

LAND RIGHTS PROGRAMME

Land tenure and access to land – essential steps in realizing the human rights to 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 of which the 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 official starting point of Cambodia's comprehensive land reform. With the aim of legally securing access to land and land tenure, as essential steps in realizing basic human rights such as food and shelter, GIZ's Land Rights Programme (LRP) has supported the Royal Government of Cambodia in their ambitious reform from the outset.

Capacities and functioning institutions for the land sector reform

GIZ has supported Cambodian land reform efforts since 1995. Since 1998, GIZ has been providing capacity development to the new Ministry of Land Management, Urban Planning and Construction (MLMUPC) and the land departments at the sub-national levels, and supports the design and implementation of the Cambodian Land Administration, Management and Distribution Program (LAMDP). Civil society organizations play a vital

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part in any democratic society. GIZ LRP supports civil society organizations working on land and housing rights for urban poor and for indigenous communities. 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 graduate annually.

Land policy for sustainable land management

Policy and legal frameworks are the starting point for any reform. A sound policy must be aimed 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, GIZ LRP facilitates dialogue processes between government stakeholders, civil society and the private sector. Additionally, LRP 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 a new Declaration on Land Policy in 2009, a Spatial



Pg. 1 Photo left: Land registration team with villagers in Svay Rieng province

Pg. 1 Photo right: Senior Minister Im Chhun Lim (MLMUPC) handing the land use agreement to a land recipient in Kampong Thom province

Pg. 2 Photo left: Community meeting in an informal settlement in Battambang municipality (Circular 03 pilot)

Pg. 2 Photo right: Training on forming farmers' groups in the new community hall of the social land concession village in Kratie province.



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Planning Policy and a sub-decree and policy on Registration of Land of Indigenous People in 2011. Currently, a Comprehensive Land Policy is being developed, 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.

Ensuring land tenure security and access to land dispute resolution

Since 1995 GIZ has supported the government register individual households’ private land ownership rights. Most of the beneficiaries from land registration are rural small holders, more than 60 percent of them women. By December 2012, the systematic land registration teams registered more than 2.2 million land parcels, benefitting over 2 million citizens. During the course of the systematic registration process, 16,000 land conflicts were solved. For example, disagreements on boundaries between neighbours were resolved. The cadastre is expected to cover the entire country within the next 10 years. 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 4,800 cases and successfully solved 2,400. Out of these, 242 were cases where several parties were embroiled in a conflict, oftentimes a large group of villagers against a locally powerful person.

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 rules and regulations for land use in the future. With LRP support, Battambang municipality, Cambodia’s third largest city, developed a master plan and planned infrastructure improvements that have been realized. The process also led to an urban heritage management initiative that has boosted tourism to the city. The process also systematically uncovered the location of informal settlements. It ignited discussions on the future of these areas between representatives of the communities, civil society organizations and the municipality. GIZ LRP is now providing support to the municipality and communities in finding solutions that may provide tenure rights to the settlers and supports community development activities.

Socially balancing access to land

In rural areas, many households are landless and often lose their land as a result of economic hardship. With LRP support, the government has piloted the distribution of land to landless and land-poor households, as an option to socially balance access to land. Through this initiative, more than 1,600 formerly landless households were provided with land in the provinces of Kratie, Kampong Cham and Kampong Thom. Entirely new villages have been established with necessary infrastructure such as roads, schools, water wells and health care facilities. Services such as agricultural extension projects and community development 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 the land. Finally, GIZ also supports the registration of land of indigenous communities in the Northeastern provinces of Rattanakiri and Mondulakiri. So far, five communities have received legal recognition of their collective land use and ownership rights.

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