

**Kingdom of Cambodia
Nation Religion King**



**Ministry of Land Management, Urban
Planning and Construction**

**Manual
On
Implementation of Order 01 dated 07 May, 2012
On Measures Strengthening and Increasing
Effectiveness of ELC Management**

**Prepared and Documented by
Secretariat for Implementing Order 01 BB**

2012

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Royal Government of Cambodia

**Order 01BB on the Measures Strengthening and Increasing the
Effectiveness of the Management of Economic Land Concessions (ELC)
dated 7 May 2012**

On the basis of the policy on strengthening of the land management, distribution and use stipulated in the Rectangular Strategy, the 2nd Phase of the RGC and also on the basis of the plenary session of the Council of Ministers dated 27 April 2012, especially seeing the need and urgency ahead in order to equity, strengthen and increase the effectiveness of ELCs Management the RGC issues the order for ministries, institutions and competent authorities concerned to implement as follows:

- 1- Provisionally suspend the granting of ELC;
- 2- Ministries, institutions and concerned competent authorities shall very effectively implement the policy and all the conditions of the RGC decisions on the granting of ELC and pay attention to the implementation of the ELC contracts, and in particular implement the policy of the “leopard skin formula”, without affecting community land of indigenous minorities and local people’s livelihood, with the aim to have these ELC provide real and sustainable benefits to the country and its citizens
- 3- RGC shall seize ELC where companies/concessionaires that have already been given agreements from the RGC have not complied with the existing legal procedure or with the contract, in particular by having cut trees for sale but not having done the concession developments, having encroached on additional land, having let part of the land unexploited for sale, having undertaken business deals that violates the conditions of the contract, having taken land from local people or indigenous community. The reverting concessions shall be under the direct management of the State.
- 4- In case an ELC has received agreement in principle from the RGC before the date of this order, the additional legal principles and existing procedures shall be implemented.

Ministries, Institutions and competent Authorities concerned shall carry out this Order very thoroughly and effectively from the date of signature onward.

Cc:

- Ministry of Royal Palace
- General Secretariat of Constitutional Board
- General Secretariat of Senate
- General Secretariat of National Assembly
- Cabinet of Samdech Techo PM
- General Secretariat of Royal Government
- Every Ministry and Institution
- Every Capital and Provincial Hall
- Archive

Signed and Sealed by Prime Minister Hun Sen



**Kingdom of Cambodia
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**Council of Ministers
Letter 666 SCN**

dated 26 June 2012

**from Deputy PM Minister in charge of Council of Ministers
to The Senior Minister of LMUPC**

Subject: Request in principle for land registration in target areas to implement the Order 01BB dated 07 May 2012 on Measures Strengthening and Increasing Effectiveness of ELC Management

Reference: - Letter 737 MLMUPC/KorKorRor dated 22 June 2012 of MLMUPC
- Written note of the Prime Minister dated 24 June 2012

As stated in the subject and reference above, Council of Ministers would like to inform Excellency that the request for land registration in the target areas for the implementation of Order 01BB dated 07 May 2012 on Strengthening and Increasing the effectiveness of ELC management is decided by the RGC as below:

- 1- Within the areas that were excluded according to the existing procedures and regulations from forest concessions, economic land concessions, land areas managed by the Ministry of Environment and State land confiscated by a Deyka from provincial authorities, the following measures shall be implemented:
 - 1.1- Agree to donate ownership, for the requests of people who actually occupy the land not exceeding 5 hectares. In this case, in order to favor the conditions of land development, the land registration procedure shall be undertaken in 2 steps.
 - 1st step: a primary title shall be provided. The title's value can be equivalent in use to a final ownership title until the delivery of such final title. When final title is delivered, the primary title shall be collected in exchange and attached with a sub-decree or decision.
 - 2nd step: the final title shall be provided. This can be done after all the data of the donated parcel has duly been collected. As the registration procedure does not take too long, the land sale or land transfer shall be forbidden until the delivery of the final title
 - 1.2- For people occupying **more than 5 hectares**, whether the land contains a residence or not, the part of the land that has truly been cultivated shall be donated as ownership. Parts of the land claimed that has not been developed shall be registered as State private land and the claimant shall be given the right of "small economic concession". In such case, the land shall be registered in the name of the Governor as the chairman of the Provincial State Land Management Committee, and the Governor shall be granted the mandate to establish the contract of "small economic concession" with the concessionaire.
 - **The validity of the "small economic concession" contract** can be of maximum 99 years

- From the date the contract is signed, it is obligation of the concessionaire to cultivate the whole land within 5 years. Parts of the land that will not have been cultivated after this term shall revert to the State.
 - Fees shall be collected according to the determination of the Ministry of Economy and Finance from the 6th year on.
 - The “small concessionaire” cannot transfer the right of “small economic concession” to any third party unless such transfer results from the establishment of a new “small economic concession” contract with the competent authority. The “small concessionaire” cannot use the land in a way that affects the public interest or endangers the environment or damage potentials of the land.
- 2. For citizens who received social land concessions with the legal condition to stay on the land for 5 years before they can receive the ownership, during this transitional period, it is agreed they can have a title acknowledging their right of social concession so that they can use it as collateral to borrow money in exchange of the documents previously provided by the authorities. At the same time, RGC decided to approve the primary title model, the title model acknowledging the right of social land concession and the contract model of small economic concession.

As indicated above, please, Excellency, kindly be informed and arrange the implementation accordingly.

**On behalf of Minister in charge of CoM
Acting Minister**

Prak Sokhon

Cc:

- Ministry of Interior
- Ministry of Finance and Economy
- Ministry of Environment
- Ministry of Agriculture, Forestry and Fishery
- Cabinet of Samdach Techo PM
- Capital, Provinces
- Archive



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Council of Ministers

Letter N. 684 SCN dated 02 July 2012

**From Deputy PM in charge of Council of Ministers
To Senior Minister of Land Management, Urban Planning and Construction**

Subject: request in principle to limit the land size which is actually cultivated and which is to be donated as ownership to the people

Reference: - letter No. 770 MLMUPC/KorKorRor dated 28 June, 2012
- written note of Samdach Techo PM dated 29 June, 2012

As indicated in the subject and reference above, Council of Ministers would like to inform Excellency that the request in principle to limit the land size being actually cultivated and which is to be donated as ownership to the people is approved by the Government as below:

- 1- For people occupying more than 5 hectares, whether it includes their residence or not, the size of the land that is actually cultivated shall be donated to them as their ownership. However, such donation cannot exceed 200 hectares.
- 2- As far as land provided as 'small concession' is concerned, collection of 'small economic concession' fees shall be determined and distributed, as a source of income to the sub-national level, by the Ministry of Economy and Finance.

As informed above, please, Excellency, be informed and arrange the implementation accordingly.

**On behalf of Minister in charge of CoM
Acting Minister**

Prak Sokhon

Cc:

- Ministry of Interior
- Ministry of Finance and Economy
- Ministry of Environment
- Ministry of Agriculture, Forestry and Fishery
- Cabinet of Samdach Techo PM
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Supreme Council for State Reform Council for Land Policy

**Instruction 015 SNN/MLMUPC/CLP dated 4 July 2012
on the implementation of RGC Order 01 on the Measures Reinforcing and Increasing the
Effectiveness of the Management of Economic Land Concessions (ELC) dated 7 May 2012
In relation with the indigenous minorities' areas, jungle, semi-jungle, Prey Long forest
areas, national defense base and historical and cultural areas**

In order to implement the RGC order 001 on the Measures Strengthening and Increasing the Effectiveness of the Management of Economic Land Concessions (ELC) dated 7 May 2012 and in order to promote the tenure security in the areas in which indigenous minorities are living, or within forest concessions, ELCs or state land confiscated by provincial authority, as well as in order to protect and enhance national natural resources, the CLP chairman instructs ,in addition to existing guidelines, the chairmen of the Provincial State Land Management Committees in relation with the indigenous minorities' areas, jungle, semi-jungle, Prey Long forest areas, national defense areas and historical and cultural zones areas as follows:

I. Areas in which indigenous minorities are living

1. Indigenous minorities groups registered as 'community' in the Ministry of Interior

The land identification process shall be done in the same working spirit as the one prevailing in the GDCG instructions on the implementation of RGC order 001BB and the land shall be registered as collective ownership of the 'community' according to the request of its traditional authorities or the chairman of the indigenous minorities committee in the respect of the categories and extents determined in the Sub-decree 83 dated 09 June 2009 on Procedures of Registration of Land of Indigenous Communities and Sub-Decree 46 dated 31 May 2002 on the Procedure for Establishing the Cadastral Index Map and Land Register

After having done the land identification and following the working process above-mentioned, a primary title shall be issued to the indigenous community, attached with a primary map acknowledging the location and categories of land belonging to the community.

On the primary ownership title, it shall be filled as follows:

- On the point "**II. Identity of land possessor**", shall be written the name of the indigenous minority community possessing the land (for example: **II. Tompoun indigenous minority of ...villagecommunedistrictprovince**)
- On the point "**III. Property category**" shall be written "collective ownership of theindigenous minority of the.... village"(for example: **III. Property category: collective ownership of Tompoun indigenous minority of La Oen village**).

At the time of issuing the final ownership title, the registration shall be done in the Land Register Book in the name of the indigenous community and issue a collective ownership title in accordance with the spirit of Sub-Decree 83 dated 9 May 2009 on Procedures of Registration of Land of Indigenous Communities.

2. Indigenous minorities community presently requesting to be registered as legal entity in the Ministry of Interior

It shall be implemented exactly as the indigenous minorities community had been registered already.

3. Indigenous minority individuals who do not want to be part of the 'community' and want to live as any private person

It shall be implemented as for any other Khmer citizen and she/he receives private ownership on the piece of land that s/he had and still presently possesses and cultivates. In such case, if the concerned land is part of the public domain of the State, the PSLMC shall request transfer of this land to the private domain.

II. land located in jungle areas, semi-jungle areas, Prey Long forest areas, national defense areas and historical and cultural zones areas

In the identification process, if there are claims from the citizens and/or if there are requests over specific pieces of land located in jungle areas, semi-jungle areas, Prey Long forest, national defense areas and historical and cultural zones areas, such claims and requests shall NOT be checked.

If a piece of land related to any contract is deemed to be located in an area that is considered as in jungle areas, semi-jungle areas, Prey Long forest, national defense areas or historical/cultural following identification process by the Provincial State Land Management Committee, then the concerned PSLMC shall request the RGC decision.

Signed by H.E. ImChhun Lim
Senior Minister of LMUPC
Chairman of CLP

Cc:

- Ministries/Institutions as Members of CLP
- Cabinet of Samdach Techo PM
- Cabinets of H.E./Lok ChumTeav DPM
- Capital/Provinces
- GDs and Units of MLMUPC
- Capital-Provincial DLMUPCC
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**Supreme Council for State Reform
Council for Land Policy**

**Instruction 017-SNN/CLP signed by the Senior Minister of LMUPC on 13
July 2012 on the implementation
of Royal Government Order 001 dated 7th May 2012 on Strengthening
and Increasing the Effectiveness of ELC Management
In relation with roads, railways, paths, lakes, rivers, beaches and public
service sites**

In order to implement the Royal Government Order 01 on Measures Strengthening and Increasing the Effectiveness of ELC Management and ensure the compliance with land management and urban planning regulations and also maintain the physical infrastructure, socio-economic purpose in accordance with the existing legal framework, the chairman of the Council for Land Policy and also of the National Land Management Committee would like to give additional instructions relating to the identification and survey of State land to be donated to the citizens as below:

1. The necessary appropriate reserves for public roads shall be kept to serve the community and general public interest.
2. The natural lakes, sea beaches, river banks, canals and other waterways such as creeks, streams, tributaries shall be registered as public State land and their boundaries shall be determined according to the existing practice of boundary demarcation.
3. The community forest, the indigenous minorities' land shall be preserved in order to protect the public interest in the future.
4. In areas where the occupation is concentrated enough to constitute a village, reserves shall be organized for public interest, in particular keeping space to establish schools, health centers, monasteries, worship sites, recreation parks, etc.

The determination of such reserved areas shall be based on the agreement of the local people and the sub-national administration and shall be kept as State public land.

Provincial Governor, Chairman of PSLMC and Municipal, District and Khan Governor, Heads of Municipal, District and Khan State Land Working Groups shall be responsible for the above-mentioned determination.

The instruction is effective to be implemented from the date of signature onwards.

Signed by H.E. Im Chhun Lim, Senior Minister of LMUPC
Chairman of CLP

Cc:

- Ministries/Institutions as Members of CLP
- Cabinet of Samdach Techo PM
- Cabinets of H.E-Lok Chum Teav DPM
- Capital/Provinces "for info"
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**Supreme Council for State Reform
Council for Land Policy**

**Instruction 018-SNN/KKD signed by the Senior Minister,
Minister of LMUPC on 20 July 2012 on
Land identification, People Identification and Issuance of
Primary Land Title
The implementation of Royal Government Order 01 dated 7th
May 2012 on Reinforcing and Increasing the Effectiveness of
ELC Management**

In order to effectively implement the RGC order 01 on the Measures Strengthening and Increasing the Effectiveness of the Management of Economic Land Concessions, the chairman of the Council for Land Policy would like to give additional instructions relating to the donation of land to the citizens, in addition to the existing documents, to the chairmen of all the Provincial State Land Management Committee (PSLMC) and to **the technical surveying teams** as follows.

1. Within the implementation operations of the Order 01BB, the Sub-Decree (Anukret) 118 dated 7 October 2005 on State Land Management, the Sub-Decree (Anukret) 46 dated 31 May 2002 on Procedures to Establish Cadastral Index Map and Land Register (Systematic Registration), the Circular 02 dated 26 February 2007 on Measures Against Illegal Holding of State Land, the provincial Governor as chairmen of the PSLMC and of the Administrative Commission (AC) shall organize the information campaign on media and shall instruct the District Working Groups (DWG) with the assistance of the technical survey teams and the youth volunteer groups in order to disseminate the public information of this campaign through loud speakers within the targeted districts, communes and villages. At the same time, in order that the information fully reaches the people, informative boards shall be installed at the place where the team stays as well as at the place that shall be registered.

2. Identification of the area actually occupied by the citizens and of the citizens

- The PSLMC, the District State Land WG and the various commune field groups determine:

- 1= the area and size of land that shall be cut off from the forest concession, the ELC and state land that was already seized by a provincial Deyka

- 2= the number of families who affirm that they actually possess and cultivate this land
 - After determination of the location and size of the land and the number of families actually possessing and cultivating the land, the PSLMC shall request the RGC to prepare a draft Anukret of reclassification of this land from State public to State private land (if the concerned land is State public land), or, a RGC decision (if the concerned land is State private land) and attached to the request a primary map of the concerned area.
 - In the above-mentioned Anukret or decision, the following shall be specified: the land location (Phum, Khum, Srok/Krong, Khet), the actual number of families, the area size, the land coordinates, the categories of land use such as 'public land', 'residential land', 'agricultural land', 'land for reserve', ...
 - According to the necessity and in order to help the PSLMC in its work, **the technical surveying teams** can begin the survey of the land parcels actually occupied and cultivated by the citizens at the same time that they proceed with the identification of the land area and determination of area size. In such case, only area actually occupied by the citizens and not subject to any dispute can be surveyed.
- 3. Identification of the land parcels, Identification of the citizens and Survey of the parcels in order to issue the primary/provisional ownership title.
- **The technical surveying teams** shall inform the citizens about their passage to survey the parcel one week before.
 - The land survey technical teams are composed of professional cadastral officers with support of youth volunteers who go together to survey parcels that citizens actually occupy and cultivate in order to gather the data used as the basis to issue the primary/provisional titles. In this process, detailed information on the citizens shall be collected including their names, photos, thumbprints, a family book, ID card, the various members of the family as well as the data of actually occupied parcels.
 - Once these data have been collected, they shall be publicly displayed during 30 days with early announcement at least 7 days before the beginning of the public display. At the time the public display is taking place, there shall be a community meeting so that all can together check carefully the name list of the citizens and the parcel data.
 - After the public display and the community meeting to carefully check the data together with agreement, the PSLMC shall issue the primary/provisional ownership titles to the land occupants for every parcel that is not disputed, in accordance with the decision of the RGC and while waiting for the issuance of final title. The PSLMC shall alternatively issue the letters acknowledging the use of State land in the framework of 'small economic concession' while waiting for the issuance of contract of 'small economic concession' in the future.

- Regarding decision on the adjudication documents relating to the right that shall be provided to the citizens, the PSLMC and the AC can check and request the decision of RGC to provide the ownership right to people through the following options:

-- A- Ownership right over residential parcel and over parcels actually occupied and cultivated, whether seasonal crops or long-term crops, for a size that cannot exceed 200 hectares, or,

-- B-Land use right of State land under the form of 'small economic concession' for land that has been cleared but not yet cultivated

-- A+B- In the process of deciding the rights to be provided, priority shall be given to the citizens who physically and permanently stay in the target village. As far as land parcels bigger than 10 hectares are concerned, they shall be kept for sporadic registration later.

-4. In the case that a citizen is claiming a piece of land that has already been developed and clearly cultivated by an investor, the following principles shall be implemented:

- For citizens that have already received compensation previously following a resolution process, such claim cannot take place again,

- For citizens who had to leave the place they used to occupy because the competent authority, institution or a private business implemented the resolution properly, in accordance with the decision of RGC and the legal procedure. Then, the claim was not able to be solved. In such case, the provincial authorities can implement a social concession program in favor of the concerned citizens, which involves the confirmation of civil status from the local authorities in charge of civil status of the place where the concerned citizens originate as well as evidence of their poverty from the Provincial Land Use and Allocation Committee of their birth place.

-5. For citizens who came to encroach on new land after the 7th May 2012, there is no possibility to solve their issue. The setting up of a pole to encroach on State land shall be strictly forbidden. Concerned civil servants, concerned competent sub-national authorities as well as armed forces shall implement the law and existing regulations as well as the RGC orders with high effectiveness, consciousness and responsibility.

Signed by H.E. Im Chhun Lim, Senior Minister of LMUPC
Chairman of CLP

Cc:

-Ministries/Institutions as Members of CLP

-Cabinet of Samdach Techo PM

-Cabinets of H.E-LokChumTeav DPM
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Province:.....
District:.....

Model

"Announcement relating to the installation of boundary markers"
The technical surveying teams would like to inform the citizens actually occupying or cultivating land in the target village..... commune..... to install markers at all the boundary corners of these parcels, using solid and big stick of wood or solid stone of cement markers in order to facilitate the surveying work of the technical surveying teams. In case such solid markers would have not been installed, the technical surveying group cannot survey the parcel to your benefit.

Done in..... on the date of
Signed by the Field Manager of the technical surveying team"

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Province:.....
District:.....

Model

"Announcement relating to the installation of boundary markers"
The technical surveying teams would like to inform the citizens actually occupying or cultivating land in the target village..... commune..... to install markers at all the boundary corners of these parcels, using solid and big stick of wood or solid stone of cement markers in order to facilitate the surveying work of the technical surveying teams. In case such solid markers would have not been installed, the technical surveying group cannot survey the parcel to your benefit.

Done in..... on the date of
Signed by the Field Manager of the technical surveying team"

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Small-scale ELC Contract

The small-scale ELC Contract is undertaken on the date of.....
Between PSLMC.....Representative of the State, which shall be called from
 now on **"State"**

and the name of the occupant's small ELC.....sex.....date of
 birth.....nationality.....ID No.....name of spouse.....ID No.....No. of
 family members(family booklet attached) which shall be called from now on
"small ELC Occupant"

Provisions of Small ELC are as follows:

Article 1: State decides to grant land in the form of ELC to **a small ELC Occupant** with the parcel certificate number.....size.....located in the village.....commune.....district.....province, given to the **small ELC Occupant** for agri-industrial development.

Article 2: A small ELC Occupant shall pay a deposit of 10 USD per ha of the parcel size given. The 70% of the deposit will be returned by the State when the cultivation is completed as planned. The remaining 30% will reimburse the cost of ELC at the end of the contract.

Article 3: The ELC tax is favored for the first five years. From the year 6th onward, the **small ELC Occupant** shall pay the annual ELC tax of 5 USD per ha and the tax will increase by 5% annually. If necessary, the ELC tax will be revised once per year.

Article 4: The duration of small ELC is 99 years counting from the day...month...year to the day...month...year.

Article 5: The **small ELC Occupant** shall exploit the land to the best and direction of its potentials, without leaving the land idle.

Article 6: For the duration of the contract, the **small ELC Occupant** has the following rights and obligations:

- 6.1. shall use the land for agricultural purpose by selecting a crop corresponding to the soil type.
- 6.2. **The small ELC Occupant** shall display a land use plan and carry out the entire land use plan for 5 years at the latest. In case the entire land size cannot be implemented, the part of undeveloped land shall revert to **the State**.
- 6.3. the land shall be utilized in compliance with the land management plan, master land use plan, or land use plan if it exists.
- 6.4. cannot sell or transfer the right to any other individual except that the transfer is undertaken through the establishment of another new small ELC contract together with the competent authority signing.
- 6.5. shall not utilize the land, which affects the public interest or the environment, or damage the land potentials.

Article 7: If the household head of the small ELC occupant passes away while implementing the contract, the spouse who is alive or a relative can continue implementing the small ELC contract.

Article 8: The small ELC Occupant has read or has been read and understands the whole content of the small ELC contract. The contract is made in 5 copies, one for the small concessionaire, one kept at the Capital/Provincial hall; one at the municipal district or Khan hall; one at the commune/Sangkat hall; and one at the Ministry of Economy and Finance.

Article 9: the contract is effective to be implemented from the date of thumbprint and signature onwards.

Name and thumbprint of small concessionaire

Husband

Wife

On behalf of SLMC

Chairman and Governor of Provincial-Capital Governing Board



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**Supreme Council for State Reform
Council for Land Policy**

Instruction 019-SNN/KKD on the strengthening of the effectiveness of the implementation of the existing policy by new actions of the RGC with regard to land reform

signed by the Senior Minister of LMUPC on 26 July 2012

In order to strengthen the effectiveness of the survey activities of the land given to the citizens following Order 001BB dated 7 May 2012, the chairman of the Council for Land Policy and also chairman of the Committee in charge of checking the implementation of existing policies by the new actions with regard to the land reform would like to give additional instructions relating to the donation of land to the citizens to the chairmen of all the Provincial State Land Management Committee (PSLMC), to the chairmen of the Administrative Commissions (AC), the Provincial Department Directors of LMUPCC and to the technical surveying teams.

- 1. Provincial Department Directors shall take an initiative to the provincial governors (who chair PSLMC and AC) about the planning to determine the areas to be registered according to a priority
- 2. The Field Managers of the technical surveying teams shall record the daily attendance of the working forces engaged in the surveying work, the results achieved, challenges, and requests and then shall report to the Provincial Department Directors before 18h00 in order to report the results at last by 20h00 to the regional chairmen. Concomitantly, the Provincial Department directors shall check the report of the previous day transmitted by the GDCG through the regional chairmen in order to certify the accuracy of the report and send it back together with the daily report.
- 3. All the technical surveying teams shall plan their working activities in the target villages which shall be implemented, by doing the estimation of the number of families (who live in and outside the target villages), the number of parcels and check the geographical situation.
- 4. The Field Managers of the technical surveying teams shall meet with teams of youth volunteers every evening in order to discuss the measures to implement the planning of the following day, the work to be done, the

number of workers necessary for implementation, the location of the places to be implemented, the way to implement and to solve the problems that have been met or to exchange pieces of information.

-5. The Field Managers of the technical surveying teams shall meet every day with their team members in order to provide instructions, solve problems and gather requests to be reported to the higher level for resolution.

-6. The Field Managers of the technical surveying teams shall meet with the Provincial Department Directors once or twice in a month according to the real situation in order to report the results of the work, the problems met, the requests and the steps forward.

-7. The Provincial Department Directors shall meet with the provincial head of the youth volunteers once every 2 weeks in order to exchange information, solve the problems met and conciliate the work.

-8. The Provincial Department Director or his representative shall meet once a month at the central level in order to report the results, the challenges, the requests and the steps forward.

Signed by H.E. Im Chhun Lim
Senior Minister of LMUPC
Chairman of CLP

Cc:

- Ministries/Institutions as Members of CLP
- Cabinet of Samdach Techo PM
- Cabinets of H.E-LokChumTeav DPM
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**Supreme Council for State Reform
Council for Land Policy**

**Instruction 020-SNN/KKD on the implementation of RGC
Order 01BB dated 7 May 2012 in relation with areas of
indigenous communities
signed by the Senior Minister of LMUPC on 26 July 2012**

In order to implement the RGC Order 01BB dated 07 May 2012 on Measures Strengthening and Increasing Effectiveness of ELC Management and to strengthen the land tenure security in the areas occupied by indigenous communities, and because the campaign of existing policies by new actions and allocated budget is planned within the year 2012, the chairman of the Land Policy gives the following additional instructions relating to the indigenous minorities' land to the chairmen of all the Provincial State Land Management Committee (PSLMC) as follows:

-1. Determination of the boundaries of the all the parcels being the collective ownership of indigenous communities, particularly those related to shifting cultivation that are part of the State public domain, relates to many different places, requires a long time as well as extensive budget spending. Therefore, **registration of collective ownership right of indigenous community shall be postponed to be implemented later in the framework of SD 83** dated 9 June 2009.

-2. The case in which indigenous individual who does not want to be part of an indigenous community and wants to live as a private person are concerned shall be implemented as stated in the Instructions 015SNNDNS/KKD dated 04 July 2012 in its point I-3. In addition to these instructions, it is also necessary to have the concerned individuals thumbprint a contract acknowledging their volunteer willingness to live as private individuals. These contracts shall be kept as evidence for the future.

Signed by H.E. Im Chhun Lim, Senior Minister of LMUPC
Chairman of CLP

Cc:

- Ministries/Institutions as Members of CLP
- Cabinet of Samdach Techo PM
- Cabinets of H.E-Lok Chum Teav DPM
"for information"
- Capital/Provinces
- GDs and Units of LMUPC
- Capital-Provincial DLMUPCC
"for implementation"
- Archive

**Kingdom of Cambodia
Nation Religion King**

Contract of willingness to live as individual person

I, the undersigned named sex:..... born on the date of,
being of nationality and holding the ID number..... being
married with..... holding ID number..... and having a family of
..... members (attached Family Book) and being originated from the
indigenous community of from..... village.....commune
.....district.....province

wishes to certify voluntarily and in writing that:

Myself and my family are really willing to live as private individuals outside
of the indigenous community and guarantee that we are not claiming the
rights and/or any benefit over the properties belonging to the indigenous
community such as shifting cultivation land, spiritual land, burial land,
...etc.

This contract is established with free willingness and no constraint. Myself
and my family have read, listened to what has been read, understood the
translation made in our native language and understood clearly the
meaning of this contract.

This contract is made in 3 copies (1 for the individual, 1 for the village
chief, 1 for the concerned commune/Sangkat).

This contract is made in.....dated.....
Name and thumbprint

Husband

Wife

Witness
(same ethnicity or community head)

Name and thumbprint



**Kingdom of Cambodia
Nation Religion King**

**Supreme Council for State Reform
Council for Land Policy**

**Instruction 022 SNN/KKD dated 02 August 2012
on certification of the civil status
and determination of the poverty status
by the local authorities of the place
where the concerned persons come from
in order to be able to implement
Social Land Concession (SLC) Programs
in the framework of the implementation of
existing policies by new actions with regard to land
reform**

In order to implement effectively the RGC Order 01BB on the Measures Strengthening and Increasing the Effectiveness of the Management of Economic Land Concessions (ELC) dated 7 May 2012 and the CLP instructions 018 dated 20 July 2012, the chairman of the CLP who is also chairman of the National Social Land Concessions Committee provides additional instructions to the existing ones to the chairmen of the Provincial State Land Management Committees (PSLMC) who are also chairmen of the Provincial Land Use and Allocation Committees (PLUAC) as follows:

- 1- In the case that the citizens who have left the place they used to occupy and that the competent authorities, institutions or companies have done properly according to the RGC instructions and legal procedures, then the citizens' claims cannot be solved. In such case, the provincial authorities can implement a SLC program to help all these citizens, according to the following procedure:
 - 1.1. The PSLMC shall record the concrete data concerning the number of actual claimants related to specific land and transmit the list of names to the corresponding authorities of the provinces where these citizens originate (They can be citizens from the province where the SLC program is implemented but they can also come from another province) in order to check and certify their civil status and determine the extent of their poverty. These data will serve

- as the basis to determine whether they are entitled to benefit from the SLC program or not.
- 1.2. The certification of the extent of poverty shall be implemented according to the spirit of the SD 291 ANKr.BK dated 27 December 2011 on the Identification of Poor Families and on the Manual on the procedures of identification of poor families of the Ministry of Planning.
 - 1.3. The data on civil and poverty status already certified by the PLUAC of the province where the concerned citizen originates shall officially be transmitted to the province where the SLC program is implemented (for the citizens coming from another province)
 - 1.4. The PLUAC of the province where the SLC program is implemented shall transmit the data on the implementation of such program to the General Secretariat of the National Social Land Concession Committee and request its opinion on the implementation
2. In the spirit of the Notification No. 666 SCN dated 26 June 2012 of Council of Ministers, the chairman of the PLUAC shall issue SLC certificates (as annexed) to the persons benefiting from SLC of RGC so that they can use these certificates as surety of a loan during the 5 years during which they legally must possess the land before they can get the final ownership title. Persons who have benefited from SLC program and have occupied the land 5 years as requested and have respected the conditions as stated in the SLC contract acquire the right of ownership and can request the ownership title.

These instructions shall be implemented from the date of the signature.

Signed by H.E. Im Chhun Lim
Senior Minister of LMUPC
Chairman of CLP

Cc:
-Ministries/Institutions as Members of CLP
-Cabinet of Samdach Techo PM
-Cabinets of H.E-Lok Chum Teav DPM
 "for information"
-Capital/Provinces
-GDs and Units of MLMUPC
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"for implementation"
-Archive



**Kingdom of Cambodia
Nation Religion King**

SLC Certificate

No.:.....

Province :

District :

Commune :

Village :.....

Map Sheet:.....

Parcel No.: (Ex. 002)

Size:.....

Land Use: agricultural and/or residential land

Characteristic of Land Use: SLC

| | |
|------------|-----|
| 001 | 005 |
| 002 | 006 |
| 003 | 007 |
| 004 | 008 |

Reference: SLC Contract dated.....

North



South

Scale: 1/2000

Done in..... date.....

**Chairman of PLUAC and
Provincial Governor of Provincial Governing Board**

Notice:

This certificate shall be attached with the SLC contract, to be equivalent in use to the ownership title until the final title is issued to the concessionaire after having fulfilling every provision of SLC.



**Kingdom of Cambodia
Nation Religion King**

**Supreme Council for State Reform
Council for Land Policy**

**Notification 024 KKD/SCN dated 05 September 2012
from the CLP
on the issuance of final ownership title to citizens on land surveyed
during the campaign implementing existing policies by new actions with
regard to land reform, following the RGC Order 01**

Following the high recommendations of the Prime Minister dated 04 September 2012 on an occasion to highly preside over the hand-over ceremony of certificates to graduates of Cambodia University for Specialties, the RGC decided to issue final ownership titles to the citizens without previously issuing primary ownership titles for transitional period because:

- while implementing survey procedure until now within the strategy of implementing existing policies by new actions with regard to land reform following RGC Order 01, the technical surveying teams have acted properly in the spirit of SD46 dated 31 May 2002 on Procedures to Establish Cadastral Index Map and Land Register, that is, systematic land registration.
- Important principle of this procedure is that the implementation process fully involves the participation of the communities; there is in particular participation and agreement between adjoining land owners at the time of demarcation and at the time of the 30 days public display of the data.
- As far as the technical issues are concerned, the survey uses modern equipment, namely GPS Map 62S.

For the steps forward, when people come and fill in a declaration form, they shall be given a separate instructional letter which states the necessity to firmly install markers at all the corners of their parcels beforehand. Then, the technical surveying team can survey their parcels.

The concerned local authority, namely villages, communes, districts and provinces are requested to pay attention to encouraging and facilitating installation of boundary markers both surveyed and to be surveyed.

Landowners shall install markers, using either solid and big stick of wood or solid stone of cement, at all the corners of their parcels.

Signed by H.E. Im Chhun Lim, Senior Minister of LMUPC
Chairman of CLP

Cc:

- Ministries/Institutions as Members of CLP
- Cabinet of Samdach Techo PM
- Cabinets of H.E-Lok Chum Teav DPM
"for information"
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- GDs and Units of MLMUPC
- Capital-Provincial DLMUPCC
"for implementation"
- Archive



**Kingdom of Cambodia
Nation Religion King**

Council of Ministers

Letter: 997 SCN

date: 7 September 2012

**from the Deputy Prime Minister in charge of the Council
of Ministers
to the Senior Minister of LMUPC**

Subject: provision of final ownership right to the citizens on land already surveyed for implementing existing policies by new actions with regard to land reform

Reference:

- Letter 666 SCN dated 26 June 2012 from Council of Ministers
- High recommendations from the Prime Minister dated 4 September 2012 during the handover ceremony of Master Degree, Bachelor Degree and Associate Degree of Cambodia University for Specialties

As indicated in the subject and reference above, Council of Ministers would like to inform your Excellency that the RGC decides to provide final ownership right to the citizens on land already surveyed through systematic land registration, without the transitional period of primary title.

As informed above, please, your Excellency, be informed and arrange the implementation accordingly.

On behalf of Minister in charge of CoM

Secretary of State
Prak Sokhon

Cc:

- Ministry of Interior
- Ministry of Economy and Finance
- National Authority for Land Dispute Resolution
- Committee for Checking the Implementation of Existing Policy by New Actions with regard to Land Reform
- Cabinet of Samdech PM
- Capital-Provinces
- Archive



**Kingdom of Cambodia
Nation Religion King**

Council of Ministers

Letter: 1446 SCN

date: 05 December 2012

**from the Deputy Prime Minister in charge of the Council of
Ministers
to the Senior Minister of LMUPC**

Subject: request in principle to register parcels excluded (leopard skin parcels)
as State land with the PSLMC as the Representative

Reference:

- Letter 1539 KorKorDor/MLMUPC dated 30 December 2012 of H.E. Minister of LMUPC and Chairman of CLP
- High written note from Samdach Techo PM dated 30 December 2012

As indicated in the subject and reference above, Council of Ministers would like to inform your Excellency that the RGC decides to approve the request of H.E. Minister of LMUPC and Chairman of CLP for implementation as follows:

- **Parcels excluded within the adjudication area (leopard skin parcels)** and excluded from parcels donated to the citizens shall be registered in the name of the PSLMC as representative for effective preservation, protection and management
- The Provincial Department Director of LMUPCC, permanent member of the PSLMC, shall copy the Cadastral Index Map to the sub-national administration (Khum/Sangkat, Srok, Khaet) for monitoring
- PSLMC can use all these State land parcels for social concession programs or/and to develop physical or social infrastructure

As informed above, please, your Excellency, be informed and arrange the implementation accordingly.

On behalf of Minister in charge of CoM

Secretary of State
Bun Uy

Cc:

- MoI
- MoE
- MAFF
- NALDR
- Cabinet of Samdach PM
- Forest Administration
- Committee for Checking the Implementation of Existing Policy by New Actions with regard to Land Reform
- Capital-Provinces
- Archive