

TECHNICAL ASSISTANCE COMPLETION REPORT

Division: OGC

TA No. and Name TA No. 4181-CAM: Implementation of Land Legislation–Phase 2			Amount Approved: \$600,000	
			Revised Amount: \$600,000	
Executing Agency: Ministry of Land Management, Urban Planning and Construction (MLMUPC)		Source of Funding: TASF	TA Amount Undisbursed \$223.28	TA Amount Utilized \$599,776.72
Date			Completion Date	
Approval 23 Sep 2003	Signing 17 Dec 2003	Fielding of Consultants 16 Jan 2004	Original 31 Oct 2005	Actual 15 Apr 2006
			Closing Date	
			Original 31 Oct 2005	Actual 13 Nov 2006
Description				
<p>In August 2001, the National Assembly of Cambodia enacted a land law, prepared by the Ministry of Land Management, Urban Planning and Construction (MLMUPC) with technical assistance (TA) from the Asian Development Bank (ADB). At the time that the land law was under consideration, the Government of Cambodia asked ADB for assistance to further develop and implement land legislation. TA was provided to meet this request. That TA was completed in August 2003. The Government of Cambodia then asked ADB for further assistance to continue developing and implementing land-related legal instruments. This TA was included in the 2003 country assistance program for Cambodia as part of the overall TA program to improve governance.</p>				
Expected Impact, Outcome and Outputs				
<p>The objectives of the TA, meant to complement and continue earlier assistance, were to: (i) draft legal texts to address state ownership of land and its uses; (ii) build the capacity of government officials concerned with land matters, as well as commune council members, the judiciary and members of civil society who will need training in land issues, such as NGO staff; and (iii) raise public awareness of the Land Law and its implementing regulations in order to increase people's access to mechanisms to realize their rights under the law.</p>				
<p>The TA was implemented over a period of 2.5 years and comprised three components. (i) Drafting of Legal Texts. Some of the legal texts that were most needed concern (a) management of state-owned land; (b) classification and reclassification of state-owned public land and state-owned private land; (c) sale of state-owned private land; (d) granting of economic land concessions and the reduction in size of previously granted economic land concessions that exceed limits permissible under the 2001 land law; and (e) granting of state-owned private land for social purposes. The TA provided assistance in drafting these specific legal texts, using as a model the participatory drafting process involving civil society and stakeholders developed under the phase 1 TA. This participatory process is a first for Cambodia and remains a model for contributions by the public sector. (ii) Training and Capacity Building. Staff from both international and local NGOs that work at the grassroots level were trained to assist parties in the conciliation of land disputes at the cadastral commission, as these parties would otherwise be unable to obtain assistance from legal practitioners. Efforts were made to include female NGO staff. In coordination with the multi-donor Land Management and Administration Project (LMAP), the TA provided follow-up training to cadastral commission members in dispute resolution procedures, supplementing initial training received under the phase 1 TA. Also one lawyer in the MLMUPC Legal Department received on-the-job training in legislative drafting techniques and procedures in order to build capacity within the Legal Department to manage ongoing and future legislative drafting functions. In addition, a training program was developed at the Royal School for Judges and Prosecutors (RSJP) to train judges and prosecutors, using the land law textbook developed under the Phase 1 TA. Staff from the land registry offices assisted in providing this training so as to develop a mutual understanding among the judiciary and staff involved in technical aspects of land titling. (iii) Dissemination of Information to the Public. Materials developed under the phase 1 TA, including two videos and accompanying cartoon books explaining the land law in simple terms, were further disseminated. Several hundred copies of the two videos and several thousand copies of the two cartoon books were produced and disseminated. Stories from the two picture books were converted into a series of photo strips (like a comic strip) for publication in Khmer language newspapers as another method to reach poorly educated people. The newspaper series contained articles about the land law, and included two posters to summarize peoples' rights under the land law and rights to conciliation of their disputes. The lessons learned under RETA 5856: Legal Literacy for Supporting Governance were taken into account. The information program carried out in close cooperation with NGOs and civil society and efforts were made to ensure women were reached by the information program, including making women the key characters in the videos, cartoon books and comic strips.</p>				
Delivery of Inputs and Conduct of Activities				
<p>The TA commenced on 19 January 2004 and was expected to be completed on 31 October 2005 but was extended at no cost to 15 April 2006 in order to finalize various ongoing activities necessitated by the promulgation of the sub-decrees developed under this TA. The additional time was used for training and completing various materials associated with the promulgation of these sub-decrees. The consultants were very competent and remarkably committed.</p>				
<p>All the TA objectives were satisfactorily met. The consultants' performance was notably satisfactory.</p>				

The Executing Agency (EA) has shown high commitment in meeting and achieving the TA objectives. ADB has provided appropriate supervision. Overall, both the EA's and ADB's performance were satisfactory.

The consultants assisted the MLMUPC in developing two priority sub-decrees on state land management and economic land concessions which were both promulgated by the Council of Ministers on October 7, 2005 and December 27, 2005, respectively. In addition, the consultants provided assistance to the MLMUPC with the first steps toward implementation of the new Sub-decree on State Land Management by developing detailed guidelines for the identification, mapping and classification of state land. These guidelines were promulgated by the Minister of MLMUPC on March 10, 2006. The work of the consultants was highly satisfactory in initiating and participating in this process. As a final result, sub-decrees on economic land concessions and state land management with guidelines were promulgated within timeframes specified by the Government. The TA provided several trainings/workshops for three groups of participants. (1) Staff and members of Cadastral Commissions. A three-day Coaching Workshop was held in Kampong Cham Province in June 2004 to help the participants, all Core Cadastral Commission trainers who received training under Phase 1, refine their conciliation and leadership skills. A series of lessons learned workshops were developed in coordination with LMAP and addressed training needs identified in an external evaluation of the work of Cadastral Commissions. The lessons learned workshops included a two-day national workshop in September 2004 and three regional lessons learned workshops conducted with assistance by the TA during December 2004. (2) NGO Workers. Three one-week regional Party Assistant Workshops were conducted to train NGO workers to assist parties in the conciliation of land disputes before Cadastral Commissions. Two short workshops were held to follow up on these earlier trainings, and specifically to help improve and ensure the effectiveness of Party Assistants in Cadastral Commission proceedings. The objectives of the regional Party Assistant training were twofold: (i) to give NGO workers the skills and knowledge of the conciliation system they need to help educate the public about the Land Law and to effectively help parties prepare for and participate in conciliation; and (ii) to provide an opportunity for NGO workers and Cadastral Commission staff to meet and establish friendly, supportive and respectful relationships. In December 2005, the TA also provided one day of training on land related issues to the first group of twenty recent university graduates who were in training to become volunteers in underserved rural communities for a new NGO, Youth Star Cambodia. The objective of the training was to give the volunteers enough basic information so that, should they encounter land disputes, they would know who to contact for help. (3) Judges and Prosecutors. The TA provided land law training for newly appointed judges and prosecutors; the primary objective of the land law training was to ensure the students fully understood the title by registration system and other important property law issues particularly from the perspective of a judge. The consultants' effort and hard work have been highly satisfactory in the accomplishment of the trainings and workshops. For dissemination of information to the public, the second video (with an accompanying picture book) of the two public awareness films prepared under the first phase of the Project was finally launched in April 2004. Shortly afterwards, the film began to be broadcast on all government TV stations and it continues to be shown, usually at least once a week.

Evaluation of Outputs and Achievement of Outcome

The consultants' reports with their annexes provided a comprehensive and thorough summary of the accomplished work. The outputs, in general, were objective-directed, very useful and informative. Public information materials (picture books, photo strips and posters) were printed in bulk and were widely distributed. Four radio programs were developed and submitted to the MLMUPC for broadcast, but to date, are still awaiting final approval for broadcasting. A Land Law textbook, entitled "Cambodian Land Law: A Study and Research Manual," prepared in the first phase was printed and officially launched in April 2004. Thousands of copies of the Khmer version of the book have been widely distributed to government officials, NGOs, students and legal professionals. The Khmer language version of the book was revised and reprinted in December 2005. As indicated in the Terms of Reference, the TA consultants produced the following reports: (i) an inception report (ii) a midterm report; and (iii) a final report. All reports were qualitatively and quantitatively comprehensive, and included (i) impact evaluation updates, including feedback from training course participants, NGOs and local communities; and (ii) brief descriptions of assistance rendered to people seeking access to justice and the outcome of the assistance. The consultants completed a detailed impact evaluation of the Party Assistant training, and a limited evaluation of the public awareness materials with input from 85 NGO workers trained as Party Assistants and 16 staff of Cadastral Commissions, which is attached to the final report.

Overall Assessment and Rating

The objectives have been met which made the TA *highly successful*.

Major Lessons Learned

There is a need to be flexible as other donors may decide upon actions (e.g., training programs) that require adjustment of planned activities. There is also the need to proceed slowly to allow for Government processes to take place and these may not necessarily be as efficiently accomplished as originally envisaged.

Recommendations and Follow-Up Actions

There is a need to continue the following activities: (i) continued judicial training, (ii) training on the title registration system for sitting judges and prosecutors, (iii) more training and support for party assistants, (iv) further dissemination of public information materials such as the videos, picture books, posters and photo strips, (v) further efforts at public awareness, and (vi) development and production of more public awareness and educational materials.