



ស្ថាប័ន ប្រតិបត្តិការ សង្គមកម្ម Bridges Across Borders Cambodia

07 April 2011

Mr. Putu Kamayana
Country Director
Cambodia ADB Resident Mission
Phnom Penh, Cambodia

Dear Mr. Kamayana,

Enclosed are copies of individual and joint complaints from 174 Railways Project Affected Households (AHs) in Phnom Penh, which we have received and been asked by the complainants to forward to the IRC and ADB.

As requested by Mr. Kunio Senga during our December 13 meeting at the Resident Mission, staff members of NGOs Bridges Across Borders Cambodia (BABCB), Sahmakum Teang Tnaut (STT) and Housing Rights Task Force Secretariat (HRTF-S) have been working to raise the awareness of AHs about the local grievance mechanism.

Given our limited capacity and resources, we have trained representatives of all the affected communities about Project entitlements and how to draft complaints if there are grievances, and we have encouraged them to disseminate this information to their fellow community members and assist them if needed. However, this approach has had limited success, and the grievances that have been submitted to date lack specificity and supporting documentation. After holding a meeting on April 1 with community representatives from all Phnom Penh affected communities, as well as Sihanoukville and Battambang, it was clear that 1) there are many people with grievances and 2) the project grievance mechanism is inaccessible to them without external assistance due to low literacy levels and the inability of most people to write complaints, as well as a general fear of "complaining" because of intimidation.

While it is the responsibility of the IRC and the Project donors to ensure that the grievance system is accessible and effective, we have stepped in for the moment to help fill the gap and this week we began providing direct assistance to AHs with grievances to draft and submit complaints. We have focused this assistance so far on AHs in Phnom Penh.

On April 4-5, 2010 our team visited Toul Sangke A to assist the AHs with grievances in drafting complaints. Specifically, our team assisted by explaining to affected households Project terms and entitlements and reviewing with them their household-specific data from an independent survey of structures and land area conducted by STT. Of the 174 AHs who have thumb-printed the enclosed complaints, our team assisted 23 AHs in drafting their complaint and providing supporting documentation. The other complaints were drafted independently by community representatives or individual AHs. Our team has agreed to submit these complaints to IRC and ADB, and to monitor their progress.

The enclosed complaints include the following:

- A joint complaint thumb-printed by forty-four (44) households living in Toul Sangke A. This community submitted an earlier complaint in December 2010,

but they have not yet received an adequate response. This joint complaint is being resubmitted with supporting documentation for each household. Where available, these households have provided the following: (1) testimony provided by most households; (2) a copy of the DMS receipt; (3) a copy of other IRC documentation, including household surveys of structures; (4) STT map and data from independent survey and (5) copies of family books, pictures of household structures, contracts evidencing house or land purchase price, and other pertinent documentation.

- Eleven (11) individual complaints by affected households in Toul Sangke A, Phnom Penh.
- One (1) individual complaints submitted by an affected household in Mittapheap, Phnom Penh.
- A joint complaint thumb-printed by thirty-seven (37) households in Rotte Pleung, Phnom Penh community;
- Seven (7) individual complaints in Rotte Pleung;
- One (1) individual complaint submitted by an affected household in Village 2, Boeung Kak Lake, Phnom Penh;
- One joint complaint thumb-printed by seventy-three (73) affected households in Samrong Estate.

The issues raised in these complaints, which are substantiated by the data collected by STT in its independent survey (to be provided in full to ADB in due course), include the following:

Incorrect DMS: People are not receiving their entitlements as stipulated in the Project Resettlement Plan:

- AHs have been allocated the wrong structure category or the wrong measurement in the DMS and thus proffered less compensation than they are entitled to under the Project Compensation Matrix.
- AHs have been proffered compensation only for the part of their structures within the CoI despite the fact that they are totally affected and will be resettled.
- AHs are only being compensated for one floor of their house when they have two or three floors.
- AHs should be resettled and granted a plot of land because they have less than 30 square meters remaining after removing their structures in the CoI, but they have not been allocated a plot or resettlement assistance.
- AHs should not be resettled because they have more than 30 square meters remaining, and they do not wish to resettle, but they have been marked for resettlement.
- Vulnerable AHs not identified as such in DMS.
- AHs have not been counted at all in the DMS.
- Two families with separate family books living in one household counted as one.

Inadequate compensation and resettlement under the approved Resettlement Plan:

- Partially affected people are concerned about the fact that the compensation provided by the Project is not sufficient for both demolishing the structure in the COI, repairing that side of the house afterwards, and rebuilding the "cut off" structure. In some cases, people with concrete houses will have to destroy and rebuild their entire house, but they are only being compensated for the structures in the COI. Likewise, totally affected people who must relocate express concern that the proffered compensation is insufficient to build an adequate house at the resettlement site.
- Some "partially affected" AHs with more than 30 sq. meters remaining believe their remaining space is inadequate by minimum living standards, especially when there are large families or multiple families living within one household. These AHs wish to be resettled to an adequate house and plot of land.
- Many AHs have little information about the relocation site. Others, who have more knowledge, are afraid that moving to the site will disrupt their livelihoods. **We note that no NGO has been contracted yet for the Income Restoration Program and a baseline socio-economic survey has thus not been carried out. In order to comply with ADB involuntary resettlement safeguards, this survey should be carried out prior to any resettlement.**

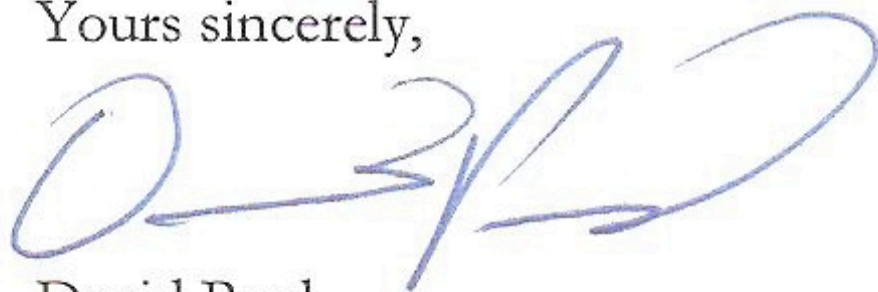
Threats and coercion:

- Many people have informed us that they have been threatened by the local authorities and told that if they did not accept the compensation, their homes would be bulldozed and they would get nothing at all. Some were also told they would have to pay fines amounting to triple their compensation payments if they did not thumbprint the contracts. Some people have noted this in their complaint, but most were afraid to put this in writing.

These complaints indicate that there are widespread and systematic problems with the DMS and significant dissatisfaction with the proffered compensation and resettlement packages. We are concerned that there are also similar problems in Poipet, where there are a large number of affected households and where we have only been able to provide very limited monitoring and support to AHs to register their grievances.

This points to the need for resettlement to be suspended pending: 1) a comprehensive independent review and revision of the DMS; 2) a review and revision of the Resettlement Plans and compensation policy to bring them into compliance with ADB Safeguard Policy; 3) the completion of baseline socio-economic surveys for AHs subject to involuntary resettlement, and 4) restructuring of the project grievance mechanism, including the provision of assistance to AHs to access the system.

Yours sincerely,



David Pred
Executive Director

cc: Kunio Senga, Director General, SERD, ADB
Megan Anderson, Counselor, Development Cooperation, AusAID