

Acronyms

ACCA Asian Coalition for Community Action

ACHR Asian Coalition for Housing Rights (Thailand)

ADB Asian Development Bank

ASEAN Association of Southeast Asian Nations

BABSEA Bridges Across Borders South-East Asia (now known as 'Equitable Cambodia')

CATDG Cambodian Alternative Technology and Design Group (no longer in operation)

CBO Community Based Organisation

COHRE Center on Housing Rights and Evictions

CLEC Cambodian Legal Education Centre

CSO Civil Society Organisation

GANEF0 Games of the New Emerging Forces (non-aligned nations)

GDCC Government Donor Coordination Committee

GTZ Deutsche Gesellschaft für Technische Zusammenarbeit (in 2012 reformed as Deutsche Gesellschaft für Internationale Zusammenarbeit known by the acronym GIZ)

KR Khmer Rouge

LICADHO The Cambodian League for the Promotion and Defense of Human Rights

LMAP Land Management and Administration Project

MLMUPC Ministry of Land Management, Urban Planning and Construction

MoEYS Ministry of Education, Youth and Sports

MPP Municipality of Phnom Penh

NGO Non-Governmental Organization

OCIC Overseas Cambodian Investment Corporation

PADEK Partnership for Development in Kampuchea

PILAP Public Interest Legal Advocacy Project

PRK People's Republic of Kampuchea (1979-89)

RGC Royal Government of Cambodia

SDI Slum/Shack Dwellers International

SPARC Society for the Promotion of Area Resource Centers (Indian NGO)

STT Sahmakum Teang Tnaut

SUPF Solidarity for the Urban Poor Federation (Cambodian people's organization)

UNDP United Nations Development Program

UN-Habitat United Nations Center for Human Settlements (formerly UNCHS)

UNTAC United Nations Transitional Authority for Cambodia (UN caretaker authority, 1991-3)

UPDF Urban Poor Development Fund

UPRU Urban Poverty Reduction Unit (housed at the Municipality of Phnom Penh)

URC Urban Resource Centre (no longer in operation)

USG Urban Sector Group (no longer in operation)

Acknowledgments

This is not an academic paper or thesis. It is the compilation of various reports, articles, press releases, theses and personal observations over a twenty year period condensed into a roughly chronological order. The aim is to contribute to some form of institutional memory about the story of informal settlements in Phnom Penh. The document covers a number of high profile cases but omits a myriad of other, smaller cases. My apologies for the informal manner of this document and any errors and inaccuracies.

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In memory of Phy Chun Thy (1973-2001), a young Khmer architect with UNCHS.

Notes

Informal settlements and urban poor communities are interchangeable terms – they refer in general to a grouping of more than ten dwellings which may or may not have some form of secure tenure.

Cambodia Urban areas have 3 levels of administrative authority – village or *Phum* at the community level, stepping up to District or *Sangkat* level and finally to Borough or *Khan* level. Above this is the Phnom Penh Governor within the Municipality of Phnom Penh or City Hall and with final authority resting with the Prime Minister.

The Author

Hallam Goad, was invited by Ken Fernandes in 1997 to come and spend a 'few months' with the newly formed Urban Resource Centre. This continued until February 2000 followed by a second spell with URC from December 2003 to July 2005. In September of that year the author and Meas Kim Seng co-founded Sahmakum Teang Tnaut and both worked with the NGO until 2012.

Preface: Cambodia's recent history

In looking at Cambodia's recent past it is possible to make sense of some of what is happening now. Three key influences emerge; that of China, of Vietnam and the former Soviet Union and that of France and western international agencies.

- 1) **China:** For many centuries following the decline of Angkor, Cambodia was, like many of its neighbours, a satellite of the Chinese Emperor's court. Until the late 18th century Cambodia was still sending tributes to China, *kowtowing* to the middle kingdom in return for receiving Chinese goods and above all their seals of office. Every Cambodian King during this time needed to have his authority sanctioned by the Chinese emperor – not in the western colonial sense (which involved direct influence via a Governor) but as part of a wider Chinese hegemony. Via this 'empowerment', Cambodian Kings held authority and ruled with a body of trusted advisors, many of whom were also powerful businessmen. Through this influence many Chinese merchants came and settled in Cambodia and formed a distinct part of the culture¹. Through the KR period many Chinese advisors were stationed in Phnom Penh and since 1992 China's influence has re-emerged to such an extent that Cambodia is very much now seen as standing within the embrace of China, benefiting from billions of dollars in cheap loans and investment.
- 2) **Vietnam and the former Soviet Union:** Cambodia's ties to Vietnam obviously go back centuries and there exists a 'love-hate' relationship as occurs with many neighbouring countries. For Cambodia and Vietnam this is doubly true. The most recent major impact was Vietnam's occupation of Cambodia 1979-89 backed up by the Soviet Union who were seeking influence over countries in China's backyard. This communist approach set the scene for Cambodia's post KR period and many of the current leaders were trained in the communist bloc countries.
- 3) **France and other western international agencies:** France's protectorate from the 1860s to 1954 brought with it all kinds of new western thinking some of which was adopted and adapted but much of which had minimal impact (for example, Christianity made few inroads). The impact of UNTAC brought with it 'western liberal thinking', ideas of freedom of expression and above all, millions of dollars which bolstered in a dramatic way the market economy (not always with such positive results – for example UNTAC became known disparagingly as 'UN Transmission of AIDS to Cambodia').

The point of listing these influences is to highlight the considerable range of politics and philosophies imposed on and adopted by the Cambodian people over the past century. These diverse influences have been laid on top of the myriad internal customs and traditions forging a modern Cambodia culture that commentators are still struggling to define. Into this melting pot foreign intervention in Cambodia has often failed to grasp its history and customs – both the good and the bad. The result since 1992 has often meant that while some programmes are genuinely inclusive and progressive others are well intentioned but ill-

¹ Igout, Michel, *Phnom Penh Then and Now*, Bangkok: White Lotus Press, 1993. In the mid to late 19th Century the Chinese population alone was larger than the ethnic Khmer population (at 22,000 versus 16,000)

fitting, conceived outside the Cambodian context and therefore mostly doomed to fail from the outset. Many foreign NGOs have imagined that their interventions were 'empowering' communities but failed to appreciate or ignored, for example, the patronage system which is deeply embedded but not always visible. NGO interventions have sometimes compounded rather than transformed this system. For instance Cambodia has a long history of politicians and businessmen being very much intertwined. This is similar to most countries but more accentuated in Cambodia where the concept of public officers working for the public good are less developed. Indeed the idea that powerful businessmen would not also hold political power is almost anathema in Cambodian politics. Much of the reason to hold a political position is to extend your personal business and wealth. The concept of 'conflict of interests' is read in a diametrically opposed way as a 'joining of interests', what Rabe refers to as 'interest sharing'². Hughes refers to it as the State's 'exploitative network of entrepreneurial activities'³ whereby the state's actors and business actors are subtly but seamlessly intertwined. Cambodia's current situation is therefore very much a return to form even to the extent, some might argue, that Cambodia was also once again *kowtowing* to China. It is as if the 15 or so years of trying to wear the ill-fitting garment of western liberal democracy has been eased off the Government's shoulders and they are returning to their customary attire. The problem remains that many of the international donors continue to try and fit their liberal agenda to the RGC policy – an awkward arrangement for both parties and one that the RGC in recent years has become increasingly impatient with as shown by their temporary suspension of the annual donor meeting (GDCC) in 2011. This pushes the RGC ever closer to China although the RGC is also aware that getting too close to 'the Dragon' could also be harmful. A tense balancing act ensues which has many repercussions on policy – including that for the urban poor. It is therefore vital for any serious initiatives assisting the urban poor are made in appreciation of these political currents and cultural habits.

2 Paul Rabe, *From Squatters to Citizens? Slum dwellers, Developers, Land sharing and Power in Phnom Penh Cambodia*, University of Southern California, 2009 p397

3 Caroline Hughes, *Human Rights in Cambodia: International intervention and the national response*, Hull University, 1998

Phnom Penh and its informal settlements: A chronological overview of key events (1992-2012)

By the time of the 1991 Paris Peace accords there had been little change in the physical size of Phnom Penh since 1979. Water and electricity were available sporadically to certain areas and while basic running repairs were done to many buildings there had been no major infrastructure projects especially after the decline, by 1989, of both the Soviet empire and the Vietnamese policy of *doi moi* (renovation). In the institutional limbo between 1988-92, state property (office supplies, vehicles and buildings) was sold off⁴ at such a rate that it brought some Peoples' Republic of Kampuchea (PRK) Government ministries almost to a halt⁵. The arrival of UNTAC⁶ troops and staff in 1992 brought a temporary hiatus to this and as part of the preparations for elections the United Nations Centre for Human Settlements (UNCHS) sent three consultants, Dr Yap Kioe Sheng, Terry Standley and Robert Ottolenghi to look at the potential impact of hundreds of thousands of returnees and IDPs entering the various urban centres⁷. The team conducted a rapid appraisal of the situation in a number of Cambodia's urban centres including Phnom Penh and found, unsurprisingly, that infrastructure in all areas was in a severely dilapidated state. An entry on the state of informal settlements also observed that *'in other countries these areas would be known as squatter settlements but in the unclear tenure situation in Cambodia, the families may be de facto owners of their plots... there are no maps which show government land and there are no maps which show the plots for which title deeds have already been issued. This situation can obviously lead to many conflicts and the final decision of whether a particular plot of land is or is not in use by someone often (is) in the hands of the district'*. Tenure security would emerge as the key ongoing issue for the urban poor. The report went on to underline the bleak situation but at this time the focus was on security and humanitarian aid rather than urban development. The document did lead to further UNCHS involvement in the urban sector though and was helpful to the new surge of NGOs that started to arrive.

It was the Irish NGO Concern that took the first recorded step in terms of direct assistance to urban settlements. In 1991 they opened discussions with the MPP for a relocation project of 400 families in central Phnom Penh, some of whom were living in the grounds of Wat Sarawan (home to 350 families) and others at the French Embassy (50 families). The site was laid out with a capacity for 520 plots with plot sizes ranging from 15x30m to 10x15m. Initiated as a pioneer project to assist resettled families it soon met a number of management issues. Having built a US\$50,000 protective dyke around the 30 hectare site to prevent flooding, the area was then claimed by surrounding villagers. The situation was resolved but the basic houses then built on the site were not only unserviced but had few employment opportunities and many families simply returned to the city. Therefore although the project was hailed a success at the time it

4 Bangkok Post, *Poor face sacrifice on economic altar*, Bangkok Post, 8th December 1991

5 Pierre Fallavier, *Participation as an Ends versus a Means*, Massachusetts Institute of Technology, 2007

6 UNTAC (United Nations Transitional Authority in Cambodia) was set up after the 1991 Paris Peace accords in which it was agreed that the UN would provide logistical and security support for elections in Cambodia.

7 United Nations Centre for Human Settlements, *Needs Assessment mission in the urban sector in the light of the imminent influx of returnees in Cambodia*, UNCHS, 1992

revealed very starkly the multiple issues around resettlement projects and the need for very careful attention to the roles of community and authorities. Within a few years around 90% of the plots were sold or empty. At a cost of hundreds of thousands dollars it ended up being a case study in the pitfalls of relocation projects.

Following the inconclusive elections in 1993 the Asian Coalition of Housing rights (ACHR) based in Bangkok sent an exploratory mission to look at the situation for the urban poor communities. As a result of this mission a network, the Urban Sector Group (USG), was set up with around thirteen NGOs involved focused on urban poor issues. They met monthly and heading up the steering committee was Mr Meas Somaly plus four other members, Mr Ouch Phorn, Ms Nub Sopha, Mr Chap Samoeurn and Ms Huy Rumduol. A large fire in a Chhbar Ampeou community galvanized the group into providing some emergency aid and in 1994 they carried out a city wide survey of informal settlements in which it was estimated that Phnom Penh had 190 settlements with 74,000 families and over 300,000 residents⁸. Meas Somaly was soon ousted as leader in an election and although a successor was appointed, they resigned within days and for 6 months the leadership remained vacant until Ms Huy Rumduol, Robert Deutsch and Mr Shivakumar (all working with or linked to the NGO PADEK) persuaded their colleague Mr Lim Phai to become the head of USG which would be its own entity (rather than a network) with Ms Huy on the Board⁹. During this transition period at USG the ACHR team decided to transfer its support to the setting up of a second group, initially named Squatters and Urban Poor Federation but renamed in 1998, the Solidarity for Urban Poor Federation (SUPF) locally known as *Sahapoan Samakipeap neak grey graw tikron*.

Snapshot: Asian Coalition for Housing Rights (ACHR)

ACHR has been a low profile but highly significant actor in the Phnom Penh urban poor story as a resource for both ideas and funding. Founded in Bangkok in 1988, ACHR emerged as a leading advocacy organisation highlighting the plight of the urban poor throughout the region. Headed by Thai national Somsook Boonyabacha and with American Tom Kerr and Australian Maurice Leonardt, ACHR has established a strong network working with communities, students, NGOs and governments throughout SE Asia and beyond. In Cambodia their influence has been considerable – setting up an initial research team in 1992, followed by the formation of the first CBO (USG) and the subsequent offshoot SUPF. Their rep in Cambodia set up the URC in 1997 and ACHR then set up the UPDF in 1998. From that time forward the UPDF has been the key vehicle of ACHR's interventions in Cambodia and they have cultivated close ties with the RGC (following models in Thailand, based on CODI¹⁰). ACHR has secured considerable funding via the Gates Foundation for its Asian Coalition for Community Action (ACCA) programme which includes UPDF and which has helped many communities with loans and infrastructure. However with the deputy Governor of the MPP sitting as

8 Huy Rumduol & Urban Sector Group, *Forced Evictions and Housing Rights: Urban Poor in Phnom Penh*, USG Phnom Penh, 1995

9 Interview by author with Neup Ly, former USG employee, 15th March 2012

10 Community Organisations Development Institute (CODI) was formally the Urban Community Development Office (UCDO) at the Ministry of Housing In Bangkok. CODI has enjoyed some success in bringing credit and savings and small scale infrastructure to many Thai communities. For a number of years Somsook Boonyabacha was both Director of CODI and Secretary General of ACHR.

chair and with the Primer Minister making regular donations to the fund there are question marks about these ties and UPDF's political impartiality as an NGO.

ACHR would be a key player in establishing and supporting the city's first urban community based organizations. It was an appealing and intoxicating prospect for the urban poor who, for centuries, had conformed to the traditional social hierarchy patterns and who were only recently emerging from the unimaginably austere and painful experiences of the Khmer Rouge era. The new community leaders were feted by young professionals and experts from South Asia and the Philippines who enthusiastically shared stories of flourishing CBOs back in India and Pakistan. There was genuine awe at characters such as Jockin Arputam from the Slum Dwellers International (SDI) and Sheela Patel of Indian NGO, The Society for Promotion of Area Resource Centres (SPARC)¹¹, when they spoke of how they had led or inspired communities to negotiate with authorities. It seemed beyond imagining and yet within 2 years, spurred on by the new wave of development rhetoric - and dollars, the Cambodian CBOs had leaders who were in charge of savings groups with thousands of members and took part in regional conferences and exchange visits. In the seat next to them on the plane to Bangkok and Jakarta were Government officials including key figures such as the MPP Chief of Cabinet Mann Chhoeun who was a particularly astute and sociable participant¹². There was a genuine sense of camaraderie and a growing excitement that community voices heard in Mumbai and Karachi could be replicated in Phnom Penh¹³.

Communities who became involved in these activities were soon divided into USG or SUPF affiliation and as there were hundreds of sites across the city this did not prove to be an obstacle although the rift itself pointed to potential fissures within these community organisations. However with only intermittent pressure on communities to move or be relocated the two CBOs flourished and expanded. In 1995, within this climate of potential for genuine pro-poor urban growth, the United Nations Centre for Human Settlements (UNCHS) looked at the options for setting up an office in Phnom Penh which was realised the following year¹⁴. Its initial three year pilot phase (1996-9) would prove to be a high point in interventions for the urban poor, bringing in much needed technical assistance and acting as a valuable bridge for genuine dialogue between the communities, civil society groups and the authorities. Caught up in this sense of hope various urban NGOs started emerging. In 1997 the Urban Resource Centre (URC) was established and in the following year

11 The Society for the Promotion of Area Resource Centers (SPARC) is one of the largest Indian NGOs working on housing and infrastructure issues for the urban poor. SPARC's primary role is as supporter to two people's movements – the National Slum Dwellers Federation (NSDF) and Mahila Milan (MM)

12 Interview by author with Neup Ly, former USG employee, 15th March 2012

13 Pierre Fallavier, *Participation as an Ends versus a Means*, Massachusetts Institute of Technology, 2007

14 'Support to Phnom Penh Squatter Communities and Municipality for Participatory Urban Development: CMB/95/009' was funded by DFID and under the coordination of UNDP in Cambodia and ran from July 1996 to July 1999 with a budget of US\$2.45 million.

Snapshot: Urban Resource Centre (URC)

Set up in early 1997 as an NGO by the late Ken Fernandes from Pakistan who had previously worked with the URC in Karachi and had experience of projects such as the Orangi Pilot Project (OPP). It was not officially sanctioned by ACHR in Bangkok and was initially just a small group of students working from Fernandes's home. By 2003 URC grew to be an office over 20 staff carrying out projects in research, publications and on site upgrading. It was involved in mapping the whole of the Bassac informal settlement area in 1998-9 (some 3,000 households) and was a junior partner in the Aphiwat Meanchey relocation project. It also played an important role in the 2003 City Development Strategy (CDS) funded by the ACHR. Its flagship project was the Asia Development Assistance Facility (ADAF) funded by the New Zealand Government 2000-2003. The project oversaw upgrading projects in over 90 communities closely linked with partner CBOs (chiefly USG and SUPF) and with good links and collaboration with the MPP. By 2003 it appeared to be an outstanding model of what could be achieved and funding was sought to extend the project. Unfortunately applications were not successful. URC foundered in 2004 – as with many organisations that enjoy rapid expansion, they found themselves overstretched by new projects. A review of the project was undertaken by donors at DanChurchAid and Oxfam GB which revealed financial irregularities by management and some staff. A stand-off ensued between Board and management which resulted in the gradual and unfortunate demise of the organisation by late 2005.

the American Robert Deutsch, who had already been involved for many years in Cambodia through the successful NGO PADEK and then with USG, set up an initiative called the Cambodian Alternative Technology and Design Group (CATDG) to focus on low cost building materials for communities. With the URC beginning to map the Bassac communities, CATDG developing mud bricks and low tech building solutions, CBOs widening their savings groups, UNCHS adding political weight and funding and with local authorities genuinely involved, it was an exciting time with the promise of ground breaking projects for the urban poor. On the strength of this the UNCHS stepped into the controversial arena of resettlement. It was good timing and if they could get it right, or thereabouts, it would leave an important precedent for others to build on. A road edge site was selected near the Chinese Embassy with 129 families.

Case Study: Aphiwat Meanchey Relocation project

During 1997 the MPP opened up discussions with ACHR, SUPF and UNCHS concerning 129 families living along the roadside in *Toul Svay Prey* District in Phnom Penh. What resulted was not by any means a seamless process but it was without doubt an important precedent for participatory and progressive relocation. Aply led by the charismatic *Men Chamnan*, the community sat at the table with all the stakeholders including HE *Mann Choeun*, then the Chief of Cabinet at the MPP, and in November 1997 an agreement was signed – a landmark moment with families promised land titles after 5 years of continuous residence. The community were able to choose their one hectare location¹⁵ (just 5 kms from the city centre) which the MPP purchased for 30,000US\$ and the UNCHS then supported innovative 'community

¹⁵ The site is known as Aphiwat Meanchey but has also been referred to as Boeung Kraper and Veng Sreng

contracts' to install basic infrastructure. In addition various NGOs such as the URC and CATDG assisted in house designs. ACHR provided some additional financial input via the UPDF who offered loans of 400US\$ to each family. SUPF assisted in the management of the project and created a wider link to other communities via exposure trips to the site. By early 2000 the families had moved, the infrastructure was in place and loans were being repaid. Not only was the relocation process effective but the community members were involved and included in key decision making. There were certainly lessons to learn but the project created a valuable relocation precedent for a city that was clearly on the verge of rapid growth and development.

Following hard on the heels of the *Aphiwat Meanchey* project the MPP Governor *Chea Sophara* clearly sensed an opportunity to 'resolve' various other disputed areas that they had earmarked for development or sale¹⁶. A second relocation site was selected, *Toul Sambo*, but this time it was a unilateral decision by the MPP who had identified the site some 25 kms outside the city. It was to mark one of the turning points and the realization that the ultimate objectives of the UNCHS team (and most of the CSOs) and those of the MPP were quite different. The reality was that many communities were settled on sites that were highly desirable and increasingly valuable. Through the media, the MPP reinforced the stereotype that the urban poor were a blight, occupying the 'edges' of public and private land with their 'dirty, anarchic' activities. The MPP portrayed itself as obliged to move 'the squatters' out of the city to make way for 'beautifying and improving public spaces'¹⁷. It was a compelling argument. To many observers the scores of informal settlements corresponded to their concept of squatter communities. The crucial difference was that while ownership issues for informal settlements remain complex, many of the residents had plausible claims to ownership¹⁸. For example, returning refugees from the conflict years who had settled on sites, largely with the blessing of the state authorities, and who had strong tenure claims under Cambodian Law. Instead of progressive, inclusive relocation practices the MPP oversaw what would become a decade of large scale removal of informal settlements. Although the MPP had signed up to the UNCHS project it became increasingly evident that, however successful the project was in helping the urban poor or alleviating poverty, the MPP were simply biding their time, 'tolerating' the project while there was nothing else on the table. There was no real appetite to meaningfully engage in a long term plan to effectively assist the urban poor. Originally a site for 211 families, *Toul Sambo* became a name synonymous with 'community dumping' and a growing sense that informal settlements within the four inner *Khans*¹⁹ were being pushed into the outer *Khans*. Indeed *Toul*

16 Chea Sophara (MPP Governor 1997-2009) 'squatter areas are difficult to control and get access to. The area is like a barrier preventing fresh air from blowing into the city.. and they badly damage the beauty and well managed social order of the city' (quoted from Simon Springer's *Cambodia's Neoliberal Order*)

17 Pierre Fallavier, *The Case of Phnom Penh*, p5 'Hun Sen.. emphasized that accompanying them (temporary residents) to rebuild new, liveable communities in locations outside the city had become a priority for the Municipality (Speech to the Khan Meanchey CDMC, 20th April 2000), Massachusetts Institute of Technology, 2003

18 For a more detailed explanation of ownership issues refer to the Bridges Across Borders (BABSEA) report '*Untitled: Tenure Insecurity and Inequality in the Cambodian Land Sector*'

19 Cambodia Urban areas have 3 levels of administrative authority – village or *Phum* at the community level, stepping up to District or *Sangkat* level and finally to Borough or *Khan* level. Above this is the final authority of the Phnom Penh Governor within the Municipality of Phnom Penh or City Hall

sambo became a destination for a number of evictions over the coming years, the most notorious being the eviction of thirty one HIV affected families from Borei Keila in 2009²⁰.

In hindsight it can be seen that instead of being the first, faltering step towards a resettlement policy Aphiwat Meanchey has become a largely forgotten 'high point' in resettlement history for Phnom Penh. Far from building on the lessons of Aphiwat Meanchey the whole process of engaging communities has been increasingly sidelined in favour of the customary practice of top down negotiation with the authorities dictating terms to the disenfranchised. This 'patron-client' model, well documented throughout SE Asia²¹ was not necessarily a bad model except that in the past the more powerful actor provided in return a certain amount of security in terms of physical protection and allowing livelihoods to be carried out in relative peace. As Caroline Hughes points out, the new urban population with its 'predilection for mobilization against government policies'²² actually had the potential to shift the model more in its favour, yet remarkably the new urban mandarins swung things even more to their own advantage. The underdog was expected to accept relocation almost as a gracious act by the authorities to improve their housing, but in most cases with no security of tenure and little or no access to services or employment. Above all it was the shift from meaningful, face to face negotiations to the denigrating, 'take it or leave it' policy marked by intimidation and in some cases violent eviction that really underpinned the change. This fundamental shift and the psychological impacts of forceful displacement have been, for many, devastating (and remain largely undocumented). It has compounded mental scars from, among various traumas, the KR era and created new ones for the young generation. For many it has compounded poverty not alleviated it.

However around the same time as *Toul Sambo* was selected, there emerged another relocation project which seemed to offer hope. Another road edge site, *Toek Laok 14*, adjoining the National Pediatric Hospital was home to 111 families led by an energetic woman, Tho Thary, who secured for her community the *Kho Khleang* site just 9 kms from the city centre. The project was put forward by the NGO World Vision International but again included genuine involvement from community, CSOs and Municipal officers. UNCHS assisted, as they had done at *Toul Sambo*, with toilet construction. It was enough to keep the flame alive and plans were put in place to put together a second phase of the UNCHS project. In the closing months of 1999 UN Habitat and UNDP helped the MPP to prepare an Urban Poverty Reduction Strategy (UPRS) that would look at not just community upgrading and training skills but would strengthen participatory urban governance by creating, amongst other things, pro-poor housing policies. The document made a lot of sense. It conjured up images of urban poor residents increasing their voice, of MPP officers gaining a wider understanding of urban housing issues and of politicians incorporating these into their broader urbanisation policies. CBOs would create action plans which would feed into Khan level Community Development Management Committees (CDMC) which in turn would report to the Urban Poverty Reduction Unit housed

20 Sahmakum Teang Tnaut, *Facts & Figures 19: Displaced Families in PP*, STT, 2010

21 Paul Rabe, quoting James C Scott (1972) who defined the link at their most basic level as 'an informal cluster consisting of a power figure who is in a position to give security, inducements or both, and his personal followers who, in return for such benefits, contribute their loyalty and personal assistance to the patron's designs' pp92

22 Caroline Hughes, *Human Rights in Cambodia: International intervention and the national response*, Hull University, 1998

within the MPP. Each CDMC would be assisted by a Cambodian United Nations Volunteer (UNV). It seemed too good to be true. It was.

The UPRS got off to a poor start when an unfortunate disagreement broke out between UNDP and UN Habitat/DFID about the re-appointment of the foreign Chief Technical Advisor, Mike Slingsby. Essentially UNDP wanted to follow the SEILA²³ model in which there was a National Director in charge. This delayed the project by 12 months until a compromise was reached to appoint a Senior Technical Advisor, who would be the late Peter Swan. In the meantime land prices continued to climb and the pressure to evict communities (rather than help develop them) clearly became too irresistible. For the MPP chiefs this was not the time to be upgrading and granting land rights to the urban poor – this was the time to remove the communities and start reaping the benefits of a ‘stabilised’ city²⁴. Indeed it was a great irony that as the general situation in Cambodia improved, the lot of the urban poor was to correspondingly deteriorate.

A landmark moment at this point were the fires at *Bassac* in May and then November 2001, viewed at the time as possible arson by the prospective developers looking to clear the site²⁵, and then at Blok Tanpa in the following March²⁶. As the rainy season set in 3,631 families were summarily ‘trucked out’ to a site at *Anlong Kgnan*, in *Sen Sok* district, some 16 kms from the *Bassac* fires. There were no negotiations and families found themselves literally overnight in totally uninhabitable conditions. Many simply returned to the city – a response that would become standard for many thousands of evicted families in the coming years. The elderly, the young, the sick – all were moved and only those who had savings books were given land plots.

Local authorities do not want to take any responsibility as to whether and how people should be relocated, or even supported. The Sangkat leader “does not know” even the number of families in the Basac. He mentions that the yellow temporary registration cards are free of charge, but that there is little he can do if some of his subordinates charges for them. The Sangkat is fully aware that community leaders sell saving books for up to \$60 each. When a family obtain a book, they become official members of the community, and are “on the list” for potential relocation, and eligible for compensation. They also say that many people currently in Tonle Basac are relatives from families living there. These relatives are not urban poor, and many came, or simply “purchased” a (SUPF) saving book from the leader so their names could be put on a list of people eligible to be relocated. The lists from SUPF are thus very unreliable. One person who used to

23 SEILA (Cambodia Area Rehabilitation and Regeneration Project) was a Cambodian Government initiative funded by the UNDP and SIDA and focussed in general on infrastructure in non urban areas. It was headed up by a Cambodian team with foreign advisors which was the model the RGC wanted to follow for the new UPRU.

24 Caroline Hughes, *The Political Economy of the Cambodia's Transition 1991-2001*, Taylor & Francis Ltd, 2003

25 Pierre Fallavier, *Participatory Monitoring and Evaluation of the impacts of Project CMB/00/003: Phnom Penh Urban Poverty Reduction Project. Fire in the Tonle Basac November 26, 2001*, UN Habitat/Cambodian Volunteers for Community Development/Urban Resource Centre, 2001

26 From 2000-2003 more than 7,500 families were relocated to 19 different sites.

*be in charge of family affairs in the Sangkat and is now community leader in Phum 15 (Dey Krahom), even "sells" fake plots for \$200 to people who hope they can then become eligible for a free plot. Half a dozen people came to the Sangkat to complain about being cheated after they paid but never received a plot.'*²⁷

For the next two to three years various CSOs were involved to some degree with finding piecemeal humanitarian assistance. This would include UN Habitat whose hopes for all kinds of creative strategies under UPRS to assist urban poor communities were effectively side-lined and, understandably in the circumstances, refocused on coping with the dire situation in *Sen Sok*. To some observers the fires were a *de facto* policy²⁸ which provided some uncomfortable questions for the MPP but opened up key real estate sites right at the heart of the city. It also terminally holed the UPRS project and most significantly the embryonic but growing strength of the CBOs. In particular the widespread collapse and complicity of the CBO leaders during the chaos of the fires was so complete that their credibility was totally undermined²⁹.

"We knew for long than the government wanted us to move away from the Bassac. We had even started to plan for a voluntary relocation and went to several places around the city to find a suitable location. But this fire and the relocation were nothing voluntary. Only the families who could afford to bribe the authorities received some support. The others did not get anything, and the municipality prevented organizations from distributing aid in the Tonle Bassac. We were told we would receive food and support on the if we moved to the relocation site. This was an eviction, and no organization helped us do anything against it. The community organization even seemed to support the authorities more than the committee members."

excerpt from a female resident in Anlong Kgnan³⁰

Despite the MPP's suspected complicity in the fires they managed to largely stave off any bad press by carefully presenting themselves in the media as a benevolent authority providing aid to the stricken poor. International concerns, such as they were, were easily fielded and when the head of UNDP made a public admonishment of the Governor Chea Sophara at a July 2002 meeting, it prompted him to walk out in protest

27 Pierre Fallavier, *Participatory Monitoring and Evaluation of the impacts of Project CMB/00/003: Phnom Penh Urban Poverty Reduction Project. Current situation in low income settlements in Sangkat Tonle Bassac*, UN Habitat/Cambodian Volunteers for Community Development/Urban Resource Centre, 2001

28 Pierre Fallavier, *Participatory Monitoring and Evaluation of the impacts of Project CMB/00/003: Phnom Penh Urban Poverty Reduction Project. Fire in the Tonle Basac November 26, 2001*, UN Habitat/Cambodian Volunteers for Community Development/Urban Resource Centre, 2001

29 There are few precedents of strong community leadership in Cambodia unlike in the subcontinent where Indian and Pakistani urban poor reformers go back decades and even centuries. The weak leadership within the cambodian communities meant that when real pressure was applied, as during the Bassac fires in 2001, many of the leaders failed not only to stand up for their communities but actually worked with the developer and authorities in undermining the communities. Unsurprisingly, community groups have struggled since to reemerge - USG and SUPF had both effectively folded by 2006 and no genuine CBO representing urban poor has emerged.

30 Pierre Fallavier, *Participatory Monitoring and Evaluation of the impacts of Project CMB/00/003: Phnom Penh Urban Poverty Reduction Project. Fire in the Tonle Basac November 26, 2001*, UN Habitat/Cambodian Volunteers for Community Development/Urban Resource Centre, 2001

at the perceived insult and therefore avoid having to negotiate any meaningful concessions. There were some awkward moments for the Governor and the MPP but in effect they had succeeded in relocating over ten thousand residents from a prime city location in a matter of days. It was a masterplan to renovate the city and push the urban poor to the fringes that Chea Sophara did little to hide. As Caroline Hughes comments ' *These tactics have combined with a longer term strategy to re-appropriate the space of the city, both materially and symbolically, for the CPP and its leaders. This strategy is particularly associated with CPP Municipal Governor Chea Sophara – a self styled reformer on a mission to modernise and beautify the city, by means of a series of radical redevelopment schemes.*'³¹ Meanwhile UNDP played further into the MPP's hands when in mid 2004 it was faced with an embarrassing underspend on the project and, against UN Habitat advice, authorized a 6 month extension of UPRS with full transferal of authority to a new UPRU Director, MPP Chief of Cabinet Mann Chhoeun. It also prompted the removal of the Senior Technical Advisor whose oversight and frank admissions about the project had apparently ruffled feathers. Six months after the closure of the project 200,000 USD was still unaccounted for³². An ignominious end to the UPRS project.

The RGC remained open to development offers and, even during the fires at Bassac, were courting the CSOs and finance institutions such as the ADB. In 2001, during the limbo period for the UPRS project, ACHR stepped in to assist the formation of a City Development Strategy (CDS) in collaboration with UN Habitat. For two years it documented a number of key issues in the city including vacant land, the number of informal settlements and even those facing the threat of eviction. Its aim was to provide the basis for a participatory approach to urban planning and rather like the UPRS gave promise to a lot of hopes that were, from the outset, out of step with the MPP. This well intentioned approach was in many ways understandable but given the reality of the Bassac fires it is puzzling that the disconnect between words and action were not more deeply probed by key actors.

Another potential high point was the establishment in 2002 of the Land Management and Administration Project (LMAP) within the MLMUPC. It was developed hard on the heels of the progressive 2001 Land Law. However just as similar initiatives in other regional countries had enjoyed very mixed results³³, LMAP has also ended up compounding problems especially for the urban poor whose settlements were largely omitted from the process at the outset due to their 'disputed' status³⁴.

In a statement issued following the RGC's termination of World Bank financing of LMAP in 2011, the World Bank Country Director for Cambodia concluded that: '*LMAP's successes in land titling in rural areas have not been matched in urban areas where land disputes are on the rise. This was due in part to delays or lack*

31 Caroline Hughes, *The Political Economy of the Cambodia's Transition 1991-2001*, Taylor & Francis Ltd, 2003

32 Pierre Fallavier, *Participation as an Ends versus a Means*, Massachusetts Institute of Technology, 2007

33 Reerink & van Gelder, *Land titling, perceived tenure security, and housing consolidation in the kampongs of Bandung, Indonesia*, Habitat International, 2009

34 Bridges Across Borders South East Asia (BABSEA), *Untitled: Tenure Insecurity and Inequality in the Cambodian Land Sector*, Jesuit Refugee Service, 2010

of implementation of some project activities. While originally designed as a multi-pronged approach to addressing a range of land issues, [in its implementation] LMAP focused on areas where it could be most successful: titling rural land and building the capacity of the land administration to register and title land and implement policy.'

Even those that were included then sometimes found themselves arbitrarily excised from the project, the most notable being Boeung Kak (looked at in more detail further on in this document). Instead of flagging this problem the World Bank and its partners waited until an Inspection panel was called in (which confirmed widespread problems with arbitrary excisions), before finally pressing the Government for answers. Despite the chequered record of the project in terms of comprehensively failing to support the titling of urban poor settlements, the project's success in titling non controversial (mainly rural) areas has enabled it to garner support for further implementation (under LASSP- again, focussed on undisputed areas).

Another potentially positive development was the green light given by the RGC in 2001 to an ADB funded project to draft a Resettlement Law. Based on various regional models the draft was a promising blue print for setting out some basic criteria for an issue that was clearly one of the city's most visible challenges. It was housed at the Ministry of Economics and Finance (MEF)³⁵ but to date no Resettlement Law has been brought to the Council of Ministers let alone passed as Law. Indeed resettlement policy has remained very much in limbo and over the following decade settlements have been relocated on an ad hoc, case by case basis. In most scenarios there was no policy other than, at best, removing families to designated Government sites such as *Damnak Trawyong* or providing widely varying levels of cash compensation or, at worst, forcibly evicting families.

Snapshot: The ADB and Involuntary Resettlement

The Asian Development Bank (ADB) has been involved in land sector reform since the mid-1990s when it made the adoption of the new *Land Law* a condition for future support to the agriculture sector³⁶. This was passed in 2001, but there remained a major gap in the legal framework for involuntary resettlement. The ADB provided technical assistance (TA) to the Cambodian government in 2001 to develop a draft national resettlement policy but this was never adopted. In 2004 the ADB found: "Little or no effort has been made to address income restoration issues in resettlement projects to date, and no support mechanisms have been put in place for persons adversely affected by a project requiring resettlement"³⁷. The ADB committed a further US\$480,000 to support technical assistance to draft a sub-decree on involuntary resettlement. The TA was criticized by civil society for its poor consultation process, but the comment period was extended after NGOs made a formal complaint. Two drafts of the sub-decree were eventually released for comment, both of which were criticized for failing to adequately protect the rights of displaced people.

35 Minister for Economics and Finance, HE Keat Chhon is a board member at the Asian Development Bank (ADB)

36 Fforde & Seidel, *Donor Playground Cambodia? What a look at aid and development in Cambodia confirms and what it may imply*, Heinrich-Böll-Stiftung: Berlin, 2010

37 Asian Development Bank, *Technical Assistance Report: CAM 37535 Technical Assistance to the Kingdom of Cambodia for Enhancing the Resettlement Legal Framework and Institutional Capacity*, ADB Manila, 2004

During the development of a third draft, the TA ended prematurely and the sub-decree was never completed³⁸ (International Accountability Project et al, 2009). The reasons for the termination of this TA were not made clear, but according to the ADB “Much of the content of the draft sub-decree ... was made redundant by the enactment of the Expropriation Law as the two documents were prepared in isolation from each other” (ADB, 2011). Although the *Expropriation Law* was adopted, it covers expropriation of legally *owned* or *possessed* land and does not include provisions for dealing with *informal* settlements. In 2011 the Ministry of Economy and Finance requested that the ADB provide additional support, this time at a cost of US\$250,000, to support the development of a sub-decree to deal with this issue. Although the ADB has again shown signs of interest in engaging in this area, in 2010 the Cambodian government also released the *Circular on Resolution of Temporary Settlement on Land which has been Illegally Occupied in the Capital, Municipal and Urban Areas*. To date, the Circular has not been implemented in full, so it is not clear at present how a new sub-decree on informal settlers would interact with this recently passed instrument³⁹. (courtesy of Mark Grimsditch)

Another initiative of note during this time was the Urban Resource Centre's flagship project - Asia Development Assistance Facility (ADAF) funded by the New Zealand Government to the tune of over 250,000USD during a three year period 2000-2003. ADAF marked a high point for urban community development. Working alongside the NZ volunteer, Claire Liousse, the project oversaw upgrading projects in over 90 communities closely linked with partners, CBOs (chiefly USG and SUPF) and with good links and collaboration with the MPP. By 2003 it appeared to be an outstanding model of what could be achieved and funding was sought to extend the project. Unfortunately applications were not successful and the project is now largely forgotten. Instead the Japan Fund for Poverty Reduction (JFPR) funded by the Japanese Government and the ADB found favour with the MPP although this proved to be a shadow of the former ADAF project, with much of the cross sector collaboration lost and far fewer communities assisted.

Just when it seemed the darkest hour, the urban poor were thrown a rescue line in May 2003 when the Prime Minister himself, just months before the July National Election, announced in front of local and international media that the Government would support the upgrading of at least 100 urban poor communities each year. At the forefront of the announcement was ACHR with Jockin Arputam (from SDI) and Somsook Boonyabancha (ACHR) pictured alongside the Prime Minister walking through an urban poor settlement. In addition it was announced that four communities would become part of a ‘landsharing’ deal in which part of the community would be given up to a commercial company in return for construction of new housing on the remaining part. It was an idea pioneered in Thailand by ACHR as part of the Urban Community Development Organisation (UCDO – part of the Ministry of Housing) and the project at *Paisingto* in Bangkok, while problematic, had attracted widespread interest and some acclaim. The four communities in Phnom Penh included two sites near the main railway depot (*Rotey Phleung* or Railway A & B), one site adjoining the area recently affected by the fires (*Dey Krahom*) and a fourth site at *Borei Keila* – a complex of buildings donated by the Chinese Government in 1966. It seemed a genuine and bold step forward particularly with the PM so publicly behind it. However in what has been a decade following the

³⁸ International Accountability Project, *Dangers of an Untested CSS: Lessons from the Cambodian Sub-decree on State Land Acquisition*, Oxfam Australia & the Center for International Environmental Law, 2009

³⁹ Nora Lindstrom, *Policy for the Poor? Phnom Penh, Tenure Security and Circular 03*, The Urban Initiative: Phnom Penh, 2013

announcement, the promises of both the upgrading and the landsharing projects have not been met. All four projects categorically failed in their objectives of providing long term, sustainable solutions for the urban poor families involved⁴⁰. Of the four projects only one, Borei Keila, came close to becoming a landsharing project and this was deeply compromised by 'a combination of lack of transparency, abuses and large scale speculation'⁴¹. Paul Rabe in his 2009 thesis summarized the project as '...an elaborate charade. Commercial developers, with the backing of the Municipality and local authorities, dressed up their slum redevelopment projects with an appearance of inevitability to convince residents that they had the legal right and technical ability to develop the settlements as they saw fit. In response, residents presented an appearance of compliance, even as – below the surface- they were engaged in manifold resistance tactics, not necessarily to oppose the projects, but at least to take from them what little they could for themselves'⁴². Indeed the failure of the landsharing projects did not necessarily mean that residents were denied compensation. In some cases, particularly for community leaders, what ended up essentially being a relocation project was quite lucrative. In addition hundreds of families at Borei Keila, for example, simply sold their 'names' to third parties either before apartments were even allocated or just after, at a higher price. Labyrinthine negotiations were occurring not just at the 'top' levels but throughout the whole system reflecting in many ways the traditional patronage system in Cambodia in which 'gifts' are handed down by the powerful and then broken into smaller parcels by either the forces of benevolence or greed or a combination of the two and, in this case, with the sums involved inflated by rising market prices for land.

Case Study: Borei Keila

A gift of the Chinese people to the Cambodian people, the *cit  sportive* or *Borei Keila* was inaugurated by Prince Sihanouk on 6th November 1966. The three, eight storey buildings provided housing for over a thousand athletes for the GANEFO games (for non aligned countries) and it also had a gymnasium with seating for over a thousand spectators plus offices, restaurants and landscaped grounds. Under the Lon Nol regime it became a training area for Government forces and was used by the Khmer Rouge as a medical centre and then for housing foreign ministry officials. After 1979 the Ministry of Interior used it for staff of the National Police training Academy and from 1991 the site began to fill with returnees and refugees from the border. The Ministry of Education, Youth and Sports took it on from 1994 with the Ministry of Women's Affairs also using various former conference rooms. Access by new residents was initially controlled by two of the original Police Officers but they 'soon faded away... and their authority was taken over in due course by a village chief'.⁴³

40Article 2 Royal Government of Cambodia, Sub decree on social land concessions, no. 19 ANK/BK (Phnom Penh, 2003) states its objective as the 'transfer of private state land for social purposes to the poor who lack land for residential and/or family farming purposes'.

41 Paul Rabe, *From Squatters to Citizens? Slum dwellers, Developers, Land sharing and Power in Phnom Penh Cambodia*, University of Southern California, 2009 pp399

42 Paul Rabe, *From Squatters to Citizens? Slum dwellers, Developers, Land sharing and Power in Phnom Penh Cambodia*, University of Southern California, 2009 pp414

43 Paul Rabe, *From Squatters to Citizens? Slum dwellers, Developers, Land sharing and Power in Phnom Penh Cambodia*, University of Southern California, 2009 pp152

By 2003 the site was a mass of sprawling shelters and the original buildings were in poor repair after decades of neglect. Various attempts had been made by authorities to evict residents since 1993 but with increased assistance from CSOs such as USG and SUPF the residents were emboldened and the resolve of the authorities to remove residents waned. In 1998, an election year, the Prime Minister offered residents US\$4,000 per family to vacate the area and for a while afterwards the future of the residents remained in limbo.

With the landsharing announcement in May 2003 the future course of the site would be dramatically altered. Situated in the centre of the city there were no shortage of private developers eager to be involved in developing the site and on 16th September 2003 local firm, Phan Imex Construction Company Ltd was signed up. In the agreement, granted without any bidding process, Phan Imex committed to the construction of 'community buildings' on 2 hectares of the site in return for 2.6 hectares which could be developed for their own profit. This left 9.52 hectares still in the hands of MoEYS. A community committee was set up with ten representatives who were largely drawn from existing SUPF and USG savings groups and in addition the local NGO Urban Resource Centre (URC) was hired by the Urban Poverty Reduction Project to provide technical assistance on the design of the buildings. On 5th January 2004 a formal contract was signed with Phan Imex agreeing to commit US\$7.1 million for the construction of ten buildings (6 storeys high) for 1,776 residents with 40 sqm per apartment. It was also responsible for providing temporary housing for families while they waited for construction to be completed. The contract period was 30 months with a completion date set for July 2007 and Phan Imex liable for fines for late completion. The 'dream' offer by the Prime Minister suddenly looked to be taking shape, 'in public meetings Borei Keila residents demonstrated gratitude to the authorities and palpable relief that their situations would be legalized, the eviction threat hanging over their heads removed and that they would receive, for free, new housing and be able to enjoy better living conditions.'⁴⁴

However within a short period divisions within the community and irregular practices by the Phan Imex and the MPP began to emerge. The community questioned why there was no bidding process, raised various queries (via URC) about the design of the buildings, objected to the lack of consultation and raised fears over the adjudication process for the eligible residents. At the same time it emerged that community committee reps were being accused of 'selling out' by 'undermining the interests of residents in exchange for short term profit. It became clear that the community committee members had been co-opted by the company and Municipality to withhold information from their members and to short-circuit consultation procedures within their communities. Evidence emerged of appointees receiving personal benefits in exchange for their services, including bribes, jobs with Phan Imex Company or jobs as security guards on the construction site'⁴⁵. It was not an edifying moment for any of the parties and the situation was set to become even more complex. As feared by the residents, eligibility became a very contested issue with the MPP issuing its own criteria for selection which appeared to omit a number of genuine residents, including 31 families living with

44 Paul Rabe, *From Squatters to Citizens? Slum dwellers, Developers, Land sharing and Power in Phnom Penh Cambodia*, University of Southern California, 2009 pp157)

45 Paul Rabe, *From Squatters to Citizens? Slum dwellers, Developers, Land sharing and Power in Phnom Penh Cambodia*, University of Southern California, 2009 pp159-160 quoting Ouk, 61)

HIV aids, and allocated apartments to entirely new persons. A lively trade in 'names' soon emerged with many of the poorer residents, desperate in many cases to access immediate cash, selling their rights away via the sale of savings books or clandestine agreements witnessed by committee members who took a commission of around 3% per transaction. 'Residents reported that community leaders's necklaces became thicker and they started owning new cars'.⁴⁶ After the landsharing agreement the number of families on the site grew to 2,329 but the 'mixed committee' appointed to vet eligible members reduced the total number to 1,482 citing double counting and miscounting as reasons for the miscalculation. 'The final list of beneficiaries was closely guarded by the mixed committee members and by local authorities and it remained inaccessible to outside observers'⁴⁷

On 23rd March 2007, just days before the commune elections, 394 families were allocated apartments within the first three buildings to be constructed by MPP Governor Kep Chuk Tema whose deputies took political advantage of the situation by handing out CPP t-shirts⁴⁸. Ground breaking for the final seven buildings followed soon after much to the relief of the remaining families and to try and stem the chaotic, clandestine sale of units, the MPP placed a ban on any sale or transfer within five years. However the robustness of the system was in no way any match for the rampant speculation that would continue, and even escalate, to such an extent that within twelve months 50% of residents within the first batch of 394 families had either sold up entirely or sold their higher value ground floor apartments and purchased ones higher up (and cheaper). Housing and apartments 'originally meant as a free asset for urban poor residents of Borei Keila, were already usurped by higher income groups from outside the settlement'. To add to the growing sense of disillusionment with the project, in July 2007, the MoEYS announced that it was selling the remaining 9.52 hectares to Phan Imex in return for land 'outside the city'. The landmark project was evolving rapidly into just another opaque 'land swap' of Government controlled State land. Compounding the sense of collapse, in June 2009 the thirty one families affected by HIV aids were evicted with twenty summarily trucked out to totally inadequate plots at the relocation site at Toul Sambo (the remaining 10 families were given a cash compensation⁴⁹.) The NGO Caritas stepped in to provide them with basic housing but in January 2012 a new wave of violent evictions of residents and renters still on site provided further bad press for the project and for Ms Suy Sophan, the Phan Imex director who visited evicted families in their tarpaulin shelters in Udong, 25 kms north of Phnom Penh, but provided no assurances of land title, basic utilities or employment. Phan Imex then announced in February 2012, without any plausible explanation, that the tenth and final block to be built (three and half years overdue) would not be used for housing residents.

46 Paul Rabe, *From Squatters to Citizens? Slum dwellers, Developers, Land sharing and Power in Phnom Penh Cambodia*, University of Southern California, 2009 quoted from interviews with Heng Chhun Oeurn and Prem Chap, junior researchers and temporary residents in the new buildings of Borei Keila).

47 Rabe quoting Pierre Fallavier, UN Habitat advisor, 'Note on the situation in Borei Keila, Phnom Penh', email memo 17th April 2007

48 Paul Rabe, *From Squatters to Citizens? Slum dwellers, Developers, Land sharing and Power in Phnom Penh Cambodia*, University of Southern California, 2009 pp164

49 Amnesty International, *condemn forced evictions of Cambodian families*, press release ASA23/013/2009, 30th June 2009

Case Study: Koh Pich

Although the MPP and various government officers and associated developers would publicly announce progressive policies and actions to help the urban poor settlements, the rhetoric would point increasingly towards the ‘illegality’ of the settlements. It was not a question of trying to support and formalize settlements but instead about removing ‘opportunistic squatters’ and ‘cleaning up the city’. In the years following the PM’s 2003 announcement on upgrading the situation for the city’s informal settlements remained tenuous and as land prices and speculation continued to rise substantially, the resolve (if indeed it had ever existed) to upgrade 100 communities per year simply evaporated. In December 2004 the MPP began issuing eviction notices to more than 300 families on *Koh Pich* (Diamond Island) set within the Bassac river and facing the Bassac communities. The scheme involved leasing the island to the Overseas Cambodian Investment Company (OCIC) as one of the new ‘satellite cities’ at US\$62.50/sqm, well below the market rate, and compensate families at US\$2/sqm. Many families took the compensation until in January 2005 the PILAP project at the Cambodian Legal Education Centre (CLEC) took on the case with 78 families signing up. Families were divided into 3 classes based on the strength of their ownership documents. Class 1 consisting of 49 families lived on land that had been contested as part of a 1999 court injunction and therefore did not qualify as uncontested. Class 2 and 3 consisting of 29 families who had either family book only or family book and additional ownership documents. Over the next 12 months it would become a very high profile case in which both families and PILAP members, including its foreign advisor, would receive threats and intimidation via local newspapers, MPP, Municipal court judges and company representatives. USAID was persuaded to write a letter of concern directly to Canada Bank (the holding company of OCIC) and compensation rates moved up to US\$5.25/sqm for Class 1 residents and in November 2005 Class 2 and 3 families were offered between US\$10-12/sqm by ‘an unidentified representative of OCIC’⁵⁰. At the same time some families were being offered prices up to US\$20-30 and rumoured to be even as high as US\$50/sqm. It was indicative of the way the whole process had been with very opaque discussions, separate agreements, rival challenges, community in-fighting and general distrust by all parties involved. Although a ‘success’ in many ways, especially in terms of bringing international attention to the case and providing compensation, it also highlighted again the structural weakness of communities which could be easily exploited and divided. It would become a recurrent theme.

Case Study: Sambok Chap

Within a few hundred metres of *Koh Pich* was the larger *Bassac* (*Sambok Chap*) community in which hundreds of families has been allowed to resettle after the 2001 fires many of whom were original *Bassac* residents who had been unable to make a living at *Sensok* and simply returned to the site some weeks and months later. During May and June of 2006 over 1,300 families were evicted to marked plots at the *Trapang Krasang* (also known as *Trapang Anjahn*) site. For families who were considered to be ‘renters’ the solution

⁵⁰ Paul Rabe, *From Squatters to Citizens? Slum dwellers, Developers, Land sharing and Power in Phnom Penh Cambodia*, University of Southern California, 2009 pp146

was even more bleak – they were trucked to ‘*Phum Andong*’ which was a ricefield with no plot markers and when the eviction started many other families from various places around the city saw this as an opportunity to get a plot as well. In the chaos that ensued over 1,700 families moved onto the site, overwhelming the skeleton infrastructure that was provided which consisted of plastic water towers provided by UNICEF. Many years on the site remains a chaotic mass of dwellings assisted by a Korean Church and piecemeal NGO assistance. It provided a very poor image of the Government as an ‘assistant’ to the developer *Sour Srun*, providing the para-military muscle in the interests of a private company⁵¹. When questioned about this by the media the Government then, as today, seemed resolutely oblivious of the apparent conflict of interest. It seemed to be no issue that they were evicting citizens with genuine claims to ownership (according to the 2001 Land Law), while ‘neither the Municipality nor the company could produce any documentation of the company’s title to the land’⁵². Indeed evictions were carried out with Police and Military Police in full uniform sometimes with company representatives in attendance. Evicted in the interest of ‘cleaning up the city’, the final irony is that 6 years later, far from being part of a ‘city beautification campaign’ the site stood derelict, overgrown with weeds. For the adjoining *Dey Krahom* site, whose residents faced intimidation, threats and coercion almost as soon as the landsharing deal was announced, residents were finally evicted by force in January. The site has become an informal staff exercise centre for 7NG, the company who now own the land and who for 4 years pressured the residents to give up their plots at either low rates or for poorly constructed and serviced shelter at *damnak trawyong*.

Case Study: *Dey Krahom & Group 78*

Located next to the Russian Embassy and adjoining the large Bassac riverfront communities, *Dey Krahom* covered around 4 hectares⁵³ which in 2009 was valued at around US\$80 million. The site was sandwiched between the White building or *Boding* and the original 1963 Olympic Village apartments, both designed by renowned Cambodian architect, *Vann Molyvann*. Originally a landscaped area between the buildings it became heavily occupied by returnees and refugees in the 1980 and early 1990s, as at *Borei Keila*. In amongst them were many artists working at the nearby *Bassac (Preah Summarit)* Theatre. For many years residents faced intermittent threats of eviction by the authorities until the landsharing declaration in 2003. In this particular agreement 1.6 hectares would be ‘conceded’ to the community leaving 2 hectares for the MPP who had slated the area for commercial development⁵⁴. An initial proposal for housing residents in an eight storey apartment block was rejected by the community and by early 2004 discussions were at an impasse. At this point both parties started looking at alternatives to on-site development and the landsharing option was

51 Centre on Housing Rights and Eviction (COHRE). *Global Survey: Forced Evictions 2003-6*. COHRE Australia, 2006

52 Paul Rabe 2009. quoting source as Human Rights Watch, *Cambodia: Phnom Penh’s poor face forced evictions*, Press release, 2 August 2006

53 Letter 875 announcing the social land concession or ‘land sharing’ projects declared the size was 4.7 hectares but a subsequent measurement by the district land office stated that the area was 3.6 hectares (Rabe pp167-8)

54 Paul Rabe, *From Squatters to Citizens? Slum dwellers, Developers, Land sharing and Power in Phnom Penh Cambodia*, University of Southern California, 2009 pp170

sidelined. Negotiations were opened with five separate developers to discuss relocation options outside the city centre but only one offer, by 7NG, was considered feasible by the community. It offered each family a 4x10 metre concrete house with basic utilities at *Damnak Trawyong*, 20 kms west of the city centre. An access road, market, two pre-schools, a health post and various other structures were also promised as well as employment opportunities. Residents who moved would receive temporary land titles from the company that then could be converted into full, official title after five years. The 1,465 families officially registered at Dey Krahom would be eligible on the 20 hectare site which would also be developed for middle income housing. A deal was agreed on 16th January 2005 between community leaders, 7NG and a SUPF representative but without full support or knowledge of the wider community⁵⁵. 7NG also offered cash compensation as an alternative offer but at rates well below market value. Only house owners would be eligible and renters would be provided with no compensation. The deal divided the community and tensions mounted. In February the leaders who had signed the contract were 'fired' by the residents and 23 new reps appointed to replace them and 804 families thumb-printed a petition to the MPP requesting the 7NG deal to be annulled. All appeals to various Government bodies and individuals went unanswered and on 25th January 2006 the inauguration took place at *Damnak Trawyong* for the first batch of new housing. In August the same year 344 families moved to their new homes but a week later 200 residents protested at *Dey Krahom* about the relocation process and what they saw as corrupt community leadership⁵⁶. 7NG began to implement what the local rights group Licadho referred to as a 'steady campaign of harassment and intimidation'⁵⁷ against those who were resisting relocation. Fifty police officers were then employed to guard over plots that had been vacated to ensure they were not reoccupied. Pressure was put on the local market traders to squeeze them out of business and a roadblock was set up in January 2008 to prevent resupplying them. An attempt to evict residents by force was made in August 2007 but despite various injuries to residents they held off the heavily armed military police. Finally on 24th January 2009, almost six years after the initial landsharing announcement was made, the remaining families, estimated at 150 house owners and 250 renters,⁵⁸ were forcibly evicted by law enforcement officers and hired hands using bulldozers and excessive force.

At the relocation site in Damnak Trawyong not only were there complaints about housing construction quality and lack of services but, as at Borei Keila, a thriving trade in the selling of names was established so it was estimated that only around half of the original residents ended up even going to the site. Licadho Canada also claimed that resident numbers had been inflated with 'ghost names' as a further way of

55 Paul Rabe, *From Squatters to Citizens? Slum dwellers, Developers, Land sharing and Power in Phnom Penh Cambodia*, University of Southern California, 2009 pp173

56 Paul Rabe, *From Squatters to Citizens? Slum dwellers, Developers, Land sharing and Power in Phnom Penh Cambodia*, University of Southern California, 2009 pp176

57 Licadho, '7NG company and Phnom Penh authorities intent on inciting disorder in Cambodia's capital', press release, 9th January 2008

58 Paul Rabe, *From Squatters to Citizens? Slum dwellers, Developers, Land sharing and Power in Phnom Penh Cambodia*, University of Southern California, 2009 pp178

profiting from the confusing process. As Rabe recounts, 'one member of the people's organization SUPF who had never lived at the site boasted that she had obtained two houses at the new site by paying for ghost names. First she received one community name for free on account of her affiliation with SUPF. Subsequently she paid community committee members a 'commission' in order to buy a house directly from the company for US\$1,500 – an amount that was significantly less than the official purchase price if she would have come in as an outside buyer'.⁵⁹ Land prices in the area increased ten fold between 2005 to 2008 so those who were able to secure multiple plots were able to make a handsome profit.⁶⁰

On 15th July 2009, just a few months after the *Dey Krahom* eviction, the last remaining families from the Group 78 community were forced out in a other dawn action by security forces. Originally a linear community of 146 families, located adjacent to what would become the Australian Embassy, the CLEC team had assisted them in negotiations with the authorities. Varying levels of compensation were agreed over the period with the final 7 families being offered in excess of US\$10,000 or a plot at *Damnak Trawyong*. However this was well below market value. "The families of Group 78 were never given any real choice - they were just subjected to a campaign of intimidation and threats by the authorities, which lasted for years, in order to wear them down into submission" commented Yeng Virak, executive director of CLEC⁶¹

Case study: Railway A&B

Located just south of *Boeung Kak* lake and dissected by Road 132, Railway A (home to 70 families) and Railway B (255 families) were part of the State Railway Authority of Cambodia. The Railway B area was sporadically filled with newcomers throughout the 1980s and early 1990s many of them working with the railways or just wanting to settle in the area. MPP Governor *Hok Lundy* issued an eviction order in the early 1990s but when the threat was not carried through SUPF subsequently organized a survey of the community and helped organize a local committee. Railway A only started being settled from 1987 and in 2000 SUPF also starting helping the 81 families on the site. This followed the announcement in 1998 that the Hassan Cambodia Development Company, owned by *Okhna Osman Hassan* had signed a 70 year lease with the Ministry of Public Works and Transport and for ten hectares of railway land covering both communities. Three years after the agreement was signed the number of families on the sites had grown from 169 to 444. Initial intimidation tactics hardened resistance and attracted the attention of housing rights groups. The deadlock was broken by the May 2003 landsharing announcement and residents put forward proposals allowing residents to keep 25% of the site on which the company, taking the remaining 75%, would be required to construct replacement housing on plots of 4.5 x15 metres (requested by Railway A) and 4x12metres (Railway B). URC and SUPF were both involved in providing input into the plans but the developers rejected any suggestion that their concession should allow for landsharing, especially not for

59 Paul Rabe, *From Squatters to Citizens? Slum dwellers, Developers, Land sharing and Power in Phnom Penh Cambodia*, University of Southern California, 2009 pp181 interview with anonymous

60 Licado/ Licadho Canada , *Dey Krahom Community Land Case explained*, Licadho, 2008

61 Bridges Across Borders, *Phnom Penh's Group 78 Community Loses Battle to Save Homes*, BASBSEA website Phnom Penh, 2009

renters who were excluded with backing from the MPP. Instead house owners were offered 105 sqm plots at *Trapang Krasang*, a relocation site owned by the company situated around 12kms from the city plus US\$400 cash. Alternatively they could accept US\$700 as a standalone offer. During 2002-3 145 families relocated and 51 accepted the cash option. However promises of infrastructure at the new site were not kept, roads not built, water connections never put in and the company generator was removed after 12 months. By April 2006 only 73 of the 150 families still remained on site although many residents held onto their plots which in 2002 changed hands for US\$400 but by 2006 were fetching US\$2,700 to US\$5,000. The relocation option had failed, community resolve remained strong and the Hassan Company was back at the drawing table. At a MPP supported meeting on 4th July 2006 residents rejected a *Borei Keila* –style high rise option and although the MPP became increasingly exasperated at the impasse, commune and national elections were on the horizon. ‘In other words it (the MPP) needed to tread a fine line between serving business interests and delivering votes’⁶². Following this the developer decided to start buying out families individually at what it saw as ‘market rates’ and by mid 2007 it seemed that all Railway A families had been paid between US\$4-10,000 each. The larger group of families at Railway B were a more complicated prospect and to add to the situation a new developer appeared, *Phum Pu*, claiming to have secured part of the site in 2003. Families starting selling to one or other of the companies and by January 2008 90 families had settled with Hassan Company for sums in the region of US\$11,000 while 100 families had settled with *Phum Pu* for US\$13-20,000. Ninety families still held out and tried to ramp up the prices as high as US\$40,000⁶³. By the end of 2008 the site was all but cleared of families although it emerged that in the final months even the community leaders, who had shown unusual resilience up to that point, were being accused of selling out and profiteering. More than five years after the landsharing concept had been launched the Railway communities were the first to be ‘resolved’ and the first to mark the widespread failure, in the concept and the implementation, to create a transparent and equitable system of compensation.

Case Study: Monivong hospital

Around the same time as the evictions at Sambok Chap, in June 2006, the authorities at the Ministry of Interior (Moi) also oversaw the eviction of 168 families from the Monivong Hospital site (*Preah Monivong*) off Street 63 for the stated purpose of developing a new hospital. The Royal Group, owned by *Okhna*⁶⁴ *Kith Meng*, had signed a 99 year lease with the Ministry in June 2005 and to quote Rabe again 'on 5th June 2006 the General Directorate of the National Police of the Ministry of Interior issued a notification authorizing the Ministry to forcibly remove the residents. The eviction was carried out by 200 members of the Ministry police, armed with tear gas, electric shock batons and shields. Families of police officers were compensated

62 Paul Rabe, *From Squatters to Citizens? Slum dwellers, Developers, Land sharing and Power in Phnom Penh Cambodia*, University of Southern California, 2009 pp192 interview with Sok Mom et al

63 Paul Rabe, *From Squatters to Citizens? Slum dwellers, Developers, Land sharing and Power in Phnom Penh Cambodia*, University of Southern California, 2009 quoting Sok Mom et al pp194

64 '*Okhna*' is an honour awarded to those who are deemed to have made outstanding contributions to the reconstruction and the development of Cambodia. The title is awarded to those who make material or financial donations to the country of US\$ 100,000 or above.

US\$1,000 and civilian families US\$500 – paltry sums considering the market value of the site⁶⁵. Families were also offered a plot at *Damnak Trawyong* but more than 100 of the families immediately returned to the city to live with friends and relatives. Today no hospital has been built and the site is used as a parking lot.

Case Study: Boeung Kak

In February 2007 a little known company Shukaku Inc. signed a deal for US\$ 79 million⁶⁶ to lease the lake and surrounding area for 99 years – a 133 hectare site with a value approaching US\$2billion at the time the lease was signed. It soon emerged that the owner of Shukaku was Lao Meng Khin, husband of Cheung Sopheap, owner of Cambodia's largest real estate company, Pheapimex, and close friend of both Prime Minister Hun Sen and his wife Bun Rany. The project has since been linked to a number of Chinese companies, most recently the Inner Mongolia based company Erdos Hong Jun Group, which is now thought to be one of the key project investors. Further questions were raised regarding the project as under the Land Law lakes are clearly state public property, which cannot be leased for more than 15 years and cannot be fundamentally altered. In 2008 the Council of Ministers approved a sub-decree which reclassified the area as state private property (which can be legally leased to private entities for development). However, the fact that this was done after the lease was signed called further into question the legality of the original lease. In addition, parts of the development zone were included in an LMAP adjudication zone, which as mentioned failed to properly assess land rights in the area, and led to the eventual suspension of World Bank funding in Cambodia.

In late 2008 Shukaku began pumping sand from the Mekong river and into the lake. Village One was the first area to be forcibly moved. They were soon followed by Village Four who had recently been the beneficiaries of UPDF sponsored upgrading project. Community concerns were either ignored or suppressed using intimidation tactics and NGOs were likewise advised not to 'incite villagers to resist Government development'⁶⁷. One by one the communities were moved out, although many were convinced that they would not be affected until the day when uniformed guards turned up. Many ended up capitulating under intense pressure and making a deal at the heavily guarded 7NG site office which usually ended with residents agreeing to US\$8,000 compensation or a plot at *Damnak Trawyong* plus US\$500 moving costs. Community and NGO pleas for help and assistance fell resoundingly on deaf ears and it seemed that the lake and its 20,000 plus inhabitants would be cleared with minimum resistance. However it was in 2009 that legal officers at various NGOs identified that not only had the LMAP adjudicated parts of the lake for titling but that one of the partners, the World Bank, had a complaints mechanism for situations in which a Bank project

65 Paul Rabe, *From Squatters to Citizens? Slum dwellers, Developers, Land sharing and Power in Phnom Penh Cambodia*, University of Southern California, 2009 pp137

66 Hayman, Alistair & Sam, Rith, Phnom Penh Post, 9th February 2007, 'Boeung Kak lake latest city sell-off'

67 In August 2011 the local NGO Sahmakum Teang Tnaut was arbitrarily suspended for 5 months by the Government for 'inciting villagers to act against development' due to their report published in July citing issues with the compensation of villagers affected by the railway rehabilitation programme funded by the ADB and AUSAID.

was failing to adhere by its own rules. In allowing the MPP to unilaterally excise areas from the LMAP it was clear that there was a potential case for complaint. In August 2010 COHRE submitted a complaint on behalf of the residents, an action that would snowball. Not only should the Bank have spotted this issue but should have flagged it with partners at GTZ, CIDA and Finnmap and of course with the MPP. The Bank eventually raised concerns to the government after coming under pressure from civil society, but these concerns were brushed aside. Perhaps fearing action from the World Bank, the Cambodian Government took the first move and in September 2009 decided to unilaterally terminate the World Bank's funding of LMAP (just one million dollars remained to be spent out of a project total of US\$34 million). This would have closed the matter but at the eleventh hour the community, assisted by COHRE, managed to submit an official complaint to the World Bank's Inspection Panel (IP) before the project's official closure by the Government. This IP would trigger a series of events that would baffle, infuriate and delight both residents and observers in almost equal measure over the coming years. One highly significant event was the World Bank's decision to suspend loans to Cambodia in August 2011 after the RGC had clearly shied away from remedying the situation on the ground for residents (and indeed they resolutely rejected any attempts by the World Bank to try and mediate and fund a solution). This made the next events even more baffling. Within days of the World Bank's suspension announcement the Prime Minister signed subdecree 183 issuing 12.44 hectares to around 700 families that still resided on the site. Even though this still left over 3,000 families who had already been removed without adequate compensation it was hailed as a small but significant step and looked set to heal the World Bank rift. However in scenes which seemed to completely undo the Prime Minister's careful public relations rescue, residents who raised concerns about being excluded from the subdecree were manhandled outside the MPP and some arrested. Soon after a tape emerged showing the beating of Sam Rainsy Party (SRP) activist Soung Sophorn by uniformed security officials inside the community. This not only left residents and observers shocked but also made it even more difficult for the World Bank to negotiate reopening loans with the Government, despite the Prime Minister's olive branch. By June 2012 over 600 titles had been issued to the residents benefiting from the sub decree but with a small number still arbitrarily excised from the 12.44 hectare zone. All in all, the Boeung Kak project has come to signify a low tide mark in the RGC's policy for the urban poor. It is hard to imagine how a project that had so many potential upsides could have been handled more ineptly. The site could easily have been the focus of a high profile international architectural competition combining luxury apartments, botanic park, national theatre, university campus and an innovative relocation package or on site re-blocking. Instead it has mired Cambodia's international image in years of negative press coverage culminating in the suspension of World Bank loans in 2011. All of this was completely avoidable. Some simple planning could have provided for everyone; handsome returns and dividends for investors, increased kudos for the RGC and above all, a fair and reasonable deal for the families on site.

Why this narcissistic path was taken remains, and will most likely remain, a mystery for some time to come. Were the authorities fearful of creating a working model for relocation that meant that all over Cambodia people would try to make cases for adequate compensation? Was the project dominated by unscrupulous Chinese businesses? Was it just ineptly handled by authorities and developers on the ground? The queries are endless. The hope is that somehow as Cambodia heads forward to what seems to be a brighter future, there emerges a consensus among the power holders that the simplest, most cost effective (and most

humane) approach to development is to include, consult and to dialogue. The 1999 Aphiwat Meanchey project showed that it can be done. It is not a question of searching for the Holy Grail of 'how to do relocation projects in Cambodia'. It is complex and convoluted but the precedent is there and with the political will it is eminently achievable.