

HW1 Chronology of Major Events (1987 to 2007)

1987

The 1987 Land Law reintroduced the concept of private land ownership.

1989

The right of private land ownership was reestablished through a registration system.

1992

13 October: The 1992 Land Law Article 1 canceled all land rights prior to 1979. Fair and just compensation was required when land and other properties were confiscated for the public interest. Articles 2 and 3 recognized individuals' rights to use and possess land. Article 5 negated the private land rights, among others, on state roads.

1993

May: General election

June: Article 44 in the 1993 Kingdom of Cambodia Constitution recognized the right to land ownership. The State could confiscate land for the public interest with fair and just compensation.

10 June: ADB approved TA (5535-REG) to conduct the HW1 Project F/S.

1995

August: ADB adopted the IR Policy (It became operational in **January 1996**).

9 November: ADB approved TA (5649-REG) to update the HW1 F/S and produced detailed engineering design, EIA, and SIA.

1996

September: Social impact survey started (It ended in **October**).

1997

7 January: ADB issued OM Section 50.

18 March: RGC issued Order No.13 to establish IRC (It was resurrected on **16 February 1999**).

November: Scott Wilson Kirkpatrick and BCEOM, the TA (5649-REG) consultant, submitted RRAP to ADB.

1998

20 April: ADB project appraisal began (It ended on **9 May**). RRAP was reviewed.

July: General election

4 November: ADB loan negotiation began (It ended on **6 November**). RRAP was reviewed.

20 November: RRP (1659-CAM) was submitted to the ADB Board for approval. SRAP and L/A were attached.

15 December: The ADB Board approved Loan (1659-CAM) for the HW1 Project.

1999

16 February: RGC issued Order No.98 *Establishment of IRC for Monitoring and Evaluation of Affected People along National Road No.1 from Phnom Penh to Bavet.*

27 February: Loan effectiveness date assumed in RRP

29 March: IRC started household socio-economic survey (It ended on **21 June**) and DMS (It ended on **18 October**).

20 July: RGC issued Sub-Decree No.62 ANK on *Organization and Functioning of the Ministry of Land Management, Urban Planning and Construction*.

21 June: IRC socio-economic survey ended, marking the cut-off date for compensation entitlements.

July: IRC submitted CRAP to ADB.

11 August: OESD/ADB suggested changes to CRAP. IRC held a meeting with Prey Veng Provincial Resettlement Sub-committee.

12 August: IRC held a meeting with Svay Rieng Provincial Resettlement Sub-committee and decided to start conduct the DMS in Svay Rieng first.

27 September: RGC issued Order No. 6 *Declaration on Eliminating Anarchy of Land Occupation*, setting the 60m ROW for HW1 and disallowing the Government to compensate people within the ROW. Section 8 stated that this ROW does not apply in towns.

October: IRC/RGC submitted CRIP to IWTC/ADB.

24 October: ADB sent a land acquisition and resettlement mission to Cambodia (It ended on **26 October**). IRC reduced the COI from 50m to 20-30m.

27 October: IWTC/ADB sent a letter to MEF/RGC, stating that ADB "in principle accepted" the July CRAP.

1 November: MPWT/RGC sent a revised CRIP to IWTC/ADB.

5 November: IWTC/ADB acknowledged the receipt of the revised CRIP, which subsequently was endorsed by IRC/RGC.

6 November: NGO Forum sent a letter to warn ADB about consequences of the RGC Order No. 6.

9 November: IWTC/ADB declared loan effectiveness to MEF/MPWT/RGC.

December: NGOs and MPWT discussed monitoring of the HW1 resettlement plan.

1 December: MEF wrote to the Prime Minister informing various ROW widths and needed compensation.

28 December: RGC issued Order No. 1872 to set the 25 m ROW.

2000

Displacement of affected families began (It ended in **2001**).

January: IRC started paying compensation and special allowances to affected people (It ended in **May 2001**).

February: LICADHO volunteers interviewed 34 households in Prey Veng and Svay Rieng.

25 February: Under Secretary of State wrote to MEF, pointing out that Order No. 6 requires the 30 m ROW.

1 March: NICFEC contract started (It ended on **31 May 2001**).

March: NICFEC surveyed 196 families.

6 April: MEF Decree No. 961 SHV enforced the 1999 Order No.6 and declared that affected people within ROW were not compensated for land and other assets.

10 April: LAC, LICADHO, and some other Cambodian NGOs visited 11 families and had a meeting with Svay Rieng Provincial Resettlement Sub-committee.

28 April: LAC, LICADHO, and some other Cambodian NGOs had a meeting with Prey Veng Provincial Resettlement Sub-committee.

May: NICFEC surveyed 83 families.

June: NICFEC surveyed 61 families.

5 June: ADB informed NGO Forum that NICFEC had been contracted as the external monitor.

13 July: ADB sent a special loan administration mission to check HW1 resettlement progress (It ended on **22 July**).

2001

31 May: NICFEC's contract as the external monitor was terminated.

August: The 2001 Land Law Article 5 reiterated the State's right to land confiscation. Loss does not include other properties than land. Article 15 negated the private land right on government roads. Article 30 stated that people who have lived on a land for more than five years are entitled to a land ownership certificate.

10 September: NICFEC submitted a final report to IRC, pointing to similar problems in the 2002 NGO Forum report.

October: ADB approved RETA 5935 *Cambodian Resettlement Policy and Practice: Review and Recommendations*, recommending that Cambodia develop a National Resettlement Policy that applies to all projects with involuntary resettlement, regardless of funding sources.

2002

14 February: LAC and NGO Forum submitted a report to RGC on behalf of 99 affected families, claiming that they had not received fair compensation.

April: NGO Forum visited ADB to discuss HW1 resettlement issues.

May: NGO Forum attended ADB annual meeting in Shanghai, China to discuss HW1 resettlement issues.

1 June: ADB's resettlement review mission visited affected communities along HW1. The mission found no evidence that project-affected people had received land compensation and realized that the 1999 CRIP was not consistent with ADB's policies and procedures. The mission further proposed that RGC finance and conduct resettlement audit. RGC disagreed.

30 June: Project completion date estimated in RRP

2003

February: The new Steung Slot relocation site construction began (It became ready in **May**).

March: MKID revised the 1999 CRIP.

19 March: Sub-decree on Social Land Concession defined mechanisms to grant private State land to the poor for residential and family farming purposes. Article 3 allowed land to be provided to families displaced by public infrastructure projects. Article 18 granted the recipient the land ownership right after five years.

May: 16 Steung Slot families moved to the new relocation site.

July: General election

29 October: ADB issued OM Section F2.

2004

25 April: Three Steung Slot families submitted a complaint to demand farmland compensation. It was assisted by LAC.

November: The HW1 audit phase 1 began under ADB's TA 6091 (The research ended in **May 2005**).

December 2004: 29 landless families submitted a letter to the audit team for urgent assistance.

2005

January: The road construction was completed.

March: A draft audit report was submitted to RGC. It recommended RGC to take immediate actions.

9 April: NGO Forum submitted a letter to ADB, demanding a land title and the 2000

market rate compensation for affected families. They also proposed loan suspension on other ADB projects in Cambodia, involving involuntary resettlement, until after the HW1 case was resolved.

28 April: NGO Forum submitted a letter to ADB, referring to specific cases.

6 May: ADB responded to NGO Forum's 9 April letter.

12 May: RGC signed the MOU with ADB. The HW1 audit phase 2 began, putting recommendations into practice.

24 May: NGO Forum submitted a letter to ADB to reiterate its April 2005 letter.

8 June: NGO Forum submitted a letter to the ADB Board, asking their intervention.

17 June: ADB responded to NGO Forum's 24 May and 8 June letters.

30 June: The revised loan closing date

20 October: NGO Forum discussed the HW1 case with ADB at its headquarters.

December: ADB approved TA (5535-REG) *Enhancing the Resettlement Legal Framework and Institutional Capacity in Cambodia* to help RGC review and improve the draft National Resettlement Policy and draft a sub-decree on Resettlement.

31 December: The revised loan closing date

2006

1st Quarter: Repayment delivery started.

March: NGO Forum submitted to ADB/IRC a list of 303 names of families with unresolved compensation issues.

1 June: NGO Forum submitted a letter to ADB to resolve the 303 outstanding cases.

9 June: ADB responded to NGO Forum's 1 June letter.

11 July: ADB disclosed affected people's compensation payment records to NGO Forum.

25 September: ADB issued OM Section F2.

2007

5 January: NGO Forum submitted a letter to ADB pointing out outstanding unpaid cases and inquiring 93 other cases.

29 January: ADB responded to NGO Forum's 5 January letter.

29 January-2 February 2: RAN (Resettlement Action Network) discussed HW1 outstanding issues with ADB at its headquarters.

20 February: NGO Forum submitted a letter to ADB.

20-27 February: RAN discussed with ADB and IRC in Phnom Penh over outstanding compensation cases.

23 February: ADB responded to NGO Forum's 20 February letter.

13 March: NGO Forum submitted a letter to ADB.

15 March: ADB responded to NGO Forum's 13 March letter.

4-5 May: Sin Chhin, the Kraing Kaok Community leader attended ADB's 40th annual meeting in Kyoto, Japan to speak on the ADB safeguards panel and other occasions.

24 June: The 63 families met with NGOs to discuss OSPF processes.