

Country Report

(Based on the PCGIAP-Cadastral Template 2003)

Cambodia

Country/state for which the indications are valid:	Cambodia
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I. Country Report

A. Country Context

Geographical Context

Cambodia is located in the South-East Asia, with a total area of 181,035 sq km lying north of the Equator and next to Vietnam, Thailand, Laos and Gulf of Siam. The population is approximately 12 million, with the annual growth rate of about 2.5%.

Statistics on land are as yet not too accurate in Cambodia. Information available indicates that the cultivated area under subsistence (or peasant) farming covers 2.71 million ha, and 1 million ha are taken up by towns, infrastructure and waterways. The protected areas cover 3.27 million ha and forestry and fishing concessions are taking up 4.21 million ha and 1million ha, respectively. Agricultural concessions cover about 0.83 million ha and forest lands, not under any concession or protection, cover about 3.27 million ha.

Historical Context

Cambodia was colonized by French protectorate (1863-1954). After independent, the country got peace until 1970 and then Cambodia passed across the war for many years. Between 1970-75, the country had suffered by civil war and between 1975-1979; the Khmer Rouge came to power. The Khmer Rouge regime, in addition to killing an estimated two million people, brought about one of the greatest population displacements in human history, forcing hundred of thousands to move from cities and towns to the countryside and from one part of the country to the other. In 7th January 1979, the Khmer Rouge regime collapsed and the country was re-constructed from the scratch.

Current Political and Administrative Structures

The Kingdom of Cambodia there is three independent powers. The legislative power is Parliament, the executive power is the Royal Government and the Jurisdiction power is the Court. The National Assembly is established every 5 years through national election. The parliament creates the Royal Government of Cambodia, which is headed by the Prime Minister. First commune election for commune councils had been done in February 2002.

The whole territory of Cambodia, there are 24 provinces/municipalities with the total of 185 districts, 1621 communes and 13,694 villages.

Historical Outline of Cadastre

The history of land management and administration in Cambodia goes back to the Civil Code of 1920, which established the system of French land law that recognized private property rights. During the 1960s there was an adequate system of land management, including confirmation of private property rights with land records including cadastral map and land titles. The land management system started deteriorating during the period 1970-1975. Thereafter under the Pol Pot regime (1975-1979), not only were private property rights completely destroyed but all cadastral records, including cadastral map and titles, were also destroyed. The professionals in land laws and land management, registration and surveying were either re-deployed to the countryside, left the country or were executed. Since 1979 the State of Cambodia organized collective as a basis of claiming user rights to agricultural land: residential use rights were allocated on the basis of occupation while ownership of land still remained in the hands of the state. In 1989, the government re-introduced private property rights, with ownership right issued for residential land of a size up to 2000 sq. meters, possession rights for cultivated land less than 5 ha, and concession rights for plantation land greater than 5 ha. According to the new land law 2001, ownership titles can be issued for cultivated land as well, if the requirement of peaceful and uncontested occupation of 5 years is fulfilled.

B. Institutional Framework

Government Organizations

The land issues in Cambodia are dealt with by the Ministry of Land Management, Urban Planning and Construction (MLMUPC), which has a wide mandate through 4 General Department. The four General Department are: General Department of Land Management and Urban Planning, General Department of Construction, General Department of Cadastre and Geography (GDCG) and General Department of Administration. The GDCG is responsible for land registration and land administration, geodetic and cadastral surveying, mapping and property valuation. The 160 District and 24 Provincial/Municipal offices of the Ministry of Land Management, Urban Planning and Construction carry out actual implementation of land registration, administration of land transactions, and land use planning.

Private Sector Involvement

Up to now there is no private sector in land registration and cadastral surveying. The involvement of private sector in land registration and cadastral surveying will start in year 2004, according to the multi-donor (World bank, Germany, Finland and Cambodia), Land Management and Administration Project. The project will provide support to the development of private surveying profession through training, capacity building and regulation for licensing. The project will train private surveyors and award them small contracts in the systematic registration work.

Professional Organization or Association

There is no a profession association for cadastral surveyors yet but at the moment there is an association is called Engineering Institution of Cambodia. This association gathers together all engineering professions and consists of many professional committees and among them there is Topographical Survey and Cadastre Committee comprising of around 20 members. The Engineering Institution of Cambodia Association is a member of the ASEAN Federation of Engineering Organization. The Ministry of Land Management, Urban Planning and Construction is affiliate member of FIG since 2002.

Licensing

Currently, there is not a licensing system in place for cadastral surveying professionals working in the cadastral system. The Land Management and Administration Project will support the Ministry of Land Management, Urban Planning and Construction to prepare a draft private survey-

ing sub-decree to provide the legal basis for the private sector profession with a goal that most or all land surveys will be done by private sector.

Education

Between 1992-97, the former Land Titles Department had conducted the diploma degree on cadastre at the Prek Leap Agriculture Collage and systematic in-house training is taking place permanently.

In 2002, the Land Management and Administration Faculty was established in the Royal Agriculture University in Phnom Penh under the support of the Land Management and Administration Project. The support covers curriculum development, a professor exchange program, a building, furniture and office equipment, and equipment to train students in surveying and land management. The Faculty has two degrees: Bachelor degree is four years and Diploma degree is two years.

C. Cadastral System

Purpose of Cadastral System

The cadastral system in Cambodia is designed to provide the legal ownership of land. Secondly, the cadastral system supports the transfer of land ownership in formal land market and supports the land administration activities.

Types of Cadastral System

In Cambodia, there is only one cadastral system, a title registration system, for the whole territory. Cambodian cadastral system supports legal land parcel identification of public and private right. There are problems with illegal settlements on state land such as on road corridors, Waterways, National parks, forest etc.

Cadastral Concept

Cadastral system in Cambodia is operated by the district offices of the Ministry of Land Management, Urban Planning and Construction and operate in such a way that land parcels are surveyed and adjudicated (investigated) in the field and then corresponding land ownership are recorded in the land registry. The land registry is kept and maintained in three levels: national (General department of Cadastre and Geography), provincial and district. The smallest unit in land registry is land parcel. A land parcel or cadastral unit is a specified land area that is situated within a single commune or sangkat, that is not divided by a joint, indivisible boundary, [that] belongs to one person or several persons having an undivided ownership, and that is used in a single manner.

In 2000 a Sub-decree on systematic land registration has been approved, which makes land registration obligatory commune by commune. The sporadic land registration will still be applied until the total of the country is registered.

Content of Cadastral System

Cambodia cadastral system comprise the following components:

- Textual Component – the land register shows, according to each parcel number of ownership, the name of owners and the means of identification of such land parcels, the description of the ownership, the size of land parcel, the easements and other charges that encumber it and the history of the parcel.
- Spatial component – Cadastral index maps show all land parcels graphically corresponding to the registered parcel with unique identifier. The cadastral index maps exist only for the areas where systematic land registration is implemented.

Out of the estimated 7 million parcels, the cadastre covers approximately 700,000 parcels (both sporadically and systematically registered land) including privately owned land and state land. 620,000 parcels have been registered since 1990 through sporadic registration. 83,000 parcels have been registered since 2000 through systematic registration.

Role of Cadastral Layer in SDI

Spatial Data Infrastructure still has to be developed for Cambodia through Land Management and Administration Project.

E. Reform Issues

Cadastral Issues

There are two main reform issues concerning deconcentration and land dispute resolution. In 2002, The Ministry of L and Management, Urban Planning and Construction has delegated the power to 6 provincial offices to issue the land titles. There is mechanism for out court land dispute resolution through so-called Cadastral Commissions.

Current Initiatives

- 1-The Land Management and Administration Project to register 1 million land titles.
- 2-Drafting law on management of state land.
- 3-Drafting Sub-decree on registration of indigenous land rights.
- 4-Drafting Sub-decree on social concession.
- 5-Drafting Sub-decree on condominium.

References

www.mlmupc.gov.kh

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II. Questionnaire

1. Cadastral Principles

Deed or title registration

1.1 Is your cadastral system based on deeds registration or on title registration?

- deeds registration
- title registration
- other:

Registration of land ownership

1.2 By law, is registration of land ownership compulsory or optional?

- compulsory
- optional
- other:

1.3 If felt necessary, please, comment on the actual practice and the legal consequences.

compulsory – for systematic land registration
optional – for sporadic land registration (for limited time, till 100% are covered)

Approach for the establishment of the cadastral records

1.4 Are landowners required to register their properties systematically during the initial establishment of the cadastre or is registration sporadic, i.e. triggered only by specific actions (such as for example sale)?

- systematic
- sporadic
- both
- all properties are already registered
- other:

2. Cadastral Statistics

Population

2.1 What is the **population** of your country?

12,000,000

2.2 Please, estimate the **population distribution** between urban and rural areas.

urban:	...16... %
rural:	...84... %
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total:	...100... %

2.3 Please, estimate the approximate **total number of the smallest uniquely identified land units**, often called "land parcels" in your country, including urban and rural areas?

7,000,000

The total number would include all freehold and state owned land, regardless of registered, non-registered or informal holding.

2.4 What is the approximate **total number of registered strata or condominium units** ? This number would be in addition to the number of land parcels indicated in 2.3?

Not available

2.5 For **URBAN areas**, please, estimate the **distribution between the smallest uniquely identified land units, often called "land parcels"** (i) that are legally registered and surveyed, (ii) that are legally occupied but not registered or surveyed, and (iii) that are informally occupied without any legal title (this may include illegal occupation or squatting).

If the estimation is too difficult or complex using land parcels, you may base your estimation alternatively on the number of people occupying these forms of land parcels.

legally registered and surveyed:	...18... %
legally occupied, but not registered or surveyed:	...70... %
informally occupied without legal title:	...12... %
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total:	...100... %

2.6 For **RURAL areas**, please, estimate the **distribution between the smallest uniquely identified land units, often called "land parcels"** (i) that are legally registered and surveyed, (ii) that are legally occupied but not registered or surveyed, and (iii) that are informally occupied without any legal title (this may include illegal occupation or squatting).

If the estimation is too difficult or complex using land parcels, you may base your estimation alternatively on the number of people occupying these forms of land parcels.

legally registered and surveyed:	...10... %
legally occupied, but not registered or surveyed:	...82... %
informally occupied without legal title:	...08... %
<hr/>	
total:	...100... %

Number of professionals

Please estimate the total number of *academic professionals* that are active within the cadastral system and the proportion of the time that they actually commit for cadastral matters (as opposed to work outside of the cadastral system) ?

2.7 Total number of **professional land surveyors**, such as licensed surveyors active within the cadastral system:

Diploma around 200 University around 20
.....%

2.8 Proportion of the time that these land surveyors commit for cadastral matters:

2.9 Total number of **lawyers/solicitors** or equivalent active within the cadastral system or land market:

Not known
.....%

2.10 Proportion of time that these lawyers/solicitors commit for cadastral matters or land market:

Remarks and Comments

Please, identify the best aspect of this questionnaire?

Please, suggest the area in the questionnaire that could be improved?