

Resettlement Plan

August 2020

CAM: Second Urban Environmental Management in the Tonle Sap Basin Project Part 2

Battambang Wastewater System Subproject

Prepared by the Project Management 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 May 2018 available on <https://www.adb.org/projects/documents/cam-50102-002-rp>.

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eligible for IRP. The consultation included details of GRM, IRP eligibility, vocational training options, current employment opportunities in Battambang and special support to vulnerable AHs (Annex J).

75. The **final consultative meeting** on compensation and entitlements were held with the farmers who cultivated the state-owned land alongside the access road to WWTP and at the WWTP site. The AHs were informed their entitlements and compensation for the loss of use of land. They were informed that if any farmer was identified to experience major impacts, all the family members of the farmer will be entitled to participate in the IRP to be provided by RGC at no cost to the AHs/APs. In addition, if any AH amongst those entitled to participate in the IRP is identified as poor and vulnerable, their cash assistance will be doubled, and they will be accorded priority for employment under the subproject (Annex Ib).

76. Table 18 summarizes the public consultations undertaken with the participants.

Table 18: Summary of Consultations

No.	Date	Location	Topic and Summary of Discussions	Participants
1	2 April and 25 April 2020	PDOWRAM Office	Explanation of the Project/Subproject scope and design for WWTP access road. Discussion about access road and WWTP effluent discharge. In conclusion, access road improvement is not a problem as long as it does not impact the irrigation canal. Also, if the water treatment outflow fulfills quality standards it can be directed through the existing canal to Ou Many river.	6 people (Female 2, Male 4)
2	27 April to 31 May 2020	One-to-one consultation with APs	Explanation of the Project/ subproject scope and standard procedure on resettlement policies. Consultation explained DMS Questionnaire, DMS process, contract agreement for compensation and compensation payments to affected households. Due to COVID-19 the consultations were conducted one-to-one with AHs. Majority of the APs were happy with the Project/subproject trying to reduce impact by narrowing down COI and have contractor responsible for restore/rebuild temporary impacts.	58 people (Female 15, Male 43)
3a	28 May 2020	(1) 13 Makara Market (2) Ratanak Commune Office (for Sophya Market)	Consultation with market vendors on the Project/subproject description and ADB policy (SPS 2009), Details about involuntary resettlement and Project RF, What/who are the affected assets, people, and vulnerable group in the subproject, Details of Corridor of Impact (COI), RF for compensation and Entitlement, Cut-off-date, GRM and PRSC, Details about DMS and RCS, temporary market relocation, narrowing down the impact of the subproject, responsibility of contractor during construction on affected assets, affected assets and compensation, and Inform about responsibility of the contractor and GDR during subproject implementation.	77 people (Female 73, Male 4)
3b	29 May 2020 30 June 2020	CPP Party Office Pagoda	Consultation with AHs along access road to WWTP site on Project description and ADB policy (SPS 2009), Details about involuntary resettlement and project RF, What/who are the affected assets, people, and vulnerable group in the project, Details of Corridor of Impact (COI), RF for compensation and Entitlement, Cut-off-date, GRM and PRSC, Details about DMS and RCS, narrowing down the impact of the subproject, responsibility of contractor during construction on affected assets, Details about affected assets and compensation, and Inform about responsibility of the contractor and GDR during subproject implementation.	20 people (7 Female, 13 Male)
3c	29 May 2020	Vulnerable AP house	The consultation included details of GRM, IRP eligibility, vocational training options, current employment opportunities in Battambang and special support to vulnerable AHs.	1 people (1 Female, 0 Male)

4	29-30 May 2020	Along the road of project	Consultation with mobile vendors included details of subproject construction, subproject policies, Details about involuntary resettlement and project RF, What/who are the affected assets.	10 people (7 Female, 3 Male)
5	30 June 2020	Pagoda	Consultation with farmers using the state-owned land along the access road to WWTP and at WWTP sites. The discussion focused on their entitlements and compensation on loss of use of land.	12 people (1 Female and 11 Male)

77. Table 19 summarizes the key discussion points on the questions from the AHs and responses provided at various consultative meetings.

Table 19: Summary of key Discussion Points

No.	Date	Question	Answer
1	2 April and 25 April PDOWRAM	None	PDOWRAM accepted the road upgrade as long as there is no impact on the irrigation canal and the WWTP effluent discharge as long as the effluent quality was good to avoid livelihood impacts on farmers.
2	27 April to 31 May 2020 One-to-one	(a) What is the subproject construction schedule? (b) How about the compensation prices to compensate for our affected assets? (c) After receiving compensation when the subproject needs me to remove the structure?	(a) Before the construction, the PIU in PDOMPWT will inform all of you and meet with local authority about the subproject implementation schedule. (b) This stage is for conducting only DMS/SES with the affected people/household to collect detailed information about affected assets and their size. The compensation price unit cost will be determined by another independent consultant. After finishing the DMS and RCS, the final price estimate for compensation will be detailed and informed to all of the affected household before contract agreement. (c) After receipt of compensation the affected household need to remove the structure within 1 month of receiving the compensation.
3a	28 May 2020 Market vendors	(a) When the subproject will start the construction? (b) Does the market management device a schedule for vendors or time slots when we can sell our products when the Project comes, and we move to the temporary site? (c) What kind of space we will have for selling? (d) How many days we will need to be relocated to the temporary place? After the subproject is complete can we move back to our current place?	(a) For the construction schedule is planned to start construction as soon as possible, estimated now at the end of this year or early next year. The project will inform you and affected households at least 2 weeks to prepare prior to construction starting. The information will be shared with local authorities and market management, who will prepare the new place on time for all vendors to continue selling without any impact on income. (b) We do not device time for your selling. We already have had discussion with market management and also inform the provincial governor that there will be no schedule for market vendors or limitations on time when you can sell. Hence, you can sell all the time. (c) The space location for selling at the new temporary location is large and with enough plots available. If you have problem with the available space for selling, please inform to local authority or market management, and they will prepare larger space for you. (d) About 30-60 days will be the duration for temporary location. Vendors must return to the current location. The local authority already registers the current place with a name list. The subproject does not affect with the current marketplace and after construction finish all can move back on the current place.

No.	Date	Question	Answer
			The construction schedule is only one month, and if possible, the subproject will try to push faster that schedule.
3b	29 May 2020 and 30 June 2020 Access road	(a) Based on the demarcation is there going to be impact inside my property, and especially, is the road upgrade going to affect my mom's grave, trees and fence? (b) How about the WWTP effluent discharge? Does it flow direct to the river? Can we use the water for our farming? (c) How about the impact with our land close to the road?	(a) Last week the mission from MEF/GDR, PMU, BTB-PIU and local authority made final decision to adjust the demarcation and to narrow down the impacts. The Subproject will avoid impact with the grave and structures. The construction will be done only on the existing road and does not expand beyond the road shoulders. (b) The effluent discharge based on the environmental documentation and subproject design will flow to canal in front of the WWTP and then to Ou Many River. You can use this water for your farming, because this water is already treated to the environmental quality standards. (c) Impact is based on the COI. The project requirement is to complete upgrade of the new access road to WWTP site. There will be impact on your own land near/close the road, which is within the road ROW. This impact we call loss of land use. Its mean that the project will compensate for your loss of land use, but not land itself, which is public land within the ROW.
3c	29 May 2020 Poor AH	Which of the 2 option do you prefer?	Nowadays I live with my grandson. I am of old age now and my grandson cannot joint this vocational training, or any other training, because he has insufficient memory (disability). Because of this, I think neither of us can join the vocational training. As my final decision, I prefer cash compensation as a better option for us.
4	29-30 May 2020	None	Comments from mobile vendors summarized that all understand their business being unofficial and are willing to self-relocate. They indicated that relocation, due to being mobile, is very easy for them.
5	30 June 2020	(a) Can the water from canal be used after the subproject is finished? (b) Can I pump wastewater from the sewerage pipeline and manhole on the farm because wastewater is so good for crops and farmland. (c) How about the impact with our land close to the road? (d) Can we continue farming near our farmland? (e) When the subproject will start construction?	(a) Yes. The existing canal along the access road will not be covered, and therefore water will be available to all the farmers for use. (b) The sewerage pipelines are not to be connected to any private pipes for any irrigation for farming. The manhole will be no water in the manhole and the manhole will be covered. (c) Impact is based on the COI in the ROW. The subproject requirement is to upgrade of the new access road to WWTP site. There will be impact on your own land close to the road, which is within the road ROW. This impact we call loss of land use. Its mean that the subproject will compensate for your loss of land use, but not land itself, which is public land within the ROW. (d) All of you can continue farming, especially with the current crop in the impacted land. The subproject only needs the land in COI and compensation is paid for loss of land use on COI. The remaining land or outside COI has no impact. But if during the construction, the contractor encroaches to your own land outside COI, the compensation for the use of the land will paid by the contractor. (e) With the current schedule the construction will start before next year. But we will inform the exact schedule to all the people again before start construction.

No.	Date	Question	Answer
		(f)How about the outflow of wastewater after treatment? Where does the outflow go?	The wastewater outflow after treatment in WWTP will go direct to the canal in front of the WWTP and then to the OUMANI river. After treatment the water will be clean enough to minimal quality standards. Hence outflow to the river via the canal

B. Consultation During DRP Implementation

78. A follow up consultation will be conducted after approval of this DRP to disclose the information in the DRP, and in preparation of the compensation payments. It will be undertaken jointly by the IRC-WG and PRSC-WG. The meeting will be held in a public place at the commune or village for all AHs and commune/village representatives and the PIB for compensation package will be provided and explained to all AHs. All consultations and disclosure during implementation will be presented verbally in Khmer for illiterate to fully understand and be able to participate. Updated PIBs will be explained after consultations to illiterate if needed. The schedule for AHs contract signing with deadlines and the legal requirements to receive the compensation (national ID, evidence of land ownership etc) will also be explained. Each AH will be provided with the draft contract and the compensation amounts explained to the satisfaction of the AH on one to one basis. The AHs will be given option to sign the contract there and then or given 3 working days to submit the signed contract to the IRC-WG through the village council office. For those AHs who are unable to participate in the meeting, best efforts will be made to visit them at their houses or seek the assistance of the village office to contact them.

79. The final consultative meeting will be conducted when the compensation payments are ready to be disbursed and will be undertaken jointly by IRC-WG and PRSC-WG. The schedule for compensation payments will be informed to all the AHs at least one week in advance through the commune and village offices. The meeting will be held in the commune or village and prior to the commencement of compensation payment, all AHs will be again informed about the GRM under 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 about the compensation payments. Compensation payments will be made on household to household basis and each AH will be provided an opportunity to seek clarifications about the compensation package prior to receiving the payment.

C. Information Disclosure

80. Summaries of the approved RF and draft RP has been translated to Khmer and disseminated to the AHs in 2018. PIB was published in Khmer was also distributed and explained to the AHs during DMS (Annex D). Information about the compensation packages will be prepared and translated in Khmer will be directly disseminated to the AHs as well as posted at the Sangkat or Town Offices. This 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 (as explained above). The DRP will also be disclosed on website of the MPWT both in Khmer and English.

81. Public information and disclosure about the Subproject will be continued during the DRP implementation in the Subproject areas. The updated PIB will be 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 and Subproject, entitlements or

compensation for the AHs, the local GRM, PGRC members, including agencies (i.e., ADB, MPWT/PMU, etc.) so that AHs are clear about whom they should contact with their concerns.

82. Particular attention in disclosure will be given to women, 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.

83. 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) This DRP approved by the IRC and concurred by ADB;
- (ii) DRP updates, if any; a new RP, an updated RP, and corrective action plan prepared during the Subproject implementation, if any; and
- (iii) Semi-annual monitoring reports of LAR or resettlement monitoring report.



VI. GRIEVANCE REDRESS MECHANISM

84. A well-structured and functioning grievance redress mechanism (GRM), as outlined in the May 2018 draft RP and Project RF, has been 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 AHs to seek judicial redress in case they dispute the decision of the GRC. Details of the GRM has been included in the PIBs and distributed to the AHs during the DMS/SES.

85. The AHs' complaints can be expressed verbally or in written form. In the case of verbal complaints, the committee on grievance at any stage in the GRM process will be responsible to document this during the first meeting with the AHs and keep this in its file.

86. A Provincial Grievance Redress Committee (PGRC) has been established in Battambang Province for the Subproject or for any other subprojects to be financed and implemented under the Project in Battambang Province on 13 March 2019 (Annex L). The PGRC comprise representatives from the relevant provincial authorities and MEF and the composition of PGRC is in Table 20.

Table 20: Composition of PGRC

No.	Name	Position	Position assign
1	Excellency, Nguon Ratanak	Provincial Governor	Chair
2	Excellency, Uy Sotheavy	Provincial Sub-Governor	Vice Chair
3	Mr. Ou Dary	Director of Provincial Department of Land Management, Urban Planning and Construction	Member
4	Potry Dern	Director of Provincial Department of Economic and Finance	Member
5	Chan Sambou	Director of Provincial Department of Public Work and Transport	Member
6	Mr. Kok Boran	Director of Provincial of Department of Environment	Member
7	Mr. Long Phalkun	Director of Provincial Department of Water Resource and Meteorology	Member
8	Mr. Chheum Vorchira	Director of Provincial Department of Agriculture Forestry and Fisheries	Member
9	Mr. Ukvong Longvy	Sub-Director of Provincial Administration	Member
10	Mr. Peng Sithy	Governor of Battambang City	Member
11	Mr. Lum Sorn	Governor of Sangkae District	Member
12	Mr. Mel Sophal	Governor of Ek Phnom District	Member
13	Mr. Tep Horn	Governor of Muong Russey District	Member
14	Mr. Kim Vannak	Governor of Thmor Kuol District	Member
15	Ms. Ros Chhorvivorn	Director of Village Support Group, CSO	Member

Source: PGRC, Battambang

87. The grievances will be handled thorough a 3-step formal approach detailed in the approved RF and draft RP for the Project. However, prior to the First Step, the AH 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 verbally 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 AH, s/he can seek the formal route for lodging the grievance. Formal lodging can be done verbally (to

community elder or representative who will record the complaint) or in writing, and the process is detailed below:

(i) **First Step:** The aggrieved AH can lodge a written complaint to the Head of the District Office where the Subproject is located. The AH can bring a **community elder or representative** to mediate in the matter at the District level. The IRC-WG will appraise the Head of the District Office about the matter. The conciliation 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 AH, the IRC-WG will inform GDR's Department of Internal Monitoring and Data Management (DIMDM), which will review and seek the approval of the Director General, GDR for appropriate remedial action. The AH 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 AH in writing and if the AH is not satisfied with the result, s/he can proceed to the next step and lodge a written 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 relevant recommendations, if any, to the Director General, GDR for a decision. It may also conduct a field visit to meet the aggrieved AH and the IRC-WG to gather the relevant details. The final report must be completed **within 30 working days** from the date of receipt of the complaint and submitted to the Director General, GDR for a final decision 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 referred 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 AH will submit a written complaint with the PGRC through the Provincial Governor's Office. The AH or a representative will be given an opportunity to present its case during the meeting and the PGRC may consider any compelling and special circumstances of the AH when reaching a decision. The GDR will send a representative, as a non-voting member, to provide explanation 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 receipt 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.

88. The handling of the complaint at the administrative ends at the Third Step. There are no fees or charges levied on the AH for lodging and processing of the complaints under the First, Second and Third Steps. However, as provided for in the Expropriation Law, the aggrieved AH can file a suit at the Provincial/Municipal Courts, as applicable, to seek a resolution. Such actions will be at the cost of the AH. At this stage, there is no involvement of the GDR, PRSC or IRC-WG unless there is a judicial order from the competent court.

89. If an AH 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.

90. The GDR has circulated and explained the Guidelines for GRM to the AHs during consultations during the DRP preparation. These guidelines outline each of the above Steps and

include the administrative procedures for receiving and redressing complaints during the consultative meetings as described in the Consultation, Participation and Disclosure section of this DRP.

VII. LEGAL AND POLICY FRAMEWORK

91. This DRP is prepared based on the applicable legal and policy framework of the RGC, and ADB's 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 and discusses for any gaps and provides clarifications on them as applicable for the Subproject.

92. There are existing laws that govern land acquisition and resettlement in Cambodia. These laws, along with the ADB's SPS, shall govern the procedures for land acquisition and resettlement for the Subproject.

A. 2010 Expropriation Law

93. The RGC's **2010 Expropriation Law** is the main legal framework that governs land acquisition and involuntary resettlement. The **2010 Expropriation Law** has listed the development of public infrastructure as one of its objectives and extended the definition of public infrastructure to any infrastructure *"required by the Nation in accordance with the determination made by the government."* Public interest is also understood in a broad manner as *"the use of land or property by the public or by public institutions or their agents."* The expropriation of the ownership of immovable property and real right to immovable property can be exercised only if the Expropriation Committee has paid fair and just compensation in advance to the owner and/or holder of real right.

94. Some of the Key Articles of the 2010 Expropriation 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 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].
- (v) 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.

95. Under the Article 3 of the 2010 Expropriation Law that governs the provision for projects financed by development partners in Cambodia, the RGC issued in 2018 the Standard Operating Procedures (SOP) for Land Acquisition and Involuntary Resettlement (LAR).⁹ The **SOP for Externally Financed Projects in Cambodia and LAR** (2018), reflects RGC's laws and regulations relating to the acquisition of land and the involuntary resettlement of AP and the safeguard policies and procedures of Development Partners (DPs) as applied to public infrastructure investment projects, such as the proposed the Project. Where appropriate, the SOP includes references to international good practices in resettlement planning, implementation, monitoring and reporting. The SOP has been promulgated under **Sub Decree No. 22 ANK/BK** on 22 February 2018 and applies to all externally financed projects in the Kingdom of Cambodia. The GDR of the Ministry of Economy and Finance (MEF) is responsible for providing guidance and clarification to users of the SOP. Given that the Subproject under the Project are funded by ADB, the provisions of SOP will apply to the Subproject and therefore should be read together with this DRP.

B. ADB Safeguards Policy Statement (SPS) 2009

1. ADB Policy on Involuntary Resettlement

96. 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 APs in real terms relative to pre-project levels; and (iv) improve the standards of living of the displaced poor and other vulnerable groups.

97. 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

98. 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 APs, including a gender analysis, specifically related to resettlement impacts and risks.
- (ii) Carry out meaningful consultations with APs and affected local communities. Inform all APs 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 APs' concerns. Support the social and cultural institutions of APs and their host population. Where involuntary resettlement impacts and risks are highly complex and sensitive,

⁹ Accessible at https://www.mef.gov.kh/documents/laws_regulation/LAR-SOP-Final-13032018.pdf

compensation and resettlement decisions should be prepared by a social preparation phase.

- (iii) Improve, or at least restore, the livelihoods of all APs 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 APs 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 APs 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 APs' 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 APs and other stakeholders. Disclose the detailed resettlement plan and its updates to all APs 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 APs, 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

99. **Indigenous Peoples.** Subprojects involving involuntary resettlement of Indigenous People will not be considered under this Subproject.¹⁰

100. **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 has been prepared for the Project and updated.

101. In general, the main principles of the RGC's policies on land acquisition, compensation, and resettlement assistance reflect those provided in ADB's SPS 2009. However, key gaps analysis between ADB resettlement policy and the RGC's SOP are summarized in Table 21.

Table 21: Gap Analysis and Reconciliation of ADB's SPS (2009) and RGC's SOP

No.	ADB's SPS Requirements on Involuntary Resettlement (IR) and SR-2	Land Acquisition and Involuntary Resettlement Standard Operating Procedures (SOP), 2018	Gap between ADB SPS and SOP	Clarifications
1	Meaningful Consultations and Disclosure - Carry out Meaningful consultations with APs including vulnerable groups (VGs), relevant stakeholders and information disclosure on entitlements and resettlement options. (VGs include: those below poverty line, the landless, the elderly, female headed households, women and children, IPs, and those without legal title to land). <i>To comply with ADB SPS IR Principles 2, 9, 12 (page 17), para 54 (page 20), para.73 (page 26), Appendix 2, para 18 (page 47), para 26, 27, 28 (page 49)</i>	- The SOP, in its chapter IV and under its key tasks in basic resettlement plan preparation, mentions about consultation as one of the tasks which aims at bringing awareness about the Project to the affected communities and inform them about the possible alignment and seek their feedback. - In Chapter V, under key tasks in detailed resettlement plan (updated RP after detailed design), it mentions about consultation as one of the tasks which aims to inform APs about the overall entitlements and methods of compensation and the GRM procedures; about relocation to Resettlement Sites; and house to house consultation to confirm measurement survey. - Chapter- VIII of SOP describes in detail the need for public consultations, participation and disclosure. In para 126, it mentions that the consultation	The SOP mostly complies with the requirement of SPS, 2009, however, it does not specifically mention about disclosing the entitlement matrix (EM) to the people during consultation. However, it mentions that the BRP/RP and the DRP/UDRP are disclosed at the Commune Offices for disclosure to affected communities. The EM is integral part if these documents and hence are disclosed to the affected communities. This is explained in more detail in Appendix 7. It is clearly pointed out that the EM and the entitlements under the EM is explained to each	Some of the proposed clarification include: - Personal detailed information of the displaced persons and their socio-economic status and other sensitive information compromising their privacy will not be disclosed at any time. - RPs/updated RPs/resettlement monitoring reports contain summary of AP consultations (including VGs) through- out the project cycle. - RPs/updated RPs/resettlement monitoring reports are disclosed on the ADB and project websites and Khmer versions left at communes and district levels offices. - SOP para. 120; generic information for the PIB includes the compensation policy (the

¹⁰ Indigenous people will be identified in accordance with ADB SPS Safeguards Requirement 3.

No.	ADB's SPS Requirements on Involuntary Resettlement (IR) and SR-2	Land Acquisition and Involuntary Resettlement Standard Operating Procedures (SOP), 2018	Gap between ADB SPS and SOP	Clarifications
		is undertaken throughout the project cycle.	AH during the household to household consultation. Also, there is no mention of disclosure of monitoring reports. The SOP does not specifically mention about particular attention to women and vulnerable groups for their inclusion during consultation.	generic entitlements) as stated in para 119. - Four specific consultation meetings are mentioned in the SOP but as the SOP states consultation will be carried out as an on-going process throughout implementation. - ADB staff may participate in consultation meetings. - Efforts will be made to consult with potentially vulnerable affected people (as defined in para 53-55) and will be done throughout implementation.
2.	Grievance Redress Mechanism Establish a grievance redress mechanism that is understandable, readily accessible, transparent procedures, gender responsive and culturally appropriate. <i>To comply with ADB SPS IR Principle 2 (page 17), para 59, 60 (page 22), Appendix 2, para 29 (page 49)</i>	Chapter IX of the SOP deals with Grievance Redress Mechanism. The GRM is established as a locally based arrangement at the provincial level for receiving, recording, assessing and facilitating the resolution of complaints and grievances raised by the affected persons in relation to their compensation and entitlements for the expropriation of land and other immovable property under the Law on Expropriation.		- Status of complaints at the commune level will be included in the periodic monitoring report to ADB. - Appendix 8.2 is the Register of Complaint, however when reporting, the status of complaints will be included.

No.	ADB's SPS Requirements on Involuntary Resettlement (IR) and SR-2	Land Acquisition and Involuntary Resettlement Standard Operating Procedures (SOP), 2018	Gap between ADB SPS and SOP	Clarifications
3.	Compensation and assistance • Provide physically and economically APs with compensation and needed assistance <i>To comply with ADB SPS policy principle 3, 4, 5, 7 (pg 17) and Appendix 2, paras 7, 8, 9, 10 (page 45), 11 and 12 (page 46), 16 and 17 (page 47).</i>	• The SOP includes the compensation and transition/disturbance allowance to the APs in its entitlement. • SOP has provisions for relocation land (for APs with titles or recognized rights to land) and are subject to conditions i.e availability of government land. This does not apply to illegal squatters or occupiers. • SOP has provisions for loss of livelihoods for all DPs (limited to selection of 1 out of 3 pre-defined programs) • SOP has provisions for providing relocation site to eligible DPs which is selected factoring in location, the availability of the basic social services and infrastructure development, depending on availability of land at affordable prices and availability of State land near the project area.		• SOP Entitlement Matrix 2b transitional allowance to be commensurate with the time taken to relocate the business. • Livelihood restoration will be commensurate with the impact assessed during DMS social economic survey of the APs. • For vulnerable groups except for illegal squatters, provision of legal and affordable access to adequate housing and income sources. • Valuation rates are valid for a period of one year from the date of endorsement of RCS report by the IRC and thereafter updated. • Affected people with legal rights both with hard and soft titles are treated the same.
4.	Procedures for Negotiated Settlement Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement <i>To comply with ADB SPS IR safeguards policy principle 6 (page 17), para 73, (page 26), Appendix 2, para 25 (page 48-49)</i>	Chapter-X (Section-B) of the SOP mentions that in the case of acquisition of private land where the seller is willing to sell and the buyer is willing to buy, such land may be acquired under a commercial contract. The price will be negotiated as part of commercial norms.		1. For the willing buyer willing seller cases (where expropriation will not be used), ADB will have access to all the documentation for on-site verification at GDR. If agreement between the willing buyer and willing seller cannot be reached, alternate site will be selected. 2. Where negotiated settlement is applied in lieu of compulsory land acquisition based on SR 2 requirements para 25 will be followed, documented and described in the resettlement plan and information of the negotiations included in the monitoring reports.

No.	ADB's SPS Requirements on Involuntary Resettlement (IR) and SR-2	Land Acquisition and Involuntary Resettlement Standard Operating Procedures (SOP), 2018	Gap between ADB SPS and SOP	Clarifications
				• A negotiated settlement will offer adequate and fair price for land/or other assets. • Ensure that any negotiations with displaced persons openly addresses the risks of asymmetry of information and bargaining power of the parties involved in such transactions. • Negotiated settlement procedures will follow para 25 of Appendix 2 of SPS and agreed with ADB.
5.	AHs (without titles or recognizable rights to land) • Ensure that APs without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets <i>To comply with ADB SPS IR policy principles 2, 5, 7 (page 17), Appendix 2, paras 9, 11, 12, 16 and 17 (pages 45, 46 and 47).</i>	Chapter-VII: Section B para 104 says: • No compensation for land will be paid for AP occupying land in the ROW. Section C of the SOP states that: • The entitlement to compensation of affected persons largely depends on the legality of possession or ownership to the land and other assets at the time of the Cut-Off Date. The following types of displaced persons shall be eligible to compensation, but compensation would vary depending on their situation: • Legal owners and holders of title or rights to land, including customary rights. • Tenants and leaseholders, including employees, workers and hawkers. • Those who have no formal title or rights to the land (illegal occupiers) who are engaged in farming or businesses. • Poor and vulnerable groups.	Clarification needed for how poor and vulnerable APs are provided legal and affordable access to land.	• Social land concession is not an entitlement. However, IRC can just inform the relevant and competent local authorities about the affected poor, landless households who may be eligible to apply for social land concession. Criteria for providing social land concession will be defined by other competent authority. The decision on granting a social land concession will also be made at the sole discretion of the relevant authorities in accordance with Cambodia regulations on social land concession. • GDR will provide information if there is any social land concession program available in the Project area in its monitoring report

Source: Aide Memoire Attachment 3 of the Safeguard Policy Dialogue Mission 22-23 August 2019

VIII. ENTITLEMENTS, ASSISTANCE AND BENEFITS

A. Objectives

102. The Subproject resettlement policy is based on the types, characteristics, and severity of the Subproject impacts on assets and living conditions of the affected population, guided by the Constitution of the RGC, 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 Subproject-impacted areas as of the cut-off date are not disadvantaged by the Subproject investments. The Subproject should provide opportunities for the local population to benefit from and participate in its planning and implementation and, through this, generate a sense of ownership.

B. Eligibility

103. Only persons and organizations with fixed assets and sources of income in the Subproject COI at the time the cut-off date are eligible to receive the Subproject entitlements agreed between the RGC and ADB. The cut-off-date for eligibility was originally set on 16 February 2018 during the first public consultation during the feasibility study at PPTA stage, but was updated to **27 April 2020** due to changes in the Subproject design. 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. The Inter-ministerial Resettlement Committee (IRC), confirmed the final date of the cut-off-date following the first consultation and disclosed it on commune and Sangkat boards. The cut-off date was also included in the updated PIB.

C. Principles for Valuation

104. The DMS confirmed that there will be only loss of structures, fruit and timber trees under the Subproject. The GDR recruited Bluefield a professional independent appraiser/firm (RCS Consultant) to conduct RCS to determine compensation rates. The rate of compensation for acquired housing, 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. RCS will also collect baseline data on housing, house types, and construction materials. In applying this method of valuation, depreciation of structures and assets will not be considered.

105. 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) Secondary structures valuation is based on actual current market prices, (as per agreed RCS), for materials, transportation and labor without depreciation or deduction for salvaged building materials;
- b) Trees compensation will be at full replacement cost, which shall be based on productive ages as per agreed formula in the entitlement matrix; and
- c) Loss of land use valuation is based on replacement value of productive land improvements and potential loss of income.

106. The RCS was conducted by an independent national firm engaged by GDR. The firm carried out the RCS between April and May and completed on 31 May 2020. The IRC endorsed the RCS report on June 2020 and the rates will be valid for one year from the date of the completion of the DMS. If the offer of the compensation and/or assistance is not made to the AP within this period, the

replacement cost will be updated to reflect the then prevailing market valuation by the RCS Consultant. The RCS Report is in Annex M of this DRP.

D. Entitlements

107. The Subproject entitlements have been defined in accordance with the various impacts identified based on the results of the DMS and SES. An Entitlement Matrix was developed for the Battambang WWTP considering all possible potential impacts and was included in the May 2018 draft RP. The eligibility on entitlements applies to all AHs impacted by the Subproject which is categorized in the Updated Entitlement Matrix. The Updated Entitlement Matrix is presented in the Table 22 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 matrix¹¹ are not downgraded.

¹¹ Refers to the Entitlement Matrix in the May 2018 draft Resettlement Plan

Table 22: Updated Entitlement Matrix

No.	Type of Loss	Application	Category of AH	Entitlements	Clarification / Implementation
1. Loss of Structures					
1a	Loss of, or damage to secondary structures and other assets	Structures	Owners of the structure whether or not land is owned; with or without building permit 36 AHs (estimated)	- Cash compensation at replacement cost for the affected assets - AH can retain the materials from demolition of their structures at no cost. - If AH belongs to any of the vulnerable groups, see Item 3a, below. - The calculation of rates will be based on the actual affected area and not the useable area. - Transport allowance up to 5km	Compensation will be provided in the form of cash without deductions for depreciation or salvageable materials If the head of household is married, compensation will be paid at the presence of both husband and wife.
2. Loss of Trees					
2a	Loss of Fruit Trees and Timber Trees	Trees	All AHs regardless of land ownership/tenure status. 84 AHs (estimated)	- For fruit trees, replacement cost of loss based on the following formula: $\{(\text{Quantity Harvested per Year} \times (\text{Market Price}) \times \text{Number of years it will bear fruit})\} + \text{cost of seedlings.}$ - Timber trees that have a growth period of more than 5 years are classified as follows: - Sapling trees under 1 year: not compensated as it can be replanted. Cost of seedling provided; - Young tree (1 to 3 years): valued at one-third of its full price as it can be replanted plus cost of seedlings; - Young tree (more than 3 to 4 years): valued at two-thirds of its full price plus cost of seedlings; - Mature tree (more than 5 years): valued at full price plus cost of seedlings	RCS will determine the amounts. Advance notice to harvest at least three months before commencement of civil work, and APs will remove their trees from the Subproject areas within one month after receiving compensation.
3. Loss of Livelihood and Income Restoration					
3a	Loss of Land Use	Income Restoration	AHs losing productive agricultural land along ROW or public land	Compensation for improvements on the land and loss of income potential at \$0.14/m²	RCS will determine the amounts. Advance notice to harvest at least three months before commencement of civil work, and APs will remove their trees

No.	Type of Loss	Application	Category of AH	Entitlements	Clarification / Implementation
			15 AHs		from the Subproject areas within one month after receiving compensation
3b	Loss of Livelihood Source	Income Restoration	AHs who lose their source of livelihood permanently regardless of ownership status.	• Entitled to participate in any one of the Livelihood Restoration/Support Programs: • 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 \$200 to re-start land based livelihood. In case of unavailability of suitable land, the AHs 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. OR • 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 \$200 to assist in starting micro or home-based business. OR	The program will be based on the choice of the AP. Land Based for AHs who lose land-based livelihood Employment Based for AHs 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 AHs who lose business-based livelihood. This can also be available to AHs who do not want to continue with land or employment-based livelihood at their own choice.

No.	Type of Loss	Application	Category of AH	Entitlements	Clarification / Implementation
			Vulnerable AHs 2 AHs	• \$200 Cash Grant plus \$300 cash assistance IRP instead of training • For Poor and Vulnerable AHs¹². In addition to skills training, (i) above lump sum cash grant will be doubled; and (ii) priority in any employment opportunity under the Subproject.	
4. Temporarily affected properties during construction					
4a	Temporarily affected land and non-land assets during construction	Temporary impact on structures	Owner of temporarily affected land and non-land assets, regardless of land ownership status	• Contractor will pay rent for any land/structure required for construction workspace outside the ROW. • For assets within the Corridor of Impact (COI): no compensation for temporarily affected land/non-land assets. Construction contractor will be responsible to restore/rebuild all temporarily impacted assets.	As part of the civil works contract, all pavements/walkways/access roads/driveways to properties adjacent to the road will be repaired or replaced including culverts and other facilities, to a condition equal or better than the present. 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 Subproject.
4b	Temporary impact to productive assets during construction (e.g. stalls, and fields and associated infrastructure including bund walls, drains, channels, etc.)	Temporary impact on livelihoods	Owners of productive assets, regardless of land ownership status 107 AHs	• One-time cash assistance of \$100/AH for dismantling, reassembling of stalls and temporary loss of income during construction • Stalls along construction area which need to be temporarily moved will be relocated near-by to continue their business uninterrupted. Construction contractor will be responsible to assist dismantling, moving and reinstalling stops and stalls.	Temporary impact agreement will be made between owner/HH, contractor and PIU. Contractor will be required by contract and EMP to cover these costs. Construction and maintenance will be carried out so as to minimize damage. The disruption period will be minimized as much as possible.
5. Unanticipated Impact					
5a	Unanticipated involuntary resettlement Impacts		Eligible displaced persons	• New displaced persons that will be identified (i.e., those who will be included among the adversely affected because of changes in the Subproject design or alignment prior to or even	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

¹² (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

No.	Type of Loss	Application	Category of AH	Entitlements	Clarification / Implementation
				during construction works) are entitled to the same entitlements as those of the other displaced persons.	impacts will be documented and mitigated based on the principles provided in this DRP.

Source: Adopted from Resettlement Framework May 2018 and Draft Resettlement Plan May 2018 to cover all identified impacts

IX. RELOCATION

108. There is no relocation of any AH to another site, or impact on residential land or primary structures. All affected secondary/auxiliary structures of AHs will be shifted back within the ROW but outside the COI.

X. INCOME RESTORATION AND REHABILITATION

A. General Provisions

109. As outlined in May 2018 RF and draft RP, the members of AHs who will permanently lose their source of livelihood or are vulnerable will be entitled to participate in the income restoration program (IRP). Based on the results of the DMS, there are one (1) poor AH (2 APs) eligible due to being identified as vulnerable and are entitled to participate in the IRP on that basis. The IRP has been designed during the preparation of this DRP and will be implemented in parallel with the implementation of the DRP with the active involvement of the participating AHs.

110. 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. The contractor will be requested to implement preferential hiring of severely affected and vulnerable AHs for non-skilled labor during civil works. Compliance will be monitored by the PMU and ADB during implementation.

111. An amount of **\$500/AH** has been allocated in the resettlement budget to finance the various components of the IRP. The amount is based on recent ADB-funded projects implemented in the same area. The 2 AH/6 APs will be assisted with (i) One-time cash assistance allowance of **\$200 per household**; (ii) Option to participate in the IRP on skills training of worth \$300/AH or given cash assistance of **\$300/AH for IRP**, and (iii) priority for employment in the Subproject construction works.

B. Income Restoration Program

112. The 2 APs depending on their preferred choice are entitled to participate in any of the three IRP as reflected in the RF and this DRP.

113. **Land-based Livelihood Restoration Program.** (a) Access to 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. The Subproject will not provide the land except in the case of land for land swap. APs will need to acquire the land at their own costs. Specifically, designed skills training in farming and livestock will be provided to the APs. (b) Financial support in the form of a lump sum cash grant of \$200/AH to assist in re-establishing the livelihood¹³.

114. The Regional Polytechnic Institute TECHO SEN in Battambang can arrange skills training in land-based livelihoods (agriculture) as required by APs.

¹³ In case no alternative agricultural land is available, these APs will be offered the option to participate either in the employment or business-based livelihood restoration program.

115. Employment-based Livelihood Restoration Program. (a) Provision of employment skills training. (b) Financial support in the form of cash grant equivalent to 3 months of income based on the official poverty rate prescribed by the government to support the displaced person during the training period. The amount will be the monthly poverty rate x number of members in the AH x 3. (c) Access to temporary job opportunities at the construction site, at the office, or other places that may be available under the Subproject.

116. The Institute of Technology, National Vocational Institute and Regional Polytechnic Institute TECHO SEN in Battambang has on-going vocational training courses supported by government fund, which are free-of-charge for the participant. Suitable courses include electrician, A/C repair, car/motorbike mechanics, wood carving, agricultural machinery, construction worker, sewing, electrician and food processing.

117. A survey of the employment opportunities in the proximity of Battambang was carried out as part of the preparation of this DRP in cooperation with the National Employment Agency (NEA) for Battambang. It was determined that the high demand employment opportunities in Battambang within the skills set of the APs were service sector (waitress, cook and hotel staff), construction or factory workers. NEA will also be able to provide services in facilitation of information on job openings, current demand for workers, support in job seeking and applying, and support in documentation for job applications.

118. Business-based Livelihood Restoration Program. (a) Provision of business skills training focusing on micro- or home-based businesses. (b) Financial support in the form of a lump sum cash grant of \$200/AH to assist in starting or re-establishing micro or home-based businesses.

119. Training options for business-based capacity building is more limited. CARITAS Cambodia (NGO) was identified as offering courses in administration and basics of accounting.

C. Vulnerable Group Special Assistance

120. 2 AHs (6 APs) impacted by the Subproject have been identified as either vulnerable (poor), or they are severely affected. They will receive special assistance for vulnerable AHs.

121. Special Package for Poor and Vulnerable Groups. The vulnerable AHs are eligible for special vulnerability allowance. The AHs who are classified as poor and vulnerable as per the category stipulated in the definition of Vulnerable Group will be entitled to participate in the livelihood restoration program because of vulnerability. In addition, this category of AHs will be entitled to the following:

- a) **Double** the financial support rate offered in the three different livelihood programs; and
- b) Priority access to employment opportunities under the Subproject.

D. Consultations

122. On 29 May 2020 a consultation was conducted with the single vulnerable AH who is entitled to participate in the IRP under the Subproject, and on 29 July 2020 with severely impacted household via telephone. The consultation was conducted by the Local Authority assisted by the Project Management Consultants. The AHs were informed that the main purpose of the meeting was to have a meaningful consultation with them as they were entitled for IRP as outlined in the May 2018 RF. They were informed that the entitlement to participate in the IRP. The focus of the

IRP is to assist the affected persons to re-establish their sources of livelihoods to improve their economic situation. For this purpose, the IRP is being designed during the preparation of this DRP and it will be implemented in parallel with the implementation of the approved DRP by IRC and ADB with the active involvement of the participating AHs.

123. The AHs were further explained that their members who are within the working age (15-60 years old) will be entitled to participate in skills trainings. The TL elaborated that there are number of training courses in three (3) livelihood restoration programs organized by Battambang Institute of Technology, National Vocation Institute of Battambang and Regional Polytechnic Institute TECHO SEN Battambang, as well as CARITAS Cambodia (NGO).

124. The meeting was opened for discussions and the local authority sought responses from the AH regarding their preferred choice of IRP options. The decision of the poor AH preferred choice was cash option only, as the household head is elderly, and the household member will be unable to participate in the training as the grandchild is slightly disabled, and she have to take care of her grandson. The decision of the AH experiencing major impacts was cash only, as he felt he had enough training already for farming. The local authorities informed the AHs that their choices would be recorded in the DRP for approval by IRC and ADB. The Minutes of the Meeting is in Annex J.

XI. RESETTLEMENT BUDGET AND FINANCING PLAN

125. The calculation for compensation and assistance for the Subproject presented in this DRP are based on the results of the DMS and the RCS at full replacement cost. The cost for all compensation, resettlement assistances under the Subproject will be financed from the national budget and no financing will be required from the ADB loan and grant. The resettlement budget is estimated \$48,120.48. This includes: (i) \$26,120.84 as direct cost of compensation for affected secondary structures, trees, loss of land use, one-time cash assistance market vendors for transportation allowance, dismantling and reassembling of stall and temporary loss of income from business), and cash assistance to vulnerable group, IRP skills training or cash assistance to AHs entitled to participate in IRP. Lease rental of car park for temporary market; (ii) \$2,000.00 for replacement cost study (iii) administrative cost of \$15,000.00 (iv) contingency cost of \$ 5,000.00. Table 23 summarizes the estimated resettlement costs.

Table 23: Estimated Resettlement Cost

No.	Components	Unit	Quantity	Estimated Unit Cost (\$)	Total (\$)
A	Loss of Structures				
	Kitchen (secondary)	1	259.22m ²		6,096.88
	Stall covered with plastic	1			
	Extended eaves (and associated structures)	10			
	Wash basin	1			
	Door / gate (including poles)	2			
	Fence (including poles)	9			
	Column / pole	4			
	Spirit house	8 Nos.			
	Stairs / staircase	2			
	Total A				6,096.88
B	Loss of Trees				
	Fruit trees	162			2,739.50
	Timber trees	23			200
	Total B				2,939.50
C	Impacts on Vulnerable AHs				
	Vulnerable households	AH	2	200	400.00
	IRP	AH	2	500	1,000.00
	Total C				1,400.00
D	Loss of Income				
	Loss of land use	AH/m ²	15/12,031.86	0.14/m ²	1,684.46
	One-time cash assistance for market vendors	AH	107	100	10,700.00
	Total D				12,384.46
E	Car Park Lease for Temporary Market	Months	2	2000	4,000.00
	Total E				4,000.00
	Total Direct Cost (A+B+C+D+E)				26,120.84
	Replacement Cost Study		lumpsum		2,000.00
	Administration Cost				15,000.00
	Contingency				5,000.00
	Total Resettlement Cost				48,120.84

Source: RCS Report

XII. INSTITUTIONAL ARRANGEMENT

126. Executing Agency (EA) / Ministry of Public Works and Transport (MPWT). The 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. It will be supported by consultants to ensure that procedures are followed and that the implementation schedules are kept on track. However, it will not be responsible for carrying out the land acquisition and resettlement activities which is mandated to the General Department of Resettlement (GDR). MPWT and its PMU will coordinate closely with the IRC-WG on all matters concerning involuntary resettlement, working closely with RD3 of GDR to prepare, update, and implement the DRP.

127. 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. However, it is not mandated to carry out resettlement activities but assumes some tasks in coordination with GDR which is the lead agency directly responsible for all LAR activities in the ROW. The PMU designated a focal person on resettlement and tasked to undertake specific PMU responsibilities with regards to LAR and coordinate with GDR, the PRSC and the PIU in all matters concerning LAR planning and implementation. The specific tasks of the PMU related to LAR include the following:

- Conduct social impact assessment of the project/subproject;
- Prepare the draft basic resettlement plan based on pre-detailed design alignments/demarcation of subproject site for GDR's review and endorsement;
- Set out the demarcation of the land requirement along the final alignment within a month after completion of the DED in coordination with GDR;
- Provide GDR with the proposed construction schedule identifying the completion schedule of LAR and handover of sites by sections to the contractor before planned contract award date;
- Inform GDR in a timely manner if progress of construction is hampered by LAR issues or any anticipated bottleneck;
- Assist and cooperate with GDR in seeking solutions to problems encountered during project/subproject implementation;
- Invite GDR to participate in supervision missions and wrap-up meetings with APs and ensure that GDR's comments on LAR issues are incorporated in Aide Memoires (AMs), Memorandum of Understanding (MOU) and Minutes of Discussions (MOD); and
- Ensures that no further encroachment on the ROW after handover by GDR of the land for the project/subproject.

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

- Provide effective oversight and ensure LAR complies with the laws and implementing rules and regulations;
- Ensure effective coordination between line ministries, provincial/local authorities and GDR in carrying out the LAR;
- Review and approve the DRP and endorse DRP prior to submission to ADB for its review

4.

- and the approval;
- Initiate the establishment PGRC; and
- Provide overall guidance on implementing rules and regulations for LAR and propose updates as necessary.

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

- Coordinate and collaborate with line ministries, MPWT, and other agencies involved in LAR activities;
- Conduct public consultations and FGDs with the affected persons and vulnerable groups;
- Prepare the DRP for the subproject and submit to ADB for review and acceptance;
- Develop terms of reference and recruit the replacement cost surveyor;
- Prepare and secure the necessary budget for the implementation of the DRP;
- Calculate, prepare contracts, and make payments for compensation for each AH based on the entitlement matrix in the DRP;
- Implement all LAR activities in compliance with the DRP;
- Ensure proper functioning of the GRM;
- Supervise, monitor, and report on implementation progress of the DRP;
- Send Land Handover Letter to MPWT with a copy to ADB;
- Prepare and submit to ADB quarterly progress and semi-annual monitoring reports;
- 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;
- Conduct awareness workshops for MPWT, line ministries, local authorities, and construction contractor on the implementing rules and regulations as specified in the DRP; and
- Serve as the focal knowledge center for resettlement of the project or subprojects.

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

131. Cadastral Administration Office. The Cadastral Administration Offices under the Ministry of Land Management, Urban Planning and Construction (MLMUPC) 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.

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

- Identify and coordinate the venue for the public consultation meetings and invite AHs to participate in the consultation activities, such as DMS, SES, RCS and other resettlement related activities; and
- Assist the IRC-WG, PRSC-WG, and GDR in developing suitable measures to assist the vulnerable AHs by the subproject.

133. **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. The composition of the IRC-WG is in Table 24.

Table 24: Composition of IRC-WG

I. Working Group			
1	Mr. Kim Chanvibol	Deputy Director, RD3, GDR/MEF	Team Leader
2	Mr. Chheang Chhorlin	Deputy Director, RD3, GDR/MEF	Vice Team Leader
3	Mr. Yuk Bunheng	Chief Officer, RD3, GDR/MEF	Vice Team Leader
Data Encoder			
1	Mr. Sok Sopheak	Chief Officer, DIMDM, GDR/MEF	Member
Interviewer/ Measurement Team			
1	Mr. Cheab Sor	Deputy Chief Officer, RD3, GDR/MEF	Member
1	Hean Reaksmeay	Deputy Chief Officer, DGA, GDR/MEF	Member
3	Uk Donirath	Officer, RD3, GDR/MEF	Member
4	Tith Dalen	Officer, DGA, GDR/MEF	Member

Source: RD 3, General Department of Resettlement dated (2020)

134. **Provincial Resettlement Sub-Committee (PRSC).** The PRSC is established by the Battambang Provincial Governor at the request of the IRC for the Subproject. The composition of the PRSC is in Table 25.

Table 25: Composition of the Provincial Resettlement Sub-Committee

No.	Name	Position	Position assigned
1	Excellency, Uy Sotheavy	Provincial Deputy Governor	Chair
2	Mr. Chan Sambo	Director of provincial Department of Public Works and Transport	Vice Chair
3	Mr. Potry Dern	Director of Provincial Department of Economic and Finance	Vice Chair
4	Mr. Ou Dary	Director of Provincial Department of Land Management, Urban Planning and Construction	Member
5	Mr. Chheum Vorchira	Director of Provincial Department of Agriculture Forestry and Fisheries	Member
6	Mr. Kok Boran	Director of Provincial of Department of Environment	Member
7	Mr. Sek Chanbunna	Director of Provincial of Department of Post and Telecommunication	Member
8	Mr. Long Phalkun	Director of Provincial Department of Water Resource and Meteorology	Member
9	Mr. Ukvong Longvy	Sub-Director of Provincial Administration	Member
10	Mr. Peng Sithy	Governor of Battambang City	Member
11	Mr. Mel Sophal	Governor of Ek Phnom District	Member
12	Mr. Lum Sorn	Governor of Sangkae District	Member

13	Mr. Tep Hom	Governor of Muong Russey District	Member
14	Mr. Kim Vannak	Governor of Thmor Kuol District	Member
15	Mr. Uk Khleung	Director of Battambang Water Supply Authority	Member
16	Mr. Sok Huot	Director of Battambang Electricity	Member
17	Relevant of Chief of Commune and Village in Battambang city		Member

Source: Provincial Governor Letter dated 13 March 2019

135. The role of the PRSC is as follows:

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

136. Provincial Resettlement Sub-Committee Working Group (PRSC-WG). The PRSC-WG is established by the Battambang 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 26.

Table 26: Composition of the Provincial Resettlement Sub-Committee Working Group

No.	Name	Position	Position assigned
1	Mr. Teng Kim Sean	Acting Director, Provincial Office of Inter Sectors	Chair
2	Ms. Keum Sokuntheary	Vice Director of Provincial Department of Public Works and Transport	Vice-Chair
3	Mr. En Sovann Mony	Vice Director of Provincial Department of Agriculture Forestry and Fisheries	Member
4	Mr. Nhom Sokhara	Office Director of Provincial Develop Management and Construction	Member
5	Mr. San Serei Sithy	Office Director of Public Work of Department of Public Work and Transport	Member
6	Mr. Pork Ad	Office Director of Provincial Department of Land Management, Urban Planning, Construction and cadastral	Member
7	Mr. Sung Semg	Office Director of Public Works and Transport of Battambang City	Member
8	Mr. Kuch Kusal	Branch Manager of Battambang Telecommunication	Member
9	Mr. Teung Sivutha	Office Director of Battambang City Development	Member
10	Sae Saran	Office Sub-Director, State Property of Provincial Department of Economic and Finance	Member
11	Heng Sovann Rath	Company Director of Camintel, Battambang Branch	Member
12	Mr. Kuy Van Chatha Kech	Provincial Officer of Economic Work and Social Work	Member
13	Mr. Som Sophal	Provincial Officer of Develop Management and Construction	Member
14	Relevant of Chief of Commune and Village in Battambang city		Member

Source: Provincial Governor Letter dated 13 March 2019

137. The PRSC, through the provincial and district working groups are responsible for the following functions:

- (i) Facilitate public information campaign, ensuring that the public, especially the AHs, are updated on any developments regarding the Subproject and resettlement activities;
- (ii) Participate in the DMS and updating of the census of AHs, including the updating of the entitlements
- (iii) Spearhead the selection, acquisition, and preparation of replacement plots, including the preparation of a coordinated schedule of delivery of compensation and other entitlements, the relocation of people, harvesting of standing crops, and the start of civil works in a particular section of the project road sections;
- (iv) Spearhead the delivery of compensation and other entitlements to the AHs;
- (v) Receive and act on the complaints and grievances of AHs in accordance with the project resettlement policy; and
- (vi) Maintain a record of all public meetings, grievances, and actions taken to address complaints and grievances.

138. **Project Management Consultant (PMC).** The PMC will assist MPWT in the management and supervision of civil works activities and will ensure that the contractor adhere to with the terms of their contracts relative to avoiding and/or minimizing resettlement impacts. The PMC role is minimal in the implementation of DRP and is only related to the compilation of the reporting requirements for the project and reporting to GDR RD3 of any bottlenecks posed by resettlement during the construction phase of the project/subproject.



XIII. IMPLEMENTATION SCHEDULE

139. All resettlement activities will be coordinated with the civil works schedule of the Subproject. The DRP will be implemented after the approval of the DRP by IRC and ADB and the budget by MEF. 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 DRP. It is expected that the compensation payments will be completed within a period of two months and the ROW for of the Subproject would be without encumbrances. Thereafter, MPWT will issue a notice of possession of the specific sites to the contractor for construction. However, construction can proceed on sections free from encumbrances, based on agreement between MPWT and ADB. The tentative implementation schedule for resettlement actions is summarized in Table 27.

Table 27: Tentative Resettlement Implementation Schedule

Activities	Schedule
Conducting DMS and SES	April-July 2020
Conducting and approval of RCS	May-June 2020
DRP updating	June-July 2020
Approval of DRP by IRC	August 2020
Submission and ADB approval of DRP	August 2020
Disclosure of DRP on ADB and MPWT Websites	August 2020
Approval of Budget by IRC and MEF	September 2020
Contract Offer and Contract Signing with AHs	October 2020
Disbursement of Compensation to the AHs	October 2020
Vacation of Land by AHs (one month after compensation payment)	November 2020
Handover of Land to MPWT by GDR (with a copy to ADB)	December 2020
ADB's No Objection to Civil Works	December 2020
Submission of Quarterly Internal Monitoring Reports (to MPWT)	June 2020, September 2020, December 2020, March 2021, June 2021, September 2021, December 2021, March 2022, June 2022, September 2022, December 2022, March 2023, June 2023, September 2023, December 2023, March 2024, June 2024
Submission of Semi-annual Monitoring Reports to ADB	15 th January 2020 (overdue), 15 th July 2020, 15 th January 2021, 15 th July 2021, 15 th January 2022, 15 th July 2022, 15 th January 2023, 15 th July 2023, 15 th January 2024, 15 th July 2024

Source: RD3 of GDR

XIV. MONITORING AND REPORTING

140. While the MPWT (PMU and PMC) will be responsible for monitoring of the overall implementation of the Project and Subproject, the DIMDM of GDR will be directly responsible for the monitoring and reporting of the implementation of the DRP.

A. Internal Monitoring

141. 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 N. DIMDM of the GDR will perform routine internal monitoring. The objective of internal monitoring is to (i) measure and report on the progress in the preparation and implementation of the DRP; (ii) identify problems and risks, if any and the measures to mitigate them; and (iii) assess if the compensation and rehabilitation assistance are in accordance with the provisions under the DRP. Internal monitoring with results will be reported to IRC and MPWT/PMU on a quarterly basis. The IRC-WG and the PRSC-WG will gather data and information on the progress of the LAR from the field and prepare and will submit monthly reports to RD3. The RD3 will compile the field reports and prepare a consolidated report on the implementation of DRP on monthly basis. The report will be submitted to the DIMDM which will (i) review the monthly progress reports, including fielding its own missions to verify the progress and the validity of the data and information, if deemed necessary; and (ii) compile quarterly monitoring report for submission to the Director General of GDR. The GDR will provide MPWT a quarterly progress report and submit semiannual progress report to the ADB.

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

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

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

144. The DIMDM will also validate that the (i) entitlements and the corresponding compensation are paid in accordance with the entitlement matrix in the approved DRP; and (ii) GRM is functioning as per the guidelines. During subsequent monitoring periods, the DIMDM will look into

whether or not corrective actions agreed to address land acquisition and resettlement issues in the past monitoring period (i.e., outstanding resettlement issues) have been resolved.

B. External Monitoring

145. External monitoring will not be required as the Subproject is classified as Category B for involuntary resettlement as it includes involuntary resettlement impacts that are not deemed significant.



ANNEXES

Annex A: Details of Impact on Assets

Please Note: Some household are affected with several impact types.

Table 1: Summary of Affected Tree Age

Tree Types	Age of Tree				N/A	Total
	1 - 3 yrs	4 - 6 yrs	6 - 10 yrs	> 10 yrs		
Perennial Tree	102	39	24		2	167
Timber Tree	6	13	2	2	12	35
TOTAL	108	52	26	2	14	202

Source: DMS/SES, April to July 2020

Table 2: Detailed List of Affected Trees by Age

Tree Type	Name of Tree	Unit of Tree	Total Number	AHs	APs
Fruit Tree	Areca Palm	tree	2	1	1
	Avocado	tree	1	1	5
	Banana	Khum	5	2	10
	Custard-apple	tree	25	10	44
	Dragon fruit	tree	2	2	12
	Guava	tree	8	4	12
	Hylocereus undatus	tree	1	1	6
	Jackfruit	tree	6	4	17
	Jambolan Plum	tree	2	2	6
	Jujube	tree	2	2	8
	Lemon	tree	10	4	14
	Longan	tree	7	4	13
	Mango	tree	9	5	26
	Otaheite-apple	tree	1	1	7
	Pailin Longan	tree	2	2	7
	Palm Tree	tree	10	4	18
	Phyllanthus	tree	1	1	2
	Pomegranate	tree	4	3	11
	Rose Apple	tree	4	3	12
	Tamarind	tree	65	1	4
Total			167	57	235
Timber Tree	Corckwood tree	tree	4	2	7
	Cow tamarind	tree	1	1	5

Dongkor	tree	2	2	13
Eucalyptus	tree	1	1	2
Golden Shower Tree	tree	9	7	29
Manila tamarind	tree	2	2	10
Moringa oleifera	tree	2	2	9
Nhor	tree	3	3	16
Pongro	tree	1	1	5
Sangkae	tree	5	3	18
Thngan	tree	1	1	4
Weeping Fig	tree	4	2	10
Total		35	27	128
GRAND TOTAL		202	84	363

Source. DMS/SES, April to July 2020

Table 3: Summary of Affected Structures per AHs/APs

Structure	Total Area	Affected area	AHs	APs
Secondary Structure	89.3	20.6	2	6
Other Structure	218.52	238.62	25	104
Total	307.82	259.22	27	110

Source. DMS/SES, April to July 2020

Table 4: Detailed List of Affected Structures per AHs/APs

No	Secondary Structure	Structure (AHs)	Structure (APs)	Total Areas	Affected Areas
1	Zinc + Zinc + Wood + Wood	1	2	42	14
2	Plastic + No + Ground + Wood	1	4	47.3	6.6
Sub-total 1		2	6	89.3	20.6
1	Zinc (roof)	1	5	16.68	16.68
2	Zinc + Net/barbed wire + Mortar + Wood	1	6	4.95	15.98
3	Zinc + No + Mortar + Steel	3	14	10.51	21.13
4	Zinc + No + Mortar + Wood	1	6	16	8
5	Zinc + Steel + Mortar + Steel	1	5	8	4
6	Zinc + Zinc + Concret + Wood	1	4	4	6
7	Zinc + Zinc + Tile + Steel	1	2	4	4.95
8	Concret Spirit House (Medium)	1	4		1
9	Brick fence 10 no cover	1	1	20.9	20.9
10	Brick fence 10 no cover	1	1	6	6
11	Column of fence gate (0.3*0.3)	1	3	0.28	1
12	Steel fence door	1	3	3.2	3.2
13	Zinc fence with wood or steel pole	1	4	12.4	12.4
14	Fence door with net/barbed wire	1	4	5	5
15	Concret Spirit House (Small)	1	5	0.29	1
16	Basine brick 10 (100mm)	1	5	0.77	1
17	Concret Spirit House (Small)	1	5	0.29	1
18	Concrete Fence or Steel Pole with net/barbed wire	1	5		11.2
19	Normal brick fence 10 no cover	1	4	39.1	39.1
20	Concret Spirit House (Small)	1	3		1
21	Concret Spirit House (Small)	1	3		1
22	Staircase	1	2	3.7	1
23	Staircase	1	2	0.5	1
24	Spirit House for God (Small)	1	2		1
25	Concret Spirit House (Big)	1	5	1.32	1

26	Concrete Fence or Steel Pole with net/barbed wire	1	5	40.32	25.38
27	Brick fence 10 with net/barbed wire	1	5	14	17.5
28	Concret Spirit House (Small)	1	5	1	1
29	Concret Spirit House (Small)	1	5		1
30	Normal brick fence 20 no cover	1	3	1	1
31	Normal brick fence 10 no cover	1	3	1.2	1.2
32	Gate Column Fence (0.4*0.4*0.7)	1	3	0.11	3
33	Electric Steel Pole	1	3	3	3
Sub-total 2		35	135	218.52	238.62
Grand Total		37	141	307.82	259.22

Source: DMS/SES, April to July 2020

Table 5: Details of Affected Structures per Unit

No.	Secondary Structure	m	m ²	m ³	Units
1	Kitchen (Zinc + Zinc + Wood + Wood)		14		
2	Stall with plastic (Plastic + No + Ground + Wood)		6.6		
Sub-Total 1			20.6		
No.	Other Structure	m	m ²	m ³	Units
1	Zinc (roof)		16.68		
2	Zinc + Net/barbed wire + Mortar + Wood		15.98		
3	Zinc + No + Mortar + Steel		21.13		
4	Zinc + No + Mortar + Wood		8		
5	Zinc + Steel + Mortar + Steel		4		
6	Zinc + Zinc + Concret + Wood		6		
7	Zinc + Zinc + Tile + Steel		4.95		
8	Concret Spirit House (Medium)				1
9	Brick fence 10 no cover		20.9		
10	Brick fence 10 no cover		6		
11	Column of fence gate (0.3*0.3)	1			
12	Steel fence door		3.2		
13	Zinc fence with wood or steel pole	12.4			
14	Fence door with net/barbed wire		5		
15	Concret Spirit House (Small)				1
16	Basins brick 10 (100mm)			1	
17	Concret Spirit House (Small)				1
18	Concret Fence Or Steel Pole with net/barbed wire	11.2			
19	Normal brick fence 10 no cover		39.1		
20	Concret Spirit House (Small)				1
21	Concret Spirit House (Small)				1
22	Staircase				1
23	Spirit House for God (Small)				1
24	Concret Spirit House (Big)				1
25	Concret Fence Or Steel Pole with net/barbed wire	25.38			
26	Brick fence 10 with net/barbed wire	17.5			
27	Staircase				1
28	Concret Spirit House (Small)				1
29	Concret Spirit House (Small)				1
30	Normal brick fence 20 no cover		1		
31	Normal brick fence 10 no cover		1.2		
32	Gate Column Fence (0.4*0.4*0.7)			3	
33	Electric Steel Pole				3
Sub-Total 2		67.48	153.14	4	14
Grand Total		67.48	173.74	4	14

Source: DMS/SES, April to July 2020

Table 6: Details of Affected Productive Land

Sub-Project	Gender	Farmland	AHs	APs	Loss Over 10%
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		Total Areas	Affected Areas			Over 10%	Less than 10%
WWTP	Male	419700	8971	13	67	1	12
	Female	35600	828	2	7	0	2
Total		455300	9799	15	74	1	14
Grean Total		455300	9799	15	74	1	14

Source. DMS/SES, April to July 2020

Annex B: Approval of Land Swap for WWTP

Please be informed,

His Excellency, Minister of Ministry of Public Works and Transport

Subject: In Case of Request for inspection and decision related to regulation of the estimated land location size 10 Hectares after procurement process of Greater Mekong Subregion Corridor Towns Development Project in Battambang province to the usage for Second Urban Environmental Management in the Tonle Sap Basin Project.

Ref.: Letter No. 3971, dated on 17 September 2019, Ministry of Public Works and Transport

Letter dated on 11 March 2020 Asian Development Bank.

As stated in the above statement, I would like to inform His Excellency Under Secretary of State that, related to the request to the Ministry of Public Works and Transport for inspection and decision related to regulation of the estimated land location size 10 Hectares after procurement process of Greater Mekong Subregion Corridor Towns Development Project in Battambang province in order for usage in Second Urban Environmental Management in the Tonle Sap Basin Project, Ministry of Economy and Finance has requested Asian Development Bank for approval related to removal request of the 6 Subprojects of Greater Mekong Subregion Southern Economic Corridor Towns Development Project including GMS Subproject: Battambang Wastewater Treatment to ensure that the proposed land location for regulation is no longer approve for usage of the aforementioned projects.

In this case, through letter dated on 11 March 2020, Asian Development Bank has officially approved the removal request of subprojects mentioned above. This means to ensure that the proposed land location for regulation is utilize to effectiveness and reduce the national budget expense for new proposed land location for regulation. Therefore, the Ministry of Economy and Finance will be pleased to approve the request to the Ministry of Public Works and Transport related to regulation of the estimated land location size 10 Hectares after procurement process of Greater Mekong Subregion Corridor Towns Development Project in Battambang province in order for usage in Second Urban Environmental Management in the Tonle Sap Basin Project.

As mentioned above, His Excellency, Minister of Ministry of Public Works and Transport would implement and manage it accordingly.

Please, His Excellency, Minister of Ministry of Public Works and Transport Governor accept my sincere respect,

**Deputy Prime Minister of the
Royal Government of Cambodia,**

Minister of Economy and Finance

Aun Pornmoniroth



ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

ក្រសួងសេដ្ឋកិច្ច និង ហិរញ្ញវត្ថុ

លេខៈ៤៣៧/២០២២

ថ្ងៃសុក្រ ១០ ខែ មីនា ឆ្នាំ ២០២២ ព្រះរាជាណាចក្រកម្ពុជា
រាជធានីភ្នំពេញ ថ្ងៃទី ១០ ខែ ៣ ឆ្នាំ ២០២២

ជូនដំណឹង

ឯកទ្វីបកម្ពុជាកម្ពុជា រដ្ឋប្រឹក្សាសភាពាណាជន និងជីវិតកម្ពុជា

កម្មវត្ថុ ៖ ការណែនាំស្នើសុំដំឡើង និងសម្រេចអំពីការធ្វើនិយ័តកម្មទីតាំងដីប្រមាណ ១០ ហិកតា ដែលបានធ្វើលក្ខណៈ
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គ្រងបរិស្ថានក្នុងវិវត្តន៍បឹងទន្លេសាបដ៏បរិសុទ្ធ វិញ។

យោង ៖ លិខិតលេខ ៣៩៧១ សស/អក ចុះថ្ងៃទី ១៧ ខែ កញ្ញា ឆ្នាំ ២០១៩ របស់ក្រសួងសាធារណការ និងដឹកជញ្ជូន
- លិខិតចុះថ្ងៃទី ១១ ខែ មីនា ឆ្នាំ ២០២០ របស់គណៈកម្មាធិការស្តីពី

សេចក្តីជូនដំណឹងក្នុងកម្មវត្ថុ និងយោងទៅលើ កិច្ចសន្យាប្រកបដោយឯកភាព ឯកទ្វីបកម្ពុជាកម្ពុជា ជ្រាបថា ៖ គម្រោងសំណើ
របស់ក្រសួងសាធារណការ និងដឹកជញ្ជូន ក្នុងការស្នើសុំធ្វើនិយ័តកម្មទីតាំងដីប្រមាណ ១០ ហិកតា ដែលបានធ្វើលក្ខណៈ
នៅក្នុងខេត្តបាត់ដំបងនៃគម្រោងអភិវឌ្ឍន៍សេដ្ឋកិច្ចក្រុងរបៀងខាងត្បូងទៅប្រើប្រាស់នៅក្នុងគម្រោងកែលម្អគ្រប់
គ្រងបរិស្ថានក្នុងវិវត្តន៍បឹងទន្លេសាបដ៏បរិសុទ្ធ ក្រសួងសេដ្ឋកិច្ច និងហិរញ្ញវត្ថុ បានស្នើសុំការឯកភាពពីគណៈកម្មាធិការស្តីពី
សំណើសុំលុបអនុកម្មក្រុងទាំង ០៦ នៃគម្រោងអភិវឌ្ឍន៍សេដ្ឋកិច្ចក្រុងរបៀងខាងត្បូង ដែលក្នុងគម្រោងមានផ្ទៃដីដែលបានគ្រោង
សាងសង់ស្ថានីយប្រតិបត្តិកម្មទឹកក្នុងក្រុងបាត់ដំបង ដើម្បីធានាឱ្យបានឡានទៅទីតាំងដីដែលស្នើសុំធ្វើនិយ័តកម្មនោះពីគណៈ
លែងមានតម្រូវការប្រើប្រាស់នៅក្នុងគម្រោងសាងសង់បឹងទន្លេសាបដ៏បរិសុទ្ធ ហេតុនេះតាមរយៈលិខិតចុះថ្ងៃទី ១១ ខែ មីនា ឆ្នាំ
២០២០ គណៈកម្មាធិការស្តីពីបានឯកភាពជាផ្លូវការដល់ការសំណើសុំលុបអនុកម្មក្រុងទាំង ០៦ នោះ។ ក្នុងន័យ
នេះដើម្បីធានាការប្រើប្រាស់ដីប្រមាណ ១០ ហិកតា ដែលបានធ្វើលក្ខណៈឱ្យមានប្រសិទ្ធភាព និងដើម្បីកាត់បន្ថយការចំណាយ
ថវិកាជាតិក្នុងការសាងសង់គម្រោងសាងសង់នៅទីតាំងដី ក្រសួងសេដ្ឋកិច្ច និងហិរញ្ញវត្ថុ សូមឯកភាពតាមសំណើរបស់ក្រសួង
សាធារណការ និងដឹកជញ្ជូន ក្នុងការធ្វើនិយ័តកម្មទីតាំងដីប្រមាណ ១០ ហិកតា ដែលបានធ្វើលក្ខណៈឱ្យមានប្រសិទ្ធភាព
គម្រោងអភិវឌ្ឍន៍សេដ្ឋកិច្ចក្រុងរបៀងខាងត្បូងសម្រាប់យកទៅប្រើប្រាស់នៅក្នុងគម្រោងកែលម្អគ្រប់គ្រងបរិស្ថានក្នុងវិវត្តន៍
ទន្លេសាបដ៏បរិសុទ្ធ វិញ។

អាស្រ័យប្រកាសការណែនាំស្នើសុំដំឡើង និងសម្រេចអំពីការធ្វើនិយ័តកម្មទីតាំងដីប្រមាណ ១០ ហិកតា
ស្តីពី ឯកទ្វីបកម្ពុជាកម្ពុជា រដ្ឋប្រឹក្សាសភាពាណាជន និងជីវិតកម្ពុជា

ព្រះរាជាណាចក្រកម្ពុជា
រដ្ឋប្រឹក្សាសភាពាណាជន និងជីវិតកម្ពុជា
អគ្គបណ្ឌិតសភាពាណាជន និងជីវិតកម្ពុជា

As mentioned above, His Excellency would implement and manage it accordingly. Please His Excellency accept my sincere respect

Deputy Secretariat of Ministry of Economics and Finance

Director of Inter-Ministerial Committee for Impact Resettlement for Project Development

Nhean Leng



ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

ក្រសួងសេដ្ឋកិច្ច និង ហិរញ្ញវត្ថុ
លេខ ៤៧៧ ប.ជ.សហវ. ២០១២

ថ្ងៃពុធទី ២២ ខែ កញ្ញា ឆ្នាំ ២០១២
រាជធានីភ្នំពេញ ថ្ងៃទី ២២ ខែ កញ្ញា ឆ្នាំ ២០១២

សូមកត់សម្គាល់

ឯកទ្ទក្កបណែនាំអំពីការប្រើប្រាស់កាត់ប្រើប្រាស់ប្រាក់ និងប្រាក់បញ្ញើ

កម្មវត្ថុ៖ ការប្រគល់ទិសដៅនៃការអនុវត្តក្រសួងបានធ្វើការប្រកាស សម្រាប់ប្រើប្រាស់កាត់ប្រើប្រាស់ប្រាក់ និងប្រាក់បញ្ញើ
ខាងក្រោមដែលបានទទួលបានសហប្រតិបត្តិការពីធនាគារអភិវឌ្ឍន៍អាស៊ី (ADB) ។

យោង៖ លិខិតលេខ ១៨៧៩ ស.ក.អ.ក ចុះថ្ងៃទី ២៨ ខែ ឧសភា ឆ្នាំ ២០១៥ របស់ក្រសួងសាធារណការ និងដឹកជញ្ជូន
- លិខិតលេខ ២០៤២ ស.ក ចុះថ្ងៃទី ១០ ខែ មិថុនា ឆ្នាំ ២០១៣ របស់ក្រសួងសាធារណការ និងដឹកជញ្ជូន។

សេចក្តីផ្តើមនៃក្នុងកម្មវត្ថុ និងយោងខាងលើ ខ្ញុំសូមគោរពជម្រាបជូនអ្នកប្រើប្រាស់ មេត្តាជ្រាបពី
ខ្លឹមសារដូចខាងក្រោម៖ តាមសំណើរបស់ក្រសួងសាធារណការ និងដឹកជញ្ជូន គណៈកម្មការអនុវត្តក្រសួងដោះស្រាយផលប៉ះពាល់
សហការជាមួយក្រសួងសាធារណការ និងដឹកជញ្ជូន និងអនុគណៈកម្មការខេត្តស្វាយរៀង, ខេត្តបាត់ដំបង និងខេត្ត
បន្ទាយមានជ័យ បានចុះពិនិត្យ ពិចារណា លើការងារដែលកំពុងធ្វើដោយក្រសួងសាធារណការ និងដឹកជញ្ជូន និងស្ថាប័ន
សម្រាប់សាងសង់អាងប្រតិបត្តិកម្ម និងស្ថាប័នប្រើប្រាស់
សម្រាប់កាត់ប្រើប្រាស់ប្រាក់ និងប្រាក់បញ្ញើ។

ហេតុដូច្នេះ គណៈកម្មការអនុវត្តក្រសួងដោះស្រាយផលប៉ះពាល់ សូមប្រគល់ទិសដៅនៃការអនុវត្តក្រសួង
ជូនក្រសួងសាធារណការ និងដឹកជញ្ជូន ដើម្បីផ្តល់លទ្ធភាពឱ្យក្រុមហ៊ុនសាងសង់ដំណើរការការងារស្វ័យប្រវត្តិ
និងបន្តប្រើប្រាស់ទិសដៅនៃការអនុវត្តក្រសួងដោះស្រាយផលប៉ះពាល់ និងលិខិតបទដ្ឋានកិច្ចព្រមព្រៀង
ទទួលបាននេះតទៅ។

ទិសដៅនៃការអនុវត្តក្រសួង រួមមានដូចខាងក្រោម៖

ល.រ	ខេត្ត / ក្រុង	បរិយាយ	ទំហំដី	ទិសដៅសាងសង់	លិខិតផ្ទេរសិទ្ធិកាត់ប្រើប្រាស់ ដី និងប័ណ្ណសម្គាល់សិទ្ធិកាត់ ប្រើប្រាស់ប្រាក់
១	ខេត្តបាត់ដំបង	អាងប្រតិបត្តិកម្ម	១០១ ៥៦៩ អ ^២	- ឃុំនា ស្រុកសង្កែ - ឃុំនា ស្រុកសង្កែ - ឃុំនា ស្រុកសង្កែ - ឃុំនា ស្រុកសង្កែ	- ក្បាលដីលេខ +Bx 0074 - ក្បាលដីលេខ +Bx 0075 - ក្បាលដីលេខ +Bx 0108 - ក្បាលដីលេខ +Bx 0110 ចុះថ្ងៃទី ១២-ឧសភា-២០១៥

ទំព័រ ១ នៃ ២

២			១ ៧៤០ ម ^២	-ភូមិបេង, ឃុំអន្តរវិល, ស្រុកសង្កែ	-ក្បាលដីលេខ÷០០៦ យអវ ចុះថ្ងៃទី ០៤-មករា-២០១៧
៣	ទេសចរណ៍	ស្ថានីយបូមបោះទឹកកខ្វក់	២ ៤៦៦ ម ^២	-ភូមិចេក២, សង្កាត់ រតនៈ, ក្រុងបាត់ដំបង	-ក្បាលដីលេខ÷ 541 ចុះថ្ងៃទី ២៦-កុម្ភៈ-២០១៦
៤		អាងប្រព្រឹត្តិកម្ម	១០០ ០៦០ ម ^២	-ភូមិក្បួនដំរី, សង្កាត់គិរីបុរី, ក្រុងប៉ោយប៉ែត	-ក្បាលដីលេខ÷៩៣២ កបប ចុះថ្ងៃទី ១១-មីនា-២០១៤
៥	ក្នុងស្ថានភាព	ស្ថានីយបូមបោះទឹកកខ្វក់	១ ៣៩៤ ម ^២	-សង្កាត់ផ្សារកណ្តាល, ក្រុងប៉ោយប៉ែត	-ក្បាលដីលេខ÷ I 0682 ចុះថ្ងៃទី ២៧-កក្កដា-២០១៧
៦	ក្នុងស្ថានភាព	ស្ថានីយបូមបោះទឹកកខ្វក់	១ ៤៩៦ ម ^២	-ភូមិត្រពាំងរាវ, សង្កាត់បាវិត	-ក្បាលដីលេខ÷០៨៨/១៧ ចុះថ្ងៃទី ១៧-កុម្ភៈ-២០១៧

អាស្រ័យដ្ឋានបានគោរពជម្រាបជូនខាងលើ សូមឯកឧត្តមទេសរដ្ឋមន្ត្រី មេត្តាជ្រាប និងចាត់តាំង តាមការស្នើ
សូមឯកឧត្តមទេសរដ្ឋមន្ត្រី មេត្តាទទួលនូវការគោរពដ៏ខ្ពង់ខ្ពស់ ពីខ្ញុំ

អនុជ្ជាធិការក្រសួងសេដ្ឋកិច្ច និងហិរញ្ញវត្ថុ
និងជាប្រធានអគ្គនាយកដ្ឋានកសិកម្ម រុក្ខាប្រមាញ់ និងនេសាទ
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ព្រះនរោត្តម រៀន

ចម្លងជូន៖

- អគ្គនាយកដ្ឋានទ្រព្យសម្បត្តិរដ្ឋ និង
វិស័យមិនមែនសាធារណៈ ភាគរាជ
- ឯកសារ- កាលប្បវត្តិ

h-v

Annex D: Updated Public Information Brochure (PIB)

The purpose of this PIB is to provide **Second Integrated Urban Environmental Management in the Tonle Sap Basin Project** related information to persons and households in the sites of the project, who may be physically (relocation, loss of residential land or loss of shelter) or economically (loss of land, assets, access to assets, income sources or means of livelihood) affected by land acquisition or involuntary resettlement under the project.

1. PROJECT BACKGROUND, OBJECTIVE AND LOCATIONS

The Asian Development Bank (ADB) is supporting the Royal Government of Cambodia (RGC) to improve the urban services for enhancing regional economic connectivity in participating towns of Stung Saen, Serei Saophoan and Battambang. The Project Output 1 is Urban infrastructure improved. Output 2 is Institutional effectiveness improved and Output 3 is Policy and planning environment improved. The Project loan effectiveness is from 14 December 2018 to 30 June 2024.

2. PROJECT COMPONENTS

For each of the towns the Project will develop lagoon-based wastewater treatment plant (WWTP), sewerage network and a controlled landfill with all associated infrastructure and equipment. The Project will also develop for Stung Saen and Serei Saophoan separated drainage network from the sewerage network.

3. INSTITUTIONAL ARRANGEMENTS

The Ministry of Public Works and Transport (MPWT) has established a Project Implementation Unit (PIU) in the all participating Provinces to support the implementation the Project.

The General Department of Resettlement (GDR) is the lead agency solely responsible for the implementation of detailed resettlement plan (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.

4. SCOPE OF SUBPROJECT LAND ACQUISITION AND IMPACTS

Base on the detail design drawing (DED), WWTP required land acquisition around 10 ha and separate system service area coverage 720 ha and connections 5,290 with pipeline 98.5 km and 6 pump stations. The capacity of WWTP is 8,500 m³ per day (2040) with lagoon-based system. The project needs to upgrade the access road to the WWTP length 3.60km with average of top width 5m and average of bottom width around 16.5m. A controlled landfill (25.3 ha) with a volume capacity of 350,000 cubic meter (m³) and landfill equipment will also be developed in Paoy Svay village, Ta Kream Commune, Banan District in the Battambang City.

During detailed design, every effort has been made to minimize and avoid impacts. This has included realignment and narrowing of corridor-of-impact (COI), relocating sewer on other side of existing drainage line where space is limited, removal of collector sewer at obstruction locations (but still enabling household connection), and providing temporary site for market vendors to continue business during construction

There will be land acquisition impacts linked with the Subproject. The Provincial Resettlement Sub-Committee (PRSC) will place demarcation markers on the ground before a detailed measurement survey (DMS) starts. Its purpose is to define the area reserved for the Project civil works COI, and to establish who is affected by the Project. Everyone who is

occupying or using land in the COI must permanently move outside of the COI after payment of compensation.

5. COMPENSATION POLICY AND ENTITLEMENTS

Acquired privately owned land will be compensated at replacement cost which is market value plus transaction costs, or through land swap if replacement land is available. Land within the existing right of way (ROW) of roads or on State Land 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.

The cut-off date for entitlement to compensation and assistance has been established and corresponds to the date of completion of verification of inventory of losses (**16 February 2018**). 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.

5a. STRUCTURES

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. Temporary impacts on pavements/walkways, and temporary stalls/shops will be rebuild/re-established by the construction contractor.

5b. CROPS AND TREES

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