

Report of
National Workshop on Land Title:
Systematic Land Registration (SLR) and Indigenous
Communal Land Titling (CLT)

July 19-20, 2016
Angkor Miracle Hotel, Siem Reap Province

Co-organized by:



Supported by:

NGO Forum, AFOD, Oxfam, NPA, Diakonia, DCA, ForumSyd, MRLG,
STAR Kampuchea, My Village

TABLE OF CONTENTS

1. Introduction	3
2. Session one: Day one – Tuesday, July 19, 2016.....	4
2.1 The Opening of the National Workshop in Siem Reap	4
2.2 Systematic Land Registration (SLR).....	5
Morning Session: The presentations on SLR and the case studies (challenging cases and successful cases).....	5
Afternoon Session: Group Discussion on SLR	8
Challenges in SLR	8
Recommendations, solutions and suggestion related to SLR.....	10
3. Session Two: Day two – Wednesday, July 20, 2016.....	12
3.1 Indigenous Communal Land Titling (CLT).....	12
Morning Session: Presentations on CLT by government representatives and NGO	12
Afternoon Session: Presentations on case studies of CLT by community representatives	16
Group Discussion on Communal Land Registration	17
Challenges in Indigenous Communal Land Titling	18
Recommendations, solutions and suggestion related to IP communal land titling	20
3.2 Closing of The Workshop.....	21
Annexes	23

1. Introduction

Based on the NGO Forum Operational Plan 2016 and results from a joint annual reflection workshop of Land and Housing Network Member (LAHRiN) and Indigenous People and Forestry Network (IFPN) members 2015, raised the National Workshop on Land Sector – CLT and SLR, in collaboration with Ministry of Land Management, Urban Planning and Construction (MLMUPC), Ministry of Rural Development (MRD) and Ministry of Interior (MoI) together with the representatives from Non-Governmental Organizations (NGOs), government, communities, researchers and academia to look at the issues, concerns and challenges. The joint effort to address the land registration system is a contribution to the poverty alleviation of the Cambodian people, which is strongly supported and contained in the National Strategic Development Plan (NSDP). The proposed workshop focused on the special thematic “Together addressing the land and natural resources conflict through SLR and CLT” which was participated by NGOs, the government, communities, researchers and academia.

The three objectives of the National Workshop were:

1. To open space for all relevant stakeholders including the government, development partners, academia, NGOs and communities to update the current status, raising concerns and challenges of SLR and CLT and in-depth discussion of technical solutions for speeding up or strengthening the technical processes of the land registrations.
2. To develop a very good national workshop report to be submitted to relevant ministries and stakeholders in order to push ahead the SLR and CLT processes.
3. To build a better cooperation among all stakeholders to improve the good governance on land and natural resources in contribution to the poverty alleviation of the RGC.

From 19th to 20th of July, the NGO Forum in collaboration with relevant stakeholders organized a national workshop on Systematic Land Registration (SLR) and Indigenous Communal Land Titling (CLT). The two-day workshop brought over 140 active participants together in accordance with the planned agenda. The invited participants were representatives of civil society organizations, national and sub-national government officials, communities, researchers and academia.

2. Session one: Day one – Tuesday, July 19, 2016

2.1 The Opening of the National Workshop in Siem Reap

The official opening of the national workshop started with the welcome speech by **Dr. Tek Vannara**, *Executive Director of NGO Forum* and the opening speech by **H.E. Siek Vanna**, *Under-Secretary of State, MLMUPC*.

Dr. Tek Vannara: This national workshop is a significant event, giving opportunities to the government representatives, development partners, national and international civil society organizations, indigenous communities gathered together to discuss in a constructive manner and to look into the results of land registration, concerns, challenges that arise from the land registrations as well as to seek for joint strategies to achieve common objectives of land tenure security. It is noticed that there are many accomplishments achieved by the Royal Government of Cambodia (RGC) such as the development and implementation of laws, land policies and legal frameworks, fulfilling the responsibilities of relevant institutions at the national and sub-national levels and the results of land registration in 2015, of MLMUPC. However, there are still some challenges that led to delays in the land registrations.

H.E Siek Vanna: The purpose of the workshop is to provide an opportunity for participants and all stakeholders, including government officials, international and national organizations, communities and researchers to raise the concepts and updated status, concerns and challenges in order to discuss and seek for solutions together related to the processes of SLR and CLT in Cambodia. This two-day workshop will provide all stakeholders with experiences from the public sector, private sector and civil society relating to land registrations of public land, private land, indigenous peoples' communities land, which is a crucial input for knowledge as a basis to continue the improvement of our works. The challenges have to be addressed jointly and honestly with a solidarity spirit, national unity and mutual respect. One of the strategic objectives of RGC's Rectangular Strategy is to promote land reform in Cambodia. The workshop will present the cooperation, partnership, understanding and mutual respect for each other. Meanwhile, the ministry will jointly further strengthen and collaborate closely with all stakeholders to resolve problems together.

(See the speeches delivered by the speakers in Annex 2)

2.2 Systematic Land Registration (SLR)

Morning Session: The presentations on SLR and the case studies (challenging cases and successful cases)

Mr. Suon Sopha, *Deputy Director General of Cadastral and Geography*: Cambodia has two types of land registrations, First Registration and Subsequent Registration. The First Registration has two procedures: Procedure of SLR and Sporadic Land Registration. The Subsequent Registration is the registration on the changed ownership and registered parcel which changed the shape of the parcel, e.g. heritage, easements, sell and buy, divided parcel or joined parcels, etc.

The procedure of Sporadic Land Registration can issue two kinds of title certificates, i) the ownership rights certificate and ii) the possession rights certificate.

The Procedure of SLR is implemented following the sub-decree #46 on the Procedures to establish Cadastral Index Map and Land Register. In June 9, 2016 RGC amended the sub-decree No. 46 of Article 6, Article 7, Article 11 which adjusted the period of notification and dissemination of SLR from 29 days to only 13 days and public display of adjudication record from 30 days to only 15 days. The procedure of SLR has 5 steps: 1. preparation, 2. technical operation, 3. public display of adjudication records, 4. decision making on the documents, and 5. issuing title.

Mr. Latt Ky, *Head of Land Rights Section, ADHOC*: Land registration is contributed towards the poverty alleviation, strengthening land tenure security, preventing and solving land disputes. Land registration has to be transparent, participated by landowners in boundary demarcation, agreed by the neighbors, and participated in public display of the adjudication records.

Challenges related to the SLR are the limited participation of land occupants or the state institutions which are mandated to occupy the land; citizens' lack of supported letters and documents to clarify as legal owners; slow land dispute resolution, the registration of private part of condominium, and limited participation in public display, e.g. in Pursat province, the public display was held at the police station which scared out citizens. Furthermore, the Directive 01 (D01) Land Registration did not implement the following of each step; and left out the dispute areas without registered. D01 provided opportunity to opportunists, affected indigenous communities' land and did not allow for monitoring on the process of land registration, etc.

The workshop provides opportunity to indigenous communities and urban poor

communities in Phnom Penh to present on the challenges and successful cases as well.

Representative of Am Laing Community, Kampong Speu Province: The community was established in 2005. It is called “Forestry Protection Community”, which has 1,800 hectares covering 6 villages. The by-law community has a community committee with 10 members. Since 2005, the community has been protecting their natural resources successfully and has been collecting non-timber forest products (NTFPs) as well. It has put the boundary poles, the map banner in front of forest land, and it’s recognized by MAFF.

Until 2010, RGC granted Economic Land Concession (ELC) to Phnom Penh Sugar Company in order to invest in sugarcane plantation. The company started the clearing of land which damaged to community forestry land approximately 1,800 hectares, damaged villagers’ land around 1,200 hectares and affected 326 families.

The impacts of these have made villagers lose their arable farmland, their living standards fell short, lack of jobs, migration, and children drop out from school. Community appeals MLMUPC to support SLR because the community might lose more land.

Representative of Tomnop 2 Community, Sangkat Phnom Penh Thmey, Khan Sen Sok, Phnom Penh: Community of Tomnop 2, Tomnop 3 and Phnom Penh Thmey located in Tomnop village, Sangkat Phnom Penh Thmey, Khan Sen Sok. Sangkat Phnom Penh Thmey was previously the adjudication area for SLR but the people in these areas were excluded from SLR. Several NGOs have supported the people in these areas and established it as urban poor communities which started with only around 10 families in the beginning and has now reached 157 families.

The communities have established the saving groups, prepared community development plans, increased the collaboration with local authorities and relevant institutions, collected data, compiled community profile, produced community maps and the maps of affected areas. In 2010 with the support from NGOs, the communities prepared documents for the SLR’s application. In February 2016, local authorities and relevant institutions declared adjudication areas for SLR in these communities. The surveying team came to survey the plots and finalized all necessary works for issuing titles in April 2016. The communities suggested local authorities and relevant institutions to speed up the issuance of land titles to these the three communities as soon as possible. The Communities also face challenges in getting land titles that require all stakeholders to resolve together.

(See the presentations in Annex 3)

After the presentations, the discussion began and was facilitated by **Mr. Ear Chong**, *Land and Livelihood Program Manager, the NGO Forum on Cambodia*. The participants raised questions and concerns over land rights, requested for SLR, land disputes and the delay in the resolution of land conflicts, particularly the conflict between local communities, the government and private companies. The followings are the summary of questions and suggestions raised by the participants:

- Chrouy Changva Community raised on the impact and land dispute with OCIC Company and Phnom Penh City Hall
- Railway Community mentioned about the expanding road width which affected to the land of the community
- SOS Community affected by the land dispute with the expansion of Phnom Penh International Airport
- Boeung Chhouk Community, Phnom Penh expressed concerns about the military police who came to survey the land of the community
- Community in Stoeung Treng Province received information from Cadastral office that the documents for applications were not enough

(See the questions and suggestions related to SLR in Annex 4)

Speakers informed the workshop that they can respond to some questions only and the remaining questions will be considered later.

Mr. Suon Sopha: MLMUPC has established with 27 working groups to resolve land disputes across the country. Each group gets to resolve 3 dispute cases. All the complaints have been sent back to the provincial authorities and working groups to resolve these disputes such as the case of Chrouy Changva Community and the case SOS Community. For Railway Community, General Department of Cadastral and Geography (GDCG) is reviewing because they do not have the complaint in list with the Ministry and so, requested the community to submit the complaint to the Ministry. The support documents required for SLR are birth certificate, identification card, family book, residential book, certified letters from the local authorities regarding the buying and selling, gift letters and inheritance from parents.

Afternoon Session: Group Discussion on SLR

The aim of the breakout group was to discuss on the important technical issues, challenges and recommendations for solutions related to SLR.

The group discussions were divided according to the provinces with similar situations, and composed of indigenous communities, civil society organizations and government officials. Each group was given the questions for discussion by focusing on the successes, challenges and recommendations to address the problems. The groups discussed the questions for about an hour and then wrote down the results to report back to the plenary session.

Below is a summary of key results of the group discussion:

Challenges in SLR

- The dissemination of systematic land registration has not spread widely.
- Citizens lack knowledge on land registrations, especially the systematic land registration process and the urban poor communities shortfall.
- The participation of landholders or institutions which have mandated on land is limited.
- The landowners are not present at the location during systematic land registration.
- Citizens lack supported letters and documents clarifying them as legal owners.
- Some local authorities lack of attention and are slow.
- Don't have boundary poles on the land.
- Defining of the width of the road in urban areas are not clear
- Defining of the protected areas belonging to relevant institutions are not clear
- Flooding areas around Tonle Sap during raining season are not clearly defined
- River, watercourse, lake corridors are not clearly defined in some locations

- Individual parts of the condominiums have no supported legal documents to support land registrations
- Land dispute resolutions in SLR adjudication areas are slow and backlogged
- Land disputes between private companies and citizens still continues
- Citizens lack of legal understanding, especially when it comes to land disputes, dispute over boundaries with local authorities and private companies
- Violations and encroachments from the outside on the titled land, especially on IP communities' land
- Lack of land dispute mechanism, especially when it comes to the land dispute in the IP community areas
- Land surveyed during D #01 land registration has not gotten land titles
- The solidarity of IP communities was broken due to D #01 land registration as some community members accepted individual titles
- D #01 land registration had made IP communities lose their traditional land (such as spirit forest land, burial ground forest land and reserved land), traditions, customs, and identities
- Land titles granted during D #01 land registration affected on forest land and communities' land
- D #01 land registration had put the dispute areas outside of D #01 program
- D #01 land registration provided legal opportunities to some opportunists to clear forest land in order to get legal recognition and receive ownership titles
- D #01 land registration closed off the monitoring of the land registration process
- The implementation of D #01 land registration did not follow each step of procedures stated in sub-decree
- The duration of public display of adjudication records is too short for the land owners to participate if they live far away from the areas

- Majority of the people do not receive ownership titles, especially IP communities
- There are overlapping titles with different owners

Recommendations, solutions and suggestion related to SLR

- To speed up systematic land registration in each region as soon as possible and clearer
- Local authorities and relevant institutions to help to speed up granting ownership titles to urban poor communities
- To carry out evaluation on land tenure securities in the remote areas
- To promote the effective implementation of land law
- To widely disseminate the procedures of land registrations in media coverage, particularly reaching to the IP communities
- To develop operational plan, responsible persons, dissemination persons on the processes and procedures of SLR
- To strengthen the dissemination of roles and tasks of the local authorities, relevant institutions and the tasks of the landowners in land registrations
- To give inspiring ideas and encourage people to understand the benefits of land registrations
- Communities suggest the relevant institution to open the public forum for dissemination on land registrations
- To encourage and mobilize people to participate in all the steps of systematic land registration
- To encourage relevant institutions to certify on the letters and supported documents in time
- Authorities and relevant institutions have to provide documents related to protected areas

- Demanding to put the boundary poles properly and strongly
- To clearly collect data and information of landowners
- To clearly study with local communities and relevant persons before granting ownership titles
- To collaborate with authorities, ministries and civil society organizations in systematic land registration
- To speed up out-of-court land dispute resolution mechanism
- To make authorities and relevant institutions participate in land dispute resolution, especially the dispute with private companies
- Effective measures and protecting mechanism for those violating titled land
- Giving more time to landowners who live far away from the land registration areas to come to check and complain
- To transfer from individual ownership titles to indigenous communal titles.

(See results of group discussions on SLR in Annex 5)

3. Session Two: Day two – Wednesday, July 20, 2016

3.1 Indigenous Communal Land Titling (CLT)

Morning Session: Presentations on CLT by government representatives and NGO

H.E. Yim Chhong, *Advisor to Council for Agricultural and Rural Development and as Director of Ethnic Minority Development*: The self-identification of indigenous communities followed the Land Law 2001, national policy on the development of indigenous peoples, Sub-Decree #51 dated December 2001, and Circular # 0974 of MRD on July 2009. Self-identification of indigenous peoples' communities is determined according to its criteria such as ethnicity, social, culture, tradition, traditional economy, land management and land use, and the willingness of the community. The MRD has faced some challenges such as geographic locations, time, support and resources.

Mr. Am Veasna, *Deputy Director of the Department of Associations and Political Parties*: The CLT has 3 steps: 1. Self-identification, 2. Legal Entity, and 3. Issuing of Titles. It is the responsibility of MRD, MOI and MLMPUC. The Office of Inter-Sectoral is responsible for the mechanism on the recognition of the legal entity of the community at the provincial level. At the national level, it's the responsibility of the Department of Associations and Political Parties. The communities must meet certain conditions and formalities such as the list of community members, letters of recognition by MRD, by-law, community committee, a decision letter on the recognition of the by-law and a request letter for registration. The Ministry of Economic and Finance (MEF) and MOI have agreed in principle for exemption of the fee amount to 300,000 Riels for the registration of legal entity.

Mr. Meas Bunthoeun, *Deputy Director General of Cadastral and Geography*: The general principle that applies to the CLT is the registration of pieces of land of a community as collective ownership on a single cadastral map. The collective ownership certificate, issued to the community, specifies the name and location of the community, reference number to the single cadastral map indicating the location, size, boundary, co-ordinates of the land plot collectively owned, and certification of the type of land use. The community has to be established as a legal entity with registered by-law and official recognition. The community has to be officially established as legal entity which has internal rule stipulating the management and collective land use. Land to be registered as collective ownership of indigenous community (IP) includes state private land and state public land. State private land includes residential land and actual agriculture land. State public land includes reserved land for shifting cultivation, spiritual forest land which shall not exceed seven hectares, and burial ground forest land which shall not exceed seven hectares. As for other state land which IP has traditionally used such as forest land for harvesting non-timber

forest products (NTFPs) and source for water, the community could continue to use and enjoy benefits according to its tradition given it shall enter into an agreement with relevant administrative authorities of state land.

Procedures and mechanism of the CLT has 5 steps: 1. Preparation (supported documents and application requesting for CLT), 2. Technical operation (state land identification, boundary demarcation and surveying), 3. Public display of the adjudication records, 4. The decision on the report of the public display, and 5. Issuance of titles. MLMUPC has faced some challenges such as:

- The communities take limited ownership in the processes
- Communities do not fully understand the procedure of preliminary mapping
- The dissemination, on procedures and advantages of the CLT, is not comprehensive
- The participation of communities, local authorities and relevant stakeholders is limited
- The communities are lack of financial and technical support after receiving titles
- The communities have no capacity to prevent and protect their land from encroachment.

Mr. Hob Borin, *Project director of ICSO*: ICSO supports IP communities in the process of CLT in 40 target villages, 19 communes, 5 districts which have 5 ethnicity: Brou, Kreung, Tumpoun, Jarai and Kachak. Most of the community members earn their living by traditional farming, hunting, fishing, cash crops such as cashew, cassava, maize, soybean, sesame, etc.

Communities have land disputes with private companies, ELCs, and some areas of National Protected Areas, state forest land. The communities also want to know about the areas managed by the state and the use of land collectively owned by the communities. In support to the communities, ICSO has faced some challenges:

- Some community committees do not clearly understand their roles, tasks in community leadership
- Community members do not fully understand community by-laws and internal rules
- Committee members have changed, inactive and do not devote times for the community activities

- Communities, local authorities and technical officials do not fully participate in the process of preliminary mapping
- Documents requested for registration of legal entity to the MOI are processed slowly.

(See the presentations in Annex 3)

After the presentations, the discussion began and was facilitated by **Lay Sovathara**, *Land Program Manager, CLEC*. The participants raised questions, concerns, suggestions to the relevant ministries, and land dispute related to ELCs and encroachment into communities' land from outsiders. The followings are the summary of questions and suggestions raised by participants:

- How can one facilitate IP communal land titling as easy as registration of community forestry?
- Suggestions to relevant ministries and NGOs in supporting communities to register their communities' land, such as Kbal Romeas Community affected by hydropower dam and Suoy Community in Kampong Speu
- Kuoy Community in Preah Vihear Province suggests Ministries and NGOs support self-identification
- Suggestions to explain why communities receive only seven hectares for spirit forest land and seven hectares for burial ground forest land
- Suggestions to MRD, MOI, MLMUPC, authorities and NGOs to support preliminary maps in Busra Commune
- Suggestion to MOI to explain the detailed procedures in changing the members of the community committees legally
- Suggestions to MOI to have financial package supporting the process of legal entity
- To study how to demarcate community village boundaries along Vietnam border
- Is the MLMUPC's budget amount \$30,000 (USD) per community supposed to cover for surveying only or the whole process until the issuance of collective ownership titles?

- Local authorities blocked the communities from conducting self-identification and claimed that policies and sub-decree shown by the communities are belonged to NGOs.

(See the questions and suggestions related to CLT in Annex 6)

The followings are the responses by the speakers to some questions and concerns which have been raised by the participants:

- CLT was implemented following of Sub-Decree No. 83 on the procedures of land registration of indigenous communities. If the land has conflict, it must comply with Sub-Decree No. 118 on State Land Management. The CLT and the registration of community forestry require a similar preliminary map.
- MRD has acknowledged Kuoy Community in Preah Vihear and has granted self-identification already. This is due to the lack of communication and administration; and MRD requested the community to engage with provincial Department of Rural Development to work on this issue. The national policies on indigenous peoples and Sub-Decree No. 83 are the legal framework of the government. The community should continue working on by-law, organizing congress and giving approval on it.
- The hydropower dam area is the development project with conflict and it requires the discussion at the national level before CLT. The technical official can work on the ground where there is no conflict. Furthermore, we need to check whether it is a state public land or state private land.
- The legal framework on the transfer of individual private ownership of IP community to collective ownership has already been passed and it's ready for implementation.
- For the demarcation of IP communities' land adjacent to Vietnamese border, the communities have to prepare the supporting documents and submit to the provincial government. Provincial authority has to submit a letter to the Border Committee at the national level to check first, if there is any issue, and then the committee will send back the GPS points of the border.
- For the MLMUPC's budget amount of \$30,000 per community, it is for the activities of land registration and issuing community land titles. It's not for the activities of self-identification, legal entity and submission application.

- For the change of community committee members, the community should organize the meeting to select the new member, write minute of the meeting, resume of new member, get approval decision by commune council and submit the application to MOI. MOI will issue a letter to recognize the new member of the committee.

Afternoon Session: Presentations on case studies of CLT by community representatives

The workshop provided opportunity to IP communities to present the case studies on challenges and successes of the communities in Brame Commune, Preah Vihear Province, Busra Communities, Mondulkiri Province, communities in Tropaengchor Commune, Kampong Speu Province and La Eun Kren Community, Ratanakiri Province.

Representative of Brame Community, Brame commune, Preah Vihear province: Brame community has faced challenges such as:

- Demarcation of the boundary of IP community land does not align with laws and sub-decrees that recognized the rights of IP community
- Local authorities, technical officials and communities do not understand the procedures of CLT
- Local authorities and relevant departments announced that the preliminary map of the community is too large and cannot be registered
- Many community families have land in the ELCs and companies still continue clearing our communities' land
- Land registration D #01 forced community members to take individual titles
- Land encroachment from outsiders into the land of the communities
- Sub-decree No. 83 defined spirit forest land and burial ground forest land no more than seven hectares, which is incompatible with Article 26 of the Land Law
- Suggestion to relevant institutions to shorten the procedures of CLT and make it easy to implement
- Speeding up communal land registration for IP communities

- Local authorities have to stop certifying on selling-buying land inside communities' areas until the communal land registration is finished
- Demarcation of spirit forest land, burial ground forest land and reserved land according to the real situation of each community
- Demarcation of other types of land which are actually used by communities such as grazing areas for animals, old traditional villages and spirit lake (watercourse)

Representative of Busra community, Busra Commune, Mondulkiri Province: Busra commune has seven IP community villages which are recognized by MRD and legal entity by MOI. Communities have stuck in the process of preliminary map as it has land disputes with ELCs such as Socfin and K-Peace. The communities also have land disputes with Social Land Concession (SLC) and neighboring villages. Some community members received individual titles from D #01 and also want to get collective ownership. Some members of the community committee do not understand the procedures of communal land registration. Communities suggest MRD, MOI and MLMUPC to help speed up the CLT as soon as possible.

Representative of Suoy community, Tropaengchor Commune, Kampong Speu Province: The community is recognized by MRD and legal entity by MOI. The community has already completed preliminary map before the registration D #01 came to the community. Some community members left the community and received individual titles. The community suggests local authorities and relevant institutions to visit their community and find out the real situation and help in speeding up the communal land registration.

Representative of La Eun Kren, La Eun Kren village, Ratanakiri province: Community has good internal solidarity, good collaboration with local authorities and protection of community land without facing any disputes. The community has established four saving groups and one weaving handicraft. The members of the community committee understand their roles, tasks and regularly organize village meeting to explain to all the members of the community. The community suggests local authorities and relevant ministries to support in community development and find market for selling the agricultural products.

Group Discussion on Communal Land Registration

The aim of the breakout group discussion was to discuss on the important technical issues, challenges and recommendations for solutions related to CLT.

The group discussions were divided according to the provinces with similar situations, and composed of indigenous communities, civil society organizations and government officials. Each group was given the questions for discussion by focusing on the successes, challenges and recommendations to address the problems. The groups discussed the questions for about an hour and then wrote down the results for report back to the plenary session.

Below is a summary of key results of the group discussion:

Challenges in Indigenous Communal Land Titling

- Wide Dissemination on procedures and benefits of communal land titling process
- Members of the communities were confused to receive individual ownership titles which were the obstacles to the process of communal land titling
- No land tenure security for IP communities' land
- Procedures of IP communal land titling are complex, especially related to laws and preliminary map
- Limited number of technical officials and so, could not fulfill the tasks in time
- The participation of local authorities and technical institution is not enough as they are always busy with other tasks, especially MLMUPC
- The issuance of interim protection measures (IPM) has been delayed
- Requested documents for legal entity to MOI are delayed
- Local authorities and technical officials do not fully participate in the preliminary mapping process
- IP Communities do not understand the procedures on preliminary mapping
- Local authorities obstruct community committees to participate in social activities
- Boundary issues between community with community, and community with companies have not been resolved
- Illegal occupation and clearance on IP communities' land

- Inciting from outside, land brokers, rich and powerful people to the communities
- Subnational authorities do not support and resolve land disputes
- Micro-credit institutions seized the land of indigenous communities
- There is no clear-cut the differences between IP communities' land and the land belong the state
- D #01 land registration affected IP communities' land which has completed preliminary maps already
- Conflict of interest in the communities due to land encroachment from outside
- Some members of community committees do not understand their roles and tasks in their management the communities.
- Communities do not understand the procedures of the changing of members of the community committee
- IP communities lack resources in preparing documents for communal titling
- Members of IP communities have no solidarity
- Members of the community committees have been threatened by land brokers
- Members of the communities do not understand IP's by-law and internal rules
- Some members of the communities do not fully participate in the communal land titling process
- Capacity of the community committees on procedures and processes of IP communal land titling is limited and inactive
- Lack of technical and financial support to communities after receiving collective ownership titles
- Communities lack of protection and maintenance of their land from encroachers

- Limited financial support from donors in IP communal land titling
- Lack of support from NGOs working with IP communities

Recommendations, solutions and suggestion related to IP communal land titling

- Speeding up IP communal land titling and issuing collective ownership to IP communities
- Supporting members of the communities who received D #01 titles transferring back to collective ownership titles
- Speeding up the interim protection measures
- Collaborating and making the procedures of preliminary mapping easier to implement
- Authorities and technical officials should fully participate in preliminary mapping process and speed up the submission of application for communal titling
- Increasing state budget to Ministries for supporting IP communal land titling
- Preventing local authorities to issue certified letters for land occupation and selling-buying letters to land brokers
- Eliminating ELC in Cambodia
- Disseminating on advantages and disadvantages of communal land titling to IP communities and make own decision
- Organizing training programs on legal aspects such as land law, forest law, land rights and other legal frameworks
- Disseminating and training on laws, sub-decrees and policies on land registrations
- Relevant departments and provincial authorities to open public forum to local authorities on the IP communal land titling
- Integrating IP community development plan into annual commune development plan and commune investment plan

- Preparing, monitoring and evaluation for the whole processes of communal land titling
- Establishing working group to study and find out the number of IP communities that need communal land titling
- Organizing study tour for technical officials and develop inter-ministerial planning
- Relevant departments related to IP communal land titling should participate from the first step (Department of RD and Department of Land Management)
- Ministries, authorities and relevant partners to increase their cooperation and support prevention the community's land
- Supporting IP communities to file the complaints to court against encroachers
- Seeking support from donors, NGOs and relevant institutions
- Community committee, authorities and elderly to participate in land dispute resolutions
- Strengthening internal solidarity of the IP communities
- Collaborate with technical official in patrolling and prevention of encroachment
- Financial support to communities for patrolling IP land
- Strengthening capacity of IP community committee on IP communal land titling

(See the results of group discussions on CLT in Annex 7)

3.2 Closing of The Workshop

As a wrap up, Mr. Em Sopheak, representative of *CLEC and member of committee of Indigenous People and Forestry Network (IFPN)*, summarized the process and key technical results of the two-day workshop. Key challenges and suggestions that have emerged from the plenary and group discussion for further consideration to improve the land governance and registration in Cambodia include:

Challenges:

- Cooperation between the relevant ministries, development partners, civil society organizations and citizens is limited and lacks trust or honesty among each other.
- Human resources, modern technology and funds for land registration activities are the main challenges as well.
- Citizens who own the properties lack of letters or documents certifying them the legal ownership.
- Granted ELCs were overlapped on the land of the IP communities.
- Land disputes and land conflict resolutions are slow and backlogged.

Suggestions:

- To continue to promote land registrations and grant legal ownership titles to people.
- To promote the registrations of state land, community forestry land, community protected areas, IP communities' land, private companies' land and demarcate the actual boundaries on the ground.
- To increase funds enough for land registration and granting title to citizens.

The official closing of the workshop was presided by **H.E. Yim Chhong**, *Advisor to Council for Agricultural and Rural Development and Director of Ethnic Minority Development (MRD)*.

As a closing remark, H.E. Yim Chhong stated that the workshop was a successful event. The workshop found some challenges and suggestions which need to be solved jointly. H.E. expressed that the promotion of indigenous communal land titling is going to reduce land conflicts. The issue that has caused land conflicts is registration of the indigenous communal land which is not wide enough. Another issue is that many migrants have moved into the region of the indigenous communities which have consequently affected the indigenous peoples. Thus, it requires a wider implementation of the national policies.

Annexes

1. Concept note and workshop agenda
2. Welcome speech and opening speech
3. Presentations
4. Questions and suggestions related to systematic land registration
5. The results of group discussions on systematic land registration
6. Questions and suggestions related to indigenous communal land registration
7. The results of group discussions on indigenous communal land registration
8. List of participants
9. Workshop evaluation