



# **Securing the Human Rights and Livelihoods Cambodian Indigenous Communities by Land Registration**

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# KINGDOM OF CAMBODIA

- \* Area: 181,035 km<sup>2</sup>
- \* Capital city: Phnom Penh
- \* Provinces/municipalities: 25
- \* Districts: 190
- \* Communes: 1621
- \* Land parcels: 10 million (estimate)
- \* Population: 14.8 million
- \* Ethnic Group:
  - Khmer 90%, other 10%
- \* 30hill tribes



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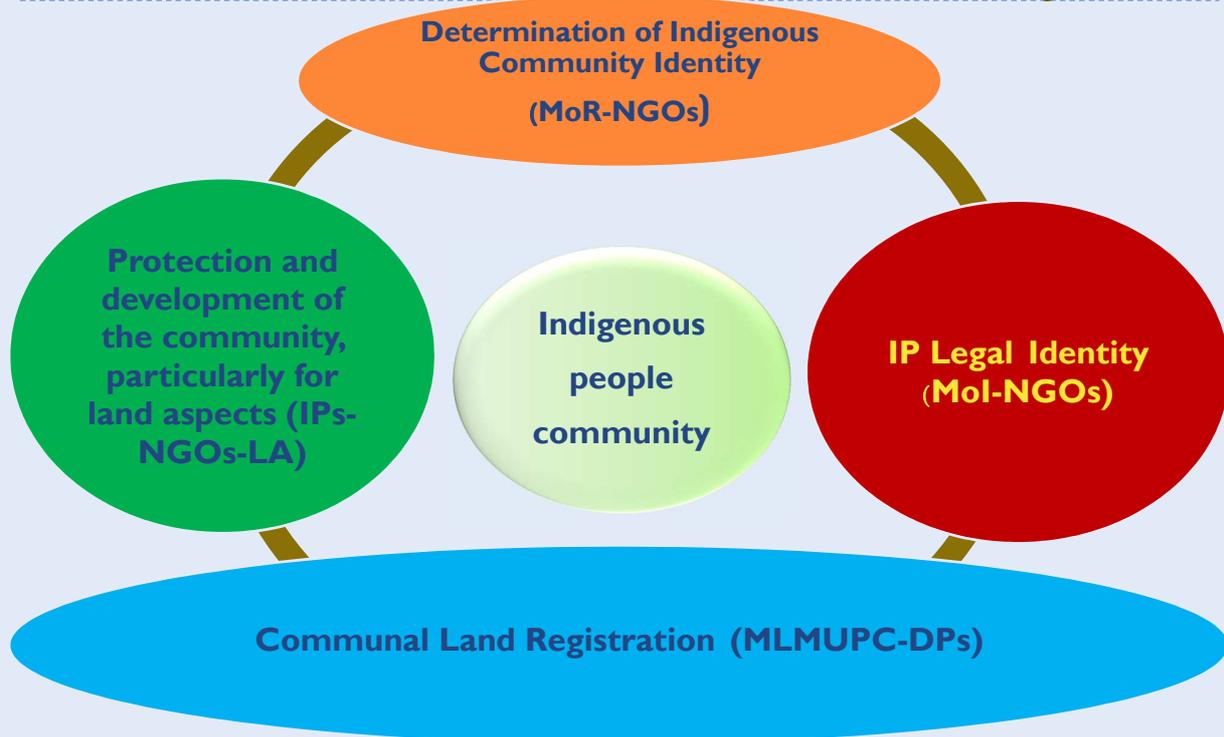
## 2-Objective of Gove. Policy

**The registration of lands of IPC are parts of the land management process that will ensure land tenure security and will 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 by ensuring that the rights of indigenous communities to traditionally use resources as collective properties.
- Preservation of cultural and traditional diversity in Cambodia by allowing indigenous communities to manage land resources according to their traditions within their communities in a sustainable manner.

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### 3- The 4 Elements for IP Community



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### 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 (Govt team)

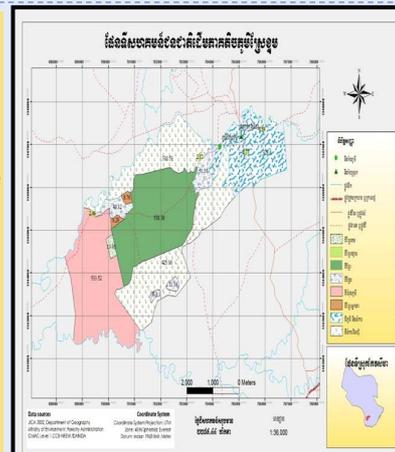
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# Pre-Registration Step for land of IC

## Consultation with members and neighboring communities on boundary



## Development of Sketch map & unofficial map ( Preliminary Map)



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## 4-Land Registration for IC

### ❖ Legal Framework Required

- Land Policy
- The Land Law (30 August, 2001)
- Policy on Registration of and Right to Use Lands of Indigenous Communities(24 April, 2009)
- Sub Decree No.118 on State Land Management, (07 October, 2005)
- Sub Decree No.83 on Procedures of Registration of Land of Indigenous Communities (09 June, 2009)
- Sub-decree on the sporadic and systematic land registration procedures(31 May, 2002)

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## 4-Land Registration for IC

### Lands eligible for registration as collective ownership of Community:

- ▶ **State Private Lands include:**
  - Land on which the community has built houses (residential lands) and
  - Land on which the community practices traditional agriculture (land actually cultivated including rice fields and shifting cultivation land)
- ▶ **State Public Land include:**
  - Lands reserve necessary for the sifting of cultivation which are recognized by the administrative authorities and agreed by the neighbors.
  - Spiritual forest lands that can be one or more plots for each community
  - Burial ground forest lands (cemeteries) that can be one or more plots for each community

### Principles of Registration of Land of Indigenous Communities

- The registration of land of IC is the registration of all pieces of land of a community as collective ownership on a single cadastral map.
- The collective ownership certificate which will be issued to community should specify the name and location of the community, reference number to the single cadastral map indicating the location, size, boundary, co-ordinates of the land plot collectively owned and certification of the type of land use and other notes.
- Communities established as a legal entity with registered statute and official recognition can apply for land registration as collective title.
- Community shall be officially established as legal entity which has internal rule stipulating the management and collective land use as well as setting some conditions such as collective land management and land use according to land type and reconciliation at community level in case of conflict over traditional land use.

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## 4-Land Registration for IC

### ❖ Land Registration step



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## 4-Land Registration for IC

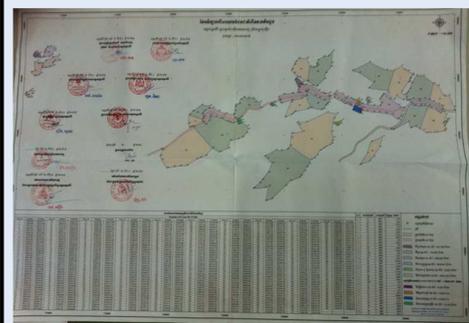
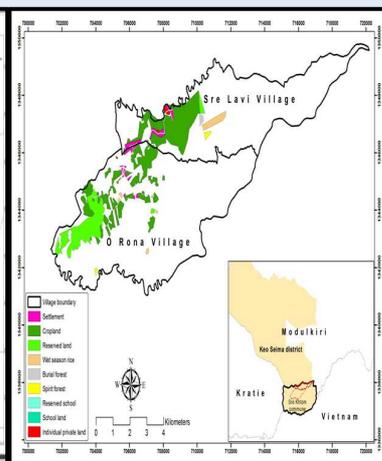
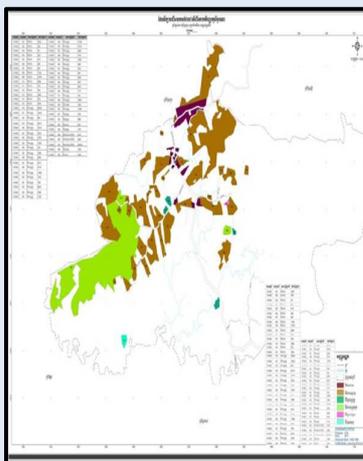


**Issuance of ICs' Land Title Certificates**



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## 5-The results of registration of land of IC and Lesson Learn



**Cadastral Land Parcel Map of Collective Land Ownership of IPC**

**Comparison between the preliminary map and the map after cadastral survey of the IC of Srae Khtum**

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## 6-Challenge

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1. The community's understanding of the law, regulation and procedures of registration still limited
2. Remote areas without proper and sufficient infrastructure resulted in difficulties to undertake the fieldwork during rainy season and to have full participation.
3. Difficulties to demarcate and register as some areas were including many private parcels.
4. IC land parcels are located sporadically in different villages and communes.

## 7-Conclution

Granting collective ownership on land to indigenous communities provides them with a legal right to occupy and use, assures land tenure security for the purpose of livelihood-support and of increased agricultural products for the market.



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ขอบคุณ THANK YOU



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