

Sub-decree
On the Procedure of Establishing of
Cadastral Index Map and Land Register

- Referring to the Constitution of the Kingdom of Cambodia;
- Referring to Royal Kram No. NS/RKM/1198/72, dated November 30, 1998 on the Appointment of the Royal Government of Cambodia;
- Referring to Royal Kram No. 02/NS/94, dated July 20, 1994 promulgating the Law on the Organization and Functioning of the Council of Ministers;
- Referring to Royal Kram No. 100Kr, dated October 13, 1992 promulgating the Land Law;
- Referring to Royal Kram No. 04/NS/RKM, dated August 10, 1994, promulgating the Law on Land Management, Urban Planning and Construction;
- Referring to Royal Kram No. NS/RKM/0699/09, dated June 23, 1999, promulgating the Law on the Establishment of the Ministry of Land Management, Urban Planning and Construction;
- Referring to sub-decree No. 20/ANK/BK, dated April 30, 1996, on the Organizations and Functioning of the Ministries and State Secretariats;
- Referring to sub-decree No. 62/ANK/BK, dated July 20, 1999, on the Organization and Functioning of the Ministry of Land Management, Urban Planning and Construction; and
- Pursuant to the approval of the Council of Ministers at its plenary session on February 11, 2000;

HEREBY DECIDES

CHAPTER 1
General Provisions

Article 1:

This sub-decree sets the procedure of establishing cadastral index map and land register through systematic adjudication in areas declared as adjudication area under Article 2 of this sub-decree.

Article 2:

The Ministry of Land Management, Urban Planning and Construction (MLMUPC) shall determine and provide guidelines to the provincial/municipal office of land management, urban planning and construction and cadastre in relation to techniques and formality of the establishment of cadastral index map and land register.

Provincial/municipal governor shall issue an announcement declaring the location and boundaries of the adjudication areas either by mean of mapping indication or illustration, or by both ways.

CHAPTER 2

Competence and Duties

Article 3:

When an area is declared as an adjudication area, the provincial governor of the adjudication area shall appoint an Administrative Commission in charge of such adjudication area.

The Administrative Commission shall consist of the following members:

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| – Representative of the provincial/municipal governor | Chairman |
| – Field manager who is a cadastral officer | Member |
| – District governor or his representative | Member |
| – Chief of commune or his representative | Member |
| – Chief of village or his representative | Member |
| – Two senior citizen residing in the adjudication area | Member |

The duties of the Administrative Commission shall be as follows:

- Arrange public display of cadastral index map, including without limitation the land register and the list of the owners of the land;
- Hear complaints against the record, conduct investigation and undertake to achieve settlement based on compromise and agreement by all relevant parties;
- Provide conclusive consultation on the adjudication record; and
- Make proposal to provide legitimate rights over the land to the possession holders, owners or preserve the land as state property.

Article 4:

When an adjudication area is determined, the Ministry of Land Management, Urban Planning and Construction shall appoint the field manager in charge of the adjudication area and other necessary officers including demarcation officers, adjudication officers and survey officers to perform duties in the adjudication area.

The field manager, who receives instruction from the Ministry of Land Management, Urban Planning and Construction, shall be responsible for adjudication as stipulated in this sub-decree. The field manager may take lead and issue directions to other officers under its supervision appointed under Article 4 section 1 of this sub-decree.

The demarcation officer has the right to enter into any property within the adjudication area for the purpose of demarcation and surveying. The demarcation officer may also invite relevant persons to provide oral confirmation, documents or any other evidence regarding the boundaries of any parcels. The demarcation officer may exercise other powers given to the cadastral official under the land law in relation to measurement work.

The adjudication officer has the right to make inquiries necessary for carrying out the adjudication, to invite relevant persons to provide oral confirmation, documents or any other evidence related to the adjudication.

Article 5:

Within the adjudication area, every person has the right to participate and cooperate in the demarcation and adjudication work by providing oral confirmation, documents, or any other evidence and information as specified by officers appointed under this sub-decree for the purpose of carrying out the demarcation, survey and adjudication.

Every person is entitled to investigate and comment on the adjudication record during the public display period and request officers to explain the contents of all data related to the adjudication area.

Article 6:

The provincial/municipal governor shall issue an official letter describing and authorizing the implementation of the systematic adjudication procedure to the local authorities of the adjudication area at least 15 days before the opening of the meeting on the public announcement of the area declared as adjudication area.

The provincial/municipal governor shall make a public announcement with regard to the time and venue of such meeting. The announcement shall be made to the public at least 07 (seven) days prior to the opening of the meeting in such place that is prominent in the village or in the adjudication area in question. In cooperation with the local authorities, the announcement must be made with efficiency and in a way exposed to the public as much as possible within the adjudication area.

With regard to systematic adjudication, the meeting shall be held in such adjudication area. The field manager or representative of the Administrative Commission shall explain the procedure, clarify on legal matters and response to any question that may arise in relation to the adjudication.

Further meeting at village level maybe arranged should it be deemed necessary by the field manager or the local authorities.

Article 7:

The demarcation officer shall notify to the leadership of the local authorities about the demarcation works in the adjudication area, the time and locations at which the adjudication is scheduled to take place in no later than 07 (seven) days in advance. The notification shall require every interested person to indicate the boundaries of their property in the manners as specified in the notification order.

Following advice from the field manager, the demarcation officer shall thereafter demarcate all relevant properties which form as a parcel in the cadastral index map. During the demarcation work, the demarcation officer shall adhere to the following principles:

- a) In the event the owners or the possession holders of a particular parcel and adjacent parcels are present and agreeable on the boundaries thereon, the boundaries shall be demarcated in accordance with such agreement;
- b) In the event the agreement as provided for under subsection (a) above cannot be reached, or if all owners or possession holders of a particular parcel and adjacent parcels are not present thereon, the boundaries shall be demarcated based on all available documents, physical, written and/or oral confirmation related to the boundaries; or

- c) The boundaries of parcels adjacent to public land or such parcels served as public use shall be demarcated in accordance with subsection (a) or(b), section 2 of Article 7 of this sub-decree.

Article 8:

Following advice from the field manager, the survey officer shall carry out surveying work as may be required in the execution of the adjudication procedure and the building of the cadastral index map, including demarcating parcel boundaries.

The Provincial/Municipal Office of Land Management, Urban Planning, Construction and Cadastre shall give further detailed instruction in relation to the form and contents of cadastral index map.

CHAPTER 3 Adjudication Procedure

Article 9:

Following advice from the field manager, the adjudication officer shall examine on all available documents, evidences and other written and oral information concerning the rights on each parcel in the adjudication area and record the same to a parcel data capture form.

Article 10:

A preparation of adjudication records shall be done as follows:

- (1) The adjudication records shall consist of:
 - a. the cadastral index map;
 - b. the lists of owners of the parcel and
 - c. the parcel data capture form which shall state:
 - i. the identification of the parcel;
 - ii. the identification of the owners; and
 - iii. the date of the adjudication.
- (2) The parcel data capture form shall be thumb-printed by the owner and adjoining owners as evidence of their agreement and signed by the adjudication officer.
- (3) When the adjudication record is completed the field manager shall sign off on all of such documents.

Article 11:

A public display of adjudication records, including the cadastral index map and the list of owners, shall be displayed in a prominent place for 30 days for public examination in the adjudication area.

The provincial/municipal authority shall publish a notice of such public display pursuant to the request of the administrative commission.

During the period of the public display, the field manager may correct an error or omission, to the effect not to affect lawful interests of any person. Any other alteration in the adjudication record may be done only with the consent of persons whose interests are affected by such alterations.

Article 12:

During the period of public display, any person, whose name has been recorded in the land register documents or claiming interest in a parcel referred to in the adjudication record, who considers the adjudication record to be inaccurate or incomplete, may lodge his objection with the Administrative Commission.

The Administrative Commission, after giving reasonable observation to all relevant parties concerned by the objection and after having consulted with the parties making objections, shall try to reach settlement based on compromise and agreement between all parties.

Any objection or dispute which cannot be settled shall be referred to the competent court. In this case, the Administrative Commission shall be bound to follow the final decision of the court.

Article 13:

After the public display period has lapsed, and the completion of any dispute settlement procedure pursuant to article 12 of this sub-decree, the Administrative Commission shall approve on the adjudication record in respect of any such parcels which are not subject to any disputes.

Subsequent to such approval, the Administrative Commission shall forward the adjudication record to the Provincial/Municipal Office of Land Management, Urban Planning, Construction and Cadastre for review on technical issues and its signing. Such record shall thereafter be forwarded to the provincial/municipal governor for his approval signing.

Article 14:

Subsequent to the signing of provincial/municipal governor and the Minister Land Management, Urban Planning and Construction, the adjudication record shall be deemed to be final and complete in respect of parcels which are not subject to any disputes. Any other disputed adjudication records shall be deemed to be final and complete after the decision of the court as prescribed in the article 12 of this sub-decree.

Once the adjudication record becomes final and complete according to section 1 of this article, the adjudication record, together with all documents received during the procedure of systematic adjudication, shall be delivered to the Provincial/Municipal Office of Land Management, Urban Planning, Construction and Cadastre for the registration accordingly.

After the parcel subject to the adjudication record has been registered, the Ministry of Land Management, Urban Planning and Construction shall issue the Certificate of Ownership or the Certificate of Possession for all such parcels in the adjudication area. The Ministry of Land Management, Urban Planning and Construction may delegate authority and power to issue such certificates as specified in this article to qualified and technically sufficient Municipal/Provincial authority.

CHAPTER-4

Final Provisions

Article 15:

This Sub Decree shall also be applied to systematic adjudication processes started before the entry into force of this sub-decree.

Article 16:

All provisions contrary to this sub-decree shall be null and void.

Article 17:

The Minister in charge of the Office of the Council of Minister, Minister of Interior, the Minister Land Management, Urban Planning and Construction, relevant Ministers, Secretaries of State and the Provincial/Municipal Governors shall be responsible for implementing this sub-decree according to their duties respectively from the date of signing.

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