

Resettlement Framework

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CAM: RURAL ROADS IMPROVEMENT PROJECT - II

Ministry of Rural Development

B. V. S.

CURRENCY EQUIVALENTS

(as of 1 January 2013)

Currency unit	–	riel/s (KR)
KR1.00	=	\$0.00025
\$1.00	=	KR3,995

ABBREVIATIONS

ADB	–	Asian Development Bank
COI	–	corridor of impact
DDIS	–	detail design and implementation supervision
DMS	–	detail measurement survey
EMO	–	external monitoring organization
GAP	–	gender action plan
GRC	–	Grievance Redress Committee
IRC	–	Inter-ministerial Resettlement Committee
IOL	–	inventory of losses
MEF	–	Ministry of Economy and Finance
MRD	–	Ministry of Rural Development
PMU	–	Project Management Unit
PRSC	–	Provincial Resettlement Sub-committee
PRSC-WG	–	Provincial Resettlement Sub-committee Working Group
ROW	–	rights-of-way
RCS	–	replacement cost survey
RD-MEF	–	Resettlement Department Ministry of Economy and Finance
SES	–	socio economic survey
SPS	–	Safeguard Policy Statement

WEIGHTS AND MEASURES

kilometer	–	km
Millimeter	–	mm
hectare	–	ha

NOTE

In this report, "\$" refers to US dollars unless otherwise stated.

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I. PROJECT BACKGROUND

1. The principal mode for transport in Cambodia is by road. This road network of approximately 50,900 km includes: (i) national roads (primary national highways) with a total length of about 4,800 km; (ii) provincial roads (secondary national highways) with a total length of about 6,600 km; and (iii) about 39,500 km of rural roads. By the early 1990s, the years of civil war had left the country's road network severely deteriorated. Since 1992, with assistance from ADB and other multilateral and bilateral development partners, the Government focused on rehabilitating core national infrastructure required for the economy to develop in a sustainable manner. Development efforts over the past 17 years have brought the paved national road network to about 2,700 km in length, which amounts to slightly less than 25% of the total national and provincial road network. As the remote rural economy is becoming increasingly dependent on the improved national road network, the rural road network continues to deteriorate due to rapidly growing traffic, combined with lack of maintenance financing, poor road maintenance standards, inadequate institutional capacity in road maintenance and management, lack of private contractor capacity, and design and construction deficiencies.

2. In 2010 ADB approved Loan 2670-CAM: Rural Roads Improvement Project (Loan 2670) which intended to remedy aforementioned issues systematically by providing reliable all-year road access from provincial towns and agricultural rural areas to markets, employment centers, and social services in seven provinces, serving about 560,000 beneficiaries. The proposed project aims at continuing the initiatives of Loan 2670 further to ensure achieving the development objectives, impact and outcome through an extended scale of wider coverage. The project aims to rehabilitate 906 kilometers (km) of rural roads in 9 provinces (Banteay Meanchey, Battambang, Kampong Cham, Kampong Chhnang, Kampong Speu, Kampong Thom, Pursat, Siem Reap, and Takeo) to paved condition to provide a safer, cost-effective rural road network with all-year access to markets and other social services of poor rural provinces in Cambodia. These road sections are currently gravel roads of 5–6 meters in width, some of which are vulnerable to flooding in the rainy season. These roads are prone to heavy dust during the dry season and thick mud and slippery during the wet season, and have low to moderate levels of traffic: average daily traffic volumes range from 200 to 2,000 passenger car units, depending on the road section. Nearly 80% of the traffic is motor cycles. The current yearly growth rate of traffic varies between 3.6%–6% based on the type of vehicle. These growth rates are forecast to increase in the future with corresponding growth rates varying between 7.2%–12%, thus needing a more sustainable paved road network to cater for such future traffic.

3. There are five key outputs of the Project that address the aforementioned issues pertaining to rural roads, continuing from the efforts initiated in Loan 2670. Five key outputs are i) to improve 906 km of rural roads into a paved condition by double bituminous seal treatment, ii) to improve road asset management in a sustainable manner through a strong capacity-building program, iii) to increase the awareness and application of road safety and safeguards, iv) to reduce the vulnerability to climate change in the project area continuing from a pilot initiative in Southeast Asian countries initiated in Loan 2670, and v) to rehabilitate roads and jetties within a Mekong River island cluster (part of mainland Kampong Cham Province) in order to improve climate resilient access and connectivity.

4. The Project was designed to avoid any form of resettlement impacts. It was also agreed during the Fact Finding Mission that there would be no land acquisition and resettlement activities in the proposed project road sections within the Project scope, under any circumstances. It was also decided that since construction works may cause temporary

impacts such as disruption or loss of income to vendors, a Resettlement Framework (RF) should be prepared to address temporary impacts or disturbances and any other unforeseen impacts. It is developed from the laws and decrees of the Government of Cambodia and the 2009 ADB Safeguard Policy Statement. Provisions and principles adopted in this framework will supplement the provisions of relevant decrees currently in force in Cambodia wherever a gap exists.

II. POLICIES, LEGAL FRAMEWORK, AND PROJECT PRINCIPLES

A. ADB Safeguard Policy and Requirements

5. The **ADB Safeguard Policy Statement (2009)**¹ consolidates three existing safeguard policies: involuntary resettlement (IR), indigenous peoples (IP), and environment. The objectives of the IR policy are to (i) avoid involuntary resettlement, (ii) explore alternatives to avoid, (iii) restore livelihoods and (iv) improve living standards of poor and vulnerable households. The IP policy objectives are to (i) design and implement projects that fosters full respect for IP's identity, dignity, human rights, livelihoods systems, and cultural uniqueness as defined by IP themselves and (ii) ensure that IPs receive culturally appropriate social and economic benefits, do not suffer adverse impacts as a result of projects, and can participate actively in projects that affect them. The policy on environment is discussed in a separate environment report.

6. The **ADB Policy on Gender and Development (1998)** adopts gender mainstreaming as a key strategy for promoting gender equity, and for ensuring that women participate in and that their needs are explicitly addressed in the decision-making process for development activities. The new safeguard policy and requirements also reiterates the importance of including gender issues in the preparation of safeguards documents at all stages to ensure that gender concerns are incorporated, including gender-specific consultation and information disclosure. This includes special attention to guarantee women's assets, property, and land-use rights and restoration/improvement of their living standards; and to ensure that women will receive project benefits. Other policies of the ADB that have bearing on resettlement planning and implementation are the (i) Public Communications Policy (March 2005), and (ii) Accountability Mechanism (2003).

B. Legal Framework

7. The Land Law of August 2001 is the current legislation governing land and property rights. The law states the ownership for non-movable properties in Cambodia which includes land, trees and structures. It is based on the provisions of the Constitution of 1993. The law regarding land or property acquisition by the State or other entities is indicated in Article 5 of the Land Law:

“No person may be deprived of his ownership unless it is in the public interest. An ownership deprivation shall be carried out in accordance with the forms and procedures provided by law and regulations and after the payment of fair and just compensation in advance.”

¹ The new safeguard policy statement was approved by the ADB Board of Directors on 20 July 2009. The policy became effective on 20 January 2010.

Specific laws, decrees or directives setting out regulations on land or other property acquisition in the context of involuntary resettlement will be based on Article 5 and Article 11 that states:

"The legal regime for ownership of immovable property varies in accordance with the requirements of Cambodian society, such as agricultural land, forests, waterways, lakes, reservoirs or expanses of water, seashores, riverbanks, urban immovable property, and land for construction of industrial development zones."

"Specific laws shall supplement the provisions of this law or shall derogate this law in order to meet socio-economic, land management, and urban planning exigencies."

"Regulations may, in compliance with legislative provisions, stipulate the details of these various property regimes."

8. Article 6 of the Land Law also defines the legal basis on which transfers of ownership are based:

- "Only legal possession can lead to ownership.
- "The State may also provide to natural persons or legal entities of Khmer nationality ownership over immovable property belonging to the State within the strict limits set forth in this law.
- "All transfers or changes of the rights of ownership shall be carried out in accordance with the required general rules for sales, succession, exchange, gift or by court decision.
- In Article 7, it states: "Any regime of ownership of immovable property prior to 1979 shall not be recognized."
- On policies concerning land acquisition, Article 44 of the Cambodian Constitution of 1993 states the government's right to confiscate properties from any person shall be exercised only in the public interest as provided by law and shall require fair and just compensation in advance."
- Article 20 states that "nobody shall be forced to transfer his or her ownership, if forcing is not necessary in the public interest and (if) no proper and just indemnity has been paid to the owner".
- Article 19: "Any person having titles or real situation under the influence of Article 19 of this law cannot claim any compensation or cost for maintenance or development made under immovable property which is illegally possessed. Any illegal and intentional or deceitful acquisition of the public domain of the State or public legal entity shall be punished as provided in Article 259 of this law. For possession of public domain that damages or delays work in favor of the common interest, especially the possession of land necessarily reserved for maintaining roads, the penalty shall be double. In all cases where the offender does not cease possession within the period of time determined by the competent authority, the authority can proceed to evict that offender."
- Article 259: "infringement upon the public domain shall be punished with a fine from Riel 5,000,000 to Riel 50,000,000 (between US\$1,250 and US\$12,500) and/or imprisonment from one to five years. The perpetrator has

an obligation to immediately vacate such a public domain. The perpetrator has no right to any indemnity for works or improvement made on such public property. In the event that the current occupant of public property prior to this law taking effect has documents as proof and a certificate that states she/he purchased it from a person, [the occupant] may report to competent authority to enforce legal measures on such a person who sold public property illegally and for his/her own interest [and the occupant is] injured by such an act. In any event, such injured party has no right to possess the public property."

9. Royal Government of Cambodia's (RGC) Proclamation No. 6 (September 27, 1999): an Order by RGC entitled "Measures to Crack Down on Anarchic Land Grabbing and Encroachment" prohibits private ownership on state lands. In particular, it required a cessation to encroachment on public and private properties as well as State lands, including public gardens, reserved lands for roads and rail sites. This order directs the municipal provincial authority, and the Royal Cambodian Armed Forces, National Police and Military Policy, and all relevant ministries and institutions, to participate in solving problem of anarchic land grabbing and encroachments.

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

- 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.
- Article 7: Only the State may carry out an expropriation for use in the public and national interests.
- Article 8: the State shall accept the purchase of part of the real property left over from an expropriation at a reasonable and just price at the request of the owner of and/or the holder of right in the expropriated real property who is unable to live near the expropriated scheme or to build a residence or conduct any business.
- Article 12: an expropriation committee shall be established and headed by a representative from the Ministry of Economy and Finance (MEF) and composed of representatives from relevant ministries and institutions. The organization and functioning of the expropriation committee shall be determined by a sub-decree.
- **Article 16** states that "Prior to make any expropriation project proposal, the Expropriation Committee shall conduct a public survey by recording of a detailed description of all entitlements of the owners and/or of the holder of real right to immovable property and other properties subject to compensation as well as recording of all relevant issues.

In conducting the survey, the Expropriation Committee shall organize public consultations at the Capital, Municipal-Provincial, and District-Khan authority levels with Commune/Sangkat councils and Village or community representative to be affected by the expropriation to provide specific and concise information and collect inputs from all stakeholders regarding the proposed basic public infrastructure project.

In order to set a dateline for the expropriation or relocation or compensation, the Expropriation Committee shall conduct a dateline interview with all concerned

parties about the issues of immovable property to be affected by the public physical infrastructure project.

Within 30 (thirty) working days after the completion of the survey, the Expropriation Committee shall produce a report with recommendations and submits it to the Royal Government for approval.”

- 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.

C. Project Principles

11. The Project will follow the following principles:
- (i) Involuntary resettlement and impacts on land, structures and other fixed assets will be minimized where possible by exploring all alternative options.
 - (ii) Compensation will be based on the principle of replacement cost at the time of compensation.
 - (iii) Meaningful consultation will be carried out with people identified as likely to be affected households (AH) from planning up to implementation. The comments and suggestions of these AHs will be taken into account.
 - (iv) The draft, final and any updates on any RP to be prepared will be disclosed to AHs likely to be affected in a form and language(s) understandable to them prior to submission to ADB.
 - (v) Resettlement identification, planning and management will ensure that gender concerns are incorporated.
 - (vi) Special measures will be incorporated in the resettlement plan to protect socially and economically vulnerable groups such as ethnic minority households, households headed by women, children, disabled, the elderly, landless and people living below the generally accepted poverty line.
 - (vii) Existing cultural and religious practices will be respected and, to the maximum extent practical, preserved.
 - (viii) Culturally appropriate and gender-sensitive social impact assessment and monitoring will be carried out in various stages of the project.

III. PROJECT IMPACTS AND BENEFITS

12. **Definition of Affected Households.** In the context of involuntary resettlement, affected households are those who are physically displaced (relocation, loss of residential land, or loss of shelter) and/or economically displaced (loss of land, assets, access to assets, income sources, or means of livelihood) as a result of (i) involuntary expropriation of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas.

13. **Eligibility.** All AHs identified in the project-impacted areas on the cut-off date will be entitled to compensation and/or assistance for their affected assets, and rehabilitation measures sufficient to assist them to improve or at least maintain their pre-project living standards, income-earning capacity and production levels. The cut-off date will be the final day of the detailed measurement survey (DMS) in each project road. Those who encroach

into the subproject area after the cut-off date will not be entitled to compensation or any other assistance.

14. **Entitlements.** The entitlement matrix in Table 3 summarizes the main types of losses and the corresponding nature and scope of entitlements. It should be noted that the project will not require widening of the existing road corridor. The entitlements below may not cover all types of impacts and will be enhanced or improved in the resettlement plans based on the findings of the social assessment and subproject impacts.

Table 3: Project Entitlement Matrix

Type of Impacts	Entitled Persons	Entitlements	Implementation Issues
Temporary Impacts on business income during relocation or during dismantling/ repair of affected portion (without relocation)	Shop owners/ mobile vendors	<p>Compensation for Loss of Income due to Temporary Disruption:</p> <ul style="list-style-type: none"> • Mobile vendors who own low tables or vegetable and fish mats will not be provided cash assistance for lost income as they can easily move to another area. • Vendors who own movable kiosks provided \$5 per vendor. • Owners of small shops with standing frame provided \$10/shop. • Owners of unregistered small shops provided from \$25 to \$50/shop and • Owners of registered shops amount of income loss provided compensation based on tax receipt. <p>Shop owners entitled to transport allowance if required to move.</p>	<ul style="list-style-type: none"> - Local authority will assist the mobile vendor during relocating to new area. - At least one month advance notice will be given prior to civil works in the area in order to enable vendors to make appropriate arrangements.
Structures	Owner whether or not land is owned	<p>If <u>partially affected</u>, compensation at replacement cost based on current market prices of affected materials plus provision of current labor cost for repair.</p> <p>If <u>totally affected</u>, compensation at replacement cost based on current market prices of materials and labor without depreciation or deductions for salvageable materials.</p>	

Type of Impacts	Entitled Persons	Entitlements	Implementation Issues
Crops and Timber and Fruit Trees	Owner of timber and fruit trees whether or not land is owned	Crops will be compensated at replacement cost based on current market prices in the area (based on average market value of crops for the previous three years) Fruit trees will be calculated as follows: yield x number of harvesting x current market price x number of years to mature. During implementation, compensation for trees will be adjusted based on their age: (From 1–3 years old: 1/3 of it's full price (as it can be replanted; From 3–5 years old: 2/3 of full price; and more than 5 years old: will get full compensation	
Temporary Use of Land	Legal owner	For agricultural and residential land to be used by the civil works contractor as by-pass routes or for contractor's working space, (i) rent to be agreed between the landowner and the civil works contractor but should not be less than the unrealized income and revenue that could be generated by the property during the period of temporary use of the land	Restoration of the temporarily used land within 1 month after closure of the by-pass route or removal of equipment and materials from contractor's working space subject to the conditions agreed between the landowner and the civil works contractor.

IV. RESETTLEMENT, ETHNICITY AND GENDER STRATEGIES

A. Impacts on Mobile Vendors and Shop Owners

15 The details of the project civil works activities, including schedules and nature of disturbances will be informed to households along the alignment of the affected roads early in the project implementation phase following detailed design. In the event that there are any unforeseen impacts (such as need to relocate roadside vendors), the impacts will be fully assessed through census and detailed measurement survey and safeguard planning documents prepared commensurate with the impacts and in accordance with the principles and entitlements set out in this resettlement framework.

B. Impacts on Ethnic Minority Households and Strategy

16. One of the Project objectives is to ensure that ethnic minority households, especially the vulnerable, share in the project benefits and experience limited adverse impacts from the Project. Social assessments in the project areas during the preparation of the project do not indicate the presence of indigenous peoples communities as described in the ADB SPS.

C. Gender Strategy

17. A number of strategies will be adopted to ensure gender-sensitive income restoration measures and to engage women, including ethnic minority women and poorer and more vulnerable women, in the planning and implementation of the Project in terms of access to improved infrastructure and services, participation in livelihood programs made possible by this Project, and other Project benefits. The gender strategy is in Table 2.

Table 4: Gender Strategy

Project activity and output	Gender Strategy
Project Planning and Implementation	<p>The project staff and resettlement committees will make concerted efforts to consult with households headed by women and female members. This will be done through individual and women focus group discussions.</p> <p>In addition to village forums, specific women's focus group meetings will be held to raise awareness and understanding about the project design, project schedule, benefits, adverse impacts and mitigation measures to ensure that they understand clearly the policies, entitlements and other procedures, and are able to make informed decisions.</p>
Compensation and Assistance	<p>Women mobile vendors will be consulted specifically to establish criteria for compensation of lost earnings.</p> <p>Compensation payments will be signed off by both husband and wife and paid directly to both. Households headed by women will sign off and receive payments directly.</p> <p>Training to build capacity in resettlement administration and to enhance gender and ethnicity sensitivity in resettlement management.</p>
During Construction	<p>The civil works contracts will include employment targets for the poor, and women from the Project affected villages and local area. They will also include commitments to gender equity including: i) ensuring that no child labor or trafficked labor will be used; ii) no discrimination against the employment of qualified women; and iii) no differential wages paid to men and women for work of equal value.</p>
Monitoring	<p>All monitoring indicators will be disaggregated by gender and ethnicity.</p>

V. PREPARATION OF SAFEGUARDS PLANNING DOCUMENTS

18. Resettlement screening has already been carried out. The road improvements will be limited to existing alignments and road widths. Other non-road works on the Kampong Cham Islands will utilize existing public land which is not utilized for other purposes. As such no resettlement impacts are expected. This RF has been prepared to address potential disruptions to mobile vendors and as a contingency to address other unanticipated impacts. Resettlement plans to be prepared will be commensurate with the extent and degree of the impacts. The degree of impacts will be determined by the scope of physical and economic displacement and vulnerability of the temporarily affected persons.

19. If resettlement impacts are unavoidable and preparation of a resettlement plan is therefore required, an RP will be prepared using the following procedures:

- (i) Undertake a census of all AHs.

- (ii) Undertake DMS² of all losses of all AHs. At the same time, inform potential AHs (without discrimination) of the Project, its likely impacts, and principles and entitlements as per the RF.
- (iii) Undertake a socioeconomic survey (SES)³ of at least 10% of all AHs, 20% of severely affected AHs and ethnic minority households.
- (iv) Undertake a replacement cost survey for various types of affected assets as a basis for determining compensation rates at replacement cost. Determine the losses in accordance with the entitlement matrix.⁴
- (v) Provide project and resettlement information to all persons affected in a form and language that are understandable to them, and closely consult them on compensation options.
- (vi) Prepare the draft RP with time-bound implementation schedule, procedures for grievance mechanism and monitoring and evaluation, and a budget.
- (vii) Finalize the RP and translate where necessary into Khmer language.
- (viii) Disclose key information of the final RP by placing copies in relevant Commune Offices and distributing copies of project information booklet (PIB) to the AHs.

Table 4: Surveys for RP Preparation

Detailed Measurement Survey (DMS)	<p>The census and detailed measurement survey (DMS) of lost assets will collect data on the affected assets from 100% of affected households (AHs) following detailed engineering design. The data collected during the DMS will constitute the formal basis for determining AH entitlements and levels of compensation. For each AH, the scope of the data will include:</p> <ul style="list-style-type: none"> • Quantity of losses, e.g., business or other income, jobs or other productive assets; estimated daily net income from informal shops; • Summary data on AHs, by ethnicity, gender of head of household, household size, primary and secondary source of household income viz-a-viz poverty line, income level, whether household is headed by women, elderly, disabled, poor or ethnic minority households; • Identify whether source of income is primary source of income; and • AH knowledge of the project and preferences for compensation.
Socioeconomic Survey	<p>At a minimum, the socioeconomic survey (SES) will collect information from a sample of 10% of affected people and 20% of severely affected AHs, disaggregated by gender and ethnicity. The purpose of the socioeconomic survey is to provide baseline data of AHs to assess resettlement impacts, and to be sure proposed entitlements are appropriate, and to be used for resettlement monitoring. The scope of data to be collected includes:</p> <ul style="list-style-type: none"> A. Household head: name, sex, age, livelihood or occupation, income, education and ethnicity; B. Household members: number, livelihood or occupation, school age children and school attendance, and literacy, disaggregated by gender; C. Living conditions: access to water, sanitation and energy for cooking and lighting; ownership of durable goods; and D. Access to basic services and facilities.

² Data will be gender and indigenous peoples disaggregated.

³ It will include gender analysis and data will be gender and ethnic minority disaggregated.

⁴ If there are new categories of AHs and/or losses identified during the DMS (other than those described in the entitlement matrix), the entitlement will be derived in accordance with ADB's policy and guidelines.

<p>Replacement Cost Survey</p>	<p>The replacement cost survey (RCS) will be done in parallel with DMS and SES activities by collecting information from both secondary sources and primary sources (direct interviews with people in the affected area, material suppliers, house contractors), and from both those affected and those not affected. The government rates will be adjusted, as necessary, based on the findings of a RCS. Compensation rates will be continuously updated to ensure that AHs receive compensation at replacement cost at the time of compensation payment.</p>
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20. The preparation of resettlement plans will cover all the activities mentioned above and follow the strategies mentioned in Section IV.

VI. IMPLEMENTATION ARRANGEMENTS

21. The executing agency will be the Ministry of Rural Development (MRD) and at the Provincial Department of Rural Department (PDRD) in each of the nine Project provinces will be the contact points. If there is a resettlement impact caused by the project, the MRD will request the Inter-ministerial resettlement committee working group (IRC-WG), chaired by the Ministry of Economy and Finance, to convene in order to deal with resettlement impacts based on the approved resettlement plan. With the request from the MRD, IRC will work closely with relevant provincial governors to establish a Provincial Resettlement Subcommittee (PRS) for coordinating with IRC-WG in dealing with resettlement activities.

22. Based on an assessment of the social impact of anticipated resettlement impacts, the Project Management Units (PMU) will coordinate closely with the Provincial Department of Women’s Affairs as it is largely female mobile vendors who will be temporarily affected by the Project. The PMU will also work with female members of Commune Councils that are impacted upon by this Project. Activities to mitigate any negative impacts will include an identification of all mobile vendors, a participatory assessment of anticipated income losses, and modalities for payment of compensation. The Project will be assisted as required on an intermittent basis by a project management consultant experienced in social safeguards issues.

VII. CONSULTATION, GRIEVANCE REDRESS, AND DISCLOSURE

A. Consultation and Participation

23. Meaningful consultation with the affected households will be carried out prior to the commencement of civil works. They will also participate in the various RP processes: DMS, RCS, identification of sites, hand-over of entitlements, monitoring of impacts and benefits, and discussion and settlement of grievances. The scope of information to be provided to AHs includes: (i) description of Project and overall schedule; (b) DMS and RCS results, (c) policy principles and entitlements and special provisions, (d) grievance procedures, (e) timing for payments and displacement schedule, and (f) institutional responsibilities. For Project roads where there are ethnic minority households, consultations and participation will be undertaken in a culturally appropriate manner.

B. Grievance Redress Mechanism

24. Any grievances or conflicts will be resolved at the village level, as much as possible. However, if the AHs are not satisfied with the decision at the village level, their issue/case can be elevated at the district level up to the provincial level and ultimately to the central level. The project grievance redress mechanism for this Project will operate as follows:

- (i) First stage: affected persons (APs) will present their complaints and grievances verbally or in writing to the village and commune chief or IRC and PRS working group. The village and commune chief, and IRC and PRS working group will provide immediate written confirmation of receiving the complaint. If after 15 days the aggrieved AP does not hear from them, or if the AH is not satisfied with the decision taken in the first stage, the complaint may be brought to the District Office.
- (ii) Second stage: The District Office has 15 days within which to resolve the complaint to the satisfaction of all concerned. If the complaint cannot be solved at this stage, the District Office will bring the case to the Provincial Grievance Redress Committee.
- (iii) Third stage: The Provincial Grievance Redress Committee meets with the aggrieved party and tries to resolve the situation. The Committee may ask for a review of the DMS by the external monitor agency (EMA). Within 30 days of the submission of the grievance, the Committee must make a written decision and submit copies to the MRD, PDRD, EMA, PRS/IRC and the AH.
- (iv) Final stage: If the aggrieved AH does not hear from the Provincial Grievance Redress Committee or is not satisfied, he/she will bring the case to Provincial Court. This is the final stage for adjudicating complaints. If any party is still unsatisfied with the Provincial Court judgment, he/she can bring the case to a higher-level court.

25. In relation to affected ethnic minority households the same procedures as above apply except where needed, translators will be hired. This request must come from the ethnic minority households.

C. Disclosure

26. The resettlement plan to be prepared will be submitted to ADB for review and concurrence. Key information in the RP will be provided to the APs through the distribution of PIB in local language. It will be simple and easy to read and will consider the literacy level of the audience concerned. Copies of the resettlement plan or its summary translated into local language will be placed in relevant commune offices. All resettlement plans and monitoring reports will be uploaded on the ADB website.

VIII. MONITORING AND EVALUATION

A. Internal Monitoring

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

28. Primary responsibility for internal monitoring lies with MRD as the project implementing agency, and will be coordinated by its PMU. PMU will be responsible for overseeing the formation, function, and activities of each of the implementing agencies, and through quarterly monitoring reports, summarize this progress. All monitoring data will be collected to ensure gender and ethnicity disaggregation.

B. External Monitoring

29. The IRC will recruit an EMA to carry out its own monitoring of resettlement activities and will provide advice on safeguards compliance issues and propose corrective actions. The EMA will be a qualified Consulting Firm/NGO or independent consultant with recognized experience in Cambodia; the terms of reference for the EMA must be acceptable to both IRC and the ADB.

IX. BUDGET AND SCHEDULE

30. The budget will cover compensation costs, allowances and rehabilitation measures, administration costs, and contingency. RP Costs will be part of the Government's counterpart fund. The Government will ensure timely provision of counterpart funds for resettlement to meet any unforeseen obligations in excess of the resettlement budget estimates in order to satisfy resettlement requirements and objectives. The Resettlement Plans will identify key activities for which funds will be used, any disbursement milestones and auditing requirements that will facilitate appropriate and timely delivery.

31. The project is expected to be implemented in six years, starting early 2014. Compensation of AHs cannot commence until the RP is acceptable to ADB. Commencement of civil works may commence in sections where there are no resettlement impacts. All resettlement activities will be coordinated with the civil works schedule. MRD will not issue a notice of possession to contractors in specific sites until all resettlement activities have been satisfactorily completed, agreed rehabilitation measures are in place, and the site is free of all encumbrances.