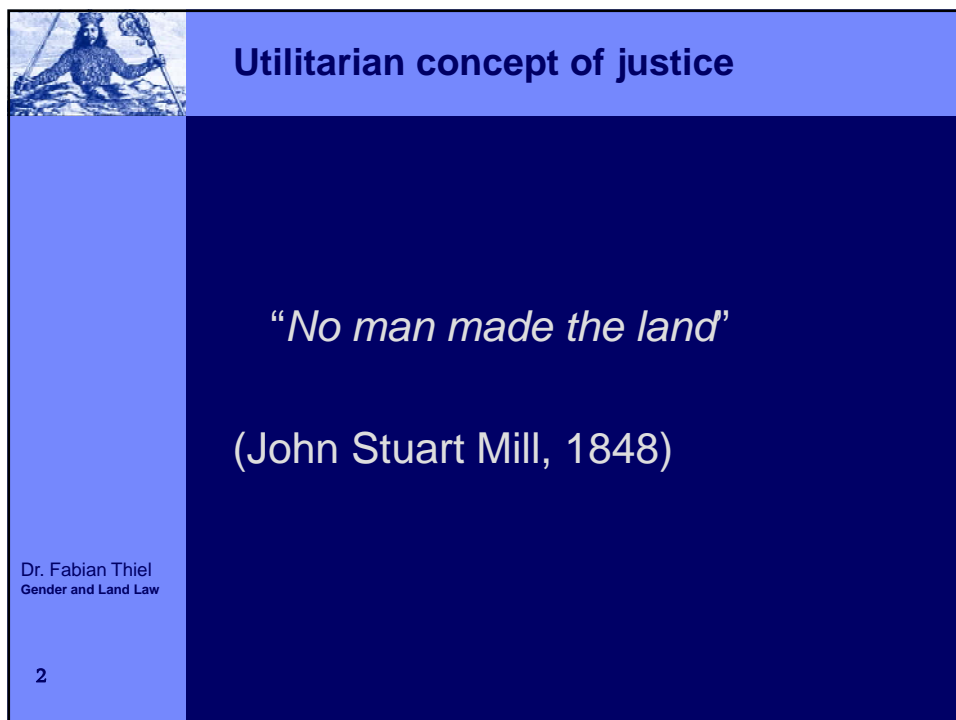


**gtz** Land Management

# Gender Equality and Land Law in Cambodia

Dr. Fabian Thiel (CIM)  
Faculty Advisor, Faculty of Land Management and Land Administration,  
Royal University of Agriculture (RUA), Phnom Penh




**Utilitarian concept of justice**

*"No man made the land"*  
(John Stuart Mill, 1848)

Dr. Fabian Thiel  
Gender and Land Law

2




## Who Should Own The Land?

*“The State does not know what land it has or wants” (LIC 2007).*

Land as “terra nullius”  
in Cambodia? And: Who  
should own the land?  
Man or woman? Or nobody?

Dr. Fabian Thiel  
Gender and Land Law

3




## Property Rights and Gender

- Combat gender and market failures by generalizing a regime of exclusive and tradable property rights?
- Increase in efficiency with private property? Women’s access to land via private property and registration only?
- How to reduce transaction costs for the land access of women?

Dr. Fabian Thiel  
Gender and Land Law

4




## Cambodian Land Law 2001

- Immovable Property (2)
- Principles of Ownership (4, 8, 66)
- Private and Public Ownership (14,15,17)
- Co-Ownership and Possession (29-47)
- Land Concessions (48-62)
- Leasing (106-113)
- Land Administration (226-246)

Dr. Fabian Thiel  
Gender and Land Law

5



## Data from Land Registration

### Systematic Land Registration

1 million land title issued to women and men / couples: 70 % joint titles, 20 % in the wife's name, 5 % in the husband's name

(Source: Müller, F.-V/Sar Sovann 2008)

Dr. Fabian Thiel  
Gender and Land Law

6



### Land Conflicts and Property

- Inheritance and other disputes between family members are described as common.
- Land disputes arise when land that is controlled by one relative is used by other relatives.
- Land disputes between siblings and non-married spouses are known.
- Overdebt and bankruptcy can be the result of using land as collateral.

Dr. Fabian Thiel  
Gender and Land Law

7



### Leasehold Rights

- Leasehold rights as alternative secure ownership rights for women and as an instrument of social land policy (Millennium Development Goals (MDG) 3 and 7)
- Short and long term leases
- “Quiet Enjoyment”: Divided property between lessor and lessee, e.g. between landlord and female headed household
- Integration of leasehold rights in participatory land use planning, e.g. Organic Law 2008

Dr. Fabian Thiel  
Gender and Land Law

8



## Associations and Cooperatives


Associations and cooperatives as alternative instruments for secure land rights:

- For landless and land poor female headed households (community building)
- Income generation for women
- Agriculture food processing
- Common use of machines, marketing etc.
- Value chain approach

Legal basis: Royal Decree on the Establishing and Functioning of Agricultural Cooperative (...) (NS / RKT / 0701 / 234)

Dr. Fabian Thiel  
Gender and Land Law

9



## Conclusions and Outlook

- Skim off the ground rent partly through taxation (e.g. land value tax)
- Redistribute the payments in equal shares so that the access to land for women is affordable and social infrastructure can be paid (low transaction costs)
- Make spatial planning neutral – make it bare of ground rent and of influence

Dr. Fabian Thiel  
Gender and Land Law

10



**Thank you!**

Questions, please?

[www.fabian-thiel.de](http://www.fabian-thiel.de)

Dr. Fabian Thiel  
Gender and Land Law

11