

Cambodian NGO Releases Landmark Report on Resettlement

By Roxana Zamani-Ashni



Report co-author Dr. Nathalie Bugalski addresses the audience.

The Cambodian railway project recently received funding by the Asian Development Bank (ADB) and AusAID to begin a rehabilitation and large-scale redevelopment program. 650 kilometres of the railway infrastructure were to be refurbished, and the Australian firm Toll Holdings and Cambodian firm Royal Group secured a 30-year concession to operate the rehabilitated railways. Bridges Across Borders undertook a recent study on the impacts of the rehabilitation of the Cambodian Railway and particularly the resettlement of those living nearby.

The report, entitled *DERAILED, A Study on the Resettlement Impacts of the Rehabilitation of the Cambodian Railway*, was the subject of a recent Castan Centre event in Melbourne. The event examined the impact that the project had on more than 4000 affected families living near the railway lines and the challenges faced by large-scale redevelopment and resettlement. Further, the report's findings assess the extent to which the resettlement component of the project complies with international human rights law obligations and the ADB's Policy on Involuntary Resettlement.

Presenter David Pred, Executive Director and founder of Bridges Across Borders Cambodia began the panel discussion by outlining the effects of the involuntary resettlement process. He stated that only the most vulnerable groups in society were forcibly displaced and thereby thrust into deeper poverty. He further indicated that the worldwide resettlement record was a shameful one that made a mockery of human rights law compliance. He outlined that recognising and mitigating the risks associated with involuntary resettlement needed to be at the heart of ADB's resettlement policy. Despite that the project had the potential to be a model for resettlement processes elsewhere. Unfortunately, as Mr. Pred observed that the resettlement process has been an 'unmitigated disaster' and the *DERAILED* report is accordingly damning.

According to Dr. Natalie Bugalski, a leading human rights lawyer and co-author of the *Derailed* report, the stated aims of ADB and AusAid's \$143 million rehabilitation project was to stimulate economic growth and alleviate poverty in the region. Of major concern was access to information. Although a public booklet was disseminated, over 20 percent of affected men and 40 percent of affected women were illiterate or have primary education. Therefore, over 80 percent did not receive adequate information and one-third felt intimidated or pressured. Dr. Bugalski further noted that the compensation received was not enough to prevent poverty or cover the replacement cost of building a house. In addition, it was indicated that the resettlement sites were not

conducive to effective housing conditions. Dr. Bugalski noted that a minimum standard should be set in order to avoid the gap in resettlement costs and compensation awarded. It was further noted that the location and access to basic services provided troubling results. People should not have been resettled more than 5 kms away from their original homes but in some cases people were resettled more than 25 kms away from their old homes, creating difficulties with staying near employment. It was also noted that families received significantly less income after resettlement and were forced to borrow from high interest sources and in turn lost sites due to resettlement costs.

Eang Vuthy, Development Watch Program Manager of Bridges Across Borders detailed the experience of a resettlement family in Poipet, one of the five resettlement sites. He described the experience of Mr. Sareth, who thumb printed (as many affected people were illiterate, acquiescence to the resettlement process was documented through thumb prints) out of fear of not getting anything at all. Mr. Sareth was given \$2180 and was afraid that if he did not accept the money he would get nothing. Mr. Vuthy also told the audience that the resettlement sites had no infrastructure. Mr. Sareth had to live in a tent and in the process of building his new house, he had to get a loan. He received no response to complaints by the government and was accused of blocking the development.

The panel discussion following the presentations featured Matthew Hilton Chair of Aid/Watch, Dr. Adam McBeth, Deputy Director of Castan Centre for Human Rights Law and Jessica Rosien, Advocacy Coordinator of Oxfam Australia. Matthew Hilton detailed the possibility that economic growth can result in increased poverty. Ms. Rosien recommended that information disclosure in such resettlement schemes should involve meaningful consultation and that consultation should be at the current market rate. She further noted that once damage is done to resettled families, the remedying of such violations is extremely hard to track. Additionally, black market lenders involved in lending to affected families are hard to trace. Dr. McBeth noted human rights standards within the context of redevelopment and discussed the issue of extraterritorial human rights obligations and posited the question of whether Australia was implicitly in violation in relation to the breaches of human rights during the resettlement process. He indicated that the Australian government operating outside of its territory via AusAid has a responsibility as member of the ADB, and an obligation at least to do no harm. This means that when persons are likely to be adversely affected, adequate safeguards need to be applied.

Questions asked of panel members ranged from recommendations for the Australian government and adequate compensation rates. Further discussion ensued in relation to the possibility of having an AusAid guideline or policy, which would be binding. Panel members noted that whilst aid is appreciated, it should reach the right places and there should be a complaints mechanism for affected people in relation to resettlement processes. Finally, the experience of affected people was voiced and highlighted the urgency of remedying the adversely affected and actioning an effective improvement plan.