

The urban development of Phnom Penh: “A happy garden with an ever-bright sun”

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ABSTRACT—Phnom Penh has been one of Southeast Asia’s fastest growing cities. Throughout the past decades the urban development processes throughout Southeast Asia have led to evictions, many of which have been violent. In many countries, evictions and the violent removal of entire communities has become a defining feature of modern urban development. Phnom Penh is no exception. This paper provides a condensed account of some of the essential urban policy decisions over the past four decades that help to understand the conflicts and fault lines that have shaped the contemporary urban landscape of Phnom Penh. Using the example of an inner-city community, which was home to many artists with close connections to the Ministry of Culture and Fine Arts, the article shows how entire urban spaces in Phnom Penh have been re-designed in line with the needs of an increasingly inter-connected and wealthy political and economic elite.

Keywords: Urban development, Phnom Penh, forced evictions, privatization of urban spaces

Während seines [Pen Sovan] Aufenthaltes in der DDR [Deutsche Demokratische Republik] im October 1979 konnte er sich von den großen Errungenschaften des Volkes der DDR überzeugen. Er habe gesehen, dass das Volk der DDR in einem glücklichen Garten mit immer strahlender Sonne lebt, wo die Parteilinie gerecht und klug verwirklicht wird.¹

During his [Pen Sovan’s] stay in the GDR [German Democratic Republic] in October 1979, he was able to witness the great achieve-

ments of the people of the GDR. According to him, he had seen that the people of the GDR live in a happy garden with an ever-bright sun, where the Party's political line is being wisely and justly implemented [own translation].

Introduction

January 7, 2019 marked the fortieth anniversary of the official ending of the Khmer Rouge regime with the assistance of the Vietnamese armed forces. "On December 25, 1978, the Vietnamese invaded Cambodia. By January 7, 1979 they had captured Phnom Penh." (Becker, 1998) Later, 7 January became a national holiday in Cambodia. Over the next four decades, Phnom Penh followed a development path spanning from a socialist command economy to a free market system. According to the World Bank, Phnom Penh grew from 110 to 160 square kilometers between 2000 and 2010, while its population increased at a rate of 4.4 percent per year, from 920,000 people to 1.4 million during this ten-year period. (World Bank Group, 2015) Together with other Southeast Asian cities, Phnom Penh faced the rapidly evolving urban challenges of the 21st century. With that came the proliferation of new urban policies, strategies and legislation on how effectively to respond to these challenges of urban modernization.

When Pen Sovan, in his capacity as head of the Cambodian government, visited the German Democratic Republic (GDR) in October 1979, he gave a diplomatic address in which he thanked his hosts for their moral and financial support to the People's Republic of Kampuchea. East Germany, embedded in the Warsaw Pact and an ally of Vietnam, stood ready at the time to actively assist the Cambodian government in alleviating the dire humanitarian crisis in the country. In his speech, Pen Sovan made a poetic reference to the living conditions of people in the GDR, whom he said would live in "a happy garden with an ever-bright sun." With this statement, he outlined his government's vision to redevelop the country and its capital city, Phnom Penh, for the benefit the entire Cambodian population. The GDR was one of the first countries that officially recognized the Revolutionary People's Council of Kampuchea, when the GDR Ambassador presented a letter of accreditation on April 7, 1979, following Laos, Vietnam and Cuba. (PA AA, MfAA, VS 61)

In retrospect, almost forty years down the road, what has become of the late 1979 vision of livable and peaceful community development in Phnom Penh, including equitable access to urban spaces for all citizens?

A new socialist Phnom Penh: The re-creation of public facilities in 1979

Mit den Sieg der vereinten kampuchanisch-vietnamesischen Streitkräfte über die vom Pekinger Regime ausgehaltene Pol-Pot/Ieng Sary-Clique im Januar 1979 und mit der Ausrufung der Volksrepublik Kampuchea wurde ein neues Kapitel der gesellschaftlichen Entwicklung Kampuchreas eröffnet... Geführt vom revolutionären Volksrat und der Nationalen Einheitsfront für die Rettung Kampuchreas, beraten von der Partei- und Staatsführung der SRV, wurde der Weg zur Schaffung eines unabhängigen, friedliebenden, demokratischen, nichtpaktgebundenen und zum Sozialismus voranschreitenden Kampuchea bestritten. (PA AA, MfAA, VS 61)

In January 1979, following the victory of the joint Cambodian-Vietnamese armed forces over the Pol Pot-Ieng Sary clique, which had been sustained by the Beijing government, and the proclamation of the People's Republic of Kampuchea, a new chapter in the societal development of Cambodia was opened.... Led by the Revolutionary People's Council and the National United Front for the Salvation of Kampuchea, advised by the Party and State leadership of the SRV [Socialist Republic of Vietnam], Cambodia entered on a path towards the creation of an independent, peace-loving, democratic, non-aligned and progressive nation [own translation].

In 1975, the Khmer Rouge regime evacuated Phnom Penh and all provincial towns under duress and forced all the residents to move to rural collectives. Thus, during the entire Democratic Kampuchea regime (1975–1979), Phnom Penh was largely empty. (Corfield and Summers, 2003) All land titles were destroyed and buildings and homes became the property of the state. According to the above East German diplomatic sources, when the Khmer Rouge was ousted from the capital city in January 1979, with the help of Vietnamese forces, a

new chapter for the development of Phnom Penh began. The particular brand of communism that was introduced with the victory of the Vietnamese-backed People's Revolutionary Party of Kampuchea (PRPK) did not subscribe to the ideological animosity towards any aspect of urban culture held by the Maoist Khmer Rouge and began to resettle Phnom Penh in line with the tenets of a socialist society. At that time, Cambodian citizens suffered from severe famine. A Vietnamese soldier who was stationed in Cambodia in 1979 reported: "They were dying everywhere. They were dying of hunger.... We didn't have rice to feed the starving. We only had army rations to feed ourselves in battle." (Doyle, BBC News) The East German Ambassador, Rolf Dach, wrote on May 3, 1979, that more than 60,000 people "are living under difficult circumstances in the outskirts of Phnom Penh." He referred to the overall difficult situation as follows: "every second refugee is ill. There is a shortage of doctors, medical staff, medicines and hospital beds." (PA AA, MfAA, VS 61)

The GDR, within the firm parameters of its close alliance with the Soviet Union, saw the necessity for Vietnamese forces to be stationed in Kampuchea in order to defeat the remaining forces of the Khmer Rouge.² East Germany justified the stationing of the Vietnamese forces on Cambodian soil for the reconstruction of Cambodia and its armed forces, which included the reconstruction and re-urbanization of the capital city, Phnom Penh.

Two of the main strategies of the 1979 resettlement process of Phnom Penh consisted of the division of the city into two halves, the dual city, (Kolnberger, 2014) as well as a structured re-entry roadmap for its future citizens. In January 1979, the population of Cambodia was informed in a radio announcement about the creation of a new government under the KPRP. Following that radio announcement, large numbers of people gradually began to flock back to Phnom Penh. However, the KPRP government decided to seal off the city from a sudden influx of new arrivals, as it had planned to re-establish public services prior to the return of entire communities. Thus, the prospective returnees were forced to settle along the various entry roads leading into Phnom Penh, where they formed temporary urban settlements over several months. In general, the public policy was to bring the people back in an orderly and organized fashion to prevent a sudden influx of large groups of individuals. For reasons of security

and existing supply problems, the initial plan was to allow only 15,000 people to resettle in Phnom Penh during the entire year of 1979. (PA AA, MfAA, VS 61) Authorities bisected the city into two administrative divisions: the eastern side of the central traffic artery, Monivong Boulevard, was allocated to and managed by the central committee of the ruling party, earmarked for the settlement of national state officials, whereas the areas west of Monivong Boulevard were under the supervision of the Municipality of Phnom Penh and reserved for the placement of municipal officials. (Yao, 1979) Furthermore, the military was added as a “third power,” which was stationed in the district of Toul Kork and at different bases around Phnom Penh. (Kolnberger, 2014)

When Phnom Penh became “the capital of the independent nation of Cambodia” in 1953, under the leadership of Prince Norodom Sihanouk, the focus had been on the construction of “Universities, Ministries and a Large National Sports Complex. Large areas of the city were turned into landscaped gardens surrounding water reservoirs.” (Molvann, 2003) At that time, the character of Phnom Penh was described as a garden city. (Molvann, 2003) The Pol Pot administration either misused or completely destroyed much of Phnom Penh’s public infrastructure between the years 1975 and 1979.

Throughout 1979, the Cambodian authorities received support from the Vietnamese forces to rebuild the city’s health care system. According to East German documents, until the end of 1979, three central hospitals in Phnom Penh were returned to their original purpose. (PA AA, MfAA, VS 61) In November 1979, the Soviet Union, Bulgaria, Cuba and the GDR received permission to dispatch medical teams. The Cuban medical team, consisting of 21 medics, was responsible for the reinstatement of the “7 January” hospital, while the GDR medical team took care of the “17 April” hospital. (PA AA, MfAA, VS 61) However, it was not possible at that time to carry out any complicated surgery due to the lack of technical equipment. In the last months of 1979, the conditions for the reopening of the medical-pharmaceutical faculty of the University of Phnom Penh had been met and 500 former medical- and 200 former pharmaceutical students were allowed to enroll. (PA AA, MfAA, VS 61)

During the Pol Pot administration, the educational system was wiped out. All schools were closed, teaching materials were destroyed

and teachers were persecuted. Similar to the reconstruction of the health care system in Phnom Penh, the socialist partner countries also assisted with the reorganization of the educational system. On February 15, 1979, the Ministry of Education had already been re-established and, on February 26, 1979, teaching at schools in Phnom Penh recommenced. (PA AA, MfAA, VS 61) Along with the reopening of the Medical-Pharmaceutical Faculty, the Royal University of Fine Arts had been restored and was functioning. (PA AA, MfAA, VS 61) The first steps towards the normalization of Phnom Penh's social life were accompanied by activities aimed at revitalizing culture and sports. This included the creation of a national song and dance ensemble, together with groups for classical and modern dance, song and music. According to East German documents, these ensembles achieved international standards in terms of their equipment and performances. They visited Laos and Vietnam during the first year of their inception. Furthermore, in 1979, two movie theaters reopened and film production consequently resumed. Documentaries were shown during the national holidays of the GDR, the Soviet Union, Laos and Cuba in order to "familiarize the population with real socialism." (PA AA, MfAA, VS 61) Regarding sports, the National Stadium was repaired and friendly matches were organized between teams from Cambodia and representatives of its communist allies stationed in the capital. (PA AA, MfAA, VS 61)

The allocation of sustainable housing and the Dey Krahom community

In the first weeks of 1979, only 110 future municipal employees were officially invited to reside in the city in order to receive technical and administrative training on the spot. These officials were told to settle in the vicinity of their respective training venues and workplaces. (Yao, 1979) As of March 1979, Phnom Penh was still largely deserted. From May until June 1979, only state officials were allowed to return and they were instructed to move into properties that were located close to their workplaces. Subsequently, starting in June 1979, trained officials from within Phnom Penh began to visit the temporary settlements on the outskirts of the capital to register and recruit people with the specific technical skills needed for the development of city

infrastructure. The idea was to bring in people in groups of 100, led by state officials, and to make them settle in the vicinity of the institutions and ministries, where they had been assigned to work. (Yao, 1979) However, since this process was moving along very slowly and the pressure of people squatting on the outskirts became too strong, the government decided to lift the strict re-entry policy and allowed the returnees to settle in the city wherever they could find space. One of the consequences resulting from the attempt of the KPRP government to guarantee structured resettlement was that many people moved to housing assigned to them, close to their workplaces. After the termination of this first phase of resettlement following the defeat of the Khmer Rouge regime, the 1980 population census reveals that, not counting military personnel, the city was re-inhabited by 90,000 civilians. (Yao, 1979)

The post-1979 re-population of the central Phnom Penh area of Dey Krahom (which means “red soil” in English), located east of Monivong Boulevard, also occurred under the “dual city” resettlement plan. Dey Krahom was assigned by the government to the Ministry of Culture and Fine Arts, which formally invited its employees to settle in this area. These early arrivals cleared trees and brought in the red soil that gives Dey Krahom its name. They were artists, such as musicians and dancers performing in the nearby Bassac Theatre, but also athletes competing in traditional Khmer boxing, as well as the administrative personnel of the Ministry. Over the coming years, subsequent waves of new arrivals to Dey Krahom rented space from the initial families that had been assigned official housing by the Ministry of Culture and Fine Arts. The newcomers earned their living as construction workers, drivers and small-scale vendors.

Although private property was not recognized until 1989, land and house possessions were tolerated by the state authorities and people in Dey Krahom continued to occupy and build houses on plots in the area with the full knowledge and tacit approval of the Ministry. Simultaneously, the population of Phnom Penh continued to grow considerably over the next decade. From a baseline of 90,000 (Yao, 1979) in 1979, it increased to 427,000 (Gruss, 2007) in 1985 to reach 615,000, (Gruss, 2007) in the dawn of the global communist era in 1990. 1993 records show that the Ministry of Culture and Fine Arts transferred land to the Ministry of Land Management, Urban Plan-

ning and Construction for reasons unknown to the long-term residents of Dey Krahom.

A liberal land market at loggerheads with socialist resettlement policies

The new regime that emerged after the gradual collapse of the Soviet Union and the withdrawal of Vietnamese troops in 1989, which called itself the State of Cambodia (SOC), swiftly set out to introduce a free market economy. In the land property sector this included the introduction of legislation that aimed to introduce a new system whereby citizens could eventually own private land. Following the signing of the 1991 Paris Peace Accords, the United Nations Transitional Authority in Cambodia (UNTAC) seconded a further 30,000 military personnel, administration staff and foreign experts to Phnom Penh. (Blancot, 1997) The massive influx of capital and spending power triggered a first, serious wave of land speculation. Many buildings in Phnom Penh were renovated to serve as offices and residential housing for the UNTAC staff. Simultaneously, wetlands and lakes were filled with sand to create developable city space. In 1992, a new land law was passed to formally reinstate private property rights. Comprehensively introduced by the cadastral state authorities, this new land law should have offered many ordinary long-term residents of central Phnom Penh the opportunity to register for official ownership of property if they were able to prove that they had possessed the land over a specific stipulated period of time. Instead, as research has shown, the new legislation seemed to have a particular bias towards the political elite and ruling class:

Liberalization of the land market was born in large parts from the desire of high-ranking officials to officially legitimize the residential land they had amassed in Phnom Penh, land left by the Vietnamese high-ranking military... Many of the biggest land deals (especially in Phnom Penh) took place at the beginning of the 1990s, involving those who were in official positions and who had the opportunity to amass state land very cheaply for private use and sell it off at a high profit. Companies began to buy land with state backing, leaving the land undeveloped until prices began to increase. (Menzie, Ketya,

and Adler, 2008)

During this period, while the land law of 1992 reinstated private property rights, Phnom Penh saw a wave of evictions, many of which were violent, under its newly-appointed Governor Hok Lundy, according to reports of the Urban Sector Group. From this first wave of evictions in the early 1990s, the Dey Krahom community escaped unscathed. However, almost all of the long-term residents failed to gain access to the new land registration procedures set out under the new land law due to the lack of information from the cadastral authorities. Simultaneously in 1992, Cambodia acceded to a number of international human rights treaties, including the International Covenant on Economic Social and Cultural Rights, which required each state party to abide by international standards protecting the rights of its citizens to adequate housing. With that move came international accountability and public scrutiny under the reporting duties to the UN treaty organs. To mitigate growing international criticism concerning the treatment of ordinary urban city dwellers, the government introduced new policies to demonstrate its willingness to deal with the violent evictions of the 1990s. Instead of implementing the 1992 land law in a comprehensive, coordinated and structured fashion with the aim of securing potential ownership rights of “individual” residents of poor urban settlements, the government set out to cooperate with UN agencies, international NGOs and community organizations to implement a broad-based so-called “pro-poor approach to housing,” which focused on communities as a whole. This policy resulted in a number of organized resettlements of entire communities from central Phnom Penh to the outskirts, with the financial and technical support of the international donor community. Prior to these resettlements, the communities were regularly faced with the immediate prospect of eviction, as in the case of the Akphiwat Meanchey community.

In April 1996, 126 families living in downtown Phnom Penh, near the Chinese Embassy, were faced with a bulldozer attempting to clear their houses for a road-upgrading project, without prior notice. Following “negotiations” involving the international community, a compromise for the resettlement to the outskirts of Phnom Penh was reached. In this context, NGOs, such as the Asian Coalition for Housing Rights (ACHR) and the United Nations Center for

Housing (UNCHS, now UN HABITAT) provided technical training to the communities and funded work at the construction sites. After the completion of the construction in April 2000, prime minister Hun Sen inaugurated the resettlement site in person. With that came the proliferation of new urban policies, strategies and legislation on how to effectively respond to this urban modernization paradigm. This included, among others, the City Development Strategy (CDS) 2005–2015 and the Master Plan Phnom Penh 2020.³ Within this context, it is interesting to note that, in July 2005, the Master Plan Phnom Penh 2020 was presented only to Vietnamese and Chinese investors by the Phnom Penh municipal authorities. Civil society organizations, community representatives and the residents at large were entirely excluded. Furthermore, in terms of legislation, the introduction of a new land law in 2001 marked a watershed. This new law provided specific classifications of land, which determined who could own the land and for what purpose the land could be used. As stipulated by the law, the government had the duty to draw up maps in order to classify the different types of land and to inform its citizens about the status of the land on which their plots were located. In the case of the urban areas of Phnom Penh, this mapping did not occur as required. Instead, the government, with the financial and technical support of international donors, immediately engaged in a systematic but sporadic land registration scheme that specifically excluded areas “under dispute,” which virtually became a synonym for all of the poor urban settlements in Phnom Penh, eyed by private land speculators for their promising development concepts.

At the beginning of the 2000s, when the new Land Law and the Master Plan Phnom Penh were introduced and international donors were commissioned to engage in rights-based land registration schemes, the nation’s ruling elite had already decided to completely re-design the city. In doing so, they followed economic paradigms that researchers and academics such as David Harvey called “the urban entrepreneurialism of the neoliberal city.”⁴ Alongside other metropolitan areas in the region, Phnom Penh was ushered into an urban competition to attract investment capital with the ultimate goal of accumulating capital for the nation’s powerful elites. At an international level, this was done by the re-designation of entire urban spaces in line with the needs of an increasingly inter-connected and wealthy

international urban elite, culminating in the construction of entertainment and shopping centers, riverside and waterfront developments and upmarket apartment buildings. David Harvey's short expression to describe this powerful neoliberal trend "accumulation through dispossession" hit the affected communities in Phnom Penh, such as the one in Dey Krahom with full force. The Dey Krahom community lived in the vicinity of the river and in an area designated for an entertainment complex, including one of the largest casinos in the region.

A reinterpretation of a "happy garden"?

In May 2003, during a ceremony celebrating the fifth anniversary of the Urban Poor Development Fund,⁵ Cambodian prime minister, Hun Sen, promised secure land tenure and on-site upgrading for the benefit of 100 inner-city poor settlements each year, over the subsequent five years: "Why stop at 100 settlements? We propose to upgrade a further 100 settlements every year for the next five years, so that in the end, all of Phnom Penh's poor settlements will be improved and have land title." (UN-HABITAT, 2003) In his speech, the prime minister explicitly referred to the inner-city community of Dey Krahom as one of the sites earmarked for land-titling and on-site upgrading.

According to municipal statistics, the Dey Krahom community consisted of 1,465 families with a total of 5,750 people, (Chamkarmorn, 2004) who owned and rented property there at that time. The community was located in a prime real estate area in the vicinity of plots earmarked for the construction of the new Australian Embassy and the new National Assembly. Following the prime minister's speech, the Council of Ministers issued letter No. 875, known as the "development plan," to approve the creation of social land concessions for poor communities in four locations in Phnom Penh, including Dey Krahom. In the case of Dey Krahom, letter No. 875 of the Council of Ministers stated that the community should receive a social land concession for residential development on 3.7 hectares of land. The speech of the prime minister and the letter of the Council of Ministers with the respective development plan for the residents in Dey Krahom occurred shortly before the general election in Cambodia, which was scheduled for July 27, 2003.

A few months after the elections in January 2005, a contract

was signed by 36 individuals claiming to be Dey Krahom community representatives and the private developer, 7NG Construction Company Ltd. In this contract, the self-declared community representatives handed over 3.7 hectares of land to the company in exchange for housing at a relocation site 20 kilometers away from Dey Krahom, at the periphery of Phnom Penh. Residents and community members were totally oblivious of this contract. From that time onwards, pressure on the families grew to vacate their land, culminating in increasing levels of coercion and threats. Many Dey Krahom residents gave up and moved to the relocation site. Those who felt betrayed and decided to stay were cleared out in a violent eviction on January 24, 2009.

Prior to the general election of July 27, 2003, Hun Sen had promised, in May of that year, to upgrade and grant land tenure security for the Dey Krahom community, but he failed to refer to the specific provisions of the 2001 land law that might have allowed individual community members to file a claim for definitive title of ownership under article 30. This article states that: "Any person who enjoys peaceful, uncontested possession of immovable property that can lawfully be privately possessed, has the right to request a definite title of ownership." This, in turn would have required the state authorities to unequivocally classify, in an expeditious and inclusive public process, the nature of the land (state public or state private land) on which Dey Krahom and other poor urban communities had been residing.

The reference of the prime minister to the upgrading of 500 poor urban housing appears to have its origins in estimates of the Solidarity for the Urban Poor Federation (SUPF) in 2003, which asserted that 569 poor urban communities equivalent to 62,249 households were located in the capital at the time, which represented 35 percent of its total population. Later, these estimates were corroborated by municipal statistics, having identified 516 areas of poor urban communities in Phnom Penh in the period 1980–2012. (Phnom Penh Capital, 2012) An initial indication of the flawed nature of the promised upgrading and titling process came with the submission of letter No. 875 of the Council of Ministers, stating that the Dey Krahom community would be provided with a social land concession. Firstly, social land concessions under chapter five of the land law are granted in a detailed and long-term process with explicit community involvement. By law, the Council of Ministers is not the appropriate authority to grant social

land concessions. Secondly, social land concessions by the provisions of the 2001 land law, are an instrument to provide landless people with adequate housing. Letter No. 875 therefore created a legal precept against the Dey Krahom community, classifying them as landless, although the individual legal ownership status of the individual residents had never been established under the applicable land laws (1992 and 2001). Interestingly, by employing the legally questionable concept of a social land concession, the state authorities inadvertently implied the legal status of the Dey Krahom community land area. According to article 58 of the land law, land concessions could only be granted on lands that were a part of the private property of the state (state private land). This would mean that the residents of the Dey Krahom community, with the area they lived on having been identified by the state as state private land, would clearly have an entitlement to claim individual ownership in accordance with articles 30 and 38 of the 2001 land law.

Approximately six years after the eviction, on April 10, 2015, the *Phnom Penh Post* printed an article that took stock of the situation of the former Dey Krahom community members. (Phnom Penh Post, 2015) Many of them reported that through the eviction, this once unique community of musicians, dancers, comedians and martial artists had been scattered and destroyed forever. Only very few of them managed to eke out a meager living at the original relocation site 20 kilometers away from the city center. Others moved on to different places across the nation, cutting all the artistic and personal ties of this once closely-knit community had formed around the Ministry of Culture. While the former residents of Dey Krahom struggle to survive at different levels, their homes that were once cleared in the name of development have been vacant for years. At the time of reporting, the 7NG Company refused to talk to the *Phnom Penh Post* as to why their announcement to build residential properties on the cleared site did not materialize until six years after the violent eviction of the Dey Krahom community.

Conclusion

The Centre on Housing Rights and Evictions (COHRE) has argued “at least 60 countries’ governments, many of which have

adopted international human rights covenants that protect the right of housing, used forced evictions as a development tool between 2003 and 2006.” (Afenah, 2006) According to the Cambodian Land and Housing Working Group in April 2009, approximately 133,000 people are believed to have been evicted in Phnom Penh since 1990, representing more than 10 percent of the city’s entire population. (Land and Housing Working Group, 2009) These figures were confirmed by the national NGO Sahmakum Teang Tnaut (STT), which reported that from 1990 to 2014, 29,715 families were evicted in Phnom Penh. (Sahmakum Teang Tnaut (STT), 2014) Given that, according to the 2008 General Population Census, the average household size in Cambodia was 4.7 people, the total number of evictees in Phnom Penh according to STT stood at 139,660 in 2014. In corroborating these figures, the UN stated “while there is no official data available, estimates indicate that over 120,000 individuals in Phnom Penh have been evicted since 1990.” (UNOHCHR)

The case of the Dey Krahom community poignantly demonstrates the random use of and blatant disregard for the applicable official state policies and laws protecting the rights of individual residents in poor urban communities. This is obvious when assessing the developments surrounding the removal of the entire Dey Krahom community starting from 2003 until their final eviction on January 24, 2009.

Despite a marked increase in terms of the number and sophistication of foreign aid sponsored urban development strategies and land-related legislation ostensibly aimed at protecting the rights of poor urban settlers, the outcomes appear much different. The livelihood and legal security of the Dey Krahom community members have been continuously deteriorating since its first residents were assigned plots by the government after the fall of the Khmer Rouge. With the beginning of the privatization policies and the related land-titling projects, the striking inequalities between ordinary citizens and the rent-seeking government and business elite has become evident. As a matter of fact, the powers-that-be deliberately obscured the fact that the Dey Krahom community came to settle in this area at the invitation of the then government with the task of reviving cultural life in an exhausted, war-torn and decimated society. To this end, the government elites and their business associates abused the donor-funded land-titling projects as a perfect legal veneer to make the massive expulsion of disenfran-

chised communities appear just and lawful.

As an integral part of this process, affected community members were systematically excluded from seeking legal recourse and were subsequently criminalized for having resisted relocation. In this climate of legal ambiguity and absence of the rule of law, any land-titling regime would have been unable to yield fair and equitable land tenure security for poor urban communities.

In essence, the successful implementation of fair and equitable land rights policies would have depended on the willingness of the government and the business elite to base their decision-making on principles of good governance. These principles needed to include—alongside socio-economic factors—holistic considerations encompassing the settlement history of the area under scrutiny in view of the changing political systems and conditions. Yet, the Cambodian government deliberately failed to modernize and upgrade Dey Krahom to the benefit of its residents in its search for maximum profit aided by the political indifference of the donor community in the land sector. In publicly taking stock and acknowledging the concepts behind the socialist resettlement policies of 1979, the government could have supported all those families who based their claims on the public policies of the time. They should have been afforded the minimum of legal protection, if entitlements to their homes were to be challenged at a later stage under a completely different socio-economic land-ownership regime. It would have been the duty of the state authorities to properly divulge the history of this land allocation process and make those documents available in official procedures over ownership rights.

In 2019, when the resettlement of Phnom Penh after the fall of the Khmer Rouge marked its fortieth anniversary, Pen Sovan's vision of a "happy garden with an ever-bright sun" sounds like a travesty to thousands of former Phnom Penh residents who have been forcibly evicted since the 1990s.

Endnotes

1 Politisches Archiv des Auswärtigen Amtes (PA AA), Ministerium für Auswärtige Angelegenheiten (MfAA). Political Archives of the Federal Foreign Office (PA AA), Germany, record groups of the Ministry of Foreign Affairs of the GDR (MfAA). Accessed: September 19–23, 2016, PA AA, MfAA, VS 61, document entitled: “*Vermerk über ein Gespräch des Botschafters, Gen. Dach, mit den Generalsekretär des ZK der KPK, stellv. Vorsitzenden des RVR und Minister für Nationale Verteidigung der VR Kampuchea, Gen. Pen Sovan, am 27.1.1980*,” p. 2, GDR Embassy Phnom Penh, January 29, 1980

2 According to a report of the GDR Ambassador in Phnom Penh, Rolf Dach, on May 3, 1979: the People’s Government of Kampuchea is completely reliant on the holistic support of Vietnamese comrades. The Socialist Republic of Vietnam has seconded large numbers of advisors to Kampuchea. The leading Cambodian comrades are continuously accompanied by their Vietnamese advisors. The establishment of the Armed Forces of the People’s Republic of Kampuchea is being pursued with great vigor. As of today, two divisions (approximately 20,000 soldiers) have been set up and they are already fighting at some of the hot-spots of the conflict. The Socialist Republic of Vietnam has stationed approximately 150,000 of its Armed Forces in Kampuchea. The Vietnamese comrades believe that this large number of military personnel in the People’s Republic of Kampuchea will be required for a longer period of time (own translation), *ibid.*, p. 3

3 The Phnom Penh Municipality began the preparation of a Master Plan of the City for 2020 in October 2002, following Circular No. 2 of the Council of Ministers, adopted in January 1996. The coordination work was given to the Bureau des Affaires Urbaines of the Municipality with the participation of the Office of the Governor; municipal departments, Khans and Sangkats. NGOs and urban communities were not associated with this work

4 David Harvey quoted in Afia Afenah, “Conceptualizing the Effects of Neoliberal Urban Policies on Housing Rights: An Analysis of the Attempted Unlawful Forced Eviction of an Informal Settlement in Accra, Ghana”, Development Planning Unit Working Paper No. 139, University College London, 2009, p. 4, available at: https://www.ucl.ac.uk/bartlett/development/sites/bartlett/files/migrated-files/WP139_Afia_Afenah_Internet_copy_0.pdf [accessed May 18, 2019].

5 The Urban Poor Development Fund (UPDF) was created in 1998, as collaboration between the Squatter and Urban Poor Federation (SUPF), the municipality and national NGOs

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