
amnesty international

Cambodia: Facing the threat of eviction

12 March 2008

AI Index: ASA 23/005/2008

“States parties shall ensure, prior to carrying out any evictions, and particularly those involving large groups, that all feasible alternatives are explored in consultation with the affected persons [...].”

UN Committee on Economic, Social and Cultural Rights,
General Comment 7: The right to adequate housing: Forced evictions

“All we want is a solution according to the law. [...] We’re not saying that we would never leave. We will, if we know that [the development] will be for the public good.”

Group 78 representative

Nearly 150 families living on land known as Group 78 near the Bassac River in Phnom Penh are facing eviction to a site lacking basic infrastructure such as sewage, sanitation, and drinking water. The families, many poor street vendors, but also some public servants, including teachers and officials, started moving into the area in 1983. Since then the number of families has grown and the area has become prime land in an exploding property market.

Since 2004, the families have applied for formal land titles several times. Despite extensive official documentation of their continuous possession for more than five years,¹ their applications have been rejected. The Cadastral Commission, which

¹ All persons who have occupied their land in an uncontested manner for over five years before the enactment of the 2001 Land Law are entitled to claim land title under the same law.

is mandated to register and issue titles of unregistered land, also refused to hear the case, reportedly because powerful interests are involved. The Ministry of Land Management, Urban Planning and Construction was informed and promised to investigate the rejection of the claims, but to date no investigation has been launched.

For almost two years, Group 78 residents have lived in fear of being forcibly evicted. Five eviction notices have been issued by the Chamkar Morn District Office, none of them based on a court order as required by law. The most recent notice was issued on 4 November 2007 and did not set a date for the eviction.

The eviction notices provide different reasons for the eviction: beautification of the city, a plan to build a bridge on the site, that the land is inalienable state property, that the land is private property belonging to someone else, and that the villagers are illegal squatters. Phnom Penh's so-called Master Plan for Development has been referred to as justification for the impending eviction. This plan has never been made available to the community.



The affected community of Group 78 has never been given the opportunity to genuinely participate in decision making with the authorities about the development of the area where they live. Instead, representatives of the authorities have threatened the community representatives, telling them they will be unable to take any responsibility over the area unless the community complies with the eviction order.

In an effort to defend their rights, the Group 78 residents have submitted appeals and petitions to a range of public institutions, such as government ministries, local authorities, Cadastral Commission, the National Assembly and the Senate, as well as civil society organizations and the donor community. The community further engaged university students studying architecture to develop plans for on-site upgrading, in order to show feasible alternatives to eviction. Their proposal for a discussion of these plans was rejected; and the local authorities have instead continued to press them to acquiesce to a 'solution' that has been imposed on them.

At the end of 2007, the Municipality of Phnom Penh offered the residents \$1,000 per family, plus a 60 square metre plot in the Andong resettlement site, some 20 kilometres from the city centre where they now live. Andong, where thousands of evictees live, has no sewage, sanitation, potable water, or electricity. The distance from the city also makes it very difficult for the community to make a living: The price for transportation to and from Andong to

A Group 78 resident holds up a drawing showing the size of the land to which she has strong claims.

the city far exceeds the expected daily earnings of most street vendors and public servants.

According to a land appraisal of 2 November 2007, the land at Group 78 is reportedly valued at \$1,200 per square meter, or in total over \$14 million. Very little, if indeed any, of this seems to be benefiting the community.

“I don’t understand, the authorities are creating poverty; not lifting people out of poverty,” one of the village representatives said to Amnesty International.

Background

Thousands of Cambodian families have been forcibly evicted from their homes in recent years, and there are at least 150,000 people throughout Cambodia who are currently living at risk of forced evictions because of misguided development projects, land disputes and land grabbing. This appears to be contrary to the “pro-poor” policies of the Cambodian government. Forced evictions, which are carried out in situations of a lack of transparency and outside the framework of the law, are causing great hardships to already poor communities, in violation of their human rights.

As a state party to the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Government of Cambodia is legally obliged to respect, protect, and progressively fulfill the right to adequate housing, guaranteed in Article 11 (1) of the Covenant. This includes the duty to ensure ‘security of tenure which guarantees legal protection against forced eviction, harassment and other threats,’ as clarified by the Committee on Economic, Social and Cultural Rights. The government has legal obligations to protect everyone within its jurisdiction from forced evictions, especially when such evictions render affected persons homeless.

The ICESCR and other international human rights treaties prohibit forced eviction and related human rights violations, including the excessive use of force. Forced evictions have also been recognized by the UN Commission on Human Rights as a gross violation of human rights.

Article 31 of the Cambodian Constitution explicitly requires that the Kingdom of Cambodia ‘shall recognize and respect human rights as stipulated in the United Nations Charter, the Universal Declaration of Human Rights, the covenants and conventions related to human rights, women’s and children’s rights.’

Recommended Action

Please send appeals in English, Khmer or your own language:

urging the government to end all forced evictions as a matter of urgency, including that of Group 78, and to introduce a moratorium on all mass evictions until legislative and policy measures are in place to ensure that any evictions are necessary and conducted only in full compliance with international human rights law and standards.

urging the authorities to ensure security of tenure for those living in Group 78 and protect them from forced eviction and other threats and harassment.

calling on the authorities to guarantee that, in case eviction is proved to be necessary, all those affected are ensured an effective remedy, including alternative accommodation, fair and just compensation to be developed with the genuine participation of all those who will be affected by the evictions from Group 78.

Appeals to:

His Excellency Kep Chuktema <u>Governor</u> <u>Phnom Penh Municipality</u> # 69 Blvd. Preah Monivong Phnom Penh Kingdom of Cambodia Fax: + 855 23 426 101 Email: phnompenh@phnompenh.gov.kh	His Excellency Sar Kheng <u>Minister of Interior and Deputy Prime</u> <u>Minister</u> No 75 Norodom Blvd. Khan Chamkamon Phnom Penh Kingdom of Cambodia Fax: + 855 23 212 708/726 052 Email: moi@interior.gov.kh
--	---

Send copies to:

Diplomatic representatives of Cambodia accredited to your country

Local elected representative (member of parliament) of your government

An extensive range of our materials on this and other subjects is available at <http://www.amnesty.org> and Amnesty International news releases can be received by email: http://www.amnesty.org/email/email_updates.html

INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 0DW, UNITED KINGDOM
