

Resettlement Plan

December 2019

CAM: Integrated Urban Environmental Management in the Tonle Sap Basin Project

Pursat Drainage and Wastewater Treatment Plant Subproject

Prepared by the Project Management and Implementation Support Consultant for the General Department of Resettlement of the Ministry of Economy and Finance and for the Asian Development Bank. This is an updated version of the draft originally posted in April 2015 available on <https://www.adb.org/projects/42285-013/main#project-documents>.

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Detailed Resettlement Plan

Project No. 42285-013
Loan 3311-CAM
December 2019

KINGDOM OF CAMBODIA

Integrated Urban Environmental Management in the Tonle Sap Basin Project

Pursat Drainage and Wastewater Treatment Plant Subprojects

Prepared with the assistance of consultants
by the General Department of Resettlement, Ministry of Economy and Finance



ABBREVIATIONS

ADB	Asian Development Bank
AHs	Affected households
APs	Affected persons
COI	Corridor of impact
DED	Detailed engineering design
DMS	Detailed measurement survey
DP	Displaced person
GDR	General Department of Resettlement
GRM	Grievance redress mechanism
IOL	Inventory of losses
IR	Involuntary Resettlement
IRC	Inter-ministerial Resettlement Committee
IRC-WG	Inter-ministerial Resettlement Committee Working Group
LAR	Land acquisition and resettlement
MPWT	Ministry of Public Works and Transport
PDPWT	Provincial Department of Public Works and Transport
PGRC	Provincial Grievance Redress Committee
PIB	Public Information Brochure
PIU	Project Implementation Unit
PMISC	Project Management and Implementation Support Consultant
PMU	Project Management Unit
PPTA	Project preparatory technical assistance
PRSC	Provincial Resettlement Sub-committee
PRSC-WG	Provincial Resettlement Sub-Committee Working Group
RBT	Reed Bed Treatment
RCS	Replacement cost study
RGC	Royal Government of Cambodia
RF	Resettlement framework
ROW	Right-of-Way
RP	Resettlement plan
SES	Socioeconomic survey
SOP	Standard Operating Procedures
SPS	Safeguard Policy Statement
SWM	Solid waste management

NOTES

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

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DEFINITION OF TERMS

Affected Household (AH)	In the case of an affected household (AH), it includes all members residing under one roof and operating as a single economic unit, who are adversely affected by the project or any of its components.
Compensation	Refers to payment in cash or in kind to AHs at replacement cost for assets, resources or income acquired or adversely affected by the project at current market rates, plus any transaction costs such as administrative charges, taxes, registration and titling costs.
Consultation	A process that (i) begins early in the project preparation stage and is carried out at different stages of the project and land acquisition and involuntary resettlement cycle; (ii) provides timely disclosure of relevant and adequate information in Khmer Language that is understandable and readily accessible to affected people; (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.
Corridor of Impact	This is the area that will be cleared of all structures and obstructions.
Cut-off date	This refers to the date during the feasibility study stage of the conduct of the first consultation meeting with the affected communities to discuss the subproject and the policy on cut-off date for eligibility to project entitlements. Only those AHs who own, occupy or reside on the land to be acquired, including other fixed assets thereat, for the subproject as of this date are eligible to receive compensation and resettlement assistance in accordance with the Entitlement Matrix specified in the RF or RP.
Detailed Measurement Survey	With the aid of the approved detailed engineering design, this activity involves the finalization and/or validation of the results of the IOL, severity of impacts, and list of affected people earlier done during resettlement plan preparation. The final cost of resettlement can be determined following the completion of detailed measurement survey.
Displaced Persons	In the context of involuntary resettlement, displaced persons 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.
Entitlement	Refers to a range of measures comprising compensation, income restoration support, transfer assistance, income substitution, relocation support, etc. which are due to the APs, depending on the type and severity of their losses, to restore their economic and social base.
Income Restoration	This is the re-establishment of sources of income and livelihood of the affected households who are entitled to income restoration program.
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 APs will be determined.
Involuntary Resettlement	It is the displacement of people, not of their own volition but involuntarily, from their homes, assets, sources of income and employment or the ROW in connection with the project.
Land acquisition	Refers to the process whereby an individual, household, firm or private

	institution is compelled by a public agency to alienate all or part of the land it owns or possesses to the ownership and possession of that agency for public purposes in return for compensation at replacement costs.
Major impacts	This refers to affected households who will (i) be physically displaced from housing; and (ii) lose 10% or more of their productive assets (income generating).
Relocation	This is the physical relocation of a displaced people from her/his pre-project place of residence and/or business.
Replacement Cost	The term is used to determine the value enough to replace affected assets and/or cover transaction costs necessary to replace the affected assets without depreciation for such assets as well as material advantage, taxes and/or travel expenses.
Replacement Cost Study	This refers to the process involved in determining replacement costs of affected assets based on empirical data.
Resettlement Plan	This is a time-bound action plan with budget, setting out the resettlement objectives and strategies, entitlements, activities and responsibilities, resettlement monitoring and reporting.
Right-of-Way	The right of way (ROW) is a publicly available and government-owned strip of land following a centerline (such as for roads, canals, etc.) providing an area of access. The Project will use the entire area where necessary. In case part of the ROW has been encroached upon by informal occupiers/formal users (for example people now living, doing business, or cultivating land within the ROW), the project intends to adopt a COI within the ROW to avoid adverse land acquisition and resettlement related impacts.
Vulnerable groups	These are distinct groups of displaced people who might suffer disproportionately or face risk of being further marginalized by the effects of resettlement and specifically include (i) households headed households with dependents; (ii) disabled headed households with no other means of support, (iii) households living below the national poverty rate established by the RGC, (iv) children and the elderly households who are landless with no other means of support, (v) landless households without legal title to land, and (vi) indigenous people or ethnic minorities (who often have traditional land rights but no formal titles).

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I. EXECUTIVE SUMMARY

A. Project and Subproject Description

1. The Integrated Environmental Management in the Tonle Sap Basin (the Project) funded by the Asian Development Bank (ADB) will enhance the urban environment, improve public health, and contribute to better quality, coverage and reliability of services to over 100,000 residents in the two towns of Kampong Chhnang and Pursat. This will be achieved through an integrated program of physical and non-physical investments in priority infrastructure rehabilitation, improvement and extension, organizational development and capacity building.

2. The Pursat town subprojects include drainage network improvements, a new wastewater treatment plant (WWTP), and a managed landfill, widened access road and associated equipment. Within the drainage network improvements subproject, the drains will be placed under the middle of the existing roads for a total length of over 20 km. The new WWTP will be constructed at the site of a defunct existing WWTP.

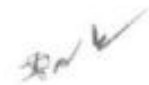
3. A draft resettlement plan (RP) for the Pursat component of the Project was prepared in April 2015 and disclosed on ADB's website. The Project was classified as category B on involuntary resettlement (IR) as it included IR impacts that were not deemed significant. This DRP is an update of the April 2015 RP following the detailed engineering design (DED), detailed measurement survey (DMS) and replacement cost study (RCS) of the Pursat drainage network improvements and WWTP subprojects only.

B. Scope of Land Acquisition and Resettlement

4. Pursat drainage network improvements subproject in Sangkat Phteah Prey, Chamkar Chek Khang Cheung Village does not have any land acquisition impact as the drainage lines will be constructed along the center line of the roads within the right-of-way (ROW). This will also avoid most of the impact on permanent and temporary structures on the pavements. However, some secondary structures and trees will be impacted where the roads are very narrow and unpaved. The WWTP subproject will be constructed on the existing site of the old defunct and unused WWTP. Hence it is on vacant public state land and will not require any additional land acquisition.

5. Based on the DMS conducted on March-April 2019, there are a total of 21 affected households (AHs)/96 affected persons (APs) who will be impacted by the installation of the new drainage system, mainly along an old irrigation canal on the northern side of Pursat Town. Out of the 21 AHs, 1 AH has partial impact on main structure, 17 AHs will have impacts on secondary structures and 10 AHs will lose fruit trees or other type of trees. One house and one garage will be partially impacted. Two stalls for businesses will be completely removed. Therefore the 2 AHs owning the stalls will thus have temporary impacts on their income loss from the businesses and permanent loss of livelihoods. The remaining affected structures are mainly different types of fences, foot bridges, stairs, eaves and spirit houses.

6. There are many street vendors (around 300 stalls). Majority are small stalls or street vendors selling from baskets or temporary stalls along the streets in the immediate vicinity of Pursat town main market. Their stalls are made from light weight material which easily can be transported and set up at another location when needed. There will be no impact on the sellers since they will be temporarily relocated to a nearby open space, previously used for a market area, where they can continue their sales without disruption on their livelihoods.



C. Socio-Economic Information and Profile of Affected Households

7. SES was conducted from March to April 2019 with a total of 21 AHs, or 96 affected persons (APs) comprising 52 males and 46 females, representing 100% of all AHs. Average family size is five (5) persons/AH. 5 AH heads are female. Of the total 21 AH heads, 18 (86%) are working and 3 (14%) are retired. With respect to the sources of livelihood, 5 AHs or 29% are government employees, 3 AHs or 14% are farmers, 1 AH or 5% doing business, 1 AH or 5% is a waste picker and 3 AHs (14%) are private employees, workers or sellers for unspecified businesses. A total of 5 AHs are vulnerable which includes 2 AHs are living below the poverty line, 2 AHs are female headed households with dependents, and 1 AH is elderly with no other means of support.

D. Information Disclosure, Consultation and Participation

8. The first public consultations were conducted during the preparation of the draft RP between September – October 2013 with the AHs and the local government during project preparatory technical assistance stage of the RP preparation and prior to preparation of this DRP. The cut-off date for eligibility was set as **2 February 2014**. Second round of consultations were conducted for preparation of this DRP. Consultations will continue during implementation of the DRP, consistent with the Project's participatory approach.

E. Grievance Redress Mechanism

9. The GRM will follow the three (3) stage process outlined in the approved April 2015 RP under which aggrieved AHs/APs can seek resolution of their complaints at the Commune, GDR and Provincial level. The authority is vested with the Provincial Grievance Redress Committee (PGRC) at the Provincial Level to make the final administrative decision if AH/AP is not satisfied with the resolution at the Commune or GDR level. If the AH/AP is not satisfied with the decision of the PGRC, S/he is free to file a suit in the competent Provincial Court.

F. Legal and Policy Framework

10. This DRP has been prepared to address LAR for the drainage improvements and WWTP in Pursat town. It is consistent with the ADB's Safeguard Policy Statement (2009) and relevant laws and regulations of the Royal Government of Cambodia (RGC), notably the 1993 Constitution, the 2001 Land Law, and 2010 Expropriation Law.

G. Entitlement, Assistance and Benefits

11. The AHs will be entitled to compensation based on the Entitlement Matrix in the approved April 2015 RP, as applicable, which comprise: (1) Loss of Structures; (2) Loss of Trees; (3) Temporary Loss of Income; (4) One-Time Cash Assistance; (5) Transport Allowance; (6) Income Restoration Program; and (7) One-Time Cash Assistance for Vulnerable AHs. The DMS data shows that all the 21 AHs are illegal squatters occupying the ROW and therefore they are not entitled to compensation for loss of land. The compensation for lost assets is based on the principle of replacement cost as determined by an independent appraiser qualified and experienced in property valuation. The RCS was conducted was completed by 22 July 2019 which established the current market prevailing compensation rates for affected structures and trees. All the AHs will shift back within the ROW but outside of the Corridor of Impact and none of them will physically relocate to another location.

H. Income Restoration and Rehabilitation

12. The DMS has identified that there are 6 AHs (5 AHs from drainage networks improvement and WTP subprojects and 1 AH from solid waste management subproject) under the vulnerable group and 2 AHs who will experience major impacts will be entitled for income restoration program.

I. Resettlement Budget and Financing Plan

13. The total cost for the compensation of loss assets and other resettlement assistance under the subprojects is estimated at **\$9,462.34**. The detailed breakdown is provided in Table 17. The cost will be entirely financed from the national budget and no financing will be required from the ADB loans and grants.

J. Institutional Arrangements

14. While the Ministry of Public Works and Transport (MPWT) is the executing agency (EA) for the Project, the project implementation unit (PIU) in Pursat assisted by the Project Management Implementation Support (PMIS) Consultants under the oversight of the project management unit (PMU) will implement the Project. However, the General Department of Resettlement (GDR) of the Ministry of Economy and Finance will be the lead agency directly responsible for all land acquisition and involuntary resettlement (LAR) activities. The Resettlement Department No.3 (RD3) of GDR will implement the DRP assisted by the IRC-WG and PRSC-WG. The MPWT, PMU and PMIS consultants will play a supportive role, as requested by GDR and is mostly related to the compilation of the reporting requirements for the Project and reporting to GDR of any bottlenecks posed by resettlement during the construction phase of the subproject. The Resettlement experts, if any, in the PMIS consultants will work directly under the instructions and guidance of the GDR and PMU.

K. DRP Implementation Schedule

15. All resettlement activities will be coordinated with the civil works schedule. The implementation of DRP will commence after the approval of the DRP by IRC and ADB and the budget by MEF. The compensation payments will be carried out for all the 21 AHs and is expected to be completed in two (2) months. MPWT will not allow construction activities at affected sites until all resettlement activities have been satisfactorily completed, compensation has been paid, and the site is free of all encumbrances. However, construction that is confined to the ROW and where there are no AHs, can proceed based on agreement between MPWT and ADB. Table 21 shows the detailed activities and their schedule of DRP implementation.

L. Monitoring and Reporting

16. The Department of Internal Monitoring and Data Management (DIMDM) of GDR will undertake regular internal monitoring, which will (i) review the monthly progress reports provided by the relevant Resettlement Department, including fielding its own missions to verify the progress and the validity of the data and information, if deemed necessary; (ii) prepare quarterly progress reports from the consolidated monthly reports received from the RD 3; and (iii) compile semi-annual monitoring reports for submission to ADB and posting on the ADB website.

17. In compliance with loan agreement no later than commencement of LAR activities an external monitoring organization (EMO) will be engaged to verify information produced

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through the project monitoring process¹. The drainage network improvement and WWTP subprojects involuntary resettlement impact is not deemed significant and is classified **category B**. Hence, there will be no separate EMO, but the EMO hired for the Project will also report on drainage network improvement and WWTP components.

¹ Even though EMO is not typically required for involuntary resettlement category B projects, for the Project an EMO is a loan covenant requirement (schedule 5, para 15).

II. PROJECT DESCRIPTION AND COMPONENTS

A. Overview of the Project

18. The Royal Government of Cambodia (RGC) through the MPWT has obtained two loans (L3311 and L8295) and a grant (G0454) for the Integrated Urban Environmental Management in the Tonle Sap Basin Project (TS-1, or the Project). The loans and grants were approved 10 November 2015 and close on 30 April 2023. The Project will support the RGC to increase economic growth and environmental protection in the towns in the Tonle Sap Region (**Figure 1**). Specifically, the Project will enhance urban environment, improve public health, and contribute to better quality, coverage and reliability of urban services to over 100,000 residents in the two towns of Kampong Chhnang and Pursat. This will be achieved through an integrated program of physical and non-physical investments in priority infrastructure rehabilitation, improvement and extension, organizational development and capacity building

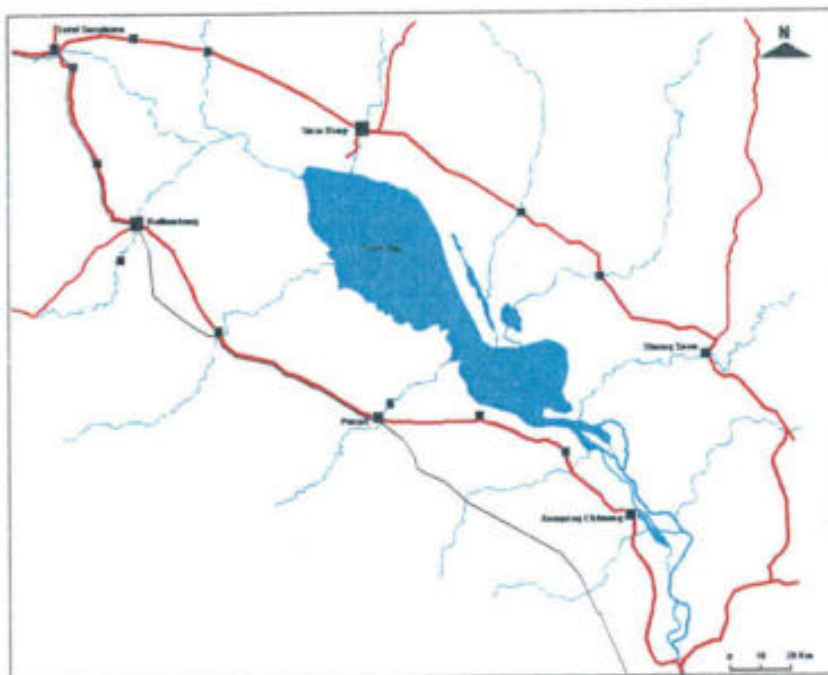


Figure 1 Location Map of the participating towns

19. The outcome of the project investments will be improved urban environment, climate change resilience and urban management in the towns around the Tonle Sap. This will in turn: (i) ensure that Kampong Chhnang and Pursat towns can support and benefit from economic growth along the GMS Southern Economic Corridor, (ii) stimulate improved economic competitiveness of urban areas, and (iii) enhance the sustainability of socio-economic gains. The outcome will include enhanced quality, coverage, and reliability of drainage, wastewater, solid waste management, and reduced incidence of flooding from Tonle Sap river and flooding due to storm water.

20. This DRP report is prepared for the drainage network improvements and WWTP subprojects in Phtah Prey Sangkat, Pursat town only. The drainage network improvements subproject includes construction of about 20 km drains in the central area of Pursat town, which will address the town's problems on drainage and flooding from both the Pursat River and intense rainfall events, when flooding can last up to a few weeks. The WWTP subproject

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includes rebuilding the disused WWTP² to treat the wastewater received from households in the area. A joint field assessment and demarcation of land boundaries for the subproject to assess the Involuntary Resettlement (IR) impact was undertaken on 28 November 2018 by the PIU representatives and members of the PMISC. Verification of the assessment was done by the project management unit (PMU) and the IRC-WG in January 2019. Based on the IR impact screening, the subproject has some IR impacts on primary and secondary structures, trees and/or loss of livelihoods for 21 AHs / 96 AP. The subproject is classified as **Category B** (Annex A) for IR. There is no involuntary restriction on access to legally designated parks and protected areas.

B. Proposed Subproject Descriptions

1. Storm Drainage System

21. As per project administrative manual (PAM) and PPTA design, drainage network improvement and WWTP subproject outputs include (i) construction of about 9.9 km of primary and secondary drains in the town center with associated road improvements; and (ii) improved wastewater treatment. During the DED, changes were made to increase the length of drainage network improvements from 9.9km to 20km. However, by placing the drains in the middle of the road most of the initial impact on secondary structures identified in the April 2015 RP have been avoided.

22. There are several problems with the existing drainage system in Pursat Town. This includes drains without proper planning with diverging drainage invert levels, incomplete drains without connection to an outlet or main drain, collapsed sections of the existing drains, solid waste dumped into the drains causing clogging of the system, and encroachment and blockage of drain covers by the local people.

23. The proposed drainage subproject will improve the overall drainage system in the town to prevent flooding during storms (Figure 2). It will mainly address flooding in the town center from heavy rainfall but will also strengthen the town's resilience in the instance of flooding from the river (Figures 3 and 4).

² The treatment facility was not functioning due to blocked and broken inlets that divert all the flow into a nearby disused irrigation canal and has subsequently been nearly completed dismantled.

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Figure 2 Flooding in central Pursat



Figure 3 Flooding areas in Pursat Town



Figure 4 Proposed Drainage System

24. The subproject will retain the existing drainage built on the side of the roads, including manholes, and lay new storm water drainage with a combined system for drainage and sewage at the center of the roads with proper design with outlets to the WWTP and overflow to the irrigation canal. Further, the subproject will repair the rainwater inlets and manholes including replacement of broken slabs, cleaning of the manholes and pipes etc. This requires excavation for the main line in the middle of the roads and rebuilding of the roads along the main lines.

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25. Figure 5 and Figure 6 are the proposed designs for the combined drainage and sewages system. The drains will be placed under the center of the road along all the roads in town, as illustrated in Figure 5. Along the existing canal, the drains will be put into the canal which later will be backfilled, see Figure 6.

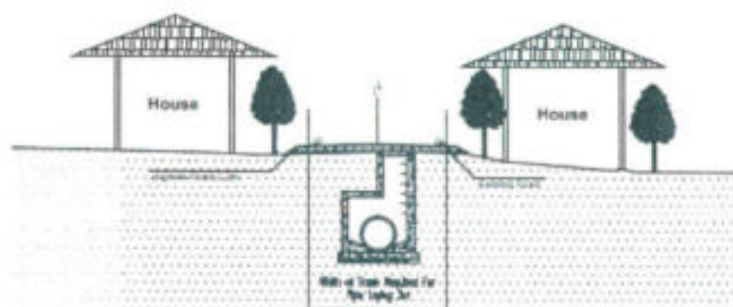


Figure 5 Proposed drainage design

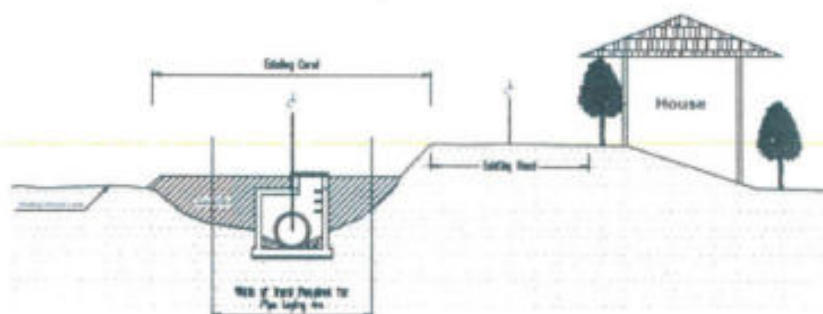


Figure 6 Proposed drainage design along the canal

26. The area of the drainage network covers more than 200 ha. The subproject will lay down a total of 20,328 meters of main drains as summarized in Table 1.

Table 1: Summary of Drain Lengths

Drain Diameter (m)	Proposed drain length (m)
0.8	16,405
1.0	1,943
1.2	1,088
1.5	0,892
Total	20,328

2. Wastewater Treatment Plant

27. The subproject will rebuild the disused and dismantled WWTP which is located at the northwestern end of the subproject zone (Figures 7 and 8). Since the new WWTP will be located at the same location as the old one, no additional land is required.

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Figure 7 Location of Proposed WWTP



Figure 8 Area of Proposed WWTP

28. The WWTP will be built on 2.8 ha of land and it has been designed for the storm water to flow into the existing irrigation canal by gravity and only the sewage flow will need to be pumped to the WWTP which significantly reduces the pumping requirement. The WWTP will use a Reed Bed Treatment (RBT) method, which will reduce the area required for the WWTP compared to conventional waste stabilization pond, which would have required 12 ha of land. The treatment method is proposed with an overflow unit, equalization tank, pumping unit and anaerobic tank followed by an anaerobic filter and a horizontal reed bed and a chlorination unit. This method of treatment is found to be successful in tropical climate and also found to be operationally easy. An overview of the plant layout can be seen below (Figure 9).

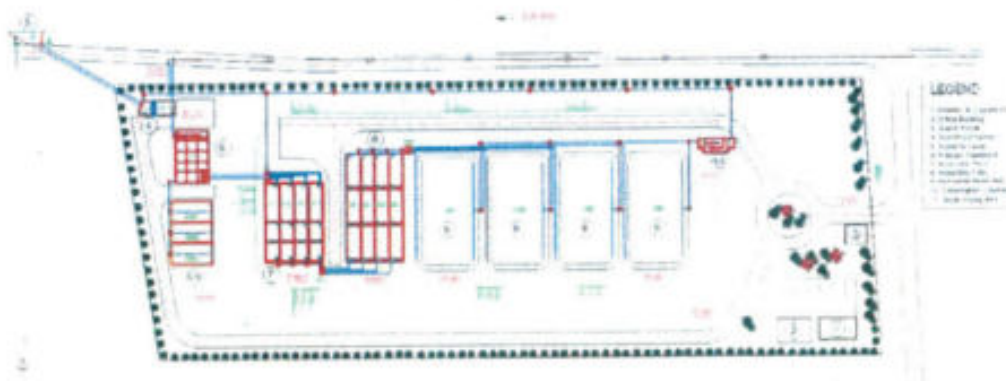


Figure 9 Wastewater Treatment Plant Layout

C. Measures Adopted to Minimize Resettlement

29. The engineering team worked closely with resettlement specialists on the ground to examine the existing road system and how the design could be made with the least IR impact. The following measures have been adopted to minimize resettlement impacts:

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- The location for drainage improvement works was limited so that the construction work to be accommodated within existing road ROW though placing the culverts in the middle of the road. This has enabled avoiding most impacts on structures and trees along pavement length.
- The drainage system will include 656 manholes with cast iron covers. The spacing of the manholes are varied depending on location of existing structures to minimize the excavation works and resettlement impact.
- Along the canal, the drainage will be put in the canal which thereafter will be backfilled with suitable aggregates and road constructed on top. This will avoid impacts on the people living along the canal and provide and improve access to near-by houses.
- There are many street vendors/small businesses along the roads (Figure 10) where excavation will be done for laying the pipes. These businesses will have to temporarily move for short periods during the excavation and until the laying of the pipes are completed. The work will be carried out section by section so that there is minimum disturbance to the businesses. The sellers will be temporarily relocated to a designated area for selling the products by the local authorities.
- Optional location for the WWTP was identified 4km northwest of the current WWTP. Using this location, in addition to significant engineering and operation & maintenance (O&M) cost problems, would have caused significant LAR impact. Therefore, the WWTP will be located within the existing site of the previously described dismantled WWTP, where there will be no land acquisition or resettlement impacts.
- WWTP will be based on RBT method to avoid any additional land required for the site to be operational.



Figure 10 Street vendors outside Pursat market

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III. SCOPE OF LAND ACQUISITION AND RESETTLEMENT

30. This DRP has been prepared for the drainage network improvements and WWTP subprojects in Pursat Town only. The IRC-WG conducted the detailed measurement survey (DMS) and Socio-Economic Survey (SES) with AHs/APs from March to April 2019 to document the number of the AHs and finalize the inventory of affected assets/land/incomes of the AHs/APs. The SES methodology was employed for demographic and socio-economic profiles of AHs/APs. The SES was conducted on 21 AHs /96 APs or 100% of the total drainage and WWTP subproject.

31. In order to determine the scale of impact on lands, structures and trees, the survey team conducted the DMS jointly with the AHs through a walk-through of the locations of the planned constructions within the ROW and corridor of impact (COI). The survey team used a meter stick to measure the areas of the residential land to be acquired. They also measured the assets and identified types of materials of affected secondary structures. All affected trees were identified based on type and productive age. The data gathered from the DMS and SES were encoded using Statistical Package for the Social Sciences software generated in tabular format. The DMS results were shared with the independent firm engaged by GDR for undertaking the replacement cost study (RCS).

A. Summary of LAR impacts

32. The subproject will impact a total of 21 AHs / 96 APs (50 male and 46 female). 1 AH will partly lose primary structure but will be compensated for the entire main structure, 17 AHs will lose secondary structures (fences, foot bridges, stairs, gates etc) and 10 AHs will lose trees. 2 AHs will experience major impacts due to their permanent loss of livelihoods through loss of business. 5 AHs are vulnerable, out of which 2 AHs are poor³, 2 AHs are female headed households with dependents and 1 AH is elderly with no other means of support. The subproject will only use land within the ROW and will not require any land acquisition. 2 AHs will have impacts on their livelihoods due to the removal of their small business stalls. Both AHs are unregistered businesses. Please see Annex 1 with the full detailed overview over all impacts.

B. Details of Individual Impacts by Type

33. **Impact on Land.** All impacts are within the ROW.

34. **Impact on Land Use.** There will be no impact land use.

35. **Impact on Structures.** 1 AH main structure will be impacted for 18 m² (25% of total) out of the 72m². The house is made of zinc roof and zinc walls. Secondary structures belonging to 17 AHs will be impacted. 2 AHs have impact on stalls used for business (unregistered) with zinc roofs will be temporarily impacted (24.00 m² and 10.10 m² respectively). 1 AH has impact on a garage (2.25 m²), which is 10% of the building. 6 AHs will have impacts on their barbed wire fences and 2 AHs have impacts on their zinc/iron fences. 2 AHs will have impacts on wooden bridges and 3 AHs will have impacts on wooden stairs. Electricity lines are impacted along several roads and

³ Cambodia uses an absolute poverty line definition. In 2013, the Ministry of Planning (MOP) introduced new poverty lines. The revisions to the poverty lines include (a) a food poverty line based on 2,200 calories per person per day (up from 2,100); and (b) a non-food component that is estimated separately for Phnom Penh, other urban, and rural areas. Cambodia Socioeconomic Survey (CSES) 2014 identified those who earned less than \$33 per person per month considered living under poverty line for other urban area.

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they will all be re-installed by the Contractor. Table 2 summarizes the impact on secondary structures and Table 3 provides detailed breakdown of structures for each AH.

Table 2: Summarized impacts on secondary structures

Affected structures	No. of AHs	Affected Size
Concrete Pavement	2	2.80 m ²
Garage	1	2.25 m ²
Lean concrete	2	26.70 m ²
Barbed wire fence	6	129.20 m
Zinc/Iron fence	2	29.40 m
Wooden bridge	2	36.00 m ²
Wooden stairs	3	2.05 m ²
Shrine on pole	2	2 poles
Extension roof	1	4.00 m ²
Stall for small business	2	34.10 m ²
House (zinc roof and wall)	1	18.00 m ²
Concrete gate	1	0.16 m

Source: DMS, 2019

Table 3: Detailed Breakdown of impacts on structures for each AH

AH	Pavement (m ²)	Garage (m ²)	Lean concrete (m ²)	Barbed wire fence (m)	Zinc/Iron fence (m)	Wooden bridge (m ²)	Wooden stairs (m ²)	Spirit house (No.)	Extension roof (m ²)	Stall for small business (m ²)	House (zinc roof and wall) (m ²)	Concrete gate (m)
1	1.00											
2		2.25	3.60									
3	1.80											
4				8.00								
5					17.40							
6						27.00						
7							0.60					
8				12.60				1				
9							0.75					
10							0.70		4.00			
11										24.00	72.00	
12			23.10	22.30	12.00			1				0.16
13				10.30								
14				48.00								
15				28.00								
16						9.00						
17										10.10		
TOTAL	2.8	2.25	26.70	129.20	19.40	36.00	2.05	2	4.00	34.10	72.00	0.16

Source: DMS, 2019

36. **Impact on Crops and Trees.** No crops are affected but 10 AHs have impacts on 22 trees. Table 4 details the number and type of the trees impacted. The impacted trees do not represent main source of livelihoods of the AHs. The AH with most impacts will lose 3 jackfruit trees, 3 papaya trees, 1 banana tree and 1 custard apple tree.

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Table 4: Affected trees

Trees	<3 years	3-5 years	>5 years	Total trees
Mango		1	1	2
Ferionella			1	1
Jackfruit	3	2		5
Jujube			1	1
Papaya	6			6
Banana	1			1
Custard apple	1			1
Pring (aka Syzygium)	1			1
Other	1	1	2	4
TOTAL	13	4	5	22

Source: DMS, 2019

37. **Impact of Livelihood.** 2 AHs unregistered family businesses will have their stalls with zinc roofs in front of their houses removed temporarily. As unregistered businesses, they will receive a one-time cash assistance of \$50/AH for temporary loss of income and one-time cash assistance of \$200/AH.

38. There are about 300 street vendors selling goods along the streets around Pursat market and they will be temporarily impacted during construction. The street vendors have tables/stalls made of light-weight material which can easily be transported and set up on a new location. During construction, the street vendors will have the opportunity to relocate to an open space nearby, identified by the local authorities, where they can continue their sales without disruption to their livelihoods. In order to minimize adverse impacts on the livelihood of these vendors, the vendors will be given advance notice of 3 months before the start of civil works in the streets where they conduct their business, prior to which the local government will designate a suitable nearby location along other streets within the market area, equally accessible to their usual clients that they can use for their business during the construction period. After construction completion, they will move back to their original locations and re-establish their business.

C. Vulnerable Affected Households

There will be no impact on indigenous peoples or ethnic minorities. 5 AHs are vulnerable, including 2 AHs are living below the national poverty line, 3 households are female headed with dependents and 1 elderly headed household with no other means of support (Table 5). Out of the 5 AHs, 4 AHs are female headed households. Vulnerable AHs will be eligible for one-time cash assistance allowance of \$100/AH. The vulnerable AH will also have the option of (i) participation in income restoration program (IRP) or (ii) cash assistance of \$500 for IRP. Finally, vulnerable AH has priority for employment in the subproject construction works.

Table 5: Vulnerable affected households

Name	Living below the poverty line	Female headed with dependents	Elderly with no means of support	Landless poor	Disabled head of AH	Indigenous People / Ethnic minority
Mr. Nop Neang	x					
Ms. Tuon Phy		x				
Ms. Pen Lang	x	x				
Ms. Jun Pov		x				
Ms. Ban Yam			x			
Total	2	3	1	0	0	0

Source: DMS, 2019

D. Temporary Impacts

39. As the drainage works will be carried out with existing road right of way, public facilities such as existing roads of bituminous surface and walkways will be temporarily affected during construction. Design of the drainage component of the project includes improvement of roads and sidewalks along the drainage alignment. Thus, these temporarily affected public facilities will not just be restored but will be enhanced after construction as part of the project design.

40. In case of any other temporary impacts taking place during construction, the PMU/GDR will provide the contractor with the subproject's land acquisition and compensation principles to ensure that (i) replacement cost rates are applied, (ii) reinstatement of affected assets contractually defined, (iii) consultation taking place, (iv) grievance mechanism followed, (v) Environmental Management Plan (EMP) applied, (vi) and other items specified, in compliance with the ADB SPS and RGC's Standard Operating Procedures on Land Acquisition and Involuntary Resettlement.

E. Unanticipated Impacts

41. Should unanticipated IR impacts emerge during subproject implementation, GDR shall ensure the conduct of a social assessment and update or formulate a new RP or update this DRP or prepare a DRP addendum depending on the extent of the impact changes. Unanticipated impacts will be documented and mitigated based on the principles provided in this DRP. Any new displaced persons that will be identified (i.e., those who will be included among the adversely affected because of changes in project design or alignment prior to or even during construction works) are entitled to the same entitlements as those of the other displaced persons. The new displaced persons will not include any occupant entering the construction area after the cut-off date.

IV. SOCIO-ECONOMIC INFORMATION AND PROFILE OF AHs

42. The SES of AHs/APs was conducted simultaneously with the DMS by the IRC-WG as part of the DRP updating process. A total of 21 AHs representing 100% of total AHs were reached as the SES respondents. Men respondents were represented with 76% and women respondents with 24% (5 AH heads are female).

43. The SES results present the baseline information on the socio-economic situation of affected households due to the installation of the new drainage pipes in Pursat. The necessary data and information were collected through the DMS Questionnaire and was used to establish baseline information on key socio-economic status of the APs and AHs. The baseline information includes demographic, occupational, vulnerability and gender variables, and self-reported income and expenditures.

A. Gender and Household Composition

44. In total, the subproject will impact 21 households or 96 persons (52 males and 46 females). The household size ranges from one to nine persons in a household. Average family size is five (5) persons per AHs. 5 AHs have female as household head, whereas 16 AHs have male as household head. Table 6 summarizes the gender of the APs and AH heads and Table 7 describes the household size.

Table 6: Summary of Gender of AH Heads and APs

APs/AHs	Male	%	Female	%	Total
No. of Affected Persons	50	52	46	48	96
No. of Head of Household	16	76	5	24	21

Source: SES, 2019

Table 7: Summary of Household size

AH Head by Gender	Household members in AHs				
	1-2	3-4	5-6	7-8	9
Female AH head	2	1	0	1	1
Male head	1	6	9	0	0
Total	3	7	9	1	1

Source: SES, 2019

45. **Gender, Age, Ethnicity and Civil Status.** 81% of the heads of households are married or widow/widower. Four (4) household heads are widow/widower, and one of them has remarried while four (three women and one man) still are unmarried. The widows are between 36 and 66 years old, and the widower is 58 years old. Table 8 summarizes the marital status of household heads.

Table 8: Summary of Marital Status of Household Heads

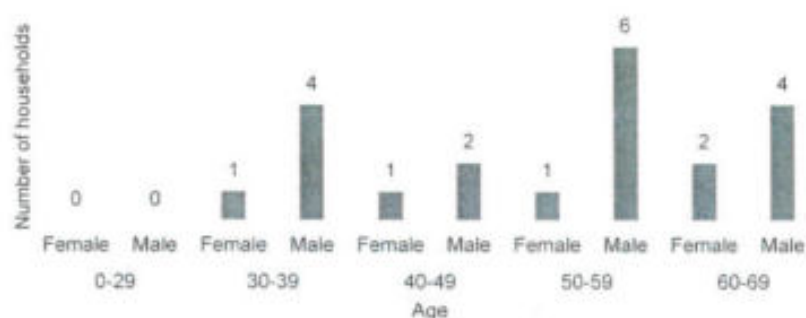
	Male Household Head	%	Female Household Head	%	Total	%
Marital Status						
Married	15	94	2	40	17	81
Widow (single)	1	6	3	60	4	19
Total	16	100	5	100	21	100

Source: SES, 2019

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46. All the households are of Khmer ethnicity (100%) and the largest groups are between 50-59 (33.3%), 60-69 (28.6%) and 32-39 (23.8%) years of age.

Figure 11 Age Distribution of Households Heads



Source: SES, 2019

B. Employment and Income

47. Of the total 21 AH heads, 18 (86%) are working and 3 (14%) are retired. The source of livelihood for 5 AHs (29%) are government employments, 3 AHs (14%) farming, 1 AH (5%) business, 1 AH (5%) waste picking and 3 AHs (14%) are employees, 2 AHs (10%) workers and 2 AHs (10%) are sellers for unspecified businesses. Table 9 summarizes the employment of the AH Heads.

Table 9: Summary of Occupation of Household Heads

Occupation Type	Male Household Head	Female Household Head	Total
Civil servant	5	1	6 (29%)
Retired	2	1	3 (14%)
Employee	3	0	3 (14%)
Farmer	2	1	3 (14%)
Worker	1	1	2 (10%)
Seller	1	1	2 (10%)
Business owner	1	0	1 (5%)
Waste picker	1	0	1 (5%)
Total	16	5	21 (100%)

Source: SES, 2019

48. **Income of Respondent Households.** 2 AHs (10% of the AHs) have annual income below the national poverty rate of \$33/person/month. 7 AHs, or a third of all households have monthly income of more than \$150/person/month. The income levels of AHs is summarized in Table 10.

Table 10: Summary of Monthly Income of AHs

Monthly Income of AH Head (income/month/person)	Male headed Household	%	Female headed Household	%	Total	%
<\$33 (poverty rate)	1	6.3	1	20	2	9.5
\$34 - \$49	1	6.3	1	20	2	9.5
\$50 - \$99	4	25.0	1	20	5	23.8

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\$100 - \$149	4	25.0	1	20	5	23.8
≥\$150	6	37.5	1	20	7	33.3
Total	16	100.0	5	100	21	100.0

Note: National Poverty Rate based on \$33/month per person and average household of 5 persons.

Source: SES, 2019

C. Vulnerability

49. **Poverty.** There are 1 male headed AH and 1 female led AH have monthly incomes below the national poverty rate⁴. 2 AHs are female headed households with dependents. 1 AH is elderly with no means of support. Table 11 summarizes vulnerable households.

Table 11: Summary of Vulnerable Households

Type of Vulnerability	No. of AHs
Poor (Below Poverty Rate)	2
Female Headed with Dependents	2
Landless Below Poverty Rate	0
Elderly Headed with No Means of Support	1
Disabled Headed	0
Indigenous People	0
Total	5

Source: SES, 2019

⁴ Cambodia uses an absolute poverty line definition. In 2013, the Ministry of Planning (MOP) introduced new poverty lines. The revisions to the poverty lines include (a) a food poverty line based on 2,200 calories per person per day (up from 2,100); and (b) a non-food component that is estimated separately for Phnom Penh, other urban, and rural areas. Cambodia Socioeconomic Survey (CSES) 2014 identified those who earned less than \$33 per person per month considered living under poverty line for other urban area.

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V. INFORMATION DISCLOSURE, CONSULTATION AND PARTICIPATION

50. Public consultation and participation are aimed to develop and maintain avenues of communication between the Project, stakeholders and AHs. To ensure that the views and concerns of the AHs are considered in project preparation and implementation and to reduce or offset adverse impacts and enhance benefits from the Project, the following strategy for information disclosure, consultation and participation have been adopted and implemented under the subprojects.

A. Consultation and Participation

51. Initial consultative meeting was conducted during focus group discussions on 19-21 July 2013 to obtain in-depth, descriptive information from different stakeholder groups as part of the social impact analysis and ensure stakeholders' points of view and concerns are identified and integrated in project design and preparation of safeguard plans. The first public consultation was organized on 19 September 2013 prior conducting IOL and SES. The agenda of the consultation included (i) introducing the PPTA Team to local officials and residents; (ii) introducing the members of the survey team, the reasons for the survey and schedule for the conduct of the same, including the policy on cut-off date for eligibility to Project entitlements; and, (iii) obtaining stakeholder views regarding the subprojects, including their suggestions on how to avoid and minimize adverse impacts. This was followed up by post-IOL/SES consultation on 12 October 2013 on (i) highlights of the IOL findings, for example information on types and magnitude of impacts; (ii) basic project resettlement principles, such as compensation at replacement cost, public participation, and grievance redress; and, (iii) determining AHs views and suggestions concerning compensation, allowances and assistance, and participation. Details of these consultations are in the April 2015 RP.

52. Second consultation was conducted by IRC, PRSC, PIU and PMIS consultants on 18 December 2018 to disseminate information on the subprojects and its possible impacts, open for discussion on any problems, explain the ADB SPS and government policies, and prepare AHs of upcoming drainage construction in Pursat Town. 11 AHs participated (6 male and 5 female) in villages of Chamkar Chek Cheung and Kbal Hong, in Sangkat Phtah Prey (near irrigation canal). Project background, ADB and Project compensation policies, eligibility for compensation (also vulnerable) and DMS was explained to the AHs. The participants' main concerns were on extent of impact and demarcation process of the subproject. It was explained that impact will be minimized. The pipeline will be placed under the existing roads, except near WWTP where the pipes will be buried under defunct canal, which will be re-established as a laterite road. After demarcation, the land registration will be checked, but any encroachment of ROW after construction completion is not allowed.

53. Third consultation was carried out 29 January 2019 with 16 AHs (12 male and 4 female) by IRC, PRSC, PIU and PMIS consultants to disseminate information, bring forward problems and to let affected people express any concerns. The participants were informed of the RGC's Legal Framework, especially on eligibility and compensation cost valuation, as well as ADB safeguards policy and how the process of compensation for losses will be done. The people were informed that all compensation demands need to be done before the construction begins. The consultation was also used to explain the illegal use of ROW, and that no compensation is paid for land on the ROW, except for structures, crops and trees. The people were explained about DMS process.

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54. Forth public consultation took place 18 February 2019 on with 35 market stall sellers (11 male and 24 female) by IRC, PRSC, PIU and PMIS consultants. The purpose of the consultation was to disseminated information about the subproject and how the sellers will be affected due to the construction of the drainage system around the market area. It was detailed in the meeting that the stalls will be required to temporarily relocate for a short duration of 20-30 days. RGC does not compensate for the economic displacement due to the disruption the temporarily construction causes to the livelihoods of the sellers, but will organize a nearby location where they can continue selling the products in undistruptive fashion to their livelihoods. After the completion of each section of construction they can return to their former location of business.

55. Table 12 summarizes the series of consultations conducted. The minutes of the meetings, photographs and attendance list of the public consultations conducted on 18 December 2018, 29 January 2019 and 18 February 2019 are in Annex 3.

Table 12: Summary of Consultations

No.	Date	Location	Topic and Summary of Outcome	Participants
1	19-21 July 2013	Phteah Prey Sangkat	FGD consultations with (i) shop and store owners in Ta Kuoy and Praeak Sdei village, (ii) agricultural families in Kbal Hong and Chamkar Chek Cheung villages, and (iii) residents in homes (women) in Ra and Chamkar Chek Tbong villages). Completed FGDs (Minutes in RP 2015)	(i) 9 (4 male / 5 female) (ii) 8 (4 male / 4 female) (iii) 8 females
2	19 September 2013	Wat Peal Nhaek, Sangkat Phtah Prey	Identification of, and consultative meeting with landowners along access road. Introduced the project and explained its purpose, design, and timeline. Introduced the survey team and explained the reason for the survey. Explained the cut-off date policy, policy on LAR, ADB SPS, IOL process. All participants supported the project. (Minutes in RP 2015)	87 (26 male / 61 female)
3	12 October 2013	Wat Peal Nhaek, Sangkat Phtah Prey	Public consultation with AHs after IOL and SES. Discussion on IOL results, ADB SPS, resettlement policy, suggestions/preferences of AHs on compensation and assistance, and announced cut-off date. (Minutes in RP 2015)	17 (7 male / 10 female)
4	18 December 2018	Sangkat Phtah Prey	Consultation with AHs of drainage in Pursat town. Consultation explained project purpose and design, ADB's safeguards policy statement, expected LAR impact, compensation principles, consultations, IOL, and compensation process, allowances and value. Question: What distance is affected? Answer: DTL of IUEMTSB consultants explained that the irrigation canal was determined and managed by the provincial department of water resources. Whereas our municipal drainage system run on public state land and we plan to dig and bury the sewer pipes of 4m width. Our project will clean and tailor laterite road for the people to minimize AHs. Question: Is there clear demarcation poles showing how much will be affected? Answer: Deputy Governor replied that land parcels in Pursat town have already systematically been registered and land demarcation based on land categories of public state road or	11 (6 male / 5 female)

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			irrigation canals. Therefore, the people/communities who are living on ROW and astride irrigation canals without legal title cannot be allowed to solid construction to avoid their interest loss.	
5	29 January 2019	Sangkat Phtah Prey	The IRC, PRSC and Pursat Municipality authority conducted a consultation meeting with AHHs prior to the finalization of the DMS. Explanation of subproject purpose, LAR impact and use of ROW Question: Where will the drainage system be installed? Answer: The drainage system will run under the central line of the road. Question: Will the Project re-build the road? Answer: Yes. After the sewer pipes have been put in place, we will build blacktop of 12m width (6mx2 offset from central line). Question: How many parcels of private land will be affected by the construction of the road? Answer: The road will to be built on the designed road, which is state property. Our team will supervise the construction to see the current conditions.	16 (12 male / 4 female)
6	18 February 2019	Sangkat Phtah Prey	Consultation with sellers and street vendors around Pursat market. The IRC, PRSC, Pursat Municipality authority held a consultation where the subproject's purpose was explained, meaning of ROW was explained, impacts during construction around the market was explained in detail and the possibility for sellers to work from a designated area near the market. Question: Chea Thong asked the local authority to settle blockage of garbage on proposed road segments around the market. Answer: Deputy governor clarified that the provincial/municipal authorities know about blockage of proposed road section and will make it clean to be ready to solve the problem. The authority will impose a prohibitory notice to forbid them from putting their waste/garbage in the forbidden area. Question: Kang Eanglim asked the provincial/municipal authority to provide notice 1-2 days prior to drainage construction and asked the project to clean up any waste after construction. Answer: Before implementation of the subprojects, our team shall provide due public notice. Construction will be announced in advance to all affected parties. Question: Ly Sokun asked how long time it will take for the drainage system to be in place. Answer: For implementation of the subprojects, it will take 1.5 years for completion. We do our best to minimize resettlement/compensation so that our project runs smoothly and successfully in response to demands of the people involved.	35 (11 male / 24 female)

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B. Information Disclosure

56. As part of information disclosure, a Public Information Booklet (PIB) was developed and was approved by the PMU (Annex 7). The PIB contained information about the project and the drainage and WWTP subprojects, entitlements and eligibility, the concept of cut-off date, the processes of grievance redress mechanism and the institutional arrangements. A Khmer version of the PIB was developed and finalized. The updated copies were provided to the AHs during the DMS and disclosed at commune office.

57. MPWT/PMU/PIU will conduct additional public consultations before the commencement of civil works and will distribute the updated PIB containing GRM and contact details of focal persons from MPWT/PMU/PIU, PMISC and Contractors.

58. Summaries of the DRP and safeguard monitoring reports will be translated into the Khmer language and posted at town and Sangkat offices for easy and free access to the AHs and the affected communities. For illiterate people, suitable other communication methods will be used based on the discussion and in consultation with the AHs. The DRP and safeguard monitoring reports will be uploaded in website of the EA both in Khmer and English.

59. The GDR will submit the following documents to the ADB for disclosure on ADB's website after their approval by IRC and the ADB are obtained:

- This DRP approved by the IRC and concurred by ADB;
- DRP updates, if any; and corrective action plan prepared during project implementation, if any; and semi-annual safeguards monitoring reports.

VI. GRIEVANCE REDRESS MECHANISM

60. The grievance redress mechanism (GRM) outlined in the April 2015 RP will apply to drainage and WWTP subprojects. A GRM has been established to address grievances and complaints regarding land acquisition, compensation and resettlement in a timely and satisfactory manner. The GRM procedures has been explained to the AHs through the PIB and during the consultations conducted by the PIU, PMISC and GDR.

61. The PMU/PIU Pursat, through continuous information dissemination, consultations and discussions will ensure that residents near-by to the landfill site and along the access road are fully aware of their rights to register their complaints through the GRM processes for both environmental performance and involuntary resettlement. PMU/PIU will ensure that the grievances and complaints received from AHs are properly recorded and timely resolutions are communicated to the AHs village and commune chiefs.

62. The Provincial Governor has established the Provincial Grievance Redress Committee (PGRC) on Decision dated on 11 September 2017 which will be responsible for addressing grievances under subprojects in Pursat. GDR conducted training to members of the PGRC on 27 November 2018. The composition of PGRC is in Table 13 and details of the PGRC are in the PIB.

Table 13: Composition of PGRC

No.	Organization	Position in PGRC	Name
1	Provincial Vice Governor	Chairman	H.E. Mao Thanin
2	Provincial Vice Governor	Deputy	H.E. Ing Kimleang
3	Director of PDEF	Deputy	Mr. Sun Heng
4	Director of PDPWT	Deputy	Mr. Kang Penghak
5	Director of Cadastral Office	Member	Mr. Leam Bunroeun
7	Deputy Director of PA	Member	Mr. Chap Neang

Source: PGRC, Pursat

63. If APs 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 nongovernment organization or other family members, village heads or community chiefs to have their complaints or grievances written for them. Throughout the GRM process, the PGRC will ensure that the complainants are provided with copies of complaints and decisions or resolutions in a timely manner.

64. The grievance process has three stages, the commune, district and provincial levels. The mechanism should not impede access to the country's jurisdiction or administrative remedies. If the AH/AP is not satisfied with the resolution made by the PGRC based on the agreed policy in the DRP, the AH can bring the case to the provincial court. If the case will be brought to the provincial court, the same will be litigated under the rules of the court. The procedures for grievance redress are detailed below:

Stage 1: Affected Household (AH), will file a letter of complaint/request to the Village or Commune Resettlement Sub-committee or IRC-working group. The Subcommittee will acknowledge receipt of the complaint and enter this into its logbook. The commune/village grievance committee will convene within 15 days to act and deliberate on the complaint. If after 15 days, the aggrieved AH/AP does not hear from the Village or Commune grievance committee, or if the AH is not

satisfied with the decision reached in the first stage, the complainant may elevate his/her complaint to the District Resettlement sub-committee (DRSC).

Stage 2: The complaint is filed at the District Resettlement Sub-committee level acting as District Grievance Committee and it is recorded in their logbook to acknowledge its receipt. The District office has 15 days to deliberate and resolve the complaint to the satisfaction of all concerned particularly the complainant. If and when the complaint is not acted upon after 15 days or if the complainant is dissatisfied with the results, this will be elevated to the PGRC.

Stage 3: Upon receipt of the complaint, the PGRC meets the aggrieved party and acts to resolve the complaint within 30 days. Within 30 days of the submission of the complaint the Committee must make a written decision and submit a copy of the same to MPWT, the IRC through GDR and the AH. The handling of the complaint ends at this stage. There are no fees or charges levied to the AH for the lodgment and processing of the complaints under stages 1 to 3. All costs involved in resolving the complaints (meeting, communication and reporting/information) will be borne by the provincial administration.

65. However, if and when the complainant AP is still dissatisfied with the decision of the PGRC, the complaint will be elevated to a local court, which is now out of subproject's authority, for litigation following the rules of court. If the issue is on compensation and the court's verdict is advantageous to the complainant, the subproject will compensate the AP with the amount set by the court. However, if the court's verdict favors the subproject, then the compensation amounts set by the IRC as recommended by GDR will be paid. During the court litigation cases, RGC will request from the court that the subproject proceed without disruption while the case is being heard. If any party is unsatisfied with the ruling of the provincial court, that party can bring the case to a higher court. The RGC shall implement the decision of the court. The costs of the court proceedings will be borne by the complainant AP.

66. If the AH/AP is still not satisfied with the resolution of their complaints at the subproject and central level, they may also (or permit representatives to on their behalf) raise their concern or complaint with the ADB Cambodia Resident Mission (CARM). If AHs are still not satisfied with the responses of CARM, they can directly contact the ADB Office of the Special Project Facilitator.



VII. LEGAL AND POLICY FRAMEWORK

67. This DRP is prepared based on the applicable legal and policy framework of the RGC, and ADB's Safeguards Policy Statement (SPS), 2009. It describes the key legal and regulatory documents of the RGC pertinent to land acquisition and resettlement as well as the key principles of the ADB SPS, analyses the gaps and provides gap filling measures for this project.

68. There are existing laws that govern land acquisition and resettlement in Cambodia. Some of these laws are cited below. These laws, along with the ADBs SPS, shall govern the procedures for land acquisition and resettlement for the Project.

A. The 1993 Constitution of Cambodia

69. The 1993 Constitution of Cambodia sets the key principle for land acquisition. Article 44 which stipulate that expropriation of ownership shall be exercised only in the public interest as provided by law and shall require fair and just compensation in advance. Only Khmer legal entities and citizens of Khmer nationality shall have the right to own land"; "Legal private ownership shall be protected by law"; "The right to confiscate properties from any persons shall be exercised only in the public interest as provided for under the law and shall require fair and just compensation in advance".

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

B. 2001 Land Law

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

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

- Legal possession as defined by the Law is the sole basis for ownership, and all transfers or changes of rights of ownership shall be carried out in accordance with the required general rules for sale, succession, exchange and gift or by court decision. (Article 6).
- Any regime of ownership of immovable property prior to 1979 shall not be recognized. (Article 7).
- State public land includes, among other categories, any property a) that has a natural origin, such as forests, courses and banks of navigable and floatable rivers or natural lakes; b) that is made available for public use such as roads, tracks, oxcart ways,

pathways, gardens, public parks and reserved land; or, c) that is allocated to render public service, such as public schools, public hospitals or administrative buildings. (Article 15).

- Persons that illegally occupy, possess or claim title to State public land cannot claim any compensation. This includes land established by the Government as public rights-of-way for roads and railways. Moreover, failure to vacate illegally occupied land in a timely manner is subject to fines and/or imprisonment. (Article 19).
- Ownership of the lands is granted by the State to indigenous communities' as collective ownership, including all the rights and protections enjoyed by private owners. The exercise of collective ownership rights are the responsibility of the traditional authorities and decision-making mechanisms of the indigenous community, according to their customs and subject to laws such as the law on environmental protection. (Article 26).
- Persons with legally valid possession of land for five years (**at the time the law came into effect in the year 2001**) are allowed to be registered as the owner of the land (Article 30).

C. 2010 Expropriation Law

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

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

D. Other Relevant Laws and Regulations

74. IRC issued Sub-Decree No. 22 ANK/BK promulgated on 22 February 2018 on the SOP for Land Acquisition and Involuntary Resettlement for Externally Financed Projects sets out the policies, regulations and procedures for carrying out land acquisition and involuntary resettlement that will apply to this Project.

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

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

E. ADB Safeguards Policy

1. ADB Policy on Involuntary Resettlement

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

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

79. ADB's Involuntary Resettlement Policy principles include:

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

opportunities, integration of resettled persons economically and socially into their host communities, and extension of project benefits to host communities; (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required.

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

2. Other Considerations

80. **Indigenous peoples.** The subproject does not involve involuntary resettlement of Indigenous People and hence will not be considered under this subproject.⁵

81. **Gender.** Gender concerns and issues will be considered in resettlement planning. Gender differentiated benefit-sharing measures are included in the resettlement plans to ensure that the women and men of the households are treated equally. Therefore, both women and men were invited to actively participate in the consultation meetings. A separate gender action plan (GAP) has been prepared and updated.

82. In general, the main principles of the government policies on land acquisition, compensation, assistance and resettlement reflect those provided in ADB's SPS 2009. However,

⁵ Indigenous people will be identified in accordance with ADB SPS safeguards Requirement 3.

key gaps between ADB resettlement policy and the government's legislation have been identified and solutions are summarized in Table 14.

Table 14: Proposed gaps filling between ADB's SPS (2009) and Government Legislations

No.	Key Issues	Government Legislations relevant to Land Laws	ADB Policy	Project Principles
1	Eligibility for compensation & assistance does not include APs without land title.	Illegal occupants are not entitled to compensation due to violation on declared land use plan; or if they have constructed without permit or have encroached on demarcated land for RoW.	Those without titles to land or any recognizable legal rights to land are eligible for Resettlement assistance and compensation or loss of non-land assets. Improve the standards of living of the displaced poor and other vulnerable groups, particularly women.	All AHs without any discrimination whether or not land is owned are eligible for resettlement assistance and compensation for loss of non-land assets. Particular focus on improving the standards of living of the displaced poor and other vulnerable groups, including women.
2	No compensation for those illegally settled on the ROW.	The MEF Prakas is consonant with the position of the 2001 Land Law that individuals who have illegally occupied the Row or public properties are not entitled to any compensation or social support, regardless of their being an AP or a member of vulnerable groups.	Compensation for Loss on non-land based.	All APs, including those without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets.
3	Immovable Assets.	Any regime of ownership of immovable property prior to 1979 shall not be recognized (Article 7).	All affected persons shall be entitled for resettlement assistance and compensation for non-land-based assets.	All APs, including those without Land titles, or are within the ROW are eligible for resettlement assistance and compensation for loss of non-land assets.
4	Imprisonment on failure to vacate land according to schedule.	Failure to vacate illegally occupied land in a timely manner is subject to fines and/or imprisonment (Article 19).	Protection and improvement on the quality of life of APs.	Sufficient time and resettlement support given to APs during transfer such as transportation and demolition assistance, including food allowance during transfer and settlement for a specified period approved by the IRC.
5	Voluntary Deed of Donation.	Not compensated for portion of land donated for the subproject.	Not covered in ADB's SPS.	a. Donation of land shall not exceed 300 m2 and should not affect the living standard of AHs. b. Vulnerable households shall be excluded from donating land. c. Land for donation shall apply only to households whose affected lands do not exceed 10% of landholdings. d. Vulnerable households such as poor, households headed by women shall be exempted from donating land.

No.	Key Issues	Government Legislations relevant to Land Laws	ADB Policy	Project Principles
				e. The execution of the voluntary deed of donation will be further strengthened by the Witness of the act to firm up the transaction, and observance of the protocol requirement.
6	Unregistered Businesses.	Recognizes businesses or economic entities only if they hold a business certificate (i.e. excludes nonregistered businesses).	Inclusion of APs in assistance to livelihood restoration and compensate for loss of income.	Inclusion of those who are economically displaced, even unregistered (e.g. Unregistered businesses, employees without labor contracts) they will be assisted to ensure that their income sources are restored to at least pre-project levels.
7	Entitlements on severity of losses Land Valuation.	The price for land compensation is calculated based on the prevailing cost of land at the time of land acquisition which is defined by the IRC. Land payment is usually based on negotiated price between landowner and the government "willing buyer-willing seller" approach.	Bank's policy requires an Independent Land Appraiser (ILA) who has working knowledge on property valuation and the methodology that the ILA will use is consistent with international standards.	An independent land Appraiser will be engaged to conduct replacement cost studies during the DMS for the project which will be used for compensation of the updated URP, to be approved by the IRC as recommended by the GDR.

Source: Modified from Resettlement Plan (Updated) of the Greater Mekong Subregion Southern Economic Corridor Towns Development Project (January 2019).

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VIII. ENTITLEMENT, ASSISTANCE AND BENEFITS

A. Objectives

83. The Project resettlement policy is based on the types, characteristics, and severity of Project impacts on assets and living conditions of the affected population, guided by the Constitution of the Royal Government of Cambodia, prevailing legal and government procedures and policies, and the ADB SPS (2009). Its primary objective is to ensure that AHs and APs identified in the project-impacted areas as of the cut-off date are not disadvantaged by the Project investments. The Project should provide opportunities for the local population to benefit from and participate in its planning and implementation and, through this, generate a sense of ownership.

B. Project Policies and Principles

84. In order to achieve the above DRP objectives, the project will adhere to the policies and principles of the DRP as set forth:

- a. Involuntary resettlement and impacts on land, structures and other fixed assets will be minimized where possible by exploring all alternative options.
- b. Compensation will be based on the principle of replacement cost as per agreed RCS.
- c. All the affected households (without any discrimination such as household headed by women, disabled elderly, landless and people living below the national poverty line) confirmed to be residing in, doing business, or cultivating land or having right over resources within the subproject affected area or land to be acquired or used for the subproject during the conduct of IOL and census of AHs (Cut-off Date for Eligibility) are eligible for resettlement assistance and compensation for non-land assets at replacement cost as mentioned in the entitlement matrix.
- d. Meaningful consultation will be carried out with the AHs, indigenous households, affected communities and concerned groups. This will ensure participation from planning up to implementation. The comments and suggestions of AHs and communities will be considered.
- e. The draft, final and any updates on the DRP will be disclosed to AHs in a form and language(s) understandable to them in compliance with disclosure requirements.
- f. Resettlement identification, planning and management will ensure that gender concerns are incorporated.
- g. Provide all affected households requiring relocation with needed assistance including the following: assistance and allowances, secure tenure to the relocated land, and better living conditions at resettlement sites.
- h. Special measures will be incorporated in the resettlement plan to protect socially and economically vulnerable groups such as indigenous households, households headed by women, children, disabled, the elderly, landless and people living below the generally accepted poverty line.
- i. Existing cultural and religious practices will be respected and, to the maximum extent practical, preserved.
- j. Culturally appropriate and gender-sensitive social impact assessment and monitoring will be carried out in various stages of the project.
- k. Adequate resources will be identified and committed during the preparation of the DRP, which shall include sufficient budgetary support and made available to cover resettlement costs within the agreed implementation period.
- l. There will be no civil works that shall take place for any segment of the subproject, until (i) compensation has been fully paid to AHs; (ii) agreed rehabilitation measures are in place; and (iii) the acquired land is free from all encumbrances.

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C. Principles for Valuation

85. All compensation will be based on the principle of replacement cost. Replacement cost is the amount calculated before displacement which is needed to replace an affected asset without deduction for taxes and/or costs of transaction as follows:

- a. Residential land based on actual current market prices, as per agreed RCS, that reflects recent land sales, and in the absence of such recent land sales, based on prices of recent sales in comparable locations with comparable attributes; fees and taxes for land.
- b. Houses and other related structures based on actual current market prices, (as per agreed RCS), for materials and labor without depreciation or deduction for salvaged building materials.

86. The replacement cost study was conducted by an independent firm engaged by GDR. The firm carried out the RCS, completed by 22 July 2019. The objective of the RCS was to establish prevailing compensation rates for affected structures and trees which are sufficient for AHs to acquire or purchase replacements for assets acquired by the subproject, without deductions for taxes, and other transaction costs. Results of the RCS are in Annex 5 of this DRP.

D. Eligibility

87. APs in a subproject area are categorized into three types; (i) persons with formal legal rights to land (land title) lost in its entirety or in part; (ii) person who lost the land they occupy in its entirety or in part who have no formal legal rights to such land (land title), but have claims to such lands that are recognized or recognizable under Cambodian Laws; and (iii) person who lost the land they occupy in its entirety or in part who have neither formal legal rights (land title) nor recognized or recognizable claims to such land, or whose livelihoods are directly impacted by the subproject. All AHs are of type (iii). Out of the 21 AHs, 1 AH has impact on main structure, 17 AHs will have impacts on secondary structures and 10 AHs will lose fruit trees or other type of trees. 2 AHs owning the stalls will thus have impacts on their livelihoods. 5 AHs are vulnerable.

88. Only persons and organizations with land, fixed assets and sources of income in the subproject ROW at the time the cut-off date are eligible to receive project entitlements agreed between the RGC and ADB. The cut-off date for eligibility was set as of 2 February 2014, which was the last day of the IOL verification during the PPTA phase. Those who encroach into the subproject area and build any new structures after the cut-off date will not be entitled to compensation or any other forms of assistance. The Inter-Ministerial Resettlement Committee (IRC), the government body that is tasked to spearhead the conduct of the DMS and the implementation of the DRP, has confirmed the final date of the cut-off-date following DED and disclosed it on commune and Sangkat boards. The cut-off date was disseminated among the community following the public meeting.

E. Entitlements

89. The subproject entitlements have been defined in accordance with the various impacts identified based on the results of the DMS and SES. The eligibility on entitlements applies to all AHs by the subproject which is categorized in the Updated Entitlement Matrix. The Updated Entitlement Matrix is presented in the Table 15 indicating each type of loss and degree of impact with corresponding benefits applicable to the specific condition and impacts on AHs.

Table 15: Updated Entitlement Matrix

Item	Type of Loss	Entitled persons	Compensation policy	Implementation issues
A. Loss of Structures				
1	Loss of, or damage to main and secondary structures and other assets	Owners of the structure whether or not land is owned, with or without building permit 1 AHs will partly lose main structure of 18m ² but will be compensated for entire structure of 72m ² . 17 AHs will lose secondary structures mentioned in Tables 2 and 3.	- Cash compensation at replacement cost for the affected assets. - AH can retain the materials from demolition of their structures at no cost. If AH belongs to any of the vulnerable groups, see Item D below. - The calculation of rates will be based on the actual affected area and not the useable area.	Compensation will be provided in the form of cash without deductions for depreciation or salvageable materials AHs to get cash compensation at least one month ahead of civil works in the locality to provide them sufficient time to gradually re-organize their houses or shops for avoiding disruption in the livelihood. If the head of household is married, compensation will be paid at the presence of both husband and wife.
B. Loss of Productive Trees and Crops				
2	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) 10 AHs will lose trees mentioned in Table 4.	- Compensation for affected fruit trees at full replacement cost, which shall be based on average annual value of the product multiplied by five years. - Compensation for annual crops at replacement cost.	AHs to be notified at least 3 months in advance of the actual date that the land will be acquired by the Project. AHs will be allowed to harvest their annual and perennial crops prior to construction and retain income from standing crop. Households continuing to use/farmland along COI after cut-off date will not be entitled to compensation.
C. Impacts on Vulnerable AHs				
3	Any loss or impact on vulnerable AHs	(i) households living below the national poverty rate established by the RGC, (ii) female headed households with dependents living, (iii) disabled headed households with no other means of support, (iv) elderly headed households with no other means of support, (v) landless poor living below the national poverty rate or those without legal title to	- The 5 vulnerable AHs will receive one-time assistance allowance of \$100/AH - Option to (i) participate in the IRP or (ii) cash assistance of \$500 for IRP. In case option for IRP is selected, it will be planned by the	All 6 AHs (5 under drainage network subproject and WITP subproject and 1 AH from the solid waste management subproject) have agreed for \$500 cash assistance for IRP

Item	Type of Loss	Entitled persons	Compensation policy	Implementation issues
		land, and (vi) indigenous people or ethnic minorities	Project with the active participation of the Ahts ⁵	
		5 Ahts have been identified as vulnerable mentioned in Table 5 and 1 AH under Solid Waste Management Subproject	• Priority for employment in the subproject construction works.	
D. Loss of Livelihood and Major Impacts				
4.	Loss of income and livelihood from businesses	2 Ahts will lose temporary loss of business. 2 Ahts will completely lose stalls and business.	• The Ahts will receive \$50/AH for temporary loss of income. • One-time cash assistance of \$200/AH and entitled to participate in IRP	
E. Temporarily affected properties during construction				
5.	Temporarily affected land and non-land assets during construction	Owner of temporarily affected land and non-land assets	• Contractor will pay rent for any land/structure required for construction workspace outside the ROW; • For assets within the Corridor of Impact (COI): no compensation for temporarily affected land/non-land assets if returned to the legal owner and restored to at least pre-project condition within 3 months after use. If the asset is not returned and restored to pre-project condition within 3 months, the Ahts will receive compensation at replacement cost for the land and/or assets. • Compensation for lost production value in cash at replacement cost for the period of construction or maintenance that will not be less than the net income that would have been derived from the affected property during disruption. This will be a minimum of value of one harvest where damage occurs during growing season.	Ahts will be notified at least 3 months in advance of the actual date that the land/non-land asset will be temporarily used or affected by the project Contractor will be required by contract to pay these costs Construction and maintenance will be carried out to minimize damage. As part of the civil works contract, all access roads/driveways to properties adjacent to the road will be repaired or replaced including culverts and other facilities, to a condition equal or better than the present. The disruption period will be minimized as much as possible.
6.	Temporary damage to productive assets during construction (e.g. fields and associated infrastructure including bund walls, drains,	Owners of productive assets		

⁵ As per RP (2015), the amount is based on a budget of \$500 USD/eligible AH as per recent ADB-funded implemented in the same general area and will be allocated in the resettlement budget to implement the option preferred by entitled Ahts. If IRP is required through public consultation with the entitled Ahts, the amount will be used as a block fund to support the various components of the IRP.

Item	Type of Loss channels, etc.)	Entitled persons	Compensation policy	Implementation issues
F. Unanticipated impact				
7.	Unanticipated involuntary resettlement impacts	Eligible displaced persons	New displaced persons that will be identified (i.e., those who will be included among the adversely affected because of changes in subproject design or alignment prior to or even during construction works) are entitled to the same entitlements as those of the other displaced persons.	GDR shall ensure the conduct of a social assessment and update or formulate a new RP or a DRP addendum depending on the extent of the impact changes. Unanticipated impacts will be documented and mitigated based on the principles provided in this DRP.

IX. RELOCATION OF HOUSING AND SETTLEMENT

90. No AH will be relocated to another site or resettled elsewhere.

X. INCOME RESTORATION PROGRAM

91. The results of the DMS confirmed that there are:
- 6 vulnerable household (5 from Drainage Network Improvement and WWTP Subprojects, and 1 from Solid Waste Management Subproject);
 - 2 AHs are experiencing major impacts on livelihoods (loss of business);
 - 1 main structure partially affected; and
 - None of the AP is classified as ethnic minority.

A. General Provisions

92. As outlined in the April 2015 RP, the provisions for an income restoration program (IRP) will be planned and developed with the assistance of a community development specialist to be hired by IRC. Those who are entitled to participate in the IRP will include vulnerable AHs affected by impacts to productive assets and/or primary structures; AHs affected by the loss of entire houses and shops and those severely affected by loss of land use equivalent to 10% or more of their total productive (income-generating) assets. Because it is not expected that the subprojects will severely disrupt the business operation of shop owners or stall vendors or that AHs will have major impacts due to loss of land use, the focus of the IRP is more on helping the poor and other vulnerable AHs to improve their economic situation. For this purpose, the IRP has been designed during the preparation of this DRP and will be implemented in parallel with the implementation of the DRP with the active involvement of the participating AHs.

93. Members of the AHs that are within the working age (15 to 60 years old) will be provided skills training, as needed, and referred to establishments in need of workers. This component of the strategy is also intended to bring in cash for the other basic needs of the AHs. Contractors will implement preferential hiring of severely affected and vulnerable AHs for non-skilled labor during civil works. Compliance will be monitored by the PMU, EMO and ADB during implementation.

94. An amount will be allocated in the resettlement budget to finance the various components of the IRP, based on a budget of \$500/AH as per recent ADB-funded projects implemented in the same general area. The 6 vulnerable AHs (5 from Drainage Network Improvement and WWTP Subprojects and 1 from Solid Waste Management Subproject) are eligible for IRP. These AHs will be assisted with (i) One-time assistance allowance of \$100 per household; (ii) Option to participate in the IRP on skills training of worth \$500/AH or given cash assistance of \$500/AH for IRP, and (iii) priority for employment in the drainage network improvements and WWTP Subprojects and Solid Waste Management Subproject construction works. In addition, 2 AHs experiencing major impacts for their loss of livelihood are also entitled for IRP options (i) and (ii).

B. Consultations

95. On 18 November 2019 at 14:30 pm at Sangkat Ptas Prey, Pursat Provincial Town, Pursat Province, the Focus Group Discussion (FGD) was conducted with the 8 AHs who were entitled for the IRP under the three subprojects (Solid Waste Management Subproject and Drainage Network Improvement and WWTP Subprojects). The FGD was conducted by the IRC Working

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Group (WG) assisted by the Executive Agency, Project Implementation Consultants, and the Local Authority. The AHs were informed about the main purpose of the FGDs, which was to have a meaningful consultation with them as they were entitled for IRP as outlined in the April 2015 RP. They were informed that the entitlement to participate in the IRP included vulnerable AHs affected by impacts to their productive assets and/or primary structures; AHs affected by the loss of entire houses and shops and those severely affected by loss of land use equivalent to 10% or more of their total productive (income-generating) assets. The team leader (TL) of the IRC-WG emphasized that the DMS data analysis showed that the subprojects will not severely disrupt the business operation of shop owners or that AHs will be have major impacts due to loss of land use (income generating), the focus of the IRP is more on assisting the poor and other vulnerable AHs to improve their economic situation. For this purpose, the IRP is being designed during the preparation of this DRP and it will be implemented in parallel with the implementation of the approved DRP by IRC and ADB with the active involvement of the participating AHs. The TL informed that there are 8 AHs who are entitled for IRP.

96. The TL further explained that AHs including their members who are within the working age (15-60 years old) will be entitled to participate in skills trainings. He elaborated that there are 18 training courses in three (3) categories obtained from Department of Labour and Vocational Training available at Pursat Vocational Training Center (Table 16).

Table 16: Vocational Training Courses Available

No	Courses	Duration	Estimate Cost (\$)
A. Skills			
1	Basic computing	4 months	150
2	Data base and management	4 months	150
3	Repair and install airconditioning	4 months	150
4	Repair and install computers	4 months	150
5	AutoCAD design	4 months	150
6	Foreman skills	4 months	150
7	Welding skills	4 months	150
8	Electrician	4 months	150
9	Veterinary	4 months	150
10	Website design	4 months	150
11	Traditional music	4 months	150
12	Mechanic and motor repairing	4 months	150
B. Agriculture			
1	Chicken raising and vaccination	7 days	100
2	Agriculture Material Compost	7 days	100
3	Growing vegetable	7 days	100
Department of Women Affairs			
C. Subjects			
1	Textile	6 months	200
2	Sewing	6 months	200
3	Growing vegetables	6 months	100

Source: Department Labour and Vocational Training

97. The AHs were explained in detail on the course contents and the benefits they and their family members will gain from successfully completing the courses. They were told that off-farm training courses would assist them to have an alternate source of livelihood for further income generation. Agricultural training will increase production and expansion of farm for extra revenue. The women and female members undertaking sewing would benefit from employment in garment

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factories. The AHs were informed that all the costs of the training will be met by the government. In addition, and in lieu of training, the TL informed that the AHs were entitled for \$500/AH cash assistance for IRP. Therefore, the AHs entitled for IRP will have (i) option to participate in the IRP undertaking training courses worth of \$500/AH (in which case the allocated amount will not be given to the AH but will be used as a block fund to support the various components of IRP training) or (ii) given cash assistance of \$500/AH as IRP. In addition to the above the 6 AHs who are vulnerable will be given \$100/AH cash assistance and priority for employment in the drainage network improvement and WWTP, and Solid Waste Management subprojects constructions work. The remaining 2 AHs who will experience temporary loss of income from businesses as well as major impacts from permanent loss of livelihood will be entitled for IRP under options (i) and (ii) above. Furthermore, they will receive \$50/AH for temporary loss of income and one-time cash assistance of \$200/AH for experiencing major impacts.

98. The AH from Solid Waste Management Subproject sought clarification whether the cash assistance for IRP will be lump sum including the loss of asset. In response it was confirmed that the loss of asset including land, main structure, secondary structure, shops/stores/stalls, trees and crops will be compensated based on the rate in the replacement cost study (RCS), which was conducted by the independent specialized agency. Therefore, the compensation on loss of asset is based on the actual loss as recorded during DMS and costed during the RCS. The amount on the IRP, if chosen for cash option will be the lump sum amount of \$500/AH, but if chosen by the AH and their members for training courses, then it will also be \$500/AH but it will not be given to the AH instead will be used to finance the costs of the training program under the IRP. In terms of IRP, the AHs and their family members were informed to decide whether they will undertake vocational training courses or take the cash assistance in lieu of the training courses offered.

99. The meeting was opened for discussion the IRC-WG sought responses from all the AHs regarding their choice of IRP options. The AHs informed the IRC-WG about their current occupation as being construction workers, sellers and housekeepers. They also informed that most of their family members were working elsewhere away from Pursat provincial town. Therefore, they were not interested in training courses being offered and would prefer cash assistance for IRP. However, they informed the IRC-WG that they will use that money wisely for the purpose of restoring the family income for the better standard of living. The TL informed the AHs that their choices would be recorded in the DRP for approval by IRC and ADB. However, the AHs were informed that they have the right to change their choice if any members opted for vocational training instead of cash assistance. This could be considered by the IRC-WG during contract offer and prior to signing the contract agreement. Lastly, the TL asked the AHs to raise their hands up as he called the two options. All the AHs opted for cash assistance instead of attending vocational training courses for the IRP. The Minutes of the Meeting is in Annex 4.

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XI. RESETTLEMENT BUDGET AND FINANCING

100. The land acquisition and resettlement cost has been estimated based on results of the DMS and the RCS at full replacement cost. The cost for all land acquisition, compensation, resettlement assistances under the Pursat drainage networks improvements and WWTP Subprojects will be financed from the national budget and no financing will be required from the ADB loans and grant. The resettlement budget is estimated at **\$9,462.34**. This includes: (i) \$7,009.14 as direct cost of compensation for affected secondary structures, trees, one-time cash assistance, allowances and other assistance for AHs; (ii) internal and external monitoring reports (10%) of \$700.91; (iii) administrative cost (15%) of \$1,051.37 and (iv) contingency cost (10%) of \$700.91. Details on the budget are shown in Table 17.

Table 17: Estimated Resettlement Cost

No.	Components	Unit	Quantity	Unit Cost (\$)	Total (\$)
A	Loss of Structures				
	Bamboo concrete	m ²	2.80	15.00	42.00
	Reinforced concrete	m ²	26.70	18.00	480.60
	Barbed wire fence	m	129.20	3.50	451.10
	Zinc/iron fence	m	29.40	9.50	279.30
	Wooden bridge	m ²	36.00	25.00	900.00
	Wooden stairs	set	3.00	70.00	210.00
	Spirit house	pole	2.00	55.00	110.00
	Extension roof	m ²	4.00	15.00	60.00
	Stall for small business (zinc roof, timber columns, no walls)	m ²	34.10	9.00	306.90
	House (zinc roof and wall)	m ²	72.00	35.00	2,520.00
	Garage/stable (zinc roof, wood walls, concrete floor)	m ²	2.25	56.00	126.00
	Concrete gate	m	0.16	14.00	2.24
B	Loss of Trees				
	Mango	tree	2	15.00	30.00
	Ferroniella Lucida	tree	1	24.50	24.50
	Jackfruit	tree	5	48.50	242.50
	Jujube	tree	1	9.50	9.50
	Papaya	tree	6	6.50	39.00
	Banana	tree	1	5.50	5.50
	Custard apple	tree	1	9.50	9.50
	Pring (aka Syzygium)	tree	1	40.50	40.50
	Other	tree	4	30.00	120.00
C	Impacts on Vulnerable AHs				
	Vulnerable households	AH	5	100.00	500.00
	IRP	AH	6	500.00	3,000.00
D	Temporary Loss of Income/ Major impacts				
	Loss of income from informal business	AH	2	50.00	100.00
	Major impacts and loss of livelihood	AH	2	200.00	400.00
	Total Direct Cost				7,009.14
	Internal and external monitoring cost		10%		700.91
	Administration Cost		15%		1,051.37
	Contingency		10%		700.91
	Total Resettlement Cost				9,462.34

Source: Replacement Cost Study Report

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XII. INSTITUTIONAL ARRANGEMENT AND IMPLEMENTATION

A. Institutional Arrangement

101. **Ministry of Public Works and Transport (MPWT).** The Project will be implemented by MPWT as the executing agency (EA) through the Project Management Unit (PMU), which will support MPWT in undertaking overall oversight and management of the Project. It will be supported by consultants to ensure that procedures are followed and that the implementation schedules are kept on track. However, it will not be responsible for carrying out the land acquisition and resettlement activities which is mandated to the General Department of Resettlement (GDR). MPWT and its PMU will coordinate closely with the IRC-WG on all matters concerning involuntary resettlement, working closely with RD3 of GDR to prepare, update, and implement the DRP. Roles and responsibilities of MPWT include:

- (i) Sharing the final DED with RD3 of GDR;
- (ii) Set out the demarcation of the land requirement along the final alignment within 1 month after completion of the DED, jointly with RD3 of GDR;
- (iii) PMIS international and national social safeguards and resettlement specialists to work with RD3 of GDR to assist with the DMS, information disclosure, consultations with affected people and communities, preparation of DRP, etc.;
- (iv) Provide RD3 of GDR with the proposed construction schedule identifying the schedule for completion of resettlement and handover of sites by sections to the contractor at least 6 months before the planned contract award date;
- (v) Inform RD3 of GDR in a timely manner if construction progress is hampered by resettlement or in case of any anticipated bottleneck;
- (vi) Assist and cooperate with RD3 of GDR in seeking solutions to problems encountered during implementation of the subproject;
- (vii) Invite RD3 of GDR to participate in supervision missions and wrap up meetings with ADB and ensure RD3 comments on land acquisition and resettlement issues are incorporated in aide memoires, memorandum of understandings, and minutes of discussions; and
- (viii) Responsible for ensuring there is no further encroachment on the ROW of the canals after it has been handed over by RD3 of GDR.

102. **Inter-Ministerial Resettlement Committee (IRC).** The IRC is the decision making and oversight body for LAR activities. It has the mandate to review and evaluate the resettlement impact and land acquisition for public physical infrastructure development projects in the Kingdom of Cambodia. The IRC is a collective entity, permanently chaired and led by the Ministry of Economy and Finance (MEF), with members from different line ministries. The IRC carries out its roles through a Working Group (IRC-WG) which is established by MEF for each public investment project. Key responsibilities of IRC include:

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

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103. **General Department of Resettlement (GDR).** The GDR is the permanent Secretariat of the IRC and the lead agency for the preparation, implementation, and monitoring and reporting of LAR. The GDR will carry out these activities under the drainage network improvement and WWTP subprojects through its Resettlement Department 3 (RD3). For this, detailed tasks of RD3 of GDR includes:

- (i) Coordinate and collaborate with line ministries, MPWT, and other agencies involved in LAR activities;
- (ii) Conduct public consultations and FGDs with the affected persons and vulnerable groups;
- (iii) Prepare the DRP for the subproject and submit to ADB for review and acceptance;
- (iv) Develop terms of reference and recruit the replacement cost appraiser;
- (v) Prepare and secure the necessary budget for the implementation of the DRP;
- (vi) Calculate, prepare contracts, and make payments for compensation for each AH based on the entitlement matrix in the DRP;
- (vii) Implement all LAR activities in compliance with the DRP;
- (viii) Ensure proper functioning of the GRM;
- (ix) Supervise, monitor, and report on implementation progress of the DRP;
- (x) Send Land Handover Letter to MPWT with a copy to ADB;
- (xi) Prepare and submit to ADB quarterly progress and semi-annual monitoring reports;
- (xii) Prepare, agree with ADB and implement corrective action plan, if any, during implementation; and submit the corrective action plan implementation report to ADB for concurrence and disclosure;
- (xiii) Conduct awareness workshops for MPWT, line ministries, local authorities, and construction contractor on the implementing rules and regulations as specified in the DRP; and
- (xiv) Serve as the focal knowledge center for resettlement of the project or subprojects.

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

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

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

- (i) Identify and coordinate the venue for the public consultation meetings and invite AHs to participate in the consultation activities, IOL, DMS, SES, RCS and other resettlement related activities; and

- (ii) Assist the IRC-WG, PRSC-WG, and GDR in developing suitable measures to assist the vulnerable AHs by the subproject.

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

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

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

109. **Inter-Ministerial Resettlement Committee Working Group (IRC-WG).** The IRC-WG will carry out the day-to-day LAR activities under the project which is led by the Deputy Director/Chief of the Department of Resettlement of the GDR and comprise technical PMU staff of the EA/implementing agency (IA), staff of the Resettlement Department and staff of the Ministry of Land Management, Urban Planning and Construction. The IRC-WG will be responsible for all the field work under the supervision of the Director of the Resettlement Department and overall guidance and direction of the Director General of the GDR. The composition of the IRC-WG is in Table 18.

Table 18: Composition of IRC-WG

No.	Name	Position	Agency
1	H.E Im Sethyra	General Director	GDR/MEF
2	H.E Vong Pisith	Project Director, MPWT	MPWT
3	Mr. Hiv Panhavuth	Deputy General Director	GDR/MEF
4	Mr. In Vothana	Director	RD 3, GDR
5	Mr. Kong Ratha	Director	DIMDM, GDR
6	Mr. Pin Nilla	Director	DGAF, GDR
7	Mr. Vong Chansopheak	Deputy Director	DGAF, GDR
8	Mr. Un Vallera	Deputy Director	RD 3, GDR

Source: Resettlement Department 3, General Department of Resettlement dated (10 January 2018)

110. **Provincial Resettlement Sub-Committee (PRSC).** The PRSC was established by the Pursat Provincial Governor at the request of the IRC for the Pursat drainage network improvements and WWTP subprojects. The composition of the IRC-WG is in Table 19.

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Table 19: Composition of the Provincial Resettlement Sub-Committee

No.	Position/Title	Name of Representative
1	Deputy Provincial Governor	H.E. Khoy Rida
2	Chief Provincial Administration	Mr. Khut Oussaphea
3	Director of DPWT	Mr. Kang Penghak
4	Governor of Pusat City	Mr. Chap Neang
5	Director of DPE	Mr. Pan Morokot
6	Director of DPEF	Mr. Sun Heng
7	Director of Cadastral Administration	Mr. Leam Bunroeun

Source: Provincial Governor Letter dated 05 March 2019

111. The role of the PRSC is as follows:

- (i) Provide the coordination and supporting role to the GDR, IRC and IRC-WG for LAR activities at the local level;
- (ii) Ensure all relevant provincial and local government authorities provide the necessary support for LAR;
- (iii) Manage the public consultation meetings at Provincial Level;
- (iv) Oversee and monitor the work of PRSC-WG;
- (v) Responsible and accountable for the disbursements of the compensation payments at the provincial level; and
- (vi) Assist the IRC-WG in developing measures to assist vulnerable households by the subprojects.

112. **Provincial Resettlement Sub-Committee Working Group (PRSC-WG).** The PRSC-WG was established by the Pursat Provincial Governor and is mainly responsible for technical functions of the PRSC and works with the IRC-WG in carrying out the LAR activities at the provincial level. The composition of the PRSC-WG is in Table 20.

Table 20: Composition of the Provincial Resettlement Sub-Committee-Working Group

No.	Position/Title	Name of Representative
1	Deputy Director of PDPWT	Mr. Sy vuth
2	Deputy Chief Provincial Administration	Mr. Chok Say
3	Deputy Governor of Pusat Town	Mr. Bung Tenglay
4	Chief Cadastral Administration Office	Mr. Chhor Moa
5	Official of DPE	Mr. Keo Rady

Source: Provincial Governor Letter dated 05 March 2019

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

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

114. **Project Management Implementation Support (PMIS) Consultants.** The PMIS consultants will have a support role in preparation of the DRP, and a reduced role in the

implementation of the DRP of the drainage network improvements and WWTP Subprojects. It will assist MPWT in the management and supervision of civil works activities and will ensure that the contractors adhere to with the terms of their contracts relative to avoiding and/or minimizing resettlement impacts. If land acquisition is or is likely to create a bottle neck for the progress of works, the PMIS will promptly advise the RD3 of GDR through the PMU of the problem. The PMIS will assist the RD3 and PMU to jointly resolve the problem.

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XIII. IMPLEMENTATION SCHEDULE

115. All resettlement activities will be coordinated with the civil works schedule. The DRP will be implemented after the approval of the DRP and the budget. The compensation payments will be carried out for all the 21 AHs within two (2) months. Demolition and shifting back of affected secondary structures of AHs/APs cannot commence until the DRP has been reviewed and approved by ADB. MPWT will not allow construction activities in affected sites until all resettlement activities have been satisfactorily completed, agreed rehabilitation assistance is in place, and that the site is free of all encumbrances. However, construction can proceed on sections free from encumbrances, based on agreement between MPWT and ADB. Table 21 summarizes the implementation of this DRP.

Table 21: Indicative Schedule of Resettlement Activities

Activities	Schedule
Completion and submission of DRP	12/2019
ADB Approval of DRP	12/2019
IRC approval of DRP	12/2019
Disclose DRP on ADB website	01/2020
Implementation of approved DRP	02/2020
Disbursement of Compensation to APs	02/2020
Site clearance	03/2020
Submit DRP implementation report to ADB	03/2020
No objection from ADB	03/2020
Civil Works commencement	04/2020
Internal Monitoring (Submission of DRP Compliance Report)	Until end of civil works

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XIV. MONITORING AND REPORTING

116. While the MPWT through its PMU and PMIS will be responsible for monitoring of the overall implementation of the Project and subprojects, the Department of Internal Monitoring and Data Management (DIMDM) of the GDR will be responsible for the monitoring and reporting of the implementation of the DRP.

A. Internal Monitoring

117. All internal monitoring and reporting on the implementation of the DRP will be carried out by the GDR in accordance with the principles agreed in this DRP and the monitoring indicators in Annex 6. DIMDM of the GDR will perform routine internal monitoring. The objective of internal monitoring is to (i) measure and report on the progress in the preparation and implementation of the DRP; (ii) identify problems and risks, if any and the measures to mitigate them; and (iii) assess if the compensation and rehabilitation assistance are in accordance with the provisions under the DRP. Internal monitoring with results will be reported to IRC and MPWT/PMU on a quarterly basis. The IRC-WG and the PRSC-WG will gather data and information on the progress of the LAR from the field and prepare and will submit monthly reports to RD3. The RD3 will compile the field reports and prepare a consolidated report on the implementation of DRP on monthly basis. The report will be submitted to the DIMDM which will (i) review the monthly progress reports, including fielding its own missions to verify the progress and the validity of the data and information, if deemed necessary; and (ii) compile quarterly monitoring report for submission to the Director General of GDR. After the quarterly monitoring report is endorsed by the GDR, it will be submitted to ADB, the latter report for disclosing on ADB's website.

118. For the DRP implementation quarterly monitoring report, the DIMDM may engage a national consultant to carryout DRP quarterly reviews of DRP implementation and prepare quarterly monitoring reports for GDR.

119. The internal monitoring report summarizes progress on resettlement activities and notifies ADB of approval by IRC-GDR's of any changes, as required, to the implementation of the DRP. The contents of the report include the status of the following:

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

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

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B. External Monitoring

105. No later than the commencement of land acquisition and resettlement activities, the IRC will engage a qualified and experienced External Monitoring Organization (EMO) under the terms of reference acceptable to ADB and IRC (i) to verify information produced the Project monitoring process and facilitate in carrying out of any verification activities; (ii) prepare quarterly safeguard monitoring reports for submission to IRC and ADB relating to the of and compliance with the DRP; (iii) assist IRC in disclosing of the relevant information from such reports to APs promptly upon submission. The monitoring reports of the DRP implementation will to determine whether intended goals are being achieved, and if not, what corrective actions are needed as part of the Project⁷. The terms of reference (TOR) will be updated by IRC, if necessary, and submit it to ADB for review and comments before engaging the EMO.

⁷ Even though EMO is not typically required for involuntary resettlement category B projects, for the Project an EMO is a loan covenant requirement (schedule 5, para 15).

ANNEX 1 Full overview of impacts and affected households

No	Name	Pavement (m ²)	Garage (m ²)	Lean concrete (m ²)	Barbed wire fence (m)	Zinc/iron fence (m)	Wooden bridge (m ²)	Wooden stairs (m ²)	Spirit house (m ²)	Extension roof (m ²)	Stall for small business (m ²)	House (zinc roof and wall) (m ²)	Concrete gate (m)	Mango tree	Feronella tree	Jackfruit tree	Juube tree	Papaya tree	Banana tree	Custard apple tree	Pring tree	Other tree
1	Bun Heng																					1
2	Nop Neang																					
3	Khiev Eng	1.00																				
4	Chan Chamroeun		2.25	3.60																		
5	Hing Chhun	1.80												1								1
6	Tuon Phy				8.00											2						
7	Pen Lang					17.40																1
8	Lang Samphorn							27.00														
9	Nov San																					
10	Jun Pov							0.60									1					
11	Chin Chuon																					
12	Phouk Kim				12.60				1													
13	Sout Viet							0.75														
14	Cheav Him							0.70		4.00												
15	Thach Tin										24.00	72.00						2				
16	Cheav Him								1				0.16			3		3	1	1		
17	Cheav Pey																				1	1
18	Ban Yam				10.30																	
19	Pov Nath				48.00																	
20	Beth Bit				28.00																	
21	Sout Viet						9.00				10.10								1			
TOTAL		2.80	2.25	26.70	129.20	19.40	36.00	2.05	2.00	4.00	34.10	72.00	0.16	2	1	5	1	6	1	1	1	4

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ANNEX 2 Request for establishment of Grievance Redress Committee

Request for establishment of Grievance Redress Committee for resolution from complaint from the affected people by Integrated Urban Environmental Management in the Tonle Sap Basin Project in Pursat province.

With reference to the letter # 3619 of **September 11, 2017** of Ministry of Public Works and Transport as above mentioned subject and reference, I have the honor of informing his excellency provincial governor that in order for resolution process with the affected households in Pursat province run smoothly according to procedure and resettlement policy between Royal Government and ADB, the Inter-Ministerial Resettlement Committee by development project is required to establish Grievance Redress Committee to coordinate, monitor and resolve any complaints from affected households through the above project. Therefore, in order for resettlement plan proceed smoothly, I need your kind assistance in forming Grievance Redress Committee to be prepared for cooperation with Inter-Ministerial Resettlement Committee by development project.

The members of Grievance Redress Committee are:

I Provincial Grievance Redress Committee

- | | |
|---|---------------|
| 1. Provincial Governor | Chairman |
| 2. Provincial Director of Department of LMU | Vice Chairman |
| 3. Provincial Department of MEF | Member |
| 4. Provincial Department of PWT | Member |
| 5. Provincial Department of MAFF | Member |

II District/Commune Grievance Redress Committee

- | | |
|--|---------------|
| 1. Related District/Khan Governor | Chairman |
| 2. Related Chief of Commune/Sangkat | Vice Chairman |
| 3. Related Commune/Sangkat secretary/Village Chief | Member |
| 4. One representative of Affected (selected from people living in the affected area) | Member |

Please note that Grievance Redress process shall be summited and verified with settlement policy to ensure accountability and transparency in response their concern at affected person's request.

There are 3 stages of Grievance Redress Resolution mechanism:

Stage 1: Affected households may negotiate with teamwork of inter-ministerial releasement committee or Provincial Resettlement Sub-Committees or lodge their complaints with chief of village/commune. They may proceed to 2nd stage without any due resolution within 15 days.

Stage 2: Affected households may negotiate with teamwork of inter-ministerial releasement committee or Provincial Resettlement Sub-Committees or lodge their complaints with chief of village/commune. They may proceed to 2nd stage without any due resolution within 15 days.

Stage 3: Provincial Grievance Redress Committee shall submit and resolve dispute with parties concerned within 30 days after receipt of complaints. They may proceed to 2nd stage without any due resolution within 30 days.

Court Procedure: Affected person may lodge a lawsuit to the court of first instance which development project is located in.

Please note that all the stages of complaints cannot be postponed to the project. As above-mentioned purpose, please submit and take action accordingly.

Director of Inter-Ministerial Resettlements Committee

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His Excellency: Ngean Leng

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ANNEX 3 Minutes of Public Consultations

Date: 18 December 2018
 Location: Sangkat Phtah Prey, Pursat municipality
 Subproject: Pursat Drainage and Stormwater Management

Minutes of the consultation with IUEMTSB-affected households

Participants: 11 affected people (6 male & 5 female) participated in the meeting. 18 organizers took part in the meeting.

The IRC, PRSC and Pursat Municipality authority conducted a consultation meeting with AHHs to:

- disseminate information on the project and its possible impacts,
- open for discussion on any problems,
- explain the ADB SPS and government policies, and
- prepare AHHs of upcoming drainage construction.

The Chief of Phtah Prey Sangkat, **Mr. Sao Mong**, delivered a welcome speech to the participants. He informed them of the purpose of the meeting in regard to the implementation of a new drainage system in Chamkar Chek Cheung and Kbal Hong villages in Sangkat Phtah Prey. He informed them that the project is supported by ADB, and he asked the people living in this area to take part in the project.

Mr. Bun Tanglay, deputy governor of Pursat town said that for IUEMTSB, Pursat Town has taken a golden opportunity with two subprojects. The first subproject is a new landfill with better standards (for improved hygiene) and technique in Toulmakak village, Sangkat Roleap. The second subproject is a new drainage system of 1,500 m in the villages Chamkar Chek Cheung and Kbal Hong, in Sangkat Phtah Prey. The two subprojects will have impacts on land and people living on the project locations, and affected people will receive compensation by RGC based on the size of impacts.

Mr. Srey Socheat, deputy team leader of IUEMTSB consultants explained the history of project and informed that it will be implemented as soon as possible. He also explained relevant policies like the ADB Safeguard Policy Statement and informing that affected people are entitled to compensation. The new landfill of 15 ha has already been tendered for bidding. Second, for the drainage system, our team has completed the study and has submitted it to ADB for approval. Our project shall use sewer pipes with a cross section from 1 m to 1.5 m and we will dig 3 m of width. In project implementation, we will try to minimize impacts on AHHs. One of the impacted locations will be the old canal, which is owned by the state.

Mr. In Vathana, Director, Resettlement Department 3, informed AHHs of the compensation policy of IUEMTSB projects in Pursat town. ADB provided a loan to RGC to implement the subprojects. However, all the compensations are to be paid by the RGC. This meeting provided information and consulted the people before the finalization of the DMS by IRC-WG which identifies an inventory of lost assets such as structures, houses, trees, private-owned land but we do not measure land on state-owned ROW. After we measure the inventory of losses, we make the contract with AHHs for compensation based on the size of impacts and market price evaluated by an independent agency.

We also provide additional compensation to the poor and vulnerable persons/groups:

- Households living below the poverty rate as established by the RGC under US\$33 per month
- Elderly people headed households with no means of support
- Female headed households with dependent living below the poverty rate
- Disable headed households
- Indigenous people (who often have traditional land rights but no formal titles)

After compensation settlement, our team provides AHHs one month for relocation for sbproject implementation stage.

A question was asked by affected person, [REDACTED] What distance is affected? He asked whether there can be clear demarcation poles showing how much will be affected.

Mr. Srey Socheat, deputy team leader of IUEMTSB consultants explained that the irrigation canal was determined and managed by the provincial department of water resources. Whereas our municipal drainage system run on public state land and we plan to dig and bury the sewer pipes of 4m width. Our project will clean and tailor laterite road for the people to minimize AHHs.

Mr. In Vathana, Director, Resettlement Department 3 said that we will try to minimize or avoid impacts. If an impact is necessary, then we shall accept compensation. RGC shall settle a full amount of compensation and ask the people/communities to engage in the discussion and raise concerns if there are any.

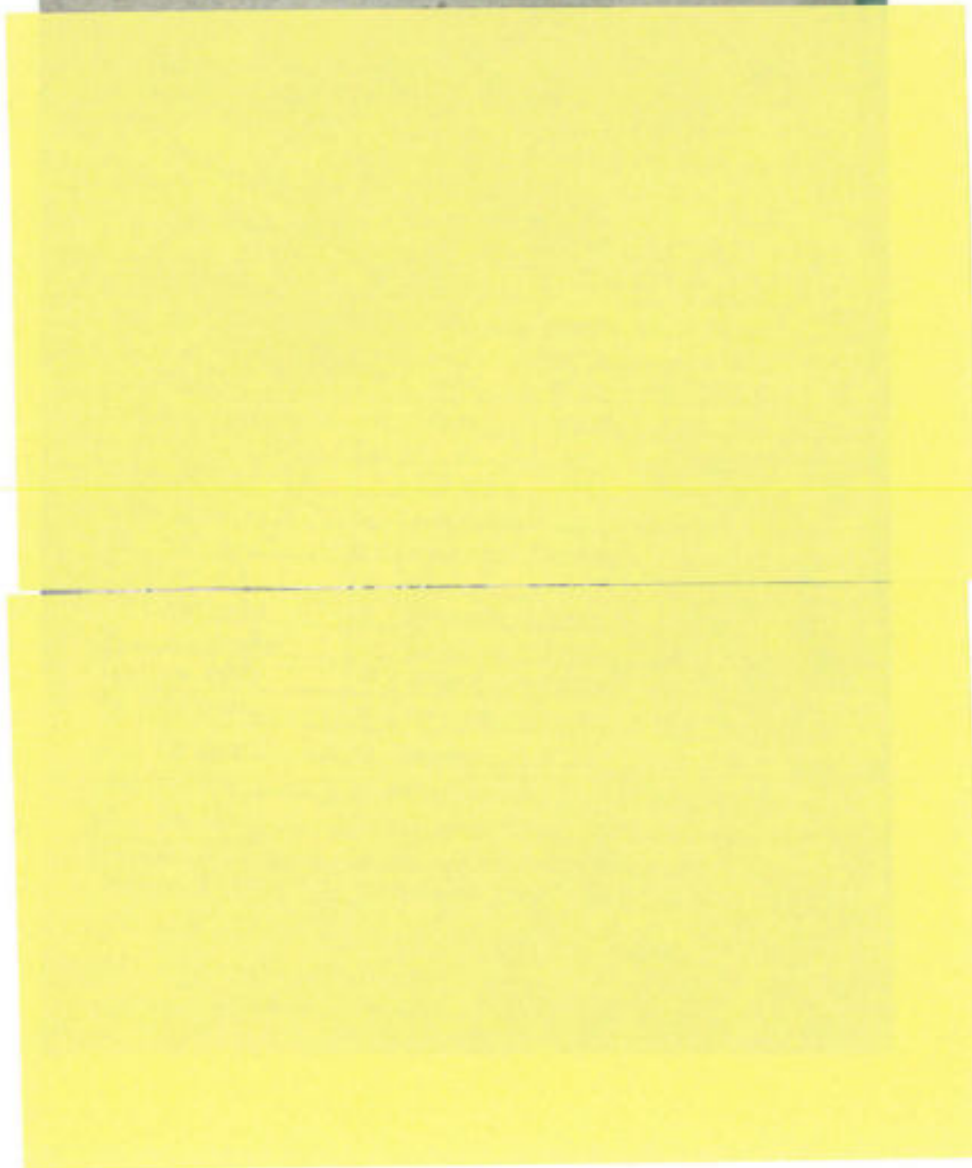
Mr. Bun Tanglay, deputy governor of Pursat town, added that land parcels in Pursat town have already systematically been registered and land demarcation based on land categories of public state road or irrigation canals. Therefore, the people/communities who are living on ROW and astride irrigation canals without legal title cannot be allowed to solid construction to avoid their interest loss.

Before wrapping-up the meeting, **Mr. Bun Tanglay**, deputy governor of Pursat town, expressed his thanks for everyone's kind cooperation and time in a whole morning. The meeting closed with friendly and enjoyable atmosphere.

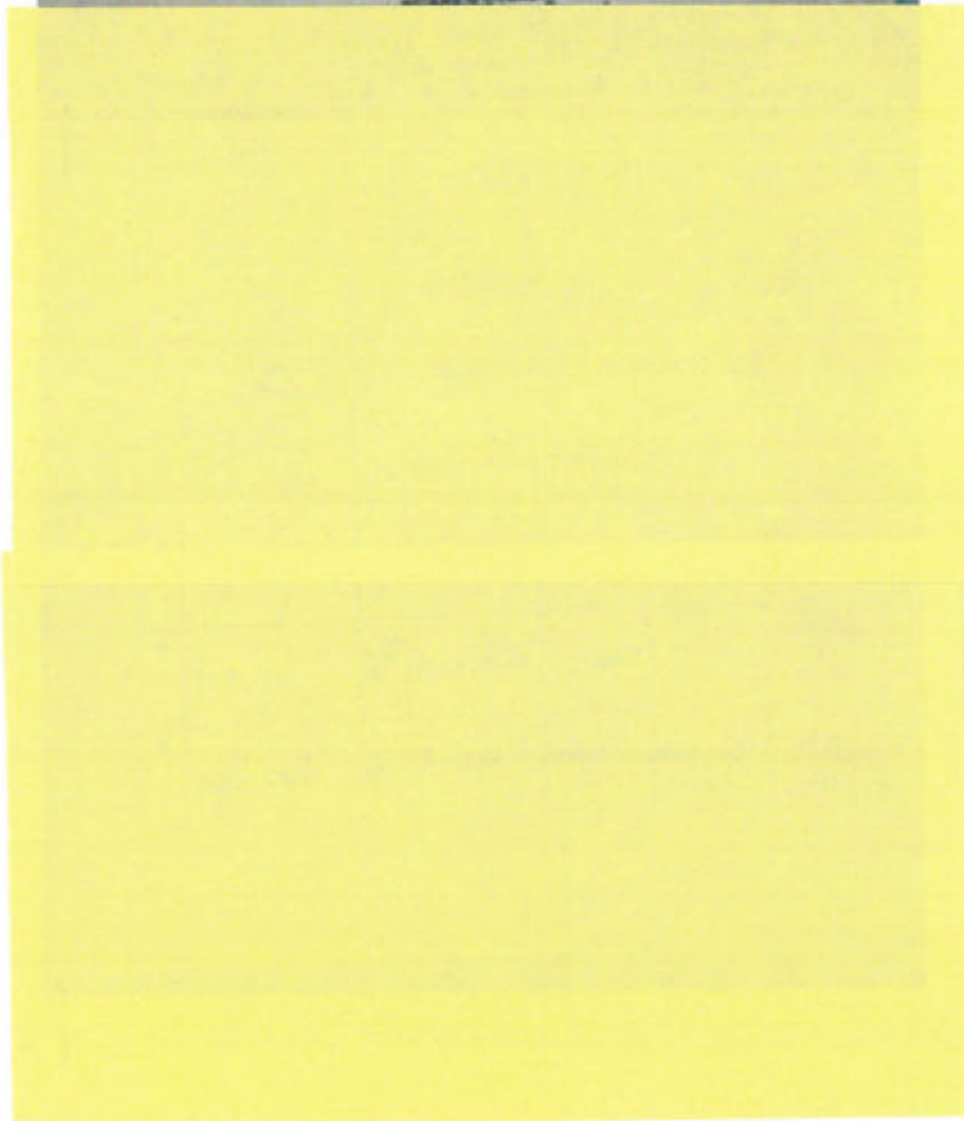
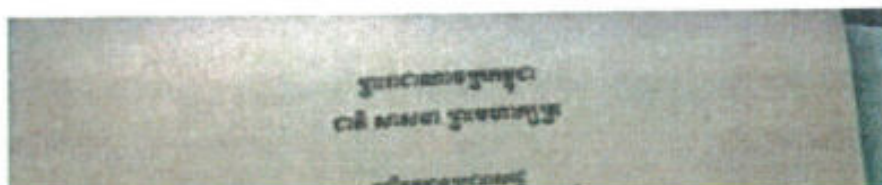


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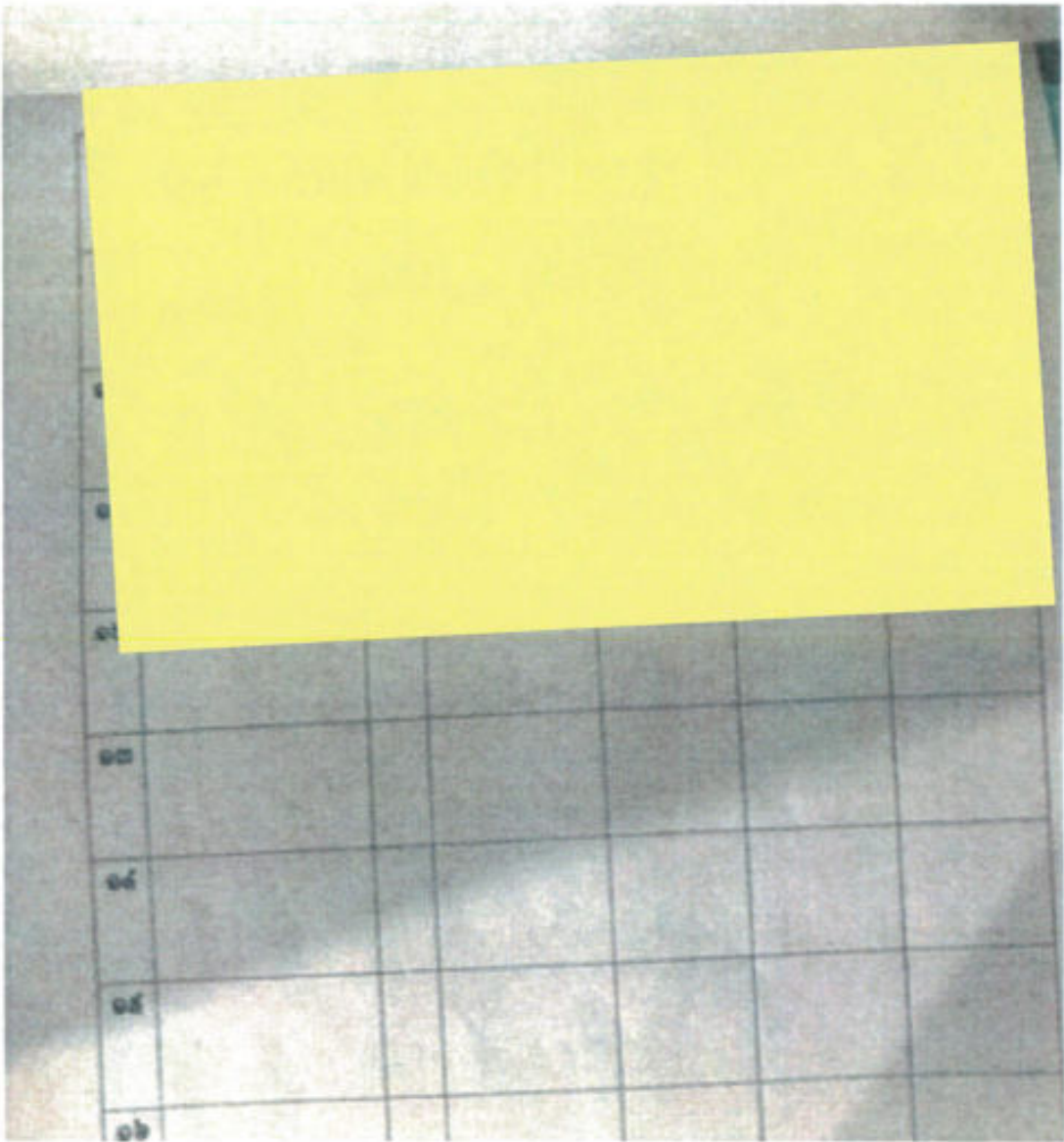
Attendance list



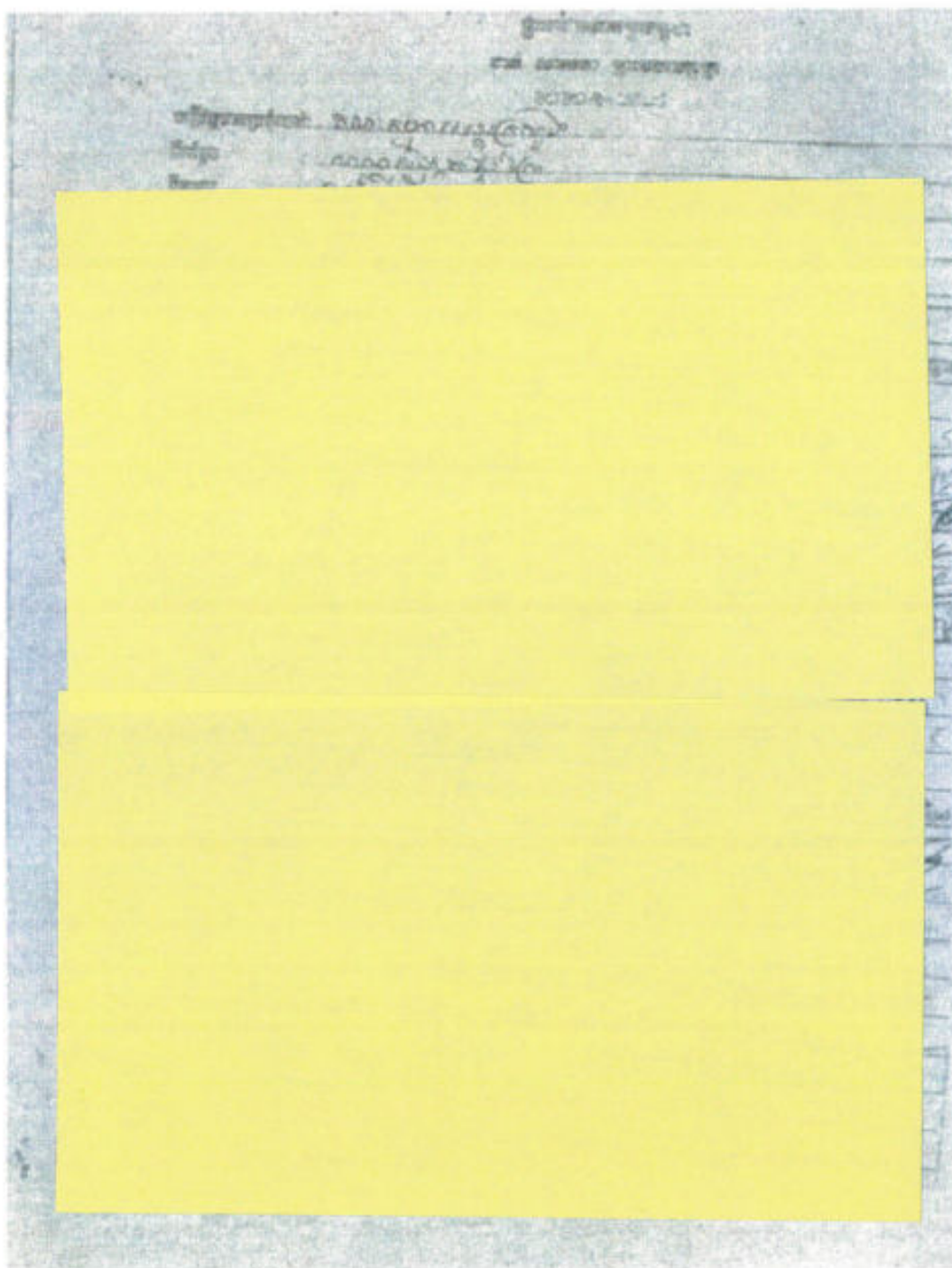
RNV ✓



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done ✓

Date: 29 January 2019
 Location: Sangkat Phtah Prey, Pursat municipality
 Subproject: Pursat Drainage and Stormwater Management

Public Consultation with affected people

Participants: 16 affected people (12 male & 4 female) and 12 organizers attended the meeting.

IRC, PRSC and the Pursat Municipality authority conducted a meeting with AHHs to disseminate information, bring forward problems and to let affected people express concerns. The participants were informed of the ADB safeguards policy and how the process of compensation for losses will be done. The people were informed that all compensation demands need to be done before the construction begins.

The deputy governor of Pursat municipality, **Mr. Bun Tanglay**, described the two subprojects: (1) Landfill in Tuol Mkak, Sangkat Roleap and (2) Drainage system/WWTP in six villages in Sangkat Phtah Prey. The drainage subproject includes rehabilitation of old sewer pipes and there will be an inventory of loss of assets (structures, fruit tree etc.), and compensation will be paid for lost assets and loss of livelihood. However, no compensation will be paid in case of ROW use.

Mr. Youk Bun Heng, deputy team leader of IRC, said that so far the people have used and made structures on the ROW, and from now on the people/community cannot build anything on the ROW to avoid their structures to be lost without compensation in the implementation of the project.

The participants were encouraged to ask questions about the project.

Q1-Where will the drainage system be installed?

A1-The drainage system will run under the central line of the road.

Q2-Will the project re-build the road?

A2-Yes. After the sewer pipes have been put in place, we will build blacktop of 12m width (6mx2 offset from central line).

Q3-How many parcels of private land will be affected by the construction of the road?

A3-The road will be built on the designed road, which is state property. Our team will supervise the construction to see the current conditions.

Mr. Bun Tanglay, advised the participants that when the DMS team go to measure, that the affected people should cooperate with the DMS team and let the team know the locations. In regards to the people living on ROW, along the canal without legal titles, they are not allowed to build concrete/solid constructions in order to avoid losses which cannot be compensated.

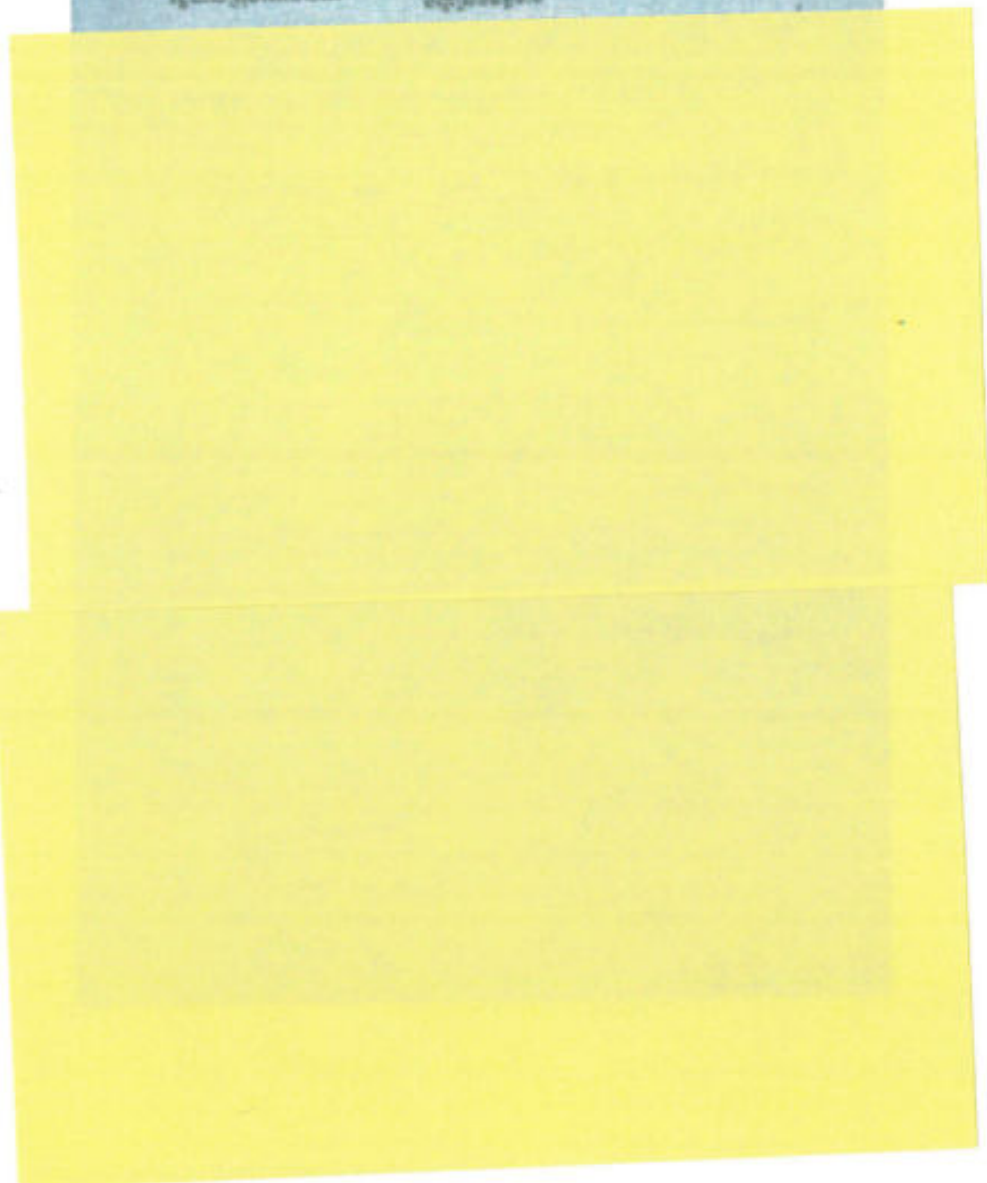
It was also requested that the people/community in the town in the future shall pay the service fees such as solid waste and wastewater fees in order for the authorities to be able to maintain the new infrastructure.

Before wrapping-up the meeting, **Mr. Bun Tanglay**, deputy governor of Pursat town expressed his thanks for the people's kind cooperating and time. The meeting closed with a friendly and enjoyable atmosphere.

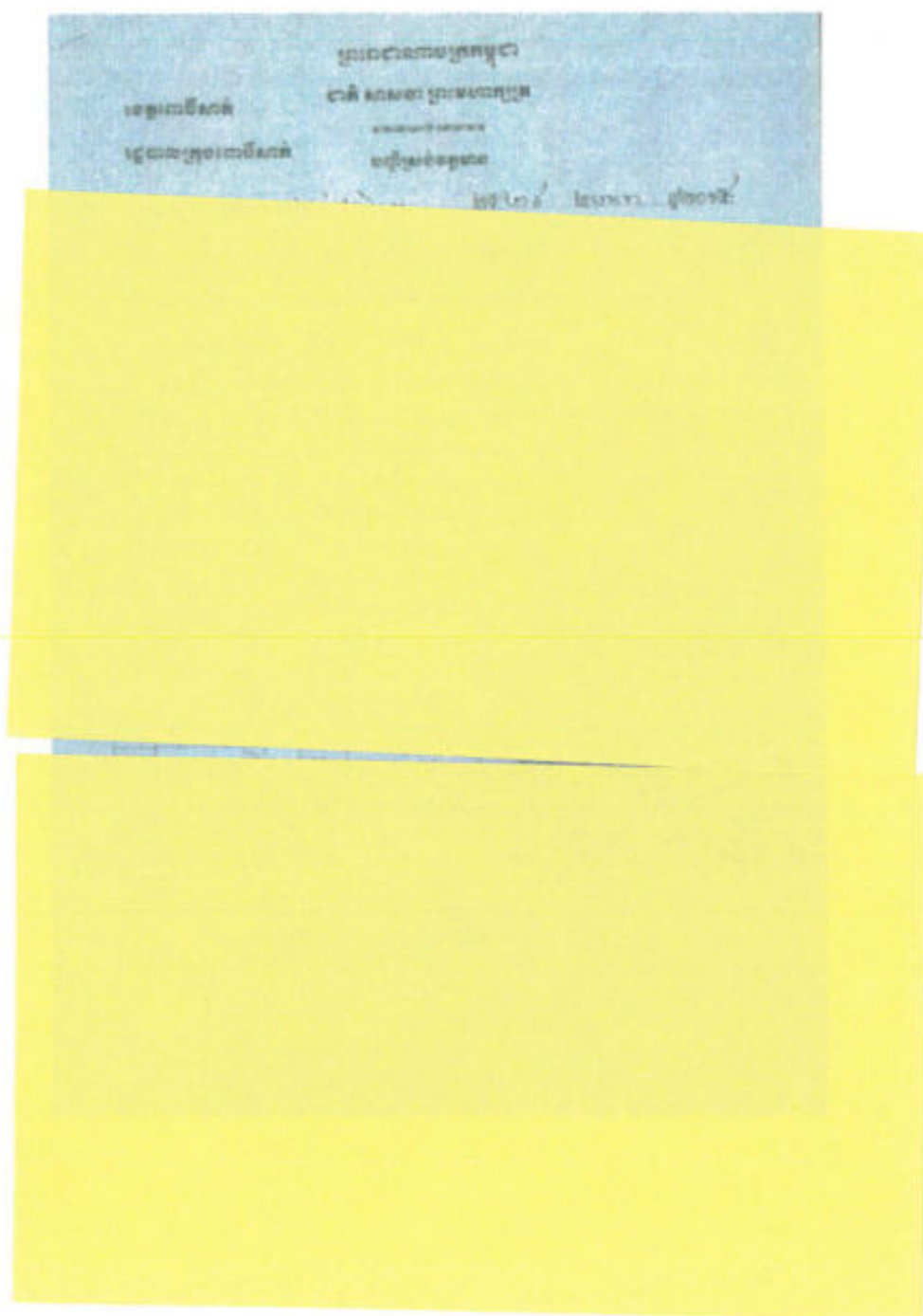


Attendance list

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ជាតិ សាសនា ព្រះមហាក្សត្រ	
សេចក្តីជម្រាបជូន	អគ្គនាយកដ្ឋានបច្ចេកទេស
អគ្គនាយកដ្ឋានបច្ចេកទេស	អង្គជំរឿនបច្ចេកទេស



20/5



End

