Fact Sheet: Borei Keila – The Saga Continues
Timeline: January 2012 to present
Snapshot: After waiting nearly four years for a resolution since their violent eviction, the former residents of Borei Keila have been left disappointed by the decision recently announced by Phnom Penh City Hall, which saw the majority of remaining families denied on-site housing as initially promised by Phanimex Company ("Phanimex").

Introduction

Violations of land rights in the Kingdom of Cambodia ("Cambodia") is commonly a symptom of the desire amongst Cambodia's rich and powerful to put investment opportunities before the basic rights of ordinary people; the case of Borei Keila provides a vivid example of this trend. This Factsheet will show how Borei Keila went from being a poster-child of successful cooperation on land issues between a community and the Royal Government of Cambodia ("RGC") , to a name associated with horrific human rights abuses.

This Factsheet is written by the Cambodian Center for Human Rights ("CCHR"), a 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.

Where did it all begin?

Cambodia's economy grew by nearly ten percent a year between 1998 and 2008, resulting in foreign investors, particularly from other Asian countries such as China, Thailand and Vietnam, eagerly eyeing up lucrative opportunities to gain a slice of the action. In tune with the country's economic success, modern high-rise buildings began popping up at a considerable pace throughout the capital, Phnom Penh. Far from being a large city, available land in Phnom Penh is at a premium and attracts a high price, meaning property investors ferociously seek out any semblance of a money-making opportunity.

Previously home to 1,776 families, Borei Keila encompasses 14.12 hectares of land, located in central Phnom Penh. In 2003, the RGC granted Phanimex, owned by well-connected Cambodian businesswoman Suy Sophan, development rights to Borei Keila under a "land-sharing arrangement." Prime Minister Hun Sen authorized a social land concession ("SLC") for approximately 4.6 hectares of Borei Keila, and under the land-sharing agreement Phanimex was contracted to build ten buildings on two hectares of the land to house the residents of Borei Keila, and in exchange, received development rights for the remaining 2.6 hectares.

Where did it all go wrong?

Quite simply, Phanimex reneged on its part of the deal. In April 2010, after constructing only eight of the ten residential buildings promised, Phanimex halted construction claiming a lack of funds, leaving 300 families without permanent housing. Moreover, Phanimex was able to successfully requisition the land earmarked for the remaining two buildings from the RGC.

Borei Keila was catapulted into wider public consciousness when, in 03 and 04 January 2012, the remaining families were violently evicted from their homes by a contingent of Phanimex security personnel and a mix of Cambodian regular and military police, indicating the level of RGC complicity. Those executing the eviction were equipped with bulldozers, electric batons and tear gas. During the eviction over 200 homes were destroyed, many community members were injured, and some arrested and detained.

With no permanent housing provided to compensate for being forcibly evicted from their homes, the majority of the families were relocated to two remote settlement sites: Tuol Sambour, 25 kilometers outside Phnom Penh, in Prey Veaeng commune, and Srah Po (also known as Phnom Bat), 45 kilometers outside of Phnom Penh in Kandal province. At the resettlement sites, evictees have since had to live in makeshift tents and faced a myriad of problems including a lack of access to electricity, sanitation facilities, drinking water, schools and employment opportunities. The mounting waste and polluted environment has had a severe effect on the health of the evictees, who have been plagued with respiratory infections and diarrheal diseases.

What has happened since the initial eviction?

Since the horrendous events of January 2012, matters have been slow to improve. Many of the displaced families refused to live in the resettlement sites and returned to Borei Keila to live in makeshift dwellings at the base of the apartment blocks, in squalid conditions. They have since faced several violent crackdowns and further evictions.

In May 2013, Phnom Penh governor Pa Socheatvong promised to resolve the dispute, yet on 17 October 2013, frustrated by the slow progress, members of the Borei Keila protested in Phnom Penh, which was met with a heavy police response, causing three women to be knocked unconscious. In fact, the affected families have protested on several occasions to demand a resolution to their case, which have often been met with violence at the hands of the RGC.

The first tentative signs of a resolution were seen on 12 August 2014 when around 200 residents from Borei Keila met with city officials at a public forum; residents were asked to provide documentary proof that they were "real victims". A working group was established to further examine settlement options and compensation. After a first assessment in March 2015, it was announced in September 2015 that 154 out of the 183 families remaining at Borei Keila were entitled to compensation

After waiting nearly four years for a resolution, on 13 November 2015, it was finally determined that only 35 families will be entitled to on-site housing at Borei Keila. Eighty-five families were informed they could either be relocated to Andong village on the outskirts of Phnom Penh – a site which CCHR has previously denounced as inadequate[1] – or receive $5,000 in compensation. A further 34 families who did not have sufficient evidence to prove former residency at Borei Keila were offered just $3,000 The determination was met with outrage by residents, who have 30 days to appeal.

[1] CCHR, 'Cambodia: Land in Conflict, An Overview of the Land Situation' (December 2013) <http://bit.ly/1KtPNVy>

Conclusion/Recommendations

Regretfully, November's determination does not mark the end to the plight of the Borei Keila victims, as the majority of victims have been offered miniscule redress in light of the numerous and ongoing human rights violations they have suffered at the hands of Phanimex and the RGC. While CCHR welcomes the efforts of the authorities of the municipality of Phnom Penh to resolve the case, it is important to note that civil society have already presented decision-makers with evidence that more families are entitled to housing at Borei Keila and this should be re-evaluated. In addition, CCHR urges that the authorities and Phanimex reconsider the compensation offered and increase it so that it truly reflects prevailing land prices. For the avoidance of doubt, CCHR will continue its role as a close observer to discussions and events. In the meantime, the authorities must not take any more forceful measures against residents protesting for greater compensation, and respect the fundamental right to freedom of expression. Ultimately, efforts to broker a long-lasting and adequate resolution for the former residents of Borei Keila, as well as for all other land conflicts throughout Cambodia, must be continued.

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