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RP-005

KINGDOM OF CAMBODIA
Ministry of Public Works
and Transport

WORLD BANK

ROAD REHABILITATION PROJECT

SIMPLIFIED ENGINEERING DESIGN

RESETTLEMENT ACTION PLAN

June 1998

JAPAN OVERSEAS CONSULTANTS CO. LTD.
in association with
ORIENTAL CONSULTANTS CO. LTD.

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Executive Summary

This Resettlement Action Plan (RAP) is a guide specified by the World Bank and approved by the Royal Cambodian Government (RCG). It defines which households will be negatively affected by the Cambodia Highways Rehabilitation Project, where they are located, what compensation measures are to be provided, and how and when these measures must be implemented. The RAP is an integral part of the Initial Environmental Assessment (IEA) for the project, critical to the integration of social environmental actions and concerns into the project process. It has been designed as a stand-alone document for the purposes of smooth passage through a relatively lengthy approval process not required of the rest of the IEA.

A RAP is required for this project because of the presence of people and their homes, businesses and gardens in the rights-of-way of several of the project road segments. The project entails the upgrading of 115.2km of roads in Phnom Penh and Sihanoukville Municipalities and Siem Reap Province. 11.8km of the project roads are urban roads, and 103.4km rural. Road improvements will vary from place to place, and will consist of everything from straightforward resurfacing, to widening by several meters, to elevation of the roadbed by over 3m for flood prevention. The improvements will be made in two stages. All project roads will be brought up to a standard width of 8m in the first stage (construction is slated to begin in late 1999), while the end of the second stage, some ten to fifteen years on, will see the standard width increased to 11m. In places where the road upgrade will consist of straightforward resurfacing of an existing road surface (already at the 11m maximum), the need for resettlement is essentially a non-issue. This is the case for all of the urban roads included in the project, so the resettlement process is focused on the rural areas.

An important distinction to make between this project and many other infrastructure projects requiring resettlement is that while all project-affected people (PAPs) are located within the 50m-wide RoW belonging to the RCG (see Section 2.3 for details), their new location further back from the corridor of impact will still be within the RoW. Therefore, neither expropriation of privately held land nor purchase of land to relocate PAPs will be necessary.

The data which form the basis of the prescriptions made in the RAP are the result of a survey of people living and working in the RoW of all the project roads. This survey was completed in May of 1998 by a Cambodian NGO with experience in undertaking public surveys. The survey found that there were 1818 households living in and/or deriving income from the RoW who could be considered PAPs eligible for compensation, and that almost 700 structures would have to be removed in order for the upgrade to take place. A diskette containing the raw survey data submitted by the NGO is included with this document The entitlement policy, which defines the criteria used in determining which PAPs are eligible for compensation, is described in detail in Section 4.

There are four types of compensation available to PAPs:

i. compensation for loss of land and assets;
ii. compensation for temporary loss of livelihood;
iii. compensation for loss of community structures/facilities; and
iv. a flat shifting allowance.

The estimated total cost of compensation is US$284,880. Compensation payments for various losses are summarized in Table 6 of the RAP and further delineated in Section 9. They include:

- dismantling and replacing or rebuilding any structures affected by the project (both private and communal structures);
- finding new land for PAPs to occupy and cultivate within the RoW;
- temporary loss of employment;
- monetary compensation for loss of annual income due to lost crops, both perennial and annual (plus a flat payment for loss of future income from felled fruit trees);
- replacing wells and reconnecting any utilities which were disconnected through relocation;

- a US$40 (Riel 144,000) shifting allowance paid to each PAP household to compensate for lost income and the general inconvenience of having to relocate; and
- additional compensation for vulnerable groups of PAPs who suffer more, economically or socially, from relocation and rehabilitation than the general population.

The project implementation unit (PIU) and an independent monitoring or auditing agency will record and observe compensation procedures, and verify that any persons erroneously excluded from the census survey are compensated appropriately for their assets. Grievance procedures also will be explained to PAPs at the time of compensation.

Periodic monitoring of RAP implementation by an external auditor (NGO or consultant) will determine whether compensation measures are achieving their intended goals, to correct any shortcomings of the compensation, and to examine the overall effect that resettlement is having on the PAPs and their socio-economic status (for more details see Section 7).

The administrative and monitoring costs for the RAP are estimated to be US$75,000, bringing the total estimated cost of the RAP over a 4-year implementation period to US$359,880.

1 INTRODUCTION

This Resettlement Action Plan (RAP) is a guide specified by the World Bank and approved by the RCG. It defines which households will be negatively affected by the Cambodia Road Rehabilitation project, where they are located, what compensation measures are to be provided, and how and when these measures must be implemented.

The RAP has been completed as accurately as possible, yet changes are likely because it is a "living document", and information may need to be adjusted,[1] verified, and updated regularly. In view of these possible adjustments, the Project Implementation Unit (PIU) should use the RAP as a planning tool, since it should provide relevant and up-to-date guidance.

This RAP, although part of the Initial Environmental Assessment, has been prepared as a separate document since it must undergo an extensive approval process and, if too closely tied to the IEA and its EMAP, could delay the entire environmental documentation package.

1.1 PROJECT DESCRIPTION

The project consists of the rehabilitation and, in a few cases, the reconstruction of roads in three regions of the country: Sihanoukville Municipality, Phnom Penh Municipality and Siem Reap (Map 1 and Map 2). Of the total 114 kilometers, approximately 25.4 kilometers pass directly through towns and urban areas, and 110.8 kilometers go through a rural agricultural setting, often passing small villages. The longest single continuous road section occurs in Siem Reap Province, and extends along NR6 (Map 1) for a distance of approximately 89 kilometers, from the intersection of the Siem Reap airport access road and NR6 to the provincial border with Kampong Thom. The four treatments proposed are resurfacing, rehabilitation, betterment and reconstruction. Definitions of these treatments can be found in Section 1.2 of the IEA.

Within urban[2] areas, road improvements will not extend beyond the existing curbs, and will constitute the full 11m widening. No impacts are expected other than those related to normal construction period traffic delays, addressed in the terms and conditions, and specifications of the construction contract. Therefore, no further discussion of these urban sections is needed. Along rural sections of NR3 and NR6, betterment and reconstruction work is proposed. Taking a two-stage approach, roads will initially be widened and resurfaced to 8m (including two 0.5m shoulders), requiring the relocation back from the carriageway of all structures within the Corridor of Impact (CoI), mostly wooden stalls used by vendors and plots of cultivated vegetable gardens. More than 3000 tended fruit trees (mango, jackfruit, banana and guava) within the CoI will have to be cut down or, if small enough, transplanted. The second stage, some 10 to 15 years in the future, will involve a further widening to the 11m national road standard, at which time a further 1.5 m will have to be cleared on both sides of the carriageway (Figure 1). This project will, with a handful of exceptions, require only a 'shifting back' of the encroachers, within the RoW. The 10m-plus wide strip of land remaining unused after the second widening will provide ample space for the relocation of displaced PAPs.[3]

A major part of the work will be the replacement and reconstruction of more than 50 culverts and bridges which were damaged or destroyed during past military actions or have broken down due to neglect. However, all new bridge/culvert installations will be to the full 11m dimension, since replacing these structures when stage two is initiated would be a huge additional cost.

The construction work will be undertaken over a three-year period beginning at the end of 1999, with most project roads in operation by 2003 (Table 4).

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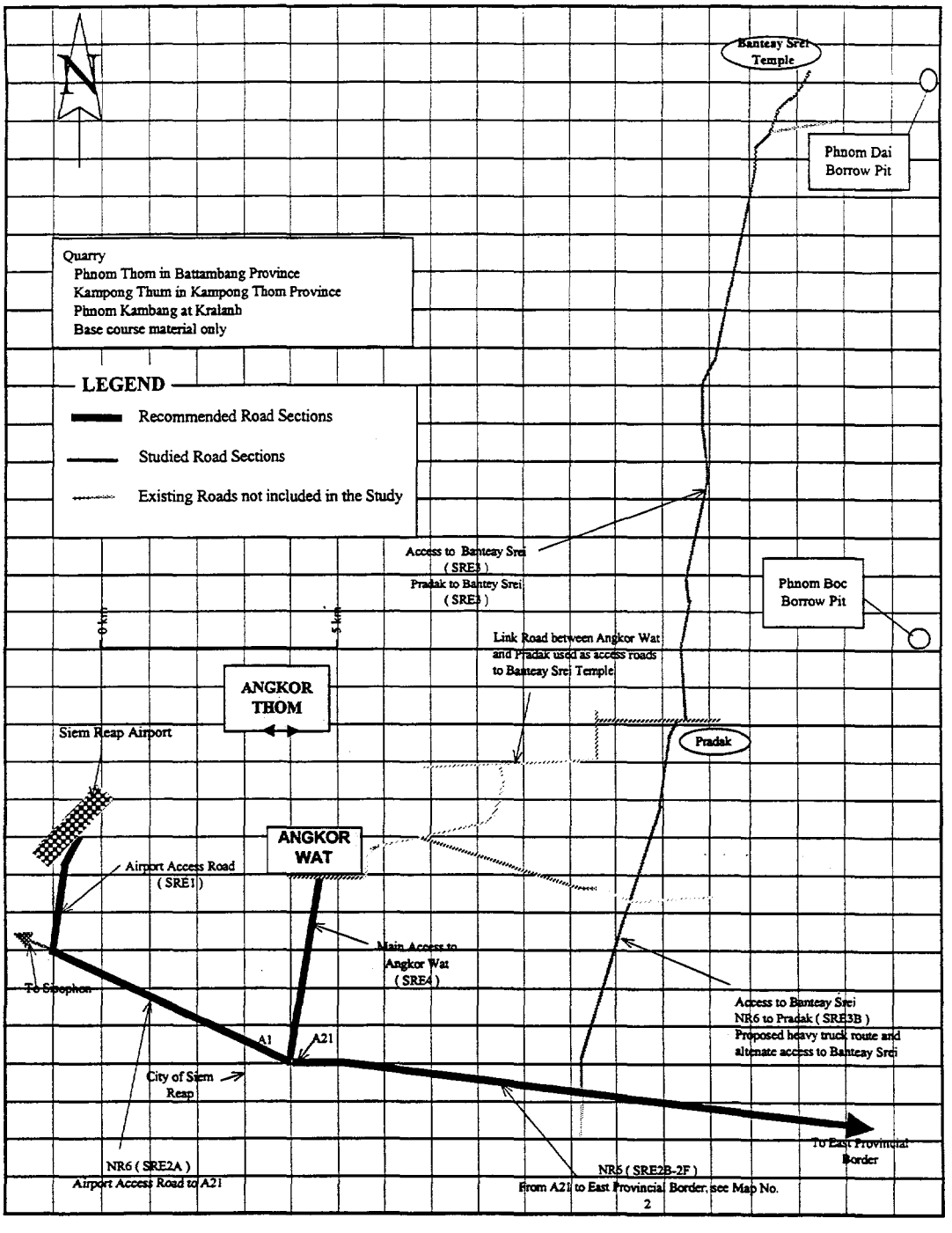
[1] The entitlement policy (Section 4), defining PAP eligibility and the compensation packages to which each PAP is entitled, will not be changed without prior approval by the World Bank.

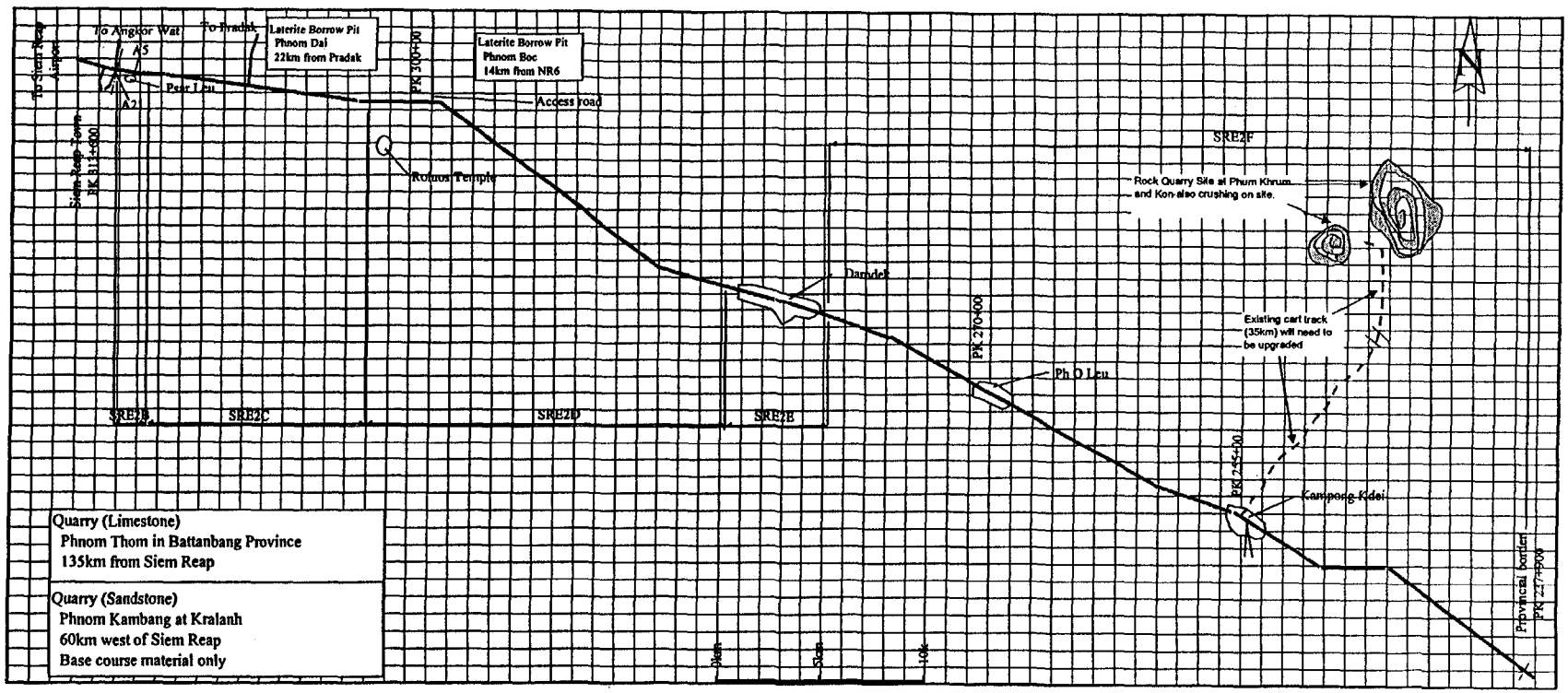
[2] In this report, when referring to urban areas we mean roads within Sihanoukville, Phnom Penh and Siem Reap, but have not included the predominantly rural roads, passing through a number of small villages as found, for example, on NR6 and NR3.

[3] In this report, unless specifically defined, PAPs refers to all eligible project-affected people.

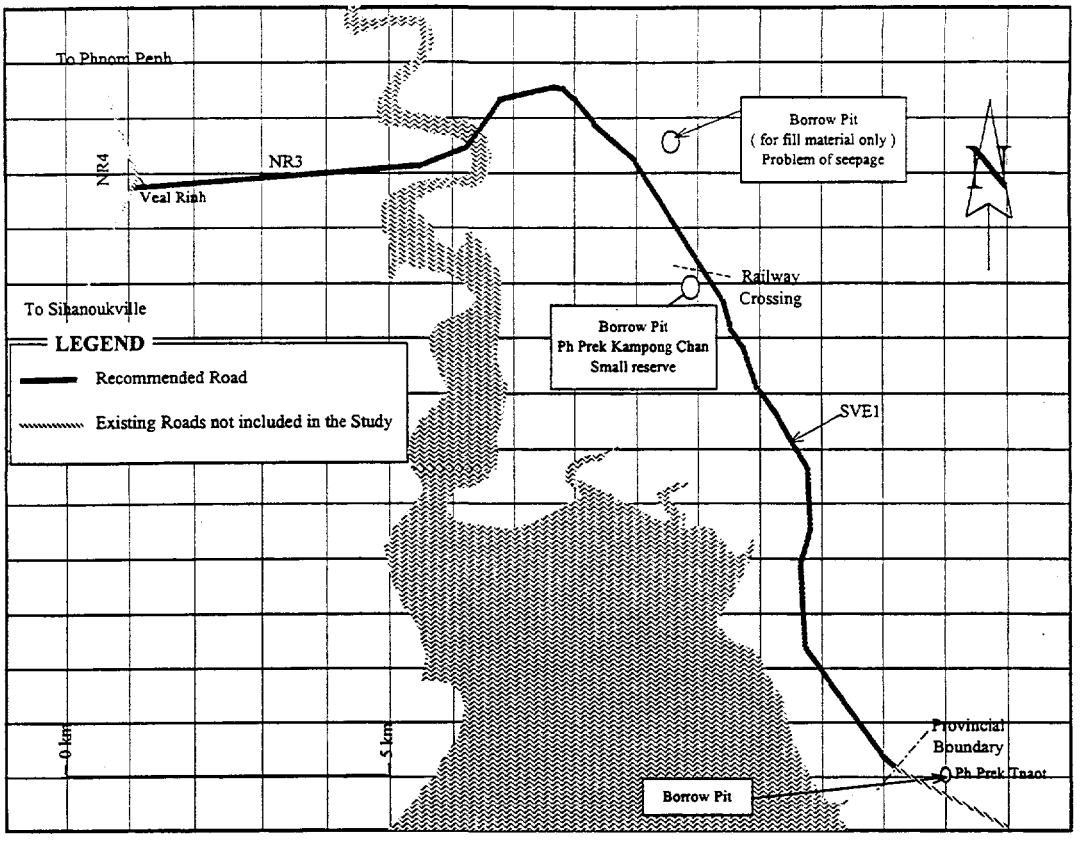
Map 1 The NR6 Study Area from the Airport Access Road to the Border of Siem Reap Province, and Urban Sections through Siem Reap



Map 2 Study Area in Siem Reap Province: NR6 (SRE 2B to SRE 2F)



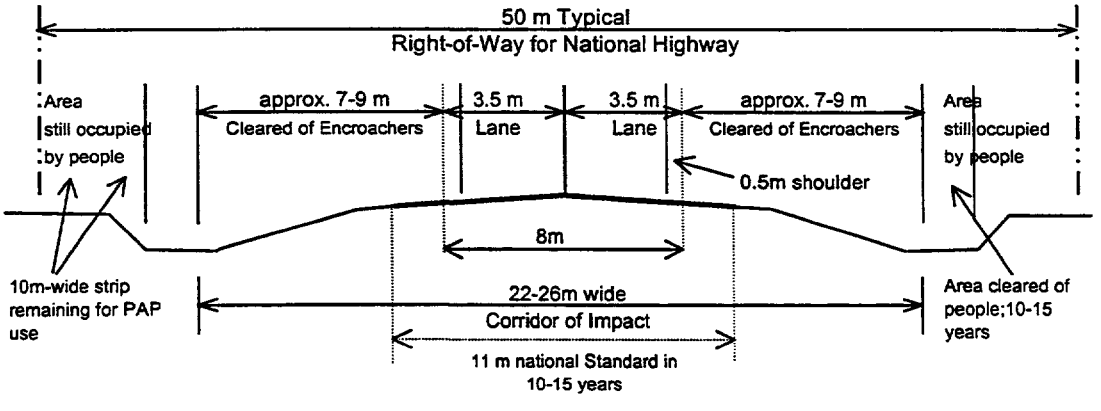
Map 3 The NR3 Study Area From the Junction of NR3 and NR4 to Trapeang Rapou



1.2 STUDY AREA BOUNDARIES

National highways in Cambodia have a 50m RoW in most locations. While no law requires this distance, the Royal Cambodian Government (RCG) assumes the available RoW to be 25m from either side of the road centerline. Generally local residents have respected the RoW boundary, in that they have constructed their permanent dwellings immediately outside of it. Figure 1 shows the relationship between the RoW and the area within which road construction will take place, known as the Corridor of Impact (CoI). The CoI must be cleared of all people and structures now, and again in 10-15 years when the roads are widened to the full 11m national standard.

Figure 1 Cross-section of RoW, Clearance Zone and Corridor of Impact on Cambodian National Highways (not to scale)



Even with the road fully developed to a national highway standard of 11m, there will still be ample space, in nearly all sections of the two road corridors, to permit land-use activities to continue within the RoW.

1.3 MEASURES TAKEN TO MINIMISE RESETTLEMENT

In the preliminary design phase, prior to initiation of the RAP, the engineering design team minimized the numbers of PAPs needing to be resettled and reduced the negative effects on communities by:

- modifying project alignments to avoid unnecessary displacement;
- reducing the width of the RoW or corridor of impact;
- providing access to businesses and residential units that would otherwise be affected by construction;
- using land inside the RoW, but not needed after construction, to relocate people quickly;
- minimizing losses of public property, such as trees within the RoW, by minimizing, where needed, the width to be cleared.

1.4 RESPONSIBILITY

The Royal Cambodian Government (RCG) and the Ministry of Public Works and Transportation (MPWT) are responsible for the implementation of the RAP and other recommendations and guidelines agreed to as part of the RAP process.

In order to satisfy the World Bank's policy, the involved government departments and agencies have endorsed the RAP and have agreed to provide technical and financial assistance to the PAPs who must rebuild their lives, livelihoods and socio-economic networks following their displacement. The RAP is an assistance package, not simply a welfare solution. It has been designed to allow PAPs to help themselves by encouraging them to participate in the selection of appropriate compensation options.

The Project Implementation Unit (PIU) for this project, within the MPWT, is responsible for the overall implementation of the RAP. The Government of Cambodia is fully responsible for the costs of resettlement and the compensation package paid to PAPs. The World Bank may make available funding for technical assistance and capacity building in support of the RAP actions.

2 EXISTING RESETTLEMENT POLICIES AND LEGISLATION

2.1 BACKGROUND

Cambodia has experienced severe social, economic and political disruption during the past 20 years. In 1975 all private property was abolished and all land records were destroyed. During the years that followed people were forced to evacuate urban areas and move to rural areas to take part in forced work camps. Many people died during this period, known as the genocide years (1975-1979), creating a skewed demographic situation with over 30% more women than men in the 40-45 year age group. A large-scale out-migration of adult males from the country during these years compounded this imbalance.

After 1979, people began to return to the urban areas, which had largely been destroyed. Due to the lack of defined property rights, many people returned to occupy vacant land and structures, and a system based on usufruct rights was established. In rural areas, the government assisted groups of families (Krom Samaki) to form units based on the collective ownership of land and assets with a village head (Protean Phum). Land was distributed according to fertility, and families often received several plots of varying quality.

2.2 CURRENT LEGISLATION

The current legislation governing land ownership is the Land Law, October 1992. This Act supersedes any previous legislation through Article 1, which states, "all the land in Cambodia belongs to the State and....the State does not recognize the land property rights existing before 1979." While the ultimate owner is always the RCG, land registration by private citizens was reintroduced in 1989.

Article 2 gives Cambodians the right to possess and to use land and to inherit the property provided by the State for living and doing business. Article 3 guarantees the user of the land the right to possess, to use and to receive lawful product of the land. Violation of the private property rights is forbidden except when public interest requires it, in cases provided by the law. In this case the property owner has the right to receive, in advance, just and proper compensation.

Article 5 states that "private right is not given in forestry reserves, fishery reserves...***land reserved for roads construction and road maintenance***, railroad, rivers and seas."

Additionally, the current legislation recognizes the Right of Occupation as a claim to ownership. "In the estate issue, if any temporary possessor peacefully, honestly, publicly without ambiguity, occupied land for 5 consecutive years and the land is free with no record in the enrolment register and does not belong to anybody, the temporary possessor shall become a legitimate owner of that land."

Concerning land acquisition, Article 44 of the Constitution of the Kingdom of Cambodia (1993) states that the government's "right to confiscate properties from any person, shall be exercised only in the public interest as provided by law and shall require fair and just compensation in advance." Article 20 maintains that "nobody shall be forced to transfer his/her ownership, if forcing is not necessarily in the public interest and [if] no proper and just indemnity has been paid to the owner."

However, while an individual's rights to ownership and compensation are protected, there is no clearly defined mechanism for land acquisition and amounts of compensation. In the past the government has requested that the provincial governors resolve cases. The governors convened ad-hoc committees to determine land values, and appropriate compensation levels were discussed with affected parties. Under these circumstances individuals have no right to appeal and are obliged to sell.

Furthermore, there is no legal definition of the extent of government land. While the Government of the Kingdom of Cambodia assumes a Right of Way for National Roads of 25 meters from the centerline, this is based on pre-1975 practices and modern legislation specifying the government RoW has yet to be enacted.

Legislation governing the expropriation of land is to go before parliament in the coming months. This will set up the processes to be followed and give guidelines for compensation.

2.3 LAND REGISTRATION

The right to private occupation of land was re-established in 1989. Cambodians are now able to register the land they occupy with the local agricultural or land office, whereupon a certificate of land use and possession is granted. Issuing the title deed is a lengthy process and most offices have a major backlog of applications awaiting processing. People are given a receipt and until the official title deed is issued, this is taken as title for land purchase or sales.

The Land Titles Department (LTD) documents the land registration process, under the jurisdiction of the Council of Ministers. The LTD has four tiers, the national LTD in Phnom Penh, and offices at the Provincial, District and Khum (commune) levels. The granting of land title is a complex procedure requiring the Khum LTD sub-committee, the neighbors and any other interested party to verify the existence of the land and to ensure there are no disputes concerning the plot. The application is then passed to the District LTD with the recommendation that the title deed be issued.

The present legal status of land use in Cambodia can be classified as follows:

- **Titled privately owned land** is land to which the owner has official title, and both the owner and the Land Titles Department have a copy of the deed.
- **Untitled privately owned land** is land that is still awaiting the issue of a deed to the owner. The Land Titles Department recognizes the owner.
- **Land-use rights certified by the government.** In these cases, a receipt for use of the land has been issued. This land-use right is long term, usually lasting for 20-30 years, and is recognized by the Land Titles Department.
- **Leased land** is leased by the government or private owners, usually for a short period of 2 to 5 years. There is a provision for the owner to reclaim the land if it is needed for development purposes.
- **Illegal occupation** of government owned land for which no land use rights have been issued. The Land Titles Department does not recognize the use of this land.

In urban areas such as Phnom Penh and Siem Reap a form of ownership registration is practiced. It is referred to as the "Household Book" in which members of a household are listed, along with the address of their residence and an identification number. If members of a household possess a book for their current residence, they are officially authorized to live there, and are not considered squatters.

Illegal occupation of land is the only land-use category affected by this project, as all clearing and resettling is to occur within the 50m-wide RoW belonging to the RCG (as defined by the Land Law, 1992), and all PAPs will simply move back within the existing RoW. Land acquisition is not necessary and thus, Cambodian land expropriation procedures are not described in this RAP.

2.4 RESETTLEMENT POLICY IN CAMBODIA

At present there is no national policy for resettlement in the Kingdom of Cambodia. As a result, the World Bank OD 4.30 will be the guideline followed for this RAP. According to OD 4.30, the main aims of the RAP are as follows:

- Wherever possible, displacement will be reduced or avoided altogether by sensitive design of civil engineering works (e.g. alternative alignments or modifications to the design).
- Where negative impacts are unavoidable, those displaced are to be assisted in efforts to improve, or at least restore to prior levels, their income and standard of living. They will be assisted with the integration into their new settings within the RoW. Particular attention will be given to the needs of the vulnerable groups to be resettled.
- PAPs will be compensated, at replacement cost, for assets lost. Adequate social and physical infrastructure (such as housing plots, community services and facilities) will be provided if necessary. For this RAP the focus of the compensation will be on a 'shifting-back' allowance as described in detail in Section 4.5.
- PAPs and host communities will be encouraged to participate in the design and implementation of the RAP.

3 THE SOCIO-ECONOMIC SURVEY AND CENSUS

Cambodian Researchers for Development (CRD), a Cambodian non-governmental organization, was contracted to complete the census and the socio-economic survey of the PAPs. The Bank consultants prepared a draft survey form for CRD, which modified it to create a questionnaire (see Appendix 1). This was reviewed and then adopted by CRD for the census. Based on instructions and strip maps supplied by the Bank consultants, defining the exact distances from the road centerline (per road section) to be included in the CoI, CRD surveyed the PAPs located within this variable-width CoI.

CRD initially met with the governors' offices and Departments of Public Works and Transportation in the two provinces (Siem Reap and Kampot) to alert all local officials that the survey was to be undertaken and to invite the provincial governor's offices to participate. Both provincial governments

participated in the survey as part-time observers, and indicated their acceptance of the validity of the census results (a letter from each provincial government is included in Appendix 2). CRD prepared all the logistics necessary for the work and, accompanied by representatives of the Ministry of Environment, met with the provincial governors to seek assistance in establishing market values for land, structures and assets. Only Siem Reap provided help with these data.

The survey was completed in 8 days for NR3 and in 25 days for NR6 (Box 1). The surveys began on the shorter NR3 project-RoW, as it was less complicated and served as a testing ground for the survey methods. Part of the field survey required CRD to mark, as precisely as possible on strip-maps (included in the Data Report, at the PIU), the location of all PAPs within the RoW. By using a set of symbols, CRD was able to indicate the key assets to be disturbed on the strip-maps of the roads. A numbering system was devised to give each PAP a distinct number, such that they could be identified as living on the right or left side of the road. Measurements of the distance of the households from a starting point were taken using the standard 'chainage method', also used by the engineering team.

A computerized spreadsheet, listing all the data and input as one record per household (included in the Data Report, and attached to this document on diskette), was provided to the consultants, to allow for subsequent graphing and analysis. The spreadsheet also included a table of the unit costs for land and structures, to be used as multipliers when calculating compensation payments. Documentation of all sources of such information was provided in addition to a list of definitions of the parameters, names and units of measurement used in the database. The survey results as defined in detail in the Data Report are summarized below.

Box 1 Problems Encountered

Two sources of error occurred in conducting the census. Corrective action is to be taken at the time of compensation.

Forced Eviction: Along approximately 16km of NR6 between Kompong Kdai and Sang Veuy, PAPs reported to census-takers that local police were evicting people from the right-of-way in advance of survey teams. The practice was stopped following MPWT intervention. MPWT later said the police action was part of a traffic safety campaign and was unrelated to the survey campaign. The CRD survey team indicated that it might not have been successful in reaching 16 potentially affected households. These households will be considered eligible and compensated as per all RAP provisions if verification of their prior occupation of the right-of-way is provided by neighbors.

Ineligibility Criteria: The survey registered the identities of 185 households but denied them eligibility for compensation or assistance because they stated that they had been utilizing the right-of-way for less than one year. To comply with Bank policy standards, MPWT agreed that these 185 households are to be eligible for transitional support and compensation for assets. The transitional support will be the same as provided to all other affected households; their assets will be inventoried at the time of neighborhood or district compensation.

3.1 SOCIO-ECONOMIC CHARACTERISTICS OF THE PAPs

The socio-cultural and socio-economic descriptions of the PAPs were derived mostly from the CRD census, but some data were taken from the 1996 demographic survey of Cambodia.

3.1.1 Ethnic Groups

In Sihanoukville Municipality, approximately 75% of the people using the RoW are ethnic Khmer, while the remainder are of Khmer-Vietnamese mixture, with some ethnic Vietnamese immigrants. A small number of ethnic Chinese were also censused. In the Siem Reap study area Khmers make up over 95% of the population; the other 5% are a mixture of Vietnamese and Khmer, with some ethnic Chinese.

3.1.2 Gender

In Cambodia, as in nearly all countries in the world, women live longer than men. The sex ratio in Cambodia is quite balanced until the 20-29 years age group, where it drops to 83.5 men for every 100 women. From then on the imbalance grows until the 75-years-plus group, of which only 41% is men. Of note is the 40-45 year age group, those most affected by the 1976-79 genocide years, where the sex ratio of men to women is 65.5 to 100. This imbalance has left a disproportionately large number of widowed-female-households, many of which are at or below the poverty line. This pattern is reflected along both road corridors.

3.1.3 Literacy

Given that both roads are predominantly rural roads, the national averages as shown in Table 1 adequately reflect conditions along the road. However, roadside populations might have a slightly higher literacy rate than the national average for rural areas, due to a tendency to engage in mercantile occupations and therefore suggesting a greater need to be literate.

Table 1 Summary of Literacy Data; 1996 RCG National Demographic Survey

Category	Total Population	Male (elementary)	Female (elementary)
Rural-Urban Together (%)	68.7	81.8	58
Urban (%)	80.2	90.6	71.5
Rural (%)	66.8	80.3	55.7

3.1.4 Occupation

3.1.4.2 Primary and Supplementary Sources of Income

The majority of PAPs (60%) indicated that they derived less than 40% of their total income from activities within the RoW. Of those, half indicated that they derived less than 20% of their income from their operations within the RoW. The rest—644 PAPs, mostly vendors—derived a great deal more from the operations. In 123 cases, 100% of income came from the sale of goods and food from a stall located within the RoW. Fortunately, these vendors will have to relocate only a few meters back from their present locations, and will be able to re-open for business very quickly. Such relocation will be fully compensated, including the tearing down, moving of and reconstruction of all assets, as well as further shifting allowance (see Section 4).

3.1.5 Occupancy and Spatial Distribution

Without exception, PAPs were concentrated within 1 km of the villages scattered along the road, or inside the villages themselves (see strip maps in Data Report). Businesses and stalls were always found to be located as close as possible to the carriageway so as to be highly visible to passing potential customers. In villages the roadway is generally used as a market area and as such will always be congested.

Along NR3, 31 households had their principal residence (mostly wood-thatch structures) within the RoW. Along NR6, 77 primary residences were located within the road RoW. Of note is that 24 households along NR3, and 88 households along NR6, all with agricultural interests within the RoW, were multiple family units, i.e., several families living together and often tending the same plot of land or fruit tree(s) within the RoW.

4 THE ENTITLEMENT POLICY

The entitlement policy consists of a set of guidelines and criteria with which the MPWT is able to classify all entitled PAPs into a number of compensation categories. It also lists the compensation each category of PAP is eligible to receive. The entitlement policy has gone through a series of reviews and approvals by both the MPTW as well as the PAPs and therefore, under the RCG system, is a quasi low-level decree.

4.1 DEFINITION OF TERMS

The entitlement policy contains terms that define who is to be compensated, and what the boundaries of the resettlement action plan are. Definitions of the most important and potentially confusing terms follow:

1. **Assistance/Compensation**
   These words refer to all types of support mechanisms such as money, counseling, assets services, training, etc., given to eligible PAPs (such as squatters and encroachers) for lost

access to land and removal of assets. Compensation is most frequently associated with the transfer of money.

2. **Project-Affected Households**
   Project-affected households are households that may be entitled to benefits as a household unit.

3. **Project-Affected Communities**
   Project-affected communities are local villages and towns that may be affected by impacts such as loss of community gathering places (often at the side of the main road) or removal of large shade trees, and would be entitled to some compensation.

4. **Cut-Off Date**
   This date is the end of the census and socio-economic survey of PAPs, which for this project is May 15th, 1998. It establishes who, among the PAPs living within the RoW/CoI, is entitled to the compensation package provided by the project. Any people moving onto the RoW/CoI after the cut-off date are not considered to be PAPs under this project and will be evicted without assistance. The cut-off date was used to reduce the opportunistic occupation of land by people who know that the project is coming and want to take advantage of the compensation packages. It is recognized that there will be a margin of error in the census, and therefore any person who was not surveyed during the census but can show documentation or evidence that s/he is rightfully a PAP, will also be considered. People who do not move from the land in the RoW within the time limit set by the government for moving (a two-month notification period), will be evicted by the government before civil works begin.

5. **Government Eviction**
   The government may evict people in the RoW/CoI if:
   - it has been established that the people have no right to be there as they were not present for the census of PAPs and the absentee re-survey; or
   - these people have been offered compensation and assistance, been consulted and had all the details regarding resettlement and rehabilitation explained to them, but missed the two-month deadline for relocating, and refuse to move.

   In such situations:
   - the government must have independent observers to witness evictions and must document that they have made all attempts possible to support the PAPs; and
   - the World Bank must be notified that these evictions are about to take place.

6. **Vulnerable Groups**
   The past 20 years of conflict have left the Cambodian people struggling to rebuild their economic and human capital resources. The Khmer Rouge rule from 1975 to 1979 had two major consequences for Cambodia. First, there is a very low sex ratio of men to women for the 40-44 years age group—approximately 65 men for every 100 women. This skewed ratio reflects the hundreds of thousands of individuals, mostly young men in their early 20s, who lost their lives under the Khmer Rouge. Secondly, there is a deficit of individuals aged 35-39, again mostly males, with post-primary schooling, due to the large number of adults who were denied secondary and tertiary education as a result of the abolition of formal education from 1975 to 1979.[4]

   The conflict has resulted in huge displacements of people, a high incidence of disabilities in the population (many due to landmines) and one of the highest percentages of female-headed households[5] in the world. All of these factors have implications for poverty and development in Cambodia, and for the definition of vulnerable groups in this project.

[4] For more statistics on the development of Cambodia, see the Cambodian Human Development Report, UNDP, 1997.

[5] We provide data for this variable but suspect that they may be low since admission of a women-headed- household may be perceived by the interviewee as an admission of a weakness. It is hoped that during verification any discrepancies will be eliminated.

"Poverty is pervasive in Cambodia, with nearly four out of ten Cambodians living below the poverty line of about Riel 35,000 [approximately US$10] per person per month." (UNDP, 1997). In Cambodia the poor are not concentrated in either urban or rural areas.

For this project, vulnerable groups are defined as PAPs who suffer more, economically or socially, from relocation and rehabilitation than the general population. Past experience suggests that shifting such as is proposed can be a 'costly' matter requiring that the household head concentrate on the business of moving as opposed to putting food on the table. Based on the statistics found in the UNDP Human Development Report, PAPs falling into one or more of the following groups are automatically considered members of a vulnerable group:

- women-headed households;
- landless households (squatters);
- disabled household heads and/or providers; and
- households below the Cambodian poverty line, defined as ≤ Riel 35,000/month.

7. **Encroachers**

Encroachers are people who extend their buildings and/or agricultural holdings into the RoW or use the RoW for spillover space. Encroachers will be given minimal assistance in the form of replacement costs for lost assets. In this project there is a special category of encroachers who have planted fruit tree(s) in the RoW and have consistently tended them and harvested their crops. These encroachers will be eligible for compensation for lost crops in relation to an average annual production and age-to-full-production of replacement trees. Two types of encroachers were identified:

Owner-Encroachers

To expand their growing/working area, PAPs who own land outside the RoW have extended their lots into the RoW. These are called owner–encroachers. Along NR3 253 of the 301 total households censused were in this category. Along NR6 1143 of the 1663 total households censused were in this category.

Tenant-Encroachers

PAPs who paid someone to use the land within the RoW and are landowners themselves are tenant-encroachers. The statistics for these were 55 along NR3 and 47 along NR6.

4.2 CATEGORIES OF PAPs

There are only three broad categories of PAPs for this project: (i) Project-Affected Households; (ii) Project-Affected Individuals; and (iii) Project-Affected Communities. Within these three categories, the survey identified a number of subgroups, distinguished in terms of land ownership, income and vulnerability. These categories and the subgroups are discussed below.

1. **Project-Affected Households**

This group of PAPs can consist of both non-vulnerable and vulnerable households. Non-vulnerable households are landowners who simply extend their growing area by encroaching onto the RoW, or harvesting a fruit crop from trees within the RoW but which they have planted or inherited.

The four categories of vulnerable households, regardless of land ownership status, coincide with the vulnerable groups defined in Section 4.1, No.6.

2. **Project-Affected Individuals Temporarily Losing Employment and Income**

This group of project affected people includes all individuals who have lost their employment and income as a result of the resettlement affecting an employer who has to relocate. In the NR3 corridor 17 cases were noted, and for NR6 45 laborers were affected. To the best of our knowledge, no businesses are expected to close permanently, but simply relocate within the RoW. These facts will be checked at the time of compensation.

3. **Project-Affected Communities**
   Community losses can be difficult to translate into compensation payments to individuals, e.g., to make up for loss of a community water supply it is necessary to replace it with a system as good as or better than the one removed. Some community losses are essentially irreplaceable, such as the social networks people build while living a long time in the same place.

4.3 TYPES OF LOSSES

4.3.1 Loss of Land and Other Assets

1. **Residential or Business Unit**
   Any structures within the corridor of impact will need to be removed. Three types of basic units were identified based on construction material of the walls and floor/roof. These were:
   1. Woven or mat walls with a bamboo floor on wooden stilts or on the ground;
   2. Wooden vendor stall with corrugated plastic roof on wooden stilts or on the ground;
   3. Brick or concrete walls with corrugated tin roof.

2. **Cultivated Lands Within Right-of-Way**
   Some lands within the RoW have been used for agricultural purposes and these plots or, in some cases, trees, have been tended, fertilized and improved for years. Compensating the users of these lands with new patches of land several meters behind the old ones will require most users to start over. The cost of bringing new plots into production is considered a compensable loss. The government will provide access to similarly accessible land within the RoW or provide other land as close to the PAPs' original plots as possible.

3. **Agricultural Assets**
   The area to be cleared within the RoW is used primarily for growing various crops and fruits on a small scale. These lands and the crops growing on them will no longer be accessible to the users. The crops include:

Annual Crops:
- rice
- sugar cane (cash crop)
- castor bean (cash crop)
- garden vegetables

Perennial crops:
- mango trees (mostly individual or in twos)
- tamarind
- coconut
- sugar palm
- bamboo (building material)
- other: jackfruit, guava and bananas

All agricultural activities in the designated cleared area of the RoW will have to cease before October 31st, 1999, one month before project start-up is scheduled (Table 4).

4. **Wells**
   Six wells were found within the area needing to be cleared. These will need to be replaced.

5. **Ponds (stocked with fish or Lotus plants)**

   Two ponds were found to be in the CoI and will need to be removed. The contractor will be instructed to replace these ponds for the PAP outside the CoI at a location agreeable to the PAP and the MPWT.

4.3.2 Temporary Loss of Livelihood

6. **Employment**
   Category 6 refers to temporary loss of employment as a result of the employer having to make changes to allow for RoW clearing. As indicated earlier, NR3 had 17 PAPs in that category and NR6 had 45. To the best of our knowledge, all affected businesses will reopen after relocation, and thus no permanent loss of employment is expected.

4.3.3 Loss of Community Assets

7. **Common Property Resources**
   Community land uses that may be lost to the project include the following:
   - community trees, community gathering places, roadside rest areas and drainage facilities;
   - utilities and services, e.g., substations, bus stops, wells;
   - community facilities and institutions, e.g., clinics, schools, recreational areas; and
   - cultural, religious and archaeological heritage resources, shrines, temples, heritage sites.

8. **Safety for Pedestrians and Non-Motorized Traffic**
   The roads that are being rehabilitated have had very low traffic volumes and speeds for the past 20 years. As a result of the increase in traffic speed and volume there may be an increase in pedestrian-related traffic injuries.

9. **Market Areas**
   Widening roads through small towns (and some large ones such as Siem Reap) often reduces or completely eliminates market areas located along the edge of the pavement. This loss of market space translates into lost sales and customer base, since vendors must move and risk losing customers to someone else. To our knowledge, communities likely to be affected will be Trapeang Rapou along NR3, and Damdek and Kampong Kdai along NR6.

4.4 COMPENSATION MEASURES

PAPs are entitled to four types of compensation:
1. compensation for loss of land and assets;
2. compensation for loss of livelihood;
3. compensation for loss of their community structure/facilities; and
4. a flat shifting allowance.

PAPs may be entitled to a combination of compensation measures including counseling, payments and training, depending on their existing land holdings and whether they fall into a vulnerable category. PAPs qualifying as vulnerable are entitled to additional compensation for the added hardship the resettlement has brought to an already difficult situation. In Table 2, monetary and non-monetary compensation measures are listed in relation to the seven categories of PAPs identified for this project. A detailed description of each compensation measure is provided below.

I. LOSS OF LAND AND ASSETS

These measures cover loss of land, structures and other assets, such as crops. Also included is a shifting allowance, rights to salvage building materials and counseling on alternative assistance. If a household asset is to be taken, the family, as a collective unit, is "entitled" and compensation is given to the head of the household.

*1. **Consultation, counseling regarding alternatives, and assistance in identifying new sites and opportunities***

PAPs are eligible to receive consultation and counseling with regard to their entitlements and compensation. They will receive assistance in identifying new sites for relocation and will be guided on what opportunities are available to them for vocational and training opportunities.

2. ***Compensation for land at replacement cost, plus allowances for fees or other charges***

Squatters and encroachers are not eligible for compensation payments for land occupied in the right-of-way, but are to receive compensation for affected assets. Those entirely dependent upon the right-of-way for their subsistence will be assisted in relocating elsewhere within the right-of-way or to other areas designated by the provincial government in collaboration with the PIU.

3. ***Advance notice to harvest non-perennial crops, or compensation for lost standing crops***

PAPs will be given a 5-month notice that the land on which their crops are planted will be used by the project and that they must harvest their crops in time. If standing crops cannot be harvested, eligible PAPs will be compensated for the loss of the unharvested crops.

4. ***Compensation for perennial crops and trees will be calculated as annual produce value multiplied by a five-year compensation factor***

During the census almost 700 households tended fruit trees in the RoW. In many cases these trees, mostly mango, jackfruit, guava, sugar palm and coconut, were originally planted by descendants of the present users. The value for each tree has been calculated by multiplying the annual production value by the compensation factor[6] of 5.

5. ***Replacement or compensation for structures or other non-land assets***

PAPs are eligible for replacement or compensation for structures and other non-land-related assets that are impacted by the project, as defined in Table 2.

6. ***Right to salvage materials from existing structures***

PAPs are entitled to salvage material from their existing structures and sites, including trees, but only if these trees are to be cut down for the road widening operation. PAPs will be assisted in the planting of new trees along the edge of the RoW, but within RCG property.[7]

7. ***Shifting assistance (Note: Replacement housing must be available before people are made to move)***

PAPs are entitled to a shifting allowance to move their belongings. If their relocation site is not ready for them, the project must make temporary arrangements until their permanent structures are ready.

II. LOSS OF LIVELIHOOD

It is expected that all losses of livelihood will be temporary in nature. In the event that some people lose employment or income, the following provisions will apply: every household member whose job is affected by the resettlement is eligible for assistance due to loss of livelihood, and thus there may be more than one person eligible in each household; the project will provide rehabilitation and assistance for lost or diminished livelihood for any individual negatively affected by the project. Three actions are possible:

8. ***Rehabilitation and assistance for lost or diminished livelihood***

PAPs may receive help to regain their original levels of economic well being. Vulnerable groups will receive the most targeted support. All PAPs will be counseled on options for improving their economic circumstances.

9. ***Additional support mechanisms for vulnerable groups in re-establishing or enhancing livelihood***

Members of vulnerable groups who are eligible will receive targeted support from the MPWT. This support will consist of an additional payment of US$20 (paid in Cambodian Riels, in accordance with the exchange rate at the time of payment), over and above all other compensation payments.

10. ***Employment opportunities connected with the project, to the extent possible***

Local people whose livelihood is affected by the project will, where possible, be offered jobs associated with the project. These people are not necessarily limited to vulnerable groups, although they should be targeted. Also, collective entitlements will usually require some labor for construction, operation and maintenance. These jobs should be offered first to PAPs and then to

[6] The compensation factor of 5 was selected because it represents the average number of years fruit trees require to begin to bear fruit.

[7] Even with the addition of a further 1.5m on either side of the road to meet the 11m national standard, unused land within the RoW will be a strip from 10-13m wide on either side of the 23-25m wide Corridor of Impact.

other local people. Any employment opportunities inside or outside the project would be provided for a minimum of three years at a wage equal to the income lost.

Table 2 Categories of PAPs and their Entitlements

	$ = monetary compensation; C = counseling, advice; T = training; N = not eligible	Vulnerable PAPs				Non-vulnerable PAPs		
					Landless	Land-owner		
	TYPES OF COMPENSATION	Women-headed households	<35,000 R per month	Disabled	worker or unemployed	Encroacher	Worker	Comm-unity
I. LOSS OF LAND AND OTHER ASSETS								
1	Consultation, counseling regarding alternatives, and assistance in identifying new sites and opportunities.	C	C	C	C	N	C	C
2	*Compensation for land through replacement within RoW*	$	$	$	$	N	N/A	N/A
3	Advance notice to harvest non-perennial crops, or *compensation for lost standing crops.*	C,$	C,$	C,$	C,$	C,$	N/A	N/A
4	Compensation for perennial crops and trees, calculated as annual produce value times remaining producing years.	$	$	$	$	Y?	N/A	N/A
5	Replacement or compensation for structures or other non-land assets.	$	$	$	$	$	$	$
6	Assistance with the salvage materials from existing structures.	$	$	$	$	N	N	N
7	Shifting assistance. New housing must be available before people are made to move.	$	$	$	$	$	$	N/A
II. LOSS OF LIVELIHOOD								
8	Rehabilitation and assistance for lost or diminished livelihood.	$	$	$	$	N	$	N/A
9	Additional support mechanisms for vulnerable groups in re-establishing or enhancing livelihood.	C,$	C,$	C,$	C,$	N/A	N/A	N/A
10	Employment opportunities in connection with project, to the extent possible.	T,C	T,C	T,C	T,C	T,C	T,C	N/A
III. LOSS OF COMMUNITY STRUCTURE/FACILITIES								
11	Restoration and improvement of common property resources, such as public water pumps, sanitation and drainage facilities, shrines and temples, cultural heritage, etc. $$							
12	Provision for women's needs, particularly related to location of sources of water and firewood. Social forestry programs may be considered. $$,C,T							
13	Provision for safe space and access for business purposes, local transport, and public use. $$							
14	Safety measures for pedestrians, particularly children, and other non-motorized transport. $$							
15	Landscaping of community common areas in urban environments. $$							
IV. LOSS OF ABILITY TO MAINTAIN LIVELIHOOD DURING SHIFTING								
16	Provision of shifting allowance $$							

III. LOSS OF COMMUNITY STRUCTURES/FACILITIES

Community-based entitlements will be provided where possible, and directed especially towards helping vulnerable and weaker groups. The community will be involved in choosing a useful substitute compensation measure. Five actions are listed under this category.

11. Restoration and improvement of common property resources, such as public water pumps, sanitation and drainage facilities

12. Provision of safe space and access for business purposes, local transport, and public use

13. Safety measures for pedestrians, particularly children, and other non-motorized transport

14. Landscaping of community common areas in urban environments

15. Provision of roadside rest areas

Based on the initial survey, market area construction is deemed necessary in three places: Damdek and Kampong Kdai on NR6, and Tapeang Ropou on NR3. The estimated compensation cost for a

1000m^2 market area is US$12,000. Compensation for community-level losses will be agreed to through discussions with village heads or PAP representatives. Compensation can be paid to villages willing to construct facilities through their own labor, or can be provided in the form of direct community asset replacement by government agencies.

IV. LOSS OF ABILITY TO MAINTAIN LIVELIHOOD DURING SHIFTING

A flat payment equivalent to US$40 (payable in Cambodian Riels, in accordance with the exchange rate at the time of payment) will be provided to every PAP household. This is intended to cover the period of greatest turmoil while the PAP is tearing down the asset and rebuilding or reestablishing a new location. All PAPs listed as eligible during the survey, as well as residents of less than one year who were initially excluded, will receive this allowance.

4.4.1 Replacement Costs for Assets Lost Due to Resettlement

Given that this project involves only the 'shifting back' of PAPs by a few meters, most assistance will be in the form of cash payments and the letter of agreement with the MPWT permitting the PAPs to continue all present uses of the right-of-way, at least until second-phase road improvements are undertaken. Calculation of the payments to each household will be based on standard unit rates provided by the governors' offices[8] in Sihanoukville and Siem Reap (Table 6). Unit rate data were also obtained from the survey and other sources (Demographic Survey of Cambodia, 1996; Ho Chi Min to Phnom Penh Highway Improvement Project Resettlement Plan, 1997). The unit prices, as described in Table 6, will in turn be used to determine the exact compensation package going to each PAP. Many of the 15 compensation actions listed in Table 2 deal with the provision of advice and consultation to the PAPs. This advice will be provided by the PIU and the auditing firm retained to manage the compensation procedure.

4.5 RELOCATION OR SHIFTING ASSISTANCE

Since the resettlement taking place on this project will involve moving assets back, but not off of the RoW, the focus of compensation will be on assisting with household relocation or shifting and the associated tearing down and rebuilding of structures. The allowance will be cash payments calculated on the basis of the replacement cost of each structure, which will include the cost of tearing down, moving, preparing a new site and rebuilding structures and connecting any services. Any wells removed will be properly capped, and new ones of equal or better construction and productivity will be installed. Furthermore, a shifting allowance of US$40 (payable in Cambodian Riel in accordance with exchange rates at the time of payment) will be paid to all eligible PAP households, and will be an amount over and above the amount paid for the loss of assets. This shifting allowance is equivalent to about three months' wages at the Cambodian poverty line.

4.6 TAXES AND GOVERNMENT FEES

The project will be responsible for all fees and taxes PAPs must pay as a result of any transaction associated with their relocation or compensation/assistance.

4.7 MANAGEMENT OF FUTURE ENCROACHERS AND SQUATTERS

Since 10-15 years will pass between the end of Stage 1 and the start of Stage 2, encroachers and squatters may once again locate within the area to be cleared. To avoid this, the provincial DPWT must make annual announcements in the communities along the road and should encourage local leaders to inform residents that no compensation will be given to people who move onto the corridor of impact. Removal for Stage 2 will take place with a minimum of warning and will require encroachers to leave all non-movable assets behind.

[8] Unit values provided by these sources were approved and considered appropriate by the provincial governments.

Table 3 Replacement Costs for Assets Affected by Road Project, 1998

Assets Affected		Unit of Measure Used	Unit prices (US$) Avg. Floor Area ($m^2$)	Removal Cost ($/m^2)	Reconstruct Cost Ψ ($/m^2)	Total Cost-$$ ($/m^2)
Buildings/Structures						
Vendor/stall and shelter	Woven or mat walls with bamboo floor on wooded stilts or on ground	Per m^2	41	0.85	2.15	3
Vendor/stall and shelter	Wooden walls with corrugated plastic roof on wooden stilts	Per m^2	28	3	5	8
Vendor/stall and permanent shelter	Brick or concrete walls with corrugated tin or tile roof	Per m^2	24	26.5	26.5	53
Other Assets						**($/m)**
Fences	Wooden/'live' fences (predominant)	Per lineal meter	0.75			0.75/m
Community Property	Market areas	Replacement				Build new market area
	Congregation Areas	Replacement				Build replacement
	Village Trees (total number removed)	Replacement				$5/tree
Water						
	Dug Wells	Per unit replaced				100/well
	Constructed Fish Ponds□	Per m^3				Dig new one
Roads	Intersections connecting road and dwellings	Part of engineering cost				Reconnect to roadway
		For past year	**Market price/kg (US$)**			
Agriculture	Rice paddies	Kg per m^2	1.0			
	Vegetable Garden	Annual crop per m^2	4.0			
		Avg. Value per Tree ($$) ☿ NR3	NR6		Productive years for tree	5-Year Values NR3	NR6
Trees	Mango. per tree	2.13	5.49		5	10.65	27
	Tamarind per tree	0.57	4.02		5	2.85	20.1
	Coconut palm per tree	1.26	2.74		5	6.3	13.7
	Sugar Palm per tree	—	2		5	0	10
	Other: Jackfruit, guava, banana	0.26	1.41		5	1.3	7.05
	Bamboo stand per stand	1.47	7.17		5	8.5	36
Relocation and Shifting Allowance		Units	$/Month	No. Months		Total Amount in $$	
	Relocation Transportation payment	Per household	N/A	N/A		10	
	Rice Allowance- during relocation and reconstruction period.	Per household per month	10	3		30	

Ψ Reconstruction costs were calculated on the basis of an estimated ratio of house construction costs to average annual income.

□ Based on the survey, only one pond located along NR3 is actually a constructed fish production pond.

☿ This tree valuation method (derived by dividing the total declared monetary income from all trees of a certain species, by the number of that species) may seriously undervalue trees since it is not based on the value of the crop harvested and also does not take into account barter-trade e.g., fruit for rice or fish. Prior to actual compensation, the PIU will recalculate tree compensation rates and pay compensation accordingly.

5 COMMUNITY CONSULTATION PROGRAM AND GRIEVANCE PROCESS

5.1 EXPLAINING THE RAP, DEFINING ENTITLEMENT AND VERIFICATION

To date (May 1998) consultation with PAPs has been limited to four field visits by the environmental team and the census conducted by CRD. During these visits no discussions were held on compensation or entitlement matters. A community consultation program will be conducted at least 60 days prior to payment of compensation. The program will begin by explaining the entitlement policy and resettlement options to the PAPs and soliciting their support and co-operation. In order to meet the requirements for community consultation, the project implementation unit (PIU) and an appointed consultant will complete the following actions:

- Prepare an information brochure in Khmer, explaining the RAP and what is required of PAPs in order to claim their entitlement. It should be distributed throughout the project corridors in communities where there are entitled people.
- Solicit the help of village leaders and other influential community officials in encouraging the participation of the PAPs in the RAP.
- Attempt to ensure that all vulnerable groups understand the process and that their needs are specifically taken into consideration.

5.2 THE GRIEVANCE PROCEDURE

5.2.1 Function

The functions of the grievance process will be:

- to make all PAPs aware of the process of the RAP and entitlement policy, and of the timetable for implementation;
- to provide support for the PAPs on problems arising out of their adjustment to their new environments;
- to record grievances of the PAPs, and categorize and prioritize those grievances which need to be resolved by the Grievance Committee;
- to assist the PAPs in dealing with the decisions of the Grievance Committee (the Grievance Committee should be given the power to resolve all but the most serious of grievances); and
- to report new developments to the aggrieved parties regarding the hearing of their grievances. The decisions of the Grievance Committee will be final and will not be contested in any other forum, except in the courts of law.

5.2.2 Steps Involved

The main objective of the grievance procedure is to provide a mechanism to mediate conflict and cut down on lengthy litigation, which can delay infrastructure projects. It also provides people who have objections or concerns about their assistance with a recognizable procedure through which to raise their objections and have them resolved.

The grievance process must be explained to every PAP at the time of compensation. The process should be as follows:

1. A PAP with a grievance contacts the PIU or the independent monitoring organization by telephone (Phnom Penh) or letter, describes what the grievance is, and indicates what the corrective measures might be.
2. The PIU meets with the aggrieved and tries to resolve the situation. If that is not successful, the PIU submits a short report of the grievance for ruling by the Grievance Committee.

3. Within three weeks of the submission of the grievance, the Committee must make a written decision, and submit copies to the MPWT, the province, the monitoring agency and the PAP.
4. If the decision is in favor of the aggrieved, corrective actions must be prescribed in the letter and implemented within two weeks of the decision, with interest added for any back payment of compensation.

5.2.3 Makeup of the Grievance Committee

The Grievance Committee will be comprised of four permanent members and one local member, according to where the aggrieved is from. It will always have representation from the PIU and will have representation from the provincial transportation department, the MOE and an independent NGO. More specifically, the Committee will be chaired by the MPWT, with one member from the NGO, one from the MOE, and a selected local leader (such as a village elder). The director of the MPWT of the concerned province will head specific grievance actions and will act as the Grievance Officer, through which all communication must pass.

6 IMPLEMENTATION PLAN AND SCHEDULE FOR THE RAP

The following section gives details on the proposed implementation of the RAP. There will be a delay of 6-7 months during the country's upcoming election and election assessment period. A schedule of the tasks completed and the outstanding tasks to be completed are listed in Table 4. The schedule will be updated as the project progresses. The PIU will be responsible for RAP implementation at all levels.

Seventy-one PAP households considered landless and living in the CoI will lose their living site and therefore will receive the compensation measures as defined in Table 6. In addition to compensation for assets, these PAPs will be given the option to move to vacant areas within the right-of-way, or to other areas of equivalent productive value to be identified or provided by the government if alternative areas within the right-of-way are unavailable. If the land to which the PAPs relocate is further than 1km away from their original site, the government will provide a transportation allowance of US$2 per kilometer moved, over and above the compensation described in Table 6.

The government has certified that all necessary steps have been taken for removal of landmines and unexploded ordnance from lands to be used for resettlement purposes, including the right-of-way and adjacent areas required for access by PAPs or their livestock.

6.1 IMPLEMENTATION PROCEDURES

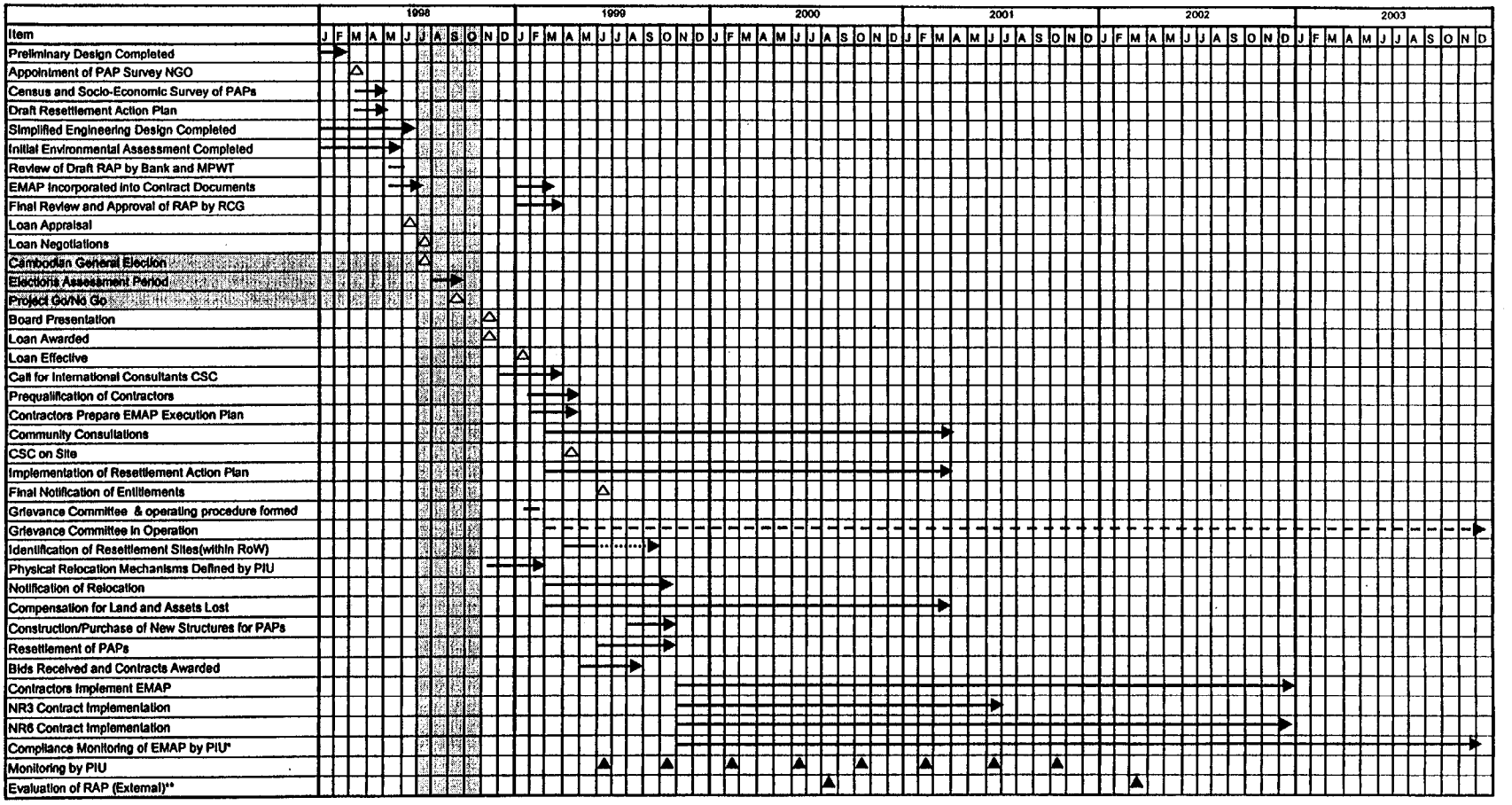
The implementation of the RAP will consist of four major stages planned around the construction timetable (Table 4).

1. Identification of the eligibility cut-off date: ***May 15,1998***
2. Community consultations: ***January 1999 - January 2001***
3. Verification and compensation procedures: ***March 1999 - March 2001***
4. Relocation and resettlement of the PAPs: ***June-October 1999***

1. Identification of the Cut-Off Date and Notification

As a result of the census and socio-economic survey, the number of PAPs has been established. Verification of the PAPs must take place once the engineering design team has completed the final design. For this project the cut-off date is May 15, 1998, the date of the completion of the field census by CRD.

Table 4 RAP Implementation Schedule in Relation to Key Engineering Tasks, 1998-2003



Δ Milestones
→ Ongoing tasks
- - → Intermittent task
▲ Task execution periods, including report preparation, lasting from a few days to a number of weeks.

* Compliance monitoring consists of a standard construction-period inspection regime, as well as monthly moinitoring in the first year of operations and quarterly thereafter.
** An NGO or consultant will monitor RAP effectiveness twice over the course of the project: once midway through year 2 of construction and again at the start of construction year 4.

2. ***Community Consultation Procedures***
   The next step will be to engage in consultations in all affected villages or areas to inform PAPs about the project and their entitlements, and grievance procedures available to them. A pamphlet or paper will be provided to PAPs indicating the timetable for compensation, for vacating the corridor of impact, and the estimated date of starting construction. For those households identified in the census as lacking adjacent lands and dependent on the right-of-way for their income, consultation regarding alternative sites to be provided (inside or outside of the right-of-way) should be concluded before payment of compensation. The community consultations will be managed by the PIU.
3. ***Verification and Compensation Procedures***
   At the time of payment of compensation (beginning in March 1999), the identity of all PAP households will be verified. The verification procedure will entail checking the recorded address, and verifying assets recorded in the census survey. Upon payment of compensation, the head of the affected household is to sign an "acknowledgement of compensation" form, which is also to be signed by representatives from the PIU and independent monitoring or auditing agency. The form lists assets affected and rates of compensation paid for them, and other assistance provided to the household (including special provisions for households identified during the survey as members of vulnerable groups). The form also states that the affected household has permission to continue present usage of the remaining right-of-way at least until second-phase road improvements are undertaken. By signing the form, the affected household indicates that the amount of compensation provided has been calculated correctly, and that the household will not be eligible for any further assistance at the time of second-phase improvements.
4. ***Relocation and Resettlement***
   During the transition period from old to new sites, the PAPs will be allowed to access their original property and any assets located there until they become unusable, or access is denied for safety reasons. PAPs will be required to move back far enough in the RoW so that the Stage 2 work will not require them to move a second time.

6.2 TIMING OF CONSTRUCTION

The schedule for the remaining engineering tasks and loan implementation for the project is set out in Table 4. The final engineering report, including the Simplified Engineering Design, will be completed by mid-May 1998. At that time the project will be put on hold for several months. Elections are scheduled in the Kingdom of Cambodia for July 27, 1998. After that date there will be an election assessment period while the international community ensures that the elections in Cambodia were free and democratic. In September a decision will be made about whether or not the project may take place and the remainder of the administrative issues involving the Bank, namely the Board Presentation and Approval of the Loan, will be resumed and completed by December 1998.

The Construction Supervision Consultants (CSCs) will be appointed by April 1st, 1999. The CSCs will advise the MPWT during the bidding period and the awarding of contracts. The contract for construction will be awarded by August 1, 1999 and civil works are scheduled to start by November 1, 1999 for both the NR3 and NR6 contract packages.

6.3 IMPLEMENTATION RESPONSIBILITY

6.3.1 Project Implementation Unit

The MPWT established a Project Implementation Unit (PIU) in 1997 and appointed staff to be responsible for the management and administration of the project during its detailed design and construction phases. This unit has a director and two deputies (Figure 2).

A permanent staff member will be responsible for the day-to-day operations of the PIU, and will report to the director of the PIU (also the director of the Major Construction Department of MPWT). The organization chart for the PIU is shown in Figure 2. There are five technical members studying

economics, traffic, roads and bridges. One of these technical members will undergo training in environmental assessment issues, and will then oversee the implementation and monitoring of the EMAP and the RAP, including the consultation, verification and compensation actions. An auditing firm will be retained to undertake the verification and compensation process, under the supervision of the PIU. The establishment of an Environmental Cell in late 1998[9] or early 1999 within the MPWT will significantly help in the implementation of the EMAP.

The implementation of the RAP is on the project's critical path in that, according to the World Bank's Operational Directive 4.30, all notification and relocation of PAPs must be completed before the civil works can begin. Compensation payments and any other entitlements do not need to be fully delivered before the start of construction. Nevertheless, people must be relocated and be provided with the shifting allowance at a pace 4 months ahead of the civil works affecting the area.

7 MONITORING, EVALUATION AND REPORTING

7.1 MONITORING

The objective of resettlement monitoring is to provide management with a systematic measure of the progress of the RAP and identify potential problems or areas where compensation should be reconsidered.

Because MPWT has no experience with resettlement in accordance with Bank standards, capacity-building measures and monitoring activities are important. PIU staff members involved with resettlement implementation are to receive training. Monitoring will be conducted quarterly until all forms of assistance have been provided.

Monitoring focuses on determining, in the short term, whether the compensation mechanisms are achieving their intended goals, and if not, what corrective actions are needed. Shortcomings of the compensation measures could fuel impoverishment, malnutrition, increased morbidity, dependency of the PAPs on handouts, or breakdown of community values and mutual support systems. Monitoring results should be used for making 'during-project' adjustments, as opposed to evaluation which provides macro-level assessments of the success of the RAP and EMAP implementation. Both the MPWT and the contractor(s) should be evaluated, to assure that these two key partners are complying with the specifications and timetable set out in the RAP and the EMAP.

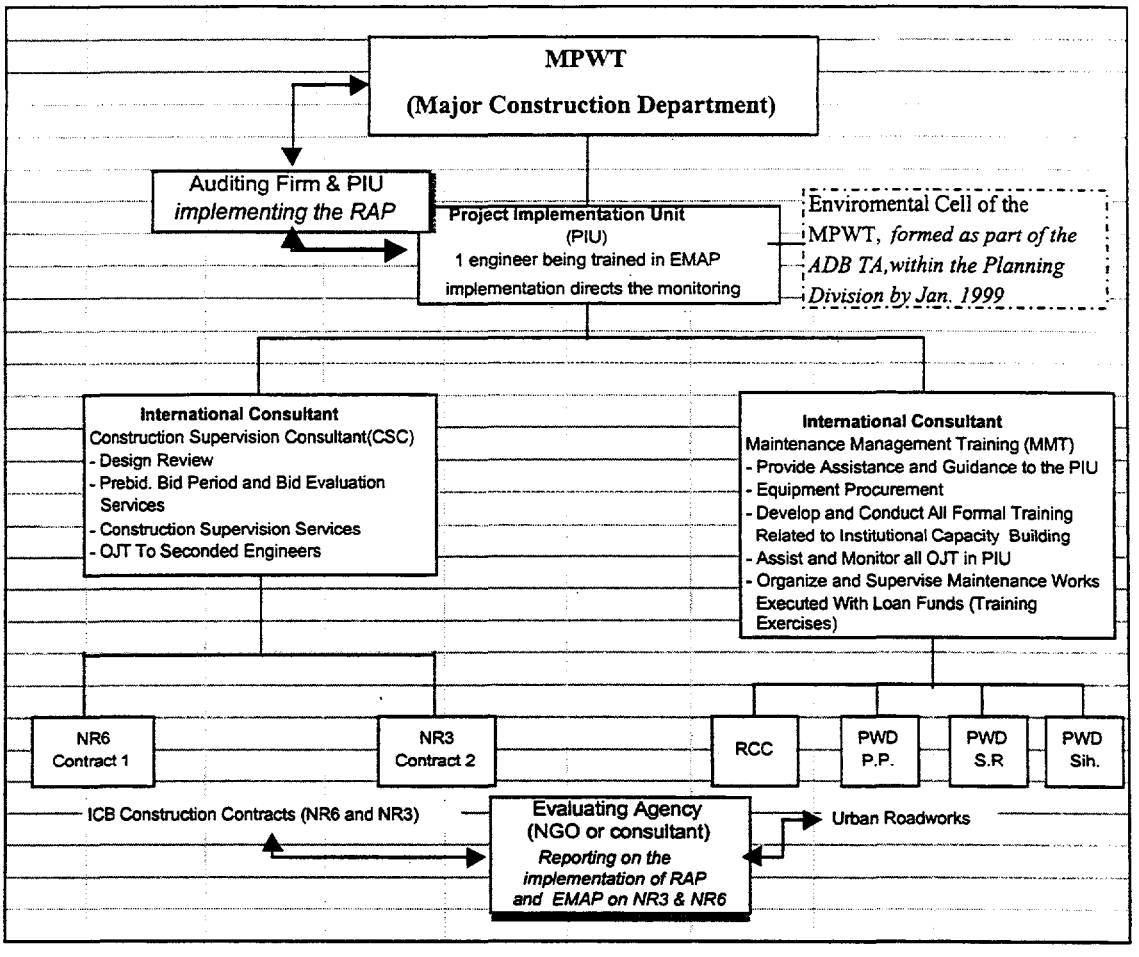
Monitoring should also focus on how the compensation measures are affecting vulnerable groups since they are least able to complain and would have the fewest resources to work with, should poor planning lead to hardships.

Baseline survey data are necessary to provide the benchmark for measuring and evaluating the success of the RAP. This is one reason for having conducted the socioeconomic and PAP census survey.

An NGO or international consultant should carry out monitoring, and report results directly to the Director of Projects, MPWT, with copies to the World Bank.

[9] The formation of the Environmental Cell is not a given. Hopefully, the Cell will be formed, staffed and equipped through the ADB Technical Assistance Project No. 2723-CAM and is scheduled to be in place by February 1999.

Figure 2 Organization Chart of MPWT's Project Implementation Unit and Other Related Units Responsible for Implementing and Monitoring EMAP and RAP



7.2 EVALUATION

An independent NGO or consultant will undertake annual evaluation of the RAP and EMAP implementation. The focus of the evaluations will be on reporting on the success of the mitigative measures in achieving their objectives, and on how well the implementing agencies have carried out their work. The evaluation will also report on the execution timetable in relation to dates provided in the RAP and EMAP, and will present specific recommended program changes where required.

7.3 REPORTING ARRANGEMENTS

Monitoring and evaluation of the RAP will be carried out throughout the project. The PIU will be responsible for monitoring the project, and will also develop a project performance reporting sheet dealing with the RAP and EMAP. Quarterly RAP monitoring reports will be completed until all compensation and other forms of assistance are distributed (which is expected to be within the first two years of the project). A final report at the end of the construction period will also be given.

As a minimum, monitoring reports should provide details regarding: the timing, rate, and amount of compensation (and other forms of assistance) paid; the number of PAPs who have been fully compensated or assisted; distribution of all assistance to all eligible PAPs before construction within a given area; and the outcome of grievance committee proceedings (if any). It is expected that the monitoring reports will also bring issues, or complaints from PAPs who have "shifted back", to the attention of the PIU and the Bank.

Evaluation reports will be produced twice, once in 2000 and again in 2002. Copies of all the reports associated with monitoring and evaluation of the RAP will be given to the MPWT as well as the World Bank and any other agencies involved.

8 BUILDING CAPACITY AND TRAINING

8.1 ON-GOING RELEVANT CAPACITY-BUILDING

Due to the years of conflict and genocide, there is a serious deficit of educated middle and senior management within most government departments. People in these positions find their resources and capacity stretched beyond their limits.

The project provides technical assistance to strengthen implementational capacity in a number of areas. In terms of resettlement, the project will provide funds for specialized training for PIU staff involved in RAP implementation, as well as for the involvement of monitoring or auditing agencies.

An ADB-financed project, for institutional capacity-building in the area of environmental assessment within the Ministry of Environment, is offering training to some mid-level management in several agencies, including the MPWT. A key objective of this training is to establish an environmental cell within two line agencies; one being the MPWT. It is expected that such a unit would be functional (but still in need of external assistance) by March 1999.

9 RESETTLEMENT COSTS

9.1 PAPs AND THEIR ASSETS

The majority of PAPs using the RoW lands have done so for more than three years, while 70% have been there for more than five. The main uses of the RoW's CoI by the eligible PAPs is for agriculture and retail (Table 5), with manual labor and fishing making up a much less significant proportion of local occupations.

Table 5 Summary of Main Uses of the NR3 and NR6 Corridor of Impact

Main Occupation	NR3	NR6
Farming (agriculture)	62%	58%
Food/Dry goods stalls	17%	24%

PAPs generally do not depend heavily on the RoW for their livelihoods, with only 19 households on NR3 and 104 on NR6 indicating that the work in the RoW was their sole means of support. More than 60% of the eligible PAPs indicated that they derive less than 40% of their income from the RoW land.

Large numbers of fruit-bearing trees were found in the CoI, and are presently tended by the PAPs. The numbers range from 24 tamarind trees, to more than 1603 sugar palms along NR6 and 180 mango trees plus 460 coconut palms along NR3. These are important assets as they produce annual crops and their losses will mean a prolonged shortfall in the incomes of the local people who have been tending these trees over the years.

Along NR3 nearly 3.6km of fencing will have to be removed. Much of this is 'live' fencing, consisting of trees and bamboo planted as a barrier. NR6 has less fencing, with 3.3km to be removed.

Vegetable gardens comprise the largest single use of occupied lands, taking up an estimated 7295m^2, and are followed closely by cash crops at 7016m^2.

Table 6 Summary of Affected Assets and Cost Estimates for Assistance and Compensation

Number	Item	Unit of Measure	Compen-sation cost (in $$) per Unit			Additional special compensation	NR3- Counts	NR-6 Counts	NR-3 $$	NR-6$$	Total Estimated Costs
1	Eligible PAPs	count			Shifting allowance*	40	301	1332	$12,040.00	$53,280.00	$65,320.00
2	Consultation Costs for Item-1	$$/Hshld	4	Included in Table 7							
3	<12 mnth resid. *(not prev. eligible)***	count			Shifting allowance*	40	14	171	$560.00	$6,840.00	$7,400.00
4	**Vulnerable Group Compensation**										
4.1	Landless (squatters)	count	20				38	33	$760.00	$660.00	$1,420.00
4.2	Women-Headed Households	count	20				77	411	$1,540.00	$8,220.00	$9,760.00
4.3	Hshlds w/ Incomes <RI 35,000/mnth	count	20				40	259	$800.00	$5,180.00	$5,980.00
4.4	Hshlds with disabled head (no data)		20	To be determined			n/a	n/a			$0.00
5	Structure Type 1 (all costs)	m^2	3				17	321	$51.00	$963.00	$1,014.00
6	Structure Type 2 (all costs)	m^2	8				83	265	$664.00	$2,120.00	$2,784.00
7	Structure Type 3 (all costs)	m^2	53				1	5	$53.00	$265.00	$318.00
8	Wells	count	100				4	2	$400.00	$200.00	$600.00
9	Ponds	Per unit	Contractor to Replace				1	1	$0.00	$0.00	$0.00
10	Fences (wooden/live/wire)-avg.	m	0.75				3595	3285	$2,696.25	$2,463.75	$5,160.00
11	**Agricultural Assets (includes future losses)**										
11.1	Rice	m^2	1				3781	110	$3,781.00	$110.00	$3,891.00
11.2	Vegetable Garden	m^2	4				2292	4953	$9,168.00	$19,812.00	$28,980.00
11.3	Cash Crop	m^2	2				4051	2965	$8,102.00	$5,930.00	$14,032.00
12	**Fruit Trees**		Cost per Tree in $$ (NR3)	Cost per Tree in $$ (NR6)	Harvest loss for 5 years($$) per tree (NR3)	Harvest loss for 5 years($$) per tree (NR6)					
12.1	Mango	count	2.13	5.49	10.65	27.45	180	504	$1,917.00	$13,834.80	$15,751.80
12.2	Tamarind	count	0.57	4.02	2.85	20.1	8	24	$22.80	$482.40	$505.20
12.3	Coconut	count	1.26	2.74	6.3	13.7	460	276	$2,898.00	$3,781.20	$6,679.20
12.4	Sugar Palm	count	None	2	None	10	0	1603	$0.00	$16,030.00	$16,030.00
12.5	Other: jackfruit, guava, banana	count	0.26	1.41	1.3	7.05	1157	1168	$1,504.10	$8,234.40	$9,738.50
12.6	Bamboo Stands	count	1.47	7.17	7.35	35.85	34	356	$249.90	$12,762.60	$13,012.50
13	**Community Losses**		$$ per m^2	Cost per Market Area							
13.1	Community Market Areas (1000m^2)	count	12	12000			1	2	$12,000.00	$24,000.00	$36,000.00
14	Projected compensation for previously ineligible residents of <12 months**						14	171	$1,610.00	$12,996.00	$14,606.00
	TOTAL ESTIMATED COST OF ASSISTANCE AND COMPENSATION FOR NR3 AND NR6								***$60,817.05***	***$198,165.15***	
										SUB-TOTAL	$258,982.20
									Contingency of 10%		$25,898.22
										TOTAL	**$284,880.42**

Structure Type 1: Thatch walls, bamboo floors, thatch roof

Structure Type 2: Wood walls,wood floors, plastic or tin roof

Structure Type 3: Brick or concrete walls, brick or concrete floors, tin roof

*The shifting allowance includes payment of transportation and food costs on a per household basis.

**Residents of <12 months were not considered eligible for compensation at the time of the initial survey; their assets were therefore not measured, and are not included in the itemized amounts listed here. Compensation costs for this group are projected on the basis of average costs for the rest of the affected households (Item 14).

N.B. The costs of compensation will likely increase at the actual time of compensation to reflect assets overlooked in the intial survey and costs exceeding the projections for residents of less than one year.

9.2 PAYMENTS FOR LOST ASSETS AND INCOME

The costs of resettlement include compensation payments for lost earnings, compensation for lost assets and compensation for lost access to previously-used land. Vulnerable groups receive additional assistance, both financially and through counseling. In Table 6 all items for which compensation is possible and special assistance measures will be provided are listed and the costs calculated. It should be noted that for the agricultural and fruit tree categories a flat payment for lost crops for a period of 5 years is also added to the cost per tree. The payment for trees lost was generated by dividing the annual income from economically important trees (Question 13 of survey) by the number of trees of that species inside the RoW, and then multiplying the result by 5, which is the average number of years between planting of seedlings and full production for those trees. Each PAP household will also receive a shifting allowance equivalent to US$40.

All funds for compensation and assistance shall be provided by the Ministry of Finance to provincial government accounts when needed to meet RAP requirements. Provincial governments shall distribute lump-sum cash payments to eligible PAPs in amounts determined in accordance with compensation rates and eligibility criteria specified in the RAP. Payment to PAPs shall be made in the presence of representatives from the PIU and the monitoring or auditing agency.

9.3 ADMINISTRATIVE AND MONITORING COSTS

The incremental cost to the PIU for RAP implementation is estimated at $20,000. In addition to the execution of the RAP—assuming that it is completed on time, and involves the right people—costs will also be incurred for community consultation and compensation activities, for independent evaluation or auditing, and for NGO participation in grievance committee proceedings.

Table 7 RAP Technical Implementation and Administrative Costs

ITEM	TIME PERIOD COVERED	TOTAL ($$)
Monitoring	8 quarters	25,000
Evaluation	4 years	10,000
Reporting	8 quarters	10,000
Incremental Administrative Cost	N/A	20,000
NGO Participation in Grievance Committee	N/A	10,000
	TOTAL	75,000

Including the total obtained in Table 7, the total cost of the RAP over a 4-year implementation period is estimated to be US$359,880.

Appendix 1 Census and Socio-economic Survey of the PAPs

Project Affected People: CENSUS FORM-B

Road no. 6 Date census: _____/_____/1998 Village: _____
Surveyor no. ____Checked by Supervisor: Data entry done:
Household no._____ Side of Road: Right=1 Left=2 KM from start: _____

ASK FOR HEAD OF HOUSEHOLD (If not present ask oldest adult)

Respondent Name: _____ (call name: _____)
Age: ____ year Sex: male=1 female=2 Occupation: _____ □□□
Head of Household: yes=1 no=2 Name of household head_____ □
If no, what is relationship with Head of Household: _____ □
1. Do you use the land inside the right of way? yes=1 no=2 □
If No, stop interview and move to the next case; (If Yes, continue interview).

2. Since when have you used this land located inside the right of way? _____19_____ □
If **less than 1 year**, stop interview and move to the next case, (Otherwise continue)

3. Did you ask permission to use this land? yes=1 no=2
If yes, who (Function) did you ask permission of: _____ □
4. Did you pay for the use of this land? yes=1 no=2
If yes, how much: _____ (convert to US$: _____) □
5. How many families live on this compound ? 0 1 2 3 □
6. How many members in the Family (If more families living in one compound total all _____ □

Between 0 - 14 years:	N°_____male	N°_____female	Total N#
Between 15 - 64 years:	N°_____male	N°_____female	
Over 65 years:	N°_____male	N°_____female	

7. What is the principal income source for the family (from what do they earn most of their money)?
wages or salary = 1 manual labor = 2 business or trade = 3
agricultural products = 4 fishing = 5 other (describe) = 6: _____ □
8. How much of the family income (from last Khmer new year 4/1997 – 3/1998) do you get from activities inside the right of way?

little=1	more than little=2	about half=3	more than half=4	most=5	
0-20%	>20%- 40%	>40%-60%	>60%-80%	>80%-100%	□

9. How much land does your family own? _____ are (100are=1hectare) □
How much land does your family use in total? _____are (100 are=1 hectare) □
10. What is the length and width of your land inside the right of way?
Length_____ x Width _____ meter (total _____ m2) □
11. What is the activity on your land which is inside the right of way?

1. PRIMARY SOURCE

Rice-field = 1	Home garden = 2	Cash-crop garden = 3	
Fruit tree = 4	Fish or lotus pond = 5	Parking/storage = 6	
Shop/restaurant = 7			
Other = 8 (describe) _____		Small stall for selling =9	□

2. SECONDARY SOURCE

Rice-field = 1	Home garden = 2	Cash-crop garden = 3	
Fruit tree = 4	Fish or lotus pond = 5	Parking/storage = 6	
Shop/restaurant = 7			
Other = 8 (describe)_____		Small stall for selling =9	□

12. Are there different kinds of economically important trees inside the right of way only? Yes =1, No =2

Mango = 1	_____ trees	
Tamarind = 2	_____ trees	
Coconut = 3	_____ trees	
Tropical hardwood = 4	_____ trees	
Bamboo = 5	_____ trees	
Other_____ = 6	_____ trees	
Palm tree = 7	_____ trees	☐

13. Earning income from these economically important trees last year (from Khmer new year April 1997- March 1998)?

Mango	=1	_____ Riels (convert to USD_____)	
Tamarind	=2	_____ Riels (convert to USD_____)	
Coconut	=3	_____ Riels (convert to USD_____)	
Tropical hardwood	=4	_____ Riels (convert to USD_____)	
Bamboo	=5	_____ Riels (convert to USD_____)	
_____	=6	_____ Riels (convert to USD_____)	
Palm tree	=7	_____ Riels (convert to USD _____)	☐

14. Do you own land nearby to replace what you use inside the right-of-way? yes=1 no=2, if no to Q:18 ☐

Where?

Behind the land inside the right of away	=1
It is about 150 meters away	=2
It is farther than 150 meters away	=3

14.1 Do you use [*that*] land? yes=1 no=2

15. If you were asked to leave the land inside the right of way, and move back several meters would you lose income or have costs to move what you have inside the right of way?

yes=1 no=2 → q.18

16. How would you lose income or have costs?

replanting, loss of plants, tress=1 making new pond, shed, construction =2
loss of earning opportunities =3 other=4, describe: _____ ☐

17. Estimate this loss or these costs in Riel: _____ ☐

18. Are you able to buy land to replace your land inside the right of way?

yes=1 no=2 → q.20 or own-land =3 ☐

19. If yes, at what costs? _____ (convert to US$: _____) ☐

20. If no, how does losing the land inside the right of way effect your family's livelihood?

Describe:_____

_____ ☐

21. Is there a structure inside the right of way? yes=1 no=2 → q.25 ☐

22. If yes, what kind of structure and what is it used for?

stall for sale products=1 barn for making crafts=2 eatinghouse=3
house for living =4 other=5, describe: _____ ☐

23. What construction material is used and how much in total (NOTE: only for construction inside the right of way)?

wall:	thatch=1	wood=2	brick,concrete=3		_____ m2	☐☐
	thatch=1	wood=2	brick,concrete=3		_____ m2	☐☐
floor:	bamboo=1	wood=2	brick,concrete=3		_____ m2	☐☐
	bamboo=1	wood=2	brick,concrete=3		_____ m2	☐☐
roof:	thatch=1	corrugated plastic=2	corrugated tin =3	tile=4	_____ m2	☐☐
	thatch=1	corrugated plastic=2	corrugated tin =3	tile=4	_____ m2	☐☐
column:	wood=1:					
	Quality No1	size.....x.....x.....metres			_____ m3	☐
	Quality No2	size.....x.....x.....metres			_____ m3	☐
	Quality No2	size.....x.....x.....metres			_____ m3	☐
	concrete=2	size.....x.....			_____ m2	☐
	bamboo =3	palm =4	other =5 _____		_____ m2	☐☐

24. How much of the above material needs to be replaced in case of moving?

wall:	____ m2	(or_____ % of total)	☐
floor:	____ m2	(or_____ % of total)	☐
roof:	____ m2	(or_____ % of total)	☐
column:	____ m2	(or_____ % of total)	☐

25.What are other assets on land used with in the right of way?

well=1	pumpwell=2	water pond=3, _____ m3	☐☐
fence=4, what material: _____		how many meters: _____	☐☐
other=5, describe: _____			☐
Nothing else =6			☐

26. Observation

a= No need for compensation (no problem);
b= Small problem or need compensation;
c= Need some compensation;
d= Full compensation. ☐

Appendix 2 PAP Survey Endorsement Letters

KINGDOM OF CAMBODIA
Nation Religion King

Date: May 29, 1998

His Excellency Tram Iv Tek
Secretary of State,
Ministry of Public Works and Transport
Phnom Penh, CAMBODIA

Dear Sir,

ATTENTION: Mr. T. Chankosal, Director PIU

Ref: WORLD BANK ROAD REHABILITATION PROJECT
CENSUS OF PROJECT AFFECED PEOPLE

We wish to thank you for the copy of the draft Resettlement Action Plan report that you sent to us.

We wish to confirm that representatives from this office met with the NGO responsible for the subject census and visited the field with the census enumerators to render assistance and cooperation. We confirm our satisfaction with how the census was conducted and endorse its validity. We look forward to the implementation of the project. Our cooperation and assistance is always available to you.

Yours sincerely,

Governor's Office, Siem Reap

KINGDOM OF CAMBODIA
Nation Religion King

Date: May 29, 1998

His Excellency Tram Iv Tek
Secretary of State,
Ministry of Public Works and Transport
Phnom Penh, CAMBODIA

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Yours Sincerely,

Governor's Office, Sihanoukville