

Development Partner Response Statement

Briefing on application of Prime Minister's Directive No 1 dated 7 May 2012 regarding measures to strengthen and increase effectiveness in the management of ELCs delivered by H.E Dr Wolfgang Moser Ambassador of Germany to Cambodia at the
**19th Meeting of
The Government-Development Partner Coordination Committee
Phnom Penh, 26 September, 2012**

*Excellency Keat Chhon, Deputy Prime Minister and Minister of Economy and Finance,
Excellency Im Chhun Lim, Senior Minister and Minister for Land Management, Urban Planning and Construction
Excellencies, Ladies and Gentlemen,*

1. As a predominantly agricultural economy, opportunities for ordinary Cambodians to benefit from sustainable and inclusive economic growth depend to a large extent on secure access to land ownership. The Royal Government deserves credit for the significant progress which has been made in providing tenure security and in resolving disputes between neighbors in the systematic land registration program. With more than 2 million land titles distributed there are no reported incidents where titled land has been illegally appropriated, subject to new conflicts or evictions. We therefore encourage the Royal Government to continue and speed up systematic land registration and wish to reiterate that we stand ready in terms of technical and financial assistance geared at completing first registration in the coming 10 years.
2. The JMI Progress Report also reflects that since the last GDCC, the Royal Government has made substantial progress in further strengthening the legal and policy framework: The Spatial Planning Policy has been adopted and work to develop the respective legal framework has been initiated. Together, they will provide the much needed bedrock for informed decision-making on land use planning by the Royal Government while taking into account social, environmental and economic considerations in a holistic and transparent way. For urban areas, this framework will be complemented by the National Housing Policy which recognizes the right to adequate housing and is awaiting approval from the Council of Ministers. Partners also appreciate the work on developing a Land Valuation Policy with substantial fiscal potential and on improving subsequent registration, which is extremely important in terms of preserving the credibility of the cadastre system.
3. We would also like to congratulate RGC for the land titling of collectively held land for Indigenous People in late 2011, early 2012 - this is truly a landmark achievement! With clear procedures now in place, we wish to encourage the Royal Government with this important work and to scale up collective land titling. In view of the many Indigenous Communities which have been registered by the Ministry of Interior as legal entities, it is important that Interim Protective Measures are granted for these communities.
4. We recognize that the land sector is very complex and requires transparent and comprehensive approaches as well as political mechanisms to coordinate inter-ministerial work and link national and sub-national levels. More recently, public attention has focused on the adverse social and environmental effects associated with granting of various concessions, especially Economic Land Concessions. In some instances, this has also affected programmes supported by Development Partners. While the Royal Government rightfully wishes to promote direct investment, raise productivity, create jobs and income opportunities in the agricultural sector, critics point to an increase in land conflicts in areas where state or large private entities claim land that is occupied often by the poor and vulnerable. In many cases this indeed has resulted in involuntary resettlements. This is of concern to Development Partners whose overarching goal is to support the Royal Government's policies to alleviate poverty. Progressively realizing the **Human Right for Adequate Food and Shelter** requires more efforts to implement the existing legal framework.

5. It is against this background that the Prime Ministers „Land Speech“ and the Directive No 01 have created much attention. Today, we would like to thank Excellency Senior Minister for the comprehensive briefing and the opportunity for Development Partners to better understand key objectives of the Directive and how it is being implemented. The momentum created by the Directive is substantial and so are the potential benefits: We welcome the temporary moratorium on granting new ELCs as this can effectively block new conflicts. In view of the many land-poor and landless Cambodians, we also believe that distributing State land to 350,000 households can give a boost to increase tenure security, can yield potential redistributive effects and contribute to decrease social inequality while also preventing future conflicts. The Royal Government should therefore be congratulated to this bold initiative.

6. Development Partners would like to use this opportunity to raise some questions to better understand how the Directive is being implemented:

- Will at the end of this campaign the remaining State Land, in particular forest land, be **demarcated and registered**? Will the Cambodian forest cover map be updated?
- Would it be possible to receive an update on the ELC moratorium and on the review of existing ELCs. For example, are ELCs being reviewed, by whom?
- Will the campaign result in clear information about the available land stock for Social Land Concessions and Economic Land Concessions and will it also register the latter? Will the information be publicly available?
- How will areas be handled that are under dispute? Will existing dispute resolution mechanisms be used?
- How is the campaign dealing with the registration of Indigenous Peoples' community land? And will the Provincial authorities be requested to issue Interim Protective Measures for those Indigenous People that are eligible?
- To what extent does the implementation of the Directive impact on plans to speed up Systematic Land Registration?

7. Taking into account the importance and relevance of the Directive in terms of socio-economic development, social stability and land management, Development Partners would like to stay engaged and would like to discuss how the Directive could be complemented by related development efforts.