

# Resettlement Plan

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November 2019

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

### Pursat Solid Waste Management 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  
November 2019



## **KINGDOM OF CAMBODIA**

### **Integrated Environmental Management in the Tonle Sap Basin Project**

### **Pursat Solid Waste Management Subproject**

Prepared with the assistance of PMIS Consultants for the General Department of Resettlement of the 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                                         |
| DRP     | detailed resettlement plan                               |
| 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                        |
| MEF     | Ministry of Economy and Finance                          |
| 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                              |
| PMIS    | 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      |
| 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 displaced/affected persons 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 for an asset or resource that is acquired or affected by the Project.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Corridor of Impact                             | This is the area that will be cleared of all structures and obstructions.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Cut-off date                                   | This refers to the date prior to which the occupation or use of the project area makes residents/users of the same eligible to be categorized as affected people. Persons not covered in the census are not eligible for compensation and other entitlements, unless they can show proof that (i) they have been inadvertently missed out during the census and the inventory of losses (IOL); or (ii) they have lawfully acquired the affected assets following completion of the census and the IOL and prior to the conduct of the detailed measurement survey (DMS).                                                                                                                                                                                                                          |
| Displaced Persons (DPs)/Affected Persons (APs) | <p>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.</p> <p>The SPS uses the term 'affected person' (AP) in a broader sense in the context of consultations, disclosure, and grievance redress mechanism that includes persons not directly affected by an ADB project. However, the EA understands and uses the term AP as what the SPS calls DP. Accordingly, the term AP is used in this DRP.</p> |
| 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 Program                     | A program designed with various activities that aim to support affected persons to recover their income / livelihood to pre-subproject levels. The program is designed to address the specific needs of the affected persons based on the socio-economic survey and consultations.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 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, sour or the ROW in connection with the project.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Land acquisition                               | Refers to the process whereby an individual, household,                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

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|                             | 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.                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Rehabilitation              | Additional support provided to AHs losing productive assets, incomes, employment or sources of living, to supplement payment of compensation for acquired assets, in order to achieve, at a minimum, full restoration of living standards and quality of life. In this project, this term is synonymous with "Income Restoration". It means the process to restore income earning capacity, production levels and living standards in a longer term. Rehabilitation measures are provided in the entitlement matrix as an integral part of the entitlements                                                                                               |
| Relocation                  | This is the physical displacement of project affected persons 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 without deducting transaction costs necessary to replace the affected assets, depreciation for such assets or for material salvaged, taxes and/or travel expenses. It should be at market value or its nearest equivalent, at the time of compensation payment.                                                                                                                                                                                                                                                                                                                 |
| 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.                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Severely affected household | This refers to affected households who will (i) be physically displaced from housing, or (ii) lose 10% or more of their productive assets (income generating).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Vulnerable groups           | These are distinct groups of displaced persons who are likely to be more adversely affected than others and who are likely to have limited ability to re-establish their livelihoods or improve their status and comprise of : (i) households living below the national poverty rate established by the RGC, (ii) female headed households with dependents, (iii) disabled headed households with no other means of support, (iv) elderly headed households with no other means of support, (v) landless or those without legal title to land, and (vi) indigenous people or ethnic groups (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 (TS-1, or 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 improvement, and a managed landfill, widened access road and associated equipment. This detailed RP (DRP) is prepared for the solid waste management (SWM) subproject only. The SWM subproject is designed for 30 years' operational capacity. The four stages will occupy an area of about 10 ha overall, including allowance for buildings, roads, waste cells, drainage and tree-line barriers around the waste mounds.

3. A 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 SWM subproject.

### B. Scope of Land Acquisition and Resettlement

4. The managed SWM site is situated on government-owned land. The entire land area is idle non-productive and non-used land. Based on the DMS conducted on 21 December 2018, a total of 5 affected households (AHs)/26 affected people (APs) are impacted by widening and construction of extension of the access road. The resettlement impact will be on agricultural land (1,410 m<sup>2</sup>), some secondary structures and 2 mango trees. 1 AH (8 APs) is vulnerable (poor).

5. The existing Pursat dumpsite has 14 AHs working as waste pickers identified through public consultations. The dumpsite is on privately owned land and operated privately. It is not possible for the project to close and rehabilitate the dumpsite without agreement from the landowner. ADB's SPS defines economic displacement as "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"<sup>11</sup>. At this point, no such agreement between the landowner and the government (for closure and rehabilitation) exists, and so no restriction on the use of the land is anticipated. As such, the SPS requirements are not triggered.

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

6. Consultations, public meetings and village discussions with the AHs and the local government were conducted during PPTA stage of RP preparation, prior to DMS and preparation

<sup>11</sup> Scope and Triggers, page 17 (ADB SPS, 2009)

of this DRP. Consultations will continue during implementation of the DRP, consistent with the Project's participatory approach.

7. The grievance redress mechanism (GRM) has been designed to ensure that the concerns and complaints of the AHs are readily addressed at the local level in a timely and satisfactory manner. GRC was established based on letter (reference 3619) sent 11 September 2017 (Annex 2). GRC was trained by GDR on 27 November 2018 to strengthen their capacity in receiving and resolving the complaints in a timely manner and make the GRM fully operationalized. The AHs have been made fully aware of their rights through verbal and written means during resettlement planning, updating, and implementation. GRC process and contact person have been disseminated to AHs via updated Public Information Booklet in 3 January 2019 (Annex 8).

8. As outlined in the April 2015 RP, the grievances will be handled in three stages at the administrative level and if the aggrieved AH is not satisfied with the solution made by the provincial grievance redress committee, court procedures will apply.

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

9. This DRP has been prepared to address land acquisition and resettlement (LAR) for the landfill site 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.

10. The cut-off date for eligibility to Project and subproject entitlements is 21 September 2013.

#### **E. Implementation Arrangements**

11. The Project and subproject will be implemented by the Ministry of Public Works and Transport (MPWT) as the executing agency through a Project Management Unit (PMU), which will support the EA to undertake overall oversight and management of the Project. However, under the oversight of the Inter-ministerial Committee (IRC) on resettlement the General Department of Resettlement (GDR) of the Ministry of Economy and Finance (MEF), through its Resettlement Department 3 (RD3), will be lead agency directly responsible for updating, implementing and monitoring the DRP. A project level Inter-ministerial Committee Working Group (IRC-WG) has been established to provide overall guidance and oversight and ensure effective coordination among various line ministries on matters related to land acquisition and resettlement (LAR). At the provincial level, the MPWT and IRC are assisted by the Resettlement Subcommittee in the provinces and districts through the Provincial Resettlement Sub-Committee Working Groups (PRSC-WGs). A Project Implementation Unit (PIU) has been set up in Pursat to work with the IRC-WG in guiding, supporting and endorsing the work of PRSC and working groups for all activities related to planning and implementing LAR.

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

12. The total resettlement cost for the landfill is estimated at \$ 17,546.54 which includes land acquisition and compensation for secondary structures and trees, income restoration program, other entitlements and allowances of the AHs, management costs for DRP implementation, and contingency. These costs will be financed from the national budget and no financing will be

required from the ADB loans and grant. The MEF will be responsible in ensuring the availability of DRP implementation fund.

#### G. Monitoring and Reporting

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

14. In compliance with loan agreement no later than commencement of LAR activities an external monitoring organization (EMO) will be engaged to verify information produced through the project monitoring process<sup>1</sup>. The controlled landfill subproject 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 Pursat SWM component.

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<sup>1</sup> 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

### H. Overview of the Project and rationale for preparing DRP

15. The Royal Government of Cambodia (RGC) through the Ministry of Works and Transport (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.

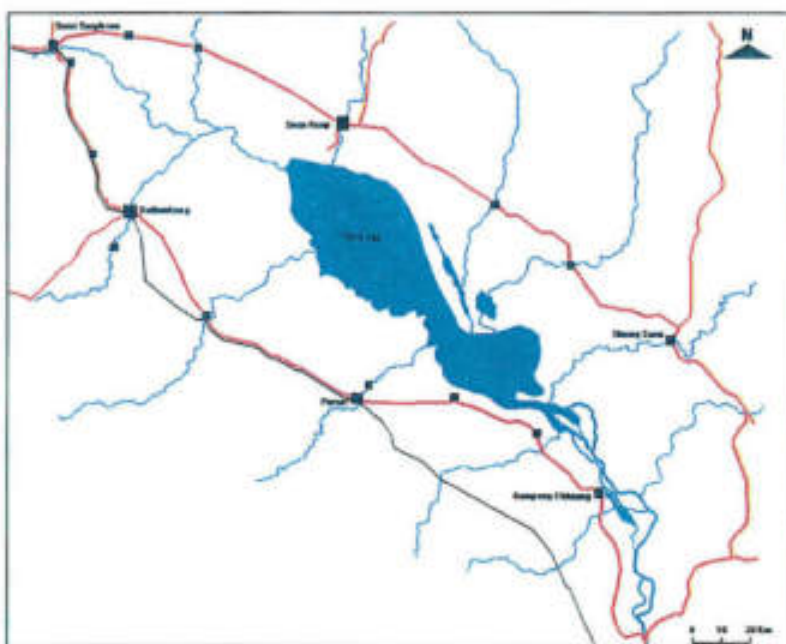


Figure 1: Location Map of the participating towns

16. The outcome of 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 the 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 due to storm water.

17. This DRP is prepared for only the solid waste management (SWM) subproject in Tui Mkak Keut village, Roleap Sangkat, Pursat town. 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 project implementation unit (PIU) representatives and members of the project management implementation support (PMIS) consultants. Verification of the assessment was done by project management unit (PMU) and inter-ministerial resettlement committee working group (IRC-WG) on 27 January 2019. Based on the IR impact screening, the subproject has some IR impacts in terms of agricultural land acquisition, secondary structures and trees which are not deemed significant. Hence, the IR of the subproject is classified as **Category B**. There is no involuntary restriction on access to legally designated parks and protected areas. The existing dumpsites located on private land and privately operated will not be closed by the Project until an agreement is reached between the Project and the landowner. The Project does not cause direct or indirect impact on livelihoods of waste pickers working on these dumpsites. Therefore, this resettlement plan does not cover waste pickers that continue working on the two existing dumpsites.

#### I. Proposed Subproject Description

18. As per PAM and PPTA design, SWM subproject outputs include improvement, upgrading and capacity increase of the solid waste landfill in Pursat of approximately 28 ha, provision of equipment for solid waste collection, widening and surfacing of access road (approx. 900 metres) and landfill site management. During the DED, changes were made to reduce the size of the landfill area to 15 ha, while total length of access road was increased to 1,500m to avoid larger area for LAR for the access road. The supervised closing of the two old dump sites has not been confirmed in absence of agreement between the private owners and the government.

19. Pursat new SWM site is in Toul Mkak Keut village, Roleap Sangkat approximately 10 km from the municipal center. The site is owned by the Provincial Government. The entire land area is idle non-productive and non-used land, which is partially overgrown with shrub with no commercial value (**Annex 1**). The surrounding vicinity of the landfill site is mainly agricultural and grass lands to the west and south. There is only scattered housing (4 houses) near the proposed landfill site between 300 - 350 m from the landfill site. There will be no direct impact from the landfill site construction. Indirect environmental impact will be mitigated under Environmental Management Plan (EMP) of the Project.

20. An improved access road will be required from National Road No. 5 to the south to the landfill site along an existing dirt road (**Figure 3**). The length of the access road improvement is 1.5 km and it requires acquisition of 1,410 m<sup>2</sup> of rice field to connect the current access road to the landfill site (approximately 140 m length of extension to existing access road is required). The existing road is in poor condition and too narrow for the landfill traffic (**Image 1**). The corridor-of-impact (COI) is 10 m, which is the same as the right-of-way (ROW) of the road. The COI includes carriage way and shoulders (**Figure 4** shows the cross section of road), whereas drainage is not to be constructed.

21. The waste cells will be developed in four stages at the southwest section of the landfill site with waste cells covering total of 3 ha. In addition, there is allowance for some small buildings, roads and tree buffers around the waste mound (**Figure 2**).

22. The landfill site will initially be operated as managed landfill site with any effluent locally stored until evaporated during dry season. There will be no effluent discharge from the site. **Figure 2** shows the features of the landfill. The scope of work of the Works Contract I include the following technical and functional items:

- Backfilling of landfill area (6.6 ha)
- New disposal area (0.64 ha - one cell)
- Preparation of cell 2 (only basic levelling of site)
- Fencing of site (1,350 m) with needed gates
- Internal access roads
- Administration building (100 m<sup>2</sup>)
- Leachate water pumping station
- Leachate collection system with leachate ponds
- Solar power system (2kW) and Generator 20 kW
- Water facilities - deep well (for industrial use) and water tank (for potable water use)
- Monitoring wells (2 pcs)
- Lightning of the reception area, by illumination poles with armatures
- Others site works
- Equipment



Image 1: Access road and impacted electricity line (ROW demarcated with red pegs)

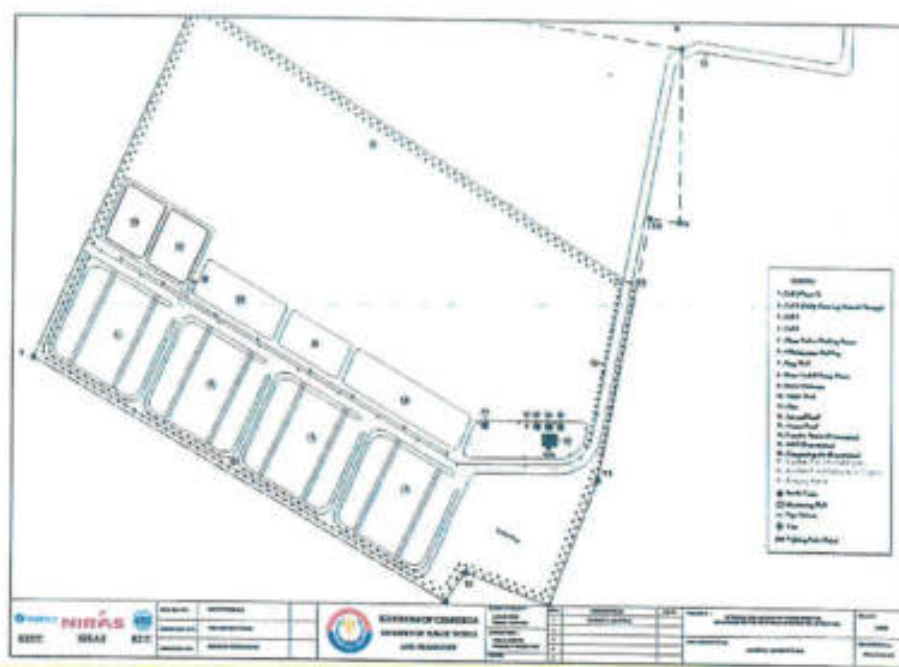


Figure 2: Layout for the landfill site



Figure 3: Access road alignment

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#### J. Measures Adopted to Minimize Resettlement

- In site selection, idle Government owned land was chosen. The vicinity of the site does not have many residential houses or planned development.
- Size of the landfill site was reduced from PPTA estimated 28 ha to 15 ha.
- Access road for connecting existing road to the landfill site was realigned during detailed engineering design (DED) to where least amount of land was required to be acquired. This increased the length of the existing access road to be widened, but with reduced impact on rice field for the access road extension required (Image 2). Access road width was reduced from design 13.3m (PPTA) to 10m to reduce LAR impact and fit mostly within the right-of-way (ROW) of the road.
- In DED, the location of the waste cells was placed in southwest corner of the site to increase distance to the nearest residential houses. Trees and fences are going to be placed surrounding the landfill site to reduce wind speeds, and to minimize waste flying off. EMP for the subproject includes mitigation budget for the households living within 350m of the border of the landfill site.
- Operation and Maintenance (O&M) will minimize odour or flies at the landfill site, as well as rainfall infiltration and therefore leachate generation. No effluent will be released from the landfill site, hence there will be no social and health impacts in terms of water pollution in near-by water bodies.





Image 2: Intersection for final segment of access road (land to be acquired)

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### III. SCOPE OF LAND ACQUISITION AND RESETTLEMENT

24. This DRP has been prepared for the SWM subproject in Pursat Town. The Inter-Ministerial Resettlement Committee Technical Working Group (IRC-WG) conducted the DMS and the Socio-Economic Survey (SES) with AHs/APs from 21 to 26 December 2018 to document the number of the displaced persons and finalize the inventory of affected assets/land/incomes of the AHs/APs. The SES methodology employed was a survey questionnaire which contained questions on demographic and socio-economic profiles of SES respondents, AHs/APs. The SES was conducted on 5 AHs/26 APs or 100% of the total SWM subproject.

25. 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 the alignments of entire access road within the corridor of impact (COI). The survey team used a meter stick to measure the areas of the 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. DMS results were shared with the independent firm, Bluefield engaged by GDR for undertaking the RCS.

#### A. Summary of LAR impacts

26. The subproject will impact a total of 5 AHs/ 26 APs (9 male and 17 female). All household heads are male. Of these 5 AHs, 2 AHs will lose agricultural land (total of 1,410 m<sup>2</sup>), 4 AHs will lose secondary structures (walls, fencing, pavement and well) and 1 AH will lose 2 mango trees. Also, under the civil works contract, the electricity line will be re-installed along the access road. None of the AHs experience major impacts, but 1 AH is poor.<sup>2</sup> All the AHs are cultivating the ROW of the access road illegally after the subproject cut-off date 21 September 2013 was announced and will not be compensated for their loss of use of land. The cut-off date has been further explained to the AHs during public consultations in 19 March 2018 and 3 January 2019 (Annex 3 and 4) and updated PIB (Annex 8) distributed on 3 January 2019. In the consultations, in general, the people who are currently using the ROW have no objection for not being allowed to continued land use on ROW but requested for compensation for the structure or tree that they built and planted on the ROW. The encroachment of the ROW is clearly visible on Google Earth imagery taken before cut-off date and between recent imagery (See Annex 5).

#### B. Details of Individual Impacts by Type

27. **Impact on Land.** The DMS identified 2 AHs/11 APs with a total of 1,410 m<sup>2</sup> of agricultural land that will be acquired for the landfill access road (Table 1). No residential land is impacted. The 2 AHs will each be losing less than 2% of their total productive land (1.24% and 1.77% respectively) and do not experience major impacts from the loss of productive land. Both AHs will benefit from improved access road to their remaining agricultural land.

<sup>2</sup> 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.

Table 1: Summary of Impact on Land

| No    | Sangkat | Village         | No. of AH | Gender | Age (years) | Affected Area (m <sup>2</sup> ) | Total Area (m <sup>2</sup> ) | % of affected |
|-------|---------|-----------------|-----------|--------|-------------|---------------------------------|------------------------------|---------------|
| 1     | Roleap  | Toul Makak Keut | 1         | Male   | 36          | 400                             | 32,280                       | 1.24          |
| 2     | Roleap  | Toul Makak Keut | 1         | Male   | 39          | 1,010                           | 57,190                       | 1.77          |
| TOTAL |         |                 |           |        |             | 1,410                           |                              |               |

Source: DMS, 2019

28. **Impact on Land Use.** The April 2015 RP identified 8 AHs (legal owners) and 1 AH (no legally recognized proof of ownership) losing productive land along ROW of access road. However, during the DED, this impact was avoided through narrowing the access road from 13.3 m to 10 m, and the number of AHs was verified during DMS. The households currently farming the Corridor of Impact (COI) of the access road (10 m) are doing so illegally and started farming after cut-off date of 21 September 2013 (as per April 2015 RP prepared during PPTA). This is demonstrated by pairs of satellite imagery along the access road (Annex 5). All the households are farming illegally within the ROW and will benefit from highly improved access to their adjacent agricultural land plots.

29. **Impact on Structures.** No main structures will be affected. A few of secondary structures will be impacted as detailed in the Table 2 due to them being constructed on the ROW. Only the well is entirely impacted, whereas the rest are partially impacted. The well will be compensated at full replacement cost allowing re-construction of the well by the AH. Overhead electricity line will be impacted from the main road to first house along the access road and will be re-installed under the civil works contract. All the AHs will benefit from highly improved all-year-round access to their houses. Table 2 summarizes the impact on secondary structures.

Table 2: Summary of Impact on Secondary Structures

| No | No. of AHs/APs | Concrete Wall (m) | Well | Fence (m) | Lean Concrete (m <sup>2</sup> ) | Concrete Column (m <sup>2</sup> ) |
|----|----------------|-------------------|------|-----------|---------------------------------|-----------------------------------|
| 1  | 1/4            |                   |      |           | 1.4                             |                                   |
| 2  | 1/7            |                   |      | 188       |                                 |                                   |
| 3  | 1/8            |                   | 1    |           |                                 |                                   |
| 4  | 1/3            | 1.2               |      |           |                                 | 0.21                              |

Source: DMS, 2019

30. **Impact on Crops and Trees.** No crops are affected. 2 AHs / 11 APs under negotiated land acquisition can harvest their crops prior to site clearance. The households farming within on the ROW of the access road have been notified of the illegality of the practise during public consultation on 3 January 2019 and will refrain from sowing rice seed in the area in the upcoming crop season (Annex 4). 1 AH (8 APs) has impact on 2 mango trees. The impacted trees do not represent main source of livelihoods of the AH (occupation of HH head is worker) and the trees will be compensated at full replacement cost.

31. **Impact of Livelihood.** There is no impact on businesses or livelihoods resulting from the Pursat SWM component.

### C. Vulnerable Affected Households

32. There are no indigenous peoples among the AHs or in the vicinity of the landfill site or its access road. Predicted impact on the severely affected and vulnerable AHs during PPTA (2015) have been fully avoided by reducing the width of the access road from 13.3 m to 10 m. However,

there is 1 vulnerable AH / 8 APs (poor) within the total of 5 AHs. This vulnerable AH will be eligible for one-time cash assistance allowance of \$100 per 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.<sup>3</sup> Finally, vulnerable AH has priority for employment in the subproject construction works.

#### **D. Temporary Impacts**

33. There are no temporary impacts during construction of the subproject. However, it is expected that contractor/s would have a need for temporary site installation, camps and storage areas until access road to the landfill site has been constructed. For these requirements, the contractor will have to propose for the acquisition of land for these installations in a "Site Installation and Access Plan" and obtain approval of this plan. Where possible, public and/or government land would be used for temporary land use. Some public land is available along the electricity line next to the National Road. Once access road has been connected to the new landfill site plot there is vacant public land available north of the landfill site (part of the same parcel as the landfill site) for any temporary site installation, camps and storage.

34. The PMU 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 redress mechanism is followed, (v) 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**

35. 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 subproject 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.

<sup>3</sup> The IRP of this AH has been prepared and will be implemented with the IRP of the AHs under the DRP for Drainage Network Improvement and WWTP subprojects.



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

36. The socio-economic survey (SES) of AHs/APs was conducted simultaneously with the DMS by the IRC-WG as part of the DRP updating process. A total of 5 AHs representing 100% of total AHs were reached as the SES respondents. Men respondents were represented with 100% and women respondents with 0% due to all AH heads being male.

37. The SES results present the baseline information on the socio-economic situation of affected households due to the construction of the access road component of the SWM subproject. The necessary data and information were collected through the DMS Questionnaire and was used to establish baseline information on socio-economic status of the APs and AHs. The baseline information includes demographic, occupational, vulnerability data and gender variables, and self-reported income and expenditures.

##### A. Gender and Household Composition

38. In total, the subproject will impact 5 households or 26 persons (9 males and 17 females). The household size ranges from three to eight persons in a household. Average family size is five (5) persons per AHs. All AHs are male-headed households. Table 3 summarizes the gender of the AH heads.

Table 3: Summary of Gender of AH Heads and APs

| Numbers        | Male | %   | Female | %  | Total |
|----------------|------|-----|--------|----|-------|
| No. of APs     | 9    | 35  | 17     | 65 | 26    |
| No. of AH Head | 5    | 100 | 0      | 0  | 5     |

Source: SES, 2019

39. **Gender, Ethnicity and Civil Status.** The heads of AHs are all married (100%), Khmer ethnicity (100%) and between 36 to 46 years of age (100%), i.e. in working age. Table 4 summarizes the demographic profile of the AHs.

Table 4: Summary of Demographic Profile of Affected Households

|                       | Male Household Head | %   | Female Household Head | % | Total | %   |
|-----------------------|---------------------|-----|-----------------------|---|-------|-----|
| <b>Marital Status</b> |                     |     |                       |   |       |     |
| Married               | 5                   | 100 |                       |   | 5     | 100 |
| Total                 | 5                   | 100 |                       |   |       |     |
| <b>Ethnicity</b>      |                     |     |                       |   |       |     |
| Khmer                 | 5                   | 100 |                       |   | 5     | 100 |
| Total                 | 5                   | 100 |                       |   | 5     | 100 |
| <b>Age</b>            |                     |     |                       |   |       |     |
| 0 to 14 years         | 0                   | 0   |                       |   | 0     | 0   |
| 15 to 29 years        | 0                   | 0   |                       |   | 0     | 0   |
| 30 to 44 years        | 4                   | 80  |                       |   | 4     | 80  |
| 45 to 64 years        | 1                   | 20  |                       |   | 1     | 20  |
| >65 years             | 0                   | 0   |                       |   | 0     | 0   |
| Total                 | 5                   | 100 |                       |   | 34    | 100 |

Source: SES, 2019

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## B. Employment and Income

40. Of the total 5 AH heads, all are employed (100%). The source of livelihood for 2 AHs or 40% is farming, 2 AHs or 40 % are engaged in trade or own business and the remaining AH or 20% is casual labor. **Table 5** summarizes the employment of the AH heads.

**Table 5: Summary of Employment of AH Heads**

| Occupation type                    | Male Household Head | Female Household Head |
|------------------------------------|---------------------|-----------------------|
| Business enterprise owner/employee | 2                   |                       |
| Farmer                             | 2                   |                       |
| Casual worker                      | 1                   |                       |
| <b>Total</b>                       | <b>5</b>            |                       |

Source: SES, 2019

41. **Income of Respondent Households.** 1 AHs or 20 % have annual incomes below the national poverty rate of \$396/person/year in a household. 4 AHs or 80 % have annual incomes of more than \$800/person/year. The details of income levels of affected household heads are summarized in **Table 6**.

**Table 6: Monthly Income of Respondents**

| Annual Income of HH (income/year/person) | Male Household Head | %          | Female Household Head | % | Total    | %          |
|------------------------------------------|---------------------|------------|-----------------------|---|----------|------------|
| <\$396 (poverty rate)                    | 1                   | 20         |                       |   | 1        | 20         |
| \$396 - \$599                            |                     |            |                       |   |          |            |
| \$600 - \$800                            | 1                   | 20         |                       |   | 1        | 20         |
| >\$800                                   | 3                   | 60         |                       |   | 3        | 60         |
| <b>Total</b>                             | <b>5</b>            | <b>100</b> |                       |   | <b>5</b> | <b>100</b> |

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

Source: SES, 2019

## C. Vulnerability

42. **Poverty:** There is 1 male headed AHs with annual incomes below the national poverty rate. **Table 7** summarizes vulnerable households.

**Table 7: Vulnerable Households**

| Type of Vulnerability                            | No. of AHs |
|--------------------------------------------------|------------|
| Poor (Below Poverty Rate)                        | 1          |
| Female Headed with Dependents Below Poverty Rate |            |
| Landless                                         |            |
| Elderly Headed with No Means of Support          |            |
| Disabled Head of AH                              |            |
| Indigenous People                                |            |
| <b>Total</b>                                     | <b>1</b>   |

Source: SES, 2019

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## V. INFORMATION DISCLOSURE, CONSULTATION AND PARTICIPATION

43. Public Consultation and Participation aims 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 negative impacts and enhance benefits from the Project, the following strategy for information disclosure, consultation and participation have been adopted and implemented under the Project.

### A. Consultation and Participation

44. Initial consultative meeting was conducted during focus group discussions on 19-22 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 23 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 Project, including their suggestions on how to avoid and minimize adverse impacts. This was followed up by post-IOL/SES consultation on 13 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 full replacement cost, public participation, and grievance redress mechanism processes and procedures; and, (iii) determining AHs views and suggestions concerning compensation, allowances and assistance, and participation. Details of these consultations are given in the April 2015 RP.

45. Summary of consultations undertaken during DRP preparation are detailed in Table 8.

**Table 8: Summary of Consultations**

| No. | Date            | Location                         | Topic and Summary of Outcome                                                                                                                                                                                  | Participants (M/F)                                  |
|-----|-----------------|----------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|
| 1   | 12 October 2017 | New landfill site                | Site review for two options of landfill site locations.<br><br>Initial review of site confirmed that no AHs are residing physically or economically within the landfill area.                                 | No participants, except for PIU and PMIS            |
| 2   | 3 January 2018  | New landfill site                | Screening of near-by houses to landfill.<br><br>None of the houses close to new landfill will be affected by construction. Environmental impact of landfill can be mitigated through the EMP.                 | No participants, except for PIU and PMIS            |
| 3   | 19 March 2018   | Tuol Mkak village Sangkat Roleap | Consultation on corridor of impact with AHs.<br><br>AHs supported the subproject and were willing to provide necessary land for the subproject. Discussion also included 350m radius around the new landfill. | 17 (12 male and 5 female)<br><br>PIU<br><br>Annex 3 |
| 4   | 3 January 2019  | Sangkat Phtah Prey               | Consultation for access road in preparation of land acquisition and project implementation.                                                                                                                   | 5 AHs (5 male and no females), IRC-WG,              |

|  |  |                                                                                                                                                                                    |                         |
|--|--|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
|  |  | Explanation of subproject purpose, LAR impact and use of ROW for agricultural production after cut-off date. Questions of AHs were replied on road design and impact on pump well. | PRSC and PIU<br>Annex 4 |
|--|--|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|

46. Initial site assessment was conducted by PIU and PMIS on 12 October 2017. Another inspection by the PMIS team together with PIU was conducted in 4 January 2018 to screen whether any houses near-by were located too close to the landfill site and confirm whether they would be impacted by the construction works.

47. A public consultation took place 19 March 2018 on COI of access road. The purpose of the consultation was to confirm the number and identity of AHs along the access road, explain the subproject objective, and to initially scope the subproject impact and allowances (Annex 3).

48. A public consultation on the access road took place on 3 January 2019 with PMU, PIU, GDR and PMIS and 5 AHs living along the access road with impacts from the subproject. During consultation explanation of subproject purpose, LAR impacts and DMS process was done. The consultation particularly emphasized the legal background on use of ROW for agriculture and other uses, and the need for the farmers to cease sowing on ROW as construction will start soon. DMS was conducted after the consultation. The minutes of the meetings, attendance list and photographs are in Annex 4.

49. **Table 9** summarizes discussions during the consultations conducted.

**Table 9: Summary of Discussions**

| No. | Date          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|-----|---------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1   | 19 March 2018 | <p>Consultation on corridor of impact with AHs.</p> <p>Mr. Leng Kim Leang said he had totally supported to the project of the new landfill.</p> <p>(1) Asphalted access road as planned should be a reinforced concrete one which is more resistant.</p> <p>(2) As for private-owned land along access road, the government had always paid compensation so far. Therefore, the project should request compensation from Ministry of Economy and Finance.</p> <p>Mr. Huot Bun Thoeun said affected 2-meter land he agreed to the project w/o any compensation. However, the access road to be constructed across his land, he asked for compensation.</p> <p>Mr. Chea Muon and Mang Chanta who had land less than 1 ha each said they had agreed to provide 1-</p> | <p>Once again, Mr. Yim Mong Toeun said regarding the residences locating around 350m in the proposed landfill, the project cannot provide any compensation. For access road to landfill affected land as well as relocation. If any compensation provided, unless otherwise agreed by committee to evaluate the cost.</p> <p>Finally, Mr. Bun Tanglay shared his comments that if land contributions had provided it had been reduced the burden of the government. However, we cannot reach a unanimous agreement of their land contributions. So, he reported the minutes to top management levels to come up with the problems to the next discussions.</p> |

|   |                |                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|---|----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|   |                | <p>meter land w/o compensation and another meter with compensation.</p> <p>Mr. Pum Sopheap who participated in the meeting said construction project had been affected his well, he asked another replacement one because of no water over there.</p> <p>Mrs. Pheas Cheat said due to poor living condition she asked for compensation.</p> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 2 | 3 January 2019 | <p>Consultation for access road in preparation of land acquisition and project implementation.</p> <p>Q1 - What is the road made of? Is there drainage system under it?</p> <p>Q2 - Request to reconstruct pumping well.</p> <p>Q3 - Land owner, Mr. Leng Kim Leang ask straighten the access road passing his land.</p>                    | <p>A1 - Representative from ADB answered Q1 that the tarmac access road to landfill of 6m width astride slopes of 1m and astride shoulders of 0.5m with proper sewer pipes.</p> <p>A2 - Mr. Youk Bun Heng, deputy team of IRC, answered Q2 for pumping well, we included in inventory list of lost assets for top level decision.</p> <p>A3 - For request to straighten the road, our technical team will go for site visit according to real situation how to make it possible.</p> |

50. Public information and disclosure about the project will be continued during the DRP implementation in the project areas. The PIB will be re-distributed after contract award to update the AHs especially regarding the works construction schedule and any potential temporary impacts. The PIB contains information about the project, entitlements or compensation for the AHs, the local grievance redress mechanism, including agencies (i.e., ADB, MPWT/PMU, etc.) so that AHs are clear about whom they should contact to address their concerns.

51. Consultation with AHs will continue from RP preparation up to implementation of resettlement. Particular attention must be given to women, ethnic minorities, the poor and other vulnerable AHs. All consultation and disclosure activities will be properly documented; minutes of meetings, photos, and attendance sheets will be prepared and recorded.

## B. Information Disclosure

52. As part of information disclosure, a Public Information Booklet (PIB) was developed and was approved by the PMU (**Annex 8**). The PIB contained the information about the project and SWM subproject 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.

53. The project description and project resettlement policies were explained to the participants. These were also included in the PIB and given to the AHs before the public consultation meeting. Specifically, the PIB included (i) summary of project; (ii) location of the project and subprojects; (iii) project components; (iv) objectives of the project and subprojects; (v) scope of land acquisition and impacts; (vi) compensation policy, entitlements and eligibility criteria; (vii) detailed measurement and household surveys (DMS); (viii) income restoration

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program and (ix) grievance redress mechanism. The updated PIB were provided and explained in detailed to the AHs during the house-to-house DMS and disclosed at commune office.

54. MPWT/PMU/PIU will again conduct 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, PMIS Consultants and Contractors.

55. Summaries of the DRP will be translated in 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. They will also be uploaded in websites of the EA both in Khmer and English.

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

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

57. In addition to the above disclosure, key information including the Executive Summary of the approved DRP and the social safeguard monitoring reports and any corrective action plans will be disclosed to the AHs in local language. Furthermore, the approved DRP translated in local language will be posted on Commune and Sangkat notice boards.

## VI. GRIEVANCE REDRESS MECHANISM

58. The grievance redress mechanism (GRM) outlined in the April 2015 RP will apply to SWM subproject. A clear and transparent GRM has been established to address grievances and complaints regarding land acquisition, compensation and resettlement in a timely and satisfactory manner. The GRM procedures have been explained in the PIB and during the consultations conducted by the PIU, PMIS Consultants and GDR.

59. The PMU/PIU Pursat, through continuous information dissemination, consultations and discussions will ensure that residents near-by 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.

60. 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 (**Annex 2**). The GDR conducted training to members of the PGRC on 27 November 2018 to strengthen their capacity in receiving and resolving the complaints in a timely manner and make the GRM fully operationalized. The composition of PGRC is in **Table 10** and details are PGRC are in the updated PIB.

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Table 10: 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

61. 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 concerned persons are provided with copies of complaints and decisions or resolutions in a timely manner so that they will be informed accordingly.

62. 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 solution 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 acting as the (GRC).

**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 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 GDR.

63. However, if 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 favours 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.

64. If the AH/AP is still not satisfied with the resolution of their complaints at the project and central level, they may also (or permit representatives to on their behalf) raise their concern or complaint with the ADB Cambodia Resident Mission. 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

65. 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.

66. 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

67. 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".

68. 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

69. 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.

70. 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

71. 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.

### Other Relevant Laws and Regulations

72. 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.

73. 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.

74. 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.

#### **D. ADB Safeguards Policy**

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

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

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

77. ADB's Involuntary Resettlement Policy principles include:

- (i) Screen early to identify involuntary resettlement impacts and risks and determine the scope of resettlement planning through a survey and/or census of 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

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- 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

78. **Indigenous peoples.** The subproject does not involve involuntary resettlement of Indigenous People and hence will not be considered under this subproject.<sup>4</sup>

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

80. 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,

<sup>4</sup> 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 provided are summarized in Table 11.

**Table 11: 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.<br><br>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. (Article7)                                                                                                                                                                        | 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.<br>b. Vulnerable households shall be excluded from                                                                                                                                        |

| No. | Key Issues                                           | Government Legislations relevant to Land Laws                                                                                                                                                                                                                                   | ADB Policy                                                                                                                                                                                       | Project Principles                                                                                                                                                                                                                                                                                                                                                                                                                               |
|-----|------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|     |                                                      |                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                  | <p>donating land.</p> <p>c. Land for donation shall apply only to households whose affected lands do not exceed 10% of landholdings.</p> <p>d. Vulnerable households such as poor, households headed by women shall be exempted from donating land.</p> <p>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.</p> |
| 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<br>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).

## VIII. ENTITLEMENT, ASSISTANCE AND BENEFITS

### A. Objectives

81. 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 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 among them.

### B. Project Policies and Principles

82. In order to achieve the above 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 sub project affected area or land to be acquired or used for subproject during the conduct of detailed measurement survey (prior to Cut-off Date) are eligible for compensation for their lost assets and incomes at replacement cost at the time of compensation, and, depending on the severity of impact on their livelihood and income capacity, will be provided with rehabilitation measures to improve or restore their pre-Project living standards, income-earning capacity and production levels.
- d. There will be no deductions in compensation payments for land, structures or other affected assets for salvage value, depreciation, taxes, stamp duties, fees or other transaction costs.
- e. If ownership over any affected asset is under dispute, the compensation for the same will be held in a court designated bank until its lawful owner is decided by competent legal authorities.
- f. Meaningful consultation will be carried out with the AHs and affected communities and concerned groups and ensure participation from planning up to implementation. AHs will receive prior information of the compensation, relocation and other assistance available to them. The comments and suggestions of AHs and communities will be considered.
- g. The draft, final and any updates on the DRP will be disclosed to AHs households in a form and language(s) understandable to them in compliance with disclosure requirements.
- h. Resettlement identification, planning and management will ensure that gender concerns are incorporated.
- i. 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.
- j. 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.
- k. Existing cultural and religious practices will be respected and, to the maximum extent practical, preserved.

- l. Culturally appropriate and gender-sensitive social impact assessment and monitoring will be carried out in various stages of the project.
- m. 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.
- n. 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. Civil works contractors will not be issued notice of possession or notice to proceed (NTP) for any section or segment until these conditions are fulfilled. The schedule of the start of civil works in any section or segment of the Project will be coordinated and planned with the PRSCWG.

### C. Principles for Valuation

83. The rate of compensation for acquired housing, land and other assets will be calculated at full replacement costs. The calculation of full replacement cost will be based on the following elements: (i) fair market value; (ii) transaction costs; (iii) interest accrued, (iv) transitional and restoration costs; and (v) other applicable payments, if any. Where market conditions are absent or in a formative stage, the borrower/client will consult with the displaced persons and host populations to obtain adequate information about recent land transactions, land value by types, land titles, land use, cropping patterns and crop production, availability of land in the project area and region, and other related information. The borrower/client will also collect baseline data on housing, house types, and construction materials. Qualified and experienced experts will undertake the valuation of acquired assets. In applying this method of valuation, depreciation of structures and assets should not be taken into account.

84. 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) Agricultural land will be paid on current market price at replacement cost at the time of compensation.
- b) Secondary structures valuation is based on actual current market prices, (as per agreed RCS), for materials and labor without depreciation or deduction for salvaged building materials.
- c) Crops compensation will be at replacement cost.
- d) Fruit trees compensation will be at full replacement cost, which shall be based on average annual value of the product multiplied by five years.

85. The replacement cost study (RCS) was conducted by an independent firm, Bluefield. The firm carried out the RCS in August 2019 and the rates will be valid for 1 year. Results of the RCS are in **Annex 6** of this DRP.

### D. Eligibility

86. 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 (2 AHs); (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 (No AH); 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 (3 AHs).

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87. 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 **21 September 2013**, the date of the public consultation conducted 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 date of the cut-off-date and disclosed it on commune and Sangkat boards. The cut-off date was disseminated among the community following the public meeting.

#### **E. Entitlements**

88. 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 **Table 12** indicating each type of loss and degree of impact with corresponding benefits applicable to the specific condition and impacts on AHs and standards set in the original entitlement matrix<sup>5</sup> are not lowered.

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<sup>5</sup> Refers to the Entitlement Matrix in the 2015 draft Resettlement Plan

Table 12: Updated Entitlement Matrix

| Item                                         | Type of Loss                                                                                                                                      | Entitled persons                                                                                                                                       | Compensation policy                                                                                                                                                                                                                                                                                                                                                                   | Implementation issues                                                                                                                                                                                                                                                                                                                                      |
|----------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>A. Loss of Land</b>                       |                                                                                                                                                   |                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                            |
| 1                                            | Partial loss of Agricultural land and the residual unaffected portion is still economically VIABLE for continued use or meets the expected yield) | Legal owners and holders of real right of land;<br><br>2 AHs (total 1,410 m <sup>2</sup> of agricultural land)                                         | <ul style="list-style-type: none"> <li>For the affected portion of the private land: cash compensation at replacement cost<sup>9</sup></li> </ul>                                                                                                                                                                                                                                     | <p>AHs to be notified at least 3 months in advance of the actual date that the land will be acquired by the Project.</p> <p>AHs will be allowed to harvest their annual and perennial crops and timber products prior to construction.</p> <p>If the head of household is married, compensation will be paid at the presence of both husband and wife.</p> |
|                                              |                                                                                                                                                   | Illegal occupiers /encroachers/ squatters/ land users without legal titles or rights to land within ROW                                                | <ul style="list-style-type: none"> <li>Cash compensation at replacement cost for non-land affected assets.</li> <li>No compensation paid for loss of land use within corridor of impact, as land use within 10m of access road has been undertaken after cut-off date</li> </ul>                                                                                                      |                                                                                                                                                                                                                                                                                                                                                            |
| <b>B. Loss of Structures</b>                 |                                                                                                                                                   |                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                            |
| 2                                            | Loss of, or damage to secondary structures and other assets                                                                                       | Owners of the structure whether or not land is owned; with or without building permit<br><br>4 AHs will lose secondary structures mentioned in Table 2 | <ul style="list-style-type: none"> <li>Cash compensation at replacement cost for the affected assets.</li> <li>AH can retain the materials from demolition of their structures at no cost.</li> <li>If AH belongs to any of the vulnerable groups, see item D below.</li> <li>The calculation of rates will be based on the actual affected area and not the useable area.</li> </ul> | <p>Compensation will be provided in the form of cash without deductions for depreciation or salvageable materials.</p> <p>If the head of household is married, compensation will be paid at the presence of both husband and wife.</p>                                                                                                                     |
| <b>C. Loss of Productive Trees and Crops</b> |                                                                                                                                                   |                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                            |
| 3                                            | Loss of Crops and Trees                                                                                                                           | Legal owner(s) of land; owners of crops or trees (whether have legal or customary title to land or not)<br><br>1 AH will lose 2 Mango trees            | <ul style="list-style-type: none"> <li>Compensation for affected fruit trees at full replacement cost, which shall be based on average annual value of the product multiplied by five years;</li> <li>Compensation for all crops at replacement cost.</li> </ul>                                                                                                                      | <p>AHs to be notified at least 3 months in advance of the actual date that the land will be acquired by the Project.</p> <p>AHs will be allowed to harvest their annual and perennial crops prior to construction, and retain income from standing crop.</p>                                                                                               |

<sup>9</sup> Replacement cost is based on findings of Replacement Cost Study (RCS) and will be updated to reflect market rates at the time of compensation. In case there is no active market in the locality, this will be based on productive capacity or attributes; without deduction for taxes and transaction costs. RCS rates are valid for a period of 12 months.

| Item                                                          | Type of Loss                                                      | Entitled persons                                                                                                                                                                                                                                                                                                                                                                                                                                           | Compensation policy                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Implementation issues                                                                                                                                                                                                                                                                                                                                                                                                           |
|---------------------------------------------------------------|-------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                               |                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Households continuing to use/farm land along COI after cut-off date will not be entitled to compensation.                                                                                                                                                                                                                                                                                                                       |
| <b>D. Impacts on Vulnerable AHs</b>                           |                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 4                                                             | Higher risks of hardship due to project impacts                   | (i) households living below the national poverty rate established by the RGC, (ii) female headed households with dependents (iii) disabled headed households with no other means of support, (iv) elderly headed households with no other means of support, (v) landless or those without legal title to land, and (vi) indigenous people or ethnic minorities<br><br>1 AH has been identified as poor living below the national poverty line <sup>2</sup> | <ul style="list-style-type: none"> <li>One-time assistance allowance of \$100 per household</li> <li>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 Project with the active participation of the AHs<sup>3</sup>. The one vulnerable AH has chosen for Cash Assistance option.</li> <li>Priority for employment in the subproject construction works.</li> </ul>                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>E. Temporarily affected properties during construction</b> |                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 8a                                                            | Temporarily affected land and non-land assets during construction | Owner of temporarily affected land and non-land assets                                                                                                                                                                                                                                                                                                                                                                                                     | <ul style="list-style-type: none"> <li>Contractor will pay rent for any land/structure required for construction workspace outside the ROW.</li> <li>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 AHs will receive compensation at replacement cost for the land and/or assets.</li> </ul> | <p>AHs 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</p> <p>Contractor will be required by contract to pay these costs</p> <p>Construction and maintenance will be carried out so as to minimize damage.</p> <p>As part of the civil works contract, all access roads/driveways to properties adjacent to the road will</p> |

<sup>2</sup> The IRP for this AH is developed with the IRP for the AHs under the drainage network improvements and wastewater treatment plan subproject. The consultation with this AHs and those under the drainage network improvements and wastewater treatment plan subproject is planned for late November 2019.

<sup>3</sup> As per RP (2015), the amount is based on a budget of \$500/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 AHs. If IRP is required through public consultation with the entitled AHs, the amount will be used as a block fund to support the various components of the IRP. The specific implementation mechanism for the use of the IRP funds will be determined during the planning of the program (\$500/AH as per entitlement matrix of 43319-033 CAM: Greater Mekong Subregion Corridor Towns Development Project).

| Item | Type of Loss                                                                                                                                       | Entitled persons            | Compensation policy                                                                                                                                                                                                                                                                                                                                                                 | Implementation issues                                                                                                                                                                                                                                             |
|------|----------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 6b   | Temporary damage to productive assets during construction (e.g. fields and associated infrastructure including bund walls, drains, channels, etc.) | Owners of productive assets | <ul style="list-style-type: none"> <li>• 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.</li> </ul> | <p>be repaired or replaced including culverts and other facilities, to a condition equal or better than the present.</p> <p>The disruption period will be minimized as much as possible.</p>                                                                      |
| 7    | Unanticipated involuntary resettlement impacts                                                                                                     | Eligible displaced persons  | <ul style="list-style-type: none"> <li>• 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.</li> </ul>                                    | <p>QDR shall ensure the conduct of a social assessment and update or formulate a new RP or a CRP addendum depending on the extent of the impact changes. Unanticipated impacts will be documented and mitigated based on the principles provided in this CRP.</p> |

## IX. RELOCATION OF HOUSING AND SETTLEMENT

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

## X. INCOME RESTORATION PROGRAM

90. The results of the DMS confirmed that there are:
- One vulnerable household (poor);
  - No AHs experiencing major impacts;
  - No main structures are affected; and
  - None of the AP is classified as ethnic minority.

### A. General Provisions

91. An income restoration program (IRP) will be planned and developed with the assistance of a community development specialist to be hired by IRC for the purpose. Those who are entitled to participate in the program 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 subproject will severely disrupt the business operation of shop owners 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 improve their standard of living. For this purpose, the IRP will be designed and reflected in detail in the DRP of Pursat drainage network improvement and wastewater treatment plant (WWTP) subprojects. IRP will be implemented in parallel for both of the Pursat subproject DRPs with the active involvement of the participating AHs. Funds for implementation of IRP has been blocked and factored in the resettlement budget below.

92. IRP activities should be designed around providing both food and cash to the AHs and provision of livelihood to members of the AHs who are no longer able to seek employment in factories and shops in urban areas, such as the elderly. 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, GDR, EMO and ADB during implementation.

93. An amount has been allocated in the resettlement budget of this DRP to finance the various components of the IRP, based on a budget of \$500/eligible AH as per recent ADB-funded projects implemented in the same general area. The one (1) vulnerable AH is eligible for IRP. The AH will be assisted with (i) One-time assistance allowance of \$100 per household; (ii) Option to participate in the IRP or given cash assistance of \$500 for IRP, and (iii) Priority for employment in the SWM subproject construction works.

94. The one (1) vulnerable AH will be included in IRP being developed for the AHs under the Pursat Drainage Network Improvements and WWTP subprojects, to enable larger groups for vocational and other training, and ease of consultations.

*AN*

## XI. RESETTLEMENT BUDGET AND FINANCING

95. 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 SWM Subproject will be financed from the national budget and no financing will be required from the ADB loans and grant.

96. The resettlement budget is estimated \$ **17,546.54**. This includes: (i) \$ 10,546.54 as direct cost of compensation for affected lands, secondary structures, trees, one-time cash assistance, allowances and other assistance for affected households; (ii) internal monitoring reports cost of \$ 2,000; (iii) administrative cost of \$ 3,000 and (iv) contingency cost of \$ 2,000. Details on the budget are shown in **Table 13**.

**Table 13: Resettlement Cost**

| No.                                                 | Components                | Unit           | Quantity | Rate (\$) | Total (\$)       |
|-----------------------------------------------------|---------------------------|----------------|----------|-----------|------------------|
| <b>1</b>                                            | <b>Land</b>               |                |          |           |                  |
| 1.1                                                 | Agricultural Land         | m <sup>2</sup> | 1410     | 2.40      | 3,384.00         |
| <b>2</b>                                            | <b>Structures</b>         |                |          |           |                  |
| 2.1                                                 | Wall                      | m              | 1.2      | 27.00     | 32.40            |
| 2.2                                                 | Well                      | number         | 1        | 110.00    | 110.00           |
| 2.3                                                 | Fence                     | m              | 188      | 34.00     | 6,392.00         |
| 2.4                                                 | Pavement                  | m <sup>2</sup> | 1.4      | 18.00     | 25.20            |
| 2.5                                                 | Concrete column           | m <sup>2</sup> | 0.21     | 14.00     | 2.94             |
| <b>3</b>                                            | <b>Trees</b>              |                |          |           |                  |
| 3.1                                                 | Mango                     | Tree           | 2        | 51.00     | 102.00           |
| <b>Total Estimated Cost for Land and Structures</b> |                           |                |          |           | <b>9,946.54</b>  |
| <b>4</b>                                            | <b>Entitlements</b>       |                |          |           |                  |
| 4.1                                                 | Vulnerability Support     | AH             | 1        | 100.00    | 100.00           |
| 4.2                                                 | IRP                       | AH             | 1        | 500.00    | 500.00           |
| <b>Total Direct Cost</b>                            |                           |                |          |           | <b>10,546.54</b> |
| <b>5</b>                                            | <b>Indirect Costs</b>     |                |          |           |                  |
| 5.1                                                 | Internal monitoring Cost* |                |          |           | 2,000.00         |
| 5.2                                                 | Administration Cost       |                |          |           | 3,000.00         |
| 5.3                                                 | Contingency               |                |          |           | 2,000.00         |
| <b>Total Resettlement Cost</b>                      |                           |                |          |           | <b>17,546.54</b> |

Source: Replacement cost study report

\* EMO costs will be covered under different budget line for the entire Project as per loan covenant requirement (schedule 5, para 15).

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## XII. INSTITUTIONAL ARRANGEMENT AND IMPLEMENTATION

### A. Institutional Arrangement

97. **Ministry of Public Works and Transport (MPWT).** The Project will be implemented by MPWT as the executing agency 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 Inter-Ministerial Resettlement Committee-Working Group (IRC-WG) on all matters concerning involuntary resettlement, working closely with Resettlement Department 3 (RD3) of GDR to prepare, update, and implement the RP and 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.

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

- (i) Review and approve the RP and DRP prior to submission to ADB for its review and approval;
- (ii) Provide effective oversight and ensure land acquisition and resettlement complies with the laws and implementing rules and regulations;
- (iii) Ensure effective coordination between line ministries, provincial and local authorities, and GDR in carrying out land acquisition and resettlement;
- (iv) Provide overall guidance on implementing rules and regulations for land acquisition and resettlement and propose updates, as necessary; and
- (v) Initiate the establishment of PGRC

99. **General Department of Resettlement (GDR).** The GDR is the permanent Secretariat of the IRC and the General Department of the MEF and is the lead agency for the preparation, implementation, and monitoring and reporting of Land Acquisition and Involuntary Resettlement (LAR). The GDR will carry out these activities under Pursat SWM subproject through its RD3. For this, detailed tasks of RD3 of GDR will include:

- (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.

100. In addition, the Department of Internal Monitoring and Data Management (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 RP and 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.

101. **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.

102. **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

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provide overall directions and guidance and participate in the public consultation, as it deems necessary.

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

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

104. **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 RD3 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 14.

**Table 14: Composition of IRC-WG**

| No. | Name                 | Position                | Agency    |
|-----|----------------------|-------------------------|-----------|
| 1   | H.E Im Sethyra       | Director General        | 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                | DMDM, 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)

105. **Provincial Resettlement Sub-Committee (PRSC).** The PRSC was established by the Provincial Governor at the request of the IRC for the subproject. The composition of the IRC-WG is in Table 15.

**Table 15: 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

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

107. **Provincial Resettlement Sub-Committee Working Group (PRSC-WG).** The PRSC-WG was established by the Provincial Governor and is mainly responsible for technical functions of the PRSC and works with the IRC-WG in carrying out the LAR activities at the provincial level. The composition of the PRSC-WG is in Table 16.

**Table 16: Composition of the Provincial Resettlement Sub-Committee-Working Group**

| No. | Position/Title                         | Name of Representative |
|-----|----------------------------------------|------------------------|
| 1   | Deputy Director of DPWT                | 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

108. 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 and in the implementation of the approved DRP;
- (iii) lead the payments of compensation to AHs/APs; and
- (iv) prepare monthly progress reports on all LAR activities at the provincial level and submit to PRSC and GDR.

109. **Project Management Implementation Support (PMIS) consultant.** The PMIS reports to the PMU and will carry out the detailed engineering design (DED) of the subprojects. With respect of LAR, the PMIS's role is limited to identifying any LAR issues that is causing or has the potential to cause delays in the construction activities. The PMIS, through the PMU, will promptly inform RD3 of GDR about the issues and assist the RD3 and MPWT, as needed, to seek a resolution of the problems.

### XIII. IMPLEMENTATION SCHEDULE

110. 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 5 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 17 summarizes the implementation of this DRP.

Table 17: Indicative Schedule of Resettlement Activities

| Activities                                                | Schedule                 |
|-----------------------------------------------------------|--------------------------|
| Completion and submission of DRP                          | 11/2019                  |
| IRC and ADB Approval of DRP                               | 11/2019                  |
| Disclose DRP on ADB website                               | 11/2019                  |
| Implementation of approved DRP                            | 12/2019                  |
| Disbursement of Compensation to APs                       | 12/2019                  |
| Vacation of Site                                          | 02/2020                  |
| Submit DRP implementation report to ADB                   | 02/2020                  |
| No objection from ADB                                     | 03/2020                  |
| Handover Letter to MPWT with copy to ADB                  | 04/2020                  |
| Civil Works commencement                                  | 06/2020                  |
| Submission of internal monitoring and semi-annual reports | Until end of civil works |

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#### XIV. MONITORING AND REPORTING

111. While the MPWT (PMU and PMIS Consultants) will be responsible for monitoring of the overall implementation of the Project and Pursat SWM subproject, the DIMDM of GDR will be directly responsible for the monitoring and reporting of the implementation of the DRP,

##### A. Internal Monitoring

112. 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 7. 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 will submit monthly reports to the responsible RD3. The RD3 will compile the field reports and prepare a consolidated report for the on the implementation of DRP on monthly basis. The report will be submitted to the DIMDM for internal monitoring. The DIMDM 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.

113. For the DRP quarterly monitoring report, the DIMDM may engage a national consultant to carryout DRP quarterly reviews of DRP implementation and prepare quarterly and semi-annual monitoring reports for GDR. The quarterly and semi-annual monitoring reports will be reviewed and endorsed by GDR before submitting to ADB.

##### B. External Monitoring

114. 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 Project<sup>9</sup>. 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.

<sup>9</sup> 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).

Map of the site



## ANNEX 2

**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 Aousehold (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 4 stages of Grievance Redress Resolution mechanism:

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

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

c/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 2<sup>nd</sup> stage without any due resolution within 30 days.

d/stage 4: 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

Stamp&Sign

His Excellency: Ngean Leng

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## ANNEX 3

**The minutes of the meeting on discussion and dissemination of corridor of impact (COI)  
for access road to new proposed landfill in Tuol Mkak village Sangkat Roleap, Pursat  
Municipality**

**(Access Road)**

On March 19, 2018 at 09:00, Pursat municipality held a meeting on discussion and dissemination of corridor of impact under the presidency of deputy governor of Pursat municipality, Mr. Bun Tanglay.

At the start, Mr. Bun Tanglay address the welcome meeting that Pursat municipality is under Integrated Urban Environmental Management in Tonle Sap Basin (IUEMTSB) I following II. Now we are under research and study and implementation of IUEMTSB I in which there are sewerage/drainage system in Sangkat Phteas Phrey and separately landfill Tuol Mkak of Sangkat Roleap. In particular, for landfill construction plan, there shall be an access reinforced concrete road to be raised 1 meter in height and 14 meter in width including carriage way, shoulder and right of way. However, based on title deed, we had 10 meter in width. Therefore, we need 2 meters more from both sides (4m in total). The municipal authority asked for contribution of land from the private landowners who had land plots close to the road. The land area contribution is fluctuated in size according to widths and lengths.

Mr. Deputy governor call upon Mr. Yim Mong Toeun, representative of ADB project to provide the technical details of landfill construction. Mr. Yim Mong Toeun said the access road to be constructed to the landfill previously had been planned is 14-meter-width road in total "6-meter-width-reinforced concrete of carriage road, 1-meter-shoulders, 2-meter slopes and 1-meter right of way in both side for electricity poles and public infrastructures. The road is higher the current one and to lay out sewers across the in 3 points. He added the road had planned asphalted one instead. Particularly, garbage cell had been constructed with standards of hygiene without smelling bad to impact environment. On the other hand, the residents cannot be allowed to live nearby within 350 meters.

Mr. Chap Samoeun, PMIS's representative, who is responsible for relocation of affected people by the project said project implementation is to try to minimize the impact. In the meantime, the project had also planned to plant the trees around the landfill reduce impact. The people living 350 m far away from the landfill are considered to resettle or keep living based on a real situation. Mr. Samoeun also explained the right-of-way (ROW), and the requirement of not using ROW for any activities or construction after the cut-off date.

After dissemination and information regarding the landfill and access road, Mr. Deputy Governor allow AP to raise any question or recommendations for their land contributions along access road as well other impacts given rise to the project implementation.

~~Mr. Yim Mong Toeun~~ said he had totally supported to the project of the new landfill.

- (1) Asphalted access road as planned should be a reinforced concrete one which is more resistant.

- (2) As for private-owned land along access road, the government had always paid compensation so far. Therefore, the project should request compensation from Ministry of Economy and Finance.

██████████ said affected 2-meter land he agreed to the project w/o any compensation. However, the access road to be constructed across his land, he asked for compensation.

██████████ and ██████████ who had land less than 1 ha each said they had agreed to provide 1-meter land w/o compensation and another meter with compensation.

██████████ who participated in the meeting said construction project had been affected his well, he asked another replacement one because of no water over there.

██████████ said due to poor living condition she asked for compensation.

Once again, Mr. Yim Mong Toeun said regarding the residences locating around 350m in the proposed landfill, the project cannot provide any compensation. For access road to landfill affected land as well as relocation. If any compensation provided, unless otherwise agreed by committee to evaluate the cost.

Finally, Mr. Bun Tanglay shared his comments that if land contributions had provided it had been reduced the burden of the government. However, we cannot reach a unanimous agreement of their land contributions. So, he reported the minutes to top management levels to come up with the problems to the next discussions.

The meeting closed at 11:15 with friendly and enjoyable atmosphere.

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## Public Consultation for Access Road

(5 AHHs)

On January 3, 2019 at 8:30 in Sangkat Phtah Prey, Pursat municipality meeting room, IRC, PRSC and Pursat Municipality authority conducted a meeting with AHHs living astride access road to new proposed landfill to disseminate, bring the problems, request their demands to be ready in advance to implement the subproject for landfill under the presidency of deputy governor of Pursat municipality, **Mr. Bun Tanglay**.

## Composition as per attachment of lists of organizers/AHHs

At the kick-off, deputy governor of Pursat municipality, **Mr. Bun Tanglay**, inform the people of the project purpose, and he let them know that there is blacktop access road 1,500m long and 10m wide to the new landfill as approved, this road does not affect private land of majority of community. There are 5 AHHs on fences, fruit tree, land, and pumping well as per DMS attached. This is achievement which our Pursat municipality receive i.e. the new landfill with standards of hygiene in in Toulmakak village, Sangkat Roleap, Pusat town financed by ADB.

**Mr. Youk Bun Heng**, deputy team of IRC, said we see that so far the people used to enjoy usufruct on ROW as of cut-off date, but from now on, the people/community cannot be cultivated on ROW to avoid your interest loss when implementing the project without compensation.

## Questions from the people/community

Q1-What is the road made of? Is there drainage system under it?

Q2-Request to reconstruct pumping well.

Q3-Land owner, **M. Leang** ask straighten the access road passing his land.

Representative from ADB answered Q1 that the tarmac access road to landfill of 6m width astride slopes of 1m and astride shoulders of 0.5m with proper sewer pipes.

For request to straighten the road, our technical team will go for site visit according to real situation how to make it possible.

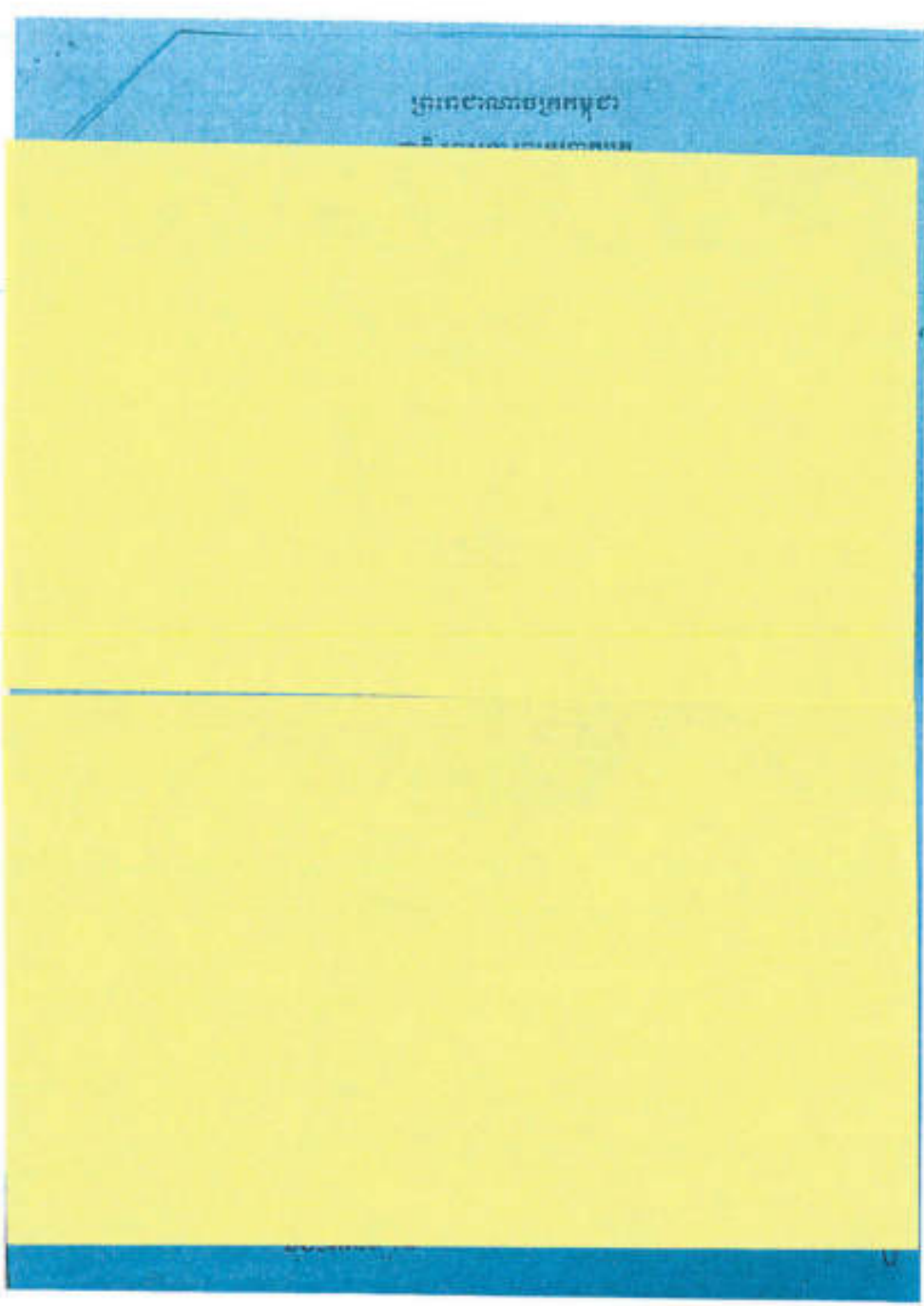
**Mr. Youk Bun Heng**, deputy team of IRC, answered Q2 for pumping well, we included in inventory list of lost assets for top level decision.

Before wrapping-up the meeting, **Mr. Bun Tanglay**, deputy governor of Pursat town expressed his thanks for your kind cooperating and time in a whole morning.

The meeting closed at 09:30 with friendly and enjoyable atmosphere.



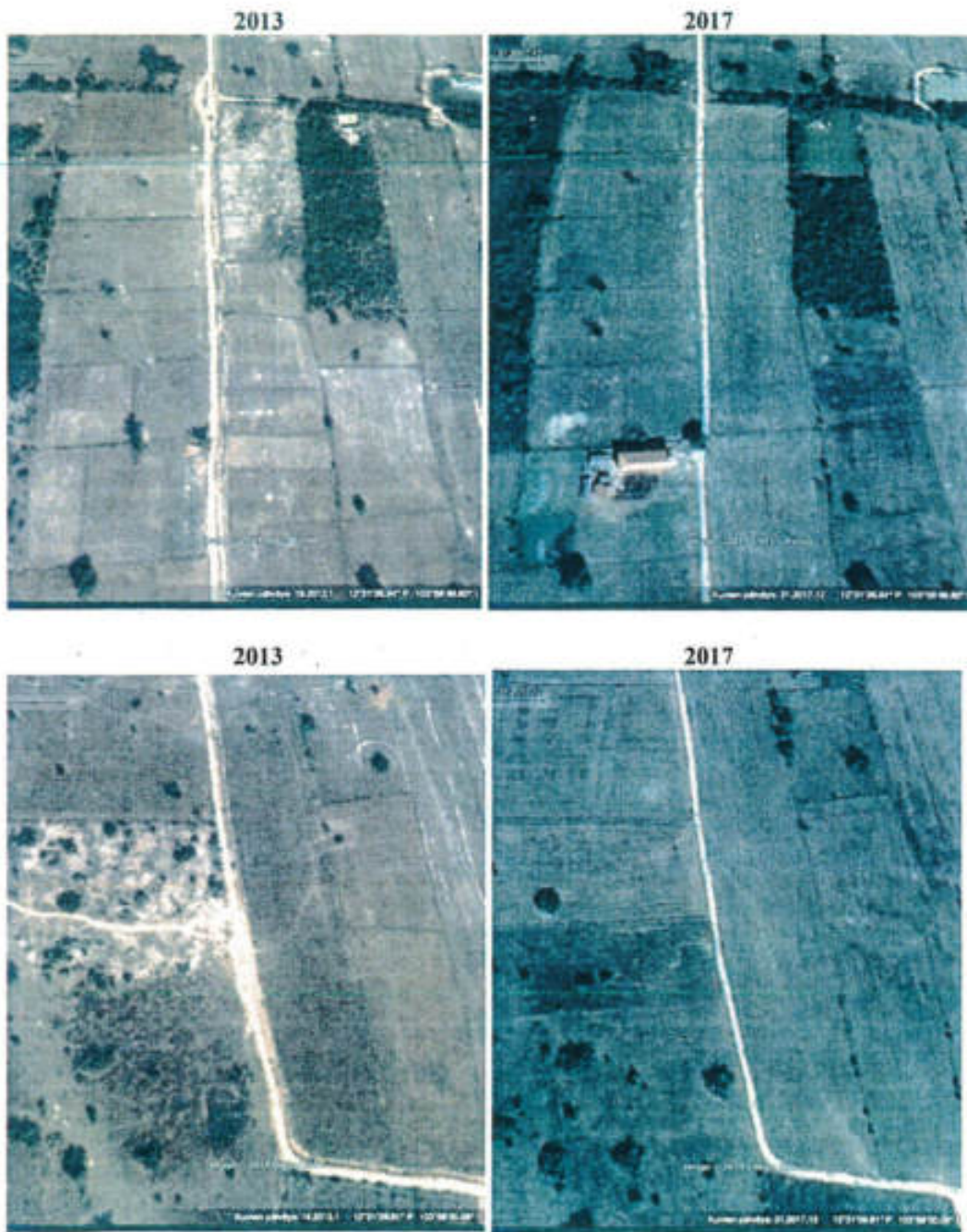
32



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## ANNEX 5

## Encroachment of access road ROW





# Replacement Cost Study



ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ សាសនា ព្រះមហាក្សត្រ

ក្រសួងកសិកម្ម រុក្ខាប្រមាញ់ និងនេសាទ  
អគ្គនាយកដ្ឋានពាណិជ្ជកម្មសត្វល្អិត  
អគ្គនាយកដ្ឋានពាណិជ្ជកម្មសត្វល្អិត

កម្រិតថ្លៃ ២០១៩  
កម្រិតថ្លៃ ២០២៤  
កម្រិតថ្លៃ ២០២៤

## ស្ទង់ការជំនួស

### ការប្រែប្រួលតម្លៃសម្ភារៈសាងសង់ផ្ទះកសិកម្ម

ក្រសួងកសិកម្ម រុក្ខាប្រមាញ់ និងនេសាទ បានចាប់ផ្តើមការស្ទង់ការជំនួស (Replacement Cost Study) ដើម្បីកំណត់តម្លៃសម្ភារៈសាងសង់ផ្ទះកសិកម្មដែលបានប្រើប្រាស់ក្នុងការសាងសង់ផ្ទះកសិកម្ម។ ការស្ទង់ការជំនួសនេះ គឺជាដំណាក់កាលដំបូងនៃការស្ទង់ការជំនួសសរុប។

ក្នុងកំឡុងពេល ២០១៩ ដល់ ២០២៤ តម្លៃសម្ភារៈសាងសង់ផ្ទះកសិកម្ម ត្រូវបានកំណត់ដោយយោងទៅលើតម្លៃសម្ភារៈសាងសង់ផ្ទះកសិកម្មដែលបានប្រើប្រាស់ក្នុងការសាងសង់ផ្ទះកសិកម្ម។

ក្នុងកំឡុងពេល ២០១៩ ដល់ ២០២៤ តម្លៃសម្ភារៈសាងសង់ផ្ទះកសិកម្ម ត្រូវបានកំណត់ដោយយោងទៅលើតម្លៃសម្ភារៈសាងសង់ផ្ទះកសិកម្មដែលបានប្រើប្រាស់ក្នុងការសាងសង់ផ្ទះកសិកម្ម។

ការស្ទង់ការជំនួសនេះ គឺជាដំណាក់កាលដំបូងនៃការស្ទង់ការជំនួសសរុប។ ការស្ទង់ការជំនួសនេះ គឺជាដំណាក់កាលដំបូងនៃការស្ទង់ការជំនួសសរុប។

ការស្ទង់ការជំនួសនេះ គឺជាដំណាក់កាលដំបូងនៃការស្ទង់ការជំនួសសរុប។ ការស្ទង់ការជំនួសនេះ គឺជាដំណាក់កាលដំបូងនៃការស្ទង់ការជំនួសសរុប។

ការស្ទង់ការជំនួសនេះ គឺជាដំណាក់កាលដំបូងនៃការស្ទង់ការជំនួសសរុប។ ការស្ទង់ការជំនួសនេះ គឺជាដំណាក់កាលដំបូងនៃការស្ទង់ការជំនួសសរុប។

Table 7.1: House/Structure categories and prices in year 2019

| ជម្រក | ជញ្ជាំង | ក្រដាស | សាច់   | ជម្រក  | ប្រភេទ | តម្លៃសាងសង់ US\$ |
|-------|---------|--------|--------|--------|--------|------------------|
| Roof  | Wall    | Floor  | Column | Story  | Type   | Structure Cost   |
| ស្រូវ | ប្រេង   | ប្រេង  | ប្រេង  | Single | 2A     | 35.00            |
| ប្រេង | ប្រេង   | ប្រេង  | ប្រេង  | Single | 2B     | 50.00            |

Table 7.2: Separated Shutter prices in year 2019

| ជម្រក | ជញ្ជាំង | ក្រដាស | សាច់   | ជម្រក  | ប្រភេទ | តម្លៃសាងសង់ US\$ |
|-------|---------|--------|--------|--------|--------|------------------|
| Roof  | Wall    | Floor  | Column | Story  | Type   | Structure Cost   |
| ស្រូវ | ប្រេង   | ប្រេង  | ប្រេង  | Single | SH1    | 6.00             |
| ប្រេង | ប្រេង   | ប្រេង  | ប្រេង  | Single | SH2    | 17.00            |

Table 7.3: Awning/Extended eaves and Veranda prices in Year 2019

| បំពង់<br>Roof                 | ជញ្ជាំង<br>Wall | ក្បាល<br>Floor | គ្រាង<br>Frame | ជំនួញ<br>Slurry | ប្រភេទ<br>Type | តម្លៃរចនា USDM <sup>2</sup><br>Structure Cost |
|-------------------------------|-----------------|----------------|----------------|-----------------|----------------|-----------------------------------------------|
| សំណង់ (Awning/Extended eaves) |                 |                |                |                 |                |                                               |
| ស្រូវស្រួច<br>Thatch          | ថ្មី<br>New     | ក្បាលស្រូវ     | ឈើ             | ម្នាក់ប្រាំ     | AW1            | 8.50                                          |
|                               |                 | ក្បាលស្រូវ     | ឈើ             | ម្នាក់ប្រាំ     | AW2            | 14.50                                         |
|                               |                 | ក្បាលស្រូវ     | ឈើ/ដែក         | ម្នាក់ប្រាំ     | AW3            | 15.00                                         |
| ស្រូវស្រួច<br>Fibre           | ថ្មី<br>New     | ក្បាលស្រូវ     | ដែក/ឈើ         | ម្នាក់ប្រាំ     | AW3            | 15.00                                         |
|                               |                 | ក្បាលស្រូវ     | ឈើ/ដែក         | ម្នាក់ប្រាំ     | AW4            | 23.00                                         |
|                               |                 | ក្បាលស្រូវ     | ដែក/ឈើ         | ម្នាក់ប្រាំ     | AW4            | 23.00                                         |

Table 7.4: Other structure prices in year 2019

| No.                                         | TYPE OF ASSETS                                           | UNIT   | Unit Cost, USD |
|---------------------------------------------|----------------------------------------------------------|--------|----------------|
| 1                                           | ជញ្ជាំងថ្ម (ជញ្ជាំងថ្ម) Gor wall (deep about 2m)         | ម៉ែត្រ | 45.00          |
| 2                                           | ជញ្ជាំងថ្ម (ជញ្ជាំងថ្ម) Concrete wall (deep about 2m)    | ម៉ែត្រ | 110.00         |
| 3                                           | ជញ្ជាំងថ្ម (ជញ្ជាំងថ្ម) Pumped wall (about 2m)           | ម៉ែត្រ | 250.00         |
| 4                                           | ស្រូវស្រួច (ជញ្ជាំងថ្ម) Cement mortar                    | ម៉ែត្រ | 8.00           |
| 5                                           | ស្រូវស្រួច (ជញ្ជាំងថ្ម) Mortar floor                     | ម៉ែត្រ | 12.00          |
| 6                                           | ស្រូវស្រួច (ជញ្ជាំងថ្ម) Tie floor                        | ម៉ែត្រ | 14.00          |
| 7                                           | ស្រូវស្រួច (ជញ្ជាំងថ្ម) Bamboo concrete mortar           | ម៉ែត្រ | 13.00          |
| 8                                           | ស្រូវស្រួច (ជញ្ជាំងថ្ម) Reinforced concrete mortar       | ម៉ែត្រ | 12.00          |
| រូប រូប រូប រូប (CULVERT, BRIDGE AND BASIN) |                                                          |        |                |
| 9                                           | រូប រូប រូប រូប (0.30m x 1m) Cement culvert (0.30m x 1m) | ម៉ែត្រ | 5.50           |
| 10                                          | រូប រូប រូប រូប (0.40m x 1m) Cement culvert (0.40m x 1m) | ម៉ែត្រ | 8.50           |
| 11                                          | រូប រូប រូប រូប (0.50m x 1m) Cement culvert (0.50m x 1m) | ម៉ែត្រ | 13.00          |
| 12                                          | រូប រូប រូប រូប (0.60m x 1m) Cement culvert (0.60m x 1m) | ម៉ែត្រ | 18.00          |
| 13                                          | រូប រូប រូប រូប (0.8m x 1m) Concrete culvert (0.8m x 1m) | ម៉ែត្រ | 30.00          |
| 14                                          | រូប រូប រូប រូប (1.0m x 1m) Concrete culvert (1.0m x 1m) | ម៉ែត្រ | 45.00          |
| 15                                          | រូប រូប រូប រូប (1.2m x 1m) Concrete culvert (1.2m x 1m) | ម៉ែត្រ | 60.00          |
| 16                                          | រូប រូប រូប រូប (1.5m x 1m) Concrete culvert (1.5m x 1m) | ម៉ែត្រ | 80.00          |
| 17                                          | រូប រូប រូប រូប (1.5m x 1m) Concrete culvert (1.5m x 1m) | ម៉ែត្រ | 80.00          |
| 18                                          | រូប រូប រូប រូប (1.5m x 1m) Concrete culvert (1.5m x 1m) | ម៉ែត្រ | 80.00          |
| FENCE AND BEAM រូប រូប រូប រូប              |                                                          |        |                |
| 19                                          | រូប រូប រូប រូប (1.5m x 1m) Concrete culvert (1.5m x 1m) | ម៉ែត្រ | 80.00          |

| No.                                                 | TYPE OF ASSETS                                                                          | UNIT           | Unit Cost, USD |
|-----------------------------------------------------|-----------------------------------------------------------------------------------------|----------------|----------------|
| 20                                                  | ឧបករណ៍បង្កប់ ប្រភេទបង្កប់ បង្កប់បង្កប់បង្កប់<br>Concrete/iron post with net/bamboo wire | m              | 9.00           |
| 21                                                  | ឧបករណ៍បង្កប់ បង្កប់បង្កប់បង្កប់<br>Pole post with wooden strip                          | m              | 11.00          |
| 22                                                  | ឧបករណ៍បង្កប់ បង្កប់បង្កប់បង្កប់<br>Zinc fence with pole post                            | m              | 18.00          |
| 23                                                  | ឧបករណ៍បង្កប់ បង្កប់បង្កប់បង្កប់<br>Normal brick fence (100mm), no cover                 | m <sup>2</sup> | 21.00          |
| 24                                                  | ឧបករណ៍បង្កប់ បង្កប់បង្កប់បង្កប់<br>Normal brick fence (100mm) with cover on both sides  | m <sup>2</sup> | 30.00          |
| 25                                                  | ឧបករណ៍បង្កប់ បង្កប់បង្កប់បង្កប់<br>Normal brick fence (200mm), no cover                 | m <sup>2</sup> | 27.00          |
| 26                                                  | ឧបករណ៍បង្កប់ បង្កប់បង្កប់បង្កប់<br>Normal brick fence (200mm) with cover on both sides  | m <sup>2</sup> | 34.00          |
| 27                                                  | គ្រឹះស្ថានបង្កប់ Concrete column or beam (0.2m x 0.2m)                                  | m              | 14.00          |
| <b>ទ្វារ និងចរន្តិះ DOOR AND STAIR</b>              |                                                                                         |                |                |
| 28                                                  | ទ្វារបង្កប់បង្កប់បង្កប់ Wire fence door                                                 | m <sup>2</sup> | 18.00          |
| 29                                                  | ទ្វារបង្កប់បង្កប់បង្កប់ Zinc or wire fence door                                         | m <sup>2</sup> | 13.00          |
| 30                                                  | ទ្វារបង្កប់បង្កប់បង្កប់ Iron barrier door                                               | m <sup>2</sup> | 15.00          |
| 31                                                  | ទ្វារបង្កប់បង្កប់បង្កប់ Steel fence door                                                | m <sup>2</sup> | 25.00          |
| 32                                                  | ចរន្តិះឈើ Wooden stair                                                                  | set            | 70.00          |
| <b>ប្រភេទបង្កប់ (SPIRIT HOUSE ELECTRICITY POLE)</b> |                                                                                         |                |                |
| 33                                                  | ប្រភេទបង្កប់ បង្កប់បង្កប់ Concrete spirit house (0.43m x 0.51m x 1.1m)                  | set            | 35.00          |
| 34                                                  | ប្រភេទបង្កប់ បង្កប់បង្កប់ Concrete spirit house (0.45m x 0.53m x 1.3m)                  | set            | 55.00          |
| 35                                                  | ប្រភេទបង្កប់ បង្កប់បង្កប់ Concrete spirit house (0.55m x 0.55m x 1.5m)                  | set            | 100.00         |
| 36                                                  | ប្រភេទបង្កប់ បង្កប់បង្កប់ Wooden spirit house                                           | set            | 10.00          |

Table 7.5: Land prices in year 2019

| No. | ក្រុមប្រឹក្សាខេត្ត/Town         | ឃុំ/ឃ្លាង/Village | ភូមិ/Village       | ទីតាំង/Location                                           | តម្លៃ/Rice Field |
|-----|---------------------------------|-------------------|--------------------|-----------------------------------------------------------|------------------|
| 1.  | ខេត្ត ប្រាសាទ (Pursat province) |                   |                    |                                                           |                  |
|     | ប្រាសាទ/Pursat                  | ឃុំប្រាសាទ/Pursat | ភូមិប្រាសាទ/Pursat | បណ្តែត/ឃុំប្រាសាទ<br>Bam (100m) Agri<br>Bam (center line) | 2.40             |
|     |                                 |                   |                    | បណ្តែត/ឃុំប្រាសាទ                                         | 1.20             |



## ANNEX 7

## DRP Internal Monitoring Indicators

| Purpose                                                     | Activities                                                                                                                                                                                     | Monitoring Indicators                                                                                                                                        |
|-------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Identification of compensation recipients                   | Verify the list of compensation recipients against eligibility criteria for compensations                                                                                                      | Number of persons in the list of compensation recipients, who do not meet eligibility criteria (included by mistake)                                         |
|                                                             | Identification of persons, who may claim eligibility for compensation, but are not included in the lists of compensation recipients. Separate verification should be performed on each type of | Number of persons who meet the criteria, but are not included in the list of compensation recipients (excluded by mistake)                                   |
| Verification of affected area                               | Confirmation of the areas of affected assets (including land plots and real property) against the RP                                                                                           | Area of land subject to acquisition, for which                                                                                                               |
|                                                             |                                                                                                                                                                                                | Area of structures subject to acquisition for which compensation has been paid                                                                               |
| Verification of compensation amount, processing and payment | Examination of financial documents                                                                                                                                                             | Number of persons who received compensation in time and in full amount disaggregated by compensation                                                         |
|                                                             | Identification and analysis of reasons for compensations not being paid in full amount and in time.                                                                                            | Number of persons who did not receive compensation in time and in full amount, disaggregated by compensation                                                 |
|                                                             | Identification of reasons for which funds for compensations have been under/overspent                                                                                                          | Amount of funding allocated for payment of compensations<br>Rate of spending of funds allocated for compensations, % of amount envisaged in the RP           |
| Verification of compensation timeline                       | Identification of reasons for which payment of compensations was delayed (e.g. due to the court trial, inheritance issue, etc.)                                                                | Number of persons who received compensation with delay, disaggregated by compensation types and reasons of delay; changes in amount of compensation (if any) |
| Verification of consultation and participation              | Determine the level of involvement and identification of reasons of inadequate participation                                                                                                   | Number of compensation recipients who participated in consultations and coordination meetings at each stage of land                                          |
|                                                             | Examination of grievance cases; analysis of disputes and complaints content, and resolution of conflicts                                                                                       | Number of complaints received<br>Number of complaints resolved                                                                                               |

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## PUBLIC INFORMATION BROCHURE

**1. QUESTION: What is the Asian Development Bank (ADB) funded Cambodia Integrated Urban Environmental Management in the Tonle Sap Basin Project?**

**ANSWER:** The Royal Government of Cambodia (RGC) will use funds from the Asian Development Bank (ADB) to enhance the urban environment, improve public health, and contribute to better quality, coverage and reliability of services to 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. In Pursat, civil works will include (i) drainage improvements by laying down reinforced concrete pipes with a total length of 20 km and construction of new wastewater treatment plant (WWTP) (3 ha); and (ii) Controlled landfill site (16 ha). In Kampong Chhnang, civil works will include a controlled landfill site (10 ha).

**2. QUESTION: Who is responsible for the Project?**

**ANSWER:** The RGC represented by the Inter-Ministerial Resettlement Committee (IRC) will supervise the implementation of the Detailed Resettlement Plan (DRP). The General Depart of Resettlement (GDR) is the lead agency directly responsible for the implementation of DRP. The Resettlement Department 3 (RD3) of GDR through the IRC-Working Group and assisted by the PRSC-WG will undertake day-to-day implementation of DRP. The Ministry of Public Works and Transport (MPWT), the Executing Agency, has established a Project Implementation Unit (PIU) in both Pursat and Kampong Chhnang will implement the Project and the Pursat Solid Waste Management Subproject.

**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  |

**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 Pursat 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      |

**Composition of the Provincial Resettlement Sub-Committee-Working Group**

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

**3. QUESTION: If there are construction activities in our locality, will we be affected?**

**ANSWER:** There will be land acquisition impacts linked with the Pursat landfill access road in terms of permanent loss of land use of along the access road right-of-way (ROW) in Sangkat Roleab, Tuol Mkak Village. Also, through negotiated land acquisition 1,565 m<sup>2</sup> has been acquired for public land to connect the access road to the landfill site.

Pursat drainage improvements in Sangkat Phteah Prey, Chamkar Chek Khang Cheung Village does not have any impact on land acquisition as the drainage will be built along center line of the streets, well within their ROW, but also avoiding impact on permanent structures. WWTP is going to be constructed on the site of old defunct WWTP, hence it is on unused public land.

There will be no land acquisition impacts (besides negotiated land acquisition of 8 ha) linked with the Kampong Chhang landfill in Phnum Touch.

MPWT has placed demarcation markers on the ground for both landfill projects before a detailed measurement survey (DMS) started. The Pursat drainage project alignment will follow center-line of the streets. Its purpose is to define the area reserved for the Project civil works (corridor of impact or COI), and to establish who is affected by the Project.

Everyone that is occupying or using land in the COI must move out of the COI. During detailed design, every effort has been made to minimize the impacts.

A preliminary census and inventory of losses (IOL) for all subprojects was conducted in September-November 2013 to determine the potentially affected persons and the severity of impacts on their properties. This has been updated in December 2018 during DMS, and the final list of eligible persons is available in your sangkat office.

**5. QUESTION: What if my land will be affected by the Project?**

**ANSWER:** Acquired privately owned land will be compensated at replacement cost which is market value plus reasonable transaction costs. Land within the existing ROW will not be compensated. However, those losing use of productive (farming) land within the road ROW will be entitled to assistance for loss of land use of productive land.

**6. QUESTION: What are the entitlements that we have in order to be compensated?**

**ANSWER:** The cut-off date for entitlement to compensation and assistance has been established and corresponds to the date of completion of the inventory of losses (for Pursat 21 September 2013 and for Kampong Chhnang 2 February 2014). Those persons who have occupied and used the land prior to this cut-off date are entitled to compensation if the project construction affects their land and/or structures. Anyone who encroaches into and occupies the land after the cut-off date will not be eligible for compensation or assistance.

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| Item                                         | Type of Loss                                                                                                                                      | Entitled persons                                                                                                                                                                                                                                       | Compensation policy                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Implementation issues                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|----------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>A. Loss of Land</b>                       |                                                                                                                                                   |                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 1                                            | Partial loss of Agricultural land and the residual unaffected portion is still economically VIABLE for continued use or meets the expected yield) | <p>Legal owners and holders of real right of land, including those covered by customary rights</p> <p>2 AHs (total 1,410 m<sup>2</sup> of agricultural land)</p> <p>Illegal occupiers/encroachers/squatters without legal titles or rights to land</p> | <ul style="list-style-type: none"> <li>For the affected portion of the private land: cash compensation at replacement cost<sup>10</sup></li> <li>For the affected portion of the public state land (i.e. land in ROW): assistance for loss of land use prior to cut-off date, based on based on rice productivity/ha/year multiplied by 5 years minus investment cost.</li> <li>If AH belongs to any of the vulnerable groups, see Item D below</li> <li>For the affected portion of the private land: cash compensation at replacement cost</li> <li>No cash assistance for loss of residential land in ROW.</li> <li>However, for agricultural land in ROW: Cash assistance for loss of land use.</li> <li>Cash compensation at replacement cost for non-land affected assets.</li> <li>If AH belongs to any of the vulnerable groups, see Item D below.</li> </ul> | <p>AHs to be notified at least 3 months in advance of the actual date that the land will be acquired by the Project.</p> <p>AHs will be allowed to harvest their annual and perennial crops and timber products prior to construction.</p> <p>If the head of household is married, compensation will be paid at the presence of both husband and wife.</p> <p>No compensation paid for loss of land use within corridor of impact, as land use within 10m of access road has been undertaken after cut-off date.</p> |
| <b>B. Loss of Structures</b>                 |                                                                                                                                                   |                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 2                                            | Loss of, or damage to secondary structures and other assets                                                                                       | <p>Owners of the structure whether or not land is owned; with or without building permit</p> <p>4 AHs will lose secondary structures mentioned in Table 2</p>                                                                                          | <ul style="list-style-type: none"> <li>Cash compensation at replacement cost for the affected assets</li> <li>AH can retain the materials from demolition of their structures at no cost.</li> <li>If AH belongs to any of the vulnerable groups, see Item D below.</li> <li>The calculation of rates will be based on the actual affected area and not the useable area.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <p>Compensation will be provided in the form of cash without deductions for depreciation or salvageable materials</p> <p>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 the house shop, avoiding disruption in the livelihood of the same OR,</p> <p>If the head of household is married, compensation will be paid at the presence of both husband and wife.</p>                                                     |
| <b>C. Loss of Productive Trees and Crops</b> |                                                                                                                                                   |                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 3                                            | 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)                                                                                                                                      | <ul style="list-style-type: none"> <li>Compensation for affected fruit trees at full replacement cost, which shall be based on average annual value of the product multiplied by five years;</li> <li>Compensation for annual crops at replacement cost.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <p>AHs to be notified at least 3 months in advance of the actual date that the land will be acquired by the Project.</p> <p>AHs will be allowed to harvest their annual and perennial crops prior to</p>                                                                                                                                                                                                                                                                                                             |

<sup>10</sup> Replacement cost is based on findings of Replacement Cost Study (RCS) and will be updated to reflect market rates at the time of compensation. In case there is no active market in the locality, this will be based on productive capacity or attributes; without deduction for taxes and transaction costs. RCS rates are valid for a period of 12 months.

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| Item                                                          | Type of Loss                                                      | Entitled persons                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Compensation policy                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Implementation issues                                                                                                                                                                                                                                                                                                                                                                                                                          |
|---------------------------------------------------------------|-------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                               |                                                                   | 1 AH will lose 2 Mango trees                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | construction, and retain income from standing crop.<br><br>Households continuing to use/farm land along COI after cut-off date will not be entitled to compensation.                                                                                                                                                                                                                                                                           |
| <b>D. Impacts on Vulnerable AHs</b>                           |                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 4                                                             | 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 land, and (vi) indigenous people or ethnic minorities<br><br>1 AH has been identified as poor living below the national poverty line | <ul style="list-style-type: none"> <li>One-time assistance allowance of \$100 per household</li> <li>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 Project with the active participation of the AHs<sup>11</sup></li> <li>Priority for employment in the subproject construction works.</li> </ul>                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>E. Temporarily affected properties during construction</b> |                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 8a                                                            | Temporarily affected land and non-land assets during construction | Owner of temporarily affected land and non-land assets                                                                                                                                                                                                                                                                                                                                                                                                                                            | <ul style="list-style-type: none"> <li>Contractor will pay rent for any land/structure required for construction workspace outside the ROW;</li> <li>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 AHs will receive compensation at replacement cost for the land and/or assets</li> </ul> | <p>AHs 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</p> <p>Contractor will be required by contract to pay these costs</p> <p>Construction and maintenance will be carried out so as to minimize damage.</p> <p>As part of the civil works contract, all access roads/driveways to properties adjacent to the road will be repaired or</p> |

<sup>11</sup> 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 AHs. If IRP is required through public consultation with the entitled AHs, the amount will be used as a block fund to support the various components of the IRP. The specific implementation mechanism for the use of the IRP funds will be determined during the planning of the program (\$500 USD/AH as per entitlement matrix of 43319-033 CAM: Greater Mekong Subregion Corridor Towns Development Project).

| Item | Type of Loss                                                                                                                                       | Entitled persons            | Compensation policy                                                                                                                                                                                                                                                                                                                                                                 | Implementation issues                                                                                                                                                                                                                                      |
|------|----------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 6b   | Temporary damage to productive assets during construction (e.g. fields and associated infrastructure including bund walls, drains, channels, etc.) | Owners of productive assets | <ul style="list-style-type: none"> <li>• 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.</li> </ul> | <p>replaced including culverts and other facilities, to a condition equal or better than the present.</p> <p>The disruption period will be minimized as much as possible.</p>                                                                              |
| 7    | Unanticipated involuntary resettlement impacts                                                                                                     | Eligible displaced persons  | <ul style="list-style-type: none"> <li>• 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.</li> </ul>                                    | 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. |

**7. QUESTION: Does compensation apply to my affected houses or structures?**

**ANSWER:** Yes. Houses and structures that will be affected by the Project shall be compensated at replacement cost without deduction for depreciation or salvageable materials. Partially affected houses will be compensated for the lost affected portion as well as repair costs. Other structures (e.g. fences, eaves, concrete yards) will also be compensated at replacement cost.

**8. QUESTION: What about my crops and trees?**

**ANSWER:** For annual crops, affected persons will be given advance notice that the land on which their crops are planted will be used by the Project and that they must harvest their crops in time. Affected persons will be compensated for the loss of fruit and timber trees at replacement value, which will take account lost potential income and time required to re-establish the perennial trees. This will compensate for lost income until the newly planted seedlings bear fruit.

**9. QUESTION: What about public property resources?**

**ANSWER:** Affected public buildings and structures will be restored to original or better condition.

**10. QUESTION: If our livelihoods are affected, how can the Project help me restore my livelihood and living standards?**

**ANSWER:** The census and DMS has taken note of the livelihoods of affected persons and any impacts the Project may have. The Project will provide various forms of assistance to enable affected people to restore their livelihoods and living conditions to at least pre-project levels. Such forms of assistance will include: (i) one time assistance allowance to households losing 10% or more of their total productive assets or are required to relocate their houses or shops outside the corridor of impact depending of the type and severity of impact; (ii) for those affected by permanent loss of land use (productive land), cash assistance for loss of land use; (iii) cash assistance to cover transportation costs; (iv) cash assistance for temporary disruption to business income for affected shops/stalls; (v) income restoration plan with cash assistance and vocational training for waste pickers; and, (vi) additional assistance to vulnerable households.

In addition, the Project will seek to maximize project work opportunities to adults in the affected local communities (both men and women) during the implementation phase, particularly the severely affected

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and vulnerable affected households. Such opportunities will be announced in the local area.

**12. QUESTION: What is the detailed measurement survey (DMS) and when will it be conducted?**

**ANSWER:** The DMS is a detailed survey of 100% of affected persons to document all affected assets including land, houses, shops, other structures, crops and trees. It establishes the official list of affected persons who are eligible for compensation and other assistance. It will be conducted after detailed engineering for project infrastructure components is completed, and the COI has been marked on the ground. The activity has been carried out in December 2018 in the presence of the affected persons. The affected persons and the local authorities has been informed prior to the activity through public consultations.

**13. QUESTION: How will the Project consult with me and provide information?**

**ANSWER:** The Project has prepared a communication and consultation plan. The Project will keep local communities informed of significant activities. Regular information will be provided to the sangkat/commune offices, village chiefs and local community-based organizations as well as other culturally recognized community leaders. The local sangkat/commune offices will maintain a public notice board where significant information and schedules will be posted. In addition to this affected households will be consulted directly through public consultation meetings on significant matters affecting them. Such public consultation meetings will take place (i) prior to the conduct of the DMS (to advise survey schedules and procedures), (ii) following the DMS (to advise of DMS results and proposed mitigation measures), (iii) during preparation of the detailed resettlement plan (to identify appropriate livelihood restoration measures, advise of compensation rates and details of allowances and assistance measures as well as details of resettlement arrangements); and (iv) on-going through implementation of the detailed resettlement plan. Furthermore, the Project will publically disclose the approved updated resettlement plan through a public information brochure (distributed to all affected households), by providing a translated version of the resettlement plan to the municipal and sangkat/commune office for public access and by uploading it on ADB's website.

**14. QUESTION: If problems arise during project implementation such as compensation, technical, and other project-related issues, do I have the right to voice my complaint?**

**ANSWER:** Yes. If the affected person is not clear about or not satisfied with the compensation package offered or, if for any reason, the compensation does not materialize according to the agreed schedule, the affected person has the right to lodge a complaint. The grievance redress mechanism consists of a four-stage process as follows:

**First stage:** AHs will present their complaints and grievances verbally or in writing to the village or sangkat resettlement sub-committee or IRC working group. The receiving agent will be obliged to provide immediate written confirmation of receiving the complaint. If after 15 days the aggrieved AH does not hear from the village or sangkat resettlement sub-committee or the working groups, or if he/she is not satisfied with the decision taken in the first stage, the complaint may be brought to the District Office.

**Second stage:** The District Office has 15 days within which to resolve the complaint to the satisfaction of all concerned. If the complaint cannot be solved at this stage, the District Office will bring the case to the Provincial Grievance Redress Committee.

**Third stage:** The Provincial Grievance Redress Committee meets with the aggrieved party and tries to resolve the complaint. The Committee may ask for a review of the DMS by an external monitoring Organization (EMO). Within 30 days of the submission of the grievance, the Committee must make a written decision and submit copies to the MPWT, EMO, PRS/IRC and the AH. There will be no costs or fees levied to the AHs in receiving and resolving the complaints from stage 1 to stage 3. All costs involved in resolving the complaints (meetings, consultations, communication and reporting/information dissemination) will be borne by the GDR.

**Court Procedure:** If the aggrieved AH does not hear from the Provincial Grievance Redress Committee or is not satisfied based on the agreed policy in the RP, he/she will bring the case to Provincial Court. This is the final stage for adjudicating complaints. The Court will make a written decision and submit copies to

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MPWT, EMO, PRS/IRC and the AH. If any party is still unsatisfied with the Provincial Court judgment, he/she can bring the case to a higher-level court. The RGC will implement the decision of the Court.

**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  |

**13. QUESTION: When is the project expected to start?**

**ANSWER:** After some delays the project commenced in 4th Quarter of 2017. The detailed resettlement plan will require significant time to prepare and hence site clearance is expected to commence in the 2nd Quarter of 2019. Affected communities will be kept informed of updated activity schedules from the beginning.

**14. QUESTION: How will you know if these undertakings are kept and the objectives of this Project are met?**

**ANSWER:** All project activities will be monitored by: Project Management Unit of the Ministry of Public Works and Transport and by an External Monitoring Organization (EMO).

Quarterly Reports will be prepared and submitted to ADB. A resettlement impact evaluation will also be undertaken after resettlement implementation to assess whether Project impacts have been mitigated adequately and pre-project living standards of affected persons have been restored. ADB will also monitor these activities in its regular supervision missions during project implementation. Semi-annual reports of the EMO will be disclosed to affected communities.

**15. QUESTION: Are there any other documents available to know more about the Project and resettlement issues?**

**ANSWER:** The draft RP prepared during the feasibility studies for the Project can be obtained from the sangkat, municipal and provincial offices. DRP will be updated and the final version will be available in these offices.

**16. If you have further queries and suggestions, please contact us at:**

(i) Provincial Department of Public Works Resettlement Sub-Committee in Pursat.

Contact: Bung Taing Lay

Phone: 012 392 474

Email: N/A

(ii) Provincial Department of Public Works Resettlement Sub-Committee in Kampong Chhnang.

Contact:

1. Mr. Yin Borin (Deputy Director of DPWT)

Phone: 012 947463/ 015 947463

Email: [Borinyin@gmail.com](mailto:Borinyin@gmail.com)

2. Mr. Keo Veth (Chief of Office, DPWT)

Phone: 097 6558567/ 098 353906

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Email: [kchdpw@gmail.com](mailto:kchdpw@gmail.com)

(iii) Project Management Unit, Integrated Urban Environmental Management in the Tonle Sap Basin Project

Address: 4<sup>th</sup> Floor, Eastern Building, Corner Norodom Blvd. & Street 106, Phnom Penh

Contact: Mr. Vong Rada

Phone: 012 451545

Email: [vong.rada@yahoo.com](mailto:vong.rada@yahoo.com)

(iv) Inter-Ministerial Resettlement Committee, Resettlement Department, Ministry of Economy and Finance (Phnom Penh)

Contact: Mr. Un Vallera

Team Leader IRC-WG

Phone: 012 617 111

(v) Asian Development Bank Cambodia Resident Mission - Phnom Penh, Tel: (023) 215 805, Fax: 023 215 807