

A HOME NO MORE

STORIES FROM BOEUNG KOK LAKE

F and **F**
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FACTS and **FIGURES**
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In February 2007, the Municipality of Phnom Penh granted a 99-year lease to the private developer Shukaku Inc. for 133 hectares of prime city-centre real estate in the capital's Daun Penh district. The area included Boeung Kok lake, one of the few remaining natural lakes in the city, and home to some 20,000 people. Shukaku Inc. reportedly paid US\$79 million for the land.

Soon after, the company poisoned the morning glory many of the residents were growing on the lake as their livelihoods. In August 2008, the Government changed the status of the land from state public to state private land. Adequate reasons for this change of status were not provided and the change in fact rendered the Shukaku lease null and void. Within days filling of the lake began – using sand drawn up from the Mekong. Residents were given three options: cash compensation of US\$8500, a plot in Damnak Troyung relocation site along with US\$500 cash, or on-site re-development, but only after five years of temporary residence in a relocation site. Despite intimidation and violence against them, the residents protested. They appealed to local courts, the government, the company, the Prime Minister, and even UN Secretary General Ban Ki-Moon. Nothing worked. With increasingly flooded and uninhabitable homes, more and more residents started succumbing to the pressure. In most cases, they left poorer futures having signed away land and property worth tens of thousands of dollars for US\$8000 and some transportation costs. This publication documents some of the (former) residents stories.



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BACKGROUND INFORMATION

SHUKAKU WHO?

Shukaku Inc. has been shrouded in secrecy from the start. No details of the company were made available at the signing of the lease but eventually it emerged that local tycoon and ruling CPP party senator Lao Meng Khin to the venture. In late 2010, it also became known a Chinese state-owned company, Erdos Hung Jun Investment Co, is investing in the venture, as part of US\$3 billion deal also including a power station in Sihanoukville and exploration of bauxite in Monduliri.

WHAT LAND LAW?

The lease agreement between Shukaku Inc. and the government appears to be in clear violation of the Cambodian Land Law, adopted in 2001. According to the law, State public property – including lakes, which have inherent public value – cannot be sold or subjected to long-term leases and any lessees must not damage the property or change its public function. By filling in the lake, Shukaku Inc. is in clear violation of the latter, while the 99-year lease violates a sub-decree stating state public land can only be leased for a maximum of 15 years. Made possible through a questionable change in the status of the land surround the lake from state public to state private land, the lease agreement also usurps the land rights of residents, many of whom have been living on the banks of the lake since the 1980s, and thus have strong, though largely undocumented, legal claims to the land.

WORLD BANK INVOLVEMENT

In September 2009, community representatives submitted a complaint to the World Bank Inspection Panel, alleging that the World Bank had breached its operational policies by failing to adequately supervise the Land Management and Administration Project (LMAP), which unfairly denied land titles to the Boeung Kok families shortly before the area was leased. Despite strong evidence to prove their legal rights to the land, Boeung Kok residents were excluded from LMAP when land registration was carried out in their neighborhood in 2006. The World Bank Inspection Panel is now investigating whether the Bank breached its operational policies by failing to supervise the Government's implementation of social and environmental safeguards tied to the project that were intended to ensure that a Boeung Kok scenario would not unfold. Already overdue, the Inspection Panel's report is expected to be made public in January 2011.

“With over 20,000 people already evicted or under threat of eviction from the area, the Boeung Kok case may constitute the largest forced relocation of Cambodians since the Khmer Rouge evacuated Phnom Penh in 1975.”

September 2010



“WE ARE ALL IN THE SAME BOAT”

“I’m a 73-year old man and I live in a wooden house in Village 23 at Boeung Kok.

I don’t want to tell you my name, because I am afraid of becoming a target. The company always focuses on people who talk, even if they only demand their rights. The company doesn’t care about people, and the government allows this exploitation to continue. During community meetings I have a lot to say, but I don’t. I’m afraid of making the government look very bad if I tell the truth.

In my compound, there are four families. There is me and my wife, and the families of three of my children. I have five children in total.

I bought the house in 1998 from its previous owner. He had lived on the land since the 1980s. I paid US\$10,000 for the land, and spent more money to fill it to make it flat. I spent another US\$10,000 for the adjacent houses in 2005. My children live there now. I have buying contracts for my houses. The one for the first house has been certified by the group leader and the village chief. The certificates for the other two houses have been signed by Sangkat. But I don’t keep the documents here, it’s too dangerous.

I don’t work anymore, but during Sangkum Reastr Niyum (regime led by King Norodom Sihanouk between 1953 and 1970) I worked for the government. After the Khmer Rouge, I lived near Central Market where I had a big shop selling fruit. But then I was cheated by another businessman and lost all my money. It made me feel ashamed and didn’t want people to know I was poor, so I move here to hide. Back then, it was a very dirty, muddy area. But there were already many people living here and there were many old houses like mine.

When I bought the house I had no doubts about it being a legal purchase. The local authorities recognised me as the owner, and I even asked them if I could live there before I bought the house. They said yes.

From the time that I bought the house until Shukaku claimed in the area in 2007 no one ever challenged my ownership. Before that, there had been some rumours about development in the area, but nothing concrete. Usually, when we talk about development, it is to improve things. But this development is not going to improve our livelihood. Instead, it will take it away.

In 2008, they started to fill in the lake. I heard about it on Radio Free Asia (RFA). The TV never broadcasts anything about it, they are biased and call people living here squatters. Most of the information I have about the development is from RFA or the Housing Rights Task Force. The government never announced anything, only exaggerated about people being happy to accept compensation or move to Damnak Troyung. Neither the local authority nor the company has ever held an information meeting for us.

When we conduct community activities, we are accused of not informing the authorities. But when we do, the activity is not allowed. Through my observation, I can see that the local authority doesn’t stand with the people, they are with the company because the company has connections. Whenever we want to renovate our homes, the company makes us to stop. When we try to hand out leaflets, they confiscate them. I had an argument with our village chief when we tried to organise a public forum last year. He confiscated all the documents I was carrying and threatened to hurt me and arrest me. But what we were doing was according to the law because we had permission. Another time, when I tried to get thumbprints for a protest, that paper was confiscated too. Lately when I’ve been trying to conduct a survey about what people want to do now, I have also faced problems.

I have enough documents to prove my legal position. I have heard Hun Sen say that if people live somewhere for five years, then they are allowed to stay. I have also studied the Land Law, and I have seen it states very clearly about the five years.



In my community, there are three kinds of people. Firstly, there are those who are afraid because they have been threatened – they have been told they can either accept compensation and move, or get absolutely nothing at all. Secondly, there are those who live in small houses on bad sites. They are poor and don't have a job. They tend to accept the US\$8000 compensation. It's a lot of money for them. But most people say it is their legal right to stay. In my opinion, if they claim we're living here illegally then everyone in the whole country is illegal – it's all state land.

Now, people understand much more about the situation. It seems they will evict people from the water first, and then the people on the land. But we're all in the same boat. Some people in my community are policemen and military police. They too are unhappy, but they cannot speak out for fear of losing their jobs. But they do want to help. The reason they evict one place at a time is to weaken the people. But they will evict us all in the end. Piece by piece, that's their strategy. It makes people sad.

What I really want is a land title. I'm old and I can't live in the country doing farming anymore. The threat of eviction is terrible, me and my family would lose our livelihood. I want to continue living on this land in the city, but if they really want my land, then I want the local authority to push the government to give me proper compensation. I would also accept onsite development if the building was good and not very high. I worry about the size of the new house, as we have four families living here. Would the new house be big enough?

At the moment, there is a lot of fear among people. But I still think they would rise up and challenge the authorities if something happened. Since we heard about the development of the access roads, a lot of people are afraid their houses will be bulldozed. I think people would do anything to protect their homes."

Houses on the lake were the first to be targeted



Boeung Kok Lake settlement plan



“WE NEED TO STRUGGLE”

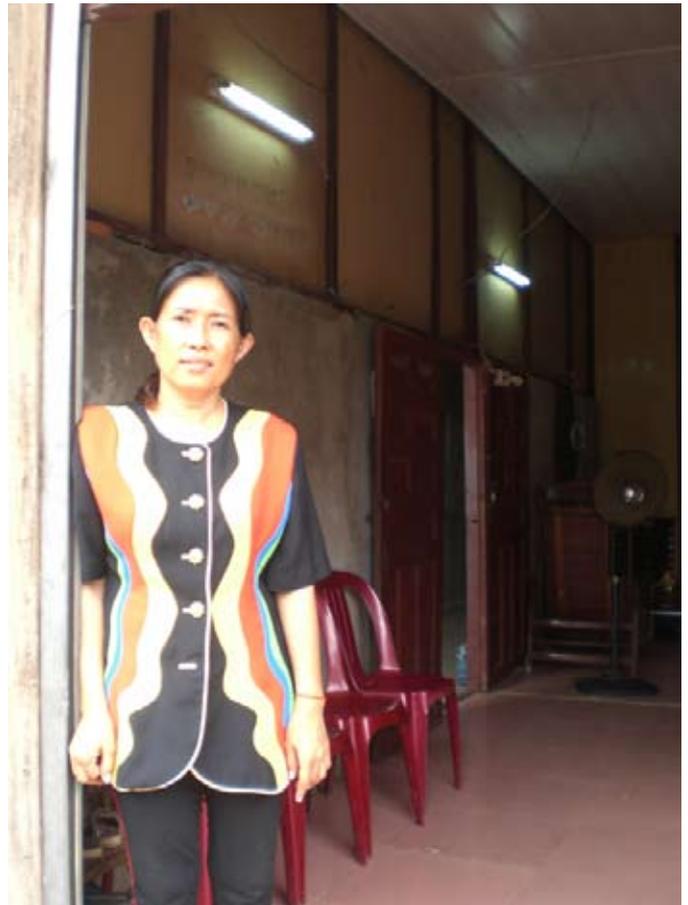
My name is Meng Leng Cheng. I'm a 45-year-old divorcee with four children.

I live in Village 20 at Boeung Kok Lake, where I have one house for myself, and another from which I rent out rooms. I also have third house in Village 1, from which I also rent out rooms. The houses in Village 20 are concrete structures located on the land, while the house in Village 1 is a wooden house located on the lake.

I moved to the village in 2005. The previous owner of the house I live in had lived there since 1985, when he was relocated there by the municipality. Previously, he had lived behind Calmette Hospital, but was told to move to Village 20 because the authorities needed the land to build a park. I have legal purchasing documents for all my houses. When I first bought the house, I was told there would be no “development” of the area. Residents said the municipality had given the land to them after they were relocated from behind Calmette. I have a resident book and a family book in addition to the purchasing documents, but no land title.

The Water Authority recently asked us to pay for water usage in advance. I think this means we will be evicted soon. I feel regret and I feel sad. I don't want to move, even though I have some land in Siem Reap that I could move to. I will try to gather people to struggle until the last. I have learnt from seeing what happened to Dey Kraham and other poor communities, and I don't want it to be like that for us. We need to struggle. I don't even consider accepting compensation or moving to Damnak Troyung. I have a strong feeling the eviction will not happen.

If I had to move from here, it would have a big impact on my family, especially my children who study at university. Also, if move and lose the properties that I rent out rooms from, I will lose my income. Although I support people in my community to get onsite development, it's not a very good option for me, as I have many properties and a big family. Overall, I feel like I've been cheated.



“30 YEARS IS NOT TEMPORARY”

“My name is Pol Noy, I'm 60 years old.

I came to this house in Village 20, Boeung Kok, after the municipality relocated me from behind Calmette Hospital, where I had lived since 1982. I was among 70 families relocated then, in 1985. They said they needed the area behind the hospital to make an amusement park.

When they moved us here they did not say we could stay here forever, but they said we could live here for a while. So at first I just built a small hut here, but with time I built more, and now I have three buildings in a small complex.

Although we were told we could only stay here temporarily, that was almost 30 years ago. How can I stay in small hut for 30 years? I had to develop the area. Also, Prime Minister Hun Sen has said that if you live somewhere for five years then you can get a land title. I have all documentation, even my family book from my old place behind Calmette, but no land title.

If I am to move from here, I want proper compensation. To me, that means at least US\$80,000. I prefer money over onsite development because I have three buildings in which I rent out rooms. Currently, I can earn US\$200-US\$400 per month. I stand to lose that if I am evicted.”



“WE USED TO LIVE WITH HAPPINESS”

“My name is Phol Tourist and I’m 27. I used to live in Village 4 at Boeung Kok. My family had moved there when I was just a child in 1981. Until last year, I had pretty much lived there for my whole life.

Before my family moved to the lake, we lived near Psar Depo. But my father worked for the railways, and the Ministry of Transportation wanted all its employees to live near the train station so they asked everyone to move there. Our house used to be half on the lake and half on the land. We built it ourselves, and we believed we owned it. I had a family book and a resident book to show our residence. When we were evicted, the company took all our original documents, now we only have copies. There were already many people in the area in the 1980s. Ours was a family of over ten people, all living together in a big 6x45m house. When we lived there, I was a student. Other people in my extended family were construction workers, food vendors, and motodops.

For over twenty years, no one ever challenged our ownership of our home. Then we received information that the government had leased the area to a company that planned to develop it. We started to worry. 2008 was the election year. A party activist from the ruling CPP party came to our village and told us not to worry. He said that if his party won the election, then there would be no evictions and instead the government would improve our living conditions. We strongly believed in the party and everyone voted for them in the hope of there not being an eviction.

After the election, everything changed. Everything was different from what they had promised. They issued a letter to inform us that the area would be developed. The letter also provided details of the compensation. I think the compensation offered was inadequate. People were sad and felt hopeless and cheated – they had all just voted for the CPP who had promised there would be no eviction.

Representatives from the local authority and the company started visiting people’s houses. They split people into different groups, and often threatened people. Police and military police generally came with them. Hired by the company, armed police would also come to our community. I attended a meeting at the Khan office once. During the meeting, the authorities constantly repeated that the area had been leased and people should choose one of the three options available to them.

But the option of onsite development was not clear to people, and the authorities said that if we opted for that, we would still have to move somewhere else for 3-5 years. We were told that

when the company had finished the development, we could move back. I and my family distrusted the authorities, because we had seen what had happened to other urban poor communities like Dey Krahom, Reak Reay, and Group 78.

We had low confidence in the authorities. People suggested to the local authority that they could stay in the area during the building process, and then move into the new houses when they were completed. The local authority and the company did not agree to that. Then we were evicted.

People wanted to stay in the area, so the local authority forced us to move out. If we hadn’t left by ourselves, they would have sent forces to clear us out. We had no choice. People were afraid that if they did not dismantle their homes themselves, the houses would be destroyed and they would have nothing left. We were scared and forced ourselves to move out so we could save our belongings. This was in September and October 2009.

My family was the last one remaining in our community. Eventually, we also accepted the “compensation”. We went to the company’s office to sign the contract. We were first given 2 million riel, and once we had dismantled our house we called the company to come photograph the empty plot. Then we received the rest of the money, US\$8000.

I felt incredibly sad dismantling the home I had lived in for most of my life. I was so angry at the local authority and the company. People had been living in the area for many years and we knew the price of the land was high and that the money offered was not enough. But we had to force ourselves to leave.

Before, when we owned a house, we didn’t have to pay rent. Now we don’t have a lot of money and we have to pay rent on top of it. My extended family that I used to live with has also faced a lot of difficulties. We have had to split into small families and rent somewhere. With the US\$8000, my parents bought land in Cham Chao at the outskirts of Phnom Penh. I don’t see them much anymore. Before, we used to live with happiness. Now many of the people close to me live far away. The house in Damnak Troyung was not an option for us because it was too remote, and all the children study in the city. Also, there was no health care there.

I don’t know how long I will stay here in Village 3. But in the city it is easy to find work and make a living. Here you can relax and enjoy life too. I would be happy to accept onsite development if it was possible, provided people wouldn’t have to leave the area first.”



“THEY TOOK MY THUMBPRINT WHILE I WAS UNCONSCIOUS”

My name is Pich Somol. I'm a 60-year-old former translator at the Ministry of Public Affairs. I've been retired for a few years now.

I used to live in Village 4 at Boeung Kok Lake. I moved there in 1986, when I was evicted from my previous home on the capital's riverside. My house in Village 4 was located on land. It was a wooden house with the roof and some of the walls made of zinc. It measured around 6x3m, which was ok, because I lived alone. I had separated from my wife, with whom I had one son, in 1983.

Being elderly, my health is not very good. I can't remember things, I have some kind of mental problem. When I lived by the lake, my neighbours would take me to hospital whenever I was ill. When I was still working, my workplace was also nearby, so I could walk there. I was happy living there. I never had a family book or a resident's book. But everyone knew the house was mine, I had bought the house and been there for a long time. I don't have any documents to prove my ownership as the previous owner of the house cheated me.

The day that my house was demolished I was in the hospital. I was unconscious when someone came in and dipped my thumb in ink and took my thumbprint which signified agreement with the demolition. Later, when relatives and NGO workers came to see me they saw the ink. They started asking questions. The company claimed I had been happy to sign. I had heard about the compensation of US\$8000 plus 2 million riel. But after they demolished my house, I didn't get anything.

When I left the hospital my face was all swollen and I no longer had a home. My former neighbours felt pity on me and took me in. Later, they contacted my son and ex-wife who lived in Svay Rieng province. I tried to complain to the Municipality of Phnom Penh, but that came to nothing. They said that because I didn't have any documents, I would not get any compensation. They are like robbers. When they dismantled my house they took everything. The only thing I have anymore is this gold watch that my friend gave to me.

I now rent a small room for US\$15 per month in Toeuk Thla district on the outskirts of Phnom Penh. I pay extra for water and electricity. My only income is a monthly pension of less than US\$50 and whatever my son and other people give to me. My ex-wife now takes care of me. I have many illnesses, including diabetes. At Boeung Kok I was happy and I had many friends. I don't feel good about life now; I don't know how to make money. I feel like they cheated me. I'm angry.



Severe flooding affected Boeung Kok in 2010

“I WAS FORCED TO DISMANTLE MY HOME”



“My name is Vit and I’m 55-years-old. I have a husband and two children. I used to live in Village 4 at Boeung Kok lake, in a house made of tin that my mother-in-law had given to my family. The house was located on the lake itself, and to make a living I grew morning glory. I can neither read nor write.

We moved to Boeung Kok in 1995, because there were no jobs in Kampong Cham province where I come from. My husband’s mother already lived at the lake and she had the house and an area to grow morning glory available for us. She had bought the land in the 1980s. I used to have a certificate of possession for the house, but I had to give that to the company in order to receive compensation when we were evicted. Because my mother-in-law gave us the land, I never had any doubts about being the legal owner of the land. No one challenged us about living where we were until sometime in the 2000s. The municipality and UN-Habitat even improved roads and bridges in the village.

The first time I heard about the eviction was about 5 months before it took place. When people heard the rumours, they asked the local authority to let them stay in the area. They also asked NGOs for help, but in the end they couldn’t challenge the authority. I went with some people to the Prime Minister’s house, but he refused to meet us. Instead, he sent bodyguards to tell us that where we were living was state land. Before the eviction, people lived happily in the area and it was easy for us to make a living. Once the company got the land however, they killed all the morning glory from the lake. The company used to patrol the lake by boat, and sometimes they would come at night and frighten people. I felt really scared and I worried that they would try to burn down my house. Other people in the village were also afraid. I think they wanted to scare us so we would leave more easily.

We were given three options by the company. They took us to Damnak Troyung, but I couldn’t choose taking the house there because the place was so far away and we would only have received 2 million riel (US\$500) in cash for relocation allowance. So we decided to take the cash compensation option of US\$8000 and 2 million riel for relocation allowance and move back to my homeland. I had also heard about onsite development as an option, but I’d never seen any concrete plans or initiatives. If onsite development had been a real option, I would have accepted that.

In August 2008, we were evicted. Because they had killed all the morning glory, I had to force myself to move. I was so sad, I couldn’t stop crying. The day before we left I went to the company’s office and received US\$500 to transport the materials to Kampong Cham. Then we dismantled our home. They forced us to tear down the house in the rain, and we were not allowed to leave anything. We spent the whole transportation allowance to send our things to Kampong Cham.

Afterwards, we went back to the company and we received the rest of the money (US\$8000). We had to hand in documents detailing ownership, and thumbprint a contract. I felt the company was telling us “Go and don’t come back!” With the money, we bought land in Kampong Cham for US\$2000, built a house for US\$1000, and a well for US\$500. We used the rest to live on, but now that’s all gone. We don’t have any money left.

After the eviction, I felt hopeless. I had lost my livelihood, and I didn’t know what to do. At Boueng Kok lake, I could earn as much as US\$7.50 per day, and we were close to markets and other places. Where we live now is far from everything. I can’t do business, and we only earn around 5000 riel every few days growing lemongrass and vegetables. My children now go to a public school which is 3km away from our home, but they can’t study English anymore. I worry a lot about my children and their future. I don’t know how to help them. Because I am illiterate, I really want my kids to be educated. I might try to send them to Phnom Penh to go to school. But the problem is we don’t have anywhere to stay. Economically, we’re in a bad situation. I don’t have enough food to feed the whole family. We also don’t have access to health care which is very bad because my husband is disabled and needs medical attention. I don’t really know many people in our new place. We moved there because I have some relatives in the area. When we lived at Boeung Kok, we were part of a community, and people knew I that am uneducated and illiterate, so they would help me. Now it’s different.

What happened to me and others in my community was very unfair. People are miserable. I feel lost, and I don’t know what to do. The eviction caused me mental problems, and my health has deteriorated. I now have problems with my ears and eyes. It has also created problems in our family. We are angry with each other more often. My life now is very difficult. I want to die, I don’t want to live. But I have to live to take care of my children. If it was possible, I would accept to move back to Boeung Kok. I also regret not taking the flat in Damnak Troyung. I’ve visited people there and now there are NGOs who provide support to them.”

“WE KNEW WE WOULDN’T WIN OVER THE COMPANY”

I am a 34-year-old mother of three. My name is Som Sarom and I used to live in Village 4 at Boeung Kok.

My family's life has changed since we moved to Damnak Troyung. When we lived by the lake, my husband was a NGO driver. Because we moved here, he quit his job and now drives a tuk tuk. He makes less money than before. I used to work in a garment factory. Now I sell papaya salad outside the factory a few times a day, because I need to take care of my children.

I moved to Boeung Kok in 1999. We had a wooden house located not far from the railway. It was half on land and half on the lake, and measured 7x14m. When we moved to the area, many people already lived there. We bought the house from someone, and the Village Chief certified our purchasing documents. I felt like I was the owner of the house, because I had bought it from someone, I didn't just come there and occupy it. Also, before I bought it I asked people in the village and they said no one would be made to move from the area because people had lived there since the fall of the Khmer Rouge. We spent all of our savings on buying the house.

Then I started to hear about the eviction. People talked about it, but I never had any clear and formal information. Later the company posted a notice. It made me very unhappy, because I didn't want to leave. It was very easy to live at Boeung Kok.

Then people in my village got together and went to City Hall and the Prime Minister's House. We went, even though we knew we wouldn't win over the company. One day the Village Chief asked us to fill in a form about how much compensation we needed. During that time, houses were expensive, so many people asked for twenty, thirty, or forty thousand dollars. We asked for US\$20,000.

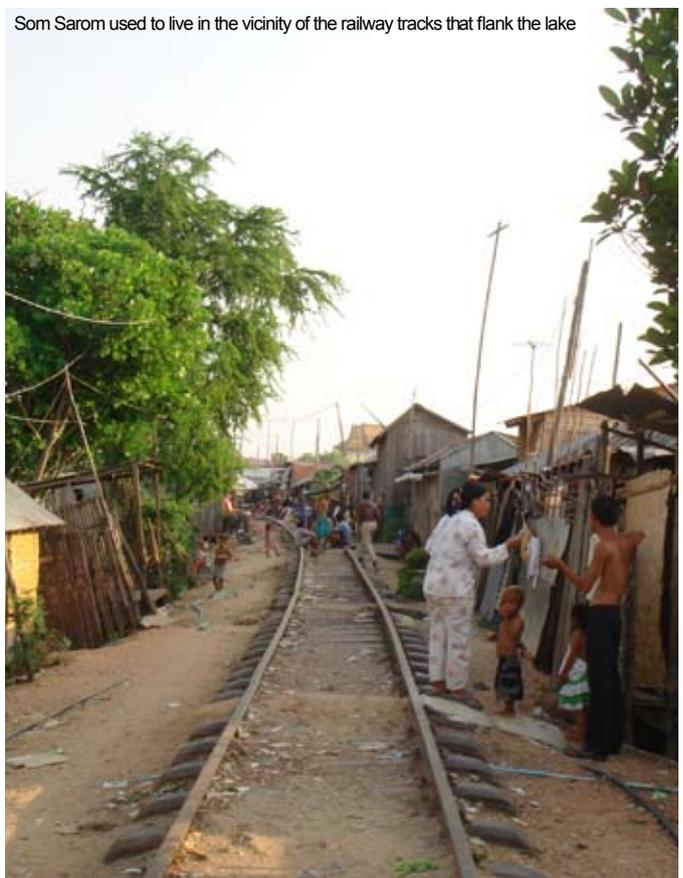
From the options actually put forward, I thought the house offered was too far away, and the money was simply not enough. At that time we only considered these two options because they told us that if we chose the third option [onsite development] we would have to stay “somewhere, for some time”. I had seen what happened at Borei Keila and didn't want that, it would have made it difficult for us to live.

In the beginning, the company people were soft. They just told us to make a decision between the options. Later, they hardened. Because we were not happy about the situation, we protested and made demands. At first, we all protested together. But the company had a strategy. They made a deal with people in our community who had bigger houses, and those people moved out. We think the people with big houses got more money than US\$8000. Then people in small houses also moved, because for them the amount of compensation was ok. When the people with big and small houses had moved, those of us left felt more vulnerable and were afraid. We were disappointed in the people with big houses who got more money.

My family was among the last people to leave in October 2009. We had to go because then water was rising due to the filling of the sand. When there were only a few houses left, we were also very scared. We stayed longer because we were hoping for higher compensation. My husband even went to try to negotiate with the company, but they said no. We had to demolish our own house. I felt so bad doing it. If it was possible, I would like to return to Boeung Kok. Most of the people from my community who took a house here at Damnak Troyung have already sold the house because they can't make a living here. Most of them got less than US\$8000 for their house.“



Som Sarom used to live in the vicinity of the railway tracks that flank the lake



“WE DIDN’T KNOW DEVELOPMENT MEANT EVICTION”

“My name is Sin Som. I am 73 years old and I used to live in Village 4 in Boeung Kok.

I moved there in 2001 after my children took pity on me and bought me land there. Previously, I had lived near Central Market, but I had sold the house and given my children the money. After that, I moved to the countryside to do farming. But the area kept flooding and I was too old to be a farmer, so finally I moved to Boeung Kok. My children built a house for me in the middle of the lake. I have a family book to show that I lived there, but the company took all other documentation I had. My son gave me an ownership certificate when I first moved there.

I knew the Boeung Kok area would be developed. It was broadcast on TV in the 1990s, and in 1997 I heard Hun Sen say the area was state land. But we didn’t know development of the area meant we would be evicted. We thought that either someone would buy the land from us and develop it, or else, because the land was never declared private land, that if we lived there for long enough the government would eventually give us ownership.

But then I heard what the options actually were, and that they were only available to those who had legal documents. I didn’t like the idea of onsite development, because I couldn’t live in a place like Borei Keila. I’m too old. They told us that if we chose onsite development, they would build us similar houses. I also couldn’t take the money, because I didn’t know where I could buy a house with for so little. So I decided to move to Damnak Troyung. Me, my wife, our children and our grand-children now all live here.

When they first took us to visit the site, I asked about schools, hospitals and so on, and saw that all were available. But I forgot to think about how I could make a living here. At Boeung Kok, I made a living through fishing and growing morning glory. That all ended when the company killed the fish and the morning glory. Now, I don’t work. My family as a whole now earns less than half of what we used to earn. I would not have moved here had I not been evicted from Boeung Kok, but taking the house at least gives me the option of selling it if I cannot live here.

I don’t think what happened to me was unfair. For poor people like me who lived in basic wooden houses the options were fair, but for richer people they were not.”



Conceptual rendering of the Shukaku development plan



“WE DIDN'T WANT TO COME TO THIS PLACE”



Damnak Troyung relocation site



“My name is Chun Danny and I am 23 years old. I am married with a one-year-old daughter.

I used to live in Village 4 at Boeung Kok Lake. I first moved to the area to live with my sister in 2003. She had moved there in 1990 from our home province Kampong Cham. She is a hairdresser and I helped her with her shop. Her house was a wooden house on the lake. There were six people in her family. When I married, I moved to live with my husband's family who lived in a small house in the same village.

I started hearing rumours about an eviction from people in the village. I'm not sure when this was. Later the company put a notice up telling people we would be evicted. I felt like I didn't want to leave.

The company said we could either take compensation or move to Damnak Troyung. They told us we had to take one of the options, as there was no other solution. At first, the company representatives behaved nicely. They would come back sometimes to ask if people had made their decision already. After they had told us we had to move, they started filling in the lake with sand. Then we couldn't live in our village anymore because the water level kept rising. They also started pressuring us more at that time.

My husband's family decided to move to Damnak Troyung, so I live here now. My sister, because she had more money, decided to take the compensation. When we first came to Damnak Troyung in September 2009 there was nothing here so we had to renovate. We used our savings from before to renovate the house.

The option of compensation was not really an option for us, as land is very expensive and US\$8000 was not enough. We didn't want to come to this place either, it is too far. My husband is a mechanic in Phnom Penh. He goes back and forth every day. Our income has gone down because he doesn't always earn a lot of money but he still has to spend on transportation daily.

When we lived in Boeung Kok, we made more money. Life here is harder here, not easy like at Boeung Kok. It's difficult to make a living and sometimes I feel lazy and tired. I would like to work, but at the moment I can't because I have to take care of my daughter. If it was possible, I would like to move back to Boeung Kok, because it is close to the market and it's easy to live there.”

“THEY THREATEN ME BUT I AM NOT SCARED”

“My name is Soy Kolab. I’m a 54-year-old grocery store owner and community activist. I live in Village 6, Boeung Kok Lake, with my husband, children and grand-children.

We moved to the Boeung Kok area in 1990, but we initially lived on the land. In 1997 we moved to live in a wooden house on the lake. Before moving to the lake area, we lived first by Central Market, and then in the old market area. We owned both houses then, but it was difficult to keep our motorcycles there so we decided to move. When we moved to Boeung Kok it was a military area. We bought our first house from railway staff. It cost us US\$7000 and was an old house made from concrete. It is still there. Then we ran into financial difficulties and the house was also getting too small for me, my husband, and our six children. So we sold the house. Instead, we bought a place on the lake and built our current home there. I bought the place in good faith, and I even asked the local authority if I could live there. They said yes. When we moved to the area there were only three homes there. I have a deed for the house signed by the group leader and the village chief. In 2005, I bought a house for my daughter. It was located on the lake, not far from my house. I have a house purchase contract. In 2008, the house fell into the lake because of the sand in the lake. I have been prevented from repairing it, so the house is empty. Now, my daughter lives with me.

I have struggled against the eviction for many years now. We have protested against the filling in of the lake at City Hall, the commune office, the Prime Minister’s house, the Council of Ministers, the Ministry of Land and other places. We also filed a complaint to the court to cancel the lease agreement between the company and City Hall, but the court demanded more than US\$40,000 from us in order to allow us to file the complaint. Because the filling in of the lake continued affecting our homes, we tried again to file a complaint to get the company to stop, but the Municipal Court rejected our complaint once more. Finally, we went to the Appeal Court. First, the judge said that we the

people were in the right, because parts of Phnom Penh were flooded due to the filling in of the lake. That made us very happy. But then there was recess for five minutes, and when the judge resumed the hearing he upheld the first court’s decision and said the Court has no standing to hear our case. That made us very upset. There was a lot of shouting and crying. People kept saying it was very unjust. Some people even fainted.

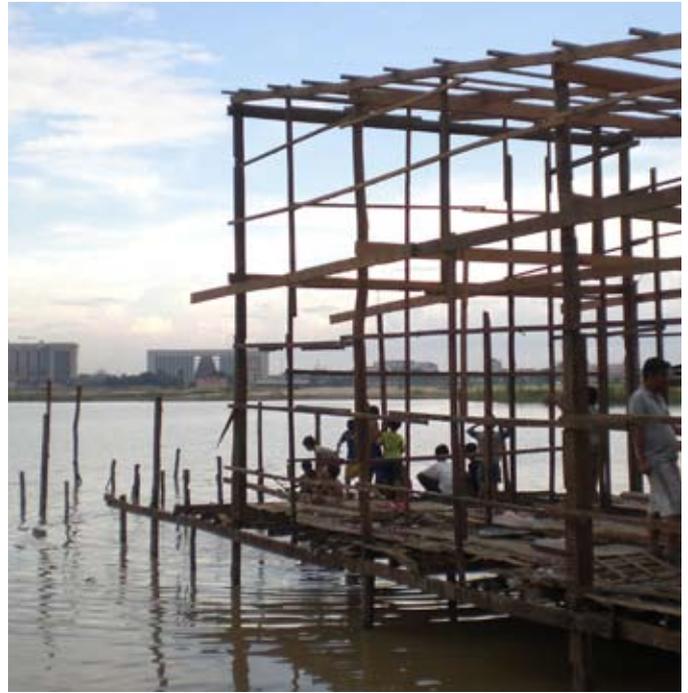
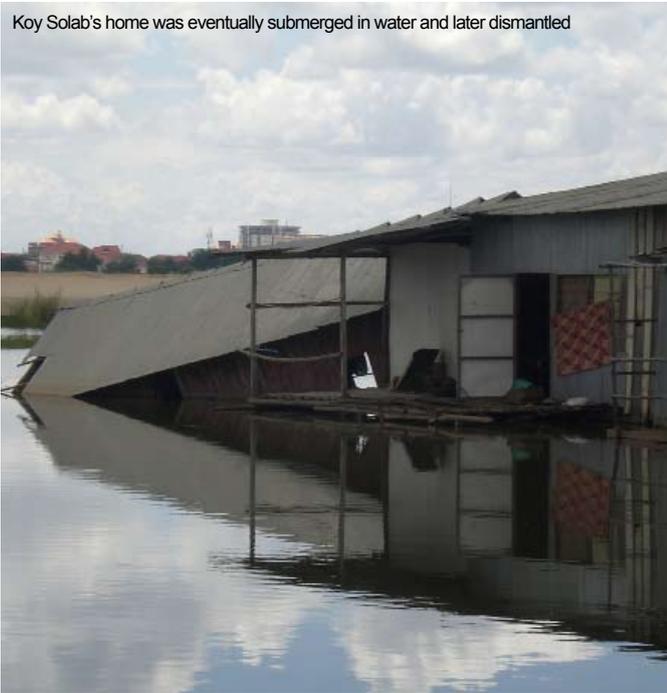
I first heard of the eviction in 2007 when the MPP announced the land around the lake had been leased to a company, Shukaku. I saw it broadcast on TV. Once, I was invited to the MPP. They said we would have to accept US\$8000 and 2 million riel, or a flat at Damnak Troyung. They told us we had to move. There was no mention of onsite development. I went to Damnak Troyung once in 2008, but after the visit I knew I could not move there. It is too far, and there were no services.

Because of my work as a community activist, I have been threatened by the local authority. They accuse me of working for the opposition party. That’s not true. The situation was particularly bad in June 2008 before the election. That’s when my house was surrounded by commune police armed with handguns. NGOs intervened that time. Without their intervention, I might have been arrested. The authorities came to the area three times after that. Once they did not threaten me but spoke nicely. The other times they threatened me, but I wasn’t scared. My neighbours, however, they were scared.

I am not well educated, and so I want my children to be well-educated. That’s the most important thing for me. If I leave the city, my children will not get a proper education. But if I stay here, my children will receive a good education, and I will also have easy access to health care. My husband works as a motodop, and so he needs to be in the city too. Here we can make a living easily.



Koy Solab's home was eventually submerged in water and later dismantled



I think onsite development would be a good option, and the community should be involved in the design process. But not everyone is in favour of onsite development. Some just want cash, while others want a house in Damnak Troyung. Those people are not looking ahead into the future. If I accepted a house at the relocation site, my children's education would be worse and my daily earnings would go down. There's not even farmland or anything there.

Some people who live at Boeung Kok are quiet. Their husbands work for the government, so they don't want to be seen challenging the local authority. They are scared of their husbands losing their jobs. There are 300 families in my village, but when we go to protest, only 50 people come. I think the people who work for the government get higher compensation. Like our Village Chief, I think he got money from the company. He wouldn't accept only US\$8000. Others then follow them, even if they get lower compensation. People rely on their neighbours, so when those with more power leave, the others become scared. It is the company that pays the compensation. They have also bought off police and military to work for them. The police and military threaten people on behalf of the company.

When Village 3 flooded, I went there to tell the people that if the company took no action to rectify the problem, the people should go to complain to the company's office. At that time, there were several military police trailing me. They told me I didn't live in that village and hence I should not intervene. But I replied that I live in the same area, and that I am affected by the same development. Some people don't take any action because they don't feel the threat of eviction is immediate, or they simply don't think they will be affected. They say their village is an old village and that they hence won't be evicted. Hun Sen has said that too, and people value his words. When we got the development plan from the company, it was followed by a letter from the local authority saying people on the land would get a land title. People still believe that, but it's just a trick."

Some five months later, Soy Kolab accepted the compensation offered and dismantled her house. She now occupies two small adjoining rooms on the ground floor of a shophouse along National Road 5 in the northern part of the city. She shares the space with seven other family members.

"During the last few months at Boeung Kok, company representatives came to my house several times. Sometimes, they made me go with them to the company's office. They said that if I didn't accept compensation, they would not take any responsibility for what might happen to my house. At that time, most of neighbours had already left and the area was severely flooded. There was water in my house and the access bridge was submerged. I worried a lot about the health of my children, especially my daughter's young child who I feared might drown. Lao Vann [son of Shukaku owner Lao Meng Khin] also came to my house many times. He was polite, but he too told me to accept compensation and move. He said the development of the area had been approved by Hun Sen, so I should agree.

There was a lot of pressure on the remaining residents at the lake. Then we heard a community representative with a house on the land say on the radio that everyone living on the lake had accepted compensation. That made me very sad, and it created a further divide between the people on the lake and those on the land.

Finally, the flooding got so bad I accepted compensation. It made me so sad. But there was no one else left in the area, and it was too difficult to live with the filthy water. My daughter's child was too young for that. When I agreed, the company initially gave me 2 million riels. We found this place here because my relatives live in the area. Over the next weeks I and my husband returned to the lake to dismantle our home. I did not want to leave.

Now I rent these two rooms for US\$50 per month. With water and electricity charges, we end up paying around US\$100 every month. My daughter, who's house was partly submerged at the lake, was forced to accept only US\$2000 in compensation. She now lives with me too. My other daughter who got US\$8500 spent \$7000 on buying land in KM9. But then the land flooded so she cannot build there. I worry about her. She is now in Prey Veng because she cannot afford to live in the capital. In my case, another daughter who lives in the US has bought me land in Trapeang Krasang. I am now building a concrete, walled house there. We are spending the whole US\$8000 on that, and I've just borrowed another US\$2000 from a microfinance institution too.

Before, I used to make money as a vendor while my husband was a motodop. Since we moved here, neither of us work, we are focusing on completing the house instead. I hope we can finish it in the next few weeks. But even if we do finish it, the whole family won't be able to move there. My children will need to rent in town so they can attend school and university. I worry a lot about money.

Shukaku did not do the right thing, and they continue killing people at Boeung Kok. They should not have evicted people without giving them adequate compensation. The government also did wrong. They never discussed with us, instead they pushed us to accept compensation. If someone protested they were labelled opposition party supporters, or anti-party [CPP]. I don't agree with the government's policy. They don't want our children to be educated. Because if we live in the city, even us poor, uneducated, people can afford to send our children to school. For example, two of my children now study law and another one studies electrical engineering. But the government doesn't seem to want that to happen.

Although I in the end only received US\$8500 in compensation, I am glad I fought for my rights. When we first started, few people in our community knew about their rights or how to protest. Many were scared, but I was strong. I think our work had some impact. Without it, I believe people would have been treated even worse. I am still involved. I am in regular contact with other community activists and I continue supporting them. I worry a lot about people who are forced to accept compensation and cannot afford to buy land and build a house. Once the money is gone they will have nothing."

“I DON’T WANT TO LEAVE THIS PLACE”



Residents watch as dredged sand is pumped into the lake



“My name is Be Pharum and I am 58-year-old widow. I have three children, but live only with my youngest daughter who is 19 years old. I work for an NGO that helps disabled people.

I first moved to central Phnom Penh in 1995 from Kien Svay because I got a job with the NGO. In 1997, I moved to Village 22 in Boeung Kok. I started by renting this wooden house, and then I bought it 2 years later. I have a buying certificate. I bought the house from a disabled person called Chamroen. The house was smaller then, so I enlarged it a little. When I moved here, a lot of people were already living here. I never had any doubts about my ownership of the property. I had bought it, after all.

No one challenged my ownership until 2008. That’s when I first heard about the problem from the Village Chief. He said they wanted us to move to the outskirts of the city. The local authority also conducted a survey that year. The survey asked how much money we wanted in return for leaving the area. But I don’t want to leave this place. Some villages have already been evicted, and I worry because I don’t know where else I could go.

I’ve been told I have three options; monetary compensation, move to Damnak Troyung, or onsite development. But the compensation offered is not enough to buy another place in central Phnom Penh, while Damnak Troyung is too far from my work, my daughter’s school, as well as health services. It’s not an option for us. To show an example of onsite development, they took some people to visit Borei Keila. But those people came back saying they wanted to continue living like they were here at the lake.

The company never came here. Instead, the local authorities came here to deliver a paper from the Municipality of Phnom Penh about the eviction. They threatened me once. It happened when a friend of mine tried to repair her house but the local authority and the company staff wouldn’t let her. So I went there and had a word with them and we got into an argument. Then the deputy governor

came with a security force. More people arrived to try to settle the issue. The local authority said they needed to demolish what had been repaired. They stayed true to their word.

I worry that I will be evicted soon because the sand that the company is pumping into the lake is already near my house. If the company continues to pump sand into the lake my house will collapse into the water.

I want the company to give me a house onsite, but not like in Borei Keila. I could also take compensation, but only if I am offered a proper price for my land. If I get only US\$8000, I don’t know what to do. It’s not enough to buy another house which means I may have to rent. But the money won’t last for long.

Living under threat of eviction makes me feel very stressed. I worry a lot about our home. Losing the house would be a big challenge for us, and I keep thinking, “What can I do with US\$8000?” This situation is giving me mental problems. Now I don’t have a clear direction for the future of me and my daughter anymore.

There are still some people here who don’t believe they will be evicted. In particular, people living on the land believe that. I’ve tried to persuade them to make them understand that we are all affected, but they say they have been there for a long time. They even believe the government will give them a land title and they look at people living on the lake as a kind of “protection zone”. But I know that even if the people on the lake are evicted first, the people on the land will follow. Some people on the land demand very high compensation, as much as US\$200,000. It is too high. What people who live on the lake ask for is reasonable.

I worry about my own security, because the local authority knows me through my work with Villages 2 and 4 before they were evicted. They say “I always see you”. Nevertheless, I am prepared to struggle.”

Be Pharam's struggle ended in late 2010 when she agreed to leave the area. Though still in her lakeside home, she is now preparing to leave. "I really don't want to move, but I am always threatened by the company and now many of my neighbours have accepted compensation and left. Our community is not together anymore. I fought for our rights for a long time, taking time off work and walking around the area in the evening to talk to neighbours. I did a lot of community organisation, I spent my own time and money, but many residents were simply not interested. Some even accused me of doing activities that were bad for the community.

When it flooded in September this year there was water also in my house. Accessing my house was very difficult. Many of my neighbours left at that time because of the water and the continued pumping of sand. Some of them now live in Sensok district. They have trouble finding work and an income because they are so far away. Some just went to their homelands.

In November Lao Vann came to visit me for the first time. Then on November 23 I received an eviction notice and went to meet him at the company's office. He was very polite and asked if I agreed with the compensation. I said I wanted US\$20,000.

Yeay Phu's nephew was at the meeting and he told Lao Vann I was an active community leader. Lao Vann then said that if I wanted US\$20,000 I would have to cooperate with him and the company. He said I should go back to my community and tell people they too should accept compensation. But I couldn't do it, it would have been like selling myself. People in my community trust me. I think they are like Pol Pot. I told them I would die in my house while they filled it with sand. I asked them if we were not equals, equal humans with the same needs for an adequate standard of living.

We spoke for an hour that time. Five days later I returned and Lao Vann kept asking me to work for him because he thought I had some power over other residents. "If you help me, I will help you," he said. I still asked for US\$20,000 and refused to work for him. Finally he said he could give me US\$10,000. I agreed. Lao Vann spoke with me longer than he did with others. With some people he only spent 5 minutes or so. I also know some people from Village 24 had to thumbprint a document stating they got US\$8500, when in fact they only got US\$2000 or US\$3000.

I haven't received the full amount of compensation yet, because I haven't demolished the house. But I trust Lao Vann to give me US\$10,000. According to my receipt, I had until November 30 to dismantle my house, but I asked if I could extend for a month until the end of the year because I'm waiting for people to come around to buy the house materials. With the compensation money, I plan to buy land. I am currently looking at a plot in Phnom Penh Thmey. It costs US\$6500 and measures 5m x 12m. If I take it I won't have much money left for building a house. I will have to rent somewhere else until I can afford to build, but I worry about the expense.

Even though I accepted US\$10,000, I am not happy because I have lived at Boeung Kok for a long time. The money will not make me happy. I am so sad about this outcome. For three years I fought, I organised, I joined meetings... I was happy to do that in my mind I always believed my fellow residents would understand and see what the company was doing to us. If we had been able to mobilise more people early on, I think we could have succeeded. Now, I feel like we failed."

Demonstrating residents were met with force



THEN AND NOW



April 2007



May 2010