

KINGDOM OF CAMBODIA

CAMBODIA SUSTAINABLE LANDSCAPE AND ECOTOURISM PROJECT

RESETTLEMENT POLICY FRAMEWORK

**Prepared by:
MINISTRY OF ENVIRONMENT (MOE)
&
MINISTRY OF RURAL DEVELOPMENT (MRD)**

**PHNOM PENH, CAMBODIA
December, 2019**

TABLE OF CONTENTS

INTRODUCTION	10
PURPOSE	10
THE CAMBODIA SUSTAINABLE LANDSCAPE AND ECOTOURISM PROJECT (CSLEP)	10
PROJECT DEVELOPMENT OBJECTIVES	10
PROPOSED PROJECT DESIGN AND COMPONENTS	10
PRINCIPLES GOVERNING RESETTLEMENT	20
RESETTLEMENT PROCESS AND APPROVAL	21
CATEGORIES OF DISPLACED PERSONS	24
DISPLACED PERSONS' ELIGIBILITY CRITERIA	25
LEGAL FRAMEWORK ASSESSMENT	26
VOLUNTARY DONATION, REPLACEMENT COST AND ASSET VALUATION	32
VOLUNTARY DONATION	32
REPLACEMENT COST AND ASSET VALUATION	33
ORGANIZATIONAL PROCEDURES FOR RESETTLEMENT	42
INTER-MINISTERIAL RESETTLEMENT COMMITTEE AND THE GENERAL DEPARTMENT OF RESETTLEMENT (GDR)	42
PROVINCIAL RESETTLEMENT SUB-COMMITTEE (THE "PRSC")	43
PROJECT IMPLEMENTATION ARRANGEMENT	44
PREPARING THE VOLUNTARY LAND CONTRIBUTION REPORT	44
APPROVAL OF THE LAND STUDY REPORT	45
LINKING RESETTLEMENT TO CIVIL WORKS	45
CUT-OFF DATES OF ELIGIBILITY	46
PROJECT IMPLEMENTATION PROCESS	47
GRIEVANCE REDRESS MECHANISM	48
ARRANGEMENTS FOR FUNDING RESETTLEMENT	49
PARTICIPATORY CONSULTATIONS DURING PROJECT PREPARATION	50
PARTICIPATORY CONSULTATIONS DURING IMPLEMENTATION	51
MONITORING AND REPORTING	51
INTERNAL MONITORING	51
EXTERNAL MONITORING	52
VOLUNTARY LAND DONATION (VLD) FRAMEWORK	52

Appendix A1	Resettlement Plan Formats
Appendix A2	Land Donation Protocols
Appendix A3	Voluntary Land Donation Form

LIST OF TABLES

Table 1 Road and Railways ROW Dimensions

Table 2 Entitlement Matrix

LIST OF ACRONYMS

AF	Additional Financing
ARAP	Abbreviated Resettlement Action Plan
BP	Bank Policy
CBO	Community Based Organizations
COI	Corridor of Impact
CSELP	Cambodia Sustainable Landscape and Ecotourism Project
CSO	Civil Society Organizations
DMS	Detailed Measurement Survey
ESMF	Environmental and Social Management Framework
ESMP	Environmental and Social Management Plan
FPIC	Free, Prior and Informed Consultation
GDR	General Department of Resettlement
GEF	Global Environment Facility
IDA	International Development Association
IOL	Inventory of Loss
IP	Indigenous Peoples
IPDP	Indigenous Peoples Development Plan
IPPF	Indigenous Peoples Planning Framework
IRC	Inter-Ministerial Resettlement Committee
IRC WG	Inter-Ministerial Resettlement Committee Working Group
KM	Kilometer
LARD	Land Acquisition and Involuntary Resettlement
M&E	Monitoring and Evaluation
MEF	Ministry of Economy and Finance
MOE	Ministry of Environment
MRD	Ministry of Rural Development
NGO	Non-Governmental Organizations
NR	National Road
OP	Operational Policy
PAH	Project Affected Households
PAP	Project Affected Persons
PRSC	Provincial Resettlement Sub-Committee
PRSC WG	Provincial Resettlement Sub-Committee Working Group
RAP	Resettlement Action Plan
RCS	Replacement Cost Study
RF	Resettlement Framework

*Cambodia Sustainable Landscape and Ecotourism Project (CSLEP)
Resettlement Policy Framework (RPF)*

RGC	Royal Government of Cambodia
ROW	Right of Way
RP	Resettlement Plan
SOP	Standard Operating Procedures
TOR	Terms of Reference
WB	World Bank

DEFINITIONS AND TERMS

Beneficiary – All persons and households from the villages who voluntarily seek to avail of and be part of the project.

Compensation – Payment in cash or in kind for an asset or a resource that is acquired or affected by a project at the time the asset needs to be replaced.

Cut-off Date – Defined as the date prior to which the occupation or use of the Project areas makes residents/users eligible to be categorized as Project Affected Persons (PAP). The cut-off date for this Project will be the date of conducting public consultation with the Project Affected Persons (PAP) before conducting Inventory of Loss (IOL) or the Detailed Measurement Survey (DMS).

Displaced persons – Any person, household or entity that 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 livelihood) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas. They are also referred to as Project Affected Person (PAP), Affected Persons (AP) or Affected Households (AH)

Eligible land holders – Refers to affected persons who (a) hold title to land; or (b) do not hold title but whose possession of land can be legalized with a title pursuant to the Land Law of Cambodia including those with recognizable rights.

Entitlement – Resettlement entitlements with respect to a particular eligibility category are the sum total of compensation and other forms of assistance provided to affected persons in the respective eligibility category.

Household – Refers to all persons living and eating together as a single social unit.

Income restoration – Refers to re-establishing income sources and livelihoods of project-affected households to at least pre-project level.

Improvements – Structures constructed (dwelling unit, fence, waiting sheds, pig pens, utilities, community facilities, stores, warehouses, etc.) and crops/plants planted by the person, household, institution, or organization.

Land acquisition – The process whereby a person involuntarily loses ownership, use of, or access to, land as a result of the project. Land acquisition can lead to a range of associated impacts, including loss of residence or other fixed assets (fences, wells, tombs, or other structures or improvements that are attached to the land).

Project Authorities – refers to the Ministry of Rural Development (MRD), Ministry of Environment (MOE), and the Ministry of Economy and Finance (MEF) and the General Department of Resettlement (GDR) of the Ministry of Economy and Finance.

Project Affected Persons (PAP) or Project Affected Households (PAH) – Includes any person, households, entity, organizations, firms or private institutions who, on account of changes that result from the project will have their (i) standard of living adversely affected, (ii) right, title, or interest in any house, land (including residential, commercial, agricultural, forest, plantations, grazing, and/organizing land), water resources, fish ponds, communal fishing grounds, annual or perennial crops and trees, or any other moveable or fixed assets acquired, possessed, restricted, or otherwise adversely affected, in full or in part, permanently or temporarily; and/or (iii) business, occupation, place of work or residence, or habitat adversely affected, permanently or temporarily, with or without displacement. This includes tenants and leaseholders, and illegal occupiers/squatters without legal titles or rights to land.

Rehabilitation – Refers to assistance provided to persons seriously affected due to the loss of productive assets, incomes, employment or sources of living, to supplement payment of compensation for acquired assets, in order to achieve, at a minimum, full restoration of living standards and quality of life. Compensation for assets often is not sufficient to achieve full rehabilitation.

Replacement cost – Involves replacing an asset, including land, at a cost prevailing at the time of its acquisition. This includes fair market value, transaction costs, interest accrued, transitional and restoration costs, and any other applicable payments, if any. Depreciation of assets and structures should not be taken into account for replacement cost. Where there are no active market conditions, replacement cost is equivalent to delivered cost of all building materials, labour cost for construction, and any transaction or relocation costs.

Resettlement – Refers to all the measures that should be taken to mitigate any and all adverse impacts of a project on PAP property and/or livelihoods, including compensation, relocation (where relevant) and rehabilitation as needed.

Poor and Vulnerable Group – Refers to (i) households living below the poverty rate as established by the RGC; (ii) elderly people headed households with no means of support; (iii) female headed households with dependents living below the poverty rate; (iv) disabled headed households, and (v) indigenous peoples (who often have traditional land rights but no formal titles).

ACKNOWLEDGEMENTS

This Resettlement Planning Framework was prepared as part of the proposed Cambodia Sustainable Landscape and Ecotourism Project to be funded by the World Bank Group through an International Development Association loan. The report was prepared by the Royal Government of Cambodia's Ministry of Environment, with inputs and support from the Ministry of Rural Development and inputs and final approval provided by the Ministry of Economy and Finance.

INTRODUCTION

1. This document is the Resettlement Policy Framework (RPF) for the proposed Cambodia Sustainable Landscape and Ecotourism Project (CSLEP) prepared by the Ministry of Environment (MOE) with support of the Ministry of Rural Development (MRD). Given that the CSLEP will involve connective infrastructure (e.g. improvement of rural roads) and the construction of small ecotourism facilities, there is a potential for land or land-fixed assets to be impacted. Therefore, the World Bank's Operational Policy 4.12 on Involuntary Resettlement is triggered and the Royal Government of Cambodia's Standard Operating Procedures (SOP) on Land Acquisition and Involuntary Resettlement (LAR) apply. However, given that the exact location of sub-projects will not be known until implementation, a Resettlement Policy Framework (RPF) has been prepared that details the requirements for the preparation and implementation of site-specific Resettlement Action Plans (RAPs) once locations are known.

PURPOSE

This RPF applies to all activities receiving financial or technical assistance from the Cambodia CSLEP. The RPF describes the principles that MOE, MRD, and MEF will follow in order to avoid, minimize or mitigate adverse impacts by the CSLEP project on land acquisition and resettlement, if any. The RPF follows Royal Government of Cambodia (RGC) laws and regulations, as well as ensuring compliance with World Bank OP 4.12. While the CSLEP does not anticipate the need for resettlement, the project acknowledges that there is the potential for some small land acquisition, as a result of subcomponents 2.2 and 2.3 described below.

THE CAMBODIA SUSTAINABLE LANDSCAPE AND ECOTOURISM PROJECT

PROJECT DEVELOPMENT OBJECTIVES

The project development objective (PDO) is to improve protected areas management, and to promote ecotourism opportunities and Non-Timber Forest Product (NTFP) value chains in the Cardamom Mountains-Tonle Sap landscape.

PROPOSED PROJECT DESIGN AND COMPONENTS

The CSLEP has five components and several subcomponents, summarized below. For more detailed information, please see the Project Appraisal Document (PAD) and other relevant project documentation.

The project is piloting a landscape approach in Cambodia, within the Cardamom Mountains-Tonle Sap, and is undertaking strategic investments that are strongly aligned with RGC's development plans, in targeted areas within this landscape. The project aims to improve the sustainability of economic growth and ecosystem services across the landscape. Ecotourism and NTFP value chains are strategic activities for economic growth and sustaining/improving ecosystem services in the Cardamom

Mountains and Tonle Sap landscape.¹ The CSLEP comprises the following five components: (a) Strengthen Capacity for Protected Area (PA) Landscape Planning and Management; (b) Strengthen Opportunities for Ecotourism and NTFP Value Chains; (c) Improve Access and Connectivity; (d) Project Management, Coordination, and Monitoring and Evaluation; and (e) Contingent Emergency Response.

The scope and sequencing of project activities is consistent with the development objective of the project. The activities will address a logical combination of: (i) strengthening the conservation and management of natural resources in the forest landscape with zoning, boundary demarcation, and land registration of PAs; development of PA management plans that include subsidiary plans for ecotourism and NTFP development; (ii) strengthening the enabling policy framework for ecotourism and NTFP value chain development, and private sector participation; (iii) enhancing communities' participation in the use and management of forest resources with the development of CPA management plans linked to ecotourism and/or NTFP development; and (v) strategic infrastructure investments to improve connectivity to ecotourism sites in the Cardamom Mountains and Tonle Sap landscape, and enhance ecotourism and NTFP value chains.

Within the CMTS landscape, seven PAs have been identified for development and management activities in this project, based on government priority, and relative importance. The government has prioritized the Tonle Sap Biosphere Multiple Use Area, Phnom Sankos, Phnom Aural, Tatai Wildlife Sanctuaries, Central Cardamom Mountains and Southern Cardamom Mountains National Parks, and the Cardamom BCC for development by 2022 as part of its National Protected Areas Strategic Management Plan (NPASMP). Project activities relating to ecotourism and NTFP value chains have also focused in on these priority PAs.

In addition to that, The Global Environment Facility (GEF) has provided to the project 4.42 million of USD as Additional Financing (AF) in order to help mitigate critical project risks, mainly environmental and social risks, through the delivery of capacity building and technical assistance activities to communities, which are an essential part of the Cardamom Mountains Protected Area Landscape. The additional activities proposed by the AF are not expected to affect the parent project's development objectives and design. It would not trigger a new safeguard policy or change the environmental category of the parent project. The AF is not expected to expand to new areas not covered by the original project or requires new safeguard instruments. The GEF financed activities which largely focused on technical assistance. As a result, there would be no major additional risks beyond what have been identified as part of the parent IDA project (P165344). Therefore, the environmental and social safeguards instruments of the parent project (P165344) is valid for the AF.

The AF will also help to mitigate environmental risks by further strengthening forest governance in the Protected Areas. With the participation of the Recipient in the Global Wildlife Program, additional financial resources will enable MoE to increase the efficiency of the monitoring system of biodiversity and better interlink wildlife and biodiversity with ecotourism attractions. The project will also have access to better technological solutions for forest, biodiversity and wildlife monitoring and will be able to better interact with conservation Non-Government Organizations (NGOs) active in the Cardamom Mountains by engaging them in key natural resource management activities of the Project.

¹ Management of fisheries in the Tonle Sap Lake is recognized as an important component of sustainable landscape management of the Cardamom Mts. Tonle Sap Lake landscape, and activities supporting the improved management of Lake fisheries are covered under the EU grant.

Component 1. Strengthen Capacity for PAs Landscape Planning and Management (*total estimated cost US\$6.79 million; to be fully financed by IDA Credit*).

Since the large forest areas have been transferred from MAFF to MoE, effective from April 2016,² overall good progress has been made in managing PAs, but challenges still remain to effectively manage them including: incomplete zoning of PAs; lack of MoE-approved management plans; inadequate capacities, specifically at the local level, among staff of MoE and PDoEs for PAs planning and law enforcement in PAs; inadequate system for data and information sharing to support PAs law enforcement; yet ineffective cross-Ministerial coordination; and an inadequate revenue management system for managing PAs revenues to provide sustainable finance for can support PAs management. This component will help address these issues through strategic investments in: information and decision support systems for PAs planning and management and that support PA law enforcement; strategy development, training, logistical support, and equipment for PA law enforcement; protected area zoning, boundary demarcation, and development of management plans; and the PAs revenue management model for Cambodia.

Subcomponent 1.1: Information Systems and Decision Support (ISDS)

The project will support development of an ISDS that will help bring together and analyze relevant information to support decision-making for the protection and management of PAs, and landscape planning in the CMTS.³ The ISDS will be developed as a cloud-based geospatial platform that can integrate data and information that is critical for PA planning and management for example biodiversity, land use spatial information, and systematically organize information collected by PDoE, rangers and communities for e.g. patrolling reports, illegal activities, and observations) that will support better planning, coordinating and implementing PA enforcement. The ISDS is aligned with MoE's strategy for Geospatial Data and Information Management and will build on existing work supported by UNDP and WCS to develop a decision support system for zoning of PAs.⁴ *In order to support this component, MoE will establish an inter-sectoral working group for the ISDS.* The project will finance:

- i. Technical support for MoE to develop and implement the ISDS;
- ii. Hardware and software needed for implementation of ISDS; and
- iii. Training for MoE staff to operate and manage the ISDS, and for stakeholders (PDoE, communities, development partners; NGOs) to use the ISDS.

Subcomponent 1.2: PAs Landscape Planning, Management and Enforcement

The Additional Financing from GEF for component 1.2 is to support PA Landscape Planning, Management and Enforcement.

Protected Areas Planning and Management. This project will support the RGC in developing PAs and CPAs management plans in close cooperation with subnational authorities, NGOs and local

² 2016 Sub-decree on the Transfer of Protected Forest, Forest Conservation and Production Forest Areas, and ELCs

³ Support to spatial landscape planning in the CMTS is important given the dependence of rice fields in Pursat and Battambang provinces, and fisheries in the Tonle Sap lake on hydrological and sediment regulation ecosystem services provided by forests in the Cardamom Mountains.

⁴ MoE, 2018. Strategy for Environmental Geospatial Data and Information Management of Ministry of Environment, 2018-2022.

communities.⁵ The Government's NPASMP includes a strategic objective on the development of PAs, which this subcomponent will support. *To support activities within this sub-component, the draft NPASMP will be finalized and approved by the MoE Minister.*

- (i) The project will support MoE in enhancing the guidelines for: (i) PAs zoning; (ii) developing CPAs management plans. To support this, MoE will also identify and request the additional budget needed for monitoring the implementation of PA and CPA management plans after they are developed (planned for 2020);
- (ii) The project will undertake different activities in the PAs of the CMTS to support zoning, PA management plan development, boundary demarcation, and land registration of PAs' zoned boundaries (Table 2). Specifically:
 - The project will support activities in different types of PAs – national protected areas, wildlife sanctuaries, multiple use areas and biodiversity conservation corridor. The PA Law provides guidance on the types of activities that are allowed in each PA, and therefore this has an influence on how these different types of PAs are zoned and managed.⁶
 - Zoning will be undertaken in all PAs of the CMTS except the Cardamom BCC.⁷ A preliminary map of zones was developed as part of a joint exercise between Wildlife Alliance and MoE. This activity will build on the preliminary zone map, by integrating additional biophysical spatial information through the ISDS, and undertaking additional consultations with stakeholders in PAs. Wildlife Alliance and Conservation International are working in Southern Cardamom National Park, Central Cardamom National Park, and Tatai Wildlife Sanctuary, and have already held consultations with communities on zoning.
 - PA management plans will be developed for Southern Cardamom National Park, Central Cardamom National Park, Phnom Sankos Wildlife Sanctuary, Phnom Aural Wildlife Sanctuary, Tatai Wildlife Sanctuary, Tonle Sap Multiple Use Area, and Cardamom BCC. These protected areas were selected for development of management plans for several strategic reasons: i) these protected areas together comprise 81% of the CMTS protected areas land area, and bringing these areas under MoE approved management plans will be a significant step towards improving management of PAs there; (ii) the work of development partners in these PAs have helped with the readiness of communities and stakeholders in these PAs for PA management planning.

⁵ The PA Law and Draft Environmental Code provide guidance on the types of plans that can constitute landscape plans in Cambodia. These include community PA plans, community forest area plans, commercial activity management plans and river basin plans.

⁶ National park: A natural area in land and/or water territories, which is established to: Protect the area's role or roles in the ecosystem for the benefits of people of all generations; Limit the use that may harm or destroy biological resources, natural resources, cultural resources, and functions/roles of the area in relation to the objectives of the established area; Serve as bases for recreation, visits, education, research, and belief, provided that these activities do not cause threats to the natural environment and local culture.

Wildlife Sanctuary: An area in land and/or water territories, which requires active interventions for management purposes to ensure maintenance of habitats and/or to meet necessary conditions for any species of animals or plants.

Multiple Use Area: An area in land and/or water territories, which is rich in natural resources that are intact and require management activities to ensure long-term protection and maintenance of biological resources and ecosystem. In the meantime, it provides natural products and services for use to meet the community needs.

⁷ BCCs are not zoned.

Table 2: Landscape Planning Activities Supported by the Project

Targeted Protected Areas	Activity supported by the project			
	Zoning	PA Mgt. Plans	Boundary Demarcation	Land Registration
Central Cardamom	X	X		
Southern Cardamom	X	X		
Tatai	X	X	X	
Phnom Sankos	X	X	X	X
Phnom Aural	X	X	X	X
Cardamom BCC		X		
Tonle Sap Biosphere Multiple Use Area	X	X		
Other PAs in CMTS	X			

Notes:

1. X denotes activities that will be supported by the project for the PAs
2. Management plan, boundary demarcation and land registration were prioritized for selected PAs based on discussions with the government and several non-government stakeholders including those that work in the CMTS.

- Boundary demarcation will be undertaken in Tatai, Phnom Sankos and Phnom Aural Wildlife Sanctuaries. MoE has prioritized these PAs for boundary demarcation given their importance as wildlife sanctuaries and the need to prevent encroachment, destruction and disturbance of habitats.
- Land registration of zone boundaries will be undertaken in Phnom Sankos and Phnom Aural Wildlife Sanctuaries. MoE has prioritized land registration for these areas given the threats of land encroachment and habitat disturbance and destruction already experienced there.

(iii) The project will also finance participatory stakeholder processes for zoning and management plan development for priority CPAs that are within the target PAs. A list including 34 CPAs in the target PAs has been compiled, and CPAs for project intervention will be determined based on their readiness. Criteria for readiness are drawn from MoE's 8-step CPA development process and will include: (i) CPA is established according to MoE CPA guidelines⁸; (ii) CPA has a management committee approved by the Commune Sangkat; and (iii) CPA has initiated boundary demarcation and by law development.

(iv) Project financing will support training for MoE, local government, rangers and other stakeholders on PA development, and development of the various plans, and on coordinating and monitoring the implementation of these plans.

Protected Areas Enforcement. The project will finance technical assistance (TA) to the RGC for developing and implementing a PA enforcement framework which will include the processes, roles and responsibilities, and institutional arrangements for PA enforcement. It will develop an overall law

⁸ MoE, 2017. Guideline on Procedure and Process for Community Protected Area Establishment.

enforcement strategy that will guide and coordinated actions in all PAs, develop priorities and action plans. An accompanying toolkit will be developed and include guidance for: ranger patrolling; use of SMART approaches;⁹ data gathering linked to the ISDS; collaborating with law enforcement including the judicial system; using drone, satellite, and remote sensing imagery and, telecommunications in forest monitoring.

The strategy and toolkit will be developed through a participatory process with government agencies, and NGO partners such as Wildlife Alliance (WA) and Conservation International (CI) that support ranger patrolling in CMTS. Equipment for forest patrolling and monitoring, and rehabilitation of ranger centers in CMTS will be supported by the project, as well as training of MoE, local government, forest communities, and other stakeholders on forest monitoring and enforcement, and support for logistical coordination by provincial government on law enforcement. To accompany this strengthening of PA enforcement, MoE will determine the number of additional rangers needed for each of the targeted PAs, and additional 2020 budget needed.

Sustainable Finance and Revenue Management. Management of PAs are challenged by lack of adequate funding for planning, capacity development, monitoring and engagement with communities. Many activities are currently co-funded by international NGOs and other partners, which is not a sustainable concept in the medium-term. The collection of ecotourism fees from tourists will contribute to the financial sustainability of the targeted PAs. Fees are currently applied for tourists visiting selected PAs (e.g. Kirirom PA), but there are not yet clear policies and guidelines on adequate fees, collection and management of revenues, and an agreement on the use of the fees of the resources. International best practice shows that benefit-sharing arrangements need to be developed to determine revenue allocations from tourism activities.

Beyond tourism fees, the project will analyze several other financing opportunities (Payment for Environmental Services – PES and REDD+) and will promote studies on valuation of hydrological ecosystem services in the context of natural accounting (WAVES). The Project will also enhance design and support the Environmental and Social Fund created by MoE.

The project will support the design and implementation of a financial management framework for the CMTS PAs. Specifically:

- i. Analytical work to support RGC to assess current practices of fee collection and handling, analyze different financial models, learn from best practice, and design an integrated financial management system for the Environmental and Social (E&S) Fund to receive and manage fees and other potential resources from REDD+ and PES;
- ii. Convene multi-stakeholder discussions on financing mechanisms (such as PES, REDD+ and tourism fees). Valuation of hydrological ecosystem services, and in the CMTS is being undertaken with support from WAVES to prepare technical underpinning for PES;
- iii. Workshops and hands-on training for capacity development at the subnational and national levels to manage fee collection and management of benefit sharing.

Component 2: Strengthen Opportunities for Ecotourism and NTFP Value Chains *(total estimated cost US\$16.75 million; to be fully financed by IDA Credit).*

⁹ Spatial Monitoring and Reporting Tool (SMART) is a suite of best practices aimed at helping PA and wildlife managers better monitor, evaluate, and adaptively manage patrolling activities. SMART is being used in selected PAs in Cambodia.

This component aims to finance critical investments as well as to strengthen the enabling environment for expanding opportunities for ecotourism and NTFP value chains in Cambodia. A specific focus within this (and Component 3) will be to enhance and strengthen the enabling environment for private sector engagement, as well as invest in critical infrastructures (connectivity, visitor centers, etc.). The resulting improvements in governance, management and regulations relating to the target areas, coupled with investments in connectivity, ecotourism/NTFP infrastructure and value addition, are expected to stimulate private sector investments.

Sub-Component 2.1: Strengthen Opportunities for Ecotourism Development

Central to optimizing Cambodia's ecotourism potential is establishing linkages between the main tourism gateways of Siem Reap and Phnom Penh to the natural asset base of the CMTS through a "hub-and-spoke" model of tourism development. The hub-and-spoke model, first, enhances access to and mobility in and around the urban centers, or hubs, and then develops the "spokes"—ecotourism sites closely linked to the hubs. This approach establishes new itineraries for tourists in a way that disperses tourism-related socioeconomic benefits to communities near ecotourism locations.

Four "hubs" for ecotourism development have been identified through geospatial analysis and stakeholder consultation. Geospatial analysis was used to determine spatial clusters of potential sites for ecotourism development, existing ecotourism development, community protected areas, and community groups. The four hubs identified are in Koh Kong, Siem Reap, Pursat and Kampong Speu. Initial criteria have been developed to help identify and prioritize ecotourism locations for potential financing from this project. These criteria include accessibility, attractiveness, land use/ tenure, sensitivity of location, access to services, existing ecotourism sites, socioeconomic, market demand, biodiversity, and diversity of ecotourism offering.

Improving Enabling Environment for Ecotourism. TA will be provided to develop a framework for the improvement, coordination and formalization of existing ecotourism management contracts/ agreements and the creation of national guidelines and best practices, as well as to strengthen the enabling environment for small and medium enterprise (SME) growth. This will include support to assist the RGC to design clear and consistent "*ecotourism management agreement*" modalities, to help towards the finalization of MoE policy guidelines (*prakas*) for ecotourism development in PAs (expected to be approved by the Minister by December 2019) and then in its implementation. Effectively, the project will help RGC to apply these guidelines (including on management, monitoring, benefit sharing mechanisms etc.) in the various ecotourism sites (selected using standardized criteria) within PAs.

The project will also support the development of business development services (BDS) within the multi-use centers, which comprise of training and technical guidance on business development for ecotourism and NTFP value chain enterprises. These BDS will help fill gaps in entrepreneurial skills and business advice and will promote competitiveness among private sector and community ecotourism groups. The facilities will provide training on business development needs including market identification and marketing, product development and management, and will assist private sector and community groups in preparing robust business plans. The BDS will include targeted services for women entrepreneurs to encourage their participation in ecotourism and related value chains.

Ecotourism Infrastructure. This component will be used to finance investments related to *establishing/ rehabilitating ecotourism infrastructure* in the target landscapes. As ecotourism is an activity based on the natural environment, supporting infrastructure must be designed to minimize human impacts and be in harmony with the landscape. The type and extent of infrastructure will depend upon the area’s natural and cultural attributes and sensitivity as well as the style of ecotourism encouraged. Facilities will vary according to the style of ecotourism desired and the land tenure. In each ecotourism “*hub and spoke*”, potential activities will include developing: (i) appropriate parking facilities, food stalls, solid waste management, shops and kiosks selling handicrafts in the community adjacent to site, (ii) visitor information centers, (iii) walking trails, observation towers, boardwalks, interpretive displays as needed at the ecotourism sites.

For community-based ecotourism (CBET) sites, additional financing will be available for (i) community-managed lodging (eco-lodges), (ii) potential handicraft facility and related equipment; and (iii) other environmentally appropriate facilities around the site. Communities/ CPAs can also use funds for equipment (e.g. tents, radios), and information and advertisement products

Initial discussions have pointed to two potential ecotourism hub-and-spoke areas ---one at Siem Reap, and a second around Koh Kong. With Siem Reap as the hub, “spokes” would be developed/ enhanced to several nearby ecotourism sites –expanding the range of offerings that showcase the natural capital. These include areas such as the Prek Toal bird sanctuary, several sites within the Kulen Mountains National Park, and across and around the Tonle Sap. Potential investments include the following:

- Floating/ lake-side interpretation center with interactive displays relating to the history, ecology, lake biodiversity, communities and heritage of the Tonle Sap;
- Improvement of nearby ecotourism facilities (accommodation, catering, services).
- Improvement of lake circuits to visit floating villages, upgrading lake cruise facilities; and
- Development of trails between Siem Reap and Tonle Sap relating to specialized ecotourism such as mountain biking, photo-hunting, special interest visitors (bird-watching, wildlife);

In the Koh Kong Ecotourism Hub, several offerings will be extended into the Cardamom Mountains, including potential options for private sector managed ecotourism. Connectivity will also take advantage of a planned private international airport to diversify current ecotourism attractions. Some examples include:

- Interactive center showcasing the biodiversity, ecosystems, communities of the Cardamom mountains;
- Upgrading/ improving shelters and demarcated trails for specialized ecotourism, such as mountain biking, for photo-hunting, and special interest visitors (bird-watching, wildlife);
- Facilities at ecotourism locations including parking, water and sanitation, handicraft and food stalls etc.
- Forest canopy walkways, viewpoints and observation stations; and
- Safety infrastructure at waterfalls and cliff/overlook-sites.

Component 2.2: Promotion of NTFP value chains

The development of NTFP value chains has potential for supporting sustainable income generation for local communities but must be well developed and managed to prevent over-exploitation and to create jobs and income in the project areas. Opportunities range from extraction of resins and rattan,

collection of fruits, cardamom, medicine plants, processing of vegetable oils to sustainable management of agarwood and bamboo. Although, some products have interesting market perspectives, several policies or incentives are yet poorly designed (fees, export taxes, management plans or licenses) which are considered prohibitive for formal businesses to engage in NTFP at large scale.

The Additional Financing from GEF for component 2.2 (Promotion of NTFP Value Chains) of the Project. The implementation arrangements and indicators from the Project will remain the same.

Under Component 1, the project will support the CPAs and PAs management plans (including NTFP and restoration plans), which will help orient economic activities within community areas in the target PAs. Priority for project interventions will be those CPAs that are closely located to ecotourism activities. Under this sub-component the project will promote (1) policy reforms for, and (2) small-scale investments in a few selected value chains. NTFP value chains will be selected that (i) provide the highest financial opportunities for local communities and (ii) highest growth potential. As mentioned in the context section above, there are several nascent NTFP value chains in the CMTS with potential for further development, including the sustainable production of rattan, resin, bamboo and agarwood.

The project will assess NTFP value chains, existing policy gaps, demand structures, value chains, viability and current production of NTFPs within and around the project area, community knowledge and ownership, level of community organization and capacity. The project will prioritize policy reforms, enabling environment for SMEs and will work with different Ministries to promote a more comprehensive enabling environment for NTFPs in general, but will focus on a few more promising value chains (first assessments point to bamboo, cardamom and yellow resin), over the lifetime of the project, including aspects of licensing, requirements for management plan, credit finance, underlying M&E and remove trade restrictions.

The project will also finance small-scale investments for activities related to sustainable harvesting, cultivation, processing and marketing of NTFPs with the overall objective to expand livelihood opportunities for local communities in the CPAs within the targeted PAs. The project will finance a consultancy to support MoE in policy assessment and a process to act as an honest broker between communities and companies to build partnerships with local, national and potentially international companies to access high priced markets, including with ecotourism companies active in the PAs and surroundings and (iv) skill development and capacity training for value added process and marketing for selected NTFP value chains.

Furthermore, finance can also be used to enhance opportunities for the private sector in select value chains and increase the income-earning opportunities for communities participating in the value chains and linked to the ecotourism industry. The types of investments that will be promoted and supported include: provision of processing equipment (e.g. hand-powered equipment), development including improvement of facilities (e.g. processing factories and storage) to meet sanitation standards and to be fit for purpose, and packaging/ branding equipment.

Component 3: Connectivity and related Rural Infrastructure in Selected Areas *(total estimated cost US\$23.86 million; to be fully financed by IDA Credit).*

Rural roads in Cambodia lack adequate all-weather road surfaces, width, and capacity, and they are not adequate to accommodate the growing need for goods and people transport. Over 80 percent of rural roads in Cambodia are still receiving laterite or gravel surface covers, causing significant problems during the wet season due to road deformation and destruction as well as high operation and management costs and during dry season due to major dust development.

Extending ecotourism opportunities in the CMTS will require enhancing connectivity infrastructure to allow for an increase in visitor numbers from the identified gateways. These improvements are aimed at increased, sustainable visitor volume and reduced seasonality due to all-weather access. Specific investments may include the improvement of rural roads and other related rural infrastructure to help in the development of ecotourism corridors, and linkages with main markets.

By adding last-mile access and support infrastructure, visitors will be offered public domain facilities that enable an appreciation of the destination. Combined with branded signage, this will help create a sense of place and comprises the (free) public domain side of a destination. The project will finance the upgrading and improvement of select rural roads to all-season and climate resilient standards; road signage; and small-scale sanitation infrastructure. Cost-effective road design will be used, identifying where all-weather access is needed for the most critical road stretches, while less critical links will be sealed with concrete, accepting that they may be inundated for a few weeks each year but will not be washed away. Opportunities will also be explored to use the rural road network to strengthen flood control measures, by enhancing drainage canals and culverts and possibly raising the road levels to use as embankments. Sound engineering designs, sufficient drainage, and greening approaches will be applied to enhance the resilience of the road structures in these specific prioritized locations.

Component 4. Project Management, Coordination, Monitoring and Evaluation *(total estimated cost US\$5.76 million; US\$3.26 to be financed by IDA Credit).*

MoE will be the main executing agency for implementation of all three components and overall project management/coordination arrangements. MoE will closely cooperate with the Ministry of Rural Development (MRD) as implementing partner that will take responsibility for the construction of rural access roads infrastructure. Support will be provided establishing a MoE-led project coordination and implementation unit. A high-level Steering Committee will be formed to advise on and deal with emerging cross-sectoral issues. Details are elaborated in the Project Implementation Manual (PIM).

Component 4 will support overall project management through: (a) providing necessary key contract staff and consultants in the coordination and implementation unit to assist MoE in managing project implementation; (b) monitoring and evaluation (M&E) of project implementation; and (c) consultant and advisory services to support project implementation and capacity building of MoE and other key stakeholders.

Component 5: Contingent Emergency Response *(US\$0 million)*

The objective of the contingent emergency response component, with a provisional zero allocation, is to allow for the reallocation of financing to provide immediate response to an eligible crisis or emergency, when/if needed. An Emergency Response Manual (ERM) will be developed for activities under this component, detailing streamlined FM, procurement, safeguard, and any other necessary implementation arrangements. In the event the component is triggered, the Results Framework will

be revised through formal restructuring to include appropriate indicators related to the emergency response activities.

PRINCIPLES GOVERNING RESETTLEMENT

This RPF has been prepared as part of the Environmental and Social Management Framework (ESMF) for the Project to provide guidance to decision-makers in situations where a proposed sub-project may require the use of land on a temporary or permanent basis and/or voluntary land donations, particularly activities under subcomponents 2.2 and 2.3 as described above. Accordingly, the RPF is prepared to set out the policies and procedures for avoiding, minimizing or, if not possible, mitigating possible adverse impacts related to involuntary land acquisition and resettlement as a result of a proposed sub-projects. This RPF also establishes the process that need to be duly implemented regarding voluntary donation.

The purpose of the RPF is to ensure that all people affected by the project are able to maintain or improve their pre-project living standards. The objective of the RPF is to avoid, minimize or, if not possible, mitigate involuntary resettlement and to provide a framework for assessing concerns of PAP and PAH who may be subject to loss of land, assets, livelihoods and well-being or living standards because of the proposed sub-projects.

The World Bank Involuntary Resettlement (OP/BP 4.12) policy is triggered when two related processes occur. In the first instance, a development project (sub-project) may cause people to lose land, other assets, or access to resources, which may cause disruption to, or loss of, livelihood (i.e., property and assets), wellbeing and/or other entitlements. In the second instance, if relocation and resettlement is warranted, it may affect PAP positively as their situation may improve, or at least be restored to the levels that existed at sub-project commencement. The RPF provides decision-makers with guidelines and processes for ensuring that PAP will improve their livelihoods and wellbeing or, at least, to restore them to levels prevailing at project commencement.

The RPF details the instruments and plans, and actions and measures to be taken during initial stages of sub-project design and prior to feasibility and subsequent implementation. The RPF establishes guidelines for determining land loss eligibility and includes a description of what a voluntary land contribution might entail. However, as the CSLEP sub-projects are in the planning stages Resettlement Action Plans cannot be developed at this stage. Once project subcomponents are determined and exact locations known, depending on impacts, Abbreviated Resettlement Action Plans (ARAPs) or Resettlement Action Plans (RAPs) can be prepared, guided by this RPF.

The RPF will apply if proposed sub-project initiatives negatively affect households and communities and lead to involuntary land/structure/livelihood loss, even on a temporary basis. Situations subject to land acquisition or relocation of PAP and PAH may involve physical works, such as repair and rehabilitation of roads, or site changes of existing/new infrastructure (in particular see description of subcomponents 2.2 and 2.3). In these situations, screening will help decision-makers determine the safeguards measures for avoiding, minimizing or mitigating adverse effects. However, in cases where land is voluntarily donated by individuals/communities, the Involuntary Resettlement policy will not

be triggered but this RPF will guide the process for assessing and carefully documenting voluntary donations.

Most aspects of the WB Involuntary Resettlement (OP/BP 4.12) policy are adequately addressed in Cambodian laws and regulations (see section on Legal Framework). The overarching objective of the sub-project in relation to land and asset acquisition is to assist the PAP in restoring their livelihoods at least to the level equal to their pre-project level. Specific principles that apply include:

- In cases of road improvement, improve the road to avoid residential areas wherever possible to minimize physical relocation of people, and select alignments that minimize acquisition of privately or publicly held productive land;
- Ensure design standards minimize the need to impose land use restrictions on adjoining areas;
- Develop fair and transparent procedures, as defined in the Entitlement Matrix of this RPF to determine compensation at replacement cost (see section on Asset Valuation) for (i) temporary loss of land and/or assets during construction or improvement; (ii) permanent acquisition of land and/or assets; and (iii) restrictions on use of land that may be applied to areas adjoining the alignment and ROW;
- When possible, acquire land (or right to use land) through negotiated agreements and with the use of the power of eminent domain only as a last resort;
- Upon completion of improvement or repair, restore land as best as possible to its original condition in the event of temporary disruption so as to enable landowners/users/lessees to resume their pre-sub-project activities;
- Keep PAP, PAH, and communities fully informed about the sub-project(s), the process that will be followed to acquire and compensate for land, and their related rights and avenues for redress;
- Ensure that aggrieved PAP and PAH will have redress and recourse options and that solutions are in line with principles stipulated in this RPF and, importantly, are employed;
- All PAP and PAH, without regard to legal status of property, will receive support of various kinds, as per the principles set out in the Entitlement Matrix, to assist them in their efforts to maintain their livelihoods and well-being prevailing prior to the sub-project. Squatters will not be compensated for loss of land but will receive compensation for loss of other assets, which have been established prior to the cut-off date with their own finances, and for loss of income such that they are assisted in their efforts to maintain their livelihoods and wellbeing. Detailed measures to be implemented will be determined based on a corridor of impact (COI) census and socio-economic baseline survey conducted when the ARAP/RAP is developed;
- PAP and PAH will be notified of the sub-project implementation schedule and consulted regarding the principles of land acquisition and loss of or damage to assets; and
- Damages to assets, such as standing crops, trees, fences and kiosks, and loss of income (including loss of harvest) will be minimized, however inevitable, and will be compensated without regard to legal status of ownership according to the Entitlement Matrix.

RESETTLEMENT PROCESS AND APPROVAL

World Bank environmental and social safeguards policies require the borrower country (Cambodia) to prepare an ESMF and RPF consistent with RGC laws and WP OP/BP4.12. These safeguards documents

*Cambodia Sustainable Landscape and Ecotourism Project (CSLEP)
Resettlement Policy Framework (RPF)*

must be prepared, publicly disclosed with free, prior and informed consultation undertaken to ensure proposed sub-project impacts (positive or adverse effects) are discussed before project appraisal. Once the specific proposed sub-project locations are known, if there is involuntary acquisition then an ARAP or RAP can be prepared as part of project implementation but before any works are undertaken. An ARAP is developed when a sub-project affects less than 200 people in terms of loss of assets, incomes, employment or business. However, a more extensive RAP is conducted when a sub-project will affect more than 200 people.

The RPF is focused on providing the necessary guidelines for the development of site-specific ARAP/RAPs (OP/BP 4.12) during proposed sub-project implementation. As previously noted, involuntary resettlement is not expected to occur as a result of the proposed sub-projects. However, involuntary land acquisition on a temporary or permanent basis may occur and, in this case, the RGC National Law on Expropriation (2010) and the World Bank safeguards policy (OP/BP 4.12) requires that an ARAP or RAP be developed to guide implementation.

In cases when land acquisition is related to road improvement, MRD, as the leading ministry, in association with relevant ministries such as the GDR of the MEF (secretariat of the Inter-Ministerial Resettlement Committee), provides the general direction for the planning of the relocation and acquisition process, ensures coordination between various stakeholders concerned with the sub-projects including those directly connected with relocation and monitoring implementation. However, in cases relating to land acquisition as a result of other project subcomponents that are non-road improvement related, MOE will be the lead ministry and coordinate as above.

At commencement of sub-projects, stakeholders will be consulted to establish planning principles and work arrangements aimed at identifying and mitigating adverse social impacts induced by the sub-project(s) initiatives and/or activities. The RP will obtain information through baseline surveys, valuation of properties, and a determination regarding compensation, whether in the context of temporary or permanent relocation and compensation or in the context of mitigating other sub-project related social impacts.

In cases where an RP is needed, the RP preparation must include the following precepts for PAP and PAH so that they are:

- Informed about their options and rights pertaining to relocation and compensation;
- Consulted on, offered choices among, and provided with technically and economically feasible relocation and/or compensation alternatives; and
- Provided prompt and effective compensation at full replacement cost for losses of assets and access, which are attributable to the sub-project(s).

Adequate public consultation and participation are mandatory requirements of the RP process. In addition, PAP and PAH must be made aware of:

- Their options and rights pertaining to land donation, relocation and/or compensation;
- Specific technically and economically feasible options and alternatives for relocation or resettlement sites;

- Process of and proposed dates for relocation, resettlement and/or compensation;
- Effective compensation rates at full replacement costs for loss of assets and services; and
- Proposed measures and costs to maintain or improve their standards of living and wellbeing.

As the designated implementing agency, MOE and/or MRD will have one Resettlement Specialist to work alongside the General Department of Resettlement (GDR) and the Project Coordination Office team. Among other duties, the role of the Resettlement Specialist would be to prepare the ARAPs and RAPs and assist GDR to monitor implementation of both the RPF and site-specific ARAPs and RAPs so as to ensure that appropriate actions are addressed in relation to potential voluntary land contribution, relocation and/or resettlement issues. In cases of voluntary contribution, ARAPs and RAPs will not need to be prepared but the process will need to be carefully documented. It will be important to use a participatory approach to engage stakeholders, civil society organizations (CSO) and PAP and PAH to ensure broad acceptance of the ARAP and RAP.

A screening and review process should be used for land contribution, relocation or resettlement, and a voluntary land contribution planning process, if applicable. The main purpose of utilizing a screening and review process is to identify land donations, relocation or resettlement, and/or other issues associated with proposed sub-projects and/or activities in their respective footprint. For optimum planning, screening should take place during the initial stages of the subcomponent planning process so that the Resettlement Specialist is well informed to develop the ARAP or RAP/documentation. The ARAP or RAP requires site-specific comprehensive information to identify the following parameters:

- Persons who will be affected (positively and adversely) by the sub-projects;
- Persons eligible for compensation and/or assistance; and
- Type of land contribution and assistance and/or assistance required.

Following completion, the ARAP or RAP will be submitted to IRC for approval and submitted to the World Bank.

The ARAP includes the following information: (i) brief description of the sub-projects, location and their impacts; (ii) consultation with PAP and PAH; (iii) baseline information of PAP and PAH; (iv) category of PAP and PAH by degree and type of impacts; (v) entitlement for compensation, allowances and rehabilitation or restoration assistance by category of impacts in a compensation matrix; (vi) information on relocation site, where applicable; (vii) institutional responsibilities for implementation and monitoring; (viii) grievance redress procedures; (ix) estimated cost of resettlement and yearly budget; and (x) time-bound plan for implementation.

Meanwhile a RAP would typically include the following: (i) brief description of the sub-projects, location and their impacts; (ii) principles and objectives governing resettlement preparation and implementation; (iii) legal framework; (iv) baseline information of PAP and PAH; (v) category of PAP and PAH by degree and type of impact(s); (vi) entitlement to compensation, allowances, and rehabilitation or restoration assistance by category of impacts in a compensation matrix; (vii) information on relocation site together with socio-economic conditions on the secondary PAP and PAH and host communities; (viii) institutional arrangement for planning and implementation; (ix) participatory procedures during planning and implementation; (x) grievance redress procedures; (xi)

estimated cost of resettlement and annual budget; (xii) time-bound action plan for implementation; and (xiii) internal and external monitoring procedures, including the terms of reference (TOR) for external monitoring.

CATEGORIES OF DISPLACED PERSONS

CSLEP sub-projects requiring land acquisition will potentially have both positive and adverse (negative) impacts on people. For instance, in terms of road improvement, it is reasonable to presume that households, commercial enterprises and public infrastructure (e.g., schools, health clinics' boundary fences) whose properties encroach on the road alignment and ROW will potentially be affected adversely, if only in a minor way.

It is reasonable to assume that while the proposed sub-projects will have positive impacts on a large majority of the population, only a limited number of persons are likely to be negatively impacted by certain activities related to the implementation of the proposed sub-projects. The issue of concern here is to provide an estimation of the latter and the likely categories of displaced persons. However, as the location of the activities are currently unknown, providing a reasonable estimate of such persons or, who would be directly or indirectly affected for inclusion in the RPF is not possible at this stage. This determination will need to be conducted once the sub-projects location and extent of resettlement impacts are identified and prior to sub-project implementation.

Once the sub-project locations are known and land acquisition or any associated impacts are identified, resettlement planning should begin. In cases where involuntary land acquisition is necessary, MOE/MRD shall work closely with MEF-GDR, who is the lead agency for donor-related land acquisition involuntary resettlement. A census survey to identify and enumerate all PAPs, and a socio-economic survey to determine the range and scope of impacts in the affected area will be carried out by the IRC working group in close coordination with the MOE/MRD and the provincial resettlement sub-committee working group during the implementation stage. The census survey must cover 100 percent of the persons to be displaced, whereas the socio-economic survey may be undertaken on a random sample basis. The surveys, which may be undertaken separately or simultaneously, determine whether a RAP or ARAP is necessary.

Although all of the activities have the potential to affect all categories of people in the respective locations (whether categorized by race, religion, ethnicity, gender, age, economic status, land tenure or other), only the activities that require relocation either on a temporary or permanent basis are considered to have the potential of causing serious displacement problems. The RPF recognizes that certain social groups may be less able to restore their living conditions, livelihoods and income levels and therefore, are at greater risk of impoverishment when their land and other assets are affected. During the RAP social assessment, the sub-project will identify any specific needs or concerns that need to be considered for the vulnerable groups such as landless, poor, and households headed by women, disabled, elderly or children without means of support, or indigenous groups. The vulnerability of each group will be identified and assessed during the socioeconomic survey. Gender integration will be considered during the planning and implementation of the ESMF, RPF, and Indigenous Peoples Planning Framework (IPPF) processes.

DISPLACED PERSONS' ELIGIBILITY CRITERIA

All PAP and PAH comprised of different populations (i.e., ethnic minorities and vulnerable groups, etc.) will be provided with compensation and/or assistance if: (i) their land area is affected; (ii) income source is adversely affected; (iii) houses partially or fully demolished; and (iv) other assets (i.e., crops, trees, and facilities) or access to these properties will be reduced or damaged due to land acquisition. Lack of legal documents of their customary rights or occupancy certificates will not affect their eligibility for compensation.

Displaced persons may be classified in one of the following three groups:

- a) Those who have formal legal rights to land (including customary and traditional rights recognized under the laws of the country), will be entitled to compensation for the land they lose, all assets affixed to the land, as well as income restoration measures if they have permanently lost their sources of income or livelihoods;
- b) Those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets (e.g. soft titles)—provided that such claims are recognized under the laws of the country or become recognized through a process identified in the ARAPs and RAPs will be entitled to compensation for the land they lose, all assets affixed to the land, as well as income restoration measures if they have permanently lost their sources of income or livelihoods; and
- c) Those who have no recognizable legal right or claim to the land they are occupying, will be entitled to all assets affixed to the land, as well as income restoration measures if they have permanently lost their sources of income or livelihoods.

Persons covered under a) and b) are provided compensation for the land they lose, and other assistance in accordance with paragraph 6 of OP/ BP 4.12. Persons covered under c) are provided resettlement assistance in lieu of compensation for the land they occupy, and other assistance, as necessary, to achieve the objectives set out in this policy, if they occupy the sub-project area prior to a cut-off date established by the borrower and acceptable to the Bank. Persons who encroach on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance.

Two forms of acquisition of land will be considered under the sub-project including:

- Voluntary Land Contributions: will be accepted if they are free, prior and informed consultation process is adhered to and if the situation is well documented by local authorities. As such, PAP and PAH have the right to make a contribution of land or other assets of their own volition without seeking or being given any form of compensation. These situations can be justified because the proposed sub-projects will likely directly benefit the PAP and PAH. Voluntary contribution of land is not allowed if impacts is greater than 10% of the total land area or productive assets. In this case a RAP is not needed but there should be proper documentation of the land donation as per the guidelines found in this RPF;
- Involuntary Land Acquisition and Resettlement: persons who contribute land or other assets have the right to seek and receive compensation. In such cases, the sub-project authorities will ensure that ARAPs and RAPs based on this RPF are agreed to before works are undertaken.

This RPF applies to all proposed sub-projects in the CSLEP funded by the World Bank. The policy applies to all PAP/PAH regardless of the number or the severity of the induced impact.

As mentioned, particular attention is to be given to the needs of different populations, including ethnic minorities and vulnerable groups and, if appropriate, linkages should be made to the Indigenous Peoples Planning Framework (IPPF).

LEGAL FRAMEWORK ASSESSMENT

The following is a list of some of the laws and decrees most relevant to land acquisition and resettlement in the Kingdom of Cambodia.

- Standard Operating Procedures for Externally Financed Projects in Cambodia- Land Acquisition and Involuntary Resettlement (2018)
- Law on Environmental Protection and Natural Resources Management (1996);
- Land Law (2001);
- Law on Protected Area (2008);
- Law on Biosafety (2008);
- National Law on Expropriation (2010);
- Sub-Decree on Social Land Concession (2003);
- Sub-Decree on EIA Process (1999)
- Circular No. 02 (2007);
- Sech Kdey Prakas No.6, entitled “Measures to Crack down on Anarchic Land Grabbing and Encroachments”, sets ROW for road and railway. In support of this Sech Kdey Prakas, MEF on 6 April 2000 issued Decree No.961 prohibiting compensation for structures and other assets located in the ROWs. Some road dimensions are modified by the Sub-decree No.197 adopted on 23 November 2009 on management of ROW along the national road (NR) and railway in Cambodia. Table 1 illustrates criteria for determining ROW;
- Ministry of Economy and Finance (MEF) Circular No. 006 (2014);
- Circular No. 02 dated on February 26th, 2007 stated clearly that (i) illegal occupants of state land have no right to compensation and can be punished in accordance to the land law 2001; and (ii) illegal occupants who are poor, landless, and belong to a vulnerable group can be provided a plot of land; and
- MEF Circular No.006 on the Resettlement Implementation Procedure for development projects dated on April 2nd, 2014. This new circular detail the administrative management and roles/responsibilities of relevant implementing agencies and provinces in implementing the resettlement for development projects.

Table 1 Road and Railways ROW Dimensions

Road Category	ROW Dimensions under Prakas No.06	ROW Dimensions under Sub-decree No.197
NR-1, 4, and 5	30 meters (m) from the centreline	30 m from the centreline
Other 1-digit NRs	25 m from the centreline	30 m from the centreline
2-digit NRs	25 m from the centreline	25 m from the centreline
Provincial roads	20 m from the centreline	not specified
Commune roads	10 m from the centreline	not specified
Railway outside city, province and crowned place	30 m from the centreline	30 m from the centreline
Railways in forest area	100 m from the centreline	from the centreline

The Constitution of Cambodia has provisions for land acquisition for public purposes. Article 44 states that “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 of the Constitution underlines the importance of providing "fair and just" compensation for cases when land acquisition is necessary. Some protection for vulnerable groups is also specified in Article 73: “The State shall give full consideration to children and mothers. The State shall establish nurseries and help support women and children who have inadequate support” and Article 74: “The State shall assist the disabled and the families of combatants who sacrificed their lives for the nation”.

The World Bank states that economic development requires, to varying degrees, providing infrastructure and facilities that improve livelihoods and wellbeing through the expansion of economic opportunities. The World Bank investment projects must pass the litmus test of its own environment and social safeguards policies and the borrower country for a sub-project to receive funding. These safeguards policies help decision-makers to identify, avoid, minimize or mitigate harms to people and their environment. The World Bank safeguards policies also require borrower governments to address specific environmental and social risks as a prerequisite to obtaining World Bank financing for development projects.

Land acquisition and involuntary resettlement (LAR) becomes necessary when the Royal Government of Cambodia (RGC) undertakes an infrastructure investment project for the development of the economy and the interest of its people. This Standard Operating Procedures (SOP) Manual for LAR reflects RGC’s laws and regulations relating to the acquisition of land and the involuntary resettlement of affected persons and the safeguard policies and procedures of Development Partners (DPs) as applied to public infrastructure investment projects. Where appropriate, the SOP includes references to international good practices in resettlement planning, implementation, monitoring and reporting.

The purpose of this SOP is to increase awareness and serve as a source of reference and guidelines for the planning and implementation of LAR activities that become necessary when an infrastructure investment project is planned and implemented under financial support from DPs. The SOP will ensure that all safeguard matters relating to LAR are addressed in a consistent, transparent and fair manner with due regard to the national laws, regulations and the safeguard policies and procedures of DPs for the economic wellbeing of the people of Cambodia. Paying attention to LAR concerns is essential to

ensure that the investment project is designed, prepared and implemented in a timely, efficient and effective manner to realize the intended economic and financial benefits to the people of Cambodia. Moreover, SOP is used to fill the gap between the RGC law and regulation and the development partner policy.

GAP ANALYSIS

Gaps between the National Legal and Regulatory Framework and the Requirements of OP 4.12

Items with Difference	RGC Legislation	WB OP 4.12	Measures to Address Differences
Eligibility for compensation and assistance does not include APs without land title	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	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. PAPs (Project Affected Persons) should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher	<ul style="list-style-type: none"> All APs are eligible for resettlement assistance and compensation for loss of non- land assets. PAPs will be assisted in their efforts to improve their standards of living as per WB policy. <p>The Standard Operating Procedures (SOP) of the RGC includes provisions to assist PAPs/PAHs in their efforts to maintain their livelihoods and well-being prevailing prior to the sub-project, including those without legal rights.</p>
No compensation for those illegally settled on the ROW or structures in the ROW.	Individuals who have illegally occupied the ROW or public properties are not entitled to any compensation or support. Article 19 [Land Law]: “...any illegal and intentional or deceitful acquisition of the public domain of the State or public legal	All affected households including those without titles or are within the ROW are eligible to resettlement assistance and compensation for loss of non-land-based assets in order to support them to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.	<p>Based on the SOP support will be provided to all PAPs/PAHs, including those without legal rights in order to support them to improve their livelihoods and standards of living or at least to restore them in line with WB policy. This may include additional assistance to vulnerable APs.</p> <p>Based on SOP RGC will provide compensation for legal and illegal structures at</p>

Items with Difference	RGC Legislation	WB OP 4.12	Measures to Address Differences
	<p>entity shall be punished..."</p> <p>Article 23 [Expropriation Law]: "The owner and/or the rightful owner has the right to compensation for actual damages commencing from the last date of declaration of expropriation (cut-off date) for which they are entitled to fair and just compensation.</p> <p>According to MEF Decision No. 961, the RGC will not spend national budget to make payments for structures or other items located on the RGC claimed rights of way, i.e. ROW for roads and railroads.</p>	<p>Compensation at full cost for all structures regardless of legal status of the PAP's land and structure.</p>	<p>replacement cost without deduction or depreciation of salvage materials plus transport allowance.</p>
<p>Calculating compensation for assets</p>	<p>Article 22 [Expropriation Law]: "Financial compensation given to the property owner and/or rightful owner shall be based on a market price or replacement price on the date of declaration of the expropriation. The market price or the replacement price shall be determined by an independent</p>	<p>Compensation for lost land and other assets should be paid at full replacement costs, without deduction or depreciation of salvage materials, interest payments, registration etc.</p>	<p>Based on the SOP, this RPF includes provisions for providing compensation at full replacement cost following the completion of a replacement cost study, in line with WB policy, without deduction or depreciation of salvage materials, interest payments, registration etc.</p>

Items with Difference	RGC Legislation	WB OP 4.12	Measures to Address Differences
	committee or agent selected by the Expropriation Committee.”		
Loss of income sources	<p>Article 29 [Expropriation Law]:</p> <p>A lessee who is holding a proper lease agreement is entitled to compensation for disruptions arising from dismantling equipment and transporting it to a relocation site.</p> <p>The immovable property’s lessee who is operating a business shall have access to compensation for effects on the business and to just and fair additional compensation for the capital actually invested for the business operation. The compensation shall commence from the date of the declaration on an expropriation project.</p> <p>For the expropriation of a location where a business is in operation, the owner is entitled to support of additional compensation at a fair and just rate for the cost of the property that is actually affected, commencing</p>	Loss of income sources should be compensated (whether or not the affected persons must move to another location)	Based on SOP, relocating shop will receive one-time cash assistance and renter will receive i) transport allowance, ii) disruption allowance, and iii) rental allowance. In addition, the standard operating procedures include provisions for livelihood restoration measures to assist PAPs to restore incomes to at least pre-project levels.

Items with Difference	RGC Legislation	WB OP 4.12	Measures to Address Differences
	from the date of the declaration of the expropriation.		
Unregistered businesses.	Recognizes businesses or economic entities only if they hold a business certificate (i.e. excludes non-registered 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 replacement assets. Included among these AHs are renters of buildings or tenants of affected businesses.	Inclusion of those who are economically displaced, even those who are not formally registered (e.g. unregistered, businesses, employees without labor contracts). All affected persons will be assisted to ensure that their income sources are restored to at least pre-project levels.
Livelihood restoration and assistance	The government has no clear policy in this regard. .	Provision of livelihood restoration and assistance to achieve the policy objectives.	Based on SOP and Income Restoration Program will be provided in order to reestablish sources of livelihoods for those APs who have lost their sources of livelihood. TOR is included in RAP and contracted agency is carried out to implement the IRP under supervision of IRC.
Consultation and disclosure	Article 16 [Expropriation Law]: In conducting this survey, the Expropriation Committee shall arrange a public consultation with the authorities at capital, provincial, municipal, district, khan levels, and with the commune and Sangkat councils and village representatives or the communities affected by the expropriation in order to give them clear and specific information and to have opinions from all	Participation in resettlement planning and implementation, specially confirming the eligibility criteria for compensation and assistance, and access to Grievances Redress Mechanisms	While largely similar, based on SOP there will be consultations with PAPs at various stages including during RAP preparation to confirm eligibility criteria and discuss entitlement matrix, as well as to introduce GRM. Consultations will continue through resettlement plan implementation,

Items with Difference	RGC Legislation	WB OP 4.12	Measures to Address Differences
	<p>concerned parties about the proposal for a public physical infrastructure project.</p> <p>Grievance redress mechanism is stated in the Expropriation Law.</p>		
Land Valuation	<p>The price for land compensation is calculated based on the prevailing cost of land at the time of land acquisition. Land payment is usually based on negotiated price between land owner and the government “willing buyer-willing seller” approach.</p>	<p>Independent/qualified land appraiser should be engaged who has working knowledge on property valuation and that the appraisal methodology used is consistent with international standards.</p>	<p>Based on SOP an independent/qualified land appraiser will be engaged to conduct the replacement cost study during the DMS for the project and the result of the replacement cost study be will used for preparation of resettlement plan(s) and to compensation for the affected land and assets.</p>

VOLUNTARY DONATION, REPLACEMENT COST AND ASSET VALUATION

VOLUNTARY DONATION

The sub-projects may impact PAP directly or indirectly and it may not be possible to eliminate the need for acquisition of land. Although involuntary resettlement is not expected during proposed subproject implementation, it is possible that local communities and households elect to make a voluntary contribution of affected land without compensation. In this case, the sub-project must address the issue of voluntary donation. This would only be acceptable only when benefits to PAP households can be assured, and if the impact is less than 10% of the total land area. The process of consultation with potential contributors should be conducted in an open and transparent manner with decisions regarding voluntary contributions based on free, prior and informed consultation by PAP households.

REPLACEMENT COST AND ASSET VALUATION

Replacement cost is the method of valuation of assets, which determines the amount of compensation sufficient to replace lost assets, including any necessary transaction costs. Compensation at replacement cost is defined as follows:

- For agricultural land, it is the pre-project or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the cost of preparing the land to levels similar to those of the affected land, plus the cost of any registration and transfer taxes.
- For land in urban areas, it is the pre-displacement market value of land of equal size and use, with similar or improved public infrastructure facilities and services and located in vicinity of the affected land, plus the cost of any registration and transfer taxes.
- For houses and other structures, it is the market cost of the materials to build a replacement structure with an area and quality similar to or better than those of the affected structure, or to repair a partially affected structure, plus the cost of transporting building materials to the construction site, plus the cost of any labor and contractors' fees, plus the cost of any registration and transfer taxes.
- For crops and trees, the data will be collected through interviews with owners, market vendors and seedling suppliers to determine the current selling farm gate price of fruits or crops in the subproject area. The market rates of crops and trees have been calculated based on the yield and the period of maturity of trees and crops as determined from interviews with farmers. The formula used for fruit trees is as follows:

Fruit Trees - ((quantity of harvested per year x market price) x (number of years it will mature)) + cost of seedling;

Perennial trees that have a growth period of more than five (5) years have been classified as follows:

- a) Sapling tree under 1 year will not be compensated as it can be replanted;
 - b) Young tree (1-3 years): will be valued at one-third (1/3) of its full price because it can be replanted;
 - c) Young tree (3-5 years), bearing some fruit will be valued at two-thirds (2/3) of its full price; and
 - d) Mature tree (more than five years) fully bearing fruit will be compensated at full price.
- In determining the replacement cost, depreciation of the asset and the value of salvage materials are not taken into account, nor is the value of benefits to be derived from the project deducted from the valuation of an affected asset. Where domestic law does not meet the standard of compensation at full replacement cost, compensation under domestic law is supplemented by additional measures so as to meet the replacement cost standard. Such additional assistance is distinct from resettlement measures to be

provided under other clauses in the World Bank (WB) Operational Policy (OP)/Bank Policy (BP) 4.12, Para. 6.

- A Detailed Measurement Survey (DMS) and Replacement Cost Study (RCS) will be conducted under management of the IRC-WG based the approved detailed designed and as requested by MRD. The DMS will be implemented by the IRC-WG in close cooperation with Provincial Resettlement Sub-Committee Working Group (PRSC-WG) and relevant local authorities. The RCS will be conducted by an independent agency experienced in asset valuation hired by IRC. Based on the result of DMS and RCS, MRD/MOE and concerned ministries will jointly update the ARAP or RAP. IRC will then calculate the compensation amount and subsequently request budget disbursement from RGC. Before conducting the DMS, a public consultation meeting will be held by IRC-WG assisted by PRSC-WG.

Local authorities must document the consultation process and agreement as part of subprojects. It is possible that Indigenous Peoples (IPs) can be affected directly or indirectly by the proposed sub-projects. In this case, an Indigenous Peoples Plan (IPP), based on the existing IPPF, would need to be prepared as a separate guiding document. Where IPs are affected directly or indirectly by the proposed sub-projects, then necessary safeguards instruments and measures will guide the sub-project design and feasibility studies prior to project appraisal. Accordingly, the consultation process and any planned avoidance or mitigation measures must be documented. If IPs are adversely affected by sub-projects resulting in land acquisition or, other induced negative impacts (i.e., loss of livelihood, assets, well-being and/or entitlements, etc.) then, the IPP would discuss these direct or indirect effects in detail and provide guidance for their mitigation and opportunities to derive benefits.

An Entitlement Matrix (Table 2) has been prepared for the subproject considering all possible potential impacts that is envisaged during the detailed engineering design (DED) stage. The RPF and its Entitlement Matrix will guide the eligible entitlements and allowances at the ARAP or RAP stage, if additional impacts are found resulting from DED of the sub-project. This RPF level matrix shows the potential types of losses, entitled persons and units of entitlements. The entitlements in Table 2 below may not cover all types of impacts and will be enhanced or improved in the preparation of ARAPs or RAPs based on the findings of the social assessment and sub-project LAR impacts during the DED stage, but not downgraded in case there will be LAR related impacts identified and/or arose during the subproject implementation stage.

Table 2 Entitlement Matrix.

	Type of Loss	Application	Category of AH	Entitlements	Clarification
Loss of Land					
1a	Loss of Land	Agricultural, residential and commercial land	Legal owners and holders of real right of land, including those covered by customary rights	<ul style="list-style-type: none"> ● Cash compensation for land at full replacement cost or land swap of equal productive value. ● Provision of stamp duties, land registration fees and other similar taxes, if applicable, for acquiring legal rights in case of replacement land (land for land swap) ● Includes option of compensation at same replacement cost for affected land that remain after acquisition if remaining land becomes unviable or unusable. ● For customary ownership, replacement land to sustain livelihood and way of life. Land registration, stamp duty and other fees to register land ownership or right to use will be reimbursed at cost 	<p>If land for land is offered, title will go to both husband and wife.</p> <p>Applies to only partial loss of land</p>
Loss of Use of Land					

	Type of Loss	Application	Category of AH	Entitlements	Clarification
2a	Loss of Crops and Fruit Trees	Agricultural land	All AHs who are engaged in farming (including Tenants and Leaseholders Illegal occupiers/squatters without legal titles or rights to land)	<ul style="list-style-type: none"> For rice/crop farming: Net annual income X 1year In addition, AHs can harvest and retain income from standing crop. For fruit trees_replacement cost of loss based on following formula: $[(\text{Quantity Harvested per Year}) \times (\text{Market Price}) \times (\text{Number of years it will bear fruit})] + \text{Cost of Seedling}$ 	<p>RCS will determine the amounts</p> <p>Market Price is based on Farm-Gate Price</p>
				<p>Perennial trees that have a growth period of more than 5 years are classified as follows:</p> <ul style="list-style-type: none"> Sapling Trees under 1 year- not compensated as it can be replanted. Cost of seedling provided. Young Tree (1 to 3 years): Valued at 1/3 of its full price as it can be replanted plus the cost of seedlings Young Tree (More than 3 to 5 years) bearing some fruits: valued at 2/3 of its full price plus cost of seedlings Mature Tree (more than 5 years) full bearing fruits valued at full price plus cost of seedlings 	<p>Price is amount calculated from the formula shown in [] without cost of seedling</p>

	Type of Loss	Application	Category of AH	Entitlements	Clarification
2b	Loss of Business	Commercial land and businesses	All AHs who are engaged in businesses (including Tenants and Leaseholders Illegal occupiers/squatters without legal titles or rights to land)	<ul style="list-style-type: none"> • For businesses which need to be relocated to a new site, an amount equal to loss of projected net income for 2 months • For businesses relocated on-site (move back or same area), an amount equal to loss of projected net income for one month. • For operating of illegal nature of businesses like gambling, prostitution, drugs and similar types, no compensation is paid 	<p>RCS will determine the amounts</p> <p>Both registered and unregistered businesses are compensated except when the nature of business is illegal</p>
Loss of Houses and Structures					

	Type of Loss	Application	Category of AH	Entitlements	Clarification
3a	Loss of Houses and Structures	Residential, commercial structures and other assets	Owners of houses, buildings and structures (including Tenants and Leaseholders Illegal occupiers/squatters without legal titles or rights to land)	<ul style="list-style-type: none"> • Cash compensation equivalent to replacement value of lost portion of the house/building/structure. If the owner rents or leases, compensation for any improvements/construction carried out by the renter/leaseholder will be deducted from the compensation payment to the owners. • In case of loss of only part of the houses/buildings/structure and the remaining portion is not livable or useable, compensation will be paid for complete structure at same replacement cost. • In case houses/buildings are rented/leased, any improvements/construction added by renters and leaseholders will be compensated at replacement cost and paid to renter/leaseholder. Owners will not get compensation for such improvements/construction 	<p>RCS will determine the replacement cost</p> <p>When loss is 75 % or more of the floor space</p>

	Type of Loss	Application	Category of AH	Entitlements	Clarification
3b	Loss of Houses and Structures	Residential, commercial structures and other assets	Tenants and Leaseholders (including Tenants and Leaseholders Illegal occupiers/squatters without legal titles or rights to land)	<ul style="list-style-type: none"> • Cash compensation at replacement cost for any improvements or construction by the tenants or leaseholders • In case of no improvements or construction, no compensation is paid. • Transfer/Disturbance Allowance equivalent to 1month of rental or lease amount 	RCS will determine replacement cost Documentary evidence is required
3c	Loss of Houses and Structures	Residential, commercial structures and other assets	Illegal occupiers/squatters	<ul style="list-style-type: none"> • Cash compensation equivalent to replacement value of loss of structures constructed by illegal occupier/squatters 	RCS will determine replacement value
3d	Loss of Houses and Structures (Transport Allowance)	Transport allowance for household and personal goods	Ahs (including Tenants and Leaseholders Illegal occupiers/squatters without legal titles or rights to land)	<ul style="list-style-type: none"> • Fixed Lump Sum allowance per AH based on average cost of transportation to new relocation place. • Up to 5 km • More than 5 km 	RCS will determine the lump sum amount for the 2 rates
Loss of Income and Livelihood					

	Type of Loss	Application	Category of AH	Entitlements	Clarification
4a	Loss of Income during Transition Period-Subsistence Allowance	Loss of Income	AHs who lose income during the transition period. (including Tenants and Leaseholders Illegal occupiers/squatters without legal titles or rights to land)	<ul style="list-style-type: none"> Lump sum amount equivalent to 3 months of income based on the official monthly poverty rate established by RGC. Monthly Poverty Rate X Number of Members in AH X 3 In case AH is classified as poor vulnerable group, the above lump sum amount is doubled. 	Monthly Poverty Rate as established by the RGC
4b	Permanent Loss of Livelihood Source due to Physical Relocation OR where remaining portion of land acquired is no longer viable	Income Restoration	AHs who lose their source of livelihood permanently (including Tenants and Leaseholders Illegal occupiers/squatters without legal titles or rights to land)	<ul style="list-style-type: none"> Entitled to participate in any one of the 3Livelihood Restoration/Support Programs: Land Based Livelihood Restoration for AHs engaged in land based livelihood. (i) facilitate access to other land based sources of income, if productive land is available, like vegetable gardening, fruit tree, livestock and other similar land based income generating sources; (ii) provision of training in farming or livestock; and (iii) lump sum cash grant of USD 200 to re-start land based livelihood In case of unavailability of suitable land, the AHs can opt for either employment or business base livelihood program. Employment Based Livelihood Restoration for AHs who lose 	Land Based for AH who lose land based livelihood Employment based for AH who lose employment based livelihood Business based livelihood program for AH who lose business based livelihood. Can be provided for the AHs who may opt for this. AHs will only be eligible for any one of the above three options

	Type of Loss	Application	Category of AH	Entitlements	Clarification
				<p>employment permanently. (i) provision of employment skills training; and (ii) lump sum cash grant equivalent to 3 months of income based on official poverty rate to supplement income support during the training period.</p> <p>OR</p> <ul style="list-style-type: none"> • Business Based Livelihood Restoration for AHs who lose businesses permanently or AHs who opt for this as an alternative livelihood source. (i) provision of business skills; and (iii) a lump sum cash grant of USD 200 to assist in starting micro or home-based business. 	
				<ul style="list-style-type: none"> • For Poor and Vulnerable AHs. In addition to skills training, (i) lump sum cash grant will be doubled; and (ii) priority in any employment opportunity under the Project 	<p>Classification will be carried out during the DMS and in accordance with the established criteria prescribed in Section IV.D SOP</p>

ORGANIZATIONAL PROCEDURES FOR RESETTLEMENT

MOE is the Executive Agency for the CSLEP and MRD will be the lead implementation agency for road improvements. However, in cases where land acquisition is related to road improvement GDR will be the lead agency directly responsible for the implementation of the ARAPs and RAPs. MRD is responsible for improvement of secondary rural roads and has extensive experience. In cases of voluntary donations, MRD will lead the process (or MOE for non-road components). However, if there is involuntary resettlement and land acquisition, the MRD/MOE will jointly request the Inter-Ministerial Resettlement Committee (IRC) to address resettlement and land acquisition in accordance with the policies and procedures set forth in this RPF. The MRD/MOE will work closely with the GDR/IRC-WG and PRSC to deal with resettlement issues. A Provincial Resettlement Sub-Committee Working Group (PRSC-WG) shall be established to assist the IRC-WG to deal with any resettlement issues at provincial level.

INTER-MINISTERIAL RESETTLEMENT COMMITTEE AND THE GENERAL DEPARTMENT OF RESETTLEMENT (GDR)

The IRC mechanism was established by the Prime Minister's Decision No. 13 dated 18 March 1997, updated on 16 February 1999 by the Decision No. 98, and Decision dated 3 December 2010, 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, by virtue of the Prime Minister's Decision, exercises the authority of the Expropriation Committee under the Expropriation Law and is a collective entity, permanently chaired and led by the MEF, and with members from different line ministries. The IRC carries out its role and responsibilities through the IRC-WG which is established for each public investment project by MEF. The powers of the IRC are delegated to its permanent Chairman. The key responsibilities of IRC include:

- Provide effective oversight and ensure LAR complies with the laws and implementing rules and regulations;
- Ensure effective coordination between Line Ministries, Provincial/Local Authorities and GDR-MEF in carrying out LAR;
- Provide overall guidance on implementing rules and regulations for LAR and propose updates as necessary;
- Initiate the establishment of PGRC, and
- Approve Basic Resettlement Plans (BRP), Resettlement Framework (RF), Detailed Resettlement Plans (DRP) and Updated Detailed Resettlement Plan (UDRP).

The GDR is the Permanent Secretariat of the IRC and the lead agency for LAR for public investment projects. It is responsible for the preparation, implementation, monitoring and reporting of resettlement plans in accordance with the laws and implementing rules and regulations related to LAR and the mandatory requirements of the safeguard policies of the DPs. It is also responsible for the

formulation of new regulations or updating of the SOP and is vested with the authority to interpret and clarify provisions of the SOP which shall be final. The key responsibilities include:

- Coordinate and collaborate with line ministries, EAs/IAs and other agencies involved in LAR activities;
- Act as focal RGC counterpart for all LAR activities for cooperation with DPs;
- Guide the EAs/IAs and /or the project preparation consultants in carrying out the sample socio-economic surveys (SES) and in the preparation of the RF or the BRP during project feasibility;
- Review and endorse the draft BRP or RF prepared by the EAs/IAs during the project preparation phase for approval by IRC;
- Review and endorse all issues related to LAR contained in Aide Memoires (AM), Memorandum of Understandings (MOU) and Minutes of Discussions (MOD) prepared by DPs during the project preparation, loan processing and loan approval stage;
- Review and endorse covenants related to LAR in draft Project Administration Manual (PAM)/ Project Implementation Manual (PIM) and draft financing agreements and participate in their negotiations, as necessary;
- Conduct consultation with affected households and local authorities during the preparation of the DRP;
- Prepare the DRP based on detailed measurement survey (DMS);
- Update the DRP as and when necessary;
- Prepare and secure the necessary budget for the implementation of DRP;
- Implement all LAR activities in compliance with the DRP or UDRP;
- Calculate, prepare contracts and make payments for compensation for each affected household based on the entitlement matrix in the DRP or UDRP;
- Ensure proper functioning of the Grievance Redress Mechanism (GRM);
- Supervise, monitor, and report on implementation progress of the DRP or UDRP;
- Conduct awareness workshops for line ministries and local authorities on the implementing rules and regulations as specified in the SOP for LAR and related guidelines prepared by GDR from time to time, and
- Serve as the focal knowledge center for LAR.

PROVINCIAL RESETTLEMENT SUB-COMMITTEE (THE "PRSC")

The Provincial Resettlement Sub-Committee (PRSC) is a collegial body set up at the provincial level. Headed by the Provincial Governor or Provincial Vice-Governor, its members are provincial department directors of line ministries represented in IRC, and also the chiefs of the districts and communes traversing along the Project road.

The technical arm of PRSC is PRSC-WG, which is headed by a representative of the relevant Provincial Hall. The regular members of PRSC-WG come from the Provincial Government, the Provincial Department of Economy and Finance (PDEF). In an effort to make the whole process of resettlement

*Cambodia Sustainable Landscape and Ecotourism Project (CSLEP)
Resettlement Policy Framework (RPF)*

effective, participatory and transparent, the chiefs of the affected communes and villages in project affected communes will have a seat and be actively involved in the PRSC-WG to tackle matters concerning their respective areas of jurisdiction.

PRSC, through PRSC-WG, will have the following functions:

- (i) Facilitate a sustained public information campaign, ensuring that the public, especially the PAHs, are updated on any development regarding the Project and resettlement activities;
- (ii) Cooperate with IRC-WG in conducting the implementation of RP and assist with public consultation and information disclosure meeting(s);
- (iii) Manage the delivery of compensation and other entitlements to the PAHs;
- (iv) Receive and act on the complaints and grievances of PAHs in accordance with the Project resettlement policy; and
- (v) Maintain a record of all public meetings, grievances, and actions taken to address complaints and grievances.

PROJECT IMPLEMENTATION ARRANGEMENT

Institutional arrangements for implementation will follow ‘Government Structure’, mainly guided/lead by the MOE and/or MRD in cases of road improvement. MOE and/or MRD and their concerned ministries will jointly work closely with the GDR-IRC. Tasks of MOE/MRD as implementing agencies include the following:

- a) Screening sub-projects and determination of sub-project resettlement impact categorization;
- b) Guide, support and oversee the work of the PRSC-WG and other stakeholders for activities related to planning, implementation and monitoring of plans and activities for voluntary and involuntary land acquisition;
- c) Prepare ARAP for the subproject with resettlement impacts and submit to MEF-IRC for endorsement;
- d) Coordinate with IRC and PRSC for conducting the DMS, implementing public consultations, development of resettlement sites and other resettlement activities required to implement the approved RP;
- e) Carry out the process of voluntary donation with proper documentation; and
- f) Coordinate internal monitoring activities including development of monitoring indicators, procedures and reporting.

PREPARING THE VOLUNTARY LAND CONTRIBUTION REPORT

For subprojects with voluntary contribution of land, MOE/MRD must prepare a voluntary land contribution report consisting of:

- Voluntary land contribution report (VLCR);

- Land Survey Map;
- Schedule of Land Acquisition, if applicable;
- List of Voluntary Contributions of Land and other assets;
- List of participants in Land Survey with gender equality, and
- Two meeting minutes: Minutes of disclosure meeting about the right of land users and Minutes of the meeting to discuss and make agreement.

APPROVAL OF THE LAND STUDY REPORT

The land study report (VLCR and/or Land Acquisition Report) will be conducted by the MOE/MRD and submitted to GDR for approval. The GDR will check if there are any land users' complaints on record. If the report is not complete or conform to the guidelines, the GDR may ask the government official responsible for the report (PRSC) to develop a revised version with the MOE/MRD and to re-submit for approval.

If any land users indicate that they are not satisfied with the solution offered for their land contribution, the project cannot proceed until resolution has been achieved. The MOE/MRD must notify the PRSC about any such issues and the PRSC must review the resolution arrangements to ensure the offer has been voluntary. Otherwise, the PRSC may find that the project cannot proceed. When the report has been accepted and the all resolutions finalized, the MOE/MRD should be notified. The VLCR should include the following:

- Project name;
- Location including province, commune, and district;
- Date of commencement;
- Project description;
- Public disclosure summary with number of people;
- Date of public disclosure;
- Participatory land use survey details:
 - Date of collection of affected land and other assets;
 - Date of meeting for discussion and agreement;
 - Number of participants (attached list of participants);
 - Total amount of voluntarily land contribution; and
 - Value of voluntarily assets contribution.

The report should be signed by the PRSC or MRD/MOE and also include land survey map(s), schedule of acquisition, list of voluntary land and other donated assets, list of land survey participants and minutes of meetings.

LINKING RESETTLEMENT TO CIVIL WORKS

As mentioned, the CSLEP is not expected to require major physical relocation as proposed sub-project roadworks repair and improvement would occur in the existing alignment and ROW, and ecotourism

facilities are expected to be small. However, minor infrastructure or the use of some areas for drainage improvements, borrow pits or waste disposal sites may result in unexpected low-level impacts, including disruption of access or damage to property (i.e., land and buildings). Road maintenance activities may also require the relocation of temporary structures, temporary occupation of plots of land or may cause damage to crops and trees along the ROW.

Potential minor and temporary land acquisition may be required due to the construction of improved roadside drainage ditches within the alignment and ROW. Land acquisition would be identified during implementation when final alignment and roadworks design becomes available and/or other subprojects are designed and the extent of land acquisition required and its impact on PAPs is known. However, it may be surmised that even temporary displacement and dislocation of businesses in the short term may have an adverse social impact for different populations.

Local communities and households may elect to make a voluntary contribution of affected land without compensation. This situation should only be acceptable when benefits to PAP can be assured. The process of consultation with potential contributors should be conducted in an open and transparent manner with decisions regarding voluntary contributions based on free, prior and informed consultation and unforced choice by affected people. Local authorities must document the consultation process and agreement as guided in this RPF.

All PAP and PAH, without regard to legal status of property, will receive support of various kinds, as per the principles set out in the Entitlement Matrix, to assist them in their efforts to maintain their livelihoods and living standards prevailing prior to the Project. Squatters will not be compensated for loss of land but will receive compensation for loss of other assets that had been established with their own finances, and for loss of income such that they are assisted in their efforts to maintain their livelihoods and wellbeing. Detailed measures to be implemented will be determined based on the census and socio-economic survey conducted when the RP is developed.

PAP and PAH will be notified of the project implementation schedule and consulted regarding the principles of land acquisition and loss of or damage to assets. Damages to assets, such as, standing crops, trees, fences and kiosks, and loss of income, including loss of harvest will be minimized, although some disruption is likely inevitable. Where disruption occurs, PAP and PAH, and will be compensated without regard to legal status of ownership according to the Entitlement Matrix provided in this RPF.

A market survey will be conducted to assess the prevailing market prices of land and construction materials for affected structures, crops and relevant items which will be used as the unit prices to determine compensation. This exercise will provide assurance to PAP and PAH that they will be able to purchase equivalent value replacement land/asset. Loss of income and assets will be compensated on a net basis without tax, depreciation or any other deduction.

CUT-OFF DATES OF ELIGIBILITY

A household survey and census will be conducted as soon as the sub-project road selection has been confirmed and date of public consultation with PAP and PAH in order to develop the inventory of

project impacts on affected household and business. Care will be taken to set cut-off dates immediately after the determination of the final sub-project road improvement sections are confirmed and at date of public consultation with PAP and PAH.

The household survey including IOL and DMS and RCS will be used to record all loss of assets incurred as a result of project implementation. A binding legal instrument will be used to record all loss of assets which will be signed by PAP and PAH, their neighbors and representatives of local government. The compensation eligible to each affected entity will be determined based on the legal instrument and the detailed methodology to calculate compensation will be articulated in the RP.

PROJECT IMPLEMENTATION PROCESS

IRC will mobilize its working group to work closely with PRSC-WG and if required the External Monitoring Agency (EMA) before commencement of any resettlement activities. Land acquisition and relocation of PAH will not commence until the detailed ARAP or RAP has been reviewed and approved by both IRC and WB. Several steps are integral to the RP implementation process, including:

- (i) Detailed Measurement Survey (DMS) and Replacement Cost Study (RCS): a detailed DMS and RCS will be conducted under management of the IRC-WG based the approved detailed designed and as requested by MRD/MOE. The DMS will be implemented by IRC-WG in close cooperation with PRSC-WG and relevant local authorities. The RCS will be conducted by an independent agency hired by IRC. Based on the result of DMS and RCS, GDR will update the RP. IRC will then calculate the compensation amount and subsequently request budget disbursement from RGC. Before conducting the DMS, a public consultation meeting will be held by IRC-WG assisted by PRSC-WG.
- (ii) Public Disclosure and Information Meeting Prior to DMS: two separate information meetings will be held prior to the DMS, including: i) with members of the PRSC, district and commune level; and ii) with PAP and PAH and other community members at commune level which will likely be affected by the subproject. Information meetings with the PRSC will be conducted with applicable commune(s). The purpose of these meetings is: i) to provide information about the Project and subproject, the requirements for a resettlement program and the procedures of the DMS and ARAP or RAP implementation; and ii) to ensure that all stakeholders receive basic information about the Project and resettlement activities, and have an opportunity to raise questions and concerns. Information provided during the public disclosure meetings with PAP and PAH prior to the DMS will include:
 - a) Information about the Project and its benefits;
 - b) Scope of resettlement and land acquisition;
 - c) Potential impacts of the Project on households living with the Project area(s);
 - d) Policy for compensation and entitlement; and
 - e) Process of Resettlement Plan preparation and implementation.
- (iii) Preparation, disclosure and consultation on APAP or RAP

- (iv) Notification on Site Clearance: PAH which would be relocated should be informed about the schedule for the project site clearance and start-up of the physical works. PAHs should be given enough time to relocate and harvest their crops, where applicable, prior to start-up of enclosure of the project area

GRIEVANCE REDRESS MECHANISM

The PAP may informally seek the assistance of the commune chief or a community elder to discuss and find an amicable solution to the grievance with the leader of the PRSC-WG. This is done verbally and a formal written complaint by the PAP is not required (although the complaint and how it was resolved will be recorded as part of the monitoring process). The PRSC-WG will consult with the IRC-WG to ensure grievance is properly addressed. This approach can help to resolve issues quickly. However, if the grievance is not resolved to the satisfaction of the PAP or in case the PAP prefers, he/she may seek the formal route for lodging the grievance as explained below:

First Step

The aggrieved PAP can lodge a written complaint to the Head of the District Office. The PAP can bring a community elder or representative to mediate in the matter at the District level. The IRC-WG will let the Head of the District Office know about the matter. If the complaint is resolved at the District Level to the satisfaction of the PAP, the IRC-WG will inform and seek the approval of GDR for appropriate action.

If the complaint is rejected at this stage and the PAP is not satisfied with the result, he/she can proceed to the next step and lodge a written complaint to the GDR for resolution.

Second Step

The GDR is responsible for recording and reviewing complaints and grievances. The appointed officer in the GDR, Grievance Officer, will record the complaint and check the merits of the claim within the framework of the agreed Entitlement Matrix. For example, there is a possibility that a complaint refers to an entitlement which was not envisaged at the time of preparation of the Entitlement Matrix and the aggrieved displaced person has a just cause to seek remedy.

The Grievance Officer will therefore carry out a holistic review and prepare and submit a report on its findings with the relevant recommendations, if any, to the GDR for a decision. It may also conduct a field visit to meet the aggrieved PAP and the IRC-WG and carry out the assessment of the complaint. The final report must be completed within 30 working days from the date of receipt of the complaint. The final decision will be made by the Director General of the GDR within 5 working days after receipt of the report. If the subject matter requires a policy level intervention, it will be referred to the IRC for a decision, in which case 10 more working days will be added to the deadline for final decision.

The GDR will issue a written response and convey the decision to the aggrieved PAP. If the complaint has been found to have merit, the Grievance Officer will inform the relevant Department of Resettlement in the GDR will be tasked to settle the claim within 15 working days after the decision is made. In case the complaint is rejected at the second step, the displaced person will have the option to submit the complaint to the PGRC for its consideration.

The Grievance Officer will create a central database to record all the relevant details about the complaints, including summary of the findings and the decision taken. A summary report on the status of all complaints will be prepared quarterly and submitted to the IRC and the World Bank for information.

Third Step

This is a formal stage where the aggrieved PAP can seek a final administrative decision by the PGRC. The PAP will submit a written complaint with the PGRC through the Provincial Governor's Office. The displaced person or a representative will be given an opportunity to present its case during the meeting and the PGRC may consider any compelling and special circumstances of the PAP when reaching a decision. The GDR will send a representative, as a non-voting member, to provide explanation for the rejection of the complaint at the second step by the GDR. The decision of the PGRC must be reached on a consensus basis and will be final and binding except when the matter relates to any policy of RGC. Decisions on RGC policy matters on LAR are decided by the IRC. The PGRC will have 40 working days from the date of receipt of the complaint to reach a final decision.

The decision of the PGRC will be sent to the IRC through the GDR for endorsement before any remedial action is taken.

The handling of the complaint ends at the Third Step. There are no fees or charges levied on the PAP for the lodgment and processing of the complaints under the First, Second and Third Steps.

However, as provided for in the Expropriation Law, the aggrieved PAP can file a suit at the Provincial/Municipal Courts, as applicable, to seek a resolution. Such actions will be at the cost of the PAP. At this stage, there is no involvement of the GDR, PRSC or IRC-WG unless there is a judicial order from the competent courts.

ARRANGEMENTS FOR FUNDING RESETTLEMENT

Each ARAP or RAP will include detailed cost of compensation and other rehabilitation entitlements as part of the process to compensate relocated PAP and PAH. Arrangements will be made for PAP and PAH property and assets segregated on the basis of agricultural land, residential land, business land, houses, business assets and other holdings. The detailed budgetary estimates will make adequate provision for contingencies and the ARAP or RAP will explicitly establish sources for all funds required. The RP will ensure that fund flows are compatible with the timetable for payment of compensation and provision of all other assistance.

The budget will cover land acquisition, relocation site development, compensation costs, allowances and administration costs, and contingency. Resettlement costs will be part of the Government's counterpart fund and no loan funds will be required from the IDA. The RGC will ensure timely provision of counterpart funds for resettlement to meet any unforeseen obligations in excess of the resettlement budget estimates in order satisfy resettlement requirements and objective.

PARTICIPATORY CONSULTATIONS DURING PROJECT PREPARATION

A stakeholder consultation to discuss social safeguards aspects of the CSLEP was held at the MOE in Phnom Penh, Cambodia, on January 23, 2019. This was the second stakeholder consultation on CSLEP safeguard aspects. A first stakeholder consultation to discuss the project's ESMF was held in Phnom Penh in December 2018.

Over 40 participants, mostly Khmer nationals, attended the 2nd Stakeholder Consultation which included participants from line ministries including MOE, Ministry of Rural Development (MRD), Ministry of Land Management, Urban Planning and Construction (MLMUPC), Ministry of Water Resources and Meteorology, Ministry of Interior (MOI) and Ministry of Agriculture, Forestry and Fisheries (MAFF), among others. Representatives from Non-Governmental Organizations (NGOs) also attended the consultation, including NGOs representing Indigenous Peoples (IP) groups, such as Indigenous Communities Support Organization (ICSO), Cambodia Indigenous Peoples Organization (CIPO) and Non-Timber Forest Exchange Program (NTFP-EP). Other NGOs in attendance included Wildlife Conservation Society (WCS), Oxfam and Wildlife Alliance. Representatives from development partners were also in attendance, including The World Bank, United Nations Development Fund (UNDP) and USAID. Finally, some representatives of the private sector, such as tourism-related businesses, also participated, including A2A Cambodia.

The Consultation introduced the project and the main safeguards documents: The Environment and Social Management Framework (in the first consultation), and the Indigenous Peoples Planning Framework (IPPF), Resettlement Planning Framework (RPF) and Process Framework (PF) during the second stakeholder consultation. Key provisions of each document were discussed as well as the rationale for triggering the World Bank policies and the WB and Cambodia's legal framework.

During the consultations the floor was opened for discussion for participants to freely ask questions and share comments. Participants were also encouraged to provide feedback on the social safeguard instruments, in particular: (i) how best to reach IPs to ensure free, prior and informed consultations, (ii) how existing grievance redress mechanisms at the local level can be strengthened by the Project, and (iii) feedback on the Entitlement Matrix of the RPF. Participants were very active in their participation and had numerous questions and comments regarding the project, how best to address potential impacts relating to land acquisition and to Indigenous Peoples (IPs).

Representatives from various line ministries and NGOs had an opportunity to present their feedback and recommendations, including the importance of ensuring fair compensation to any affected people, and ensuring impacts to IPs are minimized and/or well mitigated so that their traditions are not impacted or eroded. Participants from NGOs were also interested in understanding how the

project would ensure Free Prior and Informed Consultation, and what the role of NGOs would be in the project.

During the consultations MOE addressed these questions and reaffirmed the project's efforts to minimize any land acquisition or impacts to IPs and the measures that would be taken on this regard, including ensuring close consultation with IPs and affected people during project implementation, as well as working closely with NGOs.

PARTICIPATORY CONSULTATIONS DURING IMPLEMENTATION

As discussed above, PAP and PAH will participate throughout the development and implementation process of land acquisition and the land donation process. PAP and PAH will be consulted by commune councils, district and provincial authorities. The PAP and PAH will be invited to participate in public meetings in the early stages of the process and will be provided with reliable information on the proposed sub-project(s), its impacts and proposed mitigation measures and economic rehabilitation activities. Information publicly disclosed will also include cut-off dates for each subproject, eligibility criteria and entitlements, modalities of compensation, complaints and grievance redress procedures.

The PAP and PAH and different populations will be provided with an opportunity of presenting their ideas and suggestions as inputs into the planning and implementation of the sub-project(s). These will be achieved through a series of participatory exercises and focused discussions with PAP and PAH, thus ensuring that the affected parties have a stake in the process.

As mentioned, PAP and PAH will be involved in various committees, including the grievance redress committee, to be established, which will ensure their participation in the decision-making process throughout various stages of the ARAP and RAP process, including preparation and implementation. Following sub-project completion, a survey could be undertaken by the MRD/MOE and their concerned ministries amongst PAP and PAH to assess their level of satisfaction with the process and results of the ARAP or RAP.

If IPs are impacted by project component, consultations will have to be done in line with IPPF or IPPs to ensure free, prior and informed consultation leading to broad community support.

MONITORING AND REPORTING

Monitoring is a key component of the CSLEP during implementation.

INTERNAL MONITORING

The primary responsibility for gathering the data and information on the progress of the LAR from the field rests with IRC-WG and the PRSC-WG which will submit monthly reports to the Resettlement Department 2 (RD2) of GDR. The RD2 will compile the field reports and prepare a consolidated report for the subproject on a monthly basis. The report will be submitted to the Department of Internal Monitoring and Data Management (DIMDM) of GDR which is responsible for internal monitoring. The responsibility of the DIMDM is to (i) review the monthly progress reports, including fielding its own missions to verify the progress and the validity of the data and information, if deemed necessary; and

(ii) compile quarterly monitoring report for submission to the Director General of GDR. After the quarterly report is endorsed by the GDR, it will be submitted to the World Bank.

In cases where a serious problem is encountered at any time during the preparation or implementation of the ARAP or RAP, the DIMDM will field a special mission to assess the situation and prepare a special report for remedial action and submit to the Director General of GDR for endorsement.

EXTERNAL MONITORING

The external monitor has the specific responsibility of studying and reporting on RAP implementation and on social and economic situations of PAH particularly disrupted by subproject subcomponents. The external monitor also has the responsibility of reviewing potential for job opportunities for PAH, including women and youth, which would be assisted by provincial authorities.

If required and needed based on the subproject impact, IRC will hire an External Monitoring Agency (EMA) to carry out external monitoring. The TOR for the engagement of the EMA will be prepared before procurement process. The external monitoring reports will be submitted to GDR on quarterly basis. GDR will review and endorse the report, and then forward to MRD/ MOE and to WB.

VOLUNTARY LAND DONATION (VLD) FRAMEWORK

In accordance with community customary practices, villagers may choose to voluntarily contribute land or assets without compensation. This can often be justified because the sub-project may provide a direct benefit to the affected people; provisions for voluntary land donations (VLDs) are included in Appendix A2 and a draft form in Appendix A3.

Scope of voluntary land donation. VLD is applied for beneficiary communities with no involuntary land acquisition and based on community-driven demand. VLD will be accepted when small areas of private land and assets where the affected users of the assets and land have agreed to give their land and other assets as a voluntary contribution to the sub-project. No individual or family will lose more than 10% of their land, or other assets worth more than 400,000 Riels. Smallholder of residential land with area of 300 m² or less will not be allowed for VLD. Additionally, the land portion to be voluntarily donated shall be free of houses, structures or other fixed assets. For this type of sub-project, the Commune Chief, working with MOE/MRD, should prepare a report showing that the land users have been fully informed about the sub-project, and about their right to refuse to give their land and other assets without compensation. This report will be called the "Voluntary Land Donation Report," as per the Commune/ Sangkat Fund Project Implementation Manual (CSF-PIM).

Voluntary contribution is an act of informed consent. Sub-project staff will assure that voluntary contributions are made with the prior knowledge that other options are available including compensation in replacement values and are obtained without coercion or duress. PAPs have the right to refuse to donate assets and receive their entitlement and compensation for their land and assets lost. They will be fully informed of their rights and access to grievance mechanisms described in this RPF.

Due Diligence. The voluntary land donation due diligence will be documented in the subproject investment's feasibility assessment report and will incorporate at a minimum the following:

- Verification and documentation that land required for the project is given voluntarily and the land to be donated is free from any dispute on ownership or any other encumbrances;
- Verification that no individual household will be impoverished by the land donation (i.e., no more than 10% of total land holding donated) will require that community development groups negotiate livelihood restitution measures such as reduction in operation and maintenance fees or sharing of cultivable land of other beneficiary community members;
- Verification that land donation will not displace tenants or bonded labour, if any, from the land;
- Meaningful consultation has been conducted in good faith with all potential land donors. Documented verification that land donors agree with the subproject and its benefits. Separate discussions to be held with women and community groups as required to facilitate meaningful participation, and
- Assurance that a community mechanism for investment activity implementation is operational and has a fair system of grievance redress, as well as a system for project monitoring and reporting.

Documentation. Sub-project staff will document the voluntary land donation due diligence report in each beneficiary community that requires donation of private land. They will ensure completion of the written consent form for land donation. The donation will be verified by two witnesses who are community leaders but not the direct beneficiaries of the investment activity, to ensure that the land was voluntarily donated without any form of duress. The voluntary land donation due diligence information will be verified during sub-project detailed design and updated as necessary.

Voluntary Land Donation Monitoring. The voluntary land donation issues will be monitored by sub-project staff and the World Bank may periodically review the land donation agreement forms and randomly interviewing the individual donors. During review missions, WB will verify that land donation due diligence has been conducted in accordance with the above procedures.

Grievance Redress Mechanism. Anticipated grievances may relate to coercion for land donation or a donation of more than 10% of private land holding, leading to impoverishment. Any complaint will go to the Grievance Redress Committee (GRC) established for the subprojects.

APPENDICES

Appendix A1

Resettlement Plan Formats

Abbreviated Resettlement Action Plan (ARAP): Annotated Document Contents and Information Requirements

A. Introduction

Briefly describe the project, its subprojects, and/or its components (Project Development Objective; Project Beneficiaries; Project Description; Project Components; Overview of Project Location; and the requirement for land acquisition)

B. Legal and Policy Framework for LAR

Describe (i) the laws and regulations (Sub-Decrees) governing Land Acquisition in Cambodia (Land Law 2001, Expropriation Law 2010, Sub-Decree on ROW, etc.). Include a table showing the comparison of the mandatory requirements under the safeguard policies of the DP and the RGC laws and regulations on land acquisition. Show the gap analysis and measures to close the gaps. [Reproduce from SOP. This will be standard for all RFs/BRPs]

C. Policy Framework of the BRP

Describe (i) definitions of terms used; (ii) objective of the BRP and the guiding principles; (iii) legal framework for compensation (refer to SOP as the guide); (iv) Eligibility Criteria (legal owner, illegal occupiers/squatters; lawful tenants/leaseholders; customary land) and Cut-Off Date; (v) Asset Valuation Methods- RCS; (vi) types of special assistances for poor and vulnerable groups (refer to SOP as guide)

D. Census and Sample Socioeconomic Information

Describe and tabulate (i) data collected on APs and IOLs for sample SES (household surveys), (ii) data/results from census and inventories of losses, and assessments of land and other asset losses; (iii) poor and vulnerable groups and (iii) social profile from the Sample SES.

E. Compensation, Income Restoration, and Relocation

Describe and provide (i) entitlements for compensation for displaced persons; (ii) measures proposed for income support, including compensation and additional measures to help vulnerable households improve their status; (iii) measures to provide replacement land, where applicable; and (iv) selection of Relocation Sites, where applicable.[Use Standard Entitlement Matrix provided in Appendix 6 of the SOP].

F. Consultation, Participation, and Disclosure

Outline and describe (i) the mechanisms that will be adopted for conducting meaningful consultation with affected persons and for enabling their informed participation in preparing, implementing, and monitoring resettlement plans; (ii) institutional responsibilities; and (iii) disclosure arrangements, such

as the information to be disseminated and the method of dissemination. [Reproduce from the SOP and standard for all Projects].

G. Grievance Redress Mechanisms

Describe (i) the project grievance redress mechanism; (ii) the establishment of the PGRC; and (iii) the Guidelines for receiving, recording, handling and decision-making process [Reproduce Appendix 8 of the SOP and is standard for all Projects].

H. Institutional Arrangements and Implementation

Describe (i) the institutional arrangements for preparing, implementing, and monitoring resettlement activities, and describes additional measures necessary to enhance institutional capacity, including their costs, if any; (ii) the process for the preparation of the subsequent DRP and its approval and responsibility for its implementation [Standard for all Projects and provided in the SOP].

I. Budget and Budget Disbursements

Provide the indicative budget, including flow of funds; and identify funding sources (Counterpart Funds from National Budget).

J. Monitoring and Reporting

Describe (i) internal and external monitoring (where required) of resettlement arrangements; (ii) responsibilities; and (iii) reporting requirements [Standard for all Projects and provided in the SOP].

Resettlement Action Plan (RAP): Annotated Document Contents and Information Requirements

A. Executive Summary

Provide a concise statement of project scope, key survey findings, entitlements and recommended actions.

B. Project Description

- (i) Describe the project and project components that result in land acquisition, involuntary resettlement, or both and identify the project area [This is same as the description in RF/BRP]
- (ii) Set out the measures taken to avoid or minimize resettlement.

C. Legal Framework

- (i) Describe the national and local laws and regulations that apply to LAR [Same as the description in the RF/BRP]
- (ii) Describe the DP's safeguard policy and an analysis of the gaps between the DP policy and the national laws and regulations and measures to close the gaps [Same as the matrix of comparison in the RF/BRP]

D. Scope of Land Acquisition and Resettlement

- (i) Discuss the project's impacts and includes maps of the areas or zone of impact of project components or activities.
- (ii) Describe the key principles that will be followed in the implementation of the Involuntary Resettlement under the Project [Same as the description in RF/BRP]
- (iv) Describe DMS and the methodology used for the Inventory of Losses, Census, and establishment of the Cut-Off-Date for eligibility [Refer to DMS Questionnaire, Appendix 5 of SOP]
- (v) Replacement Cost Study and Unit Rates

*Cambodia Sustainable Landscape and Ecotourism Project (CSLEP)
Resettlement Policy Framework (RPF)*

(vi) Summarize the key effects in terms of assets acquired and displaced persons [All categories of assets-Land and Structures, Crops and Trees, Businesses & All categories of APs- Non-Poor, Poor and Vulnerable; Indigenous and Ethnic Minorities, Women]

E. Socioeconomic Information and Profile

Outline the results from the 100% SES, Census, IOL (from DMS Questionnaire) with information and/or data disaggregated by gender, vulnerability, and other social groupings, including:

(i) Describe the methodology used for SES (DMS Questionnaire and house-to-house Interviews) [same as described in RF/BRP]

(ii) Identify, and enumerate the people and communities to be affected

(iii) Provide the summary of socio-economic status in tabulated form (income level, income/livelihood sources, and other data collected in the DMS Questionnaire) disaggregated by gender, vulnerability, widow/women/disabled headed and other social group.

(iv) Describe the main social impacts

(v) Describe the impacts on poor, vulnerable, indigenous people and ethnic minorities and other vulnerable groups.

F. Information Disclosure, Consultation, and Participation

(i) Describe the consultation and participation mechanisms used during the preparation of the DRR;

(ii) Describe the contents of PIB

(iii) Summarize the results of consultations with affected persons (including host communities), and discusses how concerns raised and suggestions made were addressed in the resettlement plan

(iv) Confirm the disclosure of the draft resettlement plan to displaced persons and include arrangements to disclose any subsequent updated plans, if needed

G. Grievance Redress Mechanisms

(i) Describe legal framework for Grievance Redress [Same as described in RF/BRP]

(ii) Describe the mechanism for grievance redress for the Project [Same as the description in RF/BRP]

(iii) Describe the composition of the Provincial Grievance Redress Committee [Same as the description in RF/BRP]

(iv) Mention Guidelines for GRM Procedures [Refer to Appendix 8 of the SOP]

H. Entitlements, Assistance and Benefits

(i) Describe the legal framework for compensation policy [Same as description in RF/BRP]

(ii) Define the entitlements and eligibility [Same as description in RF/BRP]

(iii) Describe the public and AH consultations for compensation [Reproduce from SOP]

(iv) Provide Entitlement Matrix [Standard from SOP]

(v) Describe the special/additional assistance for the poor and each category of vulnerable groups

(vi) Describe income support program, if any

I. Relocation

*Cambodia Sustainable Landscape and Ecotourism Project (CSLEP)
Resettlement Policy Framework (RPF)*

- (i) Describe the need for relocation, criteria for selection, and the number of AHs to be relocated (if any)
- (ii) Describe alternatives for resettlement sites considered and basis for selection of sites for the Project (give location)
- (iii) Describe availability of access to schools, health centers, water, power, markets, employment/livelihood opportunities, and road connectivity. Also describe the host communities.
- (iv) Describe the size of land plot, legal arrangements for regularizing tenure and land title, and the plans for provision of basic civic infrastructure
- (v) Describe the entitlements (transport allowances, income support/income support program)
- (vi) Schedule for site development and relocation

J. Resettlement Budget and Financing Plan

- (i) Budget estimates and breakdown for all resettlement activities
- (ii) Describe the flow of funds
- (iii) Financing Source

K. Institutional Arrangements

- (i) Institutional arrangements and role and responsibilities [Reproduce from SOP]
- (ii) Implementation capacity and implementation support, if any

L. Implementation Schedule

- (i) Schedule for construction works
- (ii) Implementation schedule for key resettlement activities

M. Monitoring and Reporting

- (i) Institutional arrangements for monitoring and reporting [Same as description in RF/BRP]
- (ii) Internal monitoring [Same as description in RF/BRP]
- (iii) External monitoring, if any [Same as description in RF/BRP]

Appendix A2

Land Donation Protocol

The Land Donation Process will include the following:

1. Official information and initial assessment. Determining the appropriateness of VLD in the circumstances of project. Activities that will require VLD as a result of the screening process and the land study specifically the Voluntary Land Contribution Report sub- project staff will inform the village head and villager or land owners through official notification on where the activities will be implemented the will be require VLD. Record and document the reasons why donation of land is appropriate for the project. The Commune Chief will take into consideration the following details for such document:
 - What the land will be used for;
 - How much land the project will be require on both a permanence and temporary basis;
 - How much of the will be donated;
 - What alternatives to donation exist (e.g., right of use, right of way)
 - The terms of the donation;
 - The identifies of the parties who intend to donate;
 - The beneficiary of the donations; and
 - Any details that are related to why donation may be appropriate

Preparation of land survey map and schedule of land acquisition. After collected the information related to land and assets which will be affected by sub-project implementation, the responsible official, with assistance from the related persons, will prepare a land survey map and schedule of land acquisition.

The land survey map shows each parcel of land that will be affected and each parcel of land should be given a code (a letter or number).

2. Verification of voluntary donations. The following condition will be confirmed by the Committee including the village chief.
 - a) Confirmation that affected people agree to donate land or asset, based on a face to face meeting;
 - b) No one would lose more than 10% of the total productive assets;
 - c) The total land holding of the affected person should be 300m² or more; and
 - d) No physical relocation necessary.
3. Initial Village Consultation. Under the Village head leadership, a consultation process will be launched to invite different interest parties, including landowners to discuss and ratify the appropriateness of the voluntary basis of land donation.
4. Transferring and formalizing the land. Process for lad donation including very clear procedures that explain the process that should be followed to transfer the land, and appropriate ways to formalize the respective transfer. The process includes consideration of legal land

administrative requirement based on Cambodia's legal framework. The process will describe a clear and transparent decision making process.

5. Verification process (surveys) to identify land ownership and use. Commune Chief and Technical Assistant will ensure that the land study will include specific survey to understand the type of land right that exist in the sub –project area, and to identify any particular issues relating to land ownership and use. The specific survey must be on each parcel of land proposed for donation to identify:
 - a) The owners or owners of the land;
 - b) The users of the land, or any parties that occupy the land (either physically or through ownership of as asset or conduct of livelihood or business activities on the land);
 - c) Any competing claims of ownership or use;
 - d) Structures and assets on the land; and
 - e) Any encumbrances on the land
6. It is important to (i) identify the right that is being transferred (an ownership right, a sue right, a right of way, etc.); and (ii) check whether the transferees actually has the right s/he claims to have. In many circumstances where careful due diligence has not been carried out significant conflict has arisen at a later stage when another party claim that they have the same or a evidence of such right. Where no such evidence exists, the due diligence can establish right by speaking with local community officials and neighbors.
7. Public consultations and disclosure. The decision to donate must be taken because of a full understanding of the sub project and the consequences of agreeing to donate the land. Accordingly, the parties that will be affected by the donation (the owners and user of the land) must be provided with accurate and accessible information regarding what the land will be used for, for how long, and the impact the donation will have on them and their families. It is important be provided and that its intended use for the sub project is disclosed.
8. Where the intended is to deprive the parties affected by the donation of the land permanently, or for a significant length of time, this must be made clear. It should be noted that in many communities the concept of alienation of land is uncommon and difficult to understand, and care needs to be taken to ensure that the implications of this are fully understood. It is also important to decision who else should be consulted about the proposed donation; for example, spouses and older children.
9. There should be clear agreement as to which party will pay the cost association with the donated land. This could include measurement costs. Documentation and notaries fees, transfer taxes, registration fees. It should also included the costs of re-measuring/re –titling the transferee's remaining land and new documentation relating to it.

Establishing information consent

1. The Commune Chief, in coordination with sub- project staff, verifies the informed consent or power of choice by the people who would donate land or an asset. In particular, the following will be verified and documented in the voluntary donation report:
 - a) What the land is going on to be used for, by whom and for how long;
 - b) That they will be deprived of the ownership or right or right to use the land, and what this really means;
 - c) That they have a right to refuse to donate the land;
 - d) Whether there are alternatives to using this land;
 - e) What they will need to donate the land (e.g., execute documents, get spousal consents, pay taxes)
 - f) The effect of the donation on their family, and what they can do if they (or their family or heirs) want the land back; and
 - g) All condition provided in the paragraph 2 above.
2. The right to refuse must be a legitimate right, unconditional, and the potential transferee must be capable of exercising it in the local community and political context. For this reason, it is important to be sure that the decision to donate is undertaken without coercion, manipulation, or any form of pressure on the part of public or traditional authorities. For collective or communal land, donation must be based upon the informed consent of all individuals using or occupying the land.
3. Proper documentation. During the VLD process for sub-project investments. It is important to distinguish between: (a) the agreement donation of the land; and (b) the document carries out and evidences the legal transfer of the land. While it is important to have evidences of an intention and agreement to donate the land, it is equally important to ensure, where require and appropriate, that the land is legally transferred. While the process relating to the legal transfer to legal transfer of the land is frequently complicated and time consuming. It must be addressed. [in specific circumstances, for example where the land is being transferred to the community. It may not be necessary to legally transfer the land. However, experience indicates that lack of formal transfer can create significant uncertainty in the future, which impacts on the sustainability of the infrastructure and services, and can have a negative on community relations] (Appendix A3).
4. Commune Chief and sub- project staff should:
 - a) Identify the appropriate documentation, including the agreement to make the transfer and any legal documentation that may be required;
 - b) Ensure that the agreement:
 - Refers to the consultation has taken place;
 - Sets out terms of the transfer;
 - Confirms that the decision to transfer was freely made was not subject to coercion, manipulation, or any of pressure;
 - Attaches an accurate map of the land transferred (boundaries, coordinates);

- Sets out who will bear the cost of the transfer (e.g., notarial fees, taxes title issued) and documenting the residual land right.
- c) Ensure that all necessary parties sign the documents, including obtaining consent from spouses and children over a certain age;
 - d) Ensure that the transfer and title is registered or record; and
 - e) Ensure that the land remaining after the donate land is excised is properly title, registered or recorded.
5. It is also important to maintain a record of the process that has been followed. Such documents could include the following:
- a) The notification indicating the location and amount of land that is sought and its public;
 - b) Record of the consultation that were held and what was discussed;
 - c) A copy of the due diligence that were held and what was discussed;
 - d) Copies of each of the formal statements of donation establishing informed consent as described above, and signed by each owner or user involved;
 - e) Copies of all documents, registrations or records evidencing the legal transfer of the land and;
 - f) A map, showing each parcel of land

The Project Coordination Office should be maintaining a record with documentation for each parcel of land donated. Such documentation must be available for World Bank review, and for review in relation to any grievances that may arise.

Grievances redress arrangements.

The sub- project specifies means by which donors (and potentially, person whose use or occupancy was not recognized in the transfer of land) may raise grievances, and measures to ensure consideration of and timely response to grievances raised. The grievance process includes participation of reviewers not directly affiliated with the project-implementing agency. The grievances process imposes no cost upon those raising grievances, and participation in the grievances process does not preclude pursuit of legal remedies under the laws of the country.

Appendix A3

Voluntary Land Donation Form

Voluntary Land Donation Form

Province/Region				
District:				
Commune/ Sangkat				
Villages:				
Sub-project ID:				
Name of land owner	ID Number:	Beneficiary of the project Y/N		
Sex:				
Address:				
Description of land that will be taken for the project	Area affected	Total landholding area:	Ratio of land affected to total land held:	Map code, if available:
Description of annual crops growing on the land now and project impact				
	Details		Number	
Trees that will be destroyed				
Fruit trees				
Trees used for other economic or household purposes				
Mature forest trees				
Other				
Describe any other assets that will be lost or must be moved to implement the project:				
Value of donated assets				

1. By signing or providing thumb- print on this form the land user or owner agrees to contribute assets to the sub project. The contribution is voluntary. If the land user or owner does not want to contribute his/ her assets to the project, he or she should refuse to sign or provide thumbprint, and ask for compensation instead.

Date

Date

District PMO representative's signature

Affected person signature
(Both Husband and wife)

