

Resettlement Plan

August 2014

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

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 Monitor
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
PMU	Project Management Unit
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 people (DP) are those who are physically displaced (relocation, loss of residential land, or loss of shelter) and/or economically displaced (loss of land, assets, access to assets, income sources, or means of livelihood) as a result of (i) involuntary expropriation of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas.
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.

This resettlement plan is a document of the borrower. The views expressed herein do not necessarily represent those of ADB's Board of Directors, Management, or staff, and may be preliminary in nature. Your attention is directed to the "terms of use" section of this website.

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

TABLE OF CONTENTS

	Page
EXECUTIVE SUMMARY.....	1
A. Introduction	8
B. Scope of Land Acquisition and Resettlement impacts	8
C. Measures to Minimize Impacts and Resettlement	9
D. Legal and Policy Framework.....	9
E. Participation, Disclosure and Grievance Redress.....	9
F. Vulnerability, and gender issues.....	10
G. Implementation Arrangements	10
H. Monitoring.....	10
I. Resettlement Budget and Indicative Schedule of Resettlement Plan Implementation.....	10
I. PROJECT DESCRIPTION	12
A. Project Background.....	12
B. Civil Works to be undertaken	13
C. Measures Adopted to Minimize Adverse Social Impacts.....	17
II. SCOPE OF LAND ACQUISITION AND RESETTLEMENT.....	18
A. Methodology Used In Determining Project Impacts	18
B. Data Gathering Instrument.....	18
C. The survey team	19
D. Setting of the cut-off date for eligibility.....	19
E. Replacement Cost Study (RCS).....	19
F. Affected fixed assets	19
G. Temporary Impacts	20
H. Severely Affected Households	21
I. Vulnerable Affected Households	21
III. SOCIO-ECONOMIC INFORMATION AND PROFILE.....	22
A. Introduction	22
B. Demographic information on the Sample AHs.....	22
C. Economic situation: Livelihood and income of the sample AHs	23
D. Amenities of the sample AHs	23
IV. INFORMATION DISCLOSURE, CONSULTATION AND PARTICIPATION	24
A. Participatory activities in RP Planning and Implementation	24
B. Public consultations during RP preparation	25
C. Disclosure of the Resettlement Plan	26
D. Consultation and Information Disclosure during RP Implementation	26
V. GRIEVANCE REDRESS MECHANISM	26
VI. LEGAL AND POLICY FRAMEWORK.....	27
A. ADB Policies	31
B. ADB Resettlement Policy Application in Cambodia	33
VII. ENTITLEMENTS, ASSISTANCE AND BENEFITS.....	34

A.	Objectives	34
B.	Key Principles	34
C.	Entitlements	36
D.	Strategy to address gender issues	40
E.	Strategy to assist vulnerable households	41
F.	Unforeseen Impacts	41
G.	Temporary Impacts	41
VIII.	INCOME RESTORATION AND REHABILITATION	41
A.	General Provisions.....	41
B.	Loss of productive land	42
C.	Vulnerable Households Affected by Loss of Primary Structures or Productive Assets 42	
IX.	RESETTLEMENT BUDGET AND FINANCING PLAN.....	43
A.	Procedures for flow of funds	43
B.	Implementation, administration and contingency costs.....	43
C.	Estimated Costs of Resettlement	43
X.	INSTITUTIONAL ARRANGEMENTS	44
A.	Project Management Unit and Project Implementation Unit	44
B.	Inter-ministerial Resettlement Committee (IRC)	45
C.	Provincial Resettlement Sub-committee.....	45
D.	Project Management and Implementation Support Consultants	46
XI.	IMPLEMENTATION SCHEDULE	46
A.	Indicative implementation schedule of the RP	46
XII.	MONITORING AND REPORTING	47
A.	Internal Monitoring & Evaluation	47
B.	External monitoring and Evaluation.....	48
C.	External Monitoring Objectives, Indicators and Issues	48
D.	Methodology	49

Appendices

Appendix 1: Inventory of Loss Questionnaire

Appendix 2: Public Information Brochure

Appendix 3: Draft Terms of Reference of External Monitoring Organization

List of Tables	Page
Table 1: Indicative Resettlement Schedule	11
Table 2: Pursat Urban Environmental Improvements	13
Table 3: Summary of Drain Lengths	14
Table 4: Summary of Involuntary Resettlement Impacts	21
Table 5: Population of Pursat (2011)	22
Table 6: Marital Status, Age, Physical Condition of AH Heads	22
Table 7: Educational Attainment of Household Head	23
Table 8: Roles of Stakeholders in RP Preparation and Implementation	24
Table 9: Summary of FGD Sessions	25
Table 10: Roads and Railways ROW Dimensions	30
Table 11: Resettlement Policy and its Application in Cambodia	33
Table 12: Entitlement Matrix	36
Table 13: Loss of Land Use within ROW	42
Table 14: Acquired Private Land	42
Table 15: Summary of Resettlement Costs	43
Table 16: Indicative Schedule of Resettlement Activities	47
Table 17: Monitoring and Evaluation Indicators	49

List of Figures	Page
Figure 1: The Project Areas.....	12
Figure 2: Sub-project Locations in Pursat.....	13
Figure 3: Location of Proposed Drainage Works	14
Figure 4: Location of Embankment Strengthening Work.....	15
Figure 5: Location of Groynes for Embankment Protection	15
Figure 6: Existing Dumpsites and Proposed Landfill	17

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.

2. This resettlement plan is for the Pursat component of the Project. The project has been categorized as "B" as the proposed project includes involuntary resettlement impacts that are not deemed significant². A resettlement plan has been prepared for the project components in Pursat in accordance with previously approved resettlement plans for ADB-financed projects in Cambodia. The resettlement cost is estimated at US\$53,774.69 at the project preparation. This resettlement plan will be updated following detailed design.

B. Scope of Land Acquisition and Resettlement impacts

3. The major impacts caused by the project in Pursat include acquisition of private agricultural land and occupied land in existing road right-of-way (ROW), as well as partial impacts to a stall used for selling goods. According to the inventory of losses (IOL) conducted on 20 – 21 September 2013, a total of 16 households (AHs) consisting of 61 affected persons (APs) are affected by the loss of fixed assets and sources of incomes or livelihoods, as summarized below:

4. Eight (8) AHs will be affected by acquisition of private agricultural land (aggregate area of 13,069.5 m²), due to the widening and extension of the landfill access road in Tuol Mkak Village. One (1) AH in Chamkar Chek Khang Cheung Village will be affected by partial demolition of its business stall that has encroached into the existing road right-of-way (RROW) to be used during Project drainage improvements. Another AH in Chamkar Chek Khang Cheung will be affected by permanent loss of land use (176 m²) due to his having used part of the existing RROW for agricultural purposes. An additional seven (7) AHs in Chamkar Chek Khang Cheung Village will experience partial impacts to their secondary structures (extended wooden eaves, fences, and concrete yards) that have encroached into existing RROW that will be used as part of Project drainage improvements. A total of 5 trees with market value belonging to 4 AHs will be affected in Pursat.

5. Of the 16 AHs in Pursat, Two (2) AHs (6 APs) are considered severely affected due to loss of agricultural land/permanent loss of land use equivalent to 10% or more of their total productive (income-generating) assets.

²As 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)

C. Measures to Minimize Impacts and Resettlement

6. In order to avoid or minimize displacement of people from assets and livelihoods, all drainage improvement works will be accommodated within existing RROW. The Waste Water Treatment Plant (WWTP) will be located within the site of the defunct plant, where there will be no land acquisition or resettlement impacts. Similarly, river embankment strengthening proposed for inclusion in the Project will be confined to locations where there will be no land acquisition and resettlement impact on land or non-land assets. The proposed controlled landfill is sited on government-owned land and thus there will be no involuntary resettlement impacts associated with the site itself. The PPTA considered alternative alignments for the external access road to the site, taking into consideration engineering requirements, and selected the option that minimizes involuntary resettlement impacts.

D. Legal and Policy Framework

7. 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.

8. 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

9. 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

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

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.

10. 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

11. The IOL has provisionally identified four (4) poor households, two of whom are female-headed, one (1) elderly and one (1) disabled-headed household who will be affected by loss to their 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 disadvantaged due to the Project.

G. Implementation Arrangements

12. 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 Pursat 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

13. 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 reports⁴ will be submitted to 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

⁴The 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.

Implementation

14. The total cost of resettlement in Pursat is **USD 53,774.69⁵**. 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	1 st – 3 rd Quarter 2016
Consultation	Continuous
Submission to and ADB concurrence of updated RP	4 th Quarter 2016
Implementation of the approved updated RP (resettlement activities to be implemented in phases, coinciding with civil works)	1st Quarter 2017 – 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

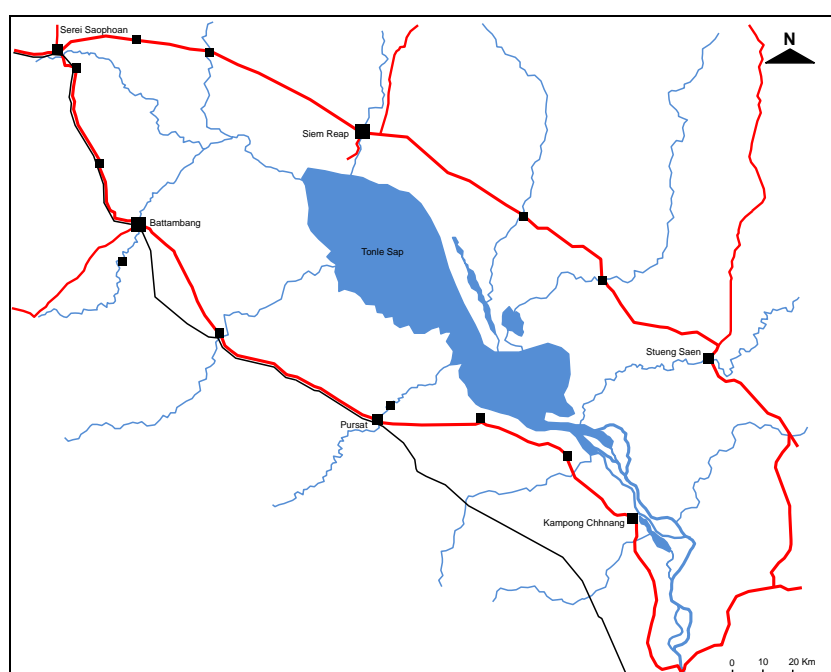
⁵Indicative cost based on replacement cost survey conducted by the PPTA consultant. The final unit costs inclusive of new material and labor will be determined in the replacement cost study (RCS) during detailed design and detailed measurement survey

I. PROJECT DESCRIPTION

A. Project Background

15. 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 urban environmental services (i.e. solid waste management, drainage, flood protection) 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



16. 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.⁶

17. The Project has five (5) outputs, the second of which is Urban environmental improvements in Pursat town, involving (i) drainage improvements (approximately 9,900

⁶ 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.

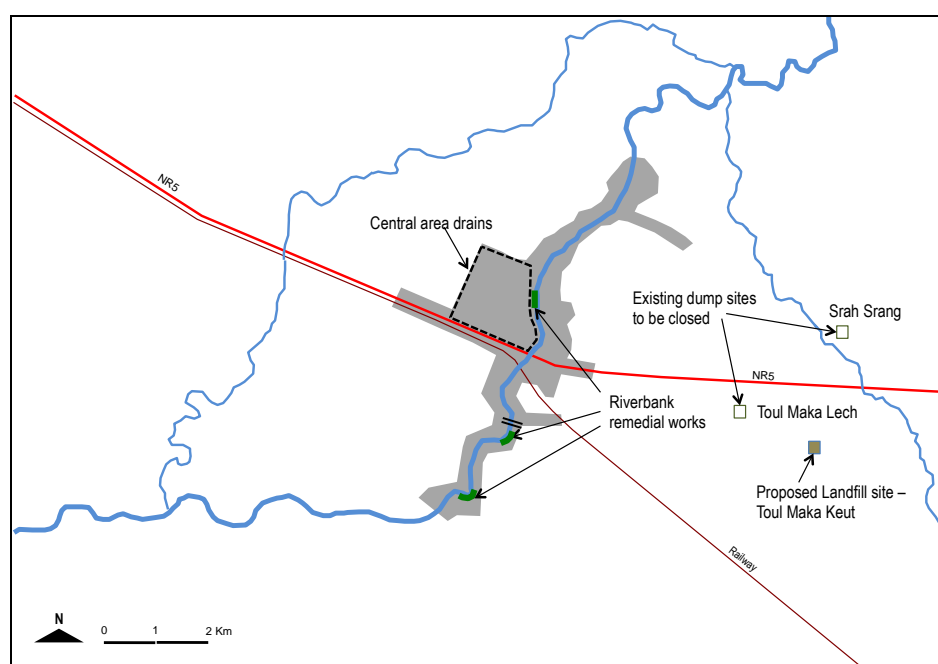
meters) in the central area of Pursat, including rebuilding the disused WWTP⁷ to treat the wastewater received from households in the area (refer to point A1 in Figure 3); (ii) riverbank erosion protection in Pursat River, including revetment and groynes; (iii) solid waste management - construction of new landfill site at Toul Maka Keut (with total site area of approx. 28Ha), widening and surfacing of access road to the site (length of approx. 900 metres), provision of collection equipment and landfill site management equipment.

18. A summary of the Pursat subproject is in the Table below. Subproject Locations in Pursat are in Figure 2.

Table 2: Pursat Urban Environmental Improvements

Component	Specifics
<i>Drainage and storm water management</i>	Construction of primary and secondary drains in central area, and improvement/construction of town roads in association with drainage works. The total length of drains to be constructed is 9.89 kilometers.
<i>Riverbank erosion protection – Pursat River</i>	Riverbank protection including revetment and groynes
<i>Solid waste management</i>	Construction of new landfill site at Toul Maka Keut, total site area approx. 28Ha
	Widening and surfacing of access road, approx. 900 metres

Figure 2: Sub-project Locations in Pursat



B. Civil Works to be undertaken

19. Subproject flood protection initiatives fall under the drainage and storm water management and riverbank erosion protection components, and will address the following issues: (i) flooding in the town center from heavy rainfall; and, (ii) the far less frequent, but more damaging, flooding from the river. Preventing flooding requires a combination of

⁷The treatment facility is not functioning due to blocked and broken inlets that divert all the flow into a nearby disused irrigation drain

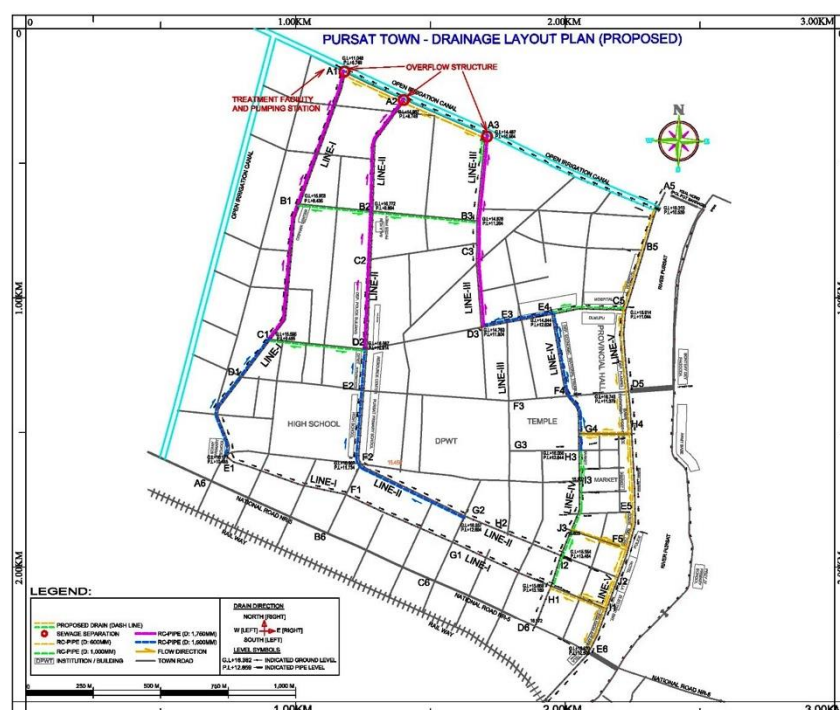
interventions involving (i) strengthening the embankments to avoid the river flooding the town; and, (ii) improving the overall drainage system in the town to prevent flooding during storms.

20. **Drainage Improvements.** As part of its drainage improvement component in Pursat, the Project will lay down reinforced concrete pipes with a total length of 9.89 km as summarized in Table 2 below. To treat the wastewater, it is proposed to rehabilitate a disused WWTP located at the end of the drainage system at point A1 (See Figure 3). The location of the proposed drainage and WWTP is in Figure 3.

Table 3: Summary of Drain Lengths

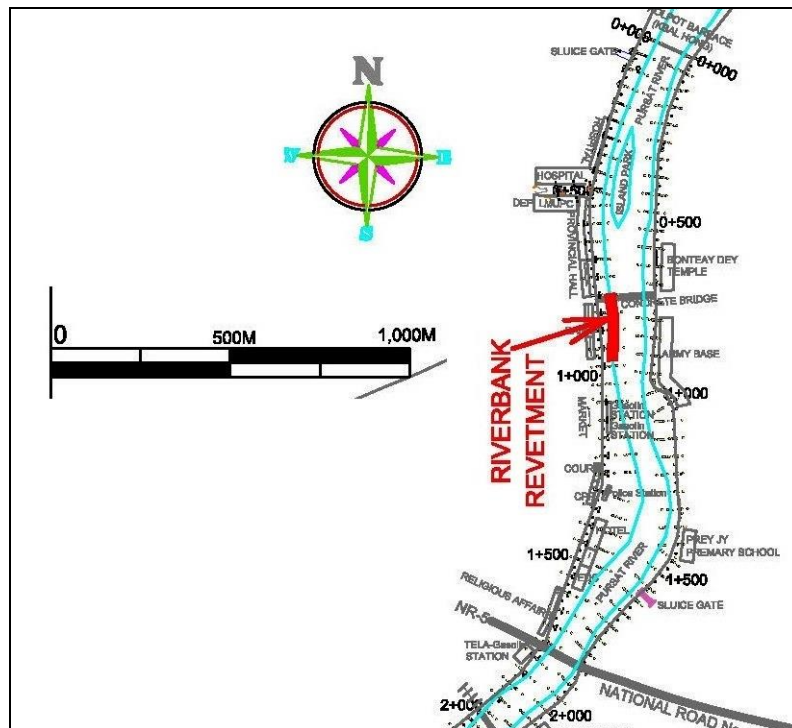
Drain	Total Length (meters)	
Diameter (mm)	Existing	Proposed
1,750	-	2,710
1,500	-	2,220
1,000	2,025	1,880
600	2,670	3,080
TOTAL	5,635	9,890

Figure 3: Location of Proposed Drainage Works



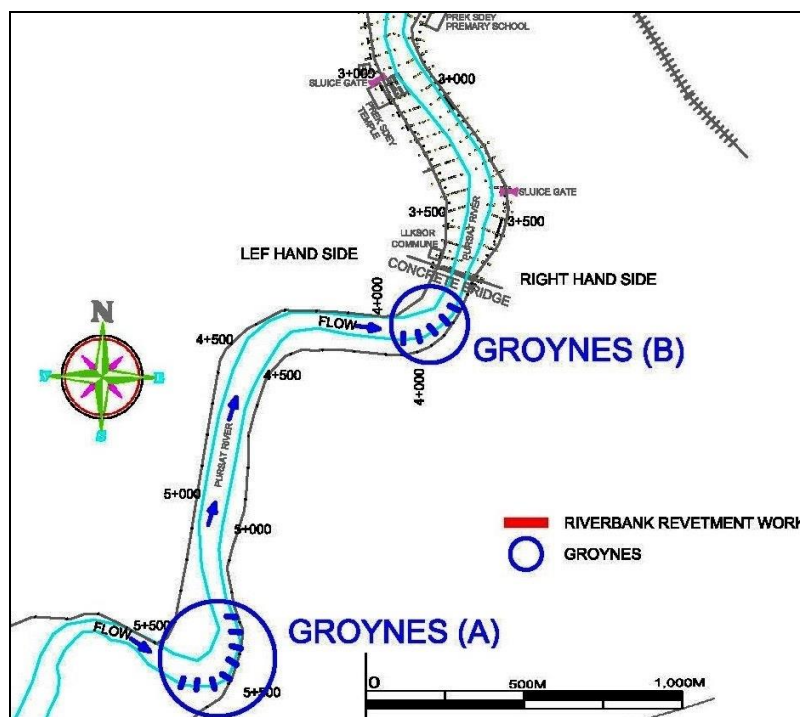
21. **Riverbank Erosion Protection.** The riverbank protection work has two components. The first is to complement the ongoing work at the Provincial Governor's office and improve the embankment at this location (Figure 4). The 200-meter section of embankment will be made of concrete and will also include reinforced concrete (RC) piles and geotextiles, with armor rock protection at the tow of the embankment.

Figure 4: Location of Embankment Strengthening Work



22. The second riverbank protection component in Pursat is to stabilize the embankment in two locations on the South bank upstream of the railway bridge (Figure 5). These two areas are in danger of collapsing due to erosion and will be protected by the construction of groynes. Wooden groynes that have since washed away had previously protected these areas. The project will place gabion groynes at 30-meter intervals into the river at each of these two locations.

Figure 5: Location of Groynes for Embankment Protection



23. **Remediating old dump sites.** There are two existing dumpsites in Pursat that require remediation. The closed dump Tul Mkak Lech (1 ha) is located on private land in Tul Mkak Lech village, Sangkat Roleap and was closed in 2007 because of complaints made by villagers living close to the dumpsite. The currently operating dump (Sreah Srang village, Prey Ngi Sangkat) is about 10 km from Pursat municipal center along a rutted laterite road on land owned by the collection company but will be transferred to the Municipality in 2024. The site covers a total of 3 ha, 1 ha of which is owned by the municipality, while the remaining 2 ha is owned by the waste collection company.

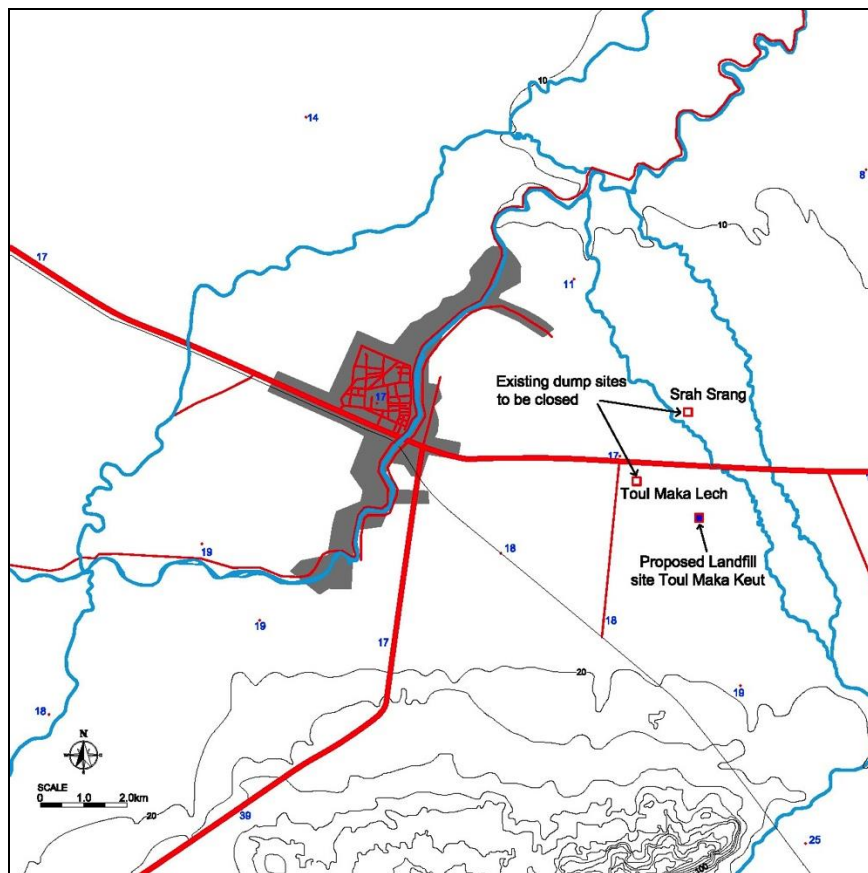
24. The proposed approach is to prevent any further dumping at the old site, over a period of time sufficient to extinguish all fires within the waste mound at the current site. Once this has occurred, it is proposed that a simple cap be placed over the sites with a minimum slope of five percent to maximize rainfall runoff rather than infiltration

25. **Controlled landfill (Tul Mkak Keut).** The preferred site for the controlled landfill in Tul Mkak Keut village, Roleap Sangkat. This new site covers approximately 28 ha, and is approximately 10 km from the municipal centre. The site is owned by the Provincial Government (See Appendix 5), is far from habitation, with the nearest house over 700 metres away, and is otherwise surrounded by fields.

26. The controlled landfill will be developed in four main stages. The four stages will occupy an area of about 6 hectares excluding any allowance for some small buildings, roads, recycling area and any buffers around the waste mound. The facilities to be provided under the Project are part of Stage 1 summarized below:

- A 120m by 120m initial cell (Cell 1) of the proposed four cell system required for the 30 year development, including associated bulk earthworks and compacted clay liner system;
- Various buildings, including a reception/gatekeepers hut, ablution blocks, meeting rooms, storage room, generator building, etc.;
- Access roads, both internal and external to the site, which are necessary to reach Cell 1. The access roads will be raised 1.5m high to prevent floodwater from overtopping the roads thereby providing all-weather access to the site. The existing external access road runs for approximately 900 m from National Road 5 and terminates around 300 m from the site. Thus, it will have to be extended for the remaining 300 m to connect to the site, resulting in permanent acquisition of private agricultural land (aggregate area of 13,069.5 m²) from 8 AHs. The proposed COI for the external access road is 13.3 meters;
- An encircling bund 1.5m high to prevent floodwater from entering the site;
- Areas to allow processing and stockpiling of recyclables. Recycling is expected to increase in importance over time as the community becomes wealthier, as an increase in the community's income is expected to bring about a corresponding increase in the amount of packaging and, therefore, an increase in recycling opportunities;
- Leachate pipe collection systems and pumping stations, together with re-injection and irrigation systems;
- Storm water drainage systems;
- Potable and non-potable water supply, and,
- Ancillary works such as landscaping, weighbridge, lighting and fencing.

Figure 6: Existing Dumpsites and Proposed Landfill



C. Measures Adopted to Minimize Adverse Social Impacts

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

28. **Drainage.** A major consideration during design and selection of locations for drainage improvement works was that the construction work to be accommodated within existing road rights of way to avoid and minimize involuntary resettlement impacts. It was estimated by PPTA engineers that the drainage works could be accommodated within a 6 m Corridor of Impact (COI). Engineering team worked closely with PPTA resettlement specialists on the ground to screen the existing road system. Existing roads that were too narrow were not included for the Project, apart from one section leading to the open irrigation canal, which is technically required for the Project. The WWTP will be located within the site of the previously described defunct plant, where there will be no land acquisition or resettlement impacts.

29. **Embankment.** In selecting the embankment strengthening components in Pursat, the PPTA team considered existing upstream projects such as the Dhamnak Chheukrom Irrigation System Rehabilitation, and their expected impacts on water levels and flooding the town. Given that said Irrigation System Rehabilitation is expected to alleviate flooding linked with the river, the PPTA team deemed that it would not be advisable to raise the embankment levels. Raising the embankment levels would have significant impact upon the many houses and businesses that are built along the riverbank. Although the municipal government states that many of these properties are illegal and that all land 25 meters from top of the riverbank is public land, many of these encroachments are well established. Thus, only embankment strengthening and protection in the area around the Provincial Governor's

office (refer to Figure 4) and in two locations on the South bank upstream of the railway bridge (refer to Figure 5), where there would be no involuntary resettlement impact on land or non-land assets is proposed for inclusion in the Project.

30. **Landfill.** The solid waste management plan for Pursat proposes that waste pickers will be registered and still have a key role in final recovery of recyclables. Hence, it is not expected that existing waste pickers will incur losses due to the Project (Waste pickers were identified from Scassrang and Tul Mkak Lech villages, and were consulted through a focus group discussion on 19 July 2013. The proposed controlled landfill is sited on government-owned land (Refer to Appendix5), thus there will be no involuntary resettlement impacts linked with the site itself. The PPTA considered alternative alignments for the external access road to the site, taking into consideration engineering requirements (the access road will be raised 1.5 m high to prevent floodwater from overtopping the roads with a COI of 13.3 m to accommodate construction and operation of the controlled landfill).

31. Two options for the access road were considered, as suggested by the local government. In the first option however, there is no existing access road at present and the existing land use is agricultural (paddy land). Thus, this option would require construction of an entirely new access road cutting through privately owned paddy land. Therefore, to minimize involuntary resettlement impacts, the option selected is the existing, albeit unpaved, access road that runs for approximately 900 m from National Road 5 and terminates around 300 m from the site. The road will have to be extended for the remaining 300 m to connect to the site and will be widened (existing road has a ROW of 10 m⁸).

II. SCOPE OF LAND ACQUISITION AND RESETTLEMENT

A. Methodology Used In Determining Project Impacts

32. The potential impacts of the project have been determined with the conduct of the Inventory of Loss (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 Pursat were conducted on 20 - 21 September 2013 based on preliminary engineering design. The last day of the IOL and census (21 September 2013) in Pursat will serve as the cut-off date in Pursat, as announced during the public consultations that were held prior to and after the conduct of the IOL.

B. Data Gathering Instrument

33. 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 eleven (11) households (69% 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

⁸Initial discussions with AHs along the existing access road indicated that the ROW is 14 m; however, the local land management officer has stated that only a 10 m ROW was reserved for the road. In light of the conflicting information, this RP was prepared assuming that the ROW is 10 m. This will be verified during the conduct of the Detailed Measurement Survey as part of RP updating.

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

34. Other than the PPTA international and national resettlement consultants, a team of IOL research assistants that included 6 enumerators, 3 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

35. 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 19 September 2013. Among others, the purpose of the 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 compensation and 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 announcement about the project and the completion of the IOL and census of the affected persons in Pursat (September 21, 2013). The cut-off date was again emphasized during a public consultation with affected households on 13 October 2013. The list of affected people will be updated and/or validated during the Detailed Measurement Survey (DMS) following approval by project authorities of the detailed engineering design and will account for any AHs inadvertently missed out during the IOL.

E. Replacement Cost Study (RCS)

36. In parallel with the conduct of the IOL and census of AHs, RCS work was carried out by the PPTA national resettlement specialist based on the RCS methodology and 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. Categorization of various affected structures was guided by discussions with PPTA engineers. The replacement rates of affected assets as determined during the RCS will be updated during detailed design and DMS to reflect market values at the time of payment of compensation.

F. Affected fixed assets

1. Land

37. A total of 13,245.5m² (1.32 ha) of land will be acquired for Pursat components of the Project, broken down as follows:

38. **Drainage.** 176 m² of Road ROW land used by 1 affected household (AH) for agricultural purposes (adjacent to the rest of his farmed land outside the ROW) will be cleared for the drainage section in Chamkar Chek Khang Cheung Village, Sangkat Phteah Prey. Said plot is occupied but not covered with private title or any other legally recognized proof of ownership. The portion of ROW land to be acquired for the Project is equivalent to 4.55% of the total area farmed by the AH; thus, said AH is not considered severely affected. Additionally, the AH's primary source of income does not come from farming but from

business. Said AH is considered vulnerable, however, as the AH head is elderly and hearing-impaired (although he is being supported by other members of his family).

39. **Access Road to Landfill.** A total of 13,069.5m²(1.3 ha) of privately owned land currently used for growing rice by 8 AHs will be acquired to widen and extend (by a length of 300 m) the existing access road to the landfill in Tul Mkak Keut Village, Sangkat Roleap. As previously mentioned, the road improvement and extension will have a corridor of impact (COI) of 13.3 m. The existing road has a ROW of 10 m.

2. Main Structures

40. Main structures considered during the IOL are houses, buildings, and shops with four walls (not moveable temporary structures of ambulant vendors) that may be affected by subproject components in Pursat. IOL findings show that there are no affected main structures in Pursat.

3. Secondary (miscellaneous) structures

41. Affected secondary structures of various construction grades in Pursat are the following.

- 1 partially affected stall (permanent impacts). Said stall is of construction grade 2A (single-storey structure with metal/fiber cement roof, thin wooden posts, no walls, and dirt floor). It has an aggregate floor area of 40m², of which 17.1 m² extended into the ROW. The 17.1 m² section will be affected due to drainage construction. The AH will be able to continue business (dry goods – wholesale and retail trade) during the construction period and maintenance of alternative access to the store will be required by contract with the contractor.
- Extended wooden eaves belonging to 3 AHs with an aggregate area of 33.52m²
- Concrete yard of 1 AH with an area of 75m²
- Fences belonging to 5 AHs with a length of 99.75 m. Said fences are all of wooden posts with bamboo rebar or wire.

4. Affected crops and trees

42. Harvesting of standing annual crops will be allowed before the start of civil works along the drainage sections leading to the open irrigation canal and along the existing access road. This can be achieved with the synchronization of the start of civil works and the cropping schedule of AHs cultivating plots of land in the ROW.

43. A total of 5 trees with market value belonging to 4 AHs will be affected in Pursat, broken down as follows:

- 1 Acacia Tree – 1 AH
- 2 Mango Trees – 1 AH
- 1 Longan Tree – 1 AH
- 1 Coconut Tree – 1 AH

G. Temporary Impacts

44. 243 mobile vendors set up baskets to sell fresh produce in the mornings along streets in the market area. Interviews with said AHs indicate that the income they earn per day of work is approximately 3 USD. In order to minimize adverse impacts on the livelihood of these vendors, the vendors will be given advance notice of 3 months before onset of civil

works in the street where they conduct their business, prior to which the local government will designate a suitable nearby location along other streets within the market area, equally accessible to their usual clients that they can use for their business during the construction period.

45. As the drainage works will be carried out with existing road right of way, public facilities such as existing roads of bituminous surface and walkways will be temporarily affected during construction. Design of the drainage component of the project includes improvement of roads and sidewalks along the drainage alignment. Thus, these temporarily affected public facilities will not just be restored, but will be enhanced after construction as part of the project design.

H. Severely Affected Households

46. Widening and extension of the landfill access road in Tul Mkak Keut Village will severely affect two (2) households (6 APs) who will lose agricultural land equivalent to 10% or more of their total productive assets.

I. Vulnerable Affected Households

47. There are six (6) female-headed AHs in Pursat; however, four (4) of them will only be affected due to partial impacts on secondary structures (cement blocks in front of the house, extended eaves) and it is not expected that they will be at a risk of being further disadvantaged due to the Project. The remaining two (2) female-headed households are poor and will be affected by loss of productive land along the access road; they are thus considered vulnerable AHs. Other vulnerable AHs are: two (2) poor AHs to be affected by loss of productive land along the landfill access road (these are also the two severely affected AHs in Pursat), and one (1) elderly AH with a hearing disability who will be affected by permanent loss of land use due to drainage works in Chamkar Chek Khang Cheung Village.

48. Said AHs will receive a one-time cash allowance as described in the entitlement matrix (assistance for vulnerable affected households). Vulnerable AHs will be verified and confirmed during the DMS.

49. The following table summarizes Involuntary Resettlement Impacts per Project component in Pursat:

Table 4: Summary of Involuntary Resettlement Impacts⁹

	Permanent													Temporary	Total Affected	
	Agricultural Land (m2)				Secondary Structure					Tree					Total AH	Total AP
	Private Land	Loss of Land Use	No. AH	No. AP	Stall Partial (m2)	Eaves (m2)	Concrete yard (m2)	Fence (lm)	No. AH	No. AP	No. Tree	No. AH	No. AP	N/A		
Landfill access road	13069.5		8	27											8	27
Drainage		176	1	4	17.1	33.52	75	99.75	7	30	5	4	20		8	34
Total	13069.5	176	9	31	17.1	33.52	75	99.75	7	30	5	4	20		16	61

⁹ As previously discussed, the 243 mobile vendors can set up their baskets in nearby streets inside the market area during drainage construction. Thus, they are not counted among the project AHs. This will be confirmed during RP updating.

III. SOCIO-ECONOMIC INFORMATION AND PROFILE

A. Introduction

50. In 2011 the estimated population of the municipality was 68,924. However, the municipality covers a large area and this figure includes a number of villages that are well outside the urban area. At the same time the contiguous urban area includes some parts of Kandieng District (primarily in Veal commune). The estimated population of the urban area is thus estimated at 49,044 (see Table below).

Table 5: Population of Pursat (2011)

Area	No. Households	Total Population	Male	Female
Pursat Municipality	14462	68,924	39783	29141
Urban villages in municipality	9,122	42,085	25,790	21,083
Urban area including adjacent villages	10,676	49,044	29,456	24,376

Source: TA 9986 Draft Final Report

51. As previously mentioned, a socioeconomic survey (SES) of 69% of affected households (AHs) was conducted in parallel with the IOL. Mobile vendors in the market were also interviewed to determine how their business may be affected by construction of drainage in the market area, so that appropriate mitigation measures can be put in place.

52. 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

53. Men head eight(8) out of the eleven (11) surveyed households, or 72.73% of the total. Majority (72.73% or 8 persons) of household heads are married, while the remaining 3 household heads (all of whom are women) are widowed.

2. Physical condition and age of sample AH Heads

54. Only 1 of the male AH heads surveyed in Pursat is disabled (hearing disability), although 2 (25%) of the 8 male respondents are aged 65 or older. None of the surveyed female household heads are elderly. Likewise, none of the female surveyed household heads are disabled.

Table 6: Marital Status, Age, Physical Condition of AH Heads

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	8		-				0		6		2		7		1	
Female	0		-				3		3		0		3		0	
Total	8	72.73%	0	-	0	-	3	27.27%	9	81.82%	2	18.18%	10	90.91%	1	9.09%

Note: Percentages are from a total of 11 households interviewed.

3. Ethnicity and Religious Affiliation of sample AH Heads

55. All of the AHs in Pursat are Khmer and identified themselves as Buddhists.

4. Educational attainment of the sample AH Heads

56. As indicated in the Table below, majority of surveyed AH heads have either attended some primary or secondary school (27.27% of total respondents in either case). Only 1 of the surveyed AH heads was able to graduate from secondary level.

Table 7: Educational Attainment of Household Head

Gender of AH Head	None		Some Primary		Finished Primary		Secondary Level		Finished Secondary		Technical/Vocational		Some College		College graduate		Other	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Male	0		2		2		2		1		0		0		0		1	
Female	1		1		0		1		0		0		0		0		0	
Total	1	9.09%	3	27.27%	2	18.18%	3	27.27%	1	9.09%	0	0	0	0	0	0	1	9.09%

Note: Percentages are from a total of 11 households interviewed.

5. Household size of AHs

57. SES findings show that the average household size (regardless of gender of household head) among AHs is 4, which is slightly lower than the provincial and national average household size of 5.

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

58. The main livelihood of most of the AHs covered by the survey is either farming (36.36%) or selling goods (36.36%). Three (3) out of the eight (8) sample male HH heads primarily rely on selling goods, three (3) rely on farming, one (1) relies mainly on income from driving and the last AH is retired. As for the female-headed AHs, 1 relies on farming, 1 on selling goods, and the final AH operates a restaurant or eatery. Three (3) or 27.27% of the surveyed households are poor, based on the Ministry of Planning's (MOP) new poverty threshold for urban areas apart from Phnom Penh¹⁰. This is consistent with the Commune Database poverty rate for the Province in 2012, which was 27.8%¹¹.

D. Amenities of the sample AHs

59. **Health and sanitation.** Eight (8) out of eleven (11) surveyed AHs, or 72.73%, have toilets in their homes, although only three (3) AHs (27.27%) reported having an enclosed bathing facility. Moreover, 90.91% of the AHs (10 households) dispose of their solid waste by burning, while the remaining AH head stated that the local government collects his HH waste.

60. **Power for lighting and fuel for cooking.** Majority (ten households or 90.91%) of surveyed AHs get electricity from the public service provider. 36.36% of the sample AHs reported using gas stoves for cooking, while the majority (63.64%) use wood.

61. **Household appliances and transportation.** The hand phone is the most common household appliances, with 100% of the AHs owning one. This is followed by electric fan

¹⁰ Threshold is an allowance of about 132,386 Riels monthly per capita to be spent on food, non-food items and water. Given the average family household size of 5, this equates to approximately 661,930 Riels (165 USD) monthly per household. The number of poor households will be verified during the DMS.

¹¹ Royal Government of Cambodia. Ministry of Planning. 2012. *Poverty Reduction, Based on Commune Database 2004-2012*

(73%) and TV ownership (63.64%). Majority of the sample AHs own a motorbike (72.73%) and a bicycle (63.64%).

IV. INFORMATION DISCLOSURE, CONSULTATION AND PARTICIPATION

62. 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

63. 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 8: Roles 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,	PMU, assisted by Project

Project Stage	Participatory Activities and Participants	Responsible Institution
	MPWT and ADB for review and concurrence	Management and Implementation Support Consultants
	Update of the project information booklet (PIB)	IRC/RD
	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

64. 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.

65. 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.

66. 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. The general purpose of the FGDs was to obtain in-depth, descriptive information 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.

Table9: Summary of FGD Sessions

Town	Date/Time/ Location	No. Participants	Target Groups
Pursat	On 19/07/13: Preak kday village Lolok sor Sangkat Pursat District	Total: 9 F: 5 M: 4	Shop and store owners in Ta Kuoy and Praeak Sdei village Loloksar sangkat
	On 20 /07/13: Kbal Hong and Chamkar Cheung village Phteah Prrey sangkat Pursat District	Total: 8 F: 4 M: 4	Agricultural families in Kbal Hong and Chamkar Chek Cheung village Phteas Prey sangkat.
	On 21 /07/13 Scras Sren village Phteah Prrey sangkat Pursat District	Total: 8 F: 8 M:0	Residents in homes (women) in Ra and Chamkar Chek Tbong villages)
	On 22 /07/13 Ra and Chamkar Tbong village Phteah Prrey sangkat Pursat	Total: 9 F: 4 M: 5	Waste Pickers from the old solid waste site

	District		
--	----------	--	--

C. Disclosure of the Resettlement Plan

67. 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-date¹²; and, (iii) allow APs to provide feedback on the project and project resettlement policy. Key issues raised during meetings are summarized in the table above. A draft Public Information Booklet (PIB) has been prepared (See Appendix 2). 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

68. 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.

69. 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

70. 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.

71. 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 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-

¹²For the purpose of this RP, cut off date is last day of the IOL, 21 September 2013.

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.

72. 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.

73. 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

74. 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

75. 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

76. 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

77. 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.

78. 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."

79. 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 of 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 minorities¹³ 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

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 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

¹³As 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.

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.

80. **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.

81. 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.

82. The present legal status of land use in Cambodia can be classified as follows¹⁴:

- 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.

83. **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 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 10: Roads and Railways ROW Dimensions

Road Category	ROW Dimensions under Prakas No. 06	ROW Dimensions under Sub- decree N0. 197
---------------	---------------------------------------	---

¹⁴Source: ADB43319-033 CAM: Greater Mekong Subregion Corridor Towns Development Project. Approved in 2012.

Road Category	ROW Dimensions under Prakas No. 06	ROW Dimensions under Sub-decree N0. 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

84. **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

85. 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.

86. 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.

87. 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.

88. Along with the ADB Safeguard Policy Statement (2009), 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

89. 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 9: 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) loss 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

90. 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

91. 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 Subcommittee-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

92. For purposes of this resettlement plan (RP), the cut-off date coincides with the date the IOL was completed (21 September 2013), which was preceded by a public meeting in Pursat 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 in Pursat was carried out on from 20-21 September 2013. The list of AHs will be updated and/or validated during the DMS following approval by project authorities of the project feasibility study.

93. 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 10: Entitlement Matrix

Item	Type of loss	Entitled persons	Compensation policy	Implementation issues
A. Loss of Land				
1	Partial loss of residential land/agricultural land/vacant plot (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	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) 8 AHs lose productive land	<ul style="list-style-type: none"> - For the affected portion of the private land: cash compensation at replacement cost¹⁵ - For the affected portion of the public state land (i.e. land in ROW): cash assistance for loss of land use¹⁶ - If the AH is severely affected (i.e., the loss is equivalent 	<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 and timber products prior to construction. - Vulnerable

¹⁵Replacement cost is based on findings of Replacement Cost Study (RCS) and will be 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

¹⁶Cash assistance for loss of land use is based on rice productivity/ha/year multiplied by 5 years minus investment cost.

Item	Type of loss	Entitled persons	Compensation policy	Implementation issues
	expected yield) = 13069.5 m ²		to 10% or more of their total income capacity), the AH will (i) be provided rehabilitation assistance with provision of two options ¹⁷ (1)-cash assistance of \$500 ¹⁸ for income restoration or (2)-an IRP ¹⁹ that will be planned by the Project with the active participation of the AHs; and (ii) be provided one time cash assistance for severely affected as described in Item E - If AH belongs to any of the vulnerable groups , see Item D below	households to be verified during the DMS
	(Partial loss: only 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) = 176 m ²	AHs with no legally recognized proof of ownership 1 AH loses productive land	- For the affected 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	

¹⁷ 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.

¹⁸ 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).

¹⁹ 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
			for non-land affected assets. - If the AH is severely affected (i.e., the loss is equivalent to 10% or more of their total income capacity), see Item E below - If AH belongs to any of the vulnerable groups , see Item D below	
B. Loss of Structures				
2	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 = 1 AH	- 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.
3	Loss of, or damage to Secondary structures (porch, extended eaves, spirit house, fence, stand-alone kitchen/latrine, etc.)	Owners of the structures whether or not land is owned; with or without building permit = 8 AHs	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.
C. Loss of Productive Trees and Crops				
4	Fruit trees	Custom or legal owner(s) of land; owners of crops or trees (whether have legal or customary title to land or not) = 4 AHs	Compensation for affected fruit/nut trees at full replacement cost, which shall be based on average annual value of the product multiplied by five years;	- 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

Item	Type of loss	Entitled persons	Compensation policy	Implementation issues
5	Standing crops	Custom or legal owner(s) of land; owners of crops or trees (whether have legal or customary title to land or not) = 9 AHs	Compensation for annual crops at replacement cost,	their annual and perennial crops prior to construction. -
D. Impacts on Vulnerable AHs				
6	Higher risks of hardship due to project impacts;	Vulnerable AHs: = 5 AH	<ul style="list-style-type: none"> - One time assistance allowance of \$100 per household - Participate in the IRP - Priority for employment in the project construction works. 	Vulnerable households to be verified during the DMS
E. Loss of Livelihood				
7	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 = 2 AH	One-time cash assistance of \$200 per household ²⁰	In addition to rehabilitation assistance
G. Allowances				
8	Temporary loss of business (affected house-and-stores and independent shops) during period of construction	Unregistered/business owners who cannot show any tax receipt and cannot otherwise confirm income amount	One-time cash assistance of \$50 ²¹	Mobile vendors who own low tables or vegetable and fish mats/baskets will not be provided cash assistance for lost income because they can easily move to another area, to be assisted by local authorities
F. Unforeseen Impact				
9	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.
G. Temporarily affected properties during construction				
10	Temporarily	Owner of temporarily	- Contractor will	- AHs will be

²⁰As 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..

²¹As per entitlement matrix of 43309-013 CAM: Provincial Roads Improvement Project. Approved in December 2011.

Item	Type of loss	Entitled persons	Compensation policy	Implementation issues
	affected land and non-land assets during construction	affected land and non-land assets	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 assets ²²	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.
11	Temporary damage to productive assets during construction (e.g. fields and associated infrastructure including bund walls, drains, channels, etc.)	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 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.	- The disruption period will be minimized as much as possible.

D. Strategy to address gender issues

94. 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.

²²As per entitlement matrix of 43309-013 CAM: Provincial Roads Improvement Project. Approved in December 2011

- Gender issues will be included in training on the Project resettlement policy that will be provided to concerned personnel of the PMU, PIU, and the RSC-WGs.
- Disaggregated monitoring indicators by gender will be developed for monitoring social benefits, economic opportunities, livelihood, and resettlement activities.

E. Strategy to assist vulnerable households

95. 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 as provided in the entitlement matrix, 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.

F. Unforeseen Impacts

96. 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 21 September 2013, 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.

G. Temporary Impacts

97. 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. INCOME RESTORATION AND REHABILITATION

A. General Provisions

98. 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.

99. Those who are entitled to participate in the program include vulnerable AHs affected by impacts to productive assets and/or primary structures; AHs affected by the loss of entire houses and shops 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.

100. 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.

101. 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.. Seven (7) AHs have been identified as eligible for the IRP in Pursat; thus, the block fund that will be put up for the AH is \$3,500 and is included in the resettlement costs.

B. Loss of productive land

1. Land within the Right of Way

102. Occupied land in the ROW will not be compensated. However, the 1 AH affected by the permanent loss of land use (agricultural) in ROW land will be provided cash assistance for permanent loss of land use based on rice productivity/ha/year multiplied by 5 years.

Table 11: Loss of Land Use within ROW

Component	Sangkat	Village	Quantity (m2)
Drainage	Phteah Prey	Chamkar Chek Khang Cheung	176.00
Total			176.00

2. Privately Owned Land

103. Privately owned land (13069.5 m2 belonging to 8 AHs) will be acquired as part of the landfill access road extension. This will be compensated at market rates.

Table 12: Acquired Private Land

Component	Sangkat	Village	Quantity (m2)
Landfill (Access Road)	Roleap	Tuol MkakKeut	13069.5
Total			13069.5

C. Vulnerable Households Affected by Loss of Primary Structures or Productive Assets

104. Five (5) vulnerable households will be given a one-time cash compensation of \$100 as per entitlement matrix, on top of compensation for permanent loss of land use, and will be entitled to rehabilitation assistance.

IX. RESETTLEMENT BUDGET AND FINANCING PLAN

105. Funds for the implementation of the RP are part of the Project budget. For the IRP, AHs will have two options, to be discussed during public consultations, 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 choose and 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 October 2013.

A. Procedures for flow of funds

106. 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.

107. 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

108. 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

109. The estimated cost of resettlement is **USD 53,774.69²³**. The Table below provides a breakdown of these costs.

Table 15: Summary of Resettlement Costs²⁴

No	Compensation Items	Unit	Unit Rate US\$	Quantity	Total Cost in US\$
A	Compensation for Land				
1	Private Agricultural Land	m ²	1.05	13069.5	13,722.98
2	Cultivated ROW land (loss of land use)	m ²	Estimate		88
	Sub Total A				13,810.98
B	Main Structures				
1	partially affected store	m ²	7.26	17.1	124.15
	Sub Total B				124.15
C	Secondary Structures				

²³Indicative cost based on replacement cost survey conducted by the PPTA consultant. The final unit costs inclusive of new material and labor will be determined in the replacement cost study (RCS) during detailed design and detailed measurement survey

²⁴The cost of the External Monitoring Organization, which will also cover the Kampong Chhnang component, is reflected in the budget of the Kampong Chhnang Resettlement Plan.

1	Extended roof eaves	m ²	7.26	33.52	243.36
2	Concrete yard	m ²	6.05	75	453.75
3	Fence	lm	1.43	99.75	142.6425
Sub Total C					839.75
D	Trees				
1	Mango	tree	37.5	2	75
2	Longan	tree	43.7	1	43.7
3	Coconut	tree	44.06	1	44.06
4	Acacia	tree	5.89	1	5.89
Sub Total D					168.65
E	One-time cash Assistance				
1	Severely affected (loss of 10% or more of income-generating assets)	AHs	200	2	400
2	Vulnerable AHs	AHs	100	5	500
Subtotal E					900
F	Total Compensation Cost (A+B+C+D+E)				
					15,843.53
H	Income Restoration Program*		500	7	3,500.00
I	Replacement Cost Study				18,000.00
J	Total Cost before Administration cost				
					37,343.53
K	Administration Cost (20%)				7468.71
L	Total (J+K)				
					44,812.24
M	Contingency 20% of L				8,962.45
Grand Total US \$					53,774.69
	*assuming no double counting				

110. 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, and two local resettlement specialists (one per project town). The national resettlement specialist for Pursat has been proposed for 6 person-months (intermittent).

X. INSTITUTIONAL ARRANGEMENTS

111. 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

112. 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 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 database 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)

113. 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, Preyveng 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.

114. 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

115. 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.

116. 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.

117. 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

118. 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).

119. 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.

120. 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

XI. IMPLEMENTATION SCHEDULE

A. Indicative implementation schedule of the RP

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

Table 16: 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)	1st Quarter 2017 – 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

122. 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.

123. **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.

124. **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 (RSC-WG) on the structure classification scheme used in the RP as employed in the replacement cost study (RCS).

125. 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.

XII. MONITORING AND REPORTING

A. Internal Monitoring & Evaluation

126. 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.

127. 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.

128. 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

129. 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 3 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

130. 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.

131. 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

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

Review Detailed Measurement Survey Database

133. 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.

134. 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

135. 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

136. 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

137. 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

138. 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 17: 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

Type	Indicator	Examples of Variables
		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 structure	State whether the structure will have to be acquired/affected PARTIALLY or 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.				

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

*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 2: 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 Pursat, civil works will include (i) drainage improvements by laying down reinforced concrete pipes with a total length of 9.89 km; (ii) Riverbank erosion protection: complement the ongoing work at the Provincial Governor's office and improve the embankment at this location (200 m), and stabilize the embankment in two locations on the South bank upstream of the railway bridge by placing gabion groynes at 30-meter intervals into the river at each of these two locations.

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 (permanent loss of land use - 176 m²) linked with the drainage improvements in Sangkat Phtheah Prey, Chamkar Chek Khang Cheung Village; and with the widening and extension of the existing landfill access road in Sangkat Roleab, Tuol Mkak Village (loss of private agricultural land - 13069.5 m²).

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 reasonable 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 the inventory of losses (21 September 2013). 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, which will take account lost potential income and time required to re-establish the perennial trees. This will compensate for lost income until the newly planted seedlings bear fruit.

8. QUESTION: What about public property resources?

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

9. 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.

10. 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-third 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.

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

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.

12. 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, EMA, 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."

13. 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 1st quarter of 2017. Affected communities will be kept informed of updated activity schedules from 1st Quarter 2016.

14. 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).

Semi-annual Reports will be prepared and submitted to ADB. 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.

15. 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.

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

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

(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: 023 215 807

Appendix 3: 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
- Semi-annual resettlement monitoring reports until payment of compensation to AHs: Ranges from Q2/2016 to Q4/2018.
- Post-resettlement evaluation report for all resettlement activities: Ranges from Q4/2019 – Q4/2020