

People's Republic of Kampuchea.
Independence- Peace- Freedom- Happiness.

COUNCIL OF MINISTERS

No. 06 SUB-DEC.

S U B - D E C R E E O N

THE MANAGEMENT/ADMINISTRATION THE USE OF AGRICULTURAL LANDS

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**THE COUNCIL OF MINISTERS,**

- Considering the Constitution of the People's Republic of Kampuchea.
- Considering the Law on the Organisation and Activities of the Council of Ministers, which was promulgated by the Decree No. 03 Decree dated 10 February 1982.
- Considering the Decree-Law No. 07 Decree-Law, dated 13th July 1983, on the Competence and procedure for making laws and regulations.
- Considering the Decision of the People's Revolutionary Council of Kampuchea No. 236.80 Dec., dated 30th August 1980, on the Expansion of Family's Economy.
- Following the proposals of the Ministry of Agriculture.

**D E C I D E S :**

CHAPTER I

GENERAL PROVISIONS

**Article 1** : The agricultural lands which shall consist of rice field plains, rice field on hillsides, hills, authorized forest lands, farm lands, lands along the sides of the rivers, islands, natural

grass lands even though they are being cultivated or left free and lakes, ponds, pools, dams which are outside the fishing areas, must be administered very seriously and used correctly.

The authorities of all levels shall have duty to administer and use generally the lands within the boundaries of their own respective administrative geographical borders. As to

For those areas which their boundaries have not yet been marked precisely, the local authorities of such concerned localities shall have to request to the higher competence to examine and decide

on such matter.

It is banned the purchasing, selling, pawn, exchanging of labours, rent/lease of lands and lakes, or hiring of labours to work on those lands regardless of what form.

It is absolutely banned to occupy, conquer, clear off the forests without authorization, the forest lands or those lands where cultural patrimonies or national historical sites are located, in order to obtain lands to use for planting rice and farming, or for proceeding underground mining exploitation.

**Article 2 :** Productive/cultivative solidarity groups, state's farms, agricultural experimental stations, botanic stations, technical agricultural schools and other institutions shall have priority to use lands as mentioned in the article 1 above for producing in accordance with the state's planning.

- Part of agricultural lands, shall be distributed to the families of farmers, cadres, staff members and state's workers, whom are living in those respective localities, in order to proceed family's economy and built houses as to the state's guidelines.

## CHAPTER II

### USE AND ADMINISTRATION OF THE LANDS

**Article 3 :** Solidarity productive/cultivative groups shall be entitled to use (kinds of) agricultural lands as follows:

- those lands which the revolutionary authorities gave them after the liberation day of 7th January 1979.

- those lands which the revolutionary authorities authorized to rehabilitate and conquer them additionally.

- those lands that the revolutionary authorities delivered to them to be used for temporary.

The sizes of lands which shall be delivered to each solidarity groups, will be calculated on the basis of the general average of the population of the whole commune/sangkat which should include also those people who are servicing as military, police, cadres, workers, state's

servants, and those who have sacrificed/died for the revolution whose their names were registered in the lists of families of each locality.

**Article 4 :** State's farms, agricultural centres, agricultural technical schools, shall be entitled to use ( kinds of) lands as hereunder :

- those lands which used to be former state's farms, agricultural experimental stations, agricultural technical schools which are authorized by the state to reconstruct and restore them again, and those lands delivered additionally by the state for reconstruction to enlarge the premises.

- those lands authorized by the state for restoration or to conquer additionally.

- those lands delivered by the local authority to be used for temporary .

Those bases which are under different services who requested lands for proceeding the productivity, shall also be given lands for their uses.

The sizes of lands which shall be delivered to various bases as related above, should be based on man-powers of the labours available and the extent of the requirements for development of each of those concerned bases, which so far have been included in the state's planning.

**Article 5 :**

For the families (in general), they shall be entitled to use kinds of agricultural lands as follows :

- Those lands for building residences and for family's economy " including family's farmland", which were given by the authority to be used in conformity with the provisions and political guidelines of the State.

- Those abandoned lands which are authorized by the authority to rehabilitate or to proceed to conquer them additionally.

- Those lands that the solidarity productive groups have delivered for temporary use.

For those families who cease their cultivation or change residences to other locality, with good reasons and upon approval by the local authority for these families to move, they shall have to return lands they are using so far to the village or commune/sangkats authority so that the latter will deliver those lands in turn to the productive solidarity groups to use them. Those concerned local authorities above, shall help arranging for the families which are moving out to settle for the compensation

for the plants they grew up and the buildings they have constructed

on such lands.

For those lands which are not used by the possessors, the local authority shall then have duty to administer them and to deliver them for temporary to any solidarity productive group or to any of the families to use them for producing.

For those Khmer repatriated families, and who have possibility to proceed agricultural productivity, shall be also distributed some lands for their use by the local authority.

For those who have deserted from the enemy front lines and joined back with their families, if they wish to contribute in the process of agricultural productivity, shall also be entitled to use lands as well as the other farmers.

**Article 6 :** Those cultivative lands for supporting/sustaining the cashier of the local authority and the mass organization of the villages and communes, shall be given to the units of assignment of state's authority, mass organization, militia and police of the communes and villages to cultivate to gain benefits which shall be used for collective works.

- Each commune may retain some rice field or farm lands which should not be over six ( 6 ) hectares in any locality which possess large lands and less population. In those areas which got small lands and much population, may retain three (3) hectares of rice-field lands.

- Each village may retain rice fields or farm lands of about one (1) to two (2) hectares in any area where there are abundant lands and less population. But for those areas which got small lands and much population, may retain one(1) hectare of lands.

The people's Committees of the districts shall have competence to examine and decide on the sizes of lands to the authorities of the villages and communes, in conformity with the real situation of each locality as stated above.

In case when they wish to get more lands as what specified above, it shall be decided by the People's Committees of the provinces and municipalities.

**Article 7 : Schools' lands :**

In order to facilitate the students to involve directly in labour works, it is to manage to retain a part of lands out of what should be retained for school's buildings and courtyards, to be used as school's garden, according to the situation of the lands of each locality and the availability of labours of the students.

**Article 8 : Pagodas' lands :**

Lands situated inside of the compound of pagodas' premises shall be retained for the used of the pagodas.

**Article 9 : Lakes, ponds and pools, outside of fishing areas:**

Those lakes, ponds and pools which are locating in any village or commune, shall be administered by such village or commune and they shall be for the common used in which priority should be given to the population who will take the water from there to water their plants/gardens and growing fish. But if those ponds and pools are small ones suitable for family's economy, should leave them for the families to go on using them.

For those large lakes situated outside of the fishing areas and which are connected with a number of communes of the same district, shall be administered and used by such district authority. And in case if connecting with many districts, shall be managed and used by the provincial authority.

The use of these large lakes, shall depend on habitual practice of the concerned localities which should be for the common interests of the proletariats.

**Article 10 : Natural grass-lands :**

Natural grass-lands/meadows located in any locality shall be administered by the concerned authority to be used for cattle.

**Article 11 : Free lands not yet cultivated:**

Those agricultural lands which are still not used and those lands which are yet not conquered, when they are located in any locality, shall belong to such locality, that the relevant local authority shall manage and make up plan to use them properly, should not leave them free doing nothing or let them be fallen into the propriety of any individual at all.

The State shall provide assistance to the solidarity productive/cultivative groups, state's farms, institutions and to those people living in town and provincial towns to rehabilitate the abandoned, free lands and to conquer new lands in order to expand/increase agricultural productivity. Those who have rehabilitated lands or conquered additional lands, shall not be imposed to pay for fees/contribution.

The authorisation to borrow for cultivation of those lands which are yet not cultivated as stated above, shall be for a specified term from three (3) to five (5) years, depends on the extent of the expenses paid for the labours, materials and equipments when proceeding such above works. Shall be exempted from paying patriotic contribution ( a kind of tax) for a period of 2 years for those lands which have been rehabilitated, and for 5 years for these lands which have been newly conquered.

**Article 12 : Lands for construction projects :**

The provisions of lands for various construction projects, shall be decided by the Council of Ministers or by the People's Committees of the provinces or municipalities, depending on the construction plans which the competent authority has decided/approved.

The provisions of lands for construction projects in the villages, communes/sangkats, shall be decided by the people's Committees of the provinces or municipalities following the proposals from the People's Committees of the (provincial or municipal) districts(= Sroks or Khans), provincial towns or of the communes or sangkats.

When it is necessary to take any land for proceeding any construction work, it requires to inform the concerned person(s)/group/unit who is/ are actually holding and using such related land, at least for a delay of one (1) cultivative season in advance. Besides the owner of such new construction project shall collaborate with the relevant local authority to settle for the compensation of the loss incurred by concerned holder/holders connected with such land.

**Article 13 : Power to decide on granting lands for constructions :**

- The People's Revolutionary Committees of the provinces and municipalities, shall have competent to grant land from 5 hectares and below this .
- The granting lands from above 5 hectares and up, shall be the competence of the Council of Ministers.

**Article 14 : Lending of lands for cultivation :**

Those localities which got plenty of lands including which of abandoned old buildings, which have yet no possibility to use all those lands shall have to lend them to other localities which got insufficient lands for cultivating on them.

- Those solidarity productive groups which have yet no capability to cultivate all the available lands, shall lend the remaining lands to families which are their members or to other groups for cultivation. Those lands must be returned to the solidarity groups after the harvest.

CHAPTER III

PENALTIES

**Article 15 :** Any person who buys, sells, pawns, exchanges labours, rents/leases, our hires labours to work on the lands, even though under any form, shall be condemned in conformity with administrative laws.

**Article 16 :** Anybody who clear off and conquer the forests, and any other places where cultural and historical patrimonies are situated without permission, in order to get lands for farming or for proceeding underground mining exploitation, shall be punishable in compliance with the laws in vigour.

CHAPTER IV

FINAL PROVISION

**Article 17 :** The Ministry of Agriculture, People's Revolutionary Committees of the provinces and municipalities shall have to be responsible respectively for implementation of this Sub-Decree.

**Article 18 :** This Sub-Decree shall have its legal effectiveness from the date it is proclaimed publicly.

Phnom Penh, 6th April 1985.

FOR. THE COUNCIL OF MINISTERS;

CHAIRMAN

Signature and seal of HUN SEN