



KINGDOM OF CAMBODIA
NATION RELIGION KING

Declaration of the Royal Government on Land Policy

Published by
Council for Land Policy
Supported by : GTZ-LMAP
June, 2009



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ROYAL GOVERNMENT OF CAMBODIA

N°. 27 Sar Chuor Nor.A.K

**Declaration of the Royal Government
on Land Policy**

Considering the necessity of administering land and natural resources in a way that is effective, productive and environmentally sustainable, and, in order to alleviate poverty of Cambodian people, the Royal Government of Cambodia decides to set out visions, goals, and activities in land sector as follow:

The vision of land policy, in Cambodia, is “to administer, manage, use and distribute land in an equitable, transparent, efficient, and sustainable manner in order to contribute to achieving national goals of poverty alleviation, ensuring food security, natural resources and environmental protection, national defense and socio-economic development in the context of market economy”.

The Council for Land Policy has duty to promote and monitor implementation of land policy in compliance with the direction of the Supreme Council for State Reform as well as to coordinate among the three land sub-sectors (land administration, land management,

and land distribution) to strengthen implementation of the land law and other legislations related to environment, forest, fisheries, water resources, civil code, decentralization and de-concentration, etc.

Goals and activities involved in the three land sub-sectors are :

A. Land Administration Sub-Sector

The goals of land administration are to clearly register ownership and other rights over immovable properties (State and private), to conduct official transfer of those rights, to prevent and resolve land disputes in order to strengthen land tenure security, and ensure reliability and efficiency of land market.

Land registration shall comply with principles of good governance, transparency, decentralization and de-concentration, and gender equity in order to develop a culture of land registration, and to increase trust in land registration system. This has to be simple, clear, quick, accessible and at low cost. It shall develop Land Information System to provide accurate information regarding immovable properties at a reasonable cost.

Field of activities for land administration sub-sector:

1. To develop and strengthen the implementation of laws and regulations in relevant fields such as expropriation law, pre-emption law, law on agricultural land, land transfer, land consolidation, land sub-division, land taxation, land valuation and land market, land banking, and land survey etc. as well as to amend certain articles of laws and regulations related to the land law, fiscal law...in accordance with the evolution of the country situation;
2. To gradually establish a clear and complete inventory of State immovable properties (land and buildings) in a unified database system in order to enhance the efficiency of State immovable properties management;

3. To conduct land registration throughout the country in a transparent and effective way for both State land (public and private State land), and individuals' private land :
 - 3.1 To proceed with both sporadic and systematic land registration procedures;
 - 3.2 To carry out subsequent registration and update cadastral information in a timely manner/rapidly so as to increase State revenue;
 - 3.3 To carry out inscription of all mortgages, antichrists, immovable property pledges long-term leases, economic land concession or easement that are created over an immovable properties;
 - 3.4 To accelerate co-ownership registration;
 - 3.5 To pay attention to land registration of indigenous communities;
 - 3.6 To accelerate State land registration (public and private State land);
 - 3.7 To develop Land Information System (LIS) that can be able to provide customers with accurate information. Land Information System is a basis for National Spatial Data Infrastructure and for multi-purpose use.
4. To establish geology information system and soil classification based on natural characteristic of land.
5. To develop a unified Geography Information System across the country:
 - 5.1 To develop a unified Geography Information System under the coordination of the Ministry of Land Management, Urban Planning, and Construction. It shall create a unit in charge of printing and distributing master maps.
 - 5.2 To continue to install Geodetic Network throughout the country and create Leveling Network;
 - 5.3 To establish Permanent GPS Base Station.

6. To develop a participatory, transparent, and officially recognized Land Valuation System. Land Valuation shall base on the natural quality of soil and also include land and improvements in order to create a basis for sale, purchase, lease, investment, loan, taxation (annual tax, tax on land transfer, tax on lease, tax on profit, tax on unused land), cadastral service and compensation.
 - 6.1 To issue licenses to private immovable property valuers;
 - 6.2 To build and enhance capacity of immovable property valuers;
 - 6.3 To continue to implement the policy of not imposing tax on family-sized agricultural land. In the meantime, research shall undertaken on an annual tax on immovable properties besides family-sized farming land;
 - 6.4 To develop immovable properties valuation maps;
 - 6.5 To carry out valuation of immovable properties in urban and rural areas, and monitor the valuation.
7. To encourage participation of private sector in land surveying under the control of the cadastral administration;
8. To continue the extra-judicial mechanism for land disputes resolution through administrative commission, cadastral commission at all levels (National level, Capital/Provincial level and Municipal/District/Khan levels, and mobile teams), and National Authority for Land Dispute Resolution especially for multi-party cases;
9. To develop self-financing system for land administration, starting from revenue from land registration and cadastral services in order to support and speed up a nation-wide land registration process.

B. Land Management Sub-Sector

The objective of land management is to ensure management, protection and use of land and natural resources with transparency and efficiency in order to preserve environmental sustainability and

equitable socio-economic development in rural and urban areas as well as to prevent disputes over land use by regulating land development, land conversion, land readjustment, construction, resettlement in compliance with the Law on Land Management, Urban Planning and Construction, the Strategy of Land Policy Framework, decentralization, de-concentration, and good governance policies.

In the meantime, land management shall be conducted in accordance with principles of equity, transparency, participation, consensus and respect for planning hierarchy and relevant regulations and procedures.

Field of activities for land management

1. To Develop national policy and legal framework as well as appropriate procedures for land development management in rural and urban areas including land used for agriculture production, construction and resettlement;
2. To develop Spatial Planning System indicating that the management of an area or any location is based on the natural characteristic of soil and the need for equitable socio-economic development. Spatial Planning System shall be developed by:
 - 2.1 Defining contents and hierarchy of planning (including National Strategy for Urban Development);
 - 2.2 Defining competence in developing and approving of the planning;
 - 2.3 Developing laws and regulations for supporting the implementation.
3. All land use planning for priority areas such as coastal development plan, tourism and investment zones, economic potential zones, key urban areas and major road corridors shall comply with principles of transparency, participation, consensus, equity and ensure sustainability.

4. To administer and control the use of land and natural resources through tools such as:
 - 4.1 Spatial Planning;
 - 4.2 Land Use Planning;
 - 4.3 Urban and Rural Development Plan;
 - 4.4 zoning;
 - 4.5 Control of construction site plan including procedures for sub-division control;
 - 4.6 Urban Code;
 - 4.7 Construction Code and construction standards; and
 - 4.8 Development control.
5. To foster National and Provincial Spatial Planning as well as Sub-national Land Use Planning, with the participation of all stakeholders; i.e. (i). National Spatial Planning, (ii). Provincial Spatial Planning (iii). Capital Land Use Planning and Master Plan (iv). Municipal Land Use Planning and Master Plan (v). District Land Use Master Plan (vi). Khan Land Use Master Plan and (vii). Commune/Sangkat Land Use Planning.
6. To speed up the development of guidelines on local land use in order to support decentralization and de-concentration of land management under national technical support provided to local authority;
7. To accelerate decentralization of land management. State land trustee authority shall provide the Ministry of Economy and Finance with annual inventory so that this ministry produces reports on the use of state land for the Royal Government. The public can receive this information from relevant institutions. State land trustee authority along with territorial authority of all levels shall be responsible for protection and ensuring accountability for public and private State land management;
8. To introduce land readjustment to increase economic productivity and local development including Village Development.

C. Land Distribution Sub-Sector

The objective of land distribution is to provide clear direction for allocation and use of State land for public and private purposes in a transparent and equitable manner in response to the needs for land of the people, particularly the poor, disabled soldiers, and family of deceased soldiers who have no land or lack land by implementing social land concession program.

Land distribution shall ensure equity, social stability, food security and facilitate investment based on the natural characteristic, type and quality of soil for sustainable socio-economic development, prevent land concentration and promote productive and effective use of land.

Field of activities for land distribution

1. To accelerate collection and establishment of State land inventory to reserve land for present and future land distribution and use with equity, transparency and accountability;
2. To develop and implement medium and long-term strategies and frameworks of land distribution planning in order to use and distribute land for social and economic purposes in accordance with planning at national, capital/provincial, municipal/ district/ Khan and Commune /Sangkat levels by ensuring transparency and efficiency, and avoiding negative environmental and social impacts;
3. To foster land distribution for social purposes on due time in order to help tackle social problems and prevent illegal State land clearing;
4. To implement partnership between small and large-scale plantation holders, and corporations in agricultural production, and between economic land concessions and social land concessions in order to generate employment opportunities and creating market for local residents.

Unofficial Translation by GS-CLP

The Royal Government strongly believes that all ministries, institutions and stakeholders shall effectively implement this policy with high commitment by performing its respective roles and duties according to their specialized field. The policy of the Royal Government as summarized above will be further developed as "Comprehensive Land Policy" in the future.

Phnom Penh, 1st July 2009

Seal & Signed

Prime Minister

Samdech Akka Moha Senabadei Techo HUN SEN