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Ministry of Water Resources and
Meteorology



Ministry of Agriculture, Forestry, and
Fisheries



CAMBODIA WATER SECURITY IMPROVEMENT PROJECT (P176615) **RESETTLEMENT POLICY FRAMEWORK**

DRAFT FOR CONSULTATION

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Abbreviations and Acronyms

AH	Affected Household
ARP	Abbreviated Resettlement Plans
COD	Cut-Off Date
COI	Corridor of Impact
CWSIP	Cambodia Water Security Improvement Project
C/S	Commune/Sangkat
DED	Detailed Engineering Design
DDIS	Detailed Design Implementation and Supervision
DMS	Detailed Measurement Survey
RP	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
MAFF	Ministry of Agriculture, Forestry, and Fisheries
MoWRAM	Ministry of Water Resources and Meteorology
PAP	Project Affected Persons (PAP)
PDWRAM	Provincial Department of Water Resources Management and Meteorology
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 Policy Framework
RGC	Royal Government of Cambodia
ROW	Right of the Way
SEP	Stakeholder Engagement Plan
SEO	Social and Environment Officer
SOP-LAR	Standard Operating Procedures–Acquisition and Resettlement
USD	United States Dollar
WB	World Bank

Definitions

Affected people. 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 AH, it includes all members residing under one roof and operating as a single economic unit who is adversely affected by the project or any of its components.

Abbreviated Resettlement Plan. A public document which specifies the procedures and actions to be undertaken to mitigate adverse effects related to land acquisition, economic displacement, resettlement, including compensation payment and livelihoods support. An ARP is recommended for a subproject with less than 200 project affected people and involve no physical resettlement.

Assistance. A form of support that includes financial and/or technical support aimed at persons who are physically and/or economically displaced by the project. This aims to assist affected people to recover their livelihoods, including income earning capacity and access to resources (e.g. land, economic opportunity, assets...) to improve, or at least restore, their livelihoods and living standards, in real terms, to the pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.

Corridor of Impacts. It is the area which is required for construction of the planned civil works under the Project. COI is agreed by the implementing agency and is demarcated by the civil work consultant within which the construction activities will take place.

Cut-Off Date. For this project, the Cut-Off Date is the last day of the first round of consultation that will be held 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. Any persons who encroach upon the project's COI after the announcement of the Cut-Off Date will not be eligible for any compensation or assistance. Persons not covered in the census result can be eligible for compensation if they can show proof that they have been inadvertently missed during the census survey.

Detailed Measurement Survey. With the aid of detailed engineering design, this activity involves finalization of the results of the inventory of losses, measurement of affected land and assets attached to land, 100% socioeconomic survey and 100% census of displaced persons.

Resettlement Plan. To be prepared following the completion of the Detailed Measurement Survey when impacts on land, assets, livelihood activities of affected people become known.

Disadvantaged individuals/groups. Refers to individuals or groups who, due to certain own circumstances such as their age, gender, disabilities, health, economic and ethnic status, and so forth, are more likely affected adversely by the project impacts and/or more limited in their ability to take advantage of project benefits. Disadvantaged individuals/groups are more likely excluded from, or unable to participate fully in the mainstream consultation process and may require specific assistance to promote inclusion. In this project, disadvantaged individuals/ groups are defined as those who have the following characteristics: i) from an ethnic minority group, (ii) female headed household with dependents, (iii) landless/ limited productive land, (iv) frequent lack of male labor at home (e.g. migrant workers); (v) jobless, or limited economic opportunities; (vi) family member(s) with chronic illness, or disabilities; (vii) elderlies who live on their own; (viii) youth, particularly very young couple with children (early marriage), (ix) live in an especially difficult circumstance, and (x) don't meet above criteria but are concurred by local community as vulnerable to poverty and need project's support to reduce their vulnerability. Disadvantaged individuals are usually from a poor, or a near-poor household.

Economic displacement. Refers to loss of land, assets or access to assets, including those that lead to loss of income sources or other means of livelihood, or both. Economically displaced persons will be provided opportunities to improve, or at least restore, their means of income-earning capacity, production levels, and standards of living.

Eligibility criteria. Criteria that identify the persons who will be affected by the project to determine who will be eligible for compensation, assistance, and to discourage inflow of people ineligible for assistance. Economically displaced persons will be provided opportunities to improve, or at least restore, their means of income-earning capacity, production levels, and standards of living.

Entitlements. Refers to a range of measures comprising compensation payment, financial assistance, and other non-financial support for physical relocation and livelihood restoration to meet the objective of ESS5.

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 uses. 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 and economically productive crops/trees, for the purpose of constructing, rehabilitating, or expanding public physical infrastructure for the national and public interests with prior and fair compensation.

Grievance Redress Mechanism. Refers to a mechanism established under the project to receive, resolve, and report back to affected persons the grievance resolution outcome. In the context of the RPF, the GRM aims to address timely and effectively the grievances arising from involuntary land acquisition, physical resettlement, access restrictions as well as economic displacement. The GRM for handling grievances related to environmental and other social aspects arising out of other project activities are specified in project's Stakeholder Engagement Plan.

Indigenous Peoples. According to the World Bank's Environment and Social Framework, the term "Indigenous Peoples/ Sub-Saharan African Historically Underserved Traditional Local Communities" is used in a generic sense to refer exclusively to a distinct social and cultural group possessing all the following characteristics – in varying degrees:

- Self-identification as members of a distinct indigenous social and cultural group and recognition of this identity by others; and
- 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
- Customary cultural, economic, social, or political institutions that are distinct or separate from those of the mainstream society or culture, and
- A distinct language or dialect, often different from the official language or languages of the country or region in which they reside.

Inventory of losses. A detailed list of affected assets such as a) lands (of various purposes) that are affected by the project, b) assets attached to land such as houses, secondary structures, shops, tombs, trees and cash crops, etc. that support daily livelihood activities of the affected persons. The IOL shows the extent to which land and asset of people are affected, including the land status.

Involuntary resettlement. Refers to project-related land acquisition or restrictions on land use may cause physical displacement (relocation, loss of residential land or of shelter), economic displacement (loss of productive land, assets or access to assets, leading to loss of means of livelihood and/or income.

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.

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 process and methods that are adopted to acquire land for the project purpose. This 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 for income or livelihood purpose; (b) repossession of public land that is used or occupied by individuals or households; and (c) project impacts that result in land being flooded or otherwise rendered unusable or inaccessible.

Meaningful consultation. Two-way process that (a) begins early in project planning process to gather initial views on project proposal and inform project design; (b) encourages stakeholder feedback, particularly as a way of informing project design and engagement by stakeholders in the identification and mitigation of environmental and social risks and impacts; (c) continues on an ongoing basis, as risks and impacts arise; (d) is based on prior disclosure and dissemination of relevant, transparent, objective, meaningful and easily accessible information in a timeframe that enables meaningful consultation with project stakeholders in a format culturally appropriate, and 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 Government of Cambodia. Under the RPF, meaningful consultation refers to consultation in respect of land acquisition, economic displacement, and physical resettlement which is clearly stipulated in the Government's Standard Operating Procedures (SOP) for Acquisition and Resettlement (LAR) and incorporates all the above elements.

Negotiated Settlement. Refers to situations where the Borrower needs to acquire specific land or restrict its use for project purposes, the Borrower first tries to arrive at a mutually agreeable negotiated settlement with the landowner/user, rather than doing so through an expropriation proceeding.

Poor individuals/ households. Households who live below the national poverty line – as established by the Royal Government of Cambodia; or as referenced to the poverty line established by the World Bank for Cambodia using at 2019 prices (which is KHR 10,951 per person per day). If the latter is used for the project, the latest national poverty line established by the WB should be used.

Physical resettlement. Physical relocation of residents and/or business that result in loss of residential house(s) or business establishment(s) which cause loss of residence and/or loss of income arise from affected business, respectively. Physical relocation also includes loss of part of existing house that necessitate affected people to repair and/or rebuild an existing/new house in the remaining land at the same location.

Resettlement plan. A plan that is prepared in accordance with the requirements and standards of the World Bank's ESS5.

Replacement cost. A method of valuation that yields compensation sufficient to replace affected assets, plus necessary transaction costs associated with asset replacement. Where markets are active, replacement cost is the market value as established through independent and competent real estate valuation, plus transaction costs. Where functioning markets do not exist, replacement cost may be determined through alternative means, such as calculation of output value for land or productive assets, or the undepreciated value of replacement material and labor for construction of structures or other fixed assets, plus transaction costs. 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. The valuation method for determining replacement cost should be documented and included in relevant resettlement planning documents. Transaction costs include administrative charges, registration or title fees, reasonable moving expenses, and any similar costs imposed on affected persons. Planned compensation rates may be subject to updating where inflation is

high or the period of time between calculation of compensation rates and delivery of compensation is extensive.

Voluntary donation. 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's 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 individuals/ households. In this project, vulnerable individuals/ households are defined as those who live just above the national poverty line, including 1) the near-poor (whose daily per capita consumption lies between poverty line and 1.25 times the poverty line), 2) those whose income is marginally above the near-poor line, and 3) those who are from disadvantaged groups (as defined in this project).

Executive Summary

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

This RPF has been prepared by the Ministry of Water Resources and Meteorology (MoRWAM) for the Cambodia Water Security Improvement Project (CWSIP) with the guidance and direction of the General Department of Resettlement (GDR) of the Ministry of Economy and Finance (MEF). 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 (RGC's SOP-LAR), and the World Bank's (WB) Environment and Social Framework (WB's 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 Resettlement Plans (RP) 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 improve aspects of water security and increase agricultural water productivity in the selected Upper Mekong basin including Sekong, Sesan and Sre Pok River Basins (3S), Prek Preah, Prek Krieng, Prek Kampi, Prek Te, Prek Chhlong (5P), and Staung. These basins span across seven provinces, including Mondulakiri, Kratie, Kampong Thom, Preah Vihear, Tboung Khmum, Stueng Treng, and Ratanakiri.

The project will be achieved through the implementation of various activities that are organized into five project components: Component 1. Building foundations for improved water resource services, Component 2. Sustainable Water Service Delivery, Component 3. Increased Agricultural Productivity at Farm Level (US\$ 20m), Component 4. Project Management, Coordination, Monitoring and Evaluation, and Component 5. Contingency Emergency Response Component (CERC).

The second component will focus on civil works for the improving, climate resilient, water security, and rehabilitation of selected existing irrigation infrastructure that is strengthened to Climate Smart Agriculture.

The second project component is not expected to incur any land acquisition as the proposed CWSIP targeted irrigation infrastructure will be rehabilitated within existing infrastructures alignment and riparian land (RL). However, in cases 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 CWSIP is a project financed by the WB, the SOP-LAR is the guiding RGC's 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 for negotiated settlement because the SOP addresses Involuntary Resettlement. World Bank ESS5 provides that in some circumstances, and subject to Prior bank approval, voluntary donations may be accepted provided that they meet a set of criteria. 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:

- Adjusting designs to avoid impact 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 resettlement: (i) where land, or assets, are voluntarily donated; (ii) where land, or assets, are involuntarily acquired. However, the benefit from an irrigation infrastructure rehabilitation may far outweigh the impact on a small asset such as a small temporary movable farm cottage, trees/crops. 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. COD is the date established by the government that establishes the eligibility for receiving compensation and the resettlement assistance by the project affected persons. As per WB's ESS5 para 20, the COD needs to be well-documented and advertised to local population and potentially affected persons. Persons not covered by the census of affected persons may be eligible in case they can show proof that they have inadvertently missed out during the census.

Based on the scope, scale, and nature of potential subprojects (as described in Pre-Feasibility Study), the project may involve minor land acquisition – both permanent and temporary, to facilitate rehabilitation/upgrading of existing reservoirs, irrigation canals, weirs, barrage, including construction of new water distribution system (to increase command areas), and so forth. Physical resettlement of local people is envisaged but could be avoided through alternative designs since existing works (as identified in Pre-Feasibility Study) are located in remote/ rural areas where local population is small and scattered. If permanent land acquisition is required at subproject level, public land will be prioritized. If not feasible because of technical requirements, agricultural land would be acquired which is anticipated to be of small-scale at household level due to linear land impact, particularly where land is required for building new canals to extend existing water distribution system for new command area. It is noted that as existing reservoirs are upgraded to increase water retention capacity (impounding additional water amount), both upstream and downstream impacts are anticipated but scope and magnitude of land impacts may vary depending on various factors such as maximum water retention capacity, water flow regulation during subproject operation, seasonal rainfall, current land use (for upstream) and water use (for downstream). Upstream impact might include extended inundation (area and time duration) which may restrict local land access for agriculture/ non-agricultural income generation activities, and/or animal raising, etc. Downstream impact may include restricted access to normal volume of water for farming/water supply purposes, and so on.

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 CWSIP. 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 CWSIP.

1. INTRODUCTION

1.1 Project Background

1.1.1 Project Context

Cambodia's economy and population are vulnerable to the impacts of climate change, particularly droughts and floods with increasing frequency and intensity. Cambodia was ranked the 15th most vulnerable country to climate change globally by the Global Climate Risk Index (2021). The country is particularly prone to flood and drought with around 80% of the country land located within the Mekong River and Tonle Sap basins. Substantial losses in production due to flooding (62%) and drought (36%) have been evident over the past twenty years. According to the updated National Determined Contribution (NDC), most of Cambodia's agricultural areas will be exposed to higher risk of drought as a result of climate change from 2025 to 2050. In addition, 27% of the national population (4.5 million people) are estimated as 'near poor' and as such are susceptible to falling back into poverty if undergoing economic shocks, impacts of natural hazards and environmental degradation, and so on. The National Strategic Development Plan (NSDP 2019-2023) states that priority will be given to investment activities that contribute to narrowing gap of rural infrastructure, meanwhile improving the quality and coverage of various rural services, including institutional capacity to promote sustainable and climate-resilient socioeconomic growth of the country as a long-term development objective.

Agricultural production plays an important part in promoting Cambodia's economic growth, of which reliable access to irrigation is essential to resilient agricultural development. Agricultural sectors engage nearly 50% of the total country labor force which provides livelihood restoration support to around 80% of the country population and contributes to more than 30% of the national GDP. In 2020 alone, crop production accounts for 62% of the agriculture GDP, followed by livestock (24%), fisheries (11%), and forestry (7%). Rice is grown in 75% of country's cropland, accounting for 85% of annual food production and 70% of dietary energy needs. Rice production is the largest water consumers and is major contributor to greenhouse gas emission. In the recent years, the Royal Government of Cambodia (RGC) has been developing irrigation infrastructure to improve agricultural productivity, thereby improving livelihoods of the rural population. Presently, there are now more than 2,500 irrigation systems (large, medium, and small size) with a total Cultivable Command Area (CCA) of about 1 million hectares which accounts for about 22% of the total arable land area of the country (4.5 million ha). However, only half of the irrigation systems are functioning properly. The other half is low in water use efficiency.

Rehabilitation of existing irrigation system, including building new ones, is of urgent need, to ensure existing degraded irrigation works function properly and additional area with potential agricultural development have reliable water access to improve food security and people's livelihoods, particularly in the face of climate change and development of water works upstream of Cambodia. As part of irrigation improvement effort, irrigation systems will be modernized through provision of critical interventions to support farmers to apply Climate-Smart Agriculture (CSA) practices. This aims for sustainable agricultural development.

1.1.2 Project Development Objective and Project Components

The project aims to improve water security and increase agricultural productivity in selected river basins of Cambodia, and to provide immediate and effective response in case of an eligible crisis of emergency.

The project will be implemented through various activities organized through the following five components:

- Component 1. Building foundations for improved water resource services (US\$ 10m)
- Component 2. Sustainable Water Service Delivery (US\$ 110m)
- Component 3. Increased Agricultural Productivity at Farm Level (US\$ 20m)
- Component 4. Project Management, Coordination, and Monitoring and Evaluation (US\$ 5m)
- Component 5: Contingency Emergency Response Component (CERC) (US\$0m).

1.1.3 Project Budget and Implementation Agency

The proposed project will be implemented by Ministry of Water Resources and Meteorology (MoWRAM) and Ministry of Agriculture, Forestry and Fisheries (MAFF) from 2024 to 2029 with a total estimated cost of US\$130 million.

1.2 Rationale and Purpose of the Resettlement Policy Framework (RPF)

1.2.1 Rationale

The World Bank's ESS5 on Land Acquisition, Restrictions on Land Use and Involuntary Resettlement requires that the Borrowing country prepares a Resettlement Policy Framework (RPF) in case a project requires land acquisition and/or have restriction on land use, but impact zones of the subprojects cannot be determined during project preparation. Under this project, since land acquisition and restriction of land use are anticipated and the number, nature, and scale of subprojects have not been confirmed during project preparation stage, this RPF has been prepared and developed in accordance with the requirements of the World Bank's Environmental and Social Framework (ESF), specifically: ESS5, ESS7, and ESS10; and in compliance with the Royal Government of Cambodia's relevant laws and regulations, including the Sub-Decree No.22 ANK/BK (2018) on Promulgation of the Standard Operating Procedures for Land Acquisition and Involuntary Resettlement (SOP-LAR) for externally financed Projects in Cambodia.

1.2.2 Purpose

The purpose of this Resettlement Policy Framework (RPF) is to establish resettlement principles, eligibility criteria, an entitlements matrix, implementation arrangements, a grievance redress mechanism, funding mechanisms, and monitoring and evaluation arrangements to be applied to Resettlement Plan(s) that will be prepared for relevant subprojects to be identified and confirmed during project implementation.

2. ASSESSMENT OF LAND ACQUISITION & RESETTLEMENT IMPACTS

2.1 Assessment of land ownership and tenure patterns of the project area

During project preparation, attempt was made to assess the land tenure patterns and land ownership of people who live in and near areas where land acquisition is anticipated – based on the scale, scope and nature of subprojects. With regards to land tenure pattern, the preliminary assessment which targeted potentially affected area tried to identify whether the land is under a) government management, b) individual households' right, c) communal or customarily used by Indigenous Peoples, or d) land under dispute for the right of use. Based on the first three identified subprojects (Kantout, Svay Chrum, and Srae Huy), it is anticipated that most affected (permanently and temporarily during construction) would be individual households' land located in the target command areas. In some cases community forest land may be affected because the increased water storage will cause seasonal inundation to some upstream part of community forest, such as at Kantout reservoir, and some tombs where are owned by IP(s).

2.2 Potential Land Acquisition and Physical Resettlement

Potential Land Acquisition and Economic Displacement

The Project will rehabilitate/upgrade an estimated 5-6 existing reservoirs and river sections (by building protection structures) to increase water storage. In some subprojects, the existing canals may be extended whereas in others, new canals may be built to provide irrigation water to rainfed areas. In some subprojects, construction of small-scale roads will be built to improve transportation for farmers. These new roads will be built alongside new irrigation canal. Due to the construction of new canals and new roads, land acquisition – mostly located inside existing command areas - may be required. The scope of land acquisition is expected to be relatively small for each household (linear impact) and, as such, to not affect significantly the livelihood of the rice farmers, and other affected people. Physical resettlement is not anticipated because construction at the reservoir area is mostly on government managed land (e.g., right of the way) but in case it happens, it is expected to affect few households. . Some impact on tombs is anticipated, such

as the potential impact on about 34 tombs owned by 18 Bunong IP households located inside Svay Chrum reservoir (Kratie province). These tombs would be potentially affected for a few months each near as the reservoir is upgraded to increase its water storage. In some reservoirs, some households are farming inside the reservoir.

Potential subprojects (rehabilitation/upgrading of existing reservoirs) may restrict some local people (who come into the reservoir for farming) from land access for continued farming because the reservoir will be submerged due to increased water storage. However, restricted land access within the reservoir is anticipated to be very minor (e.g. a few households, based on the first three subprojects of Svay Chrum, Kantout, and Srae Huy).

- **Potential Restriction of Water Access**

Due to increased water storage for the upstream, people downstream the reservoir (who live outside the target command area to the downstream) may experience reduced water access (e.g. for the purpose of farming, domestic use, or other income generation activities). The level of impact on downstream population would be studied through cumulative impact assessment at subbasin level for relevant subproject(s).

- **Type of Impacts**

Given the location, nature, scale of potential subprojects, type of impacts include the followings:

- Temporary impacts on land use such as farming, transport, businesses, restricted road access
 - Permanent impacts on agricultural land due to land acquisition (mostly in the command area) for upgrading/construction of irrigation canals and roads along canals.
 - Restrictions on water use and access.
 - Permanent and temporary economic impacts due to restricted land access for landowners and informal users.
- **Affected people**

People who have land affected (permanently and temporarily during construction) are mostly farmers who have land in the target command area, or are using land informally. Affected farmers are mostly Khmer. However, in some location, IPs may be affected, such as the Bunong IP at Svay Chrum subproject.

3. LEGAL FRAMEWORK GOVERNING LAND ACQUISITION & INVOLUNTARY RESETTLEMENT

3.1 National Laws and Regulations

The Expropriation Law (2010) is the key legal framework that governs land acquisition and involuntary resettlement in the Kingdom of Cambodia. The law defines land expropriation in the Kingdom of Cambodia by specifying principles, mechanisms, procedures required for land expropriation and for fair and just compensation for affected peoples under any construction, rehabilitation, and public infrastructure projects implemented for public and national interest, and for the development of Cambodia. The law defines the development of public infrastructure as one of its objectives and extends 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 to the owner and/or holder of real right in advance.

Key articles of the Expropriation Law (2010) are:

- **Article 2:** The law aims to: (i) ensure just and fair deprivation of legal rights to private property, (ii) ensure prior fair and just compensation, (iii) serve the national and public interest, and (iv) develop public physical infrastructures;
- **Article 7:** Only the State may carry out an expropriation for use in the public and national interests;
- **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 issuance date of the declaration on the expropriation project. The market prices or replacement costs shall be determined by an independent committee or agent appointed by the Expropriation Committee;
- **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 (See Summary of Expropriation Law (2010) in Annex 7).

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 General Department of Resettlement (GDR) of the Ministry of Economic and Finance (MEF) is responsible for providing guidance and clarification to users regarding the SOP-LAR. Given that the proposed WSIP will use counterpart funding for compensation and support, the provisions of SOP-LAR will apply to the proposed WSIP and therefore should be read in conjunction with this RPF.

RGC's Sub-Decree No.118 ANK/BK (2005) on State Land Management. The Sub-Decree defines principle, procedures, mechanisms and institutional arrangement for state land management. In line with key sections of Article 4, public state land has a public interest use and falls within one of the following specific types of property having a public interest use:

Properties that have a natural origin, such as

- Forests
- Courses of navigable or floatable water
- Natural lakes
- Banks of navigable or floatable waters
- Seashores

Properties available in its natural state or specifically developed for public use, such as

- Roads
- Tracks
- Oxcart ways
- Pathways
- Gardens and public parks
- Reserved land

RGC's Sub-Decree No.98 ANK/BK (2015) on River Basin Management. The Sub-Decree regulates the management, conservation and development of the river basins in a manner that is effective and sustainable – as stated in the Law on Water Resources Management in the Kingdom of Cambodia (2007). The Sub-Decree specifies procedures for establishment and implementation of the plans for management, conservation and development of the river basin, sub-river basin, watershed, ground water and aquifer.

Key chapters and articles of RGC's Sub-Decree No.98 ANK/BK (2015) on River Basin Management are:

- **Chapter 3 River Basin Zoning and Delineation of Riparian Land, Article 8:** The distance of riparian and coastal strips along key natural water features and water works in rural areas of river basins is defined below:
 - Coastal strip and estuary 100 (one hundred) meters from the coastal bank and estuary bank;
 - River 50 (fifty) meters from its bank;
 - Stream 30 (thirty) meters from its bank;
 - Creek 20 (twenty) meters from its bank;
 - Small stream 10 (ten) meters from its bank;
 - Main channel 10 (ten) meters from the terrace of channel embankment;
 - Distribution channel 05 (five) meters from the terrace of channel embankment;
 - Irrigation channel 03 (three) meters from the terrace of channel embankment;
 - Basin area 100 (one hundred) meters from the maximum water level from the basin water surface;
 - Lakes 50 (fifty) meters from the maximum water level allocated in the reservoir;
 - Basin embankment 20 (twenty) meters from the terrace beneath the basin embankment of less than 04 (four); 100 (one hundred) meters from the terrace between 4 to 8 meters high. In case the embankment height exceeds 08 (eight) meters high, it shall be determined by separate sub-decree.

The riparian land as above stated is the state's public asset. The delineation of riparian land has no retroactivity on existing land with ownership titles issued before this sub-decree is in force.

- **Chapter 4 – Jurisdiction, Mechanism and Committee for River Basin Management, Article 10:** The Ministry of Water Resources and Meteorology is responsible in leading, monitoring and coordinating and consulting with concerned institutions for the management, conservation, and development of all river basins in the Kingdom of Cambodia.

3.2 World Bank's Environmental and Social Framework (ESF)

The following World Bank's Environmental and Social Standards (ESSs) are triggered because of its relevance to this RPF. The applied ESSes include:

- **ESS 1: Assessment and Management of Environmental and Social Risks and Impacts**

The objectives of ESS1 are a) Identify, evaluate, and manage environment and social risks and impacts in a manner consistent with the ESSs, b) Adopt a mitigation hierarchy, b) Adopt differentiated measures so that adverse impacts do not fall disproportionately on the disadvantaged or vulnerable, and they are not disadvantaged in sharing development benefits and opportunities, c) Utilize national environmental and social institutions, systems, laws, regulations and procedures where appropriate, b) Promote improved environmental and social performance, in ways which recognize and enhance Government capacity.

- **ESS5: Land acquisition, Restrictions and Land Use and Involuntary Resettlement**

The objectives of ESS5 are a) Avoid or minimize involuntary resettlement by exploring project design alternatives, b) Avoid forced eviction, b) Mitigate unavoidable adverse impacts from land acquisition or restrictions on land use by providing compensation at replacement cost and assisting displaced persons in their efforts to improve, or at least restore, livelihoods and living standards to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher, c) 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, d) Conceive and execute resettlement activities as sustainable development programs, e) Ensure that resettlement activities are planned and implemented as sustainable development programs, with appropriate disclosure of information, meaningful consultation, and informed participation.

- **ESS7: Indigenous Peoples**

The objectives of ESS7 are a) Ensure that the development process fosters full respect for affected parties' human rights, dignity, aspirations, identity, culture, and natural resource-based livelihoods, b) Promote sustainable development benefits and opportunities in a manner that is accessible, culturally appropriate

and inclusive, c) Improve project design and promote local support by establishing and maintaining an ongoing relationship based on meaningful consultation with affected parties, d) Obtain the Free, Prior, and Informed Consent (FPIC) of affected parties in three circumstances, e) Recognize, respect and preserve the culture, knowledge, and practices of Indigenous Peoples, and to provide them with an opportunity to adapt to changing conditions in a manner and in a timeframe acceptable to them

- **ESS10: Stakeholder Engagement and Information Disclosure**

The objectives of this ESS are a) Establish a systematic approach to stakeholder engagement that will help Borrowers identify stakeholders and build and maintain a constructive relationship with them, in particular project-affected parties, b) Assess the level of stakeholder interest and support for the project and to enable stakeholders’ views to be taken into account in project design and environmental and social performance, c) Promote and provide means for effective and inclusive engagement with project-affected parties throughout the project life -cycle on issues that could potentially affect them, d) Ensure that appropriate project information on environmental and social risks and impacts is disclosed to stakeholders in a timely, understandable, accessible and appropriate manner and format, and e) Provide project-affected parties with accessible and inclusive means to raise issues and grievances, and allow Borrowers to respond to and manage such grievances.

3.3 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 based on the review/assessment of policy gaps in Table 1 and Table 2 (below). However, in terms of procedures, the SOP-LAR does not have procedures for negotiated settlement and Voluntary Donations (VD). Since the GDR has a lot of experience in acquiring land through a negotiated settlement, particularly under Asian Development Bank and WB financed projects, the negotiated settlement approach could be applied to this project as an overall approach to land acquisition. To assist the GDR in conducting acquisition of land through a negotiated settlement, this RPF spells out the detailed procedures that the GDR will follow in case involuntary acquisition of land through negotiated settlement, or in cases of VD. . The gaps between the WB’s ESS5 and the RGC’s SOP-LAR regarding the criteria under which VD may be acceptable, are presented in Table 1, including measures proposed under this project to address 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. In some circumstances, and subject to prior Bank approval, VD may be acceptable p[rovided that the Borrower demonstrates that: (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	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 MoWRAM.

Items with Difference	RGC's SOP-LAR	WB's ESS5	Measures to Address Differences
		project; and (f) for community or collective land, donation can only occur with the consent of individuals using or occupying the land.	

Clarifications on 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 CWSIP, DRPs will include provisions to ensure livelihood restoration programs are robust and can accurately meet the livelihood restoration objectives in line with WB's 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 each step are also provided in the SOP-LAR.	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 RP preparation. Prior to the preparation of the RP, 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 during the public consultation process. There are clear mechanisms for grievance redress in the SOP. • 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. 	ESS1 requires that stakeholder engagement with affected and interested stakeholders will be throughout the project cycle in line with the project's Stakeholder	Meaningful consultations, inclusive of all groups and gender including vulnerable persons, as per WB's ESS10 should be conducted, with particular attention to ensuring it is a two-way

Items for Clarification	RGC's SOP-LAR	WB's ESS5	Clarifications
	<ul style="list-style-type: none"> • 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. 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. 	Engagement Plan (SEP), including ongoing consultations and document disclosure.	process, that allows for feedback from APs and they are informed how their feedback was incorporated.

4. SCOPE OF APPLICATION, PRINCIPLES AND PROCESS

4.1 Scope of Application

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

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 facilities² 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 MoWRAM 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.

4.2 Principles and Process of Involuntary Land Acquisition/ Resettlement

4.2.1 Principles

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

To realize the above, the following mitigation hierarchy is applied to the project:

² **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.

- Technical design will aim to avoid permanent and temporary impacts on land, assets, and livelihood activities of local people;
- When anticipated impacts cannot be avoided, such impacts will be minimized through exploration of alternative designs;
- Once risks and impacts associated with a) land acquisition (including restricted access to land for upstream area) and b) limited access to river water for downstream population, have been minimized or reduced through design measures, further mitigation measures will be adopted – through compensation for assets, income generation activities that are affected; and
- Where impacts still remain, including impacts on land use and water use, compensate people as per this RPF.

4.2.1 Process

In addition, the following principles will be applied during involuntary land acquisition preparation and implementation process:

- Avoid forced eviction³;
- 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 the 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;
- 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 gender⁴; and
- For acquisition of land belonging to IPs, ESS 7 of the WB's ESF will need to be followed.

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

- Anticipate and avoid land acquisition impacts through adjusting designs;
- Where avoidance is not possible, minimize or reduce land acquisition impacts;
- Conduct meaningful consultation with affected people to inform them of their right to compensation and project's compensation entitlements (as described in the detailed Entitlement Matrix in Annex 6 of the SOP-LAR and attached as Annex-3 – Entitlement Matrix, to this RPF); VD option is presented to people who meet prerequisite for VD (as in Section 4.3 below);
- Carry out negotiated settlement for the purpose of the land acquisition as described in this RPF;

³ **Forced 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.

⁴ 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.

- Where negotiated settlement is not accepted by the AHs, or fails, prepare a RP in accordance with this RPF;
- 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
- Monitor and report on resettlement process to ensure the resettlement process, including its outcomes, meets the objectives set out in section 3 (above).

4.3 Principles and Process of Voluntary Donation

4.3.1 Principles

ESS5 indicates that in some circumstances, it may be proposed that part or all of the land to be used by the project is donated on a voluntary basis without payment of full compensation. Subject to prior Bank approval, this may be acceptable provided that the government implementing agency demonstrates that the voluntary donation meets all criteria listed below. It is important to note that affected people have the right to refuse if they are suggested to make a voluntary contribution in relation to their land and/or asset that is potentially affected by the planned subproject without jeopardizing implementation of the project in their location. In such cases affected people will be compensated for all losses in accordance with this RPF.

General.

Under this project, Voluntary Donation (VD) is considered as an option for only households/ individuals who meet all the following conditions:

- Potentially donated land area does not exceed 5% of the total landholding⁵ of the donating individual/households;
- Land portion (intended to be donated to the subproject) is free of houses or other fixed assets;
- Affected assets (intended to be donated to the subproject) are lower than 400,000 Riels in value per household;
- Donating person/people should have sole ownership to the land portion and not have any legal disputes;
- Donating people are not from a vulnerable/disadvantage group – as defined by the Project;
- Donating people must be direct beneficiary household of the planned subproject;
- Donating household are not physically resettled;
- As a result of their donation, donating household will not face any risk of failure in maintaining their livelihood at the current/pre-subproject levels – as a minimum.

Vulnerable/disadvantaged people.

- The Project is designed to ensure local people, including vulnerable/ disadvantaged group, benefit from the project. For those affected adversely due to land acquisition, compensation and other support will be provided to support affected people's effort in restoring and improving living conditions;
- VD shall not be proposed to people identified as vulnerable/ disadvantaged individuals – as defined in this RPF, and in the Project's Indigenous Peoples Planning Framework;
- In case VD is proposed to vulnerable/ disadvantaged individuals/group, MoWRAM shall consult with the WB, on a case-by-case basis, before vulnerable/ disadvantaged individuals/group are approached to propose VD for the project's purpose.

For Indigenous Peoples

⁵ RGC, National Committee for the Management Decentralization & Deconcentration Reform (2009) Commune/Sangkat Fund Project Implementation Manual, page 31 (Khmer version).

- In case land donation is planned to be proposed to IP individuals/households who are from vulnerable/ disadvantaged group (as defined in the project's RPF and IPPF), the approach to VD for vulnerable/ disadvantaged/ individuals/group (as mentioned above) is applied. In the case of land that is collectively owned, the donation can only occur with the consent of individuals using or occupying the land.

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 that is not possible, compensation payment will be made to the affected people in accordance with the Entitlement Matrix (see Annex 3 of this RPF).

4.3.2 Process

For subproject that involves potential voluntary donation, the followings will be done:

- All affected people will be fully informed of the subproject (e.g., subproject purpose, impacts and risks, mitigation measures, grievance redress procedure);
- Land survey map will be prepared that indicate clearly the location and amount of land to be donated;
- Supporting document must indicate clearly the amount of land (in square meter) to be donated and the percentage of the donated land area out of the total landholding of the donating person;
- Supporting document must indicate clearly the amount and value of each other assets per household, if any, to be donated; and
- Thumb print or signature confirming voluntary contribution must be shown in supporting document.

In particular, the following steps will be taken by MoWRAM:

Step 1. Conduct Initial Screening for VD Eligibility

For each subproject, based on the final COI, MoWRAM 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 4.3.1;
- Summarize this step using the form in Annex 1.

Note: When potential donors are from disadvantaged/vulnerable group and/or IP group, follow guidance at Section 4.3.1 – Principles (above).

Step 2. Consult with Potential Donors

- MoWRAM staff will assure that only people who meet VD prerequisite (Section 4.3.1 above) are approached and are appropriately informed of the project's VD requirements and procedure.
- Consult with potential donors qualified for VD, explaining details of VD procedures (Section 4.3.1), including project's compensation policies and the VD option.
- 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 MoWRAM'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.
- MoWRAM in collaboration with the C/S Council is responsible for all undertakings related to VD consultation process and outcome.
- Submit VD documents to the WB for review and approval.

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;
- MoWRAM will maintain all records of asset donations and ensure supporting documents are available for review in case where grievance arises;
- MoWRAM 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 sub-project's construction work site/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 MoWRAM's internal monitoring arrangement.

4.3.3 Responsibilities

MoWRAM is responsible for the entire VD process and outcome. In collaboration with the C/S Council, MoWRAM will:

- Develop fair and transparent procedures for VDs in consultation with affected households (AHs) and the communities;
- Guide and ensure the Chief of the involved Commune prepare a Voluntary Land Donation Report (as per the Commune/ Sangkat Fund Project Implementation Manual – CSF-PIM) to indicate all affected people have been fully informed of the subproject and of their right to refuse donating their land and/or other assets;

- Ensure the detailed design avoids impacts on land, houses, structures and other fixed assets. When avoidance is not possible, effort shall be made to minimize such impacts;
- Screen for eligible donating household(s) who meet the donation prerequisite (See Section 4.3.1 – Principles to explore they wish to make voluntary contribution based on the VD principle (Section 4.3.1);
- Ensure eligible potential donating household(s) are appropriately informed⁶ that by donating their affected land and/or asset for the subproject purpose, they are renegeing on their right to compensation;
- Ensure donating households are those who receive direct benefit from the planned subproject (e.g., access to irrigation, flood protection, etc.)
- Ensure that donated assets are owned and used by the owner, and that if others are using the asset, land or asset users are fully consulted on the potential donation by the asset owner⁷;
- Ensure that person donating land/asset pays no fee associated with their donation. Any fees or taxes incurred to land donation and any update of land ownership documents are covered by MoWRAM;
- Obtain the consent of the community involved, including individuals who are using or occupying the land in case where community or collective land is proposed for donation;
- Keep AHs informed timely and appropriately about the VD process, including their rights and project’s grievance redress procedure (See Section 6 of this document);
- Inform potential donors of their right in deciding the extent of their VD (out of the total impact that the project may cause to them);
- Attention shall be paid to vulnerable/ disadvantaged group, such as Indigenous Peoples, women, the elderlies, where relevant;
- Resolve any grievances that may occur in relation to VLD process; and
- Ensure that the entire VD process and its outcome is fully and timely documented by MoWRAM and submitted to the WB for review.

4.4 Eligibility Criteria

4.4.1 Eligibility Criteria for Compensation and Support

People whose assets such as houses, structures, business, crops, etc. are located in a subproject area before the COD for the subproject is announced will be eligible for compensation for their affected assets, loss of livelihoods, and livelihood restoration support – regardless of the legal status of the affected land⁸. People who occupy any land portion of the subproject area after the COD is publicly announced will not be eligible for any compensation or any other assistance.

• Category of Project Affected Persons

Given the nature and the scope of impacts and risks anticipated as a result of construction activities under Project Component 1 and Component 2 (See Section 2.2 above), affected persons may be classified into one, or more than one, of the following groups:

For land users

⁶ “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.

⁷ 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.

⁸ 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.

- a) Those who have formal legal rights to land, including customary and traditional rights recognized under the national laws, will be entitled to compensation for the land they lose, all assets affixed to the land, as well as livelihood restoration measures;
- b) Those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets—provided that such claims are recognized under the national laws or become recognized through a process identified in the resettlement plan, will be will be entitled to compensation for the land they lose, all assets affixed to the land, as well as income restoration measures; and
- c) Those who have no recognizable legal right or claim to the land they are occupying will be entitled to all assets affixed to the land, as well as income restoration measures. In cases where the remaining portion of land is no longer viable they will be entitled to a replacement plot.

Persons covered under a) and b) are provided compensation for the land they lose, and other assistance in accordance with para. 6. Persons covered under c) are provided financial assistance *in lieu of* compensation for the land they occupy, and other assistance, as necessary, to ensure they could restore that livelihoods to pre-project level – if they occupy the subproject area prior to a cut-off date established by the borrower and acceptable to the Bank.

For land users

- d) Persons whose livelihoods depend on riparian land but have restricted access due to the operation of reservoirs and weirs to be upgraded upstream.

Persons who are squatters in public safety zones (i.e. right of the way of reservoir) who are usually poor and rely on retail business on the safety zone for daily subsistence.

- **Cut-Off-Date**

Cut-Off-Date (COD) for this project is defined as the last day of the first round of consultation⁹ that will be held with local people following the disclosure of the project's corridor of impact (COI). People who have been inadvertently missed during the census survey could be eligible if they can show proof of being missed out during the census or loss survey.

4.5 Conducting Land Acquisition/ Upstream, Downstream Impacts & Risks Assessment

4.5.1 Approach for Voluntary Donation

MoWRAM in collaboration with the Commune/Sangkat Council is responsible for all steps and process related to VD process. To facilitate VD process, GDR will conduct census survey to prepare an inventory of loss (IOL). Based on this, a detailed measurement survey (DMS) will be carried out to pave the way for conducting a replacement costs survey (RCS) and asset valuation (Please see details about IOL, DMS, RCS in Section 4.5.3 (below).

All VD under this project is subject to WB's approval prior to proceeding actual land acquisition.

When VD is the case, a Detailed Resettlement Plan (RP) will not be prepared. Instead, the donation procedures described in this RPF (See Section 4.3, above) will be followed to ensure potential donating people are appropriately informed of the project's VD guideline and can exercise their free will.

MoWRAM will ensure that only potential donors who meet pre-requisite for VD procedure are informed of VD choice and are consulted fully and appropriately. The donation process will be transparent and will be carefully documented by MoWRAM and are subject to the WB's prior review and approval. Entire process of VD must be documented fully in record.

4.5.2 Approach for Negotiated Settlement

In case of negotiated settlement, the following will be adopted:

⁹ Consultation with potential affected people will be organized at public venues such as commune hall, pagoda. Subproject related information will be posted at the public boards of respective commune/Sangkat, or pagodas to inform the general public of the project area and prevent influx of ineligible persons into project's COI.

- The GDR will prepare an Inventory of Losses to pave the way for Detailed Measurement Survey (DMS) and replacement cost study (RCS) which will be conducted to design compensation package for each AH;
- 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, for affected assets such as land, houses, structures, and trees, etc.;
- If there is loss of income, the RCS consultant will calculate the number of losses based on the project's Entitlement Matrix (Annex 3 of this RPF);
- 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;
- If there is physical displacement, transition allowances will be provided at the rates shown in the Entitlement Matrix;
- The total amount of compensation will be calculated and offered as a lump sum amount;
- 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 with the Inter-Ministerial Resettlement Committee Working Group (IRC-WG) in the witness of the Commune/Sangkat or Village official;
- If all AHs agree with their lump sum as full compensation package, the lump sum amount will be paid upon contract signing. 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;
- 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 GDR will prepare a RP for submission to the WB for review and approval.

4.5.3 Approach for Land Acquisition

Where negotiated settlement is not accepted by the AHs, or fails, GDR will prepare RP(s) in accordance with this RPF for submission to the WB for prior review.

Once sub-project's location/construction sites are identified and screened (see Annex 1), if involuntary land acquisition is required, the MoWRAM 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. MoWRAM will be responsible for sharing with the GDR the COI and Detailed Engineering Designs (DED).

Once the COI of a sub-project's construction site is defined, the GDR and the MoWRAM 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 individuals 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 MoWRAM. Once census results are available, the GDR and MoWRAM 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 sub-project, 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 RP 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 Sub-Committee Working Group (PRSC-WG) and Commune/ Sangkat/ Village Offices (See Annex 7 for a summary of an Expropriation Procedure).

Census Survey/ Inventory of Loss

For land acquisition, based on the final Detailed Engineering Design (DED) and demarcation of land, with support from MoWRAM, GDR will conduct Census Survey/ Inventory of Loss. The result of this exercise is the list of affected individuals/households APs identified within the COI, estimated magnitude of impact per household based on on list of potential AHs located within COI. 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.

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 IRC10. 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 RP and submit it to WB for review and clearance. After the clearance of the RP, 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;

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.

- Policy for compensation and entitlement; Information on and contact focal points on GRM and GRM operationalized and fully functional; and
- Process of RP preparation and implementation.

Replacement Cost Survey (RCS) and Asset Valuation

An RCS will be conducted by a local independent qualified consultant. The RCS 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 before commencing compensation, the RCS results will be updated to reflect the current market prices of the affected assets. The RCS updating will be conducted by the RCS consultant.

The RCS aims to assess the values of affected assets to propose compensation rates for various affected assets – at full replacement cost. Full replacement compensation means compensation is to be made at a value that is 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 RP and agreed with AHs. See Table 3 of key tasks of GDR on preparation of RP as per the SOP-LAR and compliance with the WB’s ESS5.

Table 3 - Key Tasks of GDR related to Preparation of Detailed Resettlement Plan

Tasks	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	<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)
Social Profile of the PAPs including Gender	<ul style="list-style-type: none"> • Gather socioeconomic data/information for all the affected households • 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	<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 Restoration Program <i>(if applicable)</i>	<ul style="list-style-type: none"> • Prepare plan for Livelihood Restoration Program for permanent loss of sources of livelihood and physical resettlement, in consultation and active participation with the AHs/APs and include in the RP.
Grievance Redress Mechanism	<ul style="list-style-type: none"> • Operationalize GRM at the Provincial level¹¹ • 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 RP, 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: RGC's SOP-LAR, 2018

4.6 Project's Compensation and Support Policy

4.6.1 Compensation and other Resettlement Assistance

All persons with assets located within the COI before COD will be eligible for compensation for lost assets regardless of their legal status. If people occupy state-managed land that is reserved for irrigation and/or reservoir infrastructure, affected land will not be compensated. However, loss of income due to loss of this land use, loss of businesses, employment, and other income sources associated to land; transportation allowances; subsistence allowances during the transition period; and income/livelihood restoration program will be provided to assist affected household to restore their livelihood. For the vulnerable group, in addition to the above entitlement, cash grant as subsistence allowances and livelihood restoration program are doubled.

Fruit and vegetable crops, rice, other economic trees and standing crops will be compensated according to the principles of replacement cost in the RGC's 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.

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

¹³ 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.

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 the RGC's 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 a 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:

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

4.6.2 Poor, Vulnerable, Disadvantaged Individuals/ Groups

Poor individuals/household are those who live below national poverty line.

Vulnerable individuals/ households are those who live just above the national poverty line, including 1) the near-poor (whose daily per capita consumption lies between poverty line and 1.25 times the poverty line), 2) those whose income is marginally above the near-poor line, and 3) those who are from disadvantaged groups (as defined in this project).

Disadvantaged individuals/groups. Refers to individuals or groups who, due to certain own circumstances such as their age, gender, disabilities, health, economic and ethnic status, and so forth, are more likely affected adversely by the project impacts and/or more limited in their ability to take advantage of project benefits. Disadvantaged individuals/groups are more likely excluded from, or unable to participate fully in the mainstream consultation process and may require specific assistance to promote inclusion. In this project, disadvantaged individuals/ groups are defined as those who have the following characteristics: i) from an ethnic minority group, (ii) female headed household with dependents, (iii) landless/ limited productive land, (iv) frequent lack of male labor at home (e.g. migrant workers); (v) jobless, or limited economic opportunities; (vi) family member(s) with chronic illness, or disabilities; (vii) elderlies who live on their own; (viii) youth, particularly very young couple with children (early marriage), (ix) live in an especially difficult circumstance, and (x) don't meet above criteria but are concurred by local community as vulnerable to poverty and need project's support to reduce their vulnerability. Disadvantaged individuals are usually from a poor, or a near-poor household.

In order to assist the poor, vulnerable, and disadvantaged persons who are physically displaced and/or lose permanent land-based livelihood, these persons will be supported through any one of the three support options below (See Section 4.6.3 – Livelihood Restoration Program). In addition, APs from this group will be entitled to the following: (a) Doubled financial support rate offered in the three different livelihood support options. (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 the 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 MoWRAM.

4.6.3 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 CWSIP 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 RP 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 the livelihood support options as outlined in the 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 adds 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 RP 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 have 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 in 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.

4.6.4 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 RP, 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 be deemed 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. During this relocation preparation process, GDR will provide assistance to and monitoring of the relocation of affected households (new housing, transition, maintaining income...) to ensure affected households successfully relocated to their new location to facilitate land handover.

5. INSTITUTIONAL AND IMPLEMENTATION ARRANGEMENTS

5.1 Ministry of Water Resource and Meteorology (MoWRAM)

MoWRAM is a lead project implementation agency, responsible for public irrigation infrastructure, through its Project Management Project (PMU) and Project Implement Unit (PIU) of PDWRAM. MAFF has responsibility for other Market related infrastructure. If there is involuntary resettlement and land acquisition, the MoWRAM and their concerned agencies will jointly request to the Inter-Ministerial Resettlement Committee to address resettlement and land acquisition in accordance with the policies and procedures in this RPF.

5.2 Ministry of Agriculture, Forestry, and Fisheries (MAFF)

The Ministry of Agriculture, Forestry, and Fisheries will work closely with the Ministry of Water Resource and Meteorology to lead the assessment of potential impact of the rehabilitation of existing water works (e.g. reservoir, weir, irrigation canals) and construction of new weirs/regulators, barrage, embankment and irrigation to anticipate/estimate the potential impacts of the upgraded reservoirs on the upstream population (due to inundation) and downstream people (due to restricted water access) during its operation,

particularlry during dry season. The assessment of the potential impacts of the upgraded reservoir concerning restricted land use (upstream), limited water use (downstream), and potential impact on environment, such as impacts on biodiversity, surface water quality, aquatic resources (e.g. fish migration...) could be based the estimated area of influence that are intially informed based on water use modeling result conducted by the Mekong Water Solutions in cooperation with MoWRAM. Based on the estimated area of influence and the potential impacts arising form the future operation of the reservoirs, and the current biological, environmental, topographical, geolocial conditions, and livelihoods of local people, MAFF will conduct an ex-ante evaluation that informs the magnitude of social and environmental impacts, including inherent risks, to help inform project design and mitigation strategy.

5.3 Institutional Arrangements for Land Acquisition and Resettlement

If resettlement impacts are caused by the project in specific sub-project's construction work sites, MoWRAM with RBMC and their concerned ministries will jointly request the GDR/IRC to address them. The GDR/IRC will work closely with the DIA and Provincial Resettlement Sub-Committee (PRSC) for coordinating with the Inter-ministerial Resettlement Committee Working Group (IRC-WG) to deal with resettlement issues. For dealing with resettlement issues at the provincial level, then a Provincial Resettlement Sub-Committee Working Group (PRSC-WG) shall be established. Environmental and Social Officers (ESO) of MoWRAM-PMU and PDWRAM-PIU will be involved in this process as its role of coordination among PRSC-WG, PMU, territorial authorities and AHs, and observation.

5.4 Institutional Arrangements for 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 Environmental and Social Officers (ESO) of MoWRAM-PMU and PDWRAM-PIU under the direction and guidance of the PM, will be responsible for carrying out the process of VDs as described in this RPF with close collaboration with territorial authority of C/S. The ESOs 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 ESOs 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 construction work components where there are VDs, only the ESO of MoWRAM-PMU and PDWRAM-PIU will be responsible, and GDR and other agencies described below will not be involved.

5.5 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:

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

5.6 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 out these activities through its Resettlement Departments (RD). For this project, the Resettlement Division 1 (RD1) of GDR will be the first point of contact and interface with MoWRAM for the entire project and resettlement cycle. Key responsibilities of GDR include:

- Coordinate and collaborate with line ministries and other agencies involved in LAR activities;
- Conduct public consultations and focus group discussions (FGD) with the affected peoples and vulnerable groups (if any);
- Prepare the RP for the subprojects and submit to the World Bank for review and concurrence;
- Develop terms of reference and recruit the replacement cost appraiser;
- Prepare and secure the necessary budget for the implementation of the RP;
- Calculate, prepare contracts, and make payments for compensation for each AH based on the entitlement matrix in the RP;
- Implement all LAR activities in compliance with the RP;
- Ensure proper functioning of the GRM, including training/refresher training for GRC members, adequate record keeping, etc.;
- Supervise, monitor, and report on implementation progress of the RP;
- Prepare and submit to MoWRAM and copy to WB a handover letter attached with a summary table indicating the location of the site, total number of AHs in RP vs total actual number of AHs including vulnerable, total compensation amount in RP vs actual total compensated amount and any difference in number and amount from the approved RP will be explained for WB's no objection to commencement of civil works;
- Prepare and submit to WB semi-annual monitoring reports;
- 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;
- Conduct awareness workshops for MoWRAM, line ministries, local authorities, and construction contractor on the implementing rules and regulations as specified in the RP; and
- 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 RP and the verification and validation of the compliance of the entitlements and compensation payments with the provisions of the entitlement matrix in the RP. Its role extends to internal verification of all LAR activities for compliance with the provisions under the agreed RP 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 RP implementation report to obtain "no objection" for civil works.

5.7 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 MoWARM, 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 fieldwork under the supervision of the Director of the Resettlement Division 2 (RD2) and overall guidance and direction of the Director General of the GDR.

5.8 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.

5.9 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 RP;
- Lead the payments of compensation; and
- Prepare monthly progress reports on all land acquisition activities at the provincial level and submit them to PRSC and GDR.

6. GRIEVANCE REDRESS MECHANISM

6.1 Overview of the 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.

6.1.1 Provincial Grievance Redress Committee

In provinces where the CWSIP 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 projects. 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.

6.2 Grievance Redress Procedure

6.2.1 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.

6.2.2 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 a complaint in writing to the Head of the District Office. In case the aggrieved person has 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:

Under this project, to facilitate the grievance redress, the informal and formal steps are combined for convenient use of affected people, as follows:

- **Step 1 – Commune/Sangkat level.** APs will seek assistance from commune/Sangkat chief or community elderlies who will discuss with the leader of the PRSC-WG to find a solution. Verbal grievance can be provided to the commune/Sangkat chief or community elderlies. So, no written complaint is required. It is noted that even if the complaint is made verbally, the complaint will be registered in project's logbook, including resolution process and result for such verbal grievance for monitoring purpose. Upon receipt of the verbal complaint, the PRSC-WG will consult with the IRC-WG to ensure the complaint is addressed timely. If the grievance is not resolved to the satisfaction of the AP, or if the AP prefers, s/he may lodge their complaint through the formal route which includes the steps below.
- **Step 2 – District level.** 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 their representative to discuss their grievance at the District Office. A conciliation meeting shall be held and a decision be made within 15 working days from the date of complaint is received by the District Office. If the complaint is resolved to the satisfaction of the AH, the IRC-WG will inform GDR's Department of Internal Monitoring and Data Management (DIMDM) who will review and seek the approval of the Director General of GDR for appropriate remedial action. GDR will inform the AF of the decision/ remedial action within 15 working days from the receipt of the grievance by the District Office. If the complaint is rejected at this step, District Office will inform the AH of the rejection in writing. If the complainant is not satisfied with the decision/resolution result, s/he can proceed to step 3 (below).

- **Step 3 – GDR level.** The complainant who is not satisfied with proposed resolution from Step 2 shall lodge a written complaint to the GDR for resolution. 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 review and decision. GDR may conduct a field visit to meet the complainant and the IRC-WG to gather relevant information. The final report must be completed within 30 working days from the date of receipt of the complaint by GDR for submission to the Director General of GDR who will make 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.
- **Step 4 – Provincial level.** AH will submit a written complaint to the PGRC through the Provincial Governor's Office. The complainant 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 inform their decision. The GDR will send a representative, as a non-voting member, to provide an explanation to the rejection of the complaint at Step 3 with the GDR. The decision of the PGRC must be made on a consensus basis and will be final and binding except when the matter relates to government's policy. Decisions related to government's 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 any remedial action is taken.

There are no fees or charges levied on the AH for their lodging of complaint and for complaint resolution for the above 4 steps.

- **Step 5 – Court of Law.** If the aggrieved person prefers filing a lawsuit at the Provincial/Municipal Courts, as applicable, to seek a resolution, AP can do so but will bear cost related to the lawsuit as per the Expropriation Law. When the case is brought to a Court of Law, there is no involvement of the GDR, PRSC or IRC-WG unless there is a judicial order from the competent courts.

6.3 Recording and Documentation of Grievances

Provincial PMU will maintain a record of all project related grievances and closely and regularly follow up the grievance resolution process to ensure timely resolution. All complaint (both in written and verbal form) will be registered in logbook by respective parties that are in charge of receiving and resolving complaints. Each provincial PMU will also maintain a record (through PMU GRM focal point) that consolidates all grievances received and resolved so far at subprojects located within the provinces. Complaint resolution will be monitored by the parties in charge of complaint resolution. To ensure people including vulnerable people and women can raise their concerns/complaints, the project GRM will publicly be disclosed at communal hall and will also be delivered to all people attending project's consultation meetings – in the form of leaflet, during project implementation stage.

7. IMPLEMENTATION ARRANGEMENTS

7.1 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 RP. 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 CWSIP 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.

7.2 Implementation Schedule

7.2.1 Voluntary Donations

The Project is expected to be implemented over a period of 5 years, from 2023 to 2028. It is expected that priority irrigation infrastructure 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 MoWRAM, as described in this RPF.

The MoWRAM-PMU's ESOs 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 construction work site/ section. During civil works, the contractor will work with C/S and PDWRAM-PIU 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.

7.2.2 Land Acquisition

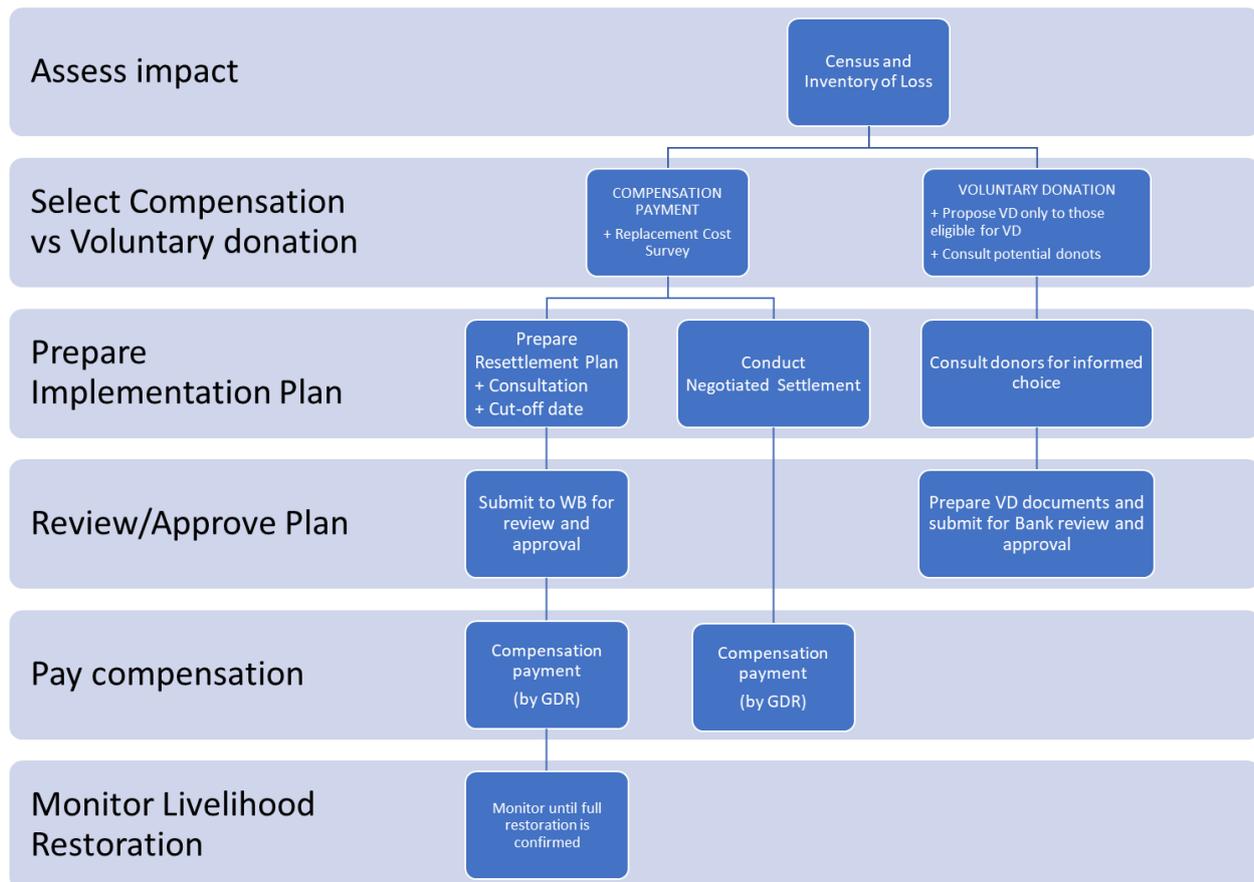
In the case of Land Acquisition, the procurement of civil works will commence after the Detailed Engineering Designs have been finalized, the demarcation of land is completed jointly by MoWRAM and GDR, and the COD has been announced and relevant project information is disseminated as described in this 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 construction component are submitted to GDR. The preparation of the RP 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 have been made at the same time as payments are made to the other APs¹². In case where GDR demonstrates that all reasonable efforts to resolve such matters have been taken but affected households still do not accept the proposed payment, with Bank's prior approval, GDR may deposit compensation funds as required by the plan (plus a reasonable additional amount for contingencies) into an interest-bearing escrow or other deposit account and proceed with the relevant project activities. Compensation money in escrow account will be made available to affected persons timely as soon as the issues are resolved.

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.

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 have been made at the same time as payments are made to the other APs

The land acquisition process is summarized in the flowchart below:



7.3 Estimated Costs for Resettlement

The total resettlement costs for this project will be estimated once the list of priority subproject construction is identified. 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 (through its GDR) will ensure that the necessary fund are provided timely and sufficiently to all costs associated with land acquisition and downstream water restriction impacts to facilitate scheduled implementation of the RPs.

8. INFORMATION DISCLOSURE AND STAKEHOLDER CONSULTATION

8.1 Stakeholder Consultation

8.1.1 Consultation and Stakeholder Engagement for 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 as early as subproject’s design and location are identified and will be facilitated by the SEO at MoWRAM. 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.

8.1.2 Consultation and Stakeholder Engagement for Land Acquisition and resettlement

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;
- MoWRAM and PDWRAM-PIU; its Provincial Departments;
- Provincial Department of Land Management, Urban Planning and Construction;
- Provincial Department of Agriculture, Forestry and Fisheries;
- Provincial River Basin Management Committee;
- 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 sub-project's construction work sites 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 sub-project 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 MoWRAM 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 sub-project 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.

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 RGC's 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.

8.2 Information Disclosure

The draft RPF will be disclosed for public consultation prior to project appraisal. At national level, the full document (in English) and Executive Summary (in Khmer) will be disclosed on the website of MoWRAM. At project level, the same document will be disclosed in hard copy at the offices of Provincial Departments of Water Resources and Meteorology. At subproject level, Executive Summary (in Khmer) will be posted at Commune's Halls where identified subprojects are located. The RPF will be finalized following project appraisal and will be re-disclosed again through the same channels (as per guidelines in SEP). Both draft and final RPF will be disclosed in English on the WB's website.

For subprojects that are identified, the following key information will be disclosed to affected people for consultation:

- The purpose, nature and the scale of the proposed project/subproject.
- The location of the proposed project/subproject, project/subproject components and activities.
- The duration of proposed project/subproject activities.
- The COIs, 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.
- The options for voluntary land contribution and relevant procedures.
- 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
- Names and contact details of key persons on LAR technical matters on the project/subproject.

8.2.1 Voluntary Donation

In addition to the PIB explained and distributed to the stakeholders, in cases of VDs, affected people will be informed about the subproject and their preference 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 sub-project and choices available to them. The contact information of MoWRAM's 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 MoWRAM, 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 (MoWRAM's website). Personal details and sensitive information of donating people will be removed to protect their privacy.

8.2.2 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 sub-project 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 A-RP preparation, and through updated PIBs at a second consultation stage prior to DMS and at third consultation stage upon contract

offer. The A-RPs and DRPs, without sensitive personal information, will also be disclosed at MoWRAM's and the WB's websites.

9. MONITORING AND REPORTING

While the MoWRAM will be responsible for monitoring the overall implementation of the CWSIP 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 RP. MoWRAM will engage the Detailed Design Implementation and Supervision (DDIS) consultants under CWSIP to assist MoWRAM in monitoring the above activities. GDR remains responsible for the monitoring and reporting of the implementation of the land acquisition activities, if any.

9.1 Internal Monitoring

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

9.1.1 Voluntary Donations

MoWRAM-PMU 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 (PM) 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 MoWRAM 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, 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.

9.1.2 Land Acquisition and Resettlement

In case of Land Acquisition, the objective of internal monitoring is to (i) keep MoWRAM updated on progress made in the preparation and implementation of the RP; (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 RP.

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 RP 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 RP; and (ii) GRM is functioning as per the guidelines. The GDR will provide MWRM 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 RP 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:

- Set up of Institutional Arrangements for DRPs;
- Compensation Payments for Entitlements;
- Relocation, if any;
- Livelihood Restoration Program, where applicable;
- Functioning of the GRM;
- Public Consultations;
- Budget Expenditures;
- Overall RP Implementation Progress against agreed Implementation Schedule in the RP;
- Problems and issues; and
- Proposed remedial actions.

Once sub-project related A-RPs or RPs are fully implemented, RAP completion reports should be complied with explaining the implementation process, issues encountered, compensations paid and grievance resolved for the compliance purposes.

9.2 External Monitoring

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

9.3 Reporting

During sub-project preparation, stakeholders' questions and concerns will be addressed and responded to in consultations. For issues that cannot be responded to 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 MoWRAM's website.

10. COSTS AND BUDGET

10.1 Costs

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 part of the project costs. The total Land Acquisition and Resettlement cost will be estimated based on approved list of sub-projects to be financed by the WB. Costs for sub-project DRPs will be estimated based on the results of DMS and the RCS conducted during the subproject preparation.

10.2 Budget

• Procedures for Flow of Funds

Each ARAP or RAP or RP 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 RP will explicitly establish sources for all funds required.

The RP 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 satisfy resettlement requirements and objective.

IRC will request the resettlement budget from MEF and compensation amount will be transferred to relevant Provincial Department of Economy and Finance (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 and to 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/crop 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/crops that will be donated			
Fruit trees/crops			
Mature forest trees			
Trees/crops 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			
Total value of donated assets:	Land*	Small structures	Trees/crops
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 CWSIP's sub-projects. 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 MoWRAM representative's signature

Date:
Donating person's 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
1. PERMANENT 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 affected land at <u>full replacement cost</u> • In case of provision of replacement land (land swap), affected households will be paid for costs such as stamp duties, land registration fees, and other relevant taxes, if applicable, to obtain land use right for replacement land • Where remaining portion of the land is of little or minimal productive use, the remaining portion will be acquired and cash payment at same full replacement cost will be provided to affected households • For customary land, affected land owners will be provided with a) replacement land of equivalent productive value to maintain livelihood and way of life and b) cost of land registration, stamp duty and other costs associated with obtaining the land title for replacement land. 	<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 • Affected households will be supported with financial allowance to find new land and/or maintain their land-based livelihoods. 	

Category	Type of Loss	Application	Category of AH	Entitlements	Clarification
1c	Loss of Land		Illegal occupiers/squatters without legal titles or rights to land	<ul style="list-style-type: none"> No compensation for affected land Households whose livelihood is dependent on land and is adversely affected due to loss of land access to will be supported with financial allowance to maintain their livelihoods during transition. For house owner who lose house built on public land, an allowance will be provided to enable affected households to buy new land to build the new house. 	Support will be determined based on consultation with affected households and based on their vulnerability
2. LOSS OF USE OF LAND					
2a	Loss of Crops, Perennial trees and Fruit and Timber/Wood Trees	Agricultural land	All AHs who are engaged in farming	<p>Rice/crop: Net annual income loss for one year. In addition, AHs can harvest their standing crop.</p> <p>Fruit trees: Compensation will be based on maturity and yield based on market value of the agricultural produce using the following formula: [Quantity Harvested per Year) X (Market Price) X (Number of years it will bear fruit)] + Cost of Seedling</p> <p>If the fruit tree has not matured and is not bearing any fruit, the compensation is only for the cost of replanting the tree (if feasible). Otherwise, affected trees will be compensated at replacement costs</p>	<p><u>Market price</u> (based on Farm-Gate Price at which farmers sell their fruits) based on Replacement Cost Survey</p> <p>Replacement costs will be based on Replacement Cost Survey</p>

Category	Type of Loss	Application	Category of AH	Entitlements	Clarification
				<p>Perennial trees: 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 and labor involved in replanting are 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 seedling 	Full Price is amount calculated from the formula shown in [] without cost of seedling
2b	Loss of Business associated with land	Commercial use and business use	All AHs who are engaged in businesses (whether the business is registered or not)	<ul style="list-style-type: none"> • For businesses which need to be relocated to a new site, an amount equal to projected loss of net income for 2 months plus compensation (at full replacement costs) for dismantling, transportation, and reconstruction. • For businesses relocated on-site (move back or same area), an amount equal to projected loss of net income for one month plus compensation (at full replacement costs) for dismantling, transportation, and reconstruction. • For operating of illegal nature of businesses like gambling, prostitution, drugs and similar types, no compensation is paid. 	<ul style="list-style-type: none"> • RCS will determine the amounts • Both registered and unregistered businesses are compensated except when the nature of business is illegal

3. LOSS OF HOUSES AND STRUCTURES

Category	Type of Loss	Application	Category of AH	Entitlements	Clarification
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 usable, compensation will be paid for complete structure at same replacement cost. • In case houses/buildings are rented/leased, any improvements/construction added by renters and leaseholders will be compensated at replacement cost and paid to renter or leaseholder. Owners will not get compensation for such improvements or construction 	<ul style="list-style-type: none"> • RCS will determine the replacement cost • When loss is 75 % or more of the floor space
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 one month of rental or lease amount 	<ul style="list-style-type: none"> • Replacement cost is based on Replacement cost survey • Documentary evidence is required

Category	Type of Loss	Application	Category of AH	Entitlements	Clarification
3c	Loss of Houses and Structures (House/structure)	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 	<ul style="list-style-type: none"> 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 	<ul style="list-style-type: none"> RCS will determine the lump sum amount for the 2 rates
3e	Impact on tombs/ graveyards	Relocation of affected tombs	AHs	<ul style="list-style-type: none"> Compensation payment for affected tombs includes full replacement costs associated with a) buying of land (if needed) for re-burial, b) excavation, c) relocation, d) reburial, e) construction of new tombs, and f) other reasonable costs for conducting rituals in accordance with local customs. If affected people are from EM community, consultation with affected EM households and local EM leaders will be held to ensure the impact is addressed in a manner that is culturally appropriate to the affected EM households/community. 	<ul style="list-style-type: none"> The relocation of tombs shall be carried out on the basis of full consultation with affected households to meet local customs of affected households. In case tombs are owned by IP, consultation with affected IP should be based on guidance from project's IPPF to obtain Free, Prior and Informed consent of affected IP. In case owner of the affected tombs could not be identified, public announcement have to be made (through popular local media) to look for the tomb owners. Within a reasonable time, if the tomb owners could not be identified, relocation of tombs could be done by a specialized unit in consultation with local authorities and local people. Prior to relocation, photos of unknown tomb(s) shall be taken, and procedure of tomb relocation, and

Category	Type of Loss	Application	Category of AH	Entitlements	Clarification
					<p>the new location of the tombs shall be documented carefully.</p> <ul style="list-style-type: none"> If affected households are from EM group, local EM leaders and community shall be consulted to ensure tomb relocation rituals are fully observed and proceeded in accordance with local EM tradition/practice
3f	Impact on Public Structures, Community Assets			<ul style="list-style-type: none"> In case where public structures or community assets (e.g., schools, health centers, roads, water pipelines, and electric transmission lines) are affected due to project design, such affected structures/assets will be repaired, or compensated for, at full replacement cost under the project to ensure affected structures/assets can resume its normal function timely. 	<ul style="list-style-type: none">
4. LOSS OF INCOME AND LIVELIHOOD					
4a	Loss of Income during Transition Period <i>(Subsistence Allowance)</i>	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 and vulnerable group, the above lump sum amount is doubled. <ul style="list-style-type: none"> For affected households who come under vulnerable group (as defined in Section 3.9), cash grant for subsistence allowances and livelihood restoration program are doubled. 	Monthly Poverty Rate as established by the RGC
4b	Permanent Loss of Livelihood Source due to Physical Relocation	Income Restoration	AP who loses their source of	<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, 	

Category	Type of Loss	Application	Category of AH	Entitlements	Clarification
			livelihood permanently ¹⁴	<p>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</p> <ul style="list-style-type: none"> • In case of unavailability of suitable land, the AHs can opt for either employment or business base livelihood program. <p>OR</p> <ul style="list-style-type: none"> • Employment Based Livelihood Restoration for AHs who lose employment permanently. (i) provision of employment skills training; and (ii) lump sum cash grant equivalent to 3 months of income based on official poverty rate to supplement income support during the training period. <p>OR</p> <ul style="list-style-type: none"> • Business Based Livelihood Restoration for AHs who lose businesses permanently or AHs who opt for this as an alternative livelihood source. (i) provision of business skills; and (iii) a lump sum cash grant of USD 200 to assist in starting micro or home-based business. 	<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. 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 Restoration 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
				<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 	Classification will be carried out during the DMS and in accordance with the established criteria prescribed in Section IV.D SOP
4c	Unexpected temporary impact during construction process	Temporary loss of irrigation water access	Farmers who cannot grow their normal crops due to loss of irrigation access	<ul style="list-style-type: none"> Financial support will be provided to affected households based on their actual loss of food and/or income 	A livelihood assessment will be conducted for potentially affected farmers before construction starts. Detailed entitlements for affected households will be proposed in Resettlement Plan based on results of the assessment and consultation with affected people. Financial assistance for each affected household will ensure affected households are compensated at replacement cost principle to ensure people are not worsen off due to project intervention

Category	Type of Loss	Application	Category of AH	Entitlements	Clarification
		<p>Unexpected temporary Impacts on local land, asset, or business during construction</p>	<p>Local people/ community/ public/ private sector</p>	<ul style="list-style-type: none"> • Land that is outside of the alignment/corridor of impact and is adversely impacted temporarily by contractor's construction operation will be compensated in cash or in-kind at full replacement cost by the contractor. • Contractors must restore the temporarily affected soil/land condition to the pre-construction stage (or better) (this will be included in Contractor's Work Contract with PMU). 	<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 4: 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 5: 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 RP / A-RP	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
	Identification of reasons for which funds for compensation have been under- or overspent	Amount of funding allocated for payment of compensations Rate of spending of funds actually allocated for compensation, as % of amount envisioned in the RP/A-RP
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 6: Structure of Summary of Consultation Results (For Sub-Project 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 (reservoir/weir/canal/sluiceway)

SUMMARY AND RECOMMENDATIONS

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

Annex 7: Expropriation Procedures¹⁷

The Expropriation Law aims to ensure the rights of titled owners or legal possessors whose property is acquired by the government in the public and national interest.

Section 1	Pre-expropriation Procedures
1.1	<ul style="list-style-type: none"> • An expropriation shall be carried out based on the public physical infrastructure project and shall be approved in principle by the RGC, according to the ministry's/institution's proposal; and • The Expropriation Committee (EC) shall prepare an expropriation project proposal and submit it to the RGC for review and approval.
1.2	<ul style="list-style-type: none"> • The EC shall conduct a public survey by recording of a detailed description of all entitlements of the owners of and/or of the holder of real right to immovable property (IP) and other properties subject to compensation as well as recording of all relevant issues; • In conducting the survey, the EC shall organize public consultations at the Capital, Municipal-Provincial, and District-Khan authority levels with Commune/Sangkat councils and Village or community representative to be affected by the expropriation to provide specific and concise information and collect inputs from all stakeholders regarding the proposed basic public infrastructure project. • In order to set a dateline for the expropriation or relocation or compensation, the EC shall conduct a detailed interview with all concerned parties about the issues of IP to be affected by the public physical infrastructure project; and • Within 30 (thirty) working days after the completion of the survey, the EC shall produce a report with recommendations and submits it to the RGC for approval.
1.3	<p>Based on the Royal Government's approval, the EC shall issue a Declaration on the expropriation project informing clearly the owner of and/or holder of real right to the immovable property about the IP subject to expropriation and stating the purpose of the expropriation of ownership and/or real right to the IP under the following procedures:</p> <ol style="list-style-type: none"> a. <i>Determine a subject of the public physical infrastructure project, project location and timeframe for project implementation, and the competent authority who has the right to expropriate ownership and/or real right or private property;</i> b. <i>Determine fair and just compensation;</i> c. <i>Determine a timeframe for lodging a complaint;</i> d. <i>Send the declaration accompanying a copy of expropriation law to all owner and/or holder of real right;</i> e. <i>Erect a sign marking that the IP is subject to be expropriated for the public physical infrastructure project;</i> f. <i>Disseminate information about the declaration through the media; and</i> g. <i>Post the declaration at the relevant Commune/Sangkat office in which the location of the public physical infrastructure project is situated, and the declaration shall be disseminated to people whose IP is subject to expropriation by a Village Chief.</i>
1.4	<ul style="list-style-type: none"> • Upon receiving the declaration of the expropriation project, the owner of and/or holder of real right to IP can file a complaint requesting an investigation to find out if the expropriation is a real need for public or national interest or if it can be moved to other locations. Such complaint can be lodged by their lawyer or representative.

¹⁷ Law on Expropriation, 2010

	<ul style="list-style-type: none"> The complaint shall be filed in a written form with the Grievance Redress Committee (GRC) as stipulated in Article 14¹⁸ of expropriation law within 30 working days following the receipt of the declaration of the expropriation project. The main contents of the complaint shall include: <ul style="list-style-type: none"> - name of the owner of and/or holder of real right to the IP, address and telephone number; - reason for the complaint; - description of the legalities regarding the land; and - Interests of the owner of and/or holder of real right to the expropriated land. <p>However, the owner of and/or holder of real right to the IP cannot file a complaint requesting an investigation in case that the expropriation is for the development of main national roads, bridges, railway, connection and distribution of water and electricity systems, kerosene pipes, sewage pipes, drainage systems, networking or main drainage systems and irrigation systems.</p> <ul style="list-style-type: none"> Within 30 (thirty) working days following the completion of the investigation, the GRC shall write up a report including recommendations and submit it to the RGC to make a decision.
Section 2	Expropriation Process
2.1	<ul style="list-style-type: none"> The expropriation of the ownership of immovable property and real right to IP can be exercised only if the EC has paid fair and just compensation in advance to the owner and/or holder of real right, in accordance with the principles and procedures for compensation payment stipulated in Section 3 of Chapter 4 on Expropriation Procedures of the expropriation law. The expropriation may still be carried out despite any unresolved dispute. The owner of and/or holder of real right to the IP who has received compensation from the EC shall still have the right to file a complaint in accordance with complaint and resolution procedures stipulated in Article 34 under Chapter 6¹⁹ of the expropriation law.
2.2	<ul style="list-style-type: none"> The expropriation of the ownership of and real right to other IP shall be made under the decision of the EC. The decision on expropriation shall contain the followings: <ul style="list-style-type: none"> - <i>Ownership of the IP and real right to IP to be expropriated;</i> - <i>Compensation to be paid; and</i> - <i>Deadline for the owners of and/or holder of real right to the IP to vacate and hand over the IP to the EC.</i>
2.3	<ul style="list-style-type: none"> The EC shall notify of the decision on expropriation and pay full compensation to the owner of and/or holder of real right to IP in advance prior to carrying out the expropriation.
Section 3	Payment of Compensation for Expropriation
3.1	<ul style="list-style-type: none"> The amount of compensation to be paid to the owner of and/or holder of real right to the IP shall be based on the market price or replacement cost as of the date of the issuance of the declaration on the expropriation project. The market price or the replacement cost shall be determined by an independent committee or agent appointed by the EC.
3.2	<ul style="list-style-type: none"> The owner of and/or holder of real right to the IP shall be entitled to compensation for any actual damage to the IP incurred from the date of the issuance of the declaration on the expropriation project, which is the cut-off date for being entitled to the fair and just compensation.

¹⁸ A Grievance Redress Committee shall be established and led by a representative from the Ministry of Land Management, Urban Planning and Construction, and composed of representatives from relevant ministries/institutions.

¹⁹ Article 34, Chapter 6: Dispute Resolution, in case of dispute with the decision of the GRC, the owners of and/or holder of real right may lodge a suit to a competent court against improper expropriation procedures, expropriation that is not for the public or national interests, and unfair and unjust compensation.

<p>3.3</p>	<ul style="list-style-type: none"> The compensation shall be made in cash, in kind or replacement rights, according to the actual situation with the consent from the owner of and/or holder of real right to the IP and the EC. The formality and payment procedures shall be defined by sub-decree at the request of the Ministry of Economy and Finance.
<p>3.4</p>	<ul style="list-style-type: none"> The amount of compensation shall be calculated as total amount of compensation minus the amount of stamp tax and/or tax on unused land that have not been paid to the State from the total amount of the compensation, and the EC shall deposit the withholding taxes into the State budget in accordance with procedures in force.
<p>3.5</p>	<ul style="list-style-type: none"> The amount of compensation for ownership of and real right to the IP shall not be taken into account any fluctuation in value occurring after the date of the issuance of the declaration on the expropriation project in which the fluctuation may involve changing land reserving measures, which are included in the urbanization plan determining land use area or approved land use plan, or because such fluctuation arises as a result of the declaration on the expropriation project.
<p>3.6</p>	<ul style="list-style-type: none"> After receiving full amount of compensation, the owner of and/or holder of real right to the IP shall continue to use, stay, possess and benefit from the IPs until they are taken by the EC²⁰.
<p>3.7</p>	<ul style="list-style-type: none"> The EC may take over the IPs or the right to the IP after: <ul style="list-style-type: none"> - <i>Having complied with the procedures and conditions stipulated in Sections 1 and 2 of Chapter 4 of the expropriation law; and</i> - <i>Compensation has been paid in compliance with the principles and procedures stipulated in Section 3 of Chapter 4 of the expropriation law.</i>
<p>3.8</p>	<ul style="list-style-type: none"> A tenant of the IP 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 IP 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 IP 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.

²⁰ The owner of and/or holder of real right to the IPs may not occupy the IP for more than 1 (one) month after the EC has provided the full compensation in accordance with the procedures stipulated in Chapter 4 of Expropriation law unless otherwise agreed or permitted.