

Draft Resettlement Plan

Project No. 50102
May 2018

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

Stueng Saen

CURRENCY EQUIVALENTS

(as of 1 May 2018)

Currency unit	–	riel (KR)
KR1.00	=	\$ 0.000248
\$1.00	=	KR 4,032.50

ABBREVIATIONS

ADB	–	Asian Development Bank
AH	–	affected household
AP	–	affected person/people
DP	–	displaced person
DH	–	Displaced households
DED	–	detailed engineering design
DMS	–	detailed measurement survey
EM	–	Ethnic Minority
GDR	–	General Department of Resettlement
IOL	–	inventory of loss
IRC	–	Inter- Ministerial Resettlement Committee
MEF	–	Ministry of Economy and Finance
MPWT	–	Ministry of Public Works and Transport
PGRC	–	Provincial Grievance Redress Committee
PRSC	–	Provincial Resettlement Sub-Committee
RGC	–	Royal Government of Cambodia
RSC	–	Resettlement Cost Study
RF	–	Resettlement Framework
ROW	–	right of way
RP	–	Resettlement Action Plan
WG	–	working group
WWTP	–	waste water treatment plant

NOTE

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

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DEFINITION OF TERMS

Compensation	– Refers to payment in cash or in kind for an asset or resource that is acquired or affected by a Project at the time the asset needs to be replaced. All compensation is based on the principle of replacement cost, which is the method of valuing assets to replace the loss at current market rates, plus any transaction costs such as administrative charges, taxes, registration and titling costs.
Consultation	– A process that (i) begins early in the project preparation stage and is carried out at different stages of the project and land acquisition and involuntary resettlement cycle; (ii) provides timely disclosure of relevant and adequate information in Khmer Language that is understandable and readily accessible to Displaced Person (DP); (iii) is undertaken in an atmosphere free of intimidation or coercion with due regard to cultural norms; and (iv) is gender inclusive and responsive, and tailored to the needs of disadvantaged and vulnerable groups; enables to consider the incorporation of all relevant views of affected people and other stakeholders into decision making, such as project design, mitigation measures and implementation issues.
Cut-off date	– For this project (i) if the subproject is prepared based on a feasibility study, the cut-off date is the start date of the first consultation meeting with the DPs during the census, and (ii) if the sub-project is prepared based on detailed engineering design, the cut-off date is the date of the commencement of the detailed measurement survey. It is also the date that establishes the eligibility of receiving compensation and resettlement assistance by the project DPs. Only those DPs who own, occupy or reside on the land to be acquired for the sub-project under the Project as of this date will be eligible for receiving compensation and resettlement assistance in accordance with the Entitlement Matrix specified in the RF or RP.
Detailed Measurement Survey	– With the aid of detailed engineering design, this activity involves the finalization of the inventory of losses, measurement of losses, 100% Socio-economic Survey, and 100% census of DPs.
Displaced Household (DH)	– Any household, physically and/or economically directly affected because of land acquisition and involuntary resettlement. Household means all persons living and eating together as a single social unit.
Displaced Persons (DPs)	– In the context of involuntary resettlement, DPs are those who are physically displaced (relocation, loss of residential land, or loss of shelter) and/or economically displaced (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas.
Economic Displacement	– Refers to loss of land, assets, access to assets, income sources, or means of livelihood because of (i) involuntary acquisition of land, or

	(ii) involuntary restrictions on land use or on access to legally designated parks and protected areas.
Eligibility	– Refers to any person or persons, household, firm, private or public institution who has settled in the Project area before the cut-off date, that (i) loss of shelter, (ii) loss of assets or ability to access such assets, permanently or temporary, or (iii) loss of income sources or mean of livelihood, regardless of relocation will be entitled to be compensation and/or assistance.
Entitlement	– Refers to a range of measures comprising compensation, income restoration support, transfer assistance, relocation support, etc. which are due to the DPs, depending on the type and severity of their losses, to restore their economic and social base.
Income Restoration	– Refers to re-establishing productive livelihood of the DPs to enable income generation equal to or, if possible, better than that earned by the DPs before the resettlement or of pre-project levels.
Inventory of Losses	– This is the process where all fixed assets (i.e. lands used for residence, commerce, agriculture, including ponds; dwelling units; stalls and shops; secondary structures, such as fences, tombs, wells; trees with commercial value; etc.) and sources of income and livelihood inside the Project right-of-way are identified, measured, their owners identified, their exact location pinpointed, and their replacement costs calculated. Additionally, the severity of impact to the affected assets and the severity of impact to the livelihood and productive capacity of DPs will be determined.
Involuntary Resettlement	– Refers to when displaced persons have no right to refuse land acquisition by the state that result in their displacement which occurs when land is acquired through (i) expropriation by invoking the eminent domain power of the state, or (ii) land is acquired through negotiated settlement when the pricing is negotiated, and the failure will result in expropriation through invoking the eminent domain of power of the state.
Land Acquisition	– Refers to the process whereby individual, household, firm or private institution is compelled by a public agency to alienate all or part of the land it owns or possesses to the ownership and possession of that agency for public purposes in return for compensation at replacement costs.
Major Impacts	– Refers to DHs who will (i) lose 10% or more of their total productive land and/or assets; (ii) have to relocate; and/or (iii) lose 10% or more of their total income sources due to the Project.
Physical Displacement	– Refers to relocation, loss of residential land, or loss of shelter because of (i) involuntary acquisition of land; or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas.
Relocation	– This is the physical relocation of a displaced person from their pre-project place of residence and/or business.

Replacement Cost	– Replacement cost involves replacing an asset, including land, at a cost prevailing at the time of its acquisition. This includes fair market value, transaction costs, interest accrued, transitional and restoration costs, and any other applicable payments, if any. Depreciation of assets and structures should not be considered for replacement cost. Where there are no active market conditions, replacement cost is equivalent to delivered cost of all building materials, labor cost for construction, and any transaction or relocation costs. Where land market conditions are absent or in a formative stage, the DPs and host populations will be consulted with to obtain adequate information about recent land transactions, land value by types, land titles, land use, cropping patterns and crop production, availability of land in the project area and region, and other related information.
Replacement Cost Study	– This refers to the process involved in determining replacement costs of affected assets and land and performed by an independent qualified national consultant (firm or individual) with necessary expertise to carry out asset valuation.
Resettlement Framework	– The Resettlement Framework sets out the criteria for screening sub-projects on their resettlement impacts and provides guidance in preparing Resettlement Plans for eligible sub-projects with insignificant resettlement impacts. It defines the objectives, principles, eligibility criteria and entitlements for displaced persons based on (i) Asian Development Bank's Safeguards Policy Statement, 2009; and (ii) the Royal Government of Cambodia laws, rules and regulations.
Resettlement Plan	– This is a time-bound action plan, with budget, setting out the resettlement objectives and strategies, entitlements the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and implementation schedule. The outline Resettlement Plan is in Annex to Appendix 2 of the ADB Safeguard Policy Statement (2009).
Vulnerable Groups	– These are distinct groups of DPs who are likely to be more adversely affected than others and who are likely to have limited ability to re-establish their livelihoods or improve their status and comprise : (i) all the households living below the national poverty rate established by the Government,¹ (ii) female headed households with dependents living below the national poverty rate, (iii) disabled headed households with no other means of support, (iv) elderly headed households who are landless and with no other means of support, (v) landless poor living below the national poverty rate, and (vi) indigenous people or ethnic minorities (who often have traditional land rights but no formal titles).

¹ This includes squatters and those without land titles.

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I. PROJECT AND SUBPROJECT DESCRIPTION

A. Overview of the Project

1. Asian Development Bank (ADB) is supporting the Royal Government of Cambodia (RGC) to bring about inclusive growth and shared prosperity for its growing urban population, by providing improved infrastructure and services in selected towns and urban centres in the country.
2. The Second Urban Environmental Management in the Tonle Sap Basin Project (the Project) will improve urban environmental services in Battambang, Serei Saophoan and Stung Saen, three of Cambodia's provincial cities located around the Tonle Sap lake. The project will also improve institutional effectiveness to provide sustainable services and support an improved policy and planning environment for wastewater and solid waste management. A map showing the three cities is included in **Error! Reference source not found..**

Figure 1: Location of Subprojects



Source: FS-TA

3. The proposed outputs of the Project are:
 - (i) **Output 1: Urban infrastructure improved.** The project will finance three wastewater subprojects: (i) a new 4,800 m³/day capacity WWTP at Battambang and 86.8 km of new sewers, (ii) a new 2,500 m³/day capacity WWTP in Stung Saen and 39.2km of

new sewers, and (iii) a new 2,500 m³/day capacity WWTP in Serei Saophoan and 78.2km of new sewers.² The project will finance two drainage subprojects: (i) a 17.1 km drainage network in Stung Saen; and (ii) a 8.5km drainage network in Serei Saophoan. The project will finance three controlled landfills: (i) 48,000 m³ landfill in Stung Saen; (ii) 130,000m³ landfill in Serei Saophoan and (iii) 350,000m³ landfill in Battambang. The project will also finance the provision of free latrines for 760 poor households.

- (ii) **Output 2: Institutional effectiveness improved.** The project will strengthen institutional effectiveness through improving staff capacity in critical areas (including improved urban service delivery, O&M of urban facilities, public private partnerships and other institutional arrangements), supporting the establishment of urban service units, and dedicated consultant support for project management.
- (iii) **Output 3: Policy and planning environment improved.** The project will develop urban development strategies and master plans for all three cities. It will develop a road map for financial sustainability for wastewater and solid waste (including a proposed road map and arrangement for tariffs, and mechanism for ensuring household connections). It will build community awareness on the benefits of proper sanitation and separate sewage systems and safe disposal of solid waste.

4. This draft resettlement plan (RP) applies specifically to the Stueng Saen wastewater and drainage subprojects. It must be read in conjunction with the Resettlement Framework (RF) for the Project.³ The proposed new service area for wastewater collection and treatment, and drainage, is the main built-up urban area to the south of the Stueng Saen River. This service area covers parts of sangkats Kampong Thom, Damrei Chloan Khla, and Kampong Roteh in the south. The extent of the service area is shown in **Figure 2**.

5. When the new wastewater and drainage infrastructure is completed, it will cover a service area with a projected population of 16,900 (around 3,676 properties). Apart from the street sewerage system, the subproject will also include free or subsidised onsite plumbing for residential properties which are to be connected to the sewerage system. This will ensure that rainwater drains are separated from the wastewater pipelines and therefore will help to reduce overflow of contaminated wastewater overflowing in the streets, which is a common sight at present.

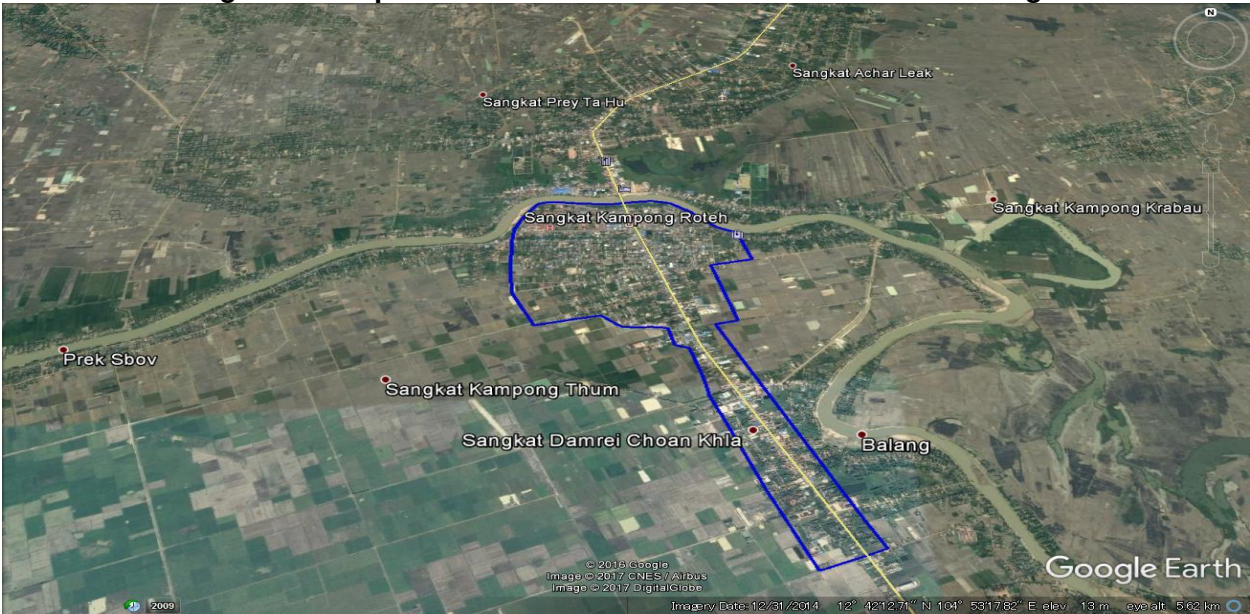
6. The location of the site of the proposed wastewater treatment plant is about 3 km to the east of the city as can be seen in **Figure 3**. Although the local government owns 7.4 ha of the site, the low-lying area is poorly draining and in fact rainwater ponds for much of the year. In addition, the boundaries are somewhat irregular which makes it complicated to develop for simple treatment technology. Therefore, the municipality intends to purchase another 3.9 ha of adjacent parcels of land to regularize the site boundaries and enable improving the drainage of the site.

² The project will also finance free household connections to the sewer system (i.e. the line from the sewer to the boundary of the property). The project also includes a financing allocation for on-site plumbing (i.e. the plumbing needed within the boundary of the property). This will be provided as a subsidy to ID poor households, however, the government may choose to recover all or part of this cost for non-ID poor households.

³ The Resettlement Framework is available as a linked document to the Reports and Recommendations of the President

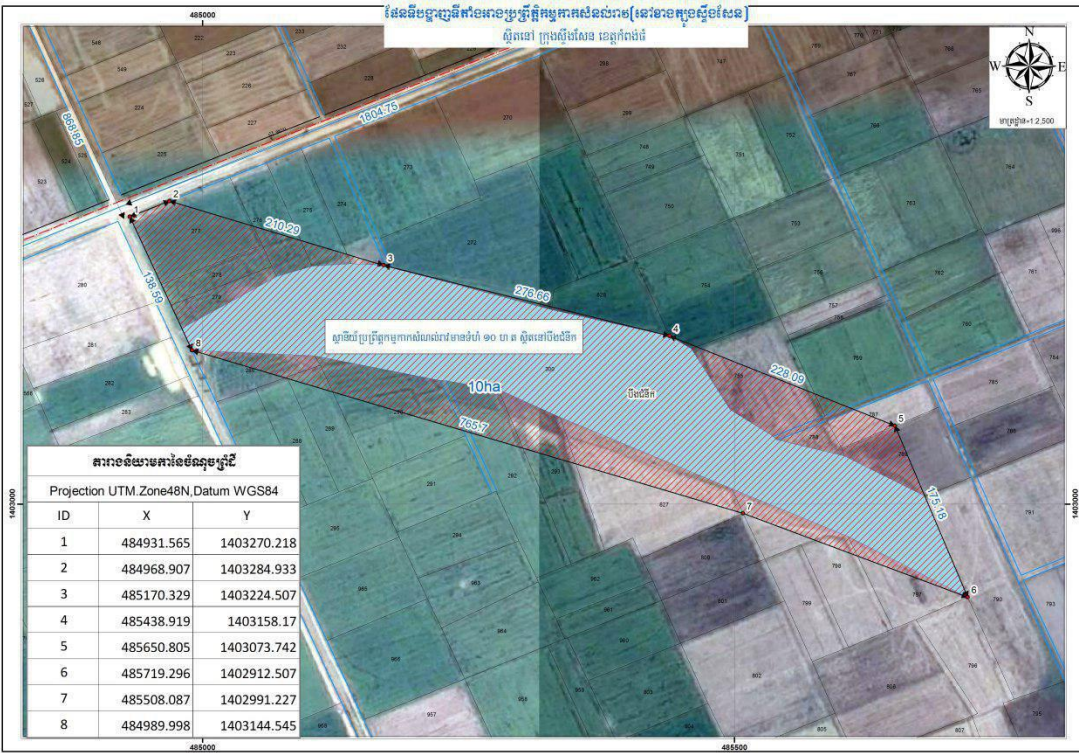
This means the proposed treatment plant site will be 11.3 ha in total. Of the additional land needed 2.9 ha is currently used for rice paddies.

Figure 2: Proposed Service Area for Wastewater and Drainage



Source: FS-TA.

Figure 3: Proposed Wastewater Treatment Plant Site Location



Source: Kampong Thom Provincial Department of Public Works and Transport, 2018.

B. Nature of Resettlement Impacts of the Stueng Saen wastewater and drainage

7. This draft RP covers only the wastewater and drainage investments in Stueng Saen. The solid waste treatment will be addressed separately once the site for the planned controlled sanitary landfill is confirmed. As stated above, acquisition of an additional 3.9 ha land adjacent to the 7.4 ha site already owned by the local government is required for the construction of the WWTP.

8. Temporary impacts concern mainly disruption of the use of roads, tracks, footpaths, and/or property road access points along the public right of way (ROW) caused by sewerage and drainage system construction works and the movement of construction plant and materials, including unanticipated impacts, and these will be addressed during implementation based on actual impacts and in accordance with the national laws and ADB's SPS (2009). All sewerage and drainage networks have minimal working widths and will be installed on the edge of road shoulders or easements, which are wide enough to accommodate the digging of trenches, or will be moved into the road carriageway to avoid any impacts. Civil works contracts will require contractors to reinstate the ROW to its original condition after the installation of pipes is completed. Effective construction supervision and monitoring at all stages of subproject implementation will ensure this outcome.

9. In case there are changes in the subproject's scope and/or location during next stage especially during detailed engineering design (DED), screening of impacts shall be re-conducted to find out any further land acquisition and resettlement impacts. And if the scope of land acquisitions and resettlement impacts are changed, the RP will be updated based on policies and principles as per the approved RF.

II. SCOPE OF LAND ACQUISITION AND RESETTLEMENT

10. The Stueng Saen Wastewater System and Drainage subprojects are classified as category "B" for involuntary resettlement impacts and involves primarily acquisition of private farmlands of around 3.9 ha, for the construction of the WWTP, but no structures, trees and livelihood will be affected. The acquisition of about 3.9 ha will affect 20 households who own, use and have hard land title. The affected assets and the related DHs are summarized in

Table 1.

11. The data presented in Table 1 is all based on the feasibility stage IOL and will be revisited during the detailed design stage to provide accurate details and the final impacts per type. The IOL for this draft RP purpose was carried out in February 2018.

A. Data Gathering Instruments

12. The tool used in the survey and census was the survey questionnaire on the socio-economic information of affected person. In addition, the inventory of Loss (IOL) was also carried out during the field data collection from 13-14 February 2018.

B. Impact on Land

13. The subproject does not affect any residential land. Only agricultural land will be affected. The new WWTP will be located on a site of approximately 11.3 ha, of which 7.4 ha is public land and the remaining 3.9 ha is private land, the latter owned by 18 DPs. Because the titling is a lengthy process, obtaining a copy of the land title to support state-ownership for the public land is ongoing and all the documents, including the due diligence for this site will be reflected in the final RP following the DED. At the stage of the DED the draft RP will be revised, the changes to the resettlement plan will take form of revising number of displaced persons and the extent of land acquired among other data included in the draft RP.

C. Impact on Structures

14. Since the project area is located in the rice field and no structure either primary or secondary to be affected, no physical relocation is expected.

D. Impact on Crops and Trees

15. There are likely to be impacts on crops. All the households plant rice and although the DHs will have the opportunity to harvest the standing crops, compensation for the lost crops at full replacement cost will be paid as per the entitlement matrix. No tree of any type will be impacted as the acquired land plots are paddy fields. For the standing crop most prefer cash compensation.

E. Major Impact

16. In total 12 DHs will experience major impact (minimum 10% and maximum 100%) on their farmlands. Two (2) DHs will lose their farmland entirely. They will be entitled to choose among the three available Income Restoration Programs when the draft RP will be finalized following the DED.

F. Impact on Vulnerable Groups

17. The SES, census and IOL identified number of vulnerable DPs. Nine (9) DHs are considered vulnerable, to be confirmed at DMS stage. These DHs include 5DHs living below the poverty line established by the Government and 2 DHs headed by elderly person. There were no disabled persons affected households among the DHs.

18. No encroachers, squatters or any other non-title holders are affected and the two farmers using the state-owned land for farming do it based on the agreement with the local authorities.

19. No Indigenous Peoples or Ethnic Minority groups are affected by acquisition of land, as all the affected persons are Khmer.

G. Temporary Land Acquisition

20. For any temporary site installation or other area, the contractor will have to propose in a site installation and access plan and obtain approval from the Project Management Unit (PMU). Where possible, unoccupied and unused public land will be used for temporary land use. The contractor shall rent the private space with agreed rental fee. Both private and public space shall be returned in the same or improved condition compared with pre-project situation. Through a transparent and contractual approach, the Employer will provide the contractor with the project's land acquisition and compensation principles to ensure that (i) official compensation rates are applied, (ii) re-instatement of affected assets contractually defined, (iii) consultation takes place, (iv) the grievance mechanism is followed, (v) the Environmental Management Plan (EMP) is applied, and (vi) other items specified are complied with.

Table 1: Summary of Impact on Land

No.	Name of Affected Household	Sex	Affected Agriculture Land (ha)	Total Area of the Affected Land (ha)	Percentage of Loss
1	Chuon Vuon	Male	N/A	State Land, DP only uses for farming	
2	Nhaem Touch	Female	N/A		
3	Nov Koeu	Female	0.12	0.30	40%
4	Souen Sokhon	Female	0.20	1.63	12.3%
5	Van Penglun	Male	0.22	2.00	11%
6	Horn Nga	Male	0.15	0.87	17.2%
7	Lean Sokunthea	Male	0.08	6.37	1.3%
8	Thon Socheat	Male	0.56	0.71	78.9%
9	Meak Sour	Male	0.46	3.37	13.6%
10	Long Leab	Male	0.01	1.00	1%
11	Chouen Chuon	Male	0.02	1.48	1.4%
12	Oem Somoul	Male	0.03	1.68	1.2%
13	Tuy Kimhouen	Male	0.05	0.40	12.5%
14	Phath Sothuok	Female	0.09	0.09	100%
15	Khath Prom	Male	0.19	2.21	8.6%
16	Oak Sok	Male	0.23	1.40	16.4%
17	Nin Chhy	Male	0.23	1.70	13.5%
18	Pov Chorn	Female	0.38	0.38	100%
19	Duch Phalla	Male	0.40	11.70	3.4%
20	Heng Peng	Male	0.43	1.00	43%
TOTAL			3.83		

Source: IOL, February 2018

21. The impacts per type as identified during the feasibility stage census and IOL is summarized in Table 2. These data will be updated during the DED and preparation of the detailed RP through completion of the DMS. The updated data will serve a basis for the RCS to come up with the compensation amounts and for GDR to finalize the entitlements package for DPs.

Table 2: Summary of impacts per Type

No.	Impact	Displaced Households
1	Agricultural land	18
2	Primary structures (partial)	0
3	Secondary structures	0
4	Crops and trees	20
5	Businesses	0
6	Religious structures / graves	0
7	Undetermined	0

Source: IOL, February 2018

III. SOCIO ECONOMIC INFORMATION AND PROFILE

22. Socioeconomic information of the households living in the subproject area in general as well as the affected households in particular was collected through the fieldwork (census, IOL, SES, consultation meetings in villages, and transect walks). The information in this section presents baseline socioeconomic information of households living within the subproject area.

A. Demographic Information of the Respondents

23. The subproject is for Stueng Saen Town that covers three communes (namely Kampong Thum, Damrei Chloan Khla, and Kampong Roteh). The wastewater treatment plant is located in Ou Kanthor, which has a population of 3,808 from the 863 HHs (Table 3). The affected households by this subproject are from Preak Sbov village of Ou Kanthor commune.

Table 3: Demographic Information for Households within Subproject Area

Province	District	Commune	Village	No. of family	Population	Total Male	Total Female	Total Female Head of HH
Kampong Thom	Stueng Saen	Population in subproject service area						
		Kampong Thum		550	2,565	1,238	1,237	70
		Damrei Chloan Khla		1,675	7,879	2,947	3,932	240
		Kampong Roteh		1,039	5,372	2,560	2,811	163
		Total in service area		3,264	15,815	6,745	7,980	473
		Villages adjacent to wastewater treatment plant						
		Ou Kanthor	Preaek Sbov	451	2,002	957	1,045	93
			Ou Kanthor Tboung	412	1,806	894	912	90
		Total in nearby villages		863	3,808	1,851	1,957	183

Source : Commune Database-Village Data, 2016.

24. **Gender and Civil Status, Education Levels.** Among the 20 DHs, 15 are male headed and 5 are female headed households. Most of the DH heads are 40-50 years of age. The female HH have a higher dependency level than male headed AHs. Most of the male heads of DHs have secondary education levels (67%) while lesser female headed household have secondary education (40%). A few DH heads have university degrees, while none have vocational skills or training.

25. **Occupations.** As regards occupational distribution, 20% are farmers while 22% are students, 9% are business owners or employees. A few are in government or private service. Only two women reported being housewives (Table 4).

Table 4: Average Number of Member working as Fulltime Wage Salary

	Kampong Thom
Average number of male in your household working FULL-TIME for wages/salary (Male)	0.8
Number of Female in your household working FULL-TIME for wages/salary	0.7

Source: IOL-FS.

B. Employment and Incomes

26. As regards income sources, 70% reported seasonal incomes, while 30% have regular salaried incomes or wages, and 40% have incomes from sources such as pensions (**Error! Reference source not found.5**).

Table 5: Average Annual Income from Different Sources

Source	Income (USD)
Total household income Government or public service (incl. education or health)	399.5
Total household income Services, Tourism, Hospitality	45.0
Total household income from Trade/Own business	5605.0
Total household income from Construction	37.5
Total household income from Agriculture, fishing, forestry	1826.3
Total household income from Daily or casual labor/wages	57.5
Total non-earned income Government pension	105.0
Total non-earned household income Government assistance/welfare	5.0
Total non-earned (non-wage/labor) household income Remittances	18.0
Total non-earned household income Rental income	99.3
Estimate of last year's income Vegetables (beans, potatoes, carrots, tomatoes, etc.	16.3
Estimate of last year's income Rice	1638.8
Estimate of last year's income from Other crop	0.6
Estimate of last year's income from Sale of livestock	387.5
Estimate of last year's income from Sale of poultry (chicken, geese)	3.1
Estimate of last year's income from Sell of crocodiles	0.0

Source: IOL-FS.

27. **Housing.** Housing conditions are average with corrugated iron and brick used commonly along with wood. There are no structures with leaf or thatch roofing (**Error! Reference source not found.6**). All DHs have titles to their residential plots. However, no residential land or structures are impacted by this subproject. Most DHs have more than one plot for agriculture, according to consultation meeting.

Table 6: Housing Construction Materials

		Number of household	Percentage of Household
Type of roof	Brick/Concrete	0	0.0
	Corrugated iron	5	25.0
	Tile	14	70.0
	N/A	1	5.0
Type of walls	Wooden	7	35.0
	Wood/Brick	3	15.0
	Brick/Concrete	4	20.0
	Corrugated iron	5	25.0
	N/A	1	5.0
Type of floor	Simple (thatchthatch/sack, bamboo, clay/earth)	0	0.0
	Wooden	12	60.0
	Wood/Brick	0	0.0
	Brick/Concrete	7	35.0
	N/A	1	5.0
Total		20	100.0

28. **Poverty.** 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 2014 identified those who earned less than \$33 per person per month considered living under poverty line for other urban area. The calculation shows that 5 DHs are below the poverty line and are classified as vulnerable group (**Error! Reference source not found.**).

C. Vulnerability

29. The wastewater and drainage subproject ensure that vulnerable groups are not disadvantaged and that they are equal beneficiaries of the subproject's infrastructure. In this context, from the field data it can be noted that 9 DHs are found to be vulnerable including 5 below poverty line among who are 2 widowed female headed household and 2 households headed by elderly person. There is no disabled head of DH.

D. Indigenous Peoples

30. The majority of the affected community is ethnic Khmer, and no hardship is caused to any minority within the community due to the subproject. Among the 20 DHs of the subproject, all reported to be of Khmer ethnicity and thus:

- (i) No disadvantages or privileges for the household in the communes and villages.
- (ii) No geographically distinct habitats or ancestral territories of importance for AHs.
- (iii) Free access to any cultural, economic, social and political institution.
- (iv) No differences made between households with regard to (a) access and use of natural resources, and (b) provision of infrastructure through the subproject as direct beneficiaries of the subproject.

IV. INFORMATION DISCLOSURE, CONSULTATION AND PARTICIPATION

A. Consultation and Participation

31. The RGC has developed a four-step comprehensive and inclusive public consultation and participation process to carry out meaningful dialogue with the APs, affected communities and civil society.

32. The MPWT together with GDR will conduct meaningful consultation with DPs, their host communities, and available local civil society organizations for each subproject where involuntary resettlement impact is identified. A meaningful consultation is a process that (i) begins early in the project preparation stage and is carried out on an ongoing basis throughout the project cycle; (ii) provides timely disclosure of relevant and adequate information that is understandable and readily accessible to affected people; (iii) is undertaken in an atmosphere free of intimidation or coercion; (iv) is gender inclusive and responsive, and tailored to the needs of disadvantaged and vulnerable groups; and (v) enables the incorporation of all relevant views of affected people and other stakeholders into decision making, such as project design, mitigation measures, the sharing of development benefits and opportunities, and implementation issues.

33. MPWT and GDR will ensure the consultation is gender inclusive and special attention is made to ensure the participation of women and the vulnerable group of DPs, as much as possible. All efforts will be made to incorporate mitigation measures to address their concerns, where relevant and possible.

1. First Consultation

34. During the project preparation, meaningful public consultation meetings were undertaken through meeting with 33 people (Female: 15, Male: 18) in Stueng Saen on 12th February 2018 as well as more detailed Focus Group Discussions (FGD) both in Srayov and Kampong Thom Sangkats also in February 2018. Both public consultation meeting and FGDs provided good opportunity to the DHs to express their concerns and provide feedback to the Project/subproject design. In the meeting also commune and other officials were present. The issues raised were mainly with regard to actual impacts on land and the viability of farming on marginal lands after acquisition, DMS, compensation payments, grievance redress costs. All issues were fully discussed and addressed.

35. In total participants (female) had a good understanding about the subproject and the aspects land acquisition. The participants showed high interest in the subproject and repeatedly mentioned their expectations towards the subproject, as sewage and sanitation are topics of high importance.

36. Attending officials, as well as village representatives, households and families have been informed about the subproject in general and LAR aspects in particular. The subproject ensured that APs and other stakeholders have (a) obtained information about LAR aspects, and (b) opportunities to participate in the LAR process.⁴ Attachment 2 presents the list of participants in public commune meetings.

2. Second Consultation

⁴ A project information booklet (PIB) for the subproject that was not prepared during this meeting but will be prepared prior to second public consultative meeting

37. The **second** public consultation will take place prior to the DMS stage and is undertaken jointly by the IRC-WG and Provincial Resettlement Sub-Committee (PRSC)-WG. Prior to the commencement of the DMS, consultation meeting will be held with the 20DHs and the affected communities at the commune or village level. Consultations will also include Focus Group Discussions (FGDs) with all the affected persons, including the poor and vulnerable groups and one-on-one individual consultations with the 20DHs will be conducted during the census and DMS. The PIB will be prepared and updated by the GDR with the information about the entitlements, local GRM, including contact persons. The detailed guidelines on GRM will be included in the PIB as an attachment. The updated PIB for the subproject, its GRM attachment and the DMS Questionnaire will be made available and explained to the all attendees. The 20DHs will be informed that they will be provided the ID cards detailing their affected assets, income and land after the DMS.

38. The updated PIB will also be shared and explained to individual DHs during the house to house DMS and measurements of land and property losses. All of the 20DHs will be required to confirm the loss of assets and the measurements and get a full understanding of the basis on which the compensation will be paid for the loss assets and other entitlements.

3. Third Consultation

39. The **third** public consultative meeting will be held prior to the signing of the agreement/contract for the compensation package and will be undertaken jointly by the IRC-WG and PRSC-WG. At this stage, the 20DHs will be informed that the GRM is functional, the DMS and the RCS are completed, the compensation package for each DH is known and draft contracts have been prepared. The consultative meeting will be carried out in two parts and an advance notice of the meeting will be provided to the 20DHs through the commune/village council offices. In the first part, the consultation will be through a public meeting which will be held at the commune/village level for all the 20DHs and commune/village representatives. Minutes of the meeting, including all the supporting documents (lists of participants, photos etc.) will be provided to ADB under the reporting requirements.

40. Another PIB for Compensation Package under the subproject will be prepared in advance and provided and explained to all the 20DHs. The second part will commence soon after the completion of the first part and held on the same day. Each DH will be provided with the draft contract and the compensation amounts explained to the satisfaction of the DH on one to one basis. If any of the 20DHs are unable to participate in the meeting, best efforts will be made to visit them at their homes or seek the assistance of the village office to contact them. All of the 20DHs will be given one week to study the contract, verify the impact scope and sign it.

4. Fourth Consultation

41. The **Fourth** Consultative Meeting will be conducted when the compensation payments are ready to be disbursed and is undertaken jointly by the IRC-WG and PRSC-WG. The schedule for compensation payments will be informed to all the 20DHs at least one week in advance through the commune and village offices. The meeting will be held in a public place at the commune or village.

42. Prior to commencement of the compensation payment, the 20DHs will be informed about the GRM for the subproject, the **setup of the local GRM committees in their province** and the procedures that will be followed in case they have any complaints. Soon after the public

consultation, compensation payments will be made on household to household basis and each DH will be provided an opportunity to seek clarifications about the compensation package prior to receiving the payment.

B. Information Disclosure

43. Summaries of the approved RF, this draft RP and the detailed RP will be translated in the Khmer language and posted at town and sangkat offices for easy and free access to the 20DHs and the affected communities. For illiterate people, suitable other communication methods will be used based on the discussion and in consultation with the DH. They will also be uploaded in websites of the EA both in Khmer and English. Three sets of PIBs will also be prepared for the different phases of the consultative and participatory meetings (see section on Consultation and Participation) and disseminated **directly** to the 20DHs as well as posted at the Commune or Town Offices.

44. For this subproject, the GDR will submit the following documents to the ADB for disclosure on ADB's website after their approval by IRC and the ADB are obtained:

- (i) RF and this draft RP prepared for this subproject, during project preparation prior to completion of project appraisal (ADB Management Review Meeting);
- (ii) draft RPs prepared for this subproject after approval of the Project by the ADB;
- (iii) the detailed RPs approved by the IRC and concurred by ADB and updates, if any;
- (iv) a new RP, an updated RP, and corrective action plan prepared during subproject implementation, if any;
- (v) Semi-annual safeguards monitoring reports.

V. GRIEVANCE REDRESS MECHANISM

45. A well-structured and functioning Grievance Redress Mechanism (GRM) will be established at the local level following standard government procedures to resolve grievances and complaints in a timely and satisfactory manner as required under the ADB SPS 2009. The Expropriation Law of the RGC provides for a Grievance Redress Committee (GRC) to handle complaints with the additional provision for the 20DHs to seek judicial redress in case they dispute the decision of the GRC.

46. A Provincial Grievance Redress Committee (PGRC) will be established in Stueng Saen Province for the subproject or for any other subprojects to be financed and implemented under the Project in Stueng Saen Province. The PGRC is empowered, at the administrative level, to make binding decisions on the resolution of eligible complaints. Details of the GRC will be included in the PIBs and distributed to the 20 DHs during the consultations with them. The PGRC will comprise representatives from the relevant provincial authorities and MEF as follows:

- Provincial Governor – Chair
- Director of Provincial Department of Land Management, Urban Planning and Construction - Vice Chair
- Director of Provincial Department of MEF - Member
- Chief of Provincial Office of Law and Public Security - Member
- District Governor - Member
- One Representative of Local Based CSO – Member

47. The grievances will be handled thorough a 3 Step formal approach detailed in the approved RF for the Project. However, prior to the First Step, the DH may informally seek the assistance of the commune chief or a community elder to discuss and find an amicable solution to the grievance with the leader of the PRSC-WG. This is done verbably and informally and no recording is required, and moreover its aim is to resolve the matter to avoid lodging formal written complaints. If this problem solving does not resolve the complaint to the satisfaction of the DH, s/he can seek the formal route for lodging the grievance as explained as below:

- (i) **First Step:** The aggrieved DH can lodge a written complaint to the Head of the District Office where the subproject is located. The DH can bring a **community elder** or **representative** to mediate in the matter at the Distrct level. The IRC-WG will appraise the Head of the District Office about the matter. The concillation meeting must be held and a decision taken within **15 working days** after the date of registration of the complaint by the District Office. If the complaint is resolved at the District Level to the satisfaction of the DH, the IRC-WG will inform GDR's Department of Internal Monitoring and Data Management , which will review and seek the approval of the Director General, GDR for appropraite remedial action. The DH will be informed in writing by the GDR of the decision and the remedial action that will be taken within **15 working days** from the receipt of the letter from the District Office. If the complaint is rejected at this stage, the District Office will inform the DH in writing and if the DH is not satisfied with the result, s/he can proceed to the next step and **lodge a writen complaint to the GDR for resolution.**
- (ii) **Second Step:** The GDR through its DIMDM will carry out a holistic review of the complaint and submit a report on its findings with the relevent recommendations, if any, to the Director General, GDR for a decision. It may also conduct a field visit to meet the agrieved DH and the IRC-WG to gather the relevant details. The final report must be completed **within 30 working days** from the date of reciept of the complaint and submitted to the Director General, GDR for a final deciison within **5 working days** of receipt of the final report. In the event that the subject matter requires a policy level intervention, it will be refered to the IRC for a decision in which case **10 more working days** will be added to the deadline for final decision.
- (iii) **Third Step:** The DH will submit a written complaint with the PGRC through the Provincial Governor's Office. The DH or a representtative will be given an opportunity to present its case during the meeting and the PGRC may consider any compelling and special circumstances of the DH when reaching a decision. The GDR will send a representative, as a non-voting member, to provide explantion for the rejection of the complaint at the second step by the GDR. The decision of the PGRC must be reached on a consensus basis and will be final and binding except when the matter relates to any policy of the Government. Decisions on Government policy matters on LAR is decided by the IRC. The PGRC will have **40 working days** from the date of reciept of the complaint to reach a final decision. The decision of the PGRC will be sent to the IRC through the GDR for endorsement before taking any remedial action.

48. The handling of the complaint at the administrative ends at the Third Step. There are no fees or charges levied on the DH for lodging and processing of the complaints under the First, Second and Third Steps.

49. However, as provided for in the Expropriation Law, the aggrieved DH can file a suit at the Provincial/Municipal Courts, as applicable, to seek a resolution. Such actions will be at the cost of the DH. At this stage, there is no involvement of the GDR, PRSC or IRC-WG unless there is a judicial order from the competent court.

50. If a DH is still not satisfied and believes s/he has been harmed due to non-compliance with ADB policy and s/he has made good faith efforts to solve the problems by working with the ADB Project Team, s/he may submit a complaint to ADB's Office of Special Project Facilitator or Office of Compliance Review in accordance with ADB's Accountability Mechanism. The information can be found at www.adb.org/site/accountability-mechanism/main.

51. The GDR will circulate the Guidelines for Grievance Redress Mechanism to the 20DHs at the detailed RP stage, when this draft RP will be updated following the DED. These guidelines will outline each of the above Steps and includes the administrative procedures for receiving and redressing complaints during the consultative meetings as described in the Consultation, Participation and Disclosure section of this draft RP.

VI. LEGAL AND POLICY FRAMEWORK

52. This draft RP is prepared based on the applicable legal and policy framework of the Royal Government of Cambodia (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, analyzes the gaps and provides gap filling measures for this subproject and any other subprojects to be financed under the Project.

A. The 1993 Constitution of Cambodia

53. The 1993 Constitution of Cambodia sets the key principle for land acquisition in the public interest. The first is 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.

54. 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. The 2001 Land Law

55. 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.

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

- (i) Legal possession as defined by the Law is the sole basis for ownership, and all 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).
- (ii) Any regime of ownership of immovable property prior to 1979 shall not be recognized. (Article 7).
- (iii) 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).
- (iv) 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).
- (v) 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).
- (vi) Persons with legally valid possession of land for five years (**at the time the law came into effect-2001**) can be registered as the owner of the land (Article 30).

C. 2010 Expropriation Law

57 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:

- (i) Article 2: the law has the following purposes: (i) ensure just and fair deprivation of a legal rights to private property; (ii) ensure prior fair and just compensation; (iii) serve the national and public interests; and (iv) development of public physical infrastructure.
- (ii) Article 7: Only the State may carry out an expropriation for use in the public and national interests.
- (iii) Article 8: The State shall accept the purchase of part of the real property left over from an expropriation at a reasonable and just price at the request of the owner of and/or the holder of right in the expropriated real property who is unable to live near the expropriated scheme or to build a residence or conduct any business.
- (iv) Article 11: Before exercising any expropriation, the government shall prepare enough annual budgets, and grant adequate and timely fund to the Expropriation Committee at the request the MEF for compensating the owner of and/or holder of real right to the immovable property by the expropriation.
- (v) Article 12: An Expropriation Committee shall be established and headed by a representative from the MEF and composed of representatives from relevant ministries and institutions. The organization and functioning of the Expropriation

Committee shall be determined by a sub-decree [Sub Decree No 22 ANK/BK promulgated on 22 February 2018].

- (vi) Article 16: Before proposing an expropriation project, the Expropriation Committee shall publicly conduct a survey with detailed description about the owner and/or rightful owner of the immovable property and other properties which might need compensation; and all other problems shall be recorded as well. In conducting this survey, the Expropriation Committee shall arrange a public consultation with the authorities at provincial, district and commune level, the commune councils and village representatives or the communities affected by the expropriation to give them clear and specific information and to have all opinions from all concerned parties about the proposed public infrastructure project.

58. Sub Decree No. 22 ANK/BK promulgated on 22 February 2018 on the Standard Operating Procedure (SOP) for Land Acquisition and Involuntary Resettlement for Externally-Financed Projects sets out the policies, regulations and procedures for carrying out LAR that will apply to this subproject and any other subprojects to be financed under the Project.

59. 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.

D. Other Relevant Laws and Regulations

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

E. ADB Safeguards Policy Statement (SPS)

1. ADB Policy on Involuntary Resettlement

61. 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.

62. 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

63. ADB's Involuntary Resettlement Policy principles include:

- (i) Screen early to identify involuntary resettlement impacts and risks and determine the scope of resettlement planning through a survey and/or census of DPs, including a gender analysis, specifically related to resettlement impacts and risks.
- (ii) Carry out meaningful consultations with DPs and affected local communities. Inform all DPs of their entitlements and resettlement options and ensure their participation in planning, implementation, monitoring and evaluation of

resettlement and pay attention to the needs of vulnerable groups especially those below the poverty line, the landless, the elderly, women and children, and Indigenous Peoples, and those without legal title to land, and ensure their participation in consultations. Establish a grievance redress mechanism to receive and facilitate resolution of the DPs' concerns. Support the social and cultural institutions of DPs and their host population. Where involuntary resettlement impacts and risks are highly complex and sensitive, compensation and resettlement decisions should be prepared by a social preparation phase.

- (iii) Improve, or at least restore, the livelihoods of all DPs through (i) land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation at replacement value for land when the loss of land does not undermine livelihoods, (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation at full replacement cost for assets that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible.
- (iv) Provide physically and economically DPs with needed assistance, including the following: (i) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically and socially into their host communities, and extension of project benefits to host communities; (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required.
- (v) Improve the standards of living of the displaced poor and vulnerable group to at least national minimum standards. In rural areas provide them with legal and affordable access to land and resources, and in urban areas provide them with appropriate income sources and legal and affordable access to adequate housing.
- (vi) Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status.
- (vii) Ensure that DPs without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets.
- (viii) Prepare a RP elaborating on DPs' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.
- (ix) Disclose a draft resettlement plan, including documentation on the consultation process in a timely manner before project appraisal, in an accessible place and a form and language(s) understandable to DPs and other stakeholders. Disclose the detailed resettlement plan and its updates to all DPs and other stakeholders.
- (x) Conceive and execute involuntary resettlement as part of a development project or program. Include the full costs of resettlement in the presentation of project's costs and benefits. For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation.
- (xi) Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the RP under close supervision throughout project implementation.
- (xii) Monitor and assess resettlement outcomes, their impacts on the standards of living of DPs, and whether the objectives of the RP have been achieved by considering

the baseline conditions and the results of resettlement monitoring and disclose monitoring reports.

2. Other Considerations

64. **Indigenous peoples.** Subprojects involving involuntary resettlement of Indigenous People will not be considered under this Project.⁵

65. **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.

66. Key gaps between ADB's SPS and the RGC's legislation on land acquisition and involuntary resettlement have been identified and gaps filling measures have been incorporated in the Annex 1 of the RF (Comparison of ADB's SPS (2009) and RGC's legislation), and is further reflected in the Entitlement Matrix of this draft RP.

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

VII. ENTITLEMENTS, ASSISTANCE AND BENEFITS

A. Eligibility

67. For the purpose of this draft RP, the cut-off-date for eligibility to subproject entitlements coincides with the date of the first public consultative meeting held on **13 February 2018** and the 20DHs have been determined during the feasibility study to be eligible under this criterion. Those who encroach into the subproject area after the cut-off date will not be entitled to compensation or any other assistance, except if changes in the subproject design or additional land take entail a modification of the subproject area.

68. At the stage of drafting this RP 18DHs are those who have formal titles to the affected land and 2DHs will be compensated only for the lost income as they were farming on the state land based on an agreement.

F. Entitlements

69. An Entitlement Matrix has been developed for the Stueng Saen WWTP taking into account all possible potential impacts and includes only entitlements and allowances identified for the 20DHs based on the IOL at the feasibility stage and may be changed at the DED and upgraded as needed, depending on the type and scope of impact identified as relevant, but not downgraded. The entitlements identified at the feasibility stage are shown in Table 7 below.

Table 7: Entitlement Matrix for Land Acquisition and Involuntary Resettlement

Cat.	Type of Loss	Application	Category of DH	Entitlements	Clarification / Implementation
Loss of Land					
1a	Loss of Land	Agricultural, residential and commercial land	Legal owners and holders of real right of land, including those covered by customary rights	- Cash compensation for land at full replacement cost or land swap of equal productive value. - Provision of stamp duties, land registration fees and other similar taxes, if applicable, for acquiring legal rights in case of replacement land (land for land swap) - Includes option of compensation at same replacement cost for affected land that remains after partial acquisition if remaining land becomes unviable or unusable. - The remaining land if/when required for improvement, will be estimated by RCS at no cost to DPs (e.g., land filling and leveling). - For customary ownership, replacement land to sustain livelihood and way of life. Land registration, stamp duty and other fees to register land ownership or right to use will be reimbursed at cost.	If land for land is offered, replacement land equal in area, quality and category and with registered title or secure tenure title will go to both husband and wife. Applies to only partial loss of land and where the DH agrees. DHs will vacate the land after one month after compensation has been offered
Loss of Use of Land					
2a	Loss of Crops, Fruit and Timber Trees)	Agricultural land	All DHs who are engaged in farming regardless of ownership/tenure status	- For rice/crop farming: Net annual income X 1 year - In addition, DHs can harvest and retain income from standing crop.	Replacement cost study (RCS) will determine the amounts. Market Price is based on Farm-Gate Price. Advance notice to harvest at least three months before commencement of civil work, and DPs will remove their crops and trees from the sub-project areas within one month after receiving compensation.
Loss of Livelihood and Income Restoration					
3a	Permanent Loss of Livelihood Source	Income Restoration	DHs who lose their source of livelihood permanently	Entitled to participate in any one of the Livelihood Restoration/Support Programs:	The program will be based on the choice of the DP.

Cat.	Type of Loss	Application	Category of DH	Entitlements	Clarification / Implementation
			regardless of ownership status	• Land Based Livelihood Restoration for AHs engaged in land-based livelihood. (i) facilitate access to other land-based sources of income, if affordable productive land is available, like vegetable gardening, fruit tree, livestock and other similar land-based income generating sources; (ii) provision of training in farming or livestock; and (iii) lump sum cash grant of US\$ 200 to re-start land based livelihood. • In case of unavailability of suitable land, the DHs can opt for either employment or business-based livelihood program. • Employment Based Livelihood Restoration for AHs who lose employment permanently. (i) provision of employment skills training; and (ii) lump sum cash grant equivalent to 3 months of income based on official poverty rate to supplement income support during the training period. • Business Based Livelihood Restoration for AHs who lose businesses permanently or AHs who opt for this as an alternative livelihood source. (i) provision of business skills; and (ii) a lump sum cash grant of US\$ 200 to assist in starting micro or home-based business. • For Poor and Vulnerable AHs. In addition to skills training, (i) above lump sum cash grant will be doubled; and (ii) priority in any employment opportunity under the Project.	Land Based for DHs who lose land-based livelihood Employment Based for DHs who lose employment -based livelihood 3 months of income based on poverty rate= (Monthly Poverty Rate X Number of Members in DH X 3). Business Based for DHs who lose business-based livelihood. This can also be available to DHs who do not want to continue with land or employment-based livelihood at their own choice. Classification will be carried out during the DMS and in accordance with the established criteria determined in this RP.

70. **Replacement Cost Principle,** All compensation will be based on the principle of full replacement cost as required by the ADB SPS (2009) To conduct a replacement cost study (RCS), the GDR will recruit one professional independent appraiser/firm (RCS Consultant) in the sub-project area during the DMS in order to determine compensation rates reflecting current market prices for (i) agricultural, residential and commercial land; (ii) different types of affected structures; and (iii) crops and trees; business losses; transportation cost; allowance for essential basic infrastructure services; timber/fence trees include under the crops and trees. Details of the RCS consultant recruitment are reflected in the RF for the Project and will be fully applied during the preparation of the Detailed RP following the detailed design. The RCS will be valid for one year after the completion of DMS and if the offer of the compensation and/or assistance is not made to the DP within this period, the replacement cost will be updated to reflect the then prevailing market valuation by the RCS Consultant. The RCS results will be the basis for estimating the budget for financing the resettlement costs.

71. **For replacement costs of land,** the RCS Consultant will directly interview households that have recently bought or sold land to collect the evidence of the rate of land transaction; and, interview households who are looking for properties to sell or buy within and around the sub-project area. The RCS Consultant will also find out from local residents, subject to confirmation/validation through official records of local authorities, the price of various types of land that have been the subject of transactions in the past six (6) months to one (1) year in the community or nearby areas and the prices of various types of land local residents are willing to buy or sell as well as collects data from government offices on recent land transactions and land market assessment.

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

VIII. RELOCATION

73. The 20DHs do not require relocation and overall this subproject is designed to avoid any relocation of any DP from his/her house or settlement. The sewer system will be installed on the ROW and minimal impact is anticipated.

IX. INCOME RESTORATION AND REHABILITATION

74. The 12 DHs have been identified to be eligible to participate in the livelihood restoration program because of vulnerability and because some experience major impact resulting from land acquisition. Depending on their choice they will be entitled to participate in any one of the three Income Restoration Program reflected in the entitlement matrix. They will be assisted to (i) access other land-based source of income, if affordable productive land is available, like vegetable gardening, fruit tree, livestock and other similar land-based income generating source; (ii) provision of training in farming or livestock; (iii) skills training and will be given priority in any employment opportunity under the subproject; and (iv) lump sum grant of \$ 200 each to re-start land based livelihood. This is reflected in the entitlement matrix but will be finalized during the detailed RP stage based on the DPs choice.

X. RESETTLEMENT BUDGET AND FINANCING PLAN

75. The indicative resettlement budget for the implementation of this draft RP including income restoration program for the 20DHs under the Stueng Saen subproject and the cost of land acquisition for the construction WWTP is USD 368,000 and is based on a preliminary IOL data of affected assets. The budget will be finalized after the DMS and the RCS to be conducted by an independent consultant recruited by the IRC.

A. Fund Flow and Management

76. The GDR will be responsible and accountable for all financial management functions relating to the use of the budgeted funds. The RGC will set up a designated account, called the Counterpart Funds Account for the Project in the National Bank of Cambodia. The funds for LAR are provided to the GDR from the Counterpart Funds Account. The budget is prepared by the GDR and submitted to MEF approval once the Project is approved by the ADB. The GDR will submit a request for the release of the allocated budget to the General Department of International Cooperation and Debt Management which will process the request and submit to the General Department of National Treasury. The funds are released and deposited into a project designated account established by the GDR for the Project in the National Bank of Cambodia. The funds are released from the project designated account, as and when necessary, and provided to the PRSC which is responsible for the disbursement of payments to the 20DHs.

B. Indicative Resettlement Cost

77. The indicative resettlement budget only serves for the purpose of subproject estimation and not for compensation. The exact amount will be costed in the Detailed RP, based on the RCS. The GDR will recruit a RCS consultant after the completion of DMS. The unit rates and costs will be finalized, and the budget will be firmed before submitting the Detailed RP to IRC for endorsement. The RGC will ensure timely provision of funds for resettlement and will meet any unforeseen obligations in excess of resettlement budget to satisfy resettlement objectives.

XI. INSTITUTIONAL ARRANGEMENT

A. Institutional Arrangement

78. **Ministry of Public Works and Transport (MPWT).** The Project/subproject will be implemented by MPWT as the executing agency (EA) through the Project Management Unit (PMU), which will support MPWT in undertaking overall oversight and management of the Project. Consultants will support the PMU 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), except for the preparation of the RF and the feasibility stage RPs.

79. **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. The IRC is the approving authority for all RFs, draft RPs, and detailed RPs prior to submission to the ADB for its approval.

80. **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 carries these activities through its Resettlement Department. The GDR is responsible for all LAR activities, including preparation of Detailed Resettlement Plans (DRPs) Grievance Redress Mechanism (GRM) (maintenance of the Grievance Database, update and reporting) and preparing RP Compliance report upon completing compensation payment and RP implementation as well as the RP monitoring reports to be submitted to ADB.

81. **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.

82. **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 was responsible for the preparation of the RF and the draft RPs with the assistance of the PPCs and/or the design and implementation support consultants. The GDR will provide overall directions and guidance and participate in the public consultation, as it deems necessary.

83. 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 bottlenecks hampering or having the potential to delay the construction activities.

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

85. **Provincial Resettlement Sub-Committee (PRSC).** The PRSC is established by the Provincial Governor at the request of the IRC for each project and comprises (i) the Provincial Governor or the Deputy Provincial Governor as the Head, (ii) Provincial Department Directors of the Line Ministries represented in the IRC, and (iii) the respective chiefs of the Districts and Communes of the locations affected by the project as Members.

86. 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; and
- (iv) responsible and accountable for the disbursements of the compensation payments at the provincial level.

87. **Provincial Resettlement Sub-Committee Working Group (PRSC-WG).** The PRSC-WG is 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. In addition to supporting the PRSC, the PRSC-WG has the following specific functions:

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

88. **Project Management Consultant (PMC).** The PMC reports to the PMU and will carry out the detailed engineering design (DED) of the sub-projects. With respect of LAR, the PMC's role is limited to identifying any LAR issue that is causing or has the potential to cause delays in the construction activities. The PMC, through the PMU, will promptly inform relevant Resettlement Department of the GDR about the issue and assist the GDR and MPWT, as needed, to seek a resolution of the problem.

B. Capacity of Relevant Resettlement Planning and Implementation Agencies

89. The capacity of the relevant agencies is sound. The GDR has acquired extensive experience over the last decade in carrying out LAR activities in donor financed projects, including those financed by ADB. The IRC-WG and the PRSC have gained a lot of field experiences. The capacity of agencies is supported by a clear set of operational and administrative guidelines (or instructions) that are elaborated in SOP for Land Acquisition and Involuntary Resettlement for Externally-Financed Projects (promulgated under Sub Decree No. 22 ANK.BK) to ensure consistency in carrying out various LAR tasks. GDR's capacity is augmented by in-house consultants.

90. The PMU under the MPWT will have permanent Social Safeguards Coordinator to closely cooperate and work with the GDR to ensure smooth implementation of LAR. The project management consultant team will also include Social Safeguards Consultant both international and national to assist GDR during the LAR planning and implementation as needed. Training and awareness raising will be conducted to all the key stakeholders on the safeguards requirements of ADB SPS and RGC's relevant laws and regulations pertinent to LAR, the GRM etc. including the contractors. An effective coordination mechanism between the MPWT/PMU, contractors, provincial authorities and GDR will be agreed and established with clear timelines for the major

LAR related activities.

XII. IMPLEMENTATION SCHEDULE

91. After the DED, this draft RP will be updated using the results of DMS and RCS. All affected DHs will be compensated for their loss of assets prior to the commencement of civil works. Civil works cannot commence until compensation is paid in full for all the losses, including loss of income, if any, where these impacts are identified, according to the provisions of this RP. It is expected that upon completion of the DED and, if the impacts are confirmed, the compensation payments are completed within a period of two months and the ROW for WWTP would be without encumbrances. Thereafter, MPWT will issue a notice of possession to the contractors in specific sites for construction.

92. The tentative implementation schedule for resettlement actions is in Table 8 below.

Table 8: Indicative Resettlement Schedule

Activities	Schedule
Preparation and Finalization of initial RP during PPTA	March-April 2018
Approval of initial RP (both IRC and ADB) during PPTA	May 2018
Disclose RP on Project and ADB websites during PPTA	May 2018
DMS, RCS and additional SES	October 2018
Preparation of the Detailed RP	January 2019
Approval of DRP (both IRC and obtain ADB)	March 2019
Disclosure of the DRP on Project and ADB websites	March 2019
Start implementation of the DRP	April 2019
First semi-annual safeguards compliance monitoring report	October 2019
Contracts for civil works	May 2019
No objection for civil work/Start of Civil work	May 2019

XIII. MONITORING AND REPORTING

93. While the MPWT will be responsible for monitoring of the overall implementation of the Project, the GDR will be responsible for the monitoring and reporting of the implementation of the LAR activities.

94. **Internal Monitoring.** GDR's DIMDM will be responsible for carrying out the internal monitoring which will review the quarterly 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, where necessary. The DIMDM will validate that the (i) entitlements and the corresponding compensation are paid in accordance with the Entitlement Matrix in the detailed RP; and (ii) GRM is functioning as per the guidelines. The GDR will provide MPWT a quarterly progress report and submit semi-annual progress report to the ADB. There will be one monitoring report covering all subprojects. An indicative list of internal monitoring indicators is provided in the RF.

95. **External monitoring** will not be required as Stueng Saen WWTP subproject is classified as Category B and it includes involuntary resettlement impacts that are not deemed significant.

PUBLIC CONSULTATION**SECOND URBAN ENVIRONMENTAL MANAGEMENT IN THE TONLE SAP BASIN PROJECT****List of Participants in the Public Consultation Meeting at Stueng Saen**

Venue: New Apostolic Church in Preaek Sbov Village, Sangkat Ou Kanthor

Date: 12-Feb-2018

No	Name	Sex	Position	Institution/Village	Phone Number
1	Chhoy Kosal	M	Vice Mayor	Steung Saen Town	012 860 103
2	Aong Bunthueon	M	Office Deputy Director	PDOE	012 583 467
3	Mel Sophanna	M	Resettlement Specialist	TA 9203	077 937 773
4	Seuong Sokunthea	F	Officer	Steung Saen Town	092 733 699
5	Chiv Kem Un	M	Sangkat chief	Osunthur	012 214 628
6	Youn Ngok	M	Office Director	PDPWT	012 610 279
7	Paen Pini	M	Officer Director	PDLMUC	016 278 811
8	Heng Peng	M	Farmer	Preaeksbov Village	
9	Cheoun Chun	M	Farmer	Preaeksbov Village	097 536 409
10	Chun Vun	M	Farmer		
11	Meak Sour	M	Farmer	Kampongrotos Village	
12	Houn Nga	M	Farmer	Preaeksbov Village	
13	Tuy Kemheoun	M	Farmer	Kampongrotos Village	097 668 9759
14	Chea Pov	F	Farmer	Snaeng Krobey Village	011 650 676
15	Orb Sok	M	Farmer	Preaeksbov Village	017 688 850
16	Thun Sokleang	F	Farmer	Preaeksbov Village	
17	Van Penglun	F	Farmer	Preaeksbov Village	012 392 427
18	Thorn Neang	F	Farmer	Preaeksbov Village	096 680 08 32
19	Seuon Sokhun	F	Farmer	Preaeksbov Village	
20	Morm Pot	F	Farmer	Preaeksbov Village	
21	Horn Chheun	F	Farmer	Preaeksbov Village	078 818 442
22	Nov Keun	F	Farmer	Preaeksbov Village	
23	Somrith Oun	F	Farmer	Preaeksbov Village	
24	Ken Cheun	M	Village Chiefs	Preaeksbov Village	097 983 05 64
25	Khat Prom	M	Farmer	Preaeksbov Village	017 418 677
26	Doch Phala	M	Farmer	Preaeksbov Village	097 513 13 96
27	Soun Phanha	F	Surveyor	Barefoot	098 799 592
28	Vai Sopha	F	Surveyor	Barefoot	086 463 298
29	Chreun Sombo	M	Team Lead	Barefoot	081 870 173
30	Neang Srey Naet	F	Surveyor	Barefoot	016 558 863
31	Tem Sovanna	F	Supervisor	Barefoot	017 246 656
32	Morm Lyheang	M	Assistant Admin	GRET	070 784 619
33	Phet Thouk	F	Farmer	Preaeksbov Village	

Total : 33 (Female: 15, Male: 18)