

資料5 討議議事録 (M/D)

**Minutes of Discussions
on the Basic Design Study
on the Project for the Improvement of National Road No. 1
(Phnom Penh – Neak Loeung Section)
in the Kingdom of Cambodia
(The first field survey)**

In response to the request from the Royal Government of Cambodia, the Government of Japan decided to conduct a Basic Design Study on the Project for the Improvement of National Road No. 1 (Phnom Penh – Neak Loeung Section) (hereinafter referred to as "the Project") and entrusted the study to the Japan International Cooperation Agency (hereinafter referred to as "JICA").

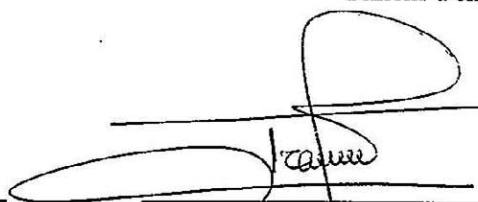
JICA sent to Cambodia the Basic Design Study Team (hereinafter referred to as "the Team"), headed by Mr. Hiroyuki Hayashi, an officer, Third Project Management Division of the Grant Aid Management Department, JICA. The Team is scheduled to stay in Cambodia from February 22 to March 26, 2004.

The Team held discussions with the concerned officials of the Government of Cambodia. In the course of the discussions, both sides have confirmed the main items described in the attached sheets.

Phnom Penh, March 10, 2004

Hiroyuki Hayashi
Leader
Basic Design Study Team
Japan International Cooperation Agency



H.E. Tram Iv Tek
Secretary of State
Ministry of Public Works and Transport
Kingdom of Cambodia

ATTACHMENT

1. Objective

The objective of the Project is to improve the C1 section of the National Road No. 1 (Phnom Penh – Neak Loeung).

2. Project Location

The location of the Project is shown in Annex-1.

3. Responsible and Implementing Organizations

The responsible and implementing Agency is the Ministry of Public Works and Transport (hereinafter referred to as "MPWT"). The organization chart of the Ministry is shown in Annex-2.

4. Items Requested by the Government of Cambodia

After discussions with the Team, the following items were finally requested by the Cambodian side.

Improvement of the C1 section of the National Road No. 1 including

- bridges, culverts, slope protection,
- Chabar Ampor Intersection, and
- right bank of approach of Neak Loeung Ferry.

5. Japan's Grant Aid Scheme

(1) The Cambodian side understands the Japan's Grant Aid scheme and the necessary measures to be taken by the Government of Cambodia explained by the Team as described in Annex-3.

(2) The Cambodian side promised to take necessary measures, as described in Annex-4, for smooth implementation of the Project as a condition for the Japan's Grant Aid to be implemented.

6. Schedule of the study

(1) The Team will proceed to further studies in Cambodia by March 26, 2004.

(2) JICA will dispatch a team for the second field survey to Cambodia in order to conduct additional field survey and collect necessary data around the middle of April, 2004.

(3) JICA will prepare the draft report in English and dispatch a team to Cambodia in order to explain its contents around the end of August 2004.

(4) In case that the contents of the report is accepted in principle by the Government of Cambodia, JICA will complete the final report and send it to the Government of Cambodia by the end of November 2004.

7. Other Relevant Issues

(1) Both sides reconfirmed the contents of the Minutes of Discussions for the Preparatory Study of the Project signed on July 11, 2003 and on December 4, 2003 regarding the Environmental and Social Consideration (hereinafter referred to as "ESC").

(2) The Cambodian side requested the Team to provide necessary information including data and drawings of the Project for smooth implementation of the Detailed Measurement Survey including Census Survey (hereinafter referred to as "DMS"). The Team agreed to submit necessary information to the Cambodian side as soon as they finished studying each portion of the Project. The priority portion should be discussed by March 26, 2004.

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(3) The Cambodian side agreed to follow the flow chart of the Critical Passage to Japan's Grant Aid shown in Annex-5 and Annex-6. Both sides confirmed the further procedure for resettlement as below;

(a) Firstly, the Inter-Ministerial Resettlement Committee (hereinafter referred to as "IRC") will carry out the DMS from the beginning of May 2004 after the Team submits necessary information including data and drawings of each portion of the Project,

(b) Secondly, the IRC should assess the compensation values of each Project Affected Persons' (PAPs') asset according to the results of DMS and confirmation of various factors concerning compensations including PAPs' will.

(c) Thirdly, the IRC should establish the Resettlement Action Plan (hereinafter referred to as "RAP") based on the above-mentioned (a) and (b) before the completion of the Basic Design Study of the Project,

(d) Finally, the IRC should implement the RAP, such as payment to the PAPs, preparation of relocation site, if any. The MPWT should clear the site before commencement of construction.

(4) The Cambodian side requested the Team to give the necessary advices for whole procedure mentioned in 7. (3).

(5) The Team asked the Cambodian side to take the past examples into consideration when the Cambodian side set up unit prices and items for compensation from the viewpoint of ESC for the Project.

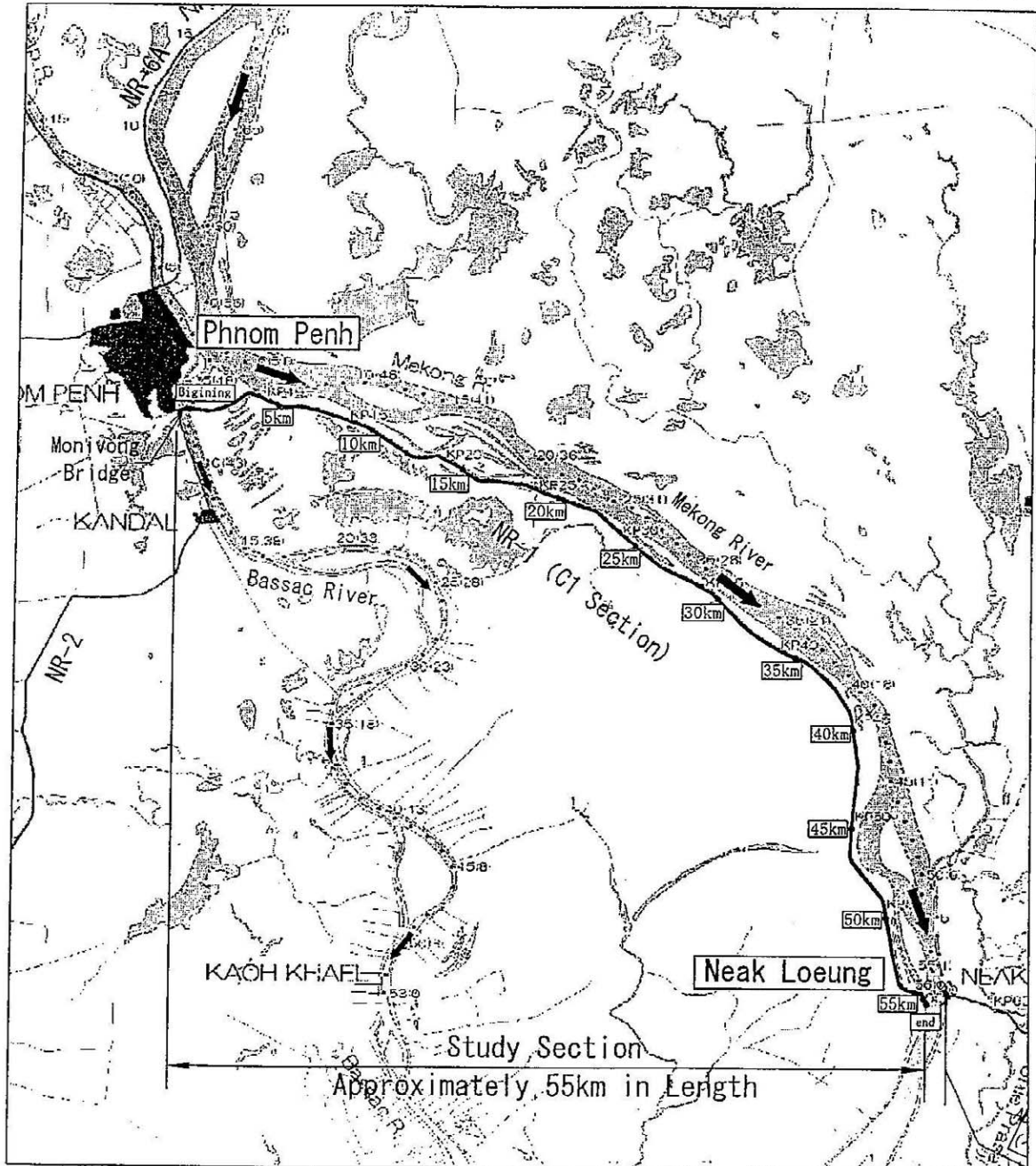
(6) Both sides reconfirmed that the Monivong Bridge shall exclude from the Project.

(7) The Cambodian side shall submit answers in English to the Questionnaire, which the Team handed to the Cambodian side, by March 22, 2004.

(8) The Cambodian side shall provide necessary number(s) of counterpart personnel to the Team during the studies in Cambodia.

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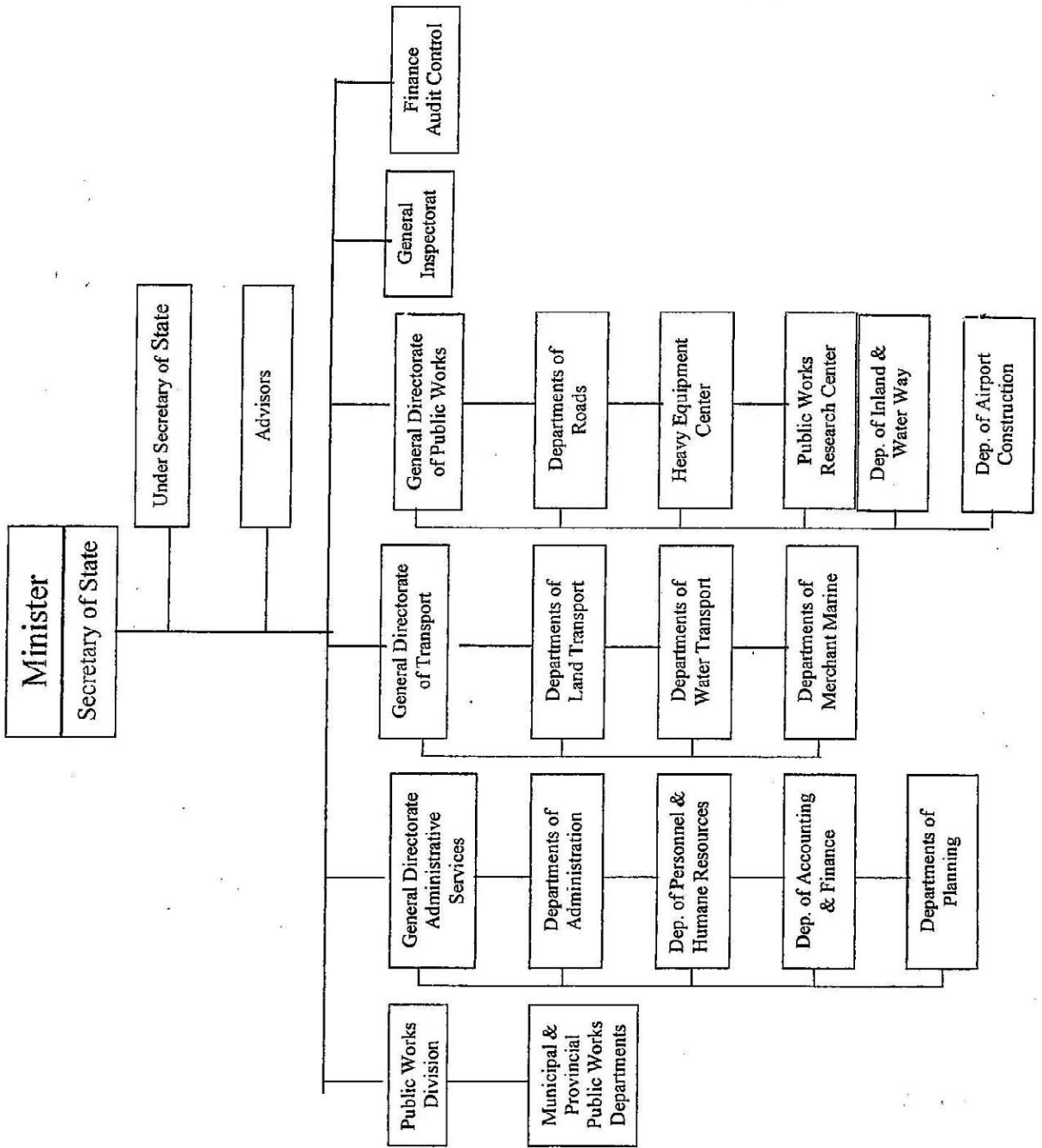


Location Map

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Japan's Grant Aid Scheme

The Grant Aid scheme provides a recipient country with non-reimbursable funds to procure the facilities, equipment and services (engineering services and transportation of the products, etc.) for economic and social development of the country under principles in accordance with the relevant laws and regulations of Japan. The Grant Aid is not supplied through the donation of materials as such.

1. Grant Aid Procedures

Japan's Grant Aid scheme is executed through the following procedures.

Application	(Request made by a recipient country)
Study	(Basic Design Study conducted by JICA)
Appraisal & Approval	(Appraisal by the Government of Japan and Approval by Cabinet)
Determination of Implementation	(The Notes exchanged between the Governments of Japan and the recipient country)

Firstly, the application or request for a Grant Aid project submitted by a recipient country is examined by the Government of Japan (the Ministry of Foreign Affairs) to determine whether or not it is eligible for Grant Aid. If the request is deemed appropriate, the Government of Japan assigns JICA (Japan International Cooperation Agency) to conduct a study on the request.

Secondly, JICA conducts the study (Basic Design Study), using (a) Japanese consulting firm(s).

Thirdly, the Government of Japan appraises the project to see whether or not it is suitable for Japan's Grant Aid scheme, based on the Basic Design Study report prepared by JICA, and the results are then submitted to the Cabinet for approval.

Fourthly, the project, once approved by the Cabinet, becomes official with the Exchange of Notes (E/N) signed by the Governments of Japan and the recipient country.

Finally, for the smooth implementation of the project, JICA assists the recipient country in such matters as preparing tenders, contracts and so on.

2. Basic Design Study

1) Contents of the Study

The aim of the Basic Design Study (hereinafter referred to as "the Study"), conducted by JICA on a requested project (hereinafter referred to as "the Project") is to provide a basic document necessary for the appraisal of the Project by the Government of Japan. The contents of the Study are as follows:

- Confirmation of the background, objectives, and benefits of the requested project and also institutional capacity of agencies concerned of the recipient country necessary for the Project's implementation.
- Evaluation of the appropriateness of the Project to be implemented under the Grant Aid scheme from a technical, social and economic point of view.
- Confirmation of items agreed upon by both parties concerning the basic concept of the Project.
- Preparation of a basic design of the Project
- Estimation of costs of the Project

The contents of the original request are not necessarily approved in their initial form as the contents of the Grant Aid project. The Basic Design of the Project is confirmed considering the guidelines of Japan's Grant Aid scheme.

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The Government of Japan requests the Government of the recipient country to take whatever measures are necessary to ensure its self-reliance in the implementation of the Project. Such measures must be guaranteed even though they may fall outside of the jurisdiction of the organization in the recipient country actually implementing the Project. Therefore, the implementation of the Project is confirmed by all relevant organizations of the recipient country through the Minutes of Discussions.

2) Selection of Consultants

For smooth implementation of the Study, JICA uses (a) registered consultant firm(s). JICA selects (a) firm(s) based on proposals submitted by interested firms. The firm(s) selected carry(ies) out a Basic Design Study and write(s) a report, based upon terms of reference set by JICA.

The consulting firm(s) used for the Study is(are) recommended by JICA to the recipient country to also work on the Project's implementation after the Exchange of Notes, in order to maintain technical consistency.

3. Japan's Grant Aid Scheme

1) Exchange of Notes (E/N)

Japan's Grant Aid is extended in accordance with the Notes exchanged by the two Governments concerned, in which the objectives of the Project, period of execution, conditions and amount of the Grant Aid, etc., are confirmed.

2) "The period of the Grant Aid" means the one fiscal year which the Cabinet approves the Project for. Within the fiscal year, all procedures such as exchanging of the Notes, concluding contracts with (a) consulting firm(s) and (a) contractor(s) and final payment to them must be completed.

However in case of delays in delivery, installation or construction due to unforeseen factors such as natural disaster, the period of the Grant Aid can be further extended for a maximum of one fiscal year at most by mutual agreement between the two Governments.

3) Under the Grant Aid, in principle, Japanese products and services including transport or those of the recipient country are to be purchased.

When the two Governments deem it necessary, the Grant Aid may be used for the purchase of the products or services of a third country.

However, the prime contractors, namely, consulting, contracting and procurement firms, are limited to "Japanese nationals". (The term "Japanese nationals" means persons of Japanese nationality or Japanese corporations controlled by persons of Japanese nationality.)

4) Necessity of "Verification"

The Government of recipient country or its designated authority will conclude contracts denominated in Japanese yen with Japanese nationals. Those contracts shall be verified by the Government of Japan. This "Verification" is deemed necessary to secure accountability to Japanese taxpayers.

5) Undertakings required of the Government of the Recipient Country

In the implementation of the Grant Aid project, the recipient country is required to undertake such necessary measures as the following:

- a) To secure land necessary for the sites of the Project and to clear, level and reclaim the land prior to commencement of the construction.
- b) To provide facilities for the distribution of electricity, water supply and drainage and other incidental facilities in and around the sites.
- c) To secure buildings prior to the procurement in case the installation of the equipment.
- d) To ensure all the expenses and prompt execution for unloading, customs clearance at the port of disembarkation and internal transportation of the products purchased under the Grant Aid.

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- e) To exempt Japanese nationals from customs duties, internal taxes and other fiscal levies which will be imposed in the recipient country with respect to the supply of the products and services under the Verified Contracts.
 - f) To accord Japanese nationals, whose services may be required in connection with the supply of the products and services under the Verified Contracts, such facilities as may be necessary for their entry into the recipient country and stay therein for the performance of their work.
- 6) "Proper Use"
The recipient country is required to operate and maintain the facilities constructed and equipment purchased under the Grant Aid properly and effectively and to assign staff necessary for this operation and maintenance as well as to bear all the expenses other than those covered by the Grant Aid.
- 7) "Re-export"
The products purchased under the Grant Aid should not be re-exported from the recipient country.
- 8) Banking Arrangements (B/A)
- a) The Government of the recipient country or its designated authority should open an account in the name of the Government of the recipient country in a bank in Japan (hereinafter referred to as "the Bank"). The Government of Japan will execute the Grant Aid by making payments in Japanese yen to cover the obligations incurred by the Government of the recipient country or its designated authority under the Verified Contracts.
 - b) The payments will be made when payment requests are presented by the Bank to the Government of Japan under an authorization to pay (A/P) issued by the Government of the recipient country or its designated authority.
- 9) Authorization to Pay (A/P)
The Government of the recipient country should bear an advising commission of an Authorization to Pay and Payment commissions to the Bank.

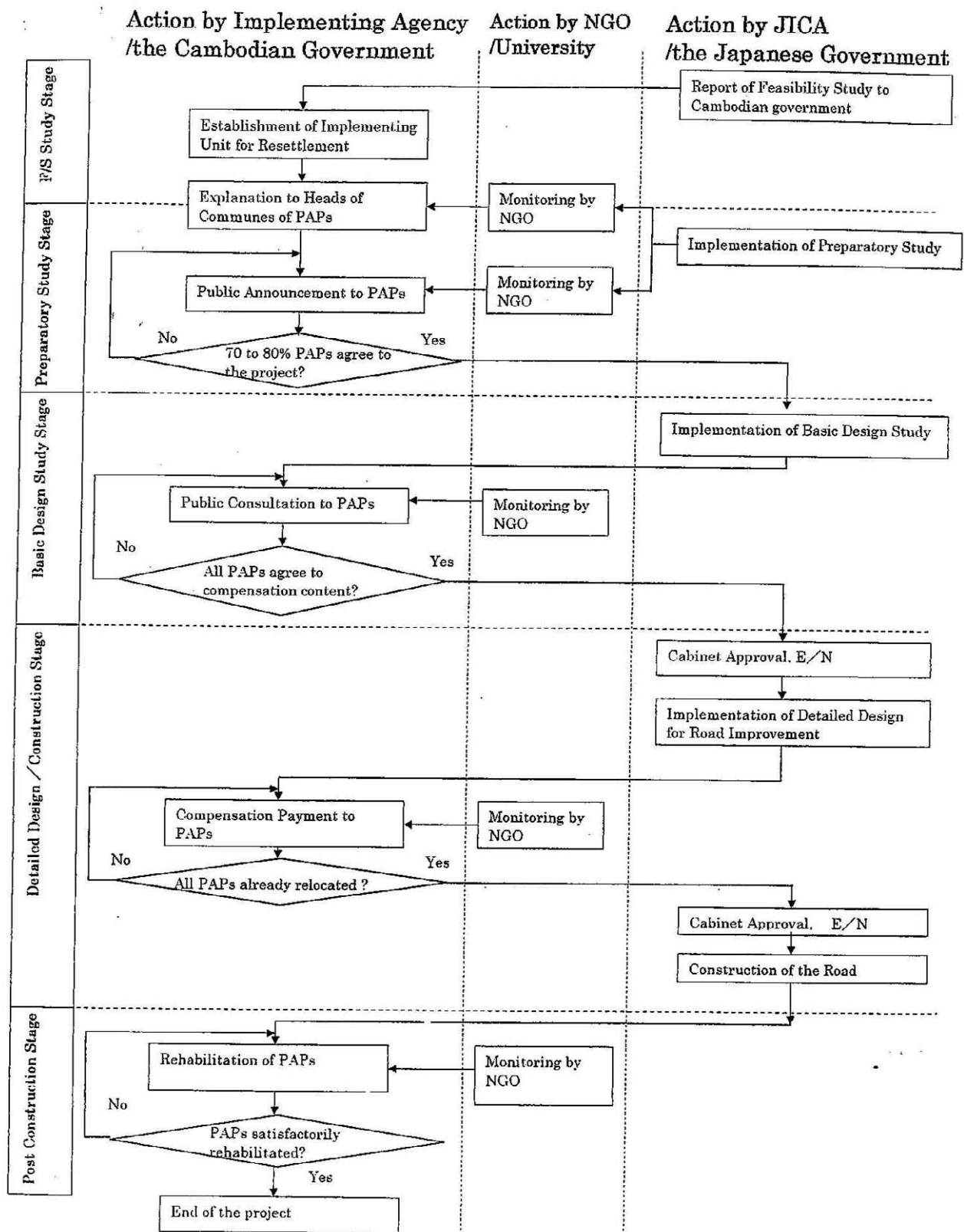
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Major Undertakings to be taken by Each Government

No.	Items	To be covered by Grant Aid	To be covered by Recipient side
1	To bear the following commissions to a bank of Japan for the banking services based upon the B/A		
	1) Advising commission of A/P		●
	2) Payment commission		●
2	To ensure prompt unloading and customs clearance at the port of disembarkation in recipient country		
	1) Marine(Air) transportation of the products from Japan to the recipient country	●	
	2) Tax exemption and custom clearance of the products at the port of disembarkation		●
	3) Internal transportation from the port of disembarkation to the project site	●	
3	To accord Japanese nationals whose services may be required in connection with the supply of the products and the services under the verified contract such facilities as may be necessary for their entry into the recipient country and stay therein for the performance of their work		●
4	To exempt Japanese nationals from customs duties, internal taxes and other fiscal levies which may be imposed in the recipient country with respect to the supply of the products and services under the verified contract		●
5	To maintain and use properly and effectively the facilities constructed and equipment provided under the Grant Aid		●
6	To bear all the expenses, other than those to be borne by the Grant Aid, necessary for the transportation and installation of the equipment		●

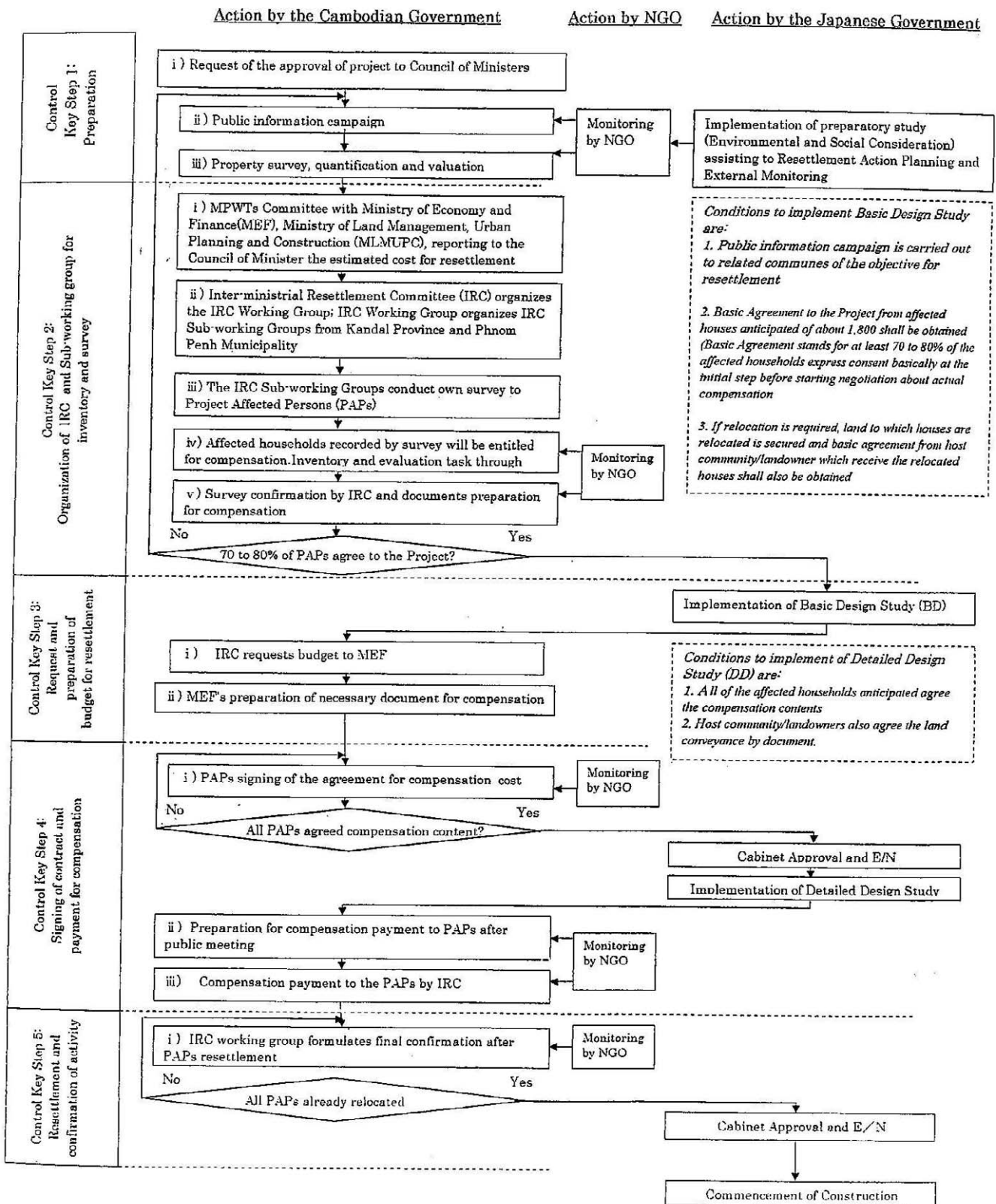
(B/A: Banking Arrangement, A/P: Authorization to Pay)



Annex-5 Critical Passage to Japan's Grant
to the Improvement of National Road No. 1
(Phnom Penh - Neak Loeung Section)

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Annex-6 Detailed Critical Passage to Grant Aid

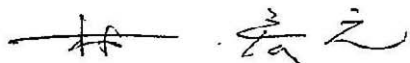
Minutes of Discussions
on the Basic Design Study
on the Project for the Improvement of National Road No. 1
(Phnom Penh – Neak Loeng Section)
in the Kingdom of Cambodia
(The second field survey)

In response to the request from the Royal Government of Cambodia, the Government of Japan decided to conduct a Basic Design Study on the Project for the Improvement of National Road No. 1 (Phnom Penh – Neak Loeng Section) (hereinafter referred to as "the Project") and entrusted the study to the Japan International Cooperation Agency (hereinafter referred to as "JICA").

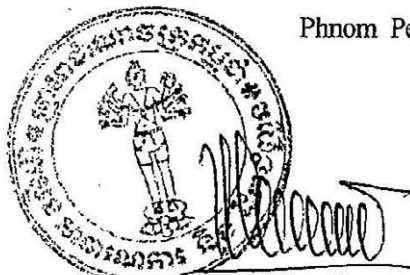
JICA sent to Cambodia the Basic Design Study Team (the second field survey) (hereinafter referred to as "the Team"), headed by Mr. Hiroyuki Hayashi, an officer, Third Project Management Division of the Grant Aid Management Department, JICA. The Team is scheduled to stay in Cambodia from April 17 to May 21, 2004.

The Team held discussions with the concerned officials of the Government of Cambodia. In the course of the discussions, both sides have confirmed the main items described in the attached sheets.

Phnom Penh, April 23, 2004



Hiroyuki Hayashi
Leader
Basic Design Study Team
Japan International Cooperation Agency



H.E. Uk Chan
Under Secretary of State
Ministry of Public Works and Transport
Kingdom of Cambodia

ATTACHMENT

1. The Detailed Measurement Survey including Census Survey (hereinafter referred to as "DMS") and the Resettlement Action Plan (hereinafter referred to as "RAP")

(1) The Inter-Ministerial Resettlement Committee (hereinafter referred to as "IRC") should carry out the DMS and establish the RAP based on the concept of the Corridor of Impact (hereinafter referred to as "COI") and the Provisional Road Width (hereinafter referred to as "PRW").

(2) The both sides confirmed that the scope of the land acquisition for the Project should be concentrated within the PRW for the Project.

(3) The Team explained to the Cambodian side that the external monitoring should be conducted from the commencement of the DMS.

(4) The Cambodian side should inform the schedule and organization of the DMS to the Japanese side through the JICA Cambodia Office by the end of May 2004. The Cambodian side should submit monthly progress reports to the JICA Cambodia Office.

2. Schedule of the study

(1) The Team will proceed to further studies in Cambodia by May 21, 2004.

(2) JICA will prepare the draft report in English and dispatch a team to Cambodia in order to explain its contents around the end of August 2004.

(3) In case that the contents of the report is accepted in principle by the Government of Cambodia, JICA will complete the final report and send it to the Government of Cambodia by the end of November 2004.

3. Other Relevant Issues

(1) The both sides confirmed the major design concept of the Project shown in Annex-1.

(2) The Cambodian side will carry out the Public Announcement including obtaining Public Comments from the Project Affected Persons (PAPs) at the location of culverts and bridges, and report its results to the Japanese side by the middle of May 2004.

(3) The Cambodian side shall provide necessary number(s) of counterpart personnel to the Team during the studies in Cambodia.

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Annex-1 Major Design Concept (1/2)

Technical Item	Content
1. Road Widening and Standard Cross Section	<ul style="list-style-type: none"> • Sta. 0+000~Sta. 1+800 Both sides widening, 4-lane • Sta. 1+800~Sta. 13+500 Both sides widening, 2-lane • Sta. 13+500~Sta. 14+000 (Koki Market) Both sides widening, 2-lane with parking lane • Sta. 14+000~Sta. 22+000 Both sides widening, 2-lane • Sta. 22+000~Sta. 53+400 One side widening, 2-lane (Colmatage side) • Sta. 53+400~Sta. 54+740 Both sides widening, 2-lane • Sta. 54+740~Sta. 55+960 Overlay and drainage facilities without widening
2. Design Flood Level and Road Elevation	The road elevation is higher by 0.75~1.0m than the design flood level.
3. Design of Culverts and Bridges	<p>The number of Culverts and Bridges are as follow.</p> <ul style="list-style-type: none"> • Culverts Reconstruction ··· 2 Pipe Culverts, 2 Box Culverts New construction ··· 8 Box Culverts • Bridges Reconstruction ··· 2 New construction ··· 1
4. Design Criteria	Basically, Asian Highway Class II and the Cambodian design standard
5. Special Road Sections	<p><u>Market Area</u></p> <p>Bus Stop, Parking areas, safety facilities and the road elevation should be considered at the following market areas.</p> <ul style="list-style-type: none"> ① East of Monivong Bridge ② Veal Sbov ③ Preak Eng ④ Koki

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Annex-1 Major Design Concept (2/2)

	<p>⑤ Samrong Thom ⑥ Chruoy Dang</p> <p><u>Bus Stop</u> Bus Stop should be with a function of emergency evacuation during flood.</p> <p><u>Schools and Hospitals zones</u> Road safety facilities should be installed at Schools and Hospitals zones.</p> <p><u>Alignment at Sta. 32+750</u> The alignment at Sta. 32+750 is under study.</p>
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