

# Development Anthropological Studies on Displaced People in Cambodia

— Case Studies of Slum Settlements —

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カンボジアにおける強制退去者に関する開発人類学的研究  
—スラム地区の事例から—

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## Abstract

Generally, people who live in slums or shanty towns in major urban areas are considered as vulnerable and excluded in term of participation in development and recognition of human rights and etc. Apart from being poor and living in slums, those people have to confront with many difficulties such as lack of secure tenure, forced relocation and human rights violations. Why does resettlement make them suffer? Theoretically, urban development and displacement of slums is expected to provide much better conditions than life in squatters.

Urban poor and lack of housing in the city is becoming a problematic issue for the local authority and municipality; and most important for this matter is critical conditions that slum settlers have been encountering in their routine. Urban development, city beautification, and city environmental friendly are among the reasons to free the city from slum settlements. Nowadays, in Cambodia, it has been reported many cases of mass forced evictions of urban poor people. Mostly, those disadvantaged groups are considered as having been illegally occupied on state or private land which needs to be redeveloped. Therefore, no matter what reasons, poor people are usually described as the one who affected.

Nevertheless, cultural right and human rights violations during forced evictions have always been great dimensions of impact. In general, the level of achieving certain quality of human rights for Cambodia is already considered as in critical situation. Actually, the Government of Cambodia does not have own written policy on resettlement of urban poor communities in Phnom Penh yet. So far, most of the eviction cases and compensation policy has been carried out accordingly case by case; therefore, base on nature of each condition, a standard policy has not been implemented. Somehow, dimension of damage for slum dwellers has never been fully recovered because of lacking of fair benefit sharing during development related evictions.

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## Abbreviations

ACHR	Asian Coalition for Housing Rights
ADB	Asian Development Bank
COHRE	Center on Human Rights and Eviction
HLRN	Housing and Land Rights Network
HRW	Human Rights Watch
MPP	Municipality of Phnom Penh
UN	United Nations
WB	The World Bank

## I. Introduction

One of the most common issues for developing countries is combating poverty reduction. Usually poverty can be described as having lack of basic human needs, lack of infrastructure, income inequality and lack of human security etc. However, the poor can also be identified for those who live in depressed areas in major cities. The latter type of people is even more vulnerable in comparing to other groups; therefore it is quite interesting to find out how these people survive amongst the city population. What's more, it is always questioned that what have made them to fall into such as classification? Of course, answers seem to be complicated and depend on each case. However, it is obvious that it does not matter who are they, where are they coming from and where are they living; slum squatters have always been facing with many kinds of problems in daily life compared to more affluent neighbourhoods in the city. If the development is really meant as a positive change for a better future, everyone must be equally provided with the right to participate and receive benefits from socio-economic development.

Essentially, this article is developed from part of the MA research topic which would like to focus on relocation in the course of development by bringing into discussion the nature of causes and effects as well as all possible impacts on those people and their communities through out the process of urban development. What's more this paper also take into account how vulnerable people play their role in participation and the use of their rights to take part in development of their own community. This topic will practically refer to the examples and case studies of depressed areas and slum resettlements around the capital city of Phnom Penh.

## II. Research Methods

The survey was mainly using qualitative method and the significance of the study is the collection of primary data following social and anthropological surveys. In this sense, participation observation on the site was carried out in order to view all kinds of necessary information from people who live in those places. Following this concept, a mini-survey of nearly two-month fieldwork –from January to February 2007– was conducted in one of the slums and visits to other existing slum settlements as well as relocated villages. Interviews and daily basis interaction with people from these two backgrounds were conducted from general to specific issues. On the other hand, a series of interviews were carried

out with major NGOs whose work are related to slum settlements and relocated people. The visit to slum settlements and eviction sites were regularly made in order to follow up with the events and situation in those places. To some extent, access to some places is somehow described as very sensitive case due to the nature of the issue which may inevitably links to local political pressure since most of the eviction cases have been a dilemma between local authority and the slum settlements. Apart from that, there might be some external factors which have been involved by some political parties outside the government, which have always been trying to use relocation issues as opportunity to make propaganda in gaining popularity through mass media or by helping to empower those people in the slums by all means. Therefore, such participation and observation research to those sites can eventually cause some kinds of confusion among the local people if there is no mutual understanding and inform consent.

### III. Background of the Issues

Demographically, out of 13 million populations there is high percentage of rural people who are farmers whereas urban area like Phnom Penh can only accommodate a fairly small percentage of people. The long period of civil war in Cambodia from 1970 to 1990s, is commonly recognized as one of the main causes of poverty which still remain suffering many people. Other than that, the most tragic period in the modern history of Cambodia was the socialist-genocidal regime of Khmer Rouge when almost all people were evacuated from the capital city to live and work as farmers in remote rural areas of what they called utopian agrarian society. The whole city became empty, houses and all types of property titles were abolished. Many people were killed, died of sickness or starved to death. When the regime ended in 1979—for those who survived the regime and had formerly lived in the capital city—they started to rush back to their homes. However, since their properties and possessions in the previous regime were abolished by the regime, people started to occupy any houses for free on the first come first serve basis. Noticeably, not only the former city people who had come to claim their previous belongings and houses in Phnom Penh, but also there were many newcomers from rural areas who started to look for same opportunities. Therefore, the city gradually expanded by absorbing new people coming from different places in the rural Cambodia. Those who came later were not lucky enough to get good houses as there were no more free spaces; so, they either returned to rural life or have decided to occupy on some empty land, public buildings, state properties & etc. Such a movement has been continued throughout a period of time which has added to the increasing of city's population.

During the 1990s when there was another milestone in political changes which resulted in ending the civil war after lasting for many years, again there was a remarkable people's movement from rural to urban Phnom Penh to look for different purposes. People believed that they could find better opportunities to survive in the city; therefore, whether it was good or bad the city has become as a spotlight for many possibilities for making livelihood. Such push and pull factors of internal migration has also become a common phenomena where rural people are usually looking for better chances to make income in the city. Phnom Penh is relatively a small city which by far has already been facing the

problem of lacking housing; and now has to accommodate the gradually increase in numbers of rural people.

Another factor that has created numbers of slum settlements in the city was referring to the repatriations period when large numbers of people have moved from the refugee camps along the Cambodian-Thai border. Those people have escaped their homeland during the civil war which was roughly begun in 1970-80s. Many of them either have come to their home town or to settle down in the city; unfortunately not all of them can afford to buy houses but have decided to build temporary houses and stay on public land and public property instead. Therefore, after years of occupying on those places, those people have eventually formed ghetto villages in the city.

Normally, from the very beginning of settlement stage, urban poor people of most types can hardly afford to buy proper houses. Being in squatters, they have to struggle with new phenomenon of what it is called 'city life' which many of them definitely find hard time to adapt with this new environment, culture, life style, & etc. There are many unpredictable things that those new settlers have to challenge in order to make a living. No matter what happens to them they have to look for even though little chances to survive because the city is a place where they have always been expecting to have new beginning in their life.

Quite recently, the process of urban development has become a threat for those people, which is commonly known as "forced evictions". The municipality have been trying to relocate those slums from public and private zones aiming to re-develop those areas. On the top of that, some major investments by private companies on state public and private properties/land have also posed another concern for slums to be relocated. In this process, mostly, it is a matter of agreement between private investors and authorities alone to develop particular sites where there are existing slums. In fact, those slum dwellers have hardly been informed about the plan until they have to resettle to another place. Dealing with this issue, the authority may take certain measurements with several options for slums; such as, land sharing, slums upgrading and/or relocation. It does not matter whatever measurements the city authority is going to implement, the results would never be very helpful for the poor. On the contrary, slum dwellers have mostly become victims of development projects. One of the reasons for this is they have no land tenure and have been accused of illegal occupation of state or private property; and therefore they are subject to remove from those places. In such consequences, only some slums have been allowed to improve the conditions on-site; whereas many others need to be relocated. Following this matter, it is of interest to understand how those people do to struggle for the rights to remain on the land they have occupied for many years? What are the mechanism will authority carry out to treat these issues? Most interesting question is what will happen to those people after the evictions?

#### IV. Identifying the Nature of Problems

In Phnom Penh, evictions could be taken in various forms depend up on types of land occupation and what kind of people are residing there. As matter of fact, among 500 slums and depressed areas in the city, the category of land occupation could be identified as state public land, state private

land/property and private property. Therefore, whenever, eviction occur authority or private owner always claim to empty their land by accusing slum dwellers as having illegal status on land occupation. Especially, due to current socio-economic development in urban area is gradually booming; the price of land in urban area have also been unbelievable increased in most places that are considered as having high potential for development purposes. On the other hand, the municipality wants to empty public land in a purpose of trying to promote city's attraction and beautification through urbanization process. Apart from that, the population rate in the city is gradually growing every year due to movement of seasonal migration from rural to urban sector; some of those newcomers are temporary settle down in the city by renting a space next to their working place, while many others might have to keep going back and forth whenever there are available jobs.<sup>1</sup> In this regard, the city's infrastructures and social services are not well enough to accommodate such expansion in accordance with number of population. Or even if there are some infrastructures development, they are not really followed a master plan of the city development, which means some people who are rich enough to invest on infrastructures or housing they will grab that opportunity anyway. Especially, in these recent years, some private companies were starting to build all types of houses for sale and rent in many places inside and outside the city. That was a kind of business speculation which in a sense the supply was greater than the demand.

Sometimes, some companies as well as rich and middle class people are trying to buy some pieces of land at suburb and keep it for future speculation, which eventually have increased overall price of the land. This kind of investment is really good for opportunist to become quite rich in easy way while at the same time they do not have to worry about paying tax on land ownership. So, the land at the city's outskirts where used to be rice paddy and swampy areas are now mostly occupied and demarcated by concrete posts by their owners from somewhere else. In such a tendency, not only the price of land in the city is highly increased but the empty land outside the city is also becoming very expensive. That is why those who have a lot of capital they will invest on real-estate. Gradually the city has been pushing the middle and low-income people to a bit further and further from the centre.

Following this trend, the urban development plan is another factor that is trying to reduce slums from the city centre by either implementing an on-site upgrading or resettling to new site. In this regard, it is good that those people from depressed areas should be provided more possibilities to access to secure tenure and improve their life conditions. However, in most cases, slum settlements that have been occupying in such potential zones for business and development in the city are in critical conditions since they are forcing to move out from their current settlements. Mostly, eviction cases are taking in the form of market eviction, involuntary eviction and forced eviction & etc; that means a private company is willing to develop on that land which of course is claiming as not belong to slums

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<sup>1</sup> Practically speaking, those people are usually involving in certain types of work from street vendors to civil servants in some local government offices. Such diversity in job categories is implying a mixture of individuals' background in contributing to make a balance for the job-market in the society. For instance, slum people will mostly responsible for many kinds of dirty, demanding and dangerous works which no many others will do that. On the other hand, people in depressed areas are also contributing to the economic growth at the micro level.

but the private company itself. This is considered as quite common confrontation between occupants and claimants which often happened in many places in form of land ownership and buildings occupation etc. Besides, the municipality also actively takes part in evicting people from state public and private property in different process and different reasons.

However, it is reportedly happened many cases of forced eviction in Phnom Penh; that means authority and a private company can hardly recognize and provide the right to occupy the land for those miserable people, but just want to remove by forces.<sup>2</sup> Even though the compensation will be provided by the authority or private investment companies to settle the problems with those squatters, it is not always true that the compensation will make people satisfy; because it is not fair and can hardly accept in comparing the losses and damages of slums' properties during eviction. Whenever, each side is seriously proclaiming and rejecting to receive and provide with agreeable compensation, forced eviction will happen as alternative mean to solve the problem.

## V. Definitions and General Forms of Evictions

Evictions can be classified in various forms and aspects. According to Olds (2002: 248), nature of forced eviction can be defined by some critical factors such as:

- Development and infrastructure project: this is mostly referred to development of roads, highways and hydropower dams etc. It might happen in any situation of both developed and developing world. However, dimension of damage and compensation will be differed accordingly.
- Prestigious international events: for example, a construction of sport complex for international game is also demanding many people to move out from their original places.
- Urban redevelopment or city beautification projects: this is probably the most common case for many urban sectors to remove people, especially, the poor from the city so that authority can redevelop on that area.
- Conflicts over land rights: might happens not only in urban areas but also in rural areas where there were land grabbing cases from the poor, powerless, ethnic minority etc, by rich and powerful groups. In Cambodia, land grabbing and land conflicts have become the complex issues which have resulted in landlessness, physical violation such as human rights abuse, injury, arrested and/or lost life.
- The removal or reduction of housing subsidies for low-income groups.
- Forced population transfers and forced relocations in the context of armed conflict: it is obvious that in any conflicts civilians are the victims and subject to kill or evacuate. An example for Cambodia in this case was the evacuation of total population from the city to rural areas by Khmer Rouge regime in 1975. At that time, people completely lost their homes and properties in the city.
- Separation of ethnic or racial groups.

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<sup>2</sup> In many cases, forced evictions were the violence actions which authority has carried out on those people. Besides having physical violence, urban poor communities may encounter with fire incident to their home and properties. In an extreme case, it is usually said that "fire is an easy way to relocate people from the confronted areas".

- Refugee movements: in Cambodia in 1990's there were a remarkable repatriation of thousand families from a number of refugee camps near Thai-Cambodian border where they have escaped from civil war in Cambodia during 1970's.
- Reclaiming public land: it happens very often under this case; usually, slums are accused of illegally settled down on land where it is either belonged to public or private. In the course of socio-economic development or urban development, state actors often claim from slums the authorization to use the land by requiring evictions.

However, these are general factors which might defer case by case and from one locality to another. Cernea (1988: 3) defined some characteristics of development project that most often cause involuntary resettlement as those of “major change in land and water use” (also see WB, 2001; ADB, 1995). Mostly, government or private development agencies consider relocation of people as a way to help improving their living conditions and trying to provide them with secure tenure. As a matter of fact, that statement is not really true for the belief of urban poor dwellers since the new settlements might be more in critical conditions than their pervious places. That will account for being lack of fair and just compensation as well as treatment quality during relocation. In this regard, forced evictions of slum are not the way to reduce poverty for slums; yet, it will increase more poverty to the vulnerable people because many of them may get poorer aftermath. On the other hand, relocation is not the alternative to reduce slum settlements; on the contrary, it will act just like moving from squatters to other types of poor communities because there is no guarantee and it has never been followed the development criteria which are aiming at positive changes (see Pietro, 2005). In other words, if relocation of urban people in the course of reducing poverty and in the purpose of improving life condition of those groups, relocation policy must be designed in very flexible ways in order to suit with conditions which would make people more or less feel satisfy with the policy. Otherwise, it will eventually create other types of slum settlements in different places and it even causing more troubles for the people in the process of struggling to adjust with new conditions.

## VI. Eviction Cases in Phnom Penh – Problems and Dimension of Impacts

In Phnom Penh, probably it likes many other cases in developing cities, causes of evictions have simply been defined as a result of urban development, investment, and attract tourist industry which has resulted in negative impacts of forced eviction for many slums (Fallavier, 2003: 5). Regardless the nature of settlements, duration of occupation and law of land in Cambodia, slum dwellers have hardly been provided secure tenure and right to adequate housing. In one aspect, poor people want to have land title and right to housing in a place where they can access to social services and infrastructures. As a matter of fact, they somehow realized that their current settlements are dilapidated places and strongly affect the image of the city; however, they seem to have no much choices and no enough ability to improve their living conditions. Therefore, they have decided to make a living base on limited resources they have.

Noticeably, poor communities in Phnom Penh are not informed about the development plan which

might evict them, and making it difficult for them to plan for their own development (MPP, 2003: 8). In this sense, they have no chance to protest with authority for legal viewpoints and human rights aspects. Their properties could be destroyed in case of confrontation and unwillingness to move out; in such case, compensation for damage or destroy will not be recovered or responsible by the authority and claimants.

#### a) Social and Cultural Aspects

In most cases, evictions are pushing people from the city to less populated areas. It is also marginalized people's livelihood from the place where they can generate income in daily basis. After relocation, they will easily become vulnerable people who will lose jobs and might have to change their current works because of moving to a great distance. Practically speaking, people who will be relocated from slum communities are supposed to provide a plot of land for new settlement through a lottery system. Some people can receive a plot of land soon after the eviction whereas others might not be granted immediately due to insufficient spaces division. So, they will just trying to settle down temporarily and roughly among others in a dense place. Some families may have to wait for years in order to receive the land from the local authority to re-build their home. Such a system of allocation can be viewed as fair provision to everyone in drawing their luck; however, there are many negative aspects in this process as well. For example, the authority has no enough reserved land for every single family at the time of relocated. On the other hand, it could easily break up a social relationship among people of previous community because the selection might fall on completely different plot where located away from each other. In other case displacement may included several or many community together in one place. In this sense, people might feel uncomfortable to adjust with social network with their new neighbourhood.

At individuals or family level, evictions will cause physically separation or break up among the family members because they have to live away from each other in order to follow up with their current working places. Therefore, the distance could possibly change the family relationship from good to bad and better to worse; which means some husbands may decide to break up or divorce after relocation due to mentally depress or physically detach from immediate family. In this regard, the heavy loads are falling on single mother at home which have to responsible for the whole family.

Being isolated from the immediate society and neighbouring communities also create a dilemma between adaptation to the new reality and retaining the previous lifestyle conditions. Some relocated villages seem to be excluded from the nearby commune or villages because the local people may hold a stereotype of misconception on slum dwellers of being poor and having low social status. Such a prejudice will impose more trouble to the newcomers and subsequence generations in the process of integrating into immediate environment and society.

#### b) Legal Aspect in Right to Housing

Since the 1948 Universal Declaration, the right to adequate housing has been recognized in many subsequent international, regional and national instruments (COHRE, 2000: 4). The right to adequate housing applies to everyone. All persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats. State parties should take

immediate measures aimed at conferring legal security to tenure. On the other hand, right to adequate housing should have sustainable access to natural and common resources, portable drinking water, sanitation and emergency services and so forth. It should be provided full access to disadvantage groups as the elderly, children and the physical disabled, etc. Location should be allowed to access of employment options, health care services, school, child-care centre and other social facilities. It is essential to appropriately enable expression of cultural identity and diversity of housing (COHRE, 2000: 22; COHRE, 2006-b: 9). This is reflecting the anthropological point of view in cultural diversity; which means providing more options for people in selection their ways of living couple with social and cultural behaviour; for example, types of households, an arrangement of household following the practices of belief, symbol and objects in according to particular places or functions. Apart from that, it is necessary to respect their ways of organizing community structure according to their local tradition & etc. Since the practice of belief and tradition are embedded in people concept through out generation therefore it can hardly be separated from their daily practices. In this sense, the rights to enjoy their traditional practices in society must not be violated but granted them more possibilities instead. COHRE (2006-b) obviously pointed out the basic needs for right to adequate housing such as security of tenure, availabilities of services, affordability of housing and physical accessibility of vulnerable group to housing needs, as well as cultural adequacy of resident to choose the right to stay in a place where cultural value is respected.

Having secure tenure is a precondition for access to other services and livelihood opportunity. Payne, (2003: 173) in the study about land tenure and property rights mentioned that “security of tenure depends not so much on legal status as on residents’ perception of past and present government policy”. As a matter of fact, when slums do not have legal tenure they cannot have house registration which would not be able to apply for necessary social services such as electricity and water etc. Therefore, life condition is facing major problems of lacking safe drinking water, sanitation and health care, & etc. In this regard, many slum settlements in Phnom Penh are usually trying to get those services directly or indirectly through private providers or partly done through negotiation with local authority according to certain criteria. For example, during fieldwork it was revealed that in order to have electricity and water supply, slum dwellers had to buy from private distributor, which is usually very costly compare to the state-owned one; yet they were not really satisfied with that service. Apart from that, people had to deal with making special contract with concrete guarantee in order to have the state-supplied running water; otherwise, it is very difficult or no other way to use clean water supply.<sup>3</sup>

According to Land Law of Cambodia in 2001, people who peacefully occupied on a piece of vacant land more than five years without any claims or confrontation from any other parties, are considered as

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<sup>3</sup> Regarding this matter, even though slum dwellers have been classified as lack of secure tenure, but they somehow may have been treated with exceptional category by the municipality authority dealing with leasing and supplying certain necessary services such as clean water supply. However, this is not a general case that every squatter might receive, because it will be differed according to the current status and location of the slum settlements. Otherwise, people in depressed areas have to find their own ways in accessing to those services. In this sense, even though slum people are considered as having illegal status in secure tenure, but still there are some ways to solve their problems either in legal procedure or through certain networks.

having right to propose for legal occupation and must be provided secure land tenure to them. However, in reality, some villagers reported that they have been occupying on a piece of state public land more than five or twenty years, but whenever government or private investor need the land, slums are not recognized as eligible to be considered in receiving land title; yet they will be relocated to another place by providing a very low-price compensation. For those who accepted the compensation and agreed to move out will also lose their property but maybe less damage; whereas some of those who kept protesting with authority and did not accept to resettle until the deadline will cause more destruction and suffer a lot from authority's measurements. However, with regard or regardless of legal aspect, this is the nature of claimants and occupants who each side is always protesting to have right to take control on property base on their rationales. Usually, such a conflict, the stronger is mostly the winner, whereas the weaker is the one who suffer and lost.

#### c) Forced Evictions in Human Rights Aspect

Practically speaking, forced evictions could happen at anytime and places due to development process. In most cases; evictions have been seriously damage people's livelihood, destroying social and cultural structure, violated the human rights and right to housing of the poor, marginalisation and etc. Especially, in many developing countries, forced evictions have become social phenomena whenever socioeconomic development takes place. An example of the construction plan of *Sardar Sarovar* Dam on the *Narmada River* in India is one of the controversial projects which have been reported a lack of human rights consideration on displacement of thousands of people from the submersion villages (UN, 2006-a). On the other hand, forced eviction in Angola is resulted in the practice of gross violation of human rights; and eventually, make effected people to live long-term in a temporary shelters and facing homelessness. This is the pattern of lacking prior notice, inadequate or no consultation, absent of information sharing and no possibility to participate in decision-making (UN, 2006-b & 2006-c). Such similar case of eviction could be found more in many developing countries; of course, the nature and rational of evictions might be diverse accordingly. However, the impacts and results of that process will mostly affect vulnerable people and the poor who neither have access to a real benefit of development nor allow taking part in decision-making of the development project; as Cernea mentioned that "the nature of resettlement is a socio-cultural/economic process that happens first to people rather than to their physical environment" (Cernea, 1988: 6).

#### d) Human Rights Violation during Evictions — Phnom Penh

Usually, when there is eviction take place, slum dwellers are facing threaten of eviction without any reasonable compensation from the property claimants. For instance, there are many cases of slum eviction from the state and private land near the *Bassac River* such as *Sambok Chap*<sup>4</sup> community; and recently the other two communities called *Dey Kraham*<sup>5</sup> and *Village 78* are also encountering similar

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4 *Sambok Chap*: literally means "birds' nests". Probably, the name is a stereotype implication to slum as a place where everything is out of order and anarchy such as bird flocks which naturally are noisy and crowded. The community was formerly located on the state public property near the "*Bassac River*" – one among the four Confluence Rivers of *Mekong*, *Tonle Sap* and *Bassac* at the waterfront of Phnom Penh City.

5 *Dey Kraham*: literally means red soil and *Village 78* are names of slum settlements which were located near to *Sambok Chap* slums. These

experience of resettlement to barren field of some twenty kilometres away from the city. Actually, people claim that they have started to occupy on that empty land for some twenty years or so, but the officials always reject that the property is not belong to the people and they have no right to stay there; in fact, the authority does not have any legal documents to support the claim (HLRN, 2006). Yet vulnerable people cannot protect their occupied areas from being demolished. Whenever, such case is happening, people always look for help from local and international NGOs which deal with slum and relocation to protect them from eviction. That means, slum settlements need to prepare some important documents about their community; for example, maps & location plan of the slum, history and background of settlements, community news and problems in the community etc. These kinds of information will show as village's identification which would help villagers to relate themselves to the place where they have settled down long ago. Apart from that, this is also important to deal with legal aspect in asking to provide land tenure by land law. More than that, they need to be advocated by experts from particular civil society and NGOs regarding legal procedure and human rights aspects as well as other basic knowledge in negotiation with authority, so that they can have enough ability to protest for their rights in appropriate and effective ways.

In most cases, during eviction of slums, government failed to inform the people in advance or the deadline of notification just happen a few days before the eviction take place. Therefore, people do not get ready for the moving of their necessary stuff and belongings. This is a strategy which keeps people from making gathering and protesting at the right time. If the announcement period is quite long enough, then for sure, people will go against the decision. That means slum dwellers will get ready among the community members as well as seeking direct or indirect support from NGOs to oppose against the authority in order to stop or delay the eviction process. In a worse situation, if people are going for demonstration, usually, authority will use arm forces and polices which equip with guns, shock baton and tear gas to crack down on those people. There are many cases that during demonstration some of the community leaders were arrested and detained in jail (HRW, 2006). When there is a conflict between development plan and housing needs of the poor, resettlement is the only solution for the poor and the city. Since 1998, the figure shows that there were more than 8,100 people have been relocated to 18 different sites through out rural Phnom Penh (ACHR, 2004: 11). The first forced eviction carried out by the Municipality of Phnom Penh between 1990 and 1996. At that time, evicted families were rarely given compensation or resettlement options. However, it was until 1998 the Municipality of Phnom Penh gradually defined a 'concerted resettlement policy' for Phnom Penh urban poverty reduction strategy (Lasserve, 2005: 15). On the other hand, government or municipality often explains the reason of eviction of urban poor communities under poverty reduction strategy; which means moving people from slum to a place where they can have their own possession in land and dwellings.

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slums are facing threat of forced evictions as well

#### e) Poverty Risk After Eviction

Living standard of those people after eviction is usually describe as miserable due to encountering with many practical difficulties in re-establishing new home and village. On the other hand, the condition would not that worse if there has been proper treatment from authority during and after resettlement. On the contrary, slum people have been facing double problems: at first, they have been forced to leave their place by all means of forces as well as physical and psychological violations. Secondly, they have been provided little or less hope in return at the new place in comparing to what they have lost. That means there were no concrete guarantees from the municipality and local authority to help in the process of rearranging their communities.

Eventually, many people left their new place and return to the city centre once again to look for job opportunities since their new settlement areas do not have much possibilities for them to work. At this time, when coming back to the city they might have to rent a cheap room to stay close to where they can possibly access to nearby job places: because it is quite hard to commute from new village to the city when both time and money are highly consumed. Besides that if they decide to stay in the new village, there is nothing they can do to earn and live their life. There is no sign that they can do business around their home, no market place, no health care centre, physically isolated and less populated, fear of individuals' security and etc: therefore, to remain in the village means to face with poverty that is impossible to accept.

#### f) Future Prospect for Subsequence Generations

Generally speaking, the critical problems which now relocated people are facing will result in negative impacts on their subsequence generations as well. When interviewing with many families in the relocation sites, they express a deep concern for the future of their young children who cannot enjoy their education attainment. Previously, when they were living as urban poor in the city their children can go to school more or less as the same as many other children. However, after resettlement, those kids have lost their opportunity because they have to drop out from school in order to move away with family. Many children are hoping to transfer their name to the local school in new place: on the contrary, the idea did not exist after they found out that in the village's vicinity there is no school or if there is one it will be far from the village. Apart from that, the process of transferring the school will eventually require time and probably expenses: in that sense, the students cannot caught up with others and will retard the school year. As a result, they either completely dropped out from school and stay at home to do nothing in the village or start to look for temporary jobs in other places in order to help generating income for the family.

### VII. Recommendation

It is appreciable that the government of Cambodia is willing to challenge with urban poor development by putting strong effort improving all slum settlements in the city. It is worth to accept if the policy is working quite well in this process. However, in the course of reducing urban poverty, it is not only important to minimize the number of squatters in the urban sector but it is also significant to

control of migration flow from rural to urban sector so that slums settlements can be reduced. Otherwise, the problem will never end since the present condition of lacking housings in the city is keeping many people away from accessing to proper shelters.

Dealing with slum evictions if they are unavoidable, authority should take into account the aspect of human rights as well right to adequate housing among urban poor communities in Phnom Penh. It is simply means providing full access to information sharing and participation in decision-making by the impacted people so that dimension of the problems could be minimized and acceptable. Besides, it is generally suggested that as much as possible should avoid involuntary relocations of squatters, but should have more feasible alternatives to improve their conditions with the intention that their livelihood and social/cultural network will be preserved.

So far, the government and the municipality authority have applied the strategy of slum upgrading and land-sharing to a few communities in Phnom Penh as in good example of *Borei Keila*<sup>6</sup> community case; that is probably one of the best options to be adopted in order to provide more possibility of secure tenure for other urban poor communities.

Needless to say, it is important to have effective policy implemented during evictions of slums. As some of the international development agencies and NGOs are proposing to the government concerning this matter, it should always be considered as priority subject. It is significant that affected population seriously need a fair and just compensation in order to restore their livelihood and general conditions in relocated sites. For that reason, they should not be neglected and excluded from benefit-sharing as part of the development project.

Nevertheless, from the very early stage, authority should seriously consider about impacts of social, cultural and economic of people who have been relocated. Some of evicted sites have been reported lack of basic services, infrastructures, foods, employment and no farm land. Even though it has already been years that the resettlement to those sites taken place, but there are no practical improvement at all. The villagers are encountering many problems and there is no way to solve by themselves.

In case of involuntary and unavoidable resettlements, people should be provided cultural rights to choose their preferences in ways of living and relocated places. It is necessary that cultural value of individuals or group should be respected and accepted its diversity.

As much as possible, the government must concern about enhancing the law of land and legal tenure to urban poor people. In reality, many of slum dwellers have occupied on certain state public properties quite long enough to be accepted as falling into the criteria of having right to be granted for secure tenure by law. However, during evictions they can neither receive land tenure nor compensation. As William mentioned that in the course of slum resettlements, it is a “failure of Cambodian’s authority

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<sup>6</sup> *Borei Keila* (literally means Sports City): it is a sports facility complex which has been built to house athletes as well as training facilities. This compound have been occupied by urban poor communities for many years inside the buildings and on the spare land in the vicinity; recently in 2000's, the municipality and local authority have transfer this place to be re-developed by a private investment company; therefore, the decision is to relocate those people to other place in order to free the this complex. After there have been many confrontations with authority, company and the people; eventually, the urban poor community were allowed to stay by sharing certain portions of the land in the same compound to be built a series of apartment by the investing company while the rest of land and buildings will be kept for development.

to respect international obligations in the absence of clear domestic law, even more pointed where no domestic law exist". In this regard, enhancing the legal aspect as well as good governance is seriously needed so that development resources can be fairly distributed.

## VIII. Conclusion

In general, the study of slum settlements and relocations in Phnom Penh can be drawn some significant conclusions that there is an unfairness of governance within the bureaucracy system dealing with slum settlements and evictions. It should be acceptable that corruption and lack of good governance at many levels of the government institutions will also result in huge disaster for disadvantaged groups. For instance, in cases of land grabbing and land abuse by powerful civilian or military groups, poor people never expect to have hope in using legal system to protect their property from being taken away. On the other hand, slums in urban sector are even having more trouble dealing with no proper information sharing whenever authority or private company want to evict them. In this regard, an agreement between authority and investor is secretly kept in order to prevent any accidental protest or demonstration by the poor. Needless to say, there might be something undisclosed behind the agreement to lease or sell state private and public properties to private investor that has been currently occupied by slums. Somehow, state actor is trying to hide the information from squatter communities and the public, so this is a lack of transparency in governance.

Not surprisingly, many of urban poor people are lacking of school attainment, which in some ways prevent them from having good employment as well as collaboration in development; therefore, they seriously need some forms of education for development at certain levels. It is the most indispensable factor for urban poor to take part in improving life condition either by their own or by the government; first of all, they need to have education for development. That means particular knowledge about education in development project will help to facilitate them to understand concept of development and somehow can involve in that procedure. On the top of that, authority must give priority to build education facilities at the eviction places so that children can continue and fulfil their compulsory education.

Dealing with resettlement and urban poor development, it is pretty common to find that human rights and ethic are not fully respected by the state actor. According to the research in this topic as well as previously done by others researchers, it is quite important to be reviewed that every time of evictions of slum squatters, the Municipality of Phnom Penh and private investors have mostly been violating on many significant aspects of human rights. In other words, it could be interpreted as lacking of human rights and ethic in implementing development policy by authority or private sectors. That means vulnerable and disadvantaged people have been neither included into development of their areas nor have been improved their locality. So, they will still be poor and do not have enough ability to claim for they rights and duty in society.

Nevertheless, the policy of compensation to resettlement should be based on reflecting situation of each community that will be affected with regard to history, culture, tradition and preference by the

villagers. This is the most essential part for villagers in case eviction is going to happen and cannot be stopped. According to experiences of eviction cases in Phnom Penh, slum settlers are always complaining to authority and claimants of being exploiting from the poor by providing an unfair compensation to evicted people as well as treated them so badly. Usually, relocated people cannot re-establish their normal social network, living conditions after being resettled to a new place; because first of all they have received relatively low compensation fee either in cash or materials. In that sense, a comparison between land's price offered by the development agencies and normal market price of land in slum areas show a big gap that poor people have lost. On the other hand, even though authority have divided a plot of land to those relocated slum, somehow the new sites were quite isolated from the populated areas which have pushed those people to fall into another problem of lacking communication with surrounding villages and it is too expensive to spend for transportation to the city.

Last but not least, it is crucial to have political interventions from ruling class in order to become an indispensable mechanism for benefit sharing. Since many of slum communities in Phnom Penh are identified as occupied on state public and private property; therefore, it is necessary to have an involvement from authority in order to guarantee that the land that granted for development will not seriously affect and damage property and livelihood of low-income people on place. Moreover, state actor must ensure that in case of unavoidable eviction each and every of slum settlers can share benefit from the development project. Otherwise, vulnerable people will always lose and exclude from taking part in decision-making of development project.

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