

Draft Land Acquisition and Resettlement Plan for the Power Transmission Line

September 2018

Cambodia: National Solar Park Project

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Abbreviations

ADB	Asian Development Bank
CAO	Cadastral Administration Office
DMS	Detailed Measurement Survey
EDC	Electricité du Cambodge
GRC	Grievance Redress Committee
GRM	Grievance Redress Mechanism
GS6	Grid Substation 6
ha	hectare
IDPoor	Identification of Poor Households Project
IOL	Inventory of Loss
km	kilometer
kV	kilovolt
LARP	Land Acquisition and Resettlement Plan
m ²	square meter
MW	megawatt
NGO	non-governmental organization
PIC	Project Implementation Consultant
PV	photovoltaic
ROW	right-of-way
SEPRO	Social, Environment and Public Relations Office
SPS	ADB Safeguard Policy Statement

A. EXECUTIVE SUMMARY

1. The Asian Development Bank (ADB) is working with Cambodia's national electric utility, Electricité du Cambodge (EDC), to develop a National Solar Park Project, where power of up to 100 megawatts (MW) is to be procured from solar photovoltaic (PV) power plants from the private sector through a competitive tendering process. The solar park is planned to be constructed in the border area between Kampong Chhnang and Kampong Speu Province, near the Phnom Penh demand center. The project will also construct an approximately 40-kilometer (km) 230-kilovolt (kV) double circuit overhead power transmission line between the solar park substation and the nearest grid substation, grid substation 6 (GS6) in Kampong Speu province.

2. EDC will purchase the land required for the solar park through a Negotiated Settlement, while land acquisition for the transmission line will require a Land Acquisition and Resettlement Plan (LARP) according to ADB safeguards requirements.

3. The transmission line incorporates a 20-meter-wide right-of-way (ROW), 10 m on each side of the midline, where settlement and structures will not be permitted, and vegetation height will be restricted to 3 m. The line, including the ROW, and the tower locations have been identified in order to ensure that no residential structures will be affected and a minimum of private land needs to be acquired. The selected design option will avoid environmental, social and resettlement impacts where possible. The specifications related to land acquisition for the transmission line are the following:

- i) Total length of the route is approx. 40 km;
- ii) Transmission line ROW width is 20 m (10 m on each side of the midline);
- iii) Land acquisition for each tower is 225 square meter (m²) (15 m x 15 m); and
- iv) Estimated number of towers is 134.

4. The proposed transmission line is anticipated to have impact on only land for the towers and the ROW and trees growing on the tower pole lands and within the ROW. All the land to be acquired is private land that is mainly being used for growing paddy and fruit trees.

5. The project is not anticipated to have any significant impact on people's livelihoods or on vulnerable persons. No residential structures will be affected and no person will be displaced by the project.

6. In March 2018 a vegetation survey was done along the transmission line, covering the affected land and trees, and in June 2018 a census and Inventory of Loss (IOL) of the households expected to be affected by land acquisition for the power towers was undertaken in a length of 33 km of the transmission line for 110 power towers. 138 affected households were identified and 105 of them could be surveyed.

7. Information disclosure, consultation and participation process as required according to ADB Safeguard Policy Statement (SPS) 2009 was initiated in May-June 2018 and will continue during the updating of the LARP and throughout the project life.

8. This draft LARP has been prepared based on the assessments and consultations undertaken. It needs to be updated after EDC has completed land purchase for the solar park, when consultations, census and survey of the affected persons along the remaining part of the transmission line can be undertaken.

9. The LARP budget is estimated as described in Section I and is estimated at \$389,193. Table 17 presents summary cost estimate for land acquisition and compensation. The budget will be covered by EDC with the counterpart funding.

B. PROJECT DESCRIPTION

10. ADB is working with Cambodia's national electric utility, EDC, to develop a National Solar Park Project where power of up to 100 MW is to be procured from solar PV power plants from the private sector through a competitive tendering process. The aim is to demonstrate the ability of a large-scale solar PV to produce solar energy at a competitive price, while also providing technical benefits to the national grid, and substitute for fossil-fuel and hydropower generation in the future. The expansion of solar energy production will help diversify the power generation mix and complement the existing base of hydropower plants to meet daytime peak demand and dry season shortages, as well as increase the percentage of clean energy supply, in line with the Government of Cambodia's stated greenhouse gas emissions reduction targets. The project is the first of its kind in Cambodia and builds on lessons learnt from ADB Private Sector Operations Department's financing of a 10 MW solar plant at Bavet, Svay Rieng Province in 2016.

11. Under the ongoing transaction advisory services agreement that has been signed between the two institutions, ADB's Office of Public-Private Partnership is assisting EDC to design and conduct a competitive tender for procuring the first power plant to be built by the private sector and located within the park.¹ As transaction advisor, ADB is performing project due diligence (including legal, technical, financial, environmental and social due diligence), preparing the feasibility study,² assisting the development of tender documents and long-term power purchase agreements, and supporting the review and selection process.

1. Project Outputs

12. The project has two outputs:

13. **Output 1: Solar park and transmission interconnection constructed.** The project will support EDC to construct a 100 MW capacity solar power park in the border area between Kampong Chhnang and Kampong Speu Province and a transmission interconnection system to GS6, near the Phnom Penh demand center, to supply power to the national grid. The park will initially consist of 75 hectares of land, associated construction works (i.e. fencing, roads, drainage), common facilities and supporting infrastructure to accommodate 30 MW of solar PV plant capacity. The transmission interconnection infrastructure comprises the pooling substation located at the solar park, which will be able to accommodate a total of 100 MW capacity with 2 transformers, 50 megavolt amp each (with room for another 2), switchgear, and ancillary system, and controls; a supervisory control and data acquisition system compatible with EDC's requirements; a dedicated 40-kilometer 230-kilovolt double circuit overhead transmission line between the solar park substation and GS6; and two new bays with switchgear at GS6.

14. **Output 2: Capacity of EDC in solar power generation project design and supervision, grid integration and competitive procurement, strengthened.** The project will

¹ The tender will be for a 30 MW solar PV generating plant, to include crystalline-silicon solar arrays and mounting structures, power conversion units (inverters and associated transformers), direct current and alternating current plant cabling, power controls, and SCADA. The development of the plant will be financed by the private sector through private sector equity and commercial debt. Additional power plants supplying the remaining 70 MW are expected to be tendered out to the private sector by EDC in a subsequent phase.

² The feasibility study will focus on optimal park site selection and design, and future power plant design.

strengthen EDC's capacity to design, construct and operate solar PV plants and solar parks (including management of environmental and social safeguards issues). The project will also strengthen EDC's capacity to procure competitively-bid independent solar PV plants, and adopt energy storage systems and other measures to integrate intermittent renewable energy into the national grid.

15. EDC will own, operate and maintain the solar park facilities including all the grid connection infrastructure installed under the project. Independent Power Producers will have ownership and responsibility for operating and managing the solar plants and bound to supply electricity to EDC under a long-term Power Purchase Agreement.

16. Land acquisition will be required only for Output 1, where land is needed for the common facilities of the solar park and the approx. 40 km 230 kV double circuit overhead line between the pooling substation and GS6. The GS6 is an existing operational facility with fenced and titled land tract owned by EDC. None of the project components result in involuntary resettlement.

2. Analysis of Alternatives

17. The solar park area and the transmission line alignment have been selected to avoid impacts to the greatest extent possible on any residential areas, houses and other structures, and plantation areas. The proposed transmission line alignment has been adjusted accordingly to have only a minimum impact on land, crops and trees. Impact on houses and/or other primary and secondary structures has been avoided.

18. The solar park location was selected among three considered alternative sites (identified as site 5, 6 and 7) in the prefeasibility study in the border areas between Kampong Chhnang and Kampong Speu provinces at a distance of about 70 km from the capital, Phnom Penh. Larger areas than the actual space needed for the park were screened in order to find sufficient alternative land areas within each site. Table 1 below provides a summary comparison based on social criteria of the three alternative solar park sites identified in the prefeasibility study. Based on an assessment using combined social-environmental-technical criteria in the inception of the feasibility study, one of the three sites was selected as the most suitable one to be assessed in the study as it was found to have the least negative social impacts.

Table 1. Comparison of three alternative solar park sites based on social criteria

Criteria	Site 5	Site 6	Site 7
Land use	Paddy, small orchards (cassava, mango, coconut), shrub forest	Paddy; small orchards (cassava, eucalyptus, bamboo, cashew, mango, orange)	50% of site within a large sugarcane plantation; orchards (mango, coconut, cassava)
Land titles	Traditional land occupation certificates – no official land titles	Private ownership with formal land titles, or traditional land holding; farmland owned by the Cambodian Royal Police Force	Economic land concession; traditional land occupation certificates –no official land titles
Land acquisition impact	Probably many small holders losing productive land, land in active use	Large areas of land appear not to be in economic use/production	Loss of work opportunities in

Criteria	Site 5	Site 6	Site 7
			plantation, newly established orchards

19. The route for the transmission line has been walked through by the team of engineers, social specialists and geographic information systems expert to avoid impact on houses and structures resulting from location of poles. Hence, the route with the least impact scope has been identified at the feasibility study stage, that serves the basis for this draft LARP.

C. SCOPE OF LAND ACQUISITION AND RESETTLEMENT

1. Impact on Land

a. Solar park

20. Permanent acquisition of 250 ha of land is needed for construction of common facilities of the 100 MW capacity solar park, located in the border area between Kampong Speu and Kampong Chhnang Province. Land will be acquired in two phases. For Phase 1, 75 ha is required for the first 30 MW of plant capacity. For Phase 2, 175 ha is required for the remaining 70 MW of plant capacity. EDC is in the process of negotiation with the land owner in order to acquire all the required land for Phase 1. Because of the low economic value of the lands and small number of affected households, EDC decided to acquire land using a willing buyer-willing seller approach, or in other words, through a negotiated settlement. EDC has agreed with ADB on the consultation process, policies and laws applicable to willing buyer-willing seller transactions, the third part validation, mechanisms for calculating the replacement cost of the affected land and assets and the record keeping requirement.³ EDC has engaged a qualified law firm to verify the process and ensure that any negotiations with affected persons openly address the risks of asymmetry of information and bargaining power of the parties involved in transactions.

21. A Land Acquisition and Resettlement Framework has been prepared for the project to guide the resettlement planning process in case the negotiation fails and results in involuntary resettlement. Annex B of the Land Acquisition and Resettlement Framework details the agreed procedure for negotiated settlement and the proposed reporting arrangement. Therefore, this LARP does not cover the solar park area, and is only limited to the power transmission line.

b. Land acquisition for transmission line power tower poles

22. The power transmission line is planned to run through Thpong and Odongk Districts in Kampong Speu Province and a small part up to the solar park in Kbal Teuk commune, Tek Pos District in Kampong Chhnang Province. Maps 2 and 3 in Annex A provide an overview of the administrative areas along the planned transmission line.

23. Land is needed on a permanent basis for power tower poles along the 40 km long 230 kV power transmission line from GS6 to the solar park. EDC will purchase the required land plots for their full value and thus, in the future, have full land use control and access over the land under the towers. The power towers are designed to be placed at a distance of approximately 300 m from each other, and the total number of poles will be approximately 134, however, the exact

³ According to ADB's Safeguard Policy Statement, Safeguard Requirements 2: Involuntary Resettlement do not apply to negotiated settlements, unless expropriation would result upon the failure of negotiations.

number will be defined during the detailed design phase. At the feasibility study stage in June 2018, 33 km of the planned transmission line starting from the GS6 could be assessed with identification and survey of the affected people (see Map 1 in Annex A). The remaining part of the planned alignment will be assessed at the detailed design stage. This Draft LARP is prepared for the 33 km alignment starting from the GS6, and it contains an assessment of the impacts of 110 power tower poles. The Draft LARP will be updated following the detailed design when an assessment of the impacts is completed based on the final location of the tower poles and final number of tower poles is confirmed.

24. Each power tower pole will require a 15x15 m plot of land (225 m²) at an approximate interval of 300 m, with a total area of 30,150 m² (approximately 3 ha) of land to be acquired at replacement cost for the 134 power tower poles.

25. Impact of the land acquisition for the identified 110 power tower poles is on land, crops and trees only; no houses or other structures are located on the affected land areas.

26. The land to be acquired for the power towers consists mainly of paddy land (70%) and scrub land (17%). Table 3 below provides an identification of the areas per type to be acquired for the 110 power tower poles, in total 2.475 ha (24,750 m²).

c. Transmission Line Right-of-way

27. The feasibility study assessment was undertaken for a 30 m Right-of-way (ROW)⁴, within which land could be continued to be used by land owners but the height of vegetation and structures should be restricted. The identified land types within a 30 m ROW in each commune are as seen in Table 4 for the 33 km of the transmission line with a total land area of 96.5 ha (33 km x 30 m - 2.475 ha). Majority (65%) of the area is paddy fields, followed by scrubland (15%). The 30 m corridor was assessed to get clarity on the potential impacts resulting from the restrictions to be put on ROW.

28. Based on EDC's Technical Standards, a ROW of 20 m (10 m on each side of the midline) will be applied for the transmission line. Land within the ROW will not be permanently acquired but will apply restrictions such as limited height of trees and structures/buildings within the ROW to 3 meters. Owners will continue using the land within the ROW, therefore, EDC will compensate land owners 30% of the land value to mitigate the imposed restrictions. Affected trees and crops will be compensated at their full value at replacement cost. In the LARP budget (Section I), compensation values for land and trees have therefore been calculated for an estimated 20 m ROW.

29. Natural and constructed structures were identified in the assessment of the wider 30 m area along the transmission line in March 2018, such as houses, canals, roads, ponds, bridges and streams as presented in Table 5. During the detailed design when the transmission line alignment will be confirmed, the location of these structures in relation to the transmission line and the potential impacts of the project on them will need to be assessed in detail for the 20-meter-wide ROW as per EDC's technical Standards.

d. Affected Persons

⁴ See next para for the adjusted ROW to 20m.

30. The number of households to be affected by land acquisition for the 110 power tower poles in six communes in two districts is 138 with an identified 592 affected persons (see Table 2 and Table 3 below). However, during the census and IOL survey in June 2018, only 105 of the affected households could be reached by the survey team. The remaining affected land owners appear not to live in the project area, and they have to be contacted and consulted during the detailed design phase when the final alignment of the transmission line is confirmed.

Table 2. Number of affected households per commune

Commune	Total No. of poles	Pole No.	No. of AHs	No. of APs
Khsem Khsant	12	1-10, 13-14	10	28*
Trach Tong	27	11-12, 15-37, 42-43	27	119
Chant Saen	4	38-41	7	42
Mean Chey	20	44-63	39	166
Rung Roeang	18	64-81	22	88
Prambei Mum	29	82-110	33	149
Total: 6	110		138	592

AH = affected household; AP = affected person; No. = number

*Not all landowners could be found during the census and IOL; not all owners are local residents

Table 3. Affected land, affected households and affected persons, 110 power tower poles (m²)

Type of affected land	Total landholding area (m ²)	Area of land acquisition (m ²)	Number of AHs	Number of APs
Residential land*	145 317	450	2	0
Paddy land	139 350	17 223	100	497
Other annual crops land	15 000	225	1	5
Fruit tree orchard	1 381 411	1 013	5	17
Non-fruit tree plantation	20 000	450	2	9
Bamboo forest	62 952	225	1	4
Degraded forest	245	225	1	5
Scrubland	25 000	4 150	23	48
Aquaculture/pond/canal	1 200	-	-	0
Vacant grassland	121 950	-	-	0
Other (grassland, banana trees)	125 152	790	3	7
Total	2 037 577	24 750	138	592

AH = affected household; AP = affected person; m² = square meter; No. = number

* The affected land is categorized as residential land, but no construction has taken place on it and the landowners are not local residents.

Table 4. Land area (m²) per vegetation type identified within 30 m ROW in each commune, 33 km

Commune	Paddy field	Integrated fruit tree orchard*	Non-fruit tree plantation**	Scrubland	Residential/ development land	Degraded forest / bush by stream	Water body	Palm tree	Vacant grassland	Total
Khsem Khsant	29,220	-	10,220	5,660	5,000	-	-	3,900	-	54,000
Trach Tong	197,966	7,500	12,300	46,034	-	2,000	5,200	2,500	8,500	282,000
Chant Saen	11,500	-	-	500	-	-	-	-	-	12,000
Mean Chey	120,050	-	-	9,900	-	500	1,500	50	-	132,000
Rung Roeang	148,992	-	-	1,008	-	-	-	-	-	150,000
Prambei Mum	120,460	44,280	-	83,310	9,200	56,000	-	9,550	12,450	335,250
Total m²	628,188	51,780	22,520	146,412	14,200	58,500	6,700	16,000	20,950	965,250
Total ha	62.8	5.18	2.25	14.64	1.42	5.85	0.67	1.6	2.10	96.5

ha = hectare; km = kilometer; m = meter; m² = square meter; ROW = right-of-way

* mango and other fruit trees; **eucalyptus and acacia

Table 5. Structures identified within 30 m ROW

Commune	Crossing canal		Parallel canal		Crossing road		Parallel road		Lake/pond		Bridge		Natural stream	
	L	DP	L	DT	L	DP	L	DT	No.	DP	No.	DP	L	DP
Khsem Khsant	-		-	-	807	146	-	-	-	-	-	-	-	
Trach Tong	565	70	-	-	2,105	72	700	10	1	70	-	-	-	
Chant Saen	15	150	-	-	-	-	-	-	-	-	-	-	-	
Mean Chey	400	70	-	-	630	130	-	-	-	-	2	115	45	45
Rung Roeang	-		-	-	565	19	-	-	-	-	-	-	-	
Prambei Mum	-		200	10	5,360	68	170	7	4	153	-	-	-	
Total	3			1		5		2	5		2			1

DP = Average distance from the pole in meters; DT = Average distance from the transmission line midline in meters; L = Length in meters; m = meter; No. = Number of structures; ROW = right-of-way.

e. Impact on Structures

31. No houses or other permanent or temporary structures are located on the land to be acquired for the project. No houses or residential buildings were identified to be within the 30m ROW either. However, as can be seen in Table 5 above, there are some structures near the transmission line that have to be considered in the detailed design stage, such as a canal running parallel with the planned transmission line alignment at a distance of 10 m from the planned transmission line midline and a parallel road at a distance of 7 m from the midline in Prambei Mum commune. In Trach Tong commune there is a road running parallel with the transmission line at a distance of 10 m from the planned midline. According to Cambodian national transmission line requirements⁵, no structures within 7.5m from the transmission line midline (on both sides) should be allowed. The exact distance and any potential impacts of the construction on these identified structures near the transmission line can only be assessed when the final alignment will be confirmed in the detailed design phase.

f. Impact on Crops and Trees

32. Most of the land to be acquired for the 110 power tower poles for the project is paddy land (representing 17,223 m²). Other annual crops are grown on only one tower location with a total land acquisition of 225 m² (see Table 3 above).

33. Several types of trees such as sugar palm, mango, banana, eucalyptus and bamboo were identified in the planned locations for the power tower poles. The number of trees of each species eligible for compensation are listed in Table 6 below.

Table 6. Number of trees by type affected by 110 power towers

Type of tree	No. of trees	No. of AHs
Palm	22	9
Mango	100	6
Banana	50	1
Eucalyptus	30	1
Bamboo	45	1
Azadirachta indica (Neem)	3	1
Other trees (Dipterocarpus obtusifolius)	6	2
TOTAL	256	21

AH = affected household; No. = number

34. Within the 30 m ROW the total number of trees was found to be more than 8,500 (see Table 7 below). EDC will compensate the trees that have to be cut down within a ROW of 20 m. During the detailed design phase, the owners of such trees will be identified.

Table 7. Number of identified trees by type within 30 m ROW

Type of tree	No. of trees
Palm	2,005
Mango	4,498
Eucalyptus	2,069
TOTAL	8,572

m = meter; No. = number; ROW = right-of-way

⁵ Kingdom of Cambodia 2007, Electricity Authority of Cambodia, *Electric Power Technical Standards of the Kingdom of Cambodia*.

g. Severely affected households

35. An affected household is identified to be severely affected if, due to a project:
- (i) the household will lose income equal to 10% or more of its total income as a result of land acquisition through impacts on business operation or commercial trees;
 - (ii) the household will lose productive land equal to 10% or more of its total affected productive land, i.e. rice land or orchard;
 - (iii) the household's main structures will be affected equal to 50% or more but do not require relocating from the existing location; and
 - (iv) a household whose main structure will be relocated from the existing location.

36. The Project will not affect structures, but impacts will be on land, crops and trees only. Of the identified land owners for the land to be acquired, three will lose more than 10% of their productive land and will therefore be severely affected by the project. Table 8 below shows the location, affected household identification number given by the project, the total land holding of the household and the land to be acquired by the project.

Table 8. Severely affected households

Commune	Project AH ID No.	Total land holding of AH (m ²)	Land to be acquired (m ²)	% of land to be lost of AH total land
Trach Tong	23	2,000	225	11.3
Prambei Mum	83	2,142	225	10.5
Prambei Mum	88	1,842	225	12.2

AH = affected household; m² = square meter; ID No. = project identification number

h. Vulnerable affected households

37. Vulnerable affected households are people who might suffer disproportionately or risk to be marginalized due to project impacts on them, and specifically include: (i) female-headed households with dependents; (ii) households with disabled household head; (iii) households classified as poor through the Identification of Poor Households Project (IDPoor) process; (iv) elderly households with no means of support; (v) landless households; and (vi) ethnic minority households.

38. During the feasibility study assessment, 8 of the affected households were identified to be female-headed with dependents, 7 households were classified as poor through the IDPoor process and 2 household heads were disabled. Of the female-headed households, one is classified as poor by the ID Poor process⁶ as well. In total, 16 households are vulnerable and eligible for special assistance.

39. All the affected households were identified to be Khmer, and no ethnic minority persons will be affected by the project.

i. Temporary Impact

40. During the construction, there will be temporary impacts in an area of 400 m along the transmission line from temporary constructed access roads, material transportations and

⁶ Households are given ID poor status through a process defined by the Ministry of Planning, involving significant consultation and participation of villagers, and using a standard questionnaire for identification of poor households consisting of household's house standard, productive land area, animals and other sources of income, means of transportation, capacity to meet HH food needs, ratio of dependent HH members to productive members, and special HH situations.

storage. These impacts will be known first after the detailed design and on an ongoing basis during the construction.

D. SOCIO-ECONOMIC INFORMATION AND PROFILE

41. Census and IOL survey of the households to be affected by land acquisition for the 110 power tower poles in a distance of 33 km from the GS6 was undertaken in June 2018. The integrated survey tool has been devised that included socio-economic data/block, along with census and IOL. (The Questionnaire is enclosed in Annex C). In total, 138 households were identified to be affected by the land acquisition, however, only 105 could be found and surveyed, while the remaining 33 appear not to reside in the location of the affected land.

42. The number of the affected households per each of the six affected communes, the surveyed households, and their villages are shown in Table 9 below.

Table 9. Total number of Affected Households, 110 tower poles

District	Commune	No. of villages	Names of villages	No. of AHs	Surveyed AHs
Odongk	Khsem Khsant	3	Sdok Lpov, Trach Tong, Prey Ta Chey	10	4
	Trach Tong	8	Ra, Trapeang Angkrang, Trapeang Lpeak, Ta Dong, Trapeang Loeuk, Krang Trob, Trapeang Kdol, Boeung Va	27	20
	Chan Saen	1	Krang Tumnob	7	7
	Mean Chhey	5	Sdok, Prey Chongrok, Kandol, Trapeang Chambak, Prey Sneth	39	29
Subtotal		17		83	60
Thpong	Rung Roeang	4	Krang Ta Char, Thmei, Roleang Thloeng, Chambok Sar	22	17
	Prambei Mum	5	Prey Veaeng, Tang Puor, Don Teb, Tbaeng Prochhab, Trapeang Traok	33	28
Subtotal		9		55	45
TOTAL		26		138	105

AH = affected household; No. = number

Source: PPTA Consultant's Survey June 2018

1. Household background

43. **Civil status.** Of the 105 surveyed households, 88 are married couples and one couple living together without being married, 3 household heads are single, 8 are female, and 5 of the male household heads are widowed.

44. **Ethnicity, religion, settlement.** The ethnicity of all households is Khmer and they all profess Buddhism. Residence appears highly stable: 74% of the household heads have lived in the same place all their lives, and further, 25% have been living in their current location for more than 10 years.

45. **Household size.** The most common household size among the affected households is 2 or 3 persons. 31% of the respondent households reported 2 persons living permanently in the household, 28% with 3 persons, 17% with 4 persons, 7% with 5 persons, and 6% with 6 or more persons. The great number of affected households with only 2 or 3 persons is explained by many younger people working and living in Phnom Penh.

Table 10. Household size of AHs

No. of HH members	No. of AHs	% of AHs
1 persons	22	11.5
2 persons	59	30.9
3 persons	53	27.7
4 persons	32	16.8
5 persons	13	6.8
6 or more persons	12	6.3
TOTAL	191*	100

AH = affected household; HH = household; No. = number

*No data on all Ahs

46. **Age.** 25% of the total recorded 529 persons in the 105 affected households are under 15 years of age, 39% 15-30 years, 17% 31-45 years, 13% 46-60 years, and the rest 61 years or over. 33 out of the 105 households have children under 5 years of age, 29 of them with only one child, 3 with 2 children and 1 household with 3 children under five.

Table 11. Age of AH members

Age of AH members	No. of persons	% of APs
Under 15 years	146	24.7
15-30 years	229	38.7
31-45 years	101	17.0
46-60 years	74	12.5
over 60 years	42	7.1
TOTAL	592	100

AH = affected household; AP = affected person; No. = number

2. Health and Education

47. The **health status** of the affected household heads is generally normal, but two are disabled. The most common health problems of household members are reported to be headache, back pain and mild diarrhea. Health services are generally available in commune health centers, but any other health providers such as hospital or private doctor services are in general at a distance of more than 10 km away. The average travel cost to health care is less than \$3, but varying from under \$1 to \$10, depending on the location of the village.

48. The **educational level** of the affected household heads is in general low: majority of them, 68%, have uncompleted primary school education, and 15% lack formal education, the rest have education at lower secondary level, and only 2 have attended high school and one household head has university level education. Of the affected household members (household heads included), 16% lack formal education while 43% have uncompleted primary school education and 17% have uncompleted lower secondary education. This may reflect the fact that the population is young, and many children may still be in school. Only a few persons have attained higher level education. The educational level of the household heads and all the affected people is summarized in Table 12 below.

Table 12. Educational level of AH heads and all APs

Educational level	AH head	% of AH heads	AH members	% of AH members
No formal education	16	15.2	97	16.4
Primary school uncompleted	68	64.8	254	43.0
Primary school completed	4	3.8	55	9.3
Lower secondary uncompleted	7	6.6	101	17.0
Lower secondary completed	7	6.6	30	5.0

Educational level	AH head	% of AH heads	AH members	% of AH members
High school uncompleted	1	1.0	31	5.2
High school completed	1	1.0	11	1.9
Vocational training	0	0	2	0.3
University/college uncompleted	0	0	7	1.4
University/college completed	1	1.0	3	0.5
TOTAL	105	100	591	100

AH = affected household; AP = affected person

49. Primary **schools** are available in all communes at a distance of less than 2 km. Distance to secondary school is generally longer: 45% of the affected households have 3-5 km and 30% more than 5 km to a secondary school. 70% of households report a distance of more than 5 km to the nearest high school. 36% of households report that a child in the household has dropped out of school.

3. Housing and living standards

50. **House ownership and standard.** All the affected households but one own their residential house. Most houses have wooden walls with tile (44%) or sheet (37%) roof, 5% are brick houses. Kitchen is in general a temporary one outside the house, but 20% of the households have a permanent kitchen inside the house.

51. **Attached to the residential house,** 37% of affected households have a cattle shade, 30% a storage/barn for agricultural products, and 14% a chicken house. 11% of the households report having no attached structures to the residential house.

52. **Number of families sharing a house.** 76% of the affected households consist of one family residing in the house, 8% with 2 families, 5% with 3 families, and 11% with 4 families living in the same house.

53. **Electricity.** 69% of the affected households have grid electricity, the rest use mainly solar panels for household electricity. Wood is the most common (66%) source of energy for cooking, 18% have gas cookers, and 13% use grid electricity for cooking.

54. **Water source.** Rain water is regularly collected for domestic water use, 42% of the affected households use rainwater as their most frequent water source, combined with water delivered by a truck (32%), pond/canal/river water 12%, community well 6%. Only 3 households report their main household water source to be a deep well.

55. **Sanitation.** 61% of the affected households report to have an improved toilet with closed pit without automatic flush. Less than 9% use public toilet, but 22% report not to use a toilet (i.e. open defecation).

56. **Household appliances and equipment.** All households own at least one and in several cases two bicycles and motorbikes, each household has at least two mobile phones and at least one fan, but none has a refrigerator. 70% of households have a color TV and 63% a radio, but only 4 out of the 105 households own a computer. Likewise, only 4 households own a car, even if 24 households have a truck.

4. Household income and economy

57. **Occupation and employment status.** The main occupation of the affected household members is in farming, in own business, in wage work and as students. The employment status

of the affected people as can be seen in Table 13 below is being students or not working, doing full-time wage work, seasonal agricultural work, or being self-employed in own business. Typically, women in labor age are wage laborers and commute daily to garment factories in Phnom Penh, while men do the seasonal farming in the home village. This wage labor in garment factories has contributed to reducing poverty in the project area through regular monthly income at least at a minimum wage level. Overseas work is not significant; only 7 affected households report a household member working abroad, but only 2 of them receive regularly money from the migrant worker.

Table 13. Employment status of AH members

Occupation	No. of persons	% of APs
Self employed	72	12.2
Full-time wage work	166	28.0
Casual/part-time work	13	2.2
Unpaid family worker	2	0.3
Seasonal work	131	22.1
No job/student	208	35.2
TOTAL	592	100

AH = affected household; AP = affected person; No. = number

58. **Income.** Farming is the primary reported income source of 84% of the affected household heads, while 9% have their primary income from own business and the rest from wage work. Of the 105 affected households, majority (53%) report their annual income level to be over \$5,000, while 28% report an annual income between \$3,000 and \$5,000, and less households report a lower income level. The highest reported annual income sources are wage work in private sector and own business.

Table 14. Annual income level of AHs

Annual income level in USD	No. of AHs	% of AHs
<1,000	4	3.8
1,000-2,000	6	5.7
2,001-3,000	10	9.5
3,001-4,000	15	14.3
4,001-5,000	15	14.3
5,001<	55	52.4
TOTAL	105	100

AH = affected household; No. = number

59. **Expenditure.** More than half of the affected households report household annual expenditure level between \$2,000 and \$4,000. Further, 29% of the households reported expenditure levels over \$5,000 per year. The highest reported expenditure categories are food items and loan repayments.

Table 15. Annual expenditure level of AHs

Annual expenditure level in USD	No. of AHs	% of AHs
<1,000	5	4.8
1,000-2,000	6	5.7
2,001-3,000	27	25.7
3,001-4,000	28	26.7
4,001-5,000	9	8.6
5,001<	30	28.5
TOTAL	105	100

AH = affected household; No. = number

60. **Loans.** 62% of the affected households report outstanding loans, of them 77% taken on a microcredit facility and 14% at a private bank, while the rest are loans from relatives. The amounts vary from \$250 up to \$25,000, the average being \$4,160. The most common defined cause for taking a loan is house construction, followed by purchase of a vehicle and paying medical expenses.

61. **Land ownership.** All households own their residential land and most of them (90%) have an ownership certificate. Households likewise own the land used for rice cultivation, but 22% of those with paddy land lack a land use certificate. Paddy land is not irrigated, but only rainfed canals are used in rice cultivation. No household is recorded to rent out land, however, 5 households are renting their cultivation land for other crops than paddy.

62. **Animal keeping.** Majority of affected households (78%) keep cows, chicken and ducks. Livestock and poultry is kept both for family food and for selling. Only 2 households have fish ponds.

63. **Poverty and food insufficiency.** Of the 7 affected households classified as poor by the IDPoor process, 3 report poor health or illness to be a contributing cause to poverty, 2 households report lack of labor force and 4 lack of productive land and lack of money. 6 households report that they during the past 3 years suffered 1-2 months of food insufficiency, while 2 households report 2-3 months and 1 household more than 3 months of food insufficiency.

E. INFORMATION DISCLOSURE, CONSULTATION AND PARTICIPATION

64. ADB's SPS 2009 requires carrying out meaningful consultation with affected persons and communities beginning early in the project preparation stage and on an ongoing basis throughout the project cycle and in line with the three safeguard policies of Involuntary Resettlement, Indigenous/Ethnic Peoples and the Environment. Public consultations were undertaken accordingly during the project planning and design phase to inform and consult with project stakeholders, especially with the people to be affected by a project.

1. Public Consultations

65. Public consultations were organized 25–31 May 2018 at district and village levels. The aim of the consultations was to inform the potentially affected stakeholders about the anticipated social and environmental impacts of the proposed transmission line, and to respond to their questions and record their concerns and feedback to the project planning. Each public consultation contained a section on social issues and another on environmental issues.

66. District level public consultations were organized in Thpong District and in Odongk District. Invited participants included village chiefs, commune councils, district councils, district sectoral offices such as cadastral office, planning office, environmental office, agricultural office, rural development office, district electricity authority, NGOs working on social and environmental issues, women's organization, and district police office. In total, 57 persons of these organisations and stakeholder categories, 5 of them women, participated in these meetings.

67. Seven village level public consultation meetings were arranged in the six communes of Khsem Khsant, Trach Tong, Chan Saen, Mean Chey, Rung Roeang and Prambei Mum. The invited participants were village chiefs and people from the villages along the planned transmission line expected to be affected by the project. In total, 169 participants, 70 of them women, attended these public consultations.

68. In total, 226 persons, 151 men and 75 women, from the stakeholder categories given above, participated in the public consultation meetings. The details are provided in Table 16 below.

Table 16. Public consultation meetings undertaken 25–31 May 2018

No.	Date	Consultation					Location	Time started	Time ended
		Distri ct		Village		Tot al			
		M	F	M	F				
1	25/05/2018	29	3			32	Thpong District	8:30 AM	10:10 AM
2	25/05/2018			31	2	33	Krang Ta Char community hall (Krang Tachar Village), Rung Roeang Commune, Thong district	2:10 PM	2:55 PM
3	28/05/2018			6	14	20	Trapeang Troak community hall (Trapeang Traok/ Trach Veang Village), Prambei Mum Commune, Thpong district	9:19 AM	10:10 AM
4	28/05/2018			11	9	20	Prambei Mum Commune (Prey Veang/Trapeang Traeunh Village), Prambei Mum Commune, Thpong district	2:10 PM	3:10 PM
5	29/05/2018	23	2			25	Oudong District	8:07 AM	9:32 AM
6	29/05/2018			9	20	29	Krang Tumnob community hall (Krang Tumnob Village), Chan Saen Commune, Oudong district	1:05 PM	2:00 PM
7	30/05/2018			20	16	36	Sdok community hall (Sdok/Trapeang Chambak Village) Mean Chey Commune, Oudong district	8:46 AM	9:50 AM
8	30/05/2018			10	8	18	Trach Torng Commune (Trapeang Kdol/Trapeang Lpeak Village)	1:36 PM	2:29 PM
9	31/05/2018			12	1	13	Wat Trach Tong (Trach Tong/ Prey Ta Chey Village, Khsem Khsant Commune)	8:58 AM	10:00 AM
TOTAL participants		52	5	99	70	226			

F = female; M = male; No. = number

2. Focus Group Discussions

69. After each village level public consultation meeting, two gender-separated focus group discussions (FGDs) were organized. In total, 14 FGDs took place with the purpose to collect information and discuss crucial current socio-economic issues in the project areas, potential impacts of the project and mitigation of any adverse impacts. In total, 152 persons, 66 men and 86 women, participated from the villages along the planned transmission line expected to be affected by the project. Table 17 below provides an overview of the FGDs and the number of participants.

Table 17. Focus Group Discussions undertaken 25–31 May 2018

No.	Date	Focus Group Discussion			Location	Time started	Time ended
		M	F	Total			
1	25/05/2018	5	30	35	Krang Ta Char community hall (Krang Tachar Village), Rung Roeang Commune, Thong district	2:57 PM	4:05 PM

No.	Date	Focus Group Discussion			Location	Time started	Time ended
		M	F	Total			
2	28/05/2018	7	13	20	Trapeang Troak community hall (Trapeang Traok/ Trach Veang Village), Prambei Mum Commune, Thpong district	10:12 AM	11:30 AM
3	28/05/2018	11	9	20	Prambei Mum Commune (Prey Veang/Trapeang Traeunh Village), Prambei Mum Commune, Thpong district	3:15 PM	4:30 PM
4	29/05/2018	15	13	28	Krang Tumnob community hall (Krang Tumnob Village), Chan Saen Commune, Oudong district	2:15 PM	4:15 PM
5	30/05/2018	7	12	19	Sdok community hall (Sdok/Trapeang Chambak Village) Mean Chey Commune, Oudong district	9:55 AM	11:05 AM
6	30/05/2018	10	8	18	Trach Torng Commune (Trapeang Kdol/Trapeang Lpeak Village)	2:30 PM	3:49 PM
7	31/05/2018	11	1	12	Wat Trach Tong (Trach Tong/ Prey Ta Chey Village, Khsem Khsant Commune)	10:06 AM	11:00 AM
TOTAL participants		66	86	152			

F = female; M = male; No. = number

70. The agenda for the public consultation meetings, the Guide Questionnaires for FGDs with women and with men, are enclosed in Annex D. The Project Information leaflet (in Khmer) that was distributed to participants in all the meetings is enclosed in English in the same Annex. Photo documentation of the consultations is enclosed as Annex D5 and the attendance sheets with participants' signatures is enclosed as Annex D6.

3. Stakeholder Concerns

71. The proposed alignment of the transmission line is planned to avoid any residential houses and other structures. Consequently, the stakeholders attending the consultations did not express any objection on the very location of the proposed alignment. However, they had concerns about the land compensation, about the construction time and about safety and waste issues. They also requested to be appropriately and timely informed about the construction progress. Table 18 below summarizes the concerns raised by the stakeholders and how these are assessed in the LARP.

Table 18. Summary of Consultations

Concerns raised and questions asked	Project response/mitigation measures
Project should provide appropriate compensation for the land to be lost and cover all the costs related to transfer of land ownership	Compensation to be conducted in a timely manner in line with the project LARP; EDC to bear all the costs related to acquisition of land and transfer of land ownership; Regular monitoring to be undertaken according to ADB SPS 2009.
<u>Construction schedule and timeline</u>	

Concerns raised and questions asked	Project response/mitigation measures
<ul style="list-style-type: none"> • Request for commencement of construction activities during the dry season, after harvest (January – May); • Request for advance notice / information of construction schedule (commencement to completion), and especially of any disturbances of the construction such as heavy transportation and noise; • Preferred information channel: Village chiefs. 	<p>Project Communication Plan will be prepared during the detailed design phase, based on the prepared Communication Strategy;</p> <p>Information disclosure on project schedule and timeline;</p> <p>Project information leaflet/booklet to be updated during detailed design phase;</p> <p>Ongoing information through village chiefs.</p>
<p><u>Construction period</u></p> <ul style="list-style-type: none"> • Request to maintain access to lands under the transmission line ROW for livestock grazing; • Concern about damage to existing utilities such as access roads, drainage lines, canals and pumps; • Concern about lack of continuous monitoring during construction and operation: Proposed that a few villagers in each location will be employed to monitor the project impacts during the construction. 	<ul style="list-style-type: none"> • Work sites will be clearly demarcated for construction, with no encroachment outside the demarcated zone; • Access to adjacent properties and agricultural land will be maintained, as necessary; • Any damage to existing utilities will be repaired and cost borne by the contractor.
<p><u>Construction material</u></p> <p>Concern about construction debris removal from site / dumping on adjacent agricultural land after completion of civil works.</p>	<p>Contractor will be obliged to remove any construction materials and clean up after the construction.</p>
<p><u>Concerns about safety</u></p> <p>Fear of electrocution from the power towers, safety of children climbing in towers, cattle grazing in the lands -</p> <p>Request for fencing around each pole in order to prevent children climbing up to the towers and animals going too close.</p>	<p>Disseminate easily understandable awareness information through public information booklet and public information meetings and provide signage along the transmission line.</p>
<p><u>Public information</u></p> <p>People requested more public consultations and information about possible impacts and mitigation measures.</p>	<p>Public consultations during the detail design and construction phases.</p>

ADB SPS = Asian Development Bank Safeguard Policy Statement; EDC = Electricite du Cambodge; LARP = Land Acquisition and Resettlement Plan; ROW = right-of-way

72. Stakeholder Analysis and Communication Strategy (enclosed in Annex E) has been prepared to serve as a guide in conducting meaningful information sharing, consultations and active participation of concerned stakeholders, especially the affected persons. The intention of the strategy is to prevent misconceptions on project impacts, project implementation process, and doubts or misconceptions on the project that may cause delays in project implementation.

73. The Stakeholder Analysis and Communication Strategy Identifies various groups of potential project stakeholders and their different roles and interests in the project. It also provides a guideline for the consultation and participation mechanisms to be used during different stages of the project cycle.

74. The Communication Strategy Matrix will be used to tailor the consultations during the detailed design phase when updating the draft LARP. Based on the Communication Strategy, a detailed Consultation Plan will be prepared with the affected persons in the project area with schedule, location, invited participants, information to be disseminated and methods of consultation. Project Implementation Consultant (PIC) will assist EDC in preparing the Consultation Plan. An overview activity outline for a Consultation Plan is enclosed in Table 19 below.

75. Consultations with the affected persons will include information of the project impacts (positive and negative), project implementation schedule and process, land acquisition and compensation process, affected households, affected persons' right to complain and the Grievance Redress Mechanism (GRM). Consultations with the affected persons will provide a two-way information sharing channel, ensuring that the concerns, questions and ideas of the affected persons will be discussed and responded to in an appropriate and gender inclusive way.

76. The Project Management Office, to be established within EDC, with support from the PIC will record all information dissemination and consultation activities and the results from consultations with the affected persons, including how concerns raised and recommendations made are addressed in the updated LARP.

77. Consultations with concerned stakeholders, especially the affected communities and households will continue to a certain degree throughout the project time.

Table 19. Activity outline for a Project Consultation Plan

Project Phase	Activity	Stakeholders
Detail design phase: Detailed Measurement Survey	Update and finalization of the LARP: Public information meetings; Census and IOL of the remaining part of the transmission line and all affected households; Update of public information booklet/leaflet	Affected Households and villages, Village leaders, Commune councils
Civil works construction	Regular information updates on project schedule and activities through village leaders and commune offices; Public information meetings as needed	
Operation and Maintenance	Updated project information booklet / leaflet with facts and safety information distributed to communities along the transmission line	

IOL = Inventory of Loss; LARP = Land Acquisition and Resettlement Plan

78. Once approved, this draft LARP will be disclosed on ADB and EDC websites. Summary of this draft LARP will be disclosed to the affected persons and communities through village, commune and district offices.

79. The updated LARP will be disclosed on ADB website (www.adb.org) as required by the ADB SPS 2009 and Public Communication Policy 2011. An updated project information booklet/leaflet in Khmer will be made available for the affected communities in public consultation meetings and in commune offices.

80. EDC will submit the following documents to ADB for disclosure on ADB's website after their approval by EDC and concurrence by ADB:

- i) The updated LARP prepared after the detailed design;
- ii) Semi-annual safeguards monitoring reports; and
- iii) Any corrective action plans prepared during project implementation, if relevant.

81. Summaries of the LARP, monitoring reports and any corrective actions will be disclosed to affected persons in Khmer.

F. GRIEVANCE REDRESS MECHANISM

82. The objective of the GRM is to resolve any disagreements and conflicts as early and quickly as possible and at the local level through a reconciliation process, and if that is not possible, to provide clear and transparent procedures for appeal. If the affected people filing

complaints will not be satisfied with the outcome of the GRM, they may also resolve the issue through the Cambodian legal system (see Step 4 below).

83. EDC will ensure through public consultation meetings in the project areas and through a Project Information Booklet distributed to the affected households that all the affected people are fully aware of their rights to complain and about the GRM. Any party who is affected by land acquisition or any other impacts related to the project construction and operation, is eligible to file a complaint.

84. A Grievance Redress Committee (GRC) will be established at the provincial level with a process starting from commune offices. As practiced, the GRC includes the relevant local commune or village chiefs and where needed, a local NGO may assist the affected persons in filing complaints. The designated commune officials shall exercise all efforts to settle complaints and issues at the commune level through appropriate community consultations. All meetings shall be recorded in each grievance process and copies shall be provided to the affected persons. A copy of the minutes of meetings and actions undertaken shall be provided to EDC and ADB upon request.

85. All costs for resolving complaints (meetings, consultations, communication and reporting/information dissemination) will be borne by EDC.

86. The GRM will consist of the following steps:

- i) Step 1. Affected person/household will submit a letter of complaint/request either directly or through the village chief to the commune office. The commune office will be obliged to provide immediate written information of receipt of the complaint to EDC Social, Environment and Public Relations Office (SEPRO). SEPRO will have 15 days to resolve the complaint through negotiation. If the issue is not handled within 15 days, or if the complainant is not satisfied with the result, he/she can bring the issue to the District office.
- ii) Step 2. The District office has 15 days to negotiate the complaint and bring it into a resolution. If the complaint cannot be resolved in a way that is satisfactory to all parties, the District office will bring the issue to the Provincial GRC.
- iii) Step 3. The Provincial GRC will meet the complainant and try to resolve the issue. Within 30 days of the submission of the complaint to the Committee, it has to take a decision and inform in writing both the complainant and SEPRO of the decision.
- iv) Step 4. If the complainant gets no response from the Provincial GRC or is not satisfied with the result, he/she can bring the case to the Provincial Court. The Court will make a written decision and submit copies to the executing agency and implementing agencies. If any party is still unsatisfied with the Provincial Court judgment, he/she can bring the case to a higher-level court.
- v) Step 5. If affected persons do not have sufficient writing skills or are unable to express their grievances verbally, it is a common practice that they are allowed to seek assistance from any recognized local NGO or other family members, village heads or community chiefs to have their complaints or grievances written for them. Affected persons will be allowed to have access to the detailed measurement survey or contract document to ensure that all the details have been recorded accurately enabling all parties to be treated fairly. Throughout the grievance redress process, the responsible committee will ensure that the concerned persons are provided with copies of complaints and decisions or resolutions reached.

87. If efforts to resolve disputes using the grievance procedures remain unresolved or unsatisfactory, affected persons have the right to directly discuss their concerns or problems with the ADB's Environment, Natural Resources and Agriculture Division, Southeast Asia Department

through the ADB Cambodia Resident Mission. If affected persons are still not satisfied with the responses of the Mission, they can directly contact the ADB Office of the Special Project Facilitator. The Office of the Special Project Facilitator procedure can proceed based on the accountability mechanism in parallel with the project implementation.

G. LEGAL FRAMEWORK

88. The project's land acquisition and compensation policies are to be in accordance with ADB requirements and the Cambodian law. ADB has advised that it is a condition of funding that its requirements are met in relation to resettlement, compensation and rehabilitation to all affected persons as defined in the ADB Policy on Involuntary Resettlement.

1. Cambodian Laws and Regulations

a. Constitution of Cambodia 1993

89. The 1993 Constitution of Cambodia sets out the basic principle for land acquisition. Article 44 of the 1993 Constitution states that *All persons, individually or collectively, shall have the rights to own property. Only natural persons or legal entities of Khmer nationality shall have the rights to own land. Legal private ownership shall be protected by law. Expropriation of ownership from any person shall be exercised only in the public interest as provided for by law and shall require fair and just compensation in advance.*

b. Land Law 2001

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

- i) Legal possession as defined by the Law is the sole basis for ownership, and all transfer or changes of ownership shall be carried out in accordance with the required general rules for sale, succession, exchange and gift or by court decision. (Article 6);
- ii) Any regime of ownership of immovable property prior to 1979 shall not be recognized. (Article 7);
- iii) Only persons or legal entities of Khmer nationality are entitled to own land in Cambodia; or to buy or sell land. (Articles 8, 66);
- iv) 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 a public service, such as public schools, public hospitals or administrative buildings. (Article 15);
- v) 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);
- vi) Persons with legally valid possession of land for five years (at the time the law came into effect) are allowed to be registered as the owner of the land (Article 30). Persons who (at the time the law came into effect) held legal possessions but had not yet completed the five years are allowed to remain in possession until they are eligible to be registered as the owner. (Article 31);
 - vii) However, temporary possession claims made by persons after the law comes into effect will not be recognized, rescinding a previous right under the 1992 Land Law for acquiring land by taking possession. (Articles 29, 34);
 - viii) Landless people may apply for land for residential and subsistence-farming purposes at no cost, as part of a social land concession scheme. The concessionaire may obtain ownership of this land after fulfilling conditions set out in a separate Sub-Decree on Social Land Concessions. (Articles 50, 51); and
 - ix) Acquisition of land through gift is permitted with the following conditions: (a) the gift of immovable property is only effective if it is made in writing and registered with the Cadastral Registry Unit; (b) once accepted, gifts or immovable property are irrevocable; and (c) the donor may retain the right of usufruct in the property and the right of use and habitation of an immovable property. (Articles 80-84).

c. Expropriation Law

91. The Expropriation Law was passed by the National Assembly on 29 December 2009 and promulgated by the King on 4 February 2010.

- i) Article 2 of the Law has the following purposes to (a) ensure reasonable and just deprivation of a legal rights to ownership of private property; (b) ensure payment of reasonable and just prior compensation; (c) serve the public and national interest; and (d) develop public physical infrastructure;
- ii) Article 7: Only the state may carry out an expropriation for use in the public and national interest. Expropriation may only be carried out for the implementation of projects stipulated in Article 5 of this Law;
- 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 16: Prior to making any expropriation project proposal, the expropriation committee shall conduct a public survey by recording of detailed description of all entitlements of the owner and/or of then holder of real right to immovable property and other properties subject to compensation as well as the recording of relevant issues;
- v) Article 22: An amount of compensation to be paid to the owner and/or holder of rights in the real property shall be based on the market value of the real property or the alternative value as of the date of the issuance of the Prakas on the expropriation scheme. The market value or the alternative value shall be determined by an independent commission or agent appointed by the expropriation committee.

d. Other Relevant National Laws and Regulations

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

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

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

94. **Circular No. 2 of 26 Feb. 2007** states that (i) illegal occupants of state land have no right to compensation and can be punished in accordance with the land law 2001, and (ii) illegal occupants who are poor, landless and part of vulnerable group can be provided a plot of land.

95. **Sub-Decree No. 22 ANK/BK** promulgated on 22 February 2018 on the Standard Operating Procedures for Land Acquisition and Involuntary Resettlement for Externally-Financed Projects in Cambodia sets out the policies, regulations and procedures for carrying out LAR under the cited projects.

2. **ADB Safeguard Policy Statement 2009**

96. In 2009, ADB updated its safeguard policies by integrating its policies on involuntary resettlement, indigenous peoples and the environment into one safeguard policy statement. The SPS was approved by the ADB Board on 20 July 2009 and became effective on 20 January 2010.

97. The objectives of the SPS are (i) to avoid impacts on people and the environment, where possible; (ii) where avoidance is not possible, minimize, mitigate, or compensate for adverse project impacts on the environment and the affected people; and (iii) help the executing agency strengthen its safeguard system.

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

99. The Involuntary Resettlement Safeguards cover 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 covers whether such losses and involuntary restrictions are full or partial, permanent or temporary.

100. Policy principles include:

- i) Screen the project early on to identify past, present, and future involuntary resettlement impacts and risks. Determine the scope of resettlement planning through a survey and/or census of affected persons, including a gender analysis, specifically related to resettlement impacts and risks.
- ii) Carry out meaningful consultations with affected persons, host communities and concerned NGOs. Inform all displaced persons of their entitlements and resettlement options. Pay particular attention to the needs of the 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.
- iii) Improve, or at least restore, the livelihoods of all affected persons through: (i) land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation at replacement value for land when the loss of land does not undermine livelihoods; (ii) prompt replacement of assets with access to assets of equal or higher value; (iii) prompt compensation at full replacement cost for assets that cannot be restored; and (iv) additional revenues and services through benefit sharing schemes where possible.
- iv) Provide physically and economically affected persons with needed assistance, including the following: (i) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically and socially into their host communities, and extension of project benefits to host communities; (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required.
- v) Improve the standards of living of the affected poor and other vulnerable groups, including women, to at least national minimum standards. In rural areas provide them with legal and affordable access to land and resources, and in urban areas provide them with appropriate income sources and legal and affordable access to adequate housing.
- vi) Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement.
- vii) Ensure that affected persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets.
- viii) Prepare a Resettlement Plan elaborating on affected persons entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.
- ix) Disclose a draft Resettlement Plan, including documentation of the consultation process in a timely manner, before project appraisal, in an acceptable place and a form and language(s) understandable to affected persons and other stakeholders. Disclose the final Resettlement Plan and its updates to affected persons and other stakeholders.
- x) Conceive and execute involuntary resettlement as part of a development project or program. Include the full costs of resettlement in the presentation of the project's cost and benefits. For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation.
- xi) Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the Resettlement Plan under close supervision throughout the project's implementation.
- xii) Monitor and assess resettlement outcomes, their impacts on the standards of living of affected persons, and whether the objectives of the Resettlement Plan

have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.

101. Other ADB policies that have a bearing on resettlement planning and implementation:

102. **The ADB Public Communication Policy** (ADB 2011) seeks to encourage the participation and understanding of people affected by and other stakeholders to ADB-assisted activities. Information on ADB-funded projects should start early in the preparation phase and continue throughout all stages of project development, in order to facilitate dialogue with affected people and other stakeholders. With respect to land acquisition, compensation and resettlement, information should be distributed to affected people and publicly in the following manner:

- i) prior to loan appraisal, the draft Resettlement Plan;
- ii) following completion of the final Resettlement Plan, and
- iii) following any revisions, the revised plan.

103. This information can be in the form of brochures, leaflets or booklets, in the local language(s) as well as English, the working language of the ADB. When affected persons include non-literate people, other appropriate methods of communications will be used.

104. In this project, land, crops and trees are expected to be affected, but no relocation of houses or structures, or displacement of people is expected. Land will be acquired on permanent basis for the transmission line pole bases. Along the transmission line within the 20 m ROW trees higher than 3 m may need to be pruned or relocated, but the area can be continued to be used for crops and trees under 3 m in height.

3. Gap Analysis

105. Table 20 below provides a comparison between Cambodian legislation and ADB's SPS with measures provided in the Draft LARP to bridge the identified gaps.

Table 20. Gaps and gap filling between Cambodian legislation and the ADB SPS

ADB's SPS Requirements	Cambodian laws and regulations	Comparison of ADB's SPS requirements and Cambodian Legislation	Measures provided in the Draft LARP
Screen early to identify past, present and future 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.	Early screening is not required under the laws and regulations. The SOP under Sub Decree 22 ANK/BK provides for drafting the Basic RP which covers sample surveys of DPs.	Early screening and surveys at draft RP stage, including census of DPs and IOL.	Census and IOL undertaken along 33/40 km (110/134 power towers) of the transmission line, the remaining part to be undertaken during the detailed design phase when the Draft LARP will be updated.
Carry out meaningful consultations with DPs and affected local communities, host communities and relevant stakeholders. Inform all DPs of their entitlements and resettlement options and	Article 16 of the Expropriation Law requires <i>Expropriation Committee organizing public consultations at the Capital, Municipal, Provincial, and District Khan authority levels with Commune/ Sangkat</i>	Enabling the incorporation of all relevant views of affected people and other stakeholders, including vulnerable people into decision making, such as project design,	District and village level consultations undertaken during preparation of the Draft LARP and stakeholder concerns brought into the LARP;

ADB's SPS Requirements	Cambodian laws and regulations	Comparison of ADB's SPS requirements and Cambodian Legislation	Measures provided in the Draft LARP
<p>ensure their participation in planning, implementation, monitoring and evaluation of resettlement; pay attention to the needs of vulnerable groups.</p>	<p><i>councils and village or community representative to be affected by the expropriation to provide specific and concise information and collect inputs from all stakeholders regarding the proposed basic public infrastructure project.</i></p> <p>The SOP under Sub Decree No. 22 ANK/BK include provisions of conducting meaningful consultations through four rounds of formal public consultations as per SOP Section B page 40. House-to-house consultations are done to share information about the project and the entitlements. Para 127 provides for feedback from the public consultation meetings to be incorporated at the basic RP/RF stage to the extent possible.</p>	<p>mitigation measures, the sharing of development benefits and opportunities, and implementation issues is missing.</p>	<p>Public consultations to be undertaken during the detailed design phase with information to the APs and affected communities, and stakeholder concerns assessed in the updated LARP.</p>
<p>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.</p>	<p><i>The owner and/or the rightful owner who do not agree with a decision by the Expropriation Committee can bring their complaints to the Grievance Redress Committee (GRC) (Article 33 of Expropriation Law).</i></p> <p><i>If the decision of the GRC is not accepted by the DH, they can bring their complaint to the competent court (Article 34 of Expropriation Law).</i></p> <p>The SOP provides for arrangement at the provincial level, DPs are not represented in the GRC at the local level, however the province level GRC includes representative of local-</p>	<p>GRM is provincial and formal mechanism. Not readily accessible and affordable to DPs to lodge complaint.</p> <p>As per the Law on Expropriation (provided legal framework for GRM in SOP para 142) GRM covers only rightful owners, not broader project affected persons.</p> <p>ADB will review the guidelines and implementation of these guidelines will be closely monitored throughout the project cycle.</p>	<p>GRM will be established during the detailed design phase, APs will be properly informed and adequate support will be provided to them in filing complaints as needed.</p>

ADB's SPS Requirements	Cambodian laws and regulations	Comparison of ADB's SPS requirements and Cambodian Legislation	Measures provided in the Draft LARP
	<p>based CSO (SOP para 146).</p> <p>Detailed guidelines and procedures and form on GRM are prepared in Khmer language.</p>		
<p>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.</p>	<p>The SOP provides for the following objective: (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 RP.</p>	<p>Does not assess impacts of resettlement outcomes on DPs living standards against the baseline conditions.</p>	<p>Quarterly monitoring of the LARP will be undertaken by EDC assisted by PIC, and monitoring reports will be prepared to ADB.</p>

ADB = Asian Development Bank; CSO = civil society organization; DP = displaced person; EDC = Electricite du Cambodge; GRC = Grievance Redress Committee; GRM = Grievance Redress Mechanism; IOL = Inventory of Loss; LARP/RP = Land Acquisition and Resettlement Plan/Resettlement Plan; PIC = project implementation consultant; RF = Resettlement Framework; SOP = standard operating procedure; SPS = Safeguard Policy Statement

H. ENTITLEMENTS

106. The affected persons are entitled to various types of compensation and resettlement assistance to help in restoring their livelihoods to the pre-project levels. The combination of compensation measures and resettlement assistance depends on the nature of the lost assets and scope of the project's impact, including the social and economic vulnerability of the affected persons. All affected persons are eligible for compensation and rehabilitation assistance, irrespective of their land ownership status, to ensure that those affected by the project shall be at least as well off (if not better off) than they would have been without the project. The compensation package shall reflect full replacement cost for all losses (such as land, crops, trees etc.).

107. The anticipated impacts are restricted to land acquisition for the power tower poles and full value compensation for trees growing on that land. Trees growing higher than 3 m within the defined ROW will be compensated at full value. No further impacts are expected through economic or other loss due to the project, but the impacts will be confirmed by the Detailed Measurement Survey (DMS). Table 21 below outlines the entitlements for affected households applicable in this project.

108. Full and fair information has to be provided to the affected households (including disclosure of a fair replacement cost), and all negotiations need to be overseen by PIC.

1. Cut-off Date

109. The eligibility of compensation is limited by the cut-off date which will be announced by EDC immediately after the census and IOL of the transmission line have been finalized⁷. Affected persons who move into the project area after the cut-off date will not be eligible for land acquisition compensation, though any such affected persons would be eligible for compensation caused by construction activities. The cut-off date for determining eligibility for compensation will be announced by EDC. At this time associated persons and local authorities or their representatives will sign the survey forms agreeing to detailed measurement survey for each affected household.

110. The purpose of the cut-off date is to protect EDC against any claims by unauthorized persons. The cut-off date is intended to minimize the incentive for land speculation and for people to move into the project area in the hope of gaining compensation. However, some affected persons may have been missed in the census. Therefore, those who can demonstrate that they are eligible will also be included in the final record of the affected persons.

111. The entitlement matrix below states eligibility of the affected persons to compensation from the project as of the feasibility study stage. The exact number of the affected households and persons will be stated first after the completion of the census and IOL of the entire transmission line has been finalized. Once the detailed design for the transmission line is completed, the census of the AHs is completed and the DMS is carried out, the entitlement matrix will be updated, and exact number of eligible affected households and persons will be included by category and sub-category of impact. The Entitlement Matrix may be upgraded but will not be downgraded.

Table 21. Entitlement Matrix

Type of loss	Eligible persons	Entitlement	Implementation issues
1. Land acquisition			
1.1. Permanent acquisition of private agricultural land, including animal grazing grassland, fruit tree orchard and plantation forest (required for transmission line power towers and permanent access roads)	<ul style="list-style-type: none"> • Owners with formal legal titles; • Owners/occupiers, eligible for formal legal title under Cambodian law; • Owners/occupiers with other evidence (unofficial land use certificates, applications for land use certificates, etc.) of ownership/use rights; • Others recognized locally as having ownership/use rights. 	<ul style="list-style-type: none"> • Acquisition of the affected land at full replacement cost through cash compensation; • Severely affected farmers eligible for income rehabilitation assistance; • No compensation for state or public land. 	<ul style="list-style-type: none"> • Replacement value to be agreed during the detailed design phase through consultation with AHs; • No distinction between titled and non-titled land holders; • Payment of all compensation for which AHs are entitled to at least 10 days prior to the scheduled start of civil works; • All transfer costs of land ownership to be borne by EDC; • AHs to be notified at least 15 days in advance before the start of civil works in the locality of the actual date that the land will be utilized by the project; • The owner can

⁷ Deferring establishment of the cut-off date to the stage of finalizing the LARP is exclusively agreed for this Project due to the nature of the component, as the TL route is at the preliminary design stage and might change considerably at the detailed design stage.

Type of loss	Eligible persons	Entitlement	Implementation issues
			continue to have use of the land within the ROW for agriculture, animal grazing and trees less than 3 m in height.
1.2. Permanent acquisition of residential land (required for transmission line power towers and permanent access roads)	<ul style="list-style-type: none"> • Owners with formal legal titles; • Owners/occupiers, eligible for formal legal title under Cambodian law; • Owners/occupiers with other evidence (land use certificates, applications for land use certificates, etc.) of ownership/use rights; • Others recognized locally as having ownership/use rights. 	<ul style="list-style-type: none"> • Acquisition of the affected land at full replacement cost through cash compensation. 	<ul style="list-style-type: none"> • Replacement value to be agreed during the detailed design phase through consultation with AHs; • No distinction between titled and non-titled land holders; • Payment of all compensation for which AHs are entitled to at least 10 days prior to the scheduled start of civil works; • All transfer costs of land ownership to be borne by EDC; • AHs to be notified at least 15 days in advance before the start of civil works in the locality of the actual date that the land will be utilized by the project;
1.3. Restriction from building structures within the ROW requiring change of land use from residential to agricultural	<ul style="list-style-type: none"> • Owners with formal legal titles; • Owners/occupiers, eligible for formal legal title under Cambodian law; • Owners/occupiers with other evidence (land use certificates, applications for land use certificates, etc.) of ownership/use rights; • Others recognized locally as having ownership/use rights. 	<ul style="list-style-type: none"> • Easement fee equivalent to 30% of the replacement cost of the residential land; • Full Replacement cost of structures 	<ul style="list-style-type: none"> • Replacement value to be agreed during the detailed design phase through consultation with AHs; • No distinction between titled and non-titled land holders; • All transfer costs to be borne by EDC.
1.4. Scrubland and degraded forest (required for transmission line power towers and permanent access roads)	<ul style="list-style-type: none"> • Owners/occupiers, eligible for formal legal title under Cambodian law; • Owners/occupiers with other evidence (land use certificates, applications for land use certificates, etc.) of ownership/use rights; • Others recognized locally as having 	<ul style="list-style-type: none"> • Acquisition of the affected land at full replacement cost through cash compensation. 	<ul style="list-style-type: none"> • Replacement value to be agreed during the detailed design phase through consultation with AHs; • No distinction between titled and non-titled land holders; • Payment of all compensation for which AHs are entitled to at least 10 days prior

Type of loss	Eligible persons	Entitlement	Implementation issues
	ownership/use rights.		to the scheduled start of civil works; • All transfer costs of land ownership to be borne by EDC; • AHs to be notified at least 15 days in advance before the start of civil works in the locality of the actual date that the land will be utilized by the project.
2. Removable trees			
2.1. Trees located on private land for power tower poles	<ul style="list-style-type: none"> • Owners/occupiers, eligible for formal legal title under Cambodian law; • Owners/occupiers with other evidence (land use certificates, applications for land use certificates, etc.) of ownership/use rights; • Others recognized locally as having ownership/use rights. 	• Compensation for the affected trees at full replacement cost, independent on the type of tree.	<ul style="list-style-type: none"> • Replacement value to be agreed during the detailed design phase through consultation with AHs; • No distinction between titled and non-titled land holders; • Payment of all compensation for which AHs are entitled to at least 10 days prior to the scheduled start of civil works; • AHs to be notified at least 15 days in advance before the start of civil works in the locality of the actual date that the land will be utilized by the project.
2.2. Trees growing 3 m in height within the defined ROW	<ul style="list-style-type: none"> • Owners/occupiers, eligible for formal legal title under Cambodian law; • Owners/occupiers with other evidence (land use certificates, applications for land use certificates, etc.) of ownership/use rights; • Others recognized locally as having ownership/use rights. 	Compensation for the affected trees at full replacement cost, independent on the type of tree.	<ul style="list-style-type: none"> • Replacement value to be agreed during the detailed design phase through consultation with AHs; • No distinction between titled and non-titled owners; • Payment of all compensation for which AHs are entitled to at least 10 days prior to the scheduled start of civil works; • AHs to be notified at least 15 days in advance before the start of civil works in the locality of the actual date that the land will be utilized by

Type of loss	Eligible persons	Entitlement	Implementation issues
			the project.
3. Removal of houses and other structures (If found during the DMS)			
3.1. Removal of houses and other structures from ROW (required to be removed for safety reasons)	Owners of houses and other structures (well, pond, fence, latrine, shed, kiosk or shop, etc.) independent of existing land title or not	<ul style="list-style-type: none"> • Full replacement cost of structures (no reduction for depreciation or salvage value); • Where structure only partly within ROW, but whole structure needs to be moved, then compensation shall be due for whole structure; • Reinstatement of equivalent improvements and infrastructure including other buildings, fences, wells, ponds, etc.; • Provision of transport allowance based on distance; • Provision of living allowance for AHs whose main structure will be affected. 	<ul style="list-style-type: none"> • Affected structures to be confirmed during the DMS; • Replacement value to be agreed during the detailed design phase through consultation with AHs; • Materials to be available for salvage by owner, with no reduction in payment; • Payment of compensation to be made before construction begins, with sufficient time allowed for re-establishment; Any required permits for building to be arranged by EDC; • AH retains ownership of the affected land, but with restricted use; Sufficient time to be allowed for re-establishment of structures before construction start.
4. Loss of livelihoods and income			
4.1. Permanent loss of Livelihood or Income	All AHs permanently losing livelihood and/or income source	Participate in the Income restoration Program that includes: One-time cash allowance of \$200 per AH; Enrollment in training program based on discussion with the AHs during the detailed design	<p>Eligible AHs will be identified during the detailed engineering design, following DMS. Income Restoration Program will be devised in consultation with the AHs, including the details of the vocational/skills training, its duration and institutional responsibilities</p> <p>The IRP entitlement is in addition to other compensation and assistance; In case at finalizing the LARP eligible AHs are not identified, Income Restoration Program will not be part of the final LARP, as won't be relevant</p>

Type of loss	Eligible persons	Entitlement	Implementation issues
4.2. Living allowance during transition period to severely affected households	<ul style="list-style-type: none">• Farmers losing equal to 10% or more of their total productive affected landholding;• AHs losing business income equal to 10% or more• AHs losing their houses	One-time allowance of \$200 in cash for eligible AHs This is in addition to other entitlements and allowances	One-time payments to eligible AHs to be agreed through consultation with AHs as identified during the DMS
4.3. Special assistance to socially or economically vulnerable affected households	<ul style="list-style-type: none">• ID Poor AH;• Female-headed AH with dependents;• Elderly AH without dependents;• AH with disabled household head.	<ul style="list-style-type: none">• One-time payment of \$300 will be provided to every identified vulnerable AH;• This is in addition to other entitlements and allowances.	One-time payments to eligible AHs to be agreed through consultation with AHs as identified during the DMS
5. Temporary construction impacts and ongoing impacts due to maintenance activities			
5.1. Damage to crops during construction (temporary impact)	Owner of crops	Compensation for lost production in cash at replacement cost (value of lost production within ROW or for access) for the period of construction or maintenance). This will be a minimum of one harvest where damage occurs during growing season.	<ul style="list-style-type: none">• Every effort will be made to schedule construction and maintenance activities not during the growing season (including field preparation, planting, harvesting and other agricultural activity);• Construction and maintenance will be carried out so as to minimize damage. This will include preparation of a Construction EMP, including social aspects, incorporating environmental and social requirements in the contract, and monitoring to ensure compliance, and financial penalties on the EDC or contractor for non-compliance;• Construction will be required by contract to stay within ROW;• Contractor will be required by contract to pay damages.
5.2. Damage to fields, and associated infrastructure including drains and channels	Person using the field	Repair of damage, or payment for repair of damage, at replacement cost	
5.3. Damage to any other assets or infrastructure during construction (including communally owned resources such as roads, drainage and irrigation facilities)	Owners of the assets or infrastructure damaged	Repair of damage, or payment for repair of damage, at replacement cost	
6. Unanticipated impacts			
Any upcoming impacts or damage during the construction on structures, land, crops, trees, people and their livelihoods will be properly assessed and compensated according to the project compensation policy and cost levels. EDC will clarify in the internal monitoring reports. any such impacts and how these have been mitigated.			

AH = affected household; DMS = Detailed Measurement Survey; EDC = Electricite du Cambodge; EMP = Environmental Management Plan; IDPoor = classified as poor by the IDPoor project process; m = meter; m² = square meter; ROW = right-of-way

I. LAND ACQUISITION AND RESETTLEMENT PLAN BUDGET

112. SEPRO of EDC has confirmed that, added to the land acquisition for the transmission line power tower poles, EDC aims to compensate 30% of the land value and the trees growing over 3 m in height for their full value within a ROW of 20 m, 10 m on each side of the transmission line midline. The LARP budget is accordingly calculated for (1) the land acquisition for an estimated 134 power tower poles along a total length of 40 km of the transmission line and full compensation of the trees growing on that land, (2) 30% compensation of the land value within a 20 m wide ROW (the land to be purchased for the power tower poles at an interval of 300 m deducted), (3) full value compensation for trees growing over 3 m in height within the 20 m ROW.

113. The assessment for the Draft LARP has been prepared along 33 km with 110 power tower poles of the total 40 km and 134 power tower poles. The budget for the land acquisition and compensation of trees has therefore been calculated at an average value per power tower pole based on the 110 poles. The 20 m ROW compensation budget has been estimated based on the undertaken vegetation assessment within the 30m wide corridor. During the detailed design phase, the budget will be updated when the exact number, type and value of the land and trees owned by each affected person will be defined for the updated LARP.

114. There will be temporary impacts during the construction by temporary constructed access roads, material transportations and storage areas. The exact number of the access roads and areas required for construction materials will be known first after the detailed design. Construction should be planned to take place after the agricultural season, but any crops affected by the temporary impacts (e.g. the annual rice harvest on the affected area) will be compensated by contractor on the full replacement value of the affected crops. Contractor's responsibility for recovering the affected land areas will be included in the civil works contract.

115. Below the cost estimates are shown for the identified 110 power tower poles in Table 22, for the land within the 20 m wide ROW in a distance of the assessed 33 km in Table 23, and trees affected within a 20 m wide ROW in Table 24. The total estimated LARP budget for the 40 km transmission line with 134 power towers is presented in Table 25. The estimated budget will be updated during the detailed design phase when the remaining part of the transmission line will be assessed, and the replacement cost study undertaken for the entire transmission line.

116. The land values are based on current land prices for different types of land recorded in the project location. The compensation values for different types of trees are based on the compensation values received from and applied by EDC.

Table 22. Cost estimate of land required for identified 110 power tower poles

Type of land	Total area m2	Location (commune)	Unit cost USD/m2	TOTAL COST
Residential (prepared)	450	Khsem Khsant	16	7,200
Paddy land	17,223	All communes	0.4 (4,000/ha)	6,889
Other annual crops	225	Prambei Mum	1 (10,000/ha)	225
Mango orchard	1,013	Prambei Mum	1 (10,000/ha)	1,013
Eucalyptus plantation	450	Khsem Khsant, Prambei Mum	1 (10,000/ha)	450
Bamboo forest	225	Khsem Khsant	0.4 (4,000/ha)	90
Degraded forest	225	Trach Tong	0.4 (4,000/ha)	90
Scrubland	4,150	Khsem Khsant, Trach Tong, Rung Roeang, Prambei Mum	0.4 (4,000/ha)	1,660

Type of land	Total area m2	Location (commune)	Unit cost USD/m2	TOTAL COST
Other (banana trees, grassland)	790	Prambei Mum	0.25 (2,500/ha)	197
TOTAL	24,750	6 communes		17,815

ha = hectare; m² = square meter; USD= US dollar

Average land cost per pole: \$161.95 (x 134 towers = \$21,701)

Table 23. Identification of the land affected within 20 m ROW x 33 km*

Type of land	Total area m2	Unit cost USD/m2	TOTAL COST	30% of the land value
Residential (prepared)	9,467	16	151,472	45,442
Paddy land	407,310	0.4 (4,000/ha)	162,924	48,877
Mango orchard	33,845	1 (10,000/ha)	33,845	10,154
Eucalyptus plantation	14,713	1 (10,000/ha)	14,713	4,414
Degraded forest	38,850	0.4 (4,000/ha)	15,540	4,662
Scrubland	94,841	0.4 (4,000/ha)	37,936	11,381
Water body	4,467	0.4 (4,000/ha)	1,787	536
Grassland	13,440	0.25 (2,500/ha)	6,720	2,016
Palm tree land	10,667	0.4 (4,000/ha)	4,267	1,280
TOTAL	627,600		429,204	128,762

* land required for 110 poles reduced, based on Tables 3 and 4.

ha = hectare; km = kilometer; m = meter; m² = square meter; ROW = right-of-way; USD = US dollar

Average cost per km: \$13,006 ((x 40 km = \$520,240 x 30% = \$156,072)

Table 24. Trees affected – 110 power tower poles and land affected within 20 m ROW x 33 km*

Type of tree	No. of trees 110 poles	No. of trees 20mx33km ROW	Unit cost	Total in USD	Total ROW in USD	GRAND TOTAL in USD
Palm	22	1,322	70	1,540	92,540	94,080
Mango	100	2,932	60	6,000	175,920	181,920
Banana	50	-	3	150	-	150
Eucalyptus	30	1,359	10	300	13,590	13,890
Bamboo	45	-	3	135	-	135
Azadirachta indica (Neem)	3	-	30	90	-	90
Other trees (Dipterocarpus obtusifolius)	6	-	6	36	-	36
TOTAL	256	5,613		8,251	282,050	290,301
Total trees	5,869					

*Based on Tables 6 and 7, trees on pole land reduced from identified ROW.

ha = hectare; km = kilometer; m = meter; No. = number; ROW = right-of-way; USD = US dollar

Average cost per pole: \$75 (x 134 = \$10,050)

Average cost ROW per km: \$8,547 (x 40 km = \$341,880)

Table 25. Total estimated LARP budget calculated for 40 km transmission line

Item	No.	Unit cost USD	Total cost USD	30% compensation
Land for power tower poles ⁸	134	161.95	21,701	-
Trees on pole land	134	75	10,050	-
Land within 20 m ROW	40	13,006	520,240	156,072
Trees within 20 m ROW	40	8,547	341,880	-
Subtotal land and trees			529,703	
Income Restoration Program ⁹	19	200	3,800	
Allowance for severely affected AHs	3	200	600	
Allowance for vulnerable AHs	16	300	4,800	
Subtotal allowances and transfer costs			9,200	
Cost of census and IOL of remaining part of the transmission line ¹⁰	7 km		6,500	
Replacement cost study incl. report (134 poles and 20 m ROW)	40 km		39,500	
Subtotal updating and finalizing the LARP			46,000	
Total			584,903	
Contingency 15%			87,735	
TOTAL			672,638	

AH = affected household; km = kilometer; LARP = Land Acquisition and Resettlement Plan; m = meter; No. = number; ROW = right-of-way; USD = US dollar

Calculation basis:

- 134 power tower poles (land and trees), trees within 20 m x 40 km ROW and land within ROW with 30% compensation
- Based on the data on the assessed 110 poles, 33 km with 138 AHs, it is estimated that the impact of the entire 37 km transmission line there will be on approx. 168 AHs (average 1.25 AHs/pole, based on 138 AHs/110 poles), estimated 150 AHs eligible for compensation for lost rice crops.

J. INSTITUTIONAL ARRANGEMENTS

117. EDC's SEPRO and Procurement Unit will be responsible for updating the Draft LARP and managing all the land acquisition procedures for the project. Figure 1 below shows the organizational structure of EDC and the responsible offices for land acquisition and resettlement. Figure 2 presents the organizational structure of SEPRO. According to assessment during the FS, SEPRO is working with land acquisition for several projects at the time and lacks sufficient time and person resources. Additional staff should be appointed by EDC/SEPRO for updating and implementing the LARP according to advice from the Project Implementation Consultant, who will be responsible for appropriate capacity building and training of EDC staff as needed.

118. For updating of the Draft LARP, EDC will:

- Identify the affected persons in the remaining part of the transmission line, including vulnerable groups, complete the census and conduct DMS;

⁸ Transaction cost related to transfer of land ownership from AHs to EDC will be covered by EDC

⁹ Based on preliminary design, vulnerable and severely affected AHs are entitled for income restoration measures. The Income Restoration Program will be detailed at the stage of finalizing the LARP in consultation with the AHs as needed, including the number of eligible AHs, the budget and institutional arrangements

¹⁰ This estimated will change if the detailed design of the TL route changes. In such case 100% SES, census and DMS will be conducted based on the new TL alignment and the cost estimates will be adjusted accordingly

- ii) Undertake meaningful consultations with all the affected persons as described in the ADB SPS¹¹ in the communities affected by the project. Separate consultations will be conducted with vulnerable groups in addition to the public consultations;
- iii) Update the information on the project and its expected impacts, schedule, land acquisition procedures, entitlement policy and GRM, including GRC, and distribute the updated Project Information Booklet to the affected persons; and
- iv) Establish and disclose the cut-off date for eligibility right after the completion of census and DMS.

119. As soon as the updated LARP has been approved by the EDC Corporate Planning and Projects Department and concurred by ADB, SEPRO will disclose the LARP to affected persons and communities through village, commune, and district offices.

120. EDC will document and report all the consultations and compensation procedures and prepare a LARP Implementation Compliance Report as soon as all the procedures have been completed. The LARP Compliance Report concurred by ADB will serve a basis for “no objection” for the civil works and will be disclosed on ADB website.

121. EDC will monitor and document the ongoing impacts in order to avoid potential later grievances; and prepare and submit quarterly progress reports to ADB throughout the project time.

1. Project Implementation Consultant

122. The PIC will assist EDC in applying government laws and regulations and ADB’s SPS requirements in all procedures and activities related to the updating, implementation and monitoring of the LARP, including consultations, negotiations and payments to affected persons, potential grievances filed by affected persons and their settlement.

123. The tasks and responsibilities of the PIC include to:

- i) assist EDC in updating of the LARP and in consultations with the affected persons and communities; assist EDC in updating the Project Information Booklet and devising its contents, including cut-off date, project impacts and entitlement matrix, GRM, GRC and detailed GRM guidelines;
- ii) provide training for personnel responsible for conducting a DMS of affected assets based on the detailed engineering designs;
- iii) prepare the terms of reference of the specialist that will conduct the replacement cost study for affected land and assets;
- iv) be responsible for preparing, implementing and monitoring a Project Stakeholder Communication Plan, based on the prepared Stakeholder Communication Strategy, including nominating a focal point for communication with stakeholders, ensuring delivery of relevant project information to stakeholders and obtaining feedback from them, and fostering an understanding and acceptance of the project;
- v) prepare guidelines and train EDC SEPRO and help them in conducting consultations with affected households; assist EDC with information disclosure, consultations, and participation with the public on an ongoing basis throughout project implementation;
- vi) assist EDC with the establishment and maintenance of a database of affected households and institutions, including information on the socio-economic situation of the affected households, their affected assets, and their compensation entitlements and payments;

¹¹ According to SPS referring to Displaced Persons (DPs), meaning the affected persons to be covered in the LARP.

- vii) assist EDC in implementing resettlement plan and any corrective actions as relevant and preparing the compliance monitoring and overall safeguards monitoring reports; and
- viii) assist EDC in quarterly monitoring of the LARP implementation and results, filed grievances and their assessment, and preparing monitoring reports for submission to the government and ADB.

Figure 1. EDC Organizational Structure

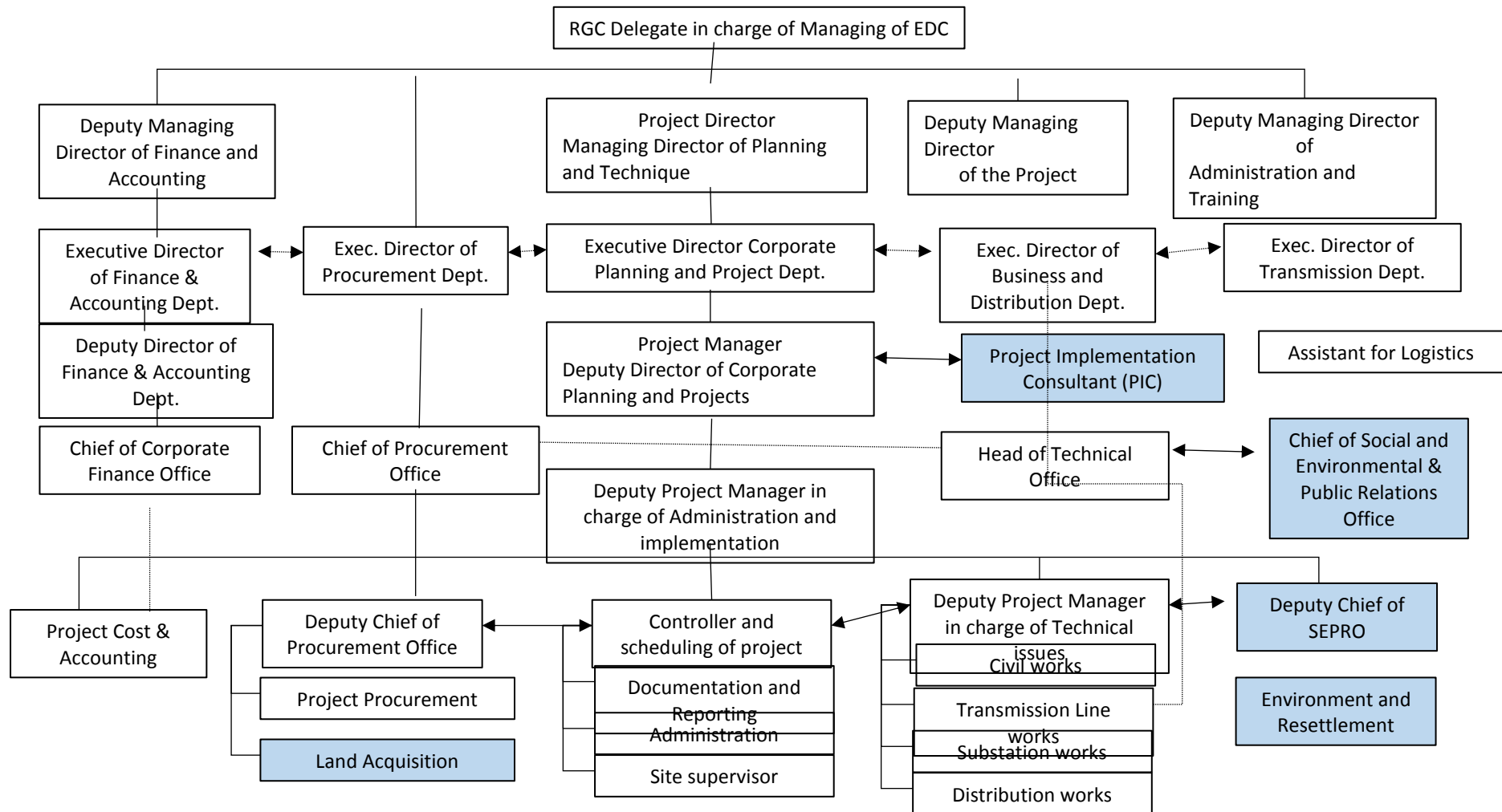
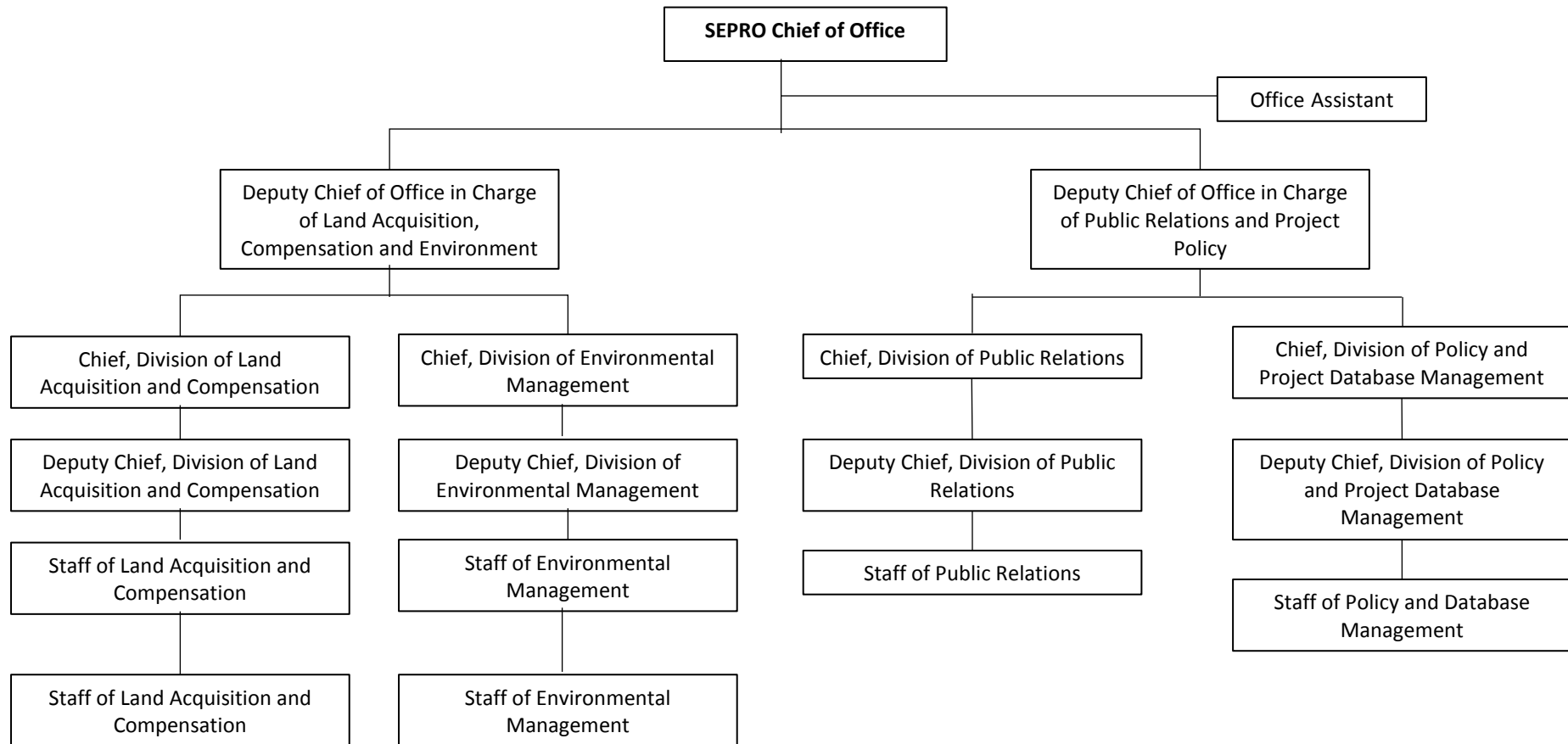


Figure 2. SEPRO Organizational Structure



K. IMPLEMENTATION SCHEDULE

124. The implementation schedule of the LARP will be in concurrence with the civil works construction schedule, so that the LARP implementation will be completed before the civil works construction starts. EDC will be responsible for the LARP implementation and monitoring. Table 28 below provides an indicative schedule for the LARP implementation.

Table 26. Indicative LARP implementation schedule

Activity	Schedule
Mobilization of PIC	Q1/2019
Updating of the LARP	Q2/2019
ADB Approval of the LARP	Q3/2019
Mobilization of Contractor	Q1/2019
Implementation of the Approved LARP <ul style="list-style-type: none"> • Negotiation and contract process • Compensation payment process 	Q3/2019
Start of Civil Works	Q3/2019
Internal Monitoring (Submission of Quarterly Progress Reports)	Q3/2019 – Q4/2021

ADB = Asian Development Bank; LARP = Land Acquisition and Resettlement Plan; PIC = project implementation consultant; Q = quarter

L. MONITORING AND REPORTING

125. The LARP will be subject to internal monitoring as its impacts are not deemed significant, requiring external monitoring. The purpose of internal monitoring is to ensure that the LARP implementation, including information and consultation with the affected persons and all the land acquisition and resettlement procedures are undertaken according to the ADB safeguards requirements as well as the laws and regulations of the government.

126. EDC, assisted by the PIC, will document and report to ADB the consultations and the land acquisition and resettlement process with the affected persons. EDC will also undertake and report quarterly monitoring throughout the project. The following indicators will be monitored and reported to ensure compliance of LARP implementation:

Table 27. LARP Internal Monitoring Indicators

Purpose	Activities	Monitoring Indicators
Identification of compensation recipients	Verify the list of compensation recipients against eligibility criteria for compensations	Number of persons in the list of compensation recipients, who do not meet eligibility criteria (included by mistake)
	Identification of persons, who may claim eligibility for compensation, but are not included in the lists of compensation recipients. Separate verification should be performed on each type of compensation	Number of persons who meet the criteria, but are not included in the list of compensation recipients (excluded by mistake)
Verification of affected area	Confirmation of the areas of affected assets (including land plots and real property) against the Resettlement Plan	Area of land subject to acquisition, for which compensation has been paid
		Area of structures subject to acquisition for which compensation has been paid

Purpose	Activities	Monitoring Indicators
Verification of compensation amount, processing and payment	Examination of financial documents	Number of persons who received compensation in time and in full amount disaggregated by compensation types
	Identification and analysis of reasons for compensations not being paid in full amount and in time.	Number of persons who did not receive compensation in time and in full amount, disaggregated by compensation types
		Amount of funding allocated for payment of compensation
	Identification of reasons for which funds for compensations have been under/overspent	Rate of spending of funds allocated for compensations, % of amount envisaged in the Land Acquisition and Resettlement Plan
Verification of compensation timeline	Identification of reasons for which payment of compensations was delayed (e.g. due to the court trial, inheritance issue, etc.)	Number of persons who received compensation with delay, disaggregated by compensation types and reasons of delay; changes in amount of compensation (if any) should also be noted
Verification of consultation and participation	Determine the level of involvement and identification of reasons of inadequate participation	Number of compensation recipients who participated in consultations and coordination meetings at each stage of land acquisition
		Number of complaints received
	Examination of grievance cases; analysis of disputes and complaints content, and resolution of conflicts	Number of complaints resolved