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KINDOM OF CAMBODIA

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RESETTLEMENT POLICY FRAMEWORK

FOR THE

WATER SUPPLY AND SANITATION IMPROVEMENT PROJECT

CAMBODIA

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THE WORLD BANK GROUP

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List of Acronyms

ARAP	Abbreviated Resettlement Action Plan
COI	Corridor of Impact
CMU	Component Management Units
DIMDM	Department of Internal Monitoring and Data Management
DMS	Detailed Measurement Survey
ECOP	Environmental Code of Practice
EIA	Environmental Impact Assessment
EMF	Environmental Management Framework
EMP	Environment Management Plan
ESIA	Environment and Social Impact Assessment
ESMF	Environmental and Social Management Framework
ESMP	Environmental and Social Management Plan
ESSAF	Environmental and Social Screening and Assessment Framework
FPIC	Free, Prior and Informed Consultation
IDA	International Development Association
IEIA	Initial Environmental Impact Assessment
IOL	Inventory of Loss
IPDP	Indigenous People Development Plan
IPO	Indigenous People Organization
IPPF	Indigenous People Planning Framework
IRC	Inter-ministerial Resettlement Committee
ISDS	Integrated Safeguards Data Sheet
GDR	General Department of Resettlement
MIH	Ministry of Industry and Handicraft
MoE	Ministry of Environment
MPWT	Ministry of Public Work and Transportations
NGO	Non-Government Organization
PAH	Project Affected Households
PAP	Project Affected Persons
RCS	Replacement Cost Study
RF	Resettlement Framework
RGC	Royal Government of Cambodia
ROW	Right of Way
RP	Resettlement Plan
RPF	Resettlement Policy Framework
ROW	Right of Way
SESA	Strategic Environmental and Social Assessment
SSFP	Social Safeguard Focal Person
WaSSIP	Water Supply and Sanitation Improvement Project
TEGs	Technical Environmental Guidelines
WB	World Bank

PREFACE

This document is called the Resettlement Policy Framework (RPF) for the Water Supply and Sanitation Improvement Project (WaSSIP). It is developed on a basis of outcomes from the Social Assessment (SA). The RPF is part of the Environmental and Social Management Framework (ESMF) for the WaSSIP. This framework will be applied to all investments to be financed by the World Bank (WB) for technical and/or financial support from the Project that involves Involuntary Resettlement (OP/BP 4.12) and voluntary land donation.

The Project comprises two components as specified in Section I of this document. The Project will be executed by the Ministry of Industry and Handicraft (MIH) and the Ministry of Public Works and Transport (MPWT) who have established Component Management Units (CMUs) to manage the implementation. Safeguard implementation will be carried out by the CMUs and respective agencies.

This document is considered a living document and shall be modified and updated in line with the changing situation or scope of the activities. Close consultation with the World Bank and clearance of the revised RPF will be necessary.

DEFINITIONS AND TERMS

Beneficiary – all persons and households from the villages who voluntarily seek to avail of and be part of the project.

Compensation – payment in cash or in kind at the replacement cost of the acquired assets for the project.

Cut-off Date – the cut-off date is defined as the date prior to which the occupation or use of the Project areas makes residents/users eligible to be categorized as project affected persons. The cut-off date for this Project will be the date of conducting public consultation with the project-affected persons before conducting inventory of loss (IOL) or the detailed measurement survey (DMS).

Displaced persons – refers to all of the people who, on account of the activities listed above, would have their (1) standard of living adversely affected; or (2) right, title, interest in any house, land (including premises, agricultural and grazing land) or any other fixed or movable asset acquired or possessed temporarily or permanently; (3) access to productive assets adversely affected, temporarily or permanently; or (4) business, occupation, work or place of residence or habitat adversely affected; and “displaced person” means any of the displaced persons.

Eligible land holders – refers to affected persons who (a) hold title to land; or (b) do not hold title but whose possession of land can be legalized with a title pursuant to the Land Law of Cambodia including those with recognizable rights.

Entitlement – range of measures comprising compensation, income restoration support, transfer assistance, income substitution, and relocation support which are due to affected people, depending on the nature of their losses, to restore their economic and social base. The entitlements adopted for the Secondary Education Improvement Project were guided by the applicable national laws and regulations and WB OP/BP 4.12. The entitlements may be further revised based on actual status of impact, if applicable, in an updated version of the Resettlement Policy Framework (RF).

Household – means all persons living and eating together as a single social unit.

Income restoration – means re-establishing income sources and livelihoods of project-affected households to a minimum of the pre-project level.

Improvements – structures constructed (dwelling unit, fence, waiting sheds, pig pens, utilities, community facilities, stores, warehouses, etc.) and crops/plants planted by the person, household, institution, or organization.

Land acquisition – the process whereby a person involuntarily loses ownership, use of, or access to, land as a result of the project. Land acquisition can lead to a range of associated impacts, including loss of residence or other fixed assets (fences, wells, tombs, or other structures or improvements that are attached to the land).

Project Authorities – refers to the Ministry of Industry and Handicraft (MIH), Ministry of Public Works and Transport (MPWT), the Ministry of Economy and Finance (MEF), the General Department of Resettlement (GDR) of the Ministry of Economy and Finance (MEF).

Project Executive Agency – Refer to Ministry of Industry and Handicraft (MIH) and Ministry of Public Works and Transport (MPWT) and their Component Management Units (CMUs).

Project Affected Persons (PAP) or Project Affected Households (PAH) – includes any person, households, entity, organizations, firms or private institutions who, on account of changes that result from the project will have their (i) standard of living adversely affected, (ii) right, title, or interest in any house, land (including residential, commercial, agricultural, forest, plantations, grazing, and/organizing land), water resources, fish ponds, communal fishing grounds, annual or perennial crops and trees, or any other moveable or fixed assets acquired, possessed, restricted, or otherwise adversely affected, in full or in part, permanently or temporarily; and/or (iii) business, occupation, place of work or residence, or habitat adversely affected, permanently or temporarily, with or without displacement.

Rehabilitation – refers to assistance provided to persons seriously affected due to the loss of productive assets, incomes, employment or sources of living, to supplement payment of compensation for acquired assets, in order to achieve, at a minimum, full restoration of living standards and quality of life. Compensation for assets often is not sufficient to achieve full rehabilitation.

Replacement cost – is the method of valuation of assets which determines the amount of compensation sufficient to replace lost assets, including any necessary transaction costs. Compensation at replacement cost is defined as follows: For agricultural land, it is the pre-project or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the cost of preparing the land to levels similar to those of the affected land, plus the cost of any registration and transfer taxes. For land in urban areas, it is the pre-displacement market value of land of equal size and use, with similar or improved public infrastructure facilities and services and located in vicinity of the affected land, plus the cost of any registration and transfer taxes. For houses and other structures, it is the market cost of the materials to build a replacement structure with an area and quality similar to or better than those of the affected structure, or to repair a partially affected structure, plus the cost of transporting building materials to the construction site, plus the cost of any labor and contractors' fees, plus the cost of any registration and transfer taxes. In determining the replacement cost, depreciation of the asset and the value of salvage materials are not taken into account, nor is the value of benefits to be derived from the project deducted from the valuation of an affected asset. Where domestic law does not meet the standard of compensation at full replacement cost, compensation under domestic law is supplemented by additional measures so as to meet the replacement cost standard. Such additional assistance is distinct from resettlement measures to be provided under other clauses in the World Bank (WB) Operational Policy (OP)/Bank Policy (BP) 4.12, Para. 6.

Resettlement – means that all measures should be taken to mitigate any and all adverse impacts of a project on PAP property and/or livelihood's, including compensation, relocation (where relevant) and rehabilitation as needed.

Vulnerable groups - are distinct groups of people who might suffer disproportionately or face the risk of being marginalized from the effects of resettlement and specifically include: (i) female headed households with dependents, (ii) disabled household heads, (iii) households falling under the generally accepted indicator for poverty, (iv) elderly households with no means of support and landlessness, and (v) indigenous minorities. The vulnerability of each household will depend on the impact and their socio-economic status that will be assessed as the result of detail baseline socio-economic survey during the detail measurement survey or inventory of lose asset

EXECUTIVE SUMMARY

INTRODUCTION AND PROJECT COMPONENTS

1. The Sustainable Development Goals (SDGs) on clean water and sanitation present a huge challenge to Cambodia in terms of accelerating access, reducing disparity and increasing quality of service. Access to improved water supply and sanitation in Cambodia were 75% and 49% respectively in 2015. Only 24% of the population has access to safely managed water supply in 2015. The provision of safe piped water into household premises and the effective management of wastewater (particularly in urban areas) will contribute significantly towards achieving the SDGs. However, low piped water coverage and a lack wastewater infrastructure and adequate associated management systems present a huge challenge to the timely achievement of the SDG.

2. The Project Development Objective (PDO) is to increase access to piped water supply and improved sanitation services and strengthen the operational performance of service providers in selected towns and/or communes. The project will aim to complement ongoing and planned Government and development partners support programs. For water supply, target locations will focus on the gap areas for piped water supply. In selected main provincial and district towns, the project will support the extension of existing service provision into adjacent areas to increase the coverage of safe water supply on the one hand, and improve the efficiency and sustainability of service providers on the other. For sanitation, the key focus is to vastly improve the functionality of the existing sewerage system in Siem Reap city, by enabling direct connection and collection of wastewater from households.

3. The project will have two components. Component 1 will finance activities for provincial water supply in Sen Monorom town (Monduliri province), Stoung town (Kampong Thom province), Phnom Proek district (Battambang province) and other locations that will be identified during project implementation. Component 2 will finance activities for sanitation improvement in Siem Reap city and other areas.

4. For water supply, although the detailed engineering designs are still in progress, the locations for water supply network expansion in Sen Monorom town were preliminarily defined. Since small civil works will be carried out for water supply pipes laying at the depth of about 0.75m and installation of booster pumps at three locations, only short-term impact during construction, is anticipated. The project will also construct new water treatment plants, for which potential locations in Sen Monorom town, Stoung town, Phnom Proek district and other locations/towns/areas will be identified during implementation.

5. The sanitation component is focused on supporting the development and construction of branch sewers to the existing main sewer transmission lines in Siem Reap City, to enable household and businesses to connect directly to the city sewerage system. To minimize social impacts, the additional sewer networks in Siem Reap City will be mostly built within the existing road carriageway. Hence, no land acquisition is anticipated for this component, although the temporary displacement of vendors is possible, particularly in the night market area in the city center.

6. At this stage, scope of involuntary land acquisition or voluntary land donation is unknown because the detailed designs and exact locations of the new water treatment plants (under Component 1) will be identified during implementation and the detailed designs of the works planned for Siem Reap city sewer transmission lines (under Component 2) in the night market area is still under preparation. Thus, this Resettlement Policy Framework (RPF) is developed as pre-requisite safeguard document to mitigate potential negative impacts due to either (a) involuntary land acquisition, or (b) voluntary land donation, or (c) disruption of livelihood activities. The RPF shall be in compliance with (i) the World Bank (the Bank)'s safeguard policy on Involuntary Resettlement (OP/BP 4.12) and (ii) Cambodia law on expropriation and other relevant policies and procedure and shall be applied to all components and activities of the project (including the latest government's Standard Operating Procedures for Externally Financed Projects on Land Acquisition and Involuntary Resettlement).

LEGAL FRAMEWORK REVIEW

7. This RPF is prepared in compliance with the World Bank OP/BP 4.12 on Involuntary Resettlement and relevant Cambodia laws and regulations particularly Cambodia Constitution, Land Law, and the Law on Expropriation. Gaps between the two legal frameworks, the Royal Government of Cambodia (RGC) and

the Bank, were analyzed and gap-filling measures are proposed for minimizing impacts on people's livelihoods.

8. The Law on Expropriation launched in 2010 provides principles, mechanisms, and procedures for expropriation, and defining fair and just compensation for any construction, rehabilitation, and public physical infrastructure expansion project for the public and national interests and development of Cambodia. The Expropriation Law which is largely consistent with the main principles of the Bank's Involuntary Resettlement Policy (OP/BP 4.12) will be adopted by the project for required appropriation of ownership of immovable property or the real right to immovable property of a physical person or legal entity or legal public entity, which includes land, buildings, and cultivated plants, and for construction, for rehabilitation or for expansion of public physical infrastructure.

9. The overall objective of the Bank's OP/BP 4.12 policy is to avoid or minimize impacts and exploring all viable alternative project design. Where it is not feasible to avoid, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the persons displaced by the project to share in project benefits. Displaced persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs. Displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.

POLICY FRAMEWORK FOR LAND ACQUISITION AND COMPENSATION

10. **Objective:** Previous and similar projects carried out by the Ministry of Industry and Handicraft (MIH) indicated no land acquisition as all water supply facilities were constructed on land owned by MIH or other publicly owned land. Similarly, under the Ministry of Public Works and Transport (MPWT), the branch sewer networks constructed under similar projects were within the right of way of existing roads. This RPF, therefore, has been prepared, as part of the Environmental and Social Management Framework (ESMF) for the Water Supply and Sanitation Improvement Project (WaSSIP), to provide guidance to MIH and MPWT for decision-making in situations where the proposed target area may require the use of land on a temporary or permanent basis and on voluntary land donation or involuntary land acquisition required for construction within the target areas. It also applicable for land that had already been acquired prior to Bank-financing for sites supported by the Project. Accordingly, the RPF has been prepared to set out the policies and procedures for preventing or mitigating adverse impacts related to involuntary land acquisition and resettlement as a result of a proposed construction works. This RPF also sets the process that needs to be duly implemented regarding voluntary land donation.

11. **Principles:** Following the existing Cambodian laws and regulations, most aspects of the WB *Involuntary Resettlement* (OP/BP 4.12) are adequately addressed in Cambodian law, particularly the Law on Expropriation. The overarching objective of the Project in relation to land and asset acquisition is to assist the Project Affected People (PAP) in restoring their livelihoods at least to the level equal to their pre-project level. Specific principles that apply for the Project include:

- (i) Construction of new water treatment plants, water supply pipe laying, construction of branch sewer networks and rehabilitation of pumping stations are to avoid acquisition of privately owned land and relocation of peoples including indigenous population;
- (ii) Ensure design standards minimize the need to impose land use restrictions on adjoining areas;
- (iii) Develop fair and transparent procedures, as defined in the Entitlement Matrix of this RPF to determine compensation for (i) temporary loss of land and/or assets during construction; (ii) permanent acquisition of land and/or assets; and (iii) restrictions on use of land;
- (iv) Acquire land (or right to use land) through negotiated agreements and with the use of the power of eminent domain only as a last resort;
- (v) Upon completion of construction, restore land as best as possible to its original condition in the event of temporary disruption so as to enable landowners/users/lessees to resume their pre-project activities;

- (vi) Keep PAP and Project Affected Households (PAH), and communities fully informed about the project construction activities, the process that will be followed to acquire and compensate for land, and their related rights and avenues for redress;
- (vii) Ensure that aggrieved PAP and PAH will have grievance redress and recourse options and that solutions are in line with principles stipulated in this RPF and, importantly, are employed;
- (viii) All PAP and PAH, without regard to legal status of property, will receive support of various kinds, as per the principles set out in the Entitlement Matrix, to assist them in their efforts to maintain their livelihoods and well-being prevailing prior to the Project. Squatters will not be compensated for loss of land but will receive compensation for loss of other assets which had been established prior to the cut-off date, and for loss of income such that they are assisted in their efforts to maintain their livelihoods and well-being. Detailed measures to be implemented will be determined based on census and baseline socio-economic survey conducted when the Abbreviated Resettlement Action Plan/ Resettlement Action Plan (ARAP/RAP) is developed;
- (ix) PAP and PAH will be notified of the project implementation schedule and consulted regarding the principles of land acquisition and loss of or damage to assets; and
- (x) Damages to assets, such as standing crops, trees, fences and kiosks, and loss of income (including loss of harvest) will be minimized, if inevitable, it will be compensated without regard to legal status of ownership according to the Entitlement Matrix illustrated in Table 2.

12. **Displaced Persons and Entitlements:** The project construction activities may have both positive and negative impacts on people but vary degrees depending upon the circumstances. It is reasonable to assume that while the proposed target areas will have positive impacts on a large majority of the population, only a limited number of persons are likely to be negatively impacted by certain activities related to proposed construction activities. The issue of concern here is to provide an estimation of the latter and the likely categories of displaced persons. However, the fact that some project target areas and detailed designs where the respective activities are to be located are currently unknown makes it very difficult to provide a reasonable estimate of such persons or, who would be directly or indirectly affected for inclusion in the RPF. However, PAPs can be categorized into three types and will be entitled to receive compensation based on type of assets affected and scope. The three types of displaced persons are i) legal landowner; ii) recognizable landowner, and iii) unrecognizable or unauthorized land user.

13. **Eligibility Criteria:** All PAP and PAH comprises of different populations, including ethnic minorities and vulnerable groups, will be provided with compensation and/or assistance if: (i) their privately own land is acquired/affected; (ii) income source is adversely affected; (iii) houses partially or fully demolished; and (iv) other assets (i.e., crops, trees, and facilities) or access to these properties will be reduced or damaged due to land acquisition. Lack of legal documents of their customary rights or occupancy certificates will not affect their eligibility for compensation.

14. **Special Considerations:** The Project recognizes that certain social groups including indigenous peoples may be less able to restore their living conditions, livelihoods and income levels and has incorporated these concerns into the preparation and implementation of project activities through an adoption of participatory planning and decision making process. During implementation, the Project will give special attention to women and female-headed households as beneficiaries of the project investment i.e. employment in construction work. Equal participation of women in the whole cycle of the project activities will be provided to increase likelihood of the project sustainability. Active participation of women and indigenous groups will be ensured during the development of appropriate measures to be responsive to specific needs or concerns of these groups such as landless, poor, and households headed by women, disabled, elderly or children without means of support. A gender strategy and indigenous groups specific actions will be developed and included in ARAP/RAP.

RESETTLEMENT PROCESS AND APPROVAL

15. **Safeguard Screening:** Once the target areas are approved, social screening will be conducted by Social Safeguard Focal Persons (SSFP) and/or consultants of MIH and MPWT in order to identify if lands and/or assets are voluntarily donated, relocated or involuntarily resettled, and/or other issues associated with proposed construction activities in their respective footprint. As results, ARAPs or RAPs will be prepared for target areas with potential adverse involuntary resettlement impacts either temporarily or

permanently. Apart from ARAP/RAP, a Due Diligence Report (DDR) will be prepared for the target areas without involuntary resettlement impact and/or where community or people voluntarily donates lands. For optimum planning, screening should take place, as early as possible and prior to RAP preparation process, so that the SSFP are well informed to develop either ARAP/RAP or DDR for voluntary land donation for the respective target areas.

16. **ARAP/RAP Preparation and Approval:** The MIH/MPWT in association with the General Department of Resettlement (GDR) of the Ministry of Economy and Finance (MEF) – who is the secretariat of the Inter-Ministerial Resettlement Committee (IRC) – provides the general direction for planning the relocation and involuntary acquisition process, ensures coordination between various stakeholders concerned with the Project including those directly connected with relocation and monitoring implementation. Prior to commencement of project construction, stakeholders from the target areas where there is potential resettlement impact will be consulted to establish planning principles and work arrangements aimed at identifying and mitigating adverse social impacts induced by the construction activities. The ARAP/RAP will obtain information through baseline surveys, valuation of properties, and a determination regarding compensation, whether in the context of temporary or permanent relocation and compensation or in the context of mitigating other project related social impacts. A target area under the project that affects more than 200 people in terms of loss of assets and livelihoods requires a RAP to be conducted. It is recommended that ARAP/RAP will be prepared on zone or work package basis where works are expected to take place. This will allow better implementation and monitoring of ARAP/RAP. ARAP/RAP will be prepared by SSFP of MIH and MPWT, and submitted to IRC/GDR for review and approval prior to submitting to the Bank. Each ministry will be responsible for preparing relevant safeguard documents for their respective component for submission to IRC/GDR and the Bank.

ORGANIZATIONAL PROCEDURES FOR RESETTLEMENT

17. The RPF implementation will follow the Project Implementation Arrangements. The MIH and MPWT will establish Component Management Unit 1 (CMU-1) and Component Management Unit 2 (CMU-2), for Component 1 and component 2, respectively. The CMUs lead day-to-day project implementation, undertake fiduciary responsibility such as financial management and procurement, monitor project progress and conduct M&E, ensure compliance to project social and environmental safeguards, prepare project reports, oversee civil works, coordinate and collect inputs from relevant ministries related to their respective component.

18. **Two Social Safeguard Focal Persons** were appointed by MIH and MPWT to be in charge of safeguard compliance as per approved RPF and possible RAP. With support from one social safeguards consultant, who will be recruited to support both components, the safeguard focal persons will be responsible for (a) implementing activities as per RPF; (b) Conducting public consultative meetings and social assessment in order to identify needs for each specific subproject site, any potential adverse impact as result of site specific subproject's implementation, and possible project intervention; (c) Preparing minutes of the meetings detailing information dissemination, discussed issues, concern raised by PAP and possible project intervention; and (d) conducting consultations and updated social assessment and reporting. The outcome for each component shall be summarized in a report and submitted to the respective CMU, which will be submitted to the Bank.

19. **Provincial Department of Industry and Handicraft, Provincial Waterworks and Provincial Department of Public Works and Transport**, the sub-national level offices of MIH and MPWT, are liaisons between MIH/MPWT and local community/authority.

20. **Social Safeguard Consultant**, for whom the budget is included in the ESMF, will be brought on board to support the safeguards focal persons in ensuring social assessments are completed; along with a process of free, prior and informed consultations; and that RAP, if needed, is prepared and implemented.

21. **The Inter-Ministerial Resettlement Committee (IRC)** is a collegial body headed by the representative from MEF and composed of representatives from concerned line ministries, such as MPWT, MIH, MEF, and Ministry of Land Management, Urban Planning, and Construction (MLMUPC). Created by the Prime Minister through *Decision No.13, dated 18 March 1997*, in connection with the resettlement of PAHs in the Highway 1 Project (Loan 1659-CAM), it continues to be involved in other foreign-assisted government infrastructure projects with involuntary resettlement. An IRC will be established on an ad-hoc basis for each project upon the request from the Designated Implementing/Executing Agency, i.e. MPWT and MIH. The IRC will assume the function of a quasi-regulatory body, ensuring that funds for

resettlement are spent properly and that the RPF-RAP is carried out as intended. The technical arm of the IRC is its secretariat, the General Department of Resettlement of MEF.

22. **The General Department of Resettlement (GDR)** is a secretariat of IRC and will work closely with other relevant institutions to deal with all resettlement issues as a result of the project. GDR is taking leading role in RAP implementation.

23. **Provincial Resettlement Sub-Committee (PRSC).** The Provincial Resettlement Sub-Committee (PRSC) is a collegial body set up at the provincial level. Headed by the Provincial Governor or Provincial Vice-Governor, its members are provincial department directors of line ministries represented in IRC, and also the chiefs of the districts and communes within the Project affected areas.

LINKING RESETTLEMENT TO CIVIL WORKS

24. All PAP and PAH, without regard to legal status of property, will receive support of various kinds, as per the principles set out in the Entitlement Matrix, to assist them in their efforts to maintain their livelihoods and living standards prevailing prior to the Project. Squatters will not be compensated for loss of land but will receive compensation for loss of other assets which had been established with their own finances, and for loss of income such that they are assisted in their efforts to maintain their livelihoods and well-being. Detailed measures to be implemented will be determined based on the census and socio-economic survey conducted when the ARAP/RAP is developed. Compensation will be paid at replacement cost/value to respective PAP at least 30 days prior to construction commencement so that PAP have sufficient time to remove or relocate their affected structure. Likewise, PAP will be notified 30 days prior to the date of construction commencement.

25. **ARAP/RAP Implementation Process:** After a request for ARAP/RAP implementation by MIH, MPWT, IRC will mobilize its working group to work closely with Provincial Resettlement Sub-Committee Working Group (PRSC-WG) before commencement of any resettlement activities. Land acquisition and relocation of PAH will not be commenced until the detailed RAP has been reviewed and approved by both IRC and the Bank. Several steps are integral to the ARAP/RAP implementation process, including: (i) Detailed Measurement Survey (DMS) and Baseline Socioeconomic Survey (BSS); (ii) Replacement Cost Study (RCS); (iii) Preparation and approval of ARAP/RAP; (iv) Preparation and approval of resettlement budget; (v) Contract sign and compensation payment; (vi) Public Information, Consultation and Disclosure; and (vii) Notification on Site Clearance.

TRANSPARENCY AND GRIEVANCE MECHANISM

26. The World Bank's resettlement policy requires an investment project to establish mechanisms for grievance resolution in order to ensure PAPs' satisfaction with implementation of resettlement related activities, and provide the PAPs with a legal platform for on-the-ground monitoring and reporting on the implementation of resettlement related activities. Specifically, the purpose of the grievance mechanism is to allow PAPs and persons who believe they are affected persons to seek satisfactory resolution to grievances they may have in relation to possible land acquisition or other project interventions.

27. At the beginning of project implementation, grievance redress committees will be established at commune, districts, and provincial levels building on the existing structures consisting of concerned departments, community organizations, women and ethnic representatives, if they exist. At the village level, the existing grievance mechanisms that are chaired by elder and/or spiritual leaders, which are largely acceptable to local communities, will be strengthened as the first tier conflict resolution mechanisms. This arrangement helps ensure that a system is in place to help resolve any grievances to or complaints that may occur after project intervention. The grievance mechanism will be applied to persons or groups that are directly or indirectly affected by the Project, as well as those that may have interests in the Project and/or have the ability to influence its outcome either positively or negatively. The Project will provide training and support to strengthen these existing structures for effectively and collectively dealing with possible grievances that may be raised by PAPs during the course and after the implementation of resettlement related activities.

RESETTLEMENT BUDGET AND COSTS

28. Budget for implementing RPF will be part of the Project budget. It uses to cover costs of project staff allowances and consultant to prepare compliance reports including supervising and monitoring reports,

data collection, and preparation of ARAP/RAP etc. The total budget to implement the RPF is estimated and shown in the ESMF.

29. In case of ARAP/RAP preparation, each ARAP/RAP will include detailed cost of compensation and other rehabilitation entitlements as part of the process to compensate PAP and PAH. Arrangements will be made for PAP and PAH property and assets segregated on the basis of agricultural land, residential land, business land, houses, business assets and other holdings. The detailed budgetary estimates will make adequate provision for contingencies and the RAP will explicitly establish sources for all funds required. The RAP will ensure that fund flows are compatible with the timetable for payment of compensation and provision of all other assistance. The budget will cover land acquisition, relocation site development, compensation costs, allowances and administration costs, and contingency. Resettlement costs will be part of the Government's counterpart fund, not the Project. The Government will ensure timely provision of counterpart funds for resettlement to meet any unforeseen obligations in excess of the resettlement budget estimates in order to satisfy resettlement requirements and objective. The cost of compensation and other rehabilitation entitlements costs will be calculated during implementation when the exact footprint of the works for which detailed designs have yet to be prepared are known. These costs will be financed the budget of the Government of Cambodia, and IDA credit funds will not be used for this purpose.

PUBLIC CONSULTATION AND INFORMATION DISCLOSURE

30. **The World Bank policy on access to information:** Public Consultation and Information Disclosure as defined by the Bank's requirements require giving the public access to project information and documentation. It requires that during the planning and preparatory process, project beneficiaries and affected groups and local Non-Government Organizations (NGOs) shall be consulted and the environment and social aspects of the Project should be presented. The consultation should be an on-going process throughout the design and implementation of investments and must be compliant with all other applicable safeguard policies. The policy also requires that any relevant material such as the environmental assessment study, social assessments, resettlement action plan, etc. should be made accessible, in a timely manner and in a form language understandable to the groups being consulted.

31. **Consultation:** In the context of the Project, under Component-1, public consultation was conducted on August 27, 2018. One week prior to the consultation date, invitations were sent to stakeholders including representatives from provincial authority, the concerned provincial line departments, related commune offices. Community people including indigenous people in the project areas were also invited. Thus, the RPF was developed based on the outcomes of those consultations. Representatives of PAPs are members of (i) community/village committee and (ii) grievance redress committee under the Project.

32. For component 2, two public consultations were conducted in four Sangkats in Siem Reap city, namely Sla Kram, Svay Dangkum, Kouk Chak and Sala Kamraek, on September 11-12, 2018. One week prior to the consultation date, invitations were sent to stakeholders including representatives from provincial authority, the concerned provincial line departments, related commune offices. Community people in the project areas were also invited. No major resettlement concerns were raised except the concerns around the likely impacts that the project may have on them during the construction.

33. **Disclosure:** RPF document together with other project documents was uploaded into the World Bank InfoShop on October 4, 2018 as well as MIH and MPWT public website on October 1 and 4, 2018, respectively. The ARAP/RAP, if prepared, will be translated into local language (Khmer) and upload into project website if available, otherwise to MIH/MPWT website, and send a copy to keep in each commune council, where there is involuntary resettlement.

MONITORING AND REPORTING

34. Implementation of the RPF at specific site will be regularly supervised and monitored by the respective SSFP, with support from social safeguard consultant, responsible for implementation of the investment activities that involve land acquisition. The findings and recommendations will be recorded in the Project file for possible review by the Bank. The SSFP will supervise and monitor the process at least one time per year and include the results in the Project annual reports and to be furnished to the World Bank. The SSFP in close consultation with local governments and PAPs will establish a set of practical monitoring indicators. In case ARAP/RAP is prepared and implemented, internal monitoring will be required. In addition, external monitoring will be also required if the number of displaced persons exceeds 200 in order to ensure transparency and full compliance.

35. **Internal Monitoring:** The Department of Internal Monitoring and Data Management (DIMDM) of GDR is responsible for carrying out the internal monitoring of the implementation of the ARAP/RAP and the verification and validating of the compliance of the entitlements and compensation payments with the provisions of the Entitlement Matrix in the ARAP/RAP. The DIMDM will compile quarterly monitoring report for submission to the Director General of GDR. After the quarterly report is endorsed by the GDR, it will be submitted to the WB.

36. **External Monitoring:** If the number of displaced persons is more than 200, external monitoring will be required. The external monitor has the specific responsibility of studying and reporting on RAP implementation and on social and economic situations of PAH particularly relocated PAPs or disrupted by the construction works, including all households whose houses or shops and stalls are relocated. The external monitor also has the responsibility of reviewing potentials for job opportunities for PAH, including women and youth, which would be assisted by provincial authorities. If required and needed based on the project impact, IRC will hire an External Monitoring Agency (EMA) to carry out external monitoring and post evaluation. The Terms of Reference (TOR) for the engagement of the EMA will be prepared before procurement process. The external monitoring reports will be submitted to IRC on quarterly basis, and then IRC will forward to MIH/MPWT and to the World Bank. The post evaluation will be conducted within six-months after all resettlement activities are completed.

1. PROJECT DESCRIPTION AND SCOPE OF THE RESETTLEMENT POLICY FRAMEWORK

1.1 Project Description

1. **The Project Development Objective (PDO)** to increase access to piped water supply and improved sanitation services and strengthen the operational performance of service providers in selected towns and/or communes.

2. The project will adopt the key principle of complementing the support to the water and sanitation sector that are already provided through ongoing and planned Government and development partners support programs, while adopting pro-poor and nutrition sensitive approaches. For water supply, support will be given to selected main provincial and district towns where the expansion and extension of existing service provision will increase coverage of safe water supply on the one hand, and improve the efficiency and sustainability of service providers on the other. In addition to the expansion, a specific focus area of the project is small scale piped water supply in emerging district towns where public funds are not available and private sector interest appears lacking. The project will undertake systematic efforts to identify reasons for the lack of private sector interest, with a view of leveraging private sector financing where possible through project supported risk reducing targeted investments and/or technical assistance. The project will emphasize pro-poor and nutrition sensitive approaches, developing mechanisms to target safe water provision to poor and nutrition-sensitive households and communication programs with common water, health, nutrition and hygiene messaging. Where possible, district towns identified to be suitable for piped water supply investments which are also within the project scope of the Bank's proposed nutrition project will be prioritized. For sanitation, the key focus is to vastly improve the functionality of the existing sewerage system by enabling direct connection and collection of wastewater from households.

3. **The project will include aspects of floods and drought risks in the design.** Given that water resource is generally vulnerable to climate change, assessment of the sustainability of water sources (including catchment protection), and considerations for diversified / backup water sources would be carried out explicitly in response to the localized threats climate change poses to the water supply. Demand management activities in areas where water consumption is high would be also conducted to minimize negative effect from drought risks. Optimal design for climate resilience of infrastructure including using flexible pipes that could withstand ground surface variation in time of drought and floods, energy efficiency through optimal sizing of pumps, and reduction of pollution in flooding events by separating wastewater from storm water would be pursued.

4. **The proposed project has two components,** (i) to support provincial water supply in selected towns and communes, (ii) to support provincial sanitation improvement in Siem Reap City and other areas. Each of the component is in turn subdivided into an infrastructure investment subcomponent and an associated institutional strengthening, policy and project implementation subcomponent.

Component 1: Provincial water supply (IDA - US\$30.5 million)

5. This component is focused on supporting the expansion of water supply services to selected urban areas. It will support public provincial water service providers in selected main provincial towns to augment and expand water distribution networks to serve more customers (including developing additional water production facilities as needed). This component will also support the development of small-scale piped water supply systems in selected communes outside the main provincial towns that are not yet served but where the population has reached the size and density suitable for piped water supply. Private sector financing and operations of small-scale piped water supply systems will be explored and leveraged where technically, economically and financially feasible. The project will help develop a mechanism to screen proposed small-scale piped water supply systems in communes, consider options for private and/or public financing, operations and management, and then to develop designs as appropriate. It is envisaged that a rolling program of design and investment support for the water supply schemes would be carried out. Investment will commence with a first priority scheme, which has been designed during project preparation, to test out and pave the way for a smooth rolling investment program. A technical assistance to identify, assess and design further selected town and commune schemes will commence in parallel. Given the water security and sustainability issues linked to climate change risks, optimal design for energy efficiency through proper sizing of electrical-mechanical equipment, demand management for water conservation, development of alternating water sources, and source protection and sustainability will be pursued.

6. Technical assistance will be provided to augment and support the project management and supervision capacity of the implementing agency. Additionally, this component will also include capacity and performance improvement technical assistance to the selected public provincial water service providers to manage and operate the systems to ensure technical and financial sustainability, to integrate climate change risk considerations in the O&M of the system, and to ensure better gender representation in the management of water supply system. The component will provide technical assistance to study, recommend and develop a water connection program (including output-based as appropriate) focused on helping poor and nutrition sensitive households (e.g., households with children under five) to access clean water supply services. A program of nutrition-sensitive communications and promotion of safe water handling / treatment and other hygiene behavior will be carried out. All communication messages will be informed by gender analysis to optimize the benefits of women and girls. This communications program will seek to collaborate and coordinate with other nutrition and stunting related communication programs, including to improve and strengthen common health, nutrition and hygiene messaging in targeted towns and communes. Where the project areas converge with the proposed Cambodia Nutrition Project (currently under preparation), joint activities will be conducted by leveraging common delivery platform and monitoring of beneficiaries receiving joint interventions. A technical assistance to support the MIH develop urban water supply strategy and investment plan will also be provided.

Component 2: Provincial sanitation improvement in Siem Reap City and other areas (IDA - US\$24.5 million)

7. This component is focused on supporting the development and construction of branch sewers to the existing main sewer transmission lines in Siem Reap City, to enable household and businesses to connect directly to the city sewerage system. A large wastewater treatment plant and primary transmission mains were built in 2008 without secondary and tertiary sewers. Currently, only major premises close to the main sewers are connected, and there is instead reliance on interceptors to collect sewage from main drains. Limited collection and damage to the transmission lines resulted in little sewage reaching the treatment plant. Where climate change induced flooding in the city occurs, there is high fecal contamination of flood water creating health risks across many neighborhoods in the city. The construction of branch sewers coupled with a household connections program will improve the collection and transmission of household excreta to the wastewater collection and treatment facilities, reducing the exposure pathway of fecal contamination to the population in the event of floods. This component will also support rehabilitation and the augmentation of the existing sewerage system to improve its operational efficiency, including rehabilitation and upgrading of sewage pumping stations and fecal sludge receiving and management systems.

8. This component will support sanitation promotion and/or investments in communes where water supply is supported under Component 1 to address wastewater generated as a result of increased availability of water supply. Given the small sizes of these water supply schemes, the focus will likely be the promotion of household sanitation and good drainage around households. Where feasible, small scale decentralized wastewater treatment systems will be developed.

9. Technical assistance will be provided to augment and support the project management and supervision capacity of the implementing agency. Additionally, this component will also include capacity and performance improvement technical assistance to the Siem Reap Wastewater Treatment Plant Unit to ensure adequate operations and maintenance of the sewer lines and sanitation facilities, management of fecal sludge services including collection and treatment, to ensure wastewater effluent meeting discharge standards, and to ensure better gender representation in the management of the utility. Necessary equipment for operations and maintenance will be also provided. A program of communications (to be informed by gender analysis) and promotion will be carried out to encourage households and businesses to connect to the sewerage system. A technical assistance to support the MPWT develop urban sanitation strategy and investment plan will also be provisioned.

10. **Project Beneficiaries.** The direct beneficiaries will be the population of towns and districts where water supply and/or sanitation schemes will be financed by the project. Currently, water supply investments are expected to directly benefit about 105,000 people in various towns and communes. Among people residing within the service area of the urban sanitation networks in Siem Reap city, additional 22,000 people are expected to have access to improved quality of sanitation services through connection to sewer network or have their sludge safely collected and treated. Additional beneficiaries include people benefiting from hygiene behavior change messages in the project location and beyond, staff (both men and women) of the water supply and sanitation operators receiving capacity building support from the project.

11. **Citizen engagement will be implemented throughout the project.** During the project implementation, ongoing government public forum at the concerned localities will be leveraged, where possible, so as to provide project information as much as possible to the citizens and to receive suggestions for the project. Waterworks and wastewater operators supported by the project would also implement social accountability framework, through engaging people benefitting from the service to: (a) understand minimum water supply and sanitation service standards, (b) monitor and provide feedback on service provider performance, and (c) identify and agree on actions to be taken by service providers to improve the quality of services. The MIH also has a complaint mechanism whereby public can submit their complaints to the MIH and track how their complaints are being addressed in regard to water supply service provision. The project will also leverage on this platform by disseminating this mechanism to wider public and by supporting the MIH in timely handling of the complaints.

1.2 Scope of the Resettlement Policy Framework

12. The Resettlement Policy Framework (RPF) is developed as pre-requisite safeguard document to mitigate potential negative impacts due to either (a) involuntary land acquisition, or (b) voluntary land donation, or (c) disruption of livelihood activities. The RPF shall be in compliance with (i) the World Bank (the Bank)'s safeguard policy on Involuntary Resettlement (OP/BP 4.12) and (ii) Cambodia law on expropriation and other relevant policies and procedure and shall be applied to all components and activities of the project (including the latest government's Standard Operating Procedures or Externally Financed Projects on Land Acquisition and Involuntary Resettlement).

2. LEGAL FRAMEWORK REVIEW

13. The project will finance water supply and sanitation improvement in the selected communal, provincial or municipal towns.

14. For water supply infrastructure and household connection within the project areas, the investment will involve the construction of additional distribution network of the provincial waterworks, extension of main water pipe along the main road to other adjacent areas, adding new distribution pipe on the other side of the road (in towns where the current pipe is only laid at one side of the road), building water distribution substations, and new small-scale water supply systems, water treatment plant and distribution network in selected communes outside provincial towns. The works will involve digging the ground along the road for laying distribution pipes and acquiring land for building new water treatment plants and substations. Specific locations of pipe network subproject phase 1 in Mondulkiri have been identified. Locations of other subprojects will be identified during the implementation stage.

15. For sanitation improvement, the investment will involve the construction of sewer network and connection sewer in Siem Reap Provincial town and in communes where water supply is supported. Locations of rehabilitating three pumping stations and constructing of west and east zones of sewer network have been identified. Siem Reap is known for the historical and cultural heritage. It has not yet been decided where the Project will be located, but the overall plan for the sewer extension is available. It is also reported that the treated wastewater is currently being discharged to the agricultural land. In addition, the project may also support the construction of small-scale decentralized wastewater treatment plant and sewer network in some towns where water supply is provided. In the case of Siem Reap city, this work will require land acquisition for excavation work to install sewer network. Some sewer network will pass through densely populated areas. For other small towns, the works will need land acquisition for the treatment plant and excavation for the sewer network. Since locations of those small towns have not been identified, it is not yet known where the treated wastewater will be discharged to.

16. Overall, the Project is environmentally and socially beneficial. The sub-project components are expected to involve simple, appropriate, low-cost technologies that do not pose any significant environmental or social consequences. The provision of safe drinking water and sanitation facilities is expected to have a significant positive impact on the improvement of livelihoods and the environment. Some minor and temporary negative environmental impacts may occur, resulting mainly from the construction activities. These impacts are readily manageable by standard civil works mitigation measures such as restrictions on working hours, dust management through watering down, and erosion and sediment control.

17. Significant social impacts are not anticipated as the proposed construction activities are small and mainly within the right of way of the existing roads. However, the design and specifications of water supply and sanitation facilities construction will be guided by safeguards documents prepared in line with applicable national laws and regulations and the World Bank OP/BP 4.12.

18. Below are discussion of relevant laws and regulations and gap analysis between Cambodia legal framework and the World Bank OP/BP4.12.

2.1 Cambodia Legal Frameworks

Cambodia Constitution 1993

19. The 1993 Constitution of Cambodia has established two governing principles pertaining to land acquisition.

- i. Article 44 states that: All persons, individually or collectively, shall have the right to ownership. Only Khmer legal entities and citizens of Khmer nationality shall have the right to own land. Legal private ownership shall be protected by law; and
- ii. The right to confiscate properties from any persons shall be exercised only in the public interest as provided for under the law and shall require fair and just compensation in advance.

20. Some protection for vulnerable groups is also specified in the Constitution in Article 73: “The State shall give full consideration to children and mothers. The State shall establish nurseries, and help support women and children who have inadequate support” and Article 74: “The State shall assist the disabled and the families of combatants who sacrificed their lives for the nation”.

Land Law 2001

21. The rights to land and property in Cambodia are governed by the 2001 Land Law, which is primarily based on the provisions of the 1993 Constitution. It defines the scope of ownership of immovable properties, such as land, trees and fixed structures.

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

23. Other provisions of the Land Law that are relevant to land acquisition, compensation and resettlement are:

- i. Legal possession is the sole basis for land ownership as defined by law, and all transfers or changes of rights of ownership shall be carried out in accordance with the required general rules for sale, succession, exchange and gift or by court decision. (Article 6);
- ii. Any regime of ownership of immovable property prior to 1979 shall not be recognized. (Article 7);
- iii. Article 15 states that "the following properties are included as public properties of state and public legal entities: a) any property that has a natural origin, such as forests, courses and banks of navigable and floatable rivers or natural lakes and seashores; b) that is made available for public use such as quays of harbours, port, railways, railways station and airports; or, c) any property which is made available, either in its natural state or after development, for public use such as roads, tracks, oxcart ways, pathways, gardens or public parks and reserved lands;
- iv. Article 18 states that "the following are null and void and cannot be made legal in any form whatever: (a) any entering into possession of public properties of State and public legal entities and any transformation of possession of private properties of State into ownership rights that was not pursuant to the legal formalities and procedures that have been stipulated prior to that time, irrespective of the date of creation of possession or transformation; (b) any entering into possession of private properties of State, through any means, that occurs after this law comes into effect;"
- v. Article 19 states that "any persons whose land title or factual circumstance fall within the scope of Article 18 of this law shall not have the right to claim compensation or reimbursement of expenses paid for the maintenance or management of immovable property that was illegally occupied;"
- vi. Any illegal and intentional of fraudulent acquisition of public properties of state or of public legal entities shall be penalized pursuant to Article 259 of this law;
- vii. The penalties shall be doubled where any occupation of public properties cause damages or delay to works undertaken in the general interest, especially the occupation of roadway reversed land;"
- viii. Ownership of immovable properties described in Article 25 is granted by the state to indigenous minorities¹ as collective ownership. This collective ownership includes all of the rights and protections as enjoyed by private owners. The exercise of collective ownership rights shall be subject to the responsibility of traditional authorities and decision-making mechanisms of the indigenous community, according to their customs and subject to the laws of general enforcement related to immovable property such as the law on environmental protection. (Article 26);
- ix. 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) held legal possession but had not yet completed the five years are allowed to

¹ 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.

- remain in possession until they are eligible to be registered as the owner. (Article 31);
- x. Any beginning of occupation for possession shall cease when this law comes into effect (Article 29). After this law comes into force, any new occupant with title to an immovable property belonging to the public bodies or private persons shall be considered as illegal occupant and shall be subject to the penalties provided in Article 259 of this Law (Article 34);
 - xi. Article 38 states that "in order to transform into ownership of immovable property, the possession shall be unambiguous, non-violent, publically known, continuous and in good faith;" and
 - xii. Landless people may apply for land for residential and subsistence farming purposes at no cost, as part of a social land concessions scheme. The concessionaire may obtain ownership of this land after fulfilling conditions set out in a separate Sub-Decree on Social Land Concessions. (Articles 50, 51).

The Expropriation Law

24. The Expropriation Law defines the procedures for acquiring private property for the national or public interest.

- i. Article 2: the law has the following purposes: (a) ensure reasonable and just deprivation of a legal right to ownership of private property; (b) ensure payment of reasonable and just prior compensation; (c) serve the public and national interests; and (d) further development of public physical infrastructure;
- ii. Article 7: Only the state may carry out an expropriation for use in the public and national interest;
- iii. Article 8: The state shall accept the purchase of the remaining part of real property left over from an expropriation at a reasonable and just price at the request of the owner of land/or the holder of rights in the expropriated real property, if he is no longer able to live near the expropriated scheme or build a residence or conduct any business; and
- iv. Article 22: Stipulates the amount of compensation to be paid to the owner of and/or holder of rights in the real property, which is based on the market value of the real property or the replacement cost as of the date of the issuance of the *Prakas*² on the expropriation scheme. The market value or the replacement cost shall be determined by an independent commission or agent appointed by the expropriation committee.

25. The Law on Expropriation launched in 2010 provides principles, mechanisms, and procedures of expropriation, and defining fair and just compensation for any construction, rehabilitation, and public physical infrastructure expansion project for the public and national interests and development of Cambodia. The Expropriation Law which is largely consistent with the main principles of the Bank's Involuntary Resettlement Policy (OP 4.12) will be adopted by the Project for required appropriation of ownership of immovable property or the real right to immovable property of a physical person or legal entity or legal public entity, which includes land, buildings, and cultivated plants, and for construction, for rehabilitation or for expansion of public physical infrastructure.

Sub-decree on Right of Way for National Road and Railroad

26. The Sub-decree No.197 is to manage the use of right of way (ROW) for national road and railroad for the development in the Kingdom of Cambodia. The Sub-decree defines the ROW for national roads as below (Article 8):

- National Road with 1 digit: ROW is 30 meters measures from the center line
- National Road with 2 digits: ROW is 25 meters measured from the center line

27. The above determination is not applicable for Phnom Penh, provincial towns and other urban areas where a separate ROW will be defined. The Government will compensate to the owner of land affected by

² A "Prakas" is a ministerial or intra-ministerial decision signed by the relevant minister(s). A parkas must conform to the Constitution and to the law or sub-decree to which it refers.

the new re-defined ROW as per Article 8 and 9 of this Sub-decree. The compensation will be in accordance with the resettlement policy and Article 148 of the Land Law (Article 13). The Sub-decree did not determine the ROW for other road i.e. provincial roads and district or commune roads and rural road or other road defining the boundary of national or sanctuary parks.

Standard Operating Procedures on Land Acquisition and Resettlement

28. The Standard Operating Procedures (SOP) Manual for Land Acquisition and Resettlement (LAR) reflects RGC's laws and regulations relating to the acquisition of land and the involuntary resettlement of affected persons and the safeguard policies and procedures of Development Partners (DPs) as applied to public infrastructure investment projects. Where appropriate, the SOP includes references to international good practices in resettlement planning, implementation, monitoring and reporting.

29. The purpose of this SOP is to increase awareness and serve as a source of reference and guidelines for the planning and implementation of LAR activities that become necessary when an infrastructure investment project is planned and implemented under financial support from DPs. The SOP will ensure that all safeguard matters relating to LAR are addressed in a consistent, transparent and fair manner with due regard to the national laws, regulations and the safeguard policies and procedures of DPs for the economic wellbeing of the people of Cambodia. Paying attention to LAR concerns is essential to ensure that the investment project is designed, prepared and implemented in a timely, efficient and effective manner to realize the intended economic and financial benefits to the people of Cambodia. Moreover, SOP is use to fill the gap between the RGC law and regulation and the development partner policy.

Other Relevant Policies

30. The private ownership of land was re-established in 1989, and confirmed in 2001. The Land Law (Article 4) enables Cambodians to register the land they occupy with the local Cadastral Administration Office, whereupon a certificate of land title is granted. Issuing land titles is a lengthy process and most offices have a major backlog of applications. People are given a receipt and until the official title deed is issued, this receipt is accepted as a proof of real occupant of the land for land purpose or sale.

31. **Sub-Decree on Social Land Concession, March 2003.** This provides for allocations by the State for private land for the purposes of the alleviation of landlessness and poverty, including the replacement of land lost in the context of involuntary resettlement.

32. **Circular No. 02** dated on February 26th, 2007 Stated clearly that i) illegal occupant of state land has no right to compensation and can be punished in accordance to the land law 2001 and ii) illegal occupant who are poor, landless and part of vulnerable group can be provided a plot of land.

33. **MEF Circular No.006** on the Resettlement Implementation Procedure for development projects dated on April 2nd, 2014. This new circular instructed clearly the administrative management and role and responsibility of all relevant Implementing Agency and Provinces in implementing the resettlement for development project. The Circular give mandate to General Department of Resettlement (GDR) of Ministry of Economy and Finance and secretariat to Inter-ministerial Resettlement Committee to review and approve the resettlement plan prior to submit to funding agency for final review. GDR also is responsible for coordinating implementation of RP and other resettlement issues.

2.2 World Bank Policy on Involuntary Resettlement (OP/BP4.12)

34. Involuntary resettlement may cause severe long-term hardship, impoverishment, and environmental damage unless appropriate measures are carefully planned and carried out. For these reasons, the overall objectives of the Bank's policy on involuntary resettlement are the following:

- i. Involuntary resettlement should be avoided where feasible, or minimized, exploring all viable alternative project designs.
- ii. Where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the persons displaced by the project to share in project benefits. Displaced persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs.

iii. Displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.

35. This policy covers direct economic and social impacts that both result from Bank-assisted investment projects, and are caused by

- a) The involuntary taking of land resulting in (i) relocation or loss of shelter; (ii) lost of assets or access to assets; or (iii) loss of income sources or means of livelihood, whether or not the affected persons must move to another location; or
- b) The involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the displaced persons.

36. This policy applies to all components of the project that result in involuntary resettlement, regardless of the source of financing. It also applies to other activities resulting in involuntary resettlement, that in the judgment of the Bank, are (a) directly and significantly related to the Bank-assisted project; (b) necessary to achieve its objectives as set forth in the project documents; and (c) carried out, or planned to be carried out, contemporaneously with the project.

2.3 Gap Between the Government's and the World Bank's Policy

37. The World Bank's Policy requires the RGC analyzing and summarizing national laws and regulations pertaining to land acquisition, compensation payment, and relocation of affected persons in their settlement plan. The RGC will compare and contrast such laws and regulations with the Bank's Policy principles and requirements. If a gap between the two exists, the RGC will propose a suitable gap-filling strategy in the resettlement plan in consultation with Bank's officer in charge, or called the Project's Policy for Compensation and Entitlement describe in the below Section. In general, Cambodia Law on Expropriation and other relevant policy and procedure are in line with the World Bank OP/BP 4.12. Below is gap analysis between Cambodia existing laws and regulation to the Bank OP/BP 4.12.

Table 1: Gap Analysis between RGC Legal/Regulatory Framework and the World Bank OP/BP4.12

Subjects	OP 4.12	RGC	Gap/Project Measures
1. Land Property			
<p>1.1. Policy objectives</p>	<p><i>PAPs (Project Affected Persons) should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher</i></p>	<p>The Expropriation Law aim to i) Ensure just and fair deprivation of legal rights to private property; ii) Ensure a fair and just compensation in advance; iii) Serve the national and public interest, and iv) Develop public physical infrastructures (Article 2)</p> <p>Sub-degree on social land concession provide allocation for free state land to landless people of residential or farming purpose, including the replacement of land lost in the context of involuntary resettlement</p> <p>Resettlement practice:</p> <ul style="list-style-type: none"> - Provide income restoration program for all relocated PAPs and for on-site severely PAPs and vulnerable PAPs. - Provide living allowance - Special assistance to vulnerable PAPs 	<p>The WaSSIP will avoid acquisition of privately owned land and relocation of peoples including indigenous population, thus no impact on livelihood and standard of living is expected;</p> <p>However, sub-projects may result in economic displacement. The numbers would be small if indeed it will occur.</p> <p>Entitlement Matrix is proposed as a gap filling measure taking into account OP/BP 4.12 Policy Procedures</p>
<p>1.2. Support for affected households who have no recognizable legal right or claim to the land they are occupying</p>	<p><i>Financial assistance to all project affected persons to achieve the policy objective (to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher)</i></p>	<p>Article 19 [Land Law]: "...any illegal and intentional or deceitful acquisition of the public domain of the State or public legal entity shall be punished..."</p> <p>Article 23 [Expropriation Law]: " The owner and/or the rightful owner has the right to compensation for actual damages commencing from the last date of declaration of expropriation (cut-off date) for which they are entitled to fair and just compensation.</p> <p>Resettlement practice:</p> <ul style="list-style-type: none"> - No compensation for losing productive land located in the public land. - Those who become landless by the project will receive a plot of residential land (7m by 15m = 105m²) in the village or village nearby or at relocation site with provision of access road, intra 	<p>Financial assistance to all project affected persons to achieve the policy objective (to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher)</p> <p>Vulnerable and Indigenous PAPs will receive special assistance.</p> <p>Entitlement Matrix is proposed as a gap filling measure taking into account OP 4.12 Policy Procedures</p>

		road network, water and electricity network (if locally available), and individual household latrine. Special assistance to vulnerable PAPs	
<i>1.3. Compensation for illegal structures</i>	<i>Compensation at full cost for all structures regardless of legal status of the PAP's land and structure.</i>	The RGC will not spend national budget to make payments for structures or other items located on the RGC claimed rights of way, i.e. ROW for roads and railroads. (MEF Decision No. 961) However in real resettlement practice the RGC agreed to provide compensation for such illegal structures at replacement cost without deduction or depreciation of salvage materials plus transport allowance	Compensation at full replacement cost will be given for all structures affected, regardless of legal status of the land and structure. Entitlement Matrix is proposed as a gap filling measure taking into account OP 4.12 Policy Procedures
2. Compensation			
<i>2.1. Methods for determining compensation rates</i>	<i>Compensation for lost land and other assets should be paid at full replacement costs,</i>	Article 22 [Expropriation Law]: "Financial compensation given to the property owner and/or rightful owner shall be based on a market price or replacement price on the date of declaration of the expropriation. The market price or the replacement price shall be determined by an independent committee or agent selected by the Expropriation Committee."	Independent appraiser conducts replacement cost study for all types of assets affected in order to establish compensation rate, which are appraised by IRC/GDR to ensure full replacement costs. Entitlement Matrix is proposed as a gap filling measure taking into account OP 4.12 Policy Procedures
<i>2.2. Compensation for loss of income sources or means of livelihood</i>	<i>Loss of income sources should be compensated (whether or not the affected persons must move to another location)</i>	Article 29 [Expropriation Law]: - A lessee who is holding a proper lease agreement is entitled to compensation for disruptions arising from dismantling equipment and transporting it to a relocation site. - The immovable property's lessee who is operating a business shall have access to compensation for effects on the business and to just and fair additional compensation for the capital actually invested for the business operation. The compensation shall commence from the date of the declaration on an expropriation project.	Income lost due to business disruption will be calculated prior to disruption/relocation and paid to all categories of affected people (including informal vendors and squatters). Entitlement Matrix is proposed as a gap filling measure taking into account OP 4.12 Policy Procedures

		<p>- For the expropriation of a location where a business is in operation, the owner is entitled to support of additional compensation at a fair and just rate for the cost of the property that is actually affected, commencing from the date of the declaration of the expropriation.</p> <p>In resettlement practice owners of relocating shop will receive one-time cash assistance and renter will receive i) transport allowance, ii) disruption allowance, and iii) rental allowance.</p>	
2.4. Livelihood restoration and assistance	<i>Provision of livelihood restoration and assistance to achieve the policy objectives.</i>	The government has no clear policy in this regard. However, income restoration program is provided under the multilateral funded projects. TOR is included in RAP and contracted agency is carried out the IRP under supervision of IRC	<p>Income restoration programs will be implemented in the unlikely event of physical displacement and severely PAP.</p> <p>Entitlement Matrix is proposed as a gap filling measure taking into account OP 4.12 Policy Procedures</p>
2.5. Consultation and disclosure	<i>Participation in planning and implementation, specially confirming the eligibility criteria for compensation and assistance, and access to Grievances Redress Mechanisms</i>	Article 16 of Expropriation Law: In conducting this survey, the Expropriation Committee shall arrange a public consultation with the authorities at capital, provincial, municipal, district, khan levels, and with the commune and Sangkat councils and village representatives or the communities affected by the expropriation in order to give them clear and specific information and to have opinions from all concerned parties about the proposal for a public physical infrastructure project.	<p>Extensive consultation and participation will be conducted at every stage of RAP planning and implementation.</p> <p>Entitlement Matrix is proposed as a gap filling measure taking into account OP 4.12 Policy Procedures</p>
3. Grievance redress mechanism			
<i>Procedures for recording and processing grievances</i>	<i>Grievance redress mechanism should be under Government Officials Responsibilities for handling grievances with clear procedures for recording and processing grievances</i>	<p>Grievance redress mechanism is stated in the Expropriation Law but it has provision to exclude public infrastructure projects</p> <p>In resettlement practice every project that involve involuntary resettlement Grievance Redress Committee is established from commune to provincial level</p>	<p>Grievance Redress Committee will be established in every province where target areas are located in by following the guidance of the RPF</p> <p>Entitlement Matrix is proposed as a gap filling measure taking into account OP 4.12 Policy Procedures</p>

4. Monitoring & Evaluation			
	<i>Internal and external independent monitoring are required</i>	Not addressed	Both internal and external (independent) monitoring is required. Monitoring indicators will be developed and end-of-project report will be done to confirm whether the objectives of OP 4.12 were achieved.

2. POLICY FRAMEWORK FOR LAND ACQUISITION AND COMPENSATION

3.1 Objectives and Principles

38. Previous and similar projects carried out by the MIH and MPWT indicated no land acquisition may be required as all water supply and sanitation facilities were constructed on land owned by MIH/MPWT or other publicly owned land. This RPF, therefore, has been prepared, as part of the Environmental and Social Management Framework (ESMF) for the WaSSIP, to provide guidance to MIH and MPWT for decision-making in situations where the proposed target areas may require the use of land on a temporary or permanent basis and on voluntary land donation or involuntary land acquisition required for construction of water supply facilities within the target areas. It also applicable for land that had already been acquired prior to Bank-financing for sites supported by the Project. Accordingly, the RPF has been prepared to set out the policies and procedures for preventing or mitigating adverse impacts related to involuntary land acquisition and resettlement as a result of a proposed water supply facility construction. This RPF also sets the process that needs to be duly implemented regarding voluntary land donation.

39. The purpose of the RPF is to ensure that all people affected by the project are able to maintain or improve their pre-project living standards. The objective of the RPF is to avoid or minimize involuntary resettlement and to provide a framework for assessing concerns of PAP and PAH who may be subjected to loss of land, assets, livelihoods and living standards because of the proposed water supply construction project activities.

40. The Bank *Involuntary Resettlement* (OP/BP 4.12) policy is triggered when two related processes occur. In the first instance, a development project may cause people to lose land, other assets, or access to resources which may cause disruption to, or loss of, livelihood (i.e., property and assets), well-being and/or other entitlements. In the second instance, if relocation and resettlement is warranted. The policy ensures that those who are affected by the development project will be compensated and their livelihood and living standard will be improved or at least restored to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.

41. The RPF details the instruments and plans, actions, and measures to be taken during initial stages of project construction design and prior to feasibility and subsequent implementation. The RPF establishes guidelines for determining land loss eligibility and includes a description of what a voluntary land contribution might entail. However, as the Project is in the planning stages and a definitive decision has not been made by the MIH and MPWT and the Bank on exact location for new water supply treatment plant, the RPF does not have comprehensive baseline information to define detailed compensation packages. These determinations can be completed at the Abbreviated Resettlement Action Plan (ARAP) or Resettlement Action Plan (RAP) stage of project implementation when more comprehensive and up-to-date site-specific project information is available.

42. The RPF will be considered applicable if the constructions of target areas affect households and household livelihoods which may be displaced, even on a temporary basis. Situations which may be subjected to land acquisition or relocation of PAP and PAH involve physical works, such as construction of new water treatment plant, the installation of pumping stations, or the laying of water supply or sanitation pipes which disrupt commercial or other activities. In these situations, social screening will help decision-makers determine the safeguards measures for avoiding or mitigating adverse effects.

43. Following the existing Cambodia laws and regulations, most aspects of the WB *Involuntary Resettlement* (OP/BP 4.12) are adequately addressed in Cambodian law, particularly the Law on Expropriation. The overarching objective of the Project in relation to land and asset acquisition is to assist the PAP in restoring their livelihoods at least to the level equal to their pre-project level. Specific principles that apply for WaSSIP include:

- (i) Construction of new water treatment plant and installation of water supply pipes are to avoid acquisition of privately owned land and relocation of peoples including indigenous population;

- (ii) Ensure design standards minimize the need to impose land use restrictions on adjoining areas;
- (iii) Develop fair and transparent procedures, as defined in the Entitlement Matrix of this RPF to determine compensation for (i) temporary loss of land and/or assets during construction; (ii) permanent acquisition of land and/or assets; and (iii) restrictions on use of land;
- (iv) Acquire land (or right to use land) through negotiated agreements and with the use of the power of eminent domain only as a last resort;
- (v) Upon completion of construction, restore land as best as possible to its original condition in the event of temporary disruption so as to enable landowners/users/lessees to resume their pre-project activities;
- (vi) Keep PAP and PAH, and communities fully informed about the construction activities under the project, the process that will be followed to acquire and compensate for land, and their related rights and avenues for redress;
- (vii) Ensure that aggrieved PAP and PAH will have access to grievance redress and recourse options and that solutions are in line with principles stipulated in this RPF and, importantly, are employed;
- (viii) All PAP and PAH, without regard to legal status of property, will receive support of various kinds, as per the principles set out in the Entitlement Matrix, to assist them in their efforts to maintain their livelihoods and well-being prevailing prior to the WaSSIP Project. Squatters will not be compensated for loss of land but will receive compensation for loss of other assets which had been established prior to the cut-off date, and for loss of income such that they are assisted in their efforts to maintain their livelihoods and well-being. Detailed measures to be implemented will be determined based on census and baseline socio-economic survey conducted when the ARAP/RAP is developed;
- (ix) PAP and PAH will be notified of the project implementation schedule and consulted regarding the principles of land acquisition and loss of or damage to assets; and
- (x) Damages to assets, such as standing crops, trees, fences and kiosks, and loss of income (including loss of harvest) will be minimized, if inevitable, it will be compensated without regard to legal status of ownership according to the Entitlement Matrix illustrated in Table 2.

3.2 Categories of Displaced Persons

44. The water supply construction activities may have both positive and negative impacts on people but vary degrees depending upon the circumstances. It is reasonable to assume that while the proposed target areas will have positive impacts on a large majority of the population, only a limited number of persons are likely to be negatively impacted by certain activities related to proposed construction activities. The issue of concern here is to provide an estimation of the latter and the likely categories of displaced persons. However, the fact that the target areas for construction of new water treatment plant is currently unknown makes it very difficult to provide a reasonable estimate of such persons or, who would be directly or indirectly affected for inclusion in the RPF. However, PAPs can be categorized into three types and will be entitled to receive compensation based on type of assets affected and scope. The three categories of PAPs and his/her entitlements include:

- a) **Legal owner.** If a person or household, who is a legal owner of land (with land title) as defined under the Land Law, loses fixed assets or access to agricultural land in the planned WaSSIP area, he/she is entitled to receive compensation for land and assets. All PAPs are identified in the Project impacted areas as of the date of the Detailed Measurement Surveys. They are entitled with rehabilitation measures sufficient to assist them to improve or at least maintain their pre-project living standards, income earning capacity and production levels.

b) **Recognizable owner.** Refer to a person or household who has no land title but he/she is legitimate as owner, collective or co-owner, and customary land right under the Land Law. A person falling under this category will be entitled to the same as a legal owner.

c) **Unrecognized/unauthorized user.** Refers to a person or household who are using or residing on public land or other land that is prohibited under the Land Law. A person falling under this category will not be entitled for land compensation. However, he/she will be entitled for compensation, at replacement cost, for fixed assets he/she owned, apart of land. He/she may request for proof of ownership of the non-land affected assets. Additionally, he/she will also be entitled for livelihood restoration and/or special assistance if he/she is severely affected and/or fall under the special consideration (the vulnerable group).

3.3 Eligibility Criteria

45. All PAP and PAH comprises different populations, including ethnic minorities and vulnerable groups, will be provided with compensation and/or assistance if: (i) their land area is reduced more than 5% percent of their total properties; (ii) income source is adversely affected; (iii) houses partially or fully demolished; and (iv) other assets (i.e., crops, trees, and facilities) or access to these properties will be reduced or damaged due to land acquisition. Lack of legal documents of their customary rights or occupancy certificates will not affect their eligibility for compensation.

46. Two forms of acquisition of land will be considered eligible under the Project including:

- **Voluntary Land Donation:** will be accepted as long as the free, prior, and informed consultation process is followed and adhered to the voluntary land donation framework. As such, PAP and PAH or indigenous community have the right to make a contribution of land or other assets of their own volition without seeking or being given any form of compensation. These situations can be justified because the construction of water supply facilities and sewer network will increase the value of PAP and PAH remaining property or provide some other direct, indirect or induced effects.
- **Involuntary Land acquisition and resettlement:** as mentioned above persons (i) whose private-own land is affected/acquired by the project (ii) income source is adversely affected; (iii) houses partially or fully demolished; and (iv) other assets (i.e., crops, trees, and facilities) or access to these properties will be reduced or damaged due to land acquisition will receive compensation at replacement cost and/or other assistance. Eligibility criteria and entitlement will be updated in ARAP/RAP.

47. This RPF will apply to all proposed construction works and other related activities under the WaSSIP funded by the World Bank. The policy applies to all PAP regardless of the number or the severity of the induced impact. As mentioned, particular attention is to be given to the needs of different populations, including ethnic minorities and vulnerable groups.

3.4 Entitlements' Matrix

48. The Entitlement Matrix (Table 2 below) is developed as the gap filling measures for the WaSSIP summarized different types of impacts, which APs are eligible and their entitlements for compensation; and, provides guidance on implementation issues.

Table 2: Entitlement Matrix for Involuntary Resettlement

C A T	Type of Loss	Application	Category of AH	Entitlements	Clarification
Loss of Land					
1a	Loss of Land	Agricultural, residential and commercial land	Legal owners and holders of real right of land, including those covered by customary rights	<ul style="list-style-type: none"> • Cash compensation for land at full replacement cost or land swap of equal productive value. • Provision of stamp duties, land registration fees and other similar taxes, if applicable, for acquiring legal rights in case of replacement land (land for land swap) • Includes option of compensation at same replacement cost for affected land that remain after acquisition if remaining land becomes unviable or unusable. • 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. 	<p>If land for land is offered, title will go to both husband and wife.</p> <p>Applies to only partial loss of land</p>
Loss of Use of Land					

C A T	Type of Loss	Application	Category of AH	Entitlements	Clarification
2a	Loss of Crops and Fruit Trees	Agricultural land	<p>All AHs who are engaged in farming (including Tenants and Leaseholders)</p> <p>Illegal occupiers/squatters without legal titles or rights to land)</p>	<ul style="list-style-type: none"> For rice/crop farming: Net annual income X 1 year <p>In addition, AHs can harvest and retain income from standing crop.</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>RCS will determine the amounts</p> <p>Market Price is based on Farm-Gate Price</p>
				<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 	<p>Full Price is amount calculated from the formula shown in [] without cost of seedling</p>

C A T	Type of Loss	Application	Category of AH	Entitlements	Clarification
2b	Loss of Business	Commercial land and businesses	<p>All AHs who are engaged in businesses (including Tenants and Leaseholders)</p> <p>Illegal occupiers/squatters without legal titles or rights to land)</p>	<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>
Loss of Houses and Structures					

C A T	Type of Loss	Application	Category of AH	Entitlements	Clarification
3a	Loss of Houses and Structures	Residential, commercial structures and other assets	<p>Owners of houses, buildings and structures (including Tenants and Leaseholders</p> <p>Illegal occupiers/squatters without legal titles or rights to land)</p>	<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 case of loss of only part of the houses/buildings/structure and the remaining portion is not livable or useable, 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 	RCS will determine the replacement cost

C A T	Type of Loss	Application	Category of AH	Entitlements	Clarification
3b	Loss of Houses and Structures	Residential, commercial structures and other assets	Tenants and Leaseholders (including Tenants and Leaseholders Illegal occupiers/squatters without legal titles or rights to land)	<ul style="list-style-type: none"> • Cash compensation at replacement cost for any improvements or construction by the tenants or leaseholders • In case of no improvements or construction, no compensation is paid. • Transfer/Disturbance Allowance equivalent to 1month of rental or lease amount 	RCS will determine replacement cost Documentary evidence is required
3c	Loss of Houses and Structures	Residential, commercial structures and other assets	Illegal occupiers/squatters	<ul style="list-style-type: none"> • Cash compensation equivalent to replacement value of loss of structures constructed by illegal occupier/squatters 	RCS will determine replacement value
3d	Loss of Houses and Structures (Transport Allowance)	Transport allowance for household and personal goods	Ahs (including Tenants and Leaseholders Illegal occupiers/squatters without legal titles or rights to land)	<ul style="list-style-type: none"> • Fixed Lump Sum allowance per AH based on average cost of transportation to new relocation place. • Up to 5 km • More than 5 km 	RCS will determine the lump sum amount for the 2 rates
Loss of Income and Livelihood					

C A T	Type of Loss	Application	Category of AH	Entitlements	Clarification
4a	Loss of Income during Transition Period- Subsistence Allowance	Loss of Income	AHs who lose income during the transition period. (including Tenants and Leaseholders Illegal occupiers/squatters without legal titles or rights to land)	<ul style="list-style-type: none"> Lump sum amount equivalent to 3 months of income based on the official monthly poverty rate established by RGC. Monthly Poverty Rate X Number of Members in AH X 3 In case AH is classified as poor vulnerable group, the above lump sum amount is doubled. 	Monthly Poverty Rate as established by the RGC
4b	Permanent Loss of Livelihood Source due to Physical Relocation OR where remaining portion of land acquired is no longer viable	Income Restoration	AHs who lose their source of livelihood permanently (including Tenants and Leaseholders Illegal occupiers/squatters without legal titles or rights to land)	<ul style="list-style-type: none"> Entitled to participate in any one of the 3Livelihood 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 program. OR 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. 	<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>Can be provided for the AHs who may opt for this.</p> <p>AHs will only be eligible for any one of the above three options</p>

C A T	Type of Loss	Application	Category of AH	Entitlements	Clarification
				<p>OR</p> <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. 	
				<ul style="list-style-type: none"> • For Poor and Vulnerable AHs. In addition to skills training, (i) lump sum cash grant will be doubled; and (ii) priority in any employment opportunity under the Project 	<p>Classification will be carried out during the DMS and in accordance with the established criteria prescribed in Section IV.D SOP</p>

3.5 Assets Valuation Methods

49. Replacement cost study (RCS) is the basic document detailing methodology for calculating unit cost for compensation of all kind of affected assets i.e. land, main structure, secondary structures, scope and trees and other rehabilitation assistance. RCS will be conducted by an independent expert who is knowledgeable about the construction material price and property valuation. Bill of Quantity Method is normally used to derive unit cost of every affected structure.

50. Some relevant terms which will help the reader to assess entitlement and compensation for eligible PAP and PAH include:

- **Replacement Cost Study (RCS).** The main objective of the RCS is to determine the rate of land prices based on actual transaction records of the affected areas, of affected main and secondary³ structures, and of fruit trees, trees and crops. Based on the results of RCS, the PAH will receive compensation at replacement cost (reflecting market price) from RGC for their loss of land and property due to the Project. The RCS will be implemented during the DMS;
- **Unit Costs for Lands.** The affected private lands were divided into four main categories: (1) rice field, (2) orchard, (3) residential land, and (4) commercial lands. The way to obtain data on market rates is to gather data on recent land sales, however sale cost recording could not be found at/around the Project area. Therefore, data of recent sales will be collected by direct interviews with (i) land owners at/around the Project area who are both PAHs and non-PAHs, and (ii) local authorities at/around the project area. Per results of the RCS, the unit costs of land covered with recognized proofs of ownership, structures, crops, perennials, and timber trees in districts and communes traversed by the project road are provided;
- **Unit Costs for Structures.** The houses/structures affected by the project have been categorized into two main groups – house/dwelling and other structures. The methodology employed for costing house/structures were composed of quantity survey and detailed measurement of the component parts of each structure. Labour costs were also assessed at market prices for the structure as a whole based on the information provided by local building contractors on regional basis. Other structures such as wells and fences, and cultural assets such as stupa (Chedey), have to be compensated at their market price, and the results of the specific rates of structures are provided; and
- **Unit Costs of Crops and Trees.** The data will be collected through interviews on the income at which owners/cultivators of crops and trees at the project area. The market rates of crops and trees have been calculated based on the yield and the period of maturity of trees and crops as determined from interviews with farmers. The formula used for fruit trees is as follows:

Fruit Trees = ((quantity of harvested per year x market price) x (number of years it will mature)) + cost of seedling

Perennial trees that have a growth period of more than five (5) years have been classified as follows:

- Sapling tree under 1 year will not be compensated as it can be replanted;
- Young tree (1-3 years): will be valued at one-third (1/3) of its full price because it can be replanted;
- Young tree (3-5 years), bearing some fruit will be valued at two-thirds (2/3) of its full price; and Mature tree (more than five years) fully bearing fruit will be compensated at full price.

³ This includes fences, wells, pig pens, toilets, kitchens, etc.

3.6 Special Considerations

51. **Vulnerability and gender:** WaSSIP recognizes that certain social groups including indigenous peoples may be less able to restore their living conditions, livelihoods and income levels and has incorporated these concerns into the preparation and implementation of project activities through an adoption of participatory planning and decision making process.

52. During implementation, the Project will give special attention to women and female households as beneficiaries of the project investment i.e. employment in construction work. Equal participation of women in the whole cycle of the project activities will be provided to increase likelihood of the project sustainability. Active participation of women and indigenous groups will be ensured during the development of appropriate measures to be responsive to specific needs or concerns of these groups such as landless, poor, and households headed by women, disabled, elderly or children without means of support. A gender strategy and indigenous groups specific actions will be developed and included in ARAP/RAP.

3.7 Gender Strategy

53. The following principles are adopted to engage women actively in the planning and implementation of the resettlement program as well as other programs. Compensation payments will be signed off by both spouses, or in the case of female-headed households, by the women. The civil works contracts will include employment targets for the poor, and women from the Project affected villages and local area. They will also include commitments to gender equity including: i) ensuring that no child labor or trafficked labor will be used; ii) no discrimination against the employment of qualified women; and iii) no differential wages paid to men and women for work of equal value.

54. Special measures will be taken in disseminating information to and consulting with women to ensure that they understand clearly the policies, entitlements and other procedures of the resettlement program, and are able to make informed decisions. The resettlement information system for the project will ensure that all databases and monitoring indicators are disaggregated by gender.

55. The CMUs will provide training for all resettlement committees to build capacity in resettlement administration and to enhance gender sensitivity in resettlement management.

56. See Annex 1A for Gender Action Planning Matrix.

3. RESETTLEMENT PROCESS AND APPROVAL

4.1 Safeguard Screening

57. Once the specific subprojects locations are identified social screening will be conducted by SSFP of MIH and MPWT in order to identify if lands and/or assets are voluntarily donated, relocated or involuntarily resettled, and/or other issues associated with proposed water supply construction activities in their respective footprint. As results, ARAPs or RAPs will be prepared for target areas with potential adverse involuntary resettlement impacts either temporarily or permanently. Apart from ARAP/RAP, Due Diligent Report (DDR) will be prepared for the target areas without involuntary resettlement impact and/or where lands are voluntarily donated by community or people. For optimum planning, screening should take place during the initial stages of the RPF process so that the SSFP is well informed to develop either ARAP/RAP or DDR for voluntary land donation for the respective target areas.

4.2 Preparation and approval of ARAP/RAP

58. The CMU-1 and CMU-2 in association with GDR of the MEF (secretariat of the Inter-Ministerial Resettlement Committee) provide the general direction for planning the relocation and involuntary acquisition process, ensures coordination between various stakeholders concerned with the WaSSIP including those directly connected with relocation and monitoring implementation. Prior to commencement of water supply facilities construction, stakeholders from the target areas where there is potential resettlement impact will be consulted to establish planning principles and work arrangements aimed at identifying and mitigating adverse social impacts induced by the construction activities. The ARAP/RAP will obtain information through baseline surveys, valuation of properties, and a determination regarding compensation, whether in the context of temporary or permanent relocation and compensation or in the context of mitigating other project related social impacts.

59. The ARAP/RAP preparation must include the following precepts for PAP and PAH so that they are:

- Informed about their options and rights pertaining to relocation and compensation;
- Consulted on, offered choices among, and provided with technically and economically feasible relocation and/or compensation alternatives; and
- Provided prompt and effective compensation at full replacement cost for losses of assets and access which are attributable to the Project.

60. Adequate public consultation and participation are mandatory requirements of the ARAP/RAP process. In addition, PAP and PAH must be made aware of:

- Their options and rights pertaining to land donation, relocation and/or compensation;
- Specific technically and economically feasible options and alternatives for relocation or resettlement sites;
- Process of and proposed dates for relocation, resettlement and/or compensation;
- Effective compensation rates at full replacement costs for loss of assets and services; and
- Proposed measures and costs to maintain or improve their standards of living and livelihood.

61. The ARAP/RAP requires site-specific comprehensive information to identify the following parameters:

- Persons who will be affected (positively and adversely) by the water supply construction activities;
- Persons eligible for compensation and/or assistance; and
- Type of land donation, if any, and/or assistance required.

62. Following completion, the ARAP/RAP will be submitted to IRC/GDR for review and approval prior to submitting to the World Bank.

63. The ARAP includes the following information:

- i. Legal and Policy Framework for LAR;
- ii. Policy Framework of the ARAP
- iii. Census and Sample Socioeconomic Information
- iv. Compensation, Income Restoration, and Relocation
- v. Consultation, Participation, and Disclosure
- vi. Grievance Redress Mechanisms
- vii. Institutional Arrangements and Implementation
- viii. Budget and Budget Disbursements
- ix. Monitoring and Reporting

64. A target areas that affects more than 200 people in terms of loss of assets and livelihoods requires a RAP to be conducted. Typically, the RAP would include the following:

- i. Project Description
- ii. Legal Framework
- iii. Scope of Land Acquisition and Resettlement
- iv. Socioeconomic Information and Profile
- v. Information Disclosure, Consultation, and Participation
- vi. Grievance Redress Mechanisms
- vii. Entitlements, Assistance and Benefits
- viii. Relocation
- ix. Resettlement Budget and Financing Plan
- x. Institutional Arrangements
- xi. Implementation Schedule
- xii. Monitoring and Reporting

65. Annex 2 provides Resettlement Plan formats including annotated ARAP and RAP documents. ARAP/RAP will be prepared by MIH/MPWT 's social safeguard focal persons with assistance from social safeguard consultant and submit to IRC/GDR for review and approval prior to further submitting to the World Bank.

66. It is recommended that ARAP/RAP will be prepared on zone or work package basis where works are expected to take place. This will allow better implementation and monitoring of ARAP/RAP.

4. ORGANIZATIONAL PROCEDURES FOR RESETTLEMENT

67. **Ministry of Industry and Handicraft (MIH) and Ministry of Public Works and Transport (MPWT):** It is proposed that the RPF implementation will be a built-in to the existing institutional arrangement of the Project, no separate organizational structure will be specifically set up for the RPF implementation. The project will be implemented at the national, provincial and district levels over a period of five years (2019 to 2023). The MIH and MPWT will assume overall responsibility for implementation of the Project, including procurement, disbursement and financial management for their respective component. MIH and MPWT established Component Management Units (CMUs) to manage the entire project. A Project Coordination Unit (PCU) will be also established, and will be led by a Project Coordinator nominated from the MPWT.

68. **Component Management Units:** The MIH and the MPWT will establish Component Management Unit 1 (CMU-1) for Component 1 and Component Management Unit 2 (CMU-2) for Component 2 respectively. The CMU-1 and CMU-2 will, for their respective component, lead day-to-day project implementation, undertake fiduciary responsibility such as financial management and procurement, monitor project progress and conduct M&E, ensure compliance to project social and environmental safeguards, prepare project reports, oversee civil works, coordinate and collect inputs from relevant ministries related to their project component.

69. **Two Social Safeguard Focal Persons** were appointed by MIH and MPWT to be in charge of safeguard compliance as per approved RPF and possible RAP. With support from one social safeguards consultant, who will be recruited to support both components, the safeguard focal persons will be responsible for (a) implementing activities as per RPF; (b) Conducting public consultative meeting and social assessment in order to identify needs for each specific subproject site, any potential adverse impact as result of site specific subproject's implementation, and possible project intervention; (c) Preparing minute of the meeting detailing information dissemination, discussed issues, concern raised by PAP and possible project intervention; and (d) conducting consultations and updated social assessment and reporting. The outcome shall be summarized in a report and submitted to the CMUs, which will compile the report and submit to the Bank.

70. **Social Safeguards Consultants:** will advise the social safeguards focal persons and assist in documenting compliance with the requirements of this framework, including the preparation of resettlement plans and the necessary monitoring reports.

71. **Provincial Department of Public Works and Transport, Provincial Department of Industry and Handicraft, and Provincial Waterworks,** which are sub-national level offices of MPWT and MIH, are liaisons between MPWT/MIH and local community/authority.

72. **Inter-Ministerial Resettlement Committee (IRC) and the General Department of Resettlement (GDR).** The IRC mechanism was established, by the Prime Minister's Decision No. 13 dated 18 March 1997, updated on 16 February 1999 by the Decision No. 98; and Decision dated 3 December 2010, with 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, by virtue of the Prime Minister's Decision, exercises the authority of the Expropriation Committee under the Expropriation Law and is a collective entity, permanently chaired and led by the MEF, and with members from different line ministries. The IRC carries out its role and responsibilities through the IRC-WG which is established for each public investment project by MEF. The powers of the IRC are delegated to its permanent Chairman. The key responsibilities of IRC include:

- Provide effective oversight and ensure LAR complies with the laws and implementing rules and regulations.
- Ensure effective coordination between Line Ministries, Provincial/Local Authorities and GDR-MEF in carrying out LAR.
- Provide overall guidance on implementing rules and regulations for LAR and propose updates; as necessary.
- Initiate the establishment of Provincial Grievance Redress Committee (PGRC).

- Approve Basic Resettlement Plans (BRP), Resettlement Framework (RF), Detailed Resettlement Plans (DRP) and Updated Detailed Resettlement Plan (UDRP).

73. The GDR is the Permanent Secretariat of the IRC and the lead agency for LAR for public investment projects. It is responsible for the preparation, implementation, monitoring and reporting of resettlement plans in accordance with the laws and implementing rules and regulations related to LAR and the mandatory requirements of the safeguard policies of the DPs. It is also responsible for the formulation of new regulations or updating of the SOP and is vested with the authority to interpret and clarify provisions of the SOP which shall be final. The key responsibilities include:

- Coordinate and collaborate with line ministries, EAs/IAs and other agencies involved in LAR activities.
- Act as focal RGC counterpart for all LAR activities for cooperation with DPs.
- Guide the EAs/IAs and /or the project preparation consultants in carrying out the sample socio-economic surveys (SES) and in the preparation of the RF or the BRP during project feasibility.
- Review and endorse the draft BRP or RF prepared by the EAs/IAs during the project preparation phase for approval by IRC.
- Review and endorse all issues related to LAR contained in Aide Memoires (AM), Memorandum of Understandings (MOU) and Minutes of Discussions (MOD) prepared by DPs during the project preparation, loan processing and loan approval stage.
- Review and endorse covenants related to LAR in draft financing agreements and participate in their negotiations, as necessary.
- Conduct consultation with affected households and local authorities during the preparation of the DRP.
- Prepare the DRP based on detailed measurement survey (DMS).
- Update the DRP as and when necessary.
- Prepare and secure the necessary budget for the implementation of DRP.
- Implement all LAR activities in compliance with the DRP or UDRP.
- Calculate, prepare contracts and make payments for compensation for each affected household based on the entitlement matrix in the DRP or UDRP.
- Ensure proper functioning of the Grievance Redress Mechanism (GRM).
- Supervise, monitor, and report on implementation progress of the DRP or UDRP.
- Conduct awareness workshops for line ministries and local authorities on the implementing rules and regulations as specified in the SOP for LAR and related guidelines prepared by GDR from time to time.
- Serve as the focal knowledge center for LAR.

74. **Provincial Resettlement Sub-Committee.** The Provincial Resettlement Sub-Committee (PRSC) is a collegial body set up at the provincial level. Headed by the Provincial Governor or Provincial Vice-Governor, its members are provincial department directors of line ministries represented in IRC, and also the chiefs of the districts and communes within the Project affected areas.

75. The technical arm of PRSC is PRSC-WG, which is headed by a representative of the relevant Provincial Hall. The regular members of PRSC-WG come from the Provincial Government, the Provincial Department of Economy and Finance (PDEF). In an effort to make the whole process of resettlement effective, participatory and transparent, the chiefs of the affected communes and villages in project affected communes will have a seat and be actively involved in the PRSC-WG to tackle matters concerning their respective areas of jurisdiction.

76. PRSC, through PRSC-WG, will have the following functions:

- (i) Facilitate a sustained public information campaign, ensuring that the public, especially the PAHs, are updated on any development regarding the Project and resettlement activities;
- (ii) Cooperate with IRC-WG in conducting the implementation of RP and assist with public consultation and information disclosure meeting(s);
- (iii) Manage the delivery of compensation and other entitlements to the PAHs;
- (iv) Receive and act on the complaints and grievances of PAHs in accordance with the Project resettlement policy; and

- (v) Maintain a record of all public meetings, grievances, and actions taken to address complaints and grievances.

77. **Implementation Arrangements.** Institutional arrangements for implementation will follow Project Implementation Arrangements. MIH and MPWT will jointly work closely with the GDR/IRC. Its tasks include the following:

- a) Screening sub-projects and determination of sub-project resettlement impact categorization;
- b) Guide, support and oversee the work of the PRSC-WG and other stakeholders for activities related to planning, implementation and monitoring of plans and activities for voluntary and involuntary land acquisition;
- c) Prepare RPF-RP for the project with resettlement impacts and submit to GDR/IRC for endorsement;
- d) Coordinate with IRC and PRSC for conducting the DMS, implementing public consultations, development of resettlement sites and other resettlement activities required to implement the approved RF;
- e) Carry out the process of voluntary donation with proper documentation; and

Coordinate internal monitoring activities including development of monitoring indicators, procedures and reporting.

5. LINKING RESETTLEMENT TO CIVIL WORKS

78. As mentioned, the WaSSIP is not expected to require major physical relocation resulted from construction of water supply facilities and sewer networks as all the water supply laying works and construction of sewer networks will be located along the existing roads. There is the possibility that these works might disrupt commercial, and that larger investments in Water Treatments Plants would require private land acquisition. Some unexpected low-level impacts, including disruption of access (i.e., land and buildings) are highly likely. Such potential minor impact will be clearly determined after the location for new water treatment plant is selected and approved during the project appraisal stage and technical design and specification have been finalized.

79. Local communities and households may elect to make a voluntary contribution of affected land without compensation. This situation should only be acceptable when benefits to PAP can be assured. The process of consultation with potential contributors should be conducted in an open and transparent manner with decisions regarding voluntary contributions based on free, prior and informed consultation and unforced choice by affected people. Project authorities, SSFP, must document the consultation process and agreement as part of the project package.

80. All PAP and PAH, without regard to legal status of property, will receive support of various kinds, as per the principles set out in the Entitlement Matrix, to assist them in their efforts to maintain their livelihoods and living standards prevailing prior to the Project. Squatters will not be compensated for loss of land but will receive compensation for loss of other assets which had been established with their own finances, and for loss of income such that they are assisted in their efforts to maintain their livelihoods and well-being. Detailed measures to be implemented will be determined based on the census and socio-economic survey conducted when the ARAP/RAP is developed. Compensation will be paid at replacement cost/value to respective PAP at least 30 days prior to construction commencement so that PAP have sufficient time to remove or relocate their affected structure. Likewise, PAP will be notified 30 days prior to the date of construction commencement.

81. PAP and PAH will be notified of the project implementation schedule and consulted regarding the principles of land acquisition and loss of or damage to assets. Damages to assets, such as, land, structure, standing crops, trees, fences and kiosks, and loss of income, including loss of harvest recorded during with DMS will be further minimized during construction. Any unexpected social impacts occur during construction, including disruption, PAP and PAH will be assessed on scope of impact, and will be compensated at replacement cost without regard to legal status of ownership according to the Entitlement Matrix provided in this RPF.

82. If construction is delayed for more than 12 months from the date of conducting RCS and the market price is significantly inflated the unit cost for compensation will be updated by conducting updated RCS. Unit cost of all affected assets shall reflect the current market price.

5.1 Cut-off Dates of Eligibility

83. A household survey and census will be arranged as soon as the target areas are screened and adverse social impact is confirmed. PAP will be scheduled the date of public consultation in order to develop the inventory of project impacts on affected household and business. Census and inventory of asset loss shall be conducted immediately after the public consultation with PAP. This is to avoid any opportunists who have been aware of compensation policy. The cut-off date for eligibility shall be established on the date of public consultation and the notification letter for the "cut-off date" shall be drafted and post in the project areas.

84. The household survey including census, baseline socioeconomic survey will be used to record all loss of assets incurred as a result of installation of water supply pipes and construction of new water treatment plant. Those records will bind a legal instrument for each PAP and shall be signed by PAP, their neighbors and representatives of local government. The compensation eligible to each affected entity will be determined based on the legal instrument/record and the detailed methodology to calculate compensation will be articulated in the RAP.

5.2 ARAP/RAP Implementation Process

85. After request for ARAP/RAP implementation by MIH, IRC will mobilize its working group to work closely with PRSC-WG and if required the External Monitoring Agency (EMA) before commencement of any resettlement activities. Land acquisition and relocation of PAH will not commence until the detailed RAP has been reviewed and approved by both IRC and the Bank. Several steps are integral to the ARAP/RAP implementation process, including:

- (i) Detailed Measurement Survey (DMS) and Baseline Socioeconomic Survey (BSS): DMS and sample-based BSS will be conducted under management of the IRC-WG based on the approved detailed designed and as requested by MIH and MPWT. The surveys will be implemented by IRC-WG in close cooperation with PRSC-WG and relevant local authorities. Recently, IRC/GDR has outsourced BSS to consulting firm in order to fasten the data collection process that normally takes longer time. DMS will be binding legal document for compensation payment to PAP. Therefore, it is necessary to have it signed by PAP and chief of village and commune of their residency. For smaller impacts, this work will be conducted by the project social safeguards consultant working for MIH and MPWT.
- (ii) Replacement Cost Study (RCS): In parallel with the above surveys, the RCS will be conducted by an independent agency hired by IRC. The consultant team will conduct construction materials and other agricultural product market price in and nearby the project area. Land valuation is also part of the study based on selling and buying record. RCS will use the collected data for calculating current market price/value of all affected items identified by DMS and establish unit cost for compensation for each affected items. RCS report including proposed unit cost for compensation will be reviewed and approved by IRC. RCS is required to update if the compensation is not paid within 12 months from the date of conducting RCS or if the marketing price is significantly fluctuated during the course of implementing the ARAP/RAP.
- (iii) Preparation and approval of ARAP/RAP: Based on results of DMS, BSS and RCS, MIH will prepare the ARAP/RAP in compliance with the approved RPF and submit to IRC for review and approval prior to further submit to the World Bank for final approval. ARAP/RAP will be updated if RCS is updated or scope of the project is changed leading to change in scope of resettlement.
- (iv) Preparation and approval of resettlement budget: IRC/GDR will be responsible for preparing budget for compensation and other assistance based on the approved budget in the ARAP/RAP and submit to the government for approval and disbursement. Approval of budget is time-consuming. However, the government will make sure that budget for resettlement is made available before commencement of civil work and PAP give sufficient time (at least 30 days) for removal of their affected assets.
- (v) Contract sign and compensation payment: Once the budget is available, IRC-WG will go house-to-house to conduct contract sign for compensation payment. At this stage, it is important that IRC-WG confirm quantity of affected assets by items together with compensation amount. IRC-WG need to request budget for compensation and payment will be paid in the public place accessible to all PAP. For security reason, compensation amount to each PAP will not be publicly announced. However, independent agency or external monitoring agency will monitor the process and randomly select the PAP to verify their payment amount with the contract.
- (vi) Public Disclosure and Information Meeting: Series of public consultative meetings are conducted during the course of ARAP/RAP implementation (see Section 8 for details).

- (iii) Notification on Site Clearance: PAP who will be relocated shall be informed about the schedule for the project site clearance and start-up of the physical works. PAP will be given at least 30 days advance notice of the commencement of physical work. Letter of Notification for site clearance will be publicly posted in the commune council or head of village house, wherever easy access to PAP.

6. TRANSPARENCY AND GRIEVANCE MECHANISM

86. The displaced person may informally seek the assistance of the commune chief or a community elder to discuss and find an amicable solution to the grievance with the leader of the PRSC-WG. This is done verbally and a formal written complaint is not required (although the complaint and how it was resolved will be recorded as part of the monitoring process). The PRSC-WG will consult with the IRC-WG to ensure grievance is properly addressed. In the event that the grievance is not resolved to the satisfaction of the displaced person, he/she may seek the formal route for lodging the grievance as explained below:

First Step

87. The aggrieved displaced person can lodge a written complaint to the Head of the District Office. The displaced person 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. If the complaint is resolved at the District Level to the satisfaction of the displaced person, the IRC-WG will inform Department of Internal Monitoring and Data Management (DIMDM) which will review and seek the approval of the Director General (DG) of the GDR for appropriate action.

88. If the complaint is rejected at this stage and the displaced person is not satisfied with the result, he/she can proceed to the next step and lodge a written complaint to the GDR for resolution.

Second Step

89. The DIMDM under the GDR is responsible for recording and reviewing complaints and grievances. The DIMDM will record the compliance and check the merits of the claim within the framework of the agreed Entitlement Matrix. There is a possibility that a complaint refers to a particular entitlement which was not envisaged at the time of the preparation of the Entitlement Matrix and the aggrieved displaced person has a just cause to seek remedy.

90. The DIMDM will therefore carry out a holistic review and prepare and submit a report on its findings with the relevant recommendations, if any, to the DG of GDR for a decision. It may also conduct a field visit to meet the aggrieved displaced person and the IRC-WG and carry out the assessment of the complaint. The final report must be completed within 30 working days from the date of receipt of the complaint. The final decision will be made by the DG of GDR within 5 working days after receipt of the DIMDM report. In the event that the subject matter requires a policy level intervention, it will be referred to the IRC for a decision in which case 10 more working days will be added to the deadline for final decision.

91. The GDR will issue a written response and convey the decision to the aggrieved displaced person. If the complaint has been found to have merit, the DIMDM will inform the relevant Department of Resettlement in the GDR to settle the claim within 15 working days after the decision is made. In case the complaint is rejected at the second step, the displaced person will have the option to submit the complaint to the PGRC for its consideration.

92. The DIMDM will create a central database to record all the relevant details about the complaints; summary of the findings; and the decision taken. A summary report on the status of all complaints will be prepared quarterly and submitted to the IRC and the DP for information.

Third Step

93. This is a formal stage where the aggrieved displaced person can seek a final administrative decision by the PGRC. The displaced person will submit a written complaint with the PGRC through the Provincial Governor's Office. The displaced person 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 displaced person when reaching a decision. The GDR will send a representative, as a non-voting member, to provide explanation for the rejection of the complaint at the second step by the GDR. The decision of the PGRC must be reached on consensus basis and will be final and binding except when the matter relates to any

policy of RGC. Decisions on RGC 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.

94. The decision of the PGRC will be sent to the IRC through the GDR for endorsement before taking any remedial action is taken.

95. The handling of the complaint ends at the Third Step. There are no fees or charges levied on the displaced person for the lodgment and processing of the complaints under the First, Second and Third Steps.

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

7. RESETTLEMENT BUDGET AND COSTS

97. Budget for implementing RPF will be part of the Project budget. It uses to cover costs of project staff allowances and consultants to prepare compliance reports including supervising and monitoring reports, data collection, and preparation of ARAP/RAP etc. The estimated budget is included in the ESMF.

98. In case of ARAP/RAP preparation, each ARAP/RAP will include detailed cost of compensation and other rehabilitation entitlements as part of the process to compensate PAP and PAH. Arrangements will be made for PAP and PAH property and assets segregated on the basis of agricultural land, residential land, business land, houses, business assets and other holdings. The detailed budgetary estimates will make adequate provision for contingencies and the RAP will explicitly establish sources for all funds required. The RAP will ensure that fund flows are compatible with the timetable for payment of compensation and provision of all other assistance.

99. The budget for land acquisition and resettlement will cover land acquisition, relocation site development, compensation costs, allowances and administration costs, and contingency. Resettlement costs will be part of the Government's counterpart fund, not the Project. The RGC will ensure timely provision of counterpart funds for resettlement to meet any unforeseen obligations in excess of the resettlement budget estimates in order to satisfy resettlement requirements and objective.

8. PUBLIC CONSULTATION AND INFORMATION DISCLOSURE

8.1 World Bank Policy for Public Consultation and Information Disclosure

100. Public Consultation and Information Disclosure (The World Bank policy on access to information) defines the Bank's requirements for giving the public access to project information and documentation. It requires that during the planning and preparatory process, project beneficiaries and affected groups and local NGOs shall be consulted and the environment and social aspects of the project should be presented. The consultation should be an on-going process throughout the design and implementation of investments and must be compliant with all other applicable safeguard policies. The policy also requires that any relevant material such as the environmental assessment study, social assessments, resettlement action plan, etc. should be made accessible, in a timely manner and in a form language understandable to the groups being consulted.

8.2 Public Participation and Consultation

101. Participation is a process through which stakeholders influence and share control over development initiatives and the decisions and resources which affect them. The decision to participate is the start of the whole participatory process in the project cycle. The Bank's OP/BP4.12 and the Government Law on Expropriation and IRC's practical resettlement implementation procedure provide clear guidance and direction to project proponents in both the public and private sectors, on the need for public consultation and participation and underscore the importance of getting PAPs informed about the project and, more importantly, getting their actual and active involvement in the planning and implementation.

102. Participation is an active and continuous process of interaction among the key stakeholders, including the communities directly affected (whether positively or adversely), national agencies and line ministries, the project consultants, civil society and international donor agencies. Participation as a generic term usually encompasses two distinct dimensions: information exchange (i.e., dissemination and consultation) and varying forms of joint decision-making (i.e., collaboration or participation).

103. In the context of WaSSIP, under Component 1, extensive stakeholder consultations were carried out on August 27, 2018. One week prior to the consultation date, invitations were sent to stakeholders including representatives from provincial authority, the concerned provincial line departments, related commune offices. Community people including indigenous people in the project areas were also invited. Thus, RPF was developed based on outcomes of those consultations. See Annex 1C for Framework for Community Consultation and Participation Process and Annex 3A for the public consultation minutes.

104. For Component 2, two public consultations were conducted in four Sangkats in Siem Reap city, namely Sla Kram, Svay Dangkum, Kouk Chak and Sala Kamraek, on September 11-12, 2018. One week prior to the consultation date, invitations were sent to stakeholders including representatives from provincial authority, the concerned provincial line departments, related commune offices. Community people in the project areas were also invited. No major resettlement concerns were raised except the concerns around the likely impacts that the project may have on them during the construction. See Annex 3B for the public consultation minutes in Siem Reap City.

105. During implementation, PAP and communities will participate throughout the development and implementation process of involuntary land acquisition and voluntary land donation process. In case of involuntary resettlement PAP and PAH will be consulted by IRC-WG with cooperation from PRSC-WG using free, prior, and informed consultation approach. A following generic information will be informed to PAP during the consultative meeting:

- Project objective, scope, potential benefits and impacts;
- Objectives of WB-OP/BP4.12 and relevant government law and regulation, particularly Law on Expropriation;
- Process and schedule of resettlement implementation process
- Resettlement and compensation policy, eligibility and entitlements;
- Relocation and rehabilitation assistance
- Public information, public consultation and grievance redress procedures are followed as described

in the approved RAP

106. PAPs are involved in public consultation meetings in various stages of the process. Their resettlement impacts and concern are properly recorded during data collection process (DMS, BSS and public consultation and focus group discussion). All these issues and concern is well incorporated into ARAP/RAP for compensation and rehabilitation assistance. Vulnerable, female and indigenous groups will be consulted separately using focus group discussion method. Followings are series of consultative meeting practically conducted by the IRC-WG.

- (i) First consultative meeting will be conducted with PRSC and PRSC-WG at provincial hall as the kick-off meeting. The purpose of the meeting is to brief members of PRSC and its WG the project objective, resettlement implementation process and schedule, their role and responsibility and their allowances, and requesting their active participation.
- (ii) Second consultative meeting will be conducted with local community and PAP at school or pagoda or commune hall at the project area. The purpose of this meeting is to inform community and PAP about the project, its benefit and potential impact, resettlement and compensation policy and entitlements, resettlement implementation process, eligibility and cut-off-date, and schedule for DMS and BSS. PAP's head is requested to present at the affected house or asset for verification of impact and sign of DMS form. Notification of Cut-off-Date will be publicly posted at commune council or any place easily access to.
- (iii) Third consultative meeting will be conducted prior to contract sign. The purpose of this meeting is to inform them about the schedule for conducting contract sign (possibly village by village) and necessary legal document to present to the IRC-WG and possible schedule for compensation payment. Both PAP's head and spouse are requested to present at home during contract sign. They both must sign on the contract form.
- (iv) Fourth public consultative meeting will be conducted prior to compensation payment. The purpose of the meeting is to inform PAP about the schedule of compensation payment (village by village), venue for payment, and legal document to bring along as proof.

107. Local authority, head of village and commune chief are members of PRSC-WG and they are presented during public consultative meetings and have important role in identifying PAPs and certify on the DMS form. Representatives of PAPs are members of (i) community/village committee and (ii) grievance redress committee under the WaSSIP.

8.3 Disclosure

108. RPF document together with other project documents were uploaded into the MIH's and MPWT's website at www.mih.gov.kh/ and www.mpwt.gov.kh/ dated on October 1 and 4, 2018 respectively. The RPF and other safeguard documents were also disclosed on the Bank's InfoShop on October 4, 2018. The ARAP/RAP, if prepared, will be translated into local language (Khmer) and upload into project website if available, otherwise to MIH/MPWT website, and send a copy to keep in each commune council or to PAP, where there is involuntary resettlement.

9. MONITORING AND REPORTING

109. Implementation of the RPF at specific site will be regularly supervised and monitored by the respective SSFP responsible for implementation of the investment activities that involve land acquisition. The findings and recommendations will be recorded in the Project file for possible review by the Bank. The SSFP will supervise and monitor the process at least one time per year and include the results in the Project annual reports and to be furnished to the World Bank. The SSFP in close consultation with local governments and PAPs will establish a set of practical monitoring indicators.

110. In case ARAP/RAP is prepared and implemented, internal monitoring will be required. In addition, external monitoring will be also required if the number of displaced persons is more than 200 in order to ensure transparency and full compliance.

9.1 Internal Monitoring

111. The objective of internal monitoring is to (i) measure and report on the progress in the preparation and implementation of the RAP; (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 RAP.

112. The primary responsibility for gathering the data and information on the progress of the RAP from the field rests with IRC-WG and the PRSC-WG which will submit monthly reports to the responsible Resettlement Department. The Resettlement Department will compile the field reports and prepare a consolidated report for the Project on a monthly basis. The report will be submitted to the DIMDM which is responsible for internal monitoring. The responsibility of the DIMDM is to (i) review the monthly progress reports, including fielding its own missions to verify the progress and the validity of the data and information, if deemed necessary; and (ii) compile quarterly monitoring report for submission to the Director General of GDR. After the quarterly report is endorsed by the GDR, it will be submitted to the WB.

113. In cases where a serious problem is encountered at any time during the preparation or implementation of the RAP, the DIMDM will field a special mission to assess the situation and prepare a special report for remedial action and submit to the Director General of GDR for endorsement.

114. The contents, monitoring indicators and formats for progress reporting will be developed at the time of the preparation of the RAP.

9.2 External Monitoring

115. If the number of displaced persons exceeds 200, the GDR will recruit a qualified and experienced local external agency (a local firm or an individual) to verify the internal monitoring reports. The external monitoring agency is not a replacement for the internal monitoring arrangements and is not involved in day to day supervision of RAP activities. Its role is to verify the monitoring information and advise the GDR on any safeguard compliance issues. The external monitoring agency will normally carry out this role on a semi-annual basis. It will report on any significant compliance issues identified during the field review and recommend a corrective action plan to address the non-compliance issue. The report will be submitted to DIMDM for review before finalization and submission to the Director General of GDR. The need for an external monitoring agency will be determined by the GDR at the time of the approval of the ARAP. The terms of reference will be prepared by the GDR and the external monitoring agency will be recruited prior to the commencement of the implementation of the RAP.

116. The external monitor has the specific responsibility of studying and reporting on RAP implementation and on social and economic situations of PAH particularly relocated PAPs or disrupted by the construction works, including all households whose houses or shops and stalls are relocated. The external monitor also has the responsibility of reviewing potentials for job opportunities for PAH, including women and youth, which would be assisted by provincial authorities.

117. If required and needed based on the project impact, IRC will hire an External Monitoring Agency (EMA) to carry out external monitoring and post evaluation. The TOR for the engagement of the EMA will be prepared before procurement process. The external monitoring reports will be submitted to IRC on quarterly basis, and then IRC will forward to MIH/MPWT and to the World Bank. The post evaluation will be conducted within six-months after all resettlement activities are completed. The contents, monitoring indicators and formats for progress reporting will be developed at the time of the preparation of the RAP.

118. The Project will make all the resettlement progress reports available to the public access in local language by posting them in the Project website to be established or at MIH and MPWT websites.

ANNEXES

ANNEX 1: TECHNICAL GUIDELINE

Annex 1A: Gender Action Planning Matrix

Gender Action Plan is prepared only if the ARAP/RAP is needed and impact on gender is significant.

Project Component	Objectives	Activities/Tasks	Responsible Entity	Indicators	Means of Verification
Project Preparation	<p>Identify gender-specific issues and needs to be taken into account in the design of investments and livelihood interventions</p> <p>Involve women in identifying these needs and issues</p> <p>Develop gender-specific indicators for women participation and empowerment to be used for project monitoring and evaluation</p>	<p>Formulate gender baseline information to be included in survey</p> <p>Conduct a survey with gender indicators</p> <p>Conduct focus group discussions with women to identify gender-specific issues and concerns for input into community planning process and design of development interventions</p> <p>Select and train women who will serve as project monitors and motivators</p> <p>Develop gender indicators for project monitoring and evaluation.</p>	CMUs with participation of Women Community Groups (WCGs)	<p>Gender indicators incorporated in the survey instrument</p> <p>Number of focus group discussions (FGDs) held</p> <p>Number of women and women heads of household who participated in FGDs</p> <p>Set of gender-specific indicators incorporated in project monitoring and evaluation tool</p> <p>Number of community women volunteers willing to serve as project monitors</p>	<p>Survey Instrument</p> <p>Feasibility Study/ ARAP</p> <p>Documented feedback from women beneficiaries and participants of FGDs</p> <p>List of women volunteers and or list of organizations</p>
Project Design	<p>Ensure that community development plans and investment designs take into account women's needs for safety, security, mobility and child care</p> <p>Access to potable water, safe and well, waste disposal facilities with child and senior citizen friendly investment designs</p>	<p>Give General Affairs Department, General Department of Resettlement (GAD) briefings and orientation to women members of community associations</p> <p>Prepare the GAD component of the project to include capacity building in understanding the basic areas where they can participate during detailed planning activities of</p>	CMUs with participation of Women Community Groups (WCGs)	<p>Investment designs with gender-sensitive and vulnerable groups features</p> <p>Livelihood programs specifically targeting women heads of households</p>	<p>Investment designs</p> <p>Livelihood program plans</p>

		building designs preparation			
Project Implementation on	<p>Ensure women's access to project benefits</p> <p>Ensure that tenure instruments and contracts give women equal decision-making and asset-ownership Rights</p> <p>Regular consultation with women's group during construction for design adjustments and monitoring of construction activities.</p> <p>Women to project their interest by making it sure that whatever have been agreed upon in the design stage is faithfully adhered to during the construction or implementation stage.</p>	<p>Information and Education Campaign (IEC) directed at women community members to inform them of project benefits and value of participation</p>	<p>CMUs with participation of Women Community Groups (WCGs)</p>	<p>IEC materials distributed. Material to be included is as follows, checklist of eligible investments. Access to micro-financing for the women to have a start – up livelihood activities.</p> <p>Number of women participating in community action planning</p>	<p>Progress Reports</p> <p>Documented Feedback from women beneficiaries</p>
a. Basic Services					
b. Livelihood Intervention	<p>Ensure women's access to project services and benefits</p> <p>Increase the income-earning capacity of women beneficiaries, especially women household heads</p>	<p>Information and Education Campaign</p> <p>Skills trainings to women heads of households</p> <p>Trainings on savings and financial management</p> <p>Organize collective enterprises and self-help groups managed by women</p> <p>Organize community based women collection arm for the livelihood.</p>	<p>CMUs with participation of Women Community Groups (WCGs)</p>	<p>Number of women receiving IEC materials</p> <p>Number of trainings conducted</p> <p>Number of participants in trainings</p> <p>Number of enterprises, cooperatives, savings groups, mutual aid groups formed by women</p> <p>Number of women members of these groups</p>	<p>IEC materials produced and used as an information, education and communication tools.</p> <p>Progress Reports</p> <p>Evaluation forms filled out by trainees</p> <p>Existence of functional livelihood support groups (cooperatives, mutual-aid groups and enterprises)</p> <p>Reports of NGOs, MFIs</p>

				<p>Number of microfinance loans extended by MFIs to women headed households</p> <p>Number of skills job referrals and successful marketing referrals</p>	<p>Feedback from women beneficiaries of livelihood loans</p> <p>Reports of external monitoring team for the project</p>
c. Capacity Building and Institutional Development	<p>Develop the capacities of women in project and community management and project monitoring</p> <p>Ensure women participation in project management, livelihood programs and project monitoring</p>	<p>Trainings on leadership, organizational management, financial management, investment management, monitoring and evaluation</p> <p>Formation of women's organizations</p> <p>Organizational meetings</p>	CMUs with participation of Women Community Groups (WCGs)	<p>Number of trainings conducted</p> <p>Training manuals</p> <p>Number of participants in trainings</p> <p>Number of women's groups and committees formed</p>	<p>Progress reports</p> <p>Evaluation forms filled out by participants of trainings conducted</p> <p>Minutes of organizational meetings</p> <p>List of beneficiaries and the income comparison before the assistance and the current income level after the assistance.</p>
d. Monitoring and Evaluation	<p>Involve women in project monitoring and evaluation</p> <p>Assess the project's impact on the welfare of women through the use of gender-specific indicators</p>	<p>Monitoring and evaluation workshops with the community</p> <p>Data collection and review of reports and pertinent documents</p>	CMUs with participation of Women Community Groups (WCGs)	<p>Monitoring and Evaluation tools</p> <p>Number of monitoring workshops</p> <p>Number of monitoring and evaluation reports</p>	<p>Monitoring and Evaluation Reports</p> <p>Report card per project beneficiary and their progress in terms of income and or rehabilitation status after the project assistance.</p>

Annex 1B: Survey Requirements for ARAP/RAP Preparation

<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Detailed Measurement Survey (DMS)</p>	<p>The census and detailed measurement survey (DMS) of lost assets will collect data on the affected assets from 100% of PAPs following detailed engineering design. The data collected during the DMS will constitute the formal basis for determining PAP entitlements and levels of compensation. For each PAP, the scope of the data will include:</p> <ul style="list-style-type: none"> • Total and affected areas of land, by type of land assets; • Total and affected areas of structures, by type of structure (main or secondary); • Legal status of affected land and structure assets, and duration of tenure and ownership; • Quantity and types of affected crops and trees; • Quantity of other losses, e.g., business or other income, jobs or other productive assets; estimated daily net income from informal shops; • Quantity/area of affected common property, community or public assets, by type; • Summary data on PAP households, by ethnicity, gender of head of household, household size, primary and secondary source of household income vis-a-vis poverty line, income level, whether household is headed by women, elderly, disabled, poor or ethnic groups; • Identify whether affected land or source of income is primary source of income; and PAP knowledge of the investment and preferences for compensation and, as required, relocation sites for businesses and rehabilitation measures.
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Socioeconomic Survey</p>	<p>At a minimum, the socioeconomic survey (SES) will collect information from a sample of 10% of affected people and 20% of severely affected PAPs, disaggregated by gender and ethnicity. The purpose of the socioeconomic survey is to provide baseline data on PAPs to assess resettlement impacts, and to be sure proposed entitlements are appropriate, and to be used for resettlement monitoring. The scope of data to be collected includes:</p> <ol style="list-style-type: none"> A. Household head: name, sex, age, livelihood or occupation, income, education and ethnicity; B. Household members: number, livelihood or occupation, school age children and school attendance, and literacy, disaggregated by gender; C. Living conditions: access to water, sanitation and energy for cooking and lighting; ownership of durable goods; and D. Access to basic services and facilities.
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Replacement Costs Study</p>	<p>The replacement costs of affected assets will be assessed in parallel with DMS and SES activities by collecting information from both secondary sources and primary sources (direct interviews with people in the affected area, material suppliers, house contractors), and from both those affected and those not affected. The government rates will be adjusted, as necessary, based on the findings. Compensation rates will be continuously updated to ensure that PAPs receive compensation at replacement cost at the time of compensation payment.</p>

Annex 1C: Framework for Community Consultation and Participation Process

Stages	Subject of Consultation	Role of Target Communities and Affected Persons/Households	Reasons for Community Participation
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Preparation Stage			
Consultation and focused- group discussions/meetings	Understanding the investment	Participate in community consultation. Create committees with at least 25-50 percent of the members is composed of women.	Ensure that target beneficiaries and PAPs fully understand the proposed investment and its benefits. Promote an informed and collective-decision making. Gather issues and concerns of the community that can be incorporated in the proposed investment.
Planning for investment/s	Design and planning investments	Approve the design and proposed by the beneficiaries and PAPs.	This measure will lessen conflicts and send the message to target beneficiaries and PAPs that they are involve and came from their collective decisions.
Formulating compensation and entitlement package.	Compensation and entitlement package for PAPs.	Approve the compensation and entitlement package of the PAPs.	This also promotes an informed and collective decision-making among beneficiaries and PAPs.
Consultation on proposed investment/s before submission.	Contents of proposed investment/s.	Review and concur the contents of proposed investment/s.	Such consultation delivers the message of transparency seeing to it that their comments /suggestions are incorporated in the proposed investment/s.
Implementation Stage			
Consultation on the implementation of investment/s and provision for and acquisition	Phasing of investment implementation and transfer to agreed area(s) for PAPs. Agreement on implementation schedule	Orderly dismantling and reconstruction of affected structures, if any Inform PAPs for the scheduling of transfer	Ensure that the impacts of disruption are lessened. It will also enable the implementing agency to determine the budgets for food and transport of PAPs/ household Participation in plot marking in the presence of designated staff/facilitator will avoid misunderstanding among PAPs and beneficiaries.
Consultation with PAPs concerning affected land and/or structures, livelihood, etc.	Boundaries on plot allocation, road access and provision for social services, i.e., water sewerage, drainage.	Mark the affected lot boundaries as determined by land surveyors consistent with the assigned area and plans.	Enable the implementing agency to estimate budgets for entitlements like allowances for foods, transportation and special assistance.
Engagement in livelihood undertakings.	Livelihoods for target-community beneficiaries and that of those of the PAPs.	Provide information on the actual negative and positive impact to PAPs Involvement of women in livelihood development.	Women are known to have skills in livelihood management which could enhance family income.

Employment of beneficiaries in the investment	Additional assistance to beneficiaries and PAPs.	Beneficiaries or any of their household members will be employed as laborer during the construction of a investment/s.	Employment with the project will also provide additional or enhance their income.
Grievance and redress.	Grievance and redress mechanism.	Provide background of the issues.	Ensure that problems are address within reasonable time. The officers will serve as the GRC, and they will also assist agency in implementing the policies in each community as part of the management of the investment.
Monitoring and Evaluation	Implementation of investment/s	Provide inputs and status for implementation on investments.	The information from PAPs and beneficiaries will assist the PMT to assess the level of compliance in every stage of investment implementation. This will give lessons learnt in shaping up future policies on resettlement for the project.

ANNEX 2: RESETTLEMENT ACTION PLAN

Annex 2A: Abbreviated Resettlement Action Plan (ARAP)

Annotated Document Contents and Information Requirements

A. Introduction

Briefly describe the project, its subprojects, and/or its components (Project Development Objective; Project Beneficiaries; Project Description; Project Components; Overview of Project Location; and the requirement for land acquisition).

B. Legal and Policy Framework for LAR

Describe (i) the laws and regulations (Sub-Decrees) governing Land Acquisition in Cambodia (Land Law 2001, Expropriation Law 2010, Sub-Decree on ROW, etc). Include a table showing the comparison of the mandatory requirements under the safeguard policies of the DP and the RGC laws and regulations on land acquisition. Show the gap analysis and measures to close the gaps. [Reproduce from SOP. This will be standard for all RFs/BRPs].

C. Policy Framework of the ARAP

Describe (i) definitions of terms used; (ii) objective of the BRP and the guiding principles; (iii) legal framework for compensation (refer to SOP as the guide); (iv) Eligibility Criteria (legal owner, illegal occupiers/squatters; lawful tenants/leaseholders; customary land) and Cut-Off Date; (v) Asset Valuation Methods- RCS; (vi) types of special assistances for poor and vulnerable groups (refer to SOP as guide).

D. Census and Sample Socioeconomic Information

Describe and tabulate (i) data collected on APs and IOLs for sample SES (household surveys), (i) data/results from census and inventories of losses, and assessments of land and other asset losses; (iii) poor and vulnerable groups and (iii) social profile from the Sample SES.

E. Compensation, Income Restoration, and Relocation

Describe and provide (i) entitlements for compensation for displaced persons; (ii) measures proposed for income support, including compensation and additional measures to help vulnerable households improve their status; (iii) measures to provide replacement land, where applicable; and (iv) Selection of Relocation Sites, where applicable [Use Standard Entitlement Matrix provided in Appendix 6 of the SOP].

F. Consultation, Participation, and Disclosure

Outline and describe (i) the mechanisms that will be adopted for conducting meaningful consultation with affected persons and for enabling their informed participation in preparing, implementing, and monitoring resettlement plans; (ii) institutional responsibilities; and (iii) disclosure arrangements, such as the information to be disseminated and the method of dissemination. [Reproduce from the SOP and standard for all Projects].

G. Grievance Redress Mechanisms

Describe (i) the project grievance redress mechanism; (ii) the establishment of the PGRC; and (iii) the Guidelines for receiving, recording, handling and decision-making process [Reproduce Appendix 8 of the SOP and is standard for all Projects].

H. Institutional Arrangements and Implementation

Describe (i) the institutional arrangements for preparing, implementing, and monitoring resettlement activities, and describes additional measures necessary to enhance institutional capacity, including their costs, if any; (ii) the process for the preparation of the subsequent RAP and its approval and responsibility for its implementation [Standard for all Projects and provided in the SOP].

I. Budget and Budget Disbursements

Provide the indicative budget, including flow of funds; and identify funding sources (Counterpart Funds from National Budget).

J. Monitoring and Reporting

Describe (i) internal and external monitoring (where required) of resettlement arrangements; (ii) responsibilities; and (iii) reporting requirements [Standard for all Projects and provided in the SOP]

Annex 2b: Resettlement Action Plan (RAP)

Annotated Document Contents and Information Requirements

A. Executive Summary

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

B. Project Description

- (i) 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].
- (ii) Set out the measures taken to void or minimize resettlement.

C. Legal Framework

- (i) Describe the national and local laws and regulations that apply to LAR [Same as the description in the RF/BRP].
- (ii) Describe the DP's safeguard policy and an analysis of the gaps between the DP 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

- (i) Discuss the project's impacts, and includes maps of the areas or zone of impact of project components or activities.
- (ii) 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].
- (iii) Describe DMS and the methodology used for the Inventory of Losses, Census, and establishment of the Cut-Off-Date for eligibility [Refer to DMS Questionnaire, Appendix 5 of SOP].
- (iv) Replacement Cost Study and Unit Rates.
- (v) Summarize the key effects in terms of assets acquired and displaced persons [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:

- (i) Describe the methodology used for SES (DMS Questionnaire and House to House Interviews) [same as described in RF/BRP].
- (ii) Identify, and enumerate the people and communities to be affected.
- (iii) 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.
- (iv) Describe the main social impacts.
- (v) Describe the impacts on poor, vulnerable, indigenous people and ethnic minorities and other vulnerable groups.

F. Information Disclosure, Consultation, and Participation

- (i) Describe the consultation and participation mechanisms used during the preparation of the DRP.
- (ii) Describe the contents of PIB.
- (iii) Summarise the results of consultations with affected persons (including host communities), and discusses how concerns raised and suggestions made were addressed in the resettlement plan.
- (iv) Confirm the disclosure of the draft resettlement plan to displaced persons and include arrangements to disclose any subsequent updated plans, if needed.

G. Grievance Redress Mechanisms

- (i) Describe legal framework for Grievance Redress [Same as described in RF/BRP].
- (ii) Describe the mechanism for grievance redress for the Project [Same as the description in RF/BRP].
- (iii) Describe the composition of the Provincial Grievance Redress Committee [Same as the description in RF/BRP].
- (iv) Mention Guidelines for GRM Procedures [Refer to Appendix 8 of the SOP].

H. Entitlements, Assistance and Benefits

- (i) Describe the legal framework for compensation policy [Same as description in RF/BRP].
- (ii) Define the entitlements and eligibility [Same as description in RF/BRP].
- (iii) Describe the public and AH consultations for compensation [Reproduce from SOP].
- (iv) Provide Entitlement Matrix [Standard from SOP].
- (v) Describe the special/additional assistance for the poor and each category of vulnerable groups.
- (vi) Describe income support program, if any.

I. Relocation

- (i) Describe the need for relocation, criteria for selection, and the number of AHs to be relocated (if any).
- (ii) Describe alternatives for resettlement sites considered and basis for selection of sites for the Project (give location).
- (iii) Describe availability of access to schools, health centers, water, power, markets, employment/livelihood opportunities, road connectivity. Also describe the host communities.
- (iv) Describe the size of land plot, legal arrangements for regularizing tenure and land title, and the plans for provision of basic civic infrastructure. Describe the entitlements (transport allowances, income support/income support program).
- (v) Schedule for site development and relocation.

J. Resettlement Budget and Financing Plan

- (i) Budget estimates and breakdown for all resettlement activities
- (ii) Describe the flow of funds
- (iii) Financing Source

K. Institutional Arrangements

- (i) Institutional arrangements and role and responsibilities [Reproduce from SOP]
- (ii) Implementation capacity and implementation support, if any

L. Implementation Schedule

- (i) Schedule for Construction works
- (ii) Implementation schedule for key resettlement activities

M. Monitoring and Reporting

- (i) Institutional arrangements for monitoring and reporting [Same as description in RF/BRP]
- (ii) Internal monitoring [Same as description in RF/BRP]
- (iii) External monitoring, if any [Same as description in RF/BRP]

**ANNEX 3: LIST OF PARTICIPANTS AND MINUTES
SUMMARY OF PUBLIC CONSULTATION**

Annex 3A: Minutes of public consultation meeting for Mondulkiri water supply

The Mondulkiri Waterworks, in cooperation with deputy district governor, facilitated a public consultation meeting at Wat Preah Puth from 7:30 AM on 27 August 2018. The main purposes of the consultative meetings are to (i) inform the participants about the project intervention and (ii) seek their view of the project in terms of support, benefit to their community and potential environmental and social impact.

Thirty people from three communes, namely Monorum, Sokdom and Spean Meanchey, participated in the consultation meeting. Of the thirty participants, six are indigenous people who moved from their traditional community house to town center.

Mr. So Sovanarith, the head of waterworks in Sen Monorum, explained the scope of works of the proposed project, the water quality control, the unit cost of clean water as well as the positive and negative impact of the project. All participants expressed their support for the project and expected that the project will be implemented and completed as soon as possible. Requests, questions and answers are summarized below:

No.	Comments, Questions, Concerns	Responses
1	Mr. Sovanarith: if water supply connection is expanded and become available at your area, will you use or not?	All participants replied that they will connect to the water supply so that they can use clean water.
2	Community people: the expansion will reach Lavka indigenous community or not?	Under the to-be-financed project, water connection cannot be extended to the Lavka. However, technical team will review and might include in the future project.
3	Community people: Is it possible to reduce the connection fee for poor and vulnerable households?	The request will be reported to higher authority of waterworks.
4	Is it possible to pay the connection fee little by little till the full amount is paid.	Normally, it is not possible to do this way. However, for Sen Monorum, we will accept this payment method.
5	Community people: any opening for water supply pipes installation in front of the houses shall be backfilled and restore as quick as possible.	These conditions will be included in the contractor's contract. Temporary access bars will be also provided during construction.
6	It is requested to reduce noise and dust during construction.	This will be mitigated using EMP.
7	When the project is likely to start?	The project will probably start from the end of 2019.

Annex 3B: Minutes of public consultation meeting for wastewater collection network development in Siem Reap city

Two public consultations were conducted in two Sangkats, in Siem Reap City, on 11-12 September 2018. One week prior to the consultation date, invitations were sent to stakeholders including representatives from provincial authority, the concerned provincial line departments, related commune offices. Community people in the project areas were also invited.

Public consultations took place at Serey Peap Hotel and Monoreach Hotel. The main purposes of the consultative meetings are to (i) inform the participants about the project and (ii) seek their view of the project in terms of support, benefit to their community and potential environmental and social impact. All participants in consultative meetings expressed strong support to the project and willing to participate in the construction activities if they are requested to.

A Public Information Booklet (PIB) was prepared by the Consultant's Team to be distributed during the meetings. A slides presentation was proposed to the participants (i) to explain the project, and (ii) to introduce Environmental & Social Issues of the project, and Grievance Mechanism Procedure.

Number of participants were respectively 65 and 67 for the first and second meeting. The participants are mainly staff members of Siem Reap Sewer and Wastewater Treatment Plant Unit, Siem Reap Provincial Department of Public Works and Transport (DPWT), Siem Reap Municipal administrations, Commune Councils and people living in the project areas.

Agenda of the Public Consultation meetings

Registration	
Welcome Remarks & Project Disclosure	Major City of Siem Reap
Presentation of Layout by design Engineers	Mr. Uch Bunnarith and Mr. San Chanthy
Environmental and Social issues by Environment & Social safeguards	Mr. Mel Sophanna ; Mr. Jean-Marc AUROUSSEAU & Mao Vanchann
Grievance Mechanism Procedure by Social Safeguard Specialist	Mr. Mel Sophanna
Question & Answer	Participants
Recommendation & Request	Participants

Main concerns, remarks, questions and recommendations are summarized hereafter:

- Cooperation between the project and population could be consolidated;
- Develop the project implementation detailed timing/planning;
- Mechanism to the handover and the maintenance of the new infrastructure;
- The procedure for resolving the complains to the project impacts;
- Possible extension of the sewerage coverage in Siem Reap in the near future;
- The possibility to connect the network for the households not directly facing the streets;
- The willingness to pay for connection and water price increase, if reasonable;

The detailed Q&A is provided below:

Date:	September 11-12, 2018 from 2:00pm – 5:00pm
Place:	SEREYPHEAP and MONOREACH ANGKOR Hotel
Language:	Khmer and English
Topic/Document:	Presentation on Public Consultation Meeting and Project Disclosure that comprise of background, objective, beneficiary, Project components, implementation arrangement,safeguards, etc.,
Participants' opinions	Clients' answers and commitment
1. Mr. Soar Dara, Tavien village head of Sala Kamraek Sangkat has two questions - Pipes installation will escavate/ cut the road, why pipe were not installed during the road construction - After the sewer system installed, are we required to pay any fee? If so how much	Mr. Hiep My said that we were quick to repair the road and did not leave the people in trouble. + Road construction and drainage sewerage project plan can not be done at the same time, because the road project is pre-condition, so they start to implement the road, but the dumping sewer line is only available after. Therefore, installing drainage pipe, we are not in the way of digging. +Payment of the fee shall be paid in accordance with the tariff table of the Inter Ministerial Prakas signed by the Ministry of Economy and Finance and the Ministry of Public Works and Transport. Mr. San Chanthy: For technical reasons, we will arrange in front of people's homes. We will arrange the floor to be placed in the case where the duct is difficult to digest
2. Mr. Mom Pheng, Chunlung village head of Sala Kamraek Sangkat questioned that what kind of technical arrangements that make it easier for people to get connect the proper sewerage system?	Mr. Hiep My: 1. It is necessary to apply for connection because people cannot dig or cut the road without any permission 2. For each house connection, this project will provide people with easy access to sewage pipes, collecting wastewater to ensure a smooth, clean environment in front of the house, with one continuous link. No rainfall. Mr. San Chanthy: project will install and prepare manhole for home connection with two or tree houses.
3. Ms. Tep Mom from Dok Por village said: By the people living by dirty waste streams affecting the communities living there, and they want to apply for connection to sewerage system because people have some problems with wastewater. Does the project sewer systems will be installing to her area?	San Chanthy: Siem Reap is a tourist destination in the future. There is a need for a sewer system to stop the wastewater and improve sanitation. We plan to continue to reach every house. Citizens will help to contribute to the collection of wastewater collection services to dumping stations, so that the contribution of the system can continue to go even better. Yin Seimon, from Banteay Chas village, Sangkat Slakram, said that in order to use the wastewater management system, it should not be too expensive because the people had limited income. However, people are interested and wanted the project to be implemented quickly and efficiently.
4. Mr. Tith Sokhom, village chief of Trapeang Ses village, raised a question	Hiep My, deputy director of the Department of Public Works and Transportation in charge of the WWTP station,

<p>that: The project is divided into two sections: west and east, which Sangkat will be covered? Is the connection to the sewer pipe collecting service fee? If yes, how much?</p>	<p>explained that, the project cover in four Sangkats of Siem Reap city: Sla Kram, Salakamraek, Svay Dangkum and Kouk Chak. After connecting the sewage system, people have to pay monthly fee, but the price is based on the type of housing and business type of citizens. The fee is determined by an inter-ministerial decree. Determine monthly network and monthly fee for collecting and filtering wastewater from sewerage and pumping stations.</p>
<p>5. Mr. Kong Pisey, Kouk Chak commune council, raised that in Sangkat Kouk Chak, where will be the wastewater collection network constructed? and what impact would it be on the people who live in the area of the construction of the sewage system?</p>	<p>Mr. Hiep Me explained that the coverage of the project will be on some important main roads with a lot of households. The project is not yet able to build a sewage system to all the places because the project budget is limited. We will build more sewerage systems in the future. As a matter of fact, work on public roads has always been affected more or less. However, protect will have mitigation methods to reduce the impact. Please do not build all kinds of construction on public properties/ROW to avoid future losses.</p> <p>Mr. San Chanthy added on what Mr. Hiep Me mentioned, our project is to connect houses to existing pipelines, so there is no major impact because the pipeline we build is very small with only 300mm to 400mm, do not worry.</p>
<p>6. Mr. Long Bunthoeun, assistant to Sangkat Kouk Chak, had some questions regarding housing located far from the sewage system, how can they connect to the sewage system? When the project is over, people connected to the sewage system, will the downstream canal be dirty?</p>	<p>Mr. San Chanthy said that we could connect for those who are located near the main road, because we would build a pipeline near the road for household connection.</p> <p>Mr. Hiep My, in the case when people are connected to the sewerage network and there is still dirty water flowing to the downstream canal, it is depending on the people to collaborate to manage wastewater not let it flow to canal. Then whole environment, of the downstream canals no longer have dirty water.</p>