

# Resettlement Plan

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October 2017

## Cambodia: Provincial Water Supply and Sanitation Project Battambang Wastewater and Sanitation Subproject

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

## CURRENCY EQUIVALENTS

(as of 6 October 2017)

Currency unit	–	riel (KR)
KR1.00	=	\$0.000247
\$1.00	=	KR4,050

## ABBREVIATIONS

ADB	–	Asian Development Bank
AH	–	Affected Households
AP	–	Affected person/people
BTBWWS	–	Battambang Wastewater and Sanitation
DMS	–	Detailed Measurement Survey
GDR	–	General Department of Resettlement
IOL	–	Inventory of Loss
IRC	–	Inter-ministerial Resettlement Committee
LAR	–	Land Acquisition and Involuntary Resettlement
m	–	Meter
MEF	–	Ministry of Economy and Finance
MIH	–	Ministry of Industry and Handicraft
MPWT	–	Ministry of Public Works and Transport
PGRC	–	Provincial Grievance Redress Committee
PIC	–	Project Implementation Consultant
PMU	–	Project Management Unit
PRSC	–	Provincial Resettlement Sub-committee
PPTA	–	Project Preparatory Technical Assistance
PWSSP	–	Provincial Water Supply and Sanitation Project
RCS	–	Replacement Cost Study
RGC	–	Royal Government of Cambodia
ROW	–	Right of Way
RP	–	Resettlement Plan
SAWA	–	Sanitation and Water Agency
SPS	–	Safeguard Policy Statement
WG	–	Working Group
WWSS	–	Wastewater Supply Subproject
WTP	–	Water Treatment Plant

## NOTE

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

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## DEFINITION OF TERMS

- 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. In applying this method of valuation depreciation of structures and assets should not be taken into account.
- 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 survey (DMS).
- 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.
<b>Eligibility</b>	- 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.
<b>Entitlement</b>	- 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.
<b>Involuntary resettlement</b>	- 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.
<b>Income restoration</b>	- 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.
<b>Land acquisition</b>	- 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.
<b>Project Authorities</b>	- 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.
<b>Project Executive Agency</b>	- Refer to Ministry of Industry and Handicraft, Ministry of Public Works and Transport and its Project Management Units
<b>Relocation</b>	- This is the physical relocation of an AP from his/her pre-project place of residence and/or business.
<b>Relocation assistance</b>	- 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**

- Refers the method of valuing assets at current market value, or its nearest equivalent, plus any transaction costs such as administrative charges, taxes, registration and titling costs. 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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## 1. EXECUTIVE SUMMARY

### 1.1. Project and Subproject 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.

2. The Provincial Water Supply and Sanitation Project (PWSSP) will extend water supply coverage and treatment in Battambang, and Kampong Cham and sanitation coverage and wastewater treatment capacities with improved septage management in Battambang and Sihanoukville, and improved septage management in Kampong Cham. The project will also provide for the replacement of the failed interceptor sewer in the town of Siem Reap. There are six (6) proposed subprojects for civil works identified for financing under PWSSP. The full description, scope and location of the subprojects are provided in the **Resettlement Framework** for the PWSSP which accompanies this draft Resettlement Plan for the Battambang Wastewater and Sanitation Subproject.

3. This draft Resettlement Plan (RP) for the Battambang Wastewater and Sanitation Subproject (hereafter referred to as the **BTBWWS Subproject**) must be read in conjunction with the *Resettlement Framework* for the PWSSP.

4. **BTBWWS Subproject:** 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. The Sanitation subproject in Battambang town has 5 main components:

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

### 1.2. Scope and Nature of Resettlement Impacts for the Subproject

5. The BTBWWS Subproject is classified as category B for involuntary resettlement impacts and involves insignificant acquisition of private owned land and related loss of productive assets. The affected assets and the related affected households (AHs) are summarized in **Table 2**. The acquisition requirements concern mainly (a) private land and (b) governmental land, but (c) no loss of structures, trees, crops or services and resources, (d) no physical relocation through loss of assets, access to assets, income sources, or means of livelihoods, and (e) very limited temporary disruption of property road access points. There is also no requirement for resettlement as no physical displacement of AH will take place. The findings of the census and IOL and the status of AHs are provided in detail in **Annex 3**.

### **1.3. Socioeconomic information of the AH**

6. As part of the fieldwork the socioeconomic characteristics of the AH have been surveyed in February 2017. Taking into account that all the subprojects under the PWSSP intends (a) to avoid or limit acquisition of private land, (b) not to affect private structures, and (c) not to cause significant resettlement effects, the survey of the AH had its focus on those key land acquisition and involuntary resettlement (LAR) topics as described below. The **Annex 3** provides an overview and details of those features as related to the BTBWWS Subproject.

7. Only the sole single household will lose its productive land, as the land will be permanently acquired for the construction of the wastewater treatment plant (WWTP). In the sole AH is male headed and there are **seven (7) affected persons living in total**. All are **living above the national poverty line**. No case of indigenous people is reported.

### **1.4. Information Disclosure, Consultation, and Participation**

8. The public consultation was conducted through two public commune meetings in January and February 2017 and a total of 101 commune residents (48 female and 53 male) participated. The contacted villagers showed high interest and welcome the Subproject as water supply and sanitation were of high importance.

9. This draft resettlement plan (RP) shall to be reviewed and endorsed by GDR and approved by the inter-ministerial resettlement committee (IRC) prior to submission to ADB for concurrence. Since the impact is only loss of agricultural land and any associated loss of income, the consultation with the single AH will be simple and on an individual household basis throughout the implementation of the RP and the BTBWWS Subproject. There will be no need for a project information booklet for the BTBWWS Subproject given the very limited scope of the impacts. The GDR will carry out the household consultation during the DMS process. The RP and their implementation monitoring reports will be uploaded in the ADB, Ministry of Industry and Handicraft and MEF websites. The disclosure will follow ADB's Public Communication Policy, 2011.

### **1.5. Grievance Redress Mechanism**

10. One provincial level grievance redress committee (PGRC-Battambang) will be established in Battambang to handle grievances for the BTBWWS Subproject and the Battambang Water Supply Subproject under the PWSSP. The process and procedures for the grievance redress mechanism is outlined in the *Resettlement Framework* for the PWSSP.

### **1.6. Legal Framework**

11. The gaps between the ADB SPS and RGC legal and regulations requirements and the gap filling measures; and the key resettlement Policy Principles and Entitlements, which are outlined in the *Resettlement Framework* for the PWSSP, will be applicable to the draft RP for the BTBWWS Subproject.

### **1.7. Entitlement, Assistance and Benefits**

12. Eligibility will be determined with regards to the "Cut-off Date" and those who encroach into the BTBWWS Subproject area after the cut-off date will not be entitled to compensation or any other assistance. Only one AH has been determined to be eligible.

13. The Entitlement Matrix outlined in the *Resettlement Framework* for the PWSSP will guide the entitlements for the single AH under the BTBWWS Subproject. The single AH will be entitled for compensation for **loss of private land**. There is no other loss of assets. The single AH is living below the poverty line and is not categorized as the poor and vulnerable group. This will be confirmed at the DMS stage when the socioeconomic survey (SES) of the AH will be undertaken. The contractor for the construction works may require temporary use of land for establishing camp site. This will be the responsibility of the contractor. The grievance redress procedures will include the process to file grievances to address the issues that may arise from the contractor and will be made aware to the sole AH during one to one consultation.

14. This will be no physical displacement of the AH from its existing house. Thus, there will be no relocation assistance

### **1.8. Income Restoration Program and Rehabilitation**

15. There may be some loss of income from the use of the agricultural land. This will be determined during the DMS stage and if there is any such loss, the AH will be compensated as specified in **Table 2: Entitlement Matrix for Involuntary Resettlement in the Resettlement Framework** for PWSSP.

### **1.9. Resettlement Budget and Financing Plan**

16. The cost of land acquisition and resettlement for BTBWWS Subproject will be financed by the RGC from its national budget. There is no cost for resettlement. The cost of the land acquisition (about 34.221 m<sup>2</sup>) will be determined by the GDR based on the Replacement Cost Study (RCS) undertaken by an independent consultant who will be recruited by the GDR for all subprojects under the PWSSP in the Battambang province. The cost estimate will be known after the completion of the DMS and will be confirmed by GDR.

### **1.10. Institutional Arrangements**

17. The Institutional Arrangements outlined in the *Resettlement Framework* for the PWSSP will be applicable to the BTBWWS Subproject. The Ministry of Industry and Handicraft (MIH) is the executing agency (EA) for BTBWWS Subproject. However, the General Department of Resettlement (GDR) is the agency which will be directly responsible for all land acquisition and resettlement activities under the Subproject. The role of MIH is minimal and is only related to the compilation of the reporting requirements for the PWSSP and reporting to GDR of any bottlenecks posed by resettlement during the construction phase of the BTBWWS Subproject.

18. The implementation will only involve the acquisition of the land as there are no resettlement activities under the BTBWWS Subproject. The sequential schedule for subproject RP implementation with tentative dates of each activity is found in Table 8.

### **1.11. Monitoring and Reporting**

19. The monitoring and reporting arrangements outlined in the *Resettlement Framework* for the PWSSP will be followed for the BTBWWS Subproject. All monitoring and reporting on the preparation and implementation of the RP will be carried out by the GDR in accordance with the principles agreed under the *Resettlement Framework* for PWSSP

20. External monitoring is not required for the BTBWWS Subproject, as impact is very limited (single AH) and not significant (only loss of agricultural land, no resettlement).

## 2. SUBPROJECT DESCRIPTION

21. Battambang currently has a 1,000m<sup>3</sup>/day lagoon-based wastewater treatment plant (WWTP) that was constructed in 1994 by the non-governmental organization called Sanitation and Water Agency (SAWA), funded by the European Union (EU). It was intended to serve 15,000 people over 89ha of the main downtown area on the west side of the Sangké River. The treatment plant is still operating but is now limited to 450m<sup>3</sup>/day as a result of general degradation of the system. The existing WWTP depicted in **Figure 2** covers an area of 5.8ha including the lagoon, pump house, administration / laboratory building and surrounding space.

22. The sewerage network in the town center is at present combined with the storm water system and consists of concrete pipes from 800mm – 1500mm in diameter, installed between the colonial period and recent years. The coverage and existing pipe network is shown in **Figure 3**. These pipes are to be retained for storm water only, with wastewater separated. They flow in a northwestern direction to discharge into rice fields and a flood plain in the vicinity of the proposed new wastewater treatment plant.

23. The existing WWTP layout consists of the three main stages of lagoon treatment process; comprising an anaerobic pond, facultative pond and maturation pond or wetland:

- (i) Anaerobic pond: 2 ponds of 5m depth. A pump station was installed at the downstream end.
- (ii) Facultative pond: 2 circular ponds in parallel, with an average diameter of 63m, and average depth 1.5m with deep fermentation pit (diameter 21m, and 3m depth) in each pond.
- (iii) Maturation pond or wetland.

### 2.1 Proposed Coverage Area

24. The BTBWWS Subproject will be divided into two phases where Phase 1 covers an area of about 415 ha to the west of the Sangké 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 Sangké River as these communes develop, beyond 2025, again to year 2040. **Figure 3** shows the Phase 1 and Phase 2 service areas. The proposed coverage is divided into 13 Blocks, four covered in Phase 1 and the remainder in Phase 2.



Figure 1: Existing WWTP (constructed in 1994)

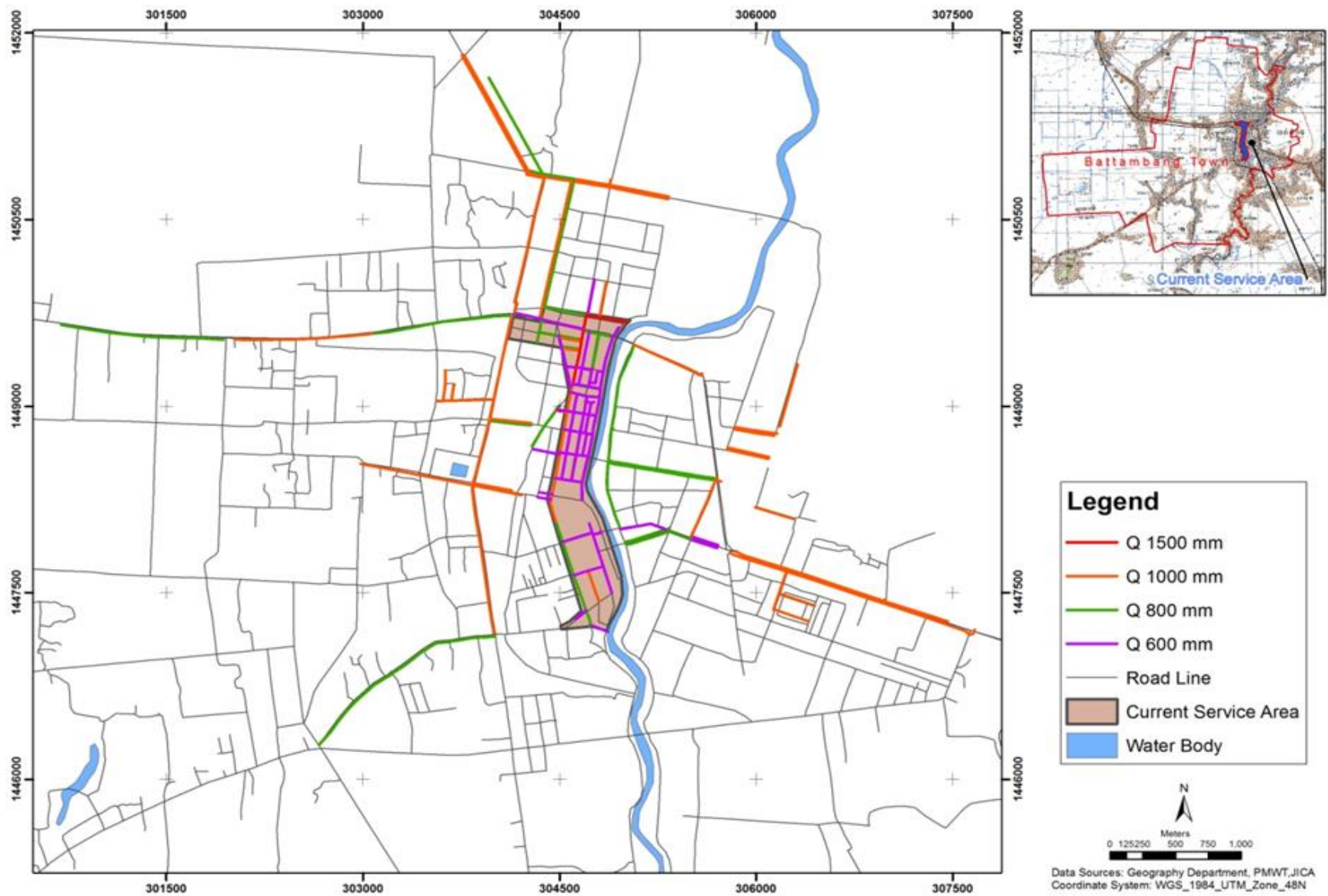


Figure 2: Coverage of 1994 EU funded (SAWA) WW Project

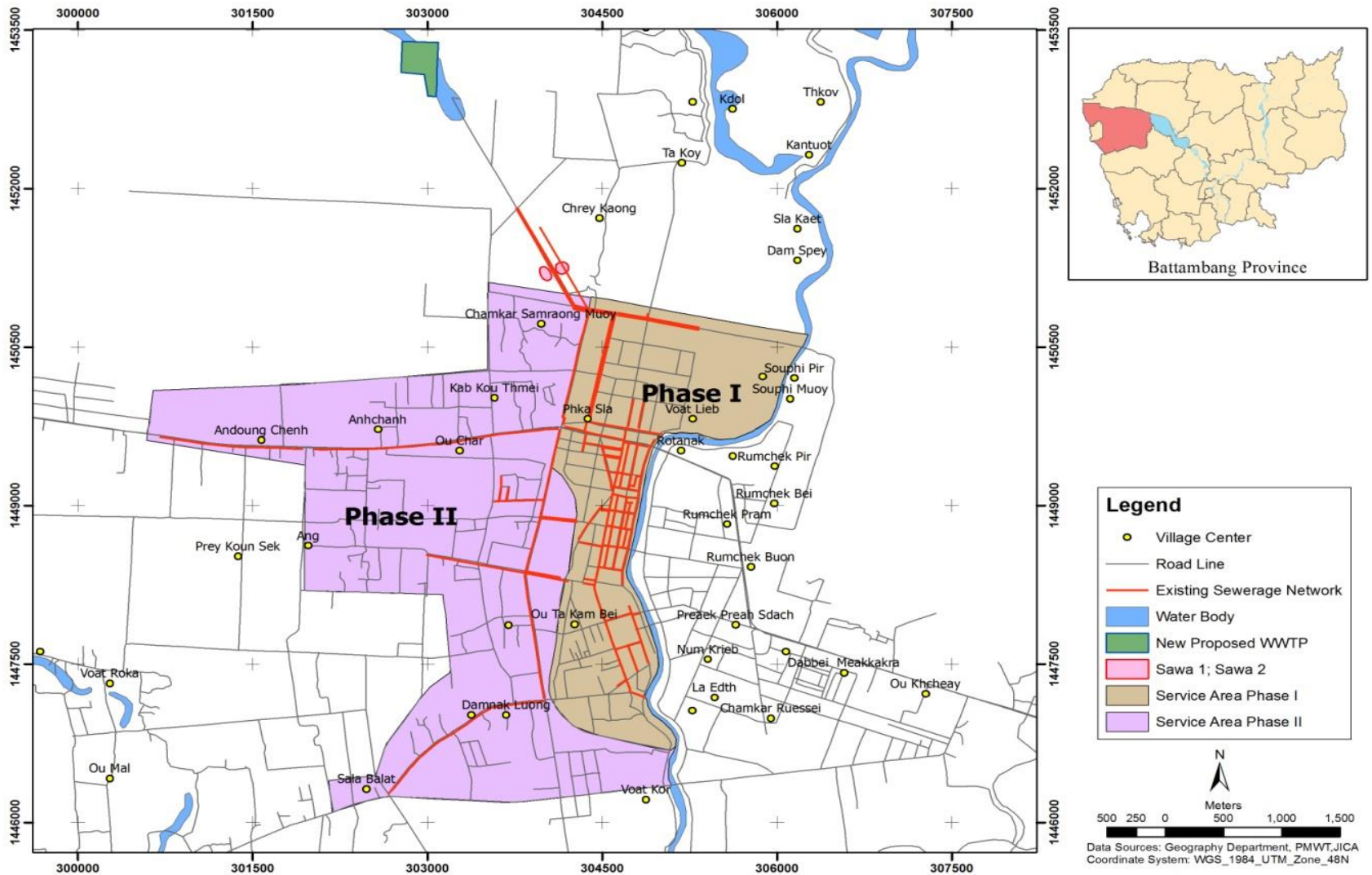


Figure 3: Phase 1 Service Area

## 2.2 Proposed Improvements

25. The wastewater and sanitation improvements in Battambang town to be developed in two phases until the year 2040 are illustrated in **Figure 3**. The subproject involving the initial Phase 1 activities has 5 main components:

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

26. The new WWTP will be located on a 6.6 ha site in Chrey Kaong village, Sangkat Sla Kaet, Battambang town. It consists of 4 anaerobic ponds, 4 trickling filters, a sludge drying bed and a septage receiving facility with a drying bed, dewatering container, and equipment for desludging and site cleansing. The sewerage system in Battambang Town is designed to convey wastewater only, separate from storm water with the existing pipes being retained for collection and disposal of rain water separately. There are in total 3 pump stations proposed for the Phase 1 service area, two pumps in the town and one at the WWTP.

## 3. SCOPE OF LAND ACQUISITION AND RESETTLEMENT

27. The feasibility design considered components of a wastewater and sanitation scheme, which would require limited private land acquisition. This will have to be **reviewed in detail during the detailed design stage, for which a confirmation of the proposed site for the wastewater treatment plant is expected**. For the conveyance and collector pipes only existing Right of Way (ROW) have been selected for alignments. The subproject will involve physical changes through earth moving, but also in constructing wastewater infrastructure. The engineering design follows the existing RoWs to the extent possible, so that need for private land acquisition is minimized. This has been optimized by the due diligence consultant as a result of LAR fieldwork and surveys.

28. The requirements for land acquisition for the BTBWWS Subproject results from census, IOL and SES during field data collection conducted **between 22 January and 05 February 2017** combined with joint transect walk of participating commune members, DPWT staff, and FTP.

### 3.1. Permanent Land Acquisition

29. The land acquisition concerns the site for the WWTP located in an area of 6.6 ha in Chrey Kaong village, Sangkat Sla Kaet. A land acquisition screening has been prepared under **Annex 1**. The required 2 plots of land are owned by one private individuals and the provincial government.

### 3.2. Temporary Land Acquisition

30. For any temporary site installation, the contractor will have to propose a site installation and access plan and obtain no objection from the Project Management Unit (PMU). The GDR will not be required to acquire any land for the use of the contractor. The contractor shall be responsible for paying all costs, including any rental/lease fees for any land that it requires. Both



private and public space shall be returned in the same or improved condition compared with pre-project situation.

### 3.3. Affectedness

31. The affected assets and the related the AH is summarized in **Table 1**. The acquisition requirements concern mainly (a) private land and (b) governmental land, but (c) no loss of structures, trees, crops or services and resources, (d) no physical relocation through loss of assets, access to assets, income sources, or means of livelihoods, and (e) very limited temporary disruption of property road access points. There is also no requirement for resettlement by this subproject as no physical displacement of people will take place. The findings of the census and IOL and the status of AH is provided in detail in **Annex 3**.

32. The sole AH contacted during the consultation meetings and socio-economic surveys indicated their willingness to cooperate with the BTBWWS Subproject.

**Table 1: Subproject Affected Assets, Households, and Severity of Impacts**

Type of Asset	Level of Affectedness	Severity of Impact	Affected Household/s
Residential Land	No case to report	None	0
Productive Land	<ul style="list-style-type: none"> <li>• Total of 17.221m<sup>2</sup> of entire land lose.</li> <li>• This is equivalent to 50% of the AH total productive area.</li> </ul>	Significant	1 male headed AH
Community Land	No case to report	None	0
Primary Structures	No case to report	None	0
Secondary Structures	No case to report	None	0
Trees	No case to report	None	0
Crops	No case to report	None	0
Loss of income	Loss of agricultural products when their land is fully acquired	Limited	'1 male headed AH
Common property resource	No case to report	None	0

## 4. SOCIOECONOMIC INFORMATION AND PROFILE

33. Socioeconomic information of the AH living in the BTBWWS Subproject area were collected through the fieldwork (household surveys, census, IOL, SES, consultation meetings in villages, and transect walks) and performed by the Public Water Works and PPTA consultants.

### 4.1. Socioeconomic Characteristics of AH

34. Basic socio-economic information of the single AH whose productive land will be permanently acquired for the construction of the wastewater treatment plant. The head of the AH was contacted and the members of the AH were surveyed. This is summarized below and relevant information shown in Table 2, 3, 4, 5 and 6.

- (i) A single male is the head of AH and is 63 years old. The AH size is 7, and therefore higher than national average of 4.7 and of the provincial (Battambang) average of 4.8.

**Table 2: Identification of AH**

No.	Name	Sex	Age	Members
1	Ban Roset	Male	63	7

- (ii) **Age and Gender:** Among the 7 household members, 3 are male and 4 are female. 4 affected persons are in the economic active group (15 to 64 years old).

**Table 3: Age of APs**

Gender	Age Group					Total
	0 - 14	15 - 29	30 - 44	45 - 64	65 - over	
Male	1	1	-	1	-	3
Female	2	1	-	1	-	4
Total	3	2	-	2	-	7

- (iii) **Education:** Out of sole AH, 3 members have attended primary school and 2 members attended secondary school and the remaining two (four year child and an infant) are yet to attend school. Khmer is the national language and use by the AH.

**Table 4: Education Levels of APs**

No.	Head of AH	School level				Uni- versity	Total
		None	Primary	Seco- n-dary	High		
1	Ban Roset	2	3	2	-	-	7

- (iv) **Income:** Two members are active income earners employed in the grocery shop. The annual income of the sole AH is calculated about 9,000 USD/year.

**Table 5: Income Overview of AH**

No.	Head of AHs	AP employed / working	Type of employment /occupation	Income [USD/unit]	Annual Income [USD/year]
1	Ban Roset	2	Grocery shop	750/month	9,000
Household income				per year	9,000
				per month	750

- (v) **Expenditure:** The annual expenditure of the AH is calculated at **5,992 USD**. Food items were reported as the highest expenditure. The AH's estimates indicate that the annual income is higher and expenses are lower and some saving could be made.

**Table 6: Expenditure Overview of AH**

No.	Items	Ban Roset
1	Food	3,600

No.	Items	Ban Roset
2	Health	200
3	Education	240
4	Clothes	100
5	House	588
6	Social responsibilities	250
7	Transport	414
8	Agriculture tools	600
Totals per AH		5,992

(vi) **Poverty:** Cambodia uses an absolute poverty line definition. In 2013, the Ministry of Planning (MOP) introduced new poverty lines. The revisions to the poverty lines include (a) a food poverty line based on 2,200 calories per person per day (up from 2,100); and (b) a non-food component that is estimated separately for Phnom Penh, other urban, and rural areas. Cambodia Socioeconomic Survey (CSES) 2014 identified those who earned less than **\$33 per person per month** considered living under poverty line for other urban area. The applied calculation for the sole AH shows that he is above the official poverty line.

**Table 7: Calculation of Poverty Line by Household**

No.	Head of AH	AH Size	Calculated Annual Poverty Line per Year (USD 33*AH size*12 months)	AH Annual Income	Under Poverty Line	
	[Name]	[AP]	[USD]	[USD]	No	Yes
1	Ban Roset	7	2,772	9,450	✓	

(vii) **Access to infrastructure and utilities:** The sole AH has good access to public services and infrastructure offered in the town.

#### 4.2 Poor and Vulnerable Group Classification

35. The subproject ensures that poor and vulnerable groups are not disadvantaged and that they are equal beneficiaries of the subproject's infrastructure. The single AH is not classified as poor and vulnerable as its household income exceeds the poverty line and does not meet the standard criteria used by GDR. The AH is elderly male headed and is neither disabled nor poor and vulnerable.

#### 4.3 Indigenous People

36. There are no indigenous people affected by the Subproject.

## **5. INFORMATION DISCLOSURE, CONSULTATIONS, AND PARTICIPATION**

### **5.1. Consultation and Participation**

37. The disclosure of land acquisition and resettlement information, consultation and participation of residents in the BTBWWS Subproject took place in two public commune meetings in January and February 2017. The contacted 101 commune residents (48 female and 53 male) have a good understanding about the subproject and its land acquisition related aspects. The contacted villagers (i) showed high interest in the subproject and repeatedly mentioned their expectations towards the subproject, as water supply and sanitation are topics of high importance.

38. Attending officials, as well as village representatives, households and families have been informed about the subproject in general and LAR aspects in particular. The subproject ensured that APs and other stakeholders have (a) obtained information about LAR aspects, and (b) opportunities to participate in the LAR process.

39. This draft RP will be submitted to GDR for review and endorsement and approval of the IRC prior to submission to ADB for concurrence. At the time of DMS, the GDR will provide key information to the single AH. Since there is a single AH and majority members have been to school the impact will be very limited and, this will be carried out in individual household basis.

### **5.2. Disclosure of Information**

40. Relevant resettlement information and key information in the RP, updated RP, and corrective action plans, if any and resettlement monitoring reports will be provided to the sole AH in local language. Approved copies of the RF and RP or its summary translated into local language will be available in the commune office. The RP and their implementation monitoring reports will be uploaded in the ADB, Ministry of Industry and Handicraft (MIH) and MEF websites. The disclosure will follow ADB's Public Communication Policy, 2011.

## **6. GRIEVANCE REDRESS MECHANISMS**

41. The PGRC for Battambang province will be established to handle all grievances for the two subprojects under the PWSSP in Battambang. The grievance redress mechanism will follow the process and procedures outlined in the *Resettlement Framework* for PWSSP which is standard for all the subprojects under PWSSP.

42. The sole AH will 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.

43. If efforts to resolve disputes using the grievance procedures remain unresolved or unsatisfactory, affected persons can raise their concerns or problems with the ADB's Environment, Natural Resources and Agriculture Division, Southeast Asia Department through the ADB Cambodia Resident Mission. If affected persons are still not satisfied with the responses of ADB Cambodia Resident Mission, they can directly contact the ADB Office of the Special Project Facilitator.

## 7. LEGAL FRAMEWORK

### 7.1. Legal Framework and ADB SPS

44. The RGC's Legal Framework; the ADB's policy principles and the gaps with RGC laws and regulations and the gap filling measures; and the Policy Principles for Involuntary Resettlement are outlined in the *Resettlement Framework* for the PWSSP. These will apply to this BTBWWS Subproject as well as all other subprojects under the PWSSP.

### 7.2. Determinations of Replacement Costs

45. The GDR will recruit an independent and qualified asset valuation consultant to conduct a RCS in the Subproject area during the DMS in order to determine compensation rates reflecting current market prices for the agricultural land which will be acquired for the BTBWWS Subproject.

46. The RCS consultant will collect information about recent land transaction for land within and around the BTBWWS Subproject area through interview with households who have recently bought or sold land to collect the evidence of the lands transaction rate. Local authorities will also be consulted and official records will be examined. The price of the agricultural land will be determined based on the transactions in the past six (6) months to one (1) year in the community or nearby areas.

## 8. ENTITLEMENTS, ASSISTANCE AND BENEFITS

### 8.1. Eligibility and Entitlements

47. Eligibility will be determined with regards to the "Cut-off Date" and the sole AH have been determined to be eligible under this criterion. Those who encroach into the subproject area after the cut-off date will not be entitled to compensation or any other assistance

### 8.2. Resettlement Impacts, Compensation and Assistance for the Subproject

48. The compensation entitlement for the BTBWWS Subproject is based on **Table 2: Entitlement Matrix for Involuntary Resettlement** outlined in the *Resettlement Framework* of the PWSSP. The scope of land acquisition and resettlement impacts have been identified during the fieldwork carried out in late January 2017.

49. **Loss of Land:** There is only one case of affected productive land with a permanent loss of 1.7 ha to report (see **Annex 3**), which represents 50% of the AH's total productive land of 3.4 ha. The AH is living in the nearby Sangkat, and was contacted and a transect walk jointly undertaken to preliminarily define the size of affected areas.

50. **Temporary loss of land:** There will be no acquisition or rental of temporary land by the PMU or the GDR. The contractor will be responsible for the rental or leasing of any temporary land required to establish the contractor's office or camp site. The contractor will be obliged to pay compensation at replacement costs immediately to affected families, groups, communities or government agencies in case of an impact as a result of the contractor's actions. Any damaged property will be restored immediately to its former condition including reinstatement of land if unexpectedly and temporarily affected. The PMU will ensure that any issues arising from

the contractor are properly resolved through the grievance redress mechanism so that the AH maintains the same or better income status and livelihoods.

51. **Loss of houses and other structures:** There is no case of loss of primary or secondary houses, shelters, and others structures.

52. **Loss of trees and perennial crops:** There is no case of loss of tress and perennial crops

53. **Loss of public services and resources:** There is no loss to access to public services and resources.

54. **Relocation:** There is no physical relocation.

55. **Loss of income and Livelihood:** The sole AH is in business (grocery shop) and members are company employees. The sole AH will not lose their primary source of income and livelihood. **The loss of income from the agricultural land, if any, will be determine during the DMS by the GDR and the RCS consultant.**

56. **Poor and Vulnerable Group:** The sole AH annual income has been assessed at \$9000 or \$750/month. The income is above the poverty rate and hence does not meet the criterion for categorization as poor and vulnerable group.

57. **Rehabilitation:** There will be no requirement for rehabilitation as there is no relocation of replacement of primary structures.

**Table 8: BTBWWS Subproject Entitlement Matrix**

Type of Loss	Acquisition		Private		Non-Private	Mitigation Measures and Implementation Aspects
	Tempo-rary	Perma-ment	AH	Member of AH		
<b>1 Loss of land</b>						
Productive Land (Agriculture land, pasture land, forest, Fishing area)						
1.1 Private owner and user		X	1	7		<ul style="list-style-type: none"> <li>▪ Wastewater Treatment Plant.</li> <li>▪ Compensation at replacement cost or provision of land of at least equal productivity.</li> </ul>
1.2 Private leaser, renter			0	0		
1.3 Commune / Gov. owner and user		X			1	Govt. land made available as contribution to the subproject.
Residential Land / Residential cum Commercial Land / Commercial Land						
1.4 Private owner and user			0	0		
1.5 Private leaser, renter, occupier, squatter			0	0		
1.6 Landless users			0	0		
1.7 Commune / Gov. owner and user					0	
<b>2 Loss of structure</b>						
2.1 Private owner and user of prim. structure			0	0		
2.2 Private tenants of prim. structure			0	0		
2.3 Private owner and/or user					0	Reinstatement of property

Type of Loss	Acquisition		Private		Non-Private	Mitigation Measures and Implementation Aspects
	Temporary	Permanent	AH	Member of AH		
(sec. structure)						road access points as part of construction work.
<b>3 Loss of public services and resources</b>						
3.1 Community of public buildings					0	Services not affected, except transport restrictions at construction sections. EMP includes traffic regulation and health and safety supervision.
3.2 Public utilities					0	
3.3 Drains			0	0	0	
3.4 Natural resources			0	0	0	
<b>4 Loss of trees</b>						
4.1 Private owner and/or user			0	0		
4.2 Non-private owner and user					0	
<b>5 Loss of crops</b>						
5.1 Private owner			0	0		
<b>6 Loss of income</b>						
6.1 Loss of productive land (100%)			1	7	0	Loss of income, if any, from the agricultural land will be determined during the DMS by the GDR. In case of loss, cash amount equal to 3 X Minimum Monthly Wage at locality will be paid to eligible AH
6.2 Disruption of commercial business			0		0	Provision of access ways during few days of construction work in a construction section.
<b>7 Allowance and Assistance</b>						
7.1 Transport allowance for loss of main structure			0		0	No case to report
7.2 Income support			1	7	0	See 6.1 above
7.3 Income Restoration (Permanent Loss of Livelihood)			0	0	0	There is no permanent loss of livelihood
<b>8 Relocation</b>						
8.1 Relocation of AH			0	0		No relocation of AH

Source: PPTA Consultants

## 9. RELOCATION OF HOUSING AND SETTLEMENT

58. There is no physical relocation of the sole AH or its home.

## 10. INCOME RESTORATION AND REHABILITATION

59. There is no loss of permanent livelihood and therefore no need for any income restoration program. The sole AH is not categorized as poor and vulnerable group and hence there will be no additional compensation.

## 11. RESETTLEMENT BUDGET AND FINANCIAL PLAN

60. The cost for the land acquisition and any income loss for the BTBWWS Subproject will be determined during the DMS stage by the RCS consultant. The budget will be entirely financed by the RGC from its national budget and no financing by the ADB will be required.

61. **Compensation Rates:** In conformity with ADB policies, the compensation rates for the BTBWWS Subproject will be based on RCS (which will be carried out by an independent consultant during DMS stage) that reflect the actual market rate.

## 12. INSTITUTIONAL ARRANGEMENTS

### 12.1. Institutional Arrangement

62. **Ministry of Industry and Handicraft (MIH):** MIH is the executing agency (EA) for the PWSSP and a Coordinating Committee was established to coordinate between MIH and MPWT. 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 carry out **sanitation subprojects**. There will be minimal role of MIH in the implementation of the RP. **The MIH role will only be to incorporate status of land acquisition based on reporting by GDR in the progress reporting required by the ADB.**

63. **Inter-ministerial Resettlement Committee (IRC):** The IRC will be responsible for the approval of this draft RP and endorsement of the budget based on the DMS carried out after the detailed engineering designs are completed by the project implementation consultant.

64. **General Department of Resettlement (GDR):** The GDR will be responsible for the preparation and implementation of the RP and Corrective Action Plans required during implementation, if any. For the BTBWWS Subproject, the updated RP will not be necessary as there is minimal impact on the sole AH and there is no resettlement. GDR will oversee the implementation of the RP through the IRC-WG and the PRSC-WG.

65. **Provincial Resettlement Sub-Committee (PRSC):** The Provincial Resettlement Sub-Committee (PRSC) will be established by the Battambang Provincial Governor to oversee the land acquisition for the BTBWWS Subproject and the BTB Water Supply Subproject under the PWSSP soon after the approval of the PWSSP by the ADB. It will appoint a PRSC-WG which will be responsible for carry out the day to day activities in the implementation of the RP in Battambang jointly with the IRC-WG.

66. **The Project Implementation Consultant (PIC):** There is minimal role of the PIC in the implementation of the RP for the BTBWWS Subproject. It will assist the MIH in the supervision of the civil works activities and will ensure that the contractors adhere to with the terms of their contract relative to avoiding and/or minimizing resettlement impacts. In the event that land acquisition is or is likely to create a bottleneck for the progress in the constructions works, the PIC will promptly advise the GDR through the PMU of the problem.

### 12.2. Institutional Capacity Assessment

67. Officials of GDR have improved capacity for resettlement implementation and supervision and have benefited from workshops, regional training and study visits, some of which were financed under ADB TAs. There has been a marked improvement in the institutional capacity as its internal business processes have been streamlined. There is a clear and consistent set of procedures which has improved the quality of RPs and efficiency in implementation. The GDR is also guided by in-house international experts which has increased its capacity to deliver and implement land acquisition and resettlement for externally financed projects.



### 12.3. RP Implementation Process

68. After the approval of the PWSSP by the ADB, the GDR will mobilize the IRC-WG to work closely with PRSC-WG before commencement of any resettlement activities. Land acquisition from the sole AH will not be commenced until the RP has been approved the IRC and the ADB. For this Subproject, it will not be necessary to prepare a separate detailed RP as the impacts are very limited with the sole AH and no requirements of any resettlement. The GDR will conduct the DMS and the RCS consultant will carry out the assessment for determining the prevailing market prices for land which will be used to compensate the sole AH for the loss of their land. The loss of income from the agricultural land, if any, will also be determined at the same time.

## 13. IMPLEMENTATION SCHEDULE

69. The implementation of the LAR for the Subproject will be coordinated with the entire PWSSP implementation schedule. Since there is no physical relocation of the sole AH or any other assets, only land acquisition will need to be completed before any construction work can start. The indicative implementation for the Subproject is given below:

**Table 8: Resettlement Plan Implementation Schedule**

Activities	Schedule
RP Preparation	March-April 2017
Approval of RP (both IRC and ADB)	August 2017
Disclose RP on ADB website	August 2017
Approval of PWSSP by ADB	November- December 2017
Detail Engineering Design	January - March 2018
Detailed Measurement Survey	April 2018
Replacement Cost Survey	April 2018
Offer of Compensation	May 2018
Disbursement of Compensation to the sole AH	June 2018

## 14. MONITORING AND REPORTING

70. The GDR will conduct regular monitoring and reporting of the implementation of the RP for the BTBWWS Subproject as part of the reporting requirements for the overall PWSSP.

### 14.1. Internal Monitoring

71. The primary responsibility for internal monitoring lies with GDR. The internal monitoring reports will be prepared quarterly and provided to ADB and the PMU. The PMU will reflect the status of the implementation of the RP in the quarterly progress reports on the PWSSP as required by the ADB.

### 14.2. External Monitoring



72. External monitoring is not required for the BTBWWS Subproject as the impact is very limited.

## ANNEXES

### Annex 1: Land Acquisition and Resettlement Impact Screening

IMPACTS ON LAND AND OTHER ASSETS AND RELATED FACILITIES/SERVICES			
GENERAL ASPECTS	YES	NO	EXPLANATIONS
Requirement of land acquisition	x		
Sites of land acquisition	x		
Easement utilized within existing Row	x		Alignment of pipes
Permanent land acquisition	x		
Temporary land acquisition		x	If necessary for construction, then contractor to arrange.
Change of ownership of land	x		
Change of usage of land	x		Concerning site for WWTP
LOSS OF ASSETS	YES	NO	DESCRIPTION
Loss of residential land		x	
Loss of agricultural land	x		Private land
Loss of residential structures		x	
Loss of productive structures		x	
Loss of trees /crops		x	
EFFECTS ON COMMUNAL/PUBLIC FACILITIES	YES	NO	DESCRIPTION
Loss of access to facilities		x	
Loss of access to services		x	
Loss of community assets/ties		x	
Loss of cultural / historical properties		x	
IMPACTS OF PEOPLE			
PHYSICAL DISPLACEMENT	YES	NO	EXPLANATIONS
Replacement of houses		x	
Relocation of households		x	
ECONOMIC DISPLACEMENT	YES	NO	EXPLANATIONS
Loss of incomes	x		
Loss of businesses/enterprises		x	
Loss of access to income sources		x	
Loss of access to natural resources		x	
AFFECTED HOUSEHOLDS / PEOPLE	YES	NO	CASES AND NUMBERS
Number of AH/AP	x		1 AH with 7 APs
Vulnerable AH/AP		x	None
Severely AH/AP	x		1 AH with 7 APs
Non-owning AHs (users of assets)		x	0 AH
FINDINGS			
Category		Categorization	
A	Not applied by PWSSP		Feasibility Study <span style="float: right;">✓</span>
B	✓		Design and Tendering
C			Design, Construct and Install
<b>Conclusion:</b> There are minor impacts of assets and their owning affected households and/or users			
<b>Note:</b> The listed items are in accordance with checklists as defined by ADB guidelines			

## Annex 2: Public Consultation Meeting at Commune/Sangkat

Subproject: Sanitation Component				
DATE	LOCATION AND TIME	FACILITATING ACTORS	PARTICIPANTS	DISCUSSION / RESPONSES / OUTCOMES FOLLOW-UP ACTIONS WITH RESPONSIBILITY
24 January 2017	Commune/s: Svay Pao	<ul style="list-style-type: none"> <li>▪ DPWT               <ul style="list-style-type: none"> <li>- Mr. Chea Sambo</li> <li>- Ms. Kim Sokhuntheary</li> </ul> </li> <li>▪ PPTA consultant staff               <ul style="list-style-type: none"> <li>- Mr. Franz-Deiter Wahl</li> <li>- Mr. Teang Sokhom</li> <li>- Mr. Chea Sarin</li> <li>- Mr. Tem Sereivouth</li> </ul> </li> </ul>	Female: 21 Male: 33 Total: 54	<b>Presentation:</b> <ul style="list-style-type: none"> <li>• Description of project and its current status;</li> <li>• General introduction into resettlement;</li> <li>• Explanation of Grievance Redress Mechanism;</li> <li>• Indicating construction impacts of pipes in public Right-of-Way;</li> <li>• Clarification on Environmental Construction Management (Traffic, access to plots, others);</li> <li>• Briefing on loss of assets on sites for proposed infrastructure;</li> <li>• Others.</li> </ul> <b>Comments – Questions – Answers:</b> Q1: Chief of village, Praek Moha Tep: <i>“how many pipes will be in my village?”</i> A1: There will be the pipelines for nearly all roads. Q2: Yok Ly, Chief of Village 20 Ou Saphea: <i>“people complaints on the quality of backfilled concrete of the access (it shrink after backfilling for a while)”</i> . A2: The project will have clear construction specification that the contractor shall follow and supervised during construction by the DPWT and consultant. Defect liability period will also be applied. Q3: <i>“Any solution on flooding?”</i> A3: This project is for wastewater (sanitation), not to solve the issue of flooding.
	Venue: Sam Pov Pagoda			
	Time: 2:00 to 3:30 PM			
				
03 February 2017	Commune/s: Chamkar Samraong	<ul style="list-style-type: none"> <li>▪ DPWT               <ul style="list-style-type: none"> <li>- Ms. Kim Sokhuntheary</li> </ul> </li> <li>▪ PPTA consultant staff               <ul style="list-style-type: none"> <li>- Mr. Chea Sarin</li> <li>- Mr. Tem Sereivouth</li> </ul> </li> </ul>	Female: 27 Male: 20 Total: 47	<b>Presentation:</b> <ul style="list-style-type: none"> <li>• Description of project and its current status;</li> <li>• General introduction into resettlement;</li> <li>• Explanation of Grievance Redress Mechanism;</li> <li>• Indicating construction impacts of pipes in public Right-of-Way;</li> <li>• Clarification on Environmental Construction Management (Traffic, access to plots, others);</li> <li>• Briefing on loss of assets on sites for proposed infrastructure;</li> <li>• Others.</li> </ul> <b>Comments – Questions – Answers:</b> Q1: <i>Will the wastewater flowing into my house?</i> A1: No, this should not be prevented. The system is separated from drains for rainwater and properly sealed. Q2: <i>Will they charge for wastewater system/connection?</i> A2: Under the project there will be free connection fee. Therefore, you all should connect your household wastewater to the collector under this project. You will be in charge for your connection after the completion of the project. We will discuss it in more detail with the ministries.
	Venue: Por Vong Pagoda			
	Time: 2:30 to 3:30 PM			
				
<b>Totals</b>				
<b>Number of meetings:</b> 2		<b>Participants:</b> Female 48 Male 53 Total: 101		



No.	Affected Households											Loss of Owned Land									
	Identification			Features								Case		Type of Land		Total	Affected	Type of Acquisition		Threshold	
	Name of Head of AH	Name of wife or husband	Residential village	Indigenous People	Size of AH [no]	Status/Vulnerable group		Age [>60]	B		Health Dis-abled	No	Yes	Res.	Prod.	[m <sup>2</sup> ]	[m <sup>2</sup> ]	Perm.	Temp.	<10%	10% or more
						Head of AH	Widowed		Poor	Not Poor											
1	Ban Roset	Matt Romas	Dam Spei		7		x		x		x				34221	17221	x			x	
1	Affected Households (AHs)	Summaries	AHs	0	7	0	1	0	1	0	1	0	1	0	1	34,221	17,221	1	0	0	1
						1				1		1		1		1					
					[no]	Female	Male	Widowed	[> 60]	Poor	Not Poor	Dis-abled	No	Yes	Res.	Prod.	[m2]	[m2]	Perm.	Temp.	Threshold
					APs	Head of AH		Widowed	Elderly	Official Poverty Lines		Health	Loss of Land								
Note 1: The shown indication (x) in the table is based on the the observations made by the PPTA consultant's resettlement survey team. This will be verified during the detailed measurement survey.																					