

The Housing Rights Task Force (HRTF) and Cambodian Center for Human Rights (CCHR)

For Immediate Release: BOEUNG KAK CONTRACT VIOLATES CAMBODIAN LAW

The lease contract signed by the Municipality of Phnom Penh and Shukaku Inc. on February 6, 2007 is illegal and raises grave concerns for all residents of Phnom Penh, the Housing Rights Task Force (HRTF) and Cambodian Center for Human Rights (CCHR) said today.

“This contract, which threatens to displace at least 4252 families, was negotiated in a shroud of secrecy without even the pretense of participation from the tens of thousands of people who will be directly affected,” said the Housing Rights Task Force. “If these families are forcibly removed from their homes, following recent precedents by the Municipality and the poor track record of Shukaku’s director Lao Meng Khin, this would mark the largest single displacement of people in Cambodia since the privatization of land in 1989.”

More than 20 local and international organizations pointed to various areas of Cambodian law that the contract appears to violate, including:

1. **Restrictions on the lease and damage of State Public Land** – According to the Land Law (article 15) water bodies, such as lakes, are considered to be State Public Property. According to article 16 and 18 of Sub-decree 129 ANK.BK, the leasing of state public property must not exceed 15 (fifteen) years and must not damage the property or change its function in providing a public service;
2. **Infringement on privately held land** – The contract appears to transfer interest in land that is already legally possessed by local families under the 2001 Land Law. While the lake itself is State Public Property, many surrounding families have demonstrated legal claims to their property through legal possession;
3. **Lack of consultation** - The contract was signed without consulting the various stakeholders, particularly the affected communities;
4. **Lack of transparency** – The contract was signed without conducting an open, transparent bidding process;
5. **Lack of Environmental Impact Assessment** – The contract was signed without conducting an Environmental Impact Assessment (EIA), which is required by the Law on Environmental Protection and Natural Resource Management and the Law on Investment of the Kingdom of Cambodia;
6. **Lack of clear policy for resettlement and compensation** – The contract does not stipulate how the affected families and businesses will be fairly and justly compensated.

Boeung Kak lake has historically been one of the most important of seven natural lakes around Phnom Penh, dating back to the early 1900s. It has not only been a place of recreation and enjoyment for Phnom Penh’s residents, but it serves as a natural reservoir for excess rainwater during the monsoon season. The public function of the lake is clear and this contract risks destroying that public function in violation of Cambodian Land Law.

Moreover, if the lake is filled, it could spell disaster for the entire city, which has already witnessed a worsening of flooding during the rainy season, likely as a result of the filling of other city lakes, such as Pong Peay lake in Toul Kok district. This is serious concern for all of

Phnom Penh's residents and it highlights the urgent need for protection of natural resources and a thorough Environmental Impact Assessment of the project.

“The Housing Rights Task Force and Cambodian Center for Human Rights applaud the Municipality's efforts to modernize Phnom Penh,” HRTF stated. “However, the needs of the urban poor must be addressed, and these massive development projects must be planned and carried out in an open, transparent and participatory manner, in compliance with Cambodian and international law.”

The Housing Rights Task Force and the Cambodian Center for Human Rights urge the Municipality of Phnom Penh to cancel this illegal contract immediately.

Any development projects should fulfill the following minimal requirements:

- 1) The contract complies with Cambodian and international law;**
- 2) The affected residents and business owners must be consulted through a participatory, democratic process in order to formulate a transparent development plan that is acceptable to the stakeholders;**
- 3) A transparent bidding process must be conducted before awarding a new contract;**
- 4) An Environmental Impact Assessment must be conducted to examine the environmental repercussions of the project;**
- 5) A clear policy for resettlement and compensation must be established, which is consistent with Cambodia's obligations under the International Covenant on Economic, Social and Cultural Rights.**

The Housing Rights Task Force (HRTF) *is a coalition of more than 20 local and international organizations dedicated to protecting housing rights and avoiding housing rights violations, including forced evictions that are not in conformity with international human rights law and domestic law. The HRTF is working to support community action and strengthen civil society organizations to promote housing rights in Cambodia. For further information, please contact Mr. Phann Sithan, HRTF-Secretariat (#52, St. 306, Sangkat Boeungkengkang I, Khan Chamcarmorn, Phnom Penh, Cambodia Tel: 023 215 590 or e-mail: cam.hrtf@yahoo.com)*

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