

Land Sharing in Phnom Penh: An Innovative but Insufficient Instrument of Secure Tenure for the Poor

Paul E. RABÉ

Keywords: Land sharing; squatters; access to land; redevelopment; Cambodia; Thailand.

SUMMARY

Policy makers and housing rights professionals worldwide are interested in “land sharing” as an instrument of slum improvement and secure tenure provision in urban areas. The technique involves partitioning a piece of land so that it can accommodate land occupants on one portion of the site, and landowners or commercial development on the other portion, thereby solving a land dispute through compromise instead of through force. The net result of land sharing is that residents of informal settlements obtain the legal right to stay in the city, in new housing and on land they have occupied (often for a long time) instead of being evicted. At the same time, private development can also proceed.

Several land sharing schemes are currently underway in the capital city of Cambodia, Phnom Penh, as pilot projects of a large-scale slum upgrading program. The results so far are mixed: a land sharing agreement has been signed in the largest of the four settlements, where residents will be re-housed on site to ten, 6-storey apartment blocks, to be built by a private developer in return for the developer’s right to develop on a portion of the rest of the site. But in the other three settlements, the land sharing process is deadlocked, and even being abandoned. In the absence of active and sustained mediation by an outside organization, land sharing deals are difficult to arrange. Instead, residents of the other three settlements are negotiating directly with developers to obtain the best housing “packages” being offered to them, in return for their land. The best options do not necessarily include land sharing—and they do not necessarily even include staying in the city.

1. SLUM UPGRADING: A POLITICAL BREAKTHROUGH

In May 2003 Prime Minister Hun Sen of Cambodia announced the government's support for a program to upgrade 100 informal settlements per year in the capital city of Phnom Penh for the coming five years. The Prime Minister promised to provide secure land tenure to all eligible settlements: in five years' time almost all of the city's poor settlements would be improved and have land titles. Settlements declared ineligible were those where residents had occupied land in the state public domain (*State public land*, according to Cambodian law), or those that were in the way of planned civic projects. In those cases, the Prime Minister pledged the government's help to secure relocation sites in relative proximity to the city, and to job opportunities.

The announcement of the upgrading campaign represented a major political breakthrough. For the first time there was a commitment to improving on a large scale the informal settlements in Phnom Penh, after more than a decade during which the urban poor were evicted and relocated to the outskirts of the city. The new policy would affect a sizeable population—over 62,000 households in 569 settlements across the city¹. The political significance of the upgrading campaign was expressed by the words of a Vice-Governor of the Municipality of Phnom Penh: “*The City does not only belong to the rich. It belongs to all of us, so we should all be involved in improving it*”².

The announcement was the result of several years of “groundwork” by people's organizations and non-governmental agencies, and to a certain extent also by international donors, who had started a dialogue with the Municipality of Phnom Penh. These groups exposed local authorities in Cambodia to alternative approaches to land tenure and community development, particularly in other countries in the region. Among the representatives of these groups there was now hope that the announcement of the upgrading program would signal the start of a sustained new politics of slum upgrading, and an end to upgrading in “isolated pockets”³.

2. THE LAND SHARING APPROACH

Four settlements were identified as pilot projects of the upgrading campaign. All four settlements are located in the heart of Phnom Penh, in prime commercial areas.

The biggest of the four settlements is *Borei Keila* (located in the grounds of a former sports complex, north of the Olympic stadium; approximately 2000 families); *Dey Krahom* (near the Bassac riverfront; over 1450 families) and two settlements near the

Paul E. Rabé

“Land Sharing in Phnom Penh: an Innovative but Insufficient Instrument of Secure Tenure for the Poor”

main railway depot: *Santhiheap* (“Railway A”) and *Roteh Ploeung* (“Railway B”) (together over 450 families).

Diagram 1 shows the location of the four pilot projects in the Phnom Penh city center (see Appendix).

The Council of Ministers of Cambodia authorized the Municipality of Phnom Penh to prepare four “social land concessions” for the communities living on these sites⁴, as a pre-cursor to upgrading settlements city-wide. The upgrading technique to be deployed was land sharing—a compromise technique to resolve land disputes between land occupants and private or public landowners or developers, who want the land (back) for redevelopment. Many forms of “sharing” are possible, but at its core the compromise involves dividing up a plot of land in such a manner that one portion of the site is vacated for development, while the land occupants retain the other portion for housing. As part of a land sharing deal, land occupants often need to relocate on-site into new housing units. In the process, they receive secure tenure, usually in the form of land or lease titles. In the land sharing approach adopted in Phnom Penh, the new housing for the land occupants is to be constructed by developers, in return for a right to develop on a portion of the total site.

The land sharing technique has been deployed selectively in Bangkok as well as in some other Asian cities since the 1970s. At least eight successful instances of land sharing were recorded in inner city settlements of Bangkok during the 1970s and 1980s⁵. During the same time, several land sharing schemes were also undertaken in informal settlements in Hyderabad, India. In Bangkok, all but one of these cases has been on public land. In all these cases, the land sharing agreements were drawn up only after a period of alternating conflict and negotiations. In addition to these eight cases, the land sharing technique has recently re-emerged as part of the Thai government’s *Baan Mankong* national slum upgrading program, approved by the Cabinet in January 2003.

The attraction of land sharing for public authorities is that it may be the “only way in which the urban poor can gain formal access to land and security of tenure within a city without a substantial subsidy” (Yap 1992, 66). In Phnom Penh, land sharing is seen as an innovative means to finance the upgrading of housing, in an environment where public funding for this purpose is virtually non-existent. In the process, it is also a convenient way to accommodate both private development and community interests.

3. GUIDING QUESTIONS

The land sharing approach holds out the prospect, in principle, of a “win-win-win” solution for all the main parties involved: 1) the communities, who would be able to stay in the city center, in improved housing, and with rights to land and housing; 2) private developers, who would receive the right to develop on prime land in the city;

and, last but not least, 3) the Municipal authorities, who would make good on the government's upgrading campaign pledges, while at the same time ensuring commercial development in the city.

Yet, despite its promise, land sharing in Phnom Penh is turning out differently than many had expected. Two years after the announcement of the upgrading campaign, a land sharing agreement has been drawn up only in one of the four settlements so far. In two other settlements there is stalemate, and in the fourth settlement, the residents have abandoned land sharing, and are opting for voluntary relocation instead.

This paper addresses three main questions:

- What is the outcome of the “land sharing” projects in Phnom Penh so far?
- Why is land sharing turning out differently in Phnom Penh when compared to other Asian cities?
- Does land sharing in Phnom Penh contribute to tenure security for the residents of informal settlements involved?

As the land sharing and slum upgrading processes in Phnom Penh are still ongoing, the observations presented in this short paper cover only a snapshot in time, and are necessarily only preliminary⁶.

4. LAND SHARING EXPERIENCES IN PHNOM PENH

The four pilot cases present very contrasting development outcomes thus far, reflecting the distinct history and characteristics of each settlement.

- **Borei Keila (“Sports Complex”)**: This is the biggest of the four settlements, with the residents living on a strategically located 14-hectare site in the grounds of a former sports complex in the center of Phnom Penh. The original site accommodated several apartment blocks, which were at one time used by the Ministry of Interior to house police officers and their families when the site was used as a police training facility. Today the community comprises the residents of the apartment blocks as well as squatters who have occupied all the empty space between the blocks. This is the only settlement where a land sharing deal has already been agreed between the Municipality of Phnom Penh, community leaders and a private developer, although the agreement was reached in a largely top-down fashion, without the substantial input of residents. The agreement calls for the company to construct a total of 10 apartment buildings of 6 floors each (containing a total of 180 units per building) to re-house the residents on 2 hectares of the site, with the remaining 12 hectares to be returned to the Ministry of Education, Youth and Sports, the current landowner. In return, the developer receives the right to develop shop houses around the perimeter of the site. Construction of the first two of the apartment buildings commenced in February of 2004.

- **Dey Krahom (“Red Earth”):** Although Dey Krahom was initially planned as a land sharing site, it has proved more difficult to identify a private company interested in sharing such a relatively small site with such a large community. For this reason relocation to a site outside the city is the preferred option for residents, who realize that this way they would receive larger houses outside the city than through land sharing on their current site. Several developers have already proposed constructing such housing for residents in return for development rights on the full 3.6 hectare site in Dey Krahom. Whereas the process leading up to land sharing in Borey Keila largely bypassed the community, in Dey Krahom the community appears to be much better organized and residents have been fully involved in trying to find the best redevelopment option for them⁷.
- **Railway A and B:** The two adjacent railway sites (sites “A” and “B”) are located on land owned by the State Railway Company, near the principal train sheds of the city, adjacent to a seasonal lake. Railway A community counts 81 families, while Railway B community (across the street) houses more than 320 families. The communities occupy one corner of a piece of land that has been given out under lease to one of the biggest developers in Cambodia, for the construction of what is planned as a large commercial complex, including an office tower and luxury condominiums. Further planning and development of the site has stalled pending a resolution with the two communities. The Municipality of Phnom Penh has proposed a land sharing solution, but the company has refused to contemplate this. Instead, the company has proposed relocating the communities to a dedicated site outside the city, which the residents have so far refused. The community leaders of Railway A are opposed to any relocation away from their present site. Community leaders of the Railway B site, however, have said they would contemplate a relocation to another nearby, under the right conditions. Negotiations are currently deadlocked.

5. PRE-CONDITIONS FOR A LAND SHARING AGREEMENT

Experience in Bangkok and other Asian cities demonstrates that several pre-conditions need to be in place for residents of informal settlements, on the one hand, and landowners and developers, on the other, to have an incentive to come to the table and negotiate an end to a land dispute and sign a land sharing agreement.

- ***Booming property market.*** During periods of economic boom, commercial development pressure increases on well-located lands. While evictions of land occupants tend to go up when land values rise, a booming land market may also push landowners to make concessions with occupants on developable land—provided that this will enable them to develop right away on a portion

of the desired land. At the same time, development pressure can also spur land occupants to seek compromise to avoid eviction. Usually, landowners become amenable to compromise once alternative ways to remove land occupants (both legal and illegal) from the land have been exhausted.

- ***Community organization and consensus.*** A strong and cohesive community can resist eviction by presenting a more unified front to the landowner during negotiations. Conversely, a weak and fragmented community may encourage landowners or developers to exploit differences among residents and attempt to buy off certain members, until those resisting eviction are outvoted or otherwise out-manoeuvred. Frequently, community strength will be increased through alliances with people's organizations, non-governmental organizations, human rights groups, political parties, and other types of organizations which may give the slum dwellers' cause more visibility.
- ***Well-established communities:*** The longer a community has been established on a disputed site, the greater will be its bargaining power vis-à-vis the landowner and developers. This may be because of legal rights acquired over time, or because of less tangible factors, such as increased political connections or alliances built up by residents over the years.
- ***Third party intermediation.*** The intermediation of an outside organization with an interest in an amicable and just outcome to the land conflict is often a critical pre-requisite of a successful land sharing agreement. Such an intermediary is usually a public agency, with some political clout. This agency must broker a compromise that is technically and financially sound, while also meeting sufficiently the interests of all parties. The intermediary must also ensure that the agreement is enforced on all sides.
- ***Physical/technical feasibility.*** A land area that is to be shared must be sufficiently large to accommodate safely, and in compliance with local regulations, the juxtaposition of residential and commercial land uses. The new configuration of the shared land area must be commercially interesting to developers, while at the same time attractive enough for the re-housed residents. Sometimes, local regulations must be adapted to accommodate new forms and densities of community housing. In some cases, not all residents can be accommodated in the new land sharing configuration. In those situations, the community must be able to agree on who leaves and who can stay—and what the criteria are in each case.
- ***Financial feasibility.*** Each land sharing deal has a unique financial arrangement, depending on affordability and priorities of residents and developers, and the physical features of the site. A land sharing agreement is financially viable if residents can afford the new housing and titles, the

developer and landowner benefit from the arrangement, and where relevant, the amount of public subsidy is not excessive.

6. LAND SHARING IN THE PHNOM PENH CONTEXT

In Phnom Penh, at least three of the six standard pre-conditions for land sharing are in place—a buoyant land market in Phnom Penh; well-established settlements, with many long-term residents who have acquired possession rights to the land; and innovative arrangements to finance land sharing schemes. These factors appear to have been the driving force behind the four pilot projects.

6.1 A Buoyant Local Economy

The Cambodian economy is expanding. Growth is forecast at around 6% in 2005 and 2006, driven mainly by strong growth in tourism, telecommunications, construction and garment exports, which are higher than expected as a consequence of continued restrictions on Chinese textile exports in US and EU markets (World Bank, 2005).

The Phnom Penh economy, particularly, is booming. Much of this growth appears to be driven by construction and land acquisitions⁸. Developers are jostling to acquire lands and properties—whether in the public or private domain—in strategic locations of the city. As a result, there is intense interest in strategic lands occupied by poor communities in the city center, including all four settlements earmarked for land sharing. Access to such lands and properties is being negotiated through a variety of means, including outright land purchases, redevelopment projects, land “swaps”—and land sharing.

6.2 Well-Established Settlements

All four of the pilot settlements house substantial numbers of families who have lived in the area since the early 1980s, when Phnom Penh started to be re-populated following the end of the Khmer Rouge regime. All four settlements are located on *State private land*, which is state land that may be alienated under certain circumstances. All these factors may have contributed to the selection of the sites as pilots.

According to the Cambodian Land Law (2001), citizens have the right to request a “definitive title of ownership” if they can prove that they “enjoyed peaceful, uncontested possession of immovable property that can lawfully be privately possessed” (i.e., on *State private land*) for a period no less than five years prior to the promulgation of the Land Law, as long as no valid prior claim exists, and provided the possession was acquired without violence⁹. The consequence of this provision is that many families in the four sites (as well as in other informal settlements in Phnom Penh) may be legal possessors of their land and cannot be considered “squatters”.

6.3 Innovative Financial Arrangements

Innovative financing mechanisms are evolving to facilitate the transfer of public and private properties to developers. In the case of land sharing in Phnom Penh, developers are expected to construct and finance community housing, in return for the right to a share of the land, and the right to develop on this land. The extent of the developer's responsibility is the subject of negotiation, and varies on a case by case basis. In the case of the *Borei Keila* project, the developer is responsible for the construction of the apartment blocks, as well as an access road. The financial calculation made by developers, therefore, is that proceeds from the portion of the land that goes to the company—and the sale or rental of real estate on this land—should sufficiently exceed the costs of building community housing and any other requirements that are signed into a land sharing contract, to make the project worthwhile.

In sharp contrast to the land sharing experience in Bangkok, in Phnom Penh community residents will receive their housing units for free. The official explanation by the Municipality is that residents cannot afford to make housing payments. There is a widely held expectation in Phnom Penh, at the Municipality-level and certainly among residents (perhaps fuelled by early labelling of land sharing projects as “social land concession” projects), that the new housing is an entitlement.

The three other standard pre-conditions for land sharing are less well developed in Phnom Penh.

6.4 Evolving Community Networks

Poor communities in Phnom Penh are gradually organizing and gaining in strength. As a result of support from the *Solidarity and Urban Poor Federation* (SUPF), a local people's organization, and the *Urban Poor Development Fund* (UPDF), a local NGO, there are collective savings groups in approximately half of the city's poor settlements, and communities are organizing to make housing improvements and upgrade their settlements, including putting in place basic physical infrastructure and services. Over 80 settlements across the city work jointly with the commune (*sangkat*) authorities¹⁰ in pursuit of local level physical and social upgrading, the conduct of surveys, and the establishment of savings schemes. Working with the commune level increases community residents' confidence and familiarity with government mechanisms, and encourages accountability to poor constituents at the commune level. Networks of communities are appearing in all communes.

In all four land sharing settlements, residents have a history of resisting previous eviction attempts, some of them violent, over a number of years. This history of resistance has no doubt contributed to enforcing a negotiated solution. Nevertheless, the unity and strength of the four communities varies a lot from settlement to settlement.

In *Borei Keila*, a majority of residents feels that the land sharing arrangement was imposed by the Municipality and the developer, rather than negotiated with them. A number of circumstances hamper strong community organization in Borei Keila. The settlement is relatively large (at around 2,000 families) and fragmented, due partly to the large number of different sub-groups, including police and military families, former refugees from the border, ethnic Vietnamese families, and more recent arrivals. Some of the community leaders are suspected of cooperating with the developer in accepting and “selling” the land sharing deal, with the result that trust in the community leadership is quite low.

Community organization has been more effective in the other three settlements. In *Dey Krahom* the high level of unity thus far between residents and the community leaders has given the leaders the necessary legitimacy to negotiate directly with developers—and to drive a hard bargain. In *Railway A & B*, the residents are relatively well-organized, but perhaps too small in number and lacking in the clout necessary to convince the Municipality and the State Railway Authorities to drive a hard bargain with the powerful developer and leaseholding company to share the land.

6.5 Physical/technical Constraints

Physical constraints complicate a “sharing” solution in at least one of the four settlements. In the *Dey Krahom* site, where a relatively large population lives on a small site, sandwiched in between another apartment complex, a theater, and the riverbank, a land sharing arrangement that accommodates all residents, and leaves enough space for commercial development, is only possible if residents accept to live in a seven-storey apartment building, on a very dense site. In community meetings, residents decided they wanted to stay together as one community, and that they did not want to live in a dense, high-rise environment. Relocation outside Phnom Penh therefore became the only option. Since then, community leaders have negotiated with a series of developers for a suitable relocation site and for housing in ground-level units, in return for the developer’s acquisition of 100% of the land in *Dey Krahom*.

6.6 Absence of Third Party Intermediation

In Bangkok and Hyderabad, India during the 1970 and 1980s, the National Housing Authority of Thailand (NHA) and the Hyderabad city Urban Community Development Department (UCD), respectively, played an active role as “midwives” to most of the land sharing agreements between residents, land owners, and developers. In Bangkok the NHA conducted feasibility studies, socio-economic and physical surveys, negotiated with private and public landowning agencies, and helped to put together the technical, financial and even institutional packages of the various land sharing agreements. Only in a few cases¹¹ did community leaders handle most of the negotiations with landowners and developers on their own. In Hyderabad, the

Paul E. Rabé
“Land Sharing in Phnom Penh: an Innovative but Insufficient Instrument of Secure
Tenure for the Poor”

UCD helped to achieve a breakthrough between the different parties, purchased land for the communities, provided legal advice, and helped to organize the communities, among other activities (Nayani and Adusumilli, 31). In the current *Baan Mankong* national slum upgrading program in Thailand, the *Community Organizations Development Institute* (CODI) plays a more backseat role, leaving most of the planning and implementation of land sharing and upgrading schemes to community organizations, which it supports through provision of loans and technical advice (Boonyabanha, 27).

In Phnom Penh, with the significant exception of *Borei Keila*, intermediation by public agencies and other organizations is minimal. This is perhaps the main factor differentiating the land sharing process in Phnom Penh from that in Bangkok and Hyderabad in the 1970s and 1980s. In the case of *Borei Keila*, the Municipality of Phnom Penh was mandated to play an active role in preparing a redevelopment and land sharing agreement, which was eventually signed between the district (*khan*) authorities and the community leaders. The Municipality's active steering role in the case of *Borei Keila* may be a function of the strategic location of the site, not far from the Olympic Stadium, the ownership of the land by a national ministry (the Ministry of Education, Youth and Sport), and the significant commercial interests at stake in the area. As a result, redevelopment of the area took on national level significance.

In the case of *Dey Krahom*, the Municipality has stood back while community leaders negotiate directly with developers for an appropriate relocation deal. In the case of *Railway A and B*, the Municipality has thus far put little pressure on the State Railway Authorities to push forward a land sharing arrangement on the land leased out to the developer, despite the mandate by the Council of Ministers. The result is that negotiations between the developer and the land occupants are currently deadlocked.

NGOs have largely preferred not to get involved in the land sharing cases. The United Nations supported *Urban Poverty Reduction Project* at the Municipality, before it closed in early 2004, provided technical advice to the Municipality on land sharing mechanisms in general. Project staff were invited to comment on the *Borei Keila* land sharing contract in particular, but were largely unable to mediate between the various stakeholders.

7. MOVING BEYOND LAND SHARING

With the lack of any sustained intermediation by government authorities, NGOs or donor agencies to enforce a land sharing mechanism on the chosen sites, the process in the other three pilot sites is becoming more decentralized and demand-driven.

7.1 From a Supply-Driven to a Demand-Driven Process

In 2003, when land sharing was announced, it was essentially a supply-driven mechanism as far as the communities involved were concerned. Residents of the four

sites wanted their housing and living conditions to be improved, but they were not fully consulted about the land sharing modalities to achieve this. Unlike the early land sharing projects in Bangkok in the 1970s and 1980s, the idea of land sharing as an instrument of land access and dispute resolution in Phnom Penh came from outside, and was adopted as a best practice technique by the government based on recommendations by an alliance of international NGOs and donor agencies as part of a new “pro-poor approach”. The compromise features of land sharing also appealed to business interests, and so the technique was an easy sell so long as the Municipal authorities managed the process to reach a land sharing agreement.

Borei Keila reflects the supply-driven process: a land sharing agreement negotiated essentially between a developer and government authorities (both at the Municipality and national levels), with the official agreement of community leaders but without the real input or even knowledge of most community residents.

The current process in the other three pilot settlements goes beyond merely land sharing or even upgrading. It represents a broader process in which residents of informal settlements seek to obtain improved housing and living conditions, whether in their current locations or elsewhere. It is demand-driven in the sense that residents themselves are taking charge and negotiating directly with developers to evaluate all possible options to access improved living conditions.

This demand-driven process is occurring not by design (as in the *Baan Mankong* national slum upgrading program in Thailand, for example) but by default, due to the absence of third party intermediation and driven by intense development pressure on land in prime areas in Phnom Penh. The outcome of these negotiations is unclear, as they are still ongoing. There is no guarantee that poor communities will be net beneficiaries in this process.

7.2 From Land Sharing to “Interest Sharing”

The negotiations in the three other pilot settlements in Phnom Penh resemble a process of “interest sharing” between the main stakeholders: the residents of informal settlements, who bring to the negotiating table their land, and private sector interests, who bring to the table finance and connections. The outcome of this negotiation is determined by the interests and relative power exercised by each party at a given moment, as determined—among other factors—by the attractiveness of the land occupied by the community residents and the availability of alternative options for both parties.

In the new demand-driven reality, land sharing is now only one of the options available to residents to improve their homes and living conditions: a variety of different mechanisms is being considered, from land sharing to relocation and land swaps. The compromise solution represented by land sharing is not necessarily in the interest of either party—neither the developer, who wants 100% of a piece of well-

located land instead of sharing; and neither the community residents themselves, who may be able to access—for free, through a kind of land swap with a private developer—bigger housing units in a less dense environment if they are prepared to move to another location, outside the city.

8. CONCLUSION: LAND SHARING AS INSTRUMENT OF SECURE TENURE

So has the land sharing mechanism contributed to tenure security for the four pilot urban poor communities in Phnom Penh? It may be too early to provide any definitive answers given that the upgrading process in the four settlements is still underway. However, the evidence thus far points to two preliminary conclusions.

The first conclusion is common to land sharing experiences in other Asian cities as well, namely, that land sharing is a feasible but difficult technique to provide tenure to informal settlements, and that its overall impact may be small. In the 1980s several studies in Bangkok (i.e., Archer, 1989 and Panroj Islam and Yap Kioe Sheng, 1989) determined that land sharing as a technique is difficult to replicate, and offered only a limited “solution” to the global problem of landlessness and squatting in Bangkok. In Phnom Penh, too, land sharing may offer a technical solution in only a few selected settlements in the city with the right physical and site characteristics. But the main obstacle is the time consuming nature of the negotiation and land subdivision processes, and the follow-through required on the part of an intermediary throughout this process. In the absence of sustained intermediation by a committed and impartial third party, the prospect of such a process being replicated beyond the one case in *Borei Keila* appears slim.

The second conclusion relates to the interests and preferences of the various stakeholders themselves. In the current climate of “interest sharing” in Phnom Penh, as poor communities and developers each seek to maximize their benefit, the parties involved may not be interested in the compromise entailed by land sharing. Without the involvement of a third party, such as the Municipality of Phnom Penh, to enforce such a compromise, it is likely that residents may prefer to be relocated to larger plots of land outside the city—provided the land is not too distant and is serviced—while developers will claim 100% of the strategically located land in the city center.

Finally, as an instrument to provide secure tenure, land sharing may not even be a sufficient inducement for residents of informal settlements, who are able to negotiate with developers even though they enjoy no formal land rights as such. Instead, their long-term occupation on site and their “possession rights” (not yet formalized into land titles) under the 2001 Land Law may provide them with sufficient *de facto* tenure security already. This conclusion seems to be borne out by several recent studies of perceptions of tenure by Cambodians. The majority of residents of informal settlements currently believe that they already have full “ownership” of their house

and even their plots of land (URC, 2004), even if their actual tenure situation may be much more ambiguous according to the law.

On its own, therefore, land sharing is unlikely be a sufficient measure to ensure that the poor stay in the city, in spite of the recent political breakthrough in the form of the upgrading campaign.

APPENDIX: DIAGRAM 1

Aerial photograph of the city center of Phnom Penh (1993), showing the location of the four land sharing pilot settlements.



Settlements: 1= Borei Keila; 2=Dey Krahom; 3=Railway A; 4=Railway B

REFERENCES

Angel, Shlomo and Somsook Boonyabancha. (1988). "Land Sharing as an Alternative to Eviction: the Bangkok Experience". *Third World Planning Review* 10 (2): 107–127.

Archer, Ray W. (1989). *Land Sharing in Urban Land Development in Thailand*. Reprinted from: Federal Department of Town and Country Planning, Kuala Lumpur. (1990). "Land Readjustment and Urban Development: Proceedings of the Fifth International Seminar", Kuala Lumpur, 1989.

Boonyabancha, Somsook. (2005). "Baan Mankong: Going to Scale with Slum and Squatter Upgrading in Thailand". *Environment & Urbanization*, 17 (1): 21-46.

Nayani, Padmaja and Uma Adusumilli. (1987). *Land Sharing in Hyderabad*. New Delhi: Human Settlement Management Institute working paper (unnumbered).

Panroj Islam, Prachumporn and Yap Kioe Sheng. (1989). "Land Sharing as a Low-Income Housing Policy". *Habitat International*, 13 (1): 117-126.

Royal Government of Cambodia. (2001). *Land Law*, NS/RKM/0801/14.

Urban Resource Center Cambodia. (2004). *Secure Tenure and Poor Communities in Phnom Penh: Pilot Project 2004*. Phnom Penh: Report by Urban Resource Center for UN-Habitat Secure Tenure Campaign.

Viratkapan, Vichai. (1999). *Relocation of "Slum" and Squatter Housing Settlements Under Eviction in the Greater Bangkok Area: Case Studies of Three Relocation Settlements*. Special Study submitted in partial fulfillment of the requirement for the degree of Doctor of Philosophy, School of Environment, Resources and Development, Asian Institute of Technology, Bangkok.

World Bank. (2005). *East Asia Update*. Washington, DC: International Bank for Reconstruction and Development.

Yap, Kioe-Sheng (Ed.). (1992). *Low-Income Housing in Bangkok: a Review of Some Housing Sub-Markets*. Bangkok: Asian Institute of Technology.

CONTACT DETAILS

Author: Paul E. Rabé
Position: Freelance consultant in urban management
Candidate, Doctor of Planning and Development, School of Policy,
Planning and Development, University of Southern California
Address: 52-Z, Str. 240 / P.O. Box 43, Phnom Penh, Cambodia
E-Mail: paul@paulrabe.org
Tel: +855 12 440 650
E-Fax: +31 20 5248999

ENDNOTES

¹ Estimate based on a 2003 survey of informal settlements in Phnom Penh by the Solidarity for the Urban Poor Federation (SUPF).

² Vice-Governor Chev Kim Heng, in *Community News* (publication of Urban Poor Development Fund and Solidarity for the Poor Federation, Phnom Penh), Issue no. 2, June 2003.

³ Somsook Boonyabancha, representative of Asian Coalition for Housing Rights, in *SUPF Update*, June 2003.

⁴ Council of Ministers of Cambodia, Letter No. 875, dated 8 July 2003. Though referred to as “social land concessions” at the time, the four land sharing projects are not in fact part of the Royal Government of Cambodia’s official social land

concession program, which is being coordinated by the Council of Land Policy and is currently targeting only rural areas of the country.

⁵ It is possible that many more undocumented cases of land sharing have taken place in Bangkok over the years, on a smaller scale, with varying degrees of success, and on an informal basis without public support.

⁶ The analysis is part of the author's ongoing doctoral research (research/dissertation title: "*From Squatters to Citizens: Slum Dwellers, Developers, Land Sharing and Power in Phnom Penh, Cambodia*"), School of Policy, Planning and Development, University of Southern California.

⁷ As of late 2005, signs are that community leaders have sealed a deal with a developer for relocation. The developer has offered to build the residents single storey, one-room houses on a site about 20 km from central Phnom Penh, in return for development rights to the entire area in the current location (an area encompassing adjacent lots to the *Dey Krahom* site).

⁸ Hamilton, J. (2005). *Building Boom Reshaping City*. Phnom Penh Post, 1-14 July, p. 8; Karner, L. (2005). *Some Locals Enjoying a Real Estate Boom*. Cambodia Daily, 15 September.

⁹ Land Law of Cambodia (2001), Articles 30 and 33.

¹⁰ Democratically elected councils at commune level were established as part of administrative reform in 2002.

¹¹ For instance, in the settlement of Manangkasila in Bangkok, community leaders distinguished themselves by being proactive and authoritative in negotiating directly with the Treasury Department (as landowner) and the developer, in setting up a credit union, and in planning and administering the construction of homes. Sustained pressure by the community leadership on the Prime Minister and the Ministry of Finance helped the residents to stay on site. Government intermediation was minimal.