

KINGDOM OF CAMBODIA  
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Ministry of Rural Development



Cambodia Road Connectivity  
Improvement Project

**RESETTLEMENT FRAMEWORK**  
***DRAFT***

February 2020

Prepared by the Ministry of Rural Development with the assistance of consultants under the guidance and directions of the General Department of Resettlement of the Ministry of Economy and Finance.

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## LIST OF ACRONYMS

AH	Affected Household
AP	Affected People
COD	Cut-Off Date
COI	Corridor of Impact
CRCIP	Cambodia Road Connectivity Improvement Project
DMS	Detailed Measurement Survey
DRP	Detailed Resettlement Plan
ESF	Environment and Social Framework
ESMF	Environmental and Social Management Framework
ESS	Environment and Social Standards
GDR	General Department of Resettlement
GRM	Grievance Redress Mechanism
IOL	Inventory of Loss
IRC	Inter-Ministerial Resettlement Committee (Project-Level)
IRC-WG	Inter-Ministerial Resettlement Committee Working Group
LAR	Land Acquisition and Involuntary Resettlement
MEF	Ministry of Economy and Finance
MPWT	Ministry of Public Works and Transport
MRD	Ministry of Rural Development
PIB	Project Information Booklet
PGRC	Provincial Grievance Redress Committee
PRSC	Provincial Resettlement Subcommittee
PRSC- WG	Provincial Resettlement Subcommittee Working Group
RCS	Replacement Cost Study
RF	Resettlement Framework
RGC	Royal Government of Cambodia
ROW	Right of Way
SEP	Stakeholder Engagement Plan
SOP	Standard Operating Procedures
WB	World Bank

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## DEFINITIONS AND TERMS

**Affected Households (AHs)/Affected People (AP).** In the context of involuntary resettlement, AP are those who are physically displaced (relocation, loss of residential land, or loss of shelter) and/or economically affected (loss of land, assets, access to assets, income sources, or means of livelihood) as a result of (i) land acquisition and involuntary resettlement; or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas. In the case of AHs, it includes all members residing under one roof and operating as a single economic unit, who are adversely affected by a project or any of its components. In this RF the term used will be “AH”.

**Basic Resettlement Plan.** Prepared when the development partners’ safeguard policies require a resettlement plan for review and approval before the completion of detailed design and/or land demarcation (for instance, before development partner’s project appraisal). Also referred to as an Initial Resettlement Plan.

**Compensation.** This refers to the date prior to which the occupation or use of the project area makes residents/users of the same eligible to be categorized as AP. Persons not covered in the census are not eligible for compensation and other entitlements, unless they can show proof that (i) they have been inadvertently missed out during the census and the inventory of losses (IOL); or (ii) they have lawfully acquired the affected assets following completion of the census and the IOL and prior to the conduct of the detailed measurement survey.

**Consultation.** A process that (i) begins early in the project preparation stage and is carried out at different stages of the project and land acquisition cycle; (ii) provides timely disclosure of relevant and adequate information in Khmer Language that is understandable and readily accessible to AP; (iii) is undertaken in an atmosphere free of intimidation or coercion with due regard to cultural norms; and (iv) is gender inclusive and responsive, and tailored to the needs of disadvantaged and vulnerable groups.

**Corridor of Impact (COI).** It is the area which is required by civil works in the implementation of the Project, and it is agreed by the implementing agency and demarcated by the civil work consultant within which the construction activities will take place

**Cut-off date (COD).** Date established by the government that establishes the eligibility for receiving compensation and the resettlement assistance by the project affected persons. As per WB ESS5 para 20, the COD needs to be well-documented. Persons not covered can be eligible in case they can show proof that they have been inadvertently missed during the census.

**Detailed measurement survey (DMS)** – With the aid of detailed engineering design, this activity involves the finalization of the results of the inventory of losses, measurement of losses, 100% socio-economic survey and 100% census of displaced persons.

**Detailed Resettlement Plan.** Prepared when detailed designs or land demarcation have been completed and the full impacts following a DMS are known. Also referred to as Full Resettlement Plan or Resettlement Action Plan. Where a Basic Resettlement Plan has been prepared, the Detailed Resettlement Plan is an update of the Basic Resettlement Plan

**Economic Loss.** Loss of land, assets, access to assets, income sources, or means of livelihood as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas.

**Eligibility.** Eligible include all AHs confirmed to be residing in, doing business, or cultivating land

within the project affected area or land to be acquired or used for the project before the cut-off date are eligible for resettlement compensation for their affected properties.

**Eminent Domain.** The right of Cambodia using its sovereign power to acquire land for public purposes. National law establishes which public agencies have the prerogative to exercise eminent domain.

**Entitlement.** – Refers to a range of measures comprising compensation, assistance and income restoration, relocation support etc. which are due to the DPs, depending on the type and severity of their losses, to restore their economic and social base.

**Expropriation.** Process whereby a public authority, usually in return for compensation, requires a person, household, or community to relinquish rights to land that it occupies or otherwise use. Expropriation under the Cambodian Law refers to the confiscation of ownership or real right to immovable property of a natural person, private legal entity, and legal public entity, which includes land, buildings, and cultivated plants, for the purpose of constructing, rehabilitating, or expanding public physical infrastructure for the national and public interests with prior and just compensation.

**Grievance redress mechanism** – Refers to an established mechanism to receive and facilitate the resolution of affected persons' concerns and grievances/complaints about physical and economic displacement and other project impacts, paying particular attention to the impacts on vulnerable groups. As per WB ESS10, the grievance mechanism is expected to: (a) address concerns promptly and effectively,

in a transparent manner that is culturally appropriate and readily accessible to all project-affected parties, at no cost and without retribution, and without preventing access to judicial processes. Affected people will be appropriately informed about the GRM and keep adequate records that are made publicly available, and (b) handling of grievances will be done in a culturally appropriate manner and be discreet, objective, sensitive and responsive to the needs and concerns of the project-affected parties. The mechanism will also allow for anonymous complaints to be raised and addressed. In the context of this RF, the GRM is for grievances/complaints arising from involuntary land acquisition and resettlement. The GRM for handling grievances/complaints related to other safeguard aspects like environment safeguard requirements labor and working conditions, etc are stipulated in the Stakeholder Engagement Plan as per WB ESS10.

**Host Communities.** Communities receiving physically affected persons of a project as re- settlers.

**Income Support.** Re-establishing the productive livelihood of the displaced persons to enable income generation equal to or, if possible, better than that earned by the displaced persons before the resettlement.

**Indigenous Peoples.** According to the World Bank's Environment and Social Framework, the term "Indigenous Peoples" is used in a generic sense to refer exclusively to a distinct social and cultural group possessing all the following characteristics in varying degrees:

- a) Self-identification as members of a distinct indigenous social and cultural group and recognition of this identity by others; and
- b) Collective attachment<sup>1</sup> to geographically distinct habitats, ancestral territories, or areas of seasonal use or occupation, as well as to the natural resources in these areas; and
- c) Customary cultural, economic, social, or political institutions that are distinct or separate from those of the mainstream society or culture, and

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<sup>1</sup> Collective attachment means that for generations there has been a physical presence in and economic ties to land and territories traditionally owned, or customarily used or occupied, by the group concerned, including areas that hold special significance for it, such as sacred sites.

- d) A distinct language or dialect, often different from the official language or languages of the country or region in which they reside.

**Information Disclosure.** The process of disseminating project information to stakeholder to allow them to understand the risks and impacts of the project, and potential opportunities. Information disclosure should be in line with the project's Stakeholder Engagement Plan and the requirements of ESS10, which require the disclosure of project information including: (a) the purpose, nature and scale of the project; (b) the duration of proposed project activities; (c) potential risks and impacts of the project on local communities, and the proposals for mitigating these, highlighting potential risks and impacts that might disproportionately affect vulnerable and disadvantaged groups and describing the differentiated measures taken to avoid and minimize these; (d) the proposed stakeholder engagement process highlighting the ways in which stakeholders can participate; (e) the time and venue of any proposed public consultation meetings, and the process by which meetings will be notified, summarized, and reported; and (f) the process and means by which grievances can be raised and will be addressed.

**Inventory of losses.** This is the process where all fixed assets (i.e. lands used for residence, commerce, agriculture, including ponds; dwelling units; stalls and shops; secondary structures, such as fences, tombs, wells; trees with commercial value; etc.) and sources of income and livelihood inside the Project right-of-way are identified, measured, their owners identified, their exact location pinpointed, and their replacement costs calculated. Additionally, the severity of impact to the affected assets and the severity of impact to the livelihood and productive capacity of AP will be determined.

**Involuntary Resettlement.** Resettlement is considered involuntary when directly affected persons or communities do not have the right to refuse project related land acquisition or restrictions on land use that result in their displacement.

**Land Acquisition.** Refers to all methods of obtaining land for project purposes, which may include outright purchase, expropriation of property and acquisition of access rights, such as easements or rights of way. Land acquisition may also include: (a) acquisition of unoccupied or unutilized land whether or not the landholder relies upon such land for income or livelihood purposes; (b) repossession of public land that is used or occupied by individuals or households; and (c) project impacts that result in land being submerged or otherwise rendered unusable or inaccessible. Land acquisition refers to anything growing on or permanently affixed to land, such as crops, buildings and other improvements.

**Meaningful Consultation.** As per WB ESS10, is a two-way process that: (a) begins early in the project planning process to gather initial views on the project proposal and inform project design; (b) encourages stakeholder feedback, particularly as a way of informing project design and engagement by stakeholders in the identification and mitigation of environmental and social risks and impacts; (c) continues on an ongoing basis, as risks and impacts arise; (d) is based on the prior disclosure and dissemination of relevant, transparent, objective, meaningful and easily accessible information in a timeframe that enables meaningful consultations with stakeholders in a culturally appropriate format, in relevant local language(s) and is understandable to stakeholders; (e) considers and responds to feedback; (f) supports active and inclusive engagement with project-affected parties; (g) is free of external manipulation, interference, coercion, discrimination, and intimidation; and (h) is documented and disclosed by the Borrower. Under This RF, which is specific for land acquisition and involuntary resettlement, the meaningful consultation refers to consultation in respect of land acquisition and involuntary resettlement which is clearly stipulated in the Government's SOP for LAR and incorporates all the above elements.

**Physical Loss.** Relocation, loss of residential land, or loss of shelter as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas.

**Relocation.** This is the physical relocation of a displaced person from her/his pre-project place of location and/or business to another location or shifting back.

**Replacement Cost.** Replacement cost involves replacing an asset, including land, at a cost prevailing at the time of its acquisition. This includes fair market value, transaction costs, interest accrued, transitional and restoration costs, and any other applicable payments, if any. In all instances where physical displacement results in loss of shelter, replacement cost must at least be sufficient to enable purchase or construction of housing that meets acceptable minimum community standards of quality and safety. Depreciation of assets and structures should not be considered for replacement cost. As per WB ESS5, replacement market is the value as established through independent and competent real estate valuation, plus transaction costs. The valuation method for determining replacement cost should be documented. Transaction costs include administrative charges, registration or title fees, reasonable moving costs, and any similar costs imposed on affected persons

**Relocation Assistance.** Support provided to persons who are physically displaced by a project. Relocation assistance may include transportation, food, shelter, and social services that are provided to the displaced persons during their relocation. It may also include cash allowances that compensate displaced persons for the inconvenience associated with resettlement and defray the expenses of a transition to a new location, such as moving expenses and lost workdays.

**Resettlement Framework.** Prepared when project components are not known and therefore land acquisition needs cannot be identified. The RF will guide the preparation of future Resettlement Plans if these become necessary.

**Voluntary Donations.** Defined as the ceding of a property by an owner who is (a) appropriately informed about the project and their right to seek compensation and (b) can refuse to donate. Under WB ESS5, paragraph 6, ESS5 does not apply to voluntary, legally recorded market transactions unless such voluntary land transactions may result in displacement of persons, other than the seller.

**Vulnerable Groups.** Group of affected persons who are likely to be more adversely affected by land acquisition than others and who are likely to have limited ability to re-establish their livelihoods or improve their status. Vulnerable persons are categorized as: (i) households living below the poverty rate as established by the RGC; (ii) elderly people headed households with no means of support; (iii) female headed households with dependents living below the poverty rate; (iv) disabled headed households, and (v) indigenous peoples (who often have traditional land rights but no formal titles).



## EXECUTIVE SUMMARY

1. This is an Executive Summary of main points discussed in this Resettlement Framework (RF). The Executive Summary should not be relied for full information; the full RF should be read for this purpose.
2. This RF has been prepared by the of the Ministry of Rural Development (MRD) for Component 2 of the proposed Cambodia Road Connectivity Improvement Project (CRCIP) with assistance of international and national consultants, and under the guidance of the General Department of Resettlement (GDR). The RF is part of the Environment and Social Management Framework (ESMF). This RF will be applied to all investments under the MRD component to be financed by the World Bank (WB) Group for technical and/or financial support for CRCIP. The RF has been prepared in line with the Royal Government of Cambodia's (RGC's) Standard Operating Procedures on Land Acquisition and Involuntary Resettlement, and the WB's Environment and Social Framework.
3. This document is considered a living document and shall be modified and updated in line with the changing situation or scope of the activities. Detailed Resettlement Plans (DRP) will be developed when and if necessary, in close consultation with affected stakeholders and the WB. Clearance of future DRPs by the WB will be necessary.
4. The Proposed CRCIP will support the improvement of climate resilient road accessibility in targeted provinces. Targeted provinces under the proposed investment include Kampong Cham, Kratie, and Tboung Khmum. The proposed CRCIP Component 2 will be implemented by the MRD and will support improvement of prioritized rural roads in the targeted provinces and design and supervision services. It is estimated that the component will finance about 250km priority rural roads in project area through road rehabilitation and improvement following the existing road alignment.
5. Component 2 of the proposed CRCIP implemented by the MRD is not expected to incur in any land acquisition. However, in case there is any instance where road rehabilitation necessitates the involuntary acquisition of land or assets, this RF will apply.
6. In Cambodia, the Expropriation Law (2010) is the main legal framework that governs land acquisition and involuntary resettlement. Under the Article 3 that governs the provision for projects financed by development partners in Cambodia, the RGC issued in 2018 the Standard Operating Procedures (SOP) for Land Acquisition and Involuntary Resettlement. The GDR of the Ministry of Economy and Finance (MEF) is responsible for providing guidance and clarification to users of the SOP. Given that the proposed CRCIP is a project financed by the World Bank, the SOP is the guiding RGC sub-decree for land acquisition and should be read together with this document. This RF also complies with the WB's Environment and Social Standard 5 on Land Acquisition and Involuntary Resettlement. There are some minor, but no significant, gaps between the policies of the SOP and WB's ESS5. One of the most relevant is that the SOP does not have a provision for voluntary donations as the SOP addresses Involuntary Resettlement. This RF describes a process for voluntary donations consistent with footnote 10 of the WB's ESS5 and the required steps and documentation.
7. The project's approach to manage resettlement follows the World Bank's mitigation hierarchy by:
  - a) adjusting designs to avoid impact on land and assets;
  - b) when impacts cannot be avoided, minimize them;

- c) discuss with affected people the option to voluntarily donate assets instead of receiving compensation, if the criteria described in this RF apply,
  - d) for those who choose not to donate, or who do not fit the criteria, deliver: (i) compensation at market or full replacement value for land and lost assets, or land-for-land replacement, and (ii) compensation paid before to the beginning of the construction works, resettlement framework/plan publicly disclosed and information provided about grievance process.
8. This RF covers resettlement: (i) where land, or assets, are voluntarily donated; (ii) where land, or assets, are involuntarily acquired. Voluntary contributions, with proper information and documentation as explained in this RF, can be justified because road rehabilitation will directly benefit the people who are living/operating along the roads and the benefit from an improved road may far outweigh the impact on a small asset such as a concrete driveway. Besides the process for voluntary donation and involuntary land acquisition, the RF also details the institutional arrangements and responsibilities, consultations, information disclosure, funding arrangements and monitoring.
9. The RF applies to permanent or temporary physical and economic displacement as described in the SOP, and compliant with WB's ESS5. All affected households (AHs) who have assets in the corridor of impact (COI) before the Cut-off Date (COD) will be eligible for compensation as described in this RF, regardless of their legal status. Eligibility will be determined with regards to the COD, which will be the last day of the first round of consultations, when the road section and COI has been identified, and through announcement in the consultations and posting on commune/Sangkat/public boards and/or pagodas. Those who encroach into/or occupy the project area after the COD will not be eligible for any compensation or any other assistance.
10. The RF outlines the Grievance Redress Mechanism to be established as a locally based arrangement for receiving, recording, assessing and facilitating the resolution of complaints and grievances raised by the affected persons in relation to the CRCIP. The RF also describes the process for consultation and information disclosure in cases of voluntary donations and for land acquisition. This RF has been consulted with national-level stakeholders in March 2020 and will be disclosed to the public prior to the WB's appraisal of the CRCIP.

# **1 PROJECT DESCRIPTION**

## **1.1 Overview**

1. The Proposed Cambodia Road Connectivity Improvement Project (CRCIP) will support the improvement of climate resilient road accessibility in targeted provinces. Targeted provinces under the proposed investment include Kampong Cham, Kratie, and Tboung Khmum with a total population of over 2.3 million people. The design of the proposed project builds on a network connectivity approach to improve road accessibility in rural areas, between rural areas and urban centers, and to the main network. The project provinces were selected considering several criteria including rural population density, agricultural potential, vulnerability to floods, existing road conditions, and connectivity of provincial road networks to connect larger geographic area. Full description of the proposed CRCIP, including rationale for the project, can be found in the WB's Project Appraisal Document (PAD).

## **1.2 Detailed Description of Components**

2. The proposed CRCIP consists of four project components<sup>2</sup>: two of which are institutional components and two of which are project investments; of the latter, only one is the subject of this RF. The project investment component to be implemented by the Ministry of Public Works and Transport (MPWT), will not be discussed in this RF<sup>3</sup>. This RF will only apply to the project investment component to be implemented by the Ministry of Rural Development (MRD).

3. The proposed CRCIP's Component 2 to be implemented by the MRD will support improvement of prioritized rural roads in the targeted provinces and design and supervision services. It is estimated that the component will finance about 250km priority rural roads in project area (Figure 1). Road improvement works will include upgrading existing earth and laterite roads to double bitumen surface treatment standards along the existing alignment, improving the capacity of drainage systems, concrete pavement on flood prone areas, widening shoulders for motorbikes in areas where land is available as well as site specific flood protection solutions and road safety measures to be identified during design works.

4. The prioritization process will consider socio economic impacts, climate resilience needs and flood vulnerability and road accessibility including access to markets, schools and hospitals. Prioritization of roads and preparation of designs will be carried out by specialized design consultancy services to be procured after project approval by the World Bank (WB).

## **1.3 Land Acquisition Impacts and Rationale for Resettlement Framework**

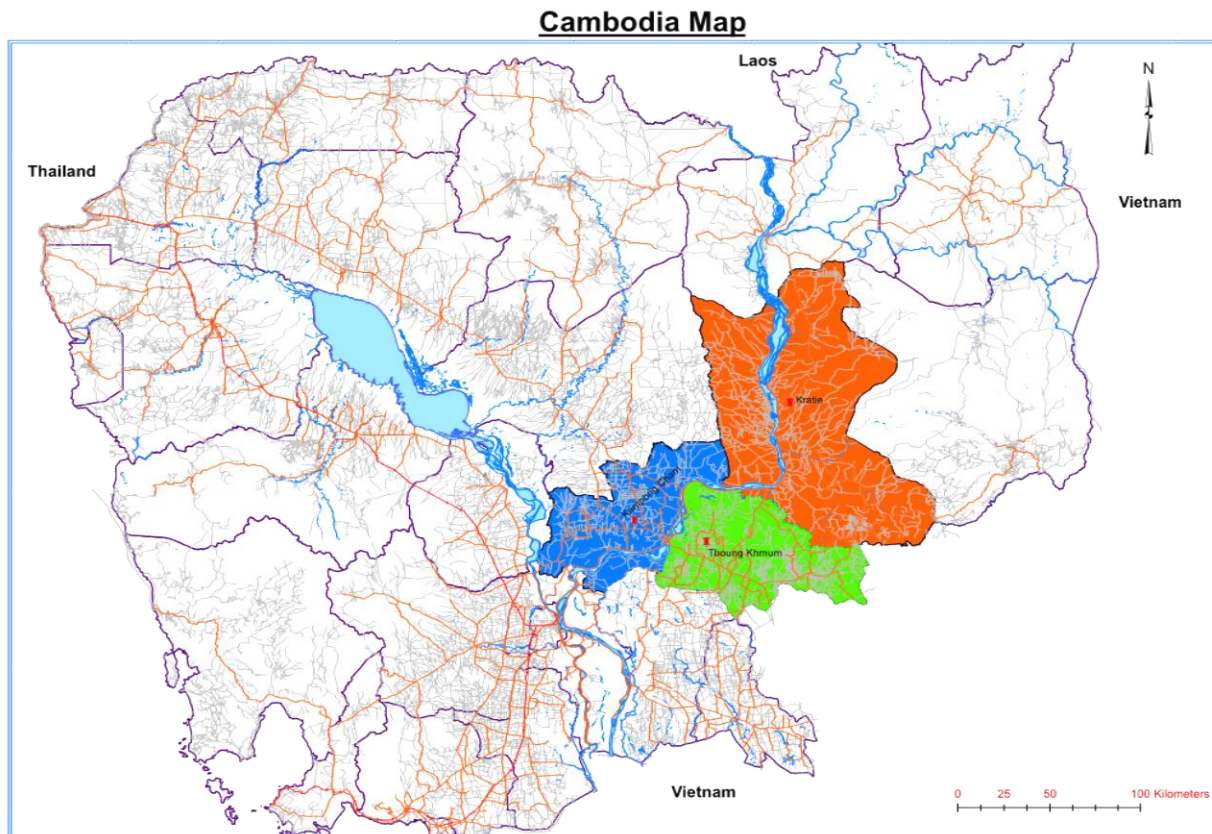
5. The proposed CRCIP will mostly have positive impacts on people by enabling them to have access to more reliable, durable, improved and safer roads. Those living or operating along the roads will benefit the most from the proposed project as they will have better and safer roads that will connect them in shorter time to markets, schools, hospitals and provincial centres.

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<sup>2</sup> Full description of the CRCIP, including rationale for the project, can be found in the WB's Project Appraisal Document (PAD).

<sup>3</sup> For information on component 1, please refer to the WB's PAD and Resettlement Plans and Environment and Social Management plans prepared by MPWT.

**Figure 1. Map of MRD Network in the Project Area**



6. Component 2 of the proposed CRCIP to be implemented by the MRD is not expected to involve in any land acquisition. While rural road sections for rehabilitation have not yet been selected, road rehabilitation is planned to be undertaken along the existing road alignment, where no land acquisition is necessary, and hence no acquisition of land or assets is expected. In line with ESS1 and ESS5, the project will adopt a mitigation hierarchy which will (a) adjust engineering designs to anticipate and avoid land acquisition impacts, and (b) where avoidance is not possible, minimize or reduce land acquisition impacts. However, there may be some concrete floor, fruit trees and/or structures encroaching on the road alignment which could be potentially affected, or instances where minor changes to road alignments becomes necessary for safety reasons or due to flooding which may lead to involuntary resettlement. Given that those who could suffer minor impacts as a result of road rehabilitation – such as shifting back temporary structures or trimming of fruit trees, or any unanticipated impacts – are also the biggest beneficiaries who will be living along an improved road, it is possible that local communities and households decide to voluntarily donate the affected land or structures or fruit trees and renege their right to compensation. However, in case there is any instance where road rehabilitation necessitates the involuntary acquisition of land or assets, this RF will apply.

7. Given this RF's preparatory stage before project appraisal and the potential candidate road sections are not known, this RF has been prepared by MRD, with the assistance of consultants and under the oversight of the General Department of Resettlement (GDR), to provide guidance and directions in case land acquisition and resettlement impacts are identified in the prioritized roads. As detailed in this RF, once prioritized roads are identified, MRD will be responsible for screening for land acquisition and

resettlement impacts, if relevant, working with GDR, ensuring Detailed Resettlement Plans (DRPs) are prepared by GDR with assistance of the consultants engaged under Component 2 and in close consultation with stakeholders. Clearance of DRPs by the WB will be necessary.

8. The RF recognizes that certain social groups may be less able to restore their living conditions, livelihoods and income levels and therefore, are at greater risk of impoverishment when their land and other assets are affected. During the DRP's social assessment, the project will identify any specific needs or concerns that need to be considered for the vulnerable groups. Gender integration will be considered during the planning, preparation and implementation of the DRP.

## 2 LEGAL FRAMEWORK ASSESSMENT

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

10. Key articles include:

- a) Article 2: The law has the following purposes: (i) ensure reasonable and just deprivation of a legal right to ownership of private property; (ii) ensure payment of reasonable and just prior compensation; (iii) serve the public and national interests, and (iv) development of public physical infrastructure;
- b) Article 7: Only the State may carry out an expropriation for use in the public and national interests;
- c) Article 22: An amount of compensation to be paid to the owner of and/or holder of rights in the real property shall be based on the market value of the real property or the alternative value as of the date of the issuance of the Prakas on the expropriation scheme. The market value or the alternative value shall be determined by an independent commission or agent appointed by the expropriation committee;
- d) Article 29: For the expropriation of a location that is operating business activities, the owner of the immovable property shall be entitled to additional fair and just compensation for the value of the property actually affected by the expropriation as of the date of the issuance of the declaration on the expropriation project. A tenant of the immovable property who is operating a business shall be entitled to compensation for the impact on their business operation and to additional assistance at fair and just compensation to the capital value actually invested for the business operation activities as of the date of the issuance of the declaration on the expropriation project.

11. Under the Article 3 that governs the provision for projects financed by development partners in Cambodia, the RGC issued in 2018 the Standard Operating Procedures (herein referred to as the **SOP**) for Land Acquisition and Involuntary Resettlement (LAR).<sup>4</sup> The **SOP** reflects RGC's laws and regulations relating to the acquisition of land and the involuntary resettlement of AP and the safeguard policies and procedures of Development Partners (DPs) as applied to public infrastructure investment projects, such as the proposed CRCIP. Where appropriate, the SOP includes references to international good practices in resettlement planning, implementation, monitoring and reporting. The SOP has been promulgated under **Sub Decree No. 22 ANK/BK** on 22 February 2018 and applies to all externally financed projects in the Kingdom of Cambodia. The GDR of the Ministry of Economy and Finance (MEF) is responsible for providing guidance and clarification to users of the SOP. Given that the proposed CRCIP is a donor-funded project, the provisions of SOP will apply to the proposed CRCIP and therefore should be read together with this RF.

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<sup>4</sup> Accessible at [https://www.mef.gov.kh/documents/laws\\_regulation/LAR-SOP-Final-13032018.pdf](https://www.mef.gov.kh/documents/laws_regulation/LAR-SOP-Final-13032018.pdf)

## 2.1 Gap Analysis: WB's ESF and RGC SOP

12. The WB's ESS5 recognizes that project-related land acquisition and restrictions on land use can have adverse impacts on communities and persons. The WB's ESS5 and the RGC's SOP both cover objectives and principles of land acquisition and involuntary resettlement, and the principles of both are largely similar. Hence, there are no significant gaps between the policies. However, there is only one main gap found on voluntary donations, and a very few minor clarifications reflected in Tables 1 and 2 respectively.

**Table 1: Summary of Main Gaps Between RGC's SOP and WB's ESS5**

Items with Difference	RGC SOP	WB's ESS5	Measures to Address Differences
Voluntary Donations	<ul style="list-style-type: none"> <li>The SOP deals with land acquisition and <i>involuntary</i> resettlement and therefore does not provide guidance on voluntary donations.</li> </ul>	<ul style="list-style-type: none"> <li>WB ESS5 is also applicable to cases where affected people choose to voluntarily donate land or assets based on conditions set in footnote 10 of ESS5: (a) the potential donor or donors have been appropriately informed and consulted about the project and the choices available to them; (b) potential donors are aware that refusal is an option, and have confirmed in writing their willingness to proceed with the donation; (c) the amount of land being donated is minor and will not reduce the donor's remaining land area below that required to maintain the donor's livelihood at current levels; (d) no household relocation is involved; (e) the donor is expected to benefit directly from the project; and (f) for community or collective land, donation can only occur with the consent of individuals using or occupying the land.</li> </ul>	<p>This RF provides guidance on when voluntary donations would be appropriate and the process of carrying out the donations, including documentation which will need to be followed by MRD.</p>

**Table 2: Summary of Clarifications Between RGC's SOP and WB's ESS5**

Items for Clarification	RGC SOP	WB's ESS5	Clarifications
Livelihood restoration and assistance	<ul style="list-style-type: none"> <li>SOP details specific measures to restore livelihoods which are land-based, employment-based and business-based.</li> </ul>	<ul style="list-style-type: none"> <li>Provision of livelihood restoration and assistance to achieve WB ESS5 objectives in cases of significant loss of livelihood.</li> </ul>	<ul style="list-style-type: none"> <li>Based on SOP, an Income Restoration Program would be provided in order to re-establish sources of livelihoods for those APs who have permanently lost their sources of livelihood. If applicable in CRCIP, DRPs will include provisions to ensure livelihood restoration programs are robust and can accurately meet the livelihood restoration objectives in line with WB ESS5.</li> </ul>
Grievance Redress	<ul style="list-style-type: none"> <li>Appendix 8 of the SOP provides the structure</li> </ul>	<ul style="list-style-type: none"> <li>Annex 1 of ESS10 includes details of administrative and</li> </ul>	<ul style="list-style-type: none"> <li>The SOP states that there will be consultations with APs at various</li> </ul>

Mechanism	<p>and details on the operating guidelines and procedures of an effective functioning Grievance Redress Mechanism. It provides a 3-step process including, the registration and recording of complaints and the judicial process if, the complaints remain unresolved at the administrative level. The detailed procedures for at each step are also provided in the SOP.</p>	<p>judicial process on Grievances Redress Mechanisms to handle grievances/complaints under all ESS. Participation in resettlement planning and implementation, including in developing appropriate Grievances Redress Mechanisms that are useful and accessible to local people.</p>	<p>stages including during BRP and DRP preparation. Prior to the preparation of the DRP, consultation is carried out to confirm eligibility criteria and discuss entitlement matrix, as well as to introduce GRM. In addition, the copies of the Guidelines for GRM are translated in Khmer and provided and explained in detail to the APs during the public consultation process. There are clear mechanisms for grievance redress in the SOP.</p> <ul style="list-style-type: none"> <li>• While the mechanisms are clearly set out, GDR will ensure it is accessible to all APs, in particular vulnerable APs and women.</li> <li>•</li> </ul>
Consultations and Stakeholder Engagement	<ul style="list-style-type: none"> <li>• The SOP details out number of steps to carry out consultations at various stages of the land acquisition and resettlement process and compensation.</li> <li>• Para 126 mentions that the consultation is undertaken throughout the project cycle.</li> <li>• SOP provides for stakeholder engagement in respect of land acquisition and involuntary resettlement.</li> <li>• The SOP provides for disclosure of the RF to the stakeholders and public before the approval of the project. Similarly, the DRPs are also disclosed to stakeholders and public after approval by the DP</li> </ul>	<ul style="list-style-type: none"> <li>• ESS1 requires that stakeholder engagement with affected and interested stakeholders will be throughout the project cycle in line with the project's Stakeholder Engagement Plan (SEP), including ongoing consultations and document disclosure.</li> </ul>	<ul style="list-style-type: none"> <li>• Meaningful consultations as per WB ESS10 should be conducted, with particular attention to ensuring it is a two-way process, that allows for feedback from APs and they are informed how their feedback was incorporated.</li> </ul>



### 3 PRINCIPLES AND OBJECTIVES

13. The purpose of this RF is to ensure that all people affected by the proposed project can maintain or improve their pre-project living standards. The RF will apply if proposed road sections in Component 2 directly and negatively affect people as a result of LAR. Screening will help decision-makers determine measures for avoiding, minimizing or mitigating LAR impacts. In cases where land is voluntarily donated by individuals/households, DRPs will not be prepared but this RF will guide the process for assessing and carefully documenting voluntary donations and the process documented by MRD.
14. The project's approach to manage resettlement follows the World Bank's mitigation hierarchy by:
- (i) adjusting designs to avoid impact on land and assets;
  - (ii) when impacts cannot be avoided, minimize them;
  - (iii) discuss with affected people the option to voluntarily donate assets instead of receiving compensation, if the criteria described in this RF apply,
  - (iv) for those who choose not to donate, or who do not fit the criteria, deliver: (i) compensation at market or full replacement value for land and lost assets, or land-for-land replacement, and (ii) compensation paid before to the beginning of the construction works and (iii) resettlement framework/plan publicly disclosed and information provided about grievance process.
15. This RF covers resettlement: (i) where land, or assets, are **voluntarily donated**; (ii) where land, or assets, are **involuntarily acquired**. Voluntary contributions, with proper information and documentation as explained in this RF, can be justified because road rehabilitation will directly benefit the people who are living/operating along the roads and the benefit from an improved road may far outweigh the impact on a small asset such as a concrete driveway.

#### 3.1 Principles and Requirements on Voluntary Donation

16. Specific principles that will guide the process of voluntary donations include:
- Detailed design should select alignments that avoid or, otherwise minimize, impacts on land, structures and other fixed assets;
  - Consult with AHs whether voluntary contributions, based on guidance in this RF, is possible and acceptable, ensuring that they are fully informed that by voluntarily donating they are reneging on their right to compensation;
  - Develop fair and transparent procedures for voluntary donation, in consultation with AH and the community;
  - Ensure that those voluntarily donating are those living next to the road (and directly benefiting from road rehabilitation), that donated land is minor and will not reduce the donor's remaining area below that required to maintain the donor's livelihood at current levels and that no household relocation is involved;
  - Ensure that donated assets are owned and used by the owner, and that if others are using the asset they are also fully consulted and agree to the donation<sup>5</sup>;
  - Ensure that no fees are paid by the person donating, and that any fees or taxes incurred are covered by MRD;

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<sup>5</sup> For instance, if part of a business stall is leased and is being donated by the owner, the person leasing the stall should also be consulted.

- In cases of community or collective land, donation can only occur with the consent of individuals using or occupying the land;
- Keep AH fully informed about the voluntary donation process and their related rights and avenues for redress, in line with consultation procedures outlined in this RF and the project's Stakeholder Engagement Plan (SEP), with particular attention to gender and vulnerable groups and Indigenous Peoples if relevant (and in line with project's IPPF); and
- Ensure that the process is clearly documented by MRD and submitted to the WB.

### **3.2 Principles and Objectives on Land Acquisition**

17. Specific principles that will guide the process of land acquisition include:

- To avoid involuntary resettlement or, when unavoidable, minimize involuntary resettlement by exploring project design alternatives.
- To avoid forced eviction.<sup>6</sup>
- To mitigate unavoidable adverse social and economic impacts from land acquisition or restrictions on land use by: (a) providing timely compensation for loss of assets at replacement cost<sup>6</sup> and (b) assisting displaced persons in their efforts to improve, or at least restore, their livelihoods and living standards, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.
- To improve living conditions of poor or vulnerable persons who are physically displaced, through provision of adequate housing, access to services and facilities, and security of tenure.
- To conceive and execute resettlement activities as sustainable development programs, providing sufficient investment resources to enable displaced persons to benefit directly from the project, as the nature of the project may warrant; and
- To ensure that resettlement activities are planned and implemented with appropriate disclosure of information, meaningful consultation, and the informed participation of those affected.

### **3.3 Eligibility Criteria**

18. This RF applies to permanent or temporary physical and economic displacement directly caused by the project as described in the SOP, and compliant with WB's ESS5. All AHs who have assets in the COI before the cut-off date (COD) will be eligible for compensation, regardless of their legal status<sup>7</sup>. Eligibility will be determined with regards to the COD, which will be the last day of the first round of consultations, when the road section and COI has been identified, and through announcement in the consultations and posting on commune/Sangkat/public boards and/or pagodas. Those who encroach into/or occupy the project area after the COD will not be eligible for any compensation or any other assistance.

19. This RF does not apply to impacts on incomes or livelihoods that are not a direct result of land acquisition or land use restrictions imposed by the project. These impacts would be addressed under ESS1 of the ESF (on Assessment and Management of Environmental and Social Risks and Impacts) and the component's ESMP.

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<sup>6</sup> Forced eviction is defined as the

<sup>7</sup> With formal legal rights to land or assets; without formal legal rights but with recognized or recognizable claim under national law; with no recognizable legal right or claim to land or assets they occupy and use.

20. This RF does not apply to voluntary donations, defined as the ceding of a property by an owner who is: (a) appropriately informed; and (b) can refuse to donate. However, this RF provides guidance on how the voluntary process would be conducted and documented.

### **3.4 Resettlement Process: Step by Step**

21. In line with requirements in ESS 1 and ESS5, the project will adopt a mitigation hierarchy which will:

- a) Adjust engineering designs to anticipate and avoid land acquisition impacts;
- b) Where avoidance is not possible, minimize or reduce land acquisition impacts;
- c) Inform stakeholders of their right to compensation as well as the potential for voluntary donation in line with this RF (Section 3.4.1);
- d) Where land acquisition impacts remain, compensate affected people in line with this RF before civil works take place, with appropriate disclosure of information and available grievance mechanism as described in this document (Section 3.4.2).

#### **3.4.1 Voluntary Donations**

22. For voluntary donation. Given that people who could suffer minor impacts as a result of rehabilitation – such as cutting back concrete driveways, roofs or trimming of fruit trees – are also the biggest beneficiaries who will be living along an improved road, it is possible that local communities and households decide to voluntarily donate the affected asset without compensation. Since road works will only take place in the existing road part of the government's Right-of-Way (ROW), there will be no land impacted, only small assets. MRD will select priority roads for rehabilitation based on a set of criteria, and will design rehabilitation to ensure the avoidance, or minimization, of impacts to assets. The land being donated is defined as minor when the donated land will not reduce the donor's remaining area below that required to maintain the donor's livelihood at current levels.

23. Once road sections are defined, MRD will conduct land acquisition screening (see Annex 1) to see if there are any assets in the COI that may be impacted, such as fruit trees, fences or concrete driveways. Those with assets in the COI, who fulfil the criteria for voluntary donations outlined in this RF, will be consulted on the potential of voluntarily donating their assets and reneging on their right to compensation. Consultations should include anyone that may also be a user of the asset, such as a person leasing a business stall. The principles detailed in this RF should be followed. MRD should take careful documentation of people with assets in the COI and set a "COD", to ensure people do not further encroach on the road corridor (see 3.5.1).

24. At this stage of consultations, MRD staff will check that those voluntarily donating land are:
- People with structures/trees close to the road who are expected to directly benefit from the project;
  - The potential donor or donors have been appropriately informed<sup>8</sup> and consulted about the project and choices available to them (in this case, seeking compensation);
  - Potential donors are aware that refusal is an option, and have confirmed in writing (see Annex 3) their willingness to proceed with the donation;
  - The portion of asset donated is minor and will not reduce the asset of the donor below what is required to maintain the donor's livelihood at existing level;
  - That no household relocation is involved;

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<sup>8</sup> Appropriately informed means that the owner has all available information regarding the proposed activity and its impacts, its land requirements, and its alternate activity sites, as well as his or her rights to compensation.

- That donated assets are owned and used by the owner, and that if others are using the asset they are also fully consulted and agree to the donation<sup>9</sup>, and
- That no fees are paid by the person donating, and that any fees or taxes incurred are covered by MRD.

25. For community or collective land or assets, donation can only occur with the consent of individuals using or occupying the land or asset.

26. Assuming that all people in a given rural road section meet the criteria as described above and agree to voluntary donation, MRD will continue the consultation process to inform people of procedures for voluntary donations and timelines. Consultations are expected to be ongoing before, during and after, civil works. MRD will conduct the detailed survey of assets donated (see Annex 3).

27. MRD will be responsible for carefully documenting the voluntarily donation process (also see Section 3.6.1) and compile a report which includes:

- Project name and location;
- Description of the road section, the Corridor of Impact (COI) and the extent of impacts on assets (may attach Annex 1);
- Description of consultation activities that took place to inform people of the project and their rights to compensation and donation;
- List of voluntarily asset contribution (may attached Annex 3);
- List of people donated, disaggregated by gender;
- Minutes of meetings disclosing the project, informing about rights and options in the project, and notes on house-to-house consultation activities on voluntary donations.

28. The GDR will not be involved in the voluntary land donation process. Voluntary land donation will be the sole responsibility of MRD.

### **3.4.2 Land Acquisition**

29. For land acquisition. Once the specific MRD-implemented road sections are identified and MRD has undertaken screening (see Annex 1), if it is found that there are instances where involuntary land acquisition will be necessary (because people do not agree to voluntarily donate, because conditions of voluntary donation do not apply and/or because the road alignment is widened and further impacts are anticipated), MRD will inform GDR, as the agency in charge of implementing land acquisition as defined in the SOP. GDR will then conduct visits to assess the land acquisition impacts and MRD will be responsible for sharing with GDR the COI and Detailed Engineering Designs.

30. Once the COI of a road section is defined, GDR and MRD will prepare Project Information Booklets to inform AH of the project and extent of land acquisition impacts. The first round of consultations led by MRD and GDR will take place with local authorities and AHs to discuss the project and land acquisition. CODs will be set during the first consultations process (usually the last day of the consultations, which will be announced during the consultations – see Section 3.5.2) and the Census of AH (see 3.6.2), based on the road's COI, will be undertaken as soon as possible after the first consultation.

31. Following the first consultations, Census and inventory of lost assets, GDR, working with MRD, will begin the preparation of Detailed Resettlement Plans, including conducting a Detailed

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<sup>9</sup> For instance, if part of a business stall is leased and is being donated by the owner, the person leasing the stall should also be consulted.

Measurement Survey (see 3.6.2) and Replacement Cost Study (see 3.7), as further described below.

### **3.5 Cut-off Dates**

#### **3.5.1 Voluntary Donations**

32. For voluntary donations. Cut-off Dates should be set by MRD at the end of the first round of consultations to ensure people do not encroach on the COI. Detailed documentation of assets donated will be carried out as soon as possible after the COD.

#### **3.5.2 Land Acquisition**

33. For land acquisition. COD will be set, and announced, after the first round of consultations with the affected people once road designs are known, usually is the last day of the consultations. COD should be accurately recorded in the minutes of the consultation meetings. Census of AH will be carried out as soon as possible after setting the COD. Persons not covered by COD can still be eligible in case they can show proof that they have been inadvertently missed out during the census.

### **3.6 Detailed Measurement Survey**

#### **3.6.1 Voluntary Donations**

34. For voluntary donations. MRD will carefully record all assets voluntarily donated by people who are living along the road corridor with assets in the road corridor who may be affected. MRD should ensure people complete the Voluntary Land Donation Form (see Annex 3) at this stage to properly record donated assets.

#### **3.6.2 Land Acquisition**

35. For land acquisition. A detailed measurement survey (DMS), compiling census, household socioeconomic and inventory of loss information, will be conducted by GDR, with support from MRD, after the completion of detailed engineering design and demarcation of land to develop the inventory of resettlement impacts on AHs, assets and business. AHs should be informed ahead of time of these dates, ideally during consultations.

36. The measurement of the land, structures and other productive assets of each displaced person is carried out during the DMS which is the basis to determine the compensation package. The measurement is carried out with the full involvement of the displaced person to avoid any disputes on incorrect measurements or calculations and under payment of compensation. The DMS Team will install pegs or markers for the demarcation of the affected land in the presence of the displaced person and carry out the calculation of the area of the land and other assets that will be lost. The land is also classified based on actual land use.

### **3.7 Replacement Cost Study**

37. Replacement Cost Study (RCS) does not apply to voluntary donations.

38. For land acquisition, RCS is the method of valuation of assets at full replacement cost yielding compensation sufficient to replace assets, plus necessary transaction costs associated with asset replacement. Transaction costs include administrative charges, registration or title fees, and any similar costs imposed on AH. The payment of compensation for lost assets is based on market value or at full replacement cost prevailing at the time of the DMS and is determined by an independent agent and confirmed by GDR following the criteria of WB ESS5 para 13 (see Definitions section).

39. The RCS will be carried out in parallel with the DMS by an independent national consultant (individual or firm) with the necessary experience in asset valuation, as detailed in the SOP. The compensation amount for each displaced person is calculated based on the DMS of the affected assets in the IOL and applying the unit costs from the RCS report to their measurements to arrive at the replacement costs of the affected assets. The agreement on the compensation package is confirmed under a formal and binding contract between IRC-Working Group (IRC-WG) and the AH. If any errors are found during the consultation process, they will be corrected on the spot. Complaint procedures are available as per the project's Grievance Redress Mechanism.

40. A binding legal instrument will be used to record all loss of assets which will be signed by the AH and IRC-WG, witnessed by local authority. The compensation eligible to each affected entity will be determined based on an Entitlement Matrix and the detailed methodology to calculate compensation will be articulated in the DRP. The methods of valuing the affected assets and the calculation of the compensation for each eligible AH will be all full replacement cost in line with ESS5 of the WB's ESF.

41. The preparation of DRPs will follow the procedures above as described in the SOP and be consistent and in compliance with the WB's ESS5, including the concept of full replacement cost. A detailed sample outline for a DRP, consistent with RGC's SOP and the WB's ESS5, is included in Annex 2. Key tasks for DRP preparation are summarized in Table 3. Clearance of DRPs by the WB will be necessary.

**Table 3: Key Tasks by GDR on Detailed Resettlement Plan Preparation as per the SOP and Compliance with WB ESS5**

<b>Task</b>	<b>Requirement</b>
Institutional Arrangements.	<ul style="list-style-type: none"> <li>Establishment of the IRC and IRC-WG.</li> <li>Establishment of the PRSC and Provincial Resettlement Sub-Committee Working Group (PRSC-WG).</li> </ul>
Detailed Measurement Survey (DMS)	<ul style="list-style-type: none"> <li>Demarcation of Land and DMS (100% household survey, 100% IOL and Full Census through DMS Questionnaire).</li> </ul>
Gender	<ul style="list-style-type: none"> <li>Gather gender information.</li> <li>Prepare plan for provision of social support, services, employment, and means of subsistence for income support for women headed households.</li> </ul>
Poor and Vulnerable Groups.	<ul style="list-style-type: none"> <li>Update the database based on DMS.</li> <li>Determine the different categories and eligibility to receive additional assistance package.</li> <li>Finalize the additional assistance package.</li> </ul>
Replacement Cost Study (RCS)	<ul style="list-style-type: none"> <li>Hire external expert to carry out RCS to determine the prevailing market rates for replacing loss assets. The methods of valuing the affected assets and the calculation of the compensation for each eligible AP will be all full replacement cost in line with ESS5 of the WB's ESF.</li> </ul>

Compensation Package	<ul style="list-style-type: none"> <li>Update the RF Entitlement Matrix to show the full and complete compensation package that will be made available to the AHs.</li> </ul>
Livelihood Support Plan <i>(if applicable)</i>	<ul style="list-style-type: none"> <li>Prepare Plan for Livelihood Support Program for permanent loss of sources of livelihood in consultation with AHs.</li> </ul>
Grievance Redress Mechanism (GRM)	<ul style="list-style-type: none"> <li>Operationalize the GRM at Provincial level.</li> <li>Outline the procedures for handling complaints in line with SOP, provide details during the consultation process and ensure it is readily accessible and useful to the AHs.</li> </ul>
Consultation	<ul style="list-style-type: none"> <li>Meaningful consultation based on WB ESS10, and definitions described in this RF, with AHs at commune level to inform about the overall entitlements and method of computation of compensation and the GRM procedures, to seek their feedback of the resettlement process.</li> <li>Meaningful consultation with AHs eligible for relocation on the Resettlement Sites (if applicable) at commune/village level as per guidelines above.</li> <li>House to house consultation to confirm measurement surveys during DMS.</li> <li>Consultations on compensation rates prior to signing of contracts.</li> </ul>
Monitoring and Reporting	<ul style="list-style-type: none"> <li>Arrangements, roles, and responsibilities for monitoring and reporting of the implementation of DRP; and the reporting requirements.</li> <li>Scope of internal monitoring.</li> </ul>
Formulation of Budget	<ul style="list-style-type: none"> <li>Prepare estimates on land acquisition by GDR.</li> </ul>

Source: Based on the SOP, 2018

### 3.8 Compensation and Other Resettlement Assistance

42. This section applies in cases of land acquisition only. All persons with assets in the COI before COD will be eligible for compensation for lost assets regardless of their legal status. Given that road rehabilitation is expected to be conducted in the road's ROW, which is state land, there would be no compensation for land but only compensation for assets such as structures and trees. However, for AHs with legal claims to land ownership in line with this RF, compensation for land may also be necessary based on market rates.

43. Fruit trees, other productive trees, and crops will be fully compensated as per principles of replacement cost and guidelines in the SOP and ESS5 of the WB's ESF. As much as possible, AHs will be allowed to harvest crops before acquisition.

44. Businesses affected by land acquisition will be compensated for loss of income as well as transport allowances where relevant.

45. Cash compensation based on the principles of replacement cost will be provided to AHs losing structures, or parts of structures, such as kiosks, roofs, concrete payments, fences or houses. Transport allowances will also be provided where relevant.

46. For AH losing income during the transition period, allowances will be provided. If applicable, livelihood restoration programs will be provided for AHs who permanently lose their source of livelihoods.

47. Vulnerable households will receive double the amount of allowances (such as for transition period).

### **3.9 Vulnerable Groups**

48. In cases where there is land acquisition and vulnerable groups are identified, it will be important for DRPs to be prepared keeping in mind the needs of vulnerable groups. Special attention should be paid to gender aspects. In cases where vulnerable groups are Indigenous Persons, DRPs should be done concurrently and in coordination with the Indigenous Peoples Plans, which will be prepared by MRD.

49. Vulnerable persons are categorized as: (i) households living below the poverty rate as established by the RGC; (ii) elderly people headed households with no means of support; (iii) female headed households with dependents living below the poverty rate; (iv) disabled headed households, and (v) indigenous peoples (who often have traditional land rights but no formal titles).

### **3.10 Livelihood Restoration Program**

50. In the unlikely event that there are affected people who lose their source of livelihood permanently, there will be a livelihood restoration support program to assist displaced persons in re-establishing their livelihood.

51. The Livelihood Restoration Support Program would offer three categories of programs: (i) Land-Based Livelihood Restoration; (ii) Employment-Based Livelihood Restoration; and (iii) Enterprise or Business-Based Livelihood Restoration. Displaced persons will be entitled to participate in any one of the three programs. If relevant in the CRCIP, these programs should be further designed in consultation with AHs. Programs would include a mixture of skills training and financial support to assist in the re-establishment of the new livelihood.

#### **3.10.1 Land-Based Livelihood Restoration**

52. This would be offered to affected households who rely and permanently lose land-based source of livelihood like agriculture and livestock. They would be provided:

- a) Access to other land-based sources of income, like vegetable gardening, fruit trees, and livestock if alternative agricultural land is available. This would be accompanied by skills training in farming and livestock specifically designed for them.
- b) Financial support in the form of a lump sum cash grant to assist in re-establishing the livelihood.

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

#### **3.10.2 Employment-Based Livelihood Restoration**

54. This would be offered to displaced persons who rely on employment for their livelihood and have permanently lost employment directly as a result of the LAR. They would be provided:

- a) Provision of employment skills training. A survey of the employment opportunities in the proximity of the relocation sites would be carried out as part of the preparation of the DRP which would be analysed to determine the types of jobs available and the skills set requirements. The training program would be developed to help build these skills set for the AHs. In lieu of skill training provided under the project, a cash grant for AHs to pursue skills training of their choice elsewhere may be offered when there are insufficient number of AHs who lose their employment.



- b) Financial support in the form of cash grant.
- c) The project could also provide temporary job opportunities at the construction site, at the office, or other places. Construction work often requires low-skills and could be available more easily. For other jobs in offices or those requiring higher level of skills, skill training would be provided to the displaced person to access these jobs.

### **3.10.3 Business-Based Livelihood Restoration**

55. This would be offered to the displaced persons who rely on business for their livelihood and have lost them permanently. They would be provided:

- a) Provision of business skills training focusing on micro or home-based businesses. In case of insufficient number of AHs, a cash grant may be offered to pursue skills training elsewhere of their choice.
- b) Financial support in the form of a lump sum cash grant to assist in starting or re-establishing micro or home-based businesses.

## **4 INSTITUTIONAL ARRANGEMENT**

### **4.1 Ministry of Rural Development**

56. The **Ministry of Rural Development (MRD)** is the implementing agency responsible for CRCIP Component 2 and will implement project activities using their existing institutional setup and departments. The Project Director (PD) at MRD will be responsible for overall guidance and policy advice, internal coordination, discussion and resolution of project matters with counterparts in the ministry and other government agencies, donor alignment and harmonization, and public disclosure and civil society involvement. The project manager (PM) at MRD will provide day-to-day support to the PD and will have the responsibility to ensure that the Project Operation Manual (POM) is followed, environment and social activities are implemented, all consultants follow their terms of reference and delivery schedule, project activities are carried out on schedule and within budget, and financial management reports are submitted on time. MRD will be solely responsible for the implementation of voluntary donation activities.

#### **4.1.1 MRD Social and Environment Officer**

57. **MRD's Social and Environment Officers (SEOs)** will be responsible for screening of land acquisition impacts on the prioritized rural roads as per this RF (Annex 1). The SEOs will report to the PM.

#### **4.1.2 In cases of Voluntary Donations**

58. In cases where there are minor impacts on assets in the road corridor and the criteria for voluntary donation outlined in this RF applies, the SEOs, under the direction and guidance of the PM, will be responsible for carrying out the process of voluntary donations as described in this RF. The SEOs will be responsible for adequately informing AHs of their rights to compensation and their option to renege their right and voluntarily donate assets. The SEOs will also be responsible for adequately documenting the process in line with this RF. The SEOs will also be responsible for keeping people informed about the voluntary donation process, schedule and grievance redress as outlined in this RF. For road components where there are voluntary donations, only the MRD and SEOs will be responsible and GDR and other agencies described below will not be involved.

#### **4.1.3 In cases of Land Acquisition**

59. If road improvements will lead to land acquisition, the PM and SEOs will liaise with the GDR to ensure the timely preparation of DRPs. Specifically, the SEOs will support GDR and work with GDR as follows:

- Participate as a member of the IRC-WG and assist the Provincial Resettlement Sub-Committee Working Group (PRSC-WG) in carrying out the land acquisition tasks at the provincial level, including participating in DMS, consultations and delivery of entitlements;
- Ensure that GDR participates and carries out all safeguard reviews during project review missions; and
- Advise GDR in case of any resettlement bottleneck hampering or having the potential to delay the construction activities.

### **4.2 Ministry of Economy and Finance**

60. The **Inter-Ministerial Resettlement Committee (IRC)** has the mandate to review and evaluate the resettlement impact and land acquisition for public physical infrastructure development projects in the Kingdom of Cambodia. The IRC is a collective entity, permanently chaired and led by the Ministry of Economy and Finance (MEF), with members from different line ministries. The IRC carries out its roles through a Working Group (IRC-WG) which is established by MEF for each public investment project. The IRC is the approving authority for all RFs, draft RPs, and DRPs prior to submission to the WB for its approval.

61. The **General Department of Resettlement (GDR)** is the permanent Secretariat of the IRC and is the lead agency for the preparation, implementation, and monitoring and reporting of land acquisition and resettlement activities. The GDR carries these activities through its Resettlement Departments. The Resettlement Department acts as the first point of contact and interface with MRD for the entire resettlement cycle. The preparation of the RFs has been carried out by MRD with the assistance of consultants, under the direction and guidance of GDR and will be reviewed and endorsed by the GDR before submission to the IRC for approval. The GDR is responsible for all other land acquisition and resettlement activities, including preparation of DRPs,<sup>10</sup> its implementation, establishment and function of Grievance Redress Mechanism and preparing DRP Compliance report upon completing compensation payment and during DRP implementation.

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

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

- Provide the coordination and supporting role to the GDR, IRC and IRC-WG for land acquisition activities at the local level;
- Ensure all relevant provincial and local government authorities provide the necessary support for land acquisition;
- Manage the public consultation meetings at Provincial Level; and
- Responsible and accountable for the disbursements of the compensation payments at the provincial level.

64. The **Provincial Resettlement Sub-Committee Working Group (PRSC-WG)** is established by the Provincial Governor and is mainly responsible for technical functions of the PRSC and works with the IRC-WG in carrying out the land acquisition activities at the provincial level. In addition to supporting the PRSC, the PRSC-WG has the following specific functions:

- Facilitate all public consultation and information disclosure meetings and maintain records;
- Cooperate with IRC-WG in carrying out DMS and Inventory of Losses (IOL) and in the implementation of the approved DRP;
- Lead the payments of compensation; and

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<sup>10</sup> The international and national resettlement specialists engaged under Component 2 will prepare the BRPs and DRPs in close coordination with GDR.

- Prepare monthly progress reports on all land acquisition activities at the provincial level and submit to PRSC and GDR

## **5 GRIEVANCE REDRESS MECHANISM**

65. The Grievance Redress Mechanism seeks to resolve concerns promptly, using an understandable process that is culturally appropriate and readily accessible at no cost. Grievances can be submitted if someone believes the Project is having a detrimental impact on them as a result of land acquisition impacts. Stakeholders may also submit comments and suggestions. Grievances or concerns relating to issues other than land acquisition should be referred to the project's overall GRM described in the Stakeholder Engagement Plan (SEP).

### **5.1 Voluntary Donations**

66. For voluntary donations, the MRD will establish a project level GRM for receiving and resolving grievances or complaints on voluntary donations, environmental and other social safeguards including any project implementation issues raised by the APs. The SEO's of MRD will be responsible for receiving and resolving in a fair, objective, and constructive manner, all concerns or complaints raised by affected households due to voluntary land donations. Their broad responsibilities of the grievance management include:

- Developing and publicizing the grievance management procedures during the voluntary land donation consultation process;
- Receiving, reviewing, investigating and keeping track of grievances;
- Adjudicating grievances;
- Monitoring and evaluating fulfilment of agreements achieved through the grievance mechanism.

67. For the interest of all parties concerned, the grievance mechanism is designed with the objective of solving disputes at the earliest possible time. A recommended timeframe for the resolution of a complaint should be sought within two weeks. However, where a complaint cannot be readily resolved, then it must be escalated.

68. The first level of complaint resolution, following traditional methods in Cambodia, should be the Village and/or Commune level as described above<sup>11</sup> who may be able to resolve issues on the spot. The Village/Commune level, should record the grievance and how it was resolved and communicate it to MPWT/MRD's Social and Environment Officers (SEO). In cases where grievance is related to a labour dispute, the grievance may be first submitted to the contractor and/or human resource staff of the contractor directly.

69. In cases where grievances cannot be resolved on the spot, the second level of complaint people will be able to file grievances directly with the SEO. People will have been informed of the SEO's contact information during consultations. The SEO will be able to record the grievance and offer a solution within 15 days, consulting with the MRD Project Manager and Director, as needed. This may include a visit to the project site by the SEO if necessary. There are no fees or charges levied for the lodgement and processing of grievances for level one or two.

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<sup>11</sup> In the case of IPs, this may need to be adapted to an IP community leader.

70. In cases where grievance still cannot be resolved, or not resolved to the satisfaction of the person making the complaint, level three is that the person has the right to submit a complaint to the District or Province authorities or directly to the Courts. This will be at the cost of the person lodging the court case.

## **5.2 Land Acquisition**

71. In case the CRCIP Component 2 leads to land acquisition, there will be a GRM set up to deal with complaints relating to unjust compensation, inadequacy of entitlements, inaccuracies in detailed measurements or errors in computation of the compensation payments, among others. The GDR through IRC will facilitate the establishment of a Provincial Grievance Redress Committee (PGRC). The PGRC will be established by the Provincial Governor in consultation with the IRC.

72. The PGRC comprises of representatives from the relevant provincial authorities and MEF as follows:

- Chair: Provincial Governor, or person appointed by the Provincial Governor
- Vice Chair: Director of Provincial Department of Land Management, Urban Planning and Construction
- Member: Director of Provincial Department of MEF
- Member: Chief of Provincial Office of Law and Public Security
- Member: District Governor
- Member: One Representative of Local Based Civil Society Organization

73. During consultations relating to land acquisition, AH will be encouraged to resolve grievances on the ground as a first step in order to expedite the process. An AH could seek the assistance of the village or commune chief or a community elder to discuss and find an amicable solution to the grievance with the leader of the PRSC-WG. This would be done verbally and a formal written complaint by the AH is not required (although the complaint and how it was resolved will be recorded as part of the grievance records and the project's monitoring process). The PRSC-WG would consult with the IRC-WG to ensure the grievance is properly addressed. However, if the grievance is not resolved to the satisfaction of the AH or in case the AH prefers, he/she may seek the formal route for lodging the grievance as explained below.

74. The GRM will also allow for anonymous complaints to be raised and addressed. However, it will be noted to AHs that anonymous complaints – if relating to specific entitlements, for example – may take longer to resolve without sufficient details. Nevertheless, there may be instances where anonymous complaints are still relevant and therefore will be accepted. Such complaints will be addressed by the GDR and if the matter is not resolved, the complaint will be forwarded to the third step of the GRM to the PGRC for resolution.

75. **First Step.** The aggrieved AH can lodge a written complaint to the Head of the District Office where the subproject is located. The AH can bring a community elder or representative to mediate in the matter at the District level. The IRC-WG will appraise the Head of the District Office about the matter. The conciliation meeting must be held and a decision taken within 15 working days after the date of registration of the complaint by the District Office. If the complaint is resolved at the District Level to the satisfaction of the AH, the IRC-WG will inform GDR's Department of Internal Monitoring and Data Management (DIMDM), which will review and seek the approval of the Director General, GDR for appropriate remedial action. The AH will be informed in writing by the GDR of the decision and the remedial action that will be taken within 15 working days from the receipt of the letter from the District Office. If the complaint is rejected at this stage, the District Office will inform the AH in writing and if

the AH is not satisfied with the result, s/he can proceed to the next step and lodge a written complaint to the GDR for resolution.

76. **Second Step.** The GDR through its DIMDM will carry out a holistic review of the complaint and submit a report on its findings with the relevant recommendations, if any, to the Director General, GDR for a decision. It may also conduct a field visit to meet the aggrieved AH and the IRC-WG to gather the relevant details. The final report must be completed within 30 working days from the date of receipt of the complaint and submitted to the Director General, GDR for a final decision within 5 working days of receipt of the final report. In the event that the subject matter requires a policy level intervention, it will be referred to the IRC for a decision in which case 10 more working days will be added to the deadline for final decision.

77. **Third Step.** The AH will submit a written complaint with the PGRC through the Provincial Governor's Office. The AH or a representative will be given an opportunity to present its case during the meeting and the PGRC may consider any compelling and special circumstances of the AH when reaching a decision. The GDR will send a representative, as a non-voting member, to provide explanation for the rejection of the complaint at the second step by the GDR. The decision of the PGRC must be reached on a consensus basis and will be final and binding except when the matter relates to any policy of the Government. Decisions on Government policy matters on land acquisition and resettlement are decided by the IRC. The PGRC will have 40 working days from the date of receipt of the complaint to reach a final decision. The decision of the PGRC will be sent to the IRC through the GDR for endorsement before taking any remedial action.

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

## **6 FUNDING AND IMPLEMENTATION ARRANGEMENTS**

### **6.1 Budget and Financing**

79. This section is relevant to land acquisition only. The budget for land acquisition and resettlement is prepared after the DMS and RCS are completed and is included in the DRP. The budget is financed by the counterpart funds allocated from the national budget by the RGC. There is no financing for land acquisition from the WB's CRCIP.

80. The GDR will be responsible and accountable for all financial management functions relating to the use of the budgeted funds. The funds for land acquisition are provided to the GDR from the Counterpart Funds Account. Once the budget is approved by the MEF, the funds are released by the General Department of Treasury and deposited into a project designated account established by the GDR for the Project in the National Bank of Cambodia. Following an internal process, the funds are released from the project designated account, as and when necessary, and provided to the PRSC which is responsible for making payments to the AHs.

### **6.2 Implementation Schedule**

#### **6.2.1 Voluntary Donations**

81. The Project is expected to be implemented over a period of 5 years, from 2020 to 2025. It is expected that the priority rural roads will be identified in Year 1 and screened for land acquisition impacts and the scope for voluntary land donation as detailed in this RF. In cases of voluntary donations, the implementation process will consist of continuous consultation to ensure people are adequately informed of their choices, donation of assets are well documented (census), people are informed of the process of donating assets, the cut-off date and the commencement of civil works, etc. as described in this RF.

82. MRD's SEO will work closely with the Detailed Engineering Design team to identify any potential land acquisition (after a process of avoidance/minimization), and will lead the consultation process on voluntary donations, including cut-off dates, as detailed in this RF. The process for documenting voluntary donations should be completed before the civil works contractor commences works on that road section. During civil works, the contractor will work with the SEO to remove donated assets and restore a good condition to the donating person (for instance, if part of a concrete driveway is donated, the contractor will assist to ensure the rest of the driveway is in good condition).

#### **6.2.2 Land Acquisition**

83. In the case of land acquisition, the procurement of civil works will commence after the Detailed Engineering Designs have been completed, the demarcation of land is completed jointly by MRD and GDR, and the cut-off date has been announced and disseminated as described in this RF. It is expected that the DMS (census and inventory of loss) will be completed within 2 to 3 months after the detailed designs for a road component are submitted to GDR. The preparation of the DRP and its approval by the IRC and the WB is expected within 3 months thereafter if the number of AHs is minimal (less than 100). After the approval of the budget and release of funds, the payment of the compensation will take about 2 to 3 months depending on the number of AHs.

84. Civil works can commence only in sections where the payment of compensation at full replacement cost and other entitlements have been paid to the AHs in that section and a comprehensive income restoration program, where applicable, supported by an adequate budget is in place. In case any

AH refuses the compensation payment or where complaints have been lodged for resolution under the GRM, these cannot prevent the commencement of civil works. In the event if any assets are damaged during construction by the civil works contractor, the contractor will be required to restore them back to the original or better standard.



## **7 INFORMATION DISCLOSURE AND CONSULTATIONS**

85. Keeping AP and the general public informed about the proposed project, benefits and potential impacts is very important. The disclosure of relevant project information helps the displaced persons and other stakeholders to understand the risks, impacts and opportunities of the development project. Meanwhile meaningful dialogue in consultations can avoid the potential for conflicts, address the concerns of persons to the extent possible, avoid bottlenecks to minimize project delays and contribute towards mitigating adverse impacts. The consultation and disclosure activities are specified in the SOP and should be consistent with WB ESS10 including requirements for meaningful consultation and two-way dialogue, and the requirements of the SEP.

### **7.1 Information Disclosure**

86. This RF will be disclosed at the national-level in the MRD website, library and World Bank website and InfoShop. The RF will also be consulted on and disclosed in national-level consultations, as per guidelines in the SEP, ahead of WB's project appraisal.

87. Once project roads are identified, the proposed project information will be explained in detail to the stakeholders in Khmer language and the Project Information Booklet (PIB) distributed to them. The proposed project information in the PIB covers the following:

- (i) The purpose, nature and the scale of the proposed project;
- (ii) The location of the proposed project and project components;
- (iii) The duration of proposed project activities;
- (iv) The corridor impacts, right of way, timing of detailed measurement survey, eligibility, entitlements and compensation policy, replacement cost study, and the timing of the establishment of the grievance redress mechanism;
- (v) The potential for voluntary land contribution, procedures, rejection of compensation (described in point iv), grievance redress and documentation;
- (vi) Potential risks and impacts of the proposed project on local communities, and proposals for mitigating these, highlighting potential risks and impacts that might disproportionately affect vulnerable and disadvantage groups and describes the differentiated measures taken to avoid or minimize them; and
- (vii) Names and contact details of key persons on land acquisition and resettlement.

#### **7.1.1 Voluntary Donation**

88. In addition to the PIB explained and distributed to the stakeholders, in cases of voluntary donations, people with assets in the road corridor will be informed about the project and their opportunity to voluntarily donate assets or to seek compensation. The grievance mechanisms will be explained and donors will be appropriately informed and consulted about the project and choices available to them, and contact information of MRD SEOs will also be disclosed during the consultation process. As described, when people chose to voluntarily donate the process will be adequately recorded and documented in English and Khmer and documentation will be publicly disclosed at the local level (such as commune offices) and national level (MRD website), with sensitive personal details of people removed to protect their privacy.

#### **7.1.2 Land Acquisition**

89. In cases of land acquisition, the disclosure of relevant information will be made in a timely manner in places accessible to AHs and the communities and in Khmer language. Information disclosed to AHs relevant to land acquisition will be done through PIB at first consultation stage during RF preparation, and through updated PIBs at second consultation stage prior DMS and at third

consultation stage at contract offer. The RF and DRPs, without sensitive personal information, will also be disclosed at MRD and the WB websites.

## **7.2 Consultation and Participation**

### **7.2.1 Voluntary Donation**

90. Once project commencement begins, in cases of voluntary donations, key stakeholders in the consultation process include those with assets in the road corridor, with special attention paid to women, the vulnerable and IPs (if any). Local authorities will also be considered an important stakeholder.

91. As outlined in this RF, consultations will begin early, as roads begin to be identified and prioritized and will be led by the SEO. All AP will be informed of their right to compensation and the option for voluntary donation of assets given the small extent of impacts, if any, and their ability to directly benefit from road rehabilitation. The consultation process will be ongoing and will focus on informing people of their rights, the process for grievance redress, the process of voluntary donation, the documentation of the donation and the schedule of civil works, among others.

### **7.2.2 Land Acquisition**

92. In cases of land acquisition, key stakeholders in the consultation process will include:

- AHs, with special attention to women, Indigenous Peoples (if any) and other poor and vulnerable people;
- MRD and its Provincial Department;
- IRC and GDR, including IRC-WG and PRSC-WG;
- Provincial and Local authorities (District/Khan, Commune/Sangkat Councils and Village Offices), including representatives of women's groups; and
- Civil Society Organizations, if relevant.

93. Consultations on land acquisition will be a continuous process and will consist of several rounds taking place in various project locations, as described in the SOP. Consultations will start when roads are identified and prioritized, through the identification of land acquisition impacts, explanation of the DMS process, calculation of entitlements, measurement of impacted assets, compensation, grievance redress options, etc. Concerns raised by AHs will be recorded and incorporated into project planning as much as feasible.

94. The aim of the first consultation will be to introduce the project, its aims, benefits, impacts and the land acquisition process. The PIB prepared by GDR and MRD will be shared and made available at the commune/village council offices located in the project area. It will also be distributed to all the attendees during the meeting. The GRM procedures and processes will be introduced to AHs and their views sought. If the project area extends over a number of provinces or multiple communes, then multiple consultative meetings will be held to cover all the affected communes. The major concerns raised by AHs will be recorded in the minutes of the meeting in summary form.

95. The second round of consultations will focus on project impacts and will be undertaken jointly by IRC-WG and PRSC-WG. The PIB will have been updated by GDR with information on entitlements, DMS and IOL process and the consultation will take place with AP only, and relevant authorities, before the start of the DMS. The purpose is for the AHs to confirm the loss of assets and the measurements and fully understand the basis on which the compensation will be paid for the loss assets and other entitlements. The GRM procedures will also be shared and discussed.

96. A third public consultative meeting will be held prior to the signing of the agreement/contract for the compensation package and is undertaken jointly by the IRC-WG and PRSC-WG. At this stage,

the DMS and the RCS are completed, the compensation package for each AH is known and draft contracts will be prepared. The consultative meeting explains the compensation package, schedule, procedures, entitlements and GRM, among others. AHs will be provided the option to sign the contract during this consultation stage or given 3 working days to submit the signed contract to the IRC-WG through the village council office. For those AHs who were unable to participate in the meeting, best efforts will be made to visit them at their homes or seek the assistance of the village office to contact them.

97. Additional formal consultative meetings will be conducted when the compensation payments will be ready to be disbursed. Details on consultation entitlements, schedule and process will be provided as well as the GRM. This consultation will be undertaken jointly by the IRC-WG and PRSC-WG. The schedule for compensation payments will be informed to displaced persons at least one week in advance through the commune and village offices.

## **8 MONITORING AND REPORTING**

98. MRD will be responsible for monitoring of the overall implementation of the proposed Project as well as all aspects relating to voluntary donations. It is expected that MRD will be assisted in monitoring by the Detailed Design Implementation and Supervision (DDIS) consultants engaged under Component 2. However, GDR will be responsible for the monitoring and reporting of the implementation of the land acquisition activities, if any.

### **8.1 Internal Monitoring**

#### **8.1.1 Voluntary Donation**

99. In case of voluntary donations, MRD will be responsible for including keeping adequate records of donations and ensuring they meet the provisions outlined in this RF. As part of internal monitoring, the Project Manager will be responsible for reviewing the reports submitted by the SEO on voluntary donations and any grievances.

100. It is expected that DDIS social staff, would conduct due diligence on the voluntary land contributions. The DDIS will report on the following:

- Verification and documentation that assets required for the project are given voluntarily and are free from any dispute on ownership or any other encumbrances;
- Verification that donated asset is within COI and person(s) donating directly benefit from the project;
- Verification that donated asset does not cause any significant impact on livelihoods;
- Verification that no relocation or displacement of persons is involved;
- Verification that meaningful consultation has been conducted in good faith with all potential donors, including that donors are aware that they were entitled to compensation. Separate discussions to be held with women as required to facilitate meaningful participation;
- Verification that a grievance redress mechanism is in place and a review and documentation of grievances, if relevant; and
- In cases of community donation, that there is consent of individuals using/occupying (and, if IPs, compliance with requirements in IPPF).

#### **8.1.2 Land Acquisition**

101. In case of land acquisition, the objective of internal monitoring is to (i) measure and report on the progress in the preparation and implementation of the DRP; (ii) identify problems and risks, if any, and the measures to mitigate them; and (iii) assess if the compensation and rehabilitation assistance are in accordance with the provisions under the DRP.

102. GDR's Department of Internal Monitoring and data Management (DIMDM) will be responsible for carrying out the internal monitoring which will review the quarterly progress reports provided by the relevant Resettlement Department, including fielding its own missions to verify the progress and the validity of the data and information, where necessary. The DIMDM will validate that the (i) entitlements and the corresponding compensation are paid in accordance with the Entitlement Matrix in the DRP; and (ii) GRM is functioning as per the guidelines. The GDR will provide MRD a quarterly progress report and submit semi-annual monitoring report to the WB. There will be one monitoring report covering all subprojects per province. An indicative list of internal monitoring indicators is in Annex 4.

## **8.2 External Monitoring**

103. Since no significant involuntary resettlement impacts are expected as a result of proposed CRCIP Component 2 and given that road rehabilitation will follow the existing road alignment, no external monitoring will be required for DRPs.

## ANNEX 1: SCREENING FOR LAND ACQUISITION

### Initial Screening on Land Acquisition

[illegible]

## **ANNEX 2: OUTLINE OF DETAILED RESETTLEMENT PLAN**

The scope of requirements and level of detail of the resettlement plan vary with the magnitude and complexity of resettlement. The Detailed Resettlement Plan<sup>12</sup> will include information on:

- Project Description
- Legal Framework
- Scope of Land Acquisition and Resettlement
- Socioeconomic Information and Profile
- Eligibility, Entitlements, Assistance and Benefits
- Information Disclosure, Consultation, and Participation
- Grievance Redress Mechanisms
- Resettlement Budget and Financing Plan
- Institutional Arrangements
- Implementation Schedule
- Monitoring and Reporting
- Livelihood Restoration Measures

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<sup>12</sup> Details under specific headings are in the Standard Operating Procedures accessible at [https://www.mef.gov.kh/documents/laws\\_regulation/LAR-SOP-Final-13032018.pdf](https://www.mef.gov.kh/documents/laws_regulation/LAR-SOP-Final-13032018.pdf)

### ANNEX 3: VOLUNTARY ASSET DONATION FORM

#### Voluntary Asset Donation Form

Province:		
District:		
Commune/ Sangkat:		
Villages:		
Road number and PK:		
Name of Person Donating and Sex:	ID Number:	Living/Operating/with structure or tree on COI Y/N
Is asset being donated used by anyone other than the owner? Please detail.		
	Details (number, etc.)	What the donating person is left with
Trees that will be donated (including fruit, timber, medicinal trees, shade trees, etc.)		
Assets that will be donated (including parts of structures, wells, fences, etc.)		
Other		
If asset being donated is used by someone other than the owner, a description on the remaining assets of that person, and/or description of why their livelihoods are not made worse by the donation.		

By signing or providing thumbprint on this form the owner and/or user agrees to contribute assets for road rehabilitation. The contribution is voluntary, and the person affected understands they could refuse or had the option to seek compensation but they are choosing to donate. If the owner or user does not want to contribute his/ her assets to the project, he or she should refuse to sign or provide thumbprint, and ask for compensation instead.

Date:

Date:

District MRD representative's signature

Donating person signature  
(both husband and wife if applicable)

Witnessed by village/commune authority:



## ANNEX 4: INDICATIVE INTERNAL MONITORING INDICATORS FOR LAND ACQUISITION

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