A Case Study of the World Bank’s Land Allocation for Social and Economic Development Project in Cambodia:
A replicable model to advance the rights of the rural poor through land distribution
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**Objective**
The objective of this analytical study is to develop a case study of the World Bank’s support for the Land Allocation for Social and Economic Development (LASED) Project in Cambodia, and the environmental and social implications of the investment. The aim is to effectively build a shared understanding of the impacts of the project, and methods employed and supported by the World Bank and the Royal Government of Cambodia in the implementation of LASED. More broadly, the study seeks to understand the relationship between communities, livelihoods, land tenure security, and forest resource management.
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## Acronyms

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<tr>
<td>BIC</td>
<td>Bank Information Center</td>
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<tr>
<td>BMZ</td>
<td>German Federal Ministry for Economic Cooperation and Development</td>
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<td>CF</td>
<td>Community Forest or Community Forestry</td>
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<td>CFA</td>
<td>Community Forest Agreement</td>
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<td>CFMP</td>
<td>Community Forest Management Plan</td>
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<td>DWG</td>
<td>District Working Group</td>
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<td>ELC</td>
<td>Economic Land Concession</td>
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<td>FA</td>
<td>Forest Administration</td>
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<td>FGD</td>
<td>Focus Group Discussion</td>
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<td>GIZ</td>
<td>Deutsche Gesellschaft für Internationale Zusammenarbeit (German Development Agency)</td>
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<td>IDA</td>
<td>International Development Association</td>
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<td>LASED</td>
<td>Land Allocation for Social and Economic Development</td>
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<td>LICADHO</td>
<td>Cambodian League for the Promotion and Defense of Human Rights</td>
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<td>LMAP</td>
<td>Land Management and Administration Project</td>
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<td>LR</td>
<td>Land Recipient</td>
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<td>MLMUPC</td>
<td>Ministry of Land Management, Urban Planning and Construction</td>
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<td>NGO</td>
<td>Non-Governmental Organization</td>
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<td>NTFPs</td>
<td>Non-Timber Forest Products</td>
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<tr>
<td>PDLMPUC</td>
<td>Provincial Department of Land Management, Urban Planning, Cadastre and Construction</td>
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<td>PLUP</td>
<td>Participatory Land Use Planning</td>
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<tr>
<td>RECOFTC</td>
<td>The Regional Community Forestry Training Center for Asia and the Pacific also known as The Center for People and Forests</td>
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<td>RGC</td>
<td>Royal Government of Cambodia</td>
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<td>SLC</td>
<td>Social Land Concession</td>
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Executive Summary

Landlessness is among the key contributors to poverty in Cambodia, particularly in rural areas. Although land is considered a fundamental asset for the rural poor to build sustainable livelihoods, areas owned by or designated for local communities and indigenous people in Cambodia is less than 4% of the country's total land area. Landlessness and poverty plagues vulnerable rural families, as roughly 20% to 40% of rural households were landless in 2009. A lack of legally available land and overlapping claims to land and forest resources are key factors contributing to high rates of deforestation in the country. Deforestation is at its highest ever historical rate in Cambodia. While the development challenges in Cambodia are many, distribution and allocation of land and resources from State controlled entities to communities and households holds promise in establishing a more level playing field.

With joint funding totaling $13 million USD from World Bank, German Federal Ministry for Economic Cooperation and Development (BMZ) and Royal Government of Cambodia, the Land Allocation for Social and Economic Development (LASED) project was implemented from 2008-2015 to respond to land tenure issues in Cambodia. Through the implementation of government sub-decree 19 of 2003 on Social Land Concessions (SLC), LASED seeks to transfer private State land to rural poor families who lack land for residential and/or family farming purposes. The project anticipated transferring 10,000 hectares of land and supporting livelihood investments and services to 3,000 land recipients through 20 commune based SLCs in seven communes in three provinces: (1) Tbong Khum (formerly part of Kampong Cham); (2) Kratie, and (3) Kampong Thom.

Bank Information Center (BIC) and The Regional Community Forestry Training Center for Asia and the Pacific (RECOFTC) reviewed the implementation of the LASED project, and have put forward recommendations for WB’s future investments in the land sector in Cambodia and elsewhere. The study covered all three LASED project provinces and employed mixed research methods, including a desk review of relevant documents, semi-structured interviews, key informant meetings, focus group discussions, and household level interviews. Our study showed the LASED project was fairly successful in achieving the target number of land recipients and area of land allocation.

Two of the three provinces in the LASED specific sites have more than 50% forest cover, and are home to some of the Greater Mekong region's most biodiverse forests and important fauna. Approximately 94.5% of all LASED SLC sites were granted in degraded forest areas, and 5.5% in recovered illegally occupied land. Ambiguity in land classification and land conflict zones with widespread illegal land occupation complicated issues of land distribution and environmental sustainability. Furthermore, given Cambodia's high forest cover and critical forest resources in LASED project areas, LASED missed opportunities to help advance community forestry and to foster sustainable forest management.

The BIC-RECOFTC review indicates that gaps remain in fully realizing the intended outcomes of LASED. Lack of access to resources for land recipients, both monetary and technical, undermines the ability of land recipients to fully benefit from SLC land. Land recipients reported mixed results on increased income after receiving SLC lands. Some shortfalls in the project design and implementation prevented some land recipients from fully benefiting from the project. While the project encountered challenges in many steps and sub-steps of the SLC process, strong support for LASED implementation from senior decision makers at all levels of government was instrumental in resolving many of these issues.
1. Introduction

1.1 Background

Cambodia is largely an agrarian country, with almost 80% of the population living in rural areas, and over 20% of the population classified as living in poverty. After emerging from decades of political and social instability, inequality in landholdings and poverty remains high. Lack of transparency in many rural land transactions and extensive granting of concessions by the State for economic development have resulted in widespread disputes and conflicts over land ownership and usage. Land is widely recognized as a fundamental asset on which the rural poor can build sustainable livelihoods. For rural communities, land and natural resources represent primary sources of livelihood, nutrition, income, and employment. In Cambodia, less than 4% of the country’s overall land area is owned by (possession of formally recognized rights) or designated (recognition of some rights on a conditional basis) for local communities or indigenous peoples. Landlessness, or households without access to owned, leased or borrowed land, was estimated to have increased from 13% in the late 1990s to 20% in 2004, and 40% in 2009. A key factor driving these statistics appears to be linked to the lack of legally available land.

In Cambodia, there are significant overlaps between land tenure and governance of forest resources. Cambodia’s forest cover has undergone serious changes over the past decades, and the annual deforestation rate between 2010 and 2014 was 1.4%, almost three times the 0.5% rate recorded between 2006 and 2010. Recent estimates state that Cambodia’s forest cover is roughly 50% of the entire country, but a continuing trend in forest cover loss over the last fifteen years has made Cambodia one of the most deforested countries in the world. Currently, deforestation in the country is at its highest ever historical rate. A lack of legally available land for rural poor households coupled with land tenure insecurity can often lead to increased pressure on forests and other natural resources. When communities have weak or no legal rights to their land and resources, their forests tend to be vulnerable to deforestation. In many parts of Asia, and Cambodia specifically, there are strong linkages between secure community forest tenure and poverty reduction.

To respond to the challenging land tenure issues in Cambodia, since 1985 the Royal Government of Cambodia (RGC) has sought to implement three key priority areas for land reform: (1) land administration, (2) land management and (3) land distribution. In June 2002, the Cambodian Ministry of Land Management, Urban Planning and Construction (MLMUPC) initiated the Land Management and Administration Project (LMAP), with the goals of improving land tenure security and promoting the development of efficient land markets. The project was funded by a variety of donors, including the World Bank (WB); however, despite a clear national demand, the implementation of the LMAP project was problematic due to a lack of technical resources and weak coherence between the State and the donors. The WB evaluated LMAP’s outcomes as moderately unsatisfactory. Additionally, the project was heavily criticized in the international media, and was investigated by the WB’s inspection Panel.

1.2 LASED Project

The WB’s Land Allocation for Social and Economic Development Project (LASED) followed the Bank’s engagement under the LMAP program. The LASED project was initially scheduled to run from 2008 to 2013, but was extended and officially closed in March 2015. Funding for the project came from three sources: World Bank (IDA)$11.5 million USD; German Federal Ministry for Economic Cooperation and Development (BMZ) $1.2 million USD; and RGC $0.3 million USD.

References:

7. World Resources Institute, Country Profile, Cambodia; retrieved from http://www.globalforestwatch.org/country/KHM
12. The official agreement of for the LASED project was signed with World Bank in 2008, but its was built on previous work carried out since 2004 by the World Bank, GIZ (formerly GTZ) and RGC to develop strategies, systems and tools for SLC implementation.
13. The International Development Association is the part of the World Bank that helps the world’s poorest countries. Established in 1960, IDA aims to reduce poverty by providing loans (called “credits”) and grants for programs that boost economic growth, reduce inequalities, and improve people’s living conditions.
The project sought to support and pilot the implementation of the RGC’s third land policy pillar, the “Land Distribution Program,” by distributing land and providing support services and infrastructure to improve the livelihoods of the landless and land-poor. LASED sought to implement government sub-decree 19 on Social Land Concessions (SLC), which was established in 2003. As described in sub-decree 19, Social Land Concessions are “a legal mechanism to transfer private State land for social purposes to the poor who lack land for residential and/or family farming purposes.”14 SLCs are granted as a type of concession, responding to a social purpose or need, and are given to poor families to establish a residence for themselves or to develop subsistence cultivation.15 SLCs are individual parcels of land granted at the household level. To this end, SLCs were created to distribute State private land to rural, poor households, so that improvement in livelihoods and economic growth could be achieved. LASED’s two main objectives are: (1) introduce and implement a transparent and standardized process for expanded implementation of locally initiated social land concessions; and (2) distribute State land suitable for agriculture, together with appropriate support services to qualified landless and land-poor households.16

LASED anticipated transferring land and supporting livelihood investments and services to 3,000 land recipient (LR) families through 20 commune-based social land concessions and providing assistance to approximately 10,000 landless households in seven communes, in three provinces: (1) Tbong Khum (formerly part of Kampong Cham); (2) Kratie, and (3) Kampong Thom. A key component of the project was to operationalize Sub Decree 19 of 2003 on SLCs through a technically and administratively robust system based on transparency and the rule of law.17 In order to achieve these objectives the project’s four main components are:

1. Commune-based Social Land Concession Planning and Land Allocation
2. Rural Development Services and Investments
3. Sustainable and Transparent Program Development
4. Project Management and Administration18

1.3 Objectives of the Bank Information Center-RECOFTC Examination of LASED

The objective of the present study is to review the implementation of the LASED Project in Cambodia in terms of the environmental and social implications of the investment, and put forward recommendations for the WB’s future investments in the land sector in Cambodia and elsewhere. The research seeks to answer the following questions:

- How well was the project designed and implemented?
- How conducive is the current legal framework to awarding tenure rights to landless families in Cambodia? Are there gaps or inconsistencies in the legislation that may lead to unsustainable management of land and forests?
- What are the social and environmental impacts of the LASED project? Particularly focusing on its contribution to livelihoods of the households targeted under LASED, and on forest impacts, both direct and indirect.

2. Methodology

2.1 Description of Project Sites & Land Recipients

The data collection for this investigation was carried out in all three provinces in which LASED was implemented: central Cambodia (Kampong Thom and Tbong Khum) and the north-eastern province of Kratie.

- Kampong Thom is geographically diverse throughout the province. The western part of the province is dominated by agriculture, while forests dominate the northern and eastern areas of the province. Forests make up 51% of the total area of the province.19 Thirty-one percent of households in the province are categorized as living in poverty.20
- Tbong Khmum province is comprised of three sub-watersheds draining into different rivers or streams, and has fertile soil with high water-holding capacity, which makes it suitable for a range of crops. Crop cultivation occupies the majority of the total surface area of the province, and as a result, forest area is less than 15% of the province.21

14 Art.2 of Sub-Decree #19 on Social Land Concessions
15 Article 51 of the Land Law 2001
• Kratie province is relatively undeveloped, but it has a high quality, accessible national road, which was built in the last few years. Land in this province is less fertile in the higher elevation areas. Forests dominate land use in Kratie, covering more than 82% of the total area in the province. Thirty-six percent of households in the province are categorized as living in poverty.

The majority of the population in these three provinces lives in rural areas, with rice cultivation being the most important livelihood activity. Economic disparities are evident within villages and between urban/peri-urban areas in the three provinces. While the better-off farmers possess larger tracts of land, assets, and savings, the majority of farmers live at the subsistence level and have food deficits for periods of the year.

Additional LR income comes from off-farm activities, such as: seasonal employment in rubber and cassava plantations, working on farms of well-off families in and around the surrounding villages, carpentry, small business, and collection of non-timber forest products. The average daily income of LRs from seasonal employment ranges from 15,000 Riels to 20,000 Riels ($3.7-4.95 USD) depending on the extent of work available. According to a recent report on LASED, income from off-farm activities is higher than farm income of LRs.

### 2.2 Methods

The study employed mixed research methods. Background research included a desk review of relevant documents, policies, and laws. National level legislation consulted for this study included: Land Law, 2001; Law on Forestry, 2002; Sub-decree on Community Forestry Management, 2003; Guideline on Community Forestry, 2006; Sub-Decree #19 on Social Land Concessions, 2003; Project Implementation Manual, 2009. The study also reviewed various reports and documents from the WB, such as: Project Appraisal Document; Environmental Impact Assessment; Integrated Safeguard Data Sheet; and Implementation Status and Results Reports. Additionally, recent assessments conducted in 2014 and 2015 by independent researchers for the WB were reviewed.

Primary data was collected from semi-structured interviews, key informant meetings, focus group discussions, and household level interviews. The sources of information were LRs, commune councilors, LASED project support staff, WB staff, and government officials. Semi-structured interviews were conducted with 25 LASED LRs in 5 SLC communes to understand LASED’s impacts on LRs (Table 1). The interviews attempted to find out information on the main source(s) of income, food security, and how land use and various types of on and off-farm activities of land recipients contribute to livelihoods.

Four focus group discussions were conducted with representatives from different communes, village chiefs, and commune councils in the target SLC sites of Kampong Thom and Kratie province (Table 1). The focus group discussions were conducted to further understand LASED project implementation, and the impacts of the project in terms of land tenure, livelihood security and social, economic, and environmental aspects. Similarly, four key informant meetings, each with 8-10 participants, were held in four villages to gather data on how local people viewed LASED, their experience in the land registration process, their understanding of support provided by LASED, use of land they received, and the support they need to better benefit from SLCs.

### 3. Main Findings & Results

#### 3.1 Land Allocation Targets & Infrastructure Development

The last Implementation Status and Results report published by the WB stated that all indicators of the project development objectives were achieved with minor shortfalls in awarding 10,273.13 hectares of land (103% of the project target) to 3,148 LRs (104% of project target). Our study validated WB’s reported figure on total number of selected LRs and showed that 34% of LRs were female headed households. There were three groups of LRs: (1) LRs who received both agriculture and residential land, (2) LRs who received only agriculture land, and (3) LRs who received only residential land. Eighty-two percent of LRs received both agriculture land and residential land, 12% of LRs received only agriculture land, and 6% of LRs received only residential land. Table 2 presents data on residential and agricultural land recipient families in different communes.
based on field data obtained from SLC project communes. The LASED project and commune investment fund constructed roads and other infrastructure services. Focus group discussions and field visits confirmed that 186 km of residential roads, 270 km of agricultural roads, 45 km of connecting roads, 127 pump wells, 51 ponds, 8 schools, and 3 health posts were constructed at SLC sites to provide basic services and improved infrastructure to LRs. However, the roads in Thmey commune in Kratie province and Tipo commune in Kampong Thom were found to be in poor condition and hardly passable by car. Accessibility to the SLC sites in Kratie was easier because of its proximity to a main national road, whereas sites in Tbong Khmum and Kampong Thom were remote with poor road access to commune and district facilities. Although the project provided them with roads, and not associated infrastructure. Without secure bridges in place, interviewees stated it was difficult to impossible to travel during the rainy season.

In Thmey commune in Kratie and Tipo commune in Kampong Thom, LRs reported that they lacked water for domestic and irrigation purposes. The borehole constructed with LASED funds, which was approximately 80 m deep, yielded no water. Due to infrastructure related problems and other criticisms, LICADHO, a Cambodian human rights NGO, maintains that substantial investment is needed to fix the shortcomings of the project and careful consideration of outcomes is needed before replicating similar projects.  

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3.2 Tenure Security & Land Titling

World Bank implementation reports note tenure security as the biggest benefit derived from LASED, and claim that the SLC titling process was underway and a free or low-cost titling process was expected for LRs. However, LICADHO, states that several LRs (in Sambok commune in Kratie province) who were occupying the area for more than six years did not get land titles until Feb 2015, despite fulfilling the legal requirements of occupying their land for more than five years as per Sub-Decree 19. In order to fully enjoy the rights conferred by an SLC, including the final stage, acquiring land title, LRs must fulfill certain requirements. Critical to the land titling process, SLC recipients must legally occupy and cultivate their land for five years before beginning the process of obtaining the land title. When they receive a plot of land—either farming or residential—they must sign an agreement, and follow all conditions specified in the agreement.

The conditions for SLC occupancy include a responsibility to farm the land within a year of receiving the land and to build a house or part of a house within three months of land distribution. After five years of occupancy, and after successfully meeting the requirements in the agreement, LRs can move forward with the process of obtaining legal title for their individual parcel of land. If a LR dies during the implementation of the SLC program, successors in the LR's family can continue to implement the social land concession program, and gain right to ownership of the land once they have met all the requirements.

According to our study, only 250 LRs in Srea Leu Senchey village, Choam Kravean commune, Memot district, Tboung Khmum province received land titles, or 7.9% of total LR families. The LRs in the remaining project areas—Chang Krang and Sambok commune, Chetr Bory district, Kratie province, and LRs in Kampong Thom province—have yet to receive their land titles. While the LRs may have received

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a formal land receipt from the local authorities, ensuring that once they complete the five years they can apply for title, very few LRs actually completed the SLC requirements of occupying and cultivating their SLC land for at least five years; therefore, a limited number of LRs from the LASED project have titles or technically own their SLC land. Limitations and challenges in the first 1-3 years of LASED implementation resulted in an overall delay of the project. As a result, only one province, comprised of 250 LRs, had received titles at the time of field research. The land titling component of LASED was expected to be completed during the lifetime of the project, but not all titles were processed and awarded to families by the close of the project. LRs in some areas like Thmey and Dar commune, and Chetr Borey in Kratie province, stated that their SLC was approved in February 2012, and they are now completing the required five year stay in the SLC site in order to become eligible for land title. As SLC identification and distribution takes time, LRs tried to complete the requirements in a timely way, but some are still going through the process with several years left until they can officially receive titles. With LASED now closed, these families remain uncertain whether or not they will be able to legally secure their SLC. The WB reported that the five-year requirement was put in place in order to prevent LRs from immediately selling their SLC after receiving title through the LASED program, which LICADHO asserts is a barrier to the poorest people achieving tenancy security.

3.3 Impacts on LR Livelihoods

In terms of income-generating opportunities, many respondents revealed that their income increased after receiving SLC lands. All 25 respondents interviewed reported that fruits and vegetables cultivated on residential lands around their home provided additional sources of food for their families. For example, a woman from Kampong Thom province stated that she earned roughly $0.50 USD a day by selling vegetables grown around her house. The household interviews also reported that families were able to raise chickens and pigs on their new land; one of the respondents from Kampong Thom province stated that they earned 490,000 riels (approximately $120 USD) a year from selling chicken. When discussing forest resources, the participants of the focus group discussions revealed that the important products they obtained from the forest were firewood and timber for household construction. Non-timber forest products (NTFPs), including wild fruits, vegetables, medicinal plants and wildlife, provide supplementary food and income for households. Before LASED, LRs stated that they collected NTFP resources from other areas around their old village(s) within the target provinces. After LASED, they are increasingly collecting these resources within their own property, as well as within LASED project areas.

LASED partially helped to improve access to timber and NTFPs, specifically in Kratie province, as a community forest (CF) was formally established, including a signed agreement with the Forest Administration. Through LASED’s land use planning component, the project had enormous potential to help identify areas for community forestry, but our research showed that CF establishment was actually quite limited. Increased identification of areas suitable for community forestry gives communities the opportunity to work with the FA to get legal recognition and secure rights over their forest resources. Importantly, CFs can only be established in State Public land, whereas SLCs can only be established in State Private land. This means that forestland within SLCs can’t legally be classified as CFs, however, forests outside SLCs can be identified and designated for CF. An interviewee in Chuam Kravien reported that almost 20% of her income is derived from the sale of medicinal plants that she collects from a nearby forest. She earned as much as 20,000 riels per day (around $5 USD) during at least 4 months each year, which significantly supplements her income from agricultural cultivation of her SLC land. In Tipo Commune, LRs earn around $80 USD and $30 USD a year by selling surplus firewood and mushrooms, respectively.

In addition to assisting with income-generating opportunities and increased access to timber and NTFPs, LASED helped LRs to form small credit groups. Through this credit scheme, one family can borrow around $50 USD with an interest rate of 2% per month. However, this amount is insufficient given the investment requirements. Many members would resort to borrowing money from lenders

32 While the LASED project is closed, the remaining LRs are still eligible to receive their title once they complete the five-year condition, with support from local authorities.
33 Ibid.
in neighboring villages at very high interest rates (10-20% per month). In order for LRs to get a loan from microfinance institutions (village bank, AMK, ACLEDA), they need to have collateral, at least a land title or other property. The total amount that LRs are able to borrow from formal microfinance institutions is $1,000 USD, but they risk repossession of their land if they default on their payments. Many LRs are willing to borrow money despite the uncertainty in their ability to pay it back.

In spite of an improvement in food security, field research demonstrated many continued challenges to stable and sustainable food security. Firstly, the threat of natural disasters including floods, droughts and typhoons can destroy food crops. In 2009, for example, Kampong Thom was badly affected by Typhoon Ketsana. Secondly, soil conditions in the project areas are not ideally suited for some crops, including rice cultivation. Thirdly, although WB highlighted 57.3% of LRs adopted improved soil management and agricultural production systems against the targeted 60%, and demonstration of seven technologies against the targeted one, our study revealed most LRs are not experienced in agricultural production; given that they were formerly landless, they require additional support and capacity building to successfully practice agriculture on their newly acquired lands.

Among the villages visited during field research, LRs in Chaom Kravien village, Kampong Cham province appeared to be better off than in Kampong Thom and Kratie provinces, apparently due to improved productivity of SLC agricultural lands granted in Kampong Cham. In Chaom Kravien all SLC agriculture land was cultivated while only one third of SLC agriculture land in Kampong Thom and Kratie were cultivated. Principal among the reasons for limited development of agricultural lands is that the LRs do not live permanently on the land that was awarded to them. Based on reported commune statistics collected during field research (Table 3), only 1,945 families among the 2,489 families who received residential land from LASED, or 78%, permanently live in the sites or villages.

Land Recipients who were unable to permanently live on SLC sites granted through the LASED project reported several primary reasons: (1) lack of access to water for household consumption and agriculture cultivation; (2) poor soil quality not suited for agriculture purposes; and (3) poor road conditions connecting the commune to the district where social services could be found (Thmey, Dar, and Chambock communes). In addition, investment, both in terms of capital and time, is required for an SLC to fully develop to the point of being a viable permanent homestead. Most of the LRs are the poorest of the poor and could not afford to make the required investments from their personal funds to fully develop their homestead. Land recipients balance their time between earning daily income, which supports their day-to-day livelihood needs, and working on their farm. Limited economic activity, access to markets, and a lack of employment opportunities forces many LRs to temporarily migrate to nearby villages and often to Thailand, Malaysia, and South Korea in search of jobs.

### 3.4 Forests and Trees

Two of the three provinces in the LASED specific sites have greater than 50% forest cover, and are home to some of the Greater Mekong region’s most biodiverse forests and important fauna. As stated in “The Guidance Note for Screening of Forests” and the “SLC Agro-Ecosystem Analysis,” the LASED project would avoid conversion of functional forests, non-degraded forests with present value, or future direct or indirect value, prioritizing the use of degraded lands. Approximately 94.5% of all LASED SLC sites were granted in degraded forest areas, and 5.5% in recovered illegally occupied land.

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39 Seven technologies were promoted and demonstrated in the SLC sites (demonstration plots) on chicken raising, pig raising, composting, rice production/intensification, planting of fruit trees, home gardening, and vegetable production and marketing. This was a core sector indicator added as requirement under IBRD/IDA operations.

In Cambodia, significant overlaps exist between the laws governing land and forests, which directly impacts SLCs. Linked to matters of environmental sustainability are issues of land classification, and the definition used for ‘degraded forest.’ The legal basis and procedure for State land mapping, classification and registration is regulated by various pieces of legislation, which together define a process to designate official State land classification. However, the WB states that this land classification has not yet been undertaken in most parts of Cambodia, and therefore much of the land is officially unclassified. These issues are compounded by the fact that different RGC agencies may have their own viewpoint on the status of the land. LASED was approved in this context, and consequently a participatory land use planning (PLUP) process was included in LASED to address overlaps and gaps in land classification and legislation. The LASED project was designed to contribute to the resolution of conflicting or missing pieces of legislation needed to guide land classification. The operationalization of sub-decree 19 on SLCs contributed and helped in the SLC implementation process, but no new laws or regulations were passed to improve or help facilitate land classification.

Our field research showed that conservation of forests was prioritized in the SLC allocation process through the participatory land use planning process. Mapping forest areas and other types of land cover in and around SLC sites and collaboration with various governmental departments, including the Forest Administration, helped raise awareness of the importance of forests. The LASED project attempted to conserve forested areas along riverbanks for protection of water resources, as well as preservation of important forest areas and ecosystems, which serve as habitat for wildlife. These critical areas were noted and respectively mapped as conservation areas during the LASED SLC planning phase.

In an effort to balance agriculture development and conservation priorities, areas with adequate, intact forest cover were identified for conservation and some were designated for community forestry (see map 1 in Annex). A total of three CFs were established in conjunction with LASED, one in Kratie (total 463 ha; agreement signed with the FA), and two in Kampong Thom (total 138 ha). Likewise, approximately 80% of LRs chose to maintain trees and forested areas on more than 20% of their individual agriculture and household land. While the average family received anywhere from 1-3 hectares of land, twenty percent of 1-3 hectares was maintained for conservation purposes in roughly 80% of SLC sites. During fieldwork it was possible to see commercially valuable trees growing in patches around SLC areas, which could provide timber for use and sale by communities with proper classification and designation. Currently, the overall total number of community forests in

A story from Thmey Commune

The SLC of Thmey commune is located roughly 40 km from Kratie town and 20 km from national road number 7, which is only accessible by 4 wheel drive vehicles during monsoon season. The commune consists of 10 villages: Tnaot, Thmei, Chranaol, Khnach, Veal Sambour, Svay Chrum, Krasang, B’ier, Treab and Meanchey. The SLC area of 923 ha was registered with the Ministry of Interior in February 2011. The area was divided into 4 land use types: (1) residential land: 60.8 ha; (2) agricultural land: 583 ha; (3) infrastructure: 135 ha; and (4) forest area: 145 ha. There are a total of 432 LRs in the commune. The land recipients are classified into 3 groups: (1) families receiving both agricultural and residential lands – 347 families; (2) families receiving only agricultural land - 77 families; and (3) families receiving only residential Land – 8 families. Based on commune wealth ranking data, the LRs were from the poor 1 and poor 2 categories. The Poor 1 and Poor 2 families living in the commune were entitled to apply for SLCs. The LR selection was decided by the land allocation committee, consisting of the village chief, commune counselor, and LASED staff. The project provided house construction materials to build 118 houses. As of September 2015, only 65 families had built houses and lived in the area. The project also constructed a school building, as well as ponds and small roads.

Among the challenges encountered by LASED in Thmey Commune was the lack of water for household consumption and agriculture. Mr. Mom Kham, a commune chief, when interviewed, stated that due to poverty levels, most LRs travel to other villages for farm labor work. As a result, they have no time to cultivate the agricultural land provided by LASED. He described the LRs in his commune as very poor families who depend on seasonal employment as a source of income. The LRs have limited or no capital, and no plans to invest in a farm, even if they were financially or technically supported by the project to clear their given land for agricultural purposes (the project supported each family to clear a given area for agriculture). Mr. Mom Kham wished that wealthier residents would settle in the area, so that they could provide employment opportunities to community members. One of his suggestions for improving LASED was to find alternative water sources for agriculture, and to invest in solar power pumps for water distribution. He felt that financial support to clear forested areas for agriculture was one solution to food insecurity; he also suggested that land should be offered as an incentive to encourage wealthier families to move to the area.

42 Such as: Sub-Decree 118 on State Land Management (October 2005); PRAKAS 42 on Identification and Mapping of State Land and State Land Classification (March 2006); Sub-Decree 46 on the Procedures to establish Cadastral Index Map and Land Register; and Sub-Decree 48 on Sporadic Land Registration.
43 World Bank Environmental Assessment; report number E1805; December 1, 2007
44 The procedures for PLUP are to be determined eventually by joint-Prakas of the MLMUPC and the Ministry of Interior (MoI) according to Article 22 of Sub-decree 118. It is expected that the experience gained in LASED will inform this Prakas.
and other regulations. Importantly, the three CFs identified in conjunction with LASED did not have CFMPs at the time of field research; however, the CF established in Kratie does have a legal CFA.

Respondents and interviewees raised several issues regarding maintaining the trees on their agricultural plots. SLC beneficiaries experienced difficulty protecting the trees on their farms from outsiders, particularly those coming from Kratie town and other communes. Furthermore, LRs mistakenly believed that the trees on their property belonged to the government, and that they did not have full rights over the trees. SLC beneficiaries are not fully aware that, in accordance with the forestry law, trees on private land belong to the landowners, and have rights to harvest and use for their own benefit. Since the SLCs in effect vested rights to the SLC beneficiaries or LRs, the land became private land—owned by the SLC recipient—and therefore, the existing

Cambodia is 499, totaling 417,635.86 ha. As community forestry is growing in Cambodia and providing important socio-economic contributions to the rural poor, the National Forest Programme (2010-2029) has set a target of two million ha of forestland allocated for community forestry by 2029(approximately 1,000 CF groups).

Most LRs strongly believed that forest loss would result in serious impacts on livelihoods in the SLC areas, which is why many LRs chose to maintain the remaining forest in their homestead and agricultural land. The three CFs that were identified through LASED and LASED’s land use planning component allowed for communities to strengthen their local CF institutions, gave communities rights to exclude outsiders, and allowed for enforcing rules and regulations to stop illegal logging. Under the Law on Forestry and the Sub-decree on Community Forestry Management, communities can legally use and manage a community forest as set out in the Community Forest Agreement (CFA) and the Community Forest Management Plan (CFMP), which must be approved by the Forestry Administration Cantonment. Community forest agreements are active for 15 years, and are renewable for an additional 15 years, provided that the CF is being managed in compliance with the CFA, CFMP,

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45 Forestry Administration as of June 2015
47 Rules and regulations for CFs are developed by community members on how to use and manage their CF resources, i.e. how to fine illegal timber cutting within their CF site, how to share benefits among their CF members, how to allow outsiders to use CF resource with permission from CF management committee. These rules are developed with support from NGOs and FA (in this case, RECOFTC and FA played a critical role in support the rules and regulatory development in a participatory manner. Normally, without proper awareness raising, not all community members are fully aware of the rules but through institutional strengthening they gradually enforce their CFMP.
48 RECOFTC and the FA supported the legalization process of this CF.
trees are owned by LRs, not the government. Further training and capacity building around land and resource rights could strengthen LRs understanding and knowledge with regard to land and forest resource management.

4. Project Design & Stakeholder Engagement

In GIZ’s project completion report published in 2015, they acclaimed the project as successful, with necessary mechanisms in place and social and economic support to LRs. Furthermore, they asserted that the LASED model is cost efficient and replicable, and thus guarantees significant positive impact, or improvement in livelihoods for LRs. At the same time, the RGC and GIZ also acknowledged that the legal framework, coordination, management, and mechanisms for implementation were too complex due to the involvement of many stakeholders. Land recipients, donors, NGOs, and multiple levels of government agencies, from the national level down to local committees were required to work collaboratively and together, perhaps an unfamiliar practice to many involved in LASED. The RGC admitted that they were too optimistic with their initial targets for number of LRs and hectares to be transferred. Major delays at the start of LASED resulted in setbacks in the implementation process. A WB official noted that the first 1-3 years of the LASED project were extremely challenging due to a lack of formal documentation for rural households. Identifying LRs and verifying that they meet all LASED project criteria presented limitations in the early years of implementation.

Despite these shortcomings in planning and implementation, RGC and GIZ claim that the project was successful in large part due to strong multidisciplinary and multilevel collaboration and coordination for planning, budgeting and managing contracts. The project encountered challenges in many steps and sub-steps of the SLC process, including: identification and legal registration of SLC sites, LR selection through a transparent process, dealing with encroachment in SLC sites after identification, preparing and approving SLC plans, and providing support for settling in to newly acquired lands. Strong support for LASED implementation from senior decision makers at all levels of government was instrumental in resolving many of these issues.

While many steps of the SLC process take significant time, the BIC-RECOFTC investigation of LASED indicates that the project did in fact complete the 10-step process for most LASED sites, in accordance with the SLC process outlined in project documentation (see Annex 3 for 10-Step SLC Process). The commune councilors, key figures in the SLC process, played a critical role in sharing information, raising awareness, facilitating community participation, targeting LRs selection, mapping state land classification, and registering land recipients. The identification of eligible applicants and land recipients was conducted in close coordination with the Commune Council and NGOs, which minimized conflict with residents who settled in the area before the start of LASED. The project also conducted a series of meetings and public announcements to notify the public of the project and to try to reduce or prevent overlapping land claims.

Together with the village chief, the District Working Group (DWG) publicly displayed the Social Land Concession Map in the commune office for 30 days. Provincial Department of Land Management, Urban Planning, Cadastre and Construction (PDLMUPC) or General Department of Cadastre and Geography staff were available to explain and discuss the map with any interested parties. The DWG worked with civil society organizations to explain the map, particularly to potential claimants. The DWG registered each received claim and invited civil society organizations to review them. The DWGs revised the Social Land Concession Map to reflect any valid claims. WB highlights resolution of most complaints received through the process as one of the indicators of success of LASED.

However, as 5.5% of LASED SLC sites were identified and granted in recovered illegally occupied lands where land conflict issues are widespread, land contestation and resolution caused additional delays in the allocation process. In the case of Tipo commune, 162 families claimed to have land within the SLCs. These cases were addressed through a series of meetings with contending parties and on the ground verification of the sites. In Kratie, about 30 families claimed to have land within SLC sites; after extensive mediation, the conflict could not be resolved, and they were excluded from the LASED project. Not all contested land conflicts could be resolved through the LASED project.

Additionally, other types of disputes arose in SLC sites after the land identification process and were linked to issues of encroachment. The local government at the district and commune level tried to address encroachment on SLC sites by providing information to illegal land encroachers. If the
illegal encroachers were poor families and were living in the area, local authorities should, in theory, assist them in applying for an SLC. If they were outsiders, as in migrants from another area or village, further investigation would be conducted with local authorities to confirm their poverty status. If they are in fact poor and confirmed to live in or around the area, then they were given the opportunity to be included as a LR beneficiary.

The commune council and NGO staff played important roles in facilitating the flow of information regarding SLCs to the LRIs. All respondents reported that they received sufficient information about SLCs from either the commune council or NGO staff working in their villages. The participants of the focus group discussions and key informant interviews indicated that there were multi-sectoral consultations as part of the overall SLC process, during which participants discussed land distribution and forestry issues. The consultations involved LRIs, local communities, NGOs, large landholders, researchers, local and national officials, donors and technical specialists. LASED was implemented in a decentralized way through the Royal Government structure, from the national-level to the commune and village levels, with the intention to process land titles quickly and at a reasonable cost.

5. Discussion & Conclusions

The LASED project was fairly successful in achieving its target number of LRIs, area of land allocation, infrastructure improvements, and many of the project development objectives. However, some shortfalls in the project design and implementation have prevented LRIs from fully benefitting from the project. Although the scope of this study did not seek to fully evaluate the outcomes of the project, the findings of the BIC-RECOFTC review indicate that gaps remain in fully realizing the intended outcomes. Also, it is notable that other SLCs have been established in Cambodia without following the LASED model; however, this study only investigated SLCs established within the LASED project. LASED does in fact contribute to the RGC’s third land policy pillar on land distribution, and the operationalization of sub-decree 19 on SLCs positively contributes in the SLC implementation process. In the project appraisal stage, LASED was designed to contribute to the resolution of conflicting or missing pieces of legislation needed to guide land classification, but no new laws or regulations were passed as a result of LASED to improve or help facilitate land classification. Sub-decree 19 defines the criteria, procedures and mechanism for the granting of social land concessions, but does not directly resolve or improve land classification issues.

It may be true that the LASED model is cost efficient and replicable, in which sense it holds promise for an improve-ment in livelihoods for LRIs. However, the coordination, management, mechanisms for implementation, and legal framework were far too complex, leading to mixed results in transforming the lives of the rural poor. As our study shows, not all LRIs benefitted from their SLC land- while some didn’t permanently occupy their land due to employment migration and economic circumstances, others simply couldn’t afford to make the required investments to fully develop their homestead or agricultural land. Access to credit was insufficient for LASED LRIs and prevented many from realizing the intended outcomes. Inclusion of private sector actors in future SLC project sites has the potential to create outside investment that could increase economic activities, access to markets, and employment.

This study revealed that the situation on the ground was neither as positive as reported by RGC-GIZ nor as negative as reported by LICADHO. Although the WB considered tenure security to be one of the biggest benefits derived from the project, the majority of LRIs are still without title to their SLC land. At the time of LASED site visits, less than 10% of LRIs had received titles to their land, only one province out of three, totaling 250 LRIs had completed the required steps to obtain legal title. While LRIs may have a formal land receipt from local authorities ensuring the land is theirs once the five-year requirement is met, very few LRIs actually have titles or technically own their land. LICADHO’s assertion that the 5-year waiting period undermines tenure security rests on the fact that LRIs continue to live in fear and uncertainty that government or other legal/illegal entities may make overlapping claims to their awarded land. Moreover, without legal title to land or other proof of immovable property, LRIs are further excluded from obtaining loans or the financial resources they need to develop their land. Land titles are a formality of security, and give the rural poor an asset and opportunity in which to build a life. While LASED provides a track toward tenure security, the delayed implementation of the project compounded by the 5-year waiting period contributes to the weak recognition and inadequate tenure rights for landless and land-poor families in Cambodia. LRIs should obtain SLC land titles in a timely way upon receiving their land allocation.

Cambodia’s current situation of widespread illegal occupation of State land provides opportunities for land speculators and powerful elites to take illegal possession of land and forests through various means. The SLC program provides a systematic means of providing land to the poor, which in theory should protect them from the encroachment of illegal entities. Unfortunately, our review showed that awarding land does not always prevent encroachment. Disputes arose in SLC sites during and after the land identification process; many conflicts were linked to issues of encroachment. Approximately 95% of all LASED SLC sites were granted in degraded forest areas or previously forested areas that were
Deforestation is at its highest ever historic rate in Cambodia. Landlessness and poverty continues to plague vulnerable rural families. Escalating demand and pressures on land and natural resources from an increasing population, rapidly rising unemployment, internal migration, and infrastructure development continues to undermine progress. Legislative gaps and inconsistencies combined with a weak rule of law and little to no enforcement leads to unsustainable exploitation and conflict over land and forest resources. While the development challenges in Cambodia are many, distribution and allocation of land and resources from State controlled entities to communities and households holds promise in establishing a more level playing field. SLCs are a step in the right direction, but simply are not sufficient to effectively pull LRs out of poverty. The intentions of the LASED project are inherently good, and do seek to assist the poorest of the poor, but in scaling-up LASED in future investments, other factors and improvements should be taken into consideration, including: clearer land classification, more expedited titling processes, more consideration of forest conservation in project design, greater emphasis on community forestry, improved economic opportunities, and greater basic resource availability (e.g. water resources) for LRs after awarding land. Our intention is for this review to help build a shared understanding of the impacts of LASED. Our hope is that all stakeholders involved will work collaboratively to help seize immediate opportunities for reform, progress, and lessening the gap between the rich and poor.

Conservation of forested areas for wildlife habitat and community forestry development within SLC areas shows LASED considered environmental conservation in its design, though areas designated for community forestry or conservation were very limited. The three CFs identified in conjunction with LASED totaled 601 hectares. The establishment of community forestry provides communities with an opportunity to strengthen local CF institutions, gives communities rights to exclude outsiders, and allows for enforcing rules and regulations to stop illegal logging. Strengthening land tenure and community forest tenure gives communities the legal rights and recognition needed to prevent land and forest encroachment. Legal access to community forest resources could have improved LASED’s socio-economic outcomes. Given LASED’s goal of poverty alleviation, households would receive additional and diversified economic benefits from explicit efforts to promote and allocate land for community forestry. Consideration of potential CF land should be identified and mapped for the establishment of CFs, as community forests are only legally possible outside SLC areas on State Public land. The conversion of land from State Public land to State Private land should be appropriately sequenced in the SLC process, so that areas suitable for community forestry are recognized and developed before being converted to State Private land. Scaling up community forestry could offer solutions not only for pervasive illegal logging, but also to create opportunities for reducing poverty by opening doors for community forestry enterprises in the long run.

6. Recommendations

6.1 Project-level Recommendations for Future Land Projects in Cambodia

1. LRs should obtain SLC land titles in a timely way upon receiving their land. The legal requirement of occupying SLC land for at least five years undermines tenure security, and makes it more challenging for LR to prevent land encroachment.

2. Promote an emphasis on community forestry in suitable areas around SLCs to conserve critical wildlife habitats and to create a base for community forest enterprises, which could provide economic benefits to LR and maintain forest cover. In addition to agricultural and residential plots, future initiatives should designate additional, larger areas for forest conservation, as well as explicitly seek to title community forestry lands, which can be used for community production of timber and non-timber forest products.

3. Build greater knowledge, awareness, and capacity of community members to assert their rights over the trees and resources in their private lots. Such capacity building would require engagement of government entities to disseminate information at the community level regarding relevant legislation and regulations.

4. Focus on agricultural skills training of horticulture, commercial timber tree plantation, animal husbandry, and industrial crops such as cassava and rice, in addition to vegetable growing. Farmers should also be trained as farmer investors, including in business development and marketing of crops.

5. Create and maintain appropriate business networks with existing stakeholders, private sector actors, and companies which can provide sustainable employment and credit to LR, thereby helping them realize the full economic potential of their new land.

6. Increase access to resources for preparing land for cultivation in order to improve LR usage of SLC granted lands, as well as improved planning, development and implementation of infrastructure services, such as roads, bridges, and water infrastructure.

7. Organize LR into cooperatives to which long-term technical, financial, and marketing assistance will be channeled.

8. Increased efficacy in the small credit groups could help LR borrow funds to develop their SLC lands more effectively.

9. Implement a comprehensive State land identification and mapping program at the national level. Such a program could reduce overlapping claims to land and forests, and assist in identification and granting of future SLCs and ELCs.

10. Employ a clear definition and methodology for identifying ‘degraded land’ and ‘degraded forest land’ in order to reduce the uncertainty in availability of certain lands, and ensure that valuable forests are not converted to agricultural use or other purposes.

6.2 General Recommendations for Land Allocation Projects

1. Employ a clear and transparent methodology for identifying available lands to grant to communities, and an expedited timeframe and process for awarding official land titles.

2. Accompany allocation of new land with meaningful long-term technical and financial support to assist land recipients in using their new land productively, including access to credit and small credit groups, technical training on production of new crops, assistance in accessing markets, and engagement with private sector actors to provide employment and business networks. Accompany land titling with a prior analysis of local markets, viable crops, and additional support needed to foster economic development in allocated lands.

3. Develop a comprehensive land classification and mapping program to inform selection of available lands for titling, and ensure that land has the appropriate characteristics for desired use.

4. Carry out an analysis of land use conflicts, provide robust grievance redress mechanisms for resolving conflict, and provide support to land recipients to address encroachment on their lands.

5. Use transparent definitions and methodology for classifying degraded lands or forests, in order to ensure that valuable forestland is not converted to other uses.

6. In addition to allocating residential and agricultural land, allocate designated forest and community forest areas, accompanied by capacity building related to community forest management. Designated community forest areas would help communities diversify income and obtain valuable non-timber forest products, and also maintain forest cover.

7. In agricultural plots, consider incorporating training in agro-forestry, as well as provision of information regarding rights to trees and other natural resources.

8. Incorporate an explicit focus on forest conservation and sustainable forest management. Undertaking land allocation without an explicit effort to conserve forest resources and integrate forests into land use planning is a lost opportunity. Failing to include forestland will likely result in exacerbating existing forest loss issues, potentially to the economic detriment of local communities.

9. Engage with, and facilitate collaboration between numerous agencies involved in land use planning, including ministries of planning, agriculture, environment, forestry, and law enforcement.
1 Commune council is responsible for the management of forest area, which is considered common property.

2 Poor 1 and poor 2 categories are families that do not have land for a homestead or for agricultural purposes. They experience food shortages for more than 8 months, or up to a whole year. Some of the families are also in debt.

3 LASED staff includes 10 staff members: Provincial manager; Cadastral/land manager; Rural development specialist; Agriculture specialist; Beneficiary selection specialist; Information Officer; Finance Officer, who works within the Finance Office of the Provincial Administration; and four officials who work within the Planning and Investment Division of the Provincial Administration, including, Contract Administration Officer, Provincial Facilitator, Technical Support Officer and Procurement Support Officer.

4 The project provided support to clear 1/4 of the total area given to LRs (both household and agriculture land). For example, if a LR received 1 ha of agricultural land, then LASED would support to clear 1/4 of 1 ha. However, during the process of land clearing, project staff would explain the importance of keeping good forests around LRs HH and agriculture areas. At least 20% of good forest was kept for the purpose of environmental protection, water source and biodiversity protection.

5 These figures represent the total number of families or households that received residential land or agricultural and residential land; this figure excludes households and families that received only agricultural land.
Annex 2: Photos  All photos taken by the RECOFTC research team during field work in October 2015

1. Research team meeting with commune councilor of Thmey commune, Chetr Borey district, Kratie province
2. Borehold in Srealue Village, Cheam Kravean commune, Memot district, Tboung Khmum province
3. Timber transportation in Thmey commune along the road leading to SLC
4. Protected forest along the river by community members in Sen Akphivat 1 village, Tipo commune, Kampong Thom province
5. Health post in Srealue Sen Chey village, Chuam Kravean commune, Memot distract, Tboung Khmum province
6. School constructed in Srea Leu Senchey village, Cheam Kravean commune, Memot district Tboung Khmum province (LASED site)
7. Road constructed to SLC in Dar commune, Chetr Borey district, Kratie province (LASED site)
### Annex 3: 10-Step SLC Process

<table>
<thead>
<tr>
<th>Step</th>
<th>Description</th>
<th>Results</th>
<th>Remarks</th>
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<tbody>
<tr>
<td>1</td>
<td>Initiate and screen SLC</td>
<td>Commune council propose SLC</td>
<td>Authorization to proceed</td>
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<tr>
<td>2</td>
<td>Plan technical studies</td>
<td>Work-plan SLC process</td>
<td></td>
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<tr>
<td>3</td>
<td>Awareness raising</td>
<td>Local residents understand about SLC</td>
<td>Method of selecting land recipients agreed</td>
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<tr>
<td>4</td>
<td>State land mapping</td>
<td>SLC land registered as &quot;state private land&quot;</td>
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<td>5</td>
<td>Participatory planning</td>
<td>Agro-ecosystem analysis</td>
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<td>Infrastructure needs assessment</td>
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<td>Social and environmental safeguards</td>
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<td>Social land concession report</td>
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<td>6</td>
<td>Review of SLC report</td>
<td>Allocation for rural infrastructure and services</td>
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<td>Authorization to proceed</td>
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<td>7</td>
<td>Land recipient selection</td>
<td>Priority applicants' list</td>
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<td>Reserve applicant's list</td>
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<td>8</td>
<td>Full SLC plan</td>
<td>Plots allocated</td>
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<td>Full SLC plan approved</td>
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<td>9</td>
<td>Site preparation</td>
<td>Boundaries Marked</td>
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<td>Rural water supplies</td>
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<td>Official transfer of land</td>
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<td>Settling in and rural development</td>
<td>Settling in assistance</td>
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<td>Rural infrastructure and services</td>
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<td>Sustainable community</td>
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*Steps 3, 4 and 5 can be proceeded at the same time*