



**Ministry of Land Management Urban planning
and Contraction**

Current Status of Land Reform in Cambodia

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**Presented: H.E. Sar Sovann
General Director of GDCG
Director of LMAP/LASSP
Lecturer of RUA, FLMLA**

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1. Background

- **Overviews**

- Territory : 181 035 km² ,Population: 14 mil



- 1 Capital, 23 Provinces, Language: Khmer

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1. Background

- **Historical Changes in Cambodia's Land Tenure System**

- *Pre-French Colonization (Pre-1863)*: Land belonged to the sovereign.
 - *French Colonial Period (1863-1953)*: First promulgating a Land Act in 1884, which was not fully implemented before 1912 due to the resistance of Cambodian farmers.
 - *Independent Period (1953-1975)*: the Western system of property ownership continued, with an increase in land transactions.
 - *Democratic Kampuchea (1975-1979)*: cadastral records were destroyed and private property was abolished. All land belonged to the State.

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1. Background

- **Historical Changes...**

- *People's Republic of Kampuchea (1979-1989)*: From January 1985, land reform started.
- *Post 1989 (1989-present)*: all land rights established prior to 1979 were null and void.
 - Land for domicile: To be provided for ownership (*kamaset*) by the provincial committee or municipality;
 - Cultivation land: State land allocated to farmers to manage (*krupkrong*) and for use (*praeprass*);
 - Concession lands: Greater than 5 ha.

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1. Background

- **Historical Changes...**

- The 1992 Land Law maintained the situation of rights of possession for agricultural the State continued to be the legal owner. It also created ownership rights for residential properties.
- Two types of State land are recognized: *State public land and State private land* (can be released for concessions or alienations).

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1. Background

- **Historical Changes...**

- The 2001 Land Law:

- * Changes and enhancements foundation for land administration, land management and distribution.
- * Providing private ownership rights to both residential land and agricultural.
- * Delegation of land administration from the central to capital/provincial level.
- * Creation of a single land registry authority with the duty of registering all land in the Kingdom.

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2. Land reform theories and practices in the world

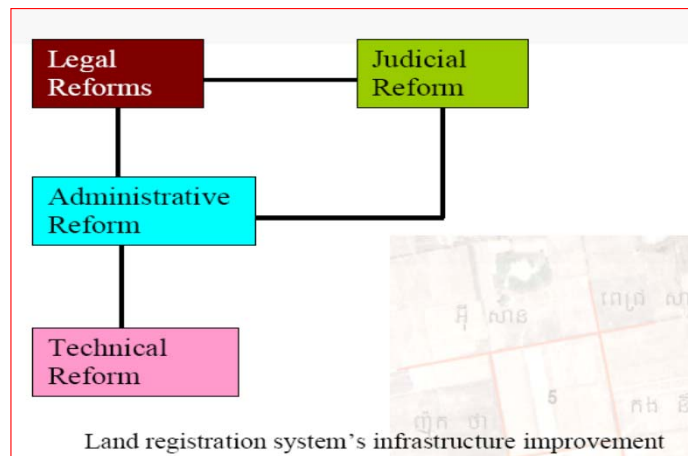
- There are two approaches of land reform:
 - Revolution approach
 - Evolution approach
- There are 3 basic types of land reform:
 - Type 1: make the infrastructure work of land registration system more effectively and efficiently (for instance land consolidation, legislative or tax reform);
 - Type 2: enhance tenure security and promote land market (such as property formalization programs);
 - Type 3: promote equality of ownership (such as land redistribution or settlement)

(References: Peter F. DALE & Jonh D. MCLAUGHLIN)

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2. Land reform theories and practices in the world (Con't)



Land reform type 1

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2. Land reform theories and practices in the world (Con't)

- The legal reforms have addressed the **modernization, standardization, and simplification** of legislation relation to land and property registration.

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2. Land reform theories and practices in the world (Con't)

They have included:

- **simplifying the nature of title** that can be registered, for instance reducing this to either freehold or leasehold;
- **reducing the number of overriding interests** (eliminating rights that do not have a significant impact on the property);
- making **registration compulsory** so that economies of scale apply and quality controls can be applied through the examination of abutting properties;
- converting **indexes** based upon **names into parcel-based indexes** that undergo less frequent change;
- introducing or restricting **state guarantees** on titles and on boundary records, based on risk management; and
- **coordinating registration law** reform with other property-related legislation, for example that associated with physical planning and land use

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2. Land reform theories and practices in the world (Con't)

- **Administrative reform have included:**
 - improving **record management** through **standardization** of procedures and minimizing **duplication**;
 - introducing **risk management principles** in the examination and handling of documents;
 - **capacity building** and advancing new **strategies and policies** for the efficient and **effective employment** of professional and support staff, including the use of the **private sector**;
 - developing '**one-stop shopping**' facilities for the provision of public services, so that customers can obtain answers to their queries through one point of access into the system;
 - **decentralizing** selected operations to the **local community**.

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2. Land reform theories and practices in the world (Con't)

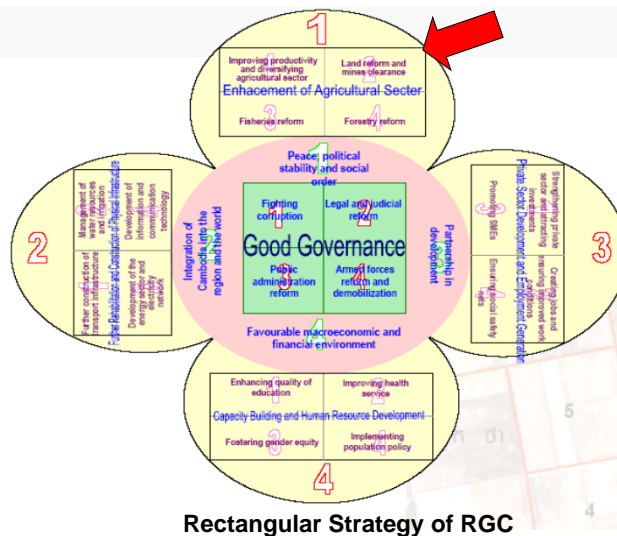
- Technical reform have largely been concerned with the **computerization** of the records, the provision of **on-line access** to databases for selected users, and **modernization of surveying practices** and technology.



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3. Land reform in Cambodia



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3. Land reform in Cambodia (Con't)

Rectangle 1: Enhancement of Agricultural Sector which covers: (1) improved productivity and diversification of agriculture; **(2) land reform** and clearing of mines; (3) fisheries reform; and (4) forestry reform.



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3. Land reform in Cambodia (Con't)

Three pillars of the Land Sector Strategy

1. Land Administration for **tenure security** through land titling and alternative land dispute resolution;
2. Land Management for **sustainable** development through land use planning; and
3. Land Distribution with **equity** through land allocation for social and economic purpose.



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3. Land reform in Cambodia (Con't)

- **Land Management and Administration Project (LMAP)/Land Administration Sub-Sector Program (LASSP)**
 - The main objectives of the project are to improve **land tenure security** and promote the development of efficient **land markets**.
 - These objectives are still relevant and project performance to-date indicates **very good progress** towards achieving the objectives.

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3. Land reform in Cambodia (Con't)

LMAP/LASSP's components:

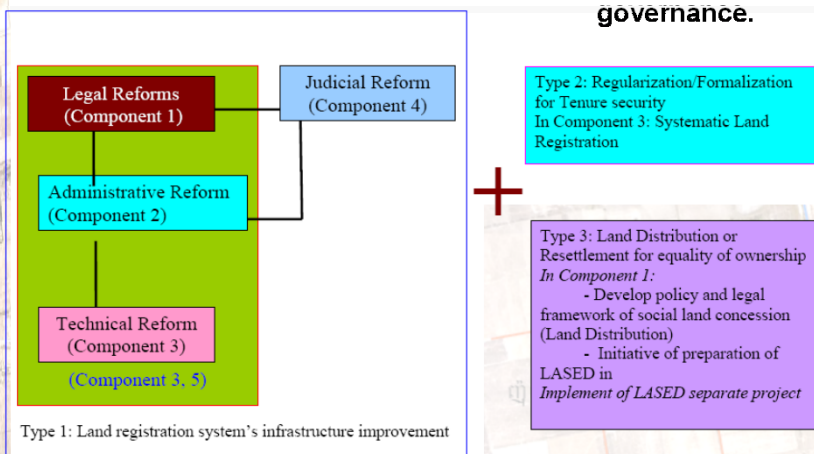
1. Development of land policy and legal framework
2. Development of institution
3. Land titling program and development a modern land registration system
4. Strengthening mechanisms for dispute resolution, and
5. Land valuation and land market development (Land management)

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3. Land reform in Cambodia (Con't)

LMAP/LSSP analysis to reflect land reform practices and good governance.



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3. Land reform in Cambodia (Con't)

- **The Key Innovative elements in LMAP/LASSP**
 - **Council** for Land Policy was established to develop the **vision** and the **legal** framework to assist the implementation of LMAP by sufficient institutional support and capacity building.
 - LMAP was designed with **long term vision** considering the context, culture and the capacity of Cambodia. To materialize this **vision**, the RGC has shown its willingness and commitment into a solid **action, result, and impacts**.
 - LMAP has developed a road-map and strategy for **capacity building**, primarily suggested by evolving thinking and practice, in support of the land registration and all the components of LMAP.

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3. Land reform in Cambodia (Con't)

- **The Key Innovative elements in LMAP/LASSP(Con't)**
 - In early stages of LMAP, the project management concentrated on developing mutual **trust**, building team spirit and encouraged **team work** based on a transparent process among implementing staff.
 - Project Management: Moving from **donor-ship to ownership** with improved capacity, **no parallel** structure against any existing government structure. The project management structure is performing a co-ordination function with **matrix** management arrangement at central level and **driven** management at provincial level.

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- **The Key Innovative elements in LMAP/LASSP(Con't)**
 - Quality Commitment: “**Quality First**” is assured by the commitment of LMAP Staff and accept the need to improve always. To achieve this LMAP established a **quality commitment unit** with a wider network of national, provincial, district level and LRT staff (volunteered) with competency in legal and technical aspects to improve product and services to satisfy the stakeholders with service standards, a feature of Total Quality Management.
 - Monitoring and Evaluation System: Development of proper **monitoring and evaluation systems**, combined with regular **reporting** systems and independent **reviews** to report **results, impacts** and **benefits** to the stakeholders.

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• The Key Innovative elements in LMAP/LASSP(Con't)

- LMAP has commenced the move from **project to program**
- Donor co-ordination and cooperation: As LMAP receives funds from various donors, the **role and responsibilities** of all development partners have been clearly defined to **avoid double funding** for single targets and any possible overlapping. Further LMAP management always ensures that **the host country to lead and coordinate**, in line with the national policy and strategy in order to improve aid effectiveness. **The vision** of cooperation is **country-oriented, not donor oriented**.

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3. Land reform in Cambodia (Con't)

- Good Governance in action
 - Established **code of conduct** for LRTs,
 - **Complaint handing** mechanism related to the ethical practice of the LRTs in place,
 - Cadastral service delivery **standards** publicly informed.
 - **Public display** of adjudication records (30 days provide the voice to voiceless)
 - Policy and legal framework is always **public consultation**.

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3. Land reform in Cambodia (Con't)

Progress and achievements

- Development of Policy and Legal Framework
 - Land Law 2001
 - Interim paper on Land Policy and key policies related to land
 - Legal regulations
 - Declaration of land policy (July, 2009)
- Institutional Development
 - Trained more than 3697 staff on various fields (1000 in land registration, 2697 in land dispute resolution),
 - Trained administration commission members more than 7000,
 - Established long-term education – FLMLA (150 BSc Degree & 198 undergraduates)

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3. Land reform in Cambodia (Con't)

Progress and achievements

- Land Titling
 - Adjudicated 1.7 million land parcels and distributed **1.3 million titles** (This is not include 80,000 from Pre-LMAP period) revenues from fees and tax around 60 million USD in the last five years. Expenditure below **10 USD/title** (38 USD in planned)
- Land dispute resolution
 - Registered - 5,129 cases, solved successful – 17,82, rejected – 1338 ,underway to solved – 1,753, withdrawn – 256 cases
- Land Management
 - Land valuation: under development
 - Land management: Developed district strategic plans and PLUP
 - Land distribution: Developed LASED for implementation in three provinces

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4. Future perspective

Declaration of the RGC on Land Policy:

The vision of land policy, is “to administer, manage, utilize, and distribute land in an equitable, transparent, and sustainable manner in order to contribute to achieving national goals of **poverty alleviation**, ensuring **food security**, natural resources and **environmental protection**, national **defense** and socio-economic **development** orienting towards **market economy**”.

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4. Future perspective (Con't)

A. Land Administration Sub-Sector

- The objectives of land administration are to **register** ownership and other **rights**, to **prevent** and **resolve** land **disputes** in order to strengthen **land tenure security**, and ensure reliability and efficiency of **land market**.
- Land registration shall comply with **principles** of good **governance, transparency, D&D, and gender equity** in order to develop a culture of land registration. This has to be **simple, precise, accessible, and at low cost**. It shall develop LIS to provide accurate information regarding immovable properties at a reasonable cost.

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4. Future perspective (Con't)

Field of activities for land administration

- To **develop** and strengthen the **implementation of laws** and regulations such as expropriation law, pre-emption law...
- To establish a clear and complete **inventory of State immovable properties** in a **unified** database system in order to enhance the efficiency of management;
- To conduct **land registration** throughout the country in a transparent and effective way for both State land, and individuals' private land.
- To develop a **unified** Geography Information System across the country
- To develop a participatory, transparent, and officially recognized **Land Valuation System**.
- To encourage participation of **private sector** in land surveying under the control of the cadastral administration;
- To continue **land disputes resolution** through administration commission, cadastral commission at all levels
- To develop **self-financing** system for land administration,

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4. Future perspective (Con't)

B. Land Management Sub-Sector

The objective of land management is to ensure **administration, protection, and use** of land and natural resources with transparency and efficiency in order to preserve environmental **sustainability** and equitable socio-economic **development** in rural and urban areas as well as to **prevent disputes over land use** by regulating land development, construction, resettlement in compliance with the law on land management, urban planning, and construction, decentralization, de-concentration, and good governance policies.

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4. Future perspective (Con't)

Field of activities for land management

- To develop national **policy and legal** framework as well as appropriate procedures for land development in rural and urban areas including construction and resettlement;
- To develop **Spatial Planning System** indicating management of an area or each location based on natural characteristic of soil the need for equitable socio-economic development..
- All land **use planning for priority areas**
- To administer and **control the use of land** and natural resources through tools such as: Spatial Planning; Land Use Planning; Zoning...
- To foster **land Use Planning at all level** with the **participation** of stakeholders;
- To **speed up** to develop **guidelines** on local land use in order to support D&D
- To accelerate **decentralization** of land management.
- To introduce **land readjustment** to increase economic productivity and local development including **village development**.

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4. Future perspective (Con't)

C. Land Distribution Sub-Sector

The objective of land distribution is to provide clear **direction for allocation and use of State** land for public and private purposes in a transparent and equitable manner in response to the needs for land of the people, particularly the **poor, disabled soldiers,** and **family** of deceased **soldiers** who have no land or lack of land by implementing social land concession program.

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4. Future perspective (Con't)

Field of activities for land distribution

- To accelerate establishment of **State land inventory** list for reserving land being used and distributed with equity, transparency, and accountability;
- To **develop and implement** a medium and long-term **strategies** in order **to use and distribute land** for social and economic purposes in accordance planning with all levels by ensuring transparency and efficiency, and avoiding negative environmental and social impacts;
- To **foster** land distribution for social purposes in a **timely manner** in order to help tackle **social problems** and prevent illegal State land **encroachment**;
- To implement **partnership** among small and large-scale plantation holders, and corporations in agricultural production, and **between economic land concession and social land concession** with aiming at generating **employment opportunity** and creating **market for local residents**.

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5. Conclusion

Cambodia selected **evolution approach** and implement **all** three basic types **land reform** focus on **result base management** and **accountability** with **transparency** and **participation** process supported by **predictable policy and legal** framework.

In fact, land reform surely **contributes** to achieving national goals of **poverty alleviation**, ensuring **food security**, natural resources and **environmental protection**, **national defense** and socio-economic **development** oriented towards **market economy**".

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Thank you for your attention

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