

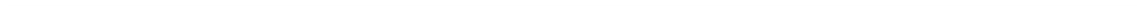
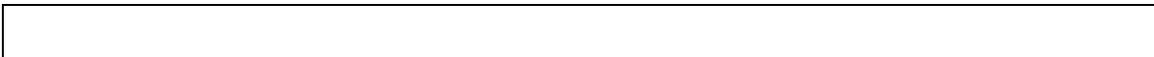
**KINGDOM OF CAMBODIA**

**CAMBODIA SUSTAINABLE LANDSCAPE AND ECOTOURISM PROJECT (CSLEP)**

**RESETTLEMENT POLICY FRAMEWORK (RPF)**

Prepared by:  
**MINISTRY OF ENVIRONMENT (MOE)**  
&  
**MINISTRY OF RURAL DEVELOPMENT (MRD)**

**PHNOM PENH, CAMBODIA**  
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### LIST OF ACRONYMS

<b>ARAP</b>	Abbreviated Resettlement Action Plan
<b>BP</b>	Bank Policy
<b>CBO</b>	Community Based Organizations
<b>COI</b>	Corridor of Impact
<b>CSELP</b>	Cambodia Sustainable Landscape and Ecotourism Project
<b>CSO</b>	Civil Society Organizations
<b>DMS</b>	Detailed Measurement Survey
<b>ESMF</b>	Environmental and Social Management Framework
<b>ESMP</b>	Environmental and Social Management Plan
<b>FPIC</b>	Free, Prior and Informed Consultation
<b>GDR</b>	General Department of Resettlement
<b>IDA</b>	International Development Association
<b>IOL</b>	Inventory of Loss
<b>IP</b>	Indigenous Peoples
<b>IPDP</b>	Indigenous Peoples Development Plan
<b>IPPF</b>	Indigenous Peoples Planning Framework
<b>IRC</b>	Inter-Ministerial Resettlement Committee
<b>IRC WG</b>	Inter-Ministerial Resettlement Committee Working Group
<b>KM</b>	Kilometer
<b>LARD</b>	Land Acquisition and Involuntary Resettlement
<b>M&amp;E</b>	Monitoring and Evaluation
<b>MEF</b>	Ministry of Economy and Finance
<b>MOE</b>	Ministry of Environment
<b>MRD</b>	Ministry of Rural Development
<b>NGO</b>	Non-Governmental Organizations
<b>NR</b>	National Road
<b>OP</b>	Operational Policy
<b>PAH</b>	Project Affected Households
<b>PAP</b>	Project Affected Persons
<b>PRSC</b>	Provincial Resettlement Sub-Committee
<b>PRSC WG</b>	Provincial Resettlement Sub-Committee Working Group
<b>RAP</b>	Resettlement Action Plan
<b>RCS</b>	Replacement Cost Study
<b>RF</b>	Resettlement Framework
<b>RGC</b>	Royal Government of Cambodia
<b>ROW</b>	Right of Way
<b>RP</b>	Resettlement Plan
<b>SOP</b>	Standard Operating Procedures
<b>TOR</b>	Terms of Reference
<b>WB</b>	World Bank

## **DEFINITIONS AND TERMS**

**Beneficiary** – All persons and households from the villages who voluntarily seek to avail of and be part of the project.

**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** – Defined as the date prior to which the occupation or use of the Project areas makes residents/users eligible to be categorized as Project Affected Persons (PAP). The cut-off date for this Project will be the date of conducting public consultation with the Project Affected Persons (PAP) before conducting Inventory of Loss (IOL) or the Detailed Measurement Survey (DMS).

**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 Project Affected Person (PAP), Affected Persons (AP) or Affected Households (AH)

**Eligible land holders** – Refers to affected persons who (a) hold title to land; or (b) do not hold title but whose possession of land can be legalized with a title pursuant to the Land Law of Cambodia including those with recognizable rights.

**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.

**Household** – Refers to all persons living and eating together as a single social unit.

**Income restoration** – Refers to re-establishing income sources and livelihoods of project-affected households to at least pre-project level.

**Improvements** – Structures constructed (dwelling unit, fence, waiting sheds, pig pens, utilities, community facilities, stores, warehouses, etc.) and crops/plants planted by the person, household, institution, or organization.

**Land acquisition** – The process whereby a person involuntarily loses ownership, use of, or access to, land as a result of the project. Land acquisition can lead to a range of associated impacts, including loss of residence or other fixed assets (fences, wells, tombs, or other structures or improvements that are attached to the land).

**Project Authorities** – refers to the Ministry of Rural Development (MRD), Ministry of Environment (MOE), and the Ministry of Economy and Finance (MEF) and the General Department of Resettlement (GDR) of the Ministry of Economy and Finance.

**Project Affected Persons (PAP) or Project Affected Households (PAH)** – Includes any person, households, entity, organizations, firms or private institutions who, on account of changes that result from the project will have their (i) standard of living adversely affected, (ii) right, title, or interest in any house, land (including residential, commercial, agricultural, forest, plantations, grazing, and/organizing land), water resources, fish ponds, communal fishing grounds, annual or

perennial crops and trees, or any other moveable or fixed assets acquired, possessed, restricted, or otherwise adversely affected, in full or in part, permanently or temporarily; and/or (iii) business, occupation, place of work or residence, or habitat adversely affected, permanently or temporarily, with or without displacement. This includes tenants and leaseholders, and illegal occupiers/squatters without legal titles or rights to land.

**Rehabilitation** – Refers to assistance provided to persons seriously affected due to the loss of productive assets, incomes, employment or sources of living, to supplement payment of compensation for acquired assets, in order to achieve, at a minimum, full restoration of living standards and quality of life. Compensation for assets often is not sufficient to achieve full rehabilitation.

**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.

**Resettlement** – Refers to all the measures that should be taken to mitigate any and all adverse impacts of a project on PAP property and/or livelihoods, including compensation, relocation (where relevant) and rehabilitation as needed.

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

## **ACKNOWLEDGEMENTS**

This Resettlement Planning Framework (RPF) was prepared as part of the proposed Cambodia Sustainable Landscape and Ecotourism Project (CSLEP) to be funded by the World Bank Group (WBG) through an International Development Association (IDA) loan. The report was prepared by the Royal Government of Cambodia's Ministry of Environment (MOE), with inputs and support from the Ministry of Rural Development (MRD) and inputs and final approval provided by the Ministry of Economy and Finance (MEF).

## **INTRODUCTION**

This document is the Resettlement Policy Framework (RPF) for the proposed Cambodia Sustainable Landscape and Ecotourism Project (CSLEP) prepared by the Ministry of Environment (MOE) with support of the Ministry of Rural Development (MRD). Given that the CSLEP will involve connective infrastructure (e.g. improvement of rural roads) and the construction of small ecotourism facilities, there is a potential for land or land-fixed assets to be impacted. Therefore the World Bank's Operational Policy 4.12 on Involuntary Resettlement is triggered and the Royal Government of Cambodia's Standard Operating Procedures (SOP) on Land Acquisition and Involuntary Resettlement (LAR) apply. However, given that the exact location of sub-projects will not be known until implementation, a Resettlement Policy Framework (RPF) has been prepared that details the requirements for the preparation and implementation of site-specific Resettlement Action Plans (RAPs) once locations are known.

## **PURPOSE**

This RPF applies to all activities receiving financial or technical assistance from the Cambodia Sustainable Landscape and Ecotourism Project (CSLEP). The RPF describes the principles that MOE, MRD, and MEF will follow in order to avoid, minimize or mitigate adverse impacts by the CSLEP project on land acquisition and resettlement, if any. The RPF follows Royal Government of Cambodia (RGC) laws and regulations, as well as ensuring compliance with World Bank OP 4.12. While the CSLEP does not anticipate the need for resettlement, the project acknowledges that there is the potential for some small land acquisition, in particular as a result of subcomponents 2.2 and 2.3 described below.

## **THE CAMBODIA SUSTAINABLE LANDSCAPE AND ECOTOURISM PROJECT (CSLEP)**

### *PROJECT DEVELOPMENT OBJECTIVES*

The project development objective (PDO) is to improve natural resources management and related value addition in selected landscapes. The proposed project will support investments in a manner that is consistent with the landscape approach. This means that investments contribute to common outcomes, are spatially connected across the landscape, and are designed to limit negative impacts on ecosystem integrity while at the same time maximizing development benefits.

### *PROPOSED PROJECT DESIGN AND COMPONENTS*

The CSLEP has three main components and several subcomponents, summarized below. For more detailed information, please see the Project Appraisal Document (PAD) and other relevant project documentation.

#### **Component 1: Investments for Monitoring and Sustainable Landscape Planning (\$ 7 million)**

##### **Subcomponent 1.1: Strengthening Capacity for Managing Natural Resources (\$2 million)**

The objective of this subcomponent is to support the RGC in enhancing its capacity for using geospatial approaches in landscape planning and decision-making, and for law enforcement in protected areas.

The project will support RGC in implementing and institutionalizing a Decision Support System (DSS) that will help advance the process of zonation of PAs and will help MOE with other investment and

planning decisions such as ecotourism and Non-Timber Forest Product (NTFP) development, and landscape restoration within and around Protected Areas (PAs). The DSS would be developed as a web-based platform for integrating spatial information – building on the UNDP’s recent data support to MOE, using ecosystem service modeling and mapping, and employing development scenarios and tradeoff analysis to inform investment and planning decisions. Training of MOE staff to operate and manage the DSS will be supported by the project.

The project will also support RGC in developing and implementing a spatial forest monitoring, reporting and enforcement framework and strategy. The framework and strategy will be developed through a participatory process involving NGO partners such as Wildlife Alliance (WA) and Conservation International (CI) that support law enforcement in the Cardamom Mountain and Tonle Sap (CMTS), and forest communities in the CMTS, and will build on the Spatial Monitoring and Reporting Tool (SMART) approach which is already being used to some extent in the CMTS. The framework and strategy will incorporate digital technologies such as drones for aerial surveillance, the use of satellite and remote sensing data for broader resolution surveillance, and crowdsourcing data-collection techniques that can help rangers and forest communities (including community based organizations etc.), to more effectively engage in forest monitoring and enforcement. Equipment for forest patrolling and monitoring, and rehabilitation of ranger centres in CMTS will be supported by the project, as well as training of MOE, local government, forest communities, and other stakeholders on forest monitoring and enforcement.

#### **Subcomponent 1.2: Improving Enabling Environment for Ecotourism (\$2 million)**

Technical assistance (TA) will be provided to develop a framework for the improvement, coordination and formalization of existing ecotourism management arrangements and the creation of national guidelines and best practices, as well as to strengthen the enabling environment for small and medium enterprise growth. Diagnostic tools will be used to identify constraints to growth, opportunities for value addition, and greater market access for (agro-) forest products and services.

An integrated framework for connectivity analysis will be used to determine the combinations of investment projects and policy reforms that have the most impact on private sector growth. This subcomponent will also promote climate-efficient solutions and clean technology development through reforms, guidelines and initiatives that enhance equipment and processes. Additional activities under this component may include: capacity building on global value chain participation; improving trade policies, logistics, and wider connectivity issues; strengthening service sector regulation; development of policies to support the development of links between foreign direct investment and small and medium enterprises (SMEs); compliance with international process and product standards; and skills upgrading.

#### **Subcomponent 1.3: Encouraging Private Sector and Community Participation (\$3 million)**

The project will support the development of business development service (BDS) facilities that will provide training and technical guidance on business development for ecotourism and NTFP value chain enterprises. These BDS facilities will help fill gaps in entrepreneurial skills and business advice and will promote competitiveness among the private sector and community ecotourism groups. The facilities will provide training on business development needs including market identification and marketing, product development and management, and will assist private sector and community groups in preparing robust business plans. The BDS facilities will also be designed to provide targeted services for women entrepreneurs to encourage their participation in ecotourism and related value chains. The project will support the establishment of such facilities, and the development of training curricula.

## **Component 2. Infrastructure to Support Ecotourism and related Value Chains (\$45 million).**

### **Subcomponent 2.1: Supporting Landscape Management Plans and Landscape Restoration (US\$ 7 million)**

This subcomponent will support the RGC in developing PAs and Community Protected Areas (CPAs) including the respective management plans and undertaking landscape restoration. The Government's National Protected Area Strategic Management Plan (NPASMP) includes a strategic objective on the development of protected PA management plans, which this subcomponent will support. Project activities will help improve the capacity of MOE, community forestry groups, such as community based organizations, and civil society for (i) planning using participatory and innovative geographic information systems (GIS) approaches; (ii) harmonizing land use plans across the landscape; and (iii) prioritizing strategic investments for landscape restoration.

**Strengthening landscape planning.** The project will finance the zoning, demarcation and registration of six PAs in the CMTS, and participatory development of management plans for each of these: Tonle Sap Biosphere Multiple Use Area; Phnom Sankos Wildlife Sanctuary; Central Cardamom Mountains National Park; Phnom Aural Wildlife Sanctuary; Southern Cardamom Mountains National Park; and Tatai Wildlife Sanctuary. These PAs cover an area of 1.86 million hectares which is equivalent to about 85% of PA coverage in CMTS. The project will also support the participatory development of supplementary plans including CPAs, NTFP management, ecotourism, and restoration plans and support MOE in developing and enhancing the guidelines for these plans. These plans are considered supplementary as they are nested within PA plans. Project financing will support training for MOE, local government, rangers and other stakeholders on PA development, and development of various management plans.

The Cardamom Biodiversity Conservation Corridor (BCC) is a priority for restoration as (i) it serves as a buffer between the agricultural areas in Battambang and Pursat provinces, and Central Cardamom National Park and Phnom Aural and Phnom Sankos Wildlife Sanctuaries; and (ii) analysis shows that it is an area of prominent forest degradation due to agricultural encroachment. The project will support RGC in developing a strategy for managing the Cardamom BCC which will include agroforestry development as a first phase.

**Financing targeted landscape restoration.** Forest degradation and erosion are prevalent in the Cardamom BCC, on lower-mid slopes of the Cardamom Mountains, in areas around the Tonle Sap, and in riparian areas in the Cardamom Mountains. The project will support different types of restoration through agroforestry and Sustainable Land Management (SLM) practices of approximately 307,000 hectares within 11 districts; riparian restoration for approximately 470km of rivers within the BCC and CMTS PAs; and structural measures for slope stabilization. The project will support (i) provision of inputs for agroforestry, and required training/ skills development ; (ii) training on sustainable land management practices that promote intensification of land already under agriculture production in CCM; (iii) provision of inputs for development of structural measures including mechanically-stabilized earth mounds, reinforced slopes for slope stabilization and road stability, and improved drainage and required training/ skills development.

### **Subcomponent 2.2: Financing Connectivity Infrastructure (\$18 million)**

Access to the Cardamom Mountains and Tonle Sap Landscape needs to be improved to allow for an increase in visitor numbers from the identified gateways. These improvements are aimed at increased, sustainable visitor volume and reduced seasonality due to all-weather access. Specific investments may include the rehabilitation of rural roads, development of ecotourism corridors, and linkages with main markets.

*Improving access and support infrastructure:* By adding last-mile access and support infrastructure, visitors will be offered site-specific public domain facilities that enable an appreciation of the destination. Combined with branded signage, this creates a sense of place and comprises the (free) public domain side of a destination. The project will finance the upgrading and rehabilitation of select rural roads to all-season and climate resilient standards; signage; visitor information centers; and small-scale sanitation infrastructure.

### **Subcomponent 2.3 Financing Innovative Ecotourism and related NTFP Value Chains (\$15 million)**

**Site-specific investments:** This component will be used to finance investments related to *establishing/ rehabilitating ecotourism infrastructure* in the target landscapes. Around the Tonle Sap-examples include interpretation center, floating (demo) village, lake cruise facilities, floating shelters/hide-out; and in the Cardamom Mountains, examples include an interactive center, Forest Canopy Walkway, viewpoints and observation stations, shelters, demarcated trails (mountain biking/hiking), and safety infrastructure at waterfalls and cliff/overlook-sites. Furthermore, finance can also be used to enhance opportunities for the private sector in select value chains and increase the income-earning opportunities for CBOs participating in the value chains and linked to the ecotourism industry. The types of investments that would be promoted and supported would include: provision of processing equipment (e.g. hand-powered equipment), development including rehabilitation of facilities (e.g. processing factories and storage) to meet sanitation standards and to be fit for purpose, and packaging/ branding equipment.

Through this component, communities/ CBOs can also use funds for TA related to development business and management plans; equipment, including hardware and software (i.e. field equipment, tents, radios, repeaters); research and surveys to improve ecotourism site management, including on climate change risks to CPA management; and training.

### **Component 3. Project Management, Coordination, Monitoring and Evaluation (US\$3 million).**

MOE will be the main executing agency for implementation and the overall coordination arrangements. MOE will be responsible for overall project management/coordination and for the implementation of all three components. MOE will closely cooperate with the Ministry of Rural Development (MRD) as implementing partner that will take responsibility for the construction of rural access roads infrastructure. Support will be provided for the establishment of a MOE-led project coordination and implementation unit. A high-level Steering Committee will be formed to advise on and deal with emerging cross-sectoral issues. The details will be elaborated in the project operations manual (POM).

Component 3 will support overall project management through: (a) providing necessary key contract staff and consultants in the coordination and implementation unit to assist MOE in managing project implementation; (b) monitoring and evaluation (M&E) of project implementation; and (c) consultant and advisory services to support project implementation and capacity building of MOE and other key stakeholders.

## **PRINCIPLES GOVERNING RESETTLEMENT**

This RPF has been prepared as part of the Environmental and Social Management Framework (ESMF) for the Project to provide guidance to decision-makers in situations where a proposed sub-project may require the use of land on a temporary or permanent basis and/or voluntary land donations, particularly activities under subcomponents 2.2 and 2.3 as described above. Accordingly, the RPF is prepared to set out the policies and procedures for avoiding, minimizing or, if not possible, mitigating possible adverse impacts related to involuntary land acquisition and resettlement as a

result of a proposed sub-projects. This RPF also establishes the process that need to be duly implemented regarding voluntary donation.

The purpose of the RPF is to ensure that all people affected by the project are able to maintain or improve their pre-project living standards. The objective of the RPF is to avoid, minimize or, if not possible, mitigate involuntary resettlement and to provide a framework for assessing concerns of PAP and PAH who may be subject to loss of land, assets, livelihoods and well-being or living standards because of the proposed sub-projects.

The World Bank Involuntary Resettlement (OP/BP 4.12) policy is triggered when two related processes occur. In the first instance, a development project (sub-project) may cause people to lose land, other assets, or access to resources, which may cause disruption to, or loss of, livelihood (i.e., property and assets), wellbeing and/or other entitlements. In the second instance, if relocation and resettlement is warranted, it may affect PAP positively as their situation may improve, or at least be restored to the levels that existed at sub-project commencement. The RPF provides decision-makers with guidelines and processes for ensuring that PAP will improve their livelihoods and wellbeing or, at least, to restore them to levels prevailing at project commencement.

The RPF details the instruments and plans, and actions and measures to be taken during initial stages of sub-project design and prior to feasibility and subsequent implementation. The RPF establishes guidelines for determining land loss eligibility and includes a description of what a voluntary land contribution might entail. However, as the CSLEP sub-projects are in the planning stages Resettlement Action Plans cannot be developed at this stage. Once project subcomponents are determined and exact locations known, depending on impacts, Abbreviated Resettlement Action Plans (ARAPs) or Resettlement Action Plans (RAPs) can be prepared, guided by this RPF.

The RPF will apply if proposed sub-project initiatives negatively affect households and communities and lead to involuntary land/structure/livelihood loss, even on a temporary basis. Situations subject to land acquisition or relocation of PAP and PAH may involve physical works, such as repair and rehabilitation of roads, or site changes of existing/new infrastructure (in particular see description of subcomponents 2.2 and 2.3). In these situations, screening will help decision-makers determine the safeguards measures for avoiding, minimizing or mitigating adverse effects. However, in cases where land is voluntarily donated by individuals/communities, the Involuntary Resettlement policy will not be triggered but this RPF will guide the process for assessing and carefully documenting voluntary donations.

Most aspects of the WB Involuntary Resettlement (OP/BP 4.12) policy are adequately addressed in Cambodian laws and regulations (see section on Legal Framework). The overarching objective of the sub-project in relation to land and asset acquisition is to assist the PAP in restoring their livelihoods at least to the level equal to their pre-project level. Specific principles that apply include:

- In cases of road rehabilitation, rehabilitate the road to avoid residential areas wherever possible to minimize physical relocation of people, and select alignments that minimize acquisition of privately or publicly held productive land;
- Ensure design standards minimize the need to impose land use restrictions on adjoining areas;
- Develop fair and transparent procedures, as defined in the Entitlement Matrix of this RPF to determine compensation at replacement cost (see section on Asset Valuation) for (i) temporary loss of land and/or assets during construction or rehabilitation; (ii) permanent acquisition of land and/or assets; and (iii) restrictions on use of land that may be applied to areas adjoining the alignment and ROW;

- When possible, acquire land (or right to use land) through negotiated agreements and with the use of the power of eminent domain only as a last resort;
- Upon completion of rehabilitation or repair, restore land as best as possible to its original condition in the event of temporary disruption so as to enable landowners/users/lessees to resume their pre-sub-project activities;
- Keep PAP, PAH, and communities fully informed about the sub-project(s), the process that will be followed to acquire and compensate for land, and their related rights and avenues for redress;
- Ensure that aggrieved PAP and PAH will have redress and recourse options and that solutions are in line with principles stipulated in this RPF and, importantly, are employed;
- All PAP and PAH, without regard to legal status of property, will receive support of various kinds, as per the principles set out in the Entitlement Matrix, to assist them in their efforts to maintain their livelihoods and well-being prevailing prior to the sub-project. Squatters will not be compensated for loss of land but will receive compensation for loss of other assets, which have been established prior to the cut-off date with their own finances, and for loss of income such that they are assisted in their efforts to maintain their livelihoods and wellbeing. Detailed measures to be implemented will be determined based on a corridor of impact (COI) census and socio-economic baseline survey conducted when the ARAP/RAP is developed;
- PAP and PAH will be notified of the sub-project implementation schedule and consulted regarding the principles of land acquisition and loss of or damage to assets; and
- Damages to assets, such as standing crops, trees, fences and kiosks, and loss of income (including loss of harvest) will be minimized, however inevitable, and will be compensated without regard to legal status of ownership according to the Entitlement Matrix.

## **RESETTLEMENT PROCESS AND APPROVAL**

World Bank environmental and social safeguards policies require the borrower country (Cambodia) to prepare an ESMF and RPF consistent with RGC laws and WP OP/BP4.12. These safeguards documents must be prepared, publicly disclosed with free, prior and informed consultation undertaken to ensure proposed sub-project impacts (positive or adverse effects) are discussed before project appraisal. Once the specific proposed sub-project locations are known, if there is involuntary acquisition then an ARAP or RAP can be prepared as part of project implementation but before any works are undertaken. An ARAP is developed when a sub-project affects less than 200 people in terms of loss of assets, incomes, employment or business. However, a more extensive RAP is conducted when a sub-project will affect more than 200 people.

The RPF is focused on providing the necessary guidelines for the development of site-specific ARAP/RAPs (OP/BP 4.12) during proposed sub-project implementation. As previously noted, involuntary resettlement is not expected to occur as a result of the proposed sub-projects. However, involuntary land acquisition on a temporary or permanent basis may occur and, in this case, the RGC National Law on Expropriation (2010) and the World Bank safeguards policy (OP/BP 4.12) requires that an ARAP or RAP (hitherto referred to as Resettlement Plan [RP]) be developed to guide implementation.

In cases when land acquisition is related to road rehabilitation, MRD, as the leading ministry, in association with relevant ministries such as the GDR of the MEF (secretariat of the Inter-Ministerial Resettlement Committee), provides the general direction for the planning of the relocation and acquisition process, ensures coordination between various stakeholders concerned with the sub-projects including those directly connected with relocation and monitoring implementation.

However, in cases relating to land acquisition as a result of other project subcomponents that are non-road rehabilitation related, MOE will be the lead ministry and coordinate as above.

At commencement of sub-projects, stakeholders will be consulted to establish planning principles and work arrangements aimed at identifying and mitigating adverse social impacts induced by the sub-project(s) initiatives and/or activities. The RP will obtain information through baseline surveys, valuation of properties, and a determination regarding compensation, whether in the context of temporary or permanent relocation and compensation or in the context of mitigating other sub-project related social impacts.

In cases where an RP is needed, the RP preparation must include the following precepts for PAP and PAH so that they are:

- Informed about their options and rights pertaining to relocation and compensation;
- Consulted on, offered choices among, and provided with technically and economically feasible relocation and/or compensation alternatives; and
- Provided prompt and effective compensation at full replacement cost for losses of assets and access, which are attributable to the sub-project(s).

Adequate public consultation and participation are mandatory requirements of the RP process. In addition, PAP and PAH must be made aware of:

- Their options and rights pertaining to land donation, relocation and/or compensation;
- Specific technically and economically feasible options and alternatives for relocation or resettlement sites;
- Process of and proposed dates for relocation, resettlement and/or compensation;
- Effective compensation rates at full replacement costs for loss of assets and services; and
- Proposed measures and costs to maintain or improve their standards of living and wellbeing.

As the designated implementing agency, MOE and/or MRD will have one Resettlement Specialist to work alongside the Project Coordination Office team. Among other duties, the role of the Resettlement Specialist would be to monitor implementation of both the RPF and site-specific RPs so as to ensure that appropriate actions are addressed in relation to potential voluntary land contribution, relocation and/or resettlement issues. In cases of voluntary contribution, RPs will not need to be prepared but the process will need to be carefully documented. It will be important to use a participatory approach to engage stakeholders, civil society organizations (CSO) and PAP and PAH so as to ensure broad acceptance of the RP.

A screening and review process should be used for land contribution, relocation or resettlement, and a voluntary land contribution planning process, if applicable. The main purpose of utilizing a screening and review process is to identify land donations, relocation or resettlement, and/or other issues associated with proposed sub-projects and/or activities in their respective footprint. For optimum planning, screening should take place during the initial stages of the subcomponent planning process so that the Resettlement Specialist is well informed to develop the RP/documentation. The RP requires site-specific comprehensive information to identify the following parameters:

- Persons who will be affected (positively and adversely) by the sub-projects;
- Persons eligible for compensation and/or assistance; and
- Type of land contribution and assistance and/or assistance required.

Following completion, the RP will be submitted to IRC for approval following which, it will be forwarded to the World Bank.

The ARAP includes the following information: (i) brief description of the sub-projects, location and their impacts; (ii) consultation with PAP and PAH; (iii) baseline information of PAP and PAH; (iv) category of PAP and PAH by degree and type of impacts; (v) entitlement for compensation, allowances and rehabilitation or restoration assistance by category of impacts in a compensation matrix; (vi) information on relocation site, where applicable; (vii) institutional responsibilities for implementation and monitoring; (viii) grievance redress procedures; (ix) estimated cost of resettlement and yearly budget; and (x) time-bound plan for implementation.

Meanwhile a RAP would typically include the following: (i) brief description of the sub-projects, location and their impacts; (ii) principles and objectives governing resettlement preparation and implementation; (iii) legal framework; (iv) baseline information of PAP and PAH; (v) category of PAP and PAH by degree and type of impact(s); (vi) entitlement to compensation, allowances, and rehabilitation or restoration assistance by category of impacts in a compensation matrix; (vii) information on relocation site together with socio-economic conditions on the secondary PAP and PAH and host communities; (viii) institutional arrangement for planning and implementation; (ix) participatory procedures during planning and implementation; (x) grievance redress procedures; (xi) estimated cost of resettlement and annual budget; (xii) time-bound action plan for implementation; and (xiii) internal and external monitoring procedures, including the terms of reference (TOR) for external monitoring and evaluation.

#### **CATEGORIES OF DISPLACED PERSONS**

CSLEP sub-projects requiring land acquisition will potentially have both positive and adverse (negative) impacts on people. For instance, in terms of road rehabilitation, it is reasonable to presume that households, commercial enterprises and public infrastructure (e.g., schools, health clinics' boundary fences) whose properties encroach on the road alignment and ROW will potentially be affected adversely, if only in a minor way.

It is reasonable to assume that while the proposed sub-projects will have positive impacts on a large majority of the population, only a limited number of persons are likely to be negatively impacted by certain activities related to the implementation of the proposed sub-projects. The issue of concern here is to provide an estimation of the latter and the likely categories of displaced persons. However, as the location of the activities are currently unknown, providing a reasonable estimate of such persons or, who would be directly or indirectly affected for inclusion in the RPF is not possible at this stage. This determination will need to be conducted once the sub-projects location and extent are identified and prior to sub-project implementation.

Once the sub-project locations are known and land acquisition or any associated impacts are identified, resettlement planning should begin. In cases where involuntary land acquisition is necessary, MOE/MRD shall work closely with MEF-IRC, who is the lead agency for donor-related involuntary land acquisition. A census survey to identify and enumerate all PAPs, and a socio-economic survey to determine the range and scope of impacts in the affected area will be carried out by the IRC working group in close coordination with the MOE/MRD and the provincial resettlement sub-committee working group during the implementation stage. The census survey must cover 100 percent of the persons to be displaced, whereas the socio-economic survey may be undertaken on a random sample basis. The surveys, which may be undertaken separately or simultaneously, determine whether a RAP or ARAP is necessary.

Although all of the activities have the potential to affect all categories of people in the respective locations (whether categorized by race, religion, ethnicity, gender, age, economic status, land tenure or other), only the activities that require relocation either on a temporary or permanent basis are considered to have the potential of causing serious displacement problems. The RPF recognizes that certain social groups may be less able to restore their living conditions, livelihoods and income levels and therefore, are at greater risk of impoverishment when their land and other assets are affected. During the RAP social assessment, the sub-project will identify any specific needs or concerns that need to be considered for the vulnerable groups such as landless, poor, and households headed by women, disabled, elderly or children without means of support, or indigenous groups. The vulnerability of each group will be identified and assessed during the socioeconomic survey. Gender integration will be considered during the planning and implementation of the ESMF, RPF, and Indigenous Peoples Planning Framework (IPPF) processes.

### **DISPLACED PERSONS' ELIGIBILITY CRITERIA**

All PAP and PAH comprised of different populations (i.e., ethnic minorities and vulnerable groups, etc.) will be provided with compensation and/or assistance if: (i) their land area is affected; (ii) income source is adversely affected; (iii) houses partially or fully demolished; and (iv) other assets (i.e., crops, trees, and facilities) or access to these properties will be reduced or damaged due to land acquisition. Lack of legal documents of their customary rights or occupancy certificates will not affect their eligibility for compensation.

Displaced persons may be classified in one of the following three groups:

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

Persons covered under a) and b) are provided compensation for the land they lose, and other assistance in accordance with paragraph 6 of OP/ BP 4.12. Persons covered under c) are provided resettlement assistance in lieu of compensation for the land they occupy, and other assistance, as necessary, to achieve the objectives set out in this policy, if they occupy the sub-project area prior to a cut-off date established by the borrower and acceptable to the Bank.

Two forms of acquisition of land will be considered under the sub-project including:

- Voluntary Land Contributions: will be accepted as long as the free, prior and informed consultation process is adhered to and if the situation is well documented by local authorities. As such, PAP and PAH have the right to make a contribution of land or other assets of their own volition without seeking or being given any form of compensation. These situations can be justified because the proposed sub-projects will likely directly benefit the PAP and PAH. Voluntary contributions of land is not allowed if impacts is greater than 10% of

the total land area or productive assets. In these cases an RP is not needed but there should be careful documentation of the land donation as per the guidelines found in this RPF;

- Involuntary Land Acquisition and Resettlement: persons who contribute land or other assets have the right to seek and receive compensation. In such cases, the sub-project authorities will ensure that RPs based on this RPF are agreed to before works are undertaken.

This RPF applies to all proposed sub-projects in the CSLEP funded by the World Bank. The policy applies to all PAP/PAH regardless of the number or the severity of the induced impact.

As mentioned, particular attention is to be given to the needs of different populations, including ethnic minorities and vulnerable groups and, if appropriate, linkages should be made to the Indigenous Peoples Planning Framework (IPPF).

## **LEGAL FRAMEWORK ASSESSMENT**

The following is a list of some of the laws and decrees most relevant to land acquisition and resettlement in the Kingdom of Cambodia.

- Standard Operating Procedures for Externally Financed Projects in Cambodia- Land Acquisition and Involuntary Resettlement (2018)
- Law on Environmental Protection and Natural Resources Management (1996);
- Land Law (2001);
- Law on Protected Area (2008);
- Law on Biosafety (2008);
- National Law on Expropriation (2010);
- Sub-Decree on Social Land Concession (2003);
- Sub-Decree on EIA Process (1999)
- Circular No. 02 (2007);
- Sub-Decree No. 19 ANK/BK on Social Land Concession (March 2003) provides for allocations of free private state land to landless people for residential or family farming, including the replacement of land lost in the context of involuntary resettlement;
- Sech Kdey Prakas No.6, entitled “Measures to Crack down on Anarchic Land Grabbing and Encroachments”, sets ROW for road and railway. In support of this Sech Kdey Prakas, MEF on 6 April 2000 issued Decree No.961 prohibiting compensation for structures and other assets located in the ROWs. Some road dimensions are modified by the Sub-decree No.197 adopted on 23 November 2009 on management of ROW along the national road (NR) and railway in Cambodia. Table 1 illustrates criteria for determining ROW;
- Ministry of Economy and Finance (MEF) Circular No. 006 (2014);
- Circular No. 02 dated on February 26th, 2007 stated clearly that (i) illegal occupants of state land have no right to compensation and can be punished in accordance to the land law 2001; and (ii) illegal occupants who are poor, landless, and belong to a vulnerable group can be provided a plot of land; and
- MEF Circular No.006 on the Resettlement Implementation Procedure for development projects dated on April 2nd, 2014. This new circular details the administrative management and roles/responsibilities of relevant implementing agencies and provinces in implementing the resettlement for development projects.

**Table 1 Road and Railways ROW Dimensions**

Road Category	ROW Dimensions under Prakas No.06	ROW Dimensions under Sub-decree No.197
NR-1, 4, and 5	30 meters (m) from the centreline	30 m from the centreline
Other 1-digit NRs	25 m from the centreline	30 m from the centreline
2-digit NRs	25 m from the centreline	25 m from the centreline
Provincial roads	20 m from the centreline	not specified
Commune roads	10 m from the centreline	not specified
Railway outside city, province and crowned place	30 m from the centreline	30 m from the centreline
Railways in forest area	100 m from the centreline	from the centreline

The Constitution of Cambodia has provisions for land acquisition for public purposes. Article 44 states that “right to confiscate properties from any person shall be exercised only in the public interest as provided by law and shall require fair and just compensation in advance”. Article 44 of the Constitution underlines the importance of providing "fair and just" compensation for cases when land acquisition is necessary. Some protection for vulnerable groups is also specified in Article 73: “The State shall give full consideration to children and mothers. The State shall establish nurseries, and help support women and children who have inadequate support” and Article 74: “The State shall assist the disabled and the families of combatants who sacrificed their lives for the nation”.

The World Bank states that economic development requires, to varying degrees, providing infrastructure and facilities that improve livelihoods and wellbeing through the expansion of economic opportunities. The World Bank investment projects must pass the litmus test of its own environment and social safeguards policies and the borrower country for a sub-project to receive funding. These safeguards policies help decision-makers to identify, avoid, minimize or mitigate harms to people and their environment. The World Bank safeguards policies also require borrower governments to address specific environmental and social risks as a prerequisite to obtaining World Bank financing for development projects.

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.

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. Moreover, SOP is use to fill the gap between the RGC law and regulation and the development partner policy. For a detailed analysis of the gaps between RGC law and regulation, and the requirements of the World Bank’s OP 4.12, please see Appendix A4.

## **VOLUNTARY DONATION, REPLACEMENT COST AND ASSET VALUATION**

### *VOLUNTARY DONATION*

The sub-projects may impact PAP directly or indirectly and it may not be possible to eliminate the need for acquisition of land. Although involuntary resettlement is not expected during proposed subproject implementation, it is possible that local communities and households elect to make a voluntary contribution of affected land without compensation. In this case, the sub-project must address the issue of voluntary donation. This would only be acceptable only when benefits to PAP households can be assured, and if the impact is less than 10% of the total land area. The process of consultation with potential contributors should be conducted in an open and transparent manner with decisions regarding voluntary contributions based on free, prior and informed consultation by PAP households.

### *REPLACEMENT COST AND ASSET VALUATION*

Replacement cost is the method of valuation of assets, which determines the amount of compensation sufficient to replace lost assets, including any necessary transaction costs. Compensation at replacement cost is defined as follows:

- For agricultural land, it is the pre-project or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the cost of preparing the land to levels similar to those of the affected land, plus the cost of any registration and transfer taxes.
- For land in urban areas, it is the pre-displacement market value of land of equal size and use, with similar or improved public infrastructure facilities and services and located in vicinity of the affected land, plus the cost of any registration and transfer taxes.
- For houses and other structures, it is the market cost of the materials to build a replacement structure with an area and quality similar to or better than those of the affected structure, or to repair a partially affected structure, plus the cost of transporting building materials to the construction site, plus the cost of any labor and contractors' fees, plus the cost of any registration and transfer taxes.
- In determining the replacement cost, depreciation of the asset and the value of salvage materials are not taken into account, nor is the value of benefits to be derived from the project deducted from the valuation of an affected asset. Where domestic law does not meet the standard of compensation at full replacement cost, compensation under domestic law is supplemented by additional measures so as to meet the replacement cost standard. Such additional assistance is distinct from resettlement measures to be provided under other clauses in the World Bank (WB) Operational Policy (OP)/Bank Policy (BP) 4.12, Para. 6.
- A Detailed Measurement Survey (DMS) and Replacement Cost Study (RCS) will be conducted under management of the IRC-WG based the approved detailed designed and as requested by MRD. The DMS will be implemented by the IRC Working Group (IRC-WG) in close cooperation with Provincial Resettlement Sub-Committee Working Group

(PRSC-WG) and relevant local authorities. The RCS will be conducted by an independent agency hired by IRC. Based on the result of DMS and RCS, MRD/MOE and concerned ministries will jointly update the RP. IRC will then calculate the compensation amount and subsequently request budget disbursement from RGC. Before conducting the DMS, a public consultation meeting will be held by IRC-WG assisted by PRSC-WG.

Local authorities must document the consultation process and agreement as part of subprojects. It is possible that IP can be affected directly or indirectly by the proposed sub-projects. In this case, an Indigenous Peoples Plan (IPP), based on the existing IPPF, would need to be prepared as a separate guiding document. Where IPs are affected directly or indirectly by the proposed sub-projects, then necessary safeguards instruments and measures will guide the sub-project design and feasibility studies prior to project appraisal. Accordingly, the consultation process and any planned avoidance or mitigation measures must be documented. If IPs are adversely affected by sub-projects resulting in land acquisition or, other induced negative impacts (i.e., loss of livelihood, assets, well-being and/or entitlements, etc.) then, the IPP would discuss these direct or indirect effects in detail and provide guidance for their mitigation and opportunities to derive benefits.

**Table 2 Entitlement Matrix.**

	Type of Loss	Application	Category of AH	Entitlements	Clarification
<b>Loss of Land</b>					
1a	Loss of Land	Agricultural, residential and commercial land	<b>Legal owners and holders of real right of land, including those covered by customary rights</b>	<ul style="list-style-type: none"> <li>● Cash compensation for land at full replacement cost or land swap of equal productive value.</li> <li>● Provision of stamp duties, land registration fees and other similar taxes, if applicable, for acquiring legal rights in case of replacement land (land for land swap)</li> <li>● Includes option of compensation at same replacement cost for affected land that remain after acquisition if remaining land becomes unviable or unusable.</li> <li>● For customary ownership, replacement land to sustain livelihood and way of life. Land registration, stamp duty and other fees to register land ownership or right to use will be reimbursed at cost</li> </ul>	<p>If land for land is offered, title will go to both husband and wife.</p> <p>Applies to only partial loss of land</p>
<b>Loss of Use of Land</b>					

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

2b	Loss of Business	Commercial land and businesses	All AHs who are engaged in businesses (including Tenants and Leaseholders Illegal occupiers/squatters without legal titles or rights to land)	<ul style="list-style-type: none"> <li>• For businesses which need to be relocated to a new site, an amount equal to loss of projected net income for 2 months</li> <li>• For businesses relocated on-site (move back or same area), an amount equal to loss of projected net income for one month.</li> <li>• For operating of illegal nature of businesses like gambling, prostitution, drugs and similar types, no compensation is paid</li> </ul>	<p>RCS will determine the amounts</p> <p>Both registered and unregistered businesses are compensated except when the nature of business is illegal</p>
<b>Loss of Houses and Structures</b>					
3a	Loss of Houses and Structures	Residential, commercial and other assets	Owners of houses, buildings and structures (including Tenants and Leaseholders Illegal occupiers/squatters without legal titles or rights to land)	<ul style="list-style-type: none"> <li>• Cash compensation equivalent to replacement value of lost portion of the house/building/structure. If the owner rents or leases, compensation for any improvements/construction carried out by the renter/leaseholder will be deducted from the compensation payment to the owners.</li> <li>• In case of loss of only part of the houses/buildings/structure and the remaining portion is not livable or useable, compensation will be paid for complete structure at same replacement cost.</li> <li>• In case houses/buildings are rented/leased, any improvements/construction added by renters and leaseholders will be compensated at replacement cost and paid to renter/leaseholder. Owners will not get compensation for such improvements/construction</li> </ul>	<p>RCS will determine the replacement cost</p> <p>When loss is 75 % or more of the floor space</p>

3b	Loss of Houses and Structures	Residential, commercial structures and other assets	Tenants and Leaseholders (including Tenants and Leaseholders Illegal occupiers/squatters without legal titles or rights to land)	<ul style="list-style-type: none"> <li>• Cash compensation at replacement cost for any improvements or construction by the tenants or leaseholders</li> <li>• In case of no improvements or construction, no compensation is paid.</li> <li>• Transfer/Disturbance Allowance equivalent to 1month of rental or lease amount</li> </ul>	RCS will determine replacement cost  Documentary evidence is required
3c	Loss of Houses and Structures	Residential, commercial structures and other assets	Illegal occupiers/squatters	<ul style="list-style-type: none"> <li>• Cash compensation equivalent to replacement value of loss of structures constructed by illegal occupier/squatters</li> </ul>	RCS will determine replacement value
3d	Loss of Houses and Structures (Transport Allowance)	Transport allowance for household and personal goods	Ahs (including Tenants and Leaseholders Illegal occupiers/squatters without legal titles or rights to land)	<ul style="list-style-type: none"> <li>• Fixed Lump Sum allowance per AH based on average cost of transportation to new relocation place.</li> <li>• Up to 5 km</li> <li>• More than 5 km</li> </ul>	RCS will determine the lump sum amount for the 2 rates
<b>Loss of Income and Livelihood</b>					
4a	Loss of Income during Transition Period-Subsistence Allowance	Loss of Income	AHs who lose income during the transition period. (including Tenants and Leaseholders Illegal occupiers/squatters without legal titles or rights to land)	<ul style="list-style-type: none"> <li>• Lump sum amount equivalent to 3 months of income based on the official monthly poverty rate established by RGC.  Monthly Poverty Rate X Number of Members in AH X 3</li> <li>• In case AH is classified as</li> </ul>	Monthly Poverty Rate as established by the RGC

				poor vulnerable group, the above lump sum amount is doubled.	
4b	Permanent Loss of Livelihood Source due to Physical Relocation OR where remaining portion of land acquired is no longer viable	Income Restoration	AHs who lose their source of livelihood permanently (including Tenants and Leaseholders Illegal occupiers/squatters without legal titles or rights to land)	<ul style="list-style-type: none"> <li>• Entitled to participate in any one of the 3 Livelihood Restoration/Support Programs:</li> <li>• Land Based Livelihood Restoration for AHs engaged in land based livelihood. (i) facilitate access to other land based sources of income, if productive land is available, like vegetable gardening, fruit tree, livestock and other similar land based income generating sources; (ii) provision of training in farming or livestock; and (iii) lump sum cash grant of USD 200 to re-start land based livelihood</li> <li>• In case of unavailability of suitable land, the AHs can opt for either employment or business base livelihood program.</li> <li>• Employment Based Livelihood Restoration for AHs who lose employment permanently. (i) provision of employment skills training; and (ii) lump sum cash grant equivalent to 3 months of income based on official poverty rate to supplement income support during the training period.</li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>• Business Based Livelihood Restoration for AHs who lose businesses</li> </ul>	Land Based for AH who lose land based livelihood Employment based for AH who lose employment based livelihood Business based livelihood program for AH who lose business based livelihood. Can be provided for the AHs who may opt for this. AHs will only be eligible for any one of the above three options

				<p>permanently or AHs who opt for this as an alternative livelihood source. (i) provision of business skills; and (iii) a lump sum cash grant of USD 200 to assist in starting micro or home-based business.</p>	
				<ul style="list-style-type: none"> <li>• For Poor and Vulnerable AHs. In addition to skills training, (i) lump sum cash grant will be doubled; and (ii) priority in any employment opportunity under the Project</li> </ul>	<p>Classification will be carried out during the DMS and in accordance with the established criteria prescribed in Section IV.D SOP</p>

## **ORGANIZATIONAL PROCEDURES FOR RESETTLEMENT**

MOE is the Executive Agency for the CSLEP and as such the lead agency on social safeguards. However, in cases where land acquisition is related to road rehabilitation MRD will be the lead implementation agency. MRD is responsible for rehabilitation of secondary rural roads and has extensive experience. In cases of voluntary donations, MRD will lead the process (or MOE for non-road components). However if there is involuntary resettlement and land acquisition, the MRD/MOE will jointly request the Inter-Ministerial Resettlement Committee (IRC) to address resettlement and land acquisition in accordance with the policies and procedures set forth in this RPF. The GDR/IRC will work closely with the MRD/MOE and PRSC for coordinating with the IRC-WG to deal with resettlement issues. For dealing with resettlement issues at the provincial level, then a Provincial Resettlement Sub-Committee Working Group (PRSC-WG) shall be established.

### **INTER-MINISTERIAL RESETTLEMENT COMMITTEE AND THE GENERAL DEPARTMENT OF RESETTLEMENT (GDR)**

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 PGRC, and
- Approve Basic Resettlement Plans (BRP), Resettlement Framework (RF), Detailed Resettlement Plans (DRP) and Updated Detailed Resettlement Plan (UDRP).

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, EAs/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 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 processing and loan approval 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, and
- Serve as the focal knowledge center for LAR.

*PROVINCIAL RESETTLEMENT SUB-COMMITTEE (THE "PRSC")*

The Provincial Resettlement Sub-Committee (PRSC) is a collegial body set up at the provincial level. Headed by the Provincial Governor or Provincial Vice-Governor, its members are provincial department directors of line ministries represented in IRC, and also the chiefs of the districts and communes traversing along the Project road.

The technical arm of PRSC is PRSC-WG, which is headed by a representative of the relevant Provincial Hall. The regular members of PRSC-WG come from the Provincial Government, the Provincial Department of Economy and Finance (PDEF). In an effort to make the whole process of resettlement effective, participatory and transparent, the chiefs of the affected communes and villages in project affected communes will have a seat and be actively involved in the PRSC-WG to tackle matters concerning their respective areas of jurisdiction.

PRSC, through PRSC-WG, will have the following functions:

- (i) Facilitate a sustained public information campaign, ensuring that the public, especially the PAHs, are updated on any development regarding the Project and resettlement activities;
- (ii) Cooperate with IRC-WG in conducting the implementation of RP and assist with public consultation and information disclosure meeting(s);
- (iii) Manage the delivery of compensation and other entitlements to the PAHs;
- (iv) Receive and act on the complaints and grievances of PAHs in accordance with the Project resettlement policy; and

- (v) Maintain a record of all public meetings, grievances, and actions taken to address complaints and grievances.

## **PROJECT IMPLEMENTATION ARRANGEMENT**

Institutional arrangements for implementation will follow 'Government Structure', mainly guided/lead by the MOE and/or MRD in cases of road rehabilitation. MOE and/or MRD and their concerned ministries will jointly work closely with the GDR-IRC. Tasks of MOE/MRD as implementing agencies include the following:

- a) Screening sub-projects and determination of sub-project resettlement impact categorization;
- b) Guide, support and oversee the work of the PRSC-WG and other stakeholders for activities related to planning, implementation and monitoring of plans and activities for voluntary and involuntary land acquisition;
- c) Prepare RP for the project with resettlement impacts and submit to MEF-IRC for endorsement;
- d) Coordinate with IRC and PRSC for conducting the DMS, implementing public consultations, development of resettlement sites and other resettlement activities required to implement the approved RP;
- e) Carry out the process of voluntary donation with proper documentation; and
- f) Coordinate internal monitoring activities including development of monitoring indicators, procedures and reporting.

### *PREPARING THE VOLUNTARY LAND CONTRIBUTION REPORT*

For subprojects with voluntary contribution of land, MOE/MRD must prepare a voluntary land contribution report consisting of:

- Voluntary land contribution report (VLCR);
- Land Survey Map;
- Schedule of Land Acquisition, if applicable;
- List of Voluntary Contributions of Land and other assets;
- List of participants in Land Survey with gender equality, and
- Two meeting minutes: Minutes of disclosure meeting about the right of land users and Minutes of the meeting to discuss and make agreement.

### *APPROVAL OF THE LAND STUDY REPORT*

The land study report (VLCR and/or Land Acquisition Report) will be conducted by the MOE/MRD and submitted to GDR for approval. The GDR will check if there are any land users' complaints on record. If the report is not complete or conform to the guidelines, the GDR may ask the government official responsible for the report (PRSC) to develop a revised version with the MOE/MRD and to re-submit for approval.

If any land users indicate that they are not satisfied with the solution offered for their land contribution, the project cannot proceed until resolution has been achieved. The MOE/MRD must notify the PRSC about any such issues and the PRSC must review the resolution arrangements to ensure the offer has been voluntary. Otherwise, the PRSC may find that the project cannot proceed.

When the report has been accepted and the all resolutions finalized, the MOE/MRD should be notified. The VLCR should include the following:

- Project name;
- Location including province, commune, and district;
- Date of commencement;
- Project description;
- Public disclosure summary with number of people;
- Date of public disclosure;
- Participatory land use survey details:
  - Date of collection of affected-land and other assets;
  - Date of meeting for discussion and agreement;
  - Number of participants (attached list of participants);
  - Total amount of voluntarily land contribution; and
  - Value of voluntarily assets contribution.

The report should be signed by the PRSC or MRD/MOE and also include land survey map(s), schedule of acquisition, list of voluntary land and other donated assets, list of land survey participants and minutes of meetings.

#### *LINKING RESETTLEMENT TO CIVIL WORKS*

As mentioned, the CSLEP Project is not expected to require major physical relocation as proposed sub-project roadworks repair and rehabilitation would occur in the existing alignment and ROW, and ecotourism facilities are expected to be small. However, minor infrastructure or the use of some areas for drainage improvements, borrow pits or waste disposal sites may result in unexpected low-level impacts, including disruption of access or damage to property (i.e., land and buildings). Road maintenance activities may also require the relocation of temporary structures, temporary occupation of plots of land or may cause damage to crops and trees along the ROW.

Potential minor and temporary land acquisition may be required due to the construction of improved roadside drainage ditches within the alignment and ROW. Land acquisition would be identified during implementation when final alignment and roadworks design becomes available and/or other subprojects are designed and the extent of land acquisition required and its impact on PAPs is known. However, it may be surmised that even temporary displacement and dislocation of businesses in the short term may have an adverse social impact for different populations.

Local communities and households may elect to make a voluntary contribution of affected land without compensation. This situation should only be acceptable when benefits to PAP can be assured. The process of consultation with potential contributors should be conducted in an open and transparent manner with decisions regarding voluntary contributions based on free, prior and informed consultation and unforced choice by affected people. Local authorities must document the consultation process and agreement as guided in this RPF.

All PAP and PAH, without regard to legal status of property, will receive support of various kinds, as per the principles set out in the Entitlement Matrix, to assist them in their efforts to maintain their livelihoods and living standards prevailing prior to the Project. Squatters will not be compensated for loss of land but will receive compensation for loss of other assets that had been established with their own finances, and for loss of income such that they are assisted in their efforts to maintain

their livelihoods and wellbeing. Detailed measures to be implemented will be determined based on the census and socio-economic survey conducted when the RP is developed.

PAP and PAH will be notified of the project implementation schedule and consulted regarding the principles of land acquisition and loss of or damage to assets. Damages to assets, such as, standing crops, trees, fences and kiosks, and loss of income, including loss of harvest will be minimized, although some disruption is likely inevitable. Where disruption occurs, PAP and PAH, and will be compensated without regard to legal status of ownership according to the Entitlement Matrix provided in this RPF.

A market survey will be conducted to assess the prevailing market prices of land and construction materials for affected structures, crops and relevant items which will be used as the unit prices to determine compensation. This exercise will provide assurance to PAP and PAH that they will be able to purchase equivalent value replacement land/asset. Loss of income and assets will be compensated on a net basis without tax, depreciation or any other deduction.

#### *CUT-OFF DATES OF ELIGIBILITY*

A household survey and census will be conducted as soon as the sub-project road selection has been confirmed and date of public consultation with PAP and PAH in order to develop the inventory of project impacts on affected household and business. Care will be taken to set cut-off dates immediately after the determination of the final sub-project road rehabilitation sections are confirmed and at date of public consultation with PAP and PAH.

The household survey including IOL and DMS and RCS will be used to record all loss of assets incurred as a result of project implementation. A binding legal instrument will be used to record all loss of assets which will be signed by PAP and PAH, their neighbors and representatives of local government. The compensation eligible to each affected entity will be determined based on the legal instrument and the detailed methodology to calculate compensation will be articulated in the RP.

#### *PROJECT IMPLEMENTATION PROCESS*

IRC will mobilize its working group to work closely with PRSC-WG and if required the External Monitoring Agency (EMA) before commencement of any resettlement activities. Land acquisition and relocation of PAH will not commence until the detailed RP has been reviewed and approved by both IRC and WB. Several steps are integral to the RP implementation process, including:

- (i) Detailed Measurement Survey (DMS) and Replacement Cost Study (RCS): a detailed DMS and RCS will be conducted under management of the IRC-WG based the approved detailed designed and as requested by MRD/MOE. The DMS will be implemented by IRC-WG in close cooperation with PRSC-WG and relevant local authorities. The RCS will be conducted by an independent agency hired by IRC. Based on the result of DMS and RCS, MRD/MOE and their concerned ministries will jointly update the RP. IRC will then calculate the compensation amount and subsequently request budget disbursement from RGC. Before conducting the DMS, a public consultation meeting will be held by IRC-WG assisted by PRSC-WG.
- (ii) Public Disclosure and Information Meeting Prior to DMS: two separate information meetings will be held prior to the DMS, including: i) with members of the PRSC, district and commune level; and ii) with PAP and PAH and other community members at commune level which will likely be affected by the Project. Information meetings with the PRSC will be conducted with

applicable commune(s). The purpose of these meetings is: i) to provide information about the Project, the requirements for a resettlement program and the procedures of the DMS and RP implementation; and ii) to ensure that all stakeholders receive basic information about the Project and resettlement activities, and have an opportunity to raise questions and concerns. Information provided during the public disclosure meetings with PAP and PAH prior to the DMS will include:

- a) Information about the Project and its benefits;
- b) Scope of resettlement and land acquisition;
- c) Potential impacts of the Project on households living with the Project area(s);
- d) Policy for compensation and entitlement; and
- e) Process of Resettlement Plan preparation and implementation.

(iii) Preparation, disclosure and consultation on Resettlement Plan

(iv) Notification on Site Clearance: PAH which would be relocated should be informed about the schedule for the project site clearance and start-up of the physical works. PAHs should be given sufficient time to relocate and harvest their crops, where applicable, prior to start-up of enclosure of the project area

## **GRIEVANCE REDRESS MECHANISM**

The PAP 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 a formal written complaint by the PAP is not required (although the complaint and how it was resolved will be recorded as part of the monitoring process). The PRSC-WG will consult with the IRC-WG to ensure grievance is properly addressed. This approach can help to resolve issues quickly. However, in the event that the grievance is not resolved to the satisfaction of the PAP or in case the PAP prefers, he/she may seek the formal route for lodging the grievance as explained below:

### **First Step**

The aggrieved PAP can lodge a written complaint to the Head of the District Office. The PAP can bring a community elder or representative to mediate in the matter at the District level. The IRC-WG will let the Head of the District Office know about the matter. If the complaint is resolved at the District Level to the satisfaction of the PAP, the IRC-WG will inform and seek the approval of GDR for appropriate action.

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

### **Second Step**

The GDR is responsible for recording and reviewing complaints and grievances. The appointed officer in the GRD, Grievance Officer, will record the complaint and check the merits of the claim within the framework of the agreed Entitlement Matrix. For example, there is a possibility that a complaint refers to a particular entitlement which was not envisaged at the time of preparation of the Entitlement Matrix and the aggrieved displaced person has a just cause to seek remedy.

The Grievance Officer will therefore carry out a holistic review and prepare and submit a report on its findings with the relevant recommendations, if any, to the GDR for a decision. It may also conduct

a field visit to meet the aggrieved PAP and the IRC-WG and carry out the assessment of the complaint. The final report must be completed within 30 working days from the date of receipt of the complaint. The final decision will be made by the Director General of the GDR within 5 working days after receipt of the report. In the event that the subject matter requires a policy level intervention, it will be referred to the IRC for a decision, in which case 10 more working days will be added to the deadline for final decision.

The GDR will issue a written response and convey the decision to the aggrieved PAP. If the complaint has been found to have merit, the Grievance Officer will inform the relevant Department of Resettlement in the GDR will be tasked to settle the claim within 15 working days after the decision is made. In case the complaint is rejected at the second step, the displaced person will have the option to submit the complaint to the PGRC for its consideration.

The Grievance Officer will create a central database to record all the relevant details about the complaints, including summary of the findings and the decision taken. A summary report on the status of all complaints will be prepared quarterly and submitted to the IRC and the World Bank for information.

### **Third Step**

This is a formal stage where the aggrieved PAP can seek a final administrative decision by the PGRC. The PAP will submit a written complaint with the PGRC through the Provincial Governor's Office. The displaced person or a representative will be given an opportunity to present its case during the meeting and the PGRC may consider any compelling and special circumstances of the PAP when reaching a decision. The GDR will send a representative, as a non-voting member, to provide explanation for the rejection of the complaint at the second step by the GDR. The decision of the PGRC must be reached on a consensus basis and will be final and binding except when the matter relates to any policy of RGC. Decisions on RGC policy matters on LAR are decided by the IRC. The PGRC will have 40 working days from the date of receipt of the complaint to reach a final decision.

The decision of the PGRC will be sent to the IRC through the GDR for endorsement before any remedial action is taken.

The handling of the complaint ends at the Third Step. There are no fees or charges levied on the PAP for the lodgment and processing of the complaints under the First, Second and Third Steps.

However, as provided for in the Expropriation Law, the aggrieved PAP can file a suit at the Provincial/Municipal Courts, as applicable, to seek a resolution. Such actions will be at the cost of the PAP. At this stage, there is no involvement of the GDR, PRSC or IRC-WG unless there is a judicial order from the competent courts.

### **ARRANGEMENTS FOR FUNDING RESETTLEMENT**

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

will ensure that fund flows are compatible with the timetable for payment of compensation and provision of all other assistance.

The budget will cover land acquisition, relocation site development, compensation costs, allowances and administration costs, and contingency. Resettlement costs will be part of the Government's counterpart fund. The RGC will ensure timely provision of counterpart funds for resettlement to meet any unforeseen obligations in excess of the resettlement budget estimates in order satisfy resettlement requirements and objective.

### **PARTICIPATORY CONSULTATIONS**

As discussed above, PAP and PAH will participate throughout the development and implementation process of land acquisition and the land donation process. PAP and PAH will be consulted by commune councils, district and provincial authorities. The PAP and PAH will be invited to participate in public meetings in the early stages of the process and will be provided with reliable information on the proposed sub-project(s), its impacts and proposed mitigation measures and economic rehabilitation activities. Information publicly disclosed will also include cut-off dates for each subproject, eligibility criteria and entitlements, modalities of compensation, complaints and grievance redress procedures.

The PAP and PAH and different populations will be provided with an opportunity of presenting their ideas and suggestions as inputs into the planning and implementation of the sub-project(s). These will be achieved through a series of participatory exercises and focused discussions with PAP and PAH, thus ensuring that the affected parties have a stake in the process.

As mentioned, PAP and PAH will be involved in various committees, including the grievance redress committee, to be established, which will ensure their participation in the decision-making process throughout various stages of the RP process, including preparation and implementation. Following sub-project completion, a survey could be undertaken by the MRD/MOE and their concerned ministries amongst PAP and PAH to assess their level of satisfaction with the process and results of the RP.

If IPs are impacted by project component, consultations will have to be done in line with IPPF or IPPs to ensure free, prior and informed consultation leading to broad community support.

### **MONITORING AND REPORTING**

Monitoring is a key component of the CSLEP Project implementation. MOE and/or MRD, and other concerned ministries if relevant, will appoint adequate full-time staff as part of the internal monitoring process, as needed. These staff will monitor the process of land acquisition or voluntary donation in collaboration with local commune or district authorities. If necessary, capacity building on the monitoring process will need to be given to the designated Ministry staff at the onset.

#### *INTERNAL MONITORING*

The primary responsibility for gathering the data and information on the progress of the LAR from the field rests with IRC-WG and the PRSC-WG which will submit monthly reports to the responsible Resettlement Department. The Resettlement Department will compile the field reports and prepare a consolidated report for the Project on a monthly basis. The report will be submitted to the GRD unit which is responsible for internal monitoring. The responsibility of the GRD unit is to (i) review the monthly progress reports, including fielding its own missions to verify the progress and the validity of the data and information, if deemed necessary; and (ii) compile quarterly monitoring

report for submission to the Director General of GDR. After the quarterly report is endorsed by the GDR, it will be submitted to the World Bank, where required.

In cases where a serious problem is encountered at any time during the preparation or implementation of the RP, the GRD unit will field a special mission to assess the situation and prepare a special report for remedial action and submit to the Director General of GDR for endorsement.

#### *EXTERNAL MONITORING*

The external monitor has the specific responsibility of studying and reporting on RP implementation and on social and economic situations of PAH particularly disrupted by project subcomponents. The external monitor also has the responsibility of reviewing potential for job opportunities for PAH, including women and youth, which would be assisted by provincial authorities.

If required and needed based on the project impact, IRC will hire an External Monitoring Agency (EMA) to carry out external monitoring and post evaluation. The TOR for the engagement of the EMA will be prepared before procurement process. The external monitoring reports will be submitted to IRC on quarterly basis, and then IRC will forward to MRD/ MOE and to WB. The post evaluation will be conducted within six-months after all resettlement activities are completed.

#### **VOLUNTARY LAND DONATION (VLD) FRAMEWORK**

In accordance with community customary practices, villagers may choose to voluntarily contribute land or assets without compensation. This can often be justified because the sub-project may provide a direct benefit to the affected people; provisions for voluntary land donations (VLDs) are included in Appendix A2 and a draft form in Appendix A3.

**Scope of voluntary land donation.** VLD is applied for beneficiary communities with no involuntary land acquisition and based on community-driven demand. VLD will be accepted when small areas of private land and assets where the affected users of the assets and land have agreed to give their land and other assets as a voluntary contribution to the sub-project. No individual or family will lose more than 10% of their land, or other assets worth more than 400,000 Riels. Smallholder of residential land with area of 300 m<sup>2</sup> or less will not be allowed for VLD. Additionally, the land portion to be voluntarily donated shall be free of houses, structures or other fixed assets. For this type of sub-project, the Commune Chief, working with MOE/MRD, should prepare a report showing that the land users have been fully informed about the sub-project, and about their right to refuse to give their land and other assets without compensation. This report will be called the "Voluntary Land Donation Report," as per the Commune/ Sangkat Fund Project Implementation Manual (CSF-PIM).

**Voluntary contribution is an act of informed consent.** Sub-project staff will assure that voluntary contributions are made with the prior knowledge that other options are available including compensation in replacement values, and are obtained without coercion or duress. PAPs have the right to refuse to donate assets and receive their entitlement and compensation for their land and assets lost. They will be fully informed of their rights and access to grievance mechanisms described in this RPF.

**Due Diligence.** The voluntary land donation due diligence will be documented in the subproject investment's feasibility assessment report and will incorporate at a minimum the following:

- Verification and documentation that land required for the project is given voluntarily and the land to be donated is free from any dispute on ownership or any other encumbrances;

- Verification that no individual household will be impoverished by the land donation (i.e., no more than 10% of total land holding donated) will require that community development groups negotiate livelihood restitution measures such as reduction in operation and maintenance fees or sharing of cultivable land of other beneficiary community members;
- Verification that land donation will not displace tenants or bonded labour, if any, from the land;
- Meaningful consultation has been conducted in good faith with all potential land donors. Documented verification that land donors are in agreement with the subproject and its benefits. Separate discussions to be held with women and community groups as required to facilitate meaningful participation, and
- Assurance that a community mechanism for investment activity implementation is operational and has a fair system of grievance redress, as well as a system for project monitoring and reporting.

**Documentation.** Sub-project staff will document the voluntary land donation due diligence report in each beneficiary community that requires donation of private land. They will ensure completion of the written consent form for land donation. The donation will be verified by two witnesses who are community leaders but not the direct beneficiaries of the investment activity, to ensure that the land was voluntarily donated without any form of duress. The voluntary land donation due diligence information will be verified during sub-project detailed design and updated as necessary.

**Voluntary Land Donation Monitoring.** The voluntary land donation issues will be monitored by sub-project staff and the World Bank may periodically review the land donation agreement forms and randomly interviewing the individual donors. During review missions, WB will verify that land donation due diligence has been conducted in accordance with the above procedures.

**Grievance Redress Mechanism.** Anticipated grievances may relate to coercion for land donation or a donation of more than 10% of private land holding, leading to impoverishment. Any complaint will go to the Grievance Redress Committee (GRC) established for the subprojects.

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## APPENDICES

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## **Appendix A1**

### **Resettlement Plan Formats**

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## **Abbreviated Resettlement Action Plan (ARAP): Annotated Document Contents and Information Requirements**

### **A. Introduction**

Briefly describe the project, its subprojects, and/or its components (Project Development Objective; Project Beneficiaries; Project Description; Project Components; Overview of Project Location; and the requirement for land acquisition)

### **B. Legal and Policy Framework for LAR**

Describe (i) the laws and regulations (Sub-Decrees) governing Land Acquisition in Cambodia (Land Law 2001, Expropriation Law 2010, Sub-Decree on ROW, etc.). Include a table showing the comparison of the mandatory requirements under the safeguard policies of the DP and the RGC laws and regulations on land acquisition. Show the gap analysis and measures to close the gaps. [Reproduce from SOP. This will be standard for all RFs/BRPs]

### **C. Policy Framework of the BRP**

Describe (i) definitions of terms used; (ii) objective of the BRP and the guiding principles; (iii) legal framework for compensation (refer to SOP as the guide); (iv) Eligibility Criteria (legal owner, illegal occupiers/squatters; lawful tenants/leaseholders; customary land) and Cut-Off Date; (v) Asset Valuation Methods- RCS; (vi) types of special assistances for poor and vulnerable groups (refer to SOP as guide)

### **D. Census and Sample Socioeconomic Information**

Describe and tabulate (i) data collected on APs and IOLs for sample SES (household surveys), (ii) data/results from census and inventories of losses, and assessments of land and other asset losses; (iii) poor and vulnerable groups and (iii) social profile from the Sample SES.

### **E. Compensation, Income Restoration, and Relocation**

Describe and provide (i) entitlements for compensation for displaced persons; (ii) measures proposed for income support, including compensation and additional measures to help vulnerable households improve their status; (iii) measures to provide replacement land, where applicable; and (iv) selection of Relocation Sites, where applicable. [Use Standard Entitlement Matrix provided in Appendix 6 of the SOP].

### **F. Consultation, Participation, and Disclosure**

Outline and describe (i) the mechanisms that will be adopted for conducting meaningful consultation with affected persons and for enabling their informed participation in preparing, implementing, and monitoring resettlement plans; (ii) institutional responsibilities; and (iii) disclosure arrangements, such as the information to be disseminated and the method of dissemination. [Reproduce from the SOP and standard for all Projects].

### **G. Grievance Redress Mechanisms**

Describe (i) the project grievance redress mechanism; (ii) the establishment of the PGRC; and (iii) the Guidelines for receiving, recording, handling and decision-making process [Reproduce Appendix 8 of the SOP and is standard for all Projects].

## **H. Institutional Arrangements and Implementation**

Describe (i) the institutional arrangements for preparing, implementing, and monitoring resettlement activities, and describes additional measures necessary to enhance institutional capacity, including their costs, if any; (ii) the process for the preparation of the subsequent DRP and its approval and responsibility for its implementation [Standard for all Projects and provided in the SOP].

## **I. Budget and Budget Disbursements**

Provide the indicative budget, including flow of funds; and identify funding sources (Counterpart Funds from National Budget).

## **J. Monitoring and Reporting**

Describe (i) internal and external monitoring (where required) of resettlement arrangements; (ii) responsibilities; and (iii) reporting requirements [Standard for all Projects and provided in the SOP].

## **Resettlement Action Plan (RAP): Annotated Document Contents and Information Requirements**

### **A. Executive Summary**

Provide a concise statement of project scope, key survey findings, entitlements and recommended actions.

### **B. Project Description**

- (i) Describe the project and project components that result in land acquisition, involuntary resettlement, or both and identify the project area [This is same as the description in RF/BRP]
- (ii) Set out the measures taken to avoid or minimize resettlement.

### **C. Legal Framework**

- (i) Describe the national and local laws and regulations that apply to LAR [Same as the description in the RF/BRP]
- (ii) Describe the DP's safeguard policy and an analysis of the gaps between the DP policy and the national laws and regulations and measures to close the gaps [Same as the matrix of comparison in the RF/BRP]

### **D. Scope of Land Acquisition and Resettlement**

- (i) Discuss the project's impacts, and includes maps of the areas or zone of impact of project components or activities.
- (ii) Describe the key principles that will be followed in the implementation of the Involuntary Resettlement under the Project [Same as the description in RF/BRP]
- (iv) Describe DMS and the methodology used for the Inventory of Losses, Census, and establishment of the Cut-Off-Date for eligibility [Refer to DMS Questionnaire, Appendix 5 of SOP]
- (v) Replacement Cost Study and Unit Rates
- (vi) Summarize the key effects in terms of assets acquired and displaced persons [All categories of assets-Land and Structures, Crops and Trees, Businesses & All categories of APs- Non-Poor, Poor and Vulnerable; Indigenous and Ethnic Minorities, Women]

### **E. Socioeconomic Information and Profile**

Outline the results from the 100% SES, Census, IOL (from DMS Questionnaire) with information and/or data disaggregated by gender, vulnerability, and other social groupings, including:

- (i) Describe the methodology used for SES (DMS Questionnaire and house-to-house Interviews) [same as described in RF/BRP]
- (ii) Identify, and enumerate the people and communities to be affected
- (iii) Provide the summary of socio-economic status in tabulated form (income level, income/livelihood sources, and other data collected in the DMS Questionnaire) disaggregated by gender, vulnerability, widow/women/disabled headed and other social group.
- (iv) Describe the main social impacts
- (v) Describe the impacts on poor, vulnerable, indigenous people and ethnic minorities and other vulnerable groups.

### **F. Information Disclosure, Consultation, and Participation**

- (i) Describe the consultation and participation mechanisms used during the preparation of the DPR;

- (ii) Describe the contents of PIB
- (iii) Summarize the results of consultations with affected persons (including host communities), and discusses how concerns raised and suggestions made were addressed in the resettlement plan
- (iv) Confirm the disclosure of the draft resettlement plan to displaced persons and include arrangements to disclose any subsequent updated plans, if needed

## **G. Grievance Redress Mechanisms**

- (i) Describe legal framework for Grievance Redress [Same as described in RF/BRP]
- (ii) Describe the mechanism for grievance redress for the Project [Same as the description in RF/BRP]
- (iii) Describe the composition of the Provincial Grievance Redress Committee [Same as the description in RF/BRP]
- (iv) Mention Guidelines for GRM Procedures [Refer to Appendix 8 of the SOP]

## **H. Entitlements, Assistance and Benefits**

- (i) Describe the legal framework for compensation policy [Same as description in RF/BRP]
- (ii) Define the entitlements and eligibility [Same as description in RF/BRP]
- (iii) Describe the public and AH consultations for compensation [Reproduce from SOP]
- (iv) Provide Entitlement Matrix [Standard from SOP]
- (v) Describe the special/additional assistance for the poor and each category of vulnerable groups
- (vi) Describe income support program, if any

## **I. Relocation**

- (i) Describe the need for relocation, criteria for selection, and the number of AHs to be relocated (if any)
- (ii) Describe alternatives for resettlement sites considered and basis for selection of sites for the Project (give location)
- (iii) Describe availability of access to schools, health centers, water, power, markets, employment/livelihood opportunities, and road connectivity. Also describe the host communities.
- (iv) Describe the size of land plot, legal arrangements for regularizing tenure and land title, and the plans for provision of basic civic infrastructure
- (v) Describe the entitlements (transport allowances, income support/income support program)
- (vi) Schedule for site development and relocation

## **J. Resettlement Budget and Financing Plan**

- (i) Budget estimates and breakdown for all resettlement activities
- (ii) Describe the flow of funds
- (iii) Financing Source

## **K. Institutional Arrangements**

- (i) Institutional arrangements and role and responsibilities [Reproduce from SOP]
- (ii) Implementation capacity and implementation support, if any

## **L. Implementation Schedule**

- (i) Schedule for construction works
- (ii) Implementation schedule for key resettlement activities

## **M. Monitoring and Reporting**

- (i) Institutional arrangements for monitoring and reporting [Same as description in RF/BRP]
- (ii) Internal monitoring [Same as description in RF/BRP]
- (iii) External monitoring, if any [Same as description in RF/BRP]

## Appendix A2

### Land Donation Protocol

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**The Land Donation Process will include the following:**

1. Official information and initial assessment. Determining the appropriateness of VLD in the circumstances of project. Activities that will require VLD as a result of the screening process and the land study specifically the Voluntary Land Contribution Report sub- project staff will inform the village head and villager or land owners through official notification on where the activities will be implemented the will be require VLD. Record and document the reasons why donation of land is appropriate for the project. The Commune Chief will take into consideration the following details for such document:
  - What the land will be used for;
  - How much land the project will be require on both a permanence and temporary basis;
  - How much of the will be donated;
  - What alternatives to donation exist (e.g., right of use, right of way)
  - The terms of the donation;
  - The identifies of the parties who intend to donate;
  - The beneficiary of the donations; and
  - Any details that are related to why donation may be appropriate

Preparation of land survey map and schedule of land acquisition. After collected the information related to land and assets which will be affected by sub-project implementation, the responsible official, with assistance from the related persons, will prepare a land survey map and schedule of land acquisition. The land survey map shows each parcel of land that will be affected and each parcel of land should be given a code (a letter or number).

2. Verification of voluntary donations. The following condition will be confirmed by the Committee including the village chief.
  - a) Confirmation that affected people agree to donate land or asset, based on a face to face meeting;
  - b) No one would lose more than 10% of the total productive assets;
  - c) The total land holding of the affected person should be 300m<sup>2</sup> or more; and
  - d) No physical relocation necessary.
3. Initial Village Consultation. Under the Village head leadership, a consultation process will be launched to invite different interest parties, including landowners to discuss and ratify the appropriateness of the voluntary basis of land donation.
4. Transferring and formalizing the land. Process for lad donation including very clear procedures that explain the process that should be followed to transfer the land, and appropriate ways to formalize the respective transfer. The process includes consideration of legal land administrative requirement based on Cambodia's legal framework. The process will describe a clear and transparent decision making process.
5. Verification process (surveys) to identify land ownership and use. Commune Chief and Technical Assistant will ensure that the land study will include specific survey to understand the type of land right that exist in the sub –project area, and to identify any particular

issues relating to land ownership and use. The specific survey must be on each parcel of land proposed for donation to identify:

- a) The owners or owners of the land;
  - b) The users of the land, or any parties that occupy the land (either physically or through ownership of an asset or conduct of livelihood or business activities on the land);
  - c) Any competing claims of ownership or use;
  - d) Structures and assets on the land; and
  - e) Any encumbrances on the land
6. It is important to (i) identify the right that is being transferred (an ownership right, a sue right, a right of way, etc.); and (ii) check whether the transferees actually has the right s/he claims to have. In many circumstances where careful due diligence has not been carried out significant conflict has arisen at a later stage when another party claim that they have the same or a evidence of such right. Where no such evidence exists, the due diligence can establish right by speaking with local community officials and neighbors.
7. Public consultations and disclosure. The decision to donate must be taken because of a full understanding of the sub project and the consequences of agreeing to donate the land. Accordingly, the parties that will be affected by the donation (the owners and user of the land) must be provided with accurate and accessible information regarding what the land will be used for, for how long, and the impact the donation will have on them and their families. It is important be provided and that its intended use for the sub project is disclosed.
8. Where the intended is to deprive the parties affected by the donation of the land permanently, or for a significant length of time, this must be made clear. It should be noted that in many communities the concept of alienation of land is uncommon and difficult to understand, and care needs to be taken to ensure that the implications of this are fully understood. It is also important to decision who else should be consulted about the proposed donation; for example, spouses and older children.
9. There should be clear agreement as to which party will pay the cost association with the donated land. This could include measurement costs. Documentation and notaries fees, transfer taxes, registration fees. It should also included the costs of re-measuring/re –titling the transferee’s remaining land and new documentation relating to it.

#### **Establishing information consent**

1. The Commune Chief, in coordination with sub- project staff, verifies the informed consent or power of choice by the people who would donate land or an asset. In particular, the following will be verified and documented in the voluntary donation report:
  - a) What the land is going on to be used for, by whom and for how long;
  - b) That they will be deprived of the ownership or right or right to use the land, and what this really means;
  - c) That they have a right to refuse to donate the land;
  - d) Whether there are alternatives to using this land;
  - e) What they will need to donate the land (e.g., execute documents, get spousal consents, pay taxes)

- f) The effect of the donation on their family, and what they can do if they (or their family or heirs) want the land back; and
  - g) All condition provided in the paragraph 2 above.
- 2. The right to refuse must be a legitimate right, unconditional, and the potential transferee must be capable of exercising it in the local community and political context. For this reason, it is important to be sure that the decision to donate is undertaken without coercion, manipulation, or any form of pressure on the part of public or traditional authorities. For collective or communal land, donation must be based upon the informed consent of all individuals using or occupying the land.
- 3. Proper documentation. During the VLD process for sub-project investments. It is important to distinguish between: (a) the agreement donation of the land; and (b) the document carries out and evidences the legal transfer of the land. While it is important to have evidences of an intention and agreement to donate the land, it is equally important to ensure, where require and appropriate, that the land is legally transferred. While the process relating to the legal transfer to legal transfer of the land is frequently complicated and time consuming. It must be addressed. [in specific circumstances, for example where the land is being transferred to the community. It may not be necessary to legally transfer the land. However, experience indicates that lack of formal transfer can create significant uncertainty in the future, which impacts on the sustainability of the infrastructure and services, and can have a negative on community relations] (Appendix A3).
- 4. Commune Chief and sub- project staff should:
  - a) Identify the appropriate documentation, including the agreement to make the transfer and any legal documentation that may be required;
  - b) Ensure that the agreement:
    - Refers to the consultation has taken place;
    - Sets out terms of the transfer;
    - Confirms that the decision to transfer was freely made was not subject to coercion, manipulation, or any of pressure;
    - Attaches an accurate map of the land transferred (boundaries, coordinates);
    - Sets out who will bear the cost of the transfer (e.g., notarial fees, taxes title issued) and documenting the residual land right.
  - c) Ensure that all necessary parties sign the documents, including obtaining consent from spouses and children over a certain ages;
  - d) Ensure that the transfer and title is registered or record; and
  - e) Ensure that the land remaining after the donate land is excised is properly title, registered or recorded.
- 5. It is also important to maintain a record of the process that has been followed. Such documents could include the following:
  - a) The notification indicating the location and amount of land that is sought and its public;
  - b) Record of the consultation that were held and what was discussed;
  - c) A copy of the due diligence that were held and what was discussed;
  - d) Copies of each of the formal statements of donation establishing informed consent as described above, and signed by each owner or user involved;

- e) Copies of all documents, registrations or records evidencing the legal transfer of the land and;
- f) A map, showing each parcel of land

The Project Coordination Office should be maintaining a record with documentation for each parcel of land donated. Such documentation must be available for World Bank review, and for review in relation to any grievances that may arise.

**Grievances redress arrangements.**

The sub- project specifies means by which donors (and potentially, person whose use or occupancy was not recognized in the transfer of land) may raise grievances, and measures to ensure consideration of and timely response to grievances raised. The grievance process includes participation of reviewers not directly affiliated with the project-implementing agency. The grievances process imposes no cost upon those raising grievances, and participation in the grievances process does not preclude pursuit of legal remedies under the laws of the country.

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**Appendix A3**

**Voluntary Land Donation Form**

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### Voluntary Land Donation Form

Province/Region				
District:				
Commune/ Sangkat				
Villages:				
Sub-project ID:				
Name of land owner	ID Number:	Beneficiary of the project Y/N		
Sex:				
Address:				
Description of land that will be taken for the project	Area affected	Total landholding area:	Ratio of land affected to total land held:	Map code, if available:
Description of annual crops growing on the land now and project impact				
	Details		Number	
Trees that will be destroyed				
Fruit trees				
Trees used for other economic or household purposes				
Mature forest trees				
Other				
Describe any other assets that will be lost or must be moved to implement the project:				
Value of donated assets				

1. By signing or providing thumb- print on this form the land user or owner agrees to contribute assets to the sub project. The contribution is voluntary. If the land user or owner does not want to contribute his/ her assets to the project, he or she should refuse to sign or provide thumbprint, and ask for compensation instead.

Date

Date

District PMO representative's signature

Affected person signature  
(Both Husband and wife)

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## **Appendix A4**

### **Analyses the Gaps between the National Legal and Regulatory Framework and the Requirements of OP 4.12**

## Gaps between the National Legal and Regulatory Framework and the Requirements of OP 4.12

Subjects	OP 4.12	RGC	Gap/Project Measures
1. Land Property			
1.1. Policy objectives	PAPs (Project Affected Persons) should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher	<p>The Expropriation Law aims to i) Ensure just and fair deprivation of legal rights to private property; ii) Ensure a fair and just compensation in advance; iii) Serve the national and public interest, and iv) Develop public physical infrastructures (Article 2).</p> <p>Sub-degree on social land concession provides allocation for free state land to landless people of residential or farming purpose, including the replacement of land lost in the context of involuntary resettlement.</p> <p>Resettlement practice:</p> <ul style="list-style-type: none"> <li>• Provide income restoration program for all relocated PAPs and for on-site severely PAPs and vulnerable PAPs.</li> <li>• Provide living allowance</li> <li>• Special assistance to vulnerable PAPs</li> </ul>	The Standard Operating Procedures (SOP) is use to fill the gap between the RGC law and regulation and the requirements of the World Bank's OP 4.12, Based on these SOP, this RPF includes provision to assist PAPs/PAHs in their efforts to maintain their livelihoods and well-being prevailing prior to the sub-project
1.2. Support for affected households who have no recognizable legal right or claim to the land they are occupying	Financial assistance to all project affected persons to achieve the policy objective (to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher)	<p>Article 19 [Land Law]: "...any illegal and intentional or deceitful acquisition of the public domain of the State or public legal entity shall be punished..."</p> <p>Article 23 [Expropriation Law]: "The owner and/or the rightful owner has the right to compensation for actual damages commencing from the last date of declaration of expropriation (cut-off date) for which they are entitled to fair and just compensation.</p> <p>Resettlement practice:</p> <ul style="list-style-type: none"> <li>• No compensation for losing</li> </ul>	The Standard Operating Procedures (SOP) is use to fill the gap between the RGC law and regulation and the requirements of the World Bank's OP 4.12, Based on these SOP, this RPF includes provisions to support all PAPs/PAHs, including those without legal rights

		<p>productive land located the public land.</p> <ul style="list-style-type: none"> <li>Those who become landless by the project will receive a plot of residential land in the village or village nearby or at relocation site with provision of access road, intra road network, water and electricity network (if locally available), and individual household latrine.</li> <li>Special assistance to vulnerable PAPs.</li> </ul>	
<b>1.3. Compensation for illegal structures</b>	Compensation at full cost for all structures regardless of legal status of the PAP's land and structure.	<p>The RGC will not spend national budget to make payments for structures or other items located on the RGC claimed rights of way, i.e. ROW for roads and railroads. (MEF Decision No. 961).</p> <p>However, in the Standard Operating Procedures and resettlement practice the RGC agreed to provide compensation for such illegal structures at replacement cost without deduction or depreciation of salvage materials plus transport allowance.</p>	The Standard Operating Procedures (SOP) is use to fill the gap between the RGC law and regulation and the requirements of the World Bank's OP 4.12, Based on these SOP, this RPF includes provisions to support all PAPs/PAHs, including those without legal rights
<b>2. Compensation</b>			
<b>2.1. Methods for Determining compensation rates</b>	Compensation for lost land and other assets should be paid at full replacement costs,	Article 22 [Expropriation Law]: "Financial compensation given to the property owner and/or rightful owner shall be based on a market price or replacement price on the date of declaration of the expropriation. The market price or the replacement price shall be determined by an independent committee or agent selected by the Expropriation Committee."	The Standard Operating Procedures (SOP) is use to fill the gap between the RGC law and regulation and the requirements of the World Bank's OP 4.12, Based on these SOP, this RPF includes provisions for providing compensation at full replacement cost following the completion of a replacement cost study
<b>2.2. Compensation for loss of income sources or means of livelihood</b>	Loss of income sources should be compensated (whether or not the affected persons must move to another location)	Article 29 [Expropriation Law]: <ul style="list-style-type: none"> <li>A lessee who is holding a proper lease agreement is entitled to compensation for disruptions arising from dismantling equipment and transporting it to a relocation site.</li> </ul>	The Standard Operating Procedures (SOP) is use to fill the gap between the RGC law and regulation and the requirements of the World Bank's OP 4.12, Based on these SOP, this RPF includes provisions for

		<ul style="list-style-type: none"> <li>• The immovable property's lessee who is operating a business shall have access to compensation for effects on the business and to just and fair additional compensation for the capital actually invested for the business operation. The compensation shall commence from the date of the declaration on an expropriation project.</li> <li>• For the expropriation of a location where a business is in operation, the owner is entitled to support of additional compensation at a fair and just rate for the cost of the property that is actually affected, commencing from the date of the declaration of the expropriation.</li> </ul> <p>In resettlement practice owners of relocating shop will receive one-time cash assistance and renter will receive i) transport allowance, ii) disruption allowance, and iii) rental allowance. In addition, the standard operating procedures include provisions for</p>	restoring loss of income
<b>2.4. Livelihood restoration and assistance</b>	Provision of livelihood restoration and assistance to achieve the policy objectives.	The government has no clear policy in this regard, this is considered under the Standard Operating Procedures. However, income restoration program is provided under the multilateral funded projects. TOR is included in RAP and contracted agency is carried out the IRP under supervision of IRC.	The Standard Operating Procedures (SOP) is use to fill the gap between the RGC law and regulation and the requirements of the World Bank's OP 4.12, Based on these SOP, this RPF includes provisions for restoring loss of income
<b>2.5. Consultation and disclosure</b>	Participation in planning and implementation, specially confirming the eligibility criteria for compensation and assistance, and access to Grievances Redress Mechanisms	Article 16 [Expropriation Law]: In conducting this survey, the Expropriation Committee shall arrange a public consultation with the authorities at capital, provincial, municipal, district, khan levels, and with the commune and Sangkat councils and village representatives or the communities affected by the expropriation in order to give them clear and specific information and to have opinions from all concerned parties about the proposal for a	The Standard Operating Procedures (SOP) is use to fill the gap between the RGC law and regulation and the requirements of the World Bank's OP 4.12, Based on these SOP, this RPF includes provisions for consultation with PAPs/PAHs

		public physical infrastructure project.	
<b>3. Grievance Redress Mechanism</b>			
Procedures for recording and processing grievances	Grievance redress mechanism should be under Government Officials Responsibilities for handling grievances with clear procedures for recording and processing grievances	Grievance redress mechanism is stated in the Expropriation Law but it has provision to exclude public infrastructure projects.  In resettlement practice and the Standard Operating Procedures every project that involves involuntary resettlement Grievance Redress Committee is established from commune to provincial level.	The Standard Operating Procedures (SOP) is use to fill the gap between the RGC law and regulation and the requirements of the World Bank's OP 4.12, Based on these SOP, this RPF includes provisions for consultation with PAPs/PAHs
<b>4. Monitoring &amp; Evaluation</b>			
	Internal and external independent monitoring are required	Included in the Standard Operating Procedures	The Standard Operating Procedures (SOP) is use to fill the gap between the RGC law and regulation and the requirements of the World Bank's OP 4.12, Based on these SOP, this RPF includes provisions for consultation with PAPs/PAHs