

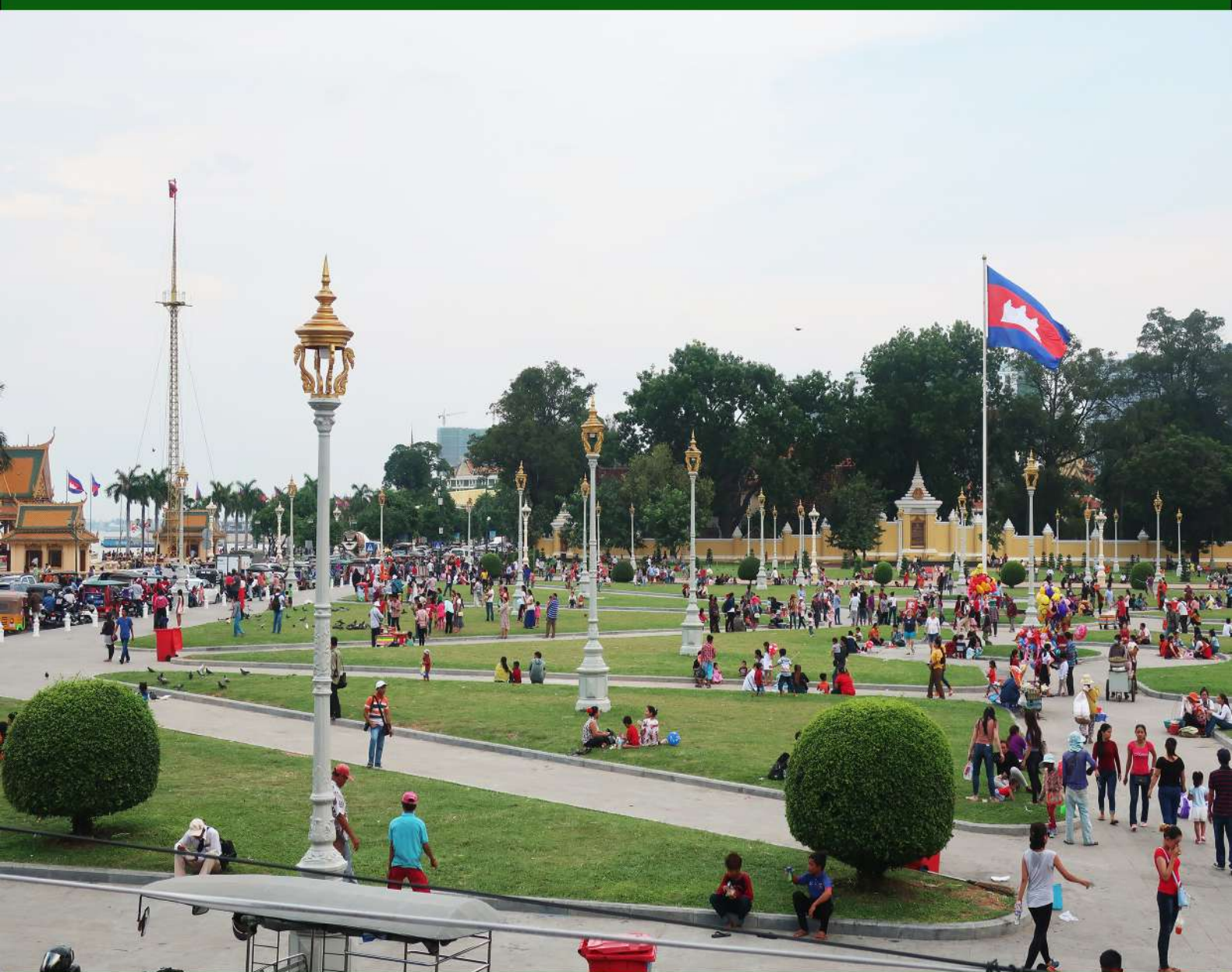
MAY 2018

FACTS and FIGURES

PUBLIC SPACES

#35

A report on Phnom Penh's public spaces



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Sahmakum Teang Tnaut, a Cambodian Urban NGO



FACTS AND FIGURES

May 2018

Is a publication on urban issues by Sahmakum Teang Tnaut (STT)

Public Spaces in Phnom Penh

A report on public spaces in the capital

Public spaces in Phnom Penh

***A report on public
space in the capital***

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Overview

Public space serves an important role by providing citizens outlets for creativity, areas for relaxation and community building, and platforms for civic engagement, free speech and peaceful assembly. This report details and maps the public spaces in Phnom Penh to inform the discussion about their role in the city with data, perspectives of the local people, and a better understanding of where the spaces are located, what benefits they provide, who can use them, and what threats they face. The report draws on historical and theoretical concepts of public spaces, including legal classifications and the views of Cambodians regarding what makes a space public.



(Along the riverfront, near the Royal Palace - STT 2018)

Key findings

- *This report details 87 public spaces in Phnom Penh.*
- *21 of those are located in the 7 outer Khans (Mean Chey, Sen Sok, Dangkor, Chroy Changva, Chbar Ampov, Por Sen Chey and Prek Pnov) and 66 are located in the 5 inner Khans (Chamkarmon, Daun Penh, 7 Makara, Toul Kork and Russey Keo).*
- *Inner Khan public space has a total combined area of roughly 0.67km².*
- *88% of respondents said they thought Phnom Penh needed more public spaces, and 90% of respondents said that those public spaces should be created by the government.*
- *There is little public space in the outer Khans, and much of the land that surveyed residents told researchers was public space was actually located within gated communities (boreys), which means that access is controlled by the boreys.*
- *10% of respondents felt they had been excluded from public space in the past.*

'Public spaces should be free and large, allowing everyone to exercise and the community to get health benefits.' - Focus group participant.



(In front of the Royal Palace at night - STT 2018)

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Introduction

Research on public spaces in Phnom Penh and activities to map those spaces are rare, and this report aims to contribute to that body of work. The objectives of this research are to (a) map the public spaces in Phnom Penh, (b) gain insight into the public's perception of public spaces and (c) provide recommendations based on the findings. Recent reclassification of previously public land and whether the land had lost its public interest use has also prompted this research.

Historically, public spaces existed in societies as areas that were either (a) used by the public and for the benefit of the public, or (b) used by the state as a way to exert influence¹. The idea of 'the commons' - an area, resource or thing that is held in joint possession - is a concept that likely arose with the need to define areas that were owned by private citizens and those that were owned by society or the public in general². Many historians draw focus to the emergence of public institutions such as areas for speeches, areas for culture and areas for civic participation as coinciding with the emergence of more public spaces, especially within the strong culture of democracy that also existed in Ancient Greece³. These authors see the starting point of public spaces as corresponding with democratic practices, as these places would have provided an area for free speech, organisation of the public into parties or groups, and protests. There are other public spaces, such as large boulevards, that can be used as market areas and access routes but also can also be used by states to move armies and control the populace⁴. Springer, in his 2010 book 'Cambodia's Neoliberal Order: Violence, Authoritarianism, and the contestation of public space', argues that public spaces have political importance for the contestation of power, providing a physical space for non-electoral feedback through rallies and protest. Some public space in Cambodia explicitly serves democratic functions by facilitating the constitutional right to peacefully assemble, such as Freedom Park, which was created in 2010 to

provide a 1.2 hectare zone for protests under the Law on Peaceful Demonstrations. Although the park has now been relocated, the importance of public protest, freedom to peacefully protest, and a stage for voices which may not otherwise be heard, should be regarded as highly important for participatory democracy. Unfortunately, the relocation of Freedom Park from its relatively central location to 4 kilometres north of the city centre coincided with other actions that have caused observers to warn that Cambodia is experiencing a loss of democratic norms⁵.

'The authorities should provide public spaces to allow people to meet and advocate on their issues.' - Focus group participant.



(Freedom Park - STT 2018)

In general, public spaces in Phnom Penh serve less as areas of democratic participation but instead offer another important role in allowing for relaxation and exercise. In 2015, Bradley Garret wrote an article for The Guardian's series *Cities* about the importance of public space and the risks of privatisation throughout the world's urban spaces⁶. His article highlighted the Olympic Stadium of Phnom Penh as a key example of free, unrestrained public space. Olympic Stadium provides Phnom Penh with public services -- most notably a variety of exercise venues such as basketball, soccer, volleyball and tennis courts; martial arts gyms; bowls fields; and plenty of space for running and walking. The stadium is also free and

¹ Stanley et al, 2012. p.1104.

² Smith and Low, 2006.

³ Crouch, 1981; Carr et al., 1992; Madanipour, 2003; Carmona et al., 2008

⁴ Stanley et al, 2012. p.1104, 1105.

⁵ Holmes, 2017. 'Death of democracy in Cambodia as court dissolves opposition'. The Guardian.

⁶ Garret, 2015. 'The privatisation of cities' public spaces is escalating'. The Guardian.

open to the public, unless there is a soccer match on. However, while this iconic public space is highly regarded by the public, the risk of privatisation of public spaces is serious and has been seen elsewhere in Phnom Penh in recent years. That trend matches a global trend of privatisation that has been called the “death of the public realm”⁷. The drawback of privatisation of public areas is that they can be controlled by individuals, rather than the public, and such privatisation indicates a culture or government that values the private sector over the public sector in producing the services of society. Private spaces allow non-democratic control over access, behaviour, and cost of space, which can lead to the further disenfranchisement of the poor by controlling access to areas for exercise, relaxing, learning and protesting. The problem stems not from having too many private spaces, but from too few public spaces, which can deny people the benefits that public space has to offer. During research, one respondent remarked ‘Where else can I exercise?’ when asked about the importance of public space. Another respondent simply stated that she ‘felt safe’ in public space, which adds another element to the potential benefits that public spaces can provide, especially in the context of gender, violence and changes in societal expectations. Despite this, recent sales of public state land throughout Cambodia and in Phnom Penh have prompted the need to create maps and do research on public spaces. Public spaces are vulnerable to private interests and the public should be adequately aware of the risks these spaces face.



(Public space outside the National Library with an Amazon coffee shop in the background - STT 2018)

The various benefits of public space can be hard to measure, but range from facilitating democratic participation to helping to control seasonal weather impacts. Public spaces in China and Denmark have been used to ease flooding, and have even incorporated flooding into their design to create aesthetically pleasing spaces⁸⁹. But in Phnom Penh, almost no public spaces take into account the regular flooding that the city experiences. Public spaces allow citizens to own their city and to feel a part of a greater society as well. Statues are often placed in public spaces, and serve as a way for a city to build a unique culture and demonstrate admired figures or artistic creations. In Phnom Penh, public spaces are filled with statues that hold up historical heroes from different walks of Cambodian life, from Techo Yort and Techo, the famous warriors of Cambodian history who sit astride horses on the riverside, to Chea Vichea, the famous workers’ union leader, whose statue stands resiliently postured as if he were giving a speech near the site where he was assassinated in 2004.



(Techo Yort and Techo Meas along the riverside - STT 2018)

Public spaces in Phnom Penh are architecturally varied, but are typically open, paved areas that provide little protection from the sun or rain. Although walks along the riverside carry a cool breeze and provide a view of the Tonle Sap, with seats, trees and exercise equipment dotted along the way, they lack adequate shade during hot and sunny days and

⁷ Nemeth, 2012. p. 4.

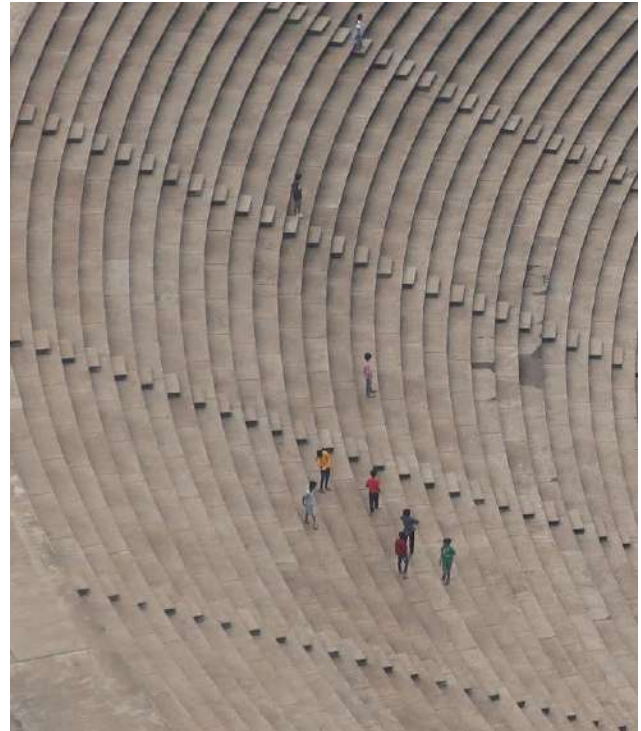
⁸ Levitt and Myron, 2017. p.23,24.

⁹Perry, 2016. ‘Copenhagen’s public spaces that turn into picturesque ponds when it rains’. The Guardian.

have no protection from rain during the rainy season. Given the climate of Phnom Penh, the spaces seem not to have been conceived with proper consideration for the physical environment and seasonal weather cycles of the city.

The value of these spaces is not necessarily ‘good’ or ‘bad’, and the value of public space is not simply found in its ability to provide shade, ease flooding, look nice or allow the concerns of citizens to be voiced. Although these metrics are useful, the “public” aspect of public space means the most demonstrable way of proving the importance of public space is to gain the perspective and input of the public themselves, which this study attempts to do for several sites in Phnom Penh.

Finally, as public spaces have not been documented and mapped in Phnom Penh in an easily and publicly accessible fashion, they are vulnerable to privatisation, regulation or reclassification without public discussion. A recent example of this is the reclassification of 9.25 hectares of riverside land, some of which is public space, from state public property into state private property¹⁰. The reclassification of public space (state public land) into private space (state private land) can be done by the public space losing its public interest use.¹¹ What constitutes “use” in this context is not clear, and without understanding and insight into the views of Phnom Penh residents, public spaces may be seen as available plots of land that can be bought and sold, holding no inherent importance to the people of Cambodia. The criteria for public interest use then holds important implications for safeguarding against privatisation of public space and this will be explored in more detail in defining what we mean by public spaces.



(Boys playing at Olympic Stadium, one of the most prominent public spaces in Phnom Penh - STT 2018)

Methodology

Defining public spaces

Key person interviews, a literature review, and a focus group session with local people were conducted as part of this report’s effort to define public spaces in Phnom Penh. Key person interviews were conducted in a semi-structured fashion in order to gain perspectives on public spaces from local human rights groups Licadho; businesses involved in constructing public spaces; MAA Architecture and Design Company and UC Design Build Company; and the Municipality of Phnom Penh, who did not respond to a formal request for more information. A review of the Land Law was also completed as part of the literature review and, with the help of Licadho, in order to provide insight into legal perspectives of public space.

Legal definition

Because “public space” is not specified as a type of land in the 2001 Cambodian Land Law, protections for

¹⁰O’Byrne and Hor, 2018. ‘Public lot on riverside eyed for major project’. The Phnom Penh Post.

¹¹ 2001 Cambodian Land Law, Article 16.

areas widely understood to be “public space” are instead listed in sections regarding both “State Public Property or Land” and “Collective Property or Land.” These can be understood as the only two land classifications that provide inalienability to the land, thereby guaranteeing it belongs to the public or the state.

According to Article 15¹², State Public Property is any land (or property) that has any of the following properties: a natural origin, such as a lake or river; that is specifically developed for general use, such as an airport or harbor; that is made available for public use, such as a road or public park; that is allocated to render a public service, such as a hospital or school; that is an archaeological, cultural or historical patrimony; or that is an immovable property that is not owned privately by the Royal Family. State Public Property cannot be sold unless it is first reclassified as State Private Property. State Public Property can be reclassified as State Private Property if the State Public Property loses its public interest use¹³. The process of assessing public interest use appears not to include consultation of the public and is completed by government officials and professional¹⁴.

Collective Property is either (a.) monastery property - any property that exists within the premises of a Buddhist monastery¹⁵ or (b.) indigenous community property - the lands where indigenous communities have established their residences and where they carry out traditional agriculture¹⁶. Monastery property cannot be sold, but Indigenous community property can be sold to a member of the group should they wish to leave the group and/or cease traditional agriculture practices.

Cambodian definition

Cambodian perspectives on public space were incorporated into the definition of public space used in this study to ensure our work accurately represents how Cambodians perceive and understand public space in real-world situations. One common thread from many participants in our focus groups was that the intention behind the space, more so than the legal

definition of the land, made a space public or not public. Many participants did not know what land was legally classified as public or private, but could describe how land was used, how it had always been used, and how it was supposed to be used. Further, all participants agreed that public space was only public space if it was accessible by all members of the public. Some participants felt that public space was only public space if it was created for the public originally, but this was not agreed upon by all participants.

Some participants described how a river could not be thought of as public space because it was not ‘created’ for the public. Other participants thought that schools and hospitals should count as public spaces, but some disagreed, arguing that government buildings were not public spaces because they did not provide accessibility to all. A main point of contention was whether a pagoda could be considered public space. Some participants argued that it was a space for public use that allowed free access and was of historical importance to Cambodian society as a culturally significant meeting place. However, others pointed out that Cambodian citizens who were Muslim were not comfortable accessing the space, even if they were allowed to. In this case, a line was drawn between Wat Phnom, which was considered a public space because it does not have any monks and is thus considered more easily accessible to non-Buddhists, and other pagodas that were not considered public space because Muslims and non-Buddhists may not feel like they can access them due to their religion.

Notable quotes and anecdotes from participants during the focus group discussions included:

- ‘Public spaces should be free and large, allowing everyone to exercise and the community to get health benefits.’
- ‘The authorities should provide public spaces to allow people to meet and advocate on their issues.’

¹² 2001 Cambodian Land Law, Article 15.

¹³ Ibid, Article 16.

¹⁴ អង្គក្រឹត្យស្តីពីការងារនិងកិច្ចការអនុប្រតិបត្តិសាធារណៈរបស់រដ្ឋនិងរបស់មិត្តភក្តិសាធារណៈ (លេខ១២៩អនក្រ/បក)
- unofficially translated as: Sub-Decree on Provisions and

Procedures of Converting the State Public. Properties and Public Legal Entities, 2006. No.129 ANRK/ BK.

¹⁵ Ibid, footnote 12, Article 21.

¹⁶ Ibid, footnote 12, Article 26.

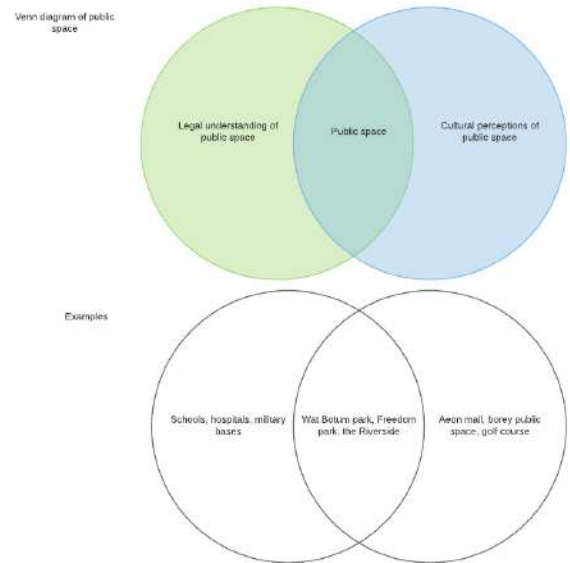
- 'People spend money to go to public spaces because we do not have public spaces in our community. We go to the riverside, the Olympic Stadium and it is far away and costs money to go. We can only go once a month because there is no public space here.'
- 'Public spaces need to be cleaned more to help their beauty.'
- 'Public spaces serve a benefit to everyone without permission or money. They give the benefit to the poor, the young, the old, and the rich.'
- 'We use the public spaces in the [deleted] Borey nearby. We don't have our own public space.'
- 'If there are more public spaces in the district and the community, the people will get benefits... and the country will get benefits too.'

Definition of 'public space'
the following definition of public space is used throughout this report and is based on the legal and cultural understandings of what is and isn't public space in Phnom Penh, Cambodia.

Public space must be:

1. Inalienable (cannot be sold/taken or given away) - meaning that public spaces must be located on state public land.
2. Accessible to all (no cost to enter, no criteria to enter based on age/sex/disability/race or religion, open and free to use and act in a multitude of ways).
3. Created (not existing within nature) with the intention to be used by the public for the benefit of the public.
 - a. Evidence to assess intention includes:
 - i. The presence of benches/signs/exercise machines or other facilities for public use.
 - ii. Formal declaration that the area is for public use.
 - iii. Previous, current and continued use by the public without disruption.

4. Used by the public consistently without disruption.
5. A physical space (this report did not research online or other public space).



(Venn Diagram of public space with example diagram below - STT 2018)

The above Venn diagram demonstrates the important interlink between legal and cultural understandings of public space that this study sought to recognise and work with. On the one hand, public space cannot be simply thought of as state public land, because this would include forests, rivers, and tax offices and police headquarters. On the other hand, public space cannot be considered simply to exist in the cultural understandings of the people because it could be vulnerable to purchase and subsequent alienation. Public space is seen to exist between these two spheres.

No consensus was reached by the focus group on whether government buildings and markets should be considered public space or not and the production of maps with these spaces included would be difficult to understand as these spaces are numerous. This is not to say that markets, schools and other government buildings do not serve an important role in public use, but there was no consensus that they should be considered public space, mainly due to restrictions regarding public access to those spaces. Furthermore, a research report on public spaces would typically consider streets as public spaces, but

this was not in-line with the goal of this research, and the researchers intend to cover this topic in another report about public access.

Mapping

Once the definition of ‘public spaces’ was established, our researchers began cataloguing the city’s public spaces using the above criteria. This process involved surveying the main streets of Phnom Penh’s outer districts for public spaces, asking local people if they could point researchers in the direction of public spaces, and using Google Maps to try and locate any possible public spaces. Seven major roads were driven completely (from beginning to end within city limits) and an average of 10 locals were consulted in each outer district. This process took place between March 1st and April 28th, 2018.

STT’s researchers then mapped the locations of the public spaces they found by pinpointing them either through GPS coordinates or by the My Maps Google App, which allows maps to be created by multiple users using Google’s mapping software and location services. This service was also the main method used to locate inner district public spaces, and confirmation checks were made for public spaces within these districts after they were mapped.

Once the public spaces were geographically pinpointed, calls were made to outer district authorities such as Administrative Directors, District office workers and Police Inspectors. Authorities in Dangkor, Sen Sok, Meanchey and Chbar Ampov Khans provided further clarification on the public spaces that they were aware of in their districts, while Porsenchey and Prek Pnov authorities were unable to be contacted. Inner district authorities were not contacted, as the public spaces were more immediately accessible and reviewable to STT’s researchers. Additionally, our researchers asked Municipality of Phnom Penh to provide any maps they had regarding public spaces within Phnom Penh, which they declined to do. .

Maps were produced using Google’s My Maps and GIS map-making programs to show the locations of public spaces in Phnom Penh. Additionally, calculations were done by using My Maps to measure and calculate the area of public spaces. This was only done for the inner Khans. Counting public spaces consisted of researchers reviewing public spaces one by one and determining whether they were single or multiple public spaces, based on whether there was a street or barrier separating the spaces or some change in atmosphere/character that was significant enough to warrant it being considered multiple public spaces. An example of this is the riverfront, which could be considered one very large public space, but was divided into three public spaces because the northern and southern areas have different characteristics and are significantly less popular than the middle area.

Primary data

Primary data was collected by STT’s researchers from the 1st of April to the 10th of April 2018. During this period between the hours of 7:00am and 8:00 pm, 60 people were interviewed across 5 of the most well-known public spaces in inner Phnom Penh: Olympic Stadium, the riverside, Wat Botum Park, Diamond Island riverside¹⁷ and Hun Sen Park. Criteria for survey participants consisted of being over the age of 18 and a Cambodian citizen. Additionally, in order to ensure that researchers encountered a wide group of users of public spaces, the researchers would interview only 1 in every 5 people that they naturally encountered while walking through public spaces.

Limitations

Classifications

This report considered only physical public spaces, meaning that the internet or other mediums were not reported on. Furthermore, whether public space, as opposed to public land, is classified by administrative authorities was not always recorded because several officials did not wish to be involved in the study. Because STT was not able to access official land maps of Phnom Penh, it was not possible to confirm that

¹⁷ Diamond Island riverside was originally mapped as public space, but upon further research it was discovered that it does not meet the criteria to be considered public space (see page 14, 15).

every public space listed in this report is actually located on public state land.



(Public space near Wat Phnom with a coffee shop located inside it. It was not possible to determine whether this space is owned or rented by the coffee shop, or if it is simply allowed to operate here. - STT 2018)

Numbers

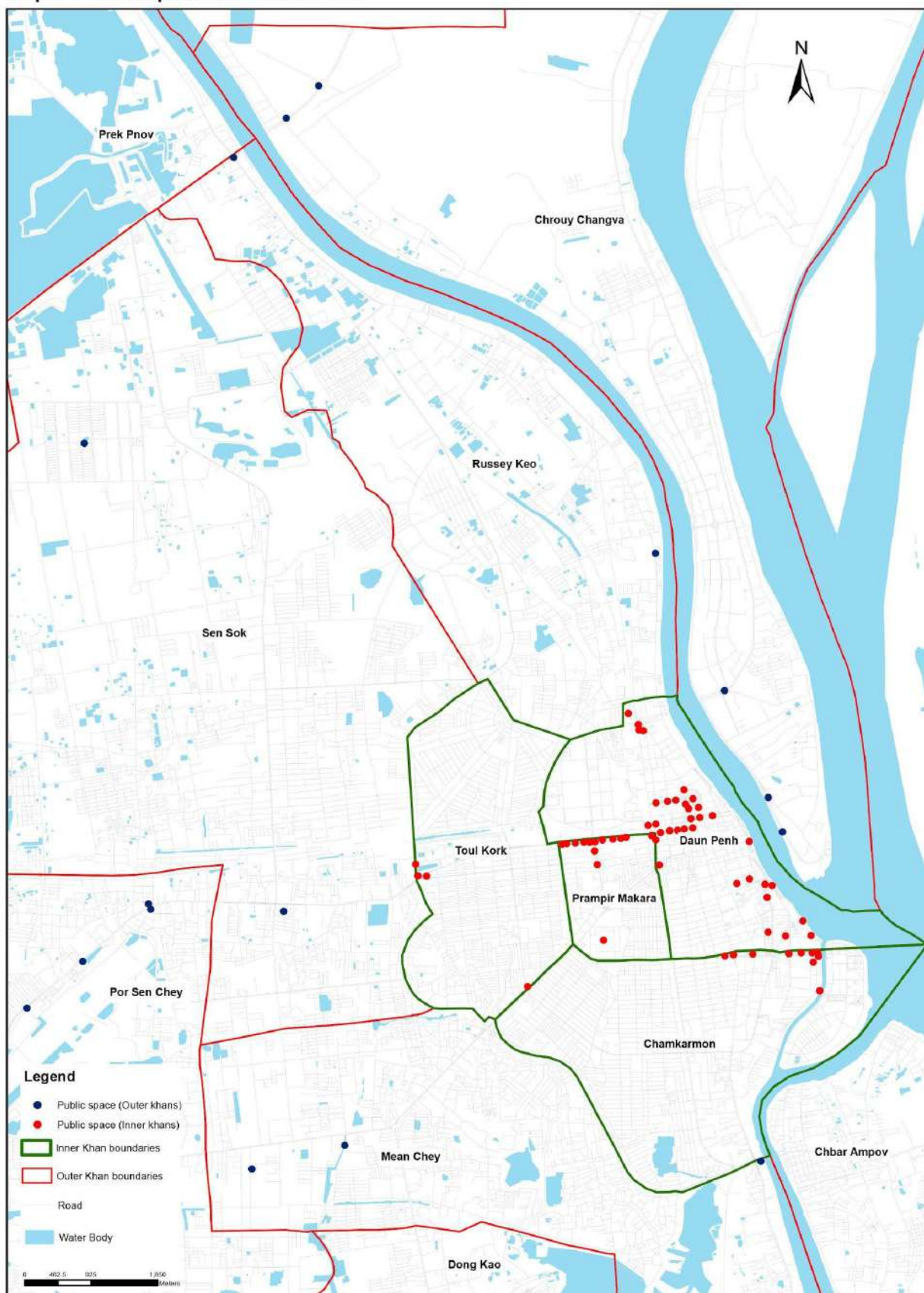
It is highly likely that some public spaces have not been counted in this report, as STT was unable to

search the entire city due to time restraints, maps were not provided by authorities, and counting is difficult as where one public space ends and another begins is not always clear. As such, our data is a limited snapshot and not intended to be comprehensive or exhaustive. Further, the number of public spaces is just one metric and of equal importance to the quality and size of those spaces. 100 public spaces may be less useful to the public than 10 good public spaces, or 10 public spaces that cover a larger area than the 100. An example of this is Olympic Stadium, which is counted as 1 public space, but is able to support thousands of people and numerous activities simultaneously. There is no standard measure for how much public space a city should have, and these numbers should not be considered as important as the opinions of Phnom Penh's residents when they discuss whether Phnom Penh has enough quality public space.

Area calculations

Because My Maps is not 100% accurate, the measurements in this report are estimates and cannot be interpreted as exact.

Map 1. Public space in Phnom Penh



Map 2. Public space inner khans





Map 3. Public space area inner khans	 public space (Inner Khans)	Source: Google Maps 2018
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Key findings

A. Public spaces

Table 1. Number of public spaces in Phnom Penh by Inner and Outer Khan¹⁸/Total area of public space in Inner Khan

Inner Khans	66 public spaces
Outer Khans	21 public spaces
Total area of Inner Khan public space	67.163ha (67,1630m ²) [0.67km ²]

There are more than 3 times as many public spaces in the inner Khans (66) as the outer Khans (21). There is also an estimated 0.67km² of public space in the inner Khans, most of which is located in Daun Penh, 7 Makara and Chamkar Mon, however there is no comparative data for the outer Khans due to time restraints placed on researchers. There are few standards for how much public space a city should have and this study relies on the opinions of the public to provide input into whether there is enough or not enough public space within Phnom Penh, however, the data shows a discrepancy between the inner and outer Khans. To provide context for the total area of public space in the inner Khans (0.67km²), Diamond Island (pictured in Map 4. with a 0.67km² overlayed onto it) could not be filled with the public space from the inner Khans alone.



Map 4. Inner Khan public spaces	combined public space (Inner Khans)	Source: Google Maps 2018
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The difference between the inner and outer Khans

One trend in the outer Khans is that initially there appeared to be a lot of 'public space', but almost 30 potential public spaces were deleted after researchers found the spaces were located within boreys (gated communities) and thus on private land. These gated communities usually provide space to their residents, and in some cases allow any members of the public to use the public space, as multiple sources confirmed through focus groups and talking to members of the public while searching for public spaces. However, the spaces remain alienable, providing the boreys with the right to exclude the public from use of these spaces as they most often do by employing security guards and fences/checkpoints at entry points to the communities. These boreys then provide a sort of pseudo-public space. These spaces meet the criteria of being perceived as public space, but do not meet the legal criteria of being located on state public land. Further analysis of these spaces reveals that they are privately owned, and control is often exerted over their use by private entities. Not only can the owners of the public space control access and the behaviour that is allowed within the public space, they can also charge money

¹⁸ This table adds in additional public spaces that are not represented on the maps provided by authorities from Prek Pnov (1 space), Menchey (1 space), Chroy Changva (3 spaces), Chbar Ampov (2 spaces), Russey Keo (1 space).

for use of the space and can destroy the public space at any time.

Private but publicly used

Diamond Island had a total of 12 public spaces that were removed from this study. According to multiple sources^{19,20,21}, the entire of Diamond Island, or close to it, is now being developed and managed by Overseas Cambodian Investment Company (OCIC) under a 99 year lease provided by the Municipality of Phnom Penh. This means that the land is private and that any public spaces located there are 'alienable' and thus do not meet the criteria to be defined and mapped as public space under this report's definition.

B. Public space use

A total of 60 people using public space were interviewed, 33 men and 27 women. The majority of the people (65%) were young (between 18-25). The least populous group was 36 - 45 year olds, of which only 4 people were interviewed.

Table 2: Address of respondents

N	Address	Number	Percentage
Inner Khan		34	57
1	Chamkarmon	12	20
2	Daun Penh	9	15
3	7 Makara	5	8
4	Toul Kork	4	7
5	Russey Keo	4	7
Outer Khan or province		26	43
6	Meanchey	8	13
7	Sen Sok	4	7
8	Dangkor	4	7
9	Chroy Changva	3	5
10	Chbar Ampov	3	5
11	Porsenchey	2	3
12	Kandal	2	3 ²²
13	Prek Pnov	0	0
Total:		60	100

While the majority of the respondents came from the inner Khans (57%), 43% of respondents were from the outer Khans or provinces, indicating that the inner

Khan public spaces are popular for outer Khan Residents. As would be expected, access to public spaces through walking was made up of a higher percentage of inner Khan Residents (17.6%) than outer Khan Residents (0%). Most users of public spaces accessed them by riding motorbikes, whereas no users of public space used public transport to access it, indicating that public transport may not yet be sufficiently providing access to public spaces for outer Khan or inner Khan residents.

C. Perceptions of public spaces

98% of respondents thought that public spaces were important.

Benefits of public spaces

Most participants thought that key features of public spaces included areas to exercise (90%), relax (80%), and have fun (78%). Other benefits of public space listed by respondents included street stalls (15%) and small businesses (11%), community strengthening (8%), and civic participation (11%). The emphasis on exercise, fun and relaxation as key features of public spaces denotes a concern for physical well-being, as well as a desire to enjoy the city in a public way.

Current uses of public space

Current use of public space indicates that relaxation (70%), exercise (50%) and having fun (43%) are the main uses of public space, which aligns with the priority respondents placed on those categories when discussing the spaces' features. An area for meeting (25%) and street food (11%) were also notable uses. Despite this, the government recently prohibited street sellers from selling at one of the city's most prominent public spaces, Wat Botum Park²³. The importance of street food, not only to the informal economy, but to the culture of public spaces should not be overlooked. 11% of respondents went to public spaces to find street food, and any decision made by authorities regarding public space in the city should take into consideration the importance placed on street food by the public. Street food-based public spaces should be further explored, as the informal economy is still an important part of the economy for many citizens. Examples of theoretical public spaces

¹⁹ <http://www.ocic.com.kh/en/elite-town.html>. Accessed on the 18.5.2018.

²⁰ Rith, 2006. 'Koh Pich holdouts yield to city landing force.' The Phnom Penh Post.

²¹ Peou, 2014. 'Chroy Changva Satellite City Construction Project Is In Progress'. Agence Kampuchea Presse.

²² Kandal province is outside the perimeters of the city and was included in the outer Khans for the purposes of separating respondents based on proximity to the city centre.

²³ Taing and Marrazzi Sassoon, 2018. 'Unhappy Hour: Bars, other vendors cleared from Phnom Penh's Wat Botum Park'. The Phnom Penh Post.

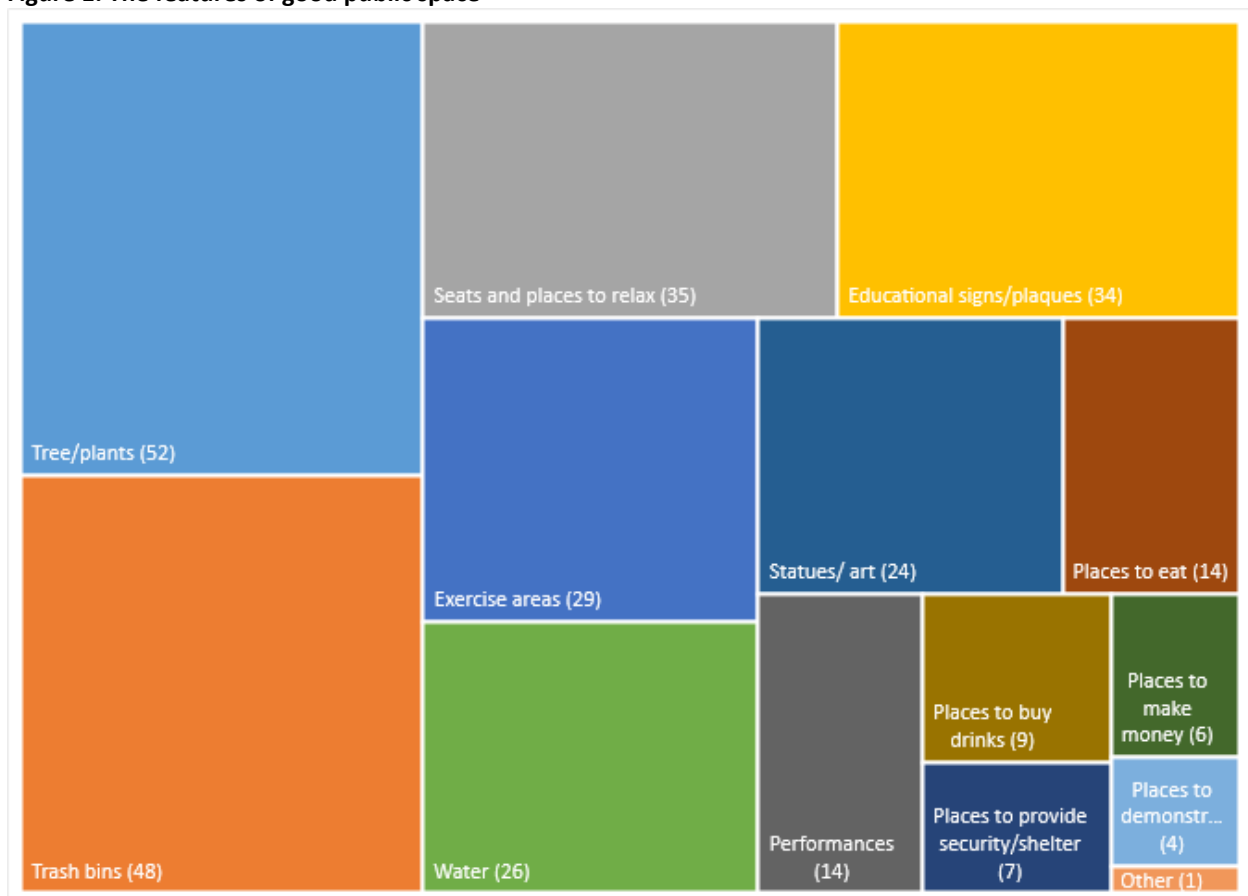
that could focus on street food include parking lots that are converted into street food stalls and public spaces that allow selling during certain hours of the day.

Half of respondents said exercise was a key use of public spaces, and the government should be given credit for providing areas for exercise. These areas should be improved upon and their popularity and the health benefits gained should also be reproduced in the outer Khans, where there were less than 5 public spaces with exercise equipment installed.



(Exercise area along the riverside. These areas have publicly available exercise machines that can be used for free. Other spaces provide areas for sports to be played, walking, running or dance and yoga classes. - STT 2018).

Figure 1: The features of good public space



Respondents felt that the key features of a ‘good’ public space were trees/plants (86.6%), trash bins (80%), seats and places to relax (58.3%), educational signs/plaques (56.6%), exercise areas (48.3%) and the presence of water (43.3%)²⁴. Places to demonstrate (6.6%) and places to make money (10%) were not highly valued by participants as features of good public spaces. Researchers observed that shade was a crucial part of public spaces during the day, and that a much higher percentage of public space users used public space in the evening and at night than during the day. This can be linked to 2 main causes: (1) that users of public space often have full time jobs and cannot use public spaces during working hours (typically 8:00am to 5:00pm) and (2) that users of public space do not wish to use public space during the hottest hours of the day. It should be noted that researchers expected shade to play a major role in the key feature of good public space, but it was never explicitly mentioned. The fact that trees/plants was the top scoring response may indicate that respondents see the use of trees to create shade as essential to well-crafted public space, although this was never mentioned and can only be inferred. The below pictures present an example of what researchers found to be typical of many inner Khan public spaces, which was that use was related to sunlight and time of day. It should be noted that riverside public spaces are populated with palm trees, which do not provide the same amount of shade as other species of tree.



(Along the riverfront during the day [above] and at night [below] - STT 2018)

²⁴ (%) denotes the percentage of respondents that gave this answer.

The best public space

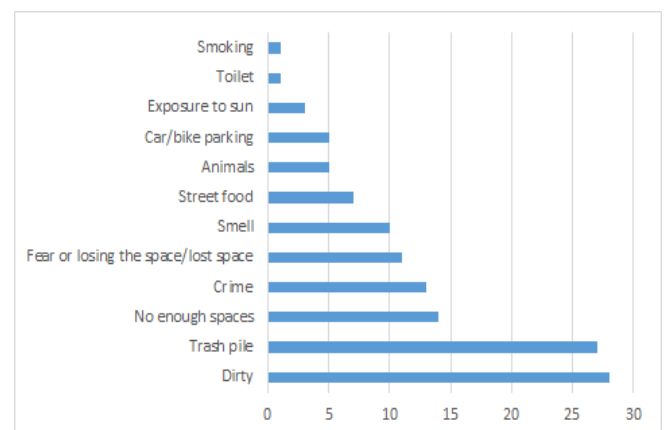


When asked to describe which public space was the best public space in Phnom Penh, the most popular answer was Wat Botum Park (31%), followed by the Royal Palace gardens [the riverside area in front of the Royal Palace] (17.8%) and Olympic Stadium (15%).

D. Issues with public spaces

Some respondents (10%) felt excluded from public spaces. The report did not aim to seek the reasons behind this, and this should be explored in greater detail in the future. There are concerns that homeless people are being excluded from some public spaces, some allegedly viciously beaten by police for loitering in public spaces, (Springer 2015) and sex workers and street vendors have also had access to public space restricted²⁵. This is a major concern and must be addressed and further researched if public spaces are to remain universally accessible.

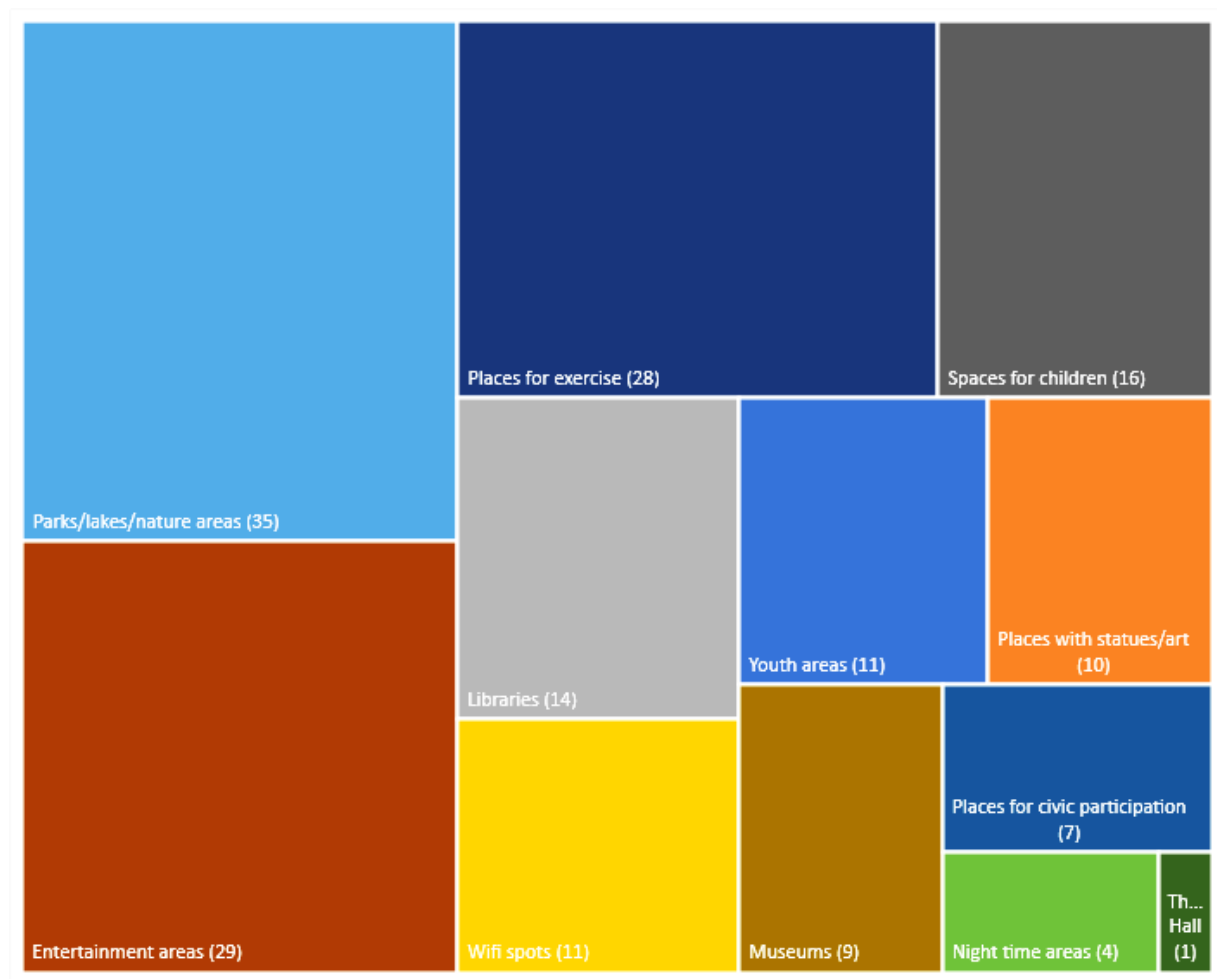
Figure 2: Issues with public space



²⁵ Taing and Marazzi Sassoon, 2018. ‘Unhappy Hour: Bars, other vendors cleared from Phnom Penh’s Wat Botum Park’. The Phnom Penh Post.

Further issues with public space are outlined in Figure 2. Notably, trash piles (40%) and dirtiness (43%) were issues that were reported by many respondents. 12% of respondents reported a fear of losing public space or lost public space as an issue. This concern must be considered in accordance with the Land Law when decisions are being made regarding reclassification of state public land to state private land, which can be made in cases when the land loses its 'public interest use'.

Figure 3: More public spaces



88% of respondents said that Phnom Penh needs more public space. When asked for what kind of public space Phnom Penh needs, 58% of respondents said more parks/lakes/nature areas, with entertainment areas (48%) and places for exercise (46%) being the second and third most highly sought after. Interestingly, half of all respondents said that they used public spaces to exercise and the desire for more exercise spaces may indicate that there are not enough public spaces for exercise. Further, the fact that 58% of respondents indicated a desire for more public spaces that incorporate nature may indicate that public spaces are failing to incorporate trees and water adequately, which would be a missed opportunity for Phnom Penh, considering the use of public spaces to reduce the effects of flooding has

been successfully implemented in China and Denmark²⁶.

E. Creating public spaces

90% of respondents said that they believed the creation of public spaces is the role of government. This result would seem to indicate that the creation of pseudo-public spaces by boreys is not considered an adequate plan for the future of public spaces. The fact that almost all respondents thought that more public space was needed within the city, and that the government was responsible for creating this public space, would indicate that this should be a priority for planning authorities moving forward.

²⁶ Ibid footnote 2 and 3.

Case study 1: Democracy re-placed

The Law on Peaceful Demonstration, passed in 2009, calls for all provinces and the capital to set aside an area for public gatherings in order to ensure freedom of expression of Khmer citizens through peaceful assembly²⁷. Phnom Penh's Freedom Park, opened in Daun Penh district, near Wat Phnom, was Phnom Penh's allocated space and had an area of 1.2 hectares in the centre of Phnom Penh²⁸. Originally designated by the government in November 2010, this park was the city's sole authorized zone for protest. The commitment to participatory democracy that the government allowed by creating a space for protests, provided protesters completed the right paperwork, could be seen as a positive move in providing citizens with the right to freedom of expression and peaceful demonstration.

However, Freedom Park has been closed for protests since January 4, 2014, after the authorities removed the then opposition party's protest camp located there. City Hall subsequently constructed a new Freedom Park along the Tonle Sap river, about five kilometres from the original square. The new Freedom Park is not centrally located and has been marginalised much in line with the recent crackdowns on democratic norms, such as the shuttering of news outlets and the dissolution of the main opposition party that has marked Cambodia's shift away from democratic norms in the recent years. Although the new square is bigger than the previous one, many people reported that they would not protest at it, as it is located far away from the city centre²⁹.



(The former Freedom Park - ABC News 2013)

²⁷ Law on Peaceful Demonstration, 2009.

²⁸ Sokheng, 2010. 'Freedom Park inaugurated'. The Phnom Penh Post.

²⁹ Sun, 2017. 'As gov't prepares to shutter Freedom Park for good residents express mixed views on its legacy'. VOA Cambodia.

Case study 2: Public to private

92,538 meters of riverside land, stretching from the Night Market to the Chroy Changva Bridge on the east side of Sisowath Quay, which includes the Phnom Penh Autonomous Port, was reclassified from state-public to state-private land in a sub-decree signed by Prime Minister Hun Sen in March 2018. Demonstrating the vulnerability of public land to become private, the stretch of land estimated to be worth between \$350 million and \$550 million is now set to be redeveloped by the Chinese developer Yue Tai. The area of riverfront land was previously, and in some cases continues to be, used by local tour boats, street vendors and people who wanted to exercise or relax.³⁰

The law specifically mentions that the reclassification of state public land to state private land (which can then be sold to private developers) can be done when state public land loses its 'public interest use'. What exactly constitutes the loss of 'public interest use' is not specified, and that vagueness creates a vulnerability for all public state land. It is apparent from the research carried out by STT that some of the riverside land was, and had for a long time been, in use by the public, mostly for selling, relaxation and exercise. But legally, it is not clear whether or not this constitutes 'public interest use'. This paper recommends that the rights of the public to public land be respected by the provision of transparent research and review into what constitutes 'public interest use'. Without a better understanding of 'public interest use' provided by the government, all public state land remains vulnerable to alienation and its subsequent loss to the public.



(Along the riverside where boats, drink sellers and others gather - STT 2018)

³⁰ Ibid footnote 10.

Conclusions

The report sought to provide a clearer picture regarding the status of public spaces in Phnom Penh by mapping public spaces and interviewing residents of the city who were using the spaces.

The findings show that there is a clear discrepancy between the public spaces available to the inner and outer Khans. They also show that while public spaces in the inner Khans have many uses, respondents overwhelmingly seek more public space and believe that it is the responsibility of the government to provide that space. In contrast to this desire, several recent case studies show that the government has reclassified state public land to state private land without public consultation to demonstrate the loss of 'public interest use'. The riverside case study demonstrates that public space is easily reallocated to the private sector in a way that prioritises business and profit over the common sites of the public.

Further, the role of borey's in providing pseudo-public spaces is worrisome, as it seems to suggest that the role of the government in providing public spaces in the outer Khans is instead being provided at a lower quality and with less accessibility by the private sector. The fact that researchers frequently encountered 'public space' only to have to reclassify it as private space is a worrying trend that has serious implications for Phnom Penh's most marginalised people, and will only become more important if the city wants to grow and develop by incorporating more inclusive urban spaces.

Finally, the respondents provided data to suggest that public space serves an important part of life in the city of Phnom Penh, and this area requires greater focus and further research moving forward. The role that public spaces play must be explored to a greater extent to ensure that they remain truly public and serve the interests of the public over the interests of the private sector. Currently, there is much more research required in this area, but the data clearly shows that more public space is desired, and that it is the role of the government to provide it.

Recommendations

- I. A transparent process should be established and adhered to that includes public consultation when deciding whether state public land has lost its 'public interest use' in reclassification of state public land to state private land under the Land Law of 2001.
- II. Steps should be taken to ensure the location and boundaries of public spaces are readily available and easily accessible. These steps should include:
 - a) Publishing online, comprehensive maps that demarcate state public land in Phnom Penh.
 - b) Placing official signage in all public spaces indicating the space is public. While some public spaces already feature similar signage, that policy should be universally applied to promote transparency.
- III. Additional public spaces should be created in both the inner and outer Khans of Phnom Penh, and authorities should incorporate findings from this study, as well as conducting a larger and more thorough survey of users of public space, to determine what characteristics to incorporate in new public spaces. Types of new public spaces should include:
 - a) Spaces that can take into account the regular flooding of Phnom Penh and limit the impact of that flooding, following the examples of public spaces in cities like Copenhagen³¹ and China's famous 'sponge cities'³².
 - b) Innovative spaces, such as pop-up, temporary use, competition-based spaces; street stall spaces; and artistic spaces. These spaces would promote greater civic participation in the creation of public spaces and create spaces that serve members of the informal economy, such as street vendors, who are sometimes barred or relocated from other public spaces.

³¹ Cathcart-Keayes, 2016.

³² Biswas and Hartley, 2017.

- IV. Further research should be done regarding the ideal location of new public spaces, and should further study areas that currently lack public spaces, as well as the availability of public access to already-existing public spaces.

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