KINGDOM **OF CAMBODIA**
**Nation Religion King**

**Ministry of Land Management**
**Urban Planning and Construction**

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# REPORT
# ON
# ONE-YEAR PROGRESS WORK OF JOINT MONITORING INDICATORS AS AGREED AT THE 8th CONSULTATIVE GROUP MEETING

## I. KEY INDICATORS

The Joint Monitoring Indicators that has been agreed upon at the eighth Consultative Group Meeting under the competences of the Ministry of Land Management Urban Planning and Construction and the Council of Land Policy are:

1. Completion of legal framework implementing Sub-decree No. 118 on State Land Management,
2. Implementation of article 18 of the 2001 land law,
3. Adoption of the strategy of the Royal Government on indigenous peoples,
4. Promoting the living standard of 500 poor families by granting social land concession as well as other supports and reserving at least 10,000 hectares of land for social land concession purpose,
5. Preparation and implementing the policy on land management and related legal framework in order to enhance the use of land in a sustainable manner, and
6. Expansion of the land registration by:
   - Delivering land titles of at least 300,000 titles in 2006
   - Enhancing the land dispute resolution by the Cadastral Commission of at least 450 cases amongst 800 cases in 2006
   - Modifying the cadastral fee scheme in providing land registration service and disseminating the cadastral fee and land transaction taxes, and
   - Producing state land mapping of 5 districts and publicizing the mapping result.

## II. MAJOR ACHIEVEMENTS

1. **Completion of legal framework implementing Sub-decree No.118 on State Land Management**
   As of the day of report, the achievements accomplished are as follows:
   - Prakas No.42 dated March 10, 2006; on identification, mapping and classification of state land.
   - Decision No. 52 dated December 25, 2006; on the criteria for state land classification annexing to the Prakas No. 42 dated March 10, 2006; on identification, mapping and classification of state land.

   Besides, there are two pending legal texts, they are:
   - A Joint Prakas on registered private state land use planning (been drafted)
   - A norm on identifying a technical aspect of state land mapping and database (ongoing).

2. **Implementation of article 18 of the 2001 land law**
   An instructive circular to implement this article has been drafted and approved by plenary session of the Council of Ministers on February 9, 2007. As this circular comes into force, the Ministry of Land Management, Urban Planning and Construction will continue to provide training to relevant officials and widely disseminate this tool.

3. **Adoption of the strategy of the Royal Government on indigenous peoples**
   - The preliminary draft of the policy on the registration and the right to use of indigenous communal land has been drafted. A regional and national consultation workshops and the international forum have been held, respectively on late-December 2006, late January and early February 2007; with the participation of around 400 participants of whom are senior governmental officials representing indigenous people, all relevant institutions, civil society, representatives of

indigenous people, national and international organizations. Based on the result of these regional and national consultation workshops, the General Secretariat of the Council for Land Policy will develop the policy reflecting the feedbacks collected. Thereafter, the draft policy will be put for further comments from the Council of Land Policy in this March 2007 before sending to the Council of Ministers for the approval.

- In parallel with the preparation of this policy, as there is no law on the recognition of indigenous by-law and the community as legal entity to be ready for land registration as collective title; the inter-ministerial working group has supported the three targeted piloting indigenous villages in issuance their by-law of indigenous peoples which is a principle element for indigenous community be formed and recognized. As a result, two by-law of two different targeted piloting villages - namely, Tampuon Community in La'In village, Kaun Mom district and Tampuon Community in La'En Kren village, Ou'Chum district, Ratanakiri province — have been formally registered at and recognized by the Ministry of Interior already. Whilst the other community in Andong Kraleng village has finished already and is preparing other support documents before applying for its recognition to the Ministry of Interior.
- Addressing the question of "what strategy does the Government have to protect indigenous community land prior the registration is carried out?" The feedbacks received from the regional and national workshop recommend that the procedures and mechanism set forth in the Sub-decree No. 118 on state land management should be applied. According to the said Sub-decree, the Provincial State Land Management Committee and especially the District Working Group on state land shall proceed the identification, mapping and classification of state land. The preliminary result of this process will be publicly displayed to people in the respective community in order to show them about the land that they have traditionally and currently used with the knowledge of neighboring communities, people and local authorities. After all differences have been solved, the Provincial State Land Management Committee could issue a temporary decision on "reserving such land for future request for registration by indigenous community". This reserved land can not be sold, exchanged, alienated by or to any individual or company. At the mean time, the community should take all efforts to complete the legal requirements for the registration.

**4. Promoting the living standard of 500 poor families by granting social land concession as well as other supports and reserving at least 10,000 hectares of land for social land concession purpose**

***A. <u>Promoting the living standard of 500 poor families by granting social land concession:</u>***

The indicator has pointed out the implementation of two piloting social land concession projects in two districts, Memot of Kampong Cham province and Kratie of Kratie province; so-called "Land Allocation for Social and Economic Development - LASED". Unfortunately, after trainings were provided to officials in charge of project implementation of the two targeted provinces, the World Bank - one of only two biggest development partners supporting this project - suspended its fund and as a result, the project is no longer as smooth as it was planned. Despite such suspension, Ministry of Land Management Urban Planning and Construction and especially the inter-ministerial working group have carried on their works by identifying the poor families as original plan of 500 families targeted for social land concession as well as the finding of land for distribution by identification and classification such land as private state land, as follow:

1. in Chorm Commune, Memot district, Kampong Cham province; 990 hectares of state land have been identified and classified as private state land.
2. in Angkrang commune and Sambok commune, Kratie district, Kratie province; 4,500 hectares of state land have been identified and classified as private state land.
3. currently, the technical team of the Ministry is undertaking the registration such private state land of the two targeted provinces.

At the same time, the Ministry has taken all of its efforts to issue other legal instruments supporting this social land concession program. i.e. issuing a Joint Prakas No. 507 dated December 26, 2006; between the Ministry of Land Management Urban Planning and Construction and the Ministry of Agriculture, Forestry and Fishery on mechanism for agricultural dissemination to farmers under the sodal land concession frame and another draft decision [Seckdei Samrach] on the form of application requesting for social land concession, form of social land concession contract, and other forms needed,

as annexes to the Prakas No. 200, dated November 19, 2003; on the guideline for implementing Sub-decree on Social Land Concession; has been drafted.

***B. <u>Reserving at least 10,000 hectares of land for social land concession purpose:</u>***

In principles, the Royal Government pays attention to landless families by committing to find land of at least 10,000 hectares for implementing the policy of land distribution in 2007; by undertaking the following measures:

1. Cut some part of the forest land of over 200,000 hectares that have been confiscated from the anarchic illegal holders of state land for the social land concession purpose (now, it is waited for the circular on the measures against illegal holding of state land - implementing article 18 of the land law.. to come into force)
2. Cut some part of the economic land concession that have been withdrawn or cancelled for using in the implementation of social land concession program in the form of building partnership between large-scale agro-industrial and small size agriculture that Ministry of Land Management Urban Planning and Construction and Ministry of Agriculture, Forestry and Fishery; are currently studying different actual sites.

**5. Preparation and implementing the policy on land management and related legal framework in order to enhance the use of land in a sustainable manner**

- Sub-decree on State Land Management is in place and other related legal texts for implementing this sub-decree (as above mention).
- Dissemination workshops was held on the process of identification, mapping and classification of state land and other related legal frameworks with the participants of 101 officials, of whom are provincial/municipal governors, involving line ministries and institutions, provincial/municipal cabinet officers, and director and deputy director of provincial/municipal Departments of Land Management, Urban Planning, Construction and Cadastral. Besides, at the provincial level, dissemination workshops were organized with more than 500 participants, whom are officials from related provincial departments, district authorities, district office of land management and cadastral as well as some commune councils members from 13 provinces (Kampong Chain, Takeo, Banteay Meanchey, Battambang, Kandal, Preah Vihear, Kampot, Kampong Thom, Prey Veng, Pursat, Ratankiri, Kep, and Mondullkiri provinces).
- For technical aspects, the Ministry cooperates with all stakeholders to accelerate:
  a) District/Khan strategic development plan of 15 districts/khan, they are: Kampong Trach district, Pohnea Krek district, Stuong district, Phnom Prek district, Khan Mean Chey, Peam Ror district, Chantrea district, Snoul district, Steng Treng district, Koh Thom district, Keo Seima district, Chorm Ka'san district, O'Chrow district, and Boreibow district.
  b) Urban Land Use Planning of 13 districts, they are: Neakleurng, Baweit, Kampong Trach, Kratie, Chlong, Stengtreng, Anlong Veng, Poipet, Nimith, Mondul Seima, Ch'ba Morn, Samrong Tong, and Khan Steng Haw.
  c) Participatory land use planning in the framework of natural resource management project at the community level and Seila Program in 244 villages of 45 communes including preliminary land use maps in 345 communes.
  d) Training course on the sketching of land use map in 56 communes/sangkat.

**6. Expansion of the land registration by**

***A. <u>Delivering of at least 300.000 land titles:</u>***

In 2006, some 318,255 land titles have been issued. Among these, 282,276 titles have been handed out to the people while other remaining 35,979 titles that have been already signed are in the process of delivering to the people.

***B. <u>Enhancing the land dispute resolution by the Cadastral Commission of at least 450 cases amongst 800 cases in 2006:</u>***

Some 291 cases of land dispute are completely solved, equal to 64.67% because some parties do not keen on with the conciliation done by lower level while other prefer win-lose decision rather than a conciliation offered. In total, the Cadastral Commission, from the date of its establishment till today,

has achieved solving 1,246 land cases involving 6,641 families and 2,395 hectares of land. Plus the disputes solved under the process of systematic land registration, the land disputes that have been solved are of 2,979 cases involving the people of 10,000 families.

***C. Modifying the cadastral fee scheme in providing land registration service and disseminating the cadastral fee and land transaction taxes:***

- Passage and dissemination of guideline on the management of cadastral fee collection and decision No. 51 dated December 21 on the provision of cadastral service.
- Passage and dissemination of decision No. 42 dated October 10, 2006; on the establishment of receiving complaint mechanism and resolving disputes for the Land Management and Administration Project, LMAP, and decision No. 43 dated October 23, 2006; on the code of ethics for officials working under LMAP project.
- In order to assure the transparency in relation to the land transaction taxes; the Council of Land Policy, with the green light from the Government, now is drafting the policy on land valuation (inter-ministerial working group for drafting this policy established).

***D. Producing state land mapping of 5 districts and publicizing the mapping result:***

This work is initiated from the district strategic development plan with 5 steps in order to find state land that have been used before producing formal state land mapping:

Step 1: providing training to officials in charge especially at district level.
Step 2: workshop to collect data and data analysis.
Step 3: consultation workshop over the preliminary draft of strategic development plan.
Step 4: Draft the strategic development plan and disseminate to the public.
Step 5: Final workshop held in order to present the result and seeking for approval.

After the 5 steps are taken, concrete state land database would be incorporated into the overall map. Base on this, Ministry of Land Management Urban Planning and Construction is currently accelerating the process of step 4 of the district strategic development plan of 5 targeted districts/khan, includes: Khan Daun Penh in Phnom Penh, Pohnea Krek district in Kampong Cham, Kampong Trach district in Kampot, Phnom Prek district in Battambang, and Stuong district in Kampong Thom province.

## III. NEXT STEPS

- Accelerate and issue the Sub-decree on the registration and right to use of indigenous communal land.
- Accelerate the preparation of the Policy on Land Valuation.
- Continue to accelerate the preparation and implementation of policy on management and use of land in a sustainable manner.
- Accelerate the preparation and adoption of district strategic development plan and producing the state land mapping of the 5 targeted districts.
- Continue to accelerate the land dispute resolution as set out under the indicator.
- Increase the dissemination of cadastral fee scheme and transaction taxes to all relevant competences.
- Accelerate the social land concession program in accordance with the National Strategic Development Plan, NSDP, 2006-2010; reaching at 10,000 families.
- Carry on the piloting project of land allocation for social and economic development purpose in the two targeted area for some 500 families.
- Accelerate the finding of land for implementing the social land concession of 10,000 hectares out of the land that have been confiscated from the anarchic illegal holders of state land and/or economic land concession that have been withdrawn or cancelled.

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