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Document prepared by the MLMUPC Cambodia,
supported by ADB TA 3577 and LMAP TA GTZ.

Royal Government

No. 46ANK.BK/May 31, 2002

**Sub decree on the Procedures to establish
Cadastral Index Map and Land Register**

- Referring to the Constitution Kingdom of Cambodia
- Referring to Preah Reach Kret No NS/RKT/1189/72 of November 30, 1998 on the Appointment of Royal Government of Cambodia,
- Referring to Preah Reach Kram No 02/NS/94 of July 20, 1994 promulgating the law on the Organization and Functioning of the Council of Ministers;
- Referring to Preah Reach Kram No04/SN/94 of August 10, 1994 promulgating the law on Land Management, Urbanization and Construction;
- Referring to Preah Reach Kram N0 NS/RKM/0699/09 of June 23, 1999 promulgating the Law on the Establishment of the Ministry of Land Management, Urban Planning and Construction,
- Referring to Preah Reach Kram No NS/RKM/0801/14 of August 30, 2001 promulgating the Land Law,
- Referring to Sub-Decree No 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 full session of the Council of Minister on May 24, 2002;

Decided

CHAPTER 1: General Prescription

Article 1:

The Sub Decree No.11 ANK.BK of March 22, 2000 on Procedures of Establishing the Cadastral Index Map and Land Register shall be considered void and replaced by this Sub Decree that determines the procedure of establishing cadastral index map and land register through the systematic adjudication in areas declared as an adjudication area as stated in article 2 of this Sub Decree.

Article 2:

The General Department of Cadastre and Geography (GDCG) of the Ministry of Land Management, Urban Planning and Construction (LMUPC) shall determine and instruct the Provincial/Municipal Office of Land Management, Urban Planning, Construction and Cadastre on technique and formality of the establishment of the cadastral index map and land register.

Provincial/Municipal Governor shall declare an area and boundaries as an adjudication area. Any decision made under this article shall define the location and the limits of adjudication area either by means of a map or by a description, or by both.

CHAPTER 2: Competence and Duties.

Article 3:

When the adjudication area has been declared, the Provincial/Municipal Governor in the adjudication area shall appoint the Administrative Commission for the Adjudication area.

The Administration Commission shall consist of:

- representative of the Provincial/Municipal Governor, Chairman;
- Field Manager as Cadastral Official, member;
- official in charge of cadastral administration of the Office of Land Management, Urban Planning, Construction and Cadstre, member;
- District Governor or his representative, member;
- Chief of Commune or his representative, member;
- Chief of Village or his representative, member;
- Two trustees (elders) of local people, members.

The duties of the Administrative Commission are to:

- Arrange the public display of the cadastral index map and the list of owners;
- Receive complaint against the record, investigate and try to settle based on disputant agreement;
- Make a conclusion on the adjudication record;
- Make a proposal to provide land possession or ownership rights to the occupants and owners or keeping the land as the State property.

Article 4:

When an area is declared as an adjudication area, the GDCG shall appoint a Field Manager for the adjudication area and as many Demarcation Officers, Adjudication Officers and Survey Officers as necessary for performing the duties in the adjudication area.

The Field Manager shall, subject to the directions of the GDCG, be responsible for adjudication under this Sub Decree. The Field Manager may lead, and issue necessary directions to, other officers appointed under Article 4, Section 1, of this Sub Decree.

The Demarcation Officer and the Surveying Officer have the right to enter any immovable property within the adjudication area for the purpose of demarcation and surveying and may summon persons concerned to give oral testimony or to submit documents or any other evidence regarding the boundaries of any parcel.

The Adjudication Officer has the right to make any inquiries necessary for carrying out the adjudication, to summon persons concerned to give oral testimony or to submit documents or any other evidence related to the adjudication,

Article 5:

In the adjudication area, every person has an obligation to participate and co-operate in demarcation and adjudication by giving oral testimonies, submitting documents, any other evidence and information as specified by the officers appointed under this Sub Decree in order to carry out demarcation, surveying and adjudication.

Every person is entitled to investigate and comment the adjudication record during the public display and ask officers to explain the content of all data related to the adjudication area.

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Article 6:

The Provincial/Municipal Governor shall send an official letter describing and authorizing the systematic adjudication procedure to regional and local authorities of the adjudication area at least 15 days before the opening meeting.

The Provincial/Municipal Governor shall publicly inform about the time and venue of the opening meeting. The announcement will be placed for the public to see at least 7 days before the opening meeting in a prominent place in the village or in the adjudication area in question. The announcement must be, in co-operation with local authorities, spread widely and effectively in the adjudication area.

At the public opening meeting of the systematic adjudication, which shall be held in the adjudication area, the Field Manager or the representative of the Administrative Commission shall explain the procedure, clarify legal matters and answer any raising question related to the adjudication.

Additional meetings for village level shall be arranged if the Field Manager or the local authorities consider this necessary.

Article 7:

The Demarcation Officer shall inform local leaders and give notice of demarcation in the adjudication area and of the time and place at which it will begin not less than 7 days before. Notice shall require every interested person to indicate boundaries of his immovable property in the manner specified in the notice.

The Demarcation Officer shall, subject to the directions issued by the Field Manager, demarcate all pieces of immovable property, which should appear as a parcel in the cadastral index map. The Demarcation Officer shall obey the following rules during demarcation of parcel boundaries:

- (a) If the owners or holders of that particular parcel and adjacent parcels are present and agree with the boundaries, the boundaries shall be demarcated in accordance with reached agreement.
- (b) If an agreement prescribed under subsection (a) of this article, cannot be reached, or not all owners or holders of particular or adjacent parcels are present, the boundaries shall be demarcated on the grounds of all available documents and other physical, written and oral evidence related to the boundaries.
- (c) The boundaries of parcels with adjacent public land and publicly held parcels shall be demarcated in accordance with subsection (a) and (b) of Article 7 Section 2 of this Sub Decree.

Article 8:

The Survey Officer shall, subject to directions issued by the Field Manager, carry out survey work as may be required in the execution of adjudication procedure and prepare the cadastral index map including demarcated parcel boundaries.

CHAPTER 3: Adjudication Procedure.

Article 9:

The Demarcation Officer shall, subject to directions issued by the Field Manager, investigate all available documents, evidence and other written and oral information

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concerning the rights related to each parcel in the adjudication area and record these rights to parcel form.

Article 10:

Preparation of the Adjudication Record means:

1. The Adjudication Record shall consist of the cadastral index map, the list of owners and the parcel forms. Each parcel form shall show:
 - a. the identification of parcel;
 - b. the identification of owner and
 - 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 record is completed, the Field Manager shall sign the record.

Article 11:

A public display of adjudication record, including the cadastral index map and the list of owners, shall take place for 30 days in a prominent and relevant place for public investigation in the village or area where the adjudication area is located.

The Provincial/Municipal authority shall publish a notice of the public display according to the request of the Administrative Commission.

During the period of public display, the Field Manager may correct any error or omission, which doesn't affect to 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 the alteration.

Article 12:

During the period of public display, any person named or claiming an interest in any parcel referred to in the adjudication record, who considers the adjudication record to be inaccurate or incomplete, may inform the Administrative Commission of his objection.

The Administrative Commission, after giving reasonable notice to all parties concerned by the objection, and consulting parties making objections, shall try to reach settlement.

Any objection or dispute, which cannot be settled, shall be submitted to the National Cadastral Commission in accordance with the procedure determined by the Sub Decree on Functioning and Organization of the Cadastral Commission.

Article 13:

After the expiry of the public display period, and completion of the dispute settlement procedure under Article 12 of this Sub Decree, the Administrative Commission shall confirm the adjudication record in respect of such parcels, which are not subject of disputes.

After the confirmation, the Administrative Commission shall deliver the adjudication record to the Provincial/Municipal Office of Land Management, Urban Planning, Construction and Cadastre for inspection of technical clarity and signing and shall then deliver the adjudication record to the Provincial/Municipal Governor to be signed.

Article 14:

After the signature of the Provincial/Municipal Governor and the Ministry of LMUPC, the adjudication record shall be final in respect of such parcels, which are not subject of disputes. Rest of the adjudication record shall be final after completing the dispute resolution by the Cadastral Commission or decision of the court.

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When the adjudication record is final according to Section of this Article, the adjudication record, together with all documents received during the procedure of systematic adjudication, shall be delivered to the Cadastral Administration to be entered in registers.

After the parcel included in the adjudication record is registered, the Ministry of LMUPC shall deliver Certificate of Ownership or a Certificate acknowledging the right of possession over the immovable property for all parcels in the adjudication area. The Ministry of LMUPC may give the right to issue certificates specified in this Article to qualified and technically sufficient Municipal/Provincial authority.

Instructions on the maintenance of the cadastral documents and other related documents will be determined by the MLMUP

CHAPTER 4: Final Prescription.

Article 15:

All regulations that contradict with this Sub Decree are hereby cancelled.

Article 16:

The Minister in charge of the Council of Ministers, Minister of the Ministry of Interior, Minister of the Ministry of LMUPC, relevant Ministers and State Secretaries and the Provincial/Municipal Governor are in charge of implementation of this Sub Decree as their duty after the date of signing.