INTRODUCTION

The Cambodia Railway Rehabilitation Project is restoring train operations on 642 km railroad between the Thai border at Poipet in the Northwest, via Battambang, Phnom Penh and Kampot to the port of Sihanoukville in the Southwest.

The project requires relocation of households living too close to the railway. The Royal Government of Cambodia (RGC) has made great efforts to keep the impact of relocations required for the railway to a minimum.

The international standard for a free zone on both sides of the railway is 20 meters. This standard, called Right of Way (ROW) would have had an enormous resettlement impact in the Cambodian context.

The RGC therefore developed a Corridor-of-Impact (CoI) approach allowing people to live closer to the railway as follow:

1. 3.5 meters on both sites of the railway center line in Phnom Penh and provincial cities
2. 5 meters on both sites of the railway center line in other provincial urban areas

The Project affects in total about 4,000 households of which 1200 Affected Households (AHs) are entitled for relocation to resettlement sites provided by the Royal Government of Cambodia.

This reference guide is provided by ADB Loan 2288 in support of IRC training & resettlement capacity building programs for staff and officials involved in the implementation of the Resettlement Plan for the project.
1. ADB Safeguard Policy on Involuntary Resettlement

The ADB Involuntary Resettlement Policy Objectives are:

1. To avoid involuntary resettlement wherever feasible;
2. To minimize resettlement where population displacement is unavoidable by choosing alternative viable project options; and
3. Where involuntary resettlement is unavoidable, to ensure that affected people receive assistance, preferably under the project, so that they will be at least as well off as they would have been in the absence of the project. Where involuntary resettlement is unavoidable, the policy is designed to include any resulting losses in project budgets. The policy treats involuntary resettlement as a development opportunity and allows planners to manage impoverishment risks and turn the people dispossessed or displaced into project beneficiaries, particularly the poor and vulnerable, who may be disproportionately affected by resettlement losses.

2. Railway Project Entitlements Policy

Affected people are entitled to compensation, in the form of cash at replacement cost or replacement land, and to other assistance to at least restore their economic and social base. Replacement cost is defined as the method of valuing assets sufficient to replace the lost assets at current market value plus any transaction costs.

All eligible affected people are entitled to receive one-time financial assistance to cover losses of the move, as well as economic and social rehabilitation. Such entitlement may include:

1. Relocation and transfer expenses
2. Assistance for transitional income and livelihood support
3. Compensation for crop or business losses
4. Re-establishment of agricultural or business production
5. Assistance for income restoration
6. Assistance for restoring social services, social capital, community property, and resources
3. Resettlement Preparation & Implementation

Resettlement preparation include:

Data collection  
Policy assessment  
Setting of entitlements  
Planning  
Consultation and participation  
Public disclosure  
Compensation  
Relocation  
Monitoring & evaluation of the program

Key activities required participation of affected people during updated resettlement plan:

1. Public consultation meetings, and disclosure of public information booklet  
2. Detailed measurement survey (DMS)  
3. Contract signing for compensation

4. Key Implementation Stakeholders

A. The Ministry of Public Works & transport

At the MPWT, the principal office responsible for the Project is the Railway Rehabilitation Management Office (RRMO). Its main tasks include:

1. Secure the approval of the Resettlement Plan  
2. Conducting feasibility study and preparing technical design  
3. Secure the data base of affected persons and assets that will be gathered during the preparation and updating of the RP Prepare progress reports on RP implementation for submission to the MPWT, the IRC, and ADB
B. IRC and the Resettlement Department

The Inter-ministerial Committee (IRC) represents concerned line ministries, Phnom Penh municipality, and provinces crossed by the railway. The technical arm of the IRC is the Resettlement Department (RD).

The RD assists IRC in the following tasks:

1. Reviewing and approving the RP, ensuring that the RP is consistent with ADB’s Safeguard Policy
2. Establishing or convening the Provincial Resettlement Committee (PRSC) and its Working Group (WG) and orienting them on their tasks related to RP updating and implementation
3. Securing the budget for carrying out the RP, ensuring that sufficient funds are timely available
4. Approving all disbursements connected with the implementation of the RP, such as payment of compensation and other entitlements
5. Ensuring resettlement funds are spent judiciously
6. Monitoring the implementation of the RP, ensuring that this is carried out in compliance with the Project resettlement policy and with the loan agreement, assisted by an independent organization

C. The Provincial Resettlement Sub-committee

The PRSC plays an important role in resettlement implementation. Members of the PRSC include provincial department directors of line ministries represented in the IRC, and also District Governors and Chiefs of communes and villages from the project area.

Each PRSC has a working group (PRSC-WG) dedicated to the implementation of resettlement for the project in the province. Chiefs of affected communes and villages sit in the PRSC-WG in matters concerning their respective areas of jurisdiction. Representatives of APs are invited in the PRSC-WG prior to implementation work.

Tasks of the PRSC, through the PRSC-WG, include:

1. Facilitate public information, ensuring that the public, especially AHs, are updated on any developments regarding the project and resettlement activities
2. Assist in the confirmation of identities of AHs, in the validation of impacts, DMS surveys and computation of compensation and other entitlements of AHs
3. Assist in the election, purchase and development of relocation sites and allocation of plots
4. Assist in the delivery of compensation/entitlements
5. Resolve grievance cases in accordance
6. Maintain records of all consultation meetings, grievances and actions taken to address complaints
5. The Grievance Redress Committee (GRC)

Grievance Redress Committees (GRCs) are established in all affected provinces. Chaired by the Deputy Provincial Governor, members include directors of provincial departments of relevant ministries, chief commanders of provincial police and military police; Governors of all affected districts; chiefs of provincial inter-sectoral offices; chiefs of affected communes; and, all representatives of affected communities.

The objective of the GRC is to resolve complaints as quickly as possible and at the local level through a process of conciliation; and, if that is not possible, to provide clear and transparent procedures for appeal.

AHs are entitled to lodge complaints regarding any aspect of the preparation and implementation of the RP. A well-defined grievance redress and resolution mechanism is in place to resolve AH grievances and complaints in a timely and satisfactory manner. All AHs will be made fully aware of their rights, and the detailed grievance redress procedures will be publicized through an effective public information campaign.

6. The Grievance redress process

Stage 1:
APs will present their complaints and grievances to the Village or Commune Resettlement Sub-committee or IRC working group and, if he or she wishes, to the nominated NGO working on the GRC. The NGO will record the complaint in writing and accompany the AP to the Village or Commune Resettlement Sub-Committee. The Sub-Committee will be obliged to provide immediate written confirmation of receiving the complaint. If after 15 days the aggrieved AP does not hear from, or if the AP is not satisfied with the decision taken, the complaint may be brought to District Office.

Stage 2:
The District office has 15 days to resolve the complaint to the satisfaction of all concerned. If the complaints cannot be solved in this stage, the district office will bring the cases to Provincial Grievance Committee.

Stage 3:
The Provincial Grievance Redress Committee meets with the aggrieved party and tries to resolve the situation. The Committee may ask for a review of the DMS. Within 30 days of the submission of the grievance the Committee must make a written decision and submit copies to the Ministry of Transport, IRC External Monitoring Office (EMO) and affected person(s).

Stage 4:
The Court of Law Arbitrates. If the aggrieved AP does not hear from the Grievance Committee or is not satisfied, he/she will bring the case to Provincial Court. This is the final stage for judging the complaints. If any party is still unsatisfied with the provincial court judgment he/she can bring the case to other higher level of court.

If APs are still not satisfied they can directly contact ADB and/or its Office of the Special Project Facilitation (OSPF).
THE RESETTLEMENT GRIEVANCE REDRESS PROCESS

STAGE 1

You are affected by the Resettlement Plan of the railway project but not satisfied with the compensation or assistance offered.

Register your complaint with the village, commune, IRC working group and/or NGOs. A decision needs to be made within 15 days.

STAGE 2

If you do not receive a decision or are not satisfied you can register your complaint at the district office, which has 15 days to respond.

If the district office cannot solve the problem in 15 days it will hand over the complaint to the Provincial Grievance Redress Committee.

STAGE 3

If you do not receive a decision or are not satisfied you can go and register your complaint at the PGRC, which has 30 days to respond.

The PGRC may ask for a review of the case, before taking a final decision within 30 days.

STAGE 4

If you are not satisfied with the decision of the PGRC you can take the complaint to the Provincial Court.

If you are not satisfied with the verdict of the Provincial Court you can take the complaint to a higher court level.

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