



BRIEFING NOTE

Cambodia: World Bank Remedial Action Update

April 2013

The World Bank has announced its intention to lift its lending freeze to Cambodia without securing a remedy for thousands of families harmed by a Bank-assisted land-titling project. The announcement comes amidst a deteriorating human rights situation in Cambodia, including arbitrary arrests and imprisonment of community activists who, in 2009, complained to the World Bank Inspection Panel.



Forced evictions, and the failure to secure the property rights of eligible urban poor families under a Bank-financed land-titling project, prompted the Bank to suspend all new lending to Cambodia in 2011. The move followed findings by the Inspection Panel that more than 4000 Phnom Penh families had been denied due process and safeguard entitlements under the Land Management and Administration Project (LMAP), and that these omissions contributed to the “grave harm” that the families suffered. After the

families’ claims to the land were denied *en masse*, despite documented evidence by many of the families of ownership rights, they were subjected to forced eviction from their homes in the Boeung Kak lake area by government officials in cahoots with a company holding an illegal 99-year lease over the US\$2 million inner-city real estate.¹

When the Bank announced the freeze, Country Director Annette Dixon stated: “Until an agreement is reached with the residents of Boeung Kak Lake, we do not expect to provide any new lending to Cambodia.”²

Within a week of the Bank’s announcement, the Cambodian Prime Minister Hun Sen issued a decree granting title to some 700 families remaining at the site. This marked a significant human rights victory in Cambodia. Thousands of people who were facing the prospect of forced displacement for the first time have formal legal security over their homes and land.

¹ The Inspection Panel Investigation Report and Management Action Plan are available at:
<http://web.worldbank.org/WBSITE/EXTERNAL/EXTINSPECTIONPANEL/0,,contentMDK:22512162~pagePK:64129751~piPK:64128378~theSitePK:380794,00.html>

² See, <http://www.guardian.co.uk/global-development/2011/aug/10/world-bank-suspends-cambodia-lending>

However, the case is by no means closed. At least 61 remaining families have been excluded from the land concession, and over the past few years nearly 3500 families were displaced from their homes in the Boeung Kak area after accepting inadequate compensation under extreme duress. These families have not benefited in any way from the government's new policy and since the eviction many have experienced severe social and economic impacts, including impoverishment.

Boeung Kak residents, led by a determined group of community women fighting to protect their homes and rights, have continued to protest the unjust exclusions and demand a fair resolution for all families. They have suffered reprisals for their public actions including beatings and arrest. In May 2012, Boeung Kak women staged a peaceful demonstration on the sand dunes that cover what was once a village on the shores of the lake. The protesters were surrounded by a mixed force of military police, anti-riot police and district guards, who proceeded to violently break up the demonstration and arrest 13 female community leaders, including a 72-year-old grandmother. Two days later the 13 women were summarily tried, convicted on spurious charges and sentenced to two and a half years imprisonment. During the trial, the police arrested two more community representatives who were waiting outside the court prepared to testify as witnesses. Following interventions by the then US Secretary of State Hillary Clinton, the women were released on appeal with suspended sentences. However, one of the most prominent protesters of the women's incarceration, 29-year old Yorm Bopha, was later arrested on trumped up charges. In December she received a 3-year sentence. Amnesty International has declared Yorm Bopha a prisoner of conscience.



As the government continued its clamp down on protesters and silencing of critics, in December 2012, the Bank announced its intentions to renew lending to Cambodia, ignoring the fact that the vast majority of Boeung Kak complainants have received no resolution. At a meeting in April with a community representative, Inclusive Development International and Equitable Cambodia, Bank management confirmed its intentions to reengage in Cambodia without pursuing a remedy for excluded and displaced Boeung Kak families.

Re-engagement without addressing the outstanding issues would contradict the public commitments the Bank has made to the Boeung Kak families and represent a flagrant disregard for its binding operational policies and the findings of its accountability mechanism. This move would embolden the Cambodian government's strong-arm tactics and serve to disempower Cambodian citizens demanding respect for their basic rights.

The Cambodia case highlights a structural flaw in the World Bank's safeguards and accountability framework: the failure to guarantee an effective remedy for people who have been harmed by Bank projects. This flaw renders the Bank's safeguard policies and Inspection Panel meaningless for victims of poorly designed and mismanaged Bank projects when the Bank is unable or unwilling to repair the harm.

RECOMMENDATIONS TO WORLD BANK EXECUTIVE DIRECTORS:

1) Do not approve new loans or grants to Cambodia until Management provides an Interim Strategy Note that includes a comprehensive remedial action plan that addresses the outstanding issues facing the former and current residents of Boeung Kak Lake, including:

- (a) provision of legal security of tenure to the 61 families remaining in the Boeung Kak area who have been excluded from receiving land titles;
- (b) clear demarcation of the developer's concession and the 12.44h area reserved for the community by a decree of the Prime Minister; and
- (c) the establishment of a program for the provision of livelihood support to forcibly evicted Boeung Kak families in accordance with the World Bank Policy on Involuntary Resettlement.

2) Ask Management to develop an institution-wide strategy to ensure that the Bank is able to guarantee an effective remedy to all people who are materially harmed by World Bank projects, either through new or existing Bank mechanisms.