



RISK MANAGEMENT AND LAND RELEASE SITUATION IN CAMBODIA



WORKSHOP ON RISK MANAGEMENT/LAND RELEASE 20-21 JUNE 2007
GICHD, GENEVA SWITZERLAND

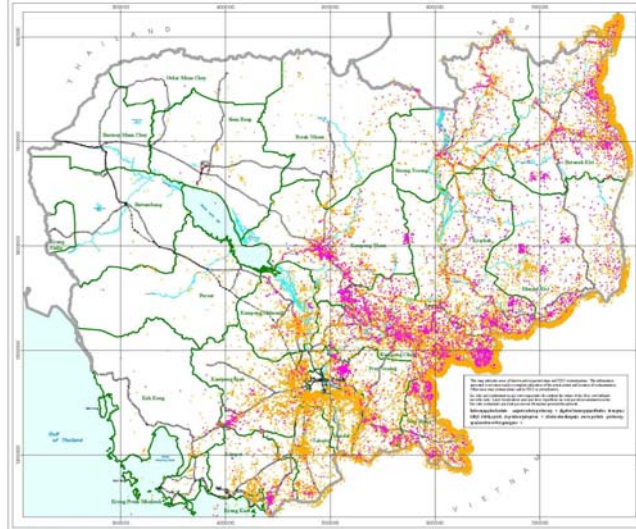
Land Release and Land Ownership in Cambodia

- Land Ownership Land Release Situation
- The System of Land Registration and Titling
- Current Legal Framework



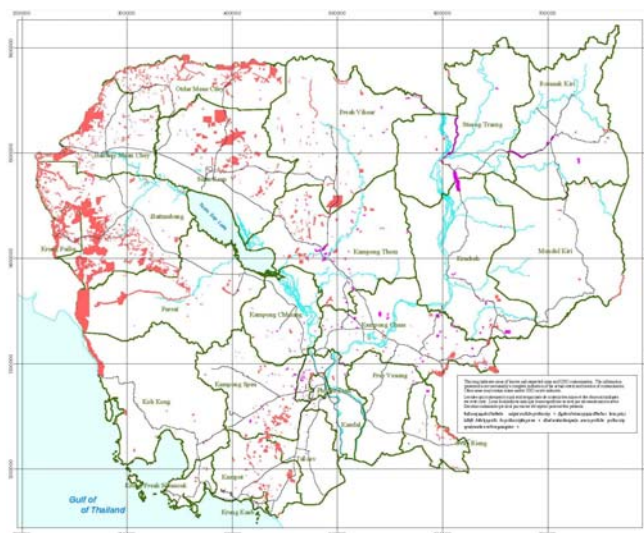
Mine/UXO Situation in Cambodia

UXO Situation



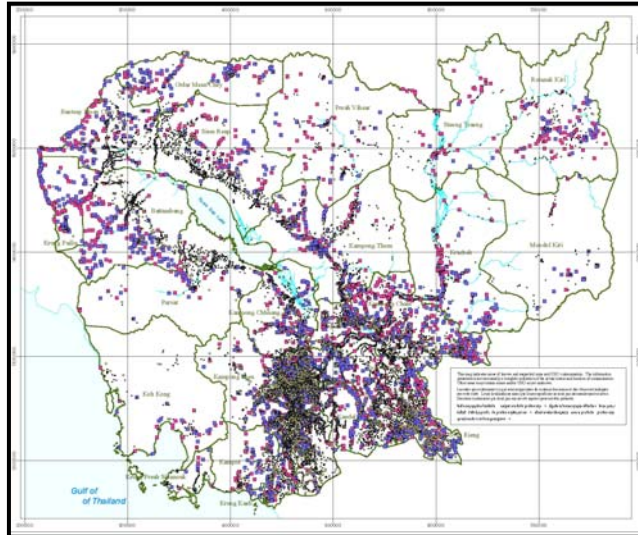
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Land Mine Situation



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Impact Mine/UXO Survey (Level One Survey)



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Integration Mine Action Activities



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Mine Clearance Progress from 1993 to 2006



CMAC, HALO, MAG & RCAF
351573417 Sqm = 35157.34 ha

Data from CMAA

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Mine Action Committee and Legal Implication

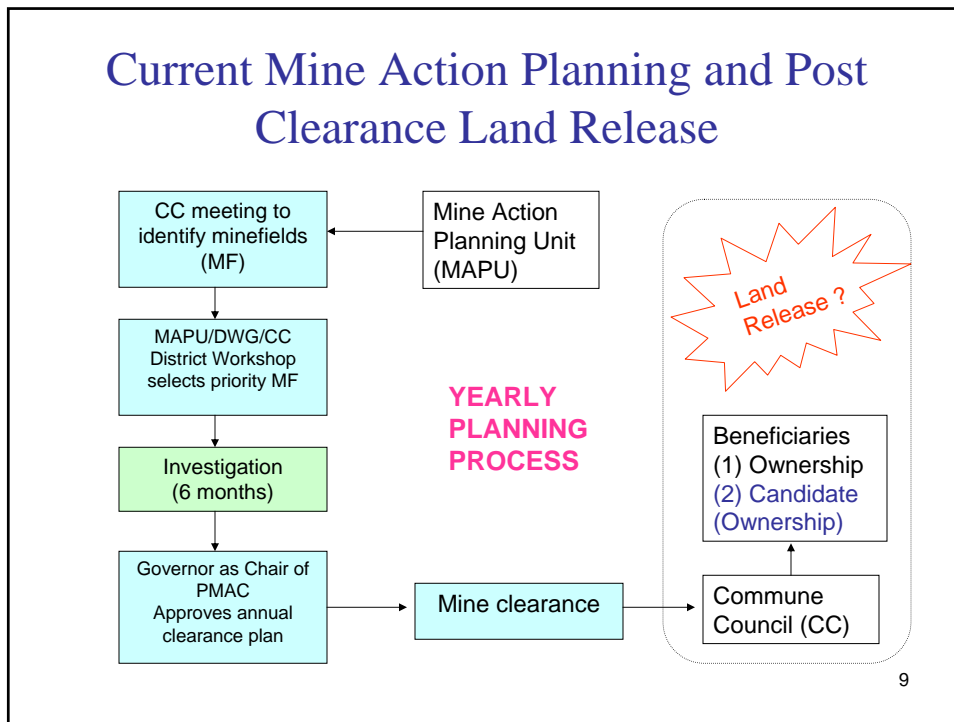
- Cambodian Mine Action Authority (CMAA)
- Provincial Mine Action Committee (PMAC)
- Mine Action Planning Unit (MAPU)
- District Working Group (DWG)
Commune Council (CC) and Village Chief

Sub-decree 70, dated 20 October 2004
on Socio-Economic Management of Mine Clearance Operations.

**CMAA/Guideline on Mine Clearance Operation Management for Socio-
Economic Development dated 14 December 2006 .**

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Current Mine Action Planning and Post Clearance Land Release



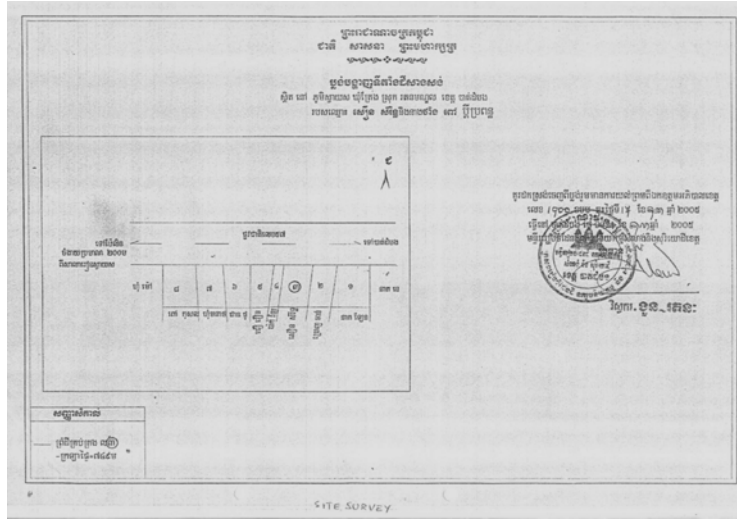
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Post Clearance Land Title Certificate (Pesh Vihear)



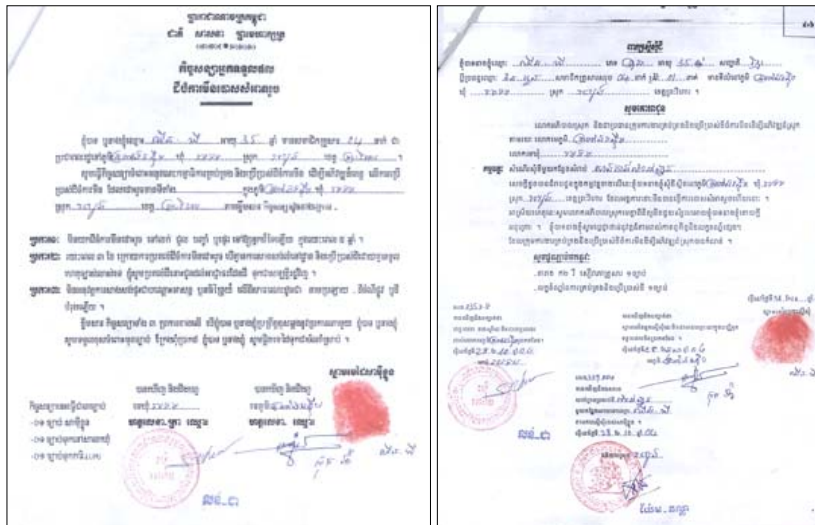
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Certificate (Battambang)



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Support Documents



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Land Rights in poor and Land Occupation in Mine Affected Area



People Occupied SMA
Resident & Agriculture

Land Law
30/08/2001

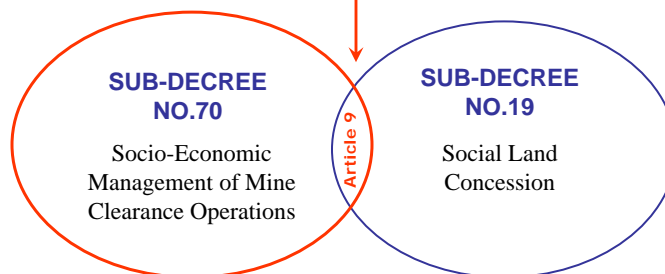
Resident & Agriculture

People Occupied SMA

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Risk Management & Land Release Legal Implication

Sub-decree 70 [Article 9]. The province-Municipal Governor shall guarantee that the distribution and allocation of cleared mine areas be processed in a fair and transparent manner and in accordance with the Royal Government policy principle. With respect to the legal procedures allocating land to the landless poor, this must abide by sub-decree No.19 ANKR/BK dated 19 March 2003, on Social Land Concessions and other relevant procedures. and SE Guideline 14 December 2006



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Risk Management Analysis

1. The current de-mining process focuses only on de-mining and allocation of the land, not what subsequently happens with that land as regards legal titling of the land for beneficiaries.
2. Some current occupants are eligible to receive legal title to their land; others are not because of the way that the land was allocated to them.
3. In some areas beneficiaries have received certificates or other documentation. However, this is not a secure legal title.
4. Not all parts of the de-mining processes and procedures currently appear to be fully compliant with all of the legal requirements that should be incorporated.
5. In particular, the process of Social Land Concessions has not been fully implemented and this is the primary obstacle that prevents many beneficiaries from being able to receive legal title to the land they are allocated through the de-mining process.
6. Records relating to beneficiaries and allocation history are not readily available and accessible to de-mining operators, NGOs, or other interested parties. This hinders the ability to monitor and plan their activities using historical data as support.

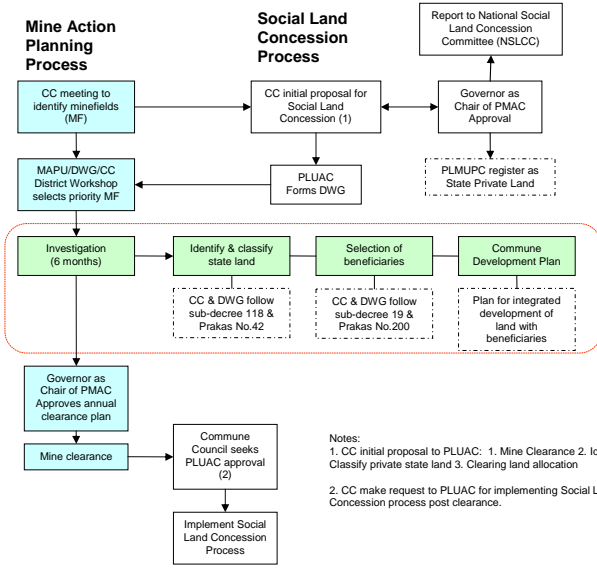
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Future Risk Management & Land Release for Mine Action in Cambodia

- Implementation of Sub-decree 70 on Socio-Economic Management of Mine Clearance Operations and Sub-decree 19 on Social Land Concession.
- Changes to Current Mine Action Planning Process
- Beneficiary and Land Use Records

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Harmonization of the Mine Action Planning and Social Land Concession Processes (Pilot Project)



Notes:
 1. CC initial proposal to PLUAC: 1. Mine Clearance 2. Identify & Classify private state land 3. Clearing land allocation
 2. CC make request to PLUAC for implementing Social Land Concession process post clearance.