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Uncovering the individual/collective divide in planning responses to informal settlements as a structural cause of tenure insecurity in Phnom Penh, Cambodia

Cambodia is a country that has received large investments of international aid to secure the land and housing rights of informal dwellers. Most investments have been directed towards funding a market-led formalisation programme known as the Land Management and Administration Program (LMAP) to stimulate land markets without critical consideration of the complex power relationships that characterise the access to secure land by the urban poor in this context. By presenting a case study of one informal settlement in Phnom Penh this paper addresses structural problems with the implementation of the LMAP including the exclusion of informal settlements from the land registry and the earmarking of public land for future development. The paper reveals another layer of complexity by explaining the implications of the individual model of the programme in the collective support networks of the urban poor and their own capacities to resist forced and market-led evictions. The paper argues that a space should be opened for collective action in informal settlement upgrading and land formalisation programmes to address the structural causes of tenure insecurity in Phnom Penh.

Keywords: urban informality, informal settlements, power inequalities, collective action, forced eviction, market-led eviction

Introduction

Phnom Penh is an important case in the global South that reveals the tensions that characterise the access to secure urban land by the urban poor. The urban poor in this context are not only vulnerable to forced evictions due to the void of land records left by the Khmer Rouge regime (1975–1979) but also from the country's transition from socialism to a market-oriented economy in the 1990s in line with western ideals of good governance models (Hughes, 2008; Hughes and Un, 2011). This transition opened the country to the global economy allowing local and foreign investment in urban land resulting in processes of 'accumulation through dispossession' (Harvey, 2004) linked to neoliberalism (Springer, 2010; Brickell, 2014). These processes have enabled a political landscape characterised by flexible and opportunistic arrangements in the management of urban land where the marrying of politics and business has resulted in well-connected elites exerting power over land title procurements

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at the expense of the urban poor (Un and So, 2011). Estimates suggest that 29,358 families (146,790 persons) were evicted in Phnom Penh between 1990 and 2011, and over 12,000 families were under threat of eviction in 2014, with seventy-seven eviction sites identified in 2016 (STT, 2014; 2016). Forced evictions continue today and have intensified during the COVID-19 pandemic (STT, 2020).

Efforts by international donors and the state to address the tenure insecurity experienced by the urban poor and other vulnerable populations in Cambodia have supported a formalisation fix (Dwyer, 2015) through the implementation of the Land Management and Administration Program (LMAP). The LMAP is a titling programme that uses systematic land registration (SLR) to register land mainly as individual property in line with the dominant thought of stimulating land markets to reduce poverty and promote economic growth (De Soto, 2000). Various studies have exposed structural causes, such as the manipulation of the LMAP by the state, that make the programme unable to secure land for the urban poor in Phnom Penh (Bugalski and Pred, 2010; Grimsditch et al., 2012; Flower, 2019a; 2019b). The implementation of the LMAP has happened along collective practices within residents of informal settlements used as means to build power to secure land through advocacy and co-production (Kerr and Phonpakdee, 2008; Goad, 2012; ACHR, 2017).

This paper explains the limitations experienced by the collective practices of the urban poor in the light of the enforcement of the LMAP as the principal programme to register land supported by the state and international donors. A case study of one informal settlement in Phnom Penh is presented exposing how urban poor residents are negatively affected by the LMAP by being excluded from systematic land registration and experiencing a diminishment in their collective power due to the lack of support for collective action from this formalisation programme. The paper contributes to planning theory by exposing an individual/collective divide embedded in mainstream planning responses to informal settlements and the relationship of this divide with political and economic contexts implicated with neoliberalism.

The paper is organised in six sections. Following the introduction, the paper presents the theoretical discussion and conceptual background of the research, followed by the methodology used in the study, and two empirical sections discussing the findings from the case study. The final conclusion calls for a critical look to the dominant market-led formalisation programmes that sustain an individual model in the formalisation of land through the registration of individual property alone. The paper contributes to existing arguments in the literature calling to open the space for collective practices in planning for informal settlements able to sustain collective action and power within the urban poor as a key condition for securing land for the urban poor in the global South (Apsan Frediani, 2009; Boonyabancha, 2009; Cabannes et al., 2010; Porter, 2014; Algoed et al., 2018).

Phnom Penh: a conceptual discussion on planning, evictions, neoliberalism and collective action

Forced evictions including market-driven evictions are a geographically specific yet interconnected phenomenon that have links to the process of ‘accumulation by dispossession’ (Harvey, 2004) where assets and wealth are transferred from the masses to elites.¹ ‘Accumulation by dispossession’ has existed since colonisation and has been exacerbated by logics reproduced by the neoliberal ideology, in particular the commodification and financialisation of land and housing (Rolnik, 2015). These processes not only result in the forceful expulsion of vulnerable populations from their land either by force or through market pressure, but in the transformation of various forms of property rights (common, collective and state land) into exclusive private property rights (Harvey, 2004; Blomley, 2004; Porter, 2011). In Cambodia forced evictions have been attributed to the state and correlated with a consistent pattern of violation of rights including systematic lack of due process and procedural protections, inadequate compensation, lack of effective remedies for communities facing eviction, and excessive use of force, harassment, intimidation and criminalisation (Rolnik, 2008). Market-driven evictions not only respond to market pressures such as gentrification (Lawreniuk, 2021) but have also been attributed to the growth of the microfinance sector and associated borrowing conditions for the poor such as high interest rates and the need for land collateral (Bateman, 2020).

In theoretical discussions on urban informality, the formal/informal divide has been conceptualised as a governmental tool that helps sustain forced and market-driven evictions through planning processes. McFarlane and Waibel (2012) explain that the divide allows for the categories of formal and informal to be used by the state and other powerful actors to pursue interests in urban land at the expense of vulnerable groups. This instrumentalisation is clearly seen through the ‘graying of spaces’ (Yiftachel, 2009) where planning laws and instruments allow informal settlements to be placed in a legal limbo that allows the state to deliberately accumulate land for development at the expense of vulnerable groups due to their race, class and other social position (Wigle, 2014; Gilbert and De Jong, 2015). Also, the formal/informal divide determines individual property as the dominant form of tenure supported by formalisation programmes in the global South. This tendency reproduces an individual/collective divide that sustains individual and market-led formalisation approaches as

¹ For the purpose of this paper forced eviction is understood as the permanent or temporary removal against their will of individuals and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection (United Nations Committee on Economic, Social and Cultural Rights, 1997). Market-driven evictions is understood as encompassing all situations where displacements are the direct or indirect consequences of a development aiming to make a more profitable use of the land. Forced evictions and market-driven displacements are closely linked with market pressures (Durand-Lasserve, 2007).

the preferred response to secure urban land for the urban poor (Porter, 2011; Acuto et al., 2019). This happens without consideration of the power relationships that define the secure access to land by urban poor people in cities of the global South experiencing poverty, rapid growth and weak governance (Watson, 2014).

In Phnom Penh, forced evictions of the urban poor by the state or the market not only respond to the void in land records left by the Khmer Rouge regime (1975–1979) but are linked with global processes of ‘accumulation by dispossession’ driven by neoliberalism (Hughes and Un, 2011; Springer, 2013; Brickell, 2014). Since Cambodia’s transition to a market-led economy in the 1990s, land has become an attractive asset for the state, and foreign and local investors who have jointly appropriated more than 45 per cent of Cambodia’s land area for their private use and benefit (Global Witness, 2009). Forced and market-driven evictions have intensified by the rise of China as a global and economic political actor and its strong influence in Cambodia’s economy (Hughes and Un, 2011). Also, because of Cambodia being a neo-patrimonial state, personal relationships between public and private actors bypass the formal bureaucratic structure (Un and So, 2011). This allows for a ‘state of exception’ where the Cambodian state has the capacity to transcend the rule of law and act beyond the rules it has established. This ‘state of exception’ converts land laws and planning instruments, including Cambodia’s LMAP, to tools used by the state to exert its sovereign power and directly dispossess those living in informal conditions, and/or intensify market-pressures on urban low-income settlements to acquire prime real estate in central locations (Hughes, 2008; Springer, 2013). This pattern has been observed in other cities of the global South and extensively discussed in the planning literature (Roy, 2005; 2009; Yiftachel, 2009; Watson, 2009; McFarlane, 2012).

In Phnom Penh’s context of injustice and dispossession, collective action has been a challenging but essential mechanism used by urban poor communities and their networks to build power and resist forced and market-driven evictions. Brickell (2014) explains collective action as an embodiment of intimate geopolitics where day-to-day struggles against eviction can become visible at broader scales showing the relationships between homes, bodies, the nation-state and geopolitical processes driven by neoliberalism. Collective action supports the often ‘invisible’ urban poor communities to become visible in front of the state and international players, and this visibility has led to responses by the Cambodian government to be more accountable in its role to securing land rights for the urban poor either through advocacy, international pressure or collaborative upgrading processes (Goad, 2012; ACHR, 2017; Brickell, 2020). The importance of collective action in the context of land rights for the urban poor is well established in the planning literature. Collective action is how the urban poor build ‘internal power’ (Boonyabancha, 2001) and increase their ability to carry on political struggles against poverty and dispossession

by scaling-up these sources of power through networks and alliances (Cabannes et al., 2010; Herrle et al., 2015).

Despite this, studies in Phnom Penh have found that not many urban poor communities have been able to sustain collective action over time, and not many poor communities have been able to organise at all (Ward and Mouyly, 2013; Beard, 2019). As Beard (2019) acknowledges, collective action in Cambodia is negatively impacted by the history of conflict in one of the world's most violent attempts to force collective behaviour into every aspect of society under the Khmer Rouge regime. Also, collective action within the urban poor is impacted by Khmer cultural traditions that have evolved towards the pursuit of support and protection through patron-client relationships combining pyramidal hierarchies of power and respect with personal dyads of favour and reciprocity (Hughes, 2006), leading to a lack of internal trust within communities and their leaders who many times have been closely associated with government officials (Springer, 2013; Beard, 2019). Cambodia's transition to a market economy has also transformed traditional patterns of exchange and reciprocity to greater individualism (Ledgerwood, 2012).

Furthermore, the push for a 'good governance' agenda by international donors in Cambodia has favoured land formalisation processes supporting individual title to increase market effectiveness by easing land markets and enabling access to credit by the urban poor (Dwyer, 2015). This has led to a lack of support to collective action in land rights programmes without consideration of how vulnerable and essential collective action is among poor communities and the vulnerabilities to forced and market-driven eviction that the urban poor face among Cambodia's neoliberal model of development (Henke, 2011). The lack of support and recognition for 'the collective' in land formalisation has been attributed in the planning literature to the fact that collective and/or common property are not considered as property by the dominant economic model because there is neither a unitary nor stable set of exchange rights (Blomley, 2004). This is seen as an attempt for accumulation and control derived from processes of 'accumulation by dispossession' (Porter, 2014; Rolnik, 2015).

Existing research has evidenced how the structural conditions discussed above are causes of the tenure insecurity that the urban poor continue to face in Phnom Penh today. Growing evidence exists to demonstrate that through a 'state of exception' the Cambodian government manipulates the LMAP making this national formalisation programme unable to meet its objectives of securing land for the urban poor (Bugalski and Pred, 2010; Grimsditch et al., 2012; Keo et al., 2015; Flower, 2019a; 2019b). This paper unveils another structural cause of tenure insecurity in Phnom Penh by explaining how the collective power of the urban poor to resist forced and market-driven evictions is affected by this market-led formalisation programme and Cambodia's political and economic context implications with neoliberalism.

Methodology

The findings presented in this paper are part of a larger qualitative research project that examines formal and informal relationships in informal settlement upgrading practices in Phnom Penh. The study used a case study research strategy to produce in-depth knowledge of the case (Yin, 2009) and its structural context. Field work was conducted in Phnom Penh in 2016 where a total of fifty face-to-face interviews were conducted with residents from the case-study site, as well as community leaders of informal settlements, government officials, banks, microfinance institutions, NGO staff, international development agencies and academics. The case study was also informed by document reviews, direct observations and photographs and participation in workshops and forums. Quantitative data was collected from secondary sources to inform the situation of informal settlements in Phnom Penh. The research contributes knowledge to the wider global South by making the research findings available to be used and compared with wider scholarly work that produces knowledge embedded within the specificities of this context (Duminy et al., 2014).

The selection of the case study was based on three criteria derived from the conceptual discussion on tenure security and informal settlements. Also, the author's networks with civil society organisations and representatives of urban poor communities in Phnom Penh facilitated access to the case study. The criteria for the selection of Phka as the case-study site are explained below:

- *Lack of tenure security*: The lack of tenure security is a key characteristic of informal settlements (Durand-Lasserve, 2007). In the study this criterion was necessary to understand the processes of 'accumulation by dispossession' involving informal settlements in Phnom Penh and the power relationships that are at play for the urban poor to access secure land;
- *Presence of financial investments by residents in land, housing, infrastructure and livelihood needs*: It was important that the settlement to be studied had investments by its residents in housing, infrastructure and livelihood activities. This was relevant because of the significant relationship between finance and security of tenure and their link to broader global processes and neoliberalism,
- *Presence of collective action*: It was important to select a settlement where collective action was present within residents to understand the impact of the LMAP in the collective structure and support networks of informal settlements.

Introduction to the case-study site

The study site used in this research has been given the pseudonym Phka to maintain confidentiality of the participants of the study. Phka is located within 10 km north-west of Phnom Penh's city centre. In 2016, Phka was home to forty-eight households.

The settlement was connected to water and electricity, had a good quality access road and was clean and well maintained. The district where Phka was located was characterised by lower levels of poverty compared to other areas in the city. The poverty that people experienced had changed over time as part of a collective social process experienced in the settlement and the benefits that some families had been able to gain from urban development.

In Phka, eighteen families were from Phnom Penh and the rest came from other cities and provinces in Cambodia. Most people were Buddhist; however a small number of Christians and Muslims also lived in the settlement. At the time of the research, people who arrived during the 1980s mainly occupied Phka; however, because of its attractive location, offering access to services and jobs, newcomers had arrived in the settlement, such as people living in central Phnom Penh and a number of rural migrants. Thus, there were diverse socioeconomic backgrounds within residents of Phka.

In the past, Phka was a wetland surrounding a lake where the Ministry of Defence settled former soldiers and their families after the fall of the Khmer Rouge. During the 1980s the area experienced an influx of people returning from refugee camps. These people bought land from soldiers' families who informally subdivided land. In 2016, residents did not have formal land title but had possession rights over their land, a category explained in the following section. Access to legal title as a form of tenure security had been a struggle for residents since the settlement was excluded from the government's LMAP in 2007. The next sections explain the tensions implicated in the access to secure land by residents of Phka within the context of Phnom Penh.

The 'state of exception' and its implications in planning for informal settlements in Phnom Penh

The 'state of exception', or the capacity of the state to transcend the rule of law and act beyond its rules, has been acknowledged by various authors to be a key structural cause of tenure insecurity for the urban poor in Phnom Penh (Grimsditch et al., 2012; Springer, 2013; Keo et al., 2015; Flower, 2019a; 2019b). The 'state of exception' is deepened by the way the law defines informal settlements in Cambodia which increases the capacity of the state to legally exclude low-income dwellers living in informal conditions from the LMAP. Also, the 'state of exception' leads to processes of 'accumulation by dispossession' by allowing the Cambodian government to bypass land use regulations to appropriate public land for its own benefit at the expense of urban poor dwellers as illustrated below.

The greying of informal settlements in Phnom Penh

Informal settlements in Cambodia are referred to as ‘temporary settlements’ in a policy known as Circular 03 which defines these as ‘a settlement built on land which does not belong to the settlements builder’ (Royal Government of Cambodia, 2010). The basis for this definition departs from a division of land rights enacted in the Land Law 2001 during the country’s transition from socialism to a market economy (Flower, 2019a). Under the Land Law 2001 the most secure right is ‘ownership’, giving exclusive right to control, use and dispose of land and anything connected to that land. The second right is ‘legal possession’, recognising any person who had been in possession of their land prior to the passing of the law in August 2001. Those having ‘legal possession’ are subject to their legal status to be formalised by state authorities through SLR under the LMAP. The division between ‘owners’ and ‘possessors’ has been recognised by Flower (2019a) as creating an ‘inherently exclusionary legal architecture’ that purposely disadvantages low-income dwellers in informal settlements in Cambodia.

In the case of Phka, residents were able to claim land ownership because they had possession rights over their land. Residents could demonstrate possession rights thanks to having a document known as ‘plong ton’ or ‘soft title’. This document was used by families to record land transactions informally since they settled in the area, and over time had gained recognition from lower levels of government. Even when having soft title gave residents of Phka a higher level of security compared to other informal settlements in Phnom Penh, residents’ land security was subject to their claims being recognised by the state under the LMAP. Thus the legal category of ‘legal possession’ deepened the vulnerabilities to tenure insecurity experienced by residents of Phka by positioning them in a ‘gray space’ and state of ‘permanent temporariness’ (Yiftachel, 2009) easily manipulated by the state through the LMAP as explained in the following section.

Exclusion from systematic land registration

In 2006 the Ministry of Land Management, Urban Planning and Construction (MLMUPC) declared the village where Phka was located an adjudication area for SLR. Despite some land plots being registered, most of the village was excluded from this process, including all land parcels of the residents of Phka. At the time of this research, the precise reasons for the exclusion of the village from SLR remained unclear; even a World Bank mission that visited the village in 2009 could not clarify the reasons for such exclusion (Grimsditch et al., 2012).

Phka bordered two sites of state public land, a section of a lake in the north-west and empty plot of land located in the centre of the settlement as seen in Figure 1. Both the lake and the empty plot of land were classified as state public land. In 2016,

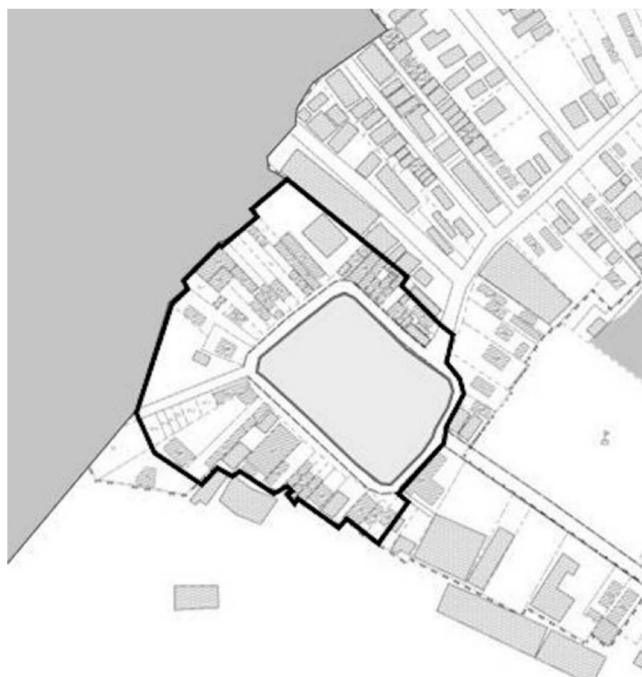


Figure 1 Map showing parcels of public state land bordering the settlement of Phka

no formal information or public notification about development plans for the lake or the empty plot had been given to residents of Phka. However, residents explained that inspectors visited Phka to survey the empty plot, and informal conversations with commune authorities indicated future residential development plans for both the empty plot and the lake.

The research found that the Municipality of Phnom Penh had granted permission to develop 'Pong Peay City', a mix of residential and commercial facilities including the second biggest mall in Phnom Penh. The project was spearheaded by a prominent businessman and member of the Cambodian Senate and involved filling 9.6 hectares of the lake bordering Phka, including 2.6 hectares of the land directly surrounding Phka and occupied by about twenty families in the settlement. At the time of the research most of Pong Peay Lake had been filled in and developed as seen in Figure 2, suggesting that development plans would affect Phka in the future.

The findings of this research concluded that the exclusion of the settlement from SLR happened because the government saw opportunities for the development of the land bordering the settlement and was not prepared to recognise the land rights of residents until development plans were defined. In other examples of exclusions of informal settlements from SLR in Phnom Penh the reason why land parcels have



Figure 2 Spatial imagery showing the development trajectory and in-filling of the lake bordering the settlement of Phka between 2003 to 2017

been left unregistered has been because of an ‘unclear status’ (Grimsditch et al., 2012). This term is not defined by law or any legal instrument in Cambodia. Most cases of ‘unclear status’ involved land claimed by the state, but not formally demarcated as such. Areas bordering state land are also recorded as having ‘unclear status’ if the state’s land boundary is not defined. The deliberate ‘un-mapping’ of land by the state has been found to be a common practice in other cities around the world where undetermined development zones are used purposely to create a reservoir of land to be released and developed in the most appropriate time (Roy, 2009). Plans for development are kept within a small elite, and ambiguity maintained with various strategies such as failing to register land. This evidences how the state deliberately produces informality by promoting processes of spatial de-regulation and exclusion. Also, the findings show how ‘gray spaces’ stretch over a spectrum of powerful and less-powerful actors threatening the urban poor’s citizenship rights while ‘whitening’ the legality of the state’s informality (Yiftachel, 2009).

Furthermore, over 60 per cent of lake systems have been estimated to have been in-filled for development purposes in Phnom Penh (STT, 2015). This has happened even when lakes have an inherent public value and the re-classification of public to private state land is only made possible under the Land Law 2001 when the land had lost its public value (Royal Government of Cambodia, 2001). When permitted under the law, this re-classification enabled land to be re-developed by the state or sold to private developers. Despite this, the state uses sub-decrees to legitimise the reclassification of lakes to private land, and the subsequent leasing or selling to private developers (Strangio and Channyda, 2008). This also happens even when by law state public land cannot be sold or subject to long-term leases, and a lessee must not

damage the property or effect change in its public function (Bugalski and Pred, 2010).

Cases of lakes and wetlands in-filling in Phnom Penh have been linked to exclusions from SLR and forced evictions of poor communities (LICADHO, CYN and STT, 2020). The exclusion and subsequent eviction of the urban poor community of Boeung Kak is a clear example of how exclusions from SLR and forced evictions of informal settlements and the reclassification of public land to allow for development are interlinked. In this exclusion case the Phnom Penh Municipality sold the city's Boeung Kak Lake area for redevelopment to a Cambodian People's Party (CPP) senator for the discount price of USD \$79 million, or USD \$0.6 per square metre at a time where prime real estate sold for USD \$700–\$1,000 per square metre (Hughes, 2008). The case resulted in the in-filling of one of Phnom Penh's principal lakes and the transformation of the area to the central business district of the city. Violent evictions occurred even when the residents of Boeung Kak had documents to claim possession rights under the Land Law 2001. The case resulted in the World Bank withdrawing its funding from the LMAP and freezing lending to the Cambodian government from 2011 to 2016 (Moek, 2016). Both the exclusions of informal settlements from SLR and lake in-filling practices illuminate the intertwined relationships between state actors and private investors where personal relationships pervade the formal bureaucratic structure (Un and So, 2011). One participant from an NGO explained this point well:

The law is the law, but the real situation is the real situation. The lakes belong to the On Nga, On Nga means tycoon. Tycoon A, tycoon B, tycoon C. Some lakes are still owned by the government but in general these belong to someone already. This is the real law. You cannot apply for land ownership of state public land even when you have been living there before 2001. But we feel this law is not real. The rich, the powerful, the high rank government official, and their relatives, they can apply for land ownership, even when it is state public land. You are not supposed to abuse the law but if you have money and you are a high-ranked official, yes you can, and you can order the official in the ministry of land management to please help you to issue land ownership to Mr. A, B, C...

Also, these practices illustrate how forced evictions in Phnom Penh respond to global processes of accumulation by dispossession driven by neoliberalism (Brickell, 2014). Within these processes there is an institutionalisation of violence through the law and the property system which is legitimised by the state through its capacity to transcend the rule of law and act beyond its rules (Springer, 2013). Here the instrumentalisation of the formal/informal divide by the state is fundamentally at play, acting as a governmental tool (McFarlane and Waibel, 2012) to exclude the urban poor from accessing land legally in areas that have been earmarked for future development.

Overall, this section shows the presence of complex power relationships defining the access to secure land by vulnerable groups in Phnom Penh, making land laws and planning frameworks insufficient to guarantee secure land for the urban poor. This highlights the need for the urban poor to build power and exert strategies to secure land. The next section explains the process of residents of Phka in building power through collective action over time in their settlement, and the limitations that these collective practices experience among the enforcement of the individual nature of LMAP as the principal programme supported by the state to secure land for the urban poor in Phnom Penh.

The impacts of the land management and administration programme (LMAP) in collective action in Phka

The process of collective action in Phka

In Phka, collective action emerged out of a social learning process experienced by residents that was incremental and time dependent. This process was born out of residents' struggle to re-construct their lives individually and collectively after the civil war and wanting to overcome poverty in the absence of government support. The collective process was supported by an NGO, the Urban Poor Development Women (UPWD), which encouraged residents to develop a community structure including a leadership committee, a community savings group, and to undertake regular meetings to discuss needs and develop action plans.

The savings group was of particular importance in this community as its resources allowed members to access basic infrastructure such as water, electricity and an access road which improved the overall quality of life in the neighbourhood. Furthermore, members were able to access money to improve their individual living conditions such as making small upgrades to their houses, develop extra rooms to rent and invest in small home-based businesses such as shops to make an income. Only residents that had lived close together since the establishment of the settlement accessed the saving group. New residents such as renters did not know about this resource and were not part of the 'community' itself. However, for its members, the savings group was not only effective in helping residents to improve their quality of life but importantly build social capital, trust and collective agency. A resident explained:

The saving group is a means for generating solidarity between neighbours. I like to save because I can support other families in the community, earn interest from my share, but most important build solidarity between each other

Further to the savings group, the leadership model of Phka was a key condition enabling collective action in this settlement. The model supported an informal network of representatives rather than one individual leader. This decentralised and

gender-balanced network of representatives broke down the hierarchical and patriarchal nature of leadership in Cambodian culture and allowed power to be distributed more equally. Representatives were associated with NGOs rather than government authorities. For instance, two representatives volunteered with NGOs as ‘community trainers’ to support other people in informal settlements in Phnom Penh to be organised. All leaders from the management committee were aware of distributing power and expressed their role as being facilitators and ensuring that the members were in control of all decisions made. A community leader explained:

Our role as representatives is exactly that, to be representatives. The structure and decision-making processes of our community are designed in a way in which power and responsibility are in hands of the members, not the committee.

The representatives explained that their leadership was successful because of good facilitation skills and the ability to mobilise members from ‘*inside their heart*’. Thanks to their involvement with UPWD, leaders had learnt participatory methodologies to facilitate the involvement and interest of residents in meetings and discussions.² These skills motivated the members to communicate and discuss issues with each other, share ideas and work collectively. Also, representatives were aware of the need to enhance the collective spirit of the community, and for this they organised parties on special occasions such as the celebration of Phka community anniversary, Khmer New Year and other cultural traditions. Staff from UPWD explained that this behaviour made Phka’s leaders different from other leaders in Phnom Penh. Most leaders exerted control over the members and were associated with government officials affecting trust and opportunities for collective action (see Ward and Mouyly, 2013; Beard, 2019).

Another key dimension enabling collective action in Phka was the capacity of residents to learn to work through their differences. Residents had different socioeconomic and cultural backgrounds. This inevitably created power differences and diverse interests among residents. However, over time residents learnt to manage differences between them and worked together toward collective goals. For example, in the initial stages of their organisation the leaders secretly made allowances for poorer people to contribute less money in the savings group or to development projects; however, at the time of the research most residents understood and accepted this. For instance, it was openly accepted that wealthier residents contributed larger amounts of money to the savings group, but it was the poorest residents who most benefited from this resource. Despite this, small conflicts between residents in relation to land and day-to-day life in the settlement had manifested over the years but most related to the management of waste and noise.

Achieving tangible results from collective efforts was another key condition that enabled collective action in Phka. The connection to electricity and water, and the

2 The participatory methodologies included games, problem trees, the river of life and songs.

upgrading of the access road, led to tangible results that improved the quality of life and sense of place in Phka. These results gave value to collective action and provided incentives for community members' participation in collective activities as one resident explained:

The community is now connected to electricity and water, and thanks to these connections people pay fewer fees. Before the fees were about five times higher than what we pay today. So, people have changed their mind-set. Before people were lazy and did not want to self-develop and collaborate with their neighbours. But over the years people's mind-set has changed and they have become active in development projects and community activities.

Building on their collective agency residents of Phka developed strategies to make their land claim and exclusion from SLR visible and gain recognition from the state. These strategies included building networks with other urban poor communities that had faced exclusion from SLR, non-governmental organisations and key international donors that had direct channels of communication with government authorities. Residents also produced legal and spatial information that made visible their understanding of the boundaries between the lake and the empty plot and their land and mapped out members residences. This information was used in public forums to make their case known to various actors in the city and established direct conversations with government officials about their exclusion case. As a result, in 2016 residents of Phka received land registration and ultimately land title in 2017.

The strategies used by residents of Phka show how collective action was used as the principal means to open opportunities for recognition from the state. However, SLR and individual title were the only options for residents to receive recognition of their land rights even when collective action was essential in the consolidation of the settlement and played a key role in giving internal power to residents to advocate and secure land title. Most residents of Phka felt satisfied to have obtained land registration under the LMAP. This process gave residents more security over their land and diminished threats of forced eviction experienced by other urban poor communities in Phnom Penh. However, the feelings of security of residents were also attached to the collective feeling, solidarity and internal power they have forged with their neighbours. One resident explained:

Before I felt insecure, I used to hear in the radio about eviction cases in Phnom Penh, like the case of Boeng Kak. But at this stage, I don't feel worried. I know that everyone here is in the same situation [as me]. I have been part of the advocacy process together with my neighbours. We have built solidarity, and that is important for protecting each other and our land. We have obtained information on our situation and received additional SLR. I feel secure because of this.

Despite this, the research found layers of vulnerability that affected the security of tenure of residents which were exacerbated by the registration of land under the LMAP. These layers negatively impacted the collective support systems of residents of Phka making them vulnerable to market-driven eviction as explained below.

The impacts from individual land registration in collective action in Phka

One layer of vulnerability revealed by the study related to urban poor residents operating financially alone to access land and housing in Phnom Penh's property market. The findings show that residents were vulnerable to losing land because of falling into debt with financial institutions. Residents borrowed money from banks, microfinance institutions (MFIs), family members, the community saving group and informal lenders to invest in land, housing and livelihoods. The borrowing practices of residents were influenced by the poverty status and economic conditions of each household, their stages of life and life events they had experienced. Most residents were aware of the dangers associated with having debt but had no other option available to them to improve their lives. One resident explained:

I don't feel happy to have a debt; I am not free and sometimes I feel stressed. But borrowing the money to expand my house was necessary. I am happy to have a bigger house and have my family living closer together.

Residents had multiple loans from various sources and carried a great amount of debt on these loans. Some residents used both the formal title of their relatives in the provinces as collateral to obtain loans as well as their soft title and property in Phka. Also, residents with larger blocks of land had subdivided and registered these subdivisions with commune authorities and used the various soft titles to obtain loans from multiple sources. Thus, the registration of land and access to land title increased the vulnerabilities of residents to tenure insecurity by widening their debt portfolio.

Having a wide debt portfolio was concerning as in Phka most residents did not conduct any financial planning to make their investments sustainable over time. A researcher who had worked with Phka's residents over the years explained:

In Phka most people develop rental rooms, everybody borrows money from the banks and MFIs because they see it is easy to collect money from rentals [...] they don't really think about the future and there is no proper planning in their business investment. This is a risk especially because they don't have a regular job.

Also, poor health and the lack of access to welfare support systems were common factors affecting the capacity of residents to meet loan repayments. There were cases of families that have had to sell their property because of accidents and illness and move to the outskirts of the city. Also, health and illness impacted some residents'

capacity to improve their living conditions, forcing them to continue to live in a state of vulnerability. A young man living in one of the poorest households in Phka explained:

I want to improve my house, but I cannot afford to do so. Because of my accident I have no savings and my income is very little. My son has tuberculosis and I have to support his treatment plus other expenses of my family. I have considered borrowing money from an MFI, but I am scared of the high interest and falling into debt.

These findings are important as recent studies have established a direct link between the poor loss of land and their inability to repay loans as an emerging major problem in Cambodia (STT, 2012; ACHR, 2014; Grimsditch and Schoenberger, 2015; GIZ, 2016; LICADHO and STT, 2019; Bateman, 2020; EC and LICADHO, 2021). Grimsditch and Schoenberger (2015) explain that land loss has been significantly accelerated because of the LMAP and the issue of individual titles to vulnerable groups allowing access to microcredit. MFIs are being recognised for enforcing coercive lending practices that take advantage of the urban poor's vulnerabilities and lack of support systems and leading the poor into deeper poverty and vulnerability (STT, 2012; LICADHO and STT, 2019; Bateman, 2020). The practices reflect the expansion of MFIs links with the global financial markets and the transformation of these institutions into commercial entities. These links are another example of how neoliberalism impacts the lives of the urban poor and how global economic forces drive processes of 'accumulation by dispossession' in a specific place.

Many residents relied on the community savings group to access finance for health and other urgent needs. However, residents who had borrowed money from MFIs, banks, and informal lenders had stopped contributing to the savings group as they needed their money to repay their debts. This diminished an important collective support system which built social and political capital among residents and supported them to face threats such as tenure insecurity. A resident explained:

I used to contribute to the community savings and borrowed money to support my business in the market [...] I had to stop contributing to the savings five months ago because I have a debt with the MFI; I also stopped borrowing because I cannot continue to pay back the loans to the savings group.

The findings also show that market-based displacement was occurring in conditions of informality and SLR exacerbated this type of insecurity. In Phka, there were families who were aware of the risks of taking up loans without having a stable income and preferred not to borrow money from external sources. In these cases, residents were planning to sell part of their land 'formalised' with SLR for a higher price and used that money to upgrade their house. This constituted another form of tenure insecurity exacerbated by the LMAP. One resident explained:

We have little income and are afraid of falling into bad debt. We have witnessed how our neighbours fell into debt and lost their land [...] We don't want to borrow from MFIs because the interest rates are too high, we will sell part of our land once we have SLR.

Residents of Phka also faced risks of losing their land because of gentrification in their neighbourhood. Wealthier people had started to arrive in Phka from the inner-city areas of Phnom Penh attracted by the good location. A wealthy resident explained:

I moved here because living areas are bigger and offer more space than my old house near Orrusey and the positive changes in the area like accessing connections to water and electricity, and the SLR survey.

New wealthier residents have bought land from poorer residents of Phka who have sold their land based on need, as one community leaders, explained:

People have sold their land because they need money as they have no jobs. They move to the outskirts of the city where they can find cheaper land.

At the time of research, the incentive to sell land was particularly manifested within the younger generation in Phka. Older people who had gone through the struggle to obtain services, built a place and community and advocated for tenure security valued their land and community in a different way than younger generations. This group of residents had a stronger sense of belonging and attachment, leading to a better understanding of the value of keeping the land for the future. In contrast, some young people in Phka saw land as a profitable asset, a view that threatened the security of tenure of families in the long term. A resident explained:

I want to keep the land for my grandchildren. Because of this I have maintained this land in my name rather than subdividing it among my children because I am afraid they will sell it.

The processes of gentrification and social change described above also affected the collective solidarity of residents of Phka. Even when some newcomers were supportive of community activities, long-term residents complained that wealthy people were individualistic in their thinking and were changing the way original residents related to each other in the community. A young mother explained:

Most of the newcomers are better off and want to live in a formal way. But the community people have an informal way of living, and that disturbs newcomers. People of upper classes live within certain rules [...] But poor people, community people, we want our children to play in the street, to talk to our neighbours, and have social connections. So, there is a clash between both ways of living.

Also, residents explained that gentrification, as well as socioeconomic differences that had grown between long-term residents over time had negative impacts on collective action in Phka. A resident explained:

Before the relationship between community members was strong and we used to understand each other and collaborate together. Nowadays our relationships are not as strong as before. When people were poorer, we worked together and supported each other. But now some people are better off than others and relationships have changed. There are less people participating in community activities and in the savings group.

All the above points to the different ways in which the individual model of urban development in Phnom Penh affected the collective values of residents of Phka and how this was exacerbated by individual land registration. Individual land registration and title as the ultimate goals of the LMAP contributed to the loss of collective action in Phka. This loss constituted a loss of support systems that residents of this community used as a key mechanism to move out of poverty and resist a process of exclusion from the LMAP in the first place. Thus, the loss of collective action in Phka constituted a loss of power in this community, making residents vulnerable to market-driven eviction in Phnom Penh's context of rapid urbanisation, neoliberalism and power inequalities.

Conclusion

The key point to conclude the findings of this paper can be best understood through a quote used by one of the leaders of Phka to express her future aspirations for the city of Phnom Penh:

We want to see the city develop, but in a way that benefits both the poor and the rich, where equality can be achieved between the rich and the poor. At the moment the poor always cry when development starts, how is this fair?

This statement reveals how the recognition of land rights through market-driven systems alone reduces claims to justice and equality to technical questions that fail to address unequal power relationships causing tenure insecurity in Phnom Penh. The claims to access secure land by the urban poor are inherently political and necessarily involve engagement with the power structures that cause insecurity and cannot be fulfilled by only receiving land registration and title. Despite this, residents of informal settlements, NGOs and development agencies in Phnom Penh relate the struggle of land rights to receiving land title through the LMAP without critically considering the impacts and disadvantages of these systems.

The findings in this paper show the importance of developing an awareness of the limitations of market-driven systems in securing land for the urban poor given the

duplicity embedded in planning systems (Porter 2014). In Phnom Penh this duplicity is evidenced in how the LMAP, a key land registration and formalisation process, claims to secure land for the urban poor. In practice, this is used to exclude and disadvantage the very same people it aims to protect, to benefit state, private investors and financial institutions' interests in urban land. Furthermore, this duplicity is evidenced by supporting an individual/collective divide translated in a lack of support for collective mechanisms that enable collective action among urban poor communities in the organisation of land and housing. Instead, the individual, technical and rational nature of the LMAP exacerbates insecurity of urban poor dwellers already experienced under conditions of informality by undermining their sources of power and collective support systems used to resist both state and market-driven evictions. Thus, the case of Phka shows that gaining recognition through market-driven systems can be dangerous for the urban poor in contexts where planning is complicit in enabling processes of accumulation by dispossession responding to global dynamics of urban development under neoliberalism such as Phnom Penh.

The findings of this paper contribute to a repertoire of cases that show limitations in the capacity of conventional land formalisation programmes to secure land for the urban poor in cities of the global South (Apsan Frediani, 2009; Hutchison, 2008; Deininger and Feder, 2009; Flower, 2019a; 2019b; Marx, 2009; Payne et al., 2009; The World Bank, 2016; Lawreniuk, 2021). Despite the clear advantages of securing property rights for the urban poor supported by the state, these cases show that initiatives to formalise property rights through title have failed in more cases than they have succeeded (Marx, 2009). Rolnik (2015) explains that formalisation programmes through titling fail because title itself speaks the globalised language of financial markets that promote the interests of the market and investors. Thus, titling programmes reproduce the complex contradiction of improving tenure security for residents of informal settlements and at the same time stimulate land markets for investment and economic growth.

The current pressures on Phnom Penh's urban environment caused by neoliberalism and the rise of China as a global and economic political actor and its strong influence in Cambodia's economy continue to create an environment of dispossession and displacement for the urban poor where title is not sufficient to guarantee tenure security for the urban poor. The state utilises a variety of techniques to force eviction ranging from violent expropriation towards coercion and gentrification as seen in the recent case of the expropriation of residents of the white building in central Phnom Penh (Lawreniuk, 2021). Also, neoliberalism has led to a trend in privatisation of public policy in Cambodia enabling a market-driven approach to the development of affordable housing which clearly excludes the urban poor from accessing land and housing, making them reliant on microfinance to borrow money for housing at unfavourable conditions (Bateman, 2020). This happens despite a long trajectory but

also complex and vulnerable collective and community-driven housing processes in Cambodia and the Southeast Asia region that have made important precedents on how to deliver collective finance and secure collective land and housing for the urban poor at scale in partnership with the state (ACHR, 2017).

These trends and the limitations regarding the LMAP in Phnom Penh highlighted in this paper show the need for the urban poor to be organised in collective action to resist state and market-driven eviction, especially in contexts of weak governance and rapid urbanisation. At the same time, the findings of this paper show how vulnerable collective action among urban poor communities can be, a fact that highlights the importance of purposely designing collective systems and instruments in programmes to secure land for the urban poor that are culturally sensitive and willing to support collective action among the urban poor. Examples in the global South show how community land trusts, community development funds and housing cooperatives can work for this purpose (Algoed et al., 2018; Boonyabancha, 2009). In the implementation of a new urban agenda and collective efforts to achieve Sustainable Development Goal 11 (sustainable cities and communities), these collective mechanisms provide opportunities for innovation in the way the informal collective practices of the urban poor can be supported and scaled-up to better balance the power inequalities that define the secure access to land by the poor. International donors and policymakers cannot continue to ignore the opportunities and lessons that the informal collective practices of the urban poor represent and should extend their support to better understand and include these practices and collective systems of land and housing in programmes and solutions for informal settlements in the global South.

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