

**Fact Sheet:** Case Study Series: Boeung Kak

**Timeline:** February 2007 to present



**Snapshot:** Due to concerted action by affected communities and civil society groups, donor pressure – in the form of the World Bank’s intervention – has begun to achieve some limited success to the Boeung Kak saga. However, much of the damage has already been done, with many families and whole communities devastated by the development and associated human rights violations.

### Introduction

This fact sheet tells the story of the events that have unfolded at Boeung Kak in Phnom Penh since February 2007 – perhaps *the* most high profile human rights and land conflict case in the Kingdom of Cambodia (“Cambodia”) over the last few years. This fact sheet is written by the Cambodian Center for Human Rights (“CCHR”), a leading, non-aligned, independent, non-governmental organization (“NGO”) that works to promote and protect democracy and respect for human rights – primarily civil and political rights – throughout Cambodia.

### Boeung Kak

Boeung Kak used to be Phnom Penh’s largest lake, an idyllic body of water in the heart of Phnom Penh surrounded by palm trees, guesthouses, a mosque and several thriving villages. It was one of the capital’s most prominent landmarks, helping to characterize Phnom Penh as a languid, tropical city of rural charm. It also served as one of its main drainage basins, essential for managing Cambodia’s intense monsoon downpours. Most importantly, the lake was the focal point and backdrop for local communities numbering some 4,000 families. Now it is a desolate, apocalyptic landscape of sand, rubble, bulldozers and broken homes.

### License to develop

In February 2007 the Municipality of Phnom Penh (the “MPP”) signed a 99-year lease for 133 hectares of the land – at US\$0.60 per square meter – with a company called Shukaku Inc. (“Shukaku”). Shukaku is not listed in the local Yellow Pages, but is otherwise very well-connected. It is owned by a senator from the governing Cambodian People’s Party whose wife runs Pheapimex, a company controlling vast swathes of land through government-granted economic land concessions. Shukaku Inc. spent approximately US\$79 million to lease the land and, with the backing of a Chinese company, Inner Mongolia Erdos Hung Jun Investment Company, made plans to fill the lake with sand and develop the area into a futuristic cityscape of high-end residential and commercial buildings.

### Human cost

There used to be 4,012 families living around the lake, the majority of whom moved there in the 1980s and 1990s. Now just under 20% of those families are still living in the Boeung Kak area. Those who have already left were subjected to a concerted campaign by Shukaku staff, armed police, and communal and district authorities, to intimidate them into accepting compensation widely deemed neither adequate nor equitable, or moving to a resettlement site 20km from their places of work and livelihoods. Those who refused to move suffered continuous intimidation, physical violence, unlawful arrests and detention, and the daily fear and reality of seeing their houses destroyed or flooded by dirty water as sand continued to be pumped into the lake until it disappeared for good.

For example, on 21 April 2011, several local residents – including two children – were beaten, electrocuted and detained by Phnom Penh security forces in front of the Phnom Penh municipal

cabinet as they attempted to meet local authorities to demand that they stop pumping land into the lake and come to a negotiated settlement with local residents. One 71-year-old woman was left bleeding from a head injury, while another woman suffered a broken thumb from the violence. Nine women were arrested, illegally detained and forced to sign confessions admitting provocation and responsibility for the violence. The women were released the following day. However, on 16 September 2011, amid a clash between local residents and riot police, eight homes were demolished without warning and a man was beaten unconscious by police.

### **Community action**

The affected communities at Boeung Kak have used various tools to raise awareness of their case and advocate to a broad array of national and international stakeholders in order to find a resolution to their plight. They have used technology – recording injustices and events and posting them on Facebook, YouTube and other social media tools – and initiated a “Save Boeung Kak Lake” campaign which has a website that acts as the central hub for information, press releases, newspaper articles, images, and other advocacy documents written by residents and NGOs. Some residents have also been willing to use the judicial process: the eight families who lost their homes on 16 September 2011 have filed a lawsuit with the Phnom Penh Municipal Court seeking to hold Shukaku, a contractor and three government officials accountable for the destruction of their homes. Such methods have allowed the affected residents to communicate directly with a broad array of stakeholders and given them a voice to argue their side of the story and to advocate for justice.

### **World Bank intervention**

After admitting responsibility for failing to protect local residents in connection with a land-titling project that it had funded, on 9 August 2011, the World Bank publicly announced that it had imposed a moratorium on loans to Cambodia. World Bank country director, Annette Dixon, stated that no more money would be lent to Cambodia until the RGC came to a respectable deal to compensate the 779 families still living in the Boeung Kak area. Two days later, on 11 August 2011, Prime Minister Hun Sen authorized that 12.44 hectares of land within the Boeung Kak development area be allocated to the remaining families for onsite housing in plots with legal ownership. However, the MPP has excluded 96 families in villages which it claims do not fall within the allocated area, including the families whose homes were demolished on 16 September 2011.

### **Conclusion**

Due to concerted action by affected communities and civil society groups, donor pressure – in the form of the World Bank’s intervention – has begun to achieve some limited success to the Boeung Kak saga. However, much of the damage has already been done, with many families and whole communities devastated by the development and associated human rights violations. Until proper and transparent processes are in place – and the rule of law prevails – Cambodian people will continue to suffer from the country’s rapid development while the elite prosper at their expense.

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