



ព្រះរាជាណាចក្រកម្ពុជា

រាជរដ្ឋាភិបាលកម្ពុជា

ជាតិ សាសនា ព្រះមហាក្សត្រ

លេខ: ២២ អនក្រ.បក



អនុក្រឹត្យ

ស្តីពី

ការដាក់ឱ្យប្រើប្រាស់ស្តង់ដារនីតិវិធីប្រតិបត្តិ

**សម្រាប់ការងារដោះស្រាយជំនុំជម្រះពាក់ព័ន្ធនឹងសកម្មភាពប្រឆាំងនឹងជនជាប់ចោទស្រុកកម្ពុជា
ដែលបានរក្សាសេចក្តីស្ងៀមស្ងាមស្តីពីសកម្មភាពប្រឆាំងនឹងជនជាប់ចោទស្រុកកម្ពុជា**



រាជរដ្ឋាភិបាលកម្ពុជា

- បានឃើញរដ្ឋធម្មនុញ្ញ នៃព្រះរាជាណាចក្រកម្ពុជា
- បានឃើញព្រះរាជក្រមលេខ ០២/នស/៩៤ ចុះថ្ងៃទី ២០ ខែ កក្កដា ឆ្នាំ ១៩៩៤ ដែលប្រកាសឱ្យប្រើច្បាប់ស្តីពីការរៀបចំ និងការប្រព្រឹត្តទៅនៃគណៈរដ្ឋមន្ត្រី
- បានឃើញព្រះរាជក្រមលេខ នស/រកម/០៦១៣/០១២ ចុះថ្ងៃទី ២០ ខែ មិថុនា ឆ្នាំ ២០១៣ ដែលប្រកាសឱ្យប្រើច្បាប់ស្តីពីការធ្វើវិសោធនកម្មមាត្រា ២៨ នៃច្បាប់ស្តីពីការរៀបចំ និងប្រព្រឹត្តទៅនៃគណៈរដ្ឋមន្ត្រី
- បានឃើញព្រះរាជក្រមលេខ នស/រកម/០១៩៦/១៨ ចុះថ្ងៃទី ២៤ ខែ មករា ឆ្នាំ ១៩៩៦ ដែលប្រកាសឱ្យប្រើច្បាប់ស្តីពីការបង្កើតក្រសួងសេដ្ឋកិច្ច និងហិរញ្ញវត្ថុ
- បានឃើញព្រះរាជក្រមលេខ នស/រកម/០២១០/០០៣ ចុះថ្ងៃទី ២៦ ខែ កុម្ភៈ ឆ្នាំ ២០១០ ដែលប្រកាសឱ្យប្រើច្បាប់ស្តីពីអស្សាមិករណ៍
- បានឃើញព្រះរាជក្រឹត្យលេខ នស/រកត/០៩១៣/៩០៣ ចុះថ្ងៃទី ២៤ ខែ កញ្ញា ឆ្នាំ ២០១៣ ស្តីពីការតែងតាំងរាជរដ្ឋាភិបាលនៃព្រះរាជាណាចក្រកម្ពុជា
- បានឃើញព្រះរាជក្រឹត្យលេខ នស/រកត/១២១៣/១៣៩៣ ចុះថ្ងៃទី ២១ ខែ ធ្នូ ឆ្នាំ ២០១៣ ស្តីពីការកែសម្រួលនិងបំពេញបន្ថែមសមាសភាពរាជរដ្ឋាភិបាលនៃព្រះរាជាណាចក្រកម្ពុជា
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- បានឃើញអនុក្រឹត្យលេខ ៤៨៨ អនក្រ.បក ចុះថ្ងៃទី ១៦ ខែ តុលា ឆ្នាំ ២០១៣ ស្តីពីការរៀបចំ និងការប្រព្រឹត្តទៅនៃក្រសួងសេដ្ឋកិច្ច និងហិរញ្ញវត្ថុ
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- យោងតាមសំណើរបស់រដ្ឋមន្ត្រីក្រសួងសេដ្ឋកិច្ច និងហិរញ្ញវត្ថុ

សម្រេច

មាត្រា ១.-

ដាក់ឱ្យប្រើប្រាស់ស្តង់ដារនីតិវិធីប្រតិបត្តិសម្រាប់ការងារដោះស្រាយផលប៉ះពាល់ដោយសារគម្រោងអភិវឌ្ឍន៍ ដែលទទួលបានហិរញ្ញប្បទានពីដៃគូអភិវឌ្ឍន៍ ក្នុងព្រះរាជាណាចក្រកម្ពុជា ដូចមានខ្លឹមសារភ្ជាប់មកជាមួយអនុក្រឹត្យនេះ។

មាត្រា ២.-

ស្តង់ដារនីតិវិធីប្រតិបត្តិនេះ ត្រូវអនុវត្តចំពោះគម្រោងអភិវឌ្ឍន៍ដែលទទួលបានហិរញ្ញប្បទានពីដៃគូអភិវឌ្ឍន៍ ក្នុងព្រះរាជាណាចក្រកម្ពុជា។

មាត្រា ៣.-

បទប្បញ្ញត្តិទាំងឡាយណាដែលផ្ទុយនឹងអនុក្រឹត្យនេះ ត្រូវទុកជានិរាករណ៍។

មាត្រា ៤.-

រដ្ឋមន្ត្រីទទួលបន្ទុកទីស្តីការគណៈរដ្ឋមន្ត្រី រដ្ឋមន្ត្រីក្រសួងសេដ្ឋកិច្ច និងហិរញ្ញវត្ថុ រដ្ឋមន្ត្រីគ្រប់ក្រសួង និងប្រធាន គ្រប់ស្ថាប័នពាក់ព័ន្ធ ត្រូវទទួលបន្ទុកអនុវត្តអនុក្រឹត្យនេះ តាមភារកិច្ចរៀងៗខ្លួន ឱ្យមានប្រសិទ្ធភាពខ្ពស់ ចាប់ពីថ្ងៃចុះហត្ថលេខា តទៅ។

ថ្ងៃពុធ ៗ ភ្នំពេញ ថ្ងៃទី ២៧ ខែ សីហា ឆ្នាំ ២០១៨



សម្តេចអគ្គមហាសេនាបតីតេជោ ហ៊ុន សែន

បានយកសេចក្តីគោរពជម្រាបជូន សម្តេចអគ្គមហាសេនាបតីតេជោនាយករដ្ឋមន្ត្រី សូមហត្ថលេខា

នេស រដ្ឋមន្ត្រី រដ្ឋមន្ត្រីក្រសួងសេដ្ឋកិច្ច និងហិរញ្ញវត្ថុ

នេស រដ្ឋមន្ត្រី

កន្លែងទទួល៖

- ក្រសួងព្រះបរមរាជវាំង
- អគ្គលេខាធិការដ្ឋានក្រុមប្រឹក្សាធម្មនុញ្ញ
- អគ្គលេខាធិការដ្ឋានព្រឹទ្ធសភា
- អគ្គលេខាធិការដ្ឋានរដ្ឋសភា
- អគ្គលេខាធិការរាជរដ្ឋាភិបាល
- ខុទ្ទកាល័យសម្តេចអគ្គមហាសេនាបតីតេជោ នាយករដ្ឋមន្ត្រី
- ខុទ្ទកាល័យសម្តេច ឯកឧត្តម/លោកជំទាវឧបនាយករដ្ឋមន្ត្រី
- ដូចមាត្រា៤
- រាជកិច្ច
- ឯកសារ-កាលប្បវត្តិ

**KINGDOM OF CAMBODIA
NATION RELIGION KING**



MINISTRY OF ECONOMY AND FINANCE

**LAND ACQUISITION
AND
INVOLUNTARY RESETTLEMENT
Standard Operating Procedures**

FOR EXTERNALLY FINANCED PROJECTS IN CAMBODIA

2018

ROYAL GOVERNMENT OF CAMBODIA

Land Acquisition and Involuntary Resettlement

Standard Operating Procedures
for
Externally Financed Projects in Cambodia

2018

Unofficial translation from the Khmer version

**Kingdom of Cambodia
Nation Religion King**



Royal Government of Cambodia

No. 22 ANK/BK

SUB-DECREE

On

**The Promulgation of the Standard Operating Procedures
For Land Acquisition and Involuntary Resettlement
For Externally Financed Projects in Cambodia**



The Royal Government of Cambodia

- Having seen the Constitution of the Kingdom of Cambodia
- Having seen the Royal Kram No. 02/NS/94, dated 20 July 1994 promulgating the Law on the Organization and Functioning of the Council of Ministers
- Having seen the Royal Kram No. NS/RKM/0613/012, dated 20 June 2013 promulgating the Law on Amendments of Article 28 of the Law on Organization and Functioning of Council of Ministers
- Having seen the Royal Kram No. NS/RKM/0196/18, dated 24 January 1996 promulgating the Law on the Establishment of the Ministry of Economy and Finance
- Having seen the Royal Kram No. NS/RKM/0210/003, dated 26 February 2010 promulgating the Law on Expropriation
- Having seen the Royal Decree No. NS/RKT/0913/903, dated 24 September 2013 on the Appointment of the Royal Government of Cambodia
- Having seen the Royal Decree No. NS/RKT/1213/1393, dated 21 December 2013 on the Amendment and Addendum of Members of the Royal Government of the Kingdom of Cambodia
- Having seen the Royal Decree No. NS/RKT/0416/368, dated 04 April 2016 on the Amendment and Addendum of Members of the Royal Government of the Kingdom of Cambodia
- Having seen the Sub-Decree No. 488/ANK/BK, dated 16 October 2013 on the Organization and Functioning of the Ministry of Economy and Finance
- Having seen the Sub-Decree No. 75/ANK/BK, dated 25 May 2017 on the Amendment of Sub-Decree No. 488, dated 16 October 2013 on the Organization and Functioning of the Ministry of Economy and Finance
- Having seen the Sub-Decree No. 115/ANK/BK, dated 26 May 2016 upgrading the Department of Resettlement for Development Projects to the General Department of Resettlement for Development Projects, upgrading the Department of International Cooperation and Debt Management to the General Department of International Cooperation and Debt Management, and establishing the Department of Information Technology Audit under the Ministry of Economy and Finance
- Pursuant to the request of the Minister of Economy and Finance

Unofficial translation from the Khmer version

Hereby Decides

Article 1

Promulgate the Standard Operating Procedures for Land Acquisition and Involuntary Resettlement for Externally Financed Projects in the Kingdom of Cambodia as attached to this Sub-Decree.

Article 2

These Standard Operating Procedures shall apply to all externally financed projects in the Kingdom of Cambodia.

Article 3

Any provisions contrary to this Sub-Decree shall be deemed abrogated.

Article 4

Minister-in-Charge of the Cabinet of the Council of Ministers, Minister of Economy and Finance, Ministers and Secretaries of State of all concerned Ministries and Institutions shall implement this Sub-Decree effectively from the date of its signature.

Signed and Sealed in Phnom Penh on the 22nd Day of February, 2018

Prime Minister

Samdech Akka Moha Sena Padei Techo HUN SEN

Has submitted to
Samdech Akka Moha Sena Padei Techo Prime Minister for signature
Signed and Sealed
Senior Minister and Minister of Economy and Finance

Aun Pornmoniroth

CC:

- Ministry of the Royal Palace
- General Secretariat of the Constitutional Council
- General Secretariat of the Senate
- General Secretariat of the National Assembly
- Secretary General of the Royal Government
- Cabinet of Samdech Akka Moha Sena Padei Techo Prime Minister
- Cabinet of Samdech, Excellencies and Lok Chumteav the Deputy Prime Ministers
- As mentioned in Article 4
- Royal Gazette
- Records-Archives

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ABBREVIATIONS

ADB	-	Asian Development Bank
AH	-	Affected households (also referred to as displaced persons and project affected persons)
AM	-	Aide Memoire
AP	-	Affected Persons (also referred to as displaced persons and affected households)
ASI	-	Assessment of Social Impacts
BRP	-	Basic Resettlement Plan
CDO	-	Community Development Officer
COI	-	Corridor of Impact
CSO	-	Civil Society Organization
DIMDM	-	Department of Internal Monitoring and Data Management
DMS	-	Detailed Measurement Survey
DP	-	Development Partner
DRP	-	Detailed Resettlement Plan
EA/IA	-	Executing Agency/Implementing Agency
FMM	-	Financial Management Manual For All Externally Financed Projects/Programs
GAD	-	General Affairs Department, General Department of Resettlement
GDICDM	-	General Department of International Cooperation and Debt Management
GDR	-	General Department of Resettlement
GRM	-	Grievance Redress Mechanism
IOL	-	Inventory of Lost Assets
IRC	-	Inter-Ministerial Resettlement Committee
IRC-WG	-	Inter-Ministerial Resettlement Committee Working Group
km	-	kilometers
LAR	-	Land Acquisition and Involuntary Resettlement
MOD	-	Minutes of Discussion
MOU	-	Memorandum of Understanding

MEF	-	Ministry of Economy and Finance
PAM/PIM	-	Project Administration Manual/Project Implementation Manual
PDEF	-	Provincial Department of Economy and Finance
PIB	-	Public Information Brochure/Booklet
PMU	-	Project Management Unit
PPC	-	Project Preparation Consultants
PRSC	-	Provincial Resettlement Sub-Committee
PRSC-WG	-	Provincial Resettlement Sub-Committee Working Group
RF		Resettlement Framework
RGC	-	Royal Government of Cambodia
ROW	-	Right of Way
RCS	-	Replacement Cost Study
SES	-	Socio-economic Survey
SOP	-	Standard Operating Procedures
UDRP	-	Updated Detailed Resettlement Plan

GLOSSARY

Affected Households (AH). Any household, physically and/or economically affected as a result of land acquisition and involuntary resettlement. Household means all persons living and eating together as a single social unit. They are also referred to as Project Affected Households (PAH).

Basic Resettlement Plan. Prepared when the development partners' safeguard policies require a resettlement plan for review and approval before the completion of detailed design and/or land demarcation. Also referred to as an Initial Resettlement Plan

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

Compensation. Payment in cash or in kind for an asset or a resource that is acquired or affected by a project at the time the asset needs to be replaced.

Cut-off date. Date established by RGC that establishes the eligibility for receiving compensation and resettlement assistance by the project affected persons.

Displaced Persons. Any person, household or entity that is physically displaced (relocation, loss of residential land or loss of shelter) and/or economically displaced (loss of land, assets, access to assets, income sources or means of livelihood) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas. They are also referred to as Affected Persons (AP) or Affected Households (AH)

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

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

Entitlement. Resettlement entitlements with respect to a particular eligibility category are the sum total of compensation and other forms of assistance provided to affected persons in the respective eligibility category.

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

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

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

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

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

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

Replacement Cost. Replacement cost involves replacing an asset, including land, at a cost prevailing at the time of its acquisition. This includes fair market value, transaction costs, interest accrued, transitional and restoration costs, and any other applicable payments, if any. Depreciation of assets and structures should not be taken into account for replacement cost. Where there are no active market conditions, replacement cost is equivalent to delivered cost of all building materials, labour cost for construction, and any transaction or relocation costs.

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

Updated Detailed Resettlement Plan. An addendum to the Detailed Resettlement Plan for new impacts arising from a change in project scope or detailed design.

I. Introduction

A. Purpose

1. Land acquisition and involuntary resettlement (LAR) becomes necessary when the Royal Government of Cambodia (RGC) undertakes an infrastructure investment project for the development of the economy and the interest of its people. This **Standard Operating Procedures (SOP)** Manual for LAR reflects RGC's laws and regulations relating to the acquisition of land and the involuntary resettlement of affected persons and the safeguard policies and procedures of Development Partners (DPs) as applied to public infrastructure investment projects. Where appropriate, the SOP includes references to international good practices in resettlement planning, implementation, monitoring and reporting.
2. The purpose of this SOP is to increase awareness and serve as a source of reference and guidelines for the planning and implementation of LAR activities that become necessary when an infrastructure investment project is planned and implemented under financial support from DPs. The SOP will ensure that all safeguard matters relating to LAR are addressed in a consistent, transparent and fair manner with due regard to the national laws, regulations and the safeguard policies and procedures of DPs for the economic wellbeing of the people of Cambodia. Paying attention to LAR concerns is essential to ensure that the investment project is designed, prepared and implemented in a timely, efficient and effective manner to realize the intended economic and financial benefits to the people of Cambodia.

B. Users of SOP Manual for LAR

3. The SOP has been promulgated under **Sub Decree No. 22 ANK/BK on 22 February 2018** and shall apply to all externally financed projects in the Kingdom of Cambodia. Any provisions contrary to the SOP shall be deemed abrogated. The SOP is for the use of RGC staff involved in the preparation, implementation, monitoring and reporting of LAR for infrastructure investment projects financed by DPs. The SOP is also for the use of DPs, consultants, resettlement practitioners, non-government organizations and civil society. The General Department of Resettlement (GDR) of the Ministry of Economy and Finance (MEF) is responsible for providing guidance and clarification to users of the SOP.

C. SOP Update

4. The SOP will be updated periodically by MEF to reflect lessons learned and any changes to the relevant national laws, regulations and DP policies.

II. Roles and Responsibilities of Key Ministries and Agencies

A. Introduction

5. The planning, implementation, monitoring and reporting of LAR activities require the involvement of a number of RGC ministries and agencies. The ministries and agencies have varying roles and responsibilities depending on the different stages of the project cycle.
6. It is vital to clarify the institutional roles, responsibilities and accountabilities of all the relevant agencies and line ministries involved in LAR in order to ensure LAR is implemented in a timely, cost effective and efficient manner through effective coordination and collaboration among all the players. The roles and responsibilities are mainly derived from Royal Decrees, Sub-Decrees, and Prakas, and from other legal instruments.

The key players involved in the LAR activities are as follows:

B. Ministry of Economy and Finance

7. The MEF has overall responsibility for the effective management and administration of all public investment projects in Cambodia, including LAR. The MEF has established the GDR which serves as its Secretariat, with the main responsibility for the planning, implementation, monitoring and reporting of LAR for public investment projects. An institutional arrangement has been established with the Under Secretary, MEF as the chair of an Inter-Ministerial Resettlement Committee (IRC) based on Prime Minister's Decision No. 98 dated 16 February 1997 and Decision dated 3 December 2010. In addition, a project level IRC Working Group (IRC-WG) is established for each project comprising representatives from the Executing Agency (EA) and other relevant line ministries under the chair of MEF to provide overall guidance and oversight and ensure effective coordination among the various line ministries on matters related to LAR. A Provincial Resettlement Sub-Committee (PRSC) headed by the Provincial/Municipal Governor is set up to coordinate, guide and implement LAR activities at the provincial level.
8. The specific role and responsibility of MEF in relations to LAR includes the following:
 - Appoint the Project Level IRC-WG.
 - Initiate the establishment of the PRSC.
 - Approve policies, implementing rules and regulations relating to LAR.
 - Clarify and provide instructions on the implementation of the rules and regulations, as necessary.
 - Review, approve and allocate the budget for LAR, including the costs for the preparation and implementation of the resettlement plans.

C. Inter-Ministerial Resettlement Committee

9. The IRC mechanism was established, by the Prime Minister's Decision No. 13 dated 18 March 1997, updated on 16 February 1999 by the Decision No. 98; and Decision dated 3 December 2010, with the mandate to review and evaluate the resettlement impact and land acquisition for public physical infrastructure development projects in the Kingdom of

Cambodia. The IRC, by virtue of the Prime Minister's Decision, exercises the authority of the Expropriation Committee under the Expropriation Law and is a collective entity, permanently chaired and led by the MEF, and with members from different line ministries. The IRC carries out its role and responsibilities through the IRC-WG which is established for each public investment project by MEF. The powers of the IRC are delegated to its permanent Chairman. The key responsibilities of IRC include:

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

D. General Department of Resettlement

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

- Coordinate and collaborate with line ministries, Executing Agencies (EAs)/ Implementing Agencies (IAs) and other agencies involved in LAR activities.
- Act as focal RGC counterpart for all LAR activities for cooperation with DPs.
- Guide the EAs/IAs and /or the project preparation consultants (PPCs) in carrying out the sample socio-economic surveys (SES) and in the preparation of the RF or the BRP during project feasibility.
- Review and endorse the draft BRP or RF prepared by the EAs/IAs during the project preparation phase for approval by IRC.
- Review and endorse all issues related to LAR contained in Aide Memoires (AM), Memorandum of Understandings (MOU) and Minutes of Discussions (MOD) prepared by DPs during the project preparation, loan negotiations and project implementation stage.
- Review and endorse covenants related to LAR in draft Project Administration Manual (PAM)/ Project Implementation Manual (PIM) and draft financing agreements and participate in their negotiations, as necessary.
- Conduct consultation with affected households and local authorities during the preparation of the DRP.
- Prepare the DRP based on detailed measurement survey (DMS).

- Update the DRP as and when necessary.
- Prepare and secure the necessary budget for the implementation of DRP.
- Implement all LAR activities in compliance with the DRP or UDRP.
- Calculate, prepare contracts and make payments for compensation for each affected household based on the entitlement matrix in the DRP or UDRP.
- Ensure proper functioning of the Grievance Redress Mechanism (GRM).
- Supervise, monitor, and report on implementation progress of the DRP or UDRP.
- Conduct awareness workshops for line ministries and local authorities on the implementing rules and regulations as specified in the SOP for LAR and related guidelines prepared by GDR from time to time.
- Serve as the focal knowledge center for LAR.

E. General Department of International Cooperation and Debt Management

11. The General Department of International Cooperation and Debt Management (GDICDM) of the MEF is the nodal agency for interaction with the DPs for externally financed programs and projects and plays a key role in the management and administration of Loans/Credits/Grants of DP financed projects. While GDICDM is not directly involved in LAR, it has a coordinating role with GDR during the project preparation and approval process as follows:

- Provide the list of annual project pipeline and processing schedules in sufficient advance to facilitate preparation of the Work Plan and Budget by GDR.
- Provide the draft AMs, MOUs and MODs prepared by DPs for review and endorsement on contents related to LAR by GDR.
- Provide draft PAM/PIM and draft (Loan/Credit/Grant) financing agreements at least 2 working weeks prior to loan negotiations for GDR review and agreement to contents related to LAR.
- Facilitate participation of GDR in the loan negotiations process, as necessary, to clarify RGC position on the financing agreement covenants relating to LAR.
- Facilitate the process for the release of counterpart funds for LAR from the national budget to GDR.

F. Line Ministries – Executing and Implementing Agencies

12. All public investment projects are executed or implemented by the line ministries and their agencies as mandated by laws under the Royal Decrees relating to their establishment. They are responsible for the identification, preparation, implementation and monitoring of the projects and play a key role in the preparation of the RF or BRP at the project feasibility study stage. They are also represented in the IRC-WG and the PRSC (through their provincial department) as a member and participate in the preparation and implementation of the DRP. Effective collaboration between the line ministries as the EAs/IAs and GDR is essential for the timely implementation of LAR under a project. The specific responsibilities of the line ministries are as follows:

- Carry out the Assessment of Social Impacts (ASI) of the Project through a sample SES covering about 20% of the anticipated affected persons/households (AP/AH) at the project feasibility stage.
- Prepare the draft BRP or RF based on pre-detailed design alignment/demarcation of site for review and endorsement of GDR.
- Set out the demarcation of the land requirement along the final alignment within one month after completion of the detailed designs jointly with GDR.
- Provide GDR with the proposed construction schedule identifying the schedule for completion of LAR and handover of sites by sections to the contractor at least 6 months before planned contract award date.
- Inform GDR in a timely manner if construction progress is hampered by LAR or in case of any anticipated bottleneck.
- Assist and cooperate with GDR in seeking solutions to problems encountered during implementation of the Project.
- Invite GDR to participate in supervision missions and wrap up meetings with DPs and ensure GDR comments on LAR issues are incorporated in AMs, MOUs or MODs.
- Responsible for ensuring there is no further encroachment on the Right of Way (ROW) after it has been handed over by GDR.

G. Roles in Planning and Implementation of Resettlement Plans

13. The key roles in the planning and implementation of resettlement plans is illustrated in **Appendix 1**.

III. Legal and Policy Framework

A. Introduction

14. Cambodia's legal and policy framework for acquisition of land and other immovable property by the State has developed steadily over the years. Before the Khmer Rouge came into power in 1975, private land ownership was well recognized. During this genocidal period, almost all land records were destroyed and the right to land ownership was abolished. The right to land ownership was re-introduced about a decade later, then re-established in 1989 through the reintegration system, and formally recognized in the 1993 Constitution and the 2001 Land Law. The Constitution also stipulates the State's right to land expropriation in public interest.
15. Large scale public infrastructure projects and other forms of development require land acquisition and consequent resettlement of persons affected by the acquisition. To ensure that the rights of the State, natural persons, private and public legal entities are protected, various policy and legal frameworks and instruments governing land acquisition and/or resettlement have been put in place in the Kingdom of Cambodia. The legal framework for LAR comprises primarily of:
 - (1) 1993 Constitution of the Kingdom of Cambodia
 - (2) 2001 Land Law
 - (3) 2010 Expropriation Law
16. There are other Sub-Decrees and Prakas that provide further definitions, implementing rules and regulation, and guidance on the provisions contained in the Constitution, Land Law and Expropriation Law.

B. Types of Land

1. State Land

17. State Land comprises of State public land and State private land. State Land is part of the State property.

State property notably comprises land, mineral resources, mountains, sea, underwater, continental shelf, coastline, airspace, islands, rivers, creeks, streams, lakes, forests, natural resources, economic and cultural centers, bases for national defence and other facilities determined as State property (*Article 58 of the Constitution*).

The State is the owner of the properties in the territory of the Kingdom of Cambodia enumerated in Article 58 of the 1993 Constitution and of all properties that are escheat, or that are voluntarily given to the State by their owners, or that have not been the subject of due and proper private appropriation or that are not presently being privately occupied in accordance with the provisions of Chapter 4 of this law (*Article 12 of the Land Law*).

State lands include reserved forest, fishery bank, reservoirs, protected nature reserves, national parks, wildlife conservations, flooded forests, mangrove forest, forest plantations, rubber plantations, station and technical agricultural research centers, compound mining centers, cultural heritage centers,

pagodas, schools, public parks, reserved lands, right of way of national roads and railways, as well as company’s investment land and legal private lands at all forms nationwide (*SechkdeyPrakas No. 6, dated 27 September 1999 on Measures to Crackdown on Anarchic Land Grabbing and Encroachment*).

2. State Public Land

- 18. The following property falls within the public property of the State and public legal entities:

Any property that is specially developed for general use, such as quays of harbours, railways, railway stations and airports; Any property that is made available, either in its natural state or post-development, for public use, such as roads, tracks, oxcart ways, pathways, gardens and public parks and Right of Way (*Article 15 of the Land Law*).

3. State Private Land

- 19. State public land becomes State private land, when it no longer has public interest use.

When State public properties lose their public interest use, they can be listed as private properties of the State by law on transferring of State public property to State private property (*Article 16 of the Land Law*).

- 20. State private land may be alienable and may be provided for social purposes.

The property belonging to the private property of the State and of public legal entities may be the subject of sale, exchange, distribution or transfer of rights as it is determined by law. Vacant lands of the State private domain may be distributed to persons demonstrating need for land for social purposes in accordance with conditions set forth by Sub-Decree (*Article 17 of the Land Law*).

- 21. Any encroachment of the State private property after the enforcement of the Land Law is prohibited:

No more encroachment of land can take place within the private property of the State and public legal entities (*Article 17 of the Land Law*).

4. Right of Way

- 22. Sub-Decree 197 dated 23 November 2009 on Management of Right of Way (ROW) along National Roads and Railways in the Kingdom of Cambodia defines the ROW along national roads and railways.

The ROW shall be 30 meters from the center of the roads/railways for national roads with one digit and 25 meters for national roads with two digits, but this determination is not applicable for Phnom Penh, provincial towns and other urban areas where a separate ROW will be defined (*Article 8 and 9 of Sub-Decree 197*).

Line ministries, competent ministries and institutions shall not authorize any construction or cultivation along the right of way on national roads and railways (*Article 11 of Sub-Decree 197*).

23. Sub-Decree 98, dated 24 July 2015 on Management of River Basin defines the ROW of shore-side, waterside and estuary of the river basin as follows:

- Shore and estuary: 100 meters from the edge of the shore and estuary (at the maximum of rising water)
- River: 50 meters from the edge of the river
- Stream: 30 meters from the edge of the stream
- Creek: 20 meters from the edge of the creek
- Brook: 10 meters from the edge of the brook
- Main canal: 10 meters from the outside edge of the canal
- Sub-canal: 5 meters from the outside edge of the canal
- Irrigaton ditch: 3 meters from the maximum level of water
- Basin: 100 meters from the maximum level of water
- Lake/Pond: 50 meters from the maximum level of water
- Dam: 20 (twenty) meters from the bottom of the dam which is less than 4 meters height. 100 (one hundred) meters from the bottom of the dam which is between 4 (four) to 8 (eight) meters. In case, the dam which is above 8 (eight) meters height, will be determined in a separate Sub-Decree.

24. The acquisition by private ownership of State or public land is illegal and the persons responsible could face civil and criminal charges.

The issuance of a title of possession to immovable property which cannot be privately appropriated or which is not possessed in accordance with the law is prohibited (*Article 41 of the Land Law*).

A title of possession to immovable property, which is the public property of the State or public legal entities, issued by the competent authorities to a private person is null and void (*Article 43 of the Land Law*).

Any official who issues such title shall be liable under civil and criminal codes. Any authority that is aware of such illegality and fails to take action shall be considered an accomplice and is liable to the same penalties as the person who commits the offense (*Article 44 of the Land Law*).

5. Private Land

25. Private Land comprises of land owned by natural or legal entities of Khmer Nationality.

All persons, individually or collectively, shall have the rights to own property. Only natural persons or legal entities of Khmer nationality shall have the rights to own land. Legal private ownership shall be protected by law. Expropriation of ownership from any person shall be exercised only in the public interest as provided for by law and shall require fair and just compensation in advance (*Article 44 of the Constitution*).

The right of ownership, recognized by Article 44 of the 1993 Constitution, applies to all immovable properties within the Kingdom of Cambodia in accordance with the conditions set forth by this law (*Article 4 of the Land Law*).

6. Collective Ownership

- 26. Indigenous communities have the right to own land where they live and carry out their traditional culture. The ownership of those lands (which are bestowed by the State) can be classified as collective ownership.

The lands of indigenous communities are those lands where the said communities have established their residences and where they carry out traditional agriculture. The lands of indigenous communities include not only lands actually cultivated but also includes reserved land necessary for the shifting of cultivation which is required by the agricultural methods they currently practice and which are recognized by the administrative authorities (*Article 25 of the Land Law*).

Ownership of the immovable properties described in Article 25 is granted by the State to the indigenous communities as collective ownership. This collective ownership includes all of the rights and protections of ownership as are enjoyed by private owners. But the community does not have the right to dispose of any immovable property that is under their collective ownership and which is State public property to any person or group (*Article 26 of the Land Law*).

C. Expropriation of Land in Public Interest

1. Right of State for Land Expropriation in Public Interest

- 27. The State is entitled to expropriation of immovable properties which includes land, buildings and cultivated plants for public and national interest and for the development of the country, subject to the payment of fair and just compensation in advance.

Expropriation of ownership from any person shall be exercised only in the public interest as provided for by law and shall require fair and just compensation in advance (*Article 44 of the Constitution*).

No person may be deprived of his ownership, unless it is in the public interest. An ownership deprivation shall be carried out in accordance with the forms and procedures provided by law and regulations and after the payment of fair and just compensation in advance (*Article 5 of the Land Law*).

Only the State may carry out expropriation for use in the public and national interest (*Article 7 of the Expropriation Law*).

The Expropriation Committee shall notify of the decision on expropriation and pay full compensation to the owner of and/or holder of real right to immovable property in advance prior to carrying out the expropriation (*Article 21 of the Expropriation Law*).

2. Illegal Occupation and Possession of State Land

28. Compensation will not be extended to those who have illegally acquired state lands and/or appropriation of ownership of public property or illegally occupy a ROW.

a. No Compensation for Illegal Occupants of State Lands

29. Illegal occupants and those in illegal possession of State-public lands are not entitled to compensation and maintenance expenses:

Persons whose title or factual circumstances fall within the scope of Article 18 of this law shall not have the right to claim compensation or reimbursement for expenses paid for the maintenance or management of immovable property that was illegally acquired (*Article 19 of the Land Law*).

30. The following are null and void and cannot be made legal in any form whatsoever:

Any entering into possession of public properties of the State and public legal entities and any transformation of possession of private properties of the State into ownership rights that was not made pursuant to the legal formalities and procedures that had been stipulated prior to that time, irrespective of the date of the creation of possession or transformation;

Any transformation of a land concession, into a right of ownership, regardless of whether the transformation existed before this law came into effect, except concessions that are in response to social purposes;

Any land concession which fails to comply with the provisions of Chapter 5;

Any entering into possession of properties in the private property of the State, through any means, that occurs after this law comes into effect (*Article 18 of the Land Law*).

b. No Compensation for Allowable Subsistence Farming on ROW

31. Sub-Decree 197 on Management of Right of Way of the National Roads and Railways in the Kingdom of Cambodia allows for some subsistence farming under special circumstances on the State’s ROW. The State is however not liable to pay compensation, should the ROW be needed for road development.

Some subsistence cultivation shall be authorized in principle by the Royal Government and shall be under contract with line ministries-institutions. In the event of road development, the State is not responsible for paying the compensation (*Article 11 of Sub-Decree 197*).

c. Penalty for Illegal Occupation of State Land

32. Any illegal acquisition and occupation of state or public land and/or private person is penalized:

Any illegal and intentional or fraudulent acquisition of public properties of the State or of public legal entities shall be penalized.

The penalties shall be doubled where any acquisition of land from the public properties causes damage or delay to works undertaken in the general interest, in particular any acquisition of roadway reserves.

In all cases, if an offender does not cease his illegal occupation within the time limit set by the competent authority, the authority may begin the process to evict the offender from the land (*Article 19 of the Land Law*).

Any new occupant without title to an immovable property belonging to public bodies or private persons shall be considered as an illegal occupant and shall be subject to the penalties (*Article 34 of the Land Law*).

- 33. The penalty provisions for infringement against public property are as follows:

An infringement against public property shall be fined from five million (5,000,000) Riel to fifty million (50,000,000) Riel and/or with imprisonment from one (1) to five (5) years.

The perpetrator must vacate the public property immediately. He has no entitlement to any indemnity for works or improvements that he made on the property.

In the case of a person who was in possession of State public property before this law came into force and has documents proving and attesting clearly that he bought the property from another person, he can request the competent authority to implement the legal rules against the person who illegally sold public property of the State and in order to recover his damages caused by such act. Regardless of the circumstances, the aggrieved party has no right to continue his possession of the State public property (*Article 259 of the Land Law*).

d. Punishment for Hindrance of Expropriation Process

- 34. Penalties also apply to those who hinder the expropriation process and occupy expropriated sites:

Any individual resisting the implementation of the expropriation decision with the ill intention of hindering the process of the implementation of project for the public or national interest shall be subject to an imprisonment from 1 (one) month to 1 (one) year and a fine from 100,000 (one hundred thousand) riels to 2,000,000 (two million) riels (*Article 36 of the Expropriation Law*).

Anyone who infringes on the occupation and use of a site which is already expropriated shall be punished, according to existing criminal provisions (*Article 37 of the Expropriation Law*).

D. Application of National Laws and Policies

- 35. Externally financed infrastructure projects must comply with the safeguard policies of the DP in addition to the LAR laws and regulations of the RGC. The non-mandatory requirements of the DPs however are not legally binding on RGC. If there is any conflict or inconsistency between the laws and regulations of the RGC and the mandatory requirements of the DPs, then the measures to address the identified gaps will need to be agreed between the RGC and the DP. The provisions relating to LAR for externally financed projects will be specified in the Project Loan/Credit/Grant financing agreement and RGC must comply with these provisions.

IV. Resettlement Planning

A. Objective of Resettlement Planning

- 36. The overall objective of involuntary resettlement planning is to avoid or minimize adverse impacts of public investment projects on displaced persons. Where adverse impacts are unavoidable, resettlement planning should provide just and fair compensation to the displaced persons and other vulnerable groups for loss of immovable property. Assistance to maintain or improve the livelihoods of displaced persons to the pre-project livelihood level is also needed.
- 37. Resettlement planning is guided by the following principles:
 - Avoid involuntary resettlement or when unavoidable, minimize involuntary resettlement by exploring alternative project designs.
 - Mitigate unavoidable adverse social and economic impacts from land acquisition by providing timely compensation for loss of assets at replacement cost and assisting displaced persons in their efforts to restore their livelihoods to at least pre-project levels.
 - Provide assistance and opportunities to the poor and vulnerable group of physically displaced persons to improve their living standards.

B. Preparation of Resettlement Plan

- 38. DPs require the preparation of a resettlement plan with time-bound actions and a budget based on an assessment of social impacts for projects which involve involuntary resettlement.
- 39. Normally a Resettlement Plan is prepared after the demarcation or final alignment of the land to be acquired is known. However, for externally financed public investment projects, DPs and in particular the multi-lateral development banks (MDBs) like the Asian Development Bank (ADB) and the World Bank, require their review and approval of the Project Resettlement Plan before the approval of financing of the Project. In most cases, the detailed designs, land demarcation or final alignment are only completed after loan approval and after the financing agreements become effective.
- 40. The resettlement plan prepared during the project feasibility stage, when the land required is not clearly demarcated, is referred to as the BRP.
- 41. Where the most of the subprojects or components to be financed under the Project, like in sector lending, are not likely to be identified or prepared prior to the approval of the loan by the DP, a RF instead of the BRP is prepared. In cases where some subprojects or components have been prepared during the processing stage, then a combination of a RF and BRP for the prepared subprojects or components is required.
- 42. A resettlement plan, which is prepared based on final alignment after detailed design is completed or where the actual land demarcated is known, is referred to as the DRP.
- 43. The SOP covers different types of resettlement plans which need to be prepared at different stages of the project cycle.

- 44. The key information required for the preparation of a resettlement plan include (a) socio-economic profile of displaced persons and assessment of social impacts, including gender concerns, (b) information disclosure, consultation and participation, (c) entitlements to compensation, (d) income and livelihood support strategy, (e) institutional arrangements, (f) grievance redress mechanism, (g) monitoring and reporting (h) budget (i) implementation schedules, and (j) legal framework, including identification of gaps between national laws and DP requirements.

C. Baseline Information for Resettlement Plan Preparation

- 45. The resettlement planning process begins with the collection of data and information at different stages of the project cycle as follows:
 - **SES** to determine the impacts on incomes and living standards. During the feasibility stage when the BRP is prepared, a SES for a sample size of about 20% of the displaced persons is carried out. A full SES is carried out at the time of preparation of the DRP and the DMS through individual household surveys.
 - **A Census and Inventory of Lost Assets (IOL)** to establish the number of displaced persons and identity of the individuals, households, or communities who will be affected by LAR, accompanied with an inventory of major assets (land, buildings, houses, shops, crops, trees) that will be affected by the Project. During the BRP preparation stage, a house to house census is not carried out but the number of possible displaced persons is estimated. The IOL is also carried out for the sample size of the SES. The house to house and accurate census is carried out during the preparation of the DRP at the DMS stage through individual household surveys.
- 46. The resettlement data collection and generation need to be effective and accurate in order to prepare a credible social impact assessment and to develop the plan of actions to address identified adverse impacts on the displaced persons. Guidance on the practices and tasks for assembling baseline information for resettlement plan preparation is presented below.

Tasks for Assembling Baseline Information

- Cover all affected population groups.
- Establish clear definitions of key concepts (e.g., affected person, family or household, loss, entitled person), because these concepts are critical to the entire process and have a significant influence on the compensation and resettlement benefits package.
- Identify the ROW and Project point of impact prior to data collection.
- Conduct awareness and participatory meetings with affected villages and/or communities to explain the Project scope and the purpose of census and surveys.
- Prepare baseline socio-economic profile of the affected households and people.
- Establish a cut-off date for eligibility in the displaced persons list. This is necessary to prevent false claims for compensation or rehabilitation following the disclosure of project plans.
- Carry out full census of the affected households as soon as possible after the cut-off date has been disclosed (usually the start date of census) to determine

the number of displaced persons, the number of structures and other affected assets, and to minimize influx of people into the affected areas.

- Identify all types and categories of losses.
- Identify all affected land parcels and ownership and/or user rights and ensure land acquisition processes can meet project engineering schedules.
- Include all affected persons in the inventory of displaced persons irrespective of titles or ownership rights.
- Issue some form of identification cards for the affected households and people.
- Publish the affected persons list in the communities/villages for verification by local authorities and the affected communities.
- Establish a computer database and a program that will facilitate identification of all information on households and individuals for project implementation, and as a baseline for monitoring.

47. The results of the census and baseline socio-economic survey and the consultations with the displaced persons are used to prepare the ASI which will (i) assess adverse impacts of the Project on different social and occupational groups; (ii) disaggregate data on displaced persons by impact, age, gender, education, livelihood sources, income, occupational skills, landholdings, and preferred choices for relocation, where applicable; (iii) identify those affected by the Project who are eligible for entitlements; (iv) prepare an entitlement matrix based on losses; and (v) establish the grievance redress procedures.

D. Types of Displaced Persons

48. Expropriation of land and other immovable properties may affect a number of groups/ types of people and the impact on them may be permanent or temporary. There are generally 3 categories of affected groups or people which are shown below:

Categories of Displaced Persons

Type of Displaced Persons/Groups	Brief Description
Displaced Persons	» Those who will lose whole or part of their physical and non-physical assets including home, lands, building/structures, commercial properties, crops, resources, tenancy, subsistence, income earning opportunities, communities, and social and cultural networks. The loss can be temporary or permanent.
Poor and Vulnerable Persons/Groups	» Those who are perceived to be more vulnerable than others such as poor affected persons headed by single mothers, elderly people, orphaned children, disabled people among others.
Indigenous People	» Those who have traditional collective ownership of land granted by the RGC.

a. Displaced Persons

- 49. Displaced persons are individuals, households and business owners who lose land, buildings/structures, crops, trees and include those who use common property resources (such as fishing areas, forests, grazing land, community land). It also includes those who lose business, income and tenants and wage earners whose livelihoods are likely to be unfavorably affected due to LAR.
- 50. Displaced persons also include persons who lose land they occupy even if they neither have formal legal rights nor recognizable claims to such land. Such displaced persons may include squatters and encroachers residing on State-public land and the ROW of national roads and railways. These displaced persons are entitled to receive compensation for houses/structures and resettlement assistance for temporary or permanent loss of their livelihoods but not compensation for replacement of the land.
- 51. In this SOP, displaced persons also refer to affected persons (AP), affected households (AH), project affected persons (PAP) and project affected households (PAH). These terms are interchangeable. Displaced persons do not refer to individual members of an affected household.
- 52. Persons who purchase the affected land after the cut-off date for eligibility will not be entitled to any compensation or assistance.

b. Poor and Vulnerable Persons/Groups

- 53. There is a distinct group of displaced persons who are likely to be more adversely affected by LAR than others and who are likely to have limited ability to re-establish their livelihoods or improve their status. These displaced persons are categorized as Poor and Vulnerable Persons/Vulnerable Groups.
- 54. The Poor and Vulnerable Persons/Groups comprise:
 - Households living below the poverty rate as established by the RGC
 - Elderly people headed households with no means of support
 - Female headed households with dependents living below the poverty rate
 - Disabled headed households
 - Indigenous peoples (who often have traditional land rights but no formal titles)
- 55. Due to their vulnerability, particular attention will be paid to such displaced persons to provide them with an opportunity to improve their status and benefit from development/resettlement to the same extent as other displaced persons. This group of displaced persons will be provided with additional assistance for livelihood restoration.

c. Indigenous People

- 56. Indigenous People are part of an indigenous community who practice traditional lifestyle and use land based on customary rules and collective use.

An indigenous community is a group of people that resides in the territory of the Kingdom of Cambodia whose members manifest ethnic, social, cultural and economic unity and who practice a traditional lifestyle, and who cultivate the lands

in their possession according to customary rules of collective use (**Article 23 of the Land Law**).

- 57. The group of people who are classified as Indigenous People is determined by RGC and are classified as a vulnerable group in the context of involuntary resettlement.

d. Gender

- 58. Women and men often have different roles, needs and interest in society, in family and in maintaining the livelihood of a household. Gender concerns and issues will be taken into account in resettlement planning. Gender differentiated benefit-sharing measures are included in the resettlement plans to ensure that the women and men of the households are treated equally.

E. Cut-Off Date

- 59. The Cut-Off Date for determining eligibility for entitlements is critical to identify genuine displaced persons and to minimize fraudulent practices by preventing false claims for compensation or rehabilitation assistance following the disclosure of the Project.
- 60. The Cut-Off Date is normally either (i) the date of completion of consultation process with the displaced persons during the project feasibility stage or (ii) the date of completion of the consultation conducted prior to the DMS in the case where the detailed designs are ready during the project feasibility stage and therefore no RF or BRP is necessary. All displaced persons in the project affected area at the Cut-Off-Date will be eligible for compensation.
- 61. In the case that further improvement has been made to the land and property after the Cut-Off Date, there will be no entitlement for additional compensation for the improvements. Moreover, compensation is not available for those who occupy the project areas after the Cut-Off Date regardless of their vulnerability status.

F. The Key LAR Tasks at Different Stages of Project Cycle

Key LAR Tasks at Different Stages of Project Cycle

Stage	Task/Activity
Project Preparation/Feasibility Study	For preparation of BRP by EA in consultation with GDR:
	• Identify ROW/Corridor of Impact (COI)
	• Establish Cut-Off-Date for eligibility
	• Consultation with affected communities (Commune/Village Levels)
	• Sample Size of SES (about 20%)
	• Preparation of Socio-Economic Profile based on sample size of SES
	• Social Impact Assessment based on Sample Size
• Compensation Entitlements (Entitlement Matrix)	
	• Determine if relocation to new site is required

Stage	Task/Activity
DP Loan Negotiation	<ul style="list-style-type: none"> • Initial Cost Estimate (where required) • Approval of BRP/RF by IRC and DP • Disclosure of BRP/RF <p>For Preparation of RF:</p> <ul style="list-style-type: none"> • Points out the resettlement principles, organizational arrangements, and the design criteria that will be applied to the subprojects or components when they are prepared after the project is approved.
	<ul style="list-style-type: none"> • Review and agree on LAR provisions in Loan/Credit/Grant financing agreements by GDR
Detailed Design/ Land Demarcation	<p>For preparation of DRP by GDR:</p> <ul style="list-style-type: none"> • DMS (100% Household Survey,100% Census and 100% IOL) • Consultation on Compensation Package • Consultation on Resettlement Sites and Possible locations (where displaced persons need to be relocated to new site) • Replacement Cost Study • Detailed Compensation Entitlement Matrix • Livelihood Support Program • Computation of Budget • Establishment of Grievance Redress Mechanism Arrangements for the Project • Detailed Implementation Arrangements • Monitoring Mechanisms • Approval of DRP by IRC and DP • Disclosure of DRP
	<ul style="list-style-type: none"> • Budget Approval • Preparation of Individual AP Contracts • Consultation on Compensation Package • Resettlement Site Development and Construction (in case of new Resettlement Site) • Compensation Payments • Implementation of Livelihood Support Program • Handling of Grievances
Implementation of LAR	

Stage	Task/Activity
Monitoring and Reporting	<ul style="list-style-type: none"> • Internal Monitoring • External Monitoring, where required

G. Basic Resettlement Plan

62. The BRP, which is also referred to as Resettlement Plan or an Initial Resettlement Plan is prepared when the DPs safeguard policies require a resettlement plan for their review and approval prior to the approval of the Loan/Credit/Grant for the project.
63. The designated EA or IA, normally the sector line ministry, is responsible for the preparation of the BRP in close consultation with the GDR. In most cases, the DPs provide PPCs under technical assistance to assist the EA/IA with the feasibility study, including the social safeguard assessments and mitigation plans.
64. The PPC prepare the draft BRP in close consultation with the EA/IA and under the overall directions and guidance of the GDR. The GDR may participate during the conduct of the sample SES, if deemed necessary.
65. The GDR will provide guidance to the PPC and the EA/IA throughout the process of preparing the BRP. Drafts of all AMs or MOUs and similar documents prepared for signing with the DPs will be endorsed by the GDR on matters related to LAR. For this purpose, the draft AM or MOU must be submitted by the DP project preparation mission at least 5 working days before the wrap up meeting. Since the BRP will be reviewed and endorsed before approval by the IRC, it is imperative on the EA/IA and the PPC to work closely with the GDR on the draft BRP to facilitate a more effective and timely approval process.
66. The BRP is based on an assessment of the possible social impacts identified in the SES of a sample size of about 20% of estimated APs. At this stage, consultation is carried out with the affected communities at the village and/or the commune level to provide basic information about the Project; the possible alignment; the purpose of the sample SES; and the compensation principles. Feedback is also sought from the affected communities including the commune and village councils.
67. The BRP must comply with all the mandatory safeguard policy requirements of the DP. During the process of preparing the draft BRP, the DP team responsible for the project, will ensure that the BRP satisfies these requirements. The final draft of BRP will be submitted to the GDR for review and endorsement before the formal process of approval by the IRC and subsequent submission to the DP. The GDR will require at least 15 working days to review and endorse the final BRP unless there are significant concerns identified by GDR, in which case additional time will be required.
68. After the approval of the IRC, the BRP is submitted to the DP for its review and approval. The DP approved BRP becomes part of the financing agreement and comes into effect after the Loan/Credit/Grant is approved by the DP and the financing agreement is declared effective by the DP.

Key Tasks in Basic Resettlement Plan Preparation

Task	Requirements
1 Responsibility	<ul style="list-style-type: none"> • Designation of the Resettlement Department and focal person in GDR for coordinating the preparation of the BRP.
2 Cut-Off Date	<ul style="list-style-type: none"> • Establish a Cut-Off Date for eligibility.
3 Mapping	<ul style="list-style-type: none"> • Capture and record the Settlements and Land Use in the corridor of impact for large scale projects. Use of modern technology like drones where appropriate.
4 Census	<ul style="list-style-type: none"> • Estimate number of APs along the COI.
6 Socioeconomic Survey	<ul style="list-style-type: none"> • Prepare the baseline data format and the questionnaires for conducting sample SES. Prior agreement on key SES questionnaire between EA/PPC/GDR. • Conduct Sample SES (about 20% sample size). • Compile database on the socio- economic status of displaced persons using key indicators based on sample size.
7 Profile of APs	<ul style="list-style-type: none"> • Establish socio-economic profile based on sample SES.
8 Gender	<ul style="list-style-type: none"> • Disaggregated information by gender. • Consider gender-based differential impacts of resettlement.
9 Identification of Poor and Vulnerable groups	<ul style="list-style-type: none"> • Identify estimated numbers of poor and vulnerable groups by category and the impacts on them based on sample SES. • Specify the eligibility criteria. • Identify additional assistance package to improve their status.
10 Social Impact Assessment	<ul style="list-style-type: none"> • Carry out assessment of the social impacts based on the sample SES and prepare mitigation actions to address possible adverse impacts.
11 Consultation	<ul style="list-style-type: none"> • Bring awareness about the Project to the affected communities and inform them about the possible alignment and seek their feedback. • Consultation with affected communities at village/commune levels.
12 Resettlement Site	<ul style="list-style-type: none"> • Determine the extent (estimated number) of physical relocation and whether a new resettlement site(s) will be required. • Identify possible location(s) of resettlement sites, if applicable.

Task	Requirements
13 Compensation	<ul style="list-style-type: none"> • Identify entitlements, eligibility, and resettlement assistance (include an Entitlement Matrix). • Describe assistance to poor and vulnerable group of people. • Describe the Livelihood Support Program.
14 Grievance Redress Mechanism	<ul style="list-style-type: none"> • Outline the arrangements/ mechanism for handling of grievances.
16 Implementation Arrangements	<ul style="list-style-type: none"> • Outline the institutional arrangements for the management, implementation and monitoring of LAR.

69. The key tasks for the preparation of the BRP will be undertaken by the PPC and the EA under the overall guidance and directions of the GDR. The BRP will also include other relevant information, for example the legal and regulatory framework for LAR. The recommended outline of the structure and contents of the BRP is given in **Appendix 2**.

H. Resettlement Framework

70. For projects where all or most of the subprojects and/or components to be financed are not identified or prepared before the approval of the project loan/credit/grant by the DP (as in sector loan), a RF is prepared. The purpose of the RF is to clarify resettlement principles, organizational arrangements, and the design criteria to be applied to the subprojects or project components when these are prepared after the project approval by the DP.

71. Since the subprojects and/or components are not identified or defined, it is not possible to conduct SES or identify IOL during the project preparation stage. Once the subproject or the project component is defined and the necessary information on the scope and impacts of the LAR become known, the RF will be expanded into a DRP for the subproject or the specific project component.

72. An outline of the RF is shown in **Appendix 3** which provides the information and elements that must be addressed during project preparation and implementation. DPs may recommend slightly different formats which may be used provided that they contain the same elements and level of information as the outline shown in the Appendix.

V. Detailed Resettlement Plan

A. Introduction

73. The DRP is also known as the Resettlement Plan or Resettlement Action Plan or Updated Basic Resettlement Plan (an update of BRP). It is prepared when the project locations have been identified, the detailed designs or land demarcation have been completed, and the full impacts, following the detailed measurement survey (DMS), are known. It is essentially an update of the RF or BRP as more accurate data on the displaced persons and the actual impacts become known. The DRP is a legal document with an obligation on the part of the RGC to comply with all the requirements specified in the DRP during the implementation phase. No changes are allowed without the written agreement of the IRC and the DP.
74. The DRP contains detailed actions and procedures that will be taken to mitigate the negative impacts of involuntary resettlement under the project through the identification of the full range of displaced persons, their entitlements to compensation, including the levels of assistance for relocation and livelihood support of displaced persons. All the details, data and information in the BRP will be updated based on 100% household survey and IOL during the DMS. It will also include the special assistance package for the poor and vulnerable displaced groups, who are identified through the DMS Questionnaire, to ensure they benefit equally from the project and have the opportunity to improve their socio-economic status.

B. Key Tasks in Preparation of DRP

75. The tasks for the preparation of the DRP are similar to the preparation of the BRP except that more complete information and data is now available as a result of the finalization of the alignment or land demarcation and the DMS. The information and analysis carried out during the preparation of the BRP is updated and additional measures are added to ensure that the DRP can mitigate all the adverse impacts.

Key Tasks in Detailed Resettlement Plan Preparation

Task	Requirements
1 Institutional Arrangements	<ul style="list-style-type: none"> Establishment of the IRC and IRC-WG. Establishment of the PRSC and Provincial Resettlement Sub-Committee Working Group (PRSC-WG).
2 DMS	<ul style="list-style-type: none"> Demarcation of Land and DMS (100% household survey, 100% IOL and Full Census through DMS Questionnaire).
3 Gender	<ul style="list-style-type: none"> Update gender Information. Prepare plan for provision of social support, services, employment, and means of subsistence for income support for women headed households.

Task	Requirements
4 Poor and Vulnerable Groups	<ul style="list-style-type: none"> • Update the database based on DMS. • Determine the different categories and eligibility to receive additional assistance package. • Finalize the additional assistance package.
5 Replacement Cost Study	<ul style="list-style-type: none"> • Carry out Replacement Cost Study (RCS) to determine the prevailing market rates for replacing loss assets.
6 Compensation Package	<ul style="list-style-type: none"> • Update the Entitlement Matrix to show the full and complete compensation package that will be made available to the APs.
7 Resettlement Site (where required)	<ul style="list-style-type: none"> • Complete acquisition of land required for resettlement sites. • Prepare site plans for basic infrastructure and services.
8 Livelihood Support Plan	<ul style="list-style-type: none"> • Prepare Plan for Livelihood Support Program for permanent loss of sources of livelihood.
9 Grievance Redress Mechanism	<ul style="list-style-type: none"> • Operationalize the Grievance Redress Mechanism at Provincial level. • Outline the procedures for handling complaints.
10 Consultation	<ul style="list-style-type: none"> • Consultation with APs at commune level to inform about the overall entitlements and method of computation of compensation and the GRM procedures. • Consultation with APs eligible for relocation on the Resettlement Sites at commune/village level. • House to house consultation to confirm measurement surveys during DMS.
11 Monitoring and Reporting	<ul style="list-style-type: none"> • Arrangements, roles, and responsibilities for monitoring and reporting of the implementation of DRP; and the reporting requirements. • Scope of internal monitoring. • Scope of external monitoring, where required.
13 Formulation of Budget	<ul style="list-style-type: none"> • Prepare estimates to include, but not limited to (i) assets and economic losses based on replacement costs;(ii) cost for acquisition and development of new resettlement sites, where required; (iii) cost for transitional income lost support; (iv) cost for additional assistance to poor and vulnerable group for livelihood restoration; (v) costs for external monitoring; (vi) cost for SES, RCS and other surveys; (vii) administration, operating and overhead costs; and (viii) other costs related to LAR.

76. The contents of the DRP varies according to the scale of the involuntary resettlement impacts. The Project is classified into different categories by the DPs based on the degree of the impacts using their own method of categorization. The ADB categorizes a Project in which 200 or more direct affected persons experience major impacts (which is defined as loss of 10% or more of income generating assets; or physically displaced) as Category A. In case of the World Bank, there is no specific categorization but the resettlement plan is prepared based on degree of risks and impacts associated with the Project. For example, a project where there is no significant impact on income and livelihoods, the resettlement plan will establish eligibility criteria, set out the procedures and standards of compensation, and incorporate arrangements for consultations, monitoring and addressing grievances. The contents of the DRP will be prepared based on the categorization of the impacts of the involuntary resettlement as determined by the DP. An outline of the DRP where there are significant impacts is provided in **Appendix 4**.

C. Relocation Sites

77. Relocation of displaced persons to a new site resulting from involuntary resettlement is a challenging task. Relocation to a new site is only considered when displaced persons are determined to be entitled to physical relocation as in the case of land for land swap. The resettlement site selection and location, the availability of the basic social services and infrastructure development, the level of acceptance of the host communities, cultural aspects, are key factors which need to be addressed when there is physical displacement of displaced persons to a new relocation site. The location of the new resettlement sites should be as close as possible to the original site but will largely depend on availability of land at affordable prices. In addition, the locations should be selected to avoid or minimize disruptions from livelihood sources of the displaced persons. In the event that no land is available near the original site at affordable prices, the location will need to take into consideration job opportunities and other means of maintaining the livelihoods at the new location.

78. The plan for relocation, selection of options, and development of infrastructure and services at new relocation sites must be integrated with the project cycle of the investment project. All relocation sites should be completed at least one month before construction commences on the section of the original site to allow for sufficient time for the move by the displaced persons. Payments must be completed for all those displaced persons who have agreed and signed the contract for compensation before their relocation from the ROW areas where construction is scheduled to commence. Those displaced persons who do not agree to the compensation or have lodged complaints for resolution under the Grievance Redress Mechanism (GRM), they will be relocated at the same time as the rest of the displaced persons. Relocation will not be halted due to dispute of any kind. Once the decision is made on the resolution of the dispute under the GRM, compensation will be made within one month of the notification of the decision.

79. The selection of the new relocation sites will generally take into consideration the following guiding principles:

- Close to the existing location to preserve existing social networks, community ties and sources of livelihoods. As far as possible, displaced persons should be relocated within the village or commune of their original residence.
- Proximity to schools, hospitals, and employment opportunities.
- Availability of State Land.

- The host communities and local authorities (commune and villages) should be consulted to assess the extent of their acceptance toward the new relocated displaced persons.
 - Access to water, power and transport facilities.
80. The planning for the resettlement sites during the preparation of the DRP will involve the following steps:
- Prepare the list of displaced persons entitled to relocation.
 - Identify possible resettlement sites and consult entitled displaced persons on their preferred option.
 - Survey the access to basic services (schools, health, water, electricity, transport).
 - Survey access to employment and other livelihood sources.
 - Document the preference for relocation of the displaced persons.
 - Determine the size of the land required based on the number of displaced persons for group relocation to a new resettlement site and the infrastructure facilities (internal roads, community facilities, water ponds) to be provided.
 - Prepare Site-Plans and Cost Estimates for Site Development.

D. Budget Preparation

81. The preparation of the budget estimates must capture all aspects of resettlement costs related to the planning, preparation and implementation of the resettlement plans, acquisition and development of resettlement sites, management and administration, supervision and monitoring and contingencies. The budget must be prepared during the preparation of the DRP and approval sought from MEF soon after the DRP is approved by the IRC and the DP, where required. It is not possible to determine the budget estimated accurately at the BRP stage as the 100% of the IOL and the Replacement Costs, as determined by an independent consultant, are not known at that point in time. Where DPs require an estimate, this could be provided only as indicative based on average costs in similar past projects. In the case of RF, there will be no estimate for budget for LAR determined by the EA or the GDR.
82. The major cost items to take into account when preparing the budget are listed in the table below. This is not an exhaustive list of cost items and it will be the responsibility of the GDR to capture all the cost items.

Major Cost Items for Budget Preparation

Items	Costs
Resettlement Plan Preparation	<ul style="list-style-type: none"> • Mapping/Survey of Corridor of Impact. • Inventory of lost assets. • Costs of consultants to carry out Household Surveys, RCS and other specialized study/survey as necessary.

Items	Costs
Compensation for Acquisition of Land and other Assets	<ul style="list-style-type: none"> • Land, building/structures and other fixed assets. at replacement cost. • Crops and Fruit Trees.
Relocation/Physical Relocation	<ul style="list-style-type: none"> • Costs of development of new sites, if any. • Transport allowance for moving household and personal items. • Transition Allowance for Subsistence/ Loss of Income during transitional period.
Administration/Service costs	<ul style="list-style-type: none"> • Travel and Per Diems. • Transportation /Vehicles. • Equipment and Materials. • Contractual Staff costs. • Costs for Information Disclosure, Consultations, and GRM. • Other Operating Costs.
Income and livelihood support costs	<ul style="list-style-type: none"> • Costs of Implementation of livelihood support program. • Subsistence for transitional loss of income. • Cost of Community Development Coordinator. • Additional Assistance for Poor and Vulnerable Group.
Costs of Monitoring	<ul style="list-style-type: none"> • Internal Monitoring. • External Monitoring, if any.
Contingency	<ul style="list-style-type: none"> • 10% of total estimated cost for unanticipated expenditures.

E. Review and Approval

83. The review and approval of the BRP/RF, DRP and the Budget by the competent authority will be required at different stages of the project cycle. The key approvals are:
- The Cut-Off Date for eligibility for compensation entitlements is approved by the IRC.
 - The BRP/RF is reviewed and endorsed by GDR before approval by the IRC and the DP, where required.
 - The DRP is reviewed and approved by the IRC and the DP, where required.
 - The Budget is prepared by GDR and approved by MEF.

F. Updated DRP (UDRP)

- 84. There may be cases when there is a change in the scope of the project or in the detailed design caused by unforeseen reasons during the implementation of the DRP. The impact of these changes on the DRP should be carefully assessed, particularly when the alignment is changed, to determine if the change will have new adverse impacts on additional APs. In such cases, the DRP is updated through an addendum to incorporate the new impacts and the increase in the number of APs. If there are no new impacts but only an increase in the numbers of APs, they will be offered the same compensation package as per the DRP but the compensation amount will be computed based on replacement costs at the time of change in scope or alignment. If there is a new impact, then the addendum will need to include mitigation measures with the appropriate compensation package. The addendum will be short and concise and reflect the changes only. It will not repeat the complete DRP.
- 85. The Addendum to the DRP will be prepared by the GDR and approved by the IRC and the DP, where required. Public disclosure will also be applicable to the Addendum.
- 86. The Addendum will only be required in cases when there is a change in the alignment or project scope. In all other cases when a change in the DRP is required, this will be reported separately as part of seeking additional budget for the implementation of the changes. The DP will be informed through the regular progress reporting. No separate approval of the IRC will be required for such cases.

VI. Social Impact Assessment

A. Purpose and Scope

87. The assessment of social impacts (ASI) is a process to identify the social impacts of the project due to involuntary resettlement. The ASI is carried out as part of resettlement planning through a SES and an inventory of displaced persons and loss of assets. It is not a stand-alone report and no separate report on social impact assessment is necessary. The results of the ASI will provide the required information and the data for inclusion in the section on Socio-Economic Information and Profile of the BRP and/or the DRP.

B. Socio-Economic Survey

88. The SES focuses on the income-earning activities and other socio-economic indicators of the displaced persons. The necessary data and information is collected through a household questionnaire which is used to establish the baseline information on key socio-economic status. The baseline information will include the following variables:

- a. demographic (household composition by gender, relationship, ethnicity and education levels).
- b. social group (family, clan, community, caste, ethnicity, and religious groups).
- c. income/expenditures and assets (individual and household income and ownership of land, livestock, shops, houses, other structures).
- d. occupation (farmers, teachers, shopkeepers, laborers, students).
- e. gender roles (disaggregated all information by gender).

89. The DMS Questionnaire, which is also referred to as the SES Questionnaire is used for carrying out the SES. The standard DMS Questionnaire is provided in **Appendix 5**. The PPC and EA who prepare the BRP are required to use the standard format shown in the Appendix. Any modifications required by the DPs to suit any additional specific information must be approved by the GDR prior to conducting the sample SES during the project feasibility stage.

90. During the preparation of the BRP, the DMS Questionnaire is used for a sample size of about 20% of the estimated APs. During the preparation of the DRP, the DMS Questionnaire is used for 100% of the APs.

C. Census and Inventory of Loss

91. The census is a count of all displaced persons irrespective of their titled or non-titled land ownership status. The IOL, which records the details of the lost assets as a result of the LAR under the Project, is undertaken together with the full census. The census and the IOL will therefore document the number of displaced persons and create an inventory of their losses prior to the Cut-Off Date.

92. The full census and the IOL is undertaken during the DMS through house to house interviews. The DMS Questionnaire is used for this purpose.

93. The results from the DMS are used for the preparation of the DRP. The results from the DMS Questionnaire provide the key baseline socio-economic status of the 100% of the

APs, the full census of the APs and the IOL of each of the displaced person. The DMS questionnaire should capture the following essential information and data:

- a. name of displaced person, their household size, age, gender of household head, ethnicity, occupation, household income, sources of income/livelihood).
- b. inventory of loss of land and other assets (residential, commercial, and agricultural land, buildings, fences, sheds, wells, common use facilities, and other structures).
- c. measurements of lost assets.

94. The data gathered will also be used to identify the indigenous people and other the poor and the vulnerable group among the displaced persons, if any.

D. Impact on Poor and Vulnerable Group

95. The DMS Questionnaire will identify displaced persons who are poor and living the below the poverty line and groups that are vulnerable. The data will be collected on a disaggregated basis to identify the types of vulnerable groups and the potential impacts on them from the project. The specific concerns expressed during the one to one/house to house consultations with these groups of displaced persons will provide a more informed basis for the assessment of the social impacts on them. Based on the results of the assessment, targeted measures to avoid or mitigate the adverse impacts will be developed. The key objective is to improve their status and livelihood sources as much as possible through additional compensation package for livelihood restoration. The table below provides general guidance on the types of vulnerable groups and measures that could be taken into consideration.

Resettlement Planning Considerations for the Vulnerable Groups

No.	Vulnerable Group	Resettlement Planning Considerations
1	Poor Households (below poverty line as defined nationally),	<p>The objective is to provide sufficient protection during the transition phase and improve their source of livelihood to move out and remain above the poverty level in the medium to long term. Various options that could be considered during the preparation of mitigation measures:</p> <ul style="list-style-type: none"> • Additional Income Support for a specific period of time without creating a dependency syndrome • Financial support for upgrading of skills to improve opportunities for employment or engage in other alternative livelihood sources

No.	Vulnerable Group	Resettlement Planning Considerations
2	Women Headed Households with dependents	<p>The objective is to ensure that this vulnerable group is not disadvantaged and their specific needs are satisfied.</p> <p>The planning considerations under 1 will be considered for this category <i>if the household living below the poverty line</i>. In addition, the following could be considered:</p> <ul style="list-style-type: none"> • Where land is provided, the title must include the name of the women • Women will be the recipient of any financial assistance • Preference for temporary employment opportunities for women during the implementation of the project. • Assistance in seeking gainful employment
3.	Elderly headed Households with no means of support	<ul style="list-style-type: none"> • Same considerations as under 1 will be considered for this category of household.
4	Disabled Headed Households	<p>The social impacts on this group of vulnerable people are more severe particularly if they are relocated. There will be a need to involve the provincial social welfare and other agencies to develop the most appropriate measures. The options may include:</p> <ul style="list-style-type: none"> • Ensure they have access to the package of social welfare assistance provided under any RGC national or provincial program. • Provide additional financial support for the transition period. • Identify sources of livelihood that they are able to participate in and provide the necessary financial support to acquire the skills for alternative sources of livelihood.
5	Customary land users and indigenous peoples without formal titles	<ul style="list-style-type: none"> • Acquisition of customary land must be avoided but in exceptional case when this becomes necessary, a separate and more detailed study will be carried out in conjunction with the SES and an Indigenous People Plan (IPP) will be prepared to mitigate against all social impacts. • The IPP will spell out the assistance package including additional financial support for re-establishing the livelihood.

E. Impact on Indigenous Peoples

96. Any land acquisition and resettlement involving indigenous people is avoided to the maximum extent possible. This is one of the key principles in determining site selection/alignment/land demarcation. However, when LAR cannot be avoided, the impacts on their identity, culture, and customary livelihood will be studied in depth. A

separate study on the social impacts will be carried out on how the indigenous peoples use their land, how they conduct their economic activities, and how they organize their social activities.

- 97. A separate Indigenous Peoples Plan (IPP) is prepared to mitigate the social impacts, develop the compensation and resettlement package that will be offered, and set out implementation arrangements. The customary practices will need to be taken into consideration during the consultation process. In most cases, the consultation will be with the tribal/customary leaders as they make the decisions for the tribe or their people. The IPP is normally prepared by the PPC with the involvement of the EA/IA and relevant local authorities. This is separate from the preparation of the BRP and the DRP. However, the DRP will include the compensation package for this group of displaced persons.

F. Impact on Community and Public Facilities

- 98. The community use of common property resources such as grasslands, forests, and water bodies are sometimes the main source of the income and daily subsistence for some members of the community, generally the poor and vulnerable people. The ASI will examine such types of losses and identify measures to ensure that there is a replacement source of livelihood as far as possible. If such resources cannot be replaced, alternative sources of livelihoods will need to be identified.
- 99. The ASI will also examine the access to *basic public services*, in particular, access to education, health clinics, water supply, electricity, transportation, and community facilities at the relocation sites. In case of access to education and health services, the selection of the resettlement sites should ensure that medical clinics and schools are available within a reasonable distance. New basic facilities and infrastructure will only be provided at the resettlement sites for the basic public services for which access are not available. Where provided, these will be constructed to local standards prevailing in the locality of the resettlement sites and must not be superior when compared similar facilities in adjoining villages or communes.

VII. Compensation

A. Legal and Policy Framework

100. The Land Law and Expropriation Law sets out the legal rights of natural persons and legal entities in land ownership. The deprivation of land ownership shall only be carried-out in the form of expropriation through eminent domain in public and national interest with fair and just compensation.

101. Land expropriation can only take place if fair and just compensation has been paid:

Fair and just compensation is to be paid to the affected persons in advance and prior to any land expropriation (*Article 5 of the Land Law*).

The expropriation of the ownership of immovable property and real right to immovable property can be exercised only if the Expropriation Committee has paid fair and just compensation in advance to the owner and/or holder of real right, in accordance with the principles and procedures for compensation payment stipulated (*Article 19 of the Expropriation Law*).

B. Compensation

1. Compensation for Legally Owned Land and Structures

102. The legal owners of and real right holders of immovable properties are eligible for compensation for the loss and/or damage of lands, structures, buildings and other assets.

Regarding legally possessed/occupied land, as well as fences and buildings legally built according to legal provisions, the owners shall be entitled to the compensation for their losses (*Article 148 of the Land Law*).

The owner of and/or holder of real right to the immovable property shall be entitled to compensation for any actual damage to the immovable property 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 (*Article 23 of the Expropriation Law*).

For the expropriation of a location that is operating business activities, the owner of the immovable property shall be entitled to additional fair and just compensation for the value of the property actually affected by the expropriation as of the date of the issuance of the declaration on the expropriation project (*Article 29 of the Expropriation Law*).

2. Compensation for Lawful Tenants

103. The entitlement to compensation extends to lawful tenants for the disturbances of their residence as well as for impact on their business.

A tenant of an 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 (*Article 29 of the Expropriation Law*).

3. No Compensation to Squatters on Existing ROW

104. No compensation will be paid for AP occupying land in the ROW.

No compensation will be paid for APs occupying land in the ROW. An illegal occupant is not entitled to any indemnity for any works and improvements carried out on immovable property (*Article 43 of the Land Law*).

An illegal occupant shall be forced to vacate the premises immediately (*Article 259 of the Land Law*).

4. Compensation to Lawful Owner Located in the Expanded Portion of ROW

105. The legal owners of land affected by the newly re-defined ROW will be entitled to compensation.

The State shall pay compensation in compliance with the policy of new resettlement and in accordance with *Article 148 of the Land Law* to the lawful owner of the re-measured land parcel as stipulated in Article 8 and 9 of this Sub-Decree for any physical infrastructure development which has been set prior to this Sub-Decree, as well as in accordance with the law and regulations in force (*Article 13 of Sub-Decree 197 on Management of Right of Way dated 23 November 2009*).

The compensation for the affected legally occupied lands, crops, fences and constructions such as dams, canals, rice paddies shall be properly prepared in compliance with the law as determined by the Royal Government of Cambodia (*Article 14 of Sub-Decree 197 on Management of Right of Way dated 23 November 2009*).

C. Eligibility for Compensation

106. The entitlement to compensation of displaced persons largely depends on the legality of possession or ownership to the land and other assets at the time of the Cut-Off Date. The following types of displaced persons shall be eligible to compensation, but compensation would vary depending on their situation:

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

D. Replacement Cost

107. The payment of compensation shall be made based on the market value or replacement cost of the lost assets. Replacement cost is the cost of replacing an expropriated asset of the same or equivalent quality in the current market as of date of issuance of the declaration on the appropriation project. The replacement cost will be determined by an independent committee or agent. An independent local consulting firm with experience in valuation will be recruited by GDR to carry out the Replacement Cost Study (RCS).

108. The compensation will be made in cash, or in-kind, or as replacement rights.

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 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 Expropriation Committee (*Article 22 of the Expropriation Law*).

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 immovable property and the Expropriation Committee (*Article 24 of the Expropriation Law*).

109. The amount of stamp tax and/or tax on unused land which have not been paid to the State will be deducted from the total compensation amount and shall be deposited into the State budget in accordance with the established procedures set out by the Government for payment of such taxes by the IRC. In the case of registration and/or similar taxes related to any land or house provided at new resettlement sites to the APs will not be deducted from the total compensation payment but will be paid by the IRC to the State budget in accordance with the established procedures.

The amount of compensation shall be calculated as the 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 Expropriation Committee shall deposit the taxes withheld into the State budget in accordance with procedures in force (*Article 25 of the Expropriation Law*).

110. Any fluctuation in the price of land that occurs after the Cut-Off Date will not affect the amount of compensation which is determined to be given to the displaced persons.

The amount of compensation for ownership of and/or holder of real right to immovable property shall not take into account any fluctuation in the 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 expropriated project (*Article 26 of the Expropriation Law*).

111. The Tablebelow provides a guide to the elements of full replacement costs which represents good practice.

Elements of Full Replacement Cost

Element	Description
Fair market value	The value of land and other assets if the land or other assets are sold in an open and competitive market. This is largely based on comparable prices in the same locality.
Transaction costs	Legal and documentation expenses relating to the expropriation of the land are exempted for displaced persons. Such expenses include all taxes, registration costs, and other fees incurred for replacement structure. However, all outstanding unpaid taxes as of cut-off date is not eligible for exemption.
Transitional allowance	A short-term subsistence living allowance to support the physically displaced person for loss of income/livelihood during the transitional period.
Transport allowance	Cost of transport of household and other immovable assets due to relocation.
Depreciation and salvageable value	These values shall not be considered in the expropriation of structures and other assets.
Business/Economic Losses	This covers loss of profit from business/agriculture and other productive sources.

E. Entitlement Matrix

112. The Entitlement Matrix defines the main types of impact/losses for different types of assets for different categories of displaced persons and their entitlement to compensation. These impacts/losses of assets shall include:
- Loss of land (productive/agricultural, residential and commercial)
 - Loss of use of land (standing and perennial crops, fruit trees, businesses)
 - Loss of buildings/structures (residential, commercial and other structures))
 - Loss of income or livelihood (loss of income during transition period, permanent loss of source of livelihood)
113. For each development project, a project-based entitlement matrix will be prepared based on RGC laws and regulations and consistent with the mandatory safeguard policies of the DP. An analysis of the gaps between the RGC laws and policies and the safeguard policies of the DP is carried out and the measures to close the gaps are agreed during the preparation of the BRP or RF.
114. The entitlement for different types of losses and the related compensation will be provided in an Entitlement Matrix which will be included in the RF, BRP and the DRP. The results of the SES, the full census and 100% of the IOL of all the APs will not be available at the

BRP and RF preparation stage which may preclude the preparation of a detailed Entitlement Matrix. At this stage, the Entitlement Matrix will indicate the compensation principles and attempt to capture the likely types of losses which will be updated at the time of the DRP preparation.

- 115. For purpose of clarity, displaced persons or APs entitled to compensation referred to in the SOP means affected households (AH) or businesses because compensation is paid per household and not to their individual members. The head of the household represents the AH.

F. Entitlements

1. Loss of Land (Agricultural, Residential, or Commercial)

(a) Legal land owners and holders of real rights to land, including customary rights.

- They will be entitled for cash compensation based on the replacement cost of the land based on the RCS. Alternatively, they can be compensated in kind through provision of land of equal productive value.
- Where land is acquired for the ROW or the Project but the remaining portion of the land is of little or minimal productive use, the remaining portion will be also acquired for cash at same full replacement cost.
- When replacement land is provided, land registration, stamp duty and other costs associated with obtaining land title for the replacement land will be borne by the RGC.

(b) Tenants and Leaseholders

- There will be no compensation for loss of land as they are not the owners of land. They only have the right to use the land.

(c) Customary Land

- The customary owners will be provided with land of equivalent productive source to sustain their livelihoods and way of life together with costs of relocation.
- Cost of land registration, stamp duty and other costs associated with obtaining the land title for replacement land will be borne by the RGC.

(d) Illegal Occupiers/squatters without legal titles or rights to land

- There will be no compensation for loss of land.

2. Loss of Use of Land

(a) Agricultural Land

All APs engaged in farming

- For rice/crop farming, the compensation is the net annual income loss for one year based on RCS. In addition, the AH will be allowed to harvest the standing crop.

- For fruit trees, the compensation is based on maturity and yield based on market value of the agricultural produce. The market value is calculated on the basis of farm-gate price i.e. wholesale price at which farmers sell their fruits. 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 it is matured and fruit bearing, the compensation is as follows:

[Quantity harvested per year multiplied by market price and number of years it will bear fruit] plus the cost of seedling.

Perennial trees that have a growth period of more than 5 years are valued as follows:

- Sapling trees (under 1 year) are not compensated as it can be replanted. Only cost of seedlings will be provided.
- Young trees (1 to 3 years) are valued at one third of the full price, calculated as shown in the above formula, as they can be replanted plus the cost of seedlings.
- Young trees (3 to 5 years) bearing some fruit are valued at two thirds of the full price, calculated as shown in the above formula, plus the cost of seedlings.
- Mature trees (more than 5 years) full bearing fruits are valued at full price, calculated as shown in the above formula, plus the cost of seedlings.

(b) Businesses

All APs who lose their business

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

3. Loss of Houses and Structures (Fixed Assets)

(a) Legal Owners of Houses, Buildings and Structures

- All structures that are required to be demolished will be compensated in cash at the replacement cost based on the RCS. In case part of the structure is affected by land acquisition and the remaining structure cannot be reasonably used, compensation will be paid for the complete structure. When more than 75% of the existing structure is affected, this is considered as the bench mark for determining the remaining portion as unusable.
- If the owner rents or leases, compensation for any improvement carried out by the tenant or leaseholder will be paid to the tenant or leaseholder. Payment for such improvements will not be made to the legal owner and compensation amount for such improvements will be deducted from the compensation payment entitlement of the legal owner.

- Transportation allowance for household and personal goods. Fixed lump sum per AH based on average cost of transportation to new location (up to 5 km and more than 5 km) based on RCS.

(b) Tenants and Leaseholders

- Structures built or improved by tenants or leaseholders on land which they legally lease will be compensated in cash at replacement cost based on RCS.
- Transfer/Disturbance allowance equivalent to 1 month of rental or lease amount.
- Transportation allowance for household and personal goods. Fixed lump sum per AP based on average cost of transportation to new location (less than 5 km and more than 5 km) based on RCS.

(c) Illegal Occupiers/Squatters

- Cash compensation for loss of structures at replacement cost based on RCS.
- Transportation allowance for household and personal goods. Fixed lump sum per AP based on average cost of transportation to new location (less than 5 km and more than 5 km) based on RCS.

4. Loss of Livelihood

(a) Loss of Income During Transition Period

- APs who lose income during the transition period will be entitled to a lump sum amount equivalent to 3 months income based on the official monthly poverty rate established by the RGC. This is calculated as follows:
 - **Monthly Poverty Rate X Number of Members in AH X 3**
- APs classified as poor and vulnerable group will be entitled to double the lump sum amount, that is, equivalent to 6 months of income based on official poverty rate.

(b) Permanent Loss of Livelihood Source Due to Physical Relocation

- APs who lose their source of livelihood permanently will be entitled to participate in the Income Restoration/Support Program.
- APs will be entitled to participate in only one of the 3 income restoration programs.
- The Program is categorized to custom fit the type of loss of source of livelihood as follows:

1. Land-Based Income Restoration

For APs who were engaged in land-based livelihood. (i) Access to other land-based sources of income, like vegetable gardening, fruit trees and livestock; (ii) farming or livestock training; and (iii) financial support of a lump sum cash grant of USD 200 to re-established lost livelihood.

If suitable land is not available, the APs can opt for either the employment based or business-based livelihood program.

2. Employment-Based Income Restoration

For APs who lose their employment permanently. (i) provision of employment skills training; and (ii) financial support of a lump sum cash grant equivalent to 3 months of income based on official poverty rate for income support during the training program.

3. Business-Based Restoration

For APs who lose their business. (i) provision of business skills training; and (ii) financial support of a lump sum cash grant of USD 200 to start micro or home-based business.

4. Poor and Vulnerable Group

For APs classified as poor and vulnerable group based on the criteria prescribed in Section IV.D of the SOP who lose their source of livelihood permanently. In addition to the skills training, (i) additional income restoration support by doubling the cash grant for re-establishment of the source of livelihood; and (ii) priority in employment opportunities under the project.

G. Entitlement Matrix Template

- 116. The Standard Entitlement Matrix is shown in **Appendix 6** which specifies the types of the losses, who are eligible, the basis for calculation of the compensation rates and the method of determining the rates. The use of the Standard Entitlement Matrix is a mandatory requirement for all Projects. There may be cases when the impacts cause unusual or exceptional losses due to the nature of resettlement which may not be captured in the Standard Entitlement Matrix. In such cases, this may be modified on an exceptional basis with the prior approval of the GDR.

VIII. Public Consultation, Participation and Information Disclosure

A. Information Disclosure

117. Information disclosure to the public and the displaced persons is an integral part of LAR activities. The disclosure of relevant project information helps the displaced persons and other stakeholders to understand the risks, impacts and opportunities of the development project. The main benefits of disclosure are:
- It leads to greater awareness about the project and its objectives.
 - Disclosure of information helps promote local decision making and participation in project design and implementation.
 - Stakeholders will be better informed because of the two-way flow of information between the project developers and the displaced persons and communities.
 - It contributes to enhanced transparency and discourage exploitative practices.
 - It enhances ownership of the project by the displaced persons.
118. The disclosure of information to displaced persons and communities takes place during the consultation process at the different stages of the preparation and implementation of the resettlement plans. In case of public disclosure, this happens after the completion of the BRP, DRP and UDRP, where applicable. The disclosure of relevant information to the displaced persons will be made in a timely manner in places accessible to displaced persons and the communities and in the Khmer language. The types of documents for public disclosure, which will be uploaded on the project specific website in the line ministry responsible for implementing the project, are shown in the Table below.

Public Disclosure Requirements

Document	Timing of Disclosure	Means of Disclosure
BRP/RF	After approval of the BRP/RF by the IRC and DP	BRP/RF/DRP/UDRP is posted on EA and DP web-sites. Also kept at the Commune Offices for disclosure to affected communities.
DRP/UDRP	After approval of the DRP/UDRP by the IRC and DP	

119. The generic information disclosed to the displaced persons and local communities during the start of the public consultative process will normally comprise of the following:
- Project Background and Location (Map), Objective, Description and Potential Benefits.
 - Scope of Land Acquisition and Likely Impacts.
 - General Information on Compensation Policy and Eligibility Criteria.
 - Methodology for Calculation of Compensation Rates (through RCS).
 - Contact person in the IRC-WG.

- 120. The EA/IA with the assistance of the PPC will prepare a Project Information Booklet/Brochure (PIB) during the feasibility stage under the guidance of the GDR. The PIB is endorsed by the GDR prior to the distribution and consultation meetings. At this stage, the PIB will only contain generic information as most of the relevant and complete information will only be available after the DMS stage. This PIB will be provided and explained to the affected communities at the commencement of the sample SES for the preparation of the BRP or RF. This forms the first stage of the consultation process.
- 121. After the approval of the Loan/Credit/Grant for the Project by the DP, the PIB will be updated prior to the DMS stage by the GDR which will contain additional and more specific information on (i) entitlements and compensation; (ii) relocation and possible sites; and (iii) GRM. The Updated PIB will be shared and disclosed to the affected communities prior to the start of the DMS. This forms the second stage of the consultation process.
- 122. After the DRP is approved and the DMS and RCS are completed, a separate PIB on Compensation Package is prepared by the GDR. This is provided to the displaced persons during the public consultation meeting prior to signing of the contracts and the subsequent payments of the compensation package. The PIB for Compensation Package will provide the following information:
 - Final Compensation Package (Entitlement Matrix).
 - Unit costs under RCS.
 - Sample of calculation of compensation amount.
 - GRM and the Guidelines for GRM Procedures.
- 123. Public disclosure of information related to personal details of displaced persons and their socio-economic situation and other sensitive information which compromise their privacy will not be made at any time. Any information considered sensitive by the RGC in the national interest or security or for any other reasons, at its discretion, will not be disclosed to the DP or the public.

B. Consultation and Participation

1. Objectives of Consultation

- 124. The main objective of the consultation process is to carry out meaningful dialogue with the aim to avoid potential for conflicts, address the concerns of displaced persons to the extent possible, avoid bottlenecks to minimize project delays and contribute towards mitigating adverse impacts from involuntary resettlement. The consultation with the displaced persons serves as the conduit for education, information dissemination and exchange about the project.
- 125. The success of LAR will largely depend on the level of the responsiveness of the displaced persons towards the resettlement policies and activities. Involving the displaced persons and other stakeholders in the resettlement process from the early stage of the project will create an opportunity for the displaced persons and communities to express their concerns and provide inputs into the resettlement planning. This would ensure that the resettlement plan is designed taking into consideration the views and concerns of the displaced persons to the extent possible.

126. Consultation with the key stakeholders is an interactive process and is undertaken throughout the project cycle for the smooth implementation of the project. The key stakeholders will include:
- Displaced persons and community leaders and members, either positively or adversely affected.
 - The Line Ministry acting as the EA and its Provincial Department.
 - Provincial and Local authorities (District/Khan, Commune/Sangkat Councils and Village Offices).
 - Civil Society Organizations operating in the project affected areas other than those engaged in political activities.

2. Consultation Process

(a) First Consultative Meeting

127. The first public consultative meeting is held with the affected communities and the potential displaced persons at the commune level prior to the preparation of the BRP or RF. It is normally held in a school, community hall or pagoda located in the project area. The meeting is arranged by the EA through the assistance of the provincial authorities. The GDR participates in this meeting. The purpose of the meeting is to provide the community and the displaced persons with generic information about the project, the benefits and potential impacts, the anticipated land requirement, compensation policy and entitlement and eligibility. The PIB, which is prepared by the EA with the assistance of the PPC and endorsed by the GDR, is made available at the commune/village council offices located in the project area. It is also distributed to all the attendees during the meeting. In the event that the project area extends over a number of provinces or multiple communes, then multiple consultative meetings will be held to cover all the affected communes. The major concerns raised by the displaced persons are recorded in the minutes of the meeting in summary form. The feedback from these meetings are reviewed and taken into consideration in the preparation of the BRP/RF to the extent possible.

(b) Second Consultative Meeting

128. The second public consultation takes place prior to the DMS stage and is undertaken by jointly by the IRC-WG and PRSC-WG. Prior to the commencement of the DMS, consultation meeting is held with the affected communities at the commune or village level. The PIB is updated by the GDR with the information about the entitlements as agreed in the BRP/RF. The updated PIB and the DMS Questionnaire are made available and explained to the all attendees.

129. The updated PIB is also shared and explained to individual displaced persons during the house to house DMS survey and measurements of land and property losses. The purpose is for the displaced persons to confirm the loss of assets and the measurements and fully understand the basis on which the compensation will be paid for the loss assets and other entitlements.

(c) Third Consultative Meeting

130. The third public consultative meeting is held prior to the signing of the agreement/contract for the compensation package and is undertaken jointly by the IRC-WG and PRSC-WG. At

this stage, the DMS and the RCS are completed, the compensation package for each AH is known and draft contracts prepared. The consultative meeting is carried out in two parts and advance notice of the meeting is provided to the AHs through the commune/village council offices. In the first part, a public meeting is held at the commune/village level for all AHs and commune/village representatives and the PIB for Compensation Package is provided and explained to all the displaced persons. The schedule for the displaced persons contract signing (with deadlines), and the legal requirements to receive the compensation (national ID, evidence of land ownership) will also be explained.

- 131. The second part commences soon after the completion of the first part and is held on the same day. This will avoid the need for the displaced persons to return on another day. Each AH is provided with the draft contract and the compensation amounts explained to the satisfaction of the AH on one to one basis. The AHs are provided the option to sign the contract there and then or given 3 working days to submit the signed contract to the IRC-WG through the village council office.
- 132. For those AHs who were unable to participate in the meeting, best efforts will be made to visit them at their homes or seek the assistance of the village office to make contact with them.

(d) Fourth Consultative Meeting

- 133. The Fourth Consultative Meeting is conducted when the compensation payments are ready to be disbursed and is undertaken jointly by the IRC-WG and PRSC-WG. The schedule for compensation payments will be informed to displaced persons at least one week in advance through the commune and village offices.
- 134. The meeting is held in the commune or village and prior to commencement of the compensation payment, the AHs are informed about the GRM and the procedures to follow in case they have any complaints about the compensation payments.
- 135. Compensation payments are made on household to household basis and each AH is provided an opportunity to seek clarifications about the compensation package prior to receiving the payment.

3. Consultation with AH Relocated to Resettlement Sites

- 136. The AHs who are relocated to new Resettlement Sites generally require a period of time to adjust and integrate with the local communities and may face difficulties to access basic facilities at the new sites. Issues like operation and maintenance of non-public facilities (facilities for which the local governments are not responsible) require joint actions by all the relocated AHs. The AHs will need regular consultation among themselves to resolve the difficulties that they encounter.
- 137. A Community Development Officer (CDO) will be recruited by the GDR for each Resettlement Site who will provide assistance to the AHs in organizing the community and responding to these challenges. At the same time, the CDO will inter-face with the GDR to provide a conduit for regular consultation with the AHs.
- 138. **Appendix 7** shows the contents of the public and AH consultation at the different stages of LAR planning and implementation.

IX. Grievance Redress Mechanism

A. Purpose

- 139. Grievances are inevitable during the preparation and implementation of the resettlement plan due to the complexity of involuntary resettlement. No displaced person should be deprived of just and fair compensation which is mandated under the Expropriation Law. Every project where LAR is necessary should therefore have in place a redress mechanism to resolve complaints and grievances from displaced persons. The arrangement should be transparent, fair, reliable and effective and function in such a manner that resolution of complaints is achieved in a timely manner.
- 140. The GRM is established as a locally based arrangement at the provincial level for receiving, recording, assessing and facilitating the resolution of complaints and grievances raised by the displaced persons in relation to their compensation and entitlements for the expropriation of land and other immovable property under the Law on Expropriation.
- 141. The complaints are generally about unfair and unjust compensation like the inadequacy of entitlements and compensation; the inaccuracies in detailed measurements; and the errors in computation of the compensation payments. Complaints regarding legality of the laws and regulations, the compensation and related policies are not entertained or handled under the GRM.

B. Legal Framework

- 142. The right of the owners of and/or holders of real right to lodge complaints is included in the Expropriation Law.

The owner of and/or holder of real right who disagree with a decision of the Expropriation Committee can bring their complaint to the Grievance Redress Committee (*Article 33 of the Expropriation Law*).

In case of dispute with the decision of the Grievance Redress Committee, the owners of and/or holder of real right may lodge a suit before a competent court against improper expropriation procedures, expropriation that is not for the public or national interest, and unfair and unjust compensation (*Article 34 of the Expropriation Law*).

- 143. In case the dispute is not yet resolved, this does not prevent the State from continuing the expropriation.

The expropriation may still be carried out despite any unresolved dispute (*Relevant Part of Article 19 of the Expropriation Law*).

- 144. The Expropriation Law provides a two-step approach for the resolution of complaints from displaced persons. At the first step, the displaced persons can lodge their complaints to a Grievance Redress Committee (GRC) and if they are not satisfied with the decision of this Committee, they can file a suit with the competent Court (Municipal or Provincial Court, as applicable). To the extent possible, best efforts should be made to seek an amicable resolution of the complaints at the GRC.

C. Establishment of Grievance Redress Mechanism

1. Grievance Redress Committee (GRC)

145. The MEF will facilitate the establishment of a Provincial Grievance Redress Committee (PGRC) which will be responsible for addressing grievances for all externally financed projects located in the respective province/city. The PGRC will be established by the Provincial Governor in consultation with the IRC. For some projects financed by bi-lateral DPs, there may be a project specific PGRC which will be decided on a case by case basis by the IRC.

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

- 1. Provincial Governor - Chair
- 2. Director of Provincial Department of Land Management, Urban Planning and Construction - Vice Chair
- 3. Director of Provincial Department of MEF (PDEF) - Member
- 4. Chief of Provincial Office of Law and Public Security - Member
- 5. District Governor - Member
- 6. One Representative of Local Based CSO - Member

2. Structure and Steps in Grievance Handling

147. The displaced person may informally seek the assistance of the commune chief or a community elder to discuss and find an amicable solution to the grievance with the leader of the PRSC-WG. This is done verbally and informally and no recording is required. The PRSC-WG will consult with the IRC-WG to ensure grievance is properly addressed. In the event that the grievance is not resolved to the satisfaction of the displaced person, he/she may seek the formal route for lodging the grievance as explained below:

(a) First Step

148. The aggrieved displaced person can lodge a written complaint to the Head of the District Office. The displaced person can bring a community elder or representative to mediate in the matter at the District level. The IRC-WG will appraise the Head of the District Office about the matter. If the complaint is resolved at the District Level to the satisfaction of the displaced person, the IRC-WG will inform DIMDM which will review and seek the approval of the DG, GDR for appropriate action.

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

(b) Second Step

150. The DIMDM under the GDR is responsible for recording and reviewing complaints and grievances. The DIMDM will record the complaint and check the merits of the claim within the framework of the agreed Entitlement Matrix. There is a possibility that a