

Resettlement Plan

August 2014

CAM: Integrated Urban Environmental Management in the Tonle Sap Basin (Kampong Chhnang)

DRAFT FINAL

Prepared by Ministry of Public Works and Transport for the Asian Development Bank¹.

¹Consultants engaged under ADB TA 7986 assisted the Executing Agency in the preparation of this document.

CURRENCY EQUIVALENTS

(As of January 2014)

Currency unit	–	Riel (KR)
KR1.00	=	\$0.0025
\$1.00	=	KR 4000

ABBREVIATIONS

ADB	Asian Development Bank
AH	Affected Household
AP	Affected Person
COI	Corridor-of-Impact
DMS	Detailed Measurement Survey
EA	Executing Agency
EMO	External Monitoring Organization
FGD	Focus Group Discussion
ha	hectare
IA	Implementing Agency
IOL	Inventory of Losses
IRC	Inter-ministerial Resettlement Committee
IRP	Income Restoration Program
LAR	Land acquisition and resettlement
M&E	Monitoring and Evaluation
MEF	Ministry of Economy and Finance
MPWT	Ministry of Public Works and Transport
NAPA	National Adaptation Program of Action for Climate Change
NTP	Notice to Proceed
PDPWT	Provincial Department of Public Works and Transport
PIB	Project Information Booklet
PMIS	Project Management and Implementation Support consultants
PIU	Project Implementation Unit
PMU	Project Management Unit
PPCR	Pilot Program for Climate Resilience
PPTA	Project Preparation TA
PRSC-WG	Provincial Resettlement Sub-committee-Working Group
RCS	Replacement Cost Study
RGC	Royal Government of Cambodia
RD-MEF	Resettlement Department – Ministry of Economy and Finance
ROW	Right of Way
RP	Resettlement Plan
RRP	Report and Recommendations of the President
RSCWG	Resettlement Sub-committee Working Group
SES	Socio-economic Survey
SPS	Safeguard Policy Statement
TA	Technical Assistance
TOR	Terms of Reference

DEFINITION OF TERMS

Affected Household/ Affected Person	–	In the case of affected household, it includes all members residing under one roof and operating as a single economic unit, who are adversely affected by a project or any of its components.
Compensation	-	Payment made in cash or in kind to AHs at replacement cost for assets, resources or income acquired or adversely affected by the project.
Corridor of Impact	-	This is the area that will be cleared of all structures and obstructions.
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 categorised 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	–	With the aid of the approved detailed engineering design, this activity involves the finalization and/or validation of the results of the IOL, severity of impacts, and list of affected people earlier done during resettlement plan preparation. The final cost of resettlement can be determined following completion of the DMS
Displaced Persons	–	In the context of involuntary resettlement, displaced persons (DP) are those who are physically displaced (relocation, loss of residential land, or loss of shelter) and/or economically displaced (loss of land, assets, access to assets, income sources, or means of livelihood) as a result of (i) involuntary expropriation of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas.
Entitlement	–	Refers to a range of measures comprising compensation, income restoration support, transfer assistance, income substitution, relocation support, etc. which are due to the affected people, depending on the type and severity of their losses, to restore their economic and social base.
Income restoration	–	This is the re-establishment of sources of income and livelihood of the affected households.
Inventory of Losses	–	This is the process where all fixed assets (i.e. lands used for residence, commerce, agriculture, including ponds; dwelling units; stalls and shops; secondary structures, such as fences, tombs, wells; trees with commercial value; etc.) and sources of income and livelihood inside the Project right-of-way are identified, measured, their owners identified, their exact location pinpointed, and their replacement costs calculated. Additionally, the severity of impact to the affected assets and the severity of impact to the livelihood and productive capacity of affected people will be determined.
Involuntary Resettlement	–	It is the displacement of people from their homes, assets, sources of income and employment on account of the project undertaken by the Royal Government of Cambodia (RGC). 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 will result to further hardship and impoverishment among the AHs, especially the marginal sectors of society (see definition of “vulnerable groups”). These adverse social impacts of development projects are often borne by AHs not of their own desire but involuntarily.
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.
Rehabilitation		Additional support provided to AHs losing productive assets, incomes,

		employment or sources of living, to supplement payment of compensation for acquired assets, in order to achieve, at a minimum, full restoration of living standards and quality of life. In this project, this term is synonymous with "Income Restoration". It means the process to restore income earning capacity, production levels and living standards in a longer term. Rehabilitation measures are provided in the entitlement matrix as an integral part of the entitlements.
Relocation	–	This is the physical displacement of project-affected persons(s) from her/his pre-project place of residence and/or business.
Replacement Cost		Means the amount in cash or in kind needed to replace an asset in its existing condition, without deduction of transaction costs, depreciation, or for any material salvaged, at market value, or its nearest equivalent, at the time of compensation payment.
Replacement Cost Study	–	This refers to the process involved in determining replacement costs of affected assets based on empirical data.
Resettlement Plan	–	This is a time-bound action plan with budget, setting out the resettlement objectives and strategies, entitlements, activities and responsibilities, resettlement monitoring, and resettlement evaluation.
Right-of-Way	–	The right of way (ROW) is a publicly available and government-owned strip of land following a centerline (such as for roads, canals, etc.) providing an area of access. The Project will use the entire area where necessary. In case part of the ROW has been encroached upon by informal occupiers/formal users (for example people now living, doing business, or cultivating land within the ROW), the project intends to adopt a COI within the ROW to avoid adverse land acquisition and resettlement related impacts.
Severely affected households	–	This refers to affected households who will (i) being physically displaced from housing (ii) lose 10% or more of their productive assets (income generating),
Vulnerable groups	–	These are distinct groups of people who might suffer disproportionately or face the risk of being further marginalized by the effects of resettlement and specifically include: (i) households headed by women with dependents, (ii) disabled household heads with no other means of support, (iii) households falling under the generally accepted indicator for poverty, (iv) children and the elderly households who are landless and with no other means of support; (v) landless households; (vi) indigenous peoples or ethnic minorities.

NOTES

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

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EXECUTIVE SUMMARY

A. Introduction

1. The Royal Government of Cambodia (RGC), through the Ministry of Public Works and Transport (MPWT), requested the Asian Development Bank (ADB) for a project preparatory technical assistance (PPTA) to prepare the Integrated Urban Environmental Management in the Tonle Sap Basin Project ("The Project"). The Project will enhance the urban environment, improve public health, and contribute to better quality, coverage and reliability of services to over 100,000 residents in the two towns of Kampong Chhnang and Pursat. This will be achieved through an integrated program of physical and non-physical investments in priority infrastructure rehabilitation, improvement and extension, organizational development and capacity building. This resettlement plan (RP) is for the Kampong Chhnang component of the Project, where civil works will include: (i) flood protection measures (raising, widening and improvement of existing embankment and construction of new embankment where necessary, with a total length of 15,090 metres); and, (ii) improvement and extension of the Phnum Touch landfill site (approximately 10 Hectares).

2. This resettlement plan is for the Kampong Chhnang component of the Project. The project has been categorized as "B" as it involves involuntary resettlement impacts that are deemed limited. Total number of severely affected households is 23 AHs (102 APs), due to loss of agricultural land or permanent loss of land use equivalent to 10% or more of their total productive (income-generating) assets². The resettlement cost is estimated at US \$203,618.84 at the project preparation. This resettlement plan will be updated following detailed design.

B. Scope of Land Acquisition and Resettlement

3. The major impacts caused by the project in Kampong Chhnang include demolition of structures used for residence and business, and acquisition of occupied land in existing road right-of-way (ROW) and reserved public land beside the Tonle Sap River. All these impacts are connected with the embankment upgrading and construction component. According to the inventory of losses (IOL) conducted from 23 September 2013 – 2 November 2013, around 123 households (515 persons) are affected by the loss of fixed assets and sources of incomes or livelihoods. Information on AHs was confirmed through site visits carried out from 23 January 2014 until 2 February 2014 once the flood receded.

4. Fifteen (15) households (64 persons) are affected by impacts on their homes and independent shops, of which two (2) affected households (AHs) with nine (9) affected persons (APs) will need to shift their house backwards (behind the construction corridor) in residual ROW land and the remaining 13 AHs will only experience partial impacts to their structure. Other affected fixed structures affected include (i) 20 market stalls (18 owners and 2 tenants, for a total of 20 AHs with 87 APs, of temporary construction) – 16 of these will be totally affected during construction, but will be provided with temporary selling locations to avoid disruption to livelihoods and will be allowed to return to their original locations after completion of civil works for their section, while two (2) of these will only be partially affected and will continue to conduct their business as usual during construction; and, (ii) concrete yards, extended eaves, storage space, and earth graves (25 AHs).

² As per ADB Operations Manual Section F1/BP (2010), a proposed project is classified as category B if it includes involuntary resettlement impacts that are not deemed significant. A project's involuntary resettlement category is determined by the category of its most sensitive component in terms of involuntary resettlement impacts. The involuntary resettlement impacts of an ADB-supported project are considered significant if 200 or more persons will experience major impacts, which are defined as (i) being physically displaced from housing, or (ii) losing 10% or more of their productive assets (income generating).

5. Approximately 56769.75 m² of land in existing right of way (ROW) or reserved public land along the proposed embankment are used for planting during the dry season by 61 AHs (269 APs). Said AHs will be compensated for permanent loss of land use. Another 8,800.00 m² of private agricultural land owned by 2 AHs (12 APs) will be acquired for construction of the embankment in Sangkat Phsar Chhnang.

C. Measures to Minimize Impacts and Resettlement

6. **Embankment.** In order to avoid or minimize displacement of people from assets and livelihoods, the main embankment options proposed for the Project have been designed based on the existing 14 km. long earth embankment built in the late 1970's. Various embankment widths and routes were compared to determine the most optimal design and location for the embankment based upon costs and benefits of the various potential routes, environmental factors, and potential involuntary resettlement impacts.

7. **Landfill.** The proposed controlled landfill is sited on government-owned land and adjacent idle non-productive land that will be acquired through a fully documented process of negotiated land acquisition.

D. Legal and Policy Framework

8. This resettlement plan (RP) has been prepared to address land acquisition and resettlement impacts of the Project, consistent with relevant laws and regulations of the Royal Government of Cambodia, notably the 1993 Constitution, the 2001 Land Law, and 2010 Expropriation Law; and the ADB Safeguard Policy Statement (June 2009). The RP includes the resettlement policy and specific time-bound and budgeted measures for mitigating the project's adverse social impacts, and for rehabilitating all physically and economically displaced persons.

9. A fundamental objective of the project resettlement policy is to replace and compensate lost assets based on the principle of replacement cost. The compensation and rehabilitation principles adopted in this resettlement plan are: (i) land acquisition is minimized if avoidance is not possible; (ii) compensation and other assistance, as described in the entitlement matrix, will be provided to help ensure that affected persons are able to restore, if not improve their pre-Project living standards; (iii) affected persons are fully informed and consulted on compensation options; (iv) the project resettlement policy will equally apply to women and men; (v) lack of formal title will not be a bar to compensation and rehabilitation for non-land affected assets; (vi) particular attention will be extended to vulnerable groups, such as the poor, and households headed by women and the elderly with no other social support; (vii) resettlement is planned and implemented as an integral part of the project and that the budget for resettlement is part of Project costs; and, (viii) affected persons are not displaced from assets until they are fully compensated for the same.

E. Participation, Disclosure and Grievance Redress

10. Key information on the Project and on the draft RP has been disclosed to affected persons and other stakeholders through the conduct of public consultations and focus group discussions (FGDs) in September and October 2013 to: (i) discuss the purpose, components, and implementation arrangements of the Project; (ii) obtain feedback from different stakeholder groups as part of the social impact analysis and ensure stakeholders' points of view and concerns are identified and integrated in project design; (iii) discuss potential land acquisition and resettlement impacts and mitigation measures as described in this RP; (iv) present the results of the IOL; (v) discuss the Project resettlement policy in

general terms (compensation of affected assets at replacement cost, provision of assistance to restore AHs to pre-project conditions), including the Project policy on cut-off-date³; and, (vi) allow APs to provide feedback on the project, mitigating measures, and general resettlement policy.. Draft Project Information Booklet (PIB) in Khmer will be disclosed at relevant commune offices before project appraisal and the updated PIB in Khmer will be distributed to each AH during the DMS. Updated RP in Khmer will be placed at relevant Commune Offices. Draft RP at project appraisal and updated RP following detailed design will be uploaded on the ADB's website in compliance with ADB's SPS. IRC-WG in close coordination with PRSC-WG will disclose updated RP to relevant commune offices and distribute the PIB to each AH.

11. In case of grievances, the affected persons will first lodge their complaint with the village or sangkat resettlement sub-committee or Inter-ministerial Resettlement Committee (IRC) working group. If within 15 days settlement could not be reached, the grievance can be elevated to the district office. If the grievance is still not settled at the district level, it can then be brought to the Provincial Grievance Redress Committee. A Provincial court of law is the final arbiter of complaints that are not settled at the local government levels. All administrative costs of the Grievance Committee involved in resolving the complaints (meetings, consultations, communications, reporting/information dissemination) will be borne by the Executing Agency (EA). The Grievance Redress Mechanism will be readily accessible to the affected people at no costs and without retribution

F. Vulnerability, and gender issues

12. The IOL has provisionally identified 36 vulnerable affected households⁴ who will be affected by loss to their primary structures and/or income-generating assets. These AHs are considered vulnerable under the Project resettlement policy and additional measures are incorporated in this RP to ensure that they are not further disadvantaged due to the Project.

G. Implementation Arrangements

13. The MPWT, through the Project Management Unit (PMU), and the IRC, through the Resettlement Department of the Ministry of Economy and Finance (RD-MEF), have overall responsibility for preparing, updating, implementing and financing the RP. A Project Implementation Unit (PIU) will be set up in Kampong Chhnang to work with the IRC in guiding, supporting and endorsing the work of Provincial Resettlement Sub-Committees (PRSC) and working groups for all activities related to planning and implementing land acquisition and resettlement. At the local government level, the PRSC, through Resettlement Sub-committee Working Groups (RSWG) at the provincial, municipal and sangkat levels, assists MPWT and IRC.

H. Monitoring

14. The PMU is the Project's internal monitor, while an external monitoring organization (EMO) will be hired by IRC to conduct external monitoring and evaluation (M&E). During resettlement plan implementation, which is expected to begin at the time of the detailed measurement survey (DMS), quarterly internal monitoring reports (as part of quarterly project progress reports) and semi-annual external monitoring reports⁵ will be submitted to

³For the purpose of this RP, cut off date is 2 February 2014, which was the last day of the IOL verification.

⁴Including the poor; landless; elderly-headed and female-headed households without additional support. Ethnic minorities in Kampong Chhnang who are affected by loss of productive assets or to primary structures are not economically vulnerable and are relatively well integrated in the community and were thus not counted as vulnerable. This will be verified during RP updating.

⁵The External Monitoring Organization will be appointed prior to or during DMS and will continue (intermittent) to monitor resettlement implementation based on the agreed policy in this RP.

ADB. The Project Implementation and Management Support Consultants (PMISC) will prepare a resettlement completion report prior to award of civil works contract per project component. Within one year after the completion of resettlement plan implementation, a post-resettlement evaluation report will be prepared by the EMO and submitted to ADB. The report will include lessons learned to improve resettlement work in future projects.

I. Resettlement Budget and Indicative Schedule of Resettlement Plan Implementation

15. The total cost of resettlement in Kampong Chhnang is **USD 203,618.84⁶**. Below is an indicative schedule of resettlement plan preparation and implementation.

Table 1: Indicative Resettlement Schedule

Activities	Schedule
RP preparation	October 2013– June 2014
ADB concurrence of draft RP	July-mid August 2014
RP updating	1st – 3rd Quarter 2016
Consultation	Continuous
Submission to and ADB concurrence of updated RP	4th Quarter 2016
Implementation of the approved updated RP (resettlement activities to be implemented in phases, coinciding with civil works)	4 th Quarter 2016 – 1st Quarter 2019
Internal monitoring (submission of quarterly reports)	2016 – 2019
External Monitoring (verification of resettlement completion, semi-annual monitoring reports, and RP implementation evaluation study)	2016 – 2020
RP Implementation Evaluation Study (External Monitor)	2020

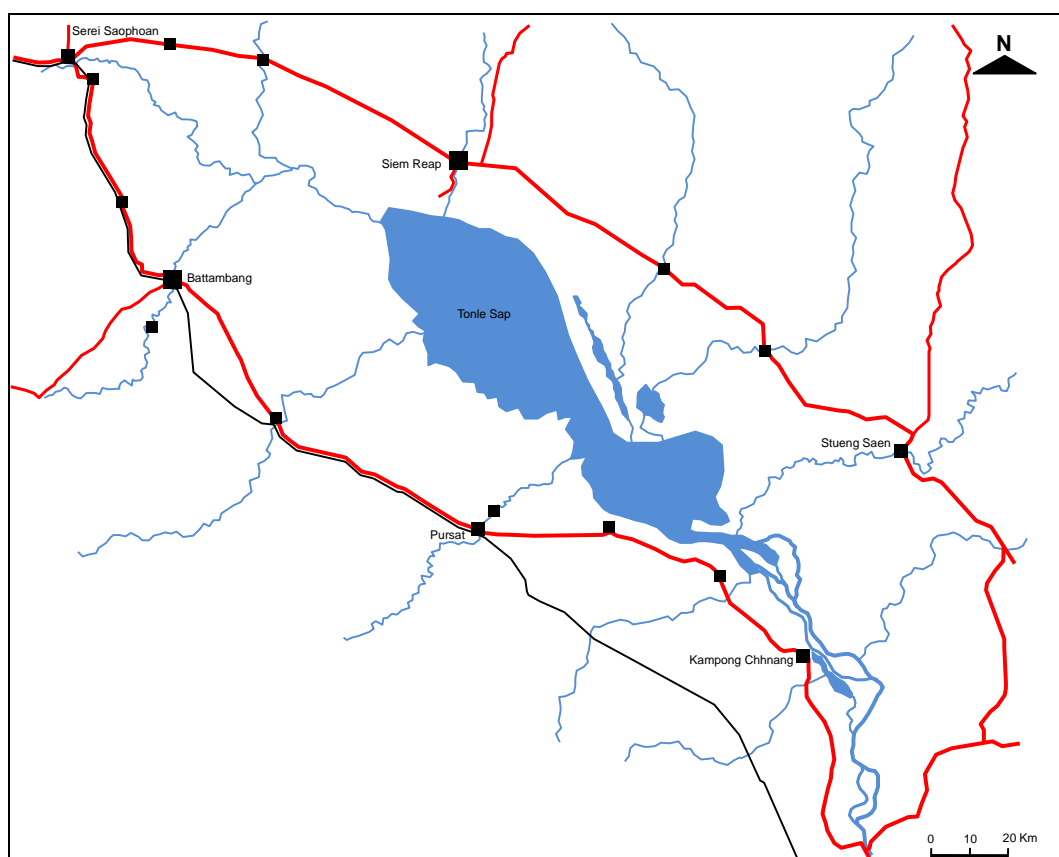
⁶Indicative cost based on replacement cost survey conducted by the PPTA consultant. The final unit costs inclusive of new material and labor will be included in the replacement cost study (RCS) during detailed design and detailed measurement survey.

I. PROJECT DESCRIPTION

A. Project Background

16. The Government of Cambodia, through the Ministry of Public Works and Transport (MPWT), requested the Asian Development Bank (ADB) for a project preparatory technical assistance (PPTA) to prepare the Integrated Urban Environmental Management in the Tonle Sap Basin Project ("The Project"). The Project's impact will be increased economic growth and environmental protection in the towns in the Tonle Sap Region (Figure 1). Specifically, the Project will enhance the urban environment, improve public health, and contribute to better quality, coverage and reliability of services to over 100,000 residents in the two towns of Kampong Chhnang and Pursat. This will be achieved through an integrated program of physical and non-physical investments in priority infrastructure rehabilitation, improvement and extension, organizational development and capacity building.

Figure 1: The Project Areas



17. The outcome of the project will be improved urban services and enhanced climate change resilience in KCH and PST municipalities. The project will enhance the urban environment, improve public health, and contribute to better quality, coverage and reliability of services to more than 100,000 residents in the municipalities of KCH and PST. This will be achieved through an integrated program of physical and non-physical investments. The

project incorporates climate resilience measures in infrastructure development, with support from the pilot program climate resilience.⁷

18. The Project has five (5) outputs, the first of which is Urban Environmental Improvements in Kampong Chhnang, involving: (i) flood protection on Tonle Sap riverbank through improvement of existing embankment and construction of new embankment where required, (ii) improvement, upgrading and capacity increase of the existing solid waste landfill site, provision of equipment for solid waste collection and landfill site management, and closure of old dump site.

19. Summary of the Kampong Chhnang subproject is in the Table below.

Table 2: Kampong Chhnang Urban Environmental Improvements

Component	Activities	Area	
		Sangkat/Commune	Village
Flood protection – Tonle Sap River	Raising, widening and improvement of existing embankment and construction of new embankment where necessary, total 15,090 metres	Khsam, Phsar Chhnang, Kampong Chhnang, Chrey Bak Phaer	Village 6 & 7 Chong Kaoh Samraong Kaoh Krabei Trapeang Choek Sa Kampong Ous Phsar Chhnang Kandal (Leu) Damnak Popoul Thormyuth Srae Pring Tuol Khcach Prey Puoch Thmei
Solid waste management	Phnum Touch landfill site, approx. 10Ha		Phnum Touch
	Provision of collection equipment		
	Provision of landfill site management equipment		

B. Civil Works to be undertaken

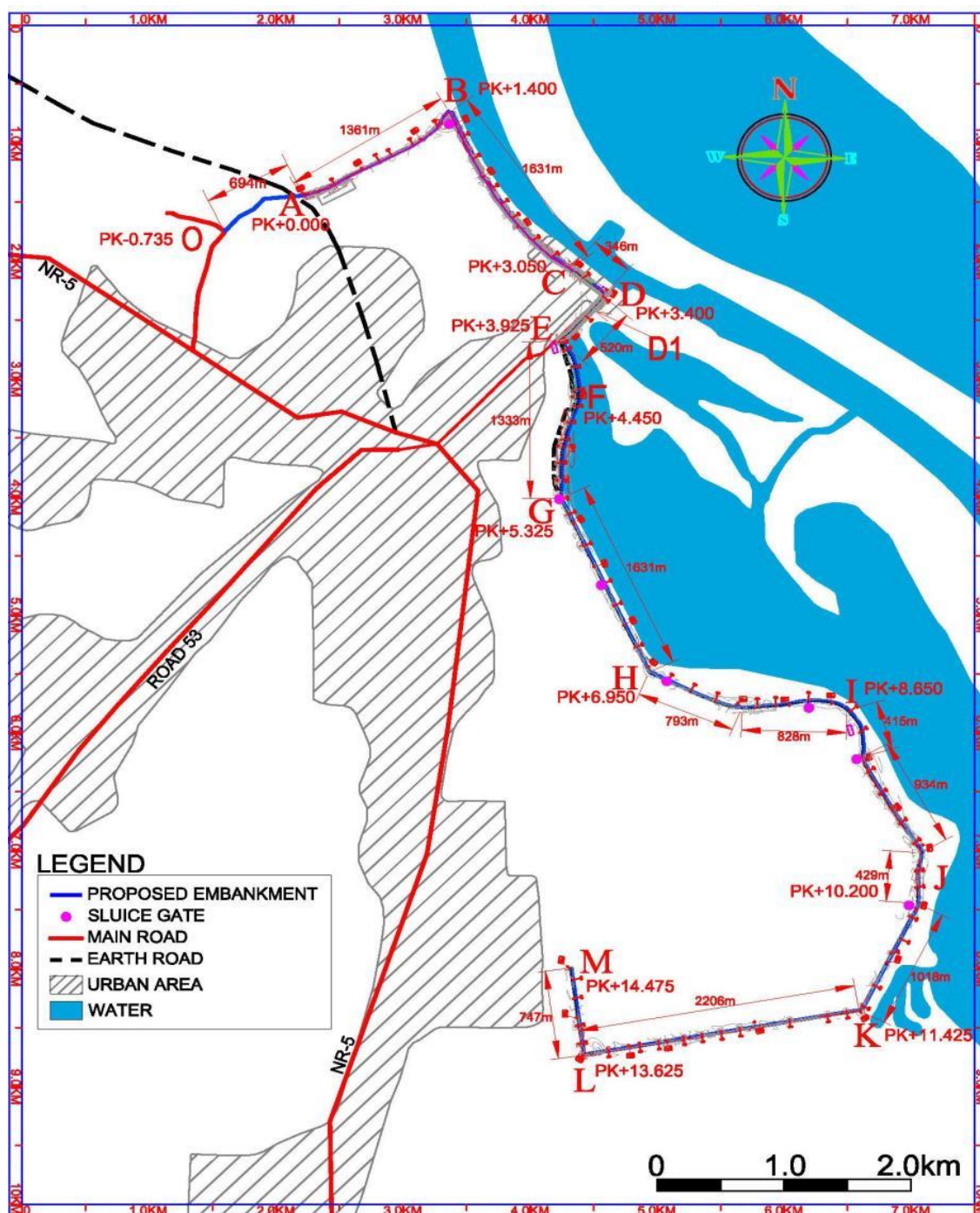
20. **Flood Protection.** This will involve 15,090-meter long embankment works (Refer to Figure 2) that are meant to address the primary cause of flooding in the town, which is the annual hydrological cycle of the Tonle Sap. The works proposed for the embankment can be summarized as follows:

- Reinforcing and raising the level of the existing embankment where required;
- Rebuilding and raising the existing embankment where it is damaged or construction is poor;
- Building a new embankment in areas where there is no current embankment;
- In areas where raising the existing embankment would severely impact on adjacent properties but where land is available adjacent to the settlement, building a new embankment;
- In areas where raising the existing embankment would severely impact on adjacent properties and where land is not available, building retaining walls to support the

⁷ It is a targeted program of the Strategic Climate Fund, which is one of two funds within the framework of the Climate Investment Fund. PPCR programs are country-led and build on NAPAs and other development plans.

- embankment; and,
- Providing sluice gates to allow stormwater to flow to the Tonle Sap.

Figure 2: Proposed Embankment Showing Sections



21. **Controlled Landfill.** The area beside the closed Phnum Touch dumpsite, which is currently being used as a quarry by a rock-crushing company and is located around 12 km from the city centre, will be developed into a controlled landfill in four main stages and will cover a total area of 10 hectares.

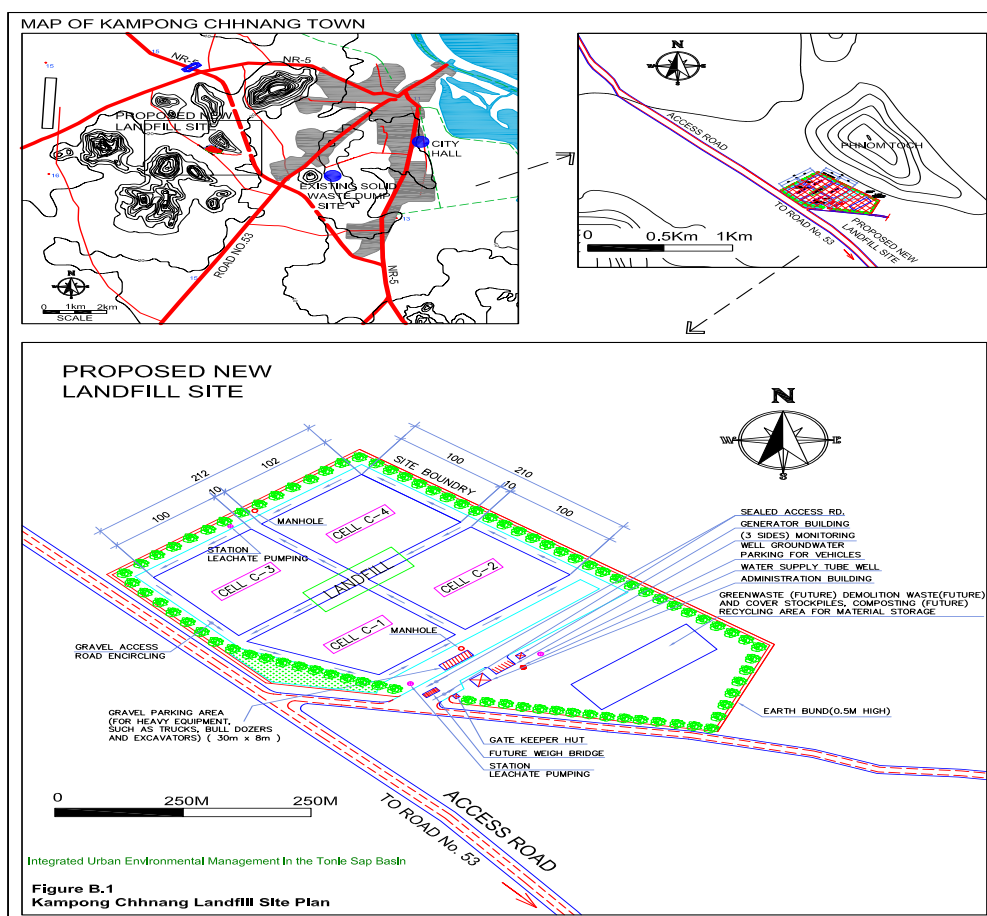
22. Two (2) hectares of land beside the closed dumpsite and quarry operations have been purchased by the rock-crushing company and will be turned over to the government

for the purposes of the Project⁸. The remaining required 8 hectares is currently idle, privately owned land that will be purchased by the Interministerial Resettlement Committee (IRC) led by MEF via negotiated land acquisition for the purposes of the Project. This will follow the process of negotiated land acquisition described in the ADB Safeguards Policy Statement (SPS, 2009). Discussions regarding this matter have been held between representatives of the rock crushing company, the landowner, and provincial and city officials.

23. The facilities to be provided under proposed Project are part of Stage 1 as follows (see Figure 3)

- A 100m by 100m initial cell (Cell 1) of the proposed four cell system, including associated bulk earthworks and compacted clay liner system. Various support buildings required include a reception/gatekeepers hut, ablution blocks, meeting rooms, storage room, generator building, etc.
- Internal access road within the site to reach Cell 1. Project engineers have confirmed that the existing access road to the proposed landfill site can accommodate all landfill construction and operation activities.
- Stormwater drainage systems
- Ancillary works such as landscaping, weighbridge, lighting and fencing.

Figure 3: Proposed Landfill in Kampong Chhnang



⁸This is in exchange for their utilization of the closed dumpsite area, which is owned by the government.

C. Measures Adopted to Minimize Adverse Social Impacts

24. The following measures have been adopted in order to minimize adverse social impacts:

25. **Embankment.** During the Khmer Rouge era in the late 1970s, a 14 km. long earth embankment was built around the North and East of the town to provide flood free irrigable land. This embankment varies between two to five meters in height depending upon adjacent ground levels. While the embankment has been breached in several places, it still provides a relatively large flood free area that has encouraged permanent settlements along parts of its length, particularly near Provincial Highway 53. Parts of it have been upgraded by adding a concrete embankment and bitumen road. Inspection of the embankment showed that parts of it are reasonably well built, although other sections need to be replaced.

26. This embankment, while originally constructed to provide flood free irrigable land, also provides the major option for protecting the town from flooding. The main embankment options proposed for the Project have been designed based on this embankment, particularly since certain sections along side this are already settled with houses on both sides of the narrow crest road. Thus, various routes were compared to determine the most optimal location for the embankment based upon costs and benefits of the various potential routes, environmental factors, and potential permanent and temporary involuntary resettlement impacts.

Table 3: Selection of Embankment Types

Existing Embankment	Proposed Type of Embankment
No embankment, no settlement	New on best route available
No embankment with settlement	New on Tonle Sap side of settlement. If not possible, then on land side of settlement. If still not possible, then raise existing right of way using retaining walls
Upgraded embankment with settlement	Raise embankment by constructing concrete or brick wall. If not possible, then construct new embankment as for (2) above.
Existing embankment with settlement	New embankment on Tonle Sap side of settlement. If not possible, then on land side. If still not possible, raise existing right of way with retaining walls
Existing embankment no settlement	Raise and rebuild existing embankment.

27. The main settlements with permanent houses and businesses on or near to the current embankment are between points B and G in Figure 2, therefore the optimal alignment was selected to avoid to the maximum extent and otherwise minimize potential involuntary resettlement impacts. The existing embankment from point E to G is narrow with many houses alongside and raising the embankment would be difficult. However, the land on the Tonle Sap side is vacant as it floods annually for four to six months of the year and is state reserved public land. Although the soil is fairly soft in this area, it is adequate to allow the construction of a new embankment that will avoid adversely affecting the embankment dwellers.

28. One Section, from points B to C, although with settlements, is under three to four meters of water from June to November most years. Some houses are on stilts while others are on land during the dry season and float during the wet season. It is not technically possible to build a new embankment outside the settlement in the river. As such the embankment along this 1.6 kilometer section will be built between two retaining walls with a 10 m corridor of impact (COI) to be cleared of obstructions. The IOL identified only 2 fixed structures within this 10 m. COI, as this is to be constructed on top of an existing road. The

houses of two (2) AHs in Kampong Chhnang have encroached into the existing road ROW and are within the embankment COI. There is enough residual ROW land outside the COI for the AHs to move back on and the construction of their present houses (thatch walls, wood columns, and bamboo floor) is such that these can be lifted and carried backwards with minimal disruption to their lives. Thus, though they are counted as severely affected at this point, they may only be marginally affected. This will be verified during RP updating.

29. Along the already upgraded embankment section (Points C to E), the road level will be left at 11.80 meters above MSL and a 1.20 meter high wall will be constructed within existing road right of way (RROW). This will minimize adverse impacts on fixed structures within the busy market area.

30. The land on both sides of the existing dike in Sections G-K of the embankment have been used for agricultural purposes by locals since after the end of the Pol Pot regime in 1979. Although the government did not issue titles for the land on both sides (reserving 25 m² on each side as Government property), these households were not prohibited from farming said land during the dry season and have been doing so for many years. Therefore, a number of households identified during the IOL will be affected by permanent loss of land use due to embankment construction supported by the Project. The width of the proposed embankment in these sections has been revised several times in order to minimize severity of impact on said AHs. Additionally, during implementation, efforts will be made to demarcate the COI before the dry season comes, to give floating houses enough time to ensure that they have moved behind the Project-affected areas.

31. In public consultations prior to and after the conduct of the IOL (24 October – 2 November 2013), local officials and residents were advised to refrain from building new fixed structures along the project ROW.

32. **Landfill.** The proposed controlled landfill will be sited on government-owned land and adjacent idle non-productive land that will be acquired through a fully documented process of negotiated land acquisition. Appendix 5 shows minutes of a meeting between provincial and local government, the rock-crushing company utilizing the closed dumpsite area, and the private landowner who has stated his willingness to sell land for the Project. The existing access road to the site is unoccupied and wide enough to accommodate expected construction and maintenance works for the Landfill.

II. SCOPE OF LAND ACQUISITION AND RESETTLEMENT

33. A total of 123 AHs (515 APs) have been identified in Kampong Chhnang. 23 AHs (102 APs) are considered severely affected: 1 AH (5 APs) will be severely affected due to acquisition of their private agricultural land; and the remaining 22 AHs (97 APs) will be severely affected due to permanent loss of land use. These losses are elaborated on further in this Chapter.

A. Methodology Used In Determining Project Impacts

34. The potential impacts of the Project have been determined with the conduct of the IOL where all fixed assets (i.e., lands used for residence, commerce, agriculture, including dwelling units; stalls and shops; miscellaneous structures, such as fences, driveways, trees with commercial value; etc.) located inside the ROW were identified, tagged, measured, their owners identified, their exact location pinpointed, and their replacement values calculated. Likewise, the severity of impact on the affected assets and the severity of impact to the livelihood and productive capacity of persons affected by such losses were determined. Photographs of the affected assets with a placard indicating their location and owners were taken. Also, information on the households of the affected persons, such as

sources of livelihood, income level, and ownership of productive assets were gathered. The IOL and census of affected people along the embankment in Kampong Chhnang were conducted on from 24 September 2013 – 2 November 2013 based on preliminary engineering design. As the land on either side of the existing dike between embankment points G-Kwas flooded during the IOL, information on AHs was confirmed through site visits carried out from 23 January 2014 – 2 February 2014 once the flood receded.

35. There are no affected households linked with the solid waste component in Kampong Chhnang, as there is an existing access road that can accommodate construction and subsequent waste collection activities. Further, the site for the expanded landfill is on the open market and will be purchased by the Government for the purposes of the Project (Appendix 5 shows documents indicating government's proposal for purchasing this site for the Project, and proof of the existing landowner's willingness to sell the site). The following process will be implemented to ensure full compliance with ADB SPS and government regulations:

Negotiated Land Acquisition: *Safeguard Requirements 2 (Involuntary Resettlement) does not apply to negotiated settlements, unless expropriation would result upon the failure of negotiations. Negotiated settlements help avoid expropriation and eliminate the need to use governmental authority to remove people forcibly. The borrower/client is encouraged to acquire land and other assets through a negotiated settlement wherever possible, based on meaningful consultation with affected persons, including those without legal title to assets. A negotiated settlement will offer adequate and fair price for land and/or other assets. The borrower/client will ensure that any negotiations with displaced persons openly address the risks of asymmetry of information and bargaining power of the parties involved in such transactions. For this purpose, the borrower/client will engage an independent external party to document the negotiation and settlement processes. The borrower/client will agree with ADB on consultation processes, policies, and laws that are applicable to such transactions; third-party validation; mechanisms for calculating the replacement costs of land and other assets affected; and record-keeping requirements.* [Source: ADB SPS, 2009]

B. Data Gathering Instrument

36. The basic tool used in the IOL and census of affected people was a survey questionnaire. Detailed socioeconomic information was also obtained for a sample of households (43% of AHs) with the use of a SES questionnaire written in Khmer. The IOL questionnaire is divided into 5 sections. The first section is to identify the Location of the affected asset of the affected person (AP), affected household (AH), institution or organization, the second seeks basic socioeconomic information on the affected people, while the third section deals on the affected assets and livelihoods. The fourth section seeks information on other landholdings of the affected people's households, including relocation options for those who lose entire houses and shops. (See Appendix 1 for a copy of the IOL questionnaire).

C. The survey team

37. Aside from the resettlement consultants, a team of IOL research assistants that included 7 enumerators, 2 assistant enumerators, and 2 data encoders was organized to help prepare this resettlement plan. Sangkat or village officials accompanied the research team in their data gathering activities.

D. Setting of the cut-off date for eligibility

38. The survey team met with municipality, sangkat and village officials, and the local population, prior to the commencement of the IOL and census of affected people, on 23

September 2013 for sections between embankment points O-G, and on 24 September 2013 for sections between points G-M. Among others, the purpose of said public meetings was to discuss the need for the IOL and socioeconomic survey (SES) and to explain the Project policy on cut-off date for eligibility to resettlement entitlements. For the purpose of the preparation of the resettlement plan, local officials and residents were informed that the cut-off date coincides with the completion of the IOL and census of the affected persons in Kampong Chhnang. IOL activities were completed on 2 November 2013. However, due to change in design of the embankment (reduction of width in sections G-M), the IOL findings were verified through field visits carried out from **23 January 2014– 2 February 2014**, which will thus serve as the cut off date for the Project. The list of affected people will be updated and/or validated during the DMS following approval by project authorities of the project feasibility study and based on detailed design, and will account for any AHs inadvertently missed out during the IOL. AHs were re-informed about the policy on cut-off date during the two (2) public consultations held on October 12, 2013.

E. Replacement Cost Study (RCS)

39. In parallel with the conduct of the IOL and census of AHs, RCS was carried out by the PPTA national resettlement specialist based on the RCS process used in recent ADB-financed projects in the project areas. The objective of the RCS was to establish compensation rates for land, structures, trees and crops that are sufficient for AHs to acquire or purchase a replacement for assets lost to the Project without deductions for taxes, and/or costs of transaction. Affected structure classifications were guided by discussions between the PPTA resettlement and engineering consultants. The replacement rates of affected assets as determined during the RCS will be updated to reflect market values at the time of payment of compensation.

F. Affected fixed assets

1. Land

40. A total of 84,737.97m² of land will be acquired for Kampong Chhnang components of the Project, broken down as follows:

41. **Embankment.** Along embankment points F-L (Refer to Figure 2), 56769.75 m² of public land (ROW land) used by 61 AHs (269 APs) for rice cultivation in the dry season will be cleared for the Project. Said affected plots of land are not covered with title or with legally recognized proof of ownership, as these lie alongside the Pol Pot-era embankment in state reserved land. Additionally, 8,800.00 m² of privately owned agricultural land (2 AHs, 12 APs) will be acquired for the Project.

2. Main Structures

42. A total of 15 main structures⁹, all of which are located on public land in Sangkat Phsar Chhnang, are adversely affected by the Project. Of this number, 13% (2 structures) are independent shops, while the remaining 13 structures are houses. There are no affected house-cum-shops in Kampong Chhnang.

43. **Houses.** Of the 13 affected houses in Kampong Chhnang, 10 are owned by male-headed households, of which 1 will shift back in available residual land behind the corridor of

⁹ These include houses and independent stores (can be enclosed within 4 walls, not moveable structures of ambulant vendors).

impact (COI). There are 3 affected houses owned by women-headed households, one (1) of which will also shift back in residual land behind the COI (See Table 4).

44. The 11 partially affected houses in Kampong Chhnang are all of semi permanent construction grade 1E (i.e., single floor with thatch roof, thatch walls, wood columns, and bamboo floor) or 2B (i.e., single floor with metal roof, thatch walls, wood columns, and bamboo floor) with an aggregate affected floor area of 101.3 m². The two houses that will have to be shifted backwards are likewise of semi-permanent construction grade with an aggregate floor area of 62 m².

Table 4: Affected Households with Affected House by Severity of Loss

Sangkat	Male Headed			Women Headed		
	Partial	Entire	Total	Partial	Entire	Total
Phsar Chhnang	9	1	10	2	1	3
Total	9	1	10	2	1	3

Table 5: Affected Floor Area by Construction Grade of House

Structure Classification	Partially Affected		Entirely Affected	
	Frequency	Area (m ²)	Frequency	Area (m ²)
1E	3	28.50	0	0
2B	8	72.80	2	62
Total	11	101.3	2	62

45. **Independent shops.** Male-headed households own both of the affected independent shops. These independent shops are partially affected and of construction grade 2A (metal/fiber cement roof, thin metal/wood walls, wooden pole columns, soil floor). They have an aggregate affected floor area of 2.2 m².

3. Secondary (miscellaneous) structures

46. Affected secondary structures in Kampong Chhnang include market stalls of temporary construction¹⁰ (18 owners and 2 tenants, for a total of 20 AHs with 87 APs), permanently affected extended metal eaves (construction grade 2A) belonging to 2 AHs (11 APs) with an aggregate area of 17 m²; permanently affected paved (concrete) yards of 11 AHs with an aggregate area of 113.2 m²; permanently affected stalls of construction grade 2A used for storing goods (3 AHs)¹¹, with an aggregate floor area of 11.45 m² and 9 earth graves¹² (9 AHs) along the existing embankment. All affected secondary structures have encroached into existing ROW.

4. Affected crops and trees

47. Harvesting of standing annual crops will be allowed before the start of civil works in a particular section of the embankment. This can be achieved with the synchronization of

¹⁰ Metal/fiber cement roof, no walls, wooden pole columns, and soil floor. These stalls will be totally affected during construction, but will be provided with temporary selling locations to avoid disruption to livelihoods and will be allowed to return to their original locations after completion of civil works for their section

¹¹ 1 tenant, and 2 owners

¹² 9 graves were counted, but only 4 of the owners were located during the IOL. They are all Vietnamese Buddhists and live in Chong Kaoh and Kandal Village. The other owners do not live in the current location. No details of their current location were available. They will be identified during RP updating.

the start of civil works and the cropping schedule of AHs cultivating plots of land in the ROW. There are no affected trees of commercial value in Kampong Chhnang.

5. Net incomes from shops

48. The two (2) partially affected stalls sell dry goods and will be able to continue their business during construction. It was discussed with local government during the PPTA and local officials have agreed in principle that the 16 totally affected stalls that will not be able to relocate in residual land behind the Corridor of Impact (COI) will be provided with stalls in an alternative location so that they will be able to continue their business during the period of construction¹³. After completion of embankment construction in their specific sections, these AHs will be able to return to their original locations. This will be reconfirmed during detailed design and DMS. Information on the monthly net income of households with partially and entirely affected shops in Kampong Chhnang was still obtained to have an idea of the probable loss in income these households would incur if they were to totally stop operation during re-construction and/or relocation. The availability of stalls that can be temporarily used by these AHs will be validated during DMS as part of RP updating.

49. Among the 4 households whose commercial establishments (2 independent shops and 2 stalls) are partially affected and who responded to the query on net income, 3 claimed to be earning a net income of \$100 or less month, while the remaining 1 AH reported earning a net income of more than \$200 a month from their shop. As for the 16 totally affected stores/stalls, all but 1 AH reported earnings of more than more than \$200 a month from their shops/stalls.

Table 6: Range of Net Monthly Incomes from Partially Affected Shops/Stalls

Gender	Sangkat	Net Monthly Income			Total
		\$100 or Less	\$101 - \$200	>\$200	
Male	Phsar Chhnang	3	0	1	4

Table 7: Range of Net Monthly Incomes from Entirely Affected Shops

Gender	Sangkat	Net Monthly Income			Total
		\$100 or Less	\$101 - \$200	>\$200	
Male	Phsar Chhnang	0	1	7	8
Female	Phsar Chhnang	0	0	8	8

G. Severely Affected Households

50. Twenty-three (23) AHs (102APs) of the 123 AHs (515APs) are considered severely affected: one (1) AH (5 APs) will be severely affected by acquisition of private agricultural land equal to 10% or more of their total productive (income-generating) assets, and the remaining 22 AHs (97 APs) will be severely affected due to permanent loss of land use equivalent to 10% or more of their total productive (income-generating) assets.

H. Vulnerable Affected Households

51. The IOL has provisionally identified 36 vulnerable affected households who will be affected by loss to their primary structures and/or income-generating assets, broken down in

¹³ Through discussions during the PPTA, local government agreed in principle that they will be responsible for providing the AHs with stalls in an alternative location so that they will be able to continue their business during the period of construction. This will be reconfirmed during detailed design and DMS.

Table 8¹⁴. Although there are affected ethnic minority households (3 Cham AHs affected by partial loss to their houses, 1 Cham AH whose secondary structure will be affected, and 11 Vietnamese affected by loss to secondary structures – concrete yards and earthen graves along the existing embankment), none are severely affected. Furthermore those with affected primary structures are not economically vulnerable and are relatively well integrated in the community and were thus not counted as vulnerable. This will be verified and confirmed during RP updating.

Table 8: Vulnerable Households

Factor of Vulnerability	Frequency
Poor ¹⁵	29
Female-headed household with no additional support	10
Elderly-headed household with no additional support	5
Landless ¹⁶	11

52. Additional measures, including a one-time vulnerability allowance and participation in the income restoration program (IRP), are incorporated in this RP to ensure that vulnerable AHs are not further disadvantaged due to the Project.

53. The following table summarizes Involuntary Resettlement Impacts in Kampong Chhnang:

Table 9: Summary of Resettlement Impacts

Agricultural Land (m ²)		House (m ²)		Ind. Store (m ²)		Secondary Structure					AH	AP
Private Land	Loss of Land Use	Partial	Total	Partial	Total	Stall (m ²)	Storage (m ²)	Eaves (m ²)	Concrete yard (m ²)	Earth Grave (no.)		
8800.00	56769.75	101.3	62	2.2	0	188.96	11.45	17	113.2	10	134	526

III. SOCIO-ECONOMIC INFORMATION AND PROFILE

A. Introduction

54. A socioeconomic survey (SES) covering a random sample of 40% of identified AHs was conducted in parallel with the IOL. The SES gathered information on the AHs' living standards and living conditions as well as their views on the project. Data gathered has guided the preparation of an appropriate resettlement strategy for the Project. The SES data set also serves as a baseline of AH living conditions to form part of the monitoring and evaluation data that will be used to assess the extent to which the measures of this resettlement plan are effective in mitigating land acquisition and resettlement impacts.

B. Demographic information on the Sample AHs

1. Marital status of sample AH Heads

55. 28% (24 households) of the surveyed households is headed by females, while 72% (63 households) is headed by males.

¹⁴Several households have multiple factors of vulnerability (e.g. are poor *and* headed by an elderly female) and so the total number in the table is higher than 36.

¹⁵Those with average monthly household incomes of 165 USD or lower and will experience impacts on their primary structures or income-generating assets were also counted as vulnerable in this RP.

¹⁶AHs who will be severely affected due to permanent loss of land use and who do not have any other landholdings.

56. The majority (95% or 60 persons) of the 63 surveyed male household heads is married (See Table 10). On the other hand, only 25% (6 persons) of the 24 surveyed female household heads is married, while the majority 63% (15 persons) of female household heads are widows.

2. Physical condition and age of sample AH Heads

57. 6% (4 persons) of male AH heads in Kampong Chhnangare disabled, and 19% (12 persons) of male household heads are elderly (age 65 years and older). In contrast, none of the female household heads is disabled, however 21% (5 persons) of them are aged 65 years or older (Table 10).

Table 10: Civil Status, Age, and Physical Condition of Household Head

Gender of AH Head	Marital Status								Age				Physical Condition			
	Married		Single		Divorced		Widow/er		< 65		65 and above		Normal		Disabled	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Male	60		1		0		2		51		12		59		4	
Female	6		2		1		15		18		5		24		0	
Total	66	76%	3	3%	1	1%	17	20%	69	79%	18	21%	83	95%	4	5%

Note: Percentages are from a total of 87 households interviewed.

3. Ethnicity and religion of the sample AH Heads

58. All households surveyed during the SES are Khmer and Buddhists.

4. Educational attainment

59. As indicated in the Table below, the highest educational attainment of the majority (46%) of those surveyed is primary school – this is consistent across both males and females. This is followed by those who reported having completed primary level (20%).

Table 11: Educational Attainment

Gender of AH Head	None		Some Primary		Finished Primary		Secondary Level		Finished Secondary		Some College		College graduate	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Male	3		26		16		11		5		1		1	
Female	6		14		1		3		0		0		0	
Total	9	10%	40	46%	17	20%	14	16%	5	6%	1	1%	1	1%

Note: Percentages are from a total of 87 households interviewed

5. Household size of AHs

60. The 87 surveyed AHs are composed of 449 members. The average household size is 5.16, which is consistent with national and provincial averages.

C. Economic situation: income and expenses of the sample AHs

61. The 3 most common primary livelihood of the 63 sample male AH heads are farming (62%), selling goods (10%), and employment in government (10%). Likewise, majority (54%) of the 24 sample women AH heads rely on farming as their primary source of livelihood, followed by selling goods (33%).

Table 12: Main Livelihood of Household Heads

	None/ Looking for Work	Retired/Not looking for Work	Farming	Raising Livestock	Selling Goods	Gov't employee	Private employee	Fishing	Other
M	0	1	39	1	6	6	2	4	4
F	1	0	13	0	8	0	0	1	2
Total	1	1	52	1	14	6	2	5	6

62. Just below half (46% or 29 AHs) of the 63 male-headed sample AHs reportedly have a monthly household income of less than \$165/month and can thus be considered poor based on the Ministry of Planning's new poverty threshold for urban areas other than Phnom Penh¹⁷. 10 (16%) other male-headed AHs have a monthly household income ranging from \$166-\$249 and are thus above the poverty line but may still be vulnerable when exposed to social shocks such as displacement from homes and livelihoods. Half (50%) of the 24 sample women-headed AH have a monthly household income below the poverty threshold, while 3 AHs (13%) have incomes marginally above the poverty line (Table 13).

Table 13: Combined Monthly Household Income¹⁸

Gender of AH Head	< 83 USD		83 USD - 165 USD		166 USD – 249 USD		> 250 USD		No Answer	
Male	10		19		10		23		1	
Female	7		5		3		8		1	
Total	17	20%	24	28%	13	15%	31	36%	2	2%

D. Amenities of the sample AHs

63. **Health and sanitation.** The majority (83%) of surveyed AHs reported having toilets in their homes, although only 28% (24 AHs) reported having enclosed bathing facilities. Moreover, 98% (85 AHs) dispose of their solid waste by burning, open dumping, or burying, and just 2% are covered by garbage collection services.

64. **Power for lighting and fuel for cooking.** 91% (79 households) of the surveyed AHs get electricity from the public service provider, while the remaining 9% (8 AHs) reported using batteries, kerosene, or private generators for lighting. The majority of those surveyed (84% or 73 AHs) use wood as fuel for cooking, while the remaining 16% (14 AHs) use gas, charcoal, or electricity-powered stoves.

65. **Household appliances and transportation.** The telephone/handphone is the most common household appliance, with 95% of surveyed AHs owning one. The next most common appliance is the television set (85%), followed by the electric fan (54%). Majority of the sample AHs own a motorbike (78%) and a bicycle (82%).

¹⁷Royal Government of Cambodia. Ministry of Planning. 2013. *Poverty in Cambodia – A New Approach, Redefining the Poverty Line*. Phnom Penh.

¹⁸Income Brackets based on Poverty in Cambodia – A New Approach, Redefining the poverty line, MOP, April 2013 where Poverty Threshold for Other Urban Areas was set at 132,386 Riels monthly per capita, or 4,352 Riels/day per capita (with an average household size of 5, this would be approximately 661,930 Riels or 165 USD monthly per household). (ii) 1.00 US\$ = 4,000.00 Cambodia Riel (KHR). The number of poor households will be verified during the DMS.

IV. INFORMATION DISCLOSURE, CONSULTATION AND PARTICIPATION

66. Consultation, participation and disclosure activities form a continuous process during Resettlement Planning, Implementation, and Monitoring and Evaluation. Stakeholders influence and become co-responsible for development initiatives through their meaningful participation in project activities and contribution to decisions that affect them. The Project's participation strategy will allow the expression of target beneficiaries' and AH/AP needs and priorities; collective identification of adverse social impacts and corresponding mitigating measures; and strengthen commitment and ownership over the Project among the AHs.

A. Participatory activities in RP Planning and Implementation

67. The public, especially AHs, local governments and other target beneficiaries will continue to be consulted and will participate in the preparation and implementation of RPs. Table below summarizes the roles and responsibilities of relevant institutions, government and the AHs in preparing, updating, and Implementing the RP.

Table 14: Roles and Responsibilities of Stakeholders in RP Preparation and Implementation

Project Stage	Participatory Activities and Participants	Responsible Institution
Preparation <i>Pre-feasibility/Feasibility</i>	Briefing of the provincial, municipal, sangkat, and village officials; PDWT; and stakeholders about the Project TA, the resettlement policy, and the activities of the consultants	MPWT and PPTA Consultants
	Conduct of IOL, census of APs, social impact assessment, public consultations and establishment of replacement costs	PPTA Consultants, assisted by sangkat/village officials
	Discussion with Resettlement Department Ministry of Economy and Finance (RD-MEF)/IRC and MPWT about the proposed Project resettlement policy	PPTA Consultants, ADB
	Initial disclosure meeting with AHs to discuss the results of the IOL and gather suggestions on how to minimize and mitigate impacts, and discuss entitlements and relocation options.	PPTA Consultants, assisted by sangkat/village officials
	Drafting of the resettlement plan and draft project information booklet (PIB) and submission(PIB submitted as appendix to the RP) to PMU, IRC-MEF, and ADB for review and approval.	PPTA Consultants
	Distribution of PIB to AHs, posting of resettlement plan at relevant Commune Offices	PMU, IRC-WG
	Posting on the ADB website	ADB
Updating and Implementation <i>Drafting/Finalization of Technical Design</i>	Briefing of sangkat and village officials about the Project, the resettlement policy, and coming activities in RP updating	MPWT and Project Management and Implementation Support Consultants
	Public consultation with AHs about the Project, the resettlement policy, and coming activities in RP updating	IRC, Project Management and Implementation Support Consultants, IRC-WG and PRSC-WG
	Conduct of DMS	IRC-WG, PRSC-WG and relevant local authorities.
	Conduct of replacement cost study (RCS)	Independent consulting firm to be recruited by IRC
	Disclosure meeting/consultation with AHs to discuss results of DMS and discuss entitlements and relocation options	IRC-WG and PRSC-WG, assisted by Project Management and Implementation Support Consultants
	Update of the RP and submission to IRC-MEF, MPWT and ADB for review and concurrence.	PMU, assisted by Project Management and Implementation Support Consultants
	Update of the project information booklet (PIB)	IRC/RD

Project Stage	Participatory Activities and Participants	Responsible Institution
	Distribution of the PIB to the AHs and posting of updated RP at relevant Commune Offices	IRC-WG, assisted by PRSC-WG
	Posting of updated RP on the ADB website	ADB
	Implementation of the RP	IRC-WG with assistance of PRSC-WG
	Internal Monitoring of RP implementation	PMU
	External Monitoring of RP implementation	EMO

B. Public consultations during RP preparation

68. The resettlement survey team conducted public consultations in the affected sangkats prior to the IOL and SES activities. The agenda of the consultations included (i) introducing the TA to local officials and residents; (ii) introducing the members of the survey team, the reasons for the survey and schedule for the conduct of the same, including the policy on cut-off date for eligibility to Project entitlements; and, (iii) obtaining stakeholder views regarding the Project, including their suggestions on how to avoid and minimize adverse impacts.

69. Subsequent to the conclusion of the IOL and SES, the resettlement survey team returned to the project site on 13 October 2013 to hold a second round of public consultations specifically with the AHs. This consultation covered the following (i) highlights of the IOL findings, for example information on types and magnitude of impacts; (ii) basic project resettlement principles, such as compensation at replacement cost, public participation, and grievance redress; and, (iii) determining AHs views and suggestions concerning compensation, allowances and assistance, and participation.

70. Project information was also disclosed to various stakeholder groups by way of FGDs that were facilitated by the PPTA Social Development and Involuntary Resettlement consultants, with support from enumerators and coordinated with commune officials. The general purpose of the FGDs was to provide project information and obtain feedback from different stakeholder groups as part of the social impact analysis and ensure stakeholders' points of view and concerns are identified and integrated in project design. FGD sessions are summarized in the Table below.

Table 15: Summary of FGD Sessions

Town	Date/Time/Location	No. Participants	Target Groups
Kampong Chhnang	17 July 2013 Kampong Ous village Chhnang sangkat Kampong Chhnang	Total: 12 F: 6 M: 6	Agricultural families Kampong Ous village Chhnang sangkat Kampong Chhnang
	17 July 2013 Sam Raong village Phsar Chhnang sangkat Kampong Chhnang	Total: 10 F: 5 M: 5	Shop and store owners in Samraong village Phsar Chhnang sangkat
	18 July 2013 Kandal village Phsar Chhnang sangkat Kampong Chhnang	Total: 10 F: 4 M: 6	Floating communities in Kandal village
	18 July 2013 Chong Kaoh village Phsar Chhnang sangkat Kampong Chhnang	Total: 20 F: 20 M: N/A	Women from different locations including those near the mosque and floating communities in Chong Kos village
	24 July 2013 Wat Aranh Karam, Sre Pring Village, Sangkat Kampong Chhnang	Total: 16 F: 7 M: 9	Village Leaders (Damnak Popoul, Prey Pouch, Kandal Leu, Prey Koh, Trapeang Cheksa, Tuol Khsach, Prey Pring, Samroang)

Town	Date/Time/ Location	No. Participants	Target Groups
	24 July 2013 Sangkat Council office, Sangkat Phsar Chhnang	Total: 9 F: - M: 9	Cham Ethnic Minority Households (Chong Kaoh Village)
	11 October 2013 Kandal village; Sangkat Phsar Chhnang	Total: 16 F: 7 M: 9	Vietnamese residents of floating Village

C. Disclosure of the Resettlement Plan

71. Key RP information has been disclosed to affected households by way of public information meetings, which were held to: (i) present the results of the IOL; (ii) discuss the Project resettlement policy in general terms (compensation of affected assets at replacement cost, provision of assistance to restore AHs to pre-project conditions), including the Project policy on cut-off-date¹⁹; and, (iii) allow APs to provide feedback on the project and project resettlement policy. Key issues raised during meetings are summarized in Table 15 above. A draft Public Information Booklet (PIB) has been prepared (See Appendix 3). The draft PIB in Khmer will be disclosed at relevant commune offices before project appraisal and the updated PIB in Khmer will be distributed to each AH during the DMS. Updated RP in Khmer will be placed at relevant Commune Offices. Draft RP at project appraisal and updated RP following detailed design will be uploaded on the ADB's website in compliance with ADB's SPS. IRC-WG in close coordination with PRSC-WG will disclose updated RP to relevant commune offices and distribute the PIB to each AH.

D. Consultation and Information Disclosure during RP Implementation

72. Public information and disclosure about the project will be continued in the project areas and PIB will be translated to Khmer and disclosed at relevant commune Offices before project appraisal and the updated PIB will be distributed to each AH during the DMS. The PIB contains information about the project, entitlements or compensation for the AHs, the local grievance redress mechanism, including agencies (i.e., ADB, MPWT/PMU, etc.) so that AHs are clear about whom they should contact with their concerns. The contents of the PIB will be discussed in a public meeting open to all stakeholders, AHs and the general public.

73. Consultation with AHs will continue from RP preparation up to implementation of resettlement. Particular attention must be given to women, ethnic minorities, the poor and other vulnerable AHs. All consultation and disclosure activities will be properly documented; minutes of meetings, photos, and attendance sheets will be prepared and recorded.

V. GRIEVANCE REDRESS MECHANISM

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

75. A well-defined grievance redress and resolution mechanism will be established to address AHs grievances and complaints regarding land acquisition, compensation and resettlement in a timely and satisfactory manner. A grievance committee will be established

¹⁹For the purpose of this RP, cut off date is 2 February 2014, which was the last day of the IOL verification.

at provincial level with a process starting from Commune Offices. The procedures for grievance redress are set out below:

Stage 1: Affected Household (AH) will submit a letter of complaints/requests to the Village or Commune Resettlement Sub-committee or IRC-WG. The Sub-committee will be obliged to provide immediate written confirmation of receiving the complaint. If after 15 days the aggrieved AH does not hear from Village or Commune Resettlement Sub-committee, or if the AH is not satisfied with the decision taken by in the first stage, the complaint may be brought to the District Office.

Stage 2: The District office has 15 days within which to resolve the complaint to the satisfaction of all concerned. If the complaints cannot be solved in this stage, the district office will bring the case to the Provincial Grievance Committee.

Stage 3: The Provincial Grievance Redress Committee meets with the aggrieved party and tries to resolve the complaint. The Committee may ask for a review of the DMS by an external monitor. Within 30 days of the submission of the grievance the Committee must make a written decision and submit a copy of the same to MOT, external monitor, PIU, the IRC and the AH.

Stage 4: Court Procedures. If the aggrieved AH is not satisfied with the solution made by the Provincial Grievance Redress Committee based on the agreed policy in the RP, the committee shall file administrative procedures against the AHs with the participation of provincial prosecutors. The case will be brought to the Provincial Court and the same will be litigated under the rules of the court. During the litigation of the case, Royal Government of Cambodia will request from the court that the project proceed without disruption while the case is being heard. If any party is unsatisfied with the ruling of the provincial court, that party can bring the case to a higher court. The Royal Government of Cambodia shall implement the decision of the court. The mechanism should not impede access to the country's jurisdiction or administrative remedies.

76. All administrative costs of the Grievance Committee involved in resolving the complaints (e.g. meetings, consultations, communication and reporting/information dissemination) of the Grievance Committee will be borne by the executing agency. The Grievance Redress Mechanism will be readily accessible to the affected people at no costs and without retribution.

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

78. If efforts to resolve disputes using the grievance procedures remain unresolved or unsatisfactory, AHs have the right to directly discuss their concerns or problems with the ADB's Urban Development and Water Division, Southeast Asia Department through the ADB Cambodia Resident Mission. If AHs are still not satisfied with the responses of CARM, 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 project implementation.

VI. LEGAL AND POLICY FRAMEWORK

79. There are existing laws that govern land acquisition and resettlement in Cambodia. These laws, together with the ADB's Safeguard Policy Statement shall govern the land acquisition and compensation of affected households under the Project.

1. 1993 Constitution

80. The 1993 Constitution of Cambodia has established two governing principles pertaining to land acquisition.

Article 44 states that

All persons, individually or collectively, shall have the right to ownership. Only Khmer legal entities and citizens of Khmer nationality shall have the right to own land.

Legal private ownership shall be protected by law.

The right to confiscate properties from any persons shall be exercised only in the public interest as provided for under the law and shall require fair and just compensation in advance.

2. 2001 Land Law

81. The rights to land and property in Cambodia are governed by the 2001 Land Law, which are primarily based on the provisions of the 1993 Constitution. The law defines the scope of ownership of immovable properties, such as land, trees and fixed structures.

82. The Land Law, Article 5, states that "No person may be deprived of his ownership, unless it is in the public interest. Any ownership deprivation shall be carried out in accordance with the governing procedures provided by law and regulations, and after the payment of fair and just compensation in advance."

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

- Only legal possession as provided by law can be transformed to land ownership. (Article 6)
- Any regime of ownership of immovable property prior to 1979 shall not be recognized. (Article 7)
- Article 15 states that "the following properties are included as public properties of state and public legal entities: a) any property that has a natural origin, such as forests, courses and banks of navigable and floatable rivers or natural lakes and seashores; b) that is made available for public use such as quays of harbors, port, railways, railways station and airports; or, c) any property which is made available, either in its natural state or after development, for public use such as roads, tracks, oxcart ways, pathways, gardens or public parks and reserved lands.
- Article 18 states that "the following are null and void and cannot be made legal in any form whatever: a) any entering into possession of public properties of State and public legal entities and any transformation of possession of private properties of State into ownership rights that was not pursuant to the legal formalities and procedures that have been stipulated prior to that time, irrespective of the date of

creation of possession or transformation; e) any entering into possession of private properties of State, through any means, that occurs after this law comes into effect".

- Article 19 states that "any persons whose land title or factual circumstance fall within the scope of article 18 of this law shall not have the right to claim compensation or reimbursement of expenses paid for the maintenance or management of immovable property that was illegally occupied.
- Any illegal and intentional or fraudulent acquisition of public properties of state or of public legal entities shall be penalized pursuant to article 259 of this law.
- The penalties shall be doubled where any occupation of public properties cause damages or delay to works undertaken in the general interest, especially the occupation of roadway reversed land".
- Ownership of immovable properties described in Article 25 is granted by the state to indigenous minorities²⁰ as collective ownership. This collective ownership includes all of the rights and protections as enjoyed by private owners. The exercise of collective ownership rights shall be subject to the responsibility of the traditional authorities and decision-making mechanisms of the indigenous community, according to their customs and subject to the laws of general enforcement related to immovable property such as the law on environmental protection. (Article 26)
- Persons with legally valid possession of land for five years (at the time the law came into effect) are allowed to be registered as the owner of the land (Article 30). Persons who (at the time the law came into effect) held legal possession but had not yet completed the five years were allowed to remain in possession until they were eligible to be registered as the owner. (Article 31)
- Any beginning of occupation for possession shall cease when this law comes into effect (article 29). After this law comes into force, any new occupant with title to an immovable property belonging to the public bodies or private persons shall be considered as illegal occupant and shall be subject to the penalties provided in Article 259 of this Law (Articles 34).
- Article 38 states that "in order to transform into ownership of immovable property, the possession shall be unambiguous, non-violent, notorious to the public, continuous and in good faith".
- Landless people may apply for land for residential and subsistence farming purposes at no cost, as part of a social land concessions scheme. The concessionaire may obtain ownership of this land after fulfilling conditions set out in a separate Sub-Decree on Social Land Concessions. (Articles 50, 51).

3. Expropriation Law Feb 2010 - procedures for acquiring private properties for national or public interest

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

²⁰As per Article 23 of the Land Law, "An indigenous community is a group of people that resides in Cambodia whose 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.

Article 7: Only the state may carry out an expropriation for use in the public and national interests.

Article 8: The state shall accept the purchase of the remaining part of the real property left over from an expropriation at a reasonable and just price at the request of the owner of land/or the holder of rights in the expropriated real property, if he is no longer able to live near the expropriated scheme or build a residence or conduct any business.

Article 22: Stipulates the amount of compensation to be paid to the owner of and/or holder of rights in the real property, which is based on the market value of the real property or the replacement cost as of the date of the issuance of the *Prakas* on the expropriation scheme. The market value or the replacement cost shall be determined by an independent commission or agent appointed by the expropriation committee.

85. **Other relevant laws and edicts.** Apart from the above, there are other laws, decrees, sub-decrees, regulations and guidelines that may be significant to resettlement in design and implementation of components of the Project. **The Sub-Decree on Social Concessions**, enforced on 19 March 2003, provides legal basis for allocations of State private land for purposes of the alleviation of landlessness and poverty, including the replacement of land lost in the context of involuntary resettlement.

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

87. The present legal status of land use in Cambodia can be classified as follows²¹:

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

88. **Prakas No. 6, entitled “Measures to Crack Down on Anarchic Land Grabbing and Encroachments”**, sets ROW for road and railway.. Exceptions are made for urban areas traversed by these national roads, where the ROW can be reduced, subject to the decision of the Government. In support of this *Prakas*, the Ministry of Economy and Finance (MEF) on 6 April 2000 issued Decree No. 961 prohibiting compensation for

²¹Source: ADB43319-033 CAM: Greater Mekong Subregion Corridor Towns Development Project. Approved in 2012.

structures and other assets located in the road ROW. Additionally, Sub-decree No 197 on Road, Railway ROW prepared by the Ministry of Public Works and Transport was also approved by the RGC in 2009. The ROW dimensions under Prakas No.06 and the Sub-decree are in the Table below.

Table 16: Roads and Railways ROW Dimensions

Road Category	ROW Dimensions under Prakas No. 06	ROW Dimensions under Sub-decree No. 197
NR 1, 4, and 5	30 m from the centerline	30 m from the centerline
Other 1-digit NRs	25 m from the centerline	30 m from the centerline
2-digit NRs	25 m from the centerline	25 m from the centerline
Provincial roads	20 m from the centerline	Not specified
Commune roads	15 m from the centerline	Not specified
Railway outside city, province and crowned place	30 m from the centerline	30 m from the centerline
Railways in forest area	100 m from the centerline	100 m from the centerline

89. **The Expropriation Law**, passed by the National Assembly on 29 December 2009 and promulgated by the King on 04 February 2010, contains 8 Chapters with 39 Articles. It specifies procedures on acquiring private properties for national and public interests. Key Articles of the Law are listed below.

- Article 2: the law has the following purposes: (i) ensure reasonable and just deprivation of a legal right to ownership of private property; (ii) ensure payment of reasonable and just prior compensation; (iii) serve the public and national interests; and (iv) development of public physical infrastructure.
- Article 7: Only the State may carry out an expropriation for use in the public and national interests.
- Article 8: the State shall accept the purchase of part of the real property left over from an expropriation at a reasonable and just price at the request of the owner of and/or the holder of right in the expropriated real property who is unable to live near the expropriated scheme or to build a residence or conduct any business.
- Article 12: an expropriation committee shall be established and headed by a representative from the Ministry of Economy and Finance and composed of representatives from relevant ministries and institutions. The organization and functioning of the expropriation committee shall be determined by a sub-decree.
- Article 22: an amount of compensation to be paid to the owner of and/or holder of rights in the real property shall be based on the market value of the real property or the alternative value as of the date of the issuance of the Prakas on the expropriation scheme. The market value or the alternative value shall be determined by an independent commission or agent appointed by the expropriation committee.

A. ADB Policies

90. The objectives of the ADB Safeguard Policy Statement (2009) are (a) to avoid impacts on people and the environment, where possible; (b) where avoidance is not possible, minimize, mitigate, or compensate for adverse project impacts on the environment and the affected people; and (c) help the executing agency strengthen its safeguard system. Towards this end, ADB resettlement policy includes the following principles:

- Screen the project early on to identify past, present, and future involuntary resettlement impacts and risks. Determine the scope of resettlement planning through a survey and/or census of affected persons, including a gender analysis, specifically related to resettlement impacts and risks.

- Improve, or at least restore, the livelihoods of all affected persons through (i) land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation at replacement value for land when the loss of land does not undermine livelihoods, (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation at full replacement cost for assets that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible.
- Provide physically and economically affected persons with needed assistance, including the following: (i) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically and socially into their host communities, and extension of project benefits to host communities; (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required.
- Improve the standards of living of the affected poor and other vulnerable groups, including women, to at least national minimum standards. In rural areas provide them with legal and affordable access to land and resources, and in urban areas provide them with appropriate income sources and legal and affordable access to adequate housing.
- Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement.
- Ensure that affected persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets.
- Prepare a resettlement plan elaborating on affected persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.
- Prepare a resettlement plan elaborating on affected persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.
- Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner, before project appraisal, in an acceptable place and a form and language(s) understandable to affected persons and other stakeholders. Disclose the final resettlement plan and its updates to affected persons and other stakeholders.
- Conceive and execute involuntary resettlement as part of a development project or program. Include the full costs of resettlement in the presentation of project's cost and benefits. For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation.
- Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.
- Monitor and assess resettlement outcomes, their impacts on the standards of living of affected persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.

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

92. The ADB Policy on Gender and Development (2006) adopts gender mainstreaming as a key strategy for stimulating gender equity, and for guaranteeing that women participate and that their needs are unambiguously addressed in the decision-making process for development activities. For projects that have the potential to have substantial gender impacts, a gender plan (GAP) is prepared to identify strategies to address gender concerns and the involvement of women in the design, implementation and monitoring of the project.

93. Along with the ADB Safeguard Policy Statement (2009) and the accountability mechanism (2012), ADB's Public Communications Policy (2011) also requires timely disclosure of key Project information to the general public and Project stakeholders, including women, the poor and other vulnerable groups in a manner, form, and language(s) accessible to them and in an accessible place. Information to be disclosed includes the scope of land acquisition, compensation and rehabilitation policy and measures that will be taken to restore the living standards of Project-affected persons to at least pre-project level.

B. ADB Resettlement Policy Application in Cambodia

94. The RGC has adopted resettlement policies of donor agencies on a project-by-project basis in a manner that is acceptable to both RGC and ADB. The Table below provides an overview of ADB resettlement policy application in Cambodia.

Table 17: Resettlement Policy and its Application in Cambodia

ADB Resettlement Policy	ADB Policy Application in Cambodia
Involuntary Resettlement Policy is applied to all development projects resulting in (i) loss of productive assets, including land, income and livelihood; (ii) lost of housing, possibly entire community structure, systems, and service; (iii) loss of other assets; loss of community resources, habitat, cultural sites, and goods.	ADB's Involuntary Resettlement Policy is being applied to ADB-financed projects in Cambodia.
Involuntary resettlement should be avoided where feasible.	Involuntary resettlement has been avoided as much as possible through consideration of alternative project locations and narrowing the ROWs to a designated corridor of impact (COI) and realigning the COI.
Where population displacement is unavoidable, all viable project options should be explored to minimize displacement.	Various project options (e.g. bypass road design) have been explored to minimize displacement to few households as possible.
People unavoidably affected should be compensated and assisted so that their economic and social future would be generally as favorable as it would have been in the absence of the project.	Land-for-land is offered in some cases, though not all affected persons who lost land have been allocated a relocation site. Cash compensation for affected house, trees and other structures and privately owned land. Additional assistance is given to female headed, disabled, elderly, and very poor households, and cost of removal and transport of salvage materials. Some rehabilitation assistance has been given but not yet specified if restored to pre-project level.
Existing social and cultural institutions of re-settlers and their hosts should be supported and used to the greatest extent possible, and re-settlers should be integrated economically and socially into host communities.	The existing social and economic situations of the affected persons and their hosts have, in some cases, been supported, but not consistently applied.
The full cost of resettlement and compensation should be included in the presentation of project costs and benefits.	Compensation costs are budgeted in projects funded by the Banks. It is not possible to determine if this is consistently applied in non-bank-funded projects.

VII. ENTITLEMENTS, ASSISTANCE AND BENEFITS

A. Objectives

95. The Project resettlement policy is based on the types, characteristics, and severity of Project impacts on assets and living conditions of the affected population, guided by the Constitution of the Royal Government of Cambodia, prevailing legal and government procedures and policies, and the ADB Safeguards Policy Statement (2009). Its primary objective is to ensure that AHs and APs identified in the project-impacted areas as of the cut-off date are not disadvantaged by Project investments. The Project should provide opportunities for the local population to benefit from and participate in its planning and implementation and, through this, generate a sense of ownership among them.

B. Key Principles

96. In light of foregoing Legal and Policy Framework discussions, the RGC, through MPWT, commits itself to the following principles in the implementation of Involuntary Resettlement under the Project:

- Acquisition of land and other assets, and resettlement of people will be avoided or minimized as much as possible by identifying potential alternative project designs and suitable social, economic, operational and engineering solutions that have the least impact on the population.

- No land acquisition or site clearing will be done inside the ROW in anticipation or ahead of it being considered for implementation under the Project. Similarly, no land acquisition or site clearing will be done inside the ROW until and after the updated RP has been agreed upon by RGC and ADB, and until and after all entitlements due to the AHs as provided for in this resettlement policy have been delivered.
- All the affected households (without any discrimination such as household headed by women, disabled elderly, landless and people living below the national poverty line) confirmed to be residing in, doing business, or cultivating land or having right over resources within the sub project affected area or land to be acquired or used for sub project during the conduct of IOL and census of AH (Cut off Date) are eligible for resettlement assistance and compensation for non-land assets at replacement cost as mentioned in the entitlement matrix.
- AHs residing, working, doing business and/or cultivating land within the Project impacted areas during the detailed measurement survey (prior to the cut-off-date), are entitled to be compensated for their lost assets, incomes and businesses at replacement cost at the time of compensation, and, depending on the severity of impact on their livelihood and income capacity, will be provided with rehabilitation measures to improve or restore their pre-Project living standards, income-earning capacity and production levels.
- There will be no deductions in compensation payments for land, structures or other affected assets for salvage value, depreciation, taxes, stamp duties, fees or other transaction costs.
- If ownership over any affected asset is under dispute, the compensation for the same will be held in a court designated bank until its lawful owner is decided by competent legal authorities.
- AHs that lose only part of their physical assets will not be left with a portion that will be inadequate to sustain their current standard of living as determined by AHs together with Project engineers during detailed design. If not adequate to sustain current standard of living, the entire asset will be considered as totally affected and will be acquired by the Project.
- Affected shop owners, if any, will be assisted in gradually dismantling and setting up 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 their operation in their present location place and gradually begin their operation in their new place within the ROW to be confirmed during detailed design. Under this arrangement, disruption in the operation of shop owners will be minimized, thereby averting severe impact on the AHs' livelihood.
- Affected households presently cultivating plots inside the ROW will be allowed to continue cultivating the residual area of their cultivated plots in the ROW but outside the COI. If DMS indicates that the loss of these farmers is equivalent to 10% or more of their total livelihood or income from various sources, the PRSC-WG will assist in finding an affordable replacement land with similar productive attributes for the farmers to lease, or based on preference of the affected household. Availability to be confirmed during detailed design and DMS.
- Temporarily affected land and communal infrastructure will be restored to pre-project conditions.
- Project stakeholders, especially AHs, will be meaningfully consulted and given the opportunity to participate in matters that will have adverse impacts on their lives during the planning, design, implementation and operation of the Project. Plans for

the acquisition of land and other assets will be carried out in consultation with AHs who will receive prior information of the compensation, relocation and other assistance available to them. The comments and suggestions of AHs and communities will be taken into account.

- 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 on a continuing basis.
- There shall be an effective mechanism for hearing and resolving Project-related grievances during the planning, updating and implementation of the RP.
- Existing cultural and religious practices shall be respected and, to the extent possible, preserved.
- Special measures will be incorporated in the RP to protect socially and economically vulnerable groups who face greater risk of further hardship. Appropriate assistance will be provided to help AHs belonging to any of these vulnerable groups improve their socio-economic status.
- Resettlement planning, implementation and management will guarantee that gender concerns are incorporated;
- Adequate resources will be identified and committed for updating and implementation of the RP. This includes sufficient budgetary support that is fully committed and made available to cover resettlement costs within the agreed implementation period; and, adequate human resources for supervision, liaison and monitoring of land acquisition, resettlement and rehabilitation activities.
- Culturally-appropriate and gender-sensitive reporting, monitoring and evaluation mechanisms will be identified and set in place as part of the resettlement management system.
- The RP will be translated in Khmer and placed in district and commune offices for the information of the AHs as well as other interested groups. A Project information booklet (PIB) has been prepared and will be translated to Khmer (PIB contains an overview of the Project and civil works to be undertaken; scope of involuntary resettlement; policy on resettlement; grievance redress mechanism; and schedule of project implementation) and distributed to each AH after government concurrence of the RP.
- No civil works shall take place for any project component until (a) compensation has been fully paid to AHs; (b) agreed rehabilitation measures are in place, and (c) the acquired land is free from all encumbrances. Civil works contractors will not be issued notice of possession or notice to proceed (NTP) for any section or segment until these conditions are fulfilled. The schedule of the start of civil works in any section or segment of the Project will be coordinated and planned with the PRSC-WG whose members include male and women representatives of the AHs.

C. Entitlements

97. For purposes of this resettlement plan (RP), the cut-off date is 2 February 2014, which is when IOL verification was completed. IOL activities were preceded by a public meeting in Kampong Chhnang during which MPWT representative and TA consultants briefed local officials and residents about the project, the compensation policy and the need to conduct the IOL, including the policy regarding cut-off date. The IOL was carried out from 24 October – 2 November 2013. Due to change in design of the embankment (reduction of width in sections G-M), the IOL findings were verified through site visits carried out from 23 January 2014– 2 February 2014. The list of AHs will be updated and/or

validated during the DMS following approval by project authorities of the project feasibility study. The Inter-ministerial Resettlement Committee (IRC), the government body that is tasked to spearhead the conduct of the DMS and the implementation of the RP.

98. Based on the impacts identified during the IOL, the corresponding entitlements to be provided to the AHs are presented in the entitlement matrix below. It should be noted that these entitlements may be enhanced, as necessary, following the conduct of the DMS during RP in consultation with the AHs to ensure that their livelihoods are restored, if not improved.

Table 18: Entitlement Matrix

Item	Type of loss	Entitled persons	Compensation policy	Implementation issues
A. Loss of Land				
1	<p>Partial loss of residential land/agricultural land/vacant plot</p> <p>(Partial loss: only a portion of the land of the AH is acquired by the Project and the residual unaffected portion is still economically VIABLE for continued use or meets the expected yield)</p> <p>= 8,800 m²</p>	<p>Owners with legal title (Legal users are those with recognized or recognizable land use rights such as registered title, land certificate, survey certificate, tax receipts and including unregistered users as per Land Law)</p> <p>2 AHs lose productive land</p>	<p>-For the affected portion of the private land: cash compensation at replacement cost²²</p> <p>-For the affected portion of the public state land (i.e. land in ROW): cash assistance for loss of land use²³.</p> <p>-If the AH is severely affected (i.e., the loss is equivalent to 10% or more of their total income capacity), the AH will (i) be provided rehabilitation assistance with provision of two options²⁴ (1)-cash assistance of \$500²⁵ for income restoration or (2)-an IRP. and (ii) be provided one time cash assistance for severely affected as described in item E</p> <p>-If AH belongs to any of the vulnerable groups, see item D below</p>	<p>- AHs to be notified at least 3 months in advance of the actual date that the land will be acquired by the Project.</p> <p>- AHs will be allowed to harvest their annual and perennial crops and timber products prior to construction.</p> <p>- Vulnerable households to be verified during the DMS</p>
	(Partial loss: only	AHs with no legally	-For the affected	

²² Replacement cost is based on findings of Replacement Cost Study (RCS) and updated to reflect market rates at the time of compensation. In case there is no active market in the locality, this will be based on productive capacity or attributes; without deduction for taxes and transaction costs. RCS rates are valid for a period of 12 months.

²³ Cash assistance for loss of land use is based on rice productivity/ha/year multiplied by 5 years minus investment cost.

²⁴ The two options will be provided through public consultations with the entitled AHs during the RP implementation. The option implementation will follow the AHs' preference.

²⁵ An amount is based on a budget of \$500 USD/eligible AH as per recent ADB-funded implemented in the same general area and will be allocated in the resettlement budget to implement the option preferred by entitled AHs. If IRP is required through public consultation with the entitled AHs, the amount will be used as a block fund to support the various components of the IRP. The specific implementation mechanism for the use of the IRP funds will be determined during the planning of the program (\$500 USD/AH as per entitlement matrix of 43319-033 CAM: Greater Mekong Subregion Corridor Towns Development Project. Approved in 2012).

Item	Type of loss	Entitled persons	Compensation policy	Implementation issues
	a portion of the land of the AH is acquired by the Project and the residual un-affected portion is still economically VIABLE for continued use or meets the expected yield) = 56,175.75 m ²	recognized proof of ownership 60 AHs lose productive land	portion of the private land: cash compensation at replacement cost -No cash assistance for loss of residential land in ROW. -However, for agricultural land in ROW: Cash assistance for loss of land use. -Cash compensation at replacement cost for non-land affected assets. - If the AH is severely affected see Item E below -If AH belongs to any of the vulnerable groups , see item D below	
2	Loss of entire residential land/agricultural land/vacant plot (i.e., the whole land is affected by the Project, or the residual un-affected is NO LONGER VIABLE for continued use and, therefore, the entire land will be acquired by the Project.) = 594 m2	AHs with no legally recognized proof of ownership 1 AH loses entire productive land (Landless AHs)	-No cash assistance for loss of land -For the affected private land: cash compensation at replacement cost -No cash compensation for loss residential land in ROW. However, they (landless AHs) will be provided two options, option 1: cash ²⁶ assistance for self relocation or option 2: relocate to a new relocation site ²⁷ provided by the Project. -For loss of agricultural land in ROW: cash assistance for loss of land use -Cash compensation at replacement cost for non-land affected assets. . -If AH is found to be severely affected (i.e., the loss is equivalent to 10% or more of their total income capacity or they are physically displaced from housing or place of	

²⁶ The cash assistance for self relocation will be determined during the DMS based on the price of land with 105m² size.

²⁷ The relocation site will be prepared and each landless AHs will be provided a plot of land with 105m2 size and basic infrastructures such as latrine for each AH, access road, land fill to the level of free flood, water wells and connection fee (except deposit that will be born by the AH) for electricity if available at the site.

Item	Type of loss	Entitled persons	Compensation policy	Implementation issues
			business), the AH will be provided (i) rehabilitation assistance with provision of two options (1)-cash assistance of \$500 ²⁸ for income restoration or (2)-an IRP and (ii) be provided one time cash assistance for severely affected as described in item E -If AH belongs to any of the vulnerable groups , see item D below	
B. Loss of Structures				
3	Partial loss of primary structure (House, House-cum-store; Independent Shops) -- i.e., only a portion of the main structure of the house, house-and-store, or shop is affected and the remaining unaffected portion is STILL VIABLE for use	Owners of the structure whether or not land is owned; with or without building permit = 13 AHs	-For the affected portion, cash compensation at replacement cost -If AH belongs to any of the vulnerable groups , see item D below.	- Compensation will be provided in the form of cash without any deductions for depreciation or salvageable materials - AHs to get cash compensation at least one month ahead of civil works in the locality to provide them sufficient time to gradually re-organize the house and/or shop , thereby avoiding any disruption in the livelihood of the same. - The calculation of rates will be based on the actual affected area and not the useable area.
4	Loss of entire primary structure (house, house-and-store, store) -- entire main structure is affected, or the unaffected portion of the main structure is NO LONGER VIABLE for continued use	Owners of the structure whether or not land is owned; with or without building permit = 2 AHs	- Cash compensation at replacement cost for the entire structure - Transportation Allowance as described in item G below - One time cash allowance if severely affected see item E below. -If AH belongs to any of the vulnerable groups , see item D below.	
5	Loss of, or damage to Secondary structures (stalls, extended eaves,	Owners of the structures whether or not land is owned; with or without building permit	Cash compensation at replacement cost for the affected assets	AHs to be notified at least one month of the actual date that the land will be acquired by the Project. Except earth

²⁸ An amount is based on a budget of \$500 USD/eligible AH as per recent ADB-funded implemented in the same general area and will be allocated in the resettlement budget to implement the option preferred by entitled AHs. If IRP is required through public consultation with the entitled AHs, the amount will be used as a block fund to support the various components of the IRP. The specific implementation mechanism for the use of the IRP funds will be determined during the planning of the program (\$500 USD/AH as per entitlement matrix of 43319-033 CAM: Greater Mekong Subregion Corridor Towns Development Project. Approved in 2012).

Item	Type of loss	Entitled persons	Compensation policy	Implementation issues
	earth grave, concrete yard, etc.)	= 45 AHs		grave that needs at least 3 months to inform the AHs.
C. Loss of Crops				
6	Standing crops	Custom or legal owner(s) of land; owners of crops or trees (whether have legal or customary title to land or not)	Compensation for annual crops at replacement cost	<ul style="list-style-type: none"> - AHs to be notified at least 3 months in advance of the actual date that the land will be acquired by the Project. - AHs will be allowed to harvest their annual and perennial crops prior to construction.
D. Impacts on Vulnerable AHs				
7	Higher risks of hardship due to project impacts	Vulnerable AHs = 36 AH	<ul style="list-style-type: none"> - One time assistance allowance of \$100 per household²⁹ - Participate in the IRP - Priority for employment in the project construction works. 	Vulnerable households to be verified during the DMS
E. Loss of Livelihood				
8	Loss of income full / partial due to loss of 10% or more of productive land	All AHs severely affected by loss of productive land, with or without legally recognized proof of ownership = 23 AH	One-time cash assistance of \$200 per household ³⁰	In addition to rehabilitation assistance
F. One time cash assistance				
9	For Partially Affected AHs (2 AHs)	Options include: Shifting AHs to adjacent area Shifting AHs small store to new site Shifting AHs small store to adjacent area	One-time cash assistance of \$100 per household One-time cash assistance of \$66 per household One-time cash assistance of \$33 per household	
G. Allowances				
			-	
10	Transport Allowance	Owners/renters of entirely affected primary structure (shifting/relocating AH) = 20 AHs = 2 AH (regular house moving into residual area)	Shops and stalls made of light and temporary materials = \$5-\$10; Small shops and houses moving to adjacent area = \$40; Small shops and houses moving to other area in the same village = \$60; House	Transportation allowance will also be provided to renters of commercial stalls to assist them in moving their stalls and stock to the temporary selling location and the original location after completion of civil works (pending agreement with

²⁹ As per entitlement matrix of (i) 43319-033 CAM: Greater Mekong Subregion Corridor Towns Development Project. Approved in 2012; and (ii) 43309-013 CAM: Provincial Roads Improvement Project. Approved in December 2011.

³⁰ As per entitlement matrix of (i) 43319-033 CAM: Greater Mekong Subregion Corridor Towns Development Project. Approved in 2012; and (ii) 43309-013 CAM: Provincial Roads Improvement Project. Approved in December 2011..

Item	Type of loss	Entitled persons	Compensation policy	Implementation issues
			moving to other village = \$70	the owners of the structure)
14	Temporary loss of business (affected house-and-stores and independent shops) during period of construction	Registered business owners	Cash compensation equivalent to the daily net income (as reflected in tax receipts) multiplied by the days of business disruption	
		Unregistered/business owners who cannot show any tax receipt and cannot otherwise confirm income amount	One-time cash assistance of \$50 ³¹	
G. Unforeseen Impact				
15	Unforeseen impact, if any, during project implementation		Appropriate mitigation measures and same entitlement as described in this matrix will be applied to any AHs that emerge due to changes, if any, during the detailed design.	Compensation will not apply to new occupants after the cut-off date.
H. Temporarily affected properties during construction				
16	Temporarily affected land and non-land assets during construction	Owner of temporarily affected land and non-land assets	<ul style="list-style-type: none"> - Contractor will pay rent for any land/structure required for construction work space outside the ROW; - For assets within the Corridor of Impact (COI): no compensation for temporarily affected land/non-land assets if returned to the legal owner and restored to at least pre-project condition within 3 months after use. If the asset is not returned and restored to pre-project condition within 3 months, the AHs will receive compensation at replacement cost for the land and/or assets³² 	<ul style="list-style-type: none"> - AHs will be notified at least 3 months in advance of the actual date that the land/non-land asset will be temporarily used or affected by the project - Contractor will be required by contract to pay these costs - Construction and maintenance will be carried out so as to minimize damage. - As part of the civil works contract, all access roads/driveways to properties adjacent to the road will be repaired or replaced including culverts and other facilities, to a condition equal or better than the present. - The disruption period will be minimized as much as possible.
17	Temporary damage to productive assets during construction (e.g. fields and associated	Owners of productive assets	Compensation for lost production value in cash at replacement cost for the period of construction or maintenance that will not be less than the net	

³¹ As per entitlement matrix of 43309-013 CAM: Provincial Roads Improvement Project. Approved in December 2011.

³² Ibid.

Item	Type of loss	Entitled persons	Compensation policy	Implementation issues
	infrastructure including bund walls, drains, channels, etc.)		income that would have been derived from the affected property during disruption. This will be a minimum of value of one harvest where damage occurs during growing season.	

E. Strategy to address gender issues

99. The Project includes the following specific actions to address gender issues in the Project:

- A male representative and a female representative of the AHs in a sangkat will sit in the municipal PRSC-WG.
- In conducting the DMS, consultations on resettlement activities and relocation options, both women and men will participate in the discussions.
- Gender issues will be included in training on the Project resettlement policy that will be provided to concerned personnel of the PMU, PIU, and the PRSC-WGs.
- Disaggregated monitoring indicators by gender will be developed for monitoring social benefits, economic opportunities, livelihood, and resettlement activities.

F. Strategy to assist vulnerable households

100. As discussed in the preceding sections and as stated in the entitlement matrix, on top of the compensation and applicable allowance that vulnerable AHs will receive for their losses, vulnerable AHs are entitled to participate in the income restoration program that will be designed with their active involvement. The project will foster full participation of vulnerable households in meaningful consultations so that they are able to participate in decisions that affect them.

G. Unforeseen Impacts

101. If during the DMS, additional adverse social impacts are identified and/or additional AHs are found, these persons and households are entitled to receive Project entitlements as the others on condition that it can be ascertained that they have actually been in the Project ROW even before the cut-off date for eligibility. New AHs that will emerge due to changes in Project design or alignment prior to or even during construction works are likewise entitled to the same entitlements as those of the other AHs.

H. Temporary Impacts

102. To ensure that temporary impacts during construction will be avoided, if not minimized, the contract for civil works will include the following provisions: (a) contractor to pay rent for any land required for construction work space outside the ROW; (b) to the extent possible, only idle land will be used as construction work space to avoid disruption to households and business establishments; and (c) temporary use of land will be restored or improved to its pre-Project condition. As part of internal monitoring, the PMU, assisted by the PRSC, will review any written agreement with the AHs, payment records, and disbursement of payment to ensure proper monitoring and compliance with the Project

resettlement policy. Internal monitoring will be included in the quarterly progress reports submitted to MPWT and ADB.

VIII. RELOCATION OF HOUSING AND SETTLEMENTS

A. Relocation Strategy

103. The PRSC-WG will ensure minimal disruption for AHs with entirely affected houses and independent stores. Through the PRSC-WG, the AHs will be informed regarding the schedule of civil works in a specific section of the embankment at least 3 months in advance.

104. In cases where it is not possible for the AH to rebuild behind the present location of their affected structures, such as in the case of the AHs whose commercial stalls will be totally affected during embankment construction in Phsar Chhnang Village, Sangkat Phsar Chhnang, the PRSC-WG, in consultation and with the active participation of the AHs, will identify a suitable alternative location outside the COI where they can continue their business during the construction period. In the event that business is affected during construction period or a suitable temporary location is not identified or secured, the AH will receive compensation for temporary loss of livelihood as described in the entitlement matrix. As confirmed by local government, said AHs will be allowed to rebuild their structures in the original location after completion of embankment construction. The advance notice to be provided to the AHs will allow gradual phasing out of business operations in their original location while beginning their operation in their temporary location. Transportation assistance, as described in the entitlement matrix, will be provided for entirely affected AHs.

IX. INCOME RESTORATION AND REHABILITATION

A. General Provisions

105. An income restoration program (IRP), including the period and mechanisms for implementation, will be designed and developed during RP updating with the full participation of eligible AHs. The IRP will be included in the updated RP for IRC and ADB approval.

106. Those who are entitled to participate in the program include vulnerable AHs affected by impacts to productive assets and/or primary structures; AHs severely affected by the loss of entire houses and shops and may not be able to continue their business after construction and those severely affected by loss of land use equivalent to 10% or more of their total productive (income-generating) assets. Because it is not expected that the Project will severely disrupt the business operation of shop owners or that AHs will be severely affected due to loss of land use, the focus of the IRP is more on helping the poor and other vulnerable AHs improve their situation. The IRP will be implemented in parallel with the implementation of the RP with the active involvement of the participating AHs.

107. IRP activities should be designed around providing both food and cash to the AHs and provision of livelihood to members of the AHs who are no longer able to seek employment in factories and shops in urban areas, such as the elderly. Members of the AHs that are within the working age (15 to 60 years old) will be provided skills training, as needed, and referred to establishments in need of workers. This component of the strategy is also intended to bring in cash for the other basic needs of the AHs. The IRP will include provision of financial management training to AHs to help ensure that income earned from livelihood activities and transition allowances will be utilized in an efficient manner. Contractors will implement preferential hiring of severely affected and vulnerable AHs for

non-skilled labor during civil works. Compliance will be monitored by the PMU and ADB during implementation.

108. An amount will be allocated in the resettlement budget to finance the various components of the IRP, based on a budget of \$500/eligible AH as per recent ADB-funded projects implemented in the same general area. During implementation, AHs will have two options, to be discussed during public consultation, as follows: Option 1: the entitled AHs can choose to receive \$500 in cash instead of participation in the IRP; OR Option 2: the entitled AHs can participate in the IRP (in which case the allocated amount for each AH will not be given to the household but will be used as a block fund to support the various components of the program). The implementation will follow their preference. 59AHs (36 Vulnerable AHs, and 23 Severely Affected HHs)³³ have been identified as eligible for the IRP in Kampong Chhnang; thus, the block fund that will be put up for the AH is \$29,500 and is included in the resettlement costs.

B. Loss of Productive Land

1. Land within the Right of Way

109. AHs affected by acquisition of 56,769.75m² ROW land along the existing dike (used with permission for planting during the dry season) will be provided cash assistance for permanent loss of land use based on rice productivity/ha/year multiplied by 5 years.

2. Privately Owned Land

110. Privately owned agricultural land (8,800 m²) to be acquired as part of embankment construction will be compensated at market rates.

C. Severely Affected Households

111. **One-time Cash Assistance.** As per the entitlement matrix, severely affected households are entitled to one-time cash assistance in addition to compensation for their affected assets. Specifically, AHs who will be severely affected by the loss of private productive land or permanent loss of land use equivalent to 10% or more of their total income-generating assets will each be entitled to receive one-time cash assistance (allowance) of \$200. Said assistance is meant to support severely affected households in meeting their daily needs during the relocation/transition period.

112. **Income Restoration Program.** Severely affected households will also be entitled to participate in the Income Restoration Program (IRP) as described in the entitlement matrix. The specific mechanisms for the IRP will be developed with the active participation of eligible AHs during RP updating, but may include vocational training programs, as appropriate.

D. Vulnerable Households

113. The 36 vulnerable households affected by loss of primary structures or productive assets will be given a one-time cash compensation of \$100 as per entitlement matrix, on top of compensation for affected land and non-land assets. They will also be entitled to rehabilitation assistance.

³³ Assuming no double counting.

X. RESETTLEMENT BUDGET AND FINANCING PLAN

114. Funds for the implementation of the RP will be from counterpart funds. For the IRP, AHs will have two options, to be discussed during public consultation, as follows: Option 1: the entitled AHs can choose to receive \$500 in cash instead of participation in the IRP; OR Option 2: the entitled AHs can participate in the IRP. The implementation will follow their preference. Costs have been estimated based on results of the IOL and the RCS as of November 2013, verified through site visits carried out from 23 January 2014 – 2 February 2014.

A. Procedures for flow of funds

115. The cost for resettlement will be covered from the government counterpart funds. At the official request of the IRC, the Ministry of Economy and Finance shall provide the funds for the implementation of the RP in a timely manner through the Provincial Department of Economy and Finance.

116. An accounting procedure and format for the disbursement of compensation will be prepared by the RD-MEF for approval by the IRC. Payment of compensation and allowances shall be given to the AHs in the office of the commune by the Provincial Department of Economy and Finance with the presence of IRC-WG, Provincial Resettlement Subcommittee (PRS), commune/village chief or committee, the EMO and representatives of the APs.

B. Implementation, administration and contingency costs

117. Implementation costs cover payment of allowances and per diem of concerned personnel involved in the updating and implementation of the RP, including members of the provincial and district resettlement working groups. Cost of conducting the replacement cost study (RCS) during RP updating has been included in the budget based on RCS cost estimates in 2013 and assuming inflation over the next few years. Administrative costs (20% of direct costs) and contingencies (20%) have been added on top of the cost of resettlement. MPWT and IRC will ensure that adequate funds are made available as and when necessary for the efficient and timely implementation of resettlement.

C. Estimated Costs of Resettlement

118. The estimated cost of resettlement is **USD 203,618.84³⁴**. The Table below provides a breakdown of these costs.

Table 19: Summary of Resettlement Costs

No	Compensation Items	Unit	Unit Rate US\$	Quantity	Total Cost in US\$
A	Compensation for Land				
1	Cultivated ROW land (loss of land use)	m ²	Estimate		28,384.88
2	Private Agricultural Land	m ²	2.01	8800	17688
	Sub Total A				46,072.88
B	Main Structures				
1	Partially affected house	m2	14.79	101.3	1,498.23
2	Partially affected independent store	m2	7.16	2.2	15.752

³⁴Indicative cost based on replacement cost survey conducted by the PPTA consultant. The final unit costs inclusive of new material and labor will be included in the RCS during detailed design and detailed measurement survey

3	Entirely affected house^^	m2	14.79	62	916.98
Sub Total B					2,430.96
C	Secondary Structures				
1	Commercial stall	m2	7.16	188.96	1352.95
2	Extended eaves	m2	7.16	17	121.72
3	Concrete yard	m2	6.02	113.2	681.46
4	Storage shed	m2	7.16	11.45	82
6	Graves (Earthen)	AH	500	9	4500
Sub Total C					6738.13
D	One-time cash Assistance				
1	Severely affected (loss of 10% or more of income-generating assets)	AHs	200	23	4,600.00
2	Vulnerable AHs	AHs	100	36	3,600.00
3	Partially Affected (shifting house)	AHs	100	2	200.00
Subtotal D					8,400.00
E	Allowance				
2	Transport allowance for store of light materials (move to temporary location)***	AHs	10	18	180
3	Transport allowance for regular houses (shift back)	AHs	40	2	80
Subtotal E					260
F	Total Compensation Cost (A+B+C+D+E)				
					63,901.97
G	Income Restoration Program*		500	59	29,500.00
H	Replacement Cost Study				18,000.00
I	External Monitoring and Evaluation				30,000.00
J	Total Cost before Administration cost				
					141,401.97
K	Administration Cost (20%)				28,280.39
L	Total (J+K)				
					169,682.37
M	Contingency 20% of L				33,936.47
Grand Total US \$					203,618.84
* Assuming no double counting					
^^ Will move back in residual land of ROW					

119. Additional resources will also be provided by the Project to prepare and implement the updated resettlement plan, which are costed elsewhere in the overall Project budget. These include:

- Resettlement officers within the PMU and PIU.
- Resettlement specialists in the Project Management and Implementation Support Consultant team – international 6 person-months intermittent, two local resettlement specialists (one per project town for a total of 24 person months, intermittent). The national resettlement specialist for Kampong Chhnang has been proposed for 18 person-months (intermittent)

XI. INSTITUTIONAL ARRANGEMENTS

120. The owner of the project is MPWT, the Executing Agency; therefore, it has over-all responsibility for the successful implementation of the RP. MPWT will be assisted by a number of offices within and outside the Ministry, starting with the Project Management Unit (PMU) that is tasked with undertaking the Project. The PMU will work closely with the Resettlement Department which is a secretariat of the Inter-ministerial Resettlement Committee (RD-IRC) related to the preparation, updating and implementation of the RP.

A. Project Management Unit and Project Implementation Unit

121. The PMU is responsible for the overall management (coordination, planning, implementation reporting) of the Project. It will report directly to the EA on developments about the Project. Both Pursat and Kampong Chhnang will set up a Project Implementation Unit (PIU). A resettlement officer will be assigned to the PMU and one in each PIU in order

to to coordinate implementation of the RP. Its resettlement-related tasks will include the following:

- Secure the approval of the RP from the IRC;
- Secure prior approval by IRC and the ADB for any variations in the approved RP. Update the RP after the detailed measurement survey (DMS);/consultation with AHs during actual implementation.
- Secure the data base of affected households and assets that will be gathered during the preparation and updating of the RP. Prepare progress reports/internal monitoring on overall project implementation including the RP implementation and submit to the IRC and ADB.

B. Inter-ministerial Resettlement Committee (IRC)

122. Based on the Prime Minister Decision No. 13, dated 18 March 1997, the Inter-Ministerial Resettlement Committee (IRC) was firstly established in 1999 to review and evaluate the resettlement impact and land acquisition for Phnom Penh-Ho Chi Minh City Highway Project funded by the ADB Loan 1659-CAM. The IRC is a collective entity composed of representatives from different line ministries, such as the MPWT (Project Executing Agency), the Council of Ministers (COM), the Ministry of Agriculture, Forestry and Fisheries (MAFF); Government Delegate in Charge of Phnom Penh Capital City; and Governor and Deputy Governor of the Provinces where the project located (Kandal, Preyveang and Svayreang Provinces). The IRC has emerged as the decision making body on resettlement issues and has since been involved in other foreign-assisted government infrastructure projects with involuntary resettlement. The MEF is the permanent Chair of the IRC and represents it for all development projects.

123. The IRC will assume the function of a quasi-regulatory body, ensuring that funds for resettlement are spent properly and that the RP is carried out as intended. The technical arm of the IRC is the RD-MEF, tasked to assist the IRC in carrying out the following:

- Reviewing and approving the RP, ensuring that the RP is consistent with ADB's 2009 Safeguard Policy Statement (SPS) and the loan agreement;
- Endorsing the approved RP to ADB;
- Leading the RP implementation at the Project areas such as DMS, public consultations with AHs, information disclosure, etc; based on the agreed policy and principles of this RP;
- Establishing or convening the Provincial Resettlement Committee (PRSC) and its Working Group (WG);
- Orienting, as needed, the PRSC and its working group (PRSC-WG) on their tasks relative to RP preparation and implementation;
- Securing from the national treasury the budget for carrying out the RP, ensuring that funds are available in a timely manner and in sufficient amounts;
- Approving all disbursements connected with the implementation of the RP, such as payment of compensation and other entitlements, acquisition and preparation of replacement plots, operational expenses of personnel, etc.;
- Ensuring that funds for resettlement are spent judiciously; and
- Monitoring the implementation of the RP, ensuring that this is carried out in compliance with the Project resettlement policy and with the loan agreement.

C. Provincial Resettlement Sub-committee

124. The PRSC is a collegial body at the provincial level headed by the Provincial Governor or Deputy Governor of the Provinces where the Project located. 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 where the Project located.

125. The technical arm of the PRSC is the Working Group (PRSC-WG). The PRSC-WG is headed by the Chief or Deputy Chief of the Provincial Cabinet, with a Director (or a representative) of the Provincial Department of Public Works and Transport (DPWT) as members. The PRSC-WG has a counterpart at the district level and commune level composed of personnel from various line agencies.

126. The PRSC, through the provincial, municipal and sangkat 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;
- Participate in the DMS and updating of the census of AHs, including updating of entitlements;
- 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;
- 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.

D. Project Management and Implementation Support Consultants

127. The Project Management and Implementation Support Consultants (PMIS) will be recruited by MPWT in accordance with ADB's Guidelines on the Use of Consultants (2013, or as amended time from time). The PMIS consultants will assist RGC in implementation of the Project and will include one international social development/resettlement specialist (6 person months, intermittent), two local resettlement specialists (one per project town for a total of 24 person months, intermittent).

128. The PMIS will work closely with the PIU and IRC in developing RPs based on the DMS and the updated RCS. The PMIS in close coordination with IRC will participate in the DMS progress and consistent with the Project resettlement policy. Once endorsed by the IRC and MPWT and concurred by ADB, the PMIS will provide technical advice to IRC-WG and PRSC-WG in the implementation of the agreed RP. The PMIS will likewise provide capacity-building orientation and skills training, as needed, to concerned personnel of the PIU IRC-WG and PRSC-WG.

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

entitlement matrix. Compensation and assistance will be provided by civil work contractor prior to and/or during construction activities, depending on when the temporary impacts are identified

XII. IMPLEMENTATION SCHEDULE

A. Indicative implementation schedule of the RP

130. The table below summarizes the various inter-related activities connected with the updating and implementation of the RP.

Table 20: Indicative Schedule of Resettlement Activities

Activities	Schedule
RP preparation	October 2013 – June 2014
ADB concurrence of draft RP	July – August 2014
RP updating	1st – 3rd Quarter 2016
Consultation	Continuous
Submission to and ADB concurrence of updated RP	4th Quarter 2016
Implementation of the approved updated RP (resettlement activities to be implemented in phases, coinciding with civil works)	4 th Quarter 2016 – 1st Quarter 2019
Internal monitoring (submission of quarterly reports)	2016 – 2019
External Monitoring (verification of resettlement completion, semi-annual monitoring reports, and RP implementation evaluation study)	2016 – 2020
RP Implementation Evaluation Study (External Monitor)	2020

131. Following completion of detailed engineering design, the RP will be updated and will be included as part of a revised feasibility study and appraisal report, which will be submitted to ADB for review and approval. Resettlement implementation (i.e., land clearing and relocation of AHs) can only commence once ADB has approved the revised feasibility study and appraisal report, with the updated resettlement plan. Consultations with the AHs will be carried out on a continuing basis, paying particular attention to the vulnerable and severely affected households.

132. **Setting up the PRSC-WG.** The Resettlement Department of the Inter-ministerial Resettlement Committee (IRC) will assemble the Provincial Resettlement Sub-committee, which in turn will form its Working Group (PRSC-WG). The PRSC-WG will be headed by the Deputy Provincial Governor with the participation of the Director (or a representative) of the Provincial Department of Public Works and Transport (PDPWT). The regular members of the PRSC-WG come from the Provincial Government, Provincial Department of Economy and Finance, and the Provincial Department of the Interior. A male and female representative of the AHs in each sangkat affected by the Project will be represented in the PRSC-WG. The PRSC-WG will coordinate closely with the Project Implementation Consultant (PMIS), civil works contractor, local government, and AHs to ensure the smooth updating and implementation of the RP.

133. **Detailed measurement survey and updated census of the APs.** Following final design and demarcation on the ground of the corridor of impact (COI), a detailed measurement survey (DMS) and updated census of AHs will be carried out by the PRSC-WG with support from the Project Management and Implementation Support Consultants (PMIS). The process of the DMS is similar to the IOL, i.e., comprehensive recording of all users of land and owners of other assets. The PMIS will train members of the resettlement sub-committee working group (PRSC-WG) on the structure classification scheme used in the RP as employed in the replacement cost study (RCS).

134. A new socio-economic survey will be carried out if RP updating does not begin within two years as demographic and socio-economic factors may alter significantly within said period. The new SES will cover a minimum of 20% of severely affected AHs and minimum of 10% of other AHs affected by the loss of primary structures and productive assets.

XIII. MONITORING AND REPORTING

A. Internal Monitoring & Evaluation

135. Internal monitoring will be carried out by MPWT through the PMU, with support from project implementation and support consultants, and will serve to evaluate (i) compliance with the Project's social safeguards policies and procedures, including resettlement; (ii) timely availability of personnel, material, and financial resources and efficient use of these to implement land acquisition and resettlement activities; and, (iii) identification of problems, if any, and development of remedial actions to address these.

136. The PMU will review and confirm the suggested internal monitoring indicators below, procedures and reporting requirements for all project components that involve resettlement and will report on Resettlement implementation progress as part of quarterly project progress reports submitted to IRC and ADB.

137. Internal monitoring indicators will include:

- Compensation and entitlements computed at rates and procedures as provided in the RPs agreed between RGC and ADB;
- Timely and complete disbursement of compensation to AHs in accordance with the agreed RPs and as per agreement with Project authorities;
- Timely and complete delivery of relocation, income restoration and rehabilitation allowances and measures;
- Public information, public consultation and grievance redress procedures are followed as described in the approved RP;
- Attention given to the priorities of AHs regarding the options offered;
- Public facilities and infrastructure affected by the Project are restored promptly; and,
- The transition between resettlement and civil works is smooth (i.e. completion of resettlement activities required before notice to proceed for civil works is issued)

B. External Monitoring and Evaluation

138. The External Monitoring Organization (EMO) will be recruited by the IRC and will commence its work prior to or during the DMS, and will carry out independent semi-annual reviews of RP to determine whether intended goals are being achieved, and if not, what corrective actions are needed and will likewise conduct a post-resettlement evaluation study 6 -12 months after the completion of RP implementation. Draft Terms of Reference are in Appendix 4 of this RP. The terms of reference (TOR) will be updated by IRC, if necessary, and submit it to ADB for review and comments before engaging the EMO.

C. External Monitoring Objectives, Indicators and Issues

139. A part from reviewing and assessing the activities during RP updating, the general objective for external monitoring is to verify results and findings of the internal monitoring.

Essentially the verification includes an assessment of: (i) the achievement of resettlement objectives, (ii) changes in living standards and livelihoods, (iii) the restoration of the economic and social conditions of the AHs, (iv) the effectiveness, impact and sustainability of assistance measures, (v) the need for further mitigation measures, if any; and, (vi) to identify strategic lessons for future policy formulation and planning. The table in this section presents a range of indicators to be included in the external monitoring of the resettlement program.

140. The external monitoring organization (EMO) will be responsible for checking the procedures and resolutions of grievances and complaints. The EMO may recommend further measures to be taken to redress unresolved grievances. The EMO will submit semi-annual external monitoring reports to IRC, and then IRC will forward to MPWT and ADB. The Project Implementation Support Consultants will provide the necessary training to improve grievance procedures and strategy for the grievance committee members when required.

D. Methodology

141. The methodology for conducting monitoring and evaluation of implementation of the resettlement plan will include the following activities:

Review Detailed Measurement Survey Database

142. The detailed measurement survey (DMS) i.e. the land acquisition and census survey based on detailed design, is to provide data on 100 percent of AHs. The census will help to create a database for each AH in terms of his/her social-economic status, the nature and extent of losses suffered, compensation and entitlements etc. This database will become the basis for compensation and for monitoring the benefits as well as entitlements the AP receives during the process of implementation.

143. As soon as the detailed design is finalized and marked on the ground is established, the RCS and implementing agencies will carry out the DMS for all AHs. The data will be made available to the EMO to enable them to create their initial database.

Conduct Follow-Up Sample Socio-Economic Survey

144. A socio-economic survey will be required during post evaluation on resettlement implementation so as to provide a clear comparison of success/failure of the resettlement action plan. The survey will be conducted among a sample of 20% of AHs. A baseline socio-economic survey will be used the one conducted during the PPTA.

Reporting

145. The EMO will be required to submit the findings of the periodic monitoring on a semi-annual basis. These monitoring reports will be submitted to IRC and then IRC will forward to ADB.

Monitoring Report Follow-up

146. The monitoring reports will be discussed in a meeting between the EMO, IRC and implementing agencies held immediately after submission of the report. Necessary follow-up action will be taken based on the problems and issues identified in the reports and follow-up discussions.

Post-Evaluation

147. The external monitor will conduct resettlement process and impact evaluation 6-12 months after completion of all resettlement activities, using the same survey questionnaire and sample as used during the monitoring activities.

Table 21: Monitoring and Evaluation Indicators

Type	Indicator	Examples of Variables
PROCESS INDICATOR	Consultation, Participation	Number of consultation and participation programs held with various stakeholders
	Procedures in Operation	<ul style="list-style-type: none"> • Census and asset verification/quantification procedures in place • Effectiveness of compensation delivery system • Number of land transfers effected • Coordination between implementing agencies and other agencies
OUTPUT INDICATOR	Buildings	<ul style="list-style-type: none"> • Number, type and size of private houses/structures acquired
	Trees and Crops	<ul style="list-style-type: none"> • Number and type of private trees acquired • Number and type of government/community trees acquired • Number and type of crops acquired • Crops destroyed by area, type and number of owners
	Compensation and Rehabilitation	<ul style="list-style-type: none"> • Number of households affected (land, buildings, trees, crops) • Number of owners compensated by type of loss • Amount compensated by type and owner • Number and amount of payment paid • Household compensation payments made to both male and female heads of households • Number of persons with severely affected livelihoods provided with income restoration assistance; • Types of livelihood restoration assistance provided by number of persons and types of livelihoods impacted; • Disbursement of livelihood restoration assistance by type of assistance, types of impacted livelihoods and number of beneficiaries; • Data to be disaggregated by gender
IMPACT INDICATOR	Restoration of Livelihoods	<ul style="list-style-type: none"> • Level of restoration of impacted livelihoods/income sources by type of impacted livelihood; • Effectiveness of income restoration measures to create/restore livelihoods;
	Changes to Status of Women	<ul style="list-style-type: none"> • Participation in community-based programs • Participation in commercial enterprises • Changes in livelihood activities, income and control of self earned income
		•
		•

APPENDIX 1: INVENTORY OF LOSSES QUESTIONNAIRE

INVENTORY OF LOSSES

INSTRUCTION: To be accomplished for all persons/households and organizations/institution with affected assets (i.e., structures, crops, trees, and land) located within the Right-of-Way (ROW) for specific Project components.

Survey Code of AP/AH: _____

I. Location of the affected asset of the affected person (AP), affected household (AH), institution or organization

A. Location of affected asset(s): Project Component:	Municipality:
Village:	Commune:
B. Name* of Occupant/User/Owner of the Affected Asset(s):	

*NOTE: If a single-person household (person who lives alone by himself/herself), write the name of the AP; if an AH, **write the name of the head of the AH**; if an institution or organization, write the name of the institution or organization.

II. Basic socioeconomic information: (This section **will not** be filled-up if the affected asset belongs to an organization or institution)

A. Head of the AH

1. Age:	2. Physical condition: <input type="checkbox"/> Normal <input type="checkbox"/> Disabled	3. Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female
4. Ethnic affiliation: <input type="checkbox"/> Khmer <input type="checkbox"/> Cham <input type="checkbox"/> Other, specify: _____		
5. Religion of AH head:	6. Marital status: <input type="checkbox"/> Married <input type="checkbox"/> Single <input type="checkbox"/> Divorced <input type="checkbox"/> Widow/widower	
7. Educational attainment of AH head:	8. Main livelihood activity of the head of AH (indicate): _____ <input type="checkbox"/> No work/looking for work <input type="checkbox"/> Retired/not looking for work	
9. Average monthly income of AH head (USD):		

B. Affected Household (AH)

1. Number of persons living with the AH:	2. Number of gainfully employed members of the AH:
3. Types of livelihood activities of gainfully employed members of HH:	4. Main source(s) of livelihood/sustenance of the entire AH:
3. Average monthly income of the entire AH (USD):	

III. Affected Assets (This section **will be** filled-up for AHs and organizations or institutions affected by the loss of assets)

A.1 Land:

Classification/ Use of Land*	Area and Tenure Status Over the Affected Land (indicate area of affected portion of the land [m ²] in appropriate box below)					Total Affected Land (m ²)	Total Area of Occupied/ Owned Land (m ²)
	Title/ Certificate (Indicate if State Public Land)	Certificate under application	Rent or Lease	Occupying WITH Permission	Occupying WITHOUT Permission		
1.							
2.							

*Examples of land classification or use: residential, commercial, farmland, forestland, institutional (e.g. office, school, religious)

A.2 If renting or occupying the affected land with permission from the land owner:

With Lease Agreement (Renting)		Address/Location of Land Owner	Check the box below if HH has permission to occupy but does not need to pay rent
Name of land owner	Amount of rental fee (Indicate in USD/month)		
1.			
2.			

B.1 Main structures* found on the affected land:

Type/use of affected main structure	Structure classification**	Total area (m ²) of the structure	Area (m ²) of the affected portion of the	State whether the structure will have to be acquired/affected PARTIALLY or
-------------------------------------	----------------------------	---	---	---

			structure	TOTALLY
1.				
2.				
3.				

***Main structures:** Regardless of structural condition and construction materials used, these are buildings that are fixed on the ground with at least four posts, with roof, and used as domicile, office, school, clinic, shop or place of commerce, residence and shop at the same time, place of worship, etc..

**** Specifics of classification:** Use classification system of the local government. In the event that some of the affected structures cannot fit into any of the classifications used by local government, the enumerator will take a detailed inventory of the types of building materials and quantities used. The RCS Team will contrive a classification scheme for these structures

B.2 Tenure status over the affected main structures:

Structure	Tenure (check the appropriate box below)			
	Owner	Tenant/Renter	Occupying WITH permission of owner	Occupying WITHOUT permission of owner
1.				
2.				

B.3 If the affected house/store/building does not belong to the AP/AH:

A. Name of owner of affected main structure	Address of owner of affected main structure	Paying Rent? Check appropriate box below		If Paying Rent, How much is Monthly Rent? (Indicate in USD)
		No	Yes	
B. Does the tenant AH own a house/building elsewhere? <input type="checkbox"/> No <input type="checkbox"/> Yes, address: _____				

C. Secondary structures* found on the affected land:

Type of affected secondary structure	Structure classification**	Total area (m ²) / length (lm) of the structure	Affected area (m ²) / length (lm) of the structure
1.			
2.			
3.			
4.			
5.			

***Secondary structures:** Structures that are not moveable and not part of the main structures, such as fence, gate, driveway, wells, toilets and kitchens that are detached from the main building or house, waiting sheds, farm sheds, irrigation canal, etc..

**** Specifics of classification:** Use classification system of the local government.

D. Annual crops found on the affected land:

Name / type of annual crops*	Actual area planted to the crop (m ²)

*Examples of annual crops: rice, corn, sugarcane, cassava, etc.

E. Type and number (count) of perennials found on the affected land:

Name of perennial	Not yet bearing fruit		Categories* of fruit-bearing trees			
	Young	About to bear fruit	A	B	C	D
1.						
2.						
3.						
4.						
5.						
6.						
7.						
Total						

*Specifics of categories: Use categories of local government.

F. Type and count of timber trees found on the affected land:

Name of tree	Categories* of timber trees			
	A	B	C	D
1.				
2.				
3.				
4.				
5.				

Name of tree	Categories* of timber trees			
	A	B	C	D
6.				
7.				
Total				

*Specifics of categories: Use categories of local government.

G. Loss of business, job, and income:

Nature of Business*	Net Monthly Income (USD)	Duration of Disruption in Business Operation (Check appropriate box)		Paid Workers (if any)	
		Permanent	Temporary	Number	Average Monthly Salary of Workers (USD)
1.					
2.					

*Examples of business: motor vehicle repair shop, grocery store, restaurant

IV. Other relevant information on the AP / AH (This section will also be filled-up for AHs and organizations or institutions affected by the loss of assets):

A. Information on other landholdings of the AP/AH that are not affected by the project:

Specifics	Other land holdings but are not affected by the Project					
	Residential	Commercial	Agricultural	Garden and Land for Perennial	Production forest	Pond
Tenure status*						
Total area (m²)						

*Specifics of tenure status: with title/certificate, certificate/title under process, with lease agreement, occupying with permission, occupying without permission

B. Relocation options for AHs losing entire (totally) house or building: (Check the appropriate box)

Relocation options	Construct on remaining land in the ROW Outside of COI	Construct other landholdings of the AH outside of the ROW	Use compensation for affected land to buy a new plot on which to rebuild	Landless (none)

Name and Signature of AH or Representative

Relationship with the AH

Name and Signature of Enumerator

Date accomplished: _____

V. Sketch of affected land and relative location of other assets found thereon:

.....
[sketch relative to ROW of project component]

Appendix 3: PUBLIC INFORMATION BROCHURE (DRAFT)

1. QUESTION: What is the Asian Development Bank (ADB) Cambodia Integrated Urban Environmental Management in the Tonle Sap Basin Project?

ANSWER: The Royal Government of Cambodia (RGC) proposes to use funds from the Asian Development Bank (ADB) to enhance the urban environment, improve public health, and contribute to better quality, coverage and reliability of services to residents in the two towns of Kampong Chhnang and Pursat.

This will be achieved through an integrated program of physical and non-physical investments in priority infrastructure rehabilitation, improvement and extension, organizational development and capacity building. In Kampong Chhnang, civil works will include: (i) flood protection measures (raising, widening and improvement of existing embankment and construction of new embankment where necessary, with a total length of 15,090 metres); and, (ii) improvement and extension of the landfill site (approximately 10 Hectares).

2. QUESTION: Who is responsible for the Project?

ANSWER: The Ministry of Public Works and Transport (MPWT) has established a Project Implementation Unit (PIU) in Kampong Chhnang to implement the project. The RGC

represented by the Inter-Ministerial Resettlement Committee (IRC) will implement the Resettlement Plan (RP) for affected land and non-land assets.

3. QUESTION: If there are construction activities in our locality, will we be affected?

ANSWER: There will be land acquisition impacts linked with the 15,090-meter long embankment works starting from Khsam Commune, and ending at Chrey Bak Commune.

The Provincial Resettlement Sub-Committee (PRSC) will place demarcation markers on the ground before a detailed measurement survey (DMS) starts. Its purpose is to define the area reserved for the Project civil works (corridor of impact or COI), and to establish who is affected by the Project. Everyone that is occupying or using land in the COI must move out of the COI. During detailed design, every effort will be made to minimize the impacts. After the detailed design for embankment works is finalized and the COI demarcated, DMS will be conducted and a final list of eligible persons prepared under the condition that you resided on the land before the cut-off date (Name list already recorded).

4. QUESTION: What if my land will be affected by the Project?

ANSWER: Acquired privately owned land will be compensated at replacement cost which is market value plus transaction costs. Land within the existing right of way will not be compensated. However, those losing use of productive (farming) land within the road right

of way will be entitled to assistance for loss of land use of productive land.

5. QUESTION: What are the entitlements that we have in order to be compensated?

ANSWER: The cut off date for entitlement to compensation and assistance has been established and corresponds to the date of completion of verification of inventory of losses (2 February 2014). Those persons who have occupied and used the land prior to this cut off date are entitled to compensation if the project construction affects their land and/or structures (Name list was recorded). Anyone who encroaches into and occupies the land after the cut off date will not be eligible for compensation or assistance.

6. QUESTION: Does compensation apply to my affected houses or structures?

ANSWER: Yes. Houses and structures that will be affected by the Project shall be compensated at replacement cost without deduction for depreciation or salvageable materials. Partially affected houses will be compensated for the lost affected portion as well as repair costs. Other structures (e.g. fences, eaves, concrete yards) will also be compensated at replacement cost.

7. QUESTION: What about my crops and trees?

ANSWER: For annual crops, affected persons will be given advance notice that the land on which their crops are planted will be used by the Project and that they must harvest their crops in time. Affected persons will be compensated for the loss of fruit and timber trees at replacement value.

8. QUESTION: What about public property resources?

ANSWER: Affected public buildings and structures will be restored to original or better condition.

9. QUESTION: In case there will be relocation of houses or businesses, how can the Project help me rebuild my house during relocation?

ANSWER: Affected persons will have the option of moving back outside the corridor of impact where space is available, or moving outside the right of way altogether. Those shifting back in residual land will be permitted to remain there until the land is needed by the Government for any future public works but will not be permitted to build permanent structures. Those relocating outside the right of way altogether under this project will be entitled to additional support compared to those relocating within residual land.

Affected persons will receive compensation at replacement cost for affected structures plus cash assistance and allowances to assist in the process of relocating. Assistance and allowance will consist of: (i) Transportation allowance; (ii) One time cash assistance allowance with the amount based on whether or not the household is shifting back in residual land or relocating to another location; (iii) income loss for disrupted businesses; and (iv) additional assistance for vulnerable households.

The specific amounts for compensation rates as well as allowances and assistance will be advised at the time the resettlement plan is

updated.

10. QUESTION: If our livelihoods are affected, how can the Project help me restore my livelihood and living standards?

ANSWER: The census and detailed measurement survey (DMS) will take note of the livelihoods of affected persons and any impacts the Project may have. The Project will provide various forms of assistance to enable affected people to restore their livelihoods and living conditions to at least pre-project levels. Such forms of assistance will include: (i) one time assistance allowance to households losing 10% or more of their total productive assets or are required to relocate their houses or shops outside the corridor of impact depending of the type and severity of impact; (ii) for those affected by permanent loss of land use (productive land), cash assistance for loss of land use; (iii) cash assistance to cover transportation costs; (iv) cash assistance for temporary disruption to business income for affected shops/stalls; (v) other forms of income restoration measures to be determined during updating of the resettlement plan in consultation with those affected; and, (vi) additional assistance to vulnerable households.

In addition, the Project will seek to maximize project work opportunities to adults in the affected local communities (both men and women) during the implementation phase, particularly the severely affected and vulnerable affected households. Such opportunities will be announced in the local areas.

11. QUESTION: What is the detailed

measurement survey (DMS) and when will it be conducted?

ANSWER: The DMS is a detailed survey of 100% of affected persons to document all affected assets including land, houses, shops, other structures, crops and trees. It establishes the official list of affected persons who are eligible for compensation and other assistance. It will be conducted after detailed engineering for project infrastructure components is completed, and the COI has been marked on the ground. The activity will be carried out early in the project implementation stage in first quarter of 2016. The activity will only be carried out in the presence of the affected persons. The affected persons and the local authorities will be informed prior to the activity.

12. QUESTION: How will the Project consult with me and provide information?

ANSWER: Public consultation will continue throughout the Project cycle. Regular information will be provided to the sangkat/commune offices, village chiefs and local community-based organizations as well as other culturally recognized community leaders. Public consultation meetings will take place (i) prior to the conduct of the DMS (to advise survey schedules and procedures), (ii) following the DMS (to advise of DMS results and proposed mitigation measures), (iii) during preparation of the updated resettlement plan (to identify appropriate livelihood restoration measures, advise of compensation rates and details of allowances and assistance measures as well as details of resettlement arrangements); and (iv) on-going through implementation of the resettlement plan.

Furthermore, the Project will publicly disclose the PIB, and the draft resettlement plan will be uploaded on ADB website. The updated resettlement plan will also be disclosed in commune/sangkat office for public access, and uploaded on ADB's website. A PIB will be updated and translated to Khmer and disseminated to each affected household at the time of DMS.

13. QUESTION: If problems arise during project implementation such as compensation, technical, and other project-related issues, do I have the right to voice my complaint?

ANSWER: Yes. If the affected person is not clear about or not satisfied with the compensation package offered or, if for any reason, the compensation does not materialize according to the agreed schedule, the affected person has the right to lodge a complaint. The grievance redress mechanism consists of a four-stage process as follows:

First stage: AHs will present their complaints and grievances verbally or in writing to the village or sangkat resettlement sub-committee or IRC working group. The receiving agent will be obliged to provide immediate written confirmation of receiving the complaint. If after 15 days the aggrieved AH does not hear from the village or sangkat resettlement sub-committee or the working groups, or if he/she is not satisfied with the decision taken in the first stage, the complaint may be brought to the District Office.

Second stage: The District Office has 15 days

within which to resolve the complaint to the satisfaction of all concerned. If the complaint cannot be solved at this stage, the District Office will bring the case to the Provincial Grievance Redress Committee.

Third stage: The Provincial Grievance Redress Committee meets with the aggrieved party and tries to resolve the complaint. The Committee may ask for a review of the DMS by an external monitor (EMO). Within 30 days of the submission of the grievance, the Committee must make a written decision and submit copies to the MPWT, EMO, PRS/IRC and the AH.

Fourth stage: If the aggrieved AH does not hear from the Provincial Grievance Redress Committee or is not satisfied based on the agreed policy in the RP, he/she will bring the case to Provincial Court. This is the final stage for adjudicating complaints. The Court will make a written decision and submit copies to MPWT, EMO, PRS/IRC and the AH. If any party is still unsatisfied with the Provincial Court judgment, he/she can bring the case to a higher-level court. The IRC representing the Ministry of Economy and Finance will implement the decision of the Court. The Grievance Redress Mechanism will be readily accessible to the affected people at no costs and without retribution."

14. QUESTION: When is the project expected to start?

ANSWER: The project is expected to commence in 1st Quarter 2016. The updated resettlement plan will require several months

to prepare and site clearance is expected to commence in the 4th quarter of 2016. Affected communities will be kept informed of updated activity schedules from 1st Quarter 2016.

15. QUESTION: How will you know if these undertakings are kept and the objectives of this Project are met?

ANSWER: All project activities will be internally monitored by the Project Management Unit of the Ministry of Public Works and Transport and by an External Monitoring Organization (EMO).

A resettlement impact evaluation will also be undertaken after resettlement implementation to assess whether Project impacts have been mitigated adequately and pre-project living standards of affected persons have been restored. ADB will also monitor these activities in its regular supervision missions during project implementation.

16. QUESTION: Are there any other documents available to know more about the Project and resettlement issues?

ANSWER: The draft RP prepared during the feasibility studies for the Project can be obtained from the ADB website and sangkat offices. Following detailed engineering design and the DMS, the RP will be updated and the final version will be available in the relevant commune offices.

17. If you have further queries and suggestions, please contact us at:

(i) Provincial Department of Public Works Resettlement Sub-Committee in Kampong Chhnang.

(ii) Project Management Unit, Integrated Urban Environmental Management in the Tonle Sap Basin Project

Address: 4th Floor, Eastern Building,
Corner Norodom Blvd. & Street 106, Phnom
Penh

Phone: [add]

Email: [add]

(iii) Inter-Ministerial Resettlement Committee,
Resettlement Department, Ministry of
Economy and Finance (Phnom Penh) –
Tel/Fax: 023 42 66 82

(iv) Asian Development Bank Cambodia
Resident Mission - Phnom Penh. Tel: (023)
215 805,

Fax: 023 215 80

Appendix 4: Draft Terms of Reference of External Monitoring Organization

The IRC will recruit an external monitoring organization (EMO) to conduct external monitoring and evaluation of voluntary land donation, involuntary land acquisition and resettlement for the Project, focusing on the social impacts of the Project and whether affected persons (APs) are able to restore, and improve, compared to their pre-project living standards, incomes and productive capacity. The EMO will be a qualified expert/consulting firm with recognized experience in Cambodia; the terms of reference (TOR) for the EMO and the EMO qualifications must be acceptable to both IRC and the ADB.

The EMO will be appointed prior to or during detailed measurements survey (DMS) and will continue until resettlement activities are completed. The implementing agency (IA) and Provincial Resettlement Sub-committee (PRSC) will ensure full cooperation of the relevant project stakeholders with the EMO. The EMO will participate in and monitor the DMS and other fieldwork, all consultations, payment of compensation and, as required, relocation and income restoration activities. All data collected during DMS and socio-economic surveys will be made available to the EMO, as will all signed voluntary contribution forms; the EMO will also conduct its own periodic surveys. Monitoring reports will be uploaded on ADB's website.

- (i) The key indicators for external monitoring and evaluation include chapters on:
 - Compliance with Project policies and procedures;
 - the level of satisfaction of APs with implementation of RPs including compensation and assistance levels and grievance procedures;
 - the level of income and livelihood restoration of APs;
 - Income restoration strategy (that lists all measures, and assessment of the extent that explanation of the measures to APs and eligibility criteria).
- (ii) The EMO will consistently and regularly monitor all activities related to resettlement planning, consultations, payment of compensation and, as required, relocation and income restoration activities for all project components involving involuntary land acquisition.
- (iii) The EMO will carry out a post-resettlement evaluation six (6) – twelve (12) months after completion of all land acquisition and compensation activities, for all project components involving voluntary and involuntary land acquisition. The post-resettlement evaluation will assess the degree to which APs have been successful in restoring, maintaining or improving their living standards, incomes and productive capacity.

The EMO will carry out periodic(semi-annual) diligence activities up through the period when APs affected by involuntary land acquisition receive compensation. Due diligence will be used to verify and confirm internal monitoring findings, identify any gaps and recommend corresponding corrective actions, as needed. EMO will submit semi-annual monitoring reports, including recommendations for corrective actions, to IRC and then IRC will forward to MPWT and ADB. Resettlement monitoring reports will be prepared in consultation with affected persons.

Timeline and Reporting

- Consultant recruitment is Q4/2015 – Q1/2016
- Verification of resettlement completion report (prior to contract awards): Ranges from Q2/2016 to Q4/2018
- Quarterly resettlement monitoring reports until payment of compensation to APs: Ranges from Q2/2016 to Q4/2018.

Post-resettlement evaluation report for all resettlement activities: Ranges from Q4/2019 – Q4/2020.