

# Draft Resettlement Plan

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Project No. 50099-002  
May 2018

CAM: Fourth Greater Mekong Subregion Corridor Towns  
Development

Kratie

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

## **CURRENCY EQUIVALENTS**

(as of 1 May 2018)

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

## **ABBREVIATIONS**

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

## **NOTE**

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

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## **DEFINITION OF TERMS**

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

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

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

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

- |                        |   |   |
|------------------------|---|---|
| Replacement Cost Study | – | This refers to the process involved in determining replacement costs of affected assets and land and performed by an independent qualified national consultant (firm or individual) with necessary expertise to carry out asset valuation.  |
| Resettlement Plan      | – | This is a time-bound action plan, with budget, setting out the resettlement objectives and strategies, entitlements the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and implementation schedule. The outline Resettlement Plan is in Annex to Appendix 2 of the ADB Safeguard Policy Statement (2009).  |
| Vulnerable Groups      | – | These are distinct groups of DPs who are likely to be more adversely affected than others and who are likely to have limited ability to re-establish their livelihoods or improve their status and comprise : (i) all the households living below the national poverty rate established by the Government, <sup>1</sup> (ii) female headed households with dependents living below the national poverty rate, (iii) disabled headed households with no other means of support, (iv) elderly headed households who are landless and with no other means of support, (v) landless poor living below the national poverty rate, and (vi) indigenous people or ethnic minorities (who often have traditional land rights but no formal titles). |

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<sup>1</sup> This includes squatters and those without land titles.

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## **I. EXECUTIVE SUMMARY**

### **A. Project and Subproject Description**

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

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

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

### **B. Scope of Land Acquisition and Resettlement**

4. The subproject will require the permanent acquisition of private lands for the 10.5 ha wastewater treatment plant (WWTP). Based on the inventory of losses (IOL) conducted on 21 December 2017, a total of 93,000 m<sup>2</sup> of farmland belonging to 3 displaced persons (DPs) with land certificates will be acquired for the WWTP. Temporary resettlement impacts due to the removal and subsequent reconstruction of driveways and road crossing culverts will occur during the construction/improvement of roadside drainage canals located inside the existing road right-of-way (ROW). The removal and restoration of said driveways and culverts will be carried out by the civil works contractor as part of its contract.

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

5. Consultations, public meetings and village discussions with the DPs and the local government were conducted prior to the conduct of IOL. On December 21, 2017, a public consultative meeting was held at Sangkat Ou Ruessi with a total of 17 participants of which 6 were women. Consultations will continue during implementation of the resettlement plan (RP), consistent with the Project's participatory approach.

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

### **D. Legal and Policy Framework**

7. This draft RP has been prepared to address land acquisition and resettlement (LAR) for the WWTP in Kratie town. It is consistent with the relevant laws and regulations of the Royal

Government of Cambodia (RGC) and ADB Safeguard Policy Statement (2009). It must be read in conjunction with the Resettlement Framework (RF) for the Project.<sup>1</sup>

8. The basic compensation and rehabilitation principles adopted in this draft RP are (a) land acquisition is minimized if avoidance is not possible; (b) compensation and cash and non-cash assistance will be provided to help ensure that DPs are able to maintain, if not improve, their pre-Project living standards; (c) DPs are fully informed and consulted on compensation and relocation options; (d) existing socio-cultural institutions of DPs are supported and used; (e) the Project resettlement policy will equally apply to women and men; (f) lack of formal title will not be a bar to compensation and rehabilitation; (g) particular attention will be extended to vulnerable groups, such as households headed by women and the elderly with no other social support; (h) resettlement is planned and implemented as an integral part of the Project and that the budget for resettlement is part of Project costs; and (i) DPs are not displaced from assets until they are fully compensated for the same.

9. For the purposes of this draft RP, the provisional cut-off date for eligibility to Project entitlements coincides with the date the public consultative meeting at Sangkat Ou Ruessi held prior to the IOL where the project was discussed, including the policy on the cut-off date for eligibility to project entitlements. The public consultative meeting was held on December 21, 2017.

## **E. Implementation Arrangements**

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

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

## **F. Resettlement Budget and RP Implementation schedule**

12. The total indicative resettlement cost for the WWTP is estimated at \$279,720 which includes compensation for land, other entitlements and allowances of the DHs, management costs for RP implementation, and contingency. The budget will be finalized following the approval of the Project and based on the results of the DMS, the resettlement cost study (RCS), and the approved detailed engineering design (DED). The MEF will be responsible in ensuring the availability of RP implementation fund.

## **G. Monitoring and Reporting**

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

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<sup>1</sup> The Resettlement Framework is available as a linked document to the Reports and Recommendations of the President.

verify the progress and the validity of the data and information, where necessary; and (ii) compile semi-annual monitoring reports for submission to ADB and posting on the ADB website. ADB classified the proposed Project as involuntary resettlement safeguard category B, due to which there is no external monitoring requirement.

## II. PROJECT DESCRIPTION AND COMPONENTS

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

### A. Proposed Subproject Descriptions

15. The Kratie output includes: a new 4,900 m<sup>3</sup>/day lagoon-based WWTP with 143 km pipelines, 2,688 household connections and pump stations, 12 km drainage channel, a controlled landfill with a volume capacity of 433,500 m<sup>3</sup> and waste collection vehicles, and pedestrian walk rehabilitation with energy-efficient street lights.

16. **Lagoon-based wastewater treatment system.** The proposed wastewater system will comprise a WWTP and combined sewer system that will address the drainage requirements and the collection and treatment of wastewater from domestic and commercial sources in Kratie's urban center. The system comprises the following: (i) lagoon-based wastewater treatment facility with capacity of 4,900 m<sup>3</sup>/d; (ii) 4.722 km trunk sewer/CSO with D1500 mm; (iii) 0.603 km trunk sewer/CSO pipes with D1200 mm; (iv) 0.399 km trunk sewer/CSO pipes with D1000 mm; (v) 137.5 km wastewater collection pipes; (vi) two pumps stations with capacity of 245l/s; (vii) 1.1 km access road (10 m wide); and (viii) 1 bunded drainage canal (80m x 7m x 12000m, W-H-L).

17. The proposed combined sewer will include the main urban center along the Mekong River, and the new urban area eastwards along Road 377. The service area will cover parts of sangkats Krong Kratcheh, Krakor, Ou Russei, and Roka Kandal, to serve 100%, 25%, 50% and 10% of their population, respectively. The location of the WWTP system and the CSS layout are shown on **Figure 2**.

18. The WWTP will be constructed on a 10.5-hectare site<sup>2</sup>, located to the southeast of the main urban area as shown on **Figure 2**. Initially designed to collect and treat storm water and wastewater until 2040, the WWTP may be extended either by acquiring further land for a parallel set of lagoons, or by retrofitting to increase the capacity such as the installation of aerators or trickling filters. The final treated effluents from the WWTP will be discharged into the nearby lagoon. **Figure 3** shows the features of the proposed WWTP.

<sup>2</sup> Of which, 9.3 ha is privately owned and 1.2 ha belongs to the provincial government and earmarked for their infrastructures projects.

19. The WWTP will be developed at the northwest section of the big lagoon. The site has been observed to be waterlogged for 4 to 5 months during the rainy season. The surrounding vicinity of the WWTP site is mainly agricultural and grass lands on the north, east, and southeast directions, with some crops currently cultivated by the farmers. The nearest residential area is about 1.5 km west of the WWTP site, and the approach of the Kratie Airport runway is about 2 km southeast of the project location. The access road to be constructed will be along a commercial establishment, a school, some agricultural lands, and nearby residences. Photos of the open channel and proposed WWTP site are shown in **Figure 4**.

20. The proposed combined sewer system will mainly cover the main urban area, to serve the residential and commercial establishments, including schools, temples and mosques, hospital, and a public library.

Figure 1: Location Map of the participating towns

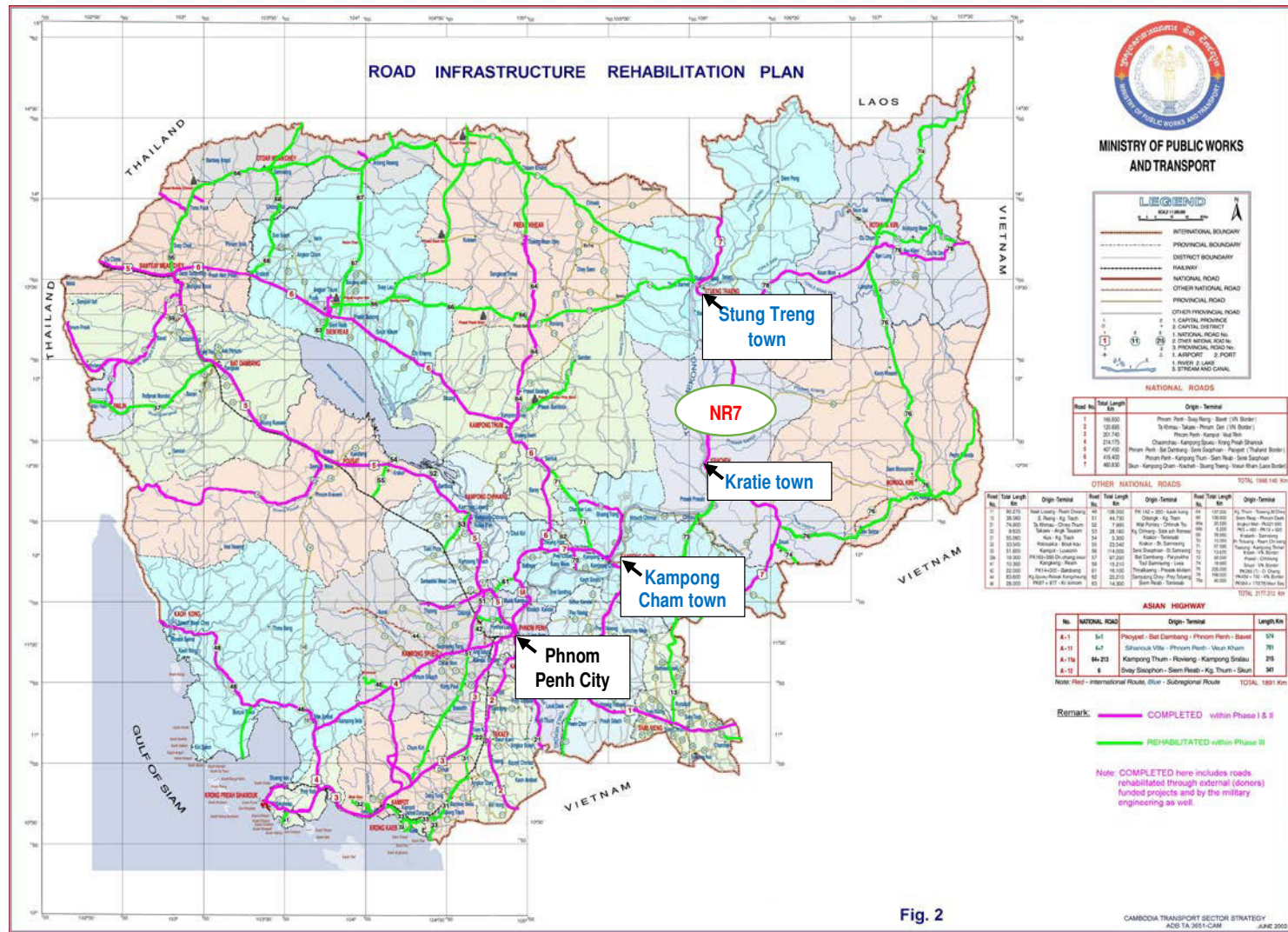


Fig. 2



Figure 2: Proposed Lagoon-Based Wastewater Treatment System - Kratie

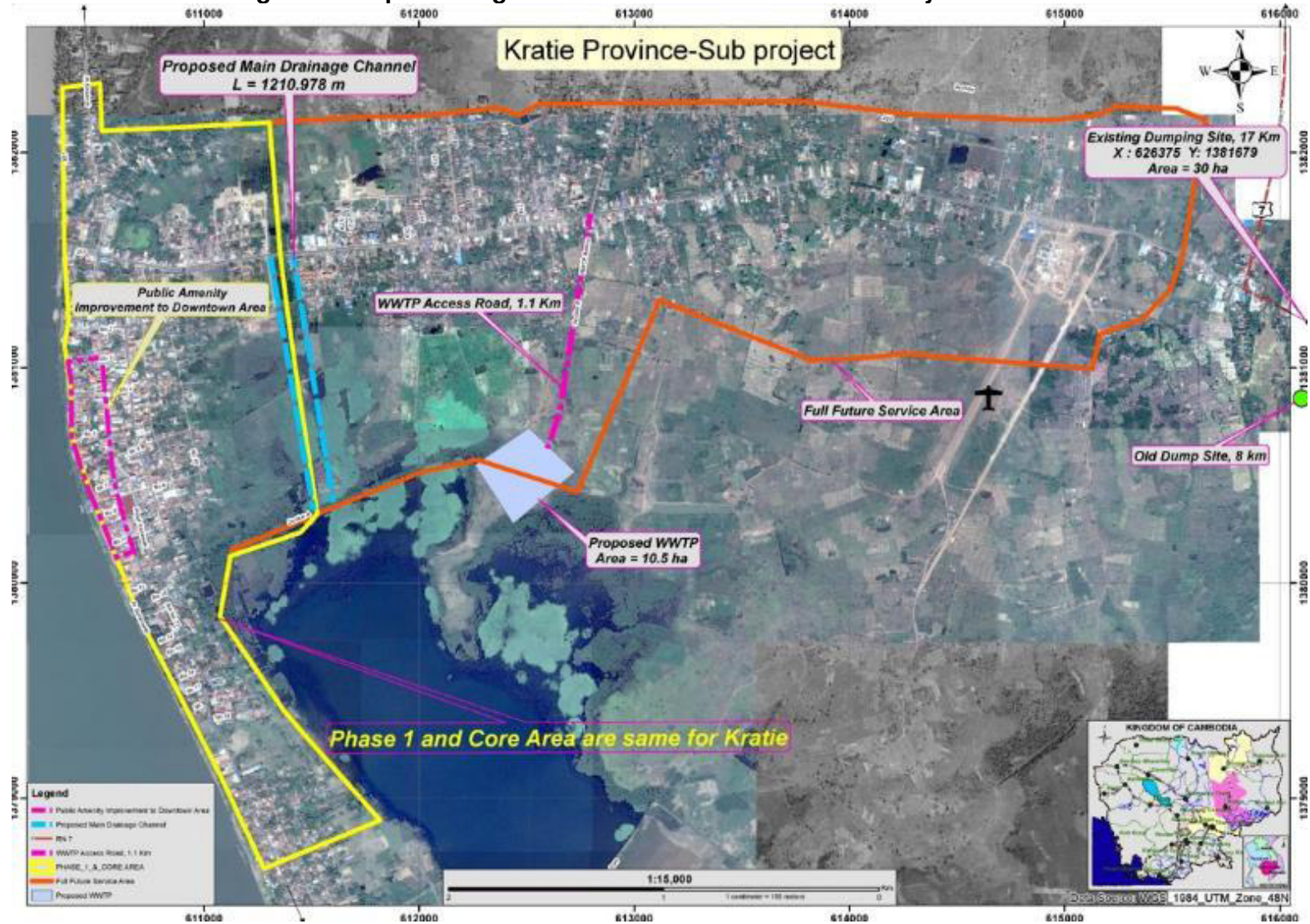
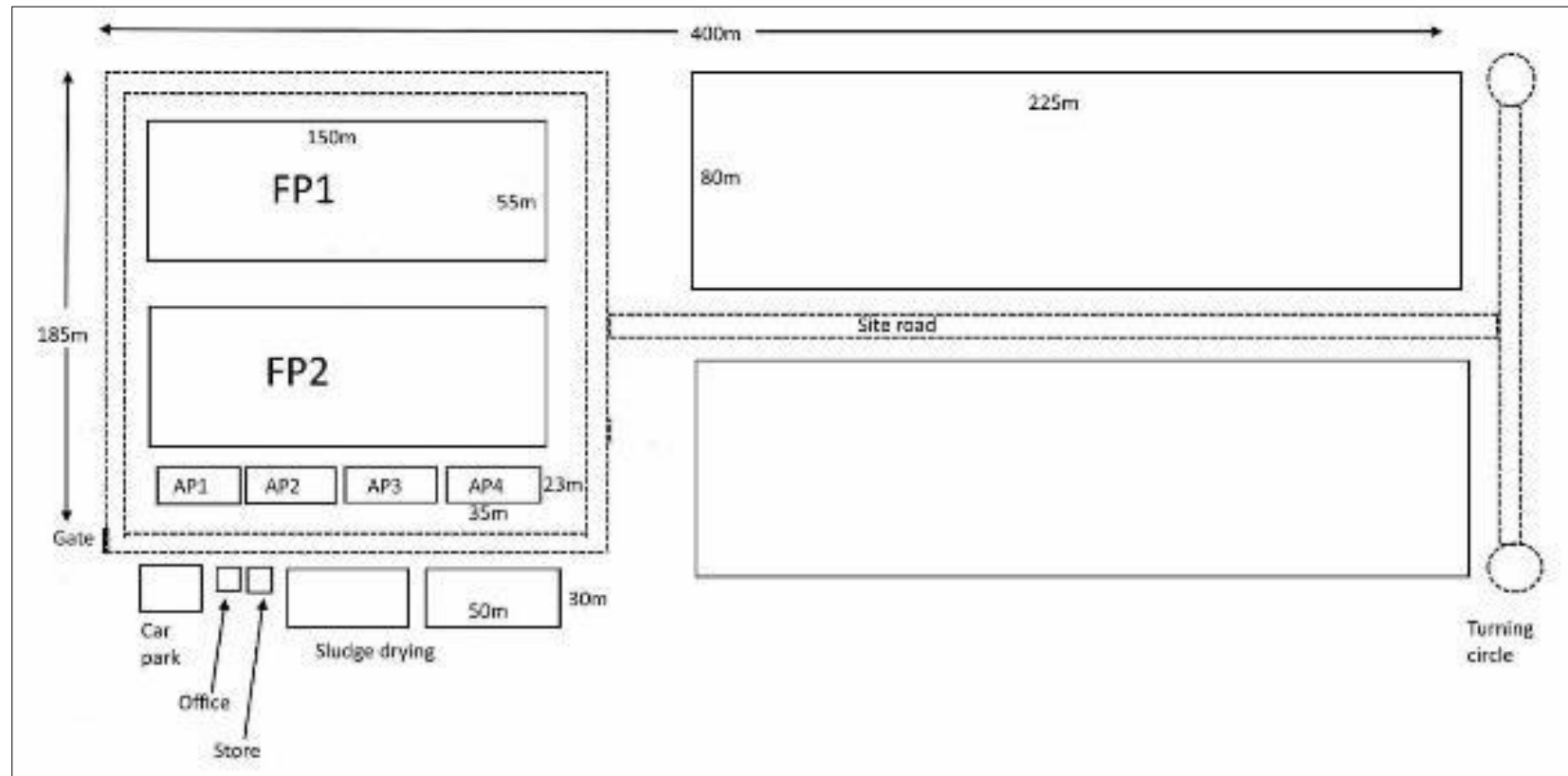


Figure 3: Layout for the Proposed Kratie WWTP



**Figure 4: Photos of the Open Channel and Proposed WWTP Site**



Site for main drainage channel



View of the WWTP, pumping station (section A) sites from the main drainage channel site



21. **Municipal solid waste-controlled landfill and equipment.** The proposed controlled landfill will be developed at the 30-hectare site within the 100-hectare public land parcel where the existing dumpsite is located. The site is about 17 km east of the town center and can be accessed from National Road No. 7 through a 1.6-km N-S road that connects to a SW-NE road that forms the southern boundary of the landfill property, as shown in **Figure 2**.

22. **Town center enhancement.** The proposed town center improvements intend to enhance the public or recreational amenities along the riverside and market square areas. The specific improvements will cover the (a) area along the riverfront walkway along Preah Soramarith Quay, for approximately 1,500 m between the water supply department (Road No. 12) to the south, and the roundabout where Road No. 377 enters town to the north, and (b) the block of streets around the central market house where restaurants and guesthouses are located.

23. Kratie derives income from tourism as an attractive riverside town which offers views of colonial buildings, excursions to view Mekong Irrawaddy River dolphins, and as popular stop en route to and from Lao PDR. However, the riverside and market square areas, and interconnecting side roads, are in poor condition. While there is some tree planting along the riverfront and concrete seating, improvements are proposed to include (i) installation of 92 energy-efficiency streetlights, (ii) pavement rehabilitation covering an area of 10,600 m<sup>2</sup>, (iii) 2,300 m of kerbing, and (iv) provision of auxiliary equipment.

24. **Institutional capacities for regional connectivity enhanced.** This output comprises three components: (i) provincial development strategy;<sup>4</sup> (ii) ICT for public management; and (iii) project management and construction supervision. This component is all software component and does not entail any LAR impact.

## **B. Measures Adopted to Minimize Resettlement**

25. The following measures have been adopted to minimize resettlement:

- The proposed WWTP will be constructed on idle land which is privately owned. However, provincial authorities are still scouting for alternative state land suitable for the construction of WWTP.
- The main drainage channels and drainage canals will be constructed on public land and road shoulders, and no resettlement impact is expected.
- The EA will continuously engage DHs in a meaningful consultation to inform them of the progress of the Project, and their rights and entitlements as DPs.

## **III. SCOPE OF LAND ACQUISITION AND RESETTLEMENT**

26. This draft RP has been prepared for the subproject in Kratie Town. The land acquisition and involuntary resettlement (LAR) impacts identified during the survey of the inventory of losses (IOL) is the acquisition of private landholdings for the WWTP. The IOL and census of displaced persons (DPs) were conducted jointly by the MPWT and project preparatory technical assistance (PPTA) consultants on 21 December 2017 using IOL survey questionnaire

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<sup>4</sup> Through a regional economic corridor development analysis on commodity value-chains, tourism, and human resources.

27. The IOL determined the potential impact of the subproject on affected asset (i.e., land used for residence, commerce, agriculture, ponds, dwelling units, stalls and shops); and other miscellaneous structures, such as tombs, fences, wells, trees with commercial values, etc. The identified affected assets were tagged, measured, their owners identified, and their location pinpointed on the ground. The severity of impacts on the affected assets, livelihood and productive capacity of the DHs were also determined. For the project level census exercise, information on the DHs, such as sources of livelihood, income level and ownership of productive assets were also recorded. In a nutshell, who the affected persons are, what they do for a livelihood, and what they possess and are likely to lose due to the project were recorded for an impact assessment.

#### A. Permanent impact

28. **Displaced persons.** Farmlands belonging to 3 households, comprising 12DPs, will be acquired permanently for the WWTP. These 3DHs have land certificates indicating that they are the legal owners of the land. One (33%) of these 3DHs is male, while the other 2 (67%) are female. However, these 3DHs will not be physically displaced by the subproject

29. **Impact on Land.** The IOL identified a total of 93,000 m<sup>2</sup> of agricultural land that will be acquired for the WWTP in Kratie. The 3DHs will each be losing more than 10% of their total productive landholdings. Therefore, these 3DHs will encounter major impacts on the loss of productive assets. The owners of the affected lands and the corresponding land area affected are shown in **Table 1** below.

**Table 1: Land Owners and Affected Landholdings**

No	Town	Sangkat	Villages	Name	Age	Affected Area (m2)	Total Area (m2)	% of affected
1	Kratie	Ou Ruessei	Srae Sdau	Sreng Savern	47	31,000	62,000.00	50
2	Kratie	Ou Ruessei	Srae Sdau	Pov Yen	67	29,000	97,000.00	30
3	Kratie	Ou Ruessei	Srae Sdau	Chheun Sokhunthea	45	33,000	73,000.00	45
<b>TOTAL</b>						<b>93,000</b>	<b>232,000.00</b>	

30. **Impact on Main and Secondary Structures.** No main and secondary structure will be affected.

31. **Impact on Crops and Trees.** No crops and trees will be affected.

32. **Vulnerability.** There is no vulnerable person identified amongst the 3DHs.

33. **Summary of Impacts.** The summary of LAR impacts for Kratie is presented in **Table 2** below.

**Table 2: Summary of Impacts**

Item	Unit	Total
<b>Land</b>		
Residential	m <sup>2</sup>	0
Farmland (3 DHs)	m <sup>2</sup>	93,000
Commercial land	m <sup>2</sup>	0
<b>Main Structure</b>		
(house and shop)	m <sup>2</sup> /no	0
<b>Other Structure</b>		
Fence	linear meter	0

Crops	number	0
<b>Trees</b>		
Fruit bearing	number	0
Timber	number	0
<b>Vulnerable DPs:</b>		
Household headed by women with dependent living below national poverty rate	number	0
Household head with disability with no other means of support	number	0
Household with income below national poverty rate	number	0
Household headed by elderly who are landless with no other means of support	number	0
Landless poor living below the national poverty rate	number	0
DHs belonging to ethnic minority group	number	0

## B. Temporary Impacts

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

## IV. SOCIO-ECONOMIC INFORMATION AND PROFILE OF DHs

35. Socio-economic information regarding the DHs for the WWTP component was obtained through the conduct of a socioeconomic survey (SES) that coincided with the IOL on December 21, 2017. Information gathered in the SES will serve as baseline data on the DHs.

36. The SES covered the profiles of the 3 DHs, whose lands are located in the proposed WWTP site. All DHs are respondents of the SES (i.e., 100%).

### A. Demographic Information of Respondents

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

38. **Age and Physical Condition.** Two of the DH heads are within productive age, below 60 years and one over 60 years old. All are in good physical condition.

39. **Educational Attainment.** One DH head reached college but did not graduate, another finished elementary education, while the third was not able to complete elementary education.

40. **Household Size.** The 3DHs are composed of 12 individuals with a perfect male-female ratio which is higher than the national male-female ratio of 94.4 % for urban areas (**Table 3**).

**Table 3: Number of Persons in DHs**

Town	Sangkat	Number of HH	Average HH Size	Person living in family	Population		Sex Ratio 5
					Female	Male	
Kratie	Ou Ruessei	3	4	12	6	6	100

## B. Employment and Income

41. Of the total 12 individuals, 6 individuals (50%) are employed, comprising 3 females and 3 males.

42. A substantial number, 50% of the population, of the unemployed are too young to work and are at school.

43. **Main Occupation.** All DH heads are farmers.

44. **Occupation of Members of the DHs.** Of those who are gainfully employed, 4 members are engaged in farming and 2 are engaged in selling goods.

45. **Income of Respondent Households.** The average monthly income of DHs is \$258, less than the national average of \$364.<sup>6</sup> While the DHs have an average monthly income below the national level, it is higher than the poverty threshold of \$ 141.95 for a household of five members as of 2014<sup>7</sup>. Hence none of the DPs is considered poor or living below the national poverty line (**Table 4**).

**Table 4: Monthly Income of Respondents**

Town	Sangkat	\$150-199	\$200-249	\$250-299	\$300-349	TOTAL
KRATIE	Ou Ruessei	1	0	1	1	3

## C. Amenities

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

47. Source of Potable and Bathing Water: All the DHs get water for drinking and bathing from the public piped well.

48. Toilet Facility used by Respondents: All respondents use water sealed toilet using pail with water to flush their waste.

49. Bathing Facility: All DHs have enclosed bathroom inside their house.

<sup>5</sup> The ratio of the number of males for every 100 females

<sup>6</sup> CECI, Euromoney Institutional Investor Company; ceicdata.com

<sup>7</sup> Cambodia: Country Poverty Analysis, 2014; ADB

50. Source of Electricity of DHs for lighting: All DHs are connected to the electric system operated by the government service provider.

51. Fuel for cooking: All the respondents use wood for cooking. The preference of the HHs to use wood is because it is abundant within the area at no cost.

52. Household Appliances and Transportation: All DHs have a telephone, television set, electric fan and radio.

53. All DHs have a motorcycle and bicycle.

## **V. INFORMATION DISCLOSURE, CONSULTATION AND PARTICIPATION**

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

### **A. Consultation and Participation**

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

56. The MPWT together with GDR will conduct meaningful consultation with DHs, their host communities, and available local civil society organizations for each subproject where involuntary resettlement impact is identified. A meaningful consultation is a process that (i) begins early in the project preparation stage and is carried out on an on-going basis throughout the project cycle; (ii) provides timely disclosure of relevant and adequate information that is understandable and readily accessible to affected people; (iii) is undertaken in an atmosphere free of intimidation or coercion; (iv) is gender inclusive and responsive, and tailored to the needs of disadvantaged and vulnerable groups; and (v) enables the incorporation of all relevant views of affected people and other stakeholders into decision making, such as project design, mitigation measures, the sharing of development benefits and opportunities, and implementation issues.

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

#### **1. First Consultation**

58. The first public consultative meeting conducted for the subproject in Kratie was on December 21, 2017 with the affected communities and potentially affected persons at the sangkat prior to the IOL. The meeting was arranged by the EA through the assistance of the provincial authorities and participated by the GDR. The purpose of the meeting was to provide the community and affected persons with general information about the Project/subprojects, its benefits and potential impacts, the anticipated land requirement, compensation policy and

entitlement and eligibility and the GRM.<sup>8</sup> The meeting was organized in Ou Ruessei, Kratie, and attended by 17 participants, out of which 6 were women. The consultation lasted for about an hour that started at around 9:00 A.M. A photo of the consultation in progress is in the **Appendix 3**. Major issues raised with responses are provided below.

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

## 2. Second Consultation

59. The **second** public consultation will take place prior to the DMS stage and is undertaken jointly by the IRC-WG and PRSC-WG. Prior to the commencement of the DMS, consultation meeting will be held with the 3DHs. Consultations will also include Focus Group Discussions (FGDs) with all the affected persons, including the poor and vulnerable groups and one-on-one individual consultations with the 3DHs will be conducted during the census and DMS. The PIB will be prepared and updated by the GDR with the information about the entitlements, local GRM, including contact persons. The detailed guidelines on GRM will be included in the updated PIB as an attachment. The updated PIB for the subproject, its GRM attachment and the DMS Questionnaire will be made available and explained to the all attendees. The 3DHs will be informed that they will be provided the ID cards detailing their affected assets, income and land after the DMS.

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

## 3. Third Consultation

61. The **third** public consultative meeting will be held prior to the signing of the agreement/contract for the compensation package and will be undertaken jointly by the IRC-WG and PRSC-WG. At this stage, the 3DHs will be informed that the GRM is functional, the DMS and the RCS are completed, the compensation package for each DH is known and draft contracts have been prepared. The consultative meeting will be carried out in two parts and an advance notice of the meeting will be provided to the 3DHs through the commune/village council offices. In the first part, the consultation will be through a public meeting which will be

<sup>8</sup> A project information booklet (PIB) for the subproject that was to be prepared during this meeting but not prepared prior to second public consultative meeting.

held at the commune/village level for all the 3DHs and commune/village representatives. Minutes of the meeting, including all the supporting documents (lists of participants, photos etc.) will be provided to ADB under the reporting requirements.

62. Another PIB for Compensation Package under the subproject will be prepared in advance and provided and explained to all the 3 DHs. The second part will commence soon after the completion of the first part and held on the same day. Each DH will be provided with the draft contract and the compensation amounts explained to the satisfaction of the DH on one to one basis. If any of the 3DHs are unable to participate in the meeting, best efforts will be made to visit them at their homes or seek the assistance of the village office to make contact with them. All of the 3DHs will be given one week to study the contract, verify the impact scope and sign it.

#### 4. Fourth Consultation

63. The **Fourth** Consultative Meeting will be conducted when the compensation payments are ready to be disbursed and is undertaken jointly by the IRC-WG and PRSC-WG. The schedule for compensation payments will be informed to all of the 3DHs at least one week in advance through the commune and village offices. The meeting will be held in a public place at the commune or village.

64. Prior to commencement of the compensation payment, the 3 DHs will be informed about the GRM for the subproject, the **setup of the local GRM committees in their province** and the procedures that will be followed in case they have any complaints. Soon after the public consultation, compensation payments will be made on household to household basis and each DH will be provided an opportunity to seek clarifications about the compensation package prior to receiving the payment.

#### B. Information Disclosure

65. Summaries of the approved RF, this draft RP and the detailed RP will be translated in the Khmer language and posted at town and sangkat offices for easy and free access to the 3DHs and the affected communities. For illiterate people, suitable other communication methods will be used based on the discussion and in consultation with the DH. They will also be uploaded in websites of the EA both in Khmer and English. Three sets of PIBs will also be prepared for the different phases of the consultative and participatory meetings (see section on Consultation and Participation) and disseminated **directly** to the 3DHs as well as posted at the Commune or Town Offices.

66. For this subproject, the GDR will submit the following documents to the ADB for disclosure on ADB's website after their approval by IRC and the ADB are obtained:

- RF and this draft RP prepared for the subproject, during project preparation prior to completion of project appraisal (ADB Management Review Meeting);
- draft RP prepared for this subproject after approval of the Project by the ADB; the detailed RP approved by the IRC and concurred by ADB;
- detailed RP of the subproject and updates, if any; and a new RP, an updated RP, and corrective action plan prepared during subproject implementation, if any; and
- Semi-annual safeguards monitoring reports.

## VI. GRIEVANCE REDRESS MECHANISM

67. A well-structured and functioning Grievance Redress Mechanism (GRM) will be established at the local level following standard government procedures to resolve grievances and complaints in a timely and satisfactory manner as required under the ADB SPS 2009. The Expropriation Law of the RGC provides for a Grievance Redress Committee (GRC) to handle complaints with the additional provision for the 3DHs to seek judicial redress in case they dispute the decision of the GRC.

68. A Provincial Grievance Redress Committee (PGRC) will be established in Kratie province for the subproject or for any other subprojects to be financed and implemented under the Project in Kratie Province. The PGRC has the power, at the administrative level, to make binding decisions on the resolution of eligible complaints. Details of the GRC will be included in the PIBs and distributed to the 3 DH heads during the consultations with them. The PGRC will comprise representatives from the relevant provincial authorities and MEF as follows:

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

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

70. **First Step:** The aggrieved DH can lodge a written complaint to the Head of the District Office where the subproject is located. The DH can bring a **community elder or representative** to mediate in the matter at the District level. The IRC-WG will appraise the Head of the District Office about the matter. The conciliation meeting must be held and a decision taken within **15 working days** after the date of registration of the complaint by the District Office. If the complaint is resolved at the District Level to the satisfaction of the DH, the IRC-WG will inform GDR's Department of Internal Monitoring and Data Management (DIMDM), which will review and seek the approval of the Director General, GDR for appropriate remedial action. The DH will be informed in writing by the GDR of the decision and the remedial action that will be taken within **15 working days** from the receipt of the letter from the District Office. If the complaint is rejected at this stage, the District Office will inform the DH in writing and if the DH is not satisfied with the result, s/he can proceed to the next step and **lodge a written complaint to the GDR for resolution.**

71. **Second Step:** The GDR through its DIMDM will carry out a holistic review of the complaint and submit a report on its findings with the relevant recommendations, if any, to the Director General, GDR for a decision. It may also conduct a field visit to meet the aggrieved DH



and the IRC-WG to gather the relevant details. The final report must be completed **within 30 working days** from the date of receipt of the complaint and submitted to the Director General, GDR for a final decision within **5 working days** of receipt of the final report. In the event that the subject matter requires a policy level intervention, it will be referred to the IRC for a decision in which case **10 more working days** will be added to the deadline for final decision.

72. **Third Step:** The DH will submit a written complaint with the PGRC through the Provincial Governor's Office. The DH or a representative will be given an opportunity to present its case during the meeting and the PGRC may consider any compelling and special circumstances of the DP when reaching a decision. The GDR will send a representative, as a non-voting member, to provide explanation for the rejection of the complaint at the second step by the GDR. The decision of the PGRC must be reached on a consensus basis and will be final and binding except when the matter relates to any policy of the Government. Decisions on Government policy matters on LAR is decided by the IRC. The PGRC will have **40 working days** from the date of receipt of the complaint to reach a final decision. The decision of the PGRC will be sent to the IRC through the GDR for endorsement before taking any remedial action.

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

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

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

76. The GDR will circulate the Guidelines for Grievance Redress Mechanism to 3DHs at the detailed RP, when this draft RP will be updated following the DED. These guidelines will outline each of the above Steps and includes the administrative procedures for receiving and redressing complaints during the consultative meetings as described in the Consultation, Participation and Disclosure section of this draft RP.

## **VII. LEGAL AND POLICY FRAMEWORK**

77. This draft RP is prepared based on the applicable legal and policy framework of the Royal Government of Cambodia (RGC), and ADB's Safeguards Policy Statement (SPS), 2009. It describes the key legal and regulatory documents of the RGC pertinent to land acquisition and resettlement as well as the key principles of the ADB SPS, analyzes the gaps and provides gap filling measures for this subproject and any other subprojects to be financed under the Project.

### **A. The 1993 Constitution of Cambodia**

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

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

## **B. 2001 Land Law**

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

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

- Legal possession as defined by the Law is the sole basis for ownership, and all transfers or changes of rights of ownership shall be carried out in accordance with the required general rules for sale, succession, exchange and gift or by court decision. (Article 6).
- Any regime of ownership of immovable property prior to 1979 shall not be recognized. (Article 7).
- State public land includes, among other categories, any property a) that has a natural origin, such as forests, courses and banks of navigable and floatable rivers or natural lakes; b) that is made available for public use such as roads, tracks, oxcart ways, pathways, gardens, public parks and reserved land; or, c) that is allocated to render public service, such as public schools, public hospitals or administrative buildings. (Article 15).
- Persons that illegally occupy, possess or claim title to State public land cannot claim any compensation. This includes land established by the Government as public rights-of-way for roads and railways. Moreover, failure to vacate illegally occupied land in a timely manner is subject to fines and/or imprisonment. (Article 19).
- Ownership of the lands is granted by the State to indigenous communities’ as collective ownership, including all the rights and protections enjoyed by private owners. The exercise of collective ownership rights are the responsibility of the traditional authorities and decision-making mechanisms of the indigenous community, according to their customs and subject to laws such as the law on environmental protection. (Article 26).
- Persons with legally valid possession of land for five years (**at the time the law came into effect-2001**) are allowed to be registered as the owner of the land (Article 30).

### **C. 2010 Expropriation Law**

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

- Article 2: the law has the following purposes: (i) ensure just and fair deprivation of a legal rights to private property; (ii) ensure prior fair and just compensation; (iii) serve the national and public interests; and (iv) development of public physical infrastructure.
- Article 7: Only the State may carry out an expropriation for use in the public and national interests.
- Article 8: The State shall accept the purchase of part of the real property left over from an expropriation at a reasonable and just price at the request of the owner of and/or the holder of right in the expropriated real property who is unable to live near the expropriated scheme or to build a residence or conduct any business.
- Article 11: Before exercising any expropriation, the government shall prepare enough annual budgets, and grant adequate and timely fund to the Expropriation Committee at the request the MEF for compensating the owner of and/or holder of real right to the immovable property by the expropriation.
- Article 12: an expropriation committee shall be established and headed by a representative from the Ministry of Economy and Finance (MEF) and composed of representatives from relevant ministries and institutions. The organization and functioning of the expropriation committee shall be determined by a sub-decree.
- Article 16: Before proposing an expropriation project, the Expropriation Committee shall publicly conduct a survey with detailed description about the owner and/or rightful owner of the immovable property and other properties which might need compensation; and all other problems shall be recorded as well. In conducting this survey, the Expropriation Committee shall arrange a public consultation with the authorities at provincial, district and commune level, the commune councils and village representatives or the communities affected by the expropriation to give them clear and specific information and to have all opinions from all concerned parties about the proposed public infrastructure project.

83. Sub Decree No. 22 ANK/BK promulgated on 22 February 2018 on the Standard Operating Procedures (SOP) for Land Acquisition and Involuntary Resettlement for Externally-Financed Projects sets out the policies, regulations and procedures for carrying out land acquisition and involuntary resettlement that will apply to this subproject and to any other subprojects to be financed under the Project.

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

### **D. Other Relevant Laws and Regulations**

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

## **E. ADB Safeguards Policy**

### **1. ADB Policy on Involuntary Resettlement**

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

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

88. ADB's Involuntary Resettlement Policy principles include:

- (i) Screen early to identify involuntary resettlement impacts and risks and determine the scope of resettlement planning through a survey and/or census of DPs, including a gender analysis, specifically related to resettlement impacts and risks.
- (ii) Carry out meaningful consultations with DPs and affected local communities. Inform all DPs of their entitlements and resettlement options and ensure their participation in planning, implementation, monitoring and evaluation of resettlement and pay attention to the needs of vulnerable groups especially those below the poverty line, the landless, the elderly, women and children, and Indigenous Peoples, and those without legal title to land, and ensure their participation in consultations. Establish a grievance redress mechanism to receive and facilitate resolution of the DPs' concerns. Support the social and cultural institutions of DPs and their host population. Where involuntary resettlement impacts and risks are highly complex and sensitive, compensation and resettlement decisions should be prepared by a social preparation phase.
- (iii) Improve, or at least restore, the livelihoods of all DPs through (i) land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation at replacement value for land when the loss of land does not undermine livelihoods, (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation at full replacement cost for assets that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible.
- (iv) Provide physically and economically DPs with needed assistance, including the following: (i) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically and socially into their host communities, and extension of project benefits to host communities; (ii) transitional support and development assistance, such as land

- development, credit facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required.
- (v) Improve the standards of living of the displaced poor and vulnerable group to at least national minimum standards. In rural areas provide them with legal and affordable access to land and resources, and in urban areas provide them with appropriate income sources and legal and affordable access to adequate housing.
  - (vi) Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status.
  - (vii) Ensure that DPs without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets.
  - (viii) Prepare a RP elaborating on DPs' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.
  - (ix) Disclose a draft resettlement plan, including documentation on the consultation process in a timely manner before project appraisal, in an accessible place and a form and language(s) understandable to DPs and other stakeholders. Disclose the detailed resettlement plan and its updates to all DPs and other stakeholders.
  - (x) Conceive and execute involuntary resettlement as part of a development project or program. Include the full costs of resettlement in the presentation of project's costs and benefits. For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation.
  - (xi) Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the RP under close supervision throughout project implementation.
  - (xii) Monitor and assess resettlement outcomes, their impacts on the standards of living of DPs, and whether the objectives of the RP have been achieved by considering the baseline conditions and the results of resettlement monitoring and disclose monitoring reports.

## 2. Other Considerations

89. **Indigenous peoples.** Subprojects involving involuntary resettlement of Indigenous People will not be considered under this Project.<sup>9</sup>

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

91. Key gaps between ADB's SPS and the RGC's legislation on land acquisition and involuntary resettlement have been identified and gaps filling measures have been incorporated in the Annex 1 of the RF (Comparison of ADB's SPS (2009) and RGC's legislation), and is further reflected in the Entitlement Matrix in this draft RP .

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<sup>9</sup> Indigenous people will be identified in accordance with ADB SPS safeguards Requirement 3.

## VIII. ENTITLEMENT, ASSISTANCE AND BENEFITS

92. Only persons and organizations with fixed assets and sources of income in the subproject ROW at the time the first public consultative meeting was held with the DHs in the community to announce the project and the resettlement policy is eligible to receive project entitlements agreed between the RGC and ADB. For the purpose of this draft RP, the cut-off-date for eligibility to project entitlements coincides with the date of the public meeting held on December 21, 2017 at Ou Ruessie Sangkat. The list of DHs will be updated and/or validated during the DMS following approval of the Project. The cut-off date, which occurred before the census and IOL was disseminated among the community following the public meeting.

93. The Inter-Ministerial Resettlement Committee (IRC), the government body that is tasked to spearhead the conduct of the DMS and the implementation of the RP, will confirm the final date of the cut-off-date following DED and disclose it on commune and Sangkat boards. Those who encroach into the subproject area after the cut-off-date will not be eligible for any compensation or any other assistance.

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

95. At the stage of drafting this RP all the 3DHs are those under category (i), i.e. have formal titles to the affected land. Hence, they are eligible to the compensation for land and non-land assets at full replacement cost as well as other allowances as relevant

96. An Entitlement Matrix (**Table 5**) has been developed for the subproject taking into account all possible potential impacts. It includes entitlements and allowances identified for the 3DHs based on the IOL at the feasibility stage and may be changed at the DED stage and upgraded as needed, depending on the type and scope of impact identified as relevant, but not downgraded.

**Table 5: Entitlement Matrix**

Cat.	Type of Loss	Application	Category of DHs	Entitlements	Clarification/Implementation
<b>Loss of Land</b>					
<b>1a</b>	Loss of Land	Agricultural, residential and commercial land	Legal owners and holders of real right of land, including those covered by customary rights	<ul style="list-style-type: none"> <li>• Cash compensation for land at full replacement cost or land swap of equal productive value.</li> <li>• Provision of stamp duties, land registration fees and other similar taxes, if applicable, for acquiring legal rights in case of replacement land (land for land swap)</li> <li>• Includes option of compensation at same replacement cost for affected land that remains after partial acquisition if remaining land becomes unviable or unusable.</li> <li>• The remaining land if/when required for improvement, will be estimated by RCS at no cost to DPs (e.g., land filling and leveling).</li> <li>• For customary ownership, replacement land to sustain livelihood and way of life. Land registration, stamp duty and other fees to register land ownership or right to use will be reimbursed at cost</li> </ul>	<p>If land for land is offered, replacement land equal in area, quality and category and with registered title or secure tenure title will go to both husband and wife.</p> <p>Applies to only partial loss of land and where the DH agrees.</p> <p>DHs will vacate the land after one month after compensation has been offered</p>
<b>Loss of Livelihood</b>					
<b>2a</b>	Permanent Loss of Livelihood Source due to physical relocation	Income Restoration	DHs who lose their source of livelihood permanently	<ul style="list-style-type: none"> <li>• Entitled to participate in any one of the following 3 <b>Livelihood Restoration/Support Programs</b>:</li> <li>• <b>Land Based Livelihood Restoration</b> for DHs engaged in land-based livelihood. (i) facilitate access to other land-based sources of income, if affordable productive land is available, like vegetable gardening, fruit tree, livestock and other similar land-based income generating sources; (ii) provision of training in farming or livestock; and (iii) lump sum cash grant of US\$ 200 to re-start land based livelihood.</li> </ul> <p>In case of unavailability of suitable land, the DHs can opt for either <b>employment or business-based</b> livelihood program</p> <ul style="list-style-type: none"> <li>• <b>Employment Based Livelihood Restoration</b> for</li> </ul>	<p>The program will be based on the choice of the DHs.</p> <p>Land Based for the 3 DHs who lost land based livelihood</p> <p>Employment based for</p>

Cat.	Type of Loss	Application	Category of DHs	Entitlements	Clarification/Implementation
				<p>DHs who lose employment permanently. (i) provision of employment skills training; and (ii) lump sum cash grant equivalent to <b>3 months</b> of income based on official poverty rate to supplement income support during the training period.</p> <ul style="list-style-type: none"> <li>• <b>Business Based Livelihood Restoration</b> for DHs who lose businesses permanently or DHs who opt for this as an alternative livelihood source. (i) provision of business skills; and (ii) a lump sum cash grant of US\$ 200 to assist in starting micro or home-based business.</li> </ul>	<p>those who lose employment based livelihood.</p> <p><b>3 months of income based on poverty rate= (Monthly Poverty Rate X Number of Members in DH X 3).</b></p> <p>Business Based for DHs who lose business-based livelihood. This can also be available to DHs who do not want to continue with land or employment-based livelihood at their own choice.</p>



## **IX. INCOME RESTORATION AND RESETTLEMENT**

97. The results of the IOL identified that:

- Three (3) DHs will encounter major impact by the subproject due to loss of more than 10% of productive land.
- No main structures are affected; and
- None of the DPs is classified as poor or vulnerable.

98. The three (3) DHs experiencing major impact are entitled to Land Based Livelihood Restoration. They will be assisted to (i) access other land-based source of income, if affordable productive land is available, like vegetable gardening, fruit tree, livestock, and other similar land-based income generating activities; (ii) provision of training in farming or livestock; and (iii) lump sum grant of \$ 200 to re-start land based livelihood. This is reflected in the entitlement matrix but will be finalized during the detailed RP stage based on the DPs choice.

## **X. RESETTLEMENT BUDGET AND FINANCING**

99. The cost for all land acquisition, compensation, resettlement assistances, including the cost of any income restoration/support program for the 3 DHs under the subproject will be financed from the national budget by RGC as counterpart funds for the Project. No financing will be required from the loan proceeds of the Project provided by the ADB.

100. The resettlement budget estimated in this draft RP is indicative, based on the results of the preliminary IOL. The estimate is based on the pricing obtained by the PPTA Consultants through interviews with local authorities who are involved in negotiating for land acquisition. The budget will be finalized after the DMS and the RCS to be conducted by an independent consultant recruited by the IRC.

### **A. Fund Flow and Management**

101. The GDR will be responsible and accountable for all financial management functions relating to the use of the budgeted funds. The RGC will set up a designated account, called the Counterpart Funds Account for the Project in the National Bank of Cambodia. The funds for LAR are provided to the GDR from the Counterpart Funds Account. The budget is prepared by the GDR and submitted to MEF approval once the Project is approved by the ADB. The GDR will submit a request for the release of the allocated budget to the General Department of International Cooperation and Debt Management which will process the request and submit to the General Department of National Treasury. The funds are released and deposited into a project designated account established by the GDR for the Project in the National Bank of Cambodia. The funds are released from the project designated account, as and when necessary, and provided to the PRSC which is responsible for the disbursement of payments to the 3 DHs.

### **B. Indicative Resettlement Cost**

102. **Table 6** shows the indicative estimated cost of resettlement for the subproject in Kratie is \$279,720. The transaction cost for the transfer of land ownership from the legal titleholder to the MPWT due to the land acquisition will not be charged to the titleholder and are included in the management cost under this budget.

**Table 6: Estimated Resettlement Cost**

Components	Unit	Quantity	Estimated Cost (\$)	Total USD
<b>Land</b>				
Agricultural Land	m <sup>2</sup>	93,000	2.5	232,500
<b>Total Estimated Cost for Land</b>				232,500
<b>B. Entitlements</b>				
Land-based Livelihood Support	DP	3	200	600
<b>II. Total Direct Cost</b>				233,100
Management Cost		10% Of II		23,310
Contingency		10% Of II		23,310
<b>Total Resettlement Cost</b>				<b>279,720</b>

## **XI. INSTITUTIONAL ARRANGEMENT AND IMPLEMENTATION**

### **A. Institutional Arrangement**

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

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

105. **General Department of Resettlement (GDR).** The GDR is the permanent Secretariat of the IRC and the General Department of the MEF and is the lead agency for the preparation, implementation, and monitoring and reporting of Land Acquisition and Involuntary Resettlement (LAR). The GDR carries these activities through its Resettlement Department. However, the preparation of the RFs and feasibility study level RPs will be carried out by MPWT with the assistance of Project Preparatory Consultants (PPCs), under the guidance of GDR and will be reviewed and endorsed by the GDR before submission to the IRC for approval. The GDR is responsible for all other LAR activities, including preparation of Detailed Resettlement Plans (DRPs) Grievance Redress Mechanism (GRM) (maintenance of the Grievance Database, update and reporting) and preparing RP Compliance report upon completing compensation payment and RP implementation.

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

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

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

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

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

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

111. The role of the PRSC is as follows:

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

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

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

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

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

### **1. Capacity Assessment of Implementation Agencies**

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

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

## **XII. MONITORING AND REPORTING**

117. While the MPWT will be responsible for monitoring of the overall implementation of the Project, the GDR will be responsible for the monitoring and reporting of the implementation of the LAR activities.

118. **Internal Monitoring.** The objective of internal monitoring will be to (i) measure and report on the progress in the preparation and implementation of the detailed RP; (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 detailed RPs.

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

120. **External monitoring** will not be required as the Kratie subproject is classified as Category B and includes involuntary resettlement impacts that are not deemed significant.

#### **A. Indicative Implementation schedule of RP**

121. After the DED, this draft RP will be updated using the results of DMS and RCS. All affected DHs will be compensated for their loss of assets prior to the commencement of civil works. **Table 7** summarizes the preparation, updating and implementation of this RP.

**Table 7: Indicative Schedule of Resettlement Activities**

<b>Activities</b>	<b>Schedule</b>
Draft RP Preparation	December 2017 – April 2018
ADB Approval of Draft RP	May 2018
IRC approval of draft RP	May 2018
Disclose draft RP on ADB website	May 2018
Detailed Measurement Survey	May-June 2019
Replacement Cost Survey	May-June 2019
Finalizing RP	August 2019
Submission and IRC/ADB approval of DRP	August 2019
Public Disclosure of Approved DRP	September 2019
Implementation of approved DRP	January 2020
Disbursement of Compensation to DHs	January 2020
Internal Monitoring (Submission of LAR Compliance Report)	report to start Q1 after start of civil works
Civil Works commencement	January 2020

## ATTENDANCE SHEET DURING PUBLIC CONSULTATIONS

ប្រតិភូសម្រាប់ក្រុមប្រឹក្សាភិបាល  
ក្រុមប្រឹក្សាភិបាលស្ថាប័នសាធារណៈ

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

ទីកន្លែងប្រជុំ (Location) សាលាក្រុងស្រះចក្រ

កាលបរិច្ឆេទប្រជុំ (Date of meeting) ២១/១២/២០១៧

ពេលវេលាចាប់ផ្តើម (Start time) \_\_\_\_\_ ពេលវេលាបញ្ចប់ (End time) \_\_\_\_\_

ល.រ.	ឈ្មោះ	ភេទ	អាយុ	តួនាទី	អាសយដ្ឋាន	លេខទូរស័ព្ទ	ហត្ថលេខា
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3	ស្រីស្រី គុណ	ប	៣៨	លេខាធិការ	ក្រុមប្រឹក្សាភិបាលស្ថាប័នសាធារណៈ	០៩៩៩១១១១១	អគ្គនាយក
4	ស្រីស្រី គុណ	ប	៦៣	លេខាធិការ	ក្រុមប្រឹក្សាភិបាលស្ថាប័នសាធារណៈ	០១២.៥៦៩.៩៩១	អគ្គនាយក
5	ស្រីស្រី គុណ	ប	៦៥	លេខាធិការ	ក្រុមប្រឹក្សាភិបាលស្ថាប័នសាធារណៈ	០៩៩.៩៩៩.៩៩៩	អគ្គនាយក
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7	ស្រីស្រី គុណ	ប	៦៥	លេខាធិការ	ក្រុមប្រឹក្សាភិបាលស្ថាប័នសាធារណៈ	០១៤.៤៣៥.៥១០	អគ្គនាយក
8	អ៊ុយ ស័ក្ខន	ប	៥៩	លេខាធិការ	ក្រុមប្រឹក្សាភិបាលស្ថាប័នសាធារណៈ	០៩៩.៣៤៥.៥១០	អគ្គនាយក
9	អ៊ុយ ស័ក្ខន	ប	៦២	លេខាធិការ	ក្រុមប្រឹក្សាភិបាលស្ថាប័នសាធារណៈ	០១១.៤៣៥.៥១០	អគ្គនាយក
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## Attendance of Resource Persons and Local Authorities

ប្រតិភូសម្រាប់កម្មវិធី  
គម្រោងអភិវឌ្ឍន៍តំបន់កំពង់ចាម  
TA-9192 REG: Fourth Greater Mekong Sub-region Corridor Towns Development Project

ទីតាំងប្រជុំ (Location) សាលាក្រុងកំពង់ចាម

កាលបរិច្ឆេទប្រជុំ (Date of meeting) 31/12/2013

ម៉ោងចាប់ផ្តើម (Start time) \_\_\_\_\_ ម៉ោង បញ្ចប់ (End time) \_\_\_\_\_

ល.រ	ឈ្មោះ	ភេទ	អាយុ	តួនាទី	អស្ថិយភូមិ	លេខទូរស័ព្ទ	ហត្ថលេខា
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5	Khan Ra	M	45	Deputy	MPWT		
6	Mel Sophanna	M		Resettlement	MPWT		
7	Tap Chinda	F	30	Project Ass.			
8	ឈុន ឈុន	M		Deputy Director	GDP/MEF	012231927	
9	Chheang Chhavin	M	44	officer chief	GDP/MEF	012502583	
10	គ្រូ សាវ	V	31	ឧបនាយករដ្ឋមន្ត្រី	មន្ទីរសាងសង់	01207777	
11	ហួន សុខា	V	37	ប្រធានការងារ	ស.ស.ក	012676040	
12	ស៊ុន ឈុន	V	48	នាយករដ្ឋមន្ត្រី	ក្រសួង	07988886	
13	ហួន ឈុន	V		អគ្គនាយករដ្ឋមន្ត្រី	មន្ទីរសាងសង់	0715350227	
14	គ្រូ សុខា	V	65	នាយករដ្ឋមន្ត្រី	មន្ទីរសាងសង់	011612638	
15	គ្រូ សុខា	V	51	នាយករដ្ឋមន្ត្រី	មន្ទីរសាងសង់	097600616	
16	គ្រូ សុខា	V	57	នាយករដ្ឋមន្ត្រី	មន្ទីរសាងសង់	099925497	
17	គ្រូ សុខា	V	60	នាយករដ្ឋមន្ត្រី	មន្ទីរសាងសង់	011449091	
18	គ្រូ សុខា	V	70	នាយករដ្ឋមន្ត្រី	មន្ទីរសាងសង់	089992624	
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## FIRST PUBLIC CONSULTATION AND IOL IN KRATIE





## IOL Activities



