The 15th Meeting of
the Government-Development Partners Coordination Committee

Intervention
by His Excellency Mr. Im Chhun Lim,
Senior Minister, Minister of Land Management, Urban Planning and Construction,
the Royal Government of Cambodia
(Phnom Penh, 29th September 2009)

Excellency **Keat Chhoun**, Deputy Prime Minister, Minister of Economy and Finance, and Chairman of the meeting

Excellencies, Madams, Excellency Ambassadors, Excellencies, Distinguished Guests, Ladies and Gentlemen,

On September 25th 2009, I had discussed in an understanding atmosphere with His Excellency Frank M. Mann, the Ambassador of the Federal Republic of Germany and Her Excellency Linda Wishart, General Counsellor of Canada on the contents of Land Statement which His Excellency the Ambassador will deliver in today meeting on behalf of the Development Partners. Herewith and on be half of the Ministry of Land Management, Urban Planning and Construction, I would like to raise some of the information and clarifications as the followings:

First of all, I would like to thank the assessment made by the Development Partners on the progress of implementing the JMls, and to fully support the Development Partners for pointing out the principles of cooperation which is the focal attention of the Royal Government of Cambodia as well as of the Development Partners. We consider as an appropriate understanding for pointing out and for acknowledging that the management of land administration is a complicated work, and land dispute is inevitable in all land management and land use systems. This is a fact, because in practice there is no land reform which can avoid some of the collision of clashes. The resolution for the problems therefore sometimes can not reach full satisfaction.

Allow me to briefly present some of the important works which have been achieved in relation to land in the last few months which some of the works are key identifications of the road map which is committed by the Royal Government of Cambodia in regard to land reform in a thorough and comprehensive manner for the long-term include:

- The Statement of the Royal Government on Land Policy is a short summary paper comprising vision, goals and activities in the land sector. Based on this statement, all ministries and institutions and all relevant stakeholders shall carry on formulating a "Comprehensive Land Policy" also known as "White Paper", in the future.
- The Draft Spatial Planning Policy which is under preparation and taken every effort to finalise the first draft by the end of this year.
- National Housing Policy which is also under preparation and taken every effort to finalise the first draft at about the same time. It is noticed that this policy has a Chapter outlining Housing the Urban Poor which stipulates that the poor in urban areas are enabled to gain access to land, rented houses or to be able to purchase low cost houses in the form of social houses. The policy also stipulated that private sectors and development partners are welcomed to invest in this work.
- The Royal Government's Instruction on Squatter Settlement Resolution in Cities and Urban Areas which the draft shall be finalised soon before it is put for consultations.

- Policy and Sub-Decree on Procedures of Land Registration of Indigenous Minority Communities and Sub-Decree on Procedures for Communal Land Use Planning have all been approved. Currendy, these policy and Sub-Decrees have been put into vigorous training and dissemination including training on know-how to use land-use maps at the sub-national level in order to effectively implement the Royal Government Policy on Decentralisation and Deconcentration.

Nevertheless, for the Systematic Land Registration, until now we have collected data on land parcels of 1,55 millions parcels and have already completed the data entry into the data base. We also have distributed 1,15 millions land tide certificates to land owners. Setting as a good experience of raising the effectiveness of public service which is one of the priority of the Rectangular Strategy of the Second Phase of the Royal Government, is the implementation of the Performance-Base Incentive System (PBIS) which is the best driving factor. I would like to stress also in regard to the systematic land registration, we spent less than USD10 per parcel. This expense is three folders lower compared to other countries which spend more than USD 35 per parcel, as

reported in the cases of Thailand, Laos, the Philippines.....

In regard to the Resolution on Squatter Settlement in cities and urban areas, allow me to clarify on the use of the word "Eviction" of people from their houses which is the word that does not reflect the facts of squatter settlements (illegal settlement) and the goal of the authorities who have paid great efforts to solve the issue.

The policy of the Royal Government as stipulated in the Interim Paper on Strategy of Land Policy Framework, September 2002, recognises the temporary land right with limited time frame for the illegal settlers and squatter settlements which have established in Phnom Penh, in provincial capitals and in some other urban areas. This phenomenon occurred because of many factors including population growth, repatriation of refugee families in a period before 1998 when the country did not yet receive full peace, the lost of land through natural disasters and other factors, especially in the last 10 years because of the rural to urban migration in searches of job opportunities and for building new lives in cities and urban areas. All of these rural to urban migrations are possible because of the rapid growth of industries, services and urbanisation in urban areas. "Recognition of temporary rights primarily protects informal settlers from abuse, and provides them with security while negotiating permanent solutions" with full security and wellbeing.

According to the Land Law, all kind of occupations of public and private state properties and all transfers of the occupations of private state properties into individual properties, even though all of those occupations and transfers take place at any times but have not conformed with the legal and regulatory documents and procedures which have approved by the laws, are null and have no effectiveness. In this regard, the illegal property occupiers and transferees have no right to claim for any compensation or expenses for maintenance and preparation made on the properties which are illegally occupied or transferred. Moreover, the illegal occupiers shall be punished by the laws. These are the provisions which are made in the laws. However by taking into consideration the needs of economic and social factors, the Royal Government recognises the temporary occupation of settlers who illegally settle on lands which do not belong to them as mentioned above.

By implementing this policy for solving problems of squatter settlements in Phnom Penh, even though these settlements are illegal settlements, the authorities have chosen solutions in three forms, on site upgrading or relocation or compensation in cash or materials. These three forms of solutions are the compensation policy and thus are not the full payment on the free market. In carrying out the solutions, the state authorities have done their utmost to facilitate among all dispute parties in order to implement the win-win policy, and to enable all dispute parties to obtain appropriate benefits.

For all the squatter settlement cases which have already been solved (it is noticed that until now, more than 300 squatter communities among the total of 569 communities have been solved in Phnom Penh), the authorities have utilised a long period of facilitation with participation of all stakeholders to enable the majority of the disputed parties to agree on the voluntary solutions. The authorities continue to pay great attention to enable re-settlers to improve and strengthen their new livelihood in new settlements, to rehabilitate income generation of the re-settlers and to improve the basic infrastructures and services in the new settlements. Setting as one of the best examples under the great leadership and the financial support of Samdech Prime Minister, Phnom Penh authority has mobilised the urban poor communities and some NGOs to establish a foundation called "Urban Poor Development Fund". The foundation has until today accumulated more than one thousand million Riels ready to be use as micro finance for poor families in their efforts to rehabilitate and improve their income generations and to improve their livelihoods.

With the situations as mentioned above, the results of the day to day solution achieved are depended upon the right leadership of the Royal Government in great effort to achieve self-reliance and inventive ideas of the authorities with the cooperation of the Development Partners such the UNDP, UN-HABITAT, UN-ESCAP, DfID, the Republic of France, experts from the United Kingdom, Japan, India and ACHR. Such wide cooperation with all stakeholders has made the on going solutions in accordance with the International practices. Indeed, the implementation of the on going solutions has produced some cases with good results and some other cases with not very good results especially in regard to practical limited capacity and mean for implementation. However, the efforts made have been based on "Learning by Doing" which shall make the efforts in finding squatter settlement solution improved over times.

While providing squatter settlement solution in Phnom Penh, I also would like to stress the land distribution work and its result in some provinces in accordance with the spirit of the Sub-Decree on Land for Social Concession which the Royal Government has been implementing through many programmes and many other forms as the national and local programmes such as land occupation regularisation of poor families, providing land to military's families close to thek barracks, the establishment of development village for handicap former military families, the development of new villages in the North and Northwest regions of the country.

In practice, by implementing the Royal Government's Instruction No. 06 on the implementation of land for social concession plan, the Capital and Provincial Land Use and Allocation Committee of 12 provinces have identified

forty thousand hectares of land to be used for distribution to around fifteen thousand poor families as a land for social concession programme which shall continue to be carried out in the future. Under direct instruction from Samdech prime Minister, the establishment of new villages as development villages have already been prepared and distributed to 240 former handicap military families on 1.200 hectares of land in Kampot province. More than ten thousand hectares of land in Preah Vihear province has been prepared and distributed to the beneficiaries in a gradual manner.

Nonetheless, for the land allocation for social concession and economic development project which is a cooperation project with the development partners, targeted 783 poor families in Kratie and Kampungcham provinces have reached the land distribution and rice for work distribution phases. However, there has been little progress in regard to land and housing preparation in these projects. On the other hand, for Kampung Thom province, this type of project has just reached the land identification phase with public display and to start receiving applications from the people of around 800 copies.

On the cooperation with the Development Partners in formulating policies and legal documents, three documents which the Ministry of Land Management, Urban Planning and Construction and the Council of Land Policy have paid great efforts in finalising the three documents by the end of this year including the draft of National Housing Policy, Policy on Land Management and the Government's Instruction on Squatter Settlement Resolution in Cities and Urban Areas. For all of these works, we will continue to cooperate with the existing Development Partners. The three draft documents when finalised, will be put for consultation according to procedure which used to be implemented by inviting all relevant stakeholders to take part in the consultation process. We would like to welcome all Development Partners and civil societies which have the good wills to take part in the discussion.

Thank you!