

After a decade of rumors, the so-called 'development' of the Boeung Kok Lake area is now underway. The contract for the development was negotiated in a shroud of secrecy without even the pretense of open bidding or participation from the tens of thousands of the residents and business owners who will be directly affected. Senator Lao Meng Khin appears to have won the no-bid contract on the basis of his connections to the highest levels of the Cambodian political hierarchy. His connections appear to have paid off well. The Senator managed to get prime city-center real estate worth up to \$6000 a square meter for a mere 65 cents a square meter each year.

The lease agreement that his company Shukaku Inc. signed last February with the Municipality of Phnom Penh violates numerous provisions of Cambodian Land Law that protect natural resources such as lakes from commercial development and destruction. The agreement calls for the filling in of Boueng Kok Lake - a crucial natural reservoir for excess rainwater - which threatens to significantly worsen the flooding that Phnom Penh has already seen as a result of the filling of other city lakes. It also deprives the city of one of its last remaining open spaces and landscape amenities. An Environmental Impact Assessment - required by law before the commencement of any major development project - has not been made public or approved by the Ministry of Environment, yet the filling of the lake has already begun.

In addition to the environmental concerns and the illegal sale of a yet another valuable national asset, the Senator's contract strips away the land and property rights of more than 4000 families. The contract transfers interest in land that is already legally possessed by local families under the 2001 Land Law to a private company. While the lake itself is State Public Property, many surrounding families have demonstrated legal claims to their property through lawful possession. Recent precedents by the Municipality and the abysmal track record of Senator Lao Meng Khin's other company Pheapimex suggest that those families who do not accept the proposed compensation or resettlement offer will be forcibly evicted. This would not only usurp the property rights of these citizens, which are enshrined in the Constitution and the Land Law of Cambodia, but it would also constitute a flagrant violation of Cambodia's international human rights obligations.

The Kingdom of Cambodia has ratified the International Covenant on Economic, Social and Cultural Rights. In doing so, it has committed itself to respect the right to adequate housing of its citizens and

refrain from forced evictions, which are prohibited under international law. The ratification of the Covenant binds the Royal Cambodian Government to several important legal obligations.

First, the Cambodian authorities are only permitted to evict people from their homes in exceptional circumstances. A public interest purpose, after all feasible alternatives have been exhausted, may qualify as an exceptional circumstance. However, the proposed development of Boeung Kok Lake does not meet that standard. Commercial development that enriches a private company through the physical and economic displacement of thousands of people and the destruction of a major natural resource certainly does not fit into any reasonable definition of public interest. Moreover, feasible alternatives to this high impact project have been explored. In fact, an award-winning plan to develop the area without filling the lake or displacing the residents, which was designed by international architects and urban planners during the tenure of former Mayor Chea Sophara, has been completely ignored by the current Municipality administration.

Second, prior to any development that may deprive people of their homes and livelihoods, the Government must consult affected residents and business owners through a participatory process in order to formulate a transparent development plan that is acceptable to all stakeholders. Affected people must be genuinely consulted about whether or not to proceed with the project; alternatives to the proposed project; and the nature of resettlement and compensation packages provided. The scant information provided by the Municipality telling Boueng Kok residents that they have to go and can accept one of three inadequate options does not constitute consultation.

The Cambodian Government will be presenting its first report to the United Nations Committee on Economic, Social and Cultural Rights (CESCR) this October. It will be required to explain to the Committee how it has implemented the Covenant in Cambodia, including how it has respected the right to adequate housing. Surely, the Cambodian delegation will not want to face questions from the Committee about why it has permitted the Municipality of Phnom Penh to uproot the lives of more than 20,000 citizens in the name of “city beautification” and embark on the largest single displacement of people in Cambodia since the Khmer Rouge evacuated the capital city in 1975.

It is not too late to stop this terrible mistake. When the Boueng Kok residents file their legal complaint to halt these illegal actions, let us hope that the Cambodian judiciary surprises us for a change and defends the rule of law.

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