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GLOBAL LAND INDICATORS AND CAMBODIAN ADMINISTRATIVE DATA

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CONTEXT

- EVOLUTION OF MONITORING LAND GOVERNANCE
- PROPOSED POST-2015 SDG
- PROPOSED LAND INDICATORS
- SOURCES OF DATA FOR LAND INDICATORS IN CAMBODIA

The cadastral database as the main source of land indicators in Cambodia

Evolution of monitoring land governance

- Need to monitor land governance
  - Millennium Development Goals = No possibility to monitor it
  - Post-2015 Sustainable Development Goals = Envisioned

- Institutional framework
  - 2012 Rio summit,
  - Global Land Indicators Initiative
    - from MCC up to over 30 institutions
    - Expert Group meeting
  - SDG adoption process through UN General Assembly = States negotiations

- Need for indicators to monitor land-related SDG and FAO VGs
  - Global (=same ways to report progress for all countries)
  - Several possible data collection methods
  - focus on availability of administrative data for continuous regular and effective collection
  - Importance of disaggregation

Proposed land rights related SDG

- SDG1: End poverty in all its form everywhere

SDG 1-4: "*by 2030 ensure that all men and women, particularly the poor and the vulnerable, have* ***equal rights to economic resources, as well as access to basic services, ownership, and control over land and other forms of property****, inheritance, natural resources, appropriate new technology, and financial services including microfinance.*"

- SDG 2: End hunger, achieve food security and improved nutrition, and promote sustainable agriculture

SDG 2-3: "*by 2030 double the agricultural productivity and the incomes of small scale food producers, particularly women, indigenous peoples, family farmers, pastoralists and fishers, including through* ***secure and equal access to land, other productive resources and inputs****, knowledge, financial services, markets, and opportunities for value addition and non-farm employment*"

Proposed land rights related SDG

- SDG 5: Achieve gender equality and empower women and girls

SDG 5-a: "*undertake reforms to give women* ***equal rights*** *to economic resources, as well as access* ***to ownership and control over land and other forms of property****, financial services, inheritance, and natural resources in accordance with national laws*."

- SDG 11: make cities and human settlements inclusive, safe, resilient and sustainable

SDG 11-1: "*by 2030, ensure* ***access for all to adequate, safe and affordable housing and basic services, and upgrade slums***"

SDG 11-a: "*support positive economic, social and environmental links between urban, peri-urban and rural areas by* ***strengthening national and regional development planning***"

Six potential GLI determined:

- Area mapped with owners/tenants identified
- N° of registered transactions
- Share of land registered in women's name
- N° of expropriations and amount compensated
- Tax assessments and amount of collected taxes
- N° of land disputes (State with private parties)

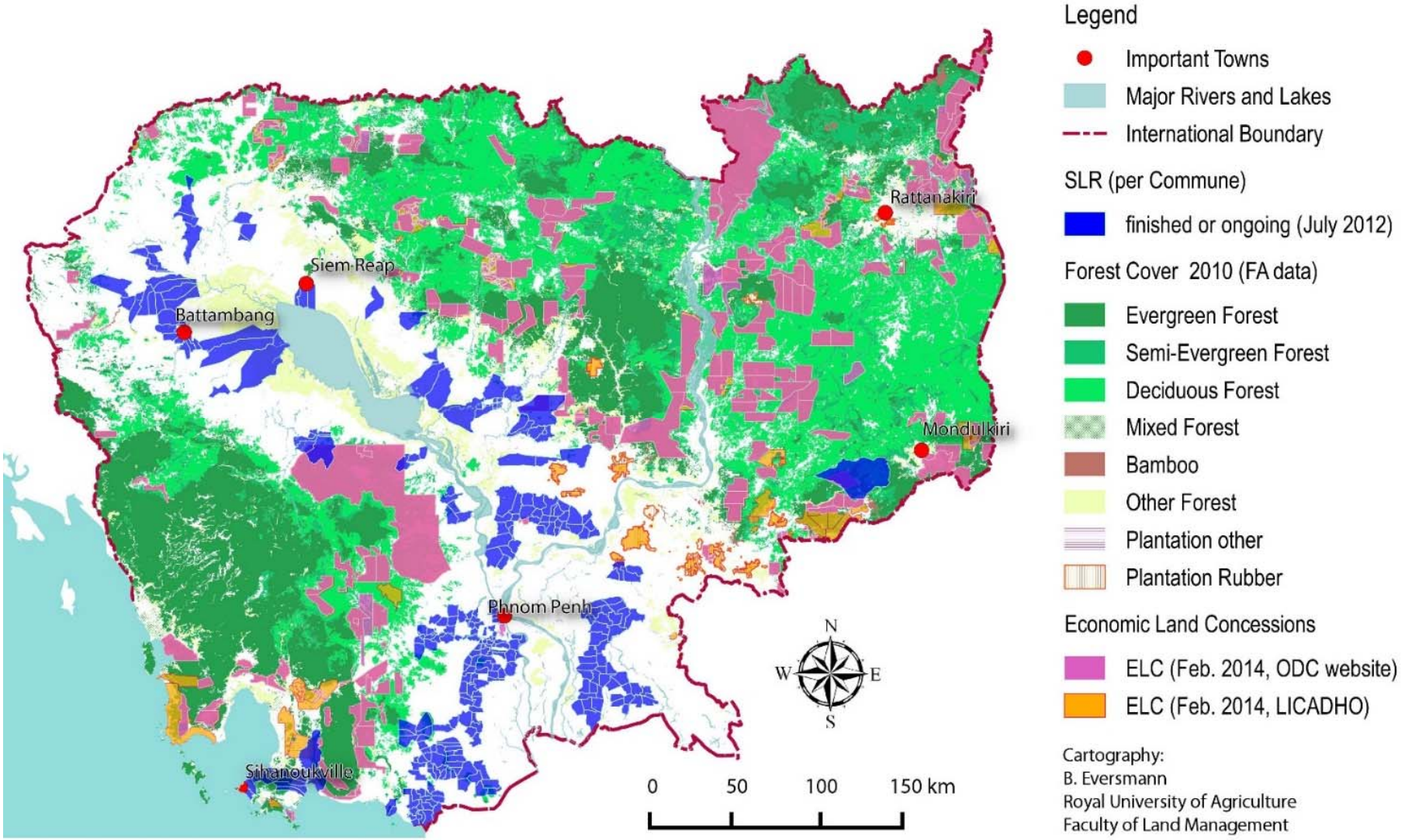
Sources of land data indicators

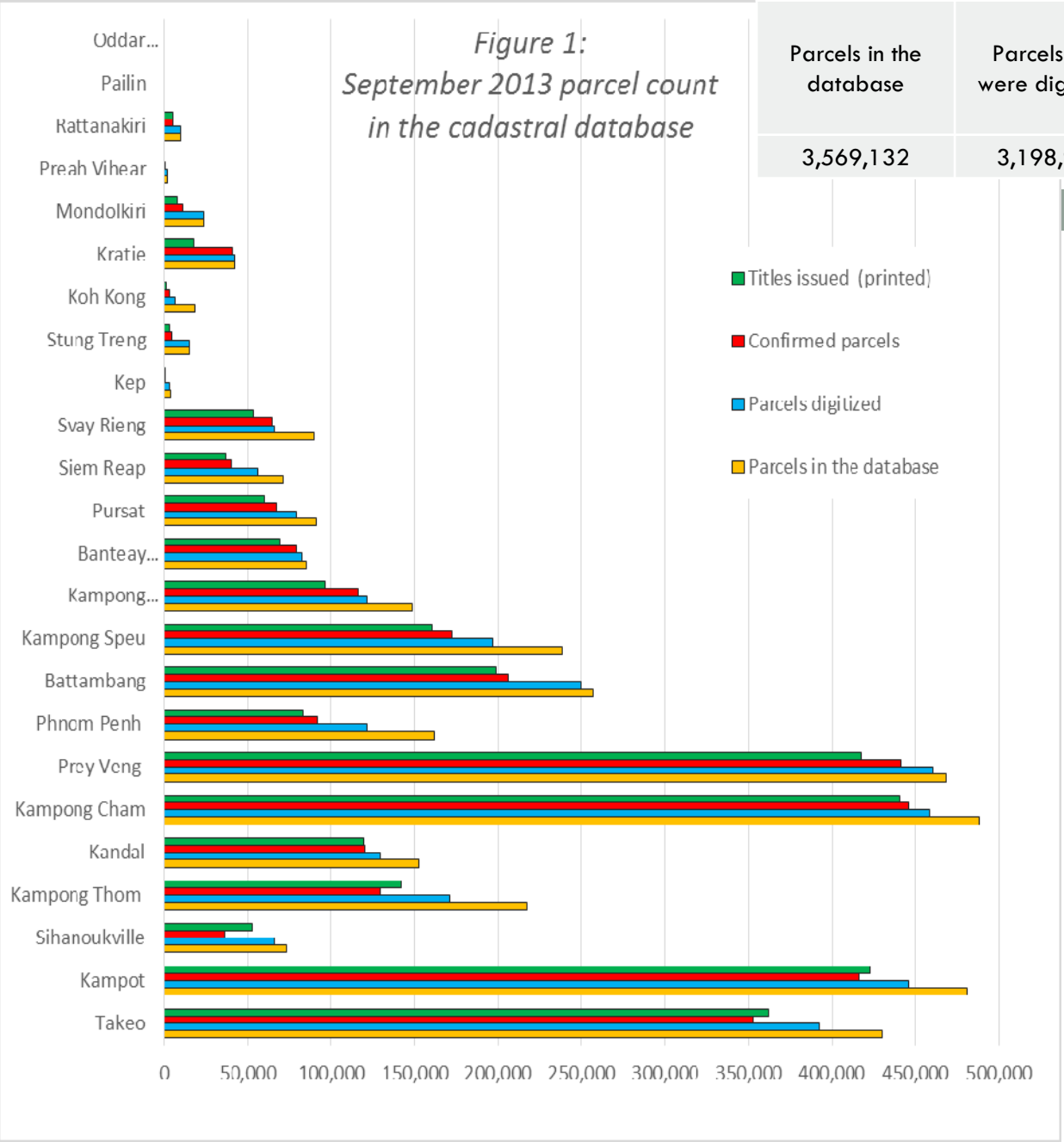
- Commune council records
- Mapping of State land of natural constitution from specialized administration
- Tax administration data
- Cadastral Commission/Courts
- Cadastral registers
  - IPRB (Immovable Property Register Book) for possession
  - LRB (Land Register Book) for ownership

GLOBAL LAND INDICATORS

Main data collected in Cambodia

1-Land area mapped with recorded owners





Parcels in the database	Parcels that were digitized	Land registration procedure completed (Confirmed)	Titles that were printed
3,569,132	3,198,966	2,844,000	2,750,514

End of September 2014 update

- **SLR** in 435 communes (+41) with more than 3M data entries, 2.8M parcels displayed and more than 2.5M titles issued.
- **001 campaign** in 357 communes with 710,000 forms filled, parcels surveyed and displayed and 560,000 titles delivered

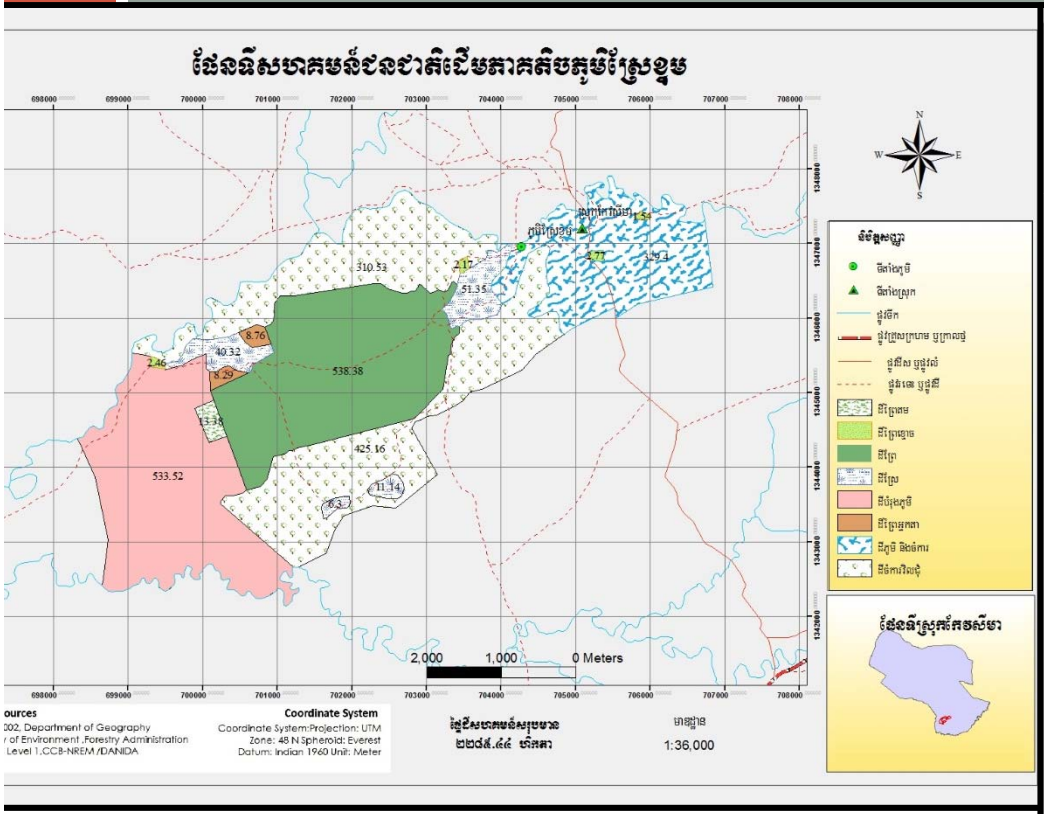
NSDP: 70% of parcels planed to be registered by 2018.

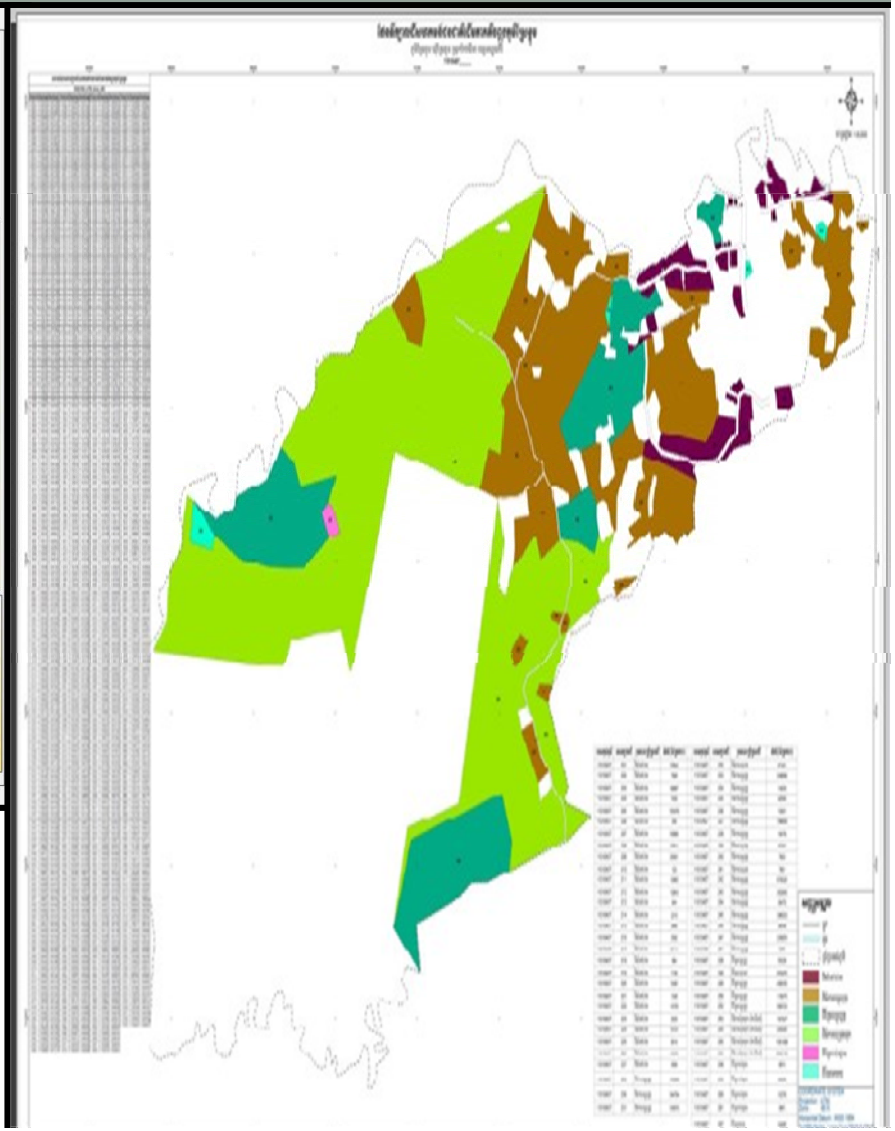
400,000 per year.

How to increase coverage of area mapped ?

- Speed up SLR (82 SLR teams; all provinces; tool box)
- Include in the database parcels up to now excluded
  - State land of natural constitution (New inter-ministerial committee under the lead of the cadastral administration)
  - Road, street and water courses
  - Register areas previously excluded from SLR (piloted in 2014)
  - Implement the concept of inclusive SLR
  - Parcels registered sporadically with clear coordinates (in particular ELCs and indigenous land)
- Facilitate completion of data in SLR areas
  - Registration of co-owned buildings
  - Include disputed parcels data once dispute solved
  - Parcels considered as anarquically occupied (Enhanced land management within SLR or implementation of Circular 03)

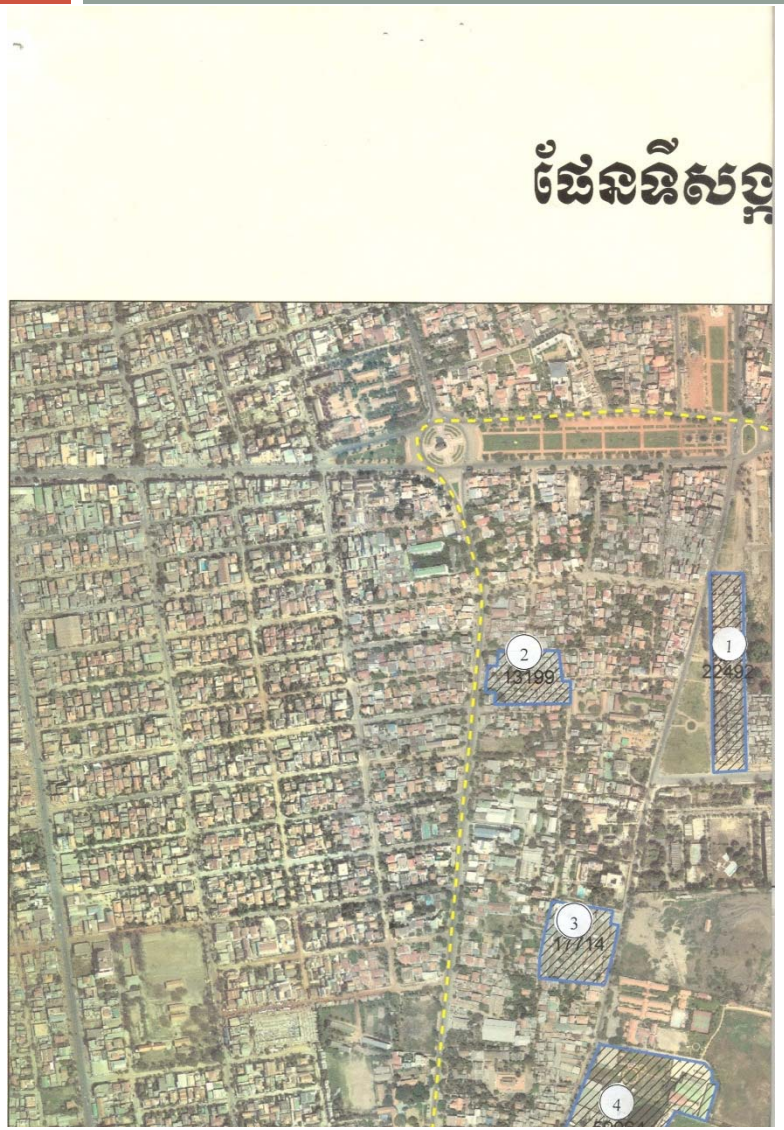
preliminary map & map after cadastral survey of the indigenous community of Srae Khtum





These parcels registered in the name of the indigenous community of Srae Khtum have clear coordinates but are **not** part of the cadastral database. They are not taken into consideration in the calculation of area mapped

Anarchical land



The parcels with blue strays are digitized (therefore taking into consideration into the calculation of area mapped) but have no owner data.

2-Land registered in women's name

- More than 85% of owners are women.
  - 63% of common property
  - 18% of property of wife
  - Active in using their title and in conflict resolution.
  - Additional queries in database needed (for undivided & unmarried owners)

Husband &Wife	Husband	Wife	Single	Other	Unknown	Total
2,231,811	268,748	645,916	275,282	46,813	100,565	3,569,132
63%	8%	18%	8%	1%	3%	100%

Table. Kind of property (nationwide numbers and percentage) in September 2013

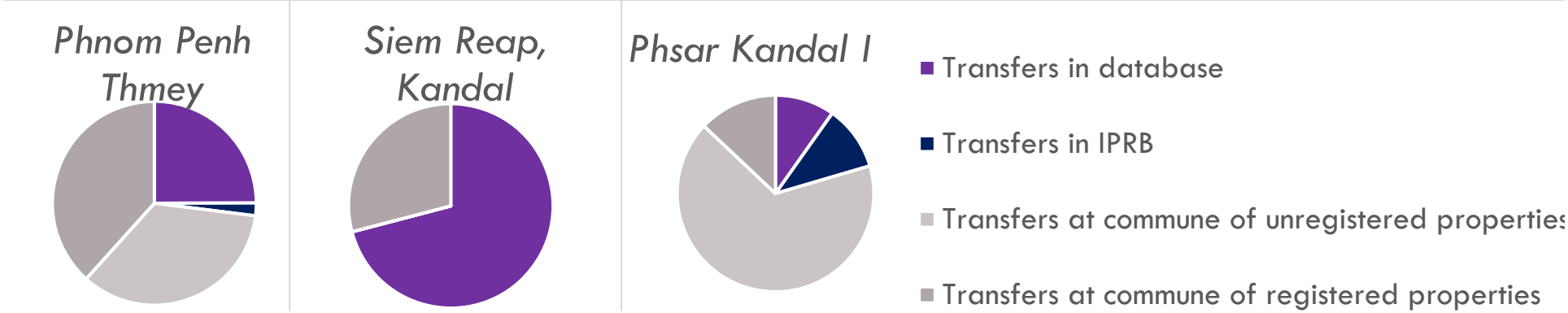
- Commune database contains gender data but not focusing on land-related issues.
- Tedious search in paper records (IPRB – communes)

3-Transactions

- 3 categories of transfers.
  - Unregistered => at communal level
  - possession title => in the IPRB
  - ownership title => in the LRB/Cadastral database
  - Many registered properties unofficially transferred
- Need to reform subsequent registration system
- Tedious research at commune level (no specific official book)

Transactions : Transfers in the 3 communes studied

Figures : % of transfers according to their origin (2011-2013)



Communes	Transfers in database	Transfers in IPRB	Transfers at commune of unregistered parcels/private parts	Transfers at commune of registered parcels/private parts
Phsar Kandal I	68 (9.80%)	74 (10.66%)	462 (66.57%)	90 (12.97%)
Phnom Penh Thmey	2,162 (24.96%)	174 (2.01%)	3007 (34.71%)	331 (38.32%)
Siem Reap, Kandal	261 (70.92%)	0 (0.00%)	0 (0.00%)	107 (29.08%)

Table. Number and % of transfers of immovable property in selected communes

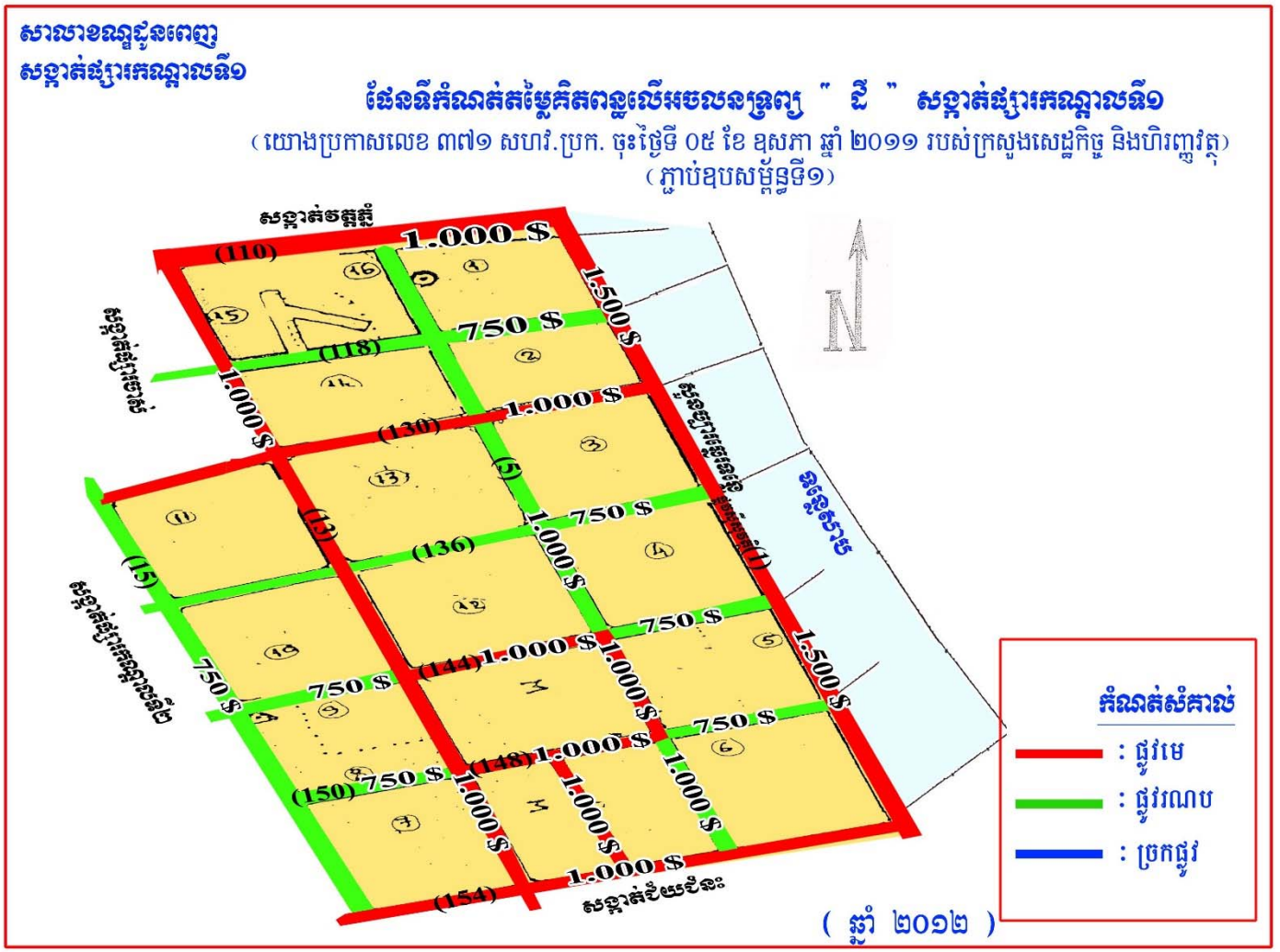
4-Expropriations

- 2010 Expropriation Law not yet implemented
- 2 categories of resettlements:
  - State or sub-national projects financed by DPs => data available on DPs' websites
  - Private development on supposedly State land => No administrative data publicly available
- Sensitive issue for human rights => Display of official data would enable comparison with CSO's data.

5-Land taxation

- Need to increase tax income to compensate ASEAN customs agreement => Tax data center from CIM in process (useful for real data ≠ cadastral legal data)
- Solution for data about co-owned buildings ?
- 3 land-related taxes
  - Annual land tax (0.1% of value; in municipalities only)
  - Annual unused land tax (2% of value; outside municipalities only)
  - Transfer tax (4% of value) = **64,000,000 US$** from transfers of parcels in the cadastral database (9/13)
    - Confusion in the determination of value (Average land value/Average tax = not always 4%)

Land taxation: **Land tax sketch (city center)**



Land taxation: **land tax sketch (suburbs)**

6-Land disputes

Several systems:

1-Courts for contract and registered property

2-Administrative Commission for SLR areas

Parcels in the database	Remaining land disputes	% of disputes after SLR
3,569,132	12,276	0.0034%

Table: Number and % of remaining land disputes after SLR in September 2013.

3- Cadastral Commission for unregistered property

Complaints to the Cadastral Commission	Complaints received	Complaints resolved	successfully conciliated**	dismissed	With-drawn	remaining in process (unsolved)
end of 2013	6,158	5,168	2,629	1,932	607	990
% of complaints received	100.00%	83.92%	42.69%	31.37%	9.86%	16.08%

Table: Results of the process of complaints received by the Cadastral Commission

Land disputes

Several systems:

4- NALDR for sensitive conflicts (no public data openly available)

5-Commune Council LDR

Communes	disputes conciliated at commune level (2011-2013)	successful conciliation	unsolved	Ongoing or appealed	Other property dispute (2011-2013)	Court	AC	CC
Phsar Kandal I	30	28	2	0	0	0	0	0
Phnom Penh Thmey	161	89	56	16	28	15	6	7
Siem Reap, Kandal	11	9	0	2	4	4	0	0

Table: Land disputes in the 3 selected communes (2011-2013)

Land dispute

Several systems:

6-Conflicts with State not recorded

Specific LR campaign for potentially conflicting State land

sithi.org

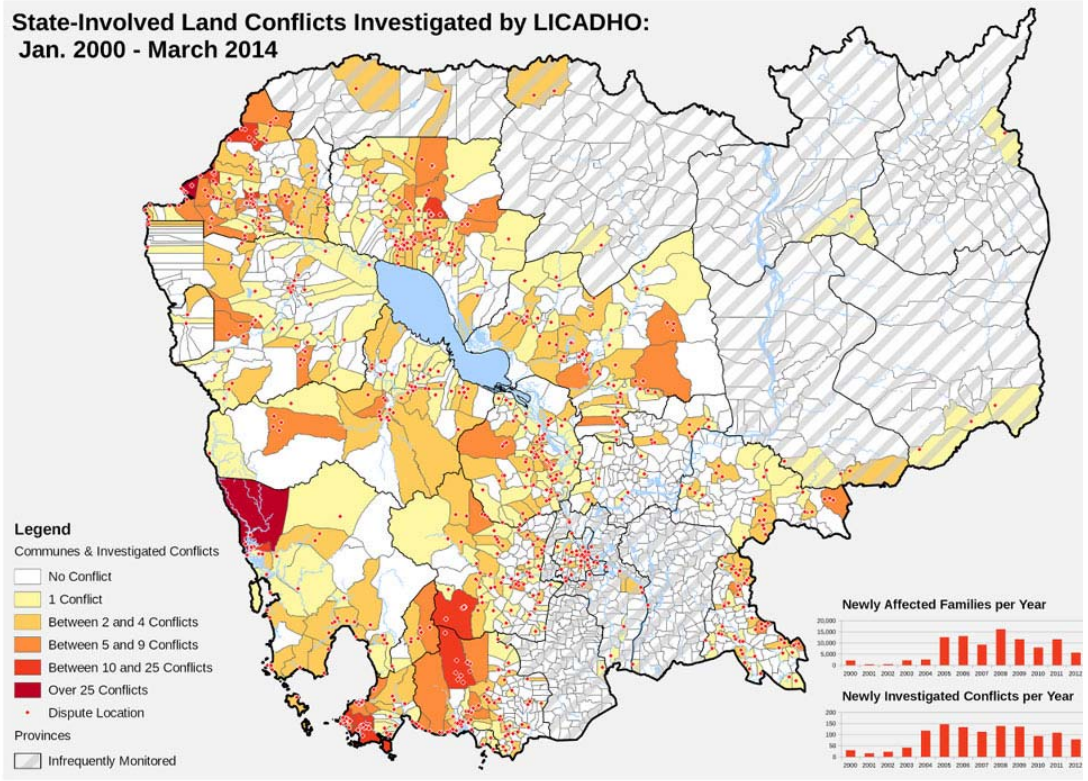
LICADHO
CAMBODIAN LEAGUE FOR THE PROMOTION AND DEFENSE OF HUMAN RIGHTS

Several systems:

7-Multiple settlement possibilities

- **NGO statistics**

Province	# of Cases	Province	# of Cases
Banteay Meanchey	17	Mondulkiri	10
Battambang	13	Oddar Meanchey	6
Kampong Cham	8	Pailin	1
Kampong Chhnang	5	Phnom Penh	22
Kampong Thom	9	Takeo	5
Kampot	10	Preah Vihear	8
Kandal	11	Preah Sihanouk	13



http://sithi.org/temp.php?url=land_case/land_case_new.php#.UyVPjlfHiF8

http://www.licadho-cambodia.org/pressrelease.php?perm=342

CONCLUSIONS

A cadastral database as a base for GLI
with needs of enhancements to improve quality of data

Conclusions

- Focus on cadastral database
  - *Involved in all indicators*
  - *Final legal value*
  - *Base of envisioned NSDI*
  - *Useful tool*

=> Government willingness

to develop it comprehensively

How to improve quality of data from the cadastral database?

- Technical enhancements
  - National harmonization of datum on which the mapping is based
  - Distributed database with automatic replication
  - Switch from commercial to open source software
    - store data in PostgreSQL instead of MS-Access
    - Quantum GIS instead of ArcGIS
    - LINUX instead of MS Windows as operating system
  - Convert Khmer fonts from Limon to Unicode

How to improve quality of data from the cadastral database?

- Legal enhancements
  - Acknowledge more rights coming as encumbrances over ownership (Legitimate tenure rights)
  - Facilitate this acknowledgement with new data model
    - recordation of layers of rights
    - Ex: LADM (Land Administration Domain Model developed by FAO-FIG)
  - Legal value lying in the cadastral data
  - Need of a clear legal framework for subsequent registration
- Vision 2020 of E-Government
  - LIS
  - NSDI
  - Need to create link with Tax data center as soon as put in place

¡The End!