

Work plan of Independent Agency and Implementation of IFC Performance Standards

Green Goal Ltd.,
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Content

- IFC performance standards
- Legal grounds of Cambodia
- Resettlement planning process for the project

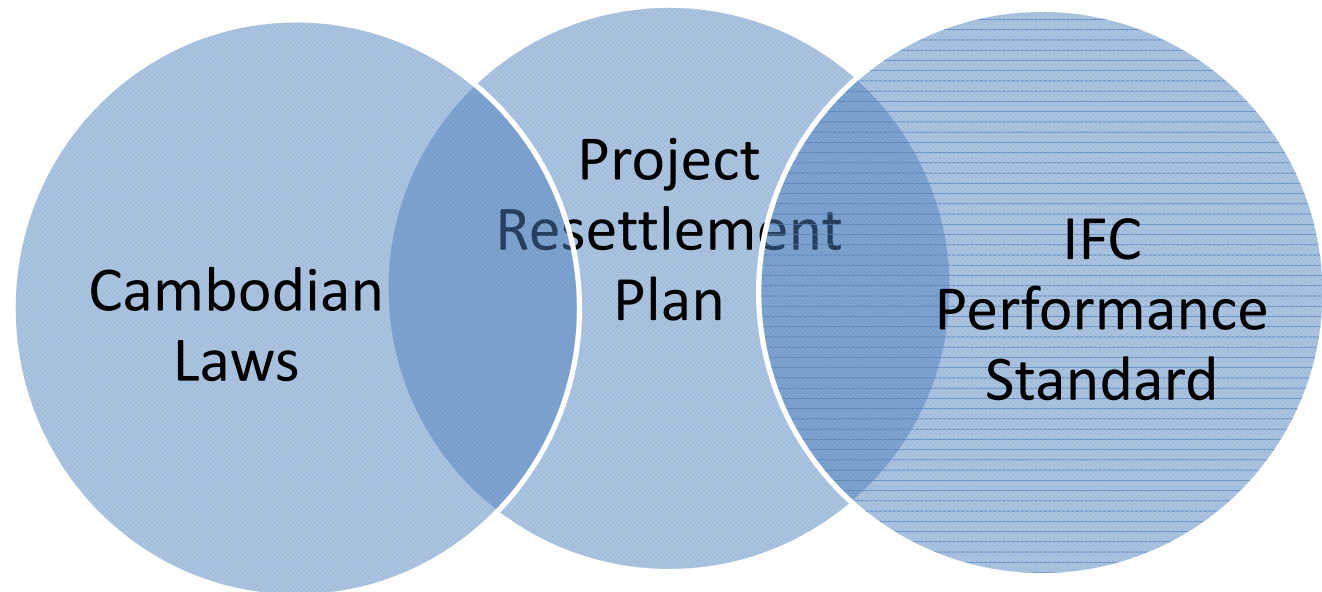
Grounds for Resettlement planning for Phnom Penh International Airport Expansion Project

Constitution 1993

Circular No. 03

Expropriation Law

Land Law



IFC Performance Standard

30 April 2006

Land Acquisition and Involuntary Resettlement

- To avoid or at least minimize involuntary resettlement wherever feasible by exploring alternative project designs
- To mitigate adverse social and economic impacts from land acquisition or restrictions on affected persons' use of land by: (i) providing compensation for loss of assets at replacement cost; and (ii) ensuring that resettlement activities are implemented with appropriate disclosure of information, consultation, and the informed participation of those affected

IFC Performance Standard

30 April 2006

Land Acquisition and Involuntary Resettlement (Cont...)

- To improve or at least restore the livelihoods and standards of living of displaced persons
- To improve living conditions among displaced persons through provision of adequate housing with security of tenure at resettlement sites

IFC Performance Standard

30 April 2006

Land Acquisition and Involuntary Resettlement (Cont...)

- Displaced persons may be classified as persons:
 - (i) who have formal legal rights to the land they occupy;
 - (ii) who do not have formal legal rights to land, but have a claim to land that is recognized or recognizable under the national laws; or
 - (iii) who have no recognizable legal right or claim to the land they occupy.

IFC Performance Standard

30 April 2006

Land Acquisition and Involuntary Resettlement (Cont...)

- If people living in the project area must move to another location, the client will:
 - (i) offer displaced persons choices among feasible resettlement options, including adequate replacement housing or cash compensation where appropriate; and
 - (ii) provide relocation assistance suited to the needs of each group of displaced persons, with particular attention paid to the needs of the poor and the vulnerable. Alternative housing and/or cash compensation will be made available prior to relocation. New resettlement sites built for displaced persons will offer improved living conditions.

IFC Performance Standard

30 April 2006

Land Acquisition and Involuntary Resettlement (Cont...)

- In the case of physically displaced persons under paragraph 14 (i) or (ii), the client will offer the choice of replacement property of equal or higher value, equivalent or better characteristics and advantages of location, or cash compensation at full replacement value where appropriate.

IFC Performance Standard

30 April 2006

Land Acquisition and Involuntary Resettlement (Cont...)

- In the case of physically displaced persons under paragraph 14 (iii), the client will offer them a choice of options for adequate housing with security of tenure so that they can resettle legally without having to face the risk of forced eviction.
- Where these displaced persons own and occupy structures, the client will compensate them for the loss of assets other than land, such as dwellings and other improvements to the land, at full replacement cost, provided that these people occupy the project area prior to the cut-off date for eligibility. Compensation in kind will be offered in lieu of cash compensation where feasible. Based on consultation with such displaced persons, the client will provide relocation assistance sufficient for them to restore their standards of living at an adequate alternative site.
- The client is not required to compensate or assist those who encroach on the project area after the cut-off date.

Constitution of the Kingdom of Cambodia 1993

- Article 20 states that no one is to be forced to transfer his or her assets if such action is not necessary for public interest and if the compensation granted to the owner of the assets is not appropriate and fair.
- Article 44 states that the government has the rights to expropriate assets from a person if public utility demands in the cases stipulated by the law and if prior appropriate and fair compensation is granted.

Land Law 2001

Article 5

States that:

- No person may be deprived of his ownership, unless it is in the public interest.
- An ownership deprivation shall be carried out in accordance with the forms and procedures provided by law and regulations and after the payment of fair and just compensation in advance.

Land Law 2001

Article 19

States that:

- Persons whose title or factual circumstances fall within the scope of article 18 of this law shall not have the right to claim compensation or reimbursement for expenses paid for the maintenance or management of immovable property that was illegally acquired.
- Any illegal and intentional or fraudulent acquisition of public properties of the State or of public legal entities shall be penalized pursuant to article 259 of this law.

Land Law 2001

Article 19 (Cont...)

- The penalties shall be doubled where any acquisition of land from the public properties causes damage or delay to works undertaken in the general interest, in particular any acquisition of roadway reserves.
- In all cases, if an offender does not cease his illegal occupation within the time limit set by the competent authority, the authority may begin the process to evict the offender from the land.

Land Law 2001

Article 259

- An infringement against public property shall be fined from five million (5,000,000) Riel to fifty million (50,000,000) Riel and/or imprisoned from one (1) to five (5) years.
- The perpetrator must vacate the public property immediately.
- He has no entitlement to any indemnity for works or improvements that he made on the property.

Land Law 2001

Article 259 (Cont...)

- In the case of a person who was in possession of State public property before this law comes into force and has documents proving and attesting clearly that he bought the property from another person, he can request the competent authority to implement the legal rules against the person who illegally sold public property of the State and in order to recover his damages caused by such act. Regardless of the circumstances, the aggrieved party has no right to continue his possession of the State public property.

Expropriation Law

04 February 2010

- **Article 2:** This law primarily aims to
 - Ensure just and fair deprivation of legal rights to private property,
 - Ensure a fair and just compensation in advance,
 - Serve the national and public interest, and
 - Develop public physical infrastructures.

Expropriation Law

04 February 2010 (Cont...)

- **Article 7:** The state is the only party that carries out expropriation for public and national interest purposes. The expropriation can be carried out only if it is for implementing a project as set out in Article 5 of this law.
- **Article 8:** The state shall buy any part of the immovable property remaining after the expropriation for a fair and just price as proposed by the immovable property's owner and/or the rightful owner who cannot live near the project or cannot build a house or cannot practice other businesses as a result of the expropriation.

Expropriation Law

04 February 2010 (Cont...)

- **Article 22:** Financial compensation given to the property owner and/or rightful owner shall be based on a market price or replacement price on the date of declaration of the expropriation. The market price or the replacement price shall be determined by an independent committee or agent selected by the Expropriation Committee.

Resettlement Action Planning Process

- Public meeting to agree on demarcation of affected areas and census to be conducted.
- Demarcation process and census.
- Socio-economic census and survey.
- Inventory of Loss (IOL) and replacement cost study.
- Focus Group Discussions (FGDs)

Resettlement Action Planning Process (Cont...)

- Data analysis and development of affected households data.
- Public discussion on land price and compensation rate for non-land assets.
- Resettlement Action Planning (RAP).
- Display of draft Resettlement Action Plan to the community.
- Review and endorse the Resettlement Action Plan.

Implementation of Resettlement Action Plan

- Confirmation and acknowledgement of the Inventory of Loss and households data.
- Entering into an agreement.
- Preparation and approval of the compensation budget.
- Compensation payment.
- Relocation.