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KINGDOM OF CAMBODIA
NATION RELIGION KING

Royal Government of Cambodia
No. : 03

May 31, 2010

CIRCULAR
ON
RESOLUTION ON TEMPORARY SETTLEMENTS¹ ON LAND WHICH HAS BEEN
ILLEGALLY OCCUPIED IN THE CAPITAL, MUNICIPAL AND URBAN AREAS

This Circular is intended to provide resolution for only temporary settlements on state land which has been illegally occupied.

The policy of the Royal Government in the Interim Paper on Strategy of Land Policy Framework on September 2002 indicates temporary land occupation rights with certain timeframe for those who settled illegally and squatter settlements which have existed continuously in the capital city, provincial towns and other urban areas. According to empirical studies, temporary settlements (squatter settlements) which have been illegally built in the capital city, municipal and urban areas developed from several factors such as population growth, repatriation of refugee's family and families fleeing battlegrounds prior 1998 when the country had not fully achieved peace, land loss caused by natural disasters and other factors, especially rural to urban migration for finding jobs in the later which has experienced rapid industrial, service and urbanisation growths.

As a good example and under the financial support from the Head of the Royal Government, the Capital city's authority has mobilized poor communities and some Non Governmental Organisations to establish a Foundation called the "**Urban Poor Development Fund**". Until May 2010, it has accumulated fund of more than 1.300 millions Riel available for providing loans as micro-finance to poor households in order to use for income generation rehabilitation and increase and improve family's livelihood.

¹ The term temporary settlement here referred to the term Squatter Settlement in Khmer is equal to the term Anarchic Settlement, meaning settlements built on land which is not belonged to the settlements' builder. However, the term is considered as downgrade to the squatter settlers and in 2003, Sam Dech Prime Minister HUN SEN requested that the name Anarchic shall be changed to Temporary Settlement.

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Aiming to solve problems above, the Royal Government issues this circular in order to instruct to all local authorities at all levels and all relevant institutions on the procedures for solving temporary settlements on state land which has been illegally occupied in the Capital city, municipal and urban areas, to implement the following measures :

1. Data collection on actual numbers of temporary settlements

Chairman of the Capital/Provincial State Land Management Committee must push for the District/Khan/Municipal State Land Working Group to nominate Commune/Sangkat Field Team, with the participation of local community's representative and civil society organization, to collect data of all temporary settlements in their respective jurisdiction. Each location of temporary settlements shall attach with thumb prints of all members of the data collection Team where data on location of squatter settlements shall be compiled as a common statistic to be used as a basis for finding resolution in a case by case manner.

2. Identification, mapping and classification of the sites of temporary settlements

After data collection of all temporary settlements District/Khan/Municipal State Land Working Group with ad-hoc participation from local community representatives and civil societies, shall hold a meeting to discuss and review the accuracy of the data of each squatter location in order to incorporate this data into commune/Sangkat map with large scale. Based on actual situation of each location, the District/Khan/Municipal State Land Working Group and representatives of the local community and civil society shall study location identification of each location based on the physical characteristics of the land as the followings:

Land which had been used as: public gardens, public space, state private land, individual private land or land belonged to private company; land belonged to pagoda, etc.

Land which already had use plan for: public gardens, sewage or drainage system, road system, commercial, industrial, residential, tourist zones, etc.

Location which can cause accident to settlers: close to dumping ground, on the pavements, close to water drainages, on the right of way (ROW) or railways, on flood control dams, river banks, streams, creeks, and roof terraces, etc.

Regarding the map of the locations of illegal settlements shall be marked with various colours or with technical symbols in order to specify physical characteristics of land in accordance with the types of land of the illegal settlements as mentioned above. The map shall be attached with acknowledged thumb prints of the District/Khan/Municipal State Land Working Group, local community representatives, and civil society as ad-hoc members which shall be used as an instrument for discussion to find a solution, and it shall be publicly put on displayed in order to prevent further illegal occupation on state land.

Next, the District/Khan/Municipal State Land Working Group shall hold a meeting to seek an agreement on the occupation and classification of land either on state public land, or state private land, or privately owned land, and shall prepare a report by attaching maps, supported documents, opinions of consent or not-consent, as well as comments of the meeting in order to seek an approval from the Capital/Provincial State Land Management Committee. Regarding to those state lands which already have been

identified, mapped, and classified with consent or have been approved by the Capital/Provincial State Land Management Committee; the authorities shall register those land accordingly. Therefore, at the same time of solving of each actual case, the Capital city/Provincial authorities shall pay attention to gradually map state lands by conducting state land registration as a basic document in implementing a resolution and to publicly display in order to prevent illegal state land occupation in the future.

3. Households and population census in temporary settlements

Based on the maps illustrating locations of temporary settlements, head of District/Khan/Municipal State Land Working Group, together with community representatives and civil society as ad-hoc members of the committee, shall appoint the Field Team of target communes and sangkat to collect statistics of all household members of each household in each temporary settlement, by attaching photos of the head of household and all household members. In each household statistic, there must be an indication of the status of each member as owner of the temporary settlement or the renter, with thumb-prints of all members of the task force who have undertaken the work as well as thumb-prints of the head of household or representative of each family, as proof of evidence.

The household statistic table which have already compiled shall be publicly displayed for a period of 30 days at the temporary settlements and at the commune/Sangkat office in order to collect suggestions from local residents.

4. Solution finding

Based on the above collected data as a basis, the District/Khan/Municipal State Land Working Group, together with community representatives and civil society as ad-hoc members, shall organise a meeting to review, discuss and to decide types of solution for each actual cases of each temporary settlements, by taking into consideration public interest as the first priority and also shall be based on the physical characteristics of squatter location and shall be based on the interest of the majority of the population in the community as well as the necessity of local development. After reaching an agreement of accepting any of the solutions such as relocation or on-site upgrading or other policy options, the Working Group shall develop an action plan and to set up the actual timeframe for practical implementation and shall seek to obtain an approval from the Capital city/Provincial State Land Management Committee.

4.1 For settlers as owners of temporary settlements on state land which has been illegally occupied, the possible solutions may include:

- Relocation where the temporary settlement's location is not suitable for on-site upgrading; or
- On-site upgrading where temporary settlement's location is suitable for such solution; or
- Other types of solution policies based on actual situation.

4.2 For settlers who rent from owners of temporary settlements, renters shall find a solution with the owners of the illegal settlements, and have no right to demand any compensation from the District/Khan/Municipal State Land Working Group or Capital city/Provincial State Land Management Committee or the authorities.

If discussion to find solution reaches no agreement, the District/Khan/Municipal State Land Working Group, local community representatives, and civil society as ad-hoc members, shall report to, and request for comment from, the Capital city/Provincial Board of Governors by attaching a report indicating the results of the solution finding meeting which shall include view of the majority of the meeting's participants, view of the local community, various suggestions of civil societies and the public view on each suggested solutions if there is.

For any solution which has been agreed by the meeting, a public display shall be conducted in a period of 30 days in the respective temporary settlement, and in commune or Sangkat office as information for the population of the local community.

5. Coordinated discussion in order to identify solution policies

For temporary settlements which can be implemented with on-site upgrading, the Capital city/Provincial Governors shall discuss with all relevant stakeholders to develop infrastructure development plan, to identify methods for plots or houses organization, and/or other policies which shall facilitate the development of local livelihoods.

For temporary settlements which cannot be implemented with on-site upgrading and thus have to be relocated into new locations, shall develop practical plan before implementation and/or to assist as policies in order to facilitate relocation of the settlers.

For on-site upgrading or relocation, the target beneficiary settlers may obtain:

1. Usufruct right based on agreement; or
2. Ownership right after the beneficiary settlers have continuously occupied and lived on the approved location for at least 10 years, commencing from the date of agreed solution; or
3. Rented right in an agreed time frame with symbolic (token) renting fee.

6. Basic public infrastructures and services to support livelihood

a. Every solution shall be taken into consideration the installation of basic public infrastructures and services for low-income households, such as limiting the size of the plots and/or houses with relatively small size, avoiding the types of solutions which can be seen as encouragements and attractiveness for the establishments of new temporary settlements on land which is illegally occupied.

b. Basic needed public infrastructure and services shall be prepared in advance for both locations, the on-site upgrading and relocation, such as roads, water supply, sewage, and other needed basic services including education and healthcare services and to also consider employment opportunities.

7. Participation of stakeholders in development

In order to carry out any type of solution which is agreed by relevant stakeholders, the District/Khan/Municipal State Land Working Group shall review the preparation of the location before leading to the implementation of action plan. All relevant stakeholders shall continue to support the target population in both cases of relocation and on-site upgrading in order to help them to organize as a community or to continue the existing community organization which has already been organized by assisting them in developing community internal regulations and community savings based on voluntary principle. In the internal regulations, there shall be identification of structure of

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management, rights and responsibilities of members and procedure in regards to important decision makings.

Local authorities together with Development Partners, NGOs and civil societies may work together in finding a solution by contributing moral, material and financial supports since the initiative stage of means to build and improve infrastructure, to provide basic needed public services and to facilitate employment generation for those population.

In addition to the seven measures defined above, the Royal Government instructs austere order through this Circular to local authorities at all levels to cooperate with relevant Ministries and Institutions in order to take full responsibility to prevent the establishment of new temporary settlements on land which is illegally occupied in the future in the Capital city, Municipalities, provinces, districts, Khan, commune and Sangkat.

Receiving this Circular, relevant Ministries and Institutions, authorities at all levels, and Capital/Provincial State Land Management Committee shall effectively implement the Circular from the date of signature.

Phnom Penh, May 31, 2010

(Signed and sealed)

Samdech Akka Moha Senapadei Decho HUN SEN

CC:

- Ministry of the Royal Palace
- General Secretariat of the Senate
- General Secretariat of the National Assembly
- Secretary-General of the RGC
- Office of the Prime Minister
- Offices of Deputy-Prime Ministers
- All ministries/Agencies
- All capital and provincial halls
- Royal Gazette
- Archives