary, the result is likely to be the same, namely the inability to carry out basic human functionings.

2.4.4 Relationship with community

A person's relationship with their community comprises ties to family and community networks that contribute to their capacity to function and their ability to cope with threats. Constructive social or family support is often essential to self identity, empowerment, and protection from physical and psychological harm (Leaning & Arie, 2000). Similarly, cultural and religious connections within a community can provide people with access to a wide range of resources that are essential to development (Jones, 2009). This domain of human security requires that a person has the ability to maintain identity and a reasonable level of functional support.

In situations where conflict has diminished or destroyed formal mechanisms of support, such as social security or civil defence, community membership may be essential for maintaining or advancing people's well-being. Even in cases where support exists beyond the community, people may be especially vulnerable if they are unable to draw support from a more immediate source. For example, following complex humanitarian emergencies such as a natural disaster, people are known to benefit from a cohesive and supportive community as a stop-gap form of defence against threats (Varda, Forgette, Banks, & Contractor, 2008). Thus, the need for community support is similar to civil society in that informal voluntary groups that are not part of government may be integral to helping people cope with adverse circumstances on a day-to-day basis, or as an immediate response to a critical threat.

2.4.5 Relationship with time

A person's relationship with time represents their ability to overcome the psychological detriments of exposure to significant trauma or stress. In order to maintain this domain of human security, a person must maintain both an acceptance of the past and a positive sense of the future. These criteria are essential for societies to overcome the psychosocial damage caused by prolonged conflict. However, they are often overlooked when attention is given exclusively to more tangible events in people's
lives.

It is important to note that these criteria do not represent mechanisms for emotional reprieve. Despite being a predominantly psychological attribute of human security, positive relationships with time can actually support functional aspects of the development process. For example, acceptance of the past does not require forgiveness for past injustices. Instead, it requires only that people develop and maintain an understanding of why events have occurred. After living through a period of extreme violence it is likely that most people will never fully recover psychologically or bring themselves to forgive the perpetrators of the violence. However, to become empowered people must first be able to move forward with their lives and learn to deal with the past without it inhibiting their prospects for the future. Of course this is far easier said than done. For those who have experienced the loss of entire families or witnessed unspeakable horrors, moving forward from the past may be the single greatest obstacle for them to overcome. However, sustainable human development requires a plan for ending conflict, and this, in turn, may be dependent on some level of reconciliation. If people cannot see beyond mistreatment in the past they are unlikely to be able to participate in new opportunities.

As a continuation of this process, maintaining a positive sense of the future requires that people acquire and maintain the optimism that is essential for sustainable human development to occur. Even after acceptance of the past has been achieved, optimism must be established in order for people to commit to the often arduous process of incorporating opportunities into their lives. For opportunities to have long-term benefit they must be seen by development recipients as sound investments. Those who cannot envisage a future for themselves and their family may be unable to find a purpose for development in their lives. Such a lack of optimism means people may be likely to disregard opportunities or pursue only short-term gains because they devalue the prospect of future returns (Stiglitz, 2002). Furthermore, when this domain is weak, people are likely to opt-out of long-term processes, such as investing in education for their children, in favour of short-term gains, such as removing their children from school in order to take up employment. Hence, the weakening of this criterion is likely to undermine the sustainability of development if it is not addressed at an early stage.
As a domain of human security, a person's relationship with time is made especially vulnerable when local authorities become complacent about people's attitudes toward past conflict. It is essential to human security that acceptance of the past is not taken for granted, and that a positive sense of the future be maintained continuously in order for full participation in development to be achieved.

2.4.6 Policy feedback and changing expectations

An obvious benefit of tracking changes in human security is the ability of policy-makers to adjust their approach according to changes in the development environment. This may require expanding interventions in response to positive outcomes, or altering or suspending interventions in response to negative outcomes. Policy-makers may also choose to compensate for low achievement on a particular criterion or across an entire domain by adding new interventions. Hence, the framework shown in Figure 2.1 provides a means of identifying imbalances where one criterion may benefit at the expense of another.

Additionally, development recipients may alter the value they assign to development outcomes based on rising expectations. Prior to development interventions being implemented, people are sometimes informed of the changes that are expected to occur and how such changes may improve their lives. At a minimum, development recipients will establish a basic understanding of how they will benefit directly from change. However, if such expectations are not met, then people may continue to perceive a significant level of insecurity, even after their capabilities improve. Hence, this feedback component allows for an adjustment of expectations with the proposal of more realistic links between a development intervention and the expansion of peoples opportunities for achievement.

2.5 Chapter Summary

This chapter discussed the evolving relationship between human security and conceptualisations of development. Beginning with post-WWII development policies that prescribed changes based on Western models of development, the paradigm shift in development discourse toward a people-centred approach aimed at expanding people's capabilities was discussed. A hallmark of this approach is the achievement of objectives
that are directly relevant to people's life situations. The chapter also outlined the importance of policies that pursue sustainable human development that seeks to preserve and protect people's freedom from fear and freedom from want without compromising the ability of future generations to enjoy similar improvements.

In order to assist with the evaluation of development policies, a comprehensive conceptual framework was presented to identify where policies fail to promote and protect people's capabilities, often at the expense of their well-being. This framework is suited to the difficult task of sifting through the social, political, and economic complexities that surround post-conflict development to identify situations where affected people remain vulnerable.

The next chapter advances this discussion by explaining the ways that land tenure reform can affect the prospects for achieving sustainable development. Of particular concern is how tenure reforms continue to pursue the modernisation of developing countries through the introduction of neoliberal economic policies and Western-based land administration systems. The human security framework presented in Chapter 2 is discussed in the context of these reforms.
Chapter 3

Land Tenure

Building upon the theories of development and human security presented in Chapter 2, this chapter explains the ways in which land tenure reform can affect the prospects for sustainable human development, particularly after a period of conflict. This is achieved by outlining the potential functions of a land tenure regime and the implications of reform. As part of this discussion, the chapter examines the reasons why land tenure reforms have often pursued the modernisation of developing countries through the introduction of neoliberal economic policies and Western-based land administration systems. Concern is expressed for how, in the context of a modernisation-based approach, commitment to sustainable human development has been largely rhetorical, and substantial improvements to people's well-being have seldom been realised. In particular, it is concluded that the importance of psychosocial well-being has not been adequately addressed and deserves greater attention before altering a land tenure regime.

3.1 Regime Types

Throughout the land tenure literature, regime types are often dichotomised between those that are “formal” and “informal” (FAO, 2005, p. 21). For instance, authors often use the term “formal land tenure” to describe a system of rights derived from Western experience. Concurrently, the term “informal land tenure” may be used to mark where systems deviate from Western experience. However, in order to maintain a more objective assessment of a regime, as well as a better understanding of the contextual importance of its elements, the thesis avoids dichotomising land tenure in this way. As with an “informal economy” or an “informal request,” aspects of a land tenure regime that are identified as being informal connote an element of illegality or adverse social behaviour. Contrary to this implication, aspects of land tenure that are based on
traditional practices are often formal in their own context and may comprise a clearly understood set of rules (FAO, 2005, pp. 21–22).

Descriptions of “formalisation” may be interpreted more aptly as the reconfiguration of a land tenure regime in compliance with Western ideals of equality and transparency. As has frequently been argued throughout the literature, implementing these ideals may require the implementation of codified laws, new bureaucratic or institutional structures, and new technology (Benjaminsen, Holden, Lund, & Sjaastad, 2009; Meinzen-Dick & Mwangi, 2009). Although formalisation has been pursued by several key development donors, the implications of such a transformation continue to be questioned (Feder & Nishio, 1998). Thus, throughout this chapter a generalised distinction is made only between tenure processes that are defined by “statutory laws” and “customary rules.” The terms “informal” and “non-formal” are used only to describe where actions deviate from what a society considers to be acceptable behaviour.

In practice, most land tenure regimes comprise both statutory laws and customary rules (Cotula, 2007; USAID, 2011). Hence, the characteristics of a regime can vary greatly between countries, as well as between communities within a country. Perceptions of what access to land means to a person may be culturally engrained and can be difficult to change when long-standing beliefs are called into question. Thus, when discussing land tenure it is essential to be considerate of the many ways the role of land can be conceptualised. Table 3.1 lists several of the more common ways people may conceptualise or give meaning to land. Given the diversity of this list, it is clear that any attempt to manage or reform people's access to land should consider the overlapping contribution it can make toward maintaining their well-being. No matter how certain individuals may be that their perspective is justified, it does not negate the fact that others may hold different, additional, or contradictory conceptualisations about the role of land. Hence, land tenure should always be thought of as a fluid concept that is able to explain variations in how people approach and think about land (Williamson, Enemark, Wallace, & Rajabifard, 2010).
3.1 REGIME TYPES

As a fluid concept, land tenure may contain both statutory and customary rules that help to define and regulate the relationships between individuals or groups in regard to land and land-based resources (FAO, 2002, p. 7). Land tenure regimes typically integrate individual rights with the overarching needs of society in order to provide a basic template for the administration of land-based resources. Thus, embedded in the concept of land tenure is Jean-Jacques Rousseau's description of the “social contract” (Rousseau, 1762). Conceptualising land tenure as a kind of social contract emphasises

<table>
<thead>
<tr>
<th>Conceptualisation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land as terra firma</td>
<td>The ground on which we live.</td>
</tr>
<tr>
<td>Land as physical space</td>
<td>A finite area up to, and including, the entire surface of the earth.</td>
</tr>
<tr>
<td>Land as a deity</td>
<td>The source of all life and the container of all life.</td>
</tr>
<tr>
<td>Land as kin</td>
<td>The belief that land embodies ancestral spirits.</td>
</tr>
<tr>
<td>Land as community</td>
<td>The association of people based on their common reliance, common understanding, or shared experiences in regard to a specific place.</td>
</tr>
<tr>
<td>Land as a property institution</td>
<td>The articulation of a broader framework for society, for example when communist governments decree land to be the property of the state.</td>
</tr>
<tr>
<td>Land as capital</td>
<td>As a means of raising capital funds with land as collateral or capital gains from the appreciated value of land over time.</td>
</tr>
<tr>
<td>Land as a consumption good</td>
<td>As a product of human enterprise, for example the creation of parks or developed building sites.</td>
</tr>
<tr>
<td>Land as a commodity</td>
<td>A commodity in land markets.</td>
</tr>
<tr>
<td>Land as a human right</td>
<td>The formative claim is the “The Declaration of Human Rights” (UN, 1948) which states that “everyone has the right to own property” (Article 17).</td>
</tr>
<tr>
<td>Land as a means of social control</td>
<td>The use of land rights to manipulate or sustain social arrangements. For example, in a manner pursuant to the aims of colonialism or authoritarianism.</td>
</tr>
<tr>
<td>Land as nature</td>
<td>Access to sunlight, rainfall, wind, varying climatic conditions, soils, topography etc.</td>
</tr>
<tr>
<td>Land as a resource</td>
<td>As a means of livelihood, source of wealth, power, status, or revenue.</td>
</tr>
<tr>
<td>Land as environment</td>
<td>A place requiring active management in order to preserve its capacity to sustain life.</td>
</tr>
</tbody>
</table>

*Note: Adapted from Williamson et al. (2010, p. 40), Sharifian (2006, p. 18), and Nijoh (2007).*
the importance of tenure relationships that may exist between individuals within society, as well as between individuals and their governing authority. From this perspective, an ideal land tenure regime is one in which individuals are able to unite into political societies by a process of mutual consent. These individuals agree to abide by common rules and accept corresponding responsibilities in order to protect themselves and others in society from any harm that may stem from conflict over land and its resources. Delville (2010) recognised the overlap between the concepts of land tenure and the social contract, stating that:

Defining or redefining land policies also involves reworking the social contract that links citizens with each other and with the State, raising questions about the basis for living together in a given society despite its socio-economic and political divisions, and about the way to deal with its internal diversity and social and economic inequalities (p. 15).

Framing land tenure in this way highlights its many dimensions, as well as its critical role in achieving social, economic, and political stability. It also reveals the close ties between land tenure and the power relations that form a society. Identifying these power relations is a way of understanding how tenure regimes work in practice and serve to maintain the authority structures that people depend upon for guidance and support (Cousins, 2007). If the structure of a tenure regime contradicts the way society has functioned in the past, then it is likely to diminish people's ability to function effectively. For example, the FAO (2002) stated that:

In many cases, responses to concerns of environmental sustainability, social conflicts, and food security of the vulnerable are affected by land tenure and have an impact on land tenure. Failure to consider land tenure implications at the beginning of a project is likely to result in unanticipated outcomes. This failure may lead to the project not generating any improvement. In some cases it may even worsen the situation, for example, by inadvertently dispossessing people of their rights to land (p. 3).

Whether defined by codified laws or by traditional practices, the rules that stem from land tenure reflect society's acceptance of where land rights begin and end. This is often the basis for managing “how access is granted to rights to use, control, and transfer land, as well as associated responsibilities and restraints” (FAO, 2002, p. 7). Maintaining what are perceived by members of society as fair and equitable rights is
especially critical in the rural areas of developing countries. In these areas access to land is a fundamental determinant of income-earning potential, food security, and social stability (Norton, 2004). If tenure arrangements are seen as unfair or inequitable to rural farmers, then tenure may become dysfunctional and destructive to social cohesion, thus diminishing the likelihood that individuals will accept the authority of the tenure regime or of government generally.

The mandate inherent in any land tenure regime is to determine “who can use what resources for how long, and under what conditions” (FAO, 2002, p. 7). However, in pursuing this mandate, developing countries may support a variety of tenure types. These may include individualised tenure, communal tenure, open access, non-formal tenure, or public tenure (Dale & McLaughlin, 1999; Feder & Feeny, 1991). The following sections describe each of these tenure types and outline some implications of their use.

3.1.1 Individualised tenure

Individualised tenure, which may also be referred to as private tenure, is the most common tenure type among Western countries and is now increasingly incorporated by developing counties. Individualised tenure may include rights of an unlimited duration, such as freehold, or for a finite duration, such as leasehold. Where land rights are held for an unlimited duration people may use and dispose of the land and its resources in any legal manner. Where land rights are held for a finite duration, a verbal or written contract sets out the terms of use for a specified period. However, it is often the case that longer leases, sometimes in excess of 99 years, may be functionally more similar to rights held under freehold arrangements (Feder & Feeny, 1991; Payne, 1997).

Implementing an individualised tenure regime often requires the “commodification” of land and land-based resources as a pre-condition for its free exchange within a land market. In the broader context of a free-market economy, the process of commodification represents the successful transformation of goods, ideas, or other entities into a commodity. When land is viewed as a commodity, it becomes transferable, divisible, and may be assigned an intrinsic value that can fluctuate based on demand. Wallace and Williamson (2006) argued that “a functioning society always needs to rationalize the relationships between people and land; trading in commodified
land is one of the easiest methods of rationalisation, especially when compared with bureaucratic or centralised allocation” (p. 128). From this perspective, land is primarily a market asset that should be measured and recorded in a manner that facilitates its transaction. Proponents of a market-based approach, such as de Soto (2000), have argued that if the exclusive rights of individuals are recognised by a registered title, then the poor will have better access to formal credit and become empowered to pursue a much broader range of opportunities for economic advancement. In support of this view, the World Bank (1993) has stated that:

This process is important in making land and house transactions possible and giving occupants legal protection. It encourages the buying and selling of housing and makes it possible for households to move to a dwelling that suits their needs and their budgets. It also increases the choice of tenure available to households, allowing them to own or rent as they see fit (p. 117).

The World Bank's support for individualised tenure is indicative of the popularity of this approach among the major development donors. However, imposing individualised tenure on developing countries has also been widely criticised by non-governmental organisations (NGOs) that advocate the preservation of indigenous rights (Vidal, 2011), and scholars who argue that the social and economic benefits have often not been realised by those most in need of support, such as poor rural farmers (McCaskill & Rutherford, 2005; Zoomers & Haar, 2000). There is also concern that introducing or expanding a land market can undermine the benefits of other regime types, such as communal tenure, that may previously have facilitated a variety of essential human functionings (Sjaastad & Bromley, 1997).

### 3.1.2 Communal tenure

A communal land tenure regime describes where land is under the jurisdiction of a community or an aggregate body that has the right to exclude non-members (Andersen, 2011; FAO, 2002). This kind of arrangement typically prevents the expropriation of territory, particularly when doing so would not benefit the community as a whole. Communal land tenure regimes continue to exist in a significant number of developing countries, particularly where indigenous groups have historically maintained “territorial control” over a large area. In this context, tenure relationships and cultural practices
3.1 REGIME TYPES

often do not allow for the commodification of natural resources (Borras, 2007). Furthermore, individual rights are not always necessary for a land tenure regime to be effective in meeting the immediate needs of a society. In some instances, people's ability to use land in conjunction with other members of their community may be more relevant to their well-being than the right to exclusive ownership (Dale & McLaughlin, 1999, pp. 26–28). Hence, it is often acknowledged that, given the right set of circumstances, a communal land tenure regime may provide a superior form of security from social and economic threats. For example, Feder and Feeny (1993) argued that:

Communal property rights in land represent the best land rights regime where opportunities for investment in the quality of the land are limited, the community is small, but land is sufficiently scarce that it pays to exclude others from using it (p. 244).

Communal land has sometimes been linked to the concept of “common land,” used historically to describe where people shared certain rights under a feudal social hierarchy, such as the right to graze their cattle in a shared pasture. The critical dilemma facing these kind of tenure regimes has been the potential for a rapid and unfettered depletion of natural resources. This problem is sometimes referred to as “the tragedy of the commons,” a term coined by Hardin (1968) to illustrate the importance of integrating social and political theory with ecological data. Hardin concluded that, where demand for resources exceeds supply, a lack of constraints in individual behaviour can result in unavoidable tragedy. With the general public now more aware of the long-term and wide-spread implications of environmental damage, “the tragedy of the commons” has since become a metaphor commonly used to describe where land tenure arrangements fail to account for the inability of humans to self-regulate their consumption of natural resources. However, policy responses to this kind of concern have often been vague and inconsistent.

Opponents of communal tenure sometimes argue that, where the community or controlling group has become too large, limited exclusivity has resulted in a general lack of incentives to conserve (Feder & Feeny, 1991). However, this argument is premised on the misunderstanding that communal property is synonymous with open access. Proponents of maintaining communal land tenure regimes have sometimes argued that processes of “individualization of land are uneven and contested and in
many places the nature and content of land rights remain quite distinct from ‘Western-legal’ forms of property” (Cousins, 2007, p. 282). It should also be acknowledged that, in many respects, communal property regimes “exist and function very much like private property regimes and [public] property regimes. Some are not working very well, while others work very well indeed” (Bromley, 1992a, p. 4). Thus, where land tenure has been dysfunctional, a brokered solution may be most effective. What remains essential is that some degree of regulation is maintained.

### 3.1.3 Open Access

Many of the problems associated with the tragedy of the commons become compounded where there is no governing body or collective leadership to mediate or guide access to land (Hardin, 1968). In the absence of such an authority, and where the benefits of access are available to anyone without any duties or obligations, open access is assumed to exist (Bromley, 1992b; Dale & McLaughlin, 1999). Although Hardin (1968) does not clearly distinguish between common property and open access property, there are important differences, especially in regard to their respective impact on sustainable development. The most important of these differences is the fact that “problems of open access arise from unrestricted entry, whereas problems of common property result from tensions in the structure of joint use rights adopted by a particular village or group” (Runge, 1992, p. 18). Hence, a dysfunctional common or communal land tenure regime may sometimes be remedied through reforms, whereas the problems associated with open access cannot be addressed unless a completely new tenure regime is introduced.

Unlike any of the other tenure types discussed in this chapter, open access is defined by the clear absence of either formal or informal arrangements that may serve to regulate access to land or the consumption of its resources. Bromley (1990) stated that “there is no property in an open-access situation, only the opportunity to use something” (p. 11). Hence, the human relationships, societal norms, and power structures that bind society do not come into play. This may encourage a social environment characterised by the pursuit of individual and short-term interests, as a well as a general disregard for the future viability of land.

The problems that result from open access are often linked to severe social conflict
that may be capable of destabilising all aspects of a tenure regime, as well as accelerating the destruction of the natural environment (Clark, 2000; Kebede, 2002). Hence, throughout much of the literature open access has been presented as detrimental to both the environmental and humanistic goals of sustainable development (Adger, 2000; Geist & Lambin, 2002; Wiebe & Meinzen-Dick, 1998). Attempts to address these concerns are often incorporated into development policies, many of which seek to transform open access into what are perceived to be more “accountable” forms of tenure, such as individualised tenure or public tenure (see Section 3.1.5).

Open access, despite its associated problems, can sometimes actually help to maintain social stability. In developing country contexts, particularly where institutional structures remain weak or underdeveloped, the ability to gain unfettered access to unoccupied land is sometimes a last resort for those seeking a new beginning (Christensen & Rabibhadana, 1994). Hirschman (1978) suggested that reliance on such an opportunity is more prevalent where societal tensions force people to relocate. However, when open access land is not available, people that are otherwise unable to escape poverty or threats of violence may become motivated to ignore existing tenure arrangements, forcing them to pursue forms of “non-formal tenure.”

**3.1.4 Non-formal tenure**

Non-formal tenure includes forms of occupation that contradict formal arrangements, including the statutorily or customarily defined rules that dictate the legitimacy of a person's current occupation. This tenure type comprises squatters, unauthorised construction or use, and land converted to freehold through corrupt means (Dale & McLaughlin, 1999). Non-formal tenure is more common among developing countries, particularly where tenure regimes are in a state of transition or during a period of political uncertainty (Unruh, 1998, 2008). However, the concept is distinct from that of open access, since non-formal tenure implies that rights and responsibilities do exist, even if they are not actively monitored or obeyed.

An example of how people may contradict formal tenure arrangements is the unauthorised construction on or use of land (i.e. where a person has legitimate rights in land, but those rights do not extend to how it is currently being used). For instance, a person may have the right to occupy and farm a plot of land, but may instead be using
the land as a disposal site for waste in violation of established rules. A person may also have built, removed, or altered structures on the land without first getting the required consent of the community or administrative authority. In either case, the behaviour of the occupant is usually considered adverse to the broader interests of society or a community, and may lead to social exclusion or forced eviction (Payne, 2002).

Squatting is well documented in both developing and developed countries and may be either regularised or non-regularised (Burns, 2007; Payne, 1997). When squatting is regularised, people may sometimes gain occupation rights after proving a continuous period of occupation and if no other claimant challenges those rights. In common law jurisdictions, such as the United Kingdom (UK), such occupation is referred to as “adverse possession” (Dale & McLaughlin, 1999, p. 19). Adverse possession provides judicial recognition for the trespasser who, for a requisite period of time, has used land for their own purposes – essentially transforming a “moral wrong into a legal right” (Griggs, 2008, p. 287). When squatting is non-regularised (i.e. there are no explicit rules) eviction is more likely to occur since continued occupation is often dependent on numerical strength (i.e. a large squatter population), as well as political support (Payne, 1997). Furthermore, squatting is not limited to urban areas. In rural areas people may seek to utilise agricultural land or forests to which they have no rights, or attempt to use public or state land without consent.

3.1.5 Public tenure

Public tenure is a common tenure type among both developing and developed countries. It comprises a variety of categories, including Crown land, state land, and public land. Crown land is a common feature in former colonial states, where the colonial powers acting on behalf of a sovereign head of state may have declared exclusive rights over large areas of land. Although such land may remain untouched, in many cases indigenous populations were evicted in favour of European companies and settlers, who were eventually offered freehold or long leases (Payne, 1997). State land is similar to Crown land, as it is held in the public domain and is utilised in conjunction with the broader interests of society. Crown or state land may be sold and converted to freehold land, or placed on the market through the award of leases (Payne, 1997). In either instance, it is usually government agencies that maintain responsibility for setting
the rules for accessing and using the land, and citizens are legally obligated to abide by these rules (Dale & McLaughlin, 1999).

Unlike Crown or state land, public land is maintained exclusively for public access. It is assumed to be protected from isolated interests within society, such as commercial interests or individuals seeking to utilise the land for their own gain. In some instances governments may attempt to convert public land to freehold or leasehold, particularly in cases where the land has high economic potential. Changing the tenure status of land in this way may be referred to as the “privatisation” of land, where public access areas such as nature reserves or parks are closed-off to the public in favour of commercial use (Dale & McLaughlin, 1999, p. 125).

The privatisation of public land in both developed and developing countries is frequently challenged by groups within society, usually with the desire to maintain cultural norms, protect historic links to land, or preserve and maintain public access to nature. However, when privatisation has been implemented in developing countries, weak governance has often lead to public land becoming the focus of corrupt activities. For example the FAO (2007) stated that:

The state may be stripped of its assets through “land-grabbing”, i.e. the transfer of state land into private hands through questionable, if not illegal, means. Illegal land exchanges may leave the state with inferior property. Poor records help to conceal the truth. Special interest groups may be favoured in logging and mining concessions. There may be political interference in management decisions, and compulsory purchase may be used inappropriately to further private interests (pp. 24-25).

When such occurrences become commonplace, development efforts may fail to take root, and donor support may diminish (Deininger et al., 2011). Transparency International (2011) noted that, “whether it is the corrupt official who takes kickbacks for authorising development in the rainforest or a clerk who asks for a bribe to register a small plot, corruption can endanger livelihoods, promote inequality and distort markets” (para. 2). Hence, problems with public tenure have often provided justification for reforming land tenure in favour of a more transparent and equitable regime.
3.2 Defining Characteristics

Whether in the context of a developing or developed country, land tenure regimes comprise some basic elements or core functions useful for differentiating the regimes and locating dysfunction. Although scholars remain divided on the exact number of core elements, three are often presented in the land tenure literature. These include methods of acquisition, evidence of acquisition, and boundary definition (Dale & McLaughlin, 1999; Williamson et al., 2010).

Recording of land information, usually by means of a cadastre, is sometimes presented as a core tenure process (Williamson et al., 2010, p. 98). However, in the context of a developing or post-conflict society, collecting, storing, and disseminating information using a written or digital cadastre is often not feasible or practical (Cotula, Toulmin, & Hesse, 2004). Nor is the use of a cadastre imperative for meeting development needs of societies. For example, Migot-Adholla et al. (1991) pointed out that several attempts to expand title registration in Kenya yielded no real economic benefits or security for rural land owners. This has been largely due to pre-existing social norms that contravene the statutorily defined rights of outsiders to gain ownership over village land (Migot-Adholla et al., 1991). Additionally, villagers in some parts of Kenya have gained little or no benefit from the ability to use land as collateral security for loans. The root flaw is that the transfer of titles within the cadastre was not recognised as being either legitimate or useful by members of the community (Meinzen-Dick & Mwangi, 2009; Migot-Adholla et al., 1991; Peters, 2009).

Given the above issues with cadastres, their inclusion as a core function of land tenure, as was done by Williamson et al. (2010), appears unjustified. Furthermore, requiring registration of rights may be viewed as a veiled statement that customary (or non-Western) approaches to land tenure are deficient, which is not always the case. Hence, the following three sections focus on the impact of varying methods of acquisition of land rights, available evidence of acquisition, and means of boundary definition.
3.2.1 Method of acquisition

As the first core function of a land tenure regime, methods of acquisition include how a person or group came to occupy, use, or possess land. Methods of acquisition can be divided conceptually between two processes, namely the transfer of land rights by agreement, such as buying, selling, mortgaging, leasing, or transfer, or by social events, such as deaths, birth, marriage, or divorce (Williamson et al., 2010). The procedures associated with each method may be statutorily defined by codified laws or by decree, or they may be customarily defined based on long-standing traditions. In practice, societies often rely on a mixture of these systems in matters of land acquisition (Dale & McLaughlin, 1999). For instance, what constitutes an acceptable buyer may depend on their traditional ties to the community, while the procedures for transferring those rights may exist as codified laws.

In cases where rights are held by individuals, land is typically purchased using money or credit. This is how land is normally transacted in Western countries, and introducing or facilitating this kind of exchange is a common objective of many tenure reform programmes under way in developing countries (see Section 3.3). However, concerns have been raised regarding the outcomes of these programmes. Given the central role of land in maintaining the livelihoods of rural populations, development interventions that alter the methods of acquiring land rights can easily undermine established norms. Hence, there is an inherent risk that interventions will subvert people's perceptions of what constitutes a legitimate or fair means of transacting land rights.

In some cases, the widespread rejection of a new tenure arrangement has even led to greater levels of corruption. This has sometimes resulted where people's beliefs are undermined and they no longer feel a moral obligation to abide by the rules (Ostrom, 2003). In other instances, more direct conflict has resulted when people begin to question the legitimacy of arrangements that increase their vulnerability or otherwise reduce their level of well-being (Mwathane, 2010). Thus, the available methods for acquiring new land may be integral to addressing broader issues of social and economic disparity, especially where parts of the population become disenfranchised by new rules that prevent them from expanding their access to land.
3.2.2 Evidence of acquisition

The second core function of a land tenure regime is to record or document the evidence that can be used to defend a claim to occupy, use, or posses land. As with methods of acquisition, the available forms of evidence are typically derived from existing norms, and the process of defending land rights may also vary between societies. Variations are particularly evident between societies with well established statutory systems and those that rely on customary rules.

Under a statutorily defined land tenure regime, legitimate forms of evidence include a deed or certificate, which may or may not be registered, or the registration of title. “A deed is merely a record of an isolated transaction” (Simpson, 1984, p. 15). It typically comprises a written document or series of documents that show a person's rights, obligations, and perhaps mortgages on a property. In most jurisdictions that still utilise a deed system, a public repository is provided for registering these transactions (Williamson et al., 2010). The registration of a deed helps to protect against the loss or destruction of the documents, as well as providing additional evidence of the date of a transaction in defence of any conflicting claims to the property (Dale & McLaughlin, 1999). However, the limitations of deed systems have been well documented (Payne, 1953; Patton, 1955; Simpson, 1984; Williamson et al., 2010). For instance, Simpson (1984) noted that:

A deed does not in itself prove title; it is merely a record of an isolated transaction. If properly drawn, it shows that a particular transaction took place, but does not prove that the parties were legally entitled to carry out the transaction and consequently it does not prove the transaction valid.

As an alternative to documenting rights using a deed, most countries now favour the registration of title, though a title still has to be supported by some form of signed and witnessed document. Of the total number of countries that use a type of registration system, 76% either fully or partially utilise a title registration system (Williamson et al., 2010, p. 276). The major differences between the title and deed systems stem from the fact that the deed system typically allows only for the registration of the instrument (i.e. the deed documents). In contrast to this, title registration provides landowners with a title record reflecting information held centrally in a registry, the veracity of which is
guaranteed by the state (Williamson et al., 2010, p. 276).

Under a title registration system, records contain a range of information about the interests affecting land, including mortgages, caveats, easements, and subsequent changes in ownership. Although there are various types of title registration systems, the model actively promoted by development agencies globally, including the World Bank, has been the so-called Torrens system (Dale & McLaughlin, 1999; Williamson et al., 2010).

Compared with a deed system, a title registration system is believed to reduce uncertainty, complexity, and cost. There are three well-known principles of title registration that underlie these benefits, namely the mirror principle, the curtain principle, and the insurance principle (Dale & McLaughlin, 1999, p. 38). The mirror principle requires that the register reflects accurately and completely the current state of a title. Hence, there is no need to look beyond the register for other rights. The curtain principle requires that the register becomes the sole source of title information. This is often described as “a curtain being drawn” and blocking out all former transactions (Taylor, 2008, p. 14). In other words, unlike the deed system, possessing a title obviates the need to go beyond the current record and review historical documentation. Finally, the state is responsible for ensuring the veracity of the register, and under the insurance principle is also responsible for providing compensation in the case of errors or omissions in the title. As such, rights holders are provided with added financial security. Rights holders may also benefit from the reduced reliance on lawyers and notaries to trace the chain of title that is necessary under a deed system (Williamson et al., 2010).

Some countries have implemented what is described as an “improved” deed registration systems. An improved deed system may link a deed to a clear description of boundaries using parcel index maps with unique parcel identifiers (Zevenbergen, 2002). In effect, an improved deed system may be almost indistinguishable from a title registration system. However, unlike a title system an improved deed system is not guaranteed by the state (i.e. the insurance principle does not apply).

As an alternative to the statutorily defined deed and title registration systems, evidence of acquisition may also be customarily defined. Throughout much of the literature this kind of evidence is referred to as being “informal.” However, as stated
earlier in this chapter, many customary approaches to land tenure are formal in their own context. Thus, in order to become “formal” a process need not be codified (i.e. made into written law), it must only be considered legitimate from the perspective of all parties involved, which may include individuals, the community, or the state. This is not meant to imply that customarily defined rules are always adequate. Rather, it refutes the implication that traditional institutions are inherently inferior simply because they are not easily integrated with Western legal and administrative systems.

One argument used by proponents of statutorily defined land tenure regimes is that traditional systems result in the inefficient allocation of resources because rights are not clearly defined, costs and benefits are internalised, and contracts or agreements are difficult to enforce (de Soto, 2000; Deininger, 2003; Deininger & Binswanger, 1999). Although this may make intuitive sense to those immersed in Western economic discourse, evidence from countries such as Botswana, Ghana, Kenya, Somalia, Uganda, and Zimbabwe suggest that Western economic theory is unable to account for many of the functional needs of people living within traditional communities (Barrows & Roth, 1990). Assuming that people's needs conform with a universal model of social and economic progress is clearly flawed. Even following statutory reform, many developing countries continue to lack the institutional capacity for them to function effectively in the absence of support from customary practices (Fitzpatrick, 2005). Hence, traditional institutions are sometimes left in place alongside a statutorily defined regime in order to fill the gaps left by incomplete or ineffective reforms (Cramb & Wills, 1990).

A land tenure regime that remains either fully or partially dependent on traditional institutions may utilise a wide variety of physical or testimonial evidence to help establish land rights (Simpson, 1984, p. 9). This may include evidence of a person or group's consumption of resources or their construction of buildings. Testimony of local authority figures or fellow community members may also be used to establish the veracity of a claim (Tripp, 2004; Williamson et al., 2010, p. 104). However, given that the legitimacy of these kinds of evidence is based on cultural norms, rights may be available only to those with existing ties to the community. Furthermore, as traditional communities become more integrated with the outside world, younger generations may attempt to introduce new ideas about how land rights are allocated, or seek to abandon
3.2 DEFINING CHARACTERISTICS

traditional life altogether (Törhönen & Goodwin, 1998). However, despite these concerns, customarily defined tenure regimes can provide an adequate basis for social as well as economic development (Simpson, 1984). The challenge lies in identifying the correct balance between old and new approaches when adapting to people's current needs.

3.2.3 Boundary definition

The third core function of a land tenure regime is to provide a means for boundary definition. As with other core functions of land tenure, what constitutes a legitimate means of identifying boundaries can vary greatly between societies. Such processes are invariably shaped by societal norms as well as by requirements of the tenure system.

In most Western countries survey marks and fixed structures, as well as other occupation details on the site, can provide physical evidence of a boundary and allow for a precise determination of where land rights begin and end. In this context, evidence of a boundary may include one or more monuments underpinned by a set of coordinates or vector data. According to Robillard et al. (2006) monumentation typically extends beyond merely setting lot corner stakes, it specifies the use of “permanent identifiable monuments (bounds) at frequent intervals in indestructible locations” (pp. 348-349). Parcel boundaries are usually identified with the help of coordinates, such as Northing and Eastings. Legal coordinate cadastres dispense with some or all boundary marks and assign the greatest weight to mathematical evidence (Ballantyne, 2008; Goodwin & McKinnon, 2010; Robillard et al., 2006, p. 350).

In contrast to monument-based and coordinate cadastral systems, many countries throughout the South Pacific utilise customary tenure under which territorial boundaries are defined in a manner that may be unrecognisable to someone from outside the community (Ward & Kingdon, 1995). In this context, boundaries are often derived from a combination of social and psychological imperatives, often mirroring the notions of territory demonstrated in nature (Eaton, 2005). In addition to providing a basis for maintaining the resources that are integral to the livelihood of a community, such boundaries may also reflect a spiritual belief system. For example, the edge of the forest, the bank of a river, or the base of a mountain may represent the physical extent of a community's land, while at the same time symbolise giving, protective, or guiding
forces. Thus, altering the process by which boundaries are identified has the potential to uproot fundamental beliefs that transcend tenure relationships. This may not only undermine the legitimacy of the tenure regime, but may contribute more broadly toward people's psychosocial insecurity.

### 3.3 Land Tenure Reform

Whereas land tenure represents the relationships among individuals or groups in regard to land (FAO, 2002, p. 7), land tenure reform attempts to alter these relationships to create opportunities for various forms of improvement. However, even minor alterations can have repercussions across multiple aspects of people's lives. Experience has shown that development environments are each characterised by a unique set of social and economic needs, and the consequences of altering how those needs are met is impossible to anticipate fully (Dale & McLaughlin, 1999, chap. 2). Hence, some of the challenges associated with tenure reform result from the difficulty policy-makers may have accommodating the various roles land can play in supporting people's well-being (see Table 3.1).

The significance of existing tenure arrangements, and the potential improvements from altering them, cannot be understood fully except in relation to the economic, political, and social systems which define their effectiveness (Bruce, 1998). As with all development interventions, the ability of land tenure reforms to improve upon existing conditions requires that the benefits of change exceed the costs of abandoning existing arrangements. A convenient way of summarising the progress toward achieving this goal is by assessing the “functionality” of a land tenure regime. A “functional land tenure regime” may be described as one comprising a collection of processes that are well-defined, contextually relevant, and that have the proven ability to promote a constructive and coherent set of rights, responsibilities, and restrictions with regard to land.

Conversely, a “dysfunctional land tenure regime” is one that is poorly defined with ambiguities that allow people to circumvent the regime, potentially in a manner contrary to the broader interests of their society. Hence, when the functionality of a land tenure regime is maintained, the benefits of change are more likely to manifest as tangible
improvements to people's well-being. Emphasising the need for tangible improvements reinforces the notion that maintaining the social contract requires a functional land tenure regime. Improvements to functionality can be seen more broadly as attempting to synchronise the needs of individuals with the interests of society (or the state). When the objectives of development are framed in this way, governments can be expected to pursue changes that improve the efficiency of the land administrative system but do not erroneously undermine the freedom of citizens to pursue improvements to their individual well-being. However, maintaining equilibrium between the needs of individuals and the broader interests of their society has often proven difficult to achieve when implementing changes. Furthermore, these difficulties may be compounded where development objectives are fixated on the process of change, rather than requiring evidence of how people's well-being has actually improved.

3.3.1 The scope of reforms

It is widely accepted that the over-arching aim of development is not limited to the successful implementation of changes to people's lives. Rather, for development to be effective it is generally expected to help produce substantive improvements that are both empowering and protective of people's needs (Alkire & Deneulin, 2009). Hence, the human outcomes from land tenure reform should be considered most pertinent to its success.

Achieving individual tenure reform objectives is not in itself evidence that people's lives are improving. Focusing closely on “process indicators” may highlight the progress made toward deploying a particular development intervention, but such a narrow perspective may also mask where development policies are flawed or insufficient in dealing with new and emerging threats. Although process indicators, such as the number of land titles registered or the number of surveyors trained, may reveal the progress made toward implementing a specific set of reforms, these changes may prove to be inconsequential over the long-term. If people do not experience substantive improvements to their well-being then reforms may simply have altered conditions without addressing the problems that are limiting development.

A clear distinction between what benefits the completion of an intervention and what benefits the recipients of an intervention is often absent from assessments of land
tenure reform. This must be remedied if reforms are to contribute more effectively
toward helping developing countries deal with the numerous land-related threats facing
their citizens. For example, as societies continue to increase in population and become
more complex, and as they become integrated with processes of economic and social
globalisation, threats to the sustainability of land as a resource may put tenure regimes
under increasing pressure and expose people to new kinds of vulnerability.

The United Nations (UN) has estimated that the world's population recently reached
seven billion and will exceed nine billion some time before the year 2050 (Kunzig,
2011). Concurrently, the availability of arable land is decreasing worldwide, largely due
to processes of urbanisation, climate change, and desertification (Behnassi & Yaya,
2011; Bruinsma, 2003; Ewing, 2008; Luo & Zhang, 2011). In addition to the widely
discussed environmental implications of land misuse that amplify scarcity, there are
many aspects of land tenure that can directly and indirectly affect the ability of people
to adapt to adverse physical and psychosocial stresses (Lal, 2009; Whitehead, Chiu,
Tsenkova, & Turner, 2009; Yildiz, Yilmaz, & Toy, 2007). In particular, issues
surrounding rights to access and use land are likely to increase societal tensions, worsen
poverty, or perpetuate conflict if land tenure arrangements fail to address critical
environmental and social concerns such as environmental degradation, endemic poverty,
and inequality (Barnett & Adger, 2007; Clover & Eriksen, 2009; Wiebe &

There is also increasing recognition among development donors of the potential
contribution of land administration reform toward supporting more equitable and secure
tenure arrangements. “Land administration” refers broadly to the infrastructure and
institutional mechanisms that support the implementation of land related policies and
land management strategies (Williamson et al., 2010). As an integral part of land
administration, land tenure represents the link between human relationships and the
institutional mechanisms that regulate rights to land. By looking more specifically at the
status of core land tenure functions (see Section 3.2), insight can also be gained into the
advancement of a variety of human development objectives. Furthermore, the cultural
values that legitimise institutional arrangements and constrain their behaviour constitute
the normative aspects of land administration and are best explained through an
examination of the land tenure regime (Feder & Feeny, 1993).

A distinction should also be made between processes of land reform and land tenure reform. Although some scholars propose that land reform incorporates aspects of land tenure reform (Dale & McLaughlin, 1999, p. 29), separating the two conceptually helps to identify more precisely where land tenure reforms have either failed or benefited a society. Whereas land reform usually involves the redistribution of landholdings or a transformation of agrarian systems, land tenure reform can leave people holding the same land, but with different rights and responsibilities in relation to land (Bruce, 1998; Tai, 1974).

Even in cases where insufficient access to land is of paramount concern, the most pressing problems are known to stem from policies that promote unequal tenure relationships or the inability of people to defend their rights (Borras, 2007). For example, in several South America countries civil unrest and revolution has been attributed to the failure of governments to rectify the unequal distribution of land that is rooted in an unequal allocation of rights (de Janvry & Sadoulet, 1989; Paige, 1996). Across much of Africa the struggle for social and environmental justice continues into the present century. In this context, injustice is often attributed to dysfunctional land tenure regimes that continue to support the inequitable redistribution of land-related resource rights instigated during the colonial-era (Amanor & Moyo, 2008; Binswanger & Deininger, 1993). In parts of Asia, changes to people's tenure arrangements have demonstrated how a newly structured set of land rights can be critical to overcoming antiquated class systems (Besley & Burgess, 2000; Keijiro, 1991). Even in developed countries the opportunities available to vulnerable segments of the population may be limited by a dysfunctional land tenure regime. For example, despite the recent settlement of several land claims by the Government of Canada, aboriginal leaders remain concerned that inadequate tenure security has left some groups vulnerable to the influence of outside interests (Natcher, Hickey, Nelson, & Davis, 2009).

Although land tenure reforms are only intended to address a subset of concerns related to the mismanagement of land, their ability to advance sustainable human development remains significant. In particular, a functional land tenure regime is expected to provide a platform for various forms of economic and social development.
However, it is frequently suggested that for sustainable forms of development to be possible “land tenure security” must first exist. Though discussions of tenure security are common in the literature, overuse of the term has resulted in confusion regarding the scope of its contribution. The following section helps to clarify the true potential of land tenure security by clearly defining the concept, outlining its potential benefits, and identifying its known limitations.

3.3.2 Land tenure security

Land tenure security requires that “a person’s rights to land will be recognized by others and protected in cases of specific challenges” (FAO, 2002, p. 18). This may also be referred to as “secure property rights,” and under some circumstances may be extended to include people's ability to easily and securely transfer land rights between individuals or groups (Deininger & Jin, 2006). It has been widely accepted by major development donors, including the World Bank, that a first step towards economic development is to address land tenure security where this is lacking (Deininger, 2003; World Bank, 2001). However, the extent to which tenure security contributes toward a broader spectrum of development objectives remains unclear.

Some research suggests that benefits of tenure security have been overstated and that sometimes tenure security is an outcome, rather than a cause, of progress toward social and economic development (Brasselle, Gaspart, & Platteau, 2002; Migot-Adholla et al., 1991; Sjaastad & Bromley, 1997). Critical examinations of tenure security have also suggested that there are significant limits to what it can contribute to the process of development. For example, Simpson (1984) argued that tenure security is not equivalent to secure occupation, nor does adequate tenure security ensure the overall stability of a tenure regime.

Instead of an all encompassing set of protections, the concept of tenure security is confined to the protection of people's existing land rights, and does not necessitate the expansion or transformation of those rights in pursuit of more ideal arrangements. This is due to the fact that tenure security also plays an important role in protecting society, and by extension the state, from individuals who do not fulfil their responsibilities in regard to land. This includes penalising those who do not meet their mortgage obligations by forcing them to relinquish their land to a creditor (Byamugisha, 1999).
is also widely accepted that governments may, from time to time, expropriate (compulsorily take) land from individuals to support the public interest, so long as evictions are preceded by an equitable and transparent process and suitable compensation is provided (Dale, 1997; Knetsch & Borcherding, 1979; Mahalingam & Vyas, 2011; World Bank, 2004a). This process may also be referred to as eminent domain, resumption, or compulsory acquisition. Such exceptions to secure ownership demonstrate that people may live under the protection of strong tenure security and still have their rights to land legitimately revoked. Hence, the direct object of security (what is being secured) is a specific set of land rights and responsibilities, not the well-being of those who depend on those rights.

The limitations of tenure security are widely ignored throughout much of the land tenure literature, especially where the concept of tenure security is used synonymously with that of human security or human rights (Payne, 2001, p. 426). Unlike tenure security, the concept of human security is best defined by contrasting its bottom-up concern for the well-being of individuals with a top-down approach that prioritises the development of state infrastructure. Tenure security caters for both sides by striking a balance between rights and responsibilities, and does not require that individuals be kept safe from every potential threat to their continued occupancy of land.

Although land tenure security may pursue some forms of moral justice, such as equality and transparency, it does not consider an individual to be inherently entitled to land. This separates the concept of tenure security from that of human rights, which proposes that the preservation of human dignity is a primary responsibility of all governments, and that people have a right to land and shelter regardless of social or economic circumstances (UN, 1948, 1974). Misrepresenting land tenure security in this way is an emerging concern of some development agencies, especially where interventions claim to advance sustainable development through tenure security alone (USAID, 2005, p. 8).

Despite the clear differences between land tenure, human security, and human rights, the potential gains from improved land tenure security should not be minimised. Rather, they should be considered within the confines of what this particular type of security can do for vulnerable groups. In particular, tenure security should not be seen
as a standard by which sustainable human development can be measured. Instead, tenure security is simply a statement of whether a regime is able to guarantee the enforcement of existing rights to land. Although some scholars may argue that tenure security means much more than this, in practice it has proven to provide only a limited means of addressing development concerns (Bromley, 2008).

In the developing world, attempts to establish tenure security are usually carried out by issuing and registering indefeasible land titles that are supported by codified laws. As stated above, this is commonly referred to in the literature as a process of “formalisation.” This approach toward strengthening tenure security was first developed by economists and has come to emphasise the importance of tenure security toward achieving mainly economic goals such as poverty reduction (Broegaard, 2005). Proponents argue that the poor will be freed from the limitations of tenure insecurity by converting existing land rights to individual ownership and establishing an efficient land market to support the free exchange of those rights (de Soto, 2000). It is anticipated that such a process will empower titleholders by allowing them to participate more freely in new economic opportunities without fear of their land rights being challenged arbitrarily (Burns, 2007). Landowners are then expected to be more optimistic about their ability to mitigate dislocation, and credit institutions are expected to increase lending where indefeasible titles can be used as superior forms of collateral.

Following this sequence of improvements, tenure security is assumed to induce higher levels of investment in agriculture, and eventually higher levels of production, providing people with the means to pursue a more stable and affluent life (Deininger, 2003; Deininger &Binswanger, 1999; Deininger & Jin, 2006). However, a distinct problem with this approach is that it continues to equate progress in human well-being with economic growth, which is now widely acknowledged as inadequate and outdated (Stewart, 2004). Furthermore, evidence of a causal relationship between so called “processes of formalisation” and a tangible reduction in poverty is absent in the literature (Bromley, 2008). Hence, the adoption of tenure security as the primary aim of development strategies may in some cases appear to be ideologically driven and strategically flawed. This is reflected by an over-emphasis of the need for a market-based response to tenure insecurity and entrenched poverty. Contrary to this, it is
now widely accepted that many non-economic factors are requirements of tenure
security, such as social equality, the enforcement of existing rules, and impartial and
transparent land tenure institutions (Broegaard, 2005; Simpson, 1984). The United
Nations Human Settlements Programme (UN-HABITAT, 2004) has shown strong
support for these goals. For example, it stated that:

...secure tenure can come from aspects and instruments other than formal
laws. These aspects include the perceptions and beliefs of neighbours
and local authorities. Important political figures can also back up these
perceptions with public statements about poor people’s rights to land
(p. 13).

There are also serious limits to the contribution of land tenure security given the
wide ranging challenges facing development. Too great a reliance on the concept of
tenure security as an indicator of progress may allow other insecurities that stem from
land tenure to go undetected (Broegaard, 2005; Bromley, 2008; Peters & Kambewa,
2007). It has become apparent that some policies designed to strengthen land rights have
overlooked a wide range of physical and psychosocial insecurities that remain
unimproved following tenure reforms (Bromley, 2008). For example, attempts to
strengthen tenure security in Kenya by formally titling land has, in some cases,
contributed to the dispossession of land or the retraction of informal rights to utilise
natural resources (Wakhungu, Nyukuri, & Huggins, 2008). Similarly, in Afghanistan a
focus on protecting rights to arable lands is known to have severely weakened
traditional pastoral rights (Alden Wily, 2003). Evidence from Mali, Niger, and South
Africa have also shown that formalising rights in order to strengthen tenure security of a
specific subset of the population amplified broader societal tensions and increased the
likelihood of civil conflict (Benjaminse et al., 2009). Such examples demonstrate how
efforts to strengthen tenure security are not necessarily beneficial to the immediate
needs of a developing country.

In pursuing the goal of tenure security, development donors have typically sought to
implement a land title registration system. Such a system is intended to result in a tenure
regime that is better equipped to address development problems, including a variety of
social and economic threats to people's well-being. The following section describes land
title registration and discusses its potential role in supporting human development.
3.3.3 The benefits of land title registration

A land register is a “public record of deeds and rights concerning real property” (Larsson, 1991, p. 17). A land title registration system (or title registry) is an administrative framework specifically tailored to manage these records. The term that is often used synonymously with a title registry is a “cadastre.” “A cadastre is a systematically organised database of property data within a certain jurisdiction (i.e. a county or province). These data typically include a comprehensive survey of a property's boundaries, making the cadastre the core of any title registration system” (Simpson, 1976, p. 651). A title registry has both a private function (concerning the individual) and public function (concerning society or the state). Whereas governments may favour the implementation of a land registry in order to create an inventory of the national land resources, individuals may wish to maintain a guarantee of existing rights and the ability to conduct transactions safely, cheaply, and quickly (Simpson, 1984, p. 3). Thus, the process of land title registration is intended to address a variety of economic and social needs.

There are four circumstances under which a title registration system is believed to benefit society, namely (i) where title insecurity is suspected of constraining development, (ii) early development of a land market would benefit from more secure transfer rights, (iii) where there have been a high number of disputes concerning land, and (iv) where redistributive land reform is being contemplated (Hanstad, 1998, pp. 654–655). Although these circumstances do not encompass all potential benefits of title registration, they may be considered optimal conditions for its implementation. Where one or more of these conditions exist, the benefits of having a title registration system are more likely to outweigh the inevitable costs and compromises that must be incurred during and after its implementation.

Perhaps the most worrying of the circumstances listed above is where title insecurity is suspected of constraining existing development efforts. Title insecurity occurs where available forms of evidence of land rights are lacking, or are inaccessible to segments of the population. Whereas land tenure security is concerned more broadly with protecting people's rights to land, title security is concerned only with their ability to provide evidence of those rights (Hanstad, 1998, p. 653). A lack of evidence is
generally recognised as the most critical aspect of a dysfunctional land tenure regime. For example, Lemel (1988) stated that “typically, absence or presence of a title document or the quality of documentation attesting to landownership constitute the main basis for characterizing property claims as secure or insecure” (p. 273).

The benefits of securing transfer rights, usually through the establishment of a land market, are also important when deciding whether to implement a title registration system. In some societies a land market may be in the early stages of development, but may remain inhibited by inconsistent or unreliable forms or record keeping (Williamson et al., 2010, chap. 6). If this is the case, authorities may be unable to track land ownership or support the veracity of land claims in the event of a dispute over ownership. These problems are more likely to occur where there has been a lack of administrative or statutory support for land transactions (Williamson et al., 2010, chap. 4). In such cases, buyers may be hesitant to participate in the market because of uncertainty. It is argued that title registration can provide market stimulus by creating a more transparent and predictable environment for the transfer of land titles.

The implementation of a title registry may also be important where disputes over land have occurred consistently and are impeding other forms of development. Such disputes are common in developing countries and are a leading justification for registration systems in a post-conflict environment (Törhönen, 2001). For example, individuals may return to land that they were forced to leave during a conflict only to find new occupants claiming the same set of rights. Though the resolution of competing claims usually requires a comprehensive legislative framework, an equitable settlement may not be achievable without the support of a secure and transparent system for recording rights (Unruh, 2003; Wily, 2004). Thus, having a title registration system is not a guarantee that conflict over land will subside, but it may contribute toward maintaining a peaceful settlement when implemented as part of a broader solution to land-related grievances (Unruh, 2003).

In cases where redistributive land reform is being considered (e.g. property rights over large private landholdings are transferred to landless farm workers), having a comprehensive and current record of land holdings may be essential (Hanstad, 1998, p. 655). In particular, understanding the rate of change and identifying the achievement of
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project goals requires effective and consistent record keeping before, during, and after land has been redistributed. Without this record, individuals, civil society groups, and governments may not be able to objectively identify and track progress.

**Land title registration and sustainable human development**

Although the four justifications listed above identify where a title registry may be critical to development goals, the full scope of benefits may extend further. For example, given that sufficient steps have been taken to maintain transparency and equity, the implementation of a registry is often prescribed as a crucial step toward achieving sustainable human development (Deininger, 2003; Williamson et al., 2010). Again, this proposition is based on the belief that registration increases poor people's access to secure land tenure and secure transfer rights. Realisation of these benefits relies on the implementation of three specific components of a title registry outlined by Broegaard (2005), namely:

v. The demarcation or clarification of physical boundaries of the property and associated property rights;

vi. The availability of more information on property issues due to registration of property rights and cadastral information; and

vii. A title issuing entity and related institutional set-up (for example the state) that ensures the enforcement of those property rights (p. 846).

Several visible improvements to people's well-being are expected to emerge soon after the successful implementation of these components. A summary of these improvements is listed in Table 3.2.

Based on the lack of psychosocial benefits in this list, the improvements provided by a title registry appear to yield mainly economic gains. In fact, in the literature there is little direct concern for the psychosocial impairment that is often linked to this approach. This is surprising given the widespread acceptance that land is critical to many non-economic forms of human functioning (see Table 3.1).

Although non-economic benefits are often mentioned in the literature, their role deserves greater attention. For instance, Feder and Nishio (1998) pointed out how the introduction of new land registration systems may be a kind of “double edged sword,”
providing an opportunity for improvement to the lives of citizens while at the same time exposing them to new sources of vulnerability. They also argued that, if implemented properly, “a registration system can introduce better protection of the rights of socially weaker groups” (Feder & Nishio, 1998, p. 38). However, if social and economic circumstances are not addressed as part of the reform process, then land registration may actually “contribute to the emergence of a large landless class” (Feder & Nishio, 1998, p. 38). This problem is often attributed to political corruption and greed, where economically or politically empowered individuals have conspired to gain title to large amounts of land. While acquisitions may have been legitimate under a title registration
system, they may still widen class divisions, be socially destabilising, and ultimately call into question the benefit of title registration for the poorest parts of the population (Grimsditch & Henderson, 2009; Hidalgo, Naidu, Nichter, & Richardson, 2010; Peters, 2009).

The unfulfilled expectations of land title registration

Despite numerous claims that title registration improves tenure security in developing countries, some researchers have suggested that the benefits of improved security outlined in Table 3.2 are rarely achieved (Brasselle et al., 2002; Bromley, 2008). Though securing a person’s ability to maintain access to land has demonstrated some potential for improvement, altering pre-existing tenure arrangements has often resulted in negative consequences for other areas of development (Mehmet, 1999). In practice, efforts to strengthen security by establishing formal land ownership and rights have sometimes failed to provide a coherent response to economic and social under-development. For instance, in cases where economic security is derived from social relationships, altering tenure arrangements may destabilise a person's ability to maintain their livelihood by weakening social cohesion (Unruh, 2008). In response to these concerns, Ward and Kingdon (1995) argued that:

For effective functioning of agricultural systems and other forms of land use, the conventions of land tenure must be reasonably consistent with the requirements of the particular economic, agricultural, and socio-political systems in operation.... A particular set of land tenure conventions or laws may match the needs of an elite group, or a particular ideology, extremely well, but be economically inefficient or socially inequitable for others in the community (p. 8).

Ward and Kingdon (1995) further suggest that functional land tenure reform must be coherent with regard to the needs of all stakeholders not just those who have the most influence over development policy. Hence, simply registering land titles is unlikely to provide sufficient support for families facing a broad spectrum of land-related threats. For example, Simpson (1984) argued that “land registration is only a means to an end. It is not an end in itself. Much time, money, and effort can be wasted if that elementary truth be forgotten” (p.3).

In practice, the establishment of a functional and maintainable title registration system in a developing country has proven exceedingly difficult. Though in most cases
recipients have embraced the idea of establishing a registry, programme goals are often not realised. Zoomers (2000) pointed to five circumstances that often characterise the failure of titling programs, namely that (i) records quickly become out of date; (ii) registration often exacerbates uncertainty; (iii) land is not made available to those who may use it efficiently; and (iv) no direct relationship exists between ownership, productivity, and conservation goals (pp. 62-63).

The problem of land titles becoming outdated is a serious obstacle to maintaining a title registry, particularly in countries where interacting directly with bureaucratic officials is not the norm (Wily, 2004). Landowners may also choose not to report transactions to the registry where fee requirements are excessive, the processes requires travelling to an urban centre, or they simply wish to avoid taxation (Hanstad, 1998, p. 684). In each instance the landowner may consider the expenses or effort required to update the registry disproportionate to the value of the land. Additionally, people who inherit land from a family member may not believe it is necessary to update the registry when the land is staying within the same family (Hanstad, 1998, p. 668).

Despite the proposition that registering titles may reduce uncertainty and conflict over land, these problems can actually worsen after title registration is put into effect. For example, tenure relationships can become highly complicated from the perspective of landowners, making it difficult for them to identify and defend their rights effectively (Jansen & Roquas, 1998). In countries where communal land tenure is being transformed to a system of individualised tenure prior to registration, people may see the registration system as embodying an unjust re-distribution of rights and the alienation of their cultural heritage (Zoomers, 2000). For example, during the implementation of a title registry in communal areas of Zimbabwe “older people were afraid that if individual titles were granted the traditional leaders would lose their control over communities, which would lead to complete anarchy” (Törhönen & Goodwin, 1998, p. 100). Even in cases where the communal land tenure regime is maintained and only existing territorial boundaries are registered, the overlapping character of land rights in communal areas may be compromised and lead to increased tensions and disputes over land within and between communities (Cousins, 2007). Given these problems, registering a title does not necessarily guarantee that tenure
security will improve.

The presumption that land will naturally be reallocated to the “most efficient” user is also shown to be invalid. For instance, though an experienced farmer may have the skills to maximise agricultural production, it is usually individuals with non-farming sources of income that are more able to acquire rural titles (Zoomers, 2000, p. 63). This creates increased land speculation, for instance where people buy land purely as a commodity rather than a means of production. A prime example of this has been in Thailand, where the title registration programme has:

...made it possible for generally urban-based and already wealthy financiers to acquire land as a tradable commodity. The rapid increase in the value of land... benefited a new band of entrepreneurs who sought to make profits rather than maintain productive use of the land (Rosset, Patel, & Courville, 2006, p. 146).

Thus, title registration may sometimes facilitate a process of redistribution whereby lower or middle-income groups (including agricultural workers) are unable to acquire new land because of a lack of economic resources. As discussed in Section 3.2.1, the inability to gain new land can have repercussions for development beyond land tenure, potentially undermining social stability by accentuating the disparity between social and economic classes.

In rural areas, the productivity of existing farms may also see little or no improvement after owners are issued titles. This is due to the numerous mitigating circumstances that can influence a land owner's decision about whether to invest in his/her land. For instance, Zoomers (2000) concluded that:

Despite all the expectations, land titles often have very little practical effect on farmers' investment behaviour. Though they become eligible for official credit programs, many farmers will not be able to benefit, e.g., if they have insufficient land or are surrounded by an unfavourable production environment (p. 63).

This would suggest that the availability of credit may be dependent on more than simply securing a title to land. Even if the availability of credit is improved, uncertainty over future income levels may make farmers hesitant to incur debt. Given that such mitigating circumstances can prevent land titling from yielding any substantial benefits
for existing landowners, the significant costs and challenges associated with implementation in a developing country should be examined closely. Such an examination requires consideration of the implementation process, the benefits of having a registry, as well as the threats to development that may emerge as a result of altering the land tenure regime.

**Challenges to implementing a land title registry**

Although the implementation of a title registry can vary based on the social and economic context, there are several aspects of implementation that remain common. For instance, updating the cadastre with the relevant information requires that relevant data be collected and recorded. Typically these data will include legal attributes, such as the nature of the tenure, any encumbrances (e.g. mortgages or charges), the price paid for land transfer, any exclusion of rights, and any caveats or cautions (e.g. liens) that may be relevant to future transactions (Dale & McLaughlin, 1999; Hanstad, 1998). Additionally, a description of the physical attributes of the land must also be included. This requires that trained individuals conduct a survey of each parcel. Parcel information is then combined with the legal attributes, as well as the identity of those who currently hold rights to use or occupy the land. Collecting and maintaining these data requires specialised training in cadastral surveying and database management, as well as practical experience of working in land administration (Hanstad, 1998, p. 685). These skills are relatively advanced and specialised, and likely to be unavailable in a developing country, especially where tertiary education is lacking (Williamson et al., 2010, chap. 11). Thus, building a pool of human resources that are relevant to land administration is a prerequisite of title registration and should be considered prior to its implementation.

During implementation, the process of obtaining and recording information may be either systematic, sporadic, or utilise a combination of both approaches (Williamson et al., 2010). Systematic title registration can be defined as “a systematic approach to adjudicating, surveying and registering parcels on an area by area basis” (FAO, 2003, p. 94). As implied by the name, this is intended to be carried out in a methodical and orderly manner. In contrast, a “sporadic” approach is more episodic and variable. Under a sporadic land titling system, property is adjudicated and a new title is registered “whenever or wherever there is a reason to determine the precise ownership and limits
of individual parcels – for example when a dealing is about to take place or when an owner requests that the land be registered” (UNECE, 1996, p. 27). Although the implementation of a sporadic system for registering new titles is known to be cheaper in the short-term (UNECE, 1996), the risks associated with this approach often outweigh the cost-savings. For example, Feder and Nishio (1998) argued that problems of corruption and temptations of greed are worsened when registration and titling are sporadic (p. 38). Hence, the overwhelming majority of countries now favour a systematic approach over the use of a purely sporadic system (Williamson et al., 2010, p. 276).

It is also important to note that title registration is a technical process and may be vulnerable to misuse or manipulation if not implemented correctly (Feder & Nishio, 1998; Hanstad, 1998; Simpson, 1984). Thus, in order for this process to remain consistent with the principles of good governance, some precautions must be taken (FAO, 2007). The “Land Administration Guidelines” proposed by the United Nations Economic Commission for Europe (UNECE, 1996) suggested steps to ensure the fair treatment of existing rights holders, including:

- A law that gives authority for the adjudication to take place;
- Selection of priority in accordance with need-for example areas that are to be subject to land reform, are under rapid development, have a high level of disputes, or where there is need for credit, etc.;
- Wide publicity concerning the areas and the dates on which the claimants must appear to give evidence;
- Procedures for the appointment of an adjudication team;
- The determination of the rights in accordance with prescribed procedures;
- The publication of the results and the hearing of appeals within a specified time-limit, such as 30 or 60 days;
- The formal entry of the results into the registers of title that should from then on be guaranteed (p. 27).

The financial cost of implementing and maintaining a land registry is also an important consideration. For example, Hanstad (1998) argued that “the high cost of implementing a land registration system is the main cause for hesitation on the part of developing countries” (p. 664). If such costs are passed on to landowners there is a risk
that tenure security will decrease for the poor. Although international donors have typically provided financial support for the initial implementation of a title registration system, the ability of governments to fund the ongoing costs must also be addressed.

Given that land title registration is a Western-based solution to land administration problems, there has also been concern that some aspects may be incompatible with existing social or economic norms regarding land. Given the significant cultural differences between some countries, it is likely that what constitutes progress in one context may not apply in another. Furthermore, making something more technically proficient may not equate with social or economic progress from the perspective of development recipients at the grass-roots level. The following section discusses each of these issues further in order to identify what the modernisation of land tenure can mean for people in developing countries.

### 3.3.4 The modernisation of land tenure

Given the negative impact a modernisation-based approach has had in other areas of development (see Chapter 2), it is important to remain cognisant of the diverse ways the modernisation of a land tenure regime can impact various forms of human functioning. Land tenure reforms may incorporate several types of modernisation, including the technical, institutional, or social modernisation of a developing country. Although there will always be overlap between these types of modernisation, each can require very different structural as well as normative changes in order to achieve their respective development goals.

*Modernisation as technological advancement*

The implementation of new technology is a common feature of development policies. A general benefit from having access to technology is the enhancement of human capability. For example, by improving strength, stamina, cognitive ability, and the ability to communicate a variety of challenges can be overcome. Such performance enhancing technology includes vaccinations that prevent illness, machinery that aids in manufacturing, computers that store and manage information, and telecommunication networks that allow people to interact over long distances. Development interventions may also incorporate technology in pursuit of broader improvements in the functioning and stability of society, including efforts to improve democracy and governance (Moon,
to transform social structures (Castells, 2000), to provide opportunities for education (Hawkins, 2006; Owston, 1997), or as a means of supporting economic development (Opata, Nweze, & Rahman, 2011; Sas, 2011). In fact, the full range of advantages that may be derived from greater access to technology is constantly expanding.

However, when foreign technology is applied simply to “modernise” a society there is a risk that the benefits of existing systems will be ignored. This is because when interventions are viewed as processes of modernisation, the benefits of local experience are more likely to be viewed as inferior. For example, Sas (2011) pointed out that “modernization theory implies the classic transfer of technology from the developed countries to the 'third world' and dismisses the importance of local knowledge” (p. 73). The failure of many past attempts to reform tenure regimes has shown that local knowledge is often fundamentally important to identify the contextual relevant needs of a society. Thus, there is good reason to be sceptical of reforms that seek to reproduce Western economic and social achievements without sufficient reference to the expressed needs of all stakeholders.

Use of the term “modernisation” in land tenure policy does not necessarily indicate an allegiance to modernisation theory. However, there is always a risk that attempts to mirror Western land tenure regimes will produce similar problems to those discussed in Chapter 2. As such, a better way of describing the integration of new technology may be as an “alternative approach” rather than a “modern approach.” This may help to remind policy-makers that the benefits of technology are invariably limited by the context within which they are applied. Akube (2000) argued that when “viewed in this way, appropriate technology cannot be seen simply as some identifiable technical device; rather, it is an approach to community development consisting of a body of knowledge, techniques, and an underlying philosophy” (sec. 7).

The implementation of new technology has typically been a major part of land tenure reform and has sometimes been beneficial to the development process. For example, technology may help to address problems of administrative capacity, particularly where governments lack the capacity to maintain their land administration system after the implementation of more complex or diverse land tenure arrangements.
In countries where land rights are being recorded for the first time, institutions may lack the technical capacity to record, store, and disseminate information about those rights (Williamson, 2001; Williamson et al., 2010).

Although technological improvements have proven beneficial to some aspects of development, it is important also to understand how technological change may impact other aspects of human well-being. For example, Williamson (2001) argued that “while the introduction of appropriate technical solutions will be critical to the success of any land administration project, technology is not an end in itself and must serve the overall objectives of the reform” (p. 305). Hence, the appropriateness of an intervention should be determined, in part, by whether new technologies conform to a relevant set of human needs and fit within the existing institutional framework (Blunt, 1995).

**Modernisation as institutional reform**

Examining social, economic, and political hierarchies from an institutional perspective can provide a better understanding of the implications of modernising land tenure. In this context, an “institution” is defined as:

The set of working rules that are used to determine who is eligible to make decisions in some arena, what actions are allowed or constrained, what aggregation rules will be used, what procedures must be followed, what information must or must not be provided, and what payoffs will be assigned to individuals dependent on their actions (Ostrom, 1990, p. 51).

Institutions related to land tenure exist at various levels of society and provide different kinds of support. For instance, local-level institutions may be critical when recovering from a natural disaster, whereas more centralised and higher-level institutions may be necessary to identify human rights abuses or to act in response to rising levels of conflict over land (Baas & Battista, 2005; Grover, Törhönen, & Palmer, 2006). Many of the institutions that contribute to a land tenure regime can overlap with other sectors of society (Berry, 1989). For example, the institutions of marriage and family, religion, law enforcement, judicial, civil society, business, and industry may each contribute to the functioning of the land tenure regime in different ways. Unruh (2003) referred to this as “legal pluralism,” where the different sets of rights and obligations concerning land “reside within multiple social fields or normative orders” (p. 355).
Although more recent discussions of modernisation in the land tenure discourse have focused mainly on technological advancement, the implications of institutional change are also known to be significant. For example, Fan (1991) hypothesised that “if only technological change is considered as the source of production and productivity growth, the effects of technological change will be overestimated by ignoring institutional change” (p. 267). He tested his hypothesis by examining the impact of agricultural modernisation and institutional reforms on rice production in parts of China. It was found that “institutional change has had greater effects on productivity and production growth than has technological change” (Fan, 1991, p. 274). Though this study focused on agricultural technology rather than land administration technology, it highlighted the relative importance of institutional arrangements toward achieving development objectives.

As with all development policies, consideration for the contextual relevance of change is important when reforming institutions. This point was emphasised in the “Report of the Workshop on Land Tenure and Cadastral Infrastructures for Sustainable Development” (UN-FIG, 1999), which stated that:

Land administration institutions and infrastructures will have to evolve and adapt their often inadequate and narrow focus to meet a wide range of new needs and technology, and a continually changing institutional environment. They also need to adapt continually to complex emerging humankind-land relationships at the same time as changing relationships between people and governments. These conditions should lead to improved systems of governance (p. 1).

Efforts to reform institutions must also consider the broader consequences of altering existing norms. When changes are made within the confines of an existing institutional framework then stability may be more easily maintained. When a new framework is put in place subsequent changes are likely to require significant adaptation on the part of individuals. For example, Ostrom (1990) argued that “changes in deeper-level rules usually are more difficult and more costly to accomplish, thus increasing the stability of mutual expectations among individuals interacting according to a set of rules” (p. 52). Given the reliance of developing countries on agriculture as a primary source of income and social identity, land tenure usually imposes the “deeper-level rules” that are integral to social stability. Thus, as policy-makers consider
creating a new institutional framework to support land tenure, they should also consider social and economic vulnerability. For instance, there is a concern that social capital will begin to dissipate if modernisation-based reforms begin to contradict familiar institutional arrangements.

**Modernisation and social capital**

The benefits of social capital stem from the relationships among individuals that add value to people's lives (Katz, 2000). Social capital emerges from patterns of human interaction, including in the various forms of ties, norms, and trust that bind communities (Putnam, 1993). The benefits of social capital are increasingly recognised as important sources of support for sustainable human development. For instance, Putnam (1993) stated that “scores of studies of rural development have shown that a vigorous network of indigenous grassroots associations can be as essential to growth as physical investment, appropriate technology, or 'getting prices right'” (p. 5). Furthermore, during the implementation of land tenure reforms, experience has shown that the availability of social capital may comprise an integral part of a person's response to gaps in formal support (Adams, Cousins, & Manona, 1999). For instance, a study by Katz (2000) concluded that “the existence of social capital can substitute for well-defined legal property rights in both private and common property resource tenure regimes” (p. 114).

Given the influence of social capital, it is important to consider the extent to which changes may help to strengthen existing ties within communities during the design of land tenure reform policies. Furthermore, the growth of social capital is one way of ensuring that support for development remains constant, even after external donor support is depleted. Serageldin and Grootaert (2001) concluded that one of the best ways of achieving this is by identifying and promoting sources of social capital during the land tenure reform process. It is important to note that, unlike other forms of capital, social capital diminishes when it is *not* utilised. Thus, land tenure reforms that seek to modernise social structures by abandoning traditional practices may inadvertently reduce the community's resilience to a wider variety of threats when they undermine relationships that have historically been integral to social capital.

Perhaps the most apparent link between social capital and land tenure is in regard to
community-based agricultural development initiatives. Using the example of a community-based response to droughts, Ostrom (1994) argued that prior to constructing an irrigation system, individuals would first need to establish (i) secure land tenure, (ii) the capacity to communicate on a face-to-face basis, (iii) understanding that they would each be able to increase their agricultural yields enough to recover their immediate and long-term investments, (iv) understanding that they would have to enforce their own rules on a day-to-day basis and could count on external authorities not to interfere in rule-enforcement activities, (v) understanding of a repertoire of rules that effectively counteract short-term incentives, (vi) understanding that each participant would be precommitted to follow these rules, and (vii) trust that most of the farmers who agreed to a set of rules would actually follow these rules most of the time (p. 532).

It is important to note how the attributes of social capital intertwine these conditions. For instance, in order to achieve their objectives, the farmers require social ties that support close communication, norms that support an obedience to rules set by the group, and trust that personal sacrifice will be rewarded. Thus, it seems likely that in the absence of social cohesion individuals may be unwilling to risk engaging in this kind of project. Furthermore, for social cohesion to translate into action, farmers appear to be equally dependent on a land tenure regime that does not undermine their coordinated efforts. In the absence of direct support for constructing an irrigation system, participants in the collective action must trust that authorities will not countermand their ability to hold individuals accountable to their community. As this kind of development can occur naturally in the absence of direct intervention, it is important that policies do not seek to modernise a society in a manner that is ignorant of existing progress.

Too narrow a focus on economic outcomes is one reason why some land tenure reforms have shown little progress in supporting various forms of social capital. There is a particular concern expressed throughout the literature that non-economic development needs are being minimised when development policies adopt a neoliberal approach (Brohman, 1995; Wolford, 2007; Zoomers & Haar, 2000). For example, Putnam (1993) pointed out that:

Current proposals for strengthening market economies and democratic
institutions in the formerly communist lands of Eurasia centre almost exclusively on deficiencies in financial and human capital (thus calling for loans and technical assistance). However, the deficiencies in social capital in these countries are at least as alarming (p. 38).

In order to discuss further the potential problems associated with an excessively economic focus, the following section examines the neoliberal approach to land tenure reform, its widespread use during the design of land tenure policy, and how those policies may have ignored some of the most important threats to sustainable human development.

### 3.3.5 The neoliberal approach applied to land tenure reform

Neoliberalism represents one way of characterising the progress of human development. Its popularity among policy-makers and scholars has made it into a kind of development philosophy that prioritises the establishment or strengthening of private property rights. As discussed in Chapter 2, proponents of neoliberalism argued that a market-based approach, implemented in conjunction with the dismantling of government regulation, is essential to creating the conditions required for social and economic prosperity. A neoliberal approach to land tenure reform proposes that technical interventions that support free markets will help to create the “enabling environment for future economic growth and poverty alleviation” (Amanor, 2008, p. 4). Underlying this proposal is the idea that land has remained “economically under-utilised,” and that the main goal of tenure reform should be the “promotion of privatised and individualised property rights in these lands” (Borras, 2007, p. 53).

Under a neoliberal approach, land tenure reform interventions seek predominantly to commodify land so it may be freely traded. This is assumed to provide owners with more secure rights and the means to participate more fully in economic opportunities. The primary means by which this may be achieved is seen as being through the implementation of a title registry. Thus, neoliberalism may be seen as a widely-used development philosophy that helps to frame how the benefits of title registration (Table 3.2) can advance sustainable human development.

As a leader in the deployment of land tenure reform projects, the policies of the World Bank are of relevance to this discussion. Although, neoliberalism is recognised to
have dominated the design and implementation of World Bank policies for over thirty years (Williamson et al., 2010, p. 73), the World Bank has not been guided by any policy framework specifically tailored to land tenure reform. Instead, it has relied on the neoliberal economic model that guides the institution as a whole. For instance, Bruce (2006) pointed out that:

> Land policy and the law concerning land were not the subject of significant discussion at the Bretton Woods meetings that constituted the Bank; nor are they referred to in the Bank’s Articles of Agreement.... The Bank does not have an authoritative policy either on land or on property rights in land. This may in part be because the Bank is an international organization, part of the United Nations system, and land law and property rights were ideologically contested territory during the Cold War, the formative years of the Bank (p. 14).

In the absence of a clearly defined mandate, the World Bank's land tenure reform policies have typically pursued the implementation of a statutorily defined legal framework for land, as well as the development of “modern” land administration systems (Loehr, 2012; Zoomers, 2000). The proposed benefits of these policies run parallel to the basic principles of neoliberal theory as described by the “Washington Consensus.”

As discussed in Chapter 2, the term “Washington Consensus” was coined by Williamson (1990) and has since become a way of summarising a core set of neoliberal policy reforms that were actively promoted by Washington-based institutions in the 1980s and 1990s, particularly the World Bank (Beeson & Islam, 2005; Cypher, 1998). Concerns are now being raised regarding the World Bank's failure to evolve beyond the Washington Consensus, as this is now widely considered to be an antiquated way of framing development problems (Danaher, 1994; Loehr, 2012; Stiglitz, 1998; Wiebe & Meinzen-Dick, 1998). For example, Weaver (2010) argued that:

> Over the past 65 years, the Bank has engaged in numerous internal reorganizations, with mixed success in achieving desired changes in its governance, policies, and operational performance. Few, if any, efforts have been made to systematically look at these past experiences to draw critical lessons for future reform (p. 113).

These concerns are often extended to the perceived failure of several land tenure reform projects, many of which remain rooted in policies outlined over 20 years ago by
Williamson's breakdown of the Washington Consensus (Wolford, 2007, p. 555). In particular, six of the 10 reforms included in the Washington Consensus can be associated easily with the market-led land tenure reform polices currently employed by the World Bank. These include (i) a redirection of public expenditure priorities to support high economic returns, (ii) tax reform, (iii) liberalisation of inflows of foreign direct investment, (iv) privatisation, (v) deregulation, and (vi) secure property rights.

As Williamson (1990) points out, these reforms are not necessarily objectives or outcomes, but rather “policy instruments” that have guided the actions of major development donors (p. 7). Hence, the close links between recent land tenure reform policies and the Washington Consensus are a demonstration of how neoliberal theory continues to dominate the design and implementation of land tenure reforms. In order to highlight these links, six policy instruments identified by Williamson (1990, 1994) as part of the Washington Consensus are compared using excerpts from the mainstream land tenure discourse, including several World Bank documents that discuss the institution's development goals.

The first neoliberal policy instrument is the redirection of public expenditure priorities to support high economic returns. Although this is seemingly a broad policy instrument, it can be linked easily to recent World Bank literature that encourages greater government investment in a title registry (World Bank, 2005a, p. 3). Williamson (1994) described this aspect of policy reform as a means of “redirecting expenditure from politically sensitive areas, which typically receive more resources than their economic return can justify... toward neglected fields with high economic returns and the potential to improve income distribution” (p. 26). The World Bank (2003) reaffirms this belief by arguing that critical action is needed to ensure “appropriate levels and composition of public expenditures towards productivity-enhancing investments for sustained human development and long term rural growth” (p. 135).

Whereas it is common for organisations such as the World Bank and the International Monetary Fund (IMF) to insist on greater fiscal austerity as a condition of development aid (Danaher, 1994, chap. 9; Willis, 2005, p. 59), the strong support of both institutions for instituting a title registry has signified a great deal of confidence in such a costly investment. As discussed in Section 3.3, title registration is supposed to
create a variety of economic and social improvements (Table 3.2). However, as this process is typically pursued under a private property regime, the eventual outcomes of registration may contradict pre-existing perceptions of equality and fairness, especially where communal rights were prevalent (Mehmet, 1999). Hence, the redirection of public expenditure has often required the removal or refinement of customarily defined social and economic systems in order to maximise the potential economic returns generated by the land market (World Bank, 2003, p. 45). In other words, a functional tenure regime is assumed to be one that is free from social or political interference. Providing individualised rights managed within a free market is considered the best way of achieving this goal.

The second neoliberal policy instrument is tax reform. Williamson (1994) stated that tax reform involves “broadening the tax base and cutting marginal tax rates” (p. 26). The World Bank has promoted tax reform as a way of increasing agricultural productivity (World Bank, 2009, pp. 14, 35). Hence, the most apparent application of this policy instrument has been establishing a title registry as a technical framework for a more equitable and transparent system of taxation. Establishing a title registry in a developing country is particularly relevant to this goal given that land is likely to be one of the few traceable assets (FAO, 2007). For example, the practice of bartering or the existence of a purely cash economy may make the implementation of income or sales tax impractical (Gaughan & Ferman, 1987).

The third neoliberal policy instrument is the liberalisation of inflows of foreign direct investment. Williamson (1994) stated that “barriers impeding the entry of foreign firms should be abolished; foreign and domestic firms should be allowed to compete on equal terms (p. 27). In the broader context of development, this goal is frequently pursued as a requirement of economic growth (World Bank, 2004b, 2005b). For instance, the World Bank (2003) stated that “foreign direct investment should be recognized as an integral part of the agricultural development process” (p. xx).

In regard to land tenure it is argued that, where private property rights do not exist or are not secure, inflows of foreign direct investment are reduced. This is because buyers are assumed to be discouraged from participating in a market where outsiders are not able to anticipate the workings of a land tenure regime (Toulmin, 2009). It can be
inferred from this that supporting inflows of foreign direct investment require communal tenure arrangements be modified in order to improve “market confidence” that land may be traded freely and securely as a commodity by those outside of the community (Taylor, 2000). Though there are instances where the World Bank has conceded some potential benefits in maintaining aspects of a customary tenure regime (World Bank, 2005a, p. 90), the inherent contradiction between supporting communal tenure and the need for foreign direct investment has largely been ignored.

The fourth neoliberal policy instrument is privatisation. Williamson (1990) stated that “privatization may help relieve the government budget, both in the short run by revenue produced by the sale of the enterprise and in the longer run inasmuch as investment need no longer be financed by the government” (p. 16). As discussed in Section 3.1.5, privatisation of land occurs where governments convert public land to private property. However, a more generalised view of privatisation may also include the process of converting common land or communal land to an individualised tenure regime. For example, Bromley (1989) stated that proponents of neoliberalism hypothesise that:

Privatization will cause production to rise by enough over and above the administrative costs that it would be wise (profitable) to extend the private/public boundary to the right. In this view, the collective management of the public domain impedes its natural productivity (p. 870).

In other words, the private sector is considered by neoliberals to be a better manager of capital than governments or communal groups. For example, the World Bank (2003) argued that “for land to be allocated and used efficiently, it is essential that land markets operate” (pp. 32-33). Whereas land that remains under the purview of the government is assumed to be under-utilised, market forces acting independently of government control are assumed to promote the most economically efficient uses.

The fifth neoliberal policy instrument is deregulation. Williamson (1994) stated that “governments should abolish regulations that impede the entry of new firms or restrict competition” (p. 27). In other words, where regulations exist, the added costs and delays may be perceived as being punitive to outside investment. Thus, greater deregulation is called for in order to help encourage the growth of investment (World Bank, 2003, p. 99).
Crafts (2006) argued that the most important impacts of regulation on productivity “occur through changes in incentives to invest and to innovate” (p. 186). Wolford (2007) also emphasised the importance of non-interference by political actors. He argued that “the market should be used to create new property rights because the 'political' expropriation of property sends the wrong signal to productive owners who may feel that the connection between property and labor has been severed” (Wolford, 2007, p. 557).

The promotion of free (unregulated) markets is typical of neoliberal policies under which government regulation is seen as politically biased and a potential threat to economic stability. Taking this argument to its extreme, the World Bank (2004b) argued that regulation will likely worsen social security, worker safety, or production standards because it will drive entrepreneurs into the informal sector which it associates with “higher levels of corruption” (p. 67). This would suggest that the interests of market investors are, for the most part, morally superior to those of government officials or traditional leadership.

The sixth neoliberal policy instrument is secure property rights. Williamson (1994) stated that this requires that a “legal system should provide secure property rights without excessive costs, and make these available to the informal sector” (p. 28). It is worth noting that this policy instrument is frequently promoted as a direct objective of development by land tenure scholars (de Soto, 2000; Deininger, 2003; Deininger & Binswanger, 1999). In fact, as a result of the priority given to the protection of private property by institutions such as the World Bank, the underlying goal of most land title registries has been to strengthen and promote private tenure. For example, on considering the linkages between property rights, country income levels, and domestic credit markets, the World Bank (2004b) concluded that economic prosperity is more likely where property rights are well defined and protected.

Although the World Bank has demonstrated an overall commitment to neoliberal polices it has occasionally expressed interest in expanding this approach. For example, along-side support for neoliberal reforms, the World Bank has also acknowledged the importance of sustainable development, the benefits of maintaining customarily defined rules, and more actively protecting the interests of vulnerable segments of the
population, particularly women (World Bank, 2003, 2004c, 2005b). However, it has also acknowledged an ongoing failure to effectively integrate these goals within their current model of development (World Bank, 2003, p. 6). Thus, it seems that attempts to adapt to evolving ideas about development have remained largely rhetorical. In practice, its overall approach to development remains very much entrenched in a neoliberal philosophy (Gore, 2000; Stiglitz, 1998). The main consequence of this is the implementation of a free (or more free) market as a “catch-all” solution to development problems.

Concerns for the consequences of this approach are frequently expressed in the land tenure literature. In particular, some observers fear that reliance on a title registry to strengthen a private property regime may be counter-productive to the contextually defined needs of development. For example, Stein (2010) stated that:

The emphasis on formal titling and property right security for poverty reduction comes with a host of dangers including the displacement of poor pastoralists, increased conflicts over boundaries between neighbours, greater gender inequities, a lack of provision for future generations, ease of sale to foreigners, a high cost, increased landlessness through forced sales from poverty or bank seizures, which could exacerbate worsening trends in land distribution during the adjustment period, etc. (p. 85).

In some cases, the pursuit of neoliberal reforms may even undermine the outcomes of previous reform projects. This has often been the case in Latin American countries where the adoption of neoliberal policies in the 1990s forced a reversal of the land re-distribution and communal tenure reforms of previous decades (Zoomers & van der Haar, 2000, p. 18).

Even in rare cases where World Bank projects appear to maintain cultural norms by supporting the continuation of communal or culturally defined land tenure regimes (World Bank, 2005a, p. 390), changes are usually made to promote individualised rights within the community-controlled areas (Cousins & Claassens, 2006; Deininger, 2003). In such cases, though community-level rights may remain consistent with previous arrangements, the persistent drive for some form of individualised rights within the community can be equally damaging to the social fabric (Borras, 2003, 2007).
When seeking to identify links between land tenure and neoliberalism, it is also important to note that not all economic improvements are neoliberal. Nor does the pursuit of economic improvements preclude substantial benefits to the psychosocial aspects of human well-being. However, as part of an overall process of modernisation, the implementation of neoliberal land tenure policies risks imposing change without regard for the unique and contextually defined needs of a society. Transferring a Western model of land tenure and expecting patterns of social and economic interaction to mirror the West is unrealistic (Broegaard, 2005; Bromley, 2008; Lemel, 1988; Ostrom, 2001). In particular, this problem can become exacerbated when reforms are introduced in a post-conflict environment.

### 3.3.6 Land tenure after conflict

The links between post-conflict development and land tenure are numerous and diverse. Conflict is invariably disruptive to how people and societies function, and during post-conflict recovery people are challenged by new kinds of vulnerability. For instance, cessation of conflict often “creates a situation whereby a significant portion of the affected population are likely to seek access or re-access to land” (Unruh, 2003, p. 354). In cases where land is made available, the distribution of rights may favour people associated with one side of the conflict, thus furthering the divide between opposing groups. If there has been a significant destruction of public resources then many pre-conflict institutions may no longer function effectively (Stanfield, 2006; Törhönen & Palmer, 2004). Furthermore, the power structures that previously defined a land tenure regime may no longer be relevant to the social and political relationships that now form the fabric of society (Wily, 2004). Complicating post-conflict development further is the fact that many governments were highly dysfunctional prior to the conflict. Hence, problems may not only be symptomatic of people's responses to the conflict, but also of a broader range of insecurities stemming from a history of poor governance, poverty, and inequality (Unruh, 2003).

The unique obstacles to development after conflict require a highly adaptable response so intervention may avoid contributing further to the disintegration of social and political stability (FAO, 2005). For example, Collier and Hoeffler (2004) argued that “although such situations are becoming more common, they still constitute a small
minority of development experience, and so there is a danger that they will receive both finance and advice that largely ignores their special characteristics” (p. 1141). In order to address these characteristics, Picciotto et al. (2007) suggested four distinct goals for post-conflict recovery, namely (i) public safety, (ii) reconciliation, (iii) economic and social well-being, and (iv) reform of governance.

Public safety can sometimes be supported by land tenure rules that empower people to utilise their land as a refuge. As discussed below in Section 3.4.1, this may be achieved by enacting the right to exclude others (such as enforcing a trespassing law) or by allowing land owners the right to erect defensive measures (such as a wall or fence). However, under conditions of severe widespread conflict such assurances may be only symbolic.

Although the importance of land tenure reform towards maintaining reconciliation may be easily recognised, actually formulating an acceptable policy framework has often proved to be difficult. Underlying this challenge is the fact that reconciliation is not a one-time occurrence but a continuous process that requires constant monitoring, adaptation, and a willingness to compromise by all involved. Thus, the long-term commitment required when reconciling varying perspectives on equity and justice can present challenges to policy-makers seeking an abrupt end to hostilities.

A widely publicised example of this has been the ongoing conflict between Israelis and Palestinians beginning in the early 20th century. Central to this conflict was the assertion by both sides of a historical right to occupy the same area of land (Shafir, 1996; Tessler, 1994). In the wake of the 1948 Palestine War, the government of the newly formed State of Israel passed new laws that institutionalised the dispossession of land from Palestinians (Forman & Kedar, 2004). Several Palestinian factions responded with an ongoing campaign of violence against Israeli targets. The numerous failed attempts to broker peace between these groups have been largely due to the inability to reconcile the question of land rights. For instance, negotiations have been unable to build a consensus around a workable plan for managing rights of access to areas that are of cultural significance to both sides of the conflict.

Another example of the significance of land tenure toward achieving reconciliation is the case of Kenya. Internal displacement has been a reoccurring theme throughout
Kenya's history. Land grievances that began during colonisation now extend to current projects that seek to replace traditional rights to land with the introduction of individual freehold titles (Elhawary, 2009). In recent years, rural areas of Kenya have been plagued by violence perpetrated against members of politically dominant ethnic groups who have acquired property outside their ancestral territory (Hendrix, 1996; Wakhungu et al., 2008). This has demonstrated how land tenure issues have increasingly divided Kenyans along tribal lines as anger grows over the unequal distribution of land holdings. Unresolved land issues contributed to the 2007 post-election violence as well as the ethnic clashes experienced during the 1992, 1997 and 2002 general elections (Mwathane, 2010).

In Afghanistan, internal strife has continued to rise as a result of tenure insecurities that prevent people from forming a functional and sustainable society. Even as new opportunities for economic security are put in place under the blanket of protection provided by the North Atlantic Treaty Organisation (NATO), people are unable to prosper due to dysfunctional tenure arrangements that undermine security gains. In this context, Wiley (2009) has argued that:

Land tenure insecurity has many faces – from the returning refugee widow who is unable to wrest her husband’s land from his family, to the community evicted by a land-hungry warlord, to the drought-defeated smallholder who has sold his last plot for food and cannot find a landlord willing to enter a sharecrop arrangement. It may also be a case of clan heads carving up local pasture for new cultivation, land that poorer villagers thought was theirs to share, that the government thought was its own to distribute, that visiting nomads thought was theirs to graze – and often have documents to “prove” it – documents that may conflict with others issued at different times, with the law, or with human rights and justice norms (p. 1).

The confused and conflicted tenure arrangements have contributed to the rising levels of internal conflict in Afghanistan, both between and within various tribal groups. As international aid continues to focus on building the capacity of the central government of Afghanistan, the grass-roots issues surrounding the allocation of land rights continue to erode any hope for sustainable human development in the country (Sørbø & Strand, 2007; Stanfield, 2006).

In the context of post-conflict countries such as Afghanistan, sustainable human
development requires improvement to aspects of both economic and social well-being. However, the current approach to land tenure reform in Afghanistan has focused largely on achieving only economic improvements, such as securing rights to private property and establishing a land market in order to provide a means for people to capitalise on those rights. The effectiveness of this approach has been questioned by a number of researchers. For example, a study by Collier and Hoeffler (2004) found that social policies are differentially important relative to macroeconomic policies during post-conflict development. Upon examining the responses to aid disbursements in 62 post-conflict countries, the authors concluded that “...the key priorities for improvement, relative to an otherwise similar society without a history of recent conflict, should be social policies first, sectoral policies second, broadly with the same priority as in other contexts, and macro[economic] policies last” (Collier & Hoeffler, 2004, p. 1142).

This three tiered and multifaceted approach to post-conflict development is in stark contrast to the majority of tenure reform policies that remain narrowly framed by economic priorities (OECD, 2006). Such policies often present “tenure security and land rights as prerequisites for economic development, or as part of post-conflict economic reconstruction” (USAID, 2005, p. 8). This approach risks devaluing the social aspects of land tenure that preclude the possibility of a functional economy. Though economic development may be key to achieving poverty reduction goals, those goals may be unsustainable if they are pursued within a dysfunctional social environment where buyers and sellers are unwilling or are scared to interact.

### 3.4 Land Tenure and Human Security

For land tenure reforms to make a substantive and sustainable contribution toward human development they must include changes to how land rights are distributed among the citizenry and protected when challenged. The primary goal of these reforms must be to empower and protect core human functionings. Hence, any threats to people's physical or psychosocial well-being must be addressed as part of the reform process and efforts must be made to complement, rather than contradict, pre-existing norms. Furthermore, for sustainable human development to be possible the scope of people's capabilities must increase both immediately and over the long-term. Failing this,
individuals may lack incentives to conform to the new tenure arrangements or become inclined to reject outright the legitimacy of the entire regime.

The human security framework presented in Chapter 2 is able to account for important changes in human functioning that can occur during and after the implementation of land tenure reforms. Consideration for human security when planning and evaluating changes to a land tenure regime ought to help ensure policy coherency when addressing development needs. These needs may be complex and diverse, but invariably require a foundation of security to ensure that development interventions maintain a positive impact throughout people's lives as well as across generations.

If efforts to reform land tenure fail to maintain a relevant and coherent approach to post-conflict development, then the potential for sustainability will diminish to the point where insecurities prevent people from accessing new opportunities (Picciotto et al., 2007; Picciotto & Weaving, 2006). Picciotto et al. (2007) argued that “human security enhances policy-making by bringing the discipline of policy coherence and the rigour of risk management to bear on strategic choices and resource allocation” (p. 8). From this perspective, tenure reform may be seen as a critical step during the social and economic recovery of a society, particularly where insecure land rights are known to have been a major contributor to a rise in vulnerability (Lewis, 2004). If vulnerability continues to increase, the resulting societal tension may reignite old conflicts. Defusing these tensions may only be achievable when development concerns and post-conflict insecurities are addressed in unison.

The needs of development and security become inseparable when post-conflict power structures threaten to undermine the physical, social, or economic security people derive from access to land, or when conflict resolution has resulted in the inequitable distribution of land and natural resource rights (Clover & Eriksen, 2009; Törhönen & Palmer, 2004; Unruh, 2003). Experience has shown that tenure reforms must be accepted by society as being fair and just in order to maintain the conditions under which peace and development can be sustained (European Commission, 2004; Unruh, 2004; Wily, 2004). However, establishing policies that are functional and reduce existing social tensions is an overwhelmingly complex task, requiring the constant
monitoring and evaluation of human outcomes to identify both the intermediate and long-term impacts.

For human development to be sustainable in a post-conflict environment, land tenure must also protect human agency (Redclift, 1992). Human agency describes the capacity of individuals to act independently and to make their own free choices. In the context of development, this often requires empowering individuals to overcome adversity (Alkire, 2005). When faced with insecurity resulting from conflict, people's freedom is invariably limited by more than simply a lack of economic opportunities. Physical threats and an inability to access key social networks are also important considerations when assessing a potential role for land tenure reform. In the context of sustainable human development, a lack of freedom not only applies to those who currently have rights in land but also those who hope to pursue greater access to land in the future. Thus, reforms that are truly pursuant to sustainable human development must address more than the needs of buyers, sellers, owners and occupiers. They must also address the availability of land and land-related resources for future generations (Dale & McLaughlin, 1999, p. 85).

The following sections identify some of the potential linkages between land tenure and the four domains of the human security framework presented in Chapter 2 (Figure 2.1). This is intended to help establish a theoretical basis for applying a human security framework during evaluations of development policies and interventions designed to improve land tenure.

### 3.4.1 Basic human needs

Land tenure plays an important role in all aspects of basic human needs, including protection from life threats, income security, food security, and the provision of adequate shelter. Shelter is perhaps the most obvious of these, as without a place to construct a home individuals will struggle to survive. In some instances, people may also depend on access to land for the materials to construct and maintain their home.

Where there is a particular need for protection from life threats, access to land may represent a source of physical protection for people seeking refuge. This may be of particular concern to people living in areas where violent crimes such as murder or
kidnapping are prevalent. Rules may also empower people to utilise their land as a refuge by allowing occupants to erect defensive measures, such as a wall or fence (Nyametso, 2011). Similarly, in cases where rights to land are held communally, the ability of the community to exclude non-members may help to increase physical safety by allowing only familiar or trusted individuals within a territory (Lahiff, 2000).

Given the importance of agriculture in developing countries, a functional land tenure regime may also contribute to food and income security. For example, where tenure is either private or communal, the ability to exclude outsiders from using land allows occupants to manage the land in a manner supportive of their basic needs over the long-term. This includes preserving resources for subsequent generations who are expected to inherit the land.

3.4.2 Relationship with location

A tenure regime is, in many ways, a reflection of the values society places on people's ties to land. Given the many meanings land can hold for people (see Table 3.1), there is a great deal of variation in regard to how these ties are maintained. In some instances they may be explicitly stated or actively protected. Alternatively, they may be implied or enforced indirectly through adjacent social institutions (see Section 3.3.4). Furthermore, people's knowledge and experience may be limited to a particular type of land. Hence, relocating to a new location that is unfamiliar may undermine people's ability to use land effectively.

By attempting to assess the strength of people's relationship with their location, evaluations are better equipped to determine where land tenure reforms can contribute to the strengthening or weakening of the security people derive from their existing rights. Three aspects of a land tenure regime are addressed directly by this domain of human security, namely a person's ability to mitigate dislocation, their ability to maintain mobility, and their current level of tenure security.

Forced dislocation is a common feature of violent conflict. Populations may feel threatened by the possibility of violence or may be forced to relocate against their will. The tenure regime can be critical toward helping people maintain their rights to land, even if they are forced to leave it under the threat of violence. However, people may
also wish to find new land that better suits their needs. These needs may sometimes be related to their physical safety, but they may also relate to the need for better economic opportunities or a more supportive social environment. If people are unable to relocate, they may feel trapped within the circumstances that are contributing to their vulnerability. Hence, people often rely on the tenure regime to provide a means of getting a fair return from the sale of their old land as well as the opportunity to gain new land that better suits their needs.

Even in situations where a land tenure regime directly addresses the threats of dislocation and immobility, without adequate tenure security any benefits may remain inaccessible to some. Tenure security is a central feature of a person's relationship with their location as it represents the ability of the tenure regime to fulfil the expectations of those who depend on it. Identifying variability in tenure security requires an understanding of where the benefits of a tenure regime remain unavailable to some groups. This may point to social or political problems that lie outside the tenure regime but still undermine its effectiveness.

### 3.4.3 Relationship with community

In many societies the rules associated with the tenure regime intertwine the basic structure of a community. For instance, these structures may rely on a tenure regime to define people's identity or role within society. The most obvious example of this is the social hierarchy, where the authority an individual enjoys is derived from the location or amount of land they control. For example, in parts of Kenya the location of a person's house indicates their specific relationship with the family members that surround them (Ocholla-Ayayo, 1976). The gender and birth order of the children may be represented by the location of their house and their relative land holdings. Disregard for these kinds of traditions may undermine the credibility of a new regime when people are challenged by new arrangements that undermine a defining feature of their social structure (Shipton & Goheen, 1992).

People may also rely on the community for functional support. Such support may include assistance in maintaining or utilising their land. As is often the case with agricultural land held communally, people may work together to produce a large and sustainable yield (Migot-Adholla et al., 1991). A tenure regime may also help to
maintain the level of support available from within the community by minimising
disagreement over land. If people are unable to agree on boundaries or rights of use then
they may begin to feel less inclined to provide functional support to their neighbours,
thus weakening social cohesion.

3.4.4 Relationship with time

People's relationship with time may be influenced by their experiences functioning
within the land tenure regime. For example, people who have been forcefully evicted
from their land may require that a regime rectify past injustices. People's relationships
with time may also be influenced by their perception of how easily they will be able to
maintain or expand their access to land in the future. For example, people may not
believe that the current regime will allow them to pursue future improvements to their
well-being, or to help provide subsequent generations with more opportunities. Hence,
tenure reform is able to contribute toward reconciliation as well as inducing a sense of
optimism.

Although advocates of a narrow interpretation of human security may argue that
this domain is superfluous, its close ties to the stated objectives of recent land tenure
reform projects clearly demonstrates its relevance. For instance, given the significant
emphasis that development donors have placed on the ability of land tenure reforms to
reduce grievances over land, the importance of maintaining an acceptance of the past is
paramount to their success. Furthermore, after a period of conflict people must be able
to accept a land tenure regime as part of a “fair” approach to development in order to
move forward with rebuilding their lives. In conjunction with this goal, development
donors often propose that upon establishing a land market people will become
empowered to invest more extensively in improvements to their land. Hence,
strengthening this domain of human security may be essential in order for people to
accept that investments will contribute toward long-term improvements in an equitable
manner.

3.5 Chapter Summary

This chapter has discussed the ways in which land tenure reform can affect the
prospects for sustainable human development, particularly after a period of conflict.
The potential functions of a land tenure regime and the implications of reform were outlined. Particular concern was expressed for how, in the context of Western-based land administration systems, commitment to sustainable human development has been largely rhetorical, and substantial enhancements of people's capabilities and improvements to their well-being have seldom been realised.

The next chapter helps to contextualise the conceptual framework in Chapter 2 and the relationships between land tenure and human security discussed in this chapter by reviewing Cambodia's recent history, including significant political, social, and economic changes that have affected land tenure. This insight provides a historic backdrop to current land tenure reforms that inform the research methodology presented in Chapter 5.
Chapter 4
Land Tenure and Conflict in Cambodia

Having discussed the concepts of human security and land tenure in Chapters 2 and 3, this chapter contextualises the research by reviewing Cambodia's recent history. The first part of the chapter outlines the significant periods of political and social change, from French colonial rule in the 19th century to the establishment of the Kingdom of Cambodia in 1993. This part of the discussion addresses the links between land tenure regime change and the circumstances of conflict.

The chapter concludes by presenting a summary of the land tenure reforms currently underway in Cambodia. This discussion focuses on the implementation of post-conflict systematic title registration, including the legal and institutional frameworks put in place to support title registration.

4.1 Cambodia as a French Protectorate (1863-1953)

The events that occurred in Cambodia while it was a protectorate of France continue to impact many facets of development in the country. Whereas the term “protectorate” unusually implies only diplomatic or territorial protection, le Protectorat Français du Cambodge (the French Protectorate of Cambodia) placed Cambodia under the direct political control of France, which resulted in numerous social, economic, and political changes to pre-colonial life (Chandler, 2004; Thion, 1992; Tully, 2002).

While under French control Cambodia was administered as part of a larger federation of colonies named the Union Indochinoise (Union of Indochina), now commonly referred to in English as “French Indochina.” By 1893, French Indochina comprised Cambodia, Lao, as well as the three regions that currently form Vietnam, namely Tonkin, Annam, and Chochinchina. The senior administrator of French Indochina was the Gouverneur Général, who was based primarily in the city of Hanoi,
Tonkin. Cambodia was governed directly by a Résident Supérieure who supervised provincial Résidents stationed throughout the country. The internal bureaucracy of Cambodia consisted mostly of French officials along with some ethnic Vietnamese. The French believed that the Vietnamese were superior to ethnic Cambodians (Khmer), and brought Vietnamese into the capital to handle most administrative duties (Fisher, 1964; Karnow, 1984).

Under the French, the King of Cambodia played a strictly honorific role and lacked any real power. Although the peasant class (comprising mainly agrarian labourers and small-scale farmers) still viewed the king as a god-like figure, important powers of state, including issuing legal decrees and collecting taxes, resided with the Résident Supérieure (Tully, 2002). Even rights of regent succession were dictated by the French, since new kings were chosen based on their apparent willingness to pursue French interests in the region as well as their submissiveness to French authority (Smith, 1967). Upon returning from a travel expedition to French Indochina at the end of the 18th century, MacGregor (1896) made note of the strange contradiction of being a king without any real power, stating that:

“... the present king, has the honour, if honour it may be called, of being the last king of Cambodia, for he is to be succeeded by no successor; and it may be emphatically said of him that he reigns but does not govern” (p. 205).

Although the king's position appears to have been weakened under the French, the internal political structure of Cambodia remained interwoven with traditional norms. For instance, the French appear to have asserted an ambitious economic agenda while maintaining many of the pre-existing social and political systems. The result was that two authority structures were maintained side-by-side, namely the traditional power structure that was engrained in the minds of the Cambodian people, and the colonial authority of the French, who governed by force. To some extent this made Cambodia distinct from the other countries of French Indochina, which did not maintain such a strong sense of tradition (Thion, 1992, chap. 2).
4.1 CAMBODIA AS A FRENCH PROTECTORATE (1863-1953)

4.1.1 Establishment of a French protectorate

From the perspective of Cambodia, an alliance with the French was not entirely without benefits. International competition for territory had been a constant threat to Cambodia's sovereignty for several centuries. By the mid-19th century, Cambodia had come under considerable pressure from Thailand (then known as Siam) and the three kingdoms of Vietnam.

Although there may have been a common historical lineage between the territories of French Indochina, Cambodia evolved into a very different country both economically and socially relative to its neighbours (Sodhy, 2004). These differences were made evident as Vietnamese society spread into parts of eastern Cambodia in the years prior to colonisation. The mixing of cultures along the border highlighted fundamental differences regarding land tenure and resulted in significant social upheaval. For instance, the Vietnamese typically worked communally under a relatively well organised agricultural system, whereas Cambodians were accustomed to a less structured feudal system (Russell, 1997). In Vietnamese controlled regions, cadastral records were kept and taxes were levied on communities or individuals based on land holdings. In contrast to this, Cambodians were accustomed to a less structured approach that did not require record keeping, nor did people work the land communally (Russell, 1997). Instead, taxes were levied only on agricultural yield and the state did not maintain direct control over the internal affairs of rural communities (Thion, 1992, p. 26).

Along the western border of Cambodia encroachment by Thailand was causing many of the same problems as Vietnam. Again, a more powerful and economically developed society was encroaching on Cambodian territory, causing political tension and significant social upheaval. The simultaneous pressure on two fronts was taking its toll on the well-being of Cambodians and the stability of the government. Constant battles over land with the Thais and Vietnamese caused dislocation, general suffering, and chaos. This severely impacted the mainly rural population and was the most pressing concern of the political elite (Chandler, 2008). The inability of the king to defend Cambodian sovereignty led many outside observers, including the French, to believe that the annihilation of Cambodia and its monarchy was inevitable. Hence, in
1863 the French colonial authority in Vietnam leveraged the weakened position of the Cambodian king to force a French protectorate over his country (Sodhy, 2004; Thomson, 1945; Tully, 2002).

It is important to note that the establishment of the French protectorate in 1863 did not immediately grant the French exclusive control over affairs of the Cambodian state. King Norodom, who reigned from 1834 to 1904, put up a great deal of resistance to French control. In particular, he was reported to have protested against changes to Cambodian laws and resisted their implementation on several occasions. It was not until he woke to find the Résident Supérieur of Cochinchina and a detachment of armed French troops in his private chambers, and a French gunship facing the palace, that Norodom finally conceded in 1884 to relinquish the remainder of his authority (Corfield & Summers, 2003).

These concessions made in 1884 obliged the king to accept “all the administrative, judicial, financial, and commercial reforms which the French government shall judge, in future, useful to make their protectorate successful” (Chandler, 1993a, p. 144). From this point forward Cambodia had, in effect, stopped being a protectorate of France and now operated as a colony. Chandler (1997) notes that eventually “nearly everything in the kingdom except Norodom's regalia, the Royal Ballet and the Buddhist monastic order was in French hands, or operated under French supervision” (p. 37).

Despite continued social and political interference by France in the early years of the protectorate, Cambodia had by no means been socially or politically stable prior to their arrival. Although internal conflict over land was not a concern, there were constant power struggles within the aristocracy that resulted in rebellions or civil wars, and much of the population suffered under a system of slavery that remained in place well into the 19th century (Chandler, 1993a). The first French missionaries to arrive in Cambodia perceived Cambodian society to be “static, technologically backward and steeped in musty tradition” (Tully, 2002, p. 34).

4.1.2 Land tenure under France

Although the French had experience dealing with feudal social and economic systems, Cambodian society differed from European feudalism. Despite all land in the
country technically belonging to the king, in practice peasants maintained exclusive rights to access and use their land based on their continued cultivation and the fulfilment of corvée (unpaid labour in service of a patron) (Thion, 1992; Van Acker, 1999). As long as households continued to make productive use of the land, rights could also be passed between generations and they were able to maintain autonomy over how their land was used. However, if a piece of land was vacated for more than three consecutive years then in the eyes of the community all rights were forfeited (Tully, 2002; Van Acker, 1999). This kind of system is often referred to as “acquisition by the plough,” under which rights are recognised by the community based on use. This system allowed rural Cambodian households to expand their land holdings based on their needs and abilities, and was not dependent on their relative status or wealth. This kind of flexibility “allowed the maximum number of people to work the land at any given time” (Van Acker, 1999).

Prior to colonisation much of the rural land in Cambodia was considered open-access. Peasants could expand their holdings so long as they were prepared to pass on part of their yield as a form of patronage to the next level of authority, usually a village or commune chief. Unlike Vietnam, where land rights were recorded and registered by government officials, Cambodian farmers relied only on acceptance by their local community (Thion, 1992, p. 26). However, peasants were unable to maintain their rights if they left the land for three years or became unable to use it due to illness or injury. Thus, the only secure asset available to the Cambodian peasantry during this period was their labour.

Beyond this basic understanding of the tenure regime in Cambodia during the pre-colonial period there is little known about how Cambodian agrarian society functioned. There remains limited documentation from the pre-colonial period. Furthermore, much of the existing documentation is from sources external to Cambodia, including foreign dignitaries or commercial traders. However, historical records revealed that the introduction of land tenure reforms by the French created a great deal of social upheaval. In a speech in 1945, King Norodom Sihanouk, who reigned from 1941-1955 and again from 1993-2004, reflected that, “we are a people known for honouring old laws and customs from ancient times... The French laws would make us

The first foreign laws were imposed under the 1884 Convention which called for a wide range of administrative reforms, including several pertaining to land tenure. For instance, Article 9 of the 1884 Land Act stipulated that “the land of the kingdom, up until today the exclusive property of the Crown, will no longer be inalienable. The French and Cambodian authorities will proceed to establish private property in Cambodia” (cited by Simbolon, 2009, p. 69). French bureaucrats recognised the importance of land as a revenue-generating commodity as well as the commercialisation of rice agriculture (Simbolon, 2009). These priorities made land tenure reforms the centrepiece of colonial-era development.

As was typical of most colonies during this period, indigenous populations were not afforded equal rights to land. In Cambodia, the Civil Code of 1920 strengthened private property rights for those already empowered by status or wealth to engage the bureaucracy and participate in the land market (Van Acker, 1999). However, acquiring private ownership over land remained impossible for most Cambodians and the new rules adversely affected peasant farmers. For example, peasants were prevented from clearing new land for agriculture and were barred from accessing large parts of the country now designated Crown land, public land, or reserved land (Cooper, 2002).

The above reforms effectively removed the open-access rights that previously facilitated mobility and eased the pressures of population growth. Villagers now required confirmation that land was not protected under one of the new classifications. Confirmation would invariably have required the payment of official and unofficial fees, making land acquisition impossible for most farmers. Furthermore, in order to be officially recognised as a landowner “Cambodians had to go through a complex written, administrative procedure,” a significant challenge for the mostly illiterate rural population (Cooper, 2002, p. 16).

The implications of these reforms elicited a strong opposition from peasant farmers, particularly wealthier peasants who had more to lose under the new system. The refusal of many rural Cambodians to abide by the new rules made it impossible to implement fully the 1884 Land Act until a more adaptive system could be formed (Boreak, 2000). A compromise was reached in 1912 when the French decided to differentiate between
those who were “landowners” and “landholders” (Russell, 1997). The 1920 Civil Code clarified the difference by stating that “...in matters of real estate, the holder becomes legitimate when there is peaceful possession of unregistered land, in public and in good faith, continuously and unequivocally, for five consecutive years” (Russell, 1997, p. 103). Theoretically, peasant farmers could now maintain their rights in a manner compatible with traditional practices. However, in order to change their status from landholder to landowner, peasants were required to make a written submission to the commune chief and then to pay land taxes for five consecutive years (Cooper, 2002).

Significant inequalities in the distribution of land within the peasant class also began to emerge. For instance, between 1930 and 1956 the number of peasants subsisting on less than one hectare of land increased by 12% and the number with 1-5 hectares decreased by 14% (Kiernan, 1982). This coincided with the emergence of a new sub-class of peasants comprising those who held more than 10 hectares (Kiernan, 1982, p. 5). At the time, this amount of land represented a very large holding for one household and resulted in further social and economic divisions within the rural population (Hu, 1982; Kiernan, 1982). These divisions continued to have a destabilising effect on rural society throughout the colonial period (1863-1953) (Youn, 1982, p. 39).

**4.1.3 Cambodian independence**

Accounts of how the majority of Cambodians viewed their French “protectors” vary considerably. For example, Tully (2002) argued that by the turn of the 19th century there was considerable evidence that some Cambodians had developed a loyalty to France. For those already at the top of the social hierarchy, the decadent life and modern conveniences provided by the French were an incentive to support the protectorate. Hence, the colonial administration actively promoted the benefits of technological modernisation to the urban elite in an attempt to quell rising discontent among the peasantry (Corfield, 2009). Furthermore, the Cambodian urban elite are reported to have maintained an “innate conservatism” that kept them from challenging the status quo, and many still feared encroachment by Thailand and Vietnam (Osborne, 1978).

However, the large public demonstrations against the French could not have happened without the widespread support of all levels of society (Tully, 2002). This widespread discontent suggested that colonial rule was, at some stage, a growing
concern for all Cambodians regardless of their position in the social hierarchy. The inequitable distribution of land rights is likely to have played a particularly important role in the rising level of discontent.

By introducing the concept of private ownership and limiting the availability of new land, the French weakened the “traditional Cambodian agricultural fabric” (Van Acker, 1999, p. 33). For the first time, the role of the community in regulating access to land was eroded and pressure was placed on individuals to actively defend their rights. Peasants were now threatened by a rising number of absentee landowners and many were forced to seek employment as labourers in order to subsidise their income (Hu, 1982).

Many Cambodians recognised the erosion of traditional social and economic systems as a direct threat to their security, and were resentful of French interventions into village life (Osborne, 1969, p. 215). Faced with rising discontent and more frequent acts of defiance, the French tried to subdue the rural population forcefully. For example, Corfield (2009) stated that:

In the Cambodian countryside, the French resorted to burning villages, launching reprisal attacks, and enacting massive retribution against those who supported the rebels... the official population statistics show that the country's population had fallen from 945,000 in 1879 to 750,000 in 1888. Some portion of this decline could have been the result of more accurate records, but it also seems clear that many people must have fled the country or, at any rate, fled the known settlements, or died from starvation or disease (p. 27).

Not all expressions of discontent were violent. In 1914 and again in 1916 Cambodians participated in more peaceful demonstrations, with as many as 100,000 peasants travelling from the countryside to Phnom Penh (Corfield, 2009; Osborne, 1978). The Résident Supérieur attributed these demonstrations to policies being imposed by the colonial administration, including prestations (a toll or duty to a superior), massive land requisitions, paddy tax, fisheries regulations, tax on boats, registration of land, the operation of the French judicial system, market liberalisation, the corruption of Cambodian judicial officials, the census of animals, and forestry taxes and regulations (Osborne, 1978, p. 232).
However, Osborne (1978) argued that these concerns were not only directed at French officials, but also at the king. In the minds of most Cambodians the king remained the highest authority and shared the blame for their discontent. Hence, organised protests and acts of rebellion were not simply part of a campaign to liberate Cambodia, but rather a unified effort to improve living conditions (Osborne, 1969, 1978; Tully, 2002). Although some earlier acts of violence may have been politically motivated, most expressions of discontent were not nationalistic, nor did they portray the French as foreign invaders. It was not until the end of the Second World War (WWII) that a clear sense of nationalism began to emerge in Cambodia and complete independence began to be seen as the best solution to the country's social and economic problems.

Beginning in 1940, and throughout most of WWII, French Indochina remained under nominal French control with real power residing with Japan. A deal between the Vichy Government of France and the Japanese allowed the latter to use Cambodia as a staging ground for southward deployment of their armies (Tully, 2002). According to Tully (2002), “the Japanese soldiers were an army of occupation; egged on by their officers to flaunt the fact, they often humiliated the French” (pp. 363-364).

In March 1945, shortly before the defeat of their forces globally, the Japanese took formal control of French Indochina and declared that Cambodia was now independent (Hammer, 1966). Japan supported the establishment of a new Cambodian government, which acted quickly to reverse several French laws. For example, they abolished a law making the Romanisation of Cambodian script compulsory and another that had changed the calendar from a Buddhist to a Gregorian system (Chandler, 1998). The enactment of these laws had enraged many Cambodians, particularly among the ruling class and a growing number of urban intellectuals. According to Chandler (2004), these intellectuals included civil servants, Buddhist monks, school teachers, and graduates of Cambodia's only high school, the Lyceee Sisowath.

When French, British, and Indian troops retook Phnom Penh and attempted to reassert French control they found Cambodia had changed significantly in a relatively short time. Chandler (1998) argued that, despite the ability of the French to quickly re-establish themselves in Indochina, the brief interlude provided a “testing ground” for
Cambodian nationalism (p. 165). The French promptly attempted to subdue discontent among the urban elite by offering them a chance to write a constitution, establish political parties and elect a national assembly (Chandler, 2004). However, the French continued to resist relinquishing any real power. For example, Tully (2002) stated that:

...the High Commissioner was charged with overall responsibility for the maintenance of public order via control over the French armed forces in the country. France was responsible, too, for external affairs and French citizens would continue to enjoy legal extra-territoriality through the system of French courts.... Overall, there was not a hint of independence, eventual or otherwise in the document (p. 403).

As internal and external pressure intensified, France finally granted Cambodia independence and complete sovereignty on the November 9th, 1953. The peaceful withdrawal of French armed forces and bureaucrats was perceived as a triumph for King Sihanouk, who had become a national hero (Corfield, 2009). Sihanouk was then able to use his popularity to gain tighter control over the running of the country and fill the void left by the French.

4.2 Post-Colonial Independence (1953-1975)

Throughout the post-colonial period Cambodian politics remained dominated by King Sihanouk. For example, Smith (1967) noted that “so much has Sihanouk identified himself with his country and people that any criticism of them is regarded by him as a personal affront, and any attack on him is considered an insult to Cambodia's dignity and honour” (p. 354). Sihanaouk abdicated his crown in 1955 in order to lead the government formally as Prime Minister. However, he continued to be seen as a sovereign rather than a political leader, particularly among the rural population.

In many respects, Sihanouk's tight control over the country extended from a culture of obedience to a single authority. For example, Leifer (1968) noted that “their devotion to the man who was once King stems in part from a traditional cosmology but also from his neo-traditionalist activity as a patron of the widely diffused Buddhist faith” (p. 129). Sihanouk encouraged this kind of devotion throughout his entire life by making numerous, highly publicised trips to the countryside and by maintaining support for a socialist model of development that resonated with rural Cambodians. Sihanouk always
promoted himself as something greater than a political leader, positioning himself instead as “one of the principal unifying symbols” of a free and prosperous Cambodia (Smith, 1967, p. 353). However, the post-colonial political reforms did little to improve personal freedom or to introduce a representative system of government.

Despite concessions made by France to allow for the implementation of some semblance of democracy during the transition to independence, there is little indication that Sihanouk was willing to share power. Instead, he appears to have considered himself (as king) to be the personification of all Cambodians. To this end, he often portrayed himself as a father-figure responsible for Cambodian society. He began to act as though the rules governing society now emanated from himself, making him exempt from their control. For example, prior to full independence in 1953, Sihanouk prorogued parliament and dismissed government officials without any real justification, even suspending the application of the 1946 constitution on the basis that the king was free to countermand the law when necessary (Thompson & Adloff, 1953, p. 110).

Sihanouk repeatedly used his position as king to eliminate his political opposition and solidify his control over the country. He even went so far as to ban all meetings of a political nature, stating that they were an “unnecessary waste of time at a moment when the country needs the help of all” (Thompson & Adloff 1953, p.110). These actions undermined the early development of democratic institutions, establishing instead the tradition of authoritarianism in Cambodia.

### 4.2.1 Land tenure after independence

Although now fully detached from France, Cambodia maintained a great number of colonial policies, particularly in regard to property rights. For instance, the first Cambodian constitution was drafted during colonial rule in 1946 and would remain the basis of Cambodian law until 1970 (Sellers, 1996). Article 7 of the constitution stated that “property is under the protection of the law. No one can be deprived of his property except for public use in cases established by law and by means of fair and agreed upon indemnity” (cited by Russell, 1997, p. 103). However, as was the case under French rule, significant inequalities were evident in how the law was applied.

The practice of land accumulation by the wealthy urban elite continued to worsen
following independence (Russell, 1997). This helped to widen the gap between a small group of large landowners and the majority of the poor rural farmers who owned very little land, if any. As disparity between these groups widened, social and ideological differences were amplified. For example, Hu (1982) argued that following independence the peasant class became more distinctly divided between four socioeconomic sub-classes, namely rich peasants, middle peasants, poor peasants, and agricultural workers. Members of a rural household were considered to be rich peasants if they occupied 5-10 hectares of land and exploited the labour of others to help with farming, middle peasants if they occupied 2-5 hectares, and poor peasants if they occupied less than one hectare. However, many poor peasant households supported large families (five or more children) and had to work as labourers to subsidise their incomes.

Despite a short-term improvement to the economic prosperity of some peasants following independence in 1953, 30% of households remained poor peasants, and over a third of these were forced to subsidise their livelihood by working as hired labour (Hu, 1982). This worsened the divisions within rural Cambodia. Whereas such divisions were previously only between rural peasants and the urban elite, Cambodian society now became much more fragmented than in the past.

4.2.2 External and internal sources of insecurity

Adding to the instability from socioeconomic divisions within Cambodia were a series of conflicts along its eastern border with South Vietnam. The new Cambodian Government (1953), headed by Prime Minister Sihanouk, was increasingly being forced to address spill-over from the Cold War.

Communist and socialist groups had played an important role in Cambodian politics both before and after independence. For example, Sihanouk led the government under a political party named “Sangkum Reastr Niyum” (“Populist Socialist Community”), and frequently integrated Marxist slogans into his speeches and government policy (Chandler, 1993a; Girling, 1971). In fact, the entire region, including North Vietnam, South Vietnam, and Laos, became engulfed by an ideological transformation during the final years of French Indochina. Chinese communists played an important role in this transformation, mainly as the supplier of military aid to local communist militias.

The possibility that communism might eventually dominate South Asia politics was a concern for the United States (US), particularly after North Vietnam aligned itself with the Union of Soviet Socialist Republics (USSR) (Peou, 2000, chap. 3). As the US became more active in the fight against the spread of communism into South Vietnam, the entire Indochina peninsula became a proxy battleground for the Cold War.

It is impossible to discuss the political instability and civil unrest underway in Cambodia during this period without reference to the build-up to the Vietnam War. From 1950 onward the US military began to increase their presence in the region. Beginning with a handful of “military advisers” that were deployed in the final years of French Indochina, US forces eventually reached a peak of over 500,000 personnel in 1968 (Kane, 2006). Following the election of US President Richard Nixon in 1969, the US relied increasingly on intensive bombing raids, particularly along the border areas of Cambodia and Vietnam (Kiernan, 2002). The US believed the North Vietnamese were secretly travelling along the Ho Chi Minh trail through Laos and Cambodia in order to bring soldiers and supplies into the south. Throughout the early years of the bombing campaign, named “Operation Menu,” the trail and associated enemy encampments were the primary targets. However, the bombing campaign was eventually expanded in an effort to subvert an overthrow of the Cambodian government by communist insurgents known as the Communist Party of Kampuchea (CPK).

It has become clear that the levels of death and destruction caused by US forces was unprecedented in military history and it is difficult to put into perspective the devastating impact the intensified bombing had on the civilian population of Cambodia. Kiernan and Owen (2006) stated that:

The data released by [former US President] Clinton shows the total payload dropped during these years to be nearly five times greater than the generally accepted figure. To put the revised total of 2,756,941 tons into perspective, the Allies dropped just over 2 million tons of bombs during all of World War II, including the bombs that struck Hiroshima and Nagasaki: 15,000 and 20,000 tons, respectively. Cambodia may well be the most heavily bombed country in history.

The magnitude of the bombing campaign meant that experiences of death and
destruction became a common occurrence for a large part of the Cambodian population. In a relatively short period, over 100,000 peasants were killed and much of the Cambodian landscape was decimated (Kiernan, 2004a). Recently released documents suggested that the bombings wilfully ignored the threat to the civilian population. For instance, in December 1970 President Nixon was recorded as telling his national security advisor that, “I want a plan where every goddamn thing that can fly goes into Cambodia and hits every target that is open ... I want them to use the big planes, the small planes, everything they can” (cited by Kiernan, 2004a, p. 16).

The Sihanouk regime was also contending with the broader socioeconomic consequences of the war. For instance, Kiernan (2004b) stated that in 1967, 40% of the national rice crop was smuggled into Vietnam to feed starving populations on both sides of the conflict. The expropriation of food proved especially harmful to the stability of Sihanouk's government as it struggled to improve national revenues and subdue the rising rate of poverty among rural Cambodians. The bombing campaign also forced the Vietnamese insurgents away from the border and further into Cambodia, increasing its role as sanctuary for Vietnamese communists (Kiernan, 2002). Although Cambodia's army attempted to crack down on illegal shipments of rice and to apprehend communist sympathisers, these heavy-handed tactics simply increased disdain for the Cambodian government and its management of the rural population.

The main consequence of the growing instability was the outbreak of civil war in the north-western province of Battambang in 1967 (Kiernan, 2004b). The direct adversary to the existing regime was the CPK, which was led by a man named Saloth Sar (later known as Pol Pot). The followers of the CPK were more commonly known as the “Khmer Rouge” (Red Khmers). Although Pol Pot and the Khmer Rouge would eventually control the entire country, throughout most of the Civil War they showed little sign of winning (Carney, 1989). In fact, the power-base of the CPK was restricted to the north-western part of the country, where rural peasants felt disconnected from the government in Phnom Penh. However, the trauma caused by bombing, food shortage, and a military crack-down eventually helped to build support for the CPK among the rural population in some eastern parts of the country (Kiernan & Owen, 2006).

As economic and political conditions became more chaotic in the early years of the
Civil War, a general in the Cambodian army named Lon Nol was able to take control of the government. According to Kiernan (2007), Lon Nol's army went on to massacre hundreds of the country's ethnic Vietnamese residents, and 300,000 more fled across the border into Vietnam (p. ix). However, this only served to increase tensions with the Vietnamese. Discontent among the peasantry also continued to grow as the populations began relating the bombing and lack of food with a general failure of Lon Nol's government to defend their interests (Chandler, 1997, 2008; Ponchaud, 1978). This led to the collapse of the Lon Nol government less than five years after coming to power. Following their surrender, “Khmer Rouge forces entered Phnom Penh, deported its two million residents into the countryside, and established the new state of Democratic Kampuchea” (Kiernan, 2007, p. ix).

4.3 The Khmer Rouge Era (1975-1979)

Upon founding a new communist state in 1975, the Khmer Rouge leadership, known as “Angkar Loeu” (high organisation) oversaw the most tragic period of Cambodian history (Kiernan, 2009). The magnitude of death and destruction, and the abrupt manner in which it occurred has given the Khmer Rouge the notoriety of being one of the most homicidally authoritarian regimes in modern times.

In pursuit of an ideal agrarian society, the Khmer Rouge attempted to eradicate all existing infrastructure, including health, education, commerce, religion, and family (Chandler, 2008; Short, 2006). Eradication began with the evacuation of Phnom Penh in 1975, continued with the forced relocation of much of the rural population, and ended with the systematic killing of those considered “undesirable” given the social, economic, and political ideals of Democratic Kampuchea (Clayton, 1998). In a little more than three years, an estimated two million people lost their lives to torture, execution, murder, disease, and starvation (Tyner, 2011; Vickery, 1984).

4.3.1 Reconfiguring society

The systematic destruction of existing infrastructure by the Khmer Rouge has been well documented by authors such as Chandler (1997, 2008), Kiernan (2004a, 2007, 2009), and Vickery (1984). However, the Khmer Rouge era was not simply a period of destruction, it was also a period of reconfiguration. For example, Tyner (2011) argued
that “organized mass political violence – genocide – was explicitly adopted by the Khmer Rouge as an instrument of post-conflict political reconstruction” (p. 49). Tyner (2009, 2011) has also argued that the function of genocidal acts was to rebuild society from a new set of social, economic, and political ideals. For instance, upon seizing power in 1975, the Khmer Rouge regime emphasised the significance and extent of their reconfiguration by declaring that Cambodia was to be reborn as a Marxist-communist state, emphasising that the country would begin anew at “year zero” (Ponchaud, 1978).

However, Vickery (1984) has argued that what the Khmer Rouge proposed was “not communist in any genuine sense” (p. 273). Rather, he argued that:

The Cambodian revolution as it in fact developed, following seizure of political power in April 1975, was in contrast to any variety of Marxism, classical or revisionist, and to the practice of the earlier Asian revolutions, in that it was based squarely on the poorer strata of the peasantry (Vickery, 1984, p. 286).

Hence, the Khmer Rouge were effectively a totalitarian regime based loosely on various aspects of communist doctrine and focused primarily on the preservation of power (O’Kane, 1993). The regime's ideology and pervasive sense of insecurity drove it to implement policies regarding “national defence and self reliance; radical egalitarian collectivism; puritanical morality; agricultural and industrial modernization; and the dictatorship of the proletariat” (Jackson, 1978, p. 76). In practice, this meant money and wages were abolished, schools were closed, factories were shut down, and monasteries outlawed (Kiernan, 2009). The elderly, sick, and disabled were killed or left to die and a significant percentage of the middle and upper classes were murdered. Survivors from this period reported that even the appearance of intellectual ability could warrant your execution. For example, Hinton (2005) stated that:

On the local level, cadres followed a trial of signs indicating a regressive consciousness: an oppressor class background (suggesting a “thick private stand”), soft hands or a lack of knowledge about agricultural work (suggesting that one was educated and had avoided manual labor), glasses (suggesting vanity and education), the use of foreign words (suggesting that one did not support the new regime), dwelling on the past (suggesting that one retained capitalist attitudes), sickness or laziness (suggesting a bad attitude toward collective work), close family ties (suggesting that one had private sentiments), sexual affairs (suggesting corrupt morality), or hiding one's personal possessions or
stealing food (suggesting that one remained attached to private property) (p. 221).

Large-scale “political purges” were also conducted under the supervision of Pol Pot, during which potential rivals were kidnapped, tortured, and eventually killed (Hinton, 2005). The execution of a large number of senior party officials in the early years of the regime meant that even the most loyal followers were under constant pressure to demonstrate their commitment to both the regime and its reconfiguration of Cambodian society.

4.3.2 Land tenure under the Khmer Rouge

Drastically transforming people's relationships in regard to land was perhaps the most significant part of the effort to reconfigure society. A key characteristic of land tenure under the Khmer Rouge was the disassociation of people with a particular place (Tyner, 2009). In pursuit of this goal, millions were moved from their homes and attempts were made to erase people's sense of association with a particular place, such as their village or province. For example, Tyner (2011) explained that:

The Khmer Rouge sought to erase previous regional and provincialism in favour of a broad nationalism. The entire political geographic organization of Democratic Kampuchea was based on an abstract system composed of cardinal direction points and numbers and, in the process, the Khmer Rouge's cartography signified 'egalitarianism' in that all regions were identical; there was nothing to distinguish one zone from the other (p 59-60).

The only identity that individuals were permitted to maintain was that of Khmer, the majority ethnic group in Cambodia. Under the Khmer Rouge, the individual was considered to be devoid of religion, family ties, property, or association with a place. This led to the destruction of all land records, including cadastral records covering approximately 10% of existing owners, mainly in urban areas and some low land areas (Un & So, 2011). The destruction of these documents had both ideological and strategic benefits for the regime. Not only did the elimination of private property align with the regime's communist ideology, it also helped to sever people's ties with their previous homes.

In the “newly liberated” areas of the country, where the Khmer Rouge did not
maintain a presence prior to 1975, the reconfiguration of society resulted in the establishment of krom samaki (solidarity groups) (Russell, 1997; Twining, 1989). Solidarity groups were essentially collective labour organisations, which dictated how people both worked and interacted socially. For example, Swann (2009) stated that:

The Khmer Rouge, in line with the slogan “If we have dikes, we will have water; if we have water, we will have rice; if we have rice, we can have absolutely everything,” organised the workers into three ‘forces.’ The first force comprised unmarried men (aged fifteen to forty) who were assigned to construct canals, dikes, and dams. The second force consisted of married men and women who were responsible for growing rice near villages. The third force was made up of people forty years of age and older who were assigned to less arduous tasks, such as weaving, basket-making, or watching over children. Children under the age of fifteen grew vegetables or raised poultry. Everyone had to work between ten and twelve hours a day, and some worked even more, often under adverse, unhealthy conditions.

Land was allocated to each group based on population and production capability, an approach that was borrowed from the Vietnamese doctrine of collectivization (Russell, 1997). However, Cambodian solidarity groups comprised much larger collectives than those in Vietnam. They also forced people to work with little reward for their effort and placed them under a constant threat of execution. Hence, Kiernan (1996) described Democratic Kampuchea as a kind of “prison camp state” (p. 8).

The Solidarity groups were established in a quick and haphazard manner that undermined any possibility for re-establishing social cohesion and reduced people's ability to mentally adjust to their new surroundings (Kinzie, Sack, Angell, Manson, & Rath, 1986; Swann, 2009, p. 67). For example, Twining (1989) speculated that:

The trauma descending on the new people being so rapidly integrated into a radically different system must have been tremendous. Placed in unfamiliar surroundings, they were treated roughly and forced to work in a new group structure by fellow countrymen who seemed alien and hostile (p. 126).

The rapid relocation of the general population across rural areas may have reflected an urgent need to increase the rice supply to trade for weapons (Swann, 2009, p. 68), but is more likely to have been a way of quickly implementing a new model for society (Twining, 1989). Supporting this proposition is the fact that migrants from urban areas
were typically assigned the most difficult work and not allowed to establish themselves as part of a community. For example, Twining (1989) stated that:

The “new” people (including 50 percent of the total population living in the cities at the time of the takeover) were particularly suspect in the eyes of the poorly educated or illiterate farmboys who comprised the victorious army. Everyone was put on the land. Those from Phnom Penh were moved around and around (p. 126).

Furthermore, villages across northwest Cambodia, where the Khmer Rouge had established support prior to 1975, did not undergo the same radical changes. People living in these areas were referred to as “base people” or “old people,” and were generally more trusted by senior Khmer Rouge officials (Firebaugh, 2003; Hinton, 2005). Instead of forming solidarity groups, base people enjoyed a system of “mutual aid teams.” This system allowed for a more free system of collectivization that was maintained without the same level of force applied throughout the rest of the country (Twining, 1989).

By the end of the Khmer Rouge era, none of the social and economic reforms approached the goal of a self-sustainable agrarian society. Strict adherence to Marxist-communist doctrine also led to the refusal of foreign aid and international trade which could have helped alleviate food shortages (Jackson, 1989, p. 3). Although “measuring the economic performance of the Khmer Rouge regime was impossible because statistics were not available, and no monetary transactions or book keeping were carried out,” it is clear that living conditions and the quality of life worsened significantly throughout the country (Swann, 2009, p. 68). For example, Than (1992) stated that:

Acute food shortages were widespread, and there was also massive population relocation. Basic social services were almost non-existent. It was only because of international relief efforts [following the demise of the Khmer Rouge regime] that nation-wide famine and epidemics were averted. During the Pol Pot period, there was no central administration, no currency, and no electricity or transportation services (p. 271).

The lack of practical management of the economy at the highest levels of government meant that local leaders were left to guess at the details of how to manage their collective. For instance, Vickery (1984) stated that:
The amount of food, its distribution, work discipline, and general hardship, numbers of executions and execution policy, even the content and extent of political education differed among zones and regions; while execution policy and food distribution sometimes differed even among contiguous villages (p. 74)

Given the lack of record keeping under the Khmer Rouge, the number of people that died as a direct result of their policies can only be estimated. Drawing on the US Central Intelligence Agency (CIA) demographic estimates and the United Nations (UN) population projections, Jackson (1989) calculated that between 2.7 and 4 million people died as result of actions taken by the Khmer Rouge (p. 3). Kiernan and Hughes (2007) estimated 1.7 million deaths. Vickery (1984) believed such large estimates were “simply impossible,” and calculated the number of deaths to be around 750,000 (pp. 200-201). Irrespective of which estimates are closer to the truth, experts are in agreement that the Khmer Rouge acted as a tyrannical and murderous regime that demonstrated no regard for the value of human life.


Despite the horrific acts of genocide orchestrated by the Khmer Rouge, the eventual downfall of the regime did not come about because of internal revolt or international condemnation of human rights abuses. In fact, most Western governments continued to show support for the Khmer Rouge even after they had been removed from power (Kiernan, 2007). Although, many Khmer Rouge commanders defected to Vietnam prior to 1979, there seem to have been no internally-based efforts to depose the Khmer Rouge elite. Instead, their eventual downfall came about as a result of escalating conflict with Vietnam.

A number of circumstances divided the countries of Cambodia and Vietnam. Each incorporated contrasting interpretations of communist theory, resulting in different social and economic systems, and divergent political cultures (i.e. the general attitude of the political elite) (Morris, 1999). The countries also maintained competing international trade relationships, with the Khmer Rouge aligning with China, and Vietnam aligning with the USSR. China and the USSR had themselves developed very different relationships with Western powers. For example, the US had greatly favoured China over the USSR and there had been an ongoing dialogue between the countries
Upon gaining control of the country in 1975, the Khmer Rouge exacerbated tensions by immediately expelling more than 100,000 ethnic Vietnamese (Kiernan, 2007, p. x). Following their exodus, the regime began a campaign to “cleanse” Cambodia of all non-Khmers. In some cases, this led to the execution of people believed to be Vietnamese, people with at least one Vietnamese ancestor, or even those who had married a Vietnamese person (Chanda, 1986). As a result, thousands of people living in Cambodia, particularly in villages near the Vietnam/Cambodia border, were murdered (Chandler, 1993b).

There would have also been a significant number of ethnic Vietnamese living in urban areas of Cambodia prior to 1970. For instance, according to the 1962 Cambodia Census, 28% of Phnom Penh residents were Vietnamese (Ponchaud, 1989, p. 153). Hence, along with Cham Muslims and ethnic Chinese residents, concentrated populations of Vietnamese would have made an easy target for local cadres eager to appease the central party leadership (Chanda, 1986).

The Khmer Rouge also began more directly provoking a war by attacking villages located inside Vietnamese territory. This was surprising given the potential consequences of antagonising the vastly superior Vietnamese military (Morris, 1999, p. 5). However, as Goscha (2006) pointed out:

For Pol Pot and others in his close entourage, tearing down the Indochinese internationalist model was an obsession, if not a defining point for their paranoid revolutionary nationalism. No one, least of all the Vietnamese, suspected that the incidents of the 1970-1975 period would give way to the vicious border attacks once communism came to all of Indochina.... The fallout was vicious and the geopolitical impact was massive (p. 173).

By the end of 1978, tension between the governments of Vietnam and Cambodia had reached their breaking point and the Vietnamese army began a full-scale invasion of Cambodia (Morris, 1999). A contingent of 120,000 troops were quickly able to capture the major Cambodian cities, including Phnom Penh (Peou, 2000, p. 148). According to Kiernan (1993a), troop levels would reach a high of 224,000, and faced little armed
resistance from Khmer Rouge forces. The Vietnamese established the People's Revolutionary Council (PRC), which renamed the country the “People's Republic of Kampuchea” (PRK). An interim government was headed by both Heng Samrin and Hun Sen.

The advancing Vietnamese army continued to push the Khmer Rouge forces west toward the Thai border. This was their so called “base area,” where the Khmer Rouge still maintained a semblance of support among the rural population. The continued Khmer Rouge resistance placed the base people directly in the path of the conflict. Civilians attempting to escape the conflict, and possible reprisals from the Vietnamese, were forced to migrate toward a series of refugee camps along Cambodia's border with Thailand. These camps were established and maintained by multiple militant factions as well as the UN (Lischer, 2006).

Having quickly gained control over most of Cambodia, the Vietnamese were then faced with the difficult tasks of rebuilding all political, economic, and social structures. Unlike many other post-conflict countries, there was very little left from pre-Khmer Rouge Cambodia that could serve as an institutional template for reconstruction. The Vietnamese sought international support to rebuild Cambodia, but instead were forced to proceed under a crippling economic embargo. Kiernan (1993b) argued that, “to a great extent Cambodia was rebuilt in 1979-1991.... But this progress was achieved only in the teeth of international resistance” (p. 18). In fact, the Khmer Rouge received economic and military support from the international community for over a decade following the Vietnamese invasion and were able to represent Cambodia at the UN for 14 years (Kiernan, 1993b).

4.4.1 Land tenure reform under Vietnam

As a result of Khmer Rouge policies, all traces of pre-1975 state infrastructure had effectively been erased. This made Cambodia's recovery especially difficult as there was no system of governance in place to help manage the reconstruction of core infrastructure. People were also forced to rebuild their lives on an individual level as many had been stripped of everything, including their property. For instance, Vickery (1990) stated that:
No one owned any property beyond the simplest personal articles. They had been dispossessed of land, real estate, means of production and instruments of wealth since 1975, and the records on which claims to previous ownership of land and buildings might have been reestablished had long since been dispersed and destroyed (p. 439).

The Vietnamese instituted a new approach to socialism as the basis for all development in Cambodia. Although this approach was comparable in some ways to Khmer Rouge-era communism, the new legal and institutional frameworks offered Cambodians a much greater level of freedom and economic opportunity. The Vietnamese had a great deal of experience rebuilding their own country following the Vietnam War and favoured a more practical and measured approach to reconstruction. For instance, Russell (1997) pointed out that the re-population of Phnom Penh in 1979 was both planned and gradual. In contrast, the Khmer Rouge had evacuated Phnom Penh in only a few days and much of the city, including homes, businesses, libraries, and temples, went untouched for several years. However, the destruction of nearly all records of ownership meant there was no way to verify a family's right to reclaim their pre-Khmer Rouge home. Hence, upon arriving in the city people were able to take possession of the first available dwelling (Vickery, 1990).

In rural areas of Cambodia collective agriculture was maintained in principle. However, Russell (1997) stated that, “unlike their Vietnamese neighbours who had a long association with collective systems, the Cambodians, used to autonomous control over their land, rebelled against the system and the solidarity groups often existed in name only” (p. 105). In fact, many Cambodians began to migrate back to their original villages in an attempt to reoccupy their former household and rebuild their lives. However, given the severity of the conflict it was impossible for most families to simply resume from where they left off in 1975. Some households now had significantly fewer members and some had actually grown after adopting orphaned children.

In an effort to regulate the redistribution of land the government introduced sub-decree No. 6, in 1985. This law prohibited the purchase, sale, or rent of land, and dictated that all land allocation would be based on the population and production ability of each household (Russell, 1997). Although this limited the mobility and economic potential of households, the new land tenure regime generally appears to have improved
people's security during a sensitive phase of the recovery (Vickery, 1990, p. 447).

Overall, the process of change implemented under the auspices of the Vietnamese provided Cambodia with its first sense of social and economic progress since the 1960s. Although the new leadership was not chosen democratically, it was significantly more responsive to the needs of Cambodians than previous regimes had been. People quickly secured access to land and re-established a sense of community and optimism for the future. However, the continued occupation of Cambodia by the Vietnamese army was becoming untenable and the country would once again have to enter into a period of political transition.

4.5 The State of Cambodia (1989-1993)

In 1989 the remaining Vietnamese troops were withdrawn from Cambodia and the country was renamed the “State of Cambodia.” The new government was led by Hun Sen who now commanded a defence force of over 100,000 regular troops and 200,000 militia, which he used to establish and maintain control over the remaining armed factions (Kiernan, 1993a, pp. 193–194). Pol Pot led one such faction (the Khmer Rouge) and King Sihanouk led another. The international community contributed to further political instability by forcing the inclusion of the Khmer Rouge in the peace process and allowing them to participate in UN-sponsored national elections in 1993 (Hinton, 2005). Despite the continued instability, the government was able to implement a great number of legislative and institutional reforms during this period.

4.5.1 Land tenure in the State of Cambodia

The promulgation of a new constitution in 1989 restored private property rights in Cambodia and is widely considered to be the precursor to the establishment of a fully-functioning market economy (Russell, 1997). For instance, Russell (1997) stated that “private ownership gave value to real estate and a housing market was rapidly established. Housing values soared and property speculation began with the influx of foreigners in the early 1990s” (p. 105). However, the introduction of private property rights also resulted in a decrease in tenure security for many Cambodians, particularly in rural areas, where social inequalities increased rapidly (Thion, 1992, p. 187). For example, the UNDP (2007) stated that:
As the Vietnamese withdrew from Cambodia, a massive land grab began, especially in Phnom Penh. Some officials began to act as though State property and vacant property (or property that could be rendered vacant by the use of force) was theirs to occupy, 'own' and therefore sell (p. 8).

In order to regulate better the transition to a private property regime, the government introduced Sub-Decree No. 25, outlining ownership rights, and Ministers' Instruction No. 3, outlining occupation rights. According to Russell (1997), the latter was divided between three general categories, namely housing rights, cultivation rights, and concessional land rights. Ownership rights were limited to housing land and occupation rights were based on the restrictions established in the French Civil Code in 1920 (Russell, 1997, p. 106).

In 1992 the government introduced a more comprehensive land law in an attempt to unify the existing legislation. However, several inconsistencies made the new legislation “confusing and contradictory” (Russell, 1997, p. 107). For example, there remained confusion about the extent of private property rights and whether the 1992 Land Law superseded all previous legislation (Frings, 1994). Contributing to this confusion was the fact that the 1992 Land Law was first drafted in French and then translated into Khmer and English (Russell, 1997). Translation errors appear to have resulted in significant contradictions within each version. For instance the terms “possession” and “ownership” appear to have been used interchangeably throughout the legislation (Frings, 1994; Russell, 1997).

The 1992 Land Law was also ineffective in curbing illegal land grabs and actually served to legitimise the land grabbing that had occurred in the wake of the Vietnamese departure (UNDP, 2007, p. 8). Some observers believed these reforms represented a return to the endemic corruption that helped to characterise the post-colonial era. For example, Thion (1992) stated that:

Social inequities started to develop and the weakest elements started to lose their land altogether. Moreover, rich townspeople started to buy land in the surrounding areas. With incredible speed the whole society, it seemed, was evolving toward the same pattern that had been abolished by the war and its Khmer Rouge aftermath (p. 187).

In retrospect, pre-1993 land tenure reforms were largely ineffective in promoting
the ideals of equality and transparency envisaged by the international community that was actively supporting Cambodia's development. Instead, internal power struggles continued to undermine political stability, and incoherent legislation allowed land grabbing and forced evictions to increase dramatically (UNDP, 2007). Although significant improvements were achieved following the fall of Khmer Rouge regime, aspects of the conflict continue to plague Cambodia's development. Perhaps the most critical concern has been for the endemic corruption that continues to undermine development.

4.5.2 Failed democracy and endemic corruption

It is important to highlight the failure of Western democratic values to take hold in Cambodia and the impact this has had on land tenure reform, as well as on development generally. Contributing to this failure was the fact that pressure to adopt a representative democracy did not come from the Cambodian people; rather it was externally imposed by the international community, most notably the US and France (Hughes, 2002). In retrospect, this appears to have reduced political accountability and allowed the consolidation of power by a single party.

The 1992 elections were managed by the United Nations Transition Authority in Cambodia (UNTAC) which represented a coalition of international military forces and civilian personnel. Their mandate included temporarily taking control of Cambodia in order to address issues such as “human rights, the organization and conduct of elections, military arrangements, civil administration, maintenance of law and order, repatriation and resettlement of refugees and displaced persons and rehabilitation of Cambodian infrastructure” (United Nations, n.d., para. 3). Although the UNTAC mission improved the overall stability of Cambodia, many believe that it failed to achieve a sustainable form of democracy. For example, Levitsky and Way (2010) argued that:

UNTAC's control over the state was in many respects “cosmetic”; in several areas, including public finance, local government, and security forces, and it failed to dislodge the [Cambodia People's Party (CPP)] from the state. As a result, preexisting power structures – particularly in the security arena – remained “more or less intact” (p. 332).

Furthermore, Un (2011) argued that following the 1993 election, “the minimum criteria for democracy – freedom of expression, freedom of assembly – have been
4.5 THE STATE OF CAMBODIA (1989-1993)

severely curtailed” (p. 547). Instead, the CPP was allowed to maintain control of the government by threatening that “bloodshed, secession, and chaos would ensue if their demands were not met” (Jeldres, 1996, para. 6). The leader of the CPP, Prime Minister Hun Sen, later consolidated power by forcing his principal political rival into exile (Peou, 1998). The subsequent persecution of all political opposition, compounded by a political culture of patronage, has suggested a return to authoritarianism in Cambodia (Levitsky & Way, 2010, chap. 7; Un, 2011). The CPP has become interwoven with all levels of government from prime minister to village chief, and promotion within the civil service has become dependent on assurances of loyalty to the party.

Political totalitarianism has created significant challenges for internationally sponsored development projects in Cambodia, including those related to land tenure reform. For example, Wilhelm (2002) concluded that “sustainable economic development appears very dependent on a constant, virtuous cycle that includes corruption, fighting, and the maintenance of trust and innovation, all reinforcing each other” (p. 177). Hence, projects must be responsive to manipulation and misuse of power, particularly where dysfunctional government institutions are relied upon to maintain critical aspects of the land tenure regime (Murotani, Wakamatsu, Kikuchi, Nagaishi, & Ochiai, 2010). According to Nye (1967), this kind of endemic corruption can be defined as:

Behavior which deviates from the formal duties of a public role because of private-regarding (personal, close family, private clique) pecuniary or status gains; or violates rules against the exercise of certain types of private-regarding influence. This includes such behavior as bribery (use of a reward to pervert the judgement of a person in a position of trust); nepotism (bestowal of patronage by reason of ascriptive relationship rather than merit); and misappropriation (illegal appropriation of public resources for private-regarding uses) (p. 419).

Widespread corruption and weak democracy in Cambodia has meant that rights advocates and civil society groups have been vulnerable to intimidation and direct violence. For example, as land dispossession increased in the late 1990s, the government responded to protests by arresting human rights and community activists who were supporting the victims (Un, 2011). In 2008, ethnic minorities based in Ratanakiri province were prevented from leading a peaceful march in protest of land
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confiscation (Peou, 2011). In May, 2012, 13 women were jailed for illegal occupation of land after demonstrating on the site of their former homes. They were sentenced after a three hour trial for which they were not allowed a lawyer (Tatlow, 2012). A month later, prominent Cambodian land rights activist Chut Wutty was shot dead by police while escorting journalists through a forest under threat from illegal logging (De Launey, 2012).

The problem of corruption has been highlighted by the country’s low ranking under Transparency International Corruption Perceptions Index. This index ranks countries based on a consolidation of corruption perception measures produced by a number of third party organisations around the world. Cambodia was added to the index for the first time in 2006 and was ranked evenly with Côte d’Ivoire, placing 151st out of 163 countries (Transparency International, 2006). Five years on, Cambodia was ranked evenly with Zimbabwe, placing 164th out of 182 (Transparency International, 2011). Hence, there appears to have been a lack of commitment at all levels of government to deal directly with the causes of corruption. If this problem continues to be ignored it will have “far-reaching dysfunctional consequences” for development in Cambodia (Feinberg, 2009, p. 294).

As land tenure reform has been an important part of each period of transition in Cambodia, it is hoped that the future development of the country will benefit from an approach that considers the needs of a population emerging from a prolonged and severe period of conflict. The following section discusses the changes that have been implemented during the current period of development in Cambodia.

4.6 The Kingdom of Cambodia (1993)

This section outlines the current legislative and institutional frameworks that have evolved since the State of Cambodia was replaced with the Kingdom of Cambodia in 1993. In contrast to previous legislation, recent changes have provided a more coherent land tenure policy for Cambodia.

4.6.1 Establishing a new legislative framework

In 2001 the Royal Government of Cambodia (RGC) enacted the most comprehensive land law to date. This law provides a legal framework and institutional
template for the provision of land rights in Cambodia. It continues to be the primary source of rules governing the ownership, methods of acquisition, and recording of land information. Hence, it replaces all subsequent legislation with the goal of creating a more uniform system. As such, it has come to represent an important step toward establishing social, economic, and political stability in Cambodia.

The 2001 Land Law distinguishes between six main land tenure regimes that are now discussed, namely (i) private land, (ii) state public land, (iii) state private land, (iv) monastery land, (v) indigenous land, and (vi) land concessions.

4.6.2 Private land

Under the private property regime, owners have exclusive right to possess and dispose of land as they see fit as long as it is within the confines of existing laws (see 2001 Land Law, Title I, explanatory note). This is supported by Article 5 of the 2001 Land Law that states:

No person may be deprived of his ownership, unless it is in the public interest. An ownership deprivation shall be carried out in accordance with the forms and procedures provided by law and regulations and after the payment of fair and just compensation in advance.

It is also worth noting that Article 66 limits ownership of land to people of Khmer nationality and explicitly disqualifies judges or government officers from “purchasing the property over which they have jurisdiction or that they were charged to sell.” Although there is no apparent evidence that these rules have been enforced, they appear to be well-suited to address some of the endemic corruption.

There are also elements of the new law that mirror historic norms. For instance, Article 30 of the 2001 Land Law stipulates that:

Any person who, for no less than five years prior to the promulgation of this law, enjoyed peaceful, uncontested possession of immovable property that can lawfully be privately possessed, has the right to request definitive title of ownership.

This approach appears to have been derived from colonial-era legislation, such as Article 723 of the 1920 Civil Code that stated:

... in matters of real estate, the holder becomes legitimate when there is
peaceful possession of unregistered land, in public and in good faith, continuously and unequivocally, for five consecutive years. (cited by Thion, 1992, p. 103).

This level of symmetry has helped Cambodians to more easily interpret their rights under the new regime and perhaps even establish a greater sense of continuity regarding the evolution of land tenure in Cambodia. However, the rules governing state land proved to be more difficult for many Cambodians to anticipate.

4.6.3 State private and public land

According to the 2001 Land Law, the state is recognised as the legitimate owner of areas of land “that are escheat, or that are voluntarily given to the State by their owners, or that have not been the subject of due and proper private appropriation or that are not presently being privately occupied.” (Article 12). Approximately 80% of Cambodian territory is believed to be state owned, making this regime type one of the most significant in Cambodia (Loehr, 2012, p. 776).

This regime covers two sub-types, namely state public land or state private land. According to Article 16 state public land is inalienable and may not be acquired based on continuous occupation. Article 15 outlines seven types of property that are regulated under this regime, including:

viii. Any property that has a natural origin, such as forests, courses of navigable or floatable water, natural lakes, banks of navigable and floatable rivers and seashores;

ix. Any property that is specially developed for general use, such as quays of harbors, railways, railway stations and airports;

x. Any property that is made available, either in its natural state or after development, for public use, such as roads, tracks, oxcart ways, pathways, gardens and public parks, and reserved land;

xi. Any property that is allocated to render a public service, such as public schools or educational institutions, administrative buildings and all public hospitals;

xii. Any property that constitutes a natural reserve protected by the law;
4.6 THE KINGDOM OF CAMBODIA (1993)

xiv. Immovable properties being royal properties that are not the private properties of the royal family. The reigning King manages royal immovable properties.

Article 17 differentiates state *private* land from state *public* land by noting that private land “may be the subject of sale, exchange, distribution or transfer of rights as it is determined by law.” However, there has been no coordinated effort to identify, map, and register state land (Theil, 2009). As a result, civil society groups advocating the preservation of forests and other natural resources have had difficulty identifying when land is sold illegally. Furthermore, a lack of oversight has meant that people's tenure security has also been severely weakened. For example, Grimsditch and Henderson (2009) stated that:

> Without any publicly available records of what is State public property, as required by the Sub-decree on State Land Management, it is almost impossible to dispute government statements that a community is living illegally on State land. Thousands of Cambodian citizens therefore face a serious barrier to proper recognition of their legal possession and the rights that come with it.

Overall, this regime type has been the most dysfunctional in terms of its application. Much work is still needed to develop institutions to protect better state public land and ensure state private land is not sold for the personal gain of corrupt officials.

### 4.6.4 Monastery land

Although Articles 20, 21, and 22 of the 2001 Land Law provide special protection for religious land, this protection is extended only to Buddhist monasteries. Under Article 21, monastery land “cannot be sold, exchanged or donated and is not subject to prescription.” Hence, property held as monastery land is the only category that is protected from sale unconditionally and in perpetuity.

### 4.6.5 Indigenous land

The 2001 Land Law also affords special protection to what is described generically as “indigenous land.” This land includes any property legally in possession of an indigenous community. Article 23 describes a legitimate indigenous community, as
being:

...a group of people that reside in the territory of the Kingdom of Cambodia whose members manifest ethnic, social, cultural and economic unity and who practice a traditional lifestyle, and who cultivate the land in their possession according to customary rules of collective use.

In addition to allowing a broad definition of an indigenous community, the 2001 Land Law grants these communities considerable autonomy over the management of their land. For instance, it allows for the demarcation of boundaries based on agreement between the group and the surrounding communities. It also allows for traditional norms to dictate the internal workings of each indigenous group. For instance, Article 26 states that:

The exercise of all ownership rights related to immovable properties of a community and the specific conditions of the land use shall be subject to the responsibility of the traditional authorities and mechanisms for decision-making of the community, according to their customs...

However, there are provisions in the 2001 Land Law that have made indigenous communities increasingly vulnerable to outside interests. In particular, indigenous land is not afforded the same protection from privatisation as monastery land. For instance, Article 27 states that:

For the purposes of facilitating the cultural, economic and social evolution of members of indigenous communities and in order to allow such members to freely leave the group or to be relieved from its constraints, the right of individual ownership of an adequate share of land used by the community may be transferred to them.

This provision has had detrimental effects on the viability of indigenous communities. In particular, it has provided outside commercial interests with a legal avenue to pursue the disintegration of communally control of land and land-related resources (Loehr, 2012). Furthermore, the use of the term “evolution” in the wording of Article 27 is highly prejudicial and is reminiscent of the attitudes espoused by modernisation theorists during the colonial era (see Chapter 2). Although indigenous land tenure (i.e. aboriginal land tenure) is not investigated in the thesis, these concerns suggest the security of indigenous communities may not be adequately protected.
4.6.6 Land concessions

The rules governing land concessions in Cambodia are not legislated in the same way as other regime types. Hence, the manner in which they are issued and maintained has a significant impact on the overall tenure system. Although this thesis does not explicitly address the management of land concessions, the problems associated with this regime type typify many of the problems facing all types of land.

Land concessions are a legal mechanism for transferring land rights, usually from the state to individuals or groups. Land concession programmes are formed to facilitate redistributive land reform or where large areas of land are used to support social or economic change. In Cambodia, there are currently two distinct types of concessions, namely social land concessions (SLC) and economic land concessions (ELC).

A sub-decree on SLC was issued in 2003 to accompany the implementation of the Land Allocation for Social and Economic Development Project (LASED) (Üllenberg, 2009). According to Article 2, a SLC is “a legal mechanism to transfer private state land for social purposes to the poor who lack land for residential and/or family farming purposes.” The sub-decree includes nine purposes for granting SLC, namely to provide (i) land for residential purposes, (ii) land for family farming, (iii) land to resettle families who have been displaced by public infrastructure projects, (iv) land to the families suffering from natural disaster (v) land to repatriated families, (vi) land to demobilized soldiers and families of soldiers who were disabled or died, (vii) support for economic development, (viii) provide land to workers of large plantations, and (ix) develop areas that have not been appropriately developed (Sub-Decree on Social Land Concession, Article 3).

A sub-decree on ELC was issued in 2005 which defines ELC as “a mechanism to grant private state land through a specific economic land concession contract to a concessionaire to use for agricultural and industrial-agricultural exploitation” (Sub-Decree on Economic Land Concession, Article 3). Article 3 also includes five purposes for granting ELC, namely (i) to develop intensive agricultural and industrial-agricultural activities, (ii) to achieve a specific set of agreements from the investor for developing the land, (iii) to increase employment in rural areas within a framework of intensification and diversification of livelihood opportunities and within a
framework of natural resource management based on appropriate ecological system, (iv) to encourage small as well as large investments in economic land concession projects, and (v) to generate state revenues or the provincial or communal revenues through economic land use fees, taxation, and related services charges.

An important distinction between ELC and SLC, is that only the latter allows for occupants to claim ownership rights over the land. According to Article 15 of the 2001 Land Law, only land provided for “social purposes” may be converted to private property.

There are also a series of restrictions stipulated by the 2001 Land Law that impact how these concessions can be granted. Most notably, Article 53 that states “the concession must be registered with the Ministry of Land Management, Urban Planning and Construction [MLMUPC].” Article 58 states that “land concessions can only be granted on land that are part of the private property of the State,” and Article 59 states that “land concessions areas shall not be more than 10,000 hectares.” However, the RGC appears to have repeatedly ignored these rules.

The way the RGC has managed state land and granted concessions has been widely criticised both inside and outside of Cambodia. For example, The United Nations High Commission for Human Rights (UNHCHR, 2007) stated that:

Commonly-cited concerns are encroachment on agricultural and grazing land, and loss of livelihoods; encroachment on forested areas and loss of access to non-timber forest products; impact on areas of cultural and spiritual significance; displacement; and environmental destruction.... particular concerns [are raised] about the impact of economic land and other concessions on indigenous communities, whose rights to collective ownership of land are protected under Cambodian law.

The RGC, often at the behest of commercial interests, has capitalised on a lack of monitoring or enforcement of property rights violations in urban, rural, and indigenous areas (Loehr, 2012). It has been able to exploit the lack of transparency surrounding the designation of state land as a means of undermining the tenure security of the rightful landowners (Grimsditch & Henderson, 2009; UNHCHR, 2007). Following the implementation of the 2001 Land Law several individuals have been granted concessions that exceed the 10,000 ha limit set in Article 59 of the 2001 Land Law. For
In Stung Treng province, a Chinese national, An Yang Yin Chang, is the director of three different companies which have been granted concessions totalling 24,854 hectares. Senator Mong Reththy is the director of three companies which have been granted concessions totalling 113,652 hectares in Sihanoukville and Stung Treng provinces. Senator Lau Meng Khin is the director of two companies that have been granted concessions totalling 415,025 hectares in Kompong Chhnang, Pursat and Mondulkiri provinces. Senator Men Sarun is the director of two companies that have been granted concessions totalling 24,400 hectares in Ratanakiri and Kompong Cham provinces (UNHCHR, 2007, p. 11).

The fact that ruling elites have repeatedly been able to undermine existing land laws does not bode well for the future of land rights in Cambodia. However, as bureaucratic and civil society institutions continue to strengthen, civil society may become empowered to better resist such flagrant violations of the law. One important institutional advancement has been the establishment of a land title registry. The administrative framework surrounding the registry is discussed in the following section.

### 4.7 The Land Management and Administration Project

The Land Management and Administration Project (LMAP) was implemented in 2002 in order to help develop a functional land administration system in Cambodia. The LMAP was intended to address the institutional reforms outlined in the 2001 Land Law and has been widely regarded as an important step toward addressing many of the social and economic problems that previously inhibited the rate of development in Cambodia.

This section provides a deeper understanding of what the LMAP was expected to achieve and the extent to which these expectations have already been met. This discussion includes a review of the systematic land titling programme that has been a core component of the project.

The design of the LMAP was set out in the Project Appraisal Document (PAD) (World Bank, 2002), which is referred to throughout this section. Information has also been taken from a selection of reports and input from key informants working in Cambodia as technical, administrative, and legal advisers to the LMAP. Consultations with these key informants were carried out in Phnom Penh in 2009 and 2010.
The LMAP was first implemented with the support of Finland, Germany, and the World Bank, and was intended to last five years. In 2004, Canada was added to the list of countries supporting the project. The main benefits and target population of the LMAP were outlined by the PAD, which stated that:

By securing land rights, the project will help to promote social stability, contribute to poverty reduction and stimulate economic growth. By improving the land administration system, the project will stimulate the development of more efficient land markets, thereby facilitating the allocation of land to its highest and best use. By helping to develop capacity for land management, the project will contribute to improved environmental management.... The beneficiaries of land titles would enjoy the benefits associated with land titles, in the way of increased tenure security, access to credit and opportunities to increase investments and productivity.... Many of the expected beneficiaries are poor and vulnerable to being dislodged from the land where they live and farm. Providing them with secure titles would sharply reduce the risk of dispossession that they now face [emphasis added] (World Bank, 2002, p. 10).

When the LMAP began in 2002 it comprised five main components that were each intended to contribute toward achieving these goals (Table 4.1). By 2007 the implementation of the LMAP was deemed to have been successful, and support was extended to 2009 (Deutsch & Makathy, 2009). However, the extent to which individual components were implemented, or their intended outcomes realised, have varied significantly. The following sections discuss the five main components and highlight several of these variations.

4.7.1 Development of a land policy and regulatory framework

The first component of the LMAP was the development of a land policy and regulatory framework. This is perhaps the most generalised component and was already underway prior to the implementation of the LMAP in 2002. The 2001 Land Law stands as the most comprehensive legislation governing land tenure in Cambodia and has provided a broad template for reforms. However, international advisers to the LMAP supported the design and implementation of numerous sub-decrees that helped to fill some of the gaps in the 2001 Land Law.

The development of a land policy and regulatory framework also included the dissemination of policies, laws, rules, and regulations (Table 4.1, 1a). However, the
necessary steps to implement this sub-component have not been taken. Hence, many Cambodians remain unaware of their full rights and responsibilities under the current land tenure regime. Non-governmental organisations (NGOs) were originally intended to maintain the flow of information between the government and citizens. For instance, the World Bank (2002) stated that:

NGOs will be contracted to work with communities during the process of systematic adjudication. Their involvement should ensure that no social or income groups are excluded from their rights to receive a title. The project is also supporting the provision of legal assistance to the

Table 4.1
The LMAP Components (2002 - 2009)

<table>
<thead>
<tr>
<th>Component</th>
<th>Sub-component</th>
</tr>
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<tbody>
<tr>
<td>1. Development of land policy and regulatory framework</td>
<td>(a) Development of capacity of the Secretariat of the Council of Land Policy.</td>
</tr>
<tr>
<td></td>
<td>(c) Development and drafting of legal instruments.</td>
</tr>
<tr>
<td>2. Institutional development</td>
<td>(a) Long-term institutional development of the MLMUPC at all levels.</td>
</tr>
<tr>
<td></td>
<td>(c) Development of land management and administration education programme.</td>
</tr>
<tr>
<td>3. Land titling programme and development of title registry.</td>
<td>(a) Information dissemination and community participation.</td>
</tr>
<tr>
<td></td>
<td>(c) Sporadic land titling programme.</td>
</tr>
<tr>
<td>4. Strengthening mechanisms for dispute resolution</td>
<td>(a) Strengthening the national cadastral commissions.</td>
</tr>
<tr>
<td></td>
<td>(c) Legal assistance for disadvantaged.</td>
</tr>
<tr>
<td>5. Land management</td>
<td>(a) Clarification of procedures for defining different classes of land.</td>
</tr>
<tr>
<td></td>
<td>(c) Preparation of land classification maps for each of the project provinces showing boundaries of forests, protected areas, land under private use, land under public use, land under concession, and other types of land use.</td>
</tr>
</tbody>
</table>

Note: Adapted from World Bank (2002, p. 8).
poor, which should help strengthen their position in land disputes (p. 22).

However, according to Grimsditch and Henderson (2009), in the seven years following the implementation of the LMAP there was no record of an NGO being contracted to advocate for disadvantaged parties (p. 5). This has resulted in discrepancies between the laws that frame people's rights and their ability to identify and enact those rights pursuant to their needs. For example, Deutsch and Makathy (2009) stated that only 62% of those completing the systematic titling process claimed to know what to do if there was an error on their title records, and a quarter of respondents were unaware of how registration fees were calculated (pg. vii). Unless the RGC becomes more accepting of NGOs and civil society generally, the dissemination of information will continue to be highly restricted, and the general population will remain vulnerable.

### 4.7.2 Institutional development

Institutional development has advanced considerably in Cambodia since 2002. In particular, the MLMUPC has expanded to assume a leadership role in the management of land information. This would not have been possible without the technical and financial support of the donor countries. Despite the many setbacks to implementing a new institutional framework to manage land and land information in Cambodia, the international staff contributing to the project have demonstrated remarkable resilience.

It remains unclear if the MLMUPC will be self-sufficient in maintaining the highly technical aspects of the programme when international support is eventually withdrawn. However, some progress has been made in building a technical human resource base for land administration in Cambodia. For instance, a Faculty of Land Management and Land Administration was established at the Royal University of Agriculture in Phnom Penh. Since 2006 the faculty has produced around 40 graduates annually from their bachelor's programme (GIZ, 2011). Although this does reflect some progress toward establishing an appropriate skill-base, it appears unlikely that title registration can continue in the short-term without continued technical support from foreign development agencies.
4.7.3 Land titling programme and development of a title registry

The third component of the LMAP was to implement a land titling programme and develop a title registry. This has become the centrepiece of land tenure reform in Cambodia. More than any other aspect of the LMAP, the titling process has been used to indicate the overall progress of reforms. Antonnen (2012) estimates that a total of 12.5 million parcels of land are eligible to be titled in Cambodia and, on completion of LMAP in 2009, approximately 1.3 million of these had been issued.

Although the number of titles issued represents a process indicator rather than a measurement of social or economic progress, it remains the only realistic means of assessing the penetration of land tenure reforms across Cambodia. This is because the process of systematic registration has provided the only consistent conduit for communicating legal changes to much of the rural population.

4.7.4 Strengthening mechanisms for dispute resolution

The fourth component of the LMAP was strengthening mechanisms for dispute resolution. Pursuant to these improvements the Cadastral Commission was established by sub-decree in 2002. The mandate of the Cadastral Commission has been to resolve conflicts related to unregistered and immovable property. Although low-level administrators are able to help reconcile minor disputes, they do not have the authority to issue a legally binding decision. This has meant that a growing number of land disputes are becoming backlogged as an increasing number of cases are passed up to the Cadastral Commission for final adjudication (Grimsditch & Henderson, 2009, p. 5).

Despite the widely-held belief that implementing a Western model of tenure reform will inevitably reduce the number of disputes over land, the number of conflicts over land has actually increased since the implementation of the 2001 Land Law and the LMAP in 2002 (UNDP, 2007). Evidence suggests that this rise can be attributed to both endemic corruption and an overall lack of institutional capacity. For example, a report by the UNDP (2007) stated that:

Almost 70 percent of the cases involved farmland or plantation land, with land for construction accounting for most of the remaining cases…. The opponents in the disputes were mainly local, provincial, or national authorities (39 percent of cases), armed forces (30 percent), and wealthy elites (16 percent). Only 3 percent of cases involved companies. Nearly
two-thirds of the cases were complaints about power violations or use of violence against the families using the land: the typical conflicts involved land grabbing and allocation of allegedly unused land for economic concessions and development projects. Most of the victims (70 percent) had no land ownership documents to prove their claims to the land. Interestingly, few of their opponents (in less than 10 percent of the cases) could support their claims to the land with formal land ownership titles (p 11).

With only 10% of titles having been registered, the overwhelming majority of rural farmers continue to face significant title insecurity. Evidence also suggests that vulnerable groups with legitimate claims to land are “arbitrarily denied access to land titling and dispute resolution mechanisms” (Grimsditch & Henderson, 2009, p. 1).

The work of the Cadastral Commission has also been marred by the broader issue of corruption within the Cambodian judiciary. For example, Adler et al. (2006) stated that parties are making informal payments or providing other gifts to staff or officials of the Cadastral Commission in a significant number of cases. The report also stated that 22% of respondents admitted to making such payments, and in 12% of cases parties were asked directly by representatives of the Cadastral Commission for money (Adler et al., 2006, p. 40).

Although these numbers are of concern, they can be viewed as an improvement from the levels of corruption throughout the entire Cambodian court system. As a consequence of this, wealthy parties often prefer to deal with the court rather than the Cadastral Commission at either the regional or national level. For example, Adler et al (2006) stated that:

...these parties want a fast and definitive decision in their favor, without the need for lengthy procedures and laborious conciliation. Although according to the inter-ministerial Prakas courts are obliged to refer such cases to the [District/Krom Cadastral Commission] DKCC, instances were reported in which the courts were willing to usurp DKCC jurisdiction if the case promises to be lucrative (p. 43).

Patronage also remains an inherent part of life in Cambodia and continues to privilege the wealthy and political elite during dispute resolution. For example, Öjendal and Lija (2009) stated that “the politicized nature of Cambodian governance makes it impossible for a neutral judicial system to emerge.... Judges and prosecutors owe their
careers to their [political] parties or their patrons” (p. 88). Hence, the reality of the Cambodian judicial system may be a limiting factor in the realisation of improvements to tenure security under the new land tenure regime.

4.7.5 Land management

The fifth component of the LMAP was land management. This component was reliant on the ability of the RGC to define clearly and delineate the different types of land in Cambodia. In particular, there has been a need to identify environmentally sensitive areas that need to be protected as state public land.

As noted in the PAD, recording and disseminating information about state land was to contribute to the transparency and fairness of the overall tenure regime. However, this component was introduced with one caveat, namely that:

…in a weak governance system, actual implementation of these policies will rely heavily on the commitment and capacity of the government to implement these reform areas, yet to be seen during project implementation (World Bank, 2002, p. 7).

This caveat has significantly lowered the expectation that improvements to land management will be pursued. Hence, the RGC has been able to wilfully ignore this component of the LMAP. This was again demonstrated by the removal of the land management component from the post-LMAP mission document.

In future, the failure to implement land management may be seen as one of the greatest obstacles to human development in Cambodia. A convoluted and somewhat contradictory series of laws and sub-decrees related to land management have weakened land rights in Cambodia and have resulted in a consistent lack of transparency and good governance (Grimsditch & Henderson, 2009; Theil, 2009). Despite increasing domestic and international awareness of these issues, the implementation of an institutional framework supporting state land management remains highly unlikely.

Direct financial gains from the sale of land and resource rights are driving a great deal of the current foreign investment in Cambodia, and represent a key source of income for the government and its officials (De Lopez, 2002; Le Billon, 2007). Thus, the detrimental effect on investment which may result from market uncertainty is likely
to discourage the RGC from closing further loopholes in the existing land management system (Malesky, 2008). The failure of LMAP donor countries and the World Bank to pressure for a more transparent and coherent land management framework can be seen as a missed opportunity to establish good governance as a basic normative principle from the early stages of land tenure reform.

4.7.6 Conflict between the RGC and the World Bank

Many of the problems surrounding the implementation of the LMAP have been highlighted by the dysfunctional relationship between the World Bank and the RGC. For instance, divisive accusations have arisen as a result of the World Bank's concern for the failure of the RGC to act in accordance with its regulations on transparency and equity.

The first disagreement occurred following the 2006 Fiduciary Review (World Bank & RGC, 2005). The review was conducted as part of the World Bank's strategy to “assess the effectiveness of fiduciary controls at different stages of the project cycle and to propose specific measures to improve them” (World Bank & RGC, 2005, p. 1). It found significant problems with the way some contracts were procured, prompting further investigation. The World Bank's Institutional Integrity Department then “uncovered sufficient evidence to substantiate allegations of fraud and corruption under certain contracts...” (World Bank, 2006, para. 3). On June 6th 2006, disbursements to three ongoing projects in Cambodia were suspended, including the LMAP. The funding to these projects was resumed eight months later following the implementation of an anti-corruption action plan called “Good Governance Frameworks” (World Bank, 2007, para. 3).

Conflict between the World Bank and the RGC was reignited in 2009 following the release of the “Cambodian Land Management and Administration Project: Enhanced Review Report” (World Bank, 2009a). The review was prompted by increasing attention, both inside Cambodia and internationally, to the increasing problem of state-sanctioned land grabbing. One case in particular has become synonymous with these concerns, namely the removal of residents from Boeung Kak Lake.

In 2007, the Phnom Penh Municipality sold the areas around Boeung Kak Lake to a CPP senator. The property was sold at a rate of $0.60 US per square metre, a
suspiciously small price compared with the typical $7,000-$1,000 per square metre charged for property in the rest of the capital (Hughes, 2008, p. 71). Following the sale approximately 4,250 families were displaced without compensation (Hughes, 2008, p. 71). This was not the first instance of this phenomenon in Cambodia, but the blatant and brutal manner in which it was carried out brought the issue to the attention of the world. For example, The New York Times reported that land seizures were often violent, including late night raids, the use of electric batons (similar to cattle prods), and entire neighbourhoods being burned to the ground (Mydans, 2008). Although the Enhanced Review Report (World Bank, 2009a) does not refer directly to the Boeung Kak Lake case, it does claim to pursue a “thorough assessment of the situation on the ground, including the potential linkages between LMAP and the evictions” (p. 1).

However, there were indications that the World Bank's investigation was limited and not exhaustive. For instance, the Enhanced Review Mission (ERM) comprised only two official members and was carried out in less than two weeks. This may indicate that at least some of their conclusions had been derived prior to the official launch of the mission. Furthermore, given that LMAP was in its final year when the review was conducted, the report may also be interpreted as an admission by the World Bank of errors made during the initial design of the project.

In addition to a series of design faults, the Enhanced Review Report outlined some implementation problems. For instance, the report stated that:

...the project has somehow deviated from its initial design described in the PAD and DCA [Development Credit Agreement] as a multi-pronged approach to address land issues comprehensively in Cambodia. The ERM found that the well defined and intertwined components and activities of LMAP have been disconnected from each other, with implementation focusing on the most successful parts (training, works and titling and registering non-disputed lands, as well as progress in enhancing and further developing the land policy and legal framework including policies and regulations) while not addressing the other activities that would have helped to fully achieve the LMAP development objective to improve land security. (World Bank, 2009a, p. 5).

However, the eventual decision to discontinue funding was made by the RGC when on September 4th, 2009 the Council of Ministers voted to terminate World Bank
financing of the LMAP. The Prime Minister of Cambodia claimed that the contract was terminated “because the World Bank set many complicated conditions which would make it difficult to cooperate” (Klein, 2009, para. 2). The World Bank responded by stating that:

The review found that LMAP’s successes in land titling in rural areas have not been matched in urban areas where land disputes are on the rise. This was due in part to delays or lack of implementation of some project activities.... We have shared the findings of the review with the Government but could not come to agreement on whether LMAP’s social and environmental safeguards should apply in some of the disputed urban areas. For the World Bank, the implementation of these safeguard policies is critical (World Bank, 2009b).

Although other projects appear to have been unaffected by this dispute, support for land tenure reform in Cambodia is no longer directly received from the World Bank.

4.7.7 Post-LMAP land tenure reform

Following the termination of the funding agreement with the World Bank, the LMAP continued to operate as scheduled until the end of 2009. The MLMUPC began the transition from a project-based approach to a programmatic approach with the gradual implementation of the Land Administration Sub-Sector Programme (LASSP). Since the end of 2009 the LASSP has operated in the place of the LMAP and continues to receive support from the existing donor countries, namely Germany, Finland, and Canada. Key informants in the MLMUPC have indicated that the revenue from land transactions are expected to be sufficient to meet the funding needs of the LASSP, including the title registration programme. According to a senior technical advisor to the MLPUPC, by the end of 2011, 2.5 million titles had been registered, costing the programme about $10 US per parcel (Anttonen, 2012).

4.8 Systematic Land Titling in Cambodia

This section describes the process of systematically titling land in Cambodia. Details of the process are based on information from key informants working in the MLMUPC and the “Beneficiaries Assessment II” report (Deutsch & Makathy, 2009). This assessment was commissioned by Deutsche Gesellschaft für Internationale Zusammenarbeit (GTZ) in order to provide feedback on the progress of the LMAP and
the LASSP toward implementing their components.

### 4.8.1 Summary of the systematic titling process

The LMAP/LASSP approach to systematic titling is carried out in five stages, namely (i) preparation, (ii) technical operations, (iii) public display, (iv) approval, and (v) the registration and issuing of titles (Deutsch & Makathy, 2009).

The preparation stage involves the identification of areas to receive titles as well as starting a dialogue with the local communities. The Provincial Governor has authority to decide which communes will be titled, but the process is managed by an Administrative Commission (AC). Each AC comprises a provincial governor, district governor, commune chief, and village chief (or their representatives), as well as two village elders and a selection of bureaucratic officials from the relevant ministries. Following the selection of a commune for titling, public meetings are held in each village to educate the public on the process, and to inform them of the costs and benefits of title registration.

The technical operations stage is carried out by Land Registration Teams (LRT). Each LRT comprises around 26 people, including technical and administration staff, and public awareness and community participation officers (PACP) (Deutsch & Makathy, 2009, p. 3). The LRT is responsible for gathering the necessary ownership and boundary data. If there is a dispute over a parcel of land, the LRT will attempt to broker an agreement. If an agreement cannot be reached then the matter can be referred to the Cadastral Commission. However, in the event of a dispute within a community the local authorities are expected to facilitate an agreement (Deutsch & Makathy, 2009, p. 4).

In the third stage of systematic title registration cadastral index maps are put on public display for 30 days. Landowners are expected to locate their parcels and submit complaints or suggest corrections if they perceive an error. LRT staff and local authorities are expected to assist landowners through this process. In the event a dispute cannot be resolved locally, the title will not be registered. Hence, the threat of not receiving a title pressures landowners to come to an agreement before systematic land titling is concluded.

In the fourth stage of the systematic land titling process the provincial governor is
sent a report on the outcome of the public display and a copy of the registration data. Once the governor certifies the data the final stage of systematic titling can begin.

In the final stage, the registration data are integrated with the provincial cadastre and title records are issued to the landowners. The Provincial Cadastral Office is expected to forward these data to the MLMUPC office in Phnom Penh. Villagers are required to pay a small fee in order to receive their title record at a local ceremony. However, in cases where title records are not claimed, the information in the registry remains valid. Hence, the ability to pay for a record should have no bearing on tenure security so long as the rightful landowner is recorded in the registry.

4.8.2 Criticisms of the systematic titling process

A factor which has effectively placed systematic titling beyond the reach of the most vulnerable parts of the population has been the stipulation that Cambodian officials are able to prevent titling from occurring where ownership is disputed, land is occupied by informal settlements, or the land has unclear status (World Bank, 2002). Furthermore, there is no clear indication of how each of these classifications is defined. Such ambiguity has allowed officials to obstruct the deployment of systematic titling in order to maintain greater control over vulnerable groups that occupy the most valuable land (Grimsditch & Henderson, 2009; World Bank, 2009a).

The number of titles issued has thus far made Cambodia one of the most successful title registration projects currently underway. However, progress may prove to be an insignificant contributor to post-conflict recovery if the benefits of titling are not extended to those who have been exposed to the greatest insecurity during the country's tumultuous past. If the titling process continues to focus on the quantity of titles rather than improvements to people's lives, then sustainable development may not be achieved.

4.9 Chapter Summary

This chapter outlined the significant periods of political and social change in Cambodia, from French colonial rule in the 19th century to the establishment of the Kingdom of Cambodia in 1993. Throughout each of these periods, land tenure reforms have been an important determinant of social cohesion and individual well-being. Thus, this chapter has provided a historic backdrop to more recent land tenure reforms that
have attempted to contribute to development in Cambodia.

The next chapter describes the design and implementation of the research methodology, including the process for selecting field study sites in rural Cambodia and the techniques used to analyse primary data. This methodology relied heavily on historical evidence discussed in this chapter. In particular, the process of identifying relevant data sources required a close examination of their impact on human well-being during various periods of conflict. When discussing the results of the analysis in Chapters 6 and 7, reference is also made to specific aspects of conflict and land tenure reform in order to highlight connections between past processes of change and current levels of human security in rural Cambodia.
Chapter 5
Methodology

This chapter builds upon the discussion in previous chapters to outline the research methodology used in the thesis. Specifically, it discusses the process used to select locations suitable for examining the relationships between land tenure and human security in post-conflict Cambodia. This process comprised a variety of geographic information system (GIS) procedures to evaluate the exposure of villages to land tenure reform and conflict. This evaluation led to the identification of four contrasting development environments that exist within the country, from which eight villages were selected as field study sites.

The data collection methods that were used during the field study are presented, along with the protocols that were followed while in the field. The chapter concludes with an overview of the techniques used during the data analysis.

5.1 Field Study Site Selection

In order to understand better the conceptual and practical separation that exists between land tenure reform in post-conflict societies and the processes required to achieve sustainable human development, the outcomes of the reform process must be examined within the context of broader development processes. As explained in Chapter 3, the narrow focus on tenure security that has premised many previous evaluations of land tenure reform is deficient in explaining changes to various physical and psychosocial aspects of human well-being. Hence, the human security framework presented in Chapter 2 is used to assess the way in which development interventions, such as land tenure reform, interact with human functionings to affect human well-being during post-conflict development.

Two specific characteristics of Cambodia's development are examined using this
framework, namely a person's exposure to land tenure and conflict. Each is treated as a separate yet related “condition” to which the populations of several Cambodian villages were exposed. In this chapter, different combinations of exposure are referred to as “contrasting development environments.” To a great extent, the success of meeting the thesis objectives relies on accurately identifying each village in terms of these contrasting development environments. To this end, a variety of secondary data were obtained and integrated.

The process of selecting villages for the field study first required a preliminary analysis of secondary data in order to highlight differences between contrasting development environments. All villages that were listed in the National Gazetteer of Cambodia at the time of the analysis in 2010 were assigned a classification from Table 5.1 based on their level of exposure to each of the two conditions, namely land tenure reform and conflict. The term “exposure” represents the extent to which a village is likely to have been subject to some effect or influence of each condition.

<table>
<thead>
<tr>
<th>Class</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>L₁</td>
<td>High exposure land tenure reform</td>
</tr>
<tr>
<td>L₂</td>
<td>Low exposure to land tenure reform</td>
</tr>
<tr>
<td>C₁</td>
<td>High exposure to past conflict</td>
</tr>
<tr>
<td>C₂</td>
<td>Low exposure to past conflict</td>
</tr>
</tbody>
</table>

Villages were then assigned to a class in order to reveal four development environments. These environments are represented by a combination of exposures to land tenure reform and conflict as shown in Table 5.2.

<table>
<thead>
<tr>
<th>Exposure to land tenure reform</th>
<th>Exposure to past conflict</th>
</tr>
</thead>
<tbody>
<tr>
<td>High (L₁)</td>
<td>High (C₁)</td>
</tr>
<tr>
<td>Low (L₂)</td>
<td>Low (C₁)</td>
</tr>
<tr>
<td></td>
<td>L₁C₁</td>
</tr>
<tr>
<td></td>
<td>L₂C₁</td>
</tr>
<tr>
<td></td>
<td>L₁C₂</td>
</tr>
<tr>
<td></td>
<td>L₂C₂</td>
</tr>
</tbody>
</table>
Although the main objective of the village classification process was to identify contrasting exposure levels, social and political circumstances also influenced village selection. For instance, it was anticipated that limited access to some parts of the country would impede access during the relatively short time available for field work. Also, there was a concern that consent for the research team to operate in some villages may be denied on arrival. Thus, the output of the village selection process was structured to allow for alternative locations to be identified quickly in the event that a village should be found unsuitable or access was denied by the village or commune chief. This necessitated an approach that was both structured and flexible, while still able to provide several suitable locations that accurately reflected each development environment. The process was carried out in five stages, as follows:

i. Acquire secondary data on exposure to past conflict and recent tenure reform;

ii. Develop a database containing village level detail on these characteristics;

iii. Evaluate each village based on its exposure to past conflict;

iv. Evaluate each village based on its exposure to tenure reform; and

v. Select eight villages to be surveyed taking into account their classification (2 from each cell of the 2x2 matrix shown in Table 5.2).

5.1.1 Acquisition of secondary data

To commence the village selection process secondary data were required that could be used to indicate the degree of exposure to each condition. These data were combined to form an estimation of how the overall exposure to conflict varied across all villages. In the case of Cambodia, difficulty in acquiring reliable data can be attributed largely to the deliberate destruction of nearly all records during the Khmer Rouge regime (1975-1979), and to the lingering attitudes of mistrust that remain among the bureaucracy and parts of civil society (Kiernan & Hughes, 2007; Törhönen & Palmer, 2004).

It was also anticipated that the political turmoil and violent repression discussed in the previous chapter would impact substantially on people's values and fears. Experiences during preliminary field trips in 2009 and 2010 suggested that the political,
social, and economic reality of the country would be a primary consideration in developing the research methods. Thus, while investigating potential data sources it was anticipated that a reluctance to engage outsiders and a limited amount of conflict-related data would shape, or at least restrict, the scope of the analysis, along with the design and implementation of the research.

The internal conflict and inequality discussed in Chapter 4 that have persisted in Cambodia can also be linked to the existence of weak and underdeveloped government institutions. As a consequence of this, numerous obstacles were encountered in accessing the available data. The ability to access and distribute information is known to represent a potential source of political and economic power within the government apparatus of developing countries, making the process of data acquisition especially problematic when officials feel that providing data freely may have reprisals. With low salaries and rising class divisions, corrupt use of information and power is also a concern. Thus, with weak governance and high levels of corruption, Cambodia has been understandably slow in rebuilding reliable and accessible sources of public information.

Some organisations are making progress toward establishing a reliable record of Cambodia's turbulent past. In particular, groups such as the Document Centre of Cambodia (DC-Cam) have made a valuable contribution toward post-conflict recovery by documenting and cataloguing evidence of the Khmer Rouge genocide. The Royal Government of Cambodia (RGC) also completed its second national census in 2008, providing the means for an accurate assessment of social and economic conditions across the country. Thus, while research conditions remain adverse, the availability and quality of suitable data are improving.

The suitability of data for the village selection process was based on the reliability of their source, including the potential for bias that may have adversely influenced the quality of the site selection process in general. For some inputs, such as the intensity of bombing by the United States Air Force (1964-1973), data were exchanged between, and often reformatted by, different government agencies, non-governmental organisations (NGOs), or researchers. Thus, their provenance and validity had to be investigated more carefully than would otherwise have been necessary. In addition to exceeding a subjective minimum level of reliability, the choice of secondary data was
also based on their relevance to conflict. Data had to represent events or circumstances known to have contributed to the worsening of conflict (cause), or conditions likely to have resulted from conflict (effect). Though linking causes with effects is beyond the scope of this thesis, conceptualising the data in this way helped to ensure their relevance.

The data used during the site selection process were intended to indicate where and to what extent a cause or effect of conflict had occurred but did not account for the relative strength of a possible relationship. This approach to selecting the indicators of conflict served to maximise the use of the limited number of individual data sources and maintain a characterisation of conflict that would not become convoluted by the potential complexity of causal relationships.

For the purposes of this thesis, conflict is recognised to have existed based on the following criteria: where individuals, groups, or governments had taken part in wars or revolutions; where there was a significant level of physical violence against individuals, groups, or property (including the deterioration of law and order); where there was social upheaval (inducing forced migration); where individuals or groups were repressed in some way (including state sanctioned torture); where a government or group committed acts of genocide; where a population was exposed to a period of prolonged psychological trauma (often resulting from the threat of violence); or where there was a significant destabilisation of societal norms. Given these criteria, the rise to power of the Khmer Rouge regime comprised the most comprehensive and intense level of conflict in Cambodia's recent history.

A search was conducted for relevant data that related to events leading-up to, concurrent with, and following Khmer Rouge control of Cambodia. Such data had to describe the current geographic proximity of a village to a conflict-related event (cause), or the current social circumstances within a village that can be attributed to the exposure of villagers to some form of conflict (effect). Data that fit these requirements were adopted as indicators of exposure to conflict and each indicator was linked with one of five confirmed conflict criteria that were assembled from secondary sources (Table 5.3).

The land registry data described the parcels of land registered between 2001 and 2009. Rural villages with more than twenty registered titles were assumed to have
experienced systematic title registration. Upon completion of the registration process, it was anticipated that villagers would have experienced a distinct change with regard to the bureaucracy surrounding land tenure as well as having an increased awareness of new statutory rules (including rules of title). Hence, the long-term occupation of land in a village that has undergone systematic title registration was assumed to be an indicator of high exposure to land tenure reform in Cambodia.

Table 5.3
The Criteria and Indicators Used to Evaluate Exposure to Conflict

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Indicators</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bombing</td>
<td>General purpose bombing</td>
</tr>
<tr>
<td></td>
<td>Cluster bombing</td>
</tr>
<tr>
<td>Khmer Rouge intervention</td>
<td>Khmer Rouge prisons</td>
</tr>
<tr>
<td></td>
<td>Mass graves</td>
</tr>
<tr>
<td>UXO</td>
<td>Incidence of injury or death resulting from UXO</td>
</tr>
<tr>
<td>Migration</td>
<td>Percentage of villagers born outside the village</td>
</tr>
<tr>
<td></td>
<td>Percentage of villagers who migrated due to losing land or a house</td>
</tr>
<tr>
<td></td>
<td>Percentage of villagers who migrated due to insecurity</td>
</tr>
<tr>
<td></td>
<td>Percentage of villagers who repatriated</td>
</tr>
<tr>
<td>Tenure and housing</td>
<td>Percentage of village households not renting or owning</td>
</tr>
<tr>
<td></td>
<td>Average number of persons per village household</td>
</tr>
<tr>
<td></td>
<td>Percentage of homeless families in the village</td>
</tr>
<tr>
<td></td>
<td>Percentage of transient families in the village</td>
</tr>
<tr>
<td></td>
<td>Percentage of temporary village houses</td>
</tr>
</tbody>
</table>

Note. UXO represent unexploded ordnance, including aerial bombs and landmines.

The close association between systematic titling and exposure to land tenure reform is supported by information provided by the Land Management and Administration Project (LMAP) in the Project Appraisal Document (PAD) (World Bank, 2002). The PAD lists three development objectives, namely “(a) development of national policies, the regulatory framework, and institutions for land administration; (b) issuance and registration of titles in urban and rural areas; and (c) establishment of an efficient and
transparent land administration system” (World Bank, 2002, p. 2). Of these three objectives, the registration and issuance of titles was the only project outcome that was both supported by evidence and likely to have varied between different parts of the country. Furthermore, the issuance and registration of titles was the third of five LMAP components and could not proceed without the implementation of the previous two components, including the development of land policy and institutional development (World Bank, 2002, p. 8).

Utilising data relating to the fourth component, namely the strengthening of mechanisms for dispute resolution, would have required high-level access to judicial records. The fifth and final component, namely the design and implementation of a land management system, had never been started and was eventually excluded from the successor to LMAP in 2009 (Theil, 2009). Thus, the implementation of systematic land registration provided the most practical indicator of where in Cambodia rural villagers were likely to have experienced changes to their lives that could have resulted from land tenure reform.

The characteristics of systematic title registration that were used to indicate a high or low level of exposure to land tenure reform in Cambodia are shown in Table 5.4. The level of exposure was deemed to have been high if systematic land titling was well advanced, or low if systematic titling had not yet occurred anywhere in the district. There may conceivably be levels between high and low exposures. However, given the need to find only highly contrasting development environments, with respect to land tenure, expanding the characterisation of exposure beyond these two extremes presented no benefit to the village selection process.

Although title registration is primarily a technical and bureaucratic achievement, it has often been promoted as an important requirement of economic and social development (see Chapter 3). However, the analysis of land tenure reform presented here should not be interpreted simply as an objective manifestation of the contribution of Cambodia’s title registration toward development. Rather, the larger and more complex processes of land tenure reform are examined, within which some aspects of title registration provide effective indicators of the progress land tenure reforms have made to date.
The decision to utilise these indicators was not based on the presumption that title registration is important, so much as on the fact that large-scale title registration is only attempted when other components of land tenure reform have also advanced, such as the development of government policies, a reasonably accessible judicial system, and a functioning bureaucracy. All that has been assumed is that land title registration takes place at a later stage of the overall land tenure reform process, thus providing a convenient indicator of how far a collection of reforms have advanced.

### 5.1.2 Development of a database

Given the village focus of most data, villages were deemed an appropriate level of spatial aggregation for the selection of field study sites. The 2006 village level Gazetteer of Cambodia was distributed by the National Institute of Statistics Cambodia (NIS) as a supplement to the 2008 census data. The gazetteer is provided in multiple digital formats, including the Esri shapefile standard for spatial vector data. This shapefile included the name, unique ID, and location of all 14,073 Cambodian villages (current to 2006). All additional data that were used during the village selection process included either a reference to a village, its own spatial information (i.e. a specified location), or attributes that could be associated with villages. An overview of the database development process is shown in Figure 5.1. A description of the data sets that were used for village selection is presented in Appendix A.

All data were incorporated into a single open source object-relation PostgreSQL database. The PostGIS extension to PostgreSQL was used as an intermediate to store

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### Table 5.4

**Indicators of Exposure to Land Tenure Reform**

<table>
<thead>
<tr>
<th>Exposure</th>
<th>Indicators</th>
</tr>
</thead>
<tbody>
<tr>
<td>High</td>
<td>Systematic registration has occurred in the village</td>
</tr>
<tr>
<td></td>
<td>The systematic registration process was completed prior to 2006</td>
</tr>
<tr>
<td>Low</td>
<td>Systematic registration has not occurred in the village</td>
</tr>
<tr>
<td></td>
<td>Systematic registration has not occurred in any other village within the district</td>
</tr>
</tbody>
</table>
feature geometries of spatial data. Each spatial dataset contained point features, with the exception of housing materials. These data were associated with communes (polygon features one administrative level above a village). The data were provided by the NIS in plain text (txt) format files. Housing materials data describe the roof, walls, and floor materials used in each house of a commune. The 1,621 plain text files that comprised these data were first converted to comma separated value (csv) format and then integrated with the Postgre database. A new point feature dataset for village-level temporary housing was created in the database. Housing was considered temporary if both roof and walls were constructed from temporary materials such as bamboo, thatch, grass, or reeds. The dataset was created by assigning to each Cambodian village the mean number of temporary houses within its commune.

The remaining village-level census data that were used were available from the NIS as a Redatam+SP database. Though the Redatam+SP software could be used to access
the census data, it could not interact directly with the spatial analysis software used for the research. Thus, it was necessary to export all village-level data from Redatam+SP as a series of Microsoft Excel format spreadsheet (xls) files and then integrate them with the Postgre database.

Figure 5.2 shows the areas in Cambodia that were excluded from the village selection process in order not to deviate from the objectives of the thesis. The exclusions included non-rural villages and parts of the country that have been exposed to significantly different approaches to land tenure reform. The “village” designation represents the lowest level of Cambodia's political and administrative hierarchy. Villages can be located both in rural and urban areas. For example, there are multiple villages situated within the municipality of Phnom Penh, Cambodia's capital and largest city.

As the thesis focuses on rural villages, 1,259 villages that were located in urban areas were removed from 14,073 total villages. The remaining 12,814 villages were each from communes where the population density of the commune did not exceed 200 per km², the percentage of male employment in agriculture of the commune was above 50%, and the total population of the commune did not exceed 2000.
Narrowing the analysis to include only rural villages was done at an early stage of the village selection process in an attempt to exclude the effects of urbanisation that are known to influence various aspects of human security (Buhaug & Urdal, 2009; Cocklin & Keen, 2000). Early tests of approaches that included urban villages produced output that put too much emphasis on areas with high population density. Output from these preliminary analyses lacked any subtle differences between the levels of exposure to conflict across rural areas, thus deviating from the overarching aim and objectives of the thesis.

A total of 329 villages were also removed from the list due to the recent implementation of a quite different approach to tenure reform in a remote region of the country. This approach involved recognising communal land rights among specific indigenous communities. Though it has been applied to only a few villages in Ratanakiri and Mondulkiri provinces located in the North-East of the country, the exact location of the villages where this has been implemented was not known. As the approach to tenure reform in these villages has differed greatly from the process taken under the LMAP, the relationship between these reforms and other aspects of land tenure reform in Cambodia (e.g. judicial and bureaucratic reform) was unclear. Insufficient literature exists on their relationship with other aspects of tenure reform currently underway in Cambodia, most likely due to the unique nature of these reforms and their limited deployment. Thus, all villages located within Ratanakiri or Mondulkiri were excluded from the village selection process, leaving a population of 12,485 villages as the sample frame.

### 5.1.3 Evaluating exposure to conflict

An evaluation of exposure to conflict was undertaken in order to identify the villages in which residents were expected to have experienced conflict-oriented extremes (high, low) during the Khmer Rouge era. The evaluation of exposure to conflict incorporated replicable procedures that relied heavily on the use of ArcGIS version 10 and spatial analysis. In general, GIS software is widely recognised as an important tool for development research, with particular benefit coming from its ability to mediate spatial knowledge and social and political power (Elwood, 2006). Its main benefit derives from an ability to analyse spatial patterns, the output of which can be both descriptive and explanatory (O’Sullivan & Unwin, 2003). However, when dealing
with a developing country such as Cambodia there are limitations to the use of GIS, several of which were anticipated during this stage of the research.

Limited availability and reliability of spatial data have been identified as major constraints by virtually all researchers using this technology in developing countries. In particular, access to existing spatial data and spatial information technologies have remained concentrated in North America and Europe and have been slow to penetrate developing countries such as Cambodia, where financial and skills-based resources remain limited, although this is rapidly changing (Hall, 1999; Williams & Dunn, 2003). Several organisations working in Cambodia have been constrained by an underdeveloped technical capacity, which limits the ability of organisations to produce data suitable for spatial analysis. Thus, in Cambodia there is a divide between the potential usefulness of GIS tools and their effectiveness in dealing with development challenges.

The challenges associated with a development environment have fuelled general concerns regarding the equity, rationality, and objectivity of some projects that incorporate GIS technology, particularly in cases where the focus remains on the technology rather than on the appropriateness of the application (Dunn, Atkins, & Townsend, 1997; Harris, Weiner, Warner, & Levin, 1995). In response to these concerns, it was recognised that achieving a deeper understanding of the development environment in Cambodia was an essential part of the research process.

The general context of the country was examined at varying levels before the research design was finalised, including a survey of literature covering the history of land tenure and conflict in Cambodia (see Chapter 4). In-country consultations were also conducted over a period of four weeks with officials from the MLMUPC and with technical and legal support staff working under the LMAP. Additional consultations were also held with individuals working for NGOs and inter-governmental organisations (IGOs) in Phnom Penh, including the International Labour Organisation of the United Nations (ILO) and the World Bank. These consultations provided insight into the conditions surrounding development in Cambodia, and allowed a better understanding of past and present conflicts than would otherwise have been possible. Particular benefits came from information gained about the challenges to conducting
It was also recognised that the choice of secondary data would influence the characterisation of conflict. For example, including data on the known distribution of cluster bombing suggested that the cluster bombs dropped by the United States Air Force over thirty years ago remained relevant to subsequent relationships between conflict, land tenure, and human security. Thus, it is likely that the characterisation of conflict in the thesis is, to some extent, influenced by the nature of the available data. This observation is influenced by the fact that the site selection was undertaken in isolation of inputs from the subjects of the research, namely rural Cambodians. Instead, selection depended almost entirely on secondary data.

In order to capitalise on the available secondary data, a spatial analysis was done to identify exposure to conflict for all villages in the sample frame. Similar examples of GIS-based threats or vulnerability analysis are reported in the literature (Brandusescu, Sieber, & Schuurman, 2011; Charvat, Kubicek, Talhofer, Konecny, & Jezek, 2008; MacEachren et al., 2004). However, there is no standardised process associated with this approach. Hence, the approach presented here allowed for a simple, yet effective analysis that maximises replicability in the event that new data become available or a different development environment is assessed. An overview of the analysis process is presented in Figure 5.3. This comprised four stages, namely to (1) create a spatial data set and map for each conflict indicator, (2) create an equivalent data set for each conflict criterion, (3) create an integrated conflict data set, and (4) identify from this $C_1$ and $C_2$ villages (Table 5.1).

Specifically, the process began with the use of a kernel density estimation (KDE) procedure. KDE is a statistical method for estimating probability densities from a set of points. The Kernel Density tool in ArcGIS was used for this task. As described by Esri (2011), the tool begins by centring a kernel destiny function over each point (Silverman 1986, p.76). A user-defined raster grid (100m$^2$ in this case) is superimposed on the data and a probability density estimate is calculated on the points in each cell by summing the overlapping values of the kernel.
The surface value of the kernel is always highest at the location of the point and diminishes with increasing distance from the point. Some of the conflict indicator data that were used for the KDE had an additional value associated with them (such as the rate of homelessness for each village or number of victims of each land mine accident). These also contributed to the kernel surface value. Thus, both the density and severity of

Figure 5.3 The Process of identifying high and low exposure to conflict.

The surface value of the kernel is always highest at the location of the point and diminishes with increasing distance from the point. Some of the conflict indicator data that were used for the KDE had an additional value associated with them (such as the rate of homelessness for each village or number of victims of each land mine accident). These also contributed to the kernel surface value. Thus, both the density and severity of
each conflict event contributed to the estimates for some indicators. For indicator datasets that did not have an associated value (such as Khmer Rouge prisons), the kernel surface was assigned a value of one at each point.

Efficient use of KDE also requires the selection of an appropriate kernel bandwidth. The bandwidth represents the search radius surrounding each point and strongly influences the resulting estimated density surface (Sheather & Jones, 1991; Worton, 1989). As demonstrated in Figure 5.4, a small bandwidth (5.4 a) can lead to density estimates that are disjointed, placing a greater focus on largely isolated individual point locations. In contrast, a large bandwidth (5.4 b) can lead to a smoothing of important distinctions of the underlying structures, resulting in a lack of distinction between areas of concentration (Esri, 2011; Jones, Marron, & Sheather, 1996). An appropriate KDE bandwidth (5.4 c) results in output that highlights patterns in the data that are otherwise difficult to discern.

![Figure 5.4](image.png)

*Figure 5.4 An example of KDE output using different bandwidth parameters.*

During the analysis of each conflict indicator a single bandwidth parameter was used for each KDE. The alternative option of using a distinct bandwidth for the KDE of each indicator dataset would have required more information about how exposure to conflict diminished as distance from the conflict-related event or circumstance increased. For example, it was not known at exactly what distance from a dropped cluster bomb or a mass burial site that Cambodian villagers were affected physically, psychologically, or how exactly their lives were disrupted. Nor is it understood precisely
how those effects diminished as distance from the original event increased.

Hence, an investigation of the distribution of points and the experimentation of different bandwidths was conducted. This approach is recognised in the literature as sufficient for selecting an optimal KDE bandwidth for most applications (O’Sullivan & Unwin, 2003). A generalised review of the neighbourhood statistics for each indicator was undertaken in combination with a visual examination of the KDE output arising from the use of different bandwidths. This provided a relatively simple and effective approach that resulted in the selection of a 10km bandwidth for each KDE.

The results of a preliminary analysis of the average neighbourhood (the number of points that fall within a defined radius) for each indicator are presented in Figure 5.5. As expected, the radius of the distance band and the percentage of points within the distance band are positively correlated. Furthermore, the increasing number of neighbours remained consistent between indicator datasets as the distance band increased, with the exception of unexploded ordnance (UXO) accidents, which is almost perfectly linear. Unlike the other five datasets, the distribution of points in this dataset were more clustered. Thus, the points that fall within the distance band increase more rapidly as the distance is increased relative to the other indicators of conflict.

![Figure 5.5 Percentage of points within varying distance bands.](image-url)
Figure 5.5 also suggests that the points within most datasets share few neighbours until at least a 5 km bandwidth is reached. Hence, using a lesser bandwidth would have produced density estimates that were too sparse and disjointed by placing too great a focus on individual point locations. Given the large number of points in most datasets, using a greater bandwidth risked smoothing important distinctions of the underlying structures, potentially resulting in a lack of distinction between areas of concentration. In order to test these assumptions and narrow the search, a visual examination of the output from KDE at multiple bandwidths between 5 km and 20 km was also conducted.

A visual examination of KDE at 5 km, 10 km, 15 km, and 20 km led to the conclusion that a bandwidth of less than 10 km produced results with too great a focus on individual points, and a bandwidth above 10 km was too inclusive, with most points appearing to have an excessive number of neighbours. Hence, a 10 km KDE of each of the 14 indicators of conflict was employed.

The resulting raster data layers were classified based on natural breaks inherent in the data. This was done using Jenks' algorithm (Jenks, 1967). The option of classifying raster data using Jenks' natural breaks is available in most GIS software, and is widely regarded as a way of ensuring the most accurate and objective classification of the original data (Krisp & Špatenková, 2010). This approach identifies class breaks that minimise the interclass variance while maximising the variance between classes. After classifying data for each indicator into six groups, each cell was assigned a corresponding value of 0-5, with five representing the greatest exposure to a given indicator of conflict.

Next, the fourteen individual indicator layers were integrated to form five criterion layers. The Raster Math toolset in ArcGIS 10 was used to sum the indicator layers overlapping each 100m² cell (Figure 5.6). The resulting cell scores were again classified using Jenks' algorithm and assigned a value of 0-5. This process normalised each criterion, making the range of exposures to one criterion equivalent to the range of exposure to each of the others. Maps were then generated that displayed the level of exposure to conflict for each of the five criteria.
The bombing criterion is shown in Figure 5.7. This map reveals the relative exposure of areas of Cambodia to bombing by the United States Air Force from 1965 to 1973. Keirnan and Owen (2006) stated that during this period 2,756,941 tons of ordnance were dropped in 230,516 sorties on 113,716 sites, and “just over 10 percent of this bombing was indiscriminate, with 3,580 of the sites listed as having 'unknown' targets and another 8,238 sites having no targets listed at all” (p. 63).

The bombing criterion was generated from multiple datasets that were declassified in 1976 and made available to the public by the United States National Archives and Records Administration (NARA). The dataset used here was compiled by the Swiss Foundation for Mine Action (FSD). These data described the areas affected by both...
general purpose bombs and cluster bombs. General Purpose bombs are free-fall ordnance and have no independent targeting ability (i.e. they land where they are dropped). Their primary effects are due to the blast from detonation and their fragmentation.

However, cluster bombs may also result in different effects as they often eject several smaller munitions prior to reaching their target. In the case of Cambodia, these smaller munitions included small bombs of various types or land mines. It is now widely accepted that cluster bombs “fail to target combatants with sufficient temporal accuracy, and, thereby, result in avoidable serious harm to non-combatants” (Cavanaugh, 2009, p. 135).

As noted in Chapter 4, during the period of conflict in Vietnam (1955-1975), the United States and South Vietnamese governments believed North Vietnamese forces were secretly travelling along the Ho Chi Minh trail though Cambodia in order to launch attacks on the South, making this particular region of Cambodia a frequent target of aerial bombing (Figure 5.8). A visual comparison between the known location of the Ho Chi Minh Trail and areas of high exposure to bombing suggests that some of the bombing was in fact targeting the trail.

![Figure 5.8 Exposure to bombing and the Ho Chi Minh Trail. Trail location based on Karnow (1984, p.333).](image)
The Khmer Rouge intervention from 1975 to 1979 is shown in Figure 5.9. Intervention data include the known location of Khmer Rouge prisons (which were also known to have operated as torture centres) and mass graves. These data were acquired and distributed by the DC-Cam. They reveal that the concentrated areas of exposure to Khmer Rouge intervention are clustered around populated areas of Cambodia. The areas of highest exposure also align with major roads and major waterways, or where major roads intersect. This fits with existing information about the actions of the Khmer Rouge during this period (see Chapter 4).

The UXO criterion is shown in Figure 5.10. This map reveals the relative exposure to death or injury to individuals caused by UXO between 1998 and 2008. These data were compiled by the FSD. Though the distribution of UXO accidents extends across all populated areas of Cambodia, high levels of exposure were most evident along the border with Thailand. As Vietnamese forces began their invasions of Cambodia in 1978, the Khmer Rouge and the civilians they controlled were pushed to the west where they took refuge in neighbouring Thailand. However, in June 1979 the Royal Thai Army forced approximately 45,000 people back into Cambodia (Stover, 1991). A series of camps were established along the Cambodian side of the border to provide temporary
shelter for the growing refugee population.

As shown in Figure 5.11, the locations of border camps (1979-1984) coincided with several areas of high exposure to UXO accidents (1998-2008). These camps eventually reached an estimated combined population of several hundred thousand with each camp controlled by one of several militant factions or the United Nations (UN) (Lischer, 2006).

Militant factions contributing to the camps included the Front Uni National pour un Cambodge Indépendant, Neutre, Pacifique, et Coopératif (FUNCINPEC), which was led by the former King of Cambodia, Norodom Sihanouk; the Khmer People's National Liberation Front (KPNLF), which was led by pre-Khmer Rouge political and military elite; and the Khmer Rouge, which was led by Pol Pot. During the struggle for control of Cambodia that occurred between these groups and Vietnamese forces, an unprecedented number of land mines were distributed by all sides without regard for civilians, and without mapping or recording their locations (Stover, 1991).
The migration criterion shown in Figure 5.12 reveals the relative exposure of rural Cambodian villages to migratory effects that can be associated with exposure to conflict. These patterns include data on the number of villagers born outside the village, who migrated due to losing their land or their house, who migrated due to insecurity, and who were repatriated. A record of each of these villages was derived from Cambodian 2008 census data. Two areas are shown to have had concentrations of people who experienced a high level of exposure to conflict, namely the area surrounding Phnom Penh in the south-central region and the area near Cambodia's border with Vietnam in the south-east.

In Figure 5.13, the above trends are supplemented with an overlay using information about the origin and destination of groups that were forced to migrate when the Khmer Rouge took power in 1975. This information was provided by the Choeung Ek Centre of Genocide Crimes (more commonly referred to as “The Killing Fields”) and confirms the validity of the migration criterion shown in Figure 5.12. A visual examination of Figure 5.13 reveals the association between high levels of forced migration and known routes. The distance citizens were expelled is shown to have varied greatly, particularly for people previously living in or around Phnom Penh.
5.1 FIELD STUDY SITE SELECTION

Figure 5.12 Conflict-related migration.

Figure 5.13 Routes of forced migration. The black lines indicate how people were forcefully relocated by the Khmer Rouge in April 1975.
A core principle of the Khmer Rouge communist ideology was that all Cambodians should be agrarian workers. This meant that all cities were evacuated at gunpoint during the rise of the Khmer Rouge, and former residents were relocated to collective farms spread across the country. Following the defeat of the Khmer Rouge by Vietnamese forces in 1979, a large number of Cambodians reverse-migrated back to their village or city of origin (see Chapter 4). As a result, people in and around urban centres remained affected by post-conflict migration.

The area of high migration exposure along the south-eastern border with Vietnam does not contain any significant urban centres. Rather, this region of Cambodia is likely to have experienced higher rates of post-conflict migration due to the region's ethnic mix. As discussed in Chapter 4, the Khmer Rouge regime implemented a program of ethnic cleansing that included the execution of large numbers of “non-Khmer” citizens. With a significant number of ethnic Vietnamese living in border areas, many people were forced to flee this part of the country.

The tenure and housing criterion shown in Figure 5.14 reveals the relative exposure of rural Cambodians to insecure land tenure and substandard housing. Land tenure insecurity was identified using census data that are known to be associated with people's rights to land. If a household stated in the census that they were uncertain of their occupation status, or neither owned nor rented their land (by selecting “other”), or were homeless or transient, then they were deemed to have been exposed to some level of tenure insecurity. Housing conditions were considered substandard if there was a high occupancy rate or both the roof and walls of the house were constructed from temporary materials such as bamboo, thatch, grass, or reeds.

In contrast to the other criteria, exposure to a high level of tenure insecurity and substandard housing appears to be more widespread. As expected, a large area of high exposure encircles Phnom Penh, where the population is dense and the property values are relatively high. However, there are many additional areas of high exposure to tenure insecurity and substandard housing scattered throughout Cambodia, especially along major roads and throughout the more fertile agricultural areas in the southeast.
In the next stage of the evaluation process, the output from each of the five individual criteria were combined to form an overall representation of exposure to conflict. The output from this is shown in Figure 5.15. As the process to this point had combined the data in two stages (indicators then criteria), a single criterion with a large number of indicators, such as land tenure and housing (four indicators), was prevented from exerting a disproportionate influence on overall conflict relative to criteria with fewer indicators, such as Khmer Rouge intervention (two indicators). Hence, the five criteria were considered to exert an equal influence over the identification of conflict.

With this approach, additional indicator data may be added or removed from each of the five criteria in order to enhance their accuracy without compromising the integrity of the overall evaluation.

A visual examination of Figure 5.15 suggests that two specific regions of Cambodia had a higher overall exposure to conflict than the remainder of the country, namely the area surrounding Phnom Penh in the south-central region and an area in the south-eastern region. All additional areas of high exposure are smaller and more isolated. This may suggest that at least some of the underlying factors resulting in the exposure of people to conflict were specific to isolated areas of the country or to isolated dimensions of conflict. Causes of these isolated areas of high exposure to

![Figure 5.14 Potentially insecure tenure and substandard housing.](image-url)
conflict might include anomalous demographic compositions, such as a high concentration of non-Khmer citizens, proximity to a location of frequent armed conflict, such as a transportation hub or important natural resource, or the site of a localised struggle for power that had long-term implications for social and political stability in the area.

In order to make the resulting conflict scores more manageable, groups of cells corresponding to the resulting levels of conflict (0-18) were converted to polygons. Villages were then assigned a value based on their spatial coincidence with one of these conflict polygons, assigning each village a conflict score that ranged from 0 (lowest exposure to conflict) to 18 (highest exposure to conflict). All villages assigned a conflict score of 15-18 were classified as $C_1$ (high conflict) and all villages with a conflict score of 0-5 were classified as $C_2$ (low conflict). These ranges were chosen in order to produce a sufficient number of viable field sites within each classification group.

Criteria contributing to the above analysis of conflict (bombing, Khmer Rouge intervention, UXO, migration, and tenure and housing) were chosen based on their relevance to the conflict in Cambodia. Summarising the conflict in this manner was not intended to explain fully the extent to which Cambodians were made to suffer or the

![Figure 5.15 Overall exposure to conflict across Cambodia.](image-url)
extent of the challenges they have yet to overcome. Instead, the criteria provide an effective and useful representation of some aspects of the conflict that Cambodians have experienced during the past 40 years. These criteria were then used to form an index able to reveal differences in exposure to conflict across the country.

Given the particularly widespread, violent, and prolonged nature of Cambodia's conflict, the scale (degrees of difference) presented in Figure 5.15 does not suggest that a low exposure to any aspect of conflict in Cambodia is comparable with what would be considered a low exposure in any other context. Instead, the available data were utilised to help distinguish between different levels of exposure within Cambodia. Low exposure does not necessarily mean that a person's experiences during the conflict were not difficult. It simply indicates they were different. Thus, the broader goals of the research could be addressed relative to the implications of development interventions such as land tenure reform, as discussed in the following section.

5.1.4 Evaluating exposure to land tenure reform

The evaluation of land tenure reform in Cambodia was designed to identify villages that have had a high or low level of reform based on the criteria listed in the Table 5.4. This process was completed in three stages, as outlined in Figure 5.16.

To indicate how land tenure reform has varied between villages, land registry data were used to identify areas that have undergone systematic titling. The implementation of systematic titling under the LMAP has produced the most easily identifiable series of changes to people's relationships in regard to land (see Chapter 4). Preliminary key informant interviews revealed that, from the perspective of the villager, changes are likely to become apparent only after systematic titling has occurred. Though many statutory rights created by the 2001 Land Law apply to all land owners, regardless of whether titles to land have been registered, there is evidence that access to legal protection is likely to be significantly lower in areas where systematic titling had not occurred (Grimsditch & Henderson, 2009). Furthermore, a recent report suggested that the benefits of systematic titling in Cambodia are not immediate, but take time for people to learn how to operate under the new tenure regime (Deutsch & Makathy, 2009).
Hence, the locations of villages where land had been systematically titled over five years prior to the field study were considered a sufficient benchmark for identifying maximum exposure to land tenure reform in Cambodia ($L_1$). Since implementing a land titling programme requires a developed and specially trained bureaucracy, it was further assumed that districts that have not registered any titles remain poorly equipped to support land tenure reform. This provided the means for identifying where exposure to land tenure reform was low ($L_2$). These two classes are shown in Figure 5.17.

Given that residents of $L_1$ villages had registered titles for more than five years, it was determined that there had been adequate time for them to experience the effects of the new land tenure arrangements. Conversely, it was assumed that people living in $L_2$ villages were unlikely to have experienced any significant changes to their human
security as a result of the new arrangements. Using this criterion and the indicators listed in Table 5.4, 447 villages were identified as having had a high exposure to land tenure reform ($L_1$) and 7,375 villages were identified as having had a low exposure ($L_2$).

5.1.5 Final site selection

In order to make the final village selection according to land tenure and conflict exposure, eligible villages were classified based on their development environment (Table 5.5). The location of these villages within Cambodia are shown in Figure 5.18.

![Figure 5.17 Criteria for Estimating Exposure to Land Tenure Reform](image)

Table 5.5

<table>
<thead>
<tr>
<th>Exposure to Tenure Reform</th>
<th>Exposure to Conflict</th>
</tr>
</thead>
<tbody>
<tr>
<td>High ($L_1$)</td>
<td>$L_1C_1$ n = 39</td>
</tr>
<tr>
<td>High ($L_1$)</td>
<td>$L_1C_2$ n = 13</td>
</tr>
<tr>
<td>Low ($L_2$)</td>
<td>$L_2C_1$ n = 95</td>
</tr>
<tr>
<td>Low ($L_2$)</td>
<td>$L_2C_2$ n = 1,590</td>
</tr>
</tbody>
</table>
Two villages from each development environment were then selected. This was done by visually examining the conflict score and the score for each conflict criterion (Table 5.6). For instance, it was important that villages representing a high exposure to conflict included high scores for as many of the individual conflict criteria as possible. Figure 5.19 shows the approximate location of each village that was chosen for the field study.

Although the villages had to be accessible by car during the field study, an attempt was made to select villages that were a sufficient distance apart. As a minimum requirement, villages were expected to be located in separate communes. Specific details pertaining to the name and location of the villages that were selected for delivery of the questionnaire are excluded from the thesis in order to protect the anonymity of the respondents. Furthermore, since the consent of village or commune chiefs was required prior to entering a village, protecting the anonymity of local officials also helps to maintain access for future researchers.

![Figure 5.18 Approximate location of all eligible villages.](image-url)
### Table 5.6

**Characteristics of the Villages Selected as Field Study Sites**

<table>
<thead>
<tr>
<th>Classification group</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
</tr>
</thead>
<tbody>
<tr>
<td>Province</td>
<td>Kandal</td>
<td>Kandal</td>
<td>Kampot</td>
<td>Preah Sihanouk</td>
<td>Kandal</td>
<td>Svay Rieng</td>
<td>Kampot</td>
<td>Kampot</td>
</tr>
<tr>
<td>Bombing</td>
<td>4</td>
<td>4</td>
<td>1</td>
<td>0</td>
<td>4</td>
<td>2</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Khmer rouge intervention</td>
<td>2</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>3</td>
<td>5</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>UXO</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Migration</td>
<td>4</td>
<td>4</td>
<td>1</td>
<td>1</td>
<td>5</td>
<td>4</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Tenure and housing</td>
<td>5</td>
<td>5</td>
<td>2</td>
<td>1</td>
<td>4</td>
<td>4</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Total conflict</td>
<td>16</td>
<td>16</td>
<td>5</td>
<td>3</td>
<td>17</td>
<td>16</td>
<td>5</td>
<td>1</td>
</tr>
</tbody>
</table>

*Note: A high score indicates a high exposure. Village numbers are to aid with identification only and are not related to the characteristics of the villages or the order in which they were visited. UXO represents unexploded ordnance.*

**Figure 5.19** Approximate location of sample villages.
As shown in Table 5.6, none of the villages selected had a high score for exposure to UXO. This was due to the minimal overlap between areas having a high exposure to UXO and those having a high exposure to other conflict criteria. It should also be noted that the number of villages that were exposed to a high level of land tenure reform was limited because systematic land titling has only occurred in a small percentage of rural villages in Cambodia. This was perhaps the greatest limitation of the project and resulted in both of the L1C1 villages being selected from the same district. However, information from a preliminary field study suggested that the proximity of these villages would not be a factor given that most residents have limited interaction with villages outside their commune. This assumption was confirmed during interviews conducted in the field.

5.2 Field Protocols

The field team consisted of the researcher and four research assistants who were hired in Phnom Penh immediately prior to the start of the field study. Two research assistants had previous experience collecting data in rural Cambodia and two were senior undergraduate students from universities in Phnom Penh. A car and driver were also hired for the duration of the field study.

The consent of the village chief was sought on arriving at a village, either in person or via cell phone. In Villages 2 and 6 the research team was asked by the village chief to gain the consent of the commune chief. A gift of a decorative New Zealand key chain was given to the person who granted permission in each village. Although some village and commune chiefs implied that additional money or an in-kind reward was necessary prior to granting approval, no other incentives were offered or given to any authority figures during the field study, and at no time was the research team ever denied access to a village.

Prior to the research assistants deploying the questionnaire, village residents were asked to describe the physical extent of the village boundaries and the approximate distribution of houses. Using this knowledge, the four research assistants were then dispatched across different parts of the village in order to capture responses from a cross-section of households at varying distances from the main road. Starting from these
5.2 FIELD PROTOCOLS

In different parts of the village, individual houses were selected at random. Given that such a high percentage of houses was targeted for completion of the questionnaire (21% - 37%), research assistants typically solicited a response from two out of every three houses until a total of 60 questionnaires had been completed for the village.

Individual respondents were permitted to confer with family members while completing the questionnaire, so long as those family members were living in the same house. A respondent could be male or female but had to be at least 18 years of age, they could only participate while at their current place of residence, and only one questionnaire could be competed per household. Upon completion, respondents were given either a University of Otago pen or a bar of scented hand soap as a token of appreciation.

5.3 Primary Data

Four distinct types of data were collected during the field study. These data were derived from questionnaires, key informant interviews, village chief interviews, and field notes. The following sections briefly describe the data from each of these sources.

5.3.1 Questionnaires

The field questionnaire was developed and implemented to capture a large and broad set of data regarding the land tenure regime and the human security of rural villagers. The questionnaire was developed first in English and then translated into Khmer by a professional translation service based in Australia. Additional alterations were made in the field during training sessions with the Khmer speaking research assistants. This was done to ensure that the meaning of the questions and possible responses was clear and consistent with the original English version. All 480 questionnaires were completed (60 for each village), coded, and formatted for analysis using the statistical analysis software package SPSS version 20.

The questionnaire was developed in three parts. It contained a total of thirty-two questions and required approximately 130 discrete responses. Most questions solicited a Likert-type response using a five point scale. The first part of the questionnaire comprised 14 questions that focused on the individual's relationship with their place of residence and community. The second part comprised 5 questions which focused on the
characteristics of the tenure regime in the village and the impact of specific tenure arrangements such as the ability to sell land and to use land as collateral. The last part of the questionnaire comprised 2 questions and provided an assessment of the experienced level of human security across eleven criteria. The specific questions that were analysed are presented in Chapters 6 and 7.

If an eligible respondent agreed to participate, the questions and possible responses were read aloud to them by the research assistant. To ensure consistency, the researcher spent time with each of the research assistants during delivery of several questionnaires, and at the end of each day the research team gathered to discuss any issues that had arisen.

5.3.2 Key informant interviews

Several of the research assistants were also used as interpreters during key informant interviews, which were carried out in conjunction with the delivery of the questionnaire. The researcher selected key informants based on their understanding of village affairs and their willingness to engage the researcher. A total of 52 key informants were interviewed, with a range of 6-8 in each village.

The interviews were semi-structured, and were carried out following completion of a questionnaire. The issues raised by the questionnaire helped to explain the nature of the research and provided a general framework for the interview. Although key informants were able to focus the discussion on a topic they felt was important to the research, the interviews were loosely structured around three goals, namely to provide more detailed explanations for some questionnaire response patterns that were immediately evident, to identify information gaps in the questionnaire, and to allow villagers to tell stories about their experiences dealing with conflict and land tenure change.

In their raw form, key informant data comprised a series of statements made by the key informants, translated by a research assistant, and recorded in writing by the researcher. As key informants contributed anonymously to the study, each set of statements was identified with a code that corresponded to the key informant and their village.
5.3 PRIMARY DATA

5.3.3 Village chief interviews

The village chief was also interviewed in each village excluding Village 2. The village chiefs were able to provide a broader picture of life in the village, including how land dealings are transacted, how disputes are settled, and any significant administrative changes that have occurred. In Village 2, the village chief asked not to be interviewed and referred us to the commune chief. The commune chief was willing to be interviewed and was able to provide the necessary information regarding the village.

5.3.4 Field notes

Ethnographic data were recorded as field notes by the researcher and research assistants while visiting the villages. As noted earlier, at the end of each day the research team gathered to discuss their experiences and observations. During these meetings, one main set of field notes was compiled by the researcher for each village. These notes comprise data detailing the layout and physical features of the villages, and provide a narrative of the attitudes expressed by villagers and the interplay between individuals.

Approximately 150 photographs were also taken in each village. These photographs provide a record of people, houses, and significant physical features that characterised each village.

5.4 Data Analysis

The analysis of primary data was carried out in two phases. The first phase was a contextual analysis that used an exploratory technique to analyse the social, political, economic, and physical contexts in each land tenure and conflict class (Table 5.1). During the contextual analysis, data were organised into meaningful categories that helped guide the second phase of the analysis and the discussion of the overall results.

The second phase of the analysis utilised a suite of statistical methods in order to identify more specifically how the human security of rural Cambodians may have been affected by exposure to conflict and land tenure reform. The following sections describe each of these phases.
5.4.1 Contextual analysis

To provide a detailed characterisation of life in rural Cambodia and the implications of varying exposures to land tenure reform and conflict, data from key informant interviews, village chief interviews, field notes, and questionnaires were analysed. Although each of these data sources contributed to the analysis, information derived from key informant interviews exerted the greatest influence over the characterisation of rural villagers. The contextual analysis was carried out in three stages that are summarised below.

The first stage of the contextual analysis involved clustering key informant statements based on prominent themes. This helped to reduce the data into more manageable sets (McNabb, 2010, p. 290). Although key informant interviews were semi-structured, they were always conducted immediately following delivery of the questionnaire. Hence, respondents were predisposed to discuss established themes, including (1) the social environment, (2) land tenure, and (3) human vulnerability. Thus, statements were first evaluated and coded based on their relevance to these themes. The themes were not considered to be mutually exclusive and individual comments were sometimes coded under multiple themes.

During the second stage of the contextual analysis, key informant statements were re-evaluated within each of the three themes in order to determine which categorical constructs made most intuitive sense (McNabb, 2010, p. 291). This process revealed seven inherent sub-themes, namely (1a) political structure, (1b) social cohesion, (2a) land tenure reforms, (2b) the current land tenure regime, (2c) money lending systems, (3a) conflict-related experiences, and (3b) current vulnerability. The statements made by key informants were then re-coded based on their relevance to each of the sub-themes. As before, the sub-themes were not considered to be mutually exclusive and individual comments were sometimes coded under multiple sub-themes.

During the third stage of the contextual analysis additional qualitative data were introduced in order to expand the analytical perspective. These data included comments made by village chiefs and ethnographic data that were recorded as field notes. These data were coded using the same seven sub-themes that had been derived from the key informant data. Hence, the priorities expressed by villagers remained the primary focus.
During the fourth stage of the contextual analysis a selection of questionnaire responses were analysed and the results integrated within each sub-theme. These data were suitable for testing generalisations about rural society and identifying how contrasting exposures to land tenure reform and conflict have impacted specific aspects of human well-being.

Questionnaire response categories were each assigned a value ranging from +2 to -2. Specifically, “Always” = +2, “Usually” = +1, “Unsure” = 0, “Rarely” = -1, and “Never” = -2. The “Always” response was given a positive score when it represented a potential improvement to people's lives. However, in order to maintain consistency between the response scales, the scoring was reversed when the response “Always” reflected greater exposure to a potential threat. For example, when respondents were asked to indicate how frequently someone tries to use their land without permission, the response “Always” was given a negative score (i.e. “Always” = -2) to reflect a decrease in security. Where respondents indicated they were “Unsure,” it was assumed they were uncertain or ambivalent as to which response level would be most appropriate. This scoring method is common among studies that use a Likert-type response scale (Crawford, 1997, p. 29).

Response frequencies for each question are presented in Chapter 6 using bar charts. Within these charts, green bars are used to highlight positively scored responses (i.e. +2 and +1), and red bars are used to highlight negatively scored responses (i.e. -1 and -2). Neutral responses (i.e. 0) use grey bars to symbolise uncertainty or ambivalence.

During the analysis of questionnaire data a Pearson's chi-square ($\chi^2$) goodness-of-fit test was used to determine whether the observed response frequencies for each category differed significantly from a hypothesised set of equal frequencies. This tests whether the distribution of responses represented a statistically significant difference in villagers' opinions ($p \leq .05$), or if variations are more likely to have been caused simply by chance ($p > .05$) (Pearson, 1900; Steele, Hurst, & Chaseling, 2007). This test also reveals if questionnaire data can be used to form conclusions about broader trends in the general population from which the sample was drawn (Rea & Parker, 1997, p. 166).
In order to detect significant differences between two village classification groups (L₁ versus L₂ or C₁ versus C₂), response scores for each relevant question were ranked in ascending order and a Mann-Whitney U test was employed. This test is the non-parametric version of the Student's t-test (Gravetter & Wallnau, 2008; Siegel & Castellan, 1988). Although both the Mann-Whitney U and Student's t-tests typically yield the same result, studies have shown that the Mann-Whitney U test has a power advantage when one of the samples has been drawn from a skewed, peaked, or multi-modal distribution (de Winter & Dodou, 2010).

The results of the Mann-Whitney U tests indicated whether the level of exposure to land tenure reform (L₁ versus L₂), or conflict (C₁ versus C₂) influenced how villagers responded to a particular question. Where differences were not statistically significant (p > .05), the overall response frequencies (i.e. the combined responses of all villagers) were examined and the differences between groups were ignored. Where differences were statistically significant (p ≤ .05), the response frequencies within each classification group were compared to help determine how exposure to land tenure reform or conflict may have affected people's perspective or experiences.

During the fourth stage of the contextual analysis, the combined data were reviewed within each of the sub-themes in order to identify circumstances, events, or processes that have affected the lives of rural Cambodians. The significance of these effects was determined based on the clarity, consistency, and frequency of statements deemed by the researcher to be relevant to the overarching aim of the thesis. The findings of contextual analysis are presented and discussed in Chapter 6.

5.4.2 Human security analysis

In order to compare the levels of human security between each of the development environments a selection of questionnaire responses was analysed. The aim of this analysis was to determine how varying levels of exposure to land tenure reform and conflict have affected the human security of rural villagers. This analysis was carried out in three stages as summarised below. Each stage of the analysis was organised around the human security framework presented in Chapter 2. The analysis incorporated responses from 11 questions that correspond with the human security framework.
5.4 DATA ANALYSIS

In the first stage, factor analysis was carried out in order to validate the human security framework. According to De Vause (2002), “the basic aim of factor analysis is to examine whether, on the basis of people's answers to questions, we can identify a small number of more general factors that underlie answers to individual questions” (p. 186). In the case of rural Cambodians, this analysis was expected to identify four underlying factors, each representing a domain of human security identified in the initial framework. Although the remainder of the analysis relied on the initial (conceptual) framework, the adapted framework generated by factor analysis provided valuable insight into how well the opinions of rural villagers conformed with previous assumptions about the nature of human security.

In the second stage of the human security analysis, indicators were assessed individually using a Mann-Whitney $U$ test. This test ranked the scores for each indicator and then compared these ranks based on each respondent's village classification group (Table 5.1). The results of these tests revealed how exposures to land tenure reform ($L_1$ versus $L_2$), or conflict ($C_1$ versus $C_2$) affected each indicator of human security. Where differences were not statistically significant ($p > .05$), exposure was presumed not to have affected the indicator. Where differences were statistically significant ($p \leq .05$), people's exposure to land tenure reform or conflict was presumed to have had an effect.

In the third stage of the human security analysis, data were aggregated using a summated scales technique (de Vaus, 2002, p. 191). Indicators were grouped based on the domains from the initial (conceptual) human security framework. This resulted in a score for each domain. Domain scores were then combined to form a human security index. The domain and human security scores for each classification group and development environment were compared using parametric statistical tests.

Crawford (1997) noted that data from summed scales can be considered interval level and analysed using parametric statistical tests. Hence, a 2x2 factorial analysis of variance (ANOVA) was used to model the relationship of two independent variables with a series of dependent variables. As there were two independent variables (land tenure, human security) this constituted a “two-way” ANOVA. As there were two levels for each these variable (high, low) it followed a “2x2 factorial” design (Welkowitz, Cohen, & Ewen, 2010). The dependent variables were the human security and domain
scores. Test results indicated whether or not either of the two independent variables had an effect on a dependent variable (main effect), and if one independent variable had a significantly different effect when combined with the other independent variable (interaction effect).

A main effect occurred when the mean difference between the levels of an independent variable was statistically significant ($p \leq .05$). For example, when the mean difference between the human security scores of villagers with high and low exposures to land tenure reform was statistically significant.

An interaction effect occurs when the impact of one independent variable varied significantly based on the level of the other independent variable. For example, when the effect of exposure to land tenure reform on human security varied in conjunction with exposure to conflict. Hence, where the results of an ANOVA indicated the interaction effect was statistically significant ($p \leq .05$), the combined exposures to land tenure reform and conflict had a distinctly different effect than if only one condition had been present.

The domain and human security scores for each development environment and the results of each statistical test are presented and discussed in Chapter 7.

5.5 Chapter Summary

This chapter first outlined the process for selecting field study sites. It then described the data collection process and the types of data that were gathered during the field study. The two phases of analysis were also described, including the contextual analysis and the human security analysis.

The results of the contextual analysis are presented and discussed in Chapter 6. These results characterise life in rural Cambodia and identify the implications of varying exposures to land tenure reform and conflict. The results of the human security analysis are presented in Chapter 7. These results provide a comparison of the levels of human security in each of the development environments discussed in this chapter.
Chapter 6
Contextual Analysis

This chapter presents the results of the contextual analysis that was conducted using data from key informant interviews, village chief interviews, field notes, and questionnaires. The aim of the contextual analysis was to profile social, economic, and political relationships from a bottom-up perspective. The resulting profile helps to characterise the levels of human security in each of the contrasting development environments, and describe how specific circumstances relative to land tenure and human security have affected people's lives.

6.1 Analysis Overview

Using the site selection procedure outlined in Chapter 5, eight rural villages were chosen from four contrasting development environments. These environments were associated with the four classification groups presented in Table 5.1. Throughout the remainder of the thesis all references to a specific village include its two classification groups in order to draw attention to its development environment.

The results of the contextual analysis are presented using seven sub-themes that emerged during a review of key informant data. These include political structures, social cohesion, land tenure reforms, the current land tenure regime, money lending systems, conflict-related experiences, and current vulnerability. This chapter uses additional subdivisions to highlight salient points within each of the sub-themes. All statistical tests used an alpha level of .05.

6.2 Political Structures

This section describes contemporary political structures from the perspective of rural villagers. It also discusses the consequences of these structures for human functioning, including their impact on land tenure and human security.
6.2.1 A hierarchical system of authority

There are five administrative levels in rural areas of Cambodia, namely the national, provincial, district, commune, and village levels. These levels form a hierarchical power structure that is strictly maintained. Hence, from the perspective of rural villagers, the village chief is the first and most important point of contact for all administrative matters, including land administration (Figure 6.1).

In coordination with the commune chief, the village chief disseminates information, resolves disputes between villagers, and provides basic services such as issuing official documentation, approving transactions, and witnessing agreements. Almost all key informants stated that they would not directly contact any official at the district, provincial, or national level. It was implied that doing so would subvert the hierarchical power structure and contradict social norms. However, some suggested that they would
contact the commune chief directly in cases where they had known him personally or he lived in the same village.

Key informants provided two reasons why the existing power structure is particularly relevant to land administration in Cambodia. First, rural villagers only interact with people with whom they are personally familiar. This does not mean villagers necessarily trusted local officials to defend their interests, but they knew what to expect and would recognise when they were not being treated equitably. Second, villagers consistently associated more senior government officials with higher transaction costs. For instance, a key informant stated that “if we go higher than the commune chief they will choke us to death.” This statement reflects a widely held belief that only rich people are able to interact with officials at the district level or above. Even village chiefs acknowledged there exists a social and economic divide between the commune and district authorities that most villagers are unable to cross. For example, many respondents laughed aloud when asked if they would go to members of the national parliament for information regarding land rights. The very notion of reaching beyond their immediate superior is unthinkable to most villagers and is a path reserved only for those with money or political connections.

Contributing to a breakdown in the system was the fact that village and commune chiefs have often profited from the administration of land transactions and the approval of loans. Having a higher authority become involved in these processes would potentially have restricted their income and reduced their influence over villagers. Thus, there appears to be little incentive for local-level officials to include more senior bureaucrats in village affairs.

It is important to note that in the systematically titled villages (L₁), village and commune chiefs were all fully aware of the official process for transacting land. As discussed in Chapter 4, all transactions were expected to be processed at the district level and then submitted to the provincial cadastre. When village or commune chiefs were first asked to describe the process of transacting land in their village they would always describe the official process.

However, when asked directly about the number of transactions that have actually been reported to the district office, each of the L₁ village chiefs stated that it is
extremely rare for anyone to request this (only two such cases were identified across the four L1 villages). Hence, despite being aware of the new system of land administration that accompanies systematic titling, procedures for updating the cadastre are generally not being followed. This appears to be due largely to an incongruence between the new tenure regime and the dominant political culture.

6.2.2 National government from the rural perspective

A distinct feature of the political culture in rural Cambodia is a general disregard for the importance of the national government in regulating land transactions. This was confirmed by asking respondents to indicate the extent to which formal laws or decrees made by the government in Phnom Penh have contributed to the rules about buying and selling land (Figure 6.2).

These results show a divide within the overall group of respondents, with the greatest number of respondents (45%) indicating they would “Rarely” or “Never” consider formal laws or decrees when buying or selling land. Furthermore, another 23% of respondents were “Unsure” of what role government plays, $\chi^2 (4, N = 479) = 169.51$, $p < .001$.

A Mann-Whitney $U$ test indicated there was a statistically significant difference between how L1 ($n = 240$) and L2 villagers ($n = 239$) viewed the role of the national-level government, $U = 24709$, $Z = -2.74$, $p = .006$. The response rates within each of these groups are compared in Figure 6.3. This comparison reveals higher level
of uncertainty or ambivalence among villagers who have had a low exposure to land tenure reform ($L_2$). This result makes intuitive sense, as those who do not participate in the title system would be less likely to be involved with any national-level officials.

There was also a statistically significant difference between how $C_1$ ($n = 240$) and $C_2$ villagers ($n = 239$) viewed the role of the national-level government, $U = 24709$, $Z = -2.96$, $p = .003$. Figure 6.4 compares the response rates within each of these groups, revealing the highest disregard for national-level government among villagers who have had a high exposure to conflict. This may suggest that exposure to conflict decreases villagers' feeling of regard for national-level authorities based on prior experience. However, key informants made no specific statements supporting this possibility.

These results suggest that rural villagers generally do not believe formal laws or decrees made at the national level contribute to the rules about buying or selling land. The level of disregard is particularly strong among villagers who have had a low exposure to land tenure reform or a high exposure to conflict. These results are strongly supported by key informant statements that highlight a significant gap between rural villagers and the district, provincial, and national administrations. This gap appears to be both economic and social, with most villagers believing that only wealthy people deal with high-level officials and that it would be inappropriate for them to ignore their relative position in society.

Figure 6.3 A comparison of how often formal laws or decrees made by the government in Phnom Penh contribute to the rules about buying and selling land based on exposure to land tenure reform.
CHAPTER 6 – CONTEXTUAL ANALYSIS

In order to understand the role of tradition, respondents were asked to indicate the extent to which “the way they have always done it” has dictated the rules when buying or selling of land (Figure 6.5). These results showed a clear majority (86%) of respondents did not recognise tradition as being relevant to the buying and selling of land, $\chi^2(4, N = 478) = 957, p < .001$.

A Mann-Whitney $U$ test indicated there was no statistically significant difference between how L1 villagers ($n = 240$) and L2 villagers ($n = 238$) viewed tradition, $U = 27000, Z = -1.73, p = .084$. There was also no statistically significant difference between how C1 villagers ($n = 240$) and C2 villagers ($n = 238$) viewed tradition,
These results suggest that villagers believe traditional practices are irrelevant to the buying or selling of land. This belief is the same among all rural villagers regardless of their exposure to land tenure reform or conflict. Considering the social and economic upheaval that took place during the Khmer Rouge era, it is not surprising that most villagers do not identify with traditional systems of land tenure. Comments made by key informants also suggest that people do not have a “traditional” relationship with their land in the anthropological sense. Rather, villagers appear to be more concerned with achieving levels of security and opportunity that have previously been unavailable.

In order to understand the role of local-level officials, respondents were asked to indicate the extent to which village or commune chiefs have dictated the rules regarding the buying or selling of land (Figure 6.6). Nearly all respondents (95%) indicated local-level officials “Always” or “Usually” dictated these rules, $\chi^2 (4, N = 478) = 169$, $p < .001$. A Mann-Whitney $U$ test indicated there was a statistically significant difference between how $L_1$ ($n = 239$) and $L_2$ villagers ($n = 239$) viewed local-level officials, $U = 26591$, $Z = -2.66$, $p = .008$. The response rates within each of these groups are compared in Figure 6.7. This comparison reveals slightly greater dependence on local-level officials among villagers who have experienced a low exposure to land tenure reform.
There was also a statistically significant difference between how $C_1$ villagers ($n = 240$) and $C_2$ villagers ($n = 238$) viewed local-level officials, $U = 25204$, $Z = -4.53$, $p < .001$. Figure 6.8 compares the response rates within each of these groups, revealing a slightly greater level of dependence on local-level officials among villagers who have had a low exposure to conflict.

**Figure 6.7** A comparison of how the rules set by local officials contribute to the buying and selling of land based on exposure to land tenure reform.

**Figure 6.8** A comparison of how the rules set by local officials contribute to the buying and selling of land based on exposure to conflict.
These results suggest that local-level officials dominate the administration of land in rural villages, particularly where exposure to land tenure reform or conflict has been low. This was confirmed by key informants who emphasised a strict adherence to political norms during matters of land administration. The consequences of this are discussed in the following section.

6.2.3 The consequences of political isolation

Statements made by key informants suggest that the relative power of local-level officials over village administration has both positive and negative consequences. For instance, key informants reported that when local officials exerted tighter control over their village it helped to maintain order and ensure obedience to the law and social norms. The scope of their control typically included the approval of land transactions, loans, and contracts.

Conversely, a culture of financial risk taking appears to have evolved where residents were allowed to make important financial decisions independent of local authorities. This was a common occurrence in several of the L1 villages, where key informants reported villagers had lost all of their land after investing poorly. In each of the villages, key informants also reported that village chiefs played an important part in resolving minor boundary disputes quickly, and to everyone's satisfaction. Thus, the ability of local-level officials to control their constituents appears to have helped expedite dispute resolution and reduced the likelihood of high-risk investments.

However, where villagers were more insulated from higher levels of government they were also vulnerable to some of the most common forms of corruption, such as a village chief conspiring with the commune chief to sell public land. Villagers may recognise the illegality of a sale but have no means of stopping it. This was the case in Village 4 (L1C2), where the village chief was reported to have sold public land that had been intentionally excluded from systematic titling. Several residents commented about the illegality of this, but accepted that there was nothing they could have done to prevent it.

Complete dependence on local-level officials has also made villagers vulnerable to corruption involving more senior officials. The hierarchical power structure in
Cambodia has meant that local-level officials are not empowered to defend their constituents against the actions of those holding a higher office or with strong ties to provincial, national, or military organisations. For example, key informants from Village 8 (L1C2) reported that an army colonel had recently taken possession of land considered by villagers to be public land. The land had been cleared to construct a crab farm, which neighbouring villagers believed threatened the viability of their rice paddies.

Other residents have had their land seized along the main road by government officials despite 14 years of continuous occupation. In each case, the victims were unable to identify which ministry or branch of government was responsible, only that the village chief was unable to help them defend their rights. Significantly, such abuses of power were not limited to untitled villages (i.e. villages where systematic titling has not yet occurred). For instance, a key informant in Village 4 (L1C2) claimed to have completed the systematic titling process and had been told he could collect his title record, yet he was later told that his title record was no longer available and had been issued to someone from outside the village.

Given the blatant corruption and abuse of power that has become common across Cambodia, it was not surprising that the majority of key informants described the government itself as a significant source of insecurity. Such criticisms generally extended to local officials such as the village and commune chiefs. As noted later in Section 6.8.1, local officials were criticised for failing to act, although most key informants accepted that they are also their only available source of information and support.

L1 key informants also described how interaction between villagers and more senior officials was not done (even when mandated by law) because higher fees were involved. There was also no indication that villagers distinguished between which fees were formal or informal. For example, even when villagers stated a service was free, further investigation revealed that money was expected and given as a sign of respect. Hence, the use of power for personal gain appears still to be the norm in Cambodia and government institutions continue to function accordingly, including those supporting land administration.
6.3 Social Cohesion

This section describes the nature of social cohesion in rural Cambodia, including the bonds that bring people together and help to provide them with functional support.

6.3.1 Local-level officials

The level of social cohesion within each village appears to be dependent on the village chief's ability to maintain social order and provide equitable access to support. For instance, a lack of food or boundary disputes were typically resolved by the village chief. Furthermore, key informants often attributed improvements or new opportunities to the assertiveness of the village chief, but also attributed misfortune to the inability or unwillingness of the village chief to act.

In order to confirm the importance of the village chief in providing villagers with security, respondents were asked to indicate how likely they were to go to their village chief for support if they lost their land (Figure 6.9). The overall results of this question show that the majority of respondents (92%) would “Always” or “Usually” go to their village chief for support, \( \chi^2 (4, N = 480) = 1287, p < .001 \).

![Figure 6.9](image)

A Mann-Whitney \( U \) test indicated there was no statistically significant difference between the likelihoods of \( L_1 \) (\( n = 240 \)) and \( L_2 \) (\( n = 240 \)) villagers seeking help from the village chief, \( U = 27514, Z = -1.38, p = .168 \). There was also no statistically significant difference between the likelihoods of \( C_1 \) (\( n = 240 \)) and \( C_2 \) (\( n = 240 \)) villagers seeking help from the village chief, \( U = 27165, Z = -1.75, p = .080 \).
These results suggest that rural Cambodians are highly reliant on the village chief for support. The level of reliance does not vary based on exposure to land tenure reform or conflict. Hence, village chiefs are fundamentally important to both maintaining the tenure regime and supporting vulnerable villagers regardless of variations in the development environment.

### 6.3.2 Family relationships

Family ties are considered to be important aspects of social cohesion. In particular, they provide people with a means of legitimising their membership in the community and their commitment to stay in the village. As evidence of this, most households interviewed possessed a “family book.” This is a record of family members, including their dates of birth and occupation. It provides people with both a sense of belonging and official evidence of a permanent support network. It is often examined by local-level officials during the transition into a new village or by a creditor during an application for a loan. Furthermore, family size and the social standing of individual family members often enhance people's own sense of importance. For example, key informants would often make clear that they are related to the village chief, either directly or through marriage.

However, based on the survey results the role of family in providing more practical support appears to be highly variable (Figure 6.10). For instance, only 51% of respondents indicated that they would “Always” or “Usually” turn to their family for support after losing their land, $\chi^2 (4, N = 480) = 119, p < .001$.

![Figure 6.10](image-url) If you lost your land would you go to your family for support?
A Mann-Whitney $U$ test indicated there was a statistically significant difference between the likelihoods of $L_1$ ($n = 240$) and $L_2$ ($n = 240$) villagers seeking help from family, $U = 22647, Z = -4.13, p < .001$. The response rates within each of these groups are compared in Figure 6.11. This comparison reveals that villagers who have had a high exposure to land tenure reform were less likely to seek support from family if they lost their land.

There was also a statistically significant difference between the likelihoods of $C_1$ ($n = 240$) and $C_2$ ($n = 240$) villagers seeking help from family, $U = 25283, Z = -2.32, p = .020$. Figure 6.12 compares the response rates within each of these groups, revealing that villagers who have had a high exposure to conflict were less likely to seek support from family if they lost their land.

These results suggest that the role of family in providing support is highly variable. However, rural villagers who have had a high exposure to land tenure reform or a high exposure to conflict are slightly less likely to turn to family for support in the event they lose their land. Key informant statements also indicated that the role of family in providing meaningful support varied greatly. Whereas some key informants expressed a great deal of gratitude for support they received from their families, other were highly critical of their families willingness or ability to help.
6.3.3 Community support

Good relationships among neighbours appear to have been essential for maintaining social order, but provided little direct support for individuals in need. In fact, several key informants were adamant that other villagers had not been supportive in the past. For example, a key informant from Village 1 (L1C1) stated: “I am not sure if my family could support me, but I am sure other villagers would definitely not help.”

Questionnaire respondents also indicated a low level of confidence in their neighbours' ability or willingness to provide support (Figure 6.13). For instance, most respondents (74%) indicated they would “Rarely” or “Never” go to other villagers for support if they lost their land, $\chi^2 (4, N = 480) = 119, p < .001$.

![Figure 6.12 Likelihood of seeking support from family after losing land based on exposure to conflict.](image)

![Figure 6.13 If you lost your land would you go to other villagers for support?](image)
A Mann-Whitney $U$ test indicated there was no statistically significant difference between the likelihoods of $L_1$ ($n = 240$) and $L_2$ ($n = 240$) villagers seeking help from other villagers, $U = 27538$, $Z = -0.76$, $p = .448$. However, there was a statistically significant difference between the likelihoods of $C_1$ ($n = 240$) and $C_2$ ($n = 240$) villagers seeking help from other villagers, $U = 25376$, $Z = -2.37$, $p = .018$. Figure 6.14 compares the response rates within each of these groups, revealing a lower likelihood of turning to neighbours for support where there has been a high exposure to conflict.

These results suggest that villagers do not expect to receive support from their neighbours if they lose their land, particularly where there has been a high exposure to conflict. This paralleled the attitudes expressed by key informants who consistently emphasised the significance of local-level officials in providing support.

### 6.3.4 Attitudes toward non-villagers

Key informants expressed mistrust for Cambodians from outside their village. Some key informants described how rare it had been for an outsider to want to move to their village, while others stated explicitly that they mistrusted outsiders. Such attitudes were particularly evident when discussing absentee landlords that were described as being “from the city,” or more specifically “from Phnom Penh.” Key informants sometimes suggested that these city-dwellers were intent on taking advantage of rural villagers, particularly when transacting land.
A fear of outside investors also served as a cohesive force within the village. For instance, in Village 4 (L1C1) and Village 8 (L2C2) residents had come together and successfully opposed companies that were trying to force farmers to sell their land. However, in more isolated cases of land grabbing, for example where only one household had a parcel of land seized by a government official, there seems to have been no effort to rally the community in support of individual households. Thus, solidarity among villagers appears to have been limited to village-wide concerns.

Village chiefs have also played an important part in regulating the access of outsiders. However, this seems to have been dependent on the assertiveness of each village chief. For example, in Village 8 (L2C2) outsiders needed consent from the village chief before buying land in the village, and several residents claimed they had been consulted before consent was granted. Similarly, a key informant from Village 2 (L1C1) described how the village chief had asserted tight control over the sale of land, making it easier for those already living in the village to expand their property. However, other village chiefs did not assert this kind of control. For example, key informants in Village 1 (L1C1) reported that the sale of land to outsiders, including investors from Phnom Penh, had become increasingly common since systematic titling had come to the village, in part because the village chief was encouraging outside investment.

6.3.5 Religious institutions

Religious institutions appear to have provided most rural villagers with little or no functional support in regard to land tenure. For instance, key informants stated consistently that they did not believe that Buddhist monks could provide them with direct support or guidance when defending their land rights. However, some Cham villagers did describe the Islamic community as an important source of support. For example, Cham key informants emphasised the importance of their beliefs in guiding their daily decisions about how to manage their land and the role of religious leaders in resolving disputes and providing guidance. In contrast to this, Buddhist villagers often laughed in response questions about the role of monks in supporting land rights. One villager stated plainly that “the role of monks is to deal with the spiritual world, not the one we live in.”
These beliefs were echoed by respondents when asked if they would go to a religious leader (i.e. a monk or a cleric) for support if they lost their land (Figure 6.15). The majority of respondents (77%) indicated that they would “Rarely” or “Never” go to religious leaders for support, $\chi^2(4, N = 480) = 739, p < .001$.

A Mann-Whitney $U$ test indicated there was no statistically significant difference between the likelihoods of $L_1$ ($n = 240$) and $L_2$ ($n = 240$) villagers seeking help from religious leaders, $U = 27088, Z = -1.39, p = .166$. However, there was a statistically significant difference between the likelihoods of $C_1$ ($n = 240$) and $C_2$ ($n = 240$) villagers seeking help from religious leaders, $U = 19864, Z = -7.23, p < .001$. Figure 6.16 compares the response rates within each of these groups, revealing a distinctly lower likelihood of villagers seeking support from religious leaders where there has been a high exposure to conflict.

These results suggest that rural villagers expect to receive little or no functional support from religious leaders, particularly where there has been a high exposure to conflict. However, key informant interviews revealed that this trend applies specifically to Buddhist villagers as Chams are typically more dependent on their religious community for support.
6.4 Land Tenure Reforms

As noted in Chapter 4, the period of political transition following the defeat of the Khmer Rouge in 1979 incorporated several land tenure reforms in Cambodia. There were also reforms imposed when the Kingdom of Cambodia was re-established in 1993, and again following passage of the 2001 Land Law. Each of these dates represented periods of social and economic transition in the lives of rural Cambodians. The following section discusses the experiences of rural villagers during these periods of transition.

6.4.1 Mass migration (1979)

Key informants from all villages stated that most people living in rural villages were forced to relocate following the collapse of the Lon Nol government in 1975. When the Vietnamese took control of the country in 1979, Cambodians were strongly encouraged to return to their pre-1975 homes. During this period of mass migration, the competition for land is reported to have been minimal and there seems to have been little or no animosity over how the process was managed. This was surprising, given that many villagers returned to discover another family occupying their old home and were forced to settle on a different property. However, key informants retrospectively expressed satisfaction that the resettlement process was conducted fairly and served the
overall interests of their community.

Whereas household land was distributed on a “first-come, first-served” basis, the redistribution of agricultural land in 1979 was more carefully managed. However, the amount of agricultural land and the eligibility criteria for inclusion in the redistribution process appears to have varied somewhat between villages (Table 6.1). Although all villages appear to have maintained a degree of social and economic equality during the re-distribution of agricultural land, in some villages preference was given to the most productive workers. Although some land redistribution systems favoured working-age villagers, there do not appear to have been instances of discrimination based on gender, wealth, or political affiliation. Furthermore, key informants stated that the total amount of land allocated during redistribution was limited only by availability. Hence, more

Table 6.1
Post-Khmer Rouge Agricultural Land Redistribution in Sampled Villages

<table>
<thead>
<tr>
<th>Village</th>
<th>Village classification</th>
<th>Eligibility criteria</th>
<th>Acres of land allocated</th>
<th>Allocation process for late arrivals</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>(L1C1)</td>
<td>All villagers</td>
<td>Unknown</td>
<td>Unknown</td>
</tr>
<tr>
<td>2</td>
<td>(L1C1)</td>
<td>Varied at the discretion of the village chief</td>
<td>Unknown</td>
<td>At discretion of the village chief</td>
</tr>
<tr>
<td>3</td>
<td>(L1C2)</td>
<td>Working age and healthy, All others</td>
<td>10-20</td>
<td>Unknown</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>&lt;10</td>
<td>Unknown</td>
</tr>
<tr>
<td>4</td>
<td>(L2C1)</td>
<td>Working age and healthy, All others</td>
<td>30</td>
<td>Unknown</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>5</td>
<td>Unknown</td>
</tr>
<tr>
<td>5</td>
<td>(L2C1)</td>
<td>All villagers</td>
<td>6</td>
<td>Household and smaller amount of agricultural land</td>
</tr>
<tr>
<td>6</td>
<td>(L2C1)</td>
<td>All villagers</td>
<td>15</td>
<td>Existing residents shared land with new arrivals</td>
</tr>
<tr>
<td>7</td>
<td>(L2C2)</td>
<td>Working age</td>
<td>12</td>
<td>Household and agricultural land provided on a temporary basis</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Children</td>
<td>7</td>
<td>Unknown</td>
</tr>
<tr>
<td>8</td>
<td>(L2C2)</td>
<td>All villagers</td>
<td>Unknown</td>
<td>House only</td>
</tr>
</tbody>
</table>

*Note.* In Village 8 a communal agricultural system remained in place until land was redistributed in 1982.
remote villages had more land to distribute. Many key informants noted that the redistribution process symbolised a new beginning for all people and that everyone had the right to participate.

6.4.2 The transition from socialism to capitalism (1979-1993)

Following redistribution, most villages appear to have gradually abandoned an egalitarian approach toward land rights in favour of a Western-style private property regime. For example, key informants in Village 4 (L1C2), Village 5 (L2C1), Village 6 (L2C1), and Village 8 (L2C2) reported receiving a document from the village chief sometime in the early 1980s confirming their exclusive right to occupy their land. However, it is unclear whether rights to both household and agricultural land were recorded using these documents. For instance, some statements indicated that prior to 1993 available documentation pertained only to household land. In general, villagers were either indifferent or unsure about how land rights were regulated leading up to the implementation of the 1992 Land Law. This is not surprising given the rapid rate of change that had taken place around this time.

Interestingly, political instability at the national level during the early 1990s prompted the commune chief in Village 6 (L2C1) to destroy the new land records. According to key informants, the commune chief feared the Khmer Rouge would return to power and execute those who had embraced capitalism. This highlighted how precarious political and land tenure regimes had been throughout the transition period.

6.4.3 The Kingdom of Cambodia (1993)

Following the ratification of the 1992 Land Law and a new constitution in 1993, most rural villages began documenting people's ownership. Following this, competition over land appears to have increased significantly. Key informants sometimes referred to documents issued during this period as “feather documents.” One key informant believed the name was derived from the image of a quill pen, presumably printed on the feather document itself.

The documentation process began with an information session led by the village chief. The village chief then supervised the measurement and documentation of property, and final approval was granted by the commune chief. Some key informants
reported that property along the main road was documented first, while others reported that agricultural land was not documented until later in the process. Hence, the rules appear to have again been applied differently depending on the priorities of each village.

It is important to note also that feather documents were not part of a land registration programme. Statements by key informants and village chiefs suggested that duplicate records were not maintained in any of the villages. If a feather document was lost, the village chief would have to re-evaluate the property before a replacement could be issued.

As a result of confusion regarding the scope and authority of village specific documents, most key informants were unsure about their benefits. Some believed that these documents only protected household land, while others believed they applied also to agricultural land. Furthermore, villagers believed these local documents were issued simply to improve social cohesion and were relevant only to interaction between villagers. Thus, feather documents were generally not considered to be “official,” nor were they seen as providing tenure security from threats emanating from outside the village.

As discussed in Chapter 4, the 2001 Land Law was introduced to help clarify people's land rights and introduced a more comprehensive legal and institutional framework for the administration of those rights. This system was intended to improve tenure security and provide Cambodians with the incentive and opportunity to capitalise on their land. However, the inability of most villagers to distinguish between the security afforded to landowners under the old and new (post-2001) land tenure regimes made it difficult to compare directly how people's lives have changed.

For some villagers, systematic titling was virtually indistinguishable from past, local systems. For example, several key informants in Village 1 (L1C2), believed that if they lost their title record the commune chief would be able to issue a replacement. In Village 4 (L1C3) a key informant had recently sold property in another village using a feather document and was adamant the title record he now possessed was effectively the same. Some villagers also believed that the legitimacy of land titles was dependent on the unanimous consent of the community, as this had been required during systematic titling.
Except for a few households that did not receive a title for their land, most L₁ key informants believed their tenure security had improved following systematic titling, but could not specify why this was the case. They simply expressed how the new title records were an improvement from previous records that had only helped to resolve disputes originating from within the community.

6.5 Current Land Tenure Regimes

This section first examines the accuracy of the site selection process in identifying villages with contrasting exposures to land tenure reform and then outlines specifically how land tenure varied between the classification groups (Table 5.1). Although the Royal Government of Cambodia (RGC) has developed a single legislative framework governing land tenure and land administration, the interpretation and application of this framework has varied significantly. Incompatibilities between the new laws and cultural norms have forced local-officials to construct an improvised tenure regime that balances the spirit of the current legislation with the reality of rural society.

6.5.1 Confirming the land tenure classification groups

The process for identifying contrasting exposures to land tenure reform was presented in Chapter 5. The second stage of this process sought to identify villages belonging to two of the classification groups, namely those that have had a high exposure to land tenure reform (L₁) and those that have had a low exposure (L₂). These groups were not only intended to reflect where systematic titling had occurred, but also to represent samples of the population where administrative procedures and people's understanding of current land laws and associated land rights would differ significantly.

Confirmation of the L₁ and L₂ classifications was carried out in two stages. First, on arriving at each of the four L₁ villages, the village chief was asked to confirm when titling had occurred. Each village chief confirmed that systematic titling had in fact taken place. However, when verifying how land was documented in L₂ villages, a more indirect approach was taken. This was done to avoid influencing people's responses to the field study questions, raising their expectations regarding the purpose of the research, or increasing fears that their current proof of ownership was somehow inadequate. Thus, L₂ village chiefs were asked only how residents have typically
identified the legitimate owners of property in the village. None of the L₂ village residents reported to have used a document resembling a registered title record as evidence of ownership. This was important given that some land may have been sporadically titled by a more wealthy land owner.

Second, L₁ key informants were asked to describe their experiences during the titling process and to state if their household had received a title. Most descriptions matched the process of systematic titling carried out under the Land Management and Administration Project (LMAP). Similarly, L₂ key informants were asked how they might provide evidence of their land rights if challenged. Their responses reflected a distinctly different tenure regime. For example, informants generally had little or no knowledge of their rights and responsibilities under the 2001 Land Law or knowledge of how attempts to borrow money or sell land may benefit from having a title. Thus, although access to a title was the most obvious difference between the classification groups, people's level of understanding of the current institutional and legal frameworks was also a defining factor.

6.5.2 Problems with systematic titling

In each of the four L₁ villages there were some households that had been denied a new title despite meeting the legal requirements, including four neighbouring households in Village 2 (L₁C₁). A member of one of these households, interviewed as a key informant, stated that he and his family had occupied the property continuously since 1979. Prior to constructing a permanent house on the property in 1999 he had received a document signed by the village and commune chiefs recognising his ownership. However, when his village was systematically titled in 2005 he was told by officials that existing plans for a road expansion meant he was not eligible to receive a title. Several other household properties had also been excluded from the titling process, often with the explanation that they were on government land and could not be titled.

In each instance of a property being excluded from the titling process, it appeared that ownership had been acknowledged by the village chief and was not contested by other villagers. Instead, titles had been denied by officials at the district level. As noted in Section 6.1.1, this had also occurred in Village 4 (L₁C₂), where a villager was initially told he would be issued a title, but later informed that he was not the legitimate owner.
Instead, the title was issued to someone from outside the village after systematic titling had been concluded. A number of similar experiences suggested that systematic titling has not always been conducted according to the law or the protocols established by the Ministry of Land Management, Urban Planning, and Construction (MLMUPC). Instead, it appears that district and provincial-level officials may have sometimes manipulated the process to serve other interests.

Except for the small number of households that did not receive a title for their land, almost all L1 key informants believed their tenure security had improved following systematic titling. However, statements by L1 key informants and village chiefs regarding the benefits of titling were highly generalised and appear to have been derived primarily from information disseminated by the MLMUPC during the titling process. For example, it was common for L1 key informants to state simply that ownership was now “more secure.” However, when asked to specify what made ownership secure, key informants consistently stated that the new document was “more official.”

Furthermore, when asked directly if villagers were less likely to lose their land after receiving a title, key informants would often contradict previous statements by pointing out that title holders are now at greater risk of losing their land to creditors. For instance, the chief of Village 3 (L1C2) advocated systematic titling as a means of strengthening people's security. However, he also stated that there had been virtually no conflict over land immediately prior to systematic titling, and that villagers were now at greater risk of losing their land because of excessive debt. Such contradictions reveal a divide between how most villagers perceive systematic titling and the actual impact it has had on land tenure at the village level. This discrepancy may suggest that statements of support for titling among villagers or low-level officials are a result of MLMUPC promotional material and do not necessarily reflect their personal experiences. This raises questions about whether the differences between L1 and L2 villages are normative, representing a difference in how people perceive land rights, or structural, representing more tangible improvements to people's lives, such as the ability to maintain possession of their property.

Adding to these concerns is the fact that residents of each L1 village have continued to follow pre-existing administrative procedures despite the introduction of a distinctly
different regime. The reluctance to change appears to have been caused by people's inability to circumvent the hierarchical power structure discussed in Section 6.2.1. For example, subsequent changes to the ownership of land in L₁ villages should have been registered with the provincial cadastral office via the district office. However, several key informants stated that villagers remain unwilling to interact either directly or indirectly with any official above the commune chief when transacting land. Transactions were usually recorded by the village chief and approved by the commune chief, and there was never any indication that district or provincial-level officials had been apprised of changes to the ownership of titled land. Each L₁ village chief confirmed that transactions were routinely not submitted to the district or provincial offices unless specifically requested by the new landowner.

The increasing number of discrepancies between the cadastre and the actual owners of the land (i.e. the uncontested occupant) has forced L₁ village chiefs and financial institutions to recognise people's possession of a title record as sufficient evidence of ownership. As a consequence of this, the official records contained within the national cadastre appear to have had no bearing on land transactions taking place at the village-level, including loans from financial institutions. In cases where the current owner is not named on the title record, a record of sale is attached by the village chief to justify the discrepancy.

Hence, the records issued to villagers following systematic titling appear to have been used as unregistered deeds, with tenure security being derived only from possession of the document. In fact, none of the key informants or village chiefs that were interviewed could identify any significant advantages to having land titles registered with the government. As such, the cadastre appears to have become irrelevant to land transactions in each of the L₁ villages examined in this thesis.

Another problem reported in L₁ villages was that of local public-works projects being hindered by the rigidity of the title system. For example, in Village 3 (L₁C₂) a key informant reported that problems with the existing irrigation system could not be addressed because redefining people's property boundaries had become too difficult. Key informants in L₁ villages were also concerned about the ability of their children to acquire new land.
6.5.3 Access to land for young villagers

Whereas in the past young villagers could negotiate with the community to gain access to unused land, this is no longer possible following systematic titling. Hence, many land owners expressed concern that their children and grandchildren would not enjoy the same rate of economic and social development because they would have insufficient access to land.

Respondents indicated that family land has typically been the most important source of land for young people in recent years (Figure 6.17). For instance, 85% of respondents indicated that families “Always” or “Usually” share their existing land with their children, $\chi^2 (4, N = 480) = 242, p < .001.$

![Figure 6.17 Do families share their existing land with their children?](image)

A Mann-Whitney $U$ test indicated there was a statistically significant difference between the likelihoods of young people in $L_1 (n = 240)$ and $L_2 (n = 240)$ villages being given land by their family, $U = 25438, Z = -2.41, p = .016.$ The response rates within each of these groups are compared in Figure 6.18. This comparison reveals that families were slightly more likely to share their land in villages that have had a high exposure to land tenure reform.

There was also a statistically significant difference between the likelihoods of young people in $C_1 (n = 240)$ and $C_2 (n = 240)$ villages being given land by their family, $U = 24995, Z = -2.73, p = .006.$ Figure 6.19 compares the response rates within each of these groups, revealing that families were also slightly more likely to share their land in villages that have had a high exposure to conflict.
These results suggest that young rural villagers are likely to depend on family for land, particularly villagers who have experienced a high level of exposure to land tenure reform or conflict. Key informants noted also that families that owned multiple parcels of land often had their children listed as the owners during systemic titling. However, key informants from all villages emphasised that the continued subdivision of agricultural land was not a viable option if the family was to continue farming. Hence, many key informants suggested their children would likely sell the land following their...
death. In a few cases, one of the children was expected to take over the farm and the remaining children would be forced to find employment in the city or buy their own land elsewhere.

Respondents were also asked if young people in their village ever acquired land by saving their money (Figure 6.20). Most respondents (70%) indicated that young people “Rarely” or “Never” acquire land by saving money, $\chi^2 (4, N = 479) = 222, p < .001$.

![Figure 6.20 Do young people acquire new land by saving money?](image)

A Mann-Whitney $U$ test indicated there was no statistically significant difference between the likelihoods of young people in $L_1$ ($n = 239$) and $L_2$ ($n = 240$) villages saving money to buy land, $U = 26599, Z = -1.44, p = .149$. There was also no statistically significant difference between the likelihoods of young people in $C_1$ ($n = 239$) and $C_2$ ($n = 240$) villages saving money to buy land, $U = 26639, Z = -1.41, p = .157$.

These results suggest that young rural villagers are unlikely to acquire land by saving their money regardless of their family's exposure to land tenure reform or conflict.

Respondents were also asked if young people in their village ever acquired land by borrowing money from a bank or money lender (Figure 6.21). Most respondents (71%) indicated that young people would “Rarely” or “Never” borrow money in order to buy land, $\chi^2 (4, N = 480) = 290, p < .001$. 

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A Mann-Whitney $U$ test indicated there was a statistically significant difference between the likelihoods of young people in $L_1$ ($n = 240$) and $L_2$ ($n = 240$) villages borrowing money to buy land, $U = 26016$, $Z = -1.96$, $p = .050$. The response rates within each of these groups are compared in Figure 6.22. This comparison reveals that young people were less likely to borrow money in order to buy land where there has been a high exposure to land tenure reform.

There was also a statistically significant difference between the likelihoods of young people in $C_1$ ($n = 240$) and $C_2$ ($n = 240$) villages borrowing money to buy land,
$U = 25811, Z = -2.11, p = .035$. Figure 6.23 compares the response rates within each of these groups, revealing that young people were less likely to borrow money in order to buy land where there has been a low exposure to conflict.

These results suggest that young rural villagers are unlikely to borrow money to buy land, particularly in villages where there has been a high exposure to land tenure reform or a low exposure to conflict.

Questionnaire respondents were also asked if young people take unoccupied land in their village (Figure 6.24). Nearly all respondents (94%) indicated that young people would “Rarely” or “Never” take unoccupied land, $\chi^2 (4, N = 478) = 1331, p < .001$. 

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**Figure 6.23** The likelihood of young people borrowing money from a bank or money lender in order to buy land based on exposure to conflict.

**Figure 6.24** Do young people take unoccupied land?
A Mann-Whitney \( U \) test indicated there was no statistically significant difference between the likelihoods of young people in \( L_1 \) (\( n = 239 \)) and \( L_2 \) (\( n = 239 \)) villages taking unoccupied land, \( U = 27394, Z = -1.31, p = .192 \). However, there was a statistically significant difference between the likelihoods of young people in \( C_1 \) (\( n = 239 \)) and \( C_2 \) (\( n = 239 \)) villages taking unoccupied land, \( U = 25798, Z = -3.09, p = .002 \). Figure 6.25 compares the response rates within each of these groups, revealing that where there has been a high exposure to conflict respondents were particularly confident that young people would “Never” take unoccupied land.

These results suggest that young rural villagers are highly unlikely to take possession of unoccupied land, particularly in villages where there has been a high exposure to conflict. However, the difference between the classification groups was minimal. Thus, despite their disappointment, villagers appear to accept that they can no longer take possession of unoccupied land. Furthermore villagers also accept that if young people are not able to inherit land from their family then continuing as farmers will simply not be possible. Although the social and psychological consequences of this were not specifically investigated, it seemed that many key informants were generally burdened with the general lack of opportunities available to their children.
6.5.4 Land tenure reform and existing power structures

It is important to draw attention to the implications of existing power structures on land tenure processes in rural Cambodia. Although villagers may have differing opinions about the security provided by their governing regimes, many are realistic about the limitations placed on them by their continued reliance on the village chief for support.

Key informants from all villages stated that the village chief was expected to facilitate land transactions and the commune chief was to grant final approval. However, what differentiated the L2 villages from one another was the fact that evidence of ownership was also provided by the village and commune chiefs. For a small fee, any L2 villager could ask the village chief to document their property. The village chief would then assess the property, document it, and pass the document on to the commune chief for approval. The document would typically list the name of the owner, the measurements of the land, a description of existing structures, and a description of where the property was located in the village. Hence, the evidence of ownership currently available in L2 villages resembled the description of feather documents that had been issued around 1993.

As had been the case with the feather document, key informants from L2 villages believed documents currently available from the village chief were of limited use. They sometimes expressed concern that these documents were created under the authority of local officials and did not strengthen their security from external threats, including the threat of land grabbing by high-level officials and large companies. A small number of key informants from L2 villages expressed a desire for a new form of documentation certified by the national government. However, despite a limited level of awareness that tenure security may be weakened by a lack of documentation, L2 villagers did not appear to be significantly concerned about the threat of eviction. In order to investigate this further, respondents were asked if someone may try to take their land (Figure 6.26). Nearly all respondents (83%) indicated that they were “Never” or “Rarely” scared that someone may try and take their land, $\chi^2 (4, N = 480) = 789, p < .001$. It is important to note that the responses to this question were scored differently as a negative response indicated an improvement (i.e. “Never” = +2).
A Mann-Whitney $U$ test indicated there was a statistically significant difference between how scared $L_1$ ($n = 240$) and $L_2$ ($n = 240$) villagers were that someone would try to take their land, $U = 26058$, $Z = -2.61$, $p = .009$. The response rates within each of these groups are compared in Figure 6.27. This comparison reveals that villagers who have had a high exposure to land tenure reform were especially confident that no one would try to take their land.

![Figure 6.26 Are you scared someone will try to take your land?](image1)

![Figure 6.27 Fear that others will try to take their land based on exposure to land tenure reform.](image2)

There was also a statistically significant difference between how scared $C_1$ ($n = 240$) and $C_2$ ($n = 240$) villagers were that someone may try to take their land,
$U = 24757, Z = -3.85, p < 0.001$. Figure 6.28 compares the response rates within each of these groups, revealing that villagers who have had a high exposure to conflict were especially confident that no one will try to take their land.

These results suggest that rural villagers are confident that no one will try to take their land, particularly where exposure to land tenure reform or conflict has been high. Section 6.8 investigates this issue further by identifying potential sources of insecurity for rural land owners.

Respondents were also asked if other people try to use their land without permission (Figure 6.29). Nearly all respondents (94%) indicated that other people “Never” or “Rarely” tried to use their land without permission, $\chi^2 (4, N = 480) = 1525, p < .001$. For this question negative responses also reflected an improvement.

A Mann-Whitney $U$ test indicated there was no statistically significant difference between the likelihoods of $L_1 (n = 240)$ and $L_2 (n = 240)$ villagers having people try to use their land without permission, $U = 28746, Z = -0.07, p = .942$. However, the same test indicated that there was a statistically significant difference between the likelihoods of $C_1 (n = 240)$ and $C_2 (n = 240)$ villagers having people try to use their land without permission, $U = 26412, Z = -3.21, p = .001$. Figure 6.30 compares the response rates within each of these groups, revealing that villagers that have had a high exposure to conflict...
conflict are slightly less likely to have people try to use their land without permission.

![Figure 6.29](image_url)

**Figure 6.29** Do other people try to use some of your land without permission?

![Figure 6.30](image_url)

**Figure 6.30** Likelihood of others trying to use land without permission based on exposure to conflict.

These results suggest that the threat of someone using land without permission is extremely low, particularly where exposure to conflict had been high. Hence, given that villagers also felt it was unlikely that someone would try to take their land, people's existing rights appear to be secure regardless of their tenure regime.
6.6 Money Lending Systems

One of the benefits of a titling system proposed by international development agencies such as the World Bank and IMF is improved access to credit. Comments by key informants suggest that the availability of credit has risen sharply across all of rural Cambodia over the past decade. However, it appears that the overall increase is more likely to have resulted from improvements to the credit system rather than specific land tenure reforms.

This section describes the availability of credit within each of the villages and identifies how and why villagers have borrowed money. Rural villagers are able to acquire a loan in three distinct ways, namely borrow money from within the community, a small group can borrow collectively from a credit institution, or households can use their property as collateral in order to borrow a larger amount.

6.6.1 Borrowing from within the community

The process of borrowing money from family or neighbours was described by key informants as the preferred means of acquiring a loan. However, given the high level of poverty among rural Cambodians this method was usually limited to relatively small amounts. This type of loan also appears to have been used mainly for charitable purposes, such as helping villagers to pay for food or medical bills. For instance, a family in Village 3 (L2C1) borrowed money from extended family to pay for their daughter's surgery in Thailand. As with all other reported cases of borrowing within the community, loan recipients were not charged interest and the repayment schedule was flexible.

6.6.2 Group borrowing

Key informants from all villages reported that a small group of villagers could borrow money collectively from a credit institution. This approach has often been referred to within the development community as “micro financing.” However, it may be more accurately described as “micro credit,” which extends small amounts of capital to low income borrowers in order to stimulate grass-roots economic growth (Ahlin & Jiang, 2008; Karim, 2008).

The credit institutions that were identified by key informants included Amret Micro
Finance Institution and Acleda Bank Plc. Whereas Amret is a micro finance institution specialising in small loans to individuals and small businesses in rural areas, Acleda is one of the largest retail banks in Cambodia. Although there were other credit institutions operating in Cambodia, these two were the only ones mentioned specifically by key informants.

The process of borrowing as a group was documented by a research assistant in Village 1 (L₁C₁). While completing the questionnaire, fortuitously the household was visited by a representative of Acleda who was finalising the details of a loan. The recipients of the loan were a group of four neighbours, the minimum number required for group borrowing. Prior to approval, their houses had been inspected by an Acleda representative and information was gathered on the family size, current job, and marital status. Each prospective recipient was also required to show their national identification card and family book.

The group had been approved for a loan of $200 US. One recipient was to receive $25, one $75, and two $50. It was stated that $500 was the maximum total amount that could be borrowed without having to use land as collateral. The recipients had applied for the loan on Tuesday. They were informed that the loan had been approved the following Friday, and they collected the money the following Monday. The money could only be issued if all members of the group collected it together. Although the amount taken by each recipient varied, the group as a whole was responsible for repayment of the entire loan.

The terms of the loan required the group to pay back a total of $15 US per month. Although the interest rate was not revealed, a key informant in another village stated that it was much higher for this type of borrowing than if land had been used as collateral. Key informants from Village 6 (L₂C₁) and Village 7 (L₂C₂) stated that if the group falls behind on payments then they are pressured by the credit institution and the village chief to resume their regular payments. In a very limited number of cases, this kind of pressure appears to have forced villagers to sell their land in order to repay debts. However, without land as collateral the lender appears powerless to insist on the sale of land to recover their money.
6.6.3 Using land as collateral

Informants believed it was common for villagers to borrow relatively large sums of money which required their land be used as collateral. Here, collateral refers to a pledge by the borrower to surrender their land if they are unable to meet the financial commitments outlined in the loan agreement. This type of loan was available in each of the villages, including those that had not yet been systematically titled (L2). Residents in L2 villages were required simply to obtain a record of land ownership from the village chief prior to receiving the loan. Although L1 key informants believed that having a title made it easier to borrow money, L2 key informants stated that borrowing money with land as collateral was a straightforward process that had been widely used in their village. For example, a key informant in Village 7 (L2C2) speculated that approximately 70% of households in the village had used land as collateral for loans, and in Village 6 (L2C1) a key informant reported having been encouraged by the lender to borrow twice the amount initially requested.

The process for securing a loan using land as collateral is similar to group borrowing. A representative of the lending institution and the village chief visits the household to assess the property value, including buildings and assets such as animals or vehicles. Applicants must show their national identification card and family book to establish their identity and relationship with the community.

Loan applicants are also required to provide proof of ownership. In the case of L1 villages a title record is required, and in L2 villages a document provided by local officials is considered adequate. If the loan is approved then these documents are taken by the lenders and not returned until the loan is fully repaid. According to statements made by village chiefs, taking people’s ownership documents prevented property being sold illegally or a second loan being acquired.

As an added requirement in L2 villages, loan applicants are required to solicit other villagers as witnesses to the transaction. The precise responsibilities of a witness were not clear, but a key informant in Village 6 (L2C1) stated that her son required four witnesses when using his land as collateral, and if payments were missed then the witnesses would also be pressured to ensure the loan was repaid. She stated that her son had given the witnesses and village chief 5000 riel (about $1.25 US) each for helping...
him to get the loan.

A key informant in Village 3 (L_{1C_2}) stated that if loan recipients missed a payment they were usually given a week to catch-up. If they failed to resume payments after a week then the loan was restructured to include higher premiums. Delinquent loan recipients were then given the opportunity to catch-up on their payments until the bank found a buyer for the property.

In each of the villages, the village chief plays an important role during the lending processes. For example, village chiefs have typically been required to validate the documents used to show ownership, testify as to the credibility of applicants, and witness the signing of loan agreements. They were also responsible for policing fraudulent activity. For instance, in Village 5 (L_{2C_1}) a key informant reported that a villager had requested a new record of ownership which was then used to sell the property despite having an existing loan. The chief of Village 8 (L_{2C_2}) was also concerned that villagers were trying to get duplicate ownership documents in order to apply for multiple loans. Key informants described how this kind of fraud is embarrassing for the village chief, resulting in more local-level regulation of land transactions.

Despite these pitfalls, borrowing money using land as collateral remains common practice in all villages, and the majority of questionnaire respondents (74%) indicated that they have used land as collateral on a loan, $\chi^2 (1, N = 479) = 108, p < .001$ (Figure 6.31).

![Figure 6.31](image-url)  

Figure 6.31 Have you ever used your land as collateral on a loan from a bank or money lender?
A Mann-Whitney $U$ test indicated there was no statistically significant difference between the number of $L_1$ ($n = 239$) and $L_2$ ($n = 240$) villagers who have used their land as collateral, $U = 28649$, $Z = -0.03$, $p = .978$. However, there was a statistically significant difference between the number of $C_1$ ($n = 239$) and $C_2$ ($n = 240$) villagers who have used their land as collateral, $U = 23380$, $Z = -4.59$, $p < .001$. Figure 6.32 compares the response rates within each of these groups, revealing that more villagers have used land as collateral where exposure to conflict had been low.

![Figure 6.32](image)

These results suggest that most rural villagers use their land as collateral for a loan, particularly where exposure to conflict had been low. However, there appears to be no change in the use of land as collateral following title registration.

### 6.6.4 How borrowed money is spent

Most key informants were reluctant to discuss how they had spent borrowed money. Their reluctance appears to have been the result of several factors, one being adherence to the Muslim faith. For instance, in Village 4 ($L_1C_2$) key informants who were Chams pointed out that, in compliance with Muslim religious doctrine, it was considered immoral to borrow money. However, when asked specifically how often people borrow money in the village, Cham key informants would sometimes admit that borrowing has occurred. For example, two Cham key informants reported that the Muslim cleric had borrowed money to finance a new car.
Several key informants also stated that villagers were aware that loans were typically only given to support an agricultural or household investment. As such, they believed villagers would deny having borrowed money or lie about how the money was actually spent. For example, a key informant in Village 6 (L₂C₁) noted that many people borrow money to raise their standard of living rather than making any long-term investment. In Village 2 (L₁C₁) a key informant stated that villagers had “wasted the money on gambling,” and in Village 1 (L₁C₁) a key informant stated that villagers had “used the money to pay back previous loans.” In Village 5 (L₂C₁), a key informant described how he had used money from a group loan to pay for his daughter's wedding, which he claimed was a common use for borrowed money in his village.

Questionnaire respondents were also asked a series of questions about how people in their village normally spend borrowed money. For instance, whether villagers normally share the money with their children or other family members (Figure 6.33). The largest number of respondents (48%) indicated that fellow villagers would “Rarely” or “Never” give money to their family, $\chi^2 (4, N = 478) = 30.56, p < .001$.

Figure 6.33 How often do villagers borrow money and give it to their children or other family members?

A Mann-Whitney $U$ test indicated there was a statistically significant difference between the likelihoods of L₁ ($n = 238$) and L₂ ($n = 240$) villagers borrowing money to give to their family, $U = 24840, Z = -2.53, p = .012$. The response rates within each of these groups are compared in Figure 6.34. This comparison reveals that villagers were slightly less likely to give money to their family where exposure to land tenure reform had been high. However, there was no statistically significant difference between the
likelihoods of \( C_1 (n = 238) \) and \( C_2 (n = 240) \) villagers borrowing money to give to their family, \( U = 26660, Z = -1.29, p = .197 \).

These results suggest that villagers are largely divided on whether people borrow money to give to their children or other family members. However, where there has been a high exposure to land tenure reform, people appear to be less likely to share borrowed money with family. Although key informants did not indicate specifically why this may be the case, it is possible that \( L_1 \) villagers are more acutely aware of financial pressures that prohibit them from sharing money with family.

Respondents were also asked how often people borrow money to pay medical bills (Figure 6.35). Most respondents (63%) indicated that they would “Rarely” or “Never” borrow money to pay medical bills, \( \chi^2 (4, N = 480) = 202, p < .001 \).

A Mann-Whitney \( U \) test indicated there was a statistically significant difference between the likelihoods of \( L_1 (n = 240) \) and \( L_2 (n = 240) \) villagers borrowing money for medical bills, \( U = 24901, Z = -2.71, p = .007 \). The response rates within each of these groups are compared in Figure 6.36. This comparison reveals that villagers who have had a high exposure to land tenure reform were slightly more likely to borrow money for medical bills. However, there was no statistically significant difference between the likelihoods of \( C_1 (n = 240) \) and \( C_2 (n = 240) \) villagers borrowing money to pay medical bills, \( U = 27535, Z = -0.88, p = .380 \).
These results suggest that rural villagers are unlikely to borrow money to pay medical bills. However, this does sometimes occur, particularly where villagers have had a high exposure to land tenure reform.

Respondents were also asked how often people borrow money to pay for education expenses (Figure 6.37). Most respondents (73%) indicated that villagers “Rarely” or “Never” borrow money to pay for education, $\chi^2 (4, N = 480) = 262, p < .001.$

A Mann-Whitney $U$ test indicated there was a statistically significant difference between the likelihoods of $L_1 (n = 240)$ and $L_2 (n = 240)$ villagers borrowing money to pay education expenses, $U = 24564, Z = -2.89, p = .004.$ The response rates within each
of these groups are compared in Figure 6.38. This comparison reveals that villagers who have had a high exposure to land tenure reform were slightly more likely to borrow money to pay for education. However, there was no statistically significant difference between the likelihoods of people in $C_1$ ($n = 240$) and $C_2$ ($n = 240$) villages borrowing money to pay for education, $U = 28377$, $Z = -0.21$, $p = .832$.

These results suggest that rural villagers are unlikely to borrow money to pay for educational expenses. However, this does sometimes occur, particularly in villages which have had a high exposure to land tenure reform.
Respondents were also asked how often people borrow money to improve their houses (Figure 6.39). The majority of respondents (63%) indicated that villagers “Rarely” or “Never” borrow money to improve their houses, $\chi^2 (4, N = 480) = 139$, $p < .001$.

A Mann-Whitney $U$ test indicated there was a statistically significant difference between the likelihoods of $L_1$ ($n = 240$) and $L_2$ ($n = 240$) villagers borrowing money to improve their houses, $U = 25355$, $Z = -2.36$, $p = .018$. The response rates within each of these groups are compared in Figure 6.40. However, the comparison reveals that the difference between the groups is minimal.

**Figure 6.39** How often do villagers borrow money to improve their houses?

**Figure 6.40** Likelihood of villagers borrowing money to improve their houses based on exposure to land tenure reform.
There was also a statistically significant difference between the likelihoods of $C_1$ ($n = 240$) and $C_2$ ($n = 240$) villages borrowing money to improve their houses, $U = 23466$, $Z = -3.66$, $p < .000$. Figure 6.41 compares the response rates within each of these groups, revealing that villagers were slightly more likely to borrow money to improve their houses where exposure to conflict was high.

These results suggest that the majority of villagers do not borrow money to pay for improvements to their houses. However, there were a small number of respondents that believed villagers were using borrowed money in this way, particularly where there has been a high exposure to conflict.

Respondents were also asked how often people borrow money to buy luxury items such as a television, telephone, or formal clothing (Figure 6.42). The majority of respondents (79%) indicated that villagers “Rarely” or “Never” borrowed money for such luxury items, $\chi^2 (4, N = 480) = 139$, $p < .001$.

A Mann-Whitney $U$ test indicated there was no statistically significant difference between the likelihoods of $L_1$ ($n = 240$) and $L_2$ ($n = 240$) villagers borrowing money to buy luxury items, $U = 28467$, $Z = -0.26$, $p = .797$. There was also no statistically significant difference between the likelihoods of $C_1$ ($n = 240$) and $C_2$ ($n = 240$) villagers borrowing money to buy luxury items, $U = 26865$, $Z = -1.54$, $p = .124$. 

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These results suggest that the villagers are highly unlikely to borrow money to pay for luxury items regardless of their level of exposure to land tenure reform or conflict. However, key informant statements suggested that these results may have been influenced by peoples reluctance to admit to these kinds of expenditures.

Respondents were also asked how often people borrow money to buy farming supplies and equipment (Figure 6.43). Most respondents (59%) indicated that villagers would “Always” or “Usually” borrow money to buy farming supplies, $\chi^2(4, N = 478) = 96.3, p < .001$.

A Mann-Whitney $U$ test indicated there was no statistically significant difference between the likelihoods of $L_1$ ($n = 239$) and $L_2$ ($n = 239$) villagers borrowing money to
buy farming supplies, $U = 26887$, $Z = -1.15$, $p = .252$. However, there was a statistically significant difference between the likelihoods of $C_1$ ($n = 240$) and $C_2$ ($n = 238$) villagers borrowing money to buy farming supplies, $U = 23544$, $Z = -3.66$, $p = .001$. Figure 6.44 compares the response rates within each of these groups, revealing that villagers were more likely to buy farming supplies with borrowed money where exposure to conflict had been high.

These results suggest that rural villagers are likely to borrow money to pay for farming supplies or equipment, particularly where exposure to conflict had been high. However, a relatively large number of respondents indicated that this has “Rarely” or “Never” occurred, suggesting also that loans are often used for non-investment purposes. Additionally, key informants were highly sceptical that villagers would be truthful about how people typically spend borrowed money. Furthermore, key informants made no comments about any specific investments that could increase household income, such as new farming equipment or supplies. Thus, there is some cause for concern regarding how borrowed money is being spent.
6.7 Conflict-Related Experiences

The confirmation of different levels of exposure to land tenure reform was done in two simple steps. However, exposure levels to conflict proved more difficult to determine. Underlying this difficulty were two factors, namely that nearly all Cambodians had experienced some degree of conflict in the recent past, and that people's interpretation of what was “close” to their village varied greatly. Given these challenges, levels of exposure to conflict could not be confirmed using the data from the questionnaire and relied entirely on key informant and observational data.

6.7.1 Limitations of the questionnaire

Although 59% of questionnaire respondents were over the age of 40, many indicated they were not aware of specific conflict-related events that had occurred close to their village. This tended to bring into question both the results of the village selection process (Chapter 5) and information provided by key informants during the field study. The main cause of this discrepancy appears to have been the interpretation of the term “close.” Whereas the researcher presumed “close” meant a location within an easily travelled distance, key informants appeared to equate “close” with the concept of “territory.” Whereas the former describes physical proximity, the latter implies a sense of identity or belonging.

Conflict-related events that may have occurred no more than 5 km from the centre of the village were sometimes considered to be close and other times considered to be far from the village. When key informants were questioned about this discrepancy they suggested that if the questionnaire had simply excluded the term “close” then villagers would have better understood the intent of the question, namely to reveal the relative effect of exposure.

It appears that survey respondents focused on the exact location of incidents rather than any relevance they may have had to their lives. As a result, response frequencies regarding exposure to prisons, land mines, and bombing contradicted information provided by key informants about what had happened to villagers during each period of conflict. For instance, only 20% of respondents from C1 villages claimed to know of prisons or burial sites near their village, yet key informants from the same villages easily described a place that had housed Khmer Rouge soldiers, held prisoners, and
conducted mass executions. In comparison, 33% of respondents from $C_2$ villages claimed to know of prisons or burial sites near their village, yet key informants from these villages could only describe places where Khmer rouge officials resided and did not indicate that imprisonment or executions had occurred at these locations.

It may also be possible that survey respondents were simply not willing to reveal their experiences in such a rudimentary manner. This would also explain some of the more blatant contradictions. For instance, 65% of $C_2$ villagers indicated they were aware of landmine accidents, yet only two key informants claimed specific knowledge of any accidents having occurred “close” to their village. Conversely, two key informants from $C_1$ villages were themselves landmine victims, a fact that was acknowledged by other key informants. However, despite the small size of the villages, only 54% of respondents indicated any landmine accidents having occurred.

Key informants were also well placed to describe people's level of exposure to the bombing of Cambodia during the Vietnam War. For example, $C_1$ key informants described how bombs had struck their home or their neighbour's home, provided details about the deaths and injuries that had been incurred, and located bomb craters that remained throughout the village. In Village 2 ($L_1C_1$) there was a large and distinct bomb crater located in the centre of the village that was being used as a rubbish tip, yet a significant number of respondents indicated they were unaware of any bombs having been dropped close to their village.

Only after villagers were given the opportunity to explain their experiences freely did they articulate the extent of their exposure to each event. This was not surprising given that key informants were selected based on their depth of knowledge and willingness to communicate, whereas survey respondents were chosen randomly. Hence, key informants were expected to be more able and willing to describe their exposure to conflict than the population generally. However, the level of discordance possibly suggests that a different approach to assessing conflict would have been beneficial to the research.
6.7.2 Confirming the conflict classification groups

Judging by statements made by key informants, three types of conflict appear to have been more intense for C₁ villagers relative to C₂ villagers, namely deprivation, murder, and psychological harm. Nearly all key informants commented on the hardships endured during the Khmer Rouge era, but residents of C₁ villages appear to have experienced particularly harsh conditions prior to their forced relocation during the civil war. For example, a key informant in Village 2 (L₁C₁) stated that Vietnamese combatants were known to have passed through the village during the Vietnam war, “occasionally stealing some chickens or raping a woman.” Another key informant in Village 6 (L₂C₁), located near the Cambodia/Vietnam border, described how residents had been forced to return nightly to the nearby army base or risk being murdered in their sleep by communist insurgents.

For most Cambodians, physical deprivation continued to worsen following the Khmer Rouge victory in 1970. In particular, people were forced into unpaid manual labour and given little food. C₁ villagers seem to have been hardest hit, for example, a key informant in Village 5 (L₂C₁) stated that “people were only permitted one spoon of rice per meal, despite significant rice stocks that could have easily fed the villagers.” A key informant from Village 8 (L₂C₁) stated that Pol Pot personally hated people from his province, accusing them of having a “a Khmer body with a Vietnamese head.” The informant described how many residents from the province faced more severe reprisals as a result of this hatred.

Murder was also a hallmark of the Khmer Rouge era. Every village had incurred mass executions, particularly of police officers, ethnic minorities, and former soldiers. What made C₁ villages especially prone to mass executions was the fact that each of the selected villages was relatively close to a former government army base. In order to consolidate their control of the country, Khmer Rouge forces first executed all military personnel along with many of their immediate family. This meant that villages located near the bases were more likely to have had a high number of fatalities. Although proximity to former army bases was not a criterion of the village selection process, their location appears to have coincided with several conflict criteria, including bombing, landmine accidents, and repatriation rates.
The emotional response of $C_1$ key informants to questions about the Khmer Rouge also made them distinct, perhaps as a consequence of their exposure to prolonged deprivation and mass executions. It is important to be clear that key informants in each of the villages had stories of hardship. However, $C_1$ key informants consistently and openly displayed significant anger and sadness when discussing their personal experiences under the Khmer Rouge. These emotions were particularly intense among residents of Village 5 ($L_2C_1$), where key informants reported that they were still haunted by atrocities, and in Village 6 ($L_2C_1$), where key informants spoke emotionally about fellow villagers being assembled into a line three people wide, blindfolded, and bludgeoned to death. Hence, although nearly all Cambodians have been affected by conflict, there were degrees of exposure that were only made apparent when villagers were given the opportunity to tell their stories freely.

6.8 Current Vulnerability

Following a prolonged period of conflict and political instability, rural Cambodians have remained vulnerable to a number of threats. Information provided by key informants revealed that these threats can be divided conceptually between two areas of concern, namely corruption and economic dysfunction. These two factors were by far the most prominent in key informant interviews.

6.8.1 Corruption

As discussed in Chapter 4, corruption has been widely recognised as an obstacle to human development in Cambodia. However, since the fall of the Khmer Rouge in 1979 corruption has become embedded in nearly all aspects of human interaction and rural villagers now anticipate informal payments when dealing with any government official. Thus, corruption represented a significant source of concern for the mainly poor rural villagers interviewed for this thesis. As a resident of Village 2 ($L_1C_1$) pointed out, “money dictates power.”

In order to ascertain whether or not particular institutions are perceived by rural villagers to be a threat, respondents were asked to confirm the circumstances under which they would consider buying land. For instance, respondents were asked if it is good to buy land very close to government land (Figure 6.45). The majority of
respondents (53%) stated that they would “Rarely” or “Never” buy land under this circumstance, $\chi^2 (4, N = 479) = 277.29, p < .000$.

A Mann-Whitney $U$ test indicated there was no statistically significant difference between how $L_1$ ($n = 239$) and $L_2$ villagers ($n = 240$) viewed government land, $U = 28191, Z = -0.35, p = .730$. There was also no statistically significant difference between how $L_1$ ($n = 240$) and $L_2$ villagers ($n = 239$) viewed government land, $U = 26352, Z = -1.64, p = .101$.

These results suggest that rural villagers generally view proximity to government land as a threat. However, there were a significant number of villagers who did not recognise this threat, suggesting that people’s views may be derived from their individual experience rather than a broader awareness.

The threat of being close to government land is also evident in statements made by several key informants in both $L_1$ and $L_2$ villages, many of whom described the specific dangers of sharing a boundary with government land. For instance a key informant from Village 2 ($L_1C_1$) stated that “the government will try to expand [their property] and there is nothing you can do to stop them.” Another key informant from the same village believed that, despite having a title to his land, the government might still take it from him in the future. A key informant from Village 5 ($L_2C_1$) stated that “the greatest threat to villagers is that the government will take their land.”

Such concerns appear to stem from incoherent land management policies regarding
the identification and cataloguing of government land (see Chapter 4). For example, several residents of Village 5 ($L_2C_1$) believed that the land around the lake was public land, available for use by all villagers. However, such beliefs appear to be based only on rumours that the Prime Minister had stated this in a speech. Furthermore, understanding of details, such as the distance public land extended from the lake or how this land could be used, varied greatly between households. In other villages, land that had previously been considered public land was reported to have been sold by local officials. In such cases, key informants expressed dismay over the purpose of having land designated as “public.”

Despite the fact that several key informants were opposed to buying land located near government land, 39% of questionnaire respondents indicated they would “usually” or “always” buy land under this circumstance (Figure 6.45). In fact, some villagers clearly considered proximity to government land to be of benefit to their security. For instance, two key informants described how they had extracted resources from government land, including one man living in Village 4 ($L_1C_2$) who had been gathering wood from a government-owned forest to expand his house. Furthermore, some key informants had built houses on what they believed to be government land. Despite acknowledging the tenure insecurity of not owning the land, these residents remained optimistic that they would be allowed to stay for as long as they wanted, and even pass the land on to their children. Thus, it is likely that the lack of regulation regarding government land has threatened the well-being of most rural villagers, while at the same time benefiting others.

Rural villagers appear to have been more fearful of living near military land than government land (Figure 6.46). For instance, 67% of respondents indicated that they would “Rarely” or “Never” buy land near military land, $\chi^2 (4, N = 479) = 517, p < .000$.

A Mann-Whitney $U$ test indicated there was no statistically significant difference between how $L_1$ ($n = 240$) and $L_2$ ($n = 240$) villagers viewed military land, $U = 28520$, $Z = -0.21$, $p = .834$. There was also no statistically significant difference between how $C_1$ ($n = 240$) and $C_2$ ($n = 240$) villagers viewed military land, $U = 27020$, $Z = -1.33$, $p = .183$.  

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These results suggest that rural villagers view proximity to military land as a threat. The level of concern for this threat does not vary significantly based on the levels of exposure to land tenure reform or conflict.

As was the case with government land, key informants expressed concern that the military were likely to expand their property and there was nothing the surrounding landowners could do to stop them. Extortion from military officials was also a concern of some villagers. For instance, a key informant from Village 1 (L1C1) stated that “the military is corrupt, if I bought land near a military base I would have to keep paying over and over again.”

Proximity to police land (i.e. a police station) was also viewed negatively by questionnaire respondents (Figure 6.47). The majority of respondents (52%) indicated they would “Rarely” or “Never” buy such land, $\chi^2 (4, N = 479) = 266, p < .000.$
A Mann-Whitney $U$ test indicated there was no statistically significant difference between how $L_1$ ($n = 239$) and $L_2$ ($n = 240$) villagers viewed police land, $U = 28047$, $Z = -0.45$, $p = .656$. However, there was a statistically significant difference between how $C_1$ ($n = 2239$) and $C_2$ ($n = 240$) villagers viewed police land, $U = 25054$, $Z = -2.55$, $p = .011$. Figure 6.48 compares the response rates within each of these groups, revealing that villagers who have had a low exposure to conflict were less likely to buy land near police land. However, the disparity between these groups was small and the overall trend remained the same.

These results suggest that villagers view proximity to police land as a threat, particularly where exposure to conflict had been low. Key informants also expressed concern for the actions of police and feared gaining their attention. For example, a key informant in Village 6 ($L_2C_1$) explained that there would be a greater risk of police extorting money from her if she lived near the police station. She felt confident expressing this view despite the fact her son, who was present during the interview, was himself a junior police officer. Such open and blatant condemnation of police was common among key informants, and reflects a widespread suspicion of their motives.
6.8.2 Entrenched poverty

Despite a general fear of the government, military, and police among rural Cambodians, many key informants expressed particular concern for the limitations imposed on them by entrenched poverty. At the end of each interview key informants were asked what they believe is most important to the future development of Cambodia. Rarely did key informants respond to this question with concern for land rights or overcoming past injustices. Instead, responses predominantly addressed the need for more economic opportunities in rural areas. Furthermore, several key informants specified the need for better vocational training and some stated that companies needed to move factories outside of urban centres to distribute economic growth more evenly.

Respondents were able to describe the general level of development in their village by indicating whether they believed life will be better for their children or grandchildren than it has been for them (Figure 6.49). The majority of respondents (56%) indicated that they were “Always” or “Usually” optimistic about their children having a better life, $\chi^2 (4, N = 479) = 128, p < .000$.

A Mann-Whitney $U$ test indicated there was no statistically significant difference between the confidence of $L_1 (n = 239)$ and $L_2 (n = 240)$ villagers in their children's future, $U = 27151, Z = -1.05, p = .296$. However, there was a statistically significant difference between the confidence of $C_1 (n = 239)$ and $C_2 (n = 240)$ villagers, $U = 24070, Z = -3.15, p = .002$. Figure 6.50 compares the response rates within each of these
groups, revealing that respondents were slightly more confident in villages where exposure to conflict had been high.

These results suggest that rural villagers are generally optimistic about their children's or grandchildren's future. However, villagers are more optimistic where there has been a high exposure to conflict. Statements made by key informants across all villages suggest also that when villagers express pessimism about their children's or grandchildren's future it is due to a lack of vocational training and employment opportunities. For instance, a key informant in Village 6 (L2C1) stated that “children will not have a better life because they have no way of escaping their lives as poor farmers.” Conversely, when key informants were optimistic about their children's or grandchildren's future they typically attributed this to the advanced education their children have received and the employment opportunities this has provided.

Respondents were able to express their concern for poverty by indicating whether their household receives enough food to eat (Figure 6.51). The majority of respondents (71%) indicated that they “Always” or “Usually” get enough food to eat, $\chi^2 (4, N = 480) = 580.54, p < .000$. 

![Figure 6.50](image-url)
A Mann-Whitney $U$ test indicated there was a statistically significant difference between the abilities of $L_1$ ($n = 240$) and $L_2$ ($n = 240$) households to get enough food, $U = 25798$, $Z = -2.27$, $p = .023$. The response rates within each of these groups are compared in Figure 6.52. This comparison reveals that more households were able to get enough food to eat in villages where exposure to land tenure reform had been high.

There was also a statistically significant difference between the abilities of $C_1$ ($n = 240$) and $C_2$ ($n = 240$) villagers to get enough food for their household, $U = 23732$,
$Z = -3.83$, $p < .001$. Figure 6.53 compares the response rates within each of these groups, revealing that more households were able to get enough food to eat in villages where exposure to conflict had been high.

These results suggest that most households are able to get enough food to eat, particularly within villages that have had a high exposure to land tenure reform or conflict. However, within each group a significant number of respondents (20% - 30%) also indicated their household “Rarely” has enough food to eat. Hence, although the overall trend was positive, there are still a high number of households that lack sufficient food.

Respondents were also asked whether it is advisable to buy land if the surrounding land is owned by a large company (Figure 6.54). This question was designed to reveal whether villagers identified large companies as sources of insecurity. However, the majority of respondents (64%) indicated that they would “usually” or “always” buy land if it is surrounded by a large company, $\chi^2 (4, N = 479) = 241, p < .000$.

A Mann-Whitney $U$ test indicated there was no statistically significant difference between how $L_1$ ($n = 239$) and $L_2$ ($n = 240$) villagers viewed the prospect of owning land surrounded by a large company, $U = 269988, Z = -1.78, p = .239$. However, there was a statistically significant difference between how $C_1$ ($n = 239$) and $C_2$ ($n = 240$)
villagers viewed the prospect of owning land surrounded by a large company, \( U = 20718, Z = -5.58, p < .001 \). Figure 6.55 compares the response rates within each of these groups, revealing that villagers who have had a high exposure to conflict were more attracted to buying land given this circumstance.

![Figure 6.55](image)

**Figure 6.54** Is land good to buy if the surrounding land is owned by a large company?

![Figure 6.55](image)

**Figure 6.55** A comparison of the willingness to buy land surrounded by land owned by a large company based on exposure to conflict.

These results suggest that in general villagers view proximity to large companies as beneficial. This matched with statements made by key informants which sometimes identified large companies as providing employment. Although many key informants acknowledged potential pressure from companies to sell their land, most viewed unemployment as an overriding threat to their family's future. However, villagers who
have had a high exposure to conflict appear to be particularly polarised on this issue. This may suggest that a significant number of these villagers have had negative personal experiences in dealing with large companies.

Although none of the key informants identified large companies as a particular threat to their well-being, some did describe negative experiences that might make them question buying land close to one. For instance, one key informant had problems with an aggregate company that was sometimes dropping rocks in her rice paddies. Another key informant believed that certain companies knowingly released toxins into the water supply. However, such examples were isolated. Even in Village 8 (L₂C₂), where villagers had successfully opposed the sale of public land for use by a private company, key informants were largely supportive of the economic opportunities a large company could provide.

Buying property close to a busy road was also considered to be desirable (Figure 6.56). Nearly all respondents (88%) indicated that they would buy land given this circumstance, \( \chi^2 (4, N = 479) = 732.3, p < .001 \).

![Figure 6.56 Is land good to buy if it is close to a busy road?](image)

A Mann-Whitney \( U \) test indicated there was no statistically significant difference between how L₁ (\( n = 239 \)) and L₂ (\( n = 240 \)) villagers viewed proximity to a busy road, \( U = 27789, Z = -0.71, p = .476 \). However, there was a statistically significant difference between how C₁ (\( n = 240 \)) and C₂ (\( n = 239 \)) villagers viewed proximity to a busy road, \( U = 25822, Z = -2.29, p = .022 \). Figure 6.57 compares the response rates within each of
these groups, revealing that villagers who have had a high exposure to conflict are more attracted to buying land given this circumstance.

![Figure 6.57](image)

**Figure 6.57** A comparison of the desirability of buying land close to a busy road based on exposure to conflict.

These results suggest that villagers generally view proximity to a busy road as beneficial, particularly where there has been a high exposure to conflict. Some key informants stated that the benefits of living close to a busy road are that it provides greater business opportunities and increases property values.

### 6.8.3 Defaulting on a loan

When discussing land tenure reforms, the issue of defaulting on loans was invariably raised by key informants in each village. Although the threat that people faced from excessive debt appeared to be a prominent concern across all of rural Cambodia, in villages where there had been a high exposure to land tenure reform, key informants were more acutely aware of this threat. For example, a Village 1 (L1C1) key informant stated that “using your land to borrow money is like a death sentence,” and a Village 2 (L1C1) key informant stated that “there is a vicious cycle of debt, people are borrowing a little money and then falling behind in payments and having to borrow more.” The chief of Village 3 (L1C2) also described how systematic titling had enhanced tenure security while simultaneously increasing the number of families forced to sell their land to pay debts.
There appear to be three direct reasons why residents of L₁ villages had been burdened by excessive debt, namely the misuse of funds, land speculation, and third party borrowing. As discussed in Section 6.6.4, villagers frequently spent borrowed money in ways that are unlikely to enhance their income. Furthermore, several key informants suggested that the rates of gambling and purchases of luxury items were much higher than most villagers would admit. This suggests that assuming rural villagers will borrow money in order to increase agricultural returns is unrealistic, and perhaps even idealistic. However, these observations were not confirmed and it is difficult to identify accurately how people are spending money they have borrowed.

Land speculation also appears to have been a problem in L₁ villages. When property prices sharply increased between the years 2001 and 2007, some villagers opted to borrow against their land in order to expand their holdings. When property prices dropped in 2008, these villagers were left with debts that exceeded the total market value of their land. Unable to pay back the loans, many were forced to sell everything.

Other villagers simply sold their land while the price was high. However, key informants suggested that those who did so often lacked a long-term plan for how they would support themselves. Several residents of Village 1 (L₁C₁) now rent their former properties and pay 40% of their annual crop yield to the new owners.

The desire for quick profits also prompted several L₁ villagers to participate in third party borrowing. In Cambodia, this type of borrowing occurs when a legal title holder allows a third party to borrow money from a credit institution using their title as collateral. The borrower typically pays a service fee to the title holder and is expected to pay back the loan to the credit institution. However, the title holder carries all the risk and it was not clear what assurances there were that the borrower would repay the loan. It was also unclear if creditors were aware that third parties were involved when approving the loan.

Key informants from Village 1 (L₁C₁) and Village 2 (L₁C₂) knew of several villagers who had become burdened with debt when a third party borrower left the village before repaying a loan. Third party borrowing has also left some villagers unsure about who possessed their title record. For instance, a key informant in Village 1 (L₁C₁) was living on land she had inherited from her mother. However, her mother had previously loaned
6.8 CURRENT VULNERABILITY

the title record to a third party. The daughter claimed not to know the name of the third party or even which credit institution was holding her title record. She was fearful that her land would someday be repossessed.

In a limited number of cases, residents of villages that had not yet been systematically titled (L2) faced similar problems. For instance, key informants from Village 5 (L2C1), Village 6 (L2C1), and Village 8 (L2C2) described how some residents had been forced to sell their land in order to pay debts. However, key informants emphasised that eviction by creditors had been extremely rare. Instead, creditors would simply pressure borrowers, witnesses, and the village chief until the payments were made. Hence, in the few cases where L2 villagers were forced to sell their land it appears to have largely been due to community pressure.

The reputations of L2 village chiefs were negatively affected when one of their constituents defaulted on a loan. According to key informants, this had persuaded village chiefs to try to limit the size and frequency of any loans. In contrast, L1 village chiefs appeared to have actively encouraged borrowing. For instance, the chief of Village 2 (L1C1) appeared to have brokered the majority of loans in his village on behalf of Acleda Bank. Hence he was acting as the lender, witness, and debt collector throughout the village. This has created a conflict of interest troubling many villagers. For example, one key informant described how “borrowing money makes you a slave to the village chief.”

6.9 Main findings of the Contextual Analysis

This section summarises the main findings of the contextual analysis, including common characteristics, and aspects of land tenure and human security that differentiate each of the classification groups.

6.9.1 Common characteristics

Perhaps the most striking characteristic of life in rural villages is the significant power the village chief maintains in regard to all administrative, economic, and social activities. This has meant that most villagers depend heavily on their village chief for guidance and support regarding matters of land tenure. This has had some positive consequences in regard to social cohesion, but overall appears to have been a significant
source of vulnerability for most villagers.

One problem is that the authority village chiefs assert in regard to land administration is not derived from any specific legislation. For instance, there is no mention of the role of village chiefs in the 2001 Land Law. Nonetheless, village chiefs act as the primary authority in all matters regarding land administration and dispute resolution.

None of the key informants were aware of any villagers who had directly dealt with authorities above the commune level. There appear to be two reasons for this. First, rural villagers associate high-level officials with informal fees. Second, villagers are unwilling to engage officials they do not know personally. While not necessarily liking or trusting local-level officials, they know what to expect from them and can recognise when they are being treated differently from other villagers. For instance, when they are being charged excessive fees.

A significant consequence of relying entirely on local-level officials is that villagers are vulnerable to corruption involving the village or commune chiefs, such as the illegal sale of public land. Furthermore, when more senior or military officials become involved in corrupt activities, such as extortion or land grabbing, then there is nothing local-level officials can do to defend their constituents. This may contribute to the high levels of insecurity people associate with proximity to government, police, and military land.

The best way of addressing these problems might be to ensure more direct access to district and provincial officials and to make local-level officials more accountable through free and fair elections. However, neither of these improvements are likely to occur given the current political culture in Cambodia.

Other than local-level officials and family, there is little support available to rural villagers. Neighbours are sometimes useful in providing charity to those most in need, but are not recognised as a dependable source of support. Religious institutions are also seen as being irrelevant to people's functional needs, particularly among the Buddhist majority. Villagers view monks as spiritual guides, but do not rely on them for support in dealing with challenges in their daily lives.
6.9 MAIN FINDINGS OF THE CONTEXTUAL ANALYSIS

A number of characteristics also differentiate the classification groups examined in the thesis. The following two sections summarise these differences and the potential consequences for human development.

6.9.2 Land tenure reform

Statements from key informants and village chiefs suggest there are significant differences between villagers who have had high exposure (L₁) and low exposure (L₂) to land tenure reform. The most apparent difference was a sense of empowerment following systematic titling. However, there were also variations in people's awareness of their rights under the 2001 Land Law and their overall understanding of land administration.

It is clear that the systematic titling process has provided L₁ villagers with greater confidence. In particular, villagers believe that possession of a title record enhances their tenure security and expands their development opportunities. However, key informants and local-level officials could not identify any specific incidents or direct threats that had been resolved as a result of title registration. Furthermore, many were concerned that excessive debt had become more prevalent following systematic titling and that this had increased the rate of eviction. Thus, the increased sense of empowerment combined with an actual increase in evictions suggests that many of the improvements to land tenure in L₁ villages have been largely superficial.

Following title registration, villagers also believe they become more independent than they had been previously. For example, key informants often stated that they could more easily buy and sell land and they had better access to credit. However, there was no indication that untitled villagers had any difficulty in gaining a sufficient loan. In fact, access to credit and the ability to conduct land transactions in L₂ villages appears to have occurred at the same rate and with the same level of satisfaction as in L₁ villages. Although some L₂ key informants were interested in gaining a more authoritative document to prove their ownership, few villagers saw this as a critical issue.

Despite appreciation for the superiority of a title record issued by the national government, nearly all L₁ respondents indicated that local-level officials maintain control of the land tenure regime. L₁ key informants were aware of the new land
administration system, but appeared to have been unwilling to engage district-level officials. As a consequence, title records were treated as unregistered deeds by villagers, village chiefs, commune chiefs, and financial institutions. Land was consistently transacted and used as collateral without regard for the registered owner recorded in the cadastre. This is perhaps the most substantial evidence that improvements following systematic titling are largely normative, and fail to effect any real change in administrative authority. In other words, villagers perceive significant improvements in their rights and responsibilities, but continue to follow existing administrative procedures. Hence, their expectations regarding development have changed, but the actual levels of tenure security remain the same.

One aspect of land tenure that was found to be distinctly different in the study was people's general awareness of the rights afforded to them under the 2001 Land Law. In particular, L1 key informants demonstrated superior knowledge about the granting of ownership based on continued occupation and the establishment of special judicial bodies to hear complaints. They also demonstrated a greater appreciation for how land markets functioned and the potential gains and losses of treating land as a commodity. Although much of this knowledge resulted from adverse experiences, this does not diminish the fact that, after a sufficient period, L1 villagers are slightly more prepared to recognise and respond to threats common in rural Cambodia, most notably corruption and land grabbing.

Important differences are also apparent between villagers based on exposures to conflict. The following section summarises these differences and the potential consequences for human development.

6.9.3 Conflict

Statements from key informants and village chiefs suggest there are significant differences between villagers having high (C1) and low (C2) exposures to conflict. Not surprisingly, the most apparent differences are in regard to people's psychological well-being. However, there is also a divergence of development priorities between these groups.

One apparent difference was that C1 key informants were able to identify a greater
number of conflict-related events or circumstances. For example, this group typically experienced more bombing and were persecuted more severely by the Khmer Rouge. During the Cambodian Civil War, C1 villagers also became involved in armed skirmishes between government and communist forces. These experiences appeared to have shaped the way villagers responded to inquiries about the history of Cambodia.

Key informants in each of the villages expressed concern for the lack of economic opportunities. However, C1 respondents more strongly favoured changes that might alleviate poverty. For example, C1 villagers were significantly more interested in buying land near a large company or a busy road. Some key informants suggested that this could result in higher employment or increase customers for small businesses.

In fact, a more difficult history has meant that C1 villagers now have a stronger appreciation for recent improvements. For example, despite visible signs of poverty in each of the C1 villages, respondents were significantly more confident that their households were getting enough food to eat. They were also more confident that their children or grandchildren would have a better life. Hence, higher exposure to conflict appears to result in greater economic needs, but also a significantly greater appreciation of the improvements that have occurred since the armed conflict ceased.

6.10 Chapter Summary

This chapter has profiled important social, economic, and political relationships from a bottom-up perspective. The results and discussion have contextualised the different development environments (Table 5.2) and highlighted specific differences between the contrasting conflict and land tenure groups examined in the thesis (Table 5.1).

The next chapter presents the results of the human security analysis. This includes the assessment of human security for each development environment and discusses how human security varies between these environments. The discussion of these results incorporates the key findings of the contextual analysis in order to provide a more complete picture of how human security is affected by land tenure reform during post-conflict development.
Chapter 7
Human Security Analysis

This chapter presents the results of the human security analysis. The aim of this analysis was to determine how varying levels of exposure to land tenure reform and conflict have affected the human security of rural Cambodian villagers. The results are incorporated with key findings from the contextual analysis in order to provide a more comprehensive explanation of the relationships between land tenure and human security in rural Cambodia.

7.1 Analysis Overview

The human security analysis was organised around the conceptual framework presented in Chapter 2 (Figure 2.1) and was carried out in three stages. First, the framework was assessed in order to validate the model statistically. Second, individual indicators of human security were compared based on the village classification groups presented in Chapter 5 (Table 5.1). Third, human security scores were aggregated and then compared based on the development environments (Table 5.2).

Each stage of the analysis used data derived from a set of 11 questions that corresponded with the human security indicators (Table 7.1). Response categories for these questions were assigned a value ranging from +2 to -2 as follows: “Very strong” = +2, “Strong” = +1, “Unsure” = 0, “Weak” = -1, and “Very weak” = -2.

7.2 Evaluation of the Human Security Framework

Factor analysis was carried out in order to evaluate the human security framework presented in Chapter 2 (Figure 2.1). Factor analysis is a data reduction technique for identify the underlying relationships that exist within a set of variables. The results of factor analysis were expected to reveal at least four components underlying the set of 11 indicators. These components are sometimes called “latent variables” or “underlying
factors” because such factors are not directly measured (Kim, 2008). It is important to note that the purpose of this evaluation was not to redefine the human security framework. Instead, factor analysis was performed only to validate the framework and to identify any specific weaknesses to be addressed during future applications.

Prior to carrying out factor analysis, the suitability (i.e. factorability) of the 11 human security indicators was examined. This examination was carried out in three stages following the guidelines proposed by Tabachnick and Fidell (2012), and Field (2009). First, it was observed that nine of the 11 items correlated more than 0.3 with at least one other item, suggesting reasonable factorability overall. Second, the result of a Kaiser-Meyer-Olkin measure of sampling adequacy was 0.71, well above the commonly recommended value of 0.50, and Bartlett's test of sphericity was statistically significant at the \( p < .05 \) level, \( \chi^2 (4, N=480) = 937.28, p < .001 \). These results indicated that the sample size \( (N = 480) \) was adequate and that there were sufficiently strong relationships between the items. Third, the diagonals of the anti-image correlation matrix were all over .5 and the communalities were all above .3, further confirming that each item shared some common variance with other items. Given the results of these preliminary tests, factor analysis was deemed to be suitable with all 11 human security indicators.
Principal component analysis was used as the variable reduction technique (i.e. extraction method) as the goal was simply to identify and compute composite scores for a discernible set of factors (i.e. components) underlying the concept of human security (Field, 2009; Jolliffe, 2002; Thompson, 2004; Velicer & Jackson, 1990). Using output from this analysis, four components were retained where the eigenvalue was greater than one (Table 7.2) (de Vaus, 2002; Kaiser, 1960). According to de Vaus (2002), “the eigenvalues are a measure that attaches to factors and indicates the amount of variance in the pool of original variables that the factor explains. The higher this value, the more variance the factor explains” (p. 188). An eigenvalue of one provided a suitable threshold, as the sample size exceeded 250 and the average communality was greater than 0.6 (Field, 2009, p. 626).

Table 7.2

<table>
<thead>
<tr>
<th>Component</th>
<th>Initial eigenvalues</th>
<th>Extraction sums of squared loadings</th>
<th>Rotation sums of squared loadings</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total</td>
<td>% of variance</td>
<td>Cumulative %</td>
</tr>
<tr>
<td>1</td>
<td>2.82</td>
<td>25.7</td>
<td>25.7</td>
</tr>
<tr>
<td>2</td>
<td>1.75</td>
<td>15.9</td>
<td>41.5</td>
</tr>
<tr>
<td>3</td>
<td>1.16</td>
<td>10.5</td>
<td>52.0</td>
</tr>
<tr>
<td>4</td>
<td>1.02</td>
<td>9.2</td>
<td>61.3</td>
</tr>
<tr>
<td>5</td>
<td>0.91</td>
<td>8.2</td>
<td>69.5</td>
</tr>
<tr>
<td>6</td>
<td>0.75</td>
<td>6.8</td>
<td>76.3</td>
</tr>
<tr>
<td>7</td>
<td>0.67</td>
<td>6.1</td>
<td>82.5</td>
</tr>
<tr>
<td>8</td>
<td>0.57</td>
<td>5.2</td>
<td>87.6</td>
</tr>
<tr>
<td>9</td>
<td>0.49</td>
<td>4.5</td>
<td>92.1</td>
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<tr>
<td>10</td>
<td>0.47</td>
<td>4.3</td>
<td>96.4</td>
</tr>
<tr>
<td>11</td>
<td>0.40</td>
<td>3.6</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Note: Extraction method was principal component analysis. Rotation method was varimax.

The four components that were retained accounted for 61.3% of the total variance in human security indicator scores (Table 7.2). This result suggests the 11 indicators were reasonably effective in explaining variations in human security. However, given that only 11 questionnaire response items were analysed using factor analysis (one for each indicator), future research may benefit from expanding this part of the questionnaire. For instance, asking 2-3 questions per human security indicator could significantly improve the analysis.
increase the amount of variance explained and highlight more subtle differences in people's level of security.

In the next stage of the analysis a solution for the four factors was extracted using a varimax rotation (Table 7.3). According to Field (2009), “rotation maximises the loadings of each variable on one of the extracted factors while minimizing the loading on all other factors. This process makes it much clearer which variables relate to which factors” (p. 653). As there was theoretical grounds for assuming the factors were independent (i.e. easily distinguishable by questionnaire respondents) a varimax rotation was used (Field, 2009; Thompson, 2004).

<p>| Table 7.3 |
| Factor Loadings of Human Security Indicators |</p>
<table>
<thead>
<tr>
<th>Component / Human security domain</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Protection from life threats</td>
<td>.75</td>
<td>-.16</td>
<td>.08</td>
<td>.01</td>
</tr>
<tr>
<td>Income security</td>
<td>.73</td>
<td>.04</td>
<td>-.12</td>
<td>.17</td>
</tr>
<tr>
<td>Food security</td>
<td>.72</td>
<td>.10</td>
<td>.02</td>
<td>.22</td>
</tr>
<tr>
<td>Shelter</td>
<td>.68</td>
<td>.15</td>
<td>-.07</td>
<td>.24</td>
</tr>
<tr>
<td>Mitigate dislocation</td>
<td>-.10</td>
<td>.11</td>
<td>.83</td>
<td>.09</td>
</tr>
<tr>
<td>Tenure security</td>
<td>.13</td>
<td>.08</td>
<td>.82</td>
<td>.06</td>
</tr>
<tr>
<td>Mobility</td>
<td>.13</td>
<td>.31</td>
<td>.05</td>
<td>.71</td>
</tr>
<tr>
<td>Maintain identity</td>
<td>-.04</td>
<td>.77</td>
<td>.18</td>
<td>.19</td>
</tr>
<tr>
<td>Functional support</td>
<td>.15</td>
<td>.82</td>
<td>.03</td>
<td>-.09</td>
</tr>
<tr>
<td>Acceptance of the past</td>
<td>.13</td>
<td>-.13</td>
<td>.11</td>
<td>.67</td>
</tr>
<tr>
<td>Positive sense of the future</td>
<td>.63</td>
<td>.11</td>
<td>.19</td>
<td>-.27</td>
</tr>
</tbody>
</table>

Note: Factor loadings > .32 are in boldface. Extraction method was principal component analysis. Rotation method was varimax.

As shown in Table 7.3, each human security indicator met the recommended minimum criteria of having a primary factor loading of .32 or above with no crossloading (Tabachnick & Fidell, 2012). Factor loadings are an index of how much of the variation in an item is explained by a particular factor. In other words, factor
loadings determine the importance of a particular variable to a factor (i.e. the importance of a human security indicator to each of the four domains) (Field, 2009).

According to Osborne and Costello (2010), “a ‘crossloading’ item is an item that loads at .32 or higher on two or more factors” (p.5). Although there was no crossloading between factors at the .32 level, “mobility” and “positive sense of the future” loaded on a second factor at .31 and -.27 respectively (Table 7.3). This may suggest the need to refine the survey questions that correspond with these indicators (Table 7.1). Furthermore, given relatively small amount of variance explained by the “relationship with time” domain (Table 7.2, Component 4), it is clear that more response items are needed in order to account better for variations in the levels of this domain.

In order to highlight where the results of factor analysis differ from the conceptual framework presented in Chapter 2, an “adjusted” human security framework is presented in Figure 7.1. The configuration of the adjusted human security framework is derived from the factor loadings shown in Table 7.3.

The conceptual framework (Figure 2.1) and the adjusted framework (Figure 7.1) are nearly identical, and configurations differ only in regard to two indicators, namely “mobility” and “positive sense of the future.” As stated above, expanding the questionnaire to included a greater number of response items may help to strengthen the model statistically. Altering the wording of the questions corresponding with the “mobility” and “positive sense of the future” indicators may also help respondents identify the intended meaning of each indicator.

Rather than aligning with the “relationship with location” domain (Table 7.3, Component 3), factor analysis revealed that survey responses related to the “mobility” indicator correlated more closely with indicators under the “relationship with time” domain (Table 7.3, Component 4). This suggests that being empowered to change location may have been perceived as part of accepting the past. Future research may benefit from a question that more closely associates mobility with social well-being. For example, by focusing on the benefits of moving to a familiar or more opportune location.
Rather than aligning with the “relationship with time” domain (Table 7.3, Component 4), factor analysis revealed that survey responses related to the “positive sense of the future” indicator correlated more closely with indicators under the “basic needs” domain (Table 7.3, Component 1). This suggests that expressions of optimism may be more closely tied to tangible improvements in physical well-being. Future research may benefit from a question that more clearly associates people's sense of the future with their psychological well-being. For example, by asking respondents to predict their future levels of fulfilment.

Figure 7.1 Adjusted framework for the assessment of post-conflict human security. Highlighted criteria indicate where the adjusted framework (derived from factor analysis) deviated from the conceptual framework presented in Chapter 2.
7.2 Evaluation of the Human Security Framework

Despite the two discrepancies highlighted in Figure 7.1, the overall level of similarity between the adjusted and conceptual frameworks suggests that the original configuration provides an effective representation of human security. Given that there was also no significant crossloading between factors it is likely that survey respondents were able to distinguish between physical, social, and psychological aspects of human well-being when describing their current level of security.

Throughout the remainder of the analysis the human security framework presented in Chapter 2 was used to construct an aggregated human security score. However, prior to calculating these scores, the outcomes for each indicator were compared.

7.3 Comparison of Individual Indicators

In the second stage of the human security analysis, indicators were assessed individually using a Mann-Whitney U test. This test ranked the scores for each indicator and then compared these ranks based on each respondent's village classification group (Table 5.1). This revealed where the human security indicator scores varied based on people's exposure to land tenure reform or conflict, and which group (i.e. high or low exposure) had higher ranking scores. An alpha level of .05 was used for this test.

Where differences were statistically significant ($p \leq .05$), people's exposure to land tenure reform or conflict was presumed to have influenced the outcome of a specific indicator. The sample group with the greatest mean rank was assumed to represent the superior condition (i.e. the strength of the indicator was greater given the group's level of exposure). Where differences were not statistically significant ($p > .05$), exposure to land tenure reform or conflict was deemed to have not had a discernible effect on the human security indicator. The results of these tests are presented in Table 7.4.

A comparison of individual human security indicators (Table 7.4) revealed that all of the indicators associated with the “basic needs” domain were influenced by exposure to conflict, but were not influenced by exposure to land tenure reform. This is surprising given that improvements to basic needs are often predicted by the land tenure literature, particularly in regard to people's level of income and food security (see Chapter 3).
Interestingly, people’s ability to mitigate dislocation appears not to have been affected by exposure to land tenure reform or conflict. This suggests that the ability (or inability) to relocate freely is the same for all Cambodians and that experiencing systematic title registration does not alter this aspect of human security.

A comparison of individual human security indicators also revealed that people’s access to functional support was not affected by exposure to land tenure reform and that a positive sense of the future was more prevalent among villagers who have had a low exposure to land tenure reform. These results may again suggest that expectations established during systematic title registration are not being met.

Compared with exposure to land tenure reform, people’s exposure to conflict appears to have had a much greater influence over each human security indicator. Although people’s ability to mitigate dislocation and maintain tenure security appear to have been unaffected by their level of exposure to conflict, all other indicators of human security were stronger where exposure to conflict had been high. This suggests that Cambodians who have experienced more severe levels of conflict are more likely to

<table>
<thead>
<tr>
<th>Human Security Indicator</th>
<th>L₁ versus L₂</th>
<th>C₁ versus C₂</th>
</tr>
</thead>
<tbody>
<tr>
<td>Protection from life threats</td>
<td>U: 27789</td>
<td>Z: -0.71</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Income security</td>
<td>U: 28206</td>
<td>Z: -0.42</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Food security</td>
<td>U: 28453</td>
<td>Z: -0.26</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Shelter</td>
<td>U: 28163</td>
<td>Z: -0.44</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mitigate dislocation</td>
<td>U: 28282</td>
<td>Z: -0.50</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tenure security</td>
<td>U: 25275</td>
<td>Z: -3.08</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>U: 26833</td>
<td>Z: -1.72</td>
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<td></td>
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<tr>
<td>Mobility</td>
<td>U: 21805</td>
<td>Z: -4.86</td>
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<td></td>
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<tr>
<td>Maintain identity</td>
<td>U: 25186</td>
<td>Z: -2.64</td>
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<td>Functional support</td>
<td>U: 27125</td>
<td>Z: -1.23</td>
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<tr>
<td>Acceptance of the past</td>
<td>U: 23800</td>
<td>Z: -3.41</td>
</tr>
<tr>
<td></td>
<td></td>
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<tr>
<td>Positive sense of the future</td>
<td>U: 25829</td>
<td>Z: -2.06</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Note. Statistically significant differences ($p \leq .05$) are in boldface. The “superior condition” represents the level of each condition (high, low) with the greatest mean rank.

Compared with exposure to land tenure reform, people's exposure to conflict appears to have had a much greater influence over each human security indicator. Although people’s ability to mitigate dislocation and maintain tenure security appear to have been unaffected by their level of exposure to conflict, all other indicators of human security were stronger where exposure to conflict had been high. This suggests that Cambodians who have experienced more severe levels of conflict are more likely to
recognise and appreciate subsequent improvements to their well-being. As discussed in Chapter 2, such improvements typically extend from the ability to function more freely and live without fear.

Although the assessment of individual indicators (Table 7.4) helped to reveal differences between the classification groups (Table 5.1), it did not reveal how the interaction of land tenure reform and conflict has affected human security. Thus, in order to gain a broader perspective of variations in human security and to understand better the consequences of each development environment (Table 5.2), comparisons were made between the aggregated human security and domain scores.

7.4 Levels of Human Security

In the third stage of the human security analysis, data were combined by summing values. Indicators were grouped based on the human security framework (Figure 2.1) and then aggregated using Equations 1-5.

\[
\text{Basic needs} = \left( \frac{\text{Protection from life threats} + \text{Income security} + \text{Food security} + \text{Shelter}}{4} \right)
\]

\[
\text{Relationship with location} = \left( \frac{\text{Mitigate dislocation} + \text{Tenure security} + \text{Mobility}}{3} \right)
\]

\[
\text{Relationship with community} = \left( \frac{\text{Maintain identity} + \text{Functional support}}{2} \right)
\]

\[
\text{Relationship with time} = \left( \frac{\text{Acceptance of the past} + \text{Positive sense of the future}}{2} \right)
\]

\[
\text{Human security} = \left( \frac{\text{Basic needs} + \text{Relationship with location} + \text{Relationship with community} + \text{Relationship with time}}{4} \right)
\]

The scores for human security and each domain were then analysed using a two-way analysis of variance (ANOVA) with two levels of exposure to land tenure.
reform (high, low) and conflict (high, low). The results of these tests indicate whether exposure to land tenure reform affects the human security or domain scores on its own (main effect), if exposure to conflict affects the human security or domain scores on its own (main effect), and whether these scores were influenced by the interaction between the two contributors (interaction effect). The following sections present the results of these tests. Each test used an alpha level of .05.

7.4.1 Basic needs

Basic human needs are considered fundamental to the physical protection of individuals. For these needs to be met a person requires protection from life threats, the ability to maintain income security, the ability to maintain food security, and access to adequate shelter. The aggregated scores for this domain are presented in Table 7.5.

<table>
<thead>
<tr>
<th>Land tenure reform</th>
<th>Conflict</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>High ($C_1$)</td>
</tr>
<tr>
<td>High ($L_1$)</td>
<td>26.0</td>
</tr>
<tr>
<td>Low ($L_2$)</td>
<td>15.5</td>
</tr>
</tbody>
</table>

Note. Scores were aggregated using Equation 1. The value of each cell represents the accumulated scores of all villagers within a particular development environment, $n = 120$.

The results of a two-way ANOVA indicated that the main effect of land tenure reform was not statistically significant, $F(1, 476) = 0.63$, $MSE = 0.82$, $p = .791$. This suggests that exposure to land tenure reform does not directly affect people's ability to meet their basic needs. However, the main effect of exposure to conflict was statistically significant, $F(1, 476) = 18.76$, $MSE = 0.82$, $p < .001$. This suggests that variations in exposure to conflict help to explain people's acceptance that their basic needs are being met. Specifically, the results in Table 7.5 indicate that people are more likely to feel satisfied their basic needs are being met where there has been a high exposure to conflict ($M = 0.17$, $SD = 0.90$) compared with the low exposure group ($M = -0.18$, $SD = 0.90$).
7.4 LEVELS OF HUMAN SECURITY

SD = 0.90). The interaction effect between land tenure and conflict was not statistically significant for this domain, $F(1, 476) = 0.63, MSE = 0.82, p = .427$.

Overall, these results suggest that people's acceptance that basic needs are being met is likely to be stronger where exposure to conflict had been high. However, exposure to land tenure reform does not appear to affect people's ability to meet their basic needs, either on its own or in combination with exposure to conflict.

7.4.2 Relationship with location

A person's relationship with their location comprises the physical and psychological connections they maintain with an identifiable place or places. For this domain of human security to be sustained, a person requires the ability to mitigate forced dislocation, maintain tenure security, and maintain mobility. The aggregated scores for this domain are presented in Table 7.6.

<table>
<thead>
<tr>
<th>Land tenure reform</th>
<th>Conflict</th>
</tr>
</thead>
<tbody>
<tr>
<td>High (L₁)</td>
<td>173.3</td>
</tr>
<tr>
<td>Low (L₂)</td>
<td>112.0</td>
</tr>
<tr>
<td>High (C₁)</td>
<td>87.3</td>
</tr>
<tr>
<td>Low (C₂)</td>
<td>78.7</td>
</tr>
</tbody>
</table>

Note. Scores were aggregated using Equation 2. The value of each cell represents the accumulated scores of all villagers within a particular development environment, $n = 120$.

The results of a two-way ANOVA indicated that the main effect of land tenure reform was statistically significant, $F(1, 476) = 24.80, MSE = 0.41, p < .001$. This suggests that variations in people's level of exposure to land tenure reform help to explain the strength of their relationship with their location. Specifically, the results in Table 7.6 indicate that people's relationship with their location is stronger among those who have had a high exposure to land tenure reform ($M = 1.09, SD = 0.75$) compared with the low exposure group ($M = 0.79, SD = 0.63$).

The main effect of exposure to conflict was also statistically significant ($F(1, 476) = 281$.
72.06, \( MSE = 0.41, p < .001 \), and the results in Table 7.6 indicate that in general people's relationship with their location is stronger where there has been a high exposure to conflict (\( M = 1.19, SD = 0.71 \)) compared with the low exposure group (\( M = 0.69, SD = 0.62 \)). Furthermore, the interaction effect between land tenure and conflict was statistically significant, \( F(1, 476) = 14.04, MSE = 0.41, p < .001 \).

Overall, these results suggest that people's relationship with their location is stronger where exposure to land tenure reform or prior conflict has been high, and where both have been high together. Hence, residents of villages that have had a high exposure to land tenure reform and a high exposure to conflict are even more likely to establish a sense of belonging in their current location.

### 7.4.3 Relationship with community

A person's relationship with their community comprises their sense of social cohesion and their level of access to functional support. For this domain of human security to be sustained, a person requires a coherent sense of community and adequate support from neighbours. The aggregated scores for this domain are presented in Table 7.7.

<table>
<thead>
<tr>
<th>Land tenure reform</th>
<th>Conflict</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>High (C₁)</td>
<td>Low (C₂)</td>
<td></td>
</tr>
<tr>
<td>High (L₁)</td>
<td>147.0</td>
<td>120.0</td>
<td></td>
</tr>
<tr>
<td>Low (L₂)</td>
<td>130.5</td>
<td>89.0</td>
<td></td>
</tr>
</tbody>
</table>

Note. Scores were aggregated using Equation 3. The value of each cell represents the accumulated scores of all villagers within a particular development environment, \( n = 120 \).

The results of a two-way ANOVA indicated that the main effect of land tenure reform was statistically significant, \( F(1, 476) = 0.71, MSE = 0.62, p = .006 \). This suggests that variations in people's exposure to land tenure reform help to explain the strength of their relationship with their community. Specifically, the results in Table 7.7 indicate overall that people's relationship with their community is stronger
where there has been a high exposure to land tenure reform ($M = 1.11, SD = 0.72$) compared with the low exposure group ($M = 0.91, SD = 0.87$).

The main effect of exposure to conflict was also statistically significant ($F(1, 476) = 15.79, MSE = 0.62, p < .001$), and the results in Table 7.7 indicate that people's relationship with their community is stronger where there has been a high exposure to conflict ($M = 1.16, SD = 0.75$) compared with the low exposure group ($M = 0.87, SD = 0.83$). However, the interaction effect between land tenure and conflict was not statistically significant, $F(1, 476) = 0.71, MSE = 0.62, p = .401$.

Overall, these results suggest that people's relationship with their community is stronger where exposure to land tenure reform or conflict has been high. However, the interaction of these factors does not increase the levels of social cohesion or functional support people receive from the community.

### 7.4.4 Relationship with time

People's relationship with time comprises their acceptance of the past and positive sense of the future. Hence, for this domain of security to be sustained, a person must overcome past problems and adopt a sense of optimism. The aggregated scores for this domain are presented in Table 7.8.

<table>
<thead>
<tr>
<th>Land tenure reform</th>
<th>Conflict</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>High ($C_1$)</td>
<td>Low ($C_2$)</td>
</tr>
<tr>
<td>High ($L_1$)</td>
<td>64.5</td>
<td>10.5</td>
</tr>
<tr>
<td>Low ($L_2$)</td>
<td>30.0</td>
<td>16.0</td>
</tr>
</tbody>
</table>

Table 7.8

*Aggregated Scores for Relationship with Time*

Note: Scores were aggregated using Equation 4. The value of each cell represents the accumulated scores of all villagers within a particular development environment, $n = 120$.

The results of a two-way ANOVA indicated that the main effect of land tenure reform was not statistically significant, $F(1, 476) = 2.38, MSE = 0.74, p = .123$. However, the main effect of exposure to conflict was statistically significant, $F(1, 476)$
= 13.11, \( MSE = 0.74, p < .001 \). This suggests that variations in people's exposure to conflict, but not to land tenure reform, help to explain their relationship with time. Specifically, the results in Table 7.8 indicate that people's relationship with time is stronger where there has been a high exposure to conflict (\( M = 0.39, SD = 0.86 \)) compared with the low exposure group (\( M = 0.11, SD = 0.87 \)). Furthermore, the interaction effect between land tenure and conflict was statistically significant, \( F(1, 476) = 4.54, MSE = 0.74, p = .034 \).

Overall, these results suggest that people's relationship with time is stronger where exposure to conflict has been high, but is unaffected by exposure to land tenure reform. However, the interaction of these two factors does result in an improvement to this domain. Hence, residents of villages that have had a high exposure to land tenure reform and a high exposure to conflict are even more likely to have accepted the past and developed a positive sense of the future.

### 7.4.5 Human security

People's human security represents their combined ability to meet basic needs and to maintain a relationship with their location, their community, and time. The aggregated scores for this domain are presented in Table 7.9.

<table>
<thead>
<tr>
<th>Land tenure reform</th>
<th>Conflict</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>High ((C_1))</td>
</tr>
<tr>
<td>High ((L_1))</td>
<td>411</td>
</tr>
<tr>
<td>Low ((L_2))</td>
<td>288</td>
</tr>
</tbody>
</table>

*Note.* Scores were aggregated using Equation 5. The value of each cell represents the accumulated scores of all villagers within a particular development environment, \( n = 120 \).

The results of a two-way ANOVA indicated that the main effect of land tenure reform was statistically significant, \( F(1, 476) = 12.23, MSE = 3.92, p = .001 \). This suggests that variations in people's exposure to land tenure reform help to explain their overall level of human security. Specifically, the results in Table 7.9 indicate that human
security is likely to be stronger where there has been a high exposure to land tenure reform ($M = 2.52$, $SD = 2.12$) compared with the low exposure group ($M = 1.88$, $SD = 2.10$).

The main effect of exposure to conflict was also statistically significant, $F(1, 476) = 61.94$, $MSE = 3.92$, $p < .001$. This suggests that variations in people's exposure to conflict help to explain their overall level of human security. Specifically, the results in Table 7.9 indicate that human security is likely to be stronger where there has been a high exposure to conflict ($M = 2.91$, $SD = 1.97$) compared with the low exposure group ($M = 1.49$, $SD = 2.05$). Furthermore, the interaction effect between land tenure and conflict was statistically significant, $F(1, 476) = 4.68$, $MSE = 3.92$, $p = .031$.

Overall, these results suggest that human security is stronger where exposure to land tenure reform or conflict has been high, and where both have been high together. Hence, residents of villages that have had a high exposure to land tenure reform and a high exposure to conflict are even more likely to have achieved a sufficient level of human security.

### 7.5 Main Findings of the Human Security Analysis

This section presents the main findings of the human security analysis, including a summary of the effects from exposure to land tenure reform and conflict. This discussion integrates the findings of the contextual analysis (Chapter 6) in order to construct a deeper understanding of the conditions that help to strengthen human security during post-conflict development.

#### 7.5.1 The role of conflict in shaping human security

Nearly all aspects of human security appear to be significantly affected by variations in the level of exposure to past conflict. Specifically, people are more likely to recognise improvements to their security where exposure to past conflict has been high. The contextual analysis revealed that a high exposure to conflict results in more extensive psychological damage and is typically followed by worse levels of poverty. Hence, it is fair to assume that under these conditions people are more likely to be aware of even the most subtle improvements to their well-being. Conversely, the tendency for villagers who have had a low exposure to conflict to report lower levels of
human security suggests that their expectations for development may be higher and are not being met.

Overall, this may indicate that current development policies have failed to contribute directly to improvements to people's well-being. Instead, people are benefiting mainly from the subsidence of threats associated with past conflict. If this is the case, then future generations are likely to become even more dissatisfied with their level of security, as they will not have the same basis for comparison as those with a living memory of the conflict.

7.5.2 The role of land tenure reform in shaping human security

Overall, people's human security benefits from a high exposure to land tenure reform. These benefits are most evident where there has also been a high exposure to conflict. Hence, land tenure reforms do contribute generally to post-conflict development.

However, a breakdown of human security into the four domains suggested that the effects of land tenure reform vary between development environments. In particular, only two of the four domains of human security are affected by land tenure reform, namely people's relationships with their location and community.

Not surprisingly, people's relationship with their location benefits the most from land tenure reform following a high exposure to conflict. In Cambodia, this can be attributed to the fact that forced dislocation and the dispossession of all private property were defining characteristics of the conflict (see Chapter 4). Hence, land tenure reforms may help to alleviate the damage from these events by empowering people to relocate to a more opportune location without fear of their rights being summarily revoked.

People's relationship with their community also benefits from a high exposure to land tenure reform. However, the impact of land tenure reform on these relationships is not affected by exposure to conflict. Thus, communities are likely to become more cohesive following the introduction of reforms regardless of other factors related to the conflict. As such, land tenure reforms may benefit communities generally, but are not necessarily justified as a direct response to post-conflict community development.

People's ability to meet their basic needs and to maintain a relationship with time
are not significantly affected by land tenure reform. These findings directly contradict widespread assumptions about the role of land tenure reform during development (see Chapter 3). In particular, strengthening a private property regime does not appear to meet people's expectations in terms of material improvements, such as improved housing and higher household incomes. Although the contextual analysis did reveal that rural Cambodians are more likely to get enough food to eat following the implementation of reforms, this improvement did not compensate for an overall lack of enthusiasm among rural villagers regarding the rate of development, or help to alleviate fear that future generations will be unable to escape poverty.

The analysis of individual indicators of people's relationship with time revealed that land tenure reform can actually have a contradictory effect on the strength of this domain. For instance, while exposure to land tenure reform increases people's acceptance of the past it does not improve their sense of the future. The results of factor analysis suggest that this may be due to the fact that people generally associate a positive sense of the future with economic improvements. Such associations may include the opportunity for a better house or a more affluent lifestyle. Hence, when these expectations are not met, people may become less optimistic about the future generally. In the case of Cambodia, people's acceptance of the past is outweighed by their pessimism about the future, resulting in a weak relationship with time overall.

7.5.3 Opportunities for improvement

The findings of this research suggest that human security can benefit from land tenure reforms, particularly where there has been a high exposure to conflict. However, the specific benefits of tenure reform appear to be limited, and resources may be better spent elsewhere.

The aspect of post-conflict human security that benefited most from land tenure reform was people's relationship with their location. This human security domain represents people's ability to mitigate forced dislocation, maintain tenure security, and maintain mobility. These benefits are clearly important to sustainable human development and cannot be ignored. However, the democratic deficiencies and endemic corruption, which continue to plague Cambodia, represent substantial threats to the long-term viability of recent land tenure reforms. These threats have exposed three
distinct deficiencies in the reform process as it has been applied in Cambodia.

First, the problems posed by the pre-existing hierarchical power structure were not adequately addressed during the design of the Land Management and Administration Project (LMAP). Both the Project Appraisal Document (PAD) and the 2001 Land Law failed to account for social and political norms that have since prevented rural Cambodians from accessing higher levels of government administration. One consequence of this has been that land transactions at the local level are not being submitted to the provincial cadastral office. Hence, the mirror principle of title registration, which states that the cadastre always reflects accurately the current facts about a title, is not being maintained. Unless more direct links are facilitated between individual landowners and the provincial cadastral office, then the cadastre will become increasingly irrelevant to land administration. The most obvious remedy to these problems would be to ensure actively (not merely suggest) that international non-governmental organisations (NGOs) be given a prominent role in facilitating land administration in rural areas.

Another consequence of the hierarchical power structure has been the ability of village chiefs to dominate the land tenure regime. There is no evidence that village chiefs are held accountable for their actions in regard to land administration and land management, yet they exert a great deal of influence over such processes. This is not only a threat to transparency and equity within the land tenure regime, but may also contribute to an overall lack of democracy in Cambodia.

Second, financial institutions must be more closely regulated in order both to help maintain the cadastre and to protect households from borrowing for non-investment purposes. For instance, when a landowner attempts to use their land as collateral on a loan, the loan should not be approved unless the correct name is listed in the title record. Furthermore, the veracity of the title record should be confirmed by the financial institution via the cadastral office. The current practice of involving village and commune chiefs in the lending process undermines the importance of the cadastre and further empowers local-level officials.

Financial institutions have also demonstrated a lack of concern for the overall development of Cambodia. In particular, the development of rural Cambodia would
benefit if financial institutions demonstrated greater concern for human well-being. For instance, the institutions should be more than simply a conduit for gaining access to loans and become an active partner in the development of rural economies. This might involve greater education and training for farmers, tasks that can be integrated with the lending process. Furthermore, financial institutions should be discouraged from soliciting their services directly. Instead, information about loans should only be presented as part of an education process that helps rural villagers understand the benefits and risks associated with borrowing relatively large sums of money, and provides alternative forms of support for those who need money for food or medical bills. Where households risk their land to pay these expenses, they only compound the problem.

Third, expectations of what land tenure reform will do for human development should be more realistic, especially when communicating with landowners about the benefits of title registration. Development agencies must be more candid with recipient states about the significant challenges to implementation, and the need for a transparent and accountable system of governance to support the administration and protection of land rights.

It is important to recognise that many of the problems identified in this research have already been identified by previous examinations of Cambodia's development (see Chapter 4). However, given the democratic deficiencies at all levels of government it is unlikely that significant improvements will be pursued, particularly where changes risk eroding the political and economic dominance of the Cambodia People's Party (CPP).

7.6 Chapter Summary

This chapter presented the results of the human security analysis. This analysis was organised around the conceptual framework presented in Chapter 2 and was carried out in three stages. First, the human security framework was assessed using factor analysis in order to validate the model statistically. Second, individual indicators of human security were compared in order to reveal where indicator scores varied based on people's exposure to land tenure reform or conflict, and which group had higher ranking scores.
Finally, in order to gain a broader perspective of variations in human security and to understand better the consequences of each development environment, comparisons were made between the aggregated human security and domain scores. The results of the human security analysis were then integrated with key findings from the contextual analysis (Chapter 6) in order to provide a more comprehensive explanation of the relationships between land tenure and human security in rural Cambodia.

The next chapter provides a synopsis of the main findings and research contributions made by the thesis. This is followed by a summary of the contributions made to the research fields of human development and land tenure studies. Finally, recommendations are made for future research.
Chapter 8
Conclusion

The over-arching goal of this thesis, as stated in Chapter 1, was to understand better the conceptual and practical separation that exists between land tenure reform in post-conflict societies and the processes required to achieve sustainable human development. This goal was achieved in three stages.

First, Chapter 2 introduced a conceptual framework for the assessment of human security as a means of identifying variations in the physical, social, and psychological well-being of populations emerging from conflict. Second, following a discussion of land tenure and conflict in rural Cambodia in Chapters 3 and 4, Chapter 5 introduced a research methodology that was used to identify contrasting development environments within the country. Third, Chapters 6 and 7 presented and discussed results relative to each of these environments and identified where human security has been affected by land tenure reform.

This chapter provides a synopsis of the main findings and research contributions made by this thesis. The following section reviews the thesis objectives identified in Chapter 1, and assesses the extent to which these were successfully achieved. This is followed by a summary of the contributions made to the research fields of development and land tenure studies. Finally, recommendations are made for future research.

8.1 Review of Thesis Objectives and Outcomes

Integrating research on post-conflict human development with an evaluation of land tenure reform presented a significant challenge. Whereas the former has typically attracted studies that attempt to conceptualise a wide range of changes to human well-being, the latter has typically comprised a collection of technical processes contributing to a more narrowly defined set of outcomes. Hence, bridging the gap
between the two areas of development required viewing land tenure reform from a different perspective. This examination had to be both exploratory, in order to establish new links between the disciplines of development and land tenure studies, yet structured, in order to allow experts from both disciplines to understand and respond to conclusions of the research.

Bearing this in mind, the thesis comprised a sequence of objectives that were intended to integrate the concepts of development studies with the processes of land tenure reform in order to identify a more comprehensive set of development outcomes. The following sections review how the objectives were addressed, how well they have been achieved, and their contribution to the over-arching goal of the thesis.

8.1.1 Establish a comprehensive conceptual framework

The first objective of the thesis was to establish a comprehensive conceptual framework that would allow potential incongruencies to be identified between the normative approach to land tenure reform and sustainable human development. This objective was addressed in Chapter 2 with the creation of an adapted conceptual framework to aid in the assessment of post-conflict human security.

The framework identified human security as comprising four domains (Figure 2.1). These included (i) basic human needs, (ii) a relationship with location, (iii) a relationship with community, and (iv) a relationship with time. These domains represent the ability of populations to maintain a diverse range of capabilities and respond to a variety of post-conflict threats.

Chapter 7 presented the results of a factor analysis that assessed the human security framework presented in Chapter 2. This evaluation found that the original configuration of human security summarised in Figure 2.1 provided an effective representation of human security. In particular, the results showed that the human security indicators can be explained by four factors that closely resemble the four human security domains mentioned above. The fact that there was no crossloading between the human security indicators (i.e. they related strongly to only one of the four domains) suggested that individuals were able to distinguish between physical, social, and psychological aspects of their well-being when describing their security.
8.1 REVIEW OF THESIS OBJECTIVES AND OUTCOMES

Despite the overall suitability of the conceptual model, the results of factor analysis also indicated that two of the eleven human security indicators, namely “mobility” and “positive sense of the future,” were linked with different domains than had been proposed in Chapter 2. It was recommended that future research address these discrepancies by expanding the questionnaire to include a greater number of response items for each indicator, and by altering the wording of the questions corresponding with “mobility” and “positive sense of the future.”

Although the human security framework was designed specifically to evaluate the human outcomes of land tenure policies and practices in the context of rural Cambodia, it is sufficiently general to be transferable to other contexts. In contrast to the modernisation and neoliberal paradigms that dominated development discourse throughout the second half of the 20th century, this framework has been able to identify an appropriate course of development without giving preference to any particular aspect of well-being. This has helped to look beyond the confines of the existing land tenure literature which remains heavily influenced by neoliberal priorities for development (see Chapter 3).

8.1.2 Design and implement a suitable research methodology

The second objective of the thesis was to design and implement a research methodology that could identify the characteristics of rural land tenure that demonstrably affect human security in a post-conflict environment. This objective was addressed in Chapter 5 and comprised five stages.

First, the process of selecting villages for the field study was conducted using a variety of geographic information system (GIS) procedures. This required a preliminary analysis of secondary data in order to highlight differences between development environments. These environments were characterised by people's exposure to land tenure and conflict within each rural Cambodian village.

Following the selection of eight representative villages, a team comprising the researcher and four research assistants travelled to each of the villages to collect a range of primary data, including 480 questionnaires, 52 key informant interviews, eight village chief interviews, and additional field notes.
The analysis of primary data was carried out in two phases. The first phase was a contextual analysis that used an exploratory approach to analyse the social, political, economic, and physical contexts of rural Cambodia. This approach helped to identify similarities and key differences between the development environments. It also helped to identify specific circumstances that have impacted human functioning and resulted in distinctively different levels of human well-being. Together, this information contributed to a more detailed discussion of land tenure and post-conflict human security in Chapter 7.

The contextual analysis in Chapter 6 also helped to validate the site selection process by contrasting the village classification groups (Table 5.1). Differences between these groups were central to the entire research methodology, so were closely examined. This examination revealed that the selection process resulted in an accurate assessment of where exposure to land tenure reform and conflict has varied across rural Cambodia. In the case of land tenure reform, key differences could be discerned using both the qualitative and quantitative data, including variations in people's awareness of the laws, their land rights, and administrative procedures.

Exposure to conflict could only be discerned qualitatively. It was found that inconsistencies in the quantitative data were a reflection of the challenges of concisely measuring personal and emotive experiences using a structured questionnaire. However, key informant interviews and observational data were able to demonstrate effectively how residents of high exposure villages were significantly more affected by each period of conflict in Cambodia.

In Chapter 7 the second phase of the analysis determined how varying levels of exposure to land tenure reform and conflict have affected the expressed human security of rural villagers. The analysis incorporated data on 11 criteria from the questionnaire that corresponded with indicators included in the human security framework (Figure 2.1, Table 7.1). These data were grouped under one of the four human security domains in the conceptual framework and were combined by summing the responses of villagers. The resulting scores were compared quantitatively in order to provide a deeper understanding of how the circumstances of each development environment corresponded with variations in human security.
These research methods exceeded expectations in terms of the amount and quality of data that were collected. This was particularly significant given the uncertainty surrounding field work in a development and post-conflict environment. Under such circumstances, there is always a risk that officials will obstruct the research or the subjects of the study will be unresponsive to outsiders. However, this did not prove to be the case for this research. The combination of quantitative and qualitative data collected from the rural villages allowed for a mixture of analysis techniques. The results of these analyses are summarised in the following section.

8.1.3 Evaluate the relationships between land tenure and human security

The third objective of the thesis was to evaluate the relationships that exist between different land tenure regimes and human security. This objective was achieved by applying a series of statistical methods to the set of research questions that addressed human security. The results of this analysis were presented in Chapter 7.

The human security analysis identified how variations in the development environments have shaped human security. The most notable finding was that basic needs (i.e. housing, income, food security, and protection from life threats) do not benefit from land tenure reform. This contradicts the neoliberal approach to land tenure reform that proposes technical innovations, such as the implementation of a title registry, will help to create an enabling environment for economic growth and poverty alleviation (see Chapter 3). Instead of creating an enabling environment, the results of the human security analysis provide evidence that some components of land tenure reform underway in Cambodia are conflicting with the unique and contextually defined needs of Cambodian society.

People's sense of the future also appears to have been negatively affected by a high exposure to land tenure reform. This lack of optimism offsets any benefit from acceptance of past injustices and resulted in a weak relationship with time overall. Hence, when people who have had a high exposure to land tenure reform evaluate the full scope of their lives, they are more likely to be disappointed than anticipatory.

One aspect of human security that does benefit from land tenure reform is people's relationship with their location, particularly their sense of tenure security and mobility.
These aspects of human security appear to strengthen following a high exposure to land tenure reforms, especially where there has been a high exposure to conflict.

People's relationship with their community also appears to be stronger where exposure to land tenure reform has been high, particularly their sense of identity. However, the ability of tenure reform to strengthen people's relationship with their community is not affected by exposure to past conflict. Hence, land tenure reforms may benefit communities generally, but are not necessarily justified as a direct response to post-conflict community development.

8.1.4 Clarify the utility of land tenure regimes

The fourth objective of the thesis was to clarify the utility of land tenure regimes relative to the development needs of a post-conflict society. This objective was achieved by combining the results of the contextual analysis (Chapter 6) with the human security analysis (Chapter 7). This discussion was presented at the end of Chapter 7.

The contextual analysis revealed a wide range of information about how exposure to land tenure reform and conflict have shaped human security in rural Cambodia, and resulted in variations in human well-being. Combining the results of the contextual and human security analyses helped to explain the specific consequences of introducing land tenure reforms in a post-conflict environment. In particular, insight was gained into how and why land tenure reform diminishes, strengthens, or does not discernibly affect human security. This raised several concerns about how land tenure reforms are being applied at the village-level in rural Cambodia.

Villagers remain unwilling to interact with officials other than village or commune chiefs. This seems to have undermined many of the benefits of the new tenure regime, including some aspects of tenure security. This can be attributed to the hierarchical power structure that continues to prevent villagers from accessing more senior officials above the commune chief, as well as a general fear that these officials may wish to extort money for their services. One consequence of this has been that rural villagers are not communicating land transactions to the officials responsible for updating the cadastre. Hence, any improvements to human security resulting specifically from title registration are unlikely to be sustained as the cadastre continues to become outdated.
Another concern is that tenure reforms have resulted in excessive amounts of debt among rural villagers. Although most villagers claim that land tenure reform is beneficial to their tenure security overall, the threat of defaulting on a loan continues to be an important source of insecurity. Furthermore, villagers who had a low exposure to land tenure reform reported having sufficient access to credit, and were not concerned about losing their land in the event they were unable to repay their loans.

In general, the level of exposure to conflict appears to have had a greater impact than land tenure reform on how people responded to questions about their current level of human security and about development generally. Villagers who have experienced a high exposure to conflict continue to live under the worst conditions, but are significantly more satisfied with the security they have gained in recent years. In contrast to the effects from exposure to conflict, people's outlook for the future did not improve significantly following a high exposure to land tenure reform.

Villagers who have experienced a high exposure to land tenure reform did demonstrate an improved relationship with their location and community. Overall, these improvements were substantial enough to result in a greater level of human security compared with villagers who have had only a low exposure to tenure reform. However, the results of the human security analysis clearly show that land tenure reform does not have a direct effect on most factors contributing to human security. This may be attributed to the belief among villagers that the economic benefits of title registration are not meeting expectations. Hence, as the effects of exposure to conflict continue to diminish over time, people may become increasingly dissatisfied with the outcomes of land tenure reform.

8.2 Research Contributions

Through satisfying the objectives as outlined above, this thesis has made several conceptual, methodological, and substantive contributions to the fields of development and land tenure studies. The most significant conceptual contribution stems from the human security framework that was presented and discussed at the end of Chapter 2. This framework bridges the gap between the normative approach to land tenure reform and sustainable human development by identifying a variety of physical, social, and
psychological factors that enhance human functioning and contribute to people's well-being.

Although much of the land tenure literature assumes that reforms will result in economic growth and stability, there has been little attempt to conduct a broad assessment of the direct impact that reforms have on human well-being. Instead, the implementation and evaluation of land tenure reforms have typically remained focused on achieving primarily economic gains. While tenure reforms also purport to address the goals of social and environmental sustainability, these are often a secondary focus or are left to other development agendas that emphasise social objectives. This research has demonstrated that, when land tenure is examined across a broader spectrum of evaluation criteria, the actual impact of reforms is more complex than much of the existing literature has suggested.

To help unravel this complexity, this thesis proposed a more integrative approach to assess the human outcomes of post-conflict land tenure reform. First, the research utilised a variety of GIS techniques that helped to establish significant differences in the development environments that were examined. This helped to establish the basis for a comparative study of human security based on key differences in the exposure of people to land tenure reform and conflict. As a result, conclusions about the level of human security and observations of specific threats to human well-being could be linked with variations in the development environment.

Second, this thesis addressed the challenges of post-conflict research by collecting a variety of primary data from a recently war-torn study area. This helped to provide credible answers to urgent and complex social problems in the face of uncertain facts. The underlying benefit of this was that the research was able to maintain a bottom-up perspective and avoided relying entirely on process indicators, such as the number of titles issued or parcels surveyed. Whereas many studies have also relied on the testimony of experts or government staff with vested interests in the success of development interventions, this thesis relied almost entirely on dialogue with and data from the true stakeholders of development. These people face the challenges of poverty, are restricted by social and political dysfunction, and have to contend with the psychological effects of a prolonged period of conflict.
Third, the thesis incorporated both quantitative and qualitative data. This approach was sufficiently similar to evaluative processes already being employed by key international development agencies, such as the United Nations Development Programme (UNDP) and the World Bank. As mentioned at the start of the thesis, it is clearly of benefit to the advancement of sustainable human development to contribute knowledge which is both practical and theoretically compatible with predominant systems of evaluation.

The most important contribution of this thesis has been to establish a broader spectrum of human outcomes following post-conflict land tenure reform than existed previously. In particular, the thesis has demonstrated that rural landowners in Cambodia are not in general experiencing improvements in their physical or psychological security following land tenure reform, including insufficient levels of improvement to housing and income, and a clear lack of optimism for the future. These findings suggest that the benefits of land tenure reform are even narrower than has typically been proposed and resources may be of better use in other areas of development during the early stages of post-conflict recovery. In particular, doing more to encourage participatory democracy and greater transparency at all levels of government during the early stages of post-conflict development may help to make the benefits of land tenure reform more accessible to rural populations.

For post-conflict societies where land tenure reforms are already underway, the thesis has provided insight into how reforms, such as the titling of land in rural villages, should be organised. As discussed in the previous section, the tenure reforms currently underway in Cambodia have helped to strengthen people's relationship with their location following a high exposure to conflict, particularly their sense of tenure security and mobility. Hence, areas of high exposure to conflict where residents have experienced a high level of tenure insecurity and a lack of mobility should be given priority during the deployment of land tenure reforms.

Another contribution of this thesis has been to demonstrate a replicable set of methods for identifying and describing the impact of post-conflict interventions on sustainable human development. These methods have worked well when applied to the processes of land tenure reform and can be easily adapted to examine other
development processes, such as education or public health interventions.

### 8.3 Future Research Directions

As outlined above, the thesis has made a number of contributions to the fields of development and land tenure studies. However, the results and outcomes of the thesis highlight a number of key areas that require further research. For instance, the development environments examined in the research are, to a certain extent, unique to Cambodia. In particular, the actions of the Khmer Rouge regime, and the Cold War mentality that shaped the international response following their defeat, are factors that make Cambodia unique among developing countries. Hence, it would be beneficial to apply the same research methodology to other post-conflict countries, such as Rwanda or Sierra Leone, in order to determine whether the strengths and weakness of the current approach to land tenure reform are consistent, or if specific aspects of conflict play a different role in how people respond to subsequent development interventions.

Future research projects would also benefit from some changes to the methodology. For instance, a greater number of questionnaire response items regarding human security would help to strengthen the statistical analysis presented in Chapter 7. The thesis used one question per indicator, but 2-3 questions per indicator would have been more appropriate for factor analysis and would have allowed respondents to identify more subtle variations in their security.

Given the difficulties in extracting accurate information about the conflict via a structured questionnaire, future surveys should focus more closely on outcomes of development related to human security. The characterisation of conflict should instead be based on semi-structured interviews or other more participatory data collection techniques, such as participatory mapping, stakeholder analysis, or knowledge, attitude, and practice surveys (see Chambers, 1994, 2005). Altering the approach to data collection in this way could potentially improve the quality of the data without significantly increasing time spent in the field.

Second, although the research design performed well given the conditions and constraints of the project, future projects may benefit from attempting a preliminary field study aimed at more accurately gauging the relevance of secondary data used to
identify exposure to conflict during the site selection process. Again, participatory approaches to data collection and analysis may have helped to achieve this. Given more time and resources, greater involvement by the true stakeholders of development would no doubt strengthen the research process.

In general, the thesis has established both a conceptual framework and a revised set of research methods for better understanding the relationships between land tenure and human security during post-conflict development. While the focus of the thesis was on bridging the gap between sustainable human development and the normative approach to land tenure reform, the integration of spatial, quantitative, and qualitative techniques has also resulted in a new perspective on the benefits of tenure reform. It is hoped that insights into the strengths and weaknesses of these reforms will encourage further research into how interventions can better support those most affected by conflict in a manner that is both sustainable and expedient.
References


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Pearson, K. (1900). On the criterion that a given system of deviations from the probable in the case of a correlated system of variables is such that it can be reasonably supposed to have arisen from random sampling. Philosophical Magazine Series, 5(50), 157–175.


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## Appendix A

### Summary of Data Used during the Site Selection Process

<table>
<thead>
<tr>
<th>Dataset</th>
<th>Date</th>
<th>Description</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Border camps</td>
<td>n.d.</td>
<td>Locations were estimated based on hand drawn maps and published records.</td>
<td>Stover (1991), Rowat (2006)</td>
</tr>
<tr>
<td>Cadastral data</td>
<td>2009</td>
<td>The data set comprised a summary of dates and number of titles issued in each Cambodian village.</td>
<td>Land Management and Administration Project, Ministry of Land Management, Urban Planning, and Construction</td>
</tr>
<tr>
<td>Cluster bombing</td>
<td>2006</td>
<td>Derived from the Air Force Bombing Database for South East Asia. See Lovering (2001) for the complete background.</td>
<td>Swiss Foundation for Mine Action</td>
</tr>
<tr>
<td>General purpose bombing</td>
<td>2006</td>
<td>Derived from the Air Force Bombing Database for South East Asia. See Lovering (2001) for the complete background.</td>
<td>Swiss Foundation for Mine Action</td>
</tr>
<tr>
<td>Household not renting or owning</td>
<td>2009</td>
<td>2008 General Population Census of Cambodia</td>
<td>National Institute of Statistics, Ministry of Planning</td>
</tr>
<tr>
<td>Khmer Rouge prisons</td>
<td>2001</td>
<td>Site descriptions and spatial coordinates based on historical records and witness testimony.</td>
<td>The Document Centre of Cambodia</td>
</tr>
<tr>
<td>Mass graves</td>
<td>2001</td>
<td>Site descriptions and spatial coordinates based on historical records and witness testimony.</td>
<td>The Document Centre of Cambodia</td>
</tr>
<tr>
<td>Migration due to losing land or house</td>
<td>2009</td>
<td>2008 General Population Census of Cambodia</td>
<td>National Institute of Statistics, Ministry of Planning</td>
</tr>
</tbody>
</table>
Appendix A (continued)

Summary of Data used during the Site Selection Process

<table>
<thead>
<tr>
<th>Dataset</th>
<th>Date</th>
<th>Description</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Migration routes</td>
<td>n.d.</td>
<td>Routes were derived from a hand-drawn poster generated from historic documents and witness testimony.</td>
<td>Choeung Ek Centre of Genocide Crimes</td>
</tr>
<tr>
<td>Rivers and lakes</td>
<td>2009</td>
<td>Major water features as lines and polygons</td>
<td>Geographic Department, Ministry of Land Management, Urban Planning, and Construction</td>
</tr>
<tr>
<td>Roads</td>
<td>2009</td>
<td>Major roads as lines</td>
<td>Ministry of Public Work and Transport</td>
</tr>
<tr>
<td>Village gazetteer</td>
<td>2006</td>
<td>Village point data included with the 2008 General Population Census of Cambodia</td>
<td>National Institute of Statistics, Ministry of Planning</td>
</tr>
</tbody>
</table>