



KINGDOM OF CAMBODIA
NATION RELIGION KING

Royal Government of Cambodia

National Policy

On

SPATIAL PLANNING OF THE KINGDOM OF CAMBODIA

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1. INTRODUCTION

Land and water are most basic natural resources for socio-economic development and human existence. The demographic growth, the increase in the use of natural resources, and climate change, all institutions require land and water related sectors to administer, manage, and use effectively and sustainably, especially in the sector of agriculture, forestry, fishery, water resources, mining, tourism, industry, transportation, rural and urban development, physical and social infrastructure, etc. This requires both an agreement and a strong commitment from all institutions, people, and other relevant beneficiaries, aimed to ensure trust, joint responsibility, transparency, and effectiveness in land, natural resources and infrastructure management, usage and development in a sustainable and high potential way.

Meanwhile, in a global context, spatial planning, a main part of land policy, shall be made in a flexible and oriented toward supporting socio-economic development in a sustainable and effective manner. This is a fundamental importance to Kingdom of Cambodia which is the country that just gained peace, national and territorial unity and has strategized goals to continue strengthening national unification throughout the country, integration of internal economy, conservation and spiritual consolidation of loving land and natural resources, national civilization and traditions which collapsed over decades of a long civil war, and the entire social disorder caused by the destruction and massive killing during Pol-Pot regime. Therefore, spatial planning shall be based on Rectangular Strategies Phase-II, National Strategic Development Plan (NSDP) and Land Policy Declaration of the Royal Government of Cambodia and shall be oriented, as well, towards village, commune, district/Khan, municipal, provincial, capital and country development in order to strengthen social capital, make social communication closer through the provision of social, economic, tourism, recreation services... etc.

2. VISION

The vision of Cambodia's national spatial planning policy is that "its entire territory shall be used, organized, developed and protected by integrative, strategic territorial planning and the harmonization of regionally significant instruments and measures." In this regards, national spatial planning policy shall avoid any contradictory of views by adhering to hierarchies of each respective planning at all levels (national-subnational

level). Furthermore, provisions shall be made for specific functions of the territory and particular land uses.

3. GOALS AND OBJECTIVES

3.1. Goals:

The goals of National Spatial Planning Policy are:

- To ensure that land and natural resources are used in a sustainable, effective and equitable way to support socio-economic development, food securities, national defense, and natural balance;
- To provide orientation towards national development by ensure the balance between the physical, social, economic, and environmental infrastructures all over the country and enabling the communication from one region to another within the country, region and international areana;
- To coordinate with relevant institutions and all policy sectors to achieve national development goals.

3.2. Objectives:

The objectives of National Spatial Planning Policy are:

- To develop sustainably by ensuring the needs are met with responsibility for the today interests of all human beings and the future generations;
- To use, organize, develop and protect natural resources by defining clearly locations or regions used for development in advance;
- To maintain land uses in the long term for well balanced socio-economic development and environment;
- To utilize of land as per natural potentials and requisite development of land and to improve unique special geographical characteristics, according to the context of the individual regions in the country;
- To enhance better living standards and reduce, at maximum, disparity between individual regions all over the country;
- To ensure that land use, development and management are accomplished in accordance with the spatial planning and land use planning with equities, gender equivalences, as well the protection and support of living conditions of indigenous peoples and vulnerable groups;
- To harmonize the use, development and protection of the individual territories (regions) shall match the conditions and requirements of the country as a whole

by taking into account the conditions and requirements to be fulfilled so that spatial planning can be implemented smoothly; and

- To mitigate and prevent the risks of natural disasters that might caused by development planning project.

In order to achieve the above mentioned goals and objectives, Spatial Planning shall adhere to the following principles:

- Participation in accordance with democracy and transparency;
- Consistence with law to ensure fairness and respect of human rights;
- Decentralization and de-concentration;
- Promote, support the subnational administrations that lacks of resources or still have limit capacity;
- Good governance in the planning process and promotion of consensus;
- Consensus on planning hierarchy (national-subnational) and methods of planning;
- Two-way approach (bottom-up/top-down) for any decision making;
- Integration of all levels, sectors and geographical that have interdependency;
- Keep in balance between development and distribution of benefits into all regions;
- Vulnerable areas ,especially risk prone and peripheral regions should be given priority to develop in time with precaution;
- Maintain an appropriate balance between commitment and flexibility in policy; and
- Using maps which have unity referred datum.

4. STRATEGIES OF SPATIAL PLANNING

4.1. Territorial development in Cambodia

For a sustainable urban development with the right balance of urban expansion toward rural areas, the trend of unplanned urbanization shall be ceased. An integrative conception of development of urban and rural areas has to be introduced to decrease the existing and potential inequalities. Urban areas, established as administration centres, residential, production and service centres, shall work against congestion trends and shall expend the possibility of development through urban system creation that has connecting communication networks. While rural areas shall be stabilized and their development potentials should be strengthened as independent residential areas,

social concession areas and economic land concession areas. Therefore decentralisation of the territorial structure including the public services shall be expanded and strengthened in order to build up the local institutional capacity of government and to utilize efficiently in every development areas.

4.2. Determination of central places, settlement priorities, development poles and development axes

The spatial planning in Cambodia is made for country-wide in order to ensure the sustainability, equity, equilibrium, and the integration within the country, the region, and international areana. Due to the limitation of resources as well as to ensure the supply, the spatial planning shall be prioritized for areas which has the high population growth, and high potential of economic growths; such as Phnom Penh development pole, Siem Reap development pole, and Preah Sihanouk development pole. Those development poles are the high growth poles that actually appeared its shapes through potentials and activities along with the development axes, namely, Phnom Penh-Sihanouk axes along the national road number 4, or Phnom Penh-coastal zone along the national road number 3 and 4, Phnom Penh-Siem Reap axe along the national road number 6, Phnom Penh-Bavet axe along the national road number 1, Phnom Penh-Poipet axes along the national road number 5, Phnom Penh-Northeast axe connected to Vietnam and Laos along the national road number 6 and 7, and the coastal zone axes connected to Thailand across Koh Kong, Preah Sihanouk, Kampot, and Kep to Vietnam which are all the axes in the national, regional, and international framework like ASEAN, and Mekong sub region. At the same time, there are axes along the waterway included as the Mekong River, Tonle Sab River, Tonle Sab Lake, and Tonle Bassac River. To achieve the maximum results, the Central places lie along the development axes, including the fronted strategic central places along the border should be well taking care of. On the other hand, the RGC is in the progress of strategize in order to make an appearance as development pole in the northeast in the future with the cooperation to have triangle region under the regional and international framework.

Municipalities, districts, Khans and communes/sangkat which are in charge of spatial planning and land use planning are directly responsible to comply with the Royal Government Policy. Some basic functions and tasks in which a commune cannot fulfil shall be given the responsibility at higher administrative level that is central places by

connecting between central places and the adjacent areas and by connecting communication network as of those development axes.

Spatial planning measures shall take into account on aspects of a socially fairness and affordable provision of shelters with decent housing by balancing the needs of poor and low income households as well as economic requirements for public and private sector. Urban development planning besides given employment shall be taken into account the high priority to the need for preserving necessary public recreational areas in order to ensure the life quality, safety, good environment, and reduce the complexity and serve as the city's green belts.

Besides, the planning and housing development shall be linked with other economic development areas, especially to the industrial zones, so that the balance of peoples distribution is assured along and equitable sharing of economic growths is achieved.

4.3. Planning management of Economic development and employment opportunities

Efforts shall be made to establish a well-balanced economic structure which will be ensuring the long term of development in a global context and to offer a variety of adequate jobs and training opportunities to citizens. The main objective is to avoid internal migration of people to other areas seeking for employment opportunity whereas far from their home. Therefore, the development plan and introduction of economic poles shall consider housing development so that it would reduce all the transportation expenses and reduce the far development of one area to another within the country.

One main economic measure is the use potentials of other types of natural resources in order to serve to development domain of mines, industries, energies, trades, businesses, international economy, and tourism. With favourable conditions, the exploitation of oil, natural gases and other mineral commodities shall be managed in a sustainable manner either.

4.4. Planning of sustainable social and cultural infrastructure

In order to fulfil human requirements, following aspects shall be taken into account: recreation or leisure space, sport facilities, public space, green spaces as park or garden, religions and cultural center; welfare-facilities for people at all ages

(children, youth, women, men, elderly and handicapped persons), and access to health care and education, etc. These are necessary to provide a sustainably suitable capacity building and human resource development.

4.5. Planning and natural management which supported to life

A favoured environment is the guarantee for our human life, thus the ecological balance of nature and landscape shall be protected especially in regionally significant natural areas. The present pressure on natural resources and risk of their destruction through poverty and internal migration shall be controlled or avoided. This means in managing natural resources like land, water, fauna and flora including forest in a coherent and environmentally friendly way.

4.6. Planning management of agricultural, forestry, fishery, industry, mine, and energy land, and conservation area

Agriculture and forestry land shall be the main sector to ensure food production, agro-industry production, and natural environment, which needs to be defined and managed effectively under the premise of use, protection, conservation, and sustainable development of natural resources. This means explicitly the improvement of usages of agricultural, fisheries and forestry land to increase the investment in agricultural production consistent with Strategies of RGC. With this, there is a need to have a development of industrial, mine and energy sector which is harmless or causes less negative impacts to environment.

4.7. Planning of technical infrastructure and services

An efficient technical infrastructure is necessary as an important condition for equitable social and economic life and improvement of spatial functional capacity. Transportation infrastructure, modern information and communication systems as well as water, energy supply and telecommunication, shall be strengthened and improved through rehabilitation and/or reconstruction. Especially in rural areas, the access to electricity, telecommunication, and provision of sufficient public health service, sanitation and clean water has to be ensured. Therefore, spatial planning measures shall be taken into consideration especially the development of the energy and communication sector through rehabilitation and reconstruction of electricity power and national road networks across the country.

5. ACTION PLAN

5.1. Mechanisms, Preparation and Hierarchy of Spatial Planning

In compliance with the principles of decentralization, de-concentration, and law on the Administrative Management of Capital/Provincial/Municipal/District/Khan Levels and the Law on the Management of Commune/Sangkat Administration; the Spatial Planning, Land Use Master Plan and Land Use Planning at respective level shall be initiated, prepared, facilitated and adopted as follows:

a. National level: National and regional spatial planning (more provinces) shall be initiated and developed by National Committee on Spatial and Urban Planning led by Ministry of Land Management, Urban Planning and Construction. National and Regional Spatial Planning shall be adopted by Royal Decree. The national and regional spatial planning shall have its vision for at least 20 years and shall be revised after 10 years through the request of Royal Government except there is a necessity then the revision could be made before this period.

The National Committee on Spatial and Urban Planning shall be created by Royal Decree.

b. Sub-national level:

1. Capital and provincial level: There shall be **Capital Land Use Planning and Master Plan** at the Capital level. While at the provincial level there shall be only Provincial Spatial Planning. The Capital Land Use Planning and Master Plan and Provincial Spatial Planning shall be initiated and developed by Capital/Provincial Committee on Spatial and Urban Planning with coordination from Capital/Provincial Council and approval from National Committee on Spatial and Urban Planning. The Capital Land Use Planning and Master Plan and Provincial Spatial Planning shall be adopted by a Sub-decree. The Capital Land Use Planning and Master Plan and Provincial Spatial Planning shall have their visions and last for at least 20 years and could be revised in every 5 years.

The Capital/Provincial Committee on Spatial and Urban Planning is created by sub-decree.

2. Municipality, District, Khan Level: There shall be **Municipal Land Use Planning and Master Plan** at the Municipal level. While there shall be only **Land Use Master Plan** at District/Khan level. **Municipal Land Use Planning and Master Plan and District/Khan Land Use Master Plan** shall be initiated and developed by

Municipal/ District/Khan Committee on Spatial and Urban Planning with coordination from Municipal, District, Khan Council and approval from Capital/Provincial Committee on Spatial and Urban Planning. **Municipal Land Use Planning and Master Plan and District/Khan Land Use Master Plan** shall be adopted by the Chairman of the National Committee on Spatial and Urban Planning. Both have their visions and last for at least 15 years and can be modified in every 5 years.

The Municipal/District/Khan Committee on Spatial and Urban Planning is created by sub-decree.

3. Commune/Sangkat level: There shall be Commune/Sangkat land use planning at commune/sangkat. The Commune/Sangkat Land Use Planning (CLUP) shall be initiated and developed by commune/Sangkat council with coordination and technical support from Municipality/District/Khan committee on Spatial and Urban Planning. and shall be agreed by Municipality/District/Khan council. The Commune/Sangkat Land Use Planning shall be approved by Capital/Provincial council through Capital/Provincial Committee on Spatial and Urban Planning. Commune/Sangkat Land Use Planning shall have its vision and lasts for 10-15 years and can be modified in every 5 years, based on the needs, the situation of local development and especially commune/Sangkat investment program.

5.2. Legal basis and necessary instruments of spatial planning

Spatial Planning Policy shall be developed in compliance with Cambodian Constitution and visions of the land policy as well as laws and regulations in place.

To translate the spatial planning policy into practice is a key strategy for achieving an equitable development and for improving conditions of living of citizens in the Kingdom of Cambodia. There are a set of laws and regulations have been enacted, such as Civil Code; Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans; Law on Administrative Management of Communes/Sangkats; Law on Land Management Urban Planning and Construction; Law on Expropriation; Sub-decree on Procedure of Commune/Sangkat Land Use Planning; Sub-decree on Construction Permission; Sub-decree on Reservation Land Management along National Roads and Railways of Kingdom of Cambodia.

Meanwhile, the Royal Government is amending and developing the following legal norms to support and provide appropriate guidance for implementation such as:

- Amending the Land Law;

- Amending the Law on Land Management, Urban Planning and Construction in 1994;
- Amending Sub decree No. 86 on Construction Permit in 1997;
- Developing the Urban Code;
- Developing the Construction Law;
- Developing Law on Agricultural Land;
- Developing Law on State property management;
- Developing Sub decree on Regional and Provincial Spatial Planning;
- Developing Sub decree on Capital, Provincial, Municipal, District/Khan Land Use Master Plan and Land Use Planning;
- Developing Sub decree on Urbanization of Capital, Municipal and Urban areas;
- Developing Sub decree on Procedure for Implementation of Urban Improvement Project and New Urban Plan;
- Developing legal frameworks concerning land consolidation, land sub-division, land readjustment, land conversion, and development of land surface, sub-soil and other resources...etc.
- Developing Law on Road, Railway, and waterway
- Developing law on navigation and port management
- Developing the Legal framework related to Land Information System (LIS);
- Developing other legal text and detailed guidelines on procedures for implementation... etc.

Through the implementation of the above mentioned laws and legal norms, tools are developed such as land use planning, urban and rural development plan, zoning of land use, as well as procedure for preparing land non-develop, controlled plan of construction site, construction standards and norms, development control... etc.

6-CONCLUSION

The steadily population growth and transformation of culture and economy in the context of globalization requires an effective and sustainable spatial planning. So, Spatial planning at all levels and sectors is a significant strategy for encountering the social, economic and environmental evolution. Land as well as all natural resources and the whole physical and social infrastructure are managed, used and distributed wisely and clear responsibly in compliance with the hierarchy of the spatial planning system which is developed on the premise of participation, close cooperation and

integration of all institutions and relevant stakeholders and within existing legal framework—that is an approach for accomplishing the government's reform programmes such as land reform programme in accordance with decentralization and de-concentration.

The “National Spatial Planning Policy” is developed by taking into account of harmonization between relevant sectors. It is accompanied by special mechanisms for profound TESIA (Territorial, Environmental and Social Impact Assessment) of spatial plans and measures to be used as important tools for providing the orientation toward effective physical development and preserving the regional beauty as well as a well-balanced, equitable distribution of economic growth and employment between women and men, which responds to the Royal Government's policy and Cambodian MDGs in achieving poverty reduction and economic growth .

For rising the awareness of public, business sector and civil society and for the regular monitoring and assessing of government plans the Royal Government shall regularly disseminate report of spatial development and spatial planning throughout the country and its capital/provinces.

ANNEX: GLOSSARY OF KEY TERMS