

Resettlement Framework

May 2014

Cambodia: Greater Mekong Subregion Biodiversity
Conservation Corridors Project
– Additional Financing from Pilot Program for
Climate Resilience, Strategic Climate Fund

CURRENCY EQUIVALENTS

(as of 18 March 2014)

| | | |
|---------------|---|---------------------|
| Currency unit | – | Cambodian riel (KR) |
| KR1.00 | = | \$0.00025 |
| \$1.00 | = | KR4,003.71 |

ABBREVIATIONS

| | | |
|--------|---|--|
| ADB | – | Asian Development Bank |
| AHs | – | Affected Households |
| BCI | – | Biodiversity Conservation Corridors Initiative |
| BCC | – | Biodiversity Conservation Corridors |
| CPCU | – | Central Project Coordination Unit |
| COI | – | Corridor of Impact |
| DMS | | Detailed Measurement Survey |
| DOE | – | Department of Environment (province) |
| DP | – | Displaced Person/s |
| FA | – | Forestry Administration |
| GMS | – | Greater Mekong Subregion |
| GRM | – | Grievance Redress Mechanism |
| IM | – | Implementing Agency |
| EMO | – | External Monitoring Organization |
| IR | – | Involuntary Resettlement |
| IRC | – | Inter-Ministerial Resettlement Committee |
| IRC-WG | – | Inter-Ministerial Resettlement Committee-Working Group |
| MAFF | – | Ministry of Agriculture, Forestry and Fisheries |
| MEF | – | Ministry of Economy and Finance |
| MOE | – | Ministry of Environment |
| MLMUPC | – | Ministry of Land Management, Urban Planning and Construction |
| MORAM | – | Ministry of Water Resources and Meteorology |
| NTFP | – | Non timber forest product |
| PA | – | Protected Area |
| PDEF | – | Provincial Department of Economy and Finance |
| PF | – | Protected Forest |
| PPCR | – | Pilot Program for Climate Resilience |
| PRSC | – | Provincial Resettlement Sub-Committee |
| ROW | – | Right of Way |
| RF | – | Resettlement Framework |
| RCS | – | Replacement Cost Study |
| RGC | – | Royal Government of Cambodia |
| RP | – | Resettlement Plan |
| SPS | – | Safeguards Policy Statement of ADB 2009 |
| WG | – | Working Group |

GLOSSARY

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| Affected household (AHs) | - | In the case of an affected household, it includes all members residing under one roof and operating as a single economic unit, who are adversely affected by the Project or any of its components. |
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| 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 AHs earlier done during Resettlement Plan (RP) preparation. The final cost of resettlement can be determined following completion of the DMS. |
| Displaced Person | - In the context of involuntary settlement, displaced persons 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 involuntary acquisition of land, or involuntary restrictions on land use or on access to legally designated parks and protected areas. Further, this refers to any person or persons, who satisfy the condition of "Cut-off Date for Eligibility". |
| Compensation | - Means payment in cash or in kind to replace losses of lands, housing, income and other assets caused by the Project. 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. |
| Corridor of Impact | - It is the area which is impacted by civil works in the implementation of the project and is important in two particular respects: <ul style="list-style-type: none"> (i) Legally as the area within which AHs will be entitled to compensation and other measures (in general coming under the heading of resettlement) for any loss of land, structures or land use and occupation and of livelihoods. (ii) Operationally as the agreed and demarcated area within which construction activities will take place. |
| Cut-off date for eligibility | 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 AH. 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 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). |
| Entitlements | - Refers to a range of measures comprising compensation, income restoration support, transfer assistance, income substitution, 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. |
| Eligibility | - Means any person 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 assistances. |
| Host community | - Means the community already in residence at a proposed resettlement or relocation site. |

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| Income restoration | - This is the re-establishment of sources of income and livelihood of the affected households. |
| Income restoration program | - A program designed with various activities that aim to support affected persons to recover their income / livelihood to pre-project levels. The program is designed to address the specific needs of the affected persons based on the socio-economic survey and consultations. |
| Inventory of Losses (IOL) | - This is the process where all fixed assets (i.e., lands used for residence, commerce, agriculture, including ponds; dwelling units; stalls and shops; secondary structures, such as fences, tombs, wells; trees with commercial value; etc.) and sources of income and livelihood inside the Project right-of-way (project area) 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 | Resettlement is involuntary when affected persons have no right to refuse the land acquisition by the state that result in their displacement. This 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 in a process where expropriation will be the consequence of a failure in the negotiation. |
| 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. |
| Rehabilitation | - This refers to additional support provided to DPs losing productive assets, incomes, employment or sources of living, to supplement payment of compensation for acquired assets, in order to achieve, at a minimum, full restoration of living standards and quality of life. |
| Relocation | - This is the physical relocation of an AP from her/his pre-project place of residence and/or business. |
| Replacement cost | - Means the method of valuing assets at current market value, or its nearest equivalent, plus any transaction costs such as administrative charges, taxes, registration and titling costs. |
| Replacement Cost Study | - This refers to the process involved in determining replacement costs of affected assets based on empirical data. |
| Resettlement Plan (RP) | - This is a time-bound action plan with budget setting out compensation and resettlement strategies, objectives, entitlement, actions, responsibilities, monitoring and evaluation. |
| Right of Way (ROW) | - The right of way (ROW) is a public available and governmental owned strip of land following a centerline (such as for roads, canals, etc.) providing an area of access. The project will use the complete area where necessary. In case some of the ROW has been encroached upon by informal occupiers/ formal users (for example people now living, doing business, or cultivating land within the ROW), the project intends to adopt a COI within the ROW to avoid adverse land acquisition and resettlement related impacts. |

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| Severely affected households | - This refers to AHs who will be (i) physically displaced from housing, or (ii) lose 10% or more of their productive assets (income generating). |
| Subproject | - This refers to all components of the Project including but not limited to physical infrastructure. |
| 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, (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, and (vi) indigenous peoples. |

NOTES

- (i) The fiscal year (FY) of the Royal Government of the Kingdom of Cambodia and its agencies ends on 31 December. FY before a calendar year denotes the year in which the fiscal year ends, e.g., FY2013 ends on 31 December 2013.
- (ii) In this report, "\$" refers to US dollars.

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I. INTRODUCTION

1. This Resettlement Framework is an updated version of the Resettlement Framework prepared for the Greater Mekong Subregion (GMS) Biodiversity Conservation Corridors (BCC) Project in 2010 to guide screening for involuntary resettlement and the preparation and implementation of Resettlement Plan. The update is necessary to accommodate the Pilot Program for Climate Resilience (PPCR) additional financing activities, its involuntary resettlement impacts and their mitigation. The PPCR is designed under the terms of the ongoing BCC Project and thus based on the communities' demands and designed with the community's input and agreement. The BCC Project will not support any proposed subproject that will result in significant involuntary resettlement impacts. Involuntary resettlement impacts will be minimized during the subproject design stage and mitigation measures proposed and agreed with participating communities and local government will be incorporated into the final subproject.

A. Project Description

2. The Kingdom of Cambodia is part of the GMS along with the People's Republic of China (PRC), the Lao People's Democratic Republic (Lao PDR), Myanmar, Thailand, and Viet Nam. In 1992, the countries collaborated to form the GMS Economic Cooperation Program with assistance from the Asian Development Bank (ADB) to facilitate "sustainable economic growth and reduce poverty by strengthening economic linkages among member countries. Further, it aimed to realize and enhance development opportunities, encourage trade and investment, streamline cross border arrangements, and meet common resource and policy needs. The cooperative initiative adopts the following strategies: (i) increasing connectivity through sustainable development of infrastructure and transnational economic corridors; (ii) enhancing competitiveness through efficient cross-border movements of goods and people, and integrated markets and production processes; (iii) building a greater sense of community that mutually recognizes and jointly addresses shared environmental and social concerns.

3. The regional project represents an upscaling of the GMS Biodiversity Conservation Corridors Initiative (BCI) pilot phase endorsed by the GMS Summit of Leaders in 2005 in Kunming and implemented between 2006-2009 in the Cardamom Mountains Biodiversity Landscape and the Eastern Plains under the ADB regional technical assistance (RETA 6289). In Koh Kong province, the proposed biodiversity corridor will maintain and consolidate forest ecosystem connectivity between the Central and Southern Cardamom Protected Forests (PF), linking Botum Sakor National Park (NP) the Peam Kasop Wildlife Sanctuary (WS) and the Dong Peng multiple use area to the corridor. For Mondulkiri province, the biodiversity corridor proposed links core areas of Mondulkiri PF with Phnom Prich WS and the recently established Seima PF in the South and with Lomphat WS in the North West and the transboundary area to Yok Don NP in Viet Nam to the East (see Figure 1).

4. The Royal Government of Cambodia requested ADB to follow up Biodiversity Corridors Initiative (BCI) Phase 1 with an investment framework (\$20.9 million grant project) to replicate positive results of BCI in target communes in the two provinces. *Biodiversity Corridors* are geographic areas within or cutting across the GMS Economic Corridors that need to be placed under sustainable management regimes to secure local livelihoods and investments and maintain ecosystem services for future generations.

5. The overall aim of the BCC Project is to secure forest areas for the local communities against further outside pressure/economic concessions by delineating and demarcating

community forest areas and protected forest areas and giving tenure instruments to communities and not resettle them or restrict access. Any restrictions on use of community forests will be made by them (local people). Capacity building leading to community empowerment is built in to address such and eventually, any activity will be the choice of participating communities. Connectivity between forest-blocks will be restored through appropriate consultation and participation modalities.

6. The project has four components, (i) Institutional and community strengthening for biodiversity conservation management, (ii) Biodiversity corridors restoration, ecosystem services protection, and sustainable management by local resource managers, (iii) Livelihood improvement and small scale infrastructure support in target communes, and (iv) Project management and support services.

7. The provinces, districts, and communes covered by BCC in Cambodia are summarized in Table 1.

Figure 1: Corridor Design and Coverage in the Provinces of Koh Kong and Mondul Kiri

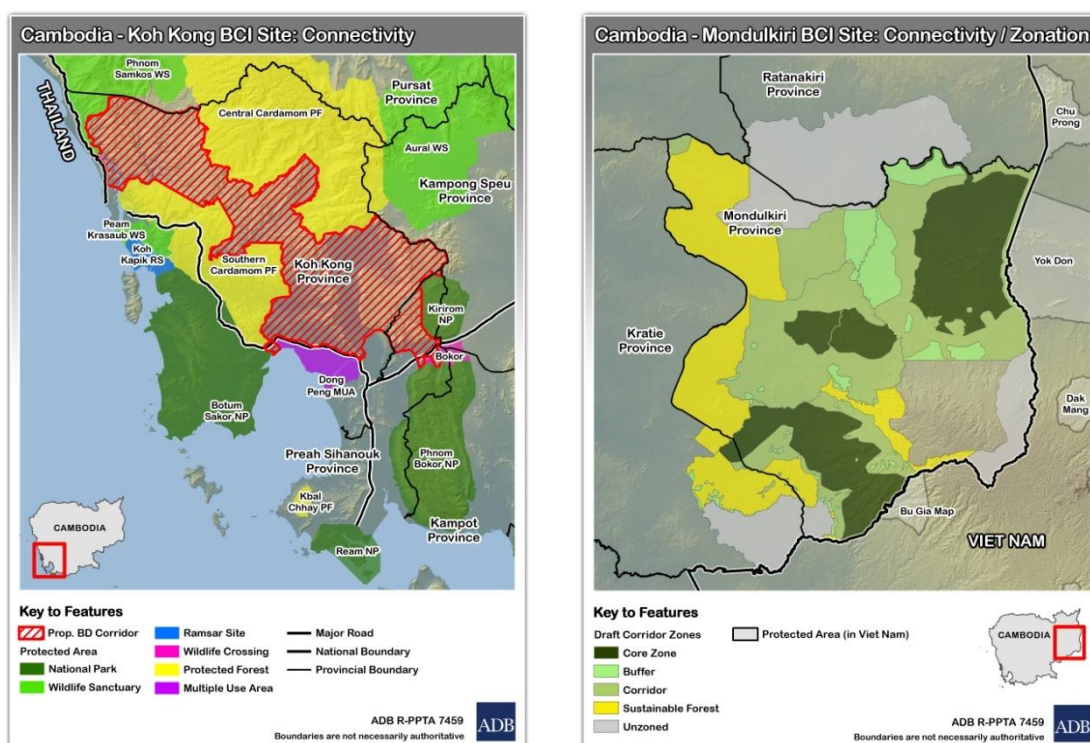


Table 1: BCC Project Sites in Cambodia

| PROVINCE | DISTRICT | COMMUNE | TOTAL POPULATION | NO. OF HOUSEHOLDS |
|----------|----------------|------------------|------------------|-------------------|
| KOH KONG | 2 | 10 | 23 | 72,543 |
| | | 5 | 11 | 15,328 |
| | 1. BotumSakor | 1. AndoungTuek | 5,723 | 7,350 |
| | | 2. Kandol | 3,680 | 1,164 |
| | 2. Koh Kong | 3. Ta Tai Kraom | 1,062 | 852 |
| | | 4. Trapeang Rung | 2,170 | 230 |
| | 3. MondolSeima | 5. BakKhleng | 12,236 | 507 |
| | | 6. PeamKrasaob | 1,313 | 2,608 |
| | 4. SreAmbil | 7. Chi KhaLeu | 3,718 | 282 |
| | | | | 761 |

| PROVINCE | DISTRICT | COMMUNE | TOTAL POPULATION | NO. OF HOUSEHOLDS |
|------------|----------------|-----------------|------------------|-------------------|
| MONDULKIRI | 5. Thma Bang | 8. Ta TeyLeu | 526 | 119 |
| | | 9. RuesseiChrum | 929 | 203 |
| | | 10. Chi Phat | 2,446 | 553 |
| | | 11. ThmaDounPov | 363 | 71 |
| | 5 | 12 | 38,377 | 7,978 |
| | 1. Senmonorom | 1. Romanear | 3,108 | 578 |
| | | 2. Dak Dam | 1,498 | 349 |
| | | 3. Chong Phlah | 3,073 | 648 |
| | | 4. SraeChhuk | 3,342 | 639 |
| | | 5. SraeKhtum | 8,847 | 1,977 |
| | 4. KohNheak | 6. SraePreah | 1,557 | 326 |
| | | 7. Nang KhiLoek | 3,172 | 564 |
| | | 8. SokhSant | 2,608 | 546 |
| | | 9. SraeHuy | 1,659 | 331 |
| | | 10. KrangTeh | 1,632 | 386 |
| | 5. PechChreada | 11. Bu Chri | 4,177 | 843 |
| | | 12. Bu Sra | 3,704 | 791 |

8. Additional activities for TA 7459-REG: GMS BCC Project in Cambodia was discussed and approved on 7 February 2013 to accommodate additional project preparatory activities and prepare a proposal for additional financing to the Project. The additional financing is estimated at \$7.4 million, funded under the PPCR. The additional financing will complement the BCC Project efforts to improve biodiversity conservation within the corridor and connectivity between national protected areas and other protection and production forest areas in the surrounding area.

The additional financing is intended to: (i) support investment in infrastructure for future climate change scenarios that would support the original investments of the GMS BCC Project; (ii) increase the number of subprojects under the GMS BCC Project due to the future climate changes; or (iii) change the specification/design of original BCC subprojects due to the future climate changes. PPCR financing will fund subprojects in each of four proposed subproject-models: (i) rainwater harvesting ponds with climate resilient high value crop productivity; (ii) climate resilient irrigation and system of rice intensification (SRI) techniques; (iii) bioengineered sea barriers reducing salt water intrusion; and (iv) ecosystem-based adaptation in two catchments in Mondulkiri.

9. The PPCR additional financing mainly supports Output 3 of the BCC Project (Appendix 1). It also adopts the BCC implementation approach and technical guidelines for forest protection and restoration and livelihood activities. It will be implemented in the BCC target 23 communes in Koh Kong and Mondulkiri Provinces that adjoin protected forests, wildlife sanctuaries or national parks. Appendix 2 presents the results of the assessment of climate change vulnerability in the BCC target communes¹ with the most vulnerable communes being rated as category 1, and the least vulnerable as category 3. The additional financing will prioritize communes assessed as the most vulnerable. From here onwards, “the Project” will constitute the BCC Project and the additional financing.

¹ Based on the study by Katzfey, J., Jiao, X., Suppiah, R., Hoffmann, P., Nguyen, K. C. and Poun, S.(2013) Climate change projections for Mondulkiri and Koh Kong Provinces in Cambodia. CSIRO, Australia, and on focus group discussions in communes visited by the PPCR R-PPTA team.

B. Anticipated Resettlement Impacts

10. Two provinces and 23 communes are covered by the BCC Project in Cambodia. These are also the target areas of the PPCR additional financing activities. Social assessment was conducted in four sample communes from June to July 2010, and additionally under the PPCR R-PPTA, for four subprojects which were carried out over May to August 2013. These resulted in the identification of activities that may possibly trigger involuntary resettlement impacts under the ADB's Safeguards Policy Statement (SPS) (2009). These are:

- (i) Component 1: Institutional and community strengthening for biodiversity conservation management – Will entail management planning, corridor delineation and demarcation; Special corridor guidelines and rules will be issued and made public. If affected persons are not safeguarded, the exercise may result in restriction to access for marginalized members of the commune or even loss of assets and livelihood.
- (ii) Component 2: Biodiversity corridors restoration, ecosystem services protection, and sustainable management by local resource managers - Forest restoration which will cover about 110,000 ha in the form of enrichment planting, nontimber forest product (NTFP) planting and agroforestry. There is also possibility for restriction to access for marginalized members of the commune or even loss of assets and livelihood.
- (iii) Component 3: Livelihood improvement and small scale infrastructure support - Each selected commune has a block allocation for livelihood improvements and in addition, a Community Development Fund (CDF), which will provide micro credit facilities to households to borrow for their projects of choice. Aside from livelihood enhancement support, selected communes will receive small scale infrastructure support which is expected to focus on supporting livelihood investments, such as processing facilities for agriculture, NTFP, and other products, and possible tourism facilities. In addition, a few infrastructure sub-projects may target social improvement in the community - e.g., sanitation systems, village water supply. The additional financing will support climate change adaptation in BCC target communities to develop resilience to climate change and as a result, reduce their dependence on the forests. The additional financing will support the upgrading of irrigation infrastructure designs, the adoption of the system of rice intensification (SRI) techniques, the construction of rainwater harvesting ponds for home gardening and local measures to prevent seasonal sea water inundation, and trialing approaches for limited harvesting rights for communities in buffer zones and participatory micro-watershed management. Possible livelihood support activities proposed by prospective beneficiaries are smallholder fishponds, rattan plantation establishment, and even forest restoration and enrichment planting. If these are not sensitively attended to, these may result in displacement and restriction to other commune members. With regard to small infrastructure, resettlement impacts may occur when land is acquired for small-scale infrastructure improvement/rehabilitation or for storing construction materials or other temporary impacts caused by ongoing construction. As all of these activities will be planned together with target local communities, impacts of restricted access and potential loss of assets will be avoided at best, or minimized through measures proposed by the communities themselves.

11. The BCC Project in Cambodia will not support any subproject or activity that will result in significant involuntary resettlement impacts. All Category A subprojects will not be supported under the Project even if these had been requested by the communities.

C. Rationale for Resettlement Framework

12. Technically and ideally, the BCC and PPCR additional financing (the Project) promote a sequential and sector-like approach to implementation. The necessary land use and capability assessment, and participatory management planning have to be in place prior to subproject implementation. However, it is recognized that planning is an ongoing facet of natural resource management and as such, some subprojects may be ready for implementation within the whole planning phase for the landscape. Specifically under Component 1 (Institutional and community strengthening), the Project aims to secure forest areas for the local communities against further outside pressure/economic concessions by delineating and demarcating community forest areas and protected forest areas. Communities will craft restrictions appropriate to their concerns and needs in order to protect their rights to the land and the natural resources therein and in so doing, protect the biodiversity. Capacity building leading to community empowerment is built in to address the need for balancing resource use and protection and eventually, within this context, any activity will be the choice of participating communities.

13. Affected persons cannot be determined as land use zones and priority subproject investments have yet to be identified, under the sequential or simultaneous approach, after the conduct of Components 1 and 2. However, an indicative menu of options for Component 3 (livelihood improvement and small scale infrastructure support in target communes including the subproject-models under PPCR Additional Financing) was identified by stakeholders. Technical inputs for land use planning will be provided for executing and implementing agencies, local government units, relevant Indigenous Peoples Offices (IPO), and the Cambodia Women's Affairs (CWA). Community ownership to subprojects is still subject to processing for and documentation of the results of the consultation process which is imperative not only for subproject investments, but on a higher plane, to ensure sustainability towards biodiversity conservation and protection. All these are processed during Component 1 geared at strengthening local institutions. Owing to the beneficiary process-driven approach, the subproject-specific resettlement impacts cannot be determined before project appraisal. This updated Resettlement Framework is therefore prepared to provide guidance in dealing with potential economic or physical displacement that might occur in the course of project implementation.

II. OBJECTIVES OF THE RESETTLEMENT FRAMEWORK

14. The BCC Project in Cambodia will not support any subproject or activity that will result in significant involuntary resettlement impacts. There may be voluntary resettlement which will be handled with due diligence during the subproject design stage and in full agreement with the local communities and governing bodies.

15. To minimize involuntary resettlement, small-scale infrastructure subprojects will be improved along the existing rights of way or following the existing alignments. In the event that a proposed subproject that involve involuntary resettlement impacts is considered for Project support, whether the impacts are minor or temporary, a resettlement plan shall be prepared and implemented properly. This updated Resettlement Framework (RF) has been prepared to primarily provide protocols for due diligence in cases of voluntary acquisition and restrictions

and, if absolutely unavoidable to proceed with subprojects with involuntary resettlement impacts, to guide resettlement planning and implementation.

16. The updated Framework reflects the Royal Government of Cambodia's (RGC) policies impinging on resettlement issues and the ADB SPS 2009. The updated RF provides (i) the policy and legal framework of RGC and ADB; (ii) procedures for voluntary resettlement, acquisition and restrictions; and (iii) procedures to be followed during preparation, appraisal, and implementation of resettlement plans in the highly unlikely scenario that proposed subprojects with involuntary resettlement impacts are considered for support under the Project. The updated Framework will be translated into Khmer and distributed to the national and local agencies, companies and other agencies that will be contracted to carry out subproject feasibility studies, as well as other individuals who will be responsible for subproject preparation and implementation. The updated Framework will be submitted to the ADB for review and posting on the ADB website.

III. LEGAL AND POLICY FRAMEWORK

A. ADB Safeguards Policy Statement (SPS) 2009

17. The objectives of the ADB SPS (2009) are to avoid involuntary resettlement whenever possible; to minimize involuntary resettlement by exploring project and design alternatives; and to enhance, or at least restore, the livelihoods of all displaced and vulnerable persons in real terms relative to pre-project levels; and to improve the standards of living of the displaced poor and other vulnerable groups. In pursuit of the abovementioned objective, BCC and its subprojects will be governed by the following important policy principles in involuntary resettlement:

- (i) Mitigate the need for resettlement;
- (ii) If involuntary resettlement is unavoidable, early screening to identify past, present, and future involuntary resettlement impacts and risks. Determine the scope of resettlement planning through a survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement impacts and risks;
- (iii) Carry out meaningful consultations with affected persons, host communities, and stakeholders. Inform all displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programs. 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;
- (iv) Compensate for lost assets and loss of livelihood and income and other resettlement entitlements before physical or economical displacement. Implement the resettlement plan under close supervision throughout project implementation;
- (v) Assist in relocation including provision of relocation sites with appropriate facilities and services;
- (vi) Assist with rehabilitation so as to achieve at least the same level of well-being with the Project as before;
- (vii) Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards;
- (viii) 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;
- (ix) Prepare a resettlement plan elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule; Disclose the final resettlement plan and its updates to affected persons and other stakeholders;
- (x) Disclose the resettlement framework approved by IRC and ADB, including documentation of the consultation process in a timely manner, in an accessible place and a form and local language(s) understandable to affected persons and other stakeholders before project appraisal;
- (xi) Conceive and execute involuntary resettlement as part of the project. Include the full costs of resettlement in the presentation of project's costs and benefits and
- (xii) Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.

18. All persons affected by the Project, especially those below the poverty line, the landless, the elderly, women and children, and Indigenous Peoples, and those without legal title to land and semi-landless persons should be included in the compensation, resettlement, and rehabilitation package. The Safeguard Policy Statement stipulates that the absence of legal title to land cannot be considered an obstacle to compensation and rehabilitation privileges. Those affected persons (DPs) who are unable to demonstrate a legalizable or recognizable claim to the land being acquired will be eligible for compensation with respect to non-land assets only, and not the land itself. They will however be provided with other benefits and allowances as provided other DPs.

B. RGC Legal Framework and Regulations on Resettlement

19. This section of the RF adopts the RGC laws pertinent to involuntary resettlement as cited in the Capacity Building for Resettlement Risk Management: Cambodia Country Report (ADB:2007).

20. **Constitution.** The September 1993 Constitution of the Kingdom of Cambodia includes provisions that are relevant to involuntary resettlement. For instance, the right of the State to acquire private land for public purposes is to be exercised within the bounds of Article 44. Article 73 and Article 74 of the Constitution lend legal support to the special attention being given to vulnerable sectors of society who are displaced by development projects such as children and mothers, the disabled and the families of combatants who sacrificed their lives for the nation (Article 74).

21. **Land Law.** A new Land Law was promulgated in August 2001, replacing the 1992 Land Law. Some provisions of the Land Law that are relevant to the issue of involuntary resettlement are the following:

- (i) No person shall be deprived of his ownership, unless it is in the public interest. An ownership deprivation shall be carried out in accordance with the forms and procedures provided by law and regulations and only after the payment of fair and just compensation (Article 5).
- (ii) 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).
- (iii) Any regime of ownership of immovable property prior to 1979 shall not be recognized (Article 7).
 - (iv) The following property falls within the public property of the State and public legal entities:
 - (a) Any property that has a natural origin, such as forests, courses of navigable or floatable water, natural lakes, banks of navigable and floatable rivers and seashores;
 - (b) Any property that is specially developed for general use, such as quays of harbors, railways, railway stations and airports;
 - (c) Any property that is made available, either in its natural state or after development, for public use, such as roads, tracks, oxcart ways, pathways, gardens and public parks and reserved land;
 - (d) Any property that is allocated to render a public service, such as public schools or educational institutions, administrative buildings and all public hospitals;
 - (e) Any property that constitutes a natural reserve protected by the law;
 - (f) Archeological, cultural and historical patrimonies;
 - (g) Immovable properties being royal properties that are not the private properties of the royal family. The reigning King manages royal immovable properties (Article 15).
 - (v) The following are null and void and cannot be made legal in any form whatsoever: Any entering into possession of public properties of the State and public legal entities and any transformation of possession of private properties of the State into ownership rights that was not made pursuant to the legal formalities and procedures that had been stipulated prior to that time, irrespective of the date of creation of possession or transformation; Any transformation of a land concession except for concessions that are in response to social purposes; Any entering into possession of property in the private property of the State, through any means, that occurs after this law comes into effect (Article 18).
 - (vi) Any person whose titles or factual circumstances fall within the scope of Article 18 of this law shall not have the right to claim for any compensation or reimbursement for expenses made for the maintenance or management of immovable property that was illegally acquired. Any illegal and intentional or fraudulent acquisition of public properties of the State or of public legal entities shall be penalized pursuant to Article 259 of this law. The penalties shall be doubled where any acquisition of land from the public properties causes damage or delay to works undertaken in the general interest, in particular any acquisition of roadway reserves. In all cases, if an offender does not vacate his illegal acquisition within the time limit set by the competent authority, the authority shall begin proceedings to evict the offender from the land (Article 19).
 - (vii) Any person who, for no less than 5 years prior to the promulgation of this law, enjoyed peaceful, uncontested possession of immovable property that can lawfully be privately possessed, has the right to request a definitive title of ownership (Article 30).
 - (viii) If the eviction ordered by a court is likely to give rise to instability or to have serious social repercussions, the competent authorities may request a temporary suspension of the execution of the order (Article 36).
 - (ix) An infringement against public property shall be fined from Khmer riel (KR) 5 million to KR50 million [between \$1,250 and \$12,500] and/or imprisoned from one (1) to five (5) years. The perpetrator must vacate the public property

immediately. He has no entitlement to any indemnity for works or improvements that he made on the public property. In the case of a person who was in possession of State public property before this law comes into force and has document proving and attesting clearly that he bought the property from another person, he can request the competent authority to enforce legal measures against the person who illegally sold public property of the State and in order to recover his damages caused by such act. Regardless of the circumstances, the aggrieved party has no right to continue his possession of the State public property (Article 259).

22. The Land Law of 2001 also recognizes the rights of indigenous peoples over their land and their traditional means of productions, thus

- (i) Prior to their legal status being determined under a law on communities, the groups actually existing at present shall continue to manage their community and immovable property according to their traditional customs and shall be subject to the provisions of this law (Article 23).
- (ii) The lands of indigenous communities are those lands where the said communities have established their residences and where they carry out traditional agriculture. The lands of indigenous communities include not only lands actually cultivated but also includes reserved land necessary for the shifting of cultivation which is required by the agricultural methods they currently practice and which are recognized by the administrative authorities...The measurement and demarcation of boundaries of immovable properties of indigenous communities shall be determined according to the factual situation as asserted by the communities, in agreement with their neighbors, and as prescribed by procedures in Title of this law and relevant sub-decrees (Article 25).
- (iii) No authority outside the community may acquire any rights to immovable properties belonging to an indigenous community (Article 28).

23. **Expropriation Law.** The Expropriation Law was recently passed by the National Assembly on 29 December 2009 and promulgated by the King on 4 February 2010. The purpose of this new law is on expropriation for rehabilitation and construction of physical infrastructure projects serving for public and national interest, and for country development. The law mainly provides (i) mechanism and procedure for expropriation of people properties with fair and just compensation, (ii) expropriation process, (iii) compensation for property expropriation, (iv) grievance redress mechanism, and (v) legal penalty. It contains 8 Chapters with 39 Articles, and has provided a clearer procedure to acquire people properties for purpose of national and public interests:

- (i) **Article 7:** Only the State may carry out an expropriation for use in the public and national interests. Expropriation may only be carried out for the implementation of projects stipulated in Article 5 of this law.
- (ii) **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.
- (iii) **Article 22:** An amount of compensation to be paid to the owner of and/or holder of rights in the real property shall be based on the market value of the real property or the alternative value as of the date of the issuance of the *PRAKAS* on the expropriation scheme. The market value or the alternative value shall be

determined by an independent commission or agent appointed by the expropriation committee.

24. **Sechkdey Prakas No. 06 (27 September 1999).** Measures to Crack Down on Anarchic Land Grabbing and Encroachment orders an end to encroachment into public and private properties as well as state lands, including public gardens, land reserved for roads and railways. The Order directs municipal and provincial authorities, the Royal Cambodian Armed Forces, the National Police, Military Police, and all relevant ministries and institutions to participate in enforcing the Sechkdey Prakas.

25. **The Ministry of Economy and Finance (MEF) Prakas No. 961 (6 April 2000).** This is an Order issued to enforce Sechkdey Prakas No. 06. The Prakas disallows any payment to be drawn from the national budget for structures and other assets located within 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.

26. **Sechkdey Choundamnoeng (Notification) No. 43 SCFIN KBCH.** Notification No. 43 (September 2001) or “Cessation of Acquisitive Possession of Immovable Property” enjoins all levels of government to prevent and prohibit new acquisition of public and State land by private entities following the effectiveness of the 2001 Land Law. After the Notification, many state private lands were sold to private entities in the form of exchange with new locations.

27. **Sub-Decree No. 19 ANK/BK.** The Sub-Decree on Social Land Concession, issued on 19 March 2003, defines the criteria, procedures, and mechanism for granting and transferring private State land to the poor for residential and/or family farming purposes. This Sub-Decree is specifically directed to vulnerable groups as enunciated in Article 3 and Article 18, thus:

- (i) Social land concessions may be granted for one or more of the following social purposes: Provide land for residential purposes to poor homeless families; Provide land to poor families for family farming; Provide land to resettle families who have been displaced resulting from public infrastructure development; Provide land to the families suffering from natural disaster; Provide land to repatriated families; Provide land to demobilized soldiers and families of soldiers who were disabled or died in the line of duty (Article 3).
- (ii) After correctly complying with the criteria of the social land concession program for five (5) years, the target land recipient has the right to ownership of the land ... *The target land recipient may not sell, rent or donate social concession land during the first five (5) years of the implementation of the social land concession program...* (Article 18).

28. The Sub-Decree not only provides land; it includes provision of basic infrastructure and services in order to improve the living standards and livelihood of recipient families. Article 9 requires that an assessment (be done) of the availability of infrastructures necessary to implement the (development) plan, including such things as roads, water, electricity, schools, markets, health care center, and tools and equipment to develop the land, other services, information about how and when to prepare these physical infrastructures and to provide those public services.

29. **Sub-Decree No. 62 (20 July 1999).** The sub-decree “Organization and Function of the Ministry of Land Management, Urban Planning and Construction” spells out the functions of the various offices that make up the Ministry of Land Management, Urban Planning and

Construction (MLMUPC). It also mandates MLMUPC to recommend policies, plans of action, and measures to help address the problem of squatting. Additionally, MLMUPC is responsible for compiling and updating the market rates of construction materials, equipment, and labor in all the provinces and cities.

30. The Inter-Ministerial Resettlement Committee (IRC), which was established in 1999 (PRAKAS No. 098); decides on entitlements, land values, and other forms of compensation. In its early years, DPs have had no right to appeal and are obliged to sell their assets at values set by IRC. However, under the current procedure, the value of assets is compensated based on replacement cost study conducting by independent local consultant.

31. Cambodia² currently does not have a comprehensive involuntary resettlement policy and, to a large extent, this deficiency is an obstacle in the way of ensuring the minimum standards in resettlement and rehabilitation demanded by the international development partner agencies. However, under the Land Law (2001), those who have occupied a ROW or public properties are not entitled to any compensation or social support, regardless of their being an AP or from a vulnerable group. Prakas No. 961, reiterates this legal position.

32. Table 2 presents main areas of possible discrepancy.

Table 2: Discrepancies between RGC Laws/Regulations and ADB Policy

| <i>Parameter</i> | <i>RGC Laws/Regulations</i> | <i>Revised ADB Policy</i> | <i>Project Policy</i> |
|---|---|--|--|
| Severely impacted DPs losing productive land | Article 44 of the 1993 Constitution states that the rights to confiscate (land) possession from any person shall be exercised only in the public interest ³ as provided for under law and shall require fair and just compensation in advance. Also Article 5 of the 2001 Land Law states that no person shall be | The involuntary resettlement impacts of an ADB-supported project are considered significant if 200 or more persons will experience major impacts, which are defined as (i) being physically displaced from housing, or (ii) losing 10% or more of their productive assets (income generating). | <i>Losing 10% of the household's assets shall be considered as threshold.</i> |
| DPs without LURC | "deprived of their ownership unless this action is for the public interest consistent with formalities and procedures provided by law...and after just and fair compensation". However it does not provide clear guidance on compensation for types of losses. | Those DPs without legal title to land will be included in consultations. 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 including dwellings, structures and other improvements to land such as crops, irrigation, at full replacement cost. Safeguards cover involuntary restrictions on land use or on access to legally designated parks and protected areas. Covers temporary and partial losses. | <i>Project affected people, without legal or recognizable legal claims to land acquired, will be equally entitled to participation in consultations and benefit schemes of BCC where possible, and be compensated for their lost non-land assets such as dwellings and structures occupied before cut-off date. They will be entitled to resettlement assistance and other compensation and social support to assist them to improve or at least restore their pre-project living standards and income levels.</i> |
| Compensation for lost land | | Livelihoods restoration based upon land-based strategies where possible, or cash compensation at replacement value provided loss of land does not undermine livelihoods for those with legal rights to land. Provide adequate and appropriate replacement land. If | Where appropriate land based compensation is not viable, replacement cost surveys will be carried out by the project staff to ensure that project rates for all categories of loss will be equivalent to replacement cost at current market |

² ADB. 2007. Capacity Building for Resettlement Risk Management: Cambodia Country Report.

³ Public interest is not operationally defined in the Constitution and in derivative laws and is, therefore, open to interpretation.

| Parameter | RGC Laws/Regulations | Revised ADB Policy | Project Policy |
|--|---|---|---|
| | | land not available non-land based options built around opportunities for employment, self-employment should be provided in addition to cash compensation for land and non-land assets lost. | value, to be updated at the time of compensation and combined with other assistance and livelihood restoration measures to ensure full restoration and improvements. Provided DPs have legal or recognizable claim compensation is for full amount of land acquired. |
| Differences between compensation rates and market rates | By virtue of Government Order No. 13 and Prakas 098, the Inter-ministerial Resettlement Committee decides on entitlements, land values, and other forms of compensation; DPs have no right to appeal and are obliged to sell their assets at values set by IRC. IRC plays a dominant role in all resettlement activities both planning and implementation, as well as monitoring and evaluation. Decisions are made on a project basis. Development projects funded by the Government and the private sector are not required by law to have Resettlement Plans (RPs) | Provide physically and economically DPs with needed assistance including 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 DPs economically and socially into host communities, ii) transitional support and development assistance such as land development, credit facilities, training or employment opportunities, and, iii) civil infrastructure as required. | <i>Physically displaced (relocated) DPs are to receive relocation assistance, secured tenure to relocated land, better housing at resettlement sites with comparable access to production and employment opportunities, and civic infrastructure and community services as required, transitional support and development assistance such as land development, credit facilities, training or employment opportunities.</i> |
| Compensation for structures | | Rate of compensation for acquired housing, land and other assets will be calculated at full replacement costs, based upon: i) fair market value, ii) transaction costs, iii) interest accrued, iv) transitional and restoration costs, v) other applicable payments. | <i>Full compensation at replacement cost will be paid for all affected structures without any deductions for salvageable materials or depreciation, full replacement costs, based upon: i) fair market value, ii) transaction costs, iii) interest accrued, iv) transitional and restoration costs, v) other applicable payments Subprojects or activities with significant IR impacts will require an RP.</i> |
| Compensation for registered businesses | | Affected business owners are entitled to i) costs of re-establishing commercial activities elsewhere, ii) the net income lost during the transition period, iii) costs of transferring and reinstalling plant, machinery and equipment. | <i>Affected business owners are entitled to i) costs of re-establishing commercial activities elsewhere, ii) the net income lost during the transition period, iii) costs of transferring and reinstalling plant, machinery and equipment.</i> |
| Compensation for non-registered businesses | | No distinction between registered or non-registered businesses in regards to compensation entitlement for lost income and other assistance. | <i>The Provincial Resettlement Sub-Committee (PRSC) must certify that the AP has a business in current operation and approve the level of lost income.</i> |
| Monitoring | | Monitoring indicators specified for internal and external monitoring and reporting | <i>The EA must recruit an independent external monitor and undertake internal monitoring according to the critical indicators.</i> |
| Disclosure and Consultation | | ADB policy requires continuous public disclosure throughout all stages of the project, from identification and feasibility and project design and throughout implementation. | <i>Public consultation will begin before project approval and continue on an ongoing process.</i> |

IV. PROJECT POLICY ON LAND ACQUISITION, RESETTLEMENT AND COMPENSATION

A. Involuntary Resettlement

33. All project activities including subprojects will endeavor to avoid involuntary resettlement. If avoidance is not possible, involuntary impacts will be minimized. Avoiding involuntary resettlement impacts is built into the criteria for selecting project activities under each output including the subprojects, and suggestions from communities to mitigate and avoid resettlement impacts will be taken into consideration early in the project design stage. Subproject screening will be based on the following:

- (i) Consistent with BCC Project goals and identified as one of the top three priorities by beneficiaries in the commune and documented through participatory, multistakeholder consultations conducted by the project;
- (ii) Affordable within the block allocation set aside for the commune;
- (iii) Fulfills all subproject eligibility section in the Project Administration Manual (PAM) including non-eligibility of subprojects with significant involuntary resettlement impacts and avoidance of land acquisition;
- (iv) Compliant with all environmental safeguard issues as described in the Environment Assessment and Review Framework;
- (v) In conformity with land use plans in the commune and the biodiversity corridor;
- (vi) Households in target communes benefit in the form of income generation or cost savings in terms of money, time, and effort and benefits households in the target communes (men, women, or both, and/or families/households);
- (vii) Technically feasible and satisfies preference for mountainous area community-based small scale rural infrastructure interventions; and
- (viii) Arrangements satisfactory to the project have been made for undertaking operations and maintenance (O&M) if applicable.

34. The subprojects will avoid involuntary resettlement, land acquisition, and physical displacement or denial of access to resources currently under use by the beneficiaries. Small-scale infrastructure investments will only be undertaken on the basis of demand and agreement of the beneficiaries to contribution (e.g. labor, land, right of way, and willingness to undertake O&M etc.).

35. Involuntary resettlement impacts will be avoided by observing the following: (i) improvement of small-scale infrastructure designs will be along existing rights of way or following existing alignments; (ii) ensure no project activity including subprojects with the ADB's Category A resettlement criteria is financed under the Project; (iii) local stakeholders will be actively engaged during consultation to ensure the project activities including subproject designs avoid involuntary resettlement impacts and minimize land acquisition.

B. Voluntary Land Donations

36. The Project will undertake small-scale infrastructure mainly within existing rights of way or following existing alignments and subprojects will only be undertaken on the basis of expressed demand and agreement of the beneficiaries to contribution of, e.g., labor, land, and right of way. It is expected that small-scale infrastructure rehabilitation and development will positively impact on the incomes and livelihoods of the local people, following their priorities and consensual agreement and that the scale of impacts will be very minor, subprojects will be

implemented based on voluntary land donations. No subprojects with land acquisition (voluntary or non-voluntary) will be funded by the Additional Financing under the Pilot Program for Climate Resilience (PPCR), funded by the Climate Strategic Fund (Appendix 1).

37. The ADB SPS on Involuntary Resettlement does not apply to negotiated settlements even if among the stakeholders, unless expropriation would result upon the failure of negotiations. The EA will ensure that the process addresses any asymmetries of information and bargaining power of the parties. The documents pertaining to the settlements, such as maps, land registries, sales records, laws and policies pertaining to the negotiations and development plans are to be disclosed.

38. The EA will engage an independent external party to document the negotiation and settlement process. The independent external party is not associated with the project – past and present, in any capacity. Consultation processes, applicable policies, and laws; mechanisms for calculating the replacement costs of land and other assets affected; and record-keeping requirements will be in line with this updated RF.

39. Voluntary land acquisition will not involve any physical displacement, or result in significant adverse impacts on incomes, and is expected to include community-devised mitigation measures that are acceptable to those who will be affected. During the subproject feasibility study, verification of the voluntary nature of land donations must be obtained from each person donating land. A sample Voluntary Contribution Consent Form is in Appendix 3. When land is communally owned, a communal Voluntary Contribution Consent Form will be required. To ensure informed consent, voluntary donation will be based on the following principles:

- (i) The subproject site is moveable and selected in full consultation with landowners and any non-titled affected people;
- (ii) Voluntary donations do not severely affect the living standards of affected people and the amount of agricultural or other productive land to be acquired from each AP does not exceed 5% of the total productive landholdings of the household;
- (iii) Land donations are linked directly to benefits for the affected people;
- (iv) Any voluntary 'donation' will be confirmed through written record and verified by an independent third party such as an External Monitoring Organization (IEMO);
- (v) There is an adequate grievance process;
- (vi) No AP will be displaced from housing and severely affected; and
- (vii) Vulnerable AP(s) will directly benefit from Components 2 and 3 of the Project.

40. In cases of restriction to land use and/or livelihood sources, impacts of which are determined to be minor and the affected households do not want to receive compensation for the impacts; the principles and procedures will be applied following the same for those with voluntary donation of affected land and or assets upon lands. If the impacts are found to be significant as can be finalized during the consultations with the affected households, then the subproject will not be financed nor will be eligible for voluntary land donation option.

41. In the event DPs, who had long been utilizing resources that are eventually zoned off, will be restricted to access to land or livelihood resources, resettlement and compensation entitlements will be provided following consultations with them during the subproject feasibility study. These DPs will be automatically engaged in the Project components and entitled to the Project's benefit schemes.

V. COMPENSATION, ASSISTANCE AND RELOCATION

42. The Project will not support any subproject or activity that will result in significant involuntary resettlement. In the event that avoidance of involuntary resettlement on a high-priority subproject is not possible, involuntary resettlement impacts will be minimized during the subproject design stage based on consultations with, and suggestions from the affected communities which will be set out in a Resettlement Plan (RP).

A. Entitlement Eligibility Requirements

43. Eligibility for entitlement will be determined with regards to the cut-off date, which is taken to be the date of completing the detailed measurement survey (DMS) carried out during the detailed engineering design for which land and/or assets affected by project activities including subprojects are measured. The DPs will be informed of the cut-off date, and any people who settle in the subproject area after the cut-off date will not be entitled to compensation and assistance under the subproject.

44. In addition, the extent of eligibility for compensation in regards to land is determined by legal rights to the land concerned. If the DPs have land legal rights, full compensation and assistance for lands and assets upon land will be made. If the DPs have no land legal rights or the affected land cannot be legalized, compensation for assets upon lands will be provided but not for the land. However, assistance shall be provided for resettlement assistance and social support to improve or at least restore their pre-project living standards and income level. DPs without legal right status will be entitled to benefit schemes of the Project and directly engaged in the Component 3 of the Project - Livelihood improvement and small scale infrastructure support in target villages. An Entitlement Matrix is proposed (Appendix 4) that summarizes the main types of losses and the corresponding nature and scope of entitlements.

B. Compensation and Assistance

45. Compensation and assistance will be provided to ensure that the economic and social futures of DPs are at least as favorable as they were before the Project if the negative impacts of the sub-projects cannot be avoided at all. The compensation policy, which encompasses compensation for all affected assets, along with rehabilitation measures, will ensure that all DPs are able to, at minimum, restore their incomes, standards of living, and productive capacities to pre-project levels if not better. Specific measures to ensure restoration of incomes and living standards of DPs include compensation for lost assets based on (i) as a priority, land-for-land of equivalent productive capacity and at a location suitable and acceptable to the DPs, or (ii) in case of the lack of available suitable same-use land or, at the request of an DPs who have been informed regarding the options, cash for land or a combination of the two. Compensation will be based on results of the replacement cost survey.

46. Under their contract specifications, the contractors will be required to take extreme care to avoid damaging private and communal and State property during their construction activities. Where damages do occur, the contractor will be required to pay compensation immediately to affected households, groups, communities, or government agencies at the same compensation rates that shall be applied to all other assets affected by the Project as agreed between the IRC, PRSC, and the owner.

VI. IMPLEMENTATION

A. Information Disclosure, Consultation and Participation

47. **Information Disclosure.** In the preparation and update of a resettlement plan, the project beneficiaries will be provided information on:

- (i) Description of the project activity/subproject,
- (ii) Potential resettlement impacts by the project activity/subproject,
- (iii) Project Resettlement Policy Framework (concentrate on the entitlements),
- (iv) Implementation schedule, and
- (v) Grievance redress mechanism.

48. **Community Participation and Consultation.** Consultation is an ongoing process beginning early in the project cycle and continuing throughout project preparation and implementation. The process must provide timely information to communities in order that they may meaningfully contribute to project design, decisions and also mitigation. Provision of timely and accurate information will stem misinformation and inaccurate rumors from circulating in communities. During consultations particular attention is given to vulnerable subgroups in the community to ensure their understanding and collective input.

49. The IRC, PRSC and relevant Ministries and institutions will conduct a series of public consultations to provide information regarding project activities and the proposed resettlement and compensation arrangements.

50. It is important that DPs are informed well in advance of the date, time and location of each meeting, and that reminders are also provided. It is essential that these meetings enjoy maximum participation as this will reduce misunderstandings and potential for conflict. They must also be gender-inclusive, be conducted in a language that DPs understand and in an environment free of coercion.

51. The contents of the public consultations will cover the following:

- (i) Subproject components. This includes information about the project activity as well as places where more detailed information can be sought.
- (ii) Project activity/Subproject impacts. Anticipated impacts on the people living and working, making livings in the affected areas of the project including explanations about the need for land acquisition for the subproject components.
- (i) DPs rights and entitlements. The rights and entitlements for different categories of DPs, including the entitlements for those losing businesses, jobs and income. Options for land-for-land and cash. Options regarding reorganizing and individual resettlement, and provisions and entitlements to be provided for each as well as opportunities for project-related employment will be applied for all DPs
- (ii) Grievance mechanism and the appeal process. All DPs are to be informed that project policies and procedures are intended to ensure their pre-project living standards are at least restored if not improved. All DPs must also be informed that if there is any confusion or misunderstanding about any aspect of the project, the village or district resettlement committee can help resolve problems. If they have complaints about any aspect of the land acquisition, compensation, resettlement, and rehabilitation process, including the compensation rates being offered for their losses, they have the right to make complaints and to have their complaints heard. DPs will also receive an explanation about how to access grievance redress procedures

- (iii) Resettlement activities. All DPs are to be given an explanation regarding compensation calculations and compensation payments, monitoring procedures (which will include interviews with a sample of DPs), reorganization, relocation to an individual location/self-relocation, and preliminary information about physical works procedures.
- (iv) Organizational responsibilities. All DPs are to be informed about the organizations and levels of Government involved in resettlement and the responsibilities of each, as well as the names and positions of the Government officials with phone numbers, office locations, and office hours if available;
- (v) Implementation schedule. All DPs should receive the proposed schedule for the main resettlement activities and informed that physical works would start only after the completion of all compensation activities, installation of income restoration measures, and clearance from the project area. It should be clarified that DPs would be expected to move only after full payment of compensation for their lost assets. Implementation schedules and charts will be provided to responsible authorities.

52. Following all public consultations with DPs and stakeholders, the IRC, IRC-WG, and PRSC must complete the following activities:

- (i) Make a list of all DPs who joined the meeting;
- (ii) Make a complete record of all questions, comments, opinions, problems and decisions that arose during the information and consultation meetings.
- (iii) Deliver leaflets and project announcements to the DPs.

53. The local people and affected households and other stakeholders will continue to be consulted during RP updating and implementation, following a two-way process – information dissemination and gathering of feedback and suggestions.

- (i) Affected households will be notified at least six months prior to the date that the land will be acquired by the project activity/subproject.
- (ii) Public Consultations: A first public consultation with local people and the affected households and other stakeholders will be held prior to the start of the inventory of losses (IOL), as a way of introducing the subproject and the resettlement policy to the local population. Focus groups are to be held with representatives of households affected by land acquisition and with all households affected by loss of a dwelling. During the focus groups participants can express their concerns that should be addressed in the resettlement process and on their preferences for compensation and income restoration.
- (iii) A second Public Consultation will take place to share the results of the IOL, the entitlements and the resettlement plan. This public consultation will include discussing the results of the impacts survey with the affected households and getting feedbacks and suggestions on their compensation and entitlements, including income restoration and relocation options.
- (iv) Further public consultations will continue during implementation. These consultations should take place (i) following completion of the DMS and review and updating of unit costs for affected assets, where the IRC consults with the affected households individually and/or in group in connection with the updating of compensation and entitlements and, as warranted, income restoration programs and relocation plans; and (ii) following approval of the updated RP, to present to the affected households in the village (i.e., also referred to as “final disclosure meeting”) the validated/updated list of affected people, compensation

and entitlements due to them, and schedule of delivery of compensation and entitlements.

- (v) Disclosure of RP: The final RP will be uploaded on the ADB website following approval of the draft RP by IRC/MEF and ADB.
- (vi) The updated RP (draft and approved) to be prepared following detailed design will likewise be disclosed to the affected households and uploaded on the ADB website.

54. **Documents Disclosure.** According to the ADB SPS, the following documents are submitted to the ADB for Disclosure on the ADB website:

- (i) Draft RF endorsed by the Client before project appraisal
- (ii) Final RP endorsed by Client after the DMS (Census of DPs)
- (iii) Updated RP following any changes from the DMS or other changes introduced (if any)
- (iv) Resettlement monitoring reports

55. In the RP preparation following the DMS and formulation of the Inventory of Losses (IOL) the PPC will direct the DRC to provide information for local people on:

- (i) Description of the subproject;
- (ii) Potential resettlement impacts by the subproject;
- (iii) Project Resettlement Policy Framework (concentrate on the entitlements);
- (iv) Implementation schedule; and,
- (v) Grievance redress mechanism.

B. Grievance Redress Procedures

56. DPs are entitled to lodge complaints regarding any aspect of the preparation and implementation of the RP. A well-defined, accessible, efficient, and culturally appropriate grievance redress and resolution mechanism will be established to address AP grievances and complaints in a timely and satisfactory manner. The objective is to resolve complaints as quickly as possible and at the local level through a process of conciliation; and, if that is not possible, to provide clear and transparent procedures for appeal. All DPs will be made fully aware of their rights, and the detailed grievance redress procedures will be publicized through an effective public information campaign. The grievance redress process includes three stages, with the court of law identified as the fourth stage. It is envisaged that the grievance redress mechanism will encourage facilitation to hasten resolution of complaints so they do not escalate into a formal case in court. However, DPs may access the formal legal system at any time.

- (i) First stage: DPs will present their complaints and grievances verbally or in writing to the village chief, commune chief, IRC, or PSRC Working Groups. The receiving agent will be obliged to provide immediate written confirmation of receiving the complaint. If after 15 days the aggrieved AP does not hear from the village and commune chiefs or the working groups, or if he/she is not satisfied with the decision taken in the first stage, the complaint may be brought to the District Office.
- (ii) Second stage: The District Office has 15 days within which to resolve the complaint to the satisfaction of all concerned. If the complaint cannot be solved at this stage, the District Office will bring the case to the Provincial Grievance Redress Committee (PGRC).
- (iii) Third stage: The PGRC has 30 days within which to solve the complaint. The PGRC meets with the aggrieved party and tries to resolve the situation. The Committee may ask for a review of the DMS by the external monitor

(Independent Monitoring Organization or IMO). Within 30 days of the submission of the grievance, the Committee must make a written decision and submit copies to the relevant CPCU, FA cantonment/Provincial PA, DT, IMO, IRC/PRSC, and the AP.

- (iv) Final stage: If the aggrieved AP does not hear from the Grievance Redress Committee of IRC or is not satisfied, he/she will bring the case to Provincial Court. This is the final stage for adjudicating complaints. The Court will make a written decision and submit copies to the Ministry of Environment (MOE), the Ministry of Agriculture, Forestry and Fisheries (MAFF), relevant Provincial PA and FA cantonment, IMO, IRC, and the AP. If any party is still unsatisfied with the Provincial Court judgment, he/she can bring the case to a higher-level court.

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

58. It is recognized that, in many cases, DPs do not have the writing skills, DPs are encouraged to seek assistance from the IMO, the nominated local NGOs or other family members, village heads or community chiefs to have their grievances recorded in writing and to have access to the DMS or other documentation, and to any survey or valuation of assets, to ensure that where disputes do occur all the details have been recorded accurately enabling all parties to be treated fairly.

C. Preparation of Subproject Resettlement Plans: Procedures and Methods

59. A Resettlement Plan will be prepared if a subproject or any project activity has potential involuntary resettlement impacts which will be determined through involuntary resettlement screening and categorization done during feasibility study stage. A screening and categorization form is provided in Appendix 5.

60. If after initial screening, a subproject or project activity is deemed to have no land-acquisition or any other involuntary resettlement impact, an Official Letter shall be submitted to the relevant CPCU by the relevant FA cantonment/Provincial PA. The CMPU, with support from its consultant, will verify the situation and submit an Official Letter requesting ADB to issue no-objection letter for the subproject. Once the no-objection letter is issued, civil works can be started.

61. Should screening reveal that a subproject has insignificant involuntary resettlement impacts, a socio-economic survey of affected households and an inventory of losses will be conducted. A draft resettlement plan will be prepared and submitted to ADB for approval.

62. During the detailed engineering design stage of the subprojects, the resettlement plan will be finalized following the conduct of a detailed measurement survey (DMS) covering 100% of the affected households and will be conducted by the IRC or the consultants. This will formulate the inventory of losses and calculate compensation for lost land, dwellings, structures and other assets. This will identify severely affected households and those partially affected. Other social and development assistance measures needed will be discussed with the DPs and confirmed, then the final resettlement budget calculated. It is important that the survey be gender responsive and must include the men and women of the household.

63. Participatory meetings will be convened with the community to explain the process that will be followed in obtaining information regarding the DMS and as to why these are necessary.

Separate meetings should be held with members of vulnerable groups to ensure that these people understand the process. Holding separate meetings will allow them to freely ask questions without feeling intimidated or less knowledgeable than others. These meetings will allow the community to provide feedback in regards to the process and facilitate coordination of events.

64. In regards to the valuation of affected assets, each province has established a book value system for valuing land on a square meter basis. These values are updated on an annual basis by the PPC. These valuations will be obtained during the DMS and concurrently, details of land transactions occurring over the past 12 months will be obtained by the survey teams from each affected commune. This will provide a better indication of the current market value of any land being acquired. In accordance with ADB policy, current market values will be applied. In regards to structures and dwellings, replacement cost surveys will be undertaken by the DRSCs in each district in order to obtain unit prices for building materials and other components and assets lost. Any AP not satisfied with the level of compensation applied will be able to appeal according to the Grievance Process established for the project. A guideline on socio-economic survey as well replacement cost survey is presented in Appendix 6.

65. Table 3 presents milestones at each stage of the subproject cycle. The following general steps will be followed in the formulation of each RP:

- (i) **Step 1:** During feasibility study stage, a socio-economic survey and an inventory of losses will be conducted. Meaningful consultations will also be done. A draft RP with the following outline will be prepared and submitted to ADB for approval.
 - (a) Executive Summary
 - (b) Project Description
 - (c) Scope of Land Acquisition and Resettlement
 - (d) Socio-economic Information and Profile
 - (e) Information Disclosure, Consultation, and Participation
 - (f) Complaints and Grievance Redress Mechanisms
 - (g) Legal Framework
 - (h) Entitlements, Assistance and Benefits
 - (i) Relocation of Housing and Settlements
 - (j) Income Restoration and Rehabilitation
 - (k) Resettlement Budget and Financing Plan
 - (l) Institutional Arrangements
 - (m) Implementation Schedule
 - (n) Monitoring and Reporting
- (ii) **Step 2:** During detailed engineering design, carry out a DMS to further refine the subproject design, consult with potential DPs and engineers and environment specialist who are working for the Project to avoid resettlement effects as much as possible and keep the impact at a minimum. DMS establishes the cut-off date for the eligibility of entitlement. It will be carried out with the attendance of relevant local authorities. The following data should be collected:
 - (a) Data about DPs:
 - 1. Total number of DPs
 - 2. Demographic, education, income, and occupational profiles
 - 3. Inventory of all property and assets affected
 - 4. Socioeconomic production systems and use of natural resources
 - 5. Inventory of common property resources if any

6. Economic activities of all affected people, including vulnerable groups
7. Social networks and social organization
8. Cultural systems and sites
- (b) Data on land and the area:
 1. Map of the area and villages affected by land acquisition
 2. Total land area acquired for the Project
 3. Land type and land use
 4. Ownership, tenure, and land use patterns
 5. Land acquisition procedures and compensation
 6. Existing civic facilities and infrastructures
 7. Cultural systems and sites
- (iii) **Step 3:** In parallel to the DMS, continue consultation with DPs to identify their preferences and special needs that the RP needs to address. In addition, information on market prices for land, crops, and other assets need to be collected from respective provincial, district, and commune authorities and the local market, so that the cost estimates for the RP can be done.
- (iv) **Step 4:** Finalize the RP using the outline presented above. The Entitlement Matrix in this Framework will be used and applied to the inventory of losses obtained from the DMS, specifying the number of DPs, the size of land affected, the number of other assets affected, lost, and the compensation amount for each category of loss.
- (v) **Step 5:** Submit the final RP to ADB for approval. Following approval, disseminate the RP to affected persons as well as post on the ADB website.

D. Indigenous Peoples and Gender Issues

66. Any resettlement issues affecting indigenous peoples shall strictly refer to the updated Indigenous Peoples Development Framework for guidance. Similarly, the Project Gender Action Plan will serve as reference as regards gender concerns.

VII. INSTITUTIONAL ARRANGEMENTS AND IMPLEMENTATION

67. The Project will develop small-scale infrastructure mainly within existing rights of way or following existing alignments, based on demand and agreement of the beneficiaries to contributions of land and labor. Verification of the voluntary nature of the land donations will be carried out during the subproject feasibility study and will involve the following organizations: (i) the MOE and MAFF as the Executing Agencies of the Project; (ii) the CPCU which will ensure due process for informed consent of affected people for the voluntary land donations; and (iii) the commune and district authorities. The Ministry of Economy and Finance (MEF) will be informed accordingly.

68. The Project will not support activities and subprojects that will result in involuntary resettlement. In the unlikely event of Project support to high-priority subprojects that involve involuntary resettlement, institutional arrangements will follow those for other ADB-financed projects with MOE and MAFF. At the national level, the organizations involved are: (i) MEF; (ii) MOE and MAFF as the Executing Agencies for the Project; and (iii) the IRC both MOE and MAFF have experience with ADB resettlement policy and procedures. At the provincial level, the organizations involved are: (i) the PRSC; (ii) the Provincial Project Management Units (PPMU); (iii) Koh Kong and Monduliri FA cantonments and Provincial Koh Kong and Monduliri PA; and (iv) the Provincial Department of Economy and Finance (PDEF).

69. **Table 3** presents a matrix showing responsibilities of the various organizations in dealing with voluntary and involuntary resettlement.

A. CPCU at MOE and MAFF

70. The CPCU under MOE and MAFF, respectively, are responsible for the overall management of the Project. The CPCU will assure overall coordination, planning, implementation and reporting for the Project. The CPCU also approves subprojects that have been recommended for Project support by the FA cantonment/Provincial PA. The CPCU will coordinate closely with MEF when triggers for IR are encountered and to oversee land acquisition and resettlement matters. The CPCU shall secure the services of a National Social Safeguards Specialist who will work closely with the social safeguards monitoring organization to guide, support, endorse and monitor the work of the FA cantonment/Provincial PA in each project province for all activities related to planning, implementation and monitoring of land acquisition and resettlement where required for the project subprojects, including:

- (i) Screen subproject and determine subproject resettlement impact categorization.
- (ii) Guide, support and oversee the work of relevant FA cantonment/Provincial PA, and other stakeholders for all activities related to planning, implementation and monitoring of plans and activities for voluntary and involuntary land acquisition.
- (iii) Prepare resettlement plans (RPs) for subprojects with resettlement impacts, in concert with PRSC, submit to IRC for endorsement and ADB for approval. Coordinate with IRC and PRSC for conducting the detailed measurement surveys (DMS) including replacement cost survey.
- (iv) Coordinate internal monitoring activities including development of monitoring indicators, procedures and reporting requirements for all subproject that require resettlement. Review and compile provincial monitoring reports into one quarterly progress report, and oversee implementation of remedial actions as required.
- (v) With expertise from the National Social Safeguards Specialist, design and conduct socio-economic surveys, capacity building activities as well as information, education and communication materials, and see through the implementation of the Livelihood/Income restoration program in coordination with the IRC.

71. As the focal entity, the CPCU is expected to provide assistance in: (i) Verification of voluntary nature of land donations, (ii) Inventory of loss, (iii) Public consultations, (iv) Approval of resettlement plan, (v) Approval of budget for surveys, (vi) Preparation/conducting DMS, (vii) Review, endorsement, and approval of the RP, and (viii) Grievance redress.

B. Inter-Ministerial Resettlement Committee (IRC)

72. The Inter-Ministerial Resettlement Committee (IRC) was established in 1999. The IRC is chaired on a permanent basis by MEF. The secretariat for the IRC is the Resettlement Department (MEF-RD) at MEF. The IRC is constituted for every project (including this Project, if subprojects will entail involuntary resettlement impacts) with membership from MEF, the Council of Ministers, the Ministry of Public Works and Transport, the Ministry of Water Resources and Meteorology, the Ministry of Agricultural, Forestry and Fisheries and Governors or Deputy Governors of project provinces. Members may also include representatives of other relevant ministries and/or provincial departments.

73. The IRC is responsible for the following aspects of land acquisition and resettlement for projects: (i) conduct the DMS, (ii) publicly advertise, bid, and recruit a reputed and independent consultant to conduct the replacement cost survey, (iii) approval of compensation rates; (iv) reporting to the Government on resettlement activities and request approval, including endorsement for land acquisition and resettlement plans (RPs)⁴; and (iv) disbursement of funds to the PDEF for paying compensation and deliver all other entitlements to DPs, in accordance with the approved RPs.

74. Other key responsibilities of the IRC specifically if resettlement is triggered and plans take effect are: (i) Development of resettlement site, (ii) Grievance redress, (iii) External RGC monitor to Project resettlement activities, (iv) Livelihood/Income restoration program. The IRC through coordination with the CPCU also provides support to (i) Preparation of draft resettlement plans, (ii) Implementation of Social Surveys, (iii) Public consultations, (iv) Review and approval of the RP, (v) Transferring funds to PDEF, and (vi) Payment to DPs.

75. Linked to IRC is the transfer of funds by the MEF to the PDEF to operationalize payments to DPs. As such, the MEF provides support in the (i) Approval of budget for surveys, (ii) Review and endorsement of the RP, and (iii) Livelihood/Income restoration program.

⁴ The Implementing Agency will prepare RPs. RPs will be reviewed and agreed by IRC and DPs.

Table 3: Responsibilities of Various Organizations in Land Acquisition and Resettlement

| Activity | CPCU ¹ | IRC | MEF | | FA cantonment/Provincial PA ² | PRSC | | | | PDEF | ADB | EMO |
|---------------------------------------|-------------------|-----|-----|--|--|------|--|--|--|------|-----|-----|
| At subproject selection stage | | | | | | | | | | | | |
| Subproject categorization for IR | □ | | | | ⊗ | | | | | | | |
| Subproject screening | □ | | | | ⊗ | | | | | | | ◆ |
| Approval of subproject | ⊗ | | | | ⊗ | | | | | | | |
| At feasibility stage | | | | | | | | | | | | |
| Inventory of loss | ⊗ | □ | | | ⊗ | ⊗ | | | | | | |
| Public consultation | ⊗ | | | | ⊗ | ⊗ | | | | | | ◆ |
| Voluntary land donations | □ | | ⊗ | | ⊗ | | | | | | ◆ | |
| Socio-economic surveys/census | □ | | | | □ | | | | | | | |
| Preparation of resettlement plan (RP) | □ | ⊗ | | | □ | ⊗ | | | | | | |
| Set up grievance redress mechanism | ⊗ | □ | | | ⊗ | □ | | | | | | ◆ |
| At detailed design stage | | | | | | | | | | | | |
| Approval of draft resettlement plan | ⊗ | □ | | | ⊗ | | | | | | □ | |
| Approval of budget for surveys | ⊗ | □ | ⊗ | | ⊗ | | | | | | | |
| Preparation/conducting DMS | ⊗ | □ | | | ⊗ | ⊗ | | | | | | ◆ |
| Implementation of Social Surveys | □ | ⊗ | | | □ | ⊗ | | | | | | ◆ |
| Public consultations | ⊗ | ⊗ | | | ⊗ | ⊗ | | | | | | ◆ |
| Finalizing the resettlement plan (RP) | □ | | | | □ | ⊗ | | | | | | |
| Review and endorsement of the RP | ⊗ | □ | ⊗ | | | | | | | | | |
| Review and approval of the RP | ⊗ | ⊗ | | | | | | | | | □ | |
| Resettlement implementation | | | | | | | | | | | | |
| Transferring funds to PDEF | | ⊗ | □ | | | | | | | | | |
| Payment to DPs | ◆ | ⊗ | | | ◆ | ⊗ | | | | □ | | ◆ |

| Activity | CPCU ¹ | IRC | MEF | | FA cantonment/Provincial PA ² | PRSC | | | | PDEF | ADB | EMO |
|--|-------------------|-----|-----|--|--|------|--|--|--|------|-----|-----|
| Grievance redress | ⊗ | □ | | | ⊗ | □ | | | | | | ◆ |
| Internal monitoring | □ | | | | □ | | | | | | | |
| External monitoring | ⊗ | □ | | | ⊗ | ⊗ | | | | | ⊗ | □ |
| Livelihood/Income restoration program | □ | □ | ⊗ | | ⊗ | ⊗ | | | | | ⊗ | ◆ |

Notes: ¹ Assisted by Main consultants at central level and/or Detailed design supervision (DSC) consultants at FA cantonment/Provincial PA office.

² Assisted by Social Specialist of central /or DSC consultants.

□ Key responsibility/role.

⊗ Supporting role.

◆ Monitoring role.

C. FA Cantonment and Provincial PA

76. The Implementing Agencies (IAs) for FA are the Koh Kong FA cantonment and the Mondulhiri FA cantonment. The IA for MOE is the Koh Kong Protected Area (PA). Each province has a PPMU, which provides project management for activities implemented by the IAs in the province.

D. Resettlement Sub-Committees

77. **Provincial Resettlement Sub-Committee.** At the provincial level, each province has a PRSC to work closely with the IRC from the national level. The Provincial Governor (or his representative) chairs the PRSC, comprised of the directors of provincial departments and relevant local authorities involved in project implementation..., IRC will:

- (i) Guide, support and oversee the work of PSRC Working Group and other stakeholders for the assessment of land acquisition and resettlement impacts of subprojects; data collection and surveys; and all aspects of implementation and monitoring of resettlement activities.
- (ii) Guide, support and oversee all activities related to public disclosure of information, consultations with DPs and other stakeholders and grievance redress for all subprojects.
- (iii) Guide, support and oversee that appropriate measures are included to address the needs and preferences of women and female-headed households, poor households and other vulnerable DPs.
- (iv) Support the IRC in conducting the detailed measurement survey (DMS) for the subproject during the detailed design stage.
- (v) As necessary, coordinate, guide and support district and commune authorities, local consultants, civil society organizations and other stakeholders to address requirements for relocation of DPs and/or income restoration strategies.
- (vi) Negotiate compensation rates with the DPs.
- (vii) The funds for payment of compensation and allowances to DPs will be disbursed by IRC directly to PDEF.

78. The commune level key actors shall be the frontline for grievance redress.

VIII. BUDGET

79. The cost of resettlement will be calculated based on (i) the losses inventoried during the detailed measurement survey (DMS); (ii) the entitlements set out in the entitlement matrix of the RF; and, (iii) the findings of the replacement cost survey and reporting to establish current market prices. A contingency factor of 20% will be included in these cost estimates to be used as required during implementation of the RP.

80. An itemized budget in the RP is required for all resettlement activities, including compensation for land acquisition and income restoration. An annual resettlement budget is prepared, showing the budget- scheduled expenditure for key items. Land acquisition and resettlement costs are reflected in the project costs.

81. Resettlement costs, including the income restoration and livelihood development, shall be from the counterpart fund of the Royal Government of Cambodia. The Ministry of Economy and Finance will provide the budget directly to the IRC and IRC will disburse the fund to PDEF for

payments of Compensation and allowances to DPs. The IRC and PDEF are responsible for arranging the resettlement budget sufficiently and timely allocated for resettlement activities.

IX. MONITORING AND REPORTING

82. Monitoring is the continuous process of assessment of project implementation, in relation to agreed schedules, the use of inputs, infrastructure and services by the Project. Monitoring provides all stakeholders with continuous feedback on implementation. It identifies actual or potential successes and problems as early as possible to facilitate timely correction during project operation. It provides systematic and continuous collection and analysis of information on the progress of the project. It is a tool to identify strengths and weaknesses and to enable timely decisions for corrections.

A. Internal Monitoring

83. Implementing agencies shall assign staff responsible for internal monitoring of the Project RP at provincial level.

84. All resettlement – related activities are monitored by internal monitoring experts who will follow-up the implementation of RP. All specialists working for internal monitoring will cooperate closely with IRC/PRSC to implement and update resettlement data.

85. Monitoring Indicators are included:

- (i) An initial key indicator will be, as per assurances to the ADB, the payment of compensation, relocation to new sites, and rehabilitation assistance being in place before award of civil contracts and these will be monitored under each of the Civil Contracts.
- (ii) The other main indicators that will be monitored regularly are:
 - (a) Payment of compensation to all DPs in various categories, according to the compensation policy described in the RP.
 - (b) Delivery of technical assistance, relocation, payment of subsistence and moving allowances.
 - (c) Delivery of income restoration and social support entitlements.
 - (d) Public information dissemination and consultation procedures.
 - (e) Adherence to grievance procedures and outstanding issues requiring management's attention.
 - (f) Priority of DPs regarding the options offered.
 - (g) Coordination and completion of resettlement activities and award of civil works contract.
 - (h) The benefits provided from the Project

86. The implementing agencies will periodically collect information from the different resettlement committees. A database of resettlement monitoring information regarding the Project shall be maintained and updated.

87. The PRSCs, assisted by project consultants will submit to CPCU and ADB quarterly progress reports. The internal monitoring reports shall include the following topics:

- (i) The number of DPs by category of impact per component, and the status of compensation payment and relocation and income restoration for each category.
- (ii) The amount of funds allocated for operations or for compensation and the amount of funds disbursed for each.

- (iii) The eventual outcome of complaints and grievances and any outstanding issues requiring action from management.
- (iv) Implementation problems.
- (v) Revised actual resettlement implementation schedule.

B. External Monitoring

88. The IRC will recruit an EMO to conduct external M&E of resettlement, focusing on the social impacts of the subprojects and whether AHs are able to restore, and preferably improve, their pre-project living standards, incomes and productive capacity. The EMO will be a qualified NGO, consulting firm or independent consultant with recognized experience in Cambodia. Terms of reference and qualifications of EMO has been drafted (Appendix 7). The EMO will also cover Indigenous People's safeguards.

89. The EMO will be appointed prior to the beginning of any subprojects that will involve land acquisition and resettlement, and will continue for the duration of the project. The PMO and PIOs will ensure full cooperation with the EMO. The EMO will monitor the WG and other fieldwork, all consultations, payment of compensation and, as required, relocation and income restoration activities. All data collected during DMS and socio-economic surveys will be made available to the EMO.

90. The EMO will prepare quarterly reports up through the completion of resettlement for all the subprojects. Said quarterly reports will be submitted to IRC and then IRC will forward the reports to ADB. The EMO will also prepare a post-resettlement impact evaluation report 6 to 12 months after completion of resettlement in all the subprojects. The post-resettlement impact evaluation will assess the degree to which AHs have been successful in restoring, maintaining or improving their living standards, incomes and productive capacity.

Appendix 1: PPCR Additional Financing Contributions to the Project Outputs

1. The aggregate impact “climate resilient sustainable forest ecosystems benefiting local livelihoods” and outcome “sustainably managed biodiversity corridors” of the BCC project will not change as a result of the additional co-financing; it will benefit a further 4,450 households with diversified livelihood assets and/or income generating opportunities by 2019 with spill-over affecting an additional 2,000 households by 2025. The BCC project outputs remain the same but beneficiary adaptive capacity to tackle climate change impacts is enhanced through specific interventions under Output 3 “improved livelihoods and income-enhancing small-scale infrastructure support”, such as: (i) rainwater harvesting ponds with climate resilient high value crop productivity; (ii) climate resilient irrigation and system of rice intensification (SRI) techniques; (iii) bioengineered sea barriers reducing salt water intrusion; (iv) ecosystem-based adaptation in two catchments in Mondulkiri.

2. These interventions under additional financing are expected to enhance: (i) all year round water availability through construction of rainwater harvesting tanks for at least 2,400 households for high value crop production; (ii) at least 1,000 households adopt climate resilient SRI rice production techniques with rice yields expected to increase by 50%; (iii) at least 15 km of bioengineered sea barriers with self-closing culverts are constructed preventing incursion of saline water during winter high tides benefiting over 750 ha; and (iv) over 900 households benefit from reduced flood risk, improved soil quality, and reduced impact from drought by diversifying income and climate resilient livelihoods through ecosystem-based adaptation in two catchments.

3. The direct beneficiaries of Promoting Climate-Resilient Agriculture, Forestry, Water Supply and Coastal Resources (CRAWRM) are poor coastal and upland farmers, indigenous communities, and women living in and dependent on the marine and forest ecosystems in 22 communes in Koh Kong and Mondulkiri provinces of Cambodia. Majority of the additional 4,450 households that will benefit from CRAWRM are indigenous peoples living in remote, mountainous areas in Mondulkiri. All subproject models of small-scale infrastructure, livelihood adaptations, and enhanced coping mechanisms to be undertaken under additional financing from PPCR reflect priorities identified during participatory, multi-stakeholder consultations carried out under RETA 7459. All civil works will only be undertaken on land voluntarily donated by virtue of written agreements by the communities for commune lands or state owners/managers of land (e.g. local government and line agencies). The focus of the civil works implementation will be on quality rather than maximizing coverage, and designs will be based on appropriate standards to ensure climate resilience and sustainability. CRAWRM is expected to yield major benefits, including (i) access to water all year round for climate resilient productivity gains; (ii) losses avoided from flood damage, extreme weather events, saltwater inundation of coastal aquifers, and costs associated with reduced and irregular river flow. CRAWRM is expected to generate social benefits that accrue to communities, local government units, and private and nongovernment organizations (NGOs) through stakeholder empowerment resulting from the institutional and capacity-building interventions.

Appendix 2: Results of the Assessment of Climate Change Vulnerability

Table A2.1: Climate Change Vulnerability Analysis of BCC Communes in Mondulkiri Province

| Commune | District | Drought | Floods | Sea Inundation & Other | Vulnerability* |
|--------------|---------------|--|---|------------------------|----------------|
| Romonea | Saen Monourum | Drought for six months all four villages | Road access during wet season is poor (flash floods) | Minor | 1 |
| Bus Sra | Pech Chreada | Drought for six months per year | District confirmed no flash flood problems | Minor | 1 |
| Pu Chrey | Pech Chreada | Drought for six months per year | District confirmed no flash flood problems | Minor | 1 |
| Krang Teh, | Pech Chreada | Drought for six months per year | District confirmed no flash flood problems | Minor | 1 |
| Dak Dam | Ou Reang | Drought less severe than in other communes | No flood problems except on cassava (soil erosion from flash flood) | Minor | 2 |
| Srae Chhuk | Kaev Seima | Drought less severe than in other communes | No significant flood problems | Minor | 2 |
| Srae Khtum | Kaev Seima | Drought for six months per year | Some flash floods but not economically major | Typhoon damage | 1 |
| Srae Preah | Kaev Seima | Drought for six months per year | No significant flood problems | Minor | 1 |
| Chong Phlah | Kaev Seima | Drought for six months per year | No significant flood problems | Minor | 1 |
| Sokh Sant | Kaoh Nheaek | Drought for six months per year | No significant flood problems | Minor | 1 |
| Srae Huy | Kaoh Nheaek | Drought for six months per year | River dyke breaks and rice flooded but not economic to repair | Minor | 1 |
| Nang Khi Lik | Kaoh Nheaek | Drought for six months per year | Not visited but informed major river overflow in August / September damaging several 100 has of irrigated rice in some years. | Minor | 1 |

* The most vulnerable communes are rated as category 1, the least vulnerable as category 3.

Table A2.2: Climate Change Vulnerability Analysis of BCC Communes in Koh Kong Province

| Commune | District | Drought | Floods | Sea Inundation & Other | Vulnerability* |
|---------------|--------------|---|--|---|---------------------------------------|
| Pak Khlang | Mondol Seima | Medium exposure to drought but most houses have piped water | Little flood damage | Sea water intrusion damaging village (200 households), land, crop and road, storms and heavy rain events | 2 |
| Peam Krasaob | Mondol Seima | Annual drought (Dec. to Apr.). Very hot. | Little flood damage | Saline water intrusion (Nov. to Dec.), storm/ heavy rain (June to Aug.) | 1 |
| Ta Tai Kraom | Kaoh Kong | Medium exposure to drought. | Heavy rain/ flood, road damage. Little river flooding. | Saltwater intrusion (Dec. to Mar.), large area of paddy abandoned (protected area?). Little storm exposure. | 2 |
| Trapeang Rung | Kaoh Kong | Minimal drought problems | Flood affecting a few houses and agriculture but economic loss not major | Minor risk of salt water intrusion | 3 |
| Ruessei Chrum | Thma Bang | Minimal drought problems | Little flood damage | Little risk of storm damage | Cardamom forest, low vulnerability, 3 |
| Ta Tay Leu | Thma Bang | Minimal drought problems | Little flood damage | Little risk of storm damage | Cardamom forest, low vulnerability, 3 |
| Chi Phat | Thma Bang | Drought annually (Feb. to Apr.) | Little flood damage | Little risk of storm damage | 3 |
| Thma Doun Pov | Thma Bang | Minimal drought problems | Little flood damage | Little risk of storm damage | Cardamom forest, low vulnerability, 3 |
| Andoung Tuek | Botum Sakor | Drought annually (Feb. to Apr.) | Heavy rain/ flood, road damage. Little river flooding. | Saline water intrusion (Nov. to Dec.), storms annually but very bad in 2013. | 1 |
| Chi Kha Leu | Srae Ambel | Drought annually (Feb. to Apr.) | Little flood damage | Little risk of storm damage | 2 |

* The most vulnerable communes are rated as category 1, the least vulnerable as category 3.

Appendix 3: Voluntary Contribution Consent Form

Royal Government of Cambodia

[INSERT NAME] Province
 [INSERT NAME] District
 [INSERT NAME] Commune

CERTIFICATE OF LAND TRANSFER

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

Certify that I have been previously informed by local authority of my right to compensation for any loss of property (house, land and trees) that might be caused by BCC [INSERT IMPROVEMENT, I.E., WATER SUPPLY SYSTEM, ACCESS INFRASTRUCTURE, ETC...) in commune [INSERT NAME], district ([INSERT NAME]). I confirm that I voluntarily accept [INSERT TERMS FOR REPLACEMENT]. I also confirm that I do not request any compensation of loss of [INSERT OTHER LOSSES SUCH AS TREES STRUCTURES] and would request the local authority to consider this as my contribution to the Project.

| Type of Loss | Area (sqm) | Number of Trees | Unit Rates | Total | Comment |
|--------------|------------|-----------------|------------|-------|---------|
| Land | | | | | |
| Total | | | | | |

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

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

Witnesses:

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

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

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

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

Appendix 4: Entitlements Matrix

| No. | Type of Loss/Impact | Application | Eligible Persons | Entitlement |
|-----|--|---|--|---|
| 1.1 | PRODUCTIVE LAND (agricultural, fishpond, forest, etc.) | MARGINAL LOSS (i.e., land is still economically viable for use or meets the expected yield) This will be confirmed by the EA and concurred with by the AP during the DMS. | OWNERS with legal or legalizable/ recognized right; and those covered by customary rights | <p><u>A. FOR THE PORTION TO BE USED TEMPORARILY DURING CONSTRUCTION:</u></p> <ul style="list-style-type: none"> • No compensation for land if returned to the legal owner and the land restored to pre-project condition within 4 months after use. If the land is not returned and restored to pre-project condition within 4 months, the AP will receive compensation at replacement cost for the land. A penalty clause will be included in the contractor's contract to ensure that the cost of such compensation is recovered from the contractor. • Cash compensation at replacement cost for the loss of standing crops and trees. • Compensation for loss of net income from subsequent crops that cannot be planted within the duration of the temporary use of the land. • AP will be notified 4 months in advance of the actual date that the land will be temporarily used or affected by the subproject. <p><u>B. FOR THE PORTION THAT WILL BE ACQUIRED PERMANENTLY:</u></p> <ul style="list-style-type: none"> • Cash compensation at replacement cost for the acquired portion of the land. • Cash compensation at replacement cost for the loss of standing crops and trees. • AP will be notified 4 months in advance of the actual date that the land will be acquired by the subproject. |
| 1.2 | PRODUC-TIVE LAND (agricultural, fishpond, forest, etc.) | MARGINAL LOSS (i.e., land is still economically viable for use or meets the expected yield) This will be confirmed by the EA and concurred with by the AP during the DMS. | USERS with lease or permission or right | <p><u>A. FOR THE PORTION TO BE USED TEMPORARILY DURING CONSTRUCTION:</u></p> <ul style="list-style-type: none"> • No compensation for loss of land use if returned to the lessee and the land restored to pre-project condition within 4 months after use. If the land is not returned and restored to pre-project condition within 4 months, the AP will receive compensation at replacement cost for the subject land. A penalty clause will be included in the contractor's contract to ensure that the cost of such compensation is recovered from the contractor. • Cash compensation at replacement cost for the loss of standing crops and trees. • Compensation for loss of net income from subsequent crops that cannot be planted within the duration of the temporary use of the land and within the remaining lease/assigned period. • AP will be notified 4 months in advance of the actual date that the land will be temporarily used or affected by the subproject. <p><u>B. FOR THE PORTION THAT WILL BE ACQUIRED PERMANENTLY:</u></p> <ul style="list-style-type: none"> • Cash compensation for loss of net income for the remaining leased/assigned period. • Cash compensation at replacement cost for the loss of standing crops and trees. • AP will be notified 4 months in advance of the actual date that the land will be acquired by |

| No. | Type of Loss/Impact | Application | Eligible Persons | Entitlement |
|-----|--|--|---|--|
| 1.3 | PRODUCTIVE LAND (agricultural, fishpond, forest, etc.) | MARGINAL LOSS (i.e., land is still economically viable for use or meets the expected yield) This will be confirmed by the EA and concurred with by the AP during the DMS | NON-LEGAL USERS | A. <u>FOR THE PORTION TO BE USED TEMPORARILY DURING CONSTRUCTION:</u> <ul style="list-style-type: none"> • No cash assistance for loss of land use if returned to original user and the land restored to pre-project condition within 4 months after use. If the land is not returned and restored to pre-project condition within 4 months, the AP will receive cash assistance for permanent loss of land use equivalent to the net income from the affected land during the immediate past year multiplied by 2 years. A penalty clause will be included in the contractor's contract to ensure that the cost of such compensation is recovered from the contractor. • Cash compensation at replacement cost for the loss of standing crops and trees. • Compensation for loss of net income from subsequent crops that cannot be planted within the duration of the temporary use of the land. • AP will be notified 4 months in advance of the actual date that the land will be temporarily used or affected by the subproject. B. <u>FOR THE PORTION THAT WILL BE ACQUIRED PERMANENTLY:</u> <ul style="list-style-type: none"> • Cash assistance for permanent loss of land use equivalent to the net income from the affected land during the immediate past year multiplied by 2 years. • Cash compensation for the loss of standing crops and trees at replacement cost. • AP will be notified 4 months in advance of the actual date that the land will be temporarily used or affected by the subproject. |
| 1.4 | PRODUCTIVE LAND (agricultural, fishpond, forest, etc.) | SEVERE LOSS (i.e., land no longer viable for continued use or does not meet the expected yield, therefore the entire property has to be acquired). This will be confirmed by the EA and concurred with by the AP during the DMS | OWNERS with legal or legalizable/ recognized right; and those covered by customary rights | <ul style="list-style-type: none"> • Cash compensation at replacement cost for the entire land, or land-for-land of equivalent productive value with secure tenure, and acceptable to the AP. • Cash compensation at replacement cost for the loss of standing crops and trees. • Entitled to take part in the income restoration program. • If the loss is equivalent to 10% or more of the total productive assets of the AP, see Item 7 below. • AP will be notified 4 months in advance of the actual date that the land will be acquired by the subproject. |

| No. | Type of Loss/Impact | Application | Eligible Persons | Entitlement |
|-----|---|--|--|---|
| 1.5 | PRODUCTIVE LAND (agricultural, fishpond, forest, etc.) | SEVERE LOSS (i.e., land no longer viable for continued use or does not meet the expected yield, therefore the entire property has to be acquired). This will be confirmed by the EA and concurred with by the AP during the DMS. | USERS with lease or permission or right | <ul style="list-style-type: none"> Cash compensation for loss of net income from subsequent crops that cannot be planted within the remaining lease/assigned period. Cash compensation at replacement cost for the loss of standing crops and trees. Entitled to take part in the income restoration program. If the loss is equivalent to 10% or more of the total productive assets of the AP, see Item 7 below. AP will be notified 4 months in advance of the actual date that the land will be acquired by the subproject. |
| 1.6 | PRODUCTIVE LAND (agricultural, fishpond, forest, etc.) | SEVERE LOSS (i.e., land no longer viable for continued use or does not meet the expected yield, therefore the entire property has to be acquired). This will be confirmed by the EA and concurred with by the AP during the DMS. | NON-LEGAL USERS | <ul style="list-style-type: none"> Cash assistance for permanent loss of land use equivalent to the net income from the affected land during the immediate past year multiplied by 4 years. Cash compensation at replacement cost for the loss of standing crops and trees. Entitled to take part in the income restoration program. If the loss is equivalent to 10% or more of the total productive assets of the AP, see Item 7 below. AP will be notified 4 months in advance of the actual date that the land will be acquired by the subproject. |
| 2.1 | RESIDENTIAL / COMMERCIAL LAND | MARGINAL LOSS (i.e., land is still economically viable for use or meets the expected personal yield) This will be confirmed by the EA and concurred with by the AP during the DMS. | OWNERS with legal or legalizable/ recognized right; and those covered by customary rights | <p>A. FOR THE PORTION TO BE USED TEMPORARILY DURING CONSTRUCTION:</p> <ul style="list-style-type: none"> Cash rental to be negotiated with the AP. Restoration of the land within 1 month after use. If the land is not returned and restored to pre-project condition within 1 month, the AP will receive compensation at replacement cost for the subject land. A penalty clause will be included in the contractor's contract to ensure that the cost of such compensation is recovered from the contractor. For affected non-land assets, see Items 3-5 below. AP will be notified 6 month in advance of the actual date that the land will be acquired by the subproject. <p>B. FOR THE PORTION THAT WILL BE ACQUIRED PERMANENTLY:</p> <ul style="list-style-type: none"> Cash compensation at replacement cost. For affected non-land assets, see Items 3-5 below |

| No. | Type of Loss/Impact | Application | Eligible Persons | Entitlement |
|-----|------------------------------------|---|--|--|
| 2.2 | RESIDENTIAL/ COMMERCIAL LAND | | NON-LEGAL USERS | <ul style="list-style-type: none"> No cash assistance or compensation for land, except affected properties on the land. For affected non-land assets, see Items 3-5 below. |
| 2.3 | RESIDENTIAL/ COMMERCIAL LAND | SEVERE LOSS (i.e., land no longer viable for continued use; the entire property has to be acquired). This will be confirmed by the EA and concurred with by the AP during DMS | OWNERS with legal or legalizable/ recognized right; and those covered by customary rights | <ul style="list-style-type: none"> Cash compensation at replacement cost for the entire land, or land-for-land of similar attributes with secure tenure and acceptable to the AP. For affected non-land assets, see Items 3-5 below For allowances due to relocation of house, see Item 9 below. AP to be notified at least 6 months in advance of the date the land will actually be acquired by the Project. |
| 2.4 | RESIDENTIAL/ COMMERCIAL LAND | | NON-LEGAL USERS | <ul style="list-style-type: none"> No cash assistance or compensation for land, except affected properties on the land. Compensation at replacement cost for non-land assets. For allowances due to relocation of house, see Item 9 below. AP to be notified at least 6 months in advance of the date the land will actually be acquired by the Project. |
| 3.1 | HOUSE AND SHOPS | MARGINAL IMPACT (i.e., unaffected portion of the house is still viable for use and no relocation required). To be confirmed by EA and concurred with by the AP | OWNERS of the structures with or without acceptable proof of ownership over the land; with or without building permit | <ul style="list-style-type: none"> Cash compensation at replacement cost for the affected portion. Repair allowance equivalent to not less than 20% of replacement cost of the affected portion, or equivalent to the actual cost of repair. |
| 3.2 | HOUSE AND SHOPS | SEVERE IMPACT (i.e., house is no longer viable for continued use. The entire structure to be acquired. To confirm by EA and concurred with by the AP. | OWNERS of the structures with or without acceptable proof of ownership over the land; with or without building permit | <ul style="list-style-type: none"> Cash compensation at replacement cost for the entire structure. For allowances see Item 8 for shops and Item 9 for houses below. |

| No. | Type of Loss/Impact | Application | Eligible Persons | Entitlement |
|-----|--|--|---|--|
| 4 | SECONDARY STRUCTURES (kitchen, latrine, etc.) | LOSS OF, OR DAMAGE TO, ASSETS | OWNERS of the structures with or without acceptable proof of ownership over the land; with or without building permit | <ul style="list-style-type: none"> Cash compensation at replacement cost for the entire structure or affected portion. |
| 5 | CROPS AND TREES | LOSS OF, OR DAMAGE TO, ASSETS | OWNERS regardless of tenure status | <ul style="list-style-type: none"> Cash compensation at replacement cost. |
| 6 | PUBLIC AND COMMON PROPERTY, STRUCTURES, FACILITIES | LOSS OF, OR DAMAGE TO, ASSETS | OWNERS | <ul style="list-style-type: none"> Cash compensation at replacement cost. |
| 7 | LOSS OF LIVELIHOOD/INCOME DUE TO LOSS OF PRODUCTIVE LAND | LOSS OF 10% OR MORE OF TOTAL PRODUCTIVE LAND | AP losing productive land regardless of tenure status | <ul style="list-style-type: none"> One time assistance allowance (transition) of \$200 per household. The amount of \$200 is equivalent to 6 months' supply of rice to cover for additional human resources needed to help them rebuild their houses and re-establish their livelihood. |
| 8.1 | LOSS OF INCOME/ LIVELIHOOD DUE TO DISRUPTION OF BUSINESS OR EMPLOYMENT | MARGINAL IMPACTS (i.e., disruption of business due to reorganization of the shop on the residual land; disruption of employment of less than 3 months) | SHOP OWNERS (regardless of tenure status) and employees/laborers of affected assets | <ul style="list-style-type: none"> One time assistance allowance (transition) of \$50 per owner or employee. |

| No. | Type of Loss/Impact | Application | Eligible Persons | Entitlement |
|-----|---|--|--|--|
| 8.2 | | SEVERE IMPACTS (i.e., disruption of business due to relocation of shop; and disruption of employment for more than 3 months) | SHOP OWNERS (regardless of tenure status) employees/laborers of affected assets, and tenants | <ul style="list-style-type: none"> Materials transport allowance of \$20/shop if relocating in the same village; \$40/shop if relocating elsewhere in the commune or district. One time assistance allowance of \$ 100 per household. The amount of \$100 is equivalent to 3 months' supply of rice to cover for additional human resources needed to help them rebuild their houses and re-establish their livelihood. |
| 9 | IMPACTS ON HOUSES THAT REQUIRE RELOCATION | SEVERE IMPACTS ON HOUSES | RELOCATING AP HOUSEHOLDS regardless of tenure status TENANTS OR PERMISSORY RIGHTS | <ul style="list-style-type: none"> Materials transport allowance of \$60/house if relocating in the same village; \$70/house if relocating elsewhere in the commune or district. One time assistance allowance of \$200 per household for those who will move to another plot of land and \$100 for those who will move within their plot of land. Rental allowance equivalent to three months' rent fee Assistance to find alternative, affordable accommodation |
| 10 | HIGHER RISKS OF IMPOVERISHMENT/HARD-SHIP | LOSS OF LAND AND NON-LAND ASSETS; RESTRICTIONS TO LAND OR LIVELIHOOD SOURCES | AFFECTED VULNERABLE GROUPS regardless of severity of impacts Severely affected DPs losing 10% or more of productive assets and livelihoods, regardless of tenure status | <ul style="list-style-type: none"> One time assistance allowance of \$200 per household to cover for additional human resources needed to help them, rebuild their houses, and re-establish their livelihood. Income restoration program to be designed in a participatory manner during the updating of the RP and which will include, among others, any of the following measures: (a) alternative livelihood; (b) improved agricultural production; (c) access to credit facilities for productive endeavors; and (d) appropriate skills training. Income restoration program to be designed in a participatory manner during the updating of the RP and which will include, among others, any of the following measures: (a) alternative livelihood; (b) improved agricultural production; (c) access to credit facilities for productive endeavors; and (d) appropriate skills training. |
| 11 | LOSS OF OR RESTRICTION TO RESOURCE BASE | PERMANENT OR TEMPORARY | DPs whose access to sources of livelihood such as land and resources are lost or restricted | <ul style="list-style-type: none"> Income restoration program to be designed in a participatory manner during the updating of the RP and which will include, among others, any of the following measures: (a) alternative livelihood; (b) improved agricultural production; (c) access to credit facilities for productive endeavors; and (d) appropriate skills training. |

Note 1: Shown US\$ amounts are indicative and will have to be reviewed during detailed design phase in consultation with the EA and local authorities.

Note 2: Concerning productive land, the used 4 months are related to a minimum of 4 months rice period.

Note 3: Concerning residential and commercial land, the used 1 and 6 months are regarded as maximum and minimum, respectively.

Appendix 5: IR Screening and Categorization Form

Involuntary Resettlement Impact Screening Checklist

| Probable Involuntary Resettlement Effects | Yes | No | Not Known | Remarks |
|---|-----|----|-----------|---------|
| Involuntary Acquisition of Land | | | | |
| 1. Will there be permanent/temporary, full/partial land acquisition? | | | | |
| 2. Is the site for land acquisition known? | | | | |
| 3. Is the ownership status and current usage of land to be acquired known? | | | | |
| 4. Will easement be utilized within an existing Right of Way (ROW)? | | | | |
| 5. Will there be temporary/permanent, full/partial loss of shelter and residential land due to land acquisition? | | | | |
| 6. Will there be temporary/permanent, full/partial loss of agricultural and other productive assets due to land acquisition? | | | | |
| 7. Will there be temporary/permanent, full/partial losses of crops, trees, and fixed assets due to land acquisition? | | | | |
| 8. Will there be temporary/permanent, full/partial loss of businesses or enterprises due to land acquisition? | | | | |
| 9. Will there be temporary/permanent, full/partial loss of income sources and means of livelihoods due to land acquisition? | | | | |
| Involuntary restrictions on land use or on access to legally designated parks and protected areas | | | | |
| 10. Will people temporarily/permanently, fully/partially lose access to natural resources, communal facilities and services? | | | | |
| 11. If land use is changed, will it have an adverse impact on social and economic activities? | | | | |
| 12. Will access to land and resources owned communally or by the state be restricted temporarily/permanently, fully/partially? | | | | |
| Information on Displaced Persons: | | | | |
| <p><i>Any estimate of the likely number of persons that will be displaced by the Project?</i> <input type="checkbox"/> No <input type="checkbox"/> Yes</p> <p>If yes, approximately how many? _____</p> | | | | |
| <p><i>Are any of them poor, female-heads of households, or vulnerable to poverty risks?</i> <input type="checkbox"/> No <input type="checkbox"/> Yes</p> | | | | |
| <p><i>Are any displaced persons from indigenous or ethnic minority groups?</i> <input type="checkbox"/> No <input type="checkbox"/> Yes</p> | | | | |

Appendix 6: Guidelines for Census, Socioeconomic Survey and Replacement Cost Survey

A. Census of DPs and Inventory of Affected Assets

1. A census of DPs and their households and the inventory of assets to be acquired serve two vital functions. The primary function is to identify DPs eligible for resettlement entitlements, which is especially important if disclosure of subproject plans is likely to encourage land invasion and fraudulent claims for compensation. The census and inventory also supply an important part of the resettlement database to be used for project monitoring and supervision. The census and the inventory of assets can be done separately. As each requires visits to all affected households, however, doing them together is generally more efficient. Where establishing ownership or length of residency is difficult, the census should be conducted as soon as possible, to determine a cut-off date for eligibility for entitlements. In such situations an immediate partial inventory, sufficient to establish the number and general size of structures and other assets to be taken, may be advisable to supplement the census. The precise attributes of structures and an inventory of remaining fixed assets (such as boreholes) acquired or affected can be determined later. The census needs to be undertaken as soon as possible to ensure accurate determination of eligibility for entitlement. The formats for the census and the asset inventory must be adapted to the specific context and informational requirements of the subproject. In any case, the format needs to be field-tested, to ensure that the questions and the phrasing of them elicit the required information. The usual practice is for enumerators to code information while the teams are in the field. This way, incomplete or obviously incorrect information can be corrected on repeat visits. The information is then sent to the project office for data entry and filing.

2. Once the final technical design of the subproject is available, the Detailed Measurement Survey (DMS) needs to be carried-out, and the DMS results are used for the RP updating.

B. Socioeconomic Survey (SES)

3. The census and inventory are supplemented with data from socioeconomic surveys. The SES data and information are used to establish baseline information on household income, livelihood patterns, standards of living, and productive capacity. This baseline information constitutes a reference point against which income restoration and the results of other rehabilitation efforts can be measured lists other areas of socioeconomic analysis: land tenure and transfer systems; the patterns of social interaction in the affected communities; public infrastructure and social services that will be affected; and social and cultural characteristics of displaced communities. Interviews are conducted with a systematic sample and using uniform questionnaire. For some subproject under the BCC that affects a limited number of people, everyone affected may be interviewed. For the significant involuntary resettlement subprojects, AP population can be sampled for the socioeconomic surveys. The sample should provide a sufficient number of cases for statistical analysis.

C. Replacement Costs Survey (RCS)

4. Compensation is 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:

- (i) Productive Land (agricultural, aquaculture, garden and forest) based on market prices that reflect recent land sales, and in the absence of such recent sales, based on productive value;
- (ii) Residential land based on market prices that reflect recent land sales, and in the absence of such recent land sales, based on similar location attributes;
- (iii) Houses and other related structures based on current market prices of materials and labor without depreciation nor deductions for salvaged building materials;
- (iv) Annual crops equivalent to current market value of crops at the time of compensation; and
- (v) For perennial crops and trees, cash compensation at replacement cost is equivalent to current market value given the type, age and productive value (future production) at the time of compensation. Timber trees based on diameter at breast height at current market value.

5. The evaluation of replacement costs will be carried out based on information collected from both research and field work including surveys and data collection from people in the affected and adjacent areas, both those affected and those not affected.

6. Desk research will focus on relevant publications, decisions of Government authorities at national, provincial, city and district levels. However, these materials will play the supporting role only. As the work is aimed at obtaining reasonable replacement costs for different types of affected assets, market evidences are the factors which most strongly base the formulation of these costs. Surveys with people in the affected area, both those, whose assets are affected by the project, and those whose assets are not, will produce reliable data for evaluation.

7. For land, the objective of evaluation is to determine the prices or rates that will enable DPs to purchase the same type and quantity of land. The evaluation of compensation for the loss of land is based on its market value. Direct interviews with land-owners in the subproject area, including those whose land is affected and those whose land is not; and consultation with the land and real-estate agency service staff, the District Site Clearance and Resettlement committee officer, etc. are required. The information to collect include the recent land use rights transfers (buying/selling transactions) in the area; the price, at which owners are willing to sell their land; or/and price of the recent transaction; type of land (Non – Agriculture land, Agriculture land with different categories); and the government established rates for land.

8. For annual crops, the survey team needs to calculate the value of crops that are lost, the market price of the crops during last 3 years. For the data and information, focus grouped discussions with farmers to discuss the investment cost, production, yield and benefit for each crop type, interviews with people (affected and not affected) who owned the same crops in the locality, and interviews with agricultural experts, etc. are advisable.

9. For perennial trees, the information about production and benefit of their fruit tree during last 3 years and the market price of the trees are needed.

10. For structures, the survey is to determine whether the government regulated prices enable DPs to rebuild their affected structures. The evaluation of compensation for affected structures is based on the principle of replacement cost. The information to base the evaluation will mainly be collected from direct interviews with parties involved, including owners of structures in the subproject site and the owner of similar structures in the region whose are not affected, local construction contractors specialized in residential building; owner of newly built houses.

11. An Independent Consultant for conducting the Replacement Cost Study/Survey will be publicly advertised, bidden and recruited by the IRC.

Appendix 7: Terms of Reference of External Monitoring Organization

1. **Rationale.** The Biodiversity Corridors Conservation Project and the additional financing may entail insignificant Indigenous Peoples and involuntary resettlement impacts. In accordance with the ADB-approved Indigenous Peoples Development Framework (IPDF) and Resettlement Framework (RF), the services of an external monitoring organization are required to:

- (i) Determine if social safeguard plans were prepared in accordance with the approved frameworks;
- (ii) Verify the findings of internal monitoring and evaluation;
- (iii) Propose and provide an effective tool for assessing implementation of social safeguard plans;
- (iv) Conduct independent and periodic monitoring of implementation of social safeguard plans, and
- (v) Evaluate if the objectives of approved frameworks are being/have been met, i.e., affected persons' living standards are at par with their pre-project conditions and Indigenous Peoples' rights are upheld.

2. **Detailed Tasks.** The external monitoring agency is tasked with the following:

- (i) Review the IPDF and RF as well as all IP plans and resettlement plans prepared under the project
- (ii) Assess whether or IP plans and resettlement plans have been prepared in accordance with the approved IPDF and RF, respectively, and provide recommendations to fill in gaps
- (iii) Propose and carry out the mechanism for determining the effectiveness of the implementation of IP plans and resettlement plans including but not limited to:
 - a. Defining the monitoring system and the monitoring cycle to be followed
 - b. Preparing and applying gender disaggregated monitoring indicators and impact indicators
 - c. Developing and maintaining a monitoring and evaluation database
 - d. Proposing and applying standardized monitoring and evaluation checklists
 - e. Determining the efficiency of institutional arrangements and grievance redress mechanism in dispensing their duties
- (iv) Provide timely advise to project management on ways to improve implementation of IP plans and resettlement plans
- (v) Verify internal monitoring reports through field visits and interviews with affected persons, IPs, and other stakeholders
- (vi) Conduct independent and periodic monitoring of the progress of implementation of IP plans and resettlement plans
- (vii) Document changes in income and living standards among affected persons
- (viii) Document changes in living conditions, cultural practices, and communal ways of life among Indigenous Peoples
- (ix) Verify land donations, if any
- (x) Report on the grievances and concerns of Indigenous Peoples and affected persons
- (xi) Advise on the need for corrective action plans, if warranted
- (xii) Submit quarterly reports which includes discussion of all the above
- (xiii) Assess whether affected persons' living standards have been restored or improved by comparing post-resettlement with baseline socio-economic conditions
- (xiv) Assess whether IPs received culturally appropriate project benefits

- (xv) Prepare evaluation report based on (xiii) and (xiv)
- (xvi) Others as required or agreed upon during engagement of the external monitoring organization

3. **Deliverables**

- (i) Inception report
- (ii) Quarterly progress reports
- (iii) Evaluation report

4. **Minimum qualifications**

- (i) Must have significant expertise in social safeguards and very familiar with ADB's Safeguard Policy Statement and Royal Government of Cambodia's laws, regulations, and procedures for land acquisition, involuntary resettlement, land donation, and Indigenous Peoples
- (ii) Must have demonstrated experience in monitoring and evaluation
- (iii) Must be an institute, consultancy office, NGO, pool of experts from the Royal Government of Cambodia

5. **Requirements for Application**

- (i) Interested candidates are obliged to submit technical and financial proposals for the work with a brief statement of the approach, methodology, and relevant information demonstrating that they meet the qualifications set above
- (ii) The proposed budget should cover all costs including logistics
- (iii) Proposed staff members need to submit CVs showing their technical capacity to handle the tasks

6. **Duration of Assignment:** Intermittent, until 2018