



KINGDOM OF CAMBODIA
Nation Religion King

National Road No.1 (Phnom Penh – Neak Loeng)
Improvement Project

Stage-4
St. 4km to east bank of Monivong Bridge

Resettlement Action Plan (RAP)

Update

September 2013

Final

ABBREVIATIONS

AH	=	Affected Household
DMS	=	Detailed Measurement Survey
HH	=	Household
RGC	=	Royal Government of Cambodia
EMO	=	External Monitoring Organization
GRC	=	Grievance Redress Committee
IRC	=	Inter-Ministerial Resettlement Committee
JICA	=	Japan International Cooperation Agency
MEF	=	Ministry of Economy and Finance
MPWT	=	Ministry of Public Works and Transport
NGO	=	Non-government Organization
PPCC	=	Phnom Penh Capital City
PPCCRS	=	Phnom Penh Capital City Resettlement Subcommittee
PRW	=	Provisional Road Width
PDEF	=	Provincial Department of Economy and Finance
PRS	=	Provincial Resettlement Subcommittee
ROW	=	Right of Way
RD	=	Resettlement Department
URAP	=	Updated Resettlement Action Plan

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DEFINITION OF TERMS

(a) **Provisional Road Width (PRW):** ROW of the NR-1 as per confirmation through the Prime Minister's declaration in September 1999 is 60 meter (Both sides). On these conditions, the project in stage 4, the PRW from St 0+200 to St 3+000 is 20m from the centreline and PRW from St 3+000 to St 4+000 is varied based on the design and conditions but always within ROW of 30m from centerline.

(b) **Compensation:** These terms refer to all types of support which is provided to eligible AHs. Cash payment and relocation site will be the most common type of compensation.

(c) **Affected Households (AHs):** This is for any individual who is affected, either temporarily or permanently, by the activities undertaken for the project.

(d) **Common Property Resources:** Establishments as social institutions for common use of the community

(e) **Vulnerable groups:** Vulnerable groups are defined as people who will experience a greater degree of disruption socially or economically than the others affected households. AHs falling into one or more of the following groups will automatically be considered as members of a vulnerable group:

- Female-headed households
- Landless households (squatters)
- Disabled and over-aged household heads having no able income earner in the family
- Households below the Cambodian poverty line (less than \$15 per person per month)

(g) **Cut-Off Date:** The cut off date is **November 21, 2011** when the public consultation was conducted before the DMS by the IRC-WG. It will establish who are entitled to compensation under the NR-1. Any people moving on to the ROW after the cut-off date **WILL NOT** be considered as AHs and will be evicted without compensation.

EXECUTIVE SUMMARY

The specific objective of the project is to improve road condition to support the increase in traffic activities and economic development. The road extension will also eliminate bottleneck in the road section, the traffic jam and improve environment along the road. All affected assets in PRW will be cleared completely, and affected Households (AHs) will be compensated for affected properties, such as structures, crops and trees at replacement cost.

The DMS for the stage 4 section was conducted from 21st November 2011 to 8th January 2012 to identify different types of affected households (AHs) and negative impact on their affected properties. Total number of AHs of the DMS was 540 of which 61 are landless AHs. The **cut off date** for AHs eligible for compensation and assistance is **November 21, 2011**. However, since the project implementation for this stage has been delayed for some reasons and in conformity with JICA guidelines for Environmental and Social Considerations, the RCS report in 2012 was updated or re-studied in July 2013 to reflect the current market price of construction materials.

Landless households are entitled to a resettlement plot with the area of $4.5 \times 15 = 67.5\text{m}^2$ at a resettlement site located at Ta Ngov village, Sangkat Niroth, Phnom Penh Capital City (PPCC). After 5 consecutive years of living on the land, they will be provided a land title for their land at no cost.

Grievances of AHs in connection with the implementation of the RAP will be handled through negotiation with the aim of achieving consensus. Complaints will pass through three stages before they may be elevated to a court procedure as a last resort. The IRC does not involve in the judgment of the complaints, the eligible AHs will be accepted under mutual satisfaction at each stage. In the process of resettlement and land acquisition, affected persons raise disputes relating to ownership of the property and compensation. In order to resolve any problem or constraints for smooth operation of resettlement, Grievance Redress Committee should be a legal platform within the project for the affected people to suit their complaints and have solutions.

As a result of the socio-economic survey, the relocation of the landless AHs caused by NR #1 improvement project in stage 4 may affect AHs' income who resided on selling goods along the road section. Therefore, there are 25 landless AHs (equal to 47 earning persons) whose incomes will be affected by the relocation and they are entitled to an Income Restoration Program (IRP) provided by the project, while the rest who have other income sources such as vendors in the markets, working as employees etc, their income will not be affected by the relocation and they are not entitled to the IRP.

Cost Estimates. Based on the DMS completed in January 2012 and updated replacement cost survey carried out in July 2013, the estimated resettlement cost for Stage 4 is **US\$9,394,700.97**. It covers cost for (1) land in resettlement sites and in 5m of the PRW at both sides of road regulated by Phnom Penh Capital City Municipality (PPCCM), (2) non-land assets, allowances, administration and (3) contingency costs of 3% (**US\$265,038.71**).

CHAPTER 1: PROJECT DESCRIPTION

1.1 Background

1. The National Road No.1 links the Cambodian Capital of Phnom Penh to Ho Chi Minh City of the largest commercial city in Vietnam. It is the Second East-West Corridor runs through the focus development area of the Greater Mekong Sub-region, and also the international Arterial Roads as the part of Asian Highway.

2. In response to the request from the Royal Government of Cambodia (RGC), the Government of Japan (GOJ) decided in 2002 to study the improvement of Phnom Penh-Neak Loeung section (56km) as the object of the Japan's Grant Aid. Ministry of Public Works and Transport (MPWT), on behalf of the RGC met with JICA mission in June 2013 of which the Minutes of Discussion (MOD) was signed by MPWT, JICA mission Team leader and Inter-ministerial Resettlement Committee (IRC). The purpose of the mission was to continue the improvement of the remaining stage 4 extending from the Monivong Bridge to St 4+000 under the Grant Aid financing from the Government of Japan.

3. The expected road improvement and functions of NR-1 stage 4 are:

- To ensure road transport throughout the year by upgrading to flood-free and all-weather road
- To secure traffic safety by providing separate lane for slow-moving vehicles such as motorcycles, and motorcycle trailer (moto-remorque)
- To stimulate economic and social development by connecting the major productive centres with urban centres to provide better market accessibility
- To strengthen linkages between production and consumption centres and between exploited resources and trading gateways by the improvement of the arterial road to international standard.

1.2 Resettlement Action Plan (RAP)

4. The Project area is principally within PRW which is always inside Government land in the Right of Way (ROW). On this basic understanding, RAP has been prepared with current RGC legislation related to involuntary resettlement, JICA Guidelines for Environmental and Social Considerations, and other relevant documents. The Detailed Measurement Survey (DMS) was conducted after public consultation with AHs to collect all data of their affected properties within the PRW from St 4+000 to the Monivong Bridge. This RAP will cover (i) Scope of Land Acquisition and Resettlement; (ii) Socio-economic Profile, (iii) Resettlement Policies and Framework; (iv) Community Participation and Grievance Redress Mechanism, (v) Institutional Framework, (vi) Resettlement Costs; (vii) Relocation Strategy and Income Restoration Measure, and (viii) Implementation Schedule and Monitoring. The primary purpose of RAP is to provide guidelines for compensation to AHs in appropriate manners.

1.3 Project Area

5. The NR-1 located along the Mekong River across Phnom Penh territory (Mean Chey District), Kandal province (Kien Svay & Loeuk Dek District). This road section was divided into 4 stages. Stage-1 constructed two bridges in LoeukDek District, Stage-2 covered a segment from Neak Loeung to Korki Market (St. 13km+100) while Stage-3 covered a segment from Korki Market to St 4+000, and stage 4 to be extended the rest part from St 4+000 to East Bank of Monivong bridge. The General figure of each stage of the Project and Map of Project Stages are indicated in **Table 1.1** and **Figure 1.1** respectively.

Table 1.1: General figure of each stage of the Project

Stage	Segment	Construction Period
Stage 1	Two Bridge Construction	2005.11-2007.1
Stage 2	Neak Loeung-St.13+100	2006.11-2009.2
Stage 3	St.13+100 - St. 4+000	2009.7-2011.6
Stage 4	St.4+000-St.0+000 (East bank of Monivong Bridge)	2014. 10- 2016. 2 (Tentative)

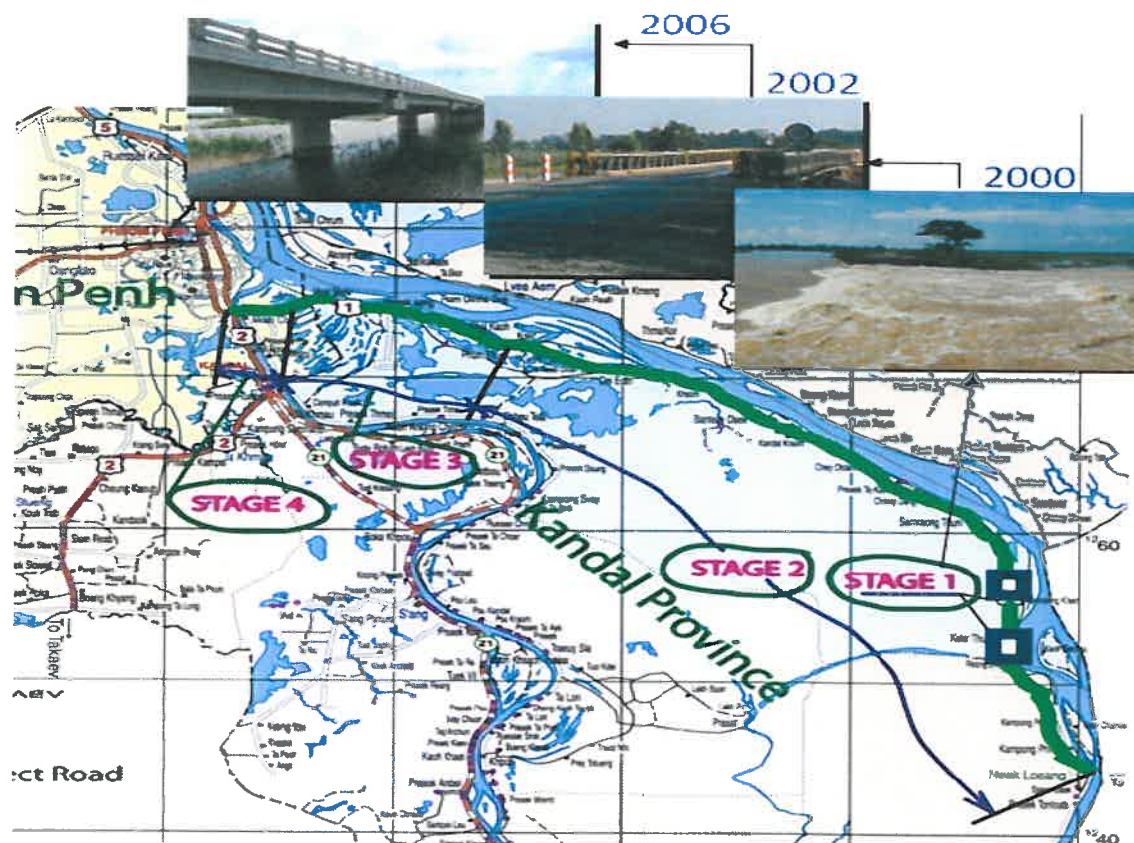


Figure 1.1: Map of Project Stages for NR No.1

6. The stage 4 project area is located in Khan Mean Chey (District), the Phnom Penh Capital City. There are four communes and 8 villages in the project areas, which is a populous area with heavy commercial development. The communes and villages in the project area are shown in Table 1.2.

Table 1.2: Project Areas

Districts	Commune	Number of Villages
Mean Chey	ChbarAmpov I	2
	ChbarAmpov II	2
	Niroth	3
	Veal Sbove	1
Total	4	8

1.4 Project Benefits

7. The aim of the project is (1) to improve the damages and deteriorated pavement observed all through the road, by implementing the road improvement of the remaining section (Stage 4) about 4km in between St 0+000 (the east bank of the Monivong Bridge) and St 4+000, (2) to restore the function and capacity of the Trunk Road, by widening the road, and smoothen the flow of goods and peoples and (3) reduce bottle neck and traffic jams which occur almost everyday.

8. The direct beneficial are the residents along the road in the above communes, Mean Chey District, people located in Phnom Penh territory, and other people who often travel along the road. The direct and indirect positive effects under the project stage 4 implementation are shown in **Table 1.3**.

Table 1.3: Direct and indirect effects by the implementation of the project

Issues	Effect and its degree of the project implementation
1. Function as Arterial National Road	<ul style="list-style-type: none"> - To expect the improvement of traffic capacity, reduction of travel time, upgrading of traffic ability and traffic safety. - To upgrade the function of the National Road
2. Function as Lifeline	<ul style="list-style-type: none"> - Marketing activities become active and evacuation space for the livestock can be ensured at the time of flood with securing the smooth traffic flow through the solution on the traffic congestion around the market area, bus stop/emergency evacuation space.
3. Travel Time	<ul style="list-style-type: none"> - Vehicle travel speed becomes 80kph. - Travel time can be shortened.
4. Heavy Cargo Traffic	<ul style="list-style-type: none"> - To enable heavy cargoes to pass through - To promote the efficiency of cargo service
5. Flood Countermeasures	
(1) Stage of the Mekong river	<ul style="list-style-type: none"> - To reduce the flood riskiness by lowering the water level of about 11 cm in the Mekong River near the Phnom Penh Capital City
(2) Road Elevation	<ul style="list-style-type: none"> - No more overflow occurs at the time of flood - To enhance the travel safety - To improve the durability of road structures
(3) Slope Damages	<ul style="list-style-type: none"> - To sustain the stable embankment with the slope protection of road embankment by installing greenbelt - To expect the additional affects as environmental protection
6. Drainage Facilities	<ul style="list-style-type: none"> - To secure the smooth traffic flow and improve the traffic safety by installing the road drainage
7. Traffic Safety	<ul style="list-style-type: none"> - To expect the reduction of traffic accidents by traffic facilitation based on the separation between 4-wheel vehicles and motorbikes - To install the various traffic safety facilities to assure the safety of increasing and speeding-up passing vehicles

8. Smooth Flow of Goods and Peoples	- Improvement of national trunk road function by reducing the transport time and costs will encourage the flow of goods and peoples.
9. Socio-Economic Activities	- To promote socio-economic activities due to the increment of exchange of goods and peoples
10. Upgrade of Residents' Living Standards along the road	- To transport easily agricultural goods, and improve the access to schools/hospitals and urban facilities

CHAPTER 2: SCOPE OF LAND ACQUISITION AND RESETTLEMENT

2.1 Minimizing Resettlement Impacts

9. Resettlement impacts have been minimized for the Project by using a PRW narrower than the ROW based on the area for the populous areas and the technical requirement, and for the stage 4 of the project, the PRW varies in the gap of 20m to 30m from the centreline according to the location and technical requirement. Originally, the Phnom Penh Capital City regulated user right of the land along the road No.1 from St 0+200 to Niroth pagoda fence of 15m from the road centerline. However, since the two bridges and the Monivong Bridge were already built, and the Neak Loeung Bridge is under construction plus substantial increase in traffic and cross border transport agreement between the RGC and the Vietnam Government, the PRW¹ from St 0+200 to St 3+000 is extended to 20m from the centerline, while the PRW for the rest part is based on the technical requirement.

10. Temporary impacts caused during construction activities will only be known during project implementation. The contractor's contract will include requirements for their working space, worker's camps, field offices, to comply with the Project's policy and entitlements set out in this RAP.

2.2 Summary Scope of Land Acquisition and Resettlement

11. The DMS for the stage 4 section was conducted from 21st November 2011 to 8th January 2012 to identify different types of affected households (AHs) and negative impact on their affected properties. Total number of AHs of the DMS was 540 of which 61 are landless AHs. The **cut off date** for AHs eligible for compensation and assistance is **November 21, 2011**. However, since the project implementation for this stage has been delayed for some reasons and in conformity with JICA guidelines for Environmental and Social Considerations, the RCS report in 2012 was updated or re-studied in July 2013 to reflect the current market price of construction materials.

Table 2.1: Number of AHs in stage 4 of the Project

No.	Sangkat/Commune	Number of Households	Number of Cases	Landless (Base on old data)
1	Veal Sbov	86	91	8
2	Niroth	294	305	35
3	ChbarAmpov 2	97	99	12
4	ChbarAmpov 1	63	63	6
TOTAL:		540	558	61

¹The PRW determination for the stage 4 section was agreed in principle from the GOC on 21 February 2008.

2.3 Types of Affected Assets

12. There are different types of affected assets by the project. Those include (i) loss of structures established in the PRW, (ii) loss of agricultural assets such as trees, crops and so on; (iii) loss of residential and business units; and (iv) loss of common property resources such as tube-wells, pagoda fence etc. The summary DMS data report is provided in **Table 2.2** and **Table 2.3**.

Table 2.2: Number of AHs categorised by type of impact

No.	Sangkat/Commune	Only Land	Land with House	Only House	Gas Station	Other Structures / trees
1	Veal Sbov	0	0	36	3	52
2	Niroth	32	45	100	2	126
3	ChbarAmpov 2	34	56	1	0	8
4	ChbarAmpov 1	21	39	1	2	0
TOTAL:		87AHs	140AHs	138AHs	7AHs	186AHs

Table 2.3: Counted types of structures

No.	Type of Structures	Count Number
1	Barn for making craft	12
2	Gas Station	7
3	House	278
4	Kiosk	19
5	Kitchen	2
6	Public Structure	4
7	Restaurant	2
8	Stall for selling	46
9	Others	124
TOTAL:		494

13. It is likely that some community assets will be affected by the project as these have been built in vacated PRW lands within the ROW. These type of losses include: (i) utilities and services (like electricity poles, cable optic), and (ii) pagoda fence. The cable optic belonging to the Ministry of Post and Communication was installed in the 1990s along the existing road. This cable optic has autonomously owned by Telecom of Cambodia Company (TC), while the Electric Poles belonging to the Electricité Du Cambodge (EDC) was also built in late 1980s. The extension of the road section in stage 4 will require TC, and EDC to relocate those properties out of the PRW.

2.5 Impact on Vulnerable Households

14. Groups who are more vulnerable to impoverishment caused by involuntary resettlement are the poorest (i.e. under the national poverty line), households headed by women, elderly, and disabled without support mechanisms. Households falling within these groups were identified during the DMS and onetime cash assistance is needed to help them. The DMS showed that there are 63 AHs with a total of 74 vulnerability factors (see **Table 2.4**). Those 63 vulnerable AHs are entitled to additional onetime cash assistance of \$22.4 per vulnerable factor.

Table 2.4: Vulnerable Factors Group by Head of Household

No.	Sangkat/Commune	Widow Head of Household	Disable Head of Household	Old Aged Head of Household	Poor Head of Household
1	Veal Sbov	12	0	4	0
2	Niroth	22	0	11	0
3	Chbar Ampov 2	10	0	5	0
4	Chbar Ampov 1	4	0	6	0
TOTAL:		48	0	26	0

2.6 Land Acquisition for the Project and Relocation Sites

15. The project acquires only land in the PRW of 5m both sides regulated by PPCCM with length of about 1145m both sides in the stage 4 of the project will be compensated. The total land acquisition in the PRW is $5m \times 2 \times 1,145m = 11,450m^2$. However, based on the DMS the actual land acquisition for this section is $9,968.24m^2$ due to a deduction of areas in some access roads connecting to residences along the road section. The land acquisition will be compensated at replacement cost conducted by the independent person specialised in real estate valuation.

16. Each of the 61 landless households is entitled to a land plot of $4.5m \times 15m = 67.5m^2$ at the new resettlement site. The government representing by the IRC already prepared a resettlement site (RS) in 2009² at Ta Ngov Village, Niroth Commune, Meanchey District, Phnom Penh Capital City located at the distance of 1200m from the NR-1. Basic infrastructures such as access roads, latrines have already installed, and electricity and water pipe connection fee will be provided after relocation to the site, except cash deposit to resettle account at the service providers.

²The Resettlement Site (RS) was developed in 2009 and it has been kept to wait for relocation of the landless AHs in the stage 4 section. Since the resettlement for this stage 4 has been delayed for some reasons, the RS will need to be improved before relocation of AHs.

CHAPTER 3: SOCIO-ECONOMIC PROFILE OF AHS

17. With the proposed project stage 4, there would be impact on the livelihood of people living along the existing road. With the response to the circumstances, the Resettlement Action Plan (RAP) is prepared during the designing phase. Among the main contents in the RAP, (1) compensation resulting from the Replacement Cost Study (RCS) conducted in late 2011 was updated in July 2013, and (2) Socio-economic survey (SES) on relocating AHS conducted in late 2011 has been kept the same as the report is valid within two years.

18. The main objectives of the SES and assessment are (1) to provide AHs with the confidence, motivation, and opportunity to address resettlement issues, (2) to assess negative impact for AHs livelihood by the project, particularly their occupation, daily expenditures and incomes, and (3) to determine their main sources of income and other income alternatives. With the results of the survey, the necessary mitigation measures will be considered and provided by the RGC for the purposes of the AH's livelihood restoration.

19. Only 47 AHs (77%) out of total 61 AHs, who are landless household, were interviewed. The remaining 14³ AHs were not available for the interview due to some reasons as follow:

- (i) 7 AHs have sold their land to others and migrated out;
- (ii) 3 AHs lived on the land of Ministry of Post and Telecommunications and all of them already received compensation from the ministry for moving out;
- (iii) 3 AHs could not be found, because they have leaved without any information;
- (iv) 1 AH is a Niroth Administrative Police centre is not impact on livelihood.

3.1 Population and Household Composition

20. The number of total household surveyed was 47, with a population 228 members, comprising 121 females and 107 males. Table 3.1 provides details of populations, sex ratio as well as household size. The average household size of 4.85 is normal for the District and for urban areas of Cambodia.

Table 3.1: Total population and Household size

Sangkat/Commune	No. H/H	Population				Average size of H/H	Sex ratio ⁴	
		Total	Male		Female			
			No.	%	No.			%
Veal Sbov	8	33	18	54.5	15	45.5	4.13	120.0
Niroth	26	130	58	44.6	72	55.4	5.00	80.6
Chbar Ampov 2	7	30	12	40.0	18	60.0	4.29	66.7
Chbar Ampov 1	6	35	19	54.3	16	45.7	5.83	118.8
Total:	47	228	107	46.9	121	53.1	4.85	88.4

Data source: Project Survey in December 2011

21. Table 3.2 shows age composition with 70.6% of the population within the active labour force, between 15-65 years old. 23.7% are below 15 years and 5.7% over 65 years. The youth dependency ratio is 33.5% and old age dependency ratio 8.1%. This means there were 41.6% outside the usual working age group for every 100 persons in the active age group of 15-65 years and who are economically dependent for economic support.

³ The landless categorization of these AHs will be determined during RAP implementation.

⁴ The sex ratio defined as the number of males per 100 females in the population. It is an important social indicator to measure the degree of equity between males and females in a society at a given point of time.

Table 3.2: Age-Sex distribution by active labour force age and Dependency ratio

Sangkat/ Commune	Total Population		<15 Yrs		15-65		>65 Yrs		Dependency Ratio		
			N	%	N	%	N	%	Youth	Old Age	Total
Veal Sbov	M	18	6	33.3	12	66.7	-	-	43.5	0.0	43.5
	F	15	4	26.7	11	73.3	-	-			
	T	33	10	30.3	23	69.7	-	-			
Niroth	M	58	13	22.4	41	70.7	4	6.9	32.6	8.7	41.3
	F	72	17	23.6	51	70.8	4	5.6			
	T	130	30	23.1	92	70.8	8	6.2			
Chbar Ampov 2	M	12	3	25.0	9	75.0	-	-	22.7	13.6	36.3
	F	18	2	11.1	13	72.2	3	16.7			
	T	30	5	16.7	22	73.3	3	10.0			
Chbar Ampov 1	M	19	6	31.6	13	68.4	-	-	37.5	8.3	45.8
	F	16	3	18.8	11	68.8	2	12.5			
	T	35	9	25.7	24	68.6	2	5.7			
Total:	M	107	28	26.2	75	70.1	4	3.7	33.5	8.1	41.6
	F	121	26	21.5	86	71.1	9	7.4			
	T	228	54	23.7	161	70.6	13	5.7			

Data source: Project Survey in December 2011

3.2 Vulnerable and Severely Affected Households

22. Vulnerable groups include elderly, widow and female-headed households, physically and mentally handicapped, landless and poor household whose income is under the national poverty line. It is also included severely affected people (SAP) who their houses or commercial structures will be affected by the project more than 50% of total size, or which are made non-viable for living or commercial purposes. The 29.8% of the surveyed population is widowed household heads.

23. No household head is disabled. Aged⁵ household heads are 25.5%. Only 8.5% of affected household are living below national poverty line (<15\$/capita/month). 83% are severely affected people.

Table 3.3: Vulnerable affected household head

Sangkat/Commune	No. H/H	Aged		Widow		Poor		SAP	
		No	%	No	%	No	%	No	%
Veal Sbov	8	-	-	2	25.0	1	12.5	8	100.0
Niroth	26	6	23.1	6	23.1	2	7.7	23	88.5
Chbar Ampov 2	7	4	57.1	4	57.1	-	-	3	42.9
Chbar Ampov 1	6	2	33.3	2	33.3	1	16.7	5	83.3
Total	47	12	25.5	14	29.8	4	8.5	39	83.0

Data source: Project Survey in December 2011

3.3 Education

3.3.1 Literacy of the affected household heads and spouses

24. The male household head literacy rate is 100% and female spouse literacy rate is 90%. Among 17 female household heads, only 10 (58.8%) of them are literate.

⁵ Aged was defined as a person who is more than 60 years old and without young to support.

Table 3.4: Household head and Female spouse literacy⁶

Sangkat/ commune	H/H Male, Literacy			H/H Female, Literacy			Female spouse, Literacy		
	Total H/H Male	Yes	%	Total H/H Female	Yes	%	Total Female spouse	Yes	%
Veal Sbov	5	5	100.0	3	3	100.0	5	5	100.0
Niroth	18	18	100.0	8	6	75.0	18	15	83.3
Chbar Ampov 2	3	3	100.0	4	1	25.0	3	3	100.0
Chbar Ampov 1	4	4	100.0	2	0	0.0	4	4	100.0
Total:	30	30	100.0	17	10	58.8	30	27	90.0

Data source: Project Survey in December 2011

3.4 Literacy of Adult Population

25. The adult literacy rate is a percentage of literate persons aged 18 and over who can both read and write a simple message in any language to total population aged 18 years and over. The table 3.5 shows adult literacy is 90.5% overall: 98.6% - adult male literacy and 84.3% - adult female literacy. The adult literacy-90.50% is higher than national rate-77.59% (source from Census 2008).

Table 3.5: Adult literacy (from 18 years old)

Sangkat/ commune	All adults from 18 yrs								
	Both sexes			Male			Female		
	Pop. from 18Yrs	Yes	%	Pop. from 18Yrs	Yes	%	Pop. from 18Yrs	Yes	%
Veal Sbov	21	21	100.0	10	10	100.0	11	11	100.0
Niroth	90	81	90.0	40	39	97.5	50	42	84.0
Chbar Ampov 2	23	19	82.6	8	8	100.0	15	11	73.3
Chbar Ampov 1	24	22	91.7	11	11	100.0	13	11	84.6
Total:	158	143	90.5	69	68	98.6	89	75	84.3

Data source: Project Survey in December 2011

3.5 Current School Attendance

26. Information on school attending was collected in respect of the population aged from 6 to 17 years old. School attending was defined as attending at a primary (6-11), lower (12-14) and upper (15-17) secondary school. School attending in primary school is 100.0% for both sexes, while lower secondary school is 94.1% (100% for male and 91.7% for females). Upper secondary school is 62.5% (60% for males and 66.7% for females).

⁶ Literacy was identified by interviewee ability to read and write a sample sentence.

Table 3.6: School Attendance

Sangkat/ commune	Sex	Age 6-11 Yrs			Age 12-14 Yrs			Age 15-17 Yrs		
		Pop 6-11	Yes	%	Pop. 12-14	Yes	%	Pop. 15-17	Yes	%
Veal Sbov	M	2	2	100.0	2	2	100.0	2	1	50.0
	F	1	1	100.0	2	1	50.0	-	-	-
	T	3	3	100.0	4	3	75.0	2	1	50.0
Niroth	M	6	6	100.0	1	1	100.0	5	3	60.0
	F	5	5	100.0	10	10	100.0	5	3	60.0
	T	11	11	100.0	11	11	100.0	10	6	60.0
Chbar Ampov 2	M	-	-	-	-	-	-	1	-	-
	F	1	1	100.0	-	-	-	1	1	100.0
	T	1	1	100.0	-	-	-	2	1	50.0
Chbar Ampov 1	M	3	3	100.0	2	2	100.0	2	2	100.0
	F	2	2	100.0	-	-	-	-	-	-
	T	5	5	100.0	2	2	100.0	2	2	100.0
Total:	M	11	11	100.0	5	5	100.0	10	6	60.0
	F	9	9	100.0	12	11	91.7	6	4	66.7
	T	20	20	100.0	17	16	94.1	16	10	62.5

Data source: Project Survey in December 2011

3.6 Economic Activeness of Household Head

27. For the purpose of the survey, the economically active population was defined as persons who contribute or are available to contribute to the production of goods and services in the country, either employed or unemployed. The employment status of the population based on the long period of one year was used in the presentation of the table. The survey included 40 active household heads and 7 who are not actively employed out of the 47 households surveyed.

Table 3.7: Economic activities of household head by sex

Occupation	Sex	Primary occupation	
		No.	%
Trading at home	M	8	20
	F	8	20
	T	16	40
Trading at market	M	-	-
	F	2	5.0
	T	2	5.0
Tire selling & repairing	M	1	2.5
	F	1	2.5
	T	2	5.0
Government employee	M	7	17.5
	F	-	-
	T	7	17.5
Private/NGO employee	M	2	5.0
	F	1	2.5
	T	3	7.5
Taxi Driver	M	2	5.0
	F	-	-
	T	2	5.0
Moto-dup driver	M	2	5.0

Occupation	Sex	Primary occupation	
		No.	%
	F	-	-
	T	2	5.0
	M	2	5.0
Professional – teacher, health worker, etc.	F	-	-
	T	2	5.0
	M	2	5.0
Motorcycle Repairing	F	-	-
	T	2	5.0
	M	2	5.0
Other	F	-	-
	T	2	5.0
	M	2	5.0
TOTAL	F	12	30.0
	T	40	100.0
	M	28	70.0

Data source: Project Survey in December 2011

3.7 Economic Activeness of Household Member

28. Trading at home is the primary economic activity of other household members in the surveyed population, and mainly by women, and was the primary activity for 28 (43%) of women other than the household head, as against 9 men (16%). The number of women dependent on services or trades serving the local and highway market in total is 41 (63% of women in the work force). One important implication of this finding is that the move will have a major impact on the employment and source of income of women for whom trading from home on the highway is the main occupation. 17 persons (14.2%) are engaged in private/NGO sector. Government officer (9.1%) was third of primary economic activity for other members of the surveyed households, with 10 out of the 11 government workers being men. 5 women (8% of women), who are daughters in affected household, are employed in garment factories.

29. Only one household in Chbar Ampov 2 (2.1%) has a household head, and one other household member in Niroth who are working in farming.

Table 3.8: Economic activities of household member by sex

Occupation	Sex	First	
		No.	%
Hair cut/dresser	M	1	0.8
	F	3	2.5
	T	4	3.3
Fast food	M	-	-
	F	1	0.8
	T	1	0.8
Trading at home	M	9	7.5
	F	28	23.3
	T	37	30.8
Trading at market	M	1	0.8
	F	6	5.0
	T	7	5.8
Restaurant	M	2	1.7
	F	-	-

Occupation	Sex	First	
		No.	%
Tire selling & repairing	T	2	1.7
	M	2	1.7
	F	3	2.5
	T	5	4.2
Garment Factory worker	M	-	-
	F	5	4.2
	T	5	4.2
Government employee	M	10	8.3
	F	1	0.8
	T	11	9.1
Private/NGO employee	M	8	6.7
	F	9	7.5
	T	17	14.2
Taxi Driver	M	3	2.5
	F	-	-
	T	3	2.5
Moto-dup driver	M	2	1.7
	F	-	-
	T	2	1.7
Professional – teacher, health worker, etc.	M	2	1.7
	F	-	-
	T	2	1.7
Construction worker	M	3	2.5
	F	1	0.8
	T	4	3.3
Motorcycle Repairing	M	3	2.5
	F	-	-
	T	3	2.5
House/Land renting	M	-	-
	F	1	0.8
	T	1	0.8
Other	M	9	7.5
	F	7	5.8
	T	16	13.3
TOTAL	M	55	45.8
	F	65	54.2
	T	120	100.0

Data source: Project Survey in December 2011

3.8 Living Condition

3.8.1 Water Source for Drinking and Washing

30. Approximately 29.8 % of household in target area used piped water supply, while 70.2 % are buying it.

Table 3.9: Water sources for drinking and cooking

Sangkat/ commune	No. H/H	Buying		Piped water supply	
		N	%	N	%
Veal Sbov	8	7	87.5	1	12.5
Niroth	26	22	84.6	4	15.4
ChbarAmpov 2	7	3	42.9	4	57.1
ChbarAmpov 1	6	1	16.7	5	83.3
Total	47	33	70.2	14	29.8

Data source: Project Survey in December 2011

31. The piped water supply is not yet widely use in the Project area, about 30% only use it (see table 3.9), because the water supply connection is limited. On the other hand, the local people have doubts about the water quality. Therefore, about 76.6% of affected households always boil their drinking water. The water boiling is by far the most common method for treatment drinking water in Cambodia. Another 10.6% filtered the water for drinking. Only 6 households (12.8%) drink water without treatment.

Table 3.10: Drinking water treatment

Sangkat/ commune	No. HH	Filtered		Boiled	
		Yes	%	Yes	%
Veal Sbov	8	-	-	7	87.5
Niroth	26	5	19.2	16	61.5
Chbar Ampov 2	7	-	-	7	100.0
Chbar Ampov 1	6	-	-	6	100.0
Total	47	5	10.6	36	76.6

Data source: Project Survey in December 2011

32. As drinking water source, approximately 70.2% of interviewed households are buying water for their washing/bathing, especially during the dry season. While other 29.8% use water pipe supply.

Table 3.11: Water sources for washing and bathing

Sangkat/ commune	No. H/H	Buying		Piped water supply	
		N	%	N	%
Veal Sbov	8	7	87.5	1	12.5
Niroth	26	22	84.6	4	15.4
ChbarAmpov 2	7	3	42.9	4	57.1
ChbarAmpov 1	6	1	16.7	5	83.3
Total	47	33	70.2	14	29.8

Data source: Project Survey in December 2011

3.8.2 Energy Source for Lighting and Cooking

33. 100 % of interviewed households in the target area are using state electricity as the source of lighting, providing by EDC (Électricité du Cambodge).

Table 3.12: Energy sources for lighting

Sangkat/	No. HH	State electricity
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commune		No.	%
Veal Sbov	8	8	100.0
Niroth	26	26	100.0
ChbarAmpov 2	7	7	100.0
ChbarAmpov 1	6	6	100.0
Total	47	47	100.0

Data source: Project Survey in December 2011

34. Based on the survey results, 85.1% of interviewed households use liquefied petroleum gas/Kerosene as the source of cooking, while other 14.9% and 36.2% use firewood and charcoal, respectively. Other 40.4% of interviewed households in the project area use electricity as their energy source for cooking. These figures represent the multiple sources which some household uses, for example, the use of charcoal as the preferred fuel for barbecued fish and meat, combined with gas for convenience rapid cooking.

Table 3.13: Energy sources for cooking

Sangkat/ commune	No. HH	Firewood		Charcoal		Gas/Kerosene		State Electricity	
		No.	%	No.	%	No.	%	No.	%
Veal Sbov	8	1	12.5	6	75.0	7	87.5	4	50.0
Niroth	26	3	11.5	8	30.8	23	88.5	11	42.3
Chbar Ampov 2	7	3	42.9	3	42.9	4	57.1	3	42.9
Chbar Ampov 1	6	-	-	-	-	6	100.0	1	16.7
Total	47	7	14.9	17	36.2	40	85.1	19	40.4

Data source: Project Survey in December 2011

3.8.3 Sanitation Facilities

35. In the project area, 100 % of household have a flush toilet. They do not make "Open Defecate" or used shared toilet with their neighbors. Among the 47 AHs, there are only 19 AHs (40.4%) who have system drainage near their houses to use.

Table 3.14: Available drainage system near house

Sangkat/ commune	No. H/H	Drainage system							
		Total		Proper rain water drainage		Waste water		Other	
		N	%	N	%	N	%	N	%
Veal Sbov	8	4	50.0%	1	12.5	1	12.5	2	25.0
Niroth	26	6	23.0%	-	-	5	19.2	1	3.8
Chbar Ampov 2	7	3	42.9%	-	-	3	42.9	-	-
Chbar Ampov 1	6	6	100%	2	33.3	4	66.7	-	-
Total	47	19	40.4%	3	6.4	13	27.7	3	6.4

Data source: Project Survey in December 2011

36. According to the survey results, there are 25 AHs (equal to 47 earning persons) who depends only one income source "trading at home". This group's income will be affected by the project improvement, while incomes of the rest are not much affected by the project, because they are employer or trading/selling at surrounding markets. The detailed information of the group is described in the **Table 3.14** below.

Table 3.15: The name list of 25 AHs have only one income source "trading at home"

No.	HH Name	Sex	Age	# Earning person with the trading	Village	Commune	Annual HH income in USD
1	A	■	■	1	Kdey Ta Koy	Veal Sbov	10,000.00
2	B	■	■	1	Kdey Ta Koy	Veal Sbov	1,200.00
3	C	■	■	2	Kdey Ta Koy	Veal Sbov	6,000.00
4	D	■	■	1	Kdey Ta Koy	Veal Sbov	3,600.00
5	E	■	■	1	Kdey Ta Koy	Veal Sbov	5,500.00
6	F	■	■	2	Boeung Chhouk	Nirouth	11,000.00
7	G	■	■	2	Boeung Chhouk	Nirouth	17,500.00
8	H	■	■	2	Boeung Chhouk	Nirouth	1,000.00
9	I	■	■	1	Boeung Chhouk	Nirouth	2,500.00
10	J	■	■	3	Boeung Chhouk	Nirouth	14,500.00
11	K	■	■	1	Boeung Chhouk	Nirouth	14,000.00
12	L	■	■	2	Boeung Chhouk	Nirouth	9,000.00
13	M	■	■	4	Boeung Chhouk	Nirouth	25,000.00
14	N	■	■	4	Boeung Chhouk	Nirouth	3,300.00
15	O	■	■	1	Boeung Chhouk	Nirouth	5,500.00
16	P	■	■	1	Boeung Chhouk	Nirouth	2,700.00
17	Q	■	■	4	Reusseï Sros	Nirouth	8,000.00
18	R	■	■	2	Ta Ngov	Nirouth	3,600.00
19	S	■	■	2	Praek	Chbar Ampov 1	23,000.00
20	T	■	■	2	Praek	Chbar Ampov 1	7,300.00
21	U	■	■	2	Deum Ampil	Chbar Ampov 1	7,500.00
22	V	■	■	2	Deum Ampil	Chbar Ampov 1	12,000.00

No.	HH Name	Sex	Age	# Earning person with the trading	Village	Commune	Annual HH income in USD
23	W	■	■	1	Deum Slaeng	Chbar Ampov 2	650.00
24	X	■	■	2	Deum Slaeng	Chbar Ampov 2	4,000.00
25	Y	■	■	1	Deum Slaeng	Chbar Ampov 2	1,000.00
Total				47			199,350.00

3.9 Conclusion

37. As a result of the socio-economic survey, the relocation of the landless AHs caused by NR #1 improvement project in stage 4 may affect AHs' income who resided on selling goods along the road section. Therefore, there are 25 landless AHs (equal to 47 earning persons) whose incomes will be affected by the relocation and they are entitled to an Income Restoration Program⁷ (IRP) provided by the project, while the rest who have other income sources such as vendors in the markets, working as employees etc, their income will not be affected by the relocation and they are not entitled to the IRP.

3.10 Estimate Budget for IRP

- Revolving Fund	USD 18,000.00
- Consulting firm/NGO 2 years support, including CF salary and transportation	26,000.00
- Training Fund	25,000.00
- Secretarial, telecom and report production	2,000.00
- Enterprise based training and job placement	4,000.00
- Job kits	3,000.00
	Subtotal 78,000.00
- Contingencies 10%	7,800.00
	<u>Total: USD 85,800.00</u>

⁷ The provision of the IRP will be based on the entitled landless AHs' preference. (1)-if they prefer the IRP, a qualified Consulting firm/NGO, to be appointed by the IRC/MEF Resettlement Department, with experience of small enterprise and credit management, and of training in urban and commercial vocational skills.. However, (2)-if they prefer to restore their income by their own, income loss allowance will be provided to them based on the net estimated training cost above (85,800-7,800-2,600) divided by the entitled landless of 25 AHs or each will get income loss allowance of 52000/25=\$2080. The number of landless will be confirmed during the contract signing and the amount of income loss allowance will be changed accordingly.

CHAPTER 4: RESETTLEMENT POLICY FRAMEWORK

4.1 Government's Legal Framework

38. The **1993 Constitution of Cambodia** states that the “right to confiscate properties from any person shall be exercised only in the public interest as provided by law and shall require fair and just compensation in advance” (Article 44). Article 20 stipulates that “nobody shall be forced to transfer his or her ownership, if forcing is not necessary in the public interest and (if) no proper and just indemnity has been paid to the owner”.

39. The Land Law of August 2001 is the current legislation governing land and property rights. The law states the ownership for non-movable properties in Cambodia which includes land, trees and structures. It is based on the provisions of the Constitution of 1993.

40. There is no specific legislation regarding involuntary resettlement but the law regarding land or property acquisition for that resettlement by the State or other entities is indicated in Article 5 of the Land Law:

“No person may be deprived of his ownership unless it is in the public interest. An ownership deprivation shall be carried out in accordance with the forms and procedures provided by law and regulations and after the payment of fair and just compensation in advance.”

Specific laws, decrees or directives setting out regulations on land or other property acquisition in the context of involuntary resettlement will be based on Article 5 and Article 11 that states:

“The legal regime for ownership of immovable property varies in accordance with the requirements of Cambodian society, such as agricultural land, forests, waterways, lakes, reservoirs or expanses of water, seashores, riverbanks, urban immovable property, and land for construction of industrial development zones.”

“Specific laws shall supplement the provisions of this law or shall derogate this law in order to meet socio-economic, land management, and urban planning exigencies.”

“Regulations may, in compliance with legislative provisions, stipulate the details of these various property regimes.”

41. Article 6 of the Land Law also defines the legal basis on which transfers of ownership are based:

- “Only legal possession can lead to ownership.
- “The State may also provide to natural persons or legal entities of Khmer nationality ownership over immovable property belonging to the State within the strict limits set forth in this law.
- “All transfers or changes of the rights of ownership shall be carried out in accordance with the required general rules for sales, succession, exchange, gift or by court decision.
- In Article 7, it states: “Any regime of ownership of immovable property prior to 1979 shall not be recognized.”
- On policies concerning land acquisition, Article 44 of the Cambodian Constitution of 1993 states the government’s right to confiscate properties from any person shall be exercised only in the public interest as provided by law and shall require fair and just compensation in advance.”

- Article 20 states that “nobody shall be forced to transfer his or her ownership, if forcing is not necessary in the public interest and (if) no proper and just indemnity has been paid to the owner”.
- Article 19: "Any person having titles or real situation under the influence of Article 19 of this law cannot claim any compensation or cost for maintenance or development made under immovable property which is illegally possessed. Any illegal and intentional or deceitful acquisition of the public domain of the State or public legal entity shall be punished as provided in Article 259 of this law. For possession of public domain that damages or delays work in favor of the common interest, especially the possession of land necessarily reserved for maintaining roads, the penalty shall be double. In all cases where the offender does not cease possession within the period of time determined by the competent authority, the authority can proceed to evict that offender."
- Article 259: "infringement upon the public domain shall be punished with a fine from 5,000,000 Riel (five million Riels) to 50,000,000 Riels (fifty million Riels) [between US\$1,250 and US\$12,500] and/or imprisonment from one (a) to five (5) years. The perpetrator has an obligation to immediately vacate such a public domain. The perpetrator has no right to any indemnity for works or improvement made on such public property. In the event that the current occupant of public property prior to this law taking effect has documents as proof and a certificate that states she/he purchased it from a person, [the occupant] may report to competent authority to enforce legal measures on such a person who sold public property illegally and for his/her own interest [and the occupant is] injured by such an act. In any event, such injured party has no right to possess the public property."

42. The **Expropriation Law** was newly drafted by the MEF and it was passed by the National Assembly on 29 December 2009 and promulgated by the King on 04 February 2010. This law was prepared based on the existing Cambodian laws such as constitution and land law, and some other regulations relevant to resettlement issues. It contains 8 Chapters with 39 Articles, and has provided a clear procedure to acquire people properties for purpose of national and public interests. Some Articles of the Law as stated below guided to prepare the Sub-decree on resettlement policy.

- **Article 2:** This law has the following purposes:
 - To ensure reasonable and just deprivation of a legal right to ownership of private property;
 - To ensure payment of reasonable and just prior compensation;
 - To serve the public and national interests;
 - To develop public physical infrastructure.
- **Article 7:** Only the State may carry out an expropriation for use in the public and national interests.
Expropriation may only be carried out for the implementation of projects stipulated in Article 5 of this law.
- **Article 8:** The State shall accept the purchase of part of the real property left over from an expropriation at a reasonable and just price at the request of the owner of and/or the holder of right in the expropriated real property who is unable to live near the expropriated scheme or to build a residence or conduct any business.
- **Article 12:** An expropriation committee shall be established and headed by a representative from the Ministry of Economy and Finance and composed of representatives from relevant ministries and institutions. The organization and functioning of the expropriation committee shall be determined by a sub-decree.
- **Article 22:** An amount of compensation to be paid to the owner of and/or holder of rights in the real property shall be based on the market value of the real

property or the alternative value as of the date of the issuance of the *PRAKAS* on the expropriation scheme.

The market value or the alternative value shall be determined by an independent commission or agent appointed by the expropriation committee.

43. Royal Government of Cambodia's Proclamation No. 6 (September 27, 1999): an Order by RGC entitled "Measures to Crack Down on Anarchic Land Grabbing and Encroachment" prohibits private ownership on state lands. In particular, it required a cessation to encroachment on public and private properties as well as State lands, including public gardens, reserved lands for roads and rail sites. This order directs the municipal provincial authority, and the Royal Cambodian Armed Forces, National Police and Military Policy, and all relevant ministries and institutions, to participate in solving problem of anarchic land grabbing and encroachments.

4.2 Resettlement Policy in Cambodia

44. As far as Land Acquisition is concerned, there had been no laws of land acquisition in Cambodia before the late 1980s. A 1992 land law only states that when land is taken for the public interest then the land-holders shall receive "just and proper compensation". The 1993 Constitution had a similar provision. The renewed land law was adopted in 2001, which allows ownership of land on condition of unrestricted occupancy for five years or more.

45. There is, however, no formally established national policy for resettlement in Cambodia, and the Royal Government of Cambodia representing by the Inter-Ministerial Resettlement Committee (IRC) chaired by the Ministry of Economy and Finance (MEF) is preparing to draft several sub-decrees specifically supporting the implementation of Law on Expropriation covering (i) Overall Process of Expropriation; (ii) Organization and Functioning of an Expropriation Committee and Subcommittee; as well as (iii) Organization and Functioning of a Complaint Resolution/Grievance Redress Committee. A draft sub-decree informal settler will be drafted by IRC with technical assistance⁸ of ADB. A consultative report setting out the proposed Policy on Involuntary Resettlement has the following main provisions being reviewed:

- displacement will be reduced or avoided as much as possible by sensitive design of the civil engineering works
- the area to be cleared will be limited to the width required for the construction itself and for construction to proceed
- land replacement for land is the preferred option and any replacement will be based on present market value plus a margin for loss of future earnings
- compensation for affected persons will not be reduced to reflect depreciation
- affected persons and host communities shall be encouraged to participate in the design and implementation of resettlement plans

4.3 Project Entitlements

46. The Entitlement Matrix (**Table 4.1**, below) summarizes for different types of impacts, which AHs are eligible and their entitlements for compensation; and, provides guidance on implementation issues. It is also possible to be classified all identified AHs and to allocate the appropriate compensation packages to rebuild their structures or replant trees and crops.

Table 4.1: Entitlement Matrix

Type of Loss	Entitled Persons	Compensation and rehabilitation measures	Implementation Issues
I. LOSS OF LAND			
		- Compensation as leasing	- The replacement

⁸ The TA is anticipated to be implemented in 2012.

Type of Loss	Entitled Persons	Compensation and rehabilitation measures	Implementation Issues
A. Temporarily Affected Agricultural, Residential or Commercial Land	Legal owners or occupants affected temporarily during the construction process	fee based on replacement cost and returned to original owner/occupant. - Compensation at replacement cost for loss of immovable properties on the land.	cost will be studied by an independent agency. - If temporary affected land out of ROW caused by a contractor, the contractor will be responsible for compensation to the property owners.
B. Loss of residential/ agricultural land in Road ROW	AHs using residential/agricultural land in PRW regulated by Municipality of Phnom Penh (from St. 0+400 to Niroth Pagoda Fence)	- Compensation at replacement cost for the area located at both side of the road between 15m and 20m from the centreline.	The replacement cost will be studied by an independent agency.
C. Landless AHs	Landless AHs or their remaining residential land smaller than 30m ² .	They are entitled to get a land plot in the resettlement site of 4.5 x15 = 67.5m ² per landless AH.	- The land plot will be provided for free to all landless AHs and land title will be granted to them without cost in 5 consecutive years of their living on the land. - If their income is affected by moving to live in the relocation, they will be entitled to an Income Restoration Program provided by the government.
D. Permanently Affected Agricultural and commercial land (outside ROW)	Legal owners or occupants identified during the census (DMS)	Cash compensation at replacement cost will be provided.	
II. LOSS OF STRUCTURES& OTHER STRUCTURES			
Affected Structures, Private/Commercial Structures	Owners identified during the DMS	Compensation in cash, kind or a combination of the two for affected houses and structures at replacement cost without deduction for depreciation or salvageable materials	- Compensation will be provided at replacement cost based on the types of structures before cutting, move back, etc. -AHs must cut, move back or relocate their houses/structures to new site in 30 days after receiving compensation. - Mobile kiosk owners

Type of Loss	Entitled Persons	Compensation and rehabilitation measures	Implementation Issues
			will not receive any compensation for the removal of their temporary structures.
III. LOSS OF CROPS AND TREES			
Annual Crops Perennial Crops and Trees	Owner or person with customary usage rights	Annual Crops – AHs will be given two (2) months notice that the land on which their crops are planted will be used by the Project and that they must harvest their crops in time. If crops cannot be harvested, cash compensation is provided at replacement cost. Perennial Crops and Trees – AHs will be compensated for the loss of fruit trees at replacement cost.	AHs must clear their crops/trees within 30 days after receiving compensation.
IV. LOSS OF COMMON PROPERTY RESOURCES			
Common Property Resources	Affected communities or concerned government agencies	a) Restoration of affected community properties to at least previous condition; OR b) Replacement in areas identified in consultation with affected communities and relevant authorities;	
V. ALLOWANCES			
A. Resettlement Allowance	For AHs that are required to move back or relocate to other areas	Assistance will be in cash or in kind to transport household effects, new and salvageable materials to new sites. Cash payment of \$44.8/HH for transporting their houses/structures to a new site.	If their remaining land outside PRW, but inside the ROW is larger than 30m ² they are allowed to stay at the original place for their business purpose only. However, the land in the ROW is still public state land.
B. Vulnerable Allowance	Vulnerable households	Cash assistance of \$22.4 per vulnerable factor will be provided to vulnerable households.	
C. Disruption Allowance	For AHs that are required to move back or relocate to other areas	Cash assistance of \$44.8 per household to assist them relocate their houses/structures.	
D. Income loss allowance	Entitled landless allowance	The entitled landless will have two options:	This will be confirmed during the contract signing.

Type of Loss	Entitled Persons	Compensation and rehabilitation measures	Implementation Issues
		1- Participated in IRP, or 2- Cash assistance equivalent to net estimated IRP cost divided by the number of entitled landless AHs.	

47. For houses and structures rebuilt on land located in ROW, public safety areas, etc after compensation are considered as illegally occupants, and are subject to demolition by the RGC without compensation⁹. The Phnom Penh Capital City (PPCC) authorities including the Department of Public Works and Transport (DPWT) must make regular announcement in communities along the road regarding government ownership of the ROW and sanctions against violating the existing laws.

4.4 Eligibility

48. Among potential AHs, eligibility for entitlement for compensation is determined by the establishment of a cut-off date. The cut-off date is used to reduce the opportunistic occupation of land by people who are aware of the Project and want to take advantage of compensation packages.

49. For the resettlement implementation of NR1 stage 4, the cut-off date is **21 November 2011** which is the first day of the public consultation with AHs. All AHs living, working, doing business or cultivating land within the PRW and/or ROW on the cut-off date will be considered eligible for entitlements for compensation and/or other forms of assistance to assist them to restore or, preferably, to improve their livelihoods. People who move onto, occupy or use land in the PRW or ROW after the cut-off date **are not** entitled to compensation or any other form of resettlement assistance.

4.5 Verification of entitlements and Compensation

50. At the time of payment of compensation, identity of all AHs will have to be verified. The verification procedure will entail checking the recorded address and verifying assets recorded in the DMS and the recipient producing a valid identification card. The exact method of the calculation of compensation will be explained to AHs during verification.

51. Upon payment of compensation, AH or his/her representative is required to sign¹⁰ an "Acceptance of Payment" form which is also to be signed by the representative from IRC and the Department of Economy and Finance of PPCC. The form lists assets affected and rates of compensation and other assistance provided to AHs, including special provisions for AHs identified during the survey as members of vulnerable groups. The signed form is an evidence of confirmation from AHs that the amount of compensation has been calculated correctly.

4.6 Compensation Policy

52. The compensation policy for the Project's Stage 1, Stage 2 and Stage 3 had, previously, been applied compensation rates base on the official rates established in year 2000 plus an increase in price index of 12%. Since the level of those compensation rates seemed to have less rational basis, a new compensation policy of replacement cost has been applied for this project and other new development projects. Therefore, an Independence consultant was hired by IRC to conduct a replacement cost study (RCS) of all

⁹Article 19 of the land Law 2001.

¹⁰For local people, the Acceptance Payment form is always provided by the AHs' thumb print.

affected properties along the road specifically the affected areas and the new compensation rates were established in 2007 of which the rates were accordingly paid to AHs in stage 1 to stage 3.

53. However, in conformity with JICA guidelines for Environmental and Social Considerations the replacement cost rates established in 2007 was updated or re-studied in 2012 and further updated in July 2013 accordance with the agreed Terms of Reference (TOR) between IRC and JICA Cambodia Office to derive resettlement cost for this RAP from the entitlement matrix of this RAP..

4.7 Results of the Updated Replacement Cost in July 2013

54. The RCS conducted in December 2011 and January 2012 by an Independent Local Consulting Firm, REDECAM to reflect the market value for affected properties. This RCS was updated in July 2013.

4.7.1 Team Organization

55. The replacement costs was carried out based on information collected from both (1) desk research and (2) direct interviews with construction material shops to collect new construction material price.

56. Desk research has focused on relevant publications, materials of Government authorities from central and local levels. However, these materials will play the supporting role only. Direct interview with construction material shops was implemented with reliable persons living along the National Road No.1.

57. The team has been divided their responsibilities as in the table 3.3 below. Team Leader, who is responded for Technical director for the study team, control the structures, trees and land price. For interviewing the cost of construction materials, fruit trees and seedling price, it was conducted by Team Leader Assistant. The architect responded for calculation of the concrete building.

Table 4.2: Structure of the studied team

No.	Position	Duties for the study
1	Team Leader Mr. Nhean Bona	Technical director for the study team, control the structure fruit tree, and land price.
2	Assistant Mr. Cheng Saran	To interview a material construction cost, fruit tree and seedling price.
3	Architect Mr. Ea Sophy	To calculate the concrete building.

58. In the two sub-groups, there were also included local authorities. They played their roles as observers, sometimes helped the team to make cross check with surveyed results and also involved in value assessments process. The local authorities were selected by village chiefs and were often replaced by others due to their busyness. The village chiefs were appointed by their commune chairman. Their names are set out in table 4.3 below:

Table 4.3: Name list of local authorities who were participated in study team

No.	Name	Position	Organization
1	Sar Narat	Vice bureau chief	Khan Mean Chey
2	Eng Phally	Bureau chief of planning	Khan Mean Chey
3	Sok Sam Eurn	Secretary of commune chief	Sangkat Chbar Ampov 1

No.	Name	Position	Organization
4	Bo Pha	Officer of Tax Department	Khan Mean Chey

4.7.2 Methodology

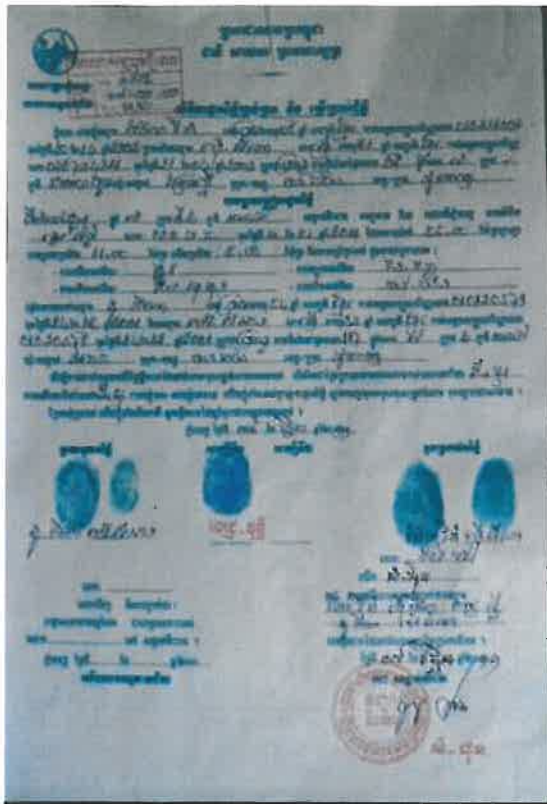
59. Valuation of a property in the property market price is said to be the estimate of the trading price of a property. Four conventional methods were used in establishing the replacement cost in 2012 are also used for the updated RCS in 2013. Those are:

- i. **Sale/Market comparison method:** This method is based on data provided from recent sales of properties highly comparable to the subject property in the vicinity. The method is very important to use for cost calculation of structure, land, crops and trees.
- ii. **Contingent valuation method:** Survey based on Willingness to Accept (WTA) and/or Willingness to Pay (WTP). The method is used for land price estimating when there is no land transaction (buying-selling) at the project.
- iii. **Income approach:** Sum of stream of incomes and sales proceeds. The principle here is that the value of a property is related to its ability to produce cash flow. The technique relies heavily on current market transactions involving the sale of comparable properties. The method is used for estimating the crop and tree prices, in particular to calculate the compensation rates for temporary impact of agricultural land.
- iv. **Replace cost approach:** The method is important to use for structure cost calculation. Value of structure based on the current cost for building the concerned structure and labor cost. For this study, the value of structure and labor cost are derived from current cost based on market price without depreciation.

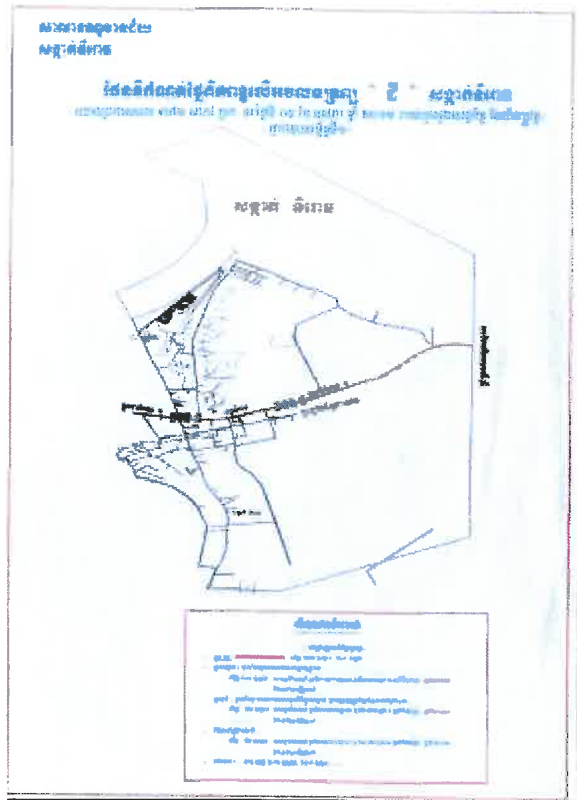
60. The following summarizes the methodology for data collection and sample size during the RCS in 2012, including 1) structures, 2) land and 3) trees (there is no crops will be affected by the project).

61. 1) The methodology employed for costing structures were composed of quantity surveying and detailed measurement of the component parts of each structure. Labor costs also assessed at market prices for the structure as a whole based on the information provided by local building contractors on regional basis.

62. 2) The way to obtain data on market rates is to gather data on recent land sales. The RCS team prepared a questionnaire and makes a best effort to collect data of recent sales, from direct interviews with land owners at/around the Project area who are both APs and non-APs, however, there is no land selling or buying transaction during the year 2010-2011, in the project area St: 0+300 – 1+000. The study team also checked the selling-buying documents which were kept at commune center, but there is no prices were recorded (see picture below (figure4.1)). The documents are presented only the land use right transfer. Therefore, the study team has to use Contingent Valuation method. The survey method is based on Willingness to Accept (WTA) and/or Willingness to Pay (WTP). Refer to interviewed results with AHs and Local Authorities, all of them recommended that the land price should be follow to the price which is declared by Taxation Department in Khan Mean Chey. The price is 500.00 \$/m² (see picture below).



Land selling-buying letter



Land map price of taxation department

Figure 4.1 A land selling-buying letter and a land map price of taxation department

63. 3) The RCS team also prepared a questionnaire for (i) primary data collection through interviews on the price at which owners/cultivators of crops and trees by using income approach for each type of crop and tree. Actually, there is no affected crop by the project. In addition, the study made (ii) reference to secondary sources from economic information and statistic department of ministry of commerce. The secondary data is playing the role as supporting documents only. The replacement cost rates were taken only from primary data.

64. The number of samples for the study is specific for asset as following

- **House/structure:** interviewing with 42 house/structure owners and 15 retailing construction material shops.
- **Land:** interviewing with 20 land owners and 6 local authorities.
- **Tree:** interviewing with 24 tree owners, including 4 seedling suppliers and 6 market owners.

Table 4.4: Matrix for sample taking from each Sangkat/Commune

Sangkat/ Commune	Material Shop	Structure	Land	Tree
Veal Sbov	7	8 AP = 6 NAP=2	0	8 - AP = 4 - NAP = 4 - Market vender= 0

Sangkat/ Commune	Material Shop	Structure		Land		Tree	
Niroth	1	20	AP = 16 NAP = 4	8	AP = 3 NAP=3 LA = 2	12	- AP = 6 - NAP= 6 - Market vender= 0
Chbar Ampov 2	5	7	AP = 5 NAP = 2	9	AP = 4 NAP=3 LA = 2	5	- AP = 0 - NAP= 2 - Market vender= 3
Chbar Ampov 1	2	7	AP = 5 NAP = 2	9	AP = 4 NAP=3 LA = 2	5	- AP = 0 - NAP= 2 - Market vender= 3
Total	15	42	AP = 32 NAP=10	26	AP = 11 NAP=9 LA = 6	30	AP = 10 NAP= 14 Market vender= 6

Note: There is no any seedling supplier in the project area during the study, therefore the study team interviewed with **4 seedling suppliers** in Praek Aeng commune along the NR#1 about 1.5 km from project site.

4.7.3 Results of the Updated RCS in July 2013

65. Based on the above methodologies, the updated unit price of the affected properties in late 2011 and 2013 is classified into three main categories as follows:

A. HOUSE/STRUCTURE

66. The houses/structures affected by the project have been categorized into two main groups –house/dwelling and other structures.

A.1 House/Structure category and price

67. The RCS updating results for structures in 2013 is presented in table 4.5 below. The establishment of compensation for the affected structures is based on the current market prices for both material construction and labor.

Table 4.5: House/Structure categories and prices in 2013

Roof	Wall	Floor	Column	Storey	Type	Material cost, USD/m ²	Labor cost, USD/m ²	Structure cost, USD/m ²
Zn/Fibro	Thatch/Thaeb	Bamboo	Bamboo/Pole	single	2A	33.00	7.00	40.00
	Thatch/Thaeb	Wood	Timber/Iron	single	2B	40.50	8.50	49.00
	Zinc/Fibro	Wood/Tile/Mortar	Timber/Iron/Concrete	single	2C	50.00	10.00	60.00
	Wood	Wood/Tile/Mortar	Timber/Concrete	single	2D	63.00	13.00	76.00
	Brick	Wood/Tile/Mortar	Timber/Concrete	single	2E	62.00	19.00	81.00

Roof	Wall	Floor	Column	Storey	Type	Material cost, USD/m ²	Labor cost, USD/m ²	Structure cost, USD/m ²
	Zn/Fibro/Brick	Wood/Tile/Mortar	Timber/Iron/Concrete	Ground & First	2F	82.00	23.50	105.50
	Wood/Brick	Wood/Tile/Mortar	Timber/Concrete	Ground & First	2G	100.00	27.00	127.00
Tile Roof	Wood	Wood/Tile/Mortar	Timber/Concrete	single	3A	81.50	18.00	99.50
	Brick	Tile/Mortar	Concrete	single	3B	83.50	25.00	108.50
	Wood/Brick	Wood/Tile/Mortar	Timber/Concrete	Ground & First	3C	110.50	29.00	139.50
Concrete	Brick	Tile	Concrete	Cave	4A	133.50		
				Mezzanine	4B	57.50		
				E ₀	4C	239.50		
				E ₁	4D	179.00		
				E ₂	4E	179.00		

A.2. Other structures

68. Other structures such as well, fence, gateway and cultural asset such as stupa (Chedey), these structures have been included in the updated RCS. However, the costs of the other structures are not from sampling survey, because some of them are difficult to use comparison method such as grave or Prank (stupa), therefore most of the other structures cost are estimated/calculated by carpenter and bricklayer. The updating compensation rate for other structures in 2013 is presented in Table 4.6 and 4.7 below. The establishment of compensation for the other structures is based on the current market prices for both material construction and labor.

Table 4.6: Shelter prices in 2013

Roof	Wall	Floor	Column	Storey	Type	Material cost, USD/m ²	Labor cost, USD/m ²	Structure cost, USD/m ²
Zn/Fibro	None	None (Soil)	Wood/Iron	Single	SH1	15.50	3.50	19.00
	None	Wood/Mortar	Wood/Iron	Single	SH2	21.00	4.50	25.50
	Thatch	None (Soil)	Wood/Iron	Single	SH3	24.00	5.00	29.00
		Wood/Mortar	Wood/Iron	Single	SH4	34.50	7.50	42.00
	Zn/Fibro	None (Soil)	Wood/Iron	Single	SH5	30.00	6.00	36.00
		Wood/Mortar	Wood/Iron	Single	SH6	41.50	8.50	50.00

Table 4.7: Other structure prices in 2013

No.	TYPE OF ASSETS	UNIT	Unit Cost, USD
1	Concrete well (deep about 6m)	1set	170.0
2	Pumped well (normal)	set	200.0
3	Pumping well (Afridev)	set	370.0

No.	TYPE OF ASSETS	UNIT	Unit Cost, USD
4	Cement Mortar/Karola/Brick floor	m ²	9.5
5	Reinforced concrete Mortar	m ²	17.00
6	Concrete Culvert (Ø 0.50m x 1m)	m	18.0
7	Concrete Culvert (Ø 0.60m x 1m)	m	20.0
8	Concrete Culvert (Ø 0.8m x 1m)	m	25.0
9	Concrete Culvert (Ø 1.0m x 1m)	m	29.5
10	Awning (1): Thatch roof	m ²	6.0
11	Awning (2): Zinc roof	m ²	14.5
12	Awning (3): Concrete roof	m ²	42.0
13	Separated toilet with brick wall (S<3m ²)	set	250.0
14	Separated toilet with wooden wall (S<3m ²)	set	160.0
15	Wooden Bridge	m ²	37.5
16	Concrete Bridge	m ²	65.0
17	Basin (brick wall with 200mm)	m ³	60.0
18	Car washing place (length: 5-6m)	set	155.0
19	Pull out and set up a pole, including transformer moving	set	1,000.0
20	Pull out and set up a pole, including electric line moving	pole	250.0
	PETROL STATION		
21	Gasoline Station Logo/Totem (small)	set	850.0
22	Gasoline Station Logo/Totem (medium)	set	1,280.0
23	Gasoline Station Logo/Totem (big)	set	2,150.0
24	Gasoline Station Roof (normal quality)	m ²	60.00
25	Gasoline Station Roof (good quality)	m ²	95.00
26	Pole/Column (Depot Tela)	set	60.00
27	Pole/Column (Sokimex)	set	140.00
28	Petrol Measure	set	600.00
29	Fuel tank (V: 1,000 liters), including installation cost	set	1,400.0
30	Fuel tank (V: 10,000 liters), including installation cost	set	3,350.0
31	Fuel tank (V: 20,000 liters), including installation cost	set	4,700.0
	FENCE		
32	Normal Brick Fence (200mm)	lm	75.0
33	Normal Brick Fence (100mm)	lm	53.0
34	Zinc Fence	lm	21.0
35	Concrete post with net/barbed wire	lm	6.5
	GRAVE/STUPA/CHEDEY		
36	Chedey/Stupa (3.8m x 2.5m x 2.5m)	set	1,200.0
37	Chedey/Stupa (7.0m x 4.0m x 4.0m)	set	3,000.0
38	Chedey/Stupa (9.2m x 5.0m x 6.0m)	set	7,400.0
39	Prank with grave (8.5m x 4.0m x 5.0m)	set	8,200.0
40	Small concrete prank	set	230.0
41	Concrete grave	set	2,500.0

No.	TYPE OF ASSETS	UNIT	Unit Cost, USD
42	Earth grave	set	1,100.0
43	Concrete angel stand (for praying)	set	40.0
44	Wooden angel stand (for praying)	set	23.0
	<u>STAIRE</u>		
45	Wooden stair, type 1	set	80.0
46	Mix concrete & wooden stair, type 2	set	200.0
47	Concrete stair, type 3	set	300.0
48	Luxury concrete stair, type 4	set	550.0
	<u>GATEWAY</u>		
49	Pagoda gate (3.8m x 7.8m)	set	6,300.0
50	Pagoda gate (3.8m x 7.8m)	set	12,500.0
51	School gate (Normal)	set	1,400.0
52	School gate (Good)	set	5,250.0

B. Land

69. The Project will acquire some private residential lands (outside ROW) along the NR#1 for road widening in Sangkat/commune Niroth, Chbar Ampov 2 and Chbar Ampov 1. The residential land is the land located in village and along the NR#1 where people are living including vegetable garden too. The market price of land is based on the rate of land for ex-transaction in the project area and current price expectation by using the WTP/WTA method (please read section 4.7.2 for more detailed explanation). The land price was strictly checked with Taxation Department who have worked for tax declaration and collection on immovable properties. The land tax base in August 2013 is still **500.00 \$/m²**.

Table 4.8: Residential land price in year 2011

Sangkat/Commune	Location	Station	Prices	Unit	Remarks
Khan Mean Chey, Phnom Penh Capital City					
Niroth, Chbar Ampov 1, ChbarAmpov 2	Along NR#1	0+300 - 1+000	500.00	USD/m²	Residential land

C. Trees

70. The project needs to cut or move some trees in the project area. The impact also needs to be compensated at the market price. In order to simplify the study, perennial trees that growth in a period more than 5 years have been classified in three types as follow:

- ◆ Sapling tree (1 to 3 years), as it can re-planted – 1/3 of full price,
- ◆ Young tree (3 to 5 years), bearing some fruit - 2/3 of full price,
- ◆ Mature tree (more than 5 years), fully bearing fruit: compensate full price.

71. According to the survey, there are some trees that have growth period less than 5 years. The trees also get full compensation cost if they are mature tree. Otherwise they will be compensated at sapling or young tree cost as they are.

72. The survey results also showed that almost costs of seedlings are less than 0.5 USD/unit or no cost, but IRC are willing to pay for AP at 0.5 USD/unit, except mango and areca palm seedling is 1.0 USD/unit. Since (1)-the cost of seedlings and fruits in 2013 is very little changed or some extent are the same with survey in late 2011 and (2)-the affected fruit trees along the NR-1 are not commercially grown as they are sporadically planted inside the ROW, the price list of the affected trees and fruits of the RCS report in January 2012 can be applied for compensation rates in August 2013. The full compensation rates are calculated in Table 4.9 below:

Table 4.9: Fruit Tree prices in late 2011 and 2013

Item	Description	Unit	Qty	Yield per year				Cost of Seedling USD/Unit	Year for Compensation	Unit Cost USD	Total Price USD 2011-13
				Unit	Qty	USD / Unit	Total USD				
1	Mango/get income	tree	1	Lump Sum			12.0	1.0	5	12.0	61.0
2	Mango/no income	tree	1	Market Price							21.0
3	Coconut/get income	tree	1	fruit	40	0.20	8.0	0.5	5	8.0	40.5
4	Coconut/no income	tree	1	Market price							5.5
5	Tamarind	tree	1	Lump Sum			6.0	0.5	6	6.0	36.5
6	Jackfruit	tree	1	fruit	8	1.50	12.0	0.5	4	12.0	48.5
7	Lemon	tree	1	fruit	100	0.04	4.0	0.5	2	4.0	8.5
8	Custard-apple	tree	1	fruit	30	0.15	4.5	0.5	2	4.5	9.5
9	Sour sop	tree	1	fruit	8	0.50	4.0	0.5	3	4.0	12.5
10	Deum Mean (longan)	tree	1	Kg	12	1.50	18.0	0.5	4	18.0	72.5
11	Guava	tree	1	Kg	10	0.25	2.5	0.5	3	2.5	8.0
12	Sapodilla	tree	1	Kg	20	0.30	6.0	0.5	3	6.0	18.5
13	Banana (only mature)	tree	1	bunch	6	0.25	1.5	0.5	1	1.5	2.0
14	Rose apple/Chumpou	tree	1	Kg	20	0.25	5.0	0.5	3	5.0	15.5
15	Papaya	tree	1	fruit	20	0.30	6.0	0.5	1	6.0	6.5
16	Eucalyptus / Acacias	tree	1	Market Price							10.0
17	Jujube	tree	1	Kg	6	0.50	3.0	0.5	3	3.0	9.5
18	Milk fruit/Teuk Doh	tree	1	Kg	20	0.50	10.0	0.5	5	10.0	50.5
19	Areca palm	tree	1	dozen	60	0.10	6.0	1.0	3	6.0	19.0
20	Pomegranate	tree	1	Kg	8	0.50	4.0	0.5	2	4.0	8.5
21	Kamping Reach	tree	1	fruit	300	0.02	6.0	0.5	4	6.0	24.5
22	Phyllanthus/Kantuo	tree	1	Kg	20	0.15	3.0	0.5	3	3.0	9.5
23	Other tree 1 st quality	tree	1	Lump Sum							25.5

Item	Description	Unit	Qty	Yield per year				Cost of Seedling USD/Unit	Year for Compensation	Unit Cost USD	Total Price USD 2011-13
				Unit	Qty	USD / Unit	Total USD				
	Other tree 2 nd quality	tree	1	Lump Sum							5.5

CHAPTER 5: COMMUNITY PARTICIPATION AND GRIEVANCE RESOLUTION

5.1 Objective

73. The overall objective of the compensation and entitlement policy for the project is to ensure that all people affected by the Project are able to maintain or, preferably, improve their pre-project living standards and income-earning capacity through compensation for the loss of physical and non-physical assets and, as required, other assistances.

5.2 Public information and consultation

74. There was an intensive public consultation with AHs in Stage 4 section conducted on 22 November 2011 led by IRC with participation from chief of Phnom Penh Capital City Resettlement Subcommittee (PPCCRS). The consultations mainly covered compensation policy, AHs entitlements, PRW dimension, relocation and resettlement site development, and grievance procedure.

5.3 Disclosure

75. During the consultation, public information booklet (PIB) in Khmer language was distributed to all attended AHs for them to review in case that they cannot catch all the important points of the consultation. In addition to that, at the DMS, the PIB was also handed out to each AH who did not attend the consultation.. For more detailed information, a summary RAP will be made available in Khmer and English languages at commune offices or the local Project office after it is reviewed and approved by the Government.

5.4 Grievance redress process

76. Clear explanation of the structure of Grievance System, contacted person with mobile phone number and process of complain were written in the last two pages of the PIB. Moreover, during the DMS IRC staff has explained the grievance redress process carefully to ensure that AHs understand it clearly.

77. Grievances of AHs in connection with the implementation of the RAP will be handled through negotiation with the aim of achieving consensus. Complaints will pass through three stages before they may be elevated to a court procedure as a last resort. The IRC does not involve in the judgment of the complaints, the eligible AHs will be accepted under mutual satisfaction at each stage. In the process of resettlement and land acquisition, affected persons raise disputes relating to ownership of the property and compensation. In order to resolve any problem or constraints for smooth operation of resettlement, Grievance Redress Committee should be a legal platform within the project for the affected people to suit their complaints and have solutions.

78. The grievance redress process includes four stages as below:

- I. **First Stage.** Affected Household (AH) will submit a letter of complaints/requests to the Village or Commune Resettlement Sub-committee or IRC working group and, if he or she wishes, to the nominated NGO working on the GRC. The NGO will record the complaint/request in writing and accompany the AH to the Village or Commune Resettlement Sub-Committee. The Sub-Committee will be obliged to provide immediate written confirmation of receiving the complaint. If after 15 days the aggrieved AH does not hear from Village or Commune Resettlement Sub-Committee, or if the AH is not satisfied with the decision taken by in the first stage, the complaint may be brought to the District Office.
- II. **Second Stage.** The District office has 15 days within which to resolve the complaint to the satisfaction of all concerned. If the complaints cannot be solved in this stage, the district office will bring the case to the Provincial Grievance Redress Committee.

- III. **Third Stage.** The Provincial Grievance Redress Committee meets with the aggrieved party and tries to resolve the complaint. The Committee may ask for a review of the DMS by the EMO. Within 30 days of the submission of the grievance the Committee must make a written decision and submit a copy of it to the MPWT, the EMO, the IRC and the AH.
- IV. **Final stage, the Court Procedures.** If the aggrieved AH is not satisfied with the solution made by the Provincial Grievance Redress Committee based on the agreed policy in the RP, the committee shall file administrative procedures against the AHs with the participation of provincial prosecutors. The case will be brought to the Provincial Court and will be litigated under the rules of the court. During the litigation of the case, Royal Government of Cambodia will be requested from the court that the project proceed without disruption while the case is being heard. If any party is unsatisfied with the ruling of the provincial court, that party can bring the case to a higher court. The Royal Government of Cambodia shall implement the decision of the court.

5.5 Structure of Grievance Redress Committee

79. Each level of local authority will have a Grievance Redress Committee. The Provincial Grievance Redress Committee will be chaired by the Provincial Governor or his deputy and have as members the Provincial DPWT, the Provincial DEF. The District Grievance Redress Committee will be chaired by district governor and local leaders (such as commune chief, village chief and village elder) familiar with the area and the circumstances of the complaints.

CHAPTER 6: INSTITUTIONAL FRAMEWORK

6.1 Project Implementation Organisation

6.1.1 Inter-Ministerial Resettlement Committee

80. The Inter-Ministerial Resettlement Committee (IRC) was established in 1999 by the Government led by the Ministry of Economy and Finance (MEF). At the national level, an Inter-Ministerial Resettlement Committee (IRC) has been convened to deal with all resettlement issues arising from all projects requiring land acquisition and resettlement. The IRC is composed of representatives from line Ministries such as the Ministry of Public Works and Transport, Ministry of Environment and Ministry of Land Management.

6.1.2 Resettlement Department (RD) of the MEF

81. The RD, former a Resettlement Unit (RU), a standing body in charge of resettlement, is secretariat of IRC. It will work in cooperation with the Project Management Unit (PMU) of the MPWT to ensure the effective implementation of the project. RD, for this project, will take a lead in:

- a) Conducting Detailed Measurement Survey
- c) Undertaking overall planning and management of resettlement
- d) Ensuring that all eligible AHs have been identified and are aware of their entitlements.
- e) Ensuring that staff at all levels understand the project and train resettlement staff at Provincial, District and Commune level in the planning and implementation of the resettlement activities.
- f) Being responsible for supervising the disbursement of compensation to AHs.
- g) Creating and update a database of resettlement related information on a regular basis.
- h) Ensuring that an effective monitoring system is developed and that local staff is able to access the relevant data.

6.1.3 Project Management Unit

82. PMU was established within the MPWT to implement the project. The areas of activity for the PMU during the project's implementation include:

- ✓ Construction Supervision
- ✓ Contract Administration and Management
- ✓ Quality Control Procedures
- ✓ Detailed Design
- ✓ Financial Management
- ✓ Training and Human Resource Development

6.1.4 Phnom Penh Capital City Resettlement Subcommittee (PPCCRS)

83. At sub-national level, PPCCRS and its working group have been established to work closely with IRC and IRC working group. The PPCCRS is headed by a Deputy Phnom Penh City Governor and included Directors from Phnom Penh Capital City's Department of Economy and Finance (PDEF) of PPCC, Department of Public Works and Transport (permanent), Department of Land Management Urban Planning and Construction, etc.; and, the Meanchey District (Khan) Governor. PPCCRS, in close coordination with IRC, will be responsible for all aspects of resettlement management within the each level of PPCC.

CHAPTER 7: RESETTLEMENT COSTS

84. The present resettlement budget for the Project is an estimate costs of compensation for land acquisition and resettlement based on AHs' entitlements. The total resettlement costs will be financed by the government counterpart fund.

7.1 Summary of Resettlement Costs

85. Table 7.1 summarizes the estimated costs for the project based on the replacement cost study and the DMS for Stage 4. The total cost for this stage is estimated at **US\$9,394,700.97**, which includes cash compensation for land of 5m regulated by PPCC and non-land assets, allowances, resettlement site improvement, administration and contingency of 3% or equivalent to **US\$265,038.71**. The Government will ensure timely provision of counterpart funds for resettlement costs and will meet any unforeseen obligations in excess of the resettlement budget in order to satisfy resettlement objectives.

Table 7.1: Summary of Resettlement Costs for Stage 4

No	Description	Count No. of cases	Unit Rate (USD)	Total		
				Quantity	Unit	Cost (US\$)
I	Main Structures					\$2,822,766.75
1	Structure 2A	1	\$40.00	21.94	sq.m	\$877.60
2	Structure 2B	3	\$49.00	98.58	sq.m	\$4,830.42
3	Structure 2C	33	\$60.00	1,065.55	sq.m	\$63,933.00
4	Structure 2D	241	\$76.00	10,645.08	sq.m	\$809,026.08
5	Structure 2E	66	\$81.00	3,057.16	sq.m	\$247,629.96
6	Structure 2F	7	\$105.50	351.66	sq.m	\$37,100.13
7	Structure 2G	34	\$127.00	1,455.07	sq.m	\$184,793.89
8	Structure 3A	43	\$99.50	2,312.34	sq.m	\$230,077.83
9	Structure 3B	3	\$108.50	98.24	sq.m	\$10,659.04
10	Structure 3C	10	\$139.50	655.76	sq.m	\$91,478.52
11	Structure 4A	17	\$133.50	596.85	sq.m	\$79,679.48
12	Structure 4B	8	\$57.50	169.72	sq.m	\$9,758.90
13	Structure 4C	55	\$239.50	2,794.25	sq.m	\$669,222.88
14	Structure 4D	23	\$179.00	1,493.07	sq.m	\$267,259.53
15	Structure 4E	12	\$179.00	650.50	sq.m	\$116,439.50
II	Shelters					\$174,065.05
1	Structure SH1	6	\$19.00	187.43	sq.m	\$3,561.17
2	Structure SH2	54	\$25.50	1,290.69	sq.m	\$32,912.60
3	Structure SH3	2	\$29.00	57.54	sq.m	\$1,668.66
4	Structure SH4	10	\$42.00	302.06	sq.m	\$12,686.52
5	Structure SH5	11	\$36.00	289.35	sq.m	\$10,416.60
6	Structure SH6	56	\$50.00	2,256.39	sq.m	\$112,819.50
III	Awnings					\$20,042.84
1	Structure AW1	44	\$6.00	1,063.03	sq.m	\$6,378.18
2	Structure AW2	38	\$14.50	942.39	sq.m	\$13,664.66
IV	Other Structures					\$760,833.43

1	Wooden Bridge	69	\$37.50	989.53	sq.m	\$37,107.38
2	Concrete Bridge	42	\$65.00	1,034.96	sq.m	\$67,272.40
3	Motar Slab (without Tile)	151	\$9.50	6,174.74	sq.m	\$58,660.03
4	Karola Slab	74	\$9.50	5,177.66	sq.m	\$49,187.77
5	Reinforced Concrete Slab	18	\$17.00	3,809.78	sq.m	\$64,766.26
6	Gas Station Roof	5	\$95.00	660.74	sq.m	\$62,770.30
7	Concrete Fence, thickness 20cm	148	\$75.00	2,765.45	m	\$207,408.75
8	Concrete Fence, thickness 10cm	63	\$53.00	966.30	m	\$51,213.90
9	Wooden, Wire Fence	59	\$21.00	1,590.30	m	\$33,396.30
10	Digging Well	7	\$200.00	7.00	unit	\$1,400.00
11	Pumping Well	3	\$370.00	3.00	unit	\$1,110.00
12	Cemetery	1	\$8,200.00	1.00	unit	\$8,200.00
13	Pagoda Gate	3	\$12,500.00	3.00	unit	\$37,500.00
14	School Gate	2	\$5,250.00	2.00	unit	\$10,500.00
15	Miscellaneous	72	-	-	-	\$70,340.34
V	Fruit Trees / Plants					\$28,603.50
1	Fruit Trees / Plants	193	-	691.00	tree	\$28,603.50
VI	Land (5m each sides from Preah Monivong Bridge till the end of Nirod Pagoda)					\$4,984,120.00
1	Private Land	231	\$500.00	9,968.24	sq.m	\$4,984,120.00
VII	Relocation Site Repair					\$20,000.00
1	Relocation Site Repair	1	L.S	1.00	site	\$20,000.00
VIII	Allowances					\$24,192.00
1	Disruption Allowance	278	44.8	278.00	HHs	\$12,454.40
2	Resettlement Allowance	225	44.8	225.00	HHs	\$10,080.00
3	Widow Head of Household	48	22.4	48.00	HHs	\$1,075.20
4	Disable Head of Household	None	22.4	0.00	HHs	\$0.00
5	Old Aged Head of Household	26	22.4	26.00	HHs	\$582.40
6	Poor Head of Household	None	22.4	0.00	HHs	\$0.00
A	Sub-total (I to VIII)					\$8,834,623.56
B	Contingency 3% of A					\$265,038.71
C	Incremental Costs (3% of A)					\$265,038.71
D	External Monitoring Cost	Is				30,000.00
E	GRAND TOTAL (A + B + C +D)					\$9,394,700.97

* The details of the item are shown in Table 7.2 and Table 7.3 below.

Table 7.2: Miscellaneous

Description	Count	Unit Rate	Quantit		Amount
	HHs		y	unit	
Concrete stair	14	\$550.00	14	unit	\$7,700.00
Concrete Balcony (AW3)	37	\$42.00	624.77	sq.m	\$26,240.34

Relocation of ATM Machine	1	\$500.00	1 unit	\$500.00
Relocation of Gas Pump	4	\$500.00	11 unit	\$5,500.00
Relocation of Underground Tank	1	\$4,200.00	2 unit	\$8,400.00
Relocation of Private Electricity Pole (with Transfo.)	4	\$800.00	5 unit	\$4,000.00
Relocation Advertisement Board	15	\$1,200.00	15 unit	\$18,000.00
Total	76			\$70,340.34

Table 7.3: Fruit Trees / Plants

Type of trees	Unit Rate	Quantity	Unit	Amount
Bamboo	\$25.00	8	thicket	\$200.00
Coconut	\$40.50	76	tree	\$3,078.00
Jackfruit	\$48.50	90	tree	\$4,365.00
Mango	\$61.00	152	tree	\$9,272.00
Parm	\$40.50	6	tree	\$243.00
Tamarine	\$36.50	16	tree	\$584.00
Longan	\$72.50	45	tree	\$3,262.50
Other	\$25.50	298	tree	\$7,599.00
Total		691		\$28,603.50

CHAPTER 8: RELOCATION STRATEGIES AND RESTORATION MEASURES

86. The DMS in stage 4 section (Previous DMS) showed that there will be 61AHs (about 11.3% of the total AHs) will move to a resettlement site located at Ta Ngov Village, Niroth Commune, Meanchey District, Phnom Penh Capital City. Their houses are built over, or immediately adjacent to, the edge of the road and will be totally affected. The Resettlement Plan is seeking to restore or improve the standards of living of this group through provision of (1)-alternative titled plots of land and compensation to enable the construction of permanent houses and (2)-income restoration program for those related AHs if their incomes are affected by the project.

8.1 Preferred Option by Landless AHs

87. AHs have expressed their preferred option for relocation during consultation in 2008. They expressed their desire to relocate near the road or at near public facilities such as public hospitals, schools, markets, worships, and with provision of basic infrastructures such as access road in the resettlement sites, toilets, water supply connection, etc. Another consultation with them on relocation schedule to the new resettlement site will be conducted again during this RAP implementation.

8.2 Relocation Strategy

88. All 61landless households who experience total loss of their houses were given the option of (1) compensation in cash for their structures, and trees at replacement cost and (2) provision of land plot with titled. Accordingly, the land title for their land plots will provided to them free of charge after 5 consecutive years of their living on the land.

CHAPTER 9: IMPLEMENTATION SCHEDULE

89. IRC in close coordination with MPWT will ensure that contractor will not be issued notice to commence for any part of a section of a road to begin construction work unless it has (a) satisfactorily completed in accordance with the approved RAP, compensation payment and relocation in the new site; (b) ensured that income restoration program is in place; and (c) area required for civil works is free of all encumbrances. **Table 9.1** shows the resettlement implementation schedule.

Table 9.1: Implementation Schedule

Activities	2012				2013				2014				2015			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Updated RCS							x									
DMS	x															
Drafting RAP for stage 4	x															
Updated RAP for stage 4							X									
RAP approval by IRC								x								
Cabinet Approval								x								
Resettlement Budget Request from Prime Minister								x								
Resettlement Budget Request from MEF								x								
Explanation to and Negotiation with AHs								x	x							
Signing contract with AHs									x							
Compensation to AHs										x						
Removing of AHs properties										x						
External Monitor	x	x							x	x	x					
Post Evaluation															x	
Income Restoration Program								x	x	x	x	x	x			
Grievance Committee Established							x	x								

CHAPTER 10: MONITORING AND EVALUATION

10.1 Monitoring the planning and implementation work of RAP

90. Monitoring of the implementation works will be carried out with the clear realisation that each of the AHs has to be fully resettled, giving them all their entitlements, so that they become at least as well off as before. IRC is responsible for ensuring the AHs livelihood condition to the pre-project condition through RAP implementing.

10.2 Internal monitoring and reporting

91. IRC and PMU in MPWT will be responsible for internal monitoring of the project. The IRC will ensure timely payment of compensation to the AHs and preparation of resettlement operation as scheduled.

10.3 Reporting progress

92. Regular monthly meeting between IRC and JICA Cambodia Office is necessary to report on various actions, their effectiveness, performance in achieving its objectives of monitoring on resettlement activities, proper resettlement, sketching constraints and probable solutions to the AHs. The meeting has also been reporting progress of and evaluating each resettlement activities which can instantly help the stakeholders with an insight of the matters relating to resettlement implementation.

10.4 External Monitoring and Evaluation

93. The External Monitoring Agency (EMA), recruited by the IRC, conducted the monitoring and evaluation of the impacts of resettlement during the DMS in late 2011 and early 2012 and will resume its work commencing from quarter 4 in 2013. The EMA is focusing on (1)-the social impacts of the Project and how AHs can restore, and preferably improve, their pre-project living standards, incomes and productive capacity and (2)-Grievance Redress Mechanism (GRM). The terms of reference (TOR) for the EMA was prepared by IRC and agreed by JICA-Cambodia Office. The Socio-economic survey of AHs status will establish base line project data at the start of the project and immediately after the facilities have been completed and handed over.

94. The EMA will prepare monitoring reports every quarter through the period of resettlement implementation such as DMS, signing contracts with AHs, compensation to AHs, relocation of AHs, and income restoration program. The EMA reports will include, as required, recommendations for changes and mitigation measures. The EMA will also prepare a post-resettlement evaluation report for AHs affected by the project in two years after completion of resettlement activities. The EMA reports will be sent to IRC and then IRC will forward the report to JICA for review and reference.