

The Royal Government of Cambodia

N° 11 ANK.BK/ March 22, 2000

Sub-Degree on the Procedure of Establishing Cadastral Index Map and Land Register

- Having seen the Constitution of the Kingdom of Cambodia
- Having seen to Preah Reach Kram N° NS/RKM/1198/72 of November 30, 1998 on the Appointment of the Royal Government of Cambodia
- Having seen Preah Reach Kram N° 02/NS/94 of July 20, 1994 promulgating the Law on the Organization and Functioning of the Council of Ministers
- Having seen Preah Reach Kram N° 100 K of October 13, 1992 promulgating the Land Law
- Having seen Preah Reach Kram N° 04/NS/94 of August 10, 1994, promulgating the Law on Land Management, Urban Planning and Construction
- Having seen Preah Reach Kram N° NS/RKM/0699/09 of June 23, 1999, promulgating the Law on the Establishment of the Ministry of Land Management, Urban Planning and Construction
- Having seen Sub-Decree N°. 20/ANK/BK of April 30, 1996 on the Organizations and Functioning of the Ministries and State Secretariats
- Having seen Sub-Decree N°. 62/ANK/BK of July 20, 1999 on the Organization and Functioning of the Ministry of Land Management, Urban Planning and Construction
- Pursuant to the approval of the Council of Ministers through the plenary session on February 11, 2000

HEREBY DECIDED

Chapter 1

General Provisions

Article 1

This Sub-Degree is to determine the Procedures for Establishing Cadastral Maps and Land Registers through the systematic adjudication in areas that are declared as an adjudication area as stated in Article 2 of this Sub-Degree.

Article 2

The Ministry of Land Management Urban Planning and Construction shall determine and instruct technique and formality of the establishment of cadastral index map and Land Register to Provincial/Municipal Department of Land Management Urban Planning and Construction and Cadastre.

The Provincial/Municipal Governor shall issue the announcement determination of the adjudication area and its boundaries by the mean map demonstration, description, or by both ways.

Chapter 2

Competence and Duties

Article 3

When the adjudication area is issued, the Provincial/Municipal Governor in the adjudication area shall appoint the Administrative Commission for such area.

The Administrative Commission shall be composed of as following:

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| • Representative of Provincial Governor | Chairman |
| • Field Manager of the adjudication area as the cadastral officer | Member |
| • The Governor of District/Khan or representative | Member |
| • Chief of Commune-Sangkat or representative | Member |
| • Chief of Village or representative | Member |
| • Two elders in the adjudication area | Members |

The duties of the Administrative Commission are:

- Publicly display the cadastral index map and lists of owners;
- Receive any objection, investigate, and settle such matter by agreement
- Make a conclusion and recommendation on the adjudication document
- Make a proposal to provide the right on land to occupants, owners, or preserve it as the state property.

Article 4:

When the adjudication area is determined, the Ministry of Land Management Urban Planning and Construction shall appoint Field Manager of the adjudication area and other necessary officers including demarcation officers, adjudication officers, and survey officers who are obligated in the adjudication area.

The Field Manager of adjudicating area, who received the instruction notification by the Ministry of Land Management Urban Planning and Construction, shall be responsible for the adjudication under this sub-decree. The Field Manager of the adjudication may lead and issue

directions to other specialized officers who are appointed under Section 1, Article 4 of this Sub-Decree.

The Demarcation officer has rights to enter in any immovable property in the adjudication area in order to demarcate and measure and may invite related persons to give oral information, documents, or other evidences with regarding to the boundaries of any land parcels. The demarcation officer may perform the tasks by other authorization provided to cadastral survey officers as stipulated in Land Law on survey land task.

The adjudication officer has the rights to make any necessary inquiries for implementing the adjudication, to invite related persons to give oral information documents, or other evidences related to the adjudication.

Every person has the rights to participate in the investigation and give comment during the public display of the adjudication document, and has the rights to request the specialized officers to explain about the content of the data related to the adjudication area.

Article 6

The Provincial/Municipal Governor shall send an official letter that describes and grant the permission to implement the adjudication procedure systematically to local authorities of the adjudication area at least 15 days before the meeting issuing the announcement determining the adjudication area.

The Provincial/Municipal Governor shall publicly notify the time and venue of the meeting. The announcement will be posted for the public at least 7 days before the opening of the meeting in a prominent place that is easily to notice in the village or in the adjudication area. The announcement shall be spread widely and effectively in the adjudication area by cooperating with the local authorities.

The public opening of meetings on systematic adjudication shall be held in the adjudication area, and the Field Manager or Representative of the Administrative Commission shall explain the procedure, clarify legal matters and answer any questions related to the adjudication.

Additional meetings for village level will be organized if the Field Manager of adjudication area or the assigned local authorities considered as necessary.

Article 7

The demarcation officers shall notify local head about the demarcation in the adjudication area, time and the commencement of adjudication area at least 7 days ahead. The notification is required the related persons to indicate boundaries of their immovable properties according to the process mentioned in the notification.

After that, the demarcation officers, who received the instruction from the Field manager, shall demarcate the boundaries of all the immovable properties, which form the land parcels

in the cadastral index map. During demarcation of the boundaries, the demarcation officer shall follow the principle hereunder:

- A- If the owner of the land parcel and the owner of the adjacent parcel land are presented and agreed on the boundaries so that the boundaries will be determined based on the agreement.
- B- If the agreement mention in (A) of this article cannot be reached or an absent of the owner of the land parcel and the owner of the adjacent parcel land, the boundaries will be determined based on the existing documents and physical/written evidence or verbal answer related to the land boundaries.
- C- The parcel that has the boundaries next to public land and the parcel that use for public, the boundaries shall determine based on (A) or (B) of Section 2, Article 7 or this Sub-Degree.

Article 8

The survey officers, who are instructed by the Field Manager of adjudication area, shall perform the task to survey which are required in the execution of the adjudication procedure and organize the cadastral index map.

The Provincial/Municipal Department of Land Management Urban Planning and Construction and Cadastre shall provide detail instruction regarding to the formality and content of cadastral index map.

Chapter 3

Adjudication Procedure

Article 9

The adjudication officers, who are instructed by the Field Manager, shall investigate all documents, evidence, and other written or oral information concerning the rights to each parcel in the adjudication area and record these rights into the formality of the parcel collective data.

Article 10

The preparation of adjudication documents shall mean:

- (1) The adjudication document shall consist of:
 - the cadastral index map
 - the lists of owners
 - and parcel forms where each parcel form shall illustrate:
 - (a) the identification of parcel
 - (b) the identification of owners
 - (c) the date of adjudication.

(2) The parcel form shall be approved (thumb printed) by the owner and adjoining owner and signed by the adjudication officer.

(3) When the adjudication document is fulfilled, the Field Manager of adjudication area signs the document.

Article 11

The public display of adjudication documents consisting of the cadastral index map and the list of owners shall take place for 30 days in convenient place for public investigation in the adjudication area.

The Provincial/Municipal authority shall publicly display the adjudication documents upon the request of administrative commission.

Within the duration of public display of the adjudication, the Field Manager of adjudication area may correct any error or omission, which does not affect the lawful interests any person. Other correction in the adjudication document may be done with the consent of relevant persons whose interests will be affected by those corrections.

Article 12

Within the duration of public display, any persons whose names in the list or beneficiaries of any parcels find adjudication documents with vague and incompleteness may notify all their disputes to the Administrative Commission about the objection.

After providing reasonable notification to all parties who are concerned with the objection and consulting with parties making objections, The Administrative Commission shall try to settle through the agreement.

Any objections or disputes, which may not be settled, shall be sent to the Court. In this case the Administrative Commission shall abide by the final decision of the court.

Article 13

After the expiry of the public display of the adjudication documents and the completion of the dispute settlement procedure as stated in Article 12 of this sub-decree, the Administrative Commission shall approve the adjudication documents of any undisputed parcels.

After the approval, the Administrative Commission shall send the adjudication documents to Provincial/Municipal Department of Land Management Urban Planning and Construction and Provincial/Municipal Cadastre to inspect on the technical status and signing, and then send to Provincial/Municipal Governors to sign.

Article 14

After the signature of the Provincial/Municipal Governor and the Ministry of Land Management Urban Planning and Construction, the adjudication document shall be finalized in respect of the said land parcels which are not subject of the disputes. For adjudication

documents which are the subject of the disputes shall be finalized when there are decisions from the court as stated in article 12 of this Sub-Decree.

When the adjudication document is finalized, according to Section 1 of this Article, adjudication documents together with other relevant documents which have been received during systematic adjudication shall be delivered to Provincial/Municipal Department of Land Management Urban Planning and Construction and Provincial/Municipal Cadastre in hierarchy to be recorded in the register.

After the land parcel including in the adjudication document is registered, the Ministry of Land Management Urban Planning and Construction shall issue Certificate of Ownership or Certificate of Possession for all land parcels in the adjudication area.

The Ministry of Land Management Urban Planning and Construction can transfer the rights to any competent and qualified Provincial/Municipal Authority to issue the Certificate of Ownership or Certificate of Possession of the immovable property in the adjudication area of Provincial/Municipal.

Chapter 4

Final Provisions

Article 15

This Sub-Decree takes into force on the area that has been on the process of systematic adjudication.

Article 16

All provisions that are contrary to this Sub-Decree shall be repealed.

Article 17

The Minister in charge of the Council of Ministers, the Minister of Ministry of Interior, the Minister of Ministry of Land Management Urban Planning and Construction, Secretaries of State, and the Provincial/Municipal Governors that are all related are in charge of implementing this Sub-Decree according to the duties per-se upon the date of signature hereafter.