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**FORCED EVICTIONS AND RESETTLEMENT IN PHNOM PENH:  
A case for Internally Displaced Persons**



*Photo: Dey Krahom after evictions*

*Source: The Phnom Penh Post 2015*

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## **Abbreviations**

ADHOC – Cambodian Human Rights and Development Association

ASEAN – Association of South East Nations of Asia

PPCC – Phnom Penh City Centre

CGDK – Coalition Government of Democratic Kampuchea

CPK – Communist Party of Kampuchea

CPP – Cambodian People’s Party

CSO – Civil Society Organization

DID – Development Induced Displacement

ELC – Economic Land Concessions

FDA – Foreign Direct Assistance

FIDH – International Federation for Human Rights

FMO – Forced Migration Online

FUNCIPEC – National United Front of an Independent, Neutral, Peaceful and Cooperative Cambodia

ICESCR – International Covenant on Economic, Social and Cultural Rights

IDI – Inclusive Development International

IDMC – Internal Displacement Monitoring Centre

IDP – Internally Displaced Persons

IHL – International Humanitarian Law

INGO – International Non-Governmental Organization

KPNLF – The Khmer People’s National Liberation Front

KPRP – Khmer People’s Revolutionary Party

LICADHO – League for the Promotion and Defense of Human Rights

MLMUPC – Ministry of Land Management, Urban Planning and Construction

MOI – Ministry of Interior

MoEYS – Ministry of Educations, Youth and Sport

MPP – Municipality of Phnom Penh

MSF – Medecines Sans Frontieres

NGO – Non-Governmental Organization

NPRS – National Poverty Reduction Strategy

NRC – Norwegian Refugee Council

OCIC – Overseas Cambodia Investment Corporation

ODA – Official Development Assistance

OHCHR – Office of the United Nations High Commissioner for Human Rights

PRK – People’s Republic of Kampuchea

SLC – Social Land Concession

SNC – Supreme National Council

STT – Sahmakum Teang Tnaut

UN – United Nations

UNHCR – United Nations High Commissioner for Refugees

UNHR – United Nations Human Rights

UNICEF – United Nations’ Children’s Fund

UNTAC – United Nations Transitional Authority in Cambodia

USAID – United States Agency for International Development

## **Abstract**

The following thesis examines forced evictions due to development and resettlement in Phnom Penh, Cambodia and tries to understand if there is scope for the victims of forced evictions to be labeled internally displaced persons (Dips). Development-induced displacement fails to receive the same attention as violence or conflict-induced displacement. Furthermore, when assistance providers recognize the need for better monitoring of Dips by including development-induced displacement on their agenda- large and small scale, it is commonly the larger-scale projects that take precedent. A gap remains in addressing the needs of the victims of small-scale development such as the projects unfolding in Phnom Penh. Numerous development projects have displaced thousands of families. Their victims, often fall through the cracks of assistance and one of the potential causes for this, we believe to be the conceptual ambiguities. Forcefully evicted Cambodians are not covered by a comprehensive label such as that of Dips which is internationally recognized and confers a certain degree of legitimacy to their case. Among the negative consequences of development in Phnom Penh are human rights violations in the form of forced evictions and inadequate compensation and resettlement.

Using qualitative and inductive research approaches, we analyze if there is potential of labeling these people as Dips. We analyze some of the benefits which might come by doing so. We conclude that there is a double advantage in using this label for the forcefully evicted of Phnom Penh. On One hand it will raise awareness, internationally, about their grievances and needs of assistance. On the other hand it will confer international NGOs and donor agencies leverage to put pressure on the Royal Government to assume responsibility over upholding human rights.

*Keywords: Cambodia, forced evictions, resettlement, development, development-induced displacement, internal displacement, Dips*

## 1. Introduction

Cambodia is a country that has only recently emerged from a long period of conflict and was largely in need of rebuilding both structurally and socially. With significant contribution from foreign partners and donors, Cambodia has been on a path of rebuilding itself since the early 1990's. Today, the country is enjoying certain levels of political stability and economic prosperity, however this has come at a high cost.

Since the 1990s, Cambodia, specifically Phnom Penh, has been transformed by rapid development, which is a result of a shift towards a market-driven economy. Phnom Penh has been subjected to urban development and beautification over the past two decades, which has been criticized to marginalize the poor. Urban development and beautification have been happening against the backdrop of equally rapid urbanization. In the aftermath of consecutive civil wars but also as a result of a booming economy, the urban population of Phnom Penh grew substantially<sup>1</sup> and so did the pressure on the demand for land. However with little regulation and high levels of corruption<sup>2</sup> embedded in all levels of governance urban development projects have been happening at a high price of everyday Cambodians. Many urban renewal projects over the past decade have been at the forefront of human rights groups, as they have been benefiting the wealthy elite at the cost of a majority of the poor.

In this paper we aim to look at one specific negative consequence of Cambodia's economic prosperity: displacement due to development. Development projects in Phnom Penh have been displacing thousands of people and in the process they are violating many human rights, not least of which is by forced evictions. This trend is only expected to continue as Phnom Penh continues to gain status and remains one of the most open markets in Asia with private investment largely driving Phnom Penh's urban development.

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<sup>1</sup> The 1990s saw a wave of growth which brought Phnom Penh's population to more than a million people for the first time since the 1970s. Currently Phnom Penh is the most populous city in Cambodia, with a population of approximately 1.5 million people (Khemro, 2006)

<sup>2</sup> According to Transparency International, an organization that works to stop corruption and promote transparency and accountability across all sectors of society, Cambodia ranks 150 out of 168 as of 2015 in terms of corruption perceptions index (Transparency International, 2016)

While not all resettlements are involuntary, OHRCR mentions the cases of Angkpeat Meanchey where the resettlement “*was voluntary in all respects*” (OHRCR 2012: 4) the problem still persists that a large number of families and individuals are victims of forced evictions and resettlement with an overwhelming estimate of 11% of Phnom Penh’s population having been evicted since 1990 as of 2012 (Tudehope, 2012). Forced evictions and resettlement in Phnom Penh has continuously been contested by many NGOs and Ingo’s for the human rights and social impacts they have had on those being displaced due to development projects. Despite the general outcry, little has been done in the way of improving the situation of the people who continue to fall victims of arbitrary evictions.

With this prospect in mind we aim to analyze one potential solution; categorizing people affected by forced evictions as internally displaced persons (Dips). It is this premise that lead to the formulation of our research question:

*“Should displacement due to development be considered internal displacement: A look into the case of forced evictions and resettlement in Phnom Penh”.*

By answering this question, we aim to add arguments to an already existing debate revolving around the need to improve monitoring and accounting of Dips worldwide which in turn, would improve humanitarian and development assistance targeted at Dips. Several studies on development-induced displacement and IDPs focus on large - scale projects such as dams, railways, or mines as seen in China, India, Bangladesh and several African countries (Terminski, 2013). However, little attention has been paid to small-scale projects such as those of urban development and beautification efforts, as is the case in Phnom Penh. We believe there is a twofold benefit, which would come from categorizing people displaced by development through forced evictions as IDPs. Firstly, displacement due to small-scale development would add scope to academics working towards shedding light on the global trend of internal displacement. Secondly, in the long run, this could lead to the creation of better channels of humanitarian and development assistance of the forcefully evicted.

In answering our question we cover four main topics. The first refers to empirical data, which helps frame the context of the property system in Cambodia. Secondly, we recount the pace and track of development in Cambodia and Phnom Penh. Thirdly, we look into the potentiality of considering those forcibly evicted from Phnom Penh as IDPs. Here, we



parallel the condition of those forcefully evicted and resettled on the outskirts of Phnom Penh with the category of IDPs. Lastly, we aim to highlight some of the benefits, which come with categorizing forcefully evicted persons in Phnom Penh as IDPs.

## **2. Methodology**

The aim of our research for this thesis was to gather data regarding forced evictions in Phnom Penh and to add arguments to an already existing debate about why people displaced by development projects through forced evictions should be made more visible by labeling them as IDPs. In doing so we conducted fieldwork in Phnom Penh, Cambodia for six weeks during the months of March and April 2016.

It should be noted that we started out with a different research topic. We had originally set out to look into how effective development aid is within the field of reconstructing the education system in a post conflict Cambodia. I (Elise) had been living and working in Cambodia for about one year prior to starting this research. I was working as the Program Coordinator for a small NGO called Cambodian Arts and Scholarship Foundation that supports and empowers poor and at-risk Cambodian girls and women through education. My involvement in working for this organization dedicated to empowering girls through education dates back to 2013. My work with this organization had compelled me to further look into and understand the education system in Cambodia. My (Ana) interest stood mostly in understanding the ins and outs of development aid efficiency. Knowing that Cambodia is a receiver of significant sums of development aid and being somewhat familiar with the destructive impact of past regimes on the education system of the country convinced me to accept the challenge of undertaking research in Cambodia. However, due to some setbacks in carrying out this field work - mainly related to landing interviews, and one of the largest national holidays inconveniently falling during two full weeks of our stay and consequently closing all schools, we methodically chose to change our topic mid-field work. We decided to look into an equally interesting and important issue facing Cambodia today: forced evictions to make room for development projects. As a result of changing our topic mid way through, the timing of our fieldwork was significantly cut short which affected some of the decisions we made along the way.

In writing our paper we applied an inductive method, a research strategy whereby the researcher collects data without premise of a theory. As opposed to a deductive approach, where the purpose of the researcher is to test a theory by applying the data gathered to see if it fits accordingly. An inductive approach allows the researcher to analyze data and explore various theories or explanations for an observed phenomenon (Bhattacharjee, 2012).

Our study is based on qualitative research, which is commonly used when the observer or researcher attempts to interpret phenomenon in their natural setting (Ritchie & Lewis, 2003). We adhere to the practice of qualitative research as defined by Strauss and Corbin who define it as: “[...] any type of research that produces findings not arrived at by statistical procedures or other means of quantification” (Strauss & Corbin, 1998 in Ritchie & Lewis, 2003)

In order to collect the necessary data we have engaged methods specific to qualitative research. We analyzed a variety of written sources such as academic articles, national and international reports, national policies, and international treaties. As a means of crediting the information gathered from these sources, we conducted interviews with representatives of major NGOs working directly on issues relating to urban slums, forced evictions and resettlement, and human rights (specifically housing rights) in Phnom Penh. Furthermore, spending time in Cambodia -six weeks for Ana-Maria and a year for Elise - allowed us the opportunity to be non-participant observers which granted us a certain level of understanding of Khmer culture and society.

Cambodia’s official language is Khmer, however due to the large number of foreign NGOs working in all sectors, English is widely used and as such, many official documents are published in English and Khmer. When consulting and analyzing official documents we used the English version, while bearing in mind that the Khmer version remains the prevailing one.

While in Cambodia carrying out our research we wanted to talk to and conduct interviews with Khmer people who have been forcibly evicted and resettled but there were a few barriers that made us reevaluate carrying this through. Early into our fieldwork on our second topic, we were offered an opportunity to visit a resettlement site outside Phnom Penh through one of the many contacts Elise had made by virtue of living in Cambodia for a year prior to this research. The resettlement site was in Oudong and known as the ‘Blue Tent Village’. The

people living in this village were evicted from Dey Krahom, one of the most controversial evictions of the past decade. We spent half a day in this community speaking to Kevin Knight, a Canadian national and his Cambodian wife. Together they have been living in this village and working towards rebuilding the community through an NGO they founded together called Manna4life. Kevin had personally witnessed the forceful eviction of the Dey Krahorm community in 2009 and upon seeing the destruction of the community's homes, he set out to help re-establish this community in Oudong, where they were resettled.

Visiting this site and speaking with Kevin and his wife were a cornerstone for our research as it provided us with insight into forced evictions and resettlement in Phnom Penh, specifically as it relates to the lives of those affected. We spoke with Kevin extensively and were both moved by his experience, but moreover by the experiences of the Cambodians he has set out to help. This experience, specifically seeing the impacts of resettlement first hand is what compelled us to take a qualitative approach to this research. After our visit, we were interested in carrying out our own interviews with people affected by evictions and resettlement at either this site or others.

Upon careful consideration and evaluation of the pros and cons of carrying out interviews directly with people who had been evicted from Phnom Penh, we decided against it for a series of reasons. The reasoning behind our decision stood in the fact that we acknowledged we were limited by the amount of time we had at hand. The logistics of conducting ethnographic research within a relevant number of resettlement sites and urban settlements in Phnom Penh would require us to build a network of contacts and gatekeepers to facilitate our access into the communities which includes Khmer translators. We also weighed the importance of investing enough time to build a relation of trust with potential interviewees.

For this reason, we switched our focus towards conducting interviews with NGOs. We reasoned that NGOs have an expertise-based view on the situation of human rights and forced evictions in Phnom Penh. We were also aware that a number of NGOs in Phnom Penh had conducted both qualitative and quantitative research among communities living in poor urban settlements and resettlement sites. Their monitoring activity, spanning over the many years of controversial disputes would provide us with valuable insight into the situation of our target group.

We contacted seven of the leading NGOs working in the field of human rights as they relate to land and housing issues in Phnom Penh and landed interviews with the top three most widely acknowledged NGOs working on these issues: Cambodian League for the Promotion and Defense of Human Rights (LICADHO)<sup>3</sup>, Sahmakum Teang Tnaut (STT)<sup>4</sup>, and Equitable Cambodia.<sup>5</sup>

Based on our visit at the Blue Tent Village we created an interview guide. Our interview guide combined elements of informal and semi-structured interviews. Informal interviews are commonly characterized by a minimal control over responses, allowing respondents to express themselves in their own terms and at their own pace (Russell, 2006). Semi-structured interviews differ in that they rely on an interview guide: this type of interview is recommended in situations where the interviewers are only allowed one chance to speak to their informants. We found these two methods particularly useful considering the fact that we allowed approximately one hour and a half for each interview (Russell, 2006). We decided to mix the two methods of interviewing mostly because while we were interested in covering certain topics, we also wanted to allow the NGO representatives to have a certain level of control over how the interview went so as to provide us with as much information as possible. Therefore, throughout the interviews we adjusted our questions accordingly, keeping in mind the topics which we wanted to have covered by the end of our fieldwork. These topics are attached at the end of this paper as Annex 1.

The people we spoke to had been working for these organizations between one and five years. Each NGO interview had two representatives and in two of the interviews there was a foreign and Khmer person present. All of the interviews were conducted in English. Throughout the interviews one of us would take extensive notes while the other one led the interview. With permission of our interviewees, we recorded each interview. We attached their signed consent forms as Annexes 2, 3, and 4. We would like to note that we lost two of our three interview recordings and as a result, we relied on the bank of notes we took during

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<sup>3</sup> LICADHO is a national human rights organization active in Cambodia. It is at the forefront of efforts to protect civil, political, economic and social rights of Cambodians

<sup>4</sup> STT works to support the poor and raise awareness about urban issues, specifically works to help urban inhabitants enjoy adequate housing within a developing city

<sup>5</sup> Equitable Cambodia has committed to transforming the national development model into one that respects, protects and fulfills the human rights of Cambodians.

the interviews. We use single quotations as our in-text citations of these interviews to indicate a secondary level of quotation.

Living in Phnom Penh helped us conduct non-participatory observations which allowed to obtain a wider spectrum of information. For example, we were able to explore various aspects of social reality in Phnom Penh and even though many of our observations were not directly used in our analysis, it provided us with a deeper understanding of the political and social dynamics at play in Phnom Penh. As Flick describes:

*“Observing is an everyday skill, which is methodologically systematized and applied in qualitative research. Practically all the senses – seeing, hearing, feeling and smelling – are integrated into observations”* (Flick, 2009: 222)

We are aware of the fact that observations can bring about certain limitations. For example, given the subjectivity of such methodological technique we both might have interpreted interactions differently. Furthermore, we acknowledge that our different experiences within Cambodia will have influenced our perceptions in a distinct manner.

There is always potential for bias in research but acknowledging its presence can help limit its influence. Within this thesis, there is a certain bias in the shape of previous knowledge about forced evictions, violations of human rights, and high levels of corruption within Cambodian institutions. Aside from the bias on our side, there is scope for it within our interviews. We conducted interviews solely with NGOs active in the field of defending human rights, advocating on behalf of people affected by forced evictions or at risk of being forcefully evicted. As such we were aware that there was potentiality for exaggerated or subjective responses. However, noticing similarities between the responses of our respondents we believe this possibility to be a limited one. Another source of bias can be found in the literature consulted. When using NGO reports and quantitative reports, there is little prospect for us of validating the results.

In order to minimize the bias’, we made sure to familiarize ourselves with the background of the NGOs and the work they conduct in the field. Furthermore, we used the interviews mainly as a way to backup the information collected from written sources. We also consulted national policies, existing laws and media coverage of on-going land conflicts, as well as

government official declarations and public appearances, which were covered in English. We did so as a means of making up for the fact that we did not conduct interviews with officials or state institutions.

Last but not least, we analyze our collected data through the lens of modernization theory of development, which aims to highlight the forces at play within the historical and cultural context of Cambodia. To better understand the situation of forced evictions and resettlement of Cambodians<sup>6</sup>, we draw on Vigh's theory of crisis as context to emphasize the need for sustainable solutions for assistance.

### 3. History of Cambodia

In the following section we would like to bring about some of the most important aspects of Cambodia's recent history. It is not our purpose to discuss this extensively as there are several works that take upon this task<sup>7</sup>. However we will draw upon the most notable events in the country's history that we feel are important in setting the scene for our paper's discussion.

The history of Cambodia can be traced back to the Bronze age, but in this recounting, we will only go as far back as when the French Protectorate over Cambodia was established in 1863. For almost ninety years, the country remained a French colony, gaining its independence in 1953 under King Norodom Sihanouk (Chandler, 1979: 411). The time between independence and 1970 came to be regarded as The Golden Ages, despite the fact that throughout these years the country saw severe inequalities in wealth and power (Strangio, 2014a).

In 1970, a coup brought the monarchy to an end. A group of United States sympathizing officials under the leadership of General Lon Nol and Prince Sisowath Sirik Matak, ousted

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<sup>6</sup> We refer to Cambodians affected by forced evictions and resettlement quite loosely. We acknowledge the fact that there are other minorities, mostly Vietnamese, among those evicted. We do not have information on the number or size of the minority groups, which is why we chose to generalize.

<sup>7</sup> David Chandler's *A History of Cambodia* is a first in depth historiography of Cambodia, documenting the evolution of the country from the Angkorian Empire until the 20th century (Chandler, 1983). Ben Kiernan wrote a number of books and articles that cover Pol Pot's rise to power. His book *Pol Pot Regime: Race, Power and Genocide in Cambodia under the Khmer Rouge, 1975-1979* is a comprehensive analysis of the years when the Khmer Rouge were in control of Cambodia (Kiernan, 2008). David Ayres in his book *Anatomy of a Crisis: Education, Development and the State in Cambodia 1953-1998*, discusses in depth issues of culture, politics and history in the context of the many successive regimes of Cambodia (Ayres, 2000) Grant Curtis analyzed some of the developments that took place in Cambodia after the departure of UNTAC in his book *Cambodia Reborn? The transition to Democracy and Development* (Curtis, 1998) and Sebastian Strangio's *Hun Sen's Cambodia* lays forth a thorough critical overview of the current state of affairs in Cambodia (Strangio, 2014a).

King Sihanouk from power and proclaimed Cambodia a Republic. Under the rule of Lon Nol the country experienced five years of political and economic turmoil and it is during this time that many villagers joined the ranks of the Khmer Rouge, who, by 1974 were in control of three quarters of the country (Strangio, 2014a).

The Khmer Rouge, as they were to be called by Prince Sihanouk and the international media, were an underground extreme communist group. The group evolved from a communist party formed in the early 1950s out of a nationalistic struggle and ambition for independence from the French. They had formed under the supervision of Vietnamese communists, and bore the name the Khmer People's Revolutionary Party (KPRP). The party had gained support from its early inception, recruiting in the first three years after its foundation one thousand members: mainly rural, Buddhist pro-Vietnamese and moderate. However throughout the late 1950s and 1960s they evolved into a party led by urban, radical, anti-Vietnamese, French educated young communists (Kiernan, 2008). In 1962, Pol Pot took over the leadership of the group and soon after adopted the name of Communist Party of Kampuchea (CPK). During the 1960s and during the Lon Nol rule, they waged civil wars that led to a complete takeover of the entire country in 1975 (Kiernan, 2008). Under the leadership of Pol Pot, the Khmer Rouge embarked on what was to be perhaps the darkest age of Cambodian history. Their mission was to bring Cambodia back to 'Year Zero'; they renamed the country Democratic Kampuchea and embarked on a mission to create an all-agrarian society. To achieve this ideology, money was abolished, cities were almost entirely emptied, and people were forced to live in communes working on rice fields (Törhönen, 2001). An estimated 1.7 million people, approximately 21% of Cambodia's population at the time, died due to starvation, illness, exhaustion through forced labor and the regime's attempt to purge the educated class (Montvilaite, 2014). Furthermore, to achieve their ideology, the regime's practices destroyed the very fabric of Cambodia's social life. Before the Khmer Rouge, Cambodians' identity was closely linked to family, religion, and class. The Khmer Rouge tried to undermine these aspects by challenging the traditional ideas of family and society through deportation, execution, and collectivization of work and living arrangements (Mam, 1999).

The Khmer Rouge were driven out in 1979 by the Vietnamese who established the People's Republic of Kampuchea (PRK), granting Hun Sen the prime minister. Throughout the next decade Cambodia continued to be swept by armed conflicts as the Western supported Coalition Government of Democratic Kampuchea (CGDK) waged guerilla war on the Phnom Penh government supported by Vietnam, the Soviet Union, and other socialist states (Curtis,

1998). The years between 1979 and 1993 came to be regarded as the years of the Cambodia - Vietnam War. The two main involved actors were the PRK and the CGDK however the conflict was further fueled by the political interests of outside powers, within the context of the Cold War; such as the Soviet Union, U.S. and China. As opposed to the Vietnamese supported PRK, the CGDK was formed through an alliance of the ousted Khmer Rouge and two smaller parties: French acronym for the National United Front of an Independent, Neutral, Peaceful and Cooperative Cambodia (FUNCINPEC) - a royalist party, led by Prince Norodom Sihanouk and the Khmer People's National Liberation Front (KPNLF). CGDK used a narrative of fighting the Vietnamese invasion of Cambodia to justify the attacks against the PRK. In doing so it gained the support of China, the U.S, various Western countries, and some ASEAN<sup>8</sup> countries (Curtis, 1998; Sokkhoeurn, 2010). China intended to continue its policy of attrition against the Vietnamese government and therefore was unwilling to support measures to reduce the power of the Khmer Rouge and continued to provide them with weapons. This kept the Khmer Rouge active on the military and political scene, as part of the CGDK alliance. The U.S supported the coalition mainly because it served its own interests in the confrontation with the Soviet Union over expanding their sphere of influence (Narine, 2002; Sokkhoeurn, 2010), Given this outside support, the Khmer Rouge, remained a strong guerrilla force, which, even though unable to topple Phnom Penh's government, remained an obstacle for conflict resolution (Narine, 2002). In late 1980s together with the fall of the Soviet Union, and the changes it brought about in the world political scene, the United Nations, saw an opportunity to bring an end to the long lasting conflicts in Cambodia.

Initiated by diplomatic efforts from the United Nations, France and Indonesia, informal meetings were organized beginning in 1988, between Hun Sen and Prince Sihanouk. These meetings were a cornerstone for the internationalization of the Cambodian conflict. In 1989 an International Conference on Cambodia was held in Paris, where the four Cambodian factions met with the Permanent Members of the Security Council and thirteen other countries<sup>9</sup>. Although not immediately conclusive, the Conference did set forth the

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<sup>8</sup> ASEAN (acronym for the Association of Southeast Nations of Asia) is a political and economic organization, mainly promoting political stability and economic growth among its members. It currently comprises of ten members: Indonesia, Malaysia, Philippines, Singapore, Thailand, Brunei, Laos, Myanmar, Cambodia and Vietnam (Breene, 2016)

<sup>9</sup> The countries participating in the Paris Conference on Cambodia were: Australia, Brunei Darussalam, Cambodia, Canada, the People's Republic of China, the French Republic, the Republic of India, the Republic of Indonesia, Japan, the Lao People's Democratic Republic, Malaysia, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand, the Union of Soviet Socialist Republics, the United Kingdom



establishment of a UN led peacekeeping operation (Curtis, 1998). Following this meeting, the four Cambodian political factions agreed in 1990 to create a so-called Supreme National Council (SNC) to represent the state in the period between the ceasefire and the forthcoming elections. In 1991 the Paris Conference was reconvened and in the presence of the United Nations Secretary General, the Agreements on a Comprehensive Political Settlement of the Cambodian Conflict, also known as the Paris Agreements were signed by the four factions active in Cambodia and other participating countries (Curtis, 1998). These Agreements called for the creation of the United Nations Transitional Authority in Cambodia (UNTAC), which were charged with a mandate to revivify peace and assist Cambodia in attaining a democracy through free elections. During this transition the sovereign authority of Cambodia was vested into the SNC comprising of twelve representatives of the four factions, with Prince Sihanouk as president (Strangio, 2014a). The Paris Agreements also called for an international support program to rehabilitate the country especially infrastructure, institutionally and human capital wise (Curtis, 1998)

In 1993, the first democratic election in the history of the country was organized. The election did not end up with any of the parties winning a majority. As such the newly formed Royal Government of Cambodia was a coalition government between the two parties which received most seats: FUNCINPEC and Cambodian People's Party (CPP). Norodom Sihanouk was reinstated as monarch and two prime ministers were elected: Hun Sen from CPP and Prince Norodom Ranariddh from FUNCINPEC. A new Constitution was adopted in 1993 as well and with the signing of it came the end of UNTAC's mandate (Curtis, 1998)

After the creation of the new Royal Government of Cambodia and the re-establishment of the Kingdom of Cambodia, which was meant to bring about peace and a reconstruction of the state, the political situation of Cambodia remained unsettled. There continued to be conflicts between the two main parties which formed the government coalition, FUNCINPEC and CPP, as well as between factions of the Khmer Rouge which remained active in large parts of the country (Curtis, 1998). In 1998 the Khmer Rouge gave up all power and Cambodia was able to gain control over its entire territory (Törhönen, 2001). Furthermore, the tensions between FUNCINPEC and CPP culminated with a coup led by second Prime Minister Hun Sen against first Prime Minister Ranariddh, in 1997. The take-over by Hun Sen was a testament of the

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of Great Britain and Northern Ireland, the United States of America, the Socialist Republic of Vietnam and the Socialist Federal Republic of Yugoslavia.

power he enjoyed of Cambodia's institutions and spoke of the failure to establish a democratic state as envisioned by UNTAC (Ayres, 2000).

This succession of regime changes in the political scene brought about numerous consequences on the lives of the Cambodian people. Among the most severe consequences of the succession of events presented above is the uprooting of hundreds of thousands of people, who were forced to leave their land and in the context of ever changing policies to never be able to return to their home.

In the early 1970s, the civil war between Lon Nol's regime and the Khmer Rouge, as well as the American bombings on the eastern side of the country forced many farmers to leave their fields behind and flee to the cities (CCHR, 2013). In addition to these numbers an approximate 500,000 people fled the country and sought refuge abroad (Curtis, 1998). The civil war that followed the ousting of the Khmer Rouge created another 300,000 refugees and an approximate of 190,000 internally displaced (Williams, 2000).

In early 1990s the United Nation High Commissioner for Refugees (UNHCR) started a project to repatriate and reintegrate displaced Cambodians. Given these circumstances and considering the fact that vast areas of the country were covered by landmines, many of the people who returned were opting to settle in the cities instead, where there were significantly less conflicts – the Khmer Rouge had mounted attacks on the villages but not in the cities (Curtis, 1998)

All in all, over the past century and a half, Cambodia went from a traditional feudal system, to a French colonial administration, to a constitutional monarchy, to a republic, to an agrarian socialist country, to a Vietnamese client, to an independent state, to a UN transitional authority and finally to a supposedly democratic kingdom today (Springer, 2013). Each of these new regimes brought with it its own system of ownership and land policies.

In understanding the current, complex land situation of Cambodia it is important to look back at the changes in the property system of Cambodia over the past fifty years. For this reason we will briefly present them in the following section.

#### 4. An evolution of land ownership in Cambodia

We would like to begin by noting that, according to observers, Cambodia boasts an advanced legal framework for land administration, management and distribution. The current legal framework was put in place after many years of civil war and after the extreme socialist regime of the Khmer Rouge destroyed all private property in late 1970s. The distribution of land in early 1990s was considered to be relatively egalitarian. However in recent years, corruption, lack of transparency in implementing existing legal tools and a lack of accountability of both the government and purchasers of land have given rise to high inequality to the advantage of the rich and well connected Cambodians. The top 10% own 64% of the land in Cambodia and the top 1% own an estimated 20%-30% (Hughes, 2008).

Before the establishment of the French Protectorate, Cambodia functioned under a feudal system where most people lived in the countryside, off of rice farms (Boreak, 2000). The sovereign power was considered to be the owner of all land and the traditional way of appropriating land in Khmer culture was “*by the plough*” (Diepart, 2015). This meant that as long as a plot of land was not being used by anyone else, farmers were allowed to clear, settle and farm it as they wished (Cooper, 2002). This was particularly efficient given the fact that Cambodia’s population was relatively small at the time and people could move from one area to another and assume ownership (Boreak, 2000). Ownership here is to be understood as the customary practice of occupying a plot of land, which was recognized by village chiefs as being the proprietor. Households would negotiate their place within the community socially, based on a “*form of trust linked to the moral obligations between a patron and a client*” (Diepart, 2015; 6).

When the French Protectorate was established, Cambodia transitioned from a feudal system to a colonial one. In 1884 the French initiated a system of private ownership. They created a Land Law, introduced land titles and a department of cadastre that tried to modernize land rights from possession rights to ownership rights. However there was resistance on behalf of the Cambodian people who continued to practice the traditional appropriation “*by the plough*” in part due to the fact that under the new system they were required to pay taxes. Furthermore, due to people’s resistance the land law was promulgated almost 30 years later, in 1912 (Diepart, 2015). By 1930 vast areas of rice fields were registered, as private property, however there were still areas that remained unoccupied and people were free to clear, settle and cultivate them (Boreak, 2000). The introduction of ownership within the French legal

framework came about in 1920 together with the adoption of the Civil Code, which introduced a definition of ownership as being “*the law that permits the use of properties of one’s own without any prohibitions by the law*”(Peng, Phallack & Menzel, 2012).

One of the main issues that came with the adoption of a Western system of ownership was landlessness caused by an inability of the people to pay the required monetary taxes. Farmers traditionally practiced a rain-fed system of production which did not provide them with enough product to sell and make profit in order to pay taxes for the land they owned. As a result they would turn to moneylenders. By taking out loans, many peasants became indebted and in numerous cases even landless as they would have to sell their land to pay off their debts (Boreak, 2000).

After Cambodia gained its independence, the system of ownership introduced by the French remained in effect. However, means of appropriation through occupancy and possession, characteristic of the times before the establishment of the French Protectorate were also still practiced (Diepart, 2015). Between 1925 and 1975 just 10% of landowners had been issued with ownership titles (Un & So, 2011). The existence of these two means of appropriation in parallel, created land disputes. People who remained outside the modern system of property were exploited by powerful government and military officials who would issue ownership titles to themselves for land that had been cleared by peasants (Diepart, 2015).

The situation took a drastic turn after 1975, when the Khmer Rouge took over. All previous land registers were lost and ownership rights were annulled as all property now belonged to “*Angkar*”, or “*the organization*” (CCHR, 2013). The abolishing of private property rights did not stop at destroying land registers. Private property was seen as a threat to the regime. Families and kinship were regarded as private property and as such were destroyed. Families were not allowed to produce their own food or benefit from the product of their own work. Forced marriages, separation of families and collectivization in all aspects of life were just a few of the ways in which the regime tried to achieve its goal (Mam, 1999).

When the PRK was established in 1979 under the Vietnamese, little change was made. They maintained a land collectivization policy, but a less strict one compared to that of the former Democratic Kampuchea. Individual families were allowed to have a plot of land for residential purposes. Claims for such plots were made through occupancy (Un & So, 2011). Furthermore, in the countryside, the PRK initiated a new type of collective called “*KromSamaki*”. The collective units comprised of 10-15 families who were given a plot of

land, equipment, and animals to work this land collectively (Diepart, 2015). By 1989, when Cambodia began a transition from socialism to a market economy these collectives were split into private plots between individual families with the knowledge and approval of local authorities (Un & So, 2011). Ordinary people had rights of use and succession over pieces of land given to them by the state but they would not be allowed by law to sell, purchase, or loan money for the purpose of purchasing land (Peng, Phallack & Menzel, 2012).

After the departure of the Vietnamese, the re-establishment of a private property system in Cambodia happened with the issuance of Sub-Decree number 25 in 1989. This new land reform granted ownership rights for residential land-plots of maximum 2,000 square meters, possession rights for cultivated plots of land of maximum 5 hectares and concession rights for plantation plots of more than 5 hectares. Since the records of ownership from before 1975 were lost, the distribution of land in early 1990s was made based on the size of families and households (Engvall & Kokko, 2007). Land rights established through this new reform, were available to Khmer citizens only, under condition that they used and cultivated their land continuously for at least one year prior to the promulgation of the new policy (Supreme National Economic Council, 2007). With this new policy, an attempt was made to establish a program for land use and possession registration by creating a Department of Land Titles. However, the Department could not cope with the 4.5 million applications of land titles it received in the first two years after its establishment and became permanently backlogged. Because of this, most of the land that was distributed to families between 1989 and 1992 was not properly documented (Engvall & Kokko, 2007)

To further efforts at reforming the land rights system, in 1992 a Land Law was passed. To begin with, it denied the rights to ownership of those who claimed land they presumably owned before 1979 (State of Cambodia, 1992: Art.1). Furthermore, it established three requirements for one to obtain ownership through possession. Firstly, one must have been in possession of the plot of land for a minimum of five years, secondly one needed to submit a written application to local authorities (Supreme National Economic Council, 2007) and lastly, according to Art. 65, one would have paid taxes regularly (State of Cambodia, 1992: Art. 65). The possibility to apply for ownership based on possession, coupled with a lack of proper documentation to prove ownership is considered by some to be one of the weaknesses of the 1992 Land Law and is thought to have given the elite a '*carte blanche*' to land grabbing, especially in Phnom Penh where land prices went up quickly as a consequence of switching to a free market economy at the beginning of the 1990s (Engvall & Kokko, 2007).

Furthermore, during the years of the Khmer Rouge most of the urban property owners were either killed or died and as such, most of the land and buildings remained vacant. Until 1989 people would occupy property on a first come, first serve basis (Khemro & Payne, 2004). Those who knew how to navigate the requirements of the newly established system were quick in securing prime land and properties for themselves to the disadvantage of the poorer people who lacked both the knowledge and the access to information. Moreover, in the early 1990s several socio-economic changes such as refugee repatriation, urbanization, population growth, rural-urban migration as a response to economic growth led to an escalation in the demand for land and property, particularly in Phnom Penh because of the opportunities the city offered in terms of finding jobs. High demand led to an increase in land value and property and this affected the poor people who arrived in urban centers and in Phnom Penh at later stages. Finding vacant land and property or affordable formal housing was very difficult. Therefore many people settled where they could find housing at a low price, in what came to be regarded initially as informal settlements and more recently as illegal settlements (Engvall & Kokko, 2007).

In response to the increasing number of land disputes across the country, a new Land Law was adopted in 2001, followed by several sub-decrees and multi-donor projects meant to help implement these new land reform efforts. The 2001 Land Law is the backbone of today's land administration, management and distribution. It establishes five categories of land: monastery land, private land, indigenous community land, state public land and state private land (Peng, Phallack & Menzel, 2012). All land belongs to the State and it only ceases to do so when it is legally privatized. According to this law, privatization is only allowed to land that is not of public interest (Diepart, 2015). What is of particular interest in understanding the situation of the people living in urban poor settlements is the difference between state public land and state private land. State public land is property which belongs to the State, can only be used for public purposes and is inalienable therefore cannot be sold. It includes forests, courses of water, natural lakes, administrative buildings, schools, roads, parks, railways, airports and other specifically public uses (Kingdom of Cambodia, 2001: Art. 15-16). State private land is property belonging to the private property of the State and public legal institutions which can be transferred, distributed and can be subject to transactions according to the law (Kingdom of Cambodia, 2001: Art. 17). However there is no public information available regarding demarcation between state public land and state private land

and as such the government can more freely manipulate the system to the disadvantage of the common people (STT Interview, 2016)

The new law removed the possibility of temporary possession as a means of acquiring land. This means that only people who had been living on uncontested land – as long as it is not public state land – were allowed to continue to use the land which they settled on until he/she completed the required five years in order to apply for a definitive ownership title (Kingdom of Cambodia, 2001: Art. 31). Any request for land for whose possession began after the issuance of the law was deemed invalid. Therefore people who took possession of land after this law was passed are considered illegal occupants (ADHOC, 2013).

However, in order to give landless people the possibility to obtain a plot of land, the government put in place a system of Social Land Concessions (SLCs). These Social Land Concessions open up the possibility for poor households to apply for land for residence or subsistence farming as long as the plot is state private land (Supreme National Economic Council, 2007). They are offered this land for free and people can achieve permanent ownership after 5 years of possession (ADHOC, 2013). Furthermore, to regulate this provision, the Sub-Decree no.19 on Social Land Concessions was issued in 2003. It sets out the standards and requirements an applicant needs to fulfill in order to qualify for receiving land (Royal Government of Cambodia, 2003). It provides for two types of SLC: local and national concessions. The national social land concession is designed to answer the needs of resettlement whereas the local social land concession is designed to answer needs of new families and other landless people, attempting to prevent irregular settlement (World Bank, 2008). Once a plot of land is distributed, one must within three months build a shelter on the plot, effectively reside on the plot for a minimum of six months each year and cultivate it within twelve months of receipt. The new occupant is entitled, after five years of occupancy, to apply for permanent ownership (Royal Government of Cambodia, 2003: Art.18). Local NGOs have reported that criteria set forth by the Sub-Decree have not been fully respected however, especially when it comes to consulting the local communities. This has led to disputes as in some cases transferred land turned out to be already registered as indigenous people's collective land (ADHOC, 2013)

Apart from the provisions on SLC the 2001 Land Law also sets procedures and conditions for granting Economic Land Concessions (ELC) on state private land. These were further implemented through sub-decrees, most important of which is the 2005 Sub-Decree 146 on

Economic Land Concessions (ADHOC, 2013). An important aspect of granting ELC is that it can only be granted on state private land. State public land can be leased if it loses its public use and is reclassified. Furthermore, the lessee must, prior to receiving the concession, complete a Social and Environmental Impact Assessment, must provide resettlement solutions and must consult with the local community (ADHOC, 2013). Uneven distributions of land for SLC and ELC have been routinely reported. By the end of 2011 a significant 1.7 million hectares were distributed for ELC owned by approximately 200 rich investors whereas only 6,000 hectares were made available for 1614 poor households for SLC (Müller, 2012). Perhaps as a result of acknowledging these inefficiencies of land distribution, prime Minister Hun Sen issued the Directive 001 in 2012 in *Measures to Strengthen and Enhance the Effectiveness of Management of Economic Land Concessions* which sets rules of re-evaluating already made Economic Land Concessions and rules for granting of new ones. Under its rules, land has been taken back from already granted ELC, reclassified and redistributed. However these measures have been criticized by local NGOs. While in 2013 the number of allocated ELC decreased it has been noted that the government reclassified and re-distributed land mainly in the countryside and this has been done during election time. The ruling party CPP draws its support from among the people living in the countryside and conducting this re-distribution of land at such time leads observers to believe that the implementation of this policy was done more for political gains than for answering the needs of landless Cambodians (ADHOC, 2013).

To add to the above-mentioned legal tools, the 1993 Constitution recognizes the right of individuals to own property. Art. 44 of Cambodia's Constitution speaks about this right and provides for protection against arbitrary deprivation of property, unless this is done in public interest:

*“All persons, individually or collectively, shall have the right to ownership. Only Khmer legal entities and citizens of Khmer nationality shall have the right to own land. Legal private ownership shall be protected by law. The right to confiscate properties from any person shall be exercised only in public interest as provided for under the law and shall require fair and just compensation in advance” (Kingdom of Cambodia, 199: Art. 44)*

Despite Cambodia's advanced legal framework for land administration, management and distribution, land disputes are still commonplace and while efforts to effectively register and



title land have improved, land tenure insecurity across the country remains high (USAID, 2010).

Several academics and NGOs, both local and international have worked on analyzing the causes of land conflicts in Cambodia. Engvall and Kokko believe that implementation of the existing land law will be more effective if the government issues further sub-decrees to ensure fair and just resolution of conflicts, register and manage land across the country. They also take note of the call for legal tools to manage and administer land, which would help regulate the pace of rapid economic development happening in Cambodia, and we would add, the rapid economic growth happening especially in Phnom Penh (Engvall & Kokko, 2007). Springer, however, believes that the land conflicts in Cambodia are an outcome of a divide between the juridical-cadastral system and the understandings of landholding, which lay on a traditional notion of customary agreement and occupation. In other words, he argues that with the refashioning of the economic systems through a market-based model and the introduction of a land reform, the forceful evictions of individuals who appropriated parcels of land through customary occupation, though generally described as illegal are in fact conducted within the written articles of the law (Springer, 2013). We believe the current situation of forced evictions is influenced by a complex network of all these factors and there is need to sustainably address the needs of the people affected by these evictions.

Apart from the national legislation in place, meant to safeguard Cambodian's right to property and ownership, as well as to protect them against arbitrary eviction, Cambodia is a signatory to several international conventions and adhered to international agreements to protect human rights. In an effort to put Cambodia's controversial land disputes, forced evictions and resettlements into context we would like to touch upon the international legal obligations and commitments currently in place as they relate to land issues and displacement.

## 5. Cambodia's international instruments

We would like to acknowledge first of all that there is no explicit right to land codified in international human rights treaties, except for indigenous people<sup>10</sup> and women<sup>11</sup>, however the accomplishment of many basic human rights is closely dependent on security of tenure.

The Cambodian Government has ratified thirteen international Human Rights instruments and the Royal Government of Cambodia has incorporated the Universal Declaration of Human Rights into its Constitution (FIDH, 2007). The General Assembly of the United Nations adopted the Universal Declaration of Human Rights on December 10, 1948 and the Kingdom of Cambodia incorporated this Declaration into its Constitution (1993) in article 31, by stating that:

*“The Kingdom of Cambodia shall recognize and respect human rights as stipulated in the United Nations Charter, the Universal Declaration of Human Rights and the covenants and conventions related to human rights, women's rights and children's rights.”* (Kingdom of Cambodia, 1993: Art. 31)

The Universal Declaration of Human Rights (1948) in article 25.1 recognizes that: *“Everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, housing and medical care [...]”* (UN, 1948) Moreover, the 1966 International Covenant on Economic, Social and Cultural Rights (ICESCR) further recognizes in article 11.1 the right to an adequate standard of living, which includes the right to adequate housing (UN-Habitat & OHCHR, 2016). The right to adequate housing is recognized as a branch to the right to an adequate standard of living.

The right to adequate housing particularly acknowledges freedoms and entitlements which include: the protection against forced evictions and the arbitrary destruction and demolition of one's home; the right to be free from arbitrary interference with one's home, privacy and family; the right to choose one's residence, to determine where to live and to freedom of movement; as well as the entitlements of the security of tenure; housing, land and property restitution; equal and non-discriminatory access to adequate housing; and participation in housing-related decision-making at the national and community levels (UN-Habitat & OHCHR, 2016)

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<sup>10</sup> International Labor Organization, Convention 169, Indigenous and Tribal Conventions

<sup>11</sup> Convention on the Elimination of All forms of Discrimination Against Women (CEDAW) - Article 14.2 (h)

Adequate housing in accordance to these rights is more than just four walls and a roof; there are many elements that constitute what ‘adequate housing’ means and it requires more than the basic structure of a shelter. For example, the minimum requirements for housing to be adequate are: security of tenure; availability of services, materials, facilities and infrastructure; affordability, habitability, accessibility, location, and cultural adequacy (UN-Habitat & OHCHR, 2016). Another key element of the right to adequate housing is the protection against forced evictions, which is defined as:

*“The permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection”* (UN-Habitat & OHCHR, 2016: 4).

An important thing to understand is the link between the right to adequate housing and other human rights. The right to adequate housing (or lack thereof) has the potential of affecting the enjoyment of many other human rights such as the right to work, health, social security, vote, privacy, or education. The prospects of earning a living are typically largely impaired when someone has been (forcibly) relocated from a place where opportunities are bountiful to a place where opportunities and services are lacking.

While Cambodia has adopted these international human rights laws into their national law, they remain largely cosmetic and unbinding. According to LICADHO, one of the leading organizations working to fight and protect human rights abuses across Cambodia, human rights abuses in Cambodia remain widespread due to a weak rule of law, and a corrupt judiciary system which favors the rich and powerful (LICADHO, 2016). It has been referenced time and again, even during our three interviews with NGOs, that Cambodia is a land of impunity and this speaks for itself when one takes a closer look at the scale and scope of human rights abuses taking place in Cambodia. Sebastian Strangio notes that *“the rich and powerful remained a law unto themselves”* when speaking about Cambodia's persistent failure to live up to its international human rights obligations (Strangio, 2014a: 244). He goes on to state that this is something that Cambodians have known for as long as they could remember:

*“Business people seized land and evicted the inhabitants. Forests and natural resources were sold to Chinese and Vietnamese firms for massive sums. A man like Chhouk Bundith could shoot three young women and then brazenly flout the authority*

*of courts that had never been free from political control. The human rights groups had their own name for all of this. They called it 'impunity.' But the word was so frequently deployed, and so bleached of cultural and historical context, that it soon lost much of its force"* (Strangio, 2014a: 244)

## **6. Cambodia's economic development**

As a whole, Cambodia has experienced a great deal of sustained economic growth at an average rate of 7% each year for 14 consecutive years until 2008 (Guimbert, 2011). Cambodia's gross domestic product grew by nearly 10 percent per year between 1998 and 2007- it was the sixth fastest growth rate in the world (Paling, 2012). Despite its growth, one out of every two Cambodians was living in poverty, according to the World Bank in 2004. By 2011, this figure had dropped to one in five and today about two out of every ten Cambodians are living in poverty (World Bank, 2014). In just two decades Cambodia's per capita income has nearly quadrupled and as of 2014 Cambodia was on the verge of being accepted into what Sebastian Strangio, the author of *Hun Sen's Cambodia*, calls the "*World Bank's club of 'lower middle-income' countries*" (Strangio, 2014a: 137). In fact as of July 1st of this year, Cambodia achieved this goal and its economic status has officially moved up a rung from the low-income bracket to the lower-middle income bracket (McGrath & Kimsay, 2016) This acceptance into the World Bank's club is a feat for Hun Sen, Cambodia's Prime Minister, as it was his personal goal to transform Cambodia from a low-income country to a middle-income country by 2030, and to a high-income country by 2050 (Vannarith, 2015).

Cambodia's rise and boom in economic development is a remarkable accomplishment, considering its history according to Strangio, who states that "*Hun Sen's Cambodia has come full circle, from battlefield to marketplace; today it is one of the most open economies in Asia*" (Strangio, 2014a: 137). When one considers the state of Cambodia following the end of the civil war in the late 1990's and the near collapsed condition of infrastructure and economic indicators (resembling pre-1970 levels), it is a feat to see where Cambodia is today (Strangio, 2014a).

In a national context, Phnom Penh is wealthy, however it remains significantly poorer than other Southeast Asian capital cities in the region. There still remains the challenge of a development process that benefits few, while undermining the livability of the city for many;

a trend that is not sustainable according to Tudehope (Tudehope, 2012). Strangio points out that while there has been a large area of promoted growth and openness in the visible sectors of the economy, large profitable sectors remain off the books and out of the reach of effective regulation (Strangio, 2014a). This poses a problem to the development of the country because there remains a large inequitable distribution of benefits of economic growth. Cambodia's wealth is strategically concentrated in relatively few hands and economic development presides over poverty reduction. The gap between the rich and the poor remains amongst the widest in Asia (Strangio, 2014a: 139).

Hun Sen's desire to transform Cambodia from a low-income country to a middle and high-income country (Vannarith, 2015) sheds some light onto Phnom Penh's rapid boom in urban and economic development over the past few decades. After a very turbulent history, resulting in political and social paralysis, Cambodia has enjoyed a period of high economic growth and stability under the Cambodian People's Party ruled by Hun Sen (Bower, 2013). This growth and prosperity comes at a price however, while Cambodia is reaping the benefits of economic development, the Cambodian people are suffering the ramifications by doing this at a high cost; many Cambodians have suffered from land grabs, forced relocation and economic disenfranchisement as a result of high economic development (Bower, 2013). Ernest Bower, in an article published by the Center for Strategic & International Studies poses the question whether: "*Cambodians are sacrificing good governance and freedom to pay for economic success?*" (Bower, 2013). He goes on to suggest that the evidence would suggest so; as violent land grabs, extrajudicial killings, crackdowns on activist, and corruption have persisted alongside Cambodia's impressive economic prosperity (Bower, 2013).

## **6.1 Actors at play**

There are a few different stakeholders at play when it comes to Phnom Penh and development and often times these relationships can be controversial; the major stakeholders include: The Royal Government of Cambodia, development partners, Civil Society Organizations (CSO), the private sector and the informal sector (Tudehope, 2012). The underdevelopment of the public sector, a reliance on ODA (Official Development Assistance), and a weakness of the regulatory framework brings to question the influence of the private sector and the position of the public's best interest when it comes to decision making and the fate of Phnom Penh (Tudehope, 2012).

As the overarching authority, the Royal Government of Cambodia's role in the development of Phnom Penh is a crucial one. Theoretically speaking, the administration is structured into three levels of government, the highest level being the Central Government, then the intermediate municipality and lastly, the local districts and communes, however the Central Government retains the majority of decision making power. There has been much effort in the form of donor funding for 'good governance' policies and decentralization, and while it can be said that there has been some progress in the capacity building of urban ministries, the influence of private sector actors on urban development remains strong (Tudehope, 2012).

High on the reform agenda of the Royal Government of Cambodia and Development Partners, has been the reduction of the dominance of the Central Government through the umbrella of decentralization and deconcentration from the highest level of authority to the lower levels of government. However, the reforms have been slow and as a result, Municipal and Local Governments remain for the most part, politically and economically subservient to the Central Government (Tudehope, 2012).

In the land sector of the Government, a key area in terms of urban development is the Ministry of Land Management, Urban Planning, and Construction (MLMUPC), which is the governing body responsible for land use, urban planning, construction projects, and with the collaboration of the Ministry of Interior (MOI), also responsible for the resolution of conflicts over land that is unregistered. State property management falls under the Ministry of Economics and Finance, which undermines the authority of the Municipality of Phnom Penh (MPP) over land in the municipal area. This speaks to the fact that in Cambodia, the influences of powerful well-connected individuals often override procedure. Add this to the fact that the private sector has become increasingly prominent within Phnom Penh's development sector following the state of stability after the 1997 coup and it is no surprise that there is significant overlap between business elite and politicians when it comes to the development sector, often resembling high levels of opacity (Tudehope, 2012). In recent years, there has been a trend of private sector actors closely tied to Government actors becoming increasingly dominant in urban development; giving rise to a nexus of developers, politicians, and the well-connected driving urban change and development in Phnom Penh (Tudehope, 2012).

Sebastian Strangio has termed this method of governing "Hunsenomics," which is the result of two decades of Hun Sen's *"blend of old-style patronage, elite charity, and predatory*

*market economics*” (Strangio, 2014a: 135). He goes on to explain that since Cambodia’s transition to the free market in 1989, Hun Sen has succeeded in forming a stable pact among Cambodia’s ruling elites, but otherwise has done very little to strategically tackle the challenges of development and poverty (Strangio, 2014a: 135). This inevitably gives rise to questions of stewardship and the development process in Phnom Penh. It can be said that the interests and needs of the private sector have become domineering to the wider long-term interest of the city as a whole (Tudehope, 2012).

## **6.2 Development of Phnom Penh**

After the strategic and forced eviction of Phnom Penh by the Khmer Rouge in 1975, and three decades of conflict and instability, the city of Phnom Penh was in despair. Years of conflict took a major toll on the city’s urban infrastructure. As a result, Phnom Penh, Cambodia as a whole was in need of a major rehabilitation process. After the mass elimination of Cambodia’s population, specifically the educated classes, Cambodia had low capacity to rebuild itself or administer the city’s reconstruction and management process; UNTAC was created for these purposes, and part of its mission included the provision of administrative and electoral support, law and order, and civil administrative and reconstruction. (Tudehope, 2012). After the initial stage of rebuilding basic services and infrastructure, there was a boom in urban development, beautification, and rapid growth within the city centre.

Decades of conflict and the destruction of basic services and infrastructure resulted in large amounts of Official Development Assistance and Foreign Direct Assistance (FDA) contributing significantly to the progress of the rehabilitation of urban services and infrastructure in Phnom Penh. However large challenges still remain in the viability of urban development (Tudehope, 2012). A few of these challenges, according to a report published by STT in *A Review of the Development Paradigm in Phnom Penh*, include: the rapidity of growth, the increasing economic and spatial inequality, a lack of affordable housing, a persistently weak tenure and titling system for the informal settlements, the weak regulatory framework, the predominance of private developer-driven urban change, and the poorly coordinated development of the periphery (Tudehope, 2012).

"Due to the city's geographical location, at the confluence of three rivers: Tonle Mekong, Tonle Sap and Tonle Bassac, the city's economy revolved around trade for a long time. In

recent years however less emphasis has been on trade. Rather, more focus has been on what Sylvia Nam calls an “*economy of space*” a building boom (Nam, 2011). In a quest to bring Phnom Penh within the ranks of the neighboring capital cities, foreign investors-mainly from China, South Korea, Singapore, Indonesia and Malaysia-started backing the Cambodian Government’s plans for development (Nam, 2011). However, this happens in a city that only recently issued a master plan and is widely disregarded, leading to countless controversial projects unfolding throughout the city leading to the displacement of thousands of the most vulnerable inhabitants, the urban poor.

To say that Phnom Penh has been under the thralls of rapid urbanization and economic development would be an understatement. In fact, Phnom Penh’s boom in development poses a challenge to the city to keep pace (Tudehope, 2012). As one of the NGO representatives we interviewed explained, in Cambodia there are different plans for development across the country: in the country-side it is the agro-industry that is taking over, in Sihanoukville and Siem Reap, it is tourism but in Phnom Penh it is all of the above (LICADHO Interview 2016). This can be explained by what Sylvia Nam calls “*primacy city*”, where primacy is a trait found especially in Asian countries where urban culture is centered around the capital city. Therefore, Phnom Penh stands as an icon of the entire country’s development (Nam, 2011). The unfolding urban development however poses a threat to thousands of Phnom Penh’s inhabitants that live in precarious conditions in the city’s slums.

Political stability and high levels of economic growth have subsequently pushed up land values and prompted a frenzied grab for inner-city real estate (Strangio, 2014a). There is a high demand for affordable housing in Phnom Penh as a result of the concentration of low skilled workers moving to the city for jobs such as garment workers or construction workers (Tudehope, 2012). However the private sector does not contribute to the creation of low-income housing options or adequate plots for families to build their own housing on. Therefore, this falls into the hands of the rental market and informal sector, which provides nearly all low income housing options in Phnom Penh (Tudehope, 2012). Urban space is more and more contested as the city continues to develop and the informal sector is constantly in competition with the private sector for the same space. This can result in grave consequences when large scale commercial and residential developments aimed solely at high income earners further compounds the housing crisis by actively removing a part of the informal housing supply (Tudehope, 2012). Since 1999, an estimated 150,000 people have been displaced (nearly 11 percent of Phnom Penh’s population in 2012) as a result of the



eviction of informal settlement sites around Phnom Penh. Over the past 15 years, the Municipality of Phnom Penh has engaged in an extensive ‘demolition and eviction program’ of informal settlements (Tudehope, 2012).

This is no surprise when considering the path Phnom Penh has been taking. Sebastian Strangio perhaps sums it up best by saying: “*Just like Bangkok and Jakarta in the 1970s, Phnom Penh is marching along the path toward a clean, sanitized modernity*” (Strangio, 2014a: 158). He quotes Hun Sen saying: “*‘I am so proud that from bare hands and ghost city we have come this far’*” (Strangio, 2014a: 158). He goes on to state that while many of the city’s developments can be attributed to positive ones, its growth and development has been unplanned and chaotic:

*“[...] The result of a system of economic incentives that marries the maximum of rapacity with the minimum of regulation. The profit motive reigns supreme, to the detriment of the old, the jerry-rigged, and the informal. City officials often refer to the urban poor and their settlements with the Khmer word ‘anatepadei’, meaning “anarchy.” The word fills official statements and crops up in the speeches of municipal officials, who denounce “slums” (samnang anatepadei, “anarchic constructions”) as “illegal settlements standing between Phnom Penh and its modern, developed future. (Strangio, 2014a: 158)*

Following the wave of evictions of informal settlements across the city of Phnom Penh over the past decade, 54 resettlement sites now exist on the outskirts of the city, or in what Strangio likes to call the “*dumping grounds for the displaced*” (Strangio, 2014a: 154). These resettlement sites are plagued by poor infrastructure; often lacking proper sanitation and access to clean drinking water, they also often lack the most basic of social services. What is more is that few of these resettlement sites are actually in the city at all: on average they are about 20 kilometers away in what Strangio calls a “*semi rural no-man’s-land,*” out of reach from basic urban amenities and services (Strangio, 2014a: 154). Furthermore, these relocation sites are growing further and further away from Phnom over time (STT, 2012).

Over the past two decades, with economic liberalization and a boom in urban development and construction, Phnom Penh is a transformed cityscape. It is a city caught in the midst of constant change and development where buildings rise and fall at the hands of unregulated planning codes and cheap construction labor. Phnom Penh has physically and socially been transformed by urban land evictions and modern developments, which have systematically

replaced the city's informal city settlements with the features of a rising middle class (Strangio, 2014a).

The rapid urban development and regeneration of Phnom Penh along with the lack of a regulatory planning framework brings to question Phnom Penh's future. Perhaps Marcus Tudehope, in *A Tale of Two Cities, a Review of the Development Paradigm in Phnom Penh*, best explains the development challenge facing Phnom Penh today:

*“In the legacy of the city's history and the current challenges it faces, Phnom Penh essentially stands at a crossroads. Ahead is the continuation of a “planned” development of the city ... To either side is the new “unplanned” approach, a path that already seems to be the favored choice, in which a laissez faire attitude to development sees the city becoming increasingly similar to Bangkok and other Asian mega cities with unbridled construction, few planning restrictions, sporadic and uncoordinated infrastructure provision, rising gentrification, major traffic issues and tiny pockets of usable open space.”* (Tudehope, 2012: 1)

## **7. Urban poor settlements**

Urban poor settlements are not a new phenomenon in Phnom Penh. About 20% of Phnom Penh's population in the early 1970's was reported to be living in slum like conditions (Kry Beng Hong et al in Khemro, 2000). The informal settlements we see today in Phnom Penh started to take shape in the 1980s (STT, 2014).

By the end of the Khmer Rouge rule, an estimated 82.000 houses out of 122.000 that existed in Phnom Penh before 1975 had been destroyed or deteriorated gravely. There was no electricity in private homes until 1983 and no water connections until early 1990s. Once the Khmer Rouge were ousted by the Vietnamese, people started to return to their previous homes but the newly established PRK was regulating the movement of the people. During the 1980s, under the Vietnamese socialist regime people were discouraged from moving to the city. Government officials and their relatives were the ones allowed to settle in Phnom Penh first and were offered formal housing by the state (Khemro, 2000). The houses in best condition were occupied by Vietnamese and Cambodian soldiers, Cambodian state servants, and Vietnamese advisors, leaving the common people to take whatever was left available

(Gottesman in Rabe, 2009). Furthermore, many people returning to Phnom Penh occupied land and property on a first-come first served basis, based on a criteria of social rank and by the time former residents of Phnom Penh arrived to their homes, they found the properties already occupied by new residents (Rabe, 2009). Additionally, in many cases, people able to navigate the system appropriated houses and land, which they eventually sold or rented, leaving little vacant options to people who arrived at later stages, many of who were IDPs and refugees. Unable to find affordable property, people settled in informal settlements. As rural-urban migration increased, a feature of modernization, so did the size and number of urban poor settlements. In following years, during late 1980s and early 1990s, the pressure on land and property increased as employees of the international NGOs with offices in Phnom Penh arrived in the capital city.

Khemro also notes that before the 1993 elections, authorities allowed and encouraged squatters to settle in Phnom Penh, as part of the pre-election propaganda. People were promised recognition of ownership for the land they occupied. He also speaks of a public announcement made by Hun Sen in 1996, who broadcasted to the media a message for people living in the poor settlements, advising them not to leave the urban lands they occupied unless each family receives thousands of US dollars as compensation (Khemro, 2000). This is seen as a green light given to many Cambodians to migrate to the city and as a catalyst for the growing number of urban slums that were formed during the 1990s and early 2000.

According to Khemro, in 1994 there were 187 urban poor settlements in Phnom Penh. In 2003, according to OHCHR this number had risen to 569 poor settlements and according to an STT survey conducted in 2013 there were 466 urban poor settlements (OHCHR, 2014 & STT, 2014). On one hand we can see an initial increase in number since early 1990s, which can be justified by the fact that Phnom Penh stands at the centre of the country's economic growth. On the other hand, there has been a decrease in the number of poor settlements in Phnom Penh. It is unclear whether this decrease happened due to upgrading of sites or relocation.

One of our interviewees, representing STT, described an urban poor settlement to be a settlement that consists of a minimum of 10 households, that lacks basic infrastructure, roads, sewage systems, and in which people's livelihoods are dependent on informal jobs such as tuk-tuk drivers, garbage collectors and vendors (STT Interview 2016). Urban poor settlements are commonly located on state land depending on how economical and

convenient the location is for finding jobs and for providing natural produce. These settlements are commonly formed near to the city centre, near markets, along waterways and lakes (Fallavier, 2003). Most of the urban poor do not have tenure security because their dwellings are: built on public land; or constructed on private land not belonging to the owner; or built on shared title land; and/or constructed without occupancy or construction permits; or rented in slums without formal renting contracts (UNICEF, 2014)

Those occupying state public land are seen as a hindrance in the way of urban development plans. The 2003 - 2005 National Poverty Reduction Strategy (NPRS) acknowledged that urban development has been mainly thought of as a physical modernization and expansion of the city by building modern infrastructure, housing facilities, commercial buildings, schools, government offices etc. These facilities however are bound to help the better-off sectors of the city's population and not the urban poor who are commonly characterized as disorderly and anarchic (Kingdom of Cambodia, 2002). The 2003-2005 NPRS speaks of a prevalent bias among the middle class population towards the urban poor:

*“Both the authorities and the better off city dwellers tend to blame the poor for their wretched conditions and stigmatize the poor as socially undesirable, criminally inclined, even mentally defective.”* (Kingdom of Cambodia, 2002: 85)

During our research we have focused on the major cases of poor settlements which have been at the forefront of land disputes and resulted in forced evictions: Dey Krahom, Borei Keila and Boeung Kak Lake. These are the communities within which the organizations we interviewed conduct monitoring activities.

**Dey Krahom:** was a site located in a central area of Phnom Penh between the so-called ‘White Building’ and the 1963 Olympic Village. Originally an empty field, it was populated by returnees and refugees in the 1980s and 1990s. The area was targeted for development by authorities and was valued at around \$80 million USD. In 2005, the private developer 7NG offered residents a relocation option, 20km outside Phnom Penh in Damnak Trawyong where they would get temporary land titles and after five years the right to apply for permanent ownership. The relocation site turned out to be unfit and lacking basic infrastructure (OHCHR, 2012). Others were offered monetary compensation, which was well below market value and differed from one family to another. A number of families refused either option and remained on the site hoping for a better alternative. In 2007 a campaign of harassment and intimidation began where road blockages were put in place to stop the supply of the local

vendors, on occasions armed military police attempted eviction by force. In 2009 at six in the morning law enforcement officers entered the community with bulldozers and tore down the houses of the remaining 150 house owners and 250 renters (Goad, 2012). 91 families were offered a home at the relocation site and additional \$190 USD as compensation. The removal of the last families was done without prior notice and without consultation. Some of the residents were yet to finalize negotiations regarding solution for the eviction (Brady & Pheaktra, 2009). A number of families were forced to set up camp in Oudong; a field that is still regarded as the “Blue Tent Community” due to the colors of the tarpaulins used for the tents. They were eventually given small plots of barren land on which residents had to build their own houses with pieces of wood and palm leaves for roofs (Titharra, 2011).

**Borei Keila** was a settlement in the centre of Phnom Penh, consisting of three eight story buildings consisting of a gymnasium, offices, restaurants and landscaped grounds (Goad, 2012). It had been a gift of the Chinese people to Cambodia and served various functions since its inauguration in 1966. Initially it accommodated athletes for the GANEFO Games, during Lon Nol it was used as a training area for Government Forces. The Khmer Rouge used it as a medical centre and later on to house Ministry officials. In the 1980s staff of the Ministry of Interior used the site to house police officers. When repatriation of refugees began after 1991, hundreds of families moved to Borei Keila, many of them relatives of the police families already living there. Following the 1993 elections the site was transferred to the Ministry of Education, Youth and Sports (MoEYS), the gymnasium was passed on to a Cambodian TV studio and the administration buildings and conference rooms were taken over by the Ministry of Women’s Affairs. Many of the families that had settled there continued to live in the apartments and were soon joined by many new rural migrants. As the number of new arrivals increased, makeshift houses were built around the apartment blocks. Despite the establishment of a committee to regulate settlement in the area, no residency criteria was made clear and the settlement increased further. The different waves of settlement led to the creation of a community formed by initial inhabitants of the apartment, that were given an apartment in the 1980s, police officers and their families who settled there in the 1990s, refugees and rural migrants (Rabe, 2009). Eviction notices started coming in from early 1990s. In 1996 a forced eviction removed 56 families from the site. Consequent eviction notices were halted occasionally by protests and demonstrations and were at times caught up in election politics. In 2003 however a private company, Phanimex, was awarded the rights to develop the site and a sharing deal was agreed upon. According to this deal the company

committed to building low-income housing for the families living on the site, on two hectares of the concession while a remaining 2.6 hectares of the concession would be commercially developed by the private investor (Rabe, 2009).

The deal seemed promising, however several issues ensued: the company awarded this concession is reported to be owned by a well-connected businesswoman, with ties to the CPP ruling party; no public bidding was held to select the developer; the community raised complaints about the fact that consultation was not sought from the Borei Keila residents; complaints emerged about the community committee members having been bought to give their approval for the company's proposal; appointees on behalf of the community had been offered personal benefits such as jobs within Phanimex in exchange for withholding information from their members (Rabe, 2009).

The company agreed to building ten community six storey buildings for the 1,776 families living on the site however, in 2012, without explanation the company announced that the last two buildings will no longer serve the housing of Borei Keila residents. Furthermore the MoEYS sold the remaining 9.5 hectares of the initial site to the company in exchange for land that Phanimex owned outside Phnom Penh, turning the sharing projects into a controversial land swap deal. In 2007 three of the promised buildings were finished and a number of 394 families moved into their new homes. In 2009, 31 families affected by HIV were evicted to an improper resettlement site outside Phnom Penh. These families were among the residents who had eligible claim to residence in the settlement due to their long-term residence (Rabe, 2009). Waves of forced evictions continued since. At the beginning of 2016 another 154 families were the last to be offered compensation, which amounted to either: an apartment on site for 35 families, \$5,000 USD or a plot of land 45 kilometers away from Phnom Penh for 85 families, and lastly, \$3,000 USD for 34 families. The government did not recognize any claim to compensation of a remaining 29 families. These solutions were declined by most of residents and from among those who accepted, reports suggested they did so because they felt they had no other choice (Kimsay & Wright, 2016).

**Boeung Kak Lake (BKK)** was one of the seven natural lakes of Phnom Penh that served as a recreational green space in the city centre (Phnom Penh Post, 2008). The first fishermen settled here in the 1960s, on the western bank and in 1985, 70 families were relocated here from a previous residence that was developed into an amusement park (Kry, 2014). After the defeat of the Khmer Rouge by the Vietnamese, refugees, fishermen and railway workers

return on the banks of the lake. The population increased after 1993, with the arrival of new waves of refugees (Phnom Penh Post, 2008). In 1997 the area was privatized and in 2007 was leased for \$79 million USD to the Cambodian private developer Shukaku Inc. with connections to a CPP senator. In line with the government's modernization vision, the 99 year lease was meant to make way for an ambitious development scheme which includes the building of a commercial and residential area called "The New City of the East", one of the five satellite city development projects approved as part of MPP's city beautification plan (Kry, 2014 & Say, 2010).

The case draw international coverage for many reasons among which the fact that the plot was sold at a price of 0.6\$ per square meter when prime land in Phnom Penh sells at a price of \$700-\$1000 per square meter (Hughes, 2008). The selloff led to the displacement of approximately 4200 families living on the side of the lake, some of whom have had legitimate claim to ownership of the land under the 2001 Land Law (Human Rights Watch, 2008 & Nam, 2011). Furthermore, the area occupied by the lake used to belong to the municipality and according to legal definitions it was classified as state public land, therefore land which cannot be sold. In 2008 the Council of Ministers reclassified the lake from state public land to state private land (Hughes, 2008 and Phnom Penh Post, 2008). The forced eviction of people living around BKK is one of the most salient examples of forced eviction in the name of development. In 2008, the company started pumping sand in the lake despite the fact that many families were still not offered compensation or alternative solution. The filling of the lake increased flooding in the area and shortly, 500 families were forced to accept the resettlement offer in Damnak Trawyoeng, a site 20 km away from Phnom Penh, out of fear that a later relocation offer would be even further away from the city (Kry, 2014). Others, who did not qualify for compensation or relocation, being considered renters lost everything altogether and were not offered any alternative (Mgbako, Gao, Joynes and Cave, 2010).

It is important to mention that there are a few examples of good practice of eviction and resettlement practices in Cambodia. A recurrent example of voluntary eviction is the case of the community of Akphiwat Meanchey, resettled between 1997-1999. The Municipality of Phnom Penh engaged with the community leaders and consulted upon the chosen site for resettlement, allowing them to visit it and prepare better living conditions (Whyte & Channyda, 2009 & Goad, 2012). This good practice example did not lead to an improved resettlement policy in Cambodia. It is rather a "*forgotten high point in resettlement history for Phnom Penh*" (Goad, 2012: 11). However, since then, the MPP, the Cambodian government

and many of the private companies investing in development projects across Phnom Penh drew heavy criticism from human rights organizations concerned with the repeated violation of human rights related to forced evictions in Phnom Penh.

## **8. Phnom Penh's future: satellite cities**

By 2020, the face of Phnom Penh could be drastically changed with rapid large-scale development projects, specifically those of multi-million dollar 'satellite city' projects. Satellite cities are springing up in Cambodia's growing capital as a new wealthy and middle class emerge in one of Asia's poorest countries that has faced decades of conflict and war. Over the past 20 years, Phnom Penh has been changing both physically and socially by urban developments that have been systematically replacing informal city slums with the rising Cambodian middle and wealthy class features: malls, hotels, gated communities, and villas (Strangio, 2014b). One of the most apparent examples of this changing landscape is Koh Pitch, or otherwise known as Diamond Island, a small island located at the merging point of where the Mekong and Bassac Rivers meet. Back in 2004, this island was home to around 300 families who made their living farming and selling vegetables in the city's markets. Now the island is a sprawling city within a city, comprised of Western-style entertainment and housing complexes. The 300 farming families were offered compensation to leave and if refused, they were evicted (Strangio, 2014b).

Koh Pitch was bought by Overseas Cambodia Investment Corporation (OCIC), a firm controlled by Canadia Bank with ties to Hun Sen's family. OCIC's vision of the island was to develop it into 'Diamond Island City.' In Sebastian Strangio's words, Diamond Island was created as: a paradise for the wealthy with a driving range called the 'Elite Golf Club,' a water park, wedding reception halls, and luxury condominiums, with future plans to include a gem-shaped observation tower and a forest of high-rise apartments. In one of the luxury developments on Diamond Island called 'Elite Town,' modern townhouses go for between \$232,000 to \$1.08 million US dollars. The townhouses are on streets named after famous American universities: Harvard, Yale, Princeton, Stanford, and Berkeley (Strangio, 2014b).

Grand Phnom Penh International City is another satellite city, built on reclaimed wetlands in the north of the city, and Strangio describes the once wetlands, as being metamorphosed into



a paradise for the wealthy and a monument to a new mode of Cambodian middle-class living. Once the development is finished by 2020, it will include 4,500 houses, half-a-dozen residential apartment towers, a gold club, which includes an 18-hole course, a water park, an international grade school and state-of-the-art hospital. As one sales-executive describes the development:

*“It’s like a luxury city... we have the best facilities. We have villas, we have flats, we have shop houses... We have public hardens. And it’s not as crowded as Phnom Penh.”*  
(Strangio, 2014b).

According to one realtor, CBRE, seven satellite city projects are schedule for completion in Phnom Penh over the next 10 to 15 years, which would cover nearly 8,000 hectares, or about 12 percent of the city’s total land area. These sprawling cities within a city points to the direction Phnom Penh is heading in. Strangio quotes one city official back in 2005 in a magazine article as describing the urban ideal as: *“a city with no smoke and no sound”* (Strangio, 2014b).

Satellite cities and the lifestyle they offer are a clear juxtaposition to what the majority of Cambodians face daily. Not only that, but the way in which they are being built and propagated goes against the sustainability of the city as a whole. Urban planners have pointed out that these mega-projects have been poorly planned and coordinated against the backdrop of the city as a whole (Strangio, 2014b). Each city is a development in and of itself; it is its own well-planned island. Outside of these mega-cities lies the real Phnom Penh with its potholed streets. The developments of these mega-cities, according to Frederic Mauret, a French urban planner who has helped the Municipality of Phnom Penh, only focus on their individual development, while turning a blind eye to the development of a city as a whole. There are many consequences of carrying out these isolated and disjointed development projects without proper planning such as traffic jams, flooding and other environmental effects (Strangio, 2014b).

The urban development and growth in Phnom Penh, specifically these mega-projects, is driven in a large part by private sector investments- mostly from Asian countries. In 2005, a 2020 Master Plan for Phnom Penh was drafted with the help of French urban planning consultants, however the plan was never implemented and in its absence, projects such as

these satellite cities are often announced by senior government officials, such as Prime Minister, Hun Sen, before they are even approved by city officials (Strangio, 2014b). With such little regulation- and such big incentives as far as capital- these development projects undermine the social and environmental impacts they have on Phnom Penh.

Nowhere is this last point more apparent than in the case of BKK or Boung Kak Lake.

Boeung Kak was once a large lake in the northern part of Phnom Penh, home to hundreds of families living around its banks and living in stilted houses surrounding its waters making a living off of its marine waters. Now the once lake stands as a massive expanse of sand which was filled in to create a foundation for the \$1.5 billion dollar development project which will transform the lake into the Phnom Penh City Center (PPCC) or a capital within the capital. Shukaku Inc. is the name of the company leasing the lake with an elaborate plan to transform the lake into a ‘modern, sustainable commercial and leisure hub with world class facilities purpose-built for both local and overseas business and investors.’ (PPCC, 2016) It is no wonder that Shukaku has ties to the government- a CPP Senator Lao Meng Khin (Dara & Danaparamita, 2015). The lease of BKK was negotiated in private with no input from the people who it would be affecting most- the 4,000 families residing on the edges of the lake for many years prior: many had called the lake home since the 1980’s (Strangio, 2014b).

The only thing standing in the way of Shukaku Inc’s development plans were the 4,000 families residing on the shores of the lake. This was ‘solved’ by cutting water and electricity supplies to the residents of the lake and granting evictions notices. When people refused to leave, they started pumping sand and water into the lake, letting the mud and rising waters flood people's homes and do the eviction for them. The strategic and forced eviction of BBK residents was the largest displacement of people since the Khmer Rouge forcibly emptied Phnom Penh in 1975 (Strangio, 2014b).

These satellite cities and mega projects often end up displacing thousands of families, through improper procedures and without offering adequate compensation or alternative solutions. The national legislation of Cambodia acknowledges the need of dispossession when done for the benefit of the public interest. This needs to be done against fair and just compensation (Royal Government of Cambodia, 1993). However, the cases presented above show that development in Phnom Penh has been done largely for the benefit of an elite minority, rather than for the majority most in need of development’s advantages.

## **9. Development through modernization**

In order to assess the relationship between economic growth and the violation of the fundamental human rights in Cambodia as it relates to forced evictions and development-induced displacement, it is useful to look at the current situation in the context of development theory. We reason that the level of commitment to certain development theories influence the transition of a society towards an improvement in the quality of life. Furthermore, the way states commit economic resources to development is also greatly determined by their inclination towards specific development theories (Matunhu, 2011). We understand development within a theoretical context as an all-encompassing concept consisting of social, political, cultural and economical aspects and we will look at how adherence to the modernization theory of development explains Cambodia's current controversial forced evictions and displacement associated with them.

The origins of modernization theory generally traces back to the post Second World War period, in the 1950s and 1960s. It is characterized by three events: the rise of the U.S. as a world power, the disintegration of European colonies giving birth to many nation-states across Asia, Africa and Latin America, and the spread of the Soviet Union's influence. These three events led to a search for a development model to promote economic growth and political independence in developing countries (Tipps, 1973 & Reyes, 2001). Some of the main assumptions of modernization theory refer to it being (a) a westernizing process; European or American models of social and economic change are transferred to non-western, underdeveloped societies (b) a transformative process; in order for a society to become modern, its traditional structures and values must be replaced by a set of modern values, and (c) it is a phased process, that takes place in stages (Reyes, 2001).

Departing from Wucherpfennig and Deutsch's study on the relation between socio-economic development and political democracy (Wucherpfennig & Deutsch, 2009) we intend to better understand the context in which actions towards development in Cambodia are undertaken, particularly those that might lead to displacement of the urban poor. It is not our aim to assess to which degree the implementation of political democracy, as a modern structure, was successful in Cambodia, even though the subject is worthy of thorough study on its own, nonetheless, we find it relevant to mention that Cambodia committed to achieve democracy

in the aftermath of the Paris Agreements. This commitment is tied to that of respecting the fundamental human rights of all people.

The Khmer Rouge, in achieving their ideology of bringing Cambodia back to the glory of its Angkorian past, attempted to create an extreme form of an agrarian state. They had abolished money, abolished all types of private property or possession, created collectivized labor camps and banned religion (Strangio, 2014a). Aspects of economic life that had been developed throughout history were destroyed. They viewed post-independence modernization programs to be elitist, urban-centric and corrupt, which is why the cities were swiftly emptied of its inhabitants. The regime purged an almost entire class of educated Cambodians, perceived as a threat and removed all foreign influences (Sinanan, 2011). It is within this context that development efforts in Cambodia were undertaken by external actors largely from a modernization standpoint. In a bid to rebuild the country's economical, social and political structures external actors, such as UNTAC and foreign donors, attempted to transfer western ideas of development into Cambodia. UNTAC had a clear idea of what it desired to accomplish after the departure of the Transitional Authority and based on this vision, UNTAC and Cambodia agreed on a series of principles upon which Cambodia's Constitution was to be drafted. These principles included the inviolability of the constitution and a declaration of fundamental rights. Further to be included was a declaration that Cambodia was sovereign, independent and neutral and a statement that Cambodia will follow democracy based on the principle of pluralism (Ayres, 2000).

The UN Transitional Authority has often been criticized as having failed to take into account at the time the traditional political culture in Cambodia, and conceptions of power perceived in terms of "*hierarchy and ranking, deference and command, hegemony and servitude*" (Ayres, 2000: 159). In doing so the UN did not succeed motivating political leaders in favor of the formation of a modern developed state. The political climate that emerged in Cambodia continued to reflect the traditional political culture characteristic of pre-colonial Cambodia, as described above (Ayres, 2000). This speaks of a big divide that exists between external perceptions of modern and developed and internal perceptions of these constructs.

It is within this context that economic development and growth has been promoted as part of Hun Sen's ambition to raise Cambodia to a lower-middle income country and bring Phnom Penh among the ranks of the most powerful capital cities of the region. This ambition follows

the pattern of Rostow's five stages of economic modernization, in that it seeks to gradually advance on the economic ladder from traditional to modern.

Sinanan states that in the 1950s and 1960s, when modernization was in its inception as a theoretical construct, economic growth was largely seen as a force through which countries could assert themselves as competitive on the world stage (Sinanan, 2011). We can see this trend in Cambodia nowadays, where the government is making efforts to bring Cambodia within the ranks of economically successful ASEAN countries. One of the features of economic growth is urban expansion/urbanization. According to modernization scholars, urban expansion is a key feature of transitioning from a traditional (agrarian) society to a modern (industrial) one and as such, for those countries pursuing to achieve the stages of modernization, urbanization is a process to be encouraged (Bradshaw, 1987).

The economic development of Phnom Penh triggered an increase in rural to urban migration. Many Cambodians have left their homes in the countryside to search for work in the booming industries of Phnom Penh and Siem Reap. Opportunities for rural migrants usually consist of low-skilled or informal jobs such as tuk-tuk drivers, garment workers, security guards, and construction workers or laborers (Strangio, 2014a). While urban population in Phnom Penh is growing fast, urban development picked up with considerable investment from the private sector. However, these development projects have proved to pay little consideration to the needs of the majority of poor Cambodians who more often than not end up paying the costs of development.

Jolynna Sinanan argues that development puts great emphasis on the economic factor, around which individuals' lives are to be reorganized. She also argues that in Cambodia, development is at times a source of social disruption (Sinanan, 2011). We see this as being valid especially in the case of forced evictions, where development acts as a dismantling force of the social and economical relationships of urban poor Cambodians.

## **10. Development induced displacement**

Displacement by development occurs when people are excluded from the use of territory on which they once relied due to development (Penz, Drydyk, Bose, 2011: 3) As it currently stands, there is no precise data on the numbers of persons affected by development-induced

displacement (DID) throughout the world (FMO, 2011). Officially there are no institutions committed to tracking overall development-induced displacement and resettlement on a global or national level, unlike that of refugees and IDPs (FMO, 2011). Yet studies have shown that despite not being officially recognized as refugees or internally displaced persons, those who suffer from displacement due to development are often impacted in a very similar manner to refugees and IDPs. Displacement often goes hand-in-hand with corruption, and use or threat of violent forced evictions which have grave consequences such as homelessness, landlessness, loss of livelihoods, food insecurity, deterioration in physical and mental health, breakdown of social networks and kinships, economic and cultural marginalization, and loss of education (IDI, 2012).

It may be argued that the dominant view of development in the 1950s and 1960s was driven by modernization theory, which saw development as “transforming traditional, simple, Third World societies into modern, complex, Westernized ones’ (Robinson, 2003). In this light, large-scale, capital-intensive development projects were accelerating the pace towards a better and brighter future and if people were uprooted along the way, this was merely seen as a necessary and inevitable evil. According to Robinson however, this perception has changed in recent decades and a new development paradigm has been forming; one that ‘promotes poverty reduction, environmental protection, social justice, and human rights’ (Robinson, 2003). In this light, development is regarded as both bearing benefits and imposing costs, of which the greatest costs have been the involuntary displacement of millions of vulnerable peoples across the globe (Robinson, 2003).

The last two decades have seen a dramatic increase in forced displacement by development (Cernea, 2004). The displacement and resettlement of people and communities by large-scale development projects is one of the most contested issues in the field of development today; such projects, both publicly and privately funded, have been estimated to displace more than 15 million people a year worldwide (Oliver-Smith, 2009), making the scale and scope of displacement by development significant.

The study of displacement due to development, according to Peter Penz, Jay Drydyk, and Pablo Bose, is a complicated issue, as ‘development’ is quite an ambiguous term in and of itself. They state in their book, *“Displacement by Development: Ethics, Rights and Responsibilities”* that it can refer to a social goal; an ideal of well-being in which governments, people, and international agencies aspire to, while also referring to complex

social and economic policies, practices, and changes that are meant to achieve such a goal (Penz, Drydyk, Bose, 2011). Economic development policies and practices that promote growth have typically been advocated for the development goal of reducing and eliminating poverty. While it can be said that there have been many positive outcomes as a result of this, development practices serving these goals have remained far from ideal (Penz, Drydyk, Bose, 2011). Development projects typically aimed at generating economic growth and thereby improving the general welfare of the state, all too often result in permanently harming people by displacing local populations, leaving them disempowered and destitute (Oliver-Smith, 2009).

As stated above, development can mean many different things, but generally it carries a positive connotation to it (Robinson, 2003). While underdeveloped countries seek to become more developed, this does not ensure that its development equally benefits those lives it sets out to improve. More often than not, development projects costs many people their lives and livelihoods by causing large-scale human suffering in the wake of its ‘development’. Displacement by development deprives people of many things, many of which are intrinsically fundamental to their very lives and livelihoods (Penz, Drydyk, Bose, 2011). The experience of displacement often encompasses more than just the physical loss of something; people who are displaced often lose power and agency over their own lives, resulting in the loss of economic, social and cultural resources (Neef & Singer, 2015)

For these reasons displacement in the name of development embodies an intrinsic contradiction in the context of development. There rests a juxtaposition where development meant to do good, often ends up causing more harm than promoting the well being it set out to create. According to Penz, Drydyk, and Bose, this paradox becomes: *“the tension between development as an ideal and development as an actual process- with which we are confronted when development causes displacement”* (Penz, Drydyk, Bose, 2011: 2).

### **10.1 Ethics of development induced displacement**

What makes displacement by development so controversial is the fact that it often results in people becoming more impoverished and worse off than they were before displacement. If people and communities were properly and ethically displaced and relocated this issue might not be so controversial, however, as it stands there remain major issues of social justice and

equity when it comes to the fundamental practices and consequences of involuntary and forced displacement. What determines the extent of this unjust and the scale of people's deprivation is the methods in which they were uprooted and moreover, what they face in their new location as far as resources and means to make a living. If people and communities must be uprooted and displaced as a result of development projects (as it is an inevitable consequence of development and will happen regardless), they should at the very least be compensated adequately and left in equivalent, if not better, conditions than before displacement. As Cernea puts it:

*“The principal of the ‘greater good for the larger numbers,’ routinely invoked to rationalize forced displacement, is, in fact, often abused and turned into an unwarranted justification for tolerating ills that are avoidable”* (Cernea, 2004: 2)

Instead, the trend is that people are inadequately compensated, if at all, and they are left scattered, neglected, relocated to worse land, and provided with inferior or inadequate infrastructure, and facilities; they end up in unlivable conditions and worse off than before displacement (Penz, Drydyk & Bose, 2011). The consequences of development's uneven divide of its costs and benefits leave some reaping the benefits, while others bearing the pains, leaving the uprooted in a vulnerable positions resulting in many other human rights being affected and/or violated.

Development will continue, as it is an inevitable phenomenon, however the consequences of such development such as the relocation of large populations of people in the process of development are avoidable. The inequitable distribution of development's gains and pains should not be an inevitable phenomenon, nor is it ethically justifiable. Michael Cernea, a sociologist at the World Bank and one of the leading scholars of development-induced displacement and resettlement argues in *Impoverishment Risks, Risk Management, and Reconstruction: A Model for Population Displacement and Resettlement*, that there should be adherence to social justice, equity norms, and respect for civil rights and people's entitlements whenever development brings about risks and predictable tolls. By eliminating some of the avoidable consequences of development, such as impoverishment, this can increase the overall benefits of development. The challenge then becomes to organize risk prevention and come up with safeguards to the consequences of displacement hazards and socioeconomic effects. Of course it would be impossible to avoid and alleviate all risks and fully prevent harm caused by development, but overall it should be feasible to decrease the



magnitude, scale and scope of the current day trends of involuntary displacement and its consequences (Cernea, 2004).

Cernea claims that not only is it possible to redress the inequity caused by development, but it is imperative on both economic and moral grounds. There should be safeguards in place that ensure the socially responsible approach to resettlement, which would be guided by what he calls an 'equity compass,' a tool used to counteract the lasting impoverishment and generate economic benefits on both a local and national scale. The idea behind the equity compass is to prevent the all too common trend of design projects being approved that lead to or cause involuntary displacement in the process. The compass would guide those responsible of approving projects in allocating project resources and preventing and mitigating the risks of impoverishment. (Cernea, 2004)

This equity compass in theory would be a tool used to determine the ethics of a particular project. An ethically justifiable project is one where the social impacts of those affected are taken into consideration and mitigation efforts and enacted as a means of alleviating these foreseen social impacts. Rather than simply going through with a project with a wide gap of gains and losses, the losses would be recognized and acted upon so that the gap lessens and the situation become more of a win-win instead of a win-lose.

Michael Cernea highlights the fact that being forcefully evicted from one's land and habitat carries heavy risk of becoming more impoverished than before displacement. As a result, the trend is that there is a lack of adequate compensation of their lost assets, and there is little in the way of effective assistance to re-establish their lives productively (Robinson, 2003). For these reasons, Cernea has developed the 'impoverishment risk and reconstruction' model in an effort to redress the chronic flaws and shortcomings in the policies and methodologies for planning and financing resettlement. In doing so, he sets out a theoretical model and framework for involuntary resettlement- impoverishment risks and reconstruction model for resettling displaced populations- which highlights the inherent risks that cause populations to end up more impoverished through displacement, as well as mitigation tactics that would counter-eliminate these risks and consequences (Cernea, 2004). The model is intended to be used not only explain what happens during forced displacements but also as act as a theoretical tool for the explaining, diagnosing, predicting and finally, planning of projects which would act as the guiding 'compass' needed for mitigating the effects of complex resettlement situations due to development. The model was developed in the 1990s and it is

based on both empirical and theoretical findings; empirically, it is based on the accumulation of factual evidence reported by resettlement studies over the last quarter century, and theoretically, it is based on resettlement research over the same time period.

Based on empirical findings of resettlement research, the model identifies eight common potential risk-pattern processes intrinsic to displacement that often lead to the rapid onset of impoverishment. The eight risk factors are outlined in Annex no. 5 and refer to: landlessness, joblessness, homelessness, marginalization, food insecurity, loss of access to common property and services, social disarticulation.

### **11. Displacement through forced evictions**

We argue that development-induced displacement in Cambodia should receive more attention and be better monitored as internal displacement. In recent years numerous organizations and academics have called for a better monitoring of internal displacement, particularly by including those who have been displaced by development projects. As Elizabeth Rasmusson arguments, one of the main impediments to an effective response to internal displacement crises' is the lack of information related to the number, location and demographics of those displaced (Rasmusson, 2006).

In this next section we will briefly highlight the extent to which those displaced for development through forced evictions in Phnom Penh, should fall under the category of IDPs as development - induced displacement regardless of the size of the development project.

Rasmusson also argues that IDPs have certain vulnerabilities that require specific responses by governments, civil society and international organizations. In order for these responses to take effect there is need for proper identification and quantification of all categories of people who fall under this label. She argues that this better data collection would lead to a better understanding of the causes and effects of displacement which is a precondition for effective advocacy and responses to the overall global internal displacement crisis. Cambodians displaced through forced evictions are in need of more effective responses and assistance but before this can take effect they firstly need to be identified as IDPs. Their situation mirrors those of other categories of people displaced by conflict, or natural disasters, which merits them worthy of this classification. We will elaborate on this point more extensively below.

A forced eviction is defined as:

*“The permanent or temporary removal against their will of individuals, families or communities from the homes and/or land which they occupy, without the provision of and access to appropriate forms of legal or other protection”* (UN-Habitat & UNHR, 2014)

During our interviews, we asked what makes an eviction forced. The general consensus was that an eviction is considered forced when there is no consent or consultation. In one interview it was stressed that there are many nuances as to what consent means. An eviction is considered forced when consent is extorted through a means of coercion; especially when police, military, or the courts are involved as a means of intimidate people through the misuse of the state forces. An eviction is also considered forced when inadequate compensation is offered and families and individuals feel obliged to settle because they have no other option. When people settle for inadequate compensation they are doing so as a last resort, but the compensation they receive does not allow for them to start a new life in a different location outside Phnom Penh. Furthermore, cases of people being offered a plot of land as compensation are also considered forced if that plot of land is barren and unfit for agriculture. Last but not least if there is no proper consultation both pre and post eviction as to the process of eviction and what will happen to them once they vacate their land, evictions are regarded as a forced (LICADHO Interview, 2016).

Cambodia’s land policy provides for protection against forced evictions, however during the past two decades practices of harassment, intimidation, coercion, and arrests of land activists have proved these legal safeguard to be widely disregarded by authorities when it comes to evictions. According to the existing policies forced evictions are illegal and people can be resettled only as a last resort and if it is done in public interest, against a just compensation and with prior consultation of the affected communities. Despite this, thousands of Cambodians living in the urban slums of Phnom Penh have been evicted without their consent and the consequences and social implications have been devastating to those affected.

The most common arguments given by authorities to justify forced evictions in Phnom Penh is that: a) people are living on state public land, b) on land which is of public interest, c) on land which is for a government institution, or d) on land which is already registered as private (OHCHR, 2012). Such is the case of the communities living in Dey Krahom and Borei Keila.

During our interview with STT we were told that to date there is no official demarcation in Phnom Penh as to what is state public land and what is state private land and there is little transparency as to what is privately owned (STT Interview, 2016), which give authorities and in turn, the private elite, space to manipulate the system to their own liking and to take advantage of the system. In the case of the Dey Krahom community, the Phnom Penh deputy governor at the time had declared in an interview with Phnom Penh Post that *'the activities of tearing down the homes at Dey Krahom is not an eviction but just an effort to clear the area for development'* (Brady & Pheaktra, 2009). On a similar note, in 2014, in response to an Amnesty International article entitled *Amnesty International Slams Cambodian Government for Forced Evictions of Poor People* the spokesman of the Ministry of Foreign Affairs released a statement in which it deplored the allegations and stated that *"there is absolutely no unlawful and forcible evictions in Cambodia"* (Ministry of Foreign Affairs, 2014). It went on to attribute these activities to a given responsibility of the Cambodian government to *"re-establish public and social order, such as in the case of turning the streets into market places, living on the sidewalks and in the parks and illegally occupying state land."* (Ministry of Foreign Affairs, 2014). In the statement, the spokesman states about Dey Krahom that *"[...] there is no forcible and unlawful eviction. For those people, they were happy to live in the new place which was allocated by the government"* (Ministry of Foreign Affairs, 2014).

During our interviews we wanted to understand whether authorities support evictions of the poor for an ideological reason, as was the case during the Khmer Rouge when political opponents were oppressed, or whether they are done for financial gains. In doing so, we asked the NGO representatives: who are the usual targets of evictions in Phnom Penh. The interviewees stated that the land is targeted because it is valuable for investment and development. At the same time however the urban poor, living on this land and in these slums, are an easy target because they cannot survive within the daily system of corruption embedded in every level of governance. They are less likely to be able to afford paying the necessary bribes in order to obtain land ownership, or pay for the court to rule in their favor (LICADHO Interview, 2016).

## 12. Evictions and resettlement in Phnom Penh

Evictions and resettlement in Phnom Penh have become commonplace as a result of urban development. With no official data available, it has been estimated that over 120,000 people have been evicted from their homes in Phnom Penh since 1990 and many more continue to face the risk of being displaced everyday (OHCHR, 2012).

As noted in the previous section, the Royal Government of Cambodia's land policy vision is to:

*“administer, manage, utilize and distribute land in an equitable, transparent, and sustainable manner in order to contribute to achieving national goals of poverty alleviation, ensuring food security, natural resources and environmental protection, and socio-economic development orienting towards market economy”* (Sar, 2010: 11).

The Cambodian Government and in particular, the Ministry of Land Management, Urban Planning and Construction, has developed an elaborate legal policy and institutional framework which is targeted to implement the 2001 Land Law. The framework identifies important safeguards to protect the land tenure, possession and ownership rights of Cambodian citizens. It also protects against forced evictions, which are illegal under these policies and resettlement should only be applied as a last resort with proper lawful implementation and compensation provided (OHCHR, 2012).

In theory, this what the 2001 Land Law aims to accomplish, however when these legal safeguards are not applied in practice, there can be grave consequences for the people it sets out to protect in the first place. When this law in particular is not upheld, it goes against basic notions of human rights, social justice, and sustainable development (OHCHR, 2012). The implication of this is the aggravation of poverty to already marginalized groups of people.

In this next section we will elaborate on the situation of evictions and resettlement in Phnom Penh and outline the implications this has on Cambodians by looking at reports and using our

own data collected which touches upon the social effects evictions have on people's lives and livelihoods.

As outlined in a previous chapter, the issue of evictions and displacement in Phnom Penh should be understood against the backdrop of rapid economic growth and chaotic urban development which lacks any formal regulatory framework. One should also keep in mind the deeply rooted and complex history of Cambodia as it pertains to evictions and resettlement. Evictions and resettlement in Cambodia are not a new phenomenon, and in fact, it has been taking place on a massive scale during the civil war period, the Khmer Rouge era, and then following the overthrow of the Khmer Rouge when the Vietnamese took over.

Being uprooted and evicted from one's home and land can be a traumatic experience, especially when the evictions are forced and uncivil. There are many lasting effects and consequences this experience can have on people's lives when legal safeguards are disregarded as is and has been unfolding in Phnom Penh.

### **Data and statistics**

There are no exact numbers or statistics on the extent of evictions in Cambodia to date. The reason being that there is no official public data on this issue and as a result most of the data that does exist mainly comes from non-government organizations active in the housing/land sector (OHCHR, 2012). Amnesty International claimed in 2009 that at least 26 evictions displaced about 27,000 people, while STT estimated in 2009 that over 120,000 Cambodians in Phnom Penh had been evicted since 1990; this number has received wide support and validity amongst the NGO community (OHCHR, 2012) (this is the most recent statistic we can find but it should be noted that there have been more evictions taking place since this number was recorded). Additionally, another challenge remains in the fact that the way in which these numbers and estimates are recorded differs widely between different NGOs and organizations reporting on the situation. Some organizations will estimate the number of people displaced, while others will report on the number of families or communities evicted, making it difficult to understand the true gravity of the issue when there is no proper standard of reporting.

OHCHR has undertaken a comprehensive study that measures the impacts of eviction and resettlement in Cambodia and the human and socio-economic costs on people's lives. The study is based on first-hand testimonies and data collected from both individuals and communities in resettlement sites in/around Phnom Penh and two other provinces in Cambodia from 2009 to early 2010. The study outlines common trends and themes that occur and the major elements that affect a majority of people who find themselves being uprooted and resettled. Some of the themes outlined include: adequate housing, basic services and infrastructure, security of tenure, livelihood and employment opportunities, food security, health, education, civil matters and social and cultural inclusion. In the following section we will elaborate on each of these issues and the specifics of how people's lives are affected by eviction and resettlement.

As mentioned in the previous chapter there are eight specific components to the right to adequate housing which governments are primarily responsible of ensuring its citizens and those are: security of tenure, availability of services, materials, affordability, habitability, accessibility, location, and cultural adequacy. According to the OHCHR report, five of these components were often lacking and inadequate according to Cambodians interviewed, facing resettlement (OHCHR, 2012).

The following section will go into detail regarding the common trends affecting resettlement sites based on the OHCHR report. The Phnom Penh sites included in the study include: Akphiwat Meanchey (relocated from roadside near Chinese Embassy), Andong (relocated from Sambok Chab), Damnak Trayeung (relocated from Dey Krahom), Tuol Sambo (Relocated from Borei Keila), and Trapeang Anh-chanh (relocated from Sambok Chab). (OHCHR, 2012).

### **Housing: electricity and water**

One of the main problems at relocation sites is the lack of access to state-run electricity services. Many who are forcibly evicted from their homes in urban settlements in Phnom Penh end up being relocated to locations on the outskirts of Phnom Penh or even outside of the city altogether, far from urban amenities and services, including electricity and water. As a result, people forced to be relocated end up living in communities beyond the city's water and electricity supply and therefore are forced to pay between 4 to 16 times more to private

suppliers than they would be paying were they living in the city and had access to state-run services (Strangio, 2014a and Equitable Cambodia Interview, 2016). Cambodia's state-run electricity, Electricite Du Cambodge, is normally sold at 720 Riels per kilowatt or about \$0.17 USD per household. However, the service is limited to central urban areas and because most of the relocation sites fall outside of the Electricite Du Cambodge service supply, if families want electricity they must pay for privately owned services and generators at a much higher cost, which many cannot afford (OHCHR, 2012).

The same case goes for water at many relocation sites on the periphery of Phnom Penh. Water and sanitation are crucial to safe and adequate living standards, but the OHCHR report found that there is a generally a lack of clean water, no drainage system or waste disposal system, and no latrines in most resettlement sites around Phnom Penh. Like electricity, the water supply is managed by private businessmen who have a monopoly over water management in these areas and as a result, the price of water for most residents is too high and more expensive than they can afford (OHCHR, 2012).

### **Security of tenure**

One of the top priorities of resettled families is security of tenure. For individuals and families who have been uprooted from their homes, being protected from involuntary removal, expulsion from land or residence, and from harassment or threats is their main concern (OHCHR, 2012). At all sites surveyed for this study, people's top priority was security of tenure, where they felt it most important to have a plot of land and housing where they could settle with a peace of mind, engage in employment practices and plan for their future (OHCHR, 2012). It is common for people in resettlement sites to be hesitant to establish themselves and their lives in their new location because they did not officially receive land in their new location following eviction. They are hesitant to do so because they fear they will be evicted again. With a lack of security of tenure and lack of proper paperwork granting them titles they feel insecure in their new locations. It is not uncommon that communities who find themselves in a new resettlement site are not safe from evictions because it has happened that communities are evicted a second time from their new locations. Many people reported high levels of anxiety and stress around the issue of lack of tenure security. Many feared a second eviction and people reported that one person had to permanently stay at home at all times to ensure they did not miss an eviction notice or the



granting of plots elsewhere, which could have happened at any time (OHCHR, 2012). Security of tenure, or lack thereof, can also affect people's livelihoods in terms of access to jobs and employment opportunities. Some people reported having to lie about the location of where they lived because they heard rumors and understand that companies such as garment and construction companies do not want to hire people 'from the tents.' They say the companies 'don't want these people from the tents to have a good income and want [them] to stay here' (OHCHR, 2012: 46).

### **Homelessness and landlessness**

Forced evictions have the potential to make people homeless and landless. In a few cases, communities were relocated to plots of land with no shelter or housing immediately following eviction. In most cases though families became homeless as a result of selling their land to pay for medical expenses or because either a bank or money lender confiscated their land due to unpaid loans. Many families at resettlement sites fall victim to this cycle of debt and lack of an ability to repay loans. Most families end up taking loans from various lending institutions to improve their living situations such as housing, improving a small business or to cover emergency medical treatments. Once they have been granted the loan, oftentimes they are unable to repay them and their land is confiscated as a result, leaving them homeless and landless (Equitable Cambodia Interview, 2016).

### **Livelihood and employment opportunities**

One of the main components to adequate housing is location, as it is directly related to access to employment options and other basic services. As mentioned in the above sections, most resettlement sites in Phnom Penh are on average about 20 Kilometers outside the city and in recent years have started to increase in distance. When resettlement sites are far from the city, this drastically reduces employment opportunities and income. Most people pre-eviction relied on access to the city to make a living and an income (Equitable Cambodia, STT, and LICADHO Interviews, 2016).

According to the interview with Equitable Cambodia, people who are relocated are at a disadvantage when it comes to employment opportunities. The two representatives we talked to claimed that people in most resettlement sites in Phnom Penh are too far removed from their main place of work. Most people pre-eviction made a living from informal work, which

relied on being in a location with lots of clientele, like a city. If people are relocated to outside of the city, their options of making a living by being in proximity to a populated city center significantly diminish (Equitable Cambodia Interview, 2016).

OHCHR has found that women are more at risk of losing jobs and sources of livelihood more so than men due the nature and location of their jobs. The types of jobs that women had pre-eviction often depended on a high number of customers available such as selling snacks or food on the streets or from their homes. Other jobs such as scavenging were only possible in a city landscape where there are more items to scavenge for. For these reasons, many people find it necessary to return to Phnom Penh to find or continue their work. The lack of clientele, access to markets and other limiting factors makes it very difficult for people to make a living at most relocation sites post-eviction (OHCHR, 2012).

Returning to the city to find or continue work can be difficult because most resettlement sites are far from the city, they have to pay a high transportation cost, which takes a large toll on their income. Most men return to the city to work as tuk-tuk drivers, construction workers or laborers, while women return to sell snacks, food-items, or collect scraps on the streets (OHCHR, 2012). Overall, the resettlement sites are ‘un-survivable’ according to Equitable Cambodia and so people are forced to return to Phnom Penh to find work to make a living (Equitable Cambodia Interview, 2016).

Not only is it costly to commute from a resettlement site outside the city to the city for work but it is timely as well. For these reasons it is not uncommon that people living in resettlement sites leave the site for longer periods of time to stay closer to where they can make a living and save time and money. Sometimes people leave for days, or weeks so they can make an income. This trend is not uncommon and it leads to a larger trend where families are often forced to split and become separated or dispersed in order to survive. Often, children are left at site with an older sibling or sent to live with relatives in provinces or elsewhere so the parents can try to make a living (OHCHR, 2012).

### **Food security**

A lack in employment opportunities and income directly affects and contributes to food security or lack thereof. It is common that people who are forced to resettle far from the city

where they once made a living, have difficulty finding work, which in turn affects their income and their ability to afford food in their new location. The impact of forced evictions and resettlement has serious consequences regarding food security, not only immediately post-eviction but months and years later. It is common that people who are relocated have to forego the quality and quantity of food they once enjoyed pre-eviction due to a loss of income and access to food, leaving them at risk of malnutrition and deterioration of health (OHCHR, 2012).

## **Health**

From a human rights perspective, health does not only mean access to standard health care, though this is surely a major aspect, but it also includes a wide range of overall factors that contribute to people leading a healthy lifestyle. Such factors include: access to medical services, access to safe drinking water, adequate sanitation, access to adequate food, adequate housing, healthy working conditions and safe and clean environmental conditions. These are all important factors that contribute to people leading a healthy life and when they are compromised such as when people are forced to relocate to locations severely lacking these qualities then human rights are essentially being violated.

According to the World Health Organization, the right to health is an inclusive right and it falls under the jurisdiction of The Committee on Economic, Social and Cultural Rights, which is the body responsible for monitoring the International Covenant on Economic, Social and Cultural Rights (OHCHR, 2008).

According to the OHCHR report, many families at resettlement sites reported a deterioration of health post-eviction. Representatives from Center of Hope, LICADHO and M'lop Tapang, all NGOs involved in the medical relief, both immediate and long term, of residents at relocation sites have reported the most common health problems affecting people at sites are: respiratory tract infections, gastro-intestinal illnesses, skin diseases, and illnesses related to malnutrition and vitamin deficiency amongst children. Other cases of chronic diseases include: blood pressure, diabetes, TB, and in the rainy season the most commonly reported illnesses include: fever, cold, diarrhea, and dengue. (OHCHR, 2012).

All of these illnesses are a direct result of a lack of basic infrastructure at relocation sites such as, clean and safe water, adequate sanitation, lack of adequate food and nutrition and lastly, adequate housing. In one of the relocation sites in particular, Andong, the situation is strikingly bad, and families have not seen any improvement in their health conditions since their relocation in 2006. The main reason being that there is persistent unhygienic and unsanitary conditions, including the lack of a functioning drainage and sewage system and lack of adequate housing. As one NGO representative from Center of Hope and LICADHO, after conducting a health assessment of the Damnak Trayeung resettlement site put it:

*“When the sanitation and hygienic conditions fail to meet basic humanitarian standards, the primary dangers and risks always fall on the health of the people who are exposed to that environment. Communicable infectious disease outbreak is a frequent outcomes in such situations.”* (OHCHR, 2012: 60)

The impact of one’s environment on one’s physical health is directly related. When one is exposed to the elements of extreme heat, rain, and flooding due to a lack of adequate housing, along with a lack of safe drinking water, adequate sanitation, and food, these factors combined makes for a dangerous situation. In many resettlement sites lacking basic needs and infrastructure, people fall victims to their environment and their health is paying the cost, their vulnerability increases and opportunistic diseases and the spread of infectious diseases increases significantly as a result.

In all relocation sites studied, there was a health center in the vicinity of the community however, most people interviewed reported that they did not use the centers due to the adequacy of the health centers. Many people reported that the centers were only able to distribute pills, give vaccinations, and treat minor ailments, most of which came at a cost. According to nurses at one of the health centers, the support received from the operational district, financial or otherwise, to treat 80 to 100 people monthly is not sufficient to address the community's health needs. For serious illnesses people had to go to hospitals in the center of Phnom Penh. As a result, many people turned to the services and aid of local NGOs who fill in the gap and provide the bulk of services to resettled families (OHCHR, 2012).

## **Mental Health**

Assessing the mental health of people who have been resettled due to eviction is difficult according to OHCHR because mental health assessments are rarely a priority of relief activities. As a result there has been little comprehensive assessment of mental health at the various relocation sites in and around Phnom Penh. There has only one such assessment of the residents evicted from Dey Krahom made soon after their eviction in 2009 by The Centre for Child and Adolescent Mental Health (OHCHR, 2012). Their assessment found that the Dey Krahom community suffered from significant levels of psychosomatic problems directly resulting from their eviction. They also found that most people were suffering from mild to moderate forms of depression, and anxiety disorders which resulted in psychological symptoms and sleep disturbances.

It is worth noting again that Dey Krahom was the community that was woken in the middle of the night to a violent and brutal eviction carried out by law-enforcement agencies. Their eviction was sudden as protracted negotiations aimed at finding a mutually agreeable settlement between the long-term residents, the company carrying out the eviction in the name of development, and the municipality was being discussed. The entire community was demolished in a swift move made possible by bulldozers, tear gas, rubber bullets, batons, and people equipped with sticks and axes ordered to demolish the houses. The residents were forced to leave and thrown to the streets as they watched their homes being destroyed; if they resisted and attempted to protect their property, they were beaten and forcibly removed. When it was over, all that remained was a heaping pile of debris what used to be their home and community (UNHCR, 2009).

The mental health assessment of the Dey Khrahorm residents suggested that the mental health problems could be directly linked to basic needs not being met such as: food, shelter, and water. What is more is concerns and worries about further displacement exacerbates people's physical and mental health issues. (OHCHR, 2012). The assessment noted that mental health could likely improve should these basic needs be met from the start, from material needs for proper housing, to employment opportunities, to food security and physical health. However, they noted that given the conditions in which people were relocated, through a violent and traumatic eviction, they were likely prone to have long-term

psychological disturbances in addition to other commonly found health risks given their situation. (OHCHR, 2012)

It is not easy to imagine that people in other resettlement sites are suffering from similar stresses and anxieties that affect their mental health. From the survey conducted by OHCHR, the study found strong evidence of major stress and psychosocial disorders amongst Cambodians at all resettlement sites. People interviewed expressed feeling stressed due to the difficulties in finding employment and securing a livable income, a lack of adequate food for their children, a feeling of insecurity from a lack of land tenure and fear of being evicted again, the stress of divided families, overcrowding, and the worry over increasing debts due to food insecurity or a lack of income (OHCHR, 2012). During site visits at two of the relocation sites - Andong and Trapeang Anhchanh - OHCHR representatives observed many women drunk by noon and it is not uncommon that in these sites and others, one will find people gambling or playing cards all day long. Domestic violence is a common occurrence at resettlement sites as well though precise data is unavailable (OHCHR, 2012). Reason for domestic violence increase can be attributed to various factors, but residents at sites pointed to a lack of employment and food insecurity. Many women interviewed expressed that men started to drink more as a result of a loss of income and the difficulties faced at the relocation site. Tensions between husbands and wives grew more frequent and this caused families to split: as one woman recounts:

*“My husband always worked hard as a construction worker before the eviction and he rarely went drinking. Since we have moved to this new place, he can only find construction work once in a while. So he gets drunk almost every day without trying to find work. I am so angry with him as I have to find food on my own and make a living as best I can. When I shout at him, he beats me up. We often fight and we haven’t spoken to each other in the past two weeks.” - Sivileng, 54 year old women (OHCHR, 2012)*

## **Education**

Children’s education is another hurdle faced by many families when their lives are uprooted by forced eviction and resettlement. Universal education is a right and all children should have equal access to education. However, this right is jeopardized for various reasons when

children and families are relocated against their will to a new location. Oftentimes, children end up dropping out of school altogether as a result of being uprooted.

According to the OHCHR survey, one of the main causes of dropout is due to an interruption of children's education due to eviction. If children do not have the option of staying with relatives (and therefore being separated from their families) and continuing their schooling in the city, they are forced to leave school and wait to be transferred to a new school at the resettlement site. However, this process can take a while and often costs extra money, which not all families can afford. Theoretically speaking, school should be free for children in Cambodia and transferring schools is no different however, school is not free as children are forced to pay bribes because government employees are paid so poorly that they demand 'fees' from the people who can least afford it. This is apparent at all levels of society from doctors, to teachers, to police officers, to the court system. (Strangio, 2014a: 139) Parents have been asked to pay anywhere between \$2.50 to \$20.00 from both the old and new school by either staff at the school of origin or the new school. This is the price for primary and secondary school, however high school transfers tend to be at a higher cost. High school transfers tend to be more difficult because high schools are not always found close to resettlement sites. One resident recounted that he was asked to pay \$30.00 for the transfer of his child to the location of his resettlement site, while he was also asked to pay \$50.00 by the previous school for the processing of the transfer (OHCHR, 2012).

It is common practice in Cambodia that children in public schools must pay their teachers daily informal fees. This is well known to all Cambodians and parents and children who have been uprooted paid daily fees to attend school pre-eviction. The difference with post-eviction is the parent's income or lack thereof and many can no longer afford to send their children to school given their post-eviction circumstances. Many parents post-eviction no longer have a secure income and can not afford the necessary fees required to send their children to school because they have lost their means of making a living. (OHCHR, 2012)

There is no official data available as to how many children have dropped out of school as a result of eviction and resettlement, but many families interviewed reported that their children had dropped out of school to help their families earn extra income as the family income is not enough or sufficient to feed the family post-eviction (OHCHR, 2012).

As mentioned in a previous section, the consequences of eviction and resettlement across the globe pose inherent risks of impoverishment and hardship. As outlined above, this is no different for the case of people being evicted from urban slums in Phnom Penh due to development. While cases and individual situations are not black and white or inherently the same, the overall trend points to people being forced into worse off situations and more impoverished than before eviction. A large reason for this is the fact that many of their human rights are not being upheld at the sites and locations where they are being forced to resettle and they are pushed even further into a cycle of poverty in which they were already exposed to prior to eviction. In most cases of resettlement sites in Phnom Penh, there is a lack of basic infrastructure, either a lack of or inadequate: livelihood, housing, electricity, water, health, education, and inadequate and poor sanitation.

### **13. Internally displaced persons**

In the following section we will examine the case of Phnom Penh's forced evicted and how their situation mirrors that of IDPs. We will discuss the potential benefits of labeling the forcibly displaced and resettled and how it might lead to positive outcomes.

In recent years, experiences of displacement have captured the attention of many in public debates all across the globe. While the plight of refugees is one that usually draws the media's attention, there are millions of people worldwide who have fled due to similar conditions as refugees, but remained within the borders of their own countries.

Internal displacement associated with conflict and violence account to almost double the number of refugees in the world, an estimated 40.8 million IDPs were accounted for by the end of 2015 worldwide (IDMC, 2016). The number of people who fled their homes and ended up in a situation of displacement due to natural disasters is even higher, at an estimated 203.4 million recorded in the last eight years (IDMC, 2016). Despite these numbers, the total headcount of displaced within their own countries is far from complete. There is a severe lack of data concerning other groups of vulnerable persons displaced by other causes such as development projects (IDMC, 2016). The concern for tackling the issue of internal displacement as a consequence of events other than generalized violence and armed conflict has been on the agenda of international organizations for a long time. It lost coverage in early



2000s due to resource constraints, a lack of information and a desire of agencies to focus its resources on fulfilling the ambition of covering conflict-induced displacement globally (NRC, 2002).

It is therefore not difficult to see why internal displacement has become an increasingly pressing issue affecting millions of people around the world. Throughout the years, many academics and people involved in the field of internally displaced persons have called for improved methods of monitoring and accounting for the various categories of internally displaced, specifically for those displaced by development projects (see Kalin, 2001 & Egeland in IDMC, 2016).

Internationally, refugees benefit from a well-established Refugee Regime built around The 1951 Refugee Convention, the 1967 Protocol, and specific norms and institutions. These institutions have mandate to regulate, monitor and manage the plight of refugees. A similar international agreement for IDPs does not exist. Given the lack of a legal instrument to protect and assist IDPs, the Representative of the Secretary General of UN, Francis Deng, established a set of principles in 1998, The UN's Guiding Principles on Internal Displacement. These principles are not internationally binding (Robinson, 2003) despite since their drafting, a number of states have incorporated them in their national laws and policies (Kalin, 2008). Moreover, despite not being legally binding the principles restate already existing norms of human rights and International Humanitarian Law (IHL) (Deng, 2011).

According to the UN's Guiding Principles on Internal Displacement, internally displaced persons are:

*“Persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border.” (UN, 1998)*

This definition establishes the two main differences between refugees and internally displaced persons. First of all, they have not crossed an internationally recognized border, which means they remain under the responsibility of their own government. Secondly, they

might not be fleeing due to a well-founded fear of persecution. This is not to say that the only difference between refugees and IDPs stands in the geographical aspect of their plight. As Robinson argues, IDPs can include categories of people who have fled their homes in situations similar to those of refugees, and had they crossed an internationally recognized border, they might qualify for refugee status. However, Dips also includes a wider category of people who are forced to move due to natural and human-made disasters, as well as development-projects (Robinson, 2003).

Furthermore the definition of Dips presents some causes of displacement however, by using the phrase “*in particular*” it presents itself as a non-exhaustive line of potential reasons why people flee their homes and places of residence. Millions of persons forced to leave their homes or places of habitual residence to make way for development projects are often not considered Dips. This is the case despite the fact that, in an overwhelming number of cases their suffering is just as severe as those fleeing due to armed conflict or natural disasters:

“...*Most large forced dislocations of people do not occur in conditions of armed conflict or genocide but in routine, everyday evictions to make way for development projects.*” (Rajagopal in Robinson, 2003: 1)

The UN’s definition of internally displaced persons does not per-se include groups of people who are forced to leave their homes due to development projects, however, a mention is made in Principle 6 which states that: “*Every human being shall have the right to be protected against being arbitrarily displaced from his or her home or place of habitual residence*” (UN, 1998: Principle 6.1). This prohibition applies also to those displaced in “*case of large-scale development projects, which are not justified by compelling and overriding public interests.*” (UN, 1998: Principle 6.2c). Even more, Principle 9 grants that “*States are under a particular obligation to protect against the displacement of indigenous peoples, minorities, peasants, pastoralists, and other groups with a special dependence on and attachment to their land.*” (UN, 1998: Principle 9).

The UN’s definition also highlights that people who suffer grievances of human rights due to displacement have merit to be classified as Dips according to the Guiding Principles. As covered in the prior section, thousands of Cambodian’s rights are being violated due not only to the eviction process, but also as a result of the resettlement situation they find themselves

in post-eviction. Human rights which are being violated in Phnom Penh both pre-eviction, mid-eviction and post-eviction (at resettlement sites) include: the right to security of person, the right to recognition everywhere as a person before the law (Art. 6), the right to protection against arbitrary interference with one's privacy, family, and home (Art. 12), the right to own property and protection against arbitrary deprivation of property (Art. 17), the right to standard of living adequate for the health and well-being of himself and of his family including food, clothing, housing, and medical care and necessary social services (Art. 25), and lastly, the right to education (Art. 26) (UN, 1948). While evictions and resettlement pose a high potential of affecting these rights, we find that the most visible violation is that of the right to an adequate standard of living. According to the LICADHO interview, in speaking about basic standards of living they state that the:

*'State (Cambodia) will forcefully relocate people outside Phnom Penh, and worsen all social and basic living standards; they (the evicted) are dropped on a rice field "like cattle"- suffering from absence of everything' (LICADHO Interview, 2016).*

The lack of provision of an adequate standard of living affects most people immediately and gravely. When people's basic standards of living are not being met they find themselves unable to survive as is the case in many resettlement sites in Phnom Penh (Equitable Cambodia Interview, 2016). When there is a lack of a basic standard of living, this has a ripple effect in that other standards are affected as a result; such as health, education, food security, shelter, and access to employment as elaborated on in the previous section. There are many NGOs, Ingo's, and civil society movements working to shed light on the fact that these rights are not being upheld in Phnom Penh. While their work in advocacy efforts are paying off by bringing this issue to the international stage, they are not fully filling in the gap of long-term needs of the people most affected. This point is touched upon by LICADHO in their interview:

*'NGOs are involved in providing services but they have little capacity to deal with the situation [...] MSF, and OXFAM GB have means of helping but they are reluctant in doing so. Small religious groups are the ones saving them and 'converting' them in exchange for rice. Which brings about other social issues to which people are being exposed t- (religious) conversion in exchange for life/food' (LICADHO Interview, 2016).*

In most cases of forced eviction and resettlement in Phnom Penh, people affected lack potentiality of returning back to their former place of habitual residence. In only a few cases people were offered compensation in the form of housing at their original location. For those resettled outside Phnom Penh there is a dire need for long-term sustainable solutions, which would require the hand of the Cambodian government to step in and fill this gap. However, during our interviews with the NGOs we were repeatedly reminded of the fact that the Cambodian government lacks willingness to address these issues, as there is no accountability. As one of the representatives of LICADHO expressed:

*'Cambodia is a land of impunity and people know that. The government will do what it pleases, redress of abuses don't function, they (Cambodians affected) can't go to court because it is too corrupt. [...] Cambodia equals total impunity; why spend money to do the right thing when you can get away with doing absolutely nothing? They can get away with it, so why not? Why pay people (compensation) or treat people fairly when you can get away with treating them unfairly. (There is) no punishment. The International community shouts and condemns the situation of land grabbing - write about it, report on it, and condemn it, but ultimately there is no will to right the wrong (from the Government) and there is no accountability'*  
(LICADHO Interview, 2016)

The lack of a possibility of returning to one's initial place of residence, as is the case for many of the forcibly evicted from Phnom Penh, and the overwhelming evidence of a lack of assistance to effectively rebuild their lives post-eviction point to the fact that these people find themselves in a protracted situation. This post-eviction protraction parallels Vigh's theory of *crisis as context*. He states that crisis is commonly understood as a temporary discontinuity in the flow of things. For most people, crisis is considered a passing abnormality usually relating to traumatic events that break up the normality of their lives. However for many people, such as the marginalized, crisis is not characterized as a temporary episode of disorder with a specific rupture point in time with a clear beginning and end. Rather, crisis is understood as a continual everyday phenomenon that goes from bad to worse. In Vigh's words: *"For the structurally violated socially marginalized and poor, the world is not characterized by balance, peace or prosperity but by the ever-present possibility of conflict, poverty and disorder"* (Vigh, 2008: 5)

Many Cambodians forcibly evicted and resettled from their urban settlement homes end up in worse off situations than before eviction. The resettlement sites they are relocated to on the outskirts of Phnom Penh lack basic standards of living and they become much more impoverished than before eviction. This trend mirrors Vigh's theory of crisis as context. The forced eviction may be seen as a singular chaotic event rupturing their everyday lives however what is important to consider here is that most forced eviction cases in Phnom Penh are targeting those already poor and marginalized. So rather than the forced eviction being seen as a passing crisis, we see it as crisis as context, where their situation goes from bad to worse as it is a continuous phenomenon in their everyday lives. In speaking of the potential of protractedness of their (those evicted and resettled) worse off situation in our interview, LICADHO states:

*'They cannot rebuild their life in their new site, (there's) no source of livelihood. They do come to terms with their situation but they are not able to rebuild their life. They are evicted because they don't have land titles and end up with no tenure safety where they are relocated. After 5 years they should receive titles, but still no titles are granted to them however. There are relocation sites where people should have received their land titles in 2011 but still nothing. In all the chaos which is supposed to benefit the few rich, there is no tenure safety'* (LICADHO Interview, 2016)

There remains a juxtaposition in that the very power or solution of changing a wrong (forced evictions and resettlement) lies in the hands of the people who are creating that wrong- the Cambodian government. This begs the question of what benefit would come of labeling those forcibly evicted due to development in Phnom Penh as Dips, when even as Dips, they would still fall under the responsibility of a government that created the very circumstances of their displacement in the first place.

Drawing on Stepputat and Sorensen's work on the relevance of using the label Dips, where they argue that in certain circumstances, introducing the concept of Dips can confer conceptual precision and stronger analytical agency, we argue that labeling forced evictees in Phnom Penh as Dips would create an avenue for mobilizing resources and more effectively addressing the needs of resettled Cambodians. Labels determine the extent to which categories of people have access to particular privileges (Stepputat & Sorensen, 2001).

Securing these entitlements requires acceptance of categorization from both individuals and institutions involved (Brun, 2005).

While labeling those evicted and displaced in Phnom Penh as Dips may do little in the way of changing their situation, it would still open up doors for their case if they fell under the classification of Dips. According to Brun quoting Zetter, “*a non-labeled solution cannot exist: there is no escape from terms like ‘refugee’ and ‘IDP’ if we are going to assist people forced to migrate from their homes*” (Zetter in Brun, 2005). It seems that the point he is making here speaks to the fact that by not labeling people as Dips only leaves room for the likelihood of them falling between the cracks of assistance. By recognizing and identifying Cambodians forced to resettle as Dips, this would render them eligible for a certain type of humanitarian and development assistance provided by humanitarian aid organizations. With no labeling system, there remains room for interpretation and as Zetter claims, “*room for normalization and romanticisation of the forced migration experience, which is in danger of becoming viewed as normal in today's globalized world.*” (Zetter in Brun, 2005)

Assistance for IDP’s is often weak due to the fact that there exists a limitation in that sovereign governments hold the key to assistance; by acknowledging and recognizing that there are Dips in need of assistance. While we recognize this and realize that labeling Cambodians displaced due to forced evictions as Dips may fall flat and gain little benefit in the way of the Government taking action, there still may be cause to label them as Dips. By granting Cambodians (forcibly evicted and resettled) this label, it may lead to pressuring the Cambodian government to effectively take responsibility of finding ways to prevent displacement due to development from happening or ultimately to finding durable solutions to meet consequences of such displacement. In turn, labeling might give those who were forcefully evicted a leg up and advance their status as being in need of assistance rather than let them fall in between the cracks and have their situation ‘normalized’ and accepted.

We draw on Stepputat and Sorensen’s work on *Displaced People in the Central Peruvian Andes* and their analysis of how introducing the IDP category influenced the way different agents involved (NGOs Ingo’s, displaced persons, local communities, the state) experienced and came to identify themselves with the category of Dips. Ultimately they analyzed the effects this label of Dips had on the field of humanitarian and development assistance. There are several differences between the case analyzed by these researchers and ours, most

prominently is the fact that theirs relies on a study case of the displacement of Peruvians due to armed conflict, where ours covers forced evictions in the name of development in Phnom Penh. Also, their study focused on a situation unfolding between 1980s and 1990s when the concept of Dips was yet to be introduced internationally to describe the plight of people within national borders. Therefore the introduction of this label in the Peruvian case brought about institutional changes, which in turn influenced humanitarian and development assistance. In Cambodia on the other hand, the label of IDP is as not as new as it was in Peru when Stepputat and Sorensen conducted their analysis. However works on Dips in Cambodia focus more on the plight of people during the Khmer Rouge era and the consequent civil wars of the 1980s. When it comes to people who have been forcefully evicted due to development projects however, there appears to be a gap that needs to be bridged. The World Bank accounts for 154.926 Dips in Cambodia as of 2014, but there is no account as to what the causes of displacement were (World Bank, 2016). It is unclear whether this number includes those who have been victims of forced evictions or not.

We argue that a shift in analytical focus and better monitoring of forced displacement from Phnom Penh through the label of Dips has the potential to bring about similar effects on humanitarian and development assistance, as those met in the Peruvian case. The label of IDP is not legally binding, however it is closely connected to humanitarian and development assistance and therefore, it would help bring the cases of those forcefully evicted from Phnom Penh closer to the sphere of international assistance. As Stepputat and Sorensen noticed in Peru, the appropriation of this terminology helped NGOs and Ingo's better identify the cause of the affected people and in turn, engage techniques of assistance accordingly. This point is better articulated below:

*“Discussing how to move from an emergency situation towards a longer-term development perspective, these NGOs clearly articulated a need for a strong concept that could help them provide for, and stabilize the displaced population and have them officially recognized as victims of the armed conflict” (Stepputat& Sorensen, 2001: 776)*

In the current context of Phnom Penh, national officials often disregard forced evictions. On several occasions high profile state representatives have publicly declared that forced evictions do not happen in Phnom Penh, rather they claim what is unfolding is simply

development. This happens despite numerous reports of NGOs and Ingo's condemning the evictions as bearing grave human rights violations. Without the coverage of a conceptual framework such as that of the IDP label, people forced to leave their homes to make room for development projects remain un-assisted upon relocation. There is little agency for donor agencies to engage in strategies of assistance.

Furthermore, Stepputat and Sorensen describe the ascription of IDP label as a creation of an identity. This identity could be used as a means of organizing people in need of assistance in manageable structures. NGOs account for the people affected by evictions in different ways: some use the family unit, while other use communities, individuals, or households. This makes it difficult to grasp the scale and scope of the situation. It also makes the object of assistance evasive and unclear, which affects assistance reaching those in need. As highlighted by Stepputat and Sorensen:

*“The evasiveness and instability of the object of assistance and organization and the apparent fluidity and blurredness of their identity, presented practical as well as analytical problems.”* (Stepputat & Sorensen 2001: 778)

Even more, there appears to be little recognition of the situation of the forcefully evicted and relocated. Poor urban settlers are often seen and depicted by state officials and certain segments of society as being anarchic, mentally unstable, criminally inclined or socially undesirable and this is commonly used as justification for evicting them. By labeling these marginalized populations as Dips after relocation can bring their case as victims to the attention of a broader public and even to the state itself. In turn it would facilitate recognition of the fact that there is a gap in the level of protection offered by the state towards its citizens and that there is a need of assistance. There is viable premise for bringing their situation to the spotlight. One of our interviewees told us when we asked whether there is a difference in the way forced evictions are perceived in Phnom Penh versus the countryside, that in Phnom Penh, people are becoming more aware of their rights and the public is becoming more sensitized as a result of repeated condemnation coming from NGOs and the civil society. Even more, due to a higher presence of international organizations, main media outlets and activists in Phnom Penh, the government and private investors are aware of their role in these highly controversial cases (Equitable Cambodia Interview, 2016). This does not go to say that they change their behavior or practice of development, but it does shed some light on the fact



that they are forced to react to the pressure and outcry from the international community condemning them. This action and reaction proves that there is potential for more change and influence if further pressure is applied. One avenue of this change could come from the implications of labeling and recognizing the victims of forced resettlement as Dips. Given the pressing character of internal displacement worldwide it is becoming increasingly recognized that when governments do not fulfill their responsibility of protecting their citizens, people in need of aid and protection are entitled to international protection (UNHCR).

We acknowledge the fact that simply labeling a group of people as Dips will not immediately improve their situation. One of the biggest hurdles in providing assistance to Dips stands in the principle of sovereignty. Despite this, UNHCR recognizes that there has been a shift in perception of Dips at an international level. There are several examples of effective cooperation between states and international donor agencies in assisting Dips. There are also examples of states that have incorporated legal tools in their national legislation to provide protection to this category of vulnerable people such as The Kampala Convention in Uganda.

In *The Global Challenge of Internal Displacement*, Frances Deng, approaches the issue of sovereignty not as a negative concept by which states remove themselves from international scrutiny and in turn, cut themselves off from international involvement, but rather as a positive concept where states accept the responsibility of protecting and upholding the general welfare of its citizens. He explains that under normal circumstances, this is part of each state's responsibility: to protect its citizens, even if that means shifting responsibility to the international community. If a state does not have the capacity or resources to uphold this responsibility, they are expected to seek out or at the very least welcome international assistance. However, if a state does not uphold its obligations and fails to welcome assistance when clearly needed and as a result, large populations of its citizens suffer from human rights violations, then they should at least expect the international community to show concern and possibly even threaten intervention. Based on the particular scenario, this intervention could have a wide spectrum from persuasive diplomatic intercession, to assertive political and economic measures in the form of sanctions, to even coercive military interventions in particularly extreme cases (Deng, 2001).

Deng goes on to explain that in dealing with sovereign governments, it is crucial to assure that the issue or problem remains as an internal one, and therefore is of a sovereign state's responsibility. He believes that once this is established, a more positive, cordial, and constructive dialogue around the interpretation of sovereignty and the supportive role of the international community can emerge. He acknowledges that this example is far from reality; often, internal conflicts are associated with a crisis of national identity, which have a large potential of creating a divide between the marginalized population and their own government (Deng, 2001). So rather than these populations being regarded as citizens in need of protection and assistance, these people are seen as part of the enemy and in turn, neglected. This is the case of poor Cambodians residing in urban slums on prime real estate in central Phnom Penh. They are being targeted by their own government who ultimately regards their very existence as problematic to their own agenda of development and prosperity through urban renewal projects. As a result, the government forcibly evicts them in inhumane ways, leaving them to peril in unfit resettlement sites where they are worse off and where their standard rights are not being upheld or respected.

When an internal conflict or issue reaches this state and large populations of people suffer as a result, it is understandable that they are in an extremely vulnerable situation. When people are dispossessed by their own national authorities, their only means of protections becomes outside assistance. This is the case of Cambodians affected by forced evictions and resettlement in Phnom Penh; we believe that their only and last source of protection and assistance has become the international community. The questions then becomes, according to Deng, *“how the international community can intercede to overcome the obstacles of negative sovereignty and ensure access for the needy population”* (Deng 2001: 145)

Evictions in Phnom Penh are frequently reported to trigger a wide spectrum of human rights violations. The forced aspect of these evictions have attracted international attention for decades, yet little has been achieved in the way of preventing them from further happening, or for improving the situation of those resettled. We argue that labeling the forcibly displaced as Dips has potential to bring about change. We recognize the pitfall in making this argument, particularly the sovereignty principle which poses a threat to international interference and assistance, however past decades have witnessed an increased cooperation between states and donor agencies to provide protection and assistance to Dips. This happened, partly, in the backdrop of international pressure. By labeling the forcefully evicted

as Dips, they would be internationally recognized as in need of protection. This carries the potential of opening up more avenues for Dips; while the terminology might be vague and unbinding, the term still holds merit as far as the implications it embodies. International organizations, as well as donor agencies can better identify and explicitly recognize the issue of forced displacement by using this label and in turn, they hold potential of change.

#### **14. Conclusion**

In the last two decades Cambodia has exhibited significant progress in rebuilding itself from the perils of its past. From an economical and political standpoint Cambodia has achieved a certain degree of stability, however the question remains as to whether a majority of its citizens are enjoying the benefits of such progress.

A pressing issue facing Cambodia today is its capacity to uphold human rights, as it set out to do in early 1990s. A recurrent topic of outcry from the international and national community has been that of forced displacement and resettlement of already marginalized groups of people to make room for development. In the context of rapid economic growth taking place in Phnom Penh we identified the need to bring to light some of the consequences of development on the lives of the urban poor.

Our focus has been on whether there is potentiality for identifying the forcefully evicted and resettled as Dips based on the Urn's definition of internal displacement and what benefits might come in doing so. Corruption, lack of accountability, and impunity are three common characteristics used to describe the contemporary State of Cambodia according to the NGOs we interviewed. With the lack of willingness on behalf the Cambodian Government to mitigate the issue of forced evictions and resettlement we acknowledge the important role of the civil society, NGOs and Ingo's in stepping in to fill this gap. This goes in line with the unbinding understanding that when a state is not willing to take responsibility or lacks the resources to do so, international assistance should be accepted.

People displaced by development projects are often not quantified or monitored, in part due to conceptual ambiguities about what constitutes displacement. We argue that the extent to which Cambodians are exposed to human rights violation before and during evictions, as well

as in their resettlement sites gives us scope to parallel their case with that of other categories of Dips. Moreover, considering the cost-benefit analysis of these projects happening in Cambodia, there is need to address the uneven gains and pains. To a large degree, many of these developments are done for the benefit of a small elite and rising middle class, while the majority of poor are paying the cost and ending up worse off with their right violated. This does not have to be the case however, there could be development that benefits the majority if laws and regulations were being upheld and implemented in the process.

We believe our premise to be deserving of further analysis, as there are shortcomings which need to be addressed, such as the negative effect of labeling people as Dips. However, as we argue there are potential benefits to labeling those forcefully evicted as Dips, which might give way to awareness and understanding of the different contexts in which people are forcefully displaced. In turn, this awareness and label has the potential of affecting policy-makers, donors, and the international community in providing adequate humanitarian and development assistance.

## **Annex 1: Interview guide topics.**

- Urban poor settlements (definition) and criteria
- Usual targets of eviction and why
- Major players involved in evictions
- Process of eviction
  - What is considered a ‘forced eviction’
  - What happens to those evicted
  - What about compensation
- Relationship with government of Cambodia
  - Government's role in evictions and resettlement
  - Reasons for government's involvement (or lack thereof)
  - Awareness (or lack thereof) of evictees rights
- Perspective of those evicted and resettled
  - Do they regard resettlement sites as being permanent or temporary
- Social impacts on people's lives as relating to:
  - Economic and jobs
  - Education
  - Housing and accommodation
  - Land tenure security
  - Health (mental and physical)
  - Water and sanitation
  - Food security
  - Livelihood and ability to make a living
- Prevalence of evictees returning from resettlement sites to Phnom Penh and why

## Consent form

LICADHO

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I, MATHIEU PELLESIN hereby give my permission for Ana-Maria Cioraru and Elizabeth d'Amboise to interview me and quote my responses in a scholarly research paper. I understand that this research paper will be submitted to a professor at the University of Aalborg, Copenhagen Campus, Denmark. I understand that I waive any claim to copyright to this material should the student ever publish it in a scholarly journal or in electronic format online. I understand that the author will not maintain my anonymity as a part of this interview. I hereby give my permission in the form of my signature below.

Signature: Date: 25/04/2016

## Consent form

STT

I, LORS SREN hereby give my permission for Ana-Maria Cioraru and Elizabeth d'Amboise to interview me and quote my responses in a scholarly research paper. I understand that this research paper will be submitted to a professor at the University of Aalborg, Copenhagen Campus, Denmark. I understand that I waive any claim to copyright to this material should the student ever publish it in a scholarly journal or in electronic format online. I understand that the author will not maintain my anonymity as a part of this interview. I hereby give my permission in the form of my signature below.

Signature: ZainéDate: 20 Apr 2016

## Consent form

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LENG SARORN

I, Meg Fukuzawa hereby give my permission for Ana-Maria Cioraru and Elizabeth d'Amboise to interview me and quote my responses in a scholarly research paper. I understand that this research paper will be submitted to a professor at the University of Aalborg, Copenhagen Campus, Denmark. I understand that I waive any claim to copyright to this material should the student ever publish it in a scholarly journal or in electronic format online. I understand that the author will not maintain my anonymity as a part of this interview. I hereby give my permission in the form of my signature below.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_



29 April 2016





## **Annex 5: Cernea's Impoverishment risks and reconstruction model: 8 risk factors:**

*Landlessness: Expropriation of land removes the main foundation upon which people's productive systems, commercial activities, and livelihoods are constructed. This is the principal form of de-capitalization and pauperization of displaced people, as they lose both natural and man-made capital.*

*Joblessness: The risk of losing wage employment is very high both in urban and rural displacements for those employed in enterprises, services, or agriculture. Yet, creating new jobs is difficult and requires substantial investment. Unemployment or underemployment among resettlers often endures long after physical relocation has been completed.*

*Homelessness: Loss of shelter tends to be only temporary for many resettlers; but for some, homelessness or a worsening in their housing standards remains a lingering condition. In a broader cultural sense, loss of a family's individual home and the loss of a group's cultural space tend to result in alienation and status-deprivation. For refugees, homelessness and "placelessness" are intrinsic by definition.*

*Marginalization: Marginalization occurs when families lose economic power and spiral on a "downward mobility" path. Middle-income farm households do not become landless, they become small landholders; small shopkeepers and craftsmen downsize and slip below poverty thresholds. Many individuals cannot use their earlier acquired skills at the new location; human capital is lost or rendered inactive or obsolete. Economic marginalization is often accompanied by social and psychological marginalization expressed in a drop in social status, in resettlers' loss of confidence in society and in themselves, a feeling of injustice, and deepened vulnerability. The coerciveness of displacement and the victimization of resettlers tend to depreciate resettlers' self-image, and they are often perceived by host communities as a socially degrading stigma.*

*Food Insecurity: Forced uprooting increases the risk that people will fall into temporary or chronic undernourishment, defined as calorie-protein intake levels below the minimum necessary for normal growth and work.*

*Increased Morbidity and Mortality: Massive population displacement threatens to cause serious declines in health levels. Displacement-induced social stress and psychological trauma are sometimes accompanied by the outbreak of relocation-related illnesses, particularly parasitic and vector-borne diseases such as malaria and schistosomiasis. Unsafe*

*water supply and improvised sewage systems increase vulnerability to epidemics and chronic diarrhea, dysentery, etc. The weakest segments of the demographic spectrum—infants, children, and the elderly—are affected most strongly.*

*Loss of Access to Common Property and Services: For poor people, particularly for the landless and asset less, loss of access to the common property assets that belonged to relocated communities (pastures, forested lands, water bodies, burial grounds, quarries, etc.) results in significant deterioration in income and livelihood levels. Typically, losses of common property assets are not compensated by governments. These losses are compounded by loss of access to some public services, such as school (Mathur 1998; Mahapatra 1999a, 1999b), losses that can be grouped within this category of risks.*

*Social Disarticulation: Forced displacement tears apart the existing social fabric. It disperses and fragments communities, dismantles patterns of social organization and interpersonal ties; kinship groups become scattered as well. Life-sustaining informal networks of reciprocal help, local voluntary associations, and self-organized mutual service are disrupted. This is a net loss of valuable “social capital,” that compounds the loss of natural, physical, and human capital (discussed previously). The social capital lost through social disarticulation is typically unperceived and uncompensated by the programs causing it, and this real loss has long-term consequences. (Cernea, 2004: 18-25)*

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