

Social Due Diligence Report

November 2021

Cambodia: Second Greater Mekong Subregion Corridor
Towns Development Project

CW01 Kampot Wastewater Collection and Treatment,
and Drainage and Sewerage: VO3 Further
Rehabilitation of Existing Open Canal Line 4b

(Main Report to Annex A)

Prepared by the Ministry of Public Works and Transport for the Asian Development Bank.

ABBREVIATIONS

ADB	Asian Development Bank
AHs	Affected Households
APs	Affected Persons
DED	Detailed Engineering Design
DMS	Detailed Measurement Survey
DRP	Detailed Resettlement Plan
EMP	Environmental Management Plan
GDR	General Department of Resettlement
GRM	Grievance Redress Mechanism
IOL	Inventory of Losses
IR	Involuntary Resettlement
IRC	Inter-ministerial Resettlement Committee
IRC-WG	Inter-ministerial Resettlement Committee Working Group
IRP	Income Restoration Plan
LAR	Land Acquisition and Resettlement
MPWT	Ministry of Public Works and Transport
PDPWT	Provincial Department of Public Works and Transport
PGRC	Provincial Grievance Redress Committee
PIB	Public Information Brochure
PIU	Project Implementation Unit
PMU	Project Management Unit
PISCB	Project Implementation Supervision Capacity Building
PPTA	Project Preparatory Technical Assistance
PRSC	Provincial Resettlement Sub-committee
PRSC-WG	Provincial Resettlement Sub-Committee Working Group
RCS	Replacement Cost Study
RGC	Royal Government of Cambodia
RF	Resettlement Framework
ROW	Right-of-Way
RP	Resettlement Plan
SES	Socioeconomic Survey
SOP	Standard Operating Procedures
SPS	Safeguards Policy Statement
WWTP	Wastewater Treatment Plant

NOTES

- (i) The fiscal year (FY) of the Government of Cambodia ends on 31 December.
- (ii) In this report "\$" refers to US dollars.

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

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

TABLE OF CONTENTS

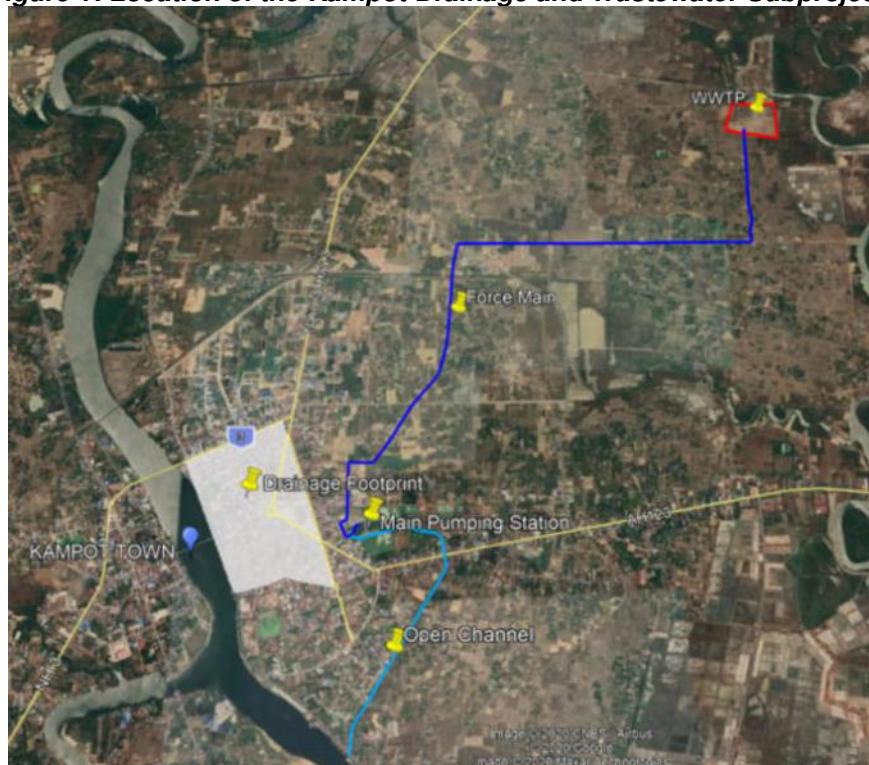
I. PROJECT AND SUBPROJECT DESCRIPTION.....	5
II. INFORMATION DISCLOSURE, CONSULTATION AND PARTICIPATION	11
III. DUE DILIGENCE REVIEW.....	12
A. Objectives of Due Diligence.....	12
B. Methodology	13
C. Scope and Nature of Impacts	13
IV. GRIEVANCE REDRESS MECHANISM.....	21
V. CONCLUSIONS AND RECOMMENDATIONS	21

I. PROJECT AND SUBPROJECT DESCRIPTION

1. The Royal Government of Cambodia (RGC) has received a loan from the Asian Development Bank (ADB) for the Second Greater Mekong Subregion (GMS2) Corridor Town Development Project (the Project) under Loan No. 3314-CAM. The Project is aimed at strengthening competitiveness of the Greater Mekong Subregion (GMS) economic corridors through the provision of environmental infrastructure for Kampot town.

2. The scope of the Project was originally broken into four civil works (CW) subprojects in both Kampot and Sihanoukville towns, which were: (i) CW01 - Kampot Wastewater Collection Treatment (WWCT) and Urban Drainage Works; (ii) CW02 - Kampot Solid Waste Management; (iii) CW03 - Sihanoukville Urban Drainage Works; and (iv) CW04 - Sihanoukville Solid Waste Management, as well as Project Implementation Supervision Capacity Building (PISCB) Consultancy Services. However, the subprojects in Sihanoukville (CW03 and CW04) were cancelled in 2019 and funds reallocated to Kampot. Henceforth, the Project focused on improving urban services in Kampot only and includes: (i) development and implementation of Strategic Local Economic Development Plans (SLEDPs); (ii) design and construction of priority urban infrastructure investments implemented; (iii) development of institutional capacities for managing public investments; and (iv) improving community awareness related to project activities and environmental sustainability. The expected outcome of the project will improve urban infrastructure and enhanced climate resilience in Kampot town. Climate resilience will be enhanced in line with the “3Es” of economy, environment, and equity as outlined in the Urban Operational Plan of ADB. The project includes three (3) components¹ in Kampot: (i) Wastewater Collection and Treatment, (ii) Urban Drainage, and (iii) Solid Waste Management (Figure 1).

Figure 1: Location of the Kampot Drainage and Wastewater Subprojects



¹ The Wastewater Collection and Treatment and the Urban Drainage components have been combined under one works contract CW01 Wastewater Collection and Treatment and Urban Drainage.

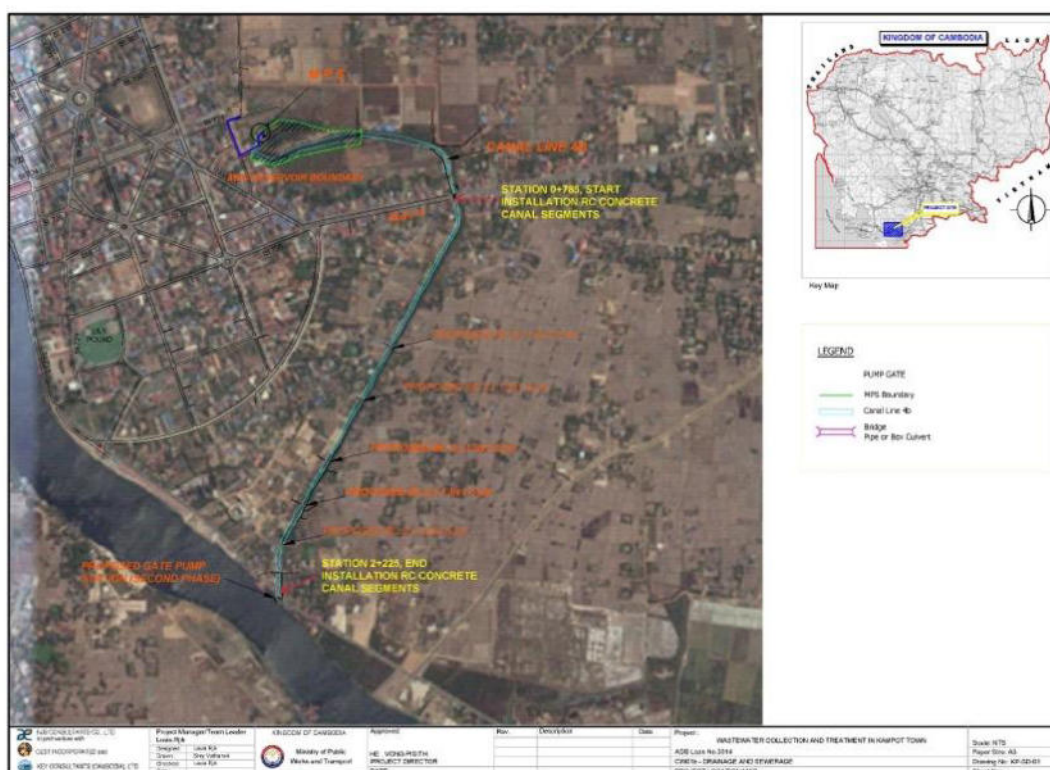
3. The Executing Agency of GMS2 is the Ministry of Public Works and Transport (MPWT) through the Project Management unit (PMU) while the project implementing unit is the Provincial Departments of Public Works and Transport (PDPWT) of Kampot. The loan was approved on 13 November 2015 and was declared effective on 29 February 2016. The original loan closing date was 30 June 2021, but that has been subsequently extended to 31 December 2023 through contract variation orders (VOs).

4. CW01 Kampot WWTP and Drainage Works Subproject (CW01) aims to separate the wastewater and stormwater at source in such a way that the wastewater can be treated at a new wastewater treatment plant (WWTP). The wastewater collection is a separated sewer system and has three catchment areas covering the main built-up urban area. The Urban Drainage (UD) Works planned improvements to the urban drainage are concentrated on several strategic urban roads in and around the main urban built up area east of the Kampot River. The total length of the proposed drainage system is 7,390 meters including the drainage lines on both sides of Urban Drainage Lines 2, 3, 4b, 5, 6 and 7a, which will all discharge into the Kampot River.

5. The drainage canal line 4b (Figure 2), named Prek Chik Phum Taeng, consist of the improvement of an existing open earth canal to increase water flow capacity and reduce flooding during heavy rain. The original design for canal line 4b (as per DRP, September 2019) covered the entire length of the canal from the wetland (main pumping station) to the Kampot River. The design included dredging of the canal and constructing an access road with laterite surfacing (5-m width) on the right-hand embankment for transportation services and operation and maintenance of the earth channel. The design also included slope stabilization with grass sodding, and construction of drain inlet pipes, gabion boxes and box culverts. The canal line 4b is connected from the wetland (location of the main pumping station) at the back of the town running east and south-western direction before discharging to the Kampot River. The canal line 4b will traverse four villages, namely Sovannsakong Village in Sangkat Kampong Kandal; Krang Village in Sangkat Krang Ambel; Trapeang Thom Village in Trapeang Thom Commune; and Kampong Kandal Village in Chumkrill Commune.

6. The right-of-way (ROW) of the canal line 4b is 7 m on each side of the original canal embankment, meaning the ROW varies depending on the width of the canal. The corridor of impact (COI) for the original works on canal line 4b is maximum 7 m from canal centerline, and therefore is located fully within the ROW regardless of how wide the existing canal at any location is.

Figure 2: Location map of canal line 4b



7. The subprojects of CW01 Kampot WWTP and Drainage Works and CW02 Kampot Solid Waste Management subprojects are covered by Resettlement Plan (RP) for Second GMS Corridor Towns Development Project, Kampot Subproject (approved by ADB in August, 2015)². Cut-off date (COD) was established at this stage on 20 January 2015.

8. The detailed engineering design (DED) for the urban drainage works was submitted to the General Department of Resettlement (GDR) in January 2018. However, the DED was redesigned to avoid or minimize initial resettlement impacts. Therefore, majority of the drainage lines (those relating to drainage lines 2, 3, 4A, 5A, 6 and 7) except for canal line 4b, were screened for IR impacts and determined to be Category C for involuntary resettlement (IR) impacts. Hence, the RP was updated in due course for canal line 4b only based on detailed measurement survey (DMS), socio-economic survey (SES), consultations and replacement cost survey (RCS). The DMS covered all impacts prior to the COD. The detailed resettlement plan (DRP) was approved by ADB in September 2019³. Based on the DRP, the entire canal line 4b from the wetlands to the Kampot River required 1,173.27 m² of state land and 1,506.20 m² of private agricultural land. A total of 11 primary residential structures measuring 411.49 m² belonging to 11 affected household (AHs) or 46 affected persons (APs) were impacted. Nine (9) of the 11 affected primary residential structures of 9 AHs or 39 APs were entirely removed and 2 main houses of 2 AHs or 7 APs were partially affected. These 9 AHs were identified landless and have been relocated by GDR in 2020. Based on the results of DMS and completed compensation payments, there were 31 AHs eligible for compensation on land, primary, secondary and other structures, and trees. 9 AHs were eligible for income restoration program. Out of all the affected structures of various types, there still were remnants of structures whose

² <https://www.adb.org/sites/default/files/project-document/172882/46443-002-rp-01.pdf>

³ <https://www.adb.org/sites/default/files/project-documents/46443/46443-002-rp-en.pdf>

posts and other parts of the structures remain standing along or inside the canal or along the canal banks. The structures were left behind by the AHs after they already salvaged all materials and subsequently relocated to new site or shifted back the structures during year 2020.

9. The landless 9 AHs, who have been compensated and relocated in 2020 by GDR, were not consulted separately during the preparation of the DDR. DIMDM will contact the 9 AHs within remaining months of 2021 to assess their status of livelihood, socioeconomic status and the use of the compensation cash given for relocation and under the IRP⁴. These results will be reported by GDR/DIMDM in the next SMR in January 2022.

10. For CW01 Kampot WWTP and Drainage Works the land acquisition and resettlement (LAR) compensation payments have been completed at full replacement cost by GDR in January 2020 as per the approved DRP. GDR/MEF issued a letter on 10 February 2020 confirming that the site clearance has been completed and the site belongs to MPWT and can be used for the Subproject construction works. A due diligence report (DDR) approved by ADB in January 2021 on CW01/VO1: Kampot Wastewater Collection and Treatment, and Drainage and Sewerage, and GDR semi-annual consolidated social safeguard monitoring report (SSMR) (August 2021)⁵ have both confirmed the completion of the payments. As per the GDR SSMR, the planned vs actual compensation payments were 99.99%. The very small difference/variance of 18.41 USD was due to an error in classification other structures during the preparation of the DRP.

11. Additional works prepared and approved by ADB under CW01/VO1⁶ entailed the removal of the remaining concrete posts and other parts of the structures which remained standing along or inside the canal, or on its banks, and the remnants of the previously removed houses covered by the DRP on canal line 4b. These remnant structures were included in the DMS and replacement cost survey (RCS), and were completely compensated by GDR. In addition, the wildly growing Chak trees (Figure 3) were cut during the clearing of the canal in 2020, but this had limited effect on the smooth flow in the canal since the tree roots were not removed which permitted the trees to grow back very fast. The roots have to be removed again to facilitate the water flow in the canal. The removal of the foundations of the remnant structures has already been largely completed by the construction contractor. At the same time, the canal was cleared of rubbish. The cost of the removal and cleaning was included as part of VO1 to secure balance of payments to the contractor. As per DDR for CW01/VO1, there was no additional land acquisition, or any additional IR impacts as part of the CW/VO1 works.

⁴ As reported in GDR/DIMDM SMR for GMS2, Sep 2019 to Jun 2021 (Final version), November 2021

⁵ MEF/GDR/DIMDM, August 2021, Social Safeguards Monitoring Report, Second GMS - Economic Corridor Towns Development Project, Monitoring Period: From September 2019 to June 2021.

⁶ GMS2 CW01: Kampot Wastewater Collection and Treatment, and Drainage and Sewerage, Safeguards Due Diligence Report, January 2021.

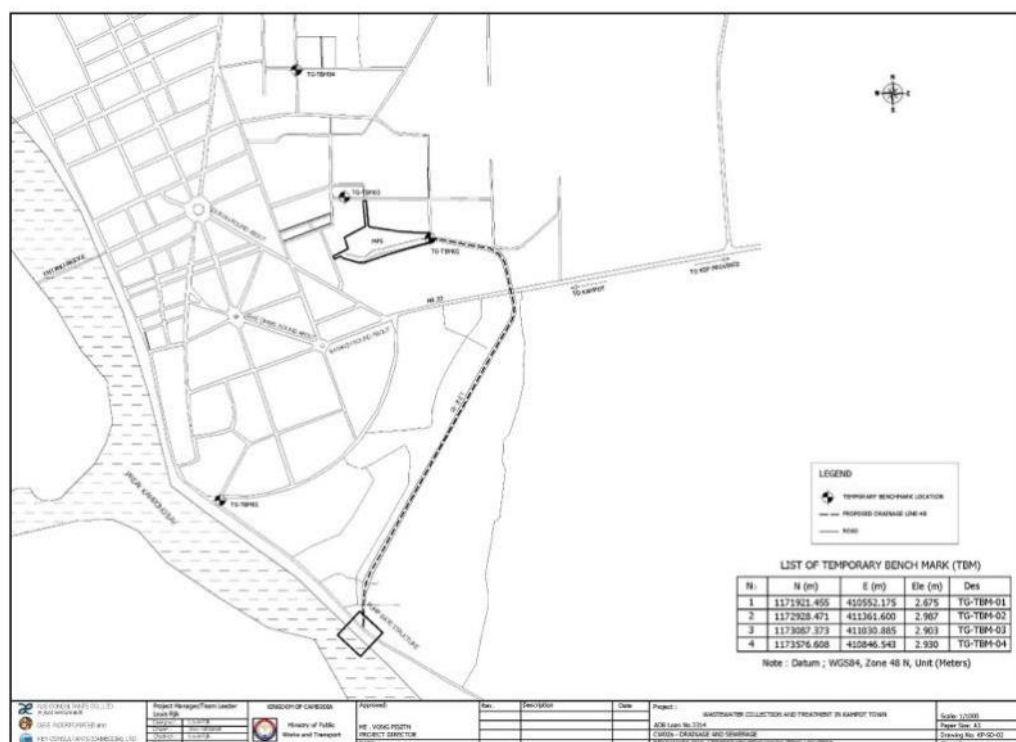
Figure 3: Chak trees along the canal line 4b



12. However, after a full hydraulic analysis of the drainage system in the town of Kampot it has been deemed necessary to fully renovate the open canal line 4b to improve the overall conveyance capacity and efficiency of the canal and eliminate the areas in the canal with excessive vegetation grows, canal bank deterioration and canal sections with stagnant water. Further, the Provincial Governor requested for additional improvements to the canal in 2020. Therefore, re-design of the canal works took place in February-April 2021, which was approved by MPWT in September 2021. As per re-design of the works for canal line 4b, a variation order three (VO3) for CW01 on Further Rehabilitation of Existing Open Canal Line 4b (From Boeung Chak to Kampot River) was prepared. The work under CW01/VO3 includes renovation of the open canal line 4b between the crossing with NR 33 (at the bridge), canal station 0+785 and the outfall of the open canal in the Kampot River at station 2+225 (Figure 4). The works will comprise the following components:

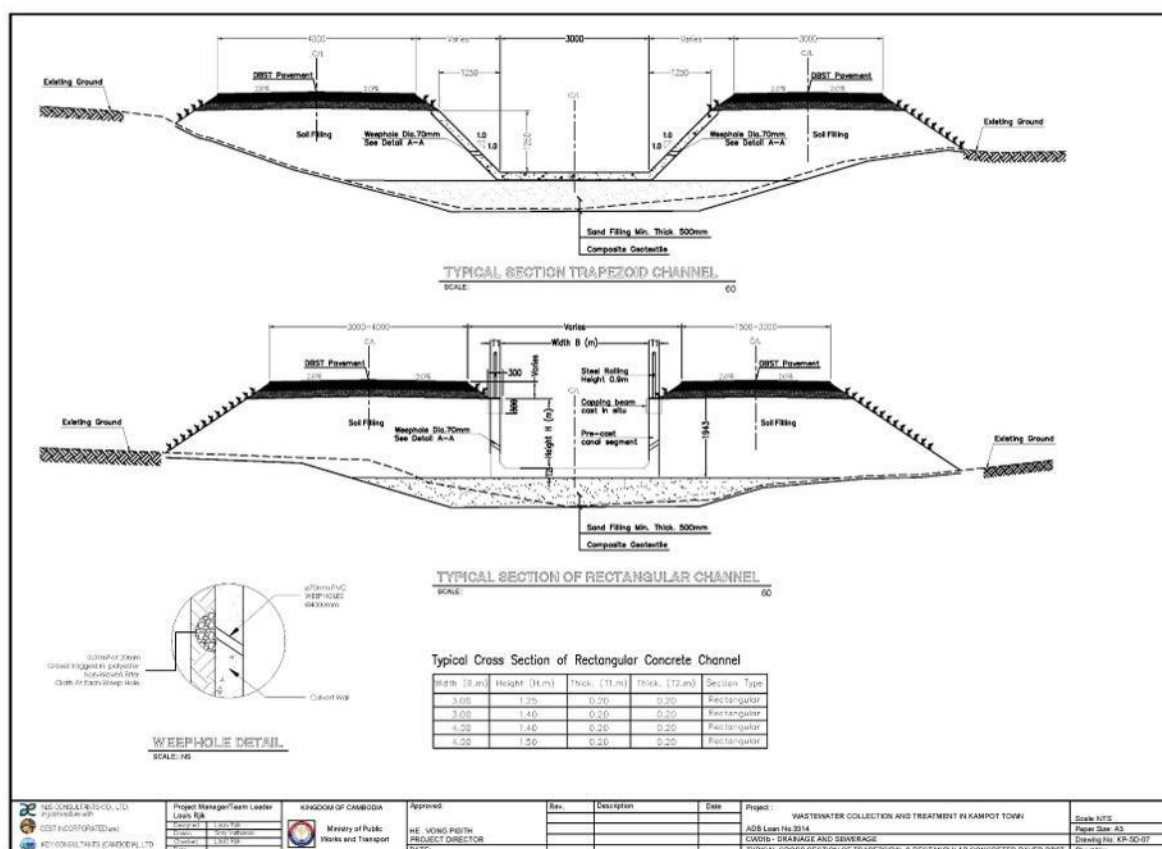
- a) Removal of unsuitable material from the canal bed between station 0+785 and station 2+225 and installing a foundation layer for reinforced concrete canal lining that will consist of a layer of composite geotextile overlaid with a sand layer with a thickness of minimum 50 cm;
- b) Manufacture, transport and installation of rectangular reinforced concrete canal segments between canal station 0+785 and station 2+202;
- c) Construction of canal roads on both canal banks between stations 0+785 and station 2+225 (2-4 m width depending on space available within the existing COI);
- d) Installation of a capping beam on the rectangular canal segments from station 0+625 to station 2+202 with a protective railing on both canal banks; and
- e) The concrete lining replaces the limited improvement of the open canal through installation of gabion boxes.

Figure 4: Alignment of the entire canal line 4b (VO3 works South of NR 33 only)



13. All of the additional works under VO3 are within the original and unchanged existing ROW and COI of the canal line 4b (Annex A), which is State public land (the canal typical cross-section is shown in Figure 5).

Figure 5: Typical Canal line 4b Cross-Section



14. The construction for CW01 Kampot Wastewater Collection and Treatment, and Drainage and Sewerage subproject is on-going. The overall progress of construction is at 70.4% (as of June, 2021). No further works by the subproject has taken place along the canal line 4b since the site clearance and canal cleaning works done under CW01/VO1. The remaining works on canal line 4b under CW01/VO3 are expected to be completed by September 2022.

II. INFORMATION DISCLOSURE, CONSULTATION AND PARTICIPATION

15. Public consultation and participation aims to develop and maintain avenues of communication between the Project, stakeholders and beneficiaries. To ensure that the views and concerns of the beneficiaries are considered in project preparation and implementation and to reduce or offset negative impacts and enhance benefits from the Project, the meaningful consultation and information disclosure have been adopted and implemented under the GMS2.

16. Several public consultation meetings were organized during RP preparation in early 2015 coinciding with IOL/SES and census and establishment of the COD as detailed in the RP (August 2015). Local people were informed of the COD during the consultations at RP preparation stage. The consultations continued during update of the RP into DRP in 2018-2019 with total of four consultations. As per the minutes of the meetings during DRP preparation⁷,

⁷ GMS2 Urban drainage subproject in Kampot Province (Urban drainage line 4b), Detailed resettlement plan, September 2019.

these consultations comprehensively explained the illegal nature of occupying state land, eligibility to compensation, COD, and no compensation to be paid after COD. The consultations also covered the exact ROW (7 m from both edges of the canal), scope of impact, entitlements and compensation, relocation options (including site visit to optional relocation sites), income restoration program (IRP), GRM and DMS process. The extensive consultation process conducted during preparation of both RP and DRP provides a solid base in terms of consultation with AHs and disclosure of project information for the implementation of the CW01/VO3 additional works on canal line 4b.

17. During the preparation of this DDR another public consultative meeting was conducted with beneficiaries of the additional works of CW01/VO3 on 22 September 2021 with 27 participants (12 male and 15 female). The meeting was arranged by the PMU and PIU with the support of PISCB (Annex B). The purpose of the meeting was to provide the communities with general information about the additional Subproject works on improving canal line 4b, anticipated construction schedule, confirm ROW, confirm whether COI is free of encumbrances and encroachment occurred after COD, and explain the basic Project policies on impact, eligibility, entitlements, compensation, GRM, consultation process and reinstatement of temporary impacts during construction.

18. The participants at the consultation meeting in September 2021 did not have any specific questions, but did share their view and comments. The participants proposed the access roads on both sides of the canal to be constructed for the entire length of the canal to the main pumping station instead of only to NR.33 bridge, and to ensure the road will be available for general public use. A consensus between the participants was that there have been no problems with compensation payments and the participants also suggested the project to start construction works immediately. The Director of the Cadastral Office confirmed that the ROW of the canal is measured from the original canal bank with offset of 7 m on both sides of the canal.

19. As part of information disclosure, an updated GMS2 Public Information Booklet (PIB) for Kampot Subproject canal line 4b additional works was prepared and approved by the PMU. The updated PIB contain the Subproject description and works, institutional arrangements, scope of impact, ROW and COI, COD, impact avoidance and mitigation, entitlements and eligibility, construction schedule, GRM and key contact details. The updated PIB was translated into Khmer (Annex E). Due to on-going Covid-19 pandemic and subsequent meeting restrictions, the PIB was forwarded to the PIU to assist in distribution and public disclosure of the updated PIB by posting it on commune and village notice boards (Annex F).

III. DUE DILIGENCE REVIEW

A. Objectives of Due Diligence

20. Canal line 4b is covered by the approved DRP (September 2019) for the Urban Drainage Subproject (CW01) and GDR completed all the compensation payments in January 2020. However, some of the structures already compensated for have not been dismantled, and at the same time four (4) new structures have been constructed on the COI after the COD (20 January 2015). Also, two (2) structures are located very close to the COI, and careful avoidance through design changes is needed to not have any additional IR impact.

21. Therefore, the objective of this DDR is to (i) confirm that there is no IR impact caused by

the additional works under CW01/VO3, (ii) verify that any remaining encroachment of COI is caused either structures already compensated but not yet dismantled, or structures illegally constructed after COD (20 January 2015) and hence not eligible for compensation, and (iii) ensure that no further IR impacts are caused due to construction outside COI through effective avoidance and mitigation measures.

22. This DDR is prepared for only the GMS2 CW01/VO3 additional works on the canal line 4b. The works will be under contract VO3 with the CW01 Kampot WWTP and Drainage Works Subproject.

23. In accordance with ADB Safeguard Policy Statement (SPS, 2009), the Project has been classified as Category B for Involuntary Resettlement (IR). However, the additional works under VO3 are classified as Category C as they entail no further IR impacts (Annex C).

B. Methodology

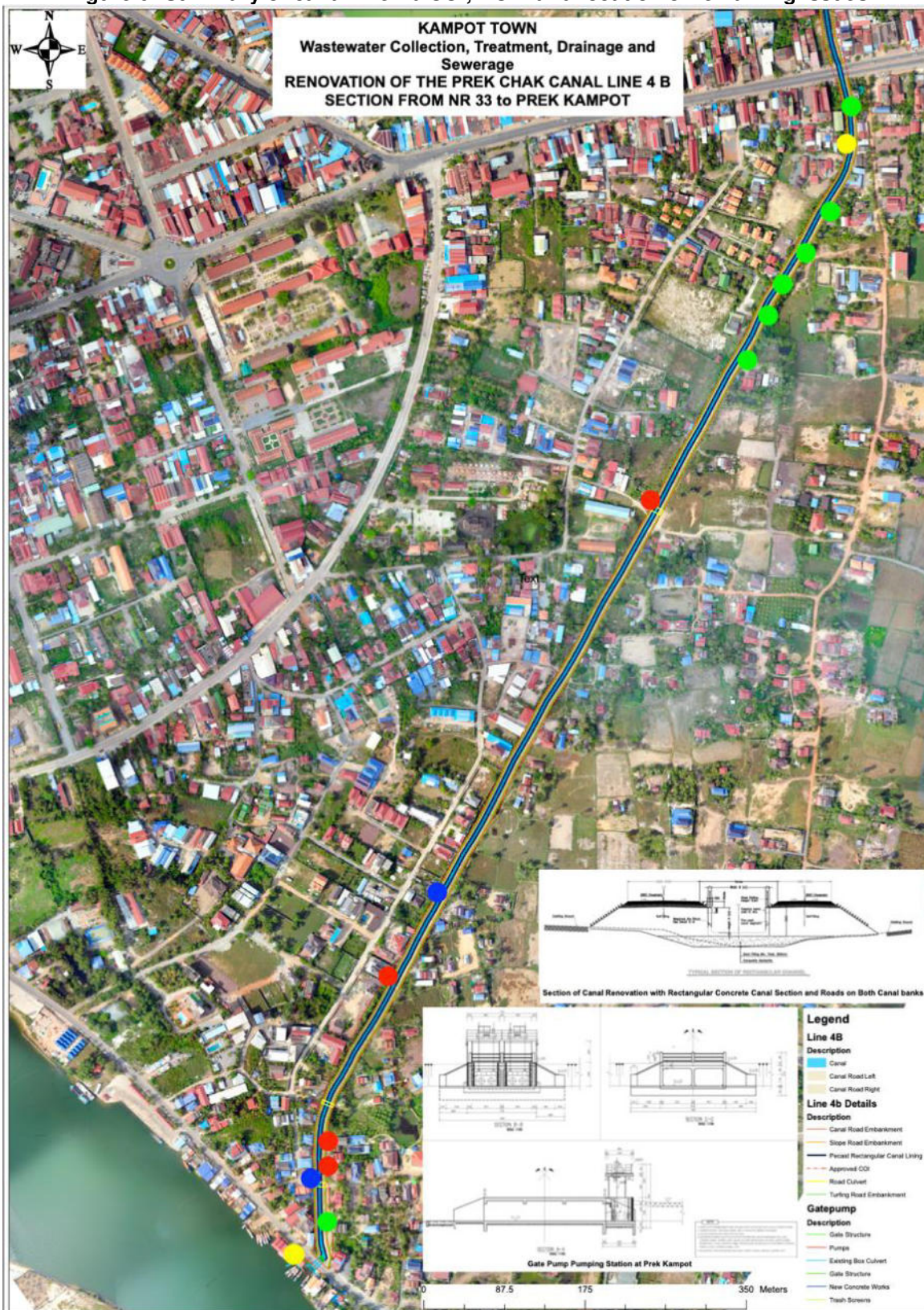
24. A joint assessment for the additional works was conducted during field visits to the site in September 2021 to verify there is no IR Impacts and to hold public consultations with the communities along the canal line 4b by PMU, PIU and PISCB representatives. At the same time, primary and secondary data were collected for this DDR. The data analysis and reporting has been done by PMU and PISCB in September-October 2021.

C. Scope and Nature of Impacts

25. All proposed works under CW01/VO3 will be implemented within the established and existing COI under the approved DRP (September 2019) as shown in Figure 6 (high resolution figure is available in Annex A). The COI is completely within the existing ROW. GDR completed compensation for all land, structures and trees within the COI in January 2020 and site clearance was completed in February 2020. Therefore, no additional IR impact on land, structures, trees or livelihoods is caused by the CW01/VO3 additional works on canal line 4b.

26. CW01/VO1 included additional works to dismantle any remaining compensated structures, clear any rubbish and Chak trees from the canal. However, these works were completed only partially with some structures still remaining which have been compensated but not yet dismantled or trees not yet harvested/cleared (blue dots in Figure 6). The location of the structures not dismantled or trees not harvested was compared with list of impacted assets in DRP resettlement budget and maps prepared for IR impact screening by PISCB (Annex D.4). The detailed results of the comparison are given below.

Figure 6: Summary of canal line 4b COI, ROW and location of remaining issues



Note: Red = Structures constructed after COD; Blue = structures compensated, but not dismantled, Green = trees compensated, but not harvested/cleared yet; and Yellow = impact on structures avoided through design changes

27. Remnants of six (6) residential houses are located near the bridge next to the Kampot River, all of which have been compensated, relocated and dismantled with only the flooring and foundations still remaining (Figure 7). The site clearance is also clearly shown in Annex D1.a. to D1.c. when comparing 2014/2016 Google Earth imagery and drone image from 3 March 2021. No further impacts will be caused for the relocated houses by the additional works on canal line 4b.

Figure 7: Structures compensated and dismantled with site clearance complete



28. In two (2) locations toilets and other secondary structures are overhanging on top of the canal within the COI (Figure 8). As per Google Earth imagery, the structures have been at the same location since 2014 and therefore prior to the COD (Annex D1 and D2). The affected households (AHs) are allowed to dismantle the structures to salvage materials, or alternatively if space is available, the construction contractor can shift the structures back. As the structures have been already been compensated for, no further compensation will be paid by GDR or contractor to the owners of these structures. However, the contractor will notify the AHs at least two weeks prior to site clearance again about the upcoming clearance of remaining structures within the COI.

Figure 8: Structures compensated but not yet dismantled by AHs (to be dismantled / shifted back)



29. The COD was widely disclosed and communicated during public consultations conducted in preparation phase for draft RP and DRP, and has been published in the draft RP (August 2015) and again in DRP (September 2019). With the compensation payments and site clearance completed for the canal line 4b, the communities and all households are fully aware of the COI and illegal nature of constructing structures on the canal ROW.

30. Nevertheless, field verification in September 2021 confirmed that four (4) new structures have been constructed on the COI illegally after COD of 20 January 2015. The timing of construction of these structures was verified through comparison of latest drone imagery (3 March 2021) with COI and historical Google Earth imagery prior (9 December 2014) and soon after COD (21 March 2016). The comparison of the images is provided in Annex D. As the structures have been constructed after COD, no compensation will be paid to the structure owners and they are not eligible for any support under the DRP. None of the owners of the illegally constructed structures encroaching on the COI were available for consultation at the time of the field visit. However, the contractor will notify the owners at least two weeks prior to site clearance again about the upcoming clearance of remaining structures on the COI. At their own cost the owners can dismantle, salvage materials or shift back their structures outside the COI when they have legally owned land available. In case the structures remain after two weeks notification, the encroaching structures will be dismantled by the construction contractor. Details of the structures constructed after COD are provided below.

31. A light-weight residential structure has been constructed sometime around 2020 near the second bridge from Kampot River (Figure 9). The structure is built out of wood and corrugated iron sheets, and is located partially over the canal. The entire structure will be dismantled as it is completely within the COI.

Figure 9: Residential structure constructed after COD (structure to be dismantled completely)



32. Open garage with concrete floor has been built sometime in second half of 2021 near the second bridge from Kampot River (Figure 10). The structure is not physically connected to the concrete residential house next to it, which has been also constructed after COD sometime around 2017-2018. The residential structure is outside the ROW and COI. The secondary structure (garage) will only be partially dismantled as only the northwest corner of the structure

is within the COI. The structure can be shifted back within the available land.

Figure 10: Secondary structure constructed after COD (roofing to be shifted back)



33. Toilet and other secondary structures have been constructed sometime in 2019 near the fourth bridge from Kampot River (Figure 11). The secondary structures are built on stilts over the canal and are fully within the COI. Therefore, the secondary structures will be completely dismantled. However, the primary residential structure is not impacted given it is entirely outside the COI, even though it is partially inside the ROW.

Figure 11: Secondary structures constructed after COD (secondary structures / toilets to be dismantled completely)



34. Retention wall and fence of a residential structure which have been built sometime in 2021 near the seventh bridge from Kampot River (Figure 11) and near Wat Sovan Sakor will be partially dismantled. The secondary structures are built partially within the COI. However, the secondary structures can be shifted back. The primary residential structure is not impacted

given it is entirely outside the COI and the ROW.

Figure 12: Residential structure constructed after COD (part of fence on the left and retention wall on the front to be dismantled only)



35. IR impact avoidance was conducted during finalization of CW01/VO3 designs for two locations, both of which are located outside the COI but where construction would have caused IR impacts. Details of the IR impact avoidance for the two structures are provided below.

36. A small café on the northwest side of the main bridge next to the Kampot River would have been impacted by the improved outfall structure (Figure 13). The design was changed to be constructed completely within the existing outfall structure and therefore avoid all IR impact on the café (Figure 14).

Figure 13: Café and original design



Figure 14: Changed design for impact avoidance



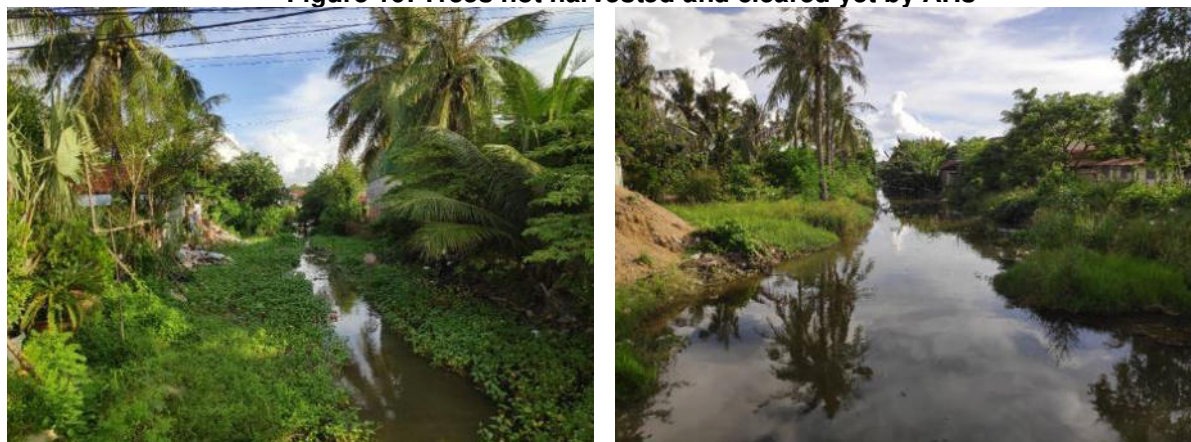
37. A residential structure located close to NR.33 bridge and immediately next to the COI would have been impacted by access road construction, and due to the crowded location shifting back the structure is not an option. Therefore, the access road on the left bank of the canal at this location will be narrowed to 2 m and built with a retaining wall on the side of the residential structure. This will enable avoiding all IR impact on the residential structure (Figure 15).

Figure 15: Residential structure impact avoidance



38. There are no crops being grown along the canal line 4b. At the same time, the impacted trees within the COI have been compensated by GDR, but many of them remain unharvested and the site clearance has not been completed (Figure 16). The AHs are allowed to harvest their trees. Therefore, the contractor will notify the AHs at least two weeks prior to site clearance again about the upcoming clearance of remaining trees on the COI. The AHs can keep all the timber/wood which will be cut by the contractor during site clearance.

Figure 16: Trees not harvested and cleared yet by AHs



39. There are no businesses along the canal line 4b, and there is no impact on livelihoods or income of the households living next to the canal from the CW01/VO3 additional works.

40. The following avoidance and mitigation measures will be in place during construction, and these will be detailed in the CW01/VO3 as requirements of the VO3 as well as in the updated EMP:

- Full avoidance of impact on private structures immediately next to the COI will be undertaken through careful construction methods, and narrowing the access roads at tight locations if necessary;
- In case of any other new secondary structures are constructed by households next to the canal on the COI, these will be removed by the contractor during site clearance with no compensation or reinstatement;
- In case damages are caused by the construction contractor with their chosen construction method on any structures outside the COI, the contractor will reinstate the structures or compensate for the damages as per DRP and RCS. This includes destabilization of existing structures near-by through the excavation and construction works; and
- Only a handful of the structures along the canal have access from the canal side to the properties as at the moment there is highly limited existing access. For those structures with access from the canal side the contractor will provide unencumbered access during construction and fully re-established their permanent access after canal road construction is completed.

41. Compensation for damages, and any temporary impacts will be covered from additional budget of CW01/VO3 of the construction contractor. The sums added in CW01/VO3 include: (i) provision of dayworks of 100,000 USD for the mitigation of minor temporary impacts caused by the construction works that cannot be covered under other work items in the bill of quantities (BOQ); and (ii) provisional sums under item 48 of 60,000 USD for mitigation and reinstatement of impacts to cover (a) additional minor works to avoid impact: (b) temporary removal of minor structures; (c) removal and reinstatement of existing walls/fences; (d) reinstatement of private access to properties such as driveways, walk ways, stairs, and; (e) all other repair/reinstatement works not covered under the provisions for dayworks. Compensation for any damages/impact during construction will be based on the replacement cost, and the entitlements matrix applies as per DRP, in accordance with the ADB SPS.

42. Any unforeseen impacts not identified in the DRP or this DDR will be notified immediately

to PMU and PISCB. In case of unforeseen impact, a social impact assessment will be prepared and DRP updated by GDR. Compensation for any unforeseen impact will be based on the replacement cost, and the entitlements matrix applies as per DRP, in accordance with the ADB SPS.

43. Based on the due diligence of the additional works, it was verified that the canal line 4b additional works do not have any IR impacts. Also, the additional works do not cause involuntary restriction on land use or access to legally designated parks and protected areas.

IV. GRIEVANCE REDRESS MECHANISM

44. A clear and transparent grievance redress mechanism (GRM) has been established for all subprojects and components of GMS2 project as detailed in DRP for Urban Drainage Subproject in Kampot Province: Urban Drainage Line 4b. The same GRM is applied for the additional works for CW01/VO3 on canal line 4b. As the contractor is the same, the same GRM focal person as for Kampot urban Drainage and Wastewater Subproject will be in-charge of the additional works as well. GRM in Kampot is operational and active.

45. Through public consultation and disclosure of updated PIB the communities along canal line 4b are fully aware of their rights to register their complaints through the GRM processes for both environmental performance and IR. The existing active GRM system will ensure that the grievances and complaints received from beneficiaries are properly recorded and timely resolutions are communicated to the complainants.

46. It was confirmed that no grievances reported through GRM of GDR in the last reporting period (September 2019 to June 2021) as per DIMDM August 2021 semiannual report. This was verified during public consultation meeting with Province Deputy Governor, PIU, and commune and village chiefs in 22 September 2021, where the participants confirmed there is no outstanding issues with the compensation.

V. CONCLUSIONS AND RECOMMENDATIONS

47. The CW01/VO3 additional works consist of clearing the canal, installing concrete lining for the canal, and construction of canal roads (2-4 m width depending on space available) on both sides of the canal. All the additional works are within the existing COI.

48. The canal line 4b is public state land with ROW of 7 m both sides from each edge of the canal. All AHs have been fully compensated for by GDR, but not all structures and trees have been dismantled/harvested, and at the same time four (4) new structures have been constructed fully or partially on the existing COI.

49. Based on the review of design, field visit and public consultation with the beneficiary communities and AHs, it was verified that the Kampot CW01/VO3 on additional works on canal line 4b does not cause land acquisition; impact on primary, secondary or temporary structures; impact on trees or crops; or impact on businesses or livelihoods. The canal line 4b COI has minor encumbrances due to structures yet to be dismantled, trees to be harvested and structures constructed after COD. Site clearance of these structures and trees do not cause IR impacts as they are either already compensated for by GDR, or constructed after COD and therefore not eligible for compensation or support under DRP.

50. As the additional works of CW01/VO3 will not cause any adverse IR impacts, it is therefore classified as IR impact category C.

ANNEX A: COI of canal line 4b













