

Resettlement Framework

July 2017

Cambodia: Provincial Water Supply and Sanitation Project

Prepared by the Ministry of Industry and Handicraft for the Asian Development Bank (ADB).

CURRENCY EQUIVALENTS

(as of 12 July 2017)

Currency unit	–	riel (KR)
KR1.00	=	\$0.0002444987
\$1.00	=	KR4,090

ABBREVIATIONS

ADB	–	Asian Development Bank
AH	–	Affected Households
AP	–	Affected person/people
CAO	–	Cadastral Administration Office
DDR	–	Due Diligent Report
DED	–	Detailed Engineering Design
DMS	–	Detailed Measurement Survey
GDR	–	General Department of Resettlement
GRC	–	Grievance Redress Committee
IOL	–	Inventory of Loss
IRC	–	Inter-ministerial Resettlement Committee
IRP	–	Income Restoration Program
JICA	–	Japan International Cooperation Assistance
m	–	meter
MEF	–	Ministry of Economy and Finance
MIH	–	Ministry of Industry and Handicraft
MPWT	–	Ministry of Public Works and Transport
NGO	–	Non-government Organization
PGRC	–	Provincial Grievance Redress Committee
PIC	–	Project Implementation Consultant
PMU	–	Project Management Unit
PRSC	–	Provincial Resettlement Sub-committee
PWSSP	–	Provincial Water Supply and Sanitation Project
RCS	–	Replacement Cost Study
RF	–	Resettlement Framework
RGC	–	Royal Government of Cambodia
ROW	–	Right of Way
RP	–	Resettlement Plan
SPS	–	Safeguard Policy Statement
WG	–	Working Group
WTP	–	Water Treatment Plant
WWTP	-	Wastewater Treatment Plant

NOTE

In this report, "\$" refers to US dollars.

GLOSSARY

Affected person (AP)	-	Refers to any person or persons, household or entity, physically (relocation, loss of residential land or loss of shelter) and/or economically (loss of land, assets, access to assets, income sources, or means of livelihood) affected as a result of land acquisition and involuntary resettlement.
Affected household	-	Refers to 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.
Compensation	-	Refers to payment in cash or in kind for an asset or resource that is acquired or affected by the Project. All compensation is based on the principle of replacement cost, which is the method of valuing assets to replace the loss at current market rates, plus any transaction costs such as administrative charges, taxes, registration and titling costs.
Cut-off Date	-	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 affected people. 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 inventory of losses (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 <u>survey</u> .
Detailed measurement survey (DMS)	-	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 APs earlier done during the RP preparation. The final cost of resettlement can be determined following completion of the DMS.
Displaced persons	-	In the context of involuntary resettlement, displaced persons are those who are physically displaced and/or economically displaced (see below) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas in connection with the Project.
Economic displacement	-	Refers to loss of land, assets, access to assets, income sources, or means of livelihood as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas
Physical displacement	-	Refers to relocation, loss of residential land, or loss of shelter as a result of (i) involuntary acquisition of land; or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas.
Eligibility	-	Refers to any person or persons, household, firm, private or public

		institution who has settled in the Project area before the cut-off date, that (i) loss of shelter, (ii) loss of assets or ability to access such assets, permanently or temporary, or (iii) loss of income sources or mean of livelihood, regardless of relocation will be entitled to be compensation and/or assistance.
Entitlement	-	Refers to a range of measures comprising compensation, income restoration support, transfer assistance, income substitution, relocation support, etc. depending on the type and severity of their losses, to restore their economic and social base.
Involuntary resettlement	-	It is the displacement of people, not on their own preference, from their own homes, assets, sources of income and livelihood in the project corridor of impacts (COI) or location of impacts. Involuntary resettlement may result in any or a combination of the following: loss of land, abode and other fixed assets, loss of income and/or employment, relocation, separation of family members, disintegration of communities, etc. Unless appropriate and adequate mitigation measures are carried out, involuntary resettlement may result to further hardship and impoverishment among the APs, especially the marginal sectors of society. These adverse social impacts of development projects are often borne by APs not of their own desire but involuntarily.
Income restoration	-	Refers to re-establishing productive livelihood of the displaced persons to enable income generation equal to or, if possible, better than that earned by the displaced persons before the resettlement or of pre-project levels.
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.
Project authorities	-	Refers to the Ministry of Industry and Handicraft (MIH), Ministry of Public Works and Transport (MPWT), the Ministry of Economy and Finance (MEF), and the General Department of Resettlement (GDR) of the MEF.
Executing Agency	-	Refer to Ministry of Industry and Handicraft (MIH), Ministry of Public Works and Transport (MPWT) and its Project Management Units
Relocation	-	This is the physical relocation of an AP from his/her pre-project place of residence and/or business.
Relocation assistance	-	Support provided to persons who are physically or economically displaced by a project. Relocation assistance may include transportation, food, shelter, and social services that are provided to the displaced persons during their relocation. It may also include cash allowances that compensate displaced persons for the inconvenience associated with resettlement and defray the expenses of a transition to a new locale, such as moving expenses and lost workdays.

Replacement cost	-	Replacement cost will be based on the following elements: (i) fair market value, (ii) transaction costs, (iii) interest accrued, (iv) transitional and restoration costs and (v) any other applicable payments, if any. In applying this method of valuation depreciation of structures and assets should not be taken into account
Right of way (ROW)	-	ROW is the area, owned or still to be acquired, reserved for public use or for a government project.
Vulnerable groups	-	These are distinct groups of displaced persons who are likely to be more adversely affected than others and who are likely to have limited ability to re-establish their livelihoods or improve their status and specifically include: (i) households falling under the Cambodia national poverty rate, (ii) female headed households with dependents living below the national poverty rate, (iii) disabled household heads with no other means of support, (iv) elderly households who are landless and with no other means of support, (v) landless poor living below the national poverty rate, and (vi) indigenous people or ethnic minorities.

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I. INTRODUCTION

A. Project Description

1. Asian Development Bank (ADB) is supporting the Royal Government of Cambodia (RGC) to address the core problem of inadequate water supply and sanitation infrastructure and services with a programmed approach that envisages the combination of lending and non-lending assistance to finance infrastructure, institutional reforms, and capacity building based on a draft sector road map and investment program developed during the present Project Preparatory Technical Assistance (PPTA) for a 20-year design horizon. The ADB financed Provincial Water Supply and Sanitation Project (PWSSP) will build on the investment made for the Urban Water Supply and Sanitation Project, which is currently being implemented, to improve urban water supply services in provincial towns, while potential further investments could target other provincial and sub-provincial towns. The PWSSP will improve and expand not only urban water supply, but also sanitation services in the same or similar towns and contribute to the Government's target for 100% urban water supply coverage by 2025 and align with proposed government targets for urban sanitation. In addition, the PWSSP will also contribute to a financial autonomy of all provincial Public Waterworks (PWWs).

2. There are six (6) subprojects for civil works identified for financing under PWSSP and their locations are shown in the map in Figure 1 below. The scope of works for each subproject is detailed in the following paragraph.

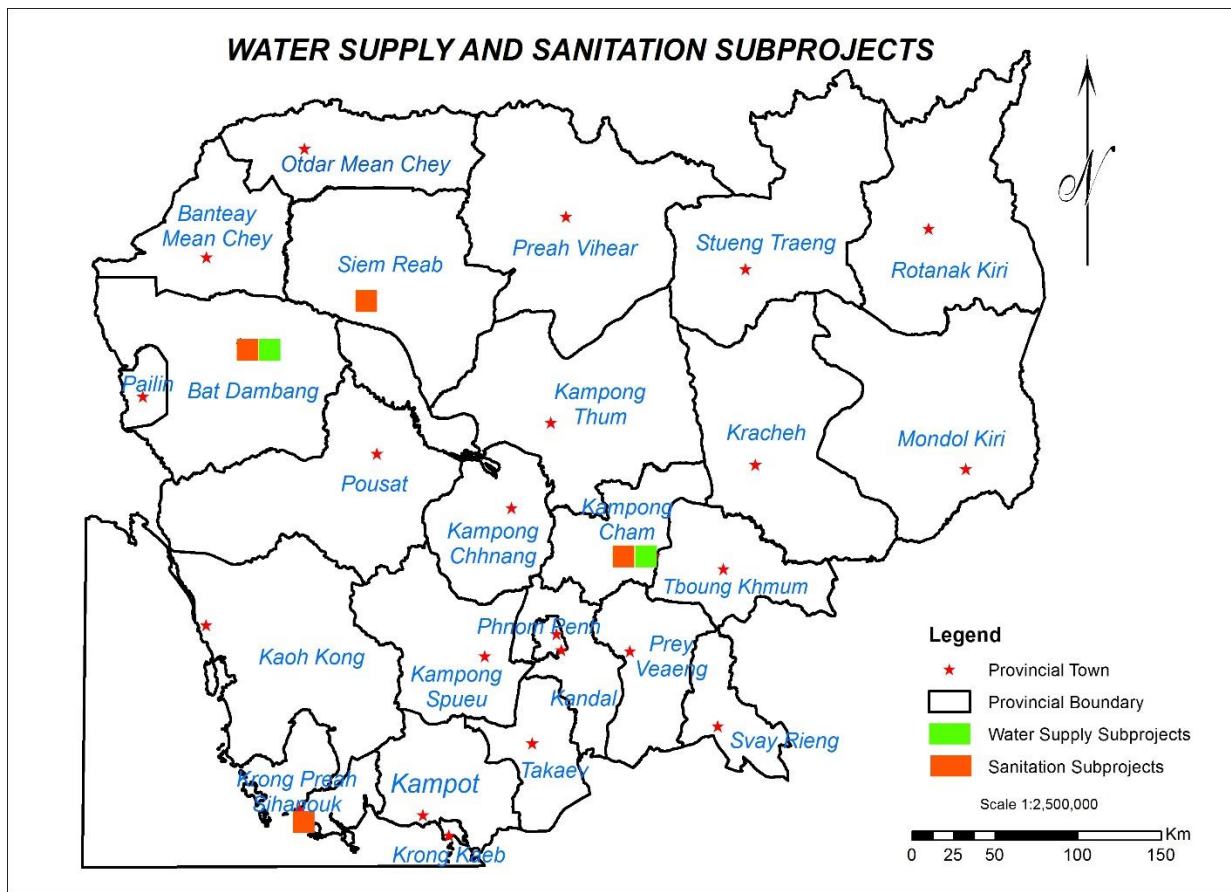


Figure 1: Location of PWSSP Subprojects

1. Battambang Water Supply Subproject

3. The existing system will be expanded to areas within the town which have been identified as being in need to meet demand in the rapid expanding urban areas for access to 24 hour supply and improved water quality and to meet Cambodia's national drinking water standards.

4. The subproject will increase service coverage toward achieving a targeted 85-100% by 2025 and 95-100% by 2040, with more communities nearby the town boundary to be included for the Year 2025. The population in the central core of Battambang town was about 152,090 in 2015 with an average growth rate 0.92%. The population in the wider conurbation of the town including the present suburban serviced areas was 257,608 in year 2015 with an average growth rate 1.94%. The projected population for all serviced areas Battambang town in 2025 and 2040 is estimated at 275,453 and 359,193 respectively.

5. The Battambang water supply system was upgraded in 2006 under ADB financing. In 2010, the RGC made a request to the Government of Japan for grant aid to support the construction of an additional new Water Treatment Plant (WTP) to cope with growing demand. In 2015, Battambang town water supply covered about 48% of the total households with total of 12,361 connections, and a beneficiary population of 69,939 persons. The capacity of the WTP is 11,520m³/day, with an average water production of 11,328m³/day. The water source for the Battambang Waterworks is the Sangké River. The water supply system is operated continuously, 24 hours/day. Battambang Waterworks is under the management of the Department of Industry and Handicrafts in Battambang Province. In July 2016, a new WTP was constructed under the second phase of the Japan International Corporation Agency (JICA) funded project and was put in operation with a capacity of an additional 22,000m³/day. The JICA funded project also covered the construction of a new intake facility with a capacity of 24,000m³/day, a 4.4km raw water transmission main and distribution pipeline of 65.5km in total. The water supply capacity for Battambang town is now 33,520m³/day, distributed through a 374km pipe network with coverage area of 5,603ha.

6. The proposed subproject in Battambang provincial town comprises 3 main components:

- (i) Construction of WTP;
- (ii) Construction of Water Intake Station;
- (iii) Construction of Water Supply Distribution Network.

2. Kampong Cham Water Supply Subproject

7. In 2015 the Kampong Cham water system served 36,041 persons, about 79% of the total households (8,823) with 6,931 connections. The WTP produces 8,000 m³/day with a new JICA WTP which came on stream in July 2016, adding an additional 11,500 m³/day. The water sources are from groundwater bores (for the previous supply system) and the Mekong River, for the recently commissioned JICA water supply extensions. The system combining the previous and the new JICA funded WTPs is operated 24 hours/day. With the additional JICA funded improvements the total capacity of water treatment plants in Kampong Cham in 2016 was 19,500 m³/day. The total piped network of 166.5km serves an overall coverage area of 4,311ha (43km²) including Ro-Ang and Ampil commune in Kampong Siem District.

8. The proposed subproject components will supplement the existing system and support RGC's policy on water supply in providing safe water to all people by 2025. The subproject on

completion will cover the water demand of next 20 years (2040), achieving population coverage of 90-100% in Kampong Cham and 85% of the three communities nearby the town.

9. The location for the proposed intake station will be in Ti Dab village, Sangkat Kampong Cham, Kampong Cham town, at the riverside next to the new intake station constructed with support from JICA. The size of the land is more than enough for building the intake station. The proposed WTP will be located in Ta-Neng village, Sangkat Sambour Meason reclaimed governmental land.

10. The proposed water supply subproject in Kampong Cham provincial town consists of 3 main components:

- (i) Construction of WTP;
- (ii) Construction of Water Intake Station;
- (iii) Construction of Water Supply Distribution Network.

3. Battambang Wastewater and Sanitation Subproject

11. This subproject for Battambang aims to extend and improve existing facilities in Battambang town to increase the capacities to handle projected loadings related to both the densely populated areas of the town centre and most of the intermediately populated areas just outside the centre to the year 2040.

12. Battambang currently has a 1,000m³/day lagoon-based waste water treatment plant (WWTP) that was constructed in 1994 by a nongovernment organization (NGO) SAWA, funded by the European Union. It was intended to serve 15,000 people over 89ha of the main downtown area on the west side of the river only. The treatment plant is still operating but is now limited to 450m³/day as a result of general degradation of the system. The existing WWTP covers an area of 5.8ha including the lagoon, pump house, administration & laboratory building and surrounding space. The sewerage network in the town center at present combined with the stormwater system and consists of concrete pipes from 800mm – 1500mm in diameter, installed between the colonial period and recent years. These pipes are to be retained for stormwater only, with wastewater separated by new pipes. They flow in a north-westerly direction to discharge into rice fields and a flood plain in the vicinity of the proposed new WWTP.

13. The sanitation subproject in Battambang is divided into two phases where Phase 1 covers an area of about 415 ha to the west of the Sangke river, designed to collect wastewater up to the year 2040, covering 3 densely populated Sangkats. Phase 2 is designed to collect wastewater from an extended area of four communes, further westward of the Sangke river as these communes develop, beyond 2025, again to year 2040. Improved septage disposal and treatment facilities will also be provided.

14. The Sanitation subproject in Battambang town has 5 main components:

- (i) Decommissioning the existing 5.8ha WWTP lagoon site
- (ii) Construction of a new WWTP
- (iii) Installation of trunk sewers
- (iv) Construction of pump stations
- (v) Installation of smaller diameter collector pipelines in the secondary streets.

4. Sihanoukville Wastewater and Sanitation Subproject

15. The subproject for Sihanoukville aims to increase the capacity of the WWTP, the coverage of the sewer network, including extension of trunk mains and local pipelines and the installation of pump stations in each sub-catchment. Improved septage disposal and treatment facilities will also be provided.

16. The existing lagoon WWTP was constructed and commissioned in 2008 under the ADB funded Provincial Towns Improvement Project. The WWTP was designed with the total capacity of 6,900 m³/day, of which 5,700 m³/day was for households (3,368 households) and 1,200 m³/day for industry. This design was to meet the projected demands to 2010 only. The sewerage system currently serves the central part of the town with total area 321 ha in Sangkat Pir (Sangkat 2), Sankat Buon (Sangkat 4) and Sangkat Mouy (Sangkat 1). The proportion of coverage in each area is; Sangkat 2 (38.7%), Sangkat 4 (8.6%) and Sangkat 1 (0.4%). The current total population inside this service area is estimated at 21,341 people. Approximately 52% of this population is currently connected.

17. The current wastewater treatment plant of Sihanoukville comprises waste stabilization ponds or lagoons. The main trunk sewers will accept effluent from collection pipelines, which are either existing or will be installed along each road in the five proposed service areas, connected to private homes or institutional users.

18. The sanitation subproject in Sihanoukville has 3 components:

- (i) Trunk sewer expansion;
- (ii) Increased capacity of the existing WWTP;
- (iii) Sludge and septage management;
- (iv) Installation of pump stations.

5. Siem Reap Wastewater Subproject

19. The proposal for Siem Reap relates to the urgent need to replace a 3.7km length of main trunk interceptor sewer that has failed. The opportunity is also being taken to upgrade the size of the pipe to accommodate increased future demands. The subproject has a high cost and has required a number of options with different construction methods to be evaluated. The subproject will address the failure of an interceptor sewer which was commissioned in 2010 under the ADB funded Mekong Tourism Development Project. The 3.7km interceptor sewer, consists of glass reinforced plastic pipe was designed and installed to collect wastewater from the central Siem Reap over an area of 2.4km², and conveying it to a pump station and thence to a WWTP. Following installation however, between 2011 and 2014, the road surface above the pipeline failed in 5 locations and the pipes underneath the road collapsed, showing clear signs of a compression failure. At present the pipeline is not functioning, preventing wastewater in a central part of the town from reaching the WWTP.

20. Meanwhile the wastewater treatment capacity in the city has increased following improvements to the WWTP under Korean funding, which also provided for two additional pump stations. However the commissioning of these awaits the restoration of the interceptor sewer to full functionality. The capacity of the WWTP has now been increased to 8,000m³/day however this can only treat about 50% of wastewater generated at the current time (2016), and even when extended to 16,000m³/day, it will not be of sufficient capacity to include sewage from the eastern side of the city by 2030. A separate eastern WWTP will be required to serve the eastern

zone.

21. It is proposed that the sewer is replaced with a stronger ductile iron pipe, installed using trenchless technology. The interceptor sewer is intended to connect to a WWTP of capacity 2,776m³/day, intended to serve only the central area of Siem Reap. The replacement pipe will follow the same alignment and gradient as the existing failed pipeline. Trenchless technology using pipe thrusting, micro-tunneling or pipe bursting or pipe cutting and bursting will be used. The use of an open cut trench is not recommended, to avoid lengthy road closures, and disruption of the city center.

6. Kampong Cham Sanitation Subproject

22. Septage collection, is common with other towns in Cambodia, and is currently mainly carried out by the private sector. In Kampong Cham, there is at present only a small number of vacuum truck operators. As operators become busier, carrying more loads per day, the incentive to invest further in another truck will arise, which is likely to result in greater private sector participation. Currently the operators mostly deposit the septage in an uncontrolled manner onto agricultural land or at other unauthorized locations.

23. Kampong Cham is at an early stage in the development of wastewater systems and at present relies largely on septic tanks. Wastewater infrastructure in Kampong Cham currently comprises exclusively of septic tanks, of which there is an unknown number. There is no reticulated wastewater collection other than direct or indirect disposal to road drains by households and businesses, through which wastewater runs into the Mekong River. As the number of septic tanks, both functional and non-operational in the town, is not known the first step proposed in the development of wastewater systems is a survey and assessment of the septic tanks.

24. The proposed subproject involves the construction of a septage treatment facility for receiving waste collected by private and Provincial Department of Public Works and Transport (PDPWT) operated vacuum trucks from Kampong Cham town. This septage has already undergone a degree of anaerobic decomposition inside the septic tanks but requires further treatment and drying before it can be safely released. The location of the proposed septage facility will be in Phkay Proek village, Men commune, Prey Chhor district, around 18 km out of Kampong Cham town. The site is located on a plateau; at an elevation between 15m and 20m above sea level.

25. The site under consideration is about 5.2 ha in size and comprises mainly degraded shrub land, surrounding three small rice fields. The subproject can be located on the available government site without compromising the adjacent parcels of land or small areas of rice paddy located on the site.

B. Scope and Nature of Resettlement Impacts for PWSSP

26. In general, subprojects will include activities such as (a) replacing/construction of site related infrastructure (treatment plants, intakes, pump stations, others), and (b) right-of-way (RoW) aligned distribution and collector systems. This would result in the permanent loss of some of the productive land, but no or very limited loss of structures, crops and trees. No household will need to be resettled, and a very few will lose part or all of their productive land.

27. Temporary impacts will include mainly disruption of the use of roads, tracks, footpaths, and/or property road access points along the public RoW caused by pipeline construction works

and the movement of construction plant and materials, including unanticipated impacts, will be addressed during implementation based on actual impacts and in accordance with the national laws and ADB's SPS (2009). All distribution/pipeline network components will have minimal working widths and will be installed on the edge of road shoulders or easements, which are wide enough to accommodate the digging of trenches, or will be moved into the road carriageway to avoid any additional land acquisition. Civil works contracts will include provisions for the contractors to reinstate the RoW to original condition after the installation of pipes is completed. Effective construction supervision and monitoring at all stages of subproject implementation will ensure this outcome.

28. The PWSSP is classified at PPTA stage as category B for involuntary resettlement impacts because two Battambang subprojects involve acquisition requirements of private land and loss of access to some of the productive land. The other four subprojects with no resettlement impacts, are grouped category C. Overall the PWSSP involves only limited land acquisition, which can be largely mitigated by applying appropriate design and construction approaches to limit construction works on public land along the ROWs of roads in a manner that avoids any informal or formal occupation encroaching onto the roadsides and shoulders. Any additional land required for the PWSSP infrastructures will be acquired by the Government agencies in accordance with Government and ADB policies and procedures. Thus, involuntary resettlement policy is triggered.

II. OBJECTIVES, POLICY FRAMEWORK AND ENTITLEMENTS

A. Objectives

29. The objective of the PWSSP is to avoid land acquisition and resettlement impacts to a maximum possible extent; to minimize resettlement impacts by exploring project and design alternatives; to enhance, or at least restore, the livelihoods of all displaced persons (DPs)¹ relative to pre-project levels; and to improve the standards of living of the poor DPs and other vulnerable groups. This resettlement framework (RF) provides a process of resettlement impact assessment, preparation of the resettlement plan (RP) and implementation of compensation and income restoration measures for DPs. It covers both physical displacement (relocation, loss of residential land, or loss of shelter) and economic displacement (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of land acquisition or restriction on land use or on access to parks and protected area.

30. To avoid and minimize resettlement impacts, the PWSSP will adopt following resettlement criteria in selection of the subprojects: (i) the subprojects should be a water and sanitation infrastructure; (ii) the subprojects which can be undertaken within existing ROW/boundary or on government/public land; and (iii) if land acquisition cannot be totally avoided, only subprojects without significant land acquisition/resettlement impacts will be selected. The involuntary resettlement impact screening form enclosed in Annex 1 will be used as the screening tool to ascertain significance or category of potential involuntary resettlement impacts. If land acquisition/resettlement impacts are identified for subprojects under the PWSSP, the EA will follow the policies and procedures in this RF in compliance with the applicable laws and regulations of the RGC and the 2009 Safeguard Policy Statement requirements of ADB on involuntary resettlement.

¹ Displaced person is the term used in ADB safeguard policy and includes any person who is 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 livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land or on access to legally designated parks and protected areas.

B. Relevant Laws and Regulations of the RGC on Land Acquisition

1. 1993 Constitution of Cambodia

31. **The 1993 Constitution of Cambodia** sets out the basic principle for land acquisition. Article 44 of the 1993 Constitution states that: “All persons, individually or collectively, shall have the rights to own property. Only natural persons or legal entities of Khmer nationality shall have the rights to own land. Legal private ownership shall be protected by law. Expropriation of ownership from any person shall be exercised only in the public interest as provided for by law and shall require fair and just compensation in advance.”

2. 2001 Land Law

32. **The 2001 Land Law** is a comprehensive law that governs land and property rights in Cambodia. Based on the provisions of the 1993 constitution, it determines the regime of ownership of immovable properties that are defined as including land, trees and immovable structures. 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 fair and just compensation in advance of the land acquisition. The Land Law, Article 5 states that “No person may be deprived of his ownership, unless it is in the public interest. An ownership deprivation shall be carried out in accordance with the forms and procedures provided by the law and regulations, and after the payment of fair and just compensation in advance.” Other provisions of the Land Law that are relevant to land acquisition, compensation and resettlement in the context of this project include:

- (i) Legal possession as defined by the Law is the sole basis for ownership, and all transfer or changes of ownership shall be carried out in accordance with the required general rules for sale, succession, exchange and gift or by court decision. (Article 6);
- (ii) Any regime of ownership of immovable property prior to 1979 shall not be recognized. (Article 7);
- (iii) Only persons or legal entities of Khmer nationality are entitled to own land in Cambodia; or to buy or sell land. (Article 8, 66);
- (iv) 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 15);
- (v) 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 19);
- (vi) Ownership of lands is granted by the state to indigenous communities² as

² As per Article 23 of the Land Law, “An indigenous community is a group of people that resides in Cambodia whose

collective ownership, including all the rights and protection enjoyed by private owners. The exercise of collective ownership rights are the responsibility of the traditional authorities and decision-making mechanism of the indigenous community, according to their customs and subject to laws such as law on environmental protection. (Article 26);

- (vii) No authority outside the community may acquire any rights to immovable properties belonging to the indigenous community. (Article 28);
- (viii) 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 possessions, but had not yet completed the five years are allowed to remain in possession until they are eligible to be registered as the owner. (Article 31);
- (ix) 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 29,34);
- (x) Landless people may apply for land for residential and subsistence-farming purposes at no cost, as part of a social land concession scheme. The concessionaire may obtain ownership of this land after fulfilling conditions set out in a separate Sub-Decree on Social Land Concessions. (Articles 50, 51); and
- (xi) Acquisition of land through gift is permitted with the following conditions: (a) the gift of immovable property is only effective if it is made in writing and registered with the Cadastral Registry Unit; (b) once accepted, gifts or immovable property are irrevocable; and (c) the donor may retain the right of usufruct in the property and the right of use and habitation of an immovable property. (Articles 80-84).

3. 2010 Expropriation Law

33. **The Expropriation Law** was passed by the National Assembly in 29 December 2009 and afterwards promulgated by the King on 4 February 2010.

- (i) Article 2 of the law has the following purposes to (a) ensure reasonable and just deprivation of a legal rights to ownership of private property; (b) ensure payment of reasonable and just prior compensation; (c) serve the public and national interest; and (d) develop public physical infrastructure.
- (ii) Article 7: Only the state may carry out an expropriation for use in the public and national interest. Expropriation may only be carried out for the implementation of projects stipulated in Article 5 of this Law.
- (iii) 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 of conduct any business.
- (iv) Article 16: Prior to making any expropriation project proposal, the expropriation committee shall conduct a public survey by recording of detailed description of all entitlements of the owner and/or of then holder of real right to immovable property and other properties subject to compensation as well as the recording of relevant issues.

members manifest ethnic, social, cultural and economic unity and who practice a traditional lifestyle, and who cultivate the lands in their possession according to the customary rules of collective use”.

- (v) Article 22: An amount of compensation to be paid to the owner 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.

4. Other Relevant Laws and Regulations

34. The **Sub Decree on Social Land Concession, March 2003** provides for allocations to landless people of state lands for free for residential or family farming purposes, including the provision of replacement land lost in the cases of involuntary resettlement.

35. **The Sub-decree No. 25 on providing house ownership**, April 1989 recognized private house ownership including land and confirmed in the *2001 Land Law* (Article 4). Cambodians are able to register the land they occupy with the local Cadastral Administration Office (CAO), whereupon a Certificate of Land Title is granted. Issuing a land title is a lengthy process and most offices have a major backlogs and pending applications. People are given a receipt and until the official title deed is issued, and the receipt is acceptable proof of real occupants of the land for purposes of sale. The present legal status of land use in Cambodia can be classified as follows:

- (i) **Privately owned land with title:** The owner has official title to land and both owners and the CAO have a copy of the deed.
- (ii) **Privately owned land without title:** The owner has a pending application for land title and is waiting for the issuance of a title deed. The CAO recognizes the owner.
- (iii) **Land Use Rights Certificate:** In this case, a receipt for long-term land use has been issued. This land use right is recognized by CAO.
- (iv) **Lease Land:** The government or private owners lease the land, usually for a short period. There is provision for owners to reclaim land if it is needed for development.
- (v) **Non-legal Occupation:** The user has no land use rights to state Land that he occupies or uses. The CAO does not recognize the use of this land.

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

37. **Ministry of Economy and Finance (MEF) Circular 006** on the resettlement implementation procedure for development projects dated on 2 April 2014 clearly provides instructions on the administrative management and role and responsibilities of all relevant implementing agencies and provinces in implementing resettlement for development project.

38. **Prakas No. 6** entitled *“Measures to crack down on anarchic land grabbing and encroachment”* sets the right of way (ROW) for road and railways. In support of this Prakas, MEF issued Decree No. 961 on 6 April 2000 prohibiting compensation for structures and other assets located inside the ROW. Some Roads dimensions are modified by the Sub-Decree No.197 (dated 23 November 2009) on the management of ROW along the national roads and railways in Cambodia.

39. **MEF Sub-Decree No. 115** dated 26 May 2016 on promoting Resettlement Department to General Department of Resettlement (GDR) provides mandate to GDR to lead all resettlement activities including preparation of RP, implementing and internal monitoring of the RP.

C. ADB Safeguard Policy

40. On 29 June 2009, ADB updated its safeguard policies by integrating its policies on involuntary resettlement, indigenous peoples and the environment into one Safeguards Policy Statement (SPS). The SPS was approved by the ADB Board on 20 July 2009 and became effective on 20 January 2010.

1. SPS Involuntary Settlement Policy

41. **The objectives** are (i) to avoid involuntary resettlement wherever possible; (ii) to minimize involuntary resettlement by exploring project and design alternatives; (iii) to enhance, or at least restore, the livelihoods of all displaced persons in real terms relative to pre-project levels; and (iv) to improve the standards of living of the displaced poor and other vulnerable groups.

42. **Scope and Triggers:** The involuntary resettlement safeguards covers physical displacement (relocation, loss of residential land, or loss of shelter) and economic displacement (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas. It covers whether such losses and involuntary restrictions are full or partial, permanent or temporary.

43. **Policy principles** include:

- (i) 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 (APs), including a gender analysis, specifically related to resettlement impacts and risks.
- (ii) Carryout meaningful consultations with APs, host communities and concerned NGOs. Inform all displaced persons of their entitlements and resettlement options. Pay particular attention to the needs of the of the 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.
- (iii) Improve, or at least restore, the livelihoods of all APs 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.
- (iv) Provide physically and economically APs 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.

- (v) 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.
- (vi) Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement.
- (vii) Ensure that APs without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets.
- (viii) Prepare a RP elaborating on APs' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.
- (ix) Disclose a draft RP, 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 APs and other stakeholders. Disclose the final RP and its updates to APs and other stakeholders.
- (x) Conceive and execute involuntary resettlement as part of a development project or program. Include the full costs of resettlement in the presentation of the 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.
- (xi) Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the RP under close supervision throughout the project's implementation.
- (xii) Monitor and assess resettlement outcomes, their impacts on the standards of living of APs, and whether the objectives of the RP have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.

2. Special Considerations

44. **Indigenous Peoples Policy:** The objective of ADB Policy on **Indigenous Peoples** 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. Social impact assessment conducted during the PPTA confirmed no indigenous peoples exist in the PWSSP coverage area.

45. The ADB policy on **Gender and Development** (ADB, 2006; ADB, 1998) 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 action plan is prepared to identify strategies to address gender concerns and the involvement of women in the design, implementation and monitoring of the project.

46. Other policies of the ADB that have bearing on resettlement planning and implementation are: (i) **Public Communication Policy** (2005)³ and (ii) **Accountability Mechanism** (2003).⁴

D. Gaps Between ADB SPS and RGC's Legislations and Gap-filling Measures

47. Cambodia currently does not have a comprehensive policy on involuntary resettlement and there are gaps between their laws/policies and ADB policy on involuntary resettlement. For example, under the Land Law and Prakas No. 961, those who have occupied a ROW or public properties are not entitled to any compensation or social support, regardless of their being an affected person or from a vulnerable group (Article 19). The same article in the Land Law provides that persons having assets on road and rail ROWs will be punished more heavily if their failure to relocate results in delays in works of public interest. In contrast, ADB policy includes the provision that the absence of a formal legal title to land should not be a bar to compensation. If compensation is paid, while APs are entitled for compensation for land lost (Article 5), it does not provide compensation for other type of losses. The ADB policy states that non-land assets must be compensated at replacement cost. Table 1 summarizes the differences between ADB SPS requirements and government Laws on Land Acquisition and Resettlement, and gap-filling measures.

Table 1: Gap Between ADB-SPS (2009) and RGC's Legislation

No.	ADB-SPS Policy Requirements	RGC's Legislations relevant to Land Acquisitions	Gap between ADB-SPS and RGC's Legislation	Proposed Gap-filling Measures
1	Those without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for lost of non-land assets. Improve standard of	Illegal occupants are not entitled to compensation for land assets due to violation on declared land use plan; or if they have constructed without permit or have encroached on demarcated land for right of way (ROW) or	Eligibility for compensation and assistance for non-land loss assets does not include APs without land title or recognizable owner (refer to	All APs without any discrimination whether or not land is owned or recognizable ownership are eligible for resettlement assistance and compensation for loss of non- land assets. Particular focus on improving the standards of

³ The ADB **Public Communications Policy** (ADB, 2005 and updated in 2011) seeks to encourage the participation and understanding of people affected by and other stakeholders to ADB-assisted activities. Information on ADB-funded projects should start early in the preparation phase and continue throughout all stages of project development, in order to facilitate dialogue with affected people and other stakeholders. With respect to land acquisition, compensation and resettlement, information should be distributed to affected peoples (APs) and publicly in the following manner: (i) prior to loan appraisal, the draft Resettlement Plan (RP); (ii) following completion of the final RP, and (iii) following any revisions, the revised RP. This information can be in the form of brochures, leaflets or booklets, in the local language(s) as well as English, the working language of the ADB. When APs include non-literate people, other appropriate methods of communications will be used.

⁴ The ADB **Accountability Mechanism** (ADB, 2003) serves to enhance the capacity of ADB to respond to, prevent and/or resolve problems associated with the implementation of its policies in ADB-funded project. It consists of two separate but complementary functions: (i) a consultation phase consisting of a special project facilitator (SPF) who will respond to specific problems of locally affected people in ADB-assisted projects through a range of informal and flexible methods; and (ii) a compliance review phase consisting of a compliance review panel (CRP) to investigate and make recommendations to remediate alleged violations of ADB operational policies and procedures that have resulted or are likely to result in direct, adverse and material harm to project-affected people. The relevant ADB operations department has the initial responsibility to respond to the concerns of affected communities.

No.	ADB-SPS Policy Requirements	RGC's Legislations relevant to Land Acquisitions	Gap between ADB-SPS and RGC's Legislation	Proposed Gap-filling Measures
	living of the displaced poor and other vulnerable groups, particularly women.	public land.	illegal occupiers/squatters	living of the displaced poor and other vulnerable groups, including women.
2	All affected households (AHs) including those without titles, or are within the ROW are eligible to resettlement assistance and compensation for loss of non-land based assets.	Individuals who have occupied ROW or public land are illegal by Law and are not entitled to any compensation or social support, regardless of their being an AH or a member of vulnerable groups. The land law subject to fines and/or imprisonment of illegal occupier of state land	No compensation for those illegally settled on the ROW both land and non-land assets.	Resettlement assistance will be provided for those who occupied the ROW to move out the affected area including compensation at full replacement cost for affected non-land assets. Allowances will be provided for those who are making a living within the ROW. Additional cash assistance will be provided (if the vulnerable household has an affected movable kiosk or small shop).
3	All APs shall be entitled for resettlement assistance and compensation for non-land based assets regardless their land tenure status.	Any regime of ownership of immovable property prior to 1979 shall not be recognized (Article 7).	Immoveable assets.	All APs including those without titles, or are within ROW or public land are eligible to resettlement assistance and compensation for loss of non-land assets.
4	For non-land assets, all eligible AHs, whether titled, legitimate, or non-titled need to be compensated at replacement cost through cash or replacement assets. Included among these AHs are renters of buildings, tenants and of affected business.	Recognizes businesses or economic entities only if they hold a business certificate (i.e., excludes non-registered businesses).	Unregistered businesses are not included.	Inclusion of those who are economically displaced, even those who are not formally registered (e.g., unregistered, businesses, employees without labor contracts). All APs will be assisted to ensure that their income sources are restored to at least pre-project levels.
5	Consultation with APs, host communities, and concerned public to ensure their participation in	<i>Article 16 of the Expropriation Law requires</i> Expropriation Committee conducting a public survey by	Consultation and disclosure	Meaningful consultation and participation of AHs will be conducted at key stage of RP planning and implementation. The Inter-

No.	ADB-SPS Policy Requirements	RGC's Legislations relevant to Land Acquisitions	Gap between ADB-SPS and RGC's Legislation	Proposed Gap-filling Measures
	<p>planning, implementation, and monitoring and evaluation of resettlement programs.</p> <p>All resettlement plans (RPs), and monitoring reports will be disclosed on the ADB website.</p>	<p>recording detailed description of all entitlements of the owners and/or of the holder of real right to immovable property and other properties subject to compensation as well as recording of all relevant issues. During the survey the Expropriation Committee requires organizing public consultations at the Capital, Municipal-Provincial, and District-Khan authority levels with Commune/Sangkat councils and village or community representative to be affected by the expropriation to provide specific and concise information and collect inputs from all stakeholders regarding the proposed basic public infrastructure project."</p>		<p>ministerial Resettlement Committee (IRC) will distribute public information booklets to all AHs.</p> <p>All RPs and updates will be disclosed on the ADB and project websites.</p>
6	<p>Grievance redress mechanism (GRM) should be established as soon as the project starts to receive and facilitate the resolution of AP's concerns and grievances about physical and economic displacement and other project impacts, paying particular attention to the impacts on vulnerable groups</p>	<p>"The owner and/or the rightful owner who do not agree with a decision by the Expropriation Committee can bring their complaints to the Grievance Redress Committee (GRC)." <i>(Article 33 of Expropriation Law)</i>.</p> <p>If the decision of the GRC is not accepted by the AH, they can bring their complaint to the competent court. <i>(Article 34 of Expropriation Law)</i>.l.</p>	GRM	<p>Provincial Grievance Redress Committee will be established for each subproject in each province .</p> <p>ADB will receive regular (quarterly and bi-annual) reports on the functioning of the GRM as part of regular progress report on the implementation of the RPs.</p>

No.	ADB-SPS Policy Requirements	RGC's Legislations relevant to Land Acquisitions	Gap between ADB-SPS and RGC's Legislation	Proposed Gap-filling Measures
7	In case of significant involuntary resettlement impacts, external monitoring is required. Internal and External monitoring are required, ADB requires the executing agencies to submit quarterly and bi-annual resettlement monitoring reports which will be disclosed on the ADB website.	<p><i>Sub-decree No.115 dated 26 May 2016</i> on promoting Resettlement Department to GDR provide mandate to GDR to lead all resettlement activities including preparation of the RP, implementing and internal monitoring of the RP.</p> <p>In practice, for projects with significant involuntary resettlement impacts, GDR will recruit an external monitoring firm to carry out monitoring of the implementation of the RP.</p>	Internal and external monitoring	<p>Internal monitoring and reporting is under the mandate of GDR. The GDR will provide progress report to executing agencies which will submit quarterly and bi-annual resettlement monitoring reports which will be disclosed on the ADB website.</p> <p>If the subproject is classified as category A or B, external monitoring will be required based on the severity of impact after the detailed measurement survey (DMS) is completed.</p>

Source: PPTA Consultants

E. Key Resettlement Policy Principles and Entitlements for PWSSP

1. Key Policy Principles for PWSSP

48. Considering both ADB SPS (2009) and the relevant laws and regulations of RGC the following key principles have been adopted for the proposed PWSSP.

- a. Involuntary resettlement and impacts on land, structures and other assets and incomes shall be avoided and minimized by exploring all alternative options, including the use of public land.
- b. APs residing, working, doing business and cultivating land within the required PWSSP area as of the completion date of the census and DMS will be entitled to compensation and rehabilitation assistance to assist them in improving, or at least maintaining their pre-PWSSP living standards and productive capacities. The PWSSP will ensure that APs are able to find alternative sites or income sources.
- c. Lack of formal legal title or recognizable legal rights will not be a bar to eligibility for compensation and assistance for non-land assets under the PWSSP
- d. All compensation will be based on the principle of full replacement cost (free from taxes, registration and land transfer costs) based on replacement cost study (RCS) conducted by independent agency and at current and fair market price. There will be no deduction in compensation payment for land, structures or other affected assets for salvage value, depreciation, taxes, stamp duties, fees or other payments.
- e. If ownership over any affected asset is under dispute, the compensation for the same will be withheld until its lawful owner is decided by competent legal authorities.

- f. Where houses and structures are partially affected to the degree that the remaining portion is not viable for its intended use, the PWSSP will acquire the entire asset upon request from APs, and APs will be entitled to compensation at replacement cost for the entire land and non-land asset in. The minimum viable size of remaining land and structures will be determined by the IRC in consultation with ADB during the preparation of the RP for the subproject and prior to the conduct of the DMS.
- g. Shop owners will be assisted in gradually dismantling the setting up of their shops in a new location to be agreed with the Provincial Resettlement Sub-Committee Working Group (PRSC-WG) in the residual area of the ROW and in a way that will allow them to gradually phase out of their operation in their present location and gradually begin their operation in their new location. Under this arrangement, disruption in the operation of shop owners will be minimized, thereby avoiding severe impact on the APs' livelihood.
- h. Temporarily affected land and communal infrastructure will be restored to pre-PWSSP level.
- i. Any acquisition of, or restriction on access to, resources owned or managed by the AHs as a common property, e.g. communal forest, communal farm, will be mitigated by arrangements that will ensure access of those AHs to equivalent resources. Similarly, temporarily affected land and communal infrastructure will be restored to pre-PWSSP conditions.
- j. Plans for the acquisition of land and other assets will be carried out in consultation with the AHs who will receive prior information of the compensation, relocation and other assistance available to them.
- k. The key information in the RPs, such as measurement of losses, detailed asset valuation, compensation and resettlement options, detailed entitlements and special provisions, grievance procedures, timing of payments and displacement schedule will be disclosed to APs in a timely manner, in an accessible place, and in understandable form and language.
- l. Resettlement identification, planning and management will ensure that gender concerns are incorporated, including gender-specific consultation and information disclosure. This includes special attention to guarantee women's assets, property and land-use rights, and to ensure the restoration of their income and living standards to pre-PWSSP standards.
- m. Existing cultural and religious practices will be respected and, to the maximum extent practical, and preserved.
- n. Special measures will be incorporated in the RP to protect socially and economically vulnerable groups such as indigenous and minority ethnic groups, women-headed households with dependents, orphans, households headed by the disabled, the elderly without mean of support, and people living below the generally accepted poverty line. Vulnerable APs will be provided with additional assistance to ensure that they are equal beneficiaries of the PWSSP and are not further disadvantaged.
- o. Compensation and rehabilitation assistance for vulnerable groups will (i) be carried out with respect for their cultural values and specific needs and (ii) ensure that they are not disadvantaged by the process of land acquisition.
- p. There will be effective mechanisms for hearing and resolving grievances during updating and implementation of the RPs without impeding access to the country's judicial or administrative remedies.
- q. Institutional arrangements will be in place to timely and effectively design, plan, consult and implement the land acquisition, compensation, resettlement, and rehabilitation programs
- r. Adequate resources and budgetary support will be fully committed and made available to cover the costs of the implementation of the RPs within the agreed implementation

period; and adequate human resources for supervision, liaison and monitoring of land acquisition, resettlement and rehabilitation activities.

- s. Reporting, monitoring and evaluation mechanisms will be identified and set in place as part of the resettlement management system.
- t. The RP or its summary will be translated in Khmer and placed in the commune offices for the information of the AHs as well as other interested groups.
- u. Civil works contractors will not be issued notice of possession or notice to proceed for any section or segment of the PWSSP until (i) compensation has been satisfactorily completed for that area; (ii) agreed rehabilitation measures are in place; and (iii) the area is free from all encumbrances. The schedule of the start of civil works in any section or segment of the PWSSP will be planned and coordinated with GDR.

2. Eligibility and Entitlements

49. Eligibility will be determined with regards to the “Cut-off Date”, which is the final date of the DMS in each subproject carried out by the PRSC-WG of the project provinces. Those who encroach into the subproject area after the cut-off date will not be entitled to compensation or any other assistance.

50. In addition, the extent of eligibility for compensation in regards to land is determined by legal rights to the land concerned. There are three types of APs: (i) persons with formal legal rights to land lost in its entirety or in part; (ii) persons who lost the land they occupy in its entirety or in part who have no formal legal rights to such land, but who have claims to such lands that are recognized or recognizable under national laws; and (iii) persons who lost the land they occupy in its entirety or in part who have neither formal legal rights nor recognized or recognizable claims to such land. APs included under (i) and (ii) above shall be compensated for the affected land and assets upon land. However, APs included under (iii) shall not be compensated for the affected land, but for the affected assets upon land and are entitled to assistance if they have to relocate.

51. An Entitlement Matrix has been developed for PWSSP taking into account potential impacts of PWSSP. This will guide the preparation of RP for each subproject with involuntary resettlement impacts. The subproject level matrix will show the exact types of losses, entitled persons and units of entitlements. It should be noted that the PPTA consultants have classified category B for two subprojects and category C for four subprojects for involuntary resettlement impacts (Table 3). The entitlements below may not cover all types of impacts and will be enhanced or improved in the RPs and in respective DDRs upon the findings of the social assessment and subproject impacts during the detailed design stage, or in case there will be resettlement related impacts that will be identified and/or may arise during the subproject implementation stage. This PWSSP’s Entitlement Matrix (Table 2) summarizing the main types of losses and the corresponding nature and scope of entitlements has been discussed with the GDR.

Table 2: Entitlement Matrix for Involuntary Resettlement

C A T	Type of Loss	Application	Category of AH	Entitlements	Clarification/Implementation
Loss of Land					
1a	Loss of Land	Agricultural, residential and commercial land	Legal owners and holders of real right of land, including those covered by customary rights	<ul style="list-style-type: none"> • Cash compensation for land at full replacement cost or land swap of equal productive value. • Provision of stamp duties, land registration fees and other similar taxes, if applicable, for acquiring legal rights in case of replacement land (land for land swap) • Includes option of compensation at same replacement cost for affected land that remains after acquisition if remaining land becomes unviable or unusable. • For customary ownership, replacement land to sustain livelihood and way of life. Land registration, stamp duty and other fees to register land ownership or right to use will be reimbursed at cost 	<p>If land for land is offered, title will go to both husband and wife.</p> <p>Applies to only partial loss of land</p> <p>Vulnerable AHs, including those headed by women, to be identified during DMS/census</p> <p>AHs to be notified at least 30 days in advance before start of civil works in the locality of the actual date that the land will be acquired by the Project.</p>
1b	Loss of Land		Tenants and Leaseholders	<ul style="list-style-type: none"> • No compensation for loss of land as not legal owners of land 	<p>AHs to be notified at least 30 days in advance before start of civil works in the locality of the actual date that the land will be acquired by the Project.</p>
1c	Loss of Land		Illegal occupiers/squatters without legal titles or rights to land	<ul style="list-style-type: none"> • No compensation for loss of land as not legal owners of land 	<p>AHs to be notified at least 30 days in advance before start of civil works in the locality of the actual date that the land will be acquired by the Project.</p>

C A T	Type of Loss	Application	Category of AH	Entitlements	Clarification/Implementation
Loss of Use of Land					
2a	Loss of Crops and Fruit Trees)	Agricultural land	Legal owners, real rights holders, tenants, leaseholders and illegal occupiers who are engaged in farming	<ul style="list-style-type: none"> • For rice/crop farming: Net annual income X 3 years <p>AHs can harvest and retain income from standing crop.</p> <ul style="list-style-type: none"> • For fruit trees replacement cost of loss based on following formula: (Quantity Harvested per Year) X (Market Price) X (Number of years it will bear fruit) + Cost of Seedling 	<p>AHs to be notified at least 30 days in advance before start of civil works in the locality of the actual date that the land will be acquired by the Project. RCS will determine the amounts</p> <p>IRC will ensure payment of all compensation at least 30 days prior to the commencement of civil works</p>
				<p>Perennial trees that have a growth period of more than 5 years are classified as follows:</p> <ul style="list-style-type: none"> • Sapling Trees under 1 year-not compensated as it can be replanted • Young Tree (1 to 3 years): Valued at 1/3 of its full price as it can be replanted • Young Tree (More than 3 to 5 years) bearing some fruits: valued at 2/3 of its full price • Mature Tree (more than 5 years) full bearing fruits valued at full price 	<p>AHs to be notified at least 30 days in advance before start of civil works in the locality of the actual date that the land will be acquired by the Project.</p> <p>IRC will ensure payment of all compensation at least 30 days prior to the commencement of civil works</p>
2b	Loss of Business	Commercial land and businesses	Legal owners, real rights holders, tenants, leaseholders and illegal occupiers who are engaged in legal businesses	<ul style="list-style-type: none"> • For operating of legal businesses from fixed structures, an amount equal to loss of projected net income for 3 months • For operating of illegal businesses like gambling, prostitution and similar types, no compensation is paid 	<p>RCS will determine the amounts</p> <p>Both registered and unregistered businesses are compensated except when the nature of business is illegal</p>

C A T	Type of Loss	Application	Category of AH	Entitlements	Clarification/Implementation
Loss of Houses and Structures					
3a	Loss of Houses and Structures	Residential, commercial structures and other assets	Owners of houses, buildings and structures	<ul style="list-style-type: none"> • Cash compensation equivalent to replacement value of lost portion of the house/building/structure. If the owner rents or leases, compensation for any improvements/construction carried out by the renter/leaseholder will be deducted from the compensation payment to the owners. • In case of loss of only part of the houses/buildings/structure and the remaining portion is not livable or useable, compensation will be paid for complete structure at same replacement cost. • In case houses/buildings are rented/leased, any improvements/construction added by renters and leaseholders will be compensated at replacement cost and paid to renter/leaseholder. Owners will not get compensation for such improvements/construction • Provision of taxes and registration fees, if applicable for new replacement at new relocated site. 	<p>AHs to be notified at least 30 days in advance before start of civil works in the locality of the actual date that the land will be acquired by the Project.</p> <p>RCS will determine the replacement cost</p> <p>Loss of 50% or more of the floor space IRC will ensure payment of all compensation at least 30 days prior to the commencement of civil works</p> <p>As determined by competent authorities</p>
3b	Loss of Houses and Structures	Residential, commercial structures and other assets	Tenants and Leaseholders	<ul style="list-style-type: none"> • Cash compensation at replacement cost for any improvements or construction by the tenants or leaseholders • In case of no improvements or construction, no compensation is paid. • Transfer/Disturbance Allowance equivalent to 2 months rental or lease amount 	<p>RSC will determine replacement cost</p> <p>Documentary evidence is required</p>
3c	Loss of Houses and Structures	Residential, commercial structures and other assets	Illegal occupiers/squatters	<ul style="list-style-type: none"> • Cash compensation equivalent to replacement value of loss of structures constructed by illegal occupier/squatters 	<p>RCS will determine replacement value.</p> <p>IRC will ensure payment of all compensation at least 30 days prior to the commencement of civil works</p>

C A T	Type of Loss	Application	Category of AH	Entitlements	Clarification/Implementation
3d	Loss of Houses and Structures (Transport Allowance)	Transport allowance for salvage materials and household goods	AHs (owners, tenants, leaseholders and illegal occupiers /squatters) who are required to move salvage materials and household goods	<ul style="list-style-type: none"> • Fixed Lump Sum allowance per AH based on average cost of transportation to new relocation place. • Less than 5 km • More than 5 km 	<p>RCS will determine the lump sum amount for the 2 rates</p> <p>IRC will ensure payment of all compensation at least 30 days prior to the commencement of civil works</p>
Loss of Livelihood					
4a	Loss of Income during Transition Period-Subsistence Allowance	Loss of Income	AHs (owners, tenants, leaseholders employees, workers, hawkers and illegal occupiers /squatters) who lose income during the transition period.	<ul style="list-style-type: none"> • Lump sum amount equivalent to 3 months of income based on the minimum daily wage rate prevailing in the locality. <p>3 X Minimum Monthly Wage Rate (Daily Rate X 24 working days)</p> <ul style="list-style-type: none"> • In case AH is classified as poor vulnerable group, the above lump sum amount is doubled. <p>6 months of income based on minimum daily wage prevailing in the locality.</p>	<p>RCS will determine monthly minimum wage rate.</p> <p>IRC will ensure payment of all compensation at least 30 days prior to the commencement of civil works</p>
4b	Permanent Loss of Livelihood Source due to Physical Relocation	Income Restoration	AHs who lose their source of livelihood	<ul style="list-style-type: none"> • Entitled to participate in Income Restoration/Support Program based on following categorization: • Land Based Income Restoration for loss of land based livelihood. Facilitate access to other land based sources of income, if productive land is available, like vegetable gardening, fruit tree re-establishment, livestock and other similar land based income generating sources. Financial support of (entitlement amount to be established) for those AHs who relocate on-site or (entitlement amount to be established) for those relocating at new resettlement site under the Project plus farming or livestock training over a period of 12 months. 	<p>The Program will be implemented in a period of 12 months commencing from date of physical relocation.</p> <p>RCS will determine the monthly wage rate and also the entitlement amounts.</p> <p>Land Based for AH who lose land based livelihood</p> <p>Employment based for those who lose employment based livelihood.</p>

C A T	Type of Loss	Application	Category of AH	Entitlements	Clarification/Implementation
				<ul style="list-style-type: none"> • In case of unavailability of suitable land, cash lump sum grant (entitlement amount to be established) to assist in starting micro or home-based business plus training in skills in business over a period of 12 months. <p>OR</p> <ul style="list-style-type: none"> • Employment Income Based Restoration for loss of employment based livelihood. Provision of employment skills training over a period of 12 month and cash grant (entitlement amount to be established) to supplement income support during the training period. <p>OR</p> <ul style="list-style-type: none"> • Business Based Income Restoration for alternative livelihood. Provision of training in business skills for business over a period of 12 months and a cash grant (entitlement amount to be established) to assist starting micro or home-based business. 	<p>For those who lose land or employment based livelihood, as an alternative business based income restoration can be provided at the choice of AH</p> <p>AH will only be eligible for one of the above three options</p>
4c	Impacts on Poor Vulnerable Group	Income Restoration	AHs who are classified as poor vulnerable group	<ul style="list-style-type: none"> • Cash Grant under 4b doubled. • Priority in any employment opportunity under the Project 	<p>Vulnerable AHs, including those headed by women, to be identified during DMS/census.</p> <p>IRC will ensure payment of all compensation at least 30 days prior to the commencement of civil works</p>

III. SOCIAL IMPACT ASSESSMENT AND PREPARATION OF RESETTLEMENT PLAN

A. Screening and Classification of Impacts

52. The SPS requires that all subprojects will screen to determine whether or not they involve involuntary resettlement. For a subproject involving involuntary resettlement, a RP will be prepared that is commensurate with the extent and degree of the impacts. The degree of impacts shall be determined by (i) the scope of physical and economic displacement, and (ii) the vulnerability of the APs. See Annex 1 is Involuntary Resettlement Impact Screening Form.

53. Each proposed subproject must address ADB SPS required criteria to avoid or minimize land acquisition and involuntary resettlement. Any impact noted during detailed design will be minimized by comparing alternatives in the technical design and construction methods. The executing agencies will classify subprojects at the earliest stage of preparation through screening according the ADB's classification system to reflect a subproject's potential involuntary resettlement impact, and they will be classified into the following categories:

- (i) **Category A.** A proposed subproject is likely to have significant involuntary resettlement impacts - 200 or more persons will be physically displaced from home; or 200 or more persons lose 10% or more of their productive or income generating assets; or 200 or more persons experience a combination of both.
- (ii) **Category B.** A proposed subproject includes involuntary resettlement impacts that are not deemed significant.
- (iii) **Category C.** A proposed subproject has no involuntary resettlement impact.

54. Subprojects that have been classified under this category A and B require preparation of RP including the assessment of social impacts and those classified category C require no further action but may require preparation of due diligent report (DDR).⁵ With regard to PWSSP, resettlement screening has been carried out at the very early stage of PPTA, during September 2016. In addition, social impact assessment was conducted in early 2017 (Jan-Feb) to assess the scope of involuntary resettlement impacts by each subproject. As a result, the assessment classified the PWSSP, generally, into Category B for involuntary resettlement impacts (two subprojects require preparation of RP and remaining four require no further action but may require preparation of DDR). Overall, PPTA proposed to prepare RF for PWSSP in general in order to cover any anticipated land acquisition and resettlement impacts that may occur during PWSSP implementation. Below Table 3 summary involuntary resettlement policy instruments required by each subprojects.

Table 3: Involuntary Resettlement Instruments required by each Subproject

No.	Subproject	RF Required	RP Required	DDR Required	Remarks
1	Battambang Water Supply	X	X		<ul style="list-style-type: none"> - 3 APs are using public land to be acquired for water intake station and water treatment plant for seasonal cropping. - Temporary disruption to business and property access point during civil works. - RP may be updated if scope of land acquisition and resettlement is

⁵ ADB. 2013. Operations Manual Operational Procedures. OM Section F1/OP para. 8 items (i) – (iii). Manila.

No.	Subproject	RF Required	RP Required	DDR Required	Remarks
					changed in implementation stage
2	Kampong Cham Water Supply	X		X	Temporary disruption to business and property access point during civil works.
3	Battambang Wastewater and Sanitation	X	X		- 4 APs are using private land to be acquired for wastewater treatment plant. - Temporary disruption to business and property access point during civil works. - RP may be updated if scope of land acquisition and resettlement is changed in implementation stage
4	Sihanoukville Wastewater and Sanitation	X		X	Temporary disruption to business and property access point during civil works.
5	Siem Reap Wastewater	X		X	Temporary traffic slow down at the manhole points
6	Kampong Cham Sanitation	X		X	None

Source: PPTA Consultants

55. In case there are changes in subproject's scope and/or location during next stage especially during detailed engineering design screening of impacts shall be re-conducted to identify any further land acquisition and involuntary resettlement impacts. If scope of subprojects is changed the RPs will be updated based on policies and principles as per approved RF.

B. Social Impact Assessment

56. Any subproject that involve land acquisition and involuntary resettlement impacts will conduct socioeconomic survey(s) and a census, with appropriate socioeconomic baseline data to identify all persons who will be displaced by the subproject and to assess the project's socioeconomic impacts on them. For this purpose, normally a cut-off date will be established by the host government procedures. In the absence of such procedures, the RGC will establish a cut-off date for eligibility. Information regarding the cut-off date will be documented and disseminated throughout the project area. The social impact assessment (SIA) report will include (i) identified past, present and future potential social impacts, (ii) an inventory of displaced persons and their assets, (iii) an assessment of their income and livelihoods, and (iv) gender-disaggregated information pertaining to the economic and sociocultural conditions of displaced persons. The subproject's potential social impacts and risks will be assessed against the requirements presented in this RF, ADB SPS 2009 and applicable laws and regulations of the RGC in which the subproject operates that pertain to involuntary resettlement matters, including host country obligations under international law.

57. As part of the social impact assessment, the PWSSP will identify individuals and groups who may be differentially or disproportionately affected by the subproject because of their disadvantaged or vulnerable status. Where such individuals and groups are identified, the PWSSP will propose and implement targeted measures so that adverse impacts do not fall disproportionately on them and they are not disadvantaged in relation to sharing the benefits

and opportunities resulting from development. Tools for carrying out our assessment of social impacts include:

1. Inventory of displaced persons and affected assets

58. An inventory of displaced persons and their affected assets is essential for identifying displaced persons eligible for resettlement entitlements, determining categories of the entitlements, and providing a basis for valuation and compensation. This includes (i) a census of all displaced persons with basic demographic and socioeconomic data, such as household size, age, gender (especially of the head of household), ethnicity, occupation, household income, and vulnerability; and (ii) an inventory of all affected assets located within the designated alignment of the project facilities, including land of various types (residential, commercial, and agricultural) and other immovable property (buildings, fences, sheds, irrigation canals, wells, and other structures) where quantities and relevant measurements are clearly determined; and (iii) the valuation of these assets at replacement cost according to local market prices and standards of valuation, without deductions for age-related depreciation, recovery of salvageable materials, or registration fees and other transaction costs. The inventory of displaced persons and their affected assets also supplies an important part of the resettlement database to be used for project monitoring and supervision.

59. During the PPTA the survey is normally carried out by consulting firm. However, during the project implementation it is carried out by IRC working group together with the PRSC-WG in the form of DMS and RCS and requires having the prior approved project detailed engineering design (DED). Conducting the DMS is a major part of finalizing the RP. DMS obtains the following information:

- Total and affected areas of land, by type of land assets;
- Total and affected areas of structures, by type of structure (main or secondary);
- Legal status of affected land and structure assets, and duration of tenure and ownership;
- Quantity and types of affected crops and trees;
- Quantity and value of other losses, e.g., business or other income, jobs or other productive assets, estimate daily net income from informal shops;
- Quantity/area of affected common property community or public assets, by type;
- Identify whether affected land or source of income is primary source of income;
- AH knowledge of the road's improvement and preferences for compensation and assistance and, as required, relocation sites and rehabilitation measures.

2. Socioeconomic survey

60. Socioeconomic survey focuses on income-earning activities and other socioeconomic indicators. Although preliminary information can be gathered from secondary data sources, socioeconomic information needs to be supplemented with information obtained from a socioeconomic survey. While census covers 100% of the displaced persons, a socioeconomic survey may be carried out on a sample basis. It is suggested that a sample survey of at least 30% of all APs and 100% of severely affected APs disaggregated by gender and ethnicity will be carried out. The inventory, supplemented with data from socioeconomic surveys, are used to establish baseline information on household income, livelihood patterns, standards of living and productive capacity, which enables the project to design appropriate rehabilitation measures and to enlist the participation of the people to be affected by the project. Apart from these quantitative tools, relevant qualitative tools include focus group discussions, interviews with key informants, and participatory assessment, will be carried out through the consultation

process.

61. Likewise, during the PPTA, consulting firm normally carries out the survey. However, during the project implementation the survey will be carried out by IRC working group together with the PRSC-WG at the same time of carrying out the DMS and data is used to finalize the RP. The SES will collect the following data/information disaggregated by gender and vulnerability of APs:

- Define, identify, and enumerate the people and communities to be affected;
- Describe the likely impacts of land and asset acquisition on the people and communities affected taking social, cultural, and economic parameters into account;
- Socio-economic data on affected households, including household size, ethnicity, name and sex of head of household, primary and secondary source of household income, income level, poverty status (ID Poor 1 or 2), livelihood/occupation, whether household is headed by women, elderly, disabled, poor or indigenous peoples;
- Discuss the Project's impacts on the poor, indigenous and/or ethnic minorities, and other vulnerable groups; and
- Identify gender and resettlement impacts, and the socioeconomic situation, impacts, needs, and priorities of women.

62. During PPTA, a comprehensive socioeconomic survey was conducted in the extended service area. The methodology used for the survey combined extracting Quantitative and Qualitative data. Household level interviews were conducted with randomly selected households, village level interviews were conducted with village and commune officials, and women's focal discussion group discussion meetings were convened. A sample of 5% of villages' households was randomly selected within the extended service area. Fieldwork was conducted in October 2016 and a socioeconomic survey report was prepared. In addition, socioeconomic baseline data of all affected households and information of their affected land and assets of the two subprojects with land acquisition and resettlement impacts were collected during early 2017 and data were used for preparation of the RPs.

C. Determinations of Replacement Costs

63. Based on the RGC regulations, the IRC will recruit professional appraiser or firm to conduct a RCS in the subproject areas during the DMS in order to determine compensation rates reflecting current market prices for (i) agricultural, residential and commercial land; (ii) different types of affected structures; and (iii) crops and trees. The RCS in the subproject areas is valid for 2 years and will be updated 2 years after the completion of DMS if the compensation and/or assistance are not provided to the AH. The RCS results will be the basis for estimating resettlement costs.

64. The RCS will be done by an independent and qualified asset evaluation consultant or consulting agency - in parallel with DMS and SES activities by collecting information from both secondary sources and primary sources (direct interviews with people in the affected area, material suppliers, house contractors), and from both those affected and those not affected. The government rates will be adjusted, as necessary, based on the RCS findings. Compensation rates will be continuously updated to ensure that AHs receive compensation at replacement cost at the time of compensation payment.

65. For replacement costs of lands, the asset appraiser will directly interview the potentially AHs and non-AHs living in the area on their opinions about an acceptable price

of land within and around the Project area; interview households that have recently bought or sold land to collect the evidence of the lands transaction rate; and interview households who are looking for properties to sell or buy within and around the Project area. The committee will also find out from local residents, to be confirmed via official records of the local authorities, the price of various types of land that have been the subject of transactions in the past six (6) months to one (1) year in the community or nearby areas and the price of various types of land local residents are willing to buy or sell.

66. For structures, the asset appraiser will interview owners of structures to determine the construction materials usually used in the locality for each type of building following existing government categories or standards; sources of construction materials used and the unit costs of said materials, including the costs of transporting the same to the locality; and the cost of labor for constructing each type of building found in the locality. In the survey, interviews will also be conducted with building contractors to determine the cost of construction materials for each type of structure in the Project area following existing government categories; the cost of transporting construction materials to the Project area (community); the cost of labor for constructing each type of building; and the unit cost per square meter of each type of building in the Project area following existing government categories.

67. For the crops and trees, interviews will be conducted with owners, market vendors and seedling suppliers to determine the current buying and selling of crops in the area.

68. A RCS report is prepared outlined methodology and approach used, results of market price survey, and recommendation of replacement rates for all affected land, structures, trees and crops by each item. Annex 3 is a standardized content of RCS report.

D. Preparation and Submission of RP

69. A RP will be prepared for a subproject that will have involuntary resettlement impacts. The objective of a RP is to ensure that livelihoods and standards of living of displaced persons are improved, or at least restored to pre-project (physical and/or economic) levels and that the standards of living of the displaced poor and other vulnerable groups are improved, not merely restored, by providing adequate housing, security of land tenure and steady income and livelihood sources. The RP will address all relevant requirements specified in Safeguard Requirements 2, and its level of detail and comprehensiveness of the RP will be commensurate with the significance of involuntary resettlement impacts. An outline of RP is provided in the Annex 2 of this RF.

70. The RP will be prepared based on the social impact assessment and through meaningful consultation with the APs. The RP will include measures to ensure that the displaced persons are (i) informed about their options and entitlements pertaining to compensation, relocation, and rehabilitation; (ii) consulted on resettlement options and choices; and (iii) provided with resettlement alternatives. During the identification of the impacts of resettlement and resettlement planning, and implementation, the PWSSP will pay adequate attention to gender concerns, including specific measures addressing the need of female headed households, gender-inclusive consultation, information disclosure, and grievance mechanisms, to ensure that both men and women receive adequate and appropriate compensation for their lost property and resettlement assistance, if required, as well as assistance to restore and improve their incomes and living standards.

71. For the PWSSP, two RPs will be prepared for Battambang Water Supply subproject and Battambang Wastewater and Sanitation subproject. The two RPs are prepared based on policy and principles of this RF and results of social impact assessment.

72. The RF and two RPs will be submitted to GDR for review and then endorsement by IRC prior to submit to ADB for concurrence. The RF and RPs will be disclosed in accordance with ADB's Public Communications Policy to the affected communities and on ADB's website. The RPs may be updated and finalized in case there are changes in scope of subproject involving land acquisition and resettlement impacts.

IV. CONSULTATION, PARTICIPATION AND DISCLOSURE

A. Consultation and Participation

73. Meaningful consultations will be conducted with APs, their host communities, and civil society for every subproject identified as having involuntary resettlement impacts. Meaningful consultation is a process that (i) begins early in the project preparation stage and is carried out on an ongoing basis throughout the project cycle; (ii) provides timely disclosure of relevant and adequate information that is understandable and readily accessible to affected people; (iii) is undertaken in an atmosphere free of intimidation or coercion; (iv) is gender inclusive and responsive, and tailored to the needs of disadvantaged and vulnerable groups; and (v) enables the incorporation of all relevant views of affected people and other stakeholders into decision making, such as project design, mitigation measures, the sharing of development benefits and opportunities, and implementation issues. Consultation will be carried out in a manner commensurate with the impacts on affected communities. The PWSSP's authorities will pay particular attention to the need of disadvantaged or vulnerable groups, especially those below the poverty line, the landless, the elderly, female-headed households, women and children, Indigenous Peoples, and those without legal title to land.

74. During PPTA, extensive consultations were conducted every Sangkat/Commune of the six subprojects. All households living within the subproject areas were invited to participate and they were informed about the scope of subproject, its potential benefits and impacts, resettlement and compensation policy, and grievance redress mechanism and procedure. A total of 20 consultation meetings were organized within the six subprojects attended by 719 participants of whom 362 were females.

75. During implementation, IRC-WG will lead the public consultation. APs and communities will participate throughout the development and implementation process RPs. In case of involuntary resettlement APs will be consulted by IRC-WG with the assistance of PRSC-WG. Following generic information will be informed to APs during the consultative meeting:

- Project objective, scope, potential benefits and impacts;
- Objectives of ADB SPS and relevant government law and regulation, particularly Law on Expropriation;
- Process and schedule of resettlement implementation process
- Resettlement and compensation policy, eligibility and entitlements;
- Relocation and rehabilitation assistance, if any
- Public information, public consultation and grievance redress procedures

76. APs are involved in public consultation meetings in various stages of the process. Their resettlement impacts and concern are properly recorded during data collection process (DMS,

SES and public consultation and focus group discussion). All these issues and concerns are well incorporated into RPs for compensation and rehabilitation assistance. Vulnerable, female and any special interest groups will be consulted separately using focus group discussion method. The following is a series of consultative meeting practically conducted by the IRC-WG together with PRSC-WG.

- (i) First consultative meeting will be conducted with PRSC and PRSC-WG at provincial level as the kick-off meeting. The purpose of the meeting is to brief members of PRSC and its WG the project objective, resettlement implementation process and schedule, their role and responsibility and their allowances, and requesting their active participation.
- (ii) Second consultative meeting will be conducted with local community and APs at school or pagoda or commune hall at the subproject area. The purpose of this meeting is to inform community and APs about the project, its benefit and potential impact, resettlement and compensation policy and entitlements, resettlement implementation process, eligibility and cut-off-date, and schedule for DMS and SES. AP's head is requested to present at the affected house or asset for verification of impact and sign of DMS form. Notification of Cut-off-Date will be publicly posted at commune council or any place easily access to.
- (iii) Third consultative meeting will be conducted at subproject area prior to contract signing. The purpose of this meeting is to inform them about the schedule for conducting contract sign (possibly village by village) and necessary legal document to present to the IRC-WG and possible schedule for compensation payment. Both AP's head and spouse are requested to present at home during contract sign. They both must sign on the contract form.
- (iv) Fourth public consultative meeting will be conducted at the subproject area prior to compensation payment. The purpose of the meeting is to inform APs about the schedule of compensation payment (village by village), venue for payment, and legal document to bring along as proof.

77. Local authorities, heads of village and commune chiefs are members of PRSC-WG and they are presented during public consultative meetings and have important role in identifying APs and certify on the DMS form. Representatives of APs are members of (i) community/village committee and (ii) grievance redress committee under the PWSSP.

B. Disclosure of Information

78. The RPs of the subprojects that will be prepared following this RF will be endorsed by IRC and submitted to ADB for review and approval. Relevant resettlement information and key information in the RF, RPs, updated RPs, corrective action plans, if any and resettlement monitoring reports will be provided to the APs through the distribution of project information booklet (PIB) in local language. Approved copies of the RF and RP or its summary translated into local language will be shared and available in relevant commune offices. For illiterate APs, suitable other communication methods will be used. All RPs and their implementation monitoring reports will be uploaded in the ADB, Ministry of Industry and Handicraft (MIH) and MEF websites; and will be disclosed to APs by posting in key locations such as commune offices during public information meetings. Key information to be disclosed includes (i) scope of impacts; (ii) relocation and rehabilitation options, (iii) entitlements, (iv) grievance procedures, (v) schedule of delivery of assistance, and (vi) displacement schedule. Translated copies of the

RPs will also be disseminated to each district and commune office within the subproject area and will be publicly accessible. Corrective action plans (if any) and resettlement monitoring reports will also be prepared. Documents for disclosure on ADB's website will include (i) a draft RP and/or RF endorsed by the borrower/client before project appraisal; (ii) the final RP endorsed by the borrower/client after the census of affected persons has been completed; (iii) a new RP or an updated RP, and a corrective action plan prepared during project implementation, if any; and (iv) the resettlement monitoring reports. Disclosure will follow ADB's Public Communication Policy, 2011.

V. COMPENSATION, INCOME RESTORATION AND RELOCATION

79. The overall objective of the PWSSP's resettlement policy is to ensure that all people affected by the Project are able to maintain and, preferably, improve their pre-project living standards and income-earning capacity by providing compensation for the loss of physical and non-physical assets and, as required, other assistance and rehabilitation measures to reestablish affected livelihood. Consistent with Project-specific resettlement principles, policies on compensation and other entitlements as presented in Table 2 - compensation to be paid for affected assets will be based on the principle of replacement cost, which is the amount needed to replace an affected asset without deduction for taxes and/or costs of transaction before displacement plus other resettlement assistance i.e. transport, living and vulnerable allowances based on severity of the impacts.

80. **Compensation:** Only those AHs (i.e., person or persons) confirmed to be residing in, doing business, or cultivating land, or having rights over resources within the subproject ROW or land to be acquired or used for the subproject during the conduct of the IOL, to be validated and confirmed later during the DMS, are eligible to compensation for lost assets and for other assistance. Budget for compensation and other resettlement assistances are included in the RPs. After signing contract with APs, the PRSCs will request compensation budget. Then, the IRC-WG in coordination with PRSC-WG will make compensation payments to APs.

81. **Income Restoration:** APs who have been identified as vulnerable and experience major involuntary resettlement impacts will be provided with support to establish means of their livelihood. This may be either in the form of cash grants for them to seek new or upgrade their skills or through an income support program (land-based or employment-based or business-based) depending on the numbers who opt for such a program. The cash grant will be provided based on national minimum monthly wage as determined by the RCS. The number of months of the national monthly wages will be determined by RCS. In case the AHs opt for an income support program, the program will be provided for a period of one year. The option will be decided at the time of the DMS. If required, an income restoration program (IRP), including the period and mechanisms for implementation, will be designed during the RP preparation and/or update with the full participation of eligible AHs. The (updated) RPs included IRP will be submitted for approval by IRC and ADB. APs entitled to participate in the program include (i) vulnerable AHs affected by loss of productive assets and/or primary structures; (ii) AHs affected by loss of entire houses and shops and (iii) those severely affected by loss of land use equivalent to 10% or more of their total productive (income generating) assets or physical relocation; and landless AH.

82. **Relocation:** the PWSSP will not anticipate any physical relocation.

VI. GRIEVANCE REDRESS MECHANISM

83. The objective the grievance redress mechanism is to resolve complaints as quickly as possible and at the local level through a process of conciliation, and, if that is not possible, to provide clear and transparent procedures for appeal. This section presents the information and arrangement appeal procedures regarding eligibility and entitlements as well as the implementation of the resettlement activities.

84. The PWSSP will establish a grievance redress mechanism and provide a well-defined grievance redress procedure to resolve grievances and complaints in a timely and satisfactory manner. All APs will be made fully aware of their rights, and the detailed procedures for filing grievances and the appeal process will be published through an effective public information campaign. The grievance redress mechanism and appeal procedures will also be explained in the PIB that will be distributed to all APs. All APs will also be made aware of the detailed grievance procedure for filing grievances on any issues arising from the contractor. Aggrieved project-APs are encouraged to submit their complaints through this mechanism either by verbal or 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 APs.

85. A grievance redress committee (GRC) will be established at provincial level with a process starting from commune offices prior to RP implementation. The designated commune officials shall exercise all efforts to settle complaints and issues at the commune level through appropriate community consultation. All discussions of the meetings shall be recorded for each grievance and copies shall be provided to the APs. The minutes of meetings and actions undertaken shall be filed and safely kept.

86. During the course of the PWSSP, it is possible that people may have concerns with the subproject's safeguards performance including implementation of the RPs. The grievance redress procedures set out below and endorsed by the IRC will be applied by PWSSP.

- (i) **Stage 1:** Affected person/household will submit a letter of complaint/request to the village or commune office (a copy may be submitted to the provincial resettlement sub-committee (PRSC) or IRC). The commune office will be obliged to provide immediate written confirmation of receiving the complaint. If, after 15 days, the aggrieved affected person/household does not hear from the village or commune, or if the affected person/household is not satisfied with the decision taken by in the commune office, the complaint may be brought to the district office.
- (ii) **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 resolved in this stage, the district office will bring the case to the Provincial Grievance Redress Committee (PGRC).
- (iii) **Stage 3:** The PGRC meets with the aggrieved party and tries to resolve the complaint. PGRC may ask for a review of the DMS. Within 30 days of the submission of the grievance, PGRC must make a written decision and submit a copy of the same to IRC and the affected person/household.
- (iv) **Stage 4:** Court Procedures. If the aggrieved affected person/household does not hear from the PGRC or is not satisfied with the proposed solution, the affected person/household can bring the case to the Provincial Court. The

Provincial Court will make a written decision and send copies to the affected person/household, to PGRC and IRC. If any party is still unsatisfied with the Provincial Court's judgment, the party can refer the case to a higher-level court.

87. APs will be allowed to have access to the DMS or contract document to ensure that 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 APs are provided with copies of complaints and decisions or resolutions reached.

88. If efforts to resolve disputes using the grievance procedures remain unresolved or unsatisfactory, APs have the right to directly discuss their concerns or problems with the ADB's Environment, Natural Resources and Agriculture Division, Southeast Asia Department through the ADB Cambodia Resident Mission. If APs are still not satisfied with the responses of ADB Cambodia Resident Mission, they can directly contact the ADB Office of the Special Project Facilitator. The Office of the Special Project Facilitator procedure can proceed based on the accountability mechanism in parallel with the PWSSP implementation.

VII. INSTITUTIONAL ARRANGEMENT AND IMPLEMENTATION

A. Institutional Arrangement

89. **Ministry of Industry and Handicraft (MIH):** MIH is the executing agency (EA) for the PWSSP and a Coordinating Committee was established to coordination between MIH and MPWT. MIH has overall responsibility for the coordination and consolidation of PWSSP reports to MEF and ADB. Two Project Management Units (PMUs) were established to carry out PWSSP, one located within General Department of Portable Water Supply of MIH to carry out water supply subprojects and another one at General Department of Public Works of MPWT to carryout sanitation subprojects.

90. **Inter-ministerial Resettlement Committee (IRC):** The IRC mechanism was established by the Prime Minister's Decision No. 13, dated 18 March 1997 and updated on 16 February 1999 by the Prime Minister's Decision No. 98 with the mandate to review and evaluate the resettlement impact and land acquisition for public physical infrastructure development projects in the Kingdom of Cambodia. The IRC is a collective entity, permanently chaired and led by MEF, with members from different line ministries. The IRC carries out its roles through IRC-WG which is established by MEF for each public investment project.

91. **General Department of Resettlement (GDR):** The GDR is the Secretariat of the MEF and/or technical arm of IRC and is the lead agency for land acquisition and involuntary resettlement for public investment projects. Under the oversight of IRC, GDR is responsible for the preparation, implementation, monitoring and evaluation of RFs, RPs, Updated RPs and Corrective Action Plans, if any. Under the oversight of IRC, GDR ensures that funds for resettlement are spent properly and that the RP is implemented as intended. The GDR will assist IRC in carrying out the following tasks:

- Reviewing and approving the RFs, and prepare RPs for each subproject, ensuring that the RPs are consistent with ADB's 2009 Safeguard Policy Statement and the loan agreement and covenants relating to involuntary resettlement;
- Endorsing the approved RFs, RPs and Update RPs, and Corrective Action Plans, if any, to ADB;

- Facilitate establishing or convening the IRC-WG, PRSC and its PRSC-WG;
- Orienting, as needed, the IRC-WG, PRSC and PRSC-WG on their tasks relative to RP updating and implementation;
- Securing from the MEF the budget for the implementation of the RPs, ensuring that sufficient funds are available in a timely manner;
- Approving all disbursements connected with the implementation of the RPs, 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
- With assistance from an independent organization, monitoring the implementation of the RP, ensuring that this is carried out in compliance with the Project resettlement policy and with the loan agreement.

92. **Provincial Resettlement Sub-Committee (PRSC):** The Provincial Resettlement Sub-Committee (PRSC) is a collegial body at the provincial level. Headed by the Provincial Deputy Governor, the members of the PRSC are provincial department directors of line ministries represented in the IRC, and also the chiefs of the districts and communes traversed by the Project. The technical arm of the PRSC is the PRSC-WG. The PRSC-WG is headed by the Director (or a representative) of the PDPWT. The regular members of the PRSC-WG come from the Provincial Government, Provincial Department of Economy and Finance (PDEF), and the Ministry of Interior. The PRSC-WG has a counterpart at the district level composed of personnel from various line agencies. In an effort to make the whole process of resettlement effective, participatory and transparent, the chiefs of the affected communes and villages, and a male and female representative each of the AHs in affected communes will participate in the district RSC-WG in matters concerning their respective areas of jurisdiction. The PRSC, through the provincial and district working groups, will have the following functions:

- Facilitate a sustained public information campaign, ensuring that the public, especially the AHs, are updated on any developments regarding the Project and resettlement activities;
- Spearhead the DMS and updated census of AHs, including the updating of the rates used in calculating compensation and other entitlements to reflect prevailing market rates at the time of compensation;
- 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 section of the Project road sections;
- Spearhead the delivery of compensation and other entitlements to the AHs;
- Receive and act on the complaints and grievances of AHs in accordance with the Project resettlement policy; and
- Maintain a record of all public meetings, grievances, and actions taken to address complaints and grievances.

93. **The Project Implementation Consultant (PIC):** PIC will carry out the DED of the subprojects. The PIC:

- (i) may provide assistance in the implementation of RPs if requested by GDR;
- (ii) will report the progress in the implementation of the land acquisition and involuntary resettlement through the regular quarterly progress reports and annual reports; and

- (iii) will monitor the construction schedule of the subprojects and advise GDR on any impacts on land acquisition and resettlement impacts bottlenecks. together

B. Institutional Capacity Assessment

94. Under the PPTA stage, assessment of institutional capacity for resettlement planning implementation and monitoring has been carried out. Generally, the capacity of relevant agencies undertaking resettlement is sound except the MIH. The officials of MPWT, GDR and the Project provinces are experienced in compensation assistance and resettlement, particularly of projects financed by international development and funding agencies. MIH is new to the resettlement related activities, as they have never implemented project or subproject having involuntary resettlement impacts. Thus, MIH has no designated staff for social safeguards. The GDR will prepare a training program tailor-made to MIH on land acquisition and involuntary resettlement awareness.

C. RP Implementation Process

96. After request for RP implementation by GDR and, IRC will mobilize its working group to work closely with PRSC-WG before commencement of any resettlement activities under each subproject. Land acquisition and relocation of APs will not commence until the detailed RP has been reviewed and approved by both IRC and the ADB. Several steps are integral to the RP implementation process, including:

- (i) Establishment of IRC-WG, PRSC, PRSC-WG and Provincial GRC: Provinces where the four committees do not exist, IRC will assist to establish them prior to implementing any resettlement activities.
- (ii) DMS and SES: DMS, including IOL, Census, and SES will be conducted under management of the IRC-WG based on the approved detailed engineering designed and as requested by MIH. The surveys will be carried out by Resettlement Department of GDR in close cooperation with PRSC-WG and relevant local authorities. DMS will be a binding legal document for compensation payment to APs. Therefore, it is necessary to have it signed by AP and chief of village and commune of their residency.
- (iii) RCS: In parallel with the above surveys, the RCS will be conducted by an independent agency hired by GDR. The contracted agency will conduct the study based on the TOR.
- (iv) Preparation or update and approval of RPs: Based on results of DMS, SES and RCS, GDR with close cooperation from MIH will prepare/update the RPs in compliance with the approved RF and submit to IRC for review and endorse prior to further submit to the ADB for concurrence. PIC will assist GDR in preparing/updating the RPs.
- (v) Preparation and approval of resettlement budget: GDR will be responsible for preparing budget for compensation and other assistance based on the approved budget in the RPs and submit to the RGC for approval and disbursement. However, GDR will ensure that budget for resettlement is made available before commencement of civil work and APs are given sufficient time (at least 30 days) for removal of their affected assets.
- (vi) Contract sign and compensation payment: Once the budget is available, IRC-WG together with PRSC-WG will go house-to-house to conduct contract sign for

compensation payment. At this stage, it is important that IRC-WG confirm quantity of affected assets by items together with compensation amount. IRC-WG need to request budget for compensation and payment will be paid in the public place accessible to all APs. For security reason, compensation amount to each

- (vii) Public Information, Consultation and Disclosure: Series of public consultative meetings are conducted during the course of RP preparation and implementation.
- (iii) Notification on Site Clearance: AP who will be relocated will be informed about the schedule for the project site clearance and start-up of the physical works. AP will be given at least 30 days advance notice of the commencement of physical work. Letter of Notification for site clearance will be publicly posted in the subproject communities and commune council or head of village house, wherever easy access to APs.

VIII. BUDGET AND FINANCING

97. The budget for implementing the RPs will be determined by GDR after the completion of DMS and included in the RP for each subproject. All land acquisition, compensation, resettlement assistances, and income restoration costs (if needed) for the subproject will be financed by the counterpart funds from national budget by RGC. The budget for such activities will be estimated based on results of DMS, RCS and Entitlement Matrix of this RF. The entitlements may be enhanced during the consultations with APs during RP preparation and updating, but cannot be downgraded.

IX. MONITORING AND REPORTING

98. GDR will conduct regular monitoring of RP implementation and provide quarterly progress reports to the PMU. Monitoring and reporting is intended to help ensure that the RPs or updated RPs are prepared and implement according to this RF.

99. The following key indicators will be monitored periodically by IRC and GDR through the PMUs:

- a) Compensation and entitlements are computed at rates and procedures as provided in the approved RP;
- b) APs are paid as per agreement with Project authorities;
- c) Public information, public consultation and grievance redress procedures are followed as described in the approved RP;
- d) Public facilities and infrastructure affected by the Project are restored promptly; and
- e) The transition between resettlement and civil works is smooth.

1. Internal Monitoring

100. The role of internal monitoring and evaluation is to ensure that resettlement institutions are well functioning during the course of project implementation, and that the resettlement activities are undertaken in accordance with the implementation schedule described in the RP. In this way, the protection of APs' interests and the schedule for civil works can be assured. The Resettlement department and the Department of Internal Monitoring and Data Management of GDR will be responsible for carrying out the internal monitoring.

2. External Monitoring

101. If the scope of involuntary resettlement impacts is significant and subproject is classified as category A or B, the GDR will recruit an external monitoring agency (EMA) to verify the internal monitoring information and carry out the external monitoring of resettlement activities and will provide advice on involuntary safeguards compliance issues and propose corrective actions. The EMA will be a qualified Consulting Firm/NGO or independent consultant with recognized experience on external monitoring of involuntary resettlement in Cambodia. The terms of reference for the EMA must be acceptable to both GDR and the ADB. The EMA will verify the data and information of the internal monitoring carried out by GDR. It will also prepare external monitoring reports as well as semi-annual monitoring reports for GDR. The GDR will forward a copy of the semi-annual monitoring report and external monitoring report to ADB for uploading on ADB's website. The EMA will likewise conduct a Post-RP Implementation Evaluation one year after the completion of the implementation of the RP or the updated RP.

ANNEXES

ANNEX 1: INVOLUNTARY RESETTLEMENT IMPACT SCREENING FORM

Project Title: Provincial Water Supply and Sanitation Project (ADB Loan/Grant No. Date: Subproject Name: Location and Impact Area:				
Potential Land Acquisition / Resettlement Effects	Yes	No	Not Known	Remarks
Acquisition of Land				
1. Will there be land acquisition?				<ul style="list-style-type: none"> • Discuss with the design engineers on what are the road's intervention and in which road' particular sub-sections • Field visit to examine if there are AHs on the affected areas.
2. Is the site for land acquisition known?				<ul style="list-style-type: none"> • Discuss with the design engineers and local authorities on the locations of the road interventions.
3. Is the ownership status and current usage of land to be acquired known?				<ul style="list-style-type: none"> • Discuss with the design engineers • Consultations with the communities
4. Will easement be utilized within an existing Right of Way (ROW)?				<ul style="list-style-type: none"> • Discuss with the design engineers • Discuss with local authorities • Consultations with the communities
5. Will there be loss of shelter and residential land due to land acquisition?				<ul style="list-style-type: none"> • Discuss with the design engineers • Discuss with local authorities • Consultations with the communities • Field assessment.
6. Will there be loss of agricultural and other productive assets due to land acquisition?				<ul style="list-style-type: none"> • Discuss with the design engineers • Discuss with local authorities • Consultations with the communities • Field assessment.
7. Will there be losses of crops, trees, and fixed assets due to land acquisition?				<ul style="list-style-type: none"> • Discuss with the design engineers • Discuss with local authorities • Consultations with the communities • Field assessment.
8. Will there be loss of businesses or enterprises due to land acquisition?				<ul style="list-style-type: none"> • Discuss with local authorities • Consultations with the communities • Field assessment.

9. Will there be loss of income sources and means of livelihoods due to land acquisition?				<ul style="list-style-type: none"> • Discuss with local authorities • Consultations with the communities • Field assessment.
Involuntary restrictions on land use or on access to legally designated parks and protected areas				

Potential Involuntary Resettlement Effects	Yes	No	Not Know	Remarks
10. Will people lose access to common resource, communal facilities and services?				<ul style="list-style-type: none"> • Discuss with design engineers • Discuss with local authorities • Consultation with communities • Field assessment
11. If land use is changed, will it have an adverse impact on social and economic activities?				<ul style="list-style-type: none"> • Field assessment and consultation with AHs and local authorities
12. Will access to land and resources owned communally or by the state be restricted?				<ul style="list-style-type: none"> • Discuss with design engineers • Field assessment and consultation with AHs and local authorities
Information on Displaced Person:				
<p>Any estimate of the likely number of persons that will be displaced by the Project? <input type="checkbox"/> No <input type="checkbox"/> Yes</p> <p>If yes, approximately how many? _____</p> <p>Category for IR impacts⁶: A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/></p>				
<p>Are any of them poor, female-heads of households, or vulnerable to poverty risks? <input type="checkbox"/> No <input type="checkbox"/> Yes</p>				
<p>Are any displaced persons from indigenous or ethnic minority groups? <input type="checkbox"/> No <input type="checkbox"/> Yes</p>				

⁶ Impacts are classified as Category A when 2000 or more persons experience major resettlement impacts either through being physically displaced from housing or losing 10% or more of their productive (income generating) assets. Not significant impacts (i.e. other than category A) will be classified as Category B. No impacts will be classified as Category c.

ANNEX 2: OUTLINE OF THE RESETTLEMENT PLAN

A RP is required for all subprojects involving land acquisition and resettlement impacts. Its level of detail and comprehensiveness will be commensurate with the significance of potential resettlement impacts and risks.

A. Executive Summary

This section provides a concise statement of project scope, key survey findings, entitlements and recommended actions.

B. Project Description

This section provides a general description of the project, discusses projects components that result in land acquisition, involuntary resettlement, or both and identify the projects area. It also describes the alternatives considered to avoid or minimize resettlement include a table with quantified data and provide a rationale for the final decision.

C. Scope of Land Acquisition and Resettlement

This section:

- i. discusses the project's potential impacts, and includes maps of the areas or zone of the impact of the project components or activities;
- ii. describes the scope of land acquisition (provide maps) and explains why it is necessary for the main investment project;
- iii. summarizes the key effects in terms of assets acquired and displaced persons; and
- iv. provides details of any common property resources that will be acquired.

D. Socioeconomic Information and Profile

The section outlines the results of the social impact assessment, the census survey, and other studies, with information and /or data disaggregated by gender, vulnerability, and other social groupings, including:

- i. define, identify, and enumerate the people and communities to be affected;
- ii. describe the likely impacts of the land and asset acquisition on the people and communities affected taking social, cultural, and economic parameters into account;
- iii. discuss the project's impacts on the poor, indigenous and /or ethnic minorities, and other vulnerable groups; and
- iv. identify gender and resettlement impacts, and the socioeconomic situation, impacts, needs, and priorities of women.

E. Information Disclosure, Consultations, and Participation

This section:

- i. identifies project stakeholders, especially primary stakeholders;
- ii. describes the consultation and participation mechanisms to be used during the different stages of the project cycle;

- iii. describes the activities undertaken to disseminate project and resettlement information during the project design and preparation for engaging stakeholders;
- iv. summarizes the results of consultations with displaced persons (including host communities), and discusses how concerns raised and recommendations made were addressed in the RP;
- v. confirms disclosure of the draft RP to displaced persons and includes arrangements to disclose any subsequent plans; and
- vi. describes the planned information disclosure measures (including the type of information to be disseminated and the method of dissemination) and the process for consultation with displaced persons during project implementation.

F. Grievance Redress Mechanisms

This section describes mechanisms to receive and facilitate the resolution of displaced persons' concerns and grievances. It explains how the procedures are accessible to displaced persons and gender sensitive.

G. Legal Framework

This section:

- describes national and local laws and regulations that apply to the project and identify gaps between local laws and ADB's policy requirement; and discuss how any gaps will be addressed;
- describes the legal and policy commitments from the executing agency for all types of displaced person;
- outlines the principles and methodologies used for determining valuations and compensation rates at replacement cost of assets, incomes, and livelihoods; and set out the compensation and assistance eligibility criteria and how and when compensation and assistance will be provided; and
- describes the land acquisition process and prepare a schedule for meeting key procedural requirements.

H. Entitlements, Assistance and Benefits: This section:

- i. defines displaced persons' entitlements and eligibility, and describes all resettlement assistance measures (includes an entitlement matrix);
- ii. specifies all assistance to vulnerable groups, including women, and other special groups; and
- iii. outlines opportunities for displaced persons to derive appropriate development benefits from project.

I. Relocation of Housing and Settlement

This section:

- i. describes options for relocating housing and other structures, including replacement housing, replacement cash compensation, and /or self-selection (ensure that gender concerns and support to vulnerable groups are identified);
- ii. describes alternative relocation sites considered; community consultations conducted; and justification for selected sites, including details about location, environmental assessment of sites, and development needs;

- iii. provides timetables for site preparation and transfer;
- iv. describes the legal arrangements to regularize tenure and transfers titles to resettled persons;
- v. outlines measures to assist displaced persons with their transfer and establishment at new sites;
- vi. describes plans to provide civic infrastructure; and
- vii. explains how integration with host populations will be carried out.

J. Income Restoration and Rehabilitation

This section:

- i. identifies livelihood risks and prepare disaggregated tables based on demographic data and livelihood sources;
- ii. describes income restoration programs, including multiple options for restoring all types of livelihoods (examples include project benefit sharing, revenue sharing arrangements, joint stock for equity contributions such as land, discuss sustainability and safety nets)
- iii. outlines measures to provide social safety net through social insurance and /or project special funds;
- iv. describes special measures to support vulnerable groups; and
- v. describes training programs.

K. Resettlement Budget and Financial Plan

This section:

- i. provides an itemized budget for all resettlement activities, including for the resettlement unit, staff training loan implementation;
- ii. describes the flow of funds (the annual resettlement budget should show the budget-scheduled expenditure for key items);
- iii. includes a justification for all assumptions made in calculating compensation rates and other cost estimates (taking into account both physical and cost contingencies), plus replacement costs; and
- iv. includes information about the source of funding for the RP budget.

L. Institutional Arrangements

This section:

- i. describes institutional arrangement responsibilities and mechanisms for carrying out the measures of the RP;
- ii. includes institutional capacity building program, including technical assistance, if required;
- iii. describes roles of NGOs, if involved, and organizations of APs in resettlement planning and management; and
- iv. describes how women's groups will be involved in resettlement planning and management.

M. Implementation Schedule

This section includes a detailed, time bound, implementation schedule for all keys resettlement and rehabilitation activities. The implementation schedule should cover all aspects of resettlement activities synchronized with the project schedule of civil works construction, and provide land acquisition process and timeline.

N. Monitoring and Reporting

This section describes the mechanisms and benchmarks appropriate to the project for monitoring and evaluating the implementation of the RP. It specifies arrangements for participation of displaced persons in the monitoring process. This section will also describe reporting procedures.

ANNEX 3: STANDARDIZED REPLACEMENT COST STUDY REPORT

CONTENT

- 1. Overview of the Project/Subproject**
- 2. Methodology and Approach**
 - a. RCS Team
 - i. Nominated staff and participants
 - ii. Overview of performed activities
 - b. Information collection
 - i. Study area
 - ii. Sample size and selection
 - iii. Information to be collected
 - c. Information processing
- 3. Results**
 - a. Area 1 (village, district, province)
 - i. Unit costs for fixed assets
 - ii. Replacement cost for fixed assets
 - iii. Comments and observations
 - b. Area 2 (village, district, province)
 - i. Unit costs for fixed assets
 - ii. Replacement cost for fixed assets
 - iii. Comments and observations
 - c. Area n (village, district, province)
 - i. Unit costs for fixed assets
 - ii. Replacement cost for fixed assets
 - iii. Comments and observations
- 4. Conclusion**
 - a. Key findings
 - b. Next steps
 - c. Recommendations
- 5. Annexes**
 - a. Used RCS questionnaire form
 - b. Document gathered
 - c. Photos