



ក្រុមមេធាវី អាស៊ី កម្ពុជា
ASIA CAMBODIA LAW GROUP
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LEGAL & ADR

L E G A L M E M O

Land Ownership at Kosh Rong Samloem

Asia Cambodia Law Group

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offering legal services over a wide spectrum of industry verticals, with offices in Phnom Penh, Siem Reap, Battambang, and Sihanoukville. ACLG is closely working with its Korean Partner, LOGOS Law LLC to provide seamless, high-quality representation in the respective jurisdictions to its clients. ACLG clients comprise of many financial institutions, banks, government and non-governmental organizations.

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Land Ownership at Kosh Rong Samloem

In 2001 the government passed a new Land Law which has continued this trend of recognizing an individual's private right to land and property ownership. The new 2001 Land Law set in place a framework through which individuals can register their land and have their land recognized at the national government level. The situation continues to improve, but the task of registering land in Cambodia is complex and a challenging undertaking, especially when the majority of land ownership documentation has been destroyed or is insufficient.

Out of the ashes has evolved a multi-tiered system, with different land titles existing each with different levels of authority. The main differences are based upon the level of government with whom your land/property is registered. While the situation is much improved from the position of the early 1990s, Cambodia still does not have a uniform title registration system and is many decades away from achieving this throughout the country. These are the types of land titles available in Cambodia:

SOFT TITLE Soft Titles, also referred to as 'Possessory Titles', are registered at the level of local government. 'Soft Titles' are registered at the local Sangkat (council) or district level only and will not have been registered at the National Government level. The land is technically considered to be held only under 'possession' as opposed to 'ownership status'.

Soft titles are the most common title in existence in Cambodia and there are a number of reasons for this. Firstly, there is not an administration capable of registering every piece of land under 'Hard Title' (at the national level).

Secondly, to register land at the national level, the prospective owner is required to possess documentation, and many landowners do not have sufficient documentation to meet the requirement for hard title land registration.

Thirdly, administration at the national level takes time, a delay which slows proceedings; fourthly, registering land at the national level incurs a variety of costs above registering land at the local level and; lastly, land registered at the national level becomes subject to a 4 per cent land transaction cost, which many landlords wish to avoid when transferring their land to a new owner. For all these reasons, soft titles have their place in Cambodia, especially outside Phnom Penh, where there are fewer international investors, who demand hard titles registered with the highest authority.

HARD TITLE A hard title is an ownership certificate which is issued by the Cadastral Office who form part of the Ministry of Land Management, Urban Planning and Construction, and also coordinate with City Hall for land within Phnom Penh. These titles are recognized at the national ministerial level as well as at the Sangkat and district level. This is the most secure form of ownership, as registration should be the only evidence required to prove ownership.

LMAP Standing for Land Management and Administration Project , LMAP is the third land title available in Cambodia. The initiative was launched in 2002 with the help of the World Bank and the German, Finnish and Canadian governments. The project was designed to help implement a systematic registration system and is to assist the government in improving land tenure.

- Applicable Law**
- Sub-Decree No.48 on Sporadic Land Registration dated 31 May 2002
 - Sub-Decree No.121 dated 09 June 2016
 - Sub-Decree No. 48 on Land Cutting of 528.37 hectares at Sangkat Koh Rong and Koh Rong Samleang, Sihanouk Province, from the State private land set by Sub-decree No. 05 (dated 21 Jan 2008), dated 04 April 2018

THE PROCEDURE FOR LAND REGISTRATION

At the present Cambodia has two land registration approaches for land right: sporadic land registration and systematic land registration only commenced recently and is applied in a number of projects in five provinces.

In terms of the good result of the systematic land registration pilot projects, Cambodian government is now preparing for the national land registration program. The systematic parcel by parcel land registration applies area by area, village by village and parcel by parcel approach with one visit per parcel principle stressing publicity and participation.

The technologies involved the work stages develop are kept as simple as possible relying on the orthophotography and locally available solutions. The result is cadastral index map showing accurately the parcel boundaries and the parcel number and land register data showing rights and restriction, right holders' identification. The system consists of the following components:

- Public information,
- Adjudication,
- Demarcation,
- Surveying,
- Documentation,
- Public Display,
- Confirmation of the record, and
- Delivery the title

KOSH RONG SALOEM The Prime Minister issues a sub-decree over 528.37 hectares of lands from the State to nearly 300 families living on Koh Rong and Koh Rong Samloem Island.

A sub-decree of the Royal Government shall decide as follows:

Article 1: Cutting 528.37 hectares of land in Koh Rong and Koh Rong Samloen, Sihanouk Ville, Sihanouk Province from private land of the state, by Sub-decree No. 05, dated 21 January 2008, by Project Coordination System UTM Zone 48N Datum WGS 1984 and having the same standards as the annexed map of this sub-decree.

Article 2: A gift of belonging to people from 298 families who live permanently on Koh Rong and size of 12.13 acres, equivalent to 12 strips for the school administration 6 channel strips, 2 parcels, 1 parcel offices, headquarters Village 1 strips, strips 1 Military Police Unit and pagodas 1 strips neighborhood Koh Rong and Koh Rong neighborhood lethargy Sihanouk Ville Located at the following:

- Total village of 125.31 hectares, equal to 170 parcels, of which 169 parcels to 63 families and 1 commune office
- Prek Svay village totaling 167.45 hectares, equal to 200 lots, including 198 beds to 96 families, 1 pagoda, and 1 school block.
- The Village of Peace is 200,41 acres, equal to 128 lots, of which 124 units are supplied to 64 families and 4 schools.
- The village is a total of 34.20ha, equal to 139 units, of which 134 are plotted for 75 people and 5 plot of land for 1 school block, 2 plot of postal administration, 1 village headquarters and 1 military police unit.

Written by:

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