
IMPACT OF LOWER SESAN 2 (LS2) HYDROPOWER DAM ON CAMBODIAN WOMEN'S RIGHTS IN KBAL ROMEAS CHAS AND KBAL ROMEAS THMEY VILLAGE, STUNG TRENG PROVINCE

*Sophorn Tuy

ABSTRACT

The author focused on current living condition of women in the villages of Kbal Romeas Chas and Kbal Romeas Thmey, in relation to living standards in particular; adequate housing food, and water. Two sites area discussed, one village that accepted resettlement and one that did not. The author raises three questions. What fundamental rights of women in Kbal Romeas Chas and Kbal Romeas Thmey were affected by the construction of LS2 hydropower dam? How those rights were violated? What legal and practical solutions are there to protect and promote women's rights in Kbal Romeas Chas and Kbal Romeas Thmey? This paper examines the rights of women that were affected by LS2 hydropower dam and major legal frameworks and policies in the context of the protection and improvement of living conditions for women in Kbal Romeas Chas and Kbal Romeas Thmey. This paper will provide an understanding: of the current situation of women's living conditions in Kbal Romeas Chas and Kbal Romeas Thmey; an understanding the role of Royal Government of Cambodia (RGC) to respect, protect and fulfil women rights in accessing adequate living conditions and raise awareness of women's rights to women and girls in order to protect their rights.

Keywords: Lower Sesan 2, Hydropower Dam, Women's Rights, Kbal Romeas Chas, Kbal Romeas Thmey

INTRODUCTION

Hydropower dams are constructed to boost economic growth. The RGC approved some hydropower dam projects to be built in this country. The RGC has identified 60 potential sites for hydropower dam projects with an estimated output of 10,000 megawatts. Of these about 50% will be located along the Mekong mainstream, 40% on Mekong tributaries, and 10% outside the Mekong basin.¹

There are currently 6 hydropower plants that provide one third of all electricity supply for Cambodia.² The Kamchay hydropower dam the first dam project went online in 2011, since then the Kirirom III and Stung Atay dams have become active.³ Another hydropower dam project, the LS2 hydropower dam, commenced construction in 2014 and was online by the end of 2018.⁴ LS2 hydropower dam is the largest power supply project in Cambodia.⁵ The RGC planned to provide electricity to every village in Cambodia by 2020 with the best price.⁶ The LS2 hydropower dam can support 400 megawatts that is about 20% of all electricity required in Cambodia.⁷ LS2 hydropower dam will not only provide enough domestic electricity supply, but it will contribute to Cambodia's economy in order to meet the government's industrial development policy.⁸

The LS2 hydropower dam project is grouped with China-based Hydrolancang International Energy, Vietnam-based EVN International and Cambodia's Royal Group.⁹ The LS2 hydropower dam project costs approximately \$US800 million, its wall is approximately 80 meters high with a 36,000 hectare reservoir.¹⁰ The Environmental Impact Assessment (EIA) document stated that compensation of \$US70 million was paid to families of six villages that have been affected by the LS2 hydropower dam.¹¹ The LS2 hydropower dam impacted on lost forest's cost about \$US130 million and natural resource's cost about \$US130 million.¹²

The LS2 hydropower dam has blocked both the Sesan and Stung Cheay Areng rivers.¹³ Kbal Romeas village is one of the villages that have been affected by the LS2 hydropower dam. Kbal

¹ Maureen Harris and others, 'Report of the Special on the Situation of Human Rights in Cambodia Hydropower Dam Development in Cambodia: Lower Sesan 2 and Stung Cheay Areng Hydropower Projects' (2015) <https://earthrights.org/wp-content/uploads/documents/submission_to_special_rapporteur_on_hydropower.pdf> accessed 1 June 2018.

² Chan Sok, 'Hydropower Dam to Open Early' *Khmer Times* (Phnom Penh, 12 July 2017) <www.khmertimeskh.com/64854/hydropower-dam-open-early/> accessed 1 June 2018.

³ Harris (n 1).

⁴ Seangly Phak and Chen Daphne, 'Sesan Dam goes Online while PM dismissed environmental concerns' *Phnom Penh Post* (Phnom Penh, 26 September 2017) <www.phnompenhpost.com/national/sesan-dam-goes-online-while-pm-dismisses-environmental-concerns> accessed 4 June 2018.

⁵ Harris (n 1).

⁶ RGC, 'Rectangular Strategy for Growth, Employment, Equity and Efficiency Phase III' (2013) <http://cnn.org.kh/wp-content/uploads/2013/10/26sep13_rectangular-strategy_phaseIII.pdf> accessed 1 June 2018.

⁷ Phak (n 4).

⁸ Sok (n 2).

⁹ Phak (n 4).

¹⁰ Ibid.

¹¹ EIA document from the interview with NGO's staff (Phnom Penh), 14 July (confidentiality of interviewee).

¹² Ibid.

¹³ Harris (n 1).

Romeas village lies on a bend of the Srepok River, where it joins the Sesan and Sekong rivers before they flow into the Mekong further downstream. After the LS2 hydropower dam was created, 86 out of 138 families in Kbal Romeas village accepted the compensations and moved to a resettlement site that called Kbal Romeas Thmey village. 52 families rejected to move to resettlement site at the government and investor's request. They moved to new place that near their old village, called Kbal Romeas Chas village. They rejected the request because they considered the compensation did not satisfy their needs and their lives will be worse in the future. Women and girls in Kbal Romeas Chas number 108 of the 206 population that is 52.43%.¹⁴

Kbal Romeas Thmey is about 20 kilometers from the LS2 hydropower dam by pass, about 7 kilometers by shortcut pass, and approximately 7 kilometers from the National Road number 78.¹⁵ Each family in Kbal Romeas Thmey received a house of 80-square-metres made from wood or concrete. They also received 5-hectare of farmland and a subsidy of rice¹⁶ for the first year. Each house was built on a 20-meter by 50-meter piece of land. If someone did not want to accept the house, they could receive compensation of \$US5000.

By the end of 2018, the families in Kbal Romeas Chas received official approval to stay at the village from the Cambodian government. They have not yet received the right to land titles.¹⁷ The LS2 hydropower dam project development has had serious impact on people and the environment. Women have experienced more difficulties than men because they play a bigger role in managing livelihoods in the community¹⁸, and they should be the priority need for food and livelihoods.

This research is organized into five parts. Part 1 is about methodology used for this research. Part 2 focuses on Legal and Policy Framework concerning on women's rights. Part 3 covers the impact of LS2 hydropower dam to women's rights in Kbal Romeas Chas and Kbal Romeas Thmey. Part 4 explores the implementation of law and policy to address issues of women in Kbal Romeas Chas and Kbal Romeas Thmey. Part 5 provides the conclusion and recommendations.

I. RESEARCH METHODOLOGY

This research was conducted using literature review and qualitative research methods. The author conducted semi-structured interviews with the head of community's representatives from Kbal Romeas Chas and Kbal Romeas Thmey as well as an NGO

¹⁴ Interviewed with representative from Kbal Romeas Chas (Kbal Romeas Chas Village, Kbal Romeas Commune, Stung Treng Province, 15 August 2018).

¹⁵ Interview with representative from Kbal Romeas Thmey (Kbal Romeas Thmey Village, Kbal Romeas Commune, Stung Treng Province, 23 June 2018).

¹⁶ The rice was given to someone whose age was up to 17 years old.

¹⁷ Interview (n 14).

¹⁸ Harris (n 1).

whose details shall remain confidential¹⁹. They were asked about the former and current situation of the standard of living for women at Kbal Romeas Chas and Kbal Romeas Thmey, and their awareness of laws and policies for protecting and promoting women's rights. Because of time and budget constraints, the author interviewed stakeholders by telephone and took note of the conversations. All answers were voluntary responses and all interviewees had confirmed their consent to the author. The research was supported by secondary data, including textbook, journal, newspaper, and other websites.

The author submitted interview request letters to the Ministry of Environment and Ministry of Women Affairs (MoWA). They were asked about activities, policies, projects or laws that promote and protect women in Kbal Romeas Chas and Kbal Romeas Thmey. The ministries did not respond.

II. LEGAL AND POLICY FRAMEWORKS CONCERNING ON WOMEN'S RIGHTS

Article 11, paragraph 1, of the International Covenant on Economic, Social and Cultural Rights (ICESCR) “the state recognizes the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions...” Article 14, paragraph 2, of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) stipulates that States parties shall ensure that women have the right to “enjoy adequate living conditions, particularly in relation to [...] water supply”.

General Comment No. 15: The Right to Water (Arts. 11 and 12 of the Covenant), adequate water expresses about each household must get sufficient, safe and acceptable water; and water must be equally provided to everyone. General Comment No. 12, Right to Adequate Food (Art. 11), right to adequate food is the enjoyment of accessing food to satisfy the dietary needs of individuals free of dangerous substances and culturally acceptable. The Right to Adequate Housing, Face Sheet No.21, state has obligations under international law to ensure the right of everyone to adequate housing”.

According to Article 35 of the Constitution of Kingdom of Cambodia 1993, men and women have equal rights before law and can exercise their rights in political, economic, social and cultural life. The State has ratified international laws and has a duty to respect all human rights as recognized by these international laws. Not all Cambodians are well protected and their rights properly respected. This is especially true for women despite the Government claiming in its State Party Report 2008 that “[a]ll people in Cambodia are well protected by law” with respect to forced evictions²⁰ and Cambodia government

¹⁹ NGO's name is confidential. This NGO is responsible to provide training related to legal framework, such as right to land and right of indigenous people. And it also trained how to file complaint to relevant institutions of the RGC.

²⁰ Land and Housing Working Group, 'Land and Housing Rights in Cambodia Parallel Report' (April 2009) <https://tbinternet.ohchr.org/Treaties/CESCR/Shared%20Documents/KHM/INT_CESCR_NGO_KHM_42_9415_E.pdf> accessed 10 August 2018.

recognizes and respects international human rights treaties as domestic law.²¹ The SDG has the target of implementation over 15 years.²² The RGC recognized the Sustainable Development Goal (SDG), Goal number five of SDGs outlines the need to end all forms of discrimination against women and girl, and empowering them has a multiplier effect as well as promote economic growth.²³

The RGC signed Beijing Platform for Action (BPFA) in 1995²⁴ and ratified the International Covenant on Economic, Social and Cultural Rights CESCR as well as CEDAW, the government developed Rectangular Strategy (RS) III (2014-2018) in-line with SDGs, particularly Goal 5 to achieve gender equality and empower all women and girls.²⁵ The RGC established the National Strategic Development Plan (NSDP) 2014-2018 and developed Rectangular Strategy (RS) III (2014-2018) for achieving gender equality and to empower all women and girls in all areas. The RS III is to promote gender equity and empowerment of women in all areas including education, economic development, legal protection, and health.²⁶ The plans of RS III (2014-2018), priority on increasing of irrigation systems and increasing providing clean water supply to the rural and urban areas through “The National Strategy for Rural Water Supply and Sanitation 2011-2025”.²⁷

III. CASE OF IMPACT OF LS2 HYDROPOWER DAM TO WOMEN’S RIGHTS IN KBAL ROMEAS CHAS AND KBAL ROMEAS THMEY VILLAGE

In the past the home was the center of family life.²⁸ Many families in Kbal Romeas Chas now live in small cottages.²⁹ Their houses are built from small young trees with zinc and tents. They are not safe for women and girls to live in and most are concerned about their safety at night and some seek protection from men. At night, some women stay with their neighbors and return to their homes at day time. The road from Kbal Romeas Chas village to the national road is muddy and rough. The bad road damages their vehicles. They used to live in high wooden houses, but now they live in small lower houses. It is difficult for them to adapt to the new style of living. In Kbal Romeas Thmey,

²¹ The Constitution of Kingdom of Cambodia 1993, art 31.

²² UNDP Cambodia, ‘Goal 5: Gender Equality’ <www.kh.undp.org/content/cambodia/en/home/sustainable-development-goals/goal-5-gender-equality.html> accessed 16 July 2019.

²³ UNDP, ‘About Cambodia’ (*UNDP Cambodia*, 2015)

<www.kh.undp.org/content/cambodia/en/home/countryinfo.html> accessed 4 June 2018.

²⁴ UNDP, ‘Cambodia Case Study’ (2012)

<<https://www.undp.org/content/dam/undp/library/Democratic%20Governance/Women-s%20Empowerment/CambodiaFinal%20-%20HiRes.pdf>> accessed 14 June 2018.

²⁵ RGC, ‘National Strategic Development Plan 2014-2018’ (2014) <http://cdc-crbdb.gov.kh/cdc/documents/NSDP_2014-2018.pdf> accessed 1 June 2018.

²⁶ MoWA, ‘Neary Rattanak IV: Five Years Strategic Plan for Gender Equity and Women Empowerment 2014-2018’ (2014)

<www.kh.undp.org/content/dam/cambodia/docs/DemoGov/NearyRattanak4/Cambodian%20Gender%20Strategic%20Plan%20-%20Neary%20Rattanak%204_Eng.pdf> accessed 1 June 2018.

²⁷ RGC, ‘Rectangular Strategy for Growth, Employment, Equity and Efficiency Phase III’ (2013)

<http://cnv.org.kh/wp-content/uploads/2013/10/26sep13_rectangular-strategy_phaseIII.pdf> accessed 1 June 2018.

²⁸ Their houses were made from wood and higher from land.

²⁹ Interview (n 14).

the houses were poor quality and most houses are ruined from water coming through the wall during rainy season.³⁰

In the old village, women had enough water for cooking, farming, animal husbandry, washing clothes, and drinking. After the LS2 hydropower dam was constructed women in both villages lack water to use and drink. They use rain water in rainy season and water from small ponds during dry season.³¹ This means a higher risk when they have to go a longer distance through the forest for gathering water and food.³² There are a few wells in Kbal Romeas Thmey; however they are not accessible because the water has a carbon dioxide substance.³³

In the old village, women could: plant vegetables; feed pigs, chickens and ducks; collect fish at the river and; fruit, vegetables, and honey from the forest nearby. Currently, women in both villages have problems accessing food. They face challenges of collecting fruit, vegetable and other natural resources because the way from the village to the forest is flooded and distant. The new village land is dry, the women cannot plant any type of crop or vegetable. Their animals die in road accidents.³⁴ The poor quality of the soil in Kbal Romeas Thmey has caused women to gather food far away from home.³⁵ Although each family in Kbal Romeas Thmey has been provided five hectares to farm they lack of water and irrigation system to support it. The LS2 hydropower dam project impacts on fisheries with losses to health and nutrition.³⁶

Due to their challenges, the community in Kbal Romeas Chas filed a request to the Cambodian government in May 2018 to: (1) construct a pathway from the village to the national road 78; (2) build schools near their village; (3) provide study materials and teachers' support; (4) establish a health center; (5) dig a pond for water supply and; (6) provide land titles. This request was received by the government in June 2018.³⁷ The five proposals including digging the pond were accepted by the government by the end of 2018.³⁸

Before the LS2 hydropower dam, there was only one death from disease in the preceding two to three years. Since the LS2 dam development the death rate has increased. Three people died between January and August 2018. Most people have new and strange diseases such as intestinal disease and gallbladder problems.³⁹

³⁰ Interview with women's representative at Kbal Romeas Thmey (August 23, 2018).

³¹ Interview (n 14 & n 15).

³² Interview (n 15).

³³ Ibid.

³⁴ Ibid.

³⁵ Ibid.

³⁶ Harris (n 1).

³⁷ Interview (n 14).

³⁸ Sophak Chakrya Khouth, 'Stung Treng Authority Agrees to Bunong Request' *Phnom Penh Post* (Phnom Penh, 15 December 2018) <https://m.phnompenhpost.com/national/stung-treng-authority-agrees-bunong-request?fbclid=IwAR3qSdMb9Cn1c3dCFI4j64KnWWwEu3MLaDmOe7z3Rwb7pw_x_OVC1kGyqE> accessed 30 December 2018.

³⁹ Interview (n 14).

IV. EXPLORING THE IMPLEMENTATION OF LAW AND POLICY TO ADDRESS ISSUES OF WOMEN IN KBAL ROMEAS CHAS AND KBAL ROMEAS THMEYVILLAGE

MoWA is the key ministry that has the duty to protect the rights of women and their families through five-year plans (Neary Rattanak IV), it promotes gender-responsive policies, strategic plans and programs. Neary Rattanak IV, 5 Years Strategic Plan for Women Equality and Empowerment 2014-2018 has a vision to ensure equal rights and opportunities between women and men in all sectors.⁴⁰ This ministry strives to lead government partners at both national and sub-national level. Its mission is mainstreaming gender in the process of national and sectorial policy and program development, implementation, monitoring and evaluation and coordinates as well as monitoring implementation of specific national programs such as Women's Economic Empowerment. The MoWA has collaborated and coordinated with national committees, line ministries to mainstream gender in national strategies on climate change and disaster risk management, and relevant mechanisms in order to meet the actual needs from women, especially vulnerable women and female students in rural areas to access water, food, and safe shelters.⁴¹ The Cambodian National Council for Women (CNCW) is an inter-ministerial mechanism, it has a duty to assist the government to coordinate, follow up and evaluate the implementation of national policies, laws, orders and measures relating to promotion of status, roles and social welfare of Cambodian women. CNCW also provides recommendations on combining national periodic report to UN and follow up on the implementation of international conventions.⁴² CNCW works to support, coordinate and conduct research to inform and provide comments to Women and Children's Consultative Committees (WCCC) on issues concerning women.⁴³ In addition, the Provincial Department of Women's Affairs (PDWA) and District Office of Women's Affairs (DOWA) are branches of MoWA operating at the sub-national level.

The MoWA has a crucial role to promote gender mainstreaming across the Cambodian government.⁴⁴ The strategic plans and policies as well as programs for gender equality, have not yet fully addressed the needs of vulnerable groups of women and girls in both villages. The RGC did not implement their plans very well especially in relation to the development of physical infrastructure, that particularly focuses on increasing irrigations, roads, and clean water supply sector with standard of quality in order to provide to everyone include rural and urban areas. The Cambodian government did not create Farmers' Water User Community regarding to article 19 of the law on water management of the Kingdom of Cambodia in both villages. Then it also did not have gender mainstream, support and empower women in both villages in accordance with Sustainable Development Goals (SDGs), RS and NSDP. Furthermore, the government has institutional mechanism, such as MoWA, Commune Councils for Women and

⁴⁰ MoWA (n 26).

⁴¹ Ibid 54.

⁴² MoWA (n 26).

⁴³ Ibid.

⁴⁴ MoWA (n 26).

Children (CCWC) and Cambodian National Council for Women (CNCW) to support, promote, and address issues of women in Cambodia, but it is not work in both villages. Their standard of living conditions are not much better than before.

With the support from the National Strategy for Rural Water Supply, Sanitation and Hygiene 2011-2025 to ensure rights of everyone of access water and sanitation, the Cambodian government has set the vision to ensure everyone in rural communities has access to safe water supply and sanitation services, and lives a hygienic environment by 2025.⁴⁵ The government aims to get 50% of the rural population access to water supply by 2015 and 100% by 2025.⁴⁶ They have a strategy to disseminate and promote women campaigns in communes with the Women and Children's Consultative Committees (WCCC). WCCCs are a sub-national mechanism to promote gender equality and the empowerment of women of province and district. In order to support this national strategy, the government has already inserted a plan for providing safer water supply into RSIII (2014-2018).⁴⁷ The RGC developed a national strategic plan for 2014-2018, it has targets of 60% improved water access for rural by 2018 regarding with universal access targets adopted by 2025 for the rural sectors in the National Strategic Plan for Rural Water Supply, Sanitation and Hygiene (RWSH) 2014-2025.⁴⁸ Challenges still remain as the lack of access to clean water that has negative impacts on the nutritional status of women.⁴⁹ Women in Kbal Romeas Chas and Kbal Romeas Thmey still face of lacking water in accessing for daily consumption, including husbandry, cooking, washing clothes, and drinking, etc. Cambodia has comprehensive laws for water supply, and a national strategic plan and policy. However, the implement of those laws, policies and plans have proven insufficient and there is no specific national law regarding to right for women to access water. Women in both villages lack access to water. Not enough water is provided due to a lack of support from the Cambodian government.

The Cambodian government produced the Cambodia Gender Assessment (CGA) Series 2004, 2008, 2014 that were the product of a joint partnership and collaboration among MoWA, civil society and development partners, with consultation across the government and non-government sectors.⁵⁰ In addressing food security and nutrition issue for Cambodia, the RGC developed National Strategy for Food Security and Nutrition (NSFSN 2014-2018), under mandate of Council for Agricultural and Rural Development (CARD) that promotes gender equality and empowerment for women.⁵¹ The strategy has four dimensions, including availability, access, use and utilization of food, and stability

⁴⁵ MRD, 'National Strategy for Rural Water Supply, Sanitation and Hygiene 2011-2025' (April 2011) <www.cdc-crdb.gov.kh/cdc/documents/Sector_Strategy/19_Rural_Water_Supply_Sanitation_Hygiene/mrd_b_rssw_straigy_Eng.pdf> accessed 16 June 2018.

⁴⁶ Ibid.

⁴⁷ Ibid.

⁴⁸ WSP & WB, 'Water Supply and Sanitation in Cambodia. Water and Sanitation Program & World Bank' (May 2015) <<http://documents.worldbank.org/curated/en/545311468178454239/pdf/100889-WSP-P131116-AUTHOR-Susanna-Smets-Box393244B-PUBLIC-WSP-SERIES-Cambodia-WSS-Turning-Finance-into-Service-for-the-Future.pdf>> accessed 14 June 2018.

⁴⁹ MoWA (n 26) 9.

⁵⁰ MoWA (n 26) 1.

⁵¹ CARD, 'National Strategy for Food Security and Nutrition (NSFSN 2014-2018)' (February 2014) <<http://extwprlegs1.fao.org/docs/pdf/cam152935.pdf>> accessed 05 June 2018.

of food supply. The government also cooperates with Food Agriculture Organization (FAO) in order to create National Medium-Term Priority Framework 2011-2015 for sustaining food security to everyone that priority to gender based equality.⁵² Although the Cambodia government has cooperated with Food and Agriculture Organization of the United Nations (FAO) under mandate of the Council for Agricultural and Rural Development (CARD) to support food to gender based, women in both villages still lack access to food. Before the LS2 hydropower dam was created, they could collect fish from the river and fruit, vegetable, honey and meat from the forest nearby. Now, they cannot easily find these foods that have been lost from the LS2 hydropower dam development.⁵³ Women in Kbal Romeas Chas and Kbal Romeas Thmey lack enough nutrient food to support them.

Women in Kbal Romeas Chas village lack the right to access adequate housing. The government has no plans or action with international organizations and NGOs to support or provide loans to women in Kbal Romeas Chas in order to build houses. The government collaborated with the hydropower dam investment to provide houses to people in Kbal Romeas Thmey. Those houses are not convenient to stay during rainy season, since its wall and roof are leaked. The right to access adequate housing means the right to live somewhere in security, peace and dignity.⁵⁴ Women in Kbal Romeas Chas suffer more than men from the lack of adequate housing, since women have higher risk of sexual harassment, rape and health problems. According to the outcome of the Habitat II Conference, the Cambodian government should take action to promote, protect and ensure the full and progressive realization of the right to adequate housing.⁵⁵

According to the stakeholders' responses, there is no institution, mechanism or committee to take action to promote, support, and consult with women about their concerns in Kbal Romeas Chas and Kbal Romeas Thmey. There is one NGO located at Kbal Romeas Commune. It promotes women by encouraging them participate training and at least there are women 40% among the participations. Those women were trained in the filing complaints and make negotiation processes with the governor and other relevant stakeholders. This NGO recently has collaborated with another civil society to provide consultation and support standard of living for people in both villages as well as undertake an assessment of their living conditions.⁵⁶

⁵² MAFF, 'National Medium-Term Priority Framework' (2010) <www.fao.org/3/a-at648e.pdf> accessed 4 June 2018.

⁵³ Villa Moynier, 'Gender Equality and the Right to Food in Contexts of Agricultural Commercialization' (2017) <www.geneva-academy.ch/joomlatools-files/docman-files/Gender%20Equality%20and%20the%20Right%20to%20Food.pdf> accessed 9 April 2018.

⁵⁴ OHCHR, Fact Sheet No. 21/Rev.1 on The Right to Adequate Housing [2014]

<https://www.ohchr.org/Documents/Publications/FS21_rev_1_Housing_en.pdf> accessed 14 June 2018.

⁵⁵ OHCHR (n 54) 14.

⁵⁶ Interview with NGO's staff (Stung Streng Province, 13 August 2018).

CONCLUSION

Women in Kbal Romeas Chas and Kbal Romeas Thmey lack access to adequate housing, food, and water.

LS2 hydropower dam affects the rights of women in Kbal Romeas Chas and Kbal Romeas Thmey villages in relation to their access to adequate housing, food and water. This is because of the weakness of practical commitment from the Cambodian government. In addition, the RGC currently lacks cooperation with international organizations, NGOs as well as civil societies to promote and improve standard living of women in both villages. The Cambodian government shall ensure rights of everyone to an adequate living condition, including food and housing, and to the continuous improvement of living conditions.⁵⁷

The State should make plans for action without delay to ensure the right of access to adequate housing by developing specific legal frameworks and policies to guarantee security for women in Kbal Romeas Chas and Kbal Romeas Thmey. The State must take immediate measures to ensure legal security of tenure and effectively monitoring the housing situation. The State must also take measures to prevent homelessness as described in General Comment No. 4 (paras.10-13), consult with the homeless, and cooperate with international bodies providing economic, especially home loan, and technical, assistance. The Cambodian government also should establish a system of community housing finance designed credit for the poor, enhance the role of municipal authorities in the housing sector and improve collaboration between the various governmental institutions responsible for housing and consider the creation of a single governmental housing agency.

Furthermore, the Cambodian government should respect human rights by refraining from interfering directly or indirectly with the enjoyment of the right to adequate housing. The Cambodian government is required to protect human rights from interference with the rights to adequate housing by adopting legislation or other measures by ensuring that property developers or corporations comply with human rights standards related to the right to adequate housing. The Cambodian government has a duty to provide direct assistance, such as a housing allowance to build house affected by disaster (natural or man-made), especially for vulnerable groups. The women representatives from Kbal Romeas Chas requested the RGC to support them in building new houses of good quality or by providing a home loan. In addition, the representative from Kbal Romeas Thmey also suggested the government to address their issue of water crossing on the wall of their houses during the rainy season.

Based on the international law, all humans have rights to adequate food. In accordance with goal number 2 of SDG, the Cambodian government should end hunger, achieve food security and improved nutrition by promoting sustainable agriculture. The CARD

⁵⁷ UN, Convention on the Elimination of All Forms of Discrimination against Women [1979] <www.ohchr.org/en/professionalinterest/pages/cedaw.aspx> accessed 14 June 2018.

should have the duty to create National Protection Policies to protect food security. The poor families, especially women in rural areas have the right to receive food in order to reduce food insecurity and have free access to health care for the poor and vulnerable. It is a priority for the Cambodian government to improve food security by addressing the Government's Rectangular Strategy for Growth; Employment; Equity and Efficiency in order to strengthen gender equity engagement in the areas of gender equality, nutrition and social protection; and in the National Strategic Development Plan (NSDP 2014-2018).

Under national and international laws, the government should improve and promote land, forestry and fishery investment to sustenance food security in order to support social, economic and environment.

The Cambodian government has a core obligation to ensure a minimum level of rights to sufficient and safe water for personal and domestic uses in order to: prevent disease; ensure reasonable distance from the household; ensure personal security is not threatened when having to physically access to water. It should adopt relatively low-cost targeted water programmes to protect vulnerable and marginalized groups and take measures to ensure access to adequate sanitation, especially for disadvantaged or marginalized groups. Article 11 of the Law on Water Resources Management of Cambodia provides that, women have right to use water for drinking, washing, bathing, and other consumption including water for animal husbandry, fishing and the irrigation of domestic gardens and orchards. The State should ensure women's rights to enjoy adequate living conditions, particularly in relation to water supply and ensure that women farmers have equitable access to water and water management systems, such as sustainable rain harvesting and irrigation technology. Based on Law on Water Resource Management of the Kingdom of Cambodia, the Ministry of Water Resource and Methodology, the government should create policies and plans on the water resource management, conservation and developments taking into account the specific requirements and demand of each zone/region by collaboration with relevant ministries and sectors. The government should cooperate and participate with relevant agencies, private sectors, beneficiary groups, NGOs and International Organizations in all activities related to management, investment, conservation and development of the water resources. The Interviewees suggested that the RGC should create Farmers' Water User Communities for ensuring effective and sustainable management and operation of the irrigation system. They also outlined the need for the government to dig a pond to provide sufficient water to support their household use and farming as well as safe water to drink.

Since Cambodia is developing country, the State cannot implement those strategic plans without cooperation with international organizations, NGOs, civil societies, and private investments. Therefore in order to prevent and address unsafe homes and provide enough and safe food and water, especially clean drinking water, the State and all relevant stakeholders must guarantee that banks and financial institutions extend housing finance without discrimination and ensure provision of food and water as well as other basic services regarding to the consumers' needs.

Finally, it is good to develop a hydropower dam for the economic development of society; however it should be developed in an area that will not cause damage to the environment and human suffering. The government should prevent all investments to development negative impacts on natural resources and human rights.

REFERENCES

- ‘Kbal Romeas, Lower Sesan II Dam Profile’
<https://cchrcambodia.org/project_page/land_profile/pdf/13-Stung-Treng-Lower-Sesan-II-Dam-Profile-en.pdf> accessed 1 June 2018.
- ‘Making a Community Resources Map in Kbal Romeas and Srekor Village in Stung Treng Province’ (*Mekong Watch*, 12 December 2014)
<www.mekongwatch.org/english/projects/MM_LS2.html> accessed 11 June 2008.
- ‘Position statement of the (Old) Kbal Romeas Bunong indigenous community’
<<http://iphrdefenders.net/wp-content/uploads/2017/08/LS2-Kbal-Romeas-IPs-position-statement.pdf>> accessed 1 June 2018.
- Babatunde R and others, ‘Determinants of Vulnerability to Food Insecurity: A Genderbased Analysis of Farming Households in Nigeria’ (2008) 63(1) *Ind. Jn. of Agri. Econ.* <<https://ageconsearch.umn.edu/bitstream/204567/2/13-Babatunde.pdf>> accessed 5 June 2018.
- CARD, ‘National Strategy for Food Security and Nutrition (NSFSN 2014-2018)’ (February 2014) <<http://extwprlegs1.fao.org/docs/pdf/cam152935.pdf>> accessed 05 June 2018.
- Chan M, ‘Transmission Line to Connect Dam by 2017’ *Phnom Penh Post* (Phnom Penh, 21 May 2015) <www.phnompenhpost.com/business/transmission-line-connect-dam-2017> accessed 4 June 2018.
- EIA document from the interview with NGO’s staff (Phnom Penh), 14 July (confidentiality of interviewee)
- FAO, ‘The Impact of Gender Policy Processes on the Right to Food: Case of Cambodia’ (2016) <www.fao.org/3/a-i5489e.pdf> accessed 9 April 2018.
- G. D, ‘Families no Longer Displaced by Dam’ *Khmer Times* (Phnom Penh, 7 May 2018) <www.khmertimeskh.com/50487015/families-no-longer-displaced-by-dam> accessed 1 June 2018.
- Grimsditch M, ‘Understanding New Treats and Challenges from Hydropower Development to Biodiversity and Community Rights in the 3S River Basin’ (April 2012) <www.internationalrivers.org/sites/default/files/attached-files/3s_rivers_english.pdf> accessed 1 June 2018.
- Harris M and others, ‘Report of the Special on the Situation of Human Rights in Cambodia Hydropower Dam Development in Cambodia: Lower Sesan 2 and Stung Cheay Areng Hydropower Projects’ (2015) <https://earthrights.org/wp-content/uploads/documents/submission_to_special_rapporteur_on_hydropower.pdf> accessed 1 June 2018.
- IFReD and others, ‘Food and Nutrition Security Vulnerability to Mainstream Hydropower Dam Development in Cambodia’ (2012) <www.business-humanrights.org/sites/default/files/media/cambodia-dams-and-food-security-2013.pdf> accessed 1 June 2018.
- Interview with NGO’s staff (Stung Streng Province, 13 August 2018).

- Interview with representative from Kbal Romeas Thmey (Kbal Romeas Thmey Village, Kbal Romeas Commune, Stung Treng Province, 23 June 2018).
- Interviewed with representative from Kbal Romeas Chas (Kbal Romeas Chas Village, Kbal Romeas Commune, Stung Treng Province, 15 August 2018).
- Khouth S, 'Stung Treng Authority Agrees to Bunong Request' *Phnom Penh Post* (Phnom Penh, 15 December 2018)
<https://m.phnompenhpost.com/national/stung-treng-authority-agrees-bunong-request?fbclid=IwAR3qSdMb9Cn1c3dCFI4j64KnWWwEu3MLaDmOe7z3Rwb7pw_x_OVC1kGyqE> accessed 30 December 2018.
- Land and Housing Working Group, 'Land and Housing Rights in Cambodia Parallel Report' (April 2009)
<https://tbinternet.ohchr.org/Treaties/CESCR/Shared%20Documents/KHM/INT_CESCR_NGO_KHM_42_9415_E.pdf> accessed 10 August 2018.
- Law on Water Resource Management of the Kingdom of Cambodia 2007.
- Li Y and Yu X, 'Development Reduces Gender Impacts of Hydropower-A perspective in China' (*Research Program on Water, Land and Ecosystems*, 30 November 2017) <<https://wle-mekong.cgiar.org/development-reduces-gender-impacts-of-hydropower-a-perspective-in-china/>> accessed 9 April 2018.
- May T, 'Flood victims want new home on ancestral lands' *Khmer Times* (Phnom Penh, 24 October 2017) <www.khmertimeskh.com/5087400/flood-victims-want-new-homes-ancestral-lands/> accessed 1 June 2018.
- MAFF, 'National Medium-Term Priority Framework' (2010) <www.fao.org/3/a-at648e.pdf> accessed 4 June 2018.
- MRD, 'National Strategy for Rural Water Supply, Sanitation and Hygiene 2011-2025' (April 2011) <www.cdc-crdb.gov.kh/cdc/documents/Sector_Strategy/19_Rural_Water_Supply_Sanitation_Hygiene/mrd_b_rssw_straigy_Eng.pdf> accessed 16 June 2018.
- MoWA, 'Neary Rattanak IV: Five Years Strategic Plan for Gender Equity and Women Empowerment 2014-2018' (2014)
<www.kh.undp.org/content/dam/cambodia/docs/DemoGov/NearyRattanak4/Cambodian%20Gender%20Strategic%20Plan%20-%20Neary%20Rattanak%204_Eng.pdf> accessed 1 June 2018.
- Nakagawa K, *Gender Mainstreaming in Cambodia: Towards a Gender Equality Society?* (Phnom Penh).
- Ogonda K, 'Starving the Mekong: Expected Social and Environmental Impacts from Construction and Operation of the Lower Sesan II Dam' (2014)
<www.internationalrivers.org/sites/default/files/attached-files/starving_the_mekong_1.pdf> accessed 8 June 2018.
- OHCHR, Fact Sheet No. 21/Rev.1 on The Right to Adequate Housing [2014] <https://www.ohchr.org/Documents/Publications/FS21_rev_1_Housing_en.pdf> accessed 14 June 2018.

- OHCHR, 'International Human Rights Law' (*United Nations Human Rights Office Of The High Commissioner*)
<www.ohchr.org/EN/ProfessionalInterest/Pages/InternationalLaw.aspx>
accessed 19 June 2018.
- Phak S and Daphne C, 'Sesan Dam goes Online while PM dismissed environmental concerns' *Phnom Penh Post* (Phnom Penh, 26 September 2017)
<www.phnompenhpost.com/national/sesan-dam-goes-online-while-pm-dismisses-environmental-concerns> accessed 4 June 2018.
- RGC, 'Rectangular Strategy for Growth, Employment, Equity and Efficiency Phase III' (2013) <http://cnv.org.kh/wp-content/uploads/2013/10/26sep13_rectangular-strategy_phaseIII.pdf> accessed 1 June 2018.
- RGC, 'National Strategic Development Plan 2014-2018' (2014) <http://cdc-crdb.gov.kh/cdc/documents/NSDP_2014-2018.pdf> accessed 1 June 2018.
- River Coalition of Cambodia, 'Proposed Lower Sesan 2 Dam, Cambodia Fails to Uphold Best Practice' (*International Rivers*, 19 August 2009)
<www.internationalrivers.org/resources/proposed-lower-sesan-2-dam-cambodia-fails-to-uphold-best-practice-3787> accessed 1 June 2018.
- Sok C, 'Hydropower Dam to Open Early' *Khmer Times* (Phnom Penh, 12 July 2017)
<www.khmertimeskh.com/64854/hydropower-dam-open-early/> accessed 1 June 2018.
- Tully S, 'A Human Right to Access Water? A Critique of General Comment No.15' (2005) 23 (1) *Netherlands Quarterly of Human Rights*
<<https://journals.sagepub.com/doi/10.1177/016934410502300103>> accessed 18 June 2018.
- The Constitution of Kingdom of Cambodia 1993.
- TRAVELFISH.ORG, 'Weather in Cambodia'
<www.travelfish.org/weather/cambodia#getting-3> accessed 14 August 2018.
- UN, Consideration of Reports Submitted by States Parties under Articles 16 And 17 of the Covenant E/C.12/KHM/CO/1 12 June 2009CESCR Concluding Observations of the Committee on Economic, Social and Cultural Rights [2009] <<http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=4slQ6QSmlBEDzFEovLCuW3xCTTnuRFHujhUnAmZRMp%2fl0s67oY%2fJq49KpGv1ac3d3Lu80kjs6bZWP3ckv5EbW6E6uOI8apgyUIBjMagYJPUMVdfhmMGXO1gVvf12WM>> accessed 9 April 2018.
- UN, '#Envision2030: 17 goals to transform the world for persons with disabilities' (*United Nation*)
<www.un.org/development/desa/disabilities/envision2030.html> accessed 1 June 2018.
- UN, General Comment E/C.12/1999/5 General Comment No. 12: The Right to Adequate Food (Art. 11) [1999] <www.refworld.org/docid/4538838c11.html> accessed 10 January 2019.
- UN, General Comment E/C.12/2002/11 General Comment No. 15: The Right to Water (Arts. 11 and 12 of the Covenant) [2003] <www.refworld.org/docid/4538838d11.html> accessed 9 April 2018.

- UN, General Recommendation CEDAW/C/GC/34 7 March 2016 General recommendation No.34 on the rights of rural women [2016]
<<http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhslCrOlUTvLRFDjh6%2fx1pWB6lCUVZF6giuQZbHO4%2fX%2b4Db%2bKev44QYdiHI9FsT1ev1IJnjmQTwXsoYYftFzPZDFqZwg9LJV98trqGD7G9%2bez>> accessed 1 June 2018.
- UN, International Covenant on Economic, Social and Cultural Rights [1966]
<www.ohchr.org/en/professionalinterest/pages/cescr.aspx> accessed 14 June 2018.
- UN, Report A/CONF.151/26 (Vol. I) Report of the United Nations Conference on Environment and Development [1992]
<https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_CONF.151_26_Vol.I_Declaration.pdf> accessed 10 June 2018.
- UN, The Universal Declaration of Human Rights [1948]
<www.un.org/en/udhrbook/pdf/udhr_booklet_en_web.pdf> accessed 14 June 2018.
- UN, 'Transforming Our World: The 2030 Agenda for Sustainable Development' (2015)
<<https://sustainabledevelopment.un.org/content/documents/21252030%20Agenda%20for%20Sustainable%20Development%20web.pdf>> accessed 16 July 2019.
- UN, 'United Nations Conference on Environment & Development' (Rio de Janeiro, Brazil, 3 to 14 June 1992)
<<https://sustainabledevelopment.un.org/content/documents/Agenda21.pdf>> accessed 4 June 2018.
- UN, 'View the ratification status by country or by treaty' (*United Nations Human Rights Office Of The High Commissioner*)
<http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=29&Lang=EN> accessed 15 June 2018.
- UNDP, 'About Cambodia' (*UNDP Cambodia*, 2015)
<www.kh.undp.org/content/cambodia/en/home/countryinfo.html> accessed 4 June 2018.
- UNDP, 'Cambodia Case Study' (2012)
<<https://www.undp.org/content/dam/undp/library/Democratic%20Governance/Women-s%20Empowerment/CambodiaFinal%20-%20HiRes.pdf>> accessed 14 June 2018.
- UNDP Cambodia, 'Goal 5: Gender Equality'
<www.kh.undp.org/content/cambodia/en/home/sustainable-development-goals/goal-5-gender-equality.html> accessed 16 July 2019.
- UNWOMEN, 'Cambodian National Council for Women' (UNWOMEN, 2001) <<http://evaw-global-database.unwomen.org/en/countries/asia/cambodia/2001/cambodian-national-council-for-women--cncw>> accessed 14 June 2018.

Villa Moynier, 'Gender Equality and the Right to Food in Contexts of Agricultural Commercialization' (2017) <www.geneva-academy.ch/joomlatools-files/docman-files/Gender%20Equality%20and%20the%20Right%20to%20Food.pdf> accessed 9 April 2018.

WSP & WB, 'Water Supply and Sanitation in Cambodia. Water and Sanitation Program & World Bank' (May 2015) <<http://documents.worldbank.org/curated/en/545311468178454239/pdf/100889-WSP-P131116-AUTHOR-Susanna-Smets-Box393244B-PUBLIC-WSP-SERIES-Cambodia-WSS-Turning-Finance-into-Service-for-the-Future.pdf>> accessed 14 June 2018.