

Resettlement Framework: Land Acquisition and Resettlement Framework

May 2020

Cambodia: Grid Reinforcement Project

CURRENCY EQUIVALENTS

(as of 13 May 2020)

Currency unit	–	Riel (KR)
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\$1.00	=	KR4,111

ABBREVIATIONS

ADB	–	Asian Development Bank
BESS	–	battery energy storage system
CAO	–	Cadastral Administration Office
CARM	–	Cambodia Resident Mission
DMS	–	detailed measurement survey
EDC	–	Electricite du Cambodge
FGD	–	focus group discussion
GRC	–	Grievance Redress Committee
GRM	–	Grievance Redress Mechanism
IOL	–	inventory of losses
IRP	–	income restoration program
kV	–	Kilovolt
LARF	–	land acquisition and resettlement framework
LARP	–	land acquisition and resettlement plan
MEF	–	Ministry of Economy of Finance
MW	–	Megawatt
NGO	–	nongovernment organization
PIC	–	project implementation consultant
RCS	–	replacement cost survey
SEPRO	–	Social and Environmental Public Relations Office
SES	–	socioeconomic survey
SPS	–	Safeguard Policy Statement

NOTE

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

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DEFINITION OF TERMS

Compensation	Refers to payment in cash or in kind for an asset or resource that is acquired or affected by a Project at the time the asset needs to be replaced. All compensation is based on the principle of replacement cost, which is the method of valuing assets to replace the loss at current market rates, plus any transaction costs such as administrative charges, taxes, registration and titling costs.
Consultations	A process that (i) begins early in the project preparation stage and is carried out at different stages of the project and land acquisition and involuntary resettlement cycle; (ii) provides timely disclosure of relevant and adequate information in Khmer Language that is understandable and readily accessible to Displaced Person (DP); (iii) is undertaken in an atmosphere free of intimidation or coercion with due regard to cultural norms; and (iv) is gender inclusive and responsive, and tailored to the needs of disadvantaged and vulnerable groups; enables to consider the incorporation of all relevant views of affected people and other stakeholders into decision making, such as project design, mitigation measures and implementation issues.
Cut-off-date	The date that establishes the eligibility for compensation and resettlement assistance for the project DPs. Only those DPs who own, occupy or reside on the land to be acquired under the Project as of this date, will be eligible for receiving compensation and resettlement assistance in accordance with the Entitlement Matrix specified in the land acquisition and resettlement plan.
Detail Measurement survey	With the aid of detailed engineering design, this activity involves the finalization of the inventory of losses, measurement of losses, 100% Socio-economic Survey, and 100% census of DPs.
Displaced Household (DH)	Any household physically and/or economically directly affected because of land acquisition and involuntary resettlement. Household means all persons living and eating together as a single social unit.
Displaced Person (DP)	In the context of involuntary resettlement, DPs are those who are physically displaced (relocation, loss of residential land, or loss of shelter) and/or economically displaced (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas.
Economic Displacement	Refers to loss of land, assets, access to assets, income sources, or means of livelihood because of (i) involuntary acquisition of land, or involuntary restrictions on land use or on access to legally designated parks and protected areas.
Eligibility	Refers to any person or persons, household, firm, private or public institution who has settled in the Project area before the cut-off date, that (i) loss of shelter, (ii) loss of assets or ability to access such assets, permanently or temporary, or (iii) loss of income sources or mean of livelihood, regardless of relocation will be entitled to be compensation and/or assistance.
Entitlements	Refers to a range of measures comprising compensation, income restoration support, transfer assistance, relocation support, etc. which are due to the DPs, depending on the type and severity of their losses, to restore their economic and social base.
Income Restoration	Refers to re-establishing productive livelihood of the DPs to enable income generation equal to or, if possible, better than that earned by the DPs before the resettlement or of pre-project levels.
Inventory of Losses	This is the process where all fixed assets (i.e. lands used for residence, commerce, agriculture, including ponds; dwelling units; stalls and shops; secondary structures, such as fences, tombs, wells; trees with commercial value; etc.) and sources of income and livelihood inside the Project right-of-way are identified, measured, their owners identified, their exact location pinpointed,

	and their replacement costs calculated. Additionally, the severity of impact to the affected assets and the severity of impact to the livelihood and productive capacity of DPs will be determined.
Involuntary Resettlement	Refers to when displaced persons have no right to refuse land acquisition by the state that result in their displacement which occurs when land is acquired through (i) expropriation by invoking the eminent domain power of the state, or (ii) land is acquired through negotiated settlement when the pricing is negotiated, and the failure will result in expropriation through invoking the eminent domain of power of the state.
Land Acquisition	Refers to the process whereby individual, household, firm or private institution is compelled by a public agency to alienate all or part of the land it owns or possesses to the ownership and possession of that agency for public purposes in return for compensation at replacement costs.
Physical Displacement	Refers to relocation, loss of residential land, or loss of shelter because of (i) involuntary acquisition of land; or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas.
Relocation	This is the physical relocation of a displaced people from her/his pre-project place of residence and/or business.
Replacement Cost	Replacement cost involves replacing an asset, including land, at a cost prevailing at the time of its acquisition. This includes fair market value, transaction costs, interest accrued, transitional and restoration costs, and any other applicable payments, if any. Depreciation of assets and structures should not be considered for replacement cost. Where there are no active market conditions, replacement cost is equivalent to delivered cost and building materials, labour cost for construction or relocation costs. Where land market conditions are absent or in a formative stage, the DPs and host populations will be consulted with to obtain adequate information about recent land transactions, land value by types, land titles, land use, cropping patterns and crop production, availability of land in the project area and region, and other related information.
Replacement Cost Study	This refers to the process involved in determining replacement costs of affected assets and land and performed by an independent qualified national consultant (firm or individual) with necessary expertise to carry out asset valuation.
Resettlement Plan	This is a time-bound action plan, with budget, setting out the resettlement objectives and strategies, entitlements the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and implementation schedule.
Significant Impact	Refers to DHs who will (i) lose 10% or more of their total productive land and/or assets; (ii) have to relocate; and/or (iii) lose 10% or more of their total income sources due to the Project.
Vulnerable Groups	These are distinct groups of DPs who are likely to be more adversely affected than others and who are likely to have limited ability to reestablish their livelihoods or improve their status and comprise: (i) all households living below the national poverty rate established by the Government, ^a (ii) female headed households with dependents living below the national poverty rate, (iii) disabled headed households with no other means of support, (iv) elderly headed households who are landless and with no other means of support, (v) landless poor living below the national poverty rate, and (vi) indigenous people or ethnic minorities (who often have traditional land rights but no formal titles)

^a This includes squatters and those without land titles

I. INTRODUCTION

1. This Land Acquisition and Resettlement Framework (LARF) has been prepared for the Grid Reinforcement Project. It outlines the resettlement policy principles, procedures, and institutional arrangements to mitigate risks and offer sustainable livelihood and development opportunities to the people affected by the project. It is based on applicable laws and regulations of the Government of Cambodia and the Safeguard Policy Statement (SPS) of the Asian Development Bank (ADB).

A. Project Description

2. Cambodia underwent significant development in recent years reaching lower middle-income status in 2015. The country continues to demonstrate strong economic growth, mainly driven by urban based industries such as garment exports, tourism, and more recently construction and real estate. Per capita gross national income grew on average 7.3% per annum from \$950 in 2013 to \$1,230 in 2018.¹

3. Cambodia's population is about 15.3 million and continues to annually increase by 1.3%.² The country is at an early stage of urbanization with 23% of people living in cities. At an average annual urbanization growth rate of 3.3%, it is expected that 28% of the population will live in urban areas by 2030 and 40% by 2050.³ The bulk of urbanization is taking place in Phnom Penh which serves as a regional economic center, strategically located along the Greater Mekong Subregion Southern Economic Development Corridor and regional industrial developments.⁴

4. Phnom Penh, the capital, where presently 2 million people live, and government, business and industry are concentrated, currently accounts for 57% of electricity consumed. About 23% of total electricity consumption is used in the other urban areas including Preah Sihanouk, Siem Reap, Kampong Cham, Takeo, and Battambang. Households and businesses face frequent unpredictable power shortages and voltage fluctuations. It severely constraints quality of life and undermines the country's effort to diversify into a manufacturing destination.

5. The government aspires to attain middle-income status by 2030. In its Socio-Economic Policy Agenda, 2018–2023,⁵ the government recognizes the importance of developing the energy sector to increase competitiveness, ensure sustained economic growth and thereby continue to reduce poverty. Constructing transmission lines and substations to enhance adequate and reliable supply of power is one of the key energy policy objectives of the government and the Electricité du Cambodge (EDC). Cambodia's electricity consumption grew to 9,307 gigawatt-hours in 2018 and is forecast to rise to 28,542 gigawatt-hours by 2025, a greater than threefold increase relative to consumption in 2018. To meet growing demand for electricity with environmentally and socially sustainable supply, it is planned to increase solar power generation capacity from 10 megawatt (MW) to 415 MW and to develop 80 MW of generation capacity from wind by 2022.

6. ADB is working with Cambodia's national electric utility, EDC, to develop a Grid Development Project. The Grid Reinforcement Project (the project) will support EDC, the state-owned power utility, in improving transmission network capacity and stability. The project will (i)

¹ ADB. 2015. *Basic Statistics 2015*. Manila; and ADB. 2019. *Basic Statistics 2019*. Manila.

² Royal Government of Cambodia. 2019. *General Population Census of the Kingdom of Cambodia*. Phnom Penh.

³ World Bank Data. <https://data.worldbank.org/indicator/SP.URB.GROW>. Accessed 12 July 2019.

⁴ Baker, Judy L.; Kikutake, Natsuko; Lin, Sarah Xinyuan; Johnson, Erik Caldwell; Yin, Soriya; Ou, Narya. 2017. Urban development in Phnom Penh (English). Washington, D.C.: World Bank Group.

expand and reinforce the electricity transmission infrastructure by constructing 115 kilovolt (kV) and 230 kV transmission lines and associated substations in Phnom Penh, Kampong Chhnang, Kampong Cham, and Takeo provinces; and (ii) introduce the first utility-scale battery energy storage system to enhance power reliability and grid stability accompanied by an increase in electricity generated from renewable energy sources. Project implementation consultants (PIC) will complement existing staff of EDC, thus ensuring a high degree of implementation efficiency of components financed under the project.

7. The project is aligned with the following impact: adequate and reliable power supply from environmentally sustainable energy sources ensured. The project will have the following outcome: transmission network capacity and stability improved. The project will finance the following outputs:

- i) **Output 1: 115 kilovolt and 230 kilovolt grid infrastructure expanded and reinforced.** The proposed project will support the expansion of 115 kV and 230 kV overhead and underground transmission lines and associated substations in Phnom Penh, Kampong Chhnang, and Kampong Cham provinces. It will add 13 circuit-kilometer (cct-km) of 230 kV transmission lines, 36.7 cct-km of 115 kV transmission lines, 1,475 megavolt-ampere to 230 kV/ 115 kV/ 22 kV substation transformer capacity and 350 megavolt-ampere to 115 kV/ 22 kV substation transformer capacity.

Table 1. 115 kilovolt and 230 kilovolt Grid Infrastructure Expanded and Reinforced

N°	Subproject Name	Subproject Scope
Transmission Lines and Substations in Phnom Penh		
TPP1	New 6.52 km 230 kV transmission line from existing GS5 to proposed Sen Sok substation	230 kV double circuit line; ~ 5 km overhead on monopoles and 1.5 km underground cable
TPP2	New 2.44 km 115 kV transmission line from proposed Sen Sok to proposed Russei Keo substations	115 kV double circuit line; ~ 1.5 km overhead on monopoles and 1.0 km underground cable
TPP3	New 4.4 km 115 kV transmission line from proposed Boeung Tompon substation to new Olympic substation	115 kV double circuit line; ~ 2.4 km overhead on monopoles and 2.0 km underground cable; plus 0.8 km underground cable for SPP3 connection
SPP1	New 230/115 kV Dangkor substation	2x240 MVA 230/115 kV transformers; outdoor switchyard; 2 x 230 kV circuits; 4 x 115 kV circuits
SPP2	New 230/115/22 kV Sen Sok substation	1x360 MVA 230/115 kV transformer; 1x75 MVA 115/22 kV transformer; GIS indoor switchgear; 2 x 230 kV circuits; 2 x 115 kV circuits
SPP3	New 115/22 kV RUPP substation	1x75 MVA 115/22 kV transformers; GIS indoor switchgear; 4 x 115 kV circuits
SPP4	New 115/22 kV Boeung Tompon substation	1x75 MVA 115/22 kV transformer; GIS indoor switchgear; 6 x 115 kV circuits
SPP5	New 115/22 kV Russei Keo substation	1x75 MVA 115/22 kV transformer; GIS indoor switchgear; 4 x 115 kV circuits
Transmission Lines and Substations in Kampong Chhang (KCN), Kampong Cham (KPC) and Takeo (TKO) provinces		

N°	Subproject Name	Subproject Scope
TKCN1	New 11.1 km 115 kV transmission line from proposed Samiki Meanchey to proposed Kampong Tralach substations	115 kV double circuit line; overhead on steel towers
SKCN1	New 230/115/22 kV Samiki Meanchey substation	1x160 MVA 230/115/22 kV transformer; outdoor switchyard; 4 x 230 kV circuits; 2 x 115 kV circuits
SKCN2	New 115/22 kV Kampong Tralach substation	1x50 MVA 115/22 kV transformer; outdoor switchyard; 2 x 115 kV circuits
SKPC1	New 230/115/22 kV Thnal Keng substation	1x160 MVA 230/115/22 kV transformer; outdoor switchyard; 4 x 230 kV circuits, 2 x 115 kV circuits
SKPC2	New 230/22 kV Skun substation	1x75 MVA 230/22 kV transformer; outdoor switchyard; 4 x 230 kV circuits
STKO1	New 230/115/22 kV Samroang Yoang substation	1x240 MVA 230/115/22 kV transformer; outdoor switchyard; 4 x 230 kV circuits; 2 x 115 kV circuits

- ii) **Output 2: First utility-scale energy storage system provided.** The project will support EDC in installing the first utility-scale battery energy storage system (BESS) in Cambodia. The BESS will be capable of storing 16 megawatt-hours.⁵ This is a desirable size to support the applications of (a) smoothing output at 80% from a 60MW solar park,⁶ (b) providing at least 0.5 hour of curtailment reserve to address daily power shortcuts, (c) providing primary frequency control, (d) deferring upgrades in transformer capacity at GS6 substation, and (e) shifting lower cost electricity supply to high cost peak demand to achieve savings. Such stacking of multiple services is a standard feature of BESS installations and the project will enable EDC to test the requirements for and benefits of BESS in providing the combined set of services as a precursor to scaling-up its use in future. Validation tests will be conducted to understand the effectiveness of the storage system at stabilizing the grid. It will help building capacity for deploying and operating energy storage technology thus, creating the foundation for EDC to scale-up energy storage as part of power system development in the near future. The BESS will be constructed at the site of the national solar park substation which is financed by ADB, and for which the land has been acquired by EDC through negotiated settlement in accordance with respective requirements of ADB SPS 2009 and an independent external party was engaged to document negotiation and settlement processes.⁷

8. The project will support EDC in implementing the project components with a focus on procurement and contract management, construction supervision, testing and commissioning, implementation, updating and monitoring of social and environmental safeguards, implementation of gender and social equality dimensions, project performance monitoring and evaluation. The

⁵ The BESS will be financed with a \$6.7 million grant. Based on cost estimates using 2018 prices, a BESS size of 16MW/16MWh can be installed. Considering, however, that prices for BESS continue to decrease, the BESS was designed for an optimal size of 18MW/18MWh.

⁶ ADB. 2019. *Report and Recommendations of the President to the Board of Directors: Proposed Loan and Administration of Loan, Grant, and Technical Assistance Grant to the Kingdom of Cambodia for the National Solar Park Project*. Manila.

⁷ Based on the agreement between ADB and EDC the DDRs are prepared and submitted to ADB for its due diligence and records.

PIC will complement existing staff of EDC, thus ensuring a high degree of project implementation efficiency.

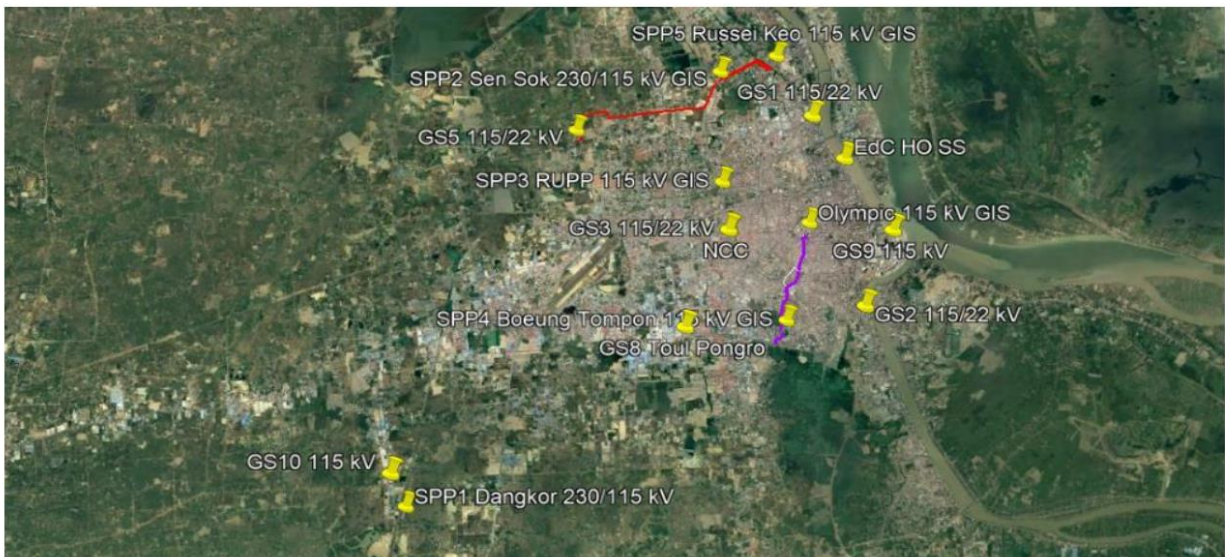


Figure 1. Transmission Lines and Substations in Phnom Penh



Figure 2. Transmission Lines and Substations in Kampong Chhnang and Kampong Cham provinces



Figure 3. Transmission Lines and Substations in Takeo Province

B. Rationale for a Resettlement Framework

9. Output 1 involves the construction of four transmission lines and ten substations. For one transmission line (TKCN1), EDC will acquire land through expropriation. A draft Land Acquisition and Resettlement Plan (LARP) has been prepared for that transmission line in accordance with the government laws, regulations and ADB SPS (2009). The three remaining transmission lines and four of the ten substations will be constructed on public land. A Resettlement Due Diligence Report has been prepared for these subprojects. For the remaining six substations, EDC will acquire privately-owned land through negotiated settlement based on meaningful consultation with displaced persons (DPs). A Due Diligence Report has been prepared for these substations. EDC will engage an independent external party to document negotiation and settlement processes. The third-party verification report will be submitted to ADB for approval. A Land Acquisition and Resettlement Framework has been prepared in case negotiation fails, results in expropriation, and to guide any unexpected land acquisition and resettlement impacts. The land acquisition and resettlement impacts of each subproject together with its respective social safeguards document are summarized in the table below.

Table 2. Social Safeguard Impacts and Documentation

ID	Subproject Name	Unit	Quantity	Noted	Document
	Expected Land Acquisition				
	Transmission Lines and Substations in Phnom Penh				
TPP1	230 kV transmission line from existing GS5 to proposed Sen Sok substation	m2	1,352	Public land	RDDR
TPP2	115 kV transmission line from proposed Sen Sok to proposed Russei Keo substations	m2	409	Public land	RDDR
TPP3	115 kV transmission line from proposed Boeung Tompon substation to new Olympic substation	m2	655	Public land	RDDR
SPP1	New 230/115 kV Dangkor substation	m2	33,000	Private land	DDR third-party verified
SPP2	New 230/115/22 kV Sen Sok substation	m2	1,800	Public land	RDDR
SPP3	New 115/22 kV RUPP substation	m2	800	Public land	RDDR

ID	Subproject Name	Unit	Quantity	Noted	Document
SPP4	New 115/22 kV Boeung Tompon substation	m2	1,200	Public land	RDDR
SPP5	New 115/22 kV Russei Keo substation	m2	800	Public land	RDDR
	Transmission Lines and Substations in Kampong Chhang (KCN), Kampong Cham (KPC), and Takeo provinces				
TKCN1	115 kV transmission line from proposed Samiki Meanchey to proposed Kampong Tralach substations	m2	164,500	Private land	LARP
SKCN1	New 230/115/22 kV Samiki Meanchey substation	m2	32,500	Private land	DDR third-party verified
SKCN2	New 115/22 kV Kampong Tralach substation	m2	15,500	Private land	DDR third-party verified
SKPC1	New 230/115/22 kV Thnal Keng substation	m2	32,000	Private land	DDR third-party verified
SKPC2	New 230/22 kV Skun substation	m2	31,000	Private land	DDR third-party verified
STKO1	New 230/115/22 kV Samroang Yoang substation	m2	22,000	Private land	DDR third-party verified

10. ADB Safeguard requirement 2 does not apply to negotiated settlements unless expropriation results upon the failure of negotiations.⁸ This LARF has been prepared to provide guidance in preparing the land acquisition and resettlement plans (LARPs) for this project and its components, in case negotiations fail and expropriation will be applied. It defines the objectives, principles, eligibility criteria and entitlements for DPs based on (i) ADB's SPS 2009; and (ii) the Government of Cambodia (the Government) laws, rules and regulations.

11. It describes entitlements and compensation and assistance to be provided to the DPs; information disclosure, participation and consultation procedures; and grievance redress mechanisms that will be employed during the preparation of the LARP. This framework will guide how any land acquisition and resettlement issues are addressed if the negotiation process for acquiring the selected land plots fails and result in expropriation and EDC will prepare a LARP in accordance with the principles set out in this LARF.

12. It also outlines the procedure to assist affected households through the process of resettlement in order to enable them to attain an equivalent or better living standard than they had before the project.

13. The government's relevant regulation and legal framework and ADB's Involuntary Resettlement Policy, Social Safeguards and related operational manuals define the project's context for the planning and implementation of land acquisition, resettlement and compensation for affected assets and lost income, including measures for ensuring that displaced households (DHs) are able to restore their standards of living to at least pre-project levels.

⁸ ADB Safeguard Policy Statement, Appendix 2 Safeguard Requirement 2: Involuntary Resettlement para. 25, page 48.

14. If there is any gap or inconsistencies between the government laws, regulations and procedures relating to land acquisition and involuntary resettlement and ADB's SPS (2009), then they will be filed and addressed as per the SPS 2009 and as agreed in LARF.

15. The Project will not directly or indirectly affect the dignity, human rights, livelihood systems, or culture of Indigenous Peoples (IPs), neither will it affect the territories or natural or cultural resources that IPs own, use, occupy, or claim as their ancestral domain. Therefore, Safeguard Requirements 3: Indigenous Peoples is not triggered.

II. OBJECTIVES, POLICY FRAMEWORK AND ENTITLEMENTS

A. Objective of the Land Acquisition and Resettlement Framework

16. This LARF provides the procedures and key principles of involuntary resettlement safeguards that will govern the preparation and implementation of the LARPs for this Project in line with ADB's SPS requirements and legal and regulatory framework of the Government for all subprojects of the Project. The LARF has been prepared based on various consultations held with affected communities and government officials.

B. Policy and Legal Framework

17. The project's land acquisition and compensation policies will be planned and implemented in accordance with ADB requirements and the Cambodian law. A detailed analysis on the existing legislation and policies of the country was carried out in order to describe their applicability within this framework as follows:

1. Constitution of Cambodia 1993

18. The 1993 Constitution of Cambodia sets out the basic principle for land acquisition in the public interest. 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.

2. Land Law 2001

19. The 2001 Land Law is a comprehensive law that land and property rights in Cambodia. Based on the provisions of the 1993 Constitution, it defines the regime of ownership of immovable properties, such as land, trees and fixed structures.

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

21. Other provisions of the Land Law that are relevant to land acquisition, compensation and resettlement 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. (Article 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- 2001) held legally valid possessions for less than five years, can 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).
- ix) And acquisition of land through gift is permitted with the following conditions: (a) the gift of immovable property is only effective if it is made in writing and registered with the Cadastral Registry Unit; (b) once accepted, gifts or immovable property are irrevocable; and (c) the donor may retain the right of usufruct in the property and the right of use and habitation of an immovable property. (Articles 80–84).

3. Expropriation Law

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

- i) Article 2: the law has the following purposes: (a) ensure just and fair deprivation of a legal rights to private property; (b) ensure prior fair and just compensation; (c) serve the national and public interests; and (d) development of public physical infrastructure.
- ii) Article 7: Only the State may carry out an expropriation for use in the public and national interests.

- iii) Article 8: The State shall accept the purchase of part of the real property left over from an expropriation at a reasonable and just price at the request of the owner of and/or the holder of right in the expropriated real property who is unable to live near the expropriated scheme or to build a residence or conduct any business.
- iv) Article 11: Before exercising any expropriation, the government shall prepare enough annual budgets, and grant adequate and timely fund to the Expropriation Committee at the request the MEF for compensating the owner of and/or holder of real right to the immovable property by the expropriation.
- v) Article 12: An Expropriation Committee shall be established and headed by a representative from the MEF and composed of representatives from relevant ministries and institutions. The organization and functioning of the Expropriation Committee shall be determined by a sub-decree [Sub Decree No 22 ANK/BK promulgated on 22 February 2018].
- vi) Article 16: Before proposing an expropriation project, the Expropriation Committee shall publicly conduct a survey with detailed description about the owner and/or rightful owner of the immovable property and other properties which might need compensation; and all other problems shall be recorded as well. In conducting this survey, the Expropriation Committee shall arrange a public consultation with the authorities at provincial, district and commune level, the commune councils and village representatives or the communities affected by the expropriation in order to give them clear and specific information and to have all opinions from all concerned parties about the proposed public infrastructure project.
- vii) 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.
- viii) MEF Sub-Decree No. 115 dated 26 May 2016 on promoting Resettlement Department to GDR provides mandate to the GDR to lead all resettlement activities including preparation of RP, implementing, and internal monitoring of the RP.

4. Other Relevant National Laws and Regulations

23. **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.

24. **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, and the receipt is acceptable proof of real occupants of the land for purposes of sale. The present legal status of land use in Cambodia can be classified as follows:

- 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 Cadastral Administration Office 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) *Leased Land*: The government or private owners lease the land, usually for a short period. The government can reclaim land if it is needed for a development.
- v) *Non-legal occupation*: The user has no land use rights on land s/he occupies or uses. The CAO does not recognize the use of this land.

25. **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.

5. ADB's Policy on Resettlement, Safeguard Policy Statement, 2009

26. 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.

27. 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.

28. For any ADB operation requiring involuntary resettlement, resettlement planning is an integral part of project design, to be addressed from the earliest stages of the project cycle, considering the following basic policy principles:

- 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 (DPs), including a gender analysis, specifically related to resettlement impacts and risks.
- ii) Carry out meaningful consultations with DPs, host communities and concerned nongovernment organizations (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 DPs through: (a) 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; (b) prompt replacement of assets with access to assets of equal or higher value; (c) prompt compensation at full replacement cost for

- assets that cannot be restored; and (d) additional revenues and services through benefit sharing schemes where possible.
- iv) Provide physically and economically DPs with needed assistance, including the following: (a) 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; (b) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (c) 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 DPs without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets.
 - viii) Prepare a LARP elaborating on DPs' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.
 - ix) Disclose a draft LARP, 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 DPs and other stakeholders. Disclose the final RP and its updates to DPs and other stakeholders.
 - x) Conceive and execute involuntary resettlement as part of a development project or program. Include the full costs of resettlement in the presentation of 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 LARP under close supervision throughout the project's implementation.
 - xii) Monitor and assess resettlement outcomes, their impacts on the standards of living of DPs, and whether the objectives of the LARP have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.

6. Other Relevant ADB Policies

29. The ADB Access to Information Policy (ADB 2019) 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 the DPs and publicly in the following manner:

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

30. This information can be in the form of brochures, leaflets or booklets, in the local language(s), Khmer, as well as in English. In case of illiterate persons, other culturally appropriate methods of communications will be used.

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

C. Comparison of Applicable National Laws and Regulations with ADB's Safeguard Policy Statement 2009

32. Comparison of the applicable national laws and regulations shows that some of the principles are in general aligned with the ADB SPS requirements. The gaps between the Government laws and regulations and ADB SPS requirements as well as the agreed gap-filling measures that serve a basis for the mitigation measures and the entitlements and benefits are presented in the table below.

Table 3. Comparison of National Laws and Regulations vis-à-vis ADB's Safeguard Policy Statement 2009

Ref. No.	ADB's SPS Requirements	Cambodian laws and regulations	Reconciliation Measures
1.	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.	<u>Expropriation Law:</u> Article 16 of the Expropriation Law requires that "before proposing an expropriation project, the Expropriation Committee shall publicly conduct a survey by recording a detailed description of all rights of the owners and/or rightful owners to the immovable property and other properties which might be needed for compensation; all other related problems shall be recorded as well."	For this Project Census and IOL as well as FGDs with the vulnerable groups will be conducted as part of LARP preparation.
2	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 ensure their participation in planning, implementation, monitoring and evaluation of resettlement; pay attention to the needs of vulnerable groups.	<u>Expropriation Law:</u> Article 16 of the Expropriation Law requires Expropriation Committee organizing public consultations at the Capital, Municipal, Provincial, and District Khan authority levels with Commune/ Sangkat 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.	District and village level consultations as well as consultations with various stakeholders are conducted and will continue throughout the project cycle. Views and concerns of the various stakeholders, including the vulnerable groups will be considered. Consultation process will begin early during the project preparation stage and will continue throughout the project cycle.

Ref. No.	ADB's SPS Requirements	Cambodian laws and regulations	Reconciliation Measures
3	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><u>Expropriation Law:</u> 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).</p> <p>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).</p>	<p>A Project-specific GRM with local level entry points will be established during the detailed design phase, DPs will be properly informed and adequate support will be provided to them in filing complaints as needed.</p> <p>ADB will closely monitor implementation of the GRM guidelines throughout the project cycle. EDC will report on status of grievances redress in quarterly progress and semi-annual safeguard monitoring reports</p>
4	<p>Improve, or at least restore, the livelihoods of all displaced persons through:</p> <ul style="list-style-type: none"> (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 	<p><u>Expropriation Law:</u> The Expropriation Law provides for "fair and just compensation" in several Articles.</p>	<p>Selection of the income restoration programs will be at choice of the displaced person.</p> <p>Loss of income during the transition period is calculated based on the formula in the Entitlement Matrix and provides for compensation at actual costs if the income loss is higher during the transition period.</p>
5	<p>The rate of compensation for acquired housing, land and other assets will be calculated at full replacement costs.</p> <p>The calculation of full replacement cost will be based on the following elements: (i) fair market value; (ii) transaction costs; (iii) interest accrued, (iv) transitional and restoration costs; and (v) other applicable payments, if any. Where market conditions are absent or in a formative stage, the borrower/client will consult with the displaced persons and host</p>	<p><u>Expropriation Law:</u> Articles 22 and 23-26 of the Expropriation Law provide broad guidance on the replacement cost.</p>	<p>All compensation will be based on the principle of full replacement cost as required by the ADB SPS (2009).</p>

Ref. No.	ADB's SPS Requirements	Cambodian laws and regulations	Reconciliation Measures
	<p>populations to obtain adequate information about recent land transactions, land value by types, land titles, land use, cropping patterns and crop production, availability of land in the project area and region, and other related information.</p> <p>The borrower/client will also collect baseline data on housing, house types, and construction materials.</p> <p>Qualified and experienced experts will undertake the valuation of acquired assets.</p> <p>In applying this method of valuation, depreciation of structures and assets should not be taken into account.</p>		
6	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.	Not mentioned in the law	<p>Quarterly monitoring of the LARP will be undertaken by EDC assisted by project implementation consultant following the monitoring indicators agreed with ADB, and monitoring reports will be prepared and submitted to ADB.</p> <p>The detailed resettlement plan will identify indicators to assess progress towards desired outcomes based on subproject specific impacts.</p>
7	Entitlements on severity of losses	No specific legislation on severity of losses on productive land while ADB policy defines affected persons to have experienced severe losses when they are physically displaced from housing or lose 10% or more of their productive assets (income generating).	DHs who will lose 10% or more of their productive assets (income generating) or who will be physically displaced will be provided with additional assistance.

ADB = Asian Development Bank; EDC = Electricite du Cambodge; DP = displaced person; FGD = focus group discussion; GRC = Grievance Redress Committee; GRM = Grievance Redress Mechanism; IOL = inventory of losses; LARP = land acquisition and resettlement plan; RF = resettlement framework; RP = resettlement plan; SPS = Safeguard Policy Statement.

D. Land Acquisition and Resettlement Framework Principles and Entitlements adopted

33. Based on Cambodian laws and regulations on land acquisition and ADB's SPS 2009 requirements on Involuntary Resettlement, core involuntary resettlement principles are adopted for this Project are as follows:

- i) Land acquisition, and other involuntary resettlement impacts will be avoided or minimized exploring all viable alternative project designs.
- ii) Where unavoidable, a time bound LARP will be prepared and DPs will be assisted in improving or at least regaining their pre-project standard of living.
- iii) Consultation with DPs on compensation, disclosure of resettlement information to DPs, and participation of DPs in planning and implementing sub-projects will be ensured.
- iv) Vulnerable and severely affected DPs will be provided special assistance.
- v) Non-titled DPs (e.g., informal dwellers or squatters, DPs without records/titles) will receive a livelihood allowance in lieu of land compensation and will be fully compensated for losses other than land.
- vi) Legalizable DPs will be legalized and fully compensated for land losses.
- vii) Provision of income restoration and rehabilitation will be ensured to all entitled DPs.
- viii) EDC will set up transparent, consistent and equitable procedures if land acquisition is through negotiated settlement. It will engage an independent external party to monitor and document the negotiation and to ensure that those people who enter into negotiated settlements maintain the same or better income and livelihood status⁹.
- ix) The LARP will be disclosed to the DPs in the local language.
- x) Payment of compensation, resettlement assistance and rehabilitation measures will be fully provided prior to the contractor taking physical acquisition of the land and prior to the commencement of any construction activities on a particular package.
- xi) Establishment of appropriate grievance redresses mechanisms to solve DPs grievance if occurs.

E. Measures to Avoid and Minimize Resettlement Impacts

34. Measures were taken to avoid or at least minimize the resettlement impact by considering potential alternatives and/or adjustment to the design, the route of the transmission line etc. The transmission line alignment and associated substations 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.

III. SOCIOECONOMIC INFORMATION

A. Methodology for Socioeconomic Surveys, Census and Inventory of Losses

35. The methodology for surveys and impact assessment for preparing LARP includes both qualitative and quantitative data collection. Quantitative data collection includes a 100% socioeconomic survey (SES), census and inventory of losses (IOL) of the DPs that should be

⁹ The agreement made between EDC and ADB in accordance with ADB SPS, Appendix 2, para 25, pages 48-49

conducted to identify all persons who will be displaced by the Project, to assess the Project's socio-economic impact on them. Qualitative data collection includes Focus Group Discussions (FGDs) with vulnerable groups, including women, ethnic minorities, elderly, youth, etc. This is done to supplement the quantitative data on DPs, as well as to enable the disadvantaged and vulnerable groups to share their views and participate in the decision-making process on the Project.

36. **Socioeconomic survey.** Socioeconomic information of DPs will be obtained through a SES. The SES will serve as a referenced baseline of DP's living conditions and will form part of the monitoring and evaluation data that will assess the extent to which the measures in the LARP are effective in mitigating land acquisition and resettlement impacts. The SES will be conducted by the EDC/ Social and Environmental Public Relations Office (SEPRO) with support from the project management and implementation consultants, and in cooperation with local authorities and village representatives. The sample size of the SES is 20% of the DHs for the Draft LARP and 100% of the DHs for the final, implementation-ready LARP.

37. The SES shall be conducted in parallel with the IOL survey so that the IOL includes gender disaggregated data. The SES should include the socioeconomic data of the DHs and DPs and a record of type and level of loss. The following data will be collected through SES:

- i) *Data on displaced households.* (a) demographic data (household composition by age, gender, relationship, ethnicity, (b) education levels); (c) social data (such as on family, community, ethnic, religious background); (d) income and assets (individual, corporate, or collective incomes as well as ownership of land, livestock, fishing boats, shops, wood lots, among households) as well as expenditures; (e) occupation (farmers, teachers, shopkeepers, artisans, laborers, transporters, students, spiritual leaders, etc.); (f) access to public services (health care, water supply and sanitation, education, transport, etc.); (g) gender roles and issues; and; (h) attitudes and preferences on resettlement.
- ii) *Data on Land and Area.* (a) Map of the area and villages affected by land acquisition; (b) Total land area acquired for the proposed project; (c) Land type and land use; (d) Ownership, tenure and land-use patterns; (e) Land acquisition procedures and compensation; (f) Existing civic facilities and infrastructures; and (g) Cultural systems and sites.

38. **Census and inventory of losses.** A Census and IOL need to be undertaken to prepare the draft LARP. Census of the affected persons and their affected assets will be undertaken based on the preliminary design to determine the magnitude of displacement and prospective losses, identify vulnerable groups for targeting, ascertain costs of resettlement, and prepare a rehabilitation program for implementation. The purpose is to: (i) register all the affected/displaced persons; (ii) assess their income and livelihoods; and (iii) carry out inventory of their assets affected due to the project; (iv) provide gender-disaggregated information pertaining to the economic and socio-cultural conditions of the displaced persons; (v) identify the individuals and groups who may be differentially or disproportionately affected by the project. The census and IOL will cover 100% of displaced persons.

39. The data collected during the IOL as well as SES will constitute the formal basis for determining DP entitlements and levels of compensation.

40. For each DP, the scope of the data will include:

- i) total and affected areas of land, by type of land assets;
- ii) total and affected areas of structures, by type of structure (main or secondary);
- iii) taking of photos of the assets to be affected together with the respective DPs;
- iv) legal status of affected land and structure assets, and duration of tenure and ownership;
- v) quantity and types of affected crops and trees;
- vi) quantity of other losses, e.g., business or other income, jobs or other productive assets; estimated daily net income from informal shops;
- vii) quantity/area of affected common property, community or public assets, by type;
- viii) summary data on AP households, by ethnicity, gender of head of household, household size, primary and secondary source of household income vis-à-vis poverty line, income level, whether household is headed by women, elderly, disabled, or poor;
- ix) identify whether affected land or source of income is primary source of income;
- x) DP knowledge of the subproject and preferences for compensation and, as required, relocation sites and rehabilitation measures; and
- xi) information dissemination to DPs about the principles of Land Acquisition and compensations according to ADB policies and government laws and regulations and explanation about the cut-off date.

41. Vulnerable households need to be enumerated which include the following: Total number of people living in each household should be listed: households classified as poor through the Identification of Poor Households Project; the landless, the elderly, women and children, and Indigenous Peoples, and those without legal title to land.

42. **Detailed measurement survey.** Upon completion of the detailed engineering design, the draft LARP prepared based on the preliminary design will need to be finalized. To do this, EDC/SEPRO will complete the census of displaced persons after the Detailed Measurement Survey (DMS). The DMS will survey 100% of DHs and collect data required to verify the details of DHs for finalizing the LARP. This includes details on:

- i) land ownership;
- ii) total landholdings and tenure;
- iii) land, structures and other assets entirely or partially affected by land acquisition for the Project;
- iv) types and conditions of affected structural buildings;
- v) number and types of affected trees and crops;
- vi) income losses and proportion of total productive income lost; and
- vii) category of affected people and types of assistance that DPs are entitled to.

43. Conducting the DMS is a critical activity in preparing and finalizing the LARP.

44. **Focus group discussions.** FGDs will be conducted using a questionnaire guide and in a smaller group of 6–8 persons. Separate FGDs will be conducted for women and other vulnerable groups as identified based on the SES and consultations with the affected communities. The FGDs will allow collecting suggestions and recommendations and identify concerns that the vulnerable groups have with regards to the project and its anticipated impact. These will also enable devising an inclusive information material and find better ways to disclose Project related information.

B. Methodology for Assessing Affected Assets

45. **Principle.** All compensation will be based on the principle of full replacement cost as required by the ADB SPS 2009.¹⁰ To conduct a replacement cost study (RCS), the EDC will recruit one professional independent appraiser/valuator (RCS Consultant) following the detailed engineering design, and during the DMS in order to determine compensation rates reflecting current market prices for (i) agricultural, residential and commercial land; (ii) different types of affected structures; and (iii) crops and trees; business losses; transportation cost; allowance for essential basic infrastructure services; timber/fence trees include under the crops and trees. The RCS will be provided to EDC in the form of a report with detailed calculation of unit rates for all the identified affected assets, including land, and any potential income/employment loss.

46. The RCS will be valid for one year after the completion of DMS and if the offer of the compensation and/or assistance is not made to the DP, or if compensation is not paid to them within this period, the replacement cost will be updated. The RCS results will be the basis for estimating the budget for financing the resettlement costs. RCS will be well documented and attached to the LARP.

47. **Methodology.** The methodology for assessing unit compensation values of different items for LARP purposes is based on the identified types of potentially affected assets, and as follows:

- i) Productive Land (agricultural and aquaculture) based on actual current market prices that reflect recent land sales in the area, or, in the absence of such recent sales, based on recent sales in comparable locations with comparable attributes, fees and taxes or in the absence of such sales, based on productive value.
- ii) Residential land based on current market prices, which reflect recent land sales at the time of conducting the RCS, or, in the absence of such recent land sales, based on prices of recent sales in comparable locations with comparable attributes and fees and taxes for land.
- iii) Houses/buildings will be valued at full replacement value based on construction type, cost of materials, type of construction, labor, transport and other construction costs. No deduction for depreciation, transaction costs and salvaged materials will be applied. For the partial impact (if the remaining structure is safe to use, then compensation is paid for the repair of the affected structure).
- iv) Annual crops will be valued at net market rates at the farm gate for the one-year crop/yield. In the eventuality that more than one-year compensation is due to the DPs the crops after the first will be compensated at gross market value.
- v) Trees will be valued depending on the type. If the tree lost is a wood/timber tree or a productive tree (i) Wood trees will be valued based on age category [(a) seedling; (b) medium growth, and (c) full growth] and market value and volume of wood. (ii) Fruit/ productive trees will be valued based on age [(a) seedling; (b.) adult not fruit bearing; and (c.) fruit bearing]. Seedlings and adult not fruit bearing trees will be compensated based on the value of the investment made (covering the cost of sapling, labor, and fertilizer, etc.); Fruit bearing trees will be compensated at net market value of 1-year income/ yield multiplied by number of years needed to grow a new fully productive tree.

48. **For replacement costs of land**, the RCS Consultant will directly interview households that have recently bought or sold land to collect the evidence of the rate of land transaction; and,

¹⁰ Appendix 2, Subsection D. para 10, page 45, ADB SPS 2009.

interview households who are looking for properties to sell or buy within and around the subproject area. The RCS Consultant will also find out from local residents, subject to confirmation/validation through official records of local authorities, the price of various types of land that have been the subject of transactions in the past six (6) months to one (1) year in the community or nearby areas and the prices of various types of land local residents are willing to buy or sell as well as collect data from government offices on recent land transactions and land market assessment. These will be well documented and attached to the LARP.

49. **For structures**, the RCS Consultant will interview owners of structures to determine the construction materials usually used in the locality for each type of building following existing government categories or standards; sources of construction materials used and the unit costs of said materials, including the costs of transporting the same to the locality; and the cost of labor for constructing each type of building found in the locality. In the survey, interviews will also be conducted with building contractors to determine the cost of construction materials for each type of structures in the subproject area following existing government categories; the cost of transporting construction materials to the subproject area (community); the cost of labor for constructing each type of building; and the unit cost per meter square of each type of building in the subproject area following existing government categories. The replacement cost will be based on the latest item rates for construction within the subproject area.

50. **For the crops and trees**, interviews will be conducted with owners, market vendors and seedling suppliers to determine the current selling farm gate price of fruits or crops in the area and compensated accordingly as described above. RCS will collect data from statistics offices on average yields per type of crop and/or tree identified during the DMS.

C. Preparation and Submission of Draft and Detailed Land Acquisition and Resettlement Plans

51. The information and the data collected through the DMS will be used to prepare the detailed LARP in accordance with the ADB SPS (2009) for each subproject or for all subprojects in one town based on the situation in case of unsuccessful negotiations that result in expropriation. The socio-economic data collected at the DMS stage will establish the baseline key indicators for monitoring and evaluation purposes, as necessary. The Entitlement Matrix will be updated for each subproject/group of subprojects in each town based on the actual type of losses and included in the detailed RP.

52. The unit cost determined by the RCS will be used to calculate the compensation for each DP based on their measured loss of assets. In addition, cost of resettlement assistance for transitional income loss, other applicable allowances and livelihood restoration programs, if any, will be calculated. The firm budget for the cost of LAR will be included in the detailed RP.

53. The detailed RPs will be prepared by the EDC and submitted for ADB's review and approval.

IV. CONSULTATION, PARTICIPATION AND INFORMATION DISCLOSURE

A. Consultation and Participation

54. The ADB's SPS requirements provides for conducting meaningful consultation with affected persons, their host communities and civil society for the project. The DPs must be fully consulted and provided with opportunities to participate in the planning and implementation of

land acquisition and resettlement. They also must be informed in an appropriate and timely manner of the outcomes of the planning process, as well as the schedules and procedures for implementation of the LARP.

55. In case negotiation fails and expropriation is applied, public information and consultation will be carried out by EDC's SEPRO during all stages of the land acquisition and resettlement process. In addition, the SEPRO will also ensure public information meetings, participation of the DPs in the DMS, full disclosure of the LARP and informing the DPs about the procedures for payments of compensation and relocation.

Table 4. Public Consultation Activities throughout the Project Stages

Project Stage	Activities	Responsible Party
Preparation Feasibility Study	Preparation of draft LARP; Public information meetings FGDs with vulnerable groups Inventory of losses, socioeconomic survey, replacement cost study Public information booklet/ leaflet	TRTA Consultants; EDC's SEPRO; Local authorities and communities;
Detail design phase	Update/finalization of the LARP; Public information meetings; Census of all affected households and detailed measurement survey; FGDs with vulnerable groups; One on one consultations during contract signing; Updated public information booklet/ leaflet	EDC's SEPRO with support of consultants; Local authorities and communities;
Civil works construction	Regular information updates on project schedule and activities through village leaders and commune offices; Public information meetings as needed House-to-house consultation as needed	EDC's SEPRO with support of consultants; Contractors.
Operation and Maintenance	Updated project information booklet/ leaflet with facts and safety information distributed to communities along the transmission line and in the areas of the substations	EDC's SEPRO

EDC = Electricite du Cambodge; FGD = focus group discussion; LARP = land acquisition and resettlement plan; SEPRO = Social and Environmental Public Relations Office; TRTA = transaction technical assistance.

56. In line with the ADB SPS requirements, public consultations will be conducted at district and village levels to enable informed participation of the potential project affected persons in preparing, implementing and monitoring of the resettlement plans. FGDs will be conducted with the vulnerable DPs such as women, elderly, ethnic minorities, disabled etc. throughout the project lifecycle.

57. The EDC through SEPRO will ensure the consultations are gender inclusive and special attention will be made to ensure participation of women and DPs belonging to vulnerable group, as much as possible. All efforts will be made to incorporate mitigation measures to address their concerns, where relevant and possible.

58. Consultations with the DPs will include information of the project impacts (positive and negative), project implementation schedule and process, land acquisition and compensation process, affected households, DPs' right to complain and the Grievance Redress Mechanism (GRM). GRM will be established at an early stage of the project after the loan agreement is signed and displaced persons will be informed about it during consultations. Consultations with the displaced persons will provide a two-way information flow, ensuring that the concerns, questions

and ideas of the DPs are discussed and responded to in an appropriate and gender inclusive way.

B. Information Disclosure

59. Summaries of the approved LARF, draft LARP and the implementation-ready LARP, will be translated in the Khmer language and posted at the village, commune and district offices for easy and free access of the DPs and affected communities. For illiterate people, suitable other communication methods will be used based on the discussion and in consultation with the DP. The LARF and LARPs will also be uploaded on ADB and EDC websites in Khmer and English once approved by the EDC and ADB.

60. An updated project information booklet/leaflet in Khmer will be made available for the affected communities at public consultation meetings and villages and in commune offices.

61. The EDC will submit the following documents to ADB for disclosure on ADB's website after their approval by EDC and a concurrence by ADB: (i) LARF and DDRs prepared for the subproject(s) and other relevant safeguards documents during project preparation prior to completion of project appraisal; (ii) The updated LARP(s) prepared after the detailed design; (iii) Semi-annual safeguards monitoring reports; and (iv) Any corrective action plans prepared during project implementation, if relevant.

V. COMPENSATION ELIGIBILITY AND ENTITLEMENTS

A. Eligibility

62. All LAR impacts under the Project will be identified and compensated according to the eligibility criteria and entitlement matrix conforming to the legislation of Cambodia as well as ADB's safeguards policy.

63. All DPs in the Project are entitled to various types of compensation and resettlement assistance to help restoration of their livelihoods to the pre-Project levels. The combination of compensation measures and resettlement assistance offered to them, depends on the nature of the lost assets and the magnitude of the Project's impact, including the social and economic vulnerability of the displaced persons.

64. In the context of land acquisition and resettlement, the term '*entitlements*' encompasses the benefits comprising compensation, income restoration, transfer assistance, income substitution and relocation due to the people physically or economically displaced by a Project (DPs, under the Cambodian Laws and in accordance with the safeguard policies of ADB).

65. Eligibility will be determined with regards to the "Cut-off Date". The Cut-off Date will be established, documented¹¹ and disseminated through the Project area through posting on commune/Sangkat/public boards and through pagodas. Those who encroach into/or occupy the Project area after the Cut-off Date will not be eligible for any compensation or any other assistance.

66. 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

¹¹ Documentation related to establishment of the Cut-off date for the project will be included in the LARP.

people to move into the project area in the hope of gaining compensation. However, some DPs 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 DPs.

67. The following types of displaced persons are eligible for compensation under the Project; (i) persons with formal legal rights to land(land title) lost in its entirety or in part; (ii) person who lost the land they occupy in its entirety or in part who have no formal legal rights to such land (land title) , but have claims to such lands that are recognized or recognizable under Cambodian Laws; and (iii) person who lost the land they occupy in its entirety or in part who have neither formal legal rights (land title) nor recognized or recognizable claims to such land.

68. The DPs covered under (i) and (ii) will be provided with replacement land or cash compensation at full replacement cost for the land they lose, payment for partially or fully affected non-land assets they own and resettlement assistance in cash or in-kind. DPs covered under (iii) will be provided compensation at full replacement cost for loss of assets they own (other than land), and for improvements they made on land, and resettlement assistance if they occupy the area prior to the established cut-off date. DPs who occupy the subproject area after the cut-off date will not be eligible to any compensation or assistance.

B. Entitlements

69. An Entitlement Matrix has been developed for the Project considering all possible potential impacts of the Project. This will guide the preparation of the LARP and is based on Cambodian's Laws and the requirements of ADB SPS (2009). The entitlements in the matrix below may not cover all types of impacts and will be enhanced or improved in the detailed RP based on the findings of the social assessment and subproject LAR impacts during the detailed design stage, but not downgraded in case there will be LAR related impacts identified during the project implementation stage.

70. The entitlements for DPs eligible for compensation and/or at least rehabilitation, are detailed in the following table:

Table 5. 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)	- Owners with legal title (Legal users are those with recognized or recognizable land use rights such as registered title, land certificate, survey certificate, tax receipts and including unregistered users as per Land Law)	-Acquisition of the affected land at full replacement cost through cash compensation or land swap of equivalent productive capacity; -Provision of stamp duties, land registration fees and other relevant taxes, if applicable, for acquiring legal rights in case of replacement land; -Includes option of compensation at	-Replacement value to be identified by RCS during the detailed design phase; -If land for land is offered, replacement land with equivalent productivity at location acceptable to DPs with registered title or secure tenure title will go to both husband and wife; -No distinction between titled and non- titled landholders; -Payment of all compensation for which

Type of Loss	Eligible Persons	Entitlement	Implementation Issues
		<p>same replacement cost for affected land that remains after partial acquisition if the remaining land becomes unviable or unusable;</p> <p>-Severely affected farmers eligible for income rehabilitation assistance;</p> <p>-No compensation for state or public land.</p>	<p>DHs are entitled to at least 30 days prior to the scheduled start of civil works;</p> <p>-All transfer costs of land ownership to be borne by EDC;</p> <p>-DHs 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;</p> <p>-The owner can continue to have use of the land within the ROW for agriculture, animal grazing and trees less than 3m in height.</p>
1.2. Permanent acquisition of residential land (required for transmission line power towers and permanent access roads)	-Owners with legal title (Legal users are those with recognized or recognizable land use rights such as registered title, land certificate, survey certificate, tax receipts and including unregistered users as per Land Law)	<p>-Acquisition of the affected land at full replacement cost through cash compensation or land swap of similar locational advantage and attributes to the lost land;</p> <p>-Provision of stamp duties, land registration fees and other relevant taxes, if applicable, for acquiring legal rights in case of replacement land;</p> <p>-Includes option of compensation at same replacement cost for affected land that remains after partial acquisition if the remaining land becomes unviable or unusable.</p>	<p>-Replacement value to be identified by RCS during the detailed design phase;</p> <p>-If land for land is offered, replacement land with similar locational advantage, attributes to the lost land and with registered title or secure tenure title will go to both husband and wife;</p> <p>-“Soft title” holders will be treated same as holders of a “hard title”</p> <p>-Payment of all compensation for which DHs are entitled to at least 30 days prior to the scheduled start of civil works;</p> <p>-All transfer costs of land ownership to be borne by EDC;</p> <p>-DHs 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.</p>

Type of Loss	Eligible Persons	Entitlement	Implementation Issues
1.3. Restriction from building structures within the ROW requiring change of land use from residential to agricultural	-Owners with legal title (Legal users are those with recognized or recognizable land use rights such as registered title, land certificate, survey certificate, tax receipts and including unregistered users as per Land Law)	-Easement fee equivalent to 30% of the replacement cost of the residential land; -Full Replacement cost of structures	-Replacement value to be identified by RCS during the detailed design phase; -ROW will not be acquired by EDC but use will be limited. -The DED stage will allow locating towers and adjusting TL alignment to avoid trespassing residential land plots. If avoiding impact on residential house will not possible, and/or if it results in effectively losing residential land permanently, the impact will qualify under permanent loss of land (Item 1.2. of Entitlement matrix), and AH will be compensated for loss of land and structure at full replacement cost in line with provisions of the Entitlement Matrix -If during the DMS, additional adverse social impacts are identified and/or additional DHs are found, these persons and households are entitled to receive Project entitlements as the others on condition that it can be ascertained that they have actually been in the Project ROW even before the cut-off date for eligibility. New DHs that will emerge due to changes in Project design or alignment prior to or even during construction works are also entitled to the same entitlements as those of the other DHs. All transfer costs of land

Type of Loss	Eligible Persons	Entitlement	Implementation Issues
			ownership to be borne by EDC.
1.4. Scrubland and degraded forest (required for transmission line power towers and permanent access roads)	-Owners with legal title (Legal users are those with recognized or recognizable land use rights such as registered title, land certificate, survey certificate, tax receipts and including unregistered users as per Land Law)	-Acquisition of the affected land at full replacement cost through cash compensation.	-Replacement value to be identified by RCS during the detailed design phase; -Payment of all compensation for which DHs are entitled to at least 30 days prior to the scheduled start of civil works; -All transfer costs of land ownership to be borne by EDC; -DHs 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. Loss of Use of Land			
2.1. Loss of crops and trees	-Custom or legal owner(s) of land; owners of crops or trees (whether have legal or customary title to land or not)	-For rice/crop farming: -Net annual income x 1 year -In addition, DHs can harvest and retain income from standing crops -For fruit trees, replacement cost of loss based on the following formula: -[(Quantity Harvested per Year) x (Market Price) x (Number of years it will bear fruit)] + Cost of Seedling] -Perennial trees that have a growth period of more than 5 years are classified as follows: -Sapling trees under 1 year- not compensated as it can be replanted	-Replacement cost study will determine the amounts -Market price is based on farm-gate price -Full price is amount calculated from the formula as shown below: -[(Quantity Harvested per Year) x (Market Price) x (Number of years it will bear fruit)] -Number of years is up to maximum of 5 -Advance notice to harvest at least 3 months before commencement of civil work, and DPs will remove their crops and trees from the subproject areas within one month after receiving compensation.

Type of Loss	Eligible Persons	Entitlement	Implementation Issues
		<ul style="list-style-type: none"> -Young tree (1 to 3 years: valued at 1/3 of its full price as it can be replanted plus cost of seedlings -Young tree (more than 3 to 5 years) bearing some fruits: valued at 2/3 of its full price plus cost of seedlings -Mature tree (more than 5 years) full bearing fruits valued at full price plus cost of seedlings 	
3. Loss of Houses and Structures			
3.1. Loss of Houses and Structures	Owners of houses, buildings, and structures (including tenants and leaseholders; illegal occupiers/squatters without legal titles or rights to land)	<ul style="list-style-type: none"> -Cash compensation equivalent to replacement value of lost portion of the house/ building/ structure. If the owner rents or leases, compensation for any improvements/ construction carried out by the renter/ leaseholder will be deducted from the compensation payment to the owners -In case of loss of only part of the houses/ buildings/ structures and the remaining portion is not livable or useable, compensation will be paid for the structure at its entirety at same replacement cost -In case houses/ buildings are rented or leased, owners will not be compensated for any improvements or construction added by the renters or leaseholders 	<ul style="list-style-type: none"> -Where structure only partly within ROW, but whole structure needs to be moved, then compensation shall be due for whole structure; -Replacement value to be identified by RCS during the detailed design phase; -Materials to be available for salvage by owner, with no reduction in payment; -Payment of compensation to be made before construction begins; -Any required permits for building to be arranged by EDC; -DH retains ownership of the affected land within the ROW, but with restricted use; -If avoiding impact on residential house will not possible, and/or if it results in effectively losing residential land permanently, the impact will qualify under permanent loss of land (Item 1.2. of Entitlement matrix), and AH will be compensated for loss

Type of Loss	Eligible Persons	Entitlement	Implementation Issues
			of land and structure at full replacement cost in line with provisions of the Entitlement Matrix
3.2. Loss of Houses and Structures	Tenants, Leaseholders	<ul style="list-style-type: none"> -Cash compensation at replacement cost for any improvements or construction by the tenants of leaseholders. -In case of no improvements or construction, no compensation is paid. -Transfer/ disturbance allowance equivalent to 1-month rental or lease amount. 	<ul style="list-style-type: none"> -RCS will determine the replacement cost -Documentary evidence is required. -Materials to be available for salvage by owner, with no reduction in payment
3.3. Loss of houses and structures	Illegal occupiers/ encroachers/ squatters	<ul style="list-style-type: none"> -Cash compensation equivalent to replacement value of loss of structures constructed by illegal occupiers/squatter -DPs can retain materials from their demolished structures 	<ul style="list-style-type: none"> -RCS will determine the replacement cost -Materials to be available for salvage by owner, with no reduction in payment
3.4. Loss of houses and structures (Transport Allowance)	DHs (including tenants and leaseholders, illegal occupiers/squatters without legal titles or rights to land)	<ul style="list-style-type: none"> -Fixed lump sum allowance per DH based on average cost of transportation to new relocation place. 	<ul style="list-style-type: none"> -The lump sum amount for the rate will be calculated during the RCS.
4. Loss of Livelihoods and Income			
4.1. Loss of Business	All DHs who are engaged in business and have to relocate regardless of businesses' legal status (except for the illegal activities such as gambling, prostitution, drugs and similar types.	<ul style="list-style-type: none"> -For businesses which need to be relocated to a new site, an amount equal to loss of projected net income for 2 months, or based on the actual business disruption period -For business relocated on-site (move back or same area), an amount equal to 	<ul style="list-style-type: none"> -RCS will verify and determine the amounts based on supporting documents

Type of Loss	Eligible Persons	Entitlement	Implementation Issues
		<p>projected net income for 1 month</p> <p>-For operating of illegal nature of businesses (gambling, prostitution, drugs and similar types), no compensation is paid.</p>	
4.2. Loss of Income during Transition Period to Severely Affected Households (Subsistence Allowance)	<p>DHs who lose income during transition period regardless of ownership status</p> <p>-Farmers losing equal to 10% or more of their total affected productive landholding;</p> <p>-DHs losing business income equal to 10% or more;</p> <p>-DHs losing their houses</p>	<p>-Lump sum amount equivalent to 3 months of income based on the official monthly poverty rate established by the Government</p> <p>[Monthly Poverty Rate x Number of Members in DH x 3 months]</p> <p>-In case DH is classified as vulnerable, the above lump sum is doubled.</p>	<p>-Vulnerable DHs will be identified during the DMS (that includes SES and IOL)</p> <p>-If the actual income loss is higher than the amount calculated by the formula, the DP will be compensated based on actual loss.</p>
4.3. Permanent loss of livelihoods and income	All DHs permanently losing livelihood and/or income source	<p>-Entitled to participate in the following livelihood restoration/support programs at the choices of DPs:</p> <p>1. Land Based Livelihood Restoration for DHs engaged in land-based livelihood. (i) facilitate access to other land-based sources of income, if affordable productive land is available, like vegetable gardening, fruit tree, livestock and other similar land-based income generating sources; (ii) provision of training in farming or livestock; and (iii) lump sum cash grant of \$200 to restart land-based livelihood.</p> <p>In case of unavailability of</p>	<p>-Eligible DHs will be identified during the detailed engineering design, following DMS.</p> <p>-The program will be based on the choice of the DP.</p> <p>-Land-based for DHs who lose land-based livelihood</p>

Type of Loss	Eligible Persons	Entitlement	Implementation Issues
		<p>suitable land, the DHs can opt for either employment or business-based livelihood program.</p> <p>2. Employment Based Livelihood Restoration for DHs who lose employment permanently. (i) provision of employment skills training; and (ii) lump sum cash grant equivalent to 3 months of income based on official poverty rate to supplement income support during the training period.</p> <p>3. Business Based Livelihood Restoration for DHs who lose businesses permanently or DHs who opt for this as an alternative livelihood source. (i) provision of business skills; and (ii) a lump sum cash grant to \$200 to assist in starting micro or home-based business.</p> <p>-For Poor and Vulnerable DHs. In addition to skills training, (i) above lump sum cash grant will be doubled; and (ii) priority in any employment opportunity under the project.</p>	<p>-Employment based for DHs who lose employment-based livelihood</p> <p>[3 months of income based on poverty rate = (monthly poverty rate x number of members in DH x 3)]</p> <p>-Business Based for DHs show lose business-based livelihood. This can also be available to DHs who do not want to continue with land or employment-based livelihood at their own choice.</p> <p>-Classification will be carried out during DMS and in accordance with the established criteria and definition of vulnerable group in this LARF.</p> <p>-Income Restoration Program will be devised in consultation with the DHs, 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;</p>
5. Temporary Construction Impacts and Ongoing Impacts Due to Maintenance Activities			
5.1. Damage to crops during construction (temporary impact)	-Owner of crops regardless of legal status	-Compensation for lost production in cash at replacement cost (value of lost production within	-Every effort will be made to schedule construction and maintenance activities not during the growing season

Type of Loss	Eligible Persons	Entitlement	Implementation Issues
		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.	(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;
5.2. Damage to fields, and associated infrastructure including drains and channels during the construction activities and/or maintenance	-Person using the field	-Repair of damage, or payment for repair of damage, at replacement cost	-Construction will be required by contract to stay within ROW;
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	-Contractor will be required by contract to pay damages. Bidding Documents/Contract/Bill of Quantities will include provision/allocation for resettlement impact mitigation (repair, restoration to at least pre-project condition or payment for damages at full replacement cost)

6. Unanticipated Impacts

If unanticipated involuntary resettlement impacts are found during project implementation, EDC will conduct a social impact assessment and update the resettlement plan or formulate a new resettlement plan covering all applicable requirements specified in this document.

DH = displaced household; DMS = detailed measurement survey; DP = displaced person; EDC = Electricite du Cambodge; EMP = environmental management plan; IOL = inventory of losses; IRP = income restoration program; LARF = land acquisition and resettlement framework; RCS = replacement cost survey; ROW = right-of-way; SES = socioeconomic survey.

C. Income Restoration and Relocation

71. The DPs who permanently lose their source of livelihood will be provided with support to re-establish means of their livelihood. This may be either in the form of cash grants for them to seek new or upgrade their skills or through an income support program (land based, employment base, or business based) depending on the choice of the DPs and as listed below.

72. Severely affected DHs and the vulnerable DHs are entitled for Income Restoration Program (IRP). In addition to the one-time cash allowance (lump sum amount equivalent to 3 months of income based on the official monthly poverty rate established by the government- that is ***monthly poverty rate x number of members in DH x 3***), IRP will also include vocational or skills training for the eligible DHs. Details of the IRP such as types of vocational/skill training, number of DHs eligible for IRP, institutional arrangements, enrolment procedure etc. as well as the budget will be described in the final LARP. The IRP will be design in close consultation and participation with the DHs. Those DPs who are classified as poor and vulnerable will also be provided additional assistance to improve their living status.

73. **Land-based livelihood restoration program.** This program includes (i) access to other land-based sources of income, like vegetable gardening, fruit trees and livestock if alternative affordable agricultural land is available. The Project will not provide the land except in the case of land for land swap. DPs will need to acquire the land at their own costs. Specifically, designed skills training in farming and livestock will be provided to the DPs; and (ii) financial support in the form of a lump sum cash grant of \$200 to assist in reestablishing the livelihood.

74. In case no alternative agricultural land is available, these DPs will be offered the option to participate either in the employment or business-based livelihood restoration program.

75. **Employment-based livelihood restoration program.** The program includes (i) Provision of employment skills training. A survey of the employment opportunities in the proximity of the relocation sites will be carried out as part of the preparation of the detailed RP which will be analyzed to determine the types of jobs available and the skills set requirements. The training program will be developed in coordination with the vocational training centers in the project area to help build these skills set for the DPs. The cost will be included in the LARP budget; (ii) Financial support in the form of cash grant equivalent to 3 months of income based on the official poverty rate prescribed by the government to support the displaced person during the training period. The amount will be the monthly poverty rate x number of members in the DH x 3; and (iii) Access to temporary job opportunities at the construction site, at the office, or other places that may be available under the Project.

76. **Business-based livelihood restoration program.** This program includes (i) provision of business skills training focusing on micro or home-based businesses; and (ii) financial support in the form of a lump sum cash grant of \$200 to assist in starting or re-establishing micro or home-based businesses.

77. **Special package for poor and vulnerable groups.** The DPs who are classified as poor and vulnerable as per the category stipulated in the definition of Vulnerable Group will participate in any of the three programs and the corresponding skills training program depending on their choice. In addition, this category of DPs will be entitled to the following: (i) double the financial support rate offered in the three different livelihood programs; and (ii) priority access to employment opportunities under the Project.

78. **Relocation.** Physical relocation is not anticipated under any of the Project component. Therefore, there is no provision for new resettlement sites and/or relocation allowance. In case during implementation the project causes any relocation, the relocation strategy will be discussed with the displaced households during consultations after the transmission line alignment is finalized based on the detailed design. Additional provision such as relocation assistance will be provided to DPs over and above the compensation at full replacement cost for the affected land

and assets. However, EDC will exercise best efforts to avoid any relocation when finalizing the transmission line design.

VI. INSTITUTIONAL ARRANGEMENTS

A. Capacity Assessment

79. EDC has a dedicated SEPRO responsible for safeguards planning and implementation. SEPRO has been working on EDC's ADB funded projects for many years and has considerable LARP implementation experience and a resettlement unit responsible for implementing and overseeing LAR activities across EDC's portfolio.

80. SEPRO resettlement officers together with the Procurement Unit officers, responsible for financial management of LAR activities participated in number of safeguards training. The last brief informal training session SEPRO and Procurement Unit participated on ADB SPS 2009 was conducted in February 2018 for the NSP Project and was conducted by ADB Cambodia Resident Mission (CARM) Safeguard Specialist together with FS National Resettlement Consultant. SEPRO will continue seeking on-the job capacity building and training from ADB CARM on LAR throughout the Project lifecycle.

81. Although SEPRO has developed some capacity there is still the need for additional support to back up and support SEPRO to plan, implement, monitor and report on LAR activities. There will be no need for additional staff unit under SEPRO, but PIC team will provide additional support in order to:

- i) prepare and secure the approval of the LARP by the EDC Board and ADB;
- ii) secure prior approval by EDC, and the ADB for any variations in the approvedLARPs;
- iii) secure the data base of affected persons and assets that will be gathered during the preparation and updating of the LARPs; and
- iv) prepare progress reports on LARP implementation for submission to EDC management and ADB.

82. **Asian Development Bank.** ADB will be the funding agency of the Project. In addition to funding, ADB will periodically review the Project and LARP implementation as well as provide clearance for contract awards and the signing/initiation of civil works on the Project. The main responsibilities of ADB are guidance for LARP preparation, approval and disclosure of the LARP and issuance of a no objection letter for the beginning of the construction works.

83. EDC, the executing agency, through its SEPRO, and Procurement Unit (as the Implementation Agency), will be wholly responsible for the implementation of the Project as agreed jointly between the government and ADB. ADB will be responsible to support project implementation, including compliance by the executing agency and implementing agency of their obligations and responsibilities for project implementation in accordance with ADB policies and procedures. Any changes to the project implementation arrangements made following ADB Board approval of the project will be subject to approval in the context of government and ADB procedures and subsequently incorporated into the project administration manual.

84. EDC's SEPRO and Procurement Unit will be responsible for/preparing updating the Land Acquisition and Resettlement Plan and managing all the land acquisition procedures for the project. The EDC major responsibilities are as follows:

- i) undertake meaningful consultations with all the displaced persons as described in the ADB SPS in the communities affected by the project;
- ii) conduct separate consultations with vulnerable groups in addition to the public consultations.
- iii) identify displaced persons in the remaining part of the transmission line, including vulnerable groups, complete the Census and conduct DMS;
- iv) 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 displaced persons;
- v) establish and disclose the cut-off date for eligibility right after the completion of census and DMS;
- vi) disclose the approved LARP to displaced persons and communities through village, commune, and district offices;
- vii) 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;
- viii) collect and promptly address complaints and grievances, monitor and document ongoing impacts; and
- ix) prepare and submit quarterly progress reports to ADB throughout the project time.

85. PIC will assist EDC in applying government laws and regulations and ADB's SPS 2009 requirements in all procedures and activities related to the updating, implementation and monitoring of the LARP, including consultations, negotiations and payments to DPs, potential grievances filed by DPs and their settlement. The major tasks and responsibilities of the PIC include:

- i) assist EDC in updating the LARP and in consultations with the displaced persons and communities;
- ii) assist EDC in updating the Project Information Booklet and formulating its contents, including cut-off date, project impacts and entitlement matrix, GRM, GRC and detailed GRM guidelines;
- iii) provide training for personnel responsible for conducting a DMS of affected assets based on the detailed engineering designs;
- iv) prepare the TOR of the specialist that will conduct the RCS for affected land and assets;
- v) prepare, implement and monitor 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;
- vi) prepare guidelines and train EDC SEPRO and assist them in conducting consultations with affected households;
- vii) throughout project implementation, on an ongoing basis, assist EDC with information disclosure, consultations and public participation;
- viii) 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;
- ix) assist EDC in implementing the LARP and any corrective actions as relevant and in preparing the LARP implementation compliance monitoring report and overall safeguards monitoring reports; and
- x) assist EDC in quarterly monitoring of the LARP implementation and its results, fielding and assessing the grievances and preparing monitoring reports for submission to the Government and ADB.

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

VII. GRIEVANCE REDRESS MECHANISM

87. The objective of 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). A sample grievance log and complaint form are included in **Annex C** below.

88. EDC will ensure through public consultation meetings in the project areas and through a Project Information Booklet distributed to the DHs that all the affected people are fully aware of their rights to complain and about the grievance redress mechanism. 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.

89. A GRC will be established at the project 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 grievance resolution meetings shall be recorded, 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.

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

- iii) *Step 3.* The Provincial Grievance Redress Committee will, within 15 days, meet the complainant and try to resolve the issue. The Committee will resolve the complaint within 30 days of the submission, take a decision and inform in writing the complainant and SEPRO.
- 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 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.

91. If DPs 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. DPs 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 DPs are provided with copies of complaints and decisions or resolutions reached.

92. If efforts to resolve disputes using the grievance procedures remain unresolved or unsatisfactory, DPs have the right to directly discuss their concerns or problems with the ADB CARM. If DPs are still not satisfied with the responses of CARM, 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.

VIII. FINANCING AND IMPLEMENTATION SCHEDULE

A. Budget and Financing

93. The cost for all land acquisition, compensation, resettlement assistances, including the cost of any income restoration or support program, if required, for the Project will be financed by EDC. The cost of the preparation of the detailed LARP will also be met from the EDC budget. No financing will be required from the loan proceeds of the Project provided by the ADB. Estimated budget will be prepared on the basis of the latest item rates within the project area, following the preliminary census and inventory of Project affected assets and reflected in the draft LARP. The final budget for the LAR will be prepared after the completion of the DMS, updated IOL and will be included in the implementation-ready LARP based on then RCS.

94. The EDC Board will approve LARPs prepared for the Project and based on this will allocate the budget for implementing those LARPs. EDC through SEPRO will pay the compensation and entitlements to the affected persons and make any other relevant transactions, including those related to title adjustments, recruitment of the RCS.

95. The LARP budget will include costs of compensation; assistance; income restoration where/if necessary; recruitment of RCS; administrative costs and contingency. EDC will be responsible for sufficient and timely allocation of funds to ensure smooth LARP implementation.

B. Implementation Schedule

96. Implementation schedule of the LARP will be in concurrence with the civil works construction schedule. LARP will be prepared upon mobilization of consultants and immediately after detailed engineering design is prepared by contractor, and its implementation will be completed before the civil works start. EDC will be responsible for the LARP implementation and monitoring. Civil works will commence only after the payment of compensation at full replacement cost and other entitlements listed in the implementation-ready LARP and a comprehensive income program supported by an adequate budget is in place for any LAR impacts.

IX. MONITORING AND REPORTING

97. The LARP will be subject to internal monitoring as the anticipated impacts are not deemed significant; thus, external monitoring will not be required. 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.

98. The objective of internal monitoring will be to (i) measure and report on the progress in the preparation and implementation of the detailed, implementation-ready LARP; (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 LARP, and if the LARP has produced the desired outcomes.

99. EDC will be responsible for carrying out the internal monitoring, will review the quarterly progress reports provided by SEPRO. Due to the nature of the project, semi-annual safeguard monitoring reports will be prepared and submitted to ADB and disclosed on ADB website. Quarterly progress reports will include safeguard section to keep track of compliance/ safeguard delivery. The following indicators will be monitored and reported to ensure compliance of LARP implementation:

Table 6. 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 meet the eligibility criteria and 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 RP	Area of land subject to acquisition, for which compensation has been paid
		Area of structures subject to acquisition for which compensation has been paid and cases where compensation has not 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 compensations
	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 RP
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
	Examination of grievance cases; analysis of disputes and complaints content, and resolution of conflicts	Number of complaints received Number of complaints resolved Number of complaints pending resolution (reasons)

RP = resettlement plan

OUTLINE OF LAND ACQUISITION AND RESETTLEMENT PLAN

A. Executive Summary

This section provides a concise statement of project scope, key survey findings, entitlements and recommended actions.

B. Project Description

This section provides a general description of the project, discusses project components that result in land acquisition, involuntary resettlement, or both and identify the project area. It also describes the alternatives considered to avoid or minimize resettlement. Include a table with quantified data and provide a rationale for the final decision.

C. Scope of Land Acquisition and Resettlement

This section:

- i) discusses the project's potential impacts, and includes maps of the areas or zone of impact of project components or activities;
- ii) describes the scope of land acquisition (provide maps) and explains why it is necessary for the main investment project;
- iii) summarizes the key effects in terms of assets acquired and displaced persons; and
- iv) provides details of any common property resources that will be acquired.

D. Socioeconomic Information and Profile

This section outlines the results of the social impact assessment, the census survey, and other studies, with information and/or data disaggregated by gender, vulnerability, and other social groupings, including:

- i) define, identify, and enumerate the people and communities to be affected;
- ii) describe the likely impacts of land and asset acquisition on the people and communities affected taking social, cultural, and economic parameters into account; and
- iii) discuss the project's impacts on the poor, indigenous and/or ethnic minorities, and other vulnerable groups; and (iv) identify gender and resettlement impacts, and the socioeconomic situation, impacts, needs, and priorities of women.

E. Information Disclosure, Consultation, and Participation

This section:

- i) identifies project stakeholders, especially primary stakeholders;
- ii) describes the consultation and participation mechanisms to be used during the different stages of the project cycle;
- iii) describes the activities undertaken to disseminate project and resettlement information during project design and preparation for engaging stakeholders;

- iv) summarizes the results of consultations with affected persons (including host communities), and discusses how concerns raised and recommendations made were addressed in the resettlement plan;
- v) confirms disclosure of the draft resettlement plan to affected persons and includes arrangements to disclose any subsequent plans; and
- vi) describes the planned information disclosure measures (including the type of information to be disseminated and the method of dissemination) and the process for consultation with affected persons during project implementation.

F. Grievance Redress Mechanisms

This section describes mechanisms to receive and facilitate the resolution of affected persons concerns and grievances. It explains how the procedures are accessible to affected persons and gender sensitive.

G. Legal Framework

This section:

- i) describes national and local laws and regulations that apply to the project and identify gaps between local laws and ADB's policy requirements; and discuss how any gaps will be addressed;
- ii) describes the legal and policy commitments from the executing agency for all types of displaced persons;
- iii) outlines the principles and methodologies used for determining valuations and compensation rates at replacement cost for assets, incomes, and livelihoods; and set out the compensation and assistance eligibility criteria and how and when compensation and assistance will be provided; and
- iv) describes the land acquisition process and prepare a schedule for meeting key procedural requirements.

H. Entitlements, Assistance and Benefits

This section:

- i) defines displaced persons entitlements and eligibility, and describes all resettlement assistance measures (includes an entitlement matrix);
- ii) specifies all assistance to vulnerable groups, including women, and other special groups; and
- iii) outlines opportunities for affected persons to derive appropriate development benefits from the project.

I. Relocation of Housing and Settlements

This section:

- i) describes options for relocating housing and other structures, including replacement housing, replacement cash compensation, and/or self-selection (ensure that gender concerns and support to vulnerable groups are identified);

- ii) describes alternative relocation sites considered; community consultations conducted; and justification for selected sites, including details about location, environmental assessment of sites, and development needs;
- iii) provides timetables for site preparation and transfer;
- iv) describes the legal arrangements to regularize tenure and transfer titles to resettled persons;
- v) outlines measures to assist displaced persons with their transfer and establishment at new sites;
- vi) describes plans to provide civic infrastructure; and
- vii) explains how integration with host populations will be carried out.

J. Income Restoration and Rehabilitation

This section:

- i) identifies livelihood risks and prepare disaggregated tables based on demographic data and livelihood sources;
- ii) describes income restoration programs, including multiple options for restoring all types of livelihoods (examples include project benefit sharing, revenue sharing arrangements, joint stock for equity contributions such as land, discuss sustainability and safety nets);
- iii) outlines measures to provide social safety net through social insurance and/or project special funds;
- iv) describes special measures to support vulnerable groups;
- v) explains gender considerations; and
- vi) describes training programs.

K. Resettlement Budget and Financing Plan

This section:

- i) provides an itemized budget for all resettlement activities, including for the resettlement unit, staff training, monitoring and evaluation, and preparation of resettlement plans during subproject implementation;
- ii) describes the flow of funds (the annual resettlement budget should show the budget-scheduled expenditure for key items);
- iii) includes a justification for all assumptions made in calculating compensation rates and other cost estimates (taking into account both physical and cost contingencies), plus replacement costs; and
- iv) includes information about the source of funding for the resettlement plan budget.

L. Institutional Arrangements

This section:

- i) describes institutional arrangement responsibilities and mechanisms for carrying out the measures of the resettlement plan;
- ii) includes institutional capacity building programme, including technical assistance, if required;
- iii) describes role of NGOs, if involved, and organizations of affected persons in resettlement planning and management; and

- iv) describes how women's groups will be involved in resettlement planning and management.

M. Implementation Schedule

This section includes a detailed, time bound, implementation schedule for all key resettlement and rehabilitation activities. The implementation schedule should cover all aspects of resettlement activities synchronized with the project schedule of civil works construction and provide land acquisition process and timeline.

N. Monitoring and Reporting

This section describes the mechanisms and benchmarks appropriate to the project for monitoring and evaluating the implementation of the resettlement plan. It specifies arrangements for participation of affected persons in the monitoring process. This section will also describe reporting procedures.

PROCEDURES FOR NEGOTIATED SETTLEMENT

A. Procedures for Negotiated Settlement

Land for the Project purposes may be acquired through a negotiated settlement. In case of acquisition of private land where the seller is willing to sell, and the buyer is willing to buy, such land may be acquired under a commercial contract. The price will be negotiated as part of commercial norms based on the replacement cost, and the owner will have the right to refuse the offer. In this case, the site will be changed, and the same procedure will be undertaken for the newly identified site and private landowner. The government will ensure that any negotiations with displaced persons openly address the risks of asymmetry of information and bargaining power of the parties involved in the negotiated settlement. For this purpose, government will engage an independent external party to document the negotiation and settlement processes in line with the requirements of the Asian Development Bank (ADB) Safeguard Policy Statement SPS (2009).¹

Where market rates for land might be largely absent, a Replacement Cost Study for the Project will be developed in consultation with affected landowners/users to determine compensation amounts for land to be purchased and assets on such land. This will be based on (i) information about recent land transactions – if any; (ii) land types; (iii) cropping patterns and crop production; and (iv) availability of land in pilot areas. The Project will ensure that compensation amounts are based on the replacement cost principle in accordance with ADB SPS (2009).

Electricite du Cambodge (EDC) will employ a third party (agency or individual, but not associated with the Project or the government) to provide the independent verification of the agreements reflecting that: (i) consultation/s with landowner/s have been undertaken meaningfully, freely and in good faith and the landowners have made informed decisions on use of land, and (ii) terms and conditions of the agreements have been explained to them and understood and agreed by the landowner/s.

The third-party will perform following tasks: (i) review of the documentation on the identification of affected landowners and the consultation and negotiation process leading up to the signing of the agreements; (ii) validate that consultations with the landowners have been undertaken and that they were provided with relevant information as per the resettlement framework; (iii) validate that the agreement is voluntary (free of coercion) and that the landowner/s have fully understood and agreed to the agreement's terms and conditions; (iv) validate that the landowner representative/s signing the agreement duly represent the landowners; (v) validate that landowner/s or any other users/occupants will not experience major adverse impacts from land use or purchase by the Project; (vi) validate that any minor impacts have been identified, sufficiently addressed and documented by the Project; (vii) validate that compensation for any land purchase represents a fair and reasonable replacement cost based on market prices; and (viii) validate that the agreement is in compliance with safeguard requirements stipulated in this framework.

The External Validation report will not be publicly disclosed because transaction will be based on the commercial contract, and not under involuntary acquisition under the Expropriation

¹ Safeguard Requirements 2 does not apply to negotiated settlements, unless expropriation would result upon the failure of negotiations. However, it clearly specifies that to ensure any negotiations with displaced persons address the risks of asymmetry of information and bargaining power of the parties involved in such transactions, it will engage an independent external party to document the negotiation and settlement processes and agree with ADB on the processes, policies, calculation of costs and record-keeping.

Law. The external party validation report will be kept in files of EDC and copy sent to ADB for internal concurrence.

In case if negotiations fail, expropriation will be followed, and land acquisition and resettlement plan will be prepared based on the land acquisition and resettlement framework prepared for the Project, and according the ADB SPS (2009).

OUTLINE OF DUE DILIGENCE REPORT (Land Purchase through Negotiated Settlement)

A due diligence report will be required for all non-state land to be acquired. The following outline will serve as a guide.

- A. Executive summary.** A concise statement of key findings.
- B. Project description.** This section provides descriptions of the Grid Reinforcement project. Alternatives considered to avoiding or minimizing use of non-state land and a rationale for the final decision.
- C. Scope of land use/ purchase.** This section includes a map of the area of the NSP common infrastructure; scope of proposed use/purchase of non-state land; descriptions of land (type, size, plot no, etc.), its current ownership, usage. A description whether there are any houses/structures/trees/crops/economic-activities/non-titled-persos, etc. on the land. If yes, description about their owners/users/occupants.
- D. Socioeconomic information.** This section identifies and enumerates landowners/DPs and assesses any impacts to them from proposed land use/purchase.
- E. Information disclosure, consultations, and participation.** This section describes activities undertaken to disseminate information, results of consultations with landowners/DPs; confirms disclosure of the information on the Project and its impact and entitlements according to the national laws and regulations and ADB SPS in case if people refuse to sell and expropriation will be applied, including the GRM details and contacts; describes any further planned measures during implementation. Attach records of consultations and disclosures.
- F. Grievance redress mechanism.** This section describes mechanisms to receive and facilitate the resolution of concerns and grievances at project level.
- G. Applicable policies and laws.** This section describes or references to the applicable national laws and ADB policies and how they have been applied in the given context.
- H. Agreements on land use.** This section describes the process arriving at the land use or purchase agreement and terms and conditions of such agreements. Also describes the process and outcome of third-party verification of the land use agreement. Attach signed and verified copies of agreements in appendix.
- I. Compensation and benefits** (applicable mainly in case of land purchase). This section defines agreed compensation and/or benefits that will be provided to landowners/DPs. Describe how compensation at replacement cost was calculated in case of land purchase. Any assistance to vulnerable groups and sharing of project benefits with communities. This section should also specify that any transaction costs related to adjustment of titles resulted from land purchase will not be borne by the DPs and will be settled by EDC and shown in the budget/cost separately.
- J. Budget and sources of funds.** This section provides an estimate of costs for the land use/purchase agreement and its further implementation. Specifies sources of funding.
- L. Monitoring and reporting.** This section describes the monitoring and reporting arrangements, as appropriate.

SAMPLE GRIEVANCE FORM

(To be available in Khmer and English)

The _____ Project welcomes complaints, suggestions, queries and comments regarding project implementation. We encourage persons with grievance to provide their name and contact information to enable us to get in touch with you for clarification and feedback. Should you choose to include your personal details but want that information to remain confidential, please inform us by writing/typing *(CONFIDENTIAL)* above your name. Thank you.

Date	Place of registration
Contact Information/Personal Details	
Name:	Gender: Male/Female Age:
Home Address:	
Place:	
Phone No:	
Email:	
Complaint/Suggestion/Comment/Question Please provide the details (who, what, where and how) of your grievance below:	
If included as attachment/note/letter, please tick here:	
How do you want us to reach you for feedback or update on your comment/grievance?	

FOR OFFICIAL USE ONLY

Registered by: (Name of Official registering grievance)	
Mode of communication: <ul style="list-style-type: none"> • Note/Letter • E-mail • Verbal/Telephonic 	
Reviewed by: (Names/Positions of Official(s) reviewing grievance)	
Action Taken:	
Whether Action Taken Disclosed:	Yes No
Means of Disclosure	

SAMPLE GRIEVANCE LOG

Grievance Log													
Grievance Form No.	Log Date	Grievant			Grievance				Update Status and Date of Implementation				Remarks
		Name	Address	Phone	Category	Level*	Description	Location	Investigation	Solution	Grievant Feedback	Status**	

Notes:

*To which level the grievance is logged (commune, district, province, court)

**Status: Pending, Unsolved, Resolved

- Pending: grievance is still in the process of resolution
- Unsolved: grievant disagreed with the resolution
- Resolved: grievant agreed with the resolution