



ក្រសួងរៀបចំដែនដី នគរូបនីយកម្ម និង សំណង់

Ministry of Land Management
Urban Planning and Construction

SECURING THE HUMAN RIGHT & LIVELIHOODS CAMBODIAN INDIGENOUS COMMUNITIES BY LAND REGISTRATION

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CONTENT

**1-POLICY ON REGISTRATION OF RIGHT TO USE
LAND OF INDIGENOUS COMMUNITIES**

**2- REGISTRATION OF LAND OF INDIGENOUS
COMMUNITIES**

3-ARCHIVEMENT

4-OPPORTUNITIES

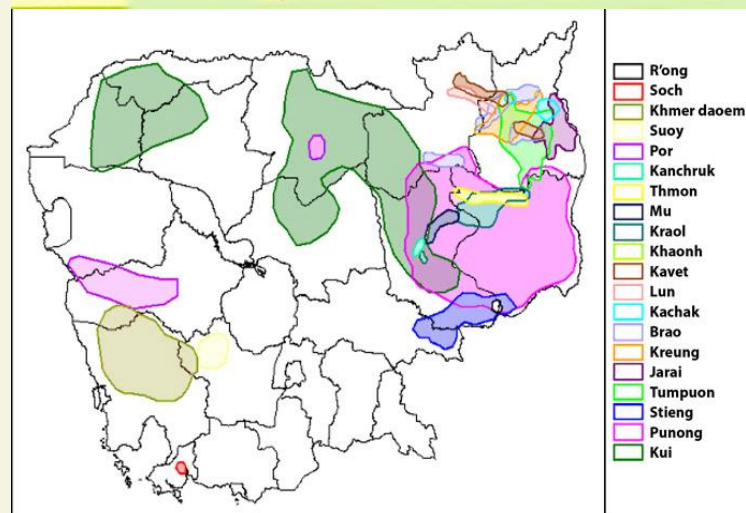
5-CHALLENGES





KINGDOM OF CAMBODIA

- * Area: 181,035 km²
- * Capital city: Phnom Penh
- * Provinces/municipalities: 25
- * Districts: 190
- * Communes: 1621
- * Land parcels: 7 million (estimate in 2002)
- * Population: 14.8 million





1-POLICY ON REGISTRATION OF RIGHT TO USE LAND OF IC

❑ Objective and Vision

To ensure land tenure security and contribute to:

Poverty reduction and national economic development Sustainable land management through land management and land use planning.

Elimination of anarchic forest clearing and speculation activities

To manage land resources

❑ Legal Frame work Required

Article 23 of the land law says that

An IC is a group of people who reside in the territory of the Kingdom of Cambodia whose members manifest ethnic, social, cultural and economic unity and who practice a traditional lifestyle, and who cultivate the lands in their possession according to customary rules of collective use.





1-POLICY ON REGISTRATION OF RIGHT TO USE LAND OF IC

❑ **Community Land Registration Process**

Shall be simple in both administrative and technical aspects and be transparent, with participation from representatives and members of the respective communities as well as neighboring ones in the demarcation of each community as well as posting documents for public display.

❑ **Land Eligible for Registration as Collective Ownership**

- State Private Lands
- State Public Land
- Lands reserve necessary for the sifting of cultivation
- Spiritual forest lands
- Burial ground forest lands (cemeteries)

❑ **Right to use and manage land of IC's**

Article 26 of the land law says "... This collective ownership includes all of the rights and protections of ownership as are enjoyed by private owners. But the community does not have the right to dispose of any collective ownership that is State public property to any person or group".





2- REGISTRATION OF LAND OF IC

☐ **Purposes**

Implement procedure and mechanism in order to efficiently register IPs' land rights

☐ **Objectives**

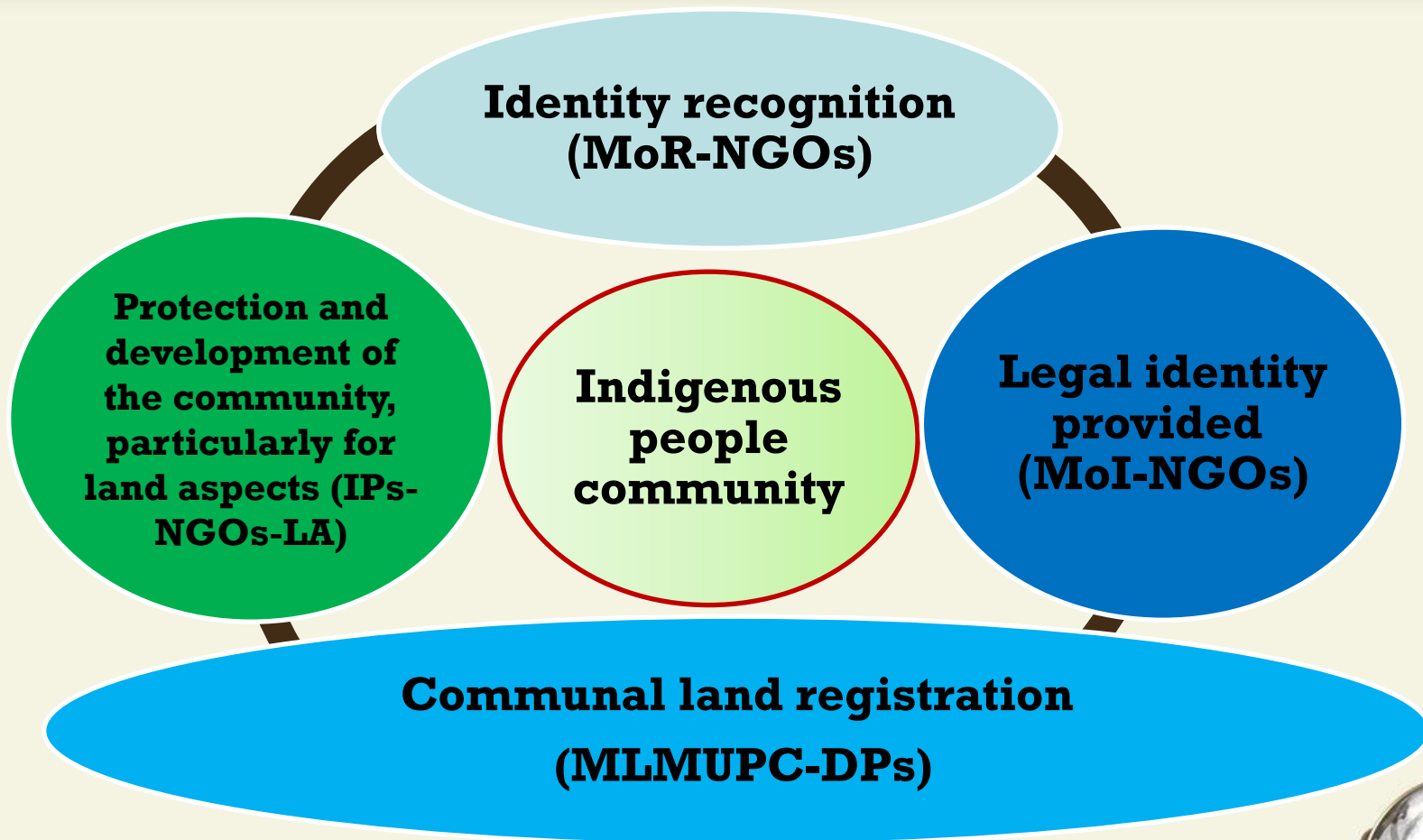
Provide lawful communal ownership title certificates in order to ensure IP's tenure security and protect their identity, culture, habits and traditions.





2- REGISTRATION OF LAND OF IC

2-1 The 4 Elements for IP Community





2- REGISTRATION OF LAND OF IC

2-2 Pre-Registration Step for land of IC

- Determination of Indigenous Community Identity [ref: National Policy and MRD Circular and article 23(1) of Land Law of 2001]
- By-law development and registration as legal entities [Article 23 (2) – Land Law]
- Collective land titling [Art.25 Land Law and Sub-decree No.83]

Step 1: Ministry of Rural Development, Community and Supporting partner

5 activities need to be done

- Selection of indigenous community target and supporting partner
- Capacity and consensus building in Community
- Self-identification
- Identity appraisal and issuance of identity letter from MRD
- Development of Internal Rule on Land Use and Management

Step 2: Ministry of Interior

- Draft by-law consultation and appraisal
- Passing the draft by-law – holding general assembly at village
- Process registration as legal entities with MoI (from commune to MoI)

Step 3: Collective Land Titling

4 activities need to be done

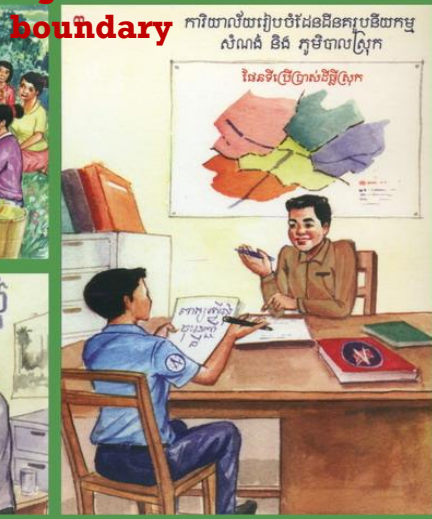
- Consultation with members and neighboring communities on boundary
- Development of Sketch map and unofficial map(Preliminary Map)
- Preparation of application submitted to Cadastral Office at district level and provincial land department
- Official Collective land titling (Gvt team)



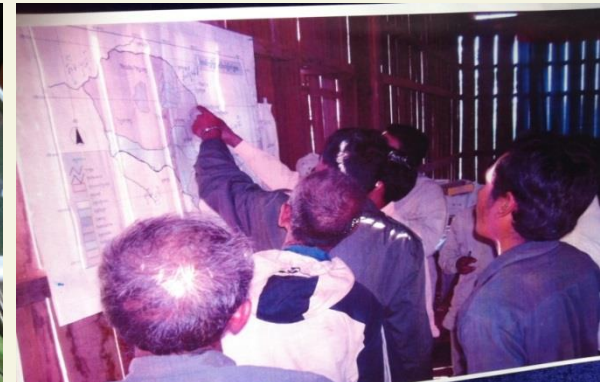
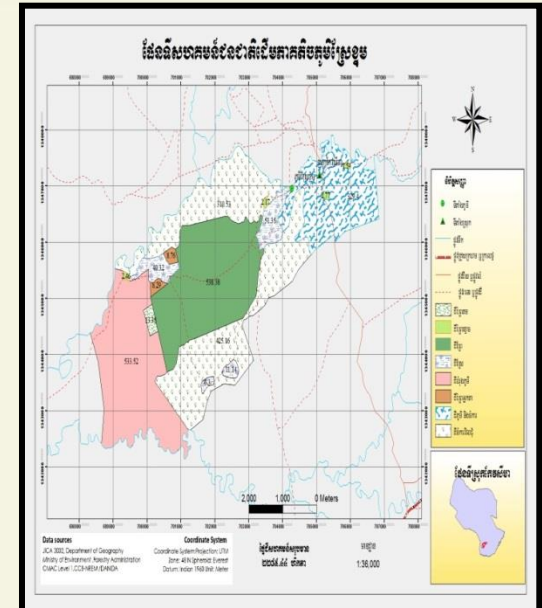
2- REGISTRATION OF LAND OF IC

2-2 Pre-Registration Step for land of IC

Consultation with members and neighboring communities on boundary



Preparing unofficial map (Preliminary Map)





2- REGISTRATION OF LAND OF IC

2-3 Registration Step for land of IC

-Land registration application file
-Interim protection measure
-Dissemination Process



-State land identification
-Fieldwork: demarcation, survey and adjudication



-Office Work: Documentation(data entry digitizing map)
-Public display of the adjudicated data



-State land reclassification
-Application for State land title certificate and issuance of communal land title certificates



Delivery of communal land title certificates


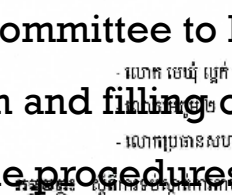
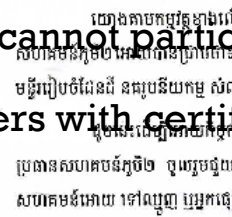






□ APPLY FOR REGISTRATION

Application file ; Interim Protection Measure

The application forms for registration of land of indigenous communities are as follows:

- Notification of the approval of the community registration by the Ministry of Interior;

- Delegation letter to a member of the community committee to be representative of the community in the process of providing information and filling out application forms for registration of the community land according to the procedures in force if the chairman of the community committee or traditional authority cannot participate in;

- Community's statute and list of community members with certification of the commune chief;

- Community's internal rule related to the way of collective land use and management;

- Commune Council decision acknowledging the IP's internal rules
- Decision of the commune council on the appointment of the community committee;

- Non official preliminary map of IP land size, location and primary boundaries



□ APPLY FOR REGISTRATION

Dissemination Process

៤. ដំណាក់កាលចែកចំណុះ ៖



ពិធីចែកប័ណ្ណ
កម្មសិទ្ធិ
សមូហភាព
ជូនសហគមន៍

១. ដំណាក់កាលត្រៀមរៀបចំ ៖



ប្រធានគណៈកម្មាធិការសហគមន៍
ឬអាជ្ញាធរប្រពៃណីជនជាតិ ដើមកាត់តិច
ដាក់ពាក្យស្នើសុំតាមរយៈ ចៅសង្កាត់ មេឃុំ



រដ្ឋបាលស្តីយោងស្រុកត្រួតពិនិត្យទីតាំង ទំហំ
ព្រំប្រទល់ និងមានការឯកភាពពីអ្នកជិតខាង
អាជ្ញាធរ រដ្ឋបាល ហើយមិនមានទំនាស់ ឬ ទំនាស់
បានដោះស្រាយរួច លើកសំណើទៅអភិបាលស្រុក
ដើម្បីចេញសេចក្តីជូនដំណឹង (២០ថ្ងៃយ៉ាងតិច)
មុនចុះកំណត់ព្រំ វាស់វែង និងវិនិច្ឆ័យ។

៣. ការបិទផ្សាយជាសាធារណៈនូវឯកសារនៃការវិនិច្ឆ័យ៖



បិទផ្សាយ រយៈពេល ៣០ថ្ងៃ
ដើម្បីឲ្យម្ចាស់ សហគមន៍
ស្ថាប័នពាក់ព័ន្ធ និង
គណៈកម្មការគ្រប់គ្រងដីរដ្ឋ
ថ្នាក់ខេត្ត ទាំងអស់ចូលរួម
ពិនិត្យ និងធ្វើការតវ៉ាក្នុង
ករណីមានការខុសឆ្គង។

២. ដំណាក់កាលប្រតិបត្តិការបច្ចេកទេស ៖

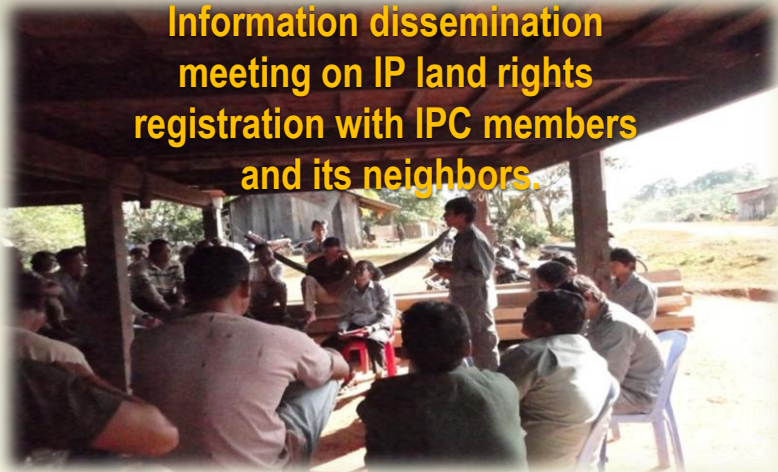


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កសាងផែនទីក្បាលដី និងបំពេញទម្រង់បែបបទនៃការប្រមូលទិន្នន័យក្បាលដី)
សហគមន៍ត្រូវចូលរួមបង្ហាញនូវទីតាំង ព្រំប្រទល់ និងទំហំនៃចំណែកដី
ផ្សេងៗ ដែលសហគមន៍បានកាន់កាប់ និងកំពុងប្រើប្រាស់ដល់ក្រុមការងារ
ដីរដ្ឋថ្នាក់ក្រុង ស្រុក។ (មាត្រា ១២ អនុក្រឹត្យលេខ៨៣ អនក្រ.បក
ស្តីពីនីតិវិធី នៃការចុះបញ្ជីដីសហគមន៍ជនជាតិដើមកាត់តិច)



❑ Fieldwork: Demarcation, Surveying, Adjudication

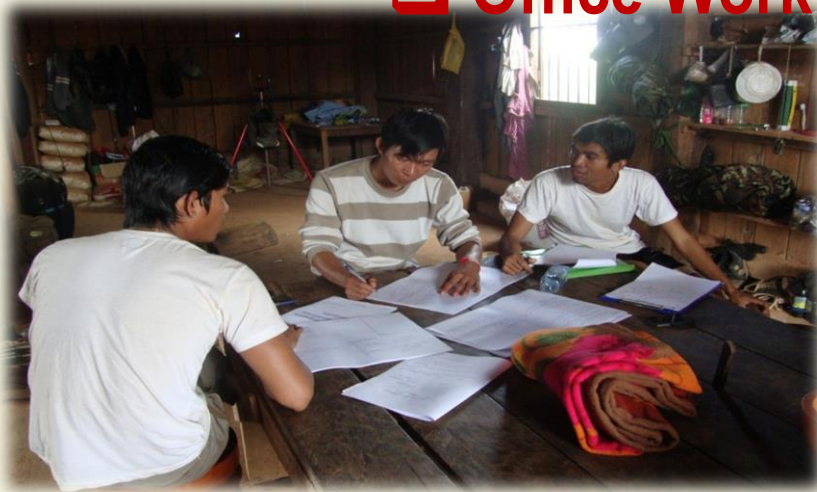
Information dissemination
meeting on IP land rights
registration with IPC members
and its neighbors.



demarcation , surveying, adjudication

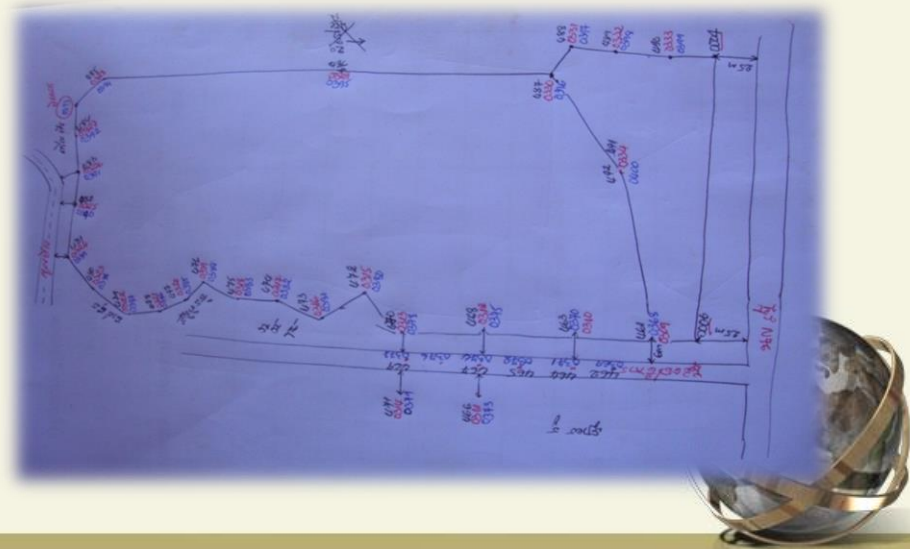
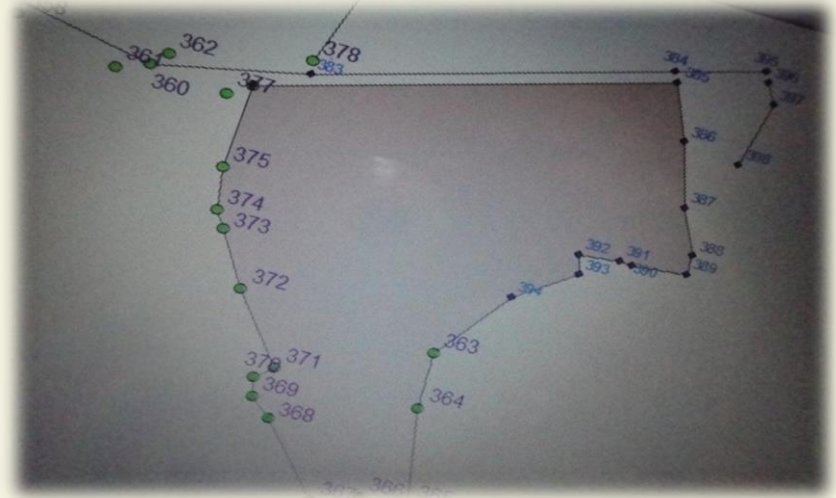
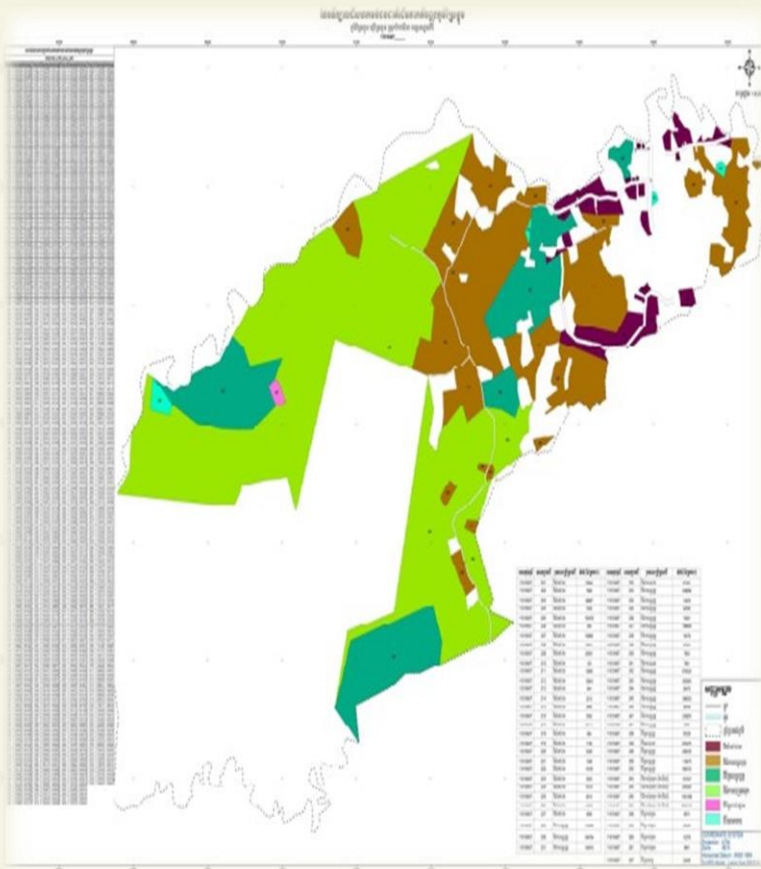


❑ Office Work: Documentation



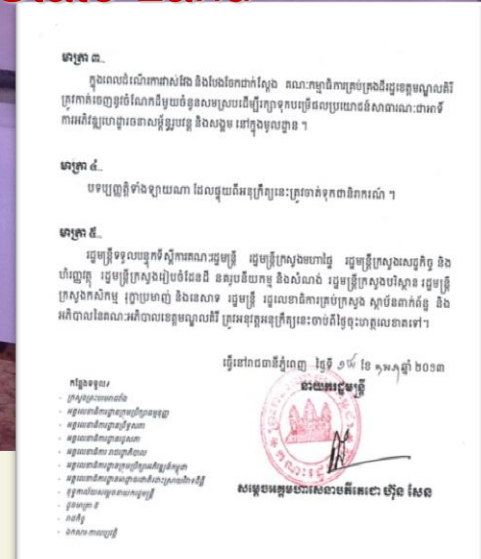
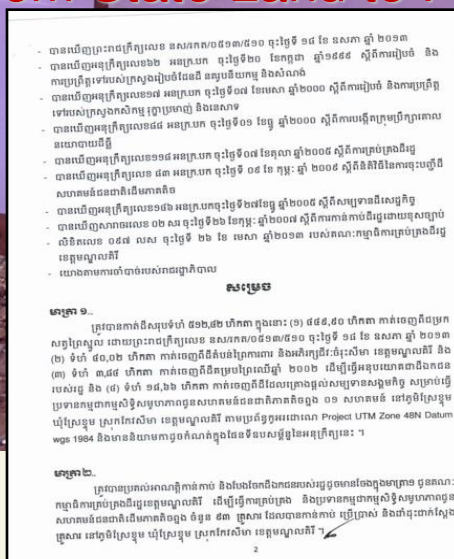
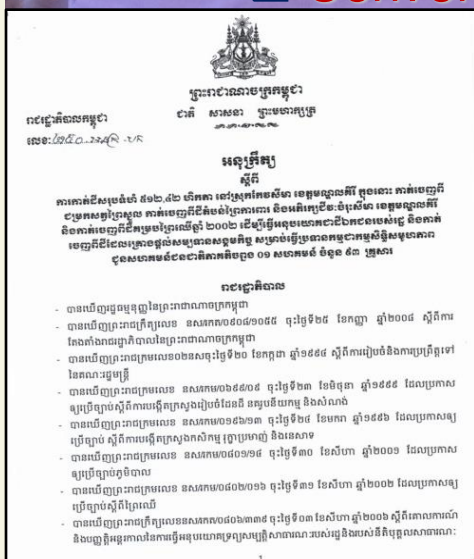
Mapping

Sketch with collected parcel information



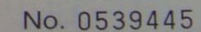
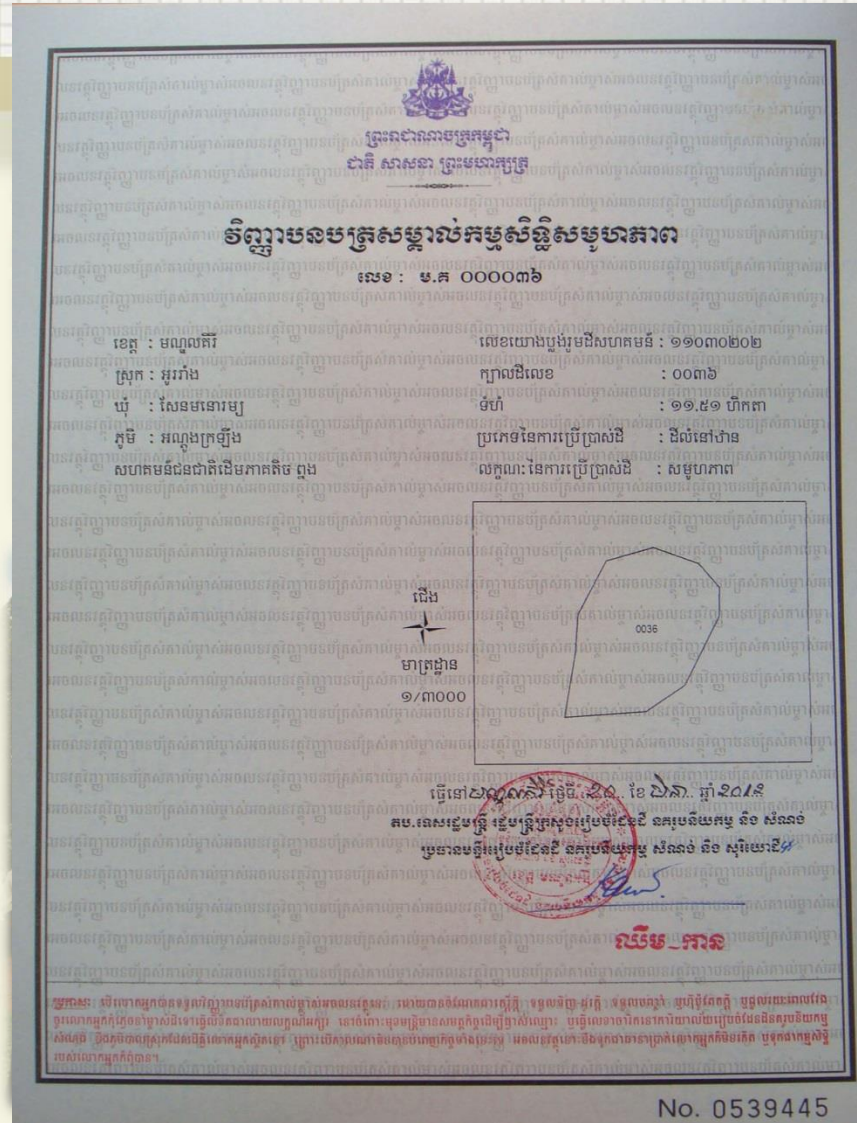


Conversion from State Land to Private State Land





Title Delivery





3-Archivement

- **From 2009 to 2012**
 - Pilot Project supported by GIZ 3 communities, in Rattanakiri and Mondulkiri
- **LASSP (CANADA support)**
 - In 2013, 5 communities in Mondulkiri

In total, since 2009 to December 2013, 8 IPC's land in Rattanakiri and Mondulkiri were registered, (283 land titles, equal 6491,49 ha).

- **MLMUPC plan 10 IPC/Y (2014-2018)**

By the end of October 2014, result archived for the IPC registration land are:

- *17 IP Communities applied for registration*
- *All 17 IPC's, State Land Commission issued IPM,*
- *7 IPC's Land under process of public display .*
- *3 IPC's under the process of applying for registration*





How to achieve a successful IPC's land registration process

**Sufficient policy and
legal framework**

**Regular M&E and
quality control**

**Full and transparent
financial support**

**Good participation
and cooperation**

**Modern technical
equipment**

Pilot Project

**Support form the
Government, the
Development
Partners and the
NGOs**

**Officers' capacity
building**

SUCCESS





4-OPPORTUNITY

1. Clear policy, law and regulations
2. Precise guidance and support from Ministry's decision level, General Department of Cadastre and Geography and Land Administration Sub-Sector Program.
3. Participation and support from provincial, district and commune authorities as well as concerned provincial department, in particular Forestry administration and from the IPC itself.
4. NGOs support the preparation and information dissemination process towards the IPC before undertaking the process itself.
5. GIZ supported pilot in Rattanakiri & Mondulkiri
6. CLASP/CIDA supported in Keo Seyma, Mondukiri
7. More importantly, supported the whole process of several IPC's land registration





5-CHALLENGE

1. Remote areas without proper and sufficient infrastructure resulted in difficulties to undertake the fieldwork during rainy season and to have full participation.
2. Difficulties to demarcate and register as some areas were including many private parcels.
3. IPC participation implies that they are informed about the policy and legal provisions on the way to do and implement IPC's internal rules about land use, internal regulation, etc.





Thank you!!

