

4 December 2008  
AI Index: ASA 23/015/2008

**Open Letter by International Federation for Human Rights (FIDH), the Centre on Housing Rights and Evictions (COHRE), Human Rights Watch and Amnesty International Regarding the Forced Eviction of Residents of Boeung Kak Lake in the Phnom Penh Municipality.**

To Mr. Kep Chuktema, Governor of the Municipality of Phnom Penh:

We write to you to express our deep concerns about recent developments affecting residents of the Boeung Kak Lake area in central Phnom Penh. Some residents near the lake have been forcibly evicted, while others are facing eviction amid rising water levels, and threats and harassment. Government officials and company workers have threatened residents in and around Boeung Kak Lake and NGOs supporting them, when they have campaigned against the filling of the lake and imminent eviction. Heavily armed police, including military police, frequently harass community leaders and NGO workers and block access to the area. Journalists face intimidation when reporting about the developments, including on 27 November 2008 when police took reporters in for questioning about their coverage of the situation.

As you know, in February 2007 the Municipality of Phnom Penh entered into a 99-year lease agreement for US\$79 million for 133 hectares, including Boeung Kok lake and surrounding land, with a private developer, Shukaku Inc. According to the government, the company will turn the area into “pleasant, trade, and service places for domestic and international tourists,” including by filling in 90% of the lake. On 26 August 2008 a company began filling the lake, which has worsened flooding and caused the destruction of some houses.

The development will lead to the eviction of almost 4,000 families, despite many of the affected families having strong legal claims to the land under the Land Law. Without prior meaningful consultation, affected communities are currently being made non-negotiable offers of compensation or houses in a relocation site on the outskirts of Phnom Penh. The compensation offered is insufficient for families to obtain comparable alternative housing. Housing at the relocation site is not adequate: infrastructure is poor, basic amenities including clean water is lacking, and access to work opportunities is very limited given the distance from the city. Moreover, offers include no formal security of tenure for those agreeing to move.

Residents have sought to halt the filling of the lake which is gradually destroying homes, and have requested more compensation. However, the Municipality has told residents that they do not have the right to demand anything more than the offered compensation.

We also note with concern the prevalence of forced evictions in Cambodia. Forced evictions are evictions that are carried out without adequate notice, consultation with those affected, legal safeguards or assurances of adequate alternative accommodation. They violate Cambodian law and Cambodia’s international human rights obligations.

The development of the lake breaches Cambodian law. According to the 2001 Land Law, the lake itself is inalienable state land (so-called state public property), and as such cannot be leased for longer than 15 years, during which time the function of the property must not change. In August 2008, a subdecree reclassified Boeung Kak Lake into private state land, in what appeared to be an attempt to validate the lease.

The agreement also appears to breach other domestic law and implementing regulations as the environmental impact assessment has not been made widely available to the public or to the affected communities, and because no open bidding process preceded the agreement.

As noted above, the development of the Boeung Kak lake breaches Cambodia’s international human rights obligations. According to the UN Committee on Economic, Social and Cultural

Rights, Cambodia, as a state party to the International Covenant on Economic, Social and Cultural Rights (ICESCR), is obliged to ensure, before any planned evictions, that all alternatives are explored in consultation with those affected by the eviction. Evictions may only occur in accordance with the law and in conformity with international standards, including genuine consultation with those affected; adequate notice and information on the proposed eviction, and provisions of legal remedies for those affected. Evictions may only occur if they do not render individuals homeless or vulnerable to the violation of other human rights.

We therefore call on the Municipality of Phnom Penh to ensure that the rights of the residents of Boeung Kak lake are respected and protected, and that victims of forced evictions are provided with effective remedies, including restitution of housing, land or property. We also request that arbitrary arrests, intimidation and restrictions of the right to peaceful protest be stopped immediately.

Recent research by Amnesty International and local partners indicates that 150,000 people in Cambodia are living under threat of forced eviction, including up to 70,000 in Phnom Penh alone. The government should end forced evictions and introduce a moratorium on mass evictions until the legal framework and relevant policies are in place to ensure that evictions are conducted only in accordance with Cambodia's international human rights obligations.

The evictions taking place to pave the way for the development of Boeung Kak are emblematic of a broader problem of violations of the right to adequate housing in Cambodia. The Cambodian government has an obligation under international law to protect the population against forced evictions. Everyone -- whether owners, renters or unregistered settlers -- should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats.

We sincerely hope that you will take into consideration our concerns. In this regard we would like to request a meeting with you and relevant officials to discuss Boeung Kak lake and related matters.

Yours sincerely,

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