

No.: ODC/...~~2004~~.../039

To

His Excellency Say Sam Ai

Deputy Prime Minister, Minister of Land Management, Urban Planning and Construction

Subject: Request to include inputs in the draft land law of the Kingdom of Cambodia

With regard to the above subject, I hereby wish to inform **His Excellency Deputy Prime Minister** that Open Development Cambodia Organization (hereinafter referred to as the "ODC Organization") has received the draft land law from the Ministry of Land Management, Urban Planning and Construction on 1 February 2024. ODC Organization has been working closely with a working group from Advancing Land-based Investment Governance (ALIGN) (implemented by the International Institute for Environment and Development (IIED) and the Columbia Center on Sustainable Investment (CCSI)) as well as LANDESA. In the limited time available, we have carefully reviewed the draft land law and conducted two consultation dialogues in Siem Reap on February 13-14 and Phnom Penh on February 15. The consultation workshops gathered various stakeholders, local experts, international experts, and communities to gather input into the draft land law. Representatives from Indigenous communities attended the workshop but, they expressed concerns regarding the limited timeframe for understanding the proposed changes, conveying them to the communities, and gathering inputs and believed the workshop was more informative rather than consultative. Therefore, the Indigenous communities were unable to provide their input for the draft land law. ODC Organization and the working group share concerns about the limited time available to provide our input.

In that context, ODC Organization and the working group would like to share the following list of key issues and recommendations for your consideration:

COMMENTS ON KEY ISSUES

- 1. Provide an extension of time and process of public consultation on the draft law:** The representatives of CSOs and indigenous communities request 3-6 months of time for a meaningful consultation and at least 2 rounds of consultations be granted by the government – one round for the consultation on the current draft and another round for revised draft after the government/ministry of land management consider and address the public comments provided in the first round. It is worth highlighting that representatives of indigenous communities refused to make any specific comment on the current draft unless and until they were given adequate time and support for reviewing and understanding the provisions affecting their land rights.
- 2. Continue Public Consultation for this Law and Related Sub-decrees:** In revising this Land Law, more time would be needed to engage in meaningful public consultation in accordance with International Good practice. While some civil society actors have been able to engage with the text

of this draft Land Law to a limited extent, it is important to continue and expand the consultations approach to include civil society, representatives from indigenous communities, local communities, and women's groups, the private sector and others in the process of drafting and amending this law and any sub-decrees related to it.

3. **Improve Indigenous Communal Land Titling (ICLT):** Safeguarding the land tenure of Indigenous Peoples is a critical value of international law, enshrined in multiple instruments including the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), which Cambodia has adopted without reservation. Article 10 of UNDRIP states that “Indigenous peoples shall not be forcibly removed from their land or territories.” To properly safeguard the land of Indigenous communities, the draft Land Law can be improved by additions such as:
- a. Asserting that access to non-timber forest products (NTFPs) and steward watersheds on land adjudicated and registered as state property outside the boundary of land parcels registered as communal land under full ownership of an indigenous community shall be maintained (Article 38)¹
 - b. Asserting that Indigenous Communities' collective land ownership shall be safeguarded as a goal of the draft Land Law on top of private land ownership, other collective land ownership, and public property ownership regimes (Articles 1, 3)
 - c. Clarifying that Indigenous Communities' collective land is not subject to expropriation, involuntary acquisition, or similar act for any “public or national interest” (Article 39)
 - d. Ensuring that indigenous communities, and not the government, are responsible for determining and enforcing their own internal rules for community membership in their dialect and/or Khmer, in writing or audio recording at their choice (Articles 40 and 147)
 - e. Allowing for Indigenous Communities to grant subsidiary rights over their land to individuals and organizations/entities, such as for establishing carbon credits, permitting mineral exploitation, easements for public utilities or other physical infrastructure, but only after a rigorous process to ensure Free, Prior, and Informed Consent with the freedom to revoke or terminate the consent or associated agreement without any liability on part of the Indigenous Communities (Article 41)
 - f. Map out a process for Indigenous Communities to appeal to the courts if the relevant authorities fail to protect the Indigenous communal land identified during the preliminary temporary protective period as well as the Indigenous Communal Land Titling application process. (Article 148)
 - g. Provide an explicit mandate for the Ministry in charge of cadastral administration (Ministry of Land Management, Urban Planning, and Construction) to provide technical support and

¹ An example of such a provision can be found in article 23 of the Sierra Leone Customary Land Rights Act (2022): (1) “A community whose land is within, near or adjacent to natural resources such as forests grazing lands, rivers and swamps and which has traditionally and historically relied on such natural resources for their livelihood, spiritual or religious purposes, shall be entitled to use the resources for those purposes.

(2) Use by communities of the natural resources referred to under subsection (1) may be restricted or terminated by the government in collaboration with the Chiefdom Council where there is a danger of depletion of such resources.

(3) The government shall implement alternative arrangements to cushion the effect of the restriction or termination of use on the communities.

(<https://www.parliament.gov.sl/uploads/acts/THE%20CUSTOMARY%20LAND%20RIGHTS%20ACT,%202022.pdf>)

resources to Indigenous Communities to assist with the mapping of their collective property. (Articles 36, 148)

- h. Strengthen the provisional protection measures for land claimed by an indigenous community or group, regardless of the status of formation as a legal entity prior to and from the beginning of the ICLT application process, safeguarding the land from other claims or issuance or/and operation of any concession whether land concession, mineral exploration/exploitation concession, hydro-dam concession, tourism development, physical infrastructure or other forms of concession until the indigenous claims are evaluated and settled. (Articles 36, 62, 66, 148)
4. **Clarify the composition and status of collective property of Indigenous Communities.** The composition of collective property should include any land used for any form of agriculture, not just agriculture carried out through traditional practices. This will eliminate any limitations on communities that want to adopt modern agricultural technology and techniques. In addition, land registered as collective property of indigenous communities shall no longer be considered or classified as state land so that the indigenous communities who hold the land title can meaningfully and legally exercise their property rights to protect their land and make the best use of the land, and may only be subject to guardianship of a designated state institution (i.e. Minister of Interior) for an act of alienation – sale, exchange or definite transfer of ownership to/with any person/entity outside the indigenous community.
5. **Recognize all Customary Rights:** The draft Land Law focuses on “Indigenous collective ownership” and the recognition of officially registered Indigenous communities. It should also include other communities that practice customary land tenure systems and Indigenous communities/groups who have not yet been officially registered and recognized as a legal entity. This should ensure tenure security for those local communities with legitimate public lands who are dependent on customary practices for their livelihood, help alleviate livelihood insecurity, and forced evictions,² and prevent further unwanted land disputes. Potential changes could include:
 - a. Inserting a phrase recognizing a right to customary use of land that is adjacent, surrounding, or nearby state land, Article 5.
 - b. Inserting a phrase such as the right to own, hold, use, inherit, succeed to or deal with land shall be guaranteed to women and men equally; and any practice that excludes, limits or inhibits women from owning, holding, using, transferring, inheriting, succeeding or dealing with land and other immovable property shall be void and abolished into Article 7.³
6. **Clarify the Provisions related to road expansion affecting or taking of land parcels under private or collective acquisitive possession or ownership:** The process for classifying and/or

² Forced evictions constitute prima facie violations of a wide range of internationally recognized human rights (including the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights (art. 11, para. 1), the Convention on the Rights of the Child (art. 27, para. 3), the non-discrimination provisions found in article 14, paragraph 2 (h), of CEDAW, and article 5 (e) of the International Convention on the Elimination of All Forms of Racial Discrimination) and can only be carried out under exceptional circumstances and in full accordance with international human rights law (Basic principles and guidelines on development-based evictions and displacement, Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, Miloon Kothari (2007))

³ See Sierra Leone Customary Land Rights Act (2022), Article 5(1), (2).

reclassifying and demarcating land as state public land or state private land, expanding public road and rights-of-way, and reserving land for public roads is unclear and leaves room for disputes that undermine the process of settling land claims and developing prosperous communities. For this reason, Article 22 should be deleted; and Articles 24, 30, and 78 should be revised to address this concern. Clarifying these articles and increasing transparency – including clear requirements for notification and consultation with relevant communities – and allowing for appeal of classified and/or reclassified land or of expansion or land reservation would ensure that legitimate rightsholders are respected and protected by the state.

7. **Clearly Define “Public interest”, “national interest”, and “fair and just compensation” and How to Calculate Fair and Just Compensation:** Whenever anyone is deprived of their property for the public or national interest, it is essential that any compensation covers all losses for temporary or permanent loss or damage of ownership or other real rights including acquisitive possession right, perpetual lease right, usufruct right, right under social land concession agreement. The means of calculating such compensation should be transparent, understandable, and in line with international principles. The law should make explicit reference to the Expropriation Law (2010) when referencing fair and just compensation. There is also room to improve questions of compensation beyond what exists in the Expropriation Law, for example under the involuntary land acquisition Resettlement Policy. All compensation should include, at a minimum, not only the full value of any interest they had in personal and real property, but also compensation for any physical or mental harm, lost opportunities, lost earnings, and any costs incurred in the process of relocation. “Public interest”, “national interest”, and “fair and just compensation” should all be clearly defined. On the assumption that this law (which does not itself define these terms) is drawing on definitions from the Expropriation Law, the definitions in both laws should be strengthened to reflect international good practice regarding expropriations (per para. 16.1 of the UN FAO Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT)). In particular, "public or national interest" should be more specific and include a defined list of purposes that would count as the "public or national interest." These might include transportation, public buildings, public utilities, and public parks.
8. **Establish a More Detailed Approach to Dealing with the Occupation of Land After 2001 (article 29 and elsewhere):** While it is important to establish the process by which occupation or other forms of use rights short of full title can be turned into legal ownership, the current restriction that any occupation must have occurred before 2001 does not reflect the reality of land use as it has developed over the last twenty years. As long as the current land occupiers have occupied the land for a suitable period of time, they should be granted an opportunity to assert acquisitive possession and/or other use rights such as usufruct or be granted a concessional perpetual lease right.⁴

⁴ This law should include a streamlined process by which occupants can convert their possession into ownership, including detailed guidelines to be issued by the Ministry in charge of cadastral administration on what principles should be considered in evaluating a claim and what forms of evidence can be provided in proving

9. **Clarify the requirements to allocate and revoke Social Land Concessions (SLCs).** Consider adding a definition of “poor families” who are entitled to social concessions in Article 63. And in Article 70 the law should confirm that SLCs shall be issued through a transparent and participatory process and ensure consultation with potential recipients to address their economic, social, and cultural interests in alignment with the social and environmental assessments. Granting of SLCs should avoid areas with existing or potential land conflicts, including with customary rights holders (provided the latter are recognised - see above) and areas in the proximity of indigenous communities where Indigenous Community Land Titles have not yet been received. Also, consider more effective measures and mechanisms for monitoring land recipients’ performance and revoking inactive SLCs, and nullifying illegal private land transfer deals made during the prescriptive period, and granting SLCs in other forms of land use such as usufruct and/or zero rental fee perpetual lease.
10. **Establish Restrictions on the Issuing of Economic Land Concessions (ELCs):** If the power to grant ELCs is to be retained, then there must be firm restrictions in place to ensure that such concessions do not interfere with the legitimate land claims of others or lead to increased land disputes. A limit on the size and a reduced term length of ELCs imposed under the 2001 Land Law and the Civil Code should be reinstated and reinforced, along with the restriction of only granting one ELC per individual or legal entity and detailed criteria for determining management power of a legal entity by another legal entity. There should also be clear guidelines on what factors are required to establish a justifiable economic purpose for granting an ELC. Holders of ELCs should be required under such guidelines to report on their progress toward attaining said economic goals. And the requirement that the land be put to use within 12 months should be reinstated.

In addition, provisions should be added requiring concession holders to comply with internationally recognized principles of responsible investment, such as those contained in the Principles for Responsible Investment in Agriculture and Food Systems. This should include, among other things, engaging in meaningful consultations with affected communities (respecting their right to give or withhold their free, prior, and informed consent), and conducting robust environmental and social impact assessments prior to any decision being made on whether to proceed with an investment, fair and accessible grievance mechanisms and monitoring for negative impacts during project implementation. In the case where a land concession has been granted on the land traditionally occupied and used by indigenous peoples and other non-indigenous communities, restitution should be provided and the land reinstated where possible.

The government should also consider conducting Strategic Environmental Assessments that cover all concessions.

such a claim. Such evidence can include oral testimony from community members or government officials, soft title issued by local government, leasing agreements, sales contracts, agreements or permits issued by government bodies, evidence of tax payments, plot allocations, and building permits. All evidence should be evaluated in the context in which it was issued, with special attention placed on the potential for discrimination against women, indigenous peoples, youth, and other vulnerable groups.

11. **Establish a Process of Public Consultation and Environmental and Social Impact Assessments (ESIAs) before ELCs or SLCs can be Issued and Make Details Public:** While the intricacies for the process for granting and registering land concessions are laid out in sub-decree, it is essential to establish in the law that such a process must include ESIA and meaningful public consultation with those who could be impacted by the land concession, especially Indigenous Peoples, local customary communities, women, youth, and other vulnerable groups. Such public consultation ensures that any potential land disputes or other conflicts are foreshadowed early in the process and can more effectively be avoided or negotiated. In addition, all details of ELCs and SLCs (such as the concessionaire's name, contact details, size of the concession, project description and timeline, etc) should be made public so that all citizens can be informed of the nature, extent, and status of these land-based investments.

12. **Commit to Gender Equality and Social Inclusion:** In accordance with the Constitution's commitment to women's and children's equal rights and freedom from discrimination (articles 31 and 45), International Law (e.g. the Convention on the Elimination of All Forms of Discrimination against Women) and international good practice (e.g., the VGGT) the draft Land Law should include specific statements of support for women's equal rights of management, access, and ownership as well as the prohibition of discrimination against women. This could be reflected in the early articles stating the objectives and principles of the law (Art. 1, 5) as well as throughout the text.
 - a. Article 1 could guarantee the protection of ownership and other rights, including customary use, related to land and other immovable property of private persons, indigenous peoples, local communities, women, youth, and vulnerable groups.
 - b. Article 5 could add two additional principles:
 - i. Guarantee equity, transparency, and accountability in the allocation and management of land rights;
 - ii. The right to own, hold, use, inherit, succeed to, or deal with land shall be guaranteed to women and men equally.

13. **Allow for the Appeal of Decisions of the Cadastral Commission to the Cambodian Judiciary:** While it is important to have a dedicated body for addressing land disputes, the Cadastral Commission should not have exclusive authority over land disputes to the exclusion of any right of appeal and/or timely access to the justice system. In cases where disputants feel that the action or decision of the Cadastral Commission did not comply with the law or prescriptive timeline, they should have an explicit right of judicial recourse for a final and binding adjudication without unjust delay. The conditions in which disputants can seek judicial recourse should be clearly laid out in further regulation. Relatedly, the Cadastral Commission should be required to issue decisions within a prescribed time to avoid unreasonable delay and ensure that decisions are, in fact, issued or the jurisdiction of the Cadastral Commission is lapsed.

14. **Grant Legal Entity Status and Determine Khmer Nationality of Legal Entities Other than Commercial Enterprises:** This draft law should be used to address the legal gap for granting legal entity status and determining the nationality of a local/domestic community including indigenous community, association, or NGOs.

Provide for Liability of the Cadastral Administration, the Government, and State Institutions whose Act Affects the Lawful Interest of Private Individuals, Collective Groups and Legal Entities, Especially Innocent Third Parties: To effectively implement the principle of state guarantees of ownership (including other lawful real rights) the law should provide for liability if the act or decision of the cadastral administration (and agents acting on its behalf), the government and state institutions (such as the Ministry in charge of cadastral administration) adversely affect the rights of an innocent third party who solely relies on the information recorded in the land register and/or provided in the cadastral information/certificate obtained from the Cadastral Administration. When the state exercises the right to expropriate private property, the state shall initiate and pay for all associated costs and expenses for the adjustment of land parcels affected by the act of state taking/expropriation and subsequent registration of the changes to the land parcels.

Glossary: Currently, the glossary is missing key definitions and contains many terms that do not appear in the body of the law. Terms that should be defined include, but are not limited to, “customary rights,” “immovable property,” “real estate,” “public interest,” “national interest,” “fair and just compensation,” etc.

Thank you, **His Excellency Deputy Prime Minister**, for granting the ODC Organization the opportunity to review the draft land law and provide our input.

Therefore, **His Excellency Deputy Prime Minister**, please be informed and proceed accordingly.

His Excellency Deputy Prime Minister, please accept the assurance of my highest consideration.

Phnom Penh, 16 February 2024



THY Try

Executive Director/Editor-in-Chief
Open Development Cambodia Organization (ODC)

Comments on the Draft Land Law

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Reference document:	Letter No. 033 MLMUPC/K.K.CH dated 10th January 2024

Article	Comments and Reasoning	Suggested Improvements
Article 1	<p>The regime of collective ownership of indigenous minority communities and of monasteries is not the same as the regime of state ownership and the regime of individual private ownership.</p> <p>In accordance with the commitment in the Constitution to the equality of rights between women and children, and to the non-discrimination principles (Articles 31 and 45) in international laws (e.g., the Convention on the Elimination of All Forms of Discrimination Against Women) and good international practices (e.g., the UNFAO's Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries, and Forests in the Context of National Food Security), this draft law could be improved by incorporating specific provisions that support equal rights in the management, access, and ownership, as well as prohibiting discrimination against women, which is reflected in Articles 31 and 45 of the Constitution.</p> <p>Specifies that the protection of the collective land ownership of indigenous minority communities is the aim of this draft law, in addition to safeguarding individual private land ownership, other collective land ownership, and state property ownership.</p> <p>Furthermore, the draft law includes references to the protection of traditional rights of indigenous minority communities and other grassroots communities, as well as the rights of women, youth, and vulnerable groups, in accordance with the Constitution of Cambodia (Articles 31 and 45), the UNFAO's Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries, and Forests in the Context of National Food Security (VGGT), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW),</p>	<p>Please additionally specify the guarantee of protection for collective ownership, right of use, right to enjoyment, and other rights on land and other immovable properties of indigenous minority communities and of monasteries, to have a different regime of ownership from the individual private ownership.</p> <p>State that the guarantee of protection for ownership right, including traditional usage of land and other immovable properties by individuals and collectives, including indigenous peoples, grassroot communities, women, youth, and various vulnerable groups, is also ensured.</p>

Article	Comments and Reasoning	Suggested Improvements
	and the UN Declaration on the Rights of Indigenous Peoples (UNDRIP). By including such provisions, Cambodia not only fulfills its national and international obligations but also potentially reduces land disputes.	
Article 3	<p>The glossary included as an annex of the law are not subject to the review and approval by the legislative body, hence they cannot be used as a basis for legal interpretation, nor do they have utility in the explanation, dissemination, or implementation of the law.</p> <p>To strengthen the governance of law and rule of law, laws and regulations should use simple language that can be easily understood by the target group of the law. Keywords, abbreviations, or acronyms used in the law should be defined within the text of the law, instead of being included in the annex of the law that lack clear definitions and intentions of use.</p> <p>The glossary should be entrusted to the Royal Academy of Cambodia or the legal terminology team led by the Ministry of Justice for disseminating and enhancing public understanding.</p>	Please use simple words that the target group of the law can easily understand, and explain or provide the meaning of key terms, abbreviations, or acronyms used in this law within the text of the law itself, and remove the glossary.
Article 4 and related articles	Should avoid the use of the full names of current ministries or institutions that manage multiple sectors within the law, to prevent future changes in names and functions of these ministries from affecting this law.	Please use the term "Ministry responsible for the management of the cadastral sector" instead of the "Ministry of Land Management, Urban Planning and Construction."
Article 5	<p>The regime of collective ownership of indigenous minority communities and of monasteries is not the same as the regime of state ownership or the regime of individual private ownership.</p> <p>In the legal reform through this new Land Law, there should be clear stipulations and changes to the regime of collective ownership of the indigenous minority communities and of the monasteries in order to strengthen the governance and provide additional rights and powers to the indigenous minority communities and the Buddhist community of the monasteries.</p>	<p>Please add to the second point of this article the property and the collective ownership of the indigenous minority communities and the rights of the monasteries.</p> <p>Additionally, please include the respect, strengthening, and promotion of the autonomy of the indigenous</p>

Article	Comments and Reasoning	Suggested Improvements
	<p>It is essential that the state promotes the principles and recognition of the rights of the indigenous minority communities as defined in Articles 3 to 5, Articles 25 to 27, and Article 32 of the United Nations Declaration on the Rights of Indigenous Peoples, which Cambodia has fully recognized without reservation in 2007.</p> <p>For various other reasons, please refer to the VGGT, CEDAW, UNDRIP, and the Constitution, etc. As a good example, please consider the Law on Customary Land Tenure of Sierra Leone.</p> <p>Include a clause that recognizes the rights to traditionally use land adjacent to, surrounding, or near state land.</p> <p>Moreover, guarantee equity, transparency, and accountability in the distribution and management of land rights; and the rights to own, possess, use, inherit, or have dealings with land should be equally assured to women and men.</p>	<p>minority communities and the Buddhist community within the monasteries.</p> <p>Further elaborate on gender equity and the protection of the rights of indigenous communities and communities at the grassroots level by:</p> <ul style="list-style-type: none"> • Ensuring equity, transparency, and accountability in the distribution and management of land rights. • The rights to own, possess, use, inherit, or have dealings with land should be equally assured to women and men.
Article 6	Add a reference to the customary land use for the reasons provided above.	
Article 7	<p>As per the suggestions for Article 5.</p> <p>This draft law focuses on "the collective ownership of indigenous peoples" and the recognition of properly registered indigenous communities. It should include other communities that exercise traditional land tenure systems, as well as groups or communities of indigenous peoples that have not yet been registered and officially recognized as legal entities. Overlooking grassroots communities, that have appropriate public lands and are dependent on traditional customs for their livelihoods, can lead to livelihood insecurity, forced evictions, and unwanted land disputes.</p> <p>Additionally, the rights to own, possess, use, inherit, succeed, or engage in transactions concerning land must be guaranteed equally for women and men. All practices that do not include, limit, or restrict women in terms of ownership, possession, usage, transfer,</p>	<p>Please elucidate on the meaning of state guarantee concerning property rights, such as the state's responsibility for damages and loss of property rights and other legitimate rights on properties caused by deliberate acts or negligence of state agents while performing their duties, which unlawfully affect or interfere with the properties of private individuals, indigenous communities, or monasteries.</p>

Article	Comments and Reasoning	Suggested Improvements
	<p>inheritance, the continuation of rights, or transactions on land and other properties must be considered void and be abolished.</p> <p>Furthermore, this article should articulate and clarify in the law the principle of state guarantee and legal protection of property rights, including other legitimate rights on properties, especially right to occupy the land. This emphasizes the rights consistent with legal conditions, particularly the rights of use and possession based on traditional practices of indigenous communities that were established prior to August 31, 2001, and before the existence of various legal documents defining lands or related properties with clear boundaries as state properties or public locations (belonging to the state, to other public legal entities, or under the management of state land authorities).</p> <p>All declarations or determinations that a property is state property or property of any other public legal entity, whether it be private state property or public state property, should not invalidate, deny, or neglect the legal rights of occupation that existed prior to the issuance of any legal documents or administrative decisions that declare or determine such property to prevent unlawful expropriation of legitimate private rights without prior fair and just compensation, as prohibited by Article 44 of the Constitution.</p>	<p>Add that all individuals must respect property rights and other various rights, including traditional rights over state properties, public legal entities, private individuals, and collectives, including properties of indigenous communities and grassroots communities, women, youth, and various vulnerable groups.</p>
Article 9	<p>The Constitution, Article 44 states:</p> <p>Any person, whether an individual or a collective, has the right to own property. Only natural persons or legal entities with Cambodian nationality have the right to own land property.</p> <p>Private legal property rights are under the protection of the law.</p> <p>Property rights can only be revoked from any person under the condition that it is required by public interest as prescribed by law and fair and just compensation is provided in advance.</p> <p>The laws on expropriation, Article 3 and Article 4, cover the revocation of property rights and real rights over properties of natural persons, private legal entities, and public legal entities, as well as property owners and/or rights holders (owners, possessors, and anyone with rights over the affected land location).</p>	<p>Please revise the title of this article by expanding the scope to align with the provisions outlined in the Law on Expropriation and reference the Law on Expropriation within this section.</p>

Article	Comments and Reasoning	Suggested Improvements
	<p>Therefore, both the Constitution and existing national laws guarantee and cover the revocation of ownership and legitimate rights of private individuals, collectives, and public legal entities.</p> <p>Please see Articles 11, 25 to 28, and 32 of the United Nations Declaration on the Rights of Indigenous Peoples.</p> <p>In cases where an individual's property rights are expropriated for public or national interest, it is imperative that compensation is provided for the loss or damage, whether temporary or permanent, to the property rights or other real rights, including rights to occupy, perpetual lease rights, usufruct rights, and rights under social concession contracts. The compensation calculation must be transparent, understandable, and in accordance with international principles. This law should clearly refer to the Expropriation Law (2010) when discussing fair and just compensation.</p> <p>There is room for improvement regarding compensation issues that exceed what is stipulated in the Expropriation Law; for example, compensation provided under the Involuntary Land Resettlement Policy. All compensation should at least include not only the full value of the rights one has over the moveable property and the immovable property but should also cover physical or mental harm, loss of opportunity or income, and the costs of relocation processes.</p> <p>Fair and just compensation should respect international principles and guidelines on fair and just compensation, which are to be prepared by the competent ministry, referring to the draft guiding principles on addressing the impact, as suggested by the OHCHR office in Cambodia to the government of Cambodia in determining just compensation:</p> <ol style="list-style-type: none"> 1. In cases where eviction is unavoidable and necessary for the promotion of general welfare, fair, just, and reasonable compensation for the loss of movable and immovable property and other assets, including rights or interests over the property, should be guaranteed. <p>Inter-ministerial commissions and sub-commissions should bear responsibility for all issues related to compensation. Compensation should be provided for all economically assessable</p>	

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	<p>damages, consistent with the proportionality of the level of rights affected and the circumstances of each case, such as: (a) Loss of life or limb; (b) Physical or mental harm; (c) Loss of various opportunities, including employment, education, and access to social benefits; (d) Damage to or loss of property, and loss of income, including the potential to generate income; (e) Loss beyond the economic, and; (f) Costs incurred for legal assistance or experts, medical treatments, and medical services, along with social and psychological services.</p> <ol style="list-style-type: none"> <li data-bbox="394 464 1559 692">2. Monetary compensation should not replace restitution in the form of land and communal resources for the community. In cases where land is expropriated, affected individuals should receive land compensation of similar or better quality, size, and value. (There are 57 studies regarding the human rights situation of communities living in new resettlement locations in Cambodia and about the draft guiding principles for resolving impacts). <li data-bbox="394 740 1559 968">3. All persons who are evicted, regardless of whether they have rights to that property or not, should receive compensation for the loss, damage, and transportation costs of their affected personal property, including the original dwelling and land that was lost or damaged in the eviction process. Consideration of the circumstances of each case should allow for compensation for the loss of informal property rights, such as temporary structures, hunting, fishing, and non-timber production collection. <li data-bbox="394 1016 1559 1123">4. Women and men who are spouses must equally be the beneficiaries of the entire compensation package. Single women and widows should receive direct compensation. <li data-bbox="394 1171 1559 1399">5. To the extent not covered by assistance for relocation, estimates of economic loss should take into account the damage and costs; for instance, on land and buildings, business losses, penalties for the breach of mortgage or debt, expenses for temporary accommodation or administrative and legal services, costs of replacement housing to substitute the lost dwelling, loss of wages and income, loss of educational opportunities, expenses for health checks and care, costs of transportation, and settling 	

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	<p>into a new residence (especially in cases of relocation to areas far from sources of livelihood).</p> <p>In cases where the house and land provided a source of income for the evicted residents, an assessment of the impact and valuation of business/material assets, livestock, land, trees/crops, and the loss or decrease of wage/income from both formal and informal employment should be considered.</p> <p>https://cambodia.ohchr.org/sites/default/files/report/other-report/Resettlement%20report_En%20FINAL.pdf</p>	
Article 11	This law should recognize and protect both legal and customary land possession.	<p>Legal and customary land possession may lead to the acquisition of ownership.</p> <p>Legal and customary land may be subject to exchange, transfer, or commercial transactions under the conditions or guardianship set forth in this law.</p>
Article 12	<p>Currently, there is no law or regulation that prescribes the procedures and methodologies for determining the nationality of communities, associations, and non-governmental organizations.</p> <p>The Law on Associations and Non-Governmental Organizations and the Law on Agriculture Cooperatives merely stipulate providing legal personality to domestic communities, associations, and non-governmental organizations that are properly registered with the competent authorities.</p> <p>The Law on Nationality of 2018 applies only to individual persons.</p> <p>Furthermore, Sub-decree No. 83 ANKr.BK dated 2009, on the procedures for land registration of indigenous communities in Article 4, prescribes the acquisition of legal personality by indigenous communities after they have been established and officially recognized by the</p>	This law should delineate the rights, powers, and responsibilities to the Ministry of Interior in creating an enabling environment, encouraging and establishing a streamlined, flexible, and prompt process for the registration and granting of legal personality to all indigenous communities in Cambodia. It should also promote the autonomy of these communities in managing, utilizing, and deriving benefits from their land and other natural resources, in accordance with traditional practices

Article	Comments and Reasoning	Suggested Improvements
	<p>Ministry of Interior. However, there is no legal basis that grants legal personality to indigenous communities as having Cambodian nationality, which results in these communities not fully acquiring ownership over the lands they have occupied and used according to their customs and in compliance with the law.</p> <p>Therefore, this new Land Law should be able to be utilized to fill the gaps in the existing legal framework.</p> <p>This draft law ought to be used to address the legal shortfall concerning the provision of legal personality and the determination of nationality for local and indigenous communities, including associations or non-governmental organizations.</p>	<p>of the communities, yet under the administrative jurisdiction of the Ministry of Interior with regard to the allocation of communal land shares of the indigenous communities.</p> <p>Additionally, this law should prescribe procedures and mechanisms for determining the nationality of local communities, associations, and non-governmental organizations, to fully empower these entities with legal standing as Cambodian nationals, thereby enabling them to lawfully engage in land transactions within Cambodia.</p>
Article 13	<p>As recommended for Article 12.</p> <p>The decision to confiscate land in order to prevent the establishment of rights should be the exclusive authority of the provincial or municipal first instance court with jurisdiction over the property location, upon request of the Minister in charge of the management of cadastral sector or the Minister's representative, after the expiration of the period specified in Article 15, and following the reasoning or the hearing of opinions from individuals and related parties.</p> <p>To resolve the lack of clarity in any institution responsible for determining the identity, the Ministry of Interior may take responsibility for determining the identity of commercial enterprises or other legal entities according to this provision.</p> <p>Regarding the registration of land confiscations when no Cambodian nationals are found, there should be a procedure for contesting the procedure and a temporary period during which the land under investigation should not be confiscated before a final decision on the appeal.</p>	<p>Please stipulate that the decision to confiscate land in order to prevent the creation of rights, the recording of such confiscations, and the ordering of compulsory sale, with priority rights given to the co-owner of Cambodian nationality (if any) to purchase those rights, should be the exclusive authority of the municipal or provincial first instance court with jurisdiction over the property location, upon request of the Minister in charge of the management of the cadastral sector or the Minister's representative, after the expiration of the period specified in Article 15, and following</p>

Article	Comments and Reasoning	Suggested Improvements
		<p>the reasonings or the hearing of opinions from individuals and related parties.</p> <p>Following the decision on the compulsory sale, as per the court's decision to record and register, the land administration must register the transfer of land ownership.</p> <p>"Should be carried out by the Ministry of Interior according to the provisions of the law..."</p> <p>"A provisional decision regarding the registration of confiscation, which is awaiting an appeal on the nationality, shall be issued. During the appeal process, the final decision shall be forwarded to the competent cadastral administration for implementation."</p>
Articles 14 to 18	<p>The malice of foreigners in forging Cambodian citizenship documents and the harm suffered by foreigners due to acts of deception or other legal violations involving the forgery of Cambodian citizenship documents for foreigners by any individuals, whether officers or not, should be carefully considered and differentiated.</p> <p>In relation to Article 14, to protect the victims of forgery, this provision should specify only intentional forgery. Those who did not intend to deceive but have benefitted from those who commit forgery should not be penalized.</p>	Should stipulate that the Municipal and Provincial Courts have exclusive authority to decide on the confiscation of land belonging to such individuals, upon request by the Minister in charge of the management of cadastral sector or the representative of the Minister, and after drawing reasons or hearing the opinions of the individuals and related parties.

Article	Comments and Reasoning	Suggested Improvements
		<p>Foreigners who are presumed or found to be victims of deception or legal violations involving the forgery of Cambodian citizenship documents by other individuals, whether they are officials or not, are entitled to receive appropriate compensation for their investment from the proceeds of the forced sale of the property, as determined by the Municipal and Provincial Courts with jurisdiction.</p> <p>Following the decision on the forced sale, as stipulated in Article 13, the cadastral administration must register the transfer of the rights of ownership over the land.</p> <p>The same applies to cases of forgery of citizenship documents that lead to the acquisition of property rights over individual shares of property in joint ownership illegally.</p> <p>Article 14: Foreigners who forge documents...</p>
Chapter 2	The title of public ownership may lead to confusion regarding the types of property and rights to property ownership.	Please amend to state that the rights of the state and of public legal entities.
Article 20	The Constitution of the Kingdom of Cambodia, Article 58 states:	In accordance with the Constitution and existing laws, and to avoid infringing upon the legitimate land

Article	Comments and Reasoning	Suggested Improvements
	<p>The properties of the State include but not limited to land, mineral resources, mountains, sea, underwater, continental shelf, coastline, airspace, islands, rivers, canals, streams, lakes, forests, natural resources, economic and cultural centers, defense bases, and other constructions defined as State property.</p> <p>The control, use, and management of State properties will be determined by law.</p> <p>According to the essence of the Constitution's article, to consider something as State property, there must be a clear definition by law, and it does not mean that all such properties must or solely be public, State property. Moreover, mountains, islands, sea, land territories, coastlines, rivers, streams, lakes are parts of the land.</p> <p>Moreover, it is not the case that all forests are entirely state property (see Article 10 of the Forest Law of 2002).</p> <p>Please refer to Articles 179 to 186 of the Civil Code, and Articles 29 to 35 of the Land Law of 1992, as well as Articles 12, 15, and Articles 99 to 105 of the Land Law of 2001.</p> <p>Additionally, the immovable property law does not recognize any property regime rights over land before 1979, while from 1979 to 1989, all lands in Cambodia were state property (according to the principle of Articles 1 and 4 of the Land Law of 1992, which states that the lands of the State of Cambodia are state property, and minerals, cultural heritage, and national historical sites that exist on the land, above the land, on the seabed, and under the seabed are also state property). Within this context, some lands have the characteristics of being public state property (which prohibits private rights, according to the principle of Article 5 of the Land Law of 1992, including reserved lands for forestry, fishing reserves, irrigation water reserves, mineral resource centers, cultural heritage centers, national historical sites, monasteries, places for meditation, schools, parks, and public squares, former state constructions, reserved lands, and lands reserved for roads and railways; rivers, seas, not including newly emerged or ancient islands). Moreover, construction on lands with public character is prohibited, except for temporary light structures or dwellings (Article 12 of the Law on Land Management, Urban Planning and Construction of 1994), and the remaining is</p>	<p>ownership of the citizens, please eliminate Bullet 1 of this article and replace it with the following phrase: "Immoveable property that is properly registered in accordance with procedures in the main land registry is to be considered state property, represented by national ministries or institutions, apart from other public legal entities (as specified in Article 21) which have administrative autonomy from the central (national) administration."</p> <p>Furthermore, please also eliminate the first phrase of Bullet 7.</p> <p>Regarding the Bullet 8, it is required to clarify the meaning of the term "law" as referring to a legal instrument enacted by the legislative body and promulgated by the Royal Decree.</p> <p>Delete Paragraph 4.</p> <p>5. Immovable property acquired by state implementation in accordance with public or national interest.</p> <p>7. Immoveable property that is not subject to private ownership,</p>

Article	Comments and Reasoning	Suggested Improvements
	<p>considered private state property, except when reclassified according to the relevant laws (Article 16 of the Land Law 2001).</p> <p>From 1989 until the day the Land Law of 2001 came into effect (31 August 2001), many lands considered as private state property across various administrative jurisdictions have been occupied, used, and benefited from by the Khmer citizens in a legal manner; the state has the responsibility to protect these rights similar to ownership rights. Furthermore, the state cannot arbitrarily decide on its own to reject, annul, leave in abeyance, or confiscate these lands without a proper administrative decision or legal document under the law. An administrative decision or legal documents under the law that designates or classifies any land or area as state property has legal authority which cannot be contested, provided that the said land or part of the land in that area does not carry any legal encumbrances.</p> <p>If the principle regarding the legal occupancy on private state properties, as mentioned above, is not protected, then many legal documents issued in the past, such as sub-decrees defining forest reserves after the year 1993, especially under the Forestry Law of 2002, sub-decree No. 53 ANK/BK of 1995 concerning the declaration of state properties (which states that lands that are sandbanks or islands in the sea, rivers, streams, canals, and lakes throughout the Kingdom of Cambodia are state properties, and no individual or entity is allowed to claim them as their own private property), along with other sub-decrees that define various state land areas, may not be in accordance with the Constitution and Land Law. Therefore, it is necessary to request the Constitutional Council to examine and clarify the constitutionality of these legal documents.</p> <p>The terms "public state property" and "private state property" should be used comprehensively to clarify when land is held by the state compared to other parties. Additional instructions to use precise terminology in these and other sections are warranted. If "land" and "property" have different meanings, they should be consistently articulated throughout the text, defined clearly, and delineated in a legal glossary.</p> <p>Moreover, Article 1 which suggests that “all property in the country is owned by the state” should be amended to reflect only the property that is stipulated in the Constitution.</p>	<p>customary rights or that is not privately occupied based on the provision of this law.</p>

Article	Comments and Reasoning	Suggested Improvements
	<p>Article 4 could lead to the expropriation of land that is legitimately held by private owners, including those who use the land under traditional systems. Recognizing traditional rights and carefully involving community-level land mapping can help avoid further disputes over land claims.</p>	
Article 22	<p>must respect the Constitution, specifically Article 58, which prohibits arbitrary expropriation without fair and just compensation in advance.</p> <p>Please refer to Articles 11, 25 to 28, and 32 of the United Nations Declaration on the Rights of Indigenous Peoples as well.</p> <p>This text should be deleted or amended. Property should only be expropriated by specific authorities, rather than "public authorities" which are undefined and could lead to improper expropriation due to vagueness. The reasons approved for expropriation should also be clearly listed and should be specified elsewhere in the law. The processes of categorization and/or re-categorization, and the establishment of state public land or state private land, the expansion of public roads, and the rights to construct roads, as well as designating land for public roads, are not clearly defined, leaving room for disputes that can hinder the resolution of land claims and the development of thriving communities.</p>	<p>Please delete and nullify the provision as in Article 22. It should be stated that compliance with the essence and principles of the law regarding expropriation is mandatory.</p> <p>Delete the article or</p> <p>"In cases where property is expropriated for legitimate reasons by appropriate authorities, the immovable property..."</p>
Article 23:	<p>The title of this article does not conform to the content which pertains to public property and private property of public legal entities.</p> <p>Clarification is needed for the term currently being used "public property of legal entity" as it is unclear and subject to misunderstanding due to the public private personality.</p>	<p>Please revise the title of this article to "State Property and Property of Legal Entities under Public Law."</p>
Article 24:	<p>As advised for Article 20.</p> <p>Please refer to Articles 179 to 186 of the Civil Code as well.</p> <p>The reclassification of land (in this case to public property) without a process for clarification/valuation that there are no other lawful claims or competitive bidding could lead to additional land disputes and expropriation issues. For example, if a road is to be expanded</p>	<p>Point 1 of Article: Please delete the words "forest land, mountains, and islands" and replace them with "state's reserved forest areas that are not encumbered with legal occupancy."</p>

Article	Comments and Reasoning	Suggested Improvements
	<p>and the state wishes to expropriate land from a family for the expansion, if the family does not permit the state to take the land for construction, they will not receive a land title certificate. Hence, they must relinquish the land as much as the state demands in exchange for the issuance of a land title certificate (property title deed). This is inappropriate and should be avoided, therefore this sentence should be removed or amended.</p> <p>Add "mangrove forests" to the list of natural land resources to help clarify jurisdiction over cross-border forested areas.</p>	<p>In point 5 of this Article, please add at the end of the sentence "that are not encumbered with legal occupancy." At the end of this Article, to ensure good governance, please specify the authority responsible for classifying other types of property as public property (such as the State Land Management Committee or/and the Royal Government).</p> <p>Remove: "In addition to the public property mentioned above, the authority has the power to classify other immovable property as public property in order to put them into use according to the laws established by this legislation and related legal documents." "Mountains, waterfalls, ponds, reservoirs, rivers, streams, creeks, mangrove forest areas, channels where ships or rafts can float, and exploration..."</p>
Article 25:	<p>Respect for the Constitution, Article 58, and legal principles regarding the right to occupy: To prohibit or restrict the exercise of the acquisition of ownership through possession, the property must be clearly and distinctly defined in terms of location, boundaries, and size before the commencement of such lawful possession.</p> <p>Please refer to the opinions in Article 5 and the Civil Code, Article 162 as well.</p>	<p>Please amend this article at the section that pertains to the extraordinary acquisitive possession.</p> <p>Additionally, please include a provision about the prohibition of the enactment of acquisition of ownership by prescription over public properties</p>

Article	Comments and Reasoning	Suggested Improvements
	<p>It is necessary to immediately cease the categorization of the collective property of indigenous minority communities as public property or state property, as indigenous minorities are Cambodian nationals, and the personal status of the members of these communities must be Cambodian nationals, in accordance with the law. Thus, the indigenous minorities who do not participate in the traditional customs of the community, or who request to leave the community, or who are expelled from the community, have the right to own property rights over objects as private ownership, just like the general Cambodian populace. Furthermore, the legal entities of the indigenous minority community members must have the full legal right to act as proprietors over objects that the members of the community possess, utilize, and benefit from traditionally, since before the Land Law 2001 came into effect. Please refer to Articles 11, 25 to 28, and 32 of the United Nations Declaration on the Rights of Indigenous Peoples as well.</p> <p>In order to reduce the occurrences of land disputes and contested land claims, there should be a clear and transparent process for the conversion of state public property into private property rights of the state. This section can be deleted and replaced with other provisions that address this process.</p> <p>"Statute of limitations" limits the rights of our indigenous minority communities.</p>	<p>of state or of legal entities under public law that have already been fully registered for ownership.</p> <p>Please eliminate the exemption clause in paragraph 3 of this article related to the collective ownership of indigenous minority communities.</p> <p>Remove: "Properties that are state public property or other public legal entities' properties, which have lost their public utility or are no longer objects of public service, may become private property ownership of the state in accordance with the law and existing regulations."</p>
Article 26:	<p>Based on the opinion in Article 25, the content in Article 26 should refer to the properties of the state or those of public legal entities that have already been registered for ownership and prohibit the enactment of acquisition of ownership by prescription on these properties in accordance with Civil Code.</p> <p>Please see Civil Code, Article 162.</p> <p>This text may pose a challenge for land administration officials as they could become victims of fraud or unaware of public property boundaries due to many land officials not having sufficient resources to allocate.</p>	<p>Please amend this article to limit the enactment of property rights only on assets that are clearly and explicitly defined as state public property, and to limit the enactment of acquisition of ownership by prescription on properties that have been classified and registered as state public property or as property of other legal entities under public law.</p>

Article	Comments and Reasoning	Suggested Improvements
Article 27:	As advised in Article 26	<p data-bbox="1585 188 2083 296">Please allocate in accordance with the principles proposed for amendment in Article 26.</p> <p data-bbox="1585 347 2083 1244">In cases where there is no accurate and clear indication of land boundaries, or there is no participation or objection by representatives of land administration or members of the state land management bodies in the registration process of that land, the competent officers who verify the actual land possession status or register and issue land possession certificates, the right to occupy certificates, or immovable property ownership certificates before this law comes into effect, or issue property ownership certificates after this law comes into effect must be exempt from legal liability (administrative, civil, and criminal), except in cases where those officers have acted with deliberate legal violations, corruption, or malicious intent in contravention of state property that has been clearly designated.</p> <p data-bbox="1585 1295 2083 1398">"Officers with the authority to register and issue rights certificates or documents deliberately..."</p>

Article	Comments and Reasoning	Suggested Improvements
Article 28:	Please refer to Article 62 regarding concessions not existing under this law.	Please specify in Paragraph 2 that it concerns the objects of land concession existing under the jurisdiction of this law and under the conditions as stipulated in this law.
Article 29:	<p>Specifically, through the implementation of a leopard skin strategy or the implementation of policies to address impacts or resolve informal settlements, encroachments, possession, or use of state property or of public legal entities, some regulations to legalize and issue rights certificates to citizens have been made continuously. Therefore, the mention that regulations cannot be done, even in form, is ineffective.</p> <p>Please see Articles 60 to 62 of this draft law as well.</p> <p>This text prohibits the consideration of "destroyer's rights" in land possession. This has been an issue since the law preserved legal possession rights in 2001. Observing the numerous movements and relocations across Cambodia over the past 23 years, there has been a missed opportunity to manage the situation on the ground creatively. However, current landholders who have possessed land for an appropriate period should be given the opportunity to assert their possession and/or other usage rights, such as usufruct rights and perpetual lease rights of concession.</p> <p>Article 3 is broad in scope and implies that violations of the provisions of this law, whether knowingly or unknowingly, will affect the rights of concession holders. There should be a mechanism to address such violations within a specified timeframe.</p> <p>Article 4: The cut-off date for consideration should be revisited to more effectively manage the diligent efforts to grant land ownership certificates to the indigenous people and enhance the sense of community solidarity. Many "illegal" occupants have peacefully and productively held land for many years.</p>	<p>Please remove the phrase "cannot be regulated, even in any form," from paragraph 1 and replace it with an addition that, except for different policies established by the Royal Government to address the requests and living conditions of the citizens who possess or use the land in reality.</p> <p>In the last sentence of point 1, please replace the phrase "which has been set previously" with "which was determined before the commencement of the actual occupation as public knowledge, and without opposition from the competent authorities (representatives of the state property authorities or members of the state land management bodies) during an appropriate period (such as during a period of 3 years from the start of that occupation)."</p> <p>In point number 3 of this article, please state that any granting or receiving of economic land concessions or social land concessions</p>

Article	Comments and Reasoning	Suggested Improvements
		<p>that do not comply with the provisions of this law are not permissible. Change "concessions that respond to social benefits" to "social land concessions."</p>
<p>Article 30:</p>	<p>Individuals who have acquired rights through legitimate transfer, without fault, and without knowledge of any infringement, possession, or use of state property unlawfully, and who possess documents or letters of possession issued by land authorities or state land management administrations, which are agents of the state, shall be guaranteed and protected by the state and this law. Furthermore, they shall have the right to claim compensation for the value of their investment in the development of the property (in cases of purchase or exchange) from the transferor during the prescriptive period of the claimant's rights as stipulated in the civil code regarding the transferor or from the state after the prescriptive period of the claimant's rights, as well as the right to claim indemnification or reimbursement for maintenance or improvements made to the property, in accordance with principles in policies for resolving socio-economic impacts due to various development projects.</p> <p>Forced evictions are a violation of human rights that are internationally recognized, including the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights (Article 11, Section 1), the Convention on the Rights of the Child (Article 27, Section 3), the non-discriminatory provisions found in Article 14, Section 2 (h) of the CEDAW, and Article 5 (e) of the International Convention on the Elimination of All Forms of Racial Discrimination, and can only be justified in exceptional circumstances and in accordance with international human rights law (Basic Principles and Guidelines on Development-based Evictions and Displacement, report by the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, Miloon Kothari (2007)).</p> <p>Protection should also be established here for those without witnesses involved in the falsification of state property titles.</p>	<p>Please amend Paragraph 1 of this article to guarantee protection and safeguard individuals who have been subjected to a grave violation of rights without fault and without knowledge of the infringement, possession, or use of state property as real estate through illegal documentation or certificates of possession issued by land authorities or cadastral administration, which are agents of the state, including the recognition of the right to claim compensation for the value of investments made in the property acquisition, and the right to claim indemnity or reparation for maintenance or improvements made to that property.</p> <p>The occupation of road reserve land as specified in Article 3 of this legislation shall be implemented only in cases where such occupation begins after the road reserve has been determined and officially approved in accordance with the law and with</p>

Article	Comments and Reasoning	Suggested Improvements
		<p>legally binding documentation.</p> <p>Please clearly define the authority with jurisdiction as mentioned in the final paragraph of this article.</p> <p>“Evictions may commence, following a proper legal procedure to remove offenders from the land.”</p> <p>"Individuals who act deliberately or obtain registration and licenses for illegal occupation"</p>
Article 31	<p>should state that the right to collective ownership of monastery immovable property shall be under the administration of the Minister in charge of the religious sector, regarding the allocation of monastery immovable property as necessary for the best interest of the Buddhist community within the pagoda precincts.</p> <p>When land is no longer used for monastery purposes, we should provide an option for the community to utilize the land for collective benefit. For example, land that was once part of a monastery could be used for community gardening. Additionally, if a pagoda structure is damaged or severely deteriorated, the community should have the opportunity to negotiate a land exchange between the community and the pagoda committee.</p>	Please include an additional clause stating that the collective ownership of monastery property shall fall under the administration of the state's Minister in charge of the religious sector.
Article 32	should detail the allocation of monastery immovable property in cases where the temple has been closed and no longer in use for many years, or has been permanently abandoned, and the pagoda committee has been dissolved or is no longer operational.	Please further stipulate that the allocation of monastery property in cases where the pagoda/temple has been closed and no longer in use for an extended period, or has been permanently abandoned, and the pagoda committee has been dissolved or is no longer operational, shall be carried out upon the request of the

Article	Comments and Reasoning	Suggested Improvements
		Buddhist community representatives within the pagoda precincts to the Minister in charge of the religious sector for approval and decision.
Article 34 and Article 35	<p>Majority of the Khmer population traditionally practice cremation, and only citizens with Chinese and Vietnamese descent, who maintain Chinese or Vietnamese beliefs and customs, as well as a portion of the population that adheres to Christianity, and indigenous minorities who retain their own traditional beliefs and customs, opt for burial. Thus, not all citizens generally practice burial.</p> <p>The provision concerning burial grounds should specify that it does not apply to the burial lands of indigenous minority communities, which are under a special regime of collective ownership of the communities and are managed by traditional authorities or customary committees, according to the community's traditional rules and procedures, which differ from the rules, conditions, and procedures established by state authorities.</p> <p>Furthermore, there should be a clarification on whether the law permits the establishment of private cemeteries and allows for the burial of individual person or families on private land. If allowed, the law must specify certain conditions to prevent any adverse effects on the surrounding land.</p> <p>It should also be stipulated about the state administrative management for the allocation of collective ownership of the burial grounds, in the event of a decision to relocate the burial site or reduce the size of the burial grounds.</p>	<p>Please remove the term "general population" in Article 34 and replace it with "citizens of Chinese and Vietnamese descent, and some who maintain Chinese or Vietnamese traditional beliefs and customs, as well as a segment of citizens who are Christians."</p> <p>It should be clarified that this provision does not apply to the burial grounds that are under the collective ownership of indigenous minority communities.</p> <p>Please specify whether the law permits the establishment of private cemeteries and the burial of individuals or families on private land, and if so, outline the necessary conditions to prevent any impact on adjacent lands.</p> <p>Also, specify that the Minister of the Ministry responsible for religious affairs shall be the state administrative authority for the allocation of collective ownership of burial</p>

Article	Comments and Reasoning	Suggested Improvements
		grounds, in accordance with the conditions set forth in this law.
Article 36	<p>Please review the comments in Article 1.</p> <p>It is necessary to specify that it is the responsibility of the Ministry of the Interior to expedite and facilitate the procedures, mechanisms, and programs for the registration of community bylaws of all indigenous minority communities in Cambodia within a period not exceeding five years, to ensure the protection and the possibility of registering the real estate assets of all indigenous communities.</p> <p>While awaiting the organization and registration of the community bylaws of the indigenous minority communities, the law should allow for the traditional authorities or representatives selected by the indigenous minority groups or communities, according to traditional customs, to identify and demarcate the location and boundaries of the land which they claim to have possessed and used in actuality since before August 31, 2001. In order to temporarily protect the land of the indigenous community (which is requested to be created independently from the land authorities and the authorities in charge of state land), it is necessary to erect boundary markers and draw up a map plan, as well as conduct preliminary investigations to determine the actual state of the land, including various claims by the competent authorities and by other citizens outside of the group or the indigenous minority community. This is to serve as a reference in the evaluation of the land concerned during the process of registering the land of the indigenous minority community.</p> <p>The requirements for implementing and concluding the initial land registration procedures for undisputed land should be set within a period not exceeding three years after the official recognition of the community.</p> <p>Based on the actual situation, the property of the indigenous minority community should not be limited by administrative boundaries.</p>	Please provide a comprehensive amendment in accordance with the essence of the suggestion for this article.

Article	Comments and Reasoning	Suggested Improvements
	<p>For disputed land, a resolution should be facilitated by a special team appointed by the ministry responsible for land management, and it must involve a thorough coordination or decision by national mechanisms (the National Cadastral Commission, without the need to go through the procedures of the Land Management Commission at the municipality, district, khan and provincial levels, which often involve disputes over interests in conflicts), within a maximum period of five years from the date of initiating the first land registration procedures to assess the disputed land. If no decision is made within this five-year period, it shall be considered that the claims of the indigenous minority community are legally valid, and it permits the land administration to register and issue full legal titles to the community.</p> <p>The maximum time limit for determining the legal status of the indigenous minority community should be set to ensure that the community is not neglected for many years. An interim map should be created to identify the community and its properties, and these maps should be used by all relevant ministries to suspend concession and the allocation of other lands within the area that may interfere with the indigenous minority community's land claims</p> <p>Furthermore, we propose that there should be a clear mandate for the Ministry of Land Management, Urban Planning and Construction to provide technical support and resources to the indigenous minority communities for the preparation of maps of their collective properties.</p>	
Article 37	<p>Could be placed in the definitions section. This article can be substituted by a provision emphasizing "the characteristics of ethnic minority identity, culture, and society" for the membership of the indigenous minority community, which must not be discriminated against based on the constitutional principles of gender equality and non-discrimination.</p>	<p>The suggestion is to move to the definitions section.</p>
Article 38,	<p>Following the suggestions in Article 36, should abolish the condition that requires recognition by authorities in possession of state land, as stated in paragraph 2 of this article.</p> <p>Paragraph 3 of this article should also be abolished, leaving room for a resolution process by procedures that provide advice in Article 36 regarding lands that have not yet been registered as state property or as the property of public legal entities.</p>	<p>As per the suggestions in this article, please omit the points and distribute them additionally in accordance with these suggestions.</p>

Article	Comments and Reasoning	Suggested Improvements
	<p>Forest coverage maps that were made and approved after 1993, particularly under the Forest Law of 2002, and after the occurrence of actual land possession, use, and dependency before the date of 31st August 2001, should not be solely used as a basis to deny the rights claims of the indigenous minority communities, as well as those of other lawful parties.</p> <p>Please see Articles 8, 10, 25 to 27, 32, 38, and 40 of the United Nations Declaration on the Rights of Indigenous Peoples for further reference.</p> <p>Beyond land for housing and traditional agriculture, additional land for religious and cultural places (per UNDRIP Article 12), along with other communal resources such as grazing lands or community construction sites, should be allocated. Please refer to Liz Alden Wily's work on "Collective Land Ownership in the 21st Century" (2018) which indicates that nearly half of the countries studied have strong protections for community land ownership, including the "recognition and protection not limited to farms and houses but also extend to mountains, marshes, and forests within the territories of communities, thus acknowledging these as integral to community rights as well."</p> <p>These two sentences above are the same both in Khmer and English versions. Keep one.</p> <p>This law should also protect the rights to obtain and utilize forest produce and water sources on lands that have been surveyed and registered as state property beyond the boundaries of registered community lands. In order to achieve this, the law may recognize rights that are not tied to land ownership (such as prior profit) to forest produce and the right to access water.</p>	<p>"They have established their dwellings, where they also engage in agriculture and animal husbandry, along with places for religious and cultural practices."</p> <p>"The communities should sign agreements with the relevant authorities, having jurisdiction along with the administrative authorities on the state lands. The communities may continue to do so under this law."</p>
Article 39	<p>In accordance with the opinions in Article 5 and Article 146, along with the spirit of Articles 25 to 27, Article 32, and Article 38 of the United Nations Declaration on the Rights of Indigenous Peoples, should abolish provisions that prohibit the right of the community to allocate its property, in the first paragraph of this article. However, any sale, distribution, long-term leasing, or the creation of various other rights over the property of the community, may require consultation and prior consent from the administrative authorities (and in cases</p>	<p>Please revise the final paragraph of this article according to the substance of the comments on this article.</p> <p>Delete: "This article does not pose an obstacle to the state's activities and works that are necessary for national</p>

Article	Comments and Reasoning	Suggested Improvements
	<p>where administrative authorities refuse any request to allocate property, they must provide clear and adequate reasons).</p> <p>This law should specify and allow the community to receive donations or endowments as immovable property, to purchase immovable property, and to perform acquisition by prescription through the peaceful occupation and with public awareness, with the intention to establish ownership of land owned by private individuals, according to the provisions stated in the Civil Code, Articles 162 to 178, without the need to consult or seek approval from the administrative authorities.</p> <p>The activities and works of the state that are necessary for national interest or urgent needs of the nation should be clearly defined by law and legal documents.</p> <p>Furthermore, the land acquisition by indigenous minority communities for infrastructure projects or the granting of authorization for mining exploration or mineral concessions that affect any indigenous community lands should be strictly prohibited, except with genuine, free, and informed consent, which can be retracted at any time by the community, without any obligation or imposition on the community to bear responsibility for any compensation for damages or mental anguish.</p> <p>Please refer to Articles 3 to 5, Article 8, Article 10, Articles 25 to 27, Article 30, Article 32, and Article 40 of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) as well.</p> <p>As noted above, the law should recognize and protect the rights and customs of indigenous minorities in accordance with UNDRIP.</p> <p>Regarding the statement, "This article does not pose an obstacle to the activities and works of the state that are necessary for the national benefit or urgent needs of the nation," it seems to imply that in cases of "national interest or emergency," the rights of indigenous minorities can be completely disregarded. This should be removed because the expropriation process is already established elsewhere.</p>	<p>interest or urgent needs of the country.”</p> <p>“Based on their customs and in accordance with constitutional protections for gender equality and non-discrimination, and must be subject to the theme ...”</p>

Article	Comments and Reasoning	Suggested Improvements
	<p>It should be more explicitly clear about what is specifically prohibited when discussing "equal rights and protection as private ownership" versus "no right to refuse."</p>	
<p>Article 40:</p>	<p>Statutes and internal rules which are administrative instrument differ from the traditional practices of indigenous minority communities, which are recorded through customary notation or oral proclamation by traditional authorities. It should be permissible to create statutes and internal rules in the languages of indigenous minority communities, either in writing or in recording patterns, to serve as a foundation, while the Khmer language texts should be considered as reference documents for administration purposes.</p> <p>Please review Articles 3 to 5, Article 13, Article 33, Article 34, and Article 35 of the United Nations Declaration on the Rights of Indigenous Peoples.</p> <p>In paragraph 3, the term "state-owned private land" should be deleted and replaced with "private land as collective property of indigenous communities."</p> <p>This article should also stipulate the right to access and respect for the sacred and culturally significant sites of the ancestors of the community members, which is to be granted to those who have been allowed to leave or have been expelled from the community.</p> <p>The final paragraph that prescribes the conditions and procedures for applying for membership in the community and for requesting to leave the community, by sub-decree, may affect the traditional customs of the community and is not in line with the spirit of the United Nations Declaration on the Rights of Indigenous Peoples. Therefore, it should be left to the community to determine the related rules within the statutes or internal rules as mentioned above, and this paragraph should be deleted.</p> <p>Membership in the indigenous minority community should be determined by the indigenous minority community itself, from the grassroots level upwards. The determination can take the form of verbal agreement, as long as it represents the interests of the indigenous minority community. A Sub-decree cannot be uniformly applied to all communities due to their diverse</p>	<p>Please revise this article according to the essence of the suggestions for this article.</p> <p>"In the event that a member of the indigenous minority community requests to leave the indigenous minority community, that member may receive an appropriate portion of the state's private land that the community uses under private ownership belonging to that member, in accordance with the fundamental regulation that must ensure equal implementation for leaving members of the community without consideration of gender, age, or any other discriminatory characteristics."</p>

Article	Comments and Reasoning	Suggested Improvements
	<p>ways of life. Special attention should also be given to indigenous minority communities regarding changes in legal pathways, as many community members may not speak or read Khmer.</p> <p>Regarding the incorporation and disentanglement of private ownership from collective ownership, incorporation is mandatory, but the division of property is not voluntary. This can lead to discriminatory practices, such as women receiving less property upon leaving the community.</p>	
Article 41	<p>Should contain a clarification on the exclusivity of the rights to community property, for resolving cases where a member is permitted to leave the community, in instances where the community consents to the land use for infrastructure projects or grants permission for mineral exploration or concessions, and also opens the possibility for the community to lease, exchange, or allocate a portion of the land as private shares to support livelihoods or enhance productive capacity on the community's land, after negotiation and obtaining consent from the state administration.</p> <p>Regarding Articles 3 to 5, Articles 25 to 27, and Article 32 of the United Nations Declaration on the Rights of Indigenous Peoples, it states: “No external authority shall have the right to the property that is under the collective ownership of the indigenous minority community. This is contingent upon 'their free, prior and informed consent'.”</p> <p>Indigenous minority communities should be allowed to bestow subsidiary land rights to individuals and entities/organizations, such as through the creation of carbon credits, allowing mining operations, or facilitating access for public utility systems or other infrastructure developments, when a meticulous process is undertaken to ensure free, prior, and informed consent is in place. Moreover, the community maintains the freedom to retract, terminate, or discontinue consent or agreements related to them without assuming responsibility on behalf of the indigenous minority community.</p>	<p>Please revise this article according to the essence of the suggestion for this article.</p> <p>Additional: No authority or person outside the community may obtain any rights over properties that are under the collective ownership of the indigenous minority community, unless there is consent that has been informed and given freely and in accordance with the law, traditions, and community practices.</p>

Article	Comments and Reasoning	Suggested Improvements
Article 43:	<p>Gravesites should not be permitted within residential land plots, agricultural land plots, or commercial industrial land plots, and should be designated as separate and distinct land plots, as detailed in Section 2 of Chapter 3 in its entirety.</p> <p>Please review the comment on Articles 34 and 35 as well.</p>	<p>The last paragraph of this article should be deleted and included in Section 2 of Chapter 3 above, in accordance with the suggestion for this article.</p>
Article 45:	<p>The joint ownership of property co-ownership, other than those owned by the indigenous minority communities, by monasteries, and by grave sites, should be provided for in this law to ensure the complete legal basis for the management of immovable properties under collective general co-ownership regime.</p>	<p>Please detail the joint ownership of property co-ownership in this law, in accordance with the suggestion for this article.</p>
Article 47:	<p>The inclusion of the phrase "or have contradictions" leads to ambiguity in the legal provisions of this law. It should be clearly stated what is contradictory, and how to resolve and eliminate these contradictions.</p>	<p>Please make revisions according to the suggestion for this article.</p>
Article 58:	<p>The phrase "unless there is a deviation from its nature" causes the legal provisions of the article to be unclear. Clarification should be provided regarding this exception.</p>	<p>Please make revisions according to the suggestion for this article.</p>
Article 59:	<p>If the power to grant economic land concessions is to be retained, stringent limitations must be imposed to ensure that such concessions do not infringe upon the lawful land claims of others or lead to an increase in land disputes. Determination on the size and duration of economic land concessions under the Land Law 2001 and the Civil Code should be reintroduced, supplemented, and enforced, along with imposing a restriction on granting only one economic land concession per individual or legal entity and providing detailed criteria for determining the management authority of a legal entity over another.</p> <p>In addition, there should be clear guidelines on the factors that necessitate the creation of an economically justified purpose for granting economic land concessions. Holders of economic land concessions should be required under these guidelines to report on their progress toward achieving their economic goals. And the condition that the land must be put to use within a 12-month period must be enforced.</p> <p>Furthermore, the regulations should be amended to require those holding economic land concessions to adhere to internationally recognized principles of responsible investment, as seen in the Principles for Responsible Investment in Agriculture and Food Systems. This</p>	<p>Additionally: The government may issue legal documents granting land concessions provided that the conditions include an environmental and social impact assessment, land registration, and other conditions specified in this law and/or any applicable and enforceable sub-decrees.</p>

Article	Comments and Reasoning	Suggested Improvements
	<p>provision should incorporate meaningful consultation with affected communities (respecting their rights to prior informed consent and to freely participate), conduct environmental and social impact assessments before any decisions are made on whether to proceed with investments, and include mechanisms for just and accessible grievance procedures, as well as monitoring of adverse impacts during project implementation.</p> <p>In cases where economic land concessions are granted on lands traditionally held and used by indigenous minorities and other non-indigenous communities, there should be provisions for compensation and the possibility of restitution of the land where feasible.</p> <p>The government should also consider a strategic environmental assessment that covers all land concessions.</p> <p>Clear conditions linked to the “discretion” of the government should be added, stating that legal documents granting land concessions can only be issued after conducting environmental and social impact assessments, land registration, and other conditions specified in this law and/or any applicable and fully enforceable Sub-decrees.</p>	
Articles 60, 61, and 63	<p>The provision of Article 60, 61, and 63 should be consolidated into a single article.</p> <p>The definition of "economic purposes" should be clearly incorporated or otherwise specified to delineate what constitutes and what does not qualify as "agro-industrial land grabbing."</p> <p>Furthermore, the method for determining families who are sufficiently characterized as "poor families" should be included. This might be situated within a specific provision, but having a clear definition in this law would be beneficial.</p> <p>Regarding Article 61, a more detailed explanation of the definition of "economic purposes" or further details on what constitutes and what does not qualify as "agro-industrial land grabbing" would be beneficial.</p>	<p>Please incorporate provisions from Articles 60, 61, and 63 into a single article.</p> <p>Refine the definition of "economic purposes" or specify clearly what constitutes and what does not have the adequate characteristics of "agro-industrial land grabbing."</p> <p>It would be beneficial to add a definition or criteria for determining which households qualify as "poor households."</p>

Article	Comments and Reasoning	Suggested Improvements
	<p>Is the outcome of the suspension of economic land concessions and the review of economic land concessions displayed in this law?</p> <p>Concerning Article 63: The Land Law should define more clearly the legal status of social land concession holders. Recipient of social land concessions have the right to possess, use, and benefit from the land (Article 69) and protection from exclusive use (Article 68) which are the customary rights of real property rights. However, they are not permitted to sell, sublease, or donate to others (Article 70) until they have used the land with productivity for a period of five years and converted the concession rights into lawful ownership (Article 11, Article 18 of Sub-Decree No. 19). It is valuable to reference other related laws and/or add provisions that set out the specific rights and obligations of social land concession beneficiaries.</p>	<p>The definition of "social objectives" would also be advantageous.</p>
Article 62	<p>Please see Article 5 of the Law on Concessions, 2007.</p> <p>This article should include provisions about development concessions for tourism as well as infrastructure project development concessions as stipulated in the Law on Concessions.</p> <p>Concessions should not be issued or processed if they overlap with lands claimed by indigenous minority communities until the claims of the indigenous minorities are assessed and resolved. In cases where concessions are granted on lands possessed and traditionally used by indigenous minority communities and other non-indigenous communities, compensation should be provided, and land should be reallocated where possible.</p>	<p>Please revise according to the suggestions for this article.</p>
Article 64	<p>This law should clearly delineate the institutions that have the authority to issue land concession documents (principles allowing the granting, altering, revoking of economic land concessions, or deciding to provide state private land for social concessions).</p> <p>The land concession documents should be accompanied by detailed conditions defined as obligations, and in the form of economic land concession contracts or contracts specifying the rights and responsibilities of the concession land recipients in social concession projects.</p> <p>While the complexity of the process for registering land concessions has been addressed in sub-decrees, it is imperative that laws which govern such processes must also incorporate</p>	<p>Please amend Paragraph 3 of this article to read: Land concession documents must be accompanied by detailed conditions that define obligations and are formulated as economic land concession contracts or contracts that specify the rights and responsibilities of the beneficiaries in social land concession projects.</p>

Article	Comments and Reasoning	Suggested Improvements
	<p>environmental and social impact assessments, and meaningful public consultation with those affected by the land concessions, especially indigenous minorities, local traditional communities, women, youth, and other vulnerable groups.</p> <p>Such public consultation ensures that potential land disputes or other conflicts are identified early in the process and can be more effectively avoided or resolved. Furthermore, all detailed information of economic and social land concessions (such as the names of concessionaires, detailed contact information, size of the concession land, project descriptions, and timelines, etc.) should be made publicly available to inform all citizens about the nature, scope, and status of these land investments.</p> <p>The reference to "value of the contract" is unclear. Does this mean that letters and phrases create obligations according to the contract?</p>	
Article 65	<p>Please refer to Article 18 of Sub-Decree No. 19 ANKr.BK dated 2003 on Social Land Concessions, and Sub-Decree No. 146 ANKr.BK dated 2005 On Economic Land Concessions.</p> <p>This law should clearly stipulate the authority of the competent authorities in deciding the revocation of economic land concessions.</p> <p>Sub-Decree No. 146 ANKr.BK dated 2005 on economic land concessions does not clearly state the authority and conditions for deciding the revocation of economic land concessions. Revocation of land concessions differs from extension, suspension, and termination of concession contracts. The competent authorities entered into economic land concession contracts as stipulated in Sub-Decree No. 146, 2005, do not have the authority to revoke these land concessions.</p> <p>The authority to decide on the revocation of social land concessions should not be granted solely to the commune/sangkat councils, but should also be given to the initiators of the social land concession programs and the ministers responsible for the land management sector as</p>	<p>Please revise this article according to the suggestion.</p> <p>"Not adhering to the specific provisions stipulated in the contract, or failing to use the land according to the concession within a period of 12 months without an acceptable reason for the delay."</p>

Article	Comments and Reasoning	Suggested Improvements
	<p>well.</p> <p>Replace the phrase "separately stipulated in the contract" with "explicitly stipulated as a definitive condition in the economic land concession contract".</p> <p>In cases where the definitive conditions are not respected, the court must order the party at fault to implement or fulfill those conditions within a specified appropriate period and to compensate for any concrete damages, before proceeding with the formal decision of the economic land concession contract and the economic land concession agreement.</p> <p>Is the intention here to provide a procedure for the revocation, or should it include:</p> <ol style="list-style-type: none"> 1. The government's decision to revoke 2. Appeals to the court 3. The court's decision on the appeal. <p>Or is this considering two methods of revocation:</p> <ol style="list-style-type: none"> 1. The government's decision to cancel; or 2. A type of court process that is independent of the government's decision. <p>Unclear: This should be clarified and the process or the process stipulated in the law or in the currently implemented regulations/sub-decrees should be followed.</p> <p>Furthermore, the Land Law 2001 has a good clause stating that if after 12 months the land has not been put into commercial use, the concession may be revoked, but it seems to be omitted here. This clause should be retained.</p>	
Article 66	<p>Of this text can be understood as wanting to define a certain right of non-beneficial possession, but it fails to address the management of existing land possession that is not regular without resettlement. Instead of implementing a process for requesting SLCs, leaving SLCs to the discretion of the relevant authorities, this law leaves several options for rural farmers to engage in livelihood activities.</p>	<p>Please revise this article according to the suggestion.</p>

Article	Comments and Reasoning	Suggested Improvements
	<p>Concessions should not be issued or processed if they overlap with lands claimed by indigenous minority communities until the claims of the indigenous minorities are assessed and resolved. In cases where concessions are granted on lands possessed and traditionally used by indigenous minority communities and other non-indigenous communities, compensation should be provided, and land should be reallocated where possible.</p>	
Article 67	<p>Should specify the special rights of concessionaires and delineate the responsibilities of the authorities tasked with protecting the status of concessionaires, including duties and measures to be undertaken by the competent authorities.</p> <p>Sub-decree No. 146 ANKr.BK dated 2005 on Economic Land Concessions does not clearly state these special rights and protection measures.</p> <p>Concessionaires should also bear responsibility for recognizing and respecting the boundaries between their land and other lands. This would help resolve some of the disputes that arise between economic land concessions and local communities.</p>	<p>Please consider revising this article according to the suggestion.</p> <p>Addition: "and the obligation to respect boundaries"</p> <p>"Local communities also have the right to be protected against encroachment and infringement upon their lands and other aspects of their livelihoods by concessionaires."</p>
Article 68	<p>should specify in the title and content of this article that it applies only to economic land concessions.</p> <p>It should be clarified that in the event of the death of the concession holder, the rights to the concession can be continued by the family.</p>	<p>Please revise this article according to the suggestion.</p> <p>"Except in the case of the concession holder's death, as their family may continue the rights"</p>
Article 69	<p>The term "land by-product" may have implications.</p>	
Article 70	<p>All new land concessions should be classified and registered as private property of the state or as legal entity under public law before the issuance of concession letters and the signing of concession agreements with concessionaires.</p> <p>For pre-existing land concessions, the Ministry responsible for land management should require the development of plans and collaboration with the land administration authorities, cadastral authorities, concessionaires, or land recipients, and the local population within and</p>	<p>Based on your request for revision, here is the improved translation of the provided text:</p> <p>"Social land concessions must be issued through a process characterized by transparency and participation,</p>

Article	Comments and Reasoning	Suggested Improvements
	<p>around the concession areas, for the implementation of procedures to register special property rights, to be completed within a maximum period of five years from the date this law comes into effect.</p> <p>This law should provide the opportunity for land concession recipients who live on or directly cultivate and enhance the productivity of the land to subdivide or lease part of the land with the proper written permission from the commune chief or Sangkat chief, in order to increase the usability and productivity of the land for enhanced yield.</p> <p>When the land concession recipients in social land concession projects have fully complied with the absolute conditions and time limits for the rights to use the land of social land concessions, the initiators of the social land concession projects or the state should take responsibility to request the land administration to subdivide the land and continue the registration of the transfer of rights to the land to the recipients without any fees.</p> <p>In addition to this, in order to address the population growth and the decline in the availability of state-owned private lands that are still vacant, this law should create additional options for social land concessions that are granted free of charge, in the form of usufruct rights or perpetual lease rights with zero rental fee.</p> <p>It should be clearly stated that no social land concessions can be granted without meaningful public consultation with the affected communities, and that concessions cannot be granted on lands that already have traditional rights attached to them.</p> <p>Core principles should be added to the law governing the provision of social land concessions in order to avoid leaving everything to Sub-decrees.</p> <p>It should be included that documents granting social land concession contracts or social land concessions must be issued/made in the names of both spouses, and that any subsequent sale or transfer of the social land concession that is allowed after the actual use of the land for a period of five years must receive the approval of all family members who work on and/or invest in the land.</p>	<p>ensuring that consultations are held with potentially affected stakeholders in order to resolve their economic, social, and cultural interests, in line with social and environmental impact assessments. The granting of social land concessions should avoid areas with existing or potential land disputes, as well as areas near indigenous communities that have not yet been registered for communal land titles.”</p> <p>"If the recipients of social land concessions..."</p> <p>"Conditions and procedures for granting and revoking social land concessions..."</p>

Article	Comments and Reasoning	Suggested Improvements
	<p>Conditions for revocation should also be written into the Sub-decree.</p> <p>Social land concessions must be granted through a transparent process that involves participation and ensures consultation with stakeholders potentially affected to resolve their economic, social, and cultural interests in accordance with social and environmental assessments.</p> <p>The granting of social land concessions should avoid areas where land disputes could arise, including those held by traditional rights holders (as previously acknowledged - please see above) and areas near indigenous communities that have not yet received communal land titles.</p> <p>The law should specify that social land concessions will be issued through a process that is transparent and participatory, and guarantees the consultation with stakeholders who are potentially affected in order to address their economic, social, and cultural interests in accordance with social and environmental impact assessments.</p> <p>Please also consider implementing additional effective measures and procedures for monitoring the implementation by the recipients of the land and for the withdrawal of inactive social land concessions, as well as for the annulment of illegal private land ownership transfer agreements made during the jurisdiction, and for the granting of social land concessions in other forms of land use, such as usufruct and/or rent-free leasing.</p>	
Article 71	<p>This article outlines the rights of concessionaire of economic land concessions. Therefore, the last phrase of paragraph 4 should be deleted, which states "or can continue to implement the social land concession program until every (5) five years." The stipulation of the rights of the individuals who receive land from the social land concessions (beneficiaries of social land concessions) should be specified in Article 70.</p> <p>The use of the term "perpetual lease" in paragraph 3 may cause confusion as the following sentence indicates that it does not create a perpetual lease.</p>	<p>Please revise this article according to the suggestion.</p> <p>"Individual concession rights for Economic land concessions"</p> <p>"granted the right to lease the state land"</p>

Article	Comments and Reasoning	Suggested Improvements
	Does this legislation only apply when the concessionaire is an individual not a company? This provision refers to the death of a concessionaire, and it relates only to individual holders. If this article is to be applied solely to individuals, the title of this article may be revised to reflect this point.	
Article 72	It should be clarified that economic land concessions cannot be granted on lands that already have traditional rights.	
Article 73	<p>Please refer to the comments in Article 70.</p> <p>This law should clearly define the meaning of "management of legal entity by the same natural person or legal entity" who has received the economic land concession license.</p> <p>Under this new law, what is the maximum total size of economic land concessions? Will this law supersede the Land Law 2001? To avoid confusion, this law should establish a maximum duration for economic land concessions, consistent with the stipulations on perpetual lease rights in the law concerning the implementation of state property regulations. It should include key conditions for extending the duration or renewing the economic land concession contracts, specifying the maximum total size of economic land concessions that an individual or legal entity may hold legally.</p> <p>The previous law had established a maximum size for economic land concessions—we recommend redefining this limit to ensure there is sufficient land for indigenous communities. Even though the size of the land is specified in the sub-decree, it is best to address it again in this article for clarity. Furthermore, we suggest that any economic land concessions exceeding the set size limit should be canceled, which could be implied by the first clause.</p> <p>To ensure that economic land concessions avoid the common pitfalls of conflicting with local community land claims, criteria must be set to guarantee public consultation and environmental and social impact assessments.</p>	<p>Please revise according to the suggestions for this article.</p> <p>Replace "managed frequently" with "directly or indirectly managed".</p> <p>"Economic land concessions cannot be granted without meaningful public consultation and a genuine environmental and social impact assessment, which must be completed before the concession is granted, with effective participation and compensation for the affected local population."</p>
Article 74 and Article 75	Land regulations, as well as the principles and rules of land management, urban planning, and construction, shall be applied to both proprietor and other lawful rights holders over properties, including possessor, lessee, usufructuaries, concessionaires, social land concession recipients, and other lawful rights holders.	Please revise according to the suggestions for this article.

Article	Comments and Reasoning	Suggested Improvements
	<p>What land regulations are contained in Article 74? Do these differ from the principles and rules outlined in Article 75 (which seem to refer to future land and urban management laws)?</p>	
Article 76	<p>should clearly delineate in this law the pre-emption rights of the state and of legal entities under public law, as well as the scope of private ownerships, and explain how the exercise of pre-emption rights differs from expropriation or the revocation of other legal rights or interests in property. If it cannot be explained, then pre-emption rights should not be mentioned in this law.</p> <p>What does the immediate application of land regulations mean in terms of exercising property rights?</p> <p>"Public interest," as applied in this article and other articles within this law, should be defined with clarity because the impact on investment - at the personal land ownership level or the level of agricultural business - could be significant if there is fear that property may be expropriated by the state at any time. In addition to the application of laws on expropriation, this article could incorporate references to compensation, and fair and just procedures.</p>	<p>Please provide an explanation of pre-emption rights and the immediate application of land regulations in terms of exercising property rights. If not, this article should be omitted.</p>
Article 77	<p>What constitutes administrative servitude, and how are they established? Does the creation of administrative servitude equate to the partial or complete expropriation of legally protected property rights under Constitutional Article 58 and the Expropriation Law, or not?</p> <p>The state should refrain from partial or complete expropriation of private legal rights or legally recognized collective ownership through administrative decisions, legal document, rules or laws without providing adequate and just compensation.</p>	<p>Please clarify and explain the questions raised concerning this article.</p>
Article 78	<p>Please refer to the final comments in Article 77.</p> <p>There should be a clear definition of the authorities with jurisdiction under this article, including details on the procedures for establishing the validity of the decisions made by these authorities. Furthermore, any delineation of boundaries, changes in land categorization, classification, and road sizes, as well as road reserve, must not have the authority to expropriate ownership, right to occupy, or other real rights on the land that existed prior to the authorities' delineation. However, they may have the authority to implement new alignment</p>	<p>Please consider the following suggestion for the revision of this article.</p>

Article	Comments and Reasoning	Suggested Improvements
	<p>plans.</p> <p>There should be a clarification on the meaning of traditional fences or light structures and the costs associated with dismantling and reconstructing them anew. Moreover, the principles within the policy for addressing economic and social impacts should be applied to the dismantling of fences and structures that were traditionally built in the community, whether there is legal permission or not, and also for trees that are currently or soon to be fruit-bearing that need to be cut down.</p> <p>The decision to expand road sizes in the process of land registration as a traditional system constitutes expropriation of legal right to occupy, which are protected by the Constitution and Law on Expropriation, similar to property rights, without prior adequate and just compensation.</p> <p>Regarding cases involving community lands of indigenous minorities, please refer to Articles 3, 5, 8, 10, 28, 32, 33, and 34 of the United Nations Declaration on the Rights of Indigenous Peoples.</p> <p>The process of classification and/or demarcation of boundaries, and the reinstallation of boundary markers to define state public land or state private land, the expansion of roads, and public rights, as well as the preparation of land for public roads, lacks clarity and leaves room for disputes that adversely affect the resolution of land claims and the development of communities.</p> <p>This text should be revised to clarify the process and increase transparency, including clear regulations for notification, and consultation with affected communities, as well as allowing for claims to be made regarding land that has been classified and/or reclassified or land that has been expanded or prepared. This will ensure that the lawful rights of holders are respected and protected by the state.</p>	
Article 80	should include specific principles and procedures for the registration of state public property and of other legal entities under public law, as well as for the registration of large land areas classified as state private property and other private entities under public law. This is to	Please consider revising this article according to the suggestion.

Article	Comments and Reasoning	Suggested Improvements
	<p>facilitate and expedite the registration of state-owned lands and of legal entities under public law, to enable effective management and allocation in accordance with this law and other related laws.</p> <p>These particular principles and procedures should also be applied to the lands of indigenous minority communities.</p>	
Article 82	<p>should incorporate and differentiate collective ownership (such as the lands of indigenous minority communities, monastery lands, and burial grounds) from public property and the private property of individuals.</p> <p>Please refer to Articles 3 to 5, Articles 25 to 27, and Article 32 of the United Nations Declaration on the Rights of Indigenous Peoples for further guidance.</p>	Please consider revising this article according to the suggestion.
Article 83	should clarify that multiple names can be listed on the title deed, as evident from this law and Civil Code.	"The identity of the owner" should be specified.
Article 84	There should be a register for rights on social land concessions, the retraction of social land concessions from violators, and the ownership acquisition through social land concessions.	Please consider revising this article in line with the suggestion.
Article 87	Before the expiration of the retention period for all land registration documents, it is necessary to digitize all cadastral documents and preserve them in a digital data system indefinitely.	Please revise this article accordingly and in accordance with Article 101.
Article 88	<p>"Types of land use" should include traditional usage to ensure that all lawful land uses are recognized.</p> <p>Given the multiplicity of co-ownership and matrimonial joint ownership, any reference document pertaining to holders/owners must also incorporate a comprehensive index of documents.</p>	<p>"Types of land use, including traditional, areas of land use..."</p> <p>"It should be issued to the real estate owners only."</p>
Article 98	The requirement to update information and data on cadastral records at every administrative level is a sound principle. However, before the establishment of a fully operational and secure digital cadastral system, how can land administration ensure the ongoing update of shared data? This issue should be addressed in the implementation of paragraph 3 of this article.	Please include recommendations for this article accordingly.
Article 99	The statement in paragraph 3 of this article, which reads "The use of information and cadastral data provided by the land administration does not entail responsibility on the part of the land administration," lacks coherence or does not support the statement in paragraph 4 of Article	Please delete paragraph 3 of this article, or the land administration must be held accountable for any

Article	Comments and Reasoning	Suggested Improvements
	<p>88, which states "Forms containing cadastral information issued by the land administration constitute an official attestation of a legal document," and it also does not align with the administrative principle of the accountability of actions of agents or state entities.</p> <p>Please consider the recommendations in Article 7 as well.</p> <p>To effectively implement the principle of the state's guarantee of rights (including legitimate legal rights and others), the law must provide for accountability in the event that the actions or decisions of land administration (and agents acting on its behalf) or government and state institutions (such as the Ministry responsible for land administration) severely affect the rights of third party who rely entirely on the information recorded in the cadastral registers and/or provided in the cadastral information/certificates obtained from the land administration.</p> <p>When the state enforces the expropriation of private property rights, the state must cover all expenses as well as other related costs for the adjustment of affected land parcels due to the state's acquisition/expropriation actions, and for the subsequent registration of changes in land ownership.</p>	<p>turmoil caused by the provision of incorrect information and cadastral data.</p>
Article 101	<p>We fully support the establishment of a digital data infrastructure and the implementation of digital transformation in the land administration sector to enhance the provision of public services in the land administration sector.</p>	
Articles 102 to 105	<p>should clearly stipulate the responsibilities of state land officials, officials of the state land management mechanism, officials of the state real estate management mechanism, and legal entities under public law to participate and collaborate in the cadastral documentation process. Failure to participate and cooperate, as well as opposition during the public disclosure of assessment documents, can lead to a breach of property rights due to negligence in managing or holding the property, except in cases of illegal acts or serious violations of registration procedures that result in non-participation and opposition. The responsibilities of citizens, as well as those of ministries and public institutions, including officials or agents representing public institutions in the possession or management of land, must be at the same level and in accordance with the principle of equality before the law.</p>	<p>Please consider revising this article according to the suggestion.</p>

Article	Comments and Reasoning	Suggested Improvements
	<p>Provisions should be added to encourage everyone to access public information and disclose documents related to land in their community beyond their own, and to file complaints against disputed lands or those that are misappropriated or illegally claimed by someone.</p> <p>Paragraph 17.3 of the VGGT states, "States should endeavor to ensure that all people can record their property rights and have access to information without discrimination on any basis. Where appropriate, implementing agencies, such as land registry offices, should establish service centers or mobile offices with consideration of accessibility for women, the poor, and vulnerable groups. Also, see the above opinions regarding the Constitution of Cambodia and CEDAW, which prohibit discrimination against women."</p> <p>Armed forces should not be involved, in accordance with the law on military statute of the Royal Cambodian Armed Forces. This article should refer to the judicial police rather than the armed forces.</p> <p>Regarding Article 103: Based on the detailed part about co-ownership and joint ownership of spouse, any reference to the holder/owner should also include various related documents.</p> <p>Related to Article 104: To ensure literacy and legal awareness at the community level, as well as to promote inclusion within the government, consideration should be given to the dissemination of educational documents that explain the processes and rights in addition to evaluative documents, with a specific focus on women, youth, and vulnerable groups.</p> <p>Related to Article 105: Armed forces should not be involved, based on the Law on General Statute for the Military Personnel of the Royal Cambodian Armed Forces. This text may apply to the judicial police instead of the armed forces.</p>	
Article 107	<p>Sub-decrees should incorporate specific detailed information that will clarify the procedures for the effective operation of the Cadastral Commission.</p>	<p>"Including sub-decrees that encompass scope and jurisdiction, requests for assessments, parties' rights, criteria for determination, selection, and composition of trial</p>

Article	Comments and Reasoning	Suggested Improvements
Article 109	<p>This article should be deleted and replaced with a provision stating that in cases of disputes over land ownership, where representatives of the authorities in possession of state property, or legal entities under public law, assert and provide adequate evidence that it is public land or public property, even if it has not yet been registered, the Cadastral Commission must dismiss the claim and allow the right to appeal to the competent courts based on the location of the property. The failure of the Cadastral Commission to make a decision on a complaint or to reject a complaint within a period of 180 calendar days from the date of receipt of the complaint shall automatically grant the right to bring the claim to the competent courts.</p> <p>Historically, the lack of expeditious procedural action by the Cadastral Commission in some land dispute cases has become a barrier to the right to obtain justice.</p> <p>While it is important to have specialized institutions for the resolution of land disputes, the Cadastral Commission should not have the absolute authority to resolve land disputes with regards to denying any party the right to protest and/or to access timely justice system. In cases where the parties believe that the actions or decisions of the Cadastral Commission are not in accordance with the law or procedural timelines, they should have a clear right to appeal for a final decision and be obligated without unjustified delays. Conditions under which disputing parties may seek judicial resolution should be clearly stated in additional legislative provisions. Relatedly, the Cadastral Commission should be required to make decisions within a set timeframe to avoid unjustified delays and ensure that decisions are made promptly, or the committee's jurisdiction in the matter should be nullified.</p> <p>For cases of conflict or disputes with indigenous minority communities, please refer to Article 36 (concerning special working groups appointed by the ministry in charge of land management and the National Cadastral Commission) and also look at Articles 40, 8, 10, 28, 32, 33, and 34 of the United Nations Declaration on the Rights of Indigenous Peoples.</p>	<p>chamber, provision of decisions, and the right to appeal to the courts."</p> <p>Please consider the following suggestion for the revision of this article.</p>
Article 110	<p>should specify that the Cadastral Commission must resolve disputes conclusively at all levels from municipal, district, to national within a period of 180 calendar days, starting from the</p>	<p>Please consider the following suggestion for the revision of this article.</p>

Article	Comments and Reasoning	Suggested Improvements
	<p>date of receiving the complaint. Furthermore, it should automatically grant the right to submit a claim to a competent court once this specified time period has expired.</p> <p>The application should also extend to disputes between a possessor and another private party holding a property title (certificate of ownership) for a part of the disputed land. While another part of the disputed land may not yet have a proper title, even if that land is registered for the recognition of ownership, possession, or other claims over the land or property. Regardless, except for a voluntary agreement by the disputing parties to settle the dispute, the Cadastral Commission cannot decide contrary to the substance of the valid property title.</p> <p>In cases of dispute or conflict with indigenous minority communities, please refer to Article 36 (regarding special working groups appointed by the ministry responsible for land management and the National Cadastral Commission). Additionally, see Articles 40, 8, 10, 28, 32, 33, and 34 of the United Nations Declaration on the Rights of Indigenous Peoples for guidance.</p>	
Article 113	This position has extensive powers without clear oversight. Prakas may include statutes related to oversight or this law may incorporate clauses that indicate the potential for penalties in cases of neglect in the performance of duties.	"By Prakas of the MLMUPC, one must be subject to penalties for neglecting to perform duties justly and effectively."
Article 116	The date of 2001 cut-off is controversial and unfair to those who have peacefully possessed the land since 2001. Therefore, a new cut-off date should be set for legal tenure.	
Article 117	<p>What does inadequate registration of occupancy or insufficient registration of ownership mean? What does the term 'proper and complete documentation' by the cadastral administration mean?</p> <p>There should be a clear definition of the authority with jurisdiction to order property holders to vacate their property as stipulated in the first sentence of the first paragraph, including the reasons for the order to vacate.</p> <p>It is essential that the authorities with jurisdiction respect the rules set out in the last paragraph of Article 120 (which are also stipulated in Article 42 of the Land Law of 2001).</p>	

Article	Comments and Reasoning	Suggested Improvements
Article 118	<p>The prescription of acquisition of property ownership should be applied only to private individuals who have registered the ownership and received proper title certificates for their property.</p> <p>For properties that exist in a state of occupancy, whether documented or not, they should be maintained under the occupancy rules, including the abandonment of occupancy for three consecutive years, the persistence of occupancy, and disputes with those who encroach on the property, according to the principles in the Land Law of 2001 (Article 40), which are included in Article 121 of the draft law.</p> <p>Please refer to the Civil Code, Article 162.</p>	The last paragraph of this article should be deleted.
Article 119	<p>Please see the comments related to the determination of what constitutes public property of the state or legal entities under public law (in Article 20).</p> <p>In the last paragraph of this article, the phrase "shall be considered state property" should be amended to "shall retain the status of state property, which is not subject to occupancy but may be subject to the use and enjoyment of benefits, servitude, or usufruct, depending on the specific circumstances and legal context."</p>	Please consider the following suggestion for the revision of this article.
Article 121	We need further clarity on what soft titles and various other forms of evidence will have in terms of the level of legal recognition they will hold at present, and what the appropriate process will be for converting those documents into hard titles.	Please consider the following suggestion for the revision of this article.
Article 122	<p>Any period exceeding 15 days should be defined as calendar days to facilitate the counting of days. For periods in terms of months or weeks, these should be converted into the number of days, and one year should be counted as 365 calendar days.</p> <p>Land registration is a primary priority of the MLMUPC and the government. To support widespread registration, all individuals should be able to apply for registration and receive certificates of ownership when they meet the legal requirements.</p>	Please consider the following suggestion for the revision of this article.

Article	Comments and Reasoning	Suggested Improvements
	Granting cadastral administration, which is often overburdened and lacking resources, the discretion to determine when and if individual registration can occur, is likely to halt the process of diligent registration efforts. Establishing a timeline for temporary registration procedures can help avoid these negative outcomes without imposing immediate processing demands on cadastral officials.	
Article 123	To ensure proper criminal liability, it must be proven that there was an intention to commit an offense as defined by law. Registration and issuance of property ownership certificates to individuals who are not the rightful owners due to acts of deception, fraud, or false assertions by individuals or public officials, should not be the responsibility of the cadastral administration if land officials involved were unaware of the deceit, fraud, or false assertions and if they have followed proper and complete procedures for property registration.	Please consider the following suggestion for the revision of this article.
Article 125	The addition of "equity" aims to reflect the principles of justice, gender equality, and social inclusion.	"Equity" translates to "សមធម៌" in Khmer.
Article 127	To ensure justice and further prevent land disputes, it is essential to include all relevant parties when establishing boundaries. Similarly, all landholders, including those with customary rights, should be parties to agreements concerning adjacent lands.	"Must invite relevant stakeholders, with special consideration for women, youth, and vulnerable groups..." "Adjoining landowners, including those with customary rights"
Article 129	The word "may" should be changed to "shall," thereby mandating that "all concerned parties shall be invited to provide oral testimony, documents, or other evidence for the assessment of land disputes, with particular consideration given to women, youth, and vulnerable groups."	"All concerned parties shall be invited to give oral testimony, documents, or other evidence relevant to the land dispute assessment, with special attention to women, youth, and vulnerable groups."
Article 130	Complaints about the procedures of land registration and the inaccuracy of documents pertaining to land dispute assessments are not only a right but also an obligation. They must be applied with equality to individuals, communities, and representatives of public authorities	Please revise Paragraph 4 of this article according to the suggestion.

Article	Comments and Reasoning	Suggested Improvements
	<p>alike.</p> <p>To ensure legal accuracy at the community level, consider also educational documents that explain the process and additional rights on assessment documents, as well as the outreach and dissemination that particularly targets women, youth, and vulnerable groups.</p>	
Article 131	<p>The time allotted for regional management officers to mediate and resolve land disputes should be extended to up to 60 calendar days, with a requirement to have a written record of the mediation before forwarding the complaint to the Cadastral Commission.</p> <p>Following the recommendations in Article 110, it should be specified that the Cadastral Commission must resolve disputes at all levels, from district and municipality to national, unless there is a written agreement between the disputing parties, within a period of 180 calendar days from the date of receipt of the complaint, and automatically grant the right to bring a claim to a competent court after the expiration of this time limit.</p> <p>Please refer to the recommendations in Article 36 (about the special task force appointed by the Ministry responsible for land management and the National Cadastral Commission) as well.</p>	Please consider the following suggestion for the revision of this article.
Article 132	The final paragraph of this article should be placed before paragraph 5, because after the registration and issuance of the title deed of the property, the Cadastral Commission no longer has the authority, except in cases as recommended in Article 110.	Please revise this article to be consistent with the recommendations in this article.
Article 137	It is valuable to incorporate specific requirements and further integrate the provision of public notices throughout the community to ensure that the community is informed and can resolve land claims that are in dispute and avoid further conflicts.	Please revise this article to be consistent with the recommendations in this article.
Article 145	<p>Please refer to the recommendations in Article 1.</p> <p>The registration of all lands of an indigenous minority community as collective ownership in a single plan is a good principle. However, this principle should be applied to all land cases,</p>	Please amend this article to be consistent with the recommendations in this article.

Article	Comments and Reasoning	Suggested Improvements
	<p>including individual private land and communal land, which the community claims without dispute or opposition, or in cases where disputes or oppositions have been resolved by mutual agreement or by a final court decision within a period not exceeding 3 to 5 years, in accordance with the recommendations in Article 36.</p> <p>Furthermore, it should be permitted to register all undisputed or uncontested lands of the community on a preliminary joint plan, and to allow for the inclusion of additional lands or the exclusion of lands from the joint plan that have been resolved, lands that the community has purchased, received as gifts, donations, inheritance or acquisition under statutory provisions of Civil Code, or lands that have been allocated to members who are permitted to leave the community.</p>	
Article 146	<p>In accordance with the recommendations in Article 25, the signs of state private land and public land should be removed from the collective ownership regime of the indigenous minority community, and instead replaced with signs of private land (housing or settled residence land, cultivated farmland such as rice field or plantation, including land used for rotational crops) and communal land (land reserved for future residential and farming needs, and for animal husbandry within the next 50 years, currently functioning as forest for the collection of forest by-products and wood for the construction of traditional dwellings for community members, places for water collection, and grazing fields for pastoral animals, which should be allocated to the community, conservation forests, and burial grounds in appropriate size and actual condition) of the collective ownership of the community.</p> <p>And in accordance with the recommendations in Article 36, the land of the indigenous minority community does not require recognition by the land authorities and should not be limited by the administrative boundaries of communes/Sangkat, districts, municipalities, khan, or provinces. However, it may be required to be located within a traditionally settled area or an appropriate territory that can be reached from the center of the community on foot within half a day.</p> <p>The composition of the collective ownership of the indigenous minority community should include land used for any form of agriculture, not merely traditional farming practices. This</p>	Please align this article with the suggestions in this article.

Article	Comments and Reasoning	Suggested Improvements
	<p>will eliminate any limitations on communities that wish to adopt modern agricultural technologies and techniques. Moreover, land registered as the collective ownership of the indigenous minority community should not be considered state land to ensure that indigenous minority communities holding ownership certificates can exercise their holder legally, to protect their land, and to make optimal use of it. The land can be subject to the administration of state institutions as designated (e.g., the Minister of the Interior) for explicit actions such as alienation, sale, transfer, or assignment of rights clearly to/from any individual or entity outside the indigenous minority community.</p>	
Article 147	<p>In accordance with the suggestion in Article 40, there should not be a creation of internal governance models for the indigenous minority communities. However, upon request of each community, the ministry responsible for land management, in collaboration with the Ministry of the Interior or/and development partners, may provide advice, technical and financial assistance, equipment, and the use of indigenous and Khmer languages in compiling traditional governance regulations as determined by the traditional authorities or the community's traditional council.</p> <p>Indigenous minority communities, which are not government entities, should be responsible for determining and implementing their internal rule in their own languages and/or in Khmer, using a written form or voice recording as they choose. Regarding the extent to which the government must be involved in the creation of internal rule models, it should be specified that the fundamental principles are to ensure gender equity and social inclusion in the internal rules.</p>	<p>Please revise this article in accordance with the suggestions within this article.</p> <p>"In the context of the Minister of Land Management, Urban Planning and Construction, in line with the constitutional protection for gender equality and the customs of indigenous minority groups."</p>
Article 148	<p>Article 148 should be revised to align with the recommendations in Article 36.</p> <p>Strengthen emergency protection measures for land claimed by indigenous minority communities or groups, regardless of the status of previous legal recognition, and from the initiation of the ICLT application process. Protect the land from claims or dispossession by any concession operations, whether land concessions, mining/business exploration concessions, electricity concessions, tourism development, physical infrastructure, or other forms of concessions, until the claims of the indigenous minority groups are assessed and</p>	<p>This article should be revised in accordance with the suggestion in this section article.</p>

Article	Comments and Reasoning	Suggested Improvements
	<p>resolved. Prepare plans for indigenous minority communities in claiming compensation through the courts if relevant authorities fail to protect the lands of indigenous minority communities that have been designated during the temporary protection period, as well as during the process of applying for the grant of communal land ownership to indigenous minorities.</p> <p>Provide clear directives for the Ministry responsible for cadastral administration to offer technical support and resources to indigenous minority communities to help prepare maps of their collective properties.</p>	
Article 149	<p>In implementing Section 2 of this article, it should be stipulated that the government must adhere to the principles provided in the recommendations of Article 20, Article 29, and Article 30.</p> <p>Please also consider the recommendations in Article 122.</p>	The stipulation should be clarified in accordance with the suggestion in this article.
Article 150	<p>The timeframe specified in Section 3 of this article should be extended up to 30 calendar days from the date of receipt of the notification in cases where the property owner or their representative resides or lives in Cambodia, and up to 60 calendar days from the date of receipt of the notification in cases where the property owner or their representative resides or lives outside of Cambodia.</p> <p>Detailed provisions on the format and procedures for the delivery and publication of the notification should be established. These provisions should clearly specify the intent, reasons, and legal basis, and provide the opportunity to protest against the order, including the right to appeal to the courts.</p> <p>There should also be provisions about the procedures for initially registering land that has not been measured or for which a title certificate has not been issued in the process of the systematic registration of land (supplementary initial registration), due to unresolved disputes or ongoing opposition.</p>	This article should be revised in accordance with the suggestion in this section -article.
Article 152	<p>In the implementation of Section 2 of this article, it should be specified that the ministry responsible for land management must adhere to the principles provided in Articles 20, 29, 30,</p>	Please specify according to the recommendations in this article.

Article	Comments and Reasoning	Suggested Improvements
	<p>and 150.</p> <p>Please also consider the suggestions in Article 122.</p> <p>To effectively implement the principles of state guarantees of property rights (including other relevant legal rights), the law should provide for accountability in the event that actions or decisions by the cadastral administration (and its agents acting on its behalf) affect (REPEATED) government agencies and institutions (such as the ministry responsible for cadastral administration) severely affect the rights of individuals who rely entirely on the information recorded in the land register and/or provided in the land title information/certificates obtained from the land administration. When the state exercises the right to expropriate private ownership, the state must initiate and bear all the costs and expenses associated with adjusting the land affected by the state's acquisition/expropriation actions and the subsequent registration of changes in land ownership.</p>	
Article 156	In the final section of this article, the word "several" should be added after the phrase "in cases where there is a request for registration."	Please specify according to the suggestion in this article.
Article 165	Due to the comprehensive nature of co-ownership, the drafters should consider adding a provision about property rights of joint-ownership to this section. It will clarify the regime of matrimonial joint ownership and ensure a stronger understanding of the law's influence on family property rights. Reference to Civil Code provisions may also be appropriate and beneficial.	Please revise this article to be consistent with the suggestion herein.
Article 178 and Article 179	should specify the period starting from the date of receipt of the notice from the cadastral administration or the date of publication of the notice by the cadastral administration, as determined by the regulations of the ministry responsible for land management. Please also consider the suggestion in Article 122.	Please revise this article to be consistent with the suggestion herein.
Article 180	Consider incorporating references to the Civil Code's matrimonial property regime in Section 1 to clarify the ownership rights of spouses.	Please revise this article to be consistent with the suggestion herein.

Article	Comments and Reasoning	Suggested Improvements
Article 182	Consider adding a reference to the Civil Code to clarify paragraph 4.	Please revise this article to be consistent with the suggestion herein.
Article 197	Can an individual who disagrees with a decision made by the ministry appeal to the court?	
Glossary	<p>Can an individual who disagrees with a decision made by the ministry appeal to the court?</p> <p>The glossary should be reviewed after the completion of the law's articles to ensure comprehensiveness, relevance (as many current conditions are not included in the current draft of the law), and fidelity to the conditions. It should also be adapted to a more prominent section of the law.</p>	Please revise this article to be consistent with the suggestion herein.