

# **Systematic Land Registration in Cambodia Participation, Capacity Building and Team Work**

**Sovann SAR, Cambodia**

**Key words:** Land registration, participation, capacity, team work, good governance

## **SUMMARY**

This paper attempts to describe the experiences and work of the Royal Government's Land Management and Administration Project (LMAP), implemented by the Ministry of Land Management Urban Planning and Construction (MLMUPC) of the Royal Government of Cambodia, in the areas of participation and capacity building through a team process. LMAP's experiences illustrate the value of step-wise progress made in moving from a holistic vision for the land sector towards capacity building and institutional development. After some introductory information on the land sector and the LMAP program the article focuses on innovations in systematic registration. The experiences indicate that the effectiveness of the titling system is reached through broad participation of local people in the process and the fact that the registration work is paid through a productivity based field allowance system calculated not on individuals' output but on the results of the teams.

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## **1. BACKGROUND**

The Royal Government of Cambodia (RGC) has recognized the need to address issues that relate to natural resources, particularly the land sector, in a comprehensive manner. In the last six years, to achieve the above objectives, the RGC established and mandated an independent Ministry of Land Management Urban Planning and Construction (MLMUPC) in early 1999, created an inter-ministerial committee entitled Council for Land Policy (2001), adopted a strategy (Statement on Land Policy, 2001; and Interim Land Policy Strategy, 2002), enacted a comprehensive Land Law in 2001. These policies and strategies of the RGC had identified three pillars for its work in the land sector i.e., (a) land administration; (b) land management; and (c) land distribution. It calls for the creation of a state land inventory and classification system; increasing capacity to resolve disputes; registering all land in the nation (both public and private) over the long-term using both systematic and sporadic procedures; strengthening land tenure security and preventing or speedily resolving land disputes; developing land use plans for priority areas (including areas with potential for tourism, industrial investment, urban areas and major road corridors); improving management of natural resources; and developing procedures for urban land management. The RGC recognizes that implementing the strategy will be a long-term process requiring broad public consultation and consensus building. It will also require clarifying roles of various government agencies involved with land management, developing mechanisms for improving coordination among them. The progress made to date is largely due to the developments cited above with respect to formulation and implementation of comprehensive strategies, policies and programmes by the RGC.

The RGC's National Strategic Development Plan for 2006-2010 (draft and expected to be adopted by December 2005) confirms the government's commitment to implement Land Law 2001 and thereby ensure an equitable, proper and efficient system of land management, distribution and utilization including land registration and distribution, land tenure security, eradication of illegal settlements and land grabbing, and the control of ownership concentration for speculative purposes. The priority is to issue clear, incontestable, legal land ownership titles to provide security of tenure to those in actual possession and use of the land they occupy. In its broadest outline this program consists of a policy consultation and development process, a legislative program, and a series of ongoing and planned projects. The pace of activity in developing this program greatly accelerated during 2000-2005. The program is a valuable example of how government, civil society and international agencies can work together to address priority issues. In pursuing this plan, the RGC has acknowledged the need for community participation and building a culture of commitment for team work.

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## **2. CONTEXT FOR THE WORK OF LMAP**

Although statistics on land are not yet highly accurate, available information indicates that of the country's 18.10 million hectares of land 2.71 million hectares is currently cultivated and one million hectares is taken up by towns, infrastructure and waterways. The protected areas cover 3.27 million hectares, and forestry and fishing concessions take up 4.21 million hectares and one million hectares, respectively. Agricultural concessions cover about 0.83 million hectares and land mine contaminated areas cover 0.10 million hectares. Other forest lands cover about 3.25 million hectares and about 1.73 million hectares seems to be scrub land.

Land issues impact poverty in several ways. Agriculture in Cambodia suffers from extremely low productivity. The lack of tenure security, prevalence of land disputes and confusion about land rights in areas of agricultural concessions inhibits the types of productivity-enhancing investments which are needed to improve agriculture.

In all its work, the RGC has recognized that its agenda for policy and programme development is daunting in its breadth, complex and ambitious in terms of content and demands. Therefore, the RGC is keen to describe a minimum set of reforms required to spur growth and a larger set sufficient to sustain it. In support of its policies and strategies, the RGC is implementing a multi-donor support project Land Management and Administration Project (LMAP) to pursue systematic land registration with target of one million titles. LMAP was designed in 2001 and became operational in June 2002. The LMAP has five components such as development of land policy and regulatory framework, institutional development, land titling program and development of a land registration system, strengthening mechanisms for dispute resolution, and land management. Financial support for the implementation of LMAP is provided by the World Bank (a credit of US\$ 24.3 million), and the Governments of Finland and Germany, together, extended US\$10.5 million as a technical assistance grant, and the RGC allocated US\$ 2.6 million, including taxes and duties. Additional financial support for several activities has been provided by the Governments of Canada and Sweden.

## **3. SYSTEMATIC LAND REGISTRATION UNDER LMAP**

Within LMAP, systematic land registration is a key component and important for laying the foundation for secured land tenure and development of the land markets in the country. In the following paragraphs, the experiences in establishing and operationalising the systematic land titling program and development of a modern land registration system will be presented.

It is widely acknowledged that the 1992 Land Law did not provide a solid platform for full tenure security or for effective land management. Further, its contents did not fully reflect the 1993 Constitution that recognizes land ownership rights in a broader sense. Nor did it provide a basis for a national program of systematic registration. Taking these factors into consideration, the legal basis for the systematic land registration is provided in the Land Law of 2001 and the sub-decree on systematic land registration of

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2002. The reforms introduced in the 2001 law included extending private ownership rights to residential land and agricultural land parcels and officially certifying ownership in a government document known as a title certificate. It enables delegation of land administration from the central to provincial/ municipal level and charges the land registries with responsibility for cadastral mapping and titling of all State and private land in the Kingdom. It enables the creation of a single land registry authority with the duty of recording/registering all land in the Kingdom, as well as recognising both systematic and sporadic land registration.

### **3.1. Procedures for the Systematic Land Registration in Cambodia**

In technical sense, the procedures established for the **systematic land registration procedure** consists of six main phases and is based on the effectiveness of information dissemination, local authorities' and people's full participation, and rational and sensible utilisation of modern technology as well as transparency and principles of good governance. The six main steps are **(1) public awareness and community participation, (2) adjudication, (3) demarcation, (4) surveying, (5) documentation and (6) public display**. In order to execute these six steps, LMAP mobilize a Land Registration Team (LRT) usually comprises of 26 members with different expertise. After the 30-day mandatory public display of adjudication records and cadastral index maps all undisputed parcels are confirmed and registered in the official land register and land title certificates are delivered to the legal landowners.

The final contents of the official land register is confirmed by the 8-member **Administrative Commission** (AC) which is established for every systematic registration area consisting of representatives of all levels of local authorities from village elders and Village Chief via Commune Chief to the provincial Governors as well as Cadastral officers. Remaining land disputes are handled by applying separate procedures established for dispute resolutions (Cadastral Commission).

The effective basic principle is **one parcel–one visit**, i.e., to pursue all fieldwork at the same time and minimize disturbing landowners as little as possible. Successful mobilisation of landowners and their full participation are essential for proper implementation of the registration systematically from parcel to parcel, village to village, commune to commune. The length of the whole systematic registration procedure is dependent on many local factors and variables, but the target is to complete the registration procedure and final title delivery in 45 days after the closing of the public display in every area.

#### 4. THE KEY INNOVATIVE ELEMENTS IN LMAP

- Council for Land Policy was established to develop the vision and the legal framework to assist the implementation of LMAP by sufficient institutional support and capacity building.
- LMAP was designed with long term vision considering the context, culture and the capacity of Cambodia. To materialize this vision, the RGC has shown its willingness and commitment into a solid action.
- LMAP has developed a road-map and strategy for capacity building, primarily suggested by evolving thinking and practice, in support of the land registration and all the components of LMAP.
- In early stages of LMAP, the project management concentrated on developing mutual trust, building team spirit and encouraged team work based on a transparent process among implementing staff.
- Project Management: Moving from donor-ship to ownership with improved capacity, no parallel structure against any existing government structure. The project management structure is performing a co-ordination function with matrix management arrangement at central level and driven management at provincial level.
- Quality Commitment: “Quality First” is assured by the commitment of LMAP Staff and accept the need to improve always. To achieve this LMAP established a quality commitment unit with a wider network of national, provincial, district level and LRT staff (volunteered) with competency in legal and technical aspects to improve product and services to satisfy the stakeholders with service standards, a feature of Total Quality Management.
- Monitoring and Evaluation System: Development of proper monitoring and evaluation systems, combined with regular reporting systems and independent reviews to report results, impacts and benefits to the stakeholders.
- LMAP has commenced the move from project to program
- Donor co-ordination and cooperation: As LMAP receives funds from various donors, the role and responsibilities of all development partners have been clearly defined to avoid double funding for single targets and any possible overlaps. Further LMAP management always ensures that the host country to lead and coordinate, in line with the national policy and strategy in order to improve aid effectiveness. The vision of cooperation is country- oriented, not donor oriented.

All the above-mentioned are key innovative elements in LMAP, however the following discussions will focus on only elements related to why and how participation and team work together with the development of capacity are the corner stones for implementing LMAP and achieve its goals.

As you are aware land registration is working with people especially land owners, if they do not participate in land titling process, we could not register the lands. It is im-

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portant to note that if people come to LRT, which do not have the capacity and no team spirit to work as a team, the desired results will not be achieved. Therefore the participation is critical factor for land registration work, where the other two critical factors are capacity of LRT, leaders of local authorities and communities, and a good team work.

## 5. PARTICIPATION

In order to bring people to join in land registration process, LMAP uses public awareness community participation (PACP) and the 2+1 Approach (two LRT Officers and a village assistant / volunteer). Other approaches like a fair and affordable systematic land registration fee structure also convince people to join.

### 5.1. Public awareness community participation (PACP)

Objective of PACP is to promote land owners/land holders/stakeholders participate in systematic land registration and sub-sequent registration process.

Major Activities of PACP are to promote awareness and participation of people in land registration PACP officers have to inform about:

- Legal framework related to right and obligation of people in land registration
- Land registration process in systematic and subsequent land registration
- Services (no other payment outside land registration fee)
- Land management information
- Good governance issue
- Brief of LMAP components and objectives.

### 5.2. Participatory Approach by mobilising Local Citizens through *the 2+1 Approach (two LRT officers and a village assistant / volunteer)*.

The local resource persons (including village assistants / volunteers) work with the respective LRTs and comply with the following tasks:

- 1- **Public Awareness and Community Participation (PACP)**, two officers and one official from the land management unit; (work in the field)
- 2- **Field work groups** divided into two parts: one for **adjudication, demarcation and surveying** of residential land (four officers with two village assistants) and another for agricultural land (six small teams, each small teams include two officers and a village assistant / volunteer).
- 3- **GIS groups** [Data entry: two officers, Digitising: two officers and Administration: two officers] (work in the office)

The tasks of the *village assistants / volunteers* (local resource person) are to help field team to do proper planning and mobilize local people to join the demarcation, surveying, adjudication and public display processes. The local resource person is expected to

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know the overall village location, identity of the land owners and their whereabouts and other basic details needed to support the work of LRT. The village assistant is informed before hand of the work plan and procedures for the systematic land registration. Thereafter, the village assistant will inform land owners to join the systematic land registration process; the land owners are asked to join the meeting along with their records for claiming the parcel. This advance information is helping the land owners to assemble at a said place and time for registering their claims for the respective parcels. Following this meeting, the LRT's field work commences and land owners are asked to be present at various points of the process until the completion of the mandated field tasks.

After completing the fieldwork, LRT will publicly display the adjudication documents, such as Cadastral Index Map and Adjudication Records for 30 days that they gathered from the field at a suitable public place. In this process, the village assistant responsible for informing and advising the land owners to joint the public display and also can explain to the stakeholders about their right on land. In summary, for the LRTs, the village assistant is the key person who supports the systematic land registration process.

### **5.3. Implementing a systematic land registration fee structure - fair and affordable**

With the view of promoting the Systematic Land Registration process the Royal Government of Cambodia established a systematic land registration fee structure, which is fair, affordable and also known to everyone.

As systematic land registration is a Government's investment for the development of the country and obligatory to the landowners, registration fees, if applied, must be commonly acceptable. Studies during the pre-LMAP project have concluded that landowners are ready and willing to pay reasonable fees if their land ownership is secured. The first registration fees decided by the Government are very low and more symbolic and psychological than cost recovery-based, for example in rural areas the fee is 1 (*one*) Cambodian Riel per square metre (US\$ 2.50 per hectare). The fair fees means small land holder pay small and big pay big proportion to land size belonging them. However, people must understand that their Land Title Certificate is not any paper and they must take care of their real property according to the law, whenever there is a transaction, mortgaging or other event, as well as understand their role in the big picture of the development of the Cambodian society.

## **6. CAPACITY BUILDING**

In Cambodia, capacity building is a big challenge in current situation especially for implementing LMAP to achieve a target of one million titles in five years commencing with limited human resources developed by two small scale pilot projects. LMAP develops capacity through LRT training, **learning by doing, leading by teaching, and teaching by showing** approach. Also LMAP built up capacity of local leaders and representatives through lesson learnt workshops. Further, LMAP follows a path of teach less, learn more and perform much.

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### **6.1. Training Systematic Land Registration Team (LRT)**

To improve effectiveness, LMAP planned, implemented and managed a package of team training for all LRT teams. The training curriculum included knowledge on legal and technical subject, but also for leadership and management change. The basic training package is for eight weeks (including four weeks of theory and four weeks of field work) and composed of the following topics: (a) Adjudication; (b) Demarcation; (c) Surveying; (d) Public display; (e) GIS/Data-Bases; (f) Public Awareness and Community Participation (PACP); and (g) Team Management (planning, monitoring and evaluation).

At the start, each LRT is provided with theoretical orientation on the above topics, including a field visit and hands-on session. The participants will first go to the **field** to see what happens in practice and reality in the work for one week; one day on adjudication, one day on demarcation, one day on surveying, one day on public awareness and community participation and one day on public display. The reason behind this is making the trainees to question mark in their mind, when theory sessions come, they can create and ask questions based on their own experience and real imagination in the field. **Theory training** on adjudication, demarcation, surveying, GIS, public display, public awareness and community participation and team management (incl. planning and M&E) takes three weeks. This training program will be partly in the class and partly as field training.

After the training, the new LRT team will work in the field with and to learn from the old team and is coached by the practical training. At this stage **learning by doing, leading by teaching and teaching by showing** approach is being used. For instance, old teams are used as teachers and field work place as a school. They are trained one by one, i.e. old Field Manager (FM) passes his/her knowledge and skills to the new FM. Relating to office work, the process is the same as in the field based on the principle that the old team teaches the new team by showing how to do and how to complete. In addition to the government staff in each of the LRTs, a local resource person and a community representative are included to support the systematic land titling process.

### **6.2. Training the Local Leaders and Representatives (Administrative Commission)**

In order to facilitate and support the work of LRT, in each adjudication area, an Administration Commission (AC) is established and oriented on legal and technical procedures related to systematic land registration. AC consists of representatives of all levels of local authorities from village elders and Village Chief via Commune Chief to district, provincial Governor as well as Cadastral Officers.

### **6.3. Lesson learned**

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From the first team building workshop, LMAP has organized three semi-annually team building workshops and then transferred to lesson learnt workshop which will contribute to strengthening the practical performance of the staff concerned. Best provincial project managers trained others at the same level, as well as best field managers trained others, because same problems were experienced by the LRTs in different provinces and almost equal absorbing capacity prevailed among the team members with same strength of resources. **Using the local experienced trainers to train the new teams at provincial level or district level could be said as that “Don't Use Elephant to Train the Frog” On the other hand it could be said that not to bring expensive high quality trainers from overseas, who does not have the local knowledge.**

## **7. TEAM WORK**

In order to implement and achieve big targets set as like in LMAP, it is necessary to work as a team. To work as a team we need to trust, understand, teach and help each other. To make team trust requires transparent element to establish. The trust is core element of teamwork. Reasonable and fair incentive based performance is also promote and strengthen team work.

### **7.1. Team Building Workshops**

The overall objectives of the workshops were:

- 8 To extend personal relationships;
- 8 To broaden understanding about roles and responsibilities;
- 8 To enhance cooperation and qualities of teamwork; and
- 8 To strengthen understanding about the goals of LMAP.

Initially LMAP conducted Team Building Workshop sessions, which encouraged participation and working together. There was a mixture of group work activities and plenary discussions, as well as group dynamics (learning by doing). The group dynamic activities provided opportunities for the participants to know more about each other. The emphasis was on developing awareness about attitudes and behaviors that influence effectively working together. Also, there was an emphasis on interpersonal communication, which took into consideration the intercultural composition of the LMAP team.

The workshop sessions helped to bring out that the role and responsibilities of “focal persons” require further clarification. There is need for the individual focal persons to be clearer about their vital role. In addition, the departments and institutions that they represent also need promote internal understanding about the role and responsibilities of focal persons. Furthermore, the departments and institutions concerned need to give guidance to their focal person. This is essential to maintain effective links, and to identify the requirements of those departments and institutions.

Role clarification is also an important matter for the CPMO. There is need to further pinpoint responsibilities of the staff members. This is necessary to strengthen their unit's vital role to contribute to the effectiveness of LMAP implementation. In addition,

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clarity on staff's responsibilities helps to strengthen links with advisors who are working under the Technical Assistance program.

In LRTs role and responsibilities of team staff also clarify, provide a way of communication and linkage to provincial project management office.

This team building workshop was a very positive step forward by LMAP. Staff at all levels will remain an essential resource for effective implementation of LMAP.

## **7.2. Incentive-based Performance and Results**

The allowances are paid based on a formula of (a) a fixed component – is the base camp rental; and (b) a variable component – is the productivity based field allowances. The fixed component is progressively reduced from US\$ 120 to US\$ 60 over the period of 12 months. On the other hand, the variable component is gradually increased and linked to the production and distribution of titles. The LMAP experience shows that a minimum target of producing two titles per day per person per team will allow LRT personnel to receive around US\$ 200 per month.

The following variations are implemented to balance and maintain the hierarchical order of positions of the Provincial Project Management Office, who support and guide the field teams, and to allow the management level staff to be the supervisors with an increased level of responsibility towards the assurance of legal and technical aspects during the development, registration and distribution of error free land titles in the provinces. This assists in building a supportive environment for the LRTs to function.

- Because of the nature of the work and environment, the GIS staff of LRT receive a field allowance that is less than 10% of the above rates.
- Deputy Field Manager is to receive 105% of individual field member's monthly field allowances of his/her field team.
- Field Manager is to receive 110% of individual field member's monthly field allowances of his/her field team.
- Deputy Director of Department of Land Management, who is in charge of cadaster will ensure the overall legal and technical quality of the title certificates, is to receive 112% of individual field member's monthly field allowance of his/her field team.
- Director of Department of Land Management, who is in charge of the Provincial Land Management Department will ensure the overall legal and technical quality of the title certificates and the registration and distribution of the title certificates to the land owners, is to receive 115% of individual field member's monthly field allowance of his/her field team.
- In the case of more than one team working in the province an average will be calculated for the Directors and Deputy Directors of Department of Land Management, Urban Planning, Construction and Cadaster.

As the project management is certain that with the progress of each and every month combined with the effect of learning and by the end of twelfth month a field team member will be able to produce at least two land titles a day. Further, when the field team goes into the second year the proposed variable field allowance will be determined.

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mined as follows: (a) first land title is US\$ 2.70; (b) second land title US\$ 3.40; and (c) third land title US\$ 2.30.

This shows very clearly that LMAP target is two good quality titles per day per team member. It means that **quality comes first**, quantity second. As per the formula, the production of one title, two titles, three titles per day give 119.4 USD, 194.2 USD, and 244.8 USD respectively per month for the LRT Staff.

## 8. GOOD GOVERNANCE IN ACTION

As you aware good governance is vital element to implement LMAP. It is cross-cutting issues, that all participation, teamwork are related to **Good Governance**.

The government's policies and the recently adopted Rectangular Strategy (2004) have focused on streamlining institutional arrangements, enhancing the reliability of information and disclosure, and improving broad oversight and effectiveness. These strategies of the government provided a broad recognition that good governance will contribute toward building reliability and trust of the systems and tools used for issuing the land titles and adequately protecting the land rights, timely disclosure of information and proper enforcement of compliance. Based on the above strategies and guidelines, LMAP built its work on governance with an objective to achieve a good environment and in the delivery of public services, a set of strategies on how to control corruption that generally occurs in adjudication, delivery of titles, land use planning, and dispute resolution:

*Building Up a Culture of Commitment:* This is built through monthly meetings, training programmes and as an organizational slogan. For example, the LRTs are mobilising people around the theme of “building land registration cultures”.

*Building LRT self-discipline and morale:* All LRTs have been asked to make a self-declaration of their current assets (particularly land holdings, if any, in the area) before start of work. The effort is to make the process transparent with discussions on conflict of interest and such other matters. In addition, field managers are oriented and guided to set a tone for the system of project transparency and agree to maintain it. For example, those non-performing team (not meeting set targets) have been advised to remove themselves from LMAP (self-removal strategy).

*Develop and Implement a Transparency and Accountability Framework:* These correspond with the cultural, accountability and aspects of good attitude. Through training LMAP has set standards for good behaviour or sanctions for those who break the codes. Several officials were retrenched for bad behaviour or non-performance. It includes incentives for good performance and compliance with the codes of conduct.

## 9. CONCLUSIONS

In the past four years, through its work, LMAP has established required systems and tools for strengthening individual and institutional capacities, participatory approaches at all levels, emphasizing on team work combining with a team and performance based incentives. Firstly, the foundation for LMAP's work is built on good governance and a

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commitment to quality and standards. Secondly, LMAP's work has introduced new methods to transform traditional capacity building from government-based to include community leaders and representatives. Finally, LMAP is building public confidence through high quality performance and service standards.

## **BIOGRAPHY**

### **Sar Sovann (PRESENTER)**

Mr Sar Sovann is the Deputy General Director of Department of General Department of Cadastre and Geography (GDCG) of the Ministry of Land Management, Urban Planning and Construction (MLMUPC) and the Director of the multi-donor Land Management and Administration Project (LMAP), Director of preparation team for Land Allocation for Social and Economic Development, Vice Chairman of Land Reform Technical Working Group and also Member of Board of Directors in Royal University of Agriculture. He has been developing and implementing the land sector project continuously from the year 2001. He holds a Master of Science in Management from Banki Dodat College, Budapest, Hungary.

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