

LAND RIGHTS PROGRAMME

Land Tenure and Access to Land: Essential Steps in Realising the Human Rights of Food and Shelter

Land is a contested issue in Cambodia. During the Khmer Rouge regime, all cadastral records were destroyed, private property was abolished and large parts of the population were forcibly resettled or forced to flee due to the war.

During the 1990s, large-scale refugee repatriation programmes were implemented. Over the next decades, mainly due to population growth, spontaneous settlements developed on land that was either formally part of the state domain, or where legal status was unclear.

In 2001, a new land law provided the legal basis for the management and administration of land use and ownership rights. This was the starting point of a comprehensive land reform that aims to legally secure access to land, as essential steps in realising basic human rights such as food and shelter.

Strengthening Capacities and Institutions for Land Sector Reform

GIZ has supported Cambodian land reform efforts since 1995. From 1998 onwards, GIZ has provided capacity development to the Ministry of Land Management, Urban Planning and Construction and land departments at the sub-national level. This support has also contributed to the design and implementation of the Cambodian Land Administration, Management and Distribution Programme.

The first academic institution for land management, the Faculty for Land Administration and Management at the Royal University of Agriculture, was also established to train qualified professionals for the sector. Since 2006, around 40 students have graduated annually.

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Civil society organisations play a vital part in any democratic society. GIZ Land Rights Programme supports civil society organisations working on land and housing rights for urban poor and for indigenous communities.

Improving Land Policy for Sustainable Land Management

Policy and legal frameworks are the starting point for any reform. A sound policy must aim at equitable access to land for women and men, reflect the requirements of different social groups and consider the needs of the most vulnerable. In order to develop a comprehensive land policy, the programme facilitates dialogue between government stakeholders, civil society and the private sector.

The programme moderates discussions to ensure that sector policies are developed in a consultative and inclusive manner, and also provides technical and legal advice. With GIZ support, the Royal Government of Cambodia developed and adopted the new Declaration on Land Policy in 2009, a Spatial Planning Policy and a sub-decree and policy on Registration of Land of Indigenous People in 2011.

Currently, a comprehensive land policy is being finalised, also known as the “White Paper”. It will outline the overarching direction of the land sector reform in upcoming years. These documents make new activities possible, and underline Cambodia’s commitment to the land sector reform process.



Photo left: Land registration team with villagers in Svay Rieng province

Photo right: Senior Minister Im Chhun Lim (MLMUPC) handing the land use agreement to a land recipient in Kampong Thom Province



Community meeting in an informal settlement in Battambang municipality (Circular 03 pilot)

Training on forming farmers' groups in the new community hall of the social land concession village in Kratie province

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Ensuring Land Tenure Security and Access to Land Dispute Resolution

Since 1995, GIZ has supported the Cambodian government in registering individual households' private land ownership rights. Most of the beneficiaries from land registration are rural smallholders, more than 60 percent of them women.

By July 2014, the land registration teams had inputted more than 3 million land parcels into the cadastral databases, and delivered over 2.4 million land titles from systematic land registration. During the course of this process, about 9,500 land conflicts were solved. Within the next 10 years, the cadastre is expected to cover the entire country.

To resolve conflicts on land that has not been registered, a special countrywide institution for land dispute resolution has been established. These Cadastral Commissions have processed more than 5,400 cases and successfully solved more than 2,700. Out of these, more than 400 were cases in which several parties were embroiled in a conflict, oftentimes a large group of villagers against a locally powerful person.

GIZ also supports NGOs, UN agencies and government institutions with the preparatory steps and training on land registration for indigenous peoples. So far, nine communities have received legal recognition of their collective land use and ownership rights, another six are planned to follow in 2014.

A Vision for Future Land Use

Registration of individual ownership rights is only one pillar of

sustainable land management. The process must go hand-in-hand with land use and spatial planning. Participatory spatial planning helps the government, citizens and the private sector work together to develop a vision and provides rules and regulations for future land use.

The programme supports the development of provincial, municipality and district spatial plans in Battambang, Kampong Chhnang, Takeo and Kandal. Battambang municipality is already implementing their master plan with regard to infrastructure improvements and a greenery system, among others. The process led to an urban heritage initiative that has boosted tourism in the city. The process also systematically uncovered the location of informal settlements. The programme is working together with the municipality and communities to find solutions that may provide tenure rights to settlers and support community development activities.

Socially Balancing Access to Land

In rural areas, many households are landless or often lose their land as a result of economic hardship. With GIZ support, the Cambodian government has piloted the distribution of land to landless and land-poor households, as an option to socially balance access to land. More than 1,600 formerly landless households were provided with land in the provinces of Kratie, Kampong Cham and Kampong Thom.

With additional support from The World Bank, entirely new villages have been equipped with necessary infrastructure such as roads, schools, water wells and health care facilities. Services such as agricultural extension and community development projects enable women and men to use their new land productively. Five years after allocation of the land, the land recipients will have the right to become legal owners of it.

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