

Solving land problems: future plans

As evidenced by passage and implementation of the 2001 Land Law, the Royal Government of Cambodia has begun to pay a great deal of attention to land issues, spearheaded by the MLMUPC. This Ministry was formed in 1999 out of departments of other ministries. The MLMUPC's Minister, H.E. Im Chhun Lim, is a senior and respected figure in the CPP government. Besides lobbying for the new land law, the Ministry brought the Council for Land Policy into being, issued a preliminary land policy framework, and started on a number of pilot projects in land registration and land management, with financial and technical assistance from the governments of Germany, Finland, Denmark, and Japan, and the World Bank and Asian Development Bank.

The MLMUPC has proven itself unusual in Cambodian politics in welcoming NGO participation in the deliberations on the new land law. It is putting in place loan support from the World Bank and technical support from GTZ, the Government of Finland, and the Asian Development Bank to begin implementing the land law on a wide scale during 2002.

In land issues, Cambodia is literally mapping out its future. The country has the opportunity to use the favorable constellation of political stability, donor support, and the momentum of groundbreaking legislation to institutionalize a land tenure system that gives security to smallholders and protects the public interest in the use and disposition of state property. It can also squander this moment if it fails to create an orderly and secure system that recognizes long-term possession and efficient use as the basis for property rights and continues to permit those with inordinate power to use the country's land and forests as a private slush fund. The direction it will take, like most of what matters in Cambodia, seems to hinge ultimately on the desires and political calculations of Prime Minister Hun Sen. Although destinations on this map remain vague, current developments offer cause for cautious optimism. ☺☺

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LTC assisted South Africa in its recent National Land Tenure Conference. Lessons listed below were presented to South Africa's Department of Land Affairs in a preparatory seminar.

Lessons learned in tenure reform: a global perspective

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1. Tenure reform deals with the most difficult of issues: land, its possession, and ownership are complex issues due to the social, cultural, political, and material values and power embedded in landownership and control.
2. Tenure reform actions are bound to offend some groups. Land is a fixed resource, and it is difficult to structure win-win solutions.
3. Success in tenure reform requires a high degree of political will and consistency in political and administrative activity.
4. Tenure reform combined with a trend toward devolution of governmental administrative authority is a global phenomenon. Devolution, while an obvious directive in theory (citizen access, variation in local conditions, etc.), raises complex issues of competency, abusive behavior, lack of oversight, and equity among local authorities.
5. Tenure reform is country- and region-dependent; it is a function of culture, history, and the legal framework; there are no easy or transferable formulas for how to approach tenure reform.
6. Success in tenure reform requires transparency and participation, which itself requires implementation with a non-adversarial dispute-resolution process.
7. Public agencies must not overpromise what will be accomplished with tenure reform, either substantively or through the timeline for its implementation.
8. Success in tenure reform requires an openness to utilizing a variety of tenure forms.
9. Tenure reform programs must be wary of unintended consequences of policy design and reform.
10. Success in tenure reform is assisted by starting in "easier" situations, experimenting and succeeding, and then building on that success, rather than first seeking to address the most pressing problems, which are often the most complex. ☺☺



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From time to time we bring you excerpts drawn from the LTC archives or from news sources around the world—chosen to provoke thought, highlight enduring land issues, or reveal how tenure approaches have or have not changed. Responses are always welcomed. Contact the Editor or the LTC Tenure listserver: tenure@relay.doit.wisc.edu.

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... from the archives ...

“‘Land reform’ is nothing more than ‘a law on the books.’ A.T. Chaudhri, editor of the *Pakistan Times Press* of Lahore, known to be one of the most knowledgeable and outspoken people on the subject, told me, ‘If you were to bring the first Biblical characters back to some parts of Pakistan today, they would notice no change, none whatsoever.’

... But things may be changing in Pakistan. Some say that the new constitution, which went into effect on August 14, 1973, will lead to a more equal distribution of wealth. Each day the newspapers bring promises. The day I left Pakistan the lead

in *Dawn*, a foremost Karachi daily under a Sukkur dateline (during one of the Chief of State’s whirlwind trips through the country) read, ‘The Prime Minister, Mr. Zulfikar Ali Bhutto, declared here today that his Government would now devote all its energies towards consolidating the gains of the reforms already introduced so that the common people felt the impact of those reforms.’

“Time will tell.” ☺☺

Thiesenhusen, William C. 1974. “A Brief Glimpse of Rural Punjab, Pakistan’s Breadbasket.” *LTC Newsletter* July-September, pp. 1-10. Madison: Land Tenure Center, University of Wisconsin.