

# **SECONDARY EDUCATION IMPROVEMENT PROJECT (SEIP) IN CAMBODIA**

Project Number: P157858

## **RESETTLEMENT POLICY FRAMEWORK (February, 2017)**



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## LIST OF ACRONYMS

<b>ARAP</b>	Abbreviated Resettlement Action Plan
<b>BP</b>	Bank Policy
<b>CBO</b>	Community Based Organizations
<b>COI</b>	Corridor of Impact
<b>CSO</b>	Civil Society Organizations
<b>DIA</b>	Designated Implementing Agency
<b>DMS</b>	Detailed Measurement Survey
<b>ESMF</b>	Environmental and Social Management Framework
<b>ESMP</b>	Environmental and Social Management Plan
<b>FPIC</b>	Free, Prior and Informed Consultation
<b>GDR</b>	General Department of Resettlement
<b>IDA</b>	International Development Association
<b>IOL</b>	Inventory of Loss
<b>IP</b>	Indigenous Peoples
<b>IPP</b>	Indigenous Peoples Plan
<b>IPPF</b>	Indigenous Peoples Planning Framework
<b>IRC</b>	Inter-ministerial Resettlement Committee
<b>Km</b>	Kilometer
<b>M&amp;E</b>	Monitoring and Evaluation
<b>MEF</b>	Ministry of Economy and Finance
<b>MOE</b>	Ministry of Environment
<b>MOWRAM</b>	Ministry of Water Resources and Meteorology
<b>MRD</b>	Ministry of Rural Development
<b>NGO</b>	Non-Governmental Organizations
<b>NPA</b>	Non-Profit Associations
<b>NR</b>	National Road
<b>OP</b>	Operational Policy
<b>PAH</b>	Project Affected Households
<b>PAP</b>	Project Affected Persons
<b>PDR</b>	People's Democratic Republic
<b>PMO</b>	Project Management Office
<b>PMT</b>	Project Management Team
<b>RAMP</b>	Road Assessment Management Project
<b>RAP</b>	Resettlement Action Plan
<b>RCS</b>	Replacement Cost Study
<b>RPF</b>	Resettlement Policy Framework
<b>RGC</b>	Royal Government of Cambodia
<b>ROW</b>	Right of Way
<b>RP</b>	Resettlement Plan
<b>SEA DRM</b>	South East Asia Disaster Risk Management
<b>TOR</b>	Terms of Reference
<b>WB</b>	World Bank
<b>WBG</b>	World Bank Group



## 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 at the replacement cost of the acquired assets for the project.

**Cut-off Date** – the cut-off date is 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. The cut-off date for this Project will be the date of conducting public consultation with the project-affected persons before conducting inventory of loss (IOL) or the detailed measurement survey (DMS).

**Displaced persons** – refers to all of the people who, on account of the activities listed above, would have their (1) standard of living adversely affected; or (2) right, title, interest in any house, land (including premises, agricultural and grazing land) or any other fixed or movable asset acquired or possessed temporarily or permanently; (3) access to productive assets adversely affected, temporarily or permanently; or (4) business, occupation, work or place of residence or habitat adversely affected; and "displaced person" means any of the displaced persons.

**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** – range of measures comprising compensation, income restoration support, transfer assistance, income substitution, and relocation support which are due to affected people, depending on the nature of their losses, to restore their economic and social base. The entitlements adopted for the Secondary Education Improvement Project were guided by the applicable national laws and regulations and WB OP/BP 4.12. The entitlements may be further revised based on actual status of impact, if applicable, in an updated version of the Resettlement Policy Framework (RF).

**Household** – means all persons living and eating together as a single social unit.

**Income restoration** – means re-establishing income sources and livelihoods of project-affected households to a minimum of the 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 Education, Youth and Sports (MoEYS), the Ministry of Economy and Finance (MEF), the General Department of Resettlement (GDR) of the Ministry of Economy and Finance.

**Project Executive Agency** – Refer to Ministry of Education, Youth and Sports (MoEYS) and its Project Management Committee (PMC).



**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/or 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.

**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** – 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 the 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. In determining the replacement cost, the 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.

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

**Vulnerable groups** - are distinct groups of people who might suffer disproportionately or face the risk of being marginalized from the effects of resettlement and specifically include: (i) female headed households with dependents, (ii) disabled household heads, (iii) households falling under the generally accepted indicator for poverty, (iv) elderly households with no means of support and landlessness, and (v) indigenous minorities. The vulnerability of each household will depend on the impact and their socio-economic status that will be assessed as the result of detail baseline socio-economic survey to be conducted during the detailed measurement survey.



## PREFACE

This document is called the Resettlement Policy Framework (RPF) for Secondary Education Improvement Project (SEIP) dedicated for Cambodia, called the Project. It is developed on a basis of outcomes from the Social Assessment (SA) that was developed as a standalone document. The RPF is part of the Environmental and Social Management Framework (ESMF) for the SEIP for Cambodia. This framework will be applied to all investments to be financed by the World Bank (WB) for technical and/or financial support from the Project that involves Involuntary Resettlement (OP 4.12) and voluntary land donation.

The Project comprises two components as specified in Section I of this document. The Project will be executed by the Ministry of Education, Youth, and Sport (MoEYS) who has established Project Management Committee (PMC) to manage the implementation. The Project implementation will be mainly carried out by Department of General Secondary Education; Department of Teacher Training; and Department of Construction with support from other relevant departments and sub-national level offices of MoEYS. Safeguard implementation will be carried out by the PMC and respective agencies.

This document is considered a living document and shall be modified and updated in line with the changing situation or scope of the activities. Close consultation with the World Bank and clearance of the revised RPF will be necessary.



## EXECUTIVE SUMMARY

### INTRODUCTION AND PROJECT COMPONENTS

1. The Project Development Objective is to expand lower secondary education of a minimum standard in target areas, and to provide immediate and effective response in case of an Eligible Crisis or Emergency. This will be achieved through two main components: (i) Improving Lower Secondary Education to Meet Standards through: provision of School Improvement Fund (SIF), upgrading lower secondary teachers, and improving school facilities; and (ii) Strengthening Project Management, Monitoring and Evaluation.

2. Component 1: Improving Lower Secondary Education to Meet Standards (US\$32.6 million equivalent) has three sub-components which include i) Sub-component 1.1: Strengthening School-Based Management (approximately US\$14.7 million equivalent through DLI approach); ii) Sub-component 1.2: Upgrading Teachers (US\$7.3 million equivalent through DLI approach); and Sub-component 1.3: Improving School Facilities (approximately US\$10.6 million through IPF traditional approach). Component 2 is Strengthening Project Management, Monitoring and Evaluation (approximately US\$7.6 million equivalent *million through IPF traditional approach*).

3. At this stage, scope of involuntary land acquisition or voluntary land donation is unknown because the 130 targeted schools have not yet been selected and approved by the MoEYS and thus screening for social impacts have not yet been conducted. In addition, scope of construction of each target school is also unknown. Thus, this Resettlement Policy Framework is developed as pre-requisite safeguard document to mitigate potential negative impacts due to either (a) involuntary land acquisition or (b) voluntary land donation. The RPF shall be in compliance with (i) the World Bank (the Bank)'s safeguard policy on Involuntary Resettlement (OP 4.12) and (ii) Cambodia law on expropriation and other relevant laws, regulations, policies and procedure and shall be applied to all SEIP Components and activities. After screening, target schools that have involuntary resettlement impacts will prepared either (a) abbreviated resettlement action plan (ARAP), if impact involved less than 200 persons who involuntarily loss their assets, incomes, employment or business or (b) resettlement action plan (RAP), if impact involved 200 persons or over. The ARAP/RAP will provides detailed cost breakdown for compensation payment and resettlement assistance as well as cost for implementing the ARAP/RAP. The RPF is part of Environmental and Social Management Framework.

### LEGAL FRAMEWORK REVIEW

4. RPF is prepared in compliance with the World Bank OP/BP4.12 on Involuntary Resettlement and relevant Cambodia laws and regulations particularly Cambodia Constitution, Land Law, and the Law on Expropriation. Gaps between the two legal frameworks, the RGC and the WB, were analyzed and gap-filling measures are proposed for minimization of impacts on people's livelihoods. In general, the two frameworks have few inconsistencies.

5. The Law on Expropriation adopted in 2010 provides principles, mechanisms, and procedures for expropriation, and defining fair and just compensation for any construction, rehabilitation, and public physical infrastructure expansion project for the public and national interests and development of Cambodia. The Expropriation Law which is largely consistent with the main principles of the Bank's Involuntary Resettlement Policy (OP 4.12) will be adopted by the SEIP for required appropriation of ownership of immovable property or the real right to immovable property of a physical person or legal entity or legal public entity, which includes land, buildings, and cultivated plants, and for construction, for rehabilitation or for expansion of public physical infrastructure.

6. The overall objective of the Bank's OP/BP4.12 policy is to avoid or minimize impacts and exploring all viable alternative project design. Where it is not feasible to avoid, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the persons displaced by the project to share in project benefits. Displaced persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs. Displaced 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.

## **POLICY FRAMEWORK FOR LAND ACQUISITION AND COMPENSATION**

7. **Objective:** Previous and similar projects carried out by the MoEYS indicated no land acquisition as all school facilities were constructed on land owned by MoEYS or other publicly owned land. This RPF, therefore, has been prepared, as part of the Environmental and Social Management Framework (ESMF) for the Cambodia SEIP Project, to provide guidance to MoEYS and its PMC for decision-making in situations where the proposed target schools may require the use of land on a temporary or permanent basis and on voluntary land donation or involuntary land acquisition required for construction of school facilities within the target schools. It is also applicable for land that had already been acquired prior to Bank-financing for sites supported by the Project. Accordingly, the RPF has been prepared to set out the policies and procedures for preventing or mitigating adverse impacts related to involuntary land acquisition and resettlement as a result of a proposed school construction. This RPF also sets the process that needs to be duly implemented regarding voluntary land donation.

8. **Principles:** Following the existing Cambodia laws and regulations, most aspects of the WB *Involuntary Resettlement* (OP/BP 4.12) are adequately addressed in Cambodian law, particularly the Law on Expropriation. The overarching objective of the SEIP 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 to SEIP include:

- (i) Construction of new school or construction of extended school building or classrooms is to avoid acquisition of privately owned land and relocation of peoples including indigenous population;
- (ii) Ensure design standards minimize the need to impose land use restrictions on adjoining areas;
- (iii) Develop fair and transparent procedures, as defined in the Entitlement Matrix of this RPF to determine compensation for (i) temporary loss of land and/or assets during construction; (ii) permanent acquisition of land and/or assets; and (iii) restrictions on use of land;
- (iv) 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;
- (v) Upon completion of construction, 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-project activities;
- (vi) Keep PAP and PAH, and communities fully informed about the school construction project(s), the process that will be followed to acquire and compensate for land, and their related rights and avenues for redress;
- (vii) 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;
- (viii) 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 SEIP Project. Squatters will not be compensated for loss of land but will receive compensation for loss of other assets which had been established prior to the cut-off date, and for loss of income such that they are assisted in their efforts to maintain their livelihoods and well-being. Detailed measures to be implemented will be determined based on census and baseline socio-economic survey conducted when the ARAP/RAP is developed;
- (ix) 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; and
- (x) Damages to assets, such as standing crops, trees, fences and kiosks, and loss of income (including loss of harvest) will be minimized, if inevitable, it will be compensated without regard to legal status of ownership according to the Entitlement Matrix illustrated in Table 2.

9. **Displaced Persons and Entitlements:** The school construction activities may have both positive and negative impacts on people but vary degrees depending upon the circumstances. It is reasonable to assume that while the proposed target schools 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 proposed



construction activities. The issue of concern here is to provide an estimation of the latter and the likely categories of displaced persons. However, the fact that the target schools where the respective activities are to be located are currently unknown makes it very difficult to provide a reasonable estimate of such persons or, who would be directly or indirectly affected for inclusion in the RPF. However, PAPs can be categorized into three types and will be entitled to receive compensation based on type of assets affected and scope. The three types of displaced persons are i) legal landowner; ii) recognizable landowner, and iii) unrecognizable or unauthorized land user.

10. **Eligibility Criteria:** All PAP and PAH comprises of different populations, including ethnic minorities and vulnerable groups, will be provided with compensation and/or assistance if: (i) their land area is reduced more than 10% percent of their total properties; (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.

11. **Special Considerations:** SEIP recognizes that certain social groups including indigenous peoples may be less able to restore their living conditions, livelihoods and income levels and has incorporated these concerns into the preparation and implementation of project activities through an adoption of participatory planning and decision making process. During implementation, the Project will give special attention to women and female households as beneficiaries of the project investment i.e. employment in construction work. Equal participation of women in the whole cycle of the project activities will be provided to increase likelihood of the project sustainability. Active participation of women and indigenous groups will be ensured during the development of appropriate measures to be responsive to specific needs or concerns of these groups such as landless, poor, and households headed by women, disabled, elderly or children without means of support. A gender strategy and indigenous groups specific actions will be developed and included in ARAP/RAP.

## RESETTLEMENT PROCESS AND APPROVAL

12. **Safeguard Screening:** Once the target schools are approved social screening will be conducted MoEYS's Department of Construction with participation of school support committee and commune/Sangkat councils in order to identify if lands and/or assets are voluntarily donated, relocated or involuntarily resettled, and/or other issues associated with proposed school construction activities in their respective footprint. As results, ARAPs or RAPs will be prepared for target schools with potential adverse involuntary resettlement impacts either temporarily or permanently. Apart from ARAP/RAP, Due Diligent Report (DDR) will be prepared for the target schools without involuntary resettlement impact and/or where community or people voluntarily donate lands. For optimum planning, screening should take place during the initial stages of the RPF process so that the responsible agency (MoEYS or MEF) is well informed to develop either ARAP/RAP or DDR for voluntary land donation for the respective target school.

13. **ARAP/RAP Preparation and Approval:** The General Department of Resettlement (GDR) of the MEF (secretariat of the Inter-ministerial Resettlement Committee-IRC), with assistance from MoEYS/PMC, will provide the general direction for planning the relocation and involuntary acquisition process, ensures coordination between various stakeholders concerned with the SEIP including those directly connected with relocation and monitoring implementation. Prior to commencement of school construction, stakeholders from the target school where there is potential resettlement impact will be consulted to establish planning principles and work arrangements aimed at identifying and mitigating adverse social impacts induced by the construction activities. The ARAP/RAP will collect 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 project related social impacts. A target school project that affects more than 200 people in terms of loss of assets and livelihoods requires a RAP to be prepared. For ease of work, it is recommended that ARAP/RAP will be prepared on provincial basis. It means that target schools within the same province with potential involuntary resettlement impacts will be included in one ARAP/RAP. ARAP/RAP will be prepared by GDR in close cooperation with PMT-SSFP and submitted to IRC (permanently headed by MEF) for review and approval prior to submitting to the World Bank for no objection.

14. **Scope of voluntary land donation:** Voluntary land donation applies to beneficiary communities with no involuntary land acquisition and based on community-driven demand. Voluntary Land Donation



(VLD) will be accepted when small areas of private land and assets where the users of the affected assets and land have agreed to give their land and other assets as a voluntary contribution to the project and he/she is the project beneficiary. Smallholder of residential or agricultural land with area of 300m<sup>2</sup> or lesser will not be allowed for VLD. Additionally, land portion to be voluntarily donated shall be free of house, structures or other fixed assets. Voluntary donation for the construction of office building, for instance, will not be allowed. For this type of project, the Commune/Sangkat Council, with assistance from school principal and Social Safeguard Focal Person (SSFP), should prepare a report showing that the land users have been fully informed about the project, and about their right to refuse to give their land and other assets without compensation. This report is called the "**Voluntary Land Donation Report**".

## **ORGANIZATIONAL PROCEDURES FOR RESETTLEMENT**

15. **Project Management Committee:** PMC is the highest-level body established by MoEYS. The overall responsibilities for the oversight of the ESP in order to streamline policy development, strategic planning and implementation decision making processes. The PMC is comprised of MoEYS leaders, including Secretaries of State. The Project Management Team (PMT), led by a Secretary of State and comprised of Director Generals and directors of various departments of MoEYS, provides support to the PMC and bears a central role in project implementation. Implementation arrangements have been designed to ensure that overall education policy direction is analyzed from a variety of angles and policy decisions are followed into implementation through the overall coordination of the Director Generals.

16. **Social Safeguard Focal Person (SSFP):** PMC already appointed a social safeguard focal person to be in charge of safeguard implementation and compliance as per approved IPPF, IPPF, and RPF. He will train to field engineer the use of safeguard tools and conduct regular supervision and monitoring the implementation of RPF and IPPF at site-specific activities and reporting to PMC and the World Bank. With his assistance and assistance from social safeguard consultant, RAP, if needed, will be prepared by GDR before this latter submits RAP to IRC for review and approval prior to submitting to the World Bank for no objection.

17. **The Inter-Ministerial Resettlement Committee (IRC)** is a collegial body headed by the representative from MEF and composed of representatives from concerned line ministries, such as the Ministry of Interior; MPWT, MLMUPC; MEF and MAFF. Created by the Prime Minister through *Decision No.13, dated 18 March 1997*, in connection with the resettlement of PAHs in the Highway 1 Project (Loan 1659-CAM), it continues to be involved in other foreign-assisted government infrastructure projects with involuntary resettlement. An IRC will be established on an ad hoc basis for each project upon the request from the Designated Implementing/Executing Agency. The IRC will assume the function of a quasi-regulatory body, ensuring that funds for resettlement are spent properly and that the RPF-RAP is carried out as intended. The technical arm of the IRC is its secretariat, the General Department of Resettlement.

18. **The General Department of Resettlement (GDR)** is a secretariat of IRC and will work closely with other relevant institutions to deal with all resettlement issues as a result of the project. GDR is taking leading role in RAP preparation and implementation. According to Sub-Decree 115 dated May 26, 2016 GDR will be responsible for preparation of ARAP/RAP, particularly ARAP/RAP that will be prepared or updated during project implementation. At project preparation stage, the ARAP/RAP or resettlement policy framework will be prepared by implementing agency assisted by consultant.

19. **Provincial Office of Education (POE) and District Office of Education (DOE)** is sub-national level office of MoEYS. POE/DOE is a liaison between school and local community/authority and MoEYS. POE/DOE selected the target schools and proposed to MoEYS for consideration and screening. POE/DOE will cooperate with local authority to assure that school lands are secured for the Project.

20. **School Support Committees** of the target schools will be set up, if not yet exist, and trained to use the project operational manual. The Committee will administer the construction works, ensure compliance of safeguard issues and monitor the implementation progress. Members of SSC will include women and elder who are representative of the IP community. SSC will be responsible for (a) coordinating and organizing consultative meeting and public announcement among the stakeholders particularly with student parents; (b) checking construction progress and ensuring compliance to all safeguard related issues; (c) receiving complaint from student parents and communities and send to Grievance Redress Committee for



action. If land is acquired either involuntarily or voluntarily, SSC must report to PMT, particularly the SSFP, so that the SSFP will take further action in order to comply with this RPF.

## **LINKING RESETTLEMENT TO CIVIL WORKS**

21. 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 which 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 well-being. Detailed measures to be implemented will be determined based the detail design. Compensation will be paid at replacement cost/value to respective PAP at least 30 days prior to construction commencement so that PAP have sufficient time to remove or relocate their affected structure. Likewise, PAP will be notified 30 days prior to the date of construction commencement.

22. **Cut-off Date for Eligibility:** The cut-off date is 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. The cut-off date for this Project will be the date of first public consultation with PAPs for each sub-project that requires land acquisition prior to conducting inventory of loss (IOL). 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 which 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 well-being.

23. **ARAP/RAP Implementation Process:** After a request for ARAP/RAP implementation by MoEYS, IRC will mobilize its working group to work closely with Provincial Resettlement Sub-committee Working Group (PRSC-WG) before commencement of any resettlement activities. Land acquisition and relocation of PAH will not be commenced until the detailed RAP has been reviewed and approved by both IRC and the WB. Several steps are integral to the ARAP/RAP implementation process, including: (i) Detailed Measurement Survey (DMS) and Baseline Socioeconomic Survey (BSS); (ii) Replacement Cost Study (RCS); (iii) Preparation and approval of ARAP/RAP; (iv) Preparation and approval of resettlement budget; (v) Contract signing and compensation payment; (vi) Public Information, Consultation and Disclosure; and (vii) Notification on Site Clearance.

## **TRANSPARENCY AND GRIEVANCE MECHANISM**

24. The World Bank's resettlement policy requires an investment project to establish mechanisms for grievance resolution in order to ensure PAPs' satisfaction with implementation of resettlement related activities, and provide the PAPs with a legal platform for on-the-ground monitoring and reporting on the implementation of resettlement related activities. Specifically, the purpose of the grievance mechanism is to allow PAPs and persons who believe they are affected persons to seek satisfactory resolution to grievances they may have in relation to possible land acquisition or other project interventions.

25. At the beginning of project implementation, a grievance redress committee (GRC) will be established at provincial level with a process starting from commune offices. As practiced, the GRC includes the relevant local commune or village chiefs only. The use of local NGO is allowed only to assist PAPs in filling complaint, particularly for those who do not know how to prepare written complaints, and IP/EMs with language difficulties. The designated commune officials shall exercise all efforts to settle PAPs' issues at the commune level through appropriate community consultation. All meetings shall be recorded in each grievance process and copies shall be provided to PAPs. A copy of the minutes of meetings and actions undertaken shall be provided to IRC and WB upon request.

## **RESETTLEMENT BUDGET AND COSTS**

26. In case of ARAP/RAP preparation, each ARAP/RAP will include detailed cost of compensation and other rehabilitation entitlements as part of the process to compensate 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 RAP will explicitly establish sources for all funds required. The RAP 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, not the project. 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 to satisfy resettlement requirements and objective.

27. Costs to cover social safeguard screening and assessment on the eligibility of each candidate sub-project will be part of the Project budgets.

## **PUBLIC CONSULTATION AND INFORMATION DISCLOSURE**

28. **The World Bank policy on access to information:** Public Consultation and Information Disclosure as defined by the Bank's requirements require giving the public access to project information and documentation. It requires that during the planning and preparatory process, project beneficiaries, affected groups, and local NGOs shall be consulted and the environment and social aspects of the project should be presented. The consultation should be an on-going process throughout the design and implementation of investments and must be compliant with all other applicable safeguard policies. The policy also requires that any relevant material such as the environmental assessment study, social assessments, resettlement action plan, etc. should be made accessible, in a timely manner and in a form language understandable to the groups being consulted.

29. **Consultation:** In the context of SEIP, consultations will be carried out during the project preparation and implementation. Thus, the RPF is developed based on the outcomes of those consultations. PAPs are involved in public consultation meetings in various stages of the process. Their resettlement impacts and concern are properly recorded during data collection process (DMS, BSS and public consultation and focus group discussion). All these issues and concerns will be well incorporated into ARAP/RAP and Land Donations Protocols for compensation and rehabilitation assistance. Vulnerable, female and indigenous groups will be consulted separately using focus group discussion methods. Local authorities, heads of village and commune chiefs are members of PRSC-WG and they are presented during public consultative meetings and have important role in identifying PAPs and certify on the DMS form. Representatives of PAPs are members of (i) community/village committee and (ii) grievance redress committee under the SEIP.

30. **Disclosure:** RPF, ESMF document together with other project documents will be uploaded into the World Bank InfoShop (date to be confirmed). The documents will be translated into Khmer language and an Executive Summary will be posted on the MoEYS's public information board on 25<sup>th</sup> November 2016 at the latest date and on Provincial Department of Education's Public Information Board at the later stage. MoEYS is in the process of developing the SEIP project website. Once it is developed the IPPF, in Khmer language, will be uploaded into the project website. The ARAP/RAP, if prepared, will be translated into local language (Khmer) and upload into project website if available, and send a copy to keep in each commune council, or at school convenience to PAP, where there is involuntary resettlement. Information that impinges on right to privacy, like the composition of a household, compensation amount of PAH, etc. will not be subject to public disclosure.

## **MONITORING AND REPORTING**

In case ARAP/RAP is prepared and implemented, internal monitoring is required in order to ensure transparency and full compliance. External monitoring is required only when the project has significant resettlement impacts.

31. **Internal Monitoring:** The GDR will conduct internal monitoring on resettlement implementation. The monitoring will include progress reports, status of the RAP implementation, information on location and numbers of people affected, compensation amounts paid by item, and assistance provided to PAHs. The report of monitoring results will be prepared by GDR and submitted to IRC and the World Bank on a quarterly basis.

32. **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 relocated PAPs or disrupted by the construction works, including all households whose houses or shops and stalls are relocated. The external monitor also has the responsibility of reviewing potentials for job opportunities for PAH, including women and youth, which would be assisted by provincial authorities. The need for an external monitor will be agreed with the IRC-GDR based on the severity of the project impacts. However, it is not envisaged that external monitoring will be required for the Project.



## **1. INTRODUCTION AND PROJECT DESCRIPTION**

### **1.1. COUNTRY AND SECTOR CONTEXT**

1. Despite a decade of robust growth, Cambodia is still one of the least developed countries in Southeast Asia. Approximately 20 percent of its population earns less than US\$1 per day, and about 24 percent of Cambodian citizens live below the poverty line. Daily life is characterized by vulnerability due to poverty, the existence of landmines, disability, and a high incidence of mortality and morbidity, the effects of which are exacerbated by the lack of effective social safety nets. One quarter of all households is headed by females, and 59 percent of the population relies on agriculture for their livelihood. The Royal Government of Cambodia (RGC) and the donor community are working together to address many of these issues, and some success has been realized over the past five years. During this time, poverty has been reduced by more than 60 percent in Phnom Penh and 44 percent in other urban areas. However, poverty reductions were significantly smaller in rural areas – about 22 percent.

2. Realizing education's potential to spur growth is a priority for Cambodia. The country's National Strategic Development Plan and Rectangular Strategy call for creating a competitive economy through knowledge and innovation. To lay a strong foundation, the Education Strategic Plan (ESP) focuses on two key issues: achieving universal access to high-quality basic education and promoting equal educational opportunities to increase income and employment.

3. As a result, Cambodia has expanded access to education over the last 20 years. Net primary enrollments increased from 83.8 percent in 1992 to 96.4 percent in 2012, and net secondary enrollments increased, from 16.6 percent in 2000 to 35.1 percent in 2012. Additionally, girls have equal access to educational opportunities: the Gender Parity Index for net enrollment in 2011/12, which is the quotient of the number of females by the number of males enrolled at a given stage of schooling, was 0.99 in primary, 1.13 in lower secondary, and 1.05 in upper secondary. Household data from the Cambodia Social and Economic Survey further confirms that primary and secondary net attendance rate also have improved overtime, regardless of place of residence, gender, or wealth (World Bank 2013).

### **1.2. RELATIONSHIP TO CAS AND ESP**

4. This project is closely related to the objectives of the Country Assistance Strategy (CAS), which was last updated in May 2008, as well as the emerging Interim Strategy Note (ISN). The CAS proposed to build strong foundations for sustainable development and poverty reduction by investing in good governance, physical infrastructure, human capital, and the private sector.

5. The proposed interventions are also aligned with the Bank's twin goals of eradicating extreme poverty and increasing shared prosperity. The literature on human capital has documented the positive correlation between human capital investment and social and economic development. Investments in education significantly contribute to poverty eradication and wealth creation, as higher educational attainment significantly increases the probability of getting a paid job and has a large and positive impact on monthly wage earnings. This well-known contribution laid the foundation for one of the landmark pledges at the 2000 UNESCO-sponsored World Education Forum in Dakar that provided a sustainable and well-integrated sector framework – Education for All – that clearly linked education with poverty elimination and social and economic development.

6. Since the Dakar forum, international evidence has shown that access to and permanence in the education system, while necessary, are not sufficient to achieve reduced poverty and greater shared growth. Education systems need to be of sufficient quality to ensure that their graduates acquire the basic, soft, and sector-specific skills needed to function efficiently and effectively on the job, adapt as workers or managers in a rapidly evolving technological society, and innovate and compete as entrepreneurs not only in developing new products but also in adopting those produced elsewhere.



7. In addition to be aligned to the Bank's twin goals, the proposed project also complements various on-going interventions to implement Teacher Policy Action Plan (TPAP) by development partners, such as the United Nations Children's Fund (UNICEF), Japanese International Cooperation Agency (JICA), Swedish International Development Agency (SIDA), Asian Development Bank (ADB), and the European Commission (EC). Specifically, ADB is processing the new program on the expansion of upper secondary education with strong focus of math and science. JICA is also preparing their new loan for upgrading 6 Regional Teacher Training Centers to Teacher Education College so as to improve pre-service training for lower secondary teachers. In addition, UNICEF, EC and SIDA implement capacity development program for existing primary school teachers.

8. **Education Strategic Plan (ESP) 2014 – 2018** intends to continue to give highest priority to equitable access to high quality education, especially basic education (grade 1 to grade 9), in order to realize the National Education for All (EFA). ESP 2014-18 also gives a great emphasis on expanding early childhood education, non-formal education, technical and vocational training and opportunities to access secondary and post-secondary education through the continued and improved partnership among the government, development partners, private sector, non-governmental organizations, communities and parents.

### **1.3. PROJECT DEVELOPMENT OBJECTIVES**

9. The PDO is to expand lower secondary education of a minimum standard in target areas, and to provide immediate and effective response in case of an Eligible Crisis or Emergency. This will be achieved through two main components: (i) Improving Lower Secondary Education to Meet Standards through: provision of School Improvement Fund (SIF), upgrading lower secondary teachers, and improving school facilities; and (ii) Strengthening Project Management, Monitoring and Evaluation.

### **1.4. PROJECT DESCRIPTION AND COMPONENTS**

10. Overall, the project is designed to expand lower secondary school access and improve its quality. The project improves the effectiveness of teachers by supporting MoEYS' Teacher Policy Action Plan (TPAP), which aims to professionalize the teaching force in Cambodia. This project in particular will support the upgrading of lower secondary school teachers who do not currently hold a bachelor's degree in the subject area they teach. Moreover, the project will support the development of sub-national school management structures by providing additional support to 100 schools, their respective District Offices of Education (DOEs), and Provincial Departments of Education in all the 25 provinces and capitals. Project support will increase school-based management and financial capacity to achieve school-specific development needs as well as build the monitoring and evaluation systems at subnational education offices.

11. The project will have two components. Sub-components 1.1 and 1.2 will use results-based financing to support the achievement of MoEYS secondary school standards through three interlinked dimensions: (i) strengthening school-based management and (ii) upgrading teachers. For each sub-component, there will be one or two Disbursement-Linked Indicators (DLI) with time-bond targets. These three components will make up the package (or packages) that will be sent to MEF for special arrangement approval. Investment Project Financing will be used for Sub-component 1.3, improving school facilities and Component 2: (i) project management and monitoring and evaluation (M&E) and (ii) Program for International Student Assessment (PISA) for Development.

12. Component 1: Improving Lower Secondary Education to Meet Standards (US\$32.6 million equivalent). This component aims to support the goals of the ESP and the TPAP through the establishment of 100 effective lower secondary schools (i.e., schools that meet LSSSES) that can provide lessons to MoEYS as it increases expenditures in the sub-sector. This component targets approximately 8 percent of total lower secondary schools nationwide. This component will be implemented using a holistic approach, targeting national, sub-national and school levels. This will be achieved through three sub-components: (i) strengthening school based management through the provision of the School Improvement Fund (SIF) at



the POE, DOE and school levels; (ii) upgrading qualification of lower secondary school teachers (especially in math, physics, biology, chemistry, Khmer, and History subjects)<sup>1</sup> and school directors to bachelor's degrees; and (iii) improving school facilities through construction and rehabilitation of 100 existing schools and construction of 30 new schools to provide enabling conditions for effective teaching and learning. The selection of the 100 existing schools and 30 new schools were: (a) need-based and drawn upon an extensive school mapping exercise; (b) based on schools that exhibit a strong community commitment to the project concept and willingness to meet the project's preconditions for selection; and (c) located in rural and remote areas. Component 1.1 targets only 100 existing schools and Component 1.3 targets both 100 existing schools and 30 new schools, while Component 1.2 targets teachers nation-wide with preference given to teachers and school directors/deputy directors from the 130 target schools. Each of these overlapping subcomponents are detailed below.

13. **Sub-component 1.1: Strengthening School-Based Management (approximately US\$14.7 million equivalent through DLI approach).** This subcomponent aims to support capacity development of POEs, DOEs and the 100 targeted Lower Secondary Schools to strengthen service delivery in efforts to: (i) strengthen school management through school development planning, monitoring/assessment of teachers and student performance, and community participation; and (ii) support teachers in improving teaching and classroom management practices, including lessons plan, workbooks, test items, and student assessment/feedback. To achieve the goals of this sub-component, the project will finance (1) SIFs<sup>2</sup> at the POE, DOE and School-levels as well as (2) activities that capacity build staff members at each of these levels..

14. **Sub-component 1.2: Upgrading Teachers (US\$7.3 million equivalent through DLI approach).** Working through the national structure of TPAP, this subcomponent aims to upgrade the qualifications of 2,000 teachers and 310 school directors and deputy directors to bachelor's degrees. The first cohort to be upgraded will be the teachers and directors from the 100 target schools (see sub-component 1.3). The remaining teachers will be upgraded based on national needs identified by TPAP, thus creating a spillover effect. The proposed sub-component activities will focus on demand side scholarships, covering tuition costs and stipends (i.e., transportation and accommodation costs).

15. **Sub-component 1.3: Improving School Facilities (approximately US\$10.6 million through IPF traditional approach).** To complement the two above sub-components, this sub-component will support the physical improvement of 130 target Lower Secondary schools to expand access. This will include: (i) construction and rehabilitation of 100 existing schools<sup>3</sup> and (ii) construction of 30 new schools in the communes lacking a lower secondary school. The schools will cover all 25 provinces in 78 districts. The construction plan of the 130 selected schools will include teacher accommodations where needed and will be carried out through community participation construction method. The selection of the schools will be need-based and draw upon the school mapping exercise undertaken by MoEYS.

16. The MoEYS survey team visited 30 school locations in eight provinces. The main objectives of the visit were to: i) site screen the school locations, ii) inform concerned parties – POEs (41), DOEs (33), School Support Committees, local authorities, students (304), parents/and communities (212) – about the project and assess their commitment to the project to improve learning outcomes. The team noted high level of

<sup>1</sup> The teacher upgrading in math and science connects to the *Cambodia Industrial Development Policy, 2015-2025*, specifically as it relates to the areas of STEM.

<sup>2</sup> The operational guidelines will describe: (i) the process of school self-assessment, planning and budgeting, monitoring and review; (ii) procurement of goods, services; and works; (iii) financial management; (iv) transparency and public reporting; (v) and teacher allowance procedures.

<sup>3</sup> The selection of the 100 existing schools will be based on: (i) schools that exhibit a strong commitment to the project concept and are willing to meet the project preconditions for selection; and (ii) schools with high drop-out rates, low enrollment rates and high student/teacher ratios. The selection of the 100 existing schools excludes the more affluent and/or well-endowed schools (e.g. schools with sufficient teachers, flagship schools in the provincial center, etc.) or schools that receive supports from other donor programs.



enthusiasm from the sites visited. The team mentioned that visits to the remaining sites will be completed by October 2016 and the full need analysis will be completed by January 2017.

17. It was agreed that a standard MoEYS school design will be adopted for school facilities and will follow the successful model used and lessons learned in previously financed World Bank education projects - the Flood Emergency Rehabilitation and Cambodia Education Sector Support Projects. All construction will be permanent structures, with minimum expected lifespan of 25 years, meeting the requirements of the MoEYS School Construction Guidelines, which are described in detail in the Community Construction Manual (CCM). It was agreed that the technical specifications of the standard MoEYS school design would be reviewed by IDA mission by TBD. The updated CCM incorporates environmental safeguards aspects, a more cost effective school construction design to be implemented in rural areas and inclusion of protection against strong wind.

18. **Component 2: Strengthening Project Management and Monitoring and Evaluation (approximately US\$7.6 million equivalent million through IPF traditional approach).** This component will cover grant management as well as strengthen monitoring and evaluation capacity in the MoEYS. This component will also finance activities to support the PISA for Development (PfD) to strengthen assessment capacity of MoEYS in preparation for PISA 2021.

19. This component will also support day-to-day implementation, coordination and management of project activities on planning and execution, financial management, procurement, supervision and reporting, internal and external audits, third party verification for DLIs, environmental and social safeguards management, and monitoring and evaluation. These activities will ensure efficient program management and early identification of corrective measures to solve implementation problems. In addition, this component will provide necessary office equipment, vehicles, training/workshops, logistics, and operational costs to relevant MoEYS departments. Furthermore, the project will provide critical and strategic TA and capacity building to support and strengthen relevant departments at all levels during implementation, including TA to TPAP in order to ensure a strong pedagogical component in the upgrading curriculum of each service provider and for on-the-job training at the school level.

## 1.5. SCOPE OF LAND ACQUISITION AND RESETTLEMENT

20. At this stage, scope of involuntary land acquisition or voluntary land donation is unknown because the 130 targeted schools have not yet been selected and approved by the MoEYS and thus screening for social impacts have not yet been conducted. In addition, scope of construction of each target school is also unknown. Thus, this Resettlement Policy Framework is developed as pre-requisite safeguard document to mitigate potential negative impacts due to either (a) involuntary land acquisition or (b) voluntary land donation. The RPF shall be in compliance with (i) the World Bank (the Bank)'s safeguard policy on Involuntary Resettlement (OP 4.12) and (ii) Cambodia law on expropriation and other relevant regulations, policies and procedure and shall be applied to all SEIP Components and activities. After screening, target schools that have involuntary resettlement impacts will prepared either (a) abbreviated resettlement action plan (ARAP), if impact involved less than 200 persons who involuntarily loss of assets, incomes, employment or business or (b) resettlement action plan (RAP), if impact involved 200 persons or over. The ARAP/RAP will provides detailed cost breakdown for compensation payment and resettlement assistance as well as cost for capacity building and for implementing the ARAP/RAP.

21. In addition to this RPF, the Environment and Social Management Framework (ESMF) has been developed to set out the principles, rules, guidelines and procedures to assess the environmental and social impacts. Indigenous Peoples Planning Framework (IPPF) was developed in parallel to this RPF to define the approach and procedures to ensure full benefits and mitigate negative impacts for indigenous peoples groups who may be affected by the Project. Both RPF and IPPF are integral part of ESMF document.



## **2. LEGAL FRAMEWORK REVIEW**

22. The SEIP school construction projects will include construction of new school for commune without lower secondary schools and construction of extended schools building or classroom of existing lower secondary school. Significant social and environmental impacts are not anticipated as the proposed construction activities are mainly within the existing schools and on the public lands. However, the design and specifications of school construction will be guided by safeguards documents prepared in line with applicable national laws and regulations and the World Bank OP4.12.

23. Below are discussion of relevant laws and regulations and gap analysis between Cambodia legal framework and the World Bank OP/BP4.12.

### **2.1. CAMBODIA LEGAL FRAMEWORKS**

#### **Cambodia Constitution 1993**

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

- i. Article 44 states that: All persons, individually or collectively, shall have the right to ownership. Only Khmer legal entities and citizens of Khmer nationality shall have the right to own land. Legal private ownership shall be protected by law; and
- ii. The right to confiscate properties from any persons shall be exercised only in the public interest as provided for under the law and shall require fair and just compensation in advance.

25. Some protection for vulnerable groups is also specified in the Constitution 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".

#### **Land Law 2001**

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

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

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

- i. Legal possession is the sole basis for land ownership as defined by law, and all transfers or changes of rights of ownership shall be carried out in accordance with the required general rules for sale, succession, exchange and gift or by court decision. (Article 6);
- ii. Any regime of ownership of immovable property prior to 1979 shall not be recognized. (Article 7);
- iii. Article 15 states that "the following properties are included as public properties of state and public legal entities: a) any property that has a natural origin, such as forests, courses and banks of navigable and floatable rivers or natural lakes and seashores; b) that is made available for public use such as quays of harbours, port, railways, railways station and airports; or, c) any property which is made available, either in its natural state or after development, for public use such as roads, tracks, oxcart ways, pathways, gardens or public parks and reserved lands;
- iv. Article 18 states that "the following are null and void and cannot be made legal in any form whatever:



- (a) any entering into possession of public properties of State and public legal entities and any transformation of possession of private properties of State into ownership rights that was not pursuant to the legal formalities and procedures that have been stipulated prior to that time, irrespective of the date of creation of possession or transformation; (b) any entering into possession of private properties of State, through any means, that occurs after this law comes into effect;"
- v. Article 19 states that "any persons whose land title or factual circumstance fall within the scope of Article 18 of this law shall not have the right to claim compensation or reimbursement of expenses paid for the maintenance or management of immovable property that was illegally occupied;"
- vi. Any illegal and intentional or fraudulent acquisition of public properties of state or of public legal entities shall be penalized pursuant to Article 259 of this law;
- vii. The penalties shall be doubled where any occupation of public properties cause damages or delay to works undertaken in the general interest, especially the occupation of roadway reversed land;"
- viii. Ownership of immovable properties described in Article 25 is granted by the state to indigenous minorities<sup>4</sup> as collective ownership. This collective ownership includes all of the rights and protections as enjoyed by private owners. The exercise of collective ownership rights shall be subject to the responsibility of traditional authorities and decision-making mechanisms of the indigenous community, according to their customs and subject to the laws of general enforcement related to immovable property such as the law on environmental protection. (Article 26);
- ix. Persons with legally valid possession of land for five years (at the time the law came into effect) are allowed to be registered as the owner of the land (Article 30). Persons who (at the time the law came into effect) held legal possession but had not yet completed the five years are allowed to remain in possession until they are eligible to be registered as the owner. (Article 31);
- x. Any beginning of occupation for possession shall cease when this law comes into effect (Article 29). After this law comes into force, any new occupant with title to an immovable property belonging to the public bodies or private persons shall be considered as illegal occupant and shall be subject to the penalties provided in Article 259 of this Law (Article 34);
- xi. Article 38 states that "in order to transform into ownership of immovable property, the possession shall be unambiguous, non-violent, publically known, continuous and in good faith;" and
- xii. Landless people may apply for land for residential and subsistence farming purposes at no cost, as part of a social land concessions scheme. The concessionaire may obtain ownership of this land after fulfilling conditions set out in a separate Sub-Decree on Social Land Concessions. (Articles 50, 51).

### **The Expropriation Law**

- 29. The Expropriation Law defines the procedures for acquiring private property for the national or public interest.
  - i. Article 2: the law has the following purposes: (a) ensure reasonable and just deprivation of a legal right to ownership of private property; (b) ensure payment of reasonable and just prior compensation; (c) serve the public and national interests; and (d) further development of public physical infrastructure;
  - ii. Article 7: Only the state may carry out an expropriation for use in the public and national interest;

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<sup>4</sup>As per Article 23 of the Land Law, "An indigenous community is a group of people that resides in Cambodia whose members manifest ethnic, social, cultural and economic unity and who practice a traditional lifestyle, and who cultivate the lands in their possession according to the customary rules of collective use.



- iii. Article 8: The state shall accept the purchase of the remaining part of real property left over from an expropriation at a reasonable and just price at the request of the owner of land/or the holder of rights in the expropriated real property, if he is no longer able to live near the expropriated scheme or build a residence or conduct any business; and
- iv. Article 22: Stipulates the amount of compensation to be paid to the owner of and/or holder of rights in the real property, which is based on the market value of the real property or the replacement cost as of the date of the issuance of the *Prakas*<sup>5</sup> on the expropriation scheme. The market value or the replacement cost shall be determined by an independent commission or agent appointed by the expropriation committee.

30. The Law on Expropriation adopted in 2010 provides principles, mechanisms, and procedures of expropriation, and defining fair and just compensation for any construction, rehabilitation, and public physical infrastructure expansion project for the public and national interests and development of Cambodia. The Expropriation Law which is largely consistent with the main principles of the Bank's Involuntary Resettlement Policy (OP 4.12) will be adopted by the SEIP for required appropriation of ownership of immovable property or the real right to immovable property of a physical person or legal entity or legal public entity, which includes land, buildings, and cultivated plants, and for construction, for rehabilitation or for expansion of public physical infrastructure.

#### **Sub-decree on Right of Way for National Road and Railroad**

31. The Sub-decree No.197 is to manage the use of right of way (ROW) for national road and railroad for the development in the Kingdom of Cambodia. The Sub-decree defines the ROW for national roads as below (Article 8):

- National Road with 1 digit: ROW is 30 meters measures from the center line
- National Road with 2 digits: ROW is 25 meters measured from the center line

32. The above determination is not applicable for Phnom Penh, provincial towns and other urban areas where a separate ROW will be defined. The Government will compensate to the owner of land affected by the new re-defined ROW as per Article 8 and 9 of this Sub-decree. The compensation will be in accordance with the resettlement policy and Article 148 of the Land Law (Article 13). The Sub-decree did not determine the ROW for other road i.e. provincial roads and district or commune roads and rural road or other road defining the boundary of national or sanctuary parks.

#### **Sub-Decree No. 115 on promoting Resettlement Department to General Department for Resettlement**

Sub-Decree No. 115 dated May 26, 2016 provides mandate to GDR to lead all resettlement activities including preparation of resettlement action plan (RAP), implementing and internal monitoring of RAP.

#### **Other Relevant Policies**

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

34. **Sub-Decree on Social Land Concession, March 2003.** This provides for allocations by the State for private land for the purposes of the alleviation of landlessness and poverty, including the replacement

<sup>5</sup> A "Prakas" is a ministerial or intra-ministerial decision signed by the relevant minister(s). A parkas must conform to the Constitution and to the law or sub-decree to which it refers.



of land lost in the context of involuntary resettlement.

35. **Circular No. 02** dated on February 26<sup>th</sup>, 2007 Stated clearly that i) illegal occupant of state land has no right to compensation and can be punished in accordance to the land law 2001 and ii) illegal occupant who are poor, landless and part of vulnerable group can be provided a plot of land.

36. **MEF Circular No.006** on the Resettlement Implementation Procedure for development projects dated on April 2<sup>nd</sup>, 2014. This new circular instructed clearly the administrative management and role and responsibility of all relevant Implementing Agency and Provinces in implementing the resettlement for development project. The Circular gives mandate to General Department of Resettlement (GDR) of Ministry of Economy and Finance and secretariat to Inter-ministerial Resettlement Committee to review and approve the resettlement plan prior to submit to funding agency for no objection. GDR is also responsible for leading and coordinating implementation of RP and other resettlement issues.

## **2.2. WORLD BANK POLICY ON INVOLUNTARY RESETTLEMENT (OP/BP4.12)**

37. Involuntary resettlement may cause severe long-term hardship, impoverishment, and environmental damage unless appropriate measures are carefully planned and carried out. For these reasons, the overall objectives of the Bank's policy on involuntary resettlement are the following:

- i. Involuntary resettlement should be avoided where feasible, or minimized, exploring all viable alternative project designs.
- ii. Where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the persons displaced by the project to share in project benefits. Displaced persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs.
- iii. Displaced 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.

38. This policy covers direct economic and social impacts that both result from Bank-assisted investment projects, and are caused by

- a) The involuntary taking of land resulting in (i) relocation or loss of shelter; (ii) lost of assets or access to assets; or (iii) loss of income sources or means of livelihood, whether or not the affected persons must move to another location; or
- b) The involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the displaced persons.

39. This policy applies to all components of the project that result in involuntary resettlement, regardless of the source of financing. It also applies to other activities resulting in involuntary resettlement, that in the judgment of the Bank, are (a) directly and significantly related to the Bank-assisted project; (b) necessary to achieve its objectives as set forth in the project documents; and (c) carried out, or planned to be carried out, contemporaneously with the project.

## **2.3. GAP BETWEEN THE GOVERNMENT'S AND THE WORLD BANK'S POLICY**

40. The World Bank's Policy requires the RGC analyzing and summarizing national laws and regulations pertaining to land acquisition, compensation payment, and relocation of affected persons in their settlement plan. The RGC will compare and contrast such laws and regulations with the Bank's Policy principles and requirements. If a gap between the two exists, the RGC will propose a suitable gap-filling



strategy in the resettlement plan in consultation with Bank's officer in charge, or called the Project's Policy for Compensation and Entitlement describe in the below Section. In general, Cambodia Law on Expropriation and other relevant policy and procedure are in line with the World Bank OP/BP4.12. Below is gap analysis between Cambodia existing laws and regulation to the Bank OP4.12.

**Table 1: Gap Analysis between RGC Legal/Regulatory Framework and the World Bank OP4.12**

Subjects	OP 4.12	RGC	Gap/Project Measures
<b>1. Land Property</b>			
<b>1.1. Policy objectives</b>	<i>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</i>	<p>The Expropriation Law aims to i) Ensure just and fair deprivation of legal rights to private property; ii) Ensure a fair and just compensation in advance; iii) Serve the national and public interest, and iv) Develop public physical infrastructures (Article 2)</p> <p>Sub-degree on social land concession provides allocation for free state land to landless people of residential or farming purpose, including the replacement of land lost in the context of involuntary resettlement</p> <p>Resettlement practice:</p> <ul style="list-style-type: none"> <li>- Provide income restoration program for all relocated PAPs and for on-site severely PAPs and vulnerable PAPs.</li> <li>- Provide living allowance</li> <li>- Special assistance to vulnerable PAPs</li> </ul>	<p>The SEIP will avoid acquisition of privately owned land and relocation of peoples including indigenous population, thus no impact on livelihood and standard of living is expected;</p> <p>However, sub-projects may result in economic displacement. The numbers would be small; if indeed it will occur.</p> <p>Entitlement Matrix is developed as a gap filling measure</p>
<b>1.2. Support for affected households who have no recognizable legal right or claim to the land they are occupying</b>	<i>Financial assistance to all project affected persons to achieve the policy objective (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)</i>	<p>Article 19 [Land Law]: "...any illegal and intentional or deceitful acquisition of the public domain of the State or public legal 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>Resettlement practice:</p> <ul style="list-style-type: none"> <li>- No compensation for losing productive land located in the public land.</li> <li>- Those who become landless by the project will receive a plot of residential land (7m by 15m = 105m<sup>2</sup>) in the village or</li> </ul>	<p>Financial assistance for non-land affected properties to all project affected persons to achieve the policy objective (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> <p>Vulnerable and Indigenous PAPs will receive special assistance.</p> <p>Entitlement Matrix is developed as a gap filling measure</p>



		village nearby or at relocation site with provision of access road, intra road network, water and electricity network (if locally available), and individual household latrine. Special assistance to vulnerable PAPs	
1.3. Compensation for illegal structures	Compensation at full cost for all structures regardless of legal status of the PAP's land and structure.	<p>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. (MEF Decision No. 961)</p> <p>However in real resettlement practice the RGC agreed to provide compensation for such illegal structures at replacement cost without deduction or depreciation of salvage materials plus transport allowance</p>	<p>Compensation at full replacement cost will be given for all structures affected, regardless of legal status of the land and structure.</p> <p>Entitlement Matrix is developed as a gap filling measure</p>
<b>2. Compensation</b>			
2.1. Methods for determining compensation rates	Compensation for lost land and other assets should be paid at full replacement costs,	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 committee or agent selected by the Expropriation Committee."	<p>Independent appraiser conducts replacement cost study for all types of assets affected in order to establish compensation rate.</p> <p>Entitlement Matrix is developed as a gap filling measure</p>
2.2. Compensation for loss of income sources or means of livelihood	Loss of income sources should be compensated (whether or not the affected persons must move to another location)	<p>Article 29 [Expropriation Law]:</p> <ul style="list-style-type: none"> <li>- A lessee with a valid lease agreement is entitled to compensation for disruptions arising from dismantling equipment and transporting it to a relocation site.</li> <li>- For the lessee who is using its immovable property to operate a business shall be entitled to compensation for business disruption 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.</li> <li>- For the expropriation of a location where a business is in operation, the owner of the immovable property is entitled</li> </ul>	<p>Apply current resettlement practice measures for temporary loss of business income including renter.</p> <p>Entitlement Matrix is developed as a gap filling measure</p>



		<p>to additional compensation at a fair and just rate for the cost of the immovable property that is actually affected, commencing from the date of the declaration of the expropriation.</p> <p>In resettlement practice, owner of relocating shop will receive one-time cash assistance and renter with a valid and certified lease agreement will receive i) transport allowance, ii) disruption allowance, and iii) rental allowance.</p>	
2.4. Livelihood restoration and assistance	Provision of livelihood restoration and assistance to achieve the policy objectives.	The government has no clear policy in this regard. However, income restoration program is provided under the multilateral funded projects. TOR is included in RAP and contracted agency is carried out the IRP under supervision of IRC	<p>Income restoration program is not expected, as there is no physical displacement and severely PAP.</p> <p>Entitlement Matrix is developed as a gap filling measure</p>
2.5. Consultation and disclosure	Participation in planning and implementation, specially confirming the eligibility criteria for compensation and assistance, and access to Grievances Redress Mechanisms	Article 16 of 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 concerned parties about the proposal for a public physical infrastructure project.	<p>Extensive consultation and participation will be conducted at every stage of RAP planning and implementation.</p> <p>Entitlement Matrix is developed as a gap filling measure</p>
<b>3. Grievance redress mechanism</b>			
Procedures for recording and processing grievances	Grievance redress mechanism should be under Government Officials Responsibilities for handling grievances with clear procedures for recording and processing grievances	<p>Grievance redress mechanism is stated in the Expropriation Law (Article 14) but specific procedure will be prepared in a separate sub-decree</p> <p>In resettlement practice, for every project that involves involuntary resettlement, Grievance Redress Committee is established from commune to provincial level</p>	Grievance Redress Committee will be established in every province where target schools are located in by following the guidance of the RPF and OP4.12
<b>4. Monitoring &amp; Evaluation</b>			
	Internal and external independent monitoring are required	Not addressed	The GDR will conduct internal monitoring on resettlement implementation. The



			internal monitoring will include progress reports, status of the RP implementation, information on location and numbers of people affected, compensation amounts paid by item, and assistance provided to PAHs. The report of internal monitoring results will be prepared by GDR and submitted to IRC and WB on a quarterly basis.
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### 3. POLICY FRAMEWORK FOR LAND ACQUISITION AND COMPENSATION

#### 3.1. OBJECTIVES AND PRINCIPLES

41. Previous and similar projects carried out by the MoEYS indicated no land acquisition as all school facilities were constructed on land owned by MoEYS or other publicly owned land. This RPF, therefore, has been prepared, as part of the Environmental and Social Management Framework (ESMF) for the Cambodia SEIP Project, to provide guidance to MoEYS and its PMC for decision-making in situations where the proposed target schools may require the use of land on a temporary or permanent basis and on voluntary land donation or involuntary land acquisition required for construction of school facilities within the target schools. It is also applicable for land that had already been acquired prior to Bank-financing for sites supported by the Project. Accordingly, the RPF has been prepared to set out the policies and procedures for preventing or mitigating adverse impacts related to involuntary land acquisition and resettlement as a result of a proposed school construction. This RPF also sets the process that needs to be duly implemented regarding voluntary land donation.

42. 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 or minimize involuntary resettlement and to provide a framework for assessing concerns of PAP and PAH who may be subjected to loss of land, assets, livelihoods and living standards because of the proposed school construction project activities.

43. The Bank *Involuntary Resettlement* (OP/BP 4.12) policy is triggered when two related processes occur. In the first instance, a development 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), well-being and/or other entitlements. In the second instance, if relocation and resettlement is warranted. The policy ensure that those who are affected by the development project will be compensated and their livelihood and living standard will be assisted or at least restored to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.

44. The RPF details the instruments and plans, actions, and measures to be taken during initial stages of project construction 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 SEIP are in the planning stages and a definitive decision has not been made by the MoEYS/PMC and the WB about which target schools will be funded, the RPF does not have comprehensive baseline information to define detailed compensation packages. These determinations can be completed at the Abbreviated Resettlement Action Plan (ARAP) or Resettlement Action Plan (RAP)



stage of project implementation when more comprehensive and up-to-date site-specific project information is available.

45. The RPF will be considered applicable if the constructions of target schools affect households and indigenous communities which may be displaced, even on a temporary basis. Situations which may be subjected to land acquisition or relocation of PAP and PAH involve physical works, such as construction of new lower secondary school in communes without such school, construction of extended school building or classrooms in the existed schools. In these situations, social screening typologies will help decision-makers determine the safeguards measures for avoiding or mitigating adverse effects.

46. Following the existing Cambodia laws and regulations, most aspects of the WB *Involuntary Resettlement* (OP/BP 4.12) are adequately addressed in Cambodian law, particularly the Law on Expropriation. The overarching objective of the SEIP 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 for SEIP include:

- (xi) Construction of new school or construction of extended school building or classrooms is to avoid acquisition of privately owned land and relocation of peoples including indigenous population;
- (xii) Ensure design standards minimize the need to impose land use restrictions on adjoining areas;
- (xiii) Develop fair and transparent procedures, as defined in the Entitlement Matrix of this RPF to determine compensation for (i) temporary loss of land and/or assets during construction; (ii) permanent acquisition of land and/or assets; and (iii) restrictions on use of land;
- (xiv) 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;
- (xv) Upon completion of construction, 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-project activities;
- (xvi) Keep PAP and PAH, and communities fully informed about the school construction project(s), the process that will be followed to acquire and compensate for land, and their related rights and avenues for redress;
- (xvii) Ensure that aggrieved PAP and PAH will have redressed and recourse options and that solutions are in line with principles stipulated in this RPF and, importantly, are employed;
- (xviii) 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 SEIP Project. Squatters will not be compensated for loss of land but will receive compensation for loss of other assets which had been established prior to the cut-off date, and for loss of income such that they are assisted in their efforts to maintain their livelihoods and well-being. Detailed measures to be implemented will be determined based on census and baseline socio-economic survey conducted when the ARAP/RAP is developed;
- (xix) 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; and
- (xx) Damages to assets, such as standing crops, trees, fences and kiosks, and loss of income (including loss of harvest) will be minimized, if inevitable, it will be compensated without regard to legal status of ownership according to the Entitlement Matrix illustrated in Table 2.



### 3.2. CATEGORIES OF DISPLACED PERSONS

47. The school construction activities may have both positive and negative impacts on people but vary degrees depending upon the circumstances. It is reasonable to assume that while the proposed target schools 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 proposed construction activities. The issue of concern here is to provide an estimation of the latter and the likely categories of displaced persons. However, the fact that the target schools where the respective activities are to be located are currently unknown makes it very difficult to provide a reasonable estimate of such persons or, who would be directly or indirectly affected for inclusion in the RPF. However, PAPs can be categorized into three types and will be entitled to receive compensation based on type of assets affected and scope. The three categories of PAPs and his/her entitlements include:

- a) **Legal owner.** If a person or household, who is a legal owner of land (with land title) as defined under the Land Law, loses fixed assets or access to agricultural land in the planned SEIP area, he/she is entitled to receive compensation for land and assets. All PAPs are identified in the Project impacted areas as of the date of the Detailed Measurement Surveys. They are entitled with rehabilitation measures sufficient to assist them to improve or at least maintain their pre-project living standards, income earning capacity and production levels.
- b) **Recognizable owner.** Refer to a person or household who has no land title but he/she is legitimate as owner, collective or co-owner, and customary land right under the Land Law. A person falling under this category will be entitled to the same as a legal owner.
- c) **Unrecognized/unauthorized user.** Refers to a person or household who are using or residing on public land or other land that is prohibited under the Land Law. A person falling under this category will not be entitled for land compensation. However, he/she will be entitled for compensation, at replacement cost, for fixed assets he/she owned, apart of land. He/she may request for proof of ownership of the non-land affected assets. Additionally, he/she will also be entitled for livelihood restoration and/or special assistance if he/she is severely affected and/or fall under the special consideration (the vulnerable group).

### 3.3. ELIGIBILITY CRITERIA

48. All PAP and PAH comprises of different populations, including ethnic minorities and vulnerable groups, will be provided with compensation and/or assistance if: (i) their land area is reduced more than 5% percent of their total properties; (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.

49. Two forms of acquisition of land will be considered eligible under the Cambodia SEIP Project including:

- **Voluntary Land Donation:** will be accepted as long as the free, prior, and informed consultation process is followed and adhered to the voluntary land donation framework. As such, PAP and PAH or indigenous community 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 construction of school facilities will increase the value of PAP and PAH remaining property or provide some other direct, indirect or induced effects.
- **Involuntary Land acquisition and resettlement:** as mentioned above persons (i) whose land area is reduced more than 10% percent of their total properties; (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 will receive



compensation at replacement cost and/or other assistance. Eligibility criteria and entitlement will be updated in ARAP/RAP.

50. This RPF will apply to all proposed target school construction and other related activities under the SEIP funded by the World Bank. The policy applies to all PAP 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.

### **3.4. ENTITLEMENTS' MATRIX**

51. The Entitlement Matrix (Table 2 below) is developed as the gap filling measures for the SEIP summarized different types of impacts, which APs are eligible and their entitlements for compensation; and, provides guidance on implementation issues.



**Table 2: Entitlement Matrix for Involuntary Resettlement**

TYPE OF LOSS	ELIGIBLE PERSONS/HOUSEHOLD	ENTITLEMENTS	IMPLEMENTATION ISSUES
<i>A. LOSS OF LAND</i>			
PRIVATE LAND			
I. Loss of Land: Either Partial or Entire Land	<ul style="list-style-type: none"> <li>▪ All PAH with recognized or recognizable proof of ownership whose land will be acquired.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Land for land replacement should have at least similar quality and productivity; or</li> <li>▪ Cash compensation at replacement cost.</li> </ul>	<ul style="list-style-type: none"> <li>▪ PAH to be notified at least <u>30 days</u> in advance before the start of civil works in the locality of the actual date that the land will be acquired by the project.</li> <li>▪ Inter-ministerial Resettlement Committee (IRC) will ensure payment of all compensation for which PAH are entitled to at least <u>30 days</u> prior to the commencement of civil works.</li> </ul>
STATE PUBLIC/PRIVATE LAND			



I. Partial Loss of Residential and/or Commercial Land, in which the remaining land is STILL VIABLE for continued use	<ul style="list-style-type: none"> <li>PAH with main house and/or small shop (independent/family-owned business)</li> </ul>	<ul style="list-style-type: none"> <li>PAH must be removed entirely from state public/private land without compensation for such loss of land.</li> <li>No new permanent or non-permanent structures (i.e. structures on a foundation or wooden house larger than the affected one or small store) are permitted to be re-constructed.</li> </ul>	<ul style="list-style-type: none"> <li>PAH to be notified at least <u>30 days</u> in advance before the start of civil works in the locality of the actual date that the land will be acquired by the project.</li> <li>If PAP fully occupies state public/private land the remaining portion remains state public/private land.</li> <li>All new structures will not be compensated if needed for further development in the future.</li> </ul>
II. Entire Loss of Residential or the remaining land is NOT VIABLE <sup>6</sup> for continued use (Landless PAH)	<ul style="list-style-type: none"> <li>PAH with main house or shops affected by the project.</li> </ul>	<ul style="list-style-type: none"> <li>No cash compensation for affected state public/private land.</li> <li>Land replacement by land in a resettlement site or nearby village provided by the RGC</li> <li>In case resettlement site is developed, land replacement by land is provided in a resettlement site with basic infrastructures will be provided by RGC. A land plot will be 7.0m x 15.0m = 105.00m<sup>2</sup> per landless PAH. Or a plot of land (same size) located within the same village if available</li> <li>Land title for the land plot in the resettlement site with names of husband and wife will be provided to each household after five consecutive years of living on the land.</li> </ul>	<ul style="list-style-type: none"> <li>PAH to be notified at least <u>30 days</u> in advance before the start of civil works in the locality of the actual date that the land will be acquired by the project.</li> <li>Remaining land remains state public/private land.</li> </ul>
III. Loss of productive land use, either partial or entire land lose	<ul style="list-style-type: none"> <li>All PAHs occupying land or using land belong to public/state</li> </ul>	<ul style="list-style-type: none"> <li>No cash compensation is provided</li> </ul>	<ul style="list-style-type: none"> <li>PAPs to be notified at least 90 days in advance prior to the start of civil works in the locality of the actual date that the land will be acquired by the project</li> <li>PAPs will not be moved from the land without justification (i.e. unless or until the land is required by the project.</li> </ul>

<sup>6</sup> The size of viable land will be discussed between IRC-WG and the PAH during the detailed measurement survey (DMS).



**Table 2 (Cont'd.)**

TYPE OF LOSS	ELIGIBLE PERSONS	ENTITLEMENTS	IMPLEMENTATION ISSUES
<b>B. LOSS OF STRUCTURES</b>			
<p>I. Partially loss of Houses or Shop/Store;</p> <p>"Entirely lost or partially lose but remain portion is not viable for use is not allowed under the project"</p>	<ul style="list-style-type: none"> <li>All the PAH confirmed to be residing in, doing business within the project affected area before and on the Cut - off Date.</li> </ul>	<ul style="list-style-type: none"> <li>Cash compensation at replacement cost without deduction for depreciation or salvageable materials.</li> </ul>	<ul style="list-style-type: none"> <li>PAH to be notified at least <u>30 days</u> in advance before the start of civil works in the locality of the actual date that the land will be acquired by the project.</li> <li>PAH to get cash compensation at least <u>30 days</u> ahead of civil works in the locality to allow the PAH sufficient time to gradually reorganize the house and/or shop, thereby avoiding any disruption in their livelihood.</li> <li>PAH must completely cut and move back the affected land within <u>30 days</u> after receiving compensation.</li> </ul>
<p>II. Other Structures (porch, extended eaves, spirit house, fence, etc.)</p>	<ul style="list-style-type: none"> <li>All the PAH confirmed to be residing in, doing business within the project affected area before or on the Cut- off Date.</li> </ul>	<ul style="list-style-type: none"> <li>Cash compensation at replacement cost without deduction for depreciation or salvageable materials.</li> </ul>	<ul style="list-style-type: none"> <li>PAH to be notified at least <u>30 days</u> in advance before the start of civil works in the locality of the actual date that the land will be acquired by the project.</li> <li>IRC will ensure payment of all allowances for which PAH are entitled to at least <u>30 days</u> prior to the scheduled start of civil works.</li> </ul>
<b>C. LOSS OF CROPS AND TREES</b>			
<p>I. Loss of Crops</p>	<ul style="list-style-type: none"> <li>Owners of crops regardless of land tenure status</li> </ul>	<ul style="list-style-type: none"> <li>To the extent possible, PAH will be allowed to harvest their annual and perennial crops prior to construction.</li> <li>If crops cannot be harvested due to construction schedule, PAH are entitled to cash compensation for the affected crops at replacement cost.</li> </ul>	<ul style="list-style-type: none"> <li>Annual Crops – PAH will be given <u>90 days</u>' notice that the land on which their crops are planted will be used by the project and that they must harvest their crops before the civil work.</li> </ul>



II. Loss of Fruit or Shade Trees	<ul style="list-style-type: none"> <li>▪ Owners of trees regardless of land tenure status</li> </ul>	<ul style="list-style-type: none"> <li>▪ Fruit trees will be compensated in cash at replacement cost.</li> </ul>	<ul style="list-style-type: none"> <li>▪ PAH to be notified at least <u>90 days</u> in advance before the start of civil works in the locality of the actual date that the land will be acquired by the project.</li> <li>▪ Remaining ROW is still public state land.</li> </ul>
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**Table 2 (Cont'd.)**

TYPE OF LOSS	ELIGIBLE PERSONS	ENTITLEMENTS	IMPLEMENTATION ISSUES
<b>D. LOSS OF COMMON PROPERTY RESOURCES</b>			
I. Partial or Entire Loss of Community and/or Public Assets (i.e. pagoda gate, school, health center fences) resulted from infrastructure improvements	<ul style="list-style-type: none"> <li>Affected communities or concerned government agencies who own the assets</li> </ul>	<ul style="list-style-type: none"> <li>Replacement by similar structures and quality at the area identified in consultation with affected communities and relevant authorities.</li> </ul>	<ul style="list-style-type: none"> <li>Communities to be notified at least <u>30 days</u> in advance before the start of civil works in the locality of the actual date that the land will be acquired by the project.</li> </ul>
<b>F. TEMPORARY IMPACTS AND ALLOWANCE</b>			
I. Temporary loss of business income	<ul style="list-style-type: none"> <li>Owners of assets</li> </ul>	<ul style="list-style-type: none"> <li>Cash compensation based on an actual evaluation of the lost income; or</li> <li>A lump sum amount voluntarily accepted by PAP</li> </ul>	<ul style="list-style-type: none"> <li>Disruption period should be no longer than 30 days or</li> <li>Business shall be fully resume not more than 30 days</li> <li>All vulnerable PAPs shall be the beneficiary of the project</li> </ul>
II. Vulnerable and Indigenous AHs	<ul style="list-style-type: none"> <li>PAPs</li> </ul>	<ul style="list-style-type: none"> <li>One time cash assistance equivalent to US\$100</li> </ul>	



### 3.5. ASSETS VALUATION METHODS

52. Replacement cost study (RCS) is the basic document detailing methodology for calculating unit cost for compensation of all kind of affected assets i.e. land, main structure, secondary structures, scope and trees and other rehabilitation assistance. RCS will be conducted by an independent expert who is knowledgeable about the construction material price and property valuation. Bill of Quantity Method is normally used to derive unit cost of every affected structure.

53. Some relevant terms which will help the reader to assess entitlement and compensation for eligible PAP and PAH include:

- **Replacement Cost Study (RCS).** The main objective of the RCS is to determine the rate of land prices based on actual transaction records of the affected areas, of affected main and secondary<sup>7</sup> structures, and of fruit trees, trees and crops. Based on the results of RCS, the PAH will receive compensation at replacement cost (reflecting market price) from RGC for their loss of land and property due to the Project. The RCS will be implemented during the DMS;
  - **Unit Costs for Lands.** The affected private lands were divided into four main categories: (1) rice field, (2) orchard, (3) residential land, and (4) commercial lands. The way to obtain data on market rates is to gather data on recent land sales, however sale cost recording could not be found at/around the Project area. Therefore, data of recent sales were collected by direct interviews with (i) land owners at/around the Project area who are both PAHs and non-PAHs, and (ii) local authorities at/around the project area. Per results of the RCS, the unit costs of land covered with recognized proofs of ownership, structures, crops, perennials, and timber trees in districts and communes traversed by the project road are provided;
  - **Unit Costs for Structures.** The houses/structures affected by the project have been categorized into two main groups – house/dwelling and other structures. The methodology employed for costing house/structures were composed of quantity survey and detailed measurement of the component parts of each structure. Labour costs were also assessed at market prices for the structure as a whole based on the information provided by local building contractors on regional basis. Other structures such as wells and fences, and cultural assets such as stupa (Chedey), have to be compensated at their market price, and the results of the specific rates of structures are provided; and
  - **Unit Costs of Crops and Trees.** The data will be collected through interviews on the income at which owners/cultivators of crops and trees at the project 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:
54. 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:
    - Sapling tree under 1 year will not be compensated as it can be replanted;
    - Young tree (1-3 years): will be valued at one-third (1/3) of its full price because it can be replanted;

<sup>7</sup> This includes fences, wells, pig pens, toilets, kitchens, etc.



- Young tree (3-5 years), bearing some fruit will be valued at two-thirds (2/3) of its full price; and Mature tree (more than five years) fully bearing fruit will be compensated at full price.

### 3.6. SPECIAL CONSIDERATIONS

55. **Vulnerability and gender:** SEIP recognizes that certain social groups including indigenous peoples may be less able to restore their living conditions, livelihoods and income levels and has incorporated these concerns into the preparation and implementation of project activities through an adoption of participatory planning and decision making process.

56. During implementation, the Project will give special attention to women and female households as beneficiaries of the project investment i.e. employment in construction work. Equal participation of women in the whole cycle of the project activities will be provided to increase likelihood of the project sustainability. Active participation of women and indigenous groups will be ensured during the development of appropriate measures to be responsive to specific needs or concerns of these groups such as landless, poor, and households headed by women, disabled, elderly or children without means of support. A gender strategy and indigenous groups specific actions will be developed and included in ARAP/RAP.

### 3.7. GENDER STRATEGY

57. The following principles are adopted to engage women actively in the planning and implementation of the resettlement program as well as other programs.

- (i) Compensation payments will be signed off by both spouses, or in the case of female-headed households, by the women.
- (ii) The civil works contracts will include employment targets for the poor, and women from the Project affected villages and local area. They will also include commitments to gender equity including: i) ensuring that no child labor or trafficked labor will be used; ii) no discrimination against the employment of qualified women; and iii) no differential wages paid to men and women for work of equal value.
- (iii) Special measures will be taken in disseminating information to and consulting with women to ensure that they understand clearly the policies, entitlements and other procedures of the resettlement program, and are able to make informed decisions.
- (iv) The resettlement information system for the project will ensure that all databases and monitoring indicators are disaggregated by gender.
- (v) The PMT will provide training for all resettlement committees to build capacity in resettlement administration and to enhance gender sensitivity in resettlement management.

58. See Annex 1A for Gender Action Planning Matrix.

## 4. RESETTLEMENT PROCESS AND APPROVAL

### 4.1. SAFEGUARD SCREENING

59. Once the target schools are approved social screening will be conducted by MOEYS'S Department of Construction with participation of school support committee and commune/Sangkat councils in order to identify if lands and/or assets are voluntarily donated, relocated or involuntarily resettled, and/or other issues associated with proposed school construction activities in their respective footprint. As results, ARAPs or RAPs will be prepared for target schools with potential adverse involuntary resettlement impacts either temporarily or permanently. Apart from ARAP/RAP, Due Diligent Report (DDR) will be prepared for the target schools without involuntary resettlement impact and/or where lands are voluntarily donated by community or people. For optimum planning, screening should take place during the initial stages of the RPF process so that the responsible agency (MoEYS or GDR/MEF) is well informed to develop either



ARAP/RAP or DDR for voluntary land donation for the respective target school. Annex 4 is sample of Social Screening Checklist Form.

## **4.2. PREPARATION AND APPROVAL OF ARAP/RAP**

60. The GDR/IRC, with assistance from MoEYS/PMC, provides the general direction for planning the relocation and involuntary acquisition process, ensures coordination between various stakeholders concerned with the SEIP including those directly connected with relocation and monitoring implementation. Prior to commencement of school construction, stakeholders from the target school where there is potential resettlement impact will be consulted to establish planning principles and work arrangements aimed at identifying and mitigating adverse social impacts induced by the construction activities. The ARAP/RAP 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 project related social impacts.

61. The ARAP/RAP 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 project.

62. Adequate public consultation and participation are mandatory requirements of the ARAP/RAP 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 livelihood.

63. The ARAP/RAP requires site-specific comprehensive information to identify the following parameters:

- Persons who will be affected (positively and adversely) by the school construction activities;
- Persons eligible for compensation and/or assistance; and
- Type of land donation, if any, and/or assistance required.

64. Following completion, the ARAP/RAP will be submitted to IRC/GDR for review and approval prior to submitting to the World Bank.

65. The ARAP includes the following information:

- i. Brief description of the target school project, location and its 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.

66. A target school project that affects more than 200 people in terms of loss of assets and livelihoods requires a RAP to be conducted. Typically, the RAP would include the following:

- i. Brief description of the sub-project, location and its impacts;
- ii. Principles and objectives governing resettlement preparation and implementation;
- iii. Legal framework assessment including gap analysis;
- 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 and evaluation.

67. Annex 2 provides Resettlement Plan formats including annotated ARAP and RAP documents. ARAP/RAP will be prepared by GDR in close cooperation with PMT-SSFP and submitted to IRC for review and approval prior to submitting to the World Bank for no objection.

68. For ease of work, it is recommended that ARAP/RAP will be prepared on provincial basis. It means that target schools within same provinces with potential involuntary resettlement impacts will be included in one ARAP/RAP.

#### **4.3. VOLUNTARY LAND DONATION FRAMEWORK**

69. The Screening process clearly prohibits investments that require involuntary physical relocation of households. However, where minimal land acquisition is unavoidable, it may occur on a voluntary basis or with compensation (possibly in-kind) provided by the grant-recipient (typically the commune), but not out of the Project funds. In accordance with community customary practices, villagers may choose to voluntarily contribute land or assets without compensation. This can often be justified because the Project will either increase the value of the remaining property or provide some other direct benefit to the affected people; provisions for voluntary land donations are included in Annex 3 Voluntary Land Donation Protocol and Land Study.

70. **Scope of voluntary land donation:** Voluntary land donation is applied for beneficiary communities with no involuntary land acquisition and based on community-driven demand. Voluntary Land Donation (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 project and



he/she is the project beneficiary. No individual or family will lose more than **10%** of their land. Smallholder of residential land with area of 300m<sup>2</sup> or lesser will not be allowed for VLD. Additionally, land portion to be voluntarily donated shall be free of house, structures or other fixed assets. Voluntary donation for the construction of office building, for instance, will not be allowed. For this type of project, the Commune/Sangkat Council, with assistance from school principal and Social Safeguard Focal Person (SSFP), should prepare a report showing that the land users have been fully informed about the project, and about their right to refuse to give their land and other assets without compensation. This report is called the **"Voluntary Land Donation Report"**.

71. **Voluntary contribution is an act of informed consultation.** The Project staff will assure that voluntary donation 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.

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

- (i) 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;
- (ii) Verification that no individual household will be impoverished by the land donation (i.e., no more than 5% 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;
- (iii) Verification that land donation will not displace tenants or bonded labor, if any, from the land;
- (iv) Meaningful consultation has been conducted in good faith with all potential land donors. Documented verification that land donors are in agreement with the sub-project and its benefits. Separate discussions to be held with women and community groups as required to facilitate meaningful participation; and
- (v) 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.

73. **Implementation:** Commune/Sangkat council will implement the VLD process using Commune/Sangkat Voluntary Land Donation Protocol as per Commune/Sangkat Project Implementation Manual PMT social safeguard focal person and under the supervision and monitoring of PMT's social safeguard focal person.

74. **Documentation.** PMT social safeguard focal person 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 (see sample in Annex 3). 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.

75. **Voluntary Land Donation Monitoring.** The voluntary land donation issues will be monitored by district/Khan facilitators, PMC team and the World Bank periodically review the land donation agreement forms and randomly interviewing the donors. During review missions, WB will verify that land donation due diligence has been conducted in accordance with the above procedures.

76. **Grievance Redress Mechanism.** Anticipated grievances may relate to coercion for land donation or 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 Project. Procedure for handling the complaint describe in the following section.



## **5. ORGANIZATIONAL PROCEDURES FOR RESETTLEMENT**

### **5.1. MINISTRY OF EDUCATION, YOUTH AND SPORTS (MOEYS) AND PROJECT MANAGEMENT COMMITTEE (PMC)**

77. The MoEYS has overall responsibility for implementing the entire Project as well as the implementation of voluntary land donation due diligence process and the RPF. If there is involuntary resettlement and land acquisition, the MoEYS will request to the (National) Inter-Ministerial Resettlement Committee to deal with resettlement and land acquisition in according to the policies and procedures set forth in this RPF.

78. **Project Management Committee:** PMC is the highest level body established by MoEYS. The overall responsibilities for the oversight of the ESP in order to streamline policy development, strategic planning and implementation decision making processes. The PMC is comprised of MoEYS leaders, including Secretaries of State. The Project Management Team (PMT), led by a Secretary of State and comprised of Directors General and directors of various departments of MoEYS, provides support to the PMC and bears a central role in project implementation. Implementation arrangements have been designed to ensure that overall education policy direction is analyzed from a variety of angles and policy decisions are followed into implementation through the overall coordination of the Directors General. The overall project management structure is as follows:

- The Project Management Team (PMT), led by the Secretary of State in charge of TPAP, will act as Project Director;
- The Under Secretary of State in charge of administration and finance will act as Project Manager;
- The Deputy Director General for Education in charge of secondary education will act as School Grant Program Leader;
- The Deputy Director General of Policy and Planning will act as School Policy and Planning in charge of TPAP; and
- Deputy Director of General Secondary Education Department, in charge of secondary education, will act as Project Coordinator, and other members comprised of Directors General and directors of various departments of MoEYS, will provides support to the PMC and plays a central role in project implementation.

79. **Social Safeguard Focal Person (SSFP):** PMC already appointed a social safeguard focal person to be in charge of safeguard implementation and compliance as per approved IPPF, IPPF, and RPF. He will train to field engineer the use of safeguard tools and conduct regular supervision and monitoring the implementation of RPF and IPPF at site-specific activities and reporting to PMC and the World Bank.

### **5.2. INTER-MINISTERIAL RESETTLEMENT COMMITTEE AND THE GENERAL DEPARTMENT OF RESETTLEMENT (GDR)**

80. If there are resettlement impacts caused by the project, MoEYS will request the GDR/IRC to deal with resettlement impacts. The GDR/IRC, through designated Inter-ministerial Resettlement Committee Working Group (IRC-WG), will work closely with Provincial Resettlement Sub-Committee (PRSC) for coordinating resettlement issues where the school construction project is located and have resettlement impact. In this case, an ad-hoc Provincial Resettlement Sub-Committee Working Group (PRSC-WG) will be established as secretariat to PRSC.

81. **The Inter-Ministerial Resettlement Committee (IRC)** is a collegial body headed by the representative from MEF and composed of representatives from concerned line ministries, such as the Ministry of Interior; MPWT, MLMUPC; MEF and MAFF. Created by the Prime Minister through *Decision No.13, dated 18 March 1997*, in connection with the resettlement of PAHs in the Highway 1 Project (Loan 1659-CAM), it continues to be involved in other foreign-assisted government infrastructure projects with involuntary resettlement. An IRC will be established on an ad hoc basis for each project upon the request from the Designated Implementing/Executing Agency. The IRC will assume the function of a quasi-



regulatory body, ensuring that funds for resettlement are spent properly and that the RPF-RAP is carried out as intended. The technical arm of the IRC is its secretariat, the General Department of Resettlement.

82. The IRC is responsible for the following aspects of involuntary land acquisition and resettlement of projects: (i) take the lead in conducting the DMS, (ii) approval of compensation rates; (iii) reporting to the Government on resettlement activities and request approval, if necessary, including endorsement of land acquisition and resettlement plan (RP); and (iv) disbursement of funds to the Provincial Department of Economy and Finance (PDEF) for paying compensation and delivery of all other entitlements to Displaced Peoples, in accordance with the approved RAP.

83. **The General Department of Resettlement (GDR)** is a secretariat of IRC and will work closely with other relevant institutions to deal with all resettlement issues as a result of the project. GDR is taking leading role in RAP preparation and implementation. According to Sub-Decree 115 dated May 26, 2016 General Department of Resettlement (GDR) will be responsible for preparation of ARAP/RAP, particularly ARAP/RAP that is prepared or updated during project implementation. At project preparation stage the ARAP/RAP or framework will be prepared by implementing agency assisted by consultant.

### **5.3. PROVINCIAL RESETTLEMENT SUB-COMMITTEE (THE "PRSC")**

84. 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.

85. 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 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.

86. The institutional setup, for resettlement and land acquisition is illustrated in Figure 1 below.

### **5.4. PROVINCIAL/DISTRICT OFFICE OF EDUCATION (POE AND DOE)**

87. POE/DOE is sub-national level office of MoEYS. POE/DOE is a liaison between school and local community/authority and MoEYS. POE/DOE selected the target schools and proposed to MoEYS for consideration and screening. POE/DOE will cooperate with local authority to assure that school lands are secured for the Project.

### **5.5. SCHOOL SUPPORT COMMITTEE (SSC)**

88. School Support Committees of the target schools will be set up, if not yet exist, and trained to use

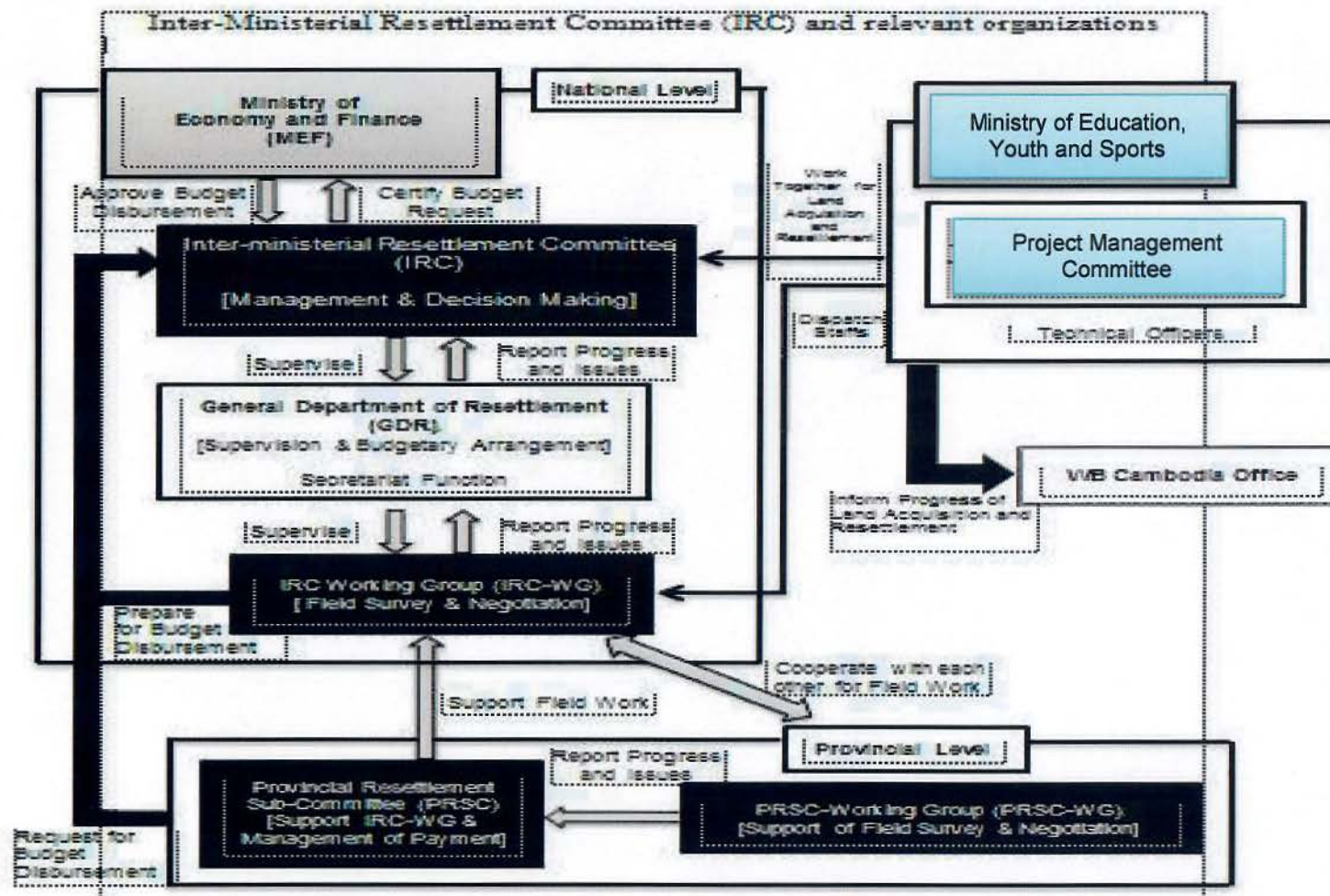


the project operational manual. The Committee will administer the construction works, ensure compliance of safeguard issues and monitor the implementation progress. Members of SSC will include women and elder who is representative of the IP community. SSC will be responsible for (a) coordinating and organizing consultative meeting and public announcement among the stakeholders particularly with student parents; (b) checking construction progress and ensuring compliance to all safeguard related issues; (c) receiving complaint from student parents and communities and send to Grievance Redress Committee for action.

89. If land is acquired either involuntarily or voluntarily, SSC must report to PMT, particularly the SSFP, so that the SSFP will take further action in order to comply with this RPF.



Figure 1 Institutional Arrangement for Project-Related Land Resettlement.





## **6. LINKING RESETTLEMENT TO CIVIL WORKS**

90. As mentioned, the Cambodia SEIP is not expected to require major physical relocation resulted from construction of school facilities as all construction work will be located in the exiting school and/or public land. Experience from previous projects carried out by MoEYS indicates most of constructions were built on lands belong to MoEYS. However, some unexpected low-level impacts, including disruption of access or damage to property (i.e., land and buildings) or some minor land acquisition in the form of land donation may exist. Such potential minor impact will be clearly determined after target schools are selected and approved during the project appraisal stage and technical design and specification have been finalized.

91. 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. Project authorities, SSFP, must document the consultation process and agreement as part of the project package.

92. 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 which 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 well-being. Detailed measures to be implemented will be determined based on the census and socio-economic survey conducted when the ARAP/RAP is developed. Compensation will be paid at replacement cost/value to respective PAP at least 30 days prior to construction commencement so that PAP have sufficient time to remove or relocate their affected structure. Likewise, PAP will be notified 30 days prior to the date of construction commencement.

93. 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, land, structure, standing crops, trees, fences and kiosks, and loss of income, including loss of harvest recorded during with DMS will be further minimized during construction. Any unexpected social impact occur during construction, including disruption, PAP and PAH will be assessed scope of impact, and will be compensated at replacement cost without regard to legal status of ownership according to the Entitlement Matrix provided in this RPF.

94. If construction is delayed for more than 12 months from the date of conducting RCS and the market price is significantly inflated the unit cost for compensation will be updated by conducting updated RCS. Unit cost of all affected assets shall reflect the current market price.

### **6.1. CUT-OFF DATES OF ELIGIBILITY**

95. A household survey and census will be arranged as soon as the target schools are screened and adverse social impact is confirmed. PAP will be scheduled the date of public consultation in order to develop the inventory of project impacts on affected household and business. Census and inventory of asset loss shall be conducted immediately after the public consultation with PAP. This is to avoid any opportunists who have been aware of compensation policy. The cut-off date for eligibility shall be established on the date of the first public consultation with PAPs and the notification letter for the "cut-off date" shall be drafted and post in the project area (school).

96. The household survey including census, IOL and baseline socioeconomic survey will be used to record all loss of assets incurred as a result of school construction. Those records will bind a legal instrument for each PAP and shall be signed by PAP, their neighbors and representatives of local



government. The compensation eligible to each affected entity will be determined based on the legal instrument/record and the detailed methodology to calculate compensation will be articulated in the RAP.

## **6.2. ARAP/RAP IMPLEMENTATION PROCESS**

97. After request for ARAP/RAP implementation by MoEYS, 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 RAP has been reviewed and approved by both IRC and the WB. Several steps are integral to the ARAP/RAP implementation process, including:

- (i) Detailed Measurement Survey (DMS) and Baseline Socioeconomic Survey (BSS): DMS and sample-based BSS will be conducted under management of the IRC-WG based on the approved detailed designed and as requested by MoEYS. The surveys will be implemented by IRC-WG in close cooperation with PRSC-WG and relevant local authorities. Recently, IRC/GDR has outsourced BSS to consulting firm in order to fasten the data collection process that normally takes longer time. DMS will be binding legal document for compensation payment to PAP. Therefore, it is necessary to have it signed by PAP and chief of village and commune of their residency.
- (ii) Replacement Cost Study (RCS): In parallel with the above surveys, the RCS will be conducted by an independent agency hired by IRC. The consultant team will conduct construction materials and other agricultural product market price in and nearby the project area. Land valuation is also part of the study based on selling and buying record. RCS will use the collected data for calculating current market price/value of all affected items identified by DMS and establish unit cost for compensation for each affected items. RCS is required to update if the compensation is not paid within 24 months from the date of conducting RCS during the course of implementing the ARAP/RAP.
- (iii) Preparation and approval of ARAP/RAP: Based on results of DMS, BSS and RCS, GDR will prepare the ARAP/RAP in compliance with the approved RPF and submit to IRC for review and approval prior to further submit to the World Bank for no objection. An Addendum to ARAP/RAP will be prepared if scope of the project is changed leading to change in scope of resettlement.
- (iv) Preparation and approval of resettlement budget: IRC/GDR will be responsible for preparing budget for compensation and other assistance based on the approved budget in the ARAP/RAP and submit to the government for approval and disbursement. Approval of budget is time-consuming. However, the government will try to make sure that budget for resettlement is made available before commencement of civil work and PAP give sufficient time (at least 30 days) for removal of their affected assets.
- (v) Contract sign and compensation payment: Once the budget is available, IRC-WG will go house-to-house to conduct contract signing for compensation payment. At this stage, it is important that IRC-WG confirm quantity of affected assets by items together with compensation amount. IRC-WG need to request budget for compensation and payment will be paid in the public place accessible to all PAP. For security reason, compensation amount to each PAP will not be publicly announced. However, independent agency or external monitoring agency will, if required, monitor the process and randomly select the PAP to verify their payment amount with the contract.
- (vi) Public Disclosure and Information Meeting: Series of public consultative meetings are conducted during the course of ARAP/RAP implementation (see Section 11 for details).



- (iii) Notification on Site Clearance: PAP who will be relocated shall be informed about the schedule for the project site clearance and start-up of the physical works. PAP will be given at least 30 days advance notice of the commencement of physical work. Letter of Notification for site clearance will be publicly posted in the school and commune council or head of village house, wherever easy access to PAP.

## **7. TRANSPARENCY AND GRIEVANCE MECHANISM**

### **7.1. GRIEVANCE REDRESS COMMITTEE**

98. The World Bank's resettlement policy requires an investment project to establish mechanism for grievance resolution in order to ensure PAPs' satisfaction with implementation of resettlement related activities, and provide the PAPs with a legal platform for on the ground monitoring and reporting on the implementation of resettlement related activities. Specifically, the purpose of the grievance mechanism is to allow PAPs and persons who believe they are affected persons to seek satisfactory resolution to grievances they may have in relation possible land acquisition or other project interventions. The key principles of the grievance mechanism are to ensure that:

- (a) The basic rights and interests of PAPs are protected
- (b) The concerns of PAPs arising from the project implementation process are adequately addressed; and
- (c) Entitlements or livelihood support for PAPs are provided on time and accordance with the above stated government and World Bank's safeguard policies.
- (d) PAPs are aware of their rights to access and shall have access to grievance procedure free of charge for the above purposes.
- (e) The grievance procedure will be part of the overall Commune/Sangkat's Planning Committee, Chief and Council mechanism and form an important part of the conflict resolution mechanism that is community-based, involving representatives of vulnerable groups, and therefore, collectively managed.

99. As a normal practice and at the beginning of the project implementation, if a project involves implementation of land acquisition and resettlement, a Grievance Redress Committee is established for the Project. The GRC will deal all aspects of a proposed sub-project including, environment, resettlement and indigenous issues, if exist, through negotiations with the aim to reach a consensus. IRC, who is responsible for the implementation of ARAP/RAP, requests to the Provincial Governor to establish the Grievance Redress Committee (s) at local (provincial, district, and commune) levels to be headed respectively by the Provincial Governor or Provincial Vice-Governor, Chief of District, and Chief of Commune. At GRM Commune level, the members of GRM also comprise of representative of AH (the representative of AH shall be chosen among the PAPs). These committees will receive, evaluate and facilitate the resolution of PAP and PAH concerns, complaints and grievances. The grievance redress committees will function, for the benefit of PAP and PAH, during the entire life of SEIP and beyond.

100. PAPs, if not satisfied or unclear about the implementation of resettlement related activities including the provision of compensation, may raise their complaints to the village committees or direct to commune council, the lowest level of GRC and can be brought further to provincial level if PAP does not satisfy with the solution or clarification.

101. **At Commune level:** An aggrieved PAH may bring his/her complaint to the commune chief directly or through PRSC-WG or IRC-WG. The commune chief will call for a meeting of the group to decide the course of action to resolve the complaint within 15 days, following the lodging of complaint by the



aggrieved PAH. The meeting of the group would consist of the commune chief, representative(s) from community including traditional leader. The commune chief is responsible for documenting and keeping file of all complaints that are directed through him/her. If after 15 days the aggrieved PAH did not hear from Commune or PRSC-WG or IRC-WG, or if the PAH is not satisfied with the decision taken at the first stage, the complaint may be brought to the District Office either in writing or verbally.

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

103. **At Provincial level:** The Provincial Grievance Redress Committee, which consists of Provincial Governor or Deputy Governor as a committee chairman and Directors of relevant Provincial Departments as members will meet with the aggrieved party and tries to resolve the complaint. Within 30 days of the submission of the grievance to the Provincial Grievance Redress Committee a written decision must be made and inform to the PAH in writing.

104. **Provincial Court:** If the aggrieved PAP is not satisfied with the solution made by the Provincial Grievance Redress Committee based on the agreed policy in the RPF-RAP, the PAP can bring the case to the Provincial court. During the litigation of the case, RGC will request to the court that the project proceed without disruption while the case is being heard. If any party is unsatisfied with the ruling of the provincial court, that party can bring the case to a higher court. The RGC shall implement the decision of the court.

105. In the target schools where Indigenous People (IP) are affected directly or indirectly, all complaints shall be discussed among the villagers in the presence of traditional village leader or elder and negotiations is carried out in the community or village where the PAP and PAH live. Where necessary, the construction proponents will provide assistance so that the rights of indigenous minorities are protected.

## **8. RESETTLEMENT BUDGET AND COSTS**

106. In case of ARAP/RAP preparation, each ARAP/RAP will include detailed cost of compensation and other rehabilitation entitlements as part of the process to compensate 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 RAP will explicitly establish sources for all funds required. The RAP 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, not the project. 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 to satisfy resettlement requirements and objective.

107. Costs to cover social safeguard screening and assessment on the eligibility of each candidate sub-project will be part of the Project budgets.

## **9. PUBLIC CONSULTATION AND INFORMATION DISCLOSURE**

### **9.1. WORLD BANK POLICY FOR PUBLIC CONSULTATION AND INFORMATION DISCLOSURE**

108. Public Consultation and Information Disclosure (The World Bank policy on access to information) defines the Bank's requirements for giving the public access to project information and documentation. It



requires that during the planning and preparatory process, project beneficiaries and affected groups and local NGOs shall be consulted and the environment and social aspects of the project should be presented. The consultation should be an on-going process throughout the design and implementation of investments and must be compliant with all other applicable safeguard policies. The policy also requires that any relevant material such as the environmental assessment study, social assessments, resettlement action plan, etc. should be made accessible, in a timely manner and in a form language understandable to the groups being consulted.

## **9.2. PUBLIC PARTICIPATION AND CONSULTATION**

109. Participation is a process through which stakeholders influence and share control over development initiatives and the decisions and resources which affect them. The decision to participate is the start of the whole participatory process in the project cycle. The Bank's OP/BP4.12 and the Government Law on Expropriation and IRC's practical resettlement implementation procedure provide clear guidance and direction to project proponents in both the public and private sectors, on the need for public consultation and participation and underscore the importance of getting PAPs informed about the project and, more importantly, getting their actual and active involvement in the planning and implementation.

110. Participation is an active and continuous process of interaction among the key stakeholders, including the communities directly affected (whether positively or adversely), national agencies and line ministries, the project consultants, civil society and international donor agencies. Participation as a generic term usually encompasses two distinct dimensions: information exchange (i.e., dissemination and consultation) and varying forms of joint decision-making (i.e., collaboration or participation).

111. In the context of SEIP, extensive stakeholder consultations will be carried out during project preparation and implementation. Thus, RPF is developed based on outcomes of those consultations. See Annex 1C for Framework for Community Consultation and Participation Process.

### **a) Consultation During Project Preparation**

112. First of all, extensive consultations were held as part of SA in March 2016. Prior to the fieldwork, the official in charge of the MOYES send letter to Provincial Director of EYS about the field mission of the consultant and inform about the objective of the fieldwork and request him/her to make appointment with all relevant stakeholder as per schedule attached to the letter.

113. At field, the consultant team meets with Department of Secondary Education for orientation, brief the assignment and methodology, and discusses sample and monitoring indicators and tools. For fieldwork, consultant team meets with all relevant stakeholders as per schedule including (i) provincial directors (at his/her office); (ii) district chief of education and school principal (at school); and (iii) chief of commune and commune council members (at commune hall). FGDs are conducted separately with villagers at the villages with coordination of chief of village. Below is the schedule of fieldwork.

114. Prior to the start of the meeting, the Consultant brief to participants about the project objectives, scope of the project, its benefit and possible impact. Consultations are mainly on causes of school dropout, socioeconomic situation of the community, and potential impacts from the project. All participants, both male and female, are encourages speaking out and expressing their view. There are more women than men participated in the consultation meeting at village level. At the end of consultation the participants were sought for support from the project activities. All participants from national to sub-national and down to community level were fully support the project initiatives. Consultation meeting was also conducted in the indigenous communities.

115. In the process, free, prior and informed consultations was undertaken in a language spoken by, and location convenient for, potentially affected indigenous peoples. The views of indigenous peoples are to be taken into account during implementation of projects, while respecting their current practices, beliefs



and cultural preferences. Two indigenous coordinators were hired to assist during the consultation meeting with the indigenous villagers.



**Table 4: Schedule for Fieldwork Activities and Consultative Schedule**

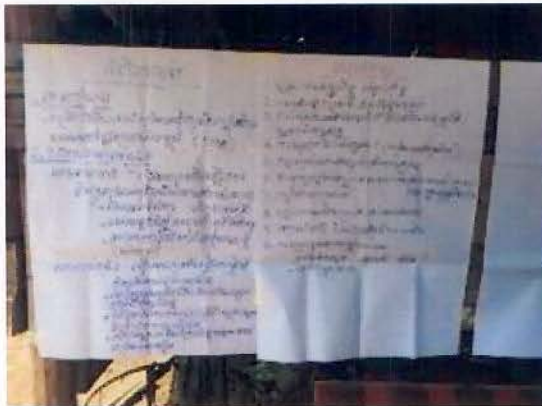
SCHEDULE FOR FIELDWORK ACTIVITIES				
Vehicle needed:		When	# of Days	
1	To Kampong Speu (Completed)	28-29 Mar 2016	2	
2	To Banteay Meanchey	21-23 Apr 2016	3	
3	To Rattanak Kiri	24-26 Apr 2016	3	
4	To Kampot	27-28 Apr 2016	2	
		Total	10	
No.	Where to	When	Time	Where to meet
1	Kampong Speu	28-29 Mar 2016		
	Meeting with POE	28-Mar-16	10:11:30 AM	At POE office
	Meeting with chief DOE of Chbar Mon and School Principal of Kampong Speu High School	28-Mar-16	1:30 to 3:00 PM	At school
	Meeting with chief Commune, village and community of Kampong Speu High School	28-Mar-16	1:30 to 3:00 PM	At school
	Meeting with villagers (10-12 persons)	28-Mar-16	3:00 to 4:30 PM	At school
	Meeting with chief DOE of Oral and School Principal of Chhnen Lower High School	29-Mar-16	9:30 to 10:30 AM	At school
	Meeting with chief Commune, village and community of Chhnen Lower High School	29-Mar-16	9:30 to 10:30 AM	At school
	Meeting with villagers for different villages (10-12 persons)	29-Mar-16	10:30 to 11:30 AM	At school
	Meeting with chief DOE of Borsedh and School Principal of Ang Say Lower High School	29-Mar-16	2:30 to 3:30 PM	At school
	Meeting with chief Commune, village and community of Ang Say Lower High School	29-Mar-16	2:30 to 3:30 PM	At school
	Meeting with villagers for different villages (10-12 persons)	29-Mar-16	3:30 to 4:30 PM	At village
2	Banteay Meanchey	21-23 Apr 2016		
	Meeting with POE	21-Apr-16	3:00 to 4:30 PM	At POE office
	Meeting with chief DOE of Serey Sophorn district and School Principal of O' Ambel High School	22-Apr-16	8:00 to 9:30 AM	At school
	Meeting with chief Commune, village and community of O' Ambel High School	22-Apr-16	9:45 to 10:45 AM	At school
	Meeting with villagers (10-12 persons)	22-Apr-16	9:30 to 11:00 AM	At village
	Meeting with chief DOE of Preah Neth Preah district and School Principal of Preah Neth Preah Lower High School	22-Apr-16	2:00 to 3:00 PM	At school
	Meeting with chief Commune, village and community of Preah Neth Preah Lower High School	22-Apr-16	3:00 to 4:00 PM	At school
	Meeting with villagers for different villages (10-12 persons)	22-Apr-16	3:00 to 4:30 PM	At village
	Travel back to Phnom Penh	23-Apr-16	8:00 AM to 3:00 PM	
4	Rattanak Kiri	24-26 Apr 2016		
	Departure from Phnom Penh	24-Apr-16	7:30 AM	
	Meeting with POE	25-Apr-16	8:00 to 9:00 AM	At POE office
	Meeting with chief DOE of Bor Keo district and School Principal of Bor Keo Lower High School	25-Apr-16	9:30 to 10:30 AM	At school
	Meeting with chief Commune, village and community of Bor Keo Lower High School	25-Apr-16	10:30 to 11:30 AM	At school
	Meeting with villagers - Female IP group (10-12 persons)	25-Apr-16	2:00 to 3:30 PM	At village
	Meeting with villagers - Male IP group (10-12 persons)	25-Apr-16	3:30 to 5:00 PM	At village
	Meeting with chief DOE of Kon Mom district and School Principal of Trapeang Chres Lower High School	26-Apr-16	8:30 to 9:30 AM	At school
	Meeting with chief Commune, village and community of Trapeang Chres Lower High School	26-Apr-16	9:30 to 10:30 AM	At school
	Meeting with villagers - Female IP group (10-12 persons)	26-Apr-16	8:30 to 10:00 AM	At village
	Meeting with villagers - Male IP group (10-12 persons)	26-Apr-16	10:00 to 11:30 AM	At village
	Travel to Phnom Penh	26-Apr-16	Afternoon	
8	Kampot	27-28 Apr 2016		
	Meeting with POE	27-Apr-16	10:00 to 11:30 AM	At POE office
	Meeting with chief DOE of Krong Kampot and School Principal of Phreah Reach Samphear High School	27-Apr-16	2:00 to 3:00 PM	At school
	Meeting with chief Commune, village and community of Phreah Reach Samphear High School	27-Apr-16	3:00 to 4:00 PM	At school
	Meeting with villagers - mix gender (10-12 persons)	27-Apr-16	3:00 to 4:30 PM	At village
	Meeting with chief DOE of Angkor Chey district and School Principal of HS Angkor Chey Lower High School	28-Apr-16	8:00 to 9:00 AM	At school
	Meeting with chief Commune, village and community of HS Angkor Chey Lower High School	28-Apr-16	9:00 to 10:00 AM	At school
	Meeting with villagers - mix gender (10-12 persons)	28-Apr-16	9:30 to 11:00 AM	At village
	Travel to Phnom Penh	28-Apr-16	Afternoon	

116. During assignment, MoEYS/consultant team met and interviewed key stakeholders from national level down to village level. We met with leaders of Project Management Committee (PMC) at national levels; director of provincial education, youth and sports and his team; chief of district office of education; school principals and teachers; and members of commune councils include chief of communes and villages. A total of 235 persons were met and interviewed during the assignment. Below table indicates list of key stakeholders met and interviewed during the field study.

**Table 5: List of Number of Key Stakeholders Met and Interviewed**

No.		FGDs	KII	Meeting	Total
1	MoEYS			T = 4 (F=0)	4
2	Provinces (4)		T=18 (F=6)		18
3	Districts (8)		T=20 (F=5)		20
4	Communes (8)		T=28 (F=9)		28
5	Communities (9)	T=150 (F=103)			150
6	Schools (9)		T=15 (F=7)		15
Total		150	81	4	235





Left: Public posture of "Project Components" and "Key points for discussion"



Right: FGD activities in O' Ambel Commune, Banteay Meanchey Province



Left: Meeting with POE in Kampong Spue at PoE Office



Right: Conducting FGD with Kroeung IP community in Tuen Commune, Rattanak Kiri with local facilitator

#### **b) Consultation During Project Implementation**

117. During implementation, PAP and communities will participate throughout the development and implementation process of involuntary land acquisition and voluntary land donation process. In case of involuntary resettlement PAP and PAH will be consulted by IRC-WG with cooperation from PRSC-WG using free, prior, and informed consultation approach. A following generic information will be informed to PAP during the consultative meeting:

- Project objective, scope, potential benefits and impacts;
- Objectives of WB-OP/BP4.12 and relevant government law and regulation, particularly Law on Expropriation;
- Process and schedule of resettlement implementation process
- Resettlement and compensation policy, eligibility and entitlements;
- Relocation and rehabilitation assistance
- Public information, public consultation and grievance redress procedures are followed as described in the approved RAP

118. PAPs are involved in public consultation meetings in various stages of the process. Their resettlement impacts and concern are properly recorded during data collection process (DMS, BSS and

*[Handwritten signature]*



public consultation and focus group discussion). All these issues and concern is well incorporated into ARAP/RAP for compensation and rehabilitation assistance. Vulnerable, female and indigenous groups will be consulted separately using focus group discussion method. Followings are series of consultative meeting practically conducted by the IRC-WG.

- (i) First consultative meeting will be conducted with PRSC and PRSC-WG at provincial hall as the kick-off meeting. The purpose of the meeting is to brief members of PRSC and its WG the project objective, resettlement implementation process and schedule, their role and responsibility and their allowances, and requesting their active participation.
- (ii) Second consultative meeting will be conducted with local community and PAP at school or pagoda or commune hall at the project area. The purpose of this meeting is to inform community and PAP about the project, its benefit and potential impact, resettlement and compensation policy and entitlements, resettlement implementation process, eligibility and cut-off-date, and schedule for DMS and BSS. PAP's head is requested to present at the affected house or asset for verification of impact and sign of DMS form. Notification of Cut-off-Date will be publicly posted at commune council or any place easily access to.
- (iii) Third consultative meeting will be conducted prior to contract sign. The purpose of this meeting is to inform them about the schedule for conducting contract sign (possibly village by village) and necessary legal document to present to the IRC-WG and possible schedule for compensation payment. Both PAP's head and spouse are requested to present at home during contract sign. They both must sign on the contract form.
- (iv) Fourth public consultative meeting will be conducted prior to compensation payment. The purpose of the meeting is to inform PAP about the schedule of compensation payment (village by village), venue for payment, and legal document to bring along as proof.

119. Local authority, head of village and commune chief are members of PRSC-WG and they are presented during public consultative meetings and have important role in identifying PAPs and certify on the DMS form. Representatives of PAPs are members of (i) community/village committee and (ii) grievance redress committee under the SEIP.

### **9.3. DISCLOSURE**

120. RPF, ESMF document together with other project documents will be uploaded into the World Bank InfoShop (date to be confirmed). The documents will be translated into Khmer language and an Executive Summary will be posted on the MoEYS's public information board on 25<sup>th</sup> November 2016 at the latest date and on Provincial Department of Education's Public Information Board at the later stage (25<sup>th</sup> November 2016). MoEYS is in the process of developing the SEIP project website. Once it is developed the IPPF, in Khmer language, will be uploaded into the project website. The ARAP/RAP, if prepared, will be translated into local language (Khmer) and upload into project website if available, and send a copy to keep in each commune council, or at school convenience to PAP, where there is involuntary resettlement. Information that impinges on right to privacy, like the composition of a household, compensation amount of PAH, etc, will not be subject to public disclosure.

## **10. MONITORING AND REPORTING**

121. Implementation of the RPF at site specific will be regularly supervised and monitored by the respective SSFP responsible for implementation of the investment activities that involve land acquisition. The findings and recommendations will be recorded in the project file for possible review by the Bank. The SSFP will supervise and monitor the process at least one time per year and include the results in the Project



annual reports and to be furnished to the World Bank. The SSFP in close consultation with local governments and PAPs will establish a set of practical monitoring indicators.

122. In case ARAP/RAP is prepared and implemented internal monitoring will be done by GDR. External monitoring is not required for any project with minor resettlement impacts.

### **10.1. INTERNAL MONITORING**

123. GDR will conduct internal monitoring on resettlement implementation. The monitoring will include progress reports, status of the RAP implementation, information on location and numbers of people affected, compensation amounts paid by item, and assistance provided to PAHs. The report of internal monitoring results will be prepared by GDR and submitted to IRC and the World Bank on a quarterly basis. The following indicators will be monitored on bi-monthly basis by the PSC team to ensure:

- (i) Compensation and entitlements are computed at rates and procedures as provided in the approved RAP;
- (ii) PAHs are paid as per agreed policy provided in the RAP by the Project authorities;
- (iii) Public information, public consultation and grievance redress procedures are followed as described in the approved RP;
- (iv) Public facilities and infrastructure affected by the Project are restored; and
- (v) The transition between resettlement and civil works is smooth.

124. See Annex 1D for Internal Monitoring Indicators.

### **10.2. EXTERNAL MONITORING**

125. The external monitor has the specific responsibility of studying and reporting on RAP implementation and on social and economic situations of PAH particularly relocated PAPs or disrupted by the construction works, including all households whose houses or shops and stalls are relocated. The external monitor also has the responsibility of reviewing potentials for job opportunities for PAH, including women and youth, which would be assisted by provincial authorities.

126. The need for an external monitor will be agreed with the IRC-GDR based on the severity of the project impacts. However, it is not envisaged that external monitoring will be required for the Project.

127. The Project will make all the resettlement progress reports available to the public access in local language by posting them in the Project website to be established or MoEYS website.



## ANNEXES





## ANNEX 1: TECHNICAL GUIDELINE

### 1A. Gender Action Planning Matrix

Gender Action Plan is prepared only if the ARAP/RAP is needed and impact on gender is significant.

Project Component	Objectives	Activities/Tasks	Responsible Entity	Indicators	Means of Verification
Project Preparation	<p>Identify gender-specific issues and needs to be taken into account in the design of investments and livelihood interventions</p> <p>Involve women in identifying these needs and issues</p> <p>Develop gender-specific indicators for women participation and empowerment to be used for project monitoring and evaluation</p>	<p>Formulate gender baseline information to be included in survey</p> <p>Conduct a survey with gender indicators</p> <p>Conduct focus group discussions with women to identify gender-specific issues and concerns for input into community planning process and design of development interventions</p> <p>Select and train women who will serve as project monitors and motivators</p> <p>Develop gender indicators for project monitoring and evaluation.</p>	PMT with participation of Women Community Groups (WCGs)	<p>Gender indicators incorporated in the survey instrument</p> <p>Number of focus group discussions (FGDs) held</p> <p>Number of women and women heads of household who participated in FGDs</p> <p>Set of gender-specific indicators incorporated in project monitoring and evaluation tool</p> <p>Number of community women volunteers willing to serve as project monitors</p>	<p>Survey Instrument</p> <p>Feasibility Study/ ARAP</p> <p>Documented feedback from women beneficiaries and participants of FGDs</p> <p>List of women volunteers and or list of organizations</p>
Project Design	<p>Ensure that community development plans and investment designs take into account women's needs for safety, security, mobility and child care</p> <p>Access to potable water, safe and well, waste disposal facilities with child and senior citizen friendly investment designs</p>	<p>Give GAD briefings and orientation to women members of community associations</p> <p>Prepare the GAD component of the project to include capacity building in understanding the basic areas where they can participate during detailed planning activities of building designs preparation</p>	PMT with participation of Women Community Groups (WCGs)	<p>Investment designs with gender-sensitive and vulnerable groups features</p> <p>Livelihood programs specifically targeting women heads of households</p>	<p>Investment designs</p> <p>Livelihood program plans</p>



Project Implementation on	<p>Ensure women's access to project benefits</p> <p>Ensure that tenure instruments and contracts give women equal decision-making and asset-ownership Rights</p> <p>Regular consultation with women's group during construction for design adjustments and monitoring of construction activities.</p> <p>Women to project their interest by making it sure that whatever have been agreed upon in the design stage is faithfully adhered to during the construction or implementation stage.</p>	Information and Education Campaign (IEC) directed at women community members to inform them of project benefits and value of participation	PMT with participation of Women Community Groups (WCGs)	<p>IEC materials distributed. Material to be included is as follows, checklist of eligible investments. Access to micro- financing for the women to have a start –up livelihood activities.</p> <p>Number of women participating in community action planning</p>	<p>Progress Reports</p> <p>Documented Feedback from women beneficiaries</p>
a. Basic Services					
b. Livelihood Intervention	<p>Ensure women's access to project services and benefits</p> <p>Increase the income-earning capacity of women beneficiaries, especially women household heads</p>	<p>Information and Education Campaign</p> <p>Skills trainings to women heads of households</p> <p>Trainings on savings and financial management</p> <p>Organize collective enterprises and self-help groups managed by women</p> <p>Organize community based women collection arm for the livelihood.</p>	PMT with participation of Women Community Groups (WCGs)	<p>Number of women receiving IEC materials</p> <p>Number of trainings conducted</p> <p>Number of participants in trainings</p> <p>Number of enterprises, cooperatives, savings groups, mutual aid groups formed by women</p> <p>Number of women members of these groups</p> <p>Number of microfinance loans extended</p>	<p>IEC materials produced and used as an information, education and communication tools.</p> <p>Progress Reports</p> <p>Evaluation forms filled out by trainees</p> <p>Existence of functional livelihood support groups (cooperatives, mutual-aid groups and enterprises)</p> <p>Reports of NGOs, MFIs</p> <p>Feedback from women</p>



				by MFIs to women headed households Number of skills job referrals and successful marketing referrals	beneficiaries of livelihood loans Reports of external monitoring team for the project
c. Capacity Building and Institutional Development	Develop the capacities of women in project and community management and project monitoring  Ensure women participation in project management, livelihood programs and project monitoring	Trainings on leadership, organizational management, financial management, investment management, monitoring and evaluation  Formation of women's organizations  Organizational meetings	PMT with participation of Women Community Groups (WCGs)	Number of trainings conducted Training manuals Number of participants in trainings Number of women's groups and committees formed	Progress reports  Evaluation forms filled out by participants of trainings conducted  Minutes of organizational meetings List of beneficiaries and the income comparison before the assistance and the current income level after the assistance.
d. Monitoring and Evaluation	Involve women in project monitoring and evaluation  Assess the project's impact on the welfare of women through the use of gender-specific indicators	Monitoring and evaluation workshops with the community  Data collection and review of reports and pertinent documents	PMT with participation of Women Community Groups (WCGs)	Monitoring and Evaluation tools Number of monitoring workshops Number of monitoring and evaluation reports	Monitoring and Evaluation Reports  Report card per project beneficiary and their progress in terms of income and or rehabilitation status after the project assistance.



## 1B. Survey Requirements for ARAP/RAP Preparation

Detailed Measurement Survey (DMS)	<p>The census and detailed measurement survey (DMS) of lost assets will collect data on the affected assets from 100% of PAPs following detailed engineering design. The data collected during the DMS will constitute the formal basis for determining PAP entitlements and levels of compensation. For each PAP, the scope of the data will include:</p> <ul style="list-style-type: none"> <li>• Total and affected areas of land, by type of land assets;</li> <li>• Total and affected areas of structures, by type of structure (main or secondary);</li> <li>• Legal status of affected land and structure assets, and duration of tenure and ownership;</li> <li>• Quantity and types of affected crops and trees;</li> <li>• Quantity of other losses, e.g., business or other income, jobs or other productive assets; <ul style="list-style-type: none"> <li>□ estimated daily net income from informal shops;</li> </ul> </li> <li>• Quantity/area of affected common property, community or public assets, by type;</li> <li>• Summary data on PAP households, by ethnicity, gender of head of household, household □ size, primary and secondary source of household income vis-a-vis poverty line, income □ level, whether household is headed by women, elderly, disabled, poor or ethnic groups;</li> <li>• Identify whether affected land or source of income is primary source of income; and PAP knowledge of the investment and preferences for compensation and, as required, <ul style="list-style-type: none"> <li>□ relocation sites for businesses and rehabilitation measures.</li> </ul> </li> </ul>
Socioeconomic Survey	<p>At a minimum, the socioeconomic survey (SES) will collect information from a sample of 10% of affected people and 20% of severely affected PAPs, disaggregated by gender and ethnicity. The purpose of the socioeconomic survey is to provide baseline data on PAPs to assess resettlement impacts, and to be sure proposed entitlements are appropriate, and to be used for resettlement monitoring. The scope of data to be collected includes:</p> <ol style="list-style-type: none"> <li>A. Household head: name, sex, age, livelihood or occupation, income, education and ethnicity;</li> <li>B. Household members: number, livelihood or occupation, school age children and school attendance, and literacy, disaggregated by gender;</li> <li>C. Living conditions: access to water, sanitation and energy for cooking and lighting; ownership of durable goods; and</li> <li>D. Access to basic services and facilities.</li> </ol>
Replacement Costs Study	<p>The replacement costs of affected assets will be assessed in parallel with DMS and SES activities by collecting information from both secondary sources and primary sources (direct interviews with people in the affected area, material suppliers, house contractors), and from both those affected and those not affected. The government rates will be adjusted, as necessary, based on the findings. Compensation rates will be continuously updated to ensure that PAPs receive compensation at replacement cost at the time of compensation payment.</p>



## **1C. Framework for Community Consultation and Participation Process**





Stages	Subject of Consultation	Role of Target Communities and Affected Persons/Households	Reasons for Community Participation
<b>Preparation Stage</b>			
Consultation and focused- group discussions/meetings	Understanding the investment	Participate in community consultation. Create committees with at least 25-50 percent of the members is composed of women.	Ensure that target beneficiaries and PAPs fully understand the proposed investment and its benefits. Promote an informed and collective-decision making. Gather issues and concerns of the community that can be incorporated in the proposed investment.
Planning for investment/s	Design and planning investments	Approve the design and proposed by the beneficiaries and PAPs.	This measure will lessen conflicts and send the message to target beneficiaries and PAPs that they are involve and came from their collective decisions.
Formulating compensation and entitlement package.	Compensation and entitlement package for PAPs.	Approve the compensation and entitlement package of the PAPs.	This also promotes an informed and collective decision-making among beneficiaries and PAPs.
Consultation on proposed investment/s before submission.	Contents of proposed investment/s.	Review and concur the contents of proposed investment/s.	Such consultation delivers the message of transparency seeing to it that their comments /suggestions are incorporated in the proposed investment/s.
<b>Implementation Stage</b>			
Consultation on the implementation of investment/s and provision for and acquisition	Phasing of investment implementation and transfer to agreed area(s) for PAPs. Agreement on implementation schedule	Orderly dismantling and reconstruction of affected structures, if any Inform PAPs for the scheduling of transfer	Ensure that the impacts of disruption are lessened. It will also enable the implementing agency to determine the budgets for food and transport of PAPs/ household Participation in plot marking in the presence of designated staff/facilitator will avoid misunderstanding among PAPs and beneficiaries.
Consultation with PAPs concerning affected land and/or structures, livelihood, etc.	Boundaries on plot allocation, road access and provision for social services, i.e., water sewerage, drainage.	Mark the affected lot boundaries as determined by land surveyors consistent with the assigned area and plans.	Enable the implementing agency to estimate budgets for entitlements like allowances for foods, transportation and special assistance.



Engagement in livelihood undertakings.	Livelihoods for target-community beneficiaries and that of those of the PAPs.	Provide information on the actual negative and positive impact to PAPs Involvement of women in livelihood development.	Women are known to have skills in livelihood management which could enhance family income.
Employment of beneficiaries in the investment	Additional assistance to beneficiaries and PAPs.	Beneficiaries or any of their household members will be employed as laborer during the construction of a investment/s.	Employment with the project will also provide additional or enhance their income.
Grievance and redress.	Grievance and redress □ mechanism.	Provide background of the issues.	Ensure that problems are address within reasonable time. The officers will serve as the GRC, and they will also assist agency in implementing the policies in each community as part of the management of the investment.
Monitoring and Evaluation	Implementation of investment/s	Provide inputs and status for implementation on investments.	The information from PAPs and beneficiaries will assist the PMT to assess the level of compliance in every stage of investment implementation. This will give lessons learnt in shaping up future policies on resettlement for the project.

#### 1D. Internal Monitoring Indicators

Types of Monitoring	Basics for Indicators	Sources of Information
<b>Budget and Timeframe</b>	<ul style="list-style-type: none"> <li>Have the personnel of PMT and counterpart staff from district and village authority been organized, deputized and provided their office as scheduled?</li> <li>Have capacity building and training of staff of PMT; District and Village government been conducted on time?</li> <li>Have the district authority provided adequate budgetary support for compensation of PAPs and beneficiaries?</li> <li>Have the district authority released and disbursed the equity funding for implementing the project on time?</li> <li>Has the social preparation phase been undertaken according to schedule?</li> <li>Have the proposed investment/s been agreed with beneficiaries and PAPs and concurred by the respective district and village authorities?</li> </ul>	PMT and District authority
<b>Deliveries of investments and entitlements</b>	<ul style="list-style-type: none"> <li>Have all the beneficiaries and PAPs received their respective investment's and compensation and entitlements according to their numbers?</li> <li>Have the PAPs received their payments on time?</li> </ul>	PMT and District authority Beneficiary-communities



	<ul style="list-style-type: none"> <li>• Have special assistance been provided to vulnerable PAPs?</li> <li>• Have all PAPs received the agreed transportation and food allowances?</li> <li>• Have all PAPs that lost their livelihoods or small business received their compensation?</li> <li>• Have all the beneficiaries entitled been implementing investments?</li> <li>• Have the women been trained according to their desired livelihood?</li> <li>• Was the number of women trained on desired livelihood the same as that of the actual number engaged in micro enterprises?</li> <li>• Are the beneficiaries engaged in micro enterprises assisted by micro financing institutions?</li> <li>• Were the actual amounts of investment costs and compensation been disclosed to beneficiaries and PAPs?</li> </ul>	
<b>Consultation, Grievance and Special Issues</b>	<ul style="list-style-type: none"> <li>• Were IEC campaign materials prepared and distributed to stakeholders during investment disclosures?</li> <li>• Have consultations, focus group discussions and/or public meetings been undertaken as scheduled?</li> <li>• Were the beneficiaries and PAPs took active participation in planning and implementation according to what were prescribed in the project?</li> <li>• Have any beneficiaries and/or PAPs used the grievance and redress procedures? What were the outcomes?</li> <li>• How many have filed their grievances? What were the outcomes?</li> <li>• Was social preparation for the PAPs taken place?</li> </ul>	Beneficiaries/District authority/ PMT
<b>Benefit Monitoring</b>	<ul style="list-style-type: none"> <li>• Where there changes occurred in patterns of occupation of the beneficiaries compared to their pre-project situation?</li> <li>• What changes have occurred in income and expenditures patterns compared to pre-project situation? What have been the changes in cost of living compared to pre-project situation? Have the incomes of housing beneficiaries kept pace with these changes?</li> <li>• What changes have taken place in the lifestyle of beneficiaries?</li> </ul>	Beneficiaries



## **ANNEX 2A: ABBREVIATED RESETTLEMENT ACTION PLAN (ARAP)**

### **Annotated Document Contents and Information Requirements**

#### **Introduction**

- Project description in brief: refer to the RPF that covers the project and provides the policies and principles for the ARAP;
- Brief description of the project and school construction project development objectives and intended beneficiaries; and
- Describe the activities that will give rise to impacts that require "resettlement" (i.e., anything that causes loss of land, assets or elements of PAP livelihood – not only physical relocation, but also, loss of trees, temporary relocation of roadside stall (kiosk), and comprised access.

#### **Census of PAP and Inventory of Assets**

- Brief description of how the data was gathered (e.g., household survey);
- Table of PAP and PAH, contact details, affected livelihoods, assets, value of affected dwelling/structures/assets; and
- Brief comment about any significant differences, sources of vulnerability of PAP and different populations (ethnic peoples and vulnerable groups – women and female/male youth and children, the elderly and disabled, landless, and poor, etc.), or state that they are representative of the general socio-economic profile of the country.

#### **Compensation to be provided**

- Forms of compensation to be provided (e.g., cash or in-kind);
- Description of the conditions for voluntary donation (if applicable), including:
  - Free, prior and informed consultation (FPIC) made of the PAP own volition and is uncoerced with the decision making ability to withhold consent;
  - No severe impacts on living standards; no physical relocation and less than 5 percent of PAP livelihood assets affected;
  - Availability of complaints and compensation procedure; and
  - Documentation and independent verification of the donation of land or assets.

#### **Consultation with Affected Persons**

- Brief description of the general public disclosure communications to announce the project and invite comment;
- Subsequent consultations with known or self-identified PAP;
  - Alternatives discussed with PAP and the community; and
  - Dissemination of information about the cut-off date for registering as PAP; availability of a complaints/grievance mechanism



- Arrangements for formal disclosure of resettlement instrument; availability for public disclosure, review and comment, and posted on MoEYS and the World Bank websites.

#### **Institutional Responsibilities for Delivery of Compensation**

- Responsible agencies;
- Method of notification to PAP;
- Timing of settlement (before the incidence of the loss to be compensated);
- Method of verification, disclosure and witnessing of the settlement (i.e., annex form for recording and witnessing handover of entitlement); and
- Process for handling complaints or grievances, and appeals.

#### **Implementation Reporting and Monitoring**

- Institutional responsibilities for reporting and monitoring of the ARAP;
- Participation in monitoring (e.g., CSOs, research institutes, etc.); and
- Summary report on consultation with the wider community (append attendance register to document).

#### **Timetable and Budget**

- Time and task matrix;
- Source and flow of funds;
  - Consultation costs;
  - Personnel costs;
  - Office overhead expenses;
  - Compensation funds; and
  - Monitoring and reporting costs.



## **ANNEX 2B: RESETTLEMENT ACTION PLAN (RAP)**

### **Annotated Document Contents and Information Requirements**

#### **Introduction**

- General description of project in relation to policies and principles which inform the RAP;
- Describe sub-project development objectives and intended beneficiaries briefly; and
- Describe the activities that will give rise to impacts that require "resettlement" and comprised access.

#### **Scope of Land Acquisition and Resettlement Impacts**

- Level of detail varies with the magnitude and complexity of the resettlement;
- Collect up-to-date and reliable information, including:
  - The proposed resettlement and its impacts on the displaced persons and other adversely affected groups; and
  - Legal issues involved in resettlement.
- Any issue described below which is not relevant to sub-project circumstances, should be explained.

#### **Description of the Sub-project**

- Short detailed narrative on school construction project initiatives and/or activities; and
- Identification of the school construction project initiatives and/or activities' project area and footprint.

#### **Potential Impacts Identified**

- Project component or activities that give rise to resettlement;
- Zone of impact and region of influence (ROI) of school construction project initiatives and/or activities;
- Alternatives considered to prevent (avoid) or minimize resettlement; and
- Mechanisms established to minimize resettlement, to the extent possible, during project implementation.

#### **Main Objectives of the Resettlement Program**

- Sets out the purpose and objectives.

#### **Socioeconomic Studies**

- Conducted in early stages of school construction project preparation and with the involvement of potentially displaced people, including:
  - The results of a census survey covering:



- ♦ Current occupants of the affected area to establish a basis for the design of the resettlement program and to exclude subsequent inflows of people from eligibility for compensation and resettlement assistance;
  - ♦ Standard characteristics of displaced households, including a description of production systems, labor, and household organization; and baseline information on livelihoods (i.e., production levels and income derived from both formal and informal economic activities) and standards of living including health status and well-being of the PAP and PAH;
  - ♦ The magnitude of the expected loss of assets (i.e., total or partial) and the extent of displacement, physical or economic;
  - ♦ Information on vulnerable groups or persons (OP/BP 4.12, paragraph 8) for whom special provisions may have to be made; and
  - ♦ Provisions to update information on the displaced PAP and PAH livelihoods and standards of living at regular intervals so that the latest information is available at the time of their displacement.
- Other studies describing the following:
    - Land tenure and transfer systems, including an inventory of common property natural resources from which PAP derive their livelihoods and sustenance, non-titled usufruct systems (i.e., fishing, grazing, or use of forest areas) governed by local recognized land allocation mechanisms, and any issues raised by different tenure systems in the sub-project footprint;
    - Patterns of social interaction in the affected communities, including social networks and social support systems, and how they will be affected by the project;
    - Public consultation and social services that will be affected; and
    - Social and cultural characteristics of displaced communities, including a description of formal and informal institutions (i.e., civil society organizations including CBOs, NPAs) that may be relevant to the consultation strategy and to designing and implementing the resettlement activities.

## **Legal Framework**

- Findings of an analysis of the legal framework, covering:
  - The scope of the power of eminent domain and the nature of compensation associated with it in terms of both the valuation methodology and the timing of payment;
  - The applicable legal and administrative procedures, including a description of the remedies available to displaced persons (PAP and PAH) in the judicial process and the normal timeframe for such procedures, and any available alternative dispute resolution mechanisms that may be relevant to resettlement under the project;



- Relevant law (including customary and traditional law) governing land tenure, valuation of assets and losses, compensation, and natural resource usage rights; customary personal law related to displacement; and environmental laws and social welfare legislation;
- Laws and regulations relating to the agencies responsible for implementing resettlement activities;
- Gaps, if any, between local laws covering eminent domain and resettlement and the World Bank's *Resettlement Policy* (OP/BP 4.12), and the mechanisms to bridge such gaps; and
- Any legal steps necessary to ensure the effective implementation of resettlement activities under the project, including (as appropriate) a process for recognizing claims to legal rights to land (i.e., claims that derive from customary law and traditional usage – see OP/BP 4.12, paragraph 15 b).

#### **Institutional Framework**

- Findings of an analysis of the institutional framework, covering:
  - Identification of agencies responsible for resettlement activities and CSOs that may have a role in project implementation;
  - Assessment of the institutional capacity of such agencies and CSOs; and
  - Any steps proposed to enhance the institutional capacity of agencies and CSOs responsible for resettlement implementation.

#### **Eligibility**

- Definition of displaced persons (PAP and PAH) and criteria for determining their eligibility for compensation and other resettlement assistance, including relevant cut-off dates.

#### **Valuation of Land**

- Methodology to be used in valuing losses to determine their replacement cost; and a description of the proposed types and levels of compensation under local law and such supplementary measures as are necessary to achieve replacement cost for lost assets.

#### **Resettlement Measures**

- Description of the packages of compensation and other resettlement measures that will assist each category of eligible displaced persons (PAP and PAH) to achieve the objectives of the policy (see OP/BP 4.12, paragraph 6). In addition to being technically and economically feasible, the resettlement packages should be compatible with the cultural preferences of the displaced persons, and prepared in consultation with them.

#### **Site Selection, Site Preparation, and Relocation**

- Alternative relocation sites considered and explanation of those selected, covering:
  - Institutional and technical arrangements for identifying and preparing relocation sites, whether urban or rural, for which a combination of productive potential, locational



advantages, and other factors is at least comparable to the advantages of the old sites, with an estimate of the time needed to acquire and transfer land and ancillary resources;

- Any measures necessary to prevent land speculation and influx of ineligible persons at the selected sites;
- Procedures for physical relocation under the project; including timetables for site preparation and transfer; and
- Legal arrangements for regularizing tenure and transferring titles to resettlers.

#### **Housing, Infrastructure, and Social Services**

- Plans to provide (or, to finance PAH provision of) housing, infrastructure (e.g., water supply, feeder roads), and social services (e.g., schools, health services, etc.); plans to ensure comparable services to host populations; any necessary site development, engineering, and architectural designs for these facilities.

#### **Environmental Protection and Management**

- Description of the boundaries of the relocation area; and an assessment of the environmental impacts of the proposed resettlement and measures to mitigate and manage these impacts (coordinated as appropriate with the ESMP of the main investment requiring the resettlement).

#### **Community Participation**

- Description of the strategy for consultation with and participation of PAH and hosts in the design and implementation of the resettlement activities;
- Summary of the views expressed and how these views were taken into account in preparing the resettlement plan;
- Review of the resettlement alternatives presented and the choices made by displaced persons regarding options available to them, including choices related to forms of compensation and resettlement assistance, to relocating as individual families or as parts of pre-existing communities or kinship groups, to sustaining existing patterns of group organization, and to retaining access to cultural property (e.g., places of worship, pilgrimage centers, cemeteries); and
- Institutionalized arrangements by which displaced people (PAP) can communicate their concerns to project authorities throughout planning and implementation, and measures to ensure that such different populations (ethnic peoples and vulnerable groups – women and female/male youth and children, the elderly and disabled, landless, and poor, etc.), are adequately represented.

#### **Integration with Host Populations**

- Consultations with host communities and local governments;
- Arrangements for prompt tendering of any payment due the hosts for land or other assets provided to PAH;
- Arrangements for addressing any conflict that may arise between PAH and host communities; and



- Any measures necessary to augment services (e.g., education, water, health and productive services) in host communities to make them at least comparable to services available to PAH (i.e., resettlers).

#### **Grievance Procedures**

- Affordable and accessible procedures for third-party settlement and disputes arising from resettlement; such grievance mechanisms should take into account the availability of judicial recourse and community and traditional dispute settlement mechanisms.

#### **Organizational Responsibilities**

- Organizational framework for implementing resettlement, including identification of agencies responsible for delivery of resettlement measures and provision of services;
- Arrangements to ensure appropriate coordination between agencies and jurisdiction(s) involved in implementation; and
- Measures (including technical assistance) needed to strengthen the implementing agencies' capacity to design and carry out resettlement activities; provisions for the transfer to local authorities or PAH (resettlers) themselves of responsibility for managing facilities and services provided under the project and for transferring other such responsibilities from the resettlement implementing agencies, when appropriate.

#### **Implementation Schedule**

- Schedule covering all settlement activities from preparation through implementation, including target dates for the achievement of expected benefits to PAH (resettlers) and hosts and terminating the various forms of assistance. The schedule should indicate how the resettlement activities are linked to the implementation of the overall project.

#### **Costs and Budget**

- Tables showing itemized cost estimates for all resettlement activities, including allowances for inflation, population growth, and other contingencies; timetables for expenditures; sources of funds; and arrangements for timely flow of funds; and funding for resettlement, if any, in areas outside the jurisdiction of the implementing agencies.

#### **Monitoring and Evaluation**

- Arrangements for monitoring and evaluation activities by the implementing agency, supplemented by independent monitors as considered appropriate by the World Bank, to ensure complete and objective information;
- Performance monitoring indicators to measure inputs, outputs, and outcomes for resettlement activities;
- Involvement of the displaced persons (PAP and PAH) in the monitoring process; and
- Evaluation of the impact of resettlement for a reasonable period after all resettlement and related development activities have been completed using results of resettlement monitoring to guide subsequent implementation.



### ANNEX 3: VOLUNTARY LAND DONATION PROTOCOLS (VLD-P)

For activities financed under the SEIP especially **Sub-components 1.3 construction of school facilities** Commune/Sangkat Council (CSC) must follow the VLD-P. Proposals including voluntary land donation will not be submitted for approval where they would significantly harm incomes or living standards of individual owners or users. During project implementation, MoEYS will conform a provincial and commune/Sangkat multi-stakeholders committee ("Committee") to oversee the process and ensure that voluntary land donations process is followed and implemented.

#### ***The process will include the following:***

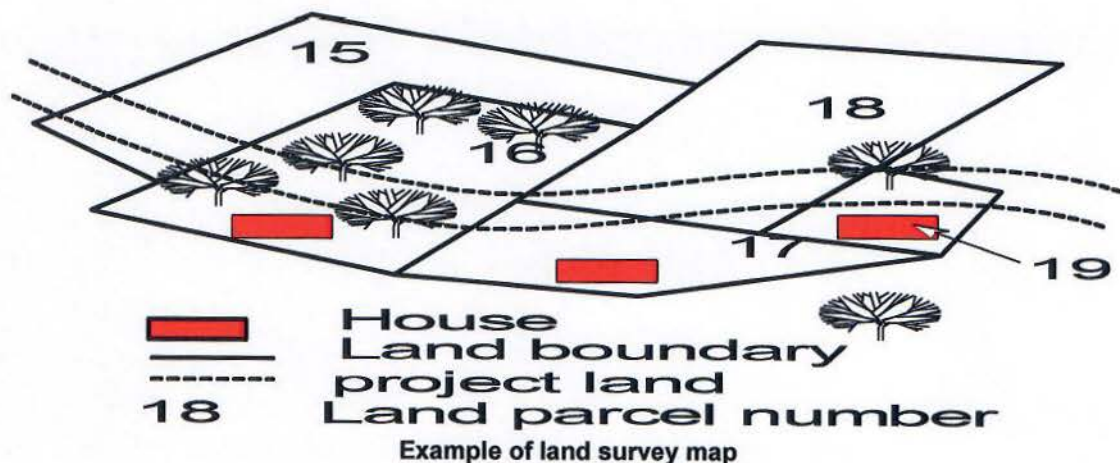
Official information and initial assessment. Determining the appropriateness of VLD in the circumstances of the project. Activities that will require VLD as a result of the screening process the Commune Chief and the social safeguard focal person (SSFP) will inform the village head and villagers or land owners through official notification on where the activities will be implemented that will require VLD. Record and document the reasons why donation of land is appropriate for the project. Commune Chief will take in consideration the following details for such documentation:

- What the land will be used for;
- How much land the project will require on both a permanent and temporary basis;
- How much of the land will be donated;
- What alternatives to donation exist (e.g., right of use, right of way);
- The terms of the donation;
- The identities of the parties who intend to donate;
- The beneficiary of the donation; and
- Any details that are relevant 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 project implementation, the SSFP, with assistance from the commune council, will prepare a land survey map and a 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).



Verification of voluntary donations. The following conditions will be confirmed by the Commune Council including the village chief.

- (a) Confirmation that affected people agrees to donate land or asset, based on a face to face meeting.



- (b) No one would lose more than 5% of the total productive assets.
- (c) The total land holding of the affected person should be over 300m<sup>2</sup>.
- (d) No physical relocation necessary.

Initial Village Consultation. Under the village head leadership, a consultation process will be launched to invite different interest parties, including land owners to discuss and ratify the appropriateness of the voluntary basis of land donation.

Transferring and formalizing the land. Process for land donation includes 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 the legal and administrative requirements based on Cambodia's legal framework. The process will describe a clear and transparent decision making process.

Verification process (surveys) to identify land ownership and use. Commune Chief and SSFP will ensure that the land study will include specific surveys to understand the type of land rights that exist in the project area, and to identify any particular issues relating to land ownership and use. The specific surveys must be conducted on each parcel of land proposed for donation to identify:

- (a) The owner or owners of the land;
- (b) The users of the land, or any parties that occupy the land (either physically or through ownership of an 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;
- (e) Any encumbrances on the land.

It is important to: (i) identify the right that is being transferred (an ownership right, a use right, a right of way, etc.); and (ii) check whether the transferee 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 claims that they have the same or a competing right. In some circumstances – but not all – the transferee will have documentary evidence of such right. Where no such evidence exists, the due diligence can establish rights by speaking with local community officials and neighbors.

Public consultations and disclosure. The decision to donate must be taken on the basis of a full understanding of the project and the consequences of agreeing to donate the land. Accordingly, the parties that will be affected by the donation (the owners and users 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 that prior written notification indicating the location and amount of land that is sought be provided and that its intended use for the project is disclosed.

Where the intention 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 decide who else should be consulted about the proposed donation; for example, spouses and older children.

There should be a clear agreement as to which party will pay the costs associated with the donated land. This could include measurement costs, documentation and notarial fees, transfer taxes, registration fees. It should also include the costs of re-measuring/re-titling the transferee's remaining land and any new documentation relating to it.

### **Establishing informed consultation**



Commune Chief and SSFP will verify the informed consultation or power of choice by the people who would donate land or asset. In particular, the following will be verified and documented in the voluntary donation report:

- (a) What the land is going to be used for, by whom and for how long;
- (b) That they will be deprived of the ownership 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 do 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.

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.

Proper documentation. During the VLD process for project investments, it is important to distinguish between: (a) the agreement to donate the land; and (b) the document that carries out and evidences the legal transfer of the land. While it is important to have evidence of an intention and agreement to donate the land, it is equally important to ensure, where required and appropriate, that the land is legally transferred. While the process relating to the 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 effect on community relations.] (see form 1 VLD, for reference)

Commune Chief and CSC 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 the terms of the transfer;
  - ✓ Confirms that the decision to transfer was freely made, and was not subject to coercion, manipulation, or any form of pressure;
  - ✓ Attaches an accurate map of the land being transferred (boundaries, coordinates);
  - ✓ Sets out who will bear the costs of the transfer (e.g., notarial fees, taxes, title issues) and documenting the residual land rights;
- (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 recorded; and
- (e) Ensure that the land remaining after the donated land is excised is properly titled, registered or recorded.

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 intended use for the project, with a record of when and where this was made public;
- (b) Records of the consultations that were held and what was discussed;
- (c) A copy of the due diligence that was conducted;
- (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;
- (f) A map, showing each parcel of land.

The PMT and the CSC should maintain 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.

**Grievance redress arrangements.** The project specifies means by which donors (and, potentially, persons 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 grievance process imposes no cost upon those raising grievances, and participation in the grievance process does not preclude pursuit of legal remedies under the laws of the country.



### FORM 1 - Voluntary Land Donation

Province / Region:	
District:	
Commune/Sangkat:	
Village:	
Sub-project ID:	

Name of land owner:	ID Number:	Beneficiary of the project: Y/N		
Sex:	Age:	Occupation:		
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:				

By signing or providing thumb-print on this form, the land user or owner agrees to contribute assets to the 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 thumb print, and ask for compensation instead.

\_\_\_\_\_  
Date: .....

\_\_\_\_\_  
Date: .....

\_\_\_\_\_  
District PMO representative's signature

\_\_\_\_\_  
Affected persons signature  
(both husband and wife)



## ANNEX 4: SOCIAL SCREENING CHECKLIST FORM

Proposed Activity: .....  
Brief Description: .....  
.....

Location: .....  
Filled out by: .....  
Organization: .....  
Date: .....  
Attachments: .....  
Prepared with the following Partner Organizations / Community Representatives:  
Remarks:

### General Instructions:

This checklist is to be completed to support the verification of the project activity or subproject that involves land acquisition, compensation, and/or restriction of resources access. It focuses on social issues to ensure that social dimensions are adequately considered during selection of the activities/subprojects. If applicable please use the "remarks" section to discuss any suggested mitigation measures. The information should be collected in consultation and coordination with local government, communities, NGOs and leaders of affected community.

### SEIP- Resettlement Policy Framework (RPF)

#### QUESTIONS No / Yes MITIGATION MEASURES REQUIRED?

##### A. PROJECT SITING

Is there any the flowing structure or resource in the sub-project construction area?

1. ☐ Private households
2. ☐ Private small businesses/shops
3. ☐ Roads, footpaths or other access routes
4. ☐ Agricultural land
5. ☐ Natural resources shared by community members
6. ☐ Cemetery or other area/structures of religious or cultural significance
7. ☐ Other: .....

Additional remarks/suggestion:

##### B. POTENTIAL SOCIAL IMPACTS

Will the Sub-project cause?

1. Temporary loss of land or resources for any families?
2. Permanent loss of land or resources for any families?
3. Conflicts in water supply rights and related social conflicts?
4. Impediments to movements of people and animals?
5. Dislocation or involuntary resettlement of people?
6. Potential social conflicts arising from land tenure and land use issues?
7. Deterioration of livelihoods or living conditions of women or the poorest families in the sub-project service area?

##### C. OTHER REMARKS:



**D. POTENTIAL SOCIAL IMPACTS ON VULNERABLE GROUPS, IF ANY:**

Will the Sub-project:

1. Affect poverty group?
2. Affect women headed households?
3. Be implemented where Indigenous People communities are present?
4. Affect other vulnerable groups?

**E. OTHER REMARKS:**

**MITIGATION MEASURES:**

1. Land Acquisition Agreement
2. Voluntary Donations
3. Indigenous Peoples Plan (IPP)
4. Commune Resource Use Agreement
5. Other? .....

**F. OTHER REMARKS:**

**G. CONCLUSIONS/RECOMMENDATIONS:**

**H. SIGNING AND NAME OF IMPLEMENTING AGENCY:**

**I- EQIP SAFEGUARD COORDINATOR:**

NAME: .....

POSITION:.....

DATE:.....