

Penang must respect treaties on forced eviction
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Forced evictions are usually illegal under international law, yet they are increasingly routine for many governments, assisted by international institutions. Rather than helping governments justify evictions by tinkering with relocation policies, institutions need to steer governments towards true 'voluntarism'.

Development projects need to 'sell' themselves to the poor, not convince them to 'move out of the way', and any project that can't is probably doomed to failure already.

The Penang state government has once again failed the people especially on the eviction of slum residents. The Lim Guan Eng administration, since the Kampong Buah Pala incident, has abdicated its obligation to protect slum residents against forced eviction with total disregard to international treaties on forced eviction.

Lim Guan Eng claimed that the eviction crisis in Kampong Tanjong Tokong is due to a federal project. He further maintained that the Penang state government has no power to interfere. By blaming the federal government, Lim Guan Eng attempts to disassociate his administration from the eviction crisis in Kampong Tanjong Tokong.

Not only is the Lim Guan Eng administration ignorant of international treaties, he also ignorant about the role of his state government in the looming eviction crisis. The eviction crisis not only confined to Kampong Tanjong Tokong, it has spread to eight urban villages in Jelutong.

It cannot be denied that there are occasions such as major infrastructure projects where eviction cannot be avoided. However, evictions should never take place without a dialogue and solutions which are acceptable to all involved parties. If development is consistent with its aim to benefit the poor, then there really shouldn't be any difficulty in gaining the goodwill of residents and convincing them to leave voluntarily.

Squatters have often lived on the land for a very long time, maybe 15-50 years, and they have thereby acquired an informal right to the land. A right recognised by the International Covenant on Economic, Social and Cultural Rights. If the Lim Guan Eng administration holds true to the meaning of the covenant, then his administration cannot claim that the affected residents have no rights whatsoever.

Whether or not Malaysia is a signatory to the International Covenant on Economic, Social and Cultural Rights, which guarantees the right to adequate housing, the Lim Guan Eng administration or Pakatan Rakyat which came to power with the self-proclaimed mission of change and reform, has the moral obligation to respect the international treaties on forced eviction.

The United Nations Office of the High Commissioner for Human Rights (OHCHR), which governs the covenant, has declared that 'forced evictions are prima facie incompatible with the requirements of the covenant and can only be justified in the most exceptional circumstances.'

Yet Lim Guan Eng administration is engaged in forced evictions as a matter of routine, not simply in exceptional circumstances.

'Most governments are putting forth the proposition that relocating people from the land they occupy...is considered a just solution to forced evictions...leading to eviction-relocation becoming the rule rather than the exception.

From the way Lim Guan Eng administration handles the looming eviction crisis, it is clear that the state government is trying to create legal excuses for forced evictions, rather than working to reduce their occurrence. The Lim Guan Eng administration and the previous BN state government play on semantics, presenting agreements signed by residents to claim that they have been evicted 'voluntarily'.

The Kampung Buah Pala incident demonstrated how 'coercion and intimidation' were used to force the affected residents to accept the compensation, with the state government threatening to pull out of negotiations.

Eviction has three basic impacts on those affected: physical, economic and psychological. Eviction reduces the housing stock of the city and ruins the economic value of the housing which may be small in real terms but big for the individual.

It detaches the squatter from employment opportunities which are usually nearby or even in the settlement itself. It also uproots them from the community which functions as an economic and psychological safety net. The home is the centre of everybody's lives and eviction, often forceful, is a very traumatic experience, especially for the children.

While the eviction is a traumatic experience in itself, the most harmful impact of eviction may actually be the fear of being evicted. The fear makes people fatalistic, makes them lose confidence in themselves and discourages them from improving their housing (Murphy, 1993).

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