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 8. Draft Resettlement Action Plan
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1. 第一次現地調査結果中間報告書、平成 17 年 2 月 15 日

添付資料

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- 2-3. Letter to IRC from ESC Study Team dated of 14 February 2005
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- 3-3. 各プロジェクトの苦情処理機関比較表
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平成 17 年 2 月 15 日
日本海外コンサルタンツ(株)

カンボディア国「国道 1 号線（プノンペン～ネアックルン区間）改修計画」
予備調査（第二次環境社会配慮支援調査）

第 1 次現地調査結果中間報告

1. 現地調査期間

平成 17 年 1 月 23 日（日）～2 月 16 日（水）（25 日間）

2. 日程

日付	作業概要
1 月 23 日（日）	成田発プノンペン着 1845
1 月 24 日（月）	MPWT・IRC 表敬、JICA 事務所打合せ
1 月 25 日（火）	IRC 打合せ、MPWT（Dr.Bunna）打合せ
1 月 26 日（水）	MOWRAM 専門家打合せ、IRC 打合せ
1 月 27 日（木）	ミニッツ調印
1 月 28 日（金）	ADB、NGO および外部モニタリング機関、林総括帰国
1 月 29 日（土）	C2 区間視察
1 月 30 日（日）	資料整理
1 月 31 日（月）	地区事務所の確認（3 地区）視察
2 月 1 日（火）	Kandal City Hall 視察・打合せ MPWT ソーリャ氏打合せ（他ドナーの環境配慮状況確認） DMS チーム長（コンソール氏）打合せ
2 月 2 日（水）	IRC(ダラモニ氏)打合せ 河川局 Mr.Mao 氏打合せ ADB 田中氏打合せ
2 月 3 日（木）	開口部ステークホルダーミーティング km23.9
2 月 4 日（金）	開口部ステークホルダーミーティング km42
2 月 5 日（土）	資料整理
2 月 6 日（日）	環境局打合せ
2 月 7 日（月）	外部モニタリング機関打合せ
2 月 8 日（火）	MOWRAM ステークホルダーミーティング（Kien Svay 地区事務所） MPWT（ルンチャノ氏）打合せ
2 月 9 日（水）	統計局資料収集 JICA 打合せ
2 月 10 日（木）	MPWT の SEU（Social and Environment Unit）Mr. Sokong 氏打合

日付作業概要

せ

2月11日(金) IRC 打合せ
2月12日(土) 資料整理
2月13日(日) 資料整理
2月14日(月) IRC 打合せ、WB 打合せ
2月15日(火) JICA 事務所報告
日本大使館報告
IRC 打合せ
2025: プノンペン発 (TG699)
2130: バンコク着
2340: バンコク発 (TG642)
2月16日(水) 0730 成田着

コンサルタント団員の滞在期間

No.	Name	Job Title	Occupation	Period
1	小林 良明	環境社会配慮 (住民移転計画策定支援)	日本海外コンサルタント(株)	23 rd January - 16 th February
4	庄司 岳雄	環境社会配慮 (移転手続きモニタリング)		

なお上記日程表中に点線で囲んだ部分の JICA 団員の調査活動 (1月23日～1月28日) 結果については、林総括の中間報告書 (1月28日付け) を別途参照されたい。

3 第1次現地調査結果の概要

2003年に第一次予備調査を実施して以来1年以上が経過したが、住民影響問題に関してカンボジア側はできる限りの対応をしているという印象を受けている。これは実施部隊のMPWTスタッフの努力に負うところ大と思われる。以下今回の調査結果について概略する。

3.1 Schedules and Milestone (工程の確認)

Phase 区間のDMS、補償価格見直し、苦情処理委員会GCの設置および移転地確保のスケジュールの叩き台をIRCが検討する一助として2月2日に提出した(添付資料1)。

3.2 Phase のDMS 予定

Phase の予定は添付資料1に示したが、10月31日がデッドラインである。10月31日を達成するためには早急にDMSを開始し、さらにチーム数を増加するなど対策を行わない限り難しい。IRCは2月14日会議で10月31日のターゲットを1ヶ月伸ばすことさえ提案してきた。

3.3 2000年2月発表の補償価格表(MEF発行)について

IRCはReview作業をして2005年8月までにJICAにその検討結果を返答することになっている。この価格表についてはADBも2月中に出すAudit Reportで提案があるとADBカンボジア事務所の説明があった。なお、この価格表はROW内の物件に払うものではなく、バイパスのようなROW外の新規土地購入に際して発生する物件に対して払うものであると解釈するスタッフがMPWT内上部にいた。念のためにそのタイトルのクメール語の翻訳を確認したところ、“List of Affected Properties”と書いてあるとの事である。しかし、本プロジェクトではこの価格表を適用することに決まっている。このように、MPWTのスタッフの共通認識が欠けていることを感じた。

一方、2月14日会議ではカンボジア側はADBに2004年11月に既に改定案を提出しその回答待ちであることを突然表明した。その回答が出ればカ側として最終決定案を作りADBに伝えること、ただしその時期は不明であるとのことである。この事実関係を早急に確認するためにADB本部の担当者とコンタクトする予定である。なお、上記改定案のコピーをIRCのADB担当者に依頼済みで入手することになっている。

3.4 苦情処理委員会Grievance Committee(GC)の設置

本来はDMS開始時はすでに設置されているべきGCがまだ設置されていないことに関して、2月11日(金)にIRCとの会議を開き、次のJICA案(添付

資料 2-1) を提示した :

1) Members of Grievance Committee (GC)

Provincial Governor(or his deputy) as a chairman of the committee (州知事 (あるいは副知事): 議長)

Commune head(s) in relevant (コミューン長)

Village Elder of commune in relevant (コミューン / 村の長老)

Staff of MEF (not of IRC but of Property Valuation Committee or so) (中央政府経済財務省スタッフ (IRC メンバーではなく価格評価委員会メンバーなど)

Representative of External Monitoring Consultant (EMC) (第三者 (例 : 外部モニタリングコンサル))

In addition,

- Secretary of Committee (from Governor's Office)
- Technical observer/advisor from Provincial DPWT

注) MPWT、IRC、PAPs、住民サイドに立つ NGO は苦情処理委員会で決定権を有するメンバーとしては不適格と考える。なお、決定権のないオブザーバーとしては MPWT など事業の説明役として、また事務局として知事スタッフが必要。

2) Public Announcement

To let the public acknowledged officially, Notice of the member names of GC shall be put on board at 5 commune offices for 2 weeks and/or longer with some explanation.

それに対して、IRC は 2004 年 11 月に公布した ADB 灌漑プロジェクトの例 (詳細は添付資料 2-2) をベースにして下記の実施案を 2 月 14 日提示した :

Mr. Deputy Governor of Province (Chairman)

Mr. Chief of Department of Public Works and Transport

Mr. Chief of Department of Water Resources and Meteorology

Mr. Chief of Department of Land Management

Mr. Chief of Department of Economy and Finance

Mr. Governors of Relevant District(s)

Mr. Chief of Relevant Commune(s) and Village(s)

Village Elder(s)

JICA 案との最大の相違点はプロジェクト執行の当事者である DPWT(公共事業運輸部) をメンバーに入れる点であった。この点に対しては強く再考を促した。それに対して IRC は a) Governor of Province は、Provincial Resettlement Sub-Committee の Chairman であり、JICA 提案では当事者になるので矛盾する。b) 各省庁の Provincial Chief たちも絶対にメンバーに加わるべきだと主張した。そして最後に「IRC 議長からの指示として、今後はドナーに関わらずメンバー構成を統一しようと考えており、この IRC 案を標準としたい。どうしても DPWT の排除を望むならば文書にして提出して欲しい」と要求した。JICA の了解を得れば直ちに選定と通知の作業に入る予定とのことである。なお、参考のために他ドナー・他国のプロジェクトの委員構成例を添付資料 3 - 1 に示す。

GC の設置場所として IRC は NR-2 沿いのカンダール州事務所を提案してきたが、ネクルーンの住民が 60km 近く離れた、かつ入場に際して厳しく吟味される州事務所が唯一の GC 設置場所としては必ずしも適切とは思えない。PAPs がアクセスすることが比較的簡単な各地区事務所に GC を設置すると同時に、各コミューンからも苦情を吸い上げるシステムも併置すべきと提案する(添付資料 3-2)。

3.5 移転用地取得状況

現在 141 軒の移転用地取得が必要とされている。IRC は 3 箇所に分散した候補地に対して交渉中で、すでに手付金 Deposit を用意して契約の最終段階にあるとの説明である。しかし、場所などの詳細説明はなかった。いずれにしても 3 月末まで完了するとの確約があった(2 月 11 日)。

なお、1 号線 ADB の C2 区間の移転地(添付資料 4-1)以外で、過去の道路プロジェクトでの移転地の例を探した結果、ADB 5・6 号線のケースがあることが判明して造成地および付属施設の入札用図面を入手し、IRC に参考として提出した(添付資料 4-2)。

3.6 新規開口部ステークホルダーミーティングについて

計 4 箇所での会合は、道から離れた農家の庭先の大きな木下、PAPs 参加者数 25 人(女 13 + 男 12)、道路脇のオープンな小屋、PAPs 参加者数 21 人(女 13 + 男 8)、道路路肩の木の下スペース、PAPs 参加者数 13 人(女 4 + 男 9)、寺院の庭の大きな木下、PAPs 参加者数 18 人(女 8 + 男 10)、といずれも小規模に開催。説明及び質疑応答もマイクの必要もなく面前にて活発に行われており、PAPs には自由に発言機会があった。女性の参加も多く、及びではむしろ女性の発言が大変活発であった。今後行われる Phase 区間の会合の開催において、規模及び場所の選択プラン作成に大いに参考にすべきと考える。

3.7 NGO Forum との会議

1月28日、NGO Forum との会議を行った。NGO 側の主な主張は PAPs への説明用に航空写真 / 衛星写真を使うこと、GC の設立とメンバー構成についてであった。

については、写真の縮尺と精度は DMS の実測に勝るものではないとの説明にそれ以上の要求はなかった。 については、文書にして出して欲しいとの要望に対して1週間後に出すと返事をした(2月7日付けで文書の回答があった。添付資料5)

なお、席上で彼らから次のような発言もあった ; These can be gradually improved as they can not be done everything from beginning.(添付資料6)

3.8 DMS 外部モニター

2005年2月8日付け Fact Finding Survey Report によると、DMS は概ね適切に行われたようであるが、説明をよく理解してない住民の存在、不適切な言動、WG の補償費算定ミスの問題があったことから、Phase 区間の実施に際しては以下の対策を採ることが考えられる(添付資料7)。

1. 小規模で数多くの PIM (パブリック・インフォメーション・ミーティング) の開催
2. 住民への補償内容の概略を記したパンフレットの配布
3. 説明について理解、WG メンバーの不適切な発言の有無・補償額の提示の確認等を盛り込んだ念書を取る
4. WG の事前訓練の実施、名札表示、自己紹介、Do & Do Not の徹底等
5. 十分な DMS の時間・予算の配分

3.9 PhaseI 工区の合意取得状況 (2005 年 1 月 24 日現在)

PhaseI 工区の合意取得状況を下表に示す。

	件数	理由
総記録数	1,653	
合意	1,402	
不合意	11	土地の補償の問題 : 8 件 (全てが新開口部の ROW 外の土地問題、いわば私有地への補償の問題) フェンス・果樹 : 3 件 (影響の及びないはずの家屋に対する補償をも、撤去される果樹・フェンスへの補償に上乗せするように主張するケースが 1 件、DMS 後に新築したフェンスの補償を主張するケースが 1 件および 1 月 24 日以降に解決したがパゴダのフェンスへの補償問題が 1 件)
補償対象外	218	屋台・スタンドなど簡単に移動可能

NO.1 橋工事 迂回路	22	住民説明完了
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不同意の内容は、居住用家屋等直接生活に関係するものはない。

3.10 他のドナーの動向

1) ADB

他のドナーの中ではもっとも Active に援助しまた関与している。

ADB の環境社会配慮に関する基本的方針は、2002年に GMS Road Improvement プロジェクトの外国コンサルタントが作成し正式に RGC・ADB 双方が承認した RAP に基づくことになっている。その RAP の最大のポイントは、ROW 内で PAPs が使用する土地に関しては代替地供与または金銭補償をする内容となっている。しかし、NGO の指摘によりその方針が実施されていないことに気づいた ADB 本部はミッションを送りこみ、交渉を行ってきた模様である。2004年3月に、MEF は ROW 内の土地は補償一切しないとした独自の RAP を作成して正式に ADB に提案したが、ADB は2002年の原則に戻ることを要求して拒否したとのことである。添付資料8に2002年と2004年の補償内容の違いを示す。

なお、ADB は従来はプロジェクト管理を現地事務所に任せきりで来た事が問題を起こしたと反省し、マニラ本部が今後はもっと積極的に関与することである(添付資料9)。

ADB は GMS プロジェクトの一部として MPWT 管轄の組織改革を実施することとし、2004年10月に MPWT 計画部の下に、常設機関として新たに社会環境 Unit (SEU) をつくり専任のスタッフ6人により活動を開始させた。この TOR(添付資料10)を読むと、当面は GMS プロジェクトのタイ国境付近の5・6号線プロジェクトの住民移転問題を処理させるようであるが、近い将来から MPWT プロジェクトの全ての社会・環境問題の担当をさせるようだ。新設した SEU は社会開発・住民移転課と環境課に分け、社会開発・住民移転課には HIV/AIDS 係を置くとしている。また TOR よれば、SEU はかなりの権限を有することになるが、業務の一部として

“ -5-iv) Management of compensation, relocation, and compensation in cooperation with IRC and MEF ” との記載がある。このTORには“ IRC・MEF ”の名前が記載されているのはこの一ヶ所のみである。同時に“ Resettlement Working Groups in PDPWT ”とWGを位置付けている。

もしこの SEU が上手く機能すれば、MPWT 内での社会環境問題は共通の方針のもとに対処されると考えられ大いに期待される。

ADB プロジェクトでは、長い区間に渡る道路案件では未合意・立ち退き未完了区間があっても DMS が完了していればその箇所を残したままで工事に着工することが容認されている。

2) 世銀

以下は世銀カボ・ジア事務所駐在員の認識である：

世銀は、環境社会配慮では ADB と共通の厳しいポリシーを有するが、つい最近まではそのポリシーを実際にフルに適用していたわけではない（例えば ROW 内の土地の補償は相手国政府の見解に任せていた）。しかし今後は厳格に適用させる（例えば ROW 内外を問わず収用する土地代の市場価格補償）ことにし、かつ少なくとも住民移転問題が片付くまでは融資しない。例えば 3 号線は住民への補償費支払いが遅延していたために融資を中断していたが今、その問題が片付いたので支払いを認めた。また世銀の道路プロジェクトでは、今まで NGO からクレームされたことはないと認識している。

今後 JICA・ADB と情報を共有し、歩調をあわせ 共通のポリシー で妥協無く望みたい。

3) タイ、中国、韓国

常駐の事務所ないしスタッフはいない。援助にあたっては環境社会配慮についての条件は一切ないとの MPWT 担当者の説明があった。

3.11 今後の予定

コンサルタント団員は帰国後第一次現地調査報告書を作成する。第 2 次現地調査において一次現地結果の報告と今後の DMS の提言等をおこなう。

添付資料

1. Schedules and Milestone(Draft)
- 2-1 Letter to IRC from ESC Study Team dated of 14 February 2005
- 2-2 州令 (No.047 D.K)
- 3-1 各プロジェクトの苦情処理機関
- 3-2 各地区事務所調査報告
- 4-1 C-2 区間の住民移転地
- 4-2 5,6 号線住民移転地図面
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7. FFS 報告書に基づく問題点と対策(案)
8. ADB・GMS プロジェクトの補償費の比較 (2002 年と 2004 年)
9. ADB マニラ本部担当官との打合せメモ
10. TOR for Capacity Building in MPWT SEU and Provincial Structures

Revised on 15 February 2005

02 February 2005

The Preparatory Study on the Confirmation of Environmental and Social Considerations for Improvement of National Road No.1 (Phnom Penh-Neak Loeung Section)

Schedules and Milestone (Draft)

1. DMS for Phase II Section

February	Referring Draft Drawings of JICA Study for Scheduling and Budgeting purpose only
March__	Receiving Final Drawings from JICA officially
March__	Application of Budget for DMS to MEF
March__	Approval of Budget by MEF
March__	Printing of Leaflets for PAPs
	*JICA to contract External Monitor
March__	Public Consultation Meetings
	*JICA External Monitoring
April 15	Commencing Demarcation, DMS and Negotiation : 5 months
	*JICA External Monitoring
July 15	Completion of DMS in field
October 15	Completion of All Negotiation obtaining Agreement from All PAPs in principal
October 15	Completion of Agreement of Acquisition of Lands for Relocation Sites
October 15	Approval of RGC on Negotiation Results
October 31	<u>Official Notice to JICA on Completion in obtaining PAPS Agreement</u>

2. Review of the Present Compensation Price List of February 2000

November 2004	Submission of Proposal from RGC to ADB
February__	Receiving ADB Review Report on the Analysis, or
_____	Receiving ADB answer
_____	Commencement of Analysis of ADB Answer by ADB Division IRC
_____	Approval of Minister of MEF
_____	Sending RGC's final proposal to ADB
_____	Agreement of ADB
August 31	<u>Official report to JICA on reviewing results on Compensation Price List</u>

Japan Overseas Consultants Co.,Ltd.

3. Organizing Grievance Committee (GC)

February 7 Receiving a Proposal on Member Formation from NGO Forum
 February__ Selection of GC Members
 February__ Official Publication of GC Members and Function by Gazettes

4. Construction of Relocation Sites

Mid. March Completion of Agreement of Acquisition of All Relocation Sites
 Late March Start of Land Formation Work
 _____ Completion of Land Formation Work
 _____ Completion of Construction of All Facilities Required for
 Starting of PAPs' Relocation

The Preparatory Study II on the Confirmation of Environmental and Social Considerations for Improvement of National Road No.1 (Phnom Penh – Neak Loeung Section)

10th February 2005

Dear Mr. Daramony, IRC

Subject: Urgent Formation of Grievance Committee, Its Public Announcement and Items Agreed in Minutes of Discussions dated 27th January 2005

Reference 1. Agenda and Questionnaire dated 24th January 2005

Reference 2. Schedule and Milestone (Draft) dated 2nd February 2005

Referring to the above, we have not received your answers yet. Nevertheless, some actions should be taken by you immediately and we are herewith advising you:

1. Formation of Grievance Committee and Its Public Announcement

We propose as follows:

1) Members of Grievance Committee (GC)

- ① Provincial Governor(or his deputy) as a chairman of the committee
- ② Commune head(s) in relevant
- ③ Village Elder of commune in relevant
- ④ Staff of MEF (not of IRC but of Property Valuation Committee or so)
- ⑤ Representative of External Monitoring Consultant (EMC)

In addition,

- Secretary of Committee (from Governor's Office)
- Technical observer/advisor from Provincial MPWT

2) Public Announcement

To let the public acknowledged officially, Notice of the member names of GC shall be put on board at 5 commune offices for 2 weeks and/or longer with some explanation.

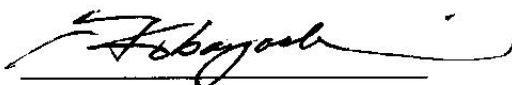
These action shall be taken immediately.

2. Schedules and Milestone

Please provide your answers, filling your planned dates into our form.

Your prompt action is highly appreciated.

Sincerely yours,



Kobayashi Yoshitoshi, Senior Resettlement Specialist (ESC Study 2 Team)
C.C. Mr Ono, JICA

Kingdom of Cambodia
Nation Religion King

DEKA (Provincial Order)

Ministry of Interior
Kampong Thom Province City Hall
No. 047 D.K

**Establishment of Grievance Committee to investigate and Settle
all the complaints of people whose properties are affected by
the project of improvement of Chinot river and rural infrastructures**

Governor of Province

- Decree No. NS/RKT1003/296 dated 06/10/2003 on nominating H.E. Governor of Province has been seen.
- Prakas No. 031 PrK dated 15/02/1994 about Duty Right and Administrative Structures of Province, City from Ministry of Interior has been seen.
- Decision No. 13 SR dated 18/03/1997 of Royal Government about the establishment of Inter-Ministerial Committee to investigate and estimate the affected properties of people who are living along national road No.6 and 7 has been seen.
- Letter No.3990 SHV from Ministry of Economics and Finances dated 03/11/1999 about the request for establishing the sub-IRC to investigate and estimate the affected properties of people who are living along national road No.6 and 7 has been seen.
- Letter No. 048 SHV.VS from MEF dated 05/01/2001 about the request for employing the existing Sub-IRC to investigate and estimate the properties of people affected by the improvement project of Chinot river and rural infrastructures.
- Referring to DEKA of Province No. 017 DK dated 05/04/2004 about the establishment of provincial sub-committee to investigate and estimate the properties of people affected by the improvement project of Chinot river and rural infrastructures.
- Referring to Draft of Resettlement Action Plan dated 15/01/2004 sent to ADB.
- Referring to scheme of the meeting on 22/11/2004 at Kampong Thom Province City Hall.
- According to the province's need:

DECISION

Article 1 : Establishment of Provincial Grievance Committee to settle the complaints of PAP for the project of improvement of Chinot river and rural infrastructures. The Provincial Grievance Committee is comprise of :

- | | |
|---|------------------|
| 1. H.E. Governor of Province | Head |
| 2. Mr. Deputy Governor of Province | Deputy Head |
| 3. Mr. Chief of Department of Water Resources and Meteorology | Permanent Member |
| 4. Mr. Chief of Department of Land Management | Member |
| 5. Mr. Chief of Department of Economics and Finances | Member |
| 6. Mr. Governor of Baray district | Member |
| 7. Mr. Governor of Santuc district | Member |
| 8. Mr. Chief of relevant Commune and Village | Member |
| 9. Mr.Representative of PAP | Member |

Article 2: This committee has the following duties:

- Help all PAP by implementing the Resettlement Action Plan policy and set a date of implementation.
- Provide support to all PAP, who have been relocated, and all their problems to give them Justices for the new living environment.
- Record all complaints of PAP and other people and prioritize the complaints which must be solved by the Grievance Committee.
- Help PAP related to decision making of the *Complaint Committee* (The *Complaint Committee* should be given the power to solve all the complaints, but focus on the most severe complaint)
- Report the update development to the people who filed the complaints. The decision of the *Complaint Committee* will not be objected by any free public platform, except the lawful courts.

Article 3: The province city hall (Office of Secretary of Finances), Department of Economics and Finances, Department of Water Resources and Meteorology, Department of Land Management, Baray district, Santuk district and H.E., Sir, Madams who are listed in article 1 have duty to effectively implement this DEKA of province.

Article 4: This decree will be valid from the date of signing.

CC:

- Ministry of Interior
- MOWRAM
- MEF
- MOLM

“For your information”

Kampong Thom, 30/Nov/2004
Governor of Province

NAM Tum

カンボジア国道1号線（プノンペン - ネアックルン区間）改修計画
 予備調査（第二次環境社会配慮支援調査）
 日本海外コンサルタンツ(株)

表 各プロジェクトの苦情処理機関

国	ドナー	計画		苦情提出先	議長	州WRAM部長	州EF部長	州法務部長	外部モニタリング機関	ローカルリーダー（コミュニティ長等）	IRC契約NGO	備考
カンボジア	ADB	Stun Chin Irrigation and Rural Infrastructure Project	灌漑	2003	GC	州知事あるいは副知事 常任委員：州知事あるいは副知事	常任委員：州法務局長	州法務部長	外部モニタリング機関	ローカルリーダー（コミュニティ長等） 独立NGO		関係全州に設置
カンボジア	ADB	GMS NR-5,6	道路	2002	GC	常任委員：州知事あるいは副知事	常任委員：州法務局長	外部モニタリング機関	外部モニタリング機関	現地に詳しいローカルリーダー（コミュニティ長等）		
カンボジア	ADB	Primary Road Rehabilitation(NR-5,6,7)	道路	2000	GC	常任委員：州知事あるいは副知事	常任委員：州EF部長	常任委員：外部モニタリング機関	常任委員：外部モニタリング機関	現地に詳しいローカルリーダー（コミュニティ長等）		関係全州に設置
カンボジア	ADB	NR-1,HMC - PP Highway Improvement Project	道路	1999	GC	常任委員：州知事あるいは副知事	常任委員：州EF部長	常任委員：外部モニタリング機関	常任委員：外部モニタリング機関	現地に詳しいローカルリーダー		関係全州に設置
カンボジア	ADB	Prek Thnot Flood Relief Channel	洪水対策	2002	GRC	常任委員：州知事あるいは副知事	常任委員：州EF部長	常任委員：外部モニタリング機関	常任委員：外部モニタリング機関	現地に詳しいローカルリーダー（コミュニティ長等）		関係全州に設置
ベトナム	WB	NR-3,6 Kampon Kdei Bypass	道路	2004	WG IRC Subcommittee NAC(National Adhoc Committee)	MEF	MPWT	Eternal Agency/NGO				
ベトナム	WB	NR-51 Rehabilitation	道路	2002	WG 州事務所 GRC(Adhoc 委員会)	MEF大臣	関係省庁の上級職員					
カンボジア	WB	NR-3,6	道路	1998	GC	常任委員：州のPWT	常任委員：NGO	MOE	PIU	現地に詳しいローカルリーダー（コミュニティ長等）		
ベトナム	WB	Hanoi Bypass	道路	1993	CPC(コミュニティ人民委員会) DPC(地区人民委員会) PPC(州人民委員会)							
ベトナム	WB	Donang Sanitation	衛生	1998	Donang Enbironment Company(コンガル) DPC PPC							
ラオス	ADB	パケト-ノンアハ送電線	送電線	2002	Resettlement Subcommittee Provincial GRC Committee							
ミャンマー	JBIC	ルプサ橋	橋梁	2000	DC (Deputy Commissioner),あるいはGRC(右の構成員)	道路橋梁局担当エンジニア	NGOエリアマネージャー	地方行政官				
ミャンマー	WB/A DB/J BIC	ジャムナ橋	橋梁	1993	VRW(Village Resettlement Worker), Land Purchasing Committeeを通してJMBA(ジャムナ橋公団)へ							

*RAPに示されているもので、IRCの提示したProvincial Order(No.047 D.K)と異なっている

打合せメモ

議題： 地区事務所（District Governor's Office）の機能

日時： 2005年1月31日～2月1日

場所： キンスベイ、ルックダイ、ミンチェイ地区事務所およびカンダール州事務所

出席者：事務所関係者、小林、庄司、通訳

打合せ内容

（Kien Svey 地区事務所の総合事務長）

- ・ コキ市場の手前 13.6km 道路右側に位置する。
- ・ プロジェクト対象地として 1 号線沿い 3.3km の地点から 46.7km の間（共に表示板あり）の 7 コミューン 24 村を統括する。
- ・ 直接住民から、および村長を通しての住民からの苦情受付処理あるいは上部へまわす。

（交通費情報）

- ・ 23.9km からコキ市場(13.7km)までの距離 10km の片道交通費は 1,000Riel（リアカーバイク）～5,000Riel（タクシー）
- ・ ネクルーン(56km)からコキ市場までの距離 42km の片道交通費は 4,000Riel

（Leuk Daek 地区事務所）

- ・ 正式な事務所は 1 号線 53.9km 地点から分岐する未舗装道路を 12km 南下した地点に位置する。
- ・ プロジェクト対象地として 1 号線沿いでは 46.7km から終点までのカンポンプノンコミューンのみを統括する。
- ・ 事務所はルックダイ地区の中央に位置するがため不便であり、1 号線 53.9km から道路沿い南方 500m の地点の C P P 事務所で実務が行われているとのことである。

（カンダール州事務所土地登記部）

- ・ タクマウにあり。入場時に守衛が ID の提示およびノートへの記入を求めてくる。登記部のアドミの人と面会し以下の情報入手：
- ・ 土地紛争を担当。No title の人が当部署へ来る。正式な Land title を持っている人は直接裁判所へいく。
- ・ 紛争は通常 Commune District Province と上げられてくる。
- ・ GRC は当州事務所内には設置されていないと思う。

（Mean Chey 地区事務所）

- ・ プロジェクト対象地として 1 号線沿い 0.3km から 3.3km の間のコミューンを統括する。
- ・ 0.3km 地点を 100m 南下した地点に位置する。



Kien Svey 地区事務所(入りやすい雰囲気ではある)



Leuk Daek 地区事務所（1号線から枝線 12km 南方に位置し普段は使われていない）



Leuk Daek 地区事務所長が普段使っている建物（国道1号線のすぐ近くである）



Kandal 州事務所（左）と土地登記部(右)（気安くは入れない雰囲気である）



Mean Chey 地区事務所

TO PHNOM PENH

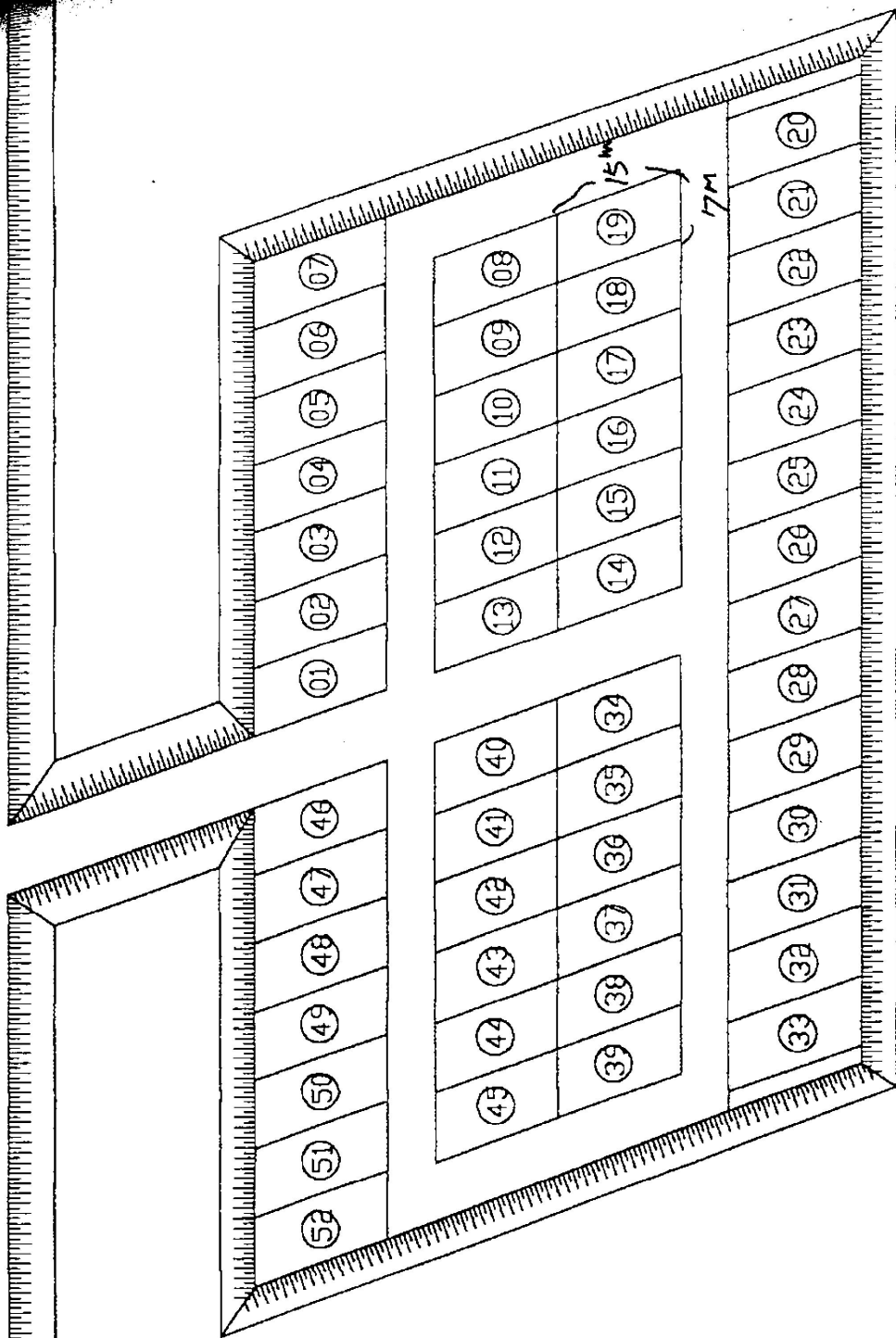
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អាប៉េ- ៥) ៧ ម

4

ADB NR-1

C-2 ប្រតិបត្តិការ



ប្រតិបត្តិការ

អាប៉េ : ៥:៥០០

10 February 2005



RGC
ព្រះរាជាណាចក្រកម្ពុជា
Nation Religion King
ជាតិ សាសនា ព្រះមហាក្សត្រ
~*~

IRC

គណៈកម្មការអន្តរក្រសួងជ្រោយជ្រុង
ដីធ្លីផ្ទះសំបែង ប្រជាពលរដ្ឋដែលរងការងាយស្រួល

គំរោងគំរោងស្ថានភាពជាតិលេខ ៥, ៦ ៧
Project for improvement of National Road 5, 6 & 7

គំរោងប៉ាន់ស្មាន

Pria Estimation

ការរៀបចំទីតាំងសំរាប់សហគមន៍លំនៅស្ថានថ្មី
Site preparation of new household community
របស់ប្រជាពលរដ្ឋដែលរងការងាយស្រួល
for PAPs

គំរោងសាងសង់ស្ពាន " សែនសិន "
Construction of Bridge " Sen Sin "
ខេត្តបន្ទាយមានជ័យ

Banteay Meanchey Province

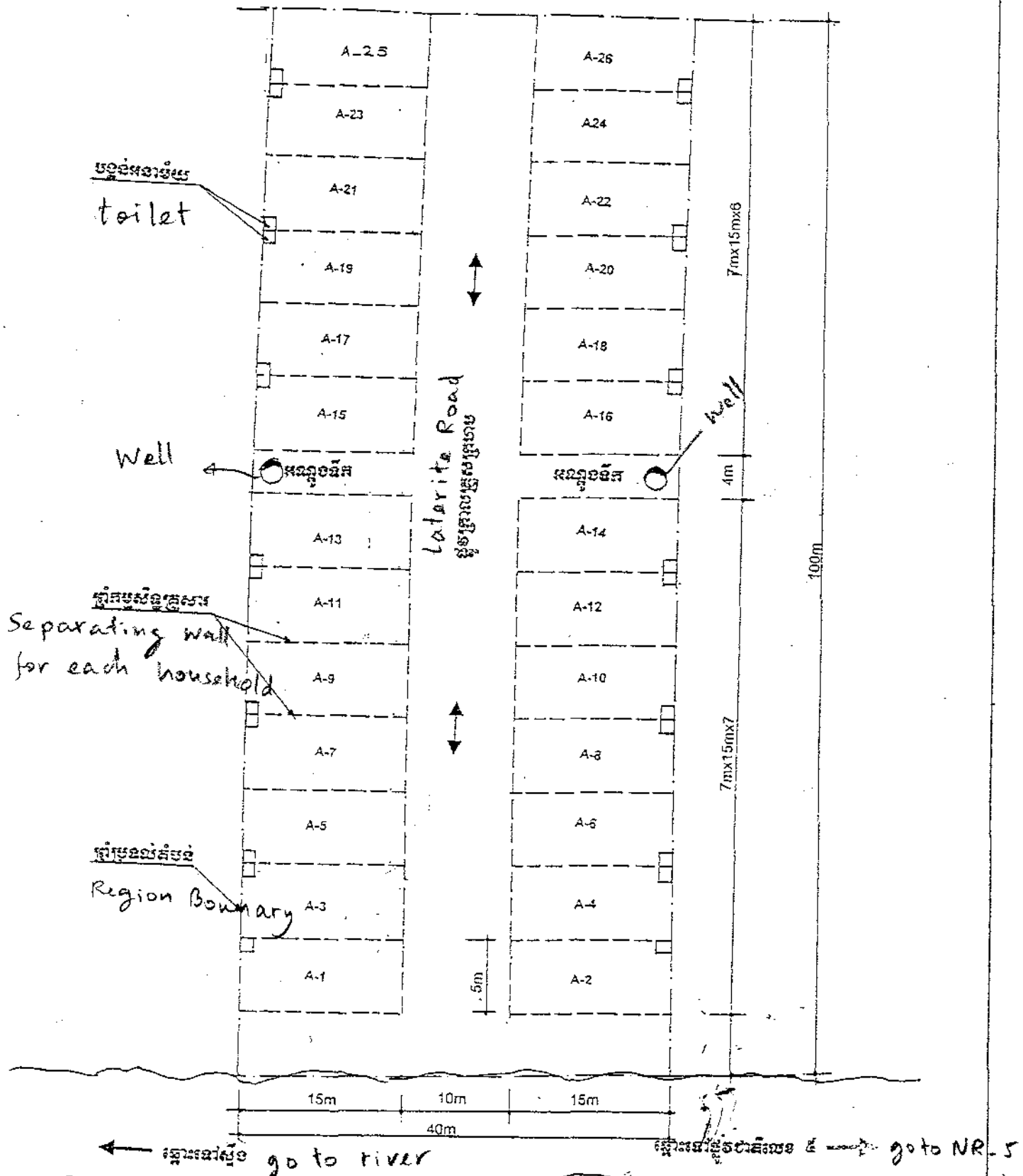
July 2003
គត្តជា ២០០៣

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គំរោងផ្សារបង្កើតឡើងសម្រាប់សហគមន៍ជនភៀសខ្លួន
 របស់ក្រុមហ៊ុនប្រចាំការងារដែលបានចែងក្នុងតារាងសម្រាប់គំរោងសហគមន៍ " សែស៊ីង "
 ខេត្តបន្ទាយមានជ័យ

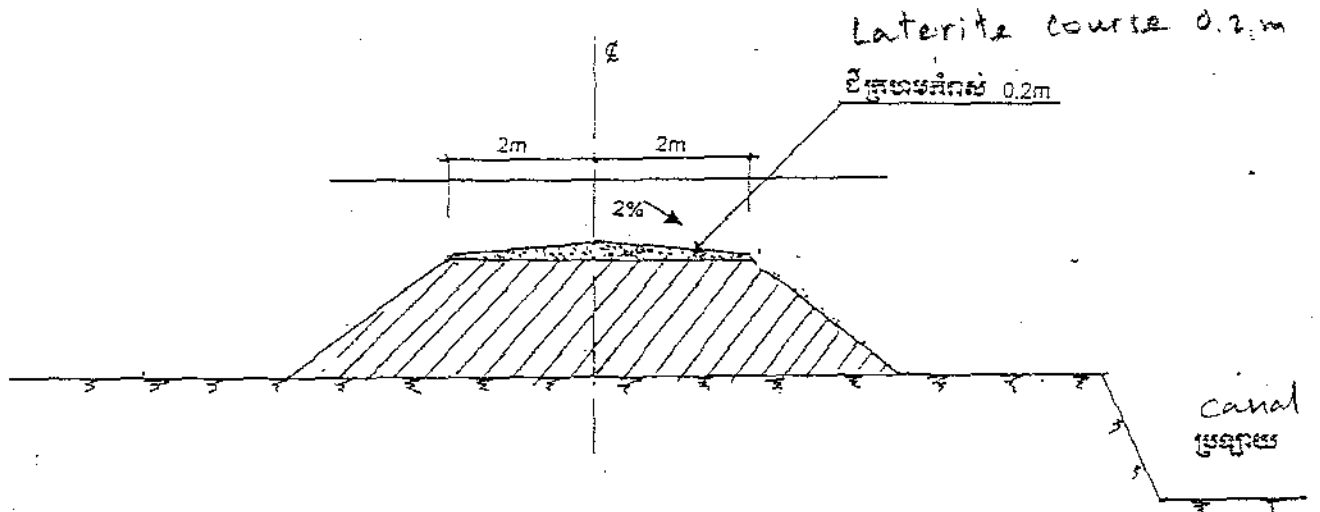
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Plan View



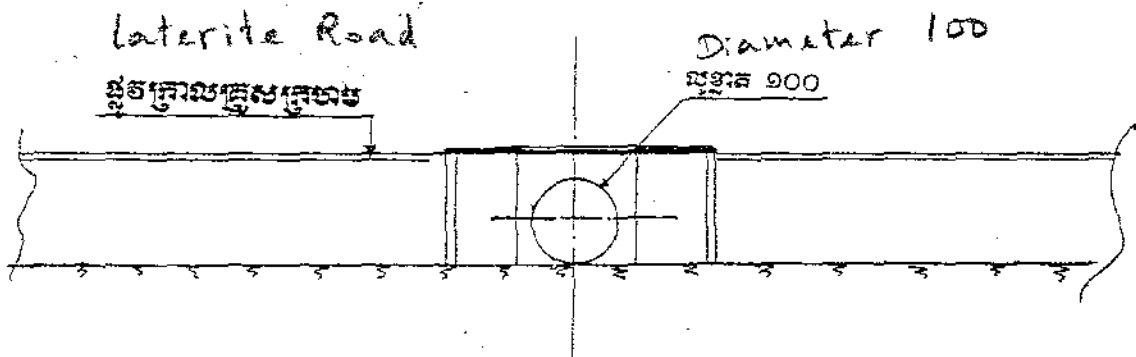
Road Cross-Section

ប្រភេទផ្លូវថ្នល់



Cross-section of pipe culvert

ប្រភេទល្បឿន ១០០



គឺពោសាធិបតីដ៏ល្អសំរាប់សេវាកម្មភ័ក្ត្រស្រួចថ្មី
 មេស្រីប្រាជ្ញាបណ្ឌិត្យុវជនម៉ែកាលស្រីពោសាធិបតីស្រួច " ម៉ែស៊ីន "

[illegible]

ឯក្ខេបនាម័ ឈ្មោះ
ហត្ថលេខា : លោក
Section : A-A

go to find out how
it is going to be

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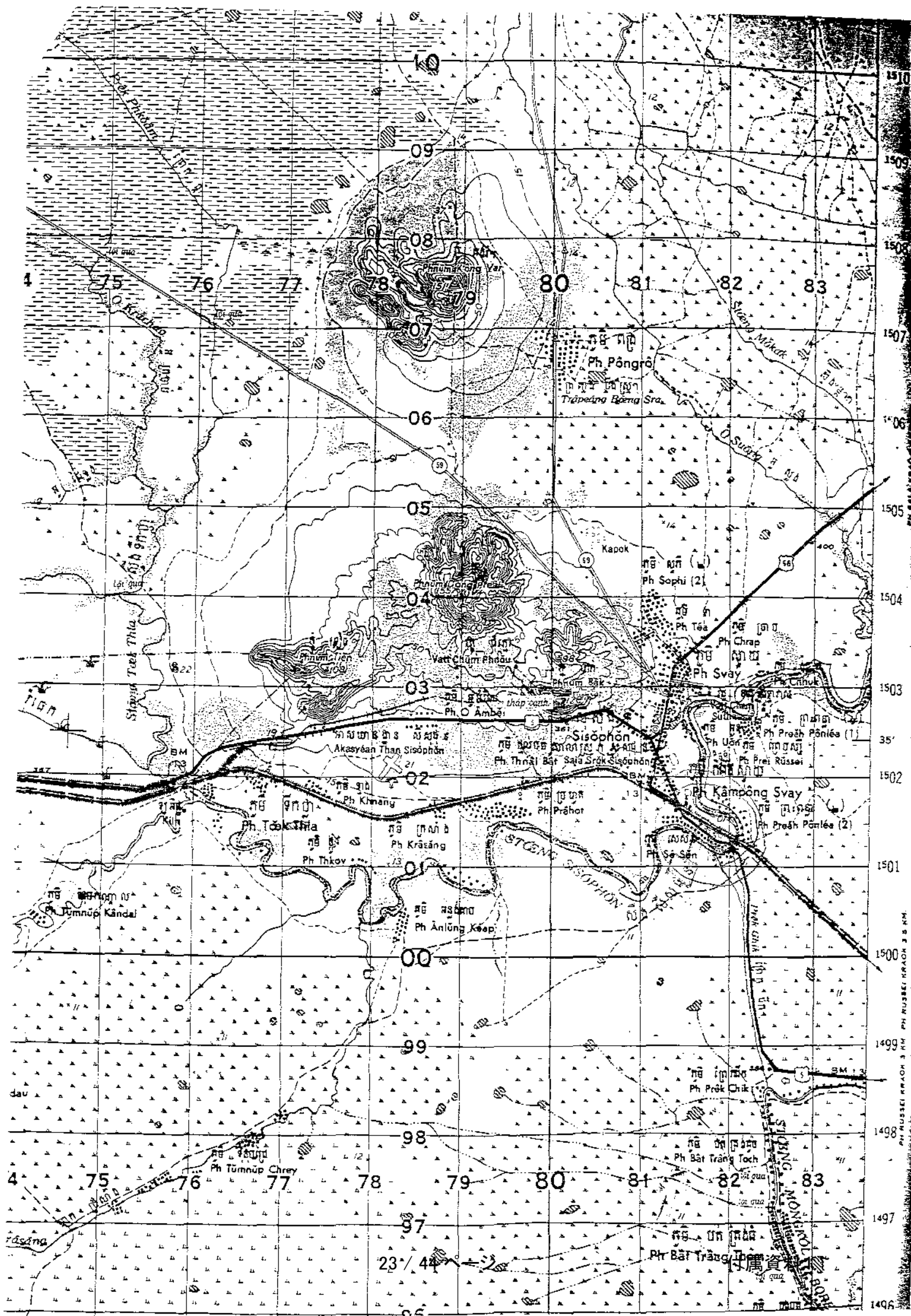
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Section: A-A

Diagram illustrating a cross-section of a building structure, showing various components and materials:

- Roof:** Eysen (Tinplate)
- Protection:** protection mesh (nigunim)
- Main Wall:** 100 70x70 hollow brick (sigum)
- Foundation/Support:** 100 40x40 timber
- Additional Wall:** zinc wall (eyfegim)
- Other Labels:** spare (nigun), 100 40x40





វេទិកាផែនការមិនមែនរដ្ឋាភិបាល ស្តីពីកម្ពុជា
THE NGO FORUM ON CAMBODIA

Mr. Tomohiro Ono
Assistant Resident Representative (Infrastructure)
Japan International Cooperation Agency Cambodia Office

7 February 2005

RE: Recommendations regarding the IRC's Grievance Mechanism for National Route One Improvement Project (Phnom Penh - Neak Leoung)

Dear Mr. Ono,

We would like to thank Japan International Cooperation Agency (JICA) for inviting the Resettlement Action Network (RAN) of NGO Forum on Cambodia to share our experiences and provide recommendations regarding the Grievance Mechanism of the Inter-ministerial Resettlement Committee (IRC). We would like to propose that decision-making process regarding grievances ensure participation of all stakeholders, including the people who have made the complaints, the IRC, JICA and NGOs relevant to the National Route One Improvement Project.

Based on our experiences with working with affected communities, we conclude that the IRC's Grievance Mechanism in its current form does not function to address the difficulties of the people. NGOs have been defending the rights of 99 households affected by the Highway One Improvement Project (Neak Leung-Bovet) and grievances were still being filed as recently as last month. For the National Routes 5, 6 and 7 improvement projects, a RAN member NGO, which has been the official external monitor for the IRC, collected complaints affected people and submitted them to the IRC. **While a total of approximately 200 grievances have been made by the affected people since year 2000, unfortunately, NONE has so far received redress or even response from national IRC to our knowledge.**

One of the problems with the present Grievance Mechanism is the long and inefficient filing procedure. When affected people attempt to file complaints, they have to obtain signatures from their village chiefs, then they are required to negotiate approvals from the commune chief, district

and provincial governors, before their complaints can be considered by the National IRC. This can be very difficult especially when the local authorities are discouraging, if not refusing, to allow the people to submit their grievances.

With the help of NGOs and persistence of the people affected by Highway One Improvement Project, some complaints did eventually arrive to the national IRC. In the case regarding National Routes 5, 6 and 7, complaints were delivered directly to both the national IRC and the Asian Development Bank (ADB) by the NGO serving as the external monitor. The National IRC, however, has not addressed a single grievance of the people to this day. This result implies that ultimately the problems lie in the decision-making process of the national IRC, which lacks independence and the participation of relevant stakeholders, including the community members who need redress.

There is only one case where people affected by national road improvement received redress to our knowledge—the case of Stung Slot village, which received substitute land. However, the grievance was not delivered through the IRC's Mechanism. It was a result of local communities and NGOs working together for many years, and holding many discussions among all stakeholders, including local communities, IRC, the ADB which funded the project, and NGOs.

Without fundamental reform of the mechanism, we do not believe that people who are to be affected by the NR1 project would be able to have their grievances addressed and the standard set forth by the JICA's Guidelines could not be achieved. We would also like to emphasize that the ineffectiveness of the IRC's Grievance Mechanism is only one of many factors that led to sufferings of people affected by road projects in the past. Please refer to the attachment for the NGO sector recommendations to the 2004 CG meeting regarding resettlement issues.

In the meantime, drawing from the one successful case described earlier, we would like to request JICA the following for the National Route One Improvement Project:

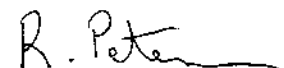
- **Ensure the participation of the affected people who have filed complaints, JICA or Japanese Government, IRC, and NGOs in the decisions-making process regarding grievances.**
- **Prior to closing the project, conduct an independent audit of compensation delivery and restoration of affected people's livelihoods and living standards, as ADB is doing for its Highway One Improvement Project. The audit results should serve as the basis for Japanese government or JICA to evaluate the effectiveness of the Grievance Mechanism, and take appropriate measures to achieve the standard provided by the JICA's Guidelines, if necessary.**

In addition, we would like to recommend the following to improve the process to file grievances:

- JICA and/or Cambodian government provide training to local authorities about the policy regarding resettlement and grievance processes.
- JICA and/or Cambodian government disseminate information widely to the affected communities about the Grievance Mechanism, including names of contact persons.

Thank you very much in advance for your consideration on this matter. Please do not hesitate to contact us if there is any more information we could provide. We feel that close cooperation between civil society and donors is critical to protecting the well being of the people who will be affected by development projects in Cambodia. We look forward to your response and further cooperation in the future.

Sincerely yours,



Russell Peterson

Representative

NGO Forum on Cambodia

On behalf of the Resettlement Action Network

CC.

Mr. Ikufumi Tomimoto

Deputy Director General

Director of the Office of Environmental and Social Considerations Review

Planning and Coordination Department

Japan International Cooperation Agency

Mr. Hiroyuki Hayashi

Traffic Infrastructure Team

Project Management Group II

Grant Aid Management Department

Japan International Cooperation Agency

Resettlement

(i) Introduction

Development has been underway in many dimensions in Cambodia particularly in infrastructure, with State-assisted funding from the government, loans from multilateral and bilateral development banks, funding agencies and many other private sources. While development projects bring lots of benefits to the public, they also cause several negative effects to the people too — for instance, for some projects, thousands of families are forced to resettle temporarily or permanently. According to a major development project survey, 3,198 families are affected by the Vietnam-Takeo electrical cable connection project. In the same manner, thousands of other people are affected by road rehabilitation, such as National Roads no.1, no.2, no.4, no.5, no.6, no.7, no.56, and no.68, other road refurbishments in the city; and other development projects that involve resettlement such as sewage canal rehabilitation, rehabilitation of dams to prevent flooding and irrigation projects.

A survey conducted by NGOs working with urban poor communities show that in Phnom Penh and in its outer Khans there are 62,249 households in 569 areas, which are classified as poor communities. Most of them face eviction by development projects and investments; and the most at risk are those who live on public land.

During the last 2–3 years, resettlement and eviction have been increasing sharply. The affected people became poorer and poorer due to the fact that their compensation was not equivalent to the land and housing they lost. In addition they had to spend a lot of money for resettlement and other basic expenses such as transportation, traveling and other conciliatory expenses for public services.

(ii) Key Issues

The projects requiring resettlement are often implemented without compliance to clear procedure. This leads to forced eviction by local authorities without compensation or appropriate support to the evicted people.

In addition to forced expulsion, affected people face with serious consequences and losses such as:

- Not being granted the right to relocation;
- Spending much time to prepare new living quarters leading to short and medium term poverty with the poorest people being most affected;
- Loss of jobs and income;
- Children cannot attend school;
- The breaking of social relations.

The major issues that cause serious relocation problems are the lack of a resettlement policy and legislation to protect affected people against development projects, such as a sub-decree on “Resettlement”. Moreover, there is a lack of enforcement of existing legal safeguards, such as the Constitution, the Land Law, the International Convention on Economic Social and Culture Rights, etc.

(iii) Recommendations

The recommendations on resettlement issues in Cambodia are as follows:

- The government of Cambodia should approve the “National Resettlement Policy” as a sub-decree and then introduce it for implementation with standards that apply to all projects. At the same time, existing laws should be enforced to ensure transparency and the rights of affected people.
- The government should prepare and implement land use and relocation plans. In Cambodia, planning should include the number of affected people and the scope of losses recognized in the policies and legal safeguards such as compensation with regard to property, the cost of dismantling of existing houses and rebuilding in a new location, the restoration of livelihoods, environmental protection, responsibility for the time delay in obtaining new land, and other measures related to relocation and the consultation mechanism with affected people.
- The affected people and other stakeholders should be informed of all projects that require resettlement and they should be provided with access to consultation on development projects, their resettlement and compensation scheme.
- The public and affected people should be informed of all guidelines issued by the project implementation unit regarding public participation procedures from project planning to the end of the project. All procedures should be publicized and affected people should be informed of the compensation scheme.
- The government should plan the infrastructure and public services required *in advance* to support the basic needs of people for relocating access to water, electricity, roads, schools, markets and health centers, and should monitor the changes of people’s livelihood and the well-being of the resettled people.
- To reduce poverty, the government should avoid resettlement wherever possible.
- There should be programs in new relocation sites like job creation, vocational training, small agriculture, and small credit schemes for income generation.
- Inter-ministerial committees should be established to facilitate planning and implementation of relocation projects. All relevant institutions should be involved and coordinate with one another during project implementation.
- Short, medium or long-term human resources development is necessary for involved officials to strengthen capacity in the relocation field.
- Donor countries should compel the Government to display transparency and accountability in resettlement issues. Donors should play an important role as external monitors for resettlement activities related to their projects.

For more information and the issues raised in this paper, please contact:

Resettlement Action Network
 C/o: NGO Forum on Cambodia
 #9-11, St.476, Toul Tom Pong 1, Phnom Penh.
 Tel.: (855) 23 994463 Fax: (855) 23 214429
 Email: leakhana@ngoforum.org.kh

打合せメモ

議題：NGO 表敬

日時： 2005 年 1 月 28 日

場所： NGO フォーラム

出席者：Ms Kol, カトリー氏、他

林団長、小野氏、玉懸氏、ナン氏、福間氏、小林、庄司

打合せ内容

（林団長）

- ・ BD の簡単なプレゼンテーション
- ・ カンボジア政府もわれわれの提言を受け入れ、環境社会配慮の努力をおこなっており少しずつ実がなりつつある。

（カトリー氏）

- ・ 了解した。なにごとにも一気に進むことは不可能であることは承知している。少しずつ改善していく方向でよい。
- ・ 住民移転の実施に当たってはコミュニティの参加、外部モニタリングの実施および透明性を確保してほしい
- ・ DMS に PAP s は多くの人や警官に囲まれると不安になってしまう。配慮してほしい。
- ・ DMS 時に航空写真を利用して PAP s の資産等を説明してほしい

（小林）

- ・ 航空写真は精度が悪く資産の表示・説明には不適である。

（カトリー氏）

- ・ 了解した。航空写真はプロジェクトの概要説明時に使うことを提案する。

（林団長）

- ・ 住民も政府をむやみに恐れないよう NGO から教育してほしい。
- ・ 苦情を政府に提出するときは JICA にもその北へを下さい。

後日送付されたGRCに関するNGOからの提案書(添付)の概要

- ・ 苦情提起の PAP s、JICA、IRC、NGO の GC への関与
- ・ プロジェクト終了時に PAP s の生活・生計レベルの回復確認の審査他、
- ・ 住民移転・苦情処理のトレーニング
- ・ GC の連絡先（担当者名）の公示

Factual Finding Survey Report(2005 年 2 月 8 日バ・ジ・ヨシ)に基づく PIC・DMS 時の問題点と対策(案)

Factual Finding Survey

- ・ スタートが遅れ SBK が DMS のモニターできなかった PAP s 840 世帯について DMS 中不具合がないか聞き取り調査を 2004 年 11 月 21 日～12 月 5 日の間実施。
- ・ 約 2%の世帯がプロジェクトを知らなかった
少人数（20～30 人）の PIC をこまめに開く
- ・ 地元の役人と警官以外はメンバーは誰か識別できない。
識別カードを首からぶら下げる
- ・ 5%の世帯が補償内容について（スリップを見るまで）知らされていなかったし、質問もしなかった。9%が補償ポリシーの詳細な説明を受けなかった。
“理解しました”と一筆取ることも検討すべき
- ・ 32%（274 世帯）の住民が補償額の変更を WG に申し立てている。
住民は必ずしも遠慮がちな人ばかりではない。WG への申し立ては簡単で現実的な苦情申し立てと考える。ここで解決できなければ GC あるいは最終的には法廷で争うことになる。
- ・ 13 世帯が単価の勘違い・測量ミス、残地(建物)・祭壇（もとの補償対象項目に入っていない）の問題等で増額が認められた。執拗な要求のために理由も確定せず増額した例も報告されている。
申し立てがない世帯に対してもミスがないか再チェックが必要かもしれない。
- ・ 10%が、合意しない場合の脅しとも取れる不愉快な警告を受けた。
誤解を与える言動は軽い冗談でも慎むよう訓練が必要である。あるいはそれを監視・確認することも引き続き必要。
- ・ 24%のブルースリップの金額記入漏れ
WG の訓練・および確認書（十分な説明・金額の入ったスリップ etc を受けたの確認）の取り交わし
- ・ PRW 外に移動するか完全移転にするか好きなオプションを選べるという説明が理解してない世帯が 24%あった。
補償項目・ポリシーは文章で配布すべき。

(FFS 以降の DMS に対する)外部モニタリング報告書

- ・ まだ提出されていない。

RAP for GMS Road Improvement Project, August 2002

表 2002 年 RAP の補償費

Table 4: Estimated Costs of RP Implementation and Compensation Related Costs

	Description	Estimated Cost	No.	Area (sq m)	Cost (US\$)
I	Allowances				96,000.00
	1 Disruption Allowance	40.00	2,000		80,000.00
	2 Vulnerable Households (est.)	20.00	800		16,000.00
II	Structures				201,000.00
	1 Houses, thatch	500.00	70		35,000.00
	2 Houses, timber, and corrugated iron	1,000.00	140		140,000.00
	3 Stalls or lightly built shops	50.00	520		26,000.00
III	Other Physical Assets				88,400.00
	4 Wooden fences	2.00	500m		1,000.00
	5 Concrete or metal fences	20.00	500m		10,000.00
	6 Access wooden bridges	20.00	50x20 sq.m.		20,000.00
	Entrances with culverts, rebuilt by sub-contract to Provincial PWD	100	574		57,400.00
IV	Land				300,000.00
	1 Agricultural Land	\$0.50/m ² (\$10,000/ha)		60.00 ha	300,000.00
V	Site Preparations				160,000.00
VI	Trees				51,940
	Fruit trees (compensation)	20.00	572		11,440.00
	Shade trees (replanting)*	20.00	2,025		40,500.00
VII	Incremental Administrative Costs				134,000.00
	Sub-total				1,031,340.00
	Contingencies (20%)				206,268.00
	Total				1,237,608.00

土地（農地）
に対して補
償を定めて
いる

RAP for GMS Road Improvement Project, March 2004

表 2004 年 RAP の補償費

Categories	Description	Compensation Rate	No. of Unit	Area (sq.m)	Total Cost (US\$)
I Allowances					
	Disruption Allowance	40.00	806		32,240.00
	Female Headed Households	20.00	102		2,040.00
	Disabled Headed Households	20.00	14		280.00
	Households Earning below \$10 / month	20.00	173		3,460.00
	Resettlement Allowance	40.00	71		2,840.00
	Resettlement Plots Development	300.00	210		63,000.00
	Sub-Total				103,860.00
II Structures					
	Houses Type 1 (sqm.)	4.50		4,427.05	19,921.73
	Houses Type 2 (sqm.)	12.00		22,922.13	275,065.56
	Houses Type 3 (sqm.)	85.00		2,500.72	212,561.20
	Houses Type 4 (sqm.)	140.00		971.76	136,046.40
	Gas Station	3,000.00	2		6,000.00
	Digging Wells	50.00	3		150.00
	Pump Wells	75.00	6		450.00
	Wooden Bridge	4.50		239.00	1,075.50
	Concrete Bridge	12.00		1,050.44	12,605.28
	Construction for cross border facilities				300,000.00
	Sub-Total				963,875.67
III Land					
<i>On new alignment only</i>					
	Agricultural land	0.50			
	Residential land	2.00			
For others facilities					
	Land for weigh station	5.00		60,000.00	300,000.00
	Land for border post	5.00		40,000.00	200,000.00
	Sub-Total				500,000.00
IV Trees (on new alignment only)					
	Fruit trees (compensation)				
	Shade trees (replanting)*				
	Sub-Total				
V Incremental Administrative Costs (Lump-Sum for 6 months)					276,000.00
					1,540,355.67
	Contingencies (20%)				368,747.13
Grand Total					2,212,482.80

土地（農地）
に対する補
償が消えた

打合せメモ

議題：苦情処理

日時： 2005 年 2 月 2 日 17:00

場所： ダイヤモンドホテル

出席者：Mr. Yasushi Tanaka, Transport Specialist, Infrastructure Division, Mekong Department、ADB、福間氏、小林、庄司

打合せ内容

（田中氏の認識は以下のとおり）

- ・ WB は住民補償費の一部をローンに含める場合もあるが、ADB は含めない。
- ・ ADB 加盟の条件として ADB ポリシーとその国の法律と食い違う場合 ADB ポリシーを優先させることが義務付けられている。
- ・ Co-finance の場合ドナーが違ってても ADB ポリシーを適用させる。
- ・ ADB ポリシーは（収用物件に対して）正式な文書がない人に対してもそれが補償の妨げになってはいけないとしている
- ・ ADB はカンボジア政府に過去の住民移転問題の再調査・再補償を働きかけているが無視され続けている
- ・ あるプロジェクトの住民移転問題の審査は今からおこなう。ローンの停止も検討中である。実際、別プロジェクトで契約承認のサインをしていない。
- ・ 移転反対住民のいる場所を除いてセクション切でプロジェクトを進めるのは構わない。居座る人を無理やりどかしてはいけない
- ・ カンボジア政府は COI(工事影響範囲 = ROW 内かつ ROW より狭い範囲)内は補償しないと張り張っている。
- ・ 住民の合意を得るために BD 時に正確な工事範囲の図面を作る必要がある。あるいは DD を 2 つのステージに分ける必要がある。
- ・ JICA は Lump Sum 方式であるが ADB は BQ 方式であるために工事の変更が容易である。
- ・ 過去の住民移転問題では ADB は職員が現場に滞在する期間も数日 - 1 週間と限られる（政府に雇われた）コンサルタントの嘘の報告書を真に受け続け対応を怠っていた。恥ずかしい限りである。今後 JICA のように直接雇うことにする。NGO の情報も重要である。
- ・ これまでの経過と今回のミッションに関する Audit Report を早急に提出する予定である。

ADB Loan No. 1945-CAM(SF): GMS: Cambodia Roads Improvement Project**Terms of Reference for Capacity Building in MPWT SEU and Provincial Structures.****I. Introduction**

1. Capacity building for a Social and Environmental Unit in MPWT is required by ADB under the GMS Cambodia Roads Improvement Project Loan Agreement.
2. Capacity building will initially be conducted for a Social and Resettlement section of the SEU, accomplished through the involvement of the SEU in the management of a DMS and Resettlement Plan (RP) updating and implementation and related actions called for in the August 2002 RP and in the ADB Memorandum of Understanding of October 2004. Capacity building for resettlement and for related social aspects of the project will be carried out under the Design and Supervision Consultancy.
3. Under the terms of the Resettlement Consultancy, capacity building for resettlement will be conducted by the International Resettlement Specialist from the start of his assignment in mid-October 2004.
4. These Terms of Reference set out the purposes and actions for resettlement aspects of capacity building in the SEU. Capacity building will comprise:
 - a. Advice and assistance in the creation of a SEU in the Department of ~~Strategic~~ Planning, including the provision of a human resources development, organisational and equipment plan;
 - b. Design and implementation of a short-term four months training plan to include:
 - i) social impact studies, policies, principles and practice of involuntary resettlement, in accordance with ADB and national guidelines;
 - ii) joint training and field operations with Resettlement Working Groups in PDPWT and Provincial Resettlement Sub-Committees and the setting up, procedures and functioning of Provincial, District, Commune and Village Resettlement Sub-Committees for those purposes in Siem Reap and Banteay Meanchey Provinces;
 - iii) direct involvement of SEU and provincial staff in the updating and implementation of an ADB GMS Cambodia Roads Improvement Project Resettlement Plan (RP). The actions to be undertaken include:

- Review of the 2002 Inventory of Losses (IOL);
 - the conduct of a DMS;
 - the conduct of socio-economic survey;
 - the updating of the RP and its implementation;
 - the setting up and planned participation of Provincial, District, Commune and village Resettlement Sub-committees;
 - public information programme;
 - land and structures replacement cost survey;
 - setting up of grievance committees and procedures;
 - the planning and implementation of relocation of houses, shops and stalls; and
 - the preparation of a Resettlement Plan
5. Joint training and supervision of SEU management and staff and Provincial staff will include specific aspects of RP implementation, including:
- i) Consultation with APs;
 - ii) Preparation and agreement on compensation, relocation and other entitlements,
 - iii) the preparation and implementation of Land and Structures Relocation and Replacement Plan ,
 - iv) Management of compensation, relocation and compensation in cooperation with IRC and MEF,
 - v) Training and Income Restoration for severely affected persons,
 - vi) Gender Action Plans and Ethnic Minorities Development Plans, and,
 - vii) in cooperation with the HIV/AIDS Awareness Specialist, the preparation and introduction of an HIV/AIDS Awareness Programme.
6. These capacity building activities are intrinsic to the preparation and implementation of a Resettlement Plan (RP) under the ADB GMS Roads Improvement Project and included in the work programme for the project being prepared by the International Resettlement Consultant, attached as Addendum 1 to these TOR.
7. The Resettlement Specialist will provide a final report to MPWT and ADB including a long term capacity building and training plan for a Social Development and Resettlement Section in the SEU, which will provide for ongoing capacity building under forthcoming MPWT ADB projects.
8. Training in Internal monitoring and evaluation by the SEU will make use of a format agreed with ADB Resettlement Specialist for monthly reporting, attached as Addendum 2 to these TOR.

9. Responsibilities and training of the SEU will include the conduct and supervision of Project Impact Monitoring and Evaluation (PIME) and of contractual External Monitoring and Evaluation by the External Monitor.
10. Training will include computer and statistical training, including EXCEL and ACCESS by a specialist institution.

II. Organisation

11. The SEU will be organised in the Planning Department and will have two sections:
 - a) Social Development and Resettlement;
 - b) Environment
12. A third section for HIV/AIDS awareness programmes is recommended to be made a sub-section of the Social Development and Resettlement Division. HIV/AIDS awareness programmes will normally be prepared project by project under contract by a specialist organisation, but the supervision of such contracts will be a responsibility of the Social Development and Resettlement Section of SEU.
13. The organisation of the SEU will initially be based on its function in the ADB GMS Roads Improvement Project structure, that is, as responsible to PMU(3) and working directly under the supervision of the project International Resettlement Specialist.
14. It should have a project orientation and decentralised management structure, operating on a team basis with the selected Provincial DPWT staff and with Provincial Resettlement Working Groups.
15. It should be located in the newly established Meeting Room in the Department of Planning which should have office space for the International Resettlement Specialists, local consultants and six staff members.

III. Staffing

16. The SEU will be staffed with:
 - i) six full-time staff members at MPWT Department of Planning in addition to the Head of SEU (Deputy Director DSP) and Deputy Head SEU.
 - ii) two co-opted staff of Provincial DPWT for each project or project section for which resettlement planning is required.

17. The Deputy Head of the SEU will be a Social Development/Resettlement Specialist, with previous experience in DMS and socio-economic survey and public information. He will be particularly responsible, with the Head of SEU for:
 - participation and consultation programmes,
 - disclosure of resettlement documents in a manner and language understood by APs,
 - orientation and training of Provincial DPWT in carrying out consultation activities..
18. The Head and Deputy Head of SEU are permanent and full-time positions and they will not normally be engaged in any other duties.
19. They will receive additional training for these positions, including training in RP preparation and implementation, relocation and income restoration systems
20. SEU staff of the Social Development and Resettlement Section should have had previous experience of resettlement and related activities, and should be computer literate in Word and in EXCEL.
21. Two members of SEU staff should have training and experience as land and property surveyors, with capabilities for GPS, cadastral survey and computer mapping, quantity survey and costing of structures.

IV. Reporting

22. The Head SEU will be responsible to the Director, Planning Department for all matters concerning staff allocations and administration.
23. For specific assignments of the SEU the Head SEU will report to the Director of the concerned PMU, copy to the Director Planning Department.
24. The Head SEU will liaise with and receive instructions from the Director of the concerned PMU on a project by project basis, subject to any need for advice and support of Planning Division.
25. For purposes of coordination the Head SEU and Director Department of Planning will take part in monthly meetings with the Director of the concerned PMU and the Consultant.

V. Equipment

26. Its equipment requirements are proposed, subject to review by D. Director, Department of Strategic Planning, to include:
 - i) 6 desks and typing chairs;
 - ii) conference table and 10 chairs;

- iii) computers for four staff, including at least one computer capable of mapping and related advanced systems;
- iv) report quality and capacity copier;
- v) report production quality comb binder;
- vi) one black and white and one colour laser printer, with map production capacity;
- vii) White boards and programme charts;
- viii) 30 clip boards;
- ix) Power point projector;
- x) Overhead projector and screen;
- xi) Calculators;
- xii) 8 X 50 m. surveyor's measuring tapes;
- xiii) 4 compasses;
- xiv) 6 hand radio phones and one vehicle radio receiver transmitter;
- xv) 6 GPS instruments;
- xvi) Digital camera..

The SEU should have two FWD vehicles and drivers and fuel allowance for field operations under the management of the Head of SEU.

VI. Short Term Training of SEU and Provincial Staff.

27. Short term training of SEU and Provincial staff will be:

- i) By weekly half-day classroom training
- ii) Through direct involvement of SEU and provincial staff in the updating and implementation of an ADB GMS Cambodia Roads Improvement Project Resettlement Plan (RP).

28. Classroom training will include:

- i) Principles, policy and practice of involuntary resettlement based on ADB Handbook on Involuntary Resettlement 1998 and on ADB OMF2 (Involuntary Resettlement Policy);
- ii) Detailed review of the approved August 2002 RP;
- iii) Computer training;
- iv) Socio-economic statistical data management.

29. Operational training in the field will include

- i) review of the Inventory of Losses (IOL);
- ii) the conduct of the DMS:
 - a. cadastral survey;
 - b. survey and costing of structures;
 - c. socio-economic survey;
- iii) land and structures replacement cost survey;

- iv) the updating of the RP;
 - v) RP Implementation, including:
 - 1. the creation and participation of Provincial, District, Commune and village Resettlement Sub-committees;
 - 2. public information, including disclosure of the RP;
 - 3. public consultation programme;
 - 4. compensation procedures;
 - 5. setting up and management of grievance procedures;
 - 6. the planning and implementation of relocation of houses, shops and stalls;
 - 7. agricultural relocation and replacement procedures.
30. Joint training and supervision of SEU management and staff with Provincial staff will include specific aspects of RP implementation of importance in decentralized management by Provincial Resettlement Sub-Committees, including:
- i) Public Information, consultation and grievance procedures;
 - ii) Socio-economic and Cadastral Survey;
 - iii) Land and Structures Estimation and Costing;
 - iv) Land and Structures Relocation and Replacement,
 - v) Training and Income Restoration,
 - vi) Gender Action Plans and Ethnic Minorities Development Plans, and,
 - vii) in cooperation with the HIV/AIDS Awareness Specialist, the preparation and introduction of an HIV/AIDS Awareness Programme.

VII. Resettlement and Project Monitoring and Evaluation and Management Information System.

- 31. Training in Internal monitoring and evaluation by the SEU will make use of a format agreed with ADB Resettlement Specialist for monthly reporting, attached as Attachment 2 to these TOR.
- 32. Responsibilities and training of the SEU will include the conduct and supervision of Project Impact Monitoring and Evaluation (PIME) and of contractual External Monitoring and Evaluation by the External Monitor.
- 33. Monitoring and Evaluation of the development and work of the SEU will be based on performance indicators and target achievements set out in the Logical Framework Analysis, Attachment 3 to these TOR.

V. Long term Capacity Building.

34. A long-term capacity building programme for resettlement planning and administration will be prepared by the International Resettlement Specialist for submission to and review by MPWT and ADB in a Final Report.
35. The programme will be conducted over a four year period, and will reflect the intention of ADB and MPWT that, as the responsible line ministry and Executing Agency, MPWT will within this period become fully capable of investigating, planning, implementing, monitoring and evaluating and reporting on the social dimensions of public works and transportation projects, including resettlement.
36. For this purpose the long-term capacity building programme will include steps for the transition to the SEU of technical capacity and responsibility, especially for RP preparation, implementation, design and execution of entitlements and the planning and implementation of income restoration programmes, to permit the SEU to conduct such operations without external support.
37. The stages and indicators of this transition will be set out in the Logical Framework Analysis to permit MPWT and ADB to monitor and evaluate its achievement.
38. The long term capacity building programme will, in accordance with ADB country strategy for Cambodia, be conducted under successive project operations and consultancy, beginning with the GMS Cambodia Roads Improvement Project.

VII. Terms of Reference of SEU Team Members.

i. Head of SEU

The Head of SEU will be a Deputy Director of the Department of Strategic Planning of MPWT. He will have substantial previous experience of resettlement plan preparation and implementation, and of the conduct of surveys, consultations and information programmes for that purpose. He will have an excellent command of English.

His responsibilities are to manage SEU development and execution of social and environmental dimensions¹ of public works and transportation projects, including the conduct of social impact studies, inventories of losses and detailed measurement surveys, and the preparation and implementation of RPs.

He will be responsible for human resource development in the SEU and, in respect of both himself and other staff members of the SEU, for acquiring, during the

¹ Environmental aspects of the work of the SEU will be defined in separate documentation of the GMS Cambodia Roads Improvement Project and other projects.

execution of the GMS Cambodia Roads Improvement Project and subsequent projects, skills and management capacities for all social dimensions of project preparation and execution, with particular concern for resettlement, and of ensuring the SEU's ability to provide expertise and management support, including

- i) providing advice on social policy and on the social dimensions and impact of sector projects to MPWT and to external funding agencies;
- ii) For those purposes, making initial assessments of requirements for resettlement in accordance with criteria established in ADB and RGC policy in respect of all works and projects conducted by MPWT and of advising Directors of PMUs and project managers on the studies and preparation of RPs required prior to and during execution;
- iii) preparing summary and full RPs in accordance with ADB and RGC guidelines; and for that purpose:
- iv) Planning and Supervising the conduct of Inventories of Losses, Detailed Measurement Surveys and Socio-Economic Surveys;
- v) undertaking or supervising the monitoring and evaluation of resettlement implementation and related project performance and impact;
- vi) Direct the design and supervision of training and income and livelihoods replacement programmes for affected people;
- vii) liaising with other ministries and provincial agencies in the preparation and conduct of social impact, survey and RP preparation;
- viii) liaising with the private and non-governmental sector in procuring expertise for these purposes in areas (a) where MPWT may not have sufficient in-house capacities or where economies and efficiencies could be achieved by out-sourcing, and (b) where, as in the case of the appointment of an External Monitor, there is a need for independent monitoring, evaluation and arbitration; and
- ix) preparing and reviewing RPs, information and consultation documents, Progress Reports and Monitoring and Evaluation Reports, in writing and verbally, in English and Khmer.

ii. Socio-Economist/Database Manager

The Socio-Economist/Database Manager is Deputy Head of the SEU and is particularly responsible:

- (a) for the planning, field supervision, conduct and analysis of socio-economic and cadastral surveys,

- inventories of losses, registration of APs, DMS and focus group consultations;
- (b) for the processing and storage of data resulting from these studies; and
- (c) the application of data to RP preparation, monitoring and evaluation and to training and income restoration programmes, Gender Action Plans and Ethnic Minority Development Plans;
- (d) establishing LAN, electronic mail and other systems for access to and transfer of data and for effective information management for the benefit of SEU management and staff and for project managers and consultants.

For these purposes he/she will, under the direction of Head of SEU:

- (e) identify and plan inventories of losses, AP identification and registration surveys, DMS and socio-economic surveys for purposes of RP preparation and implementation;
- (f) establish, maintain and manage database systems, data input and processing, data analysis and preparation for purpose for reporting;
- (g) in cooperation with the Land and Property Surveyor and Building Cost Estimator, establish and maintain a database on market land and property prices and replacement costs;
- (h) recruit and train survey teams, including enumerators and interviewers;
- (i) assist team leaders in supervising the conduct of surveys in the field, including liaison with and information to communities and community representatives;
- (j) prepare data reports and tabulations for purpose of RP preparation, for socio-economic analysis and for the determination of compensation, allowances, support for relocation and other entitlements of APs;
- (k) Establish and maintain archives of hard data and questionnaires and computerised electronic data at the SEU and in Provincial DPWTs;
- (l) Train other staff of SEU and survey teams as required in the use of these systems.

iii. Survey team leaders

Survey team leaders are SEU staff of the Social Development and Resettlement Section. They will have had previous experience of

resettlement and related activities, and should be computer literate in Word and in EXCEL.

Survey team leaders are mainly responsible for the management of teams, normally recruited from Provincial Resettlement Working Group member agencies, and for the conduct of surveys, studies and public information and consultation programmes for the preparation of RPs, including:

- Inventories of Losses,
- Detailed Measurement Surveys,
- Socio-economic surveys,
- Assessments of vulnerable households;
- Focus group and other participatory appraisals;
- Public Information Programmes;
- Consultation with APs;
- Surveys for purposes of Training and Income Restoration;
- Internal Monitoring and Evaluation;

iv. Land and property surveyors (2)

Each Land and property surveyor will have had training and experience in cadastral survey and in quantity surveying or similar activity for purposes of measuring and estimating the value of land and fixed property. He/she will be responsible for supervising cadastral survey of land and the measurement/quantity survey and cost calculation of structures of APs for purposes of compensation and replacement of land and structures. For these purposes he/she will undertake the following tasks and responsibilities:

- (a) Liaising with project engineers and surveyors to achieve the timely identification and marking out of new alignments and Corridors of Impact;
- (b) training and monitoring the work of teams engaged in cadastral survey as an aspect of Detailed Measurement Survey;
- (c) supervising the updating of the survey data recorded in the Inventory of Losses;
- (d) conducting or supervising replacement cost calculation to provide the basis of entitlement to compensation and replacement of land and, together with the building estimator, of house and shops and sites damaged or lost as a result of project actions;
- (e) liaising with project engineers and consultants to identify areas and sites for the replacement of land and the sites of structures lost or damaged in the Corridor of Impact;

- (f) identifying, surveying and valuing replacement land and sites;
- (g) providing or supervising technical support for any land tenure and land use survey proposed as a basis of agricultural relocation and income restoration;
- (h) assisting in the application of these data for the preparation and updating of RPs.