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Cambodian Center for Human Rights

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Yesterday's Eviction at Borei Keila Fails to Respect the "Three Pillars" of Business and Human Rights

The Phnom Penh Post today reports ("A battle for Borei Keila") that residents in Phnom Penh's Borei Keila community were yesterday evicted from their homes before their homes were then demolished. At least ten people were reportedly injured and another ten arrested during a violent armed clash between residents and a combined force of district police, military police and security guards from developer Phan Imex Company. In 2003, Phan Imex Company signed an agreement with the Royal Government of Cambodia to construct ten buildings on two hectares of land to house 1,776 families in exchange for development rights to a remaining 2.6 hectares. The firm has allegedly only built eight buildings so far, leaving almost 400 families without long-term housing, in breach of the 2003 agreement. As of yesterday, with the demolition of their homes, these families' prospects suddenly look much bleaker.

In 2008, the UN Human Rights Council unanimously welcomed the "Protect, Respect and Remedy" policy framework proposed by the UN Secretary-General on the issue of human rights and transnational corporations and other business enterprises, Professor John Ruggie. This framework comprises three "pillars": (1) the **state** duty to **protect** against human rights abuses by third parties including business enterprises; (2) the **corporate** responsibility to **respect** human rights; and (3) the need for greater **access to remedy** for victims of business-related abuse, both judicial and non-judicial. For further information, please see CCHR's 2010 report "[*Business and Human Rights in Cambodia: Constructing the Three Pillars*](#)".

The Borei Keila eviction is a flagrant breach of the three pillars: the state has not only failed in its duty to protect residents from Phan Imex Company's abuses but has actively facilitated them by providing armed officials to assist with the evictions and demolitions; Phan Imex Company itself has clearly failed to respect the human rights of the residents whom it had previously promised to help; and any access to remedy has thus far been denied, with the arbitrary demolition of homes an abuse of the ongoing negotiation process.

The most successful and thriving businesses around the world tend to appreciate the "business case" of observing human rights, earning the respect of the communities in which they operate, and maintaining an excellent reputation. Such actions as the Borei Keila eviction not only harm the local communities, but the reputation of the business involved and, unfortunately but inevitably, the credibility of Cambodia itself.

Commenting on the Borei Keila land eviction, [CCHR](#) President Ou Virak said:

"This eviction is yet another example of businesses running riot in Cambodia. Yesterday's events are clearly not symptomatic of a healthy business environment and will frighten away much-needed international investment. Cambodia should be striving to position itself as a leading emerging market rather than allowing this Wild West culture to continue, whereby cowboy companies ride roughshod over people's lives and homes. A change is needed, and observing the UN's Three Pillars would be a good place to start. The result will be increased international investment and credibility, with development benefitting all Cambodians."

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