

# BOEUNG TAMOK OR BOEUNG KOBSROV

Facts and Figures #43

April 2021







**អង្គការសហគមន៍ទន្លេ**

**Sahmakum Teang Tnaut Organization • a Cambodian Urban NGO**

Sahmakum Teang Tnaut (STT) was founded in 2005 and officially registered in 2006 as a local NGO supporting urban poor communities. STT started as a small NGO that focused on technical upgrades in poor communities and has since grown to produce community maps, research and advocacy in order to achieve its goal of helping poor communities realise their rights to land and housing.

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# Disclaimer

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This report was prepared and compiled on the basis of sub-decrees issued by the Government of Cambodia, as well as reliable information provided by citizens living around the lake. This publication is aimed at improving the public's understanding of Boeung Tamok, the largest lake in Phnom Penh, and the important issues that require attention. This document cannot be used in court to dispute a case.

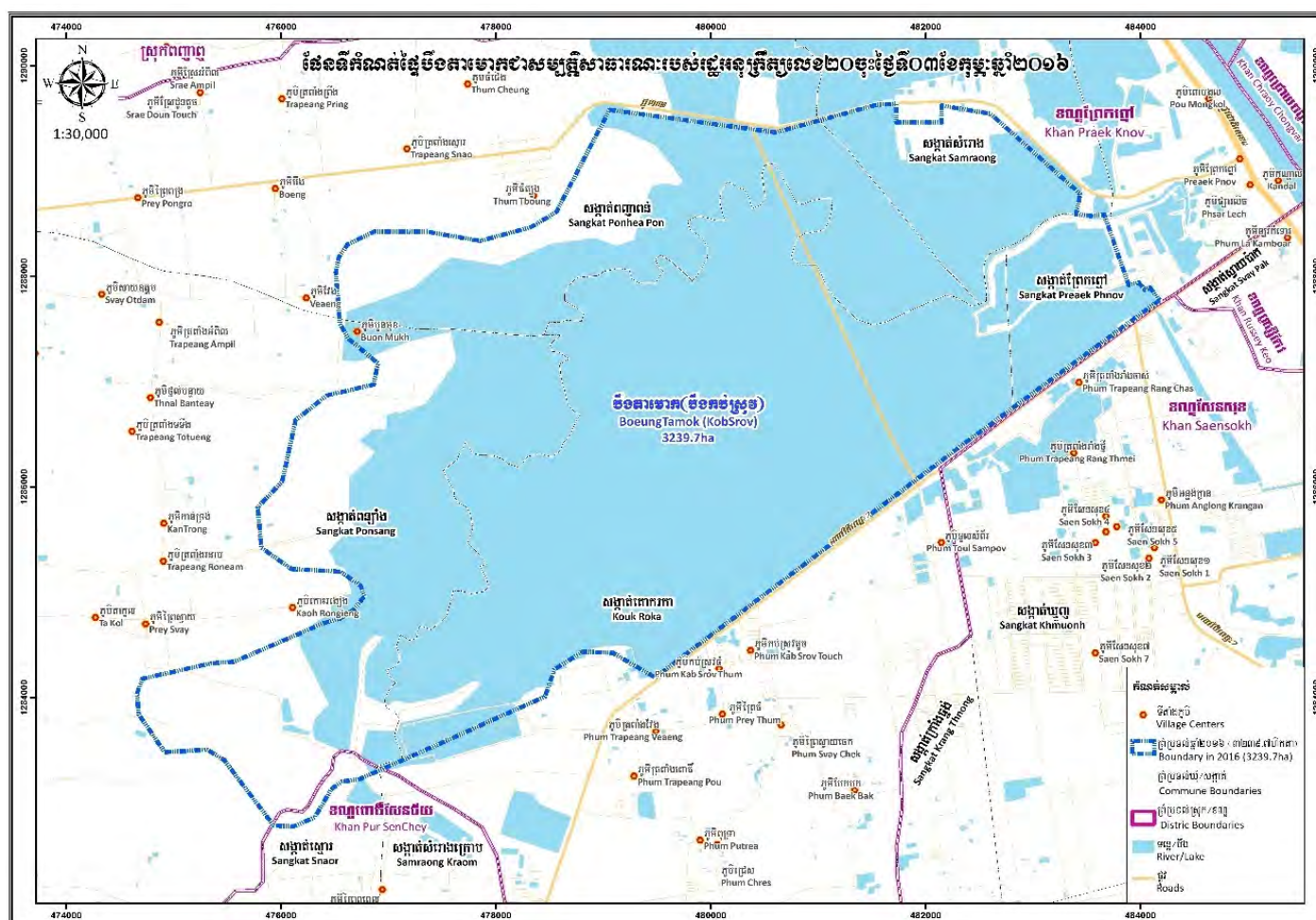


# 1. INTRODUCTION

Boeung Tamok or Boeung Kobsrov is the largest natural lake in Phnom Penh, located on the northwest side of the city, along the Win-Win Boulevard. The lake covers a total area of 3239.7 hectares, spanning 2 Khans, 6 Sangkats and 25 Phums. The lake boundary was not officially demarcated until 2016, when the Royal Government declared Boeung Tamok Lake with a total area of 3239.7 hectares as state public property, but this was later revised at least 17 times. Surrounding the lake, there are around 300 families, consisting of approximately 1,000 people, many of whom earn a living through fishing, aquaculture farming, and home-based businesses. Most of the families live in poorly constructed, dilapidated housing, with around 30% of families living in makeshift shelters. In addition to human habitation, Boeung Tamok is also home to a vibrant and diverse ecosystem of birds and fish.

## 2. GEOGRAPHY

Boeung Tamok or Boeung Kobsrov is Phnom Penh's largest natural lake with an area of 3239.7 hectares and a perimeter of 29.1 km. The lake is located in the western part of Phnom Penh, extending along the Win-Win Boulevard (previously Tomnub Kobsrov road) and Street 151 to Wat Phnom Reab Temple. The lake spans 2 Khans, 6 Sangkats and 25 Phums.



Map 1: The geographical location of Boeung Tamok or Boeung Kobsrov



### 3. DEMOGRAPHY

Surrounding Boeung Tamok, there are around 300 families, and approximately 1,000 people<sup>1</sup>. Most of the families earn a living through fishing, growing lotus, farming and home-based businesses<sup>2</sup>. The majority of the houses are small and poorly constructed and are located in the middle of the lake, or next to a Win-Win highway to the west of the lake.

A research study conducted by STT between January and February 2019 on Boeung Tamok found that 71 families were facing eviction, 15-25 were at high risk of eviction, and at least 204 families were at risk of being evicted in the future. Some of the devastating consequences of such evictions were the loss of housing and income, disrupted education for children, violence, and debt<sup>3</sup>. Many families had borrowed money from MFIs or informal money lenders in order to buy fishing resources, which has led to increased debt when they struggle to pay the money back. If the equipment is destroyed by authorities during evictions, this debt will increase and many families suffer as a result.

In addition to the benefits for the families living around the lake, there is a vibrant ecosystem including an abundance of fish and birds.



Picture 1: Local fishmen fishing in Boeung Tamok (West) in 2019.

<sup>1</sup> STT survey during February 2019.

<sup>2</sup> Ibid.

<sup>3</sup> STT BRIEF Boeung Tamok evictions.pdf



## 4. THE HISTORY OF BOEUNG TAMOK

### 4.1. Between 1970 and 2016

According to residents who have been living in Boeung Tamok since the early 1980's, parts of the lake have been used as agricultural land for farmers in the dry season to grow morning glory and lotus. In the rainy season, the water comes down into the floodplain of the lake, providing a natural reservoir for Phnom Penh. Historically, there was a dry rice field with a creek being used as a conduit to pump water into the fields. The creek was named Prek Phnov, and flowed from Prek Phnov Bridge to Thom Village in Sangkat Ponhea Pun, Khan Prek Pnov. However, after the Prek Phnov Bridge and the Tomnub Kobsrov dam were built, the flow of water to the lake stopped and instead polluted water from Phnom Penh started to be pumped into the lake, which meant that there was no longer a dry season, resulting in people not being able to farm. In addition, parts of the lake were excavated, making some areas of the lake deeper. According to a photo taken from Google in 2012, it appears that the lake has gone through several changes (Figure 2).



Map 2: Google Satellite Image May 2012 and April 2020

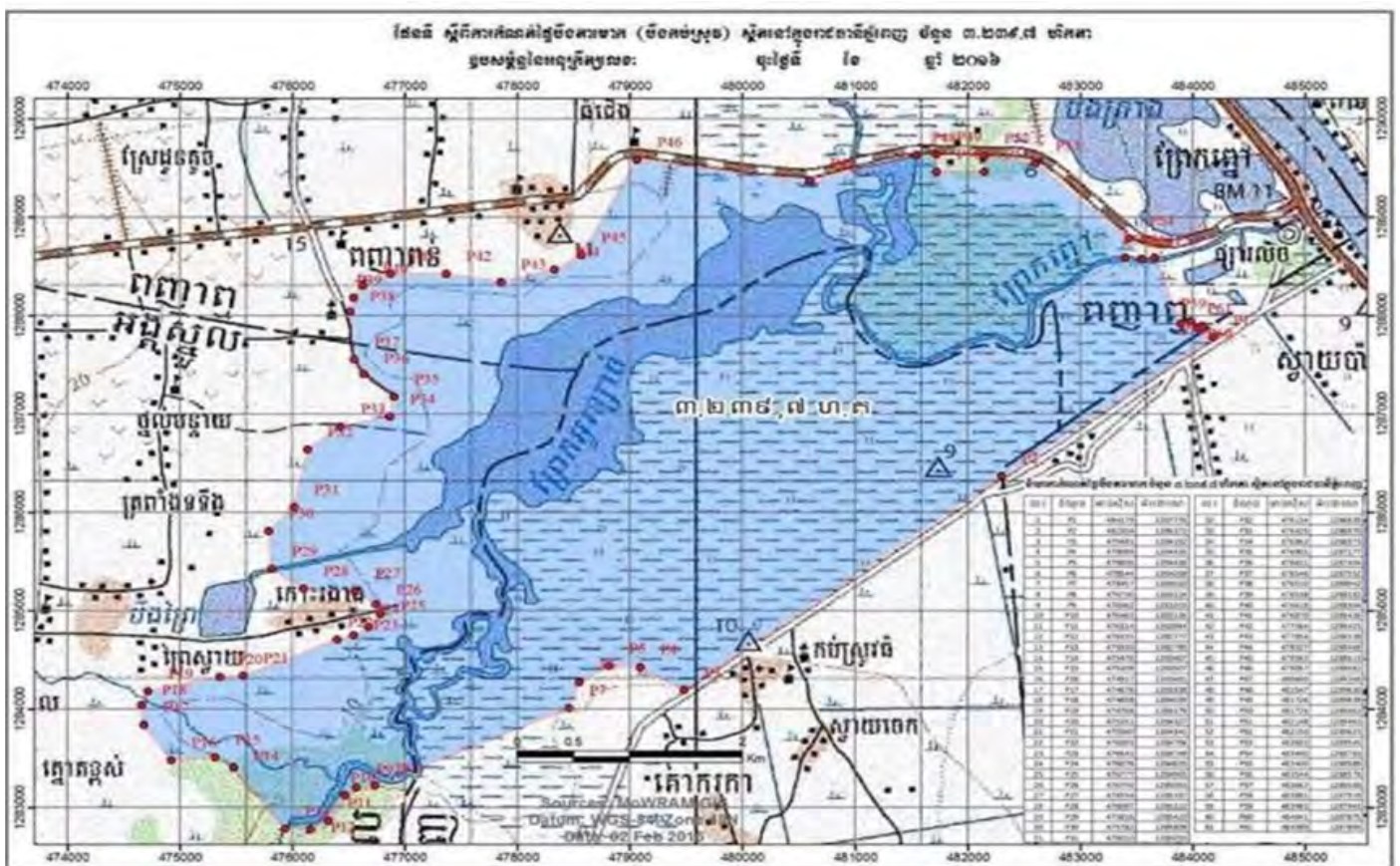


## 4.2. The Lake Boundary established in 2016

On 3 February 2016, the Royal Government of Cambodia (RGC) issued Sub-Decree No. 20, which declared Boeung Tamok or Boeung Kobsrov as state public property, with 61 points (from P1-P61) and a total area of 3239.7 hectares<sup>4</sup>.

At the time, STT interviewed 19 village chiefs as well as some residents living around the lake. Approximately 332 families' homes were affected by the sub-decree, which included 147 families whose farmlands were also affected. The residents were concerned that despite the lake being declared as state public land, the RGC could decide to use the land for economic purposes which could lead to evictions and other negative consequences<sup>5</sup>.

Despite the declaration of the lake's surface and boundary as public state property, demarcation of the lake still occurred several times. According to the residents living around the lake, this land was not given to the local communities, but to tycoons and rich people.



Map 3: Appendix of Sub-Decree No. 20 in 2016

<sup>4</sup> [https://drive.google.com/file/d/1\\_I\\_P9U01bJmnG8vwNEUlygbPs2lV2s\\_K/view?usp=sharing](https://drive.google.com/file/d/1_I_P9U01bJmnG8vwNEUlygbPs2lV2s_K/view?usp=sharing)

<sup>5</sup> Report on the impact of sub-decree on the demarcation of Boeung Tamok surface (Boeung Kobsrov) as a public property of the Sahmakum Teang Tnaut (STT) association in 2016, download from <https://teangtnaut.org/impact-sub-decree-classify-turnop-kopsrov-state-public-property/>

### 4.3. Constructing the road across the lake

Between June and July 2016, a road was built from Toul Sampov Pumping station on the south side of the lake to Route 151, on the north. The road is approximately 4km long and 60 meters wide<sup>6</sup>. This development marked the beginning of the changes which were to come and the developments which would forever change the landscape of the lake.



Map 4: The main road that runs through the center of Boeung Tamok

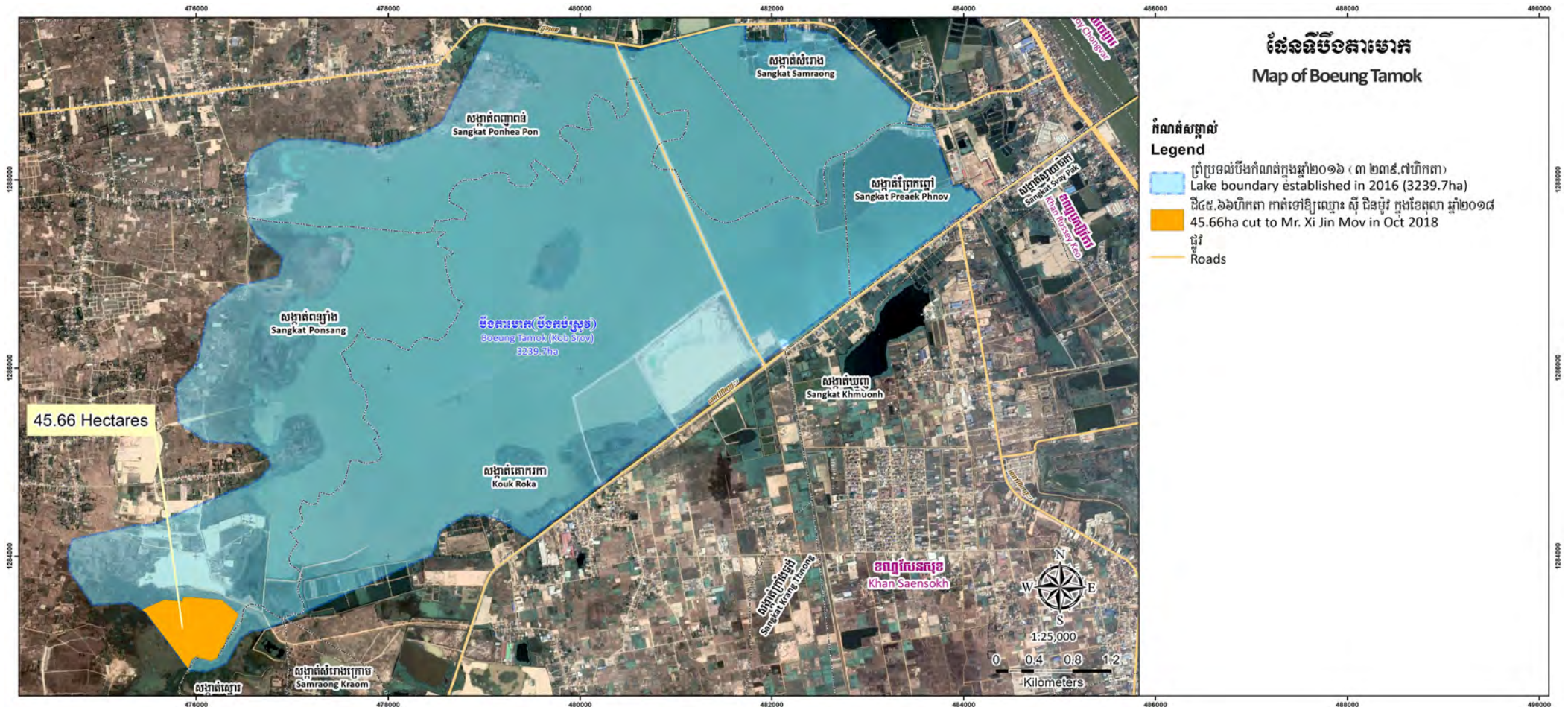
<sup>6</sup> A look back at images taken by Google Satellite (Google)



## 5. TIMELINE OF THE REVISIONS OF BOEUNG TAMOK LAKE

### 5.1. The surface of the lake was revised in October 2018

According to Sub-Decree No.132, issued on 25 October 2018, an area of 456,553 square meters, (approximately 45 hectares) out of the total lake area of 3239.7 hectares, was declared as state private property. This area spans across 4 villages: Prey Svay village, Tnuat Khpos village, Toul village, and Boeung Khnom village of Sangkat Pongsang, Khan Prek Phnov and was given to Mr Xi Jin Mov<sup>7</sup>.



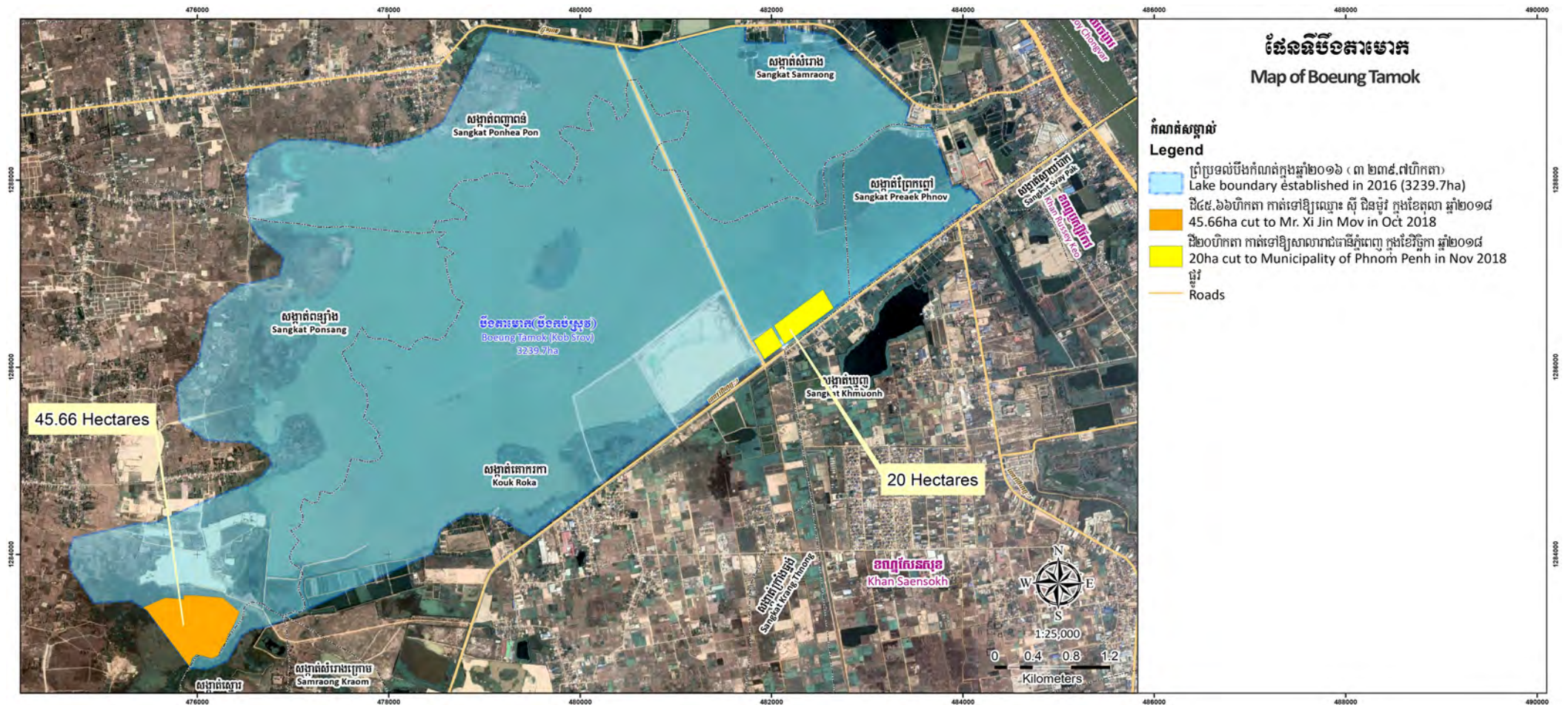
Map 5: The location of the land cut to Mr Xi Jin Mov in 2018

<sup>7</sup> [https://drive.google.com/file/d/13jWhYWaj18RTyR9PJOSrci6d9aB0x7\\_-/view?usp=sharing](https://drive.google.com/file/d/13jWhYWaj18RTyR9PJOSrci6d9aB0x7_-/view?usp=sharing)



## 5.2. The surface of the lake was revised in November 2018

According to Sub-Decree No. 147 dated 1 November 2018, 20 hectares was also declared as state private property. This area was allocated to Phnom Penh Capital Hall for the development of a vegetable market and a car park. There were three families living within these 20 hectares who were directly affected by the development project. As a result, the families were evicted, and forced to relocate to the east side of the lake, without compensation<sup>8</sup>.



Map 6: The location of the land cut to Phnom Penh Capital Hall in 2018

<sup>8</sup> [https://drive.google.com/file/d/1ywdilAZtSqEIaQbcilA39C--\\_m\\_1Dpo/view?usp=sharing](https://drive.google.com/file/d/1ywdilAZtSqEIaQbcilA39C--_m_1Dpo/view?usp=sharing)



### 5.3. The surface of the lake was revised in April 2019

The lake surface was revised again in April 2019. According to Sub-Decree No. 62, dated 23 April 2019, an area of 535,031 square meters was declared as state private property. 457,893 square meters of this area was given to Suy Sophan. During the same month, the remaining 77,138 square meters was given to Men Sok<sup>9</sup>.



Map 7: 45.79 hectares of land assigned to Suy Sophan and 7.71 hectares of land assigned to Men Sok

<sup>9</sup> <https://drive.google.com/file/d/19vCiuxNuZ8iFdUofXdnidO-MOloOfb8k/view?usp=sharing>



#### 5.4. The surface of the lake was revised in March 2020

According to Sor Chor Nor No. 368 from the Ministry of Council updated on 13 March 2020<sup>10</sup>, an area of 75 hectares was cut and given to the Phnom Penh Capital Hall for a garden. Sor Chor Nor No. 369, released on the same date, granted 8 hectares to the Central Security Department and the National Police General Commission of the Ministry of Interior<sup>11</sup>.



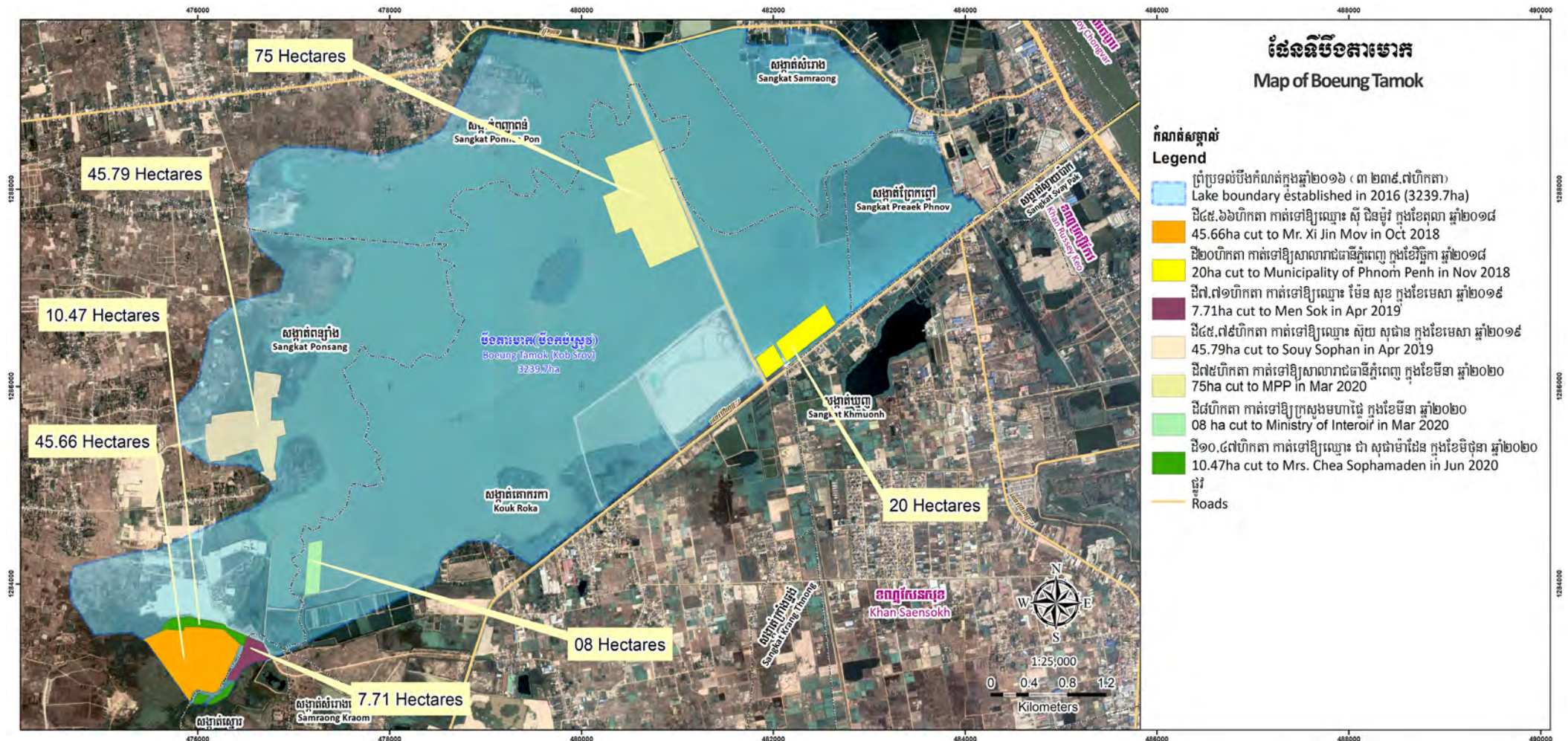
<sup>10</sup> <https://drive.google.com/file/d/10mYQD0SX5LIzoQS6sWid1LeJPJoAzoKy/view?usp=sharing>

<sup>11</sup> <https://drive.google.com/file/d/1uWC72qzRjRrM4cl2cnpFZy0RRFNdlHkK/view?usp=sharing>



## 5.5. The surface of the lake was revised in June 2020

The surface of the lake was revised again in June 2020, according to Sub-Decree No.89, 104,754 square meters (10.48 hectares) were provided to Mrs Chea Sophamaden, the daughter of the Minister of Land Management, Construction and Urban Planning<sup>12</sup>.

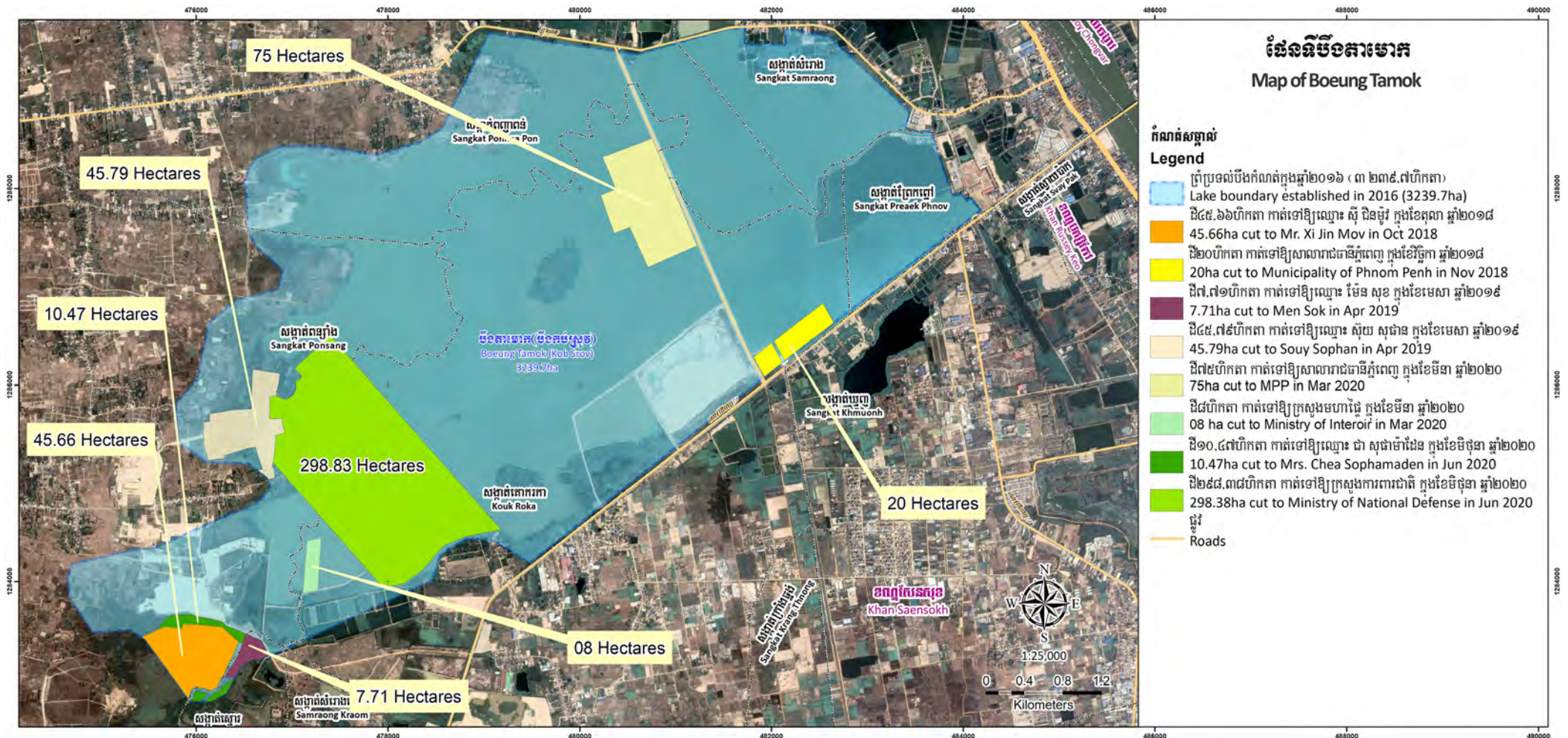


<sup>12</sup> <https://drive.google.com/file/d/1EotuYwgfttP9agyTxOeOYzJnp2NRwjWu/view?usp=sharing>



## 5.6. The surface of the lake was revised in June 2020

Within the same month, Sub-Decree No. 90 stated that an additional area of 2,985,472 square meters (298.55 hectares) of land was handed to the Ministry of Defense<sup>13</sup>.



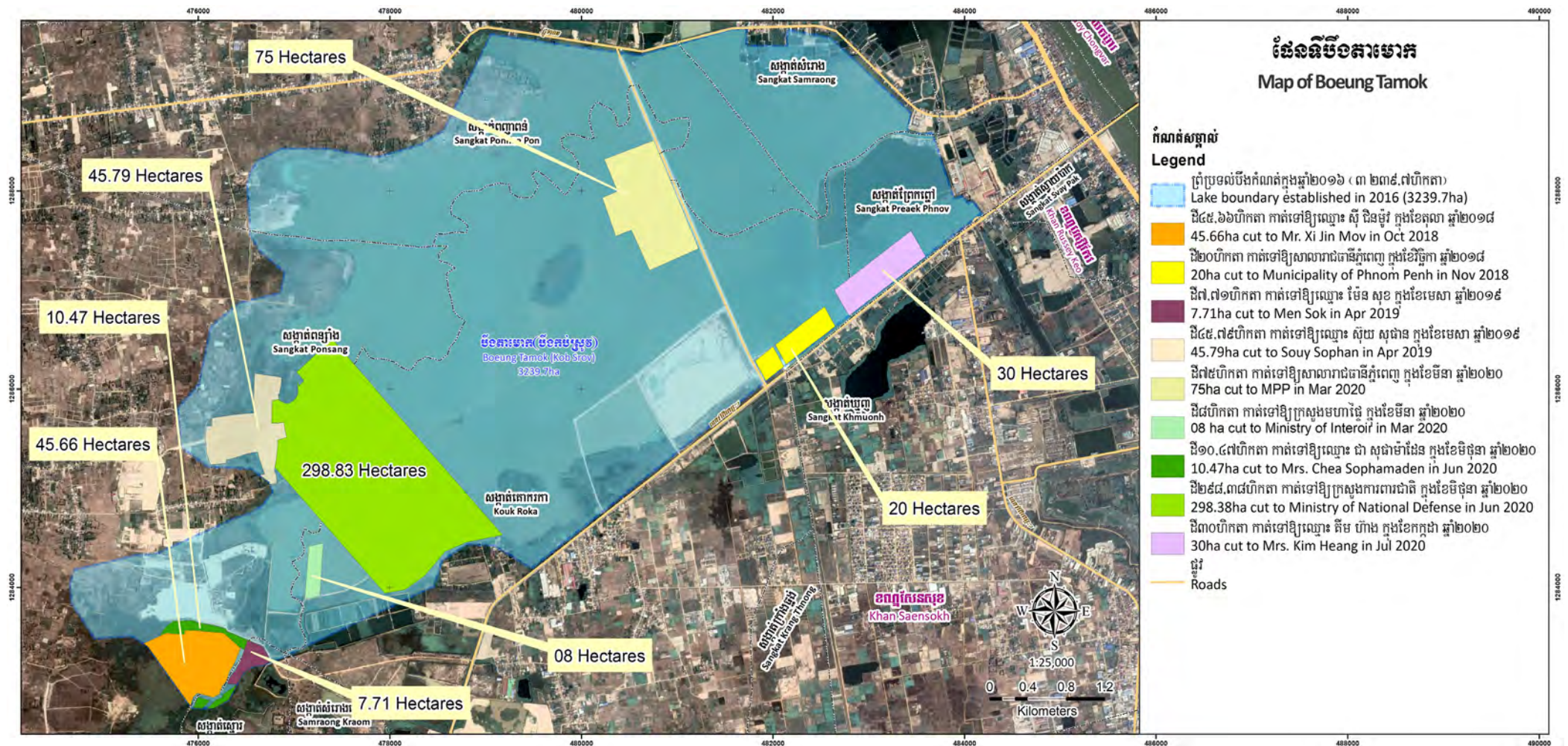
Map 10: 298.55 hectares granted to Ministry of Defence

<sup>13</sup> <https://drive.google.com/file/d/1Zqcl2eq7RyaQz3zFJTDLIJWqmqzOtpL-/view?usp=sharing>



## 5.7. The surface of the lake was revised in July 2020

According to Sub-Decree No.94 dated 2 July 2020, 30 hectares of lake land was given to Ms. Kim Heang, the wife of Tycoon Ly Yong Phat<sup>14</sup>.



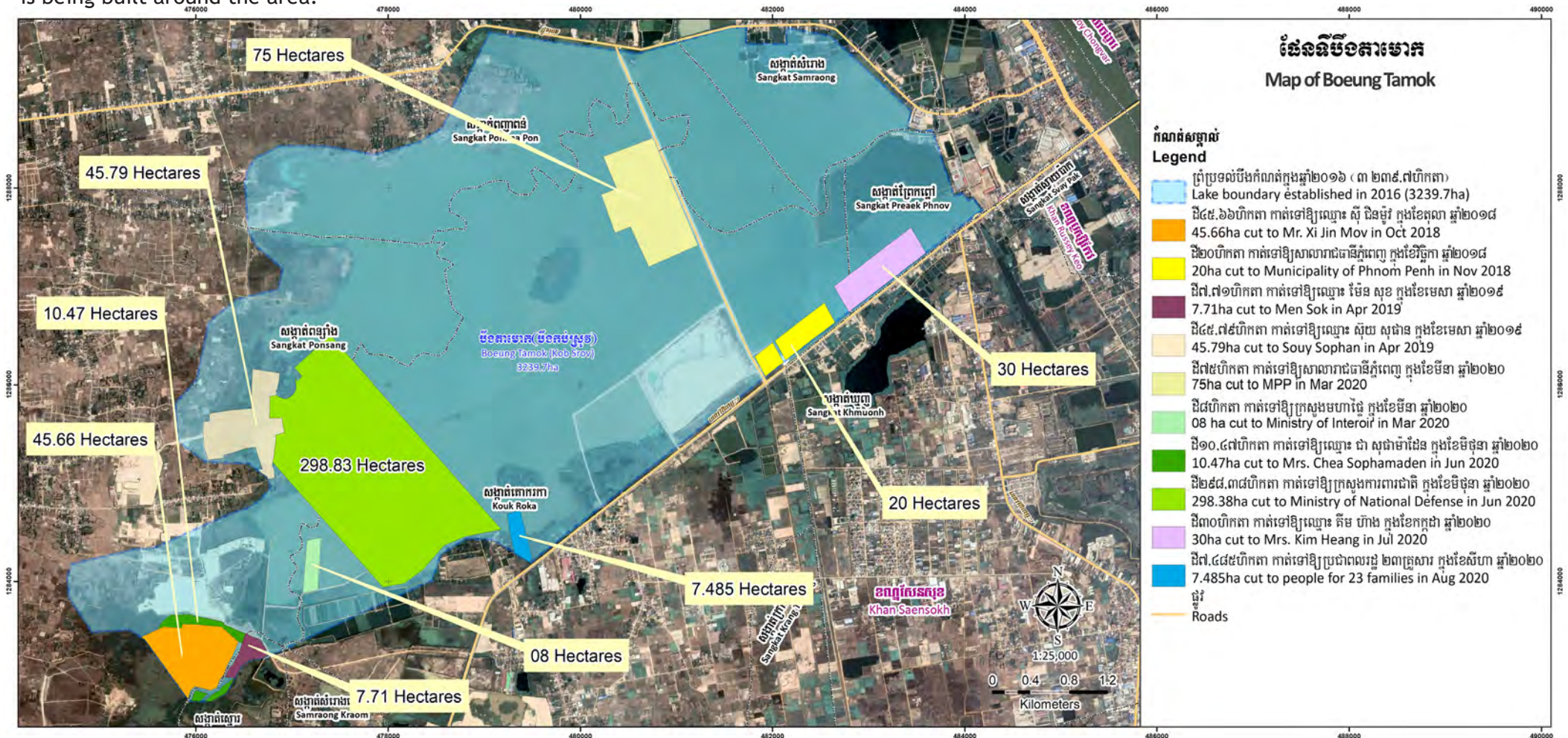
Map 11: 30 hectares granted to Mrs. Kim Heang

<sup>14</sup> <https://drive.google.com/file/d/1uWC72qzRjRrM4cl2cnpFZy0RRFNdlHkK/view?usp=sharing>



## 5.8. The surface of the lake was revised in August 2020

According to Sub-Decree No. 125 dated 11 August 2020, 7.485 hectares<sup>15</sup> was granted to 23 families. These families were the ‘original owners’ of the land before the lake boundary was established as public state land in 2016. This particular plot of land is vacant and partially flooded, and currently a brick wall is being built around the area.

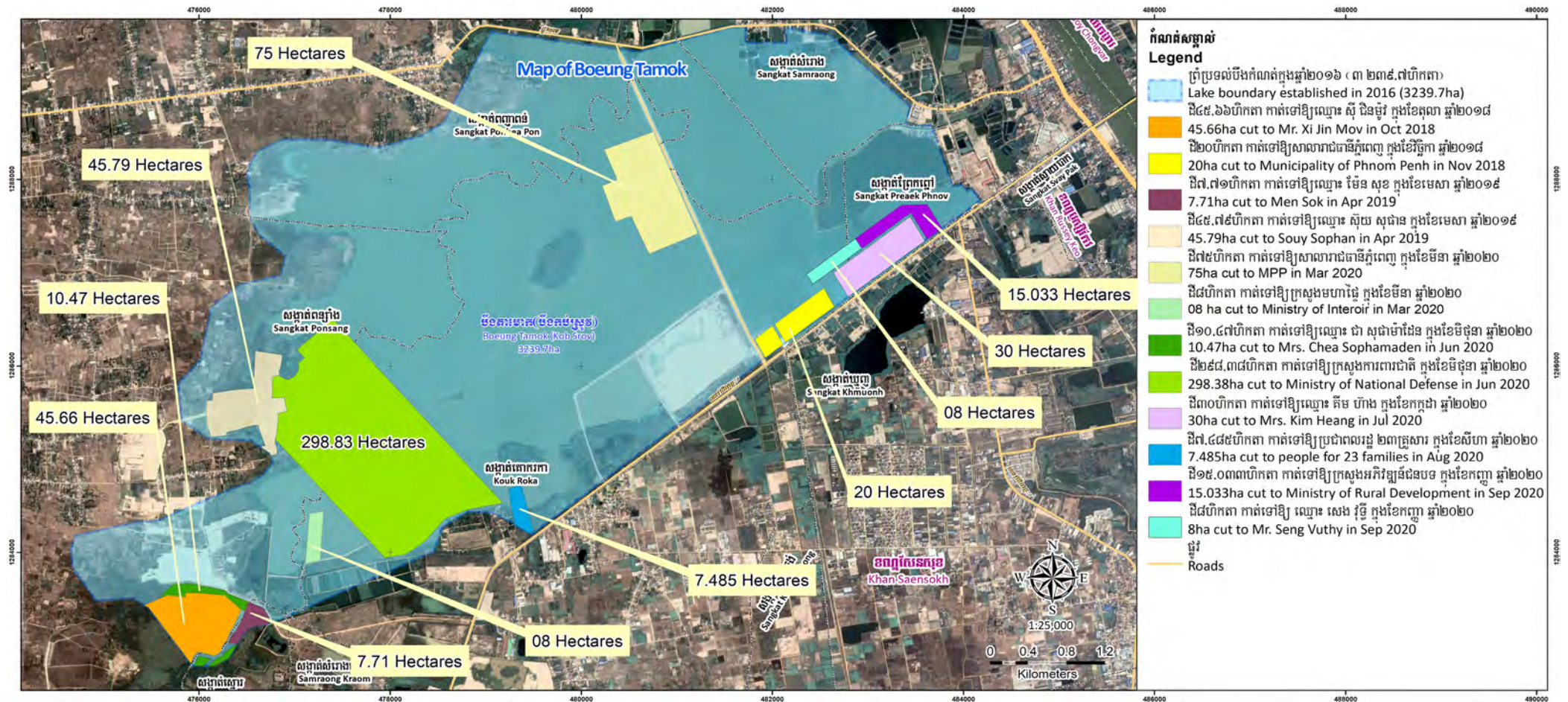


<sup>15</sup> <https://drive.google.com/file/d/1l0mDnKMHGWNsthy4Kf8m8USU6NRQwfv/view?usp=sharing>



## 5.9. The surface of the lake was revised in September 2020

According to Sub-Decree No. 138 established on 1 September 2020, 150,330 square meters of the lake was given to the Ministry of Rural Development and 80,236 square meters was given to Seng Vuthy<sup>16</sup>.



Map 13: 15.033 hectares was granted to the Ministry of Rural Development and 8.02 hectares to Seng Vuthy

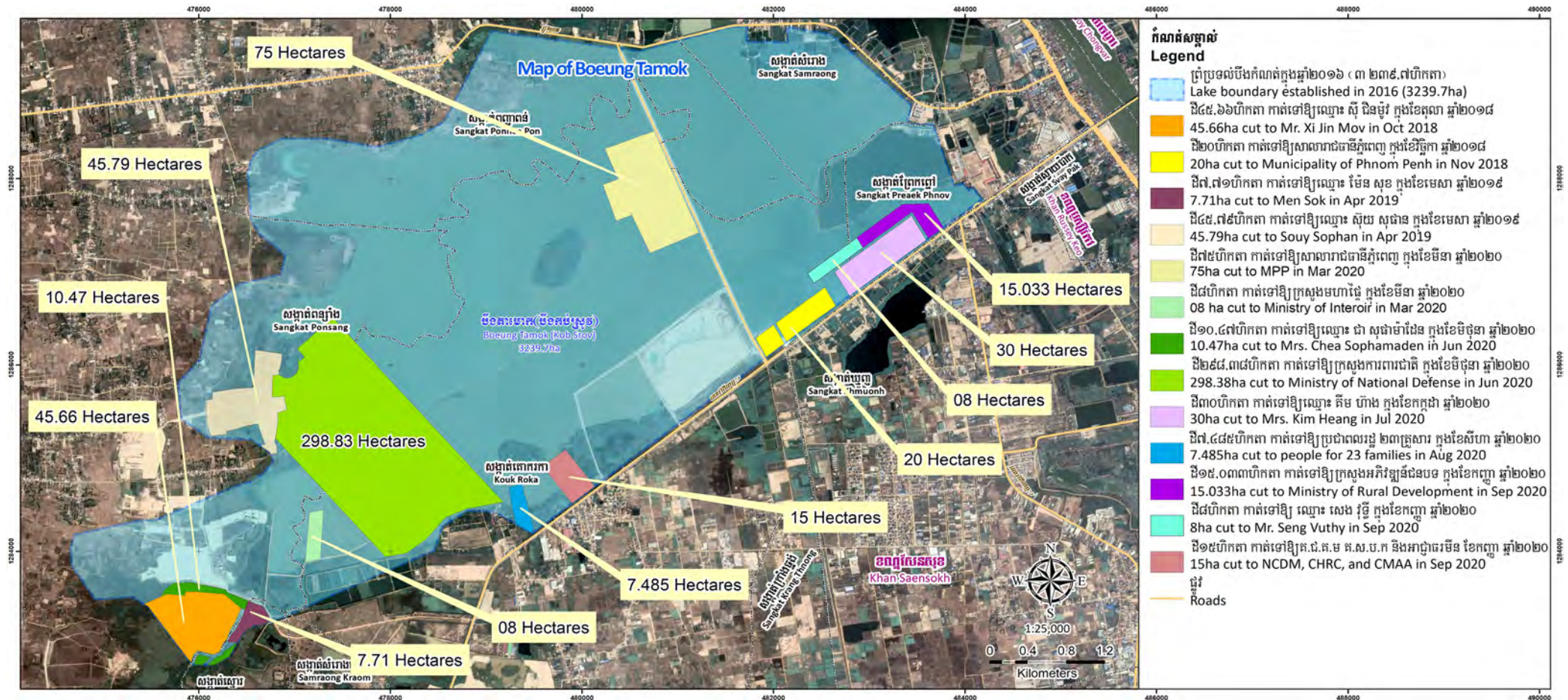
\* Note: On 4 January 2021, the RGC revoked the 15 hectares of land which was cut to Ministry of Rural Development, according to Sor Chor Nor No. 4<sup>17</sup>.

<sup>16</sup> <https://drive.google.com/file/d/1aS3vWJF5QQYtf8QQ45F2EtP1bpOReiDL/view?usp=sharing>

<sup>17</sup> [https://drive.google.com/file/d/1l0k3ZRqkKmbDA\\_HZ7bllfqYxxzjsmkzj/view?usp=sharing](https://drive.google.com/file/d/1l0k3ZRqkKmbDA_HZ7bllfqYxxzjsmkzj/view?usp=sharing)



According to Sub-Decree No. 139 established on 1 September 2020, 150,000 square meters of lake land was cut and handed over to the National Committee for Disaster Management (NCDM), the Cambodian Human Rights Committee (CHRC), and the Cambodian Mine Action and Victim Assistance Authority (CMAA)<sup>18</sup>.



Map 14: 15 hectares granted to NCDM, CHRC, and CMAA

\* Note: On 4 January 2021, the RGC revoked the 150,000 square meters of land which was cut to the National Committee for Disaster Management (NCDM), the Cambodian Human Rights Committee(CHRC) , and Cambodian Mine Action and Victim Assistance Authority (CMAA), according to Sor Chor Nor No. 4<sup>19</sup>.

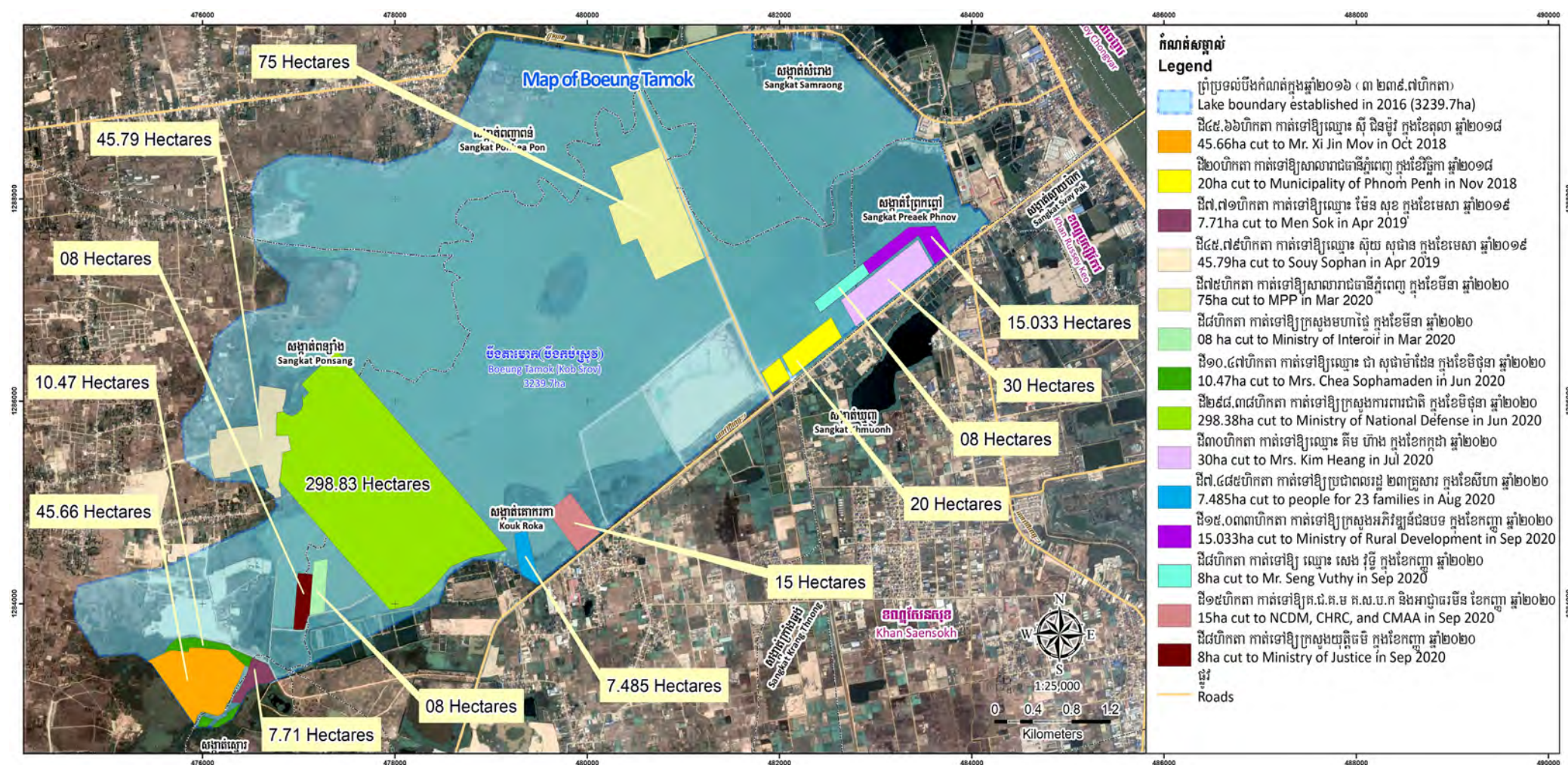
<sup>18</sup> <https://drive.google.com/file/d/101vr1tQRdNwH78HPleBo06D7MZlRl1aw/view?usp=sharing>

<sup>19</sup> [https://drive.google.com/file/d/1l0k3ZRqkKmbDA\\_HZ7bllfqYxzxjsmkzj/view?usp=sharing](https://drive.google.com/file/d/1l0k3ZRqkKmbDA_HZ7bllfqYxzxjsmkzj/view?usp=sharing)



## 5.11. The surface of the lake was revised in September 2020

Additionally, in September 2020, a further 8 hectares was provided to the Ministry of Justice, who claimed their justice officials required more space, and therefore needed ‘empty public land’ for offices and document storage<sup>20</sup>.



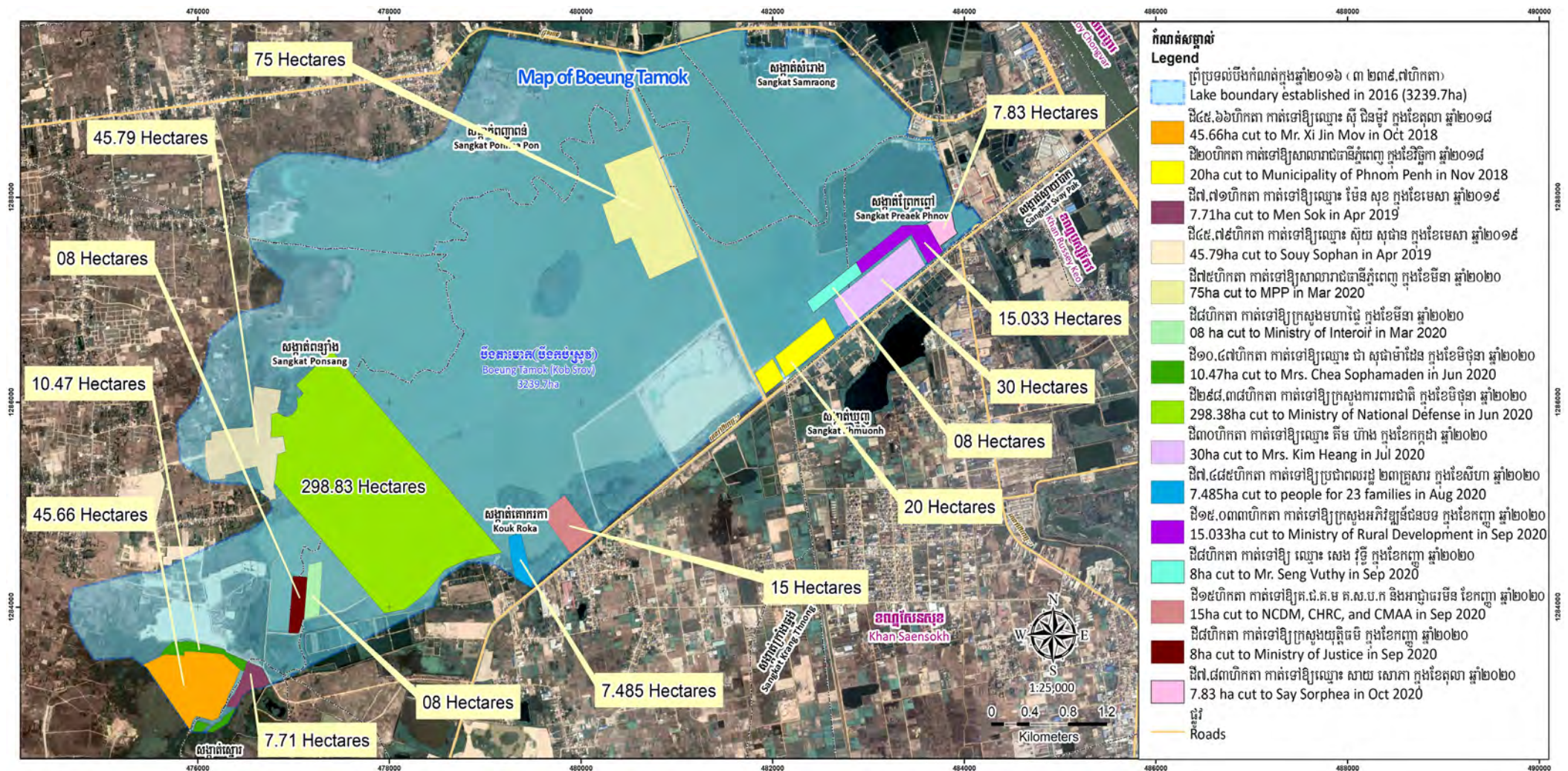
Map 15: 8 hectares granted to the Ministry of Justice

<sup>20</sup> <https://drive.google.com/file/d/14mfxu7atXjJKFd03sQDyCZxsSEe9x1kk/view?usp=sharing>



### 5.12. The surface of the lake was revised in October 2020

According to Sub-Decree No. 175 dated 19 October 2020, 78,314 square meters of lake land was cut and handed over to Say Sorphea<sup>21</sup>.



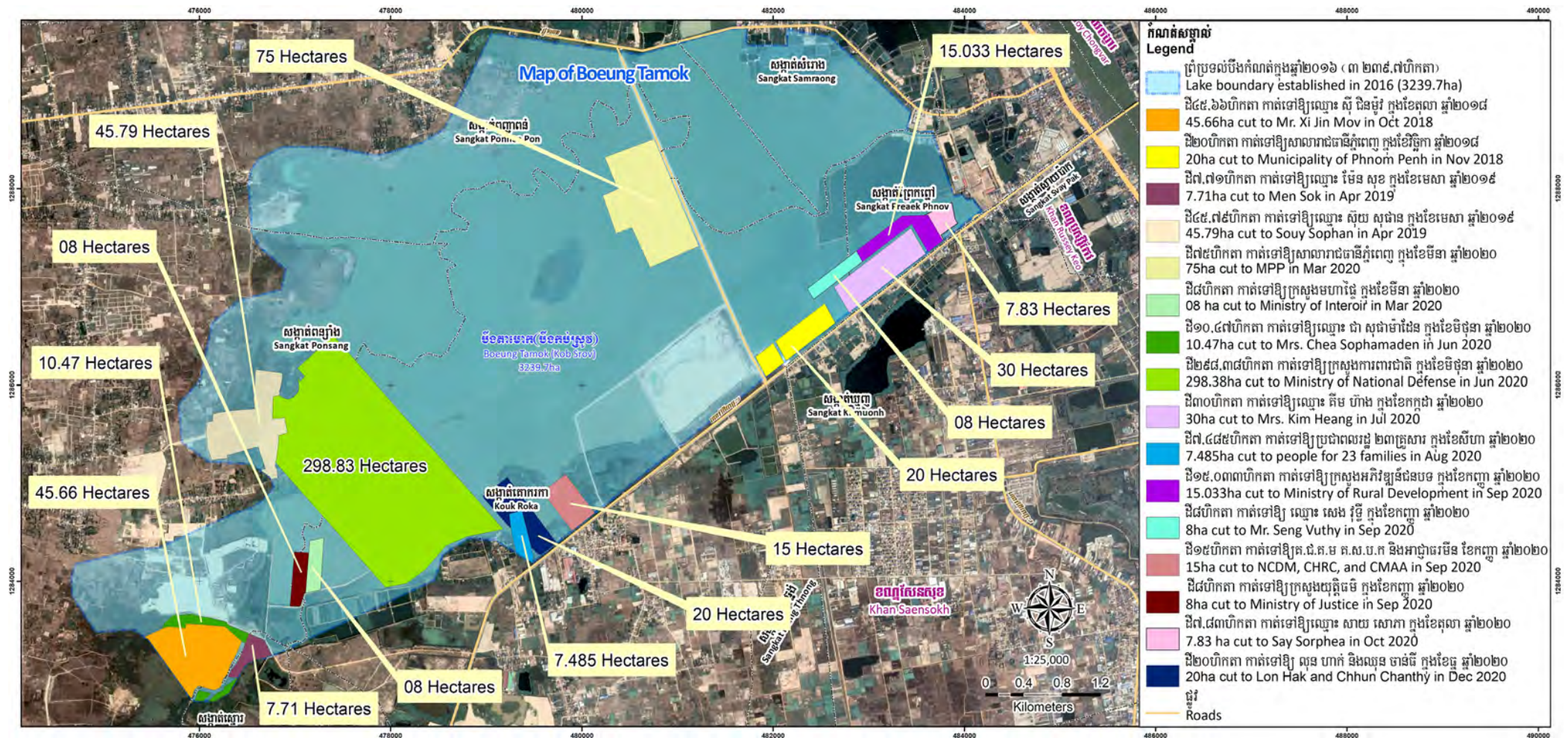
Map 16: 78,314 square meters granted to Say Sorphea

<sup>21</sup> <https://drive.google.com/file/d/1Yk0ghYlO0no30iAv9ZMl7wqCh1re6UcO/view?usp=sharing>



### 5.13. The surface of the lake was revised in December 2020

According to a Sor Chor Nor N1099, signed on 23 December 2020, 20 hectares of Boeung Tamok were to be granted to Lon Hak and Chhun Chanthy, in exchange for 1,571.2 square meters of land in Daun Penh district's, Srah Chak commune<sup>22</sup>.



Map 17: 20 hectares granted to Lon Hak and Chhun Chanthy

\*Note: On 13 January 2021, the RGC revoked this land according to Sub-Decree No.8<sup>23</sup>.

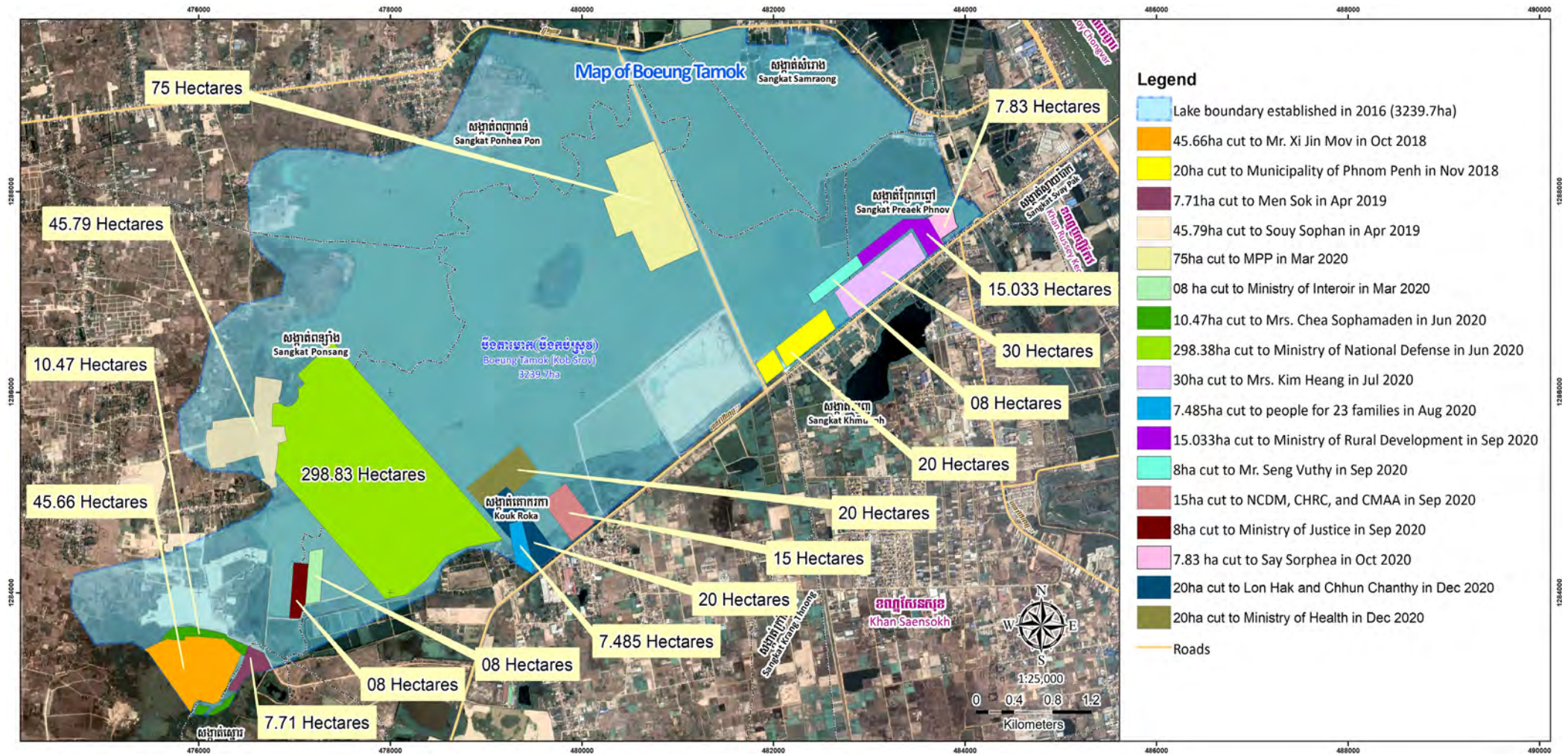
<sup>22</sup> <https://drive.google.com/file/d/1s85-x1iKE2XTER1OaMrgmlilV2OJ7o8/view?usp=sharing>

<sup>23</sup> <https://drive.google.com/file/d/1WH7sMqs9-4Xk5zxHIDRWcn8-0Stg1GF4/view?usp=sharing>



#### 5.14. The surface of the lake was revised in December 2020

According to Sor Chor Nor No. 1100, dated 23 December 2020, 20 hectares of lake land was cut and handed over to the Ministry of Health to build Calmette Hospital<sup>24</sup>.



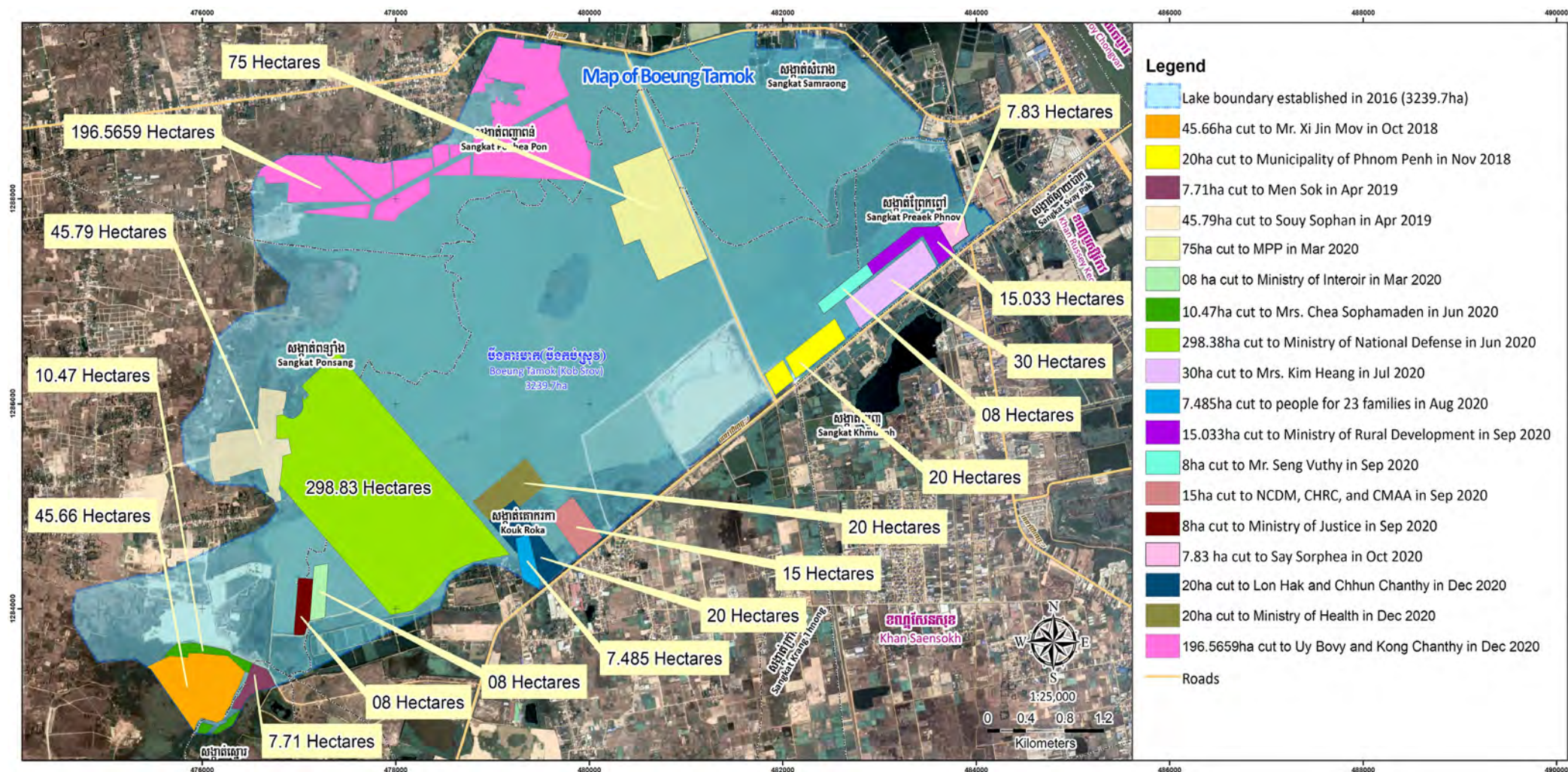
Map 18: 20 hectares granted to Ministry of Health

<sup>24</sup> <https://drive.google.com/file/d/1aS3vWJF5QQYtf8QQ45F2EtP1bpOReiDL/view?usp=sharing>



5.15. The surface of the lake was revised in December 2020

According to Sor Chor Nor No. 1102, dated 24 December 2020, 196.5659 hectares of lake land was cut and cleared for Ms. Uy Bovy and Ms. Kong Sothy<sup>25</sup>.



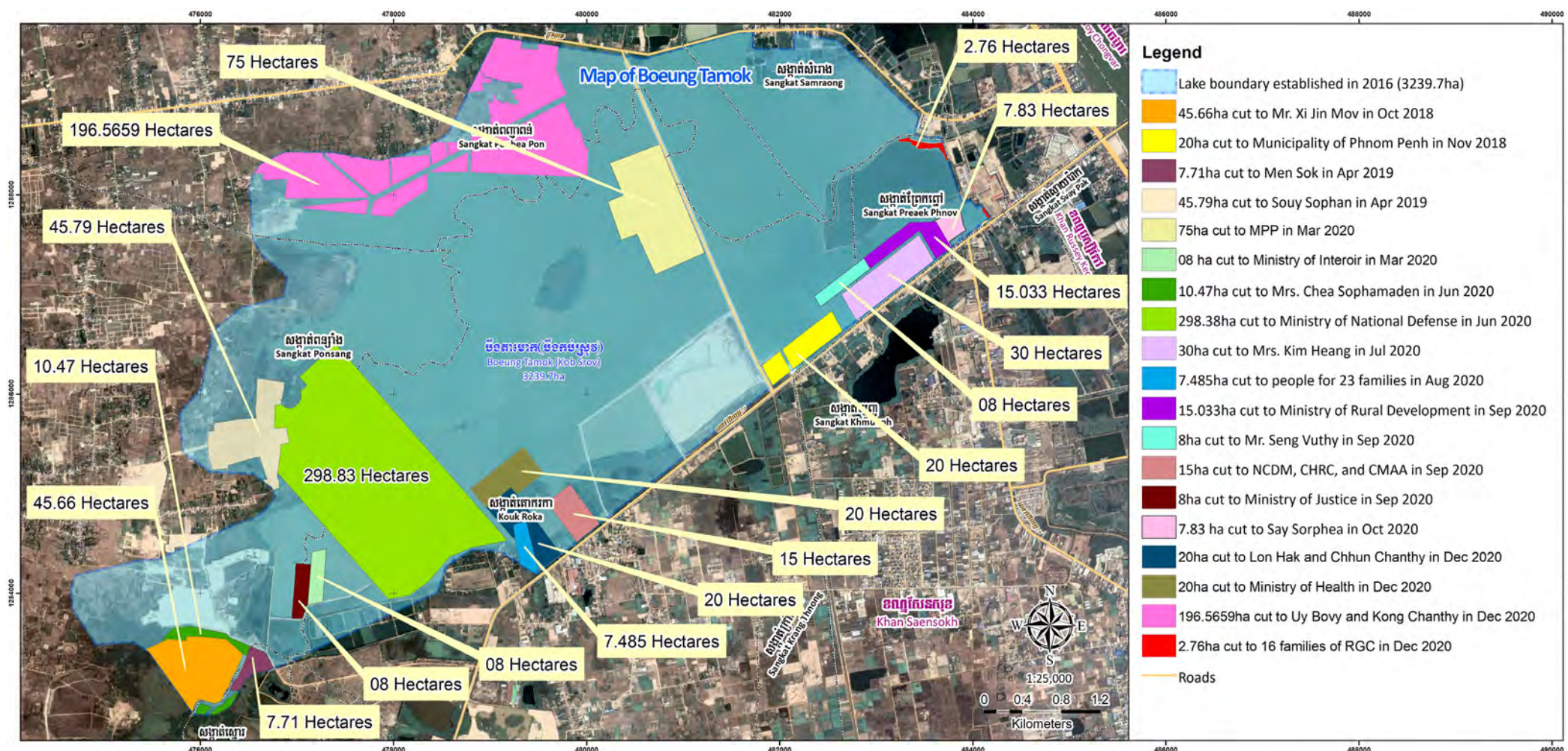
Map 19: 196.5659 hectares granted to Ms. Uy Bovy and Ms. Kong Sothy

<sup>25</sup> [https://drive.google.com/file/d/1ArHyhNuCdZEFdsqKlpD\\_HVWgre6fg0Jo/view?usp=sharing](https://drive.google.com/file/d/1ArHyhNuCdZEFdsqKlpD_HVWgre6fg0Jo/view?usp=sharing)



## 5.16. The surface of the lake was revised in December 2020

According to Sor Chor Nor No. 1106, dated 24 December 2020, 27,659 square meters of lake land was cut and handed over to 16 families of the Royal Gendarmerie of Cambodia<sup>26</sup>.



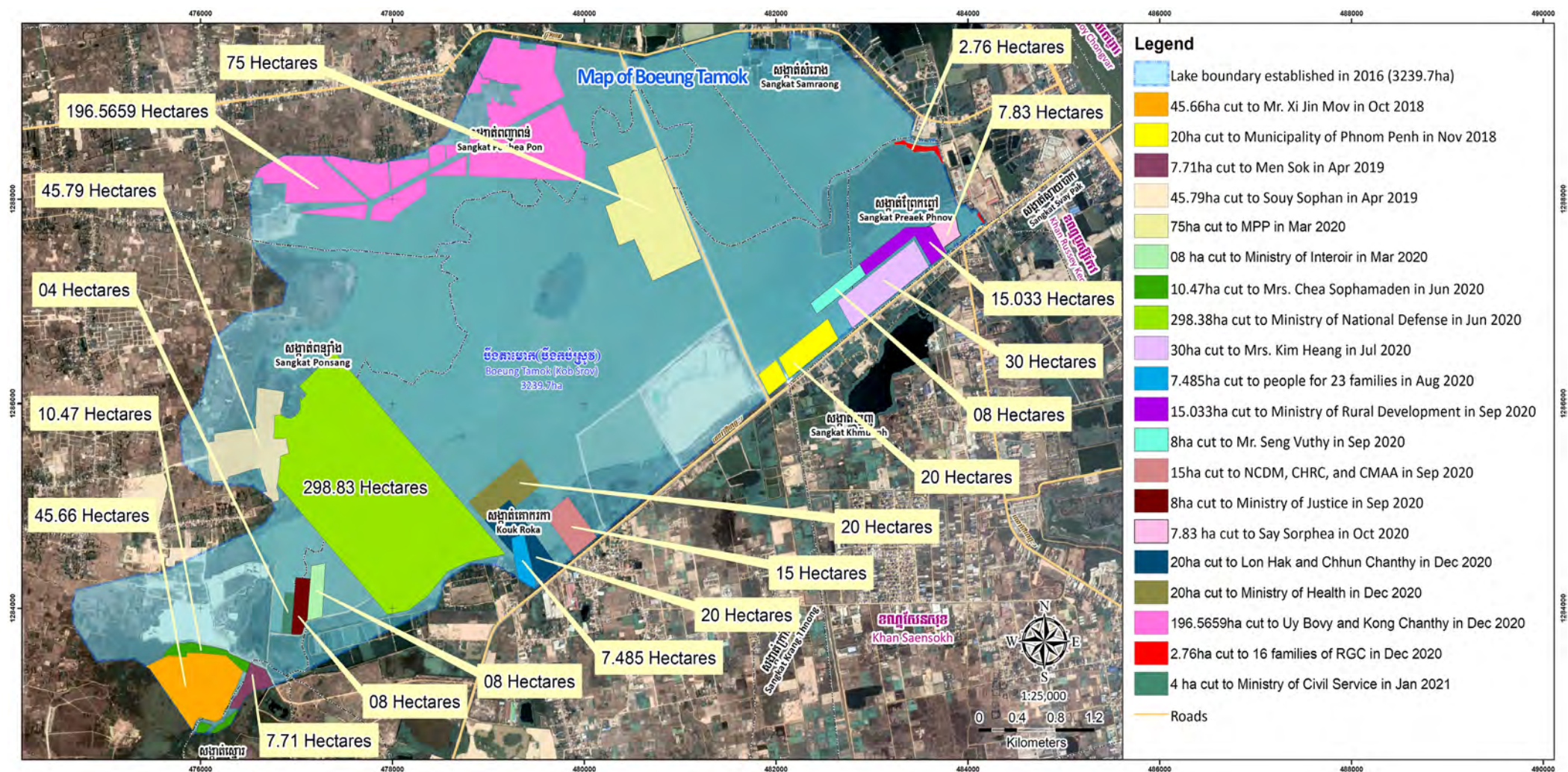
Map 20: 27,659 square meters granted to 16 families of the Royal Gendarmerie of Cambodia

<sup>26</sup> <https://drive.google.com/file/d/17sGWbcPOMwtzGbeJxnGvpzE5bYX4KjMR/view?usp=sharing>



### 5.17. The surface of the lake was revised in January 2021

According to Sor Chor Nor No. 63, dated 28 January 2021, 4 hectares of lake land was cut and handed over to Ministry of Civil Service<sup>27</sup>.



Map 21: 4 hectares granted to the Ministry of Civil Service

<sup>27</sup> <https://drive.google.com/file/d/1rAAe4bf0eoyPWq-l7TT3tBYOsLBw4Uam/view?usp=sharing>



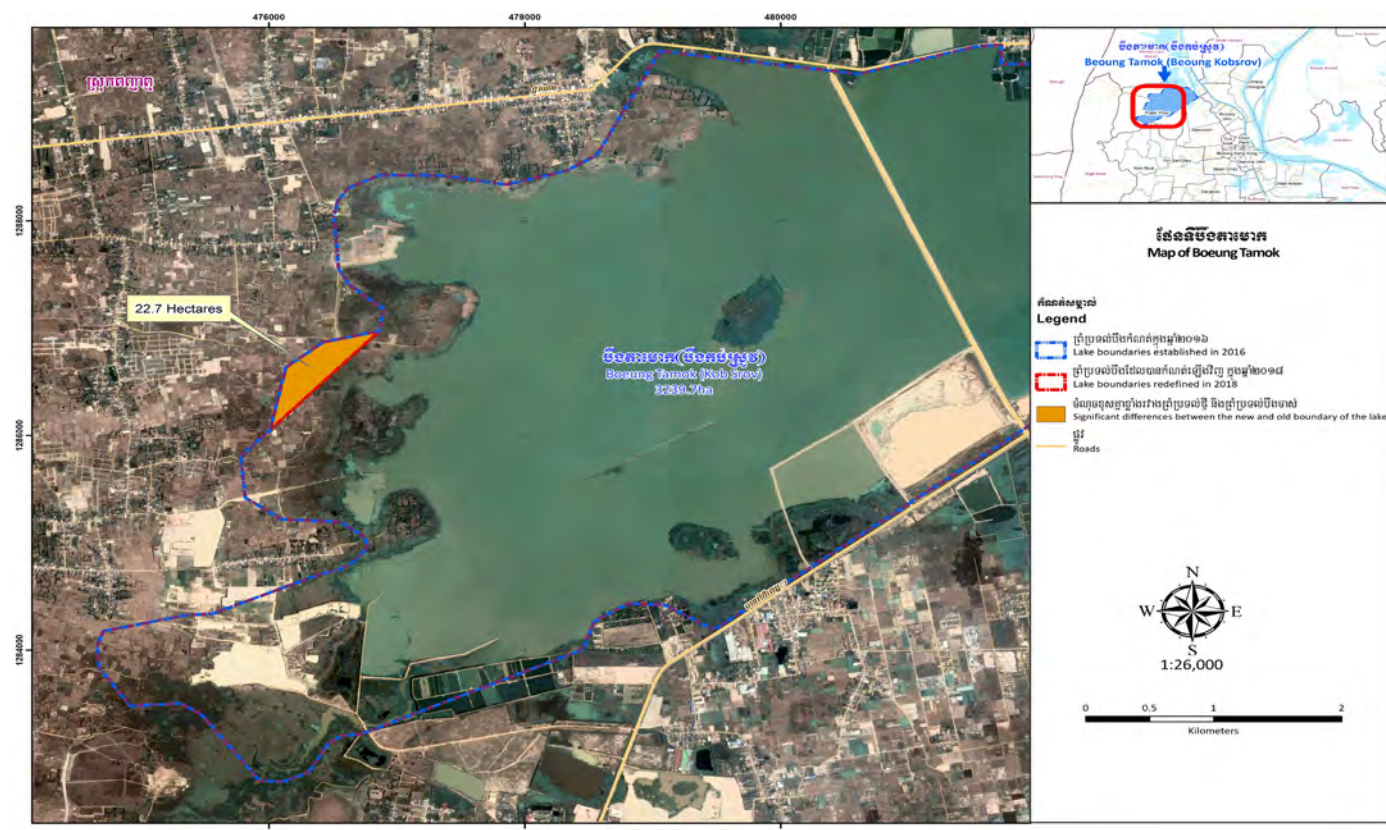
## 6. TECHNICAL ERRORS

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In the second revision of the lake, the government released a new coordinate system for the lake boundaries and made two major technical errors. The first was that the government forgot to cut the area belonging to Mr. Xi Jin Mov as promised in 2018. The second was that the new coordinate system created an error between the new lake boundary and the old boundary, which resulted in the loss of 22.7 hectares of land (as shown on the map 22).



## 7. DISCUSSION



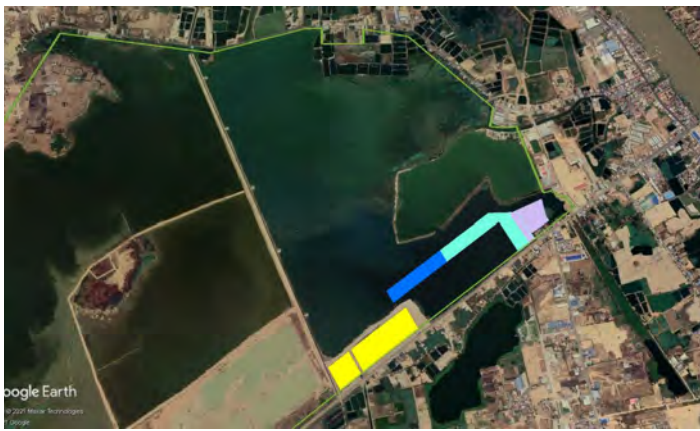
Map 22: Map showing the location of the error

The demarcation of the lake surface as state public land has significant effects on the communities living around the lake. Despite the fact that the lake surface was established in 2016, all relevant stakeholders were not consulted or involved in the demarcation process to identify the boundary of the lake. The process was not conducted in a transparent manner, and did not consider the rights of the people who use the lake on a daily basis. There are still several uncertainties in relation to the definitive boundary of the lake, especially on the side of Kobsrov Road, leaving urban poor communities with uncertainties regarding their rights to live on the land and to build new settlements<sup>28</sup>. In addition, areas which have been classified as state public land currently contain entire villages, with families who settled decades ago. This has led to several land disputes between the communities and the local authorities in recent years.

In 2019, the Khan Prek Pnov authorities ordered families to leave Boeung Tamok within seven days, accusing the people of living on the lake's surface and building new settlements when it was not permitted. This was questioned, due to a 30-meter gap between the lake border and the Kobsrov road. Local communities were living within that space, so it was uncertain as to where the lake border ended, and where people were allowed to inhabit. If the border is vague and unclear, it is difficult for communities to negotiate with local authorities and leads to arbitrary evictions.

<sup>28</sup> [https://drive.google.com/file/d/13eylcqKc\\_Wc8WU2Kb8q1VH4HOC6jV0Ow/view?usp=sharing](https://drive.google.com/file/d/13eylcqKc_Wc8WU2Kb8q1VH4HOC6jV0Ow/view?usp=sharing)





Map 23: Landfill site in the lake



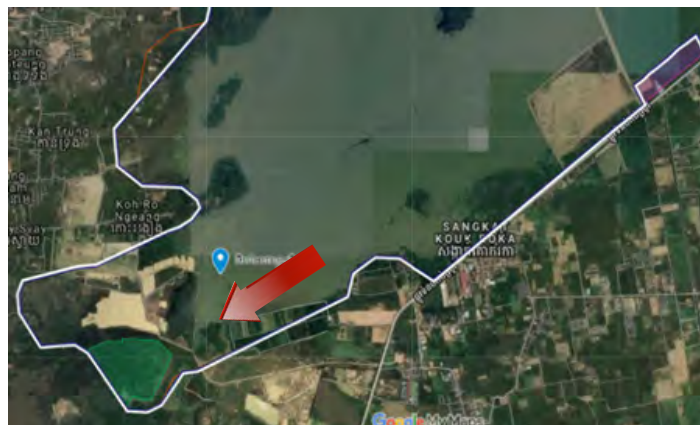
Picture 3: Land is moving into the lake, filmed in 2019



Map 24: The location where the land is privately owned and developed as a farm



Picture 4: Locations of the watermelon farm in the lake in 2019



Map 25: Location where the poles were placed in the lake



Picture 5: Poles in the lake



Map 26: The location of the plants that are over 20 years old



Picture 6: Palm trees and rice paddies designated as lake land by sub-decree 2016 taken in 2019



Several families have been handed eviction notices in 2020, despite the ongoing Covid-19 pandemic<sup>29</sup>. Fishermen have also been told to remove all of their equipment from the lake by the end of the year<sup>30</sup>. They have been forced to sign a contract agreeing to the terms, but will lose their income and livelihoods, with no compensation provided. Relocation will also have negative impacts on children, as they will lose out on their education and potentially be exposed to the elements without adequate housing<sup>31</sup>.

From an environmental standpoint, Boeung Tamok acts as a reservoir for the city's rainwater, effectively reducing flooding in the city and surrounding areas. As the lake is infilled for development purposes, without proper environmental impact assessments millions of people could be negatively impacted by flooding events<sup>32</sup>. According to the Land Law of 2001, state public property cannot be sold, but can be reclassified as state private property when it loses its 'public interest use'<sup>33</sup>. State private property can then be sold, leased and distributed as determined by a sub-decree<sup>34</sup>.

Royal Decree No. 339, sets out the rules and procedures on the reclassification of state public property. To be reclassified as state private property, state public property must meet the following conditions:

'The property is no longer in the public interest; or

The property has lost its full functionality in the service of public interest; or

That property is no longer used directly by the public<sup>35</sup>.'

Based on the conditions which must be met to reclassify state public property as state private property, the loss of 'public interest use' of the lake is difficult to imagine. The lake continues to provide

benefits to the public via flood mitigation and serves as a source of income to thousands of families. Large portions of the lake continue to be granted to private individuals and companies privately, despite the continued use of the lake by many Cambodian citizens<sup>36</sup>. It is important to consider whether filling the lake has caused more harm than good, based on the devastating impacts including evictions, increases in flooding, loss of livelihoods and biodiversity, environmental pollution, and damaging the ecosystem<sup>37</sup>. Public consultations are crucial for the management of public resources. Research should be conducted and shared publicly indicating what percentage of the lake needs to be preserved in order to continue to provide benefits to the public. These assessments should be conducted in consultation with all relevant groups, however the public's interests should take priority as the lake is, in theory, owned by the public as a natural resource for public use. A balanced, land sharing approach that protects the rights of people, the environment and biodiversity with those of urban development is possible. But not unless these needs are appropriately considered through meaningful consultation and research. Additionally, all companies must ensure that their projects mitigate against human rights before, during and after the completion of their projects. Companies must endeavor to create transparency in their projects and should abide by the United Nations Guiding Principles on Business and Human Rights.

<sup>29</sup> <https://www.phnompenhpost.com/national/ngo-report-govt-wrong-evict-poor>

<sup>30</sup> <https://www.phnompenhpost.com/national/deadline-vacate-phnom-penhs-largest-lake-set>

<sup>31</sup> <https://www.phnompenhpost.com/national/more-boeung-tamok-lake-area-residents-relocated>

<sup>32</sup> <https://www.phnompenhpost.com/national/lake-set-development>

<sup>33</sup> Land Law 2001, Article 16.

<sup>34</sup> Ibid.

<sup>35</sup> Royal Decree 'Provisional Guidelines and Principles Regarding the Reclassification of the State Public Properties and of Public Entities', Article 1, No. 339, 2006.

<sup>36</sup> <https://www.rfa.org/english/news/cambodia/lake-07302020152159.html>

<sup>37</sup> <https://www.rfa.org/english/news/cambodia/lake-07302020152159.html>



## Case study 1 - The fear of losing land

“At the beginning, we were shocked to find out from authorities that we live on state public land, as we never knew about this before. The Samrong Tbong community has 98 households with 108 families. Some of us have lived here since 1990 and some since 1980. We thought it was our own land because we bought it, but this was before the Land Law was established and in the past, our land was the rice paddies. When we received the notice from the authorities, our community members attempted to advocate by bringing petitions to the local authorities nine times to inform them of the issue. However, the authorities have not responded, despite the peaceful manner that our community used.”

“The land is our entire lives, the main problem for us is losing our homes. We have tried to ask for land titles so that we can continue to live on our land. We really don’t want to lose our homes and land. This is even more important than our jobs. We are always able to find other jobs such as driving motorbikes and tuk-tuks, but we cannot live without our land. We bought the land from buyers, believing that they were formal sellers, and have lived here since 1991. The majority of people in the community participate in fishing in order to make a living. Through fishing, I am able to feed my family of four people, and can provide suitable living conditions. However, now that the lake is being filled with dirt for development, it is harder to catch as many fish to eat or sell. This means that we cannot afford to maintain our livelihoods or living conditions. We have tried to tell the authorities that this is affecting our lives so that they can help to find a solution, but they have given us no response.”

“Our community faces flooding. Especially after the authorities closed off the gate of water, and the water could not flow to other places. The water therefore remained in the community, and it was very difficult to live with this issue during the flooding season. We constantly live in fear, and we are concerned about how this information(flooding) will affect us in the future. We can’t even work far away from our homes because we are scared that the authorities will destroy our homes and livelihoods.”



Picture 7: The house in Samrong Tbong community



## Case study 2 - The deteriorating financial situation of farmers surrounding Boeung Tamok Lake

“I am a farmer and my family and I live on the border of Boeung Tamok lake, in an area classified as public state land. We came to live on the lake boundary in 2000, after buying the land. We earn a living by raising fish in an area of the lake and then selling them in the market. We catch the fish using a net or a fishing rod 4-5 times a week and have been able to maintain a reasonable income from the fish. We have been living in this area for more than 20 years, but recently there have been many changes to the lake. The boundary is smaller than before, due to the filling of the lake, which has made it more difficult to find the fish. Local authorities informed us that we are living on public state land, and used a digger to destroy our fishing farm. I feel so angry at them, but I cannot do anything about it. Hundreds of other families have faced this problem too. We have had to take out loans from MFIs to survive and are more than \$10,000 in debt.”

“Due to the Covid-19 pandemic, we do not have enough money to pay back to the MFI. There is a smaller number of fish and it is difficult to afford fish food in order to grow larger fish. The fishing farm cannot be rebuilt, due to the lack of money. We have been given a 6 months’ notice, and will have to remove our fishing equipment from the lake. But the authorities did not provide us with any reason, and they will not give us any compensation. We had no choice but to take another loan from a middle man to pay the interest of the MFI loan, so now we are more in debt.

We spend \$5,000 - \$6,000 on buying the fish food per year. I feel angry and shocked that I cannot advocate for my rights to the authorities”.

“If they fill the lake, my family and other families will face bankruptcy problems, and will be very poor. If they fill the lake, there will be no more fish to eat, and none to sell in the market, which is a large source of income for poor communities. The authorities should not do this to the poor farmers, the families want to live in good conditions, and the conditions were good before the authorities destroyed them.”



Picture 8: Authorities demolish people's houses and farms



### Case study 3 - The life of a fisherman on Boeung Tamok lake

“I lived near Boeung Tamok lake until 2020. I lived there for 5 years as a fisherman and would use a net and fishing rod to catch the fish every day. Before the lake started to be filled in, my living conditions were good and I was able to catch enough fish to support my family. I lived close to where they were filling the lake with dirt, but as a result of this, the fish swam away to another area of the lake. Like many other families, when they started to fill in the lake, my family became very poor, and I could not buy anything at the market. We received formal information stating that we were living on public state land, and will be evicted because the land is to be developed for new tall buildings. We had to leave without compensation and on short notice. Prior to receiving the formal notice, we were concerned about the rumours we were hearing and could see the diggers putting the sand into the lake closer and closer to our homes. Slowly we started to get pressured by the authorities to leave, so we did. I am unhappy about this, and miss living close to the lake where we had good living conditions and the environment was fresh. I could catch fish for my family to eat. I am scared and concerned about not being able to feed my family. I did not have the time to advocate for my rights because my family was hungry and we could not wait for the authorities to respond. However, I did not want to leave the lake.”

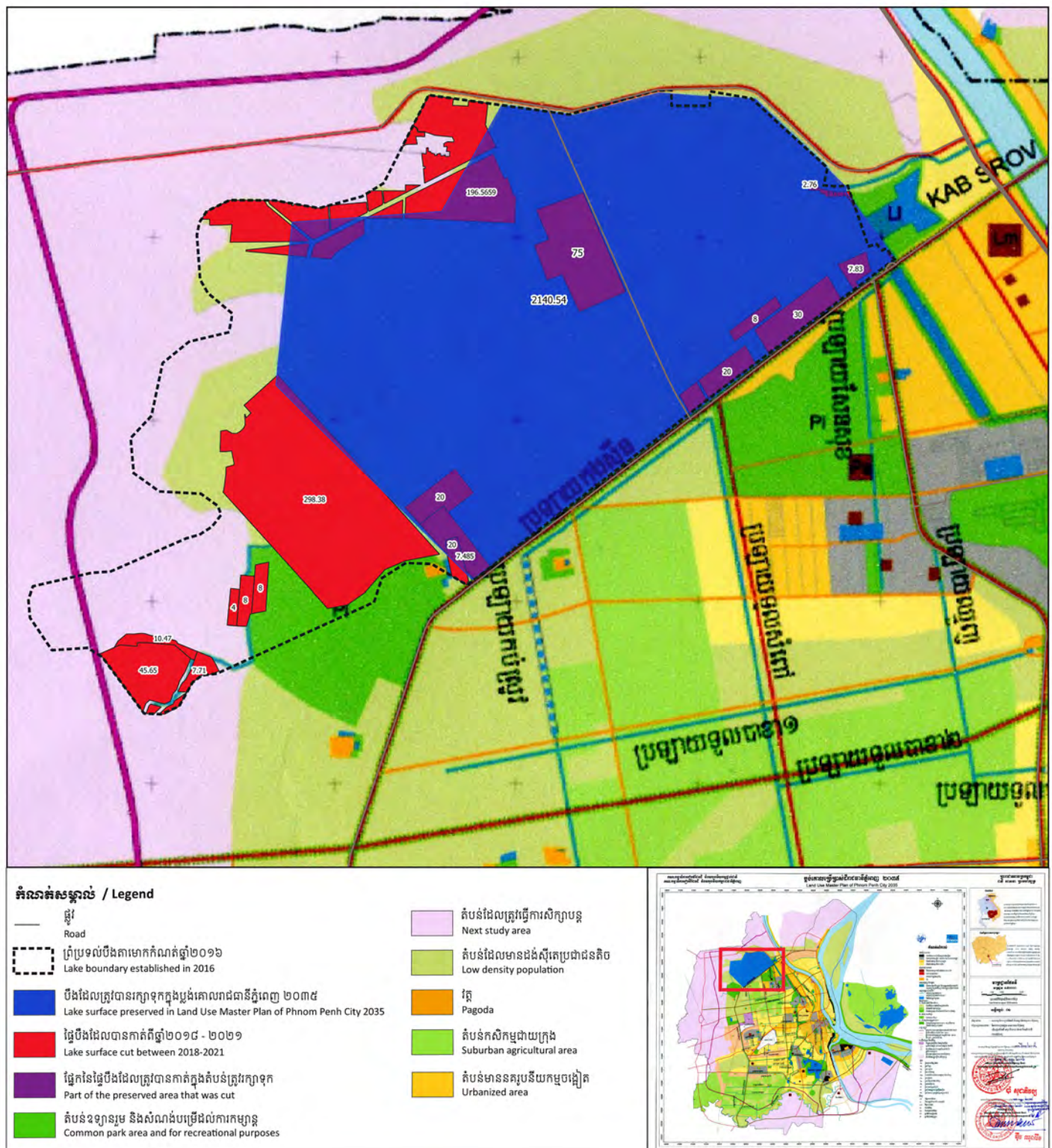


Picture 10: Fisherman on Boeung Tamok lake



## 8. CONCLUSION

Currently, besides the reduction of the lake surface to develop the market, The lake will continue to face additional challenges in the future due to infilling by the wealthy for the development of houses, buildings, public parks and agricultural purposes. In addition, a road will be built across the lake spanning 3,800 meters in length and 60 meters in width. An additional 500 hectares of lake surface is anticipated to be cut in the future. According to the Phnom Penh Municipal Land Use Plan, in 2035 only 2,140 hectares of lake land will remain.



<sup>38</sup> <https://teangtnaut.org/map-layer/%e1%9e%94%e1%9e%b9%e1%9e%84%e1%9e%8f%e1%9e%b6%e1%9e%98%e1%9f%84%e1%9e%80/?lang=en>



## 9. RECOMMENDATIONS

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Based on the findings of the report, the following recommendations are presented:

1. Make publicly available an inventory of all state-public property.
2. Conduct more research in order to fully understand the effects of development on the lake as well as the negative environmental and hydrological impacts on the city, which will result from the loss of the lake. Any research conducted, should be released for public and professional review.
3. Cease further developments on the lake until all environmental and social impacts are clearly understood. No further development should occur until the issues outlined in this research are further investigated, publicly reported on, and deliberated upon by representatives of the public, CSOs, and environmental scientists.
4. Undertake and publish Environmental Impact Assessments and Social Impact Assessments online for review, in order to increase transparency and accountability.
5. Citizens who have an interest in the lakes should be given stakeholder consultations before areas where they live and use as for livelihoods are demarcated as state-public property.
6. Boeung Tamok should be preserved under special laws and regulations that provide strict protections as to their development and destruction as the current protection afforded to them under the Land Law is insufficient and could lead to severe deleterious effects for the country.
7. Ensure that evictions and land disputes are dealt with in accordance with the law and human rights norms on evictions and resettlement, including the provision of adequate and just compensation. The Royal Government of Cambodia should adhere to its international human rights commitments by respecting, protecting and fulfilling the human rights of Cambodians and people living in Cambodia.
8. Outline policies, legislation, and regulations, to uphold its obligations to protect against human rights abuse by business enterprises under the RGC's jurisdiction, and ensure that business enterprises within its territory conduct effective human rights due diligence to identify, prevent, mitigate and account for how they address their impacts on human rights throughout their operation, as set forth by the UN Guiding Principles on Business and Human Rights.
9. Provide information on the legal basis of the leasing concerning the Boeung Tamok and the justification for the conversion of the lake area from state public property to state private property as per article 16 of the 2001 Land Law.





**អង្គការសហគមន៍ទន្លេ**

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