

# Resettlement Plan

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September 2019

## CAM: Second Greater Mekong Subregion Corridor Towns Development Project

Kampot Subproject (Urban Drainage Line 4B)  
Part 2 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>.

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such as forests, courses and banks of navigable and floatable rivers or natural lakes; (b) that is made available for public use such as roads, tracks, oxcart ways, pathways, gardens, public parks and reserved land; or (c) that is allocated to render a public service, such as public schools, public hospitals or administrative buildings. (Article 15);

5. Persons that illegally occupy possess or claim title to state public land cannot claim any compensation. This includes land established by the government as public rights-of-way for roads and railways. Moreover, failure to vacate illegally occupied land in a timely manner is subject to fines and/or imprisonment. (Article 19);
6. Ownership of lands is granted by the state to indigenous communities<sup>4</sup> as collective ownership, including all the rights and protection enjoyed by private owners. The exercise of collective ownership rights are the responsibility of the traditional authorities and decision-making mechanism of the indigenous community, according to their customs and subject to laws such as law on environmental protection. (Article 26);
7. No authority outside the community may acquire any rights to immovable properties belonging to the indigenous community. (Article 28);
8. Persons with legally valid possession of land for five years (at the time the law came into effect) are allowed to be registered as the owner of the land (Article 30). Persons who (at the time the law came into effect) held legal possessions but had not yet completed the five years are allowed to remain in possession until they are eligible to be registered as the owner. (Article 31);
9. However, temporary possession claims made by persons after the law comes into effect will not be recognized, rescinding a previous right under the 1992 Land Law for acquiring land by taking possession. (Articles 29,34);
10. Landless people may apply for land for residential and subsistence-farming purposes at no cost, as part of a social land concession scheme. The concessionaire may obtain ownership of this land after fulfilling conditions set out in a separate Sub-Decree on Social Land Concessions. (Articles 50, 51); and
11. Acquisition of land through gift is permitted with the following conditions: (a) the gift of immovable property is only effective if it is made in writing and registered with the Cadastral Registry Unit; (b) once accepted, gifts or immovable property are irrevocable; and (c) the donor may retain the right of usufruct in the property and the right of use and habitation of an immovable property. (Articles 80-84).

### 3. Expropriation Law 2010

105. The Expropriation Law 2010 was passed by the National Assembly in 29 December 2009 and afterwards promulgated by the King on 4 February 2010. Relevant provisions include:

1. Article 2 of the law has the following purposes to (a) ensure reasonable and just deprivation of a legal right to ownership of private property; (b) ensure payment of reasonable and just prior compensation; (c) serve the public and national interest; and (d) develop public physical infrastructure.
2. Article 7: Only the state may carry out an expropriation for use in the public and national interest. Expropriation may only be carried out for the implementation of projects stipulated in Article 5 of this Law.

<sup>4</sup> As per Article 23 of the Land Law, "An indigenous community is a group of people that resides in Cambodia whose members manifest ethnic, social, cultural and economic unity and who practice a traditional lifestyle, and who cultivate the lands in their possession according to the customary rules of collective use".

3. Article 8: The state shall accept the purchase of part of the real property left over from an expropriation at a reasonable and just price at the request of the owner of and/or the holder of right in the expropriated real property who is unable to live near the expropriated scheme or to build a residence or conduct any business.
4. Article 16: Prior to making any expropriation project proposal, the expropriation committee shall conduct a public survey by recording of detailed description of all entitlements of the owner and/or of then holder of real right to immovable property and other properties subject to compensation as well as the recording of relevant issues.
5. Article 22: An amount of compensation to be paid to the owner and/or holder of rights in the real property shall be based on the market value of the real property or the alternative value as of the date of the issuance of the Prakas on the expropriation scheme. The market value or the alternative value shall be determined by an independent commission or agent appointed by the expropriation committee.

#### 4. Other Sub-Decrees and Prakas

106. **The Sub Decree on Social Land Concession**, March 2003 provides for allocations to landless people of state lands for free for residential or family farming purposes, including the provision of replacement land lost in the cases of involuntary resettlement.

107. **The Sub-decree No. 25** on providing house ownership, April 1989 recognized private house ownership including land and confirmed in the Land Law 2001 (Article 4). Cambodians are able to register the land they occupy with the local Cadastral Administration Office (CAO), whereupon a Certificate of Land Title is granted. Issuing a land title is a lengthy process and most offices have a major backlog and pending applications. People are given a receipt and until the official title deed is issued, and the receipt is acceptable proof of real occupants of the land for purposes of sale. The present legal status of land use in Cambodia can be classified as follows:

1. **Privately owned land with title:** The owner has official title to land and both owners and the CAO have a copy of the deed.
2. **Privately owned land without title:** The owner has a pending application for land title and is waiting for the issuance of a title deed. The CAO recognizes the owner.
3. **Land Use Rights Certificate:** In this case, a receipt for long-term land use has been issued. This land use right is recognized by CAO.
4. **Lease Land:** The government or private owners lease the land, usually for a short period. There is provision for owners to reclaim land if it is needed for development.
5. **Non-legal Occupation:** The user has no land use rights to state Land that he occupies or uses. The CAO does not recognize the use of this land.

108. **Sub Decree ANK/BK No. 22** approved on 22 February 2018 on RGC's Standard Operating Procedures (SOP) for Land Acquisition and Involuntary Resettlement for Externally Financed Projects sets out the policies, regulations and procedures set out the land acquisition and involuntary resettlement in projects that are financed under Overseas Development. The SOP provides for the use of Development Partners Safeguard Policy and for gap-filling measures where the provisions of the SOP conflict with the Development Partners mandatory safeguard requirements.

109. **MEF Sub-Decree No. 115** dated 26 May 2016 on promoting Resettlement Department to General Department of Resettlement (GDR) provides mandate to GDR to lead all resettlement activities including preparation of RP, implementing and internal monitoring of the RP. *250*

110. **Sub-Decree 98 on Management of River Basin**, dated 24 July 2015, defines the ROW of shore-side, waterside and estuary of the river basin as follows:

1. Shore and estuary: 100 meters from edge of shore and estuary (at maximum of rising water)
2. River: 50 meters from edge of river
3. Stream: 30 meters from edge of stream
4. Creek: 20 meters from edge of creek
5. Brook: 10 meters from edge of brook
6. Main canal: 10 meters from outside edge of main canal
7. Sub-canal: 5 meters from outside edge of sub-canal
8. Irrigation ditch: 3 meters from maximum level of water
9. Basin: 100 meters from maximum level of water
10. Lake/pond: 50 meters from maximum level of water
11. Dam: 20 meters from bottom of dam less than 4 meters in height. 100 meters from bottom of dam between 4 meters to 8 meters in height. In case, dam is above 8 meters high it will be determined in a separate Sub-Decree.

111. Circular No. 02 dated in 26 February 2007 states clearly that (i) illegal occupants of state land has no right to compensation and can be punished in accordance with the land law 2001, and (ii) illegal occupants who are poor, landless and part of vulnerable group can be provided a plot of land.

## **B. ADB Safeguard Policy**

112. The new ADB 2009 Safeguard Policy Statement consolidates three existing safeguard policies: involuntary resettlement (IR), indigenous peoples (IP), and environment. The objectives of the IR policy are to (i) avoid involuntary resettlement by exploring project and design alternatives to avoid, (ii) restore livelihoods; and (iii) improve living standards of poor and vulnerable households. The IP policy objectives are to (i) design and implement projects that fosters full respect for IP's identity, dignity, human rights, livelihoods systems, and cultural uniqueness as defined by IP themselves and (ii) ensure that IPs receive culturally appropriate social and economic benefits, do not suffer adverse impacts as a result of projects, and can participate actively in projects that affect them.

113. ADB resettlement policy includes the following principles:

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

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

114. The objective of ADB Policy on **Indigenous Peoples** as set out in the Safeguard Policy Statement (2009) is to design and implement projects in a way that fosters full respect for Indigenous Peoples' identity, dignity, human rights, livelihood systems, and cultural uniqueness as defined by the Indigenous Peoples themselves so that they (i) receive culturally appropriate social and economic benefits, (ii) do not suffer adverse impacts as a result of projects, and (iii) can participate actively in projects that affect them.

115. The ADB Policy on **Gender and Development** (2006) adopts gender mainstreaming as a key strategy for promoting gender equity, and for ensuring that women participate in and that their needs are explicitly addressed in the decision-making process for development activities. For projects that have the potential to have substantial gender impacts, a gender plan is prepared to

identify strategies to address gender concerns and the involvement of women in the design, implementation and monitoring of the project.

116. Other policies of the ADB that have bearing on resettlement planning and implementation are: (i) Access to Information (September 2018) and (ii) Accountability Mechanism (2003)<sup>5</sup>.

### C. Equivalence and Gaps: Project Policies

117. Tables 23 and 24 summarize the gaps between RGC laws and regulations and how ADB resettlement policy has been applied to ADB financed development projects in Cambodia that will also apply to Urban Drainage Line 4B subproject.

**Table 23: Gaps between RGC Laws and ADB Policies and Recommended Project Policy**

Key Issues	RGC Laws/ Regulations	ADB SPS Policy	Project Policy
Eligibility for compensation & assistance does not include AHs without land title.	Illegal occupants are not entitled to compensation due to violation on declared land use plan; or if they have constructed without permit or have encroached on demarcated land for ROW or on other state lands.	Those without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets.  Improve the standards of living of the displaced poor and other vulnerable groups, particularly women.	All AHs without any discrimination whether or not land is owned are eligible for resettlement assistance and compensation for loss of non-land assets.  Particular focus on improving the standards of living of the displaced poor and other vulnerable groups, including women.
Land Valuation	Compensation at replacement cost is defined in article 22 of the expropriation law. Present practice, the compensation rate is determined based on the Replacement Cost Study conducted by the independent qualified and experience appraiser.	Bank's policy requires an independent land Appraiser who has working knowledge on property valuation and the methodology that the involuntary land acquisition will use is consistent with international standards.	An independent agency specialized in property appraiser will be engaged to conduct replacement cost study during the DMS for the project which will be used for compensation of the final RP.

Source: Resettlement Plan August 2015.

<sup>5</sup> The ADB Accountability Mechanism (ADB, 2003) serves to enhance the capacity of ADB to respond to, prevent and/or resolve problems associated with the implementation of its policies in ADB-funded project. It consists of two separate but complementary functions: (i) a consultation phase consisting of a special project facilitator (SPF) who will respond to specific problems of locally affected people in ADB-assisted projects through a range of informal and flexible methods; and (ii) a compliance review phase consisting of a compliance review panel (CRP) to investigate and make recommendations to remediate alleged violations of ADB operational policies and procedures that have resulted or are likely to result in direct, adverse and material harm to project-affected people. The relevant ADB operations department has the initial responsibility to respond to the concerns of affected communities.

**Table 24: Compatible Elements between the RGC Laws vi-a-vis ADB Policy**

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

Source: Resettlement Plan August 2015.



## VIII. ENTITLEMENTS, ASSISTANCE AND BENEFITS

### A. Eligibility

118. Eligibility is determined by the "Cut-off Date" of 20 January 2015, which is the start date of the first public consultation meeting with the AHs during the census. The established cut-off date was disseminated through the consultation meetings with the communities and through the village chiefs. In total, 31 AHs have been identified through the census and DMS and determined to be eligible for compensation and allowances. Those who encroach into the subproject area after the cut-off date will not be entitled to compensation or any other assistance, except if changes in the subproject design or additional land take entail a modification of the subproject area. Persons not covered in the DMS are not eligible for compensation and other entitlements, unless they can show proof that (i) they have been inadvertently missed out during the DMS; or (ii) they have lawfully acquired the affected assets prior to the conduct of the DMS.

119. The AHs in the Urban Drainage Line 4B Subproject area are categorized into three types: (i) persons with formal legal rights to land (land title) lost in its entirety or in part; (ii) person who lost the land they occupy in its entirety or in part who have no formal legal rights to such land, but have claims to such lands that are recognized or recognizable under Cambodian Laws (e.g soft land titles); and (iii) person who lost the land they occupy in its entirety or in part who have neither formal legal rights (land title) nor recognized or recognizable claims to such land.

120. A total of 19 AHs had hard titles of their private land next to the canal ROW and 3 AHs had soft title of their adjacent land next to the canal ROW. These 22 AHs also encroached on the canal ROW along with the 9 landless AHs, the latter with no titles or no land use rights certificates for using the canal ROW. Out of the 31 AHs, 3 AHs are under type (i) and No AH is under type (ii). The AHs under (i) and (ii) are entitled to be provided with adequate and appropriate land and structures or cash compensation at full replacement cost for loss of land and structures, adequate compensation for partially damaged structures, and relocation assistance, if applicable. For the remaining 28 AHs under type (iii), and they are entitled for compensation for the loss of assets other than land, such as structures, and improvement to the land at full replacement cost. The entitlements for AHs in type (iii) are given if the AHs occupied the land or structures in the subproject area prior to the cut-off date for eligibility for resettlement assistance.

### B. Entitlements

121. An entitlement matrix prepared for all components of the Kampot subproject included in the August 2015 draft RP has been updated specifically for the 31 AHs under the Urban Drainage Line 4B subproject. This subproject level update matrix shows the exact types of losses, entitled persons and units of entitlements as identified during the DMS but the standards set in the August 2015 draft RP are not lowered. The unit rates are based on April 2019 RCS report and will be valid for one year. However, if the compensation and/or assistance is not made to the AH within this period, the replacement cost will be updated to reflect the then prevailing market valuation by the RCS Consultant. The RCS results are the basis for estimating the budget for financing the resettlement costs for this DRP. The updated matrix is shown in **Table 25**.

**Table 25: Updated Entitlement Matrix**

Type of loss/ impact	Application	Eligible Persons	Entitlements
<b>A. Loss of Land</b>			
Agricultural land	<p>Marginal loss (i.e., land is still economically viable for use or meets the expected personal yield).</p> <p>Loss of 1,506.20m<sup>2</sup> agricultural land;</p> <p>Less than 3% land impacts.</p>	3 AHs Legal owners and holders of real rights, including customary rights	<p><u>For the portion that will be acquired permanently by the Project:</u></p> <p>-Cash compensation at replacement values as determined under RCS in Appendix 3 for the affected portion of the land</p> <p>- AHs to be notified at least 3 months in advance of the actual date that the land will be acquired by the subproject.</p>
State land (canal ROW)  (1,173.27 m <sup>2</sup> )	Loss of 1,173.27m <sup>2</sup> of state land on the ROW.	28 AHs illegally occupy the ROW of the canal	<p>- No compensation for state land.</p> <p>-5 AHs have secondary structures and trees on the ROW.</p> <p>-9 AHs will be relocated, and 14 AHs will shift-back to reside on their private land area adjacent to the canal.</p>
	<p>Major impacts (i.e., land no longer viable for continued use; the entire property has to be acquired).</p> <p>Land affected = 955.56 m<sup>2</sup></p>	(i) 9 AHs, who are illegal squatters, will lose more than 100% of the state land they occupy and (ii) be provided one-time cash assistance for major impacts as described in Item E	<p>- No compensation for state land.</p> <p>-AHs losing 100% of state public land will have to move out of the canal ROW.</p> <p>-Cash assistance for the AHs experiencing major impacts for assisting in securing land tenure of 105m<sup>2</sup> under Social Land Concession Sub-Decree or an additional sum as assistance towards an affordable land for self-relocation.</p>
<b>B. Loss of Structure</b>			
Partial or entire loss of primary structures,	<u>The following are in the canal ROW (state land)</u> 11 structures are main houses having a total area of 411.49 m <sup>2</sup>	11 AHs regardless of their tenure status	<p>Compensation in cash for all affected structures at 100% of the full replacement cost for materials and labor as determined in the RCS in Appendix 3.</p> <p>Totally affected AHs will (i) be provided rehabilitation assistance with provision of two options (1)-cash assistance of \$500 for income restoration or (2)-an IRP in skills training that will be planned by the subproject with the active participation of the AHs;</p> <p>One-time cash allowance of \$200 for AHs experiencing major impacts.</p>

Type of loss/ impact	Application	Eligible Persons	Entitlements
			<p>If AH belongs to any of the vulnerable groups, \$100 as one-time cash assistance.</p> <p>Transport allowance of \$70 to move main structures to other areas</p>
<p>Partial or Total loss of secondary structures</p> <p>other structures, latrines, and bathrooms, extended eaves, concrete pavements, drainage pipes, PVC pipes and fences.</p>	<p><u>The following are in the canal ROW (state land)</u></p> <p>16 kitchens with a total area of 250.93m<sup>2</sup></p> <p>7 other structures, 12 latrine and bathrooms, 6 extended eaves, 12 concrete pavements, 6 drainage pipes, 32 PVC pipes, and 22 fences</p>	<p>12 AHs losing kitchens with a total area of 250.93 m<sup>2</sup>;</p> <p>23 AHs losing other structures with a total area of 988.98 m<sup>2</sup>;</p> <p>14 AHs losing fences with 497.82 linear meters</p>	<p>Cash compensation at replacement values as determined under RCS in Appendix 3 for affected assets (i.e., present cost of construction materials and labor in the locality)</p>
<b>C. Loss of Productive Trees and Crops</b>			
<p>128 fruit trees broken down into:</p> <p>53 coconuts 10 soursops 9 Nhor 9 Casya 8 Mango 39 other trees</p>	<p>Owners of trees regardless of land tenure status</p>	<p>There are no standing crops. 18 AHs losing 128 trees;</p>	<p>Compensation for productive fruit trees based on RCS in Appendix 3;</p> <p>Compensation for timber trees and non-fruit trees based on RCS in Appendix 3.</p> <p>AHs to be notified at least 3 months in advance of the actual date that the land will be acquired by the Project.</p>
<b>D. Assistance for Affected Households Experiencing Major Impacts</b>			
<p>Loss of entire houses</p>	<p>AHs who lose their entire houses regardless of tenure status</p>	<p>9 AHs losing entire houses regardless of tenure status</p>	<p>(i) One-time cash assistance of \$200 per household (living allowance) (ii) Participate in Income Restoration Program such as skills training program (\$500/HH in cash or worth of skill training); and (iii) Site development and transitional allowance for all AHs is included in the \$5000/AH.</p>
<b>E. Impacts on Vulnerable AHs</b>			
<p>Vulnerable AHs</p>	<p>Households having higher risks of being further marginalized or being suffered disproportionately due to project impacts</p>	<p>1 female headed AH with 9 dependents;</p> <p>9 landless AHs (2 AHs falling below national poverty rate)</p>	<p>(i) One-time cash assistance of \$100 per vulnerable AH.</p> <p>(ii) Priority for employment in the subproject construction works.</p>
<b>F. Allowances</b>			

Type of loss/ Impact	Application	Eligible Persons	Entitlements
Allowance for transport	Shifting of partly affected main structures and kitchens  Relocation of AHs who will lose their entire houses	2 AHs will shift back main structures and 12 AHs will shift back 12 kitchens 9 AHs, owners of houses and houses cum shops in the canal ROW that will be relocated outside the subproject area.	Shifting back at 10/AH  Houses moving to another site relocated \$70
<b>G. Unforeseen Impact</b>			
Unforeseen Impact if any during project implementation	Appropriate mitigation measures and same entitlement will be applied to any AHs that will emerge due to changes, if any during the construction phase.	Compensation will not apply to new occupants after the cut-off date.	Same entitlements to losses will apply for unforeseen impacts
<b>H. Temporarily Affected Properties during Construction</b>			
Temporary loss or restrictions to the use of private land and non-land assets	Owners of temporarily affected private land and non-land assets during construction	Owner of temporarily affected private land and non-land assets;	Contractor will pay rent for any private land/structure required for construction workspace outside the ROW  AHs will be notified at least 3 months in advance of the actual date that the land/non-land asset will be temporarily used
Impact during construction	Owners of temporarily affected private land and non-land assets during construction;  - Restoration of land within 3 months after use - Non land assets within the residual area of the ROW and/or outside of the ROW that are adversely impacted by construction activities will be compensated at replacement cost by the civil works contractor.	Owner of temporarily affected private land and non-land assets;	Contractor will be responsible for paying rental in cash for land outside of the ROW which will be no less than the net income that would have been derived from the affected property during disruption  Restoration of land within 3 months after use  Non land assets within the residual area of the ROW and/or outside of the ROW that are adversely impacted by construction activities will be compensated at replacement cost by the civil works contractor.

Source: DMS Data for Kampot Urban Drainage Line 4B, November 2018 and Draft Resettlement Plan August 2015

### C. Principle of Replacement Cost

122. Both ADB's SPS (2009) and RGC's Expropriation Law requires that all compensation for the acquired land, housing, and other assets is based at full replacement cost. Full replacement cost is the cost of replacing an expropriated asset of the same or better quality in the current land and/or housing market.

123. **Replacement cost study (RCS).** The main objective of the RCS is to determine the rate of land prices based on actual transaction records of the affected areas, of affected main and secondary structures, and of fruit trees, trees and crops. Based on the results of RCS, the AH will receive compensation at replacement cost (reflecting market price) from RGC for their loss of land and property due to the subproject.

124. The full replacement cost was determined through a RCS carried out by professional independent national firm (RCS Consultant) qualified and experienced in property valuation in the subproject area during the DMS in order to determine compensation rates reflecting current market prices for (i) agricultural, residential and commercial land; (ii) different types of affected structures; and (iii) crops and trees; transportation cost; and allowance for essential basic infrastructure services. The RCS was completed on April 2019 (Appendix 3). Bill of Quantity Method was used to derive unit rates reflecting current market prices.

125. **Replacement costs of land.** The affected private lands were divided into two main categories: (i) residential land and (ii) farmland, the latter with two subcategories as farmland with backfilled with soil and farmland without any backfill. The market rates were estimated from gathering data from (a) basic land price used in Kampot land taxation (2014) and converted to 2019 prices; (b) land prices from Kampong Kandal Sangkat for 2016-2017 and converted to 2019 prices; (c) by direct interviews with (i) landowners that have recently bought or sold land to collect the evidence of the rate of land transaction, (ii) households who are looking for properties to sell or acquire within and around the subproject area, (iii) local authorities at/around the subproject area. Per results of the RCS, the unit costs of land covered with recognized proofs of ownership, structures, crops, perennials, and timber trees in districts and communes traversed by the project road are provided.

126. **Replacement costs for structures.** The RCS Consultant interviewed owners of structures to determine the construction materials usually used in the locality for each type of building following existing government categories or standards; sources of construction materials used and the unit costs of said materials, including the costs of transporting the same to the locality; and the cost of labor for dismantling and constructing each type of building found in the locality. During the survey, interviews were also conducted with building contractors to determine the cost of construction materials for each type of affected structures; the cost of transporting construction materials to the area; the cost of labor for constructing each type of building; and the unit cost per meter square of each type of building in the area. The replacement cost has been calculated based on the unit rates of construction within the subproject area.

127. **Replacement costs of crops and trees.** The data has been collected through interviews with owners, market vendors and seedling suppliers to determine the current selling farm gate price of fruits or crops in the subproject area. The market rates of crops and trees have been calculated based on the yield and the period of maturity of trees and crops as determined from interviews with farmers. The formula used for fruit trees was as follows:

1. Fruit Trees - ((quantity of harvested per year x market price) x (number of years it will mature)) + cost of seedling;
2. Perennial trees that have a growth period of more than five (5) years have been classified as follows:
  - (i) Sapling tree under 1 year will not be compensated as it can be replanted;
  - (ii) Young tree (1-3 years): will be valued at one-third (1/3) of its full price because it can be replanted;
  - (iii) Young tree (3-5 years), bearing some fruit will be valued at two-thirds (2/3) of its full price; and
  - (iv) Mature tree (more than five years) fully bearing fruit will be compensated at full price.

128. Non- fruit and other trees were valued based on the following:

- (i) Price collected from the people who sold non-fruit trees in their location or in the market;
- (ii) The maturity or the age of the trees plus cost to looking after their growth and fertilizer;  
and
- (iii) Transportation costs of the trees to the markets.

## IX. RELOCATION OF HOUSING AND SETTLEMENTS

129. The August 2015 draft RP didn't envisage any relocation of the AHs. However, the DMS identified 9 LAHs who will lose the entire of land they illegally occupy in the canal ROW and will also lose 100% of their houses. The August 2015 draft RP stipulates that the AHs who lose the entire primary structures if landless, to be provided free of charge with substitute plot with an area of at least 105m<sup>2</sup> or (7m x 15m) outside the ROW and in a nearest location with similar characteristics, with secure tenure. Therefore these 9 LAHs who lose their entire primary structures on the ROW are entitled for 105m<sup>2</sup> of land at a new site.

130. As indicated in paragraph 92 under Public Consultations, two options were discussed with the LAHs. However, on 24 April 2019, IRC-WG, PRSC-WG and Chief of Provincial Administration conducted consultations with the 9 LAHs to again discuss the options to relocate them to a new site. The LAHs were informed that the contractor selection for the widening and improvement of the existing canal has progressed to a stage where contract award is pending for the construction works to commence. Therefore, land required for the widening and improvement of the canal will involve physical displacement of the AHs living illegally on the ROW of the canal. It will result in relocation of the AHs, loss of structures and trees and will be compensated at current market prices. Moreover, the 9 LAHs were informed that they will not be compensated for the land as they were illegally occupying the ROW of the canal which was public state land. Therefore, based on the resettlement policies and agreement reached between RGC and ADB's, the LAHs are entitled for resettlement assistance. The following relocation options were discussed with LAHs.

131. **On-site relocation.** The LAHs were informed that this option was not feasible as there was no land available in the subproject area or in areas close to Kampot town.

132. **Relocation to subproject-sponsored resettlement site.** The LAHs were informed of this option. They were made known that if land was to be acquired under the social land concessionaire scheme, it may be located too far away from the existing canal. In addition, the LAHs will have to meet several criteria to be eligible to qualify for land under social land concession scheme and the acquisition will take a very long process of application and processing. Even if they qualified for the land, they will have to stay for 5 years on the land to secure land tenure and they will not be entitled to sell their land within the 5 years of stay. Therefore, the Chief of Provincial Administration informed the LAHs that they will be provided with relocation assistance to rebuild their houses in Trapeang Sangkae village in Trapeang Sangkae commune located about 5km from the subproject area. They were informed that there are three (3) sites within the village which were backfilled and levelled as follows:

- Location Site # 1: A total area of 2,000m<sup>2</sup> of land located at Trapeang Sangkae village.
- Location Site # 2: A total area of 1,500m<sup>2</sup> of land located at Trapeang Sangkae village.
- Location Site # 3: A total area of 1,600m<sup>2</sup> of land located at Trapeang Sangkae village.

133. These sites were ready and plots of land available to build houses within the village. They were informed of the availability of basic infrastructure and service facilities such as electricity, water, medical center, schools, access to mosque for Cham ethnic minorities, pagoda, access to National Road No. 33 for transportation, access to Kampot river for fishing (3 Cham LAHs source of livelihood) and District Hall facilities (markets, shops, restaurants, government centers etc) within and close proximity to the village. RGC and ADB have agreed to provide each LAH with a plot of land size 105m<sup>2</sup> (7m x 15m) with secure land tenure for rebuilding their houses with the following relocation assistance: The IRC-WG and PRSC-WG will organize and make arrangements with the Village Chief for inspection of sites and introduction with the host communities on 5 August 2015 after which the LAHs can make the decision. The LAHs will be entitled to:



- (i) Compensation will be provided in the form of cash without any deductions for depreciation or salvageable materials;
- (ii) Compensation of \$200/AH for living allowance and \$100/AH for being vulnerable;
- (iii) Provincial Administrator of Kampot City and Provincial Department of Land Management will secure land tenure and transfer of titles for the 9 LAHs;
- (iv) \$5,000/AH has been estimated for the cost of land, site development and transitional allowance.
- (v) Cost of moving and transporting moveable items at \$70/AH;
- (vi) Cost of lost structures;
- (vii) AHs to be notified at least 30 days in advance before the start of civil works in the locality of the actual date that the land will be acquired by the subproject.

134. **Self-relocation.** The option of self-relocation (cash assistance of \$5,000/AH towards purchase of an affordable land, including site development and transitional allowances) has been considered in lieu of assisting LAHs securing tenure of the 105m<sup>2</sup> plot of land free of charge under Social Land Concession Sub-Decree located in an area of the LAHs preferred choice for self-relocation. The LAHs were informed that they can take the initiative as individuals or a group to relocate to a place of their choice instead of the project-sponsored resettlement site in Tropeang Pring Village in Trapeang Sangkat. The LAHs can do this for economic reasons, including employment opportunities and availability of employment, or due to social consideration such as proximity of kin. The LAHs were offered this option as the 3 LAHs were entrepreneurial and may be willing to taking risks. These 9 LAHs also belong to vulnerable group and they will receive \$100 each as special assistance.

135. **Visit to the new relocation sites.** On 05 August 2019, the IRC-WG, PRSC-WG, Chief of Provincial Administration and the 9 LAHs visited the Tropeang Sangkae village in Trapeang Sangkae commune, to inspect the three sites with the Village Chief and leaders of the host community. They were shown provisions of basic infrastructure and service facilities that host community had in the village. After the site visits, the Village Chief of Trapeang Sangkae village in Trapeang Sangkae Commune together with some of the elders and residents of the host community formally informed and the 9 LAHs and members of the IRC-WG and PRSC-WG that the village has no objection to the LAHs will be relocated in their village and ask how many LAHs will be relocated in his village. Mr. Davith informed the village chief that a maximum of 9 AHs are entitled to relocation or cash but they have not decided yet whether to relocate or receive cash. Some LAHs personally know some of the families in the host village and they believed that LAHs will contribute in the development of their community. In addition, majority of the families in this community are of Cham ethnicity and he noted that 8 LAHs who are also of Cham of ethnicity, a few of them have close relatives living in this community.

136. After the inspection of the 3 sites there were some further clarifications from the 9 LAHs summarized in **Table 26**.

**Table 26 Summary of Key Issues and Concerns Raised during in the Public Consultation**

Position/ Institution	Issues	Response/Action
Mrs. Mom Nas, Kompong Kandal village,	She requested if she could be given the land	She was advised that the size of the land agreed between RGC and ADB in the August 2015 draft



Chumkreal commune	bigger than 105m <sup>2</sup> because she has 6 children.	RP to be given to the LAHs was 7m x 15m = 105m <sup>2</sup> and will not be any bigger.
Ms. Ly Punin Mr. Chhim Hort	Ms. Ly Punin requested that the Government provide more than \$10,000 in compensation for land and Mr. Chhim Hort requested \$20,000 for the loss of land.	<p>The provision of alternative land or cash, about \$5,000 in cash was an option for the LAHs who choose not to take the option of relocation under the subproject sponsored resettlement site. This \$5,000 was the option for self-relocation to the site preferred by the LAH to resettle.</p> <p>Mr. Chhim Hort was reminded that he did not lose the land because the land belonged to the government which he illegally occupied.</p>

137. **Relocation to resettlement sites and integration with host populations.** On 05 August 2019, the leaders of the host community accompanied the group of 9 LAHs, the IRC-WG and PRSC-WG and visited the 3 sites to inspect their exact locations within the village. After the site visits, the Village Chief of Trapeang Sangkae village in Trapeang Sangkae Commune together with some of the elders and residents of the host community formally informed the group of the 9 LAHs and members of the IRC-WG and PRSC-WG that the village has no objection to the 9 LAHs to be relocated in their village. The Village Chief confirmed that he personally knew some of the families and he believed that they will contribute in the development of their community. In addition, majority of the families in this community are of Cham ethnicity and he noted that 8 LAHs who are also of Cham, a few of them have close relatives living in this community. The LAHs were welcomed by the Village Chief as they will become members of the host community and contribute to the development of the community. The LAHs will also use common property resources, the use of natural resources such as drinking water and public services, including the mosque and pagoda, schools, health center and access roads used by the host communities. The host community and the AHs were given the opportunity to seek any clarifications on the integration of the LAHs and relocation options and entitlements respectively.

138. The host community sought no clarification. However, the 9 LAHs made their decisions as follows:

- Out of 9 LAHs, 3 LAHs opted for relocation sites being offered in Trapeang Sangkae village, Trapeang Sangkae commune. Their families feel comfortable living in these relocation sites because they have relatives in the host communities. In addition, they belong to the Cham ethnic minority group and the host community is a Cham Village. They have many commonalities such as dialect, culture, religion and way of living and felt the warm acceptance of the residents of the host community.
- The remaining 6 LAHs opted for the cash option of \$5,000/AH. The reasons for their choices were varied. Many opted for cash because they plan to self-relocate in other areas outside of the 3 relocation sites. Some have close relatives who are willing elsewhere and they were willing to share spare pieces of land for them to resettle. Others plan to buy small plots of land to their preferred choice of their site for self-relocation.



## X. INCOME RESTORATION AND REHABILITATION

139. Income restoration is defined as the re-establishment of productive livelihood of displaced persons to enable income generation equal to or, if possible, better than that earned by the displaced persons before the resettlement. The August 2015 draft RP made provisions for income restoration program (IRP) for AHs who will experience major impacts (footnote 1). As summarized in **Table 27** the DMS has identified 9 AHs or 39 APs will lose their entire houses and house cum shops and will become landless and are entitled to participate in the IRP.

**Table 27: List of AHs Entitled to Participate in IRP**

No.	AH	Sex		Age	Ethnicity	No. of APs	Income Restoration Group			
		M	F				LAHs	Major Impact	FEHH	BNP Rate
1	AH1	1		53	Khmer	5	Yes	House/shop		
2	AH2	1		59	Khmer	4	Yes	House		
3	AH3	1		33	Khmer	4	Yes	House		
4	AH4	1		35	Cham	4	Yes	House		Yes
5	AH5	1		16	Cham	1	Yes	House		Yes
6	AH6	1		31	Cham	3	Yes	House/shop		
7	AH7		1	55	Cham	6	Yes	House	Yes	
8	AH8	1		55	Cham	6	Yes	House		
9	AH9		1	56	Cham	6	Yes	House/shop	Yes	
<b>Total</b>		<b>7</b>	<b>2</b>		<b>Kh=3 Cham=6</b>	<b>39</b>	<b>9</b>	<b>9</b>		<b>2</b>

LAHs = landless affected households, House = AHs losing entire house; House/shop = AHs losing entire house cum shop, FEHH = female elderly household head, BNP = below nation poverty.

140. The 2015 RP for Kampot subprojects provides that as part of the entitlements for loss of 10% or more of income generating assets and households losing entire houses 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 poor and vulnerable households. Priority for employment will be provided in subproject construction works.

141. After the DMS data analysis, the IRC-WG conducted a public consultation meeting with the AHs who were identified landless, poor and vulnerable 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 in the August 2015 draft RP on the (i) plots of residential land for the landless; (ii) IRP; and (iii) other allowances. The AHs were informed that the government will assist in securing land tenure to (i) 105m<sup>2</sup> per AH outside of the RoW or at a nearest location with similar characteristics for rebuilding a new house, and (ii) landless AHs will be entitled to participate in the 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), these 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 who are also vulnerable will also be accorded priority for employment in the subproject construction works.

142. While the participants were informed of the provisions of training under IRP in the August 2015 draft RP such as on farm agricultural enhancement program and agricultural training program, they were also informed of the training that 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 16) and 95.60% attained primary to tertiary level education (Table 15), they were also informed that alternate sources of livelihood and income enhancement could include skills training in tailoring, haircut, car/motorbike repair, shoe repairs, driver and operator training, cosmetic and beautification, welding, electrical, plumbing, construction (carpentry and joinery, brick laying, plastering, tile laying etc.). The AHs were informed that the cost of these training will be met by RGC and the training program will be prepared by a community development specialist and implemented simultaneously during the implementation of DRP. They were also informed that depending on the choice of the training courses and their duration, the implementation of IRP will continue beyond the implementation of the DRP.

143. The 9 AHs were given the opportunity to discuss their preferred options on IRP. A deliberating amongst themselves, all 9 AHs chose Option 1 or cash assistance of \$500/AH and neither wanted to attend any agricultural training as they didn't have any land to cultivate nor any skills development training.

## XI. RESETTLEMENT BUDGET AND FINANCING PLAN

144. 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 loans and grant. The MEF will ensure the timely provision of funds and will meet any unforeseen obligations in excess of the resettlement budget in order to meet the resettlement objectives.

145. The costs estimate is based on the April 2019 market prices and unit rates for land, structure, and trees provided in the RCS Report in Appendix 3. The estimated cost for DRP implementation is **\$346,995.40**. The itemized compensation is for (i) land, (ii) main structures, (iii) secondary structures, (iv) other structures (v) trees/crops, (vi) relocation costs; (vii) IRP costs; and (viii) one-time cash assistance and transportation costs. Administrative contingencies are estimated at 20% each respectively of the total compensation costs. The details are shown in **Table 28**.

**Table 28: Summary of the Resettlement Budget**

No.	Affected Properties/Assets	Unit	Rate (US\$)	Quantity	Amount (US\$)
<b>A</b>	<b>Land</b>				
1	Private Agricultural land	m <sup>2</sup>	72.00	1,113.50	80,172.00
2	Private backfilled agricultural land	m <sup>2</sup>	75.00	392.70	29,452.50
	<b>Sub-total (A)</b>			<b>1,506.20</b>	<b>109,624.50</b>
<b>B</b>	<b>Main Structures (Houses)</b>				
3	House 1A	m <sup>2</sup>	56.70	51.80	2,937.06
4	House 1C	m <sup>2</sup>	118.70	20.00	2,374.00
5	House 1D	m <sup>2</sup>	126.70	16.65	2,109.56
6	House 2A	m <sup>2</sup>	72.85	59.94	4,366.63
7	House 2B	m <sup>2</sup>	85.05	99.80	8,487.99
8	House 3A	m <sup>2</sup>	116.15	49.80	5,761.04
9	House 3B	m <sup>2</sup>	133.60	52.50	7,014.00
10	House 4A	m <sup>2</sup>	360.70	61.20	22,074.84
	<b>Sub-total (B)</b>			<b>411.49</b>	<b>55,125.11</b>
<b>C</b>	<b>Secondary Structures</b>				
11	Wooden Latrine (SS33)	LS	180.00	1	180.00
12	Zinc Latrine (SS34)	LS	230.00	1	230.00
13	Concrete Latrine (SS35)	LS	350.00	1	350.00
14	Bathroom (B2)	m <sup>2</sup>	95.70	31.06	2,972.44
15	Concrete Bridge (SS44)	m <sup>2</sup>	45.00	16	720.00
16	Extended Eaves (S1)	m <sup>2</sup>	16.20	116.93	1,894.27
17	Extended Eaves (S2)	m <sup>2</sup>	24.20	13.60	329.12
18	Extended Eaves (S3)	m <sup>2</sup>	30.90	19.94	616.15
19	Shelf (SS42)	LS	150.00	1	150.00

No.	Affected Properties/Assets	Unit	Rate (US\$)	Quantity	Amount (US\$)
20	Store/stall (SS43)	LS	120.00	1	120.00
21	Chicken House (SS44)	m <sup>2</sup>	15.00	8.68	130.20
22	Concrete stair (SS1)	LS	35.00	1	35.00
23	Concrete stair (SS2)	LS	65.00	1	65.00
24	Kitchen (K2)	m <sup>2</sup>	31.45	6.75	212.29
25	Kitchen (K3)	m <sup>2</sup>	33.50	14.10	472.35
26	Kitchen (K4)	m <sup>2</sup>	38.20	20.70	790.74
27	Kitchen (K6)	m <sup>2</sup>	60.30	26.88	1,620.86
28	Kitchen (K9)	m <sup>2</sup>	21.00	64.00	1,344.00
29	Kitchen (K10)	m <sup>2</sup>	22.10	8.28	182.99
30	Kitchen (K11)	m <sup>2</sup>	35.35	40.33	1,425.67
31	Kitchen (K12)	m <sup>2</sup>	39.25	18.30	718.28
32	Kitchen (K13)	m <sup>2</sup>	33.35	25.03	834.75
33	Kitchen (K14)	m <sup>2</sup>	49.35	18.40	908.04
34	Kitchen (K17)	m <sup>2</sup>	27.30	8.16	222.77
	<b>Sub-total (C)</b>				<b>16,524.92</b>
<b>D</b>	<b>Other Structures</b>				
35	Zinc Fence (SS13)	m <sup>2</sup>	7.50	4.00	30.00
36	Brick Fence (10) (SS16)	m <sup>2</sup>	31.00	47.33	1,467.23
37	Brick Fence with Cavenize net (SS10)	m	9.50	10.8	102.60
38	Brick Fence (20) (SS18)	m <sup>2</sup>	36.00	52.14	1,877.04
39	Stone Fence (SS19)	m <sup>2</sup>	29.00	92.35	2,678.15
40	Cavenize net Fence (SS9)	m	4.00	56.3	225.20
41	Wire Fence (SS8)	m	1.50	234.9	352.35
42	Ordinary concrete pavement (SS21)	m <sup>2</sup>	7.50	264.08	1,980.60
43	Concrete Pavement with steel (SS22)	m <sup>2</sup>	12.00	3.24	38.88
44	Concrete Pavement with Bamboo (SS20)	m <sup>2</sup>	6.50	131.35	853.78
45	Concrete ring $\phi$ 1m (SS24)	LS	15.00	23	345.00
46	Concrete ring $\phi$ 1.20m (SS25)	LS	19.00	1	19.00
47	PVC $\phi$ 21mm - 30mm (SS37)	m <sup>2</sup>	0.50	216	108.00
48	PVC $\phi$ 50mm - 60mm (SS38)	m <sup>2</sup>	0.60	12	7.20
49	PVC $\phi$ 70mm - 80mm (SS39)	m <sup>2</sup>	0.80	40	32.00

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No.	Affected Properties/Assets	Unit	Rate (US\$)	Quantity	Amount (US\$)
50	PVC Ø 100mm - 110mm (SS40)	m <sup>2</sup>	1.90	77	146.30
	<b>Sub-total (D)</b>				<b>10,263.33</b>
<b>E</b>	<b>Trees</b>				
51	Mango	No.	22.00	2	44.00
52		No.	62.00	6	372.00
53	Coconut	No.	18.00	8	144.00
54		No.	30.00	34	1,020.00
55		No.	50.00	11	550.00
56	Milk tree	No.	52.00	1	52.00
57	Tamarind	No.	27.00	3	81.00
58		No.	38.00	3	114.00
59	Ampimteuk	No.	10.00	2	20.00
60	Jack tree	No.	45.00	2	90.00
61	Orange	No.	45.00	1	45.00
62	Guava	No.	23.00	1	23.00
63	Soursop	No.	7.00	1	7.00
64		No.	14.00	9	126.00
65	Kantuot	No.	8.00	1	8.00
66	Nhor	No.	14.00	2	28.00
67		No.	40.00	7	280.00
68	Acasya	No.	5.00	9	45.00
69	Papaya	No.	15.00	1	15.00
70	Banana	No.	8.00	6	48.00
71	Mkak	No.	27.00	2	54.00
72	Other	No.	5.00	16	80.00
	<b>Sub-total</b>				<b>3,246.00</b>
<b>F</b>	<b>One-time cash Assistance</b>				
73	Vulnerable AHs	AH	100.00	10	1,000.00
74	AHs experiencing major impacts	AH	200.00	9	1,800.00
	<b>Sub-total</b>				<b>2,800.00</b>
<b>G</b>	<b>Transportation Allowance</b>				
75	14 AHs shift back	AH	10.00	14	140.00
76	9 LAHs with house relocation	AH	70.00	9	630.00
	<b>Sub-total</b>				<b>770.00</b>
<b>H</b>	<b>Allowance for relocation</b>				

No.	Affected Properties/Assets	Unit	Rate (US\$)	Quantity	Amount (US\$)
77	9 LAHs with house relocation	AH	5,000.00	9	45,000.00
	Sub-total				45,000.00
I	Income Restoration Program				
78	9 AHs for IRP	AH	500.00	9	4,500.00
	Sub-total				4,500.00
J	Total Compensation Cost (A+B+C+D+E+F+G+H+I)				247,853.86
K	Administrative cost (20%)				49,570.77
L	Contingencies (20%)				49,570.77
	GRAND TOTAL				346,995.40

Source: DMS Data for Kampot Urban Drainage Line 4B, November 2018 and RCS Report April 2019



## **XII. INSTITUTIONAL ARRANGEMENTS**

### **A. Ministry of Public Works and Transport (MPWT)**

146. The subproject will be implemented by MPWT as the executing agency through the Central Project Management Unit, which will support the EA to undertake overall oversight and management of the Project. It will be supported by consultants to ensure that procedures are followed and that the implementation schedules are kept on track. The Provincial Department of Public Works and Transport (PDPWT) in Kampot Province is the Implementing Agency and receive direct support from CPMU. However, the implementation of the DRP which mandated to the General Department of Resettlement (GDR) will be carried out by the Resettlement Department 1 (RD1).

### **B. Inter-Ministerial Resettlement Committee (IRC)**

The IRC is the decision making and oversight body for LAR. The IRC has the mandate to review and evaluate the resettlement impact of land acquisition for public infrastructure development projects in the Kingdom of Cambodia. The IRC is established by the MEF and led by the Permanent Chairman from MEF (currently at Under Secretary level). The IRC carries out its function through a working group (IRC-WG) which has been established for this project. The powers of the IRC are delegated to its Chairman. The key responsibilities of IRC include:

- effective oversight and ensure LAR comply with the laws and implementing rules and regulations;
- Ensure effective coordination between line ministries, provincial/local authorities and GDE-MEF in carrying out LAR;
- Provide overall guidance on implementing rules and regulations for LAR and propose updates as necessary;
- Initiate establishment of PGRC; and
- Approve Basic Resettlement Plan, Resettlement Framework, Detail Resettlement Plan and Updated Detailed Resettlement Plan.

### **C. General Department of Resettlement (GDR)**

148. The GDR is the permanent secretariat of the IRC and will be the lead agency for the implementation, monitoring and reporting of the DRP. The GDR has assigned the responsibility for the implementation of DRP to Resettlement Department 1 (RD1). The monitoring of the implementation of the DRP and the management of the GRM will be carried out by the Department of Internal Monitoring and Data Management. In addition, the DIMDM will record and review all complaints and grievances submitted by the APs, investigate them and make recommendations on compliance to the Director General of GDR.

- Coordinate and collaborate with line ministries, EAs/IAs and other agencies involved in LAR activities.
- Act as focal RGC counterpart for all LAR activities for cooperation with DPs.
- Guide the Executing Agencies (EAs)/Implementing Agencies (IAs) and /or the project preparation consultants in carrying out the sample socio-economic surveys (SES) and in the preparation of the RF or the BRP during project feasibility.



- Review and endorse the draft BRP or RF prepared by the EAs/IAs during the project preparation phase for approval by IRC.
- Review and endorse all issues related to LAR contained in Aide Memoires (AM), Memorandum of Understandings (MOU) and Minutes of Discussions (MOD) prepared by DPs during the project preparation, loan negotiations and project implementation stage.
- Review and endorse covenants related to LAR in draft Project Administration Manual (PAM)/ Project Implementation Manual (PIM) and draft financing agreements and participate in their negotiations, as necessary.
- Conduct consultation with affected households and local authorities during the preparation of the DRP.
- Prepare the DRP based on detailed measurement survey (DMS).
- Update the DRP as and when necessary.
- Prepare and secure the necessary budget for the implementation of DRP.
- Implement all LAR activities in compliance with the DRP or UDRP.
- Calculate, prepare contracts and make payments for compensation for each affected household based on the entitlement matrix in the DRP or UDRP.
- Ensure proper functioning of the Grievance Redress Mechanism (GRM).
- Supervise, monitor, and report on implementation progress of the DRP or UDRP.
- Conduct awareness workshops for line ministries and local authorities on the implementing rules and regulations as specified in the SOP for LAR and related guidelines prepared by GDR from time to time.
- Serve as the focal knowledge center for LAR.

#### **D. Cadastral Administration Office (CAO)**

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

#### **E. Central Project Management Office (CPMU) under MPWT**

150. The CPMU established in MPWT will carry out the following specific tasks related to the implementation of LAR activities und DRP:

- Submit the Mission Aide Memoire or Memorandum of Understanding to GDR and seek endorsement of provisions relating to LAR;
- Participate as a member of the IRC-WG and assist the Provincial Resettlement Sub-Committee Working Group (PRSC-WG) in carrying out the LAR tasks at the provincial level;
- Ensure that GDR participates and carries out all safeguard reviews during project review missions; and
- Advise GDR in case of any resettlement bottlenecks hampering or having the potential to delay the construction activities.

## F. IRC Working Group (IRC-WG)

151. The IRC-WG will carry out the day to day LAR activities under the DRP will be led by the Deputy Director of Department of Resettlement 1 (RD1) of the GDR and comprise, staff of RD1, technical CPMU staff of the MPWT/PDPWT, staff of the RD1, and staff of the Ministry of Land Management, Urban Planning and Construction. The IRC-WG is responsible for all the field work under the supervision of the Director of the RD1 and overall guidance and direction of the Director General of the GDR. The composition of the IRC-WG for this DRP is in **Table 29**.

**Table 29: Composition of IRC-WG**

No.	Name of Representative	Position/Title
1	Mr. Chhieng Chhorlin	Head of Office, RD1-GDR, Team Leader
2	Mr. Srun Kundy	Vice-Head, RD1-GDR, Deputy Team Leader
3	Mr. Nhet Prom	Officer, DIMDM, Member.
4	Mr. Hean Raksmeay	Officer, ADMIN and Finance, Member
5	Mr. Vong Rada	Vice-Head, Office Infrastructure, MPWT, Member
6	Ms. Chea Soveasna	Head, Department of Planning, MPWT, Member
7	Ms. Mouk Savorn	Vice-Head, Department of Planning, MPWT, Member
8	Mr. Kong Sam Art	Vice-Head, Department of IT, Photograph, MLMUPC, Member
9	Mr. Pou Manith	Head, Department of Planning, MPWT, Member

Source: Resettlement Department 1, General Department of Resettlement dated 07 August 2017

## G. Provincial Resettlement Sub-Committee (PRSC)

152. The PRSC has been established by the Provincial Governor at the request of the IRC for the DRP. The composition of the PRSC is shown in the **Table 30**.

**Table 30: Composition of the Provincial Resettlement Sub-Committee**

No.	Name of Representative	Position/Title
1	H.E Pil Kosal	Vice Governor, Chair
2	Mr. Ven Sitha	Director, Administration Office, Deputy Head
3	Mr. Ching Kuon	Director, Department of Public Work and Transport, Deputy Head
4	Mr. Yin Bun An	Director, Department of Economic and Finance, Deputy Head
5	Mr. Yin Vuth	Director, Department of Land Management and Urban Construction, Member
6	Mr. Suy Thea	Director, Department of Environment, Member
7	Mr. Neak Sovanary	Teuk Chhou District Governor, Member
8	Mr. Leang Roeum Sothy	Kampot Mayor, Member
9	Ms. Kung Bunnary	Director, Management Plan and Investment, Member
10	Mr. Venth Varthana	Director, Cross Sector, Member

Source: Provincial Governor Letter dated 17 October 2018

153. The roles and responsibilities of the PRSC are the following:

1. Provide the coordination and supporting role to the GDR, IRC and IRC-WG for the preparation, implementation and monitoring of the resettlement plans in the field and at the local level;
2. Ensure all relevant provincial and local government authorities provide the necessary support for LAR;
3. Manage the public consultation meetings at Provincial Level; and
4. Responsible and accountable for the disbursements of the compensation payments at the provincial level.

#### H. PRSC Working Group (PRSC-WG)

154. The PRSC-WG was established by the Provincial Governor on 17 October 2017 (Table 31) and is responsible for carrying out the technical functions of the PRSC and works with the IRC-WG in carrying out LAR activities at the provincial level. In addition to supporting the PRSC, the PRSC-WG has the following specific functions:

- (i) Facilitate all public consultation and information disclosure meetings and maintain records;
- (ii) Cooperate with consultants and IRC-WG in carrying out the DMS and in the implementation of the approved DRP;
- (iii) Lead the payments of compensation to displaced persons; and
- (iv) Prepare monthly progress reports on all land acquisition and resettlement activities at the provincial level and submit to PRSC and GDR.

**Table 31: Composition of the PRSC-WG**

No.	Position/Title	Name of Representative
1	Veth Vathana,	Director, Inter Sectoral Office, Team Leader,
2	Thorn Soravuth	Head of Office of PDPWT, Deputy Team Leader
3	Dan Sary	Head of PCAP, Deputy Team Leader
4	Bun Hav	Chief of Property Office of PDMEF
5	Thoch Chanseryboth	Chief, Office PDPWT
6	Em Chansothon	Deputy Governor, Teuk Chou District
7	Chem Pha	Deputy Governor, Kampot Town
8	Soun Lao	Deputy Chief of PDPIO
9	Et Sary	Deputy Chief, Construction Development Management
10	Chea Chan	Officer, Cross Sector Office
11	Head/Chief	Relevant Commune and Sangkat
12	Police Chief	Relevant Police Office
13	Head	Relevant Village

Source: Provincial Governor Letter dated 17 October 2018

## I. Linkage to the Award of Civil Works Contract with DRP

155. The civil works contracts for UD Line 4B shall be awarded only after the DRP is approved by the RGC and ADB. It will then be disclosed on ADB website. Civil works can only commence after following conditions are met. No physical or economical displacement will occur until (i) compensation at full replacement cost has been paid to each displaced person for project components or sections that are ready to be constructed; (ii) other entitlements listed in the RP have been provided to displaced persons; and (iii) a comprehensive income restoration and livelihood rehabilitation program supported by an adequate budget, is in place to help displaced persons improve, or at least restore their incomes and livelihoods. ADB gives no objection to civil works after (i) – (iii) above are complied with. These requirements will pave the way for ADB to issue its "No Objection" to MPWT for the award of civil works contract to the civil works contractor. MPWT and PDPWT will ensure that no resettlement activities will overlap with the construction activities. However, ADB may provide a No Objection to the rest of the urban drainage lines where there are no land acquisition and resettlement are involved.

## XIII. IMPLEMENTATION SCHEDULE

156. The DRP will be implemented during the period of September to December 2019 after the approval of the DRP and the budget. The compensation payments will be carried out for all the 31 AHs within 2 months. 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, construction can proceed based on agreement between MWPT and ADB. **Table 32** shows the detailed activities and their schedule in implementing the DRP for the Kampot Urban Drainage Line 4B.

**Table 32: Schedule of Resettlement Activities**

Resettlement Activities	Schedule
Approval of DRP by IRC	September 2019
Approval of DRP by ADB	September 2019
Disclose DRP on ADB and MPWT websites	September 2019
Approval of Budget by IRC/MEF	October 2019
Prepare Draft Contracts, Consultation and Offer of Compensation	October 2019
Signing of Contracts for Compensation	October 2019
Disbursement of Compensation to the AHs	November 2019
ADB's No Objection to Civil Works	December 2019
Handover letter of Land to MPWT with a copy to ADB	January 2020

Source: GDR's Implementation Schedule

#### **XIV. MONITORING AND REPORTING**

157. Monitoring and evaluation of the RP allows project owners to ensure smooth progress of the implementation of RP activities. Implementation the DRP for Kampot Urban Drainage Line 4B will require both internal and external monitoring.

##### **A. Internal Monitoring**

158. All internal monitoring and reporting on the implementation of the DRP for Urban Drainage Line 4B will be carried out by the GDR. DIMDM of the GDR will perform routine internal monitoring. The objective of internal monitoring is 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. Internal monitoring with results will be reported to IRC and CPMU on a quarterly basis. The IRC-WG and the PRSC-WG will gather data and information on the progress of the LAR from the field by the will submit monthly reports to the responsible RD1. The RD1 will compile the field reports and prepare a consolidated report for the 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 monitoring report for submission to the Director General of GDR. After the quarterly report is endorsed by the Director General, GDR, it will be submitted to MPWT and CPMU, PISCB Consultants. Similarly, DIMDM will compile semi-annual monitoring reports for submission to the Director General GDR. After the semi-annual monitoring report is endorsed by the Director General, GDR, it will be submitted to the MPWT and CPMU, PISCB Consultants and ADB, the latter to review and upload on ADB's website.

159. The monitoring objectives are (i) to ensure that the standard of living of the AHs are restored or improved; (ii) to monitor whether the resettlement objectives in the DRP are being met; (iii) to assess if the rehabilitation measures and compensation have been provided in accordance with the approved DRP; (iv) to identify and problems and risks; and (v) to identify measures to mitigate problems. The range of activities and issues that need to be recorded and verified, includes:

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

##### **B. External Monitoring**

160. The Urban Drainage Line 4B subproject is classified as category B as it includes resettlement impacts that are not deemed significant. Therefore, no external monitoring is required.

## Appendix 1: Updated Project Information Booklet

### Project Information Booklet (PIB)- Updated Prior to Detailed Measurement Survey

#### Second GMS Corridor Towns Development Project Kampot Subprojects

##### 1. Project Background:

Second GMS Corridor Towns Development Project is a proposed regional project that forms the basis for enhancing an investment strategy and capacity building strategy along the economic corridors of the selected countries: Kingdom of Cambodia (Cambodia), the Lao People's Democratic Republic (Lao PDR) and the Socialist Republic of Vietnam (Viet Nam). It is part of the Greater Mekong Sub region Program which prioritizes and focuses on the development of corridors to connect these areas / countries together to promote and facilitate trade, tourism and invest.

The Royal Government of Cambodia received a loan from the Asian Development Bank (ADB) approved on 13 November 2015 for the Second GMS Corridor Towns Development Project. The Loan Agreement between the Kingdom of Cambodia and the ADB was signed on December 22, 2015 and the loan was declared effective on February 29, 2016. The implementation period is from 2016 to 2020.

##### 2. Location of the Project:

Towns that will participate in the project in Cambodia include Kampot and Sihanoukville. The towns under this project were selected and prioritized Regional Investment Framework, as key towns located along the GMS economic corridors under the GMS: Second Corridor Towns Development Project. Kampot is the provincial town of Kampot province; center of trade; services; and tourism in the region. Sihanoukville is a provincial town in Sihanouk province, one of the three main tourist destinations in Cambodia with a rapidly growing economy and remarkable urbanization. The strategic location of the two cities provides the best basic connections in the southern corridor and to Phnom Penh.

##### 3. Project Components:

The town of Kampot and Sihanoukville is facing a shortage of key infrastructure to address the need for urban expansion. Local authorities want to plan and manage the town's progress by using integrated approaches, urban environment and economic infrastructure, as well as providing town services efficiently and providing significant opportunities for increased economic activity and investment. The project will bring improvements to both town services through wastewater management, solid waste management, and upgrading of drainage systems in the respective town.

The project components for the two provinces were agreed between the Ministry of Public Works and Transport and the High Representative of the Provincial and Municipal Administration, with the following components:

Location	Project Components	Unit/Size
Kampot	1. Urban storm drainage	7 k.m
	2. Wastewater collection	39 k.m
	3. Wastewater treatment Plant	10 h.a
	4. Solid waste management	N/A
Sihanoukville	1. Urban storm drainage	27.7 k.m
	2. Solid waste management	N/A



#### 4. Objectives of the Project:

The proposed Second Greater Mekong Sub-region (GMS) Corridor towns Development Project for Cambodia will improve urban services in the two towns of Kampot and Sihanoukville. The project will cover four subprojects comprising: (i) Strategic Local Economic Development Plans implemented; (ii) priority urban infrastructure investments implemented; (iii) institutional capacities for managing public investments strengthened; and (iv) Community Awareness on project activities and environmental sustainability improved.

#### 5. Scope of Land Acquisition and Impacts:

The Resettlement Plan (RP) for the Kampot subprojects was prepared and approved in August 2015 during the planning phase. The subprojects were classified Category B for Involuntary Resettlement (IR) impacts. Some resettlement is expected for a portion of drainage works where properties were found to be encroaching the Drainage Line. In order to facilitate and accelerate the implementation of the project, the Royal Government of Cambodia and the ADB decided to divide the two-step impact plan for the Kampot province subprojects

- The phase I Detail RP (DRP) covers "Urban Drainage Networks, Wastewater Collection and Wastewater Treatment Plant", and
- Phase II in resettlement plan for "Solid Waste Management".

For Phase I, no DRPs are required for Urban Drainage Networks subprojects in Kampot except for the Open Earth Canal known as "Praek" that extends to four villages namely Trapeang Thom, Savannsakor, Kampong Kandel and Krang. The rehabilitation of this Open Earth Canal is expected to have some IR impacts and therefore a RP is being prepared. For the remaining Urban Drainage Lines in Kampot there are no IR impacts and no DRP is required. For the Wastewater Collection and Wastewater Treatment Plant in Kampot, there is no IR impacts and no DRP is required but a report has been prepared for ADB's due diligence. For the Urban Storm Drainage Subproject in Sihanoukville, there is no IR impact and a report has been prepared for ADB's due diligence. For Phase II, the IR impact screening will be carried out to determine the Category of IR to decide whether a DRP or a report will be prepared.

#### 6. Compensation Policy and Entitlements:

People affected by subproject implementation are entitled to receive compensation for lost property as a result of the compensation policy as stated in the RP of the subproject. The main point of the policy is:

- Provide fair and just compensation in advance
- Full compensation will be done before expropriation or clearance
- Compensation is based on the replacement cost study at market price that will be conducted by an independent agent.

Compensation for lost assets is as follows:

- Loss of private land or Legal rights of living
- Loss of other benefits (crops, fruit trees)
- Loss of construction (residential, commercial and construction)
- Loss of daily income or occupation (loss of income when relocating or losing permanent employment)

#### 7. Detailed Measurement Survey and Questionnaire:

##### Purpose

Detailed Measurement survey (DMS) is detailed measurement activities on land and assets that will be affected by land acquisition and resettlement implementation.

The purpose of the DMS is to finalize and/or validate the results of the inventory of losses, severity of impacts and the list of affected people that were carried out and are provided in 2015 RP. The final cost of resettlement will be determined after the completion of detailed measurement survey. For example the affected land and list of assets that was identified in August 2015 RP will be validated by the DMS. These include land, building structures (residential and shops etc.) Other structure (kitchen, toilet, guardians, eaves, ponds, etc., and other crops and fruit trees. The loss of land and other assets will be the basis for determining the package of compensation.

### Methods of Measurement

Trained and experienced staff of the Inter-ministerial Resettlement Committee of the development and Working group of the provincial resettlement sub-committee who will conduct the DMS based on DMS Questionnaire. The DMS Questionnaire will be explained in detailed to each member of the AH while conducting house-to-house DMS.

During the DMS, the team will visit the homes of each affected family to explain the DMS Questionnaire to each member of AH and complete the DMS Questionnaire by consulting the members of the AH. The team will measure the affected land assets in the presence of the members of the AH and record them in the DMS Questionnaire. The team will distribute this updated Project Information Booklet (PIB) and explain to each affected individual to ensure that they fully understand the basics of compensation policy of the Royal Government and ADB.

### Objectives of Replacement Cost Study and Independent Agency

Compensation will be made according to the market value or replacement cost study of the lost property. Replacement Cost Study (RCS) is the rate of replacement of the equivalent or equivalent asset in the current market at the date of the project announcement. RCS will be studied and determined by a local independent company experienced in asset valuation. The General Department of Resettlement will select a local company to conduct RCS while team is conducting the DMS.

### 8. Relocation and Possible Sites:

The 2015 RP neither identified on relocation of any AHs nor possible sites for relocation. However, in the event there will be AHs found to be relocated in the DRP of the Open Earth Canal, then the following process will apply:

The DRP identified 3 potential sites for relocation namely Andong Khmer relocation site, Troey relocation Koh site, and Kbal Romeas have been identified. The Provincial Administrator of Kampot City and Provincial Department Land Management will assist in securing land tenure for the 9 LAHs (subject to confirmation) for relocation and make arrangements with the commune and provincial offices and the AHs to start a process of securing a plot of land under social land concessionaire sub-decree.

### 9. Grievance Redress Mechanism:

The Grievance Redress Mechanism (GRM) has been developed during the preparation of RP for the Kampot Suproject in 2015. The same GRM will apply for the Open Earth Canal DRP. The affected people can register their complaints and the GRM provides four stages for resolutions as follows:

- Stage 1: Filing a written complaint directly to the commune chief or through the village chief or the inter-ministerial resettlement committee.
- Stage 2: Filing a written complaint to the head of district office or through the commune office after receiving the result of dissatisfaction with the commune office in Stage 1.
- Stage 3: If the AH is not satisfied with the decision taken by the district office under Stage 2, the AH can or request the district to bring the case to the Provincial Complaint Redress Committee
- Stage 4: The AH can file the complaint to the provincial court if the AH is not satisfied with the decision of the Provincial Complaint Redress Committee. However, if the AH is still not satisfied with the decision of the provincial court, the AH can bring the case to a higher court.

No payment is required by the AH of filing the complaints under Stages 1, 2, and 3. For filing a complaint with a court in Stage 4, the costs for court proceedings will be paid by the AH and can take a long time.

#### Related to Land Acquisition and Resettlement

Mr. Chheang Chhorlin

Team leader of the Inter-ministerial Resettlement Committee working Group.

Tel: 012 502 302



## **Appendix 2: Minutes of Public Consultation Meetings**

### **KINGDOM OF CAMBODIA**

### **NATION RELIGION KING**

#### **Inter-Ministerial Resettlement Committee**

#### **Minutes of the Meeting**

#### **Discussion about the implementation of resettlement on affected people by the Second Greater Mekong Sub-region Corridor Towns Development Project located in Kampot province**

On the 26th October 2018, at 2pm, a public dissemination meeting was conducted at the Sovann Sakor pagoda for the people who are impacted by the Second Greater Mekong Sub-region Corridor Towns Development Project before the roll-out of the Detailed measuring Survey, and presided over by **Mr. Khuon David, Deputy Director of the Department of Resettlement 1, the General Department of Resettlement** of the Ministry of Economy and Finance, **Mr. Vet Vathna**, Chief of the provincial office and the chairman of the provincial sub-committee working group, and participated by local technical advisors, Impact Resolution Advisors, working group of the Inter-Ministerial Resettlement Committee, provincial sub-committee working group, the deputy governor of Kampot city, deputy governor of Teuk Chhor district, Sangkat chief of Kampong Kandal, Commune chief of Trapoing Thom, and Chum Kriel, and people from relevant villages. See attached attendance list.

To start with, **Mr. Vet Vathna**, chief of the provincial Administration and the chairman of the provincial sub-committee working group presented the list of subprojects that have been approved for the development of the province which included: 1. Sewage system in the Kampot city; 2. Sewage system to collect waste water; 3. Waste water treatment basin; 4. Solid waste dumping area. Now, we concentrate on the sewage system subproject in Kampot city and sewage system to collect wastewater which require to the rehabilitation of the canal (called Prek Chak canal) according to the design. This subproject will be technically rehabilitated which may cause potential impacts on houses and properties of residents alongside the canal. Furthermore, the representative of the resettlement department of the Ministry of Economy and Finance will disseminate how the land and other assets will be impacted by the subproject and conduct the Detailed Measuring Survey (DMS), which is the purpose of the meeting today.

**Mr. Mel Sophana**, national resettlement specialist consultant, delivered a presentation on behalf of the technical advisor and explained that there are four sub-projects in this province as already mentioned by the chief of provincial sectoral office. For the meeting today, we invited only people living along the Praek Ta Eng (Praek Chak) canal to inform about the rehabilitation of the canal for a total of 2.2 km in length. Through various meeting we had with village chief and local people, we have been informed that this canal was about 20m in width, but now it is narrowed down to only 6m or 8m due to the growing of Chak trees and the encroachment made by local villagers who constructed latrines, and about 9 houses on the canal, which have blocked the water flow. This rehabilitation subproject will help to get the water flow only, therefore, it will not cause many impacts. It will have some impacts during the rehabilitation of the existing canal, while those people who constructed houses and other types of constructions on the canal right of way, the representative of the Ministry of Economy and Finance will inform you about the relevant policy in a moment.

**Mr. Khuon David**, 1<sup>st</sup> deputy director of the resettlement department, informed the people that:

1. This Second Greater Mekong Sub-region Corridor Towns Development Project is the loan that the Royal Government obtained from the Asia Development Bank, therefore, the Royal Government needs to comply with conditions stated in the Impact Resolution Policy; and if there are people to be impacted by the subproject, the impact resolution has to be secured in accordance with the agreed policy.

2. The feasibility study for this subproject was conducted by the technical working group, and it has tried to avoid potential impacts by enlarging the canal's width up to 20m in some places, and other places up to only 10m according to the shape of the canal in order to minimize the impacts.

3. About the project background the consultants of the Asia Development Bank carried out dissemination meeting with the provincial authorities about the project's location, and areas that will be developed as part of the project. As far as we know, in 2015, there was one meeting. In principle, people who made any constructions after the cut-off date (20 January 2015) will not be eligible for any compensation; however, for those who made any constructions before the cut-off date, and resided ever since, the compensation will be made in accordance with agreed policy between the Royal Government and the Asian Development Bank.

4. For those who have their houses on the canal, there will be no compensation for the land because the land belongs to the state, not to the private individuals. As informed by the Provincial Department of Land Management, Urban Planning and Construction, you all know that 7m from the edge of the canal is considered as the right to way for the canal (public property), and land beyond that 7m belongs to people, and among these people, some of them have the land title already, while people in other communes have not got the land title yet. For people who are residing on the canal, their houses, fruit trees, equipment and kitchens will be compensated if they are impacted. Again, the state land cannot be compensated.

5. The working group will distribute some booklets that explain about the project to you, and if you have any questions, you may ask the village chief or commune office to have a better understanding about the policy. On Monday, the working group will conduct the detailed measurement survey by visiting each affected household to collect detailed information on impacts on your properties and assets; and if it is the state land, no compensation will be made, but if the private land, it is eligible for compensation. An independent private company qualified and experience in valuation, not the state, will assess the value of the land and other assets that will determine the rates for compensation. After the costs are identified, they will be multiplied by the detailed measurement survey data of your impacts. In case you are not satisfied with the resolutions proposed by the Inter-Ministerial Committee, a Provincial complaint committee is established through which people can submit their complaints. However, as an initial process, you should bring your complaint to village and commune levels, and if not satisfied with the resolution then you take to the next higher level. This provincial complaint committee may be able to provide explanation to the affected people. Finally, I will take your questions and will provide you clarifications and responses.

**Sok Chanmakara** from Trapeang Thom village, Trapeang Thom commune, Teuk Chhou district asked that: My house located on the canal right of way which will be impacted by the project rehabilitation, then it will be required to relocate, where shall I live?

**Answer by Mr. Khuon Davith:**

You all know clearly that people cannot do any constructions on the canal right of way or on the canal, because it is the state land which cannot be violated. However, if you already have the house, in principle, the Royal Government and the Asia Development Bank will resettle for the constructions and other affected assets. In addition, there will be additional provision such as vocational training programs, though the land will not be compensated.

**Clarification by the chief of Trapeang Thom commune:** People who asked the questions seem not different canal; they confused with the canal laying across the Trapeang Thom village but not Praek Chal

canal where the project is proposing for rehabilitation, and they think that canal will be rehabilitated and they will be asked to relocate, thus, they will not have any place to live. On the other hand, this project is at the Praek Chak canal, therefore, please do not confuse with the canal that is across the Trapeang Thom village. That canal is not yet targeted at the moment.

**Questioned by Mr. Prak Chhaya:** Will there be any compensations for all impacts on houses situated on the canal?

**Answered by Mr. Khuon Davith:**

There will be no compensation to the land in the canal; however, constructions on the canal are eligible for the policy-based compensation. By law, those who constructed houses on the canal which is the state land, shall be punished.

**Questioned by Mrs. Prum Phalla:** My house was constructed since 1979-1980, how many meters from the middle of the canal considered as right to way for the canal, please respond clearly? How the project will be implemented? Will open or covered sewages be constructed? How about the compensation?

**Answered by Mr. Mel Sphanna:** as clarified by the Provincial Department of Land Management, Urban Planning and Construction, recently determined that seven (7) meters from the both sides of the canal is considered as the canal rights of way; however, some sections, our project does not need all 7 meters of land in the right of way yet, those who residing their houses along the canal right of way where not yet required may still continue temporarily live in there. However, only 6 houses on the canal at the end near Praek Kampot will be required to remove. Additional clarification from Mr. Khuon Davith: You have constructed houses on the canal, land cannot be compensated, while your houses are compensable according to the policy. In addition, newly constructed fence is not compensable because it was constructed illegally after the cut-off date (20 January 2015).

Finally, **Mr. Vet Vathna**, chief of the provincial office requested for local people's collaboration with the demarcation working group, and the Detailed Measuring Survey working group who will start their tasks next Monday.

The meeting was concluded at 4:12pm on the same date.

26 October 2018  
Minute taker  
Signature  
Chhieng Chhorlin

Seen and agreed

Phnom Penh, day.... Month.....  
Year 2018

1<sup>st</sup> deputy chief, department of impact  
resolution

Signature

Khuon Davith

Seen and agreed

Kampot, day..... month..... year 2018

Provincial office chief and the chief of provincial  
resettlement sub-committee-working group

Signature

Vet Vathna

[illegible]77 

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Attendant List

ប្រតិភូការងារសហប្រតិបត្តិការ

26/10/2018

No.	Name	Sex	Position	Tel	Signature
1	លី សុភាព	គ	ប្រតិភូការងារ	096 3900959	
2	លី សុភាព	គ	—	012 649960	
3	លី សុភាព	គ	—	012 211 699	
4	លី សុភាព	គ	—	012 2421 57	
5	លី សុភាព	គ	—	010 29 2326	
6	លី សុភាព	គ	—	089 9761112	
7	លី សុភាព	គ	—	012 35 2755	
8	លី សុភាព	គ	—	096 4950152	
9	លី សុភាព	គ	—	086 418722	
10	លី សុភាព	គ	—	096 7778792	
11	លី សុភាព	គ	—	016 76 3283	
12	លី សុភាព	គ	—	015 23 2779	
13	លី សុភាព	គ	—	010 661615	
14	លី សុភាព	គ	—	0880120789	
15	លី សុភាព	គ	—	0976060160	
16	លី សុភាព	គ	—	015246065	
17	លី សុភាព	គ	—	090848169	
18	លី សុភាព	គ	—	017925793	
19	លី សុភាព	គ	—	010900080	
20	លី សុភាព	គ	—	015302085	
21	លី សុភាព	គ	—	015671692	



# Attendant List

ល.រ	ឈ្មោះ ឯករាជ្យ	ឈ្មោះ	តំណែង/ឋានៈ	លេខទូរស័ព្ទ	ហត្ថលេខា/ឈ្មោះ
No.	Name	Sex	Position	Tel	Signature
22	វ៉ាន់ ណា	ប្រ	ឯករាជ្យ ឈ្មោះ	097299698	
23	ចាន់ ណា	ប្រ	ឯករាជ្យ ឈ្មោះ		
24	វ៉ាន់ ណា	ប្រ	—	0973462284	
25	វ៉ាន់ ណា	ប្រ	—		
26	វ៉ាន់ ណា	ប្រ	ឯករាជ្យ ឈ្មោះ	098322179	
27	វ៉ាន់ ណា	ប្រ	—		
28	វ៉ាន់ ណា	ប្រ	ឯករាជ្យ ឈ្មោះ	096579194	
29	វ៉ាន់ ណា	ប្រ	—	089818207	
30	វ៉ាន់ ណា	ប្រ	ឯករាជ្យ ឈ្មោះ	0977510912	
31	វ៉ាន់ ណា	ប្រ	ឯករាជ្យ ឈ្មោះ	092356911	
32	វ៉ាន់ ណា	ប្រ	ឯករាជ្យ ឈ្មោះ	0886845970	
33	វ៉ាន់ ណា	ប្រ	ឯករាជ្យ ឈ្មោះ	016985959	
34	វ៉ាន់ ណា	ប្រ	—	086720335	
35	វ៉ាន់ ណា	ប្រ	—		
36	វ៉ាន់ ណា	ប្រ	—	092674912	
37	វ៉ាន់ ណា	ប្រ	ឯករាជ្យ ឈ្មោះ	0963790915	
38	វ៉ាន់ ណា	ប្រ	—	0719756156	
39	វ៉ាន់ ណា	ប្រ	—	090556664	
40	វ៉ាន់ ណា	ប្រ	—	087900339	
41	វ៉ាន់ ណា	ប្រ	—	0979592065	
42	វ៉ាន់ ណា	ប្រ	—	0974570938	
43	វ៉ាន់ ណា	ប្រ	—	097814095	
44	វ៉ាន់ ណា	ប្រ	—	0888310313	
45	វ៉ាន់ ណា	ប្រ	—	0962029767	
46	វ៉ាន់ ណា	ប្រ	—	0189211237	
47	វ៉ាន់ ណា	ប្រ	—	0965676198	

Attendant List

រដ្ឋបាលស្រុកស្រែចម្រើន

26/10/2018

ល.រ	ឈ្មោះ	ឈ្មោះ	តំណែង	លេខទូរស័ព្ទ	ហត្ថលេខា/មូលដ្ឋាន
No.	Name	Sex	Position	Tel	Signature
01	ឯក សា (ស្រី)	W	អគ្គនាយិកា	077926760	
02	លី ឈុន	W		070457426	
03	ហ៊ុន ឆាយ	M		077924482	
04	ឯក ឈុន	M		077224483	
05	ស៊ី ឈុន	M		012461837	
06	ស៊ី ឈុន	M		0945034636	
07	ស៊ី ឈុន	M		089325154	
08	ស៊ី ឈុន	M		077560056	
09	ស៊ី ឈុន	M		0962212636	
10	ស៊ី ឈុន	M		077789112	
11	ស៊ី ឈុន	M		0978366344	
12	ស៊ី ឈុន	M		0997220357	



# Attendant List

ល.រ	ឈ្មោះ ឈ្មោះតួនាទី	ភេទ	តួនាទី/ឈ្មោះ	លេខទូរស័ព្ទ	ហត្ថលេខា/ឈ្មោះ
No.	Name	Sex	Position	Tel	Signature
13	ហាង គណនា	ប្រុស	ប្រតិបត្តិការ បណ្តុះបណ្តាល	048902087	
14	ប៊ុន ឈី	ស្រី			
15	ប៊ុន ឈី	ស្រី			
16	ប៊ុន ឈី	ប្រុស		092383874	
17	ប៊ុន ឈី	ស្រី			
18	ប៊ុន ឈី	ប្រុស	ប្រតិបត្តិការ បណ្តុះបណ្តាល	0988769500	
19	ប៊ុន ឈី	ប្រុស	ប្រតិបត្តិការ បណ្តុះបណ្តាល	01634530	
20	ប៊ុន ឈី	ប្រុស		0963803157	
21	ប៊ុន ឈី	ស្រី	ប្រតិបត្តិការ បណ្តុះបណ្តាល	090264459	
22	ប៊ុន ឈី	ប្រុស	ប្រតិបត្តិការ បណ្តុះបណ្តាល	067710233	
23	ប៊ុន ឈី	ស្រី	ប្រតិបត្តិការ បណ្តុះបណ្តាល	0	

**KINGDOM OF CAMBODIA**

**NATION RELIGION KING**

**Inter-Ministerial Resettlement Committee**

**Minutes of the Meeting**

**Public consultation meeting with people who have land and Chak trees grown in the Prek Chak canal behind their houses who are impacted by the 2<sup>nd</sup> corridor city development projects located in Kampot province**

Before the roll-out of the Detailed Measuring Survey, on the 2<sup>nd</sup> January 2019, at 2pm, a public dissemination meeting was held with the participation of villagers who are impacted by the 2<sup>nd</sup> corridor development projects, presided over by **Mr. Khuon Davith**, Mr. Khuon Davith, Deputy Director of the Department of Resettlement 1, the General Department of Resettlement of the Ministry of Economy and Finance, and **Mr. Vet Vathna**, chief of the provincial office and the chairman of the provincial sub-committee working group and participated by the working groups of the Inter-Ministerial Resettlement Committee, Provincial sub-committee, as well as the deputy governor of Kampot city, representatives from Teuk Chhor district, deputy chief of Kampomg Kamdal commune, chief of Chum Kriel commune, and relevant villages. See attached attendance list.

To start with, **Mr. Vet Vathna**, chief of the provincial office and the chairman of the provincial sub-committee working group presented the 2<sup>nd</sup> corridor city development projects in Kampot province which is the loan that the Royal Government of Cambodia received from the Asia Development Bank (ADB) to implement the project, and impact resolutions are to be borne by the Royal Government's contribution. Two topics to be discussed in the meeting today: 1. Impact on the land of the villagers, and 2. Discussion to find resolutions for fruit trees and Chak trees. Representative of the Inter-Ministerial Committee will inform you about impact resolution policy, and if you have any suggestions or questions, please be well prepared to ask so that we can discuss for common resolutions which are mutually beneficial to all. The state's benefit is for all, benefits for the society is for development of Kampot province.

**Mr. Khuon Davith**, Deputy Director of the Department of Resettlement 1, informed the villagers that:

1. Technically, the road along the Prek Chik canal will be constructed with 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 will take out 7 meters of land from the edge of the canal as the right to way for the canal as the state land, as clarified by the Provincial Department of Land Management, Urban Planning and Construction, and this land is not compensable. However, if the demarcation is beyond the 7 meters, the additional length belongs to the villagers, and the Royal Government will pay cash compensation to the affected villagers in accordance with the impact resolution compensation policy. An independent private company will determine alternative price which is based on the current market price as basis to calculate actual compensation amount.

2. We wanted to know some information from villagers of the three villages (Sovan Sakor village, Samrong village, and Kampong Kandal village); which villages doing business with Chak leaves and 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, has clarified that Chak trees are grown in the canal. You did not grow them, they are naturally grown, but you only take benefits from them. *DP*

**Questioned by villagers, Som Saroeun:** Living in Sovan Sakor village, his land was impacted, and only one meter of land remained, but I have been living on the land since 1979. Therefore, please the committee help.

**Answered by Mr. Chhieng Chhorlin,** team leader, responded to the question posted by Mr. Som Saroeun that, from the point 0+000 to 0+770, the project will construct a 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 project will not construct any road, but only rehabilitate the canal; therefore, there will no specific impact.

**Mr. Vet Vathna,** the chief of provincial administration office has also clarified further on the rights to way. According to the Sub-Decree No. 197 ANK/BK, road with one digit, it is required to have 30m of right to way, for example, the national road number 3 requires 30 meters from the axis of the road; national road 33 requires 25 meters from the axis of the road, and any roads with 3 digits require 15 meters from the axis of the road... However, for the canal, the Sub-Decree on river basin determines the right to way for canal, for instance, Prek Kampong Bai canal, the right to way is set at 30m long, but for this Prek Chik canal, based on the technical design, the right to way for the canal is set only at 7m on both sides of the canal. For those who have 1991 and 1992 land rights recognition certificates, these certificates had been already nulled when the land department conducted the systematic land registration. If you have the land title, you have three rights: rights to control; rights to use; and rights to manage. For the rights to way, villagers have two specific rights: rights to use, and rights to benefits, but they cannot manage and sell/buy the land. The price of the 7m of land impacted will not be compensated, but houses, constructions and fruit trees on this part of the land are compensable. The land beyond this 7m will be compensated.

**Questioned by villagers, Chhim Sokuntheary:** I am living in Sovan Sakor village and 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, how the state will respond to this?

**Answered by Mr. Khuon Davith:** 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.

**Questioned by villager, Hun Pos:** I am living in Sovan Sakor village and have the land rights recognition certificate issued by the department of Land Management, Urban Planning and Construction. How the state will respond?

**Answered by Mr. Chem Pha,** the deputy governor of Kampot city answered: 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 how many of meters of land for the rights to way for the canal, this will be also specified in the land title certificate. If the project requires more land, for 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 Rights to Way for Prek Chak canal with 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. After the discussion and exchanges of ideas, the meeting resulted in the following:

- Rights to way for Prek Chak canal will not be compensated (7m from the edge of the Prek Chak canal)

- 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
- Chak trees that are naturally grown in the Prek Chak canal will not be compensated
- Chak trees that are grown by villagers within the 7m will be compensated according to the policy

The meeting was concluded at 4:46pm on the same date.

Tuesday, 02 January 2019

Minute taker

Signature

Chhieng Chhorlin

Seen and agreed

Phnom Penh, 09 January 2019

1<sup>st</sup> deputy chief, department of impact  
resolution

Signature

Khuon Davith

Seen and agreed

Kampot, day..... month..... year 2019

Provincial office chief and the chief of working  
group of the provincial sub-committee

Signature

Vet Vathna

គណៈកម្មការអន្តរក្រសួង



ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ សាសនា ព្រះមហាក្សត្រ



បញ្ជីបញ្ជីបោះ

លេខបញ្ជីបោះ/៩២/២០១៩

02/01/19

ល.រ	ឈ្មោះ	តួនាទី/ស្ថាប័ន	លេខទូរស័ព្ទ	ហត្ថលេខា
	ឧបនាយករដ្ឋមន្ត្រី	លោកជំទាវ ហ៊ុន សែន	092724362	
	ប្រធានាធិបតី	លោកជំទាវ ហ៊ុន សែន	011387395	
	ប្រធានាធិបតី	លោកជំទាវ ហ៊ុន សែន	011741987	
	ប្រធានាធិបតី	លោកជំទាវ ហ៊ុន សែន	01884341	
	ប្រធានាធិបតី	លោកជំទាវ ហ៊ុន សែន	011730357	
	ប្រធានាធិបតី	លោកជំទាវ ហ៊ុន សែន	092749466	
	ប្រធានាធិបតី	លោកជំទាវ ហ៊ុន សែន	099466440	
	ប្រធានាធិបតី	លោកជំទាវ ហ៊ុន សែន	095863417	

គណៈកម្មការអន្តរក្រសួង



ក្រសួងពាណិជ្ជកម្ម  
ជាតិ សាសនា ព្រះមហាក្សត្រ



បញ្ជីកម្មវិធី

គណៈកម្មការអន្តរក្រសួង  
សម្រាប់ការងារប្រចាំថ្ងៃ

02/01/19

ក្រសួងពាណិជ្ជកម្ម

ល.រ	ឈ្មោះ	តួនាទី/ស្នាក់នៅ	លេខទូរស័ព្ទ	ហត្ថលេខា
1	លោក កាវ៉ា	MPWT / IRC	012312766	
2	លោក គង់	លេខាធិការ	012449536	
3	លោក គង់	លេខាធិការ		
4	លោក គង់	លេខាធិការ		
5	លោក គង់	លេខាធិការ		
6	លោក គង់	លេខាធិការ	016976067	
7	លោក គង់	លេខាធិការ	010581390	
8	លោក គង់	លេខាធិការ	016931377	
9	លោក គង់	លេខាធិការ	011730957	
10	លោក គង់	លេខាធិការ	035232467	
11	លោក គង់	លេខាធិការ	09072430	
12	លោក គង់	IRC	07600073	
13	លោក គង់	លេខាធិការ	07681318	

គណៈកម្មការអន្តរក្រសួង

ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ សាសនា ព្រះមហាក្សត្រ

មក្សវិទ្យាស្ថាន

(ក្រុមប្រឹក្សាភិបាលសាលាបឋមវិទ្យាល័យ  
ស្ថាប័ន ប្រឹក្សាភិបាលសាលាបឋមវិទ្យាល័យ)

02/01/19

ល.រ	ឈ្មោះ	តួនាទី/ស្ថាប័ន	លេខទូរស័ព្ទ	ហត្ថលេខា
01	ប៊ុន ហ៊ុន (ល.)	គូរ ប្រធាន	093.934582	
02	ហ៊ុន ហ៊ុន (ល.)	-	0975.414251	
03	ហ៊ុន ហ៊ុន (ល.)	-	088.676251	
04	ហ៊ុន ហ៊ុន (ល.)	-	087.63283	
05	ហ៊ុន ហ៊ុន (ល.)	-	092.825139	
06	ហ៊ុន ហ៊ុន (ល.)	-	053.66.61	
07	ហ៊ុន ហ៊ុន (ល.)	-	012.466029	
08	ហ៊ុន ហ៊ុន (ល.)	-	094.332.139	
09	ហ៊ុន ហ៊ុន (ល.)	-	097977149	
10	ហ៊ុន ហ៊ុន (ល.)	-		
11	ហ៊ុន ហ៊ុន (ល.)	-	012.665467	
12	ហ៊ុន ហ៊ុន (ល.)	-	090.26.4453	
13	ហ៊ុន ហ៊ុន (ល.)	គូរ ប្រធាន	0885101535	
14	ហ៊ុន ហ៊ុន (ល.)	-		
15	ហ៊ុន ហ៊ុន (ល.)	គូរ ប្រធាន	01203750	
16	ហ៊ុន ហ៊ុន (ល.)	-	072.3592065	
17	ហ៊ុន ហ៊ុន (ល.)	គូរ ប្រធាន		
18	ហ៊ុន ហ៊ុន (ល.)	-	018959196	
19	ហ៊ុន ហ៊ុន (ល.)	-		
20	ហ៊ុន ហ៊ុន (ល.)	គូរ ប្រធាន	092.857494	