

**Report  
on Field Survey of People Affected by National Highway  
1 Improvement  
Project - Neak Leung to Bavet**

**By  
The Working Group on Development Banks of  
the NGO Forum on Cambodia in association with NICFEC**

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## I- Introduction

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The NGO Forum first raised concern about possible relocation problems in early November 1999, when they sent a message to a visiting Asian Development Bank (ADB) mission regarding a government edict requiring a 30 metre right-of-way on National Highway One. The email, dated 6 November, stated "there would be dire consequences if [the edict] was enforced", and suggested that the ADB should advise a narrower right-of-way and leniency in the edict's application.

While involuntary relocation is a potential problem throughout Cambodia, citizens living along National Highway One, which is being upgraded through a loan from the ADB, are theoretically protected by the ADB's strict policy requirements for involuntary resettlement.

In mid-December, 1999, non-governmental organizations were invited by the ADB Project Management Unit at the Ministry of Public Works and Transport to express interest in monitoring the implementation of a Resettlement Action Plan for the National Highway One Improvement Project.<sup>[1]</sup> The time available for replying to the invitation was only five working days. Months later, after receiving no reply from the Ministry, NGOs who regularly meet together in the NGO Forum's Working Group on Development Banks decided to conduct their own survey of the people affected by the highway project from Neak Leung to Bavet.

In February 2000, the survey began with an initial survey conducted by volunteers from the human rights group LICADHO. Thirty-four households in the two affected provinces, Prey Veng and Svay Rieng, were surveyed. On 10 April 2000, a second survey was conducted by NGOs from LICADHO, Legal Aid of Cambodia, CEPA, Sor Sor Troung and ADHOC together with a staff member of the UN Centre for Human Rights. 11 households were visited and a meeting was held with the Svay Rieng resettlement sub-committee for the project. On 28 April 2000, a third visit by the same group, and including also staff of the Oxfam Land Study Project, had a dialogue with the resettlement sub-committee in Prey Veng to get to know more about the policy implementation of the provincial authorities.

The survey attempted to examine the affects of relocation on the livelihood and assets of the people and to see how the project responded to any losses.

In February and March 2000, the NGO Forum made a number of enquiries to the Ministry's ADB Project Management Unit asking which organization had been officially selected to do the monitoring, but received no reply. The ADB Resident Representative told NGO Forum in a meeting on 8 May 2000 that he did not know the details of the project but would be very interested to follow up the relocation issue. On 5 June 2000, the ADB office informed the NGO Forum that the NGO NICFEC had been selected by the ministry to do the official monitoring and had begun their contract in early March. After receiving this news, the NGO Forum has been collaborating with NICFEC to share and compare information.

### 1.1 Background of the Project

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The project is the first to be developed under the Bank's Greater Mekong

Subregion (GMS) initiative. This project aims to assist Government in improving the highway linking Phnom Penh with Ho Chi Minh City. The road is 240 kilometers (km) long, of which 160 km is in Cambodia and 80 km is in Vietnam. The objective of the project is to encourage traffic and trade flows between Cambodia and Vietnam by improving the project road, and by Government efforts to reduce bureaucratic and procedural constraints to cross-border trade[2]. The project implementation commenced in January 2000 and is due to be completed by 30 June 2003. The project will improve the project road to the standard required for the projected traffic volume, both domestic and international, over the ten-year period from 2002 to 2012.

The estimated cost of the project is US\$ 195.5 million. The Cambodian component is estimated to cost US\$ 50.7 million. The Government of Cambodia contributed US\$ 10.7 million and the remaining \$ 40 million was borrowed from the Asian Development Bank (ADB) Special Fund Resources, with an amortization period of 40 years, including a grace period of 10 years, and a service charge of 1 percent per annum.

The cost of the compensation and resettlement plan was originally estimated at approximately US\$ 5 million, including about US \$ 4 million for land[3].

According to the technical assistance survey, it is estimated that the project would require the acquisition of approximately 210 hectares of land (including about 200 hectares with building structures), affecting 5,920 people living in 1,184 dwellings. The buildings affected comprise: 33 houses with woven or mat walls and thatched roofs on wooden stilts; 682 buildings with wooden walls and tile or tin roofs on cement stilts; 75 single storey houses; and 94 multiple-story concrete houses. Sixty-one percent of the structures are wholly residential, 37 percent are combined business and residential, and 21 percent are commercial premises[4].

## **1.2 Objectives of this Study**

**[BACK]**

- To find out the difficulties faced by people living along the road due to the road widening from Neak Loeung to Baveth.
- To understand the Government's policy regarding support to and compensation for the affected people.
- To find out whether the implementation of the Government's policy regarding support and compensation of the affected people is fair and sufficient and in line with ADB guidelines.

## **1.3 Scope and Limitation**

**[BACK]**

Some difficulties were met during this voluntary study because of time limitation and lack of information, especially lack of access to secondary data. For example, NGO Forum requested from the Project Management Unit a copy of the Social Survey of Affected People completed earlier, but were unable to obtain a copy. The Resettlement Action Plan was not made available either.

Information was collected mainly through interviews with local people and discussion with the provincial sub-committees. The sample of respondents was small. This study, which focuses on the impact of the road widening to the livelihood of the people living along the road, nevertheless collected some

important information which require further follow-up by the relevant authorities.

## II- Methodology for the Study

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### 2-1 Data Gathering

Primary data was gathered by interviewing affected people and by interviewing the provincial resettlement committees in Prey Veng and Svay Rieng provinces. The survey questionnaire is reproduced in Appendix 6. The chief secondary data used were:

- The report and recommendation of the President of ADB to the Board of Directors on proposed loans to the Royal Government of Cambodia and to the Socialist Republic of Vietnam for the Greater Mekong Subregion: Phnom Penh to Ho Chi Minh City Highway Project, November 1998.
- Asian Development Bank, Involuntary Resettlement policy document, August 1995.
- Ministry of Economy and Finance, Loan No. 1659-CAM (SF) Phnom Penh to Ho Chi Minh City Highway Project, Booklet for Resettlement Implementation Plan, 2000. (See Appendix 8).

### 2-2 Locations of Interviews

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Province	District	Commune	Village	N° of families
Prey Veng	Kampong Trabek	Kampong Trabek	Phsar	12
	Peamro	Prey Khsach "B"	Muoy	6
	Pheah Sdach	Kompong Seung	Kampong Seung	6
		Salasrok Chas	Prey Thleak	3
Svay Rieng	Svay Rieng	Svay Rieng	Monty Peth	1
		Svay Rieng	Srah Vong	1
	Svay Teap	Sambuor	Tuol Lakup	2
		Svay Toeur	Samakki	7
	Kampong Ro	Sambuor	Trapaing Ampeou	2
		Prasoth	Prasoth	1
			Thlork	2
	Svay Chrum	Kraul Ko	Kraul Ko	1
			Prey Nhay	1
<b>Total</b>				<b>45</b>

## III- Resettlement Policy

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### 3-1 ADB Policy

In 1995, the Asian Development Bank produced an Involuntary Resettlement Policy. The objectives of the Bank's policy on involuntary resettlement are to:

- (i) avoid involuntary resettlement where feasible;
- (ii) minimize resettlement where population displacement is unavoidable, and ensure that displaced people receive assistance, preferably under the project, so that they would be at least as well-off as they would have been in absence of the project.[\[5\]](#)

Further, the policy states that:

Involuntary resettlement should be an important consideration in project identification. The three important elements of involuntary resettlement are (i) compensation for lost assets and loss of livelihood and income, (ii) assistance for relocation including provision of relocation sites with appropriate facilities and services, and (iii) assistance for rehabilitation to achieve at least the same level of well-being with the project as without it.

...The absence of formal legal title to land by some affected groups should not be a bar to compensation.

...To better assure timely availability of required resources and to ensure compliance with involuntary resettlement procedures during implementation, eligible costs of resettlement and compensation may be considered for inclusion in Bank loan financing for the project, if requested.[\[6\]](#)

The ADB also promotes the involvement of NGOs, especially in tasks such as monitoring involuntary settlement. "For the Bank, NGO input is important in addressing specific concerns such as involuntary resettlement, protection of indigenous peoples, participation in development planning by beneficiaries and affected persons, and benefit monitoring and evaluation."[\[7\]](#)

### **3-2 Cambodian Government Policy**

[\[BACK\]](#)

The Royal Government of Cambodia (RGC) has accepted full responsibility for financing the cost of relocation, including land acquisition, resettlement and compensation for people affected by the project.[\[8\]](#)

The RGC's Interministerial Resettlement Committee (IRC) has stated that full compensation will not be provided to people whose houses are on the side of the road because this area is state property. However, those people are still eligible to receive a contribution towards the cost of removing their house and constructing a new one. Those who do not have a backyard behind their present location or other land for sustaining their livelihood, are eligible to receive additional assistance. In this case provincial authorities will provide a plot of land where they can live and make a business.[\[9\]](#)

The IRC has created a working group consisting of representatives of both the IRC and the provincial authorities. According to the policy of the IRC, there should also be a representative of a non-governmental organization (NGO) or independent organization in the working group to monitor and survey the disbursement of compensation. Representatives of the IRC, provincial authorities and a representative of an NGO or independent monitoring group should establish a facilitation-working group to meet with affected the people[\[10\]](#).

The RGC has in the past assumed a right-of-way on National Roads of 25 meters from the axis of the road, although this has generally not been enforced. The ADB notes that "while the Government assumes the right-of-way for national

roads of 25 meters from the axis, this assumption is based on pre-1975 practices and modern legislation specifying Government right-of-way has yet to be enacted." [11] Following discussion with the ADB, the government considered reducing the required right-of-way to just 10 to 15 meters from the axis of the road in order to prevent too many problems and delays in relocation of affected people. On 1 December 1999, the Minister of Economy and Finance, H.E. Keat Chhon, wrote to the Prime Minister noting that relocation for a 10-15 meter right-of-way would cost an estimated \$1,062,375.58 while relocation for a 25 meter right-of-way would cost around \$2,063,537.55. In Edict (*Prakas*) No. 1872 s p N, dated 28 December 1999, the Council of Ministers replied that a right-of-way of 25 meters is to be implemented. However, two months later, on 25 February 2000, Under Secretary of State, H.E. Ut Chhon, wrote to H.E. Keat Chhon to point out that Prime Ministerial Edict (*Prakas*) No. 6, dated 27 September 1999, requires a 30 meter right-of-way on National Route 1. This edict states, however, that the required right-of-ways for the roads mentioned in the edict are "not applicable in towns." [12]

## IV- Findings and Analysis

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The following analysis is based on the two surveys and the meetings with the Svay Rieng and Prey Veng Provincial project resettlement sub-committees. The NGO representatives involved in the surveys and meetings are listed in Appendices 1, 2 and 3.

### 4-1 Receiving Compensation

66% of respondents reported that they agreed to receive limited compensation, referred to as a "contribution" to the cost of relocation, stating that that is the Government's policy and that they had no choice. Although most respondents thought that the offered amounts of compensation were not enough, they understood that if they refused they would have nothing. 27% of respondents said that they did not agree with the amount of compensation because it was not enough for them to relocate to a new place. Only 7% said that they fully agreed with the contribution, and most of these were people who had their own land on which to build immediately. (See Table 4-1).

**Table 4-1: Comments of the interviewed people on the "contribution" offered by the Government**

Satisfaction	Number of Respondent	%
Fully agreed	3	7
No alternative; has to agree	30	66
Did not agree	12	27
Total	45	100

Source: Field Survey

### 4-2 Awareness of the Government's Policy

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55% of the respondents said that they had not clearly understood the

Government policy regarding the contribution to the affected people and also did not know exactly what distance (in meters) from the road axis that the Government required the people to move. 38% understood clearly that their houses would be removed if they were situated less than 25 meters from the road axis, 55% had an unclear understanding, and 7% had no response (See [Table 4-2](#)). Most felt that they had received an unclear explanation from the sub-committee and the local authorities. The areas required for the right-of-way had not been clearly marked. No respondents were able to explain what formula the Government used to calculate the contribution to be offered to the people affected.

**Table 4-2 Awareness of Government's policy**

Level of Understanding	N° of interviewed people	%
Clear understanding	17	38
Unclear understanding	25	55
No answer	3	7
Total	45	100

Source: Field Survey

Most respondents said that the sub-committee and authorities measured their house in square meters and then, without giving further explanation, requested the house owners to fingerprint a document. They later returned to ask the house owners to sign a document which certified their agreement to move their house and receive the government's contribution. Those who had already received the compensation said that they were given a receipt. No respondents showed any awareness of the Provisional Resettlement Sub-Committees' intention to relocate people without land near the Cambodian-Vietnamese border.

#### 4-3 New Land for Relocation

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65% of respondents reported that they had neither a backyard behind their present location nor land elsewhere to which they could relocate. Those who did not have a backyard said that they faced many difficulties, since the amount of the Government contribution was not enough to relocate to a new place. Neighbors were reluctant to allow them to relocate on their land temporarily, fearing that the affected people may never leave. A number of people in Kompong Trabek district went to live temporarily at the side of Kompong Trabek lake. Other families need to borrow money at high interest from middlemen or relatives in order to buy land and rebuild their houses. The majority of the respondents with no backyard stated that they had no idea where to go ([Table 4-3](#)).

**Table 4-3 Land for Relocation**

Land	Number of Respondent	%
Land behind their existing houses	14	31
Purchased land	2	4
No land	29	65
Total	45	100

## **V- Complaints filed with the UN High Commissioner for Human Rights**

A number of complaints have been filed by project affected people with provincial offices of the UN High Commissioner for Human Rights. At least one of those complaints pertains to the spray painting of large red marks on the side of people's houses.

Provincial Resettlement Sub-Committees have spray painted large numbers or question marks, clearly visible from the road, on the outside walls of most affected people's houses. While this may be an easy way to identify project affected houses, it is not a polite way to treat people's property. Houses whose owners have not accepted the contract for relocation have been spray painted with large question marks, and this may be seen as intimidating.

Other complaints concern disagreement over the amount of compensation offered. In one case, the owner of a rice mill in the affected area was offered just 80,000 Riel. The owner considered US\$ 300 to be more appropriate.

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## **VI- Interviews with Provincial Resettlement Sub-Committees**

Unofficial minutes of the NGO's interviews with the Provincial Resettlement Sub-Committees in Svay Rieng and Prey Veng provinces are contained in Appendices 4 and 5. The following summarizes the main points learnt through these meetings.

The sub-committees said they are fully aware that some affected people are not happy with the compensation provided. The sub-committees understand the compensation to be just a contribution to the cost of relocation, and that it is not intended to cover all costs.

In Prey Veng province, some people are now demanding extra compensation, as the previously announced 25 meter right-of-way was increased to 30 meters. In Prey Veng, there are 716 affected households, of which 46 do not agree with the government contribution offered.

Greater leniency is being applied in Svay Rieng province, where affected people in some locations have apparently been allowed to remain within 10 to 15 meters from the road axis, at least until further road widening scheduled for 2010 occurs. As a result, only 460 families in Svay Rieng need to be relocated, as compared to 845 families if a 25 meter right-of-way was enforced. 246 families have already signed an agreement for receiving a government contribution to their relocation costs, and 10 families have refused to sign.

The Prey Veng Second Deputy Governor explained the formula for paying the government contribution, which is set by Ministry of Economic and Finance, as follows:

- 1) Houses with woven or mat walls and thatched roof will receive a contribution of \$25,75 per square meter (\$25,75/m<sup>2</sup>).

- 2) Buildings with wooden walls, tile or tin roof, on cement stilts receive \$ 50/ m<sup>2</sup>.
- 3) Single-story concrete houses receive \$100/m<sup>2</sup> and,
- 4) Multiple-story concrete houses receive \$185/m<sup>2</sup>.

[According to information collected by the official NGO monitor, NICFEC, the actual amounts offered are substantially less after discounting for the quality or age of the house and the potential salvage value.]

For the households who will lose their land, the government is offering land to people who are willing to go and live along the Cambodia-Vietnam border, although this area may be far from major centers and have fewer business opportunities.

## VII - Case Studies of the People Affected

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### **Case study 1: Resident who felt he had to accept the Government contribution**

Mr. Sim Thea lives in Thlork village, Kraul Ko commune, Svay Chrum district, Svay Rieng Province. He gains income for his family of six members. He has settled on this land since 1979, which he inherited from his parents, and he owns a land title paper. His house is 8 meters long and 6 meters wide. In 1999, he learnt about the road widening from the local authorities but he did not clearly understand the compensation for removal. After the measurement from the sub-committee he received a compensation amount of US\$ 1,050. "This amount I must agree with because it is a State's demand, which is defined by the provincial authorities." The amount is only sufficient for removal. He plans to move his house to the space behind its present location. He said that he would meet many difficulties because the state contribution is not sufficient for him to build a new house. And meanwhile he will have no time to earn his living and so will not be able to pay for his children's schooling while removing and rebuilding his house.

### **Case study 2: Resident who must borrow money to rebuild his house**

Mr. Sok Sary, 32 year old, lives in Prey Nhay village, Kraul Kor commune, Svay Chrum district, Svay Rieng province and earns his living by doing small business as a grocer. He has 3 children. Since 1979 he has settled here on land inherited from his parents. He has been given a land title paper by the district authorities. This house, if purchased, would cost over US\$ 2,000. It is a wooden house with tile roof, is 15 meters long and 5 meters wide. In 1985, the house was built with authorization papers from the district authorities. This house is used as both a home and a small shop. In 1999, he learnt about the planned removal but did not receive a clear explanation. He only understood that his house was measured and found to be 25 square meters in size and that the compensation that would be paid is US\$ 930. He did not protest

against such compensation, as he feared being threatened by higher authorities. He must borrow US\$ 2,000 to buy a plot behind his house that is over 25 meters from the road axis. He thinks that the 25 meters road extension is a good thing but the Government should be transparent regarding the compensation. While relocating he will have some difficulties in earning his daily living and his small business will be suspended. The family's daily living depends on daily income from his small business.

### **Case study 3: Resident who does not accept the Government contribution**

Mr. Mey Vath lives in Thlork village, Kraul Ko commune, Svay Chrum district, Svay Rieng province. Since 1990 he has settled here on land which he bought for about US\$ 3,000 with a brick house of 12 × 4.5 meters size. The compensation for removal is US\$ 1,300. He does not accept such compensation because his present house is made of brick and because he has no land on which to build a new house.

### **Case study 4: Resident who protests confusion over the road widening**

Mrs. Ly Eng, 65 years old, chicken and ox-skin buyer, and her husband live in Phsar village, Kampong Trabek commune, Kampong Trabek district, Prey Veng province with her family of 4 members. Their daily income is between Riels 6,000 and 7,000. She has lived here since 1990 on land that is recognized by the district authorities as belonging to her. Her house is 15×5 meters size. She learnt about the house removal in October 1999 but it was not clearly explained. Regarding compensation, the Government will pay US\$ 890 plus US\$ 40 additional compensation. Her house is over 60 square meters. She has some land behind the houses present location where she can build a new house. She says that when she was first asked to sign her agreement to move her house, she was told that the road widening was to be 25 meters, but when the authorities returned to give the compensation, they said that it will be widened to 30 meters. She said she heard Samdech Hun Sen say at the road inauguration at Neak Keung that the right-of-way will be 25 meters for brick houses and only 15 meters for wooden houses. The problems she is facing during relocation of her house are the temporary suspension of her small business and inadequate budget for rebuilding her house.

### **Case study 5: "I Don't Know Where I Will Go To Live"**

Mr. Bun Vimean has lived in Prek Khsach "B" village, Peamro commune, Prey Veng province since 1995 and he is now a bicycle-taxi driver. He lives in a straw hut with straw walls and wooden columns situated on the land he bought for one damleung of gold (around US\$380). After the sub-committee measurement he received US\$ 200. So far he got in advance half of the contribution equal to US\$ 100. He spent nearly all this on medical treatment, as he was ill. And with a last payment of just US\$ 100 yet to be received he does

not know where to go to live because land prices are too expensive and the amount of contribution given by the sub-committee is very small.

## **VIII - Monitoring by NICFEC**

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Upon becoming aware of NICFEC's involvement as the official NGO monitor, the NGO Forum met with NICFEC in order to share and compare information. Reports from NICFEC's surveys in March and April are shown in Appendix 10. NICFEC surveyed 196 families in March, 83 families in May and 61 families in June.

NICFEC's findings largely confirm those of the NGO Forum's brief survey. The most common problem discovered was that numbers of project affected people had insufficient funds to buy land and erect a new house. Some people complained about the change of the right-of-way from 25 meters to 30 meters. Project affected people perceived a lack of consistency and fairness regarding the calculation of compensation, and requested that the compensation policy be made public "to avoid being jealous or bad rumors." In some cases, percentage deductions made to the standard government contribution for quality or salvage value were made for reasons which were "not specific".

In addition, the NICFEC survey discovered a number of problems not revealed by the NGO Forum survey, including families who had not yet had their houses measured, families who did not receive compensation for wells and crops, and families who disputed the compensation offered for these items.

There were also complaints that the border of the right-of-way was not marked clearly on the ground, making it difficult for the people to know where to relocate their houses and how to assess their compensation needs.

Although NICFEC is the official monitor, they did not receive the Resettlement Action Plan which they are meant to be monitoring until June, following inquiries made by the ADB Resident Mission to the Government. An ADB Project Officer, who met with the NGO Forum on 7 June, said that the ADB is strongly recommending to the Government to make this document public.

## **IX-Conclusions**

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This brief survey found that many of the affected people along National Highway One had accepted the Government contribution because they felt they had no choice. Most respondents felt that they had no way of checking whether the resettlement policy of the Government was being followed correctly, nor whether the amount of contribution offered was the correct entitlement. Since the Government has so far not made the Resettlement Implementation Plan public, NGOs were not in a position to assure people that the contribution received was in

accordance with the plan.

Some people refused to receive the Government's contribution because the amount of the contribution was not enough to relocate to a new place. In addition, there was not any compensation given for buying land or finding an alternative place to set up a new business. Although the Provincial Sub-Committees said they would offer land near the Cambodian-Vietnamese border, respondents seemed unaware of this plan and it is doubtful whether this is a realistic option for many of the affected people. In conclusion, we could say that the people who had no land and no additional money for relocation and rebuilding their houses have met difficulties and have become poorer. Some people became indebted as they borrowed money to purchase land as well as spent money to rebuild their houses.

The formula used to calculate the Government contribution was not clearly explained to the affected people. This led to a perceived unfair disbursement of compensation, with some households receiving more than others did, even though their house's size was the same.

The Government uses the term "contribution" to assist the affected people, while the ADB uses the term "compensation". This reflects the fact that the Government did not follow the resettlement policy of the Asian Development Bank, which requires that displaced people should be "at least as well-off as they would have been in the absence of the project."

## **X- Recommendations**

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### **10-1 Recommendations to the Government**

1. Relocation problems should be fully solved before the commencement of road construction in the affected areas.
2. Project-affected people should be given adequate compensation so that they are "at least as well-off as they would have been in absence of the project", in accordance with the requirements of the Asian Development Bank's Resettlement Policy.
3. The Provincial Resettlement Sub-Committees should follow-up with people who have been scattered by the project to new locations so as to ensure that they are not worse off.
4. The Provincial Resettlement Sub-committees should take extra time and effort to explain to the affected people the formula used in calculating the compensation. Percentage deductions for quality and salvage value should be applied systematically so that the compensation provided is equitable.
5. The Resettlement Action Plan should be made public so that affected people and concerned organizations can see whether the compensation they are receiving is in accordance with the plan. The previously completed Social Survey of the Affected People should also be made public.
6. Plans clearly demarcating the area required by the road and the right-of-way should be made public. The demarcated area for the right-of-way should also be more clearly marked on the ground.
7. Lack of land title should not be a barrier to receiving full compensation, as

per ADB policy.

8. Project-affected people needing to relocate to new land should be compensated for the cost of buying new land.
9. Project-affected people should be given options and not relocated to remote border areas without their consent. Relocation areas should have good security and the necessary infrastructure, facilities, services and livelihood opportunities.
10. The Provincial Resettlement Sub-Committees should be lenient in allowing people to stay closer than 30 meters from the road axis in cases where this is physically possible and the people have nowhere else to go. These people should be eligible for compensation when relocated at a later date.
11. People should be further compensated for the extension of the right-of-way from 25 meters to 30 meters, including cost of purchase of new land for people with no remaining land on which to rebuild their house.

## **10-2 Recommendations to the Asian Development Bank**

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1. The ADB should put more effort into monitoring to ensure that borrowing Governments fulfill the requirements of their loan agreements.
2. The ADB should take action based on the findings of this survey and advise the government regarding ways the Government's resettlement program is not in accordance with the loan agreement, the ADB's Resettlement Policy and other ADB requirements.
3. The ADB should require the Government to make the Resettlement Implementation Plan public, in the interests of transparency and to avoid confusion over entitlements.
4. Where Government resources are insufficient, the ADB should consider providing additional assistance to the relocated people, in accordance with ADB policy.
5. The ADB should make future loan disbursements for this project dependent on satisfactory implementation of the resettlement program.

## **APPENDICES**

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### **A1 - Coordinator of the First Survey**

1. Mr. Pen Thy LICADHO

### **A2 - List of Participants Involved in the Second Survey and Svay Rieng Meeting**

1. Mr. Chhith Sam Ath NGO Forum on Cambodia
2. Mr. Pen Thay LICADHO

- |                      |  |
|----------------------|--|
| 3. Mr. Am Sokha      | Legal Aid of Cambodia                                    |
| 4. Mr. Thoun Try     | CEPA (Cultural and Environmental Protection Association) |
| 5. Mr. Touch Varin   | Sor Sor Troung   |
| 6. Ms. Phally        | ADHOC, Svay Rieng office                                 |
| 7. Mr. Sam Kuntheamy | UNHCHR , Prey Veng Office                                |

**A3 - List of Participants Involved in the Prey Veng Meeting**

- |                     |                             |
|---------------------|-----------------------------|
| 1. Mr. Yeng Virak   | NGO Forum on Cambodia       |
| 2. Ms. Vonn Vinary  | Oxfam GB Land Study Project |
| 3. Mr. Pen Thay     | LICADHO                     |
| 4. Mr Am Sokha      | Legal Aid of Cambodia       |
| 5. Mr George Cooper | Legal Aid of Cambodia       |
| 6. Mr Thoun Try     | CEPA                        |
| 7. Mr Sam Kuntheamy | UNHCHR, Prey Veng Office    |

**A4 - Unofficial Minutes of meeting with the Svay Rieng Project Resettlement Sub-Committee**

Discussion with:

- Mr. **Kim Thea**, Chief of Cabinet of the Provincial Governor's office and member of the Provincial Resettlement Sub-Committee.

- Mr. **Nguon Sovann**, Director of the Provincial Public Works and Transport Department and member of the Provincial Resettlement Sub-Committee.

Mr. Kim Thea, Chief of Cabinet of the Governor's office explained his understanding of the Government's policy on the Neak Loeung-Bavet Road Improvement Project. The Ministry's involved are the Ministry of Interior, the Ministry of Economy and Finance, and the Ministry of Public Works and Transport. This is a long-term project which became active in 1999. The first step was to investigate the affected people, collect information on their number and make a suggestion to the Government. Regarding the impact on the local population, it should be resolved by the Government's formula which states that the Government pays a contribution to the affected people with its counterpart budget. As the National Road is to be widened with a right-of-way of 25 meters from its axis, 845 families will be affected in Svay Rieng. The Government thought that this number is too large and badly affects the people in places like Kroul Kor, Prasoth, and Chea Ho, who after their best effort over nearly 20 years earned just enough money to build such houses. Thus, in some areas this standard should be reduced to 10-15 meters and thus only 460 families will be affected including 246 families who have already signed a contract for receiving a government contribution. We established investigation

groups and persuaded the people to sign a contract, otherwise most of the affected people would request more compensation so that they might have something left over after they relocate. But we must follow the formula set up by the Ministry of Economy and Finance and the Ministry of Public Works and Transport.

Mr. Nguon Sovann said that the formula included a smaller contribution for newly built houses as there would be less damage to them during reconstruction and relocation; and also a smaller contribution for very old houses which would be pulled down even if there were no road reconstruction.

**Q : According to the investigation conducted by an NGO in February, out of 34 families interviewed there were 7 families who were not willing to relocate. How does a working group of the Provincial Sub-Committee solve this problem so that its decision will be made fairly and properly for the people?**

*A : We follow the Government's policy. In 1996-97 the Public Works and Transport Department made a field visit and a study on this subject and then issued a circular directly to local authorities. Our policy is to "assist" the people affected by the road extension but not pay for damages, so the contribution made is different from what the people may expect. We follow the formula issued by the Ministry of Economy and Finance and the decision was made through the joint sub-committee that has gone to measure, set landmarks and make statistics concerning the impact on the people and to evaluate this compensation. In Svay Rieng some did not agree with the widening of the road with a 10-15 meter right-of-way from its axis because:*

*- The house owner requested more budget but we gave them a limited sum that was enough for them.*

*- The calculation and measurement of the people's house in square meters were not proper.*

**Q : Regarding the affected people who have no land on which to rebuild their houses, how does the sub-committee deal with this issue?**

*A : There is not any impact on people's housing but only on their small business shops along the road. There are not any affected people that have no land on which to rebuild their houses. And we are waiting for lawsuits from the people related to various kinds of protests. According to the Government's policy, the affected people must be assisted and for the poor and disabled who are affected 50% by the project (have to partially move their house) we add US\$ 40 to the subvention, and for those who are affected 100% (have to move the whole house) we have to add US\$ 80.*

**Q : What is the formula that is applied by the RGC?**

*A : I would like to say that this formula is defined by the Ministry of Economy and Finance and the Ministry of Public Works and Transports, but we provincial authorities deal with the matter only as coordinator and applicant.*

**Q : According to the investigation made by a consultant in 1996, there were 996 families and their immovable property, house fences and trees that would be affected by this road widening. Does the Sub-Committee deal with this matter?**

**A :** *We are dealing with this problem but at a lower level because the house fences were set up too close to the pavement but not within the housing land. And I think that it's not a real problem as some fences were built under the previous regime and still remain. Concerning the affected trees, we permit people to plant trees only on their own land. Most trees along the road were cultivated by the local Government. Where the road is diverted through people's land, we will pay completely for affected trees. The 10-15 meters policy is provisional, but we still keep the 25 meters standard and forbid the people to build houses or hard constructions and planting crops in this area. According to the Ministry of Economy and Finance, a 25 meter road widening scheme is planned for 2010, and then all 845 families will be affected and their houses and house fences will also be damaged.*

**Q :** **Today's interview with the affected people showed that there was not enough compensation for them. Even building support columns cannot be done with this sum. What is the comment of the Sub-Committee?**

**A :** *The contribution we pay is only a subvention for them to remove their houses and can meet not all their needs. Geographically, Prey Veng lands are different from Svay Rieng ones as in Prey Veng the road crosses flood plains and the people built their houses at the roadside; it is really an impact. In Svay Rieng we need only 10-15 meters road widening and in some areas this widening is reduced to 6-10 meters.*

**Q :** **According to some people in Kraul Ko, Svay Chrum district, Svay Rieng province, the working group of the Provincial Sub-Committee was not impartial in calculating the compensation. For example, some people who own small houses are being paid more than those with large houses. Why is this?**

**A :** *Regarding this, the working group also has problems. There are just 10 families that protested and refused the contribution. While we went to investigate we conducted a meeting and wrote down the people's names and read them in the communes. As for those who did not agree, they can protest and we openly receive affected people's lawsuits. Following the Governments' policy, the people must not be abandoned to die. We still own tens of thousands of hectares of land along the Cambodian-Vietnamese border. So we can provide each affected family with 2-3 hectares for relocation.*

**[BACK]**

#### **A5 - Unofficial Summary of Meeting with the Prey Veng Project Resettlement Sub-Committee**

On April 28, the NGO delegation (see the list of NGO participants in Appendix 3) met with the Second Governor, who is head of the sub-committee, and the First General Secretary of the Governor's Cabinet, who is head of the Sub-Committee's working group.

The Governor reported that there were 716 households affected by the project in Prey Veng, of which 46 households do not agree with the compensation amount. 50 households will lose their land. The Governor explained the formula of paying compensation, which is set by Ministry of Economic and Finance, and said that the Sub-Committee is only responsible for the implementation of this formula. The formula is divided into four categories according to the type or quality of the affected house as follows:

- 1) Houses with woven or mat walls and thatched roofs will receive a contribution of \$25,75 per square meter (\$25,75/m<sup>2</sup>). The calculation does not consider whether the whole or only part of the house is affected, but only the house's quality. The Governor stated that their survey found that 75 to 80% of the affected people were happy with this formula.
- 2) Building with wooden walls, tile or tin roofs on cement stilts receive \$ 50/ m<sup>2</sup>.
- 3) Single-story concrete houses receive \$100/m<sup>2</sup> and,
- 4) Multiple-story concrete houses receive \$185/m<sup>2</sup>. Within this category the affected people are not so upset with the sub-committee regarding the amount of compensation. 89-90% of the affected people were happy with this formula.

The governor stated that there were many difficulties related to the implementation of the resettlement policy. Some affected people did not relocate when they received compensation, some complained that the amount of compensation was not enough for them to relocate, and some did not agree to sign the agreement. The government officials and local authorities have much difficulty in implementing this policy.

The right-of-way being implemented was 25 meters from the axis. Now, according to the Prakas (Government Edict) Number 6, the widening must be 30 meters from the axis. Due to the additional 5-meter widening, the affected people come to meet with the Sub-Committee and demand more compensation.

For the 50 households who will lose their land, the government can provide land if the people are willing to go and live along the Cambodia-Vietnam border, although this is far away. The Inter-Ministerial Committee has proposed a budget for organizing a new village for the affected people to the Asian Development Bank.

The head of the working group responded to the questions of the NGO representatives (see the detailed minutes of the discussion in Appendix 5b) as follows. For those who do not agree with the compensation, the working group will try to explain as much as possible the government's policy. If they still do not agree, the working group will take the necessary action. He also stated that he strongly believed that when the affected people hear the sound of the bulldozer come close to their house, they will relocate even they do not want to. The United Nations Commissioner for Human Rights based in Prey Veng proposed to the Governor that the problem be solved by peaceful means without using force on the poor people. The idea was well accepted by the head of the Sub-Committee and the head of the Working Group.

The Sub-Committee and the Working Group heads were optimistic about the implementation of the resettlement policy. Their strategy is to use persuasion at the beginning and only use force at the end if it is necessary to ensure the affected people will move.

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[1] The Invitation for Expression of Interest is shown in Appendix 7.

[2] Asian Development Bank (November 1998), Report and Recommendation of the President to the Board of Directors on Proposed Loans to the Kingdom of

Cambodia and to the Socialist Republic of Vietnam for the Greater Mekong Subregion: Phnom Penh to Ho Chi Minh City Highway Project, p.15.

[3] Ibid, page 23

[4] Ibid, page 52

[5] Asian Development Bank (1995), Involuntary Resettlement Policy, para. 33.

[6] Ibid, para. 34.

[7] Asian Development Bank (August 1998), Policy on NGOs

[8] Asian Development Bank (1998), op.cit, p. 57.

[9] Ministry of Economy and Finance (2000), Interministerial Resettlement Committee, "Booklet for Resettlement Implementation Plan"

[10] Ibid.

[11] Asian Development Bank (1998), op. cit., p.55.

[12] The government edicts and correspondence concerning the required right-of-way are shown in Appendix No. 9.

[[BACK](#)]