

Boeung Tompun Lake Communities

Profiling the 13 Boeung Tompun Lake Communities as they face the threat of forced eviction

F and F

December 2016

#30

FACTS and FIGURES

is a publication on urban issues by Sahmakum Teang Tnaut (STT)



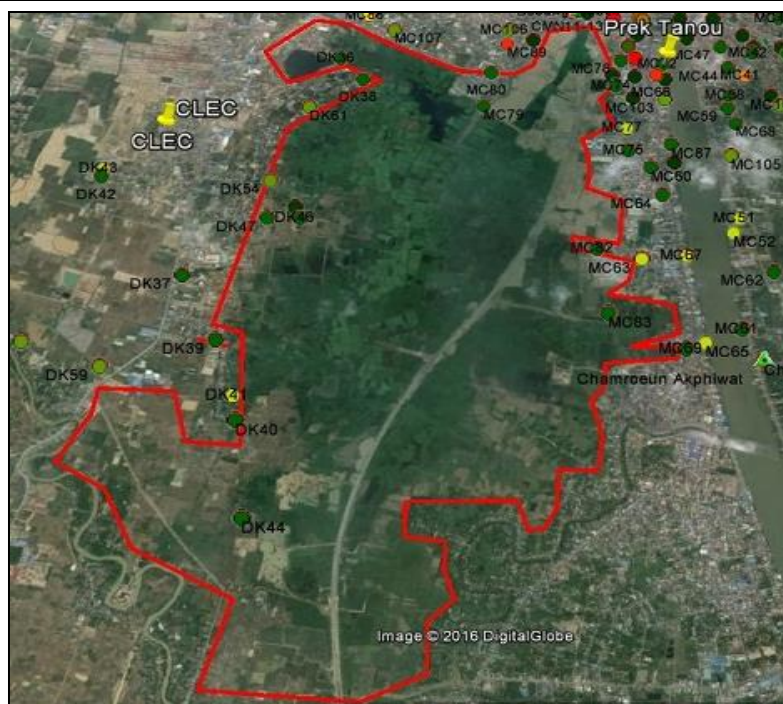
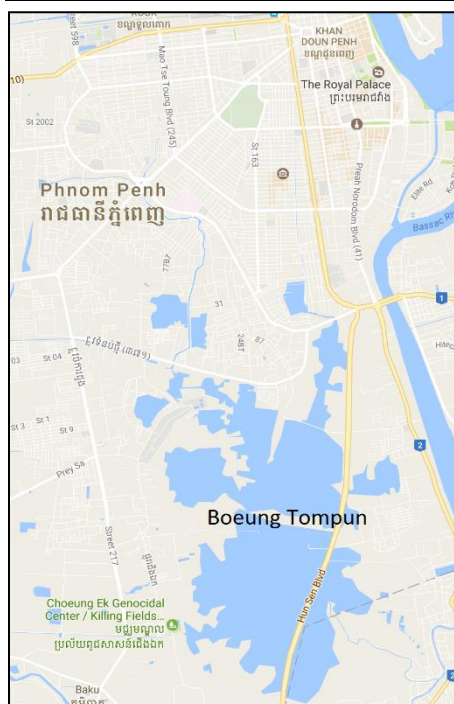
Authors: Danielle Gill, Korm Chanraksmeay, Chreuk Sophea, Sarah Rose-Jensen

This publication is supported by DIAKONIA, Heinrich Böll Foundation and MISEREOR

Forced eviction in the name of development and beautification is common in Cambodia. In 2011, Sahmakum Teang Tnaut (STT) identified 77 eviction sites from the past two decades in Phnom Penh alone¹.

Due to ongoing development in the area, residents of 13 Boeung Tompun communities have either faced eviction, or are fearful of eviction and the impact that this will have on their livelihoods. STT has monitored these communities since 2010, facilitating community meetings, producing maps, and conducting small scale-upgrading (i.e. replacing tin sheet walls and roofs with wood or concrete).

These 13 communities residing in Boeung Tompun face potential eviction as development encroaches on their land, and threatens future security. This threat comes from the activities of ING Holdings, which has been developing on the land since 2012².



Source: Google Maps, 2016

¹ Sahmakum Teang Tnaut, (2016). Promises Kept? A study on the Development of 77 Eviction Sites in Phnom Penh. Phnom Penh: Sahmakum Teang Tnaut, pp.1-3. [online] Available at: http://teangtnaut.org/wp-content/uploads/2016/12/1PK-Final-Report_V12.1_final-edits_formatted518907-1.pdf

² Sotheary, P. (2016). Villagers protest Boeung Tumpun lake project. The Phnom Penh Post. [online] Available at: <http://www.phnompenhpost.com/national/villagers-protest-boeung-tumpun-lake-project>

Introduction

Boeung Tompun is one of the largest natural lakes in Phnom Penh, offering families an affordable place to live close to the city, and playing an important role in environmental protection by acting as a natural reservoir for flood relief and wastewater storage³. People began settling in Boeung Tompun around 1975, and it is now home to an estimated 1,800 families⁴ in 13 different communities situated around the lake. Residents have built their homes using wood, zinc and concrete. Some were built on the bank of the lake whilst others were positioned on stilts above the water.

Methodology

The following report provides an insight to each of the 13 urban poor communities around Boeung Tompun, and their current land tenure efforts and eviction status. In 2013, STT visited these sites to determine the communities' situation in relation to land tenure and eviction, and developed profiles of the 13 communities. STT re-visited the communities in November 2016 to collect updated data on their living circumstances and to assess what efforts have been made to achieve land tenure. The 13 communities were identified using GPS coordinates, however exact boundaries could only be estimated since the communities do not possess precise information on the administrative boundaries.

Information for this report was predominantly⁵ collected via face-to-face interviews, used to create and update these community profiles. To achieve this, the STT research team visited the 13 sites over three days to conduct interviews with community representatives and members. Each interview was conducted by two researchers and lasted approximately 20 minutes - the interview was based around a questionnaire, designed to update previous information collected in 2013. During this time, a third researcher took photographs of the community and surrounding area.

Secondary research data was sourced online or from the STT research library. External secondary research data predominantly utilized local newspapers and reports published by non-governmental organizations (NGOs).

Limitations

Not all community leaders or representatives were available to be interviewed for the survey. These are key people who could have provided the best overview on the community's situation, the challenges they face, and efforts made toward securing land tenure. In the absence of these leaders and representatives, information was sourced from community residents willing to be interviewed.

Additionally, a lack of strong leadership and capacity to organize has resulted in low levels of community cohesion and challenges related to information sharing. Many community members were unable to provide substantial answers regarding the current efforts to achieve land tenure in the community.

Finally, in some instances, the STT research team was unable to obtain updated information during the 2016 research, thus – where noted – references to 2013 data has been made.

³ Rhoads, C. and Odom, S. (2014). As Lake Disappears, a Development Dilemma. Cambodia Daily. [online] Available at: <https://www.cambodiadaily.com/archives/as-lake-disappears-a-development-dilemma-62718/>

⁴ STT Communities' survey, 2016.

⁵ Some follow up questions were conducted via phone call.

Cambodian Land Tenure

There are various types of land tenure in Cambodia. After all titles were destroyed during 1975 – 1979 under the Khmer Rouge, the Cambodian Land Law was passed in 2001 to allow private ownership of land. Today, the most common land title in Cambodia is a “soft” land title – or certificate of occupancy. Certificates of occupancy are official certificates signed by Khan or Sangkat level authorities⁶. Though they are still considered a possessory status, they are not recognized at a national level, and offer less security than “hard” land titles obtained from the Ministry of Land Management, Urban Planning and Construction⁷ (which are more expensive).

Development in Boeung Tompun

After settling peacefully for decades, Boeung Tompun residents’ circumstances began to change in 2009, when the government granted permission for the development of Boeung Tompun lake to four private companies (AZ Group, ING Holdings, Daun Penh Construction Group and SMEC International)⁸, enabling them to develop the area into a satellite city. Since then, these firms have been actively filling the lake in with sand – predominantly under the directive of ING Holdings – which has led to several environmental and sanitation concerns. Lakes are critical for flood relief in Phnom Penh, but since the infilling started, flooding in the city has intensified year by year and residents in the surrounding communities have suffered from growing levels of stagnant and polluted water⁹.

“Since they filled the lake, flooding has destroyed homes”

In addition to the issues created from the lake infilling, 11 out of 13 communities responded that air pollution is an issue, and eight out of 13 are affected by increasing piles of garbage in the community, which emits a bad smell and increases health problems and risk of disease.

“We get sick regularly”

Developments have also been detrimental to the communities’ land and housing security. Most residents do not have official land tenure documents, and although eight out of 13 communities have undergone the Systematic Land Registration (SLR) process¹⁰, most have yet to receive official documents¹¹. Based on STT’s previous research¹², residents that are under threat of eviction to make way for the construction of the satellite city, are unlikely to receive adequate (if any) compensation. As well as being under threat of losing their homes, those dependent on the lake for agriculture and fishing would lose their livelihoods, risking further impoverishment.

⁶ Realestate.com.kh. (2015). Cambodia Land Title Classifications Explained, Once and For All!. [online] Available at: <http://realestate.com.kh/news/cambodia-land-title-classifications-explained-once-and-for-all/>

⁷ MLMUPC Cambodia, (2002). Cambodian Land Law. [online] Available at: <http://www.metheavy.com/File/Media/Land%20Law%202001.pdf>

⁸ The Phnom Penh Post, (2012). Eviction fears grow at lake. [online] Available at: <http://www.phnompenhpost.com/national/eviction-fears-grow-lake>

⁹ Sahmakum Teang Tnaut, (2015). F & F #25: Boeung Tumpun Lake, Future Unknown? Page 6.

¹⁰ “Systematic land registration involves identifying a specific area for land registration, after which land registration teams (LRT) enter and conduct coordinated survey and demarcation, land claims are adjudicated and land title certificates are finally issued.” - Grimsditch, M., Leakhana, K. and Sherchan, D. (2016). Access to Land Title in Cambodia. A Study of Systematic Land Registration in Three Cambodian Provinces and the Capital. [online] Phnom Penh: The NGO Forum on Cambodia, Land and Livelihoods Programme, Land Security Project. Available at: http://ticambodia.org/library/wp-content/files_mf/1436418166AccesstolandtitleinCambodia.pdf

¹¹ The communities survey asked the question why they had not received the documents, but residents were unable to answer.

¹² Sahmakum Teang Tnaut, (2016). Promises Kept? A study on the Development of 77 Eviction Sites in Phnom Penh. Phnom Penh: Sahmakum Teang Tnaut, pp.1-3.

Boeung Tompun Communities' Overview

As identified, the lake provides employment opportunities to residents; they can generate an income through fishing and planting aquatic crops (such as the vegetable morning glory), which they sell at the markets in Phnom Penh¹³. By being able to live close to the city, residents in the communities of Boeung Tompun have good access to other employment opportunities, education, and healthcare. The distance to these services from 13 Boeung Tompun communities are displayed in Table 1 below, with most services situated within a one and half kilometre radius. Most Boeung Tompun communities also have access to state water and electricity utilities, however, some still rely on private utility suppliers which are more expensive. Other essential infrastructures are also lacking in most communities, resulting in residents having to build their own systems, such as drainage to dispose of wastewater. A summary of the 13 communities' infrastructures are displayed in Table 2 below.

1. Access to Services	≤ 1.5km	≤ 3km
State Primary School	13	0
State High School	12	1
State Secondary School	12	1
Healthcare Centre	3	10
Market	8	5

Table 1: Communities' access to services

2. Infrastructure	Yes
State electricity	10/13
State water	9/13
Suitable drainage system ¹⁴	2/13
Waste collection	2/13
Communal street lighting	1/13
Suitable transport infrastructure	2/13

Table 2: Communities' infrastructure

Savings schemes are another valuable aspect often lacking in urban poor communities. Community based savings schemes mobilize and strengthen community participation. They are designed to improve and strengthen a poor community's resilience through encouraging saving – especially when banks are too costly – in addition to reducing the need for high interest money lenders¹⁵. Only one community out of 13 – MC79 Prek Takong 1 – currently has an active savings scheme. Four communities used to have savings schemes, however the NGOs that assisted¹⁶ in the creation of the schemes had stopped their support and so the schemes were discontinued. Tnaut Chrum 2 for example, received savings assistance from World Vision up until 2013, when the NGO ceased its support visits, and the savings scheme collapsed. The eight remaining communities have no savings schemes. Additionally, the knowledge deficit in these communities is clearly demonstrated by the frequent “no” response when community members were asked if they were aware of Circular No. 3¹⁷. Only two communities in Boeung Tompun – CMN13 Deum Svay and MC79 Prek Takong 1 – had heard of Circular No. 3, whilst 11 had not, highlighting a significant gap in community understanding of their rights in the face of eviction.

The following table summarises the 13 communities and their current situation regarding land tenure, eviction status, and efforts made to achieve land tenure from authorities.

¹³ Sahmakum Teang Tnaut, (2015). F & F #25: Boeung Tumpun Lake, Future Unknown? Page 6.

¹⁴ A drainage system capable of handling the complete removal of a community's waste, without severe struggle or flooding.

¹⁵ ST/ESCAP UN, (n.d.). Urban Community-Based Savings-and-Credit Systems in Cambodia, the Lao People's Democratic Republic and Vietnam. [online] pp.3-16. Available at: http://www.sswm.info/sites/default/files/reference_attachments/ESCAP%20UN%20ny%20Urban%20Community%20Based%20Savings%20and%20Credit%20Systems%20in%20Cambodia.pdf

¹⁶ Most communities had forgotten the names of these organizations.

¹⁷ “In May 2010, the RGC adopted Circular No.3 on ‘Resolution of temporary settlements on illegally occupied land in the capital, municipal and urban areas.’ The Circular offers solutions to support the development of urban poor settlements deemed illegal and sets minimum standards for resettlement sites; however, it does not include adequate legal safeguards for relocation” - UNHR, (2012). Eviction and Resettlement in Cambodia: Human Costs, Impacts and Solutions. A Study on Selected Urban Resettlement Cases. [online] Phnom Penh, p.24. Available at: http://cambodia.ohchr.org/sites/default/files/Thematic-reports/Resettlement_Study-28_Feb_2012_Eng.pdf

Code	Community Name	Year of Settlement	# of Families	Eviction Status	# of Families with Land Tenure
CMN13	Deum Svay	1975	40	Informal rumours in community	0
	Description	Private investors purchased the land in 2000, and later filled that area of the lake with sand in 2009. There are rumours that they intend to build a skybridge in 2017/2018, which may result in the community's eviction.			
DK36	Khva	2007	<100	Threat of eviction	48
	Description	In 2012, some members of the community underwent SLR, but not everybody received the correct certificates of occupancy. Then, in 2015, the remaining families underwent SLR, but only 20% received land tenure documentation. Now, in 2016, the community has been officially informed by local authorities that a private owner is intending to develop the site, thus the community will be required to sell the land to the investor and project developer.			
DK38	Phum Chamkadong Chong Toul	1981	50	Threat of eviction	50
	Description	Documentation of residency is recognized at the Sangkat level (certificate of occupancy). However, since the community underwent the SLR process in 2012, it is unknown how many hard land titles have been issued.			
DK46	Cheung Ek	1999	16	Informal rumours in community	0
	Description	The community has undergone SLR, and has requested land titles from the Khan and Sangkat authorities, but they are yet to receive any. Because they have had no success with obtaining land titles from the appropriate authorities, community members are fearful of future evictions.			
MC55	Prek Takong 3	1990	28	No immediate threat	0
	Description	Although the community claim to own the land, the official land title documentation proving the land belongs to the community was destroyed during severe flooding, and residents cannot afford the average \$500 USD ¹⁸ it costs each family to get new documents issued.			
MC81	Prek Tanou 1	1981	<450	Informal rumours in community	0
	Description	In 2013, all families underwent the SLR and obtained certificates of occupancy, but there are rumours of eviction to make way for private development of a new road.			
MC56	Prek Takong	1990	80	Evicted (returned to live near the site)	0
	Description	The families of Prek Takong were evicted in 2005/06, but residents cannot recall precisely who evicted them. Some compensation was provided, which according to some residents ranged between \$8,000-\$10,000 USD. Residents now live on state land next to where their homes used to be, but their living standards have greatly declined since the lake was filled in with sand.			

¹⁸ The cost depends directly on the size of land – e.g. a 15m x 13m plot would cost \$250 to obtain new titles.

Code	Community Name	Year of Settlement	# of Families	Eviction Status	# of Families with Land Tenure
MC75	Toul Roka	1993	42	Threat of eviction	0
	Description	This community is home to 42 families, but development of a new highway may see some families evicted. Though residents have not made efforts to obtain land tenure, 35 families agreed to sell their homes to the development company ¹⁹ , receiving a 4.2m x 16m house as compensation. The remaining seven, who are in possession of larger areas of land, have not accepted this, but instead are each asking for a new home plus financial compensation.			
MC78	Prek Tanou	1999	130*	No immediate threat	0
	Description	The community assumes they are situated on private land, owned by the families who live there. However, residents only have an unofficial letter ²⁰ proving this, which was obtained in 1990 (residents cannot recall who provided this letter). Since then, official land title documentation has not been given, and so land possession is unclear.			
MC79	Prek Takong 1	1986	382	No immediate threat	0
	Description	The community is situated on private land since the area was sold to a private company. 25 families representing the community underwent the SLR process in 2012-2013. Official documentation has yet to be issued, and the community cannot determine why there have been delays. Residents plan to contact authorities to gain further information.			
MC80	Tnaut Chrum 2	1989	18	Informal rumours in community	0
	Description	Tnaut Chrum 2 is now private land, since being purchased by developers in 2009. Though residents are not in possession of official land titles, they received compensation from the private firm, who gave \$200 per square meter of land (the impact of not having official land titles is clear, given that the average cost of land in Phnom Penh is \$1440 m ²) ²¹ . The residents still live on the land as currently no development has taken place.			
MC83	Prek Talong	1980	20*	Threat of eviction	0
	Description	Private developers have bought the land ²² but residents still reside there. Even though residents did not have land tenure documentation, some families were compensated, receiving between \$40,000 USD and \$70,000 USD ²³ .			
MC104	Prek Tanou 2	1988	<400	Informal rumours in community	0
	Description	Residents have not undergone SLR, but all families have had unofficial letters of land tenure ²⁴ since 2013. No family has official land tenure documents.			

* Data sourced from 2013 surveys.

¹⁹ Community members were unable to provide the name of the company developing the land.

²⁰ Unofficial letters are those not signed by any recognised authority. It is unknown who these letters are signed by.

²¹ Reaksmey, H. and Wilwohl, J. (2014). Phnom Penh Property Prices Continue to Rise. The Cambodia Daily. [online] Available at: <https://www.cambodiadaily.com/archives/phnom-penh-property-prices-continue-to-rise-53453/>

²² When asked, residents were unable to tell STT researchers who bought the land, and when.

²³ Unfortunately, residents were unable to say how many families received compensation.

²⁴ The community could not recall who exactly issued these letters.

The Future, Conclusions, and Recommendations

Future

Most communities – when asked about their plans regarding land tenure – responded with very similar answers. Those without land tenure have expressed an urgency to ensure official land tenure documents are received. Unfortunately, many communities are unaware how to follow up on their applications, and residents are unsure who to contact or turn to for assistance in speeding up the process for achieving legal land tenure.

The second most frequent response for the future involved the need to upgrade infrastructure, predominantly sewage systems and roads. Since infilling the lake with sand, a lot of infrastructure that used to be sufficient no longer is – mostly, sewage systems flood, damaging the community and causing health problems.



Source: STT, 2016

Conclusions

Though some communities around Boeung Tompun (such as Prek Takong 1) have, for the moment, escaped eviction by avoiding the direct site of development (residing close to, but not on, the land being developed), other communities may not be so fortunate. This is apparent from the insecurity felt by many communities regarding their future ability to reside in their current location.

Security is threatened by the lack of official land titles, that have either not been applied for, have not been issued, or have been lost in floods. Official land titles provide a level of assurance in the face of forced eviction, enabling families to obtain fair compensation – financial or otherwise²⁵. Though some communities (e.g. Prek Talong) did receive compensation without land titles, the importance of such documents cannot be emphasized enough.

Worryingly, a surprising number of families still do not understand their rights in relations to land tenure (as outlined in Cambodian Land Law 2001), Circular No. 3, or in some cases, even the importance of land rights. This raises concerns about the transfer of relevant knowledge and information, from those who have it to those who need it (such as these urban poor communities).

²⁵ For example, receiving areas of land, or new homes.

Finally, the infilling of the lake with sand is having noticeable effects on the surrounding communities, where sewage systems are struggling to dispose of wastewater and flooding is becoming a greater problem.

Recommendations

The most apparent concern during STT's visits to the Boeung Tompun communities was their lack of knowledge regarding Circular No. 3, SLR, Cambodian Land Law, and even the importance of land rights. Thus, a key recommendation is for support to be provided to the communities to improve their knowledge in these areas and educate them about the importance of land rights. This can be achieved in several ways, including: issuing an information booklet to communities, which outlines and explains the laws, policies, and rights; training community representatives to be key disseminators of information; or holding workshops for community members to attend and learn this important information. For example, the Khva community attended STT's quarterly meeting in June 2016 to gain further knowledge regarding commune development. However, whilst NGO training is critical to bridge an educational gap now, the ultimate goal for the Cambodian Government should be transparency and accountability. Thus, the government should eventually be providing education regarding land laws and rights.

Secondly, more consistent monitoring and support from civil society organizations is desperately needed. Based on community residents' responses, NGO support appears to be inconsistent, sparse, and lacking in sustainable impact. In some cases, when NGOs support these communities they often leave without having provided sufficient tools for the community to continue the work alone. This has been the case in some of the Boeung Tompun communities, particularly in relation to community saving schemes.

Finally, communities need to be organized, and keep records safe in case of flooding or other such hazardous events. Importantly, becoming organized will also strengthen community solidity, enabling community residents to become stronger in the face of private developers encroaching on their land, and increase their bargaining power for fair compensation. All communities that are currently not organized have expressed a desire to become so, but it is recommended they that have assistance from NGOs or charities, to ensure the communities are organized most effectively and efficiently.