

Resettlement Plan

August 2012

CAM: Greater Mekong Subregion Southern
Economic Corridor Towns Development Project

Neak Loeung Flood Control

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

CURRENCY EQUIVALENTS

(as of 4 June 2012)

Currency unit	–	riel (KR)
KR1.00	=	\$0.00025
\$1.00	=	KR4,060

ABBREVIATIONS

ADB	–	Asian Development Bank
APs /AHs	–	affected persons/affected households
CBO	–	community based organization
COI	–	corridor of impact
DMS	–	detailed measurement survey
DP	–	displaced person
EA	–	executing agency
EMO	–	External Monitoring Organization (also known as IMO - Independent Monitoring Organization)
FHH	–	female headed household
HH	–	household
AHs	–	affected households
HOH	–	head of household
IOL	–	inventory of losses
NGO	–	nongovernment organization
PMU	–	project management unit
RCS	–	replacement cost study
ROW	–	right of way
RP	–	resettlement plan

GLOSSARY

Cut-off Date	–	This refers to the date prior to which the occupation or use of the project area makes residents/users of the same eligible to be categorized as DP. Persons not covered in the census are not eligible for compensation and other entitlements, unless they can show proof that (i) they have been inadvertently missed out during the census and the IOL; or (ii) they have lawfully acquired the affected assets following completion of the census and the IOL and prior to the conduct of the detailed measurement survey (DMS).
Displaced Persons	–	In the context of involuntary resettlement, displaced people (DP) are those who are physically displaced (relocation, loss of residential land, or loss of shelter) and/or economically displaced (loss of land, assets, access to assets, income sources, or means of livelihood) as a result of (i) involuntary expropriation of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas.

Affected Households /Affected Persons	–	In the case of affected household, it includes all members residing under one roof and operating as a single economic unit, who are adversely affected by a project or any of its components.
Detailed Measurement Survey	–	With the aid of the approved detailed engineering design, this activity involves the finalization and/or validation of the results of the inventory of losses (IOL), severity of impacts, and list of DPs earlier done during RP preparation. The final cost of resettlement can be determined following completion of the DMS.
Entitlement	–	Refers to a range of measures comprising compensation, assistance and income restoration support, etc. which are due to the DPs, depending on the type and severity of their losses, to restore their economic and social base.
Host community	–	Means the community already in residence at a proposed resettlement or relocation site.
Income Restoration	–	This is the re-establishment of sources of income and livelihood of the affected households.
Inventory of Losses (IOL)	–	This is the process where all fixed assets (i.e. lands used for residence, commerce, agriculture, including ponds; dwelling units; stalls and shops; secondary structures, such as fences, tombs, wells; trees with commercial value; etc.) and sources of income and livelihood inside the project right-of-way (ROW) are identified, measured, their owners identified, their exact location pinpointed, and the prices of the affected property were surveyed during the IOL. Additionally, the severity of impact to the affected assets and the severity of impact to the livelihood and productive capacity of DPs will be determined.
Land Acquisition	–	Refers to the process whereby an individual, household, firm or private institution is compelled by a public agency to alienate all or part of the land it owns or possesses to the ownership and possession of that agency for public purposes in return for compensation at replacement costs.
Relocation	–	This is the physical relocation of a DP from her/his pre-project place of residence and/or business.
Replacement Cost Study	–	This refers to the process involved in determining replacement costs of affected assets based on empirical data.
Severely Affected Households	–	This refers to affected households who will (i) being physically displaced from housing (ii) lose 10% or more of their productive assets (income generating),
Vulnerable Groups	–	These are distinct groups of people who might suffer disproportionately or face the risk of being further marginalized by the effects of resettlement and specifically include: (i) female headed households with dependents, (ii) disabled household heads with no other means of support, (iii) households falling under the generally accepted indicator for

poverty, (iv) children and the elderly households who are landless and with no other means of support, and (v) landless households, (vi) indigenous people or ethnic minorities.

NOTES

- (i) The fiscal year (FY) of the Government of Cambodia ends on 31 December.
- (ii) In this report, "\$" refers to US dollars.

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EXECUTIVE SUMMARY

A. Introduction

1. At the request of the Governments of Cambodia, Lao PDR and Viet Nam, the Asian Development Bank (ADB) approved the Project Preparatory Technical Assistance (PPTA) for the Greater Mekong Sub-region (GMS) - Corridor Towns Development Project (CTDP). The GMS-CTDP is designed to facilitate the transformation of transport corridors into economic corridors that would attract further investments in economic and environmental infrastructures to spur economic growth and sustained development. The Neak Loeung Flood Protection will include the following components: (i) Flood Protection Dike with total length of 4.5 kilometers covering an area of 363 hectares; (ii) access road on top of the dike at 6 meters wide (iii) Water Gate (Box culvert) with control valves (2 vertical sluice valves); (iv) pump station for storm water from the enclosed area, to be pumped to the natural stream outside the protection dikes. The Neak Loeung Flood Control is proposed for funding from the ADB and has therefore to fully comply with the ADB's safeguard policies.

B. Summary LAR Impact

2. **Affected Land.** The subproject will require a total of 135,000 m² of land. Out of the total required land, 129,049.35 m² is private land while 5940.65m² belongs to public land. A total of 315 AHs (1,671 persons) will be affected by the sub project. Of this, 307 AHs are currently residing in Neak Loeung and 8 AHs in Preak Khsay Kor. The LAR impacts on 315 AHs comprise of loss of 1,466.70 m² of residential land of 4 AHs (21APs) 4,339.58 m² of unused agricultural land of 14 AHs (97 APs) and 123,183.07m² of productive agricultural land of 297 (1553 AHs), 2 out the of the 4 AHs (21APs) will lose partial of main house (2.37 m²). The remaining two will lose secondary structures only.

3. Of the 297 AHs (1553 APs) losing productive land, 63 AHs (298 APs) will lose 10% and more of their productive farming and. Of this, 54 households (262 APs) will lose over 10% but less than 50% of land, while 9 households (36 APs) will lose over 50% of productive land. The 290 AHs (out of 297) are residing in Neak Loeung and only 7 AHs in Preak Khsay Kor. The 234 AHs (1255 APs) out of 297 will lose less than 10% of productive land. 14 AHs (97APs) will lose agricultural land which are unused, (4,399.58 m²) and 4 AHs (21 APs) will lose residential land (1446.7 m²).

ES Table 1-1: Summary of LAR Impact

Summary of Impact	Permanent						Total	
	Full			Partial			AHs	APs
	AHs	APs	M ²	AHs	APs	M ²		
Total Number of AHs	63	298		252	1373		315	1671
Loss of Residential land				4	21	1446.7	4	21
Loss of agricultural land (productive)/waged labor	63	298	60,320.52	234	1255	62862.5	297	1553
Loss of agricultural land-vacant/unused/secondary structures				14	97	4399.58	14	97

ES Table 1-2: Severity of Impact on Agricultural Land

Commune	Impact on Productive Agricultural Land							
	HHs	<10%	HHs	>10%- <50%	HHs	>50%	Total	
Neak Loeung	230	62,317.5 5	51	35,374.88	9	59,023	290	121,282.67
Preak Khsay Kor	4	545	3	1,355.4	0	0	7	1,900.4
Total	234	62,862.5	54	36,730.28	9	23,590.24	297	123,183.07
APs/Percent	1255	51%	262	30%	36	19%	1553	

C. Legal Policy and Entitlement

4. The land acquisition and compensation of AHs will be governed by the national laws, and of the ADB's safeguard policy statement. A fundamental objective of the project resettlement policy is to replace and compensate lost assets based on the principle of replacement cost. Compensation and various forms of assistance will be provided and income restoration programs, as needed, will be put in place prior to the displacement of DPs from their houses, land, and other assets, in a way that will ensure that their standards of living are at least restored to their pre-project levels, and that those in the category of vulnerable groups (such as poor households, are assisted to help improve their socio-economic status. In addition to compensation at replacement cost.

5. The cut-off date is established as the last date of the census and inventory of assets of the project affected persons, which was on December 26, 2011 or as determined by the Executing Agency. A validation of the master list of AHs will be undertaken during the detailed measurement survey (DMS) following detail design. The Inter-ministerial Resettlement Committee is responsible to administer the DMS.

D. Participation, Grievance Redress and Disclosures

6. Two rounds of public consultation meetings were done participated by various stakeholders comprising of local officials, affected households, women, youth, and business sectors. Keeping the AHs informed and getting them involved will continue during the updating and implementation of the RP consistent with the project's participatory approach. Consultations have been and will be carried out throughout the resettlement plan preparation and implementation. A grievance redress mechanism will be designed to ensure that the complaints and grievances of AHs are addressed and resolved in a timely and satisfactory manner. A grievance committee will be established at provincial level with a process starting from Commune Offices where grievances can be dealt with more effectively by the grievance process. Tasks are to address the issues and concerns of affected households. The project information has been disseminated to the AHs during the process of public consultation at the time of preparation of resettlement plan and this will continue throughout the project cycle. Draft Project Information Booklet (PIB) will be disclosed at relevant commune offices before project appraisal and the updated PIB will be distributed to each AH during the DMS. In compliance with ADB's SPS, satisfactory draft and final RPs endorsed by IRC will be placed at relevant Commune Offices and will be uploaded on the ADB's website in compliance with ADB's SPS.

E. Institutional Arrangements

7. The Ministry of Public Works and Transport (MPWT) is the executing agency, and the Provincial Department of Public Works and Transport (PDPWT) is the implementing agency covering the project civil work. The Inter-ministerial Resettlement Committee (IRC) of which MPWT is a key member is overall responsible for the satisfactory implementation of the RP. The RP shall be carried out in collaboration with the project management unit (PMU) and the Inter-ministerial Resettlement Committee (IRC) and the Resettlement Department of the Ministry of Economy and Finance. The PMU and IRC needs to ensure that the designated staffs have relevant capacity and experience in implementing resettlement activities, and has been involved in other ADB or development partners' (DPs) funded projects. The tasks include updating, implementing and financing the RP. A Provincial Resettlement Sub-Committee (PRSC) and its Working Group (RSWG) shall be organized as counterpart to assist the IRC and the MPWT at the local level. The Project will hire a Project Implementation Support Consultants to assist in the RP implementation. Updating of the RP will commence following approval of the detailed engineering design. An independent agency specialized in property appraisal will be hired by the IRC to conduct detailed assessment on replacement cost which will be used for compensation. The IRC will submit the draft updated RP to the ADB for review and approval.

8. Displacement of people from land, other assets, and sources of income and livelihood cannot commence until the updated RP has been reviewed and approved by the ADB. Moreover, construction activities in any specific component of the proposed sub-project cannot begin until compensation has been paid, and agreed rehabilitation assistance is in place, and that said section is free of all encumbrances. Below is an indicative schedule of the updating and implementation of the RP.

ES Table 1-3: Resettlement Implementation Schedule

Resettlement Activities	Schedule
RP preparation	Month 1- Month 2
ADB approval of draft RP	Month 3
DMA, RCS and RP updating	Month 5-8
Submission and ADB approval of updated RP	Month 9 -10
Consultation and grievance redress mechanism	Month 10-12
Delivery of compensation and allowances/development of relocation sites	Month 11-16
Shifting of DPs and implementation of Income Restoration Program	Month 17-21
Internal monitoring (submission of quarterly reports)	Month 16,19,22,25, 28, 31,34
External monitoring (submission of semi annual reports)	Month 22-28 -34
Post-resettlement evaluation by External Monitor	Month 40

F. Monitoring and Evaluation

9. The executing agency will be responsible for internal monitoring of resettlement activities, through the IRC, ensuring that the RP is updated and implemented according to the approved project resettlement policy. The IRC will engage the services of an external monitoring organization (EMO) at the start of updating of the RP. The internal monitoring report will be submitted quarterly by MPWT to ADB. The EMO will submit semi-annual external monitoring

report to IRC and MPWT; and then IRC will forward the external monitoring report to ADB. The EMO will also suggest corrective measures for any problems it identifies and will likewise conduct a post-resettlement evaluation study 6 months after the completion of RP implementation.

G. RP Cost and Flow of Funds

10. The resettlement budget is estimated at US\$387,686.76 which include: (i) compensation cost, (ii) administration cost, which includes costs for consultation and grievance redress mechanism; (iii) monitoring cost, and contingency, The cost of resettlement will be finalized following the updating of the RP based on replacement cost and according to the approved technical design of the sub-project.

CHAPTER I: PROJECT BACKGROUND

1. At the request of the Governments of Cambodia, Lao PDR and Viet Nam, the Asian Development Bank (ADB) approved the Project Preparatory Technical Assistance (PPTA) to establish the basis for the proposed investment in priority urban infrastructure and capacity building measures for institutional strengthening in selected towns along two of the transport corridors in the Greater Mekong Sub-region (GMS). The GMS-Corridor Towns Development Project (CTDP) is designed to facilitate the transformation of transport corridors into economic corridors that would attract further investments in economic and environmental infrastructures to spur economic growth and sustained development. The expected impact of the CTDP will result in the corridor towns becoming the nucleus of economic activities, thereby contributing to the emergence of economic growth centers along the transport corridors in the GMS. The outcomes of the CTDP will lead to provision of adequate urban and infrastructure and essential services to facilitate growth and increase urbanization.

2. Potential investments subprojects in Cambodia include the improvement and upgrading of the urban roads and drainage systems, riverbank protection and flood control, wastewater treatment and collection system, expansion of the water supply and sanitation system and solid waste management, including materials recovery facility.

A. Project Description and Objectives

3. The Neak Loeung Flood Control is one of the priority urban environment infrastructures that has been included for investment support under the ADB financed GMS CTDP. The proposed sub-project will include the following components:

- Flood Protection Dike with total length of 4.5 kilometers covering an area of 363 hectares;
- Access road on top of the dike at 6 meters wide;
- Water Gate (Box culvert) with control valves (2 vertical sluice valves);
- Pump station for storm water from the enclosed area, to be pumped to the natural stream outside the protection dikes.

4. The proposed flood protection dikes will be constructed along the already planned roads and will be a part of the permanent road system in Neak Loeung. Neak Loeung town is subjected to annual flooding, affecting the physical environment as well as living condition of the people. The construction of dikes would serve as effective measures to avoid flooding and to protect the land, crops and health of the people. Overall, the sub-project is envisioned to provide adequate urban infrastructure that would stimulate economic activities and improve trade and investment.

B. Mitigating Measures to Minimize Adverse Impacts

5. Measures to avoid adverse impacts have been considered by changing the sub-project to an alternative site. The design considered an option with the least impact. The first design which had an area of 450 hectares showed that there will be major displacement of 296 families, and significant impact on land and housing structures. To mitigate the impact of involuntary resettlement, an alternative location was identified, which is about 200 meters farther, towards the bridge and following the contour of the river.

6. The alternative site brought several positive benefits which include: (i) maximized coverage of more households with the expansion of area coverage from 350 hectares to 363 hectares flood protection area, (ii) increase productivity of land up to 3 croppings per year for households, and,(iii) facilitate easier water exit to the river, (iv) no impact on structures.

7. The alternative site was presented to the commune, which gained considerable support from the local authorities and the community, resulting to a majority of AHs offering (non-negotiated) voluntary donation of portion of land to be acquired by the sub-project. The evidence on the signified commitment to donate the land from affected households is attached as **Appendix A: Commitment to Donate Land**. It is a formal declaration of people signifying their decision to offer a portion of land for goodwill, affixed by their signatures.

8. Of the 135, 000 m² of total land requirement, 129, 049.35 m² of private land belongs to 315 AHs which include the 96 AHs who signified to donate land. However, the amount of land to be donated has still to be determined during the DMS. Hence, the RP has included the budget for the 129,049.35 m² of total private land to be acquired for the project. The criteria for donation will follow the protocol requirement established in the RP, in order to ensure that voluntary donation of land becomes acceptable and does not have adverse impact on households.

9. Overall, there is a need to review and assess the condition of the 96 AHs by the DRC before project implementation in order to comply with the protocol requirement. The Deed of donation cannot proceed without compliance to the protocol.

10. Compensation for affected land for both AHs who designated or did not designate voluntary deed of donation will be paid at replacement cost. Compensation on the loss of income derived from productive land will also be given compensation according to the entitlement policy set out in the RP.

CHAPTER II: SCOPE OF LAND ACQUISITION AND RESETTLEMENT

A. Methodology

11. The magnitude of the potential impact on land and other losses were determined using the inventory of losses (IOL) questionnaire (**Appendix B-IOL and Socio-economic Survey Questionnaire**). Details on the IOL obtained information on names of AHs and all assets that are within the scope of the right-of-way (ROW) which include productive and residential land, structures, secondary structures, and other miscellaneous items such as fence, wells, and communal assets.

12. A training of local enumerators was done on December 11, 2011 on the administration of the IOL survey instrument. The consultation utilized focus group discussions in the 2 affected communes, along with the IOL and socio-economic survey. Details on the consultation process are explained fully in **Section 4** of the RP.

13. In order to determine the scale of impact on land and other assets, the IOL survey team was assisted by the technical team who marked the ground centreline. Local people were involved in measuring the demarcation line of the project scope as well as in identifying owners of affected land. This procedure was further supplemented by a topographic survey to establish and validate the boundaries. The topographic survey, along with the meter survey, gave accurate measurement of land, which was then mapped out by the IOL survey team, indicating land ownership.

14. The data gathered from the IOL and the SES were encoded using SPSS software generated in tabular format and a master list of AHs was drawn with corresponding types of losses.

B. Cut –Off Date

15. A consultation meeting was done with the local commune officials to discuss the procedures of the survey and information on the cut-off date. The cut-off date refers to the date prior to which the occupation or use of the project area makes users of the same eligible to be categorized as affected people. Persons not covered in the census after the cut-off date are not eligible for compensation and other entitlements, unless they can show proof that (i) they have been inadvertently missed out during the census and the inventory of losses (IOL); or (ii) they have lawfully acquired the affected assets following completion of the census and the IOL and prior to the conduct of the detailed measurement survey (DMS).

16. The cut-off date is then established as the last date the Census and IOL is completed which is December 26, 2011. A validation of the master list of AHs shall be undertaken during the detailed measurement survey (DMS) following approval of the detailed design. The Inter-ministerial Resettlement Committee is responsible to deal with all land acquisition and resettlement issues.

C. Determining Replacement Cost

17. The objective of the resettlement cost study is to establish compensation rates for land, structures, trees and crops that are sufficient for AHs to acquire or purchase a replacement for assets lost, without deductions for taxes, and/or costs of transaction. A rapid study was conducted on the prevailing cost of land and assets in the area by the study team, which

followed the results of the study conducted by an independent property appraiser for ADB project in the nearest area. The reference on the cost was further validated by the local commune officials on the prevailing market price of land in the area, supported by the current sales receipt of land, if purchase was done within the current period. An indicative replacement cost is used to calculate the compensation for lost assets based on the methods described above.

18. During project implementation, along with the DMS, the cost indicated in this RP will be further validated by an agency specialized in affected property appraiser that will be hired by the project to determine and validate the resettlement cost. Changes on the cost of the RP will be applied when necessary, and the cost provided by the property appraiser will be used as basis for replacement cost on compensation of affected assets.

19. A replacement cost is the amount calculated before displacement which is needed to replace an affected asset without deduction for taxes and/or costs of transaction as follows:

- a) Productive Land (agricultural and aquaculture) based on actual current market prices that reflect recent land sales in the area, and in the absence of such recent sales, based on recent sales in comparable locations with comparable attributes, fees and taxes or in the absence of such sales, based on productive value.
- b) Residential land based on actual current market prices that reflect recent land sales, and in the absence of such recent land sales, based on prices of recent sales in comparable locations with comparable attributes; fees and taxes for land.
- c) Houses and other related structures based on actual current market prices of materials and labor without depreciation or deduction for salvaged building materials.
- d) Annual crops equivalent to current market value of crops as per agreed RCS¹.

D. **Summary of Impact**

1. Project Land Requirement

20. The land required for the Neak Loeung Flood Control requires 2kilometers length with a width of 30 meters (60,000 m²) for Neak Loeung and 2.5 kilometers length and a width of 35 meters (75,000 m²) for Preak Khsay Kor. Overall land requirement is 135,000 m², which includes land signified for donation and a portion belonging to government land. Land to be required from private land is 129049.35 m².

2. Affected Households

21. The proposed sub-projects will affect a total of 315 households (1671 APs). During the IOL and SES, 100 % of the AHs were interviewed represented by household respondents who were either head of household, the wife or the person who is responsible to make decisions. Household respondents during the IOL included 246 (78%) men and 69 (22%) women.

¹ Compensation to be paid within a period of 12 months from the date of replacement cost survey

Table 2-1: Affected Household Respondents by Gender

Commune	Project Land Requirement (m ²)	Household Respondents					
		No. of HHs		Male		Female	
		No.	%	No.	%	No.	%
Neak Loeung	60,000 m ²	307	100%	241	79%	66	21%
Preak Khsay Kor	75,000 m ²	8	100%	5	62.5%	3	37.5%
Total	135,000m²	315	100%	246	78%	69	22%

3. Affected Land

22. Of the total land requirement, 129,049.35 m² will be needed to be acquired from private land belonging to affected households. Overall, the categories of affected land are as follows: residential land, (01%) unused agricultural land (04%) and productive agricultural land (95%). Donated land of 5,950.65 m² is not included in the resettlement costing.

Table 2-2: Categories of Affected Land within the ROW

Commune	Residential		Agriculture (Unused)		Agriculture (Productive)		Total	
	AHs	m ²	AHs	m ²	AHs	m ²	AHs	m ²
Neak Loeung	4	1,466.70	13	2,935.58	290	121,282.67	307	125,684.95
Preak Khsay Kor	0	0	1	1464	7	1,900.40	8	3,364.40
Total	4	1,466.70	14	4,399.58	297	123,183.07	315	129,049.35
Percent	21	1%	97	4%	1553	95%	1671	100%

4. Agricultural/Productive Land

23. Land is primarily planted with crops such as banana, beans and other vegetables. The IOL indicates that overall, the majority (51%) of households will not be severely affected with the acquisition of land as the sub-project is linear and has followed the existing ROW for the road and the river easement clearance of about 10 meters.

24. The IOL has identified 297 AHs (1553 APs) that will be affected with a loss of agricultural land. The 290 AHs are settled in Neak Loeung and only 7 AHs in Preak Khsay Kor. Of the 297, 234 AHs (1255 APs) will lose less than 10% of productive land while 54 AHs (262 APs) households would lose over 10% but less than 50% of land and 9 households will lose over 50% of land. The latter is considered as severely as the loss of productive land will impair their economic source of income. Severely affected households include AHs losing more than 10% of productive assets will be included in the livelihood assistance to be provided by the project as specified in the entitlement policy.

Table 2-3: Impact on Agricultural Land

Commune	HHs	Impact on Productive Agricultural Land						
		<10%	HHs	>10%-<50%	HHs	>50%	Total	
Neak Loeung	230	62,317.55	51	35,374.88	9	59,023	290	121,282.67
Preak Khsay Kor	4	545	3	1,355.4	0	0	7	1,900.4
Total	234	62,862.5	54	36,730.28	9	23,590.24	297	123,183.02
Percent	1255	51%	262	30%	36	19%	1553	

25. A total land area of 175,835.07m² of productive land belongs to 275 AHs out of 297 AHs. It is planted with varied standing crops which are currently under harvest or about to be harvested. Out of the total area of 175,835.07 m² of productive land, there is a loss of 123,183.02 m² and there is still remaining productive land of 52,652.05 m² left to 275 AHs. The project will ensure that produce will be harvested before any land acquisition takes place.

5. Residential Land

26. Affected residential land with an aggregate area of 1,466.7m² belonging to 4 (21 APs) households will be partially acquired. 2 households whose main structures (2.37 m²) will be affected partially and removed. The other 2 households have secondary structures that will also be removed.

Table 2-5: Affected Residential Land

Commune	AHs	APs	Area in M ²
Neak Loeung	4	21	1,466.7
Total	4	21	1,466.7

6. Affected Structures

27. Two of the households losing residential land will lose their small structures utilized as dwelling unit with an aggregate area of 2.37 m². These will be removed and rebuilt on the remaining land. The other two households will lose secondary structures (prayer house and car park). Other affected secondary structures are identified in **Table 2-6** which include car park, prayer house, fence, wells and an outside toilet belonging to 9 AHs.

Table 2-6: Categories of Affected Structures

Affected Structures	AHs	Affected Area	Total Area(m ²)	Type
Main house	2	2.37 m ²	80.52 m ²	Bricks
Toilet	1	7.8 m ²	7.8 m ²	Wood
Car park stall	1	7.5 m ²	45 m ²	Zinc roof and wall
Pump well	5			
Prayer house	1			Bricks
Fence	1	246 m ²		Zinc Wall and roof
Total	11	263.67 m ²	133.32 m ²	

7. Impact on Livelihood

28. The acquisition of 60,320.57 m² (out of 123,183.07 m²) of productive agricultural land will have an impact on the current economic activity of the 63 AHs who are engaged in farming. These include those losing more than 10% of their productive land, resulting to a potential loss of income derived from land. There are 60 households in Neak Loeung and 3 in Preak Khsay Kor who are dependent on productivity of land as their main source of income. Land is basically planted with various crops like corn, rice and vegetables which are used for household consumption as well as to derive income from sale of these crops. The 63 severely affected households will be included in the livelihood training for alternative sources of income.

29. There are 58 APs who are engaged in occasional labor to supplement their income. The FGD confirms that owners of farmland sometimes do extra labor on other people's farm aside from their own during periods of low labor demand on their own farms, to supplement their primary incomes. The loss of other people's agricultural land where some 58 farmers serve occasional labor, as well as the loss of their own farming land may have temporary impact on their primary and secondary income. However, since they will get cash compensation paid for the loss of their land to acquire the land nearby for agriculture purpose and there will be labor demand in agriculture sector around the area, they will be no temporary impact on their primary and secondary income. The village or commune chiefs will assist those 58 AHs to do extra labor on other people's farm if they prefer.

30. Economically displaced (63 AHs) who will be severely affected with the loss of productive land will be provided with transitional assistance to offset potential losses in income while they make the transition to alternative livelihoods.

31. Affected persons who are engaged in regular labor or are receiving regular income will not be disadvantaged by the project as they can still continue on with their work on other people's farm.

8. Vulnerable Households

32. The IOL and SES confirm that there are 94 vulnerable households that will be affected. These include the following: widows (41) disabled (8); over 60 years old (43) and poor (2). The acquisition of land will have an impact on the vulnerable households who are dependent on land

for source of income as well as source of supplemental food for households. The 94 vulnerable households are included in the assistance benefits as specified in the resettlement policy.

9. Impact on Businesses and Communal Resources

33. There are no businesses or business establishments that will be affected by the sub project.

34. There is 1 communal structure (prayer house) that will be removed. The structure will be restored or compensated at replacement value.

35. A total of 175,835.07m² of productive land belonging to 275 AHs are planted with varied standing crops which are currently under harvest or about to be harvested. There are about 1927 varied trees that will be lost. The project needs to ensure that produce of crops will be harvested before any land acquisition takes place and that trees will be compensated.

36. A summary of impact on various categories of impact is shown in Table 2-7. Overall, the IOL reveals that AHs that will experience loss of land permanently include: residential land, 4 AHs (21 APs), productive agricultural land, 297 AHs (1553 APs) and unused agricultural land. 14 AHs (97APs). Of the 297 AHs, 63 AHs (298 APs) will lose from 10% or more of agricultural land permanently. Under ADB SPS, this places the sub project under category A. There will be minor impact on secondary structures.

37. In terms of economic losses, 63 AHs (298 APs) will be severely and permanently affected with the loss of 10% or more of productive land. An income restoration program is provided for severely affected household. This will be in a form of training as an alternative source of income. The 58 AHs who used to do extra work on other people's farm, will be assisted by local authority in providing information on farming labor demand around the area.

Table 2-7: Summary of LAR Impact

Summary of Impact	Permanent						Total	
	Full			Partial			AHs	APs
	AHs	APs	M ²	AHs	APs	M ²		
Total number of AHs	63	298	60,320.52	252	1373	62862.5	315	1671
Loss of Residential land and structures				4	21	1446	4	21
Loss of agricultural land (productive)/waged labor	63	298	60,320.52	234	1255	62862.5	297	1553
Loss of agricultural land-vacant/unused /secondary structures				14	97	4399.58	14	97

CHAPTER III: SOCIO-ECONOMIC INFORMATION AND PROFILE

A. Profile of Affected Households

38. This Section presents the baseline information on the socioeconomic status of affected households of the sub project which were taken from the households' survey represented by 313 respondents (99%) out 315 affected households. The SES was undertaken simultaneous with the Inventory of losses of affected households. AHs were represented by either head of household, a wife or a person who is responsible to give information or make decision.

39. There were 313 household respondents interviewed of which 241 (75%) are male and 64 (23%) are female. Total household members representing the affected households are 1,671, with an average family size of 5.33 members.

Table 3-1: Gender of Household Respondents

Commune	Number of Respondents	Male	Female	Total HH Members	HHs Size
Neak Loeung	307	241	64	1629	5.43
Preak Khsay Kor	8	5	3	42	5.27
Total	315	246	67	1671	5.33

40. The majority of household respondents fall within the range of 46-60 years, followed by ages 31-45. A large proportion of the respondents (256) are married reflecting stability and maturity of household head in making decision, particularly in deciding to offer donation of land to the project. 43 respondents are widows.

41. An understanding on the type of work of AHs is important in order to address changes in livelihood that may occur as a result of displacement or changes in job resulting from land acquisition. The main source of income is farming as indicated by 67 respondents in **Table 3-2**.

42. Aside from farming household members or heads of households are also doing other work, especially after harvest such as hired labor (26%) undertaken after harvest and non-waged such as pension or rent (7%).

43. The household income reveals the economic status of affected households which shows a variation among type of work or source of income. Average yearly income on agricultural proceeds amounts to Riel 4,880,000 (US\$ 1,220), casual work – Riel 3,280,000 (US\$820) and government – Riel 2,395,000 (US\$ 598).

Table 3-2: Sources of Income and Average Yearly Income (Household Members)

Commune	Agriculture Related	Trade or Sales	Casual	Govt. Employee	Hired Labor or Services	Rent/ Pension	Total
Neak Loeung	67	2	77	7	58	17	228
Percent	29	.9	34	3	26	7	100
Average Income/yr in Riel	4, 880, 000	NP*	3,280,000	2,395,000	NP*	NP*	

*Not Provided

44. The categories of vulnerable households are identified in **Table 3-3**. These include households headed by women – 41 AHs; disabled - 8 AHs; elder headed household aged >60 years old - 43 AHs; and poor AH with ID Poor – 2 AHs.

Table 3-3: Vulnerable Households

Commune	Households Headed by Women	Disabled (HH)	Old Age (>60 years old)	Poor AHs with ID Poor Card	Total
Neak Loeung	41	8	42	2	93
Preak Khsay Kor	0	0	1	0	1
Total	41	8	43	2	94

45. In terms of education, the majority of AHs (33%) have at least obtained secondary education and a significant 29% of AHs have finished some secondary school, 15.4% AHs have completed tertiary school. About 12.3% of households have not gone to school. Only 1.3% of AHs have obtained tertiary education.

Table 3-4: Educational Status of Households

Commune	None	Primary	Completed Primary	Secondary School	Completed Secondary School	Tertiary (including university, vocational, business or teachers training college)	Total
Neak Loeung	38	103	25	89	46	4	305
Percent	12.5	34	8.2	29	15	1.3	100%
Preak Khsay Kor	0	0	1	2	2	0	5
Percent			20	40	40	0	100%
Total	38	103	26	91	48	4	310
Percent	12.3	33	8.3	29.3	15.4	1.3	100%

46. The housing condition is one indicator of economic status of households as this indicates the capacity of households to invest in housing. The majority of households have permanent housing structures reflecting stability and years of stay in the area. However, except for 2 households, the housing structures of the rests of the AHs will not be affected.

B. Issues and Concerns on Resettlement

47. As mentioned, households were generally happy about the project that about 96 households out of 315 have voluntarily donated land. Voluntary donation is signified through a deed of document and sealed with their fingerprints. Since land offered for the project is not significant compared to the benefits derived in return, AHs willingly offered their land on a voluntary act without external pressure. AHs appreciated the fact that the proposed flood control

will protect their farms from flood which will lead to safety and increased in income. Households have been experiencing considerable loss of crops during rainy season brought about by flood. It is signified by the AHs that the piece of land donated for the project will provide economic gains in return.

48. The impact on land varies from less than 10 % to over 50% of land holdings. In order to ensure that voluntary donation of land (5,950.65 m²) is acceptable and does not have adverse impact on 96 households who originally donated portion of land, the protocol for donation shall be observed and we need further consultation during the RP updating.

49. Land for donation shall apply only to households whose affected productive lands do not exceed 10% of total land holdings, the propose donation are directly linked to the benefit they will received and do not severely affect their living condition, livelihoods, and incomes. All voluntary contribution will be well documented and confirmed through a written agreement between the AHs and IRC, and verified by EMO. Written agreement shall be submitted to ADB as proof that all AHs are accounted for, either by receipt of compensation for their lost asset or by an agreement on voluntary contribution.

50. Households whose affected lands are between 10% to 50 % of land holdings shall be exempted from donating land. There are 54 (30%) of AHs under this category.

51. Affected households whose affected land is more than 50% of land holdings shall be exempted from donating land. There are 9 AHs (19%) of AHs under this category.

52. Vulnerable households such as poor, households headed by women shall be exempted from donating land (94 AHs).

53. The execution of the voluntary deed of donation will be further strengthened by the Witness of the act to firm up the transaction, and observance of the protocol requirement.

54. The 96 households who signified their willingness to donate land will be further reviewed by the DRC and decided for acceptance within the protocol requirement.

CHAPTER IV: PARTICIPATORY COMMUNICATION PROCESS

A. Objectives

55. The RP communication process is established below in order to keep the communication lines open between the IRC and the AHs during the project implementation, the objectives to be reached and how the project phases and components are communicated to affected communes and the AHs. The consultation process will be carried out throughout the resettlement plan preparation and implementation. Specifically, the objectives of the participatory process aim to:

- Establish a process that will ensure project affected people and stakeholders are informed of the project development;
- Proactive involvement of AHs and stakeholders in resettlement planning and enable them to participate in the assessment of impacts and risks;
- Transparency in information and communication;
- Obtain acceptability of the project and cooperation in resettlement activities;
- Understand the role of stakeholders and AHs in the resettlement activities.

B. Identification of Project Stakeholders

56. The project primary stakeholders consist of the following:

Displaced Persons: Households and individuals affected by physical or economic displacement due to acquisition of land for the construction of the project.

Institutional Stakeholders: Provincial, district, commune, IRC, government agencies and village chiefs in the project area as well as mass organizations whose mandates include addressing issues and persons impacted by the project. These include agencies such as NGOs and other civil organizations.

C. Participatory Approaches Adopted in RP Planning

57. Participation of stakeholders is essential to reach the objectives of the resettlement policy as recognized and practised by the RGC manifested in the participatory process in the planning of the National Socio-economic Development Plan.

58. Meaningful consultation is a process that (i) begins early in the project preparation stage and is carried out on an ongoing basis throughout the project cycle; (ii) provides timely disclosure of relevant and adequate information that is understandable and readily accessible to affected people; (iii) is undertaken in an atmosphere free of intimidation or coercion; (iv) is gender inclusive and responsive, and tailored to the needs of disadvantaged and vulnerable groups; and (v) enables the incorporation of all relevant views of affected people and other stakeholders into decision making, such as project design, mitigation measures, the sharing of development benefits and opportunities, and implementation issues. In compliance to ADB's SPS and parallel to the RGC's participatory process, close consultations with communities, groups, or people affected by proposed projects, and with civil society will be required through information disclosure, consultation, and informed participation in a manner commensurate with impacts on affected communities.

Consultation Meetings and Workshops

59. Meetings with stakeholders which include provincial officials, commune leaders and project officials gave significance to the range of project issues and data acquired to reinforce further determination of project efficiencies and required social mitigation actions, as well as input to RP planning. Consultation with commune leaders and affected households were done twice during the project dissemination and presentation of alternative option. Women (40%) were actively participating during the consultation.

FGDs and Key Informants' Interview

60. A participatory and rapid appraisal was conducted in affected communes through whom inputs from AHs provided insight into, (a) community and household needs and aspirations; (b) identifying positive project impacts and risks requiring mitigation. Particular arrangement was done to conduct interviews targeting women, including a selected number of household heads, commune leaders, and other key informants in the affected communes.

IOL and Socio-economic Survey

61. The IOL and SES were undertaken simultaneously with the FGDs and KIIs in Neak Loeung and Preak Khsay Kor soliciting input from 25% sample representatives of AHs. Collected information were analysed and processed which formed the benchmark for resettlement planning. Overall, the participatory activities are summarized in **Table 4-1** below.

Table 4-1: Participatory Activities in RP Preparation

Activities	Date	Participants	Output
Project Scoping Workshop Consultation meetings at provincial and commune levels		Project officials Provincial Heads and Local communes Affected Households	Awareness of the Sub-Project Initial social impact assessment of sub-project
Data Gathering Focus Group Discussion Key Informants Interview IOL and SES	December 14 -22, 2011	Affected Households Local commune leaders Women (40%) 25% sample Households	Baseline data Perception of the project Mitigation measures Recommendations on RP

D. Summary of Issues and Concerns

62. The following issues and concerns highlight the results of the community consultation meetings. Details of these are found in **Appendix D--Minutes of FGD Meetings**.

Table 4-2 Summary of Issues and Recommendation

Date /Type of consultation/participants	Issues	Recommendations/Output
Dec 14 , 2011 Participants Local commune leaders and affected	Positive Protection from flood for the commune Improvement in the environment	Redesigning of the alignment to avoid impact on people, land and structures

<p>households</p> <p>Purpose of meeting: Project Information and dissemination</p> <p>Number of Participants: 9</p> <p>Men: 1</p> <p>Women: 8</p>	<p>Improvement in the local economy</p> <p>Negative</p> <p>Loss of land</p> <p>Compensation</p>	<p>Identification of alternative option</p> <p>Scheduling on Census and IOL</p>
<p>December 24/2011</p> <p>Participants: Commune Leaders and Affected households</p> <p>Purpose: Presentation of Option 2 (Conceptual design)</p> <p>Number of participants: 12 Women: 8</p> <p>Men: 4</p>	<p>Positive</p> <p>Protection from flood for the commune</p> <p>Increased productivity of farm from one cropping to three croppings per year</p> <p>Provide access road to people</p> <p>Improvement on aesthetic and environment</p> <p>Negative:</p> <p>Low compensation on land</p> <p>Loss of land</p> <p>Loss of some structures</p> <p>How will the project manage the waste water?</p> <p>Loss of business</p>	<p>High level of support</p> <p>Signified donation of land from 96 households</p> <p>Participation of commune leaders and households in land identification</p> <p>Compensation at replacement cost on land and structure</p> <p>New technology on waste management will be provided by the study team</p> <p>Alternative work for women includes dressmaking, hairdressing; for men skills on TV repair, bike and motor repair</p>

63. **Attitude towards the project.** Overall, there is positive attitude towards the project and high level of acceptability as benefits expected are wide ranging. Expected benefits in the

provision of the flood control will bring increased productivity in rice and vegetables as people can now enjoy three cropping without the harm brought by flood. The access road is expected to contribute to the improvement on footpaths as well as improvement on aesthetics and environment.

64. **Compensation:** The cost of productive land must be compensated based on replacement value.

65. Overall, the project was fully supported as evidenced by people signifying voluntary donation of land.

E. **Planned Consultation and Disclosure Measures During RP Implementation**

66. The project information has been disseminated to the AHs during the process of public consultation at the time of preparation of resettlement plan and this will continue throughout the project cycle. Draft Project Information Booklet (PIB) will be disclosed at relevant commune offices before project appraisal and the updated PIB will distributed to each AH during the DMS. Draft and final RPs will be placed at relevant Commune Offices and will be uploaded on the ADB's website in compliance with ADB's SPS. Particular attention will be paid to ensure the participation of the vulnerable or otherwise those at risk of marginalization such as households headed by women and the disabled. The location as well as timing of consultation meetings will be arranged to foster attendance and cause least disruption to AHs work and family responsibilities. Invitations to attend consultation meetings will be addressed to both spouses of households. All consultation and disclosure activities will be properly documented and minutes of meetings and attendance sheets will be prepared and recorded.

67. A project information booklet (PIB) will be distributed to all AHs indicating general contents which include the following items: (i) project profile; (ii) project impacts; (iii) compensation and entitlements; (iv) grievance redress mechanism; and (v) resettlement procedures, timing of payments and schedule. Social monitoring reports will be uploaded on ADB's website.

CHAPTER V: GRIEVANCE REDRESS MECHANISMS

68. This section presents information and arrangement for addressing conflicts and appeal procedures regarding eligibility and entitlements as well as the implementation of the resettlement activities.

69. A well-defined grievance redress and resolution mechanism will be established to address AHs grievances and complaints regarding land acquisition, compensation and resettlement in a timely and satisfactory manner. All AHs will be made fully aware of their rights and the detailed procedures for filing grievances and an appeal process will be published through an effective project information campaign. The grievance redress mechanism and appeal procedures will also be explained in the project information booklet (PIB) that will be distributed to all AHs.

70. AHs grievance will be received and solution for AH concerns and grievances on land acquisition and the implementation can be facilitated under agreed policy provided in the approved resettlement plan. AHs complaints can be made verbally or in written form. In the case of verbal complaints, the committee on grievance will be responsible to make a written record during the first meeting with the AHs.

71. A grievance committee will be established at provincial level with a process starting from Commune Offices. As practised, the grievance committee include the local commune or village leaders only. The use of NGO is allowed only to assist APs in filing complaints, particularly for those who do not know how to prepare written complaints. The designated commune officials shall exercise all efforts to settle AP's issues at the commune level through appropriate community consultation. All meetings shall be recorded in each grievance process and copies shall be provided to AHs. A copy of the minutes of meetings and actions undertaken shall be provided to IRC and ADB upon request.

72. The procedures for grievance redress are set out below.

- a) Stage 1: Affected Household (AH) will submit a letter of complaints/requests to the Village or Commune Resettlement Sub-committee or IRC working group and, if he or she wishes, to the nominated NGO working on the GRC. The NGO will record the complaint/request in writing and accompany the AH to the Village or Commune Resettlement Sub-Committee. The Sub-Committee will be obliged to provide immediate written confirmation of receiving the complaint. If after 15 days the aggrieved AH does not hear from Village or Commune Resettlement Sub-Committee, or if the AH is not satisfied with the decision taken by in the first stage, the complaint may be brought to the District Office.
- b) Stage 2: The District office has 15 days within which to resolve the complaint to the satisfaction of all concerned. If the complaints cannot be solved in this stage, the district office will bring the case to the Provincial Grievance Committee.
- c) Stage 3: The Provincial Grievance Redress Committee meets with the aggrieved party and tries to resolve the complaint. The Committee may ask for a review of the DMS by the EMO. Within 30 days of the submission of the grievance the Committee must make

a written decision and submit a copy of the same to MPWT, the EMO, the IRC and the AH.

- d) **Stage 4: the Court Procedures.** If the aggrieved AH is not satisfied with the solution made by the Provincial Grievance Redress Committee based on the agreed policy in the RP, the committee shall file administrative procedures against the AHs with the participation of provincial prosecutors. The case will be brought to the Provincial Court and the same will be litigated under the rules of the court. During the litigation of the case, Royal Government of Cambodia will request from the court that the project proceed without disruption while the case is being heard. If any party is unsatisfied with the ruling of the provincial court, that party can bring the case to a higher court. The Royal Government of Cambodia shall implement the decision of the court. The mechanism should not impede access to the country's jurisdiction or administrative remedies.

73. All costs involved in resolving the complaints (meetings, consultations, communication and reporting/information dissemination) will be borne by the executing agency.

74. In cases where AHs do not have the writing skills or are unable to express their grievances verbally, it is a common practise that AHs are allowed to seek assistance from any recognized local groups or NGO or other family members, village heads or community chiefs to have their complaints or grievances written for them. AHs will be allowed to have access to the DMS and contract document to ensure that where disputes do occur, all the details have been recorded accurately enabling all parties to be treated fairly. Throughout the grievance redress process, the responsible committee will ensure that the concerned AHs are provided with copies of complaints and decisions or resolutions reached.

75. If efforts to resolve disputes using the grievance procedures remain unresolved or unsatisfactory, AHs have the right to directly discuss their concerns or problems with the ADB Urban and Water Division, Southeast Asia Department through the ADB Cambodia Resident Mission (CARM). If AHs are still not satisfied with the responses of CARM, they can directly contact the ADB Office of the Special Project Facilitator (OSPF). The OSPF procedure can proceed based on the accountability mechanism in parallel with the project implementation.

CHAPTER VI: RESETTLEMENT POLICIES

A. Policies on Land Acquisition and Resettlement

76. There are existing laws that govern land acquisition and resettlement in Cambodia. These laws, together with the ADB's Safeguard Policy Statement shall govern the land acquisition and compensation of affected households under the sub-project Neak Loeung Flood Control.

1. 1993 Constitution

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

Article 44 states that

All persons, individually or collectively, shall have the right to ownership. Only Khmer legal entities and citizens of Khmer nationality shall have the right to own land.

Legal private ownership shall be protected by law.

The right to confiscate properties from any persons shall be exercised only in the public interest as provided for under the law and shall require fair and just compensation in advance.

2. 2001 Land Law

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

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

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

- a) Only legal possession as provided by law can be transformed to land ownership. (Article 6)
- b) Any regime of ownership of immovable property prior to 1979 shall not be recognized. (Article 7)
- c) Article 15 states that "the following properties are included as public properties of state and public legal entities: a) any property that has a natural origin, such as forests, courses and banks of navigable and floatable rivers or natural lakes and seashores; b) that is made available for public use such as quays of harbors, port, railways, railways station and airports; or, c) any property which is made available, either in its natural state or after development, for public use such as roads, tracks, oxcart ways, pathways, gardens or public parks and reserved lands.

- d) Article 18 states that "the following are null and void and cannot be made legal in any form whatever: a) any entering into possession of public properties of State and public legal entities and any transformation of possession of private properties of State into ownership rights that was not pursuant to the legal formalities and procedures that have been stipulated prior to that time, irrespective of the date of creation of possession or transformation; e) any entering into possession of private properties of State, through any means, that occurs after this law comes into effect".
- e) Article 19 states that "any persons whose land title or factual circumstance fall within the scope of article 18 of this law shall not have the right to claim compensation or reimbursement of expenses paid for the maintenance or management of immovable property that was illegally occupied.

Any illegal and intentional or fraudulent acquisition of public properties of state or of public legal entities shall be penalized pursuant to article 259 of this law.

The penalties shall be doubled where any occupation of public properties cause damages or delay to works undertaken in the general interest, especially the occupation of roadway reversed land".

- f) Ownership of immovable properties described in Article 25 is granted by the state to indigenous minorities² as collective ownership. This collective ownership includes all of the rights and protections as enjoyed by private owners. The exercise of collective ownership rights shall be subject to the responsibility of the traditional authorities and decision-making mechanisms of the indigenous community, according to their customs and subject to the laws of general enforcement related to immovable property such as the law on environmental protection. (Article 26)
- g) Persons with legally valid possession of land for five years (at the time the law came into effect) are allowed to be registered as the owner of the land (Article 30). Persons who (at the time the law came into effect) held legal possession but had not yet completed the five years were allowed to remain in possession until they were eligible to be registered as the owner. (Article 31)
- h) Any beginning of occupation for possession shall cease when this law comes into effect (article 29). After this law comes into force, any new occupant with title to an immovable property belonging to the public bodies or private persons shall be considered as illegal occupant and shall be subject to the penalties provided in Article 259 of this Law (Articles 34).
- i) Article 38 states that "in order to transform into ownership of immovable property, the possession shall be unambiguous, non-violent, notorious to the public, continuous and in good faith".
- j) Landless people may apply for land for residential and subsistence farming purposes at no cost, as part of a social land concessions scheme. The

² 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.

concessionaire may obtain ownership of this land after fulfilling conditions set out in a separate Sub-Decree on Social Land Concessions. (Articles 50, 51).

3. **Expropriation Law Feb 2010** - procedures for acquiring private properties for national or public interest

Article 2: the law has the following purposes: (i) ensure reasonable and just deprivation of a legal right to ownership of private property; (ii) ensure payment of reasonable and just prior compensation; (iii) serve the public and national interests; and (iv) development of public physical infrastructure.

Article 7: Only the state may carry out an expropriation for use in the public and national interests.

Article 8: The state shall accept the purchase of the remaining part of the real property left over from an expropriation at a reasonable and just price at the request of the owner of land/or the holder of rights in the expropriated real property, if he is no longer able to live near the expropriated scheme or build a residence or conduct any business.

Article 22: Stipulates the amount of compensation to be paid to the owner of and/or holder of rights in the real property, which is based on the market value of the real property or the replacement cost as of the date of the issuance of the *Prakas* on the expropriation scheme. The market value or the replacement cost shall be determined by an independent commission or agent appointed by the expropriation committee.

B. **Other Relevant Laws and Regulations**

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

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

- a) Privately owned land with title: The owner has official title to land, and both owner and the Cadastral Administration Office have a copy of the deed.
- b) Privately owned land without title: The owner has made an application for title to land, and is waiting for the issuance of a title deed. The Cadastral Administration Office recognizes the owner.
- c) Land use rights certified by the Government: In this case, a receipt for long-term land use has been issued. This land use right is recognized by the Cadastral Administration Office.
- d) Lease land: The Government or private owners lease the land, usually for a short period. There is provision for the owner to reclaim land if it is needed for development.
- e) Non-legal occupation: The user has no land use rights to State land that he occupies or uses. The Cadastral Administration Office does not recognize the use of this land.

83. **Sub-Decree on Social Land Concession, March 2003** -provides for allocations of free private state land to landless people of residential or family farming, including the replacement of land lost in the context of involuntary resettlement.

84. **Prakas No. 6**, entitled “Measures to Crack Down on Anarchic Land Grabbing and Encroachments”, sets ROW for road and railway. In support of this Prakas, MEF on 6 April 2000 issued Decree No. 961 prohibiting compensation for structures and other assets located in the ROWs. Some Road dimensions are modified by the Sub-decree No. 197 adopted on 23 November 2009 on to Management of ROW along the national road and railway in Cambodia.

Table 6-1: Road and Railways ROW Dimensions

Road Category	ROW Dimensions under Prakas No. 06	ROW Dimensions under Sub-decree N _o . 197
NR 1, 4, and 5	30 m from the centerline	30 m from the centerline
Other 1-digit NRs	25 m from the centerline	30 m from the centerline
2-digit NRs	25 m from the centerline	25 m from the centerline
Provincial roads	20 m from the centerline	not specified
Commune roads	15 m from the centerline	not specified
Railway outside city, province and crowned place	30 m from the centerline	30 m from the centerline
Railways in forest area	100 m from the centerline	100 m from the centerline

C. ADB Safeguard Policy Statement

85. The new ADB Safeguard Policy Statement consolidates three existing safeguard policies: involuntary resettlement (IR), indigenous peoples (IP), and environment. The objectives of the IR policy are to (i) avoid involuntary resettlement, (ii) explore alternatives to avoid, (iii) restore livelihoods; and (iv) improve living standards of poor and vulnerable households. The IP policy objectives are to (i) design and implement projects that fosters full respect for IP's identity, dignity, human rights, livelihoods systems, and cultural uniqueness as defined by IP themselves and (ii) ensure that IPs receive culturally appropriate social and economic benefits, do not suffer adverse impacts as a result of projects, and can participate actively in projects that affect them.

ADB's Principles on Resettlement

1. Screen the project early on to identify past, present, and future involuntary resettlement impacts and risks. Determine the scope of resettlement planning through a survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement impacts and risks.
2. Carry out meaningful consultations with affected persons, host communities, and concerned non-government organizations. Inform all displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programs. Pay particular attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, and Indigenous Peoples, and those without legal title to land, and ensure their participation in consultations. Establish a grievance redress mechanism to receive and facilitate resolution of the affected persons' concerns. Support the social and cultural institutions of displaced persons and their host population. Where involuntary resettlement impacts and risks are highly complex and

sensitive, compensation and resettlement decisions should be preceded by a social preparation phase.

3. Improve, or at least restore, the livelihoods of all displaced persons through (i) land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation at replacement value for land when the loss of land does not undermine livelihoods, (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation at full replacement cost for assets that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible.
4. Provide physically and economically displaced persons with needed assistance, including the following: (i) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically and socially into their host communities, and extension of project benefits to host communities; (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required.
5. Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards. In rural areas provide them with legal and affordable access to land and resources, and in urban areas provide them with appropriate income sources and legal and affordable access to adequate housing.
6. Develop procedures in a transparent, consistent, and equitable manner if land acquisition will maintain the same or better income and livelihood status.
7. Ensure those displaced persons without titles to land or any recognizable legal rights to and are eligible for resettlement assistance and compensation for loss of non-land assets.
8. Prepare a resettlement plan elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.
9. Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to affected persons and other stakeholders. Disclose the final resettlement plan and its updates to affected persons and other stakeholders.
10. Conceive and execute involuntary resettlement as part of a development project or program. Include significant involuntary resettlement impacts; consider implementing the involuntary resettlement component of the project as a stand-alone operation.
11. Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.
12. Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.

Other considerations

86. The guidelines for land acquisition, resettlement and rehabilitation are established to provide general principles and directions that must be observed in resettlement process. These guidelines are consistent with the governing laws, and take into account the views of AHs which

were taken from focus group discussions conducted during the initial surveys and meetings. The following principles and guidelines are set forth:

1. The project will explore all means to avoid or minimize involuntary resettlement as much as possible.
2. Participatory process must be observed at all stages of the resettlement activities.
3. Only those AHs found to be residing in, or doing business or cultivating land, or having rights over resources within the project area ROW or land to be acquired or used for the project as of the date of IOL and census (i.e. cut-off date) are eligible for compensation and assistance for lost assets.
4. Any acquisition of, or restriction on access to resources owned or managed by AHs as a common property will be mitigated by arrangements ensuring access to equivalent resources on a continuing basis.
5. The social and economic benefits that AHs will receive must be in harmony with their preferences and will be decided in consultation with them.
6. In line with the provisions of local laws, and international directives, DPs will be assisted in their effort to improve their livelihood and standards of living, or at least to restore them to their former condition, or even better. They will be provided with compensation for lost land and immovable assets, and supplemental assistance, during the transfer.
7. Resettlement programs will include adequate institutional arrangements to ensure effective and timely design, planning, consultation and implementation of compensation and resettlement. They will ensure effective coordination with relevant agencies for the implementation of the resettlement plan.
8. Adequate arrangements will be made for effective and timely supervision, internal and external monitoring of the implementation of the RP.

D. **Mainstreaming of Gender Concerns**

87. The ADB Policy on Gender and Development (1998) adopts gender mainstreaming as a key strategy for promoting gender equality, and for ensuring that women participate in and that their needs are explicitly addressed in the decision-making process for development activities. The new safeguard policy and requirements also reiterates the importance of including gender issues in the preparation of safeguards documents at all stages to ensure that gender concerns are incorporated, including gender-specific consultation and information disclosure. This includes special attention to guarantee women's assets, property, and land-use rights and restoration/improvement of their living standards; and to ensure that women will receive project benefits.

88. The following specific actions were undertaken to address gender issues in the Neak Loeung Flood Control Project during the RP preparation and shall be undertaken in the remaining stages of the project.

- (i) During public consultation meetings, women were represented. Women were encouraged to articulate their needs and gave comments and recommendations to improve the project design.
- (ii) Prior to DMS updating, an orientation shall be done to enable the DMS teams to discuss their respective tasks in relation to gender issues and concerns.
- (iii) During the DMS, both male and female AHs will be encouraged to participate in discussions related to land acquisition and other resettlement issues.

- (iv) In the planning of the income restoration program, female AHs shall be actively involved. Appropriate economic activities for women will be included in the program in order to avoid any marginalization of women's contribution to the household economy.
- (v) Compensation will be given to both men and women.
- (vi) Replacement of land will be registered in the name of both husband and wife.
- (vii) Disaggregated monitoring indicators by gender, ethnicity, and gender of the head of AHs that will be developed for monitoring capacity development training program, livelihood program, participation, and other resettlement activities.

E. **Reconciliation of Government and ADB Policy on Resettlement**

89. The resettlement and compensation policies for the Neak Loeung Flood Control Protection are to be in accordance with ADB requirements and laws of the Government of Cambodia. Under the ADB policy, the bank's requirements must be met with regards to resettlement as defined in the ADB Safeguard Policy Statement 2009.

90. While there are policies and practices of the Royal Government of Cambodia (RGC) that are consistent with ADB's SPS, whenever there is a gap ADB's SPS principles will apply. Past experience of the RGC in ODA funded project³ showed that laws that were not consistent with ODA policies were waived, in favour of ODA's policy requirement. For the proposed sub-project, the provisions and principles adopted in this Resettlement Plan shall supersede the provisions of the relevant decrees particularly if such policy is not consistent with the ADB's SPS.

91. The differences as well as compatibilities between the RGC Laws and Decrees and ADB Policy with regard to resettlement and compensation are provided **Table 6-1** and **Table 6-2** respectively.

³Phnom Penh –Ho Chi Minh City Highway Improvement Project (Loan 1659-CAM)

Table 6-1: GAPS between the RGC Laws vis-a vis ADB Policies and Recommended Project Policy

Key Issues	State Legislation	ADB Policy	Project Policy
Eligibility for compensation & assistance does not include AHs without land title.	Illegal occupants are not entitled to compensation due to violation on declared land use plan; or if they have constructed without permit or have encroached on demarcated land for ROW.	Those without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets. Improve the standards of living of the displaced poor and other vulnerable groups, particularly women.	All AHs without any discrimination whether or not land is owned are eligible for resettlement assistance and compensation for loss of non-land assets. Particular focus on improving the standards of living of the displaced poor and other vulnerable groups, including women.
Voluntary Deed of Donation	Not compensated for portion of land donated for the sub-project	Not covered in ADB's SPS	<p>a. Donation of land shall not exceed 300m2 and should not affect the living standard of AHs.</p> <p>b. Vulnerable households shall be excluded particularly those who will lose more than 10% of land</p> <p>c. Land for donation shall apply only to households whose affected lands do not exceed 10% of land holdings. This may apply to 234 of AHs</p> <p>d. Households whose affected lands are more than 10% of land holding shall be exempted from donating land.</p> <p>e. Vulnerable households such as poor, households headed by women shall be exempted from donating land.</p> <p>f. The execution of the voluntary deed of donation will be further strengthened by the Witness of the act to firm up the transaction, and observance of the protocol requirement.</p>

Key Issues	State Legislation	ADB Policy	Project Policy
Land Valuation	No defined policy. Present practice, valuation of a land is based on price of the nearby subject lands and based on willingness to sell and to buy.	Bank's policy requires an independent land Appraiser who has working knowledge on property valuation and the methodology that the ILA will use is consistent with international standards.	An independent agency specialized in property appraiser will be engaged to conduct replacement cost study during the DMS for the project which will be used for compensation of the updated RP, to be approved by the provincial government.

Table 6-2: Compatible Elements between the RGC Laws vis-a vis ADB Policy

ADB's Policy	Application of ADB Policy in Resettlement Activities in Cambodia
Explore all alternative options to reduce or minimize resettlement impacts.	Mitigation measures were adopted through redesigning of sub-project and/or exploring alternative sites and narrowing the ROWs of sub-projects.
Involuntary Resettlement Policy is applied to projects resulting from loss of assets which include loss of land, structures, income, livelihood, social network, community structures, public or communal resources.	Compliance to ADB's SPS and Involuntary Policy on Resettlement adopted in ADB assisted projects.
Restore to at least equal or better condition of AHs quality of life than before the project took place. Compensation at replacement value.	Provision of various resettlement options such as cash compensation for all affected assets or land exchange with similar features The approach is "willing buyer" and "willing seller" where both parties negotiate on price ensuring that cost of compensation is acceptable to AHs and that amount of compensation is able to restore to former condition. This was demonstrated in the Provincial Road Project, (Battambang) Additional cash assistance or incentives have been extended to cover cost of removal and transport of materials.
Rehabilitation measures to restore livelihood.	Rehabilitation measures are limited to government's provisionary measures. There is no documentation of projects demonstrating full rehabilitation measures to restore livelihood.
Payment of compensation before project starts.	The Land Law specifies payment of compensation in advance before land acquisition starts.

CHAPTER VII: ENTITLEMENTS, ASSISTANCE AND BENEFITS

A. Objectives

92. The objectives of the RP are to ensure that the following objectives are met:
- Adverse social and physical impacts of road projects are avoided, minimized, and or mitigated;
 - AHs are provided with compensation at replacement cost and assistance for lost assets which will contribute to an improvement of, or at least maintain quality of life before the project took place;
 - Improve, rehabilitate or at least restore the livelihoods of all displaced persons; and
 - Assistance to vulnerable groups

B. Project Policies

93. In order to achieve the above RP objectives, the project shall adhere to the policies and principles of RP as set forth.
- a) Involuntary resettlement and impacts on land, structures and other fixed assets will be minimised where possible by exploring all alternative options.
 - b) Compensation will be based on the principle of replacement cost reflecting the current market price.
 - c) All the affected households (without any discrimination such as household headed by women, disabled elderly, landless and people living below the national poverty line) confirmed to be residing in, doing business, or cultivating land or having right over resources within the sub project affected area or land to be acquired or used for sub project during the conduct of IOL and census of AH (Cut off Date) are eligible for resettlement assistance and compensation for non-land assets at replacement cost as mentioned in the entitlement matrix.
 - d) Meaningful consultation will be carried out with the AHs, indigenous households, affected communities and concerned groups and ensure participation from planning up to implementation. The comments and suggestions of AHs and communities will be taken into account.
 - e) The final draft and any updates on the RP will be disclosed at relevant Commune Offices in a form and language(s) understandable to them after approval from the Government and ADB.
 - f) Resettlement identification, planning and management will ensure that gender concerns are incorporated.
 - g) Provide all affected households requiring relocation with needed assistance including the following; assistance and allowances, secure tenure to the relocated land, and better living conditions⁴ at resettlement sites.
 - h) Special measures will be incorporated in the resettlement plan to protect socially and economically vulnerable groups such as indigenous households, households headed by women, children, disabled, the elderly, landless and people living below the generally accepted poverty line.

⁴ This refers to improvements in amenities including (i) provision of a toilet and other sanitation facilities, (ii) drainage to ensure the plot does not flood, (iii) ensured connection to electricity and water, and have access roads.

- i) Existing cultural and religious practices will be respected and, to the maximum extent possible preserved.
- j) Culturally appropriate and gender-sensitive social impact assessment and monitoring will be carried out in various stages of the project.
- k) Land owners will be allowed to harvest before and advance notice will be issued to minimize, if not avoid loss of income arising from the crop loss.
- l) Adequate resources will be identified and committed during the preparation of the RP which shall include sufficient budgetary support and made available to cover resettlement costs within the agreed implementation period.
- m) There will be no civil works that shall take place for any segment of the sub-project, until (i) compensation has been fully paid to AHs; (ii) agreed rehabilitation measures are in place (iii) the area is free from all encumbrances.

C. Principles for Valuation

94. All compensation will be based on the principle of replacement cost. Replacement cost is the amount calculated before displacement which is needed to replace an affected asset without deduction for taxes and/or costs of transaction as follows:

- a) Productive Land (agricultural and aquaculture) based on actual current market prices that reflect recent land sales in the area, and in the absence of such recent sales, based on recent sales in comparable locations with comparable attributes, fees and taxes or in the absence of such sales, based on productive value.
- b) Residential land based on actual current market prices as per agreed RCS⁵ that reflect recent land sales at the time of conducting the RCS, and in the absence of such recent land sales, based on prices of recent sales in comparable locations with comparable attributes; fees and taxes for land.
- c) Houses and other related structures based on actual current market prices of materials and labor without depreciation or deduction for salvaged building materials.
- d) Annual crops equivalent to current market value of crops as per agreed RCS.

D. Eligibility

95. All the affected households identified in the project-impacted areas on the cut-off date, to be validated and confirmed during the DMS, will be entitled to compensation and/or assistance for their affected assets as described in the section below. Those who encroach into the project area and build any new structure after the cut off date will not be entitled to compensation or any other assistance.

E. Entitlement Matrix

96. The project entitlements have been defined in accordance to the degree of various impacts which are taken from the results of the IOL and socio-economic survey. These

⁵ Compensation to be paid within a period of 12 months from the date of replacement cost survey

entitlements are governed by the RGC's policies and take into account the ADB's policy on involuntary resettlement and Safeguard Policy Statement.

97. The eligibility on entitlements generally applies to all households affected by the project which are categorized in the entitlement matrix. The Entitlement Matrix is attached as **Table 7-1** indicating each type of loss and degree of impact with corresponding benefits applicable to the specific condition and impacts on AHs.

Table 7-1: Entitlement Matrix

Item	Type of loss	Entitled persons	Compensation policy	Implementation issues
A. Loss of Land				
1	Residential land/agricultural land/vacant plot (Partial loss/less than 10%) = 62,862.50m ²	Owners with legal title (Legal users are those with recognized or recognizable land use rights such as registered title, land certificate, survey certificate, tax receipts and including unregistered users as per Land Law) 234 AHs lose productive land 18 AHs lose residential/unused land	AHs will receive cash compensation at replacement cost.	If the head of household is married, the title or land certificate will be issued in the names of both spouses. Vulnerable households to be identified during the DMS
2	Residential land/agricultural land/vacant plot (loss/10% or More) = 60,320.52m ²	Owners with legal title (Legal users are those with recognized or recognizable land use rights such as registered title, land certificate, survey certificate, tax receipts and including unregistered users as per Land Law) 63 AHs	1). AHs have two options: a) He/she will be allocated replacement land of similar type, category and productive capacity, located in the same village and with land title or secure tenure; OR b) Cash compensation at replacement value. 2). All transaction fees, taxes and other costs associated with allocation of replacement land with title or secure tenure will be paid from Government budget under the Government's	1) Includes option of compensation to the remaining affected land which is no longer viable. 2) Provision of notice to harvest
B. Loss of Structures				
3	Structure and any other assets/Secondary structures. (Partially affected only)	Owners of the structure whether or not land is owned 11 AHs	(i) For non-relocating households: compensation in cash for all affected structures at 100% of the full replacement cost for materials and labor. The	The calculation of rates will be based on the actual affected area and not the useable area.

			amount will be sufficient to rebuild the structure at current market prices; and (ii) Compensation will be provided in the form of cash without any deductions for depreciation or salvageable materials.	
C. Loss of Productive Trees and Crops				
4	Fruit trees	Custom or legal owner(s) of land; owners of crops or trees (whether have legal or customary title to land or not) 175.AHs	Compensation for affected fruit/nut trees at full replacement cost, which shall be based on average annual value of the product multiplied by five years;	Compensation for standing crops and productive trees
5	Standing crops		Compensation for annual crops at replacement cost, which shall be based on the locally prevailing current market prices for the produce.	Advance notice to harvest at least three month before civil work.
6	Standing timber/industrial trees		The Project shall re-establish a plantation at a new site, where applicable, and provide additional compensation to cover the cost of weeding and other plantation maintenance activities;	
D. Loss of Livelihood				
7	Loss of income full / partial from productive land (from 10% or more of land holdings)	Owner of the productive land. (63AHs)	(i) One-time cash assistance of \$200 per household and (ii) Participate in Income Restoration Program such as agricultural enhancement program and agricultural training program	Livelihood restoration; Support during business re-establishment
E. Impacts on vulnerable AHs				
8	Any loss or impact; significant impacts on vulnerable AHs	Vulnerable households; 94 AHs	(i) One-time cash assistance of \$100 per vulnerable AH. (ii) Entitled to Income Restoration Program (ii) Priority for employment in the project construction works.	Improved livelihoods
F. One-time Cash Assistance				

10	For Partially Affected AHs (2 AHs)	Options include:	One-time cash assistance of \$100 per household	
		Shifting AHs to adjacent area		
		Shifting AHs small store to new site	One-time cash assistance of \$66 per household	
		Shifting AHs small store to adjacent area	One-time cash assistance of \$33 per household	
G. Allowances				
11	Allowance for transport	Shifting AHs and 1 prayer house	Shops and stalls made of light and temporary materials = \$5-\$10; Small shops and houses moving to adjacent area = \$40; Small shops and houses moving to other area in the same village = \$60; House moving to other village = \$70	
H. Impacts on cultural property				
12	Important premises and/or structures	Community, any and all AHs, 1 prayer house	(i) All affected community and religious assets shall be re-established or rebuilt at alternative sites and the full cost of construction	Mitigation of impacts on religious/ceremonial premises and/or structures
I. Unforeseen Impact				
13	Unforeseen Impact if any during project implementation		Appropriate mitigation measures and same entitlement will be applied to any AHs that will emerge due to changes, if any during the detailed design.	Compensation will not apply to new occupants after the cut-off date.
H. Temporary affected properties during construction				
14	Damage to crops and trees during construction (temporary impact)	Owners of crops	1). Contractor will be required by contract to pay these costs. 2). Compensation for lost production in cash at replacement cost (value	1). Construction and maintenance will be carried out so as to minimize damage. 2). Construction will be required by Contract to

15	Damage to fields and associated infrastructure including bund walls, drains, channels, etc.		of lost production within ROW or for access) for the period of construction or maintenance. This will be a minimum of one harvest where damage occurs during growing season.	stay within PRW. 3). As part of the civil works contract, all access roads/driveways to properties adjacent to the road will be repaired or replaced including culverts and other facilities, to a condition equal or better than the present. 4). The disruption period will be minimized as much as possible.
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CHAPTER IX: INCOME RESTORATION AND REHABILITATION

A. Criteria for Assistance

98. Households who lose 10% or more of their productive land and who are completely dependent on land will be included in the income restoration program. A total of 63 AHs will be included in the program.

Neak Loeung

- 63 AHs losing 10% - 70% of productive land;

B. Income Restoration Measures

99. The categories of affected livelihood are identified below with appropriate income restoration intervention. These interventions are responsive to the felt needs expressed by the AHs during the FGDs and consultation meetings held in each commune.

Affected Livelihood	Proposed Income Restoration Measures
(a) Loss of productive land (63 AHs)	<ul style="list-style-type: none"> • Vocational training entitlements; • Access to health programs; Income restoration program such as agricultural enhancement and training programs

100. The 96 AHs who executed voluntary commitment to donate land will only be considered when the conditions of protocol requirement are followed specified in Paragraph 49. When affected donor of land is considered qualified, AHs will not receive compensation for donated land.

C. General Intervention and Rehabilitation Strategy

101. The income restoration and rehabilitation activities shall adopt an approach that both addresses the immediate and sustain the long-term needs of affected AHs.

(i) Short-term strategy

102. Some of the ways to enhance capacity of AHs to augment income will focus on (i) absorption of skilled family members of AHs into the project during construction of the dike. The Project will ensure provision of employment support during construction and project operation. The IRC shall coordinate and arrange with the PMU to absorb some skilled workers from AHs for employment during construction as workers, masons or during operations, as maintenance workers; employment scheme related to demolition and relocation, food for work during construction.

(ii) Long-term strategy

103. The focus would be on the following activities:

- (i) Enhancing food security program to ensure food sources and income aqua farming

livestock raising, seed capital for home based income generation which AHs are currently engaged on;

- ***Agricultural Enhancement Program***

104. Since the majority of AHs are engaged in farming, an agricultural enhancement program will be coordinated with external agencies that provide support for extension programs that will enable affected farmers to increase productivity from smaller productive land areas. One such program would be development of vegetable production for backyard gardening. With over 350 hectares of land now protected from flooding, it is expected that there will be improved productivity and at least 2-3 croppings per year for rice and corn. Vegetable and rice cultivation provide significant increase in farm profitability and ensure food security. The Local Development Specialist will be hired for the sub-project ensure linkages and provision of appropriate technology to farmers, along with provision of farm inputs to increase productivity.

- ***Agricultural Training Program***

105. AHs including those losing more than 10% of productive land, experiencing impacts on livelihoods and will be entitled to participate in one short-term agricultural training course free of charge. Agricultural training program will respond to the current skills of AHs who are primarily farmers. A need assessment and inventory of skill shall be done during the DMS.

D. **Special Measures to Support Vulnerable Groups**

106. Vulnerable AHs are entitled to additional one-time cash assistance of US\$100 per household. Priority for employment will be provided in project construction.

Table 9-2: Cost of Assistance to Vulnerable AHs

Commune	No of AHs	Cash Assistance UNIT COST	Amount (US \$)
Neak Loeung	93	US\$100	9,300
Preak Khsay Kor	1	US\$100	100
Total	94	US100	9,400

E. **Institutional Support**

107. The planning of the income restoration program (IRP) for the affected households will be done as a joint undertaking of the executing agency, relevant provincial and district offices, IRP implementer and the AHs. The designated resettlement staff of the PMU will ensure that livelihood support are carried out, along with monitoring, whether the social objectives of the interventions has been achieved. This activity will commence during the updating of the RP, following approval of the detailed engineering design.

108. The sustainable results of the income rehabilitation measures are dependent on the support of the IRC, project staff and partner agencies, along with appropriate funding support. Thus, budget appropriation needs to be secured for this purpose.

CHAPTER X: RESETTLEMENT BUDGET

A. Procedures For Flow of Funds

109. The cost for resettlement will be covered from the government counterpart funds. At the official request of the IRC, the Ministry of Economy and Finance shall provide the funds for the implementation of the RP in a timely manner through the Provincial Department of Economy and Finance.

110. An accounting procedure and format for the disbursement of compensation will be prepared by the RD-MEF for approval by the IRC. Payment of compensation and allowances shall be given to the AHs in the office of the commune by the Provincial Department of Economy and Finance with the presence of IRC-WG, Provincial Resettlement Subcommittee (PRS), commune/village chief or committee, the EMO and representatives of the APs.

B. Resettlement Budget

111. The resettlement budget is estimated at **US\$387,686.76⁶** as indicated in **Table 10-1 – Summary Resettlement Cost**, which include: (i) compensation cost, (ii) administration cost, which includes costs for consultation and grievance redress mechanism; (iii) monitoring cost, and contingency, The cost of resettlement will be finalized following the updating of the RP based on replacement cost and according to the approved technical design of the sub-project. Details of the Resettlement Cost is attached as in Table 10-1.

Table 10-1: Resettlement Cost

No	Compensation Items	Unit	Unit	Quantity	Total Cost in US\$
			Rate US\$		
A	Compensation for Land				
A1	Neak Loeung Commune				
1	Residential Land	m ²	14	1,466.70	20,533.80
2	Agriculture Land	m ²	0.98	124,218.25	121,733.89
A2	Preak Khsay Kor Commune				
3	Agriculture land	m ²	1.27	3,364.40	4,272.79
Sub Total A					146,540.47
B	Structures and Other Properties				
4	Pump well	LS	300	5	1,500.00
5	Toilet	LS	500	1	500.00
6	house	L.S	40	2.5	100.00
7	Fence (LM)	m2	35	246	8,610.00
8	Wood wall *zinc roof	L.S	100	1	100.00
9	House 1	L.S	40	1	40.00
10	House 2	L.S	40	1	40.00

⁶ The total estimated cost will be updated during project implementation based on the DMS and the RCS conducted during the DMS.

Sub Total B					10,890.00
C	Fruit Trees				
11	Mango	tree	32	6	192.00
12	Palm	tree	27	1,927.00	52,029.00
13	Coconut	tree	27	140	3,780.00
14	Guava	tree	4	5	20.00
15	banana	tree	2.5	1,770.00	4,425.00
16	Others (Non fruit tree)	tree	6	6	36.00
Sub Total C					60,482.00
D	One-time cash Assistance				
17	Productive land loss of 10% or more (Severely Affected)	AHs	200	63	12,600.00
18	Loss of main structure (partially affected)	AHs	100	2	200.00
19	Vulnerable AHs	AHs	100	94	9,400.00
Subtotal D					22,200.00
E	Allowances				
20	Transport allowance for main structures (shift back)	AHs	40	2	80.00
Subtotal E					80.00
F	Total Compensation Cost (A+B+C+D+E)				240,192.47
G	Monitoring cost (5%)				12,009.62
H	Income Restoration Program		500	63	31,500.00
I	Replacement Cost Study				10,000.00
J	Total Cost before Administration cost				293,702.09
K	Administration Cost (20%)				58,740.4187
L	Total (H+I)				352,442.51
M	Contingency 10% of L				35,244.25
Grand Total US \$					387,686.76

CHAPTER XI: INSTITUTIONAL ARRANGEMENTS

A. Executing Agency

112. The executing agency is the Ministry of Public Works and Transport (MPWT) while the implementing agency is the Provincial Public works and Transport. The EA has the overall responsibility and accountability of the proposed sub-project.

B. Project Management Unit

113. A project management unit (PMU) shall be established by the EA to coordinate the project activities. The PMU shall designate a focal person in charge of resettlement and has been involved in other ADB or donor funded projects to be a member of IRC and IRC-WG and will work closely with the Resettlement Department of the MEF (RD-MEF) relative to the preparation, updating, and implementation of the RP. Specific tasks include the following:

- Secure the approval of the RP from the IRC;
- Secure prior approval by IRC and the ADB for any variations in the approved RP;
- Secure the data base of affected persons and assets that will be gathered during the preparation and updating of the RP.
- Prepare progress reports on RP implementation for submission to the MPWT and PMU.

114. The PMU will provide technical assistance to the local administrative authorities, including resettlement planning and implementation. Together with the project Supervision Consultants, the PMU will work closely with the administrative authorities and concerned departments such as the local authorities (commune council/village development council, district and provincial local authorities, community-based organizations.

C. IRC and the Resettlement Departments

115. Based on the Prime Minister Decision No. 13, dated March 18, 1997, the Inter-Ministerial Resettlement Committee (IRC) was firstly established in 1999 for the ADB Loan 1659 CAM: Phnom Penh-Ho Chi Minh City Highway Project. The IRC is a collective entity composed of representatives from different line ministries, such as the Council of Ministers (COM); the MPWT; and the Ministry of Agriculture, Forestry and Fisheries (MAFF), including representatives from the affected Municipalities, the Governor and Deputy Governor of provinces with sub-projects. The IRC then emerged as decision making body and has since been involved in other foreign-assisted government infrastructure projects with involuntary resettlement. The MEF is the permanent Chair of the IRC and reconstitutes it for every development partners' project.

116. The IRC shall assume the function of a quasi-regulatory body, ensuring that funds for resettlement are spent properly and that the RP is carried out as intended. The technical arm of the IRC is RD-MEF tasked to assist the IRC in carrying out the following:

- Review and approve the RP, ensuring that the RP is consistent with ADB's 2009 Safeguard Policy Statement (SPS) and, later, the loan agreement;
- Endorsing the approved RP to ADB;

- Establishing or convening the Provincial Resettlement Committee (PRSC) and its Working Group (WG);
- Orienting, as needed, the PRSC and its working group (PRSC-WG) on their tasks relative to RP updating and implementation;
- Securing from the national treasury the budget for carrying out the RP, ensuring that funds are available in a timely manner and in sufficient amounts;
- Approving all disbursements connected with the implementation of the RP, such as payment of compensation and other entitlements, acquisition and preparation of replacement plots, operational expenses of personnel, etc.;
- Ensuring that funds for resettlement are spent judiciously; and
- With assistance from an independent organization, monitoring the implementation of the RP, ensuring that this is carried out in compliance with the Project resettlement policy in the approved RP and with the loan agreement.

D. Provincial Resettlement Sub-Committee

117. The Provincial Resettlement Sub-Committee (PRSC) is a collegial body at the provincial level. Headed by the Provincial Deputy Governor or Deputy Governor, the members of the PRSC are provincial department directors of line ministries represented in the IRC, and also the chiefs of the districts and communes traversed by the project road.

118. The technical arm of the PRSC is the Working Group (PRSC-WG). The PRSC-WG is headed by Chief or Deputy Chief of Provincial Cabinet and with a Director (or a representative) of the Provincial Department of Public Works and Transport (PDPWT) as members.. The PRSC-WG has a counterpart at the district level and commune level composed of personnel from various line agencies.

119. The PRSC, through the provincial and district working groups are responsible for the following functions:

- Facilitate project information campaign, ensuring that the public, especially the AHs, are updated on any developments regarding the project and resettlement activities;
- Participate the DMS and updating of the census of AHs, including the updating other entitlements;
- Spearhead the selection, acquisition, and preparation of replacement plots, including the preparation of a coordinated schedule of delivery of compensation and other entitlements, the relocation of people, harvesting of standing crops, and the start of civil works in a particular section of the project road sections;
- Spearhead the delivery of compensation and other entitlements to the AHs;
- Receive and act on the complaints and grievances of AHs in accordance with the project resettlement policy; and
- Maintain a record of all public meetings, grievances, and actions taken to address complaints and grievances.

E. Project Implementation Support Consultant

120. The project supervision consultants (PSC) shall have at least one local resettlement specialist on an intermittent basis to assist and supervise all social and resettlement-related activities. Their responsibilities include the following:

- Assist in the conduct of the information campaigns and community participation;
- Assist in the verification of census, inventory of losses and detailed measurement survey activities;
- Check the accuracy of the AHs database prepared and provide improvements if necessary;
- Assist in the preparation of an updated RP;
- Provide capacity training to IRC and PRSC working groups on project policies, grievance redress procedure, public consultation process and effective RP implementation.
- Assist and improve, if necessary, procedures for the coordination of resettlement and compensation activities;
- Ensure that grievances are addressed promptly and properly;
- Establish and implement liaison mechanisms to ensure proper technical and logistical support to PMU, local administrative authorities, resettlement committees and concerned government departments;
- Establish and implement procedures for ongoing internal monitoring;
- Design and deliver capacity development activities for all relevant agencies, as needed,

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

CHAPTER XII: IMPLEMENTATION SCHEDULE

A. Indicative Implementation Schedule of the RP

122. All resettlement activities will be coordinated with the civil works schedule. Land acquisition and relocation of affected households cannot commence until the updated RP has been reviewed and approved by ADB. The EA will not allow construction activities in affected sites until all resettlement activities have been satisfactorily completed, agreed rehabilitation assistance is in place, and that the site is free of all encumbrances.

123. It is estimated that compensation and relocation of households will be completed within the first two years of project implementation.

Table 12-1: Indicative Implementation Schedule

Resettlement Activities	Schedule
RP Preparation	Month 1- Month 2
ADB Approval of Draft RP	Month 3
DMs, RCS and RP Updating	Month 5-8
Submission and ADB Approval of Updated RP	Month 9 -10
Consultation	Month 1- Month 40
Delivery of Compensation and Allowances/Development of Relocation Sites	Month 11-16
Grievance Redress Mechanism	Month 11 – Month 40
Shifting of DPs and Implementation of Income Restoration Program	Month 17-21
Implementation of Income restoration Program	Month 22-34
Internal Monitoring (submission of quarterly report)	Month16-19-22-25-28-31-34
External Monitoring (submission of semi –annual report)	Month 22-28-34
Post-resettlement Evaluation by External Monitor (after 6 months)	Month 40

* Private appraiser may need to update replacement cost during RP implementation if there's delay in disbursing of funds to DPs.

CHAPTER XIII: MONITORING AND REPORTING

A. Internal Monitoring

124. The executing agency will be responsible for internal monitoring of resettlement activities, through the IRC, ensuring that the RP is updated and implemented according to the approved project resettlement plan. The internal monitoring report will be submitted quarterly by MPWT to ADB.

125. The EA will ensure that the reports of the project implementation support consultants include in their progress reports, the status of the resettlement plan implementation, information on location and numbers of people affected, compensation amounts paid by item, and assistance provided to AHs.

126. The objectives of the monitoring program are (i) to ensure that the standard of living of AHs are restored or improved; (ii) to monitor whether the overall project and resettlement objectives are being met; (iii) to assess if rehabilitation measures and compensation are sufficient; (iv) to identify problems and risks; and (v) to identify measures to mitigate problems.

127. The range of activities and issues that need to be recorded and verified, include:

- Compensation, allowance payments and delivery of assistance measures;
- Re-establishment of AHs settlements and business enterprises;
- Reaction of AHs, in particular, to resettlement and compensation packages; and
- Re-establishment of income levels.

B. Internal Monitoring Indicators

128. The principal indicators for internal monitoring of resettlement activities include the following:

- Timely and complete disbursement of compensation to AHs according to the compensation policy agreed in the RP;
- Timely and complete delivery of relocation, income restoration and rehabilitation allowances and measures;
- Allocation of replacement land and development of individual and/or group resettlement sites and infrastructure;
- Project information dissemination and consultation procedures;
- Adherence to grievance procedures and identification of outstanding issues that require further attention and resolution;
- Attention given to the priorities of AHs regarding the options offered;
- Completion of resettlement activities required before the award of civil works contracts.

C. Internal Monitoring Data Collection and Report

129. The EA will establish a database for resettlement monitoring data. It will establish procedures for the collection of data on a monthly basis, and update the database.

130. The internal monitoring report will summarise progress on resettlement activities and will notify ADB of approval by the EA of any changes, as required, to the implementation of the RP. The scope of the report will include:

- (i) The number of AHs by category of impact, district, commune and village, and the status of compensation payments, AHs relocation and income restoration measures for each category.
- (ii) The status of disbursement of cash and allocation of replacement land and housing.
- (iii) The amount of funds allocated and disbursed for a) resettlement program operations and b) compensation, assistance and resettlement activities.
- (iv) The activities, levels of participation, outcomes and issues of the Information Dissemination and Consultation Program.
- (v) The status and outcomes of complaints and grievances and any outstanding issues requiring further attention by provincial or district authorities, or ADB assistance.
- (vi) Implementation problems, including delays, lack of personnel or capacity, insufficient funds, etc.; proposed remedial measures; and, revised resettlement implementation schedule.

D. External Monitoring and Evaluation

131. The External Monitoring Organization (EMO) will be recruited by the IRC and will commence its work prior to or during the DMS, and will carry out independent semi-annual reviews of RP to determine whether intended goals are being achieved, and if not, what corrective actions are needed and will likewise conduct a post-resettlement evaluation study 6 months after the completion of RP implementation. The IRC will prepare the terms of reference (TOR) and submit it to ADB for review and comments before engaging the EMO.

E. External Monitoring Objectives, Indicators and Issues

132. A part from reviewing and assessing the activities during RP updating, the general objective for external monitoring is to verify results and findings of the internal monitoring. Essentially the verification includes an assessment of: (i) the achievement of resettlement objectives, (ii) changes in living standards and livelihoods, (iii) the restoration of the economic and social conditions of the AHs, (iv) the effectiveness, impact and sustainability of assistance measures, (v) the need for further mitigation measures, if any; and, (vi) to identify strategic lessons for future policy formulation and planning. The table in this section presents a range of indicators to be included in the external monitoring of the resettlement program.

133. The external monitoring organization (EMO) will be responsible for checking the procedures and resolutions of grievances and complaints. The EMO may recommend further measures to be taken to redress unresolved grievances. The EMO will submit semi-annual external monitoring report to IRC and MPWT, then IRC will forward the EMO report to ADB. The Project Implementation Support Consultants will provide the necessary training to improve grievance procedures and strategy for the grievance committee members when required.

F. Methodology

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

1 Review Detailed Measurement Survey Database

135. The detailed measurement survey (DMS) i.e. the land acquisition and census survey based on detailed design, is to provide data on 100 percent of AHs. The census will help to create a database for each AH in terms of his/her social-economic status, the nature and extent of losses suffered, compensation and entitlements etc. This database will become the basis for compensation and for monitoring the benefits as well as entitlements the AP receives during the process of implementation.

136. As soon as the detailed design is finalized and marked on the ground is established, the RCS and implementing agencies will carry out the DMS for all AHs. The data will be made available to the EMO to enable them to create their initial database.

2 Conduct Follow-Up Sample Socio-Economic Survey

137. A socio-economic survey will be required during post evaluation on resettlement implementation so as to provide a clear comparison of success/failure of the resettlement action plan. The survey will be conducted among a sample of 20% of AHs. A baseline socio-economic survey will be used the one conducted during the PPTA.

3 Reporting

138. The EMO will be required to submit the findings of the periodic monitoring on semi-annual basis. These monitoring reports will be directly submitted to IRC which will be further sent to ADB.

4 Monitoring Report Follow-up

139. The monitoring reports will be discussed in a meeting between the EMO, IRC and implementing agencies held immediately after submission of the report. Necessary follow-up action will be taken based on the problems and issues identified in the reports and follow-up discussions.

5 Post-Evaluation

140. The external monitor will conduct resettlement process and impact evaluation 6-12 months after completion of all resettlement activities, using the same survey questionnaire and sample as used during the monitoring activities.

Table 13-1: Monitoring and Evaluation Indicators

Type	Indicator	Examples of Variables
PROCESS INDICATOR	Consultation, Participation	Number of consultation and participation programs held with various stakeholders
	Procedures in Operation	<ul style="list-style-type: none"> Census and asset verification/quantification

Type	Indicator	Examples of Variables
		procedures in place <ul style="list-style-type: none"> • Effectiveness of compensation delivery system • Number of land transfers effected • Coordination between implementing agencies and other agencies
OUTPUT INDICATOR	Buildings	<ul style="list-style-type: none"> • Number, type and size of private houses/structures acquired • Number, type and size of community buildings acquired
	Trees and Crops	<ul style="list-style-type: none"> • Number and type of private trees acquired • Number and type of government/community trees acquired • Number and type of crops acquired • Crops destroyed by area, type and number of owners
	Compensation and Rehabilitation	<ul style="list-style-type: none"> • Number of households affected (land, buildings, trees, crops) • Number of owners compensated by type of loss • Amount compensated by type and owner • Number and amount of payment paid • Household compensation payments made to both male and female heads of households • Number of persons with severely affected livelihoods provided with income restoration assistance; • Types of livelihood restoration assistance provided by number of persons and types of livelihoods impacted; • Disbursement of livelihood restoration assistance by type of assistance, types of impacted livelihoods and number of beneficiaries; • Data to be disaggregated by gender
IMPACT INDICATOR	Restoration of Livelihoods	<ul style="list-style-type: none"> • Level of restoration of impacted livelihoods/income sources by type of impacted livelihood; • Effectiveness of income restoration measures to create/restore livelihoods;
	Changes to Status of Women	<ul style="list-style-type: none"> • Participation in community-based programs • Participation in commercial enterprises • Changes in livelihood activities, income and control of self earned income
	Changes to Status of Children	<ul style="list-style-type: none"> • School attendance rates (male/female) • Education achievement levels (male/female) • Health and access to health services (vaccinations up to date, health monitoring, malnutrition rates 0-5 years.)
	Settlement and Population	<ul style="list-style-type: none"> • Growth in number and size of settlements; • Satisfaction with resettlement site living conditions; • Maintenance of establishment of new social networks; • Growth in local market areas;