CCHR highlights the lack of due process regarding the imminent forced eviction of 262 families living next to Phnom Penh International Airport

The Cambodian Center for Human Rights (“CCHR”) is gravely concerned about the lack of due process regarding the imminent forced eviction of 262 families living next to Phnom Penh International Airport so as to make way for the airport’s expansion. The families – located in three villages in Pur Senchey district’s Choam Chao commune – have reportedly received a letter signed by District Governor Kith Sophya ordering them to leave their homes by 9 August 2012 (a week today) and warning them that authorities would take “administrative measures to remove the houses without responsibility for damage” if the villagers refuse to leave. However, the villagers are claiming to be the legal owners of the land that they occupy, and have therefore filed a complaint with City Hall in order to challenge their forced eviction and enter negotiations with the local authorities.

CCHR acknowledges the prerogative – and indeed duty – of the Royal Government of Cambodia (the “RGC”) to implement projects that further economic development throughout Cambodia. Unfortunately, people sometimes have to be moved from where they are living. However, such development must be for public rather than private interests, as stated in Article 5 of the Land Law 2001 (“no person may be deprived of his ownership, unless it is in the public interest”).

The other important point here is the legal obligation to consider any valid title claims that those affected may have: Article 5 goes on to say that “an ownership deprivation shall be carried out in accordance with the forms and procedures provided by law and regulations after the payment of a fair and just compensation in advance”. The RGC should therefore ensure that local authorities conduct a full investigation into the land rights of those affected by the expansion – with no steps to be taken until all ownership claims are fully settled – and that adequate and appropriate remedies, including fair and just compensation if appropriate, are provided at all stages of eviction.

Furthermore, Cambodia has ratified various international conventions and standards that apply whether affected residents possess legal land titles or not: (1) Article 25 of the Universal Declaration of Human Rights states that “everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing and housing”. (2) Article 11 of the International Covenant on Economic, Social and Cultural Rights provides for the “right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions” and that “the State Parties will take appropriate steps to ensure the realization of this right”. Moreover, (3) Article 14 of the International Convention on the Elimination of All Forms of Discrimination Against Women provides for the right of women “to enjoy adequate living conditions, particularly in relation to
Lastly, (4) under Article 27 of the Convention of the Rights of the Child, the RGC is obliged to provide children with material assistance, particularly with regards to housing.

Vann Sophath, Project Co-ordinator of CCHR’s Land Reform Project, comments:

“While it is inevitable that in a rapidly developing country such as Cambodia communities will sometimes have to be moved to allow for development projects, people should only be moved if such development is for the public good rather than for private profit. Expanding the airport satisfies this criterion. The real concern in this case is the lack of due process: investigations into the residents’ land title claims must be conducted immediately, and all legal obligations then complied with. The authorities must aim to minimize the disruption and upset caused to residents, observing their unalienable human rights, and promoting social as well as economic development.”

For more information, please contact Vann Sophath (tel: +855 (0) 1294 1206 or e-mail: vann.sophath@cchrcambodia.org) or Robert Finch (tel: +855 (0) 7880 9960 or e-mail: robert.finch@cchrcambodia.org).

– END –

Notes to the Editor:

CCHR, founded in November 2002, is a non-aligned, independent, non-governmental organization (“NGO”) that works to promote and protect democracy and respect for human rights throughout Cambodia.

CCHR is a member of the International Freedom of Expression Exchange (IFEX), the global network for freedom of expression.