

**Speech of His Excellency Chhann Saphan,
Secretary of State of Land Management, Urban Planning, and Construction
and Chairman of Technical Working Group for Land
(GDCC, 04 March 2008)**

Excellencies, Ladies, and Gentlemen!

The Royal Government of Cambodia (RGC) recognises that the land sector is one of Cambodia's many natural resources; and these natural resources must be managed in a sustainable, equitable and transparent manner in order for socio-economic development and Cambodians' poverty reduction. In response to the points raised by the Development Partners, please allow me to brief you in summary of what the RGC has so far tried its efforts as follows:

Systematic Land registration:

On behalf of the RGC, I am very pleased that the Development Partners have recognized our achievement in this area. The result of systematic land registration from the start of the implementation till December 2007 is that 1,061,414 land parcels have been surveyed and adjudicated and 794,639 land titles have been distributed by the RGC to the people within relevant provinces and municipalities of the country.

Social Land Concession

A total area of 4,770.22 ha has been registered as state private land by the Land Allocation for Social and Economic Development (LASED) pilot project. This state private land is located in 3 communes: in Sombok commune (3294.36 ha.) and in Changkrang commune (612.21 ha.), Kratie district, Kratie province. Another 863.65 ha. is in Choam Kravien commune, Memot district, Kampong Cham province. These 4,770.22 ha state private land will be used under the LASED to distribute land to landless people and poor families within this social land concession programme.

According to a December 2007 Aide Memoire between the World Bank and the Government, the World Bank will finance LASED's implementation for five years from July 1, 2008 to June 30, 2013. The project is intended to be implemented in three provinces, Kampong Cham, Kratie, and Kampong Thom. Within these three provinces, 20 communes in up to nine districts (17 communes will be added to the current three pilot communes) will be supported for the preparation and implementation of social land concession sub-projects.

The Government has confirmed 7 communes in January 2008 to be registered as private state lands for the implementation SLC. The remaining communes of the LASED project will be confirmed by mid-2008.

In addition, the project has supported local authorities in preparing an urban area of 13.5 ha. for the purpose of SLC in Kbal Chhay Sangkat, Sihanoukville. This SLC is planned for distribution to 259 poor and landless families. In Kampot, the Government has confiscated an area of 219 ha. from illegal encroachment. This area has partly been planned for SLC to distribute to 122 families, and the remaining area will be planned for reforestation.

Policy on Registration and Use Rights of Indigenous Communal Land

The draft Policy on Registration and Use Rights of Indigenous Communal Land was submitted to the Council of Ministers (COM) in May 2007. The draft policy was discussed with OBSES of the COM in August 2007. The content was approved with only minor editorial changes.

The Sub-decree on the registration of land of Indigenous People's community has been drafted. This draft has been discussed within General Secretariat of Council for Land Policy (GS-CLP) and it is currently under MLMUPC's review. The draft Sub-decree will be circulated to relevant stakeholders for e-consultation in early March 2008. It is then expected to be reviewed by CLP members for comments before its submission to the Chairman of CLP and the Senior Minister of MLMUPC and its members for endorsement.

GS-CLP, MLMUPC and members of TWGL from inter-ministries visited Rattanakiri in December 2007 and Mondulkiri in January 2008 in order to learn the experiences of pilot projects in three villages in these two provinces. The experiences will be integrated into the draft Sub-decree and for preliminary demarcation of the Indigenous community's land.

As for the pilot interim protective measure, the COM issued a Notification dated 14 February 2008 allowing the piloting of registration to move forward in three villages. The two Provincial Departments (Rattanakiri and Mondulkiri) of the MLMUPC are preparing a workplan for the registration of these three pilot communities.

The Eviction of People from a Number of Urban Areas

It is the fact that land disputes could easily happen in urban areas which have been rapidly developed. However, the disputes can be avoided if the land in those areas has legal documents such as land titles, land demarcation, and other documents relevant to tenure of land or immovable property.

The implementation from May 2003 to present is that, Samdech Prime Minister Hun Sen has announced to develop in places for 100 poor people communities per year who live in temporary buildings in Phnom Penh; and the Prime Minister himself has contributed 5 million riels each month to the Urban Poverty Development Fund (UPDF) for developing the poor people communities since then.

In fact, if the RGC had totally implemented the Land Law and other relevant laws, those people who have been illegally occupying and living on the state land would have probably been evicted with little compensation. According to the experiences, the illegal settlements are on private land that have proper legal documents. The rightful owners have filed complaints to court in order to issue verdicts to ask people who illegally settled on their land to leave. The decision of the court is independent and the local authorities must comply with the verdicts. This is law enforcement in the country, and the same law enforcement for other countries in the world. Nevertheless, the RGC has begged and negotiated to the rightful owners to find a proper solution for people who have been affected by the verdicts by requesting the rightful owners to provide an alternative location for the people after they have to leave the current places.

Anyway, the RGC has the willingness to solve the issues in the below ways:

1. Immediate solution: This is to focus on the efforts to implement the in-place development approach. This work has been implemented by Phnom Penh municipality and Battambang province. For example, the local authorities of Phnom Penh city in cooperation with development partner organizations have made efforts to solve the problem of illegal settlements for about 300 communities among 569 communities in the city. In addition, the focus has been on the poor people who have illegally settled by providing them with a better quality house with 4 m width x 6m long build on an land size of 4m x 6m. The houses are for sales to poor people through down payment for a five-year period. The price per house unit is only 1,000 US dollars. The first phase of the project has been implemented in cooperation with development partner organizations for about 300 house units.

2. Medium-term solution: Through development planning and land use planning for villages, communes/sangkats, districts/khans and physical master plan for provinces and municipalities, the RGC has been trying to develop land use planning for 45 communes, more than 20 district strategic development plans and 3 provincial and municipal master plans. The establishment of a mechanism for dispute resolution outside the court system such as the Cadastral Committee and the National Authority for Land Dispute Resolution has also contributed to the prevention of land dispute from happening, and solved the issues of land dispute and forced eviction that has been in contrast with the point raised above.

3. Long-term solution: the development of land policy and national housing policy and the implementation of the social land concession program aims at increasing the ability of people, particularly the low-income people and the poor, to get land and proper housing for their livings in accordance with the law. For instance, the RGC has been implementing a pilot housing improvement project for people who have been illegally settled on the provincial authority's land which is planned for a public garden. The solution is to provide housing to about 600 poor families who have been illegally settled. This pilot solution will be used as lesson learnt for developing the national housing policy that could be used to implement for other illegal settlements in other provinces and municipalities of the country.

Thank You!