

Resettlement Plan

August 2012

CAM: Greater Mekong Subregion Southern
Economic Corridor Towns Development Project

Poipet Subprojects:
Wastewater Treatment Plant
Solid Waste Management

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	–	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 -
FHH	–	female headed household
HH	–	Household
AHs	–	affected households
HOH	–	head of household
IOL	–	inventory of losses
NGO	–	nongovernment organization
PMU	–	project management unit
PWWT	–	Poipet Wastewater Treatment Plant
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).
Affected Persons/ 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.

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 (DMS) – 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 APs 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, income restoration support, etc., which are due to the APs, depending on the type and severity of their losses, to restore their economic and social base.
- Host Community Income Restoration Inventory of Losses (IOL) – Means the community already in residence at a proposed resettlement or relocation site.
 - This is the re-establishment of sources of income and livelihood of the affected households.
 - 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 APs 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.

2. The Municipality of Poipet has endorsed two priority subprojects to be included for investment support under the ADB financed GMS-CTDP. These include the (i) Wastewater Treatment Plant and (ii) Solid Waste Management.

3. The proposed WWTP sub-project will require the construction of the following:

4. Civil works for the improvement and upgrading of storm drainage canals with a length of 6,000 meters from the town center to the location of the wastewater treatment plant (WWTP).

- Installation of sewerage pipelines with a length of 2,400 meters on each side of the storm drainage canals.
- Construction of 2,000 meters of outlet pipes from the site of the WWTP.
- Construction of a new wastewater treatment plant in a 10-hectare land area acquired by the municipal government of Poipet.

5. The Physical outputs for the solid waste management are:

- Improved receptacle and primary storage system in the city and at the households
- Improved SWM collection system;
- Improved recycling system, including a MRF;
- Introduction of additional treatment, primarily biological treatment through composting;
- Upgrading and extending the disposal site facilities;
- Establishing a new sanitary landfill with adequate environmental mitigation measures and operational routines; and
- New operational landfill site equipment.

6. The PWWTP is proposed for funding from the ADB and has therefore to fully comply with the ADB's safeguard policies.

B. LAR Impact on PWWTP

7. **Drainage and Sewer Lines.** The IOL has affirmed that no land will be acquired from households resulting from the proposed sub-project as the design will follow the existing road and drainage planned under the land use plan of Poipet. However, there will be a temporary disturbance on land due to excavation and laying of pipes and culverts during construction. A

total of 185 households (777 APs) will be temporarily affected by the proposed WWT due to the construction of drainage and laying down of sewer pipes. 183 households (768 APs) are currently residing in Poipet town and 2 households (9 APs) from Kbal Spaeen. 13 AHs (55 APs) from Poipet will be affected with the removal of main structures/shops/kiosks with an aggregate area of 275 m² households. The affected structures of the 12 households will be rebuilt on the remaining private land on same location but 1 AH (5 APs) will resettle in another location.

Table 1-1: Summary Impacts on Affected Structures

Categories of Affected Households	AHs	APs*	Total Area(m ²)
AHs with affected main structures but with remaining viable land to rebuild their structure	12	50	275
AHs losing house-cum shop structure requiring relocation to another location	1	5	10
AHs losing secondary structures (part of main structure, pathways, front roof, fence, etc) but will be not displaced	172	722	6,813.6
Total	185	777	7,098.6

*APs is based on average family size of 4.2 as per SES requiring validation during DMS

8. There will be no acquisition of private land. However, there will be temporary physical disturbance of 12 AHs (50 APs) whose structures will be removed from the ROW and rebuilt on their remaining viable land on the same location. There will also be temporary economic dislocation of 7 AHs (29 APs) whose business will be temporary halted during construction period. One AH will be required to move to another location.

Table 1-2: Summary LAR Impact

Summary of Impact	Temporary						Temporary	
	Full			Partial				
	AHs	APs	M ²	AHs	APs	M ²	AHs	APs
Loss of land	0	0	0	0	0	0	0	0
Loss of structure (main /business)	5	21	150	8	34	135	13	55
Loss of secondary structure				172	722	6813.6	172	722
Total	5	21	150	172	722		185	777

9. **Wastewater Treatment Plant.** The designated land for the water treatment plant belongs to a private land (Tropicana). A negotiation for land swapping is underway between Tropicana's 10 hectare land with the government's 16 hectares land with similar features and of bigger land area. Documentation on the Deed of Land Exchange is currently under process. The EA assured that this document would be made available during the detailed measurement survey (DMS). However, if Tropicana decide not to swap the land with the government, then it will purchase another land parcel of at least 7 ha for the PWWTP under the agreed policy provided in the RP. The location of the land will be at the area with the same gravity. This will be determined and confirmed during the detailed design stage.

10. Land required for the solid waste management belongs to government land with no dwellers nor major impact on trees and other assets.

C. Measures to Minimize Impacts and Resettlement

11. Efforts to minimize displacement of assets and business structures were done in the proposed PWWTP by constructing the sewage collection pipe and the construction of storm concrete pipe parallel to the existing drainage and limiting the construction works within the prescribed corridor of impact (COI). Easement is specified at 2 meters each from both sides. Appropriate measures were done to ensure that only a portion of structures and land will be acquired during excavation, so that the remaining part would still be viable for use. Adequate time will be provided for households with affected business to restore their shops

D. Legal Policy and Entitlement

12. 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.

13. The cut-off date is established as the last date the IOL is completed, which is on December 27, 2011. A validation of the master list of APs will be undertaken during the detailed measurement survey (DMS) following approval of the detailed design.

E. Participation, Grievance Redress and Disclosure

14. 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.

F. Institutional Arrangements

15. 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 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 IRC and the Resettlement Department of the Ministry of Economy and Finance. The PMU and IRC needs to

ensure that the designated staff has 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-Committees (PRSC) and its Working Group (WG) 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 affected properties appraiser 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.

16. 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.

G. Implementation Schedule

17. The project will be implemented over a period of 30 months. However, the commencement date is not set pending formal project approval.

ES Table 1-3: Resettlement Implementation Schedule

Resettlement Activities	Schedule
RP Preparation	Month 1- Month 3
ADB Approval of Draft RP	Month 3
DMS, RCS and RP Updating	Month 5-8
Submission and ADB approval of Updated RP	Month 9
Consultation	Month 1- Month 40
Delivery of Compensation and Allowances	Month 10-16
Grievance Redress Mechanism	Month 10-Month 40
Implementation of Income Restoration Program	Month 15-21
Internal monitoring (submission of quarterly reports)	Month 16,19, 22, 25,28, 31
External Monitoring (submission of semi annual reports)	Month 28,34
Post-resettlement Evaluation by External Monitor	Month 40

H. RP Budget and Flow of Funds

18. The resettlement budget for Wastewater Treatment and Solid Waste Management Subprojects is estimated at **US\$1,417,484.96** 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. Cost for land acquisition alone contribute 76.5% of the Grand Total Cost. 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.

I. **Monitoring and Evaluation**

19. 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..

CHAPTER I: PROJECT DESCRIPTION

A. **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 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. There are two subprojects that have been proposed in Poipet town. These include: (i) Poipet Wastewater Treatment Plant (PWWTP), and (ii) Solid Waste Management. Both are priority urban environment infrastructures that have been included for investment support under the ADB financed GMS-CTDP.

B. **Project Description and Objectives**

1) **Wastewater Treatment Plant**

3. The sub-project aims to improve the living conditions of the majority of the local population and to contribute to making Poipet a clean and attractive town. The specific objectives of improving the wastewater system are: (i) to drain wastewater from households and commercial establishments through the construction of open and close drainage channels; (ii) to install the wastewater treatment plant in a designated location; (iii) to mitigate health related problems and adverse environmental conditions brought about by the absence of wastewater management system; and (iv) to attract private sector investments.

4. The improvement of the wastewater system and the installation of the treatment plant will entail the construction and upgrading of open and closed drainage canals leading to the wastewater treatment site, as well as construction of reservoir ponds and the installation of a wastewater treatment plant. Specific civil works will include:

5. Civil works for the improvement and upgrading of storm drainage canals with a length of 6,000 meters from the town center to the location of the wastewater treatment plant (WWTP).

- Installation of sewerage pipelines with a length of 2,400 meters on each side of the storm drainage canals.
- Construction of 2,000 meters of outlet pipes from the site of the WWTP.
- Construction of a new wastewater treatment plant in a 10-hectare land area acquired by the municipal government of Poipet.

2) **Solid Waste Management**

6. The specific objectives of this essential sub-project include the following:

- To establish a sanitary landfill for proper disposal of solid waste;

- To install a material recovery facility for proper waste segregation and recycling;
- To procure additional equipment and facilities for improved SW collection;
- To procure additional equipment for improved operation at the SW disposal site;
- To implement public education, motivation and awareness campaigns to support the improved SWM system and;
- To promote public private partnership in the operation and maintenance of the sanitary landfill and material recovery facility.

7. The Physical outputs for the solid waste management are:

- Improved receptacle and primary storage system in the city and at the households
- Improved SWM collection system;
- Improved recycling system, including a MRF;
- Introduction of additional treatment, primarily biological treatment through composting;
- Upgrading and extending the disposal site facilities;
- Establishing a new sanitary landfill with adequate environmental mitigation measures and operational routines; and
- New operational landfill site equipment.

C. **Measure to Minimize Impacts and Resettlement**

8. In the WWTP, efforts to minimize displacement of people, assets and business were done by constructing the sewage collection pipe and the construction of storm concrete pipe parallel to the existing drainage, and limiting the construction works within the corridor of impact (COI), which is defined at 2 meters from both sides of the existing main road.

9. Likewise, appropriate measures to ensure that only a limited portion of land will be excavated as well as limited portion of structures will be required so that the remaining part will still be viable for use. Adequate time will be provided for households with affected business to restore their shops prior to commencement of civil works so that they can still continue with their livelihoods even during construction period. Where there are affected fruit bearing trees and crops, AHs will be allowed to harvest before any construction takes place. The cost of crops and trees is calculated based on annual production multiplied by five years to cover loss of income for the succeeding five years, Compensation for affected land, structures, crops, trees and other assets will be provided at replacement cost as established in the entitlement policy set out in the RP.

10. The proposed 10 hectares site of the wastewater treatment plant belongs to Tropicana, a private firm that allows his employees to plant rice as supplemental income. The government has started negotiating with the owner to swap government land nearby by replacing the 10 hectares of Tropicana with 16 hectares of government land, so that the workers of Tropicana could still continue using the land. The deed of land swapping is currently under process. The EA gave assurance that the said document would be secured and available during the DMS. However, if Tropicana decide not to swap the land with the government, then it will purchase another land parcel of at least 7 ha for the WTPP under the agreed policy provided in the RP. The location of the land will be at the area with the same gravity. This will be determined and confirmed during the detailed design stage.

11. There will neither be any resettlement issue in relation to the construction of the open and close channels and the access roads as these are existing structures and there are no

settlements or residential houses and commercial establishments that will be adversely relocated due to the construction works.

12. The proposed site for the establishment of the sanitary landfill and the installation of the material recovery facility does not have any resettlement concerns since it is an existing open land where there are no residential houses and commercial establishments. The land belongs to the government and the ownership documents have already been obtained for the use of the 10 hectares area. There are no indigenous people or properties that will be adversely affected during the construction works and implementation of the sub-project.

13. A Due Diligence Report is attached as **Addendum** of this RP with respect to Solid Waste Management.

CHAPTER II: SCOPE OF LAND ACQUISITION AND RESETTLEMENT

A. **Methodology**

14. A socio-economic survey was undertaken simultaneous with the IOL. 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 land, structures, and other miscellaneous items such as fence, wells, and communal assets.

15. Prior to the SES and IOL surveys, coordination with the local communes and consultation with affected households were done to facilitate local support and cooperation. The consultation conducted focus group discussions (FGDs) in two affected communes particularly among households that will be directly affected in order to incorporate the views of the AHs and obtain their acceptability and support on the sub-project. A documentation of this process and the minutes are attached as Appendix D- Minutes of FGD Meetings.

16. The scale of impact on land and other assets was determined by the use of meter stick to measure the COI. The IOL survey team was assisted by the technical team and the local counterpart who marked the COI from the center line of the existing road. An additional 2 meters easement from both sides was added covering the entire scope of COI for the sub-project. A topographic survey was also conducted 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 and structures to be affected.

17. The data gathered from the IOL and SES were encoded using SPSS software generated in tabular format.

B. **Cut –off Date**

18. Prior to the conduct of the IOL, 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).

19. The cut-off date is then established as the last date the IOL is completed, which was on December 27, 2011. A validation of the list of AHs will 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 the land acquisition and resettlement issues.

C. **Determining Replacement Cost**

20. The objective of the resettlement cost study (RCS) 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 to the project, 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. (Appendix F: Indicative Replacement Cost of Assets)

21. During project implementation, along with the DMS, the cost indicated in this RP will be further assessed an agency specialized in affected property appraisal 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 professional land appraiser will be used as basis for replacement on compensation of affected assets.

22. 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, as per agreed RCS, 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, as per agreed RCS, 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) **Affected Households**

23. 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 (78%) men and 69 (22%) women.

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

24. There are in total 185 households (777 APs) will be temporary affected by the proposed sub-project except 1 AH of which his/her house cum shop will be moved to another area. Majority of the households are found on Poipet commune, where some 183 (99%) households are settled in the remaining land. Only 2 AHs (9 APs) will be affected from Kbal Spaeen. There are about 111 households that were not available for interview within the limited period of the IOL. While efforts to call back had been done, some households were out of town, other structures were closed. Further assessment of the 111 households needs to be done during the DMS to validate their losses.

Table 2-1: Gender of Household Respondents

Commune	Male		Female		Absentees		Total	
	HHs	%	No	%	HHs	%	No	%
Poipet	41	95.3	31	100	111	100	183	98.9
Kbal Spaeen	2	4.7	0	0	0	0	2	1.1
Total	43	100	31	100	111	100	185	100

25. There will be no acquisition of private land and no relocation of households as the impact is temporary. However, there will be temporary disturbance on 13 AHs (135 APs) whose structures will be removed from the RoW. The structures of the 12 AHs will be removed and rebuilt on their remaining viable land on the same location. Of the total of 13 AHs, there will be temporary physical disturbance on the structures of 7 AHs (29 APs) utilized for business as these will be removed during construction period. The structures of the 7 AHs will be rebuilt on their remaining viable land.

Table 2-2: Summary LAR Impact

Summary of Impact	Temporary						total	
	Full			Partial			AHs	APs ²
	AHs	APs	M ²	AHs	APs	M ²		
Total number of AHs							185	777
Loss of land	0	0	0	0	0	0	0	0
Loss of structure (main and business)	5	21	5	8	34	285	13	55
Loss of secondary structure				172	722	6813.6	172	722
Loss of livelihood (main)								

2) Impact on land

26. The IOL confirms that there is no private land that will be permanently affected by the project. However, temporary disturbance on structures of private land will be experienced during the excavation and laying of pipes. Land will be restored back immediately to its original form following the ground works so that the land will be used again for similar purpose after the project.

27. However, if Tropicana decide not to swap the land with the government, then it will purchase another land parcel of at least 7 ha for the WTPP under the agreed policy provided in

² APs based on average HHs size of 4.2 as per SES requiring validation during the DMS.

the RP. The location of the land will be at the area with the same gravity. This will be determined and confirmed during the detailed design stage.

3) Impact on Structures

28. Overall, a total of 185 households (777 persons) will be temporarily affected by the proposed WWT due to the construction of drainage and laying down of sewer pipes. 183 AHs are currently residing in Poipet town and 2 households (9 persons) from Kbal Spaean. The IOL has also identified 13 structures belonging to 13 AHs. Of these, 5 AHs (21 APs) will lose the entire 5 structures (house cum shop) and 8 AHs will partially lose their house cum shops, or kiosk as shown in **Table 2-2**. However, Of the 13AHs, there is 1 AH (shop cum house) with an aggregate area of 275 m² will be removed entirely to other place. while the remaining will remain in the current location.

Table 2-3: Summary LAR Impact

Categories of affected households	AHs	APs	Total area(m ²)
AHs with affected main structures but with remaining viable land to rebuild their structure	12	50	275
AHs losing house-cum shop structure requiring relocation to another location	1	5	10
AHs losing secondary structures (part of main structure, pathways, front roof, fence, etc) but will be not displaced	172	722	6,813.6
Total	185	777*	7,098.6

- Figure is based on average of 4.2 based on SES results.

Table 2-4: Affected Structures

Type of Structure	Class	Entire		Partial		Total	
		Number of Structures	M ²	Structures	M ²	Number of Structures	M ²
Shop/Kiosk	1C	0	0	1	8.0	1	8
	2B	0	0	1	36.0	1	36
	2D	0	0	2	27.0	2	27
	2G	1	4.0	1	30.0	2	34
	Total	1	4.0	5	101.0	6	105
House cum shop	1C	0	0	1	16.0	1	16
	1D	0	0	1	8.0	1	8
	1F	0	0	1	10.0	1	10
	2G	3	46.0	0	0	3	46
	2K	1	100.0	0	0	1	100
Total	4	146.0	3	34.0	7	180	
Total No of Structures		5	150	8	135	13	285

29. Other structures that will be removed include various types of permanent material attached to main structures as identified in **Table 2-3**. These have an aggregate area of 6,813.6 m².

Table 2-5: Other Structures

Class	Qty	Area (m²)
Fence (F2)	1	10
Front house concrete slab	152	5,438.1
Access road, footpath to house	17	945.5
Front roof extension (thatch/eaves)	22	287
Front roof extension (metal)	11	133
Total	203	6,813.6

4) Impact on Businesses

30. There will be 7 households who own small shops that will experience temporary loss of income during construction. One of these (house-cum shop as mentioned above) will be relocated while the 6 AHs will rebuild their structures on their remaining land. To minimize impact on their income earning small shop owners will be informed at least one month before civilwork start, and they will be facilitated to rebuild their small shops in the residual area of the ROW. The shop owners will be able to continue their business as usual after relocation in a short period of time and there is no impact on their livelihood. However, under this RP, they will be provided a one-time cash assistance for temporary impact on their businesses during construction period for (1)-6 AHs who relocate their business on site and (2)- 1 AH who relocate to a new site.

5) Impact on Trees

31. Only 1 tree will be removed (com-phu).

CHAPTER III: SOCIO-ECONOMIC INFORMATION AND PROFILE

A. Profile of Affected Households

32. This Section presents the baseline information on the socio-economic status of affected households of Poipet affected by the Wastewater Treatment Plant, which is taken from the Socio-economic survey (SES) represented by 41 (22%) households within the immediate vicinity and ROW of the proposed PWWTP. All of the household respondents are from Poiypet commune.

33. Of the 41 household respondents, 24 (58.5%) are male while 17 (41.5%) are female. Total household members of respondents are 172 having an average family size of 4.2 members. The majority of household members are within the age range of 15-60.

Table 3-1: Household Respondents

Commune	AHs	Household Respondents	Gender		Persons	HHs Size
			Male	Female		
Paoy Paet	183	41	24	17	172	4.2
Kbal Spaean	2	0	0	0	0	0
Total	185	41	24	17	172	4.2

34. There is a slight difference between male and female members of households with female members dominating between the ages 15-60 and more male members between ages 5-14.

Table 3-2: Age Group

Age Range	0-14		5-14		15-60		Over 60		Total	
	M	F	M	F	M	F	M	F	M	F
Paoy Paet										
Total	14	11	21	10	54	60	1	1	90	82

Table 3-3: Working Members by Gender

Commune	Full time				Part time				Total
	Male	%	Female	%	Male	%	Female	%	
Paoy Paet	49	45.3	55	51	4	3.7	0	0	108

35. The income of household members showed that all of the respondents are earning above Riel 401,000 (US\$100)/month which is categorized as middle to high income classification. Assuming an average income of US\$150/month and a household size of 4.2 gives a per capita income of US\$1.19 per day.

Table 3-4: Income Range and Classification of Households

Commune	Income Class (Based on Monthly Household Income)						Total
	Poor (below \$65) Riel 260,000		Low-income (\$66-\$100) 261,000-400,000		Middle to High Income (More than \$100) 401,000-above		
	Ahs	%	AHs	%	AHs	%	
Paoy Paet	0	0	0	0%	41	97	41

36. With regards to household expenses, the majority (56.1%) spend within the range of Riel 200,000- 600,000. Some 24% of households spend lower than the declared income range, while 31.7% of household spend just within the declared income range. A significant 24.4% spend between the range of Riel 800,000 and above.

Table 3-5: Household Expenses

Expenses	No. of HHs	Percent
Less than 200000 Riel	2	4.9
200000-400000 Riel	10	24.4
400000-600000 Riel	13	31.7
600000-800000 Riel	4	9.8
800000-1200000 Riel	10	24.4
More than 1600000 Riel	2	4.9
Total	41	100.0

37. As indicated in **Table 3-3**, (96%) are working either as full time or part time. The IOL affirms that there is no adverse effect on livelihood as the sub-project will temporarily use the land and households have remaining land viable for restoring back the structure, even during construction. However, there may be temporary impact on loss of income during project implementation when affected structures will be demolished and some working members may be obliged to supervise the demolition activity.

38. There are 4 households identified as vulnerable within the scope of the sub-project. Vulnerable households are to be provided with special assistance as specified in the entitlement policy.

CHAPTER IV: PARTICIPATORY COMMUNICATION PROCESS

A. Objectives

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

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

B. Identification of Project Stakeholders

40. The project primary stakeholders consist of the following:

- Affected 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

41. 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 Socioeconomic Development Plan.

42. 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, project information was disseminated through close consultations and will continue throughout the project cycle 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

43. 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 (35%) were actively participating during the consultation.

FGDs and Key Informants' Interview

44. A participatory and rapid appraisal was conducted in affected communes through, which inputs from APs provided insight into community and household needs and aspirations and identification of 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:

45. The IOL and SES were undertaken simultaneously with the FGDs and Key Informant Interviews (KIIs) in 2 communes with information from sample representatives of households from primary impact areas was collected, analysed and processed which formed the benchmark for resettlement planning.

D. Disclosure

46. **Meeting with IRC and AHs:** . The salient points of the draft RP, particularly on project impacts and the key principles of the proposed project resettlement policy, have been disclosed to the DPs and concerned local authorities during the public consultations held in Nov-Dec 2011. Similarly, the RP will be translated into local language and the draft project information booklet (PIB) specifying summary of RP will be posted at relevant commune prior to the project appraisal and an updated PIB will be distributed to each AH at the time of DMS.. A copy of the draft RP in Khmer shall be posted at relevant commune offices. Draft RP and final RP will be available at commune office and uploaded in the ADB's website in compliance with the ADB's SPS disclosure requirement. Overall, the participatory activities are summarized in Table 4.1 below.

Table 4-1: Participatory Activities in RP Preparation

Activities	Date	Participants	Outputs	Responsibility
Feasibility Stage				
Project Scoping Workshop Consultation meetings at provincial and commune levels	June-August 2011	IRC Provincial Heads and Local communes Affected Households	Awareness of the Sub-Project Initial social impact assessment of sub-project	Consultants
Data Gathering	December 22-28 2011	Affected Households Local	Baseline data Perception of the	Consultant and

Focus Group Discussion Key Informants Interview IOL and SES		commune leaders Women 25% sample Households	project Mitigation measures Recommendations on RP	local counterpart
Disclosure	To be undertaken	Affected households	Acceptability of the RP Endorsement of the RP	ADB along with IRC
Implementation Stage Establish Resettlement committees Detailed measurement survey Approval and implementation Monitoring and evaluation	To be undertaken	IRC – WG Consultant IRC IRC EMO	Institutional structure in place Final drafting of RP and cost DMS results Land swapping confirmed with Tropicana Secured budget requirement Assessment of target objectives and results	IRC Consultant IRC External monitoring organization or NGO

E. Issues Raised

47. Some 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
November 15 , 2011 Participants 8 Affected households Purpose of meeting: Project Information and dissemination Women: 3 Men: 5	Positive Improved waste management Improved environment and health Increase land value Negative: Relocation (1 AHs) if Row extends beyond 15 meters Decrease of income affecting business by about 30% during construction. No alternative source	Move on the remaining land sub project is not beyond 15 meters. Learn new business or job. Construction should be done during dry season to avoid mess Project should reduce the scale not exceeding 15 meters. Access to income generating capital fund

48. **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 wastewater will result to clean environment, improved health and sanitation, increase in land value, and improve condition of women and children.

49. **Compensation:** Concerns on loss of business was generally raised cost of compensation is perceived as low when government acquires the structure.

50. **Livelihood:** Women expressed the need for capital to start or expand income generating projects. One of the recommendations from the participants includes limiting the right of way as not to exceed 15 meters so that affected households could still rebuild their structures in their remaining land. The ROW is currently specified at 2.5 meters and easement of 2 meters. This scenario confirms that AHs will still have remaining land to build their structures.

F. **Planned Consultation during RP Implementation**

51. 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. 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.

52. 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

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

54. 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 APs 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 public information campaign. The grievance redress mechanism and appeal procedures will also be explained in the project information booklet (PIB) that will be distributed to all APs.

55. 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.

56. 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.

57. 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.

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

59. 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 or 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.

60. 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 POLICY FRAMEWORK

A. Policies on Land Acquisition and Resettlement

1. 1993 Constitution

61. 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

62. 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. It defines the scope of ownership of immovable properties, such as land, trees and fixed structures.

63. 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.”

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

- a. Legal possession is the sole basis for land ownership as defined by law, and all transfers or changes of rights of ownership shall be carried out in accordance with the required general rules for sale, succession, exchange and gift or by court decision. (Article 6)
- 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 minorities³ 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 are allowed to remain in possession until they are 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 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 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.

3. **Expropriation Law February 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 Policies

65. 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.

66. **Sub-Decree on Social Concession, March 2003** - provides for allocations of the State for private land for the purposes of the alleviation of landlessness and poverty, including the replacement of land lost in the context of involuntary resettlement.

67. **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.

Table 6-1: Road and Railways ROW Dimensions

Road Category	ROW Dimensions under <i>Prakas</i> N _{o.} 06	ROW Dimensions under Sub-decree N _{o.} 197
NR 1, 4, and 5	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

68. 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.

D. ADBs Principles on Resettlement

1. Screen the project early on to identify past, present, and future involuntary resettlement impact 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 impact 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 impact 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, social and economic integration of resettled persons 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 is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain an equal or better income and livelihood status.
7. Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets.
8. Prepare a resettlement plan elaborating 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 the full costs of resettlement in the presentation of project's costs and benefits. For a project with significant involuntary resettlement impact, 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 impact 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.

E. Other Considerations

69. 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; ADB SPS and takes into account the views of AHs which were taken from focus group discussions conducted during the initial surveys and meetings.

1. Involuntary resettlement and impacts on land, structures and other fixed assets will be minimized where possible by exploring all alternative options.

2. Compensation will be based on the principle of replacement cost as per agreed RCS⁴.
3. 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 subproject ROW or land to be acquired or used for the subproject during the conduct of the IOL and census of affected household (cut-off date), to be validated and confirmed later during the DMS, are eligible for resettlement assistance and compensation for non-land assets at replacement cost.
4. 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.
5. 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.
6. Resettlement identification, planning and management will ensure that gender concerns are incorporated.
7. 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.
8. Existing cultural and religious practices will be respected and, to the maximum extent practical, preserved. Culturally appropriate and gender-sensitive social impact assessment and monitoring will be carried out in various stages of the project.

F. Mainstreaming of Gender Concerns

70. The ADB Policy on Gender and Development (1998) adopts gender mainstreaming as a key strategy for promoting gender equity, and for ensuring that women participate in, and that their needs are explicitly addressed in the decision-making process for development activities. The new ADB SPS 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.

71. The following specific actions were undertaken to address gender issues in the Poipet Wastewater System during the RP preparation and shall be undertaken in the remaining stages of the project.

- i. During public consultation meetings, women were widely represented. Women were encouraged to articulate their needs and give comments and recommendation 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.

⁴ Compensation to be paid within a period of 12 months from the date of replacement cost survey

- iii. During the DMS, both male and female APs 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 APs 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.

G. Reconciliation of Government and ADB Policy on Resettlement

72. The resettlement and compensation policies for the Poipet Wastewater Treatment Plant and Solid Waste Management 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.

73. In general, in view of the gaps between the laws of RGC with that of ADB's SPS, past experience of the government in ODA funded project⁵ showed that some ordinances which 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 government decrees particularly if such policy is not consistent with the ADB's SPS.

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

⁵ Phnom 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 APs without land title.	Illegal occupants are not entitled to compensation due to violation on declared land use plan; or if they have constructed without permit or have encroached on demarcated land for ROW.	Those without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets. 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.
No compensation for those illegally settled on the ROW	The MEF Prakas is consonant with the position of the 2001 Land Law that individuals who have illegally occupied the ROW or public properties are not entitled to any compensation or social support, regardless of their being an AP or a member of vulnerable groups.	Compensation for loss on non-land based	All AHs, including 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. Particular focus on improving the standards of living of the displaced poor and other vulnerable groups, including women.
Immoveable assets	Any regime of ownership of immovable property prior to 1979 shall not be recognized. (Article 7)	All affected person shall be entitled for resettlement assistance and compensation for non-land based assets	All APs, including those without titles, or are within the ROW are eligible for resettlement assistance and compensation for loss of non-land assets.
Imprisonment on failure to vacate land according to schedule	Failure to vacate illegally occupied land in a timely manner is subject to fines and/or imprisonment. (Article 19)	Protection and improvement on the quality of life of APs.	Sufficient time and resettlement support given to APs during transfer such as transportation and demolition assistance, including food allowance during transfer and settlement for a specified period approved by the IRC.
Unregistered businesses.	Recognizes businesses or economic entities only if they hold a business certificate (i.e. excludes non-registered businesses);	Inclusion of APs in assistance to livelihood restoration and compensate for loss of income during transfer.	Inclusion of those who are economically displaced, even those who are not formally registered (e.g. unregistered businesses, employees without labor contracts) they will be assisted to ensure that their income sources are restored to at least pre-project levels.
Voluntary	Not compensated for	Not covered in ADB's SPS	1. Donation of land shall not

Key Issues	State Legislation	ADB Policy	Project Policy
Deed of Donation	portion of land donated for the sub-project		<p>exceed 300 m² and should not affect the living standard of APs.</p> <p>2. Vulnerable households shall be excluded particularly those who are poor and AH who will lose more than 10% of land.</p> <p>3. Land for donation shall apply only to households whose affected lands do not exceed 10% of land holdings.</p> <p>4. Households whose affected lands are more than 10% of land holding shall be exempted from donating land.</p> <p>5. Vulnerable households such as poor, households headed by women shall be exempted from donating land.</p> <p>6. The land must be free from encumbrances and the execution of the voluntary deed of donation will be further strengthened by a Witness of the act, such as a civil society or representative for AHs, commune leader, to firm up the transaction, and observance of the protocol requirement.</p>
Entitlements on severity of losses	No specific legislation on severity of losses on productive land	ADB policy includes loss incurred to APs from at least 10 per cent or more of productive land or assets	APs who will lose from over 10% or more of their agricultural land whose major economic source is dependent on productive land will be provided with additional assistance.
Land valuation	The price for land compensation is calculated based on the prevailing cost of land at the time of land acquisition which is defined by the IRC. Land payment is usually based on negotiated price between land owner and the government "willing buyer-willing seller" approach.	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 land 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 Poipet Wastewater Treatment Plant
Explore all alternative options to reduce or minimize resettlement impacts.	Mitigation measures are adopted through redesigning of sub-project and/or exploring alternative sites and narrowing the ROWs of sub-projects.
Restore to at least equal or better condition of APs 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, similar size and productivity. This is demonstrated in the land swapping between private land owner and the government, where the latter offered to swap land with higher area, similar features and higher productivity. The Deed of Land Swapping is currently under process and the EA will ensure that this document will be provided during the DMS. Additional cash assistance or incentives have been extended to cover cost of removal and transport of materials.
Rehabilitation measures to restore livelihood.	Income restoration measures are specified.
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

75. The project's entitlements, assistance and benefits stipulated below are governed by the laws of the land and take into account the extent of losses incurred by APs resulting from acquisition of assets. The objectives of the RP are to ensure that the following objectives are met:

- Adverse social and physical impacts of sub-projects are avoided, minimized, and or mitigated;
- Affected persons are provided with appropriate compensation and assistance for lost assets which will contribute to an improvement of, or at least maintain quality of life before the project took place;
- Nobody will be disadvantaged because of the project.
- Improve, rehabilitate or at least restore the livelihoods of all displaced persons;
- Assistance to vulnerable groups such as the poor, indigenous peoples, and households headed by women.

B. Project Policies and Principles

76. In order to achieve the above RP objectives, the project will adhere to the policies and principles of the RP as set forth.

- a. Involuntary resettlement and impacts on land, structures and other fixed assets will be minimized where possible by exploring all alternative options.
- b. Compensation will be based on the principle of replacement cost as per agreed RCS.
- 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 APs, indigenous households, affected communities and concerned groups and ensure participation from planning up to implementation. The comments and suggestions of APs and communities will be taken into account.
- e. The draft, final and any updates on the RP will be disclosed to APs and indigenous households in a form and language(s) understandable to them prior to submission to 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 conditions⁶ 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.
- 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. 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.
- l. There will be no civil works that shall take place for any segment of the sub-project, until (1) compensation has been fully paid to APs; (ii) agreed rehabilitation measures are in place (iii) the acquired land is free from all encumbrances.

C. Principles for Valuation

77. 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:

78. 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.

79. Residential land based on actual current market prices 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.

80. Houses and other related structures based on actual current market prices of materials and labor without depreciation or deduction for salvaged building materials.

81. Annual crops equivalent to current market value of crops as per agreed RCS.

⁶ 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.

D. Eligibility

82. 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

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

84. The eligibility on entitlements generally applies to all households affected by the project which are categorized in the entitlement matrix. The entitlement matrix specifically indicates each type of loss and degree of impact with corresponding benefits applicable to the specific condition and impacts on APs under the sub-project.

Table 7-1: Entitlement Matrix

Item	Type of Loss	Entitled Persons	Compensation Policy	Implementation Issues
A. Loss of Structures				
1	Residential/commercial structure and any other assets. Partially Affected 8 AHs = 135m ² ; Fully affected 5 AHs = 180m ²	Owners with legal title (Legal users are those with recognized land use rights such as registered title, land certificate, survey certificate, tax receipts and including unregistered users as per Land Law)	(i) For non-relocating households: compensation in cash for all affected structures at 100% of the full replacement cost for materials and Labor. The amount will be sufficient to rebuild the structure at current market prices; (ii) Compensation and assistance will be provided in the form of cash without any deductions for depreciation or salvageable materials. The calculation of rates will be based on the actual affected area and not the useable area.	The calculation of rates will be based on the actual affected area and not the useable area.
B. Loss of Secondary Structures				

2	Secondary structures; 172 AHs = 6,813.6m ²	Owners with legal title (Legal users are those with recognized land use rights such as registered title, land certificate, survey certificate, tax receipts and including unregistered users as per Land Law)	Compensation in cash for all affected secondary structures at 100% of the full replacement cost for materials and Labor. The amount will be sufficient to rebuild the structure at current market prices.	The calculation of rates will be based on the actual affected area and not the useable area.
C. Loss of Productive Trees				
3	Standing crops and productive trees removed; 1 Chompu tree	Custom or legal owner(s) of land; owners of crops or trees (whether have legal or customary title to land or not); 1 AHs	Compensation for affected fruit/nut trees shall be based on average annual value of the produce multiplied by five years;	Advance notice to harvest;
C. Loss of Livelihood				
4	Temporary Loss of income from small business	Owner of the non-registered business; 13 AHs	One-time cash assistance of US\$50	Shop owners will be allowed to construct replacement for their stalls before demolishing the existing shops
D. Impacts on vulnerable AHs				
5	Any loss or impact; significant impacts on non-relocating AHs	Vulnerable Households; 4 AHs	(i) One-time cash assistance of \$100 per vulnerable AH; (ii) Employment priority in project construction	
E. One-time Cash Assistance				
6	Structures made of light and temporary materials (Type 1A to 2D) with floor area is less than 60m ²	AHs whose structures will be shifted in adjacent area; 7 AHs	One-time cash assistance of \$33 per household	
7	Structures made of light and temporary materials (Type 1A to 2D) with floor area is 60m ² or more or All structures made of permanent materials (Type 2E to 4C)	AHs whose structures will be shifted in adjacent area; 6 AHs	One-time cash assistance of \$100 per household	
8	Fully affected structures to be relocating to new place	Relocation AHs; 1 AH	(i) One-time cash assistance of \$200 per household; (ii) Entitled to Income Restoration Assistance	Local authority will assist this AH to find any place which is possible for them to continue their business
E. Transport Allowances				

9	Street stalls made of light and temporary materials easily to uprooted	AHs whose street stalls regardless land tenure will be relocated on site.	A lump sum of \$10 for removing cost.	The removal will not cause damage to the structure
10	Small shops and houses can be categorized into type and require shifting back	AHs whose small shops regardless land tenure will be relocated on site. 12 AHs	A lump sum of \$40 for removing cost.	
11	House moving to other village	AHs whose houses regardless land tenure will be relocated to a new site. 1 AHs	A lump sum of \$70 for removing cost.	

F. Temporary affected properties during construction

12	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 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.	1). Construction and maintenance will be carried out so as to minimize damage.2). Construction will be required by Contract to 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.
13	Damage to fields and associated infrastructure including bund walls, drains, channels, etc.			

CHATER VIII: INCOME RESTORATION AND REHABILITATION

85. The IOL has identified 13 households who utilize their main house, kiosk or shops for business. These households will lose their income temporarily as their structures will be removed during construction of the drainage and sewer pipes. 12 AHs still have remaining land to build their lost business. Shop owners will be allowed to construction replacement for their stall before demolishing the existing ones in order to minimize, if not, avoid lost of income. However, affected business of households will be given a one-time cash assistance of \$50. The remaining 1 AHs will require to relocate to new location.

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

86. 4 vulnerable AHs are entitled to additional one-time cash assistance of US\$100 per household. Priority for employment will be provided in project construction.

CHAPTER IX: RESETTLEMENT BUDGET

A. **Procedures For Flow of Funds**

87. The cost for resettlement will be covered from the counterpart funds of the Executing Agency. At the official request of the IRC, the executing agency (EA) shall provide the funds for the implementation of the RP in a timely manner through the Provincial Department of Economy and Finance.

88. 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 AHs.

B. **Resettlement Budget**

89. The resettlement budget for Wastewater Treatment and Solid Waste Management Subprojects is estimated at **US\$1,417,484.96⁷** 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. Cost for land acquisition alone contribute 76.5% of the Grand Total Cost. 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-Poipet Wastewater Treatment Plant

No.	Description	Unit	Rate USD	Quantity	Amount in USD
A	Main Structures				
1	1C	m ²	13.63	24.00	327.12
2	1D	m ²	10.47	8.00	83.76
3	1F	m ²	12.71	10.00	127.10
4	2B	m ²	13.20	36.00	475.20
5	2D	m ²	24.88	27.00	671.76
6	2G	m ²	26.18	80.00	2,094.40
7	2K	m ²	60.00	100.00	6,000.00
Subtotal A					9,779.34
B	Secondary Structures				
8	Fence F2	LM	1.43	10.00	14.30
9	Front-house concrete slab without reinforced	m ²	6.00	5,438.10	32,628.60
10	Bridge access to house/walk passage	m ²	3.69	945.50	3,488.90

⁷ The total estimated cost will be updated during project implementation based on the DMS and the RCS conducted during the DMS.

11	Front roof extension (thatch/leaves)	m ²	5.50	287.00	1,578.50
12	Front roof extension (metal roof)	m ²	14.00	133.00	1,862.00
Subtotal B					39,572.30
C	Crops and Trees				
13	Chom-phu	Tree	5.33	1.00	5.33
Subtotal C					5.33
D	One-time cash assistance				
14	Relocating AH to new site (severely affected)	AH	200.00	1.00	200.00
15	Houses/shops made of concrete and brick and for large wood structure (Types 2E to 4C) or larger than 5m x 12m and remain in same plot	AH	100.00	6.00	600.00
16	Houses/shops made of light materials or wood (Types 1A to 2D) under 5m x 12 m and remain in same plot	AH	33.00	7.00	231.00
17	vulnerable AHs	AH	100.00	4.00	400.00
Subtotal D					1,431.00
E	Allowances				
18	House/shop to be shifted back and resettled in same plot	AH	40.00	12.00	480.00
19	House cum Shop relocate to new site	AH	70	1	70.00
Subtotal E					550.00
F	Cash Assistance for loss of income	AH	50.00	13.00	650.00
G	Total Resettlement Cost				
					51,987.97
20	Unforeseen Land Acquisition	m ²	15.00	70,000.00	1,050,000.00
21	Land Access to Solide Wast Disposal Site	m ²	2.00	12,000.00	24,000.00
H	Total Cost for Resettlement Land Acquisition				
					1,125,987.97
22	Administration Cost (10%)				112,598.80
23	External Monitoring (5%)				56,299.40
24	Replacement Cost Study	Ls			10,000.00
25	Contingency cost (10%)				112,598.80
Grand total					1,417,484.96

CHAPTER X: INSTITUTIONAL ARRANGEMENTS

A. **Executing Agency**

90. The executing agency is the Ministry of Public Works and Transport (MPWT) and the Implementing Agency is Provincial Department of Public Works and Transport (PDPWT). The EA has the overall responsibility and accountability of the proposed sub-project.

B. **Project Management Unit**

91. A project management unit (PMU) shall be established by the EA to coordinate the project activities. The PMU shall designate focal persons 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:

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

92. The PMU will provide technical assistance to the local administrative authorities, including resettlement planning and implementation. Together with the Project Implementation Support 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 organisations.

C. **IRC and the Resettlement Departments**

93. 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..

94. 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);
- 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

95. The Provincial Resettlement Sub-Committee (PRSC) is a collegial body at the provincial level. Headed by the Provincial 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.

96. The technical arm of the PRSC is the Working Group (PRSC-WG). The PRSC-WG is headed by the 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.

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

- Facilitate public information campaign, ensuring that the public, especially the AHs, are updated on any developments regarding the project and resettlement activities;
- Participate in 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 Supervision Consultants

98. The project supervision consultants (PSC) shall have one international resettlement specialist and 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;
- 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,

99. The PMU together with the PSC, will supervise the 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. The PMU needs to ensure that the implementing staff has relevant experience in RP implementation. If not, a capacity building enhancement will be initiated by the PSC before project RP implementation.

CHAPTER XI: IMPLEMENTATION SCHEDULE

A. **Indicative implementation Schedule of the RP**

100. 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.

101. 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 3
ADB Approval of Draft RP	Month 3
DMS, RCS and RP Updating	Month 5-8
Submission and ADB Approval of Updated RP	Month 9
Consultation	Month 1- Month 40
Delivery of Compensation and Allowances	Month 10-16
Grievance Redress Mechanism	Month 10-Month 40
Implementation of Income Restoration Program	Month 15-21
Internal Monitoring (submission of quarterly report)	Month 16, 19, 22, 25,28, 31, 34
External Monitoring (submission of semi annual reports)	Month 28,34
Post-resettlement Evaluation by External Monitor	Month 40

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

CHAPTER XII: MONITORING AND REPORTING

A. Internal Monitoring

102. 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.

103. 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.

104. The objectives of the monitoring are: (i) to ensure that the standard of living of APs 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.

105. 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 APs settlements and business enterprises;
- Reaction of APs, in particular, to resettlement and compensation packages; and
- Re-establishment of income levels.

B. Internal Monitoring Indicators

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

- Timely and complete disbursement of compensation to APs 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;
- Public 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 APs regarding the options offered;
- Completion of resettlement activities required before the award of civil works contracts.

C. Internal Monitoring Data Collection and Report

107. 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.

108. 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

109. 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

110. Apart from reviewing and assessing the activities during RP updating, the general objective for external monitoring is to verify results of the internal monitoring and to provide an independent periodic review and 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 APs, (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.

111. 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.

A. **Methodology**

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

1 Review Detailed Measurement Survey Database

113. 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.

114. As soon as the detailed design is finalized and marked on the ground and the cut-off date 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

115. 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

116. 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

117. 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

118. 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 procedures in place • Effectiveness of compensation delivery system • Number of land transfers effected • Coordination between implementing agencies and other agencies
OUTPUT INDICATOR	Secondary Structures	<ul style="list-style-type: none"> • Number, type and size of private houses/structures acquired • Number, type and size of business establishments 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

Type	Indicator	Examples of Variables
	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;

ADDENDUM

DUE DILIGENCE REPORT LAND ACQUISITION AND RESETTLEMENT Poipet Solid Waste Management

A. Introduction

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.

B. Scope of the Poipet solid Waste Management

The specific objectives of this essential subproject include the following:

- To establish a sanitary landfill for proper disposal of solid waste;
- To install a material recovery facility for proper waste segregation and recycling;
- To procure additional equipment and facilities for improved SW collection;
- To procure additional equipment for improved operation at the SW disposal site;
- To implement public education, motivation and awareness campaigns to support the improved SWM system and;
- To promote public private partnership in the operation and maintenance of the sanitary landfill and material recovery facility.

a. Physical outputs for the solid waste management are:

- i. Improved receptacle and primary storage system in the city and at the households
- ii. Improved SWM collection system;
- iii. Improved recycling system, including a MRF;
- iv. Introduction of additional treatment, primarily biological treatment through composting;
- v. Upgrading and extending the disposal site facilities;
- vi. Establishing a new sanitary landfill with adequate environmental mitigation measures and operational routines;
- vii. New operational landfill site equipment.

b. Non-physical Outputs

- a) Public campaigns for information, motivation and education, supporting the upgraded SWM system
- b) Capacity building and training within the agencies operating the SWM system

C. Land Acquisition and Resettlement Implications

The following components of the landfill have been examined to verify the status and impacts on land.

Establishment of the sanitary land fill with leachate collection and treatment, administration and service buildings.

The proposed sanitary land fill will be established within a vacant land area of 10 hectares that is located 10-12 kilometers east of the town center. The land belongs to the government which will be donated to the project. The proposed site for the establishment of the sanitary landfill and the installation of the material recovery facility do not have any LAR impacts since it is an existing vacant land where there are no residential houses, commercial establishments or any informal dwellers or squatters living there. Land to be acquired belongs to the government of Poipet and the land ownership documents have already been obtained for the use of the 10 hectares area, attached as **Addendum** to this document.

Improvement and upgrading of access road

There is currently an existing road of about 6 kilometers leading to the landfill (**Figure 1**) that needs to be upgraded. There are no inhabitants or land that will be acquired for the upgrading.

An access road of 400 /30 meters connecting the existing road leading to the landfill site needs to be acquired. This road belongs to a private land, belonging to the governor of Poipet who committed to donate the land for the sub-project.. The donation of land will be facilitated by the EA with the governor which will be part of a loan covenant for project loan.

Land is primarily barren and unutilized and there are no inhabitants. The deed of donation for the **land is currently** in process. The executing agency (EA) has also committed to ensure that the documentation on the deed of donation will be made available during the detailed design.

There are anticipated impacts such as noise and dust pollution. The Environmental Management Plan will address these issues/impacts through appropriate conditionality in the civil works contract. The civil works contract will require the contractors to obtain approval of respective City/District Government before they temporarily occupy any land for the purpose of construction material storage, equipment or construction site. The contractors will also be required to negotiate and reach an agreement with the owners of such land before these are used for temporary material storage or site construction. The condition of occupancy of such land with prior agreement will be clearly specified in the civil works contract.

To ensure that temporary impacts during construction will be avoided or minimized, the contract for civil works will include the following provisions: (i) contractor to pay for any land for construction work outside abolishment; the ROW (ii) only idle land will be used to avoid disruption to households and business establishments; (iii) temporary use of land will be restored or improved to its pre-project condition.

D. Conclusion

The Due Diligence Report confirms that the Poipet Solid Waste Management will have no adverse social impacts associated with land acquisition and resettlement and that the project will greatly improve the solid waste management of Poipet leading to significant environmental and health benefits of its populace.