

វេទិកាបោះពុម្ពផ្សាយមេធាវីសាធារណៈ កម្ពុជា

The NGO Forum on Cambodia

H.E. Mr. Shinohara Katsuhiro
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September 4, 2007

**Re: National Road No.1 Improvement Project:
Our concerns on Grievance Mechanism and Provision of Information**

Your Excellency, Ambassador Shinohara Katsuhiro,

We highly appreciate the Japanese Government's efforts to improve the resettlement plans for communities affected by the National Road No.1 Improvement Project, a project financed by the Japanese Government's grant aid (hereafter called 'the Project').

However, we are writing to express our continued concerns over the implementation of particular components of this Project and their impact on affected peoples. In this letter, we would like to highlight two; 1) the grievance mechanisms provided is not providing an effective service to affected communities and 2) important information is not being publicly disclosed to affected communities nor NGOs supporting them.

1. Effectiveness of the Project's Grievance Mechanism

According to the draft Resettlement Action Plan prepared by JICA, a Grievance Committee must be established for the Project. Affected people can bring their complaints to their Commune Chiefs who are then responsible for forwarding these complaints to the Grievance Committee, which in turn must provide a written response, within 30 days.

However, we have received several complaints from affected people that this grievance mechanism is not functioning. Since December 2006, when this issue came to our attention, we have interviewed affected people who filed, or tried to file, their complaints to the Grievance Committee without success. Based on these interviews, in July 2007 we compiled two lists of complainants. These complainants are from Kompong Phnom and Preaek Thom Lorp Communes in Leuk Daek District, and Koki Thom Commune in Kean Svay District. We are happy to submit these lists of affected people and the complaints they submitted to you for further information if required.

The first list consists of 12 households which had their complaints rejected by their Commune Chiefs who would not accept them. The reasons given varied: some were told they were unable to submit complaints as they had already received compensation; and others were told that Commune Chiefs were not responsible for passing such complaints to the Grievance Committee and suggested affected communities filed their complaints to the Prime Minister or NGOs instead. These cases are examples of how the existing grievance mechanisms are not effectively responding to problems which affected people are facing.

The second list consists of 6 households whose complaints were accepted by their Commune Chiefs, but who have not received any response from the Grievance Committee, despite the fact that more than 30 days have passed since their submission. These affected households do not know why they have not yet received a response from the authorities. Since our interviews were very limited in scope, we suspect that there may be many more cases of both types amongst the affected communities.

We appreciate that the function of grievance mechanisms are the responsibility of the recipient Government. However, we sincerely request the Japanese Government to thoroughly investigate the effectiveness of the current grievance mechanism and take effective measures to ensure that the suffering of the affected peoples are appropriately addressed in a timely manner.

2. Disclosure of Information relating to the Project

We welcome that the fact that, as a result of genuine efforts made by both Cambodian and Japanese Governments, there have been number of improvements made to the resettlement plan of the Project. In particular, we appreciate that the IRC and the Japanese Government have agreed that compensation payments (based on the replacement cost) are provided to affected people who are required to relocate or 'setback' their structures.

However, the details of these changes have not been available to us nor to the people affected by this agreement. As a result, on May 28th 2007, we sent a letter to H.E. Nhean Leng, Chairman of the IRC, requesting following information:

- The total number of households who need to relocate,
- The revised Resettlement Action Plan for National Road No. 1,
- The results of the survey on the market value of affected land conducted by IRC,
- The schedule of compensation payment and resettlement.

Unfortunately, as of September 3rd 2007, we have not yet received any response from the IRC regarding these requests.

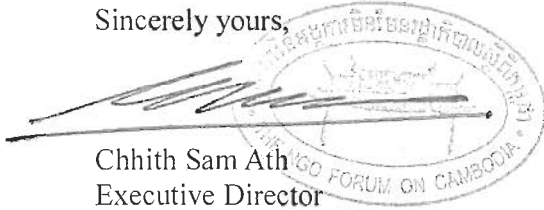
JICA's environmental and social guidelines, referred to in the appraisal guidelines for the grant aid, emphasize the importance of public consultation with affected communities and disclosure of information, and require participation of affected people in planning, implementation and monitoring of resettlement plans. It is clear therefore that the people affected by National Road No. 1 have the right to access the information requested above. In addition, the Japanese Government itself has an obligation to ensure that affected people and civil society in Cambodia are fully informed and consulted with during

resettlement planning and implementation resulting from projects implemented through Japanese Government grant aid.

Therefore, we would like to submit a request directly to Your Excellency, as representative of the Japanese Government in Cambodia, to facilitate the disclosure of all the documentation requested above in line with JICA's guidelines and international standards.

We thank you in advance for your favorable consideration of our request and look forward to receiving your prompt response by September 28, 2007.

Sincerely yours,



Chhith Sam Ath
Executive Director

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List 1 - Households whose complaints were not received by commune chiefs

#	Name	Commune	Village	IRC No.	DMS No.	Problem
1	Mr. Oun Nges	Kompong Phnom	Ampile Toeuk	1-0029	1-0115	Unfair compensation
2	Mr. Sam Thao	Preak Thom Lorp	Kom Pong Chamlong	02 0001	2	Unfair compensation
3	Ms. Peng Loeng Hai	Preak Thom Lorp	Kom Pong Chamlong	20013	40	Unfair compensation
4	Mr. Leam Yai	Preak Thom Lorp	Kom Pong Chamlong	20026	78	Unfair compensation
5	Ms. Cheng Sary	Preak Thom Lorp	Kom Pong Chamlong	20007	14	Unfair compensation
6	Mr. Loey Tor	Preak Thom Lorp	Kom Pong Chamlong	20012	36	Unfair compensation
7	Mr. Uy Sokhean	Preak Thom Lorp	Spean Deak	20028	1-0100	Unfair compensation
8	Mr. Hor Chhoeng	Preak Thom Lorp	Kom Pong Chamlong	20011	34	Unfair compensation
9	Mr. Ngep Seak Leang	Preak Thom Lorp	Kom Pong Chamlong	n/a	n/a	Unfair compensation
10	Ms. Ly Savorn	Koki Thom	Koki Thom	n/a	n/a	No compensation for shop
11	Ms. Sok Hourm	Koki Thom	Rieng Deak	n/a	n/a	No compensation for shop
12	Ouk Chhoeum	Koki Thom	Rang	n/a	n/a	No compensation for land

List 2 - Households who have not received any response to their complaints

#	Name	Commune	Village	IRC No.	DMS No.	Problem
1	Mr. Khem Khin	Kompong Phnom	Ampile Toeuk	7003(2nd)	5	Unfair compensation
2	Mr. Nove Born (Real Name:Noun Saborn)	Kompong Phnom	Kompong Por	2-0091	1-0252	Not receive compensation for handicap
3	Mr. Kang Maiy	Kompong Phnom	Ampile Toeuk	Jan-02	1-0003	Unfair compensation
4	Mr. San Saroeun	Kompong Phnom	Kbal chroey	n/a	n/a	
5	Mr. Chan Soleay	Koki Thom	Koki Thom	n/a	n/a	Received no compensation
6	Mr. Mur Roth Manet	Koki Thom	Koki Thom	n/a	n/a	Not in the master list