



# EVICTIION AND RELOCATION

**JUNE 2020**

*RESEARCH ON THE PROCESS OF EVICTION  
AND RELOCATION IN PHNOM PENH*



**សម្រាកប័ណ្ណបន្តិច**

Sahmakum Teang Tnaut, a Cambodian Urban NGO

# Sahmakum Teang Tnaut

Sahmakum Teang Tnaut (STT) was founded in 2005 and officially registered in 2006 as a local NGO supporting urban poor communities. STT started as a small NGO that focused on technical upgrades in poor communities and has since grown to produce community maps, research and advocacy in order to achieve its goal of helping poor communities realise their rights to land and housing.

**Research was funded by:**



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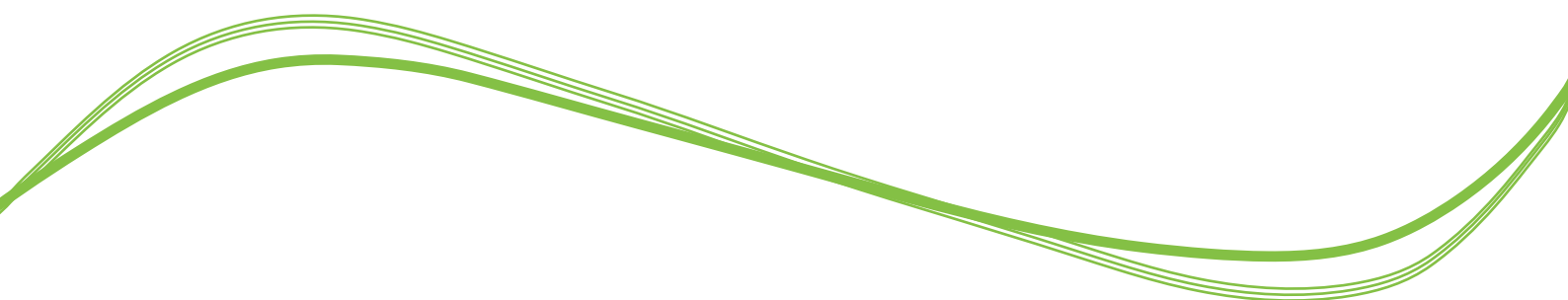
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## Key terms

**Eviction:** Refers to the legal process whereby state actors remove people from their houses or land.

**In the process of eviction:** Classifier for a community that has been officially alerted of their impending eviction but has not yet been evicted and is currently awaiting and or undergoing eviction processes.

**Forced eviction:** Eviction with violence, usually physical, to coerce persons to evict from their houses or land and where persons do not have access to legal or other protection.

**Relocation:** Relocation refers to the taking of people from one place to another but does not imply or infer that any provisions are provided for at relocation sites, such as housing or infrastructure, beyond land.

**Resettlement:** Resettlement is the same as *relocation* but includes features of human settlements such as housing. The distinction between resettlement and relocation is that relocation sites, at first, do not have typical features of human settlements, whereas resettlement sites do.

**Community:** Any group of people, living within close proximity, who have allocated themselves as a group, either directly or indirectly. As such, the term *community leader* does not imply that the person was elected or politically sanctioned.

**Authorities:** Refers to government sanctioned persons who operate on behalf of the government. This term, while very general, is utilised in situations where it is unclear which specific authorities were acting.

**Public property:** Property or land that belongs to the State, see Land Law (2001). Public property may also be referred to as *state public property*.

**Housing:** General term that, in Khmer (ផ្ទះ), represents a physical structure intended for habitation that is immovable; not a shelter and not a boat.

**Shelter:** Housing that, in Khmer (ជម្រក) is poor quality and may be movable or easily deconstructed within a short period of time or was not designed for permanent habitation. E.g. a tent.

**Adequate housing:** According to the United Nations Office of the High Commissioner for Human Rights<sup>1</sup> housing that has: (1) legal security of tenure; (2) availability of services, materials, facilities and infrastructure; (3) affordability; (4) habitability; (5) accessibility (6); location allowing access to other aspects of adequate housing and especially to opportunities for employment; and (7) cultural adequacy<sup>2</sup>. See footnote 1.

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<sup>1</sup> UN Office of the High Commissioner for Human Rights (OHCHR), Fact Sheet No. 21, The Human Right to Adequate Housing, November 2009, Fact Sheet No. 21/Rev.1.

<sup>2</sup> Ibid.

## Abbreviations

ADB	Asian Development Bank
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CMW	Convention on the Protection of the Rights of Migrant Workers and Members of their Families
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
EDC	Electricity Du Cambodge (Cambodian Electricity)
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
MFI	Microfinance Institution/Microloan provider
MPP	Municipality of Phnom Penh/City Hall/Phnom Penh Capital Hall
NHP	National Housing Policy
OHCHR	Office of the High Commissioner for Human Rights
PPWSA	Phnom Penh Water Supply Authority
RGC	Royal Government of Cambodia
STT	Sahmakum Teang Tnaut
UDHR	Universal Declaration of Human Rights
UN	United Nations

# 1. EXECUTIVE SUMMARY

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*“We lived like homeless people.”  
\_ Evictee who was given a tent and taken to a public park.*

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Eviction and relocation are longstanding issues that have had severe consequences for poor communities in Phnom Penh. The right to housing is a fundamental human right, and one that is often ignored throughout the eviction and relocation process. Since the 1980s, Phnom Penh has witnessed the eviction and relocation of more than 50 communities, around 9,832 families, more than 40,000 people, most of whom suffered and continue to suffer as a result of the process. Indebtedness, loss of livelihood, physical harm and lack of access to healthcare and education services are just some of the abuses which families have had to endure in their fight to secure their right to housing. This research aims to uncover their stories, report upon trends, identify human rights abuses, and make recommendations to improve the process of eviction and relocation in the future.

Trends in evictions since the late 1990s suggest that election years typically result in fewer evictions being carried out. The introduction of the 2001 Land Law appears also to have given legislative weight to evictions of communities on the grounds that they occupied state public property illegally. The occupation of public property was the main grounds for respondent communities’ evictions in over 70% of all evictions studied. Despite Constitutional recognitions of the right to housing and protections of the right to ownership, authorities continue to fail to provide adequate housing at relocation sites, with some respondents receiving tents upon arrival and others receiving nothing at all. In the 50 instances of eviction and relocation studied, not one included relocation sites with adequate housing as a provision upon arrival<sup>3</sup>.

The eviction processes observed were generally traumatic for the respondents being evicted and authorities seemed to take no consideration of human rights principles when authorising evictions. In more than half of all evictions studied, prior notice, a principle that allows communities the time to prepare a legal challenge, organise their affairs and engage in consultations, was not provided reasonably far enough beforehand for respondents to make use of it. In nine cases, evictions involved violence, with police or military police attacking evictees with sticks or threatening to hit them if they did not leave their homes immediately. Control of resources were also used as a means of attritional warfare against communities that did not follow the demands of authorities. In one case, respondents found themselves without electricity, then without water, before being evicted in the middle of the night when a fire broke out.

Current trends suggest a different approach from authorities is underway, with both positive and negative outcomes observed. Positively, authorities have engaged in less violence against communities in the process of eviction in the last five years. In addition, the “railway communities” have reported that Circular 03, a directive given to authorities that can make the eviction and relocation process more in line with human rights norms, is being used in their evictions and relocations, which is one of the only times this appears to have been utilised in the city. More negatively, the adoption of “relocate or else” tactics has led to more self-evicting practices from communities who fear violence from authorities should they fail to observe the directives to evict. Throughout 2018 and 2019, some communities living on public property were evicted without fully understanding their rights or without 90 days' notice.

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<sup>3</sup> In total, there were 68 instances of eviction or relocation studied, but only 50 instances in which eviction and relocation were both present.

Relocation sites offered to communities recently are also more likely to be in line with human rights norms than those offered to communities over the past 25 years. However, a key concern for respondents being relocated is the relocation site's proximity to the city centre, or proximity to the site from which they are being relocated depending upon the community. Presently, the "railway communities" and "canal communities" are being offered relocation sites in areas nearby their current locations. This a positive move, according to communities, who view their respective areas favourably due to employment opportunities and high-quality schools available to their children. In contrast, all other relocation sites studied were at least 10 kilometres away from the city-centre, Wat Phnom.

Gender-based impacts were also a significant finding during the process of eviction and relocation with respondents reporting that women were not adequately incorporated into the process and suffered at relocation sites due to gender roles and poor infrastructure. The CEDAW convention, ratified by Cambodia in 1992, outlines the importance of adequate housing, but many women reported feeling left-out of the process of eviction and relocation. In addition, relocation sites often did not have functioning street-lighting and some respondents reported fear of violence, especially gender-based violence, such as rape, in their relocation sites.

In providing feedback on how to improve the process of eviction and relocation, overwhelmingly communities asked for greater participation in the processes, calling for more dialogue, more meetings, and more stakeholder involvement sessions where communities could voice their concerns. In addition, the majority of respondents felt frustrated at their treatment during all phases of the eviction and relocation process, describing it as "insincere".

The report concludes with recommendations to the Royal Government of Cambodia (RGC) on how to improve the process and secure greater participation for communities and meet international obligations under human rights law. As more evictions and relocations are expected in the coming years, it is critical that these findings be utilised and that all actors take steps to ensure better outcomes for urban poor communities, and subsequently, the entire city.



## Between death and the home of the dead

*“I was scared our house would fall into the river and we would drown in the night.”*

Many urban poor settlements are home to people who came to Phnom Penh from refugee camps, burnt down houses, severe poverty or because they had nowhere else to live and feared that their current lives were under threat. For community members of Smor Sman, some of them moved to the community because their river bank homes were at risk of falling into the river. Other households were evicted from the public market of Chbar Ampov. Now they live in a graveyard and a church, which once was the resting place for more than 300 graves.

*“When we first came here, we felt afraid. Afraid and uncomfortable.”*

But when asked why they came to settle in the graveyard in the mid-1990s, they simply explained they had nowhere else to go. For the families coming from the collapsing riverbank, it was either live in the graveyard, or risk death. They had already seen their pagoda collapse into the river, and they did not want to meet the same fate. The community has never received a notice to evict, but they believe they will be evicted. In 2016, Governor of Phnom Penh, Khuong Sreng, offered them resettlement in Sen Sok, nearly 10 kilometres away.



Graves inside the community. STT, 2019.

*"We went to see the resettlement site and we were very excited on the bus ride there. On the way back, we were silent. The houses were so small, and we would not receive land titles for 5 years if we accepted that offer."*

*The houses offered to the community were 4 x 5 metres, too small, they said, for their families to live comfortably and much smaller than their current houses. 97 of the 113 households in the community (85%) have estimated their land/house sizes as larger than 4 x 5 metres, meaning the relocation sites would be a downgrade.*

*Governor Khuong Sreng has stressed that this was not a threat, but merely an offer of resettlement<sup>4</sup>. Since then, the community has heard nothing about their tenure situation. This worries the community, who has met more than 10 times in the last two years to discuss their housing situation and the possibility of relocating. Despite the Governor's offer, the Government and its authorities have never raised policies designed at resolving land disputes with the community, nor have they provided them with their legal documents or information about their land tenure. The authorities assert that a contract exists between the community and the local authorities which states that community members originally settled in the area only on a temporary basis and that the community had agreed to relocate when the state asked them to. The community does not possess a copy of this contract, but they have asked for it from authorities unsuccessfully.*

*When asked about their lives in the graveyard, they tell stories of the ghosts they have seen and of the good schools, healthcare centres and factories, where many of the community members work, nearby. Here, they say, is a good sense of community.*

*"We have the good and the bad. The good is the schools for the children, the opportunities for work, the healthcare centres nearby, as well as the community itself."*

*When asked what the bad is, the researchers expected to hear about the ghosts more, or the difficulties of living in a graveyard, but they do not get this response. On the contrary, they say many of the relatives of the dead take pity on them and ask only that they respect the graves and help to keep them clean. They live amongst the ghosts now and no longer fear them like they did in the past. It is where they want to be.*

*"The bad is that it may all be taken away if we are to be evicted."*

## 2. METHODOLOGY

### 2.1 Objectives

This report was designed to assess the eviction and relocation processes within Phnom Penh using a human rights-based approach developed from human rights laws and instruments, such as the United Nations Commentary and Guidelines on Eviction and Resettlement, and to provide recommendations based on the findings.

In order to do this, 68 cases of either eviction, relocation, resettlement, or a combination of the three, were selected. Table 1. summarises the classification of communities that were included.

**Table 1: Communities that participated in research**

Types of community issue	Community	Percentage
Evicted and relocated communities	50	73
Self-resettled communities (communities that chose to resettle themselves)	6	9
Evicted (without relocation, but may have included compensation)	4	6
In the process of eviction*	8	12
<b>Total</b>	<b>68</b>	<b>100</b>

*\*At the time of publishing, there were eight communities undergoing the eviction process.*

### 2.2 Selection criteria and scope

Communities were selected based on STT's 2007 and 2012 studies on relocation sites in Phnom Penh as well as through STT's monitoring reports. Initially, over 100 sites were identified, with many of them being "eviction" sites without any relocation site provided. In the majority of cases, these communities were not included in the study because researchers were not able to make contact with community members, or because community members were not willing to discuss their evictions. This left the researchers with a total of 68 communities for interview, of which, communities were either arrived at and then the first house available was asked if they would like to participate in research, or known community contacts were called and asked to gather a small group for group interviews.

Eight communities are currently in the process of eviction and were included in the research to make sure the most up to date findings on processes could be incorporated. No communities from outside of Phnom Penh were included, unless communities were originally living in Phnom Penh and were relocated to outside its boundaries.

### 2.3 Information gathering

Data collection was conducted via two questionnaires. Questionnaire 1 focused on processes of eviction and relocation, and Questionnaire 2 focused on physical infrastructure at relocation sites. Questionnaire 1 was conducted by two researchers who met with community members to collect data. Confirmation was then performed at a later date following data cleaning and analysis.

During data collection it was typically the case that between two to eight community members were present, confirming or disagreeing with answers provided during data collection. In the event of a disagreement, or lack of clarity, this was noted in the data. Table 2. provides data on the primary respondents during data collection, as usually one respondent took the lead in providing an answer and hosting the researchers.

Questionnaire 2 was completed using a walk-through of the community and scanning for existing physical infrastructure as well as confirming findings with community residents. Questionnaire 2 was only used in relocation sites, not for communities in the process of relocation or communities who had not been relocated by the government or a company. As such, all self-resettled communities were not included in Questionnaire 2 data collection.

All data gathering was completed between the months of June and August of 2019.

**Table 2: Primary respondents to questionnaire\***

Primary Respondent	Number
Village chief	4
Community leader (past and present)	38
Community members	26
<b>Total</b>	<b>68</b>

*\*In total there were 291 respondents involved in questionnaires, key person interviews, and focus group discussions.*

In addition, STT held a focus group with 19 respondents from seven communities to discuss the key findings outlined in this report. This process involved reviewing the key findings to confirm if communities felt that the study accurately captured their experiences and to gain further insight into how the researchers had presented their answers. All participants agreed that the research findings were correct and added some clarification where necessary.

Finally, a review of the laws, policy and relevant literature on relocation and eviction in Cambodia was completed via desk review.

## 2.4 Gender

As eviction and relocation can have different effects on people based on gender, the study employed questions to elicit whether there was differential gender-based effects. In addition, a mechanism was employed which required researchers to follow up with women from communities in cases where they were not directly involved in data collection. As noted in Table 3. below, roughly 38% of primary respondents were women during questionnaire research, and roughly 60% of focus group discussion respondents were women. The mechanism was employed in the 62% of instances where primary respondents were not women to gain greater input on gender-based effects of eviction and relocation.

**Table 3: Gender of main respondents**

Gender	Primary Respondents
Female	26
Male	42
<b>Total</b>	<b>68</b>



## 2.5 Limitations

The study only conducted research with communities identified through STT's previous research or general operations of STT. This report makes its findings based only on the 68 communities surveyed. There may be more communities who have undergone relocation and eviction that had different experiences to the ones reported on in this report. Notably, there were over 100 cases of eviction that had been identified by STT, but only 68 were involved in the research.

The report did not utilise household surveys due to time and resource restraints and, as such, the research presents the views of only a few community members from each community. Researchers were heavily reliant upon the answers of respondents for data. As such, the report is only as accurate as the respondents' answers.

This research is not presented as statistically representative of evictions and relocations in Phnom Penh, or Cambodia, as it did not use a household based-survey but rather favoured a more generalised approach to studying eviction and relocation. As such, it should be used to outline the main trends in the processes and the researchers acknowledge that it is possible that residents who were not interviewed from the communities studied could disagree with findings based on their individual experiences.



**Pond nearby community. STT, 2019.**

### **3. BACKGROUND TO RELOCATION AND EVICTION IN PHNOM PENH AND CAMBODIA**

#### **3.1 Historical context**

After the fall of the Khmer Rouge, the whole city of Phnom Penh became a site of resettlement as previous residents of the city, as well as migrants and others, arrived to repopulate it. Many people did not have houses in the city to return to, or found that upon their return, the buildings they previously lived in were no longer available. In some cases, this led to families seeking out areas within the city where there was vacant land to construct shelters for housing. Often times this land was near a body of water, which increased the likelihood that the land would later be demarcated as state public property. In the vast majority of communities studied, occupation of public property was the main rationale used by the government to evict communities from their houses.

The destruction of titles under the communist Khmer Rouge, combined with the Land Law (2001), that declares all ownership prior to the Khmer Rouge period as no longer legally recognisable<sup>5</sup>, meant that most of Phnom Penh, and the country, was untitled. Between the 1980s and today, many parts of Phnom Penh have received land titles, whereas other areas in the city have yet to be completed. Land management has been a dominant focus for Cambodia and international donors. A key issue has been implementing a titling system in line with the Land Law (2001), especially where the law declares that some land can be owned privately and some cannot. Another issue is that Phnom Penh, being the largest city, experienced a huge amount of immigration, doubling its population between 1996 and 2008<sup>6</sup>, in no small part due to refugees returning from border camps to the city. Today, despite nearly two decades of efforts to title Phnom Penh, at least 200 communities continue to lack tenure security, subjecting them to the fear of eviction<sup>7</sup>. All of these communities are poor, often lacking basic housing and services and living with the threat of eviction looming in the near future<sup>8</sup>. It is with this in mind that this paper seeks to highlight the process of eviction and relocation in Cambodia, so that changes can be made to secure positive outcomes for the people of Phnom Penh.

#### **3.2 Legal framework**

##### **Human rights and international law**

Under Article 25 of the Universal Declaration of Human Rights, everyone is entitled to the right to housing<sup>9</sup>. This is further clarified in the International Covenant on Economic, Social and Cultural Rights, which states that under Article 11 governments will take “appropriate steps” to ensure the realisation of this right<sup>10</sup>. What these steps are, and how eviction or resettlement are to be addressed in the context of human rights is not spelled out. However, the right to housing is considered of such fundamental importance to humans that it appears in most of the fundamental conventions which Cambodia has ratified, including the ICESCR,

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<sup>5</sup> Land Law, 2001. Article 7

<sup>6</sup> Ministry of Planning - Cambodian Government, 2012. ‘Migration in Cambodia’.

<sup>7</sup> Sahmakum Teang Tnaut, 2018. ‘The Phnom Penh Survey 2018’.

<sup>8</sup> Ibid.

<sup>9</sup> United Nations, 1949. Universal Declaration on Human Rights. Article 25.

<sup>10</sup> International Covenant on Economic, Social and Cultural Rights, 1966. Article 11.

ICERD<sup>11</sup>, CEDAW<sup>12</sup>, CRC<sup>13</sup>, CRPD<sup>14</sup>, as well as the CMW<sup>15</sup>, of which Cambodia is a signatory. Cambodia's ratification of five fundamental conventions that recognise the right to housing is an important legal protection against evictions without proper remedy, such as the provision of housing at sites of relocation.

### **National law**

The Constitution of Cambodia (1993), recognises and respects the rights of all citizens to human rights, such as those stipulated in the UDHR and the ICESCR, through Article 31<sup>16</sup>. With specific respect to eviction and resettlement, Article 44 outlines the right to ownership, stating that all persons have the right to ownership, but only Khmer citizens have the right to ownership over land<sup>17</sup>. While this precondition may seem straightforward, it is not without its problems as many ethnic communities may face issues in that they do not have the proper paperwork. Recent campaigns have targeted ethnically Vietnamese residents of Phnom Penh<sup>18</sup>. In addition, the right to ownership over land provides no protection of the right to housing for communities that live on riverways or lakes in boathouses rather than immovable properties. While Article 44 provides that legal ownership is protected by law, it notes that where confiscation occurs it can only be legally done in the public interest and provides the requirement that fair and just compensation is supplied<sup>19</sup>.

In addition to the Constitution, the Land Law (2001) provides protections and guarantees compensation against the taking of land from private citizens by the State, declaring this is only possible where it is in the public interest and where fair and just compensation is provided<sup>20</sup>. The Law on Expropriation suggests that fair compensation is based on market price or replacement cost as determined by an independent committee or agent<sup>21</sup>.

Many communities in this study were evicted on the grounds that they lived on state public property. Article 43 states that the public property of the State cannot be owned by individuals<sup>22</sup>. What is and is not public property is not well outlined. Public property of the State is openly defined in Article 15 of the land law, noting many of the major properties that are considered to be public property, but failing to provide an exhaustive list. Even where specific properties of the state are mentioned, such as a lake, they are often unclearly defined. For example, if the lake area is defined as water, then it may be reduced to its smallest area, but if shorelines and embankments or a buffer zone are included then the lake area becomes larger. The Sub-decree on River Basin Management (2015) intended to clarify what constitutes certain bodies of water, but does not satisfactorily resolve the issue. It notes, under Article 4, that a "lake" refers to the "vast water that come from slope or natural depth, which may or may not have water according to each season,

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<sup>11</sup> Convention on the Elimination of All Forms of Racial Discrimination, 1969. Article 5 (e) (iii).

<sup>12</sup> Convention on the Elimination of All Forms of Discrimination Against Women, 1979. Article 14.2

<sup>13</sup> Convention on the Rights of the Child, 1989. Article 27.3

<sup>14</sup> Convention on the rights of persons with disabilities, 2008. Article 9.1 (a), Article 28.1, Article 28.2 (d).

<sup>15</sup> International Convention On the Protection of the Rights of All Migrant Workers and Members of Their Families December 18, 1990, Article 43.1 (d).

<sup>16</sup> Constitution of Cambodia, 1993. Article 31.

<sup>17</sup> Constitution of Cambodia, 1993. Article 44.

<sup>18</sup> Dara, M & A Nachmenson, 2017. 'Ethnic Vietnamese in Phnom Penh resigned to document purge' from the Phnom Penh Post, accessed at: < <https://www.phnompenhpost.com/national/ethnic-vietnamese-phnom-penh-resigned-document-purge>>.

<sup>19</sup> Constitution of Cambodia, 1993. Article 44.

<sup>20</sup> Land Law, 2001. Article 5.

<sup>21</sup> The Law on Expropriation, 2010. Article 22.

<sup>22</sup> Land Law, 2001. Article 43.



and it has water source from rivers, stream, canal, creeks, or rainfall subdivision surface”<sup>23</sup>. Complicating matters even more so, the buffer area from a lake boundary to the area that can be owned privately has yet to be decided for Phnom Penh. Because of this lack of clarity many communities live in a state of vulnerability, unable to acquire legal title over their houses and land. In addition, where communities were evicted because of public property occupation, often times the property was soon after leased to a company, which is only possible after the reclassification of the land from public property to state private property<sup>24</sup>. Frustration arose where respondents were notified by authorities that their occupation of land was illegal but exceptions were made for other wealthier groups living nearby.

The Land Law makes clear that illegal occupants are required and forced to leave their occupied area immediately and face punishments<sup>25</sup>. In addition, it provides that illegal occupants are not entitled to any compensation for housing or other work they have done while occupying the property<sup>26</sup>.

Under Sub-Decree No. 129, which sets the principals, strategy and legal procedures for the managing and functioning of state properties<sup>27</sup>, the authority which has the responsibility to publicly observe and report on the public interest conditions of state public property is the State Property Management Authority<sup>28</sup>. This authority is able to reclassify state public property as state private property, though it rarely releases reports outlining how it determined a property had been reclassified. This lack of transparency has left many respondents frustrated and in the dark as to how a property could not be legally owned by them, but after their eviction, could be leased or owned by other, more powerful groups. In addition, there is no easily accessible database providing information on the inventory of the public property in Phnom Penh, meaning communities and NGOs are unable to access information that could assist in avoiding future conflict or preparing legal defences for communities that will face eviction.

Even in cases where communities have occupied public property knowingly and willingly, they have often done so because they have nowhere else to go or because economic factors have made it so that migration to Phnom Penh is necessary and they could not afford to rent.

In cases of eviction related to externally financed projects, Sub-Decree No. 22 has promulgated a set of standard operating procedures which work to ensure relocation processes are standardised<sup>29</sup>. The procedure appears to operate mostly as a guidelines and most large externally financed projects have more substantial procedures in place to regulate eviction and resettlement processes.

As of the promulgation of the Land Law in 2001, legally recognised private ownership was also possible through peaceful and uncontested occupation of land (excluding public property) or housing that had lasted for more than five years prior to 2001<sup>30</sup>.

In addition, under Article 31, any Khmer citizen is able to own property if they occupied the land prior to 2001 and continue to have occupied it for a period longer than five years and providing they receive authorisation from the relevant authority<sup>31</sup>.

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<sup>23</sup> Sub-Decree ‘River Basin Management’, 2015. Article 4, No. 90.

<sup>24</sup> Land Law, 2001. Article 16.

<sup>25</sup> Land Law, 2001. Article 259.

<sup>26</sup> Land Law, 2001. Article 43.

<sup>27</sup> Sub-Decree ‘Rules and Procedures on Reclassification of State Public Properties and Public Entities’, 2006. Article 1, No. 129.

<sup>28</sup> Sub-Decree ‘Rules and Procedures on Reclassification of State Public Properties and Public Entities’, 2006. Chapter 6, Article 41, No. 129.

<sup>29</sup> Sub-Decree ‘The Promulgation of the Standard Operating Procedures for Land Acquisition and Involuntary Resettlement for Externally Financed Projects in Cambodia’, 2018. No. 22.

<sup>30</sup> Land Law, 2001. Article 30.

<sup>31</sup> Land Law, 2001. Article 31.



Finally, land can also be granted to families on a gratuitous basis under the Land Law whereby the Royal Government may provide poor families with land, or housing, for them to construct housing and/or undertake cultivation practices on a small scale<sup>32</sup>. Article 83 stipulates limitations to the land that can be granted gratuitously, denoting that only land with a value corresponding to the purpose of the reallocation can be granted, thereby ensuring no unjust enrichment can occur and limiting the land that is available for reallocation to the poor<sup>33</sup>. This mechanism is important, if employed correctly, as it allows the RGC to undertake land reallocation for the benefit of poor families, but is often difficult to implement and is not readily employed in the modern context of Phnom Penh. As of publication, the authors were unaware of any land reallocation for the benefit of evicted families in Phnom Penh.

## Policies

Partially as a result of the surge of evictions that occurred between 2001 and 2010, of which the majority were premised on communities illegally occupying public property under the newly promulgated Land Law (2001), the “Circular on Resolution on Temporary Settlements on Land Which Has Been Illegally Occupied in The Capital, Municipal and Urban Areas”<sup>34</sup>, more commonly known as “Circular 03”, was signed off on in 2010. Circular 03 is essentially a dispute resolution mechanism for communities occupying public property and the relevant authorities to resolve conflicts.

Circular 03 has promising potential but remains virtually unused in Phnom Penh, to no small extent because it is a Circular or an explanatory note, and not a law. Another explanation is that the RGC has seemingly not adequately disseminated information about Circular 03 to local level authorities who are responsible for its implementation. On two different occasions during the research process respondents said that authorities had “never heard” of Circular 03. While the mechanism contains some potentially useful ways for resolving legal issues related to alleged illegal land occupation, it also starts off with the assumption that communities occupying state land are illegal in their occupation, providing further official weight against their arguments to tenure and their rights to housing. In many cases, the bringing of Circular 03 to the eviction process would be beneficial but it could also serve to negate or dismiss arguments from communities that may have a right to occupy the land where they live under the Land Law.

The relocation processes available through Circular 03 require occupation at relocation sites for a duration of 10 years before land titles will be received, which has been criticised for its lengthy duration in providing security of tenure<sup>35</sup>. The research has revealed that since 2010, amongst the 15 communities that were evicted or are currently undergoing the eviction process, only two communities have reported the use of Circular 03 during their eviction processes, with one opting not to use Circular 03, but it being provided by authorities as an option. In this community, the decision was made to go through processes associated with ADB-funded projects rather than utilise Circular 03.

A further step towards the realisation of the right to housing for Cambodia’s citizens was enacted by the RGC through the “National Housing Policy” in 2014<sup>36</sup>. The policy notes that, excluding current deficits in housing supply, Cambodia could require 1.1 million new houses by 2030<sup>37</sup>. As well as acknowledging the right to housing as a human right, the policy also implements an action plan that will require:

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<sup>32</sup> Land Law, 2001. Article 51.

<sup>33</sup> Land Law, 2001. Article 83.

<sup>34</sup> Circular on Resolution on Temporary Settlements on Land Which Has Been Illegally Occupied in The Capital, Municipal and Urban Areas, 2010.

<sup>35</sup> Sahnakaum Teang Tnaut, 2013. ‘Policy for the Poor?’

<sup>36</sup> National Housing Policy, 2014.

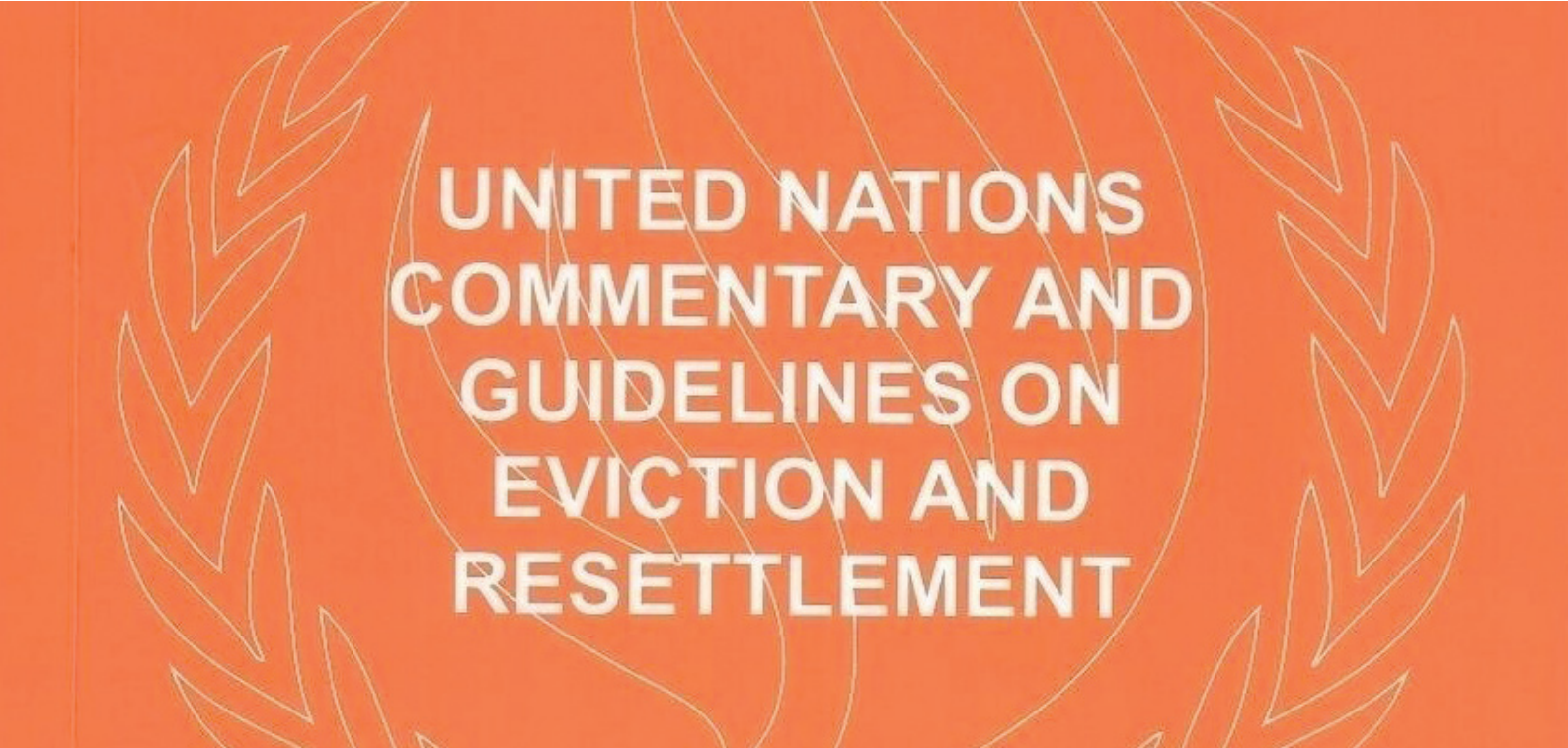
<sup>37</sup> Ibid.

*allowing the participation of local communities; financing for housing improvement or erection; constructing new housing to meet housing demand; specifying the basis of developing land use master plan, municipal, urban and rural land use plans; establishing other types of housing; development of infrastructure and basic services; and defining fees for building permits<sup>38</sup>.*

Finally, the “Policy on Incentive and Establishment of National Program for Development of Affordable Housing”<sup>39</sup> outlines two phases for implementing its goal of providing affordable housing to Cambodian citizens. First, it aims to incentivise physical infrastructure upgrading in line with other RGC plans, and, second, to create a 'National Program to Support the Development of Affordable Housing'<sup>40</sup>. The Policy leans heavily on private sector investment, and concerns itself mostly with regulation<sup>41</sup>, but does not provide any insight into rental controls or how much housing will be provided to urban poor groups. In addition, the policy is paired with the creation of an inter-ministerial committee that will supervise and oversee project proposals between the private sector and the government<sup>42</sup>.

## **Guidelines**

The “Human Rights Commentary and Guidelines on Eviction and Resettlement”<sup>43</sup> published by the Office of the High Commissioner for Human Rights to Cambodia (OHCHR) outlines the rights of individuals which need to be respected during the eviction and relocation processes. Although it carries no legal weight and it is unclear if authorities are aware of its existence, it is an important tool in helping to outline the key principles that must be upheld in order to respect human rights norms and standards during the eviction and relocation process.



# UNITED NATIONS COMMENTARY AND GUIDELINES ON EVICITION AND RESETTLEMENT

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<sup>38</sup> Ibid.

<sup>39</sup> Policy on Incentive and Establishment of National Program for Development of Affordable Housing, 2017.

<sup>40</sup> Ibid.

<sup>41</sup> Ibid.

<sup>42</sup> Sub-decree ‘On the Establishment of the Inter-ministerial Committee for Affordable Housing Development Project’, 2018. No. 042.

<sup>43</sup> Office of the High Commissioner for Human Rights to Cambodia, 2009. ‘Human Rights Commentary and Guidelines on Eviction and Resettlement’.

### 3.3 Literature review

There are several previous research papers and reports written on the eviction and relocation processes in Phnom Penh<sup>44</sup>. STT has previously conducted research into relocation sites in 2007 in a report titled “Relocation Sites in Phnom Penh” and in 2012 in Facts & Figures No. 21 titled “Resettling Phnom Penh, 54 – And Counting?”<sup>45</sup>. The 2007 study provided key data on 41 relocation sites in and around the city of Phnom Penh, documenting plot size, supporting groups, number of families affected and the locations of relocation sites and previous sites. The 2012 study built upon the 2007 research by adding in other indicators, analysing an additional 14 sites, and providing commentary and cross-tabulation analysis of key indicators from the relocation sites.

The OHCHR published research in 2012 titled “Eviction and Resettlement in Cambodia, Human Costs, Impacts and Solutions”<sup>46</sup> which is the widest reaching paper written on Cambodia’s eviction and relocation processes to date. The research includes communities from Phnom Penh and around Cambodia and provides an analysis of the eviction and resettlement process. Amongst its key findings is the lack of real negotiation with communities. The report concludes that only one case studied provided a good model for replication and that the participation of communities being relocated is essential at every point of the process. In its recommendations, the report notes that guidelines on eviction and a resettlement policy are essential for improving the process. So far, only the OHCHR’s “Human Rights Commentary and Guidelines on Eviction and Resettlement” has been published. The RGC has yet to issue a resettlement policy beyond Circular 03.

More specific in their scope, several researchers have looked at evictions through anthropological and psychological lenses. Richardson et al (2014) chronicle the severe deleterious effects of evictions on Cambodian women’s mental health, noting increased sadness, problems with sleeping and emotional outbursts<sup>47</sup>. Touch and Neef (2015) analyse resistance to evictions in Koh Kong and Kratie provinces, discussing the myriad of resistance tactics that are used to respond to different evictions in different situations<sup>48</sup>. Finally, Asienhaus’ research “Development at the Expense of the local population” in 2018 examines the future of communities living around the Boeung Tompun lake, an area earmarked for development and potential evictions<sup>49</sup>. A more positive look at relocation of the poor was published in 2001, by journalist Pen Khon, titled ‘Samdech HUN SEN and the Resettlement of the Poor’<sup>50</sup>. This book looks at the poverty and other factors to be understood in the eviction and relocation process through the lens of “development”. The book takes the view that poverty is a key push factor that results in communities relocating from the countryside to Phnom Penh. The book also outlines the Urban Poor Development Foundation, to which Samdech Hun Sen once contributed his own funds.

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<sup>44</sup> Sahmakum Teang Tnaut, 2007. ‘Relocation Sites in Phnom Penh’.

<sup>45</sup> Sahmakum Teang Tnaut, 2012. ‘Resettling Phnom Penh: 54 – And Counting?’, Facts & Figures No. 21.

<sup>46</sup> Office of the High Commissioner for Human Rights to Cambodia, 2012. ‘Eviction and Resettlement in Cambodia: Human Costs, Impacts and Solutions’.

<sup>47</sup> Richardson et al, 2014. ‘Mental Health Impacts of Forced Land Evictions on Women in Cambodia’. Journal of International Development.

<sup>48</sup> Touch, S & A, Neef, 2015. ‘Resistance to Land Grabbing and Displacement in Rural Cambodia’. Land grabbing, conflict and agrarian-environmental transformations: Perspectives from East and South-east Asia, Chiang Mai University 5-6 June 2015. Conference Paper No. 16.

<sup>49</sup> Asienhaus, 2018. Available at: < <https://www.asienhaus.de/nc/publikationen/detail/development-at-the-expense-of-the-local-population-a-case-study-from-boeung-tumpun-lake-phnom-penh/>>.

<sup>50</sup> Khon, P, 2001. ‘Samdech HUN SEN and the Resettlement of the Poor’. Sponsored in part by the Municipality of Phnom Penh. SVA (JRSC) Printing House.

## Gone fishing

*In February of 2019, on the banks and islands of Phnom Penh's largest lake Boeung Tamok, 18 families were evicted for illegal occupation of public land.*

*The occupation of public land is an assertion by authorities that the families did not possess the resources to challenge. Other families living on the lake, within the boundaries of the lake itself, usually in large households, were not evicted. Around 50 more families have received notices to evict from the area, but it is unclear when these evictions will occur.*

***“We have lived here for eight years, some families for less, but some for five or six years. We live here to fish, it's the only way we can make a living.”***

*In February 2016, the lake of Boeung Tamok was legally demarcated<sup>51</sup>. Parts of the lake were later reclassified and given to private groups<sup>52</sup>. On 30 January 2019, more than 60 families living inside the lake boundaries, or on the lake boundaries, were given letters from their local authorities stating that they were to leave the area in seven days. When the police came to follow up on the eviction notices, they made it clear that it would be better to self-evict than be evicted by the police and authorities.*

***“We will not be accountable for any losses from damage to property as a result of eviction.”<sup>53</sup>**  
– Police to communities.*

*One family told researchers that authorities told them not to seek the help of NGOs or the media. Another family, with young children, said they were told by authorities that they could continue to live in the area, but not legally, and not in houses or structures that resembled houses. The family lived under a shade cloth for weeks following their eviction.*

*For other families, fishing was the only income they had, some had taken out loans to buy nets to fish in the lake. Some of these families were not interested in challenging their right to live in the lake, but were interested in having rights to fish. The families never received legal information about their rights to use the lake, or their rights to live there. No lawyers were provided, and the families feared going to court to challenge their evictions. As a result, 18 families self-evicted around the lake, while other families, with larger houses, have been allowed to remain.*

<sup>51</sup> Sub-decree N 20. ‘On the demarcation of Boeung Tamok as state property’, 2016.

<sup>52</sup> Sub-decree N 132. ‘On revision of Boeung Tamok’, 2018.

<sup>53</sup> This was also reiterated by the District Governor to the media shortly thereafter. See Khuon, N, 2019. ‘Evictions for Boeung Tamok villagers’. Khmer Times. Accessed at: < <https://www.khmertimeskh.com/50573899/evictions-for-boeng-tamok-villagers>>





**Fisherman's house inside the lake boundary. STT, 2019.**

*On the side of his house, a fisherman wrote a simple message, asking reprieve from the authorities to allow him to fish in the area, and nothing more. With few rental options and no social housing nearby, the fisherman and his family, and many of the lakes fishing families, have now left the area or live in tents, vulnerable to the elements and further evictions.*

## 4. FINDINGS

### 4.1 Eviction and relocation

**Table 4: Evictions by year**

	Evicted and relocated communities	Self-resettled communities	Evicted (without relocation)	In the process of eviction	Total
Before 1999	4	0	0	0	4
2000 - 2010	39	6	0	0	45
2011 - 2016	5	0	4	0	9
2016 - 2019	2	0	0	8	10
<b>Total</b>	<b>50</b>	<b>6</b>	<b>4</b>	<b>8</b>	<b>68</b>

Over 60% of respondents from communities evicted and relocated, or in the process of, underwent the process between 2000 and 2010. The Land Law (2001) has had little effect on protecting the rights of these communities to land and the years following its promulgation may indicate that instead it has given legal weight to the eviction process. Most evictions occurred after its promulgation and on the grounds that communities occupied public property, as outlined in the law<sup>54</sup>. In addition, Circular 03 does not coincide with any reduction in evictions or the provision of better relocation sites following its publication in 2010. Since its release, 19 communities have been evicted, or are undergoing eviction currently, with only three communities reporting that authorities were prepared to use or had used Circular 03.

These findings suggest that, at least in Phnom Penh, there is a weak relationship between the adoption of legislation and policy related to land tenure and positive outcomes of evictions and relocations, and that, in the case of the Land Law, it may not adequately protect against eviction. Circular 03 emerged out of a need to address public property occupation in a way that provided a platform for parties to engage with one another to promote solutions for poor communities and authorities. In contrast, the evidence presented herein suggests that Circular 03 remains greatly underutilised.

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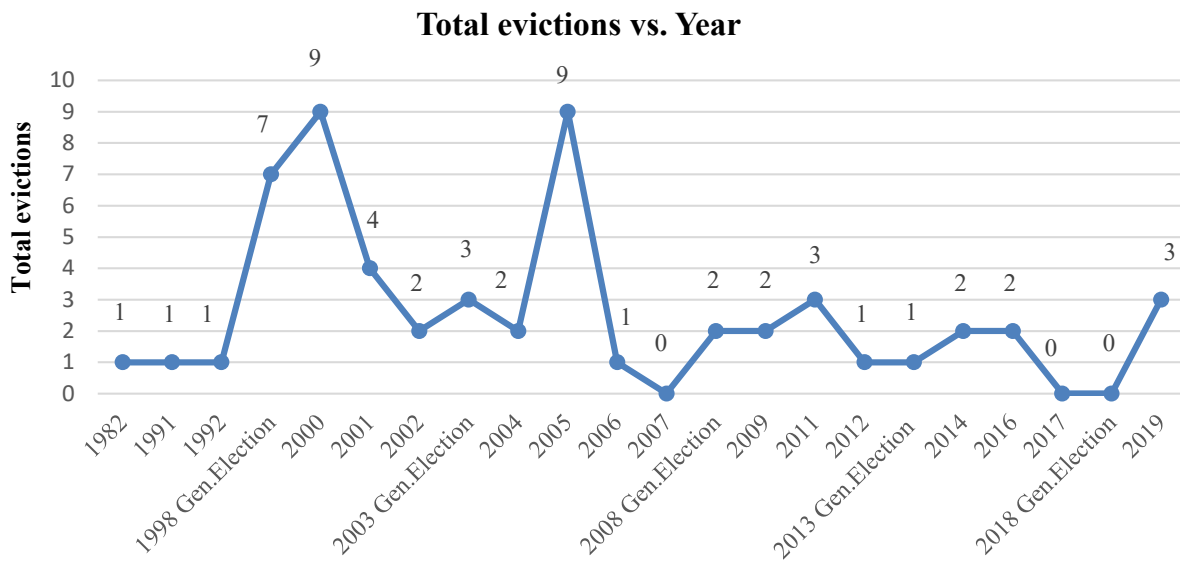
<sup>54</sup> Land Law, 2001. Article 43.





**Road and house situation inside a relocation site in Phnom Penh. STT, 2019.**

**Graph 1: Evictions over time (1980 – 2019)**



Data spikes in between national general election years suggest there may be a trend in the timing of evictions. In national general election years (1998, 2003, 2008, 2013, 2018), there was, on average, one eviction per year, with 2003 experiencing three evictions and 2018 experiencing none. Around 90% of evictions studied took place during non-election years. This may suggest that authorities are concerned about evictions during election periods, possibly exerting control over evictions in order to reduce tensions in communities. Alternatively, it could be that authorities are preoccupied with other issues in the lead-up to elections. Further, it should be noted that no communities were evicted in the 6-month period lead-up to a general election. This can be viewed positively as the eviction process can lead to evicted people encountering further infringements upon their rights to vote. Nonetheless, the trend remains that the authorities are more likely to conduct evictions during non-election periods but it is unknown whether this is purposefully done, and if so, whether it is done to avoid negative ramifications for the evictees or for the authorities, or is merely the result of other work being prioritized by the authorities during these times.

*“We have lived in this place since 1990.” – Community member facing eviction.*

#### 4.2.1 Grounds for eviction

The most common reason for the eviction of communities has consistently been that they illegally occupy state public property. This was the primary reason for over 70% of all evictions and is the primary reason for communities currently “in the process of eviction” according to interviews with community members.

Often overlapping with communities that were evicted for public property occupation are communities evicted by development companies. In cases involving development companies, companies were often given land that was formerly state public land, and communities were told that they had no rights to the land. Afterwards, or sometimes during the process of eviction, companies would receive leasing rights to develop the land that communities had been evicted from. There was a resentment felt by respondents who did not understand how land could not be legally owned by them, but could be legally developed by a company.

**Table 5: Reason for eviction/relocation \***

Official reason (or reasoning provided to community)	Evicted and relocated communities	Evicted (without relocation)	In the process of eviction	Total
Development Company	8	1	0	9
Fire	5	0	0	5
Private land occupation	2	0	0	2
Public state land occupation	35	3	8	46
<b>Total</b>	<b>50</b>	<b>4</b>	<b>8</b>	<b>62</b>

\* Six communities were omitted from this table as they self-evicted, so the reason for the eviction was not related to official processes for eviction in those cases.

Finally, fire was responsible for the relocation of five communities, and is a risk that communities continue to face today in urban poor settings. The combination of flammable building materials, such as wood and plastic, combined with crowded spaces, electronic malfunctions, open fires for cooking, and lack of waste management services, has combined to make urban poor communities particularly susceptible to dangerous fires that can destroy a whole community. In communities affected by fire, authorities made it clear that they were not permitted to return and this led to them feeling evicted, even if the process was indirect.

#### 4.2.2 Consent, coercion and cohesion

Only respondents from one community consented to their eviction or relocation. Most respondents noted that their consent, where authorities said it was given, was coerced, often by the underlying threat of violent eviction or that possessions would be destroyed without compensation during the eviction process. In some cases, respondents from communities self-evicted rather than face forced-eviction. The distinction then, between eviction and forced eviction, in the context of Phnom Penh, must be understood as complicated given the implied threat of force linked to the eviction process.

Respondents from one community expressed more than a willingness to be evicted because they received what they considered to be an adequate compensation package. This community described the eviction



and relocation process positively, noting a good relationship with local authorities and a favourable deal resulting in large land packages being supplied to them.

Additionally, there was a strong disagreement between some community members of one community as to whether or not there was consent. This research did not conduct household-to-household questionnaires and it is likely that many people differ in their views of the eviction process. Some community members expressed a strong feeling that they had not agreed and had never been properly included in the community discussions.

#### 4.2.3 Prior notice to evict

Human rights standards require that prior notice of eviction be given to communities at least 90 days before the eviction occurs<sup>55</sup>. Without sufficient time beforehand, communities are left without adequate resources for challenging the eviction, preparing for relocation, and mitigating the effects that eviction will have on them. In one case from 2019, a community was evicted with less than two months' notice, despite several residents having lived in the area for more than 15 years. One family described how they were left with nothing, forced to dismantle their house and live under a cloth sheet during some of the hottest months of the year. The speed of the eviction left them with insufficient time to find other housing and, as a result, their infant child was subjected to heat, rain, wind and dust without adequate shelter and protection.



<sup>55</sup> Office of the High Commissioner for Human Rights to Cambodia, 2009. 'Human Rights Commentary and Guidelines on Eviction and Resettlement'.

**Table 6: Prior notice given before eviction**

Notice to evict	Evicted and relocated communities	Evicted (without relocation)	In the process of eviction	Total
Less than 1 day	1	0	0	1 <sup>56</sup>
Less than 1 week	6	0	0	6 <sup>57</sup>
Less than 30 days	13	1	0	14 <sup>58</sup>
Less than 90 days	6	2	0	8 <sup>59</sup>
More than 90 days	12	0	8*	12 (20) <sup>60</sup>
Uncertainty as to time	12	1	0	13 <sup>61</sup>
<b>Total</b>	<b>50</b>	<b>4</b>	<b>8</b>	<b>62</b>

\*Communities are in the process of eviction that has lasted for more than 90 days but have not been formally made aware of an intention to evict from their location within a set period of time.

Less than 90 days' notice was provided to respondents from 29 communities. The pressure of an impending eviction, combined with little time to develop community plans and seek assistance often led to communities expressing a belief that the authorities did not intend to have meaningful dialogue. Seven respondent communities were not informed of their impending eviction prior to being evicted resulting in extremely distressing situations, in some cases men, women and children were removed from their houses and put into trucks to be taken to relocation sites with no warning.

guidelines and internationally recognized human rights principles is in place;

(b) Resettlement must ensure that the human rights of women, children, indigenous peoples and other vulnerable groups are equally protected, including their right to property ownership and access to resources;

(c) The actor proposing and/or carrying out the resettlement shall be required by law to pay for any associated costs, including all resettlement costs;

(d) No affected persons, groups or communities shall suffer detriment as far as their human rights are concerned, nor shall their right to the continuous improvement of living conditions be subject to infringement. This applies equally to host communities at resettlement sites, and affected persons, groups and communities subjected to forced eviction;

(e) The right of affected persons, groups and communities to full and prior informed consent regarding relocation must be guaranteed. The State shall provide all necessary amenities, services and economic opportunities at the proposed site;

(f) The time and financial cost required for travel to and from the place of work or to access essential services should not place excessive demands upon the budgets of low-income households;

(g) Relocation sites must not be situated on polluted land or in immediate proximity to pollution sources that threaten the right to the highest attainable standards of mental and physical health of the inhabitants;

(h) Sufficient information shall be provided to the affected persons, groups and communities on all State projects and planning and implementation processes relating to the concerned

threatened dwelling or site and its proposed beneficiaries. Particular attention must be paid to ensuring that indigenous peoples, minorities, the landless, women and children are represented and included in this process;

(i) The entire resettlement process should be carried out with full participation by and with affected persons, groups and communities. States should, in particular, take into account all alternative plans proposed by the affected persons, groups and communities;

(j) If, after a full and fair public hearing, it is found that there still exists a need to proceed with the resettlement, then the affected persons, groups and communities shall be given at least 90 days' notice prior to the date of the resettlement; and

(k) Local government officials and neutral observers, properly identified, shall be present during the resettlement so as to ensure that no force, violence or intimidation is involved.

57. Rehabilitation policies must include programmes designed for women and marginalized and vulnerable groups to ensure their equal enjoyment of the human rights to housing, food, water, health, education, work, security of the person, security of the home, freedom from cruel, inhuman or degrading treatment, and freedom of movement.

58. Persons, groups or communities affected by an eviction should not suffer detriment to their human rights, including their right to the progressive realization of the right to adequate housing. This applies equally to host communities at relocation sites.

## VI. REMEDIES FOR FORCED EVICTIONS

59. All persons threatened with or subject to forced evictions have the right to

<sup>56</sup> Years that evictions occurred: 2001.

<sup>57</sup> Years that evictions occurred: 1992, 2000, 2001 (two communities), 2005, 2006.

<sup>58</sup> Years that evictions occurred: 1991, 2000 (two communities), 2001, 2002, 2003, 2004 (two communities), 2006 (four communities), 2009, 2016.

<sup>59</sup> Years that evictions occurred: 1982, 2000 (two communities), 2002, 2012, 2016, 2017.

<sup>60</sup> Years that evictions occurred: 1998, 2000, 2001, 2002, 2004, 2005, 2006 (three communities), 2013, 2017.

<sup>61</sup> Years that evictions occurred: 2000, 2001 (four communities), 2003, 2006, 2007, 2009, 2012 (two communities), 2016.

### ***Life on the edge: uncertain futures and uncertain present***

*“We have lived in this place from 1990 to 2019. Up until 2005, we never had an issue with where we lived.”*

*Samaki ROUNG ROEUNG is located along “the black river”, a wastewater canal that holds much of the inner city’s sewage and storm water. In 2005, the community was informed, unofficially, they would be evicted at some point in the future. Nearly 15 years later, the community lives in limbo, teetering on the edge of an unknown future.*

*“In 2005 the Ministry of Land Management and the authorities came down to spray paint numbers on the wall at the residents' homes, and we were then told that we will be evicted.”*

*Having known of their impending eviction for years, the community has educated themselves on the law and policies in place should they be evicted. Frustratingly for them, they have yet to have a meeting that has led to the production of official notices of the authorities plans for the area. Without this notice, the community is unable to make legal inquiries or make decisions for their future.*

*“In 2018, the District office came to invite five residents to meet. Meetings took place about 10 times. They said we had to be moved from one village to another. To date, no letters or information have been received.”*

*A community leader asked the authorities about Circular 03 but was told that they [Authorities] did not really understand how Circular 03 worked.*

*“We have never received any documents or letters about our eviction. We worry without this information. We do not want to go and sit without legal documents in front of the Ministry.”*



## 4.3 During eviction

### 4.3.1 Stakeholder involvement and consultation

Consultation is a fundamental right during the eviction process, but in at least 17 cases, no consultation took place, or has yet to take place (2 communities), between the authorities and community members. This lack of dialogue can have deeply felt effects on communities, who may already feel marginalised by society due to their economic standing and poor housing. Among the responses for how to improve the eviction process (see 4.4), providing greater consultation was the most common response given.

Consultation is not only the responsibility of the authorities, but also supporting services, especially those of the legal profession. When asked about other groups that consulted with communities during their evictions, respondents from 18 communities said they were consulted. Of these, all 18 were consulted by NGOs, with more than half being NGOs that provide legal assistance or advocacy for land rights issues.

Only respondents from two communities challenged their eviction in court. Reasons for why communities did not opt to take legal action against evictions, which are themselves legal processes, varied from a lack of understanding their rights to a lack of faith in the judicial system to a lack of funding.

### 4.3.2 Timing of the eviction

Most evictions of respondents (47 communities) occurred during the day, between 7:00am and 5:00pm, during clear weather, and not within a time period of school testing or elections. However, a notable amount of evictions occurred during times of inclement weather, extremely hot weather, or at night. It should be noted that in many cases evictions during periods of rain and heat are not necessarily abuses solely based on these criteria alone. In some cases, respondents complained about the rain or extreme heat as having a negative effect on their eviction, often because they were under increased stress due to the heat, or their valuables and health were affected by the rain. In other cases, respondents did not find the rain or heat to be a significantly worsening factor in their evictions.

In three cases, evictions occurred at night. In two of these cases, the eviction was the result of fire.<sup>62</sup> Respondents from one community were evicted without notice at three o'clock in the morning by a respondent estimated "thousands" of police officers and officials. The community were awoken to the sounds of shouts and rushed into waiting police trucks where they were taken to a public area and unloaded. For one month, the community lived under plastic tents they erected themselves before being evicted again and taken to nearly 44 kilometres to the north of the city-centre Wat Phnom, where they continue to live today without land titles.

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*"I felt shocked to be woken in the night. Some households tried to collect their valuables but we were not allowed. If we tried to get our belongings the police would hit us."*

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In cases where respondents from communities were evicted during the rainy season, evictions were usually not conducted during severe rain but coincided with periods of sporadic rain. In 21 cases it was reported that the rain disturbed communities in allowing them to settle in to their new relocation sites. Respondents from communities reported that dirt roads became too muddy for children to attend school safely, resulting in disruption to the education of relocated children who were often attending new schools and facing other hardships associated with relocation. Two relocated communities reported that their relocation sites were not properly prepared to deal with rain, leaving community members to deal with floods, accessibility issues and heavy rain while living in tents. Insects and snakes were a commonly listed cause of distress and some communities believed that relocation during months of clearer weather would have provided them with time to properly prepare their relocation plots and build shelter against the rain. Other respondents suggested that the problem was not the timing of the evictions, but that relocation sites were not prepared well-enough for a community to live in, regardless of the time of year.

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<sup>62</sup> It should be noted that community members were not allowed by authorities to return to their previous place of residence, therefore the fire resulted in an eviction.

### **4.3.3 Authority to evict and conflict**

Eviction as a process is typically linked with governmental authorities, whereby elected officials, through rule of law, remove persons from an area using a legal process and only in accordance with the law. In all but one case, evictions were undertaken by government authorities, usually the police. In six instances, the military police were involved in the eviction process<sup>63</sup>. Of these instances, four resulted in violence reportedly perpetrated against community members by military police<sup>64</sup>. The involvement of any military personnel in the eviction process is questionable, especially where guns were brought to the eviction, which is considered a threat and discouraged under human rights guidelines<sup>65</sup>.

### **4.3.4 Violent evictions**

In nine instances, violence was committed by police or military police against community members during evictions. Seven of the nine instances involved violence perpetrated against women and children by authorities. In some instances, police were recognised by their faces but did not dress in uniform during the destruction of houses.

Violence was not associated with time and occurred in evictions spanning from 1992 up until 2012. The communities that experienced violence were associated with a strong organised nature, refusal to accept the terms offered to them for relocation or eviction, and military police as opposed to police officers. Military police officers during the process of eviction resulted in higher levels of violence and threats of violence than when military police were not present. In six instances in which military police were involved, two instances of direct physical violence were reported and five instances of threats to perform violence on community members and destroy their houses and belongings for failure to evict were reported.

Violence was also associated with eviction processes that did not involve consultations between authorities and communities. In six of the nine cases, communities were denied their right to consultation and in seven cases communities received threats of violence leading up to and during the eviction process. This finding should inform the RGC that violence can be reduced if greater consultation processes and greater participation from all parties is used to create a culture of dialogue.

### **4.3.5 Threats/Intimidation**

Threats of violence and intimidation from authorities to respondents were found to have occurred in 17 communities, or roughly a third of all evictions. There was a high-incidence of lack of notice of intention to evict with cases in which threats were experienced, suggesting that threats and intimidation may be used by authorities in place of official methods of eviction. This may be done to avoid processes in which communities may organise to resist eviction and is consistent with the findings that authorities may be attempting to coerce self-relocations.

Respondents from three communities experienced the direct threat of violence, in one case authorities said “we will hit you with sticks if you do not leave”. In other cases, the violence was indirect, with authorities telling respondents in one community that the water supply and electricity would be cut if the community did not leave of their own volition. Soon afterwards, when the community did not leave, the water and electricity was cut off and the community reported that many police officers arrived in the community during the day and began to set up to sleep in the streets of the community that night.

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<sup>63</sup> Instances occurred in 2001, 2004 (two instances), 2006 (two instances), and 2012.

<sup>64</sup> Instances of violence occurred in 2004 (two instances), 2006, and 2012.

<sup>65</sup> Office of the High Commissioner for Human Rights to Cambodia, 2009. ‘Human Rights Commentary and Guidelines on Eviction and Resettlement’.



In some cases, communities did receive official notice to evict but were forewarned that once authorities arrived to evict residents that there would not be any compensation provided for any damage incurred to the community's property. This is in-line with the provisions of the Land Law (2001), which provides that illegal occupation of public property affords illegal occupants no compensation<sup>66</sup>, but the destruction of property should be avoided where possible. Throughout 2018 and 2019 communities reporting self-eviction for fear of violent eviction increased. This could indicate a purposeful strategy employed by authorities to decrease violence and protest, which is not in-line with human rights-based protocols on eviction that clearly state people should not be made to destroy their own houses<sup>67</sup>. In at least three instances in 2019, communities were coerced into self-eviction and dismantled their own houses out of fear of greater loss should authorities be involved in the dismantling process.

#### **4.3.6 Neglect**

Authorities often notified community members that they are to be evicted but failed to evict communities in a timely manner, thereby drawing the process out over a longer period of time. In some cases, eviction notices are issued but evictions do not occur until months or years later. Of the communities in the process of eviction, more than 50% had been alerted to their impending evictions at least 12 months prior to the process beginning. On occasion, this may be due to a slow-moving process of eviction that is not intended to harm communities, or a process that intends to give prior notice well in advance and in line with human rights guidelines<sup>68</sup>. However, during these periods communities reported being subjected to conditions of neglect, such as through the refusal of authorities to meet with communities on any issues, even when the issues were not related to eviction; ignorance of the effects of nearby developments on communities such as sand-infilling destroying local livelihoods or nearby constructions altering soil solidity and breaking houses; and the general rejection of public services and infrastructure over sustained periods of time. In some cases, leading up to their eviction communities were unable to secure a meeting with any authorities on the legal status of their community's land or how they may go about receiving family books in order to apply for land titles and state-water connections.

In one instance, a community member applied to authorities to upgrade his housing, having secured funding from an NGO to build a toilet. The application was rejected on the grounds that the community would be evicted in the future, though a specific date was not given. The community member dismayed that he and his community were in a state of limbo, unable to improve their living conditions, but also unsure about when and how the eviction process would occur. Neglect can have devastating effects and can lead to communities self-evicting or looking more favourably upon relocation packages that they would otherwise refuse.

#### **4.3.7 Compensation**

Of the communities that were evicted and relocated, respondents from 47 communities received land as compensation, with respondents from two communities choosing not to be relocated in favour of monetary compensation. Communities that were provided land as compensation had huge variances in size of plots provided. In addition, some communities complained that different groups received amounts that were higher than what they were offered and that the land offered did not correspond to the value of their current housing or was offered in locations that were not economically viable for them. Additionally, there is no increase in compensation given or offered over time, though this is not necessarily expected to occur given compensation practices are often based on value of housing or land, which may not have changed over time if the housing or land is unsellable due to its location on state public land.

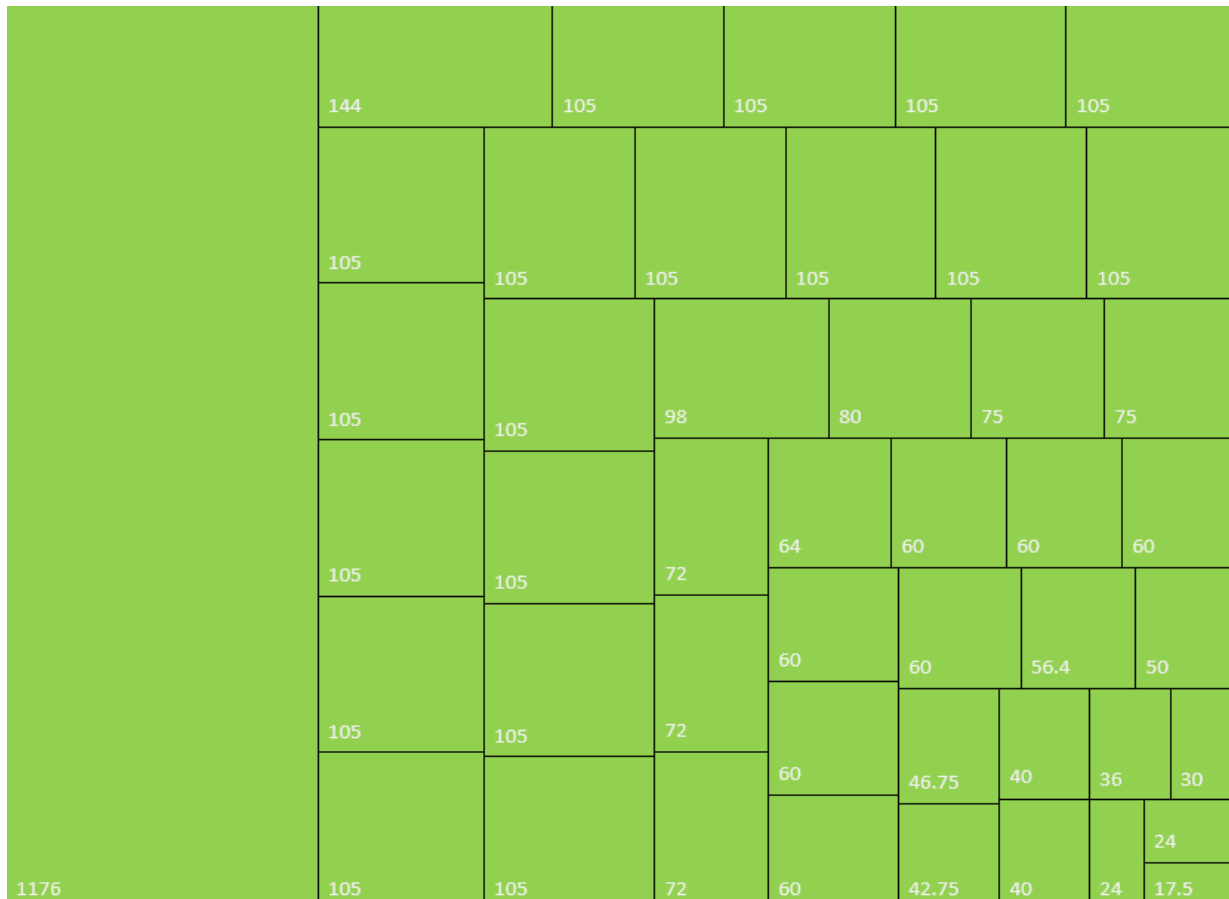
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<sup>66</sup> Land Law, 2001. Article 43.

<sup>67</sup> Office of the High Commissioner for Human Rights to Cambodia, 2009. 'Human Rights Commentary and Guidelines on

<sup>68</sup> Ibid.

**Graph 2. Land plots given as compensation (size in m<sup>2</sup>)**



*Numbers in the graph above refer to sizes of land plots given as compensation to evicted communities. Numbers are in metres squared. Shapes do not correspond to the land shape.*

Plot size is not necessarily a useful indicator for whether compensation was adequate or not. The variance in sizes should be understood to comply with some legislation or commonly followed blueprint for the sake of consistency and confidence with the relocation process. In contrast, there appears to be little evidence that plot size corresponded to value of previous land or to any precedent that is being consistently followed by authorities. Respondents from the community that received the largest plots described themselves as “very happy to have been relocated” and attributed this directly to the size of the plots received. In the case of another, they admitted that their plots did not correspond in value to the land they currently lived on, but they were happy to receive plots that were still in an area where they could have economic opportunities in the future. Other forms of compensation included small amounts of money (11 communities), tents (2 communities), housing materials (2 communities), and food provisions (6 communities), in addition to land plots. There is no explanation as to why some communities received additional provisions and others did not.



**Unpaved road at one relocation site in Phnom Penh. STT, 2019.**

#### **4.4 Relocation process**

##### **4.4.1 Grounds for relocation**

Most communities were not offered monetary compensation and were instead forced to accept relocation sites, or nothing. It is not clear why this is so.

##### **4.4.2 Relocation site preparedness**

Relocation site preparedness was mostly insufficient under human rights-based standards. Relocation sites were often provided only as land, with water, electricity, housing, toilets and drainage not provided, and location of sites being a serious issue for most respondents.

**Table 7: Provision of features at relocations sites**

<b>Provision (ready for use upon arrival)</b>	<b>Amount of communities that received provision</b>	<b>Percentage of total relocated communities that received provision</b>
Housing	8	16%
Secure tenure	28	56%
Potable water	5	10%
Drainage and sewage	3	6%
Energy for cooking	2	4%
Heating or lighting	0	0%
Sanitation/washing facilities (does not include toilet)	1	2%
Safe food storage area	0	0%
Refuse disposal area	1	2%
Access to health centres (reasonable distance)	9	18%
Access to schools (reasonable distance)	13	26%
Street lighting	4	8%
Water connection	0	0%
EDC connection	4	8%
Other electricity connection	4	8%
Dirt road (main roads)	38	56%
Concrete or asphalt road (main roads)	16	32%

Only respondents from 11 communities were provided or had access immediately to food, water and sanitation upon arrival at the relocation site. These basic necessities are so essential to human survival that they must be ensured at every site, regardless of any other compensation, such as land or money, that has been provided. In most cases this resulted in communities having to order large water bottles from trucks until they secured another source of water.

In addition, respondents from 33 communities reported that one of their largest concerns was the lack of income opportunities when they first arrived at relocation sites. A key response to improving this situation was to provide greater time prior to evictions so that income opportunities could be better managed by community members themselves. In addition, almost all respondents requested that, in the case of future relocations, relocation sites be placed closer to the city-centre, or to areas that are associated with greater economic opportunities.



#### 4.4.4 Preparedness and habitability in 2019

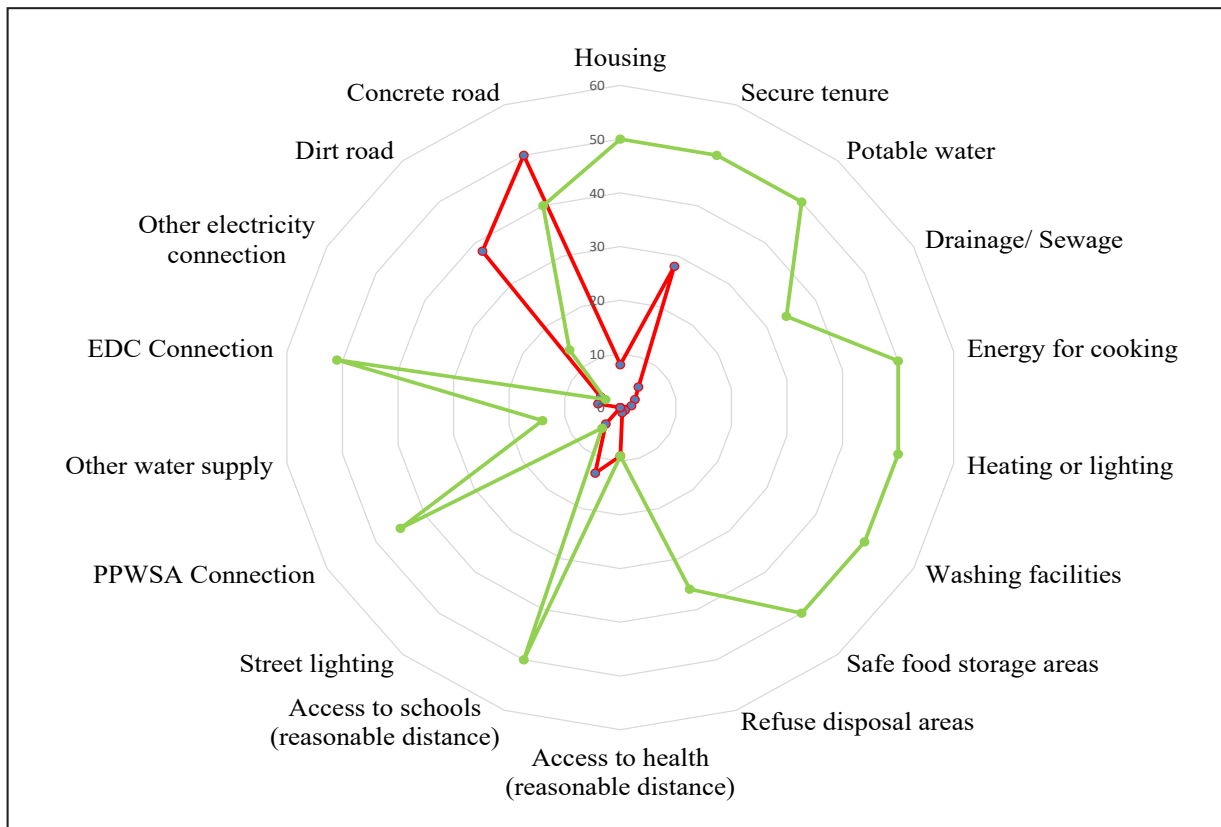
**Table 8: Provision of features at relocation sites comparison between arrival and 2019**

Provision (in use) at 2019	Communities with provision upon arrival	Communities with provision as of 2019	Percentage of total relocated communities that have provision as of 2019
Housing	8	50	100%
Secure tenure	28	26 hard titles/24 soft titles	52% have received security of tenure (hard titles)
Potable water	5	50	100%
Drainage and sewage	3	34	68%
Energy for cooking	2	50	100%
Heating and lighting	0	50	100%
Sanitation/washing facilities (does not include toilet)	1	50	100%
Safe food storage area	0	50	100%
Refuse disposal area	1	36	72%
Access to health centres	9	9	18%
Access to schools	13	50	100%
Street lighting	4	5	10%
PPWSA connection	0	45	90%
EDC connection	4	50	100%
Dirt road (main roads)	38	10	20%
Concrete or asphalt road (main roads)	16	40	80%

As Table 8. and Graph 3. demonstrate, there are vast improvements in the provision of features at relocation sites in 2019 as compared to when relocated communities first arrived. In some cases, the explanation behind the slow provision of basic services, such as electricity or water, may be linked with the general lack of the provision historically in the outer Khans (districts) of Phnom Penh, where most relocation site are located. However, the glaring lack of habitability upon arrival is also explained by the quick turn-around between notice to evict and eviction, and lack of funds allocated to the set-up of relocation sites for habitation by the RGC or other governing bodies. In any event, there is a clear distinction in the provision of services between relocation sites upon arrival and relocation sites after years of habitation that cannot be ignored and has severe consequences for relocated communities.



**Graph 3. Habitability on arrival (red) and as of 2019 (green)**



#### 4.4.5 Perception of difference between relocation sites and previous sites

As Graph 3. shows, relocation sites today have much greater access to provisions and services and infrastructure available at site than when they arrived previously. Most respondents agree that their sites are better today than when they first arrived, but many did not agree that their sites were better than the sites they were evicted from. The main reason for this was the economic opportunities that the proximity or specific location of their previous sites provided. In addition, some residents had left their relocation sites in favour of living elsewhere. Respondents from 12 sites reported that community residents from the previous site were no longer the only residents of their community and that a significant proportion of original residents had moved away. Reasons for this varied, but some were negative, such as flood issues or MFI debt-related issues.

In two communities respondents reported that debt from MFIs had forced some residents to sell their houses and leave but this could not be confirmed by researchers with those former residents.



**Concrete road inside a relocation site of Phnom Penh. STT, 2019.**

**Table 9: Proximity of relocation sites to key locations**

Locations	Proximity to community		
	Less than 1 kilometre	1-5 kilometres	5 kilometres and further
Market	29	19	6
Public health services	20	32	2
Pagoda (or relevant religious space)	54	0	0
Public primary school	40	14	0
Public secondary school	13	43	6
Phnom Penh city-centre (Wat Phnom)	0	0	54 (23 at more than 10km and 27 at more than 15km)

In most cases, distance to public services, such as schools and health centres, was not an issue, with most communities located nearby. However, in one instance, a relocation site was placed in an area without access to a public primary school, which is a major concern for relocated families. In situations like this, the location of the relocation site is crucial to ensure adequate housing standards can be met. Access to services, including schools, is a fundamental principle of adequate housing<sup>69</sup>. Without public transport to ensure children can reach schools that are located far away, relocation sites not near basic services place relocated communities at risk of further alienation by obstructing other human rights.

A more frequent complaint is that relocation sites were too far removed from the city-centre. Of all 54 relocation sites, four were located more than 5 kilometres away from Wat Phnom, 23 were located more than 10 kilometres away, and 27 were located more than 15 kilometres away. In one relocation site, this was not considered negative by respondents as the community was provided with farmland and the community was comprised mostly of farming families. However, in the majority of cases, the relocation to the outer Khans (districts), or outside the city boundaries, was heavily associated with a reduction in economic opportunities and school quality. In addition, many community members, especially women, became factory workers who had to travel long distances during hours of darkness in order to commute to work.

#### 4.4.6 Distance between previous site and current

In addition to frustration at relocation to outer areas or outside of Phnom Penh, respondents also expressed frustration that they were not closer to their pre-eviction sites even when those sites had not been located in the city-centre. Reasons for this varied, some respondents explained that they operated businesses within their old neighbourhoods, which they tried to maintain but had increased daily expenses due to the extra distance that needed to be travelled. Other respondents expressed a love for their previously lived area, noting the relationships that they had with others nearby or their access to the city that they reported could not be achieved from their current site.

#### 4.4.7 Safety, and security during relocation and at relocation sites

Respondents from 12 communities reported not feeling safe at their current relocation sites. A few communities expressed that this was because of drug related crime, but most expressed the fear of robbery travelling to and from their communities.

In addition, fear of failure to pay back loans to MFIs, and fear of further eviction were brought up by respondents frequently.

<sup>69</sup> United Nations, 2009. 'Fact Sheet No.21, The Human Right to Adequate Housing'.



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*“I have nowhere else to go. I live here, this is where I make my money.”*

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Fear of further eviction is not unrealistic for the 24 communities without hard land titles. Repeat evictions and relocations have happened numerous times, with families often being forced to relive past trauma after settling into a new area. In one case, a woman was evicted from a previous site in the 1990s when a military base was being constructed. She received nothing as compensation and was not provided with a relocation site. In a state of fear and hopelessness she settled on the banks of a lake where she remained for nearly 20 years before being evicted again. Having been denied relocation or compensation for a second time, she has again settled with her family on the banks of a lake. When asked why she resettled in an area that may make her vulnerable to further eviction she responded *“I have nowhere else to go. I live here, this is where I make my money.”* During her eviction she was told by local authorities that she should not speak with NGOs or the media because they could not help her. Authorities also said that they would, if necessary, destroy her house if she failed to move. Faced with few options, she self-evicted in order to prevent the destruction of her house in which she had raised three children.



**House quality at relocation site in Phnom Penh. STT, 2019.**



#### 4.4.8 Debt

Respondents estimated the levels of indebtedness within their relocation sites as very high. It should be noted that this was not clarified at a household level and only serves as an estimate, not a statement of fact. For the most part, relocation sites self-reported heavy levels of indebtedness, with many expressing fear and stress over repayments. Respondents agreed that they would not have been provided loans without the land titles they received through the relocation process and some emphasised that the provision of land titles in order to take out loans was a key motivating factor in them seeking land titling in their relocation compensation packages. In most cases, a ‘hard’ land title was used as collateral for the loan. However, in some cases ‘soft’ titles, or receipts of land tenure, were accepted by MFIs. In addition, many respondents said they had provided originals of family books and ID cards to MFIs, which they would receive back after completion of loan repayment. It should be noted that ID cards and family books are documents of critical importance for social benefits and human rights, including healthcare services and the right to vote. The holding of the original documents by the MFIs contributes to the unequal bargaining power between the community members, who fear losing their documents, and the MFIs.

**Table 10: Indebtedness estimates (whole community)**

Estimated percentage of community households indebted	Relocation sites
30%-50%	0
51%-70%	10
71%-90%	20
91%+	17
<b>Total</b>	<b>47</b>

#### Debts and threats<sup>70</sup>

The Rehabilitation of the Railway in Cambodia Project, implemented by the Royal Government of Cambodia (RGC), and funded by the Asian Development Bank (ADB) and the Australian Agency for International Development (AusAID), affected households living along the railways and ended up with the relocation of many families to plots of land far away from where they worked. In one relocation site families dealt with the combined effects of inadequate compensation, no legal or professional advice, reduced incomes, and increased expenditure on travel costs. Eight months after arriving at the site, communities turned to money lenders, providing their land receipts as collateral. In many cases loans were taken out to build homes. Intimidation from money lenders was regularly reported with lenders threatening to take community member’s land if they do not pay up.

<sup>70</sup> Taken from the report by Sahmakum Teang Tnaut, ‘Losing the Plot’, 2012.

## **4.5 Gender**

Women's voices were included in the process of eviction, but it is not clear how well, and respondents from five communities reported that women were not adequately incorporated into the process. As the research did not employ a household survey, not all women in the community were able to provide input. In one community, women were said to have been not included in the process at all. According to respondents from this community, the only consultations that took place involved the men by invite only.

In addition, women faced hardships as a result of the eviction and relocation process, often undergoing long periods of stress and anxiety brought on by the processes, and by their children's experiences. In many cases, children dropped out of school during the process, or after relocation occurred, and this put an extra burden upon mothers to look after them. Women with children reported that they felt the added stress because they were the ones working from home and the ones who were responsible for raising the children. At relocation sites, some women said they felt responsible for the poor conditions that their families faced because the domestic sphere was seen culturally, and including by the women themselves, as the women's domain.

Inhabitable relocation sites also disproportionately affected women, many of whom reported distress when they initially arrived at their sites because of the lack of areas for bathing or toilets. Some women reported that they felt stressed by the prospect of showering in public, and others often delayed using the bathroom as long as they could or until no-one else was around. In some cases, women had to walk away from the community in order to find a private area to use the bathroom. The distance walked, the remoteness of many relocation sites, and the lack of street-lighting contributed to their fear. Men may have also experienced these issues, but none that were interviewed expressed this concern.

In addition, women reported rape and fear of violence as a key concern at relocation sites. As noted above, less than five relocation sites currently have working street-lighting. The majority of women who had employment outside of the home worked in factories, many times arriving home from work after dark. Women reported fear of traveling between work and home, due to traffic accidents and rape, across almost all relocated communities. Robbery was reported by many women to have occurred when they were on the way home at night. One condition that women, and community members in general, highlighted was that street-lighting, both within and in the surrounding areas of their communities, was a big factor in making them feel safe.

Respondents from one community reported the rape and death of two women who were likely murdered during the night. The community strongly agreed that street-lighting was needed within the area and the community continues to lack this provision.

## **4.6 Improving the process**

### **4.6.1 Rights holders' voices on eviction and relocation**

At the end of the survey, respondents were asked how the eviction and relocation process could be improved. Overwhelmingly, respondents said evictions must not be carried out without proper consultation. The definition of proper consultation varied according to communities, but most agreed that it involved dialogue between communities and authorities which took place on good terms. To highlight this, in some cases respondents had said that they were agreeable to relocation, but were not properly consulted and were evicted resulting in them feeling bitter and deeply disappointed in their relocations.

In contrast, all communities that relocated by community saving groups or with the assistance of NGOs reported high-levels of satisfaction, even where their relocation sites were not markedly better, in terms of location or habitability indicators, than the sites of other relocated communities.

Respondents tended to focus mainly on infrastructure such as roads, hygiene (related to drainage and water provisions) and street-lighting as well as economic opportunities when discussing the most important factors that should be improved when relocating communities.

Many respondents said that the provision of housing at relocation sites was never considered, as they assumed they would not receive it or were not entitled to it. There is little precedent for this in Cambodia, and most respondents had accessed savings groups or loans in order to build their houses.

In addition to the above, respondents also called for greater compensation to be paid, including for the provision of compensation packages that accounted for the hardship of economic loss as a result of relocation. In a few cases, respondents asked that this compensation be used to allow communities to search for new work, as many community members would return to their previous sites in order to work and at great personal cost.

## 5. CONCLUSIONS

The report has found that in most instances, eviction and relocation was not undertaken in line with human rights-based principles. There is emerging evidence to suggest that the process of eviction may be improving in this area, but the evidence is not yet borne out. Over the next few years, more evictions are expected, and the current legislation, or its implementation, or both, appears not to be protecting communities from human rights abuses.

In the majority of cases, eviction was premised on the grounds that communities had occupied public property. In only two cases were legal challenges to this mounted. This finding is hugely problematic and greatly undermines access to justice in Cambodia. In addition, legislative measures should have been adopted to achieve better outcomes in the eviction and relocation process, but, as of publication, only Circular 03, a directive rather than a law, has been published. In addition, only one community has reported its use in their eviction process.

More recently, evictions have slowed, but the process has not shown any clear signs of improving. Evictions around Boeung Tamok lake in 2019 did not employ a human rights-based approach, and the current situation in many communities is that they do not have information on their legal status nor are they allowed to access documents to achieve this.

On a positive note, relocation sites have undergone significant improvements in their habitability, but most have incurred this over a period of time and did not have good habitability upon community arrival. Nearly half continue to be without security of tenure, and many self-reported high levels of debt to MFIs.

Respondents in this research have called for more participation in the eviction and relocation process. In addition, they have called for better compensation packages and greater provisions of services and infrastructure when arriving at relocation sites. At least eight evictions, and possible relocations, are expected to occur within the coming years. The findings of this report indicate that there are systematic problems with the way evictions have occurred over time. However, with the right management, and the implementation of Circular 03, evictions could be vastly improved for the benefit of all of Phnom Penh.

Finally, the RGC must commit to investigating and researching the root causes of public property occupation as this is identified as a key legal rationale behind evictions. If it is found that many communities occupy state public land because of misunderstandings about the law, then the law must be clarified. If it is found that occupations of state land largely occur because there is nowhere else for communities to settle, as some communities in this research suggest, then more state resources should be focused on social housing strategies. The RGC should endeavour to uphold its international obligations to the promotion of housing as a human right for its people through the promotion of social housing projects, clarification of the laws surrounding public property occupation, and reform of the judicial system to allow greater access to justice.



## **6. RECOMMENDATIONS**

Based on the findings of this report, the following recommendations are provided to the RGC:

### **The law and policy**

1. The existing laws on public property occupation, especially as they relate to the necessary conditions of proximity to public property, must be clarified. Clarification should focus on boundaries of public property and provide clear official information to communities living near public property as to their legal status in occupying the land. Without clear concise information, communities will not be able to make informed decisions about their rights.

2. In addition, the publication of a database of public properties throughout the Kingdom should be published online and made available to the public for review and consultations held where communities are found to be living within public property areas.

3. The current use of Circular 03 by authorities in the eviction process is underwhelming and greater efforts must be made to ensure the underlying purpose found in Circular 03 is not abandoned. This report recommends that Circular 03 either be (1) monitored closely by the relevant division of the RGC to ensure it is complied with; or (2) Circular 03 be attached to a policy for resettlement.

### **The legal system**

1. The justice system must be better funded to increase the provision of legal aid services. The fact that only two communities challenged their eviction in court is evidence that legal aid is not readily available to communities and that the legal system is not prepared to deal with evictions.

2. The expropriation and eviction process must be further clarified and funds set aside to ensure that administrative officials and courts are prepared to deal with the legal process of eviction including but not limited to: demarcation; valuation of land and property; legal aid assistance and independent advice to individuals undergoing eviction; public consultation processes.

3. The justice system should never be used to intimidate citizens. Consultation processes between local authorities and communities should be given priority over legal recourse and time and resources should be set aside by the RGC to ensure this.

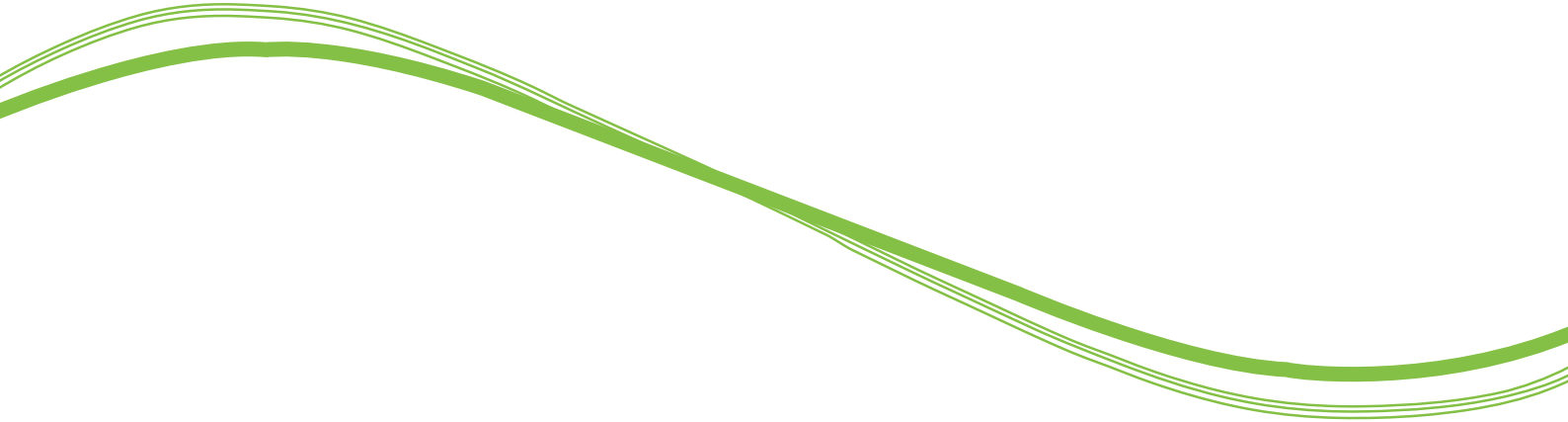
### **Governance**

1. The RGC and the MPP must make greater efforts to ensure that governance, especially as it relates to eviction and relocation, emphasises consultation with the public. Evicted communities reported lack of consultation as a major cause of dissatisfaction and this should not be overlooked.

2. Where communities seek it, NGOs and observer groups should be welcomed by authorities at public consultations to ensure the consultations are held in good faith.

3. Transparency should be increased to ensure that all stakeholders are able to operate in an environment of open communication and information. The RGC and the MPP are responsible for ensuring that transparency is ensured in cases where companies and private stakeholders are involved in the eviction of communities.





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