

Draft Resettlement Plan

Project No. 50099-002
May 2018

CAM: Fourth Greater Mekong Subregion Corridor Towns
Development

Stung Treng

CURRENCY EQUIVALENTS

(as of 1 May 2018)

Currency unit	–	riel (KR)
KR1.00	=	\$ 0.000248
\$1.00	=	KR 4,032.50

ABBREVIATIONS

ADB	Asian Development Bank
DED	detailed engineering design
DISC	Design and Implementation Support Consultant
DH	Displaced Household
DMS	detailed measurement survey
DP	Displaced Person
EA	executing agency
GDR	General Department of Resettlement
GRM	grievance redress mechanism
GMS-4	Fourth Greater Mekong Subregion Corridor Towns Development Project
IOL	inventory of losses
IRC	Inter-ministerial Resettlement Committee
IRC-WG	Inter-ministerial Resettlement Committee Working Group
LAR	land acquisition and resettlement
MEF	Ministry of Economy and Finance
MPWT	Ministry of Public Works and Transport
PGRC	Provincial Grievance Redress Committee
PMU	Project Management Unit
PPTA	project preparatory technical assistance
PRSC	Provincial Resettlement Sub-committee
PRSC-WG	Provincial Resettlement Sub-Committee Working Group
RCS	replacement cost study
RGK	Royal Government of Cambodia
RF	resettlement framework
ROW	right-of-way
RP	resettlement plan
SES	socioeconomic survey
WWTP	wastewater treatment plant

NOTE

In this report, "\$" refers to United States dollars.

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DEFINITION OF TERMS

Compensation	– Refers to payment in cash or in kind for an asset or resource that is acquired or affected by a Project at the time the asset needs to be replaced. All compensation is based on the principle of replacement cost, which is the method of valuing assets to replace the loss at current market rates, plus any transaction costs such as administrative charges, taxes, registration and titling costs.
Consultation	– A process that (i) begins early in the project preparation stage and is carried out at different stages of the project and land acquisition and involuntary resettlement cycle; (ii) provides timely disclosure of relevant and adequate information in Khmer Language that is understandable and readily accessible to Displaced Person (DP); (iii) is undertaken in an atmosphere free of intimidation or coercion with due regard to cultural norms; and (iv) is gender inclusive and responsive, and tailored to the needs of disadvantaged and vulnerable groups; enables to consider the incorporation of all relevant views of affected people and other stakeholders into decision making, such as project design, mitigation measures and implementation issues.
Cut-off date	– For this project (i) if the subproject is prepared based on a feasibility study, the cut-off date is the start date of the first consultation meeting with the DPs during the census, and (ii) if the subproject is prepared based on detailed engineering design, the cut-off date is the date of the commencement of the detailed measurement survey. It is also the date that establishes the eligibility of receiving compensation and resettlement assistance by the project DPs. Only those DPs who own, occupy or reside on the land to be acquired for the subproject under the Project as of this date will be eligible for receiving compensation and resettlement assistance in accordance with the Entitlement Matrix specified in the RF or RP.
Detailed Measurement Survey	– With the aid of detailed engineering design, this activity involves the finalization of the inventory of losses, measurement of losses, 100% Socio-economic Survey, and 100% census of DPs.
Displaced Household (DH)	– Any household, physically and/or economically directly affected because of land acquisition and involuntary resettlement. Household means all persons living and eating together as a single social unit.
Displaced Persons (DPs)	– In the context of involuntary resettlement, DPs 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 livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas.
Economic Displacement	– Refers to loss of land, assets, access to assets, income sources, or means of livelihood because of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas.

Eligibility	– Refers to any person or persons, household, firm, private or public institution who has settled in the Project area before the cut-off date, that (i) loss of shelter, (ii) loss of assets or ability to access such assets, permanently or temporary, or (iii) loss of income sources or mean of livelihood, regardless of relocation will be entitled to be compensation and/or assistance.
Entitlement	– Refers to a range of measures comprising compensation, income restoration support, transfer assistance, relocation support, etc. which are due to the DPs, depending on the type and severity of their losses, to restore their economic and social base.
Income Restoration	– Refers to re-establishing productive livelihood of the DPs to enable income generation equal to or, if possible, better than that earned by the DPs before the resettlement or of pre-project levels.
Inventory of Losses	– 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 are identified, measured, their owners identified, their exact location pinpointed, and their replacement costs calculated. Additionally, the severity of impact to the affected assets and the severity of impact to the livelihood and productive capacity of DPs will be determined.
Involuntary Resettlement	– Refers to when displaced persons have no right to refuse land acquisition by the state that result in their displacement which occurs when land is acquired through (i) expropriation by invoking the eminent domain power of the state, or (ii) land is acquired through negotiated settlement when the pricing is negotiated, and the failure will result in expropriation through invoking the eminent domain of power of the state.
Land Acquisition	– Refers to the process whereby 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.
Major Impacts	– Refers to DHs who will (i) lose 10% or more of their total productive land and/or assets; (ii) have to relocate; and/or (iii) lose 10% or more of their total income sources due to the Project.
Physical Displacement	– Refers to relocation, loss of residential land, or loss of shelter because of (i) involuntary acquisition of land; or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas.
Relocation	– This is the physical relocation of a displaced people from her/his pre-project place of residence and/or business.
Replacement Cost	– Replacement cost involves replacing an asset, including land, at a cost prevailing at the time of its acquisition. This includes fair market value, transaction costs, interest accrued, transitional and restoration costs, and any other applicable payments, if any.

Depreciation of assets and structures should not be considered for replacement cost. Where there are no active market conditions, replacement cost is equivalent to delivered cost of all building materials, labor cost for construction, and any transaction or relocation costs.

Where land market conditions are absent or in a formative stage, the DPs and host populations will be consulted with to obtain adequate information about recent land transactions, land value by types, land titles, land use, cropping patterns and crop production, availability of land in the project area and region, and other related information.

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|------------------------|---|---|
| Replacement Cost Study | – | This refers to the process involved in determining replacement costs of affected assets and land and performed by an independent qualified national consultant (firm or individual) with necessary expertise to carry out asset valuation. |
| Resettlement Framework | – | The Resettlement Framework sets out the criteria for screening sub-projects on their resettlement impacts and provides guidance in preparing Resettlement Plans for eligible sub-projects with insignificant resettlement impacts. It defines the objectives, principles, eligibility criteria and entitlements for displaced persons based on (i) Asian Development Bank's Safeguards Policy Statement, 2009; and (ii) the Royal Government of Cambodia laws, rules and regulations. |
| Resettlement Plan | – | This is a time-bound action plan, with budget, setting out the resettlement objectives and strategies, entitlements the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and implementation schedule. |
| Vulnerable Groups | – | These are distinct groups of DPs who are likely to be more adversely affected than others and who are likely to have limited ability to re-establish their livelihoods or improve their status and comprise : (i) all the households living below the national poverty rate established by the Government, ¹ (ii) female headed households with dependents living below the national poverty rate, (iii) disabled headed households with no other means of support, (iv) elderly headed households who are landless and with no other means of support, (v) landless poor living below the national poverty rate, and (vi) indigenous people or ethnic minorities (who often have traditional land rights but no formal titles). |

¹ This includes squatters and those without land titles.

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I. EXECUTIVE SUMMARY

A. Project and Subproject Description

1. The Fourth Greater Mekong Subregion Corridor Towns Development Project (GMS-4, or the Project) will support the governments of Cambodia and the Lao People's Democratic Republic (PDR) in enhancing the competitiveness of towns located along economic corridors in the Greater Mekong Subregion (GMS).

2. The Project aims to improve urban services and competitiveness in the participating towns. This will be achieved through improved and better integrated regional and local planning, and investments in basic urban infrastructure such as drainage, sanitation, solid waste management (SWM), and town center environmental enhancement. The Project will represent the fourth phase of the GMS Corridor Towns Development Initiative, which supports urban development along economic corridors connecting some of the largest cities in the GMS.

3. The Stung Treng subproject includes the development of a lagoon-based wastewater treatment system, a municipal solid waste-controlled landfill and associated equipment, and town center enhancements. In addition, support will be provided to enhance institutional capacities for regional economic connectivity.

B. Scope of Land Acquisition and Resettlement

4. The subproject will require the permanent acquisition of private lands for the wastewater treatment plant (WWTP). Based on the inventory of losses (IOL) conducted on December 20, 2017, a total of 60,065 m² of idle farmlands belonging to 9 displaced persons (DPs) will be acquired, including the removal of a 30 lm barbed wire fence and 40 trees of various species.

5. Temporary resettlement impacts due to the removal and subsequent reconstruction of driveways and road crossing culverts will occur during the construction/improvement of roadside drainage canals located inside the existing road right-of-way (ROW). The removal and restoration of said driveways and culverts will be carried out by the civil works contractor as part of its contract.

C. Information Disclosure, Consultation and Participation and Grievance Redress Mechanism

6. Consultations, public meetings and village discussions with the DPs and the local governments were conducted prior to the conduct of IOL. On December 20, 2017 a public consultative meeting was held at Preah Bat Sangkat with a total of 9 participants of which 2 were women. Consultations will continue during implementation of the RP, consistent with the Project's participatory approach.

7. The grievance redress mechanism has been designed to ensure that the concerns and complaints of the DPs are readily addressed at the local level in a timely and satisfactory manner. The DPs will be made fully aware of their rights through verbal and written means during resettlement planning, updating, and implementation.

D. Legal and Policy Framework

8. This draft RP has been prepared to address land acquisition and involuntary resettlement (LAR) for two Wastewater Treatment Plant (WWTP) subprojects in Stung Treng town. It is

consistent with the relevant laws and regulations of the Royal Government of Cambodia (RGC) and ADB Safeguard Policy Statement (2009). It must be read in conjunction with the Resettlement Framework (RF) for the Project.²

9. The basic compensation and rehabilitation principles adopted in this RP are (a) land acquisition is minimized if avoidance is not possible; (b) compensation and cash and non-cash assistance will be provided to help ensure that DPs are able to maintain, if not improve, their pre-Project living standards; (c) DHs are fully informed and consulted on compensation and relocation options; (d) existing socio-cultural institutions of DPs are supported and used; (e) the Project resettlement policy will equally apply to women and men; (f) lack of formal title will not be a bar to compensation and rehabilitation; (g) particular attention will be extended to vulnerable groups; (h) resettlement is planned and implemented as an integral part of the project and the budget for resettlement is part of Project costs; and (i) DPs are not physically or economically displaced until they are fully compensated for the same.

10. For purposes of this draft RP, the cut-off date for eligibility to project entitlements coincides with the date the public meeting at Preah Bat Sangkat was held prior to the IOL where the project was discussed, including the policy on cut-off date for eligibility to project entitlements. The public meeting was held on December 20, 2017 and the cut-off date was disseminated among the DPs and the communities.

E. Implementation Arrangements

11. The Project will be implemented by MPWT as the executing agency (EA) through the Project Management Unit (PMU), which will support the EA to undertake overall oversight and management of the Project.

12. The Inter-Ministerial Resettlement Committee (IRC), through the General Department of Resettlement of the Ministry of Economy and Finance (GRD-MEF), are responsible for preparing, updating, implementing and monitoring of the RP. At the provincial level, the MPWT and IRC are assisted by the Resettlement Subcommittee in the provinces and districts through the Provincial Resettlement Committee Working Groups (PRSC-WGs).

F. Resettlement Budget and RP Implementation Schedule

13. The total resettlement cost for the subproject is estimated at \$145,920 which includes cost items for compensation for land, structure and trees, in addition to other entitlements and allowances of the DHs; management cost for the implementation of the RP; and contingency. The budget will be finalized following approval of the project and based on the results of the DMS, the replacement cost study (RCS) and approved detailed engineering design and reflected in the detailed RP (DRP). The MEF will be responsible for ensuring the availability of funds for RP implementation.

G. Monitoring and reporting

14. The Department of Internal Monitoring and Data Management (DIMDM) of GDR will be responsible for carrying out internal monitoring which will (i) review the monthly progress reports provided by the relevant Resettlement Department, including fielding its own missions to verify

² The Resettlement Framework is available as a linked document to the Reports and Recommendations of the President.

15. The proposed Project will support the governments of Cambodia and the Lao People's Democratic Republic (PDR) in enhancing the competitiveness of towns located along economic corridors in the Greater Mekong Subregion (GMS). The Project will result in improved urban services and competitiveness in the participating towns. This will be achieved through improved and better integrated regional and local planning, and investment in basic urban infrastructure such as drainage, sanitation, solid waste management, and town center environment enhancement. The Project will represent the fourth phase of the GMS Corridor Towns Development Initiative, which supports urban development along economic corridors connecting some of the largest cities in the GMS. The locations of the three participating towns are shown in **Figure 1** below.

ROAD INFRASTRUCTURE REHABILITATION PLAN

MINISTRY OF PUBLIC WORKS AND TRANSPORT

LEGEND

NATIONAL ROADS

Road No.	Start/End	Length (km)	Status
1	Phnom Penh - Sihanoukville	180.00	Completed
2	Phnom Penh - Battambang	120.00	Completed
3	Phnom Penh - Siem Reap	180.00	Completed
4	Phnom Penh - Kampong Cham	120.00	Completed
5	Phnom Penh - Kampong Speu	120.00	Completed
6	Phnom Penh - Kampong Som	120.00	Completed
7	Phnom Penh - Kampong Thum	120.00	Completed
8	Phnom Penh - Kampong Chhnang	120.00	Completed
9	Phnom Penh - Kampong Chhnang	120.00	Completed
10	Phnom Penh - Kampong Chhnang	120.00	Completed
11	Phnom Penh - Kampong Chhnang	120.00	Completed
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73	Phnom Penh - Kampong Chhnang	120.00	Completed
74	Phnom Penh - Kampong Chhnang	120.00	Completed
75	Phnom Penh - Kampong Chhnang	120.00	Completed
76	Phnom Penh - Kampong Chhnang	120.00	Completed
77	Phnom Penh - Kampong Chhnang	120.00	Completed
78	Phnom Penh -		

16. The Stung Treng output includes: a new 3,800 m³/day lagoon-based WWTP with 147 km pipelines, 2,253 household connections and pump stations, a controlled landfill with a volume capacity of 291,000 m³ including collection vehicles, pedestrian walk pavement rehabilitation with street landscaping and energy-efficient street lights.

16. **Lagoon-based wastewater treatment system.** A lagoon-based wastewater treatment system will be adopted which will comprise three sets of ponds connected in a series, starting with a deep anaerobic pond, moving through a facultative pond, and into a large and shallow maturation pond. This component includes a combined sewer system and a WWTP. The

proposed combined sewer system will be designed to address drainage requirements and the collection and treatment of wastewater from domestic and commercial sources in the urban center. The deliverables of this component include: (i) lagoon-base wastewater treatment facility with capacity of 3,800 m³/d; (ii) 8.9 km of trunk sewer/CSO with D1500 mm; (iii) 3.973 km of trunk sewer/CSO pipes with D1200 mm; (iv) 2.48 km of trunk sewer/CSO pipes with D1000 mm; (v) 1.204 km of trunk sewers D800 mm; (vi) 0.222 km of trunk sewers D600 mm; (vii) 130 km wastewater collection pipes; (viii) 0.09 km of box culvert 2m wide; (ix) six wastewater pumps stations with capacity of maximum 270 l/s; and (x) four pump stations for flood control on riverbank.

17. The combined sewer will serve the three (3) sangkats and the target population within the coverage area are as follows: (i) Krong Stung Treng, 75%; (ii) Srah Ruessei, 10%; and (iii) Preah Bat, 90% of the population.

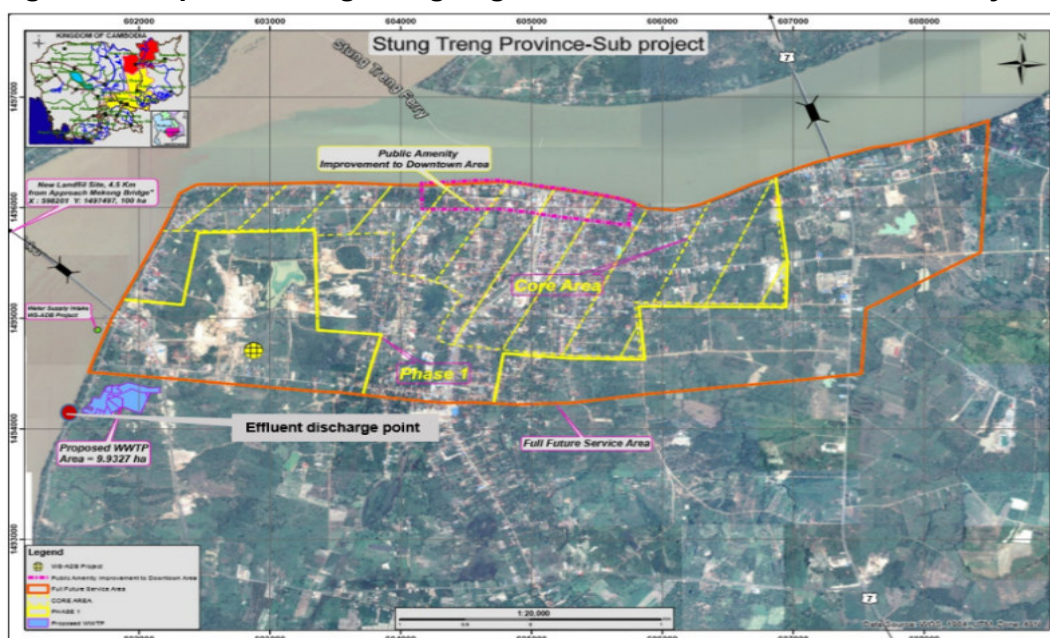
18. The WWTP will be constructed on a 9.9-hectare land plot and is designed to collect and treat wastewater until 2040. Of this land, 3 ha is state land³ while the rest is privately owned idle agricultural⁴ land. Treated effluents from the WWTP will be discharged into an existing stream within the site which flows into the Mekong River. No water users were observed but this should be further investigated during detailed engineering design. The general location of the wastewater system is shown in **Figure 2**.

19. The proposed combined sewer system with the floodgate and pumping stations will mainly cover the urban area, to serve the residential and commercial establishments, including schools, temples, mosques, pagodas, a provincial government office, hospital, and health center.

³ Property of Provincial government and earmarked for government infrastructure projects.

⁴ Per official land classification.

Figure 2: Proposed Stung Treng Lagoon-Base Wastewater Treatment System



20. **Municipal solid waste-controlled landfill and equipment.** A new controlled landfill covering an area of 12 hectares will be developed within a 100-hectare public land. **Figure 3** provides the Location of the Proposed Stung Treng Controlled Landfill and Existing Dumpsite. The facility will have a capacity of 291,000 m³, sized to receive the town's generated wastes until 2040. It will also have 5 waste collection and compaction vehicles; and one crane for handling recyclables. The controlled landfill will be addressed separately after the site is identified. Hence this draft RP does not cover it. Because issuing an official document to support ownership of land, including the formal titles is a lengthy process and was not possible to complete at the feasibility stage, the due diligence for the proposed landfill including all the supporting documents will be completed and submitted to ADB at the detailed design stage during the topographic surveys to ensure compliance with the ADB SPS and re-confirm no LAR impact associated with this state-owned land.

21. **Town center enhancements.** Town center enhancements are proposed to improve the recreational value of selected streets of the Stung Treng town. The target areas for improvement will be (a) along the riverfront walkway, for a distance of approximately 1,100 m between the Four Rivers Hotel (near Road 69) to the west, and Road 55 to the east; (b) at the 30 meter-wide strip between the main double carriageway boulevard (Roads 63 and 64) that run through the center of Stung Treng in a south-north direction down to the riverfront; and (c) around the market square specifically Roads Nos. 51, 12, and 14. Improvements are proposed to include the following: (a) installation of 72 energy-efficiency streetlights, (b) pavement rehabilitation covering an area of 5,800 m², (c) 1,800 meters of kerbing, and (d) provision of auxiliary equipment. These improvements do not entail any LAR impact as identified at the feasibility stage.

Figure 3: Location of the Proposed Stung Treng Controlled Landfill and Existing Dumpsite



22. **Institutional capacities for regional connectivity enhanced.** This output comprises three components: (i) provincial development strategy;⁵ (ii) ICT for public management; and (iii) project management and construction supervision. This component is all software component and does not entail any LAR impact.

B. Measures Adopted to Minimize Resettlement

23. The following measures have been adopted to minimize resettlement:
- The proposed WWTP will be constructed on an idle unproductive land, a portion of which is privately owned, while the rest is owned by the provincial government.
 - The drainage canals will be constructed on public land and road shoulders, and no resettlement impact is expected.
 - The MPWT/PMU will continuously engage DHs in meaningful consultations to inform them of the progress of the Project, their rights and entitlements as DPs.

III. SCOPE OF LAND ACQUISITION AND RESETTLEMENT

24. This draft RP has been prepared for the WWTP in Stung Treng Town. The resettlement impact identified during the conduct of the inventory of losses (IOL) is the acquisition of private land for the WWTP, some trees of various species, and a fence made of wooden pole with barbed wire.

25. The IOL and census of DPs were conducted jointly by the Ministry of Public Works and Transport (MPWT) and the PPTA consultants on December 20, 2017 using IOL survey questionnaire. The IOL determined the potential impact of the Project on affected land assets within the WWTP site. The identified affected assets were tagged, measured and their owners identified. The severity of impacts on the affected assets, livelihood and productive capacity of

⁵ Through a regional economic corridor development analysis on commodity value-chains, tourism, and human resources.

the DPs was also determined. For the census, information on the DPs, such as sources of livelihood, income level and ownership of productive assets were recorded.

A. Permanent Impacts

26. **Displaced persons.** Nine households, comprising 45 DPs, will be affected by the permanent acquisition of their landholdings and trees for the WWTP component. All DPs are legal owners, with Land Certificate, of the affected lands. One DP – So Sarin owns two land plots.

27. **Impact on land.** The IOL identified a total of 60,065 m² of land that will be acquired for the WWTP in Strung Treng. The land is officially classified as agricultural land but is waterlogged for up to five months a year. According to information gathered from sangkat officials and the landowners themselves, the affected landholdings have been idle for at least ten years because they are unproductive. Therefore, none of the displaced households makes a livelihood out of these affected landholdings. **Table 1** provides the list of land owners and their respective land losses.

Table 1: List of Land Owners and Affected Landholdings

Plot N#	Name of Land Owners (Husband & Spouse)		Total land area (m2)	Total Affected area (m2)	% of the impact
828	Mr. Yuos Phorn	Ms. Ngen Dophorn	2,606.00	2,606.00	100
846	Mr. Dorn Rano	Ms. Seng Leakena	3,805.00	3,805.00	100
789	Mr. So Sarin	Ms. Heam Sokhen	31,691.00	31,691.00	100
913	Mr. So Sarin	Ms. Heam Sokhen	807	807	100
83	Mr. Som Ven	Ms. Pin Kunthea	3,631.00	3,631.00	100
84	Mr. Pheng Ratanak	Single	1,564.00	1,564.00	100
85	Mr. Pheng Sophorn	Ms. Som Sopheak	1,591.00	1,591.00	100
809	Mr. Khemera Phorn	Ms. Suon Phorn	1,300.00	1,300.00	100
807	Mr Kosal Sarin	Ms. Rinth Sarin	6,210.00	6,210.00	100
808	Mr. Leap Vean	Widower	6,860.00	6,860.00	100
TOTAL			60,065.00	60,065.00	

28. **Impact on main structures.** No main structure will be affected.

29. **Impact on Secondary Structures.** One fence made of wooden post and barbed wire, with a length of 30 m inside the proposed WWTP site, will be affected.

30. **Impact on trees.** Thirty-nine timber trees of various species inside the proposed site of the WWTP will be affected. Thirteen of these trees are less than 1 year old, while 26 are over 5 years old. (Table 2)

Table 2: Affected Trees, Stung Treng

Name of Timber Tree	Tress < 1 Year	Tress >5 Years	TOTAL
Palm Tree	1	1	2
Char.	10	3	13
Rang.	2	12	14
Derm Sla.		10	10
TOTAL	13	26	39

31. **Major impact.** All the 9 DHs will lose their entire land plots. These land plots are, however not productively used and the impact does not cause major livelihood losses for the affected households.

32. **Vulnerability.** Of the 45 DPs living in 9 HHs, 2 (22%) are women-headed. These are however not considered vulnerable, as they all live above the national poverty line (Table 3). In total 23 DPs are women against 22 men in all the affected households.

Table 3: Count and Gender of Affected Household Head

Subproject	Town	Sangkat	Female	Male	Total
WWTP	Stung Treng	Preah Bat	2	7	9

33. There are no other vulnerable groups affected by the subproject based on the SES and IOL. The surveys and the IOL did not identify any Indigenous Peoples or Ethnic Minorities residing within the area of proposed site.

34. **Summary of impacts.** The summary of LAR impacts for Stung Treng is presented in **Error! Reference source not found..**

Table 4: Summary of Impacts

Item	Unit	Total
Land		
Residential	m ²	0
Idle, categorized as farmland	m ²	60,065
Commercial land	m ²	0
Main Structure		
(house and shop)	m ² /no	0
Other Structure		
Fence	linear meter	30
Crops	number	0
Trees		
Fruit bearing	number	0
Timber	number	39
Major impact	number	9

B. Temporary Impacts

35. To ensure that temporary impacts during construction of the subproject are minimized, if not avoided, the contract for civil works will include the following provisions: (a) contractor to pay rent for any land required for construction work space outside of the ROW; (b) to the extent possible, only idle land will be used as construction work space to avoid disruption to households and business establishments; and (c) temporary use of land will be restored or improved to its pre- project condition. The PMU, assisted by the design and implementation support consultants, will review any written agreement with the DHs, payment records, and disbursement of payments to ensure proper monitoring and compliance with the Project's resettlement policy.

IV. SOCIO-ECONOMIC PROFILE OF DHs

36. Socio-economic information on the affected households for the WWTP component was obtained through the conduct of a socio-economic survey (SES) that coincided with the IOL on 20 December 2017. Information gathered in the SES will serve as baseline data on the DHs.

37. The IOL covered the households (HHs) of the 9 DPs, including 2 female-headed

households affected by the proposed WWTP.

A. Demographic Information of Displaced Persons

38. **Gender, Ethnicity and Civil Status.** In terms of ethnicity, all the HHs are of Khmer ethnic origin and they are all Buddhists. All the respondents are married. The percentage of the population whose civil status are married in the area is higher than the national average of 62%.

39. **Age and Physical Condition.** All the DH heads are within the productive age of less than 60 years and are in good physical condition.

40. **Educational Attainment.** Seven (77%) of DH heads attended elementary education but did not graduate, while 2 (23%), both males, are high school graduates.

41. **Household Size.** The 9 HHs are composed of 45 individuals with almost perfect male-female ratio (23 male and 22 female). The average household size is 5. The average sex ratio is higher than the national average of 94.4% for urban areas.

B. Employment and Income

1. Main Occupation of Household Heads

42. A total of 5 (56%) of the DH heads are farmers, 1 DH head (11%) is a farm laborer, 1 is a construction worker, while the 2 female DH heads (22%) sell goods.

Table 5: Main Occupation of DH Heads

Occupation	Stung Treng	
	Male	Female
Construction	1	0
Farming	5	0
Farm labor	1	0
Selling Goods	0	2
TOTAL	7	2

2. Occupation of DPs

43. Of the total 45 DPs, 23 (51%) are gainfully employed. Among the unemployed are students (22 individuals or 49% of the household members).

44. Of the employed DPs, about 17% (4 DPs) are government employees; 36% (7 DPs) sell goods; 7% (3 DPs) are employed in the construction industry; 22% (5 DPs) are engaged in farming; and 18% (4 DPs) are farm laborers.

Table 6: Occupation of DPs

Occupation	Stung Treng		
	Male	Female	Total
Student	15	7	23
Selling Goods	1	6	7
Govt Employees	2	2	4
Farming	5	0	5
Farm Labor	3	1	4
Construction	3	0	3
TOTAL	29	16	45

3. Income

45. The average monthly income of respondent DPs is \$208 which is less than the national monthly average of \$364 in 2015.⁶ While the DPs average monthly income is below the national level, it is higher than the poverty threshold of \$141.95 for a household of five members as of 2014.⁷ Therefore, none of the DPs considered poor. 15 DPs (33%) have an average monthly income of \$100-149, while 15 DPs have an average monthly income of \$200-249. 10 DPs (22.2%) have an average monthly income of \$300-349, and 5 DPs (11%) earn an average monthly income of \$150-199.

Table 7: Monthly Income

Town	Sangkat	< \$ 50	\$50 - 99	\$100-149	\$150-199	\$200-249	\$250-299	\$300-349
Stung Treng	Preah Bat	0	0	15	5	15	0	10

4. Household Expenditures

46. The major monthly expenses incurred by the households is on food at an average of \$125 a month, followed by clothing at an average of \$50 per month while for education, house maintenance, health, transportation, communication and recreation the DHs spend an average of less than \$50 per month respectively.

Table 8: Households expenditure ranges

ITEMS	< \$50	\$ 50-99	\$ 100-150
Food	0	1	8
Clothing	5	4	0
Education	9	0	0
House Maintenance	9	0	0
Health	9	0	0
Transportation	9	0	0
Communication	9	0	0
Recreation	9	0	0

C. Amenities of Respondent

47. Amenities described include source of potable water, source of water for bathing, toilet facility used by the DHs, bathing facility of DHs, source of electricity for lighting, fuel used for cooking, household appliances and transportation.

48. Source of Potable Water: The majority (56%) of the DHs obtain their potable water from the public piped water system; 22% from rain water; while 11% each obtain water from ground wells or buy purified water for drinking.

⁶ CECI, Euromoney Institutional Investor Company; ceicdata.com

⁷ Cambodia: Country Poverty Analysis, 2014; ADB

Table 9: Source of Potable water of DHs

Town	Sangkat	Ground Well	Public Piped Water	Rain Water	Purified Water	Total
Stung Treng	Preah Bat	5	25	10	5	45

49. Source of water for bathing: The majority of DHs (56%) obtain water from public piped water for bathing, while 10 DP (22%) use rain water for bathing.

Table 10: Source of water for bathing

Town	Sangkat	Ground Well	Public Piped water	Public Well	Rain Water	TOTAL
STUNG TRENG	Preah Bat	5	25	5	10	45

50. Toilet facility used by DPs: All the DPs have water sealed toilet using pail with water to flush their waste.

51. Bathing Facility: The majority (56%) of the DPs reported they have enclosed bathrooms inside their houses; while 20 (44%) use open bathrooms constructed beside their houses.

Table 11: Bathing Facility used by DHs

Town	Sangkat	Enclosed Bathroom inside the house	Open Bath beside the house	Total
Stung Treng	Preah Bat	25	20	45

52. Source of electricity for lighting: All the DPs are connected to the electricity system operated by the government service provider.

53. Fuel for cooking: The common fuels for cooking used by DPs are wood and electricity (42% respectively), and LPG (22%).

54. The preference to use wood for cooking is because it is abundant within the area at no cost.

Table 12: Fuel for Cooking use by DHs

Town	Sangkat	Electricity	LPG	Wood	Total
STUNG TRENG	Preah Bat	20	5	20	45

55. Household Appliances and Transportation: The most common household appliances owned by the 45DPs are the telephone, television set, electric fan, oven and radio. Three DHs have computers.

Table 13: Appliances owned by DHs

Appliances	Stung Treng
Television	45
Refrigerator	25
Radio	45
Telephone	45
DVD/CD	25

Oven	45
Electric Fan	45
Computer	15

56. Motorcycle is the most common mode of transportation owned by households. All households have bicycles, while 1 household owns a car.

Table 14: Transportation owned by households

Transport	Stung Treng
Car	1
Motorcycle	9
Bicycle	9

V. INFORMATION DISCLOSURE, CONSULTATION AND PARTICIPATION

57. Public Consultation and Participation aims to develop and maintain avenues of communication between the Project, stakeholders and DPs. To ensure that the views and concerns of the DPs are considered in project preparation and implementation and to reduce or offset negative impacts and enhance benefits from the Project, the following strategy for information disclosure, consultation and participation have been adopted and implemented under the project.

A. Consultation and Participation

58. The RGC has developed a four-step comprehensive and inclusive public consultation and participation process to carry out meaningful dialogue with the DPs, affected communities and civil society.

59. The MPWT together with GDR will conduct meaningful consultation with DPs, their host communities, and available local civil society organizations for each subproject where involuntary resettlement impact is identified. A 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.

60. MPWT and GDR will ensure the consultation is gender inclusive and special attention is made to ensure the participation of women and the vulnerable group of DPs, as much as possible. All efforts will be made to incorporate mitigation measures to address their concerns, where relevant and possible.

B. First Consultation

61. The first public consultative meeting conducted for the subproject in Stung Treng was held on 20 December 2017 with the affected communities and potential affected persons at the sangkat prior to the IOL. The meeting was arranged by the MPWT through the assistance of the provincial authorities and participated by GDR representative. The purpose of the meeting was to

provide the community and the affected persons with general information about the Project, its benefits and potential impacts, the anticipated land requirement, compensation policy and entitlement and eligibility and the grievance redress mechanism. The meeting was organized in Preah Bat, Stung Treng and was attended by 9 participants out of which 2 were women. These participants were heads of the 9 displaced HHs. The consultation lasted about an hour that started around 1 PM. Photos of the consultation are shown in the **Appendix 2**. Major issues raised with responses are presented below.

Issues raised by DHs	Response
1. Can we still harvest our rice?	Yes, you will be given sufficient time to harvest your crops
2. How is the cost of land determined?	An Independent Appraiser will gather documents on land sales and will compare the cost of such sales with national price. The Appraiser then computes the average between the sales transaction and national price. The computed average will be proposed as the replacement cost of land and will be submitted to MEF for approval.
3. How can we get the compensation?	After the conduct of Detailed Measurement Survey (DMS), MEF and DHs will sign a contract as to cost of compensation. The IRC working group will disburse the compensation to DHs in the commune office.
4. How much is the compensation for affected house?	A Replacement Cost Survey will be conducted to determine the cost of structure according to classification at recent market prices.

62. Beside the public meeting, one-on-one consultations took place during the census and IOL with all the interviewed members affected households, or DPs.

C. Second Consultation

63. The **second** public consultation will take place prior to the DMS stage and is undertaken jointly by the IRC-WG and PRSC-WG. Prior to the commencement of the DMS, consultation meeting will be held with the affected communities at the commune or village level. Consultations will also include Focus Group Discussions (FGDs) with all the affected persons, including the poor and vulnerable groups and one-on-one individual consultations conducted during the census and DMS. The PIB will be updated by the GDR with the information about the entitlements, local GRM, including contact persons, as described in the RF. The detailed guidelines on GRM will be included in the PIB as an attachment. The updated PIB for the Project, its GRM attachment and the DMS Questionnaire will be made available and explained to the all attendees. DPs will be informed that they will be provided the ID cards detailing their affected assets, income and land after the DMS.

64. The updated PIB will also be shared and explained to individual DPs during the house to house DMS survey and measurements of land and property losses. The DPs will be required to confirm the loss of assets and the measurements and get a full understanding of the basis on which the compensation will be paid for the loss assets and other entitlements.

D. Third Consultation

65. The **third** public consultative meeting will be held prior to the signing of the

agreement/contract for the compensation package and will be undertaken jointly by the IRC-WG and PRSC-WG. At this stage, the GRM is functional, the DMS and the RCS are completed, the compensation package for each DH is known and draft contracts prepared. The consultative meeting will be carried out in two parts and an advance notice of the meeting will be provided to the DHs through the commune/village council offices. In the first part, the consultation will be through a public meeting which will be held at the commune/village level for all DHs and commune/village representatives. Minutes of the meeting, including all the supporting documents (lists of participants, photos etc.) will be provided to ADB under the reporting requirements.

66. A PIB for Compensation Package under the Project will be prepared in advance and provided and explained to all the participants. The second part will commence soon after the completion of the first part and held on the same day. Each DH will be provided with the draft contract and the compensation amounts explained to the satisfaction of the DH on one to one basis. For those DHs who were unable to participate in the meeting, best efforts will be made to visit them at their homes or seek the assistance of the village office to make contact with them. DPs will be given one week to study the contract, verify the impact scope and sign it.

E. Fourth Consultation

67. The **Fourth** Consultative Meeting will be conducted when the compensation payments are ready to be disbursed and is undertaken jointly by the IRC-WG and PRSC-WG. The schedule for compensation payments will be informed to DPs at least one week in advance through the commune and village offices. The meeting will be held in a public place at the commune or village.

68. Prior to commencement of the compensation payment the DHs are informed about the GRM for the Project, the **setup of the local GRM committees in their province** and the procedures that will be followed in case they have any complaints. Soon after the public consultation, compensation payments will be made on household to household basis and each DH will be provided an opportunity to seek clarifications about the compensation package prior to receiving the payment.

F. Information Disclosure

69. Summaries of the approved RF, this draft RP and the detailed RP will be translated in the Khmer language and posted at town and sangkat offices for easy and free access to the DPs and the affected communities. For illiterate people, suitable other communication methods will be used based on the discussion and in consultation with the DP. They will also be uploaded in websites of the MPWT both in Khmer and English. Three sets of project information booklets (PIBs) will also be prepared for the different phases of the consultative and participatory meetings (see section on Consultation and Participation) and disseminated **directly** to the DPs as well as posted at the Commune or Town Offices.

70. The GDR will submit the following documents to the ADB for disclosure on ADB's website after their approvals by IRC and the ADB are obtained:

- (i) RF and this draft RP prepared for the subproject, during project preparation prior to completion of project appraisal (ADB Management Review Meeting);
- (ii) draft RPs prepared for the subprojects after approval of the Project by the ADB;
- (iii) the detailed RPs approved by the IRC and concurred by ADB and updates, if any; and

- (iv) a new RP, an updated RP, and corrective action plan prepared during project implementation, if any;
- (v) Semi-annual safeguards monitoring reports.

VI. GRIEVANCE REDRESS MECHANISM

71. A well-structured and functioning Grievance Redress Mechanism (GRM) will be established at the local level following standard government procedures to resolve grievances and complaints in a timely and satisfactory manner as required under the ADB SPS 2009. The Expropriation Law of the RGC provides for a Grievance Redress Committee (GRC) to handle complaints with the additional provision for DPs to seek judicial redress in case they dispute the decision of the GRC.

72. A Provincial Grievance Redress Committee (PGRC) will be established in each of the three provinces where the subprojects are located. The PGRC is empowered, at the administrative level, to make binding decisions on the resolution of eligible complaints. Details of the GRC will be included in the Project Information Booklets (PIBs) and distributed to DPs during the consultations with DPs. The GRM guidelines, including procedures and forms in Khmer language will be distributed as an attachment to the PIB. The PGRC will comprise representatives from the relevant provincial authorities and MEF as follows:

- Provincial Governor – Chair
- Director of Provincial Department of Land Management, Urban Planning and Construction - Vice Chair
- Director of Provincial Department of MEF - Member
- Chief of Provincial Office of Law and Public Security - Member
- District Governor - Member
- One Representative of Local Based CSO - Member

73. The grievances will be handled thorough a 3 Step formal approach detailed in the approved RF for the Project. However, prior to the First Step, the DPs may informally seek the assistance of the commune chief or a community elder to discuss and find an amicable solution to the grievance with the leader of the PRSC-WG. This is done verbally and informally and no recording is required, and moreover its aim is to resolve the matter to avoid lodging formal written complaints. If this problem solving does not resolve the complaint to the satisfaction of the DP, s/he can seek the formal route for lodging the grievance as explained as below:

- (i) **First Step:** The aggrieved DP can lodge a written complaint to the Head of the District Office where the subproject is located. The DP can bring a **community elder** or **representative** to mediate in the matter at the District level. The IRC-WG will appraise the Head of the District Office about the matter. The conciliation meeting must be held and a decision taken within **15 working days** after the date of registration of the complaint by the District Office. If the complaint is resolved at the District Level to the satisfaction of the DP, the IRC-WG will inform GDR's Department of Internal Monitoring and Data Management (DIMDM), which will review and seek the approval of the Director General, GDR for appropriate remedial action. The DP will be informed in writing by the GDR of the decision and the remedial action that will be taken within **15 working days** from the receipt of the letter from the District Office. If the complaint is rejected at this stage, the District Office will inform the DP in writing and if the DP is

not satisfied with the result, s/he can proceed to the next step and **lodge a written complaint to the GDR for resolution.**

- (ii) **Second Step:** The GDR through its DIMDM will carry out a holistic review of the complaint and submit a report on its findings with the relevant recommendations, if any, to the Director General, GDR for a decision. It may also conduct a field visit to meet the aggrieved DP and the IRC-WG to gather the relevant details. The final report must be completed **within 30 working days** from the date of receipt of the complaint and submitted to the Director General, GDR for a final decision within **5 working days** of receipt of the final report. In the event that the subject matter requires a policy level intervention, it will be referred to the IRC for a decision in which case **10 more working days** will be added to the deadline for final decision.
- (iii) **Third Step:** The DP will submit a written complaint with the PGRC through the Provincial Governor's Office. The DP or a representative will be given an opportunity to present its case during the meeting and the PGRC may consider any compelling and special circumstances of the DP when reaching a decision. The GDR will send a representative, as a non-voting member, to provide explanation for the rejection of the complaint at the second step by the GDR. The decision of the PGRC must be reached on a consensus basis and will be final and binding except when the matter relates to any policy of the Government. Decisions on Government policy matters on LAR is decided by the IRC. The PGRC will have **40 working days** from the date of receipt of the complaint to reach a final decision. The decision of the PGRC will be sent to the IRC through the GDR for endorsement before taking any remedial action.

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

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

76. If a DP is still not satisfied and believes s/he has been harmed due to non-compliance with ADB policy and s/he has made good faith efforts to solve the problems by working with the ADB Project Team, s/he may submit a complaint to ADB's Office of Special Project Facilitator or Office of Compliance Review in accordance with ADB's Accountability Mechanism. The information can be found at www.adb.org/site/accountability-mechanism/main.

77. The GDR will circulate the Guidelines for Grievance Redress Mechanism to DPs at the detailed RP stage, when this draft plan will be updated following detailed design. These guidelines, will outline each of the above steps and include the administrative procedures for receiving and redressing complaints during the consultative meetings as described in the Consultation, Participation and Disclosure section of the RF.

VII. LEGAL AND POLICY FRAMEWORK

78. This RP is prepared based on the applicable legal and policy framework of the Royal Government of Cambodia, and ADB's Safeguards Policy Statement (SPS), 2009. It describes the key legal and regulatory documents of the RGC pertinent to land acquisition and resettlement as well as the key principles of the ADB SPS, analyzes the gaps and provides gap filling measures

for this project.

A. The 1993 Constitution of Cambodia

79. The 1993 Constitution of Cambodia sets the key principle for land acquisition. The first is Article 44 which stipulate that expropriation of ownership shall be exercised only in the public interest as provided by law and shall require fair and just compensation in advance.

80. Articles 73 and 74 provide for special consideration and support to vulnerable people including mothers and children, the disabled and families of combatants who sacrificed their lives for the nation. Indigenous minorities however are not explicitly included in these two articles but included in the Land Law.

B. 2001 Land Law

81. The 2001 Land Law governs land and property rights in Cambodia. Based on the provisions of the 1993 Constitution, it defines the regime of ownership of immovable properties, such as land, trees and fixed structures.

82. The rights and responsibilities of the Government with respect to eminent domain are specified in the Land Law. The Government can acquire private land for public purposes but has to pay a fair and just compensation in advance of the land acquisition. The Land Law, Article 5, states that “No person may be deprived of his ownership, unless it is in the public interest. Ownership deprivation shall be carried out in accordance with the forms and procedures provided by law and regulations and after the payment of fair and just compensation in advance.” Other provisions of the Land Law that are relevant to land acquisition, compensation and resettlement include:

- Legal possession as defined by the Law is the sole basis for ownership, 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).
- Any regime of ownership of immovable property prior to 1979 shall not be recognized. (Article 7).
- State public land includes, among other categories, any property a) that has a natural origin, such as forests, courses and banks of navigable and floatable rivers or natural lakes; b) that is made available for public use such as roads, tracks, oxcart ways, pathways, gardens, public parks and reserved land; or, c) that is allocated to render public service, such as public schools, public hospitals or administrative buildings. (Article 15).
- Persons that illegally occupy, possess or claim title to State public land cannot claim any compensation. This includes land established by the Government as public rights-of-way for roads and railways. Moreover, failure to vacate illegally occupied land in a timely manner is subject to fines and/or imprisonment. (Article 19).
- Ownership of the lands is granted by the State to indigenous communities’ as collective ownership, including all the rights and protections enjoyed by private owners. The exercise of collective ownership rights are the responsibility of the traditional authorities and decision-making mechanisms of the indigenous community, according to their customs and subject to laws such as the law on environmental protection. (Article 26).

- Persons with legally valid possession of land for five years (**at the time the law came into effect-2001**) are allowed to be registered as the owner of the land (Article 30).

C. 2010 Expropriation Law

83. The Expropriation Law, passed by the National Assembly on 29 December 2009 and promulgated by the King on 4 February 2010, contains 8 Chapters with 39 Articles. It provides clear procedures on acquiring private properties for national and public interests. Some of the Key Articles of the Law are listed below:

- Article 2: the law has the following purposes: (i) ensure just and fair deprivation of a legal rights to private property; (ii) ensure prior fair and just compensation; (iii) serve the national and public 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 part of the real property left over from an expropriation at a reasonable and just price at the request of the owner of and/or the holder of right in the expropriated real property who is unable to live near the expropriated scheme or to build a residence or conduct any business.
- Article 12: an expropriation committee shall be established and headed by a representative from the Ministry of Economy and Finance (MEF) and composed of representatives from relevant ministries and institutions. The organization and functioning of the expropriation committee shall be determined by a sub-decree.

84. Sub Decree No. 22 ANK/BK promulgated on 22 February 2018 on the SOP for Land Acquisition and Involuntary Resettlement for Externally-Financed Projects sets out the policies, regulations and procedures for carrying out land acquisition and involuntary resettlement that will apply to this Project.

85. The SOP provides for the use of Development Partners Safeguard Policy and for gap filling measures where the provisions of the SOP conflict with the Development Partners mandatory safeguard requirements.

D. Other Relevant Laws and Regulations

86. MEF Sub-Decree No. 115 dated 26 May 2016 on promoting Resettlement Department to GDR provides mandate to the GDR to lead all resettlement activities including preparation of RP, implementing, and internal monitoring of the RP.

E. ADB Safeguards Policy

1. ADB Policy on Involuntary Resettlement

87. The objectives of the ADB SPS (2009) are to: (i) avoid involuntary resettlement, wherever possible; (ii) minimize involuntary resettlement by exploring project and design alternatives; (iii) enhance or at least restore the livelihoods of all DPs in real terms relative to pre-project levels; and (iv) improve the standards of living of the displaced poor and other vulnerable groups.

88. The involuntary resettlement safeguard covers physical displacement (relocation, loss of residential land, or loss of shelter) and economic displacement (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of: (i) involuntary acquisition of land or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas. It also covers whether such losses and involuntary restrictions are full or partial, permanent or temporary

89. ADB's Involuntary Resettlement Policy principles include:

- (i) Screen early to identify involuntary resettlement impacts and risks and determine the scope of resettlement planning through a survey and/or census of DPs, including a gender analysis, specifically related to resettlement impacts and risks.
- (ii) Carry out meaningful consultations with DPs and affected local communities. Inform all DPs of their entitlements and resettlement options and ensure their participation in planning, implementation, monitoring and evaluation of resettlement and pay 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 DPs' concerns. Support the social and cultural institutions of DPs and their host population. Where involuntary resettlement impacts, and risks are highly complex and sensitive, compensation and resettlement decisions should be prepared by a social preparation phase.
- (iii) Improve, or at least restore, the livelihoods of all DPs 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.
- (iv) Provide physically and economically DPs with needed assistance, including the following: (i) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically and socially into their host communities, and extension of project benefits to host communities; (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required.
- (v) Improve the standards of living of the displaced poor and vulnerable group 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.
- (vi) 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 the same or better income and livelihood status.
- (vii) Ensure that DPs without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets.
- (viii) Prepare a RP elaborating on DPs' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.

- (ix) Disclose a draft resettlement plan, including documentation on the consultation process in a timely manner before project appraisal, in an accessible place and a form and language(s) understandable to DPs and other stakeholders. Disclose the detailed resettlement plan and its updates to all DPs and other stakeholders.
- (x) 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 impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation.
- (xi) Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the RP under close supervision throughout project implementation.
- (xii) Monitor and assess resettlement outcomes, their impacts on the standards of living of DPs, and whether the objectives of the RP have been achieved by considering the baseline conditions and the results of resettlement monitoring and disclose monitoring reports.

2. Other Considerations

90. **Indigenous peoples.** Subprojects involving involuntary resettlement of Indigenous People will not be considered under this Project.⁸

91. **Gender.** Gender concerns and issues will be considered in resettlement planning. Gender differentiated benefit-sharing measures are included in the resettlement plans to ensure that the women and men of the households are treated equally.

92. Key gaps between ADB's SPS and the government's policy legislation have been identified and gaps filling measures have been incorporated in the Appendix 1 of the RF. The Entitlement Matrix in the draft RP is based on the gap filling measures provided in Annex 1 of the RF (Comparison of ADB's SPS (2009) and RGC's legislation).

VIII. ENTITLEMENT, ASSISTANCE AND BENEFITS

93. For the purpose of this draft RP, the cut-off-date for eligibility to project entitlements coincides with the date of the public meeting held on December 21, 2017 at Preah Bat Sangkat which occurred before the census and IOL. The cut-off date was disseminated among the community following the public meeting. Those who encroach into the subproject area after the cut-off-date will not be eligible for any compensation or any other assistance.

94. The list of DPs will be updated and/or validated during the DMS following approval of the project at the detailed design stage. The Inter-Ministerial Resettlement Committee (IRC), the government body that is tasked to spearhead the conduct of the DMS and the implementation of the RP, will confirm the final date of the cut-off-date and disclose it on commune and Sangkat boards.

95. DPs in a subproject area are categorized into three types; (i) persons with formal legal rights to land(land title) lost in its entirety or in part; (ii) person who lost the land they occupy in its entirety or in part who have no formal legal rights to such land (land title) , but have claims to such lands that are recognized or recognizable under Cambodian Laws; and (iii) person who lost the

⁸ Indigenous people will be identified in accordance with ADB SPS safeguards Requirement 3.

land they occupy in its entirety or in part who have neither formal legal rights (land title) nor recognized or recognizable claims to such land.

96. At the stage of drafting this RP all the DPs are those under category (i), i.e. have formal titles to the affected land. Hence, they are eligible to the compensation for land and non-land assets at full replacement cost as well as other allowances as relevant.

97. An Entitlement Matrix has been developed for the Stung Treng WWTP taking into account all possible potential impacts and includes only entitlements and allowances identified based on the IOL at the feasibility stage and may be changed at the detailed design stage and upgraded as needed, depending on the type and scope of impact identified as relevant, but not downgraded.

Table 15: Entitlement Matrix

Cat.	Type of Loss	Application	Category of DP	Entitlements	Clarification/Implementation
Loss of Land					
1a	Loss of Land	Agricultural, residential and commercial land	Legal owners and holders of real right of land, including those covered by customary rights	<ul style="list-style-type: none"> Cash compensation for land at full replacement cost or land swap of equal productive value. Provision of stamp duties, land registration fees and other similar taxes, if applicable, for acquiring legal rights in case of replacement land (land for land swap) Includes option of compensation at same replacement cost for affected land that remains after partial acquisition if remaining land becomes unviable or unusable. The remaining land if/when required for improvement, will be estimated by RCS at no cost to DPs (e.g., land filling and leveling). For customary ownership, replacement land to sustain livelihood and way of life. Land registration, stamp duty and other fees to register land ownership or right to use will be reimbursed at cost. 	<p>If land for land is offered, replacement land equal in area, quality and category and with registered title or secure tenure title will go to both husband and wife.</p> <p>Applies to only partial loss of land and where the DH agrees.</p> <p>DHs will vacate the land after one month after compensation has been offered</p>
Loss of use of Land					
2a	Loss of Crops, (timber trees) Fruit Trees	Agricultural land	All DPs losing timber trees	<ul style="list-style-type: none"> Matured trees (more than 5 years) will be valued at full price 	Market price is based on bole diameter at breast height as defined during the RCS
Loss of Structures					
3a	Loss of Structures	Residential commercial structures and other assets (barbed wire net)	Owners of houses, buildings and structures	<ul style="list-style-type: none"> Cash compensation equivalent to replacement value of lost portion of the house / building / structure (wire fence). DH can retain the materials from demolition of their houses or buildings or structures at no cost. 	RCS will determine the replacement cost.
Loss of Livelihood					
4a	Permanent Loss of Livelihood Source due to physical relocation	Income Restoration	DHs who lose their source of livelihood permanently	<ul style="list-style-type: none"> Entitled to participate in any one of the following 3 Livelihood Restoration/Support Programs: Land Based Livelihood Restoration for DHs engaged in land-based livelihood. (i) facilitate access to other land-based sources of income, if affordable productive land is available, like vegetable gardening, fruit tree, livestock and other similar land-based income generating sources; (ii) provision of training in farming or livestock; and (iii) lump sum cash grant 	<p>The program will be based, on the choice of the DPs.</p> <p>Land Based for DH who lose land-based livelihood</p>

Cat.	Type of Loss	Application	Category of DP	Entitlements	Clarification/Implementation
				<p>of US\$ 200 to re-start land based livelihood.</p> <p>In case of unavailability of suitable land, the DHs can opt for either employment or business-based livelihood program.</p> <ul style="list-style-type: none"> • Employment Based Livelihood Restoration for DHs who lose employment permanently. (i) provision of employment skills training; and (ii) lump sum cash grant equivalent to 3 months of income based on official poverty rate to supplement income support during the training period. • Business Based Livelihood Restoration for DHs who lose businesses permanently or DHs who opt for this as an alternative livelihood source. (i) provision of business skills; and (ii) a lump sum cash grant of US\$ 200 to assist in starting micro or home-based business. <p>For Poor and Vulnerable DHs. In addition to skills training, (i) above lump sum cash grant will be doubled; and (ii) priority in any employment opportunity under the Project.</p>	<p>Employment based for those who lose employment-based livelihood.</p> <p>3 months of income based on poverty rate= (Monthly Poverty Rate X Number of Members in DH X 3).</p> <p>Business Based for DHs who lose business-based livelihood. This can also be available to DHs who do not want to continue with land or employment-based livelihood at their own choice.</p> <p>Classification will be carried out during the DMS and in accordance with the established criteria and definition of Vulnerable Group in the RF and this draft RP.</p>

98. **Replacement Cost Principle.** All compensation will be based on the principle of full replacement cost as required by the ADB SPS (2009)⁹. To conduct a replacement cost study (RCS), the GDR will recruit one professional independent appraiser/firm (RCS Consultant) in all the subproject areas during the DMS in order to determine compensation rates reflecting current market prices for (i) agricultural, residential and commercial land; (ii) different types of affected structures; and (iii) crops and trees; business losses; transportation cost; allowance for essential basic infrastructure services; timber/fence trees include under the crops and trees.

99. The RCS will be valid for one year after the completion of DMS and if the offer of the compensation and/or assistance is not made to the DP within this period, the replacement cost will be updated to reflect the then prevailing market valuation by the RCS Consultant. The RCS results will be the basis for estimating the budget for financing the resettlement costs.

100. **For replacement costs of land**, the RCS Consultant will directly interview households that have recently bought or sold land to collect the evidence of the rate of land transaction; and, interview households who are looking for properties to sell or buy within and around the subproject area. The RCS Consultant will also find out from local residents, subject to confirmation/validation through official records of local authorities, the price of various types of land that have been the subject of transactions in the past six (6) months to one (1) year in the community or nearby areas and the prices of various types of land local residents are willing to buy or sell as well as collects data from government offices on recent land transactions and land market assessment.

⁹ Appendix 2, Subsection D. para 10, page 45, ADB SPS (2009).

101. **For structures**, the RCS Consultant will interview owners of structures to determine the construction materials usually used in the locality for each type of building following existing government categories or standards; sources of construction materials used and the unit costs of said materials, including the costs of transporting the same to the locality; and the cost of labor for constructing each type of building found in the locality. In the survey, interviews will also be conducted with building contractors to determine the cost of construction materials for each type of structures in the subproject area following existing government categories; the cost of transporting construction materials to the subproject area (community); the cost of labor for constructing each type of building; and the unit cost per meter square of each type of building in the subproject area following existing government categories. The replacement cost will be based on the latest item rates for construction within the subproject area.

102. **For the crops and trees**, interviews will be conducted with owners, market vendors and seedling suppliers to determine the current selling farm gate price of fruits or crops in the area and compensated accordingly to the formula as shown in the Entitlement Matrix. RCS will collect data from statistics offices on average yields per type of crop and/or tree identified during the DMS.

IX. INCOME RESTORATION AND RESETTLEMENT

103. The results IOL has determined that:

- No household will be affected the loss of livelihood as their land is idle and unproductive and does not generate income or represent their livelihood source;
- No main structure is affected; and
- None of the DH is classified as poor or vulnerable.

104. To ensure female headed households are not disproportionately affected, the two female headed households heads- DPs are entitled to participate in skills training and will be given priority in any employment opportunity under the project although not poor. They will also be provided with lump sum cash assistance of \$ 400 each. The details will be finalized at the detailed design stage depending on the final site alignment and the choice of the DPs.

X. RESETTLEMENT BUDGET AND FINANCING

105. The resettlement budget estimated in this draft RP is indicative, based on the results of the preliminary IOL. Estimated budget will be prepared on the basis of the latest item rates within the subproject area. The unit rates of affected fence and trees were cross referenced with other recently GDR approved projects within the subproject town. The budget will be finalized after the DMS and the Replacement Cost Study to be conducted by an independent consultant recruited by IRC.

A. Fund Flow and Management

106. The GDR will be responsible and accountable for all financial management functions relating to the use of the budgeted funds. The RGC will set up a designated account, called the Counterpart Funds Account for the Project in the National Bank of Cambodia. The funds for LAR are provided to the GDR from the Counterpart Funds Account. The budget is prepared by the GDR and submitted to MEF approval once the Project is approved by the ADB. The GDR will submit a request for release of the allocated budget to the General Department of International

Cooperation and Debt Management (GDICDM) which will process the request and submit to the General Department of National Treasury. The funds are released and deposited into a project designated account established by the GDR for the Project in the National Bank of Cambodia. The funds are released from project designated account, as and when necessary, and provided to the PRSC which is responsible for the disbursement of payments to the AP.

B. Indicative Resettlement Cost

107. The indicative cost of resettlement for the Stung Treng WWTP is US\$ 145,920 (Table 16). The transaction cost for the transfer of land ownership from the legal titleholder to the MEF due to the land acquisition will not be charged to the titleholder and are included in the resettlement costs.

Table 16: Indicative Cost of Resettlement in Stung Treng WWTP

Items	Unit	Quantity	Unit Cost USD	Amount USD
Land				
Agricultural land (idle and unproductive)	sqm	60,065	2	120,130
Other Assets				
Fence	LM	30	5	150
Trees	Number	40	13	520
Entitlements				
Lump sum cash assistance	Female headed households	2	400	800
I. Total Direct Cost				121,600
II. Management Cost			12,160	12,080
III. Contingency			12,160	12,080
Total Resettlement Cost				145,920

XI. INSTITUTIONAL ARRANGEMENT AND IMPLEMENTATION

A. Institutional Arrangement

108. **Ministry of Public Works and Transport (MPWT).** The Project will be implemented by MPWT as the executing agency (EA) through the Project Management Unit (PMU), which will support MPWT in undertaking overall oversight and management of the Project. Consultants will support the PMU to ensure that procedures are followed and that the implementation schedules are kept on track. However, it will not be responsible for carrying out the land acquisition and resettlement activities which is mandated to the General Department of Resettlement (GDR), except for the preparation of the RF and the feasibility stage RPs.

109. **Inter-Ministerial Resettlement Committee (IRC).** The IRC has the mandate to review and evaluate the resettlement impact and land acquisition for public physical infrastructure development projects in the Kingdom of Cambodia. The IRC is a collective entity, permanently chaired and led by the Ministry of Economy and Finance (MEF), with members from different line ministries. The IRC carries out its roles through a Working Group (IRC-WG) which is established by MEF for each public investment project. The IRC is the approving authority for all RFs, draft RPs, and detailed RPs prior to submission to the ADB for its approval.

110. **General Department of Resettlement (GDR).** The GDR is the permanent Secretariat of the IRC and the General Department of the MEF and is the lead agency for the preparation, implementation, and monitoring and reporting of Land Acquisition and Involuntary Resettlement (LAR). The GDR carries these activities through its Resettlement Department. The GDR is responsible for all LAR activities, including preparation of Detailed Resettlement Plans (DRPs) Grievance Redress Mechanism (GRM) (maintenance of the Grievance Database, update and reporting) and preparing RP Compliance report upon completing compensation payment and RP implementation as well as the RP monitoring reports to be submitted to ADB.

111. **Cadastral Administration Office.** The Cadastral Administration Offices under the Ministry of Land Management, Urban Planning and Construction is responsible for issuing titling documents, including the certificate of land use rights, hard titles and social land concession as part of securing tenure for landless and issuing title documents for the land plots acquired in favor of MPWT.

112. **Project Management Unit (PMU) under MPWT.** A dedicated PMU has been established in MPWT to carry out the day-to-day tasks in the overall implementation of the Project. In respect of LAR, the PMU was responsible for the preparation of the RF and the draft RPs with the assistance of the PPCs and/or the design and implementation support consultants. The GDR will provide overall directions and guidance and participate in the public consultation, as it deems necessary.

113. The specific tasks of the PMU related to LAR are as follows:

- (i) submit the Mission Aide Memoire or Memorandum of Understanding to GDR and seek endorsement of provisions relating to LAR;
- (ii) submit the RF and feasibility stage RPs to GDR for review and endorsement prior to the approval of the IRC;
- (iii) participate as a member of the IRC-WG and assist the Provincial Resettlement Sub-Committee Working Group (PRSC-WG) in carrying out the LAR tasks at the provincial level;
- (iv) ensure that GDR participates and carries out all safeguard reviews during project review missions;
- (v) participate in the Detailed Measurement Survey (DMS) and public consultations; and
- (vi) advise GDR in case of any resettlement bottlenecks hampering or having the potential to delay the construction activities.

114. **Inter-Ministerial Resettlement Committee Working Group (IRC-WG).** The IRC-WG will carry out the day-to-day LAR activities under the project which is led by the Deputy Director/Chief of the Department of Resettlement of the GDR and comprise technical PMU staff of the MPWT/PMU, staff of the Resettlement Department and staff of the Ministry of Land Management, Urban Planning and Construction. The IRC-WG will be responsible for all the field work under the supervision of the Director of the Resettlement Department and overall guidance and direction of the Director General of the GDR.

115. **Provincial Resettlement Sub-Committee (PRSC).** The PRSC is established by the Provincial Governor at the request of the IRC for each project and comprises (i) the Provincial Governor or the Deputy Provincial Governor as the Head, (ii) Provincial Department Directors of the Line Ministries represented in the IRC, and (iii) the respective chiefs of the Districts and Communes of the locations affected by the project as Members.

116. The role of the PRSC is as follows:

- (i) provide the coordination and supporting role to the GDR, IRC and IRC-WG for LAR activities at the local level;
- (ii) ensure all relevant provincial and local government authorities provide the necessary support for LAR;
- (iii) manage the public consultation meetings at Provincial Level; and
- (iv) responsible and accountable for the disbursements of the compensation payments at the provincial level.

117. **Provincial Resettlement Sub-Committee Working Group (PRSC-WG).** The PRSC-WG is established by the Provincial Governor and is mainly responsible for technical functions of the PRSC and works with the IRC-WG in carrying out the LAR activities at the provincial level.

118. In addition to supporting the PRSC, the PRSC-WG has the following specific functions:

- (i) facilitate all public consultation and information disclosure meetings and maintain records;
- (ii) cooperate with IRC-WG in carrying out DMS and Inventory of Losses (IOL) and in the implementation of the approved detailed RP;
- (iii) make the payments of compensation to DPs; and
- (iv) prepare monthly progress reports on all LAR activities at the provincial level and submit to PRSC and GDR.

119. **Project Management Consultant (PMC).** The PMC reports to the PMU and will carry out the detailed engineering design (DED) of the subprojects. With respect of LAR, the PMC's role is limited to identifying any LAR issue that is causing or has the potential to cause delays in the construction activities. The PMC, through the PMU, will promptly inform relevant Resettlement Department of the GDR about the issue and assist the GDR and MPWT, as needed, to seek a resolution of the problem.

B. Capacity Assessment of Implementation Agencies

120. The capacity of the relevant agencies is sound. The GDR has acquired extensive experience over the last decade in carrying out LAR activities in donor financed projects, including those financed by ADB. The IRC-WG and the PRSC have gained a lot of field experiences. The capacity of agencies is supported by a clear set of operational and administrative guidelines (or instructions) that are elaborated in the Standard Operating Procedures (SOP) for Land Acquisition and Involuntary Resettlement for Externally-Financed Projects (promulgated under Sub Decree No. 22 ANK.BK) to ensure consistency in carrying out various LAR tasks. GDR's capacity is augmented by in-house consultants.

121. The PMU under the MPWT will have permanent Social Safeguards Coordinator to closely cooperate with the GDR to ensure smooth implementation of LAR. The PMC will also include Social Safeguards Consultant both international and national to assist GDR during the LAR planning and implementation as needed. Training and awareness raising will be conducted to all the key stakeholders on the safeguards requirements of ADB SPS and RGC's relevant laws and regulations pertinent to LAR, the GRM etc. including the contractors. An effective coordination mechanism between the MPWT/PMU, contractors, provincial authorities and GDR will be agreed and established with clear timelines for the major LAR related activities.

XII. MONITORING AND REPORTING

122. While the MPWT will be responsible for monitoring of the overall implementation of the Project, the GDR will be responsible for the monitoring and reporting of the implementation of the LAR activities under this RP.

123. **Internal Monitoring.** GDR's DIMDM will be responsible for carrying out the internal monitoring which will review the quarterly progress reports provided by the relevant Resettlement Department, including fielding its own missions to verify the progress and the validity of the data and information, where necessary. The DIMDM will validate that the (i) entitlements and the corresponding compensation are paid in accordance with the Entitlement Matrix in the detailed RP; and (ii) GRM is functioning as per the guidelines. The GDR will provide MPWT a quarterly progress report and submit semi-annual progress report to the ADB. There will be one monitoring report covering all subprojects.

124. External monitoring will not be required as the Stung Treng subproject is classified as Category B and includes involuntary resettlement impacts that are deemed not significant.

XIII. INDICATIVE IMPLEMENTATION SCHEDULE OF RP

125. During the detailed engineering design phase, this draft RP will be updated using the results of DMS and RCS. All DPs will be compensated for their loss of assets prior to the commencement of civil works. Table 17 summarizes the preparation, updating and implementation of this RP.

Table 17: Indicative Schedule of Resettlement Activities

Activities	Schedule
draft RP Preparation	December 2017–April 2018
ADB Approval of Draft RP	May 2018
IRC approval of draft RP	May 2018
Disclosure of draft RP on ADB website	May 2018
Detailed Measurement Survey	May-June 2019
Replacement Cost Survey	May-June 2019
Finalizing RP	August 2019
Submission and IRC/ADB approval of DRP	August 2019
Public Disclosure of Approved DRP	September 2019
Implementation of approved DRP	January 2020
Disbursement of Compensation to DPs	January 2020
Internal Monitoring (Submission of RP Compliance Report)	Starting First quarter from the start of civil works
Civil Works commencement	January 2020

**PUBLIC CONSULTATION
ATTENDANCE SHEET OF PUBLIC CONSULTATION**

បញ្ជីអ្នកចូលរួម
កិច្ចប្រជុំសាធារណៈ
TA-9192 REG: Fourth Greater Mekong Sub region Corridor Towns Development Project

ទីតាំងប្រជុំ (Location) ស្រុក ឃុំ សង្កាត់ Stung Treng province.

កាលបរិច្ឆេទប្រជុំ (Date of meeting) 20/12/2017

ពេលវេលាចាប់ផ្តើម (Start time) _____ ពេលវេលាបញ្ចប់ (End time) _____

ល.រ	ឈ្មោះ	ភេទ	អាយុ	តួនាទី	អស្សយ័ន	លេខទូរស័ព្ទ	ហត្ថលេខា
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3	ស៊ុន សុភា ឃ	27	ស៊ុន		098 97 98 217		
4	ស៊ុន សុភា ឃ	35	ស៊ុន		071 110 44 99		
5	ស៊ុន សុភា ឃ	68	ស៊ុន		097 901 84 22		
6	ស៊ុន សុភា ឃ	53	ស៊ុន		097 778 88 6		
7	ស៊ុន សុភា ឃ	32	ស៊ុន		088 763 565		
8	ស៊ុន សុភា ឃ	48	ស៊ុន		031 48 73 297		
9	ស៊ុន សុភា ឃ	32	ស៊ុន		088 58 26 778		
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Public Consultation in Stung Treng



IOL Activities

