

Legal Reform: Land Legislation Implementation Program in Cambodia Phases 1 and 2 (2001-2006)



EWMI helped put the general principles of the Cambodian Land Law into practice through the Cambodia Land Legislation Implementation Program funded by the Asian Development Bank. The program, geared towards improving the security of land tenure in the Kingdom of Cambodia, had three interlocking objectives: (i) Establish a legal system and implementing mechanisms to resolve the uncertainty/disputes with respect to ownership and related land rights; (ii) Build the capacity of the judiciary, legal community, and technical staff responsible for implementing the Land Law; and (iii) Raise public awareness of the Land Law and increase the people's access to mechanisms to realize their rights under the law. EWMI completed this project in April 2006, and as a result of EWMI's efforts, priority legal texts were completed, Cadastral Commission members and staff, Party Assistants and judges and prosecutors were trained, and innovative public awareness materials and land law textbooks were developed and widely disseminated to government employees, NGO workers, law students and legal professionals.

LEGAL FRAMEWORK

Working with the interministerial Council for Land Policy, EWMI assisted in establishing the legal and regulatory framework to aid in resolving the uncertainty, disputes and confusion with respect to ownership and related land rights. EWMI provided technical assistance for the drafting of four major subdecrees on social land concessions, investigation and conciliation of land disputes by Cadastral Commissions, economic land concessions and state land identification and mapping. The Royal Government promulgated all of these subdecrees.

EWMI introduced a participatory consultative drafting process that included the development of a policy discussion paper, public consultations in regional workshops, a period of written public comment on the drafts and publication by the government of written responses to the comments. EWMI developed procedures (prakas) to conciliate land disputes, and conducted extensive training for national, provincial and district officials to conduct conciliations.

CAPACITY BUILDING

In collaboration with the multi-donor Land Management Administration Project (LMAP), and working with a core group of trainers trained by EWMI, over 700 provincial and district staff were trained to investigate and conciliate land disputes through the cadastral commission process.

In addition, EWMI trained 85 NGO workers as Party Assistants to assist poor people in the conciliation of land disputes. The right of a party to choose a person who will assist in proceedings before cadastral commissions was enshrined in the subdecree developed by the program. This right recognizes that, while cadastral

Working in partnership with grass roots groups, local governments and international organizations to build just, prosperous and democratic societies.



Filming the educational video
- "Our Land."

commission proceedings are conciliatory rather than adversarial, poor people may be fearful of the proceedings and may need help completing forms and have matters explained to them. EWMI's program to train workers from development NGOs as party assistants had a broader impact" these development workers are more likely to hear about land disputes before they reach a cadastral commission.

While other donors focused on training for government officials, EWMI focused on training for legal professionals, which was especially important since most practicing judges and lawyers completed their legal training before implementation of the land law and before its title registration system took effect. EWMI developed training materials for judges, lawyers and students in the land management program at the Royal University of Agriculture. These include a definitive land law textbook and a CD ROM of searchable land law materials. Working with the MLMUPC and the Royal School for Judges and Prosecutors, EWMI conducted the first land law training for the first intake of judges and prosecutors at the new school, and the first Continuing Legal Education seminar for sitting judges.

PUBLIC AWARENESS

Integral to EWMI's land reform efforts under these ADB-funded projects have been its innovative, informative, culturally sensitive and relatively inexpensive public outreach campaigns. In Cambodia, where the population is largely illiterate, EWMI assisted the government in developing soap-opera style videos, picture books, comic strips and radio programs that have received overwhelmingly positive feedback and have been widely disseminated and broadcast in existing national and local media outlets.

"Our Land" video

The educational video, "Our Land," is the story – in a sit-com format – of a family that is fearful of losing the land they have been living on for the past several years. The family learns what rights they have as long time possessors of the land, and what types of evidence they might use to prove their legal possession of the land. All the major television stations have been given the video in a special format for TV viewing. The video has been shown numerous times – and continues to be shown – throughout the country on government and private television stations. The video has been made available to all stakeholders and local NGOs have conducted short workshops on how to use the videos and their accompanying comic books as part of an outreach program.

CONTACT:

Project Manager:

Rachel Tritt
rtritt@ewmi.org

Main Office:

575 Madison Avenue, 25th Fl.
New York, NY 10022
Tel (212) 843-7660
Fax. (212) 843-1485
info@ewmi.org

Washington, DC Office:

110 Maryland Avenue NE
Suite 511
Washington, DC 20002
Tel. (202) 544-9345
Fax. (202) 544-9348
info@ewmi.org

Website: www.ewmi.org

The East-West Management Institute, Inc. qualifies as a tax-exempt public charity under Section 501(c)(3) of the US Internal Revenue Code as amended.