Current Status of Land Reform in Cambodia

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1. Background

• Overviews
  – Territory: 181,035 km², Population: 14 mil
  – 1 Capital, 23 Provinces, Language: Khmer

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.
1. Background

- **Historical Changes**…
  - *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 (*praepass*);
    - Concession lands: Greater than 5 ha.

- 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).
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.

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)*
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.
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.

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.
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.
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.

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.
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.

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)
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.
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.

• 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.
• 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.

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.
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)

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
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”.

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.
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,

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.
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.

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.
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.

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."
Thank you for your attention