Development Partner Statement on Land
delivered by HE Ambassador Mann (Germany)

at the
15th Meeting of
The Government-Development Partner Coordination Committee
Phnom Penh, September 29, 2009

Excellency Deputy Prime Minister and Minister of Economy and Finance Keat Chhon,
Excellencies, Ladies and Gentlemen,

Opportunities for ordinary Cambodians to benefit from sustainable and inclusive economic growth to a large degree rest on the land sector. We recognize that the management and administration of the land sector is very complex and requires a holistic approach as well as political mechanisms to coordinate inter-ministerial work beyond the mandate of the Ministry of Land Management, Urban Planning and Construction. The challenges are often urgent in nature and yet require well designed legal and policy instruments to resolve.

But let me start with progress on JMIs reported by the Technical Working Group on Land. In our view, there have been very positive results in systematic titling and some good progress on the Joint Monitoring Indicators.

Examples of progress include the passage of a sub-decree on "Registration of Lands of Indigenous People's Communities", a first draft of the "Spatial Planning Policy", and a draft "Housing Policy" expected by the end of December. Once adopted, implementation of policies and according legislation will remain challenging. Development partners trust, however, that the commitment the RGC demonstrated when adopting the respective policies and legislation will be translated into concrete actions and lead to accountable results.

Another positive development is the work geared at strengthening the Technical Working Group with a staffed secretariat and a commitment to principles of partnership. Further efforts must be made to build and improve the communication and mutual trust within our partnership. The recent CDC workshop on "Making Partnerships Effective" was a very positive contribution to this objective.

Land disputes are an inevitable element of any land use and management system. Significant progress has been made in resolving disputes between neighbours in the systematic titling program. The greatest challenges remain in addressing land disputes in areas where state or large private entities claim land that is occupied by the poor. In many cases this has involved expropriations, evictions and resettlements of the poor.

Some of the negative impacts of these land disputes are of great concern to all of us working to address Cambodia's priorities to reduce poverty and promote equitable economic development and social stability. The urgency of this concern was reflected in a joint statement by Development Partners in July. Development Partners understand that the negative nature of these impacts is also of concern to the Royal Government and that it is taking attention away from the positive results that are occurring in other areas.

With regard to the World Bank financed Land Management and Administration Project the Development Partners regret that the Royal Government of Cambodia has chosen not to continue the project until its December 31 closing date but are encouraged to know that the Government remains committed to addressing the complex challenge of land reform for the benefit of the Cambodian people.

Development Partners welcome the opportunity to work with the Government to ensure that resettlement policies benefit the people of Cambodia, and would be interested in knowing the type of engagement you envisage with the Development Partners on these issues

In this context, Development Partners take note of recent initiatives by the Royal Government to develop the legal and policy framework to address these issues. We understand that the framework needs to be comprehensive and harmonized with existing laws and regulations as well as with international standards ratified by the Royal Government. Development Partners reiterate their willingness to support you in these efforts.

Development Partners also welcome the announcement of the Royal Government to establish an Inter-Ministerial Taskforce under the leadership of H.E. Senior Minister Im Chhun Lim, to draft Policy Directives on Squatter Settlement Resolution including assessing the status of settlements and generating win-win plans for their development that comply with international conventions. Development Partners would appreciate receiving information on the composition and precise mandate of the Task Force and welcome guidance on how to interact with the Task Force.

We understand that a draft "Law on Expropriations" is in advanced stages of development and request clarification from the Royal Government with regard to the next steps and timelines. As this law will affect the rights and interests of all Cambodians, it seems appropriate to arrange for public consultations and inputs from civil society. Development Partners would welcome the Royal Government's views on this and underline that they are eager to offer support and expertise.

In the spirit of partnership and mutual accountability the development partners would like to discuss how we could support the Royal Government of Cambodia to move forward with the drafting and implementation of these and other elements of an effective legal and policy framework on evictions, expropriations and resettlements.

In addition to providing technical assistance to review draft policies, laws and regulations, development partners stand ready to support a 'learning by doing' or pilot approach that would ensure that settlements currently under threat of eviction are dealt with in an equitable fashion.

Excellencies, let me close by reiterating that Development Partners welcome the opportunity to support the Royal Government of Cambodia to address the development challenges of land tenure and land management in a constructive manner. In order to carry forward the dialogue on questions related to land policy, Development Partners propose to seek an informal dialogue on Ambassador level in between the meetings of the GDCC where questions in particular in relation to inter-ministerial competencies may be addressed.