

KINGDOM OF CAMBODIA

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MINISTRY OF RURAL DEVELOPMENT



Cambodia Southeast Asia Disaster Risk Management Project II

RESETTLEMENT PLANNING FRAMEWORK

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Prepared by the Ministry of Rural Development with the assistance of consultants under the guidance and direction of the General Department of Resettlement of the Ministry of Economy and Finance for the World Bank.

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Abbreviations and Acronyms

AH	Affected Household
AP	Affected People
ARP	Abbreviated Resettlement Plan
COD	Cut-Off Date
COI	Corridor of Impact
CSADRMP II	Cambodia Southeast Asia Disaster Risk Management Project II
C/S	Commune/Sangkat
DED	Detailed Engineering Design
DDIS	Detailed Design Implementation and Supervision
DMS	Detailed Measurement Survey
DRP	Detailed Resettlement Plan
ESF	Environmental and Social Framework
ESMF	Environmental and Social Management Framework
ESS	Environment and Social Standards
FPIC	Free, Prior and Informed Consent
GDR	General Department of Resettlement
GRM	Grievance Redress Mechanism
IOL	Inventory of Loss
IP	Indigenous Peoples
IPP	Indigenous Peoples Plan
IPPF	Indigenous Peoples Planning Framework
IRC	Inter-Ministerial Resettlement Committee (Project-Level)
IRC-WG	Inter-Ministerial Resettlement Committee Working Group
Km	Kilometer
LAR	Land Acquisition and Resettlement
MEF	Ministry of Economy and Finance
MRD	Ministry of Rural Development

PGRC	Provincial Grievance Redress Committee
PIB	Project Information Booklet
PMT	Project Management Team
PRSC	Provincial Resettlement Subcommittee
PRSC- WG	Provincial Resettlement Subcommittee Working Group
RP	Resettlement Plan
RCS	Replacement Cost Study
RPF	Resettlement Planning Framework
RGC	Royal Government Of Cambodia
ROW	Right of Way
SEP	Stakeholder Engagement Plan
SEO	Social and Environment Officer
SOP	Standard Operating Procedures
USD	United States Dollar
WB	World Bank

Definitions

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 RPF the term used will be “AH”.

Basic Resettlement Plan. Prepared when the World Bank’s Environmental and Social Framework (ESF) require a draft 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. Payment in cash or in kind for an asset or a resource that is acquired or affected by a project at the time the asset needs to be replaced.

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 and in local language of the concerned IPs 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) For this project, the Cut-Off Date is the last day of the first round of consultation that will be hold with local people following the disclosure of the project’s COI (at public places such as commune/Sangkat public boards, pagodas) to inform the general public of the project area and prevent influx of ineligible persons into project’s COI. The date by which any persons who encroach upon the project area (Corridor of Impact, COI) after the Cut-Off Date is announced will not be eligible for any compensation or assistance. 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 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 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 to access to legally designate parking and protected areas.

Eligibility. Eligibility includes 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 affected peoples, 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 RPF, the GRM is for grievances/complaints arising from involuntary land acquisition and resettlement. The GRM for handling grievances/complaints related to other environmental and social aspects arising out of other relevant ESSs for this Project (i.e. requirements labor and working conditions, etc.), are stipulated in the Stakeholder Engagement Plan as per WB ESS10.

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 attachment¹ 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
- 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 stakeholders 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 corridor of Impact 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 refers to project-related land acquisition or restrictions on land use may cause physical displacement (relocation, loss of residential land or loss of shelter), economic displacement (loss of land, assets or access to assets, leading to loss of income sources or other means of livelihood), or both. 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;

¹ 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.

(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 RPF, 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 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 cost 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 Planning Framework. Prepared when project components are not known and therefore land acquisition needs cannot be identified. The RPF 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. These are distinct group of APs who are likely to be more adversely affected by land acquisition and involuntary resettlement than others who are likely to have limited ability to re-establish their livelihoods or improve their status. Poor and Vulnerable Persons/Group comprise: (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

This is an Executive Summary of main points discussed in this Resettlement Planning Framework (RPF). The Executive Summary should not be relied for full information; the full RPF should be read for this purpose.

This RPF has been prepared by the Ministry of Rural Development (MRD) for the Cambodia Southeast Asia Disaster Risk Management Project II (SEADRM II) with assistance of international and national consultants, and under the guidance and direction of the General Department of Resettlement (GDR) of the Ministry of Economy and Finance (MEF). The RPF is part of the Environment and Social Management Framework (ESMF). This RPF will be applied to all investments to be financed under this project irrespective of financing source (e.g. the World Bank and Royal Government of Cambodia). The RPF has been prepared in line with the Royal Government of Cambodia's (RGC) Standard Operating Procedures on Land Acquisition and Resettlement, and the World Bank's (WB) Environment and Social Framework (ESF).

This document is considered a living document and shall be modified and updated in line with the changing situation or scope of the activities. The 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.

The project development objective is to support resilient reconstruction of vulnerable rural transport infrastructure affected by the 2020 floods and recurring flood events, mainstream Disaster Risk Management in government processes, and provide immediate and effective response in case of an Eligible Crisis or Emergency. Six targeted disaster vulnerable provinces were selected.

This objective will be achieved through the implementation of various activities that are organized into four project components: (i) Institutional strengthening for disaster resilience at the national level; (ii) Resilient rural transport infrastructure reconstruction and maintenance; (iii) Project Management; and (iv) Contingency Emergency Response Component (CERC).

The second project component will focus on civil works for the strengthening, climate resilient rehabilitation, safety, and maintenance of selected existing rural transport infrastructure that are vulnerable to disasters.

The second project component is not expected to incur any land acquisition as the proposed SEADRM II targeted roads will be rehabilitated within existing road alignment and the right-of-way (ROW). However, in case there are any unexpected circumstances where the proposed construction works necessitate the involuntary acquisition of land or assets, this RPF will apply.

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 MEF is responsible for providing guidance and clarification to users of the SOP. Given that the proposed SEADRM II is a project financed by the WB, the SOP is the guiding RGC sub-decree for land acquisition and should be read together with this document. This RPF also complies with the

WB's Environment and Social Standard 5 (ESS5) on LAR. There are some minor, but no significant gaps between the policies of the SOP and WB's ESS5. Two most relevant is that the SOP does not have a provision for voluntary donations (VDs) and negotiated settlement as the SOP addresses Involuntary Resettlement. This RPF describes a process for VDs consistent with the WB's ESS5 and the required steps and documentation.

The project's approach to manage resettlement follows the WB's mitigation hierarchy by:

1. Adjusting designs to avoid impact on land and assets;
2. When impacts cannot be avoided, minimize them;
3. Once risks and impacts have been minimized or reduced, mitigate through compensation payment for affected assets and income generation activities; and
4. Where land acquisition impacts remain, compensate people as per this RPF.

This RPF 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 RPF, 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 VD and involuntary land acquisition, the RPF also details the institutional arrangements and responsibilities, consultations, information disclosure, funding arrangements and monitoring.

The RPF 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 RPF, regardless of their legal status. The COD is the last day of the first round of consultation that will be hold with local people following the disclosure of the project's COI (at public places such as commune/Sangkat public boards, pagodas) to inform the general public of the project area and prevent influx of ineligible persons into project's COI. The date by which any persons who encroach upon the project area (Corridor of Impact, COI) after the Cut-Off Date is announced will not be eligible for any compensation or assistance. Persons not covered can be eligible in case they can show proof that they have been inadvertently missed during the census. 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 out during the census.

The RPF outlines the Grievance Redress Mechanism (GRM) 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 SEADRM II. The RPF also describes the process for consultation and information disclosure in cases of VDs and for land acquisition. This RPF will be consulted with national-level stakeholders as in SEP and will be disclosed to the public prior to the WB's appraisal of the SEADRM II.

1. PROJECT DESCRIPTION

1.1 Overview

The purpose of the second Cambodia Southeast Asia Disaster Risk Management Project (SEADRM II) is to support the rehabilitation of the rural transport infrastructure that were affected by the flash floods in 2020 and the government's effort in mainstreaming disaster risk management dimensions into national disaster resilience strategy for transport infrastructure system. The Project constitutes a part of a regional program designed to help reduce the impacts of natural hazards in Southeast Asia. This program will continue the interventions initiated in the Cambodia Southeast Asia Disaster Risk Management Project (CSADRM) as a part of a Southeast Asia (SEA) regional Series of Projects on Disaster Risk Management (DRM), involving Cambodia, Lao PDR, and Myanmar. Seven project provinces, including Banteay Meanchey, Battambang, Kampong Chhnang, Kampong Speu, Pursat, Siem Reap, and Tboung Khmum, were selected to participate in the project considering various criteria such as rural population density, agricultural potential, vulnerable to floods, existing road conditions, and connectivity of provincial road networks to connect larger geographic area.

1.2 Project Development Objective and Project Components

The project development objective is to support climate-resilient rehabilitation and reconstruction of flood-damaged rural roads and bridges in target areas, improve the capacity of the government to prepare for and respond to emergencies. This objective will be achieved by through implementation of various activities that are organized into four project components:

- **Component 1: Institutional strengthening for disaster resilience at the national level** (US\$0.55 million IDA credit and US\$0.45 million RETF). This component will focus on 21. Provision of technical assistance to strengthen MRD's capacity to prepare for, respond to, and recover from disasters and deal with climate change.
- **Component 2: Resilient Rehabilitation and Reconstruction of Rural Roads and Bridges** (US\$68 million IDA Credit). This component will focus on carrying out climate and disaster resilient rehabilitation and reconstruction, and maintenance of selected rural roads and bridges and related infrastructure damaged by the 2020 floods and other natural disasters in target areas. The Component also provide technical assistance for: (a) protection of Road Users Through Road User Awareness-Raising; (b) developing a roadmap to expand the functionality of MRD's Rural Roads Asset Management (RRAM) System for post-disaster damage assessment and recovery; and (c) on-the-job Capacity Building for Design and Implementation of Road Rehabilitation to Climate-Resilient Road Standards.
- **Component 3: Project Management (US\$ 3 million IDA Credit, US\$1.5 million Counterpart Financing)**. This component will provide technical and operational assistance to strengthen the institutional, organizational, and technical capacity of MRD to support day-to-day Project implementation, including coordination, technical matters, procurement, financial management, social and environmental safeguards, monitoring and evaluation, and reporting.

Component 4: Contingency Emergency Response Component (CERC) (US\$ 0m). This component is designed to provide immediate and effective response to an eligible Crisis or Emergency, as needed.

1.3 Land Acquisition Impacts and Rationale for Resettlement Planning Framework (RPF)

The SEADRM II project will have a positive impact on target communities – through provision of improved, safe, climate-resilient transportation system, that results in better transport connectivity, savings in vehicle operating costs, and shorter travel time. While most of the rehabilitation are carried out on the existing road foundation, small-scaled land acquisition APs may be needed, particularly for civil works where roadbed is widened, road pavement is raised, or alignment is adjusted within the ROW to improve the connectivity of the existing transport system while addressing future natural hazards such as flash floods, storms, inundation, etc.

The project will make every effort to avoid land acquisition due to the rehabilitation of the SEADRM II project's targeted roads by following the the existing road alignments. However, where avoidance is not possible, alternative design will be explored to acquire public land and/or minimize the need for land acquisition through design adjustment. Since the location and design of road and bridge subprojects to be rehabilitated cannot be determined during project preparation, this RPF is prepared in accordance with the requirements of the WB's Environmental and Social Framework (ESF), particularly its Environmental and Social Standard 5 (ESS5) on Land Acquisition, Restrictions on Land Use and Involuntary Resettlement and in compliance with the Cambodian laws and regulations. The RPF sets forth objectives and principles, including eligibility criteria, entitlements, consultation with affected people, etc. which guides compensation payment, land acquisition, resettlement, livelihoods restoration support and grievance redress mechanism. The RPF also describes implementation arrangements, including how DRP implementation will be monitored to ensure DRPs prepared for subprojects are implemented in compliance with this RPF.

The RPF recognizes that vulnerable groups may be affected disproportionately from LAR activities. During project implementation, specific needs or concerns of the vulnerable groups will be assessed through consultation and will be addressed. Gender integration will also be considered during planning, preparation and implementation of the DRPs.

2. LEGAL FRAMEWORK

The Expropriation Law (2010) is the principal legal framework governing land acquisition and involuntary relocation in Kingdom of Cambodia. This law aims to define an expropriation in the Kingdom of Cambodia by defining the principles, mechanisms, procedures of land expropriation and fair and just compensation for any construction, rehabilitation, and public infrastructure expansion projects for the public and national interest, and for the development of Cambodia. It 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.

Key articles of the Expropriation Law (2010) are:

- a) Article 2: The law has the following purposes: (i) to ensure just and fair deprivation of legal rights to private property, (ii) to ensure prior fair and just compensation, (iii) to serve the national and public interest, and (iv) to develop public physical infrastructures;
- b) Article 7: Only the State may carry out an expropriation for use in the public and national interests;
- c) Article 22: The amount of compensation to be paid to the owner of and/or holder of real right to the immovable property shall be based on the market prices or replacement costs as of the date of the issuance of the declaration on the expropriation project. The market prices or the replacement costs shall be determined by an independent committee or agent appointed by the Expropriation Committee;
- d) Article 29: A tenant of the immovable property with proper contract shall be entitled to allowance for disturbances as a result of the expropriation including the dismantling of structures, materials, and transportation to the new relocation site. 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. For the expropriation of a location that is operating business activities, the owner of the immovable property shall be entitled to additional compensation at fair and just compensation against the value of the property actually affected by the expropriation as of the date of the issuance of the declaration on the expropriation project.

RGC's Sub-Decree No. 22 ANK/BK (2018) on The Promulgation of the Standard Operating Procedures for Land Acquisition and Involuntary Resettlement (SOP-LAR) for Externally Financed Projects in Cambodia. The GDR of the MEF is responsible for providing guidance and clarification to users regarding the SOP-LAR. Given that the proposed SEADRM II project will use the counterpart funding for compensation and support, the provisions of SOP-LAR will apply to the proposed SEADRM II project and therefore should be read in conjunction with this RPF.

2.1 Gap Analysis: WB ESF and RGC SOP-LAR

The WB's ESS5 recognizes that land acquisition through projects and land use restrictions can have negative effects on communities and individuals. The WB ESS5 and the RGC's SOP-LAR both have specified its objectives and principles of land acquisition and involuntary resettlement to ensure affected people are not worse off as a result of land acquisition. The principles of the WB's ESS5 and RGC's SOP-LAR are largely similar. However, in terms of procedures, the SOP-LAR does not have procedures for **negotiated settlement** and **voluntary donations**. Since the GDR has a lot of experience in acquiring land through negotiated settlement, particularly under Asian Development Bank and WB financed projects, negotiated settlement approach could be applied to this project. To assist the GDR in conducting acquisition of land through negotiated settlement, this RPF spells out the detailed procedures that the GDR will follow in case involuntary acquisition of land through negotiated settlement and/or VD are required. The gaps in VD requirements between the WB's ESS5 and the RGC's SOP-LAR is presented in Table 1 (page 4), including measures proposed under this proposed SEADRM II project closing such gaps.

Table 1: Summary of Main Gaps Between RGC’s SOP-LAR and WB’s ESS5

Items with Difference	RGC’s SOP-LAR	WB’s ESS5	Measures to Address Differences
Voluntary Donations (VDs)	The SOP deals with land acquisition and <i>involuntary</i> resettlement and therefore does not provide guidance on VDs.	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.	This RPF provides guidance on when VDs would be appropriate and the process of carrying out the donations, including documentation which will need to be followed by MRD.

The gaps on the other issues, such as Livelihood Restoration and Assistance, Grievance Redress Mechanism, and Consultations and Stakeholder Engagement, are clarified in Table 2 (below).

Table 2: Summary of Clarifications Between RGC’s SOP-LAR and WB’s ESS5

Items for Clarification	RGC’s SOP-LAR	WB’s ESS5	Clarifications
Livelihood Restoration and Assistance	SOP-LAR details specific measures to restore livelihoods which are land-based, employment-based and business-based.	Provision of livelihood restoration and assistance to achieve WB’s ESS5 objectives in cases of significant loss of livelihood to assist displaced persons in their efforts to improve, or at least restore, their livelihoods and living standards.	Based on RGC’s SOP-LAR, 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 SEADRM II, DRPs will include provisions to ensure livelihood restoration programs are robust and can accurately meet the livelihood restoration objectives in line with WB ESS5.
Grievance Redress Mechanism	Appendix 8 of the SOP-LAR provides the structure 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	Annex 1 of ESS10 includes details of administrative and 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.	<ul style="list-style-type: none"> The SOP states that there will be consultations with APs at various stages including during Basic Resettlement Plan 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 or/and IPs’ language and provided and explained in detail to the APs

	each step are also provided in the SOP-LAR.		<p>during the public consultation process. There are clear mechanisms for grievance redress in the SOP.</p> <ul style="list-style-type: none"> • While the mechanisms are clearly set out, GDR will ensure it is accessible to all APs, in particular vulnerable APs and women.
Consultations and Stakeholder Engagement	<ul style="list-style-type: none"> • The SOP-LAR details out number of steps to carry out consultations at various stages of the land acquisition and resettlement process and compensation. • Para 126 mentions that the consultation is undertaken throughout the project cycle. • SOP-LAR provides for stakeholder engagement in respect of land acquisition and involuntary resettlement. <p>The SOP-LAR provides for disclosure of the RPF 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 GDR.</p>	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.	Meaningful consultations, inclusive of all groups and gender including vulnerable persons, 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.

3. OBJECTIVES AND PRINCIPLES

The objectives of this RPF are in line with the ESS5 and the SOP-LAR to ensure that all people affected by the proposed SEADRM II project shall be provided with timely compensation for their loss of assets at replacement cost and shall be assisted in their efforts to improve or at least restore their livelihoods and living standards to the pre-displacement level, or to levels prevailing prior to project implementation, whichever is higher.

The SEADRM II project will take every measure to avoid land acquisition. However, where avoidance is not possible, the need for land acquisition APs will be minimized through alternative designs and use of public land. Impacts due to acquisition of land are mitigated through compensation payment for affected assets and income generation activities. The Livelihood Restoration Program will be designed to assist those significantly affected to re-establish and stabilize their livelihoods in a timely manner. Detailed Resettlement Plan (DRP) will be prepared in accordance with this RPF to guide the compensation and livelihoods restoration process, including monitoring of resettlement activities to ensure the objectives of this RPF are met.

In addition, a procedure for VD of assets affected by the project is available in case project's impacts on local assets are minor and the affected people wish to voluntarily donate their affected assets. When this is the case, a DRP will not be prepared. Instead, the donation procedure described in this RPF will have to be followed to ensure potential donated people are appropriately informed of the project' VD guideline and can exercise their free will (they can refuse to donate if

they don't want to). MRD will ensure that potential donors meet pre-requisite for VD and are advised of choices available to them and are consulted fully. The donation process will be transparent and will be carefully documented by MRD and are subject to the WB's prior approval.

The proposed SEADRM II project's approach to resettlement impact management will follow the WB's mitigation hierarchy, and is as follows:

- Adjusting designs to avoid impacts on land and assets;
- When impacts cannot be avoided, minimize them;
- Once risks and impacts have been minimized or reduced, mitigate through compensation payment for affected assets and income generation activities; and
- Where land acquisition impacts remain, compensate people as per this RPF.

This RPF covers impacts related to lands and/or assets that are i) **voluntarily donated** and (ii) **involuntarily acquired**.

3.1 Principles of Voluntary Donation

Voluntary donation (VD) is proposed in this RPF as an option available to affected people when project's impacts on their lands and/or assets are minor and affected people wish to donate their affected assets without taking compensation as described in this RPF. Voluntary Land Donation (VLD) is applied in its scope to beneficiary communities without involuntary land acquisition conditions and based on a household's VD. VLD will be accepted when the land area does not exceed 5% of the total land area² and assets where the affected owners of the assets and land have agreed to give their land and other assets as a voluntary contribution to the subproject. Additionally, the land portion to be voluntarily donated shall be free of houses, structures or other fixed assets. For this type of subproject, the Commune Chief should prepare a report showing that the land users have been fully informed about the subproject, and about their right to refuse to give their land and other assets without compensation. This report will be called the "Voluntary Land Donation Report," as per the Commune/ Sangkat Fund Project Implementation Manual (CSF-PIM).

Regarding to the RGC, National Committee for the Management Decentralization & Deconcentration Reform (2009) Commune/Sangkat Fund Project Implementation Manual, stated in section D on Voluntary contribution of land and assets to the project in a Statement of Land User's Rights as below:

The Commune/Sangkat (C/S) Council may ask land users to make voluntary contributions of small amounts of land and other assets to the project. The C/S Council must not ask any land user to contribute more than 5% of the land owned or used by that land user. The Commune Council must not ask any land user to contribute other assets with a value of more than 400,000 Riels.

The land user/owner has the right to refuse to make a voluntary contribution in terms of land and asset affixed to land. The C/S Council may not take any contribution of land and other assets unless the land user has signed or provided a thumb-print to show that s/he agrees to make such contribution.

² RGC, National Committee for the Management Decentralization & Deconcentration Reform (2009) Commune/Sangkat Fund Project Implementation Manual, page 31 (Khmer version).

Example: a road project, which will use a little land from the rice fields by the side of the road. For this type of project, the Commune/Sangkat Chief should prepare a report showing:

(a) that the land users have been fully informed about the project, and about their right to refuse to give their land and other assets without compensation;

(b) a land survey map showing the location and amount of land to be contributed;

(c) the amount of land to be contributed, in absolute terms and as a percentage of the persons land holdings, and the amount and value of other assets to be contributed; and

(d) a thumb print or signature confirming their voluntary contribution. This report is called “Voluntary Land Contribution Report”.

The MRD in collaboration with the C/S Council is responsible for the entire VD process. The MRD will:

- Ensure that detailed design select alignments that avoid or, otherwise minimize, impacts on land, structures and other fixed assets;
- Consult with potential donors (who meet the above prerequisite) on whether they wish to make voluntary contribution, based on the guidance in this RPF;
- Ensure that potential donors/affected people are appropriately informed³ that by voluntarily donating they are reneging on their right to compensation;
- Develop fair and transparent procedures for VDs in consultation with affected households (AHs) and the communities;
- Ensure that those voluntarily donating are those directly benefiting from the road rehabilitation under the project, and that donated land and/or non-land asset 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 on the potential donation by the asset owner⁴;
- Ensure that no fees are paid by the person donating, and that any fees or taxes incurred to land donation and any update of land ownership documents are covered by MRD;
- Obtain the consent of the community involved, including individuals who are using or occupying the land in cases of community or collective land is proposed for donation;
- Keep AHs fully and appropriately informed about the VD process and their related rights and avenues for grievance redress, in line with consultation/GRM procedures outlined in this RPF, and are summarized in project’s Stakeholder Engagement Plan (SEP);
- Inform the potential donors that they have the right to decide the extent of their VD out of the total impact that the project may cause to them;

³ “Appropriately informed” means that the potential donor has all available information regarding the proposed project activity and its impacts, its land requirements, and its alternative activity sites, as well as the potential donors’ rights to compensation as per this RPF. The potential donor has also been provided with sufficient time to consider his or her disposition of the affected assets and has knowingly rejected the right to renege on his or her decision.

⁴ 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.

- Pay particular attention to gender, disadvantaged/ vulnerable groups, and Indigenous Peoples, if relevant, in line with the project's IPPF, due to such individual/group is also more likely to be excluded from/unable to participate fully in the mainstream consultation process and as such may require specific measures and/or assistance for full participation;
- Resolve any grievances that may occur in relation to VLD process; and
- Ensure that the entire VLD process is clearly and fully documented by MRD and submitted to the WB.

For disadvantaged/vulnerable individuals/group

- The proposed SEADRM II project is designed to ensure local people, including disadvantaged/ vulnerable groups, will benefit from the project, particularly in their effort to restore and improve their livelihoods following the flash floods in 2020;
- VLD shall not be proposed to people identified as disadvantaged/ vulnerable individuals/group as defined in the project's RPF and Indigenous Peoples Planning Framework (IPPF);
- In case VLD is proposed to disadvantaged/ vulnerable individuals/group, the project should consult with the WBk on a case-by-case basis before disadvantaged/ vulnerable individuals/group are approached to consult on potential VD.

For Indigenous Peoples

- In case land donation is planned to be proposed to IP individuals/households who are from disadvantaged/vulnerable group (as defined in the project's RPF and IPPF), the approach to VD for disadvantaged/ vulnerable individuals/group (as mentioned above) is applied.

For people who do not wish to donate

- Technical design will be considered for adjustment, if possible, to avoid the impact on the affected land/asset;
- If not possible, compensation payment will be made to the affected people in accordance with the Entitlement Matrix (see Annex 3) in this RPF.

3.2 Principles of Involuntary Land Acquisition

The following principles will be applied for land acquired involuntarily under this project:

- Avoid involuntary land acquisition and resettlement. When avoidance is not possible, minimize involuntary land acquisition and resettlement by exploring design alternatives;
- Avoid forced eviction⁵;
- 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 and (b) assisting affected 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;
- 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;

⁵ Force Eviction is defined as the permanent or temporary removal against the will of individuals, families, and/ or communities from the homes and/or land which they occupy without the provision of, and access to, appropriate forms of legal and other protection, including all applicable procedures and principles in WB ESS5.

- 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;
- Ensure that resettlement activities are planned and implemented with appropriate disclosure of information, meaningful consultation, and the informed participation of those affected;
- Keep the affected persons fully informed about the process of compensation and other mitigation activities, and their related rights and avenues for redress, in line with consultation procedures outlined in this RPF and the SEP, with particular attention to gender⁶; and
- For acquisition of land belonging to IPs, ESS 7 of the WB's ESF will need to be followed.

3.3 Eligibility Criteria

This RPF applies to permanent or temporary physical and economic displacement directly caused by the proposed SEADRM II project as described in the SOP-LAR, and compliant with WB's ESS5. All affected people who have assets in a subproject site before the COD for that subproject will be eligible for compensation, regardless of their legal status.⁷ Eligibility will be determined with regards to the COD, which will be the last day of the first round of consultations with affected people, when the sites for road rehabilitation have been identified, and through announcement in the consultations and posting on commune/Sangkat/public boards and/or pagodas in the community. Anyone who occupies any portion of the subproject area after the COD will not be eligible for any compensation or any other assistance.

3.3.1 Cut-Off-Date

Cut-Off-Date (COD) is the last day of the first round of consultation that will be hold with local people following the disclosure of the project's COI (at public places such as commune/Sangkat public boards, pagodas) to inform the general public of the project area and prevent influx of ineligible persons into project's COI. The date by which any persons who encroach upon the project area (Corridor of Impact, COI) after the Cut-Off Date is announced will not be eligible for any compensation or assistance. Persons not covered can be eligible in case they can show proof that they have been inadvertently missed during the census.

People whose assets located within the project's COI before the COD are eligible for compensation and support, regardless of their legal status of land. Those who encroach upon/or occupy the project's COI after the COD will not be eligible for any compensation or any other assistance.

3.3.2 Scope of Application

This RPF is applied to permanent or temporary physical and economic displacement that are directly caused by the project (within the project area defined in a subproject ESIA), and as described in the SOP-LAR, and compliant with WB's ESS5.

⁶ For instance, any financial compensation for involuntary acquisition of land or other assets should be provided jointly to a husband and wife, rather than just to the husband, even if the husband is the legal owner.

⁷ 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.

The RPF is applied also to activities or facilities that, in the judgement of the WB and agreed with RGC, are associated activities and/or facilities⁸ as defined in the WB' ESS1 (Assessment and Management of Environmental and Social Risks and Impacts). When this is the case, the RPF will be applied to such associated activities and/or facilities – to the extent that MRD has influence over such activities and facilities.

The RPF is not applied to incomes and/or livelihoods that are not directly affected by project's land acquisition or land use restrictions. Such impacts would be addressed under the WB's ESS1 on Assessment and Management of Environmental and Social Risks and Impacts, and under the project's Environmental Code of Practice (ECOP) or, if required, Environmental and Social Management Plan (ESMP) for respective subprojects.

3.4 Resettlement Process: Step by Step

In line with the requirements in the ESS1 and ESS5 of the WB's ESF, the proposed SEADRM II project will adopt the following key steps in the resettlement process:

- a) Anticipate and avoid land acquisition impacts through adjusting designs;
- b) Where avoidance is not possible, minimize or reduce land acquisition impacts;
- c) Conduct meaningful consultation with affected people to inform them of their right to and compensation entitlements as described in the detailed Entitlement Matrix in Annex 6 of the SOP-LAR (attached as Annex 3 to this RPF); VD option is presented to people who meet prerequisite for VD (as in Section 3.1 above);
- d) Carry out negotiated settlement for the purpose of the land acquisition as described in this RPF;
- e) Where negotiated settlement is not accepted by the AHs, or fails, follow land acquisition process as defined in the SOP-LAR and prepare a DRP in accordance with this RPF;
- f) Provide compensation payment to the AHs before civil works begin, ensuring appropriate information is timely disclosed, and grievance redress mechanism (as described in this RPF) is available and understandable to affected peoples; and
- g) Monitor and report on resettlement process to ensure the resettlement process, including its outcomes, meet the objectives set out in section 3 (above).

3.4.1 Voluntary Donation

In accordance with customary practice, villagers who benefit directly from a project may choose to voluntarily contribute the part of land and/or assets that will be affected within the project's COI without taking compensation for it. MRD staff will assure that only people who meet VD prerequisite (Section 3.1 above) are approached and are appropriately informed of the project's VD requirements and procedure. Qualified potential donors will be informed of project's compensation policies and the VD option that is available to. Criteria that the project uses to accept VD (Section 3.1) will be appropriately informed to potential donors to enable them to make informed choice. Potential donor will be informed of their right to refuse donating their affect assets and receive entitled compensation instead if they don't wish to make VD for their affected

⁸ Associated facilities or activities that are not funded as part of the project and are: (a) directly and significantly related to the project; (b) carried out, or planned to be carried out, contemporaneously with the project; and (c) necessary for the project to be viable and would not have been constructed, expanded or conducted if the project did not exist. For facilities or activities to be Associated Facilities, they must meet all three criteria.

assets. They will also be fully informed of the project's grievance redress mechanisms that they can use when needed.

MRD in collaboration with the C/S Council is responsible for all undertakings related to VD process. All VD under this project is subject to WB's prior approval. Affected people – confirmed to be impacted through the COI and meeting VD criteria (See section 3.1) will be consulted by MRD on their preference for compensation as they are entitled to, or donating the affected assets as trees or small part of structures part of driveways, etc. Consultations will be conducted with the people who legally own the affected assets. MRD will follow the principles and procedure described for VD as detailed in Section 3.1 of this RPF. MRD shall carefully document all agreements that may be made with donating people, and announce the subproject COD to the general public so that people do not encroach upon project's road COI after the COD is publicized.

Step 1. Conduct Initial Screening for VD Eligibility

For each subproject, based on the final COI, MRD staff will:

Collect necessary demographic information about affected individuals/households within the subproject COI;

Collect information on the magnitude of land/asset impacts based on the Inventory of Loss;

Conduct consultation with affected people on project compensation policy, introducing voluntary land donation as an option;

Screen for individuals/households potentially qualified for VD from the affected group, using the criteria in Section 3.1;

Summarize this step using the form in Annex 1.

Note:

When potential donors are from disadvantaged/vulnerable group and/or IP group, follow guidance in Section 3.1 of this RPF.

Step 2. Consult with potential Donors

- Consult with potential donors qualified for VD, explaining details of VD procedures (Section 3.1);
- When consulting, emphasize affected peoples' right to either receiving compensation or donating their affected assets, including their right to decide on their preferred extent for asset donation, and MRD's right to accepting their donation;
- Continue consultation process to inform affected people of key steps and timelines for VD;
- Finalize the list of people who wish to donate affected assets.

Step 3. Start Donation Process

- Conduct the detailed survey of assets donated based on the list of donating households;
- Identify if there are anyone who are using the part of land intended for donation; if there is, consult with them to obtain their consent related to planned donation;
- Establish a formal statement of donation which will be signed by each owner and user involved, if any.
- Establish informed consent and confirm that no dispute exists over the ownership of the donated part of land/asset, and that there are no claims by renters, users, squatters, or encroachers (use Form in Annex 2);
- Proceed the formal procedures for donating the part of land/asset following the government's procedures;

- Hand over the donated land to project;
- MRD will maintain all records of asset donations and ensure supporting documents are available for review in case where grievance arises.
- MRD will document fully and carefully the entire VD process (see Section 3.6.1) and compile a report which includes the followings:
- Subproject name, location, geographical area (including timing of the report and disclosure information);
- Description of the road section, the Corridor of Impact (COI) and the extent of impacts on assets (attach Annex 1);
- Description of consultation activities and procedures that have been undertaken to ensure donors are appropriately informed of the project's VD procedures and requirements, including their rights to choosing compensation payment or opting for VD;
- A detailed list of assets voluntarily donated and corresponding donors, disaggregated by gender (attach Annex 2);
- Minutes of consultation, including consultation process and consultation outcomes as to asset donation, and grievance redress mechanism;
- Ensure that VD process is regularly monitored as part of MRD's internal monitoring arrangement.

3.4.2 Negotiated Settlement

In case of negotiated settlement, the following process will be followed:

- a) The GDR will prepare an Inventory of Losses, based on which the detailed measurement survey (DMS) and the replacement cost study (RCS) will be conducted to design compensation package for each AH;
- b) The RCS will help calculate the replacement value at current market price including transaction costs, interest accrued, transitional and restoration costs, and any other applicable payments, if any of affected land and assets such as houses, structures, and trees, etc.;
- c) If there is loss of income, the RCS consultant will calculate the amount of losses based on the project's Entitlement Matrix (Annex 3 of this RPF);
- d) In case of loss of fruit trees, the RCS consultant will calculate the economic loss based on maturity and formula shown in the Entitlement Matrix;
- e) If there is physical displacement, transition allowances will be provided at the rated shown in the Entitlement Matrix;
- f) The total amount of compensation will be calculated and offered as a lump sum amount;
- g) A contract will be prepared, showing the total amount of compensation and the breakdown to facilitate negotiation with each AH. Once agreed, a Minutes will be prepared and signed by the AH, that both spouses or single heads of households will be required to sign and the Inter-Ministerial Resettlement Committee Working Group (IRC-WG) with the witness of the Commune/Sangkat or Village official;
- h) If all AHs agree with their lump sum compensation package, the lump sum amount will be paid upon contract signing;
- i) A report on the process and results of the negotiated settlement will be prepared after completion of compensation payment and will be submitted to the WB;

- j) In case an AH does not agree on the proposed negotiated settlement option, the offer of negotiated settlement for all the AHs will be withdrawn and the GDR will prepare a DRP for submission to the WB for review and approval.

3.4.3 Land Acquisition

For Land Acquisition, once the specific road sections are identified and screened (see Annex 1), if involuntary land acquisition is required, the MRD will inform the GDR who is in charge of implementing land acquisition as defined in SOP-LAR. The GDR will then conduct site visits to assess the scope of land acquisition and its impacts. The MRD will be responsible for sharing with the GDR the COI and Detailed Engineering Designs (DED).

Once the COI of a road section is defined, the GDR and the MRD will prepare Project Information Booklet (PIB) to inform AHs of the subproject's potential and will conduct the first round of consultations with AHs and local authorities to discuss about potential land acquisition. COD will be set during the first round of consultations. The COD is the date defined as the last day of the first round of consultations which will be announced to affected individual and households during the round of consultations. Based on the DED and final COI, a DMS will be undertaken as soon as possible upon completion of the first consultation.

The GDR will carry out the census survey and inventory of loss with the assistance of the MRD. Once census results are available, the GDR and MRD will conduct the consultation with the AH and affected community to present the findings of the census survey and inventory of loss and explain to affected people the availability of two options for compensation: 1) negotiated settlement or 2) involuntary acquisition of land. The GDR will present an updated PIB containing key principles and requirements for compensation and support, including the Entitlement Matrix (Annex 3) and GRM procedures that will be applied to all subprojects.

If only a few people (less than 20 AHs) are affected at one subproject, affected people will be offered compensation payment through the negotiated settlement route for their consideration. If all AHs agree with the negotiated settlement route, this agreement will be documented in the Minutes and signed by all AHs and confirmed by the Commune/Sangkat or Village Chief. The AHs will be informed that the COD is the date of the consultation meeting, and this will be recorded in the Minutes.

In case there are more than 20 AHs, or the AHs do not all agree with the negotiated settlement route, AH will be informed that a DMS will be carried out by GDR and a DRP will be prepared to guide compensation payment. The COD will be the date of the Meeting, as recorded in the Minutes. The AHs attending the Meeting will be advised that only households identified during the census survey prior to the COD will be eligible to compensation payment.

Following the consultation meeting, GDR will make a plan for conducting the DMS and the RCS. The AHs and commune/sangkat/village authorities will be informed of this survey in advance by the Provincial Resettlement Subcommittee Working Group (PRSC-WG) and Commune/Sangkat/Village Offices.

3.5 Cut-off Dates

3.5.1 Voluntary Donation

For VD, the COD will be set by the MRD at the end of the first round of consultations at a selected road and announced to the public to ensure people do not encroach on the project's COI. Detailed documentation of VD process and results will be carried out by MRD as soon as possible after the COD is confirmed.

3.5.2 Land Acquisition

For Land Acquisition, the COD is the last day of the first round of consultation that will be hold with local people following the disclosure of the project's COI (at public places such as commune/Sangkat public boards, pagodas) to inform the general public of the project area and prevent influx of ineligible persons into project's COI. The date by which any persons who encroach upon the project area (Corridor of Impact, COI) after the Cut-Off Date is announced will not be eligible for any compensation or assistance. Persons not covered can be eligible in case they can show proof that they have been inadvertently missed during the census.

3.6 Detailed Measurement Survey

The measurement of the affected land, structures and other productive assets of each AH to be acquired will be carried out during the DMS exercise to identify the scope of impact at household level, and to prepare corresponding compensation package for each household. The DMS shall be carried out with the full participation of the AHs to ensure agreement from affected people and avoid potential dispute over incorrect measurements or calculations of compensation payment package. In particular, the DMS team will install pegs/markers to demarcate the affected land and identify assets affected within the COI in the presence of the AHs. This demarcated area will be measured the for calculation of the land area and other assets that will be lost. The affected land will also be classified by type of land at this time based on actual land use.

The DMS will be implemented by IRC-WG in close cooperation with PRSC-WG and relevant local authorities. The RCS will be conducted in parallel with the DMS by an independent agency hired by IRC⁹. Based on the results of DMS and RCS, GDR with the assistance of project consultants will jointly update the subproject Basic Resettlement Plans into DRPs. The IRC will then approve the DRP and submit to WB for review and clearance. After the clearance of the DRP, GDR will calculate the compensation amount and subsequently request budget disbursement from RGC. However, before conducting the DMS and RCS, a public consultation meeting will be held by IRC-WG assisted by PRSC-WG and local authorities. Information provided in the updated PIB during the public disclosure meetings with AP and AH prior to the DMS will include:

- Information about the Project/subproject and its benefits;
- Potential risks and impacts of the Project/subproject on households living with the Project/subproject area(s);
- Scope of resettlement and land acquisition and COI;
- Policy for compensation and entitlement; Information on and contact focal points on GRM and GRM operationalized and fully functional; and

¹¹ An independent local consulting firm qualified and experienced in asset valuation will be recruited by GDR to carry out the RCS. The resettlement budget will include the estimate costs of RCS consultancy services.

- Process of DRP preparation and implementation.

3.6.1 Voluntary Land Donation

For voluntary land donations, MRD in close collaboration with the C/S Council will carefully record all assets voluntarily donated by people who are living near the construction area with assets in the COI who may be affected. MRD and C/S Council should ensure people complete the Voluntary Land Donation Form (see Annex 2) at this stage to properly record donated assets.

It is possible that local communities and households decide to make a voluntary contribution of affected land without compensation. In this case, the sub-project must address the issue of voluntary land donation. Activities may be eligible for VLD as a result of the screening process and the land study specifically the Voluntary Land Contribution Report, subproject staff will inform the village head and villager or land owners through official notification on where the activities will be implemented in the COI where maybe effected. Record and document the reasons why donation of land is appropriate for the project. MRD and C/S Council will take into consideration the following details for such document:

- What the land will be used for;
- How much land the project will be require on both a permanent and temporary basis;
- How much of the land will be donated;
- What alternatives to donation exist (e.g., right of use, right of way)
- The terms of the donation;
- The identifies of the parties who intend to donate;
- The benefit of the donations; and
- Any details that support why donation may be appropriate.

The MRD will carefully document all voluntary land/assets donated by individual or household within the COI with respect to double-checking with Inventory of Loss (IOL) and DMS reports. MRD should ensure donating people will complete the Voluntary Land Donation Form (see Annex 2) at this stage to properly record donated land/assets.

3.6.2 Land Acquisition

For land acquisition, based on the final Detailed Engineering Design (DED) and demarcation of land, with support from MRD, GDR will conduct Census Survey for estimating number of APs in the COI, IOL, DMS, and SES to identify the list of potential AHs and the magnitude of impact at household level. All AHs will be informed of project's potential risks and impacts through Commune/Sangkat and/or Village authorities in advance prior to conducting census, DMS, households survey, and consultation with them on potential risks and impacts.

3.7 Replacement Cost Study and Asset Valuation

Replacement Cost Study (RCS) does not apply to VDs. However, it can be used as a basis to estimate the total value of affected assets that people may wish to know when considering donation of their affected assets. An RCS will be conducted by a local independent, qualified asset valuation consultant during the preparation of subproject DRPs. The RSC consultant will be hired by GDR. RCS results will be used as the basis for calculating compensation package. In case compensation

payment to AHs is late, and the compensation unit rates are no longer valid, the RCS results will be updated to reflect the current market prices of the affected assets. The updating of RCS will be conducted by the RCS consultant.

For land acquisition, the RCS aims to conduct valuation of affected assets to establish compensation prices for affected assets at full replacement cost. A full replacement compensation means compensation made at a value sufficient to replace the affected assets (without depreciation), plus all necessary transaction costs that may incur. Transaction costs may include administrative charges related to new land title, construction permits, reasonable moving (relocation) expenses and any similar costs potentially borne by AHs. The compensation payment for the lost assets is based on replacement cost for affected assets such as lands, houses, structures prevailing at the time of the DMS. The replacement costs for project affected assets will be studied and proposed by a qualified independent asset valuation agent. Their proposed asset valuation methods and results will be subject to confirmation and approval of the GDR.

The RCS will be carried out in parallel with the DMS exercise to save time. Compensation payment package proposed for each AH will be calculated based on the results of the DMS and RCS. The agreement of AHs as to the proposed compensation package for them is confirmed in an official and binding contract between the IRC-WG and the AH. Any errors that are found will be corrected during the consultation process.

A binding legal instrument recording all affected assets of each AH which will be signed by the AH and IRC-WG, witnessed by local authority (normally by the Commune or Village Chief). The compensation and support to be provided to the AHs will be based on the entitlement matrix, final DMS and RCS results as outlined in the DRP and agreed with AHs. See Table 3 of key tasks of GDR on preparation of DRP as per the SOP-LAR and compliance with the WB's ESS5 (page 16).

Table 3: Key Tasks of GDR on Preparation of Detailed Resettlement Plan as per the SOP-LAR and Compliance with the WB's ESS5

Task	Requirements
Institutional Arrangements	<ul style="list-style-type: none"> • Establish of the IRC and IRC-WG • Establish the Provincial Resettlement Sub-Committee and the Provincial Resettlement Sub-Committee Working Group
Detailed Measurement Survey (DMS)	<ul style="list-style-type: none"> • Conduct demarcation of land and DMS (100% household survey, 100% Inventory of Losses, and full Census through DMS Questionnaire)
Gender	<ul style="list-style-type: none"> • Gather gender information • Prepare plan for provision of social support, services, employment, and means of subsistence for income support for female headed households
Poor and Vulnerable Groups	<ul style="list-style-type: none"> • Update the database based on DMS • Determine different categories of poor and vulnerable groups, and the eligibility of each to receive additional assistance package • Finalize the additional assistance package
Replacement Cost Study (RCS)	<ul style="list-style-type: none"> • Hire external expert to carry out RCS to determine prevailing market rates to replace lost assets. Methods of valuing affected assets and calculating compensation for each eligible AP or household will be at full replacement cost in line with ESS5 of the WB ESF

Compensation Package	<ul style="list-style-type: none"> Update the RPF Entitlement Matrix to show the full and complete compensation package that will be made available to the AHs.
Livelihood Support Plan (if applicable)	<ul style="list-style-type: none"> Prepare plan for Livelihood Support Program for permanent loss of sources of livelihood, in consultation and active participation with the AHs/APs and include in the DRP.
Grievance Redress Mechanism (GRM)	<ul style="list-style-type: none"> Operationalize GRM at the Provincial level¹⁰ Outline procedures for handling complaints in line with SOP-LAR, provide details to AHs during the consultation process and ensure it is readily accessible and useful to the AHs
Consultation	<ul style="list-style-type: none"> Conduct meaningful consultation with AHs at the commune/sangkat level based on WB ESS 10, to inform them of overall entitlements and the method of computation of compensations, as well as the GRM procedures. Seek their feedback of the resettlement process Meaningful consultation with AHs eligible for relocation on the Resettlement Sites (if applicable) at commune/sangkat/village level as per guidelines above House to house consultations to confirm measurement surveys using the DMS Questionnaire Consultations with APs on compensation rates prior to signing of contracts
Monitoring and Reporting	<ul style="list-style-type: none"> Make arrangements, roles and responsibilities for monitoring and reporting of the implementation of the DRP, and the reporting requirements Determine scope of internal monitoring.
Formulation of Budget	<ul style="list-style-type: none"> Prepare estimates of land acquisition costs by GDR

Source: SOP-LAR, 2018

3.8 Compensation Assessment and Entitlement Matrix

3.8.1 Compensation and Other Resettlement Assistance

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-owned land, there would be no compensation for land but loss of income from loss of use of land, businesses affected by land, employment, and other income sources; transportation allowances; subsistence allowances during the transition period; and income/livelihood restoration programs. For the vulnerable group, in addition to the above, a special assistance package is provided whereby cash grant for subsistence allowances and livelihood restoration program are doubled.

Fruit trees, other economic trees and standing crops will be compensated according to the principles of replacement cost in the SOP-LAR and the WB's ESS5. Where possible, AHs will be allowed to harvest crops before acquisition or temporary use of the land.

Cash compensation based on the principles of replacement cost will be paid to AHs who lose structures or parts of structures, such as kiosks, roofs, concrete pavements, fences, shops, house-cum-shops and houses. Transport allowances will be provided where relevant.

¹⁰ The MEF will facilitate the establishment of a Provincial Grievance Redress Committee (PGRC) which will be responsible for addressing grievances for all externally financed projects located in the respective province/city. The PGRC will be established by the Provincial Governor in consultation with the IRC.

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.

AHs whose land is used temporarily during construction will be compensated for loss of income from crops or other assets during the period of construction.

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 (Article 29 of the Expropriation Law, 2010).

Regarding to the SOP-LAR, all APs who lose their business from fixed structures whose businesses are relocated to a new site will be compensated with the projected loss of net income for 2 months. For those whose business is relocated on-site (move back or within the same area), the compensation will be projected loss of net income for 1 month. The businesses may be registered or non-registered. The employees of those with loss of business will be provided with the transitional allowance as per the entitlement matrix.

The following types of displaced persons shall be eligible to compensation, but compensation would vary depending on their situation:

- (i) Legal owners and holders of title or rights to land, including customary rights;
- (ii) Tenants and leaseholders, including employees, workers and hawkers;
- (iii) Those who have no formal title or rights to the land (illegal occupiers) who are engaged in farming or businesses, and
- (iv) Poor and vulnerable groups.

However, if the business is engaged in illegal activities like gambling, prostitution, drugs or similar nature, no compensation will be paid.

3.8.2 Vulnerable Groups

Poor and Vulnerable Persons/Groups, those who are perceived to be more vulnerable than others such as (i) households living below the poverty line, identified by the Ministry of Planning¹¹; (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).

In order 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, the poor or vulnerable persons who are classified as poor and vulnerable under the above criteria of the SOP will participate in any one of the three programs and the corresponding skills training program. In addition, these APs will be entitled to the following: (a) Double the financial support

¹¹ RGC, Sub-decree on Identification of Poor Households, No: 291 ANKr. BK (2011), Article 17: Relevant government ministries/institutions, non-governmental organizations and local communities which intend to provide services or assistance to poor households or individuals, including any appropriate emergency interventions, must primarily use valid national poor household data.

rate offered in the three different livelihood programs. (b) Priority access to employment opportunities under the Project.

In cases where Land Acquisition is required from vulnerable groups, the needs of the vulnerable groups need to be assessed and included in DRPs. Special attention should be paid to gender aspects. In cases where vulnerable groups are Indigenous Peoples, DRPs should be done concurrently and in coordination with the Indigenous Peoples Plans, which will be prepared by MRD.

3.8.3 Livelihood Restoration Program

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

Under the proposed SEADRM II project, it is highly unlikely that AHs will lose their sources of livelihood permanently. However, in the event of a permanent loss of livelihood, a livelihood restoration support program will be prepared in consultation with the AHs and simultaneously implemented in parallel with the DRP to assist them in re-establishing their livelihoods. Depending upon their existing livelihood, the eligible APs would be entitled to participate in any one of three types of programs as outlined in SOP-LAR: (i) Land-based Livelihood Restoration; (ii) Employment-based Livelihood Restoration; and (iii) Business-based Livelihood Restoration.

Land-based Livelihood Restoration:

APs who depend on and permanently lose land-based sources of livelihood such as agricultural land will be provided with:

- Alternative agricultural land, if available, will be provided. In addition, soft skill trainings will be provided such as introductory trainings on crops of higher value, or trainings that add values to existing crops, and other related agricultural job skills that APs may need.
- Financial support - as a lump sum grant of \$200, to assist APs in re-establishing their livelihood.

If no alternative agricultural land is available, or if the APs wish to undertake a new type of livelihood, they will be offered the option to participate in either an employment-based or business-based livelihood restoration program.

Employment-based Livelihood Restoration

For APs who rely primarily on employment for their livelihood and have permanently lost that employment as a result of LAR, or for APs with land-based sources of livelihood who opt for new livelihood, an employment-based livelihood restoration support will be offered, which will provide them with:

- Employment skills training, based on employment opportunities in the community. 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 analyzed 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.
- Additional financial support as a form of cash grant equivalent to 3 months income based on the official poverty rate prescribed by the RGC to support the APs during the

training period. The amount will be calculated by the monthly poverty rate x number of members in the AH x 3.

- Priority for construction jobs at the subproject site.

Business-based Livelihood Restoration

For APs who rely on business for their livelihood and have permanently lost that business, or for APs who opt for this program, a business-based livelihood program will be offered, which will provide them with:

- Business skills training, focusing on small or home-based businesses, based on business opportunities that may be available in their community. As very few APs would require this training, a cash grant would be provided them to enable them to pursue the skills training of their choice.
- Additional financial support as a lump sum cash grant of \$200, to assist them and their families re-establishing their micro or home-based businesses.

For the AHs/APs who do not want to participate in the above three categories of livelihood restoration programs under the proposed subprojects, a cash grant for AHs will be provided instead of training. The amount will be determined by the RCS consultant.

3.8.4 Contracts with AHs and Compensation Payments

The agreement on the compensation package is confirmed under a formal and binding contract between IRC-Working Group (IRC-WG) and each of the AH. In case of negotiated settlement, a meeting is held at the commune/sangkat or village office or community hall where the contracts are offered and explained to the AHs on an individual basis before negotiation and signing. Upon signing, compensation will be paid to AH as a lump sum. If errors are identified during the meeting, they will be corrected on the spot.

In the case of the DRP, a meeting will be held with the AHs and the contracts are offered and explained to the AHs on one-to-one basis. The AH can sign the Contract at that time or within the next three (3) days. The compensation payments are not made at this stage and a separate meeting is scheduled for making the compensation payments at a later date. The AHs will be informed in advance of the date of the meeting for the compensation payments through the Commune/Sangkat and/or Village Offices.

Payment of compensation and rehabilitation assistance to the displaced persons is central to the implementation of SOP-LAR. The GDR must ensure transparency and integrity of the budget disbursement and compensation payments process which will be governed by the following principles:

- Full payment of the compensation shall be offered and made to all APs prior to land acquisition;
- Payments for all allowances must be completed prior to relocation to the new sites or self-relocation. In case of APs who dispute or refuse to accept the offer or payment, the payment will deem to have been made at the same time as payments are made to the other APs;
- Payments will be made in the joint names of both spouses or the single head of the AH, where applicable or a designated adult member of the AH in case where both spouses are unable to receive the payments;

- Payments should preferably be made by cheque. However, where access to banking facilities is not available or difficult, cash payments can be made with the necessary safeguard protection for the APs to verify that payments have been actually received by APs;
- All payments should be made in a public place as far as possible and witnessed by a representative of the local authorities; and
- On completion of the payments, a proper and due notice shall be issued to AHs to vacate the land/occupation within one month from date of issuance of the notice.

4. INSTITUTIONAL ARRANGEMENTS

4.1 Ministry of Rural Development

The Ministry of Rural Development (MRD) is the implementing agency for the proposed SEADRM II and will implement project activities through the establishment of a Project Management Team (PMT) 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 collaborate with C/S Council which will be solely responsible for the implementation of VD activities.

4.1.1 MRD Social and Environment Officers

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

4.1.2 Institutional Arrangements for Land Acquisition and Resettlement

- Role of SEO-MRD in Cases of Voluntary Donations

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

- Role of SEO-MRD in Cases of Land Acquisition

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:

- a) Participate as a member of the Inter-Ministerial Resettlement Committee (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;
- b) Ensure that GDR participates and carries out all safeguard reviews during project review missions;
- c) Advise GDR in case of any resettlement bottleneck hampering or having the potential to delay the construction activities;
- d) Preparation of the RAP, including communication with the WB and GDR on the RAP, if any; and
- e) Responsible for recording, record keeping and reporting.

4.2 Ministry of Economy and Finance

4.2.1 Inter-Ministerial Resettlement Committee

The Inter-Ministerial Resettlement Committee (IRC) has the mandate to review and evaluate resettlement impacts and land acquisition for public physical infrastructure 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 of other line Ministries. The IRC carries out its responsibilities through a Working Group (IRC-WG) which is established by the MEF for each public investment project. The powers of the IRC are delegated to its permanent Chairman. The key responsibilities of IRC include:

- 1) Provide effective oversight and ensure LAR complies with the laws and implementing rules and regulations.
- 2) Ensure effective coordination between line ministries, provincial/local authorities and GDR in carrying out LAR.
- 3) Provide overall guidance on implementing rules and regulations for LAR and propose updates; as necessary;
- 4) Initiate the establishment of PGRC; and
- 5) Approve of RPFs, BRPs, DRPs and any updated DRPs

4.2.2 General Department of Resettlement

The General Department of Resettlement (GDR) is the permanent Secretariat of the IRC and is the lead agency for LAR activities for public investment projects. It is directly responsible for the preparation, implementation, and monitoring and reporting of detailed resettlement plans in accordance with the laws and implementing rules and regulations related to LAR and the mandatory requirements of the safeguard policies of the development partners. The GDR carries these activities through its Resettlement Departments (RD). For this project, the RD1 of GDR will be the first point of contact and interface with MRD for the entire project and resettlement cycle. Key responsibilities of GDR include:

- (i) Coordinate and collaborate with line ministries, MOT and other agencies involved in LAR activities;

- (ii) Conduct public consultations and focus group discussions (FGD) with the affected peoples and vulnerable groups (if any);
- (iii) Prepare the DRP for the subprojects and submit to the World Bank for review and concurrence;
- (iv) Develop terms of reference and recruit the replacement cost appraiser;
- (v) Prepare and secure the necessary budget for the implementation of the DRP;
- (vi) Calculate, prepare contracts, and make payments for compensation for each AH based on the entitlement matrix in the DRP;
- (vii) Implement all LAR activities in compliance with the DRP;
- (viii) Ensure proper functioning of the GRM, including training/refresher training for GRC members, adequate record keeping, etc.;
- (ix) Supervise, monitor, and report on implementation progress of the DRP;
- (x) Prepare and submit to MRD and copy to WB a handover letter attached with a summary table indicating the location of the site, total number of AHs in DRP vs total actual number of AHs including vulnerable, total compensation amount in DRP vs actual total compensated amount and any difference in number and amount from the approved DRP will be explained for WB's no objection to commencement of civil works;
- (xi) Prepare and submit to WB semi-annual monitoring reports;
- (xii) Prepare, agree with WB and implement corrective action plan, if any, during implementation; and submit the corrective action plan implementation report to WB for concurrence and disclosure;
- (xiii) Conduct awareness workshops for MRD, line ministries, local authorities, and construction contractor on the implementing rules and regulations as specified in the DRP; and
- (xiv) Serve as the focal knowledge center for resettlement of the project.

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

4.2.3 Inter-Ministerial Resettlement Committee Working Group

The Inter-Ministerial Resettlement Committee Working Group (IRC-WG) is established by the Provincial Governor will carry out the day-to-day land acquisition activities under the project, led by the Deputy Director/Chief of the Resettlement Division 1 (RD1) of GDR. The IRC-WG comprises 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 Division 2 (RD2) and overall guidance and direction of the Director General of the GDR.

4.2.4 Provincial Resettlement Sub-Committee

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/Sangkats 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;
- Oversee and monitor the work of the PRSC-Work Group;
- Responsible and accountable for the disbursements of the compensation payments at the provincial level; and
- Assist the IRC-WG in developing measures to assist vulnerable households by the project.

4.2.5 Provincial Resettlement Sub-Committee Working Group

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

5. GRIEVANCE REDRESS MECHANISM

The Grievance Redress Mechanism (GRM) 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.

5.1 Provincial Grievance Redress Committee

In provinces where the SEADRM II project requires acquisition of land or loss of other livelihood assets, a GRM will be set up or activated to handle complaints and concerns of local people on all aspects of the project. A Provincial Grievance Redress Committee (PGRC) will be established by the Provincial Governors or activated in consultation with the IRC.

The PGRC will consist of representatives from relevant provincial authorities and the 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 PDEF
- Member: Director of Provincial Department of PDRD
- Member: Chief of Provincial Office of Law and Public Security
- Member: District Governor
- Member: One Representative of a Local-Based Civil Society Organization

5.2 Steps in the Grievance Redress Mechanism

5.2.1 Informal Process - Local Consultation with PRSC-WG

Prior to submitting a formal complaint, APs with a grievance will be encouraged first seek the assistance of commune/sangkat chief or community elder to discuss and find an amicable solution to the grievance with the leader of the PRSC-WG. The grievance can be submitted orally; the AP does not need to submit a formal written complaint at this stage. However, the complaint will be registered and resolution process (including its outcomes) will be documented in the grievance files and project monitoring reports. The PRSC-WG will consult with the IRC-WG to ensure the grievance is properly addressed. However, if the grievance is not resolved to the satisfaction of the AP or in case the AP prefers, s/he may seek the formal route, described below, to lodge the grievance.

5.2.2 Formal Process

Formal GRM requires that complaints (or comments/suggestions) should be made in writing. As such, the head of aggrieved affected households must lodge the complaint in writing to the Head of the District Office. In case the aggrieved person have difficulties writing, the Administration Officer at the District Office will assist the aggrieved person to fill in the Individual Complaint Form based on the verbal complaint of aggrieved person. While anonymous complaints are accepted, potential APs will be advised that anonymous complaints related to specific entitlements, for example, may take longer time to resolve if necessary details are not provided in anonymous grievance letter to allow appropriate investigation and resolution. As such, response to anonymous grievance cannot be provided. However, where sufficient information is provided (in anonymous grievance letter), anonymous complaints will be resolved. Anonymous complaints will be addressed directly by the GDR, and if the grievance cannot be resolved, it will be forwarded to the PGRC (the third step of the GRM) for resolution. The formal procedure for lodging the grievances as explained below:

First Step (District Office). 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 elderly or representative to mediate 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 of 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 (second step) and lodge a written complaint to the GDR for resolution.

Second Step (GDR). 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 of GDR for a decision. It may also conduct field visit to meet the aggrieved AH(s) 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 of 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 which may require that an additional 10 working days be extended from the original deadline for final decision.

Third Step (Provincial Governor's Office). AH will submit a written complaint to the PGRC through the Provincial Governor's Office. The AH or a representative will be given an opportunity to present its case during a meeting and the PGRC may consider any compelling and special circumstances of the AH to make 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.

The handling of the complaint at the Third Step. There are no fees or charges levied on the AH for the lodgment 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. The AP will be made fully aware that 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. IMPLEMENTATION ARRANGEMENTS

6.1 Budget and Financing

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. The field surveys, consultation meetings, GRM, etc. will be financed from GDR's and Provincial Administration's budget. There will be no financing of land acquisition from SEADRM II project funds.

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

The Project is expected to be implemented over a period of 5 years, from 2022 to 2027. It is expected that priority rural roads will be identified in Year 1 and screened for involuntary resettlement impacts as detailed in this RPF. In cases of VDs, the implementation process will consist of iterative consultation to ensure people are adequately informed of options available for their choices and of the donation process, COI, COD, and time when the civil works is scheduled to start. The donation of assets will be fully and carefully documented by MRD, as described in this RPF.

The MRD's SEO will work closely with the Detailed Engineering Design team to identify any potential land acquisition and will lead the consultation process on VDs, including COD, as detailed in this RPF. The process for documenting VDs shall 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 at Contractors' costs. The removed assets will be provided to donating households if they wish. The contractors will restore the affected area and the area next to the affected area to a good condition, if needed, to the satisfaction of 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

In the case of Land Acquisition, the procurement of civil works will commence after the Detailed Engineering Designs have been finalized, the demarcation of land is completed jointly by MRD and GDR, and the COD has been announced and relevant project information is disseminated as described in this RPF. It is expected that the census survey, inventory of loss and DMS are 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.

Civil works can commence only in sections where the payment of compensation and other entitlements have been paid in full to the AHs in that section and a comprehensive income restoration program, where applicable, is in place and supported by an adequate budget. In case AH refuses the compensation payment, or where complaints have been lodged for resolution under the GRM, the payment will deem to be have been made at the same time as payments are made to the other APs¹². In the event if any assets are damaged during construction by the civil works contractor, the contractor will be required to restore/repair them to the original or better standard.

6.3. Estimated Costs for Resettlement

¹² SOP-LAR, C. Principles for Budget Disbursement and Payment, paragraph 238: Payments for all allowances must be completed prior to relocation to the new sites or self-relocation. In case of APs who dispute or refuse to accept the offer or payment, the payment will deem to be have been made at the same time as payments are made to the other APs

The total resettlement costs for this project will be estimated once the list of priority subproject roads identified and the DED for the civil works is finalized. The total resettlement costs will for the affected assets and will be based on current market prices determined by RCS and include (i) the total costs for compensation, allowance, and livelihood restoration program that are anticipated for all subprojects under the project (ii) costs for replacement cost study, and (iii) relevant administrative and contingency costs. The RGC will ensure that the necessary funds are provided timely and sufficiently to facilitate scheduled implementation of the DRPs.

7. INFORMATION DISCLOSURE AND STAKEHOLDER ENGAGEMENT

Keeping AP and the general public informed about the project, its benefits and potential risks and 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 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-LAR and are consistent with that of WB ESS10 including requirements for meaningful consultation and two-way dialogue, and the requirements of the SEP.

7.1 Information Disclosure

For public consultation, the draft RPF (in English) and its Executive Summary (in Khmer) was disclosed on MRD's website on 15 November 2021 (<https://www.mrd.gov.kh/2021/11/15/4632/>). The Executive Summary (in Khmer) was also disclosed in hard copy at MRD's public library in Phnom Penh, and in the offices of Provincial Departments of Rural Development in all seven project provinces. Once finalized, the RPF will be re-disclosed again through the above channels – as per guidelines of the SEP prior to WB's project appraisal. The draft and final RPF will be disclosed in English on the WB's website.

Once the subproject roads are identified, the proposed subproject information will be explained in detail to the subproject stakeholders in Khmer language with translation into the language spoken by IPs for those locations where IPs are identified to be in the subproject area, and the PIB will be distributed to them. The proposed project/subproject information in the PIB covers the following:

- a) The purpose, nature and the scale of the proposed project/subproject;
- b) The location of the proposed project/subproject, project/subproject components and activities;
- c) The duration of proposed project/subproject activities;
- d) The COIs, ROW, timing of census, IOL, DMS/SES, eligibility criteria, compensation policy, RCS, the timing of the establishment of the GRM, and contact details for the GRM focal persons;
- e) The options for voluntary land contribution and relevant procedures;
- f) Potential risks and impacts of the proposed project/subproject on local communities, and proposed mitigation measures, highlighting potential risks and impacts that might disproportionately affect vulnerable and disadvantaged groups and describes the differentiated measures taken to avoid or minimize them; and
- g) Names and contact details of key persons on LAR technical matters on the project/subproject.

7.1.1 Voluntary Donation

In addition to the PIB explained and distributed to the stakeholders, in cases of VDs, people with assets in the road corridor will be informed about the subproject and their options for them to receive compensation or to voluntarily donate their affected assets. The GRM will be explained in detail and donors will be appropriately informed and consulted about the subproject and choices available to them. The contact information of MRD SEOs will also be disclosed during the consultation process. As described, when people choose to voluntarily donate, the process of land VD will be adequately recorded and documented in English and Khmer. In the case IPs are identified to be present in the project area by MRD, documentation will be translated into the language used by IPs. Documentation will be publicly disclosed at the local level (such as commune/sangkat halls) and at national level (MRD website). Personal details and sensitive information of donating people will be removed to protect their privacy.

7.1.2 Land Acquisition

In cases of Land Acquisition, the relevant information will be disclosed timely in Khmer language and translated in the language used by IPs in the case IPs are identified to be in the subproject area, and in places easily accessible to AHs and the communities. Information disclosed to AHs relevant to land acquisition will be done through PIB at the first consultation stage during BRP preparation, and through updated PIBs at a second consultation stage prior to DMS and at third consultation stage upon contract offer. The BRPs and DRPs, without sensitive personal information, will also be disclosed at MRD's and the WB's websites.

7.2 Stakeholder Engagement

7.2.1 Voluntary Donation

Once project implementation begins, in cases of VDs, potentially AHs will be invited to consultation sessions to understand project compensation policies as well as the availability of the VD option that affected people may consider. Special attention will be given to disadvantaged/vulnerable individuals/groups, Indigenous Peoples, if any, and women. Local authorities will also be invited to participate in these consultations.

As outlined in this RPF, consultations will begin early, as roads begin to be identified and prioritized, and will be facilitated by the SEO at MRD. The consultation will be an iterative process in which all APs will be informed of their right to compensation and the option for a VD of assets, including VD procedures, and the project's benefits.

7.2.2 Land Acquisition

In cases of Land Acquisition, key stakeholders participating in the consultation process will include:

- AHs, with special attention to women, Indigenous Peoples include their representative (if any), and disadvantaged/vulnerable people;
- MRD and its Provincial Departments;
- 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 (CSO), if relevant.

Consultations on land acquisition will be an iterative process and will consist of various rounds taking place in various subproject locations, as described in the SOP-LAR. Consultations will start when roads are identified. In addition to information disclosed (as in section 7 above), concerns, questions and comments raised by AHs will be recorded and considered for incorporation into subproject design and implementation.

The first consultation will aim to introduce the project/subproject, its goal, benefits, risks and impacts, including land acquisition and VD procedures. It targets both potential affected people and interested parties. The PIB prepared by GDR and MRD will be shared and made available at the commune/sangkat/village council offices located in the subproject area. The GRM procedures and processes will be introduced to AHs and their views sought. If the subproject spans across a number of provinces or multiple communes/sangkat, then multiple consultative meetings will be held to cover all the affected communes/sangkat.

The second round of consultations will focus on subproject impacts and will be undertaken jointly by IRC-WG and PRSC-WG. It targets APs only. The PIB will be updated by GDR to reflect the updated entitlements for APs, including GRM procedures and GRM focal persons and their contact details at commune, district and provincial levels will be shared and explained in detailed. . The consultation will be conducted with participation of AHs and relevant authorities before DMS starts . This consultation aims for AHs to confirm the loss of assets and the measurements and to ensure APs fully understand the basis on which the compensation will be paid for their lost assets, and other relevant entitlements. The DMS Questionnaire which also includes the SES Questionnaire will also be shared and discussed so that affected households know what information and data will be gathered during house-to-house DMS .

The third public consultative meeting will be held prior to the signing of the agreement/contract for the compensation package and will be undertaken jointly by the IRC-WG and PRSC-WG. At this 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, compensation schedule, procedures, entitlements and GRM, among others. AHs will be provided with 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 commune/sangkat council office. For AHs who are unable to participate in the meeting, best efforts will be made to visit them at their home or seek the assistance of the village office to contact them. During the DMS the IRC-WG and PRSC-WG will obtain the mobile phone contact details from all AHs and they will be outreached through mobile, when required.

Additional formal consultative meetings will be conducted when the compensation payment is 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/sangkat and village offices.

8. MONITORING AND REPORTING

While the MRD will be responsible for monitoring the overall overall implementation of the SEADRM II project, its process and outcomes of activities set forth in this RPF, the DIMDM of GDR will be directly responsible for the monitoring and reporting of the implementation of the DRP. MRD will engage the Detailed Design Implementation and Supervision (DDIS) consultants under SEADRM II to assist MRD in monitoring the above activities. GDR remains responsible for the monitoring and reporting of the implementation of the land acquisition activities, if any.

8.1 Internal Monitoring

The role of internal monitoring is to ensure that resettlement activities are implemented in accordance with subprojects' DRP.

8.1.1 Voluntary Donations

MRD will be responsible for keeping adequate records of VD process and outcomes – in accordance with the guidance outlined in this RPF. As part of internal monitoring, the Project Manager will be responsible for reviewing the reports submitted by the SEO on VDs and grievances, if any. The files of record should be kept in the PMU office for at least five years after the project is completed.

It is expected that DDIS consultant will conduct due diligence of the voluntary land donations. The due diligence report provided by MRD will cover the followings:

- Verification that donating individuals/households are direct project beneficiaries;
- Verification that assets required for the project (within COI) were donated voluntarily and are free from any dispute on ownership or any other encumbrances;
- Verification that donated asset is minor and have not reduced the donor's remaining area below that required to maintain the donor's livelihood at current levels (see Section 3.1);
- Verification that no physical relocation of persons is involved;
- Verification that meaningful consultation has been conducted in good faith with all potential donors, and that donors were aware that they were entitled to compensation.
- Verification that donors were aware of the project's grievance redress mechanism and the GRM is functioning properly, including review of documentation of grievances and resolution process and outcomes, if relevant; and
- In cases of community donation, that there was consent of individuals using/occupying the donated land. If IPs are donors, VD procedures applied for donating IPs were in compliance with requirements of FPIC as described in project's IPPF).

The voluntary land donation due diligence information will be verified during subproject detailed design and updated as necessary.

8.1.2 Land Acquisition

In case of Land Acquisition, the objective of internal monitoring is to (i) keep MRD updated on progress made in the preparation and implementation of the DRP; (ii) identify timely problems and risks, if any, and take remedial actions; and (iii) assess if the compensation and rehabilitation assistance are in accordance with the provisions under the DRP.

As agreed, GDR's Department of Internal Monitoring and Data Management (DIMDM) will be responsible for carrying out the internal monitoring. DIMDM which will review quarterly DRP progress reports which will be prepared and provided by RD1 who visited the fields to verify the progress made as well as the validity of the data and information collected for internal monitoring purpose. In particular, the DIMDM will validate if the (i) compensation and support were provided to AHs in accordance with the DRP; and (ii) GRM is functioning as per the guidelines. The GDR will provide MRD with a quarterly progress report and submit semi-annual monitoring report to the WB. A single monitoring report will be prepared covering all subprojects under DRP planning and implementation in that province. An indicative list of internal monitoring indicators is provided in Annex 5.

The internal monitoring reports will include the followings:

- a) Set up of Institutional Arrangements for DRPs;
- b) Compensation Payments for Entitlements;
- c) Relocation, if any;
- d) Livelihood Support Program, where applicable;
- e) Functioning of the GRM;
- f) Public Consultations;
- g) Budget Expenditures;
- h) Overall DRP Implementation Progress against agreed Implementation Schedule in the DRP;
- i) Problems and issues; and
- j) Proposed remedial actions

Once subproject related A-RAPs or RAPs are fully implemented, RAP completion reports should be compiled explaining the implementation process, issues encountered, compensations paid and grievance resolved for the compliance purposes.

8.2 External Monitoring

The project primarily rehabilitates/upgrades existing roads and bridges. Since the scope of land acquisition is small at subproject level, no external monitoring will be required for implementation of negotiated settlements, land acquisitions and VDs.

8.3 Reporting

During subproject preparation, stakeholders' questions and concerns will be addressed and responded in consultations. For issues that cannot be responded in consultation, the issues will be forwarded to the project stakeholders in charge who will process any complaint will go to the Grievance Redress Committee (GRC) established for the subprojects. Response to such issues will be reported to stakeholder who raised the issues in subsequent consultations. During subproject implementation, the above arrangement will be followed. Responses to commonly raised issues will be summarized and disclosed on MRD's website.

9. COSTS AND BUDGET

The cost for compensation payment, support, and livelihood restoration will be covered by government's counterpart funds. The costs for conducting consultation meetings, DMS/SES,

preparation of DRPs and GRM establishment and processes, will be covered from GDR's and Provincial Administration's budgets, respectively. Funds for implementation of the DRPs are from part of the project costs. The total Land Acquisition and Resettlement cost will be estimated based on potential list of subprojects to be financed by the WB. Costs for subproject DRPs will be estimated based on the results of DMS and the RCS conducted during the subproject preparation.

9.1 Procedures for Flow of Funds

Each ARAP or RAP or DRP will include detailed cost of compensation and other rehabilitation entitlements as part of the process to compensate relocated AP and AH. Arrangements will be made for AP and AH property and assets segregated on the basis of agricultural land, residential land, business land, houses, business assets and other holdings. The detailed budget estimates will make adequate provision for contingencies and the ARAP or RAP or DRP will explicitly establish sources for all funds required.

The DRP will ensure that fund flows are compatible with the timetable for payment of compensation and provision of all other assistance. The budget will cover land acquisition, relocation, site development, compensation costs, allowances and administration costs, and contingency. Resettlement costs will be part of the Government's counterpart fund and no loan funds will be required from the IDA. The RGC will ensure timely provision of counterpart funds for resettlement to meet any unforeseen obligations in excess of the resettlement budget estimates in order to satisfy resettlement requirements and objectives.

IRC will request the resettlement budget from MEF and compensation amount will be transferred to relevant PDEF for releasing compensation and allowance to AHs. Payment of compensation and other entitlements will be made in cash¹³ and will be distributed in public place such as commune/sangkat hall, school, pagoda, etc. The AHs will be notified by the village chiefs of the compensation payment schedule. It will be paid to both spouses or one for a single-headed household.

¹³ Payments should preferably be made by cheque. However, where access to banking facilities is not available or difficult, cash payments can be made with the necessary safeguard protection for the APs to verify that payments have been actually received by APs (paragraph 238, part D, SOP-LAR, 2018).

Annex 2: VOLUNTARY ASSET/LAND DONATION FORM

Province:	District:	Commune/ Sangkat:	Villages:	
Sub-project ID:	Name of contractor:			
Names of Persons Donating:	Name of Husband:		ID Number:	
	Name of Wife:		ID Number:	
Address:				
Beneficiary of the project: Y/N				
Living/Operating/with land, structure or tree on COI: Y/N				
How does the persons donating directly benefit from the project? Please detail:				
Is asset being donated used by anyone other than the owners? Please detail:				
Description of land that will be taken for the project:	Area affected:	Total landholding area:	Ratio of land affected to total land held (%):	Map code, if available:
Description of annual crops growing on the land now and project impact:				
	Details (number, etc.)		What the donating person is left with?	
Trees that will be donated				
Fruit trees				
Mature forest trees				
Trees used for other economic or household purposes				
Describe any other assets that will be lost or must be moved to implement the project:				
Assets that will be donated (including parts of structures, wells, fences, etc.)				
Total value of donated assets:	Land*	Structures	Trees	
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.				

* VLD will be accepted when the land area does not exceed 5% of the total land area

By signing or providing thumbprint on this form the owner and/or user agrees to contribute assets for SEADRM II's subprojects. 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/she should refuse to sign or provide thumbprint, and ask for compensation instead.

Date:
District MRD representative's signature

Date:
Donating persons signature
(both husband and wife if applicable)

Witnessed by village/commune authority

Annex 3: ENTITLEMENT MATRIX

Category	Type of Loss	Application	Category of AH	Entitlements	Clarification
Loss of Land					
1a	Loss of Land	Agricultural, residential and commercial land	Legal owners and holders of real right of land, including those covered by customary rights	<ul style="list-style-type: none"> • Cash compensation for land at full replacement cost or land swap of equal productive value. • Provision of stamp duties, land registration fees and other similar taxes, if applicable, for acquiring legal rights in case of replacement land (land for land swap) • Includes option of compensation at same replacement cost for affected land that remain after acquisition if remaining land becomes unviable or unusable. • For customary ownership, replacement land to sustain livelihood and way of life. Land registration, stamp duty and other fees to register land ownership or right to use will be reimbursed at cost 	<p>If land for land is offered, title will go to both husband and wife.</p> <p>Applies to only partial loss of land</p>
1b	Loss of Land		Tenants and Leaseholders	<ul style="list-style-type: none"> • No compensation for loss of land as not legal owners of land 	
1c	Loss of Land		Illegal occupiers/squatters without legal titles or rights to land	<ul style="list-style-type: none"> • No compensation for land loss as not legal owners of land 	
Loss of Use of Land					

Category	Type of Loss	Application	Category of AH	Entitlements	Clarification
2a	Loss of Crops, Perennial trees and Fruit and Timber/Wood Trees	Agricultural land	All AHs who are engaged in farming	<ul style="list-style-type: none"> For rice/crop farming: Net annual income X 1year In addition, AHs can harvest and retain income from standing crop. For fruit trees, replacement cost of loss based on following formula: [Quantity Harvested per Year) X (Market Price) X (Number of years it will bear fruit)] + Cost of Seedling 	<p>RCS will determine the amounts</p> <p>Market Price is based on Farm-Gate Price</p>
				<p>Perennial trees that have a growth period of more than 5 years are classified as follows:</p> <ul style="list-style-type: none"> Sapling Trees under 1 year-not compensated as it can be replanted. Cost of seedling provided. Young Tree (1 to 3 years): Valued at 1/3 of its full cost as it can be replanted plus cost of seedlings Young Tree (More than 3 to 5 years) bearing some fruits: valued at 2/3 of its full cost plus cost of seedlings Mature Tree (more than 5 years) full bearing fruits valued at full cost plus cost of seedlings 	<p>Full Price is amount calculated from the formula shown in [] without cost of seedling</p>

Category	Type of Loss	Application	Category of AH	Entitlements	Clarification
2b	Loss of Business	Commercial use and business use	All AHs who are engaged in businesses	<ul style="list-style-type: none"> For businesses which need to be relocated to a new site, an amount equal to loss of projected net income for 2 months For businesses relocated on-site (move back or same area), an amount equal to loss of projected net income for one month. For operating of illegal nature of businesses like gambling, prostitution, drugs and similar types, no compensation is paid. 	<p>RCS will determine the amounts</p> <p>Both registered and unregistered businesses are compensated except when the nature of business is illegal</p>
Loss of Houses and Structures					
3a	Loss of Houses and Structures	Residential, commercial structures and other assets	Owners of houses, buildings and structures	<ul style="list-style-type: none"> Cash compensation equivalent to replacement value of lost portion of the house/building/structure. If the owner rents or leases, compensation for any improvements/construction carried out by the renter/leaseholder will be deducted from the compensation payment to the owners. In case of loss of only part of the houses/buildings/structure and the remaining portion is not livable or useable, compensation will be paid for complete structure at same replacement cost. In case houses/buildings are rented/leased, any improvements/construction added by renters and leaseholders will be compensated at replacement cost and paid to renter or leaseholder. Owners will not get compensation for such improvements or construction 	<p>RCS will determine the replacement cost</p> <p>When loss is 75 % or more of the floor space</p>

Category	Type of Loss	Application	Category of AH	Entitlements	Clarification
3b	Loss of Houses and Structures	Residential, commercial structures and other assets	Tenants and Leaseholders	<ul style="list-style-type: none"> Cash compensation at replacement cost for any improvements or construction by the tenants or leaseholders In case of no improvements or construction, no compensation is paid. Transfer/Disturbance Allowance equivalent to 1month of rental or lease amount 	RCS will determine replacement cost Documentary evidence is required
3c	Loss of Houses and Structures	Residential, commercial structures and other assets	Illegal occupiers/squatters	<ul style="list-style-type: none"> Cash compensation equivalent to replacement value of loss of structures constructed includes improvements by illegal occupier/squatters 	RCS will determine replacement value
3d	Loss of Houses and Structures (Transport Allowance)	Transport allowance for household and personal goods	AHs (legal owners, tenants and Illegal occupiers/squatters)	<ul style="list-style-type: none"> Fixed Lump Sum allowance per AH based on average cost of transportation to new relocation place. Up to 5 km More than 5 km 	RCS will determine the lump sum amount for the 2 rates
Loss of Income and Livelihood					
4a	Loss of Income during Transition Period- Subsistence Allowance	Loss of Income	AHs, including employees of businesses who lose income during the transition period.	<ul style="list-style-type: none"> Lump sum amount equivalent to 3 months of income based on the official monthly poverty rate established by RGC. Monthly Poverty Rate X Number of Members in AH X 3 In case AH is classified as poor vulnerable group, the above lump sum amount is doubled. For affected households who come under vulnerable group (as defined in Section 3.9), cash grant for 	Monthly Poverty Rate as established by the RGC

Category	Type of Loss	Application	Category of AH	Entitlements	Clarification
				subsistence allowances and livelihood restoration program are doubled.	
4b	Permanent Loss of Livelihood Source due to Physical Relocation	Income Restoration	AP who lose their source of livelihood permanently ¹⁴	<ul style="list-style-type: none"> Entitled to participate in any one of the 3 Livelihood Restoration/Support Programs: Land Based Livelihood Restoration for AHs engaged in land-based livelihood. (i) facilitate access to other land-based sources of income, if productive land is available, like vegetable gardening, fruit tree, livestock and other similar land-based income generating sources; (ii) provision of training in farming or livestock; and (iii) lump sum cash grant of USD 200 to re-start land based livelihood In case of unavailability of suitable land, the AHs can opt for either employment or business base livelihood program. OR Employment Based Livelihood Restoration for AHs who lose employment permanently. (i) provision of employment skills training; and (ii) lump sum cash grant equivalent to 3 months of income based on official poverty rate to supplement income support during the training period. OR Business Based Livelihood Restoration for AHs who lose businesses permanently or AHs who opt for this as an alternative livelihood source. (i) provision of 	<p>Land Based for AH who lose land-based livelihood</p> <p>Employment based for AH who lose employment-based livelihood</p> <p>Business based livelihood program for AH who lose business-based livelihood.</p> <p>Can be provided for the AHs who may opt for this.</p> <p>APs will only be eligible for any one of the above three options¹⁵</p>

¹⁴ GDR key tasks in Detailed Resettlement Plan preparation, prepare plan for Livelihood Support Program for permanent loss of sources of livelihood, in consultation with the AHs/APs.

¹⁵ GDR key tasks in Detailed Resettlement Plan preparation on Compensation Package, update the Entitlement Matrix to show the full and complete compensation package that will be made available to the APs.

Category	Type of Loss	Application	Category of AH	Entitlements	Clarification
				<p>business skills; and (iii) a lump sum cash grant of USD 200 to assist in starting micro or home-based business.</p> <ul style="list-style-type: none"> For Poor and Vulnerable AHs. In addition to skills training, (i) lump sum cash grant will be doubled; and (ii) priority in any employment opportunity under the Project 	
5	Impacts During Construction		.	<ul style="list-style-type: none"> Land outside of the alignment that is adversely impacted by construction activities will be compensated in cash or in-kind at replacement cost by the civil works contractor 	<ul style="list-style-type: none"> Impacts due to construction (for example, damages of structures, restricted access to business/income sources resulting from construction activities) and compensation measures will be included in the project environmental management plan. Principles adopted for this RPF apply for calculation of compensation

Annex 3: 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 Plan¹⁶ will include information on:

Executive Summary

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

Livelihood Restoration Measures

Resettlement Budget and Financing Plan

Institutional Arrangements

Implementation Schedule

Monitoring and Reporting

¹⁶ 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

Annex 4: INDICATIVE INTERNAL MONITORING INDICATORS FOR LAND ACQUISITION

Purpose	Activities	Monitoring Indicators
Identification of compensation recipients	Verify list of compensation recipients against eligibility criteria for compensation	Number of persons in list of compensation recipients who do not meet eligibility criteria (included in error)
	Identification of persons who may claim eligibility for compensation but are not included in list of compensation recipients. Separate verification should be performed for each claim.	Number of persons who meet eligibility criteria but not included in list of compensation recipients (excluded in error)
Verification of affected area and assets	Confirmation of area of affected assets, but with legal ownership and without, against the DRP / A-DRP	Area of land subject to acquisition, for which compensation has been paid
		Area of other assets 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 type
	Identification and analysis of reasons for compensation not being paid in full and in time	Number of persons who did not receive compensation in time and in full, disaggregated by compensation type
		Amount of funding allocated for payment of compensations
	Identification of reasons for which funds for compensation have been under- or overspent	Rate of spending of funds actually allocated for compensation, as % of amount envisioned in the DRP/A-DRP
Verification of compensation timeline	Identification of reasons payment of compensation is delayed (i.e., inheritance issues, court case)	Number of persons who received delayed compensation, disaggregated by compensation type and reason for delay; and any changes in amount of compensation (if any)
Verification of consultation and participation	Determine level of involvement and reasons for inadequate participation	Number of compensation recipients participating in consultations and coordination meetings at each stage of land acquisition / resettlement process, disaggregated by vulnerability status and IPs
		Number of IPs consulted in their own language through verbal translation
	Examination of grievance cases; analysis of disputes and complaints content and the resolution of conflicts	Number of complaints received disaggregated by grievance type and project activity
		Number of complaints resolved disaggregated by grievance type and project activity

Annex 5: STRUCTURE OF SUMMARY OF CONSULTATION RESULTS (For Subproject Resettlement Plan).

Structure of Summary Consultation Results

- Section 1 Provides a background to the consultation
- Section 2 Describes how the consultation was conducted and how responses from those consulted were considered
- Section 3 Contains a summary of the consultation responses and analysis of each response
- Section 4 Contains a summary of the consultation period and the recommended option

The Summary of Consultation Result will include information on:

SUMMARY OF RESPONSES:

- Number of Responses
- Support for the proposed scheme (quote supportive comments)
- Comments about the proposed scheme (roads/bridges)

SUMMARY AND RECOMMENDATIONS

- Summary of conclusions of the consultation meeting,
- Next steps, actions, and recommendations