

Resettlement Framework

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Cambodia: Integrated Water Resources Management Project

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CURRENCY EQUIVALENTS

(as of 16 August 2024)

| | | |
|---------------|---|--------------|
| Currency unit | – | riel (KHR) |
| KHR1.0 | = | \$0.00024 |
| \$1.00 | = | KHR 4,100.25 |

ABBREVIATIONS

| | | |
|----------|---|---|
| ADB | – | Asian Development Bank |
| AH | – | affected household |
| AP | – | affected people |
| AIIB | – | Asia Infrastructure Investment Bank |
| BRP | – | basic resettlement plan |
| COD | – | cut-off date |
| COI | – | corridor of impact |
| DED | – | detailed engineering design |
| DDR | – | due diligence report |
| DIMDM | – | Department of Internal Monitoring and Data Management |
| DMS | – | detailed measurement survey |
| DP | – | displaced person |
| DRP | – | detailed resettlement plan |
| EM | – | entitlement matrix |
| EMP | – | environmental management plan |
| FGD | – | focus group discussion |
| FWUC | – | farmer water user committee |
| GDR | – | General Department of Resettlement |
| GRC | – | grievance redress committee |
| GRM | – | grievance redress mechanism |
| IOL | – | inventory of loss |
| IP | – | indigenous people |
| IR | – | involuntary resettlement |
| IRC | – | Inter-Ministerial Resettlement Committee |
| IRC-WG | – | Inter-Ministerial Resettlement Committee-Working Group |
| IRP | – | income restoration program |
| IA | – | implementing agency |
| IS | – | irrigation scheme |
| ITP | – | independent third party |
| LAR | – | land acquisition and involuntary resettlement |
| LAR-SSMR | – | land acquisition and involuntary resettlement – semi-annual social safeguards monitoring report |
| MC | – | main canal |
| MEF | – | Ministry of Economy and Finance |
| MOWRAM | – | Ministry of Water Resources and Meteorology |
| PDWRAM | – | Provincial Department Water Resources and Meteorology |
| PGRC | – | Provincial Grievance Redress Committee |
| PIB | – | public information brochure |
| PIU | – | project implementation unit |
| PMIC | – | project management and implementation consultant |

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|---------|---|---|
| PMU | – | project management unit |
| PRSC | – | Provincial Resettlement Sub-Committee |
| PRSC-WG | – | Provincial Resettlement Sub-Committee-Working Group |
| RCS | – | replacement cost study |
| RD3 | – | Resettlement Department 3 |
| RF | – | resettlement framework |
| RGC | – | Royal Government of Cambodia |
| ROW | – | right-of-way |
| SC | – | secondary canal |
| SEO | – | social and environment officers |
| SES | – | socioeconomic survey |
| SOP | – | standard operating procedures |
| SPS | – | Safeguard Policy Statement |
| SSMR | – | semi-annual social safeguards monitoring report |
| TC | – | tertiary canal |
| TRTA | – | transact technical assistance |
| VLD | – | voluntary land donation |
| WBWS | – | willing buyer willing seller |

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GLOSSARY

- Affected Household** – In the case of an affected household (AH), it includes all displaced/affected persons residing under one roof and operating as a single economic unit, who are adversely affected by the Project or any of its components.
- Affected Person** – In the context of involuntary resettlement, affected persons are those who are physically displaced (relocation, loss of residential land, or loss of shelter) and/or economically displaced (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas (ADB SPS 2009).
Affected persons are also referred to as displaced persons under ADB SPS terminology.
- Compensation** – Refers to payment in cash or in kind for an asset or resource that is acquired or affected by a Project at the time the asset needs to be replaced. All compensation is based on the principle of replacement cost, which is the method of valuing assets to replace the loss at current market rates, plus any transaction costs such as administrative charges, taxes, registration and titling costs.
- Consultations** – A process that (i) begins early in the Project preparation phase and is carried out at different phases of the Project and land acquisition and involuntary resettlement cycle; (ii) provides timely disclosure of relevant and adequate information in Khmer Language that is understandable and readily accessible to Displaced Person (DP); (iii) is undertaken in an atmosphere free of intimidation or coercion with due regard to cultural norms; and (iv) is gender inclusive and responsive, and tailored to the needs of disadvantaged and vulnerable groups; enables to consider the incorporation of all relevant views of affected people and other stakeholders into decision making, such as project design, mitigation measures and implementation issues.
- Corridor of Impact** – It is the area which is required by the Project or by the need to retain sites for future use for construction or for repair and maintenance of public works.
- (i) Permanent. Is the area which is required to be permanently acquired by GDR for easement of the civil works and their unhindered operation & maintenance (O&M) in the future, and it is agreed and demarcated by the executing agency (EA). The exact location of the permanent boundaries of the easement may be required for formal confirmation of boundaries in the cadastral records.
- (ii) Temporary. Is the area within which the temporary construction activities and movements of equipment will take place during the Project implementation. The extent of the area is somewhat dependent on the types of construction method and machinery used by the contractor. Such impacts and associated remedial measures and costs are typically borne by the contractor at his own expense depending on the contractual details.

- Cut-off-date – For this project (i) if the subproject is prepared based on a feasibility study, the cut-off date is the start date of the first consultation meeting with the APs during the census, and (ii) if the subproject is prepared based on detailed engineering design, the cut-off date is the date of the commencement of the detailed measurement survey. It is also the date that establishes the eligibility for compensation and resettlement assistance for the Project APs. Only those APs who own, occupy or reside on the land to be acquired under the Project as of this date, will be eligible for receiving compensation and resettlement assistance in accordance with the Entitlement Matrix specified in the land acquisition and resettlement plan.
- Detail Measurement survey – With the aid of detailed engineering design, this activity involves the finalization of the inventory of loss (IOL), measurement of losses, 100% Socio-economic Survey, and 100% census of APs.
- Displaced Household (DH) – Any household physically and/or economically directly affected because of land acquisition and involuntary resettlement. Household means all persons living and eating together as a single social unit.
- Displaced Person (DP) – In the context of involuntary resettlement, APs are those who are physically displaced (relocation, loss of residential land, or loss of shelter) and/or economically displaced (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas.
- Economic Displacement – Refers to loss of land, assets, access to assets, income sources, or means of livelihood because of (i) involuntary acquisition of land, or involuntary restrictions on land use or on access to legally designated parks and protected areas.
- Eligibility – Refers to any person or persons, household, firm, private or public institution who has settled in the Project area before the cut-off date, that (i) loss of shelter, (ii) loss of assets or ability to access such assets, permanently or temporary, or (iii) loss of income sources or mean of livelihood, regardless of relocation will be entitled to be compensation and/or assistance.
- Entitlements – Refers to a range of measures comprising compensation, income restoration support, transfer assistance, relocation support, etc. which are due to the APs, depending on the type and severity of their losses, to restore their economic and social base.
- Income Restoration – Refers to re-establishing productive livelihood of the APs to enable income generation equal to or, if possible, better than that earned by the APs before the resettlement or of pre-project levels.
- Indigenous People – According to the ADB SPS 2009, the term “Indigenous Peoples” is used in a generic sense to refer to a distinct, vulnerable, social and cultural group possessing all the following characteristics in varying degrees:
- (i) self-identification as members of a distinct indigenous cultural group and recognition of this identity by others;
 - (ii) collective attachment to geographically distinct habitats, ancestral territories in project area and to the natural resources in these habitats and territories;
 - (iii) customary cultural, economic, social, or political institutions that are separate from those of the dominant society or culture; and
 - (iv) a distinct language often different from the official language of the country or region.

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| Inventory of Losses | – This is the process where all fixed assets (i.e., lands used for residence, commerce, agriculture, including ponds; dwelling units; stalls and shops; secondary structures, such as fences, tombs, wells; trees with commercial value; etc.) and sources of income and livelihood inside the Project right-of-way are identified, measured, their owners identified, their exact location pinpointed, and their replacement costs calculated. Additionally, the severity of impact to the affected assets and the severity of impact to the livelihood and productive capacity of APs will be determined. |
| Involuntary Resettlement | – Refers to when affected persons have no right to refuse land acquisition by the state that result in their displacement which occurs when land is acquired through (i) expropriation by invoking the eminent domain power of the state, or (ii) land is acquired through negotiated settlement when the pricing is negotiated, and the failure will result in expropriation through invoking the eminent domain of power of the state. |
| Land Acquisition | – Refers to the process whereby individual, household, firm or private institution is compelled by a public agency to alienate all or part of the land it owns or possesses to the ownership and possession of that agency for public purposes in return for compensation at replacement costs. |
| Major Impact | – Refers to AHs who will (i) lose 10% or more of their total productive land and/or assets; (ii) have to relocate; and/or (iii) lose 10% or more of their total income sources due to the Project. |
| Negotiated Settlement | – This applies to land rights or land use rights acquired or restricted through negotiated settlements with property owners or those with legal rights to the land, if failure to reach settlement would have resulted in expropriation or other compulsory procedures (SPS Appendix 2, Page 48, para. 25). Negotiated settlements is used to avoid expropriation and eliminate the need to use involuntary resettlement. The Government can acquire land and other assets through a negotiated settlement, based on meaningful consultation with affected persons, including those without legal title to assets. A negotiated settlement will offer an adequate and fair price for land and/or other assets. The Government will ensure that any negotiations with affected persons openly address the risks of asymmetry of information and bargaining power of the parties involved in such transactions. For this purpose, the Government can engage an independent external party to document the negotiation and settlement processes. |
| Physical Displacement | – Refers to relocation, loss of residential land, or loss of shelter because of (i) involuntary acquisition of land; or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas. |
| Relocation | – This is the physical relocation of a displaced person from her/his pre-project place of residence and/or business. |
| Replacement Cost | – Replacement cost involves replacing an asset, including land, at a cost prevailing at the time of its acquisition. This includes fair market value, transaction costs, interest accrued, transitional and restoration costs, and any other applicable payments, if any. Depreciation of assets and structures should not be considered for replacement cost. Where there are no active market conditions, replacement cost is equivalent to delivered cost and building materials, labor cost for construction or relocation costs. Where land market conditions are absent or in a formative phase, the APs and host populations will be consulted with to obtain adequate information about recent land transactions, land value by types, land titles, land use, cropping |

- patterns and crop production, availability of land in the Project area and region, and other related information.
- Replacement Cost Study – This refers to the process involved in determining replacement costs of affected assets and land and performed by an independent qualified national consultant (firm or individual) with necessary expertise to conduct asset valuation.
 - Resettlement Plan – This is a time-bound action plan, with budget, setting out the resettlement objectives and strategies, entitlements the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and implementation schedule.
 - Right-of-Way – It is a government owned strip of land following a centerline (such as for roads, canals, etc.) providing an area of access.
 - Vulnerable Groups¹ – These are affected group of APs who may be more differentially or disproportionately affected by the project than others because of their vulnerabilities and who may have limited ability to reestablish their livelihoods or improve their status and may comprise: (i) households living below the national poverty rate established by the Royal Government of Cambodia; (ii) female headed households with dependents living below the national poverty rate, (iii) disabled headed households with no other means of support, (iv) elderly headed households with no other means of support, and (v) indigenous people (who often have traditional land rights but no formal titles).
 - Willing Buyer Willing Seller – Process where the Government purchases a property from a private owner with a fair market value, which a willing seller approves. In the arrangement neither party is being under any compulsion to buy or to sell and both having reasonable knowledge of relevant facts, and eminent domain is not used.

¹ The group is classified under Sub-decree No. 291 ANKr. BK on Identification of Poor Households issued with ID Poor Cards by Royal Government of Cambodia

NOTE

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

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EXECUTIVE SUMMARY

1. This is an Executive Summary of the main points discussed in this Resettlement Framework (RF) prepared for the Proposed Integrated Water Resources Management Project (the Project). It outlines the resettlement policy principles, procedures, and institutional arrangements to mitigate risks and offer sustainable livelihood and development opportunities to the people affected by the Project. It is based on applicable Cambodian laws and regulations of the Safeguard Policy Statement (SPS) 2009 of the Asian Development Bank (ADB). The Executive Summary should not be relied on for full information and therefore, the full RF should be read for this purpose.

2. The Project has three outputs: (i) Output 1: Strengthen planning, coordination, and climate change adaptation capacities of water resources management in the Project area; (ii) Output 2: Increase water supply capacity during the dry season; and Output 3: Reduce flood risks during the wet season. Output 1 is not anticipated to trigger involuntary resettlement (IR) impacts because there is no physical or economic displacement. Outputs 2 and 3 are expected to cause IR impacts.

3. The subprojects identified so far under Output 2 are: (i) Kanghot Irrigation Scheme (IS) in Battambang; (ii) Kbal Hong IS in Pursat; and (iii) Kbal Hong Barrage and intake Structures (barrage, main canal 1 (MC1) and (MC2) in Pursat. The canal alignment for both IS subprojects are not identified and defined at the Project preparation phase except for sample areas, whereas Kbal Hong Barrage and Intake Structures Subproject have a defined footprint and corridor of impact (COI). The Project is anticipated to have the following impacts: (i) physical relocation of primary structures and businesses along Kbal Hong Barrage and Intake Structures Subproject, and (ii) agricultural land, (iii) secondary structures, (iv) trees and (v) crops along the Kanghot IS and Kbal Hong IS Subprojects.

4. The Project is expected to involve involuntary land acquisition and resettlement (LAR) and some voluntary land donation (VLD) activities. The RF has been prepared to guide the screening and categorization of the subprojects regarding IR, IR impact assessments, preparation and implementation of detailed resettlement plans (DRP) and due diligence reports (DDR), and monitoring of the DRPs' implementation. This RF is prepared not to identify potential impacts of LAR, but to guide the preparation of the required documents for mitigating LAR impacts based on the results of the screening processes of the proposed infrastructures upon the completion of the detailed engineering design (DED) after loan approval. This is to comply with the ADB and Government policies. The RF also covers VLD for tertiary canals (TCs) only. VLD is justified because the farmers directly benefit from the more reliable and regular supply of water directly to their farmland by the TCs for all year agriculture production that outweighs the loss of minor land. For subprojects developed during Project implementation, measures will be undertaken to avoid and minimize resettlement impacts.

5. Generally, there are no major gaps between the safeguards policy of the ADB vis-à-vis IR and that of the Royal Government of Cambodia (RGC). Where there are gaps (relating to the impacts on living standards and severity of losses) the RF ensures that the Ministry of Water Resources and Meteorology (MOWRAM)/Project Management Unit (PMU) take responsibility for monitoring outcomes on a semi-annual basis. This means any ensuing DRP can be monitored to ensure that all affected persons (APs) not only have their income restored to pre-project standards but ideally improved upon.

6. Following the screening of subprojects for IR impacts and if it is assessed that there are such impacts, socio-economic information will be collected, and profiles will be prepared for any

DRP preparation. This includes as a preliminary step, a socio-economic survey (SES) of AP. Concurrently a census and detailed measurement survey (DMS) will be undertaken based on the DED of the subproject on affected land and non-land assets of all the households affected by a subproject. Based on the DMS, compensation for income-generation or in the case of APs' other affected assets, and any necessary income restoration support measures will be offered as per the Entitlement Matrix (EM) in the RF. Eligibility for compensation will be based on the cut-off date (COD). The EM covers all known types of impacts on assets. The methodology for assessing affected assets is based on the identified types of potentially affected assets. Also, the Replacement Cost Survey (RCS) will be undertaken by an independent firm qualified and experienced in asset valuations in Cambodia to determine the market rates of affected assets.

7. Consultation with APs is necessary and will be a continuous process during the preparation of the DED, civil works construction, and operation and maintenance under the subprojects if via screening and assessment, it is found that there may be IR impacts. These consultations will be facilitated at the village, commune and district levels and are required to be socially inclusive of all APs irrespective of gender, age, or economic status. Focus Group Discussions (FGD) will be conducted involving 10-15 participants including, if necessary, separate FGDs for women, men or poor and vulnerable APs. Information in Khmer or other languages understood by the AHs will be disclosed which will include the summarized project information brochure, RF, draft DRP, implementation ready DRP and semi-annual monitoring reports. Suitable communication methods will be identified for illiterate people. MOWRAM/PMU and ADB and AIIB will also post Project relevant information on their websites in Khmer and English.

8. A Grievance Redress Mechanism (GRM) has been prepared that sets out the steps and processes where APs may seek grievance redress on LAR related issues. This GRM is based on processes that exist in Cambodia to seek grievance redress, including, as a last resort, seeking grievance redress in a Court of Law. It is also possible to seek grievance redress through the ADB and AIIB where there is no satisfactory outcome locally. However, the RF has been prepared on the basis that, where possible, grievances should be resolved at the local level. The GRM for VLD will be discussed and agreed between MORAM and ADB at DED stage.

9. The cost for all compensation and resettlement assistance under the subprojects will be financed from the national budget and no financing will be required from the ADB and AIIB loan and grant. At the feasibility study stage, the indicative resettlement cost is estimated as \$11,194,168. This cost estimate will be finalized after the DED, DMS and RCS, and will be reflected in the DRP. After approval of a DRP and budget by the Ministry of Economy and Finance (MEF)/General Department of Resettlement (GDR) and ADB and AIIB, and prior to consultation with the APs, GDR will prepare a compensation plan and consult and draft contracts for compensation payments for the APs. Compensation payments will be completed in full after the contracts have been signed, and the compensation of payments will be reported by GDR in the semi-annual monitoring report submitted to ADB and AIIB.

10. The subprojects will be implemented by MOWRAM as the implementing agency (IA) through the PMU, which will undertake overall oversight and management of the Project. The Project Management and Implementation Consultant (PMIC) will support the PMU to ensure that procedures are followed and that the implementation schedules are kept on track. It will not, however, be responsible for LAR activities that are mandated to the GDR. PMU will coordinate closely with the Inter-Ministerial Resettlement Committee-Working Group (IRC-WG) on all matters concerning IR, working closely with the Resettlement Department 3 (RD3). This Department has been assigned responsibility for this Project by GDR within the MEF to prepare, implement, monitor and report on the DRPs. No civil works contract can be awarded prior to DRP approval

and civil work cannot start before completion of compensation as detailed in the DRP.

11. The RF includes continuous tasks of monitoring of the implementation of the DRPs by the Department of Internal Monitoring and Data Management (DIMDM) of GDR. Since the Project is classified category A for IR impacts, GDR will recruit a qualified and experienced independent external monitoring expert to prepare and submit to GDR the external monitoring report on a semi-annual basis. The external monitoring report will be reviewed by GDR and submitted to ADB and AIIB for public disclosure. Monitoring and reporting are necessary in the following areas: (i) set up of institutional arrangements; (ii) compensation payments for entitlements; (iii) grievance redress; (iv) public consultations; (v) budget expenditures; (vi) income restoration program; (vii) overall progress against agreed land acquisition and resettlement implementation schedule; and (viii) major problems and issues with land acquisition and resettlement. At the same time, PMU will be in-charge of monitoring of compliance of construction related activities and will submit a separate construction related semi-annual social safeguards monitoring report to ADB and AIIB for review and disclosure on their websites. For VLD's external monitoring if required, this will be discussed and agreed between MOWRAM and ADB at DED stage.

I. INTRODUCTION

1. This Resettlement Framework (RF) has been prepared for the Proposed Integrated Water Resources Management Project (the Project). It outlines the resettlement policy principles, procedures, and institutional arrangements to mitigate risks and offer sustainable livelihood and development opportunities to the people affected by the Project. It is based on applicable Cambodian laws and regulations and the Safeguard Policy Statement (SPS) 2009 of the Asian Development Bank (ADB).

A. Project Description

2. The Project is to be financed by the ADB and co-financed by the Asian Infrastructure Investment Bank (AIIB) and will make Cambodia's water resource management more integrated, climate-adaptive, and sustainable to support social and economic growth and protect the overall ecosystem². The three outputs of the Project are:

- (i) **Output 1:** Strengthen planning, coordination, and climate change adaptation capacities of water resources management in the Project area;
- (ii) **Output 2:** Increase water supply capacity during the dry season; and
- (iii) **Output 3:** Reduce flood risks during the wet season.

3. The Project is expected to have the following outcome: livelihoods in the target river basin group (Pursat and Battambang Provinces) are made more climate and disaster resilient through climate-adaptive IWRM.

4. The Project focuses on the river basin group covering the Pursat, Svay Don Keo, MOUNG RUSSEI and Sangker rivers located in Pursat and Battambang provinces to the southwest of the Tonle Sap Lake catchment. This river basin group was assessed by the ADB as one of the groups most vulnerable to climate change impacts. The catchments of the four river basins that will be targeted by this Project have the following respective areas: Stung (River) Sangker (6,052.00km²), Stung MOUNG RUSSEI (1,468.00km²), Stung Svay Don Keo (2,228.00km²), and Stung Pursat (5,964.00km²). The farmers of these river basin group were assessed as some of the most vulnerable due to the limited availability of water which is reduced at critical times due to climate change impacts combining with anthropogenic impact of development in upstream countries reducing the flood pulse of the Tonle Sap Lake.

5. The Project is to be implemented between 2024 and 2029.

1. Output 1

6. The Project will help provinces to establish effective river basin management committees to develop and implement (i) effective and climate-adaptive river basin management plans, (ii) climate-adaptive multiple reservoir integrated operation plans to optimize the benefits from water release; and (iii) river flow management plans with water allocation rules. These plans will be developed in consultation with key water user stakeholders. Furthermore, it will (i) support the upgrading of existing, and installation of additional, hydrometeorological and groundwater monitoring stations with remote monitoring and data transmission systems; and (ii) develop and operate drought and flood forecasting and warning systems with drought and flood risk maps. This output also includes providing important training to river basin management committees to

² ADB. 2022. Concept Paper for Proposed Loan and Grant and Administration of Loan Kingdom of Cambodia: Integrated Water Resources Management Project.

increase their climate-adaptive water resource management capacities and enable them to effectively undertake all their functions.

7. At this phase, the inputs have not been identified and defined. These are expected to take place during implementation after loan approval at detailed engineering design (DED) phase. However, the inputs are not anticipated to cause any involuntary resettlement (IR) impacts.

2. Output 2

8. The Project will prepare investment packages to (i) construct and/or upgrade existing off-river storages for dry season cropping; (ii) construct and/or upgrade irrigation systems to extend irrigated service areas; (iii) install fish passages in existing and new river and/or canal crossing structures for fish friendly river management; and (iv) remodel existing irrigation weirs for stable water intake for domestic water supply. Capacity development support will be provided to strengthen participatory irrigation management by training irrigation farmers to (i) form and/or continue to strengthen farmer water user communities for efficient water use and sustainable operation and maintenance of the on-farm irrigation canals; (ii) crop non-paddy rice and manage their farming; and (iii) demonstrate the alternate wetting and drying method to grow paddy rice to reduce the methane emissions and increase crop yield.

9. The agreed subprojects of Output 2 at feasibility study are (i) three blocks of the Kanghot Irrigation Scheme (IS) in the Sangker River basin, Battambang Province, (ii) the Kbal Hong IS in the Pursat River basin, and (c) the Kbal Hong Barrage and Intake Structures in Pursat Province. The total irrigated area to be developed/rehabilitated is about 28,000 ha.

10. Since the Kanghot IS already has a barrage and lined main canals developed in 2014, the purpose of the Project is to improve delivery of water by development of necessary smaller canals and drains. The original Kbal Hong IS was developed during the Khmer rouge period and included left and right main canals that link to other schemes beyond the service area of Kbal Hong. The canal extends 15.3 km for the proposed Kbal Hong area but could be rehabilitated in the future for the whole 34 km to serve other areas.

11. Critical to operation of the Kbal Hong canal is the diversion regulator in Pursat Town. The original regulator was unserviceable from 1976 and was replaced in 2018 by a fixed weir. This weir is too low to supply water to the existing main canals, so the canals have deteriorated and been encroached within the town. The main canals have recently been serving mainly as drainage for Pursat and for collection of water from local creeks to parts of the irrigation areas. Options for revitalizing the system have been formulated including development of a new regulator and the implications of various options in terms of engineering, cost, IR impact and changes to flood characteristics.

12. The anticipated IR impact for Output 2 includes (a) Kanghot IS with impact on private land, primary and secondary structures, and trees; (b) Kbal Hong IS with impact on private land, primary and secondary structures, and trees; and (c) Kbal Hong regulator and intake structures with impact on public land, physical relocation of primary structures, secondary structures and trees. IR impacts on primary structures, if any in IS areas should be avoided by realigning the canal alignment.

13. The Kbal Hong Barrage and Intake Structures works are proposed for Advanced Action with DED to be completed under the Project Preparation Special Fund grant from AIIB. The advantage of proceeding quickly with the regulator is that the outline design is already available

while the estimated construction period is relatively long (3 years) but at the same time critical for the revival of the Kbal Hong IS. There is also a window of opportunity for the construction to take advantage of the period of filling Pursat #1 Reservoir constructed by a private developer, which is likely to significantly reduce flooding during 2026 and 2027.

14. The blocking of the rivers by weirs, barrages and dams of the passage for fish in the four rivers of the Project is being addressed with proposals for modification of existing structures or construction of new fish passages. Under Output 2 a package of at least two fish pass improvements will also be made and drought mapping for the selected schemes. Given the fish passages are constructed immediately next to the river structures the required land is public and the fish passage construction is not anticipated to cause any IR impacts.

3. Output 3

15. Under this output, the Project will (i) recommend measures to remodel existing reservoirs and/or improve existing reservoir operation to increase flood protection capacities; (ii) introduce flood risk mitigation interventions (such as flood dike strengthening, ring levees, and drainage improvements) using nature-based solutions to the extent feasible; and (iii) develop flood risk maps and operate gender-responsive community flood preparedness plans. The main irrigation canals to be constructed and/or upgraded (under Output 2 will be linked to adjacent rivers and/or off-river storage to divert flood water to maximize the benefits of flood water and minimize flood damage downstream of the river where the water is withdrawn).

16. Flood risks mitigation may be reduced by soft and hard measures. Both approaches will be used to develop a package of measures for the Pursat and Sanker River (Battambang) basins. In both basins there are potentially significant benefits to be gained by relatively limited but well targeted investment.

17. At this phase of development of the Project, the flood forecasting and early warning systems for the Pursat and Sangker Rivers are being progressed and concrete hard (infrastructure) measures have not been identified and defined. These are expected to take place during DED phase after loan approval. Hard infrastructure measures are expected to cause IR impacts. As the IR impacts are unknown at this stage the impacts will be covered under this RF and no basic resettlement plan (BRP) is prepared at this project preparatory stage.

II. RATIONALE FOR A RESETTLEMENT FRAMEWORK

18. This RF has been prepared for subprojects, components and civil works contract packages of the Project which have not been identified and prepared at the project preparation phase, and therefore will be defined only at DED phase after loan approval. For all subprojects/civil works packages a separate detailed resettlement plan (DRP) will be prepared by the General Department of Resettlement (GDR) after final DED.

19. Output 2 contains several subprojects that the actual IR impacts will be confirmed during the feasibility study. Only the Kbal Hong Barrage and Intake Structures Subproject have confirmed footprint and corridor of impact (COI), whereas the secondary and tertiary (connecting) canals have not been confirmed. These will be defined and agreed in close consultation with the affected farmers and communes during DED.

20. Output 3 activities are anticipated to cause IR impacts, but these will be defined only after loan approval and during DED as the infrastructure measures have not been identified yet.

A. Output 2

21. The subprojects under output 2, involve mainly land acquisition and involuntary resettlement (LAR), but may also involve voluntary land donation (VLD) for tertiary canals (TCs) only. The VLD will be applied only in the context of narrow strip of land of about 1.00m wide or maximum 5% of the affected land plot of the donor necessary for the maintenance of existing, and development of new TCs. The LAR survey requires confidence that the design option is well defined and therefore the involuntary resettlement survey is carried out only after other surveys and outline final design work has been completed. A sample topographic survey of around 300.00ha in each IS subproject is used to assess the suitability of a preliminary layout of canals drawn without detailed topographic information. The tentative canals alignments for the sample areas used in the IR impact screening exercise were randomly selected through consultation with the pre-feasibility study engineering team to be representative of the planned canal density while the sample areas are representative of the prevailing topography and the average size of agricultural parcels. A sample survey was conducted to assess the scale of potential land acquisition impacts and land requirements for the construction of new canals in the IS areas.

22. The area of land acquisition was calculated from the total estimated length and average width of the canals provided by the pre-feasibility study engineering team (para. 25 and 28). The calculation only includes new canals which are assumed to be fully constructed on private land and therefore requiring land acquisition, whereas existing canals are rehabilitated within the existing width and right-of-way (ROW) of the canals thereby not causing land acquisition. The area of land to be acquired was calculated via multiplying the length with average width of the new canals. The ratio of land parcels and affected households (AHs) in the sample area for secondary canals (SCs) and TCs was utilized to extrapolate the number of AHs, major impacts on AHs, impacted structures and trees, and number of vulnerable AHs for the entire IS area.

23. Sample IS areas (shaded blue in Figure 1) have been analyzed for the number and area of potentially impacted rice field land parcels, and the percentage of land loss for the parcels. Consultations, focus group discussions (FGDs), key informant interviews, inventory of losses (IOL) and socio-economic surveys (SES) have been conducted with the stakeholders and potentially AHs at the sample areas. In addition to IS sample areas, the Kbal Hong Barrage and Intake Structures Subproject (regulator and main canals 1 and 2) has been covered with resettlement surveys. A basic resettlement plan (BRP) has been prepared which covers the Kbal Hong Barrage and Intake Structures, and the two sample areas for the IS subprojects.

Figure 1: Overview of Kbal Hong and Kanghot IS

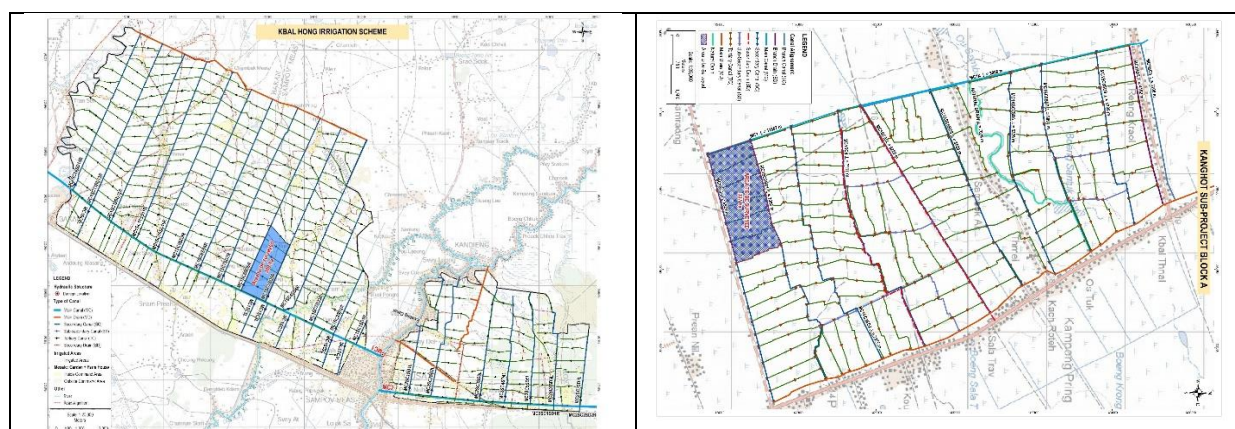


Figure: Sample areas shaded for early survey and Feasibility Checking Kbal Hong (left) and Kanghot Block A (right) initial canal layouts overlain

Source Feasibility Study Consultants.

1. Battambang Kanghot IS Subproject

24. The Kanghot IS Subproject was initially constructed in 1976 under Pol Pot regime, abandoned during the civil war and then upgraded by the Ministry of Water Resources and Meteorology (MOWRAM) under the Chinese Government Support in two phases (2009-2013 and 2014-2015). In Phase I, a reservoir dam, a diversion barrage, two General Main Canals, five Main canals (MC) and 17 Branch Canals were constructed. In Phase II a new GMC was constructed from GMC1, two MCs, 12 branch canals and 14 lateral canals constructed to irrigate 14,500.00ha of south-eastern land. The 12 m high Kanghot barrage was constructed to raise normal water level up to 21.00m above datum and to divert water from the Sanker River to command area by gravity. The GMC1 canal was expected to irrigate 36,025.00ha of land on the right bank, while GMC2 was designed to irrigate 6,560 ha on the left bank and is thus one of the largest irrigation systems in Cambodia.

25. The Kanghot IS Subproject will develop an additional irrigated area of 17,000.00ha within three blocks. Under the IWRM Transact Technical Assistance (TRTA) Feasibility Study the development and upgrading of SCs and TCs of MC1 (Block A), of MC4 (Block B) and of MC6, MC7 and MC8 (Block C) is planned. Construction will include 18.20km of existing MCs rehabilitated, 133.00km of existing SCs upgraded with rehabilitation of 133.00km of access roads on one side and 133.00km motorbike tracks on the other side. The new construction includes 24.00km of SCs with new access roads of 24.00km on one side and 24.00km of motorbike tracks on the other side. A total of 110.00km of existing TCs will be upgraded and 429.00km of new TCs constructed. The existing and new TCs will have 220.00km and 858.00km of motorbike tracks on both sides, respectively. The average width of the SC waterway is 5.60m, access roads 4.00m, TC waterway 2.00m and motorbike track 0.70m on both sides of TCs. Final alignment for new SC and TC network and their lengths and widths including the access roads and motorbike tracks to be constructed will be finalized during DED phase.

26. The IOL/SES confirmed that the IR impact for the Kanghot IS sample area (approximately 300.00ha) is estimated at 67 AHs, consisting of 108,752.61m² of affected land (out of which 104,058.94m² is private productive agricultural land), one secondary structure and 142 affected trees. There are 18 AHs who will experience major impacts on productive agricultural landholdings (losing 10% or more of the productive land area). Extrapolating the sample area to

cover the entire IS gives an approximate total figure of 2,603 AHs with 3,741,562.00m² (374 ha) of private agricultural land and 410,343.00m² (41.00ha) of other land. An estimated 753 AHs are expected to experience major impacts due to loss of 10% or more of their productive agricultural land, meaning the Subproject will be classified as category A for IR (process of extrapolation detailed in paras 21-22). All these estimated numbers on AHs/affected persons (APs) and potential impacts on assets will be reconfirmed after the DED during the detailed measurement survey (DMS) and reflected in the DRP.

2. Pursat Kbal Hong IS Subproject

27. The Kbal Hong IS Subproject is in the Phteas Prey and Prey Nhy communes, Pursat Town, Pursat Province. It is around 2.50km north-west from the bridge across National Road 5. The headworks of this Subproject are on the Pursat River, within Pursat City. Presently, about 8,200 ha of rice is grown within the Kbal Hong command area during the wet season. The existing left-hand side command area is about 7,000 ha and the right-hand side command is about 1,200 ha. Some farmers cultivate rice during two seasons in a year, in wet season about 8,200 ha and the dry season about 1,250 ha.

28. The Kbal Hong IS Subproject will develop an additional irrigated area of 11,000 ha on both the left and right side of the Pursat River. Construction will include 21.5 km of existing MCs rehabilitated, 89.30 km of existing SCs upgraded and 89.30 km roads rehabilitated on one side of the SC and 89.30 km of motorbike tracks on the other side of the SC. A total of 67.60km of existing TCs will be upgraded and 261.60 km of new TCs constructed. The existing and new TCs will have 135.20km and 523.20 km of motorbike tracks on both sides respectively. The average width of SCs is 5.60 m, access roads 4 m, TCs 2 m and motorbike track of 0.70 m on both sides of the TCs. Final alignment for new SCs and TCs network and their lengths and widths including the access roads and motorbike tracks to be constructed will be finalized during DED phase.

29. The IOL/SES confirmed that the IR impact for the Kbal Hong IS sample area (approximately 300.00ha) is estimated 108 AHs, consisting of 97,756.20 m² of potentially affected land, 3 primary structures, 24 secondary structures and 409 affected trees. There are 44 AHs to experience major impact on productive agricultural land (over 10% of the productive land area). Extrapolating the sample area to cover the entire IS gives an approximate total figure of 3,704 AHs with 2,978,573 m² (298 ha) of private agricultural land and 768,024 m² (77 ha) of other land. An estimated 1,240 AHs are expected to experience major impacts due to impact to more than 10% of their productive agricultural land, meaning the Subproject will be classified category A for IR (process of extrapolation detailed in paras 21-22). All these estimated numbers of AHs/APs and potential impacts on assets will be reconfirmed after the DED during the DMS and reflected in the DRP.

3. Pursat Kbal Hong Barrage and Intake Structures Subproject

30. The Kbal Hong Barrage and Intake Structures Subproject is a complex challenge for rehabilitation as it requires construction of a new barrage in the Pursat river. Due to development pressures in the city, the encroachment on the MCs potentially gives a rise to more APs if major work is carried out on the canal in the urban parts. The new barrage must be able to satisfy a number of design requirements: (i) be able to raise water to a level sufficient to convey/supply water to the service area by gravity, (ii) not exacerbate flooding, (iii) minimize impact on residents including those of the informal housing during construction and on completion, and (iv) be able to pass fish upstream and downstream.

31. A long list of options was made including possible extension of an existing canal from Damnak Ampil and several possible locations for a replacement barrage/regulator. In conjunction with the Structural Engineer appointed by ADB, the long list was reduced to three shortlisted sites and options for which more detailed study was completed including potential layouts of the regulator and link canals, cost estimates, resettlement and land acquisition requirements, and an assessment of flood risks and construction issues was made for each option. The options were:

- **Option 1:** Replacement of existing barrage within Pursat Town at the existing site of the original barrage and able to use existing canals;
- **Option 2:** New barrage located close to a former abandoned site of part-built regulator near the Svay Ath channel. New canal 25-30.00m³/s capacity needed to link to MC2 would be needed; and
- **Option 3:** New barrage site close to an existing irrigation offtake but the existing small canals rebuilt to carry 25.00m³/s over 6.50km.

32. After careful consideration, Option 1 was selected as the most feasible due to (i) Lowest Cost, (ii) Limited IR impacts, (iii) Ability to supply on both right and left bank via existing MCs, and (iv) Ease of access during emergency situations. In addition, the central site offers further advantages in terms of: (i) Potential for future improvement of water supply and expansion of irrigation via MC1 to Svay Donkeo, (ii) Potential for an additional economic benefits from the access bridge across the Pursat river in the urban part where there is currently no bridge, (iii) Potential for enhancement of the riverside frontage of Pursat for tourism and commerce, (iv) The site is demonstrably replacement of the barrage that was in place from 1976 to 2018, and (v) Lower potential conflict with land owners in reinstating the former site given existing ROW along the river and MCs.

33. The MCs of Kbal Hong were constructed during the Khmer Rouge regime and after that they have not been rehabilitated, except in one or two places. Therefore, the MC1 left and MC2 right have considerably deteriorated. MC1 is 34 km in length within the Kbal Hong IS and MC2 is 14 km long. The MC1 is connected to the Svay Donkeo River via various existing projects including the Krouch Saeuch Project, Wat Chrey and Ou Tapoung Tanai. MC2 is connected to the Thlea Maorm River. The major rehabilitation works in the MCs are proposed to be: (i) rehabilitation of intakes for the MC1 and MC2; (ii) construction of secondary canal intakes considering the disposal of flood water; and (iii) construction of secondary canal intakes, bridges and check structures and construction of tail structures to convey flood water.

34. The IOL/SES confirmed the IR impact for Kbal Hong regulator and intake structures as total of estimated 56 AHs/257 APs with about 35 AHs/173 APs physically relocated with residence and/or businesses, 64 secondary structures and 297 trees. All land impact is on public land (existing ROW). An estimated 36 AHs/175 APs are expected to experience major impacts due to physical or economic relocation, meaning the Subproject will be classified category B for IR. All these estimated numbers of AHs/APs and potential impacts on assets will be reconfirmed after the DED during the DMS and reflected in the DRP.

B. Output 3

35. Output 3 has the primary objective of reducing vulnerability to floods and mitigation of the impacts of flooding on people, infrastructure, and agriculture. The reduction of flood risks by both soft measures (flood forecasting and reservoir operation improvements) and hard defenses (bank improvements and diversion channels) is being studied.

36. Flooding has occurred frequently in Pursat and Battambang in recent years including 2020, 2021 and again in 2023. In 2020 the Kanghot irrigation system suffered over \$5 million in damages where canals were overtopped, and some lined sections undermined. Reducing infrastructure damages from flood will be built into the Output 2 project areas.

37. Subprojects are being considered for flood risk mitigation in the Svay At flood diversion from the Pursat River and the rehabilitation of the Stung Chas channel (an old course of the Sangker River near Battambang town) respectively. Also, improving existing reservoirs for increased flood protection in Pursat and Sangker Rivers, and flood forecasting and early warning systems have been studied by the project preparation. None of the subprojects under this output have been defined and hence the structural measures will be decided after loan approval and during the DED phase.

38. Given the scope of works for Output 3 hard infrastructure is not known at this stage and the scope of impact and number of AHs for Output 3 is also not envisaged yet. The IR impact screening will be conducted upon the completion of the DED and the required safeguard documents will be prepared as guided under this RF.

III. OBJECTIVES, POLICY FRAMEWORK AND ENTITLEMENTS

A. Objective of the Land Acquisition and Resettlement Framework

39. This RF provides the procedures and key principles of IR safeguards that will govern the preparation, updating and implementation of the DRPs for this Project in line with ADB's SPS 2009 requirements, Cambodian laws and regulations, and the Standard Operating Procedures (SOP) of the GDR for all subprojects and monitoring of implementation of DRPs. The RF has been prepared based on various consultations held with Government officials and sample subproject area affected communities.

B. Policy and Legal Framework

40. The Project's land acquisition and compensation policies will be planned and implemented in accordance with ADB requirements and the Cambodian laws and regulations (Chapter VII, A Legal and Policy Framework, Paras. 100-101 of the SOP). A detailed analysis of the existing legislation and policies of the country was carried out to describe their applicability within this framework as follows:

1. Constitution of Cambodia 1993

41. The 1993 Constitution of Cambodia sets out the key principle for land acquisition in the public interest. The first is Article 44 of the 1993 Constitution which states that expropriation of ownership from any person shall be exercised only in the public interest as provided for by law and shall require fair and just compensation in advance.

2. Land Law 2001

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

43. The rights and responsibilities of the Government with respect to eminent domain are specified in the Land Law. The Government can acquire private land for public purposes but must

pay a fair and just compensation in advance of the land acquisition. The Land Law, Article 5, states that "No person may be deprived of his ownership, unless it is in the public interest. Ownership deprivation shall be carried out in accordance with the forms and procedures provided by law and regulations and after the payment of fair and just compensation in advance."

44. Other provisions of the Land Law that are relevant to land acquisition, compensation and resettlement include key Articles as listed below.

- (i) Legal possession as defined by the Law is the sole basis for ownership, and all transfer or changes of ownership shall be carried out in accordance with the required general rules for sale, succession, exchange and gift or by court decision. (Article 6).
- (ii) Any regime of ownership of immovable property prior to 1979 shall not be recognized. (Article 7).
- (iii) Only persons or legal entities of Khmer nationality are entitled to own land in Cambodia; or to buy or sell land. (Article 8, 66).
- (iv) State public land includes, among other categories, any property: (a) that has a natural origin, such as forests, courses and banks of navigable and floatable rivers or natural lakes; (b) that is made available for public use such as roads, tracks, oxcart ways, pathways, gardens, public parks and reserved land; or (c) that is allocated to render a public service, such as public schools, public hospitals or administrative buildings. (Article 15).
- (v) Persons that illegally occupy, possess, or claim title to state public land cannot claim any compensation. This includes land established by the Government as public rights-of-way for roads and railways. Moreover, failure to vacate illegally occupied land in a timely manner is subject to fines and/or imprisonment. (Article 19).
- (vi) Ownership of the lands that is granted by the State to indigenous communities as collective ownership, including all the rights and protections enjoyed by private owners. The exercise of collective ownership rights are the responsibility of the traditional authorities and decision-making mechanisms of the indigenous community, according to their customs and subject to laws such as the law on environmental protection. As per Article 23 of the Land Law, "An indigenous community is a group of people that resides in Cambodia whose members manifest ethnic, social, cultural and economic unity and who practice a traditional lifestyle, and who cultivate the lands in their possession according to the customary rules of collective use". (Article 26).
- (vii) Persons with legally valid possession of land for five years (at the time the law came into effect) are allowed to be registered as the owner of the land (Article 30). Persons who (at the time the law came into effect - 2001) held legally valid possessions for less than five years, can remain in possession until they are eligible to be registered as the owner. (Article 30).

45. The provisions of Land Law 2001 with respect to voluntary donation or gifts are as follows:

- (i) A gift is a contract by which a person called a giver or donor, transfers his property ownership to another person called a receiver or donor, who accepts it (Article 80).
- (ii) A gift of immovable property is only effective against third parties if it is made in writing in the form of an authentic deed and registered with the Cadastral Registry Unit (Article 81).

- (iii) Immovable property may be the subject of a gift between living persons or gift by death or by legacy. If such a gift is a mutual gift, the operation constitutes an exchange (Article 82).
- (iv) The State may only donate immovable property to natural persons and for social reasons in order to allow them to reside or carry out subsistence farming. The value of the immovable property donated must be limited in relation to the purpose sought and not allow scope for speculation, or disproportionate enrichment taking into account the social level of the beneficiary (Article 83).

3. Expropriation Law

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

- (i) Article 2: the law has the following purposes: (a) ensure just and fair deprivation of a legal rights to private property; (b) ensure prior fair and just compensation; (c) serve the national and public interests; and (d) development of public physical infrastructure.
- (ii) Article 7: Only the State may carry out an expropriation for use in the public and national interests.
- (iii) Article 8: The State shall accept the purchase of part of the real property left over from an expropriation at a reasonable and just price at the request of the owner of and/or the holder of right in the expropriated real property who is unable to live near the expropriated scheme or to build a residence or conduct any business.
- (iv) Article 11: Before exercising any expropriation, the Government shall prepare enough annual budgets, and grant adequate and timely fund to the Expropriation Committee at the request the Ministry of Economy and Finance (MEF) for compensating the owner of and/or holder of real right to the immovable property by the expropriation.
- (v) Article 12: An Expropriation Committee shall be established and headed by a representative from the MEF and composed of representatives from relevant ministries and institutions. The organization and functioning of the Expropriation Committee shall be determined by a sub-decree [Sub Decree No 22 ANK/BK promulgated on 22 February 2018].
- (vi) Article 16: Before proposing an expropriation project, the Expropriation Committee shall publicly conduct a survey with detailed description about the owner and/or rightful owner of the immovable property and other properties which might need compensation; and all other problems shall be recorded as well. In conducting this survey, the Expropriation Committee shall arrange a public consultation with the authorities at provincial, district and commune level, the commune councils and village representatives or the communities affected by the expropriation in order to give them clear and specific information and to have all opinions from all concerned parties about the proposed public infrastructure project.
- (vii) Article 22: An amount of compensation to be paid to the owner and/or holder of rights in the real property shall be based on the market value of the real property or the alternative value as of the date of the issuance of the Prakas on the expropriation scheme. The market value or the alternative value shall be determined by an independent commission or agent appointed by the expropriation committee.

4. Other Relevant National Laws and Regulations

47. **Sub-Decree No.115 dated 26 May 2016** concerns the upgrading of the Resettlement Department to the GDR. This is more of a procedural instrument which outlines the roles and responsibilities of the GDR with respect to the preparation and implementation of Resettlement Plans and in coordinating the Inter-Ministerial Resettlement Committee (IRC).

48. **Sub Decree No. 22 ANK/BK promulgated on 22 February 2018** concerns the SOP for LAR for Externally Financed Projects and sets out the policies, regulations and procedures for carrying out LAR that will apply to this project. The SOP provides for the use of Development Partners Safeguard Policy and for gap filling measures where the provisions of the SOP conflict with the Development Partners mandatory safeguard requirements.

49. **Sub-Decree on Social Land Concession of March 2003** provides for allocations to landless people of state lands for free for residential or family farming purposes, including the provision of replacement land lost in the cases of involuntary resettlement.

50. The Sub-Decree No. 118 ANK/BK on State Land Management in Cambodia, issued in 2005, establishes the legal framework and procedures for the management, use, and allocation of state land, including aspects relevant to land acquisition and resettlement.

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

51. The objectives of ADB SPS 2009 on Involuntary Resettlement Safeguards 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 displaced / affected persons in real terms relative to pre-project levels; and (iv) improve the standards of living of the displaced poor and other vulnerable groups.

52. The Involuntary Resettlement Safeguards 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 covers whether such losses and involuntary restrictions are full or partial, permanent or temporary.

53. For any ADB operation requiring involuntary resettlement, resettlement planning is an integral part of project design, to be addressed from the earliest phases of the project cycle, considering ADB's involuntary resettlement policy principles as detailed below.

- (i) Screen the Project early on to identify past, present, and future involuntary resettlement impacts and risks. Determine the scope of resettlement planning through a survey and/or census of displaced persons (DPs)³, including a gender analysis, specifically related to resettlement impacts and risks.
- (ii) Carry out meaningful consultations with DPs, host communities and concerned nongovernment organizations. Inform all displaced persons of their entitlements and resettlement options. Pay particular attention to the needs of the vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, and Indigenous peoples, and those without legal title to land, and

³ Across this RF displaced persons (DPs) are referred to with terminology of affected persons (APs)

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

6. Other Relevant ADB Policies

54. **Indigenous peoples.** Subprojects involving involuntary resettlement of indigenous people

(IP) will not be financed under the Project.⁴

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

C. Comparison of ADB's SPS 2009 and Cambodian Laws and Regulations

56. In general, the main principles of the Royal Government of Cambodia (RGC) policies on land acquisition, compensation, assistance and resettlement reflect those in ADB's SPS. Comparison of ADB's SPS and Cambodian laws and regulations are provided in Table 1 and solutions/clarification to fill the key gaps have been incorporated into the RF. However, it is acknowledged, that if there is any conflict or inconsistency between the laws and regulations of RGC and mandatory requirements of the ADB SPS, the measures to address the identified gaps will need to be agreed between the RGC and the ADB to ensure compliance with ADB policies (SOP para. 35, p.11 and Section 6.08 of Ordinary Operations (Concessional) Loan Regulations).⁵

Table 1: Gap Analysis and Reconciliation of ADB's SPS 2009 and RGC's SOP

| N O | 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 | <p>Meaningful Consultations and Disclosure</p> <ul style="list-style-type: none"> • Carry out Meaningful consultations with APs including vulnerable groups, relevant stakeholders and information disclosure on entitlements and resettlement options. • (Vulnerable Groups include: those below poverty line, the landless, the elderly, female headed households, women and children, IPs, and those without legal title to land). • 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) | <ul style="list-style-type: none"> • 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 | <ul style="list-style-type: none"> • 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 of 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 entailment under the EM is explained to each AH during the household-to-household consultation. • Also, there is no mention of disclosure of | <p>Some of the proposed clarification include:</p> <ol style="list-style-type: none"> 1. Personal detailed information of the affected persons and their socio-economic status and other sensitive information compromising their privacy will not be disclosed at any time. <ul style="list-style-type: none"> • RPs/updated RPs/resettlement monitoring reports contain summary of AP consultations (including vulnerable groups) throughout 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 generic |

⁴ Indigenous people will be identified in accordance with ADB SPS Safeguard Requirement 3.

⁵ Para. 6 of the ADB Safeguard Policy Dialogue Mission Aide Memoire 22-23 August 2019.

| 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 |
|----|--|--|---|--|
| | | <p>consultation to confirm measurement survey.</p> <ul style="list-style-type: none"> Chapter- VIII of SOP describes in detail the need for public consultations, participation and disclosure. In para 126, it mentions that the consultation is undertaken throughout the Project cycle. | <p>monitoring reports. The SOP does not specifically mention about particular attention to women and vulnerable groups for their inclusion during consultation.</p> | <p>entitlements) as stated in para 119.</p> <ul style="list-style-type: none"> 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 of SOP) and will be done throughout implementation. |
| 2. | <p>Grievance Redress Mechanism</p> <ul style="list-style-type: none"> Establish a grievance redress mechanism that is understandable, readily accessible, transparent procedures, gender responsive and culturally appropriate. <p><i>To comply with ADB SPS IR Principle 2 (page 17), para 59, 60 (page 22), Appendix 2, para 29 (page 49)</i></p> | <p>Chapter IX of the SOP deals with Grievance Redress Mechanism.</p> <ul style="list-style-type: none"> 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. | | <p>2. Status of complaints at the commune level will be included in the periodic monitoring report to ADB.</p> <ul style="list-style-type: none"> Appendix 8.2 of GDR SOP has the Register of Complaint, however when reporting, the status of complaints will be included. |
| 3. | <p>Compensation and assistance</p> <ul style="list-style-type: none"> Provide physically and economically APs with compensation and needed assistance <p><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></p> | <ul style="list-style-type: none"> 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. | | <ul style="list-style-type: none"> SOP EM 2b transitional allowance to be commensurate with the time taken to relocate the business but to re-establish the business is much more complex and requires more time than relocation. For vulnerable groups except for illegal squatters, provision of legal and affordable access to adequate housing and income |

| 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 |
|----|---|--|-----------------------------|--|
| | | <ul style="list-style-type: none"> • SOP has provisions for loss of livelihoods for all APs (limited to selection of 1 out of 3 pre-defined programs) • SOP has provisions for providing relocation site to eligible APs 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. | | <p>sources.</p> <ul style="list-style-type: none"> • 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. | <p>Procedures for Negotiated Settlement</p> <p>Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement</p> <p><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></p> | <p>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.</p> | | <ol style="list-style-type: none"> 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. <ul style="list-style-type: none"> • A negotiated settlement will offer adequate and fair price for land/or other assets. • Ensure that any negotiations with affected persons openly addresses the risks of asymmetry of information and bargaining power of the parties involved in such transactions. |

| 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 |
|----|---|--|---|---|
| 5. | <p>AHs (without titles or recognizable rights to land)</p> <ul style="list-style-type: none"> 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 <p><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></p> | <p>Chapter-VII:</p> <p>Section B para 104 says:</p> <ul style="list-style-type: none"> No compensation for land will be paid for AP occupying land in the ROW. <p>Section C of the SOP states that:</p> <ul style="list-style-type: none"> 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 affected persons shall be eligible to compensation, but compensation would vary depending on their situation: <ul style="list-style-type: none"> 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. | <p>Clarification needed for how poor and vulnerable APs are provided legal and affordable access to land.</p> | <ul style="list-style-type: none"> Negotiated settlement procedures will follow para 25 of Appendix 2 of SPS and agreed with ADB. 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.

D. Subproject Screening and Involuntary Resettlement Categorization

57. ADB SPS categorizes projects/subprojects and its activities into social safeguard categories. Screening of activities determines both the significance and severity of potential IR impacts. Adverse impacts are reviewed, and subproject designs adjusted to the extent possible so that such impacts can be avoided and if unavoidable, they are minimized. Preliminary impact screening was done at feasibility phase for the IS subprojects and Kbal Hong Intake Structures. The screening and categorization of all the subprojects will be finalized after DED using the IR categorization screening checklist form provided in **Annex 1** of this RF. Each subproject's IR category is to be determined by the category of its most sensitive component in terms of its impacts and guided by the criteria set out in page 3 of 19 of the ADB Operations Manual Section F1/OP.⁷

58. Each proposed subproject must address ADB SPS required criteria to avoid or minimize LAR. Any impact noted during DED will be minimized by comparing alternatives in the technical design and construction methods. The Implementing Agency (IA) will classify subprojects at the earliest phase of DED preparation through screening according to the ADB's classification system to reflect a subproject's potential IR impacts, and they will be classified into the following categories:

- **Category A.** A proposed subproject is likely to have significant involuntary resettlement impacts - 200 or more persons will be physically displaced from home; or 200 or more persons lose 10% or more of their productive or income generating assets; or 200 or more persons experience a combination of both.
- **Category B.** A proposed subproject includes IR impacts that are not deemed significant.
- **Category C.** A proposed subproject has no IR impact.

59. For a subproject involving IR (Category A or B), a DRP will be prepared commensurate with the extent and degree of the impacts as described in this RF, but not compromising the content and the prescribed issues to be addressed in the DRP as per ADB SPS 2009.⁶

60. Category C subprojects will be subject to due diligence before eventually being confirmed under the subject category.⁷ The due diligence report (DDR) outline will be decided on case-by-case basis pending on the subproject DED and complexity, anticipated impact and avoidance and mitigation measures applied. However, the DDR will include (i) project and subproject description, (ii) objectives and methodology for DDR, (iii) scope and nature of potential impacts, (iv) avoidance and mitigation measures, (v) consultations and disclosure of information, (vi) GRM, (vii) monitoring, (viii) corrective action plan (if required), and (ix) conclusions. The DDR will be substantiated with appropriate information in annexes, such as IR impact screening form.

E. Eligibility and Entitlements

1. Eligibility

61. Eligibility will be determined with regards to the cut-off date (COD), which will be set by the Inter-ministerial Resettlement Committee Working Group (IRC-WG) during consultation

⁶ The DRP will be prepared by GDR. Support can be provided by the resettlement specialists engaged by the IA upon request of GDR. The DRP will be approved by the IRC and cleared by ADB.

⁷ The DDR will be prepared by the resettlement specialists engaged by the IA and approved by ADB. GDR will not be involved in IR Category C subproject.

meeting prior to the start of the DMS/SES. All APs identified in the subproject's COI as of the COD will be entitled for compensation and resettlement assistance under the Project. The information about COD will be documented and disseminated by MOWRAM and Provincial Resettlement Committees throughout the subproject area through posting on commune and provincial notice boards and through pagodas. Those who encroach into the COI after the COD regardless of their vulnerability status will not be entitled to compensation or any other assistance unless there has been a change in subproject scope or design leading to a change in COI alignment. Likewise, any changes or improvements to existing assets after the COD will neither be included nor compensated.

62. The eligible APs in a subproject areas are categorized into three types; (i) Persons with formal legal rights to land (land title) lost in its entirety or in part; (ii) Person who lost the land they occupy in its entirety or in part who have no formal legal rights to such land (land title), but have claims to such lands that are recognized or recognizable under Cambodian Laws; and (iii) Person who lost the land they occupy in its entirety or in part who have neither formal legal rights (land title) nor recognized or recognizable claims to such land. Those APs covered under types (i) and (ii) are either provided with replacement land or cash compensation at full replacement cost for the land they lose, payment for partially or fully affected non-land assets they own and resettlement assistance in cash or in-kind. APs covered under (iii) are provided compensation at full replacement cost for non-land assets they own and for improvements they made on land, and resettlement assistance if they occupy the subproject area prior to the COD of the subproject. APs who occupy the subproject area after the COD will not be eligible for any compensation or assistance.

2. Entitlements

63. Entitlements are based on the eligibility of the COD, principles and policies on compensation, mitigation and other criteria as defined by the Project and detailed in this RF. All compensation for affected assets will be based on the principle of full replacement cost as required by the ADB SPS 2009.⁸ Full replacement cost will be established through a replacement cost study (RCS) to be conducted for all the subproject areas during the DMS to determine compensation rates reflecting current market prices for (i) Agricultural, residential and commercial land; (ii) Different types of affected structures; and (iii) Crops and trees; business losses; transportation cost; and allowance for essential basic infrastructure services.

F. Approaches and Options of Land Acquisition and Involuntary Resettlement

64. This RF describes four options to LAR under a subproject or combination of contract packages as follows.

- (i) The acquisition of land thorough Willing Buyer Willing Seller (WBWS) methodology;
- (ii) The acquisition of land will through Negotiated Settlement methodology;
- (iii) The acquisition of land will be through expropriation and IR; and
- (iv) The voluntary land donation (VLD) of narrow strips of land averaging to 1.00m wide or the amount of land being donated is minor or maximum to 5% of the affected land plot of the donor.

65. For 2 above, GDR will also engage an external independent third party (ITP) to document

⁸ Appendix 2, Subsection D. para 10, page 45, ADB SPS (2009).

the negotiation and settlement processes and prepare a report.⁹ This may be most feasible for flood protection and management, and fish passage works on the Project, depending on the DED and final COI/footprint of the structures.

66. This RF provides guidance for preparation of DDRs, DRPs, semi-annual monitoring reports, external monitoring reports and an external ITP report on the negotiated settlement. A DRP will be prepared under item (3) approach. This RF provides detail procedures for item (3) following ADB's SPS and Cambodian laws and regulations and guidance for the preparation of DRPs in the sections below. The methodologies of land acquisition described in the RF will follow established mechanisms through meaningful consultations and documentations that GDR and MOWRAM have been implementing in the past and ongoing projects and are described in sections below.

67. In case for TCs where AHs (farmers) do not need or want parallel access roads and therefore the width of COI just requires only narrow strips of land averaging 1.00m wide or the amount of land being donated is minor or maximum to 5% of the affect plot of the doner.¹⁰ During DMS and house-to-house consultations with individual AH, the MOWRAM will consider the VLDs offered by the donors in close coordination with them. ADB's SPS does not apply to VLD. For the VLD under the proposed Project, the VLD the criteria, processes and procedures including verification, monitoring and reporting requirements will be discussed and agreed between MOWRAM and ADB.

68. The methodology on land acquisition under items 1 to 4 above are detailed below.

1. WBWS Methodology

69. WBWS can take place where land markets are functioning, the transaction takes place with the seller's consent, and the seller receives a price consistent with prevailing market prices. This is not to be applied to infrastructure projects where there are multiple affected persons, or where there are no options to change the siting of infrastructure in the absence of agreements. During preparation of the RF, no AHs affected assets have been identified or are expected to be acquired under WBWS methodology. This will be reviewed during project implementation but there is unlikely to be any significant change. In case of WBWS, the following process would be adopted:

- (i) The General Department of Resettlement (GDR) will conduct meaningful consultation in an understandable language with the AHs to ensure they are properly informed about the Project/subproject, its benefits, the land needed for the Project/subproject, resettlement policies, laws and regulations, entitlements and compensation at full replacement costs at current market rates. The GDR will discuss with the AHs on their willingness to sell the land for the construction of the Project/subproject and obtain their approval.
- (ii) The GDR will conduct the DMS and the RCS to determine the inventory of losses and the replacement costs.
- (iii) The RCS will calculate the market value of the land that will need to be acquired.
- (iv) If there is a loss of income, the RCS consultant will calculate the amounts of losses based on the Entitlement Matrix (EM) attached to the RF.

⁹ GDR will prepare the terms of reference of the external ITP in consultation with ADB for acquiring any land and affected assets during the DED stage prior to commencement of any negotiated settlement processes.

¹⁰ Exact width cannot be determined for narrow strips of land as they depend on the shape and size of the affected land parcels.

- (v) In case of loss of fruit trees, the RCS consultant will calculate the economic loss based on productivity and formula shown in the EM.
- (vi) If there is physical displacement, transitional allowances will be provided at the rate shown in the EM.
- (vii) The total amount of compensation will be calculated and offered as a lump sum amount to each AHs.
- (viii) A contract will be prepared showing the breakdown and the total amount of the compensation and negotiated with each AH. Minutes will be prepared and signed by the IRC-WG and the AH.
- (ix) If all AHs agree with their lump sum compensation package, the lump sum amount will be paid upon signing of the contracts.
- (x) Due to the confidentiality of information and the commercial nature of the contract, all documents on WBWS negotiations will be kept at GDR but still accessible for verification by ADB.¹¹

2. Negotiated Settlement Methodology

70. For negotiated settlement, the GDR will develop procedures in a transparent, consistent, and equitable manner if land acquisition or changes in land use rights are acquired through negotiated settlement, to ensure that AHs who enter into negotiated settlements maintain the same or better income and livelihood status. The following process will be adopted for negotiated settlement following the process in para. 25, Appendix 2 of SPS.(footnote 11)

- (i) To ensure any negotiations with AHs address the risks of asymmetry of information and bargaining power of the parties involved in such transactions, the GDR will engage an external ITP to document the negotiation and settlement processes and agree with ADB on the processes, policies, mechanism for calculating of replacement costs of land and other assets affected and record-keeping requirements.¹²
- (ii) The GDR will conduct meaningful consultation in an understandable language with the AHs to ensure they are properly informed about the Project/subproject, its benefits, the land needed for the Project/subproject, resettlement policies, laws and regulations, entitlements and compensation at full replacement costs at current market rates. This will be adequately documented.
- (iii) The GDR will conduct the socioeconomic and census survey, DMS and the RCS to determine the inventory of losses and the replacement costs.
- (iv) The RCS will calculate the affected land and/or other assets' market values equivalent to their full replacement value. Where market rates for land are unavailable, the RCS unit rates will be developed in consultation with the AHs or land users to determine the compensation amounts for the land to be purchased and the assets attached to the land.
- (v) If there is a loss of income, the RCS consultant will calculate the amount of losses based on the EM in this RF.
- (vi) In case of loss of fruit trees, the RCS consultant will calculate the economic loss based on productivity and formula as defined in the SOP.
- (vii) In the case of annual crops, these will be valued at net market rates for the one-year crop yield.

¹¹ Para. 16 of the ADB Safeguard Policy Dialogue Mission Aide Memoire 22-23 August 2019.

¹² GDR will prepare the terms of reference of the ITP in consultation with ADB prior to commencement of any negotiation and settlement processes.

- (viii) If there is physical displacement, transitional allowances will be provided at the rate shown in the EM.
- (ix) The total amount of compensation will be calculated and offered as a lump sum amount.
- (x) A contract will be prepared showing the breakdown and the total amount of the compensation and negotiated with each AH. Minutes will be prepared and signed by the IRC-WG and the AH and witnessed by the commune or village official.
- (xi) If all AHs agree with their lump sum compensation package, the lump sum amount will be paid upon signing of the contracts.
- (xii) In case an AH does not agree on the negotiated settlement, the offer of negotiated settlement for all the AHs will be withdrawn and GDR will proceed to acquire the land and affected assets under expropriation and prepare the DRP for submission to ADB for review and approval. Principles agreed in this RF will apply if DRP will need to be prepared upon failure of negotiations. In such cases, ADB's involuntary resettlement requirements laid out in the SPS will apply.
- (xiii) A separate report will be prepared by the ITP documenting the negotiation and settlement process and validating the report. The report will be submitted to ADB for its due diligence.
- (xiv) The information on negotiated settlement will be included in the LAR-SSMR after the process is completed and submitted to ADB.¹³

3. Principles and Requirements on Voluntary Land Donation (VLD) for Tertiary Canals

71. VLD transaction should not be the primary land take process for the construction of proposed infrastructures of the TCs. The use of VLD will be exceptional and when used, there are very few AHs. ADB's SPS does not apply to VLD. For VLD under the proposed Project, the criteria, processes and procedures on acquiring land through VLD, its verification and the reporting requirements will be discussed and agreed between MOWRAM and ADB prior to commencement of any VLD processes.

G. Measures to Avoid and Minimize Resettlement Impacts

72. Measures to avoid or at least minimize the resettlement impact by considering potential alternatives and/or adjustment has been considered in the development of the feasibility level concept designs. Specifically, the Kbal Hong Intake Structure Subproject has been substantially adjusted by removing the box-culvert from MC1 and instead only constructing an intake structure. The canal itself will not be rehabilitated as the capacity of the existing canal is enough to fulfill the water flow needs for the irrigation of Kbal Hong left IS. At the same time, the MC2 box culvert was significantly narrowed and shortened as the irrigation water demand is limited for the relatively small Kbal Hong right IS. The changes in the MCs have reduced anticipated physical relocation from an initial estimate of 250-300 AHs to only 14 AHs to be confirmed during the DMS and in the DRP.

73. For both Kbal Hong and Kanghot IS Subprojects, the estimate for IR impacts is based on extrapolation of sample areas (about 2.5% of total of the proposed new canals). The results of the IS sample area IOL demonstrated that the initially selected width of canals can cause significant IR impact and resettlement costs. Therefore, the preliminary scope of works for the Kbal Hong and Kanghot IS Subproject canals was further adjusted by narrowing the SCs from

¹³ Para. 16 of the Aide Memoire of the Safeguard Policy Dialogue Mission 22-23 August 2019.

18.50m–19.00m to 14.00m-15.50m on average and the TCs from average 6.50m-7.64m to 4.25m-4.33m on average respectively (depending on topography). The narrowing was achieved by replacing the access road from one side of the SCs with narrow motorbike tracks of 0.70m on both sides replacing the access roads from the TCs. The distance or spacing of new SCs was also revised from average 1.00km to 2.00km while the spacing between each of the new TCs were retained to 500.00m. This change reduced the number of new SCs constructions from 104.46km (17 lines) to 62.30km (10 lines), retained the upgrading of existing SCs to 214.30 km (52 lines), retained the number upgrading TCs to 177.60km (175 lines) and retained the construction of new TCs to 690.60km (635 lines).

74. For all the three subprojects, further measures to avoid and minimize IR impacts will be undertaken during the DED phase, including any potential realignment of new SCs and TCs and associated roads and rehabilitation of existing SCs, roads and structures.

75. Consultation, coordination and discussion with farmers and landowners will be undertaken during establishing alignments (COI) and DED for TCs coordinated by the PIU, commune authorities and FWUCs. Parallel access roads for TCs are optional for the farmers (landowners). Therefore, for any TCs, the group of farmers along the individual canal can discuss and agree whether parallel farm access road is necessary and cost-effective in terms of productive agricultural land loss.

IV. SOCIOECONOMIC INFORMATION

A. Social Impact Assessment

76. The Social Impact Assessment (SIA) encompasses the assessment of the present and future potential social impacts coming from the proposed project activities and associated gender analysis. For any subproject that involves LAR impacts, a census and socio-economic survey will be carried out, with the appropriate socio-economic baseline data collected to identify all persons who will be economically or physically displaced by the subproject and to assess the Project's socio-economic impacts on them. At the feasibility study phase when the subprojects are not fully identified and prepared the SIA will entail (i) IR and IP impact screening for the subprojects based on estimates from sample area surveys extrapolated for the entire subproject areas and (ii) results of the FGDs and to establish the social, economic and cultural background of the affected communities that may be impacted from the Project activities. At the DED phase a full census and socio-economic survey covering all AHs will be undertaken once the subprojects have been fully identified and prepared.

77. The level of detail of information to be collected will depend on the type and scale of the Project impacts. At the feasibility phase, the Project is anticipated to cause significant adverse impacts on private agricultural land along the new irrigation canals, and physical relocation of primary structures on public land along the Pursat River and Kbal Hong MCs. All the resettlement impacts will be reviewed at DED phase with the aim of impact avoidance and mitigation. Should the impact avoidance and mitigation at DED phase manage to limit the IR impacts to a minor scale the approach of negotiated settlement can be applied by GDR before entering the DRP based approach. This will be subject to the agreement of AHs of their willingness to engage in a negotiated settlement.

B. Methodology for Detailed Measurement Survey¹⁴

78. After the ADB Board approval of the Project and the completion of the DED for each subproject to the stage where the demarcation of the actual boundaries of the required land (COI) are identified by the DED consultants engaged under the Project and PMU, the GDR will carry out a DMS/SES using a DMS Questionnaire. The IRC-WG together with the Provincial Resettlement Sub-Committee (PRSC) and the Provincial Resettlement Sub-Committee-Working Group (PRSC-WG), established for the subproject in each of the Project provinces by the IRC, will support the GDR in carrying out the DMS/SES. The census and DMS/SES will cover 100.00% of the AHs to determine (i) who they are, (ii) what they do for a livelihood, and (iii) what they possess and are likely to lose due to the subproject scope of works. The AHs will be provided the ID cards detailing their affected assets, income and land after the DMS.

79. The DMS Questionnaire is included as Appendix 5 of the GDR SOP and is based on a typical survey questionnaire used in past ADB financed projects. The final DMS questions may be modified to accommodate questions that have subproject specific issues, if needed. Data on affected land (area and type), total land, land use, houses and structures (area and type), and other assets, ownership status (title or right), affected trees and crops, and other productive assets will be enumerated as part of the DMS. Preference for resettlement options, where physical relocation is required, will also be sought and detailed. The SES is also used to establish baseline information on household income, livelihood patterns, standards of living and productive capacity disaggregated by gender, which enables the subproject to design appropriate rehabilitation measures and to enlist the participation of the people to be affected by the subproject. Apart from these quantitative tools, relevant qualitative tools include FGDs, interviews with key informants and participatory assessments will be carried out through the consultation process. Relevant local statistics will be collected from communes and villages in the subproject area.

80. As part of the survey, the subproject will identify the poor and vulnerable groups of AHs who may be differentially or disproportionately affected by the subproject because of their disadvantaged or vulnerable status in accordance with the criteria established as defined in the definitions in this RF. Where such individuals and groups are identified, the subproject will attempt impact avoidance, and if not possible, propose and implement targeted mitigation measures so that adverse impacts do not fall disproportionately on them, and they are not disadvantaged in relation to sharing the benefits and opportunities resulting from the development brought upon by the subproject. The data on AHs experiencing major impacts or losing 10% or more of their productive assets (income generating) and those physically displaced and relocated, will be collected during the DMS and the severity of impact will be reflected in the DRP.

C. Determination of Replacement Cost

81. **Principle.** All compensation will be based on the principle of full replacement cost as required by the ADB SPS 2009. To conduct a RCS, GDR will recruit a professional independent appraiser (RCS Consultant) qualified and experienced in asset valuation following the DED and during the DMS in order to determine the compensation rates reflecting current market prices for (i) agricultural, residential and commercial land; (ii) different types of affected structures; and (iii) crops and trees; business losses; transportation cost; and allowance for essential basic infrastructure services. The rates in the RCS report will be used to calculate the compensation of any temporary impacts outside the COI for compensation to the AHs by the contractor. However,

¹⁴ Refer to the GDR SOP for survey tools.

at the feasibility study phase when only sample areas are surveyed for impact and SES, the preliminary estimation for resettlement budget will be based on rapid replacement cost assessment based on existing approximate market rates for land established through key informant interviews and FGDs with farmers and structure owners in the subproject area. The resettlement budget will be fully updated after the DED based on the full DMS, SES and RCS.

82. If market conditions are absent or in a formative phase, APs, community members and local authorities will be consulted to obtain adequate information, such as for land with regard to recent land transactions, land value by types, land titles, land use, availability of land in the subproject area, and other related information.

83. The rates in the RCS report will be valid for one year after the endorsement of the RCS report by the IRC.¹⁵ If the offer of the compensation and/or assistance is not made to the AP, or if compensation is not paid to them within this period, the replacement cost will be updated to reflect the then prevailing market valuation by the RCS Consultant.¹⁶ GDR will make the RCS report available to ADB's due diligence at the GDR office.

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

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

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

87. **For businesses and livelihoods**, the compensation will be based on tax receipts for registered companies or impacted employees, and national poverty level for unregistered businesses and their employees as per EM. This information will be collected during interviews

¹⁵ Ministry of Economy and Finance. Land Acquisition and Involuntary Resettlement para.186 of the Standard Operating Procedure for Externally Funded Projects in Cambodia, 22 February 2018. Phnom Penh, Cambodia.

¹⁶ Para 186, page 51, Land Acquisition and Involuntary Resettlement Standard Operating Procedures (2018).

for DMS and SES with business owners.

88. **For resettlement assistance and allowances**, standard rates established by the GDR for projects in Cambodia will be used to ensure equality and transparency of assistance and allowances between projects.

D. Preparation and Submission of Draft and Final DRPs

89. The information and the data collected through the DMS, SES and consultations with the AHs will be used to prepare the DRP in accordance with the ADB SPS 2009 and Cambodian laws and Regulations for each subproject/group of subprojects. The socio-economic data collected at the DMS phase will establish the baseline key indicators for monitoring and evaluation purposes, as necessary. The EM will be updated for each subproject/group of subprojects based on the actual type of losses and included in the DRP. An outline of DRP is provided in Annex 5 of this RF.

90. The unit cost determined by the RCS will be used to calculate the compensation for each DP based on their measured loss of assets. In addition, cost of resettlement assistance for transitional income loss, business impact or disruption, other applicable allowances and livelihood restoration programs, if any, will be calculated. The budget for the estimated cost of LAR will be included in the DRP. The DRPs will be prepared by the GDR and submitted to the IRC for formal approval prior to submitting to ADB for clearance.

91. For the Project, one BRP is prepared at the feasibility study phase covering three subprojects (i) sample area of the Kanghot IS in Battambang, (ii) sample area of the Kbal Hong IS in Pursat, and (iii) Kbal Hong Barrage and Intake Structure (barrage, MC1 and MC2) in Pursat. This BRP will be submitted to the GDR for review and then endorsement by the IRC prior to submitting to ADB and AIIB for clearance. This BRP will be updated and finalized after DED, DMS, SES and consultations are undertaken by the GDR.

92. A separate DRP will be prepared for each subproject or combination of contract works packages under each subproject under Output 2 and Output 3 based on the finalized DED(s). Several DRPs might be prepared for each Output based on the final DED, contract works packaging and civil works schedule. At the feasibility study stage, it has been envisaged that only three DRPs will be prepared under Output 2, one DRP for each subproject. However, the number of DRPs will be reviewed at the DED stage when the contract packages are clearly defined under each subproject and to avoid delays to project implementation, DRPs may be prepared for combination of contract packages. For Output 3, no subprojects have been identified at feasibility study stage, therefore the number DRPs will be determined at the DED stage.

V. CONSULTATION, PARTICIPATION AND INFORMATION DISCLOSURE

A. Consultation and Participation

93. The MOWRAM, provincial authorities, PMIC and construction contractors will conduct meaningful consultations with the APs and affected communities to take their views into account during the DED as well as prior and during construction. Detailed consultations with farmer APs and communities during aligning and DED of the connecting irrigation canals is essential to ensure (i) impacted farmer AHs agree with the subproject and canal construction, (ii) impacted farmer AHs opinions on the width of the COI and request for parallel access roads is considered in the design, (iii) the exact alignment of the canal is both technically feasible with local topography, but following farm parcel boundaries as much as possible, and (iv) the impacted

farmer AHs agree to participate for water user group and operation and maintenance of the canals.

94. Once project implementation begins and upon the completion of the DEDs of TCs, in cases of VLDs, the potential AHs will be invited by MOWRAM to consultation sessions to understand the Project/subproject compensation processes as well as the availability of the VLD option that affected people may consider. Special attention will be given to disadvantaged/vulnerable individuals/groups, IPs, if any, and women. Local authorities will also be invited to participate in these consultations.

95. As outlined in this RF, consultations will begin as early as the subproject's design and location are identified and will be facilitated by the SEOs of MOWRAM assisted by the PIU/PMIC. The consultation will be an iterative process in which all potential AHs will be informed of their right to compensation and the option for a VLD, including VLD procedures as agreed between MOWRAM and ADB, and the subproject's benefits.

96. For LAR, MOWRAM together with the GDR will conduct meaningful consultation with APs and affected communities, any host communities and civil society for each subproject under the Project where IR impacts are identified. Consultations will also include FGDs with all APs, including the poor and vulnerable groups and one-on-one individual consultations during the DMS and SES. The consultation process will begin early during the subproject preparation phase and will continue throughout the Project cycle. The APs will be fully consulted and provided with opportunities to participate in the planning and implementation of LAR. They will be informed in an appropriate and timely manner of the outcomes of the planning process, as well as the schedules and procedures for implementation of the DRP.

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

98. The Government has developed a four-step plan for comprehensive and inclusive public consultation and participation process to carry out meaningful dialogue with the APs, affected communities and civil society. The role of the MOWRAM and the GDR differs at the different steps of the consultation process which is described in detail in Annex 2.

B. Information Disclosure

99. For LAR, summaries of the approved RF, BRP and DRP will be translated into Khmer and posted/made available at the commune, district and provincial offices for easy and free access for the APs and affected communities. For illiterate people, suitable other communication methods will be used based on discussion and in consultation with the APs. The RF and DRPs will also be uploaded on the ADB website once approved by the IRC and cleared by ADB. Three sets of public information brochures (PIBs) will also be prepared for different phases of consultative and participatory meetings and disseminated directly to the APs as well as posted at Commune and Village Offices, namely at feasibility study, DED/DMS and construction phases. Gender concerns and issues will be considered in resettlement planning and implementation. Gender differentiated benefit-sharing measures will be included in the DRPs to ensure that women and men of the households are treated equally. Information pertaining to gender issues will be disclosed to both groups, so they are aware of the policy of both the ADB and Project to women.

100. The GDR will submit the following documents to ADB for disclosure on ADB's website

after approval by IRC and a cleared by ADB:

- (i) BRP prepared for the Kbal Hong Barrage and Intake Structures and IS subproject sample areas during project preparation prior to completion of project appraisal (at ADB management or staff review meetings) and this RF approved by the IRC and endorsed by ADB prior to project appraisal;
- (ii) Draft DRP(s) prepared for subprojects after approval of the Project by the ADB; the DRPs approved by the IRC and endorsed by the ADB based on the final and approved DED;
- (iii) DRPs for subprojects and updates, if any, and a new DRP, and updated DRP, and corrective action plans prepared during project implementation, if any, based on the final and approved DED, and
- (iv) Semi-annual social safeguards monitoring and external monitoring reports on LAR.

101. In addition, the PMU will submit to the ADB and AIIB for disclosure on their websites a semi-annual social safeguard monitoring reports on construction implementation and the DDRs of subprojects. PMU will also submit the VLD progress and monitoring reports discussed and agreed between MOWRAM and ADB.

102. In addition to the PIB explained and distributed to the stakeholders, in cases of VLDs, affected people with land in the riparian corridor of TCs will be informed about the subproject and their options for them to receive compensation or to voluntarily donate their affected lands. The GRM will be explained in detail and donors will be appropriately informed and consulted about the subproject and choices available to them. The contact information of the MOWRAM's SEOs will also be disclosed during the consultation process. As described, when people choose to voluntarily donate, the process of VLD will be adequately recorded and documented in English and Khmer. Documentation will be publicly disclosed and freely accessible at local level (such as commune halls and pagodas) and at national level (MOWRAM's website). Personal details and sensitive information such location and contact details of donating people will be removed the documents to protect their privacy prior to disclosure.

VI. COMPENSATION, INCOME RESTORATION AND RELOCATION

A. Compensation Measures

103. The overall objective of the Project policy on LAR is to ensure that all APs will be able to at least maintain and, preferably, improve their pre-project living standards and income-earning capacity by providing compensation for the loss of physical and non-physical assets and as required, other assistance and rehabilitation measures to re-establish their affected livelihood.

104. An EM has been developed for the Project considering all possible potential impacts of the Project (Table 2). The EM includes the complete package for compensation for loss of land and non-land assets, the resettlement assistance (loss of income, disturbance and transportation allowances) and the income restoration program together with the additional support/measures for the poor and vulnerable group. Consistent with the Project specific resettlement principles and policies, compensation to be paid for affected assets based on replacement costs without deduction for taxes and/or any transaction costs. This EM will guide the preparation of the DRP and is based on Cambodian's Laws and the requirements of ADB SPS 2009. The entitlements in the matrix in Table 2 may not cover all types of impacts and will be updated and enhanced during preparation of the DRP based on the findings of the DMS, SES and RCS. However, the entitlements as described in Table 2 will not be downgraded during the update of the EM or in case there will be LAR related impacts identified during the Project implementation phase.

105. Only those APs confirmed to be residing in, doing business, or cultivating land, or having rights over resources within the subproject sites or land to be acquired or used for the subproject before the COD will be eligible for compensation for lost assets and resettlement assistance. The validity of the eligibility of APs will be determined during the DMS phase. The budget for compensation and other resettlement assistances will be included in the DRP and its approval of the MEF sought after the formal approval of the DRP by the ADB.

B. Income Restoration Program

106. The APs who permanently lose their source of livelihood will be provided with support to re-establish their means of livelihood. This may be either in the form of cash grants for them to seek new or upgrade their skills or through an income support program (IRP) which are land based, employment based, or business based depending on the choice of the APs. Eligible members of affected households, determined through an IOL/SES and detailed in the BRP, and confirmed through DMS/SES at the DRP stage, will have access to skill training tailored to their preferences and economic opportunities in the area at designated vocational centers. This initiative, to be facilitated by the Provincial Department of Labor and Vocational Training in coordination with the IRC-WG, aims to enhance employability and match participants with potential employment or livelihood opportunities, ensuring a holistic approach to livelihood restoration.

107. The IRP will be designed in close consultation and active participation with the APs. The IRP will include vocational or skills training for the eligible APs. Details of the IRP such as types of vocational/skill training, number of APs eligible for IRP, institutional arrangements, enrolment procedure, etc. as well as the budget will be described in the DRP. Those APs who are classified as poor and vulnerable as per the category stipulated in the definition of Vulnerable Groups including those with ID Poor Cards will also be provided additional assistance to improve their living status. Based on their skills and preferred choice the APs will be entitled to participate in one of the training programs that will be facilitated and determined by the IRC-WG listed below.

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

109. 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.

110. **Employment based livelihood restoration program.** This program includes:

- (i) Provision of employment skills training. A survey of the employment opportunities in the proximity of the relocation sites will be conducted as part of the preparation of the DRP which will be analyzed to determine the types of jobs available, and the skills set requirements. The training program will be developed in coordination with the vocational training centers in the Project area to help build these skills set for the APs. The cost will be included in the DRP budget;
- (ii) Financial support in the form of a cash grant equivalent to 3 months of income based on the official poverty rate prescribed by the Government to support the AP during the training period.

- (iii) Access to temporary job opportunities at the construction site, at the office, or other places that may be available under the Project. The contractor will be requested by the PMU to implement preferential hiring of AHs experiencing major impacts and vulnerable AHs for non-skilled labor during civil works.

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

112. For those AHs (elderly, disabled and have prior commitments to other priority activities) who chose not to participate in any of the training programs under the IRP, they will be entitled for a cash grant of \$200 and \$300/AH instead of IRP.¹⁷

113. **Special package for poor and vulnerable groups.** In case of permanent loss of livelihood source due to physical relocation, the APs who are classified as poor and vulnerable as per the category stipulated in the definition of Vulnerable Groups can participate in any of the three programs and the corresponding skills training program depending on their choice. In addition, this category of APs will be entitled to the following: (i) Double the financial support rate offered in the three different livelihood programs; (ii) Priority access to employment opportunities under the Project, (iii) Special assistance of lump sum amount equivalent to 3 months of income based on the official poverty rate established by RGC and calculated as Monthly Poverty Rate x Number of Members in AH x 3; and (iv) priority for getting land concession (if available), particularly the female headed households majority of whom are in the Kbal Hong Barrage and Intake Structures Subproject and will be relocated.

C. Relocation

114. **Relocation.** The Project is anticipated to cause physical relocation related to the Pursat Kbal Hong Intake Structures (Pursat River barrage, MC1 and MC2). All physical relocation impacts will be verified after completion of the DED and during the DMS. For the physically relocated AHs, the DRP will include the option for (i) Social land concession plot and lump sum one-time assistance (if available from the province), or (ii) Self-relocation with lump sum one-time assistance. The availability of social land concession for the project will be confirmed with the provincial authorities during the advanced action and the DED on the Pursat Kbal Hong Intake Structures and will be included in the DRP of the Subproject.

115. The physically relocated AHs are also entitled to transportation allowance to cover both relocation of AHs from their place of residence, material transport for relocating businesses and temporary relocation or rental allowance until relocation site is ready for occupation (if one is available). The physical relocation related to the Pursat Kbal Hong Intake Structures Subproject will not commence until full compensation as per EM has been paid to the AHs, and/or the social land concession plot, if available has been legally allocated. In case social land concession is available, a land title will be provided to the AHs who prefer a plot from the site. Monitoring will follow up that the physically relocated AHs have a permanent residence after relocation which will be included in the external monitoring report.

¹⁷ The amount is based on other ADB-financed projects such Basic Resettlement Plan Livable Cities Investment Project.

Table 2: Entitlement Matrix

| Cat | Type of Loss | Application | Category of AH | Entitlements | Clarification |
|-----------------------------------|---|---|---|---|---|
| 1. Loss of Land | | | | | |
| 1a | Permanent Loss of Land | Agricultural, residential and commercial land | Legal owners and holders of real right of land, including those covered by customary rights | <ul style="list-style-type: none"> • Cash compensation for land at full replacement cost or land-for-land swap of equal productive value. • Provision of stamp duties, land registration fees and other similar taxes, if applicable, for acquiring legal rights in case of replacement land (land-for-land swap). • Includes option of compensation at same replacement cost for affected land that remains after acquisition if remaining land becomes unviable or unusable for continued agriculture due to being too fragmented, small or inaccessible. • For customary ownership, replacement land to sustain livelihood and way of life. Land registration, stamp duty and other fees to register land ownership or right to use will be reimbursed at cost by the Project. | <p>AHs will be notified 1 month in advance of the actual date that the land will be acquired by the Project.</p> <p>If land-for-land is offered, title will be registered in names of both husband and wife.</p> <p>Applies to only partial loss of land.</p> |
| 1b | | | Tenants and Leaseholders | <ul style="list-style-type: none"> • No compensation for loss of land as not legal owners of land. • Cash compensation at replacement cost for any land improvements by the tenants or leaseholders. • Cash compensation to be paid for the loss of lease fund for the remaining of the lease period. | AHs will be notified 1 month in advance of the actual date that the land will be acquired by the Project. |
| 1c | | | Illegal occupiers/squatters without legal titles or rights to land | <ul style="list-style-type: none"> • No compensation for land loss as not legal owners of land. | AHs will be notified 1 month in advance of the actual date that the land will be acquired by the Project. |
| 2. Loss of Crops and Trees | | | | | |
| 2a | Loss of Crops and Fruit and Non-Fruit Trees | Agricultural land | All AHs who are engaged in farming | <ul style="list-style-type: none"> • For rice/seasonal cash crop farming: Net annual income X 1year <p>In addition, AHs can harvest and retain income from standing crops.</p> <ul style="list-style-type: none"> • For fruit trees, replacement cost of loss based on following formula: [Quantity Harvested per Year) X (Market Price) X (Number of years it will bear fruit)] + Cost of Seedling | <p>AHs will be notified 1 month in advance of the actual date that the land will be acquired by the Project.</p> <p>RCS will determine the amounts.</p> <p>Market Price is based on Farm-Gate Price.</p> |

| Cat | Type of Loss | Application | Category of AH | Entitlements | Clarification |
|---|-------------------------------|---|--|---|--|
| | | | | <p>Perennial trees that have a growth period of more than 5 years are classified as follows:</p> <ul style="list-style-type: none"> • Sapling Trees under 1 year-not compensated as it can be replanted. Cost of seedling provided. • Young Tree (1 to 3 years): Valued at 1/3 of its full price as it can be replanted plus cost of seedlings. • Young Tree (More than 3 to 5 years) bearing some fruits: valued at 2/3 of its full price plus cost of seedlings • Mature Tree (more than 5 years) full bearing fruits valued at full price plus cost of seedlings. • For Non-fruit trees, Based on age and wood value per tree as defined by RCS. | <p>Full Price is amount calculated from the formula shown in without cost of seedling.</p> |
| 3. Loss of Houses and Structures | | | | | |
| 3a | Loss of Houses and Structures | Residential, commercial structures and other assets | Owners of houses, buildings and structures | <ul style="list-style-type: none"> • Cash compensation equivalent to replacement value of lost portion of the house/building/structure. If the owner rents or leases, compensation for any improvements/construction carried out by the renter/leaseholder will be deducted from the compensation payment to the owners. • In the case of loss of only part of the houses/buildings/structure and the remaining portion is not livable or usable, compensation will be paid for complete structure at same replacement cost. • In case houses/buildings are rented/leased, any improvements/construction added by renters and leaseholders will be compensated at replacement cost and paid to renter/leaseholder. Owners will not get compensation for such improvements/construction. • Option for permanently physically relocated as (i) social land concession plot and lump sum one-time assistance, or (ii) self-relocation with lump sum one-time assistance. | <p>RCS will determine the replacement cost.</p> <p>RCS will determine lump sum one-time assistance for relocating AHs be able to find place to live and in no worse off condition.</p> |
| 3b | Loss of Houses and Structures | | Tenants and Leaseholders | <ul style="list-style-type: none"> • Cash compensation at replacement cost for any improvements or construction by the tenants or leaseholders. • In the case of no improvements or construction, no compensation is paid. • Cash compensation for the remaining paid rental fee. • Transfer/Disturbance Allowance equivalent to one (1) month of rental or lease amount. | <p>RCS will determine replacement cost.</p> <p>Documentary evidence is required.</p> |
| 3c | Loss of Houses and Structures | | Illegal occupiers or squatters | <ul style="list-style-type: none"> • Cash compensation equivalent to replacement value of loss of structures constructed by illegal occupier/squatters. • Option for physically relocated as (i) social land concession plot and lump sum one-time assistance, or (ii) self-relocation with lump sum one-time assistance. | <p>RCS will determine replacement value.</p> <p>RCS will determine lump sum one-time assistance for relocating AHs.</p> |

| Cat | Type of Loss | Application | Category of AH | Entitlements | Clarification |
|---|--|--|---|--|---|
| 3d | Loss of Houses and Structures (Transport Allowance) | Transport allowance for household and personal goods | Physically relocated AHs | <ul style="list-style-type: none"> Fixed Lump Sum allowance per AH based on average cost of transportation to new relocation place determined by distance: <ol style="list-style-type: none"> Up to 5 km; and More than 5 km. | RCS will determine the lump sum amount for the 2 distance rates. |
| 4. Loss of Income and Livelihood | | | | | |
| 4a | Loss of Income during Transition Period- Subsistence Allowance | Loss of Income | AHs who lose income during the transition period. | <ul style="list-style-type: none"> Lump sum amount equivalent to 3 months of standard income based on the official monthly poverty rate established by RGC. <p>Periodic Poverty Rate X Number of Members in AH X 3.</p> | Periodic Poverty Rate as established by the RGC. |
| 4b | Permanent Loss of Livelihood Source due to Physical or Economic Displacement | Income Restoration | AHs who lose their source of livelihood permanently or are physically relocated | <ul style="list-style-type: none"> Entitled to participate in any one of the 3 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 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 USD 200 to re-start land-based livelihood. In case of unavailability of suitable land, the AHs can opt for either employment or business base livelihood program¹⁸. OR <ul style="list-style-type: none"> 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 <ul style="list-style-type: none"> 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 (iii) a lump sum cash grant of USD 200 to assist in starting micro or home-based business. For Poor and Vulnerable AHs. In addition to skills training, (i) lump sum cash grant will be doubled; (ii) priority in any employment opportunity under the Project, | <p>Can be provided for the AHs who may opt for this. AHs will only be eligible for any one of the below three options.</p> <p>Land Based for AH who lose land-based livelihood.</p> <p>Employment based for AH who lose employment- based livelihood.</p> <p>Business based livelihood program for AH who lose business- based livelihood.</p> <p>Classification will be carried out during the DMS and in accordance with the established criteria in the definition prescribed in this RF.</p> |

¹⁸ To be provided by the Provincial Department of Labor and Vocational Training and/or the Provincial Department of Woman's Affairs

| Cat | Type of Loss | Application | Category of AH | Entitlements | Clarification |
|---|--|--|---------------------------------------|--|--|
| 4c | Loss of Business | Commercial land and businesses | All AHs who are engaged in businesses | <ul style="list-style-type: none"> For businesses which need to be relocated to a new site, an amount equal to loss of projected net income for 2 months For businesses relocated on-site (move back or same area), an amount equal to loss of projected net income for one month. For operating of illegal nature of businesses like gambling, prostitution, drugs and similar types, no compensation is paid. | <p>RCS will determine the amounts</p> <p>Both registered and unregistered businesses are compensated except when the nature of business is illegal</p> |
| 4d | Vulnerable AHs | Special Assistance | All Vulnerable AHs | <ul style="list-style-type: none"> Special assistance of cash lump sum amount equivalent to 3 months of income based on the official poverty rate established by RGC and calculated as Monthly Poverty Rate X Number of Members in AH X 3. | Classification will be carried out during the DMS and in accordance with the established criteria in the definition prescribed in RF. |
| 5. Impacts during Implementation | | | | | |
| 5a | Temporary Impacts During Construction | Damages and temporary impacts caused by construction contractors | Residents/ affected owners | <ul style="list-style-type: none"> Land outside of the alignment or corridor of impact that is damaged or temporarily impacted by construction activities will be reinstated or compensated in cash or in-kind as agreed by the affected owner at replacement cost by the civil works contractor. | <ul style="list-style-type: none"> Impacts due to construction (for example, damages of structures, restricted access to business/income sources resulting from construction activities) and compensation measures will be included in the Project environmental management plan and any costs that will incur will be paid by the contractor. Principles adopted for this RF apply. Compensation is to be equivalent to this EM. The impacts and mitigation measures to be recorded and included in the SSMR (PMU). |
| 5b | Unanticipated involuntary resettlement impacts | | New eligible AHs | <ul style="list-style-type: none"> New APs that will be identified are entitled to the same entitlements as those of the other APs. | <ul style="list-style-type: none"> GDR shall ensure the conduct of a social impact assessment and update the DRP or formulate a new DRP depending on the extent of the impact changes covering all applicable requirements specified in the DRP in accordance with the SPS and RGC laws and regulations. |

Note: Adjusted from Appendix 6 of SOP.

VII. GRIEVANCE REDRESS MECHANISM

A. The objective of the GRM

116. A well-structured and functioning GRM will be established at the local level following standard government procedures to resolve grievances and complaints in a timely and satisfactory manner as required under the ADB SPS 2009. The Expropriation Law of the RGC provides for a Grievance Redress Committee to manage complaints with the additional provision for the AHs to seek judicial redress in case they dispute the decision of the GRC. The GRM for VLD will be discussed and agreed between MOWRAM and ADB at DED stage.

B. Grievance Redress Process

117. A Provincial Grievance Redress Committee (PGRC) will be established for each province where the subprojects will be located and implemented.¹⁹ The PGRC is empowered, at the administrative level, to make binding decisions on the resolution of eligible complaints. The PGRC will be trained, operationalized, and will be fully functioning in the subproject provinces prior to commencement of the DMS. Training on GRM will be provided by the GDR for the PGRC prior to the DMS. The GDR and PGRC will be responsible for disseminating the information on LAR specific GRM to the AHs. The information on the PGRC will be included in the updated PIB to be distributed to AHs prior to the DMS. The GRM guidelines, including procedures and forms in Khmer will be distributed as an attachment to the PIB. The PGRC comprises representatives from the relevant provincial authorities and the MEF as follows:

- (i) Provincial Governor – Chair.
- (ii) Director of Provincial Department of Land management, Urban Planning and Construction – Vice Chair.
- (iii) Director of Provincial Department of Ministry of Economy and Finance – Member.
- (iv) Director of Provincial Department of Public Works and Transport – Member.
- (v) Chief of Provincial Office of Law and Public Security - Member.
- (vi) District Governor – Member.
- (vii) A Representative of Locally Based Civil Society Organization - Member.

118. The grievances will be handled through a 3-Step formal approach as detailed in para. 119 below. 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 his/her complaint or grievance with the leader of the PRSC-WG. This is done verbally and informally, and moreover, its aim is to resolve the matter to avoid lodging formal written complaints. Complaints raised at all levels, including at the commune level will be reflected in the semi-annual monitoring reports submitted to ADB.²⁰ If the verbal process of 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 a community elder or representative who will record the complaint) or in writing. In addition, APs will have the flexibility to convey their grievances or concerns either through complaint/suggestions boxes that will be installed in accessible locations, mobile/telephone, email should be honored, etc., considering the literacy and education levels of the APs, and contact information of the GRC will be made available in the subproject site.

119. In the case of **negotiated settlement**, the complaint can be submitted to the Director

¹⁹ There are PGRCs already established and fully functioning in some of the provinces which could serve for the subprojects.

²⁰ Para. 12 of the Aide Memoire of the Safeguard Policy Dialogue Mission 22-23 August 2019.

General of the General Department of Resettlement. The complaint will be in writing and can be routed through the IRC-WG. The contact address will be provided in the project information booklet. The Department of Internal Monitoring and Data Management (DIMDM) will review the complaint and prepare a report for the consideration of the Director General within 10 working days of receipt of the complaint. A decision on the complaint will be made by the Director General within 5 working days of the date of the report of the findings. DIMDM will maintain a register of complaints containing the date, the details and resolution of the complaints. If the AH is not satisfied with the result, s/he can file a suit at the Provincial/Municipal/higher/Appeals Courts, as applicable, to seek a resolution as outlined in para. 121 below. Alternately s/he can submit a complaint to ADB or AIIB or to both as outlined in para. 122 below to seek a resolution. However, all efforts will be made to resolve complaints at commune level.

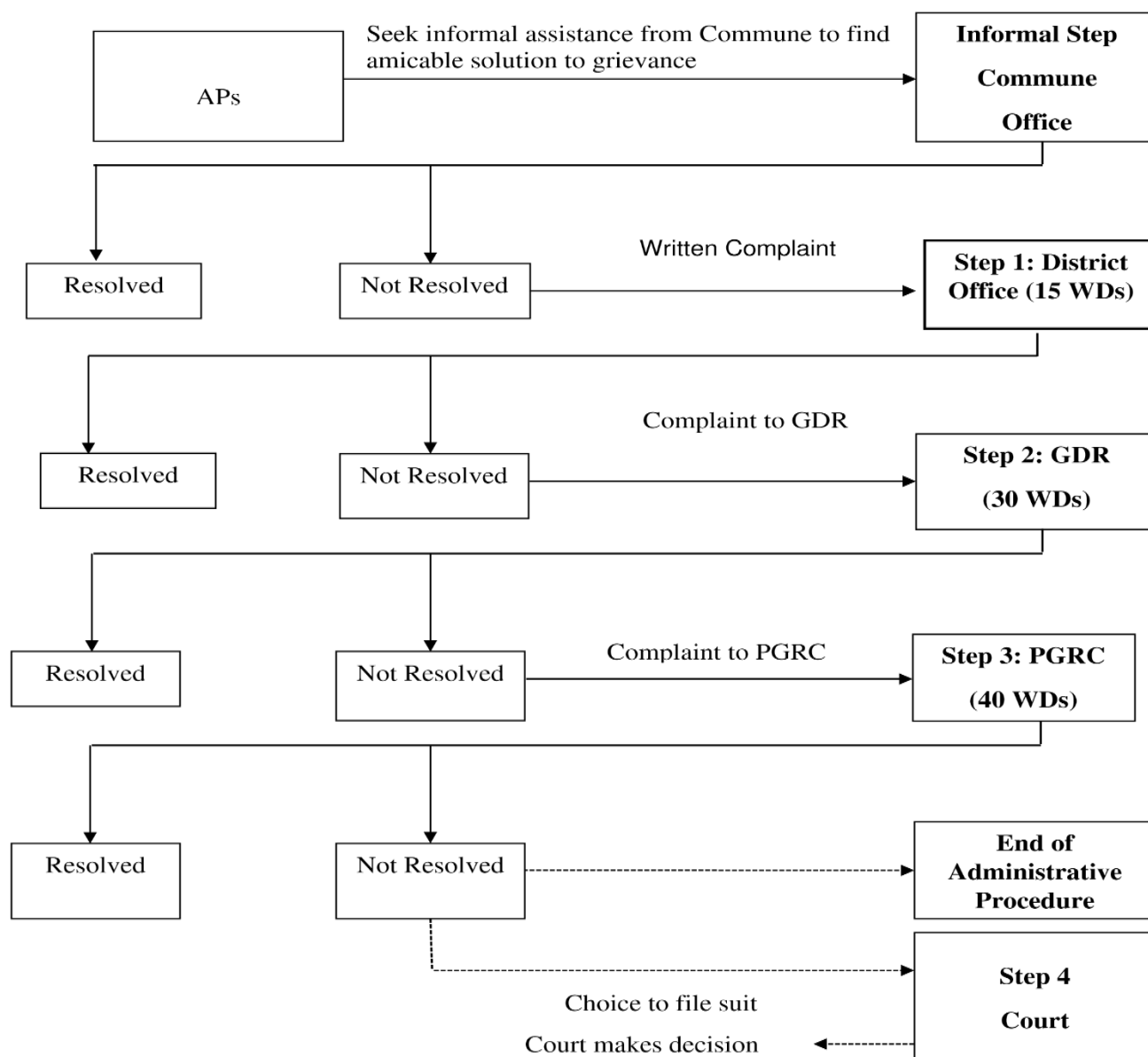
120. In the case of Expropriation, the GRM process as outlined in the SOP will be followed as detailed below:

- (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. A 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 the 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 phase, 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 conduct 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. If 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 an explanation for the rejection of the complaint at the second step -. 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.

121. The handling of the complaint at the administrative phase 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 at any step 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 phase, there is no involvement of the GDR, PRSC or IRC-WG unless there is a judicial order from the competent court.

122. If an AH is still not satisfied and believes s/he has been harmed due to non-compliance with the 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 the 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. The AHs who believe they have been or are likely to be adversely affected by a failure of the AIIB to implement the AIIB's Environment and Social Policy may submit complaints to the AIIB's Project Affected People's Mechanism in accordance with the Policy on the Project Affected People's Mechanism, when their Project related concerns cannot be addressed satisfactorily through the above Project level GRMs or the AIIB's management processes. The AHs can submit their complaint to either the ADB or AIIB, or both. Information on the availability of the ADB's Accountability Mechanism and AIIB's Project Affected People's Mechanism will be provided in Khmer and English and disclosed in the PIB and the Project's website.

Figure 2: Flow Chart of the GRM Process



Source: TRTA Consultants.

VIII. INSTITUTIONAL ARRANGEMENTS AND IMPLEMENTATION

A. Institutional Arrangements

123. MOWRAM will be the executing agency whereas the Provincial Departments of Water Resources and Meteorology (PDWRAM) in Battambang and Pursat will be the Implementing Agencies. Subprojects will be implemented by the PMU established under MOWRAM, which will undertake overall oversight and management of the Project. The PMU will be supported by PMIC and PIU on all technical issues, monitoring of the implementation schedules and reporting. The institutional arrangements on implementing the VLD processes and procedures including the verification and reporting requirements will be discussed and agreed between MOWRAM and

ADB at the DED stage. However, the MOWRAM, PMU, PIU and PMIC will not be responsible for carrying out the LAR activities which is mandated as the responsibility of the GDR. PMU will coordinate closely with the IRC-WG on all matters concerning involuntary resettlement, working closely with the Resettlement Department 3 (RD3) of the GDR to prepare, update and implement the DRPs.

124. Project Management Unit (PMU). A dedicated PMU will be established in the MOWRAM 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 will coordinate with the GDR in the implementation of DRPs which is the lead agency directly responsible for all LAR activities in the ROW. The PMU has a designated focal person on social safeguards and is tasked to undertake specific PMU responsibilities with regards to LAR and coordinate with the GDR, the PRSC and the PIU in all matters concerning LAR planning and implementation. The specific tasks of the PMU related to LAR preparation, implementation and monitoring include the following:

- (i) Conduct a social impact assessment of the Project/subproject, and review and finalize subproject category for IR and IP;
- (ii) Sharing the final DED with GDR/MEF;
- (iii) Demarcate with modern digital georeferencing the land requirement along the final alignment in the field after completion of the DED in coordination with the GDR;
- (iv) Support the GDR in preparation of the DRPs;
- (v) Provide the GDR with the proposed construction schedule identifying the completion schedule of LAR and handover of sites by sections to the contractor before the planned contract award date;
- (vi) Inform the GDR in a timely manner if the progress of construction is hampered by LAR issues or any unanticipated impacts;
- (vii) Assist and cooperate with the GDR in seeking solutions to problems encountered during Project/subproject implementation;
- (viii) Invite the GDR to participate in supervision missions and wrap-up meetings with APs and ensure that the GDR's comments on LAR issues are incorporated in Aide Memoires Memorandum of Understanding and Minutes of Meeting;
- (ix) Ensure that no further encroachment on the ROW after handover by the GDR of the land for the Project/subproject;
- (x) Collect, analyze and report relevant information associated with unanticipated resettlement impacts and/or IP impacts resulting from the Project implementation (if any), and immediately report any unanticipated IR and/or IP impacts to the GDR and ADB and take part in developing mitigation measures or corrective action for such impacts;
- (xi) Participate and contribute as needed in preparation of updated or new DRPs
- (xii) Prepare the DDRs as relevant in coordination with the GDR;
- (xiii) Ensure that the social safeguards requirements are included in bidding documents and civil works contracts;
- (xiv) Support GRM at Provincial and construction contractor levels;
- (xv) Provide oversight on social safeguards management aspects of subprojects;
- (xxi) Conduct internal monitoring of implementation of the DRPs related to construction and Project implementation;
- (xxiii) Submit a semi-annual social safeguard monitoring reports on construction and implementation to ADB and AIIB.

125. For VLD, specific tasks of PMU/PIU will be discussed and agreed between MOWRAM and ADB at DED stage.

126. The Provincial **Project Implementation Unit (PIU)** will be responsible for:

- (i) Project/subproject implementation at the provincial, district and village levels;
- (ii) Leading annual province level Project/subproject planning and budgeting;
- (iii) Coordinating Project review missions and support preparation of progress reports;
- (iv) Supporting the PMU to ensure safeguard policy compliance, safeguard document preparation, reporting and monitoring; and
- (v) Supporting the implementation and coordination of the IRP and preparation of semi-annual social safeguards monitoring report (SSMR) for construction related issues.

127. **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 MEF, with members from different line ministries. The IRC carries out its roles through an IRC-WG which is established by MEF for each public investment project with external financing. Key responsibilities of IRC include:

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

128. **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 Project in Battambang and Pursat through its RD3. For this, detailed tasks of the RD3 of GDR include:

- (i) Coordinate and collaborate with the MOWRAM/PMU, line ministries and other agencies involved in LAR activities;
- (ii) Coordinate land-to-land swap and social land concession arrangements with provincial authorities;
- (iii) Conduct public consultations and FGDs with the APs and vulnerable groups;
- (iv) Development and implementation of the livelihood restoration program;
- (v) Prepare the DRP for the subprojects and submit to the ADB for review and acceptance;
- (vi) Develop terms of reference and recruit the RCS consultant;
- (vii) Prepare and secure the necessary budget for the implementation of the DRP;
- (viii) Calculate, prepare contracts, and make payments for compensation for each AH based on the EM in the DRP;
- (ix) Implement all LAR activities in compliance with the DRP;
- (x) Prepare resettlement sites, if any, in close cooperation with the MOWRAM and provincial authorities;
- (xi) Support the IRC-WG in the preparation, development and implementation of IRP;
- (xii) Ensure the availability of LAR related budget, including budget for IRP;

- (xiii) Ensure proper functioning of the GRM and its data management;
- (xiv) Supervise, monitor, and report on implementation progress of the DRP;
- (xv) Send Land Handover Letter to PMU with a copy to the ADB;²¹
- (xvi) Prepare and submit to the ADB and AIIB semi-annual monitoring reports;
- (xvii) Prepare, agree with ADB and implement a corrective action plan, if any, during implementation; and submit the corrective action plan implementation report to ADB for concurrence and disclosure;
- (xix) Develop terms of references of the qualified and experienced external experts or qualified non-governmental organization for the external monitoring of the DRP implementation and an external ITP to document the negotiation and settlement process, the latter in consultation with ADB at DED stage;
- (xx) Recruit and mobilize qualified and experienced external experts or qualified NGOs for DRP implementation and monitoring prior to implementation of DRP and the external ITP prior to commencement of negotiated settlement processes;
- (xxi) Conduct awareness workshops for the MOWRAM/PMU, line ministries, local authorities and construction contractor on the implementation rules and regulations as specified in the DRP; and
- (xxii) Serve as the focal knowledge center for resettlement of the Project or subprojects.

129. In addition, the DIMDM of the 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 EM 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, GDR. In addition, it records and reviews all complaints and grievances submitted by APs, investigates them and makes recommendations on compliance to the Director General, GDR. After the payment of compensation and other entitlements is completed, the GDR will prepare and submit the land handover letter to MOWRAM with a copy to ADB to obtain “no objection” for civil works. In addition, the DIMDM will prepare and submit land acquisition and involuntary resettlement semi-annual social safeguard monitoring reports (LAR-SSMR) and forward following its review, the external monitoring reports to the ADB and AIIB, both for their review and disclosure.

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

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

- (i) Identify and coordinate the venue for the public consultation meetings and invite AHs to participate in the consultation activities, such as DMS, SES, RCS and other resettlement related activities;
- (ii) Assist in the resolving of grievances/complaints lodged by the AHs; and

²¹ The copy of the handover letter to ADB will have an attachment of a map/location coordinates showing the location, the number of displaced persons compensated and assisted, and the status of income restoration program, if any.

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

132. **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, staff of the Resettlement Department and staff of the Ministry of Land Management, Urban Planning and Construction. It is also responsible for the implementation, monitoring and reporting of various IRP as indicated in the EM Table 2 of this RF. The IRC-WG will be responsible for all the fieldwork under the supervision of the Director of the Resettlement Department and overall guidance and direction of the Director General, GDR. It is also responsible for disseminating LAR GRM information to the APs.

133. **Provincial Resettlement Sub-Committee (PRSC).** The PRSC will be established in each province in subprojects with LAR impacts by the Provincial Governor at the request of the IRC for the Project. 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.

134. **Provincial Resettlement Sub-Committee Working Group (PRSC-WG).** The PRSC-WG will be established in each province with LAR impact by the Provincial Governor and is mainly responsible for the technical functions of the PRSC and works with the IRC-WG in conducting the LAR activities at the Provincial level. The PRSC, through the provincial and district working groups, is responsible for the following functions:

- (i) Facilitate public information campaign, ensuring that the public, especially the AHs, are updated on any developments regarding the subprojects 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 road and canal sections along the Project canals;
- (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.

135. **Project Management and Implementation Consultants (PMIC).** The PMIC will assist the MOWRAM/PMU on all technical issues, monitoring of the implementation schedules and

reporting. PMIC will support the management and supervision of civil works activities and will ensure that the contractor adheres to the terms of their contracts relative to avoiding and/or minimizing resettlement impacts while monitoring and supporting the PMU in maintaining the project in compliance with the ADB SPS 2009 and the RF. The PMIC's role is minimal in the implementation of LAR aspects of the DRP as this is the responsibility of the GDR. PMIC will report to the RD3 of the GDR on any bottlenecks posed by resettlement during the construction phase of the Project/subprojects. For VLD, specific tasks of PMIC will be discussed and agreed between MOWRAM and ADB at DED stage.

B. Implementation Schedule

136. 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 the IRC and cleared by the ADB and the budget approved by the MEF. Depending on the number of AHs, it is expected that the DMS will be completed within 2-3 months after the demarcation of the land required for the subproject or component. The preparation of the DRP and its approval by the IRC and the ADB is expected within 3-4 months thereafter.

137. However, the DRP of the subprojects must be approved by the IRC and the ADB prior to the award of any contract for construction under the subprojects. Hence, no contracts can be signed for the subprojects unless the DRP for the subproject is approved.

138. The implementation of the DRP will range from 3 to 6 months depending on the number of APs and the scope of the LAR impacts. Civil works for any contract can commence only after the payment of compensation at full replacement cost and other entitlements listed in the DRP and a comprehensive income program supported by an adequate budget is in place for any LAR impacts. DRP completion report to provide details of the LAR, compensation, IRP, consultations and GRM is included in the LAR-SSMR prepared by DIMDM. In case any AP refuses the compensation payment or where complaints have been lodged for resolution under the GRM for the subproject, these cannot prevent the commencement of civil works. Civil works may also commence in subprojects or sections where there are no such impacts.

IX. BUDGET AND FINANCING

A. Budget and Financing

139. The cost for all land acquisition, compensation, resettlement assistances, including the cost of any IRP, if required, for the Project will be financed from the national budget by the RGC as counterpart funds for the Project. The resettlement cost is estimated at \$11,194,168 (Table 3). The cost of the preparation of the DRP will be met from the overall administrative and operation budget of the GDR while the implementation of the DRP will be from the resettlement budget of the DRP. No financing will be required from the loan and grant proceeds of the Project provided by the ADB. The estimated budget has been prepared based on the latest item rates within the subproject area, following the extrapolation of census and IOL on selected sample areas to cover the entire subproject area. The results of the extrapolation for estimated impacts and indicative budget are reflected in the BRP. The final budget for LAR will be prepared after finalization of the DED and the completion of the DMS and RCS. The final budget will be included in each separate DRP for the combined contract packages or individual subprojects determined at DED stage.

Table 3: Preliminary Estimated Budget for Land Acquisition and Resettlement

| No. | Output | Subproject | Base Cost ^a (\$) | Contingency (\$) | Total Cost (\$) |
|--------------|--|--|--------------------------------|---------------------|--------------------|
| 1 | Output 2: Increase water supply capacity during the dry season | (i) Kbal Hong IS | 3,745,404 | 323,665 | 4,069,069 |
| | | (ii) Kbal Hong Barrage and Intake Structures | 595,276 | 51,241 | 646,517 |
| | | (iii) Kanghot IS | 3,599,396 | 310,213 | 3,909,609 |
| 2 | Output 3: Reduce flood risks during the wet season | Pursat (Svay Ath) | 1,602,618 | 178,069 | 1,780,687 |
| | | Battambang (Sangker) | 331,457 | 36,829 | 368,286 |
| 3 | External Monitoring (lumpsum) | | 378,000 | 42,000 | 420,000 |
| Total | | | 10,252,151 | 942,017 | 11,194,168 |

^a Denotes the inclusion of the estimates for GDRs administrative expenses and cost of replacement cost study but does not include the services of external ITP for negotiated settlement, external monitoring of VLD and independent verification of VLD by an external ITP.

Source: TRTA Consultant estimates.

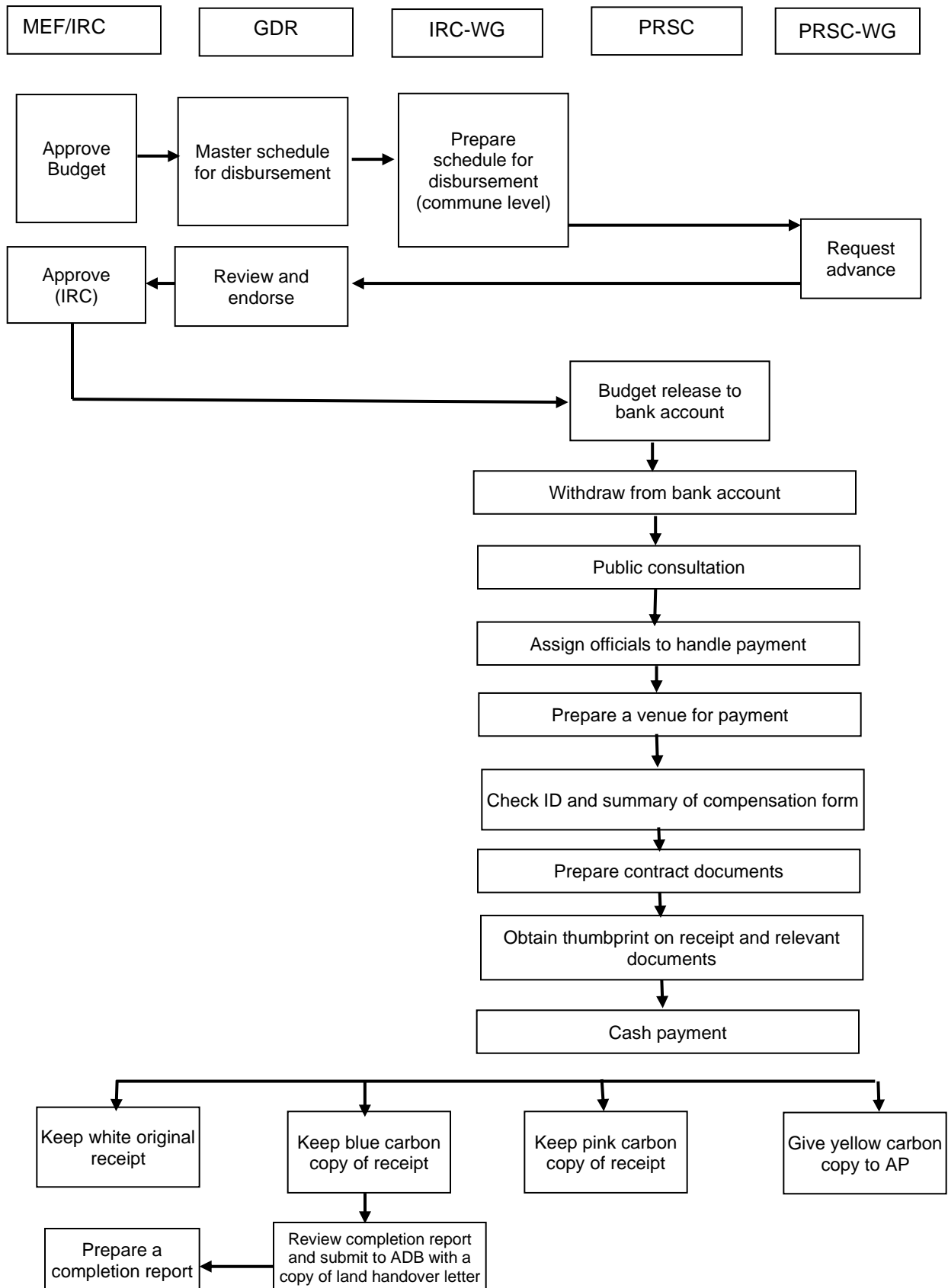
B. The flow of Funds for Compensation and Cash Assistance

140. After approval of DRP and budget and prior to consultation with the AHs, GDR will prepare a compensation plan and draft contracts for compensation payments to the AHs. Draft contracts will be consulted with the AHs. Compensation payments will be completed in full after the contracts have been signed, and completion of payments will be reported in the LAR-SMR submitted to the ADB.

141. The GDR will be responsible and accountable for all financial management functions relating to the use of the budgeted funds. The Government will set up a designated account, called the counterpart funds to account for the Project at the National Bank of Cambodia. The funds for LAR are provided to the GDR from the counterpart funds account. The budget is prepared by the GDR and submitted to the MEF for approval once the DRP is approved by the IRC and cleared by the ADB. The GDR will submit a request for the release of the allocated budget to the General Department of International Cooperation and Debt Management which will process the request and submit it to the General Department of National Treasury. The funds are released and deposited into a project-designated account established by the GDR for the subproject at the National Bank of Cambodia. The funds are released from the Project designated account, as and when necessary, and provided to the PRSC which is responsible for the disbursement of payments to the AHs. The compensation payments will be made in a public place by the PRSC-WG in close collaboration with IRC-WG

142. Past donor financed projects, including the ADB, have not experienced any difficulties in the availability and timely release of the budget for LAR. The Project is not likely to encounter any difficulties in the timely availability and release of the budget for the implementation of LAR activities. Figure 3 illustrates the fund flow diagram.

Figure 3: Fund Flow Diagram



X. MONITORING AND REPORTING

143. MOWRAM/PMU will be responsible for the monitoring of the overall implementation of the Project and subprojects as well as all aspects relating to VLD for TCs except for the safeguard matters related to land acquisition or the implementation of the DRPs. The internal monitoring and verifications of VLD will be discussed and agreed between MOWRAM and ADB at DED stage. For LAR, the DIMDM of the GDR will be directly responsible for the monitoring and reporting of the implementation of the DRP. The impacts of the Project are to be confirmed at the DED phase but are anticipated at this phase to be significant, and therefore external monitoring may be required.

A. Internal Monitoring

144. The role of internal monitoring and reporting is to ensure that resettlement institutions are well functioning during Project implementation, and that resettlement activities are undertaken in accordance with the implementation schedule described in the DRP. In this way, the protection of AHS' interests and the schedule for civil works can be assured.

145. In the case of VLDs, the MOWRAM will be responsible for internal monitoring. Specific tasks of internal monitoring of VLDs will be discussed and agreed between MOWRAM and ADB at DED stage.

146. For LAR, all internal monitoring and reporting on the implementation of the DRP will be conducted by the DIMDM of the GDR in accordance with the principles agreed in this RF and BRP, and the monitoring indicators. The 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 the IRC 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 submit monthly reports to the RD3. The RD3 will compile the field reports and prepare a consolidated report on the implementation of DRP on a 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, GDR. The DIMDM will compile semi-annual social safeguards monitoring report (LAR-SSMR) and submit them to the ADB and AIIB for disclosure on their websites. DIMDM's LAR-SSMR will follow the standard format for LAR-SSMR of the GDR/DIMDM.

147. At the same time, PMU with the assistance of the PMIC will be in-charge of monitoring of compliance of construction related activities and will submit a separate construction related semi-annual social safeguards monitoring report to the ADB. The PMU with support of PMIC will compile semi-annual social safeguards monitoring reports for construction implementation and submit them to the ADB for disclosure on ADB website by 30th of following month from end of the last quarter for the semi-annual report in question. The outline for the SSMR from PMU will be decided and prepared upon beginning of the Project implementation based on the scope of works, number of subprojects and components, and complexity of the Project implementation. The SSMR to be prepared by PMU and PMIC will cover aspects of (i) project background and introduction, (ii) consultations and disclosure of information, (iii) social safeguards monitoring and compliance, (iv) GRM and (v) action items and next steps. The SSMR will be substantiated with appropriate annexes.

148. An indicative list of internal monitoring indicators is in **Annex 3** of the RF. The internal monitoring report summarizes progress on resettlement activities 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) IRP, where applicable
- (viii) Distribution/placement and temporary move of vendors from the market site
- (ix) Overall Progress against agreed Implementation Schedule
- (x) Major Problems and Issues
- (xi) Proposed Remedial Actions

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

B. External Monitoring

150. The proposed Project includes significant IR impacts and has been classified Category A. For LAR, the GDR will recruit a qualified and experienced independent external expert or non-governmental organization before the start of DMS to verify the internal monitoring information and carry out the external monitoring of resettlement activities under the DRPs and will provide advice on involuntary safeguards compliance issues and propose corrective actions. The external expert be a qualified consulting firm/non-government organization or independent consultant with recognized experience on external monitoring of involuntary resettlement in Cambodia. GDR has the terms of reference for the independent external experts that have been agreed with ADB and is used to recruit them in past for development partners and ADB financed projects. The independent external expert will verify the data and information of the internal monitoring carried out by the GDR and will prepare semi-annual external monitoring reports. External monitoring indicators are included in **Annex 4**. The GDR will forward a copy external monitoring report to the ADB and AIIB for uploading on their websites.

151. For **VLD's** external monitoring if required, will be discussed and agreed between MOWRAM and ADB at DED stage.

INVOLUNTARY RESETTLEMENT IMPACT SCREENING CHECKLIST

| Potential Involuntary Resettlement Effects | Yes | No | Remarks |
|--|-----|----|--|
| Involuntary Acquisition of Land | | | |
| 1. Will there be land acquisition? | | | <ul style="list-style-type: none"> • Discuss with the design engineers on what are the subproject components • Field visit to examine if there are AHs on the affected areas. |
| 2. Is the site for land acquisition known? | | | <ul style="list-style-type: none"> • Discuss with the design engineers and local authorities on the locations of the components. |
| 3. Is the ownership status and current usage of land to be acquired known? | | | <ul style="list-style-type: none"> • Discuss with the design engineers • Consultations with the communities |
| 4. Will easement be utilized within an existing Right of Way (ROW)? | | | <ul style="list-style-type: none"> • Discuss with the design engineers • Discuss with local authorities • Consultations with the communities |
| 5. Will there be loss of shelter and residential land due to land acquisition? | | | <ul style="list-style-type: none"> • Discuss with the design engineers • Discuss with local authorities • Consultations with the communities • Field assessment. |
| 6. Will there be loss of agricultural and other productive assets due to land acquisition? | | | <ul style="list-style-type: none"> • Discuss with the design engineers • Discuss with local authorities • Consultations with the communities • Field assessment. |
| 7. Will there be losses of crops, trees, and fixed assets due to land acquisition? | | | <ul style="list-style-type: none"> • Discuss with the design engineers • Discuss with local authorities • Consultations with the communities • Field assessment. |
| 8. Will there be loss of businesses or enterprises due to land acquisition? | | | <ul style="list-style-type: none"> • Discuss with local authorities • Consultations with the communities • Field assessment. |
| 9. Will there be loss of income sources and means of livelihoods due to land acquisition? | | | <ul style="list-style-type: none"> • Discuss with local authorities • Consultations with the communities • Field assessment. |
| Involuntary restrictions on land use or on access to legally designated parks and protected areas | | | |
| 10. Will people lose access to natural resources, communal facilities and services? | | | <ul style="list-style-type: none"> • Discuss with the design engineers • Discuss with local authorities • Consultations with the communities • Field assessment. |
| 11. If land use is changed, will it have an adverse impact on social and economic activities? | | | <ul style="list-style-type: none"> • Field assessment and consultations with AHs and local authorities |
| 12. Will access to land and resources owned communally or by the state be restricted? | | | <ul style="list-style-type: none"> • Discuss with the design engineers • Field assessment and consultations with AHs and local authorities |
| Information on Affected Persons: | | | |

| Potential Involuntary Resettlement Effects | Yes | No | Remarks |
|--|-----|----|---------|
| <p><i>Any estimate of the likely number of persons that will be displaced by the Project/Subproject?</i></p> <p><input type="checkbox"/> No <input type="checkbox"/> Yes</p> | | | |
| <p>If yes, approximately how many? _____</p> <p>Category for IR impacts²²: A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/></p> | | | |
| <p><i>Are any of them poor, female-heads of households, or vulnerable to poverty risks?</i></p> <p><input type="checkbox"/> No <input type="checkbox"/> Yes</p> | | | |
| <p><i>Are any APs from indigenous or ethnic minority groups?</i></p> <p><input type="checkbox"/> No <input type="checkbox"/> Yes</p> | | | |
| <p><i>Potentially affected lands by Project's/Subproject's interventions/components</i></p> | | | |

²² Likely to have significant impacts are classified as Category A when 200 or more persons experience major resettlement impacts either through being physically displaced from housing or losing 10% or more of their productive (income generating) assets. Not deemed to have significant impacts (i.e., other than Category A) will be classified as Category B. No impacts will be classified as Category C.

CONSULTATION PROCESS

A. First Consultation

1. The **first** public consultative meeting was held with selected affected communities and the potential APs at the commune level for the proposed subprojects sample areas prior to the preparation of the RF and BRP. The meeting was conducted by the MOWRAM and the provincial authorities with participation of the GDR and the ADB/TRTA consultants. The purpose of the meeting was to provide the selected community and the APs with generic information about the Project/subprojects, the benefits and potential impacts, the anticipated land requirement, compensation policy, entitlement and eligibility and the GRM. Documentation of the meetings (minutes of the meeting, summaries of discussions, lists of participants and photos) are provided in the BRP as part of the reporting requirements.

2. A PIB for the Project, which was prepared by the MOWRAM with the assistance of the ADB financed TRTA consultants and endorsed by the GDR, was made available at the commune/village council offices and distributed to all the attendees during the meeting at BRP preparation stage.

B. Second Consultation

3. The **second** public consultative meeting will take place prior to the DMS phase and is undertaken jointly by the IRC-WG and PRSC-WG. Prior to the commencement of the DMS, consultation meetings will be held with the AHs and affected communities at the commune or village level. Consultations will also include FGDs with all APs, including the poor and vulnerable groups and one-on-one individual consultations conducted during the census and the DMS. The PIB will be updated by the GDR with a preliminary EM and information about Project scope, expected impacts, consultations, and the local GRM including contact persons. The detailed guidelines on the GRM will be included in the PIB as an attachment. The updated PIB for the Project, its GRM attachment and the DMS Questionnaire will be made available and explained to all attendees. APs will be informed that they will be provided the ID cards detailing their affected assets, income and land after the DMS.

4. The updated PIB will also be shared and explained to individual APs who for any reason did not participate in the second public consultation during the house-to-house DMS. The APs will be required to confirm the loss of assets and the measurements during the DMS and get a full understanding of the basis on which the compensation will be paid for the loss assets and other entitlements.

C. Third Consultation

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

6. A PIB for the Compensation Packages under the Project will be prepared in advance and provided and explained to all the participants. The second part will commence soon after the completion of the first part and will be held on the same day. Each AH will be provided with the draft contract and the compensation amounts explained to the satisfaction of the AH on a one-to-one basis. For those AHs who were unable to participate in the meeting, best efforts will be made to visit them at their homes or seek the assistance of the village office to make contact with them. APs will be given one week to study the contract, verify the impact scope and sign it.

D. Fourth Consultation

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

8. Prior to commencement of the compensation payment the AHs are informed about the GRM for the Project, the setup of the local GRM committees in their province, the procedures that will be followed in case they have any complaints and expected timing of hand over of land to the PMU and start of construction. Soon after the public consultation, 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.

INDICATIVE INTERNAL MONITORING INDICATORS

Indicative DRP Internal Monitoring Indicators

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

| Purpose | Activities | Monitoring Indicators | | | | |
|--|--|--|--------------------------------------|--------------------------|------------------------------------|--|
| Evaluation and monitoring the implementation of IRP | Evaluation and monitoring the progress and achievement of income restoration programs for affected households experience major impacts due to loss of income and shelters. | List of training programs that have been developed and implemented by IRC-WG for the Project. Number of affected households who participated in the training program from the project. | | | | |
| Verification of consultation and participation | Determine the level of involvement and identification of reasons of inadequate participation. | | | | | |
| Status of implementation of GRM | Examination of grievance cases; analysis of disputes and complaints content, and resolution of conflicts. | | | | | |
| Relocation to a new site | Examine the settlement status of the AHs (whether they already settled in the new relocation site). | <table border="1"> <tr> <td data-bbox="1034 898 1425 972">Total number of AHs to be relocated.</td> </tr> <tr> <td data-bbox="1034 972 1425 1024">Number of AHs relocated.</td> </tr> <tr> <td data-bbox="1034 1024 1425 1098">Number of AHs yet to be relocated.</td> </tr> <tr> <td data-bbox="1034 1098 1425 1203">Number of AHs who have self-relocated to their site of preferred choice.</td> </tr> </table> | Total number of AHs to be relocated. | Number of AHs relocated. | Number of AHs yet to be relocated. | Number of AHs who have self-relocated to their site of preferred choice. |
| Total number of AHs to be relocated. | | | | | | |
| Number of AHs relocated. | | | | | | |
| Number of AHs yet to be relocated. | | | | | | |
| Number of AHs who have self-relocated to their site of preferred choice. | | | | | | |

INDICATIVE EXTERNAL MONITORING INDICATORS

Indicative DRP External Monitoring Indicators

| Purpose | Activities | Monitoring Indicators |
|---|--|--|
| Land Acquisition, Resettlement and Compensation | Facilitate the acquisition of land and assets and ensure compensation at full replacement cost to affected persons. | Percentage of total required land parcels acquired and transferred without dispute. |
| | | Average time taken to complete compensation payments to affected persons. |
| | | Percentage of affected households receiving full compensation as per DRP. |
| | | Progress and completion of payment on the compensation contracts to the AHs. |
| | | Confirm the adequacy of the compensation contract/payment against the DMS results. |
| | | Confirm the compensation unit rate used in the signed contract followed the RCS results. |
| Resettlement Planning and Implementation | Develop and implement a comprehensive Detailed Resettlement Plan (DRP) to restore and/or improve the livelihoods of affected households. | Timeliness and completeness of DRP implementation. |
| | | Number and status of resettlement sites identified, developed and completed. |
| | | Percentage of relocated households with secured land tenure after relocation. |
| | | Percentage of affected households with restored or improved livelihoods. |
| | Ensure vulnerable AHs are not worse off. | Compare socio-economic conditions of vulnerable AHs at baseline (DMS) and post-impact and compensation payments. |
| Percentage of vulnerable AHs who have received all the entitled assistance and support. | | |
| Legal and Policy Compliance | Ensure adherence to ADB's SPS, national laws and GDR SOP, while implementing effective stakeholder engagement and grievance redress mechanism. | Compliance of implementation to loan covenants. |
| | | Number of land acquisition-related disputes or grievances raised, resolved, and pending. |
| | | Time taken by the grievance redress mechanism in resolving concerns and complaints. |
| | Ensure compliance with project safeguards documentation. | Compensation, assistance and allowances provided to AHs as detailed in EM in the DRPs and RF. |
| Disclosure and publicity requirements on DRP, LAR-SSMR, and GRM and GRM focal point contact detailed to the affected communities and AHs complied with. | | |
| Capacity Building and Institutional Strengthening | Strengthen the capacity of implementing agencies and stakeholders through | Number participants for public consultations organized with affected persons. |

| Purpose | Activities | Monitoring Indicators |
|---------|---|--|
| | training, awareness campaigns, and institutional strengthening initiatives. | Number of training sessions conducted, and stakeholders trained. |
| | The adequacy and capacity of the safeguard team in the IAs/PIUs in managing safeguards. | Number of social safeguard officials and other supporting staff to manage safeguard. Number trainings conducted on social safeguard management including GRM. |

OUTLINE OF THE DETAILED RESETTLEMENT PLAN

A DRP is required for all subprojects involving LAR impacts. Its level of detail and comprehensiveness will be commensurate with the significance of potential resettlement impacts and risks.

A. Executive Summary

Provide a concise statement of project scope, key survey findings, entitlements and recommended actions.

B. Project Description

1. Describe the Project and Project components that result in land acquisition, involuntary resettlement, or both and identify the Project area [This is same as the description in RF/BRP].
2. Set out the measures taken to avoid or minimize resettlement.
3. Indicate the Project component/section included/covered in the submitted DRP.

C. Legal Framework

1. Describe the national and local laws and regulations that apply to LAR [Same as the description in the RF/BRP].
2. Describe the ADB's safeguard policy and an analysis of the gaps between the ADB policy and the national laws and regulations and measures to close the gaps [Same as the matrix of comparison in the RF/BRP].

D. Scope of Land Acquisition and Resettlement

1. Describe the Project's impacts and include maps of the areas or zone of impact of Project components or activities.
2. Describe detailed LAR impacts indicating the type of LAR impacts identified, location of each type of LAR impacts, number of affected people and households for each type of impacts (with its location).
3. Describe the key principles that will be followed in the implementation of the Involuntary Resettlement under the Project [Same as the description in RF/BRP].
4. Describe DMS and the methodology used for the IOL, Census, and establishment of the COD for eligibility [Refer to DMS Questionnaire, Appendix 5 of SOP].
5. RCS and Unit Rates.
6. Summarize the key effects in terms of assets acquired and APs [All categories of assets- Land and Structures, Crops and Trees, Businesses & All categories of APs: Non-Poor, Poor and Vulnerable; Indigenous and Ethnic Minorities, Women].

E. Socioeconomic Information and Profile

Outline the results from the 100% SES, Census, IOL (from DMS Questionnaire) with information and/or data disaggregated by gender, vulnerability, and other social groupings, including:

1. Describe the methodology used for SES (DMS Questionnaire and House-to-House Interviews) [same as described in RF/BRP].

2. Identify, and enumerate the people and communities to be affected.
3. Provide the summary of socio-economic status in tabulated form (income level, income/livelihood sources, and other data collected in the DMS Questionnaire) disaggregated by gender, vulnerability, widow/women/disabled headed and other social group.
4. Describe the main social impacts.
5. Describe the impacts on poor, vulnerable, indigenous people and ethnic minorities and other vulnerable groups.

F. Information Disclosure, Consultation, and Participation

1. Describe the consultation and participation mechanisms used during the preparation of the DRP.
2. Describe the contents of the PIB.
3. Summarize the results of consultations with APs (including host communities), and discuss how concerns raised, and suggestions made were addressed in the resettlement plan.
4. Confirm the disclosure of the draft resettlement plan to APs and include arrangements to disclose any subsequent updated plans, if needed.

G. Grievance Redress Mechanisms

1. Describe legal framework for Grievance Redress [Same as described in RF/BRP].
2. Describe the mechanism for grievance redress for the Project [Same as the description in RF/BRP].
3. Describe the composition of the PGRC [Same as the description in RF/BRP].
4. Mention guidelines for GRM procedures [Refer to Appendix 8 of the SOP].

H. Entitlements, Assistance and Benefits

1. Describe the legal framework for compensation policy [Same as description in RF/BRP].
2. Define the entitlements and eligibility [Same as description in RF/BRP].
3. Describe the public and AH consultations for compensation [Reproduce from SOP].
4. Provide EM [Standard from SOP].
5. Describe the special/additional assistance for the poor and each category of vulnerable groups.
6. Describe income support program, if any.

I. Relocation

1. Describe the need for relocation, criteria for selection, and the number of AHs to be relocated (if any).
2. Describe alternatives for resettlement sites considered and basis for selection of sites for the Project (give location).
3. Describe availability of access to schools, health centers, water, power, markets, employment/livelihood opportunities, road connectivity. Also describe the host communities.
4. Describe the size of land plot, legal arrangements for regularizing tenure and land title, and the plans for provision of basic civic infrastructure.

5. Describe the entitlements (transport allowances, income support/income support program).
6. Schedule for site development and relocation.

J. Resettlement Budget and Financing Plan

1. Budget estimates and breakdown for all resettlement activities.
2. Describe the flow of funds.
3. Financing Source.

K. Institutional Arrangements

1. Institutional arrangements and role and responsibilities [Reproduce from SOP].
2. Implementation capacity and implementation support, if any.

L. Implementation Schedule

1. Schedule for Construction works.
2. Implementation schedule for key resettlement activities.

M. Monitoring and Reporting

1. Institutional arrangements for monitoring and reporting [Same as description in RF/BRP].
2. Internal monitoring [Same as description in RF/BRP].
3. External monitoring, if any [Same as description in RF/BRP].