



# **“White Paper on Land Policy - Fundament for Sustainable Urban and Rural Development”**

**Key Note Speech  
to 6<sup>th</sup> Summer School 2014**

**“Comprehensive Land Policy - Fundamental for Sustainable Urban and Rural Development”**

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News zu news zu weissbuch von der leyen ...



## Weißbuch des Verteidigungsministeriums - Von der Leyen ...

Süddeutsche.de - vor 6 Tagen

Verteidigungsministerin Ursula von der Leyen möchte bis 2016 wissen, wie die Bundeswehr aufgestellt und ausgerüstet sein sollte.

Ein sicherheitspolitisches Weißbuch definiert unter anderem, welche Interessen Deutschland verfolgen sollte, auf welche Herausforderungen und Bedrohungen es sich einstellen muss und welche Mittel es benötigt, darauf zu reagieren.

A Defence White Paper defines the interests of Germany and which challenges and threats are to be considered and which means are needed to react...

**Just two weeks ago:  
Need for new Defence White  
Paper in Germany discussed**

In [Canada](#), a white paper "is considered to be a policy document, approved by Cabinet, tabled in the House of Commons and made available to the general public". The "provision of policy information through the use of white and green papers can help to create an awareness of policy issues among parliamentarians and the public and to encourage an exchange of information and analysis. They can also serve as educational techniques".

# European Union

## White Paper

Commission White Papers are documents containing proposals for Community action in a specific area. In some cases they follow a Green Paper published to launch a consultation process at European level. When a White Paper is favourably received by the Council, it can lead to an action programme for the Union in the area concerned.

# Land policy

is the set of aims and objectives put forward by governments in dealing with land issues.

## Land policy

is part of the national policy on promoting objectives such as economic development, social justice and equity, and political stability. Land policies vary, but in most countries, they include poverty reduction, sustainable agriculture, sustainable settlement, economic development and equity among various groups within the society.

Kingdom of Cambodia  
Nation Religion King

# **Land Policy**

## **”White Paper”**

## **Cambodia** *(Extract from current White Paper draft)*

**„...Comprehensive Land Policy** of the Royal Government, known as “Land White Paper”, is an analytical document of the situation of land tenure, land use, and land and natural resources management, plus the implementation of the existing rules and regulations pertaining to land to be responsive to the pace of socio-economic development and to the Strategy of Staged Development to make sure that land and natural resources managements are effective, productive, and sustainable for later generations....“

....The World Bank has addressed ..... in a **new publication presenting a 10-point programme to scale up land policy reforms** and investments for improving land governance in Sub-Saharan Africa (Byamugisha, 2013b).

**This innovative approach of the World Bank is promising as it changes the focus from projects on just issuing titles to a more holistic approach to land governance including institutional development and the connected capacity building activities. This is basically a human rights approach,** and it is well in line with the global land administration perspective as presented in section ‘Land administration systems’.

**Individual human rights can only be enjoyed through a systems approach to governance that addresses the relation between people and land.**





*It's all about*

*People*

*Places*

*Politics*

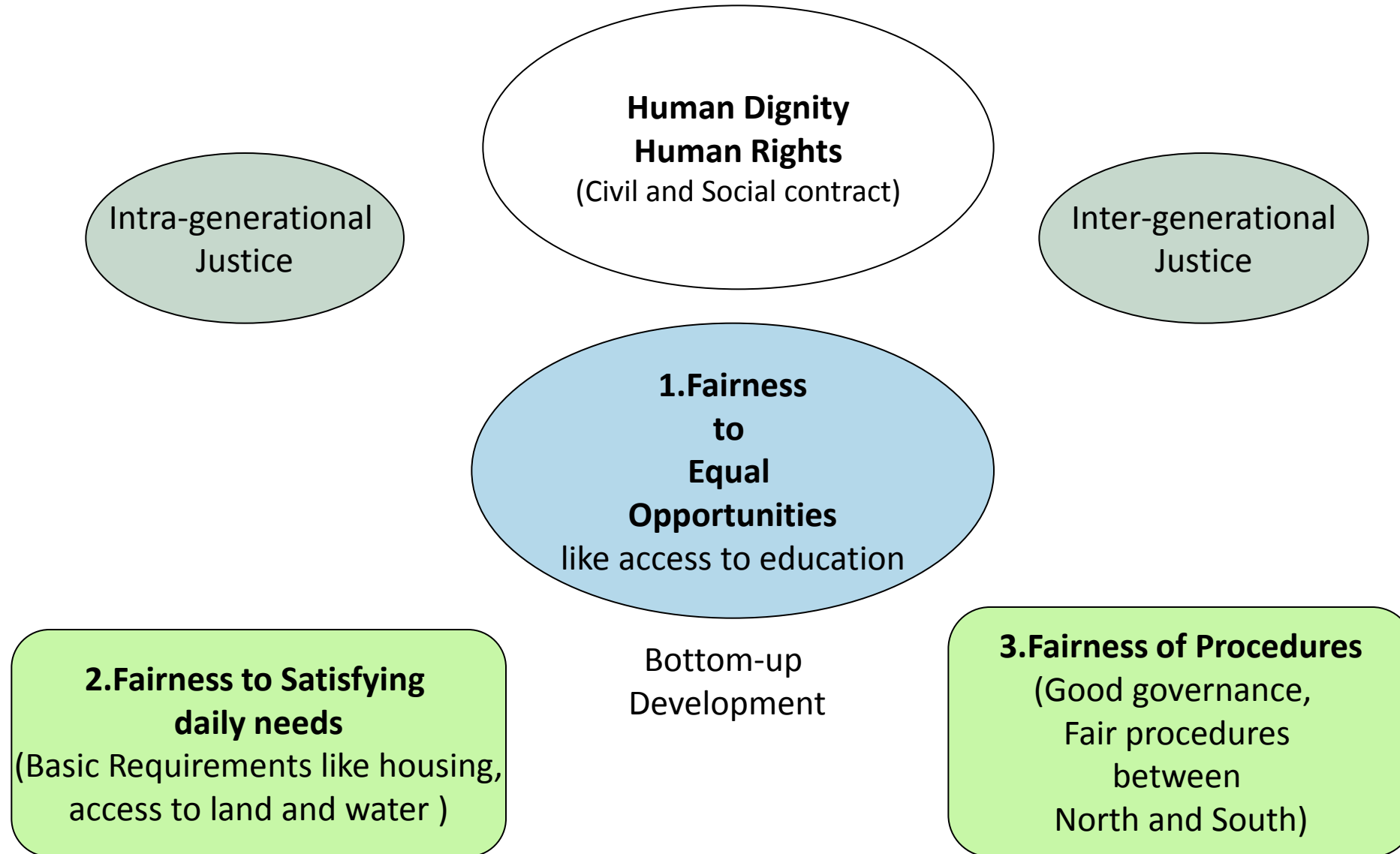
# UN: “Realizing the future we want for all”



Business as usual thus cannot be an option and transformative change is needed. As the challenges are highly interdependent, a new, more holistic approach is needed to address them. Accordingly, this first report prepared by the UN System-wide Task Team on the Post-2015 UN Development Agenda recommends:

- A vision for the future that rests on the core values of human rights, equality and sustainability.

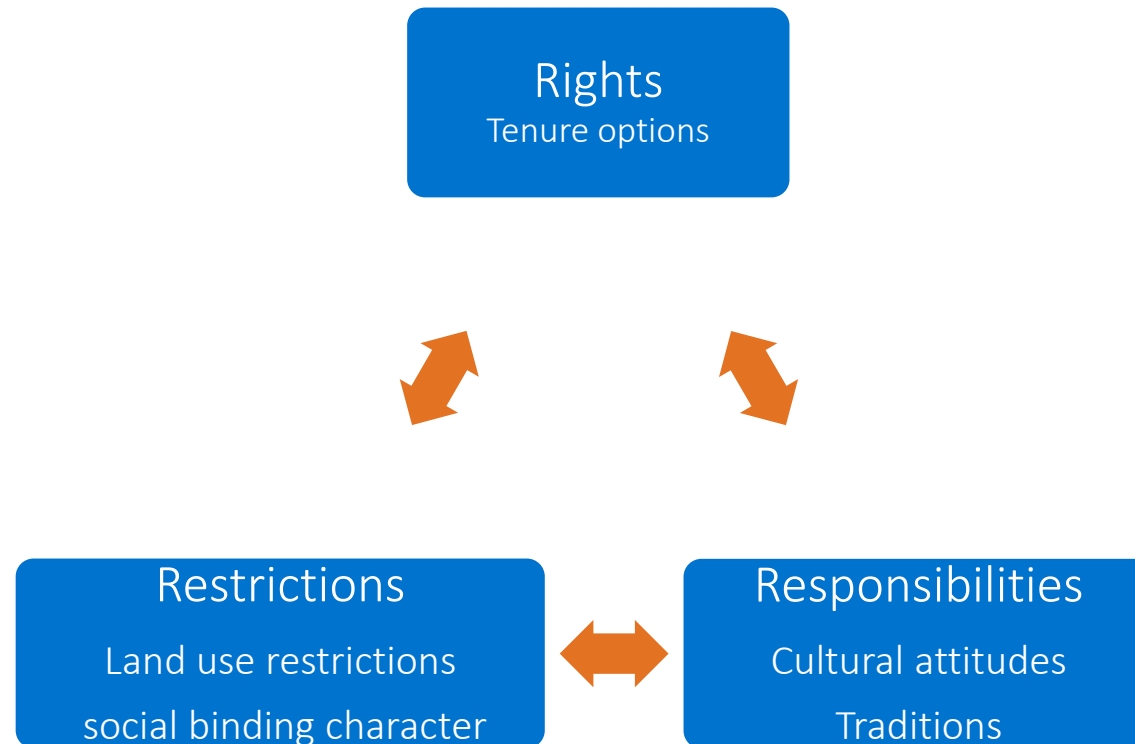
When we talk about People, we should talk about Human dignity and Human rights . This means that we talk finally about the 3 fairnesses



According to Article 17 in the **Universal Declaration of Human Rights**, ‘Everyone has the **right to own property** alone as well as in association with others’, and additionally, ‘No one shall be arbitrarily deprived of his property’.

With regard to immovable property, this global norm can be operationalised **in various ways in a national context** from the mere communist way of state ownership of land, where buildings can often be owned as separate property, to a more liberal market approach, where land and also the buildings on the land constitute a property that can be owned as a separate asset.

Fulfilling basic needs has always impacts on Places , i.e. on Land, land use and land rights or, in other words, on the three R`s





Land administration, planning and human rights

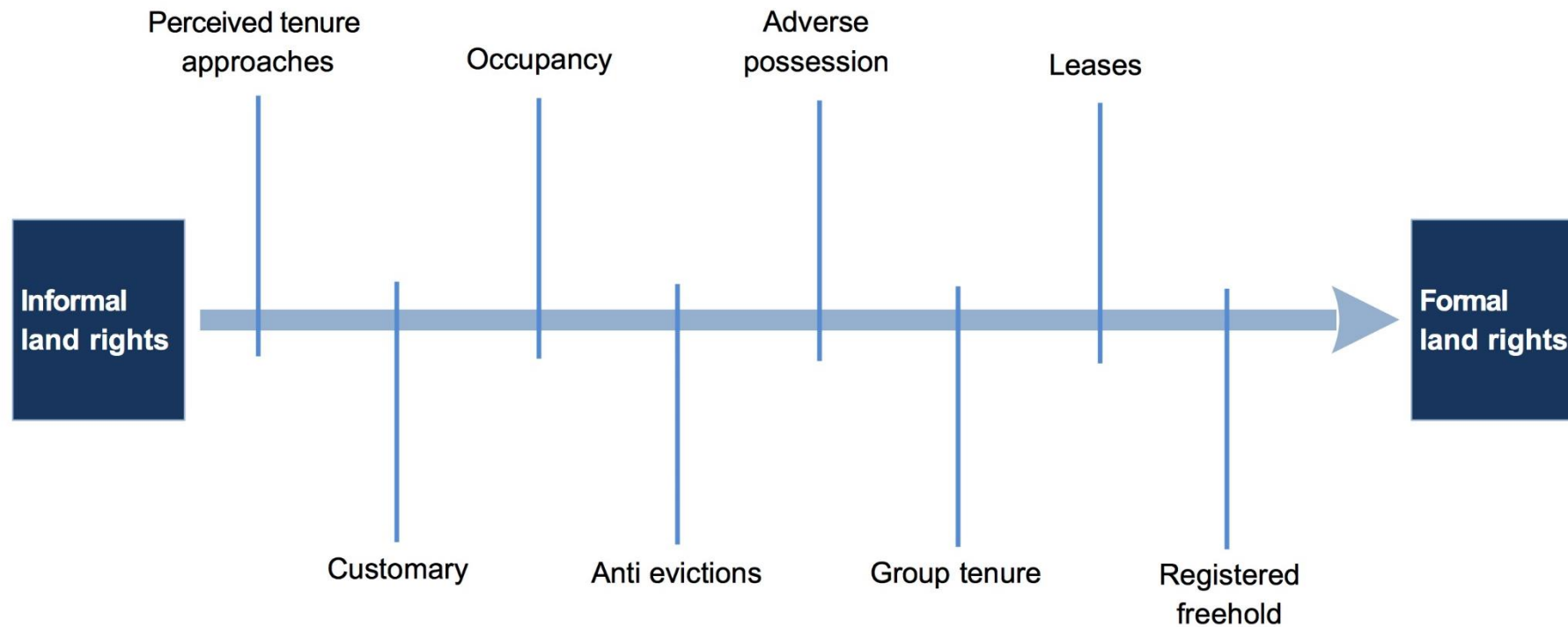
Stig Enemark, Line Hvingel and Daniel Galland

Aalborg University, Denmark in Planning Theory 2014, Vol. 13(4) 331– 348

**Land administration systems are the operational tool for conceptualising rights, restrictions and responsibilities in land.**

Property rights are normally concerned with ownership and tenure, whereas restrictions usually control use and activities on land. Responsibilities relate more to a social, ethical commitment or attitude to environmental sustainability and good husbandry.

**Each of the rights, restrictions and responsibilities encompasses a human rights dimension** that relates to the overall national land policies and should be unfolded as more than just rhetoric.



Source: **Continuum of Land Rights**  
UN Habitat

# Voluntary Guidelines on the responsible Governance of tenure of Land, fisheries and forests in the context of National Food security

Rome 2012

- 5.3 States should ensure that policy, legal and organizational frameworks for tenure governance recognize and respect, in accordance with national laws, legitimate tenure rights including legitimate customary tenure rights that are not currently protected by law; and facilitate, promote and protect the exercise of tenure rights. Frameworks should reflect the social, cultural, economic and environmental significance of land, fisheries and forests. States should provide frameworks that are non-discriminatory and promote social equity and gender equality. Frameworks should reflect the interconnected relationships between land, fisheries and forests and their uses, and establish an integrated approach to their administration.



But it also needs a reliable and functioning legal framework and committed institutions for regulating sustainable Land Use as a result of responsive politics.

# 7 ubiquitous key factors for successful development of countries

1. Natural resources
2. Human resources
3. Technical process
4. Capital
5. Knowledge and its marketing

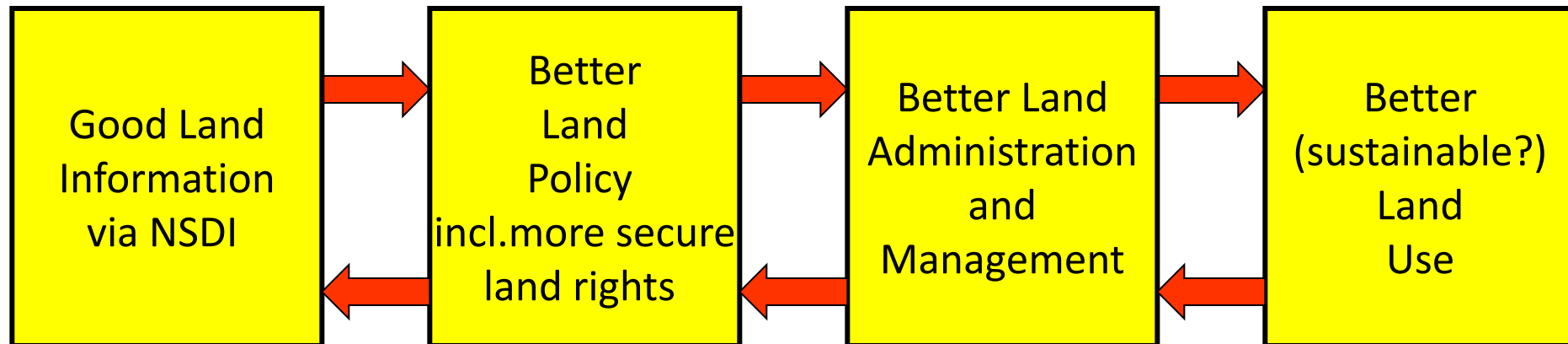
## **6. Legal, institutional and political framework**

like engaged and cooperative Ministries, comprehensive WPLP with LA,LM,LD ,Housing Programmes,spatially and socially balanced urban and rural development, Landmanagement incl.Planning Laws ,Capacity building etc.

## **7. Values, ethics, paradigm of commitment**

like commitment of political, administration and business sector to public welfare ,human rights and vulnerable people

There is a close interrelationship between Land Policy and sustainable Land use which meets public and private interests



The Bathurst Declaration on Land Administration for Sustainable Development. FIG Publication No 21, 1999 adapted by Prof. Magel

Land use planning is about the 3 Rs, rights, restrictions and responsibilities. In areas where no land records exist (cadaster and/or register), there is a need for fast solutions which can contribute to strengthening security of tenure. The FIG publication „fit for purpose“ calls for approaches which are cheaper, faster and upgradable.

**But: Cambodia has decided for a classical way of land recording with admirable advanced stage !!!**



### Fit-For-Purpose Land Administration



JOINT FIG / WORLD BANK PUBLICATION



# New trend :LUP as tool to better guarantee tenure security (GLTN approach with TUM)

Land use planning as part of Cambodian Land Management pillar is about the 3 Rs: rights, restrictions and responsibilities.

## **Why does land use planning contribute to land tenure security?**

By allowing for a fair and participatory process for clarification, definition and enforcement of land rights.

By the mere existence and enforcement of a land use plan; for example in a certain municipality, the local population can be protected from negative utilisation of land, from corrupted activities leading to land use change (e.g deforestation) and from other negative situations.

# **CLIMATE CHANGE 2014**

## **SYNTHESIS REPORT**

Approved Summary for Policymakers  
1 November 2014

# Poland rejects IPCC target of zero emissions by 2100

IPCC recommendation to phase out fossil fuels by end of century to avoid dangerous global warming is categorically rejected by Poland and other eastern European countries

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[Arthur Neslen](#), Brussels

[theguardian.com](#), Friday 7 November 2014 13.35 GMT

 [Jump to comments \(205\)](#)



Biggest brown coal power plant of Europe in Belchatow coal power station, Poland.  
Photograph: Artur Marciniak/Alamy

# The Contribution of the Surveying Profession to Disaster Risk Management

A publication of FIG Working Group 8.4





Economic Development

**Economic aspect**

Conservation and improvement of supply  
of goods and services



Environmental  
Protection

**Ecological aspect**

Conservation of the  
functional capability of  
ecological systems

Equity and Fairness

**Social and political  
aspects**

social fairness in and  
between North and South

UN-Kommission „Brundtland Bericht 1987 Unsere gemeinsame Zukunft“

Rio-Konferenz 1992; Rio+10 2002: „Ressourcenschutz“

EG-Vertrag, Artikel 2: „Drei-Säulen-Modell“

## PARTICIPATORY APPROACHES TO NATIONAL DEVELOPMENT PLANNING

*Richard S. Ondrik, Asian Development Bank*

### A. Participatory Development

*"Participatory development is a process through which stakeholders can influence and share control over development initiatives, and over the decisions and resources that affect themselves."*

*- Framework for Mainstreaming Participatory Development Processes into Bank Operations, ADB. 1996*

The Framework for mainstreaming participatory development processes in ADB was introduced in 1996 in response to the need for ADB to do more to enhance the sense of ownership among beneficiaries and DMC governments for projects supported by ADB, and for greater beneficiary participation in all aspects of the project cycle. Although previous ADB operations had promoted participation by concerned stakeholders in an ad hoc manner, it was necessary to institutionalize the most effective of those practices into the ADB business processes. Since then, the implementation and outcome activities initiated under the Framework have been the subject of several ADB reviews.

Broader participation and engagement of key stakeholders, public transparency, and institutional accountability have gained greater importance in the ADB. Lessons learned are extremely helpful in facilitating the successful implementation of new policies and business processes. These experiences have demonstrated that policies tend to be more effective when there is stakeholder ownership of initiatives and new programs and projects that reflect their needs and views. In 2003, ADB issued its policy on *Promotion of Cooperation with Non Government Organizations*, recognizing the major role that NGO's can play in pursuing ADB's overarching goal of poverty reduction and their ability to mobilize participation among stakeholders and affected groups. The 2005 *Public Communication Policy* has enabled greater

# Millennium Development Goals

## “The World’s Biggest Promise”



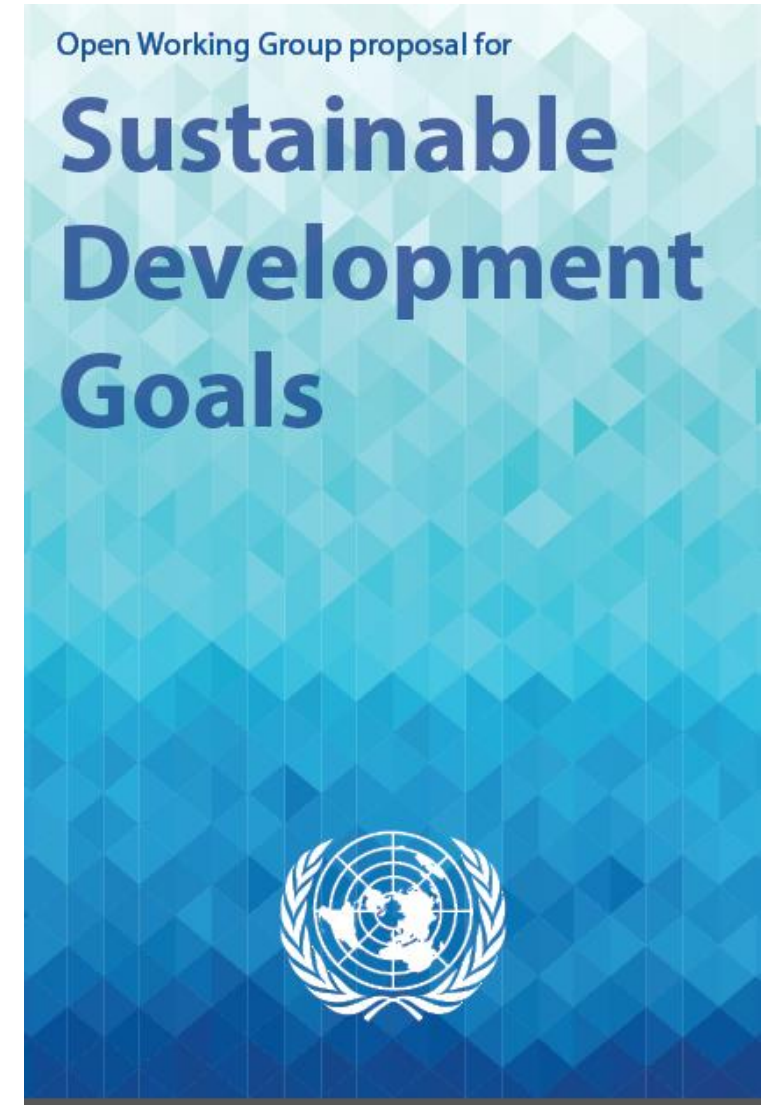
8 Goals, 21 Targets, and 60 Indicators

# From MDGs to SDGs

A small number of highly visible motivational goals to motivate the World to change direction to achieve sustainable development



**Sustainable Development Goals (SDGs)** will address and incorporate all three dimensions of sustainable development – economic, social, and environmental to guide the United Nations development agenda beyond 2015.



# SDGs have some notable differences compared to MDGs

## MDGs

- Apply primarily to developing countries (focus on South)
- Prioritized social needs over economic and environmental ones
- Seven social goals and just one environmental goal

## SDGs

- Global reach!!!!
- Strongly linked to Johannesburg Plan of Implementation, Agenda 21
- **Three Dimensions:** economic, social, and environmental
- **Beyond the meta-norm of poverty reduction** (natural resources, consumption, production, energy, spatial, urban and rural development, human rights)

Source: adapted from Brookings Institution (2012): What Should Sustainable Goals Look Like?

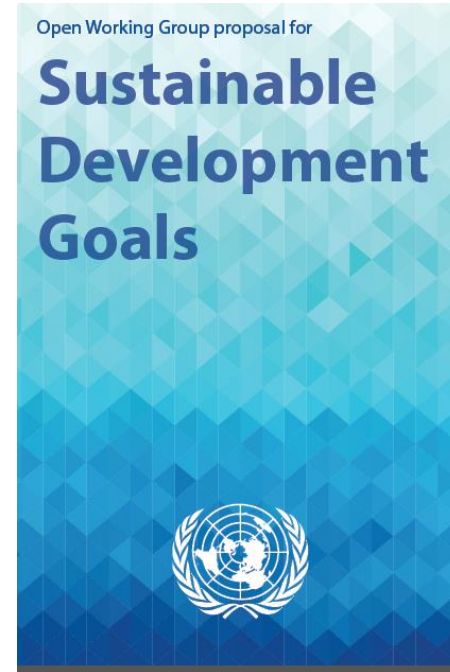
Reinfeenberg (2013): International Development Practice – Millennium Development Goals

# Rural-urban linkage is inevitable

## GOAL 11

Make cities and human settlements inclusive, safe, resilient and sustainable

11.a Support positive economic, social and environmental links between urban, peri-urban and rural areas by strengthening national and regional development planning





TECHNISCHE UNIVERSITÄT MÜNCHEN

Ingenieur fakultät Bau Geo Umwelt

Lehrstuhl für Bodenordnung und Landentwicklung

**LAND POLICY IMPLICATIONS IN RURAL-URBAN MIGRATION:  
THE DYNAMICS AND DETERMINANT FACTORS OF RURAL-URBAN  
MIGRATION IN ETHIOPIA**

Zemen Haddis Gebeyehu

Vollständiger Abdruck der von der Fakultät für Bau Geo Umwelt der Technischen Universität München zur Erlangung des akademischen Grades eines Doktors - Ingenieurs genehmigten Dissertation

Vorsitzende(r): Univ. Prof. Dr.-Ing Werner Lang

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1. Univ.-Prof. Dr.-Ing. Holger Magel
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3. Prof. Ir. Paul van der Molen, University of Twente, Netherlands

Die Dissertation wurde am ..... bei der Technischen Universität München eingereicht und durch die Fakultät für Bau Geo Umwelt ..... angenommen.



Rural-urban migration has been increasingly involving significant number of rural people in Ethiopia, but the attention given to this kind of movement of people remained diminutive. Considering the factors of migration, problems and opportunities and situation in both departure and destination areas, the Government of Ethiopia should devise a strategy on how to handle the rural-urban migration issue.

While addressing rural-urban migration issues, it is important to recognize that rural-urban relationship is very important for the two areas and people in terms of economic and socio-cultural benefits. Magel (2003:5) indicated that building a common platform than single sided approach is necessary to develop both rural and urban areas through strengthened urban-rural-interrelationships. Rural-urban linkage is, thus, an area to consider because there is a high level of social, economic and cultural dependency between rural and urban areas. The growing rate and dynamics of rural-urban migration necessitates promoting a vibrant rural-urban linkage. The rural economy could be enhanced if there is a mechanism to strengthen rural-urban interactions. Magel (2013) suggested an integrated territorial and rural development approach to harmonize social, cultural and economic connections between rural and urban areas.



*A long journey with several workshops ...*

## **15 Demands on White Paper on Land Policy in Cambodia** in the view of Prof. Magel (workshop 17 January 2013)

**A White Paper on Land Policy should reflect how a country (government, politicians, ,administration, private sector and civil society) respects , uses and manages its scarce and not renewable resource Land .**

**It is like a confession on one of country`s most important economic, ecological and spiritual asset and fundament.**

**Therefore indispensable believes and attitudes should be expressed in the White Paper as follows:**

In this aforementioned context, the Land Policy or **”The Land White Paper”** shall pay attention in particular to:

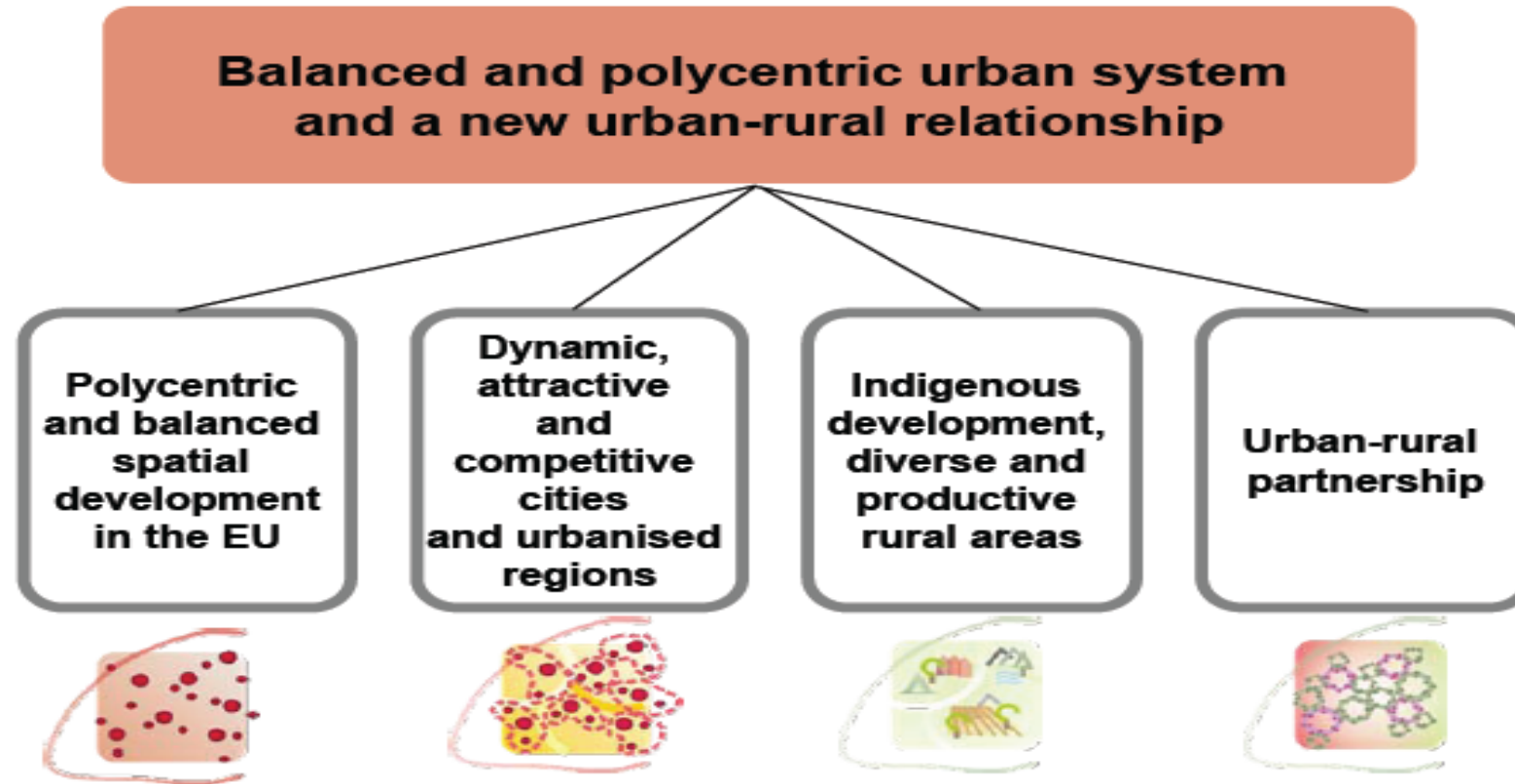
- social, economic, cultural, and environmental aspects
- equity and justice to every citizen throughout the country
- preserving dignity and human rights
- reducing poverty and gender inequality
- promoting the implementation of measures **to ensure sustainability of development in urban and rural areas**
- guaranteeing land tenure security
- promoting cross-sector cooperation and multidisciplinary relationship
- enforcement of implementing law and norms

...promoting the implementation of measures to ensure sustainability of development in urban and rural areas

## Life is local!

People live in cities, townships ,villages ,which are the fundament of each country structure.

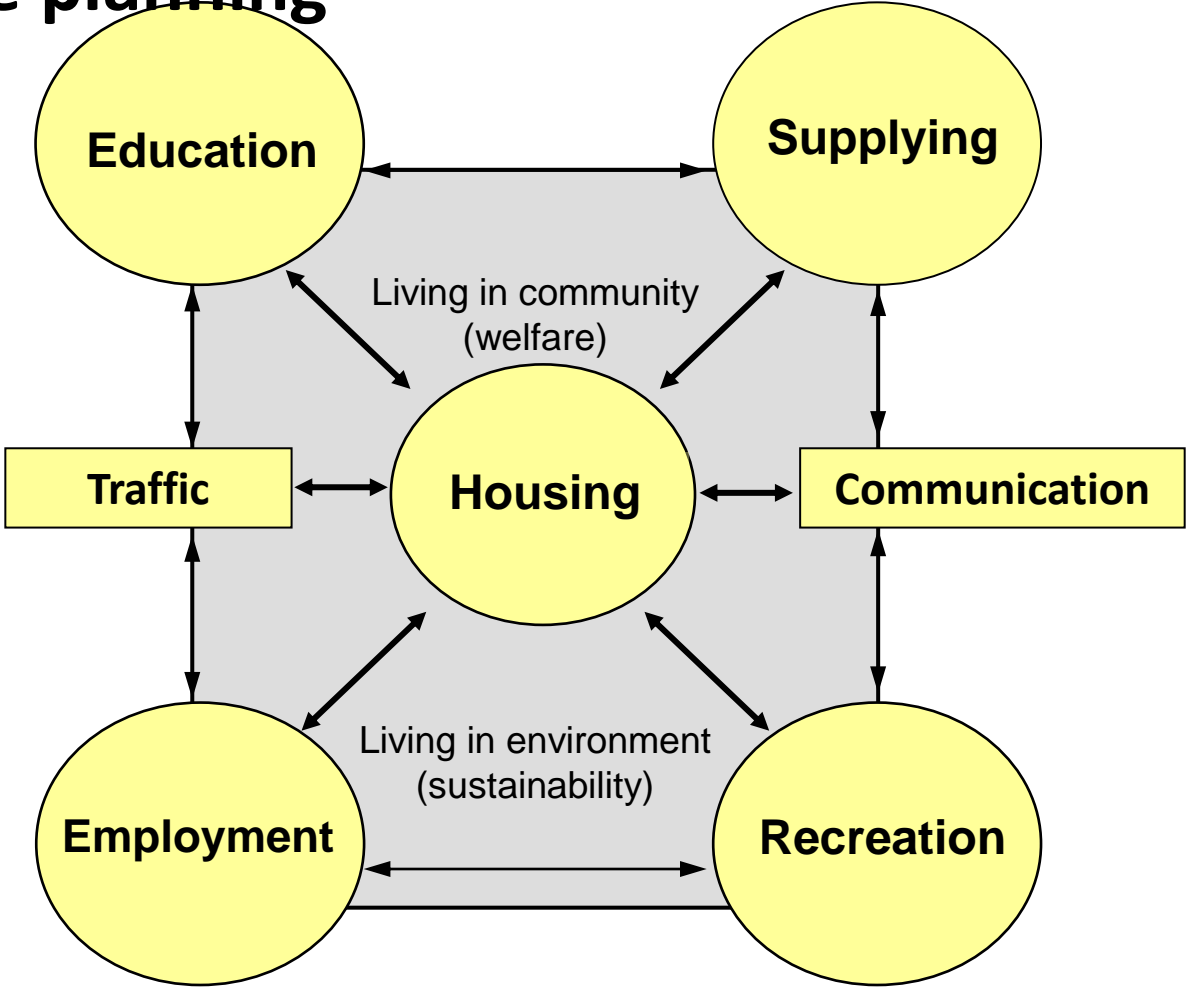
A balanced system of urban and rural settlements are best guaranteeing human dignity, social stability, peace and freedom.



# European and German Philosophy and Politics on spatial development

Source: German Federal Office of Building and Regional Planning (BBR)

**Challenge to urban and rural development: Providing service for fulfilling human basic needs on base of balanced Spatial developement and sustainable Land use planning**



# What needs balanced urban and rural development in terms of Land Policy ?

- 1.Strong Political will for balanced development of the country
- 2.Institutional Landscape (Spatial and Land Use Planning System , Land Administration , Land Management , Land Distribution , Housing policy, Infrastructure measures, vertical and horizontal governance)
- 3.Legal Landscape (respective Laws)
- 4.Capacity and Competence on all levels
- 5.Access to land , vital and transparent land market and security for investments
- 6.Contribution of business sector and strengthening of SME especially in rural central places
- 7.Participatory approach

# New Challenges to local and intercommunal development

1. **Demographic** consequences (emptying/shrinking rural cities, villages and regions, endangered capability of infrastructure, brownfield conversion ,increasing urban sprawl and growth ,suffocating metropolitan areas...)
2. Renaissance of **decentral concepts** for water and energy supply, Land and Water conflict resolution
3. Increasing **Environmental and Disaster Risks** (flooding ,droughts,land slides etc) and increasing land and water **conflicts; need of new participatory planning and decision processes**
4. **Intercommunal and urban –rural Cooperation** in terms of joint land use planning, joint industrial areas ,water management,shared basic infrastructure, new mobility concepts etc
5. **Climate change adaptation** concepts in terms of spatial planning and development,agriculture,land use ,water governance , infrastructure planning...
6. **Revitalization and strengthening** rural central places as attractive locations for people and jobs (MSME)
7. **Better Coordination** and joint Implementation of existing financial support programmes of line ministries

....the Land Policy or **“The Land White Paper”** shall pay attention in particular to:

- respecting custom, culture and preserving cultural heritage and history
- increasing participatory and transparent implementation of the land sector including land use planning and land administration, land valuation, land taxation, land market, land banking for future needs.
- development of National Spatial Data Infrastructure
- preparedness for trends of climate change, population growth, regional and global integration
- monitoring and evaluation of implementing policy, law, norms and public dissemination of land related information
- strengthening principle of good governance and implementing principle of decentralization in the land sector including cooperation with development partners, private sector, civil society and local community
- capacity building and professional training and code of conduct



# Have we now reached the end of our journey?

Workshop in Sihanoukville 22 May 2014

**Some views and reviews from international perspective**

Univ.Prof. Dr.-Ing. Holger Magel ,TUM

Kingdom of Cambodia  
Nation Religion King

## **Land Policy**

### **”White Paper”**

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*Draft-June 2014- Unofficial Translation*

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**Impartial Voices from TUM Munich Center of Land -,  
Water- and Environmental Risk Management about  
current Draft of Cambodian White Paper**

## The White Paper provides the basis for comprehensive development in Cambodia

The White Paper has been written with strong consciousness that the systems for owning, using and transferring property are of fundamental importance to sustainable growth, good governance, the living conditions and economic opportunities open to rural and urban people

- **The document provides integration of Sector Policies urban and rural development, covering all aspects of development** (see section 4 of WP):
  - Managing Agricultural Land
  - Forest Management
  - Water Resource Management
  - Management of Fishery Domain
  - Environment and Natural Protected Areas
  - Tourism, Heritage and Natural Resources
  - Land Use for Development of Transport Infrastructure
  - Land Use and Mineral Resource Exploitation
  - Coordination with Civil Society, Private Sector, and Development
- All of these sectors are the fundamentals for sustainable urban and rural development

## The White Paper provides a strategic framework for rural and urban development in Cambodia

- **The Paper serves as a spatial development framework because it provides guidance for public and private sector investment in different types or levels of development. It provides the following frameworks (see section 3 of WP):**
  - The White Paper links with and recognizes other laws of Cambodia where necessary.
  - Procedures for land development management in rural and urban areas including land used for agriculture, construction and resettlement.
  - Strategies and frameworks of land distribution for social and economic purposes.
  - Legal framework for land management and use, according to the evolution of national situation.
  - Strategy for appropriate responses to climate change and natural emergencies or disasters
  - Supports international “neighbourhood” framework: the framework of triangular development cooperation between Cambodia, Vietnam and Laos.



## The White Paper provides a strategic framework for rural and urban development in Cambodia

- **The Paper serves as a development framework that links Cambodia to International frameworks on land:**
  - Address land development in urban and rural areas in a holistic manner without discriminating against one of them. It recognises that rural and urban areas are functionally part of a complex, interrelated system of settlement and development.
  - Upholds fundamental responsible human settlements without infringing on people's rights on land by discouraging the illegal occupation of land, while upholding people's fundamental human rights on land.
  - Supports the principles of socially, economically and environmentally sustainable land use practices.

## The White Paper can address the difficult legacies of Cambodia's historical past concerning land

- In a country where land ownership has been subjected to a history of dispossession, forced evictions and undemocratic distribution of land resources. The White paper on land policy, if passed into a land policy has the capacity to address the consequences of the legacy of complex and difficult legacies on land imposed on Cambodians by past historical situations
- The White paper will provide the state with the necessary legislative and responsible governance measures (within its available resources), to foster conditions, which enable citizens to gain access to land on an equitable basis.
- Individuals and communities whose use, rights and privileges on land is legally insecure will gain improved security if the good governance principles within the White paper are put into practices

## The White Paper can lead to rural transformation

- The impact of putting the White Paper on Land Policy in rural areas would have productive and residential functions. It should create a more balanced mix of farming and rural enterprise (livestock, annual and perennial crops as well as farm-forestry) uses. By defining appropriate uses, a more balanced allocation of land and resources could motivate partnerships between farm workers and farm owners leading to increased productivity.
- Traditionally, agriculture has served as the basis for income and employment in rural areas. However, it is increasingly unable to sustain the rural areas. The White Paper provides opportunities for dealing with impoverishment of rural life beyond agriculture.
- It recognises the development of rural incomes outside of agriculture as a potential opportunity for rural development intervention.

## The White Paper can lead to urban transformation

- It can help address urban landlessness and homelessness by directing development of affordable housing and services to unused or under-used land within present urban boundaries and close to employment opportunities.
- It provides the spatial development framework that would enable urban-rural linkages and cooperation. This is necessary for more balanced spatial development.

# From ideas to actions

**The White Paper has potentials to support the socially responsible land and property ownership only if the principles it has adopted are put into practice under the following conditions**

- Participatory Spatial and Land use strategies and planning
- Good governance
- Engagement of all actors
- Respect to peoples fundamental human rights
- Functional decentralisation
- Gender equity, and many other preconditions

**Good luck and a bright future for  
wonderful Cambodia and all Cambodians!**