



## SWOT Analysis of Systematic Land Registration's Procedure under Order 01 for Strengthening Land Tenure Security in Cambodia

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**Abstract** In 2011, the conflicts over economic land concession (ELC) were hardened and became more violent than before. Hence, Order 01 on “measures for strengthening and increasing effective management of economic land concession” was decreed on 07 May, 2012. The aims of this study were 1) to evaluate the strength and the weakness of the land registration procedure under Order 01, and 2) to assess the challenges and opportunities for improving land registration. A qualitative approach, incorporating observations and semi-structural interviews with 96 local families based on questionnaires survey and 23 key informants, were applied in this study. Secondary data were collected from Cambodia’s ministry of land and land administration sub-sector program (LASSP). The results of this study showed that land conflicts were reduced and solved, measures for preventing land conflicts were taken, illegal land occupations were regularized and 361,734 titles were provided to the people. The process was fast. Local people were satisfied and confident on its implementation. Moreover, the local people’s livelihoods were improved as well as the public awareness of systematic land registration (SLR) was spread throughout the country. However, the weaknesses of its implementation were: technical problem, lack of information and quality control, poor governance, state land decreased and it impacted on educational institutions and on the environment, wildlife and indigenous culture. Its opportunities were found that the investment on land will be more active from now on due to the investors’ confidences and trust on land titles. Its challenge was identified that financial support of technical assistances was pulled out from LASSP. In conclusion, its implementation was very useful for the landless people, and the poor. Quality control should be included into the process and land occupants should be seriously identified. SLR should be sped up to register in hot-issue sites.

**Keywords** Order 01, Systematic Land Registration, effectiveness, challenges and opportunities

### INTRODUCTION

In 2005, one fifteenth of the Cambodian households were involved in land disputes due to the lack of tenure security (LHWGC, 2009). In order to improve the land tenure security, a sub-decree on the procedures to establish cadastral index map and SLR and sub-decree on sporadic land registration (LR) were formulated. In particular, to solve land conflicts, sub-decree on organization and functioning of

the cadastral commission were established as well (RGC, 2002). However, the land conflicts still occurred throughout Cambodian territory. Furthermore, according to the NGO Forum (2011), rural communities are heavily relied on land and forest resources, but landlessness has become a significant cause of widespread poverty for rural Cambodians and landlessness has risen to 20%, beside 40% of rural households have farms that are smaller than 0.5ha (Üllenberg, 2009). Moreover, statistics showed that out of 282 land dispute cases, 14% or 39 cases have been rooted in development projects, especially in the granting of Economic Land Concessions (ELCs). Most land disputes triggered by ELCs can be found in Kratie, Rattanakiri and Kampong Cham (NGO Forum, 2011). Moreover, it was estimated that in total about 1.5 million hectares of ELCs were granted to investors as of April 2010 (Ngo and Chan, 2012).

Hence, Order 01 on “measures for strengthening and increasing effective management of economic land concession” was established on 07, May 2012. One part of this Order is a temporary postponement of granting new ELCs in order to prevent land conflict occurring (RCG, 2012). Moreover, RCG decided to provide land ownership to people who occupy and use the ELCs land, forest cover and protected area within the framework of land distribution reform. The campaign of SLR in 21 provinces of the country was established and it was called “New Action on Existing Policies for Land Sector”. Volunteer youths were engaged to survey land for people under the ministry of land management urban planning and construction (MLMUPC)’s instruction and guideline. They were trained only 2 days about how to register and survey the land (Yeang, 2013).

## **OBJECTIVE**

The objectives of this study were to evaluate the strength and the weakness of the land registration’s procedure under Order 01 and to assess the challenges and opportunities for improving LR.

## **METHODOLOGY**

The qualitative and quantitative approach, incorporating observations semi-structure interviews and focus group discussion had also been done as well as recorder was used to record participants’ point of view. Survey with questionnaires had been used to know the respondents opinions. The research study focused on systematic land registration under Order 01 that has been carried out since June, 2012 in Pi Tnou commune, Snoul district, Kratie province located in forest cover, protected area (National Park) and economic land concession area. Furthermore, 96 local families and 23-key informants were chosen to be interviewed. Secondary data were collected from Cambodia’s ministry of land and LASSP.

## **RESULTS AND DISCUSSION**

### **Strength of the Procedure of Systematic Land Registration under Order 01 (SLR BB01)**

**Land conflict resolution:** The study showed that there were 39 people among 96 interviewees involved in land conflicts. Most of land conflicts were happening to LECs companies and others occurred with forest and environmental department. 33 cases out of 39 cases were solved by the implementation of SLR under order 01 (BB01). These were because its implementation had cut the land from ELC company, measured and gave to people who were actual occupants even though the company claimed that the areas were belonging to it. Most of the land conflict had been solved, but 6 cases were not solved due to in the fact that they encroached environmental land. According to Müller (2013) the implementation of SLR BB01 was to solve the land conflicts over forest land and ELCs for the targeted 700,000 parcels in only one year. The campaign had to speed up the normal title

production levels of 350,000 per year during SLR and went countrywide into 21 provinces where these types of conflicts exist. MLMUPC opted for staffing up and bringing in extra workforce from outside.

**Land conflict prevention:** The research found that 15.88% of interviewees expressed their opinion that the implementation of directive BB01 really prevents land conflict occurrences in the future. They added that its implementation measured the land and provided the titles for them, and no one could seize their land now.

**Regularizing not-yet-legal land occupation and its main achievement:** According to Im (2012), the implementation of SLR BB01 had solved irregular issues: regularizing not-yet-legal land occupation in rural areas through donation of completed land ownership, providing a small-scale economic land concessions and social land concession in order to improve and guarantee land tenure security, to improve people's livelihood and to enhance national economy. The achievement of its implementation for 12 months (June 2012 - June 2013) was the 361,734 titles with approximately 595,534 hectares have been granted to probably 200,535 families (MLMUPC, 2013).

**Local people satisfaction and confidences:** The study found that 94% of interviewees satisfied with its procedure and were also confident on the land certificate (title) that government issued to them. They reported that once they have a certificate, no one could seize their land anymore. However, 6% of the respondents were not satisfied with the implementation of the procedure and they were less confident in it. This was mostly because they were occupying the land located in protected area so their land have not been measured and registered. They further added that if they get the certificate they will be satisfied with its implementation and they will be confident in the certificate.

**Improving local people's social economic:** The implementation of Order 01 provided the full ownership to the people as well as securing on their land. As a result, some villagers could be able to use the land title provided/registered from government to borrow some loan from micro finance or bank which the interest rate is low (1.2% - 2% per month) comparing to the loan borrowing from money lender which it is high in interest rate. The bank will not provide loan for villagers if their land titles would not be appropriately registered, so some villagers had to borrow money from other money lenders with a high interest (7% - 10% per month). The interest rates varies in accordance with kinds of land certificates and titles (commune, provincial or governmental level). For instance, if the land certificate is certified at commune level (from commune chief), the interest rate would be around 4% - 5% per month. Consequently, being implemented by this Order, the people's social economic would be improved through borrowing loan with low interest rate for their small business or farming such as buying crop seeds, seedlings, fertilizers and agricultural equipments etc.

**Improving and speeding up the procedure of SLR under LASSP:** The research found that it is an opportunity for the MLMUPC to receive additional modern equipments and materials for land administration during and after its implementation. Moreover, 600 out of the total youth volunteer were recruited to be MLMUPC's new staff. According to Sar (2013), to strengthen the quality, effectiveness of field work management and to continue the smooth and high effective procedure of SLR, the 25 provincial department directors in the department of land management, urban planning, construction, and cadaster have been proposed to readjust and reorganize the SLR team. The team number of SLR was adjusted from 26 to 15 members per team in order to reduce the expense and to increase the number of SLR teams that can be implemented throughout 25 provinces.

**Strengthening land concession economic management:** Concerning the implementation of Order 01, the Royal Government has decided to abolish economic land concessions which have not followed the agreements and has given the expropriated lands to the Provincial State Land Management Committee to manage those lands for social land concession programs. Meanwhile, state land in the area where RGC implemented SLR BB01, was to be cut off in the form of Leopard's skin to existing land occupants using and cultivating it and also to the provincial committee for state land management and be used for social land concession programs. Therefore, this land can be used in the future for land distribution program of the Royal Government in a larger scale than before.