



**KINGDOM OF CAMBODIA**  
**Nation Religion King**



**Permanent Mission of the Kingdom of Cambodia  
to the United Nations Office and other  
International Organizations at Geneva**

No. 2022/02/052

The Permanent Mission of the Kingdom of Cambodia to the United Nations Office and other International Organizations at Geneva presents its compliments to the Office of the High Commissioner for Human Rights and, with reference to the Special Rapporteurs' Joint Communication No. AL KHM 10/2021 dated 27 September 2021, has the honour to transmit to the latter the response from Phnom Penh Municipal Administration.

The Permanent Mission of the Kingdom Cambodia would appreciate it if the said information could be conveyed to its high destinations.

The Permanent Mission of the Kingdom of Cambodia to the United Nations Office and other International Organizations at Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 01 February 2022



**Office of the High Commissioner for Human Rights**  
**Geneva**

Reply of the Phnom Penh Municipal Administration to  
the Joint Communication of the Special Rapporteurs  
No. AL KHM 10/2021 dated 27 September 2021

In response to the Joint Communication of the Special Rapporteur on the situation of human rights in Cambodia, Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Special Rapporteur on adequate housing, Special Rapporteur on minority issues, and Special Rapporteur on extreme poverty and human rights, the Phnom Penh Municipal Administration of the Kingdom of Cambodia would like to offer the following clarifications:

In regard to the dismantling of floating houses, small boathouses, and unregulated structures on the river, as well as business premises along the river banks owned by some Cambodians, Vietnamese, and Muslims in Phnom Penh, the Phnom Penh Municipal Administration wishes to clarify that in the past, several Cambodian, Vietnamese and Muslim encroachers arrived in the area and illegally settled in an anarchic and disorderly manner with fish cages, floating houses, boathouses, and fishing boats, disobeying the existing laws of Cambodia, in particular the Land Law (Article 15, Article 16, Article 18, Article 19, Article 43 and Article 249), and harming security, orderliness, environment, water passage, biodiversity, and water quality. They formed a floating community without permission despite being repeatedly notified by the authorities. They have also been advised to relocate their fish cages, floating houses, boathouses, and motorboats many times, to which they ignored, especially those residing along the Chroy Chey Preah Phum area located in Doeum Kor village, Sangkat Chroy Changva, Chroy Changvar district.

Taking into account the provisions of the aforementioned articles in the Land Law, it is proved that the state public property will always belong to the state without defined legal timeframe. Any encroachment or occupancy at any time shall be considered invalid and illegal. The authorities is entitled to full right to force or evict any illegal occupant to leave immediately without compensation as well as to punish them. Any exploitation of state public property that causes damage or delays to the shared public interest shall be doubly punishable.

Based on the drawn statistics of the local authorities, these settlers do not own any solid legal documents to prove that the settlement of the community along the river in the said area is permitted or legal, let alone the immigration law, law on nationality, and other relevant laws of Cambodia. Pursuant to the laws and constitutions of the Kingdom of Cambodia, as well as the Universal Declarations relating to the rights and freedoms of individuals, in the context of a democratic society, rights, freedoms, and obligations must be exercised within the framework of the law as a measure for governing and the functioning of the state. Individuals who violate the law shall be punishable in accordance with the Cambodian codes, which is a fundamental principle

of the rule of law. Every individual is entitled to the rights and freedom as stipulated in national and international laws in the context of country-specific culture and tradition. The exercise of individual rights and freedoms shall not infringe upon the rights and freedoms of others.

Based on the above legal documents, although the local authorities have issued several notices to these illegal settlers (Cambodians, Vietnamese, and Muslims), the owners of the fish cages, floating houses, small boathouses, and unregulated structures on the river, to voluntarily dismantle and relocate to a legal area, some of them have ignored it and continued to keep their fish cages on the river as well as built small boathouses anarchically on the river, and their fish farming has grown bigger and bigger causing more environmental damage.

Until August-September 2019, the Phnom Penh Municipal Administration met with the Cambodian-Vietnamese Association in Cambodia and the relevant authorities to discuss the above issues, and it was agreed to recollect data along with some necessary work to be done. The settlers were also asked not to raise fish in the river, but as the Covid-19 broke out and the authorities were busy with the efforts to prevent the spread of this disease, there have been opportunists who continue to raise fish in the river.

Fish farming in the river has increased alarmingly high, as if there was a movement of river encroachment, especially along the Tonle Sap River. In addition, some villagers have illegally occupied the riverbanks, built floating houses and small boathouses, used fish farms as shelters, have unregulated structures on the river, and have turned some areas into illegal resident, which affects the orderliness, the water passages, and the ecosystem, water currents, especially the water quality and the environment. Fish feeding, waste discharge, and open defecation in the river severely affect the health of people consuming the polluted water. It also seriously affects the orderliness along the river, especially the aesthetics of Phnom Penh.

In light of the growing concerns out of these activities for the Phnom Penh Municipal Administration, the latter ordered the dismantling and relocation of all illegal fish cages, floating houses, and all unregulated structures on the river within the boundaries of Phnom Penh within 7 days.

However, at the request of the Khmer, Vietnamese, and Muslim settlers who benefits from the river, the Phnom Penh Municipal Administration has set up a temporary location near the border of Khan Prek Pnov, Phnom Penh - Ponhea Leu district, Kandal province to allow them to temporarily stay until their fish are all harvested. Currently, 1,259 Cambodian, Vietnamese and Muslim families have voluntarily relocated onto land, of which 194 voluntarily have moved to new locations set up by the authorities near the border of Khan Prek Pnov, Phnom Penh-Ponhea Leu district while 19 families have moved to Kandal province.

\*\*\*\*\*