

Resettlement Plan

September 2019

CAM: Second Greater Mekong Subregion Corridor Towns Development Project

Kampot Subproject (Urban Drainage Line 4B)
Part 1 of 3

Prepared by the Ministry of Public Works and Transport and the General Department of Resettlement of the Ministry of Economy and Finance for the Royal Government of Cambodia and the Asian Development Bank. This is an updated version of the draft originally posted in August 2015 available on <https://www.adb.org/projects/46443-002/main#project-documents>.

This resettlement plan is a document of the borrower. The views expressed herein do not necessarily represent those of ADB's Board of Directors, Management, or staff, and may be preliminary in nature. Your attention is directed to the "terms of use" section of this website.

In preparing any country program or strategy, financing any project, or by making any designation of or reference to a particular territory or geographic area in this document, the Asian Development Bank does not intend to make any judgments as to the legal or other status of any territory or area.

KINGDOM OF CAMBODIA

Nation Religion King

DETAILED RESETTLEMENT PLAN
(DRP - FOR URBAN DRAINAGE LINE 4B)

**SECOND GMS - ECONOMIC CORRIDOR TOWNS
DEVELOPMENT PROJECT**

**URBAN DRAINAGE SUBPROJECT
IN KAMPOT PROVINCE**
(Urban Drainage Line 4B)

September 2019

Prepared by the Ministry of Public Works and Transport and the General Department of
Resettlement of the Ministry of Economy and Finance for the Royal Government of Cambodia

823

Table of Contents

I. EXECUTIVE SUMMARY	8
A. <i>Project Description</i>	8
B. <i>Scope of Land Acquisition and Resettlement</i>	8
C. <i>Socioeconomic Information and Profile</i>	9
D. <i>Information Disclosure, Consultations and Participation</i>	9
E. <i>Grievance Redress Mechanism</i>	9
F. <i>Legal Framework</i>	10
G. <i>Entitlements, Assistance and Benefits</i>	10
H. <i>Relocation of Housing and Settlements</i>	10
I. <i>Income Restoration Program</i>	11
J. <i>Resettlement Budget and Financing Plan</i>	11
K. <i>Institutional Arrangements</i>	11
L. <i>Monitoring and Reporting</i>	11
M. <i>Implementation Schedule</i>	12
II. PROJECT DESCRIPTION	13
A. <i>Project Overview</i>	13
B. <i>Urban Drainage Subproject Description</i>	13
C. <i>Measures Taken to Minimize Impacts</i>	16
1. <i>During Project Preparation</i>	16
2. <i>Detailed Engineering Design</i>	16
III. SCOPE OF LAND ACQUISITION AND RESETTLEMENT	19
A. <i>Detailed Measurement Survey and Cut-off-Date for Eligibility</i>	19
B. <i>Summary of Affected Households</i>	19
C. <i>Impact on Land</i>	20
D. <i>Impact on Structures</i>	21
1. <i>Main or Residential Structures</i>	21
2. <i>Secondary Structures</i>	22
3. <i>Other Secondary Structures</i>	23
E. <i>Impact on Crops and Trees</i>	24
F. <i>Loss of Common Properties and Resources</i>	25
G. <i>Impact on Business</i>	26
H. <i>Impacts on Vulnerable Households</i>	26
I. <i>AHs Experiencing Major Impacts</i>	26
J. <i>Summary of Land Acquisition and Resettlement Impacts</i>	27
IV. SOCIOECONOMIC INFORMATION AND PROFILE	29
A. <i>Survey Methodology</i>	29

B. Socioeconomic Information of AHs	29
C. Education Attainment.....	30
D. Sources of Income and Livelihood.....	31
E. Gender Considerations.....	32
F. Impact on Indigenous People and Ethnic Minorities	32
V. INFORMATION DISCLOSURE, CONSULTATION AND PARTICIPATION.....	33
A. Consultation and Participation during Draft Resettlement Plan Preparation.....	33
B. Consultation and Participation during Detailed Resettlement Plan Preparation	33
VI. GRIEVANCE REDRESS MECHANISMS.....	41
VII. LEGAL FRAMEWORK	43
A. RGC's Relevant Laws and Regulations on LAR.....	43
1. Cambodian Constitution 1993.....	43
2. Land Law 2001	43
3. Expropriation Law 2010.....	44
4. Other Sub-Decrees and Prakas	45
B. ADB Safeguard Policy.....	46
C. Equivalence and Gaps: Project Policies	48
VIII. ENTITLEMENTS, ASSISTANCE AND BENEFITS	50
IX. RELOCATION OF HOUSING AND SETTLEMENTS	56
X. INCOME RESTORATION AND REHABILITATION	59
XI. RESETTLEMENT BUDGET AND FINANCING PLAN	61
XII. INSTITUTIONAL ARRANGEMENTS	65
A. Ministry of Public Works and Transport (MPWT).....	65
B. Inter-Ministerial Resettlement Committee (IRC).....	65
C. General Department of Resettlement (GDR).....	65
D. Cadastral Administration Office (CAO).....	66
E. Central Project Management Office (CPMU) under MPWT.....	66
F. IRC Working Group (IRC-WG)	67
G. Provincial Resettlement Sub-Committee (PRSC)	67
H. PRSC Working Group (PRSC-WG).....	68
I. Linkage to the Award of Civil Works Contract with DRP.....	69
XIII. IMPLEMENTATION SCHEDULE	69
XIV. MONITORING AND REPORTING	70
A. Internal Monitoring.....	70
B. External Monitoring	70

LIST OF FIGURES

Figure 1: Layout and Location of Kampot Urban Drainage Subproject.....	15
Figure 2: Design Cross Sections of Open Earth Channel Type Drains For Line 4B.....	15
Figure 3: Realigned Section of Kampot Urban Drainage Line 4B.....	17
Figure 4: Layout Plan of Drainage Line 4B.....	18

LIST OF APPENDICES

Appendix 1: Updated Project Information Booklet.....	71
Appendix 2: Minutes of Public Consultation Meetings.....	74
Appendix 3: Replacement Cost Study (RCS) Report.....	110

LIST OF TABLES

Table 1: Measures to Minimize Resettlement Impacts.....	17
Table 2: Summary of AHs and APs by Administrative Jurisdiction.....	20
Table 3: Impacts on Affected Households.....	20
Table 4: Summary of Impact on Land.....	21
Table 5: Classifications of Types of Main Structures.....	21
Table 6: Types of Affected Main Structures.....	22
Table 7: Summary of Impacts on Secondary Structures (Kitchens).....	22
Table 8: Types of Affected Other Secondary Structures and Other Structures.....	23
Table 9: Types of Affected Trees.....	25
Table 10: Summary of Vulnerable Affected Households.....	26
Table 11: Summary of AHs Experiencing Major Impacts.....	27
Table 12: Summary of Land Acquisition and Resettlement Impacts.....	27
Table 13: Affected Persons and Households.....	29
Table 14: Demographic Profile of Household Heads.....	29
Table 15: Educational Attainment.....	30
Table 16: Sources of Income and Livelihood.....	31
Table 17: Annual Income of Affected Households.....	31
Table 18: Breakdown of Participants in the Public Consultation.....	34
Table 19: Issues and Concerns Raised in the Public Consultation (October 2018).....	34
Table 20: Issues and Concerns Raised in the Public Consultation (January 2019).....	37
Table 21: Key Issues and Concerns Raised in the Public Consultation (May 2019).....	39
Table 22: Composition of PGRC for Urban Drainage Line 4B Subproject.....	41
Table 23: Gaps between RGC Laws and ADB Policies and Recommended Project Policy.....	48
Table 24: Compatible Elements between the RGC Laws vi-a-vis ADB Policy.....	49
Table 25: Updated Entitlement Matrix.....	51
Table 26 Summary of Key Issues and Concerns Raised during in the Public Consultation.....	57
Table 27: List of AHs Entitled to Participate in IRP.....	59
Table 28: Summary of the Resettlement Budget.....	61
Table 29: Composition of IRC-WG.....	67
Table 30: Composition of the Provincial Resettlement Sub-Committee.....	67
Table 31: Composition of the PRSC-WG.....	68
Table 32: Schedule of Resettlement Activities.....	69

ACRONYMS AND ABBREVIATION

ADB	Asian Development Bank
AHs	Affected Households
APs	Affected Persons
DIMDM	Department of Internal Monitoring and Data Management
DMS	Detailed Measurement Survey
DRP	Detail Resettlement Plan
EA	Executing Agency
GDR	General Department of Resettlement
GRM	Grievance Redress Mechanism
AHs	Affected Household Heads
IOL	Inventory of Losses
IRC	Inter- Ministerial Resettlement Committee
IRP	Income Restoration Program
LAHs	Landless Affected Households
LAR	Land Acquisition and Involuntary Resettlement
m	meter
m ²	square meter
MC	Main Canal
MEF	Ministry of Economy and Finance
MPWT	Ministry of Public Works and Transport
PDPWT	Provincial Department of Public Works and Transport
PGRC	Provincial Grievance Redress Committee
PIB	Project Information Booklet
PIU	Project Implementation Unit
PRSC	Provincial Resettlement Sub-Committee
RCS	Replacement Cost Survey
RGC	Royal Government of Cambodia
RP	Resettlement Plan
ROW	Right-of-Way
SOP	Standard Operational Procedure
SPS	Safeguard Policy Statement
WG	Working Group

Dollar means US Dollar
\$1= 4,000 Riel
Riel1 = \$0.0002

In preparing any country program or strategy, financing any project, or by making any designation of or reference to a particular territory or geographic area in this document the Asian development Bank does not intend to make any judgments as to the legal or other status of any territory or area.

DEFINITION OF TERMS

Affected households/Affected people (AHs/AP) - In the context of involuntary resettlement, affected people are those who are physically displaced (relocation, loss of residential land, or loss of shelter) and/or economically affected (loss of land, assets, access to assets, income sources, or means of livelihood) as a result of (i) involuntary expropriation of land; or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas.

In the case of affected households, it includes all members residing under one roof and operating as a single economic unit, who are adversely affected by a project or any of its components.

Corridor of impact (COI) - It is the area which is required by civil works in the implementation of the Project, and it is agreed by the implementing agency and demarcated by the civil work consultant within which the construction activities will take place.

Cut-off-date - This refers to the date prior to which the occupation or use of the project area makes residents/users of the same eligible to be categorized as affected people. 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.

Compensation - Refers to any payment in cash or in kind of the replacement cost of the acquired assets and/or resources. All compensation is based on the principle of replacement cost, which is the method of valuing assets to replace the loss of current market rates, plus transaction costs such as administrative charges, taxes, registration and titling cost. In applying this method of valuation, depreciation of structures and assets should not be taken into account.

Detailed measurement survey (DMS) - This activity involves the finalization and/or validation of the results of the IOL, severity of impacts, and list of affected people earlier done during resettlement plan preparation. The final cost of resettlement can be determined following completion of the DMS.

Displaced persons (DPs) - In the context of involuntary resettlement, the persons, entity organizations who are physically displaced (relocation, loss of residential land, or loss of shelter) and/or economically affected (loss of land, assets, access to assets, income sources, or means of livelihood) as a result of (i) involuntary acquisition of land; and/ or (ii) involuntary restrictions on land use or on access to common property resources, legally designated parks and protected areas.

Economically displaced person - Refers to any person who will lose income or sources of livelihood whether they are physically displaced, or not.

Eligibility - Eligible include all AHs confirmed to be residing in, doing business, or cultivating land within the project affected area or land to be acquired or used for the project before the cut-off date are eligible for resettlement compensation for their affected properties.

Entitlement - Refers to a range of measures comprising compensation, assistance and income restoration, 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.

Grievance redress mechanism - Refers to an established mechanism to receive and facilitate the

resolution of affected persons' concerns and grievances/complaints about physical and economic displacement and other project impacts, paying particular attention to the impacts on vulnerable groups.

Household – Means all persons who are living together as a single social unit. They are identified in a census being an instrument of their recognition and legitimacy to receive compensation, rehabilitation and assistance under the project.

Income restoration – This is the re-establishment of sources of incomes and livelihood of the AHs.

Inventory of losses – This is the process where all fixed assets (i.e. lands used for residence, commerce, agriculture, including ponds; dwelling units; stalls and shops; secondary structures, such as fences, tombs, wells; trees with commercial value; etc.) and sources of income and livelihood inside the Project right-of-way are identified, measured, their owners identified, their exact location pinpointed, and their replacement costs calculated. Additionally, the severity of impact to the affected assets and the severity of impact to the livelihood and productive capacity of affected people will be determined.

Land acquisition – Refers to the process whereby an individual, household, firm or private institution is compelled by a public agency to alienate all or part of the land it owns or possesses to the ownership and possession of that agency for public purposes in return for compensation at replacement costs.

Major impacts – Refers to AHs who will (i) lose 10% or more of their total productive land and/or assets; (ii) have to relocate; and/or (iii) lose 10% or more of their total income sources due to the project.

Meaningful consultation – It is a process that: (i) begins early in the project preparation stage and is carried out on an ongoing basis throughout the project cycle; (ii) provides timely disclosure of relevant and adequate information that is understandable and readily accessible to affected people; (iii) is undertaken in an atmosphere free of intimidation or coercion; (iv) is gender inclusive and responsive, and tailored to the needs of disadvantaged and vulnerable groups; and (v) enables the incorporation of all relevant views of affected people and other stakeholders into decision making, such as project design, mitigation measures, the sharing of development benefits and opportunities, and implementation issues.

Physically displaced person – Refers to any person whose house and/or structure that will be relocated from his/her pre-project place of residence.

Rehabilitation – Refer to assistance provided to significantly affected APs losing 10% or more of productive assets (i.e. farmland, vegetable garden, etc.), incomes, employment or sources of livelihood such as shops and place of work has to be reconstructed and/or relocated. The livelihood support may be given in cash or in kind or employment during Project construction to improve or at least achieve full restoration of living standards to pre-project levels.

Relocation – This is the physical relocation of a displaced person from her/his pre-project place of residence and/or business to another location or shifting back.

Replacement cost – Replacement cost involves replacing an asset at a cost prevailing at the time of its acquisition. This includes fair market value, transaction costs, interest accrued, transitional and restoration costs, and any other applicable payments, if any. Depreciation of assets and structures

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

Replacement cost study – This refers to the process involved in determining replacement costs of affected assets based on empirical data.

Resettlement plan – This is a time-bound action plan with budget, setting out the resettlement objectives and strategies, entitlements, activities and responsibilities, resettlement monitoring, and resettlement evaluation.

Vulnerable groups – These are distinct groups of people who might suffer disproportionately or face the risk of being further marginalized by the effects of resettlement and specifically include: (i) female headed households with dependents, (ii) disabled household heads with no other means of support, (iii) households falling under the generally accepted indicator for poverty, (iv) children and the elderly households who are landless and with no other means of support, and (v) landless households, (vi) indigenous people or ethnic minorities.

Usufruct – The right to use and profit from land belonging to others or to a larger entity, i.e. to a tribe, community or collective.

I. EXECUTIVE SUMMARY

A. Project Description

1. The Royal Government of Cambodia (RGC) has received a loan from the Asian Development Bank (ADB) for the Second Greater Mekong Subregion (GMS2) Corridor Town Development Project (the Project) under Loan No. 3314-CAM. The loan was approved on 13 November 2015 and was declared effective on 26 February 2016. The physical completion and loan closing dates are 31 December 2020 and 30 June 2021 respectively.

2. The scope of the Project is broken into four civil works (CW) subprojects which are: (i) CW 01 - Kampot Wastewater Collection Treatment (WWCT) and Urban Drainage Works; (ii) CW 02 - Kampot Solid Waste Management; (iii) CW 03 - Sihanoukville Urban Drainage Works; and (iv) CW 04 - Sihanoukville Solid Waste Management and Project Implementation Supervision Capacity Building (PISCB) Consultancy Services.

3. A draft resettlement plan (RP) for all Kampot Subprojects was prepared in August 2015 that covered works relating to: (i) wastewater treatment plant; (ii) urban drainage works; and (iii) solid waste landfill. In accordance with ADB Safeguard Policy Statement (2009), the Project has been classified as Category B for Involuntary Resettlement (IR).

4. The detailed engineering design (DED) for the Urban Drainage subproject was submitted in January 2018 and the DED for Wastewater Collection and Treatment (WWCT) was submitted in February 2018. Both subprojects were re-designed to avoid and minimize resettlement impacts. The DED for the solid waste landfill has commenced. The subproject has been screened for IR impacts and a RP is yet to be prepared. Majority of the drainage subproject (those relating to drainage lines 2, 3, 4A, 5A, 6 and 7) except for Urban Drainage Line 4B, has been screened for IR impacts and determined to be Category C for IR, and a report for ADB's due diligence has been prepared for these urban drainage lines.

5. This detailed resettlement plan (DRP) is prepared for the Urban Drainage Line 4B which involves the improvement of existing open earth channel to increase the water flow capacity and reduce flooding during heavy rain. An access road for transport services and for easier operation and maintenance of the channel will be provided on the right embankment with laterite surfacing. The Urban Drainage Line 4B is connected from the wetland starting from the back of the town running east and south-western direction before discharging to Kampot River.

6. The Urban Drainage Line 4B will traverse four Communes/Sangkats namely Sovannsak Village in Sangkat Kampong Kandal; Krang Village in Sangkat Krang Ambel; Trapeang Thom Village in Trapeang Thom Commune; and Kampong Kandal Village in Chumkrill Commune.

B. Scope of Land Acquisition and Resettlement

7. The Urban Drainage Line 4B Subproject will require 1,173.27m² of state land (canal ROW) and 1,506.20m² of private agricultural land or a total of 2,679.47m² of land. A total of 11 houses measuring 411.49m² belonging to 11 affected household (AHs) or 46 affected persons (APs) will be affected. Nine (9) of the 11 affected main houses of 9 AHs or 39 APs will be entirely removed and 2 main houses of 2 AHs or 7 APs will be partially affected. The 9 AHs or 39 APs are landless and will have to relocate their houses to a new relocation site. The subproject will also affect secondary and other structures including 128 trees of various types. There are nine (9) AHs who will experience major impacts and are also vulnerable so they will also be given resettlement assistance. Based on these resettlement impacts, the Kampot Urban Drainage Line 4B is classified as Category B for IR.

C. Socioeconomic Information and Profile

8. A total 31 households comprising 138 persons will be affected by the Urban Drainage Line 4B subproject. There are seven (7) female-headed households (22.60%) with 33 household members. There are 24 male-headed households (77.40%) with 105 household members. The average AH size is 4.45 members. The average AH size for female-headed AH is slightly bigger with 4.71 members compared to male-headed AH with 4.37 members. A total 23 AHs are Khmer (74.20%) while the remaining 8 AHs are Cham (25.80%) ethnic minority. Majority of the age of the AHs is concentrated in two age brackets. There are 12 AHs (38.70%) in the 30-45 years bracket and 13 AHs (41.90%) in the 45-60 age brackets. These two age brackets represent 80.60% of all AHs. A total of 23 AHs or 77.10% have attained education from Secondary School to University. Therefore, majority of the AHs is literate. The 31 AHs in the subproject have 9 sources of income and livelihood. The main source of livelihood of the AHs is employment with 17 AHs or 33.33% receiving their salaries followed by 14 AHs or 27.45% who are sellers. Driving a motor taxi is the third source of income for 6 AHs (11.76%). There are 2 AHs or 6.50%, both male-headed AH who have monthly incomes below the national poverty rate of (\$1,980) \$33.00/person per month. Both will lose entire land and/or houses. There are 27 AHs or 87.10% who have monthly incomes between \$1,980 to \$2,999. There is no AH who have a monthly income of more than \$3,000.

D. Information Disclosure, Consultations and Participation

9. Meaningful consultations, public meetings and village discussions were held with the AHs and the local government officials to disseminate project information and resettlement policies prior to and during the conduct of the inventory of losses (IOL) from 16 to 20 January 2015 as part of the resettlement planning process and preparation of the RP. Following the completion of the IOL, another public meeting was conducted on 20 February 2015 to present the results of the impact survey and discuss the resettlement options with the APs. The participants were informed that said cut-off date will coincide with the completion of the IOL and full census of the APs, which was 20 January 2015.

10. A meeting was held on 11 May 2017 with the Project Implementation Unit (PIU) of Kampot prior to the field visit to the WWCT and Urban Drainage subprojects. This meeting was conducted to update the PISCB consultants with the latest developments especially on resettlement issues. Another inspection by the PISCB team together with the PIU was conducted in 18 July 2018 to confirm that the completed DED would not have any land acquisition or permanent resettlement impacts.

11. A public consultation meeting was conducted in Wat Sovann Sakor, Kampot City on 26 October 2018. The main purpose was to disseminate the latest project information and to elicit their issues and concerns and gather opinions about the proposed subprojects. The project description and project resettlement policies were explained to the participants. These were also included in the public information booklet (PIB) and given before the public consultation meeting. Specifically, the PIB included (i) summary of project; (ii) location of the project; (iii). project components; (iv) objectives of the project; (v). scope of land acquisition and impacts; (vi) compensation policy, entitlements and eligibility criteria; (vii) detailed measurement and household surveys; (viii) relocation and potential sites; and (ix) grievance redress mechanism.

E. Grievance Redress Mechanism

12. The handling of grievance redress mechanism and the procedures will follow a three-stage process outlined in the approved August 2015 draft RP and will apply to Urban Drainage Line 4B for this DRP. It will be undertaken in three stages starting at village or commune level and ending at

provincial level. A provincial grievance redress committee (PGRC) has been established in Kampot Province for all projects and subprojects in Kampot. Provincial Governor confirmed the establishment of the PGRC, and training was carried out by GDR on 4 October 2018 to strengthen the capacity of GRC the members.

F. Legal Framework

13. This DRP has been prepared based on the DED to address land acquisition and resettlement of Urban Drainage Line 4B subproject, consistent with ADB's Safeguard Policy Statement (June 2009) and relevant laws and regulations of the RGC, notably the 1993 Constitution, the 2001 Land Law, 2010 Expropriation Law, and Prakas (Government Order) No. 6, dated 27 September 1999. The DRP also includes the provisions of Sub-Decree ANK/BK No 22 approved on 22 February 2018 on RGC's Standard Operating Procedures (SOP) for Land Acquisition and Involuntary Resettlement (LAR) for Externally Financed Projects. The SOP sets out the policies, regulations and procedures for LAR in projects that are financed under Overseas Development. The SOP provides for the use of Development Partners Safeguard Policy and for gap-filling measures, and where the provisions of the SOP conflict with the Development Partners mandatory safeguard requirements. In case of discrepancies between the RGC laws, regulations, and procedures and ADB's policies and requirements, the policies and requirements of the latter will prevail, consistent with relevant laws in Cambodia.

G. Entitlements, Assistance and Benefits

14. The Updated Entitlement Matrix (Table 25) is specifically for Line 4B subproject and defines the entitlements of AHs/APs. It prescribes the compensation for the loss of productive land, residential land, structures (houses and other structures) and trees. Cash compensation at replacement cost is based on the rates determined under the replacement cost study (RCS) of April 2019. There are no crops and timber products to be harvested prior to commencement of construction. The AHs will be allowed to take away any materials demolished from their houses and shops. The Updated Entitlement Matrix also has provisions to compensate for the transportation costs, one-time special allowances to significantly affected and vulnerable AHs. The AHs who have major impacts (losing entire houses) and vulnerable group are entitled to one-time cash assistance.

H. Relocation of Housing and Settlements

15. The DMS identified 9 landless affected households (LAHs) with 39 APs who will lose the entire pieces of land they have been illegally occupying in the canal ROW and moreover these LAHs will also lose 100% of their main houses or main structures. These 9 LAHs will experience major impacts and will be relocated. These LAHs will be assisted on securing land tenure through either: (i) 105m² of land free of charge under Social Land Concession Sub-Decree as indicated in the entitlement matrix in August 2015 draft RP;¹ or (ii) cash assistance towards the purchase of an affordable land to build their residences at a site of their preferred choice for self-relocation. GDR has informed the 9 LAHs that the Provincial Department of Land Management will facilitate the process of land security provisions. The budget estimate includes the provision of funds for self-relocation. These 9 LAHs also belong to vulnerable group and they will receive \$100 each as special assistance.

¹ Under the Sub-Decree, the AH will be required to live on the land for five years before being granted secured land tenure and will not be allowed to sell the land.

I. Income Restoration Program

16. There are 9 LAHs with 39 APs who will experience major impacts and lose their entire houses. In addition, 10 AHs with 48 APs (9 LAHs with 39 APs and 1 elderly female headed household with 9 dependent members in the family) belong to vulnerable households. Taking account of double counting and several AHs classified under both categories, a total of 9 AHs will be entitled to participate in the income restoration program (IRP).² Apart from the entitlements for loss of assets, these AHs experiencing major impacts will also be provided with one-time cash assistance of \$200/AH as living allowance, and an assistance of \$500/h AH for income restoration if in cash or worth of skill training. Additionally, an assistance of \$100/AH will be given to the vulnerable households. Priority for employment will be provided to vulnerable AHs in subproject construction.

J. Resettlement Budget and Financing Plan

17. The land acquisition and resettlement cost has been estimated based on results of the DMS and the RCS at full replacement cost. The cost for all land acquisition, compensation, resettlement assistances under the Urban Drainage Line 4B will be financed from the national budget and no financing will be required from the ADB loan. The cost estimate is based on the unit rates for land, structure and trees is provided in **Appendix 3**. The estimated cost for the implementation of the DRP is **\$5346,995.40 (Table 28)**. The itemized compensation is for (i) land, (ii) main structures, (iii) secondary structures, (iv) other structures (v) trees, (vi) IRP, (vii) relocation (viii) one-time cash assistance and transportation costs. Administrative costs and contingency amount have been estimated at 20% each of the total direct costs.

K. Institutional Arrangements

18. While MPWT is the executing agency for this subproject, the General Department of Resettlement (GDR) is the lead agency directly responsible for all LAR activities under the Project. The Resettlement Department 1 (RD1) of GDR will be responsible for implementing the DRP assisted by the IRC-WG and PRSC-WG. The role of MPWT is minimal and is only related to the compilation of the reporting requirements for the Project and reporting to GDR of any bottlenecks posed by resettlement during the construction phase of Urban Drainage Line 4B Subproject.

L. Monitoring and Reporting

19. The Department of Internal Monitoring and Data Management (DIMDM) of the GDR will undertake regular internal monitoring. The objectives of internal monitoring are to (i) measure and report on the progress in the preparation and implementation of the DRP; (ii) identify problems and risks, if any and the measures to mitigate them; and (iii) assess if the compensation and rehabilitation assistance are in accordance with the provisions under the DRP. The IRC-WG and PRSC-WG will submit monthly reports to the Resettlement Department 1 (RD1). RD1 will compile the field reports and prepare a consolidated report on the implementation of DRP on monthly basis. The report will be submitted to the DIMDM for internal monitoring. The DIMDM will (i) review the monthly progress reports, including fielding its own missions to verify the progress and the validity of the data and information, if deemed necessary; and (ii) compile quarterly progress report for submission to the Director General of GDR. After the quarterly report is endorsed by the Director General of GDR, it will be submitted to the MPWT and PISCB consultants.

² The August 2015 draft RP includes income restoration measures for AHs who experience major impacts and special assistance to vulnerable AHs.

20. Given that the subproject is classified as category B and its IR impacts are not deemed significant, no external monitoring will be required. However, the DIMDM will prepare semi-annual monitoring reports for endorsement of Director General of GDR prior to submitting to MPWT, PISCB Consultants and ADB for further reviewing and uploading on ADB's website.

M. Implementation Schedule

21. The DRP will be implemented between October 2019-January 2020 after the approval of the DRP and the budget. The compensation payments are anticipated to be carried out for all 31 AHs before end of November 2019. MPWT will ensure that the contractor(s) will not commence construction prior to the payment of compensation. However, construction that is confined to the ROW and where there are no AHs or land acquisition and resettlement activities, construction can proceed based on agreement between MPWT and ADB. In case of any AH that rejects the compensation package, the construction will commence in areas where there are no LAR impacts while the complaint is being processed through the GRM. The implementation schedule for the DRP is provided in **Table 32**.

II. PROJECT DESCRIPTION

A. Project Overview

22. The Royal Government of Cambodia (RGC) has received a loan from the Asian Development Bank (ADB) for the Second Greater Mekong Subregion (GMS2) Corridor Town Development Project (the Project) under Loan No. 3314-CAM. The loan was approved on 13 November 2015 and declared effective on 26 February 2016. The physical completion and loan closing dates are 31 December 2020 and 30 June 2021 respectively. The Project is aimed at strengthening competitiveness of the Greater Mekong Subregion (GMS) economic corridors through the provision of environmental infrastructure for the towns of Kampot and Sihanoukville. The recommended subprojects and their corresponding components to be carried out are in Kampot and Sihanoukville towns.

23. The scope of the Project is broken into four civil works (CW) subprojects which are: (i) CW 01 - Kampot Wastewater Collection and Treatment (WWCT) and Urban Drainage Works; (ii) CW 02 - Kampot Solid Waste Management; (iii) CW 03 - Sihanoukville Urban Drainage Works; and (iv) CW 04 - Sihanoukville Solid Waste Management. The Project will be implemented by the Ministry of Public Works and Transport and assisted by Project Implementation Supervision Capacity Building (PISCB) Consultants the latter funded by the Project.


24. A draft resettlement plan (RP) for all Kampot Subprojects was prepared in August 2015 that covered works relating to: (i) wastewater treatment plant; (ii) urban drainage works; and (iii) solid waste landfill. In accordance with ADB Safeguard Policy Statement (2009), the Project has been classified as Category B for Involuntary Resettlement (IR).

25. **WWCT Subproject.** The detailed engineering design (DED) for the WWCT subproject was submitted to GDR in February 2018. The WWCT subproject has been screened for IR impacts and determined to be Category C and the land has been acquired under a negotiated settlement. A report for ADB's due diligence has been prepared for the WWCT subproject. The WWCT's DED was redesigned to avoid or minimize resettlement impacts.

26. **Urban Drainage Subproject.** The DED for the urban drainage works was submitted to GDR in January 2018. However, the DED was redesigned to avoid or minimize resettlement impacts. Therefore, majority of the drainage lines (those relating to drainage lines 2, 3, 4A, 5A, 6 and 7) except for Drainage Line 4B, has been screened for IR impacts and determined to be Category C and a report for ADB's due diligence has been prepared for these urban drainage lines.

27. **Solid Waste Landfill Subproject.** The DED for solid waste landfill subproject is yet to commence. A new site of 20.10 ha has been identified and boundaries have been demarcated. An IR impact screening of the new site has been carried and has identified resettlement impacts to 6 AHs whose lands, secondary structures and some fruit trees will be affected. Therefore, the subproject is classified Category B for IR and a separate DRP will be prepared based on the DMS. MPWT and PISCB consultants are preparing the DRP based on a new landfill site.

B. Urban Drainage Subproject Description

28. The planned improvements to the urban drainage are concentrated on several strategic urban roads in and around the main built up urban area east of the Kampot River. The total length of the proposed drainage system is 7,390 linear meters including the drainage lines on both sides of Urban Drainage Lines 2, 3, 4B, 5, 6 and 7a which will all discharge into Kampot River. 

29. The proposed drainage type of reinforced concrete (RC) U-shaped drains with concrete cover, will be laid in the built-up urban areas and the proposed open earth channel with trapezoidal cross section will be extended into peri-urban areas that will facilitate easier operation and maintenance of the drainage systems when compared to the existing closed and buried concrete drainage systems.

30. The RC U-shape drain lines 2, 3, 4A, 5, 7a, 6 & 7c were included in the IR impact screening while the earth canal Drainage Line 4B was excluded due to some resettlement impacts. A separate IR impact screening was undertaken for the earth canal Drainage Line 4B and the screening determined that Drainage Line 4B had IR impacts and will require a DRP.

31. The Drainage Line 4B is the improvement of existing open earth channel to increase water flow capacity and reduce flooding during heavy rain. An access road for transportation services and operation and maintenance of the earth channel is planned on its right embankment with laterite surfacing. The channel is connected from the wetland at back of the town running east and south-western direction before discharging to Kampot River. The scope of work for the Drainage Line 4B is as follows:

- ❖ Re-alignment of existing channel (Invert x Top x Depth) 4.0 x 8.5 x 1.5 m over length of 55 m
- ❖ Dredge and grubbing to maintain flow section 8.5 m of width and 1.5 m of water depth over a length of 2,300 m
- ❖ Construction of right embankment as access road, and pavement of laterite on top 5 m width over a length of 610 m
- ❖ Grass sodding on the side slopes of embankments over a length of 610 m
- ❖ Construction of Drain Inlet Pipe Culvert dia. 600 mm on along access road, 03 Nos.
- ❖ Construction of Gabion Box Channel Wall (Invert x Depth) 6.1 x 2.0 m over a length of 240m
- ❖ Construction of box culvert 2 x (2.0 x 2.0 m), 01 No.
- ❖ Construction of box culvert 2 x (3.0 x 2.0 m) to replace the Existing Wooden Bridges, 04 Nos.

32. Drainage Line 4B will traverse four Communes/Sangkats namely Sovannsakor Village in Sangkat Kampong Kandal; Krang Village in Sangkat Krang Ampil; Trapeang Thom Village in Trapeang Thom Commune; and Kampong Kandal Village in Chum Kriel Commune.

33. Figure 1 illustrates the layout and location of Kampot Urban Drainage Subproject and Figure 2 shows the cross section of Urban Drainage Line 4B.

Figure 1: Layout and Location of Kampot Urban Drainage Subproject

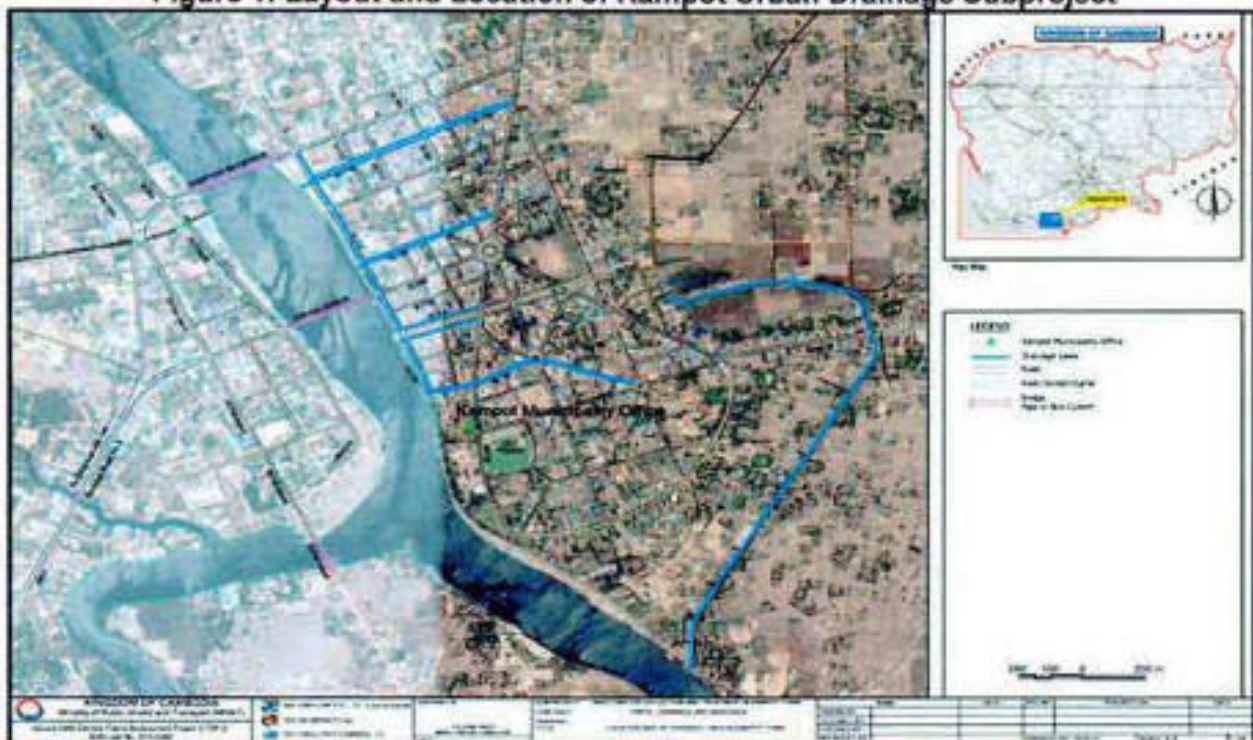
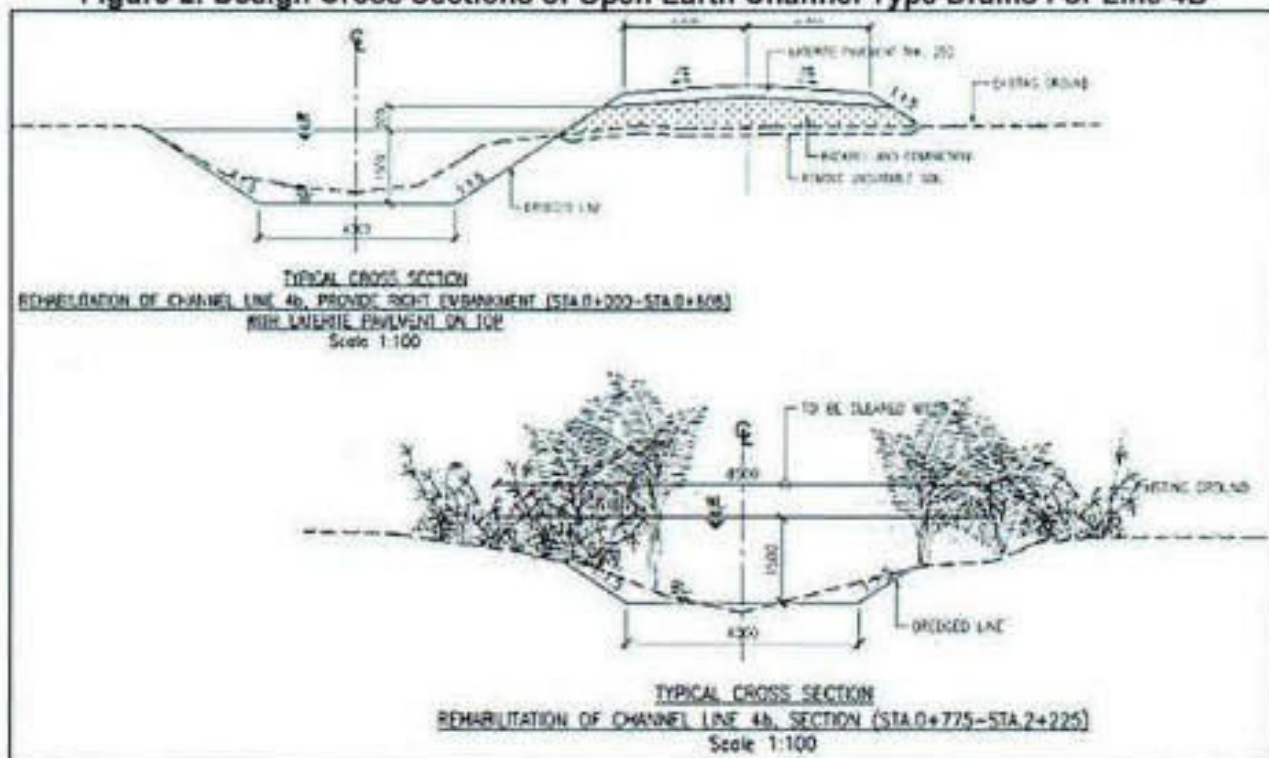


Figure 2: Design Cross Sections of Open Earth Channel Type Drains For Line 4B



C. Measures Taken to Minimize Impacts

1. During Project Preparation

34. During the Project preparation, an assessment survey was conducted on all the subprojects related to involuntary resettlement impacts in Kampot. The survey teams also had discussions and consultations with local authorities and local people on the potential subprojects related involuntary resettlement impacts, particularly the alignment and location of the components. Therefore, the selected component location and alignments are the least impacted option.

35. The draft layout plans of the components were communicated to the provincial authorities for comments and public disclosure. The valuable feedback of the local authorities and the Provincial Department of Public Works and Transport were considered in the Project design and preparation of the RP for Kampot subprojects.

2. Detailed Engineering Design

36. The subproject impacts mitigation measures have been carefully reviewed during the DED stage, particularly for the components' locations and site selection as well the alignments. Appropriate locations and alignments chosen were factored in to reduce the overall project cost and adverse resettlement impacts on the local communities and environment. The components' locations and alignments of drains selected are the shortest lengths to provide optimal services and avoid or minimize land acquisition and minimize costs during construction, operation and maintenance. However, there were instances where longer alignments were selected to be more feasible because these alignments significantly minimized involuntary resettlement impacts (**Figure 3**).

37. Based on the initial urban drainage design, an IR impact assessment was carried out on 11 May 2017 for the Kampot Urban Drainage Line 4B. Two sections of the proposed Urban Drainage Line 4B were identified to have major resettlement impacts namely, the National Road (NR3) to Kampot River (250m) and railway to NR3, west bank (950m).

38. In the NR3 to Kampot River section (4a-1R), there is a concrete wall that occupies almost one-half of the existing earth canal. There are also around 6 concrete structures that were built on top of the canal. The original canal alignment is shown in **Figure 3** highlighted in blue. This section was realigned along NR3 (highlighted in pink) that totally bypassed the built-up area. While this drainage alignment was longer, it totally avoided the resettlement impacts along the 250m section of built up area along the existing canal.

Figure 3: Realigned Section of Kampot Urban Drainage Line 4B



39. In the railway to NR 3, (Line 1a-1, 1a-2 and Line 1b) located in the western portion of Kampot City, around 6 pieces of land were backfilled by the landowners and/or occupants, encroaching into the right of way (ROW) of the canal. The backfills had occupied already half of the 4-meter width of the existing waterway. Further, in the upstream section, there were several fences and some auxiliary structures that are within the waterway or ROW. This section was excluded in the coverage of the urban drainage because of some very significant resettlement impacts. The details are provided in the following **Table 1**.

Table 1: Measures to Minimize Resettlement Impacts

Project Component	AHs Based on Previous Design	AHs Based on Current Design	Reduction of AHs
Line 1a-1 and Line 1a-2: Railway to NR3 (950m) Section (west bank)	4 parcels of Land being backfilled, occupying half of the existing canal. Approximately 13 AHs Fence 5 Auxiliary structures	Excluded in the scope of abridged DED	All resettlement impacts avoided
Line 1b from NR3 culvert to Kampot river west bank	Significant resettlement impacts	Excluded in the scope of abridged DED	All resettlement impacts avoided
Line 2 NR3 to Kampot River Section	6 concrete structures	Drain alignment was realigned to avoid resettlement impacts	All resettlement impacts avoided

Project Component	AHs Based on Previous Design	AHs Based on Current Design	Reduction of AHs
	Concrete wall (approximately 25m)		
4a-2L From NR3 to wetland back side of town along Northern roadside garden connecting to Line 4a-2R before connecting to open channel Line 4b.	Significant resettlement impacts	Excluded in the scope of abridged DED	All resettlement impacts avoided
4a-2R From NR3 to wetland back side of town along Southern roadside garden connecting to open channel Line 4b.	Significant resettlement impacts	Excluded in the scope of abridged DED	All resettlement impacts avoided
8b From NR3 Drain to Kampot river west bank (Proposed new line)	Significant resettlement impacts	Excluded in the scope of abridged DED	All resettlement impacts avoided

Source: Kampot Urban Drainage Detailed Engineering Design, 2018

40. The six drainage lines (Lines 1a-1, 1a-2, 1b, 4a-2L, 4a-2R and 8b) originally included in the DED were excluded in the abridged DED precisely to avoid permanent and significant resettlement impacts. **Figure 4** illustrates the Layout Plan of Drainage Line 4B.

Figure 4: Layout Plan of Drainage Line 4B



III. SCOPE OF LAND ACQUISITION AND RESETTLEMENT

41. Urban Drainage Line 4B is also known as "Praek Canal" and supposed to have a ROW of 20 meters (m) from the edge of the canal based on Sub-Decree No. 98 (Management of River Basin). However, since the Drainage Line 4B is in the center of an urban area, the ROW has been changed because its function and classification were changed from irrigation canal to urban drainage. As determined by the Cadastral Office and the municipality, the ROW of Drainage Line 4B is 7m from the edge of the canal on both sides.

42. The Drainage Line 4B subproject entails the re-alignment of the existing canal in certain segments and construction of an access road on the right embankment and pavement of laterite on top of 5m width over a length of 610m. Adjacent to the ROW are private lands. In the proposed location of the access road, the canal ROW will be widened, and linear land acquisition will take place. This involves 3 pieces of land classified as agricultural land but are idle without any signs of cultivation.

43. The main and secondary structures are all located within the ROW (state land) including houses, extended kitchens, other structures and trees. All structures within the ROW of 7m will be removed to pave way for the construction of the subproject. The structures have been illegally constructed above the water level and extended into the canal.

A. Detailed Measurement Survey and Cut-off-Date for Eligibility

44. This DRP has been prepared based on the August 2015 draft RP and final DED of the Drainage Line 4B. A 100% census and inventory of losses (IOL) was undertaken during the Detailed Measurement Survey (DMS) from November 2018 to January 2019. The DMS Questionnaire was used to collect information on the socio-economic status and losses of the displaced persons, irrespective of their titled or non-titled land ownership status. The DMS Questionnaire provided the key baseline socio-economic data for 100% of the affected persons (APs), and affected households (AHs), the full census of the APs and IOLs. The information collected includes (i) the names of displaced persons and demographic and household income data; (ii) IOL of land, structures and livelihoods; and (iii) measurement of lost assets. The census was conducted from November to December 2018.

45. The cut-off date is defined as the date prior to which the occupation or use of the subproject area makes residents/users eligible to be categorized as APs. The cut-off date is established as the last date of the census and inventory of assets of the subproject APs, which was on **20 January 2019** or as determined by the Executing Agency (EA). Only those APs (i.e. person or persons, households, a firm, or a private or public institution) found to be residing in or cultivating land, or having rights over resources within the Corridor of Impacts (COI) as of the cut-off date are eligible for compensation for lost assets and for other assistance as provided for in this DRP. Persons not covered in the census are not eligible for compensation and other entitlements, unless they can show proof that (i) they have been inadvertently missed out during the census and the IOL; or (ii) they have lawfully acquired the affected assets following completion of the census and the IOL and prior to the conduct of the DMS.

B. Summary of Affected Households

46. The urban drainage earth canal Line 4B extends to four villages located in 4 communes/sangkats. The most affected is the village of Trapeang Thom with 11 AHs or 49 APs followed by Savannsakor with 11 AHs or 45 APs and Kampong Kandal with 8 AHs or 39 APs

Trapeang Thom. There is only one AH in Krang Village in Sangkat Krang Ambel. The summary of AHs and APs by administrative jurisdiction is in **Table 2**.

Table 2: Summary of AHs and APs by Administrative Jurisdiction

Name of Commune/Sangkat	Name of Village	No. DMS	No. AHs	No. APs
Sangkat Kampong Kandal	Sovannsakor	11	11	45
Sangkat Krang Ambel	Krang	1	1	5
Trapeang Thom Commune	Trapeang Thom	11	11	49
Chumkrill Commune	Kampong Kandal	8	8	39
Total		31	31	138

Source: DMS Data for Kampot Urban Drainage Line 4B, November 2018 – January 2019

47. The involuntary resettlement impact of the subproject includes loss of land, main and secondary structures and trees. The total number of AHs is 31 and out of this total, 28 AHs or 90.32% will be physically displaced and 3 AHs or 9.68% will be both physically and economically displaced. The categories of impact on the AHs are in **Table 3**.

Table 3: Impacts on Affected Households

Category of Impact	No. of AHs	No. of APs	% of Total
Physically Displaced	28	121	90.32
Physically and Economically Displaced	3	17	9.68
Total	31	138	100.00

Source: DMS Data for Kampot Urban Drainage Line 4B, November 2018 – January 2019

Notes: Physically displaced (relocation, loss of residential land or loss of shelter)

Economically displaced (loss of land, assets, access to assets, income sources or means of livelihood)

C. Impact on Land

48. The subproject will permanently acquire three strips of private land alongside the canal from by 3 AHs, namely, two pieces of agricultural land and one piece of filled up agricultural land with a total area of 1,506.20m² for construction of access road. The intensity of impacts in relation to their pieces of land is only 1.67% for the two agricultural land and 1.96% for the filled-up agricultural land. As of July 2019, all the three strips of land have not been cultivated and are overgrown with grasses. The owner of the backfilled agricultural land intends to divide his residual land into residential plots. No firm date for this planned activity was provided as the owner will wait for an optimum market price to sell.

49. There are 23 AHs illegally occupying the canal ROW, classified as state public land and five (5) AHs are not physically occupying the ROW canal but have some affected trees, fences or both inside the canal ROW. The total land area on the canal ROW illegally occupied is 1,173.27m² or 35.55% of the total land area of 3,497.60m². During the DMS it was identified that out of the 23 AHs, 11 AHs had hard title and 3 AHs had soft title of adjacent land next to the ROW, while 9 were landless with no titles or land use rights certificates for using the state public land. Out of 23 AHs, 9 are landless AHs who will experience major impacts from the loss of their entire main structures and will receive a plot of land each of 105m² or cash assistance towards an affordable land to build their residences while the remaining 14 AHs will shift back to their own private land adjacent to the canal. The details of land usage are shown in **Table 4**.

Table 4: Summary of Impact on Land

Land Ownership	Type of Affected Land	No. of	Total Land Area	Affected Land	Affected
State Public Land	Canal ROW	23	3,497.60	1,173.27	33.55
Sub-total		23	3,497.60	1,173.27	33.55
Private Land	Agricultural land	2	66,700.00	1,113.50	1.67
	Backfilled Agricultural land	1	20,000.00	392.70	1.96
Sub-total		3	86,700.00	1,506.20	1.74
TOTAL		26	90,197.60	2,679.47	2.97

Source: DMS Data for Kampot Urban Drainage Line 4B, November 2018 – January 2019.

50. If temporarily land is to be acquired for the construction of the Urban Drainage Line 4B, it will be the responsibility of the civil works contractor to acquire them as specified in the contract and any damages to the land shall be returned to its original condition, or better. Any damages to the property resulting during the construction shall be repaired and adequately compensated by the contractor as specified in the contract documents.

D. Impact on Structures

51. A total of 23 AHs have illegally constructed their houses and extended kitchens on the ROW above the water inside the canal. Out of these total, 14 AHs will shift back to their private land adjacent to the canal while 9 AHs are identified landless who will be relocated to a new site. Based on the results of DMS, there are 124 affected structures of various types in the subproject area, including main or residential structures, residential cum shop and secondary structures. The commercial activities include a carpentry and joinery shop, a grocery shop and a coffee shop operating from the main structures of 3 illegal landless AHs on the ROW. The AHs have been undertaking the commercial activities after the cut-off date and will not be entitled for compensation on loss of business or income.

1. Main or Residential Structures

52. A main structure is defined by the physical structure or building that has roof and with or without a surrounding wall and serve as the main function of the household (i.e. house, shop, warehouse, garage, and workshop). Structures are classified into different types based on construction material uses for floor, column, wall, and roof. Unit costs based on floor or roof area were established for each type of structure and determined under the RCS undertaken in April 2019. Table 5 below indicates classification of types of structure that will be affected.

Table 5: Classifications of Types of Main Structures

Classification	Roof	Wall	Column	Floor	No. of Floor
1A	Zinc	Zinc	Wood	Board	Single
1C	Zinc	Board	Concrete	Board	Single
1D	Zinc Plaster	Concrete	Concrete	Tile	Single
2A	Zinc	Wood 40% & Zinc 60%	Wood	Wood	Single
2B	Zinc	Wood	Concrete/ Wood	Board	Single
3A	Fibro	Brick/ Board	Concrete/ Wood	Tile/Wood	Two
3B	Fibro	Brick/ Board	Concrete/ Wood	Tile/Wood	Two
4A	Fibro	Brick	Concrete	Tile/Concrete	Two

Source: Replacement Cost Study, 2nd GMS Mekong Sub-Region Economic Corridor Towns Development Project at Kampot Province, April 2019

53. A total of 11 main structures or houses with a total area of 411.49m² owned by 11 AHs with 46 APs will be affected. Out of these, 9 main structures of 9 AHs will be entirely affected while 2 main structures of 2 AHs will be partly affected. The main structures partly affected have sufficient residual area for living. In addition, the 2 AHs have private lands adjacent to the canal to shift back their partly affected structures from the ROW. All AHs who own the main structures, regardless of land tenure, will be entitled for cash compensation at replacement cost. No public, government, and communal structures will be affected. The types of affected main structures are in Table 6.

Table 6: Types of Affected Main Structures

Structure Classification	Total area of affected structure (m ²)	Total affected area (m ²)	No. of Structures	No. of AHs	No. of APs
House 1A	51.80	51.80	2	2	8
House 1C	20.00	20.00	1	1	6
House 1D	1,708.00	16.65*	1	1	5
House 2A	153.00	59.94**	2	2	5
House 2B	99.80	99.80	2	2	5
House 3A	49.60	49.60	1	1	6
House 3B	52.50	52.50	1	1	6
House 4A	61.20	61.20	1	1	5
Total	2,195.90	411.49	11	11	46

* Denotes main structure partly affected.

** Denotes 19.74m² or 17.50% of partly affected area of 112.80m² of total area of one AH and 40.20m² or 100% affected area of another AH.

Source: DMS Data for Kampot Urban Drainage Line 4B, November 2018 – January 2019

2. Secondary Structures

54. Secondary structures are classified as kitchen, extended roof (awning), fence, gate, water well, water pond, spirit house, grave etc. The classifications of the kitchens are in Appendix 2. The unit cost for compensation is basically on "per piece" or "lump sum" or "per m²" or "per meter". The DMS identified 16 extended kitchens of 250.93m² as secondary structures. The original kitchens are inside the house, but these affected kitchens are extended onto the ROW from the existing kitchens. Out of these, 2 extended kitchens belong to 2 landless AHs. Out of the 12 AHs who own the affected kitchens, 8 AHs have residual areas to shift back from the canal ROW while 4 AHs have no more space to shift-back but to use their original kitchens inside their houses. Table 7 summarizes the impacts on kitchens only and other secondary structures are in para.55 and detailed in Table 8.

Table 7: Summary of Impacts on Secondary Structures (Kitchens)

Structure Classification	Quantity (m ²)	No. of Structures	No. of AHs
Kitchen 2K	6.75	1	1 ^c
Kitchen 3K	14.10	2	2
Kitchen 4K	20.70	1	1
Kitchen 6K	26.88	2	2 ^c
Kitchen 9K	64.00	1	1 ^a

Structure Classification	Quantity (m ²)	No. of Structures	No. of AHs
Kitchen 10K	8.28	1	1 ^a
Kitchen 11K	40.33	2	1 ^a & 1 ^b
Kitchen 12K	18.30	2	2 ^b
Kitchen 13K	25.03	2	2
Kitchen 14K	18.40	1	1
Kitchen 17K	8.16	1	1
Sub-Total	250.93	16	12

^a Denotes one owner with three types (9K, 10K and 11K) of kitchens extended onto the ROW (i.e. one kitchen with three types of material construction with different cost calculation for compensation).

^b Denotes one owner with two types (11K and 12K) of kitchens extended onto the ROW (i.e. one kitchen with two types of material construction with different cost calculation for compensation).

^c Denotes one owner with two types (2K and 6K) of kitchens extended onto the ROW (i.e. one kitchen with two types of material construction with different cost calculation for compensation).

Source: DMS Data for Kampot Urban Drainage Line 4B, November 2018 – January 2019

3. Other Secondary Structures

55. The DMS identified 150.47m² of 6 extended eaves, 397.62m² of concrete pavement, 497.82m long of 22 fences made of different materials, one each of wooden, zinc and concrete latrines, 9 bathrooms, 22 m long of 6 Nos. of concrete pipes and 345 m long of 32 Nos. of PVC pipes as other secondary structures. It further identified other secondary structures comprising one shed, one porch, chicken houses, concrete stairs and a concrete foot bridge. All AHs who own those structures, regardless of land tenure, will be entitled to cash compensation at replacement cost. The types of affected secondary structures, quantity and number of AHs are in Table 8.

Table 8: Types of Affected Other Secondary Structures and Other Structures

Type	AHs	Unit of Structure		No. of Structure
		m ²	m	
Extended Eaves				
Extended Eaves S1	3	116.93		3
Extended Eaves S2	1	13.60		1
Extended Eaves S3	2	19.94		2
Sub-Total	6	150.47		6
Concrete Pavement				
Normal concrete pavement	10	264.08		10
Concrete Pavement with steel	1	3.24		1
Concrete Pavement with Bamboo	1	131.35		1
Sub-Total	12	398.67		12
Fence				
Zinc Fence			4.00	1*
Brick Fence (10)			47.33	5*
Brick Fence with Cavenize net			10.80	1*
Brick Fence (20)			52.14	4*

Type	AHs	Unit of Structure		No. of Structure
		m ²	m	
Stone Fence			92.35	6**
Cavenize net Fence			56.30	3
Wire Fence			234.90	2
Sub-Total	13		497.82	22
Latrine & Bathroom				
Wooden Latrine	1		1	1
Zinc Latrine	1		2.89	1
Concrete Latrine	1	4.32		1
Bathroom (B2)	9	31.06		9
Sub-Total	12	35.38	3.89	12
Drainage Pipes				
Concrete ring ϕ 1.20m			23	5
Concrete ring ϕ 1m			1	1
Sub-Total	7		24	6
PVC Pipes				
PVC ϕ 21			200	13
PVC ϕ 27			16	1
PVC ϕ 75			40	3
PVC ϕ 0.05			12	3
PVC ϕ 0.11			25	5
PVC ϕ 1			52	7
Sub-Total	18		345	32
Shed (LS)	1			1
Porch (LS)	1			1
Chicken House	1	8.68		2
Concrete stair	2	4.69		2
Concrete Foot Bridge	1	16.00		1
Sub-Total	6	29.37		7

No. of AHs which some owners has combined types of structure or materials of construction (i.e 22 affect fence structures there are total of 13 owners (* denotes two types of combined structures and ** three types of combined structures).

Source: DMS Data for Kampot Urban Drainage Line 4B, November 2018 – January 2019

E. Impact on Crops and Trees

56. There is no impact on rice and other crops but only on fruit and non-fruit trees. There are no valuable trees. For fruit and non-fruit trees, the compensation will be based on maturity and yield at market value. RCS classified trees into (i) sapling (under 1 years old), (ii) small size (1-3 years old), (iii) medium size (3-5 years old), and (iv) large or matured size (over 5 years old).

57. The portions of the canal ROW that are occupied by AHs are claiming to own the existing trees within their occupied portions of the canal ROW area. There are 128 affected trees of various types owned by 18 AHs or 80 APs. The details of the types of affected trees are in Table 9.

Table 9: Types of Affected Trees

Type of Tree	No. of AH ^a	0 – 3 Years	3 – 5 Years	5+ Years	Total
Fruit Trees					
Mango	5	2	0	6	8
Coconut	13	8	34	11	53
Milk Tree	1	0	1	0	1
Tamarind	3	0	3	3	6
Ampimtek	2	0	0	2	2
Jackfruit	2	0	0	2	2
Orange	1	1	0	0	1
Guava	1	0	0	1	1
Soursop	4	1	0	9	10
Kantuot	1	0	1	0	1
Nhor	3	2	0	7	9
Papaya	1	0	0	1	1
Banana	2	5	1	0	6
Makak	2	0	0	2	2
Subtotal	18	19	40	44	103
Non-Fruit Trees					
Acasva	2	3	0	6	9
Other Trees	2	0	2	14	16
Total	18	22	42	64	128

^a Several AHs have more than one type of affected tree.

Source: DMS Data for Kampot Urban Drainage Line 4B, November 2018 – January 2019

58. The rate of compensation for affected trees will be based on the replacement costs study (RCS) completed in April 2019 (Appendix 2). These rates are applied to the ages of the affected trees as follows:

- Less than 3 years old: compensated at 1/3 its full price (as it can be re-planted)
- 3-5 years old: compensated at 2/3 its full price
- More than 5 years old: full amount of compensation

59. None of AHs derive any income from the affected trees. The formula used to calculate the market price for the fruit trees is as follows: Yield x Number of times it will produce x Market price x Number of years to become mature. The formula took into consideration the yield multiplied by the number of years the tree will produce.

F. Loss of Common Properties and Resources

60. There is neither loss of public or communal structures nor access to common resource i.e. grazing, fishing, and forest as result of the land acquisition.

G. Impact on Business

61. The August 2015 draft RP did not identify any impact on businesses as of the cut-off date of 21 January 2015. While the PISCD consultants design team confirmed that there had been no change of the canal alignment at DED stage from the alignment of preliminary design at PPTA stage, the DMS identified 3 businesses operating by 3 AHs illegally occupying the canal ROW. There will be no impact on business as the 3 illegal landless AHs are operating their business after the cut-off date. Therefore, they are not entitled for any compensation from the loss of their businesses.

H. Impacts on Vulnerable Households

62. Based on the August 2015 draft RP, there are 6 categories of vulnerable groups, namely, (i) female headed households with dependents, (ii) disabled household heads with no other means of support, (iii) households falling under the generally accepted indicator for poverty, (iv) children and the elderly households who are landless and with no other means of support, and (v) landless households, (vi) indigenous people or ethnic minorities.

63. Out of the 10 vulnerable AHs, 9 AHs (6 Cham and 3 Khmer) are landless with multiple vulnerabilities. These 10 AHs include 1 AH headed by an elderly female with 9 APs, 2 AHs below the national poverty line and are also landless, 5 elderly AHs with children who are landless and with no other means of support, and 8 AHs of ethnic minorities and 6 of them are landless. The 9 landless AHs will be relocated to another site and will receive a plot of land each of 105m² or cash assistance towards an affordable land to build their residences at the site of their choice for self-relocation. These vulnerable households will be provided with assistance over and above their entitlements for compensation for loss of assets. The categories of vulnerable households are in **Table 10**.

Table 10: Summary of Vulnerable Affected Households

Type of Vulnerability	No of AHs	No of APs
Female headed households with dependents	1*	9
Disabled household heads w/no means of support	0	0
Households below national poverty rate	2**	4
Children and elderly households who are landless and with no other means of support	4 elderly + 1***	26+9
Landless households	9 (without double counting)	39
Indigenous people or ethnic minorities	8 (6 landless)	39 (26)
Total without double counting	10	87

* 1 out of 7 female headed household is an elderly female headed household with 9 dependent members.

** 2 AHs live below the national poverty line who are from the 9 landless AHs.

*** Female headed household head has a child (16 years old) with no means of support is also from the 9 landless AHs.

Source: DMS Data for Kampot Urban Drainage Line 4B, November 2018 – January 2019

I. AHs Experiencing Major Impacts

64. Based on the measures outlined in August 2015 RP, AHs who lose more than 10% of their total income generating assets; and AHs who lose their entire houses will be identified as AHs experiencing major impacts. Based on the DMS data, a total of 9 AHs with 39 APs will lose more than 95% main structures or houses. All these AHs are illegal squatters on the canal ROW and who have been identified landless and will be relocated to a new site. Apart from the entitlement for the loss of assets these AHs will also be provided with one-time cash assistance of \$200/AH as living

allowance, and an assistance of \$500/AH for income restoration, if in cash or worth of skill training. Additionally, an assistance of \$100/AH will be provided to all of them as they are vulnerable AHs. The details of major impacts are in Table 11.

Table 11: Summary of AHs Experiencing Major Impacts

AH	Land Area Occupied (m ²)	Land Area Affected (m ²)	Area of House (m ²)	Degree of Impact (%)
AH1	125.00	125.00	61.20	100.00
AH2	304.00	304.00	35.00	100.00
AH3	32.00	32.00	16.80	100.00
AH4	68.68	68.68	55.08	100.00
AH5	44.72	44.72	44.72	100.00
AH6	40.20	40.20	40.20	100.00
AH7	65.25	62.25	52.50	95.40
AH8	73.60	73.60	49.60	100.00
AH9	25.00	25.00	20.00	100.00
Total	778.45	775.45	375.10	

Source: DMS Data for Kampot Urban Drainage Line 4B, November 2018 – January 2019

J. Summary of Land Acquisition and Resettlement Impacts

65. Summary of land acquisition and resettlement impacts of the Kampot urban drainage Line 4B is presented in Table 12.

Table 12: Summary of Land Acquisition and Resettlement Impacts

No.	Description of Impacts	Quantity	No. of AHHs	No. of APs
1.0	Land	Affected Area (m²)	AHHs	APs
1.1	State Land			
	State land within the canal ROW	1,173.27	28	124
	Sub-Total A	1,173.27	28	124
1.2	Private Land			
	Agricultural Land	1,113.50	2	9
	Back Fill Agricultural Land	392.7	1	5
	Sub-Total	1,506.20	3	14
	Total A+ B	2,679.47	31	138
2.0	Main Structure	Affected Area (m²)	AHs	APs
	Houses	411.49	11	46
	Sub-Total	411.49	11	46
3.0	Secondary Structure and Other Structures	Affected Unit	AHs	APs
	Kitchens	250.93(m ²)	12	69
	Extended Eaves	150.47 (m ²)	6	28

No.	Description of Impacts	Quantity	No. of AHHs	No. of APs
	Concrete Pavement	397.66 (m ²)	11	43
	Fences	497.82 (m)	15	66
	Latrines & Bathrooms	39.27(m ²)	12	47
	Drainage Pipes	24 (m)	6	22
	PVC Pipes	345 (m)	19	63
	Other Structures (shed, porch, chicken houses,	29.37(m ²)	6	33
	Sub-Total		27	121
4.0	Crops and Trees	No. of Tree	AHs	APs
	Fruit Trees	103	18*	*80
	Timber Trees	9	2	8
	Other Trees	16	2	10
	Sub-Total	128	18*	*80
5.0	Vulnerable AHs		10	*87
6.0	AHs experiencing major impacts		9	39
7.0	Relocating AHs		9	39
	Landless AHs losing entire houses		9	39

*Denotes double counting.

Source: DMS Data for Kampot Urban Drainage Line 4B, November 2018 – January 2019

Note: AHs own several affected assets.

IV. SOCIOECONOMIC INFORMATION AND PROFILE

A. Survey Methodology

66. A full census and socio-economic survey (SES) of the APs in the subproject area was conducted at the time of the DMS and IOL from November 2018 to January 2019. The SES focused on the income earning activities and other socio-economic indicators of 100% of the APs through house-to-house interviews. The necessary data and information were collected through the DMS Questionnaire and was used to establish baseline information on key socio-economic status of the APs and AHs. The baseline information includes demographic data, income, occupational and gender variables.

B. Socioeconomic Information of AHs

67. A total 31 AHs or 138 APs will be affected by the subproject. There are 7 female-headed households (22.58%) with 51 household members. There are 24 male-headed households (77.41%) with 87 household members (63.04%). The average AH size is 4.45 members. The average AH size for female-headed AH is slightly bigger with 4.63 members compared to male-headed AH with 4.35 members. The details are in Table 13.

Table 13: Affected Persons and Households

	Female	%	Male	%	Total
No. of Affected Persons	51	36.96	87	63.04	138
Head of Household	7	22.58	24	77.41	31
Average Household Size	4.63		4.35		4.45

Source: DMS Data for Kampot Urban Drainage Line 4B, November 2018 - January 2019.

68. On marital status, 27 AH heads (AHHs) consisting of 5 females and 22 males are married (87.10%). Two AHHs are widowed (6.50%). One AHH (male) did not provide the details of marital status. On ethnicity, 23 AHHs are Khmer (74.20%) while the remaining 8 AHHs are Cham (25.80%). Majority of the age of the AHHs is concentrated in two age brackets. There are 12 AHHs (38.71%) in the 30-45 years bracket and 13 AHHs (41.94%) in the 45-60 years age brackets. These two age brackets represent 80.65% of all AHHs. The demographic details are in Table 14.

Table 14: Demographic Profile of Household Heads

Demographic Characteristic	Female AHHs	%	Male AHHs	%	Total	%
Marital Status						
Not Married	0	0.00	1	3.20	1	3.20
Married	5	16.10	22	71.00	27	87.10
Divorced	0	0.00	0	0.00	0	0.00
Widowed	2	6.50	0	0.00	2	6.50
N/A	0	0.00	1	3.20	1	3.20
Total	7	22.60	24	77.40	31	100.00
Ethnicity						
Khmer	5	16.10	18	58.10	23	74.20

Demographic Characteristic	Female AHHs	%	Male AHHs	%	Total	%
Vietnamese	0	0.00	0	0.00	0	0.00
Chinese	0	0.00	0	0.00	0	0.00
Cham	2	6.50	6	19.40	8	25.80
Total	7	22.60	24	77.40	31	100.00
Age						
Below 20	0	0.00	1	3.20	1	3.20
20 to 30 years	0	0.00	0	0.00	0	0.00
31 to 45 years	2	6.50	10	32.30	12	38.70
46 to 60 years	4	12.90	9	29.00	13	41.90
61 to 75 years	1	3.20	3	9.70	4	12.90
>75 years	0	0.00	0	0.00	0	0.00
Missing (N/A)	0	0.00	1	3.20	1	3.20
Total	7	22.60	24	77.40	31	100.00

Source: DMS Data for Kampol Urban Drainage Line 4B, November 2018 - January 2019

C. Education Attainment

69. Only one AHH or 3.23% have no formal education while 29 AHHs or 93.55% have some form of formal education. One AHH did not provide the education attainment. A total of 6 AHHs attained primary education, 9 AHHs attained secondary education, 9 AHHs attained high school education, 5 AHHs attained university level education and no AHH attained any vocational education. The trend in education demonstrates that majority of the AHHs is well educated. The details of the educational attainment of the AHHs are in **Table 15**.

Table 15: Educational Attainment

Education	Female Household Head	% of Total	Male Household Head	% of Total	Total	Total (%)
Illiterate	1	3.23	0	0.00	1	3.23
Primary	3	9.68	3	9.68	6	19.35
Secondary	1	3.23	8	25.81	9	29.03
High School	0	0.00	9	29.03	9	29.03
University	2	6.45	3	9.68	5	16.13
Vocational	0	0.00	0	0.00	0	0.00
Did not provide	0	0.00	1	3.23	1	3.23
Total	7	22.58	24	77.42	31	100.00

Source: DMS Data for Kampol Urban Drainage Line 4B, November 2018 - January 2019

D. Sources of Income and Livelihood

70. The sources of livelihood of the 31 AHs in the subproject area are of 9 types. Several of the AHs has more than one source of livelihood. The sources of livelihood of 7 female AHs combined are of 22 types whereas the 20 male AHs combined are of 29 types meaning that both female and male AHs have multiple sources of income. The main source of income and livelihood of the AHs is from employment with 17 AHs or 33.33% receiving their salaries followed by 14 AHs or 27.45% as sellers and third main source is motor taxi by 6 AHs or 11.76%. The 7-female headed AHs have an average of three sources of livelihood/income and almost all (10 AHs or 91%) receive from employed salary. The 20-male headed AHs have an average of 1.45 sources of livelihood and income per AHs. The details on the sources of livelihood of the AHs are in **Table 16**.

Table 16: Sources of Income and Livelihood

Source of Income & Livelihood	Affected Household Head					
	No. of Female/Source	%	No. of Male/Source	%	Total	%
Fishing	0	0.00	3	10.34	3	5.88
Seller	5	22.73	9	31.03	14	27.45
Salary	10	45.45	7	24.14	17	33.33
Handicrafts	0	0.00	1	3.45	1	1.96
Workers	1	4.55	3	10.34	4	7.84
Motor Taxi	1	4.55	5	17.24	6	11.76
Khmer Tuk-Tuk	3	13.64	0	0.00	3	5.88
House/Room for Rent	2	9.09	0	0.00	2	3.92
Farmer	0	0.00	1	3.45	1	1.96
Total	22	100.00	29	100.00	51	100.00

Source: DMS Data for Kampot Urban Drainage Line 4B, November 2018 – January 2019

71. There are 2 AHs or 6.45% (1 male-headed and one child) who have annual incomes below the national poverty rate of \$1,980 for an average AH size of 5 members or \$33.00/per person per month. The child has no income. The male-headed AH will lose his entire house. There are 16 AHs (5 female-headed and 11 male-headed) or 51.61% have annual incomes between \$1,980 to \$9,999. A total of 12 AHs (2 female-headed and 10 male-headed) have annual income of more than \$10,000. The annual income of the 2 female AHs is \$10,200 and \$18,000 respectively. The minimum annual income besides the child is \$2,000 and maximum is \$29,000. Given the trend in annual income, majority of the AHs are in good income earning range and none of female AH is living below the national poverty line. The details of income levels of AHs is summarized in **Table 17**.

Table 17: Annual Income of Affected Households

Annual Income	Female Household Head	% of Total	Male Household Head	% of Total	Total	%
<\$1980 (poverty rate)	0	0.00	2	6.45	2	6.45
\$1980 - \$3999	2	6.45	5	16.13	7	22.58
\$4000 - \$5999	1	3.23	3	9.68	4	12.90
\$6000 - \$7,999	1	16.67	2	6.45	3	9.68

\$8000 - \$9999	1	3.23	1	3.23	2	6.45
\$10000 and above	2	6.45	10	32.26	12	38.71
Did not provide	0	0.00	1	3.23	1	3.23
Total	7	36.02%	24	77.42	31	100.00

*Two male-headed household did not provide their annual incomes.

E. Gender Considerations

72. There are 7 female headed households affected by the Urban Drainage Line 4B Subproject. Gender concerns and issues have been considered in resettlement planning in 2015 particularly in the socio-economic data collection on AHs and APs. The gender-disaggregated data gathered helped in identifying the impact, vulnerability and risks ensuring the needs and concerns of women are addressed in this DRP. In conducting the DMS both men and women participated in the discussions and were separately consulted on resettlement and compensation issues. They were told that (i) timely, fair and just compensation payments for affected assets will be given to both men and women as per entitlement matrix at full replacement cost of affected assets as per RCS; and (ii) grievances and complaints of female headed households will be equally prioritized for resolution/action alongside complaints and grievances of men-headed households.

73. They were given the updated PIB and explained in detail during house to house DMS and measurements of land and property losses. They witnessed the measurements carried out by DMS team and confirmed the loss of assets and measurements and fully understood the basis on which the compensation will be paid for the loss of assets and other entitlements. Gender differentiated benefit-sharing measures are included in this DRP to ensure that the women and men of the households are treated equally. As indicated in Table 16, the 7 female headed households have an average of three sources of income and all of them earn above \$2,000 annually. Only one female elderly household head was identified who are considered vulnerable will receive special assistance.

F. Impact on Indigenous People and Ethnic Minorities

74. Indigenous Peoples is used in a generic sense to refer to a distinct, vulnerable, social and cultural group possessing the following four characteristics in varying degrees:

- (i) self-identification as members of a distinct indigenous cultural group and recognition of this identity by others;
- (ii) collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories;
- (iii) customary, cultural, economic, social or political institutions that are separate from those of the dominant society and culture; and
- (iv) a distinct language, often different from the official language of the country or region.

75. Therefore, socio-cultural groups need to be both distinct and vulnerable to trigger the application of the term "Indigenous Peoples" in the SPS, for ADB-financed projects.

76. Out of the 31 AHHs (138 APs) in the subproject, 8 AHHs (39 APs) belong to the Cham ethnic group of Cambodia. The Cham ethnic group is not classified as indigenous people of Cambodia but as ethnic minority. Cham possess three (i, iii, and iv) of the four characteristics required to classify them as an indigenous people in accordance with ADB SPS. The Cham is an Austronesian origin in Southeast Asia and is concentrated in Kampong Cham Province in Cambodia and several other areas, including An Giang Province in Vietnam.

V. INFORMATION DISCLOSURE, CONSULTATION AND PARTICIPATION

A. Consultation and Participation during Draft Resettlement Plan Preparation

77. Meaningful consultations, public meetings, commune and village level discussions with the AHs and the local respective government officials about the Project and Kampot subprojects information and resettlement policies were done during the feasibility study prior to and during the conduct of the IOL from 16 to 20 January 2015 as part of the resettlement planning process. The feedbacks received from the AHs during the consultations were incorporated during the preparation of the RP which was approved by ADB in August 2015. Following the completion of the IOL, more public meetings were held on 20 February 2015 to present the results of the impact survey and to discuss resettlement options with the AHs. The cut-off date of 20 January 2015 was made known to all the participants. The participants in the said meetings were unanimous in their support for the proposed of all components and grateful to know the of the Project resettlement policies of ADB and RGC. The participants were informed that consultations will continue the throughout the preparation of DRP and during its implementation.

B. Consultation and Participation during Detailed Resettlement Plan Preparation

78. A meeting was held on 11 May 2017 with the Project Implementing Unit (PIU) of Kampot prior to the field visit to the WWCT and UD subprojects. This meeting was conducted to update the PISCB consultants with the latest updates especially on resettlement issues. The PIU informed the PISCB Team that some roads listed in the proposed Urban Drainage subproject have already been undertaken by the Provincial Department of Public Works and Transport. Hence, these roads should be excluded from the original list of roads.

79. Another inspection by the PISCB Team with the PIU was conducted on 18 July 2018 to confirm if the completed DED would have any land acquisition or permanent resettlement impacts. Based on the inspection, the completed DED will not cause any land acquisition or any permanent impacts. However, the Team found out that there may be some temporary resettlement impacts during construction which can be addressed by the contractor during implementation of civil works.

80. On 17 October 2018, the Inter-Ministerial Resettlement Committee (IRC) met for the Kampot subprojects. H.E Nhean Leng, The Under Secretary of State, the Ministry of Economy and Finance and as the Chairman of the IRC presided the meeting composed of H.E Vong Piseth, the project director, the Ministry of Public Works and Transport; Mr. Nget Savoeun, deputy chief of Kampot provincial administration office, representing H.E deputy provincial governor, and with the participation of representatives from the General Department of Resettlement of the Ministry of Economy and Finance, local technical advisors, Resettlement Advisors, relevant departments and institutions, as well as related local authorities.

81. The IRC Chairman confirmed that the cut-off date is 20 January 2015 and assets introduced or constructed after the cut-off date in the canal ROW will not be compensated. The provincial authority agreed to provide the master plan of land titles of people residing along the canals to the IRC. The demarcation working group proceeded to demarcate the corridor of impact (COI) at the same time with the DMS working group.

82. A public consultation meeting was conducted in Wat Sovann Sakor, Kampot City on 26 October 2018. The main purpose of the meeting was to disseminate information on Kampot's three subprojects and to elicit their issues and concerns and gather opinions about the proposed subprojects. In this meeting the Vice Mayor of Kampot City welcomed the participants. He cited the importance of the 3 Kampot subprojects, particularly the urban drainage that will minimize flooding

especially in the town center. He mentioned that some resettlement issues might happen during the subproject implementation which may impact on people, properties and assets such as house, structures, stores and trees. Some impacts will be temporary. However, the Vice Mayor told the participants to collaborate with the subprojects well because they will help to improve the city's environment and health as well as the standard of living of the people.

83. The PISCB consultants presented the technical aspects of the Kampot subprojects. They are (i) wastewater collection and treatment; (ii) urban drainage; and (iii) solid waste management. On urban drainage, the proposed drainage type is of reinforced Concrete U shape drain section with a reinforced concrete cover that will be laid under the road pavement or shoulder to minimize the adverse impact on people properties and assets. One of the proposed drainage lines which is an open earth channel type designated Trapezoidal, Line 4B (2,242m long) might have some minor resettlement impacts on people properties or assets.

84. The Deputy Director of the Department of Resettlement 1 provided detailed explanations regarding RGC's policy to comply with the ADB's safeguard policy statement on LAR. He told participants to read the given project information booklet (PIB) which was given to them during the meeting to understand the policy requirements and if in doubt seek clarifications from the IRC-WG Team Leader (Appendix 1). He emphasized that the PIB has complete information on: (i) Summary of project; (ii) Location of the subprojects; (iii). Subproject components; (iv) Objectives of the subprojects; (v) Scope of land acquisition and resettlement impacts; (vi) Compensation policy, eligibility and entitlements; (vii) Detailed measurement survey questionnaire; and (viii) Grievance redress mechanism. The Deputy Director further elaborated especially on scope of land acquisition and resettlement impacts, Compensation policy, eligibility and entitlements, and Grievance redress mechanism. He requested the participants to ask questions and seek clarifications from if anyone was not clear on the information the in the PIB. The participants of this public consultation held in Kampot City is in **Table 18**.

Table 18: Breakdown of Participants in the Public Consultation

No.	Institution	Male	Female	Total
1	GDR/IRC-WG	9	1	10
2	PISCB Consultants	2	0	2
3	Local Authorities	11	3	14
4	Affected Persons	81	42	123
	Total	103	46	149

Source: Kampot Urban Drainage Due Diligence Study, 2018

85. After the presentation and detailed explanation about the subprojects, an open forum ensued to enable the participants to seek clarifications or ask questions for further explanations. The highlights of the issues and concerns raised in this public consultation are summarized in the **Table 19** and the Minutes of the Meeting and attendance sheets are in Appendix 2.

Table 19: Issues and Concerns Raised in the Public Consultation (October 2018)

Position/ Institution	Issues	Response/Action
Sok Chanmakara	My house is located on the canal that will be impacted by the subproject which	People cannot do any constructions on the right to way for the canal or on the canal, because it is the state land which cannot be violated. However, if you already have the house and other structures, in principle, the Government will compensate for the

	requires relocation. Where shall I live?	house at market price. You will be allowed to demolish your house and take the materials with you to rebuild your new house if you have land adjacent to your house. However, if you do not have adjacent land, the AH will be assisted in securing land tenure through either (i) 105m ² of land, free of charge under Social Land Concession Sub-Decree or (ii) provide cash grant to assist LAH to acquire a plot of land of its preferred choice for self-relocation. In addition, there will be additional assistance such as skills training programs to re-establish your sources of livelihood, though the land will not be compensated.
Prak Chhaya	Will there be any compensations for all impacts on houses situated on the canal?	There will be no compensation to the land in the canal. However, the houses already constructed on the canal prior to 20 January 2015 are eligible for just and fair compensation of the house assessed by an independent qualified and experienced valuer at the market price.
Mrs. Prum Phalla	My house was constructed around 1979-1980, how many meters from the middle of the canal is considered as right to way for the canal?	As clarified by the Provincial Department of Land Management, Urban Planning and Construction, 7m from the side of the canal is considered as the rights to way for the canal. Given that you have constructed the house on the canal, land will not be compensated, but your house and other structures including non-land assets on the ROW will be compensated. Any newly constructed fence is not compensable because it was constructed after the cut-off date (20 January 2015).
Head Village	When will the subproject be implemented?	After this public consultation meeting, the IRC-WG will conduct a detailed measurement survey (DMS). The DMS will determine exactly where the corridor of impacts and the ROW will extend and then measure and list all affected household properties/assets. The construction of the subproject will start as soon as all resettlement issues are settled, and compensation paid to the affected household heads of their affected assets have been completed. The AHs be given one month notice to vacate the land they occupy from the date of contract offer. It is expected that the construction of the subprojects will start early next year.
Male villager	What is vulnerable? How much is the special allowance? How do you determine who is poor?	These are distinct groups of people who might suffer disproportionately or face the risks of being further marginalized by the effects of resettlement and they may be unable or difficult to recover or re-establish what they lost. The special allowance for vulnerable households is not available at present but will be presented in the resettlement plan for this subproject. The RGC regularly publish a national poverty rate. If your income is below this rate, then you are poor. This rate would be made during the time of contract offer.

Female villager	<p>We are landless families that is why we settled on the existing canal. Where will we resettle our house? What are we compensated for the loss? Will government provide us land for resettlement?</p>	<p>In the project information booklet (PIB) under item number (vi). Compensation Policy and Eligibility. People affected by subproject implementation are entitled for full compensation for lost property based on the compensation policy as stated in the resettlement plan to deal with the impacts of the above subproject.</p> <p>The main points of the policy are: Provide fair compensation and just; Pay full compensation before clearing of affected assets; Compensation will be based on the replacement study conducted by an independent agency. Compensation shall be paid for the following losses: Loss of proprietary rights or legal rights to legal residences; Loss of other benefits (crops and fruit trees); Loss of construction (residential, commercial and other construction); Loss of income or occupation (loss of income when relocating or losing permanent employment). Landless families fall under vulnerable group and entitled for special assistance and will also participate in the income restoration program.</p> <p>Landless AHs who will suffer major impacts will be assisted in securing land tenure through either (i) 105m² of land free of charge under Social Land Concession Sub-Decree or (ii) provided cash grant to assist LAH to acquire a plot of land of its preferred choice for self-relocation.</p>
Male Villager	<p>If we will lose our houses, we will build them somewhere for our families, in the meantime, we are not able to earn. Will the project have any provisions for this?</p>	<p>There is an income restoration and rehabilitation component in the resettlement plan. Households suffering major impacts (loss of houses) and vulnerable households will also be provided with one-time cash assistance of \$200/ household as living allowance, and an assistance of \$500/ household for income restoration, if in cash or worth of skill training. Additionally, an assistance of \$100/household will be given to the vulnerable households. Priority for employment will be provided under the subproject construction</p>

Source: Kampot Urban Drainage Due Diligence Study, 2018

86. In general, majority of participants welcome for subprojects implementation except for those households who have built their homes on the Line 4B of the open earth channel. These AHs were informed that they will be fully compensated at full replacement cost for their loss of non-land assets.

87. On 2 January 2019, another public consultation was held in in Wat Sovann Sakor, Kampot City. The consultation was headed by Deputy Director of RD1 of GDR, MEF and the chief of the provincial office and the chairman of the PRSC-WG, the IRC-WG, members of PRSC-WG, as well as the deputy governor of Kampot city. The participants were representatives from Teuk Chhor district, deputy chief of Kampomg Kandal commune, chief of Chum Kriel commune, and relevant villages, particularly residents living along canal Drainage Line 4B. The purpose of the meeting was to disseminate the methodology of the DMS, discuss in detail the DMS questionnaire and explain in detail the GRM process and procedures.

88. It was explained by the Deputy Director of RD1 that the road along the Prek Chak canal will be constructed 5-meter in width, 2-meter slope for both sides; therefore, the total length of land required is between 9m and 10m based on the technical design. The Demarcation working group

has already demarcated the land boundaries to be acquired. It was emphasized to the participants that 7m of land from the edge of the canal on each side was the right of way and was state land, as clarified by the Provincial Department of Land Management, Urban Planning and Construction, and this land cannot be compensated. However, if the demarcation boundary to be acquired is beyond the 7m, the additional width of land belonged to the villagers, and the Government will pay cash compensation of the land and non-land assets to the affected villagers in accordance with the subproject compensation policy. An independent private company will carry out the valuation of the affected land and non-land assets which is based on the current market price as basis to calculate actual compensation amount. A total of 108 participants attended this meeting out of which 55 were women. The updated PIB with entitlements was distributed to all the attendees. The summary of issues and concerns raised is shown in **Table 20** and the Minutes of the Meeting and attendance list is in Appendix 2.

Table 20: Issues and Concerns Raised in the Public Consultation (January 2019)

Position/ Institution	Issues	Response/Action
Male Villager	Will affected Chak trees be paid?	The three villages (Sovan Sakor village, Samrong village, and Kampong Kandal village); who grows Chak trees. For those Chak trees which were naturally grown in the canal, it is not compensable; however, if you grow the Chak trees within this 7-meter length of land, the working group will provide the policy-based compensation. Mr. Hay Seng, chief of Chom Kriel commune added that Chak trees are grown in the canal. You did not grow them, they are naturally grown, but you only take benefits from them.
Som Saroeun, villager from Sovan Saakor	My land was impacted, and only one meter of land remained, but I have been living on the land since 1979. I ask the committee to help me.	From the point 0+000 to 0+770, the subproject will construct an access road of 5-meter in width with 2 meter-slope, as such, 7 meters of land are the right to way, while from the point 0+000 to 2+200 on the right hand side located in Sovan Sakor village, Kampong Kandal Sangkat, Kampot city, Kampot province, the subproject will not construct any road, but only rehabilitate the canal; therefore, there will no specific impact to your land.
Chhim Sokuntheary	I have the land rights recognition certificate certifying the land title issued by the Department of Land Management, has the rights to way been excluded or not?	It was clarified that when the Department of Land Management did the systematic land registration, this 7m of land had been already excluded before issuing the land title.
Hun Pos	I am living in Sovan Sakor village and have the land rights recognition certificate issued by the department of Land Management, Urban	When the land systematic registration team registers your land, you all may bring your land rights recognition certificates, and submit them to the committee for review and re-measuring your land. The land title will not look like the land rights recognition certificate; it will have exact shape to your land. If the Department of Land Management, Urban Planning and Construction cuts a portion of land for the right to way for the canal, this will be also specified in the land title certificate. If the subproject requires more land, for

	Planning and Construction	example, up to 10m, the state will compensate for the additional 3m of the land based on the compensation policy. For those who are living on the ROW for Prek Chak canal with house constructions and fruit trees, the state will also provide compensation, except the Chak trees which will not be compensated. If this canal rehabilitation does not affect any constructions in which villagers are living, people are still allowed to use them.
--	---------------------------	--

89. After the discussion and exchanges of ideas, the meeting resulted in the following:

- 1) Rights to way for Prek Chak canal will not be compensated (first 7m from the edge of the Prek Chak canal).
- 2) The land beyond that 7m, according to the definition of the department of land management, it is the private land, and will be compensated according to the policy.
- 3) Any non-land assets on the ROW will be compensated.
- 4) Chak trees that are naturally grown in the Prek Chak canal will not be compensated but AHs are allowed to cut them and use them as timber for construction of houses, fence posts, etc. and cooking purposes.
- 5) Chak trees that are grown by villagers within the 7m will be compensated according as per the RCS.

90. After the DMS data analysis, the IRC-WG conducted a public consultation meeting with the AHs who were identified as vulnerable, including landless poor and those who experienced major impacts on 02 May 2019 at 2:00 pm at Kampot Provincial Department of Public Works and Transport. The purpose of the meeting was to inform the AHs of their entitlements. The AHs were informed that the landless affected households (AHs) will be assisted in securing land tenure through either (i) 105m² of land free of charge under Social Land Concession Sub-Decree or (ii) provided cash grant to assist AH to acquire a plot of land of its preferred choice for self-relocation, and (iii) landless AHs will be entitled to participate in the income restoration program (IRP). For those households experiencing major impacts (i.e. the loss is equivalent to 10% of their total income capacity, and the AHs who lose their entire houses), the AHs will be provided one-time cash assistance \$200/AH and two options for IRP such as agricultural enhancement program and agricultural training program; Option 1- cash assistance of \$500/AH for IRP or Option 2 - \$500 of skills training. In addition, an assistance of \$100/AH will be given to poor and vulnerable households. These AHs will also be accorded priority for employment in the subproject construction works.

91. While the participants were informed of the provisions of training under IRP such as on farm agricultural enhancement program and agricultural training program, they were also informed that training could be provided for alternate sources of livelihoods such as chicken and pig raising, and vegetable and mushroom planting. Given that majority of the AHs income came from off farm sources of livelihoods (Table 20) and 95.60% attained primary to tertiary level education (Table 19), they were informed that alternate sources of livelihood and income enhancement could include skills training in tailoring, haircut, car/motorbike repair, shoe repairs, driver training, cosmetic, welding, electrical, construction (carpentry and joinery, brick laying, plastering, tile laying, etc.). The AHs requested some time to discuss the options amongst themselves and family members before making their decisions.

92. For the resettlement of 9 LAHs to new relocation site, the LAHs were informed of two options:³
Option 1- AH will be assisted in securing land tenure through (i) 105m² of land free of charge under Social Land Concession Sub-Decree following the criteria in footnote 1. Given that no land was

³ Further consultation of relocation of 9 LAHs and host community is in Chapter 2

available in the within the subproject area or near Kampot town, the new relocation site will be within 5 km from the subproject site where there is access to road, water, hospital or clinic or health center, schools, market, town hall facilities and other facilities such as pagoda or mosque or religious center. **Option 2-** provided cash grant of \$5000 to assist LAH to acquire an affordable plot of land of their preferred choice for self-relocation. After providing the above information, the AHs were informed that if anyone was in doubt and had issues and concerns on any of the topics discussed in this meeting and needed clarifications please ask questions. Key questions and responses are summarized in **Table 21** and the Minutes of the Meeting and attendance list and photographs is in Appendix 2.

Table 21: Key Issues and Concerns Raised in the Public Consultation (May 2019)

Position/ Institution	Issues	Response/Action
Mr. Dul Lim, Kandal Village	The amount of \$5,000/AH was insufficient to acquire land and where is the location of the site	The \$5,000 is only an option if only you are landless and want to acquire land of your preferred choice. The \$5,000 was the current market price of land in the area and it also included transitional allowance. However, we do not encourage this approach because you have all lived together near the canal as one community, but we will adhere to the preferred choice of the AH. The new relocation sites are located about 5 kms away from the subproject area and has three locations in the village available for selection, where the facilities are equipped with water supply (pump well), electricity connection and a latrine for each family and with access road, health center and close to school, pagoda or mosque and market. All the three locations were backfilled, levelled, ready to be sold to build houses.
Mr. Him Hvary, Kandal Village	Will I receive only the amount of \$5,000 and the amount of the compensation on the affected structure with no other support	Each household will receive: (1) \$5,000 if you are landless; (2) the amount of the compensation on the affected structures; (3) other assistances in the entitlement matrix in the DRP. Such entitlements include transportation allowances, allowances for major impacts and an extra allowance for vulnerable AHs. For families who will have impact on their income from fishing, carpentry, sellers, affected by the subproject, the subproject will offer them with Income Restoration Program which have options: Option 1: provide cash amount of US\$500 or option 2: US\$500 of skills training, for example: animal raising or cultivation, tailoring, car/motorbike repairer, shoe repairer, driving skills etc. depending on your decision
Mr. Chhim Hort, Sovan Sakor village	The 125 square meters affected land by the subproject has been demarcated. There is 4m width of land on the west side, which was provided with hard title issued in 1992. Can I continue to live there?	The RoW is 7 meters from the edge of Praek Chak canal. Then the subprojects will require all of that, so it is impossible for Cadastral Office to issue land title because canal RoW have no remaining land.

Mr. Vin Sarin, Sovan Sakor village	Will I get compensation for my concrete fence	The draft RP approved in August 2015 established the cut-off date as of 20 January 2015. At this date the area photograph recorded, and the inventory of loss shows no concrete fence. This this fence is constructed in 2017 after the cut-off date. Therefore, there is no compensation for the fence
--	--	---

C. Information Disclosure

93. A project information leaflet was prepared and distributed to the APs at the consultation meeting at draft RP preparation stage. Summary of draft RP was posted at district, commune and provincial offices for easy access to 31 AHs and the 138 APs. The draft RP was disclosed on ADB website. However, at the consultation meeting for the preparation DRP, the Khmer version of the PIB was also developed and distributed the participants and to commune and village chiefs. Documents including the (i) DRP endorsed by IRC and concurred by ADB after the DED, (ii) any corrective action plan prepared during implementation, if any; and (iii) the updated DRP will be disclosed on MPWT and ADB websites. These documents will also be disclosed to AHs/APs and other stakeholders in the commune, district office in Khmer language. For those who are illiterate, village or commune head will summarize the contents of the documents for them, if they wish. However, SES shows only one household head out of 31 household heads did not attend school and the village or commune head can help them understand the provisions of the DRP.

VI. GRIEVANCE REDRESS MECHANISMS

94. The GRM procedures outlined in the approved 2015 RP will also apply to the DRP for Kampot Urban Drainage Line 4B Subproject. The objective of GRM 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 registering complaints and their resolving processes. AHs are entitled to lodge complaints regarding any aspect of the preparation and implementation of the DRP without prejudice to their right to file complaints with the Provincial Courts at any point in the process.

95. A well-defined grievance redress and resolution mechanism has already been established to resolve AH grievances and complaints in a timely and satisfactory manner. All AHs have been made fully aware of their rights, and the detailed grievance redress procedures have been disseminated through effective public consultation meetings in the three communes. The GRM and appeals procedures were also included in the project administration booklet and distributed to all the AHs.

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

97. A provincial grievance redress committee (PGRC) has been established in Kampot Province. As practiced, the grievance committee includes local commune or village leaders only. The use of local NGO is allowed only to assist APs in filing complaints, particularly for those who do not know how to prepare written complaints. The designated commune officials shall exercise all efforts to settle AP's issues at the commune level through appropriate consultation with the complainants. All meetings shall be recorded in each grievance process and copies shall be provided to AHs. A copy of the minutes of meetings and actions undertaken shall be provided to IRC and ADB upon request. The Provincial Governor confirmed the establishment of PGRC on 03 October 2017, and the training was carried out by GDR on 04 October 2018 to strengthen the capacity of the PGRC members. The PGRC comprising representatives from the relevant provincial authorities and MEF is in **Table 22**.

Table 22: Composition of PGRC for Urban Drainage Line 4B Subproject

No.	Name	Position
1	H.E. Ly Saveth	Deputy Provincial Governor, Chair
2	Mr. Ven Sitha	Director, Provincial Administration Office, Vice Chair
3	Mr. Ching Kuong	Director, Provincial Department of Public Works and Transport, Vice Chair
4	Mr. Yin Bun An	Director, Provincial Department of Economic and Finance, Vice Chair
5	Mr. Yin Vuth	Director, Provincial Department of Land Management and Urban Planning Construction and Cadastral, Vice Chair
6	Mr. Suy Thea	Director, Provincial Department of Environment, Member
7	Mr. Neak Sovanary	Teuk Chhou District Governor, Member
8	Mr. Leang Roem Sothy	Kampot City Mayor, Member
9	Mr. Oun Khorn	Deputy District Governor of Kompong Trach District, Member
10	Ms. Kong Bunnary	Chief, Provincial Office of Planning and Investment, Member
11	Mr. Vith Varthana	Chief, Provincial Office of Inter Sectors, Member
12	Commune Representative	Relevant Chief of Commune, Member
13	Village Representative	Relevant Chief of Village, Member
14	Community Representative	Relevant Member of the Community

Letter from Provincial Governor dated 03 October 2017

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

1. **Stage 1:** Affected Household (AH) will submit directly a letter of complaints/requests to Commune Office or through the village chief or IRC working group and, if he or she wishes, to the nominated local NGO working on the GRC. The NGO will record the complaint/request in writing and accompany the AH to the Village or Commune Office. The Commune Office will be obliged to provide immediate written confirmation of receiving the complaint. If after 15 days the aggrieved AH does not hear from Commune Office, or if the AH is not satisfied with the decision taken by in the first stage, the complaint may be brought to the District Office
 2. **Stage 2:** The District office has 15 days within which to resolve the complaint to the satisfaction of all concerned. If the complaints cannot be solved in this stage or the complainant is not satisfied with the decision taken by the district office, the AH can bring or request the district office to bring the case to the Provincial Grievance Committee.
 3. **Stage 3:** The Provincial Grievance Redress Committee meets with the aggrieved party and tries to resolve the complaint. The Committee may ask for a review of the DMS by the EMO. Within 30 days of the submission of the grievance the Committee must make a written decision and submit a copy of the same to MPWT, the EMO, the IRC and the AH.
 4. **Stage 4: The Court Procedures.** If the aggrieved AH is not satisfied with the solution made by the Provincial Grievance Redress Committee based on the agreed policy in the RP, the AH can bring the case to the provincial court. If the case will be brought to the Provincial Court and the same will be litigated under the rules of the court. During the litigation of the case, Royal Government of Cambodia will request from the court that the project proceed without disruption while the case is being heard. If any party is unsatisfied with the ruling of the provincial court, that party can bring the case to a higher court. The Royal Government of Cambodia shall implement the decision of the court. The mechanism should not impede access to the country's jurisdiction or administrative remedies.
99. All costs involved in resolving the complaints to stage 3 (meetings, consultations, communication and reporting/information dissemination) will be borne by the executing agency and costs for court proceedings will be borne by aggrieved AH.
100. In cases where AHs do not have the writing skills or are unable to express their grievances verbally, it is a common practice that AHs are allowed to seek assistance from any recognized local NGO or other family members, village heads or community chiefs to have their complaints or grievances written for them. AHs will be allowed to have access to the DMS and contract document to ensure that where disputes do occur, all the details have been recorded accurately enabling all parties to be treated fairly. Throughout the grievance redress process, the responsible committee will ensure that the concerned AHs are provided with copies of complaints and decisions or resolutions reached.
101. If efforts to resolve disputes using the grievance procedures remain unresolved or unsatisfactory, AHs have the right to directly discuss their concerns or problems with the ADB Urban and Water Division, Southeast Asia Department through the ADB Cambodia Resident Mission (CARM). If AHs are still not satisfied with the responses of CARM, they can directly contact the ADB Office of the Special Project Facilitator (OSPF). The OSPF procedure can proceed based on the accountability mechanism in parallel with the project implementation. 2

VII. LEGAL FRAMEWORK

A. RGC's Relevant Laws and Regulations on LAR

102. Public infrastructure projects and other forms of development require land acquisition and consequent resettlement of persons affected by the acquisition. To ensure that the rights of the State, natural persons, private and public legal entities are protected, various policy and legal frameworks and instruments governing land acquisition and/or resettlement have been put in place in the Kingdom of Cambodia. The legal framework for LAR comprises primarily of:

1. 1993 Constitution of the Kingdom of Cambodia
2. 2001 Land Law
3. 2010 Expropriation Laws
4. Sub-Decree on Social Land Concession
5. The Sub-Decree No. 25 on providing house ownership
6. The Sub-Decree ANK/BK No. 22 on the RGC's Standard Operating Procedures for Land Acquisition and Involuntary Resettlement for Externally Financed Projects.
7. Other Sub-Degrees and Prakas that provide further definitions, implementing rules and regulations, and guideline on the provisions contained in the Constitution, Land Law and Expropriation Law.

1. Cambodian Constitution 1993

103. **The 1993 Constitution of Cambodia** sets out two basic principles for land acquisition. The first is Article 44 which states that the "right to confiscate properties from any person shall be exercised only in the public interest as provided by law and shall require fair and just compensation in advance". In addition, Articles 73 and 74 of the constitution stipulate special consideration and support for vulnerable people including mothers and children, the disabled and families of combatants who sacrificed their lives for the nation. Indigenous minorities however are not explicitly included in these two articles but included in the Land Law.

2. Land Law 2001

104. **The Land Law 2001** is a comprehensive law that governs land and property rights in Cambodia. Based on the provisions of the 1993 constitution, it determines the regime of ownership of immovable properties that are defined as including land, trees and immovable structures. The rights and responsibilities of the government with respect to eminent domain are specified in the Land Law. The government can acquire private land for public purposes but has to pay fair and just compensation in advance of the land acquisition. The Land Law, Article 5 states that "No person may be deprived of his ownership, unless it is in the public interest. An ownership deprivation shall be carried out in accordance with the forms and procedures provided by the law and regulations, and after the payment of fair and just compensation in advance." Other provisions of the Land Law that are relevant to land acquisition, compensation and resettlement in the context of this Subproject include:

1. Legal possession as defined by the Law is the sole basis for ownership, and all transfer or changes 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);
2. Any regime of ownership of immovable property prior to 1979 shall not be recognized. (Article 7);
3. Only persons or legal entities of Khmer nationality are entitled to own land in Cambodia; or to acquire or sell land. (Article 8, 66);
4. State public land includes, among other categories, any property: (a) that has a natural origin,