

# Resettlement Plan

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December 2021

## Cambodia: Fourth Greater Mekong Subregion Corridor Towns Development Project Part 2

Kratie Solid Waste Management Subproject  
Stung Treng Solid Waste Management Subproject

Prepared by the General Department of Resettlement of the Ministry of Economy and Finance.  
This is an updated version of the drafts originally posted in May 2018 available on  
<https://www.adb.org/projects/documents/cam-50099-002-rp> and  
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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.

(iii) **Third Step:** The AH will submit a written complaint with the PGRC through the Provincial Governor's Office. The AH 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 AH 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.

67. The handling of the complaint at the administrative ends at the Third Step. There are no fees or charges levied on the AH for lodging and processing of the complaints under the First, Second and Third Steps. However, as provided for in the Expropriation Law, the aggrieved AH can file a suit at the Provincial/Municipal Courts, as applicable, to seek a resolution. Such actions will be at the cost of the AH. At this stage, there is no involvement of the GDR, PRSC or IRC-WG unless there is a judicial order from the competent court.

68. If an AH 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).

69. The IRC-WG has circulated and explained the Guidelines for GRM and Updated PIB to the AHs during consultations during the DRP preparation. These guidelines outline each of the above Steps and include the administrative procedures for receiving and redressing complaints during the consultative meetings as described in the Consultation, Participation and Disclosure section of this DRP. The updated PIB included the names and contact details the focal points of GRC at Commune, District and Provincial Levels.

## VII. LEGAL AND POLICY FRAMEWORK

70. This DRP is prepared based on the applicable legal and policy framework of the RGC, and ADB's 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, analyses and discusses for any gaps and provides clarifications on them as applicable for these subprojects.

71. There are existing laws that govern land acquisition and resettlement in Cambodia. These laws, along with the ADB's SPS, shall govern the procedures for land acquisition and resettlement for the subproject.

### A. Expropriation Law 2010

72. The RGC's **2010 Expropriation Law** is the main legal framework that governs land acquisition and involuntary resettlement. The **2010 Expropriation Law** has listed the development of public infrastructure as one of its objectives and extended the definition of public infrastructure to any infrastructure *"required by the Nation in accordance with the determination made by the government."* Public interest is also understood in a broad manner as *"the use of land or property by the public or by public institutions or their agents."* The expropriation of the ownership of immovable property and real right to immovable property can be exercised only if the Expropriation Committee has paid fair and just compensation in advance to the owner and/or holder of real right.



73. Some of the Key Articles of the 2010 Expropriation Law are listed below:

- (i) 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.
- (ii) Article 7: Only the State may carry out an expropriation for use in the public and national interests.
- (iii) 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.
- (iv) Article 12: An Expropriation Committee shall be established and headed by a representative from the 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 [Sub Decree No 22 ANK/BK promulgated on 22 February 2018].
- (v) 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.

74. Under the Article 3 of the 2010 Expropriation Law that governs the provision for projects financed by development partners in Cambodia, the RGC issued in 2018 the Standard Operating Procedures (SOP) for Land Acquisition and Involuntary Resettlement (LAR).<sup>8</sup> The **SOP for Externally Financed Projects in Cambodia and LAR (2018)**, reflects RGC's laws and regulations relating to the acquisition of land and the involuntary resettlement of AP and the safeguard policies and procedures of Development Partners (DPs) as applied to public infrastructure investment projects, such as the proposed TS2. Where appropriate, the SOP includes references to international good practices in resettlement planning, implementation, monitoring and reporting. The SOP has been promulgated under **Sub Decree No. 22 ANK/BK** on 22 February 2018 and applies to all externally financed projects in the Kingdom of Cambodia. The GDR of the Ministry of Economy and Finance (MEF) is responsible for providing guidance and clarification to users of the SOP. Given that the subprojects under the Project are funded by ADB, the provisions of SOP will apply to the subprojects and therefore should be read together with this DRP.

## **B. ADB Safeguards Policy Statement (SPS) 2009**

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

75. 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 APs in real terms relative to pre-project levels; and (iv) improve the standards of living of the displaced poor and other vulnerable groups.

76. 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

<sup>8</sup> Accessible at [https://www.mef.gov.kh/documents/laws\\_regulation/LAR-SOP-Final-13032018.pdf](https://www.mef.gov.kh/documents/laws_regulation/LAR-SOP-Final-13032018.pdf)



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

77. 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 APs, including a gender analysis, specifically related to resettlement impacts and risks.
- (ii) Carry out meaningful consultations with APs and affected local communities. Inform all APs 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 APs' concerns. Support the social and cultural institutions of APs 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 APs 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 APs 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 APs 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 APs' 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 APs and other stakeholders. Disclose the detailed resettlement plan and its updates to all APs 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 APs, 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

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

79. **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. Therefore, both women and men were invited to actively participate in the consultation meetings. A separate gender action plan has been prepared for the Project and updated.

80. In general, the main principles of the RGC's policies on land acquisition, compensation, and resettlement assistance reflect those provided in ADB's SPS 2009. However, key gaps analysis between ADB resettlement policy and the RGC's SOP are summarized in Table 16.

**Table 16: Gap Analysis and Reconciliation of ADB's SPS (2009) and RGC's SOP**

No.	ADB's SPS Requirements on Involuntary Resettlement (IR) and SR-2	Land Acquisition and Involuntary Resettlement Standard Operating Procedures (SOP), 2018	Gap between ADB SPS and SOP	Clarifications
1	<p><b>Meaningful Consultations and Disclosure</b></p> <ul style="list-style-type: none"> <li>Carry out Meaningful consultations with APs including vulnerable groups (VGs), relevant stakeholders and information disclosure on entitlements and resettlement options.</li> <li>(VGs include: those below poverty line, the landless, the elderly, female headed households, women and children, IPs, and those without legal title to land).</li> </ul> <p><i>To comply with ADB SPS IR Principles 2, 9, 12 (page 17), para 54 (page 20), para.73</i></p>	<p>The SOP, in its chapter IV and under its key tasks in basic resettlement plan preparation, mentions about consultation as one of the tasks which aims at bringing awareness about the Project to the affected communities and inform them about the possible alignment and seek their feedback.</p> <p>In Chapter V, under key tasks in detailed resettlement plan (updated RP after detailed design), it mentions about consultation as one of the tasks which aims to inform APs about the overall entitlements and methods of compensation and the</p>	<ul style="list-style-type: none"> <li>The SOP mostly complies with the requirement of SPS, 2009, however, it does not specifically mention about disclosing the entitlement matrix (EM) to the people during consultation. However, it mentions that the BRP/RP and the DRP/UDRP are disclosed at the Commune Offices for disclosure to affected communities. The EM is integral part if these documents and hence are disclosed to the affected communities. This is explained in more detail in Appendix 7. It is clearly pointed out that the EM and the entitlement under the</li> </ul>	<p>Some of the proposed clarification include:</p> <ul style="list-style-type: none"> <li>Personal detailed information of the displaced persons and their socio-economic status and other sensitive information compromising their privacy will not be disclosed at any time.</li> <li>RPs/updated RPs/resettlement monitoring reports contain summary of AP consultations (including VGs) through- out the project cycle.</li> <li>RPs/updated RPs/resettlement monitoring reports are disclosed on the ADB, and project websites and Khmer versions left at</li> </ul>

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

No.	ADB's SPS Requirements on Involuntary Resettlement (IR) and SR-2	Land Acquisition and Involuntary Resettlement Standard Operating Procedures (SOP), 2018	Gap between ADB SPS and SOP	Clarifications
	(page 26), Appendix 2, para 18 (page 47), para 26, 27, 28 (page 49)	<p>GRM procedures; about relocation to Resettlement Sites; and house to house consultation to confirm measurement survey.</p> <p>Chapter- VIII of SOP describes in detail the need for public consultations, participation and disclosure. In para 126, it mentions that the consultation is undertaken</p>	<p>EM is explained to each AH during the household-to-household consultation.</p> <p>• Also, there is no mention of disclosure of monitoring reports. The SOP does not specifically mention about particular attention to women and vulnerable groups for their inclusion during consultation.</p>	<p>communes and district levels offices.</p> <ul style="list-style-type: none"> <li>• SOP para. 120; generic information for the PIB includes the compensation policy (the generic entitlements) as stated in para 119.</li> <li>• Four specific consultation meetings are mentioned in the SOP but as the SOP states consultation will be carried out as an on-going process throughout implementation.</li> <li>• ADB staff may participate in consultation meetings.</li> <li>• Efforts will be made to consult with potentially vulnerable affected people (as defined in para 53-55) and will be done throughout implementation.</li> </ul>
2.	<p><b>Grievance Redress Mechanism</b></p> <ul style="list-style-type: none"> <li>• Establish a grievance redress mechanism that is understandable, readily accessible, transparent procedures, gender responsive and culturally appropriate.</li> </ul> <p><i>To comply with ADB SPS IR Principle 2 (page 17), para 59, 60 (page 22), Appendix 2, para 29 (page 49)</i></p>	<p>Chapter IX of the SOP deals with Grievance Redress Mechanism.</p> <ul style="list-style-type: none"> <li>• The GRM is established as a locally based arrangement at the provincial level for receiving, recording, assessing and facilitating the resolution of complaints and grievances raised by the affected persons in relation to their compensation and entitlements for the expropriation of land and other immovable property under the Law on Expropriation.</li> </ul>		<ul style="list-style-type: none"> <li>• Status of complaints at the commune level will be included in the periodic monitoring report to ADB.</li> <li>• Appendix 8.2 is the Register of Complaint, however when reporting, the status of complaints will be included.</li> </ul>
3.	<p><b>Compensation and assistance</b></p> <ul style="list-style-type: none"> <li>• Provide physically and economically APs with</li> </ul>	<ul style="list-style-type: none"> <li>• The SOP includes the compensation and transition/disturbance allowance to the APs in its entitlement.</li> </ul>		<ul style="list-style-type: none"> <li>• SOP Entitlement Matrix 2b transitional allowance to be commensurate with the</li> </ul>



No.	ADB's SPS Requirements on Involuntary Resettlement (IR) and SR-2	Land Acquisition and Involuntary Resettlement Standard Operating Procedures (SOP), 2018	Gap between ADB SPS and SOP	Clarifications
	<p>compensation and needed assistance</p> <p><i>To comply with ADB SPS policy principle 3, 4, 5, 7 (pg 17) and Appendix 2, paras 7, 8, 9,10 (page 45), 11 and 12 (page 46), 16 and 17 (page 47).</i></p>	<ul style="list-style-type: none"> <li>SOP has provisions for relocation land (for APs with titles or recognized rights to land) and are subject to conditions i.e availability of government land. This does not apply to illegal squatters or occupiers.</li> <li>SOP has provisions for loss of livelihoods for all DPs (limited to selection of 1 out of 3 pre-defined programs)</li> <li>SOP has provisions for providing relocation site to eligible DPs which is selected factoring in location, the availability of the basic social services and infrastructure development, depending on availability of land at affordable prices and availability of State land near the project area.</li> </ul>		<p>time taken to relocate the business.</p> <ul style="list-style-type: none"> <li>Livelihood restoration will be commensurate with the impact assessed during DMS social economic survey of the APs.</li> <li>For vulnerable groups except for illegal squatters, provision of legal and affordable access to adequate housing and income sources.</li> <li>Valuation rates are valid for a period of one year from the date of endorsement of RCS report by the IRC and thereafter updated.</li> <li>Affected people with legal rights both with hard and soft titles are treated the same.</li> </ul>
4.	<p><b>Procedures for Negotiated Settlement</b></p> <p>Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement</p> <p><i>To comply with ADB SPS IR safeguards policy principle 6 (page 17), para 73, (page 26), Appendix 2, para 25 (page 48-49)</i></p>	<p>Chapter-X (Section-B) of the SOP mentions that in the case of acquisition of private land where the seller is willing to sell and the buyer is willing to buy, such land may be acquired under a commercial contract. The price will be negotiated as part of commercial norms.</p>		<ol style="list-style-type: none"> <li>For the willing buyer willing seller cases (where expropriation will not be used), ADB will have access to all the documentation for on-site verification at GDR. If agreement between the willing buyer and willing seller cannot be reached, alternate site will be selected.</li> <li>Where negotiated settlement is applied in lieu of compulsory land acquisition based on SR 2 requirements para 25 will be followed, documented and described in the resettlement plan and information of the negotiations included in the monitoring reports.</li> </ol>

No.	ADB's SPS Requirements on Involuntary Resettlement (IR) and SR-2	Land Acquisition and Involuntary Resettlement Standard Operating Procedures (SOP), 2018	Gap between ADB SPS and SOP	Clarifications
				<ul style="list-style-type: none"> <li>• A negotiated settlement will offer adequate and fair price for land/or other assets.</li> <li>• Ensure that any negotiations with displaced persons openly addresses the risks of asymmetry of information and bargaining power of the parties involved in such transactions.</li> <li>• Negotiated settlement procedures will follow para 25 of Appendix 2 of SPS and agreed with ADB.</li> </ul>
5.	<p><b>AHs (without titles or recognizable rights to land)</b></p> <ul style="list-style-type: none"> <li>• Ensure that APs without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets</li> </ul> <p><i>To comply with ADB SPS IR policy principles 2, 5, 7 (page 17), Appendix 2, paras 9, 11, 12, 16 and 17 (pages 45, 46 and 47).</i></p>	<p>Chapter-VII:</p> <p>Section B para 104 says:</p> <ul style="list-style-type: none"> <li>• No compensation for land will be paid for AP occupying land in the ROW.</li> </ul> <p>Section C of the SOP states that:</p> <ul style="list-style-type: none"> <li>• The entitlement to compensation of affected persons largely depends on the legality of possession or ownership to the land and other assets at the time of the Cut-Off Date. The following types of displaced persons shall be eligible to compensation, but compensation would vary depending on their situation:</li> <li>• Legal owners and holders of title or rights to land, including customary rights.</li> <li>• Tenants and leaseholders, including employees, workers and hawkers.</li> <li>• Those who have no formal title or rights to the</li> </ul>	<p>Clarification needed for how poor and vulnerable APs are provided legal and affordable access to land.</p>	<ul style="list-style-type: none"> <li>• Social land concession is not an entitlement. However, IRC can just inform the relevant and competent local authorities about the affected poor, landless households who may be eligible to apply for social land concession. Criteria for providing social land concession will be defined by other competent authority. The decision on granting a social land concession will also be made at the sole discretion of the relevant authorities in accordance with Cambodia regulations on social land concession.</li> <li>• GDR will provide information if there is any social land concession program available in the Project area in its monitoring report</li> </ul>



No.	ADB's SPS Requirements on Involuntary Resettlement (IR) and SR-2	Land Acquisition and Involuntary Resettlement Standard Operating Procedures (SOP), 2018	Gap between ADB SPS and SOP	Clarifications
		<p>land (illegal occupiers) who are engaged in farming or businesses.</p> <ul style="list-style-type: none"> <li>• Poor and vulnerable groups.</li> </ul>		

Source: Aide Memoire Attachment 3 of the ADB Safeguard Policy Dialogue Mission 22-23 August 2019

## VIII. ENTITLEMENTS, ASSISTANCE AND BENEFITS

### A. Objectives

81. Both subprojects resettlement policy is based on the types, characteristics, and severity of the subproject impacts on the waste pickers and their living conditions, guided by the Constitution of the RGC, prevailing legal and government procedures and policies, and the ADB SPS (2009). Its primary objective is to ensure that waste pickers identified in the subproject areas as of the cut-off date are not disadvantaged by the subproject investments. The subprojects should provide opportunities for the local population to benefit from and participate in its planning and implementation and, through this, generate a sense of ownership.

### B. Eligibility

82. Since the waste pickers will permanently lose their source of livelihoods from the closure of the existing dumpsites due to the construction of the new controlled SWM subprojects, they are eligible to receive project entitlements agreed between the RGC and ADB. The cut-off-date for eligibility was set on 20 and 21 December 2017 for Stung Treng and Kratie SWM Subprojects, respectively during the first public consultation during the feasibility study at PPTA stage. However, the waste pickers were overlooked during the PPTA stage and were not consulted on the eligibility and entitlements but have been consulted and included for eligibility during the DED stage. The cut-off date was also included in the updated PIB and explained to the waste pickers.

### C. Entitlements

83. Only persons and organizations with fixed assets and sources of income in subproject COI at the time of the cutoff date are eligible to receive project entitlements agreed between the GDR and ADB. There are three types of APs (i) legal owners and holders of title; (ii) those who do not currently possess legal titles but have legal rights to the land, including customary rights; and (iii) those who do not have any recognizable rights to land. APs included under (i) and (ii) above shall be compensated for the affected land and non-land assets upon land. APs included under (iii) shall not be compensated for the affected land but will be compensated for all non-land affected assets. In addition, all the three categories of the APs will be eligible to additional resettlement assistance, as needed as stipulated in the Entitlement Matrix.

84. The subproject entitlements have been defined in accordance with the various impacts identified based on the results of the DMS and SES. An Entitlement Matrix was developed for both subprojects considering all possible potential impacts and was included in the May 2018 draft RPs and RF. The eligibility on entitlements applies to all the 14 AHs/73 APs impacted by the closure of the existing dump sites from the construction of the new SWM subprojects which is categorized in the Updated Entitlement Matrix. The Updated Entitlement Matrix is presented in the Table 17 indicating each type of loss and degree of impact with corresponding benefits



applicable to the specific condition and impacts on the 14 AHs/73 APs and standards set in the original entitlement matrix<sup>10</sup> are not downgraded.

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<sup>10</sup> Refers to the Entitlement Matrix in the May 2018 draft RPs and RF.

Table 17: Updated Entitlement Matrix

Cat.	Type of Loss	Application	Category of AHs	Entitlements	Clarification/Implementation
<b>Loss of Livelihood</b>					
1	Permanent Loss of Livelihood Source due to physical relocation 14 AHs/73 APs	Income Restoration	AHs who lose their source of livelihood permanently	<ul style="list-style-type: none"> <li>Entitled to participate in any one of the following <b>2 Livelihood Restoration/Support Programs:</b> <ul style="list-style-type: none"> <li><b>Employment Based Livelihood Restoration</b> for AHs 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.</li> </ul> </li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li><b>Business Based Livelihood Restoration</b> for AHs who lose businesses permanently or AHs who opt for this as an alternative livelihood source. (i) provision of business skills; and (ii) a lump sum cash grant of \$200 to assist in starting micro or home-based business.</li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>Optionally, in lieu of training under the IRP, they may be provided cash assistance of <b>\$500/AH</b> which includes \$200 cash grant plus \$300 cash assistance instead of IRP.</li> </ul>	<p>The program will be based on the choice of the AHs.</p> <p>Employment based for 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 AH X 3).</b></p> <p>Business Based for AHs who lose business-based livelihood. This can also be available to AHs who do not want to continue with land or employment-based livelihood at their own choice.</p>

Cat.	Type of Loss	Application	Category of AHs	Entitlements	Clarification/Implementation
				<ul style="list-style-type: none"> <li>For <b>Poor and Vulnerable AHs<sup>11</sup></b>. In addition to skills training, (i) above lump sum cash grant will be <b>doubled</b>; and (ii) priority in any <b>employment opportunity</b> under the subprojects; .</li> </ul>	
1.1	Special Assistance	Special Assistance	All Poor and Vulnerable AHs. (6AHs/25 APs)	<ul style="list-style-type: none"> <li>Lump sum amount equivalent to 3 months of income based on the official poverty rate established by RGC.</li> </ul> <p><b>Monthly Poverty Rate x Number of Members in AH x 3 (see footnote 7)</b></p>	The number of poor and vulnerable Ahs was determined during DMS and is confirmed in this DRP.

Source: Adapted from Resettlement Framework May 2018 and Draft Resettlement Plan May 2018 to cover all identified impacts

<sup>11</sup> (i) households living below the national poverty rate established by the RGC, (ii) female headed households with dependents (iii) disabled headed households with no other means of support, (iv) elderly headed households with no other means of support, (v) landless or those without legal title to land, and (vi) indigenous people or ethnic minorities



## **IX. RELOCATION OF HOUSING AND SETTLEMENT**

85. Since there is no impact on any physical displacement of the 14 AHs/73 APs, there is no relocation of housing and settlement from the closure of the existing dumpsite and construction of the two new SWM subprojects.

## **X. INCOME RESTORATION AND REHABILITATION**

### **A. General Provisions**

86. As outlined in May 2018 draft RPs and RF, the members of AHs who will permanently lose their source of livelihood will be entitled to participate in the income restoration program (IRP). Based on the results of the DMS, there are 14 AHs/73 APs (3 AHs/10 APs under Stung Treng SWM Subproject and 11 AHs/63 APs under Kratie SWM Subproject) eligible and entitled to participate in the IRP, because of the permanent loss of their livelihoods due to the closure of the existing dumpsites by the Stung Treng and Kratie SWM Subprojects. The new landfill will be located at considerable distance, and is going to be operated as controlled landfill, which will not allow waste pickers on-site. The IRP has been designed during the preparation of this DRP and will be implemented in parallel with the implementation of the DRP with the active involvement of the participating AHs.

87. Members of the AHs that are within the working age (15 to 60 years old) based on their preferred choice of training course offered in paras 90-94 below, will be provided with skills training at the respective vocational training centers by the Department of Labor and Vocational Training, as needed, and referred to establishments in need of workers. This component of the strategy is also intended to bring in cash for the other basic needs of the AHs. The contractor will be requested by PMU to implement preferential hiring of waste pickers and vulnerable AHs for non-skilled labor during civil works. The IRC will formally write to PMU for the waste pickers and vulnerable AHs to have priority access to employment opportunities under the subprojects. Compliance will be monitored by the PMU and ADB during implementation.

88. An amount of **\$500/AH** has been allocated in the resettlement budget to finance the various components of the IRP. The amount is based on recent ADB-funded projects implemented in the same area. The 14 AHs/73 APs will be assisted with (i) Cash assistance allowance of \$200/AH household; (ii) Option to participate in the IRP on skills training of worth \$300/AH or given cash assistance of \$300/AH for IRP; and (iii) priority for employment in the Subprojects construction works.

### **B. Income Restoration Program**

89. The May 2018 Draft RPs and RF outlined three (3) categories of land-based, business-based and employment-based livelihood restoration program. However, the land-based livelihood restorations program will not apply because the waste pickers will not lose their source income from their land. Therefore, the 14 AHs/73 APs depending on their preferred choice will be entitled to participate in any of the two IRP (business-based and employment-based livelihood restoration program) as reflected in this DRP.

90. **Employment-based Livelihood Restoration Program.** (i) Provision of employment skills training. (ii) Financial support in the form of cash grant equivalent to 3 months of income based on the official poverty rate prescribed by the government to support the displaced person



during the training period. The amount will be the monthly poverty rate x number of members in the AH x 3. (iii) Access to temporary job opportunities at the construction site, at the office, or other places that may be available under the subprojects.

91. The Provincial Department of Labor and Vocational Training in Stung Treng and Kratie has on-going courses supported by government fund free-of-charge for welder, construction worker, electrician, livestock, air-conditioner repair, Soy source production, food processing (especially fruit and vegetable). There is also car or motor mechanics courses but to run the course they will require larger group people.

92. A survey of the employment opportunities in the proximity of Stung Treng and Kratie was carried out as part of the preparation of this DRP in cooperation with the National Employment Agency. It was determined that the types of jobs available within the skills set of the waste pickers were rubber plantation worker, construction worker, security and mechanic for cars or motorbikes.

93. **Business-based Livelihood Restoration Program.** (i) Provision of business skills training focusing on micro- or home-based businesses. (ii) Financial support in the form of a lump sum cash grant of \$200/AH to assist in starting or re-establishing micro or home-based businesses.

94. Training options for business-based capacity building is more limited. TVET Cambodia (NGO) was identified as offering courses in administration and basics of accounting.

### **C. Vulnerable Group Special Assistance**

95. Six (6AHs/25 APs) impacted both SWM Subprojects have been identified as vulnerable. They will receive special assistance for vulnerable AHs.

96. **Special Package for Poor and Vulnerable Groups.** The vulnerable AHs are eligible for special vulnerability allowance. The AHs who are classified as poor and vulnerable as per the category stipulated in the definition of Vulnerable Group will be entitled to the following:

- a) Double the financial support rate offered in the two (2) different livelihood programs; and
- b) Priority access to employment opportunities under the subprojects.

97. In addition to the above, the 6AHs/25 APs who are identified poor and vulnerable will receive further special assistance of lump sum amount equivalent to 3 months of income based on the official poverty rate established by RGC and is calculated as **Monthly Poverty Rate X Number of Members in AH X 3**. They will have priority access to employment under the Subprojects.

98. Further assistance will also be provided through government's ongoing socio-economic programs in both provinces. The Government is implementing Cash for Work Program for Rural Development and Livelihood Enhancement Project in 18 out of 25 provinces in Cambodia with the objective is to help reduce poverty, improve livelihood and welfare of rural people and poor farmers by providing short-term job opportunities through cash for work program, which will not only support short-term livelihood, but also enable to increase capital for investment in agriculture or other related businesses, and improving agriculture and rural infrastructure. The project started with support for 12 provinces with a \$50 million budget allocation and has been extended to 18 provinces with budget allocation increased to over \$100 million. The IRC-WG during the implementation stage of the approved DRP will provide access to the AHs with contact details of



the relevant authorities for the AHs to seek employment under the Cash for Work Program. However, the decision on granting employment will be made at the sole discretion of the relevant authorities in accordance with regulations on Cash for Work Program.

#### **D. Consultations**

99. On 6 and 7 September 2021 at the public buildings nearby the existing dumpsites in Kratie and Stung Treng, a consultation meeting was conducted with the waste pickers AHs who were entitled for the IRP under the subprojects. The meeting was conducted by the IRC-WG and PRSC-WG assisted by the PIU from PDMPWT and the Local Authority. The AHs were informed about the main purpose of the meeting and their entitlement for IRP as outlined in the May 2018 draft RPs and RF. They were informed that the entitlement to participate in the IRP included all the 73 members of the waste picker AHs and will be provided free to all members inclusive of transportation, accommodation and any incidental costs. The focus of the IRP is to assist the 73 APs to re-establish their sources of livelihoods to improve their economic situation. For this purpose, the IRP is being designed during the preparation of this DRP and it will be implemented in parallel with the implementation of the approved DRP by IRC and ADB with the active involvement of the participating AHs. The AHs were explained in detailed on the employment-based and business-based livelihood restoration programs and the option of cash assistance for those who chose not to participate in the IRP. They were informed about the employment opportunities that could be made available under the Government's Cash for Work Programs currently under implementation in both provinces. They were told that during the implementation stage of the approved DRP, IRC-WG will provide access to the AHs with contact details of the relevant authorities for the AHs to seek employment under the Cash for Work Program. However, the decision on granting employment will be made at the sole discretion of the relevant authorities in accordance with regulations on Cash for Work Program.

100. The AHs were further explained that their members who are within the working age (15-60 years old) will be entitled to participate in skills trainings. The TL of IRC-WG elaborated that there are 6 training courses in two (2) livelihood restoration programs obtained from Department of Labor and Vocational Training available at Kratie and Stung Treng Vocational Training Centers. The TL discussed the courses with the participants and reaffirmed that the courses will be provided free.

101. The meeting was opened for discussions and the TL of IRC-WG sought responses from all the AHs regarding their preferred choice of IRP options. The AHs informed the IRC-WG about their current occupation as waste pickers. They also informed that most of their family members were working elsewhere away from Kratie and Stung Treng, while they themselves are too old to participate in a vocational training course. Therefore, they were not interested in training courses being offered and preferred cash assistance as lump sum for IRP. However, they informed the IRC-WG that they will use the money wisely for the purpose of restoring the family income for the better standard of living. The TL informed the AHs that their choices would be recorded in the DRP for approval by IRC and concurred by ADB. However, the AHs were informed that they have the right to change their preferred choice if any members opted for vocational training instead of cash assistance. This could be considered by the IRC-WG during contract offer and prior to signing the contract agreement. Lastly, the TL asked the AHs to raise their hands up as he called the two options of either training under the IRP or cash assistance. All the 14 AHs (3 AHs under Stung Treng SWM Subproject and 11 AHs under Kratie SWM Subproject) raised their hands opting for cash assistance instead of attending vocational training courses offered under the IRP. The list of AHs opting for cash options with signatures and thumbprints witnessed by Commune Chief is attached to the Minutes of the Meeting is in **Annex 8**.



## XI. RESETTLEMENT BUDGET AND FINANCING PLAN

102. The calculation for compensation and assistance for both subprojects presented in this DRP are based on the results of the DMS and the RCS at full replacement cost. The cost for all compensation, resettlement assistances under the Stung Treng and Kratie subprojects waste picker IRP will be financed from the national budget and no financing will be required from the ADB loan and grant. The resettlement budget is estimated **\$30,675.00**. This includes: (i) \$10,675.00 as direct cost of compensation for affected household of waste pickers, vulnerable AHs for IRP skills training or cash assistance to AHs entitled to participate in IRP and special assistance to all vulnerable AHs; (ii) administrative cost of \$3,000.00, and (iii) contingency amount of \$17,000.00. Table 18 summarizes the estimated resettlement costs

**Table 18: Estimated Resettlement Cost**

No	Components	Unit	Quantity	Estimated Unit Cost (\$)	Total (\$)
<b>A</b>	<b>IRP</b>				
	IRP	AHs	14	500.00	<b>7,000.00</b>
	<b>Total A</b>				<b>7,000.00</b>
<b>B</b>	<b>Impacts on Vulnerable AHs</b>				
	IRP (double the cash grant)	AHs	6	200.00	1,200.00
	Special assistance to all VAHs	APs	25	99.00	2,475.00
	<b>Total B</b>				<b>3,675.00</b>
	<b>Total Direct Cost (C)= (A) + (B)</b>				<b>10,675.00</b>
	Administration Cost (lump sum)				<b>3,000.00</b>
	Contingency				<b>17,000.00</b>
	<b>Total Resettlement Cost</b>				<b>30,675.00</b>

Source: Resettlement Department 1 Estimates.

## XII. INSTITUTIONAL ARRANGEMENTS

103. **Executing Agency (EA) / 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). MPWT and its PMU will coordinate closely with the IRC-WG on all matters concerning involuntary resettlement, working closely with Resettlement Department 1 (RD1) of GDR to prepare, update, and implement the DRP.

104. **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. However, it is not mandated to carry out resettlement activities but assumes some tasks in coordination with GDR which is the lead agency directly responsible for all LAR activities in the ROW. The PMU designated a focal person on resettlement and tasked to undertake specific PMU responsibilities with regards to LAR and coordinate with GDR, the PRSC and the PIU in all matters concerning

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LAR planning and implementation. The specific tasks of the PMU related to LAR include the following:

- Conduct social impact assessment of the project/subproject;
- Prepare the draft basic resettlement plan based on pre-detailed design alignments/demarcation of subproject site for GDR's review and endorsement;
- Set out the demarcation of the land requirement along the final alignment within a month after completion of the DED in coordination with GDR;
- Provide GDR with the proposed construction schedule identifying the completion schedule of LAR and handover of sites by sections to the contractor before planned contract award date;
- Inform GDR in a timely manner if progress of construction is hampered by LAR issues or any anticipated bottleneck;
- Assist and cooperate with GDR in seeking solutions to problems encountered during project/subproject implementation;
- Invite GDR to participate in supervision missions and wrap-up meetings with APs and ensure that GDR's comments on LAR issues are incorporated in Aide Memoires (AMs), Memorandum of Understanding (MOU) and Minutes of Discussions (MOD); and
- Ensures that no further encroachment on the ROW after handover by GDR of the land for the project/subproject.

105. **Inter-Ministerial Resettlement Committee (IRC).** The IRC is the decision making and oversight body for LAR activities. It 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. Key responsibilities of IRC include:

- Provide effective oversight and ensure LAR complies with the laws and implementing rules and regulations;
- Ensure effective coordination between line ministries, provincial/local authorities and GDR in carrying out the LAR;
- Review and approve the DRP and endorse DRP prior to submission to ADB for its review and the approval;
- Initiate the establishment PGRC; and
- Provide overall guidance on implementing rules and regulations for LAR and propose updates as necessary.

106. **General Department of Resettlement (GDR).** The GDR is the permanent technical Secretariat of the IRC and the lead agency for the preparation, implementation, and monitoring and reporting of LAR. The GDR will carry out activities under the Stung Saen drainage network improvement and WWTP subprojects through its Resettlement Department 1 (RD1). For this, detailed tasks of RD1 of GDR includes:

- Coordinate and collaborate with line ministries, MPWT, and other agencies involved in LAR activities;
- Conduct public consultations and FGDs with the affected persons and vulnerable groups;
- Prepare the DRP for the subproject and submit to ADB for review and acceptance;
- Develop terms of reference and recruit the replacement cost surveyor;
- Prepare and secure the necessary budget for the implementation of the DRP;
- Calculate, prepare contracts, and make payments for compensation for each AH based on the entitlement matrix in the DRP;



- Implement all LAR activities in compliance with the DRP;
- Ensure proper functioning of the GRM;
- Supervise, monitor, and report on implementation progress of the DRP;
- Send Land Handover Letter to MPWT with a copy to ADB;
- Prepare and submit to ADB quarterly progress and semi-annual monitoring reports;
- Prepare, agree with ADB and implement corrective action plan, if any, during implementation; and submit the corrective action plan implementation report to ADB for concurrence and disclosure;
- Conduct awareness workshops for MPWT, line ministries, local authorities, and construction contractor on the implementing rules and regulations as specified in the DRP; and
- Serve as the focal knowledge center for resettlement of the project or subprojects.

107. In addition, the DIMDM of GDR is responsible for carrying out the internal monitoring of the implementation of the DRP and the verification and validation of the compliance of the entitlements and compensation payments with the provisions of the entitlement matrix in the DRP. Its role extends to internal verification of all LAR activities for compliance with the provisions under the agreed DRP and reports directly to the Director General of GDR. In addition, it records and reviews all complaints and grievances submitted by displaced persons; investigates them and makes recommendations on compliance to the Director General of GDR. After the payment of compensation and other entitlements is completed, GDR will prepare and submit to ADB the DRP implementation report to obtain "no objection" for civil works.

108. The **concerned local administrative authorities (district, commune, and village)**. The districts, communes, and villages where the subproject is located will coordinate and work closely with the PRSC-WG and IRC on the DRP preparation and implementation. Their roles and responsibilities include:

- Identify and coordinate the venue for the public consultation meetings and invite AHs to participate in the consultation activities, such as DMS, SES, RCS and other resettlement related activities; and
- Assist the IRC-WG, PRSC-WG, and GDR in developing suitable measures to assist the vulnerable AHs by the subproject.

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 MPWT/PMU, 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. The composition of the IRC-WG is in Table 19.

**Table 19: Composition of IRC-WG**

<b>I. Working Group</b>			
1	Mr. Khuon Davith	Deputy Director, RD1, GDR/MEF	Team Leader
2	Mr. Hiv Pahnaseth	Deputy Director, RD1, GDR/MEF	Vice Team Leader
3	Mr. He Lyhan	Chief Officer, RD1, GDR/MEF	Vice Team Leader
<b>Data Encoder</b>			
1	Mr. Nget Prum	Chief Officer, DIMDM, GDR/MEF	Member

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Interviewer/ Measurement Team			
1	Mr. Vong Rada	Chief Officer, MPWT	Member
1	Mrs. Mok Savon	Chief Officer, Technical Office, MPWT	Member
3	Mr. Sok Vibol	Officer, MPWT	Member
4	Mr. Chai Vila	Chief Officer, Private Investment, MPWT	Member
5	Mr. Mas Thon	Deputy Chief Officer of MLMUPC	Member
6	Mr. Kim Leng	Officer of Ministry of Land Management	Member

Source: RD 1, General Department of Resettlement dated (2020)

110. **Provincial Resettlement Sub-Committee (PRSC) and Provincial Resettlement Sub-Committee Working Group (PRSC-WG).** The PRSC and PRSC-WG is established by the Stung Treng and Kratie Provincial Governors at the request of the IRC for Stung Treng and Kratie SWM Subprojects. The Governors decided that that the composition of PRSC and PRSC-WG will comprise the same members. The composition of the PRSC and PRSC-WG for Stung Treng and Kratie are in Tables 20 and 21, respectively.

**Table 20: Composition of the PRSC and PRSC-WG of Stung Treng**

No.	Name	Title	Position
1	Excellency, DOUNG POUV	Provincial Deputy-Governor	Chair
2	Mr. Say Kosal	Governor of Stoeung Treng City	Vice Chair
3	Mr. Sor Kimnat	Director of Provincial Department of Public Work and Transport	Vice Chair
4	Mr. KhengTith Syna	Director Provincial Department of Economic and Finance	Vice Chair
5	General Chep chanthy	Deputy General Provincial Police Office	Member
6	Mr. Minh Sichay	Director of Provincial Department of Land Management, Urban Planning and Construction	Member
7	Mr. Eng Phirong	Director of Provincial Environment	Member
8	Mr. Sao Veasna	Director of Provincial Office of Communication with Assembly, Senate and Inspection	Member
9	Ms. Eng Sovphear	Provincial Inter-functional Office	Member
10	Gr..Haou Vuthy	Chief, Police Office of Province	Member
11	Gr. Chouk Komal	Chief, Police Stung Treng City	Member
12	Mr. Sith Kimseng	Governor of Phreash Bat District	Member
13	Mr. Chea Van	Governor of Stung Treng District	Member

Source: Provincial Governor Letter dated 10 January 2019 (Annex 10)

**Table 21: Composition of the PRSC and PRSC-WG of Kratie**

No.	Name	Title	Position
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1	Excellency, Va Thorn	Provincial Governor	Chair
2	Ex. Chak Mengheang	Provincial Deputy-Governor	Vice Chair
3	Mr. Tuy Bunseireyromhony	Director, Provincial Administration	Member
4	Mr. Ouch Sophana	Director of provincial department office of Economic and Finance	Member
5	Mr. Heng Sros	Director of Provincial Department of Public Work and Transport	Member
6	Dr. Kao Madylane	Director of Provincial Department of Land Management, Urban Planning and Construction	Member
7	Mr. nay Dongsavoth	Director of Provincial Environment	Member
8	Mr. Yin vannak	Governor of Krate City	Member
9	Mr. Hong Chany	Governor of Chet borey District	Member
10	Mr. Chin leng YI	Deputy-Governor of sangkat Krate, krate town	Member
11	Mr. Chin Rith	Deputy-Governor of sangkat Oreusey, Krate town	Member

Source: Provincial Governor Letter dated 31 January 2019 (Annex 11)

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;
- (iv) Oversee and monitor the work of PRSC-WG;
- (v) Responsible and accountable for the disbursements of the compensation payments at the provincial level; and
- (vi) Assist the IRC-WG in developing measures to assist vulnerable households by the subprojects.

112. The PRSC-WG 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. In this DRP the composition of PRSC and PRSC-WG are same. So they will perform the dual function ensuring the roles of responsibilities of PRSC and PRSC-WG are carried out accordingly.

113. The PRSC, through the provincial and district working groups are responsible for the following functions:

- (i) Facilitate public information campaign, ensuring that the public, especially the AHs, are updated on any developments regarding the project and resettlement activities;
- (ii) Participate in the DMS and updating of the census of AHs, including the updating of the entitlements
- (iii) Spearhead the selection, acquisition, and preparation of replacement plots, including the preparation of a coordinated schedule of delivery of compensation and other entitlements, the relocation of people, harvesting of standing crops, and the start of civil works in a particular section of the project road sections;
- (iv) Spearhead the delivery of compensation and other entitlements to the AHs;
- (v) Receive and act on the complaints and grievances of AHs in accordance with the project resettlement policy; and
- (vi) Maintain a record of all public meetings, grievances, and actions taken to address complaints and grievances.

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114. **Project Management Consultant (PMC).** The PMC will assist MPWT in the management and supervision of civil works activities and will ensure that the contractor adhere to with the terms of their contracts relative to avoiding and/or minimizing resettlement impacts. The PMC role is minimal in the implementation of DRP and is only related to the compilation of the reporting requirements for the project and reporting to GDR RD1 of any bottlenecks posed by resettlement during the construction phase of the project/subproject.

### XIII. IMPLEMENTATION SCHEDULE

115. All resettlement activities will be coordinated with the civil works schedule of the Subproject. The DRP will be implemented after the approval of the DRP by IRC and ADB and the budget by MEF. It is expected that the compensation payments will be completed within a period of two weeks after the approval of the budget. The tentative implementation schedule for resettlement actions is summarized in Table 22.

**Table 22: Tentative Resettlement Implementation Schedule**

Activities	Schedule
Conducting DMS and SES	July-September 2021
DRP preparation	August-October 2021
ADB comments on DRP addressed	Mid-November- December 2021
Approval of DRP by IRC	December 2021
Submission and ADB approval of DRP	December 2021
Disclosure of DRP on ADB and MPWT Websites	January 2022
Approval of Budget by IRC and MEF	January 2022
Contract Offer and Contract Signing with AHs	February 2022
Disbursement of Compensation to the AHs	February 2022
Handover of Land to MPWT by GDR (with a copy to ADB attached with DRP completion report)	March 2022 for new landfill sites (For existing dumpsite, at the time of completion of new landfill site)
ADB's No Objection to Civil Works	February 2022 for new landfill sites (For existing dumpsite, at the time of completion of new landfill site)
Submission of Quarterly Internal Monitoring Reports (to MPWT) <sup>a</sup>	15 <sup>th</sup> January 2022, 15 <sup>th</sup> April 2022, 15 <sup>th</sup> July 2022, 15 <sup>th</sup> October 2022, 15 <sup>th</sup> January 2023, 15 <sup>th</sup> April 2023, 15 <sup>th</sup> July 2023, 15 <sup>th</sup> October 2023, 15 <sup>th</sup> January 2024.
Submission of Semiannual Social Safeguards Monitoring Reports (to ADB) <sup>a</sup>	15 <sup>th</sup> January 2022, 15 <sup>th</sup> July 2022, 15 <sup>th</sup> January 2023, 15 <sup>th</sup> July 2023, 15 <sup>th</sup> January 2024

<sup>a</sup> The report submission will cease after the completion of the subproject.

Source: RD1 of GDR

### XIV. MONITORING AND REPORTING

116. While the MPWT (PMU and PMC) will be responsible for monitoring of the overall implementation of the Project including the SWM Subprojects in Stung Treng and Kratie, the DIMDM of GDR will be directly responsible for the monitoring and reporting of the implementation of the DRP.



## **A. Internal Monitoring**

117. All internal monitoring and reporting on the implementation of the DRP will be carried out by the GDR in accordance with the principles agreed in this DRP and the monitoring indicators in **Annex 11**. DIMDM of the GDR will perform routine internal monitoring. The objective of internal monitoring is to (i) measure and report on the progress in the preparation and implementation of the DRP; (ii) identify problems and risks, if any and the measures to mitigate them; and (iii) assess if the compensation and rehabilitation assistance are in accordance with the provisions under the DRP. Internal monitoring with results will be reported to IRC and MPWT/PMU on a quarterly basis. The IRC-WG and the PRSC-WG will gather data and information on the progress of the LAR from the field and prepare and will submit monthly reports to RD1. The RD1 will compile the field reports and prepare a consolidated report on the implementation of DRP on monthly basis. The report will be submitted to the DIMDM which will (i) review the monthly progress reports, including fielding its own missions to verify the progress and the validity of the data and information, if deemed necessary; and (ii) compile quarterly monitoring report for submission to the Director General of GDR.

118. For the DRP implementation quarterly monitoring report, the DIMDM may engage a national consultant to carryout DRP quarterly reviews of DRP implementation and prepare quarterly monitoring reports and semi-annual reports for GDR. The quarterly and semi-annual monitoring reports will be reviewed and endorsed by GDR before submitting to MPWT and ADB respectively. The internal monitoring report summarizes progress on resettlement activities and notifies ADB of approval by IRC-GDR's of any changes, as required, to the implementation of the DRP. The contents of the report include the status of the following:

- (i) Set up of Institutional Arrangements
- (ii) Compensation Payments for Entitlements
- (iii) Grievance Redress
- (iv) Public Consultations
- (v) Budget Expenditures
- (vi) Livelihood Support Program, where applicable
- (vii) Overall Progress against agreed Implementation Schedule
- (viii) Major Problems and Issues
- (ix) Proposed Remedial Actions

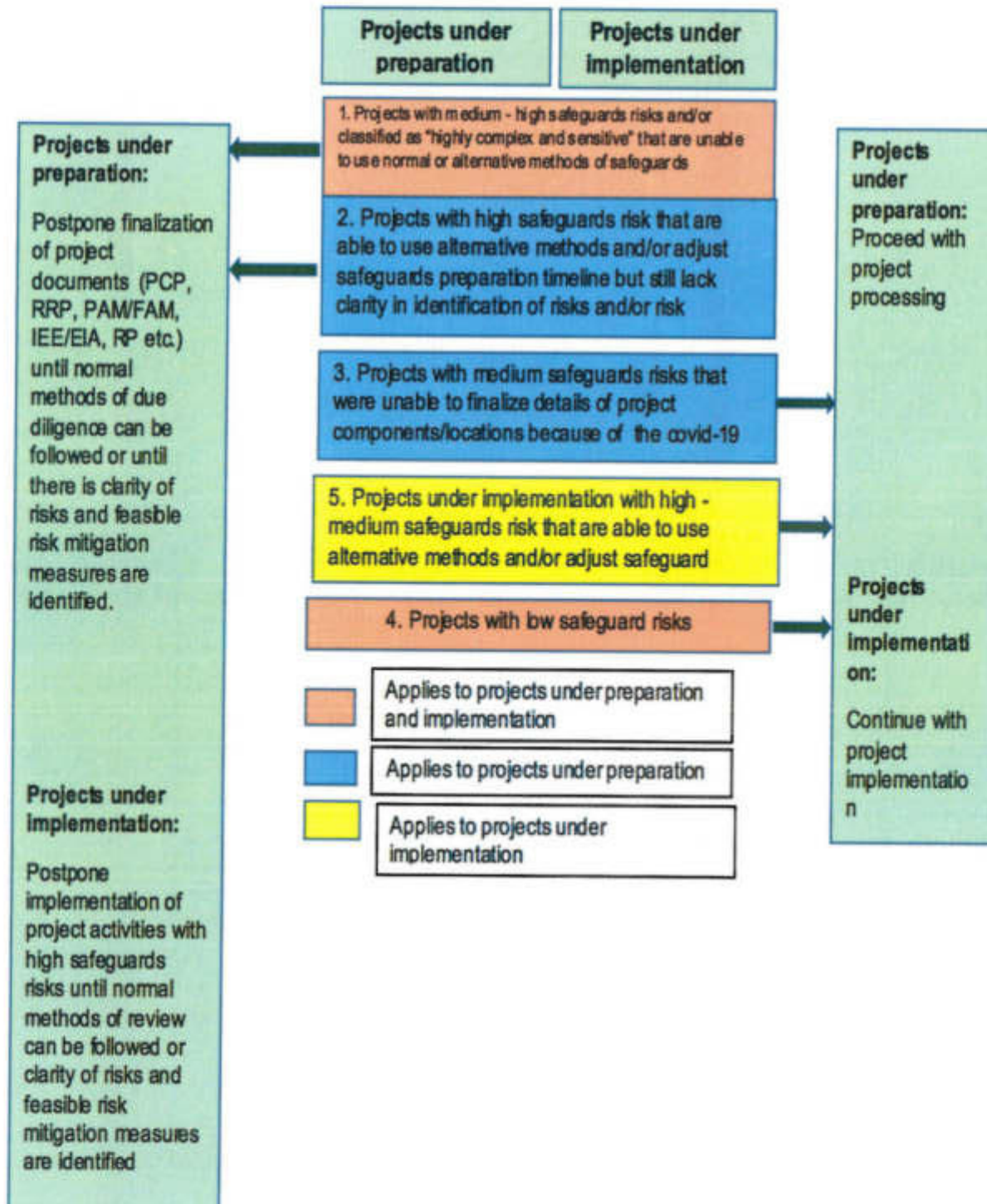
119. The DIMDM will also validate that the (i) entitlements and the corresponding compensation are paid in accordance with the entitlement matrix in the approved DRP; and (ii) GRM is functioning as per the guidelines. During subsequent monitoring periods, the DIMDM will look into whether or not corrective actions agreed to address land acquisition and resettlement issues in the past monitoring period (i.e., outstanding resettlement issues) have been resolved.

## **B. External Monitoring**

120. External monitoring will not be required as both of the SWM Subprojects do not have any resettlement impacts.

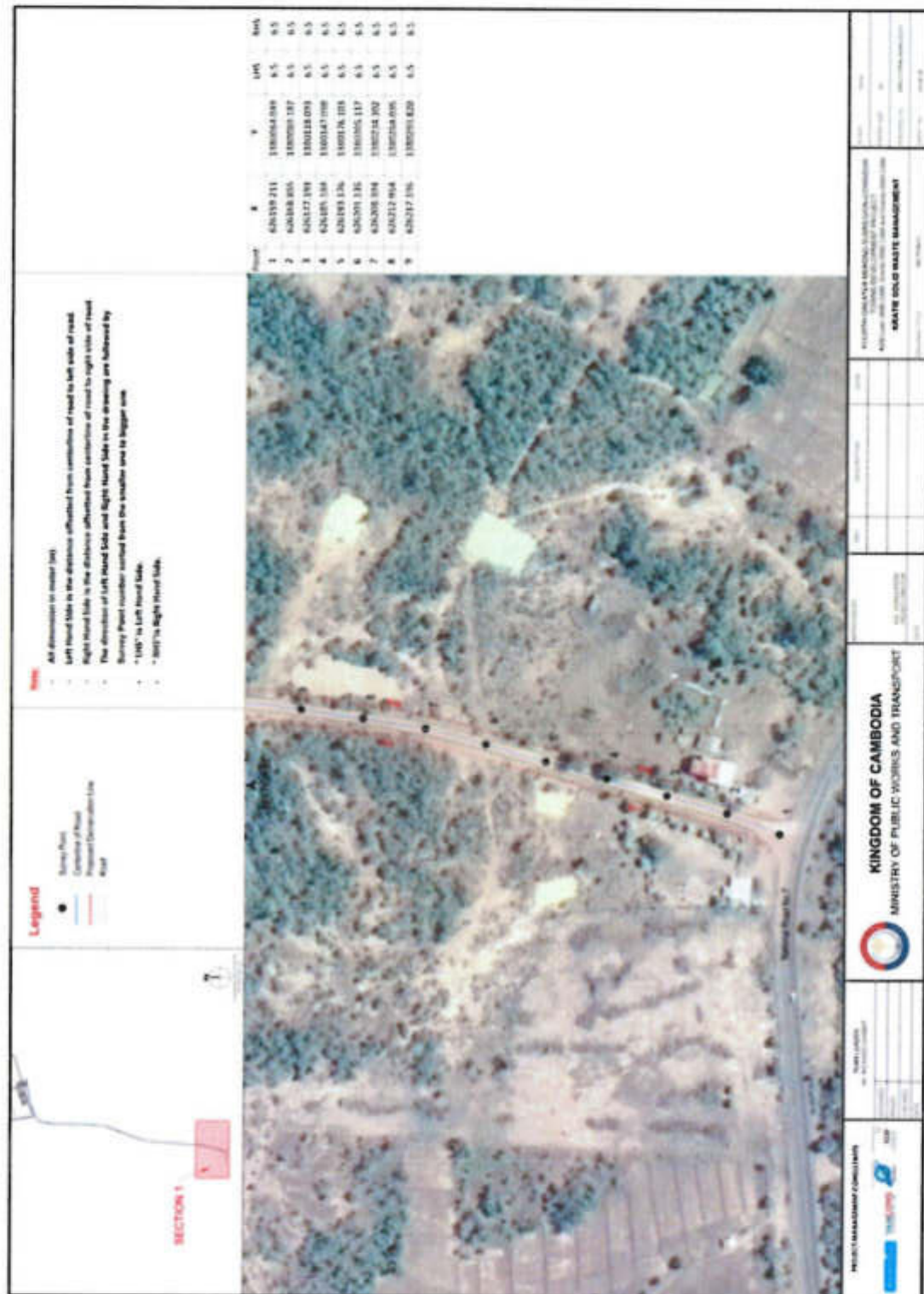
## ANNEXES

### Annex 1: Project Decision Framework





## Annex 2: Kratie SWM Access Road Detailed Maps



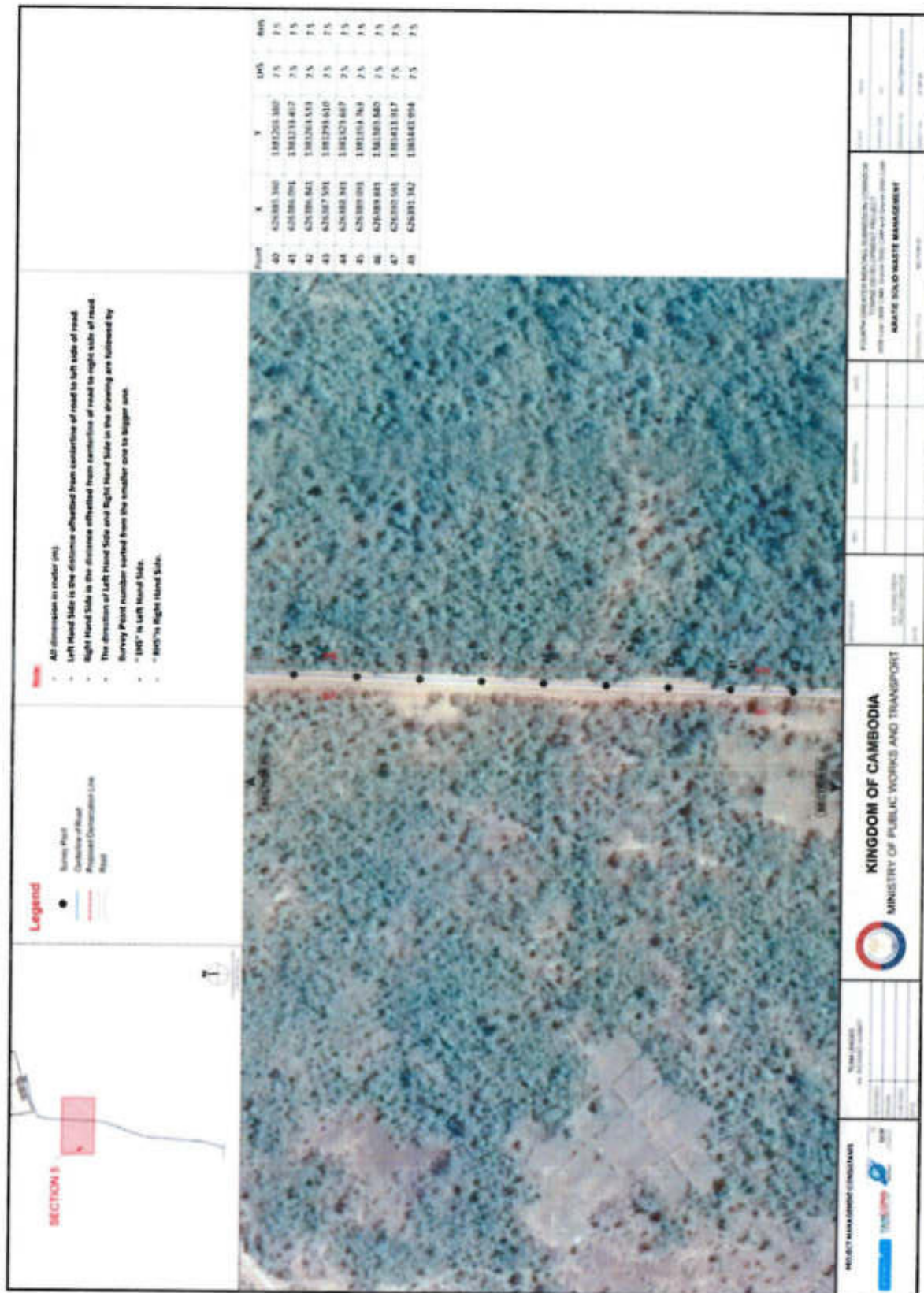








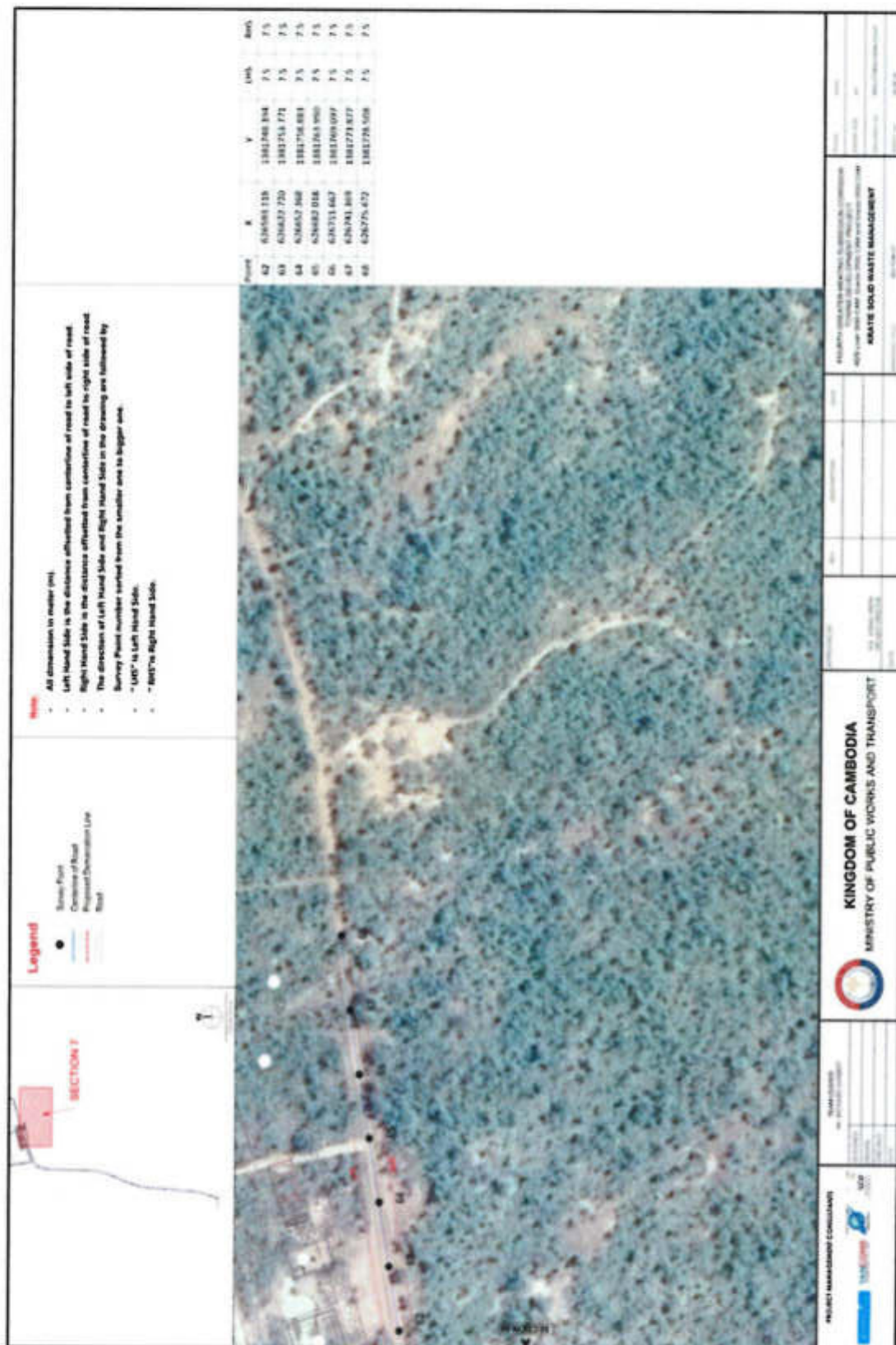




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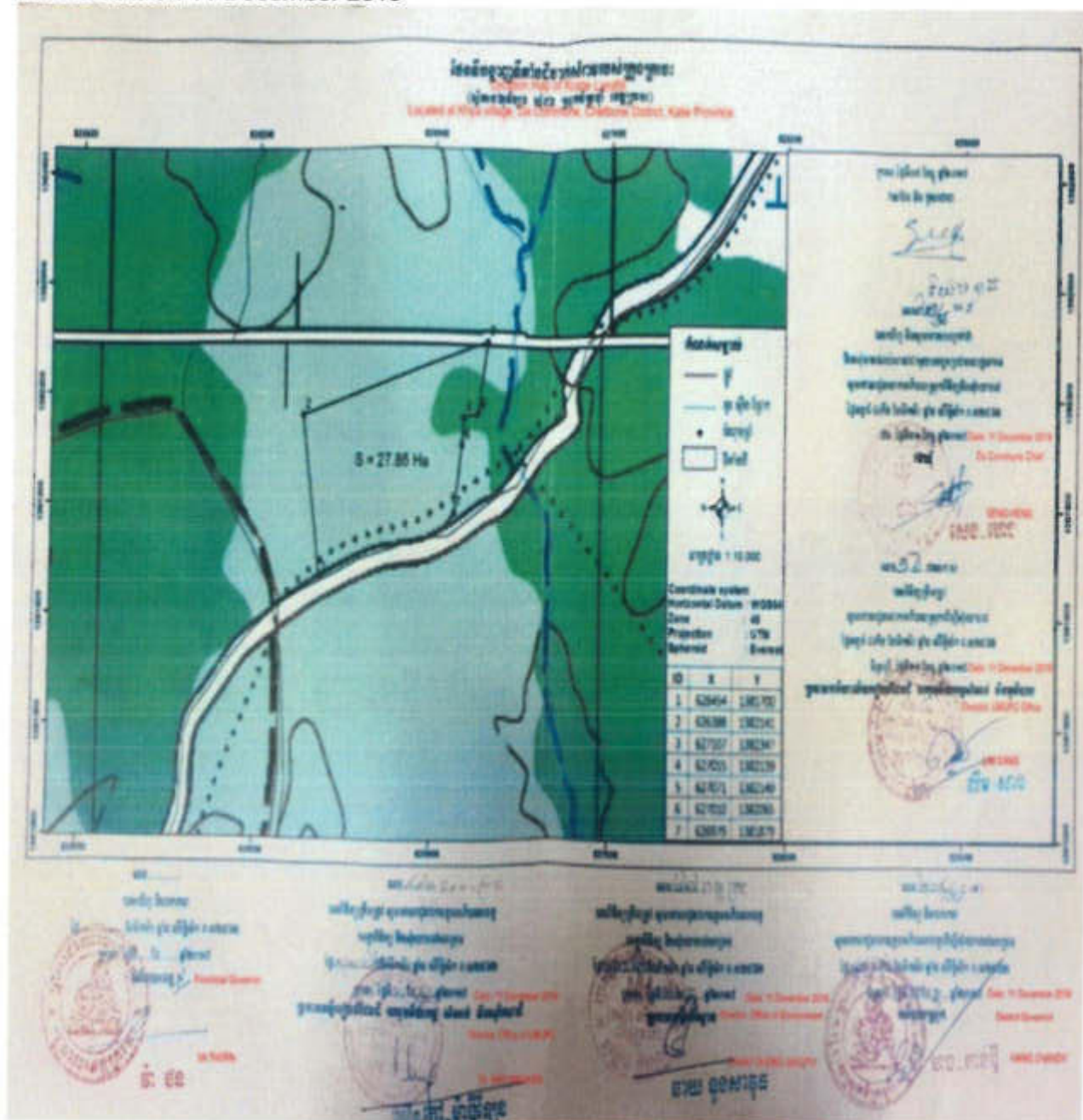






### Annex 3: Cadastral Map of New Landfill Site (Kratie)

**Location Map of proposed landfill with certification**  
 Issued date on 11 December 2018





# Annex 4: Stung Treng SWM Access Road Detailed Maps





# Legend

- Survey Point
- Centerline of Road
- Proposed Centerline Line
- Road

# Note

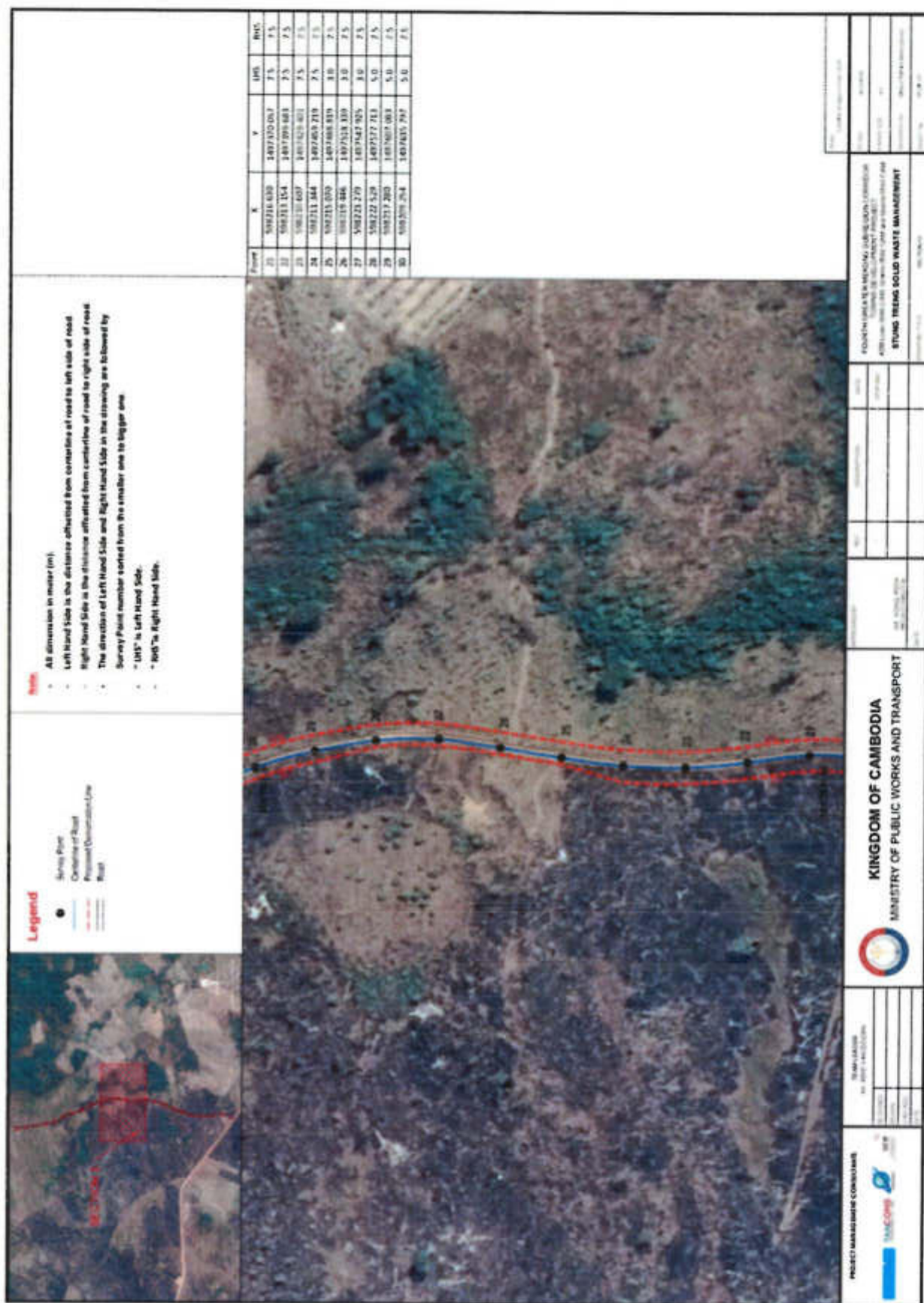
- All dimension in meter (m)
- Left Hand Side is the distance offsetted from centerline of road to left side of road
- Right Hand Side is the distance offsetted from centerline of road to right side of road
- The direction of Left Hand Side and Right Hand Side in the drawing are followed by Survey Point number sorted from the smaller one to bigger one
- "LHS" is Left Hand Side
- "RHS" is Right Hand Side

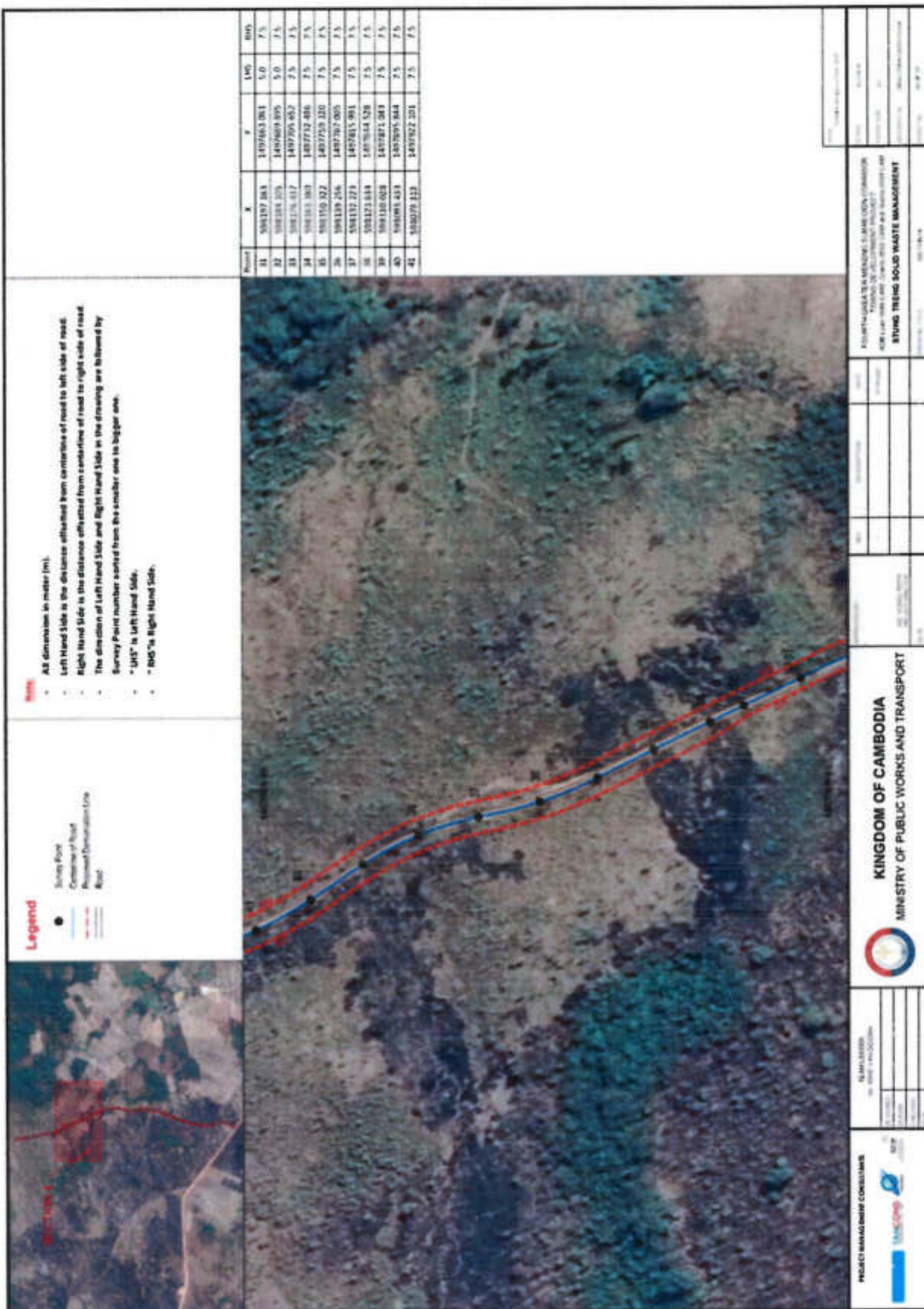


Point	X	Y	UPN	RMN
11	508127.577	1407067.110	4.0	7.5
12	508136.403	1407133.814	4.0	7.5
13	508147.500	1407141.525	7.5	7.5
14	508159.514	1407150.846	7.5	7.5
15	508171.520	1407158.100	7.5	7.5
16	508188.526	1407225.408	7.5	7.5
17	508194.840	1407251.251	7.5	7.5
18	508209.077	1407281.810	7.5	7.5
19	508226.308	1407311.967	7.5	7.5
20	508234.690	1407341.105	7.5	7.5

<b>PROJECT MANAGE MAIN CONSULTANT</b> 		<b>TEAM LEADER</b> Mr. [Name]		<b>DATE</b> [Date]	
<b>KINGDOM OF CAMBODIA</b> <b>MINISTRY OF PUBLIC WORKS AND TRANSPORT</b>		<b>DATE</b> [Date]		<b>DATE</b> [Date]	
<b>FOURTH GRADE NATIONAL SUBURBAN CENTER</b> (RURAL ROAD)		<b>DATE</b> [Date]		<b>DATE</b> [Date]	
<b>STUNG TRENG SOLID WASTE MANAGEMENT</b>		<b>DATE</b> [Date]		<b>DATE</b> [Date]	











# Annex 5: Cadastral Map of New Landfill Site (Stung Treng)





## Annex 6: Updated PIB for both Subprojects

### Updated PUBLIC INFORMATION BROCHURE Corridor Towns Development Project Phase 4 (CTDP-4) - Kratie

The purpose of this Public Information Brochure is to provide **CTDP-4** related information to persons and households at the CTDP-4 subproject sites, who may be physically (relocation, loss of residential land or loss of shelter) or economically (loss of land, assets, access to assets, income sources or means of livelihood) affected by land acquisition and involuntary resettlement.

#### A. PROJECT BACKGROUND

##### 1. What is Corridor Towns Development Project Phase 4 (CTDP-4)?

The Asian Development Bank (ADB) is supporting the Royal Government of Cambodia (RGC) to improve the urban services for enhancing regional economic connectivity in participating towns of Kampong Cham, Kratie and Stung Treng. This will be achieved through improved and better integrated regional and local planning, and investment in basic urban infrastructure such as drainage, sanitation, solid waste management, and town center environment enhancement. CTDP-4 will improve urban services and enhance regional economic connectivity in the provincial capital towns of Kampong Cham, Kratie, and Stung Treng along the Greater Mekong Subregion Corridor in Cambodia. The RGC has obtained a loan and grant from the ADB to implement CTDP-4. The loan and grant were declared effective on 14 December 2018 and will close on 30 June 2024.

##### 2. What is the objective of the CTDP-4

The objective of the CTDP-4 is to improve urban services and enhance regional economic connectivity in the provincial capital towns of Kampong Cham, Kratie, and Stung Treng along the Greater Mekong Subregion (GMS) Corridor in Cambodia. It will finance key urban environmental infrastructure and enhance institutional effectiveness with a focus on private sector engagement, information and communication technology (ICT)-based public management systems, and the policy and planning environment for regional economic connectivity

##### 3. What are CTDP-4 Outputs

There are two outputs of CTDP-4. **Output 1** is Urban environmental infrastructure improved, and **Output 2** is Institutional effectiveness, and policy and planning environment for regional economic connectivity enhanced.

##### 4. What are the subproject components?

For Kratie town, the CTDP-4 will develop under three subprojects: (i) 4,900 m<sup>3</sup>/day lagoon-based WWTP with 143 km pipelines, 2,688 household connections and pump stations and 12 km drainage channel; (ii) SWM/Controlled landfill with a volume capacity of 433,500 m<sup>3</sup> and waste collection vehicles landfill equipment; and (iii) Pedestrian walk rehabilitation with energy-efficient street lights. Figures 1 and 2 illustrate the locations of Landfill and WWTP sites, respectively.

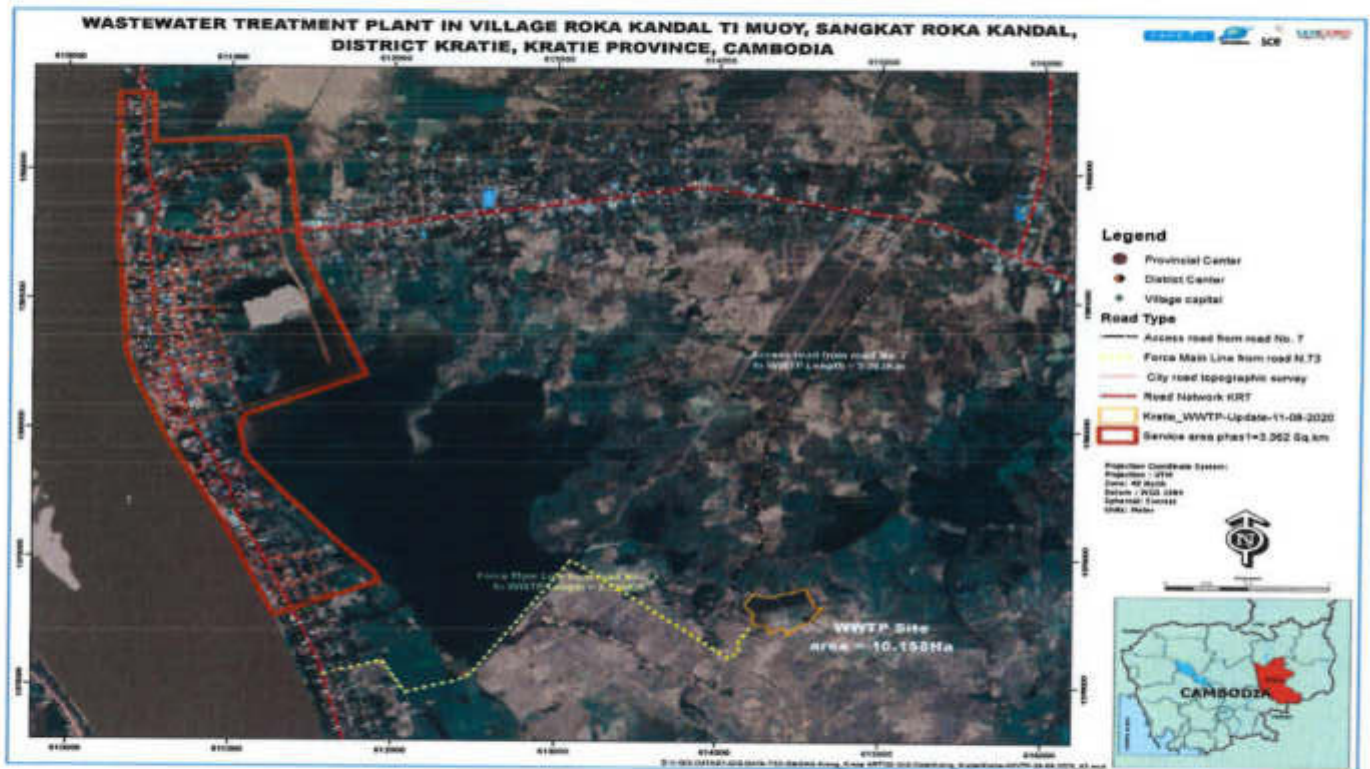
##### 5. What are the scope of land acquisition and resettlement and likely impacts?

There will be land acquisition impacts linked with WWTP subproject. After the detailed engineering design (DED), the PMU and design consultants will place demarcation pegs on the ground before the detailed measurement survey starts.

##### 6. What are the Right of Way (ROW) and Corridor of Impact (COI) of WWTP

The ROW is the state or government-owned land. The COI is the proposed where rehabilitation works will be carried out. The affected people in the COI after the payment of compensation will need to move out to allow the civil works of the canals and embankments to be carried out.

**Figure 1: Map of Location for Kratie Landfill Site**





#### **7. What is the cut-off date for eligibility?**

The cut-off date is the date established by RGC that establishes the eligibility of the affected households/affected persons (AH/AP) for receiving compensation and resettlement assistance under the subprojects. Only those AHs who are in the COI or lose their assets before the cut-off-date will be eligible for compensation and assistance. Any person who occupies land or expands structures or improvements to his house after the cut-off-date will be ineligible for receiving compensation. Fixed assets such as built structures (new or expansion of existing structures), crops, fruit trees, and other similar assets after the cut-off-date will not be compensated.

The cut-off date for this subproject will be the date of conducting first public consultation with the affected persons before conducting inventory of loss (IOL) or the detailed measurement survey (DMS).

#### **8. What is the detailed measurement survey and when will it be conducted?**

The detailed measurement survey (DMS) is a detailed survey and measurement of all affected assets including land, houses and structures, shops, crops, and trees of all the AHs. It will be conducted for each AH to record and agree on all the AH's losses of assets. The survey will also collect information and data on socioeconomic status, sources of livelihood, income, vulnerability etc. This is carried out in the presence of the AH and witnessed by a commune or village official. The DMS will be the basis for the calculation of the compensation package for each AH.

The detailed measurement survey will be conducted after the detailed engineering design is completed. The affected people and the local authorities will be informed in advance of this work.

#### **9. What will be the compensation and entitlements?**

The entitlements are in Table 1 of the Entitlement Matrix in **Appendix 1** of this Updated PIB. Households/People affected by the proposed Project are entitled to receive compensation for affected assets under the following key compensation principles:

- Provisions of fair and just compensation in advance.
- Full compensation paid before expropriation or clearance.
- Compensation is based on the replacement costs of lost assets at market prices that will be determined by an independent consultant through replacement cost study (RCS) without any deductions made for depreciation, salvage materials and transaction costs.

##### **(a) Will I be compensated for lost land?**

The ROW is state land and AHs who occupy land on the ROW will not be compensated for the land. However, they will be compensated for any loss resulting from using the land like for example, for operating a shop, planting crops or fruit trees, or for structures.

In case after the completion of DED, if it becomes necessary to acquire private land for new alignments or land on which the AH has a legal right that falls **outside of the ROW** due to design changes, then compensation will be paid at the replacement cost of the land to be acquired.

##### **(b) Will I be compensated for affected house and structures that I own?**

Yes. Private houses and structures that are affected by the proposed Project will be compensated at replacement cost without counting depreciation, salvage materials or transactions costs. Structures include fences, wells, pavements and other similar structures for which the AH can show ownership. If the house or structure is partially affected, then the compensation will be paid for the affected portion unless it can be shown that the remaining portion can no longer be useful after the removal of the affected portion. In such cases, compensation will be paid for the whole structure.

##### **(c) Will I be compensated for my crops and trees?**

Yes. For standing crops that are ripening but cannot be harvested by the time the land is required, the AHs will be compensated for the lost crop on replacement cost basis. However, for annual crops that are produced on annual seasonal basis like rice, sufficient notice will be provided to the AHs so that they can harvest the crops in time. No compensation is paid for crops in this case.

For perennial crops (trees that produce fruits for multiple years like mango tree), the AHs will be



compensated for the loss of fruit which will take into account the loss of potential income and the time required to re-establish the perennial trees.

**(d) If I have to relocate my house or shop, is there any relocation assistance?**

Yes. All efforts will be made during the detail design stage of the subprojects to avoid any physical displacement of AHs. However, apart from the compensation for the structures at replacement costs, transitional allowances will be paid as follows: (i) fixed lump sum transportation allowance for moving the assets; and (ii) loss of business income in case of stalls carrying out business. In case, the AHs are classified as poor and vulnerable, these allowances will be **doubled**.

**(e) In case my livelihood is affected, how will I be compensated?**

The DMS will take note of the livelihoods of the AHs and whether there is any impact on them. Under the proposed Project, for AHs whose livelihood is impacted they will be provided with income loss or restoration support:

- (i) Loss of income during the transitional period where physical relocation is required. This will cover loss of income during the period of self-relocation.
- (ii) When main source of livelihood source is **permanently** lost, a livelihood restoration/support program will be provided to assist the AHs/APs to rebuild/restore their livelihood.

In case the AHs are classified as poor and vulnerable, these allowances will be **doubled**. In addition, the proposed Project will seek to provide work opportunities in the project during the construction period.

**10. How will the replacement cost be decided, and compensation calculated?**

The payment for compensation will be made based on the market value or replacement cost of the lost assets without deduction being made for salvage materials, depreciation, or transaction costs. A **Replacement Cost Study (RCS)** will be carried out by a local qualified independent consultant with the necessary qualification and experience in asset valuation to determine the prevailing market rates. This will be done at the time of the DMS. The RCS consultant will carry out a detailed analysis of the market rates for all types of assets prevailing in the proposed Project or subproject area and prepare the **unit rates** for each category of the loss asset. These will be used to calculate the replacement value and will be used to prepare the resettlement budget. The General Department of Resettlement of the Ministry and Economy and Finance will select the RCS consultant before the commencement of DMS.

**11. Do I have right to complain about disagreements, compensation issues, resettlement or other related issues, if yes how?**

Yes, you have right to lodge your complaint to Grievance Redress Committee (GRC) if you are unclear or unhappy with resettlement activities. The members of GRC at all time are ready to assist you. The attempt to redress your grievance will commence at village level through the Village Chief. However, you can lodge your verbal complaint to any member of the GRC (i.e. at village, commune or resettlement working group). The GRC will record and document your complaint and advise you of the resolution. The GRM Procedures, Focal contacts for GRM complaints, and relevant **Individual Complaint, Register of Complaint Forms and Sample Letter from Head of District-Khan on Resolution** are in **Appendix 2** of this Updated PIB.

**12. Who do I contact in case I need clarifications or have a problem/complaint?**

Given that the Project has been approved by ADB, the loan and grant agreements have been signed and the CTDP-4 is now being implemented, the contact persons and their mobile numbers are provided in the box below who can provide you with clarifications on the subproject related technical issues. At this point in time, the eligibility, loss of assets, the DMS and the compensation packages have not been decided and hence any complaints relating to them will not be entertained.

The CTDP-4 has been approved by ADB, the Inter-Ministerial Resettlement Committee of the MEF has established a Grievance Redress Mechanism (GRM) under which Grievance Redress Committees will be established at both District and Provincial levels. These Committees will be set up and made operational before the commencement of the DMS. Any complaints or grievances on any aspects relating to incorrect measurements or compensation package will need to be sent to these Committees for resolution.



**Contacts Persons Related to Land Acquisition and Resettlement**

**Mr. Khuon Davith**, Deputy Director, General Department of Resettlement, Ministry of Economy and Finance, Phnom Penh.

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**Mr. Nop Robert**, Project Manager, Project Management Unit, Ministry of Public Works and Transport, Phnom Penh

Tel: 011 624 626/012 850197