

Resettlement Framework

June 2017

CAM: Road Network Improvement Project

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

This Resettlement Framework 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.

RESETTLEMENT FRAMEWORK

Resettlement Framework

Document Stage: Draft for Consultation

Project Number: 41123-015

Date: June 2017

PROPOSED ROAD NETWORK IMPROVEMENT PROJECT (RNIP)

- Road Improvements for National Roads 1 and 6 Component

Prepared by the Ministry of Public Works and Transport for the Asian
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ABBREVIATIONS

| | |
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| ADB | Asian Development Bank |
| AHs | Affected Households |
| APs | Affected Persons |
| COI | Corridor of Impact |
| DMS | Detailed Measurement Survey |
| EMO | External monitoring organization |
| GRC | Grievance Redress Committee |
| IOL | Inventory of Losses |
| IRC | Inter-ministerial Resettlement Committee |
| IRC-WG | Inter-ministerial Resettlement Committee –Working Group |
| MEF | Ministry of Economy and Finance |
| MPWT | Ministry of Public Works and Transport |
| PMU | Project Management Unit |
| PPTA | Project Preparatory Technical Assistance |
| PRSC | Provincial Resettlement Sub-committee |
| PRSC-WG | Provincial Resettlement Sub-committee Working Group |
| RCS | Replacement Cost Study |
| RD-MEF | Resettlement Department - Ministry of Economy and Finance |
| ROW | Right-of-way |
| SES | Socio-economic survey |
| SPS | Safeguard Policy Statement |

CURRENCYEQUIVALENTS

(As of June 2017)
Currency Unit: Riels (KR)
\$1.00= KR 4,100

GLOSSARY

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| Affected person (AP) | - Means any person or persons, household, or entity physically (relocation, loss of residential land or loss of shelter) and/or economically (loss of land, assets, access to assets, income sources, or means of livelihood) affected as a result of land acquisition and involuntary resettlement. |
| Compensation | - Means payment in cash or in kind for an asset or resource that is acquired or affected by the Project. All compensation is based on the principle of replacement cost, which is the method of valuing assets to replace the loss at current market rates, plus any transaction costs such as administrative charges, taxes, registration and titling costs. |
| Corridor of Impact | - It is the area which is impacted by civil works in the implementation of the Project and is important in two particular respects: (i) Legally as the area within which affected persons (APs) will be entitled to compensation and other measures (in general coming under the heading of resettlement) for any loss of land, structures or land use and occupation and of livelihoods. (ii) Operationally as the agreed and demarcated area within which construction activities will take place and which must 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 categorized as affected people. Persons not covered in the census are not eligible for compensation and other entitlements, unless they can show proof that (i) they have been inadvertently missed out during the census and the inventory of losses (IOL); or (ii) they have lawfully acquired the affected assets following completion of the census and the IOL and prior to the conduct of the detailed measurement survey (DMS). |
| Detailed Measurement Survey (DMS) | - With the aid of the approved detailed engineering design, this activity involves the finalization and/or validation of the results of the IOL, severity of impacts, and list of APs earlier done during RP preparation. The final cost of resettlement can be determined following completion of the DMS. |
| Displaced Person | - In the context of involuntary resettlement, displaced persons 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 livelihoods) as a result of involuntary acquisition of land, or involuntary restrictions on land use or on access to legally designated parks and protected areas. |
| Eligibility | - Means any person or persons, household, or entity who has settled in the Project area before the cut-off date, that (i) loss of shelter, (ii) loss of assets or ability to access such assets, permanently or temporary, or (iii) loss of income sources or mean of livelihood, regardless of relocation will be entitled to be compensation and/or assistance. |
| Entitlement | - Resettlement entitlements with respect to a particular eligibility category are the sum of total compensation and other forms of assistance provided to displaced persons in respect to eligibility category. |
| Income Restoration | - Re-establishing productive livelihood of the displaced persons to enable income generation equal to, or if possible, better than that earned by the displaced persons before resettlement or of pre-project levels. |
| Inventory of Losses (IOL) | - This is the process where all fixed assets (i.e., lands used for residence, commerce, agriculture, including ponds; dwelling units; stalls and shops; secondary structures, such as fences, tombs, wells; trees with commercial value; etc.) and sources of income and livelihood inside the (Project area) |

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| | are identified, measured, their owners identified, their location identified, 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 APs will be determined. |
| Involuntary Resettlement | - It is the displacement of people, not of their own preference, from their homes, assets, sources of income and livelihood in the project corridor of impact (COI). 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 APs, especially the marginal sectors of society. These adverse social impacts of development projects are often borne by APs not of their own desire but involuntarily. |
| Land acquisition | - Refers to the process whereby an individual, household, firm or private institution is compelled by a public agency to alienate all or part of the land it owns or possesses to the ownership and possession of that agency for public purposes in return for compensation at replacement costs. |
| Relocation | - This is the physical relocation of an AP from her/his pre-project place of residence and/or business. |
| Replacement cost | - Means the method of valuing assets at current market value, or its nearest equivalent, plus any transaction costs such as administrative charges, taxes, registration and titling costs. |
| Replacement Cost Study | - This refers to the process involved in determining replacement costs of affected assets based on empirical data. |
| Resettlement Plan (RP) | - Prepared when detailed designs or land demarcation have been completed and the full impacts following the detailed measurement survey are known. It is a time-bound resettlement action plan with budget setting out compensation and resettlement strategies, objectives, entitlement, actions, responsibilities, monitoring and reporting. |
| Vulnerable Groups | - These are individuals or distinct groups of people who may experience adverse impacts from a proposed project more severely or disproportionately than other or face the risk of being further marginalized by the effects of resettlement and specifically include: (i) female headed households with dependents; (ii) disabled household heads; (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 or those without a title to land; (vi) indigenous people or ethnic minorities within a project's displaced population. |

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A. INTRODUCTION

I. Project Description

1. The Road Network Improvement Project (RNIP) is a priority Project of the Government of Cambodia under the key infrastructure development agenda, as it will provide a strong foundation for the country's road asset management regime of the national road network. This is an ADB financed project under the Ministry of Public Works and Transport (MPWT) as the executing agency (EA). The roads will have positive impacts on the socio-economic condition of the local households and communities, and will support the local communities within the Project area.
2. The impact of the Project will be to preserve the long-term sustainability of the national road network. This will assist economic growth by reducing future transport costs and improving road connections. The impact is consistent with the sector results framework of the Cambodia Transport Sector Assessment, Strategy, and Road Map. The Project outcome will be increased financing and capacity for efficient road asset management within the MPWT. The Project has four (4) key outputs: (a) improved management of safe and climate-resilient national roads; (b) strengthened axle load control operations; (c) strengthened quality assurance system in MPWT, and d) improved road safety along project roads. The Project aims to provide more efficient transport on the national road sections of the Greater Mekong Subregion Southern Economic Corridor (National Road No.1 (NR1) and National Road No.6 (NR6)) through Prey Veng, Svay Reing and Seam Reap provinces.
3. This Resettlement Framework (RF) sets out provisions for resettlement planning and implementation for the Project activities for the improvement of 146.8 km of two National Roads (96.9 km of NR1 and 49.9 km of NR6).
4. Civil works under the Project are associated with outputs 1 and 2 (improved management of safe and climate-resilient national and provincial roads; and strengthened axle load control operations). Works for Output 2 will utilize existing weigh stations and no land acquisition or impacts on property outside these weigh stations will be required. Project outputs 3 and 4 (strengthened quality assurance system in MPWT; and improved road safety along project roads) have no associated civil works nor potential for involuntary resettlement impacts. A brief description of works associated with output 1 for NR1 and NR6 is set out below.
5. NR1: The section extends for km 62.1 to km 159.00 western side of Bavet City. Construction work expected to be undertaken includes:
 - Sample recovery and laboratory testing of embankment and underlying materials in areas where differential settlement problems have been observed;
 - Removal and 'repair' of sections of road found to be in presently poor condition or subject to 'ongoing settlement' with re-compaction of sub-grades and replacement of sub-base and base course layers;
 - Remedial interventions (i.e. patching and crack sealing) on sections of road found to be presently in 'sound' condition;
 - Application of asphalt concrete overlays (40 or 50 mm thick) in the 'sound' and the repaired' areas (about 95% of the sub-section length);
 - Application of a surface treatment only in the areas confirmed to be subject to ongoing settlement;

- Bridge maintenance (10 structures of single, twin, triple and multi-span configurations);
 - Cleaning of box and pipe culverts and roadside ditches;
 - Clearance of vegetation in roadside areas and drainage channels;
 - Installation of added cross culvert capacity by upsizing and duplication of some units;
 - Installation of added longitudinal drainage capacity (concrete 'U' drains) in appropriate urban areas;
 - Installation of appropriate road signs and markings;
 - Selected provision for future climate change (including slope protection, storm water energy dissipation).
6. NR6: This section extends from km 317.1 to km 367.0. Work expected to be undertaken includes:
- Sample recovery and laboratory testing of embankment and underlying materials in areas where differential settlement problems have been observed;
 - Removal and 'repair' of sections of road found to be in presently poor condition or subject to 'ongoing settlement' with re-compaction of sub-grades and replacement of sub-base and base course layers;
 - Remedial interventions (i.e. patching and crack sealing) on sections of road found to be presently in 'sound' condition;
 - Application of asphalt concrete overlays (40 or 50 mm thick) in the 'sound' and the repaired' areas (about 95-97 % of the sub-section length);
 - Application of a surface treatment only in any areas confirmed to be subject to ongoing settlement;
 - Bridge maintenance (17 structures of single, twin and triple span configurations);
 - Cleaning of box and pipe culverts (14 box and 104 pipes) and roadside ditches;
 - Clearance of vegetation in roadside areas and drainage channels;
 - Installation of added cross culvert capacity by upsizing and duplication of some units;
 - Installation of added longitudinal drainage capacity (concrete 'U' drains) in appropriate urban areas;
 - Installation of appropriate road signs and markings;
 - Selected provision for future climate change (including slope protection, storm water energy dissipation etc).

Civil works for NR1 and NR6 are expected to be implemented from Quarter 2, 2018 to Quarter 4, 2022. If any land acquisition and resettlement activities are required, compensation and assistance will be provided in accordance with an agreed resettlement plan (RP) prior to civil works in any affected area.

II. Scope and Nature of Resettlement Impacts for NR1 and NR6

7. The Rights of Way (ROW) of the Project roads were marked by concrete makers in 2008-2009. During demarcation, the demarcation team of MPWT organized meetings

with local residents and local authorities to announce the ROW as well as the ROW protection. Land and assets affected by establishing the ROWs were fully compensated to the affected persons in 2008. Local communities are fully aware of the ROWs. Those who constructed structures in the ROW signed agreements with local authorities during construction of structures on the ROW that when these areas within the ROW will be required by MPWT, the households are not entitled to compensation.

8. According to the PPTA technical reports and site inspections by joint ADB, MPWT and GDR team, the civil works for maintenance/improvement of NR1 and NR6 will be confined to existing road widths and will not entail road widening; and any auxiliary works such as road drainage and slope protection to be included are expected to be situated on unoccupied state land within the ROW.² At this stage of resettlement planning, neither any land acquisition nor permanent loss of fixed assets, physical or economic displacement is anticipated. Some disturbances are expected during civil works for repair/treatment of the road pavements as well as maintenance of existing drains and installation of new drains. These impacts are temporary in nature and mitigation and restoration measures are included in the Initial Environmental Assessment and Environmental Management Plan (EMP) to address impacts associated with civil works implementation. No clearance of property beyond immediate requirements for civil works will be undertaken during the implementation of this Project.

The existing conditions of the entire sections of the two national roads that will be improved have been identified by PPTA Consultants. However, the final design will be based on the detailed engineering design (DED) that will take into consideration the results of full topographical, hydrological and geotechnical survey data and subject to approval of the EA. Once the DED is finalized, the Project will reassess impacts and either (i) confirm that there will be no resettlement related impacts and prepare a due diligence report confirming this; or (ii) prepare a RP to mitigate resettlement related impacts, if any, in accordance with the agreed principles set out in this RF.

B. OBJECTIVES, POLICY FRAMEWORK AND ENTITLEMENTS

I. Objectives

9. The objective of the Project is to avoid land acquisition and resettlement impacts to a maximum possible extent; to minimize resettlement impacts by exploring project and design alternatives; to enhance, or at least restore, the livelihoods of all displaced persons (DPs)³ relative to pre-project levels; and to improve the standards of living of the poor DPs and other vulnerable groups. The RF provides a process of resettlement impact assessment, preparation of the RP and implementation of compensation and income restoration measures for DPs. It covers both physical displacement (relocation, loss of residential land, or loss of shelter) and economic displacement (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of land acquisition or restriction on land use or on access to parks and protected area.
10. To avoid and minimize resettlement impacts, the Project will adopt following resettlement criteria in selection of the road subprojects: (i) the road subprojects should be an existing infrastructure; (ii) the road subprojects which can be undertaken within

² Joint site inspection of NR1 and NR6 by ADB Mission, staff of MPWT and GDR was undertaken on from 14-15 June 2017.

³ Displaced person is the term used in ADB safeguard policy and includes any person who is physically displaced (relocation, loss of residential land, or loss of shelter) and/or economically displaced (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land or on access to legally designated parks and protected areas.

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existing ROW/boundary or on government/public land; and (iii) if land acquisition cannot be totally avoided, only road subprojects without significant land acquisition/resettlement impacts will be selected. The screening form enclosed in Appendix 1 will be used as the screening tool to ascertain significance or category of potential impacts.

11. If land acquisition/resettlement impacts are identified for NR1 and NR6 under the Project, the EA will follow the policies and procedures spelled out in this RF in compliance with the applicable laws and regulations of the Royal Government of Cambodia and the 2009 Safeguard Policy Statement requirements of ADB on involuntary resettlement.

II. Relevant Laws and Regulations of Royal Government of Cambodia

1. 1993 Constitution of Cambodia

12. The 1993 Constitution of Cambodia sets two basic principles for land acquisition. The first is Article 44 which states that the "right to confiscate properties from any person shall be exercised only in the public interest as provided by law and shall require fair and just compensation in advance" (Article 44). The second principle is Article 20 that stipulates that "nobody shall be forced to transfer his or her ownership, if forcing is not necessary in the public interest and (if) no proper and just indemnity has been paid to the owner".
13. Articles 73 and 74 of the country's 1993 Constitution provide for special consideration and support to vulnerable people including mothers and children, the disabled and families of combatants who sacrificed their lives for the nation. Indigenous minorities however are not explicitly included in these two articles but included in the Land Law.

2. 2001 Land Law

14. The 2001 Land Law governs land and property rights in Cambodia. Based on the provisions of the 1993 Constitution, it defines the regime of ownership of immovable properties, such as land, trees and fixed structures.
15. The rights and responsibilities of the Government with respect to eminent domain are specified in the 2001 Land Law. The Government can acquire private land for public purposes but has to pay a fair and just compensation in advance of the land acquisition. The Land Law, Article 5, states that "No person may be deprived of his ownership, unless it is in the public interest. Ownership deprivation shall be carried out in accordance with the forms and procedures provided by law and regulations and after the payment of fair and just compensation in advance." Other provisions of the Land Law that are relevant to land acquisition, compensation and resettlement include:
 - a. Legal possession as defined by the Law is the sole basis for ownership, and all transfers or changes of rights of ownership shall be carried out in accordance with the required general rules for sale, succession, exchange and gift or by court decision. (Article 6).
 - b. Any regime of ownership of immovable property prior to 1979 shall not be recognized. (Article 7).
 - c. Only persons or legal entities of Khmer nationality are entitled to own land in Cambodia, or to buy or sell land. (Articles 8, 66).
 - d. State public land includes, among other categories, any property a) that has a natural origin, such as forests, courses and banks of navigable and floatable rivers or natural lakes; b) that is made available for public use such as roads, tracks, oxcart ways, pathways, gardens, public parks and reserved land; or, c)

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that is allocated to render public service, such as public schools, public hospitals or administrative buildings. (Article 15).

- e. Persons that illegally occupy, possess or claim title to State public land cannot claim any compensation. This includes land established by the Government as public rights-of-way for roads and railways. Moreover, failure to vacate illegally occupied land in a timely manner is subject to fines and/or imprisonment. (Article 19).
- f. Ownership of the lands is granted by the State to indigenous communities' as collective ownership, including all the rights and protections enjoyed by private owners. The exercise of collective ownership rights are the responsibility of the traditional authorities and decision-making mechanisms of the indigenous community, according to their customs and subject to laws such as the law on environmental protection. (Article 26).
- g. No authority outside the community may acquire any rights to immovable properties belonging to an indigenous community. (Article 28).
- h. 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).
- i. However, temporary possession claims made by persons after the law comes into effect will not be recognized, rescinding a previous right under the 1992 Land Law for acquiring land by taking possession. (Articles 29, 34).
- j. 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).
- k. Acquisition of land through gifts is permitted with the following conditions: (i) the gift of immovable property is only effective if it is made in writing and registered with the Cadastral Registry Unit; (ii) once accepted, gifts of immovable property are irrevocable; and, (iii) The donor may retain the right of usufruct in the property, and the right of use and habitation of an immovable property (Articles 80-84).

3. Expropriation Law

16. The Expropriation Law, passed by the National Assembly on 29 December 2009 and promulgated by the King on 4 February 2010, contains 8 Chapters with 39 Articles. It provides clear procedures on acquiring private properties for national and public interests. Key Articles of the Law are listed below:

- a. 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.
- b. Article 7: Only the State may carry out an expropriation for use in the public and national interests.
- c. 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.
- d. Article 12: an expropriation committee shall be established and headed by a representative from the MEF and composed of representatives from relevant

ministries and institutions. The organization and functioning of the expropriation committee shall be determined by a sub-decree.

- e. 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.

4. Other Relevant Laws and Regulations

17. In addition to the Land Law, there are other laws, decrees, sub-decrees, regulations, and guidelines relevant to resettlement under the Project. The Sub-Decree on Social Concessions, enacted 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.
18. 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.
19. Circular No. 02 dated on 26 February 2007 states clearly that (i) illegal occupant of state land has no right to compensation and can be punished in accordance with the land law 2001, and (ii) illegal occupants who are poor, landless and part of vulnerable group can be provided a plot of land.
20. MEF Circular No. 006 on the Resettlement Implementation Procedure for development projects dated on 2 April 2014 clearly provides instructions on the administrative management and role and responsibility of all relevant implementing agencies and provinces in implementing resettlement for development project.
21. The present legal status of land use in Cambodia can be classified as follows:
 - a. 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.
 - b. Privately owned land without title: The owner has made an application for title to land, and is waiting for the issuance of a title deed. The Cadastral Administration Office recognizes the owner.
 - c. 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.
 - d. 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.
 - e. 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.
22. Prakas No. 6, entitled "Measures to Crack Down on Anarchic Land Grabbing and Encroachments", sets rights-of-way (ROW). In support of this Prakas, the MEF on 6 April 2000 issued Decree No. 961 prohibiting compensation for structures and other assets located in the ROWs.

III. ADB Policy on Involuntary Resettlement

23. On 29 June 2009, ADB updated its safeguards policies by integrating its policies on involuntary resettlement, indigenous peoples and the environment into one Safeguards Policy Statement (SPS). The SPS was approved by the ADB Board on 20 July 2009 and became effective on 20 January 2010. The objectives, scope and principles in the 1995 Involuntary Resettlement Policy have been retained and clarified in the policy update. ADB Policy on Involuntary Resettlement is to:
- Avoid involuntary resettlement wherever possible;
 - Minimize involuntary resettlement by exploring project and design alternatives;
 - Enhance, or at least restore, the livelihoods of all displaced persons in real terms relative to pre-project levels; and
 - Improve the standards of living of the displaced poor and other vulnerable groups.
24. It covers physical displacement (relocation, loss of residential land, or loss of shelter) and economic displacement (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas – regardless of whether such losses and involuntary restrictions are full or partial, permanent or temporary. Moreover, the Policy also applies to associated facilities funded through other sources and involuntary resettlement actions conducted by the borrower/client in anticipation of ADB support.
25. Projects financed by ADB, including associated facilities that are financed by the Government or other sources, are expected to observe the following policy principles:
- a. Screen early to identify involuntary resettlement impacts and risks and determine the scope of resettlement planning through a survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement impacts and risks.
 - b. Carry out meaningful consultations with displaced persons, host communities, and concerned non-government organizations. Inform all displaced persons of their entitlements and resettlement options and ensure their participation in various stages of the Project especially vulnerable and poor groups. Establish a grievance redress mechanism to receive and facilitate resolution of the displaced persons' concerns. Support the social and cultural institutions of displaced persons and their host population.
 - c. Improve, or at least restore, the livelihoods of all displaced 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.
 - d. Provide physically and economically displaced 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.

- e. Improve the standards of living of the displaced 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.
 - f. Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status.
 - g. Ensure that displaced 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.
 - h. Prepare a RP elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.
 - i. Disclose both the draft and final RP in a form and language understandable to displaced persons and other stakeholders.
 - j. 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 costs and benefits. For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the Project as a stand-alone operation.
 - k. Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the RP under close supervision throughout project implementation.
 - l. Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the RP have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.
26. Calculation of full replacement cost will be based on the following elements: (i) fair market value; (ii) transaction costs; (iii) interest accrued, (iv) transitional and restoration costs; and (v) other applicable payments, if any. In the calculation, depreciation of structures will not be taken into account. It is expected that qualified and experienced experts will undertake the valuation of acquired assets.
27. Persons or households without formal legal rights nor recognized or recognizable claims to the acquired land are still entitled to be compensated for their loss of assets other than land, such as dwellings or other improvements on the land at full replacement cost, provided that they have occupied/used the land or structures in the affected land prior to the cut-off date.

IV. Reconciliation of Government and ADB Policies

28. In general, the main principles of the government policies on land acquisition, compensation, assistance and resettlement - reflect those reflected in ADB's SPS (2009). However, there are some differences between ADB resettlement policy and the government's legislation. Key differences between ADB Resettlement Policy and the Government legislation, including measures to address the differences, are outlined in **Table 1** below.

Table 1: Differences between ADB and Government's Legislation, including Measures to Address the Differences

| No. | Items with Difference in Policy | ADB Policy | Legislation of Royal Government of Cambodia | Measures to Address the Difference in the RNIP |
|-----|---|--|---|---|
| 1 | Eligibility for compensation and assistance does not include APs without land title | Those without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets. Improve standard of living of the displaced poor and other vulnerable groups, particularly women. | Illegal occupants are not entitled to compensation due to violation on declared land use plan; or if they have constructed without permit or have encroached on demarcated land for ROW. | All APs without any discrimination whether or not land is owned are eligible for resettlement assistance and compensation for loss of non-land assets. Particular focus on improving the standards of living of the displaced poor and other vulnerable groups, including women. |
| 2 | No compensation for those illegally settled on the ROW. | All affected households including those without titles, or are within the ROW are eligible for resettlement assistance and compensation for loss of non-land assets. | Individuals who have occupied ROW are illegal by Law or public properties are not entitled to any compensation or social support, regardless of their being an affected household or a member of vulnerable groups. | Land clearance in ROW for this Project will be limited to requirements for civil work's needs. Compensation for affected non-land assets within ROW. Allowances will be provided for those who are making living within the ROW (based on certification by commune authority) if their livelihood is disrupted. Local authority will assist the mobile vendor during relocating to new area. No comprehensive gap-filling measure for physical displacement of landless households for this Project. Permanent loss of main structures will be avoided in the Project design. |
| 3 | Immoveable assets. | All affected person shall be entitled for resettlement assistance and compensation for non-land based assets. | Any regime of ownership of immovable property prior to 1979 shall not be recognized (Article 7). | All affected persons including those without titles, or are within ROW are eligible to resettlement assistance and compensation for loss of non-land assets. |
| 4 | Unregistered businesses. | For non-land assets, all eligible affected households, whether titled, legitimate, or non-titled need to be compensated at replacement cost through cash or | Recognizes businesses or economic entities only if they hold a business certificate (i.e. excludes non-registered businesses). | Inclusion of those who are economically displaced, even those who are not formally registered (e.g. unregistered, businesses, employees without labour contracts). All affected persons will be assisted to ensure |

| No. | Items with Difference in Policy | ADB Policy | Legislation of Royal Government of Cambodia | Measures to Address the Difference in the RNIP |
|-----|-------------------------------------|---|---|---|
| 5 | Entitlements on severity of losses. | ADB policy defines affected persons to have experienced severe losses when they are physically displaced from housing or lose 10% or more of their productive assets (income generating). | No specific legislation on severity of losses on productive land. | AHs who will lose 10% or more of their productive assets (income generating) or who will be physically displaced will be provided with additional assistance and income restoration measures to ensure that their income sources are restored to at least pre-project levels. |
| 6 | Land valuation. | ADB policy requires an independent/qualified land appraiser who has working knowledge on property valuation and that the appraisal methodology used is consistent with international standards. | The Law requires all loss of assets to be compensated at replacement cost and the replace cost is determined by an independent agent. | No gap. The replacement cost study will be conducted in parallel with the DMS by an independent valuation consultant/firm. |
| 7 | Consultation and disclosure | Consultation with affected persons, host communities, and concerned nongovernment organizations to ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programs. All RPs, and monitoring reports will be disclosed on the ADB website. | Article 16 of the Expropriation Law: "Prior to making any expropriation project proposal, the Expropriation Committee shall conduct a public survey by recording of a detailed description of all entitlements of the owners of and/or of the holder of real right to immovable property and other properties subject to compensation as well as recording of all relevant issues. In conducting the survey, the Expropriation Committee shall organize public consultations at the Capital, Municipal-Provincial, and District-Khan authority levels with Commune/Sangkat councils and Village or community representative | Extensive consultation and participation of AHs will be conducted at every stage of RP planning and implementation. The IRC will distribute PIBs to all AHs. All RPs, and monitoring reports will be disclosed on the ADB website. |

| No. | Items with Difference in Policy | ADB Policy | Legislation of Royal Government of Cambodia | Measures to Address the Difference in the RNIP |
|-----|-----------------------------------|---|--|---|
| | | | to be affected by the expropriation to provide specific and concise information and collect inputs from all stakeholders regarding the proposed basic public infrastructure project." | |
| 8 | Grievance redress mechanism (GRM) | GRM should be established as soon as the project starts to receive and facilitate the resolution of affected person's concerns and grievances about physical and economic displacement and other project impacts, paying particular attention to the impacts on vulnerable groups. ADB will receive regular reports on grievances and their resolution. | <p>"The Expropriation Committee and the Grievance Redress Committee shall have the competence to review and resolve the complaint." (Article 32 of Expropriation Law).</p> <p>In resettlement practice, for every project that involves involuntary resettlement, Grievance Redress Committee is established from commune to provincial level.</p> | Grievance Redress Committee will be established in each Province affected by the Project. ADB will receive regular (quarterly and bi-annual) reports on the functioning of the GRM. |
| 9 | Internal and external monitoring | <p>ADB requires Borrower to monitor and measure implementation of RP and prepare monitoring reports to ensure RP implementation produces the desired outcomes. For projects with significant involuntary resettlement impacts, ADB requires Borrower to engage external monitor.</p> <p>Quarterly and bi-annual resettlement monitoring reports required, which are disclosed on the ADB website.</p> | <p>Sub-decree No. 115 dated 26 May 2016 on promoting Resettlement Department to General Department of Resettlement (GDR) provide mandate to GDR to lead all resettlement activities including preparation of RP, implementing and internal monitoring of RP.</p> <p>In practice, for projects with significant involuntary resettlement impacts, GDR-IRC will recruit an external monitoring firm to carry out monitoring of the implementation of RP.</p> | <p>Internal monitoring and reporting is under the mandate of GDR-IRC. The GDR will provide RP implementation progress report to EA which will submit quarterly and bi-annual resettlement monitoring reports to the ADB.</p> <p>External monitoring will be required based on the severity of impact after the DMS is completed. Monitoring indicators will be developed and end-of-project report will be done to confirm whether the objectives of the ADB's SPS were achieved.</p> |

V. Key Principles and Objectives

29. In support of the resettlement policy objective, the following principles have been adopted for the proposed RNIP

- a. Acquisition of land and other assets, and resettlement of people will be avoided or minimized as much as possible by identifying possible alternative project designs and appropriate social, economic, operational and engineering solutions that have the least negative impact on the population.
- b. AHs will be eligible for compensation and rehabilitation assistance, irrespective of tenure status, social or economic standing and any such factors that may discriminate against achievement of the Project resettlement objective. Lack of legal rights to lost assets or adversely affected tenure status and social or economic status will not bar the AHs from entitlements to such compensation for affected non-land assets and rehabilitation measures or resettlement objectives.
- c. AHs residing, working, doing business and/or cultivating land within the Project impacted areas during the conduct of the IOL, to be validated or updated during the DMS, are entitled to be compensated for their lost assets, incomes and businesses at replacement cost prevailing 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.
- d. 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 payments.
- e. 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.
- f. 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. The minimum size of remaining land and structures will be agreed between the MPWT, the IRC, and ADB during the updating of the RP and prior to the conduct of the DMS.
- g. Shop-owners will be assisted in gradually dismantling and setting up their shops in a new location to be agreed with the Provincial Resettlement Sub-Committee-Working Group (PRSC-WG) in the residual area of the ROW and in a way that will allow them to gradually phase out their operation in their present location place and gradually begin their operation in their new place. Under this arrangement, disruption in the operation of shop-owners will be minimized, there by averting severe impact on the AHs' livelihood.
- h. Temporarily affected land and communal infrastructure will be restored to pre-Project conditions.
- i. Project stakeholders, especially AHs, will be consulted and given the opportunity to participate in matters that will have adverse impacts on their lives during the design, implementation and operation of the Project.
- j. 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. Similarly, temporarily affected land and communal infrastructure will be restored to pre-Project conditions.

- k. Plans for the acquisition of land and other assets will be carried out in consultation with the AHs who will receive prior information of the compensation, relocation and other assistance available to them.
- l. There shall be an effective mechanism for hearing and resolving grievances during the planning, updating and implementation of the RP.
- m. Existing cultural and religious practices shall be respected and, to the extent possible, preserved.
- n. 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.
- o. Adequate resources will be identified and committed during the preparation 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.
- p. Appropriate reporting, monitoring and evaluation mechanisms will be identified and set in place as part of the resettlement management system.
- q. The RP or its summary will be translated in Khmer and placed in district and commune offices for the information of the AHs as well as other interested groups.
- r. Civil works contractors will not be issued notice of possession or notice to proceed for any section or segment of the Project roads until (i) compensation has been satisfactorily completed for that area; (ii) agreed rehabilitation measures are in place; and (iii) the area is free from all encumbrances. The schedule of the start of civil works in any section or segment of the Project road will be coordinated and planned with the PRSC-WG whose members include male and women representatives of the AHs.
- s. The DED of NR1 and NR6 will ensure that neither there will any physical displacement nor any permanent loss of main structures (houses/shops).

VI. Eligibility and Entitlements

- 30. Eligibility will be determined with regards to the cut-off date, which is the final day of the DMS in each subproject road carried out by the PRSC of the project provinces. Those who encroach into the subproject area after the cut-off date will not be entitled to compensation or any other assistance
- 31. In addition, the extent of eligibility for compensation in regards to land is determined by legal rights to the land concerned. There are three types of APs: i) persons with proof of land use rights to land lost in entirety or partially, ii) persons who lost land they occupy in its entirety or partially who do not currently possess a legal paper but have a claim that is recognizable under national laws, or, iii) persons who lost land they occupy in its entirety or partially who do not have any recognizable claim to that land. APs included under i) and ii) above shall be compensated for the affected land and assets upon land. APs included under (iii) shall not be compensated for the affected land, but for the affected assets upon land and are entitled to assistance if they have to relocate.
- 32. The entitlement matrix in **Table 2** summarizes the main types of losses and the corresponding nature and scope of entitlements. It should be noted that the Project will not require widening of the existing road corridor. The entitlements below may not cover all types of impacts and will be enhanced or improved in the RPs on the findings of the

social assessment and subproject impacts during the detailed design stage, and in case there will be resettlement related impacts that will be identified and/or may arise during the Project implementation stage. This Project's Entitlement Matrix has been discussed with the GDR.

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D. Kim

Table 2: Project Entitlement Matrix

| Type of Loss and Application | Eligible Persons | Compensation Policy | Implementation Issues |
|---|---|--|--|
| 1a Loss of land Agricultural, residential or commercial land. Partial loss; i.e., only a portion of the land of the AH is acquired by the Project and the residual un-affected is STILL VIABLE for continued use. | Owners with legal title or legalizable 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) | For the affected portion of the private land: Compensation at replacement value based on findings from RCS or land for land where feasible. Provision of stamp duty, land registration fee, capital gains tax, and value added tax incurred for replacement land Includes option of compensation to those affected land remaining after acquisition is no longer viable Provision of shifting assistance for households Provision of notice to harvest standing seasonal crops. If notice cannot be given, compensation for share of crops will be provided. Additional compensation for vulnerable households (item 5) | As a contingency measure should works require acquisition of land for storm water dissipation. AH to be notified at least 30 days in advance before start of civil works in the locality of the actual date that the land will be acquired by the Project. AHs will be allowed to harvest their annual and perennial crops and timber products prior to construction. IRC will ensure payment of all compensation at least 30 days prior to the commencement of civil works. If land for land is offered, title will be go to both husband and wife. Vulnerable affected households, including those headed by women, to be identified during DMS/census. Voluntary land contributions are not anticipated, however in the event of voluntary land contribution, the necessary forms will be completed in an open and transparent process with witness' signatures, and due diligence reports will be prepared and submitted to ADB. |
| 1b Loss of land Agricultural, residential or commercial land. | Owners with legal title or legalizable title (Legal users are those with recognized or recognizable land use rights such as registered title, land certificate, survey certificate, | Compensation at replacement value based on findings from RCS or land for land where feasible. Provision of stamp duty, land registration fee, capital gains tax, and | As a contingency measure should works require acquisition of land for storm water dissipation. AH to be notified at least 30 days in advance before start of civil works in the locality of the actual date that the land will be acquired by the Project. |

| Type of Loss and Application | Eligible Persons | Compensation Policy | Implementation Issues |
|--|--|---|---|
| Entire land is lost; i.e., the whole land is affected by the Project, or the residual unaffected land is NO LONGER VIABLE for continued use and, therefore, the entire land will be acquired by the Project. | tax receipts and including unregistered users as per Land Law) | value added tax incurred for replacement land. Provision of notice to harvest standing seasonal crops. If notice cannot be given, compensation for share of crops will be provided. Additional compensation for vulnerable households (item 5). | AHs will be allowed to harvest their annual and perennial crops and timber products prior to construction. IRC will ensure payment of all compensation at least 30 days prior to the commencement of civil works. If land for land is offered, title will be go to both husband and wife. Vulnerable affected households, including those headed by women, to be identified during DMS. |
| 1c Loss of Land Agricultural, residential or commercial land. | Displaced AHs without legal titles/rights. (Illegal occupiers/squatters) | No compensation or land loss as not legal owners of land | No illegal occupiers/ squatters on NR1 and NR6 and within the limits of earthworks. |
| 2a Loss of structure Residential/commercial structure and other assets, House, House-and-store; Independent Shops Partial loss of house, house-and-store; independent shop; 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 with or without legal title or legalizable title, with or without building permit | For the affected portion, cash compensation at replacement cost (i.e., present cost of construction materials in the locality, plus cost of labor and repair. AHs to get cash compensation at least 1 months 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 livelihood. Includes right to salvage materials form structure. Provision of all taxes, registration costs, and other fees incurred for replacement structure. | As a contingency if drainage works require partial dismantling/removal of main structures, or permanent removal of secondary structures. Drainage works that involve maintenance of existing drains or installation of new drains through cut-and-cover works that cause breakage or temporary removal of ground coverings (pavement, wooden platforms, etc.) will be mitigated through the Project EMP. Restoration and compensation (if required) will be included in the works contract to be undertaken by the works contractor and implementation monitored under the Project. Vulnerable households, including those headed by women, to be identified during census. |

| Type of Loss and Application | Eligible Persons | Compensation Policy | Implementation Issues |
|---|---|--|---|
| 3 Loss of livelihood/income | Business owners, tenants, leaseholder, employees, agricultural workers, hawkers/vendors | Additional compensation for vulnerable households (item 5) Assistance for lost income based on lost income or minimum wage rates for the period of business closer. Additional compensation for vulnerable households (item 5) | <p>Renters of said structures: If they have to relocate: notified at least 1 months in advance of civil works; 3 months of rental and transportation allowance.</p> <p>As a contingency in case construction works require temporary closure of businesses. Project EMP requires works contractors to minimize disruption to businesses and provide for access options for businesses/houses during construction where safe and technically viable.</p> <p>Assessment of lost income will be based on verifiable evidence of income such as tax receipts. Otherwise assistance for lost income will be based on minimum wage rates in the local areas as determined during replacement cost study and further assessed by IRC-WG.</p> <p>Vulnerable households, including those headed by women, to be identified during DMS.</p> |
| 4 Loss of crops and trees Standing crops and trees | Owners with legal title or legalizable title, tenants, leaseholders | Provision of 30 days' notice to harvest standing seasonal crops. If harvest is not possible, cash compensation for crops (or share of crops) equivalent to prevailing market price at replacement cost. | <p>As a contingency in case drainage or slope protection works require clearing of crops or trees.</p> <p>Work schedule to allow harvesting prior to acquisition and avoid harvest season</p> <p>Market value to be determined</p> |
| 5 Impacts on poor vulnerable group person All impacts | Vulnerable affected or displaced persons | One time cash compensation of 100\$ per household. Vulnerable households will have priority in any employment required for the Project | <p>Vulnerable households, including those headed by women, to be identified during DMS.</p> <p>Land title will go to both husband and wife</p> |

| Type of Loss and Application | Eligible Persons | Compensation Policy | Implementation Issues |
|------------------------------|------------------|---------------------|--|
| Impacts during Construction | | | <p>Contractors will be responsible for paying rental in cash for land outside the ROW which will be not less than the net income that would have been derived from the affected property during disruption.</p> <p>Restoration of land within 3 months after use.</p> <p>Non-land assets within the residual area of the ROW and/or outside of the ROW that are adversely impacted by construction activities will be compensated at replacement cost by the civil works contractor.</p> |

C. RESETTLEMENT PLANNING AND IMPLEMENTATION

I. Screening of Impacts

33. Resettlement screening has already been carried out in July 2016 using the Form in Appendix 1. The road improvements will be limited to existing alignments and road widths. Some ancillary road improvement works, including drainage and slope protection are expected to utilize unoccupied land within the road ROW or produce minor impacts, which can be mitigated/restored through the EMP or otherwise through compensation and assistance. Other project features such as converts or weigh stations, will utilize existing unoccupied state road ROW land. Locations of laboratories for construction materials experimental performance is planned to be state land, however, exact locations have not yet been identified at this PPTA Stage.
34. The potential AHs, according to the socioeconomic survey carried out with the communities along the Project roads in November 2016 - are mostly Khmer with the main income sources being agriculture and selling products in the shops/kiosks (43% and 20% of the surveyed households, respectively). Among the households who are earning their living within the ROW, there are vulnerable households (households headed by females, poor households, landless, etc.); the road improvement activities may therefore impact on vulnerable households.
35. Currently, the locations and DED of specific components have not yet been finalized and agreed by the EA. Once the specific locations and interventions are specified in the DED, the resettlement impact screening shall be reassessed. The screening design will either (i) confirm no involuntary resettlement impacts, in which case a due diligence report will be prepared by the EA confirming this; or (ii) resettlement impacts are identified and a RP commensurate with the nature of the impacts will be prepared.
36. The Involuntary Resettlement Impact Screening check-list is attached in the Appendix 1. The screening will be conducted by the PRSC of the project provinces based on (i) site visits to the areas where the road sub-section will be improved, (ii) meetings with local authorities and concerned agencies to confirm the land use and the impacts by the Project's intervention; and (iii) consultations with people living or using land in the Project areas. Based on the screening result, PRSCs will summarize the land acquisition and resettlement impacts to submit to the Project Management Unit (PMU3) under the MPWT.

II. Inventory of Loss and Detailed Measurement Survey

37. If a RP is required a Detailed Measurement Survey (DMS) will be conducted based on the detailed engineering design. By directly collecting the information from 100% of AHs, the DMS will obtain the following information:
 - Total and affected areas of land, by type of land assets;
 - Total and affected areas of structures, by type of structure (main or secondary);
 - Legal status of affected land and structure assets, and duration of tenure and ownership;
 - Quantity and types of affected crops and trees;
 - Quantity and value of other losses, e.g., business or other income, jobs or other productive assets; estimated daily net income from informal shops;
 - Quantity/area of affected common property, community or public assets, by type;
 - Socio-economic data on affected households, including household size, ethnicity, name and sex of head of household, primary and secondary source of household income, income level, poverty status (ID Poor 1 or 2), livelihood/occupation, whether household is headed by women, elderly, disabled, poor or indigenous peoples;

- Identify whether affected land or source of income is primary source of income;
 - AH knowledge of the road's improvement and preferences for compensation and assistance and, as required, relocation sites and rehabilitation measures.
 - The DMS should be carried out with participation of local authorities. The data will be disaggregated by gender and vulnerability of APs.
38. The DMS results will be used to prepare the RP.
39. The IRC-working group together with the PRSC-working group can carry out the DMS under the lead of the IRC. The PMU3 will help coordinate this task with the detailed design and supervision consultant. It will also have an internal monitoring role.
40. Conducting the DMS is a major part of preparing and finalizing the RP. RPs have to reflect the DMS results of AHs and the RCS. The data collected during the DMS will be used to finalize the RP and will constitute the formal basis for determining AH entitlements and levels of compensation. The RP will include the cost estimates. The final RP will be submitted to IRC and ADB for review and approval. Land acquisition, compensation and relocation of AHs cannot begin before the approval of the final RP by IRC and ADB.

III. Socioeconomic Survey

41. A sample survey of at least 30% of all APs and 100% of severely affected APs disaggregated by gender and ethnicity will be carried out by the PRSC of the project provinces. Methodologies to be used for the survey will be quantitative methods (collect statistical data and conduct questionnaire survey) and qualitative methods (key-informant interviews, in-depth interviews and focused-group discussions). The purpose of the socioeconomic survey is to provide baseline data on households to assess resettlement impacts, and to ensure proposed entitlements are appropriate, and to be used for resettlement monitoring. The SES will be carried out at the same time as the DMS. The SES will collect the following data/information disaggregated by gender and vulnerability of APs:
- Define, identify, and enumerate the people and communities to be affected;
 - Describe the likely impacts of land and asset acquisition on the people and communities affected taking social, cultural, and economic parameters into account;
 - Discuss the Project's impacts on the poor, indigenous and/or ethnic minorities, and other vulnerable groups; and
 - Identify gender and resettlement impacts, and the socioeconomic situation, impacts, needs, and priorities of women.
42. While statistical data is collected from village, communal, district and provincial levels (population, income and poverty, occupations, etc.) questionnaire survey will be conducted on AHs by the Project roads. For key informant interviews, at each surveyed village at least six informants need to be interviewed during RP preparation/updating, including: village leader; 2 severely AHs (losing 10% or more of the household's aggregate productive landholding or income generating assets); one poor affected household; one woman-headed affected household; and one elderly/children/disabled-headed affected household. In-depth interviews with commune leaders, representatives of mass-organizations at communal level will also be conducted. At the village level, three focused group discussions should be carried out in each surveyed village during RP preparation/updating: one with severely AHs; one with women members of the AHs; and one with vulnerable AHs. Each focused group discussion consists of about four or five participants. If the number of participants in each focused group discussion is less than two persons (for example, there are only 2 severely AHs in the village), these participants can join another focused group discussion.

IV. Determination of Replacement Costs

43. Based on the RGC regulations, the IRC will recruit professional appraiser or firm to conduct an RCS in the subproject areas during the DMS in order to determine compensation rates reflecting current market prices for (i) agricultural, residential and commercial land; (ii) different types of affected structures; and (iii) crops and trees. The RCS in the subproject areas is valid for 2 years and will be updated 2 years after the completion of DMS if the compensation and/or assistance are not provided to the AH. The RCS results will be the basis for estimating resettlement costs.
44. The replacement cost study RCS will be done by the an independent/qualified asset evaluation consulting agency - in parallel with DMS and SES activities by collecting information from both secondary sources and primary sources (direct interviews with people in the affected area, material suppliers, house contractors), and from both those affected and those not affected. The government rates will be adjusted, as necessary, based on the RCS findings. Compensation rates will be continuously updated to ensure that AHs receive compensation at replacement cost at the time of compensation payment.
45. For replacement costs of lands, the asset valuer will directly interview the potentially AHs and non-AHs living in the area on their opinions about an acceptable price of land within and around the Project area; interview households that have recently bought or sold land to collect the evidence of the lands transaction rate; and interview households who are looking for properties to sell or buy within and around the Project area. The committee will also find out from local residents, to be confirmed via official records of the local authorities, the price of various types of land that have been the subject of transactions in the past six (6) months to one (1) year in the community or nearby areas and the price of various types of land local residents are willing to buy or sell.
46. For structures, the asset valuer will interview owners of structures to determine the construction materials usually used in the locality for each type of building following existing government categories or standards; sources of construction materials used and the unit costs of said materials, including the costs of transporting the same to the locality; and the cost of labor for constructing each type of building found in the locality. In the survey, interviews will also be conducted with building contractors to determine the cost of construction materials for each type of structure in the Project area following existing government categories; the cost of transporting construction materials to the Project area (community); the cost of labor for constructing each type of building; and the unit cost per square meter of each type of building in the Project area following existing government categories.
47. For the crops and trees, interviews will be conducted with owners, market vendors and seedling suppliers to determine the current buying and selling of crops in the area.

V. Preparation and Submission of RP.

48. Based on the results of DMS, SES, RCS and consultations, PMU3 will prepare the RP (one RP for both national roads). The outline of the RP is provided in the Appendix 2. The draft RP will be produced in Khmer and English languages and will be submitted to the IRC for formal endorsement.
49. The IRC endorsed RP will be submitted to ADB for concurrence. The RP will be disclosed in accordance with ADB's Public Communications Policy to the affected communities and on ADB's website.

D. CONSULTATION, PARTICIPATION AND DISCLOSURE

I. Consultation and Participation

50. Meaningful consultation with the AHs will be carried out prior to the commencement of civil works. AHs will also participate in the various RP processes: IOL, SES, DMS, RCS, identification of sites, hand-over of entitlements, monitoring of impacts and benefits, and discussion and settlement of grievances. The scope of information to be provided to AHs includes: (i) description of Project and overall schedule; (b) DMS and RCS results, (c) policy principles and entitlements and special provisions, (d) grievance procedures, (e) timing for payments and resettlement schedule, and (f) institutional responsibilities. For Project roads where there are ethnic minority households, consultations and participation will be undertaken in a culturally appropriate manner.
51. The PRSC of the Project provinces will carry-out consultations with the AHs and communities to ensure that APs participate in all activities of the Project. In the RPs, it is required to specify (i) the consultation activities that have been carried out; (ii) the opinions, suggestions and concerns of AHs and communities on land acquisition, resettlement, compensation and assistance, and (iii) how the opinions, suggestions and concerns of AHs and communities have been fully addressed in the RPs and updated RPs.
52. In the consultation meetings organized in the village level, there should be participation of representatives of MPWT, MEF, GDR, DPWT, PEF, PRSC, local authorities (district and communal levels), village leaders, local NGOs and AHs, including host communities if there is relocation of DPs. During resettlement planning and implementation, there will be at least four consultation meetings held at village level:
 - Public consultation-meeting to announce on the Project, the COI and the policy on the cut-off date; and the plan of conducting of DMS, RCS, and the calculation of the compensation and cash assistance of the AHs.
 - Public consultation-meeting after the completion of the draft detailed compensation plan and the final/updated RPs;
 - Public consultation-meeting after the detailed compensation plan has been approved by relevant agencies; and the final/updated RP has been agreed between MPWT/IRC and ADB; and,
 - Public consultation-meeting before compensation and cash assistance is given.

II. Disclosure

53. Any RP that will be prepared (should AHs be identified by IRC during the detailed design stage will be submitted to ADB for review and approval. Key information in the RP will be provided to the APs through the distribution of PIB in local language. Copies of the RP or its summary translated into local language will be shared and available in relevant commune offices. All RPs and monitoring reports will be uploaded in the ADB, MPWT and MEF websites; and will be disclosed to APs by posting in key locations such as commune offices during public information meetings.
54. Key information to be disclosed includes (i) scope of impacts; (ii) relocation and rehabilitation options, (iii) entitlements, (iv) grievance procedures, (v) schedule of delivery of assistance, and (vi) displacement schedule. Translated copies of the RP will also be disseminated to each district and commune office within the subproject area and will be publicly accessible. The RPs (draft and updated) will be endorsed by the Government to ADB and uploaded in the MPWT, MEF, and ADB websites. Corrective action plans (if any) and resettlement monitoring reports will also be prepared.

55. The RP will be endorsed by the Government and uploaded on ADB's website. Social safeguards monitoring reports will also be uploaded on MPWT, MEF and ADB websites. Disclosure will follow ADB's Public Communication Policy, 2011.

E. COMPENSATION, RELOCATION AND INCOME RESTORATION

56. The overall objective of the Project resettlement policy of the proposed RNIP is to ensure that all people affected by the Project are able to maintain and, preferably, improve their pre-project living standards and income-earning capacity by providing compensation for the loss of physical and non-physical assets and, as required, other assistance and rehabilitation measures to reestablish affected livelihood.
57. Only those AHs (i.e., person or persons) confirmed to be residing in, doing business, or cultivating land, or having rights over resources within the subproject ROW or land to be acquired or used for the subproject during the conduct of the IOL, to be validated and confirmed later during the DMS, are eligible to compensation for lost assets and for other assistance as described in the preceding section.
58. Consistent with Project-specific resettlement principles, policies on compensation and other entitlements as presented in Table 2 - compensation to be paid for affected assets will be based on the principle of replacement cost, which is the amount needed to replace an affected asset without deduction for taxes and/or costs of transaction before displacement and which is operationally defined as follows:
- Productive land (agricultural, ponds, and forest) based on replacement cost that reflect recent land sales, and in the absence of such recent sales, based on productive value;
 - Residential land based on replacement cost that reflect recent land sales, and in the absence of such recent land sales, based on similar location attributes;
 - Houses and other related structures based on replacement cost reflecting current market prices of materials and labor without depreciation nor deductions for salvaged building materials;
 - Annual crops equivalent to current market value of crops at the time of compensation;
 - For perennial crops and trees, cash compensation at replacement cost is equivalent to current market value given the type, age, and productive value (future production) at the time of compensation. Timber trees based on diameter at chest height at current market value.
 - For temporary impacts, no compensation for land if returned to the legal owners, and non-legal right users, and the land restored to pre-project condition within three months after use. If the land is not returned and restored to pre-project condition within 3 months, the AP will receive compensation at replacement cost for the land. A penalty clause will be included in the contractor's contract to ensure that the cost of such compensation is recovered from the contractor.
59. For vulnerable groups and APs experiencing major involuntary resettlement impacts or losing 10% or more of their productive assets and livelihoods regardless of tenure status, income restoration programs (IRP) will be designed. The IRP will be designed in a participatory manner during the updating of the RP and which will include, among others, any of the following measures: (i) alternative livelihood; (ii) improved agricultural production; (iii) access to credit facilities for productive endeavors; and (iv) appropriate skills training.
60. **Compensation Payment:** After signing contract with APs, the PRSCs will request compensation budget. Then, the IRC working group in coordination with PRSC working group will make compensation payments to AHs. An external monitor to be recruited by IRC will observe this activity.
61. **Relocation:** Physical relocation of potential AHs is not anticipated.

62. **Income Restoration:** Income restoration measures will be implemented by a consulting firm/NGO to be recruited by IRC as part of RP implementation. The PRSC and PMU3 resettlement officer will oversee and monitor the implementation. Some livelihood restoration activities may carry over until project implementation.

F. GRIEVANCE REDRESS MECHANISM

63. The objective the grievance redress mechanism is to resolve complaints as quickly as possible and at the local level through a process of conciliation; and, if that is not possible, to provide clear and transparent procedures for appeal. This section presents the information and arrangement appeal procedures regarding eligibility and entitlements as well as the implementation of the resettlement activities.
64. A well-defined grievance redress and resolution mechanism will be established to address APs grievances and complaints regarding land acquisition, compensation and resettlement in a timely and satisfactory manner. All APs will be made fully aware of their rights, and the detailed procedures for filing grievances and the appeal process will be published through an effective public information campaign. The grievance redress mechanism and appeal procedures will also be explained in the project information booklet (PIB) that will be distributed to all APs.
65. APs grievances will be received and solutions for AP concerns and grievances on land acquisition and the implementation can be addressed under the grievance procedure provided in the approved RF/RP. APs complaints can be made verbally or in written form. In the case of verbal complaints, the committee on grievance will be responsible to make a written record during the first meeting with the APs.
66. A grievance redress committee (GRC) will be established at provincial level with a process starting from Commune Offices. As practiced, the GRC include the relevant local commune or village chiefs only. The use of local NGO is allowed only to assist APs in filing complaints, particularly for those who do not know how to prepare written complaints. The designated commune officials shall exercise all efforts to settle AP's issues at the commune level through appropriate community consultation. All meetings shall be recorded in each grievance process and copies shall be provided to APs. A copy of the minutes of meetings and actions undertaken shall be provided to IRC and ADB upon request.
67. The procedures for grievance redress of the proposed RNIP are set out below:
- **Stage 1:** APs will submit a letter of complaint/request to the village or commune resettlement sub-committee or PRSC-WG or IRC-WGs. The Commune Office will be obliged to provide immediate written confirmation of receiving the complaint. If, after 15 days, the aggrieved AP does not hear from the village or commune or PRSC working group or IRC-WG, or if the AP is not satisfied with the decision taken by in the commune office, 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 resolved in this stage, the district office will bring the case to the GRC.
 - **Stage 3:** The GRC meets with the aggrieved party and tries to resolve the complaint. The GRC may ask for a review of the DMS by the external monitoring organization (EMO). Within 30 days of the submission of the grievance, the Committee must make a written decision and submit a copy of the same to IRC and the AP.
 - **Stage 4:** Applies to Court Procedures. If the aggrieved AP does not hear from the Provincial Grievance Redress Committee or is not satisfied with the proposed solution, the AP can bring the case to the Provincial Court. The Court will make a written decision and send copies to the AP, to provincial GRC and IRC. If any party is still unsatisfied with the Provincial Court's judgment, the party can refer the case to a higher level court.

68. In cases where APs do not have the writing skills or are unable to express their grievances verbally, it is a common practice that APs are allowed to seek assistance from any recognized local NGO or other family members, village heads or community chiefs to have their complaints or grievances written for them. APs will be allowed to have access to the DMS or contract document to ensure that all the details have been recorded accurately enabling all parties to be treated fairly. Throughout the grievance redress process, the responsible committee will ensure that the concerned APs are provided with copies of complaints and decisions or resolutions reached.
69. 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 Environment, Natural Resources and Agriculture Division, Southeast Asia Department through the ADB Cambodia Resident Mission (CARM). If APs 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.

G. INSTITUTIONAL ARRANGEMENTS AND IMPLEMENTATION

I. Institutional Arrangements

70. The GDR assisted by MPWT, has overall responsibility for the successful implementation of the RP. GDR will be assisted by the Project Management Unit No. 3 (PMU3) that is tasked with the day-to-day management and implementation of the Project. With assistance of MPWT, the PMU3 will work closely with the General Department of Resettlement of the Inter-ministerial Resettlement Committee (GDR-IRC) relative to the preparation, updating, and implementation of the RP. Other agencies/organizations that will be involved also include EA, local authorities (commune council/village development council, district and provincial local authorities, community-based organizations, etc.

IRC and GDR

71. The IRC mechanism was established by the Prime Minister's Decision No. 13, dated 18 March 1997 and updated on 16 February 1999 by the Prime Minister's Decision No. 98 with the mandate to review and evaluate the resettlement impact and land acquisition for public physical infrastructure development projects in the Kingdom of Cambodia. The IRC is a collective entity, permanently chaired and led by MEF, with members from different line ministries. The IRC carries out its roles through IRC-WG which is established for each public investment project by MEF.
72. The GDR is the Secretariat of the MEF and/or technical arm of IRC and is the lead agency for land acquisition and involuntary resettlement for public investment projects. Under the oversight of IRC, GDR is responsible for the preparation, implementation, monitoring and evaluation of RPs, Updated RPs and Corrective Action Plans, if any. Under the oversight of IRC, GDR ensures that funds for resettlement are spent properly and that the RP is implemented as intended. The GDR will assist IRC in carrying out the following tasks:
- Reviewing and approving the RPs, ensuring that the RPs are consistent with ADB's 2009 Safeguard Policy Statement and the loan agreement and covenants relating to involuntary resettlement;
 - Endorsing the approved RPs and Update RPs, and Corrective Action Plans, if any, to ADB;
 - Establishing or convening the PRSC and its PRSC_WG;
 - Orienting, as needed, the PRSC and PRSC-WG on their tasks relative to RP updating and implementation;

- Securing from the MEF the budget for carrying out the RPs, ensuring that sufficient funds are available in a timely manner;
- Approving all disbursements connected with the implementation of the RPs, such as payment of compensation and other entitlements, acquisition and preparation of replacement plots, operational expenses of personnel, etc.;
- Ensuring that funds for resettlement are spent judiciously; and
- With assistance from an independent organization, monitoring the implementation of the RP, ensuring that this is carried out in compliance with the Project resettlement policy and with the loan agreement.

Provincial Resettlement Sub-committee

73. The Provincial Resettlement Sub-Committee (PRSC) is a collegial body at the provincial level. Headed by the Provincial Deputy Governor, the members of the PRSC are provincial department directors of line ministries represented in the IRC, and also the chiefs of the districts and communes traversed by the Project road.
74. The technical arm of the PRSC is the PRSC-WG. The PRSC-WG is headed by 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 (PDEF), and the Ministry of Interior. The PRSC-WG has a counterpart at the district level composed of personnel from various line agencies.
75. In an effort to make the whole process of resettlement effective, participatory and transparent, the chiefs of the affected communes and villages, and a male and female representative each of the AHs in affected communes will participate in the district RSC-WG in matters concerning their respective areas of jurisdiction.
76. The PRSC, through the provincial and district working groups, will have the following functions:
 - Facilitate a sustained public information campaign, ensuring that the public, especially the AHs, are updated on any developments regarding the Project and resettlement activities;
 - Spearhead the DMS and updated census of AHs, including the updating of the rates used in calculating compensation and other entitlements to reflect prevailing market rates at the time of compensation;
 - Spearhead the selection, acquisition, and preparation of replacement plots, including the preparation of a coordinated schedule of delivery of compensation and other entitlements, the relocation of people, harvesting of standing crops, and the start of civil works in a particular section of the Project road sections;
 - Spearhead the delivery of compensation and other entitlements to the AHs;
 - Receive and act on the complaints and grievances of AHs in accordance with the Project resettlement policy; and
 - Maintain a record of all public meetings, grievances, and actions taken to address complaints and grievances.

Project Implementation Consultants

77. The Project Implementation Consultant (PIC), together with the GDR and the PRSC-WG, will spearhead the updating of the RP through the conduct of the DMS in a participatory and transparent way and consistent with the Project resettlement policy. Once endorsed by the IRC and MPWT and approved by ADB, the GDR assisted by PIC will provide technical advice in the implementation of the approved RP. The PIC will likewise provide capacity-building orientation and skills training, as needed, to concerned staff of the PMU3, the GDR, and the Provincial and District Working Groups.

78. Together with the PMU3 and GDR, the PIC will supervise civil works activities to ensure that the contractors adhere to with the terms of their contract relative to avoiding and/or minimizing resettlement impacts, in addition to ensuring that contractors provide the necessary compensation and/or assistance to the AHs prior to construction activities.

II. Capacity of Relevant Resettlement Planning and Implementation Agencies

79. Under the PPTA stage, assessment of institutional capacity for resettlement planning, implementation and monitoring has been carried out. Generally, the capacity of relevant agencies undertaking resettlement is sound. The officials of MPWT, GDR and the Project provinces are experienced in compensation, assistance and resettlement, particularly of projects financed by international development and funding agencies. The NR1 and NR6 were improved by ADB support in 2008-2009 and these agencies and the provinces directly involved in resettlement planning and implementation. Recently, the agencies also have completed resettlement planning and implementation for several projects funded by World Bank, ADB and JICA.
80. Relevant agencies have improved capacity for resettlement planning and implementation; however, there is still a need to provide a training for the relevant staff of GDR (as there are some newly engaged staff), provincial resettlement sub-committees of the project provinces, mass-organizations and village leaders on resettlement planning, implementation, monitoring and grievance redress, particularly the issues of the ADB's SPS, 2009. Capacity building for the agencies will be implemented before RP preparation and updating - and this task will be carried out by PIC.

H. BUDGET AND FINANCING

81. Based on (i) the results of the DMS and RCS; and (ii) the entitlements set-out in the entitlement matrix of this RF (the entitlements may be enhanced during the consultations with APs during RP preparation and updating, but cannot be downgraded), the budget for compensation, assistance and relocation will be calculated.
82. In addition to the budget for compensation, assistance and relocation of APs, the administration costs (travel costs for the staff, staff costs for land acquisition and resettlement, management costs and others) will be included, plus with 10% of the calculated total for a contingency – constitute the total resettlement budget.
83. A sum of USD 200,000 is included in the RF as provisional sum to meet resettlement needs if compensation and assistance to meet resettlement impacts is required. The Government commits to meet required resettlement budget needs if the amount required is higher than this amount. The resettlement budget will be specified in the RPs/updated RPs.
84. All resettlement costs, including compensation and allowances, operation and administration costs, surveys, monitoring and reporting, and income restoration will be financed by the Government. MEF will provide the budget directly to the IRC and the IRC will disburse the fund to an appropriate account established by PRSC for the payments of compensation and allowances to AHs under the contracts.

I. MONITORING AND REPORTING

85. The PMU3 through the PIC and with assistance of GDR will conduct regular monitoring and reporting of the updating and implementation of the RPs. Monitoring and reporting is intended to help ensure that the RP/updated RP is prepared and implemented according to the RF.
86. The following key indicators will be monitored periodically by IRC and GDR through the PMU3:
- Compensation and entitlements are computed at rates and procedures as provided in the approved RP;

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

Internal Monitoring

- 87. The role of internal monitoring and evaluation is to ensure that resettlement institutions are well functioning during the course of project implementation, and that the resettlement activities are undertaken in accordance with the implementation schedule described in the RP. In this way, the protection of AHs' interests and the schedule for civil works can be assured.
- 88. Primary responsibility for internal monitoring lies with GDR and will be coordinated by its PMU3. PMU3 will be responsible for overseeing the formation, function, and activities of each of the implementing agencies, and through quarterly monitoring reports, summarize this progress. All monitoring data will be collected to ensure gender and ethnicity disaggregation.

External Monitoring

- 89. If the scope of resettlement impacts is significant, the IRC will recruit an independent EMO to carry out the monitoring of resettlement activities and will provide advice on involuntary safeguards compliance issues and propose corrective actions. The EMO will be a qualified Consulting Firm/NGO or independent consultant with recognized experience on external monitoring of involuntary resettlement in Cambodia; the terms of reference for the EMO must be acceptable to both IRC and the ADB. The EMO will verify the data and information of the internal monitoring carried out by GDR. It will also prepare external monitoring reports as well as semi-annual monitoring reports for IRC. The IRC will forward a copy of the semi-annual monitoring report to ADB for loading on ADB's website. The EMO will likewise conduct a Post-RP Implementation Evaluation one (1) year after the completion of the implementation of the RP or the updated RP.

APPENDIXES

Appendix 1: Involuntary Resettlement Impact Screening Checklist

| Potential Involuntary Resettlement Effects | Yes | No | Not Known | Remarks |
|--|-----|----|-----------|---|
| Involuntary Acquisition of Land | | | | |
| 1. Will there be land acquisition? | | | | <ul style="list-style-type: none"> Discuss with the design engineers on what are the road's intervention and in which road's particular sub-sections Field visit to examine if there are AHs on the affected areas. |
| 2. Is the site for land acquisition known? | | | | <ul style="list-style-type: none"> Discuss with the design engineers and local authorities on the locations of the road interventions. |
| 3. Is the ownership status and current usage of land to be acquired known? | | | | <ul style="list-style-type: none"> Discuss with the design engineers Consultations with the communities |
| 4. Will easement be utilized within an existing Right of Way (ROW)? | | | | <ul style="list-style-type: none"> Discuss with the design engineers Discuss with local authorities Consultations with the communities |
| 5. Will there be loss of shelter and residential land due to land acquisition? | | | | <ul style="list-style-type: none"> Discuss with the design engineers Discuss with local authorities Consultations with the communities Field assessment. |
| 6. Will there be loss of agricultural and other productive assets due to land acquisition? | | | | <ul style="list-style-type: none"> Discuss with the design engineers Discuss with local authorities Consultations with the communities Field assessment. |
| 7. Will there be losses of crops, trees, and fixed assets due to land acquisition? | | | | <ul style="list-style-type: none"> Discuss with the design engineers Discuss with local authorities Consultations with the communities Field assessment. |
| 8. Will there be loss of businesses or enterprises due to land acquisition? | | | | <ul style="list-style-type: none"> Discuss with local authorities Consultations with the communities Field assessment. |
| 9. Will there be loss of income sources and means of livelihoods due to land acquisition? | | | | <ul style="list-style-type: none"> Discuss with local authorities Consultations with the communities Field assessment. |
| Involuntary restrictions on land use or on access to legally designated parks and protected areas | | | | |

| Potential Involuntary Resettlement Effects | Yes | No | Not Known | Remarks |
|---|-----|----|-----------|--|
| 10. Will people lose access to natural resources, communal facilities and services? | | | | <ul style="list-style-type: none"> Discuss with the design engineers Discuss with local authorities Consultations with the communities Field assessment. |
| 11. If land use is changed, will it have an adverse impact on social and economic activities? | | | | <ul style="list-style-type: none"> Field assessment and consultations with AHs and local authorities |
| 12. Will access to land and resources owned communally or by the state be restricted? | | | | <ul style="list-style-type: none"> Discuss with the design engineers Field assessment and consultations with AHs and local authorities |
| Information on Displaced Persons: | | | | |
| Any estimate of the likely number of persons that will be displaced by the Project? <input type="checkbox"/> No <input type="checkbox"/> Yes If yes, approximately how many? _____ | | | | |
| Are any of them poor, female-heads of households, or vulnerable to poverty risks? <input type="checkbox"/> No <input type="checkbox"/> Yes | | | | |
| Are any displaced persons from indigenous or ethnic minority groups? <input type="checkbox"/> No <input type="checkbox"/> Yes | | | | |
| Potentially affected lands by Project's interventions/components | | | | |

| Proposed Intervention | Project's Interventions | Quantities (unit) | Locations | Brief description of scales | Land area that may be acquired (m ²) | Information can be available by when |
|-----------------------|-------------------------|-------------------|-----------|-----------------------------|--|--------------------------------------|
| Highway No.1 | | | | | | |
| Highway No.6 | | | | | | |

Appendix 2: Outline of a Resettlement Plan

A. Executive Summary

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

B. Project Description

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

C. Scope of Land Acquisition and Resettlement

This section:

- Discusses the project's potential impacts, and includes maps of the areas or zone of impact of project components or activities;
- Describes the scope of land acquisition (provide maps) and explains why it is necessary for main investment project;
- Summarizes the key effects in terms of assets acquired and displaced persons; and
- Provides details of common property resources that will be acquired.

D. Socioeconomic Information and Profile

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

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

E. Information Disclosure, Consultation and Participation

This section:

- Identifies project stakeholders, especially primary stakeholders;
- Describes the consultation and participation mechanisms to be used during the different stages of the project cycle;
- Describes the activities undertaken to disseminate project and resettlement information during project design and preparation for engaging stakeholders;
- Summarizes the results of consultations with affected persons (including host communities), and discusses how concerns raised and recommendations made were addressed in the RP;
- Confirms disclosure of the draft RP to affected persons and includes arrangements to disclose any subsequent plans; and
- Describes the planned information disclosure measures (including the type of information to be disseminated and the method of dissemination) and the process for consultation with affected persons during project implementation.

F. Grievance Redress Mechanisms

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

0
DGM

G. Legal Framework

This section:

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

H. Entitlements, Assistance and Benefits

This section:

- Defines displaced persons' entitlements and eligibility, and describes all resettlement assistance measures (includes an entitlement matrix);
- Specifies all assistance to vulnerable groups, including women, and other special groups; and
- Outlines opportunities for affected persons to derive appropriate development benefits from the project.

I. Relocation of Housing and Settlements

This section:

- Describes options for relocating housing and other structures, including replacement housing, replacement cash compensation, and/or self-selection (ensure that gender concerns and support to vulnerable groups are identified);
- Describes alternative relocation sites considered; community consultations conducted; and justification for selected sites, including details about location, environmental assessment of sites, and development needs;
- Provides timetables for site preparation and transfer;
- Describes the legal arrangements to regularize tenure and transfer titles to resettled persons;
- Outlines measures to assist displaced persons with their transfer and establishment at new sites;
- Describes plans to provide civic infrastructure; and
- Explains how integration with host population will be carried out.

J. Income Restoration and Rehabilitation

This section:

- Identifies livelihood risks and prepare disaggregated tables based on demographic data and livelihood sources;
- Describes income restoration programs, including multiple options for restoring all types of livelihoods (examples include induced benefit sharing, revenues sharing arrangements, joint stock for equity contributions such as land, discuss sustainability and safety nets);
- Outline measures to provide social safety net through social insurance and/or project special funds;
- Describes special measures to support vulnerable groups; gender consideration and training program

K. Resettlement Budget and Financing Plan

This section:

- Provides an itemized budget for all resettlement activities, including for the resettlement unit, staff training, monitoring and evaluation, and preparation of RPs during loan implementation;
- Describes the flow of funds (the annual resettlement budget should show the budget scheduled expenditure for key items);
- Includes a justification for all assumptions made in calculating compensation rates and other cost estimates (taking into account both physical and cost contingencies), plus replacement costs;
- Includes information about the source of funding for the RP budget.

L. Institutional Arrangements

This section:

- Describes institutional arrangement responsibilities and mechanisms for carrying out the measures of the RP;
- Includes institutional capacity building program, including technical assistance, if required;
- Describes role of NGOs, if involved, and organizations of affected persons in resettlement planning and management; and
- Describes how women's groups will be involved in resettlement planning and management.

M. Implementation Schedule

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

N. Monitoring and Reporting

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

Appendix 3: Standardized Replacement Cost Study Report

CONTENT

I. OVERVIEW OF SUBPROJECT

II. METHODOLOGY & APPROACH FOR COMPENSATION SURVEY

A-1. RCS Team

1. Nominated staff and participants
2. Overview of performed activities

A-2. Information collection

1. Study area
2. Sample size and selection
3. Information to be collected

A-3. Information processing

III. RESULTS

B- 1. Area 1 (Village, District, Province)

1. Unit costs for fixed assets
2. Replacement costs for fixed assets
3. Comparison of compensation rates
4. Comments & Observations

B-2. Area 2 (Village, District, Province)

1. Unit costs for fixed assets
2. Replacement costs for fixed assets
3. Comparison of compensation rates
4. Comments & Observations

C. Area N (Village, District, Province) .

IV. CONCLUSION

1. Key findings
2. Next steps
3. Recommendations

V. ANNEXES

D-1. Used RCA questionnaire forms ("survey questionnaire table") for each type of loss (residential land, agricultural land, house, secondary structures, trees, crops, others)

D-2. Documents gathered

D -3. Photos

Appendix 4: Sample of DMS/SES Survey Form

INSTRUCTION: To be accomplished for all persons/households and organizations/institution with affected assets (e.g., houses, shops, waiting sheds, and crops) located within construction area or corridor of impact (COI) specified in the road designs.

Survey Code of AP/AH:

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

| | | |
|---|----------|---------|
| A. Location of affected asset(s): District: Mile/kilometer post: | Commune: | Village |
| B. Name* of Occupant/Owner of the Affected Asset(s): | | |

***NOTE:** if a single-person household, 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. A person who lives alone by himself/herself is considered a single-person household.

II. Affected Assets (This section **WILL BE** filled-up for all AHs and organizations or institutions affected by the loss of assets)

A.1 Land:

| |
|--|
| |
|--|

B.1 Main structures* found in the occupied Project construction area/limit:

| Type or use of the 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 |
|--|----------------------------|---|---|--|
| | | | | |

***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 residence, shop or place of commerce, residence and shop at the same time, etc..

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

B.2 Tenure status over the affected main structures:

| Main Structure | Tenure (check the appropriate box below) | | | |
|----------------|--|----------------|------------------------------------|---------------------------------------|
| | Owner | Tenant/ renter | Occupying WITH permission of owner | Occupying WITHOUT permission of owner |
| | [] | [] | [] | [] |

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 Kyat) |
|---|---|---|-----|--|
| | | No | Yes | |
| Ms. _____ | _____ | [] | [] | _____ |
| B. Does the tenant AH own a house/building elsewhere? [] No [] Yes, location: _____ | | | | |

C. Secondary structures* found in the occupied Project construction area/limit:

Road Network Improvement Project (RNIP)

| 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. | | | |

*Secondary structures: Structures that are not moveable and not part of the main structures, such as fence, driveway, waiting sheds, farm sheds, irrigation canal, etc..

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

D. Annual crops found in the occupied Project construction area/limit:

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

| Name / type of annual crops* | Actual area planted to the crop (m ²) by Category** | | |
|------------------------------|---|---|---|
| | A | B | C |
| | | | |
| | | | |
| | | | |

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

E. Type and number (count) of perennials found in the occupied Project construction area/limit:

| Name of perennial | Young and not yet bearing fruit | Bearing fruit (within age of peak production) | Bearing fruit (old) |
|-------------------|---------------------------------|---|---------------------|
| 1. | | | |
| 2. | | | |
| 3. | | | |
| 4. | | | |
| Total | | | |

F. Count of timber trees of commercial value found in the occupied Project construction area/limit:

| Name of tree | Count |
|--------------|-------|
| | |
| | |
| | |
| Total | |

G. Loss of business and income:

| Nature of Business* | Net Monthly Income (Kyat) | Duration of Disruption in Business Operation (Check appropriate box) | |
|---------------------|---------------------------|--|-----------|
| | | Permanent | Temporary |
| | | [] | [] |

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

III. Socioeconomic information: (This section WILL NOT be filled-up if the affected asset belongs to an organization or institution)

A. Basic information about the head of the AH

| | | | | | |
|--|--|---------------------------|---|--|-----------|
| 1. Name: | | 2. Home address: Village: | | Township: | District: |
| 3. Gender: a. Male b. Female | | 4. Age: | | 5. Physical condition: a. Normal b. Disabled | |
| 6. Civil status: a. Single b. Married c. Widow/Widower d. Divorced | | 7. Religion: | | | |
| 8. Ethnic affiliation: h. Other (specify) | | | | | |
| 9. Educational attainment: | | | 10. Main livelihood activity of the head of AH: | | |

| | |
|--|---|
| | a. _____ (specify) b. No work/looking for work c. Retired/not looking for work |
|--|---|

B. Socioeconomic information on the AH

| 1. Number of persons presently living with the household: 1 2 3 4 5 6 7 8 Other (specify number) _____ | | | | | |
|---|------------------------------|-----|--------|---|---------------------|
| 2. Basic information on persons presently and actually living with the AH: | | | | | |
| Household member | Relationship with head of AH | Age | Gender | Educational attainment | Livelihood activity |
| 1 | | | | | |
| 2 | | | | | |
| 3 | | | | | |
| 4 | | | | | |
| 5 | | | | | |
| 6 | | | | | |
| 7 | | | | | |
| 8 | | | | | |
| 3. Average monthly income of the AH (combined from all members): Riel _____ | | | | 4. Average monthly savings: a. Riel _____ b. None _____ | |
| 1. By percentage, how much of the average monthly income of the AH go to the following expense items (total should not exceed 100%): a. Food: _____% b. Clothing: _____% c. Health: _____% d. House maintenance: _____% e. Education: _____% f. Productive asset: _____% | | | | | |
| 6. Health concerns: a. Most common ailments (sickness) that afflicted members of the AH the past one year: i. _____ ii. _____ b. For ailments of members of the AH the past year that required professional help, did you go to a doctor, medical clinic, or hospital? i. Yes _____ ii. No Why not? _____ c. Where is the nearest medical clinic or hospital located from where you live? i. Same village of the AH _____ ii. In another village in the same township _____ iii. In the district/town center _____ | | | | | |
| 7. Sanitation concerns: a. Source(s) of water for drinking: i. Ground well belonging to the AH ii. Pump well belonging to the AH iii. Piped water from public provider iv. Public/neighbor's open well v. Public/neighbor's pump vi. River/canal vii. Buy from retailers viii. Other (specify) _____ b. Source(s) of water for washing: i. Ground well belonging to the AH ii. Pump well belonging to the AH iii. Piped water from public provider iv. Public/neighbor's open well v. Public/neighbor's pump vi. River/canal vii. Buy from retailers viii. Other (specify) _____ c. Toilet facility used by the AH: i. Simple water sealed (use pail for flushing) ii. Water sealed with flushing mechanism iii. Open pit iv. Closed pit v. None 7. Sanitation concerns: (continuation) d. Bathing facility used by the AH: i. Enclosed bathroom in the house ii. Open bathing area beside the house iii. River/canal e. Garbage disposal practice: i. Bury by the AH ii. Collected by local government iii. Burn by the AH | | | | | |
| 8. Main fuel/power used for lighting: i. Electricity from public provider ii. Kerosene iii. Rechargeable battery iv. Own generator v. Other _____ | | | | | |
| 9. Main fuel/power used for cooking: i. Electricity ii. Kerosene iii. LPG iv. Wood v. Other _____ | | | | | |
| 10. Owner of home appliances: i. Television ii. Refrigerator iii. Radio/cassette recorder iv. Telephone/cellphone v. DVD/CD player vi. Oven/stove vii. Electric fan viii. Others (specify) _____ | | | | | |

| | | | | |
|--|--------------------------------|------------|----------------|------------|
| 11. Ownership of transportation | | | | |
| i. Car | ii. Pick-up | iii. Truck | iv. Motorcycle | v. Bicycle |
| vi. Other (specify) _____ | | | vii. None | |
| 12. Availability of social facilities/services | | | | |
| a. Primary school: i. Same village of the AH ii. In another village in the same commune iii. In the district/town center | | | | |
| b. Elementary school: i. Same village of the AH ii. In another village in the same township iii. In the district/town center | | | | |
| c. High school: i. Same village of the AH ii. In another village in the same township iii. In the district/town center | | | | |
| d. Vocational school: i. Same village of the AH ii. In another village in the same township iii. In the district/town center | | | | |
| e. College/University: i. In the district/town center ii. In another district/town center | | | | |
| f. Place of worship: i. Same village of the AH ii. In another village in the same township iii. In the district/town center | | | | |
| g. Market: i. Same village of the AH ii. In another village in the same township iii. In the district/town center | | | | |
| 13. Other landholdings of the AHs that are away from (outside of) the road right-of-way (ROW): | | | | |
| | Area of land in m ² | | | |
| Tenure/Proof of Ownership | Residential/Commercial | Farmland | Forestland | Pond |
| Land use certificate | | | | |
| | | | | |
| | | | | |
| TOTAL LAND AREA | | | | |

IV. Reconstruction option of AH losing entire house and/or store (This section **WILL NOT** be filled-up if the affected asset belongs to an organization or institution):

1. Build in the remaining area of ROW outside of the COI
2. Build on land of another person outside of the ROW
3. Relocate on another land owned by the AH outside of the ROW
4. Landless informal settler

V. Public Participation and perception about the Project (This section **WILL NOT** be filled-up if the affected asset belongs to an organization or institution):

1. Are you aware of the proposed rehabilitation of the road in your village?
 - a. Yes Where or how did you learn about the proposed rehabilitation of the road in your village?

b. No _____

2. What are your positive and/or negative views, if any, about the proposed rehabilitation of the road in your village?

a. Positive:

b. Negative:

3. What are your suggestions, if any, on how to ensure that local residents, especially those whose assets are affected, are adequately informed and their suggestions and complaints are considered by the authorities during the whole time that the road rehabilitation Project is carried out in your village?

a. _____

b. _____

4. What are your suggestions, if any, on how to ensure that local residents will derive benefit from the Project, during the construction of the road and after the road has been rehabilitated road is already operational?

a. _____

b. _____

0
08/11/11

VI. Grievance redress (This section **WILL NOT** be filled-up if the affected asset belongs to an organization or institution):

1. If you have any complaint or concern regarding any aspect related to the rehabilitation of the road in your village, such as accuracy of the inventory of your affected assets; amount or level of compensation for your affected assets; construction activities of the civil works contractor; etc.
 - a. To whom do you think your complaint or concern should be brought to?

 - b. In what way should you bring forward your complaint or concern?
 - b.1 Verbal
 - b.2 Written
2. In the event that you are not satisfied with the action taken by the person or office where you first brought your complaint or concern, to whom do you want to bring your complaint or concern next for appropriate action? _____

Name and Signature of AH or Representative

Relationship of representative with the AH

Name and Signature of Enumerator

Date accomplished: _____

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