



អង្គការនៃអង្គការមិនមែនរដ្ឋាភិបាលស្តី ពីកម្ពុជា
NGO FORUM ON CAMBODIA

Results and Recommendations
Based on DMS Assessment Conducted by Affectees of
the Planned Project to Improve Cambodia's National Route
1
Phnom Penh to Neak Loeng Section
(Funding under Consideration by
the Government of Japan)



Resettlement Action Network (RAN)
A Network of the NGO Forum on Cambodia

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Executive Summary

After having screened 502 questionnaires filled in and collected by villagers (PAPs) affected by Cambodia's National Route 1 (NR1) project to renovate the Phnom Penh to Neak Loeung section, living in 15 villages across 5 communes of 2 districts in Kandal Province, 174 sample responses (representing 6 villages in 5 communes in 2 districts) were analyzed in depth with the purpose to assess the detailed measurement survey (DMS) conducted by Cambodian Government's Inter-Ministerial Resettlement Committee (IRC). Results show the following 17 shortcomings of IRC's DMS, or *Findings*, over 5 issues:

1. Issue regarding insufficient information recorded on a DMS receipt
 - Finding #1: The total amount of the compensation is not clearly stated.*
 - Finding #2: Affected structures are not always recorded.*
 - Finding #3: The measurement of affected buildings is not recorded.*
 - Finding #4: The classification of the affected structure is not always clearly stated.*
 - Finding #5: Fixed assets that are affected are not always documented.*
 - Finding #6: Fruit trees that are affected are not always documented.*
 - Finding #7: No details about affected fruit trees are recorded.*
 - Finding #8: Vulnerability assistance is not always recorded.*
 - Finding #9: Shifting assistance is not recorded.*
 - Finding #10: DMS may have missed a PAP.*
2. Issue regarding limitations in the structure classification
 - Finding #1: A number of structures do not fit well with the 4-way classification.*
 - Finding #2: "Shop" is used as a new category to depreciate affected structures.*
3. Issue regarding miscalculation/asset depreciation
 - Finding #1: PAPs' structures and assets are sometimes depreciated.*
 - Finding #2: The total amount of the compensation is sometimes miscalculated.*
 - Finding #3: Compensation is based on a partial measurement of a structure, even when the entire building has to be "set back" or completely relocated.*
4. Issue regarding insufficiently informing PAPs about a substitute land
 - Finding #1: PAPs are not sufficiently informed about their rights to receiving a substitute land.*
5. Issue regarding missing items in measurement
 - Finding #1: Fixed assets, such as bridges, stairs, "stupas/graves", and water pumps installed under the house, are not included in DMS.*

In 5 villages 10 affectees were given a semi-structures interview by Resettlement Action Network (RAN) members, the purpose being for RAN to understand PAPs' experiences with DMS in more holistic ways. Analysis of these narrative interviews has led to the following 7 *Additional Findings* across 2 issues related to IRC's DMS:

1. Issue regarding information dissemination
 - Additional Finding #1: No PAPs in the qualitative interview knew where or in what ways they could make complaints and file a grievance about what had been done (or not done) during DMS.*
 - Additional Finding #2: Copies of the information pamphlet to describe and explain the NR1 project, as well as the compensation policy, were distributed only to the very limited number of affected villagers.*
 - Additional Finding #3: No PAPs in the interview had full understanding and/or*

knowledge about the compensation policy.

Additional Finding #4: The affectees were shown an A4-sized paper with a list of their properties but do not remember details in the list, as they were not given a copy of this document.

2. Issue regarding intimidation

Additional Finding #1: DMS was not conducted in negotiating manners, where the team would practice the measurement while consulting with and trying to obtain consent from the affected villagers.

Additional Finding #2: The project affectees were/are so afraid that they could/can not even ask IRC questions, let alone filing a grievance.

Additional Finding #3: The PAPs were told to thumbprint on a DMS receipt, even when they were still not completely clear about what would be compensated for and what would not be.

Based on these 2 sets of findings, the following 6 *Recommendations* are made for the Government of Japan to seriously consider in order to keep the project in compliance with various guidelines and procedures, most importantly the Japan International Cooperation Agency (JICA) Guidelines for Environmental and Social Considerations:

Recommendation #1: Ensure sufficient information disclosure and project-affected villagers' participation in DMS by handing a copy of a property list to each PAP.

Recommendation #2: Stop depreciating affectees' structures and assets.

Recommendation #3: Overhaul the current classification scheme of PAPs' structures.

Recommendation #4: Establish as soon as possible effective grievance procedures on DMS.

Recommendation #5: Fully disseminate information on the project and the compensation policy to secure PAPs' informed consent.

Recommendation #6: Ensure that the external monitoring be put into full implementation.

CHAPTER 1

Outline of the Study

1.1. Background

Cambodia's Inter-Ministerial Resettlement Committee (IRC) is currently conducting a detailed measurement survey (DMS) for the project to expand and renovate the Phnom Penh to Neak Loeung¹ segment of the National Route 1 (NR1). DMS defines and records eligibilities of each project-affected person (PAP)² over compensation for their structures, assets, and vulnerabilities. After DMS, IRC also needs to obtain written consent from each PAP on a compensation package. DMS started at the Neak Loeung end of NR1. It is ongoing and will approach the Phnom Penh side in the near future.

After having learned complexities and difficulties faced by projected-affected people of some other road improvement projects in Cambodia, most notably in the case of the Neak Loeung to Bavet portion of NR1³ funded by the Asian Development Bank (ADB), Resettlement Action Network (RAN), a network of the NGO Forum on Cambodia, has decided to help PAPs along the Phnom Penh - Neak Loeung portion of NR1 assess IRC's DMS, with the purpose to examine if DMS is being conducted in compliance with appropriate guidelines and procedures, including the Japan International Cooperation Agency (JICA) Guidelines for Environmental and Social Considerations. RAN has provided PAPs with advice and necessary technical support. PAPs began assessment in March 2005. The review is still ongoing as of this writing. This report summarizes major findings based on in-depth analysis of 174 responses obtained from 6 villages in 5 communes in 2 districts across Kandal Province covered by the assessment. The report also makes recommendations to the Government of Japan, who is currently considering giving a grant to this road improvement project.

1.2. Objectives of the affectees' DMS assessment

Affected persons' assessment of IRC's DMS has been conducted with the purpose to monitor its sufficiency and appropriateness. It has also been expected that PAPs will have better understanding over the compensation policy by examining DMS procedures for themselves. These objectives are important to make sure, among other things, that PAPs will participate in the project formation processes, place grievances, if necessary, and receive fair compensation. Such research also has direct implications to the remaining part of DMS, because IRC's survey has yet to reach the segment of the road closer to Phnom Penh, the most densely populated area along NR1.

1.3. Data gathering methods

RAN members prepared a questionnaire (See APPENDIX B for a sample questionnaire) and explained to PAPs basic ideas of the assessment. RAN then provided with trainings those villagers who had volunteered to collect information from each PAP upon hearing about and agreeing with an outline of the research. These villagers had to have basic literacy skills to be able to record interview results on a questionnaire sheet. In the trainings the participating PAPs were briefed about the objectives of the assessment in more comprehensive manners, along with an overview of the NR1 improvement project and PAPs' rights to receiving compensation, especially what is written in *the Basic Design Study Report on the Project for the Improvement of*

¹ English spellings of place names in Cambodia are as closely as possible based on *the Basic Design Study Report on the Project for the Improvement of National Road No.1 (Phnom Penh – Neak Loeung Section)*.

² "PAP" in this project is synonymous to a project-affected household.

³ This portion of the road is sometime referred to as "Highway 1 (HW1)" to distinguish it from the Phnom Penh to Neak Loeung segment.

National Road No.1 (Phnom Penh – Neak Loeung Section). They also learned how to conduct a questionnaire survey on their own in such a way that all the interviewers could maintain consistency across the studied area. Part of the training was also devoted to explaining how to correctly map affected structures and assets. The trained PAPs then went back to their village, interviewed their fellow villagers, and measured as well as documented the structures and the assets that will be affected by the project.

Only those PAPs who had understood the objectives of the assessment and agreed to participate were asked to answer the questionnaire. RAN members were always available to the village interviewers, through telephones and other means, so that they could continue to receive advice and necessary technical support. However, RAN did not accompany the interviewers during the assessment. The research began in March 2005 and is still ongoing as of this writing.

1.4. Scope and limitation

Out of the entire 1,440 PAPs estimated, 502 households in 15 villages of 5 communes in 2 districts across Kandal Province have so far participated in the assessment. The names of the 15 villages are listed below in the order of those closer to Phnom Penh towards the bottom:

- 1) Ampil Tek (Kompong Phnum Commune, Leuk Daek District)
- 2) Kompong Por (ditto)
- 3) Kbal Chroy (ditto)
- 4) Reang Daek (Kokir Thum Commune, Kien Svay District)
- 5) Kokir Thum (ditto)
- 6) Samrong Kaer (Samrong Thum Commune, Kien Svay District)
- 7) Prek Treng (ditto)
- 8) Steng (ditto)
- 9) Chroy Dornng (ditto)
- 10) Prek Takeo (ditto)
- 11) Chey Odom (ditto)
- 12) Kandal Lue (Banteay Daek Commune, Kien Svay District)
- 13) Kandal Krom (ditto)
- 14) Ksom (ditto)
- 15) Sday Konleng (Dei Edth Commune, Kien Svay District)

As preliminary analysis, all the 502 responses were screened. 5 issues that appeared especially problematic about IRC's DMS were then identified. They are: 1) insufficient information recorded on a DMS receipt, 2) limitations in the structure classification, 3) miscalculation/asset depreciation, 4) insufficient information dissemination on a substitute land, and 5) missing items in measurement. Those PAP responses that would be most suitable to illustrate these 5 issues have been chosen and analyzed in much more in-depth manners. When sampling questionnaires, the location of the village was also taken into consideration, so that at least 1 village was represented from among the 5 communes. This way the analysis has covered the entire geographical area under investigation. As a result, 174 responses from 6 villages have been analyzed quantitatively. These villages, as underlined in the above list, are: Kompong Por Village (Kompong Phnum Commune, Leuk Daek District), Kokir Thum Village (Kokir Thum Commune, Kien Svay District), Chey Odom Village (Samrong Thum Commune, Kien Svay District), Kandal Krom Village and Ksom Village (Banteay Daek Commune, Kien Svay District), and Sday Konleng Village (Dei Edth Commune, Kien Svay District).

1.5. Outline of the report

In CHAPTER 2 findings from the analysis of the 174 questionnaires collected by project affectees will be reported. After having completed a quantitative analysis of all the 174 responses, RAN members decided to visit 10 PAPs in 5 villages with the intention to interview them more extensively. The following are the names of the 5 villages visited by RAN (The villager listed towards the bottom is closer to Phnom Penh):

- 1) Prek Takeo (Samrong Thum Commune, Kien Svay District)
- 2) Kandal Lue (Banteay Daek Commune, Kien Svay District)
- 3) Kandal Krom (ditto)
- 4) Ksom (ditto)
- 5) Sday Konleng (Dei Edth Commune, Kien Svay District)

The 10 villagers were all among the original 502 respondents covered by the PAPs' DMS assessment. The purpose of this field visit was to collect information to supplement the quantitative analysis and obtain more realistic, coherent, and comprehensive pictures of the difficulties and problems faced by PAPs during DMS. These interviews have also helped identify additional issues that did not appear clearly in the quantitative analysis. 7 of these interviews are summarized as an example and reported along with a list of additional issues and findings in CHAPTER 3. In CHAPTER 4 a list of recommendations is put forth based on the 2 types analysis in the previous 2 chapters. RAN urges the Government of Japan to seriously consider these recommendations in order to put the project in general and DMS in particular more in compliance with various guidelines, procedures, and standards, including the JICA Guidelines for Environmental and Social Considerations.

CHAPTER 2

Findings from Quantitative Analysis on PAPs' Response

174 PAP responses were examined and the results were quantified in order to show any clear tendencies in DMS conducted by IRC. Outcomes of such quantitative analysis can be summarized into a list of 17 *Findings*, covering 5 problematic areas, namely 1) insufficient information recorded on a DMS receipt, 2) limitations in the structure classification, 3) miscalculation/asset depreciation, 4) insufficient information dissemination on a substitute land, and 5) missing items in measurement. Each *Finding* is briefly explained below in turn.

2.1. Issue regarding insufficient information recorded on a DMS receipt

Finding #1: The total amount of the compensation is not clearly stated.

Of the 174 PAPs, 16 (9.20%)⁴ have been given by IRC a DMS receipt that does not clearly state the total amount of the compensation that they are entitled to receive. Of these 16 cases, 11 (68.75%) are found in Kompong Por Village and 5 (31.25%) in Kokir Thum Village. No cases have been reported from the other 4 villages where the quantitative data have been drawn.

Finding #2: Affected structures are not always recorded.

In 4 cases (2.50%) out of the 161 PAPs whose structure will be affected, the affected structure is not recorded on their DMS receipt.⁵ For instance, 1 household each in Kompong Por Village and Sday Konleng Village owns a shop, but this fact is not documented on their DMS receipt. In another case in Kokir Thum Village, the front side of a villager's house will be affected by the project and should thus be compensated for, but the house is not recorded on the PAP's DMS receipt.⁶

Finding #3: The measurement of affected buildings is not recorded.

Of the remaining 157, who have a DMS receipt with the affected structure clearly indicated, 46 (29.30%) have a DMS receipt that do not show how the affected structure has been measured. In other words, no information on the size of these structures is provided on a receipt.

Finding #4: The classification of the affected structure is not always clearly stated.

Among the same 157 PAPs, 24 (15.29%) lack the information on their DMS receipt about the Type into which the structure is classified (See also *Findings #1* of 2.2).

Finding #5: Fixed assets that are affected are not always documented.

PAPs have various fixed assets other than a building structure. Among these, a fence and a well are already recognized by IRC as an asset to which compensation is given. Among 72 PAPs, who have claimed to own such fixed assets, as many as 48 (66.67%) have a DMS receipt that does not clearly indicate this.

Finding #6: Fruit trees that are affected are not always documented.

In the present analysis, 111 PAPs claim to have fruit trees and have been able to mark them on a blank map attached to the questionnaire for this survey. However, on a DMS receipt held by 30 (27.03%) of these PAPs, fruit trees are not recorded.

⁴ See APPENDIX A for a summary table of many of these computations.

⁵ 13 PAPs have only their tree(s) and/or fence affected. The number of PAPs whose building(s) are affected is thus 161 (174 minus 13).

⁶ This case is rather unusual, as the trees that this PAP owns are correctly noted on the DMS receipt.

Finding #7: No details about affected fruit trees are recorded.

Although in the remaining 81 (111 minus 30, or 72.97%) cases, fruit trees are noted on a DMS receipt handed to the PAPs, characteristics of these fruit trees, most notably types of these trees, are categorically missing, making it difficult for the PAPs to understand how the compensation for these fruit trees has been calculated.

Finding #8: Vulnerability assistance is not always recorded.

In 40 cases (90.91%) out of the 44 PAPs who claim to be eligible for vulnerability assistance, this is not recorded on their DMS receipt. Those who are physically handicapped in particular request in despair that they need the assistance to restore their lives.

Finding #9: Shifting assistance is not recorded.

140 PAPs claim and have been able to show on a map that they will need to “set back”⁷ or completely relocate their house. They are thus qualified to shifting assistance. However, this fact is not documented on their DMS receipt.

Finding #10: DMS may have missed a PAP.

It was found that 1 PAP in Kokir Thum Village did not have a DMS receipt. In fact, no DMS has been conducted at this PAP's residence. IRC told the PAP that they would come back to conduct DMS. As of this writing, however, no IRC team has returned to the site for DMS.

Observation

In general, a DMS receipt held by each PAP under-specifies both the amount and the type of the compensation that the PAP is entitled to receive. Since no sufficient information is recorded on a DMS receipt, affectees have difficulties in judging whether their compensation has not properly been evaluated or it has simply been poorly recorded on a receipt. Also, the villagers have no way of verifying which structure(s) and asset(s) have been covered/not covered in DMS. This problem of verification applies to the 40 cases in which no provision of vulnerability assistance is indicated (See *Finding #8*), too. These 40 villagers cannot tell whether their qualification for the assistance is denied or it has been acknowledged but not recorded. PAPs who are holding such an inadequate DMS receipt are extremely concerned if they may not get fully compensated for all the properties that they will lose because of the NR1 project. This worry seems particularly high among the 16 villagers whose DMS receipt does not clearly state the total amount of the compensation (See *Finding #1*). These affectees are afraid if they will not be given any compensation at all. Such problematic nature of DMS receipts also makes it difficult for PAPs to file a grievance at the present, as well as in the future, because their claim might be dismissed as ungrounded by authorities. The IRC team's inconsistency over documenting/not documenting certain information on a DMS receipt can be due to their non-adherence to or non-use of the DMS manual. The inconsistency as well as the insufficiency of the information provided on a DMS receipt is contributing much to the sense of unfairness among PAPs, too. For instance, *Finding #5* shows that 48 out of 72 PAPs have a DMS receipt that does not properly record their ownership of a fence and/or a well. In other words, the same assets owned by the other 24 villagers are (correctly) acknowledged. It is quite natural for the 48 PAPs to feel that DMS has not been conducted in fair manners.

2.2. Issue regarding limitations in the structure classification

Finding #1: A number of structures do not fit well with the 4-way classification.

⁷ “Set back” in this project means to have a PAP's structure moved away from NR1 when the PAP already owns a land behind its current location.

As said in *Finding #3* above, 157 PAPs have been given a DMS receipt on which the affected structure is recognized. Of these 157, the classification of the structure owned by 133 PAPs is specified on a DMS receipt. However, in 77 (57.89%) of these 133 cases the classification is arguable, because many of the PAPs' structures are ambiguous in terms of the Types under the 4-way classificatory scheme used in IRC's DMS. Such structures include, for instance, a house with the concrete floor, the tin-wooden walls, and the tin-thatch roof, as well as a house with the concrete-earth floor, the wooden walls, and the tin-thatch roof. Both of these structures are classified as Type 2 in DMS conducted by IRC. It must be pointed out, however, that these buildings are made of various mixed materials, with differences in the ratio, making it quite difficult for anyone to classify them into a certain ready-made category. In other 12 cases, the structures are made from the wooden floor as well as the wooden wall, and yet are all categorized as Type 1. These structures could also be classified as Type 2, however. At any rate, these 77 villagers have little, if any, clue of knowing if IRC's classification of their property into one Type or another is justifiable or not.

Finding #2: "Shop" is used as a new category to depreciate affected structures.

In 28 cases (17.83%) out of the 157 PAPs with the affected building specified on a DMS receipt, a term "shop" is written on a DMS receipt. In 5 (17.86%) out of these 28 cases, the PAPs' assets are depreciated. The way such depreciation is indicated on a receipt is "Type 2 (X 60%)", "Type 2 (X 65%)", "Type 2 (X 80%)", "Type1 (X 30%)", and "Type 1 (X 50%)". In 19 (82.61%) out of the remaining 23 cases (28 minus 5), how the structure has been measured is not stated, making it difficult for the PAPs to understand how the IRC team has come to conclude that the structure is a "shop".

Observation

Finding #1 indicates the great difficulty with which to cope with all the affected structures by means of the current 4-way classification, especially when the kind and the amount of the construction materials of each affected structure are taken into consideration in order to achieve, in any meaningful ways, replacement cost. Under the present classificatory system it is inevitable for the measurer's subjective judgment to influence the evaluation of the affected structure. This in turn makes DMS results appear less convincing and fair to PAPs. *Finding #2* suggests the possibility that a new category "shop" has been somehow introduced and has been used by IRC as one of the ways to depreciate the value of PAPs' structures.

2.3. Issue regarding miscalculation/asset depreciation

Finding #1: PAPs' structures and assets are sometimes depreciated.

Out of the 133 DMS receipts with the classification of the affected buildings clearly stated, 22 (16.54%) fall into a case of structure depreciation. It is hard to figure out the degree to which such depreciation was applied by the IRC team, as the description on a DMS receipt varies considerably in such ways as "Type 2 X 50%", "Type 2 X 60%", "Type 2 X 65%", "Type 2 X 80%", and "Type 2 X 90%". Similar practices are being performed to the other three structure Types as well. All of these 22 cases are reported from the villages located closer to Phnom Penh. Thus, 9 and 7 cases are observed in Kandal Krom Village and Ksom Village, respectively. Both villages are situated in Banteay Daek Commune, Kien Svay District (See the village list in 1.4.). The other 6 cases are reported from Sday Konleng Village in Dei Edth Commune, Kien Svay District. These 3 villages are all among the villages that are the closest to Phnom Penh.

Finding #2: The total amount of the compensation is sometimes miscalculated.

In 15 (13.64%) out of 110 DMS receipts on which both the measurement and the classification of the structure, as well as the assets, are recorded at all, the value of each affected structure/asset does not properly add up to the sum. Moreover, the

miscalculated sum is always lower than the actual amount. For instance, on 1 PAP's DMS receipt the total amount of the compensation that this PAP can receive is written as "\$253.45"⁸, when in fact the sum should be \$409.2 (34.10m² X Type 2). In another case, the total compensation is stated as "\$203.12" on a DMS receipt, when it should actually be \$328.32 (27.36m² X Type 2).

Finding #3: Compensation is based on a partial measurement of a structure, even when the entire building has to be "set back" or completely relocated.

Out of those 140 affectees who will need to "set back" or completely relocate their structure (See *Finding #9* in 2.1.), 44 cases (31.43%) are found where not the entire structure owned by a PAP is affected. These 44 PAPs still need to "set back" or relocate their house, however, because it will be impossible for the PAPs to continue using the original structure after the NR1 project. Of these 44 cases, the compensation promised to 27 PAPs (61.36%) is based on a partial measurement, whereby only a portion of the affected structure is evaluated by the IRC team. In other words, the affected structure is measured only up to the point where the road expansion reaches. More examples might be observed under this finding, because in some DMS receipts the measurement/size of affected buildings is not recorded (See *Finding #3* in 2.1.).

Observation

In line with one of the basic principles to ensure that affected villagers should be able to restore their lives and livelihoods after the project with at least the same standards that they enjoyed before the project, structure/asset depreciation must best be avoided under any circumstance. Depreciation makes it difficult for PAPs to receive replacement cost that is necessary to make up for the structure/asset loss (See *Finding 1*). Compensation should also be given to the entire structure, even when it is partially affected, as long as the structure needs to be moved from the current site (See *Finding 3*). Miscalculation and/or mis-measurement, whether intentional or not, should also be immediately corrected (See *Finding 2*).

2.4. Issue regarding insufficiently informing PAPs about a substitute land

Finding #1: PAPs are not sufficiently informed about their rights to receiving a substitute land.

Of 140 PAPs who will need to either "set back" or completely relocate their house (See *Finding 3* in 2.3.), only 26 (18.57%) are aware that the Government can provide them with a substitute land. In other words, 114 (81.43%) of the qualified villagers do not know that such an arrangement can be made with the Government, when it is in fact part of their rights.

Observation

Of the 114 PAPs, who are not informed of their rights to receiving a substitute land, 33 (28.95%) have responded in this study that they are highly concerned about where to move when the project starts. In fact, many of them are requesting a new piece of land so that they can relocate and subsequently restore their lives. If these PAPs were correctly informed of the substitute land arrangement, they would not have to be so much worried about their future.

2.5. Issue regarding missing items in measurement

Finding #1: Fixed assets, such as bridges, stairs, "stupas", and water pumps installed under the house, are not included in DMS.

⁸ "\$" in this report indicates "US dollars", unless otherwise specified. The compensation rate for Type 2 structures is \$12/m².

72 PAPs in the present analysis claim to have such fixed assets as a fence⁹, a well, a bridge, stairs, a “stupa”, and a water pump installed under the house. Although fences and wells are already included in DMS as measurement items (See *Finding #5* in 2.1.), the other assets are not considered as items that can be measured and thus be compensated for in IRC’s DMS.

Observation

The principle of replacement cost needs to be invoked here again. PAPs should be entitled to compensation for all the affected assets. A question also remains why only fences and wells are compensated for and not the others.

⁹ A fence here also includes a gate.

CHAPTER 3

Findings from Qualitative Analysis on PAP Interview

After having obtained results from the quantitative analysis on affectees' responses to IRC's DMS, RAN members decided to visit 5 villages where problems seemed especially outstanding. During this visit more in-depth interviews were conducted with 10 villagers. The purpose of conducting these interviews was to get more realistic, coherent, and integrated narrative accounts by PAPs of their experiences with DMS in order to supplement the quantitative analysis reported in CHAPTER 2. These interviews have subsequently been analyzed and additional issues facing PAPs during DMS have been identified. Summaries of 7 representative interviews are presented below as examples to show what some villagers had to encounter while DMS was being conducted. All the 7 interviews were conducted in villages in Kien Svay District, namely, Prek Takeo Village (Samroang Thum Commune), Kandal Lue Village, Krom Village, Ksom Village (Banteay Daek Commune), and Sday Konleng Village (Dei Edth Commune). Based on these interview results 7 *Additional Findings* are identified and listed at the end of this CHAPTER under two headings: 1) Issue regarding information dissemination; and 2) Issue regarding intimidation.

3.1. Examples

Example 1: Mr. A in his 50's¹⁰

Prek Takeo Village (Samroang Thum Commune)

Mr. A bought his land for \$460 and has lived there since 1999. He has invested additional \$100 to landfill the area. Mr. A was told by the DMS team he would not be compensated for some of his properties, among which he is especially frustrated about the area where he has landfilled a swamp as well as a young mango tree that has yet to bear fruit. "When I asked [the IRC DMS team] what will be compensated for and what will not be, they told me not to ask the question. A few days later, they came back again and told me a number of times not to ask questions [about DMS]". Mr. A is very much afraid of authorities and has determined not to file any grievance. However, he believes that his compensation is too low. There is a wetland behind his house, so he cannot "set back" his house. Mr. A was not told about a substitute land that he is entitled to receive.

Example 2: Mr. B

Kandal Lue Village (Banteay Daek Commune)

Mr. B has lived in his house since 1979. He obtained a land title in 1992. He will have to "set back" this structure away from NR1. However, IRC measured only the portion that would be affected, which is up to the second pole out of four that his house has on each side. He did not know that he would not get any more compensation in the future, if he keeps his house within ROW (Right of Way). The first floor of Mr. B's house is made of concrete. Mr. B was told by IRC, however, that he would not be paid for this part of the structure. He asked the IRC team several times to compensate for the first floor as well, but they rejected his request, saying it was because he lives on the second floor. He can thus be compensated only for the second floor of the structure. After having (partially) measured his house and other assets, IRC showed him an A4-sized paper, on which his structure and assets were listed. IRC, however, did not give a copy of this document to Mr. B, so he cannot remember what was written there. He had been told to thumbprint on the document before seeing what was listed. Mr. B

¹⁰ All the villagers reported in this CHAPTER agreed to be interviewed on condition of anonymity.

now feels that the compensation rate is too low. He has not been given a copy of the pamphlet that describes and explains the NR1 project, as well as the compensation policy. IRC did show it to him during DMS, but did not give a copy to him. Mr. B does not know what to do with his grievance. He was also not informed about a public meeting. He found out about it, only when he happened to visit one of the neighboring communes in order to work there. He saw a Japanese person in the IRC DMS team. However, he was not able to recognize if an external monitor was accompanying the team, as nobody told him about it while DMS was conducted.

Example 3: Ms C in her 60's

Kandal Krom Village (Banteay Daek Commune)

Ms C lives here since 1997. At first, the IRC team tried not to conduct DMS on her house, telling her that it is not a real house but is a shop. They also said that her relatives, who live abroad, would be able to take care of her. However, in actuality Ms C has no one to support her anymore. She became desperate, followed the team to the next village, and begged them with tears to measure her house for compensation. The IRC team finally agreed to conduct DMS on her residence. The result of IRC's measurement was \$185. So, Ms C still had to ask the IRC team to recognize this structure as a house and compensate for it as such. Then the team increased the amount to \$222.62. However, on a DMS receipt they still simply wrote "trees". "IRC says this structure is a shop and I don't live here. But I do! I live here with my grand daughter". Ms C's house is made from the wooden floor, the zinc roof, and the zinc walls. "They forced me to thumbprint on a piece of paper. I need a new land to move into. I don't know what to do with my life now. I don't know how to raise grievance. I am too scared to do so now". Ms C did not know she would not get any more compensation in the future, if she moves within ROW. She was not given a copy of the pamphlet to explain the project and the compensation policy. Ms C never heard about a public meeting. Actually, she came to learn about the NR1 improvement project only when the IRC team visited her in October 2004 to conduct DMS.

Example 4: Ms D in her 40's

Ksom Village (Banteay Daek Commune)

Ms D has lived in her house since 1979. She has a land title. "IRC said my house is not a real house. They said they would only give me \$6.5/m². This is below the rate for Type 2 (which is \$12/m²)", said Ms D. When she tried to object to this measurement, which to her appeared to be an underestimate, IRC told her that they would lower the rate even further, unless she stopped making complaints. Then, they wrote "Type 2 X 65%" on her DMS receipt. She would want to request that IRC should use the rate of \$12/m², just as they do to other Type 2 houses. However, she is too afraid to say this to them. In fact, Ms D believes that even \$12/m² is still too low for her house, as she has invested so much money to it. Since about 3/4 of her house will be affected by the NR1 project, she will have to "set back" the entire house. However, the IRC team measured only the portion that would be affected by the project. When one of the DMS team members tried to measure the whole house, another member stopped him and told him not to do so. Ms D does not think she can reuse the same materials when she relocates. Regarding the moving cost of \$40 that she is getting, \$20 is the compensation for a plastic cover placed in front of her house, and the other \$20 is for a shop, according to IRC. There will be no compensation for the 4 coconut trees planted on her land. She was thinking about moving into the space right behind her current house, as she did not know that she would not get any more compensation in the future, if she still stays within ROW after the relocation. She

did not have a copy of the pamphlet to explain the project and the compensation. She did not know to whom she could forward her requests. She had no idea if an external monitor was accompanying the IRC DMS team, as no one introduced themselves to her as such.

Example 5: Ms E in her 40's

Ksom Village (Banteay Daek Commune)

Ms E has lived here since 1995. She has a land certificate. "In May this year (2005), IRC told me this is a shop and DMS will not be conducted. But I live here and I consider this structure as my house. I want this house to be compensated for, just like my neighbors". Ms E has a small coconut-juice-making machine in front of her house and sells coconut juice. When she complained to the IRC DMS team, they said they would try to give her \$80 and that they would come back again to complete DMS. However, no one has come back since May this year. She was given no document to ensure that she would be paid the said \$80. Ms E was also told by IRC not to make any complaint. She attended a public meeting. However, she does not know where she could forward her complaints. She got scared with all that had happened to her, discussed with her husband as to what to do, and decided not to express any more dissatisfaction. She did not know that she would not get any more compensation in the future, if she moves her house within ROW. Ms E read the pamphlet to explain the NR1 project. However, so few copies were available in her neighborhood that she could not get her own. She was not aware that external monitoring was being conducted. During DMS she met nobody who introduced themselves to her as an external monitor.

Example 6: Mr. F in his 40's

Ksom Village (Banteay Daek Commune)

Mr. F lives here since 1979. He is holding a land title. He built a shop in March 1999. His house is made from the concrete floor, the wooden walls, and the wooden-zinc roof. He spent \$300 to build a concrete basement, upon which his shop stands. However, the DMS team measured the shop and did not include the basement part for the compensation. On a copy of a DMS receipt Mr. F sees the word "shop" written. How the measuring was done is not described, however. The IRC team showed (but did not give) Mr. F an A4-sized paper, on which he saw his properties listed. These were the properties he would lose and get compensated for. However, he doesn't remember details on this paper any more. Mr. F feels that he cannot make complaints, because he is not sure what will be compensated for and what will not be. IRC said that they would compensate for Mr. F's 30m fence. However, this is not recorded anywhere on his DMS receipt. "The rate of \$12/m² is too low. I have invested about \$2000 on my shop," said Mr. F. He attended a public meeting but did not have a copy of the explanation pamphlet. He had no idea about to whom he should forward complaints. He did not know either that he would not get any further compensation in the future, if he remained within ROW. He was not aware of any external monitoring being conducted.

Example 7: Ms G in her 30's

Sday Konleng (Dei Edth Commune)

Ms G has lived here since 1975. Her house is made from the brick walls, the concrete floor, and the zinc roof. However, the DMS team classified her house into Type 2. She did not know about the compensation policy, according to which affected structures are put into four categories. She was the only one in the village who got a copy of the pamphlet to explain the NR1 project and the compensation policy. However, she has now lent this copy to her neighbor, so she cannot refer to it. She does not remember

what was written in the pamphlet. She believes that the IRC contact number was not written on the pamphlet. During DMS Ms G was shown (but not given) an A4-sized sheet of paper, on which her affected properties were listed. She does not remember what was written there any more, however. She does not know where she can send her complaints. Actually, after DMS she is too scared to complain any more. Ms G is not at all happy about the compensation that she was told to be getting. However, she had no other choice but to thumbprint on the document that was shown to her. She was not aware that she would not be given any more compensation in the future, if she stayed within ROW. She did not notice an external monitor in the DMS team.

3.2. Additional issues and findings

By going through these 7 examples, the following shortcomings in DMS processes can be identified and added to the *Findings* of the quantitative analysis reported in CHAPTER 2.

Issue regarding information dissemination

Additional Finding #1: No PAPs in the qualitative interview knew where or in what ways they could make complaints and file a grievance about what had been done (or not done) during DMS.

Additional Finding #2: Copies of the information pamphlet to describe and explain the NR1 project, as well as the compensation policy, were distributed only to the very limited number of affected villagers.

Additional Finding #3: No PAPs in the interview had full understanding and/or knowledge about the compensation policy.

Additional Finding #4: The affectees were shown an A4-sized paper with a list of their properties but do not remember details in the list, as they were not given a copy of this document.

Issue regarding intimidation

Additional Finding #1: DMS was not conducted in negotiating manners, where the team would practice the measurement while consulting with and trying to obtain consent from the affected villagers.

Additional Finding #2: The project affectees were/are so afraid that they could/can not even ask IRC questions, let alone filing a grievance.

Additional Finding #3: The PAPs were told to thumbprint on a DMS receipt, even when they were still not completely clear about what would be compensated for and what would not be.

CHAPTER 4

Recommendations

The following is a list of recommendations that have been made on the basis of the 2 sets of analysis reported in CHAPTERS 2 and 3. RAN would like to urge the Japanese Government to seriously consider these recommendations in order to keep the NR1 improvement project in compliance with applicable guidelines and procedures.

Recommendation #1: Ensure sufficient information disclosure and project-affected villagers' participation in DMS by handing a copy of a property list to each PAP.

By having assessed how DMS is being conducted by IRC based on the information directly obtained from and collected by affected villagers, it has become clear that DMS receipts do not fully document all the affected structures and assets for which PAPs are eligible to be compensated (See 2.1.). The IRC team's calculation of the compensation is sometimes simply wrong (See *Finding #2* in 2.3.). Critical and significant information, such as a fruit tree type, is often left out (See *Findings 6* and *7* in 2.1.). All of these are creating much anxiety, discontent, and frustration among many PAPs. Affectees are endowed with basic rights to knowing about how their properties will be affected and thus be compensated for. Besides, PAPs currently do not have any solid grounds on which to make complaints and file a grievance. DMS receipts apparently cannot help PAPs very much in this respect, because they do not carry sufficient quantity and quality of information. The Japanese Government must guarantee that information, based on which decisions are made on PAP's compensation, is disclosed to and shared with each individual PAP. RAN believes that the best and the most practical/logical way of achieving this is to give a copy of a property list to all the PAPs. For future DMS, means should be devised so that the IRC team can hand a copy of such a list to a PAP immediately upon completing DMS.

Recommendation #2: Stop depreciating affectees' structures and assets.

The results of the DMS assessment show a number of cases where IRC seemed to attempt to depreciate villagers' structures and assets to lower the total compensation (See *Finding #2* in 2.2. and all the *Findings* in 2.3.). It is not always practically possible for PAPs to recycle and reuse the materials to build a new structure/asset that is similar to or the same as the original on a relocation site. More importantly, according to JICA's guidelines, for all JICA-funded projects it must be ensured that the living standards of PAPs after the project implementation should not be worse than those at the pre-project stage. The Japanese Government must take actions so that IRC will stop using any means to depreciate PAPs' structures and assets during DMS.

Recommendation #3: Overhaul the current classification scheme of PAPs' structures.

The present analysis also shows quite clearly and in concrete terms the great difficulty with which for IRC to categorize all PAPs' structures into just four Types, because each of the structure owned by PAP is unique and is made of various materials (See 2.2.). Reducing such complex structures into only four Types has led to the possibility that IRC's subjective judgment influences the evaluation of affected buildings. Trying to measure PAPs' structures in the present manners may also run the risk of making the compensation fall short of the actual replacement cost. The Japanese Government must suggest to IRN that they reconsider the current classification scheme in order to make sure that their subjective judgment will not affect DMS processes and that affected people will at least be given the compensation that matches the actual replacement cost of lost structures.

Recommendation #4: Establish as soon as possible effective grievance procedures on DMS.

In order to make up for various insufficiencies and inappropriateness observed in DMS, as well as failures to adequately and widely inform PAPs about the project and the compensation policy (See 2.4. and 3.2.), an effective mechanism must immediately be established to address PAPs' concerns and complaints over DMS. Without such a mechanism the eventual restoration of affectees' livelihoods could not be foreseen. Such a mechanism should also ensure that PAPs can fully express themselves without feeling intimidated and/or threatened and have themselves heard in safe atmospheres (See 3.2.). Recommended actions resulting from such a mechanism must also be put into practice in timely manners.

Recommendation #5: Fully disseminate information on the project and the compensation policy to secure PAPs' informed consent.

It must be ensured that information on the project as well as the compensation policy should be given in timely manners to and understood clearly by project affectees. The present analysis indicates that many PAPs were not given a number of critical pieces of information, such as their rights to a substitute land (See 2.4.). It is unfortunate, to say the least, that the information pamphlet that has been printed for this very purpose has not been as widely distributed or circulated as it should be (See *Additional Finding #2* in Issue regarding information dissemination in 3.2.). The Japanese Government must ensure that the sufficient number of the information pamphlets be distributed to PAPs in timely manners. After implementing *Recommendation #4*, places where PAPs can file a grievance must also be announced to all the PAPs.

Recommendation #6: Ensure that the external monitoring be put into full implementation.

Many of the problems observed and reported above with the DMS processes should not have occurred, if external monitoring were in full operation (See especially **Examples 2, 4, 5, 6, and 7** in 3.1.). The Japanese Government should seriously consider ways to put the current external monitoring back on the right track so that it will be in full compliance with JICA's guidelines in general and the compensation policy in particular. This should include an option of urging to the current external monitor that they work much more closely with Cambodian NGOs, who have proven themselves to be effective in helping improve the compensation processes, as well as considering to replace the present external monitor, if deemed necessary.

APPENDIX A
Summary Table of Quantitative Analysis

Summary Table of Quantitative Analysis

#	<i>Finding</i>	Computation (%)
2.1. Insufficient information on DMS receipt		
1	Total amount of compensation NOT stated	16 / 174 (9.20)
2	PAPs with affected structure Affected structure NOT recorded	161 / 174 (92.53) 4 / 161 (2.50)
3	Measurement of affected structure NOT recorded	46 / 157 (29.30)
4	Type of affected structure NOT stated	24 / 157 (15.29)
5	PAPs with affected asset Affected asset NOT documented	72 / 174 (41.38) 48 / 72 (66.67)
6	PAPs with affected fruit tree Affected fruit tree NOT documented	111 / 174 (63.79) 30 / 111 (27.03)
7	Type of affected fruit tree NOT described	81 / 81 (100.00)
8	Vulnerability assistance claimed Vulnerability assistance NOT recorded	44 / 174 (25.29) 40 / 44 (90.91)
9	Relocation assistance claimed Relocation assistance NOT recorded	140 / 174 (80.46) 140 / 140 (100.00)
10	DMS miss PAP	---
2.2. Limitation in structure classification		
1	Type of affected structure specified Type of affected structure NOT conclusive	133 / 157 (84.71) 77 / 133 (57.89)
2	Category "shop" used Category "shop" used for depreciation Measurement NOT specified for structure categorized as "shop"	28 / 157 (17.83) 5 / 28 (17.86) 19 / 23 (82.61)
2.3. Miscalculation/asset depreciation		
1	Depreciation applied Depreciation reported in 3 village closest to Phnom Penh	22 / 133 (16.54) 22 / 22 (100.00)
2	Total compensation amount miscalculated Miscalculated amount lower than actual amount	15 / 110 (13.64) 15 / 15 (100.00)
3	PAPs with partially affected structure PAPs with partially affected structure need to "set back" or relocate Compensation for partially affected structure based on partial measurement	44 / 140 (31.43) 44 / 44 (100.00) 27 / 44 (61.36)
2.4. Insufficient information on substitute land		
1	PAPs NOT informed about substitute land PAPs NOT knowing substitute land and concerned about finding relocation site	114 / 140 (81.34) 33 / 114 (28.95)
2.5. Missing items in measurement		
1	PAPs owning assets NOT recognized for compensation	72 / 157 (45.86)

APPENDIX B
Sample Detailed Measurement Survey (DMS)
Questionnaire

DETAILED MEASUREMENT SURVEY (DMS) QUESTIONNAIRE

QID:

Date of interview:...../...../ 2005

Interviewer's name:.....

Name of Household Head:.....; Called name:.....

Name of Spouse:.....; Called name:.....

Name of Respondent:; Called name:.....

Relationship to Household Head:

(if not present ask spouse or other adult, but over 18 years old).

LOCATION:

IRC No.:.....

House No:.....

Left Right (Direction from Phnom Penh to Neak Loueng)

Distance from centerline of road to people's land..... meters

Distance from centerline of road to people's house.....meters (first column or wall)

I. ASSISTANCES FOR VULNERABILITY:

(If there is more families, who are living in that house/areas, give all).

1.1 How many members are in the household?, people.

1.2 How many married couples live in the household? 1 2 3 4 5+

1.3 Household status is:

No.	Vulnerabilities	No	Yes	USD/Factor	Amount
1.	Widow Household Head			20.00	
2.	Disabled Household Head			20.00	
3.	Poor Household (Income<10\$/person/month)			20.00	

I. Minimal Amount of Vulnerability Assurances you are eligible to receive(USD):	
--	--

II. LAND:

2.1 What is your affected land in ROW?

Land Category	Own Land	Rent	Land use since when	Affected Area		
				Length, m	Width, m	Size, m ²
Rice field (Sre)						
Orchard (Chamkar)						
Livestock						
Commercial						
House Plot and Home Garden						

2.2 What is your affected land outside ROW?

Land Category	Own	Rent	Land use since when	Affected Area			Compensation Cash	
				Length, m	Width, m	Size, m ²	USD / m ²	Total (\$)
Rice field (Sre)								
Orchard (Chamkar)								
Livestock								
Commercial								
House Plot and Home Garden								

II. Minimal Amount of land Compensation you are eligible to receive(USD):

III. HOUSES AND STRUCTURES:

3.1- Affected Houses and Others Structures

Purpose of structures code:

- 1= House 2= Kitchen 3= Parking/Storage 4= Craft
5= Shop / Restaurant 6= Small stall for selling 7= Cow Stable 8= Workshop 9= Bathroom
10= Other (describe).....

Construction material code:

- 1- Temporary Material 2- Thatch 3- Tin / Fibro/ Plastic Sheet 4- Wood
Floor 5- Roofing Tile 6- Floor Tile 7- Mortar 8- Concrete
9- Bamboo 10-Metal 11- Brick 12- Earth
13- Others (spec.):

Purpose of Structures (code)	Roof (code)	Wall (code)	Floor (code)	Type of Structures (code)	Size of Structures		Unit Cost (USD)	Total (USD)
					Length(m) x Width(m)	Size(m ²)		
					L:..... x W:			
					L:..... x W:			
					L:..... x W:			

III. Minimal Amount of House/Structures Compensation you are eligible to receive(USD):

3.2 You are: Owner Tenant Owner relative
 Other (spec.).....

3.3 In case you are tenant, rented rate:..... Riels per month

IV. MOVING ASSISTANCES AND SUBSTITUTE LAND:

4.1 Total Amount of others assistances you are eligible to receive:

No.	Others assistances	USD/Factor	Number	Amount
1.	Relocate a whole house	40.00		
2.	Relocate a house outside ROW	40.00		

IV. Minimal Amount of Moving Assistances you are eligible to receive(USD):		
I am eligible to receive substitute land	NO:	YES:

4.2- Can you stay with the rest part of the house? No Yes Not sure

4.3- If you were asked to move from the ROW, where can you resettle?

Move to my land behind Move to another place To stay with others
 To by a new land Other (spec.).....

4.4 Will you get a house plot from MRC? No Yes Don't know

4.5- Photograph of Structures and Trees

The picture/photograph will be taken by NGO Forum staff.

The picture/photograph will be taken by NGO Forum staff.

V. FIXED ASSETS:

No.	TYPE OF ASSETS	UNIT	UNIT COST, USD	TOTAL AMOUNT, USD
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1.	Dig Well		50	
2.	Pump Well		75	
3.	Wood/Wire Fence		0.75	
4.	Brick/Rock Fence		4.86	
5.	Pond		replace digging	

V. Minimal Amount of Fixed Assets Compensation you are eligible to receive(USD):

VI. TREES AND CROPS:

No.	Type of Trees and Crops	Age (Year)	Number	UNIT	UNIT COST (USD)	TOTAL AMOUNT (USD)
1	Mango tree			Each	25 - 30	
2	Tamarind tree			Each	5 - 10	
3	Palm tree			Each	8.00	
4	Coconut tree (Milk-fruit tree)			Each	15	
5	Bamboo			Shrub	10 - 15	
6	Jackfruit tree			Each	10 - 15	
7	French custard apple (sour sop)			Each	5	
8	Khmer custard apple			Each	3	
9	Papaya			Each	2 - 2.5	
10	Wood tree			Each	20 - 25	
11	Banana			Each	0.08	
12	Lemon tree			Each	3 - 5	
13	Guava tree			Each	2 - 2.5	
14	Vegetable garden				Market Price	
15						
16						

VI. Minimal Amount of Trees and Crops Compensation you are eligible to receive(USD):

IRC RECEIPT - 1:

Serial number: _____ Interview Code: _____ Date: ___/___/___	Name: _____ Sex: <input type="checkbox"/> M <input type="checkbox"/> F Age: _____ Village: _____ Commune: _____ District: _____ Province: _____ <div style="border: 1px solid black; width: 100px; height: 40px; margin: 5px auto;"></div> Type: _____ Farm Land: _____ m ² House plot: _____ m ² House: _____ m ² Other: _____
--	--

R.1 - On the back of the receipt: Total amount will pay by IRC: _____ USD

IRC RECEIPT – 2:

Serial number: _____ Interview Code: _____ Date: ___/___/___	Name: _____ Sex: <input type="checkbox"/> <input type="checkbox"/> M F
	Age: _____
	Village: _____ Commune: _____
	District: _____ Province: _____
	Farm Land: _____ m ²
	House plot: _____ m ²
	House: _____ m ²
	Other: _____

R.2 - On the back of the receipt: Total amount will pay by IRC: _____ USD

- Total Amount of Minimal Compensation You Should Receive (USD) = I + II + III + IV + V + VI	
---	--

- Total Amount of Compensation You Receive from IRC Receipt (USD) = R.1 + R.2	
--	--

RESULT:

- The amount on the receipt is less than the minimal amount of compensation I should receive.
- The amount on the receipt is same as the minimal amount of compensation I should receive.
- The amount on the receipt is more than the minimal amount of compensation I should receive.

THUMB PRINT / SIGNATURE

- H-Head/Spouse: _____

- H-Head Respondent: _____

- Interviewer/Numerator : _____

Sketch Map



