

Resettlement Plan

July 2015
DRAFT

Kingdom of Cambodia: Second Greater Mekong
Subregion Corridor Towns Development Project

Kampot Subproject

The Resettlement Plan is a document of the borrower. The views expressed herein do not necessarily represent those of the ADB Board of Directors, Management, or staff, and may be preliminary in nature.

CURRENCY EQUIVALENTS

(as of March 2015)

Currency unit	–	Riel (KHR)
\$1.00	=	KHR 4,050

ABBREVIATIONS

ADB	–	Asian Development Bank
AH	–	affected household (of the project)
AP	–	affected person (of the project)
COI	–	Corridor of Impact
DMS	–	detailed measurement survey
DP	–	displaced persons
DPC	–	District People’s Committee
EA	–	executing agency
EM	–	ethnic minority
EMA	–	External Monitoring Agency
GOV	–	Government
HH	–	household
IOL	–	inventory of losses
IRC	–	Inter-Ministerial Resettlement Committee
IRP	–	Income Restoration Program
M&E	–	monitoring and evaluation
MEF	–	Ministry of Economy and Finance
MPWT	–	Ministry of Public Works and Transport
NGO	–	nongovernment organization
PDPWT	–	Provincial Department of Public Works and Transport
PIB	–	public information booklet
PMB	–	Project Management Board
PMU	–	project management unit
PRSC-WG	–	Provincial Resettlement Sub-Committee Working Group
PPTA	–	project preparatory technical assistance
RCS	–	replacement cost study
RD-MEF	–	Resettlement Department – Ministry of Economy and Finance
ROW	–	right of way
RP	–	resettlement plan
RSCWG	–	Resettlement Sub Committee Working Group
SAVHs	–	severely affected and vulnerable households
SES	–	Socio-Economic Survey
SEU	–	Social and Environmental Unit
SPS	–	Safeguard Policy Statement
TA	–	technical assistance
USD	–	United States Dollars

DEFINITION OF TERMS

Affected Households	– In the case of affected households (AHs), it includes all members residing under one roof and operating as a single economic unit, who are adversely affected by a project or any of its components.
Corridor of impact (COI)	– It is the area which is required by civil works in the implementation of the Project, and is agreed by the Implementing Agency (IA) and demarcated by civil work consultant within which construction activities will take place.
Cut-off Date for Eligibility	This refers to the date prior to which the occupation or use of the project area makes residents/users of the same eligible to be categorized as AP. Persons not covered in the census are not eligible for compensation and other entitlements, unless they can show proof that (i) they have been inadvertently missed out during the census and the IOL; or (ii) they have lawfully acquired the affected assets following completion of the census and the IOL and prior to the conduct of the detailed measurement survey (DMS).
Eligibility	– Eligible include all the AHs confirmed to be residing in, doing business, or cultivating land within the Project affected area or land to be acquired or used for the project before the cut-off date are eligible for resettlement compensation for their affected properties.
Displaced Persons	– In the context of involuntary resettlement, displaced people (DP) are those who are physically displaced (relocation, loss of residential land, or loss of shelter) and/or economically displaced (loss of land, assets, access to assets, income sources, or means of livelihood) as a result of (i) involuntary expropriation of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas.
Detailed Measurement Survey	– With the aid of the approved detailed engineering design, this activity involves the finalization and/or validation of the results of the inventory of losses (IOL), severity of impacts, and list of DPs earlier done during RP preparation. The final cost of resettlement can be determined following completion of the DMS.
Entitlement	– Refers to a range of measures comprising compensation, assistance and income restoration support, etc. which are due to the DPs, depending on the type and severity of their losses, to restore their economic and social base.
Host community	– Means the community already in residence at a proposed resettlement or relocation site.
Income Restoration	– This is the re-establishment of sources of income and livelihood of the affected households.
Inventory of Losses (IOL)	– This is the process where all fixed assets (i.e. lands used for residence, commerce, agriculture, including ponds; dwelling units; stalls and shops; secondary structures, such as fences, tombs, wells; trees with commercial value; etc.) and

sources of income and livelihood inside the project right-of-way (ROW) are identified, measured, their owners identified, their exact location pinpointed, and the prices of the affected property were surveyed during the IOL. Additionally, the severity of impact to the affected assets and the severity of impact to the livelihood and productive capacity of DPs will be determined.

Land Acquisition	–	Refers to the process whereby an individual, household, firm or private institution is compelled by a public agency to alienate all or part of the land it owns or possesses to the ownership and possession of that agency for public purposes in return for compensation at replacement costs.
Relocation	–	This is the physical relocation of a DP from her/his pre-project place of residence and/or business.
Replacement Cost Study	–	This refers to the process involved in determining replacement costs of affected assets based on empirical data.
Severely Affected Households	–	This refers to affected households who will (i) being physically displaced from housing (ii) lose 10% or more of their productive assets (income generating),
Vulnerable Groups	–	These are distinct groups of people who might suffer disproportionately or face the risk of being further marginalized by the effects of resettlement and specifically include: (i) female headed households with dependents, (ii) disabled household heads with no other means of support, (iii) households falling under the generally accepted indicator for poverty, (iv) children and the elderly households who are landless and with no other means of support, and (v) landless households, (vi) indigenous people or ethnic minorities.

NOTES

- (i) The fiscal year (FY) of the Government of Cambodia ends on 31 December.
- (ii) In this report, "\$" refers to US dollars.

In preparing any country program or strategy, financing any project, or by making any designation of or reference to a particular territory or geographic area in this document, the Asian Development Bank does not intend to make any judgments as to the legal or other status of any territory or area.

EXECUTIVE SUMMARY

1. Project Description and Subproject

This regional Project Preparation Technical Assistance will establish the basis for the proposed investments and capacity building strategies in selected economic corridor towns in the Kingdom of Cambodia (Cambodia), the Lao People's Democratic Republic (Lao PDR) and the Socialist Republic of Vietnam (Viet Nam).

For Cambodia, through the Ministry of Public Works and Transport (MPWT) the main output will be to identify a range subprojects that will support the agreed objectives of the Greater Mekong Sub Region (GMS). These are: (i) Enhanced connectivity; (ii) Increased competitiveness; and (iii) a greater sense of community.

To this extent, the GMS development program has placed emphasis on developing priority transport corridors in order to link regions/countries together to promote and facilitate trade, tourism, and investment.

In Cambodia, the recommended subprojects (including several components) to be carried forward are located in Kampot and Sihanoukville. The components for each town were agreed between the Ministry of Public Works and Transport (MPWT) and senior provincial and municipal/district representatives. In Kampot town, the following components have been proposed: (1) Waste Water Collection and Treatment; (2) Solid Waste Management; and (3) Urban Drainage.

2. Legal and Policy Framework

The Project Resettlement Policy has been developed taking into account the types, characteristics, and severity of project impacts on assets and living conditions of the affected population guided by the Constitution of the Kingdom of Cambodia, the prevailing legal and government procedures and policies, including resettlement policies adopted by the government for specific development projects that have been funded by multi-lateral and bi-lateral development partners, and the ADB's SPS.

The cut-off date is established as the last date of the census and inventory of assets of the project affected persons, which was on 20 January 2015 or as determined by the Executing Agency. Validation and confirmation of the list of AHs will be undertaken during the detailed measurement survey (DMS) following detail design. The Inter-ministerial Resettlement Committee will be responsible to administer the DMS.

3. Project Entitlements

One key objective of the Project Resettlement Policy is to avoid or minimize impacts on people's sources of livelihood. Moreover, assets and incomes that will be inadvertently affected will be replaced or compensated at replacement costs. The goal is to avoid involuntary resettlement wherever possible; to minimise involuntary resettlement by exploring project and design alternatives to enhance or at least restore the livelihood of all displaced persons in real terms relative to pre-project level and to improve the standards of living of the displaced poor and other vulnerable groups.

The entitlement matrix specifies entitlements, compensation, allowances and implementation issues given the type and severity of project land acquisition and resettlement impacts, in line with Government of Cambodian Regulations and ADB SPS.

4. Project Impacts

Based on preliminary engineering design and field visits, it has been found that one component will have permanent LAR impacts, the Waste Water Collection and Treatment Component. For

the urban drainage component, the LAR impacts are limited to the loss of two temporary shelters and one pig shelter and for the solid waste management component; LAR impacts are limited to the loss of trees and one temporary shelter on public land.

The inventory of losses (IOL) and census of affected persons (APs) and affected households (AHs) were conducted between on the 16th and 20th January 2015 in Kampot. Summary of impacts includes the following (see in Table below summarizing LAR impacts): (i) an area of 6.1 ha of private agricultural land required for the component of Wastewater Collection and Treatment will affect 13 households (HHs) (65 APs); (ii) 03 HHs (7 APs) along the drainage channels (two wooden tin sheds, one kitchen and one pig shelter will be removed and compensated); (iii) for the solid waste management component, 19 HHs (95 APs) affected with loss of trees such as 628 mangos, 233 cashews, and 133 other trees, and 01 HH (05 APs), a temporary resting shelter will be removed and compensated. Among the AHs, 6 HHs with 30 APs will be severely affected in the WWTP area as they will lose more than 10% of their total income through the acquisition of agriculture land and 2 HHs with 5 APs will be severely affected due to removal of their living wooden tins shed within the right of way of the channel.

Summary of LAR impacts

Component	Area affected m ²	Type of land	Structures	Trees	No Ahs	No APs	Severely affected
Wastewater Collection and Treatment	61,000	Agriculture land	00	00	13	65	6 HHs, (30 APs)
Solid Waste Management	00	00	One temporary resting shelter	994	19	95	
Urban drainage	00	Live on the canal ROW	2 wooden tin sheds, 1 kitchen and 1 pig shelter	00	4	7	2 HHs (5APs)
Total	61,000		5	994	36	172	8 HHS (35 APs)

5. Implementation Arrangements

The Ministry of Public Works and Transport (MPWT) is the executing agency, and the Provincial Department of Public Works and Transport (PDPWT) is the implementing agency for the project. The Inter-ministerial Resettlement Committee (IRC) of which MPWT is a key member is overall responsible for the satisfactory implementation of the RP. The RP implementation shall be carried out in collaboration with the project management unit (PMU) and the Inter-ministerial Resettlement Committee (IRC) and the Resettlement Department of the Ministry of Economy and Finance. The PMU and IRC will ensure that designated staff have relevant capacity and experience in implementing resettlement activities, and were involved in other ADB or development partners' (DPs) funded projects. The tasks include updating, implementing and financing the RP.

A Provincial Resettlement Sub-Committee (PRSC) and its Working Group (RSWG) shall be organized as counterpart to assist the IRC and the MPWT at the local level. The EA will hire Project Implementation Support Consultants to assist in the RP implementation. Updating of the RP will commence following approval of the detailed engineering design. As discussed with the IRC, an independent agency specialized in property appraisal will be hired by the IRC to conduct detailed assessment on replacement cost which will be used for compensation. The IRC will submit the draft updated RP to the ADB for review and approval.

Displacement of people from land, other assets, and sources of income and livelihood cannot commence until the updated RP has been reviewed and approved by the ADB. Moreover,

construction activities in any specific component of the proposed sub-project cannot begin until compensation has been paid, and agreed rehabilitation assistance is in place, and that said section is free of all encumbrances. Below is an indicative schedule of the updating and implementation of the RP.

6. Resettlement Strategy

For the component on the construction of the Wastewater Treatment Plant (agriculture land), the core resettlement strategy of the Project will ensure that AHs will be able to continue with their respective current livelihood activities. The Ministry of Public Works and Transport (MPWT), through its Project Implementation Unit and the Resettlement Department of the Inter-ministerial Resettlement Committee (IRC), will ensure that this resettlement strategy is carried out diligently.

The Provincial Resettlement Subcommittee Working Group (PRSC-WG) will consult with male and female representatives of the AHs during the DMS in connection with the updating of the Resettlement Plan (RP). Through the PRSC-WG, the local population in the affected area will be informed about the start of civil works in a specific section at least 3 months in advance.

The full identification of the AHs will be determined and confirmed at the time of DMS during RP updating. The AHs will be provided cash compensation for loss of land as per entitlement matrix at replacement cost. Standing perennial trees and timber trees will be allowed to be cut and harvested by the owners and the felled trees will be compensated at prevailing market rates. On the other hand, private agricultural lands that will be acquired including fixed assets will be compensated at replacement cost.

7. Consultation, Participation and Disclosure

Consultations, public meetings and village discussions with the AHs and the local respective governments about project information and resettlement policies were done prior to and during the conduct of the IOL from 16 to 20 January 2015 as part of the resettlement planning process. Further assessment of the resettlement impacts was done on the 31st of May 2015. These activities will continue during the updating and implementation of the RP, consistent with the Project's participatory approach. The participants of the consultation meeting welcomed the project and also asked for quick implementation with appropriate compensation for the losses. The preparation and distribution of project information leaflets written in Khmer will be carried out at the time of the DMS. In compliance with ADB's SPS, satisfactory draft and final RPs endorsed by IRC will be placed at relevant Commune Offices and will be uploaded on the ADB's website in compliance with ADB's SPS.

The local people were informed that said cut-off date will coincide with the IOL and full census of the APs, which is 20 January 2015.

8. Grievance Redress

A grievance mechanism has been designed to ensure that the concerns and complaints of the AHs are readily addressed at the village level in a timely and satisfactory manner. A grievance committee will be established at provincial level with a process starting from Commune Offices where grievances can be dealt with more effectively by the grievance process. The AHs will be made fully aware of their rights and entitlements through verbal and written means during resettlement planning, updating, and implementation. Any expenses incurred for grievance redress will be from the project.

9. Monitoring, RP Budget and Implementation Schedule

The Resettlement Department of the IRC, in close collaboration with MPWT, will serve as the Project's internal monitor.

The PMU is responsible for submitting to MPWT and the ADB Project quarterly progress reports that also includes updates on the progress of resettlement.

The total cost of resettlement for Kampot subproject is estimated at **US\$ 2,131,753.80**. This amount includes: (i) compensation cost, (ii) administration cost, including costs for consultation and grievance redress mechanism; (iii) monitoring cost, and (iv) contingency. The cost of resettlement will be finalized following the RP updating based on replacement cost and according to the approved technical design of the sub-projects.

The MPWT and the IRC will ensure timely availability of funds for resettlement, including unforeseen costs in excess of resettlement budget estimates in order to satisfy the Project resettlement objectives. A replacement cost survey (RCS) will be carried out in parallel with the DMS. MPWT and IRC will be assisted by the project supervision consultants in the implementation of the RP.

MPWT will not allow construction activities in a specific section to commence until the APs have been relocated in accordance with the Project resettlement policy and after ensuring that the specific section of the area is free of all obstructions.

Resettlement Activities Schedule

Activities	Tentative timing
RP Preparation	Feb 2015
ADB Approval of Draft RP	Jul 2015
RP Updating following detailed design	1st quarter 2016
Submission and ADB approval of updated RP	2nd quarter 2016
Consultation and disclosure	1 st and 2 nd quarter 2016
Implementation of the approved updated RP	3 rd quarter 2016
Internal Monitoring (Submission of Semiannual Progress Reports)	Beginning 2 nd quarter 2016 continuous
Start of Civil Works*	4th quarter 2016

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I. SUBPROJECT DESCRIPTION

1. This regional Project Preparation Technical Assistance establishes the basis for the proposed investments and capacity building strategies in selected economic corridor towns in the Kingdom of Cambodia (Cambodia), the Lao People's Democratic Republic (Lao PDR) and the Socialist Republic of Vietnam (Viet Nam). It is part of the GMS development program which has placed emphasis on developing priority transport corridors in order to link regions/countries together to promote and facilitate trade, tourism, and investment.

2. In Cambodia, through the Ministry of Public Works and Transport (MPWT), a range of subprojects have been identified that will support the agreed objectives of the Greater Mekong Sub region (GMS). These are: (i) enhanced connectivity; (ii) increased competitiveness; and (iii) a greater sense of community.

3. The recommended subprojects (together with the corresponding components) to be carried out are located in Kampot and Sihanoukville and components for each town were agreed by the Ministry of Public Works and Transport (MPWT) and senior provincial and municipal/district representatives. In Kampot town, the following components have been proposed: (1) Waste Water Collection and Treatment; (2) Solid Waste Management; and (3) Urban Drainage.

A. Description of the Kampot Subproject

1. Wastewater Collection and Treatment

4. Currently wastewater flows directly to the river through combined road drains, or indirectly via a canal behind the town. There is no treatment. The proportion of some kind of pumpable septic tank in use in the town is estimated at 70-80%. There are 8 drain outlets into the river in the town area which smell badly particularly during the dry season and low tide when dilution is minimized. There is no current organized septic disposal or treatment.

5. The type of the WWTP proposed is lagoon-based, similar to Sihanoukville's treatment plant, with anaerobic ponds, facultative ponds and maturation ponds. The proposed service area is split into three core areas, approximately divided by National road 3. Wastewater will be gravity fed to strategically located pump stations, which will deliver wastewater to the WWTP in turn.

6. The proposed WWTP site is an agriculture land with no structures on it approximately 100m from the riverbank and 1.8km south of the provincial government offices in town (or 2.5km from the market square). It is known to be periodically flooded, and as such the WWTP will need to be climate-proofed by bundling all the lagoons to above all recorded flood levels.

Figure 1: The WWTP site



7. This agriculture land is privately owned and 6.1ha will need to be purchased belonging to 13 HHs (65 APs). See location in Figure 1 and 2 below.

Figure 2: Location for the WWTP Proposed (in green)

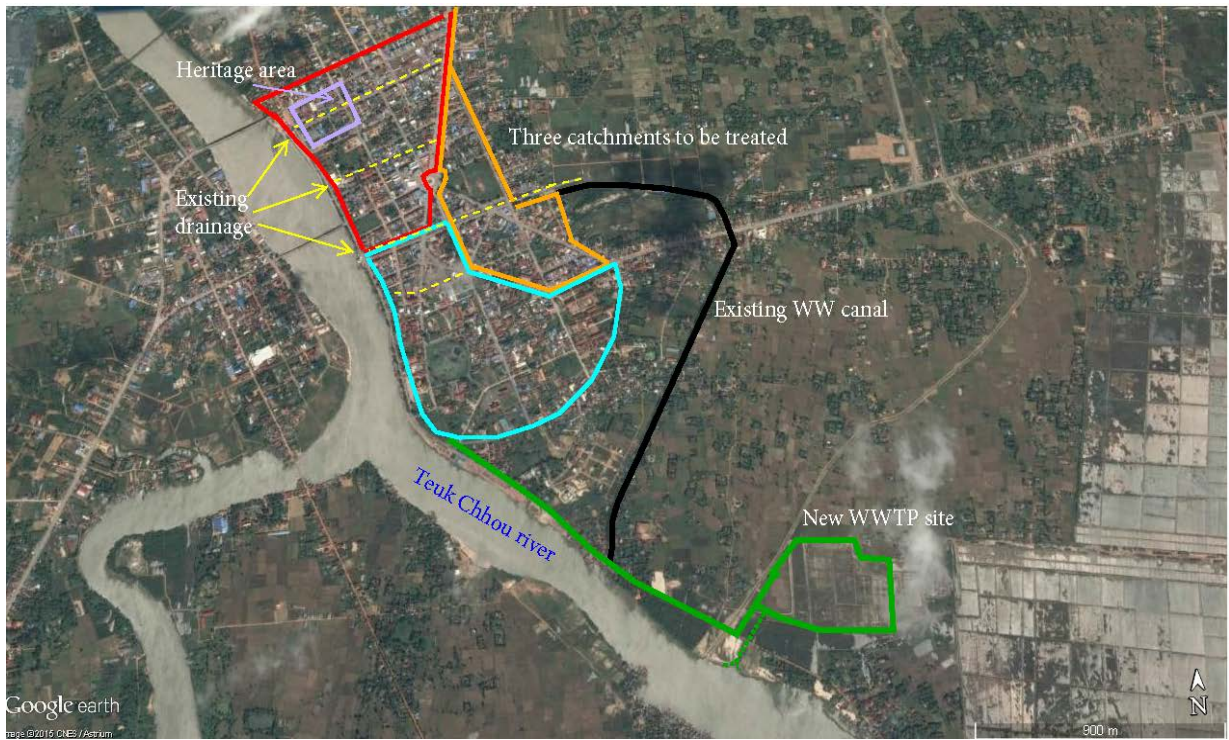


Figure 3: Boundaries of the WWTP (in yellow)



2. Solid Waste Management

8. The dump site is located near the hills, 10km north of the town in Prey Khmum commune, Teuk Chhou district, where it can be accessed by a dirt road of 3km from National Road No.3. The land is fairly flat. The province reported that originally the 17.2ha site was divided into three parts; a dump site (15.2ha), a hazardous waste site (1ha); and a composting area (1ha). The dump site was divided into cells of 80m x 30m x 4m deep. However, the current facility as witnessed in September and November 2014 is an uncontrolled dump with no leachate collection or cell management.

9. The proposed location of the landfill is 11.5km north of the city with 19ha of available land in Prey Khmum commune, Toek Chhou district, and is on government land. There are no people living on the proposed site. The restoration and closure of the existing dump site is also proposed. An improved access road 3.1km long connecting National Road 3 (NR3) to the landfill is also proposed. The current road is good but unsealed and does not require any land to be acquired and works will be limited within the ROW.

10. The proposed new area for solid waste management has already been reserved by the city in 2011 and the deed agreement has been made about the status of the proposed land area. The document about the status of the land for the new dumpsite is provided in Annex 6 with a translated version. The location of the new dumpsite area is shown in Figure 3. The agreement about the area kept for the dump site is shown in Figure 4.

Figure 4: Location of the Proposed Solid Waste Management Area (red)

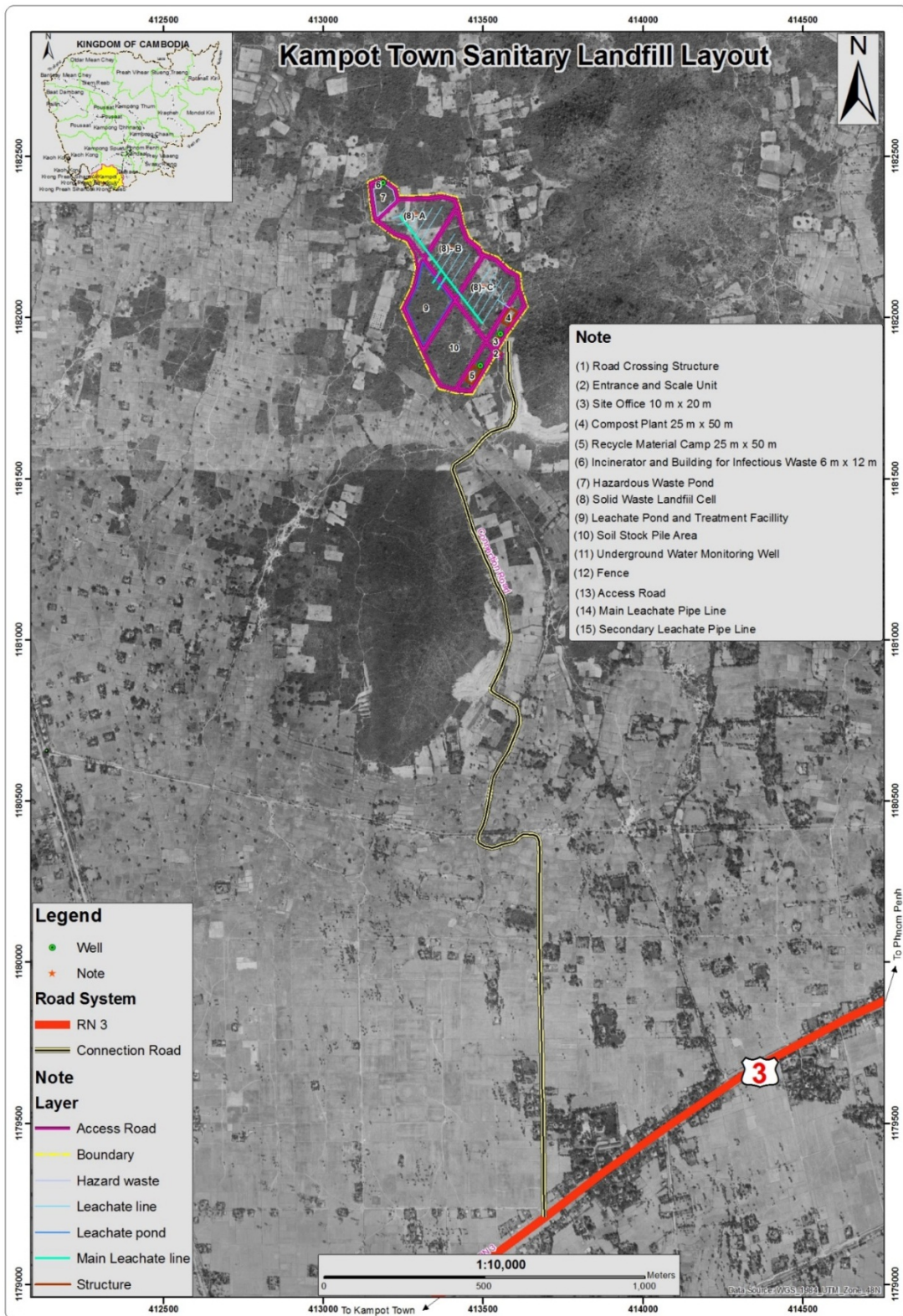
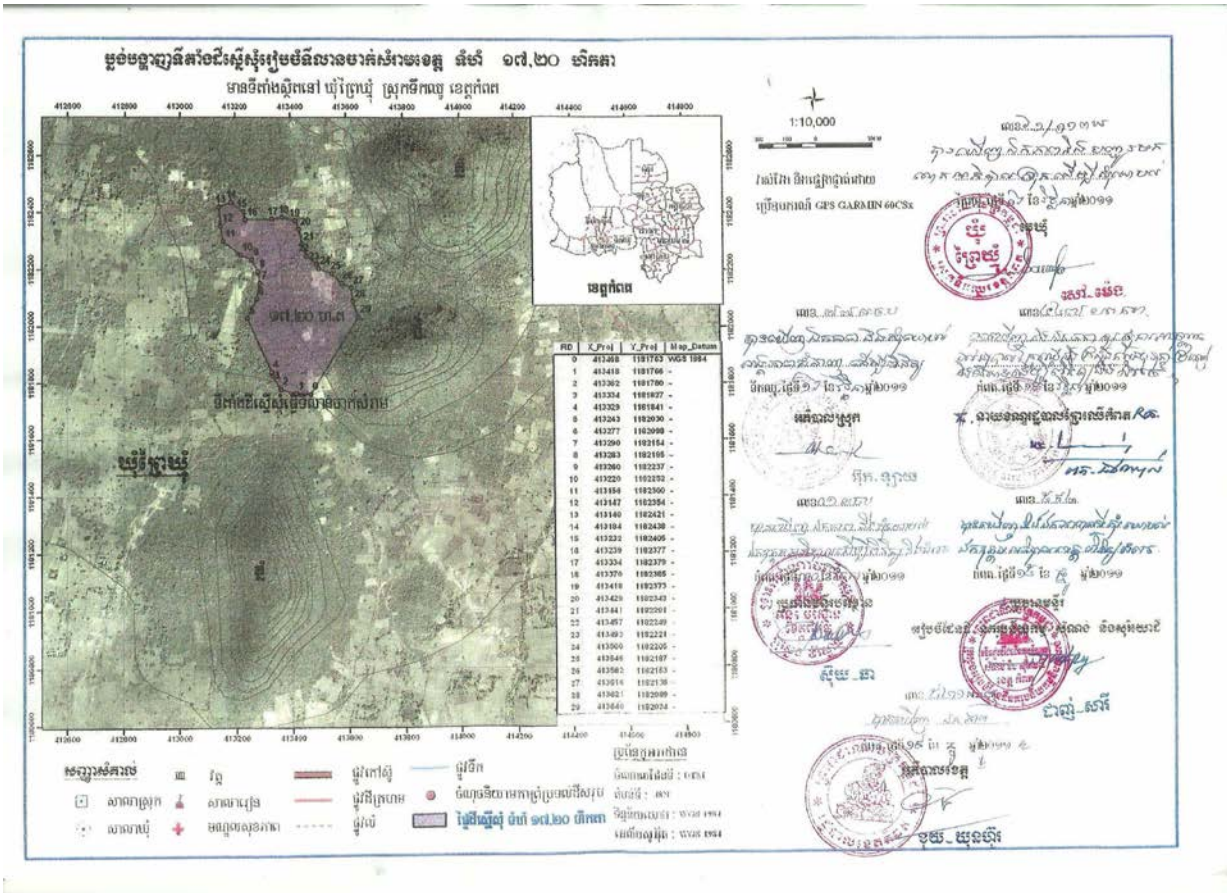


Figure 5: Agreement for the dump site area



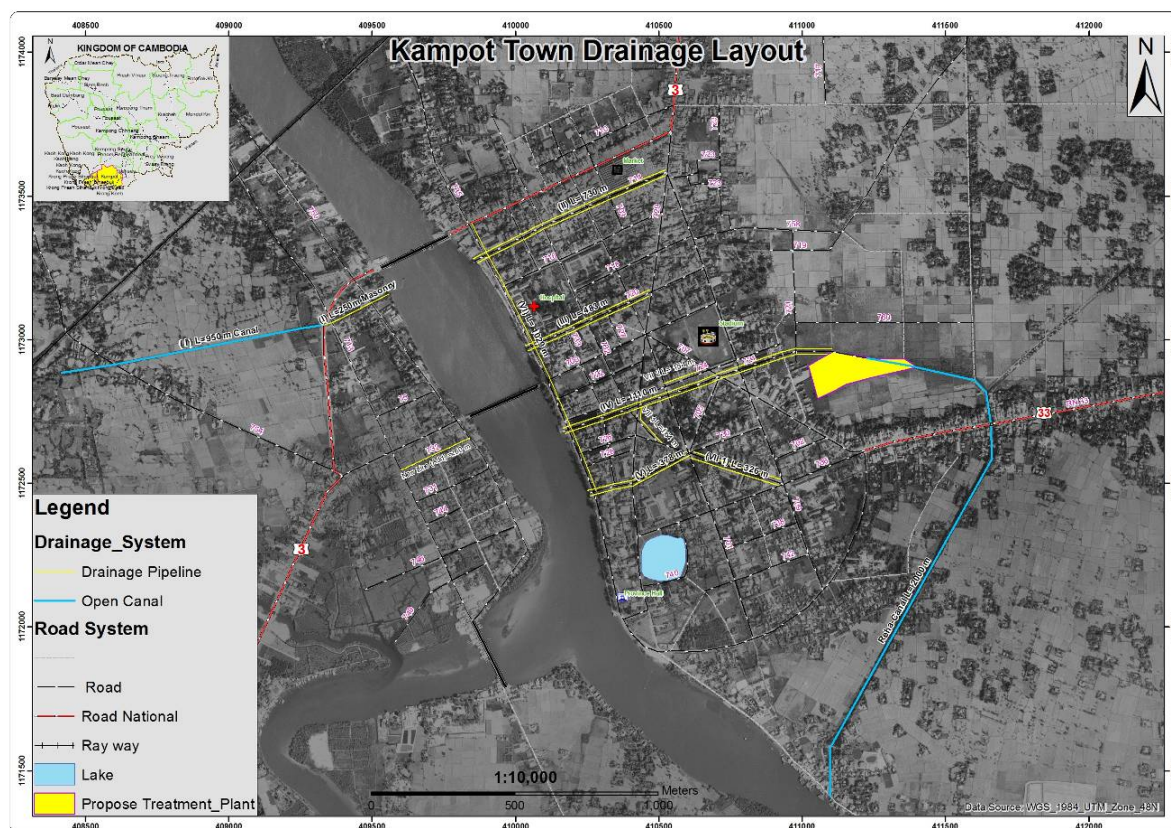
3. Urban Drainage

12. In the town, there are roadside drains along the main sealed roads in the urban area. Main drains run down to outfalls at the riverbank where plumes of black combined waste and storm water is seen. Some areas of the town are still susceptible to flooding, as pipes are undersized and often blocked.

13. Whether or not the wastewater system is separated, upgrades to road drains and receiving channels will be required. There are several areas that particularly suffer from flooding, namely: (i) the market area; (ii) one side of the main garden square; (iii) the road next to the hospital to the river; and (iv) the road from the southernmost roundabout to the river. There are also two collector channels on the west side of the river and one main channel on the east side that need dredging, defining, and stone masonry banks provided where appropriate.

14. The construction of the drains along the roads to transfer the waste will be within the ROW of the road. Only temporary disturbances will occur during construction and the driveways that were extended within the ROW will be reinstated. Four structures (two wooden tin sheds, one kitchen and one pig shelter) within the ROW will need to be relocated. The tentative proposed lay out of the drain in the town is provided in Figure 5.

Figure 6: Plan of the Urban Drainage in the Town



B. Measures Taken to Minimize Impacts

1. Consultation and Participation

15. During the project preparation, a survey was conducted on the project related impacts. The survey teams also had discussions and consultations with local authorities and local people on the possible project related impacts particularly the alignment and location of the components. Therefore, the selected component location is a least impacted option.

16. The draft layouts of the components have been communicated to the provincial authorities for comments and public disclosure. The valuable feedback of the local authorities and the Provincial Department of Public Works and Transport were taken into account in the design.

2. Measures Taken to Reduce Negative Impacts

17. Location of the components and site selection:

- The project impacts mitigation measures have been carefully reviewed during the design stage, particularly for the components location and site selection. Appropriate location and alignment would reduce the project cost and adverse impacts on the local communities and environment.
- The components location and routes/drain selected are shortest possible to provide optimal services and avoid land acquisition and minimize cost during construction, operation and maintenance.
- During the mapping of components' location the Consultant have thoroughly studied the different alternatives on map and on sites to select the optimal ones.

- Official agreements on locations of components have been obtained from the concerned city/provincial authorities.

18. Mitigation Measures in Construction Stage:

- During the detail technical design, the Provincial Department of Public Works and Transport and its Consultant will re-investigate the areas selected and make certain modifications, if necessary, for optimal results, and in providing less negative impacts.
- Suitable measures and optimum arrangements for the project construction have been considered i.e. construction would be carried out right after the harvest of crops and completed before the next sowings in case of agricultural land affected.

19. In order to minimize the temporary impact of building drains on the road side, alternate diversion road access will be proposed during the construction period. The pavement built (access house access) within the ROW will be dismantled only when no other solutions are available. Compensation for the damages will be provided to the individuals.

II. LEGAL AND POLICY FRAMEWORK

A. Policies on Land Acquisition and Resettlement

20. Law and regulation framework on resettlement and land issues are still in the stage of development in Cambodia. In addition to the Land Law, there are also other laws, decrees, sub-decrees and other regulations and guidelines that may be relevant to the resettlement in design and implementation of subprojects under the Project. The existing Legal and Policy Framework on Resettlement in Cambodia is presented below.

1. 1993 Constitution

21. **The 1993 Constitution of Cambodia** sets two basic principles for land acquisition.

- (1) Article 44 which states that the “right to confiscate properties from any person shall be exercised only in the public interest as provided by law and shall require fair and just compensation in advance”.
- (2) Article 20, which stipulate that “nobody shall be forced to transfer his or her ownership, if forcing is not necessary in the public interest and (if) no proper and just indemnity has been paid to the owner”.

22. These two principles are also adhered to in almost all countries.

23. Some Articles of the Constitution provide for special consideration and support to vulnerable people including mothers and children, the disabled and families of combatants who sacrificed their lives for the nation. The indigenous minorities however, are not explicitly included in above-cited constitutional provisions, but are included in the Land Law.

2. 2001 Land Law

24. The 2001 Land Law governs land and property rights in Cambodia. Based on the provisions of the 1993 Constitution, it defines the regime of ownership of immovable properties, such as land, trees and fixed structures.

25. The rights and responsibilities of the Government with respect to eminent domain are specified in the Land Law. The Government can acquire private land for public purposes but has to pay a fair and just compensation in advance of the land acquisition.

26. Article 5 of the Land Law 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.”

27. Other provisions of the Land Law that are relevant to land acquisition, compensation and resettlement include:

- Article 6 - Legal possession as defined by the Law is the sole basis for ownership, and all transfers or changes of rights of ownership shall be carried out in accordance with the required general rules for sale, succession, exchange and gift or by court decision.
- Article 7 - Any regime of ownership of immovable property prior to 1979 shall not be recognized.
- Articles 8, 66 - Only persons or legal entities of Khmer nationality are entitled to own land in Cambodia; or to buy or sell land.
- Article 15 - State public land includes, among other categories, any property a) that has a natural origin, such as forests, courses and banks of navigable and floatable rivers or natural lakes; b) that is made available for public use such as roads, tracks, oxcart ways,

pathways, gardens, public parks and reserved land; or, c) that is allocated to render a public service, such as public schools, public hospitals or administrative buildings.

- Article 19 - Persons that illegally occupy, possess or claim title to State public land cannot claim any compensation. This includes land established by the Government as public rights-of-way for roads and railways. Moreover, failure to vacate illegally occupied land in a timely manner is subject to fines and/or imprisonment.
- Article 26 - Ownership of the lands is granted by the State to indigenous communities¹ as collective ownership, including all the rights and protections enjoyed by private owners. The exercise of collective ownership rights are the responsibility of the traditional authorities and decision-making mechanisms of the indigenous community, according to their customs and subject to laws such as the law on environmental protection.
- Article 28 - No authority outside the community may acquire any rights to immovable properties belonging to an indigenous community.
- Article 31 - Persons with legally valid possession of land for five years (at the time the law came into effect) are allowed to be registered as the owner of the land (Article 30). Persons who (at the time the law came into effect) held legal possession but had not yet completed the five years were allowed to remain in possession until they were eligible to be registered as the owner.
- Articles 29, 34 - However, temporary possession claims made by persons after the law comes into effect will not be recognized, rescinding a previous right under the 1992 Land Law for acquiring land by taking possession.
- Articles 50, 51 - Landless people may apply for land for residential and subsistence farming purposes at no cost, as part of a social land concessions scheme. The concessionaire may obtain ownership of this land after fulfilling conditions set out in a separate Sub- Decree on Social Land Concessions.
- Articles 80-84 - Acquisition of land through gifts is permitted with the following conditions: (i) the gift of immovable property is only effective if it is made in writing and registered with the Cadastral Registry Unit; (ii) once accepted, gifts of immovable property are irrevocable; and, (iii) the donor may retain the right of usufruct in the property, and the right of use and habitation of an immovable property.

3. Other relevant laws

28. In addition to the Land Law, there are also other laws, decrees, sub-decrees and other regulations and guidelines that may be relevant to the resettlement in design and Implementation of subprojects under the Project. The Sub-Decree on Social Concessions, enforced on 19 March 2003, provides legal basis for allocations of State private land for purposes of the alleviation of landlessness and poverty, including the replacement of land lost in the context of involuntary resettlement.

29. The private ownership of land was re-established in 1989, and confirmed in the 2001 Land Law (Article 4). Cambodians are able to register the land they occupy with the local Cadastral Administration Office, whereupon a certificate of land title is granted. Issuing land titles is a lengthy process and most offices have a major backlog of applications. People are given a receipt and until the official title deed is issued, this receipt is accepted as title for land purpose or sale.

30. The present legal status of land use in Cambodia can be classified as follows:

- Privately owned land with title: The owner has official title to land, and both owner and the Cadastral Administration Office have a copy of the deed.
- Privately owned land without title: The owner has make application for title to land, and is waiting for the issuance of a title deed. The Cadastral Administration Office recognizes the owner.
- Land use rights certified by the Government: In this case, a receipt for long-term land use has been issued. This land use right is recognized by the Cadastral Administration Office.
- Lease land: The Government or private owners lease the land, usually for a short period. There is provision for the owner to reclaim land if it is needed for development.
- Non-legal occupation: The user has no land use rights to State land that he occupies or uses. The Cadastral Administration Office does not recognize the use of this land.

31. *Prakas* No. 6, entitled “Measures to Crack Down on Anarchic Land Grabbing and Encroachments”, sets a ROW of 50 m for NR 2, 3, 6, and 7, and a ROW of 60 m for NR 1, 4, 5, 11, 22, 64, and 78. Exceptions are made for urban areas traversed by these national roads, where the ROW can be reduced, subject to the decision of the Government. In support of this *Prakas*, the Ministry of Economy and Finance (MEF) on 6 April 2000 issued Decree No. 961 prohibiting compensation for structures and other assets located in the road ROW.

32. *Prakas* No. 6 must have been prompted by the influx of people inside the road ROW following the ouster from power of the Khmer Rouge in 1979 after a reign of four years. During that short period, private property was abolished and all land records destroyed. The years that followed after 1979 until the restoration of private property in 1989 were very disorderly, often chaotic, exacerbated by more armed conflicts. Returning people who were forced to do manual farm labor during the Khmer Regime occupied any vacant or empty property they could find along the road and in town centers. To make the re-occupation of abandoned properties and the distribution of land more systematic, the post-1979 government introduced usufruct rights, organizing families in rural areas into groups that collectively owned land and assets. Each group of families had a head, and land, of suitable size according to its fertility, was distributed to individual families.

33. **Circular No. 02** dated on February 26th , 2007 Stated clearly that i) illegal occupant of state land has no right to compensation and can be punished in accordance to the land law 2001 and ii) illegal occupant who are poor, landless and part of vulnerable group can be provided a plot of land.

34. MEF Circular No.006 on the Resettlement Implementation Procedure for development projects dated on April 2nd, 2014. This new circular instructed clearly the administrative management and role and responsibility of all relevant Implementing Agency and Provinces in implementing the resettlement for development project.

4. Expropriation Law

35. The **Expropriation Law**, passed by the National Assembly on 29 December 2009 and promulgated by the King on 04 February 2010, contains 8 Chapters with 39 Articles. It provides clear procedures on acquiring private properties for national and public interests.

36. Key Articles of the Law are listed below.

- Article 2: The law has the following purposes: (i) ensure reasonable and just deprivation of a legal right to ownership of private property; (ii) ensure payment of reasonable and just prior compensation; (iii) serve the public and national interests; and (iv) development of public physical infrastructure.

- Article 7: Only the State may carry out an expropriation for use in the public and national interests.
- Article 8: The State shall accept the purchase of part of the real property left over from an expropriation at a reasonable and just price at the request of the owner of and/or the holder of right in the expropriated real property who is unable to live near the expropriated scheme or to build a residence or conduct any business.
- Article 12: An expropriation committee shall be established and headed by a representative from the Ministry of Economy and Finance and composed of representatives from relevant ministries and institutions. The organization and functioning of the expropriation committee shall be determined by a sub-decree.
- Article 22: An amount of compensation to be paid to the owner of and/or holder of rights in the real property shall be based on the market value of the real property or the alternative value as of the date of the issuance of the Prakas on the expropriation scheme. The market value or the alternative value shall be determined by an independent commission or agent appointed by the expropriation committee.

B. ADB Safeguard Policy Statement

37. The new ADB Safeguard Policy Statement consolidates three existing safeguard policies: involuntary resettlement (IR), indigenous peoples (IP), and environment. The objectives of the IR policy are to (i) avoid involuntary resettlement, (ii) explore alternatives to avoid, (iii) restore livelihoods; and (iv) improve living standards of poor and vulnerable households. The IP policy objectives are to (i) design and implement projects that fosters full respect for IP's identity, dignity, human rights, livelihoods systems, and cultural uniqueness as defined by IP themselves and (ii) ensure that IPs receive culturally appropriate social and economic benefits, do not suffer adverse impacts as a result of projects, and can participate actively in projects that affect them.

38. ADB resettlement policy includes the following principles:

- Screen the project early on to identify past, present, and future involuntary resettlement impacts and risks. Determine the scope of resettlement planning through a survey and/or census of affected persons, including a gender analysis, specifically related to resettlement impacts and risks.
- Carry out meaningful consultations with affected persons, host communities, and concerned non-government organizations. Inform all displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programs. Pay particular attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, and Indigenous Peoples, and those without legal title to land, and ensure their participation in consultations. Establish a grievance redress mechanism to receive and facilitate resolution of the affected persons' concerns. Support the social and cultural institutions of displaced persons and their host population. Where involuntary resettlement impacts and risks are highly complex and sensitive, compensation and resettlement decisions should be preceded by a social preparation phase.
- Improve, or at least restore, the livelihoods of all affected persons through (i) land- based resettlement strategies when affected livelihoods are land based where possible or cash compensation at replacement value for land when the loss of land does not undermine livelihoods, (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation at full replacement cost for assets that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible.

- Provide physically and economically affected persons with needed assistance, including the following: (i) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically and socially into their host communities, and extension of project benefits to host communities; (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required.
- Improve the standards of living of the affected poor and other vulnerable groups, including women, to at least national minimum standards. In rural areas provide them with legal and affordable access to land and resources, and in urban areas provide them with appropriate income sources and legal and affordable access to adequate housing.
- Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement.
- Ensure that affected persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets.
- Prepare a resettlement plan elaborating on affected persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.
- Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner, before project appraisal, in an acceptable place and a form and language(s) understandable to affected persons and other stakeholders. Disclose the final resettlement plan and its updates to affected persons and other stakeholders.
- Conceive and execute involuntary resettlement as part of a development project or program. Include the full costs of resettlement in the presentation of project's cost and benefits. For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation.
- Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.
- Monitor and assess resettlement outcomes, their impacts on the standards of living of affected persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.

39. The objective of ADB Policy on **Indigenous Peoples** as set out in the Safeguard Policy Statement (2009) is to design and implement projects in a way that fosters full respect for Indigenous Peoples' identity, dignity, human rights, livelihood systems, and cultural uniqueness as defined by the Indigenous Peoples themselves so that they (i) receive culturally appropriate social and economic benefits, (ii) do not suffer adverse impacts as a result of projects, and (iii) can participate actively in projects that affect them.

40. The ADB Policy on **Gender and Development** (2006) adopts gender mainstreaming as a key strategy for promoting gender equity, and for ensuring that women participate in and that their needs are explicitly addressed in the decision-making process for development activities. For projects that have the potential to have substantial gender impacts, a gender plan is prepared to identify strategies to address gender concerns and the involvement of women in the design, implementation and monitoring of the project. Table 8 and Table 9 summarize how the resettlement policy of ADB is applied in Cambodia.

Table II-1: Gaps between the RGC Laws vis-à-vis ADB Policies and Recommended Project Policy

Key Issues	State Legislation	ADB Policy	Project Policy
Eligibility for compensation & assistance does not include AHs without land title.	Illegal occupants are not entitled to compensation due to violation on declared land use plan; or if they have constructed without permit or have encroached on demarcated land for ROW.	Those without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets. Improve the standards of living of the displaced poor and other vulnerable groups, particularly women.	All AHs without any discrimination whether or not land is owned are eligible for resettlement assistance and compensation for loss of non-land assets. Particular focus on improving the standards of living of the displaced poor and other vulnerable groups, including women.
Land Valuation	No defined policy. Present practice, valuation of a land is based on price of the nearby subject lands and based on willingness to sell and to buy.	Bank's policy requires an independent land Appraiser who has working knowledge on property valuation and the methodology that the ILA will use is consistent with international standards.	An independent agency specialized in property appraiser will be engaged to conduct replacement cost study during the DMS for the project which will be used for compensation of the updated RP, to be approved by the provincial government.

Table II-2: Compatible Elements between the RGC Laws vis-à-vis ADB Policy

ADB's Policy	Application of ADB Policy in Resettlement Activities in Cambodia
Explore all alternative options to reduce or minimize resettlement impacts.	Mitigation measures were adopted through redesigning of sub-project and/or exploring alternative sites and narrowing the ROWs of sub-projects.
Involuntary Resettlement Policy is applied to projects resulting from loss of assets which include loss of land, structures, income, livelihood, social network, community structures, public or communal resources.	Compliance to ADB's SPS and Involuntary Policy on Resettlement adopted in ADB assisted projects.
Restore to at least equal or better condition of AHs quality of life than before the project took place. Compensation at replacement value.	Provision of various resettlement options such as cash compensation for all affected assets or land exchange with similar features The approach is "willing buyer" and "willing seller" where both parties negotiate on price ensuring that cost of compensation is acceptable to AHs and that amount of compensation is able to restore to former condition. This was demonstrated in the Provincial Road Project, (Battambang) Additional cash assistance or incentives have been extended to cover cost of removal and transport of materials.
Rehabilitation measures to restore livelihood.	Rehabilitation measures are limited to government's provisional measures. There is no documentation of projects demonstrating full rehabilitation measures to restore livelihood.
Payment of compensation before project starts.	The Land Law specifies payment of compensation in advance before land acquisition starts.

III. PRINCIPLES OF RESETTLEMENT POLICY

41. The overall objective of the principles of resettlement policy is to ensure that all people affected by the Project are able to maintain or improve their pre-project living standards.

42. The key principles of the resettlement policy are as follows:

- (i) Involuntary resettlement is to be avoided or minimized when feasible by exploring all viable alternatives. When, after such an examination, avoidance is proved unfeasible, effective measures to minimize impact and to compensate for losses must be agreed upon with the people who will be affected.
- (ii) When Involuntary Resettlement cannot be avoided or minimized, the project Affected People shall be compensated or supported by RGC in a timely manner based on price survey (the Replacement Cost Study-RCS) during the Detailed Measurement Survey (DMS).
- (iii) No compensation for the state land such as the Right of Way occupied by the affected people and only resettlement assistance will be provided.
- (iv) Public Consultations will be carried out with people identified as likely to be affected households (AHs).

43. Cut-off date: The cut-off date is defined as the date prior to which the occupation or use of the project area makes residents/users eligible to be categorized as affected persons. The cut-off date for this project will be the date of conducting public consultation with affected people on 20 January 2015 before conducting inventory of loss (IOL).

44. Persons not covered in the census are not eligible for compensation and other entitlements, unless they can show proof that (i) they have been inadvertently missed out during the census and the IOL; or (ii) they have lawfully acquired the affected assets following completion of the census and the IOL and prior to the conduct of the detailed measurement survey (DMS). Only those APs (i.e., person or persons, households, a firm, or a private or public institution) found to be residing in, doing business, or cultivating land, or having rights over resources within the Corridor of Impacts (COI) as of the cut-off date are eligible to compensation for lost assets and for other assistance as provided for in this RP.

45. Based on the impacts identified during the IOL and DMS, the corresponding entitlements to be provided to the APs are presented in Table 11. It should be noted that these entitlements may be enhanced, as necessary, following the conduct of detailed measurement survey (DMS) during RP updating and in consultation with the APs to ensure that their livelihoods are restored, if not improved.

Table III-1: Entitlement Matrix

Type of loss	Eligible Persons	Entitlements	Implementation issues
A. Loss of Land			
Agricultural land (6.1 ha at WWTP)	All AHs with recognized proof of ownership who will be affected by the construction of WWTP	AHs will receive cash compensation at replacement cost. If the AH is severely affected (i.e., the loss is equivalent to 10% or more of their total income capacity, and the AHs who lose their entire houses), the AH will (i) be provided rehabilitation	If the head of household is married, the title or land certificate will be issued in the names of both spouses. AHs to be notified at least 3 months in advance of the actual date that the land will be acquired by the Project. - AHs will be allowed to

Type of loss	Eligible Persons	Entitlements	Implementation issues
		<p>assistance with provision of two options² (1)-cash assistance of \$500³ for income restoration or (2)-an IRP that will be planned by the Project with the active participation of the AHs; and (ii) be provided one-time cash assistance for severely affected as described in Item D</p> <p>- If AH belongs to any of the vulnerable groups, see Item E below</p>	<p>harvest their annual and perennial crops and timber products prior to construction.</p> <p>- Vulnerable households to be verified during the DMS</p>
B. Loss of Structures			
Entire loss of primary residential Structure	<p>All the AHs confirmed to be residing in, doing business within the project affected area before and on the Cut-off Date.</p> <p>Permanent house: (i) wooden tin shed 2 AHs (urban drainage)</p> <p>(ii) Pig shelter (urban drainage) 1 AH</p> <p>(iii) Kitchen (urban drainage) 1 AH</p> <p>(iv) Temporary resting shelter 1 AH (at dumpsite)</p>	<p>Compensation in cash for all affected structures at 100% of the full replacement cost for materials and labor. The amount will be sufficient to rebuild the structure at current market prices;</p> <p>One time cash allowance if severely affected see item D below.</p> <p>For relocating HHs a suitable relocation site will be identified during DMS. These HHs will also be provided with 3 months rental of \$150.</p> <p>If AH belongs to any of the vulnerable groups, see Item E below.</p> <p>Transport allowance to move main structure to the adjacent area in the same site, see item F below</p>	<p>Compensation will be provided in the form of cash without any deductions for depreciation or salvageable materials</p> <p>The calculation of rates will be based on the actual affected area and not the useable area.</p> <p>IRC together with PRSC will find a suitable location to relocate the 2 AHs living in the wooden tin sheds. Site to be determined during RP updating.</p> <p>AHs to be notified at least 30 days in advance before the start of civil works in the locality of the actual date that the land will be acquired by the project.</p> <p>If landless, to be provided free of charge with substitute plot with an</p>

² The two options will be provided through public consultations with the entitled AHs during the RP implementation. The option implementation will follow the AHs' preference.

³ An amount is based on a budget of \$500 USD/eligible AH as per recent ADB-funded implemented in the same general area and will be allocated in the resettlement budget to implement the option preferred by entitled AHs. If IRP is required through public consultation with the entitled AHs, the amount will be used as a block fund to support the various components of the IRP. The specific implementation mechanism for the use of the IRP funds will be determined during the planning of the program (\$500 USD/AH as per entitlement matrix of 43319-033 CAM: Greater Mekong Subregion Corridor Towns Development Project. Approved in 2012).

Type of loss	Eligible Persons	Entitlements	Implementation issues
			area of at least 105m2 (or 7m x 15m) outside of the ROW and in a location acceptable to the AHs, with secure tenure
C. Loss of Productive Trees and crops			
<p>Fruit trees</p> <p>Mango 628 trees Cashew 233 trees Others 133 trees</p> <p>Rice</p>	<p>Owners of crops regardless of land tenure status</p> <p>19 AHs (dumpsite)</p> <p>13 AHs WWTP</p>	<p>To the extent possible, AHs will be allowed to harvest their annual and perennial crops prior to construction.</p> <p>If crops cannot be harvested due to construction schedule, AHs are entitled to cash compensation for the affected crops at replacement cost.</p>	<p>Compensation for productive trees and rice crops at present value</p> <p>AHs to be notified at least 3 months in advance of the actual date that the land will be acquired by the Project.</p>
D. Assistance for Severely Affected Households			
Loss of income full / partial from productive land (from 10% or more of land holdings) or loss of entire houses	<p>Owners who lose from 10% or more of land holding, owners who lose their entire houses regardless tenure status</p> <p>8 AHs (35 APs)</p>	<p>(i) One-time cash assistance of \$200 per household (living allowance) and</p> <p>(ii) Participate in Income Restoration Program such as agricultural enhancement program and agricultural training program (USD500/HH in cash or worth of skill training)</p>	<p>Livelihood restoration; Support during business re-establishment</p>
E. Impacts on vulnerable AHs			
Any loss or impact; significant impacts on vulnerable AHs (Higher risks of hardship due to project impacts;)	<p>Vulnerable households;</p> <p>2 AHs Canal 5 AHs WWTP</p>	<p>(i) One-time cash assistance of \$200 per vulnerable AH.</p> <p>(ii) Priority for employment in the project construction works.</p>	Improved livelihoods
F. Allowances			
Allowance for transport	<p>Shifting of temporary resting shelter (1AH) and Kitchen (1 AH)</p> <p>Shifting of wooden tin sheds to other area in the village (2 AHs)</p>	<p>Shops is temporary shelter made of light and temporary materials = \$10;</p> <p>Houses and shops moving to other area in the same village = \$60</p>	
G. Unforeseen Impact			

Type of loss	Eligible Persons	Entitlements	Implementation issues
Unforeseen Impact if any during project implementation		Appropriate mitigation measures and same entitlement will be applied to any AHs that will emerge due to changes, if any during the detailed design.	Compensation will not apply to new occupants after the cut-off date.
J. Temporarily affected properties during construction			
Temporarily affected private land and non-land assets during construction	Owner of temporarily affected private land and non-land assets	- Contractor will pay rent for any private land/structure required for construction work space outside the ROW;	- AHs will be notified at least 3 months in advance of the actual date that the land/non-land asset will be temporarily used
Impact during construction			<p>Contractor will be responsible for paying rental in cash for land outside of the ROW which will be no less than the net income that would have been derived from the affected property during disruption</p> <p>Restoration of land within 3 months after use</p> <p>Non land assets within the residual area of the ROW and/or outside of the ROW that are adversely impacted by construction activities will be compensated at replacement cost by the civil works contractor.</p>

Strategy to address gender issues

46. The Project includes the following specific actions to address gender issues in the Project:
- In conducting the DMS, consultations on resettlement activities and relocation options, all AHs including women and men will participate in the discussions. Women were encouraged to articulate their needs and give comments and recommendation to improve the project design.
 - Gender issues will be included in training on the Project resettlement policy that will be provided to concerned personnel of the PMU, PIU, and the RSC-WGs.
 - During the DMS, both male and female APs will be encouraged to participate in discussions related to land acquisition and other resettlement issues.
 - In the planning of the income restoration program, female APs shall be actively involved. Appropriate economic activities for women will be included in the program in order to avoid any marginalization of women's contribution to the household economy.
 - Compensation will be given to both men and women.
 - Disaggregated monitoring indicators by gender will be developed for monitoring social benefits, economic opportunities, livelihood, and resettlement activities.

IV. PROJECT IMPACT

A. Methodology Used in the Inventory of Losses

47. The succeeding sections describe the processes and methods employed in the project related social impacts. Inventory of losses (IOL) where all fixed assets located inside the corridor of impact (COI) were identified, measured, their owners identified with their exact location pinpointed, and their replacement values calculated.

48. Fixed assets include:

- (i) Land used for agriculture;
- (ii) Temporary wooden structures and secondary structures;
- (iii) Trees with commercial value.

49. Likewise, the importance of impact on the affected assets and the impact to the livelihood and productive capacity of APs were determined during the IOL (16-20 January 2015).

50. Also, information on the members of the affected households (AHs), sources of livelihood, income level, and ownership of productive assets had been gathered. The social impacts survey and initial census of APs were conducted from the 16th to 20th January 2015.

51. After the IOL a Replacement Cost Study (RCS) was carried out on the 30th of January 2015. As described in Annex 4, the survey team had a number of discussions with government officials involved in resettlement preparation and implementation, vendors and agriculture specialists, including officials of the Ministry of Agriculture, to establish the current market rates of perennial and annual crops, as well as interviewed local (commune and village) officials, including residents, to find out the current market rate of fixed assets, especially land, in the project area as per record of recent sale transactions. The field survey of RCS was done for each component. The survey was administered with affected households and the village headman, in the affected villages.

B. The Survey Team

52. The survey work for the initial IOL, SES and replacement cost survey (market rates) was conducted to prepare this RP.

53. The local research assistants were based in the field. Provincial, commune and village officials accompanied the research team in their data gathering activities.

54. Field data gathering at each components area commenced on the 16th January 2015 and were completed on the 20th January 2015.

C. Public Consultation and Setting of the Cut-off Date

55. The IOL and initial census of APs were done simultaneously with public consultation meeting in the district or commune of the different components area.

56. Among others, the purpose of said public meetings was to brief the local population about the activities of the team, the policy of ADB on Involuntary Resettlement, including the policy requirement on cut-off date.

57. The local people were informed that said cut-off date will coincide with the IOL and full census of the APs, which is 20 January 2015.

D. Basis of Unit Costs Used in the RP

58. The basic tool used in the IOL and initial census of AHs was the survey questionnaire (Annex 3). Detailed socio-economic information is surveyed using both Khmer and English

questionnaire for 13 AHs in the WWTP component and 4 AHs in the Urban Drainage component (2 structures are 100% affected and 2 secondary structures are partially affected).

59. After that the IOL was conducted, on the 30th January 2015, a replacement cost study (RCS) of affected assets in the Project area was carried out by the research team.

60. The objective of the RCS was to come up with the unit costs to use in calculating the compensation for affected fixed assets (land, structures, trees and crops) based on current market rates. The methodology employed in the RCS included the following activities:

- Bill of materials and bill of quantities survey of typical structures, coupled by a canvass of construction materials, in the Project area;
- Discussion with government officials involved in resettlement preparation and implementation in the other on-going ADB-assisted Loan Project to gain better understanding of the methodology employed in setting the compensation rates used in said project;
- Meeting with vendors and agriculture specialists, including officials of the department of Agriculture, to establish the current market rates of perennial and annual crops; and
- Interview of local (commune and village) officials, including residents, to find out the current market rates of fixed assets, especially land, in the Project area as per record of recent sale transactions to determine Unit costs of land.

61. As per results of the RCS, the unit costs of land covered with recognized proofs of ownership, structures, crops, perennials, and timber trees in the component concerned is provided in Table 1 (for the complete RCS report, see annex 4).

Table IV-1: Unit Costs of Land

Location	Type of Land	Average Price (US\$) per m ²
WWTP (Kampong Kandal)	Rice Land	25.00

62. The market rates for crops and trees have been calculated based on the yield and the period the tree and crops mature as confirmed with the Horticulture Department and Agricultural Department.

63. The formula used for fruit trees is as follows: Yield x Number of times it will produce x Market price x Number of years to become mature.

64. Table overleaf gives a rundown of the unit costs for various crops and trees found affected in the concerned components. The findings are shown in Table 2.

Table IV-2: General Unit Costs of Crops and Trees

No.	Crop Type	Unit of Measurement	Cost (\$)
1.	Rice	m ²	0.55
2.	Lemongrass	Clump	0.87
3.	Pumpkin	m ²	0.90
4.	Mint / Basil	m ²	0.10
Tree Species			
1.	Mango	Tree	65.00
2.	Coconut	Tree	32.00
3.	Tamarind	Tree	28.00
4.	Jackfruit	Tree	30.00
5.	Custard apple	Tree	6.00
6.	Sugar cane	Tree	0.03

No.	Crop Type	Unit of Measurement	Cost (\$)
7.	Palm tree	Tree	45.00
8.	Teuk Doh Kor	Tree	32.00
9.	Papaya	Tree	3.00
10.	Banana	Tree	0.90
11.	Guava	Tree	5.00
12.	Plum	Tree	12.00
13.	Cashew	Tree	60.00
14.	Bamboo	Thicket	15.00
15.	Eucalyptus / Acacia	Tree	8.00
16.	Ampil Teuk	Tree	7.50
17.	Chan Kiri	Tree	18.00
18.	Krasang	Tree	16.00
19.	Kantuort	Tree	3.00
20.	Roluos	Tree	1.50
21.	Kgnork	Tree	4.00
22.	Trasek	Tree	1.50
23.	Jujube	Tree	4.00
24.	Thkov	Tree	9.00
25.	Kapok	Tree	1.50
26.	Rum chek	Clump	0.43
27.	Others	Tree	10.00

65. Trees listed above are aged 5 years or more. All things considered, the compensation for each kind of tree listed above will be determined based on the following formula:

- One year old: compensated at 1/3 its full price (as it can be re-planted)⁴
- ~ 5 years old: compensated at 2/3 its full price
- More than 5 years old: full amount of compensation.

E. Extent of Impacts

66. Regarding land acquisition, the only component concerned is the Wastewater Treatment Plant Component, where the WWTP is located on private agricultural land. The total area to be acquired is 6.1ha. All land owners are identified and were met during IOL except one (Hy Ngean) who never participated in any consultation meeting.

67. The survey team determined the exact boundaries of the area to be used for the WWTP (see Annex 7). Land registration is under processing in this area and the commune has just finished the survey to determine the ownership of the plots of land for land title processing. Therefore it was possible on the cadastral map to identify the AHs for the WWTP.

68. This IOL for the WWTP will be validated and corrected as necessary during the updating of the RP by the commune officials who will also sit as members of the Provincial Resettlement Sub-committee-Working Group (PRSC-WG), the main resettlement body that is tasked to carry out the detailed measurement survey (DMS).

69. Therefore, the initial result of the inventory of losses (IOL) includes an area of 6.1ha of agricultural land required for the component of Wastewater Collection and Treatment Plant and this will affect 13 HHs (65 APs) of whom 5 AHs are severely affected (loss more than 10% of their productive assets).

70. For the urban drainage component, the survey took place on the 18th January and 30th of May 2015. Two HHs (5 APs) living in temporary structures: some wooden tin sheds (about 20m² each) along the drainage channels will be severely affected. Their living houses will be removed

⁴ The compensation will cover for the cost of labor and materials in balling the plants/trees

from the canal side. A little bit further along the canal, a pig shelter - a temporary structure used to accommodate pigs – and one kitchen will also have to be removed, affecting two HH (7APs).

71. For the Solid Waste Management Component, 19 HHs (95 APs) gaining revenues from the tree plantations will be affected by the loss of the following trees: 628 mangos, 233 cashews, and 133 other trees. Another HH (4 APs) will be compensated for the removal of a temporary resting shelter.

72. Table 3 below is summarizing the impacts:

Table IV-3: Summary of LAR Impacts

Component	Area affected m ²	Type of land	Structures	Trees	No AHs	No APs	Severely affected
Wastewater Collection and Treatment	61,000	Agriculture land	00	00	13	65	6 HHs, (30 APs)
Solid Waste Management	00	00	One temporary resting shelter	994	19	95	
Urban drainage	00	Live on the canal ROW	2 wooden tin sheds, 1 kitchen and 1 pig shelter	00	4	7	2 HHs (5APs)
Total	61,000		5	994	36	172	8 HHS (35 APs)

F. Vulnerable Households

73. Among all affected households in Kampot, 7 households are considered poor according to the national poverty line of USD165/month/HH, of which 5 households are in the WWTP component, and the other 2 households are in the Urban Drainage component. These households will be provided with assistance over and above their entitlements for compensation for loss of assets.

74. The following table presents the list of vulnerable households in the project. The list will be updated during the DMS.

Table IV-4: List of vulnerable households

No.	Name of head of AH	Component	Average monthly HH income - all sources (USD)	Remarks
1	Kip Ly	WWTP	150.00	Under poverty line
2	Sarou Tyas	WWTP	150.00	Female headed hh
3	Sales Mai Yamm	WWTP	116.67	Under poverty line
4	Dul Luos	WWTP	154.17	Under poverty line
5	Terp Ly	WWTP	145.83	Under poverty line
6	Sao Kean (M)	Urban drainage	152.08	Under poverty line
7	Khem Sophy (F)	Urban drainage	150.00	Under poverty line

G. Severely Affected Households

75. AHs who lose more than 10% of their income generating assets or lose their entire house are considered severely affected. . It is found that 6 AHs having agriculture land within the area proposed for the WWTP will lose more than 10% of their total income due to land acquisition and 2 AHs living within canal ROW are landless. These 8 AHs (35APs) are severely affected and will be eligible to specific assistance as presented in entitlement matrix in section III of the report. These 8 AHs will be eligible to a one-time cash assistance and income restoration. The type of compensation will be further reviewed and confirmed during detailed design and updating the RP.

76. The following table presents the list of severely affected households due to construction of the subprojects in Kampot. The list will be updated during the DMS.

Table IV-5: List of Severely Affected Households

No.	Name of head of AH	Component	Type of affect	Remarks
1	Tep Lai Mann	WWTP	Loss of more than 10% income generating assets	Severely AH
2	Kip Ly	WWTP	Loss of more than 10% income generating assets	Severely + Vulnerable AH
3	Sarou Tyas	WWTP	Loss of more than 10% income generating assets	Severely + Vulnerable AH
4	Sales Mai Yamm	WWTP	Loss of more than 10% income generating assets	Severely + Vulnerable AH
5	Dul Luos	WWTP	Loss of more than 10% income generating assets	Severely + Vulnerable AH
6	Terp Ly	WWTP	Loss of more than 10% income generating assets	Severely + Vulnerable AH
7	Sao Kean (M)	Urban drainage	Lose of entire house	Severely + Vulnerable AH
8	Khem Sophy (F)	Urban drainage	Lose of entire house	Severely + Vulnerable AH

V. SOCIO-ECONOMIC INFORMATION AND PROFILE

A. Methodology

77. The study on the socio-economic profile of Kampot components areas was conducted:

- By means of secondary data, and from Commune statistics;
- From informal focus group discussions and consultation with village headmen; and
- From the IOL, which provided the database information on severely and vulnerable households, on water lighting and fuel supply, and on educational enrolment and occupations.

B. General Characteristics and Income Sources

78. The Kampot Province, and the project area, is a mountainous area, paddy rice production as the primary agricultural activity, flood-fed and single cropped.

79. However, the Province is relatively near Phnom Penh to which National Road No 3 is connected. As a consequence, all villages have a proportion of households with migrant labor workers, most often construction and garment workers, sending remittances to their families on a regular basis.

80. WWTP component. Among 13 affected households, there are 4 households with women headed. The type of assets owned by the AHs reflects that most of them have means of transport and they are also equipped with telephone. The mobility and communication means is 100%, notably, 4 households have cars, which are considered high value assets. In general all surveyed households are economically well-off.

81. Urban drainage component: 2 among 4 AHs are landless and live under poverty line as indicated in the severely table IV-4 and vulnerable table IV-5 of section IV. However, the other 2 households are economically well-off. Based on IOL data, 100% of the AHs possess mobility and communication means. Socio-economic data of the household affected by the Waste Water Treatment Plan (WWTP) and Urban Drainage components is presented in the Annex 10.

C. Employment and Income Sources

82. Almost 70% of affected household heads (24 AHs) are businessmen (commercial activities in the city), and 09 AHs (25%) have members with off-farm activities, migrant occupations and income sources.

D. Access to Utilities and Services

83. About 97% of affected households depend on the provincial water supply or wells for water supply; while the majority use adjoining good latrine to defecate.

84. Over 95% depend on electricity and gas cooker for cooking, and about 95% use electricity for lighting, with some 15% having batteries or generators.

85. Primary school attendance is approximately 88% in grades 1 to 12, with severe drop-out rate occurring in later secondary school classes.

86. Secondary school attendance in rural areas is about 36% in the project areas, with similar enrolment for girls and boys.

VI. RP UPDATING AND IMPLEMENTATION

87. Following completion of detailed engineering design, the RP updating will be undertaken. Resettlement implementation (i.e., land clearing and payment of compensation) can only commence once the updated RP has been reviewed and approved by ADB.

88. Consultations with the APs will be carried out on a continuing basis, paying particular attention to the vulnerable and severely affected households (AHs). RCS will be carried out during the RP updating.

A. Setting-up the Provincial Resettlement Sub-committee Working Group

89. The Resettlement Department of the Inter-ministerial Resettlement Committee (IRC) will convene the Provincial Resettlement Sub-committee which in turn will work for the establishment of its Working Group (PRSC-WG).

90. The PRSC-WG will coordinate closely with IRC-WG, the Project supervision consultant (PSC), the civil works contractor, the local government, and the APs to ensure the smooth and orchestrated updating and implementation of the RP.

B. Consultation and Disclosure Activities

91. Consultation with APs will continue during RP updating up to implementation. Particular attention will be given to the poor and other vulnerable APs. All consultation and disclosure activities will be properly documented; minutes of meetings, photos, and attendance sheets will be prepared and recorded.

92. MPWT, in collaboration with, IRC will distribute copies of public information booklet to APs.

93. The key information in the draft RP finalized during appraisal mission will be translated into Khmer language and will be placed in village and commune offices.

94. During loan implementation:

- (i) The draft and final updated RPs approved by both the Government (MPWT and IRC) and the ADB; and
- (ii) Any revisions to the updated RP as a result of changes in scope or design layout will be disclosed to the APs.

95. Key information in the updated RP to be disclosed to the APs include:

- (i) Relocation and rehabilitation options, if any,
- (ii) DMS results;
- (iii) Entitlements,
- (iv) Grievance procedures,
- (v) Schedule of delivery of assistance, and
- (vi) Displacement schedule.

96. The information will be made publicly available at MPWT, district, and commune offices and will be provided to the APs or AHs in the form of a project information leaflet.

97. Social monitoring reports will also be made available to the APs and will be uploaded on the ADB website.

C. Detailed Measurement Survey and Updated Census of APs

98. Following final design, a detailed measurement survey (DMS) and updated census of APs will be carried out by the IRC- WG in close collaboration with PRSC-WG with assistance from the Project Implementation Support Consultants (PISC). The procedures of the DMS are similar to those of the IOL through meticulous recording of all users of land and owners of other assets.

99. A new socioeconomic survey will be carried out if RP updating does not commence within two years as demographic and socio-economic factors may change significantly within that period. It will cover at least 100% of severely affected households and at least 20% of other affected households.

VII. INSTITUTIONAL ARRANGEMENTS

100. The owner of the project is the Executing Agency (EA); therefore, it has over-all responsibility for the successful implementation of the RP. The executing agency is the Ministry of Public Works and Transport (MPWT) while the implementing agency is the Provincial Public works and Transport.

A. The Project Management Unit

101. The EA will be assisted by the PMU. The PMU shall designate a focal person in charge of resettlement and who has been involved in other ADB or donor funded projects to be a member of IRC and IRC-WG and who will work closely with the Resettlement Department of the MEF (RD-MEF) on the preparation, updating, and implementation of the RP.

102. Its tasks include the following:

- Securing the approval of the RP by the IRC;
- Securing prior approval by IRC and the ADB for any variations in the approved RP;
- Securing the database of affected persons and assets that will be gathered during the preparation and updating of the RP; and
- Preparing progress reports on RP implementation for submission to the MPWT and PMU.

B. IRC and the Resettlement Department

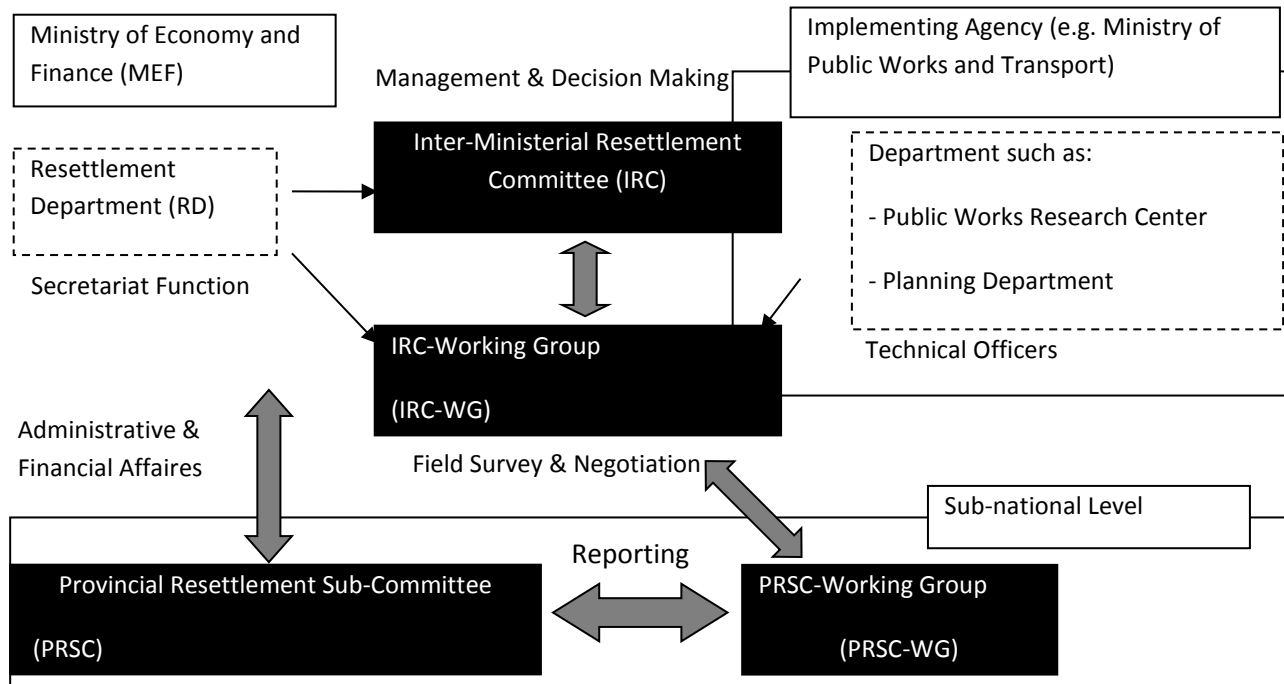
103. Based on the Prime Minister Decision No. 13, dated March 18, 1997, the Inter-Ministerial Resettlement Committee (IRC) was firstly established in 1999 for the ADB Loan 1659 CAM: Phnom Penh-Ho Chi Minh City Highway Project. The IRC is a collective entity composed of representatives from different line ministries, such as the Council of Ministers (COM); the MPWT; and the Ministry of Agriculture, Forestry and Fisheries (MAFF), including representatives from the affected Municipalities, the Governor and Deputy Governor of provinces with sub-projects. The IRC then emerged as decision making body and has since been involved in other foreign-assisted government infrastructure projects with involuntary resettlement. The MEF is the permanent Chair of the IRC and reconstitutes it for every development partners' project.

104. The IRC will assume the function of a quasi-regulatory body, ensuring that funds for resettlement are spent properly and that the RP is carried out as intended. The technical arm of the IRC is its Resettlement Department (IRC-RD). It will assist the IRC in the following tasks:

- Reviewing and approving the RP, ensuring that the RP is consistent with ADB's Policy on Involuntary Resettlement and, later, the loan agreement;
- Endorsing the approved RP to ADB;
- Establishing or convening the Provincial Resettlement Committee (PRSC) and its Working Group (WG);
- Orienting, as needed, the PRSC and its working group (PRSC-WG) on their tasks relative to RP updating and implementation;
- Securing from the national treasury the budget for carrying out the RP, ensuring that funds are available in a timely manner and in sufficient amounts;
- Approving all disbursements connected with the implementation of the RP, such as payment of compensation and other entitlements, acquisition and preparation of replacement plots, operational expenses of personnel, etc.;
- Ensuring that funds for resettlement are spent judiciously; and

- Monitoring the implementation of the RP, ensuring that this is carried out in compliance with the Project resettlement policy and with the loan agreement.

The institutional setup for resettlement and land acquisition



C. Provincial Resettlement Sub-Committee

105. The Provincial Resettlement Sub-Committee (PRSC) is a collegial body at the provincial level. Headed by the Provincial Governor or Provincial Deputy Governor, the members of the PRSC are provincial department directors of line ministries represented in the IRC, and as well as the respective chiefs of the districts and communes traversed by the Project road.

106. The technical arm of the PRSC is the Working Group (PRSC-WG). The PRSC-WG is headed by the Director or a duly-authorized representative of the Provincial Department of Public Works and Transport (PDPWT). The regular members of the PRSC-WG come from the Provincial Government, Provincial Department of Economy and Finance (MDEF), and the Ministry of Interior.

107. In an effort to make the whole process of resettlement effective, participatory and transparent, the respective chiefs of the affected communes and villages in the affected communes will seat in the PRSC-WG in matters concerning their respective areas of jurisdiction.

108. The PRSC, through the PRSC-WG, will have the following functions:

- Facilitate a sustained public information campaign, to ensure that the public, especially the APs, are updated on any developments regarding the Project and resettlement activities;
- Spearhead the detailed measurement survey (DMS) and updated census of APs, including the determination of amount of compensation and other entitlements as per the Project resettlement policy;
- Spearhead the selection, acquisition, and preparation of replacement plots, including the preparation of a coordinated schedule of delivery of compensation and other entitlements,

the relocation of people, harvesting of standing crops, and the start of civil works in a particular component;

- Spearhead the delivery of compensation and other entitlements to the APs;
- Receive and act on the complaints and grievances of APs in accordance with the Project resettlement policy; and
- Maintain a record of all public meetings, grievances, and actions taken to address complaints and grievances.

D. Project Implementation Support Consultants (PISC)

109. The Project Implementation Support Consultants (PISC), together with PMU and the PRSC-WG, will conduct the updating and the implementation of the RP. Their responsibilities include the following:

- Assist in the conduct of the information campaigns and community participation;
- Assist in the verification of census, inventory of losses and detailed measurement survey activities;
- Check the accuracy of the AHs database prepared and provide improvements if necessary;
- Assist in the preparation of an updated RP;
- Provide capacity training to IRC and PRSC working groups on project policies, grievance redress procedure, public consultation process and effective RP implementation;
- Assist and improve, if necessary, procedures for the coordination of resettlement and compensation activities;
- Ensure that grievances are addressed promptly and properly;
- Establish and implement liaison mechanisms to ensure proper technical and logistical support to PMU, local administrative authorities, resettlement committees and concerned government departments;
- Establish and implement procedures for ongoing internal monitoring;
- Design and deliver capacity development activities for all relevant agencies, as needed.

110. Together with the PMU, the PISC will supervise civil works activities to ensure that the contractors adhere with the terms of their contract relative to avoiding and/or minimizing resettlement impacts, in addition to ensuring that contractors provide the necessary compensation and/or assistance to the AHs prior to and/or during construction activities.

111. For resettlement and land acquisition purpose, the PISC will appoint one International Resettlement/Social Development Specialist (intermittent, 03 person-months) and one National Resettlement Specialist (intermittent, 12 person-months). Draft TORs for these specialists are in Annex 7.

VIII. INFORMATION DISCLOSURE, CONSULTATION AND PARTICIPATION

112. Participation provides for the occasion and the process by which stakeholders influence and become co-responsible for development initiatives and decisions that affect them. Through participation:

- (i) The needs and priorities of the local population are discussed;
- (ii) The adverse social impacts of the Project, including the corresponding mitigating measures, are collectively identified; and
- (iii) The commitment and feeling of ownership over the Project is engendered among the APs.

A. Participatory Activities in RP Planning and Implementation

113. The public, especially the APs, the local governments and land users will be further consulted and their opinions solicited, and will in fact participate, in the preparation, updating, and implementation of the RP.

114. Table 6 summarizes the roles and responsibilities of the Executing Agency, the local governments, and the APs in the preparation, updating, and implementation of the RP.

Table VIII-1: Roles and Responsibilities of Key Stakeholders in the RP

Project Process Stage	Participatory Activities and Participants	Responsible Institution
Preparation <i>Pre-feasibility/ Feasibility</i>	Briefing of the provincial, district, commune, and village officials; PDWT; and stakeholders about the Project TA, the resettlement policy, and the activities of the consultants	MPWT and PPTA Consultants
	Conduct of IOL, census of APs, social impact assessment, and replacement cost study (RCS)	PPTA Consultants, assisted by commune/village officials PPTA consultants and ADB
	Discussion/consultation with IRC-RD and SEU about the proposed Project resettlement policy	PPTA Consultants, assisted by commune/village officials
	Initial disclosure meeting with APs to discuss the results of the IOL and gather suggestions on how to minimize and mitigate impacts, and discuss about relocation options.	PPTA consultants PMU, IRC-WG
	Drafting of the RP and project information leaflet and submission to PMU and ADB for review and approval. Distribution of information leaflets to APs, posting of summary RP at district and sub-district local government offices	ADB
	Posting on the ADB website	

Updating and Implementation <i>Drafting/Finalization of Technical</i>	Set-up resettlement coordinating committee Briefing of sangkat and village officials about the Project, the resettlement policy, and coming activities in RP updating Detailed Measurement Survey (DMS),	MPWT and IRC IRC-WG, PRSC-WG, and relevant local authorities Independent consulting firm to be recruited by IRC
<i>Design</i>	RCS (during the updating of the RP) Disclosure meeting/consultation with APs to discuss results of DMS and discuss the resettlement policy, entitlements and relocation options Submission of updated RP and project information leaflet to IRC , MPWT and ADB for review and concurrence Update of the project information booklet (PIB) Distribution of the updated information leaflets to the APs and posting of summary updated RP at district and commune offices Posting of Updated RP on ADB website Implementation of Updated RP Monitoring of RP implementation Internal Monitoring of RP implementation	PRSC-WG, assisted by implementation support Consultants PMU assisted by implementation support IRC-RD IRC-WG assisted by PRSC-WG ADB IRC-WG with assistance of PRSC-WG PMU

B. Public Consultations during RP Preparation

115. The tasks of the MEF-RD and MPWT with Resettlement Sub-Committees at the provincial, district and commune levels are to ensure that relevant and timely information is disseminated to APs and other stakeholders affected by resettlement and land acquisition for each component.

116. A series of public consultative meetings have been conducted separately in the different components to address the resettlement, environmental and social issues.

1. Public information meeting

117. A public meeting was conducted in early 2015 with members of engineering and environment offices at provincial levels and local authorities.

118. The purpose of these meeting was to:

- (i) Provide information about each component, the requirements for RP, and the procedures of the IOL and project implementation; and
- (ii) Ensure that all stakeholders receive basic information about the subproject and resettlement activities, and have an opportunity to raise questions and respective concerns.

119. Several public consultation and information meetings were conducted with the APs and local authorities prior to IOL in each commune, in the form of public meeting followed by questions and answers held at each affected commune. Table 7 provides the places and chronology of the meetings conducted and the main issues tackled during public consultation for each component.

Table VIII-2: List of Public Consultation Meetings with APs, Dates and Locations

Province	Component	Location	Date	# of Participants	Queries/Responses
Kampot (KPT)	Solid Waste Management	At the dump site, Wat Ann village, Prey Khmom commune, Tek Chhour district, Kampot	16 January 2015	12 Participants with 3 females	The participants requested proper compensation for the losses of the trees. There is no structure in the area planned for the dump site except one temporary shed and the owner does not have objection. Majority of the participants were landowners and are concerned about the losses of trees.
	Wastewater Collection and Treatment	Province: Kampot District: Kampong Kandal Village/s: Sovann Sako	20 January 2015	18 Participants (all males)	This area of the WWTP is not cultivated intensively (one crop a year and 2 or 4 tons per hectare). Most of the landowners are khmer muslim (better known as Cham). There is no impact on trees, structures, fish ponds or businesses with shops because all land owners have other businesses They have no objection to give the land subject to appropriate compensations
	Urban Drainage	At municipal hall	20 February 2015	50 participants, 13 females	People raised concerns about the payment of fees induced by the drainage improvements. They are also concerned about the contractor workmanship: the site should be cleaned after completing the improvements and the road should be repaired as fast as possible. Participants questioned also the width and the depth of the drains, which depend on the drain type (primary or secondary network). The engineer explained that it will be between 1.5 m to 3 m from the edge of the road (road side) within the ROW

120. Public consultations were held with stakeholders and the APs during the preparation of the draft RPs for the components: (1) Wastewater Collection Treatment, (2) Solid Waste Management, and (3) Urban Drainage.

121. Prior starting the IOL in populated communes and villages, consultations were held with the local population and local governments offices between the 16th and 20th January 2015.

122. Following the completion of the IOL, more public meetings were held on 20 February 2015, together with the environment and social specialists, to present the results of the impact survey and to discuss resettlement options with the APs. The participants in said meetings were unanimous in their support for the proposed works of all components and grateful to know of the Project resettlement policy.

123. Public meetings and consultations with the APs will continue throughout the preparation, updating, and implementation of the RP. Copies of the information booklet translated into Khmer language will be distributed during updating of the RP. It will include (but not limited to) project presentation, expected project benefits, project scope and impact, entitlements according to project policies, grievance mechanisms, implementation schedule and monitoring system. In compliance with ADB's SPS, satisfactory draft and final RPs endorsed by IRC will be placed at relevant Commune Offices and will be uploaded on the ADB's website in compliance with ADB's SPS.

IX. IMPLEMENTATION SCHEDULE

124. All resettlement activities will be coordinated with the civil works schedule. Land acquisition and relocation of affected households cannot commence until the updated RP has been reviewed and approved by ADB. The EA will not allow construction activities in affected sites until all resettlement activities have been satisfactorily completed, agreed rehabilitation assistance is in place, and that the site is free of all encumbrances.

125. Table 10 summarizes the various inter-related activities connected with the updating and implementation of the RP.

Table IX-1: Indicative Schedule of Resettlement Activities

Activities	Schedule
RP Preparation	Feb 2015
ADB Approval of Draft RP	Jul 2015
DMS, RCS and RP Updating following detailed design	1 st quarter 2016
Submission and ADB approval of updated RP	2 nd quarter 2016
Consultation / Disclosure of updated RP	1 st and 2 nd quarter 2016
Implementation of the approved updated RP (payment of Compensation and Allowances)	3 rd quarter 2016
Grievance Redress Mechanism	3 rd and 4 th quarter 2016
Internal Monitoring (Submission of Semi-annual Progress Reports)	Beginning of 2 nd quarter 2016 continuous
Start of Civil Works	4 th quarter 2016

X. GRIEVANCE REDRESS MECHANISM

126. This section presents information and arrangement for addressing conflicts and appeal procedures regarding eligibility and entitlements as well as the implementation of the resettlement activities.

127. A well-defined grievance redress and resolution mechanism will be established to address AHs grievances and complaints regarding land acquisition, compensation and resettlement in a timely and satisfactory manner. All AHs will be made fully aware of their rights and the detailed procedures for filing grievances and an appeal process will be published through an effective project information campaign. The grievance redress mechanism and appeal procedures will also be explained in the project information booklet (PIB) that will be distributed to all AHs.

128. AHs grievance will be received and solution for AH concerns and grievances on land acquisition and the implementation can be facilitated under agreed policy provided in the approved resettlement plan. AHs complaints can be made verbally or in written form. In the case of verbal complaints, the committee on grievance will be responsible to make a written record during the first meeting with the AHs.

129. A grievance committee will be established at provincial level with a process starting from Commune Offices. As practiced, the grievance committee includes the local commune or village leaders only. The use of NGO is allowed only to assist APs in filing complaints, particularly for those who do not know how to prepare written complaints. The designated commune officials shall exercise all efforts to settle AP's issues at the commune level through appropriate community consultation. All meetings shall be recorded in each grievance process and copies shall be provided to AHs. A copy of the minutes of meetings and actions undertaken shall be provided to IRC and ADB upon request.

130. The procedures for grievance redress are set out below.

- Stage 1: Affected Household (AH) will submit a letter of complaints/requests 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/request in writing and accompany the AH 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 AH does not hear from Village or Commune Resettlement Sub-Committee, or if the AH is not satisfied with the decision taken by in the first stage, the complaint may be brought to the District Office.
- Stage 2: The District office has 15 days within which 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 case to the Provincial Grievance Committee.
- Stage 3: The Provincial Grievance Redress Committee meets with the aggrieved party and tries to resolve the complaint. The Committee may ask for a review of the DMS by the EMO. Within 30 days of the submission of the grievance the Committee must make a written decision and submit a copy of the same to MPWT, the EMO, the IRC and the AH.
- Stage 4: **the Court Procedures.** If the aggrieved AH is not satisfied with the solution made by the Provincial Grievance Redress Committee based on the agreed policy in the RP, the committee shall file administrative procedures against the AHs with the participation of provincial prosecutors. The case will be brought to the Provincial Court and the same will be litigated under the rules of the court. During the litigation of the case, Royal Government of Cambodia will request from the court that the project proceed without disruption while the case is being heard. If any party is unsatisfied with the ruling of the provincial court, that party can bring the case to a higher court. The Royal Government of Cambodia shall implement the decision of the court. The mechanism should not impede access to the country's jurisdiction or administrative remedies.

131. All costs involved in resolving the complaints (meetings, consultations, communication and reporting/information dissemination) will be borne by the executing agency.

132. In cases where AHs do not have the writing skills or are unable to express their grievances verbally, it is a common practice that AHs are allowed to seek assistance from any recognized local groups or NGO or other family members, village heads or community chiefs to have their complaints or grievances written for them. AHs will be allowed to have access to the DMS and contract document to ensure that where disputes do occur, all the details have been recorded accurately enabling all parties to be treated fairly. Throughout the grievance redress process, the responsible committee will ensure that the concerned AHs are provided with copies of complaints and decisions or resolutions reached.

133. If efforts to resolve disputes using the grievance procedures remain unresolved or unsatisfactory, AHs have the right to directly discuss their concerns or problems with the ADB Urban and Water Division, Southeast Asia Department through the ADB Cambodia Resident Mission (CARM). If AHs are still not satisfied with the responses of CARM, they can directly contact the ADB Office of the Special Project Facilitator (OSPF). The OSPF procedure can proceed based on the accountability mechanism in parallel with the project implementation.

XI. INCOME RESTORATION MEASURES

134. The IOL has identified 8 severely affected households (households who lose more than 10% of their income generating assets, in this case is land; and households who lose their entire houses), of which 7 households are vulnerable (in this case poor households).

135. A part from the entitlements for loss of assets, these severely households will also be provided with one-time cash assistance of USD200/household as living allowance, and an assistance of USD500/household for income restoration if in cash or worth of skill training. Additionally, an assistance of **USD200/household** will be given to the vulnerable households. Priority for employment will be provided in project construction.

XII. MONITORING AND EVALUATION

136. Monitoring and evaluation of the RP allows project owners to ensure smooth progress of the implementation of RP activities. The executing agency will be responsible for internal monitoring of resettlement activities, through the IRC, ensuring that the RP is updated and implemented according to the approved project resettlement plan. The internal monitoring report will be submitted quarterly by MPWT to ADB.

A. Internal Monitoring

137. The MPWT, PMU and IRC, through its Resettlement Department (IRC-RD), will conduct a joint regular monitoring and evaluation of the updating and implementation of the RP. The monitoring and evaluation is intended to help ensure that the RP is prepared according to the resettlement policy and that it is implemented as planned. The EA will ensure that the reports of the project implementation support consultants include in their progress reports, the status of the resettlement plan implementation, information on location and numbers of people affected, compensation amounts paid by item, and assistance provided to AHs.

138. The objectives of the monitoring program are (i) to ensure that the standard of living of AHs are restored or improved; (ii) to monitor whether the overall project and resettlement objectives are being met; (iii) to assess if rehabilitation measures and compensation are sufficient; (iv) to identify problems and risks; and (v) to identify measures to mitigate problems.

139. The range of activities and issues that need to be recorded and verified, include:

- Compensation, allowance payments and delivery of assistance measures;
- Re-establishment of AHs settlements and business enterprises;
- Reaction of AHs, in particular, to resettlement and compensation packages; and
- Re-establishment of income levels.

B. External Monitoring

140. The external monitor has the specific responsibility of studying and reporting on RP implementation and on social and economic situations of APs particularly disrupted by the project, including all households whose houses and other structures are relocated. The external monitor also has the responsibility of reviewing potentials for job opportunities for APs, including women and youth, which would be assisted by provincial authorities.

141. Since the project has limited impacts, IRC may hire an External Monitoring expert to carry out external monitoring and post evaluation. The TOR for the engagement of the EMA will be prepared before procurement process. The semiannual monitoring reports will be submitted to IRC, and then IRC will forward to PMU/MPWT and to ADB for review. The post evaluation will be conducted within six-months after all resettlement activities are completed.

142. The external expert will address specific issues such as the following:

- a. Field check/site visits coordinated with resettlement activities that are taking place based on the approved RP
- b. Public consultation and awareness of resettlement policy and entitlements
- c. Coordination of resettlement activities with construction schedule
- d. Land acquisition and transfer procedures
- e. Construction/rebuilding of replacement houses and structures on residual land or to new relocation sites
- f. Level of satisfaction of APs with the provision and implementation of the RP

- g. Grievance redress mechanism (documentation, process, resolution)
- h. Effectiveness, impact and sustainability of entitlements and rehabilitation measures and the need for further improvement as required
- i. Gender impact and strategy
- j. Capacity of APs to restore/re-establish livelihoods and living standards. Special attention provided or to be provided to severely affected and vulnerable households
- k. Resettlement impacts caused during construction activities
- l. Participation of APs in RP updating and implementation
- m. Institutional capacity, internal monitoring and reporting

XIII. RESETTLEMENT COSTS

143. Funds for the implementation of the RP are part of the Project budget. Costs have been estimated based on results of the IOL and the prevailing rates as of January 2015.

A. Procedures for Flow of Funds

144. The cost for resettlement will be covered by the government counterpart funds. At the official request of the IRC, the ministry of Economy and Finance shall provide the funds for the implementation of the RP in a timely manner through the Provincial Department of Economy and Finance. An accounting procedure and format for the disbursement of compensation will be prepared by RD-MEF for approval by the IRC. Payment of compensation and allowances shall be given to the AHs in the office of the commune by the Provincial Department of Economy and Finance with the presence of IRC-WG, Provincial Resettlement subcommittee (PRS), commune/village or committee, and representatives of the APs.

145. Implementation costs cover payment of allowances and per diem of concerned personnel involved in the updating and implementation of the RP, including members of the provincial and district resettlement working groups. Administrative costs amounting to 20% and contingencies amounting to 10% have been added on top of the cost of resettlement. MPWT and IRC to ensure that adequate funds are made available as and when necessary for the efficient and timely implementation of the RP.

B. Implementation, Administration and Contingency Costs

146. Implementation costs cover payment of allowances and per diem of concerned personnel involved in the updating and implementation of the RP, including members of the PRSC-WG. Administrative costs and contingencies amounting to 20% each have been added on top of the cost of resettlement. MPWT and IRC will ensure that adequate funds are made available as and when necessary for the efficient and timely implementation of resettlement.

C. Estimated Costs of Resettlement

147. The estimated cost of land acquisition and resettlement for the whole subproject in Kampot Town is estimated at **US\$ 2,131,753.80**. The break down is shown in Table 12.

Table XIII-1: Summary of Resettlement Costs

No	Items/Description	Unit	Rate USD	Quantity	Amount USD	Remarks
A	Land				1,525,000.00	
1	Wastewater Collection and treatment: WWTP Area (Agriculture land near village)	m ²	25.00	61,000.00	1,525,000.00	
B	Structure				915.00	
2	Urban Drainage: wooden tin sheds along the drainage canal	L/S	250.00	2	500.00	
3	Urban drainage (kitchen)	L/S	120.00	1	120.00	
4	Urban drainage (pig shelter)	L/S	45.00	1	45.00	
5	Solid Waste Management (SWM): temporary resting	L/S	250.00	1	250.00	

No	Items/Description	Unit	Rate USD	Quantity	Amount USD	Remarks
	shelter					
C	Trees and Crops				69,550.00	
6	Mango (SWM)	tree	65.00	628	40,820.00	Rate of 5 years old plus
7	Cashew (SWM)	tree	60.00	233	13,980.00	
8	Others trees (SWM)		10.00	133	1,330.00	
9	Crops (WWTP)	Rice	0.55	24,400	13,420.00	
D	One time cash assistance				3,000.00	
10	Vulnerable AHs (Urban Drainage and WWTP)	AH	200.00	7	1,400.00	
11	Assistance for severely affected AHs	AH	200.00	8	1,600.00	
E	Allowances				500.00	
12	Transportation	Shifting of shelter (pig shelter and kitchen)	10.00	2	20.00	
		Shifting of wooden tin sheds (Urban drainage)	60.00	2	120.00	
		Shifting of 1 resting shelter	60.00	1	60.00	
13	Rental allowance (3 months rental for AHs who have to relocate)	AH	150	2	300.00	
F	Total Compensation Cost (A+B+C+D+E)				1,598,965.00	
14	Income restoration (2 AHs with houses removed and 6 AHs losing more than 10% income)	L/S	500.00	8	4,000.00	
15	Replacement cost study	L/S			12,000.00	To be updated
G	Total Cost before Administration Cost				1,614,965.00	
16	Administrative cost (20%)				322,993.00	
H	Total				1,937,958.00	
17	Contingencies (10%)				193,795.80	
H	Grand Total				2,131,753.80	

Annex 1. List of Land Owners for WWTP and Crop Loss

Crops

No.	Household Name	Total land to be affected (m2)	rice average yield / ha in ton	rice harvest losses in Kg	Total yearly income loss from rice crop /year Khmer Riel	Crop Losses in US Dollar
1	Saerm Sos (M)	2475	0.55	1,361.25	1905750.00	476.44
2	Tep Lai Mann (M)	2700	0.55	1,485.00	2079000.00	519.75
3	Kip Ly (M)	1610	0.55	885.50	1239700.00	309.93
4	Ly Rorn (M)	1610	0.55	885.50	1239700.00	309.93
5	Sarou Tyas (F)	1610	0.55	885.50	1239700.00	309.93
6	Sales Mai Yamm (F)	2590	0.55	1,424.50	1994300.00	498.58
7	Dul Luos (M)	630	0.55	346.50	485100.00	121.28
8	Terp Ly (M)	150	0.55	82.50	115500.00	28.88
9	Chen Thmei (M)	1400	0.55	770.00	1078000.00	269.50
10	Police man (M)	700	0.55	385.00	539000.00	134.75
11	Land At Aus	800	0.55	440.00	616000.00	154.00
12	Hy Ngean or Eam Kry	44277	0.55	24,352.35	34093290.00	8,523.32
13	Baen Touch	448	0.55	246.40	344960.00	86.24
Total		61000	0.55	33,550.00	46970000.00	11,742.50

Annex 2. IOL & SES Questionnaires Used in

Inventory of Losses

IOL
Survey ID
NO.

- 0.1 Province: _____
- 0.2 District: _____
- 0.3 Town: _____
- 0.4 Ward/Commune: _____
- 0.5 Name of Household Head _____
- 0.6 Subproject: _____
- 0.7 Subproject component: _____

Note: The HOUSEHOLD HEAD should ideally participate in the survey and be the RESPONDENT to the questions below. If the RESPONDENT is NOT the household head, it should be the SPOUSE of the household head. For any questions to which there is no response, leave the cell empty. For questions that are not relevant, leave the cell empty.

1 - Household Data

- 1.0 Is the RESPONDENT the HOUSEHOLD HEAD? (Y or N)
- 1.1 What is the gender of the household head? (M or F)
- 1.2 What is the age of the household head?
[1] 20 to 30 years old; [2] 31 to 45 years old; [3] 46 to 60 years old; [4] 61 to 75 years old; [5] 76+ years old
- 1.3 What is the marital status of the household head?
[0] Not married; [1] Married; [2] Separated; [3] Divorced; [4] Widowed
- 1.4 What is the education of the household head?
[0] None; [1] Some primary; [2] Completed primary; [3] Some secondary school; [4] Completed secondary school; [5] Tertiary (including university, vocational, business or teachers training college)
- 1.5 What ethnic group does the household head belong to?
[1] Khmer; [2] Vietnamese; [3] Chinese; [4] Cham; [5] Tai; [6] Khmer Lou; [7] Other (specify below)
Specify: _____
- 1.6 What is the main language spoken by the household head?
[1] Khmer; [2] Vietnamese; [3] Chinese; [4] Cham; [5] Tai; [6] Khmer Lou; [7] Other (specify below)
Specify: _____

1.7	How fluent is the Khmer language of the household head? [1] Fluent; [2] Average; [3] Barely intelligible; [4] Not intelligible	<table border="1" style="width: 100px; height: 20px;"> <tr> <td></td> </tr> </table>	
1.8	Is the household head and spouse of the household head literate in Khmer (i.e., can they read and write Khmer)? (Yes=Y; NO=N)		
1.8.1	Household head	<table border="1" style="width: 100px; height: 20px;"> <tr> <td></td> </tr> </table>	
1.8.2	Spouse of the household head	<table border="1" style="width: 100px; height: 20px;"> <tr> <td></td> </tr> </table>	
1.9	What type of income does your household receive? (Y=Yes; N=No) Answer as many as are relevant		
1.9.1	Regular wages/salary (weekly, two-weekly, monthly)	<table border="1" style="width: 100px; height: 20px;"> <tr> <td></td> </tr> </table>	
1.9.2	Wages for casual labor	<table border="1" style="width: 100px; height: 20px;"> <tr> <td></td> </tr> </table>	
1.9.3	Non-waged earnings (rent, pension, social assistance, remittances)	<table border="1" style="width: 100px; height: 20px;"> <tr> <td></td> </tr> </table>	
1.9.4	Seasonal (following harvest or sale of livestock)	<table border="1" style="width: 100px; height: 20px;"> <tr> <td></td> </tr> </table>	
1.10	What is the <u>main</u> source of income, and the second most important source of income, for your household? [1] Government or public service; [2] Private sector employment; [3] Trade, sales (incl. small shop) or small business; [4] Service, tourism or hospitality; [5] Construction; [6] Agriculture, fishing or forestry (incl. NTFP); [7] Daily or casual labor/wage; [8] Transport incl. as a driver; [9] Other		
1.10.1	Main income source	<table border="1" style="width: 100px; height: 20px;"> <tr> <td></td> </tr> </table>	
1.10.2	Second most important source of income	<table border="1" style="width: 100px; height: 20px;"> <tr> <td></td> </tr> </table>	
1.11	How many people in your household work FULL-TIME for wages/salary?	No. of people	
1.11.1	Male	<table border="1" style="width: 100px; height: 20px;"> <tr> <td></td> </tr> </table>	
1.11.2	Female	<table border="1" style="width: 100px; height: 20px;"> <tr> <td></td> </tr> </table>	
1.12	How many people in your household work PART-TIME for wages/salary?	No. of people	
1.12.1	Male	<table border="1" style="width: 100px; height: 20px;"> <tr> <td></td> </tr> </table>	
1.12.2	Female	<table border="1" style="width: 100px; height: 20px;"> <tr> <td></td> </tr> </table>	
1.13	What is the TOTAL household income <u>per year</u> from the following sectors?	Riel/year	
1.13.1	Government or public service (incl. education or health)	<table border="1" style="width: 100px; height: 20px;"> <tr> <td></td> </tr> </table>	
1.13.2	Private sector employment	<table border="1" style="width: 100px; height: 20px;"> <tr> <td></td> </tr> </table>	
1.13.3	Trade (incl. small shop or business)	<table border="1" style="width: 100px; height: 20px;"> <tr> <td></td> </tr> </table>	
1.13.4	Service, tourism or hospitality	<table border="1" style="width: 100px; height: 20px;"> <tr> <td></td> </tr> </table>	
1.13.5	Construction	<table border="1" style="width: 100px; height: 20px;"> <tr> <td></td> </tr> </table>	
1.13.6	Agriculture, fishing, forestry	<table border="1" style="width: 100px; height: 20px;"> <tr> <td></td> </tr> </table>	
1.13.7	Daily or casual labor/wages	<table border="1" style="width: 100px; height: 20px;"> <tr> <td></td> </tr> </table>	
1.13.8	Transport incl. as a driver	<table border="1" style="width: 100px; height: 20px;"> <tr> <td></td> </tr> </table>	
1.13.9	Other, specify	<table border="1" style="width: 100px; height: 20px;"> <tr> <td></td> </tr> </table>	
1.14	What is the total non-earned (non-wage/labor) income <u>per year</u> of your household?	Riel/year	
1.14.1	Government pension	<table border="1" style="width: 100px; height: 20px;"> <tr> <td></td> </tr> </table>	
1.14.2	Government assistance or welfare	<table border="1" style="width: 100px; height: 20px;"> <tr> <td></td> </tr> </table>	
1.14.3	Remittance from relatives	<table border="1" style="width: 100px; height: 20px;"> <tr> <td></td> </tr> </table>	
1.14.4	Rental income	<table border="1" style="width: 100px; height: 20px;"> <tr> <td></td> </tr> </table>	

1.14.5 Other, specify _____

1.15 Please provide an estimate of last year's income from the following sources

		Riel
1.15.1	Vegetables (beans, potatoes, carrots, tomatoes, etc.)	
1.15.2	Rice	
1.15.3	Other crop	
1.15.4	Sale of livestock (horse, sheep, cow)	
1.15.5	Sale of poultry (chicken, geese)	
1.15.6	Sale of wood/forest products (incl. NTFPs)	
1.15.7	Sale of handicrafts	
1.15.8	Other, specify _____	

1.16 Thinking about the food your household consumes, is it?

[1] Mostly home grown/caught; [2] About three quarters home grown/caught; [3] About half home grown/caught; [4] About a quarter home grown/caught; [5] Very little home grown/caught, we mostly buy our food

1.17 What are the main construction materials of your house?

[1] Simple (i.e. thatch/sack, bamboo, clay/earth); [2] Wooden - rough-sawn; [3] Wooden - solid milled & treated timber; [4] Wood/brick; [5] Brick/concrete; [6] Corrugated iron; [7] Other

1.17.1	Roof	
1.17.2	Walls	
1.17.3	Floor	

1.18 How many MALES live in your household, by age group?

1.18.1	1.18.2	1.18.3	1.18.4	1.18.5	1.18.6
0 - 4 years	5 - 16 years	17 - 25 years	26 - 45 years	46 - 65 years	66 + years

1.19 How many FEMALES live in your household, by age group?

1.19.1	1.19.2	1.19.3	1.19.4	1.19.5	1.19.6
0 - 4 years	5 - 16 years	17 - 25 years	26 - 45 years	46 - 65 years	66 + years

1.20 Are there members of the household who are disabled, invalids or have a long-term illness, if so how many?

1.20.1	Males	
1.20.2	Females	

1.21 How many families make up your household?

2 - Affected Land, Crops and Trees

2.1 How many plots of land, by type, owned or used by your household will be affected the project? *Answer as many as are relevant*

		No. of plots
2.1.1	Residential	
2.1.2	Agricultural land - unused	
2.1.3	Agricultural land - used	
2.1.4	Land used for commercial purposes	
2.1.5	Other land, specify below	
	Specify:	

2.2 What is the tenure of the land owned/used by your household that will be affected by the project?

[1] Have land use right certificate or other legal title documents; [2] Land has been allocated by the ward/commune administration but do not have formal title; [3] Lease or rent; [4] Have an agreement with the owner or local authority to use it; [5] Traditional/customary land use; [6] Don't own it, have not been allocated it, don't lease/rent it, but use it (i.e. non-titled user); [7] Other, specify below

2.2.1	Residential	
2.2.2	Agricultural land - unused	
2.2.3	Agricultural land - used	
2.2.4	Land used for commercial purposes	
2.2.5	Other land	

2.3 What is the TOTAL AREA of land (by type) owned/used by your household (including land at other places)? **Answer in one measurement unit only**

		A. Area in sq. meters (m ²)	B. Area in hectares (ha)
2.3.1	Residential		
2.3.2	Agricultural land - unused		
2.3.3	Agricultural land - used		
2.3.4	Land used for commercial purposes		
2.3.5	Other land		

2.4 What is the AREA of land AFFECTED BY THE PROJECT (by type) owned/used by your household? **Answer in one measurement unit only**

		A. Area in sq. meters (m ²)	B. Area in hectares (ha)
2.4.1	Residential		
2.4.2	Agricultural land - unused		
2.4.3	Agricultural land - used		
2.4.4	Land used for commercial purposes		
2.4.5	Other land		

2.5 Is the AFFECTED agricultural land currently planted/under harvest (Y=Yes; N=No)

2.6 What is the area of all types of your crops/garden that will be affected? Answer as many as relevant, but provide **only one measurement unit per crop.**

	A. Area (m ²)	B. Area (ha)
Rice	A.2.6.1 	B.2.6.1

Sugarcane	A.2.6.2		B.2.6.2	
Pineapple	A.2.6.3		B.2.6.3	
Corn	A.2.6.4		B.2.6.4	
Coffee	A.2.6.5		B.2.6.5	
Melon	A.2.6.6		B.2.6.6	
Cassava/manioc	A.2.6.7		B.2.6.7	
Potato/sweet potato	A.2.6.8		B.2.6.8	
Beans	A.2.6.9		B.2.6.9	
Other vegetable	A.2.6.10		B.2.6.10	
Peanut	A.2.6.11		B.2.6.11	
Other1, specify	A.2.6.12		B.2.6.12	
Other2, specify	A.2.6.13		B.2.6.13	
Other3, specify	A.2.6.14		B.2.6.14	
Other4, specify	A.2.6.15		B.2.6.15	

2.7 Are your trees or plantations going to be affected by the project? Y or N

2.8 Is answer to 2.7 is yes, what number by type and productivity of trees are affected? (answer as many as relevant)

		A. No. of seedling	B. No. of non-fruit bearing	C. No. of fruit bearing
2.8.1	Mango			
2.8.2	Jackfruit			
2.8.3	Papaya/pawpaw			
2.8.4	Banana			
2.8.5	Coconut			
2.8.6	Tamarind			
2.8.7	Lemon/lime			
2.8.8	Other fruit tree 1			
2.8.9	Other fruit tree 2			
2.8.10	Other fruit tree 3			
2.8.11	Bamboo			
2.8.12	Eucalyptus			
2.8.13	Teak			
2.8.14	Agar			
2.8.15	Rubber			
2.8.16	Other wood tree 1			
2.8.17	Other wood tree 2			
2.8.18	Other wood tree 3			

3 - Affected Structures

3.1 Are structures (incl. graves) owned or used by your household affected by the project?
Y=Yes; N=No

If no, go to 4 - Other Livelihood Impacts Section

3.2 If answer to 3.1 is yes, how many structures owned by your household will be affected by the project?

3.3 What type of structure(s) will be affected? Answer as many as are relevant. Y=Yes; N=No

3.3.1 Main house

3.3.2	Outdoor toilet/shower/bath	
3.3.3	Hut or shed	
3.3.4	Shop or kiosk	
3.3.5	Stable, animal pen or coral	
3.3.6	Wall or fence	
3.3.7	Other structure1, specify	
3.3.8	Other structure2, specify	

3.4 What is the TOTAL area (in m2) of the structure(s)?

		Area (m2)
3.4.1	Main house	
3.4.2	Outdoor toilet/shower/bath	
3.4.3	Hut or shed	
3.4.4	Shop or kiosk	
3.4.5	Stable, animal pen or coral	
3.4.6	Wall or fence	
3.4.7	Other structure1	
3.4.8	Other structure2	

3.5 If answer to **3.1** is yes, what is the area (in m2) of structure(s) that will be affected by the project?

		Area (m2)
3.5.1	Main house	
3.5.2	Outdoor toilet/shower/bath	
3.5.3	Hut or shed	
3.5.4	Shop or kiosk	
3.5.5	Stable, animal pen or coral	
3.5.7	Wall or fence	
3.5.8	Other structure1	
3.5.9	Other structure2	

3.6 Can the structure(s) be rebuilt further back on the same land? Y=Yes; N=No

--

3.7 What are the main construction materials of the affected structure(s)?

[1] Simple (i.e. thatch/sack, bamboo, clay/earth); [2] Wooden - rough-sawn; [3] Wooden - solid milled & treated timber; [4] Wood/brick; [5] Brick/concrete; [6] Corrugated iron; [7] Other

		A. Roof	B. Walls	C. Floor
3.7.1	Main house			
3.7.2	Outdoor toilet/shower/bath			
3.7.3	Hut or shed			
3.7.4	Shop or kiosk			
3.7.5	Stable, animal pen or coral			
3.7.7	Wall or fence			
3.7.8	Other structure1			
3.7.9	Other structure2			

3.8 How long will it take to rebuild/relocate the structure(s)? Units = [1] Days; [2] Weeks; [3] Months

		A. Unit	B. No. of units
3.8.1	Main house		
3.8.2	Outdoor toilet/shower/bath		

3.8.3	Hut or shed		
3.8.4	Shop or kiosk		
3.8.5	Stable, animal pen or coral		
3.8.7	Wall or fence		
3.8.8	Other structure1		
3.8.9	Other structure2		

3.9 Are any graves or any religious or cultural structures owned by your household affected by the project?
Y=Yes; N=No

3.10 If answer to **3.9** is yes, how many graves and structures?

- 3.10.1 Number of graves affected
- 3.10.2 Do the graves have to be relocated? Y=Yes, N=No
- 3.10.3 Number of other religious or cultural structures

3.11 If religious/cultural structures are affected, please describe: (size, type, construction materials, purpose etc.)

4 - Other Livelihood Impacts

4.1 Are any other business or livelihood activities of your household affected by the project? (Y=Yes, N=No)
If no, go to 5 - Resettlement Options section

4.2 If answer to **4.1** is yes, what type of business or livelihood activities? Answer as many as relevant. (Y=Yes, N=No)

- 4.2.1 Shop, kiosk or stall (vegetables, fruit, grocery/household items etc.)
- 4.2.2 Food preparation or selling
- 4.2.3 Mechanic or repair shop
- 4.2.4 Café, restaurant or beer hoi
- 4.2.5 Other, specify _____

4.3 How many people from your household undertake the business or livelihood activities?

No. of people

- 4.3.1 Male
- 4.3.2 Female

4.4 Do people from outside your household work for the business or livelihood activities? (Y=Yes, N=No)

4.5 If answer to **4.4** is yes, how many people (including people from your household) work for the business?

No. of people

- 4.5.1 Male
- 4.5.2 Female

- 4.6 Do the people working for the business/livelihood activities earn wages? (Y=Yes, N=No)
- 4.7 If answer to 4.6 is yes, what are the total average monthly wages you pay (in Riel)? (i.e. to ALL the people who work for the business or livelihood activity)
- 4.8 What are the average monthly earnings (in Riel) of the business or livelihood activity?
- 4.9 Is the business registered? Y=Yes or N=No
- 4.10 What are the hours of operation of the business or livelihood activities?
- | | | |
|--------|-------------------------|----------------------|
| 4.10.1 | Number of hours per day | <input type="text"/> |
| 4.10.2 | Number of days per week | <input type="text"/> |

5 - Resettlement Options

- 5.1 If land your household owns/uses will be affected by the project, what type of compensation would be most acceptable to you? (**answer one only**)
 [1] Cash, at replacement cost; [2] Replacement land (same size and productive quality); [3] Combination of cash and land
- 5.2 If a structure belonging to your household will be affected by the project, what type of compensation would be most acceptable to you? (**answer one only**)
 [1] Cash, at replacement cost; [2] In-kind (i.e. similar materials, assistance to rebuild etc.); [3] Combination of cash and in-kind
- 5.3 If a structure belonging to your household will be affected by the project, would your household need assistance in rebuilding the structure? (Y=Yes, N=No)
- 5.4 If crops, trees or a garden belonging to your household will be affected by the project, what type of compensation would be most acceptable to you? (**answer one only**)
 [1] Cash, at market value; [2] In-kind (i.e. seeds, saplings, assistance to replant etc.); [3] Combination of cash and in-kind
- 5.5 If crops, trees or a garden belonging to your household will be affected by the project, would your household need assistance in preparing any new land and replanting? (Y=Yes, N= No)
- 5.6 Do you think that a household should ever be asked to give up land or other assets for a public project WITHOUT receiving compensation? Y=Yes, N=No
- 5.7 If answer to 5.6 is yes, in what circumstances? (answer as many as you consider relevant) Y=Yes, N=No
- | | | |
|-------|--|----------------------|
| 5.7.1 | If the household will directly benefit from the project | <input type="text"/> |
| 5.7.2 | If the household and the commune will benefit from the project | <input type="text"/> |
| 5.7.3 | If the household will not be materially affected by the loss | <input type="text"/> |
| 5.7.4 | If the household is not poor | <input type="text"/> |
| 5.7.5 | If the household has other land or assets | <input type="text"/> |

5.8 If answer to 5.6 is no, why? (answer as many as you consider relevant) Y=Yes, N=No

- 5.8.1 Government should always compensate for land or assets it takes
- 5.8.2 A household should not have to give up land for a project that will benefit many
- 5.8.3 It is a requirement of the law

5.9 If you are a relocating household, rate the IMPORTANCE of each of the following criteria for the resettlement site; 1 = MOST important; 3 = SOMEWHAT important; 5 = LEAST important

- 5.9.1 Close proximity, as close as possible, to our existing commune
- 5.9.2 A site within the same district
- 5.9.3 A site in another district but in the same province
- 5.9.4 An area with access to similar resources
- 5.9.5 An area identified in consultation with the relocating households
- 5.9.6 Provision of agricultural extension and training (reestablish agriculture)
- 5.9.7 A fully developed site (roads, water supply, all other infrastructure)
- 5.9.8 A site with appropriate cultural and social facilities
- 5.9.9 A site with a market

5.10 Of the following type of relocation options, rank the ones preferred by your household? (1 = most preferred, 2 = 2nd most preferred, 3 = least preferred)

- 5.10.1 Relocate, with project, to a developed resettlement site with the rest of the village
- 5.10.2 Relocate, with project, as an individual household to a site or another village
- 5.10.3 Self-relocation (compensation and other assistance but as individual household)
- 5.10.4 Free choice, with cash compensation, to relocate where and how we choose

Participants

This concludes the survey, thank you for your time

Date: / /

<p>Household head/respondent name:</p> <p>Signature:</p>	
<p>Witness/Village leader or other participant name:</p> <p>Signature:</p>	

Enumerator/surveyor name:

.....

Signature:

.....

Annex 3. Consultation Meetings Documentation (Separate File)

I. SUBPROJECT

Name: Solid Waste Management Plan
 Province: Kampot
 District: Prey Khmom
 Village/s: Wat Ang

II. OBJECTIVE

Introduction/briefing on LARC aspects to village residents by provincial, district and consultant staff complementary to joint transect walks in the subproject implementation area.

III. DATE OF VILLAGE MEETING

Date: 16/Jan/2015

IV. VILLAGE CONSULTATION SUMMARY

1. PARTICIPANTS:

Total	No. of female participants	No. of male participants	Main ethnic group	Minority group
12	3	9	Khmer	Khmer

Names of participants are shown in the attached attendance list

2. PUBLIC ATTITUDES TO THE PROJECT AND RESETTLEMENT (EXTRACT OF DISCUSSED ITEMS)

Questions/Issues	Respondents					
	Male			Female		
	Yes	No	Unclear	Yes	No	Unclear
2.1	Do you support the project?					
2.2	Do you support the canal and/or road system?					
2.3	Would you agree in permanent canal and/or road alignments on/passing your land?					
2.4	Would you agree in temporary construction access through your compound, agricultural land and/or along irrigated plots?					
	Respondents					
	Male			Female		
	Yes	No	Unclear	Yes	No	Unclear
2.5	In case private land had to be acquired by the project which compensation option would you prefer:					
	<ul style="list-style-type: none"> ● Donation of land as your contribution to the Project 					
	<ul style="list-style-type: none"> ● Land for land compensation in specific case 					
	<ul style="list-style-type: none"> ● Land for land compensation in any case 					
	<ul style="list-style-type: none"> ● Cash compensation for land in specific case 					

Questions/Issues		Respondents					
		Male			Female		
		Yes	No	Unclear	Yes	No	Unclear
	<ul style="list-style-type: none"> ● Cash compensation for land in any case 	√			√		
2.6	Do you prefer conflict resolution through:						
	<ul style="list-style-type: none"> ● Village / Commune committee 	√			√		
	<ul style="list-style-type: none"> ● District committee 	√			√		
	<ul style="list-style-type: none"> ● Provincial committee 	√			√		
	<ul style="list-style-type: none"> ● Civil court 			√			√
	<ul style="list-style-type: none"> ● Others 						
Questions/Issues		Respondents					
		Male			Female		
		Yes	No	Unclear	Yes	No	Unclear
2.7	How would you use compensation fees:						
	<ul style="list-style-type: none"> ● Education of children 		√			√	
	<ul style="list-style-type: none"> ● Building new houses 		√			√	
	<ul style="list-style-type: none"> ● Small business 	√			√		
	<ul style="list-style-type: none"> ● Deposit in bank 		√			√	
	<ul style="list-style-type: none"> ● Consumption 		√			√	
	<ul style="list-style-type: none"> ● Others 						
2.8	If you would lose a lot (most) of your land what could be your plan for future livelihood?						
	<ul style="list-style-type: none"> ● Work outside 	√			√		
	<ul style="list-style-type: none"> ● Open shops 		√			√	
	<ul style="list-style-type: none"> ● Run restaurants or hotels 		√			√	
	<ul style="list-style-type: none"> ● Have small business 	√			√		
	<ul style="list-style-type: none"> ● Learning special skill through on-the-job training and/or apprenticeships 		√			√	
	<ul style="list-style-type: none"> ● Others 						
Questions/Issues		Respondents					
		Male			Female		
		Yes	No	Unclear	Yes	No	Unclear
2.8							
	<ul style="list-style-type: none"> ● Do you have land title? 	√			√		
	<ul style="list-style-type: none"> ● Are your relatives living here? 	√			√		
	<ul style="list-style-type: none"> ● Do you think this project is good? 	√			√		
	<ul style="list-style-type: none"> ● Can you contribute your own land to the project? 	√			√		
	<ul style="list-style-type: none"> ● Have you ever heard this project before? 	√			√		
	<ul style="list-style-type: none"> ● Do you want to buy the land somewhere else near here? 	√			√		
2.9							

Questions/Issues	Respondents					
	Male			Female		
	Yes	No	Unclear	Yes	No	Unclear
•						
•						

3. SUGGESTIONS FOR LAND ACQUISITION AND RELOCATION OF STRUCTURES

Suggestions	
3.1	There is no main structure at the dump site, mostly impact on the farm land and a lot of trees
3.2	The land price is about 7,000 US\$ per hectare in early 2015, will be different during implementing stage
3.3	There is no impact on income for most of the land owners are businessmen
3.4	Most of the land owners will be happy if this project has compensation for their losses, such as land, trees...

4. FACILITATORS

Name	Organization	Role
Mr. Oum Sith (Tara)	TA Consultant	TA Consultant
Mr. Chan Ras	Provincial Department of Environment (PDOE)	Staff
Mr. Bun Thouen	District Environment Officer	Office Manager
Mr. Chhuon Sun	Local Authority	Vice Village Headman
Mr. Nuoang Chuorn	Local Authority	Village Headman

V. SUBPROJECT

Name: Both Drainage system and WW collection
Province: Kampot

District: Kampong Bay
 Village/s:

VI. OBJECTIVE

Introduction/briefing on LARC aspects to village residents by provincial, district and consultant staff complementary to joint transect walks in the subproject implementation area.

VII. DATE OF VILLAGE MEETING

Date:

VIII. VILLAGE CONSULTATION SUMMARY

1. PARTICIPANTS:

Total	No. of female participants	No. of male participants	Main ethnic group	Minority group
17	3	14	Khmer	Khmer

Names of participants are shown in the attached attendance list

2. PUBLIC ATTITUDES TO THE PROJECT AND RESETTLEMENT (EXTRACT OF DISCUSSED ITEMS)

Questions/Issues		Respondents					
		Male			Female		
		Yes	No	Unclear	Yes	No	Unclear
2.1	Do you support the project?	√			√		
2.2	Do you support the canal and/or road system?	√			√		
2.3	Would you agree in permanent canal and/or road alignments on/passing your land?	√			√		
2.4	Would you agree in temporary construction access through your compound, agricultural land and/or along irrigated plots?	√			√		
Questions/Issues		Respondents					
		Male			Female		
		Yes	No	Unclear	Yes	No	Unclear
2.5	In case private land had to be acquired by the project which compensation option would you prefer:						
	● Donation of land as your contribution to the Project		√			√	
	● Land for land compensation in specific case			√			√
	● Land for land compensation in any case			√			√
	● Cash compensation for land in specific case	√			√		
	● Cash compensation for land in any case	√			√		
2.6	Do you prefer conflict resolution through:						
	● Village / Commune committee	√			√		
	● District committee	√			√		
	● Provincial committee	√			√		

Questions/Issues		Respondents					
		Male			Female		
		Yes	No	Unclear	Yes	No	Unclear
	<ul style="list-style-type: none"> ● Civil court ● Others 			√			√
Questions/Issues		Respondents					
		Male			Female		
		Yes	No	Unclear	Yes	No	Unclear
2.7	How would you use compensation fees:						
	● Education of children		√			√	
	● Building new houses		√			√	
	● Small business	√			√		
	● Deposit in bank		√			√	
	● Consumption		√			√	
	● Others						
2.8	If you would lose a lot (most) of your land what could be your plan for future livelihood?						
	● Work outside	√			√		
	● Open shops		√			√	
	● Run restaurants or hotels		√			√	
	● Have small business	√			√		
	● Learning special skill through on-the-job training and/or apprenticeships		√			√	
	● Others						
Questions/Issues		Respondents					
		Male			Female		
		Yes	No	Unclear	Yes	No	Unclear
2.8							
	● Do you want to have this drainage system in you your village?	√			√		
	● Do you think this is a good project?	√			√		
	● Will you be happy to contribute your concrete or tile floor to the project?			√			√
	● Do you allow this project to go pass your front house?	√			√		
	● Are you happy if our project has compensation?	√			√		
	●						
2.9							
	●						

3. SUGGESTIONS FOR LAND ACQUISITION AND RELOCATION OF STRUCTURES

Suggestions	
3.1	Do we need to pay for home connection fee of WW? question raised by participants Do we need to pay by monthly or not for drainage use service?
3.2	During implementing, we need the contractor starts to complete side by side or part by part of the WW collection area, not to start with a long way of digging for drainage or pipe and keep doing it for several days, it will course of traffic jamming, disturbing they We need the contractor to clean up after the pavement
3.3	Local authority raised up a question about the floor mad of concrete or Kala Tile...do we have compensation for the losses of it?
3.4	What is the size of drainage width? And how deep? questioned by participant, it depends on the drain type, main drain or small? let's say between 1.5 m to 3 m from the edge of the road (road side) into the front house, explained by engineer They said, no problem by peoples (participants)

4. FACILITATORS

Name	Organization	Role
Mr. Oum Sith (Tara)	Project	Safeguard and IP TA Consultant
Ms. Orn Navy	Local Authority	Sangkat Counselor Member
Mr. Khin Toda	project	Engineer
Mr. Sour Chheang You	Project	Environment Specialist
Mr. Ngoun Sarouen	Local Authority	Sangkat Chief
Mr. Khoun Eith	Local Authority	1 st Sankat Vice Chief
Mr. Duong Sopheaktra	Local Authority	2 nd Sangkat Vice Chief
Mr. Sem Sarat	Local Authority	Counselor
Mr. Seng Siv	Local Authority	Counselor
Mr. Chhun Mab	Local Authority	Village Headman
Mr. Chey Bunthouen	Local Authority	Counselor
Mr. Dy Bun sang	Local Authority	Village Head man
Ms. Samrith Moa	Villager	vendor
Mr. Res Ly	Villager	vendor

IX. SUBPROJECT

Name: WWTP

Province: Kampot

District: Kampong Kandal

Village/s: Sovann Sako

X. OBJECTIVE

Introduction/briefing on LARC aspects to village residents by provincial, district and consultant staff complementary to joint transect walks in the subproject implementation area.

XI. DATE OF VILLAGE MEETING

Date: 20 January 2015

XII. VILLAGE CONSULTATION SUMMARY**1. PARTICIPANTS:**

Total	No. of female participants	No. of male participants	Main ethnic group	Minority group
18	02	16	Khmer & Cham	Khmer & Cham

Names of participants are shown in the attached attendance list

2. PUBLIC ATTITUDES TO THE PROJECT AND RESETTLEMENT (EXTRACT OF DISCUSSED ITEMS)

Questions/Issues	Respondents					
	Male			Female		
	Yes	No	Unclear	Yes	No	Unclear
2.1	Do you support the project?					
2.2	Do you support the canal and/or road system?					
2.3	Would you agree in permanent canal and/or road alignments on/passing your land?					
2.4	Would you agree in temporary construction access through your compound, agricultural land and/or along irrigated plots?					
Questions/Issues	Respondents					
	Male			Female		
	Yes	No	Unclear	Yes	No	Unclear
2.5	In case private land had to be acquired by the project which compensation option would you prefer:					
	● Donation of land as your contribution to the Project					
	● Land for land compensation in specific case					
	● Land for land compensation in any case					
	● Cash compensation for land in specific case					
	● Cash compensation for land in any case					
2.6	Do you prefer conflict resolution through:					
	● Village / Commune committee					
	● District committee					

Questions/Issues		Respondents					
		Male			Female		
		Yes	No	Unclear	Yes	No	Unclear
<ul style="list-style-type: none"> ● Provincial committee ● Civil court ● Others 		√			√		
				√			√
Questions/Issues		Respondents					
		Male			Female		
		Yes	No	Unclear	Yes	No	Unclear
2.7	How would you use compensation fees:						
	● Education of children		√			√	
	● Building new houses		√			√	
	● Small business	√			√		
	● Deposit in bank		√			√	
	● Consumption		√			√	
	● Others						
2.8	If you would lose a lot (most) of your land what could be your plan for future livelihood?						
	● Work outside	√			√		
	● Open shops		√			√	
	● Run restaurants or hotels		√			√	
	● Have small business	√			√		
	● Learning special skill through on-the-job training and/or apprenticeships		√			√	
	● Others						
Questions/Issues		Respondents					
		Male			Female		
		Yes	No	Unclear	Yes	No	Unclear
2.8		√			√		
	●	√			√		
	●	√			√		
	●	√			√		
	●	√			√		
	●	√			√		
	●	√			√		
2.9							
	●						
	●						

3. SUGGESTIONS FOR LAND ACQUISITION AND RELOCATION OF STRUCTURES

Suggestions	
3.1	They are happy if we have compensation for the losses of their asset, land and other properties
3.2	This area (WWTP) is cultivated 1 time per year with between 2 or 3 tons per hectare
3.3	Most of the land owners are Islam or better know CHAM
3.4	There is no impact on tree, structure, fish pond or income because all land owners are businessmen, (and rich look from community)
3.5	The road from the town to WWTP is now under construction, and there is no resettlement issue for our project, it is PDOPWT road (big road planning for sea festival)

4. FACILITATORS

Name	Organization	Role
Mr. Loh Doni	Kampong Kandal Village	Village Headman
Mr. Srey Both	Provincial Department of Public Works and Transportation	Officer
Mr. Chan Ras	Provincial Department of Environment	Staff
Mr. Oum Sith (Tara)	Project	Resettlement Consultant
Mr. Bun Leng	Local	Facilitator

Public Consultation Kampot 20 February 2015

Environmental and Social Public Consultation Responses



Subproject introduced by engineer		Ideas and discussion of participants	
<p>Province: Kampot City/District: Kampot town Commune: kampot town Date: 20/Feb/15 Time: 2:00 – 4:30 pm Attendance (no.): 40 (10 females)</p>			
Statements and Inquiries Provided by Attendees:			
No.1 Name: Mr. A Ly	Sex: Female Age: 60	Occupation: villager	
Statement or Inquiry: My children usually get the skin disease whenever rain that it floods from sewage system, thus is project can improve this system I and my villagers will support 100%. But, I suggest to avoid construct in rainy season. I worry rain can disturb working.			
No.2 Name: Ms.MiToch	Sex: Female Age: 63	Occupation: Villagers	
Statement or Inquiry: I worry leakage oil and dust from construct ion to affect children and family. So, please take care about oil and dust; please spray water on place that project construction. Also, some projects did not build the enough toilet for workers, they went to deficit in place next to local people's house; thus I hope this project will have enough toilet			

for them. Standard of construction has to apply in this project.		
No.3 Name: Mr. Ouch Sam Arng	Sex: Male Age: 65	Occupation: Villagers
Statement or Inquiry: I support these 4 subprojects, but I would like to suggest as: <ul style="list-style-type: none"> - All affected HH must get compensation; - Subcontractor has to spray water on used road regularly to avoid dust; - Solid waste generated from project has to collect to dispose every day; - In the operation phase, landfill has to management properly as technical, thus monitoring from provincial level has to be done to avoid company does freely. During transport waste, company has not to let the waste spill out on the road. 		

- All waste collection tracks have to be clean regularly.		
No.4 Name: Mr. Pock Chea	Sex: Male Age: 40	Occupation: villager
Statement or Inquiry: For landfill location, it should be far from village and residential spots. We worry about some insects as fly and other to disturb our villagers. Fence has to be built surrounding the landfill to avoid cow and dog.		
No.4 Name: Mr.SengHean	Sex: Male Age: 63	Occupation: villager
Statement or Inquiry: I worry traffic congestion during construction the drainage, sewage and landfill. Also, entrance road in front of my house may be blocked during construction, thus I suggest to work as step. It means that finish by block with 10 or 20 meters for a step by keeping small road for owner of house.		
No.4 Name: Mr.MengHuo	Sex: Female Age: 35	Occupation: villager
Statement or Inquiry: It is good that we have the project for conserve our old house, built in France Colony; however, project has to discuss with house owner. If they have enough money, they don't need this project; they will do it by themselves.		
All work on the road should plan to finish daily to avoid disturbing us long time. I also		

suggest as the following:

- For sewage and drainage system, it should have the responsible team to resolve all matters during operation; if the project doesn't establish this team, we will have the problem again.

- This team has to control and prepare the penalty for villager or who destroy the system.

- In construction phase, please select my villagers to be workers.

Figure 7: Participants List for Public Consultation in Kampot

ADB TA: 8425 REG
SECOND GREATER MEKONG SUBREGION CORRIDOR TOWNS
DEVELOPMENT PROJECT

1. Town Kam Pot

2. Component _____

3. Location (Commune/ District) Municipality Hal

4. Activity Public Consultation - Community People

LIST OF ATTENDEES/ RESPONDENTS 20 / Feb / 2015

	Name	Address	Signature
1.	Ms. វ៉ាន់ ណារ៉ុន	ស្រុក កំពត, ខេត្ត កំពត	CAJ
2.	Ms. វ៉ាន់ ណារ៉ុន	—	CAJ
3.	Mr. វ៉ាន់ ណារ៉ុន	—	CAJ
4.	Ms. វ៉ាន់ ណារ៉ុន	—	CAJ
5.	Mr. វ៉ាន់ ណារ៉ុន	ភ្នំពេញ	CAJ
6.	Ms. វ៉ាន់ ណារ៉ុន	— (សង្កាត់)	CAJ
7.	Mr. វ៉ាន់ ណារ៉ុន	—	CAJ
8.	Mr. វ៉ាន់ ណារ៉ុន	—	CAJ
9.	Ms. វ៉ាន់ ណារ៉ុន	—	CAJ
10.	Mr. វ៉ាន់ ណារ៉ុន	— (សង្កាត់)	CAJ
11.	Mr. វ៉ាន់ ណារ៉ុន (Mr)	—	CAJ
12.	Mr. វ៉ាន់ ណារ៉ុន (Mr)	—	CAJ
13.	Ms. វ៉ាន់ ណារ៉ុន (Ms)	—	CAJ
14.	Ms. វ៉ាន់ ណារ៉ុន	— (សង្កាត់)	CAJ
15.	Mr. វ៉ាន់ ណារ៉ុន	— (សង្កាត់)	CAJ
16.	Ms. វ៉ាន់ ណារ៉ុន	—	CAJ
17.	Mr. វ៉ាន់ ណារ៉ុន	—	CAJ
18.	Ms. វ៉ាន់ ណារ៉ុន	—	CAJ
19.	Ms. វ៉ាន់ ណារ៉ុន	—	CAJ
20.	Ms. វ៉ាន់ ណារ៉ុន	—	CAJ
21.	Ms. វ៉ាន់ ណារ៉ុន	—	CAJ
22.	Ms. វ៉ាន់ ណារ៉ុន	—	CAJ

	Name	Address	Signature
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Annex 4. Replacement Cost Study (Separate File)

REPLACEMENT COST REPORT

For Kampot Subproject

Studied by: TA Consultant

Date: 30th Jan 2015

Exchange Rate 1US\$ = 4,050 Reils

Replacement Cost Report: Kampot

OVERVIEW OF THE PROJECT

The project is designed to combine the development of urban drainage system, wastewater treatment plan, and solid waste management plan.

Of these, there are 3 components have minor resettlement impact.

OBJECTIVE

The objective of the study is to verify and establish compensation rates for land, crops, trees, structures and other non-land based income (e.g., businesses, fishponds, etc.) to ensure that Project affected people (APs) are compensated at replacement costs based on current market rates.

SURVEY WORK TEAM

The Replacement Survey Team

- (i) Mr. Oum Sith (Tara) (MOPWT TA Resettlement Consultant)
- (ii) Mr. Chan Ras (Provincial Dept of Environment)
- (iii) Village Headmen
- (iv) Commune counselors
- (v) (commune chiefs)
- (vi) District Environment Officer
- (vii) vendors
- (viii) Aps & Non Aps

METHODOLOGY

Information collection

1 A replacement cost study was conducted by the National & International TA consultants in the affected villages.

2 The methodology was that of recording certificated land transfers taking place during the Engineering Detail Design, verified by the signed and thumb-printed certificates of sale, provided by the village headman, and also Replacement Survey Team had conducted survey by the questionnaires and asked directly to the people (affected and not affected people) who lived near the project area.

3 Discuss with government officials involved in resettlement preparation and implementation;

4 Meet with vendors and agriculture specialists, including officials of the Ministry of Agriculture, to establish the current market rates of perennial and annual crops

Interview local (commune and village) officials, including residents, to find out the current market rate of fixed assets, especially land, in the project area as per record of recent sale transactions.

The field survey of RCS was done for each component. The survey was participated by affected households and the village headman, in the affected villages.

RESULT

Land Value/sq.m

Location	Type of Land	Average Price (US\$) per m2
WWTP (Kampong Kandal)	Rice Land	25



Along the canal near bridge on road to Kep (45\$)
 Pigpen made of wood wall and zinc roof
 wood floor size:1.5m x 1.5m



Temporary shelter made of leaf roof, wood frame
 wood sleeping space size: 3m x 3m
 (45\$)



Small house made of zinc wall and roof
 Wood frame and sleeping space 5m x 4m
 Along the canal from Chak Pond (250\$)



Small house made of zinc roof and wall wood space inside and frame Along the canal from Chak Pond (250\$)

Note: The price of the above table is based on the Recent Assessment in Jan 2015

Crops and Trees

Crop and tree will be calculated based on harvesting yield and maturity time of different tree species to be compensated discussed with horticulture department and agricultural department of Kampong Chhnang province. Formula for fruit tree cost calculation is: Yield x Number of harvesting x Market price x Number of years to be mature.

Trees in the above table are equal to or more than 5 years. It is suggested that, during project implementation, all rate of trees can be adjusted according to their age as following:

1. from 1-3 years old- should get compensation 1/3 of its full price (as it can be re-plant)
2. from 3-5 years old- should get only 2/3 of full price
3. more than 5 years old- should get full compensation from above table

Activities of Replacement Cost Survey with Photo



Studied at the Project Area in Jan 2015



Attendant List of Replacement Cost Survey Team

No	Name	Sex	Position	Location
1	Mr. Kuy Ya	M	1st Commune Counselor Asst	Kampot
2	Mr. Suy Chanras	M	Staff from Provincial Dept of Environment	Kampot
3	Mr. Cheng Bunthouen	M	District Environment Officer	Kampot
4	Mr. Chhoun Sun	M	Vice Village Headman	Local Authority
5	Mr. Em Reth	M	Villager	Kampot
6	Ms. Neab Chham	F	Affected People	Kampot
8	Ms. Kong Saly	F	Villager	Kampot
9	Mr. Nget Hun	M	Villager	Kampot
10	Mr. Tes Sambo	M	Villager	Kampot
11	Mr. Nuoang Chhoan	M	Villager Headman	Local Authority
12	Mr. Oum Sith (Tara)	M	TA Consultant	

CONCLUSION

-The affected properties cost getting from directly interviewed with people in each component areas.

-When the inventory of losses is reachable then the replace cost study shall be done just rightly to the necessary items and once the study could be done for many components so that data analysis are more accurate than the small one.

-The report will be submitted when all components are completed.

Annex 5. Photos Of Meeting On Public Consultation



Annex 6. Deed Agreement For The New Solid Waste Area

ព្រះរាជាណាចក្រកម្ពុជា

ជាតិ សាសនា ព្រះមហាក្សត្រ

កំណត់ហេតុ

ស្តីពី

**កិច្ចសន្យាគណៈកម្មាធិការគ្រប់គ្រងដីរដ្ឋថ្នាក់ខេត្តដើម្បីដោះស្រាយបញ្ហាដីទំលានចាក់
សំរាមរបស់ខេត្តកំពត**

ឆ្នាំពីរពាន់ដប់មួយខែសីហាថ្ងៃទីប្រាំបី រវាង ម៉ោងប្រាំបី ព្រឹក នៅសាលប្រជុំគូចរបស់សាលាខេត្តកំពតមានបើកកិច្ចប្រជុំមួយដើម្បីពិភាក្សាលើបញ្ហាកំណត់ទីតាំងរៀបចំទំលានចាក់សំរាមរបស់ខេត្តទំហំ១៩,៥០ហា.ត មានទីតាំងបិតនៅជើងភ្នំដប់ ភូមិវត្តអង្គ ឃុំព្រៃឃ្នុំ ស្រុកទឹកឈូ ខេត្តកំពត ក្រោមអធិបតីភាពឯកឧត្តម ខួយ យុនហ៊ុរ ទីប្រឹក្សាផ្ទាល់សម្តេចអគ្គមហាសេនាបតីតេជោ ហ៊ុន សែន នាយករដ្ឋមន្ត្រី នៃព្រះរាជាណាចក្រកម្ពុជាអភិបាលខេត្តកំពតនិងជាប្រធានគណៈកម្មាធិការគ្រប់គ្រងដីរដ្ឋថ្នាក់ខេត្ត និងមានសមាសភាពចូលរួមមានសមាជិកគណៈកម្មាធិការគ្រប់គ្រងដីរដ្ឋថ្នាក់ខេត្តនិងលោកអភិបាលស្រុកទឹកឈូ លោកមេឃុំព្រៃឃ្នុំ ដូចមាននៅក្នុងបញ្ជីវេត្តមានភ្ជាប់ជាមួយ។

ជាកិច្ចចាប់ផ្តើមឯកឧត្តមអភិបាលខេត្តប្រធានអង្គប្រជុំមានមតិសំណេះសំណាល ណែនាំអំពីគោលបំណងនៃការប្រជុំនាព្រឹកនេះគឺ ផ្តោតទៅលើការពិភាក្សារកដំណោះស្រាយលើករណីរៀបចំទំលានចាក់សំរាមរបស់ខេត្តកំពតអោយបានចប់សព្វគ្រប់ដើម្បីដំណើរការ ។ ជាកិច្ចបន្តឯកឧត្តមប្រធានអង្គប្រជុំបានអោយលោក ស៊ុយ ធា ប្រធានមន្ទីរបរិស្ថាន ធ្វើបទបង្ហាញស្តីពីដំណើរការអនុវត្តន៍សកម្មភាពរៀបចំទំលានចាក់សំរាមរបស់ខេត្តជូនដល់អង្គប្រជុំមុននឹងធ្វើការពិភាក្សារួមគ្នារកដំណោះស្រាយ។

បន្ទាប់ពីទទួលបានការអនុញ្ញាត្តិពីឯកឧត្តមប្រធានអង្គប្រជុំ លោក ស៊ុយ ធា ប្រធានមន្ទីរបរិស្ថានខេត្ត បានធ្វើបទបង្ហាញដោយពិស្តារនូវដំណើរការរៀបចំកំណត់ទំលានចាក់សំរាមរហូតដល់បានកាយប្រាំដីទំលាននិងដោះស្រាយនូវបញ្ហាជាមួយប្រជាពលរដ្ឋដែលពាក់ព័ន្ធនឹងការកាន់កាប់ដីនៅក្នុងតំបន់កំណត់ទំលានចាក់សំរាមនេះ(ដូចមានបង្ហាញជូនក្នុងបទបង្ហាញ) ។

បន្ទាប់ពីបទបង្ហាញចប់ឯកឧត្តមប្រធានអង្គប្រជុំបាន ស្នើឲ្យសមាជិកចូលរួមជាមតិ
យោបល់ពាក់ព័ន្ធនឹងការកំណត់ទីលានចាក់សំរាមថ្មីនេះ។ សមាជិកអង្គប្រជុំបានចូលរួម
យោបល់ជាបន្តបន្ទាប់ដូចខាងក្រោម៖

១. លោកសៅ ម៉េង មេឃុំព្រៃឃ្មុំមានប្រសាសន៍ថា៖នៅក្នុងឆ្នាំ២០០៦លោក គឹម
សោភណ្ណ បានយកសំរាមចាក់នៅជើងភ្នំបន្ទាយចាស់ជិតនឹងលំនៅដ្ឋានប្រជាពលរដ្ឋ។ កន្លង
ទៅប្រជាពលរដ្ឋបានស្នើ សុំឯកឧត្តម យុន សៀន អតីតអភិបាលស្រុកទឹកឈូ ដើម្បីប្តូរទីតាំង
ចាក់សំរាមពីជើងភ្នំបន្ទាយចាស់ទៅដាក់កន្លែងថ្មី គឺកន្លែងដែលយើងគ្រោងរៀបចំទីលានចាក់
សំរាមថ្មីរបស់ខេត្តនេះ។ដីទីលានចាក់សំរាមនេះ ជាដីព្រៃ និងដីតំបន់នេះភាគច្រើនជាដីគ្រួសមិន
អាចដាំដំណាំបានល្អនោះទេ តែប្រជាពលរដ្ឋបានកាប់គ្គារទុកសំរាប់លក់។ចំពោះការកំណត់
ទីតាំងចាក់សំរាមនេះគឺបានកាត់ឃ្លៀលចេញនូវដីចំការដំណាំរបស់ប្រជា ពលរដ្ឋអស់ហើយ។

២. លោក អ៊ុក ឡាយ អភិបាលស្រុកទឹកឈូបានបញ្ជាក់ថា៖ តាមការចុះពិនិត្យគឺ
ជាមួយឯកឧត្តមហេងវន្ត អភិបាលរងខេត្តគិតពិនិត្យឃើញថាស្ថានភាពដីទីលានចាក់សំរាមថ្មី
នេះគឺមានប្រជាពលរដ្ឋមួយចំនួនបានដាំដំណាំប្រហែលជាពី២ទៅ៣ឆ្នាំមុនប៉ុណ្ណោះ ហើយ
ប្រភេទដីនោះជាព្រៃឬស្បៀ ។

៣. លោក ស៊ឹម ឡាប៉ុង នាយខ័ណ្ឌរដ្ឋបាលព្រៃឈើកំពតបានបញ្ជាក់ថា៖
តាមការធ្វើបទបង្ហាញរបស់លោកប្រធានមន្ទីរពិសោធន៍គីមីខ្ញុំមានការចាប់អារម្មណ៍និងគាំទ្រគំរោង
របស់ខេត្តក្នុងការបង្កើតទីលានចាក់សំរាមនេះ។នៅក្នុងបទបង្ហាញគឺទីលានចាក់សំរាមនេះពាក់
ព័ន្ធនឹងគម្របព្រៃឈើឆ្នាំ២០០២ហើយខេត្តក៏បានរៀបចំក្រុមការងារចុះធ្វើការងារនេះរួចដែរ។
ជាយោបល់របស់ខ្ញុំគួរឲ្យបង្កើតការងារចុះម្តងទៀតដោយមានការធ្វើជាកំណត់ហេតុត្រឹមត្រូវព្រម
ទាំងធ្វើសំណើទៅក្រសួងកសិកម្មដើម្បីកាត់ដីសំរាប់ទីលានចាក់សំរាមរបស់ខេត្តនេះចេញពី
គម្របព្រៃឈើខ្ញុំយល់ថាភិបាលនិងប្រគល់ជូនខេត្តក្នុងការអភិវឌ្ឍន៍។ចំពោះប្រជាពលរដ្ឋដែរ
ពាក់ព័ន្ធគឺសុំឲ្យគាត់យកឯកសារស្របច្បាប់ប៉ុន្តែពួកគាត់ពុំមានឯកសារកាន់កាប់ដីស្របច្បាប់
នោះឡើយគឺយើងធ្វើការសំរេបសំរួលជាសំណងបន្តិចបន្តួចបានហើយដោយសារគាត់មិនស្គាល់
នូវព្រំដីរបស់ពួកគាត់ផង។

៤. នៅក្នុងកិច្ចពិភាក្សានេះឯកឧត្តមអភិបាលខេត្តបានលើកឡើងនូវចំនុចសំខាន់ៗ
ដើម្បីធ្វើការកំណត់ស្រាយនោះឯកឧត្តមបានបញ្ជាក់ថានិវិធីក្នុងការដោះស្រាយគឺមានពីរ

របៀប ទី១ការដោះស្រាយតាមសំណងនិងទី២ដោះស្រាយតាមគោលនយោបាយ។ ការដោះស្រាយតាមសំណងគឺការដោះស្រាយចំពោះដីធ្លីរបស់ប្រជាពលរដ្ឋរដ្ឋទទួលស្គាល់នូវកម្មសិទ្ធិស្របច្បាប់របស់ពួកគាត់។ ប៉ុន្តែចំពោះការដោះស្រាយតាមរបៀបគោលនយោបាយវិញគឺអាស្រ័យទៅលើទិដ្ឋភាពជាក់ស្តែងក្នុងករណីប្រជាពលរដ្ឋរស់នៅទីតាំងតំបន់នោះគឺយើងធ្វើការផ្តល់ជូនជាលំនៅដ្ឋាននៅនឹងកន្លែងឬដោះស្រាយជាថវិកាដែលរដ្ឋមានលទ្ធភាព។ ប៉ុន្តែយើងពិនិត្យមើលឲ្យបានដិតដល់ថាទីតាំងនោះជាតំបន់ព្រៃឈើគឺមិនត្រូវធ្វើការដោះស្រាយនោះទេបើមានការដោះស្រាយគឺបានធ្វើឲ្យប្រជាពលរដ្ឋទាំងឡាយកាន់កាប់ព្រៃធ្វើជាកម្មសិទ្ធិដើម្បីទាមទានសំណងឬគោលនយោបាយជាថវិកាពីរដ្ឋាចំពោះបញ្ហានេះសុំធ្វើការសិក្សាអោយបានច្បាស់លាស់ពីព្រោះទីតាំងនេះមានភាពស្មុគស្មាញ។ តាមបទបញ្ជាគឺជាប្រជាពលរដ្ឋកាន់កាប់តំបន់នេះគឺគ្មានឯកសារច្បាស់លាស់នោះទេ បើយើងធ្វើការដោះស្រាយគឺដោះស្រាយតែចំពោះប្រជាពលរដ្ឋ៥គ្រួសារដែលមានដំណាំនៅក្នុងទីតាំងនេះតែប៉ុណ្ណោះនិងធ្វើការរៀបចំកាត់ដីទីលានចាក់សំរាមនេះពីដីគម្របព្រៃឈើ។ កន្លងមកខាងក្រសួងបរិស្ថានគាំទ្រនិងឯកភាពជាមួយខេត្តក្នុងការរៀបចំទីលានចាក់សំរាមហើយ។ ម្យ៉ាងទៀតទីលានចាក់សំរាមនេះគឺរៀបចំកន្លែងធ្វើជីកំប៉ុស្តិ៍ថែមទៀតផង។

៥. លោកចាន់ ចេស្ដា ប្រធានមន្ទីរកសិកម្មបានបញ្ជាក់ថាមន្ទីរមានការគាំទ្រលើការរៀបចំទីលានចាក់សំរាមខេត្ត។ ពាក់ព័ន្ធនឹងពាក្យថាតំបន់នេះមិននៅក្នុងដីប្រភេទព្រៃពាក់កណ្តាលស្រោងយោងតាមផែនទីគម្របព្រៃឈើឆ្នាំ២០០២ តែស្ថានភាពជាក់ស្តែងដីនេះជាប្រភេទព្រៃរចោះបើជាប្រភេទព្រៃរចោះគឺត្រូវមានវត្តមានឈើប្រភេទខ្ពង់ខ្ពស់ ជាគោលការណ៍បើដីមានប្រភេទឈើរៀបរាប់ខាងលើគឺត្រូវធ្វើការដាក់ដេញថ្លៃឈើទាំងនោះ។ សុំឲ្យខាងបរិស្ថាននិងរដ្ឋបាលព្រៃឈើប្រើពាក្យឲ្យបានត្រឹមត្រូវគឺ គួរប្រើពាក្យថា ដីនេះបានក្លាយទៅជាដីព្រៃឬស្បែកអ្នករើសឈើហើយ។ នៅពេលដាក់ស្នើសុំទៅគឺគេគិតតែពីរឿងដីតែមួយមុខគត់ដោយមិនគិតពីដីផ្សេងទៀតទេ។

៦. លោក ប៉ាង ប៉ុណ្ណរដ្ឋប្រធានមន្ទីរដ.ន.ស.សបានបញ្ជាក់ថាជាបទពិសោធន៍ការរៀបចំចងក្រងទិន្នន័យវាស់វែងកម្មសិទ្ធិគឺត្រូវធ្វើអត្តសញ្ញាណក្បាលដីជាមុន ដោយឲ្យម្ចាស់កាន់កាប់ដីចង្អុលត្រង់រៀងៗខ្លួន។ តាមការបញ្ជាឲ្យរបស់បរិស្ថានគឺអនុវត្តទៅតាមនីតិវិធីរួចហើយដែលមានលក្ខណៈជាការធ្វើអត្តសញ្ញាណកម្មក្បាលដីរួចហើយ។ តើយើងត្រូវបង្កើតក្រុមការងារ

ចុះទៅសិក្សាធ្វើអ្វីទៀត? គឺប្រជាពលរដ្ឋគាត់ចេះតែចង់ដឹងប្រែជាសម្បត្តិសាធារណៈរបស់រដ្ឋបើ
គាត់បានកាន់កាប់គឺគាត់មានសិទ្ធិត្រឹមតែប្រើប្រាស់គឺគាត់មិនមានសិទ្ធិក្នុងការចាត់ចែងឡើយ។
ដូច្នេះបើខេត្តឫកណៈកម្មការយល់ថាធ្វើការសំរេចសំរួលដោយផ្តល់ជាថវិកាបន្តិចបន្តួច
ក៏ធ្វើទៅតែបើអនុវត្តមាននីតិវិធីច្បាប់គឺពួកគាត់មិនត្រូវទទួលបានសំណង់ឡើយ។

៧. ឯកឧត្តមហោង វន្តា អភិបាលរងខេត្តបានបញ្ជាក់បន្ថែមថា៖ ចាប់តាំងពីខែ
មេសាឆ្នាំ២០១០ខ្ញុំបានចុះសិក្សាកំណត់ទីតាំងទីលានចាក់សំរាមនេះជាមួយក្រុមការងារមាន
លោក ស៊ុយធានាយកមន្ទីរបរិស្ថាននិងអ្នកផ្សេងទៀត។ ក្រុមការងារបានចុះទៅសិក្សាតំបន់នេះ
ឃើញថាទីតាំងនេះគឺមានលក្ខណៈសមស្របសំរាប់រៀបចំជាទីលានចាក់សំរាមដោយសារទីតាំង
នេះនៅឆ្ងាយពីលំនៅដ្ឋានប្រជាពលរដ្ឋនិងមិនមានចំការដំណាំច្រើននោះទេ។ នៅពេលខេត្តរៀប
ចំកន្លែងនេះជាទីលានចាក់សំរាមក៏មានប្រជាពលរដ្ឋមកកាប់ឆ្ការព្រៃដាំជ្រៃជាពោធិ៍ ចំពោះដំណាំ
ស្វាយចន្ទីគឺជាប្រហែលជាពី២ទៅ៣ឆ្នាំប៉ុណ្ណោះ។ ចំពោះការកាន់កាប់របស់ប្រជាពលរដ្ឋនេះគឺ
ពួកគាត់កាប់កាប់សំរាប់ទុកលក់នៅពេលដំណាំមានហាងឆេងប៉ុណ្ណោះ។ កន្លងមកខេត្តបានបង្ហាញ
ជូនដល់ក្រសួងរៀបចំដែនដីនគរូបនីយកម្ម ក្រសួងបរិស្ថានថាខេត្តកំពតមានទីតាំងមួយ
មានចំនួន១៩.៥០ហិ.តសំរាប់ចាក់សំរាម ជាពិសេសមានខាងអង្គការJICAចុះមកសិក្សាដល់
ទីតាំងនេះថែមទៀតផងដើម្បីស្វែងរកជំនួយសំរាប់រៀបចំទីលាននេះដែរ។

៨. បន្ទាប់ពីការពិភាក្សាលើចំណុចសំខាន់ៗដើម្បីរកដំណោះស្រាយករណីដ៏រៀបចំទី
លានចាក់សំរាមរបស់ខេត្តក្នុងគំរោងមានទំហំ១៩.៥០ហិ.ត តឡូវជាក់ស្តែងនៅសល់ទំហំ
១៧.៥០ហិ.តបិតនៅក្នុងទីតាំងភូមិឃុំខាងលើគឺឯកឧត្តមអភិបាលខេត្តនិងជាប្រធានអង្គប្រជុំបាន
ធ្វើការបូកសរុបនូវខ្លឹមសារសំខាន់ៗដូចខាងក្រោម៖

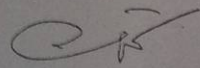
- ១. សំរេចរក្សាយកទីតាំងដីទំហំ១៧.៥០ហិ.ត បិតនៅក្នុងភូមិសាស្ត្រដឹងភ្នំដប់
ភូមិវត្ត អង្គឃុំព្រៃឃ្នុំ ស្រុកទឹកឈូ ខេត្តកំពតជាទីតាំងរៀបចំទីលានចាក់សំរាម
របស់ខេត្តកំពតសំរាប់នាពេលបច្ចុប្បន្ននិងទៅអនាគត។
- ២. មន្ទីររៀបចំដែនដីនគរូបនីយកម្មសំណង់និងសុរិយោដីខេត្តជួយរៀបចំគ្នាដែនដីនិង
ដាក់ចុះហត្ថលេខាតាមសំដាប់សំដោយឡើងវិញ។

- ៣. ពេលរៀបចំផែនទីចប់សព្វគ្រប់រួចហើយ ខេត្តនឹងធ្វើសំណើទៅក្រសួងកសិកម្ម រុក្ខាប្រមាញ់និងនេសាទដើម្បីកាត់ដីទំហំ១៧.៥០ហិកតាសំរាប់រៀបចំទីលានចាក់សំរាមរបស់ខេត្តចេញពីដីគម្របព្រៃឈើ។
- ៤. ការដោះស្រាយគោលនយោបាយគឺដោះដាក់ស្តែងចំពោះអ្នកមានដំណាំចំនួន៥ គ្រួសារ ដោយធ្វើការដោះស្រាយតាមនីតិវិធី។
- ៥. អាជ្ញាធរមូលដ្ឋានមានស្រុកនិងឃុំ ត្រូវធ្វើការអប់រំដល់ប្រជាពលរដ្ឋរបស់យើង អំពីតម្រូវការរបស់ខេត្តក្នុងការរៀបចំទីលានចាក់សំរាមនៅទីនោះ។
- ៦. ចំពោះដីរបស់ក្រុមហ៊ុន JNJ Mong បិតនៅឃុំត្រពាំងត្បាង ស្រុកឈូកគឺបង្កើតក្រុមការងារចុះចុះពិនិត្យអោយបានឆាប់ដើម្បីដាក់ប្រជុំ ឆ្លងគណៈកម្មាធិការគ្រប់គ្រងដីរដ្ឋក្នុងពេលខាងមុខឆាប់ៗនេះ។

អង្គប្រជុំបានបញ្ចប់នៅវេលាម៉ោងដប់និងដប់ប្រាំនាទីព្រឹកនាថ្ងៃខែឆ្នាំដដែលក្រោមបរិយាកាសរីករាយស្និតស្នាល។

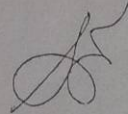
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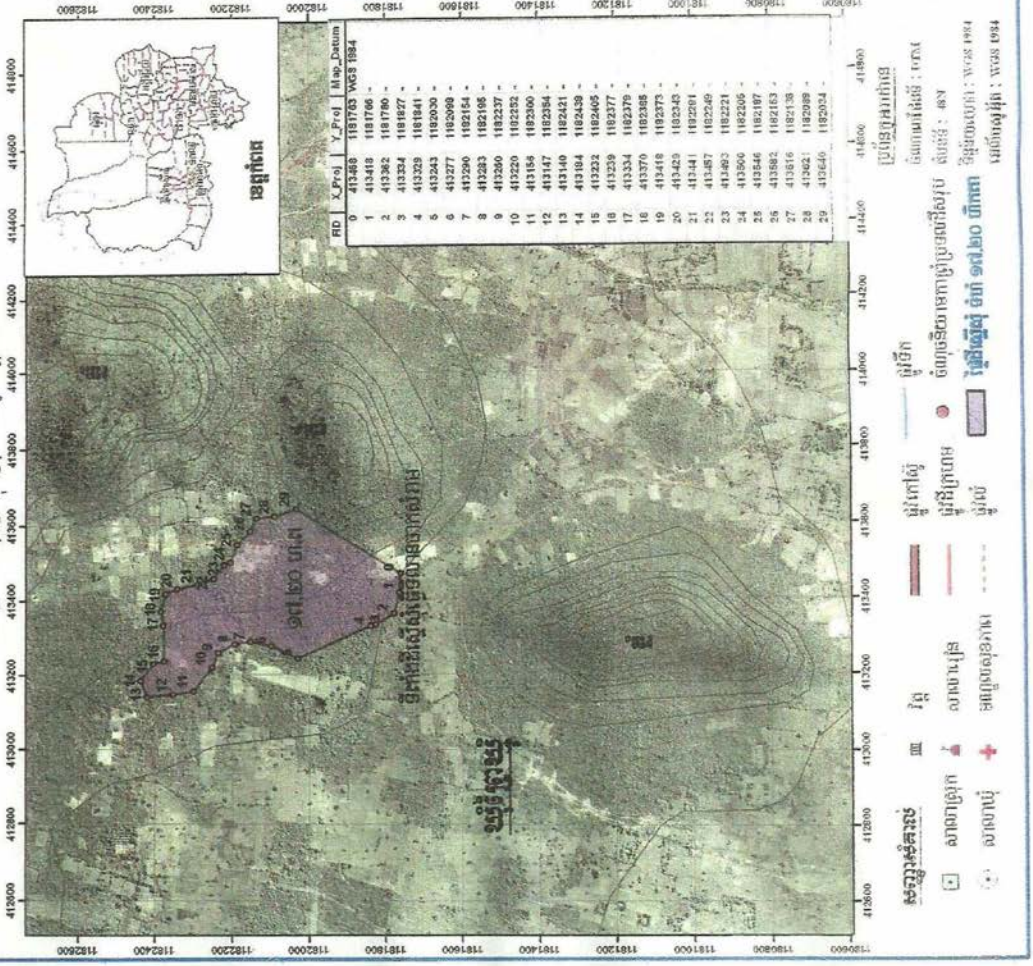
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វ៉ិច វង្សា

ក្នុងចន្លោះព្រំដែនស្តីពីស្រែចម្រុះវាលសាត់សំរាប់ទម្រង់ ទំហំ ១៧.២០ ហិកតា

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25	413646	1182197	
26	413682	1182163	
27	413616	1182138	
28	413621	1182098	
29	413646	1182054	

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Kindom of Cambodia

Nation Religion King

Minute of the Meeting

Meeting of Government Land Management for Solid Waste
Located at Wat Ang village, Prey Khmum commune and Tek Chhou district
Kampot Province

08:00 AM

08 Aug 2011

Venue: Kampot Municipal

The meeting was started under the president of H.E Khouy Khun Hour, Personal Council of Akeak Maha Sena Pedey Dacho Hun Sen, Prime Minister of Cambodia, and also the provincial governor as the committee of government land for provincial level, and the other participants from District governor, Commune chief, and village headman

Beginning, the provincial governor and as the meeting chairman welcomed to all participants, and explain about the purpose of the meeting, focusing on the solution of Solid Waste Management for Kampot in order to implement the project.

In addition H.E Chairman gave opportunity to Mr. Suy Thea (Director of Dept of Environment) to present about the Dump Site Project before discussing on the solution.

Next, Mr. Suy Thea starts his presentation in detail for the process of solid waste management project to the meeting in order to find out the solution.

In his presentation says about a few stages successful as followings:

- Set the boundary alignment of the dump site
- And settle the issue with involving land owner as written in the presentation.

After end of presentation, H.E meeting chairman asks all the meeting participants to comment about the New Dump Site Project, and those comments are as followings:

1. Mr. Sao Meng, Prey Khmom Commune Chief addresses that, In 2006 Mr. Kim Sophaon had dumped out the rubbish at the foot or base of mountain near the people residents, and the other days the people near the dump site requested for New Site of Solid Waste Management at a place where we are preparing now. The people had requested to former H.E Khun Sean (District Governor) in order to dispose all the rubbish in Kampot to the new site. For this New site is the jungle and gravel type of land that couldn't cultivate or farming...

And some people cut of the trees for land selling, and for the limitation of this new dump site, we have already cleared out from the farm land of private owners.

2. Mr. Ouk Lay, Tek Chhou District governor has clarified: refer to his review and monitoring with H.E Heng Vontha (Provincial Deputy Governor, he found some people from between last two to three years they planted there, and it was the bamboo jungle land type.

3. Mr. Sim La Pang (Forestry Administration Officer of Kampot) has interested and said, I support this dump site project when I saw the presentation by the Environment Provincial Dept Director

4. Refer to the presentation, I knew that, this project is involved with the forestry project in 2002 and the provincial level has also established the work team to work out already.

5. As my suggestion, I think that, we should establish the work team and monitor it again and take minute to request to Ministry of Agriculture Forestry and Fishery to withhold from the forestry project and preserve for the Dump Site Project. I think that the government will allow the province to develop the solid waste project.
6. For the land involved people, we ask them to bring us the legal land document but they don't have at all, so we need to coordinate with those involved people to compensate them with a little cash due to they don't know their boundaries of land.
7. In this addition H.E Provincial Governor raised the important points for the meeting discussion, there are two points of the settlement procedure compensation (compensate to the land owner who has legal land title) policy resolution (settle by the exact view) for whom who live on the project site, will be entitled to have house near the project site and contribute as much as the government can but we need to monitor in detail, to avoid of whom who live in the forestry project cannot be compensated, otherwise more people will continue to clear out the forest and seize the land in order to have the compensation or policy solution. For the presentation shows that, the people who live on this dump area, there is no legal land title, but we compensate only 5 households who have farm in this dump site and withhold the boundary from the forestry project for the dump site project.
8. As always the provincial department of environment has supported and agreed with the provincial to develop this area to become the solid waste management and also has another project to make up the Kampos natural fertilizer as well.
9. Mr. Chan Chesda (Director of Provincial Dept of Agriculture) has also supported and agreed with the provincial project (dump site).
10. Mr. Pang Ponaroth, Director of Provincial Department of Land Management has said, in experience, we need first to do the measurement survey, let those people to point their land location and list them, and if they know that this land zone is the government land, they can use the products but cannot arranged for selling or else.
11. Refer to the presentation, the provincial dept of environment has already done the land measurement survey, it is good that we have compensation for them, but for the land law, they are not entitled to compensate any cash.
12. H.E Heng Vaontha said, since Apr 2010 I used to study this dump site in team with Mr. Suy Thea and others. Our work team has identified that, this land area is suitable for the dump site project for it is away from the people residents and also not so many plantation. For those who cleared out the forest because they keep till the land price is high, they will sell out. The provincial has informed to Provincial dept of environment and provincial of land management that for Kampot has land area of 19.40 ha for solid waste management, and JICA used to study this area too.
13. For each of important points have found 19.40 ha of land area for the solid waste management but now the exact figure is left only 17.50 ha, the meeting chairman and all participants total all the result from the meeting as followings:
14. Accomplish the land area with 17.50 ha located in Wat Ang village, Prey Khmom commune, Tek Chhou district, Kampot province reserve for the solid waste management project.
15. We need the Provincial Dept of land management and cadastral to assist in preparing the map layout and sign by line ministries.
16. When the map layout is done, we need to prepare a request to submit to MAFF for approval of withhold the land with 17.50 from the forestry project for Solid Waste management
17. Settle by policy procedure to those five households that have plantation in the part of 17.50 ha.

18. The local authorities including with both (district and commune) need to inform to the public not to seize this 17.50 ha land area

The meeting was ended at 10: 15 (am) in the same date

Have seen and approved

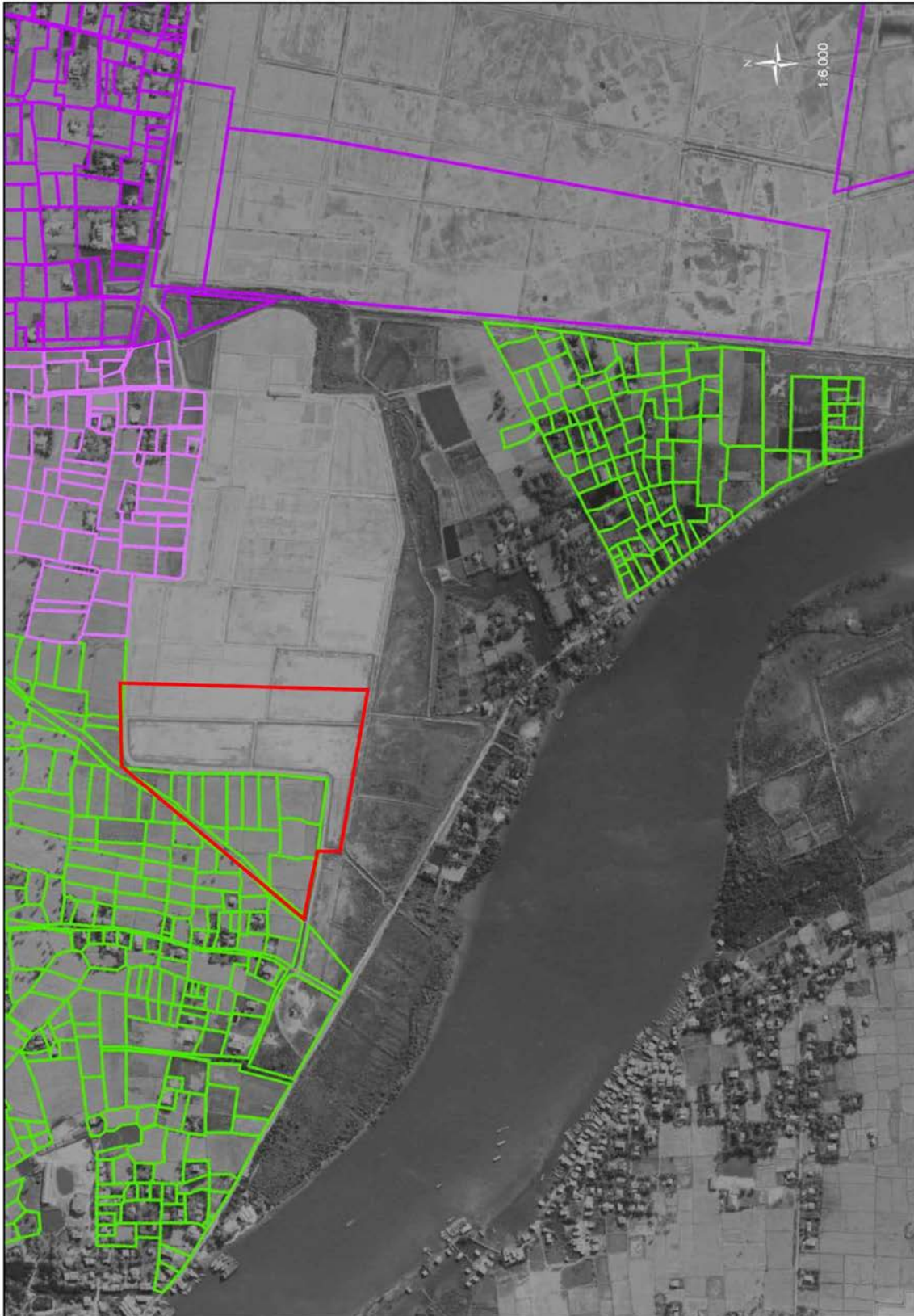
Minute Taker

Meeting Chairman

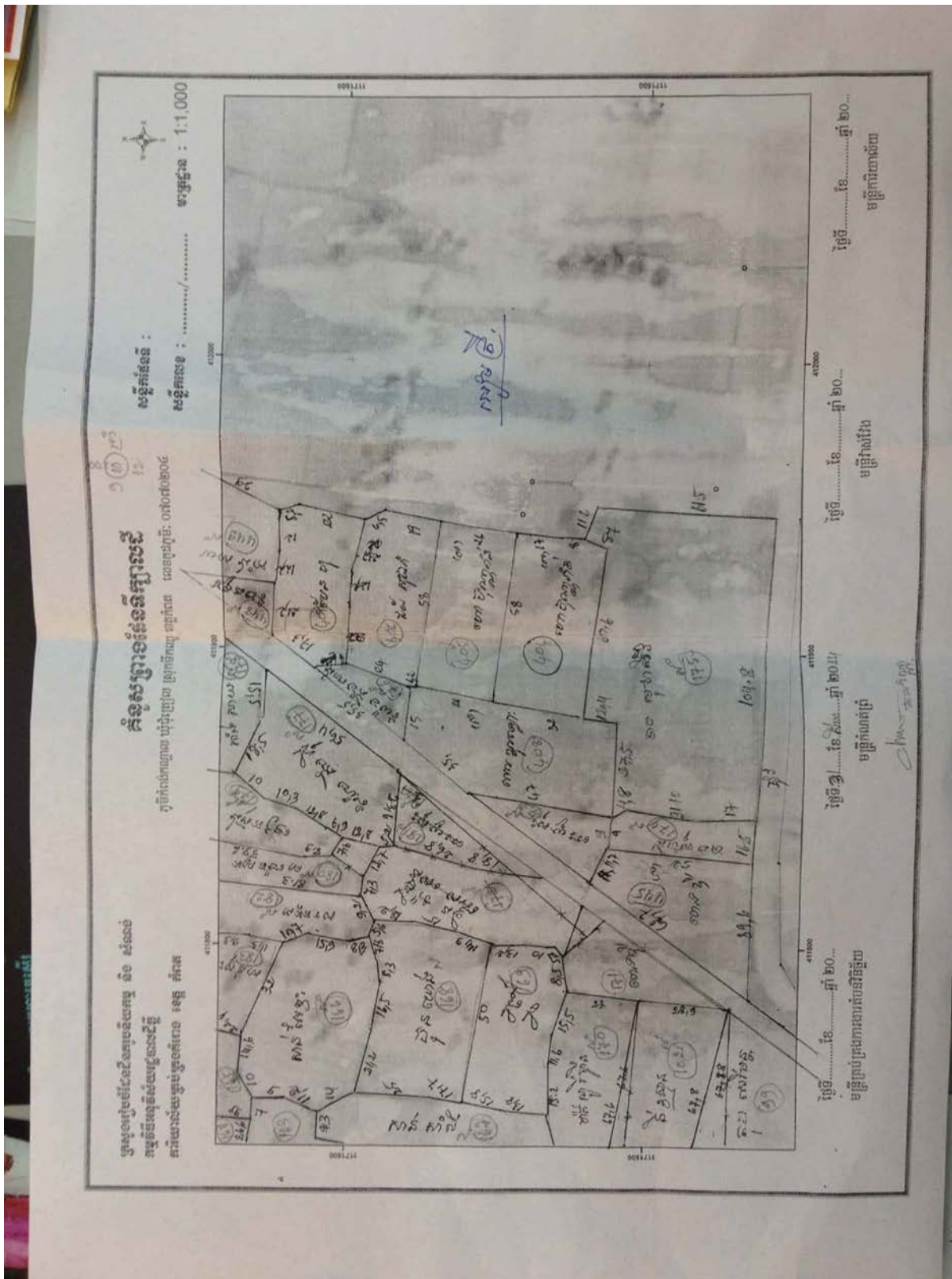
H.E Khouy Khun Hour

Veut Vattana

Annex 7. WWTP Boundaries and Cadastral Map
Cadastral map with the boundaries of the WWTP area (6.1ha) in red



Land registration of the WWT area made by the commune



Annex 8. Draft ToRs for Safeguards Specialists

To be engaged as part of the Project Management and Implementation Support Consultants.

Resettlement/Social Development Specialist (International, 03 person months)

The Social Safeguards Specialist will hold a Master's degree from a recognized university in social sciences, sociology or another relevant discipline. He/she will have at least 10 years of work experience in resettlement planning and social development, including 5 years with ODA-funded projects. He/she will have an in-depth understanding of national and international best practices and policy on involuntary resettlement issues, social development, and poverty reduction. Extensive experience in community mobilization and analysis of resettlement issues in Cambodia will be an advantage. He /she must have a clear understanding of resettlement checklists and guidelines of ADB or other international donor agencies and be familiar with ADB Safeguards Policy Statement.

- Work closely with IRC, PRSC- working groups, PMUs and local authorities at all levels on all social safeguards (resettlement and IP) matters, in updating and implementing the resettlement plans, indigenous peoples plans (if any), and related activities for all outputs;
- Assist and participate in the verification of census, inventory of losses and detailed measurement survey activities;
- Check the accuracy of the AH database prepared and provide improvements if necessary;
- Assist in the preparation of an updated RP/IPP (if any);
- Assist and improve, if necessary, procedures for coordination of resettlement and compensation activities with IRC;
- Ensure that grievances are addressed promptly and properly and that grievance redress mechanism is functioning well;
- Provide necessary training on grievance if needed;
- Establish and implement liaison mechanisms to ensure proper technical and logistical support to PMUs, local administrative authorities, resettlement committees and concerned government departments;
- Establish and implement procedures for ongoing internal monitoring for resettlement, including the preparation of a consolidated internal monitoring report for a subproject prior to contract awards;
- Design and deliver capacity development activities for all relevant agencies, as needed, in the areas of ADB resettlement policy; participation and communication; and livelihood restoration.
- Assist the national consultant and participate conduct information campaigns, public consultations and community participation;
- Ensure compliance with relevant Royal Government of Cambodia laws and regulations and the ADB SPS (2009) for all project components.

Resettlement Specialist (National, 12 person months)

The National Resettlement Specialist will hold a Master's degree from a recognized university in social sciences, sociology or relevant discipline. He /she will have at least 8 years of experience in resettlement planning; including 3 years with ODA funded projects. Knowledge and experience in the application of the ADB Safeguards Policy Statement and resettlement policy of the Government of Cambodia would be an advantage. Fluency in both spoken and written English is essential. He/she must have demonstrated ability to work with a multi-disciplinary team of international and national consultants.

Assist international resettlement expert with:

- Assist the PMU and PRSC-working group to review and update the resettlement plans as per the detailed design.
- Assist the international resettlement/social development specialist and provide necessary support and capacity building to MPWT, PDPWT, for RP implementation, including orientation and training on the RP activities and implementation mechanisms to PMU, PIU; and the IA's responsibilities in ensuring effective RP implementation.
- Assist PIU with consultations and finalization of resettlement plans based on the detailed design to reflect any change in impacts, mitigation measures, costs and monitoring plans along with including updated budget and implementation schedules, as required.
- Assist the PMU and PRSC-working group in the verification and conducting of census, replacement cost survey, and detailed measurement survey activities
- Assist PMU and PRSC-working group in implementing the updated and approved resettlement plans with a focus on community consultation, compensation assessment, and grievance procedures
- Assist the PMU to establish and implement procedures for ongoing internal resettlement monitoring;
- Work closely with the local authorities and resettlement committees at all levels on resettlement related activities and assist PMU in obtaining local and national clearances and approvals for the RP
- Assist PMU in the supervision and monitoring of land acquisition and resettlement, in accordance with the approved resettlement plans and ADB's Safeguard Policy Statement (2009)
- Establish and implement liaison mechanisms to ensure proper technical and logistical support between the Project to the PMU, local administrative authorities, resettlement committees and concerned government departments.
- Assist the PMU in conducting public information campaigns and community participation.
- Assist in updating the public information booklets as necessary
- Ensure compliance with relevant Royal Government of Cambodia laws and regulations and the ADB SPS (2009) for all project components.

Annex 9. List of the affected household

Solid Waste Management

N ^o	Name AH	Total land owned m ²	Area affected by the project m ²	Ethnicity	Total number of HH members	Severity of losses (Harvest from trees is secondary and irregular)
1	Neab Chham (F)	5,390	00	Khmer	5	00
2	Nget Hun (M)	4,480	00	Khmer	5	00
3	Kong Sany (F)	11,880	00	Khmer	5	00
4	San Yoy (F)	800	00	Khmer	5	00
5	Em Reth (M)	1,600	00	Khmer	5	00
6	Tes Sambou (M)	20,005	00	Khmer	5	00
7	Nhem Hy (F)	5,000	00	Khmer	5	00
8	Tith Art (M)	1,500	00	Khmer	5	00
9	Keo Varn (M)	4,120	00	Khmer	5	00
10	Pov Sokhaol (F)	6,200	00	Khmer	5	00
11	Svay Yaung (M)	15,000	00	Khmer	5	00
12	Nget Pov (M)	6,600	00	Khmer	5	00
13	Dy Narong (M)	3,286	00	Khmer	5	00
14	Terk Bunroth (M)	7,736	00	Khmer	5	00
15	Ung Nan (M)	28,000	00	Khmer	5	00
16	Nget Earn (F)	25,000	00	Khmer	5	00
17	Hun Chhay Vanna (F)	20,524	00	Khmer	5	00
18	Hou Tuy Keat (F)	27,500	00	Khmer	5	00
19	Svay Torn (M)	100	00	Khmer	5	00
Total					95	

WWTP

Nº	Name AH	Total land owned m ²	Area affected by the project m ²	Ethnicity	Total number of HH members	total Household income yearly from all sources US\$	HH income generate d by the affected land yearly US\$	Severity of losses More 10% of total income
1	Saerm Sos (M)	Mostly they have extra land beside this land area, and they don't depend entirely on the products from that land	2475	Khmer Islam	5	2,244.00	346.50	15%
2	Tep Lai Mann (M)		2700	Khmer Islam	5	2,700.00	378.00	14%
3	Kip Ly (M)		1610	Khmer Islam	5	1,800.00	225.40	13%
4	Ly Rorn (M)		1610	Khmer Islam	5	2,244.00	225.40	10%
5	Sarou Tyas (F)		1610	Khmer Islam	5	1,800.00	225.40	13%
6	Sales Mai Yamm (F)		2590	Khmer Islam	5	1400.00	362.60	26%
7	Dul Luos (M)		630	Khmer Islam	5	1850	88.20	5%
8	Terp Ly (M)		150	Khmer Islam	5	1750	21.00	1%
9	Chen Thmei (M)		1,400	Khmer Islam	5	3500	196.00	6%
10	Police man (M)		700	Khmer Islam	5	3600	98.00	3%
11	Land At Aus		800	Khmer Islam	5	3500	112.00	3%
12	Hy Ngean or Eam Kry		44277	Khmer Islam	5	9,125.00	6,198.78	68%
13	Baen Touch		448	Khmer Islam	5	3200	62.72	2%
	Total		61,000		65			6

Urban Drainage

Nº	Name AHH	Total land owned m ²	Area affected by the project m ²	Ethnicity	Total number of HH members	total Household income yearly from all sources	HH income generated by the affected land yearly	Severity of losses More 10% of total income
1	Khem Sophy (F)	Mostly they have extra land beside this land area	live on the ROW	Khmer	4	9,490,000	Just for Living, no income from the place where they live	01
2	Sao Kean (M)			Khmer	1	438,000,0		01
03	Chum Chan Phary (M)	4m x 18m	Pig shelter on the ROW	Khmer	2	14,600,000	00	00

There are 03 AHHs for urban Drainage, 02 AHHs need to be displaced and another AHH just shift back the pig shelter from the ROW

Annex 10. Socio Economic Information

Wastewater Treatment Plan

Information on AP / Head of HH	1	2	3	4	5	6	7	8	9	10	11	12	13
Name of head of HH	Saerm Sos	Tep Lai Mann	Kip Ly	Ly Rorn	Sarou	Sales Mai Yamm	Dul Luos	Terp Ly	Chen Thmei	Police man	Man at Aus	Hy Ngean or Eam Kry	Baen Touch
Sex	M	M	M	M	F	F	M	M	M	M	M	F	F
Average yearly household income - all sources: Khmer Riel /year	2,244	2,700	1,800	2,244	1,800	1400	1850	1750	3500	3600	3500	9,125	3200
HOUSEHOLD LIVING CONDITIONS													
Source of water:													
1 Public tap	1	1	1	1	1	1	1	1	1	1	1	1	1
Sanitation:													
1 Pour Flush toilet	9	9	9	1	1	1	1	1	1	1	1	1	1
Energy source:													
1 Electricity (from government)	1	1	1	1	1	1	1	1	1	1	1	1	1
Cooking:													
1 Wood	1	1	1	1	1	1	1	1	1	1	1	1	1
Household assets: If household owns an asset, indicate the number.													
1- Bicycle	1	1	1	1	1	1	1	1	1	1	1	1	1
2- Motorbike	1	1	1	2	1	1	1	2	2	2	0	1	1
3- Car	0	0	0	0	0	0	0	0	1	1	1	1	0
4- Radio	1	1	1	1	1	1	1	1	1	1	1	1	1
5- Television	1	1	1	1	1	1	1	1	1	1	1	1	1

Information on AP / Head of HH	1	2	3	4	5	6	7	8	9	10	11	12	13
6- Cassette/CD player or DVD	1	1	1	1	1	1	1	1	1	1	1	1	1
7- Telephone	1	1	1	1	1	1	1	2	4	3	1	1	1
8- Electric fan	1	1	1	1	1	1	1	1	1	1	1	1	1
9 Rice cooker	1	1	1	1	1	1	1	1	1	1	1	1	1
HOUSEHOLD INCOME: SOURCES AND EXPENDITURES													
Sources of income													
1 Wages / salary	1	1	1	1	1	1	1	1	1	1	1	1	1
2 Lease / rental of property	0	0	0	0	0	0	0	0	0	0	0	0	0
Which household members are responsible for <u>primary</u> source of income													
1- HH head only	1	1	1	1	1	1	1	1	1	1	1	0	1
2- HH head, spouse and adult children	0	0	0	0	0	0	0	0	0	0	0	1	0
Average monthly household income													
1- Primary source: Riels / month	187	225	150	187	150	70	187	230	250	187	290	600	170
2- All other sources: Riels / month	187	225	150	100	80	45	80	60	180	95	150	400	130
Average monthly expenditures for household: (US Dollars)													
1- Food:	105	210	135	120.00	96.00	110.00	135.00	200.00	210.00	120.00	220.00	450.00	120.00
2-Health:	30	30	25	25.00	30.00	25.00	25.00	40.00	36.00	33.00	28.00	25.00	18
3- Education:	0.00	0	0	27.00	0.00	38.00	0.00	40.00	0.00	35.00	0.00	15.00	25
4- Festivals/social	15			25.00	35.00	30.00	32.00	28.00	15.00	19.00	20.00	37.50	15

Information on AP / Head of HH	1	2	3	4	5	6	7	8	9	10	11	12	13
Has the commune classified your household as:													
1- Very poor	0	0	0	0	0	0	0	0	0	0	0	0	0
2- Poor	0	0	0	0	0	1	0	0	0	0	0	0	0
3- Not classified as poor	1	1	1	1	1	0	1	1	1	1	1	1	1

Urban Drainage

INFORMATION ON AP/HEAD OF HOUSEHOLD	1	2	3
Name of head of household	Sao Kean (M)	Keo Lis or Sophy (M)	Chum Phannary (M)
Average yearly household income – all sources: US\$ /year	1825	1800	3000
HOUSEHOLD LIVING CONDITIONS			
Source of water:			
1 Public tap	1	1	1
Sanitation:			
1 Pour Flush toilet	1	1	1
Energy source:			
1 Electricity (from government)	1	1	1
Cooking:			
1 Wood	1	1	1
Household assets: If household owns an asset, indicate the number.			
1- Bicycle	1	1	1
2- Motorbike	1	2	1
3- Car	0	2	1
4- Boat, small	0	1	
6- Truck	0	1	0
7- Tractor	0	0	0
10- Radio	1	1	1
11- Television	1	1	1
12- Cassette/CD player or DVD	1	1	1
13- Telephone	3	5	3
14- Electric fan	1	4	2
15- Sewing machine	1	1	1
16- Refrigerator	1	1	1
17- Rice cooker	1	2	1
HOUSEHOLD INCOME: SOURCES AND EXPENDITURES			
Sources of income			
1 Wages / salary	0	1	1
2 Lease / rental of property	1	0	0
3 Wages / salary	0	1	1
Which household members are responsible for primary source of income			
1- HH head only	0	0	1
2- HH head and spouse	0	0	0
3- HH head, spouse and adult children	1	1	0
Average monthly household income			
1- Primary source: US\$ /month	1825	1800	3000
2- All other sources US\$/month	0	0	0
Average monthly expenditures for household:			
1- Food: US\$	70	80	200
2- Health: US\$	25	35	25
3- Education: US\$	00	00	00
4- Festivals/social US\$	25	35	80
Has the commune classified your household as:			
1- Very poor	0	0	0
2- Poor	0	0	0
3- Not classified as poor	1	1	1

Note:

One partially affected secondary structure (kitchen with ROW of canal) was not interviewed during IOL.