

# Property Ownership



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## Outline



- Concept of Ownership
- Land Privatization in 1989
- Institutional Reform for Land Management in Cambodia

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## Concept of Ownership (1)



- Ownership → A bundle of rights which consists of:
  - ✓ Right of use
  - ✓ Right of enjoyment
  - ✓ Right to dispose

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## Concept of Ownership (2)



- The main purpose of providing landownership is to encourage landowners to make use of land in order to improve country's economy.

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## Concept of Ownership (3)



- In French Colonization, Cambodia already recognized private ownership.
- In 1920, The Civil Code just existed in Cambodia. The Code stipulated ownership right and possessory right.

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## Concept of Ownership (4)



- Ownership had been in trouble by civil wars since 1970.
- Unfortunately, more seriously ownership rights were totally disappeared during the Democratic Kampuchea 1975–1979.
- After 1979, ownership rights were not allowed and Cambodian citizens were allowed to use land in the form of solidarity group for farming.

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## Land Privatization 1989 (1)



- Solidary group for farming was divided into 3 types:
  - ✓ Solidarity group for farming type 1
  - ✓ Solidarity group for farming type 2
  - ✓ Solidarity group for farming type 3
- From 1979 to 1983, solidarity group for farming developed very well but after 1984 it was drastically unsuccessful.

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## Land Privatization in 1989 (2)



- April 1989: The first ownership was provided only for house.
- The June 1989 Instruction:
  - ✓ Cambodian citizens are fully provided rights to hold, use, and inherit land
  - ✓ No one can claim ownership before 1979
  - ✓ The state does not reshuffle and redistribute the land already occupied.

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## Land Privatization in 1989 (3)



- The restriction rights over land:
  - ✓ Ownership was recognized over residential land for no more than 2000 m<sup>2</sup>.
  - ✓ Possession was recognized over agricultural land for no more than 5 hectares.
  - ✓ Concession right was given only for exploitation land for more than 5 hectares.

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## Land Privatization in 1989 (4)



- Institutions responsible for issuing certificates:
  - ✓ Provincial People's Committee: Ownership
  - ✓ District People's Committee: Possession
  - ✓ Ministry of Agriculture: Concession right
- The state issued only "certificate of land occupancy and use."

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## Land Privatization in 1989 (5)



- Land applications:

Family head Commune chief District People's Committee

—————→

-Stage 1: June 3–December 31, 1989

-Stage 2: January 1–June 30, 1990

-**Continuing stage:** Continued to receive land applications (no time limitation)

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## Land Privatization in 1989 (6)



- Outcomes of land applications:

✓ As of July 1990 = 3.7 million land applications (equivalent to 70% of the total land parcels)

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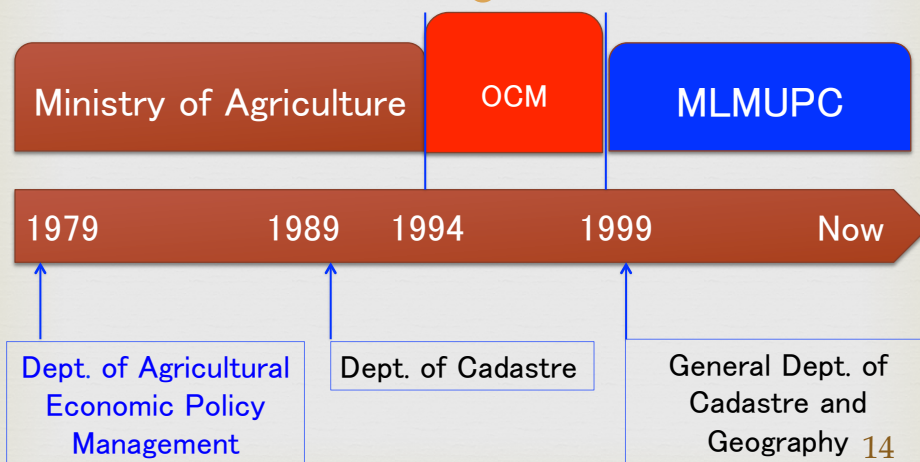
## Institutional Reform for Land Management in Cambodia (1)



- 1979: Department of Agricultural Economic Policy Management  
(For managing solidarity groups for farming)
- 1989: Department of Cadastre  
(For leading, managing and using land throughout the country)

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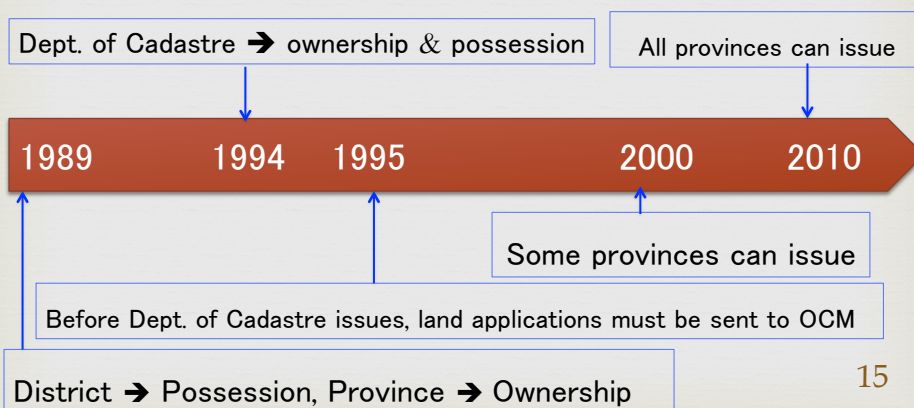
## Institutional Reform for Land Management in Cambodia (2)



## Institutional Reform for Land Management in Cambodia (3)



### Evolution of land application process



Thank You!!!

Questions & Answers



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