

CAMBODIA Property rights



A tourist development at Boeng Kak Lake will result in 4,000 families being evicted. Widespread evictions continue, despite the efforts of NGOs like Licadho, which has an office in Siem Reap (right) where it holds workshops to try to educate locals about their rights. Photos: Jo Baker

The great land grab

150,000 Cambodians are at risk of eviction from their homes as developers exploit a corrupt system which fails to protect property rights. **Jo Baker** reports

In June 1975, waves of black-clad guerilla fighters entered Phnom Penh and emptied it – by persuasion, coercion and violence – in just a few days. The Khmer Rouge had overthrown the government and, as a first step, more than 2 million bewildered people were banished from the city and sent to live in the countryside.

Today, facing the prospect of its first skyscraper, a rash of special economic zones and numerous foreign-backed developments, Cambodia boasts of a new era. Yet some things haven't changed.

"See that tree?" asked Son Chhay, a Cambodian lawmaker, as we stood on the steps of the national assembly building and looked south. "Behind that there's a company, 7NG Group, that's trying to move 600 families more than 20km away. They're literally building around them now, cutting off their entrances and exits. They have gangsters. A few of us have already had to physically step in, in their defence."

An opposition lawmaker and notorious thorn in the side of the ruling Cambodian People's Party

(CPP), Son Chhay has been fighting land-grabbing since 2000, when he found out that a property he had owned for five years was being eyed by developers; it was just outside Siem Reap and he had planned to turn it into an agricultural training centre. After a declaration was issued by the Council of Ministers earmarking the area for a "hotel development" zone, Son Chhay, along with 150 families, was told that if he moved out quietly, he would get a decent rate for the property.

"Cambodian property laws state that, if the government buys private land they should be using it for the public interest, and they must pay the market price," Son Chhay said. "If it was for schools or a road, it would be different, but hotels? Why do we need them to build hotels when we Cambodians can do that?"

The families were offered between 30 US cents and US\$2 per square metre. Son Chhay was offered 50 cents. The land was easily worth US\$50 per sq metre, and now, having passed from the government-appointed Apsara Foundation to the Sokha Hotel Resort company and morphing into the luxury Angkor Resort Hotel, it is

worth 20 times that. After a messy, protracted fight, a third of the families walked away with a figure slightly better than the original offer.

Many in Cambodia have been far less lucky. Following a violent eviction from Sambok Chap in Phnom Penh, nearly 1,000 families were dropped off at a field 22km away with no shelter, electricity or running water – except for frequent ankle-deep floods. Two years later, they still live in damp squalor. Other evictees have simply had to move onto the streets.

Perhaps more alarming is the dwindling scope for protest. While the government insists that Cambodia is a credible business environment, there are increasing reports of arbitrary arrests and beatings, forced evictions and confiscations. In Kampot province in June, eyewitnesses described a standoff between 30 villagers and 100 military police. Men and women were beaten unconscious and four were charged with stealing and wilful damage to property, the result, say non-governmental organisation reports, of a policeman's mobile phone being grabbed, and land allotment signs

pulled out. In 2005, five people were shot dead during a forced eviction, as were two last November in Preah Vihear province.

Ties remain uncomfortably close between the ruling party and the tycoons who support it financially. The Asian Legal Resource Centre (ALRC) noted that 99 per cent of judges in the country's fledgling court system belonged to the CPP.

Cambodia was one item on the agenda at the Human Rights Council's ninth session in Geneva last month and forced eviction topped many delegates' list of concerns. "Land grabbing is rife," said the ALRC's Michael Anthony, in his address. "In 2007, it affected more than 5,000 families who were forcibly evicted from their homes and land without just compensation. An estimated 150,000 Cambodians are at risk."

The problem, said Lao Mong Hay, former head of the Khmer Institute for Democracy, was the lack of organisation in land ownership. After the war and Pol Pot's four-year course in intense and bloody agrarian communism, those who survived were given small plots of land to live off, but no deed of title.

Attempts have been made to organise land ownership over the years but these, as Lao Mong Hay discovered, come at a cost.

"It was supposed to be free," he said, recalling his attempt to register his own plot three years ago, "but at every step of the way, from the land officers to the registry office, a small bribe was needed, US\$10 here, then another US\$20, another US\$20. Then, to legalise the process, it cost

US\$70. The average Cambodian does not have that money."

Villagers in rural areas are particularly vulnerable; whether along the south coast where the beaches are lucratively white and the cost of land has gone from US\$50 to US\$200 per square metre in the past year, or in remote rural areas, where space is snatched for logging and rubber plantations. Few rural Cambodians know they need to officially lay claim to their land and, even if they did, the process is fraught with obstacles.

In Siem Reap, an arm of the Cambodian NGO Licadho tries to safeguard the rights of local farmers and residents through workshops.

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Son Chhay, opposition lawmaker

"They don't really know their rights, so not many complain," said Sar Vannara, one of the four men in Licadho's small office along a dirt road near Angkor. It's a big job – the province has close to 1 million people – and it's not the safest of vocations. When asked if they'd been threatened over the years, the group broke into gales of laughter. "Of course!" said one. "We are here opposing the government."

In 2004, shortly before his re-election, Prime Minister Hun Sen

declared war on land grabbers, identifying many culprits in his own party. Several high-profile officials, including an army major, tycoons and provincial governors, were arrested or fined, and forced to return thousands of hectares of land. But little is being done to educate Cambodians on their land rights and, since Hun Sen's re-election, arrests have dwindled and land continues to be cleared.

"He acts as a safety valve," said Lao Mong Hay of Hun Sen's role in the issue. "When the pressure gets too strong, he'll step in. It's not consistent."

According to the Geneva-based Centre on Housing Rights and Evictions (Cohre), at least 70,000 people are at risk of eviction in Phnom Penh alone, most in the government's battle against "squatters". Many Cambodians have lived in the same ramshackle dwellings since the war and, as Phnom Penh's fortunes have risen, they have become less welcome.

Boeng Kak Lake, in the north of the city, is one example. Last month, bulldozers started to work among its stilted waterside houses – which are home to about 4,000 families – after the government granted a private developer a 99-year lease on the property. The lake is to be filled in and developed for tourism.

Residents say they have been told little about what will become of their homes and businesses. Land laws in Cambodia state that, in order for state property to be leased, it should be for a maximum of 15 years, and must keep its original function.

"If the government wishes to develop Boeng Kak Lake, they

should do so through a legal process," said Dan Nicholson, a coordinator at Cohre. "The question is not just whether the level of compensation is adequate once people are forced off their land. It's whether an eviction is justified in the first place."

Cohre and Amnesty International warn that, if the project goes ahead, it could be the beginning of the biggest forced eviction since the days of the Khmer Rouge. For things to change, said Lao Mong Hay, land laws need to be respected. "Hun Sen needs to do more. He should end the practice of using executive orders to adjudicate land disputes, and should instead utilise the due process of law. He should also cease his control of the courts of law, clean up their corruption, provide them with adequate resources and respect their judgments."

Foreign investors, too, could make a difference, said Licadho. They should ask more questions about where the land was coming from, and ask for proof that the original owners were willing to sell.

But as Cambodia's development continues apace and few profits trickle down to the ones stuck in makeshift shelters on remote plots of land, or who wake each morning at home to the sound of encroaching bulldozers – Hun Sen may find it harder to ease the pressure indefinitely.

"No one can rule forever," said Son Chhay. "Sooner or later the people will make decisions about the society they want, they will decide enough is enough. Then they will move to the streets."