

# Resettlement Planning Document

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Resettlement Framework  
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## **CAM: Second Rural Water Supply and Sanitation Sector Project**

Prepared by Ministry of Rural Development (MRD)  
**Royal Government of Cambodia**

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## ABBREVIATIONS

ADB	Asian Development Bank
AP	Affected person
EA	Executing agency
HH	Household
IOL	Inventory of losses
IRC	Inter-ministerial Resettlement Committee (within MEF)
LARF	Land Acquisition and Resettlement Framework
MEF	Ministry of Economy and Finance
MRD	Ministry of Rural Development
PCU	Project Coordinating Unit
PDRD	Provincial Department of Rural Development
PPT	PDRD Project Team
PRC	Provincial Resettlement Committee
RAP	Resettlement Action Plan
ROW	Right of way
RWSS	Rural water supply and sanitation
TSRWSSSP	Tonle Sap Rural Water Supply and Sanitation Sector Project
VWSSP	Village Water Supply and Sanitation Plan
WSS	Water supply and sanitation
m	linear meter
m <sup>2</sup>	square meter
the Government	Government of the Kingdom of Cambodia
the Project	Second Rural Water Supply and Sanitation Sector Project

## DEFINITION OF TERMS

**Involuntary resettlement** addresses social and economic impacts that are permanent or temporary and are (i) caused by acquisition of land and other fixed assets, (ii) by change in the use of land, or (iii) restrictions imposed on land as a result of the Project.

**Affected person (AP)** is one who experiences such impacts. An affected person includes any people, households, 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, and/or grazing land), water resources, 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, with or without displacement.

**Vulnerable groups** are households that will suffer more, economically and socially, from relocation and rehabilitation than the general population. These groups include: (i) female-headed households; (ii) landless households; (iii) disabled household heads and/or providers; (iv) households below the Cambodia poverty line;<sup>1</sup> and (v) aged-heads of households with no household member active in the active labor force.

**Eligibility cut-off date** A population record or census, preferably at the project identification stage, serves as an eligibility cut-off date in order to prevent a subsequent influx of encroachers or others who wish to take advantage of such benefits. The cut-off date will be established at the time when the village water supply and sanitation plans (VWSSPs) are developed, and the technical options selected. At that time a preliminary resettlement impact investigation will be required and submitted with the VWSSP. The cut-off date will correspond to the date the investigation is completed.

Resettlement will be **significant** where 200 or more people experience major impacts. **Major impacts** are defined as involving AP being: (i) physically displaced from housing, and/or (ii) having 10% or more of their total productive assets lost. Affected people experiencing major impacts are referred to as “severely affected APs.”

**Land Acquisition** means the process whereby a land user is compelled by a public agency to alienate all or part of the land s/he owns or possesses, to the ownership and possession of that agency, for public purpose in return for fair compensation.

**Replacement Cost** means the cost of replacing lost assets and incomes, including the cost of transactions. If land, it means the cost of buying a replacement land near the lost land with equal productive potential and same or better legal status, including transaction costs. If structures, the replacement cost is the current fair market price of building materials and require labor cost without depreciation or deductions for salvaged building material or other transaction cost. Market prices will be used for crops, trees and other commodities.

**Compensation** means payment by the Government in cash or in kind to replace losses of land, housing, income, and other assets caused by a project.

A **subproject** in the Project is defined as the **commune**. A Water Supply and Sanitation Plan will be prepared in all rural villages of the subproject commune during which a **preliminary assessment of resettlement scope** will be undertaken and findings will be consolidated at commune level. A resettlement action plan (RAP) will be prepared at the subproject commune level, which consolidates preliminary assessment of scope of land acquisition and resettlement of all villages under that commune.

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<sup>1</sup> The national poverty line is the per capita expenditure needed to secure an intake of 2,100 calories of energy and 58 grams of protein per day per person and to cover basic items like clothing and shelter (about \$0.50 per capita).

## 1. INTRODUCTION

### 1.1 Objectives of Land Acquisition and Resettlement Framework

1. This land acquisition and resettlement framework (LARF) is for the Second Rural Water Supply and Sanitation Sector Project (the Project) to outline the objectives, policy principles, and procedures for land acquisition, compensation, and other assistance measures for affected persons (APs). The LARF is based on the Government of Cambodia (the Government) Constitution (1993) and Land Law (2001) (there is yet no formally established national policy for resettlement in Cambodia) and the ADB *Handbook on Resettlement (1998)* and *Operations Manual F2 on Involuntary Resettlement (2006)*. The LARF will serve as the guide for executing and implementing agencies in developing and implementing required resettlement action plans (RAPs). The basic objectives of the LARF are to: (i) guide the executing agency (EA) and implementing agencies (IAs) in compensating the rightful amount to project APs, (ii) serve as legal document to ensure that APs will be paid compensation, and (iii) provide direction in preparing, implementing and monitoring sub-project RAPs. This document will also serve as compliance of the Government to the condition for ADB approval of the loan for the Project. As EA, the Ministry of Rural Development (MRD) will be responsible for ensuring the preparation and implementation of RAPs in line with this LARF.

### 1.2 Project Description

2. The Project builds on the outcomes and experiences of the Tonle Sap Rural Water and Sanitation Sector Project (TSRWSSSP) and will improve water supply and sanitation (WSS) facilities and services in the rural villages of six provinces including the five provinces covered under TSRWSSSP: (Battambang, Kampong Chhnang, Kampong Thom, Pursat, Siem Reap) plus Banteay Meanchey. The Project will contribute to the attainment of the Cambodian Millennium Development Goal (CMDG) for RWSS coverage by 2015.

3. The Project will rehabilitate, upgrade and develop public water supply points for the community such as ponds, deep wells, hand pumps and piped system as well as household rainwater collectors and filtration. The sanitation and behavioral change activities of the Project are designed to extend the health impacts of Project investments in water supply—promoting hygiene behavior and creating an enabling environment for preventing water-borne diseases through capacity building. It will include the provision of community and public latrines as well as latrine facility for private homes, sanitation and hygiene education, and awareness and capacity building in hygiene education and sanitation. Where water is available, pour flush toilets will be promoted for both household and public use. Public areas to be covered will include schools, pagodas and markets. Capacity building and implementation assistance will also be provided for MRD and its line agencies.

4. The LARF provides the guidelines and procedures for the preparation of RAPs for the subproject communes in the 6 Project provinces. A commune based RAP consolidating the land acquisition and resettlement impacts of all the VWSSP interventions in the commune will be prepared. Permanent land acquisition required for communal water facilities<sup>1</sup> and public latrines sites is expected to be minimal. The scope will be determined once the mix of interventions is decided upon by the concerned communities and the location of water supply systems and public latrine facilities will be determined through a community based approach. The identification of affected landowners, assessment of socioeconomic impacts and formulation of

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<sup>1</sup> The Project may rehabilitate existing communal ponds but will not be involved in the construction of new ponds.

compensation and mitigating measures including the establishment of a grievance redress mechanism and will follow accordingly.

### 1.3 Scope of land Acquisition

5. The nature of interventions under the Project will require small parcels of land for the construction communal water facilities in rural areas. Past experiences with RWSS projects suggest that subprojects can be designed without severely affecting people and households. The sites are unknown and will be determined through a community-based approach; therefore, preliminary land acquisition and resettlement investigation for the Project is designed as part the community decision-making process. Each subproject commune will require that a VWSSP be prepared, which will include assessment of scope of land acquisition and resettlement for the selected civil works in that village. A commune Resettlement Action Plan (RAP) will be prepared which will be a consolidation of the preliminary land acquisition and resettlement investigations in all the rural villages in that commune. RAPs done as part of subprojects feasibility reports<sup>2</sup> for three sample subprojects will serve as model for subsequent RAPs to be developed during the Project implementation.

6. The Project is designed to minimize land acquisition and resettlement impacts. To the extent possible communal water facilities will be accommodated within public lands. If cases where the community or certain individuals elect to make voluntary contribution of land in communes or villages where no appropriate or adequate public lands are available, this will follow certain prescribed procedures to ensure that the process is transparent, voluntary and that the said donation will not have undue socioeconomic impact on the donor landowner. The Project will not situate WSS facilities in lands that will entail relocation of households as part of the measure to minimize impacts.

7. Land acquisition and resettlement is expected to be insignificant for the Project. There will be no displacement and relocation of houses or structures, and land acquisition for the construction of water facilities and public latrines will be minimal. The LARF has been prepared to ensure that any land acquisition is either (i) voluntarily contributed, or (ii) compensated to the AP at full replacement cost at current market value in accordance with the *ADB Policy on Involuntary Resettlement* and Government laws and regulations. The following principles have been adopted in the formulation of this LARF:

- Population displacement will be minimized;
- Community participation will be ensured;
- Comprehensive plans will be prepared for those to be affected;
- Resettlement will be monitored by the Government and the ADB;
- The absence of legal title to land will not prevent affected people from being included in compensation and income restoration measures; and
- Positive steps will be taken to ensure that both poor and vulnerable groups receive adequate compensation and assistance.

8. The LARF will serve as guide for the formulation of commune based RAPs for all Project activities within the areas of the six participating provinces. This LARF (i) identifies the legal and policy frameworks of the Government and appropriate ADB guidelines; (ii) sets out procedures and policies to guide impacts during subproject design and implementation; and (iii) outlines steps necessary for preparing a commune RAP.

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<sup>2</sup> ADB TA 7098-CAM RWSSSP2 has undertaken Subproject Feasibility Study Reports for two sample subprojects.

9. During Project implementation, the location of water supply systems and latrine options will be identified through a community-based approach. Assessment of scope of resettlement is incorporated as part of the community decision-making process. Each VWSSP will include an investigation of scope of land acquisition and potential resettlement impacts of the selected civil works in that village. A consolidated RAP for the commune subproject and disclosed at the time of implementation. This Project will be bound by the principles and conditions stated in this LARF. The provisions and principles in the LARF will supersede the provisions of relevant decrees currently in force in Cambodia wherever a gap exists between Government regulations and ADB policy.

## 2. LEGAL AND POLICY FRAMEWORKS

### 2.1 Cambodia Laws and Regulations

10. At present there is no formally established national policy for resettlement in Cambodia. The current legislation governing land ownership is the Land Law, signed by the King on the 30 August 2001. This act supersedes any previous legislation. The 2001 Land Law is a comprehensive document. The Land Law gives people access to land through the right of ownership, recognized by *Article 44* of the 1993 Constitution. *Inter alia* the Land Law states that no person can be deprived of their ownership, unless it is in the public interest. *Article 10* of the Land Law defines ownership by a person, whether natural or legal, as individual ownership; by a group of persons exercising their prerogatives by legal means as collective ownership; and, ownership by several identifiable individuals exercising their rights over the entire property as undivided ownership. Where ownership by several persons exercising exclusive rights over certain parts of the property, and (where) the other parts are subject to legal rules or contractual agreement, the Land Law defines it as co-ownership. Some of the more important issues that are relevant to land usage, acquisition, and resettlement, are summarized as below:

- *Article 3* – “All Cambodians shall respect the legal ownership and rights of the State on immovable properties in the public and private domain of the State and all private immovable property rights. The authority to administer immovable property belonging to the State and the authority to issue titles related to all immovable properties throughout the Kingdom of Cambodia are under the Ministry of Land Management, Urban Planning and Construction. The procedures for the administration of State immovable properties will be determined by sub-decree.”
- *Article 4* – guarantees the user right of the land to possess, to use and to receive lawful product of the land.
- *Article 16* – State public properties cannot be acquired by the special acquisition provisions of Chapter 4 of the Land Law.
- *Article 21* – Monastery immovable property cannot be sold, exchanged or donated, and is not subject to prescription.
- *Article 28* – The exercise of all ownership rights (reference to indigenous communities<sup>3</sup>) related to immovable properties of a community and the specific conditions of land use shall be subject to the responsibility of the traditional authorities and mechanisms for decision-making of the community according to their customs.

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<sup>3</sup> The definition of an indigenous community in Cambodia is a group of people who reside in Cambodia and 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. However, the ADB definition of an indigenous community also includes ethnic minorities, such as the Cham and Vietnamese, who have similar lifestyles to those of the Khmer. Few indigenous communities in the ensuing Project area conform to the definition of an indigenous community in Cambodia.

- *Article 29* – "In the scope of re-establishing land ownership in Cambodia after the period of crisis 1975–1979 and notwithstanding the general rules of prescription, an possession of immovable property recognized from 1989 may constitute a right in remover immovable property and may lead to the acquisition of ownership by the holder of the property, in accordance with the conditions set by this law."
- *Article 41* – The issuance of a title of possession to immovable property, which cannot be privately appropriated or which is not registered in accordance with the law, is prohibited.
- *Article 63* – The transfer of ownership of immovable properties between private persons by purchase, exchange, gift or succession shall be implemented in accordance with the provisions of the law.
- *Article 81* – A gift of immovable property is only effective against third parties if it is made in writing in the form of authentic deed and registered with the Cadastral Registry Unit.
- *Article 83* – The State may only donate immovable property to natural persons and for social reasons in order to allow them to reside or carry out subsistence farming. The value of the immovable property donated must be limited in relation with the purpose sought and not allow scope for speculation, or disproportionate enrichment taking into account the social level of the beneficiary.
- *Article 84* – Gifts of immovable property are irrevocable once they are accepted. The ownership right of such gifts can be transferred rapidly. However, the donor may retain the right of usufruct in the property, and the right of use and habitation of an immovable property. This has to be stated in the contract and registered in the Cadastral Registry Unit.

11. The Constitution (Kingdom of Cambodia, 24 September 1993) provides land acquisition for public purposes, and states that no one shall be forced to transfer his or her ownership, in public interest and if proper and just indemnity has not been paid to owner. Regarding compensation, the Constitution states that the right to acquire land from any person shall be exercised only in the public interest as provided for under law and shall require fair and just compensation. Articles 73 and 74 specify special consideration for mothers and children and protection for vulnerable groups, respectively.

- *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"
- *Article 74* – "The State shall assist the disabled and the families of combatants who sacrificed their lives for the nation".

12. There are a small number of other laws, regulations, and decrees relevant to land acquisition and resettlement. These are as follows:

- Sub-Decree No. 25, Council of Ministers, People's Republic of Kampuchea, 22 April 1989; Political Instruction No. 3, Enforcing Instruction of the Principles of Management (*krup krong*) and Use (*prae prass*) of Lands, Council of Ministers of the State Cambodia, 03 June 1989;
- Sub-Decree on Social Concessions provides legal basis for allocations of communal land for purposes of the alleviation of landlessness and poverty, and provides a basis for replacement of land lost in the context of involuntary resettlement.
- The Land Law, National Assembly of the State of Cambodia, 13 October 1992;

- Law for the Management of Urbanization and Construction, National Assembly of the Kingdom of Cambodia, 10 May 1994

13. There is no reference to the need to provide compensation for land acquired for developmental purposes. These laws, regulations and decrees provide no guide as to what might be “reasonable” or “appropriate” compensation.

14. **Land Registration.** The right to private occupation of land was re-established in 1989 and support by the newly approved Land Law in 2001. Cambodians are able to register the land they occupy with the local Cadastral Administration Office<sup>4</sup>, whereupon a certificate of land title is granted. Issuing the title 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 taken as title for land purchase or sale.

15. The present legal status of land use in Cambodia can be classified as follows:

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

## 2.2 ADB Policy on Involuntary Resettlement

16. The objectives of the ADB *Handbook on Resettlement (1998)* and *Operations Manual F2 on Involuntary Resettlement (2006)* are to avoid involuntary resettlement whenever feasible, to minimize resettlement where population displacement is unavoidable, and to ensure that displaced persons receive assistance so they are at least as well-off as they would have been in the absence of the Project. The policy stipulates three important elements in involuntary resettlement: (i) compensation for lost assets and loss of livelihood and income, (ii) assistance in relocation including provision of relocation sites with appropriate facilities and services, and (iii) assistance with rehabilitation so as to achieve at least the same level of well-being with the Project as before. The policy further specifies that the absence of legal title to land cannot be considered an obstacle to compensation and rehabilitation privileges. All persons affected by the Project, especially the poor, landless, vulnerable, and disadvantaged households should be included in the compensation, transition allowance, and rehabilitation package.

## 2.3 Project Policy and Principles

17. The principles and provisions adopted in the LARF supersede the provisions of relevant decrees currently in force in Cambodia wherever a gap exists between Cambodian and ADB policy. The basic principles that have been adopted for the Project include:

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<sup>4</sup> The Cadastral Administration Office under the Ministry of Land Management, Urban Planning and Construction documents the land registration process. They have their office in four tiers: the national office department at the Ministry, at provincial, District and commune levels.

- (i) Involuntary resettlement and loss of land, structures and other assets and incomes shall be avoided and minimized by exploring all viable options.
- (ii) APs are defined as those who may stand to lose, as a consequence of the Project, all or part of physical and nonphysical assets, including homes, homesteads, productive lands, commercial properties, tenancy, income-earning opportunities, social and cultural activities and relationships, and other losses that may be identified during the process of resettlement planning.
- (iii) APs, identified in the project-affected area at the date of the updated inventory of losses (IOL), shall be provided with compensation for their lost assets, incomes and businesses at full replacement cost, free from taxes, registration, and land transfer. APs will be provided with rehabilitation measures sufficient to assist them improve or at least maintain their pre-project social and economic circumstances.
- (iv) All APs will be equally eligible for compensation and rehabilitation assistance in accordance with individual RAPs, irrespective of tenure status, social or economic standing, and any such factors that may discriminate against achieving the objectives outlined above. Those who encroach on the proposed area after the cut-off date (or completion of IOLs) will not be entitled to compensation or rehabilitation, unless there has been a change in subproject scope.
- (v) Temporarily affected land and communal infrastructure will be restored to pre-project conditions.
- (vi) The Project will assist villages to prepare leveled residential land and sites for affected livestock and fishponds, especially for vulnerable households;
- (vii) APs shall be hired to partake in construction activities that have the potential of affecting their structure or land. This will help to minimize the level of disruption and damage caused to their property.
- (viii) Adequate budgetary support will be fully committed by the Government and be made available to cover the costs of land acquisition and resettlement and rehabilitation within the agreed implementation period.
- (ix) Payment of compensation or replacement of affected assets and any resettlement to new locations must be completed before ADB can issue a no objection to civil works contract award for the subproject. Rehabilitation measures must also be in place, but not necessarily completed, as these may be ongoing activities.
- (x) Compensation and rehabilitation assistance for ethnic minorities, and socially disadvantaged such as households headed by women, the disabled and elderly will be carried out with respect for their cultural values and specific needs.
- (xi) The executing agency will see that institutional arrangements are in place to ensure effective and timely design, planning, consultation and implementation of the land acquisition, compensation, resettlement, and rehabilitation program.
- (xii) There will be effective mechanisms for hearing and resolving grievances by APs during implementation of the RAPs.
- (xiii) Preparation of RAPs, including preliminary assessment of impacts (as part of subproject preparation), and their implementation shall be carried out with participation and consultation of affected people.
- (xiv) Details of the preliminary results of assessments and investigations and RAPs will be distributed to the APs and placed in project and commune offices for the reference of affected people as well any interested groups.
- (xv) Appropriate reporting (and audit), monitoring and evaluation mechanisms will be identified and set in place as part of the resettlement management system.

- (xvi) Where local communities or individuals elect to make voluntary contribution of affected land without compensation in accordance with traditional practices, this shall be acceptable only if the following safeguards are in place:
- (xvii) Full consultation with landowners and any non-titled affected people on site selection;
- (xviii) Ensuring that voluntary donations do not severely affect the living standards of affected people, and are linked directly to benefits for the affected people, with community sanctioned measures to replace any losses that are agreed to through verbal and written record by affected people;
- (xix) Any voluntary “donation” will be confirmed through verbal or written record and verified by an independent third party such as a designated non-government organization or legal authority (see **Annex 1** for sample); and
- (xx) Having adequate grievance redress mechanisms in place.

## 2.4 Project Affected People

### 2.4.1 Eligibility

18. Identification of APs will be carried out as part of social assessment during the subproject preparation or the preparation of the VWSSP. Inventory of APs will be finalized after the subproject communes are selected and detailed designs are completed. The cut-off date that sets the eligibility for entitlement will be determined accordingly. Lack of legal rights will not affect the eligibility to compensation for land use, structure, and income losses.

### 2.4.2 Categories of APs

19. Based on the nature of the technical interventions proposed, the following categories of affected persons are broadly envisaged:

- (i) **Occupiers using land without permission (non-legal):** In this Project, this category is entitled to cash compensation for the loss of land use for the subproject.
- (ii) **Occupiers whose trees, standing crops, and fish stocks are affected:** All of them will be compensated at full market prices regardless of the legal status of land use rights.
- (iii) **People losing part of their residential or commercial land:** This category will be further categorized into three types, based on the legal status of land use rights.
  - Those with permanent land use rights: this includes those who have the legal and legitimate land use rights, as in agricultural land. They are entitled to full compensation.
  - Those with temporary land use rights: this includes those who have the right to use land temporarily with a written permit issued by the village or commune authorities and who do not meet the legalization criteria as users with permanent rights. They will not be entitled to compensation for the affected land but will receive an allowance to offset anticipated loss of income.
  - Those with no legal land use rights (informal settlers): this includes those APs who are landless or have constructed their houses or commercial structures without registration or permission. They will be entitled to compensation for loss of land use, and for any investment made on the land (e.g., loss of

assets). Some may be eligible for special assistance if they are found to be vulnerable.

## 2.5 Type and Level of Loss

20. The following categories of types and levels of Project-induced impacts are broadly envisaged: (i) loss of land, land use and other assets (i.e., structures); (ii) loss of livelihoods; and (iii) loss of community assets.

- (i) **Loss of land and land use:** Agricultural, residential, commercial or commune land may be acquired for the location of water points, water ponds, latrines, etc. Community wells and household latrines will be built on private land, where land will be volunteered and involuntary land acquisition will not be necessary. However, very minor land acquisition might be required for bigger water supply systems (e.g., ponds and small piped water systems) and public latrines. In such cases, the Project will compensate APs for loss of land or loss of land use. Compensation may include cash, land, or replacement land use.
- (ii) **Loss of residential or commercial structures:** Residential or commercial structural losses will be avoided. Partial loss of structure or temporary affects might be experienced during construction. The nature of the interventions in the Project will not require physical relocation or complete loss of structures. Structural viability will be important to determine during subproject design. In case any residential or commercial structure will be completely lost, subproject designs will be revised so to avoid any significant structural damage. The Government has indicated that subprojects that require physical relocation or complete loss of structures will not be considered.
- (iii) **Loss of business and income opportunities:** This would include shop owners, employees, mobile stalls and other non-agricultural income generation activities. It will be categorized into temporary and permanent losses. The permanent loss is further categorized into those who lose 10% or more of total productive assets such as income and those who lose less than 10%. The Government has indicated that subprojects where households may lose 10% or more of their total productive assets will not be considered.
- (iv) **Loss of standing crops, trees, and fish crops:** These losses may occur during the construction of small piped systems, or water ponds. These losses may be temporary or permanent depending on the type of intervention expected.
- (v) **Loss of public or community infrastructure and other assets:** This would include schools, markets, graves, religious symbols or sites, community fishponds, community forest, community grazing land, irrigation, paths, water supply lines and facilities, communication lines, and other assets.

## 2.6 Entitlement Matrix

21. Compensation and entitlements on the above type of loss/impact and categories of APs are presented in the **Entitlement Matrix (Annex 2)**. Values of compensation will be determined based on replacement cost surveys. Specific losses will be determined based on results from socioeconomic surveys, existing local conditions, market prices for goods, and other indicators. Land will, wherever possible, be replaced by land of equivalent quality and productivity.

22. Compensation for loss of houses and structures will be based on precise measurement and record of type, quality and measurement of materials and will be calculated based on

replacement cost (i.e., cost of new building materials and labor). All affected structures will be compensated in cash or materials at full replacement cost at current market value **with no deduction in compensation for age, depreciation or salvageable materials**, sufficient to cover the cost of materials and labor.

### 3. IMPLEMENTATION PROCEDURES

#### 3.1 Preparation of a Land Acquisition and Resettlement Plan

23. Only small parcels of land will be required for the construction of water facilities and latrines in rural villages of subproject communes of the Project. The scope of land acquisition is yet to be determined as interventions are still to be finalized by the community and the potential construction sites identified. Preferred WSS interventions will be determined through a community-driven approach and corresponding land acquisition and resettlement impact can only be assessed once a decision has been reached. The VWSSP of the rural villages included in the subproject commune areas will be prepared to include assessment of the scope of impacts of the selected civil works in those villages. A commune-based RAP will be prepared accordingly as part of a subproject feasibility report.

24. In preparing VWSSP, resettlement impacts for each subproject shall be “not significant.” The scope of resettlement impacts is “not significant” when the number of APs experiencing major impacts is less than 200. By the nature of interventions, land acquisition will be very minor. The Government has indicated that subprojects to be supported by the Project should not involve significant land acquisition and resettlement impacts (i.e., no physical relocation and no loss of 10% or more of total productive assets). For each subproject with potential resettlement impacts, preliminary investigations will be undertaken according to Government regulations and the *ADB Policy on Involuntary Resettlement*.

25. The commune-based RAP will include a statement of objectives, policies and strategy, and cover: (i) organizational responsibilities; (ii) community participation and integration with host populations; (iii) socioeconomic survey; (iv) legal framework, including mechanisms for resolution of conflicts and appeals procedures; (v) identification of alternative resettlement sites (if found necessary); (vi) valuation and compensation for lost assets (i.e., land, structure, common property resources); (vii) land ownership, tenure, acquisition and transfer; (viii) access to training, employment and credit, depending on the level and degree of resettlement impacts; (ix) estimated budget, clearly indicating the unit cost of each type of loss; and (x) implementation schedule, monitoring, and evaluation.

#### 3.2 Village Water Supply and Sanitation Plan Preparation

26. Resettlement planning for subprojects will be part of the individual subproject preparations. The following steps should be followed:

- (i) **Step 1:** Initial information about the LARF will be shared with line offices of MRD at every administrative level. This will be done during when information about the Project and its component will be discussed in district meetings with representatives of the commune councils, village chiefs and others. An information booklet will be developed based on this LARF and translated to Khmer. The project coordination unit (PCU) within MRD will prepare a general information booklet for the Project. The provincial department of rural development (PDRD) of each participating province will adapt the booklet for their province. It will include: (a) a brief description and objectives of the Project;

(b) type of impacts; (c) basic compensation policy and entitlements; (d) project schedule and activities; (e) implementing organizations; (f) public consultation mechanisms; (g) grievance procedures; (h) importance of community participation; and (i) information about monitoring. Contracted non government organizations (NGOs) implementing the Community Mobilization Program and Skills Development component will use this public information booklet to inform villagers about their entitlements under this LARF. The booklet will be disclosed to villages at the time when village-level profiles and mappings are being prepared as part of having “informed choice.” This will be done prior to the selection of WSS technical options.

- (ii) **Step 2:** Depending on the technical option selected and on the preliminary subproject design, the ADB checklist will be used to help identify which category the subproject falls under: (a) no resettlement effect; (b) not significant resettlement effect; and (c) significant resettlement effect. Note that the term “resettlement” effects also include the loss of land, crops and incomes without involving physical relocation. It is expected that all subprojects will be categorized as either ADB categorization of “C” or “B”. Activities should be designed to include no resettlement or land acquisition impact. However, in case it is unavoidable, the subproject must include a preliminary resettlement impact assessment for which the compensation policy in this LARF will apply. The preliminary categorization of impact (based on the three categories) should be also shared with the public during the first public meeting to be held at the identification or early preparation stage.
- (iii) **Step 3:** Because the Project employs a community-based approach to identify technical options, it must be clearly documented if the land that will be used is eligible for compensation or is part of beneficiary contribution. In the event of a voluntary donation of land for use by the subproject, then the voluntary nature of the donation shall be fully documented in writing and verified by an independent third party. All forms will be attached as part of the VWSSP to be submitted and consolidated as part of the commune-based RAP. Duplication or double-counting must be avoided and will be monitored accordingly.
- (iv) **Step 4:** In refining the subproject physical design, consultation with potential APs and technical experts should be undertaken to avoid major land acquisition effects. To the extent possible, water facilities with minimum requirement for land acquisition and asset disturbance will be preferred and selected.
- (v) **Step 5:** In the unlikely case of major resettlement impact (category C), complete census and conduct of socio-economic survey of potential APs must be undertaken. However, because the nature of land acquisition is expected to be minor, the socioeconomic survey of APs may be simplified to collection of basic background data about the APs and the measurement of type and level of loss. The information will be confirmed through a follow-up census after detailed designs are available and will establish the cut-off date for the eligibility of entitlement. It will be carried out in the presence of relevant local authorities. The following data should be collected:

- **Socio-economic Data about APs** including: (i) methodology of survey/census; (ii) demographic, education, income and occupational profiles of APs; (iii) economic activities of all affected people, including the poor, women, ethnic minorities, and vulnerable groups, and the subproject impacts on them; (iv) socio-economic production systems and use of natural resources; (v) social networks and social organization and how they can be utilized for land acquisition planning, implementation and monitoring; (vi) cultural systems that would be affected; and (v) APs' preferences for compensation options, schedules etc. This information will be collected at the village level, and a summary will be provided in the commune based RAP.
  - **Data on Land and Other Assets in the Affected Area** include: (i) map of the area and villages affected by land acquisition; (ii) total land area acquired for the project; (iii) land type, ownership, tenure and land use patterns (including lease arrangement); (iv) inventory of all property and assets affected (a list of APs and type of loss for each to be attached); (v) inventory of affected common property resources; (vi) existing civic/community facilities and infrastructures; (vii) cultural sites if any; and (viii) market prices of land and value of replacement cost. This information will be collected at the village level, and a summary will be provided in the commune RAP.
- (vi) **Step 6:** In case of relatively larger water supply systems<sup>5</sup>, continued consultation with APs will be important in order to identify their preferences and special needs that the preliminary LARF investigation needs to address. In addition, information on market prices for land, crops, and other assets need to be collected from APs, respective provincial, district, and commune authorities, and the local market. Cost estimates for the short RAP should be at replacement costs at current market value.
- (vii) **Step 7:** Preparation of the result of preliminary resettlement impact assessment following the entitlement matrix in this LARF, for each subproject. The assessment will be part of the community decision-making process about their WSS needs. It should indicate: (i) details of the WSS infrastructure to be built in a village (e.g., the type, number, and size); (ii) the types of losses, including any land tenure issues; (iii) the categories of APs (e.g., persons, households, businesses); (iv) the estimated compensation amounts, or of voluntary contribution; (v) list of consultations on LARF/RAP discussions and issues; and (vi) agreement by villages/households on the scope of impact and proposed mitigation measures. Once the assessment is done, results will be shared with the APs for their information and concurrence. Written documentation of results will be attached to the VWSSP for agreement by the commune council, and submitted to the PDRD for appraisal and implementation.
- (viii) **Step 8:** The PDRD Project Team (PPT) will prepare a subproject commune-based RAP from the consolidated results of assessments for all villages covered in the subproject commune. **Annex 3** provides an indicative **outline for a Land Acquisition and Resettlement Plan (LARP)**. The PPT shall confirm if the Entitlement Matrix proposed in this LARF (**Annex 2**) which specify the number of

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<sup>5</sup> No "relatively large" water systems such as pond construction or piped water supplies will be constructed by the Project.

APs, the size of land affected, the number of other assets affected, and the compensation amount for each category has been followed in the formulation of the subproject commune RAP. The RAP should also attach the inventory of APs (see **Annex 4** for the sample form) and a list of entitlements of all APs (see **Annex 5** for the sample form), and other relevant detailed information.

- (ix) **Step 9:** The draft RAP shall be presented at a public meeting concerning the specific subproject commune. Any comments made during the meeting will be documented and incorporated as part of the RAP. The information booklet that was previously developed will be revised and used to assist in public disclosure.

### **3.3 Subproject Appraisal**

27. One of the criteria for the subproject appraisal is that at least two community-based public meetings involving APs are held for overall subproject commune and where applicable, a preliminary assessment of scope of resettlement impacts had been prepared to meet the requirement of this LARF. If the village social assessment and census for each subproject commune identifies new categories of APs and types of loss that are not represented in the Entitlement Matrix in this LARF, the subproject commune RAP will need to be revised accordingly by the PPT before submission. The PPT will prepare the subproject commune RAP, and submit it to the PCU-MRD. MRD will then endorse the RAP and submit it to the Inter-Ministerial Resettlement Committee (IRC), or any successor agency for review and approval. The Chairman of the IRC is responsible for RAP approval. MRD will then submit the approved RAP to ADB for concurrence. Approval must be given before RAP-related activities can commence. All RAP preparation activities must be completed before ADB can issue a no objection to the award of contracts for civil works.

28. In each subproject commune RAP, the budgets for compensation for land, structures, other assets, crops and trees, and special assistance will be calculated using markets rates to arrive at replacement costs. The costs for relocation and special assistance will be based on rates stipulated in the Project compensation policy of this LARF as updated to reflect market prices at the time of transaction. Other costs involving Project disclosure, public consultations and focus group discussions, surveys including detailed measurement survey, training and livelihood enhancement as well as monitoring and evaluation shall be incorporated in the RAP budget. Furthermore, budget allocation for RAP administration shall be included. RAP cost and budget is expected to be minimal and will be funded by the Government. Once the commune subproject RAP is approved, RAP related activities can commence. Grievance redress mechanism and procedures must be in place, and an independent external monitor (or individual consultant) for RAP activities, acceptable to ADB, identified. A system of notifying, compensating, and documenting payment to APs shall also be established.

### **3.4 Organizational Framework for Implementation of Short RPs**

#### **3.4.1 Inter-Ministerial Resettlement Committee**

29. The Inter-ministerial Resettlement Committee (IRC) was established in January 1999 by the Council of Ministers. It consists of members from the Council of Ministers, Ministry of Economic and Finance (MEF), Ministry of Public Works and Transport (MPWT), Ministry of Agriculture, Forestry and Fisheries (MAFF), Phnom Penh Municipality Council, Governors and Deputy Governors of the project-related provinces and municipalities. MRD is also a member of

the IRC. The Committee was convened to deal with all resettlement issues arising from all projects requiring land acquisition and resettlement. This Committee has provincial counterparts in the TSRWSSSP. In Banteay Meanchy a similar committees has also been established for other ongoing infrastructure projects. However, there will be a need to expand membership of these committees to include MRD representative for the Project. Coordination with MEF will be undertaken by MRD during Project implementation for expansion of provincial resettlement committee membership in the three new provinces.

### **3.4.2 Resettlement Department**

30. The Resettlement Department, under IRC, will work in cooperation with the PCU and PPT of MRD and PDRD, respectively. A Provincial Resettlement Unit (PRU) will be established in each Project province, chaired by the Provincial Governor or his representative, normally the Director of the PDRD. A Provincial Working Group will be set up in each province, with the participation of the PDRD and community leaders. The PRU and working group will help oversee resettlement activities and resolve grievances filed.

### **3.4.3 Executing Agency**

31. The executing agency (EA), in consultation with respective provincial, district and commune authorities, and local communities, will be responsible for preparing and endorsing all provincial RAPs based on this LARF. The EA for the Project is MRD. A PCU will be established within MRD. A resettlement/social officer will be assigned full-time to the PCU. The PCU will coordinate RAP activities with IRC during preparation and implementation of individual subprojects. The PCU will be responsible for supervising all RAP-related activities in the six provinces cooperating with the Project.

### **3.4.4 Implementing Agency**

32. The Provincial Departments of Rural Development (PDRD) in each of the six participating provinces will be the respective implementing agency for the Project. A PPT, staffed by permanent PDRD staff members, will be established within the PDRD. The PPT, through a commune land acquisition committee will be responsible for preparing commune short RAPs within each respective province. They will be responsible for day-to-day administration of RAP implementation, including public information, identification and registration of APs. Detailed Measurement Survey, consultation, and determination and administration of entitlements to compensation and replacement of fixed assets and livelihoods, and the establishment and operation of grievance procedures and arbitration. These activities will be undertaken in collaboration with PRU. A resettlement/social officer will be assigned full-time to the PPT who will assist in the screening of resettlement impacts for each subproject commune, preparation of preliminary assessment with the assistance of participating NGOs, commune RAPs, and periodic supervision of RAP implementation. The officer will also coordinate with other relevant central government agencies as necessary.

33. Internal monitoring of the progress of the PAP will also be carried out by PCU. PDRD will assist and provide monthly progress reports to the PCU for consolidation and submission to IRC and ADB for information. Since this Project will require commune based RAPs, the Commune Council will serve as the Grievance Redress Committee with representative from the concerned village and the PRU during grievance hearing and resolution. It will be ensured that women and ethnic/indigenous groups are adequately represented in the committee.

### 3.4.5 Commune Land Acquisition Committee

34. The Commune Land Acquisition Committee (CLAC) will be chaired by the commune council chief, and with representatives from NGOs, APs, and a resettlement officer from PRU. It will be ensured that women and ethnic/indigenous groups are adequately represented. CLAC will assist PDRD: (i) with APs consultations on their rights and compensation policy and rates; (ii) census surveys for the preparation of resettlement impact investigations; (iii) identification of village land for APs; and (iv) internal monitoring. CLAC will also assist PRU with (i) implementation of commune RAP; and (ii) will be the first point of contact for APs in the grievance redressal process.

### 3.5 Public Information, Consultation and Participation

35. Consultation with APs must start as early as possible during the subproject preparation stage. PDRDs in conjunction with local authorities are responsible for ensuring that all potential beneficiaries and APs are properly and timely informed of the subproject activities to be undertaken. Information to be disseminated should include the type of work to be implemented, potential impacts, and schedules. A record of all consultations must be kept (see **Annex 6**).

36. In order to meet the requirements for community consultation, information about land acquisition and resettlement will be shared to villagers in three stages:

- (i) **Stage 1:** When the PDRD and contracted NGOs inform commune council and village representatives about the Project, its activities, and relevant social and safeguard issues in district-level meetings;
- (ii) **Stage 2:** During the identification of village needs through participatory approaches. The PCU will prepare an information booklet that summarizes this LARF, which will be adapted by the PDRD for their province. The booklet will be translated to Khmer and will be distributed by the PDRD with the assistance of the contracted NGOs. Disclosure at this stage is important, as villagers will identify the WSS options within their villages. Public consultation will help villagers select options with the least level of resettlement impacts.
- (iii) **Stage 3:** After the subproject commune RAP has been prepared, and compensation amounts determined, the PRU will set up arrangements for community information, consultation and complaints procedures.

### 3.6 Complaints and Grievances Redress Procedure

37. All APs have the right of appeal against any aspect of decisions made that are not in accordance with the RAP or with commitments given to them. All APs also have the right of appeal if they disagree with the level or manner of compensation, including land, house or shop or stall relocation and compensation. The main objectives of the grievance procedure are to provide a mechanism to ensure that the compensation and resettlement program has been implemented accurately and fairly, alleviating any adverse effects on APs, to mediate conflict and to avoid lengthy litigation that is unfair to APs and can delay the Project. It also provides people who have objections or concerns about their assistance with an accessible and known procedure through which they may raise their objections and have them resolved.

38. To ensure that affected people have avenues for redressing their grievances related to any aspect of land acquisition, income loss, relocation, compensation, and rehabilitation assistance, the following appeal mechanism by the APs will be ensured:

- **Level 1:** An AP addresses a complaint/grievance to the CLAC verbally or in written form. A meeting will be held between the AP and the chief of the Commune Council, with representatives from PDRD present as observers.
- **Level 2:** If the CLAC cannot address the AP's concerns to his/her satisfaction within 15 days from the receipt of the complaint/grievance, the complaint/grievance will be submitted to the PRU for consideration. Deliberation on the complaint will be undertaken by representatives of the PCU.
- **Level 3:** If the PRU is unable to address and resolve the AP's concerns to his/her satisfaction within 30 days from the receipt of the complaint/grievance, the complaint/grievance will be submitted to the provincial courts for resolution.

39. APs will be exempted from all administrative and legal fees incurred in pursuant to the grievance redress procedure. The PDRD will have the duty to cooperate on a transparent basis with the committee by providing all necessary information required for grievance resolution.

### **3.7 Implementation Schedule**

40. During the social mobilization as part of subproject commune preparation, all potential APs will receive the opportunity to consider the various options available, agree upon compensation rates, and develop an implementation schedule that results in the least possible disruption to their households.

41. All RAP-related activities must be completed before ADB can issue a no objection to the award of a contract(s) for civil works. In order to ensure the coordination with the civil works schedule, schedules for resettlement implementation must be included as part of a provincial RAP. In the schedule section of the provincial RAP, each activity must be further broken down into more specific tasks. The schedule may vary depending on the scope of impact and the number of APs.

42. Awareness meetings and training workshops for Project officers, government officials and villagers will be part of the overall project implementation arrangements. A national resettlement/social specialist will be recruited for a specified number of months. The specialist will inform PCU, PDRDs and other Project staff about the LARF and ADB policy on involuntary resettlement. The specialist will assist in the preparation and supervision of commune RAPs and preliminary investigations. A resettlement/social officer will be nominated among the permanent staff of the PCU and in each of the PPTs.

### **3.8 Budget Issues**

43. The RAP budget will be based on the detailed measurement survey, application of the entitlement matrix, and application of replacement cost as a result of the replacement cost survey. A sample of a cost table is found in **Annex 7**. The budget for land acquisition, compensation, and allowances will be financed by the Government and not by the Project. Ministry of Economy and Finance (MEF) will provide the budget directly to the PRU for compensation payments. PDRD will have to ensure that the costs of land acquisition will be included in the overall site cost estimate and its annual plans to be presented to the MRD and subsequently to MEF. Incremental implementation costs, including Project staff and consultant costs, are included in the overall Project implementation costs. The Government will provide adequate staff to manage LAR-related activities and additional budget support to cover RAP-related costs that are unforeseen at the time of LARF preparation.

### 3.9 Monitoring and Evaluation

44. Internal monitoring of the progress of commune RAPs will be conducted by MRD/PMU through PDRD/PPT and the CLAC. Coordination with IRC and PRU is important in order to ensure the timely payment of compensation to APs. Information will be obtained through the resettlement monitoring schemes to be set up, while site preparation will be subject to inspection and verification.

45. PDRD (or the PPT resettlement/social officer) will prepare monthly monitoring reports and include the findings into its overall quarterly progress monitoring report to PCU and IRC. The PCU will then consolidate the information and submit updates as part of their progress reports to ADB. If any key problems are found, ADB will be notified by MRD. MRD/PCU, in collaboration with IRC, will prepare a standard resettlement reporting format for PRU and PDRD/PPT to use, including the following indicators:

- Payment of compensation to APs in accordance with the Project policy;
- Co-ordination and completion of land acquisition activities and commencement of civil works;
- Public information dissemination and consultation procedures;
- Adherence to grievance procedures; and
- Distribution of necessary materials, construction of new structure if any, and land reallocation if any,

46. In addition, an external independent monitor (an NGO or independent consultant), acceptable to ADB, will be appointed for a specified number of months by the Government to monitor land acquisition and resettlement activities. The monitor will be appointed prior to the commencement of RAP activities, and will be responsible for monitoring RAP implementation in terms of the timely provision of monetary and non-monetary compensation. Due to the nature of land acquisition and the small number of potentially affected households, independent external monitoring may not be necessary but the PCU will be required to submit periodic due diligence report which will include a follow-up survey after resettlement activities have been completed on all RAP related activities. In addition to the indicators used above for internal monitoring, the Report should also include results on the following indicators: (i) level of satisfaction by APs on the commune subproject RAP implementation, compensation and assistance levels, and grievance procedures; and (ii) level of income and livelihood restoration.

47. The Project Performance and Monitoring System will also incorporate reports on the success of the measures undertaken by the commune RAPs

**Annex 1: Voluntary Contribution Consent Form**

KINGDOM OF CAMBODIA

[INSERT NAME] Province  
 [INSERT NAME] District  
 [INSERT NAME] Village

## CERTIFICATE OF LAND TRANSFER

I, [INSERT NAME, AGE, NATIONALITY, OCCUPATION], with residence located in [INSERT NAME] village, [INSERT NAME] district, [INSERT NAME] province,

Certify that I have been previously informed by local authority of my right to entitle compensation for any loss of property (house, land and trees) that might be caused by the construction of water supply system or urban environmental (development) improvements in [INSERT NAME] district ([INSERT NAME]). I confirm that I voluntarily accept the land of [INSERT AMOUNT LOSS] square meters located in [INSERT NAME] village ([INSERT NAME] district) to be provided by the local authority for compensation. I also confirm that I do not request any compensation of loss of [INSERT OTHER LOSSES SUCH AS TREES STRUCTURES] and would request the local authority to consider this as my contribution to the project.

Type of Loss	Area (m <sup>2</sup> )	Number of Trees	Unit Rates	Total	Comment
Land					
Total					

Therefore, I prepare and sign this certificate for the proof of my decision.

[INSERT NAME] district  
 [INSERT DATE]  
 The owner of the land

[INSERT NAME AND SIGN]

Witnesses:

1. [INSERT NAME]
2. [INSERT NAME]
3. [INSERT NAME]

Certified by the Chief of the Village [INSERT NAME AND SIGN]

The Chief of [INSERT NAME] district [INSERT NAME AND SIGN]

Certified by an IRC/PRC representative [INSERT NAME AND SIGN]

Certified by the [INSERT NAME OF INDEPENDENT THIRD PARTY], [NAME AND SIGN]

## Annex 2: Project Entitlement Matrix

TYPE OF IMPACT	LEVEL OF IMPACT	ENTITLED PERSONS	COMPENSATION POLICY	IMPLEMENTATION ISSUES
<b>1. Agricultural land (including fishponds)</b>				
Temporarily affected agricultural land	Loss of use of the land for a period less than one year	User with permanent right (legal and legitimate)	<ul style="list-style-type: none"> <li>- No compensation for land (if returned to original user).</li> <li>- Assets affected temporality will be restored to pre-project or better condition</li> <li>- Cash compensation for loss of standing crops and trees at market prices, AND</li> <li>- Compensation for loss of net income from subsequent crops that cannot be planted</li> </ul>	If more than one year, APs have an option of (a) continue the temporary use arrangements or (b) permanent land acquisition at full replacement cost.
		User with lease or temporary right	<ul style="list-style-type: none"> <li>- No compensation for land (if returned to original user).</li> <li>- Assets affected temporality will be restored to pre-project or better condition</li> <li>- Cash compensation for loss of standing crops and trees at market prices; AND</li> <li>- Compensation for loss of net income from subsequent crops that cannot be planted within the remaining lease/assigned period</li> </ul>	
		Non-legal user	<ul style="list-style-type: none"> <li>- No compensation for land (if returned to original user).</li> <li>- Assets affected temporality will be restored to pre-project or better condition</li> <li>- Cash compensation for loss of standing crops and trees at market prices</li> </ul>	
Permanently affected agricultural land	Less than 10% of total productive assets (e.g., 10% of total landholdings)	User with permanent right (legal and legitimate)	<ul style="list-style-type: none"> <li>- Cash compensation for loss of standing crops and trees at market prices, AND</li> <li>- Cash compensation for acquired land at full replacement cost.</li> </ul>	
		User with lease or temporary right	<ul style="list-style-type: none"> <li>- Cash compensation for loss of standing crops and trees at market prices, AND</li> <li>- Cash compensation for loss of net income for the remaining leased/assigned period.</li> </ul>	
		Non-legal user	<ul style="list-style-type: none"> <li>- Cash compensation for loss of standing crops and trees at market prices.</li> </ul>	
	10% or more of total productive assets (e.g., 10% of total landholding)	User with permanent right (legal and legitimate)	<ul style="list-style-type: none"> <li>- Cash compensation for loss of standing crops and trees at market prices, AND</li> <li>- Full title to land of equal area and productivity acceptable to APs in the same or surrounding communes, OR</li> <li>- Cash compensation for acquired land at full replacement cost.</li> </ul>	If the plot is reduced to less than 50%, AP will be entitled to selling the remaining plot to the project at replacement cost.
		User with lease or temporary right	<ul style="list-style-type: none"> <li>- Cash compensation for loss of standing crops and trees at market prices,</li> <li>- Land for land compensation of equivalent productive capacity at a location acceptable to the APs and on a similar lease/assigned basis, OR</li> <li>- Cash compensation for lost income from the affected land for the</li> </ul>	

TYPE OF IMPACT	LEVEL OF IMPACT	ENTITLED PERSONS	COMPENSATION POLICY	IMPLEMENTATION ISSUES
		Non-legal user	<p>remaining lease/assigned period</p> <ul style="list-style-type: none"> <li>- Cash compensation for loss of standing crops and trees at market prices and cash compensation for loss of land use or provision of replacement land with equal area and productivity at a location acceptable to APs in the same commune.</li> </ul>	
<b>2. Residential and/or commercial land</b>				
Temporarily affected	Any type	All users	<ul style="list-style-type: none"> <li>- Land restored to the same, if not better condition as before</li> </ul>	
Permanently affected	With no structures built thereon	User with permanent right (legal and legalizable)	<ul style="list-style-type: none"> <li>- Cash compensation for the affected land at full replacement cost, OR</li> <li>- Land for land compensation of similar size at a location of not further than 5km from the existing site acceptable to the APs.</li> </ul>	
		Non-legal user	<ul style="list-style-type: none"> <li>- No compensation for land but compensation for any investment made on the land or cash compensation for loss of land use..</li> </ul>	
	With structures built thereon with remaining land sufficient to reorganize	User with permanent right (legal and legalizable)	<ul style="list-style-type: none"> <li>- Cash compensation for land lost at full replacement cost; AND</li> <li>- Cash or assistance for repair to rebuild the structure in case of partial impact; AND</li> <li>- Compensation for any investment made on the land; AND</li> <li>- Issuance of a permanent land user right certificate in case of reorganizing</li> </ul>	
		Non-legal user	<ul style="list-style-type: none"> <li>- Cash or assistance for repair to rebuild the structure in case of partial impact, and</li> <li>- Compensation for any investment made on the land; OR</li> <li>- Cash compensation for loss of land use.</li> </ul>	
With structures built thereon with remaining land not sufficient to reorganize	User with permanent right (legal and legalizable)	<ul style="list-style-type: none"> <li>- Cash compensation for the lost land at full replacement cost; AND</li> <li>- Assistance from Commune Land Acquisition Committee to locate possible plots for relocation; OR</li> <li>- Replacement land of equal size at a location of not further than 5km from the existing site acceptable to APs in the same commune.</li> <li>- Note: AP with small shops that require relocating will receive cash compensation for 6 months net income of respective activity (see Item 7 below).</li> </ul>		
	Non-legal user including landless APs.	<ul style="list-style-type: none"> <li>- Cash compensation for affected structure at full replacement cost with no deduction for depreciation or salvageable materials.</li> <li>- Compensation for any investment made on the land.</li> <li>- If APs have no other land to rebuild structure, replacement land of 105m<sup>2</sup> (7m x 15m) will be allocated in lieu of compensation for loss of land use, at a location of not further than 5km from the existing site acceptable to the APs in the same commune</li> </ul>		
<b>3. Residential and/or commercial structures</b>				
	Completely Affected (to be relocated)	Owner of structure regardless of land	<ul style="list-style-type: none"> <li>- Compensation at full replacement cost in material, cash, or a combination of both. No deduction or depreciation for</li> </ul>	Every effort will be made that the relocation will be in the same

TYPE OF IMPACT	LEVEL OF IMPACT	ENTITLED PERSONS	COMPENSATION POLICY	IMPLEMENTATION ISSUES
		tenure	salvageable materials, - Assistance in finding a new site and house construction.	village if possible
	Partially Affected	Owner of structure regardless of land tenure	- Compensation of replacement cost in material, cash, or a combination of both according to the actual loss. No deduction or depreciation for salvageable materials, OR - Repair of property by contractor to original or better condition.	Viability of the structure will have to be determined.
<b>4. Other private property</b>		Owner regardless of land tenure	- Cash compensation for affected property at replacement cost with no deduction for depreciation or salvageable materials, OR - Compensation to relocate the property , OR - Repair of property by contractor to original or better condition.	
<b>5. Trees/ standing crops/ fish crops</b>		Owner regardless of land tenure	- Cash compensation for loss of trees and standing crops at market prices - Compensation for trees calculated on the basis of type, age, and productive value of affected trees.	
<b>6. Community assets</b>		Village or Commune	- Restoration of affected community buildings and structures to at least previous condition, OR - Replacement in areas identified in consultation with affected communities and relevant authorities.	If income loss is expected (e.g. irrigation, community forest, community grazing land), the village is entitled to compensation for the total production loss (over 3 years); this compensation should be used collectively for income restoration measures and/or new infrastructure.
<b>7. Business and income source affected (non-land based)</b>	Temporary loss	All APs regardless of status	- Cash compensation for net income loss for the duration of business/income generation disruption	
	Permanent loss of less than 10% of total productive assets (eg 10% of total income affected)	All business owners regardless of status	- Cash compensation for 6 months net income of respective income generation activity.	
		Employees or hired labors	- Cash compensation for lost salary/wages for each month they cannot work, OR - If job is permanently lost, 6 months salary/wages, AND - Assistance is securing new employment, including relevant skills training expenses if required.	
	Permanent loss of 10% or more of total productive assets	All business owner (legal and non-legal)	- Cash compensation for 6 months net income of respective income generation activity, based on tax declaration, AND - Rehabilitation package including assistance in establishing a	Suitable income restoration measures will be provided, depending on specific conditions

TYPE OF IMPACT	LEVEL OF IMPACT	ENTITLED PERSONS	COMPENSATION POLICY	IMPLEMENTATION ISSUES
	(e.g., 10% of total income affected) and/or relocating business		similar or new business (e.g., access to credit, site selection, labour arrangements, and training). (see Item 8 below)	and aspiration of each affected household.
		Employees or hired laborers	<ul style="list-style-type: none"> <li>- Cash compensation for 6 months salary/wages, OR</li> <li>- Cash compensation for remaining contract period, whichever is higher; AND</li> <li>- Severance pay for employees</li> </ul>	Same as above. Businesses will be encouraged to retain existing employees.
<b>8. Rehabilitation Assistance and Allowances</b>				Because the scope of land acquisition is very minor, rehabilitation assistance and allowances may not be required.
	Transition Subsistence Allowance (food support)	Marginally affected APs Severely affected APs	<ul style="list-style-type: none"> <li>- Equivalent to 3 months of rice per person for marginally affected people, and</li> <li>- Equivalent to 6 months of rice per person for severely affected people</li> </ul>	
	Materials Transport Allowance	Severely affected APs	<ul style="list-style-type: none"> <li>- Assistance in cash or kind will be provided to move structures, salvaged and new building materials and personal possessions to new sites.</li> </ul>	
	Repair Allowance	Severely affected APs	<ul style="list-style-type: none"> <li>- For partially affected structures where the remaining part is viable for continued use. In addition to cash compensation for affected structures, cash payment to cover the whole cost of repairs.</li> </ul>	
	Loss of Workday Income Allowance	Severely affected APs	<ul style="list-style-type: none"> <li>- For heads of households that cannot continue their businesses due to affected-structures, cash compensation for loss of workdays during the period of disruption. The amount will be equivalent to provincial daily wage.</li> </ul>	
	Agricultural extension assistance	Severely affected APs	<ul style="list-style-type: none"> <li>- Applies to affected farmers that experience major impacts (i.e., lose 10% or more of their productive assets) to increase productivity on remaining or new land</li> </ul>	
	Assistance to Vulnerable Groups	Severely affected APs	<ul style="list-style-type: none"> <li>- Special assistance for vulnerable groups, equivalent to about \$150 per severely affected household (equivalent to value of 20kg of rice per household member for 6 months). In addition, extra assistance preparing new land for resettlement).</li> </ul>	

### Annex 3: Outline for a Commune Resettlement Plan (Consolidates Preliminary Investigation Results)

Topic	Contents
<b>Executive Summary</b>	
<b>Scope of land acquisition and resettlement</b>	<ul style="list-style-type: none"> <li>• Consolidate all preliminary LARF investigations from each subproject.</li> <li>• Alternative options, if any, considered to minimize land acquisition and its effects, and why the remaining effects are unavoidable.</li> <li>• Summary of key effects in terms of land acquired, assets lost, numbers of people affected, and socio-economic data</li> </ul>
<b>Objectives, policy framework, and entitlements</b>	<ul style="list-style-type: none"> <li>• Recipient's policy and legal framework for LAR, with any gaps in this framework as compared to ADB policy</li> <li>• Measures proposed to bridge the gap between ADBs and recipient's policies</li> <li>• Eligibility policy and entitlement matrix for all categories of loss, including compensation rates at replacement costs.</li> </ul>
<b>Gender Impact and Mitigative Measures</b>	<ul style="list-style-type: none"> <li>• Identify socio-economic condition, needs, and priorities of women</li> <li>• Include measures to ensure that process of land acquisition and resettlement does not disadvantage women and that land/house titles should be in the name of both spouses</li> </ul>
<b>Information Dissemination, Consultation, Participatory Approaches and Disclosure Requirements</b>	<ul style="list-style-type: none"> <li>• Identification of project stakeholders.</li> <li>• Disclosure of project information</li> <li>• Consultations for determining principles</li> <li>• Mechanisms for stakeholder participation in planning, management, monitoring, and evaluation</li> <li>• Disclosure of RP to people affected</li> <li>• Local institutions or organizations to support people affected. Potential role of non-government organizations (NGOs), women's groups and community-based organizations (CBOs).</li> </ul>
<b>Grievance Redress Mechanisms</b>	<ul style="list-style-type: none"> <li>• Mechanisms for resolution of conflicts and appeals procedures</li> </ul>
<b>Compensation, relocation, and income restoration</b>	<ul style="list-style-type: none"> <li>• Arrangements for valuing and disbursing compensation.</li> <li>• Arrangements for housing relocation, including transfer, re-establishment and integration with host populations</li> <li>• Income restoration measures</li> <li>• Environmental risks identification and arrangements for environmental management and monitoring.</li> </ul>
<b>Institutional framework</b>	<ul style="list-style-type: none"> <li>• Main tasks and responsibilities in planning, managing and monitoring land acquisition and resettlement.</li> <li>• Ensure that (i) women's groups are involved in resettlement planning, management and operations, job creation and income generation; and (ii) female staff should be hired by the resettlement agency to work with and assist women in all aspects of resettlement activities.</li> </ul>
<b>Resettlement budget and financing</b>	<ul style="list-style-type: none"> <li>• Land acquisition and resettlement costs and funding sources including arrangements for timely disbursement to APs.</li> </ul>
<b>Implementation schedule</b>	<ul style="list-style-type: none"> <li>• Time bound actions for projected activities to ensure that people affected are compensated and assisted before award of civil works contracts..</li> </ul>
<b>Monitoring and evaluation</b>	<ul style="list-style-type: none"> <li>• Arrangements for M&amp;E.</li> <li>• Impact on women monitored and evaluated separately</li> </ul>
<b>Arrangements for Reviewing RAP at detailed technical/engineering design if this is not yet complete</b>	
<b>Formal Agreement by the EA and IRC</b>	
<b>Disclosure of commune RAP upon approval</b>	





### Annex 6: Record of Consultations

Date	Location	Agency	Participants	Number of Participants	Discussion/Responses/Outcomes
					•
					•
					•
					•
					•
					•

- Date = date the consultation took place
- Location = location the consultation took place
- Agency = agency conducting the consultations
- Participants = Ministries, NGOs, affected people, local communities, etc. that participated in the session
- Discussion/Responses/Outcomes = summarize what was discussed, participants reactions, and key outcomes

**Annex 7: Sample Cost Table**

<b>No.</b>	<b>Items Description</b>	<b>Unit</b>	<b>Unit Rate (2010)</b>	<b>Quantity</b>	<b>Amount</b>	<b>Notes</b>