Resettlement Framework

Cambodia:
Tonle Sap Lowland Stabilization Project

Prepared by GFA Consulting Group GmbH

The Resettlement Framework is a document of the consultant. The views expressed herein do not necessarily represent those of the ADB Board of Directors, Management, or staff, and may be preliminary in nature.
CURRENCY EQUIVALENTS

(as of 31 December 2006)

Currency Unit  –  Riel (KR)
KR 1,000  =  $0.025
$1.00  =  KR 4,000

ABBREVIATIONS

ADB  =  Asian Development Bank
AP  =  Affected People
CC  =  Commune Council
CLAC  =  Commune Land Acquisition Committee
DMS  =  Detailed Measurement Survey
EA  =  Executing Agency
GFP  =  Gender Focal Point
HH  =  Household
HRLS  =  Household Resources and Livelihoods Survey
IA  =  Implementing Agency
IMO  =  Independent Monitoring Organization
IRC  =  Inter-Ministerial Resettlement Committee
LARF  =  Land Acquisition and Resettlement Framework
LARP  =  Land Acquisition and Resettlement Plan
LMAP  =  Land Management and Administration Project
MEF  =  Ministry of Economy and Finance
NGO  =  Non-government Organization
PIU  =  Provincial Implementation Unit
PPTA  =  Project Preparation Technical Assistance
PRU  =  Provincial Resettlement Unit
RCS  =  Replacement Cost Study
RGC  =  Royal Government of Cambodia
RRA  =  Rural Rapid Appraisal
RU  =  Resettlement Unit
SES  =  Socio-Economic Survey
VDC  =  Village Development Committee
VLAR  =  Voluntary Land Acquisition Report

GLOSSARY

Land acquisition  -  means the process whereby a person is compelled to relinquish ownership, possession, control or use of all or part of their land, structures or other assets. This includes land or assets for which the possessor or user enjoys customary or uncontested access but lacks legal title.

Resettlement  -  means all measures taken to mitigate any and all adverse impacts of the Project or any subproject on the property and/or livelihoods of affected people, including compensation, relocation (where relevant), and rehabilitation as needed.

Affected people (APs)  -  include people, households, firms, or private institutions who, on account of changes that result from the Project or any subproject will have their (i) standard of living adversely affected; (ii) right, title, or interest in any house, land (including residential, commercial, agricultural, forest, and/or grazing land), water resources, 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, with or without displacement. Unless otherwise specified, the term refers collectively to a household and all its members.

Severely affected person (SAP) - means APs who will (i) lose 10% or more of their total productive land and/or assets; (ii) relocate their main residential and/or commercial structure and/or (iii) lose 10% or more their total income sources due to the Project.

Vulnerable groups - are households that will suffer more, economically and socially, from relocation and rehabilitation than the general population. These groups include: (i) female-headed households; (ii) ethnic minorities and indigenous peoples; (iii) households below the Cambodia poverty line; (iv) landless households; (v) disabled household heads and/or providers; and (vi) aged heads of households with no household member active in the active labor force.

Significant resettlement effects - occur when 200 or more people experience major resettlement effects, that is, they are physically displaced and/or lose 10% or more of their productive, income-generating assets.

Common property resources - mean all resources or assets that are held in communal or village ownership and include (but are not limited to) graves, burial grounds, wells, hand pumps and other affected drinking water sources, specimen trees, pagodas, churches and temples, shrines, religious symbols or sites, village ponds or community fishponds, schools, markets, community forest, community grazing land, irrigation canals and facilities, roads, paths, water supply lines and facilities, electricity lines and poles, and communication lines.

Cut-off date - means the date prior to which the occupation or use of the subproject area makes residents/users eligible to be categorized as affected persons. The cut-off date coincides with the date of the census of affected persons within the subproject area boundaries. Persons not covered in the census, because they were not residing, having assets, or deriving an income from the subproject area, are not eligible for compensation and other entitlements. Affected people and local communities will be informed of the cut-off date for the subproject.

Voluntary contribution - is the process whereby an individual owner or user agrees to provide land (and attached assets) to the Project for implementation of a subproject without compensation in cash or in kind. Voluntary contribution is an act of informed consent; voluntary contributions are made with the prior knowledge that other options are available, and are obtained without coercion or duress.

Entitlement - means a range of measures comprising compensation, income restoration support, transfer assistance, income substitution, and relocation support which are due to affected people, depending on the nature of their losses, to restore their economic and social base.

Compensation - means payment by the Government in cash or in kind to replace losses of land, housing, income, and other assets caused by a project.

Replacement cost - means the method of valuing land, structures and other assets to establish compensation rates, as follows:

(i) Agricultural land: The replacement cost of agricultural land will be based on a) the pre-project or pre-displacement market value, whichever is higher, of land of equal productive potential or use located in the vicinity of the affected land; plus b) the cost of preparing the land to levels similar to those of the affected land; and, c) the costs of any registration and transfer taxes.
(ii) Urban land: The replacement cost equals a) the pre-displacement market prices for land of equal size and use, with similar or improved public infrastructure and services in the vicinity of the affected land; and b) the costs of any registration and transfer taxes.

(iii) Houses and other structures: The replacement cost equals a) the current market prices for new building materials to build a replacement structure with an area and quality similar to or better than the affected structure, or to repair a partially affected structure; plus b) the costs of transporting building materials to the construction site; c) the costs of any labour or contractors’ fees; and, d) the costs of any registration and transfer taxes. In determining the replacement cost of structures, no deductions are to be made for a) depreciation of the asset; b) the value of salvage materials; or, c) the value of benefits to be derived from the project.

(iv) Annual crops: The replacement cost for annual crops is equivalent to the average production over the last three years multiplied by the current market prices for agricultural products at the time of compensation.

(v) Perennial plants and trees: The replacement cost for perennial plants and trees is equivalent to current market prices given the type, age and productive value of the plants and/or trees, including lost future productivity.

(vi) Other assets (community, cultural, aesthetic): Compensation will be calculated on the basis of the current market prices at time of compensation for repairing and/or replacing assets; or, the costs of mitigation measures. For example, compensation for the relocation of a gravesite will include all expenditures for excavation and construction of a new grave of similar type; exhumation and transport of remains to new grave; and, other reasonable costs.

Rehabilitation - means assistance provided to severely affected or vulnerable APs due to the loss of productive assets, incomes, employment or sources of living, to supplement or in lieu of compensation for acquired assets, in order to achieve, at a minimum, full restoration of living standards and quality of life.

Relocation - means the physical relocation of an AP from her/his pre-project place of residence.

Land Acquisition and Resettlement Plan (LARP) - is a time-bound action plan with budget setting out compensation and resettlement strategies, objectives, entitlement, actions, responsibilities, monitoring and evaluation.
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I. INTRODUCTION

A. Tonle Sap Lowland Stabilization Project Description

1. This section describes the objectives, scope and components of the Tonle Sap Lowland Stabilization Project (TSLSP). It examines the potential need to acquire land to implement subprojects and other interventions financed under the TSLSP, to establish the basis for the policies and procedures set out in the Land Acquisition and Resettlement Framework (LARF).

2. The TSLSP will target a total of 12 districts and 30 communes in the six provinces of Banteay Meanchey, Battambang, Pursat, Kampong Chhnang, Kampong Thom and Siem Reap. The development objective is to improve the livelihoods of households living in the Tonle Sap lowlands, a territory encompassing the Transition Zone (TZ) of the Tonle Sap Biosphere Reserve (TSBR) and extending to the foothills of the upper watershed area (Figure 1). The rationale behind this is that by improving (or stabilizing) the livelihoods of people in the lowlands, this will contribute to the reduction of poverty in the Tonle Sap region as well as reducing pressure on the natural resources that are vital to the integrity of the Biosphere Reserve. [statement of objective to be confirmed]

3. Interventions proposed for funding under the TSLSP are diverse and the potential for land acquisition and resettlement impacts is variable.

Table 1: Potential for Land Acquisition and Resettlement Impacts

<table>
<thead>
<tr>
<th>TSLSP Component</th>
<th>Probable Land Acquisition and Resettlement Impacts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Development Fund</td>
<td>Upgrading and/or construction of local infrastructure may entail minor acquisition of land.</td>
</tr>
<tr>
<td>Funding for community-driven subprojects for local infrastructure development and income-generating activities.</td>
<td>If land acquisition is required, the number of affected people (APs) should be small; the losses of productive land and other income-generating assets should be limited for each AP; and, Potential displacement of APs is nil to very low. Most if not all subprojects can be implemented through voluntary contributions, as necessary.</td>
</tr>
<tr>
<td>Trans-Commune Infrastructure</td>
<td>Land acquisition will normally be associated with the construction of infrastructure and in many instances with the upgrading of existing infrastructure. The losses or loss of use of productive land may vary from minor to major impacts for each AP. The potential exists for displacement of people from housing and/or the displacement of businesses. The number of affected people (APs) will vary from very low levels to potentially significant numbers. For example, even where the losses per AP are small (minor widening of a rural road), the total number of APs may be high depending on the length of the road. Most subprojects will require involuntary land acquisition.</td>
</tr>
<tr>
<td>Agricultural Support</td>
<td>No land acquisition or resettlement impacts.</td>
</tr>
</tbody>
</table>

1 Minor impacts involve land acquisition equal to less than 10% of the total productive land holdings of a household; major impacts involve land acquisition of 10% or more of total productive land holdings.
<table>
<thead>
<tr>
<th>TSLSP Component</th>
<th>Probable Land Acquisition and Resettlement Impacts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agricultural extension support to include a range of initiatives such as livelihood improvement groups, village-level agricultural improvement programs and district-level services.</td>
<td></td>
</tr>
<tr>
<td><strong>Vocational/Business Development Training</strong> Direct support for and collaboration with other agencies (Ministry of Labor and Vocational Training, Ministry of Women’s Affairs) to develop and implement programs related to agricultural technologies and improved productivity, market-oriented job skills and business development.</td>
<td>No land acquisition or resettlement impacts.</td>
</tr>
<tr>
<td><strong>Credit Facilities</strong> Improved access to credit, either through group revolving funds, savings and loan schemes or through MFIs.</td>
<td>No land acquisition or resettlement impacts.</td>
</tr>
<tr>
<td><strong>Institutional Development &amp; Capacity Building</strong> Training and capacity building for government agencies at all levels, NGOs, user groups and other stakeholders involved in the TSLSP (details to be defined).</td>
<td>No land acquisition or resettlement impacts.</td>
</tr>
</tbody>
</table>

**B. LARF Scope, Objectives and Principles**

4. The Land Acquisition and Resettlement Framework (LARF) has been prepared to establish the policies and procedures to guide the planning, implementation and monitoring of TSLSP subprojects that may require the acquisition of land owned, occupied or used by individuals, households or communities; the acquisition of other assets such as structures, crops and trees; and/or that affect the use of or access to communal land and other common property resources.

5. The TSLSP Implementing Agency (IA) will work with the Provincial Implementation Unit (PIU) in each province\(^2\) to ensure that the LARF is considered and its provisions applied to the identification, preparation and implementation of all subprojects. The LARF is applied to all subprojects, to determine the requirements for land acquisition and the scope of resettlement planning and implementation. It provides policies and procedures for (i) subprojects to be implemented with voluntary land acquisition, through contributions of required land and (ii) subprojects implemented with involuntary land acquisition where compensation and other assistance is provided to people affected by land acquisition. The LARF establishes guidelines for the preparation of Land Acquisition and Resettlement Plans (LARP); and, for implementation of both the LARF and LARPs, the requirements for public disclosure of information, consultation and grievance redress.

6. The overall goal of the LARF is to compensate and assist people affected by land acquisition and resettlement to restore their living standards to levels equal to, if not better than, that which they had before the project. Key principles include\(^3\):

   (i) Acquisition of land and other assets, and displacement of people will be avoided or minimized as much as possible by identifying possible alternative subproject designs and appropriate social, economic, operation and engineering solutions that have the least impact on populations in the subproject area.

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\(^2\) Section III, Institutional Arrangements, presents the stakeholders for land acquisition and resettlement.

\(^3\) See also, Section VI, Compensation and Entitlement Policy
(ii) People affected by land acquisition will be encouraged and facilitated to participate in all aspects of planning, implementation and monitoring of resettlement activities; they will be assured appropriate and timely dissemination and disclosure of information about the LARF and all activities related to land acquisition.

(iii) The absence of legal title to land will not prevent affected people from being included in the policies and procedures of the LARF, including appropriate measures to assist them to improve their socio-economic status.

(iv) Special attention will be paid to ensure that poor and vulnerable groups affected by land acquisition receive adequate assistance to help them improve their social and economic well being.

(v) All land acquisition and resettlement activities will be based on comprehensive plans that have been prepared with the participation of affected people and, prior to their implementation, approved by the Government and ADB. All resettlement activities will be monitored by an independent monitoring organization, supervised by the Government and the ADB.

C. Vulnerable Groups

7. The LARF recognizes that certain social groups may be more vulnerable to the effects of land acquisition; less able to restore living conditions, livelihoods and income levels; and, therefore, at greater risk of impoverishment when their land and other assets are affected. Affected people (AP) who belong to vulnerable groups and are severely affected by land acquisition are eligible for special assistance to assist them to restore their socio-economic conditions.

8. Vulnerable groups include poor households, women and female-headed households, minority ethnic or indigenous peoples, children and elderly people without support structures. In the context of TSLSP, the principal vulnerable groups include:

(i) Poor households: The incidence of poverty in the Tonle Sap region is among the highest in Cambodia. About 50% of villages have 40–60% of households living below the poverty line\(^4\), with a peak of 80% in some rural areas of Siem Reap and Kompong Chhnang provinces (ADB, 2004).

In the TSLSP target communes, the incidence of poverty ranges from 33% to 89% based on 2002 World Food Program (WFP) data. In communes included in the Rapid Rural Assessment (RRA) conducted during the PPTA for the TSLSP, poverty levels range widely from lows of 15-20% to extreme highs of 75% and higher. The wealth ranking done by local authorities in the context of the Household Resources and Livelihood Survey (HRLS) conducted during the PPTA for the TSLSP classified 32% of households as “poor” and 26% of households as “poorest”.

Landlessness or not having enough land to grow sufficient food to meet household consumption needs are major determinants of poverty in the TSLSP area, as documented in the RRA. As a consequence, poor households rely on wage labor in the region, elsewhere in Cambodia and in Thailand more than non-poor households. In general, they are unable to mobilize financial, labor or other resources to improve their economic well being, and are particularly vulnerable to natural, medical and other shocks.

(ii) Women who head AP households: In the TSLSP target communes, the proportion of female-headed households ranges from 8% to 36% based on data from the 2005

\(^4\) The poverty line is the expenditure needed to secure an intake of 2,100 calories per person (equivalent adult) per day, plus basic items like clothing and shelter.
Commune Data Base. This compares to the 2004 Inter-Censual Population Survey estimate that 29% of households in Cambodia are headed by women (MoP, 2005). The HRLS sample included 30% of households in the TSLSP project area that are headed by women. However, female-headed households make up proportionally more of the poor and poorest wealth categories with 41% and 32% respectively compared with 18% for rich households and 24% for middle wealth households.

The RRA confirmed the significant roles of women in rural agricultural livelihoods, both traditionally and in the current context of many married women who are de facto heads of their households while men are away for work. Increasingly, women also participate in wage labor activities in the region, elsewhere in Cambodia (e.g., garment factories) and in Thailand. Women have, on average, lower education and literacy levels. These constraints as well as heavy workloads tend to limit their opportunities to benefit from literacy training, agricultural extension training or other training and technical assistance that could assist them to learn market-oriented job skills and establish micro-enterprises.

(ii) Minority ethnic groups: The Cham is the major group of non-Khmer living in the TSLSP target districts and communes; communities of varying sizes have been identified in 7 of the 30 communes. Throughout the TSLSP provinces, Cham live in all-Cham and mixed Cham-Khmer villages. In general, they practice wet-rice cultivation, and are also engaged in a diversity of other agricultural (livestock, fishing) and non-agricultural (business, micro-enterprises) activities. The Cham are Muslim and form cohesive communities based on religious, social and cultural practices although their livelihoods are similar to the majority Khmer population. Cham were first granted Cambodian citizenship in the 1950s.

There may be small communities of Vietnamese in the TSLSP project area, however Vietnamese in the Tonle Sap region tend to be located closer to the lake where they are active fishers. In addition, communities of indigenous peoples, in particularly Kuy and Por, have been identified in or adjacent to the outer limits of the TSLSP project area although no known communities are included in the target TSLSP communes.

1. Training and Capacity Building on Land Acquisition and Vulnerable APs

At the inception of the TSLSP, a capacity building training program focused on land acquisition and resettlement issues will be designed and implemented for district, commune and village leaders in the TSLSP target communes. The training program will ensure the participation of female leaders and leaders from the Cham and other ethnic minority communities, as well other leaders and representatives of the community organizations. The scope of the training will encompass the policies and procedures set out in the LARF for land acquisition, compensation and resettlement particularly as it relates to the roles and responsibilities of local officials. In addition, the training will be designed to build awareness and leadership skills to address the issues and needs of vulnerable APs. The TSLSP will also undertake awareness raising and sensitization training regarding vulnerable groups for relevant staff from the Implementing Agency (IA), the Inter-Ministerial Resettlement Committee (IRC), TSLSP Provincial Implementation Units (PIUs), the Commune Land Acquisition Committees (CLACs) and the independent monitoring organization (IMO).

2. Gender and Ethnic Minority Strategies

In order to address the specific needs of vulnerable APs affected by land acquisition, the TSLSP will promote a number of strategies as part of the LARF and any Land Acquisition and Resettlement Plans (LARP) prepared for subprojects, including:

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There are no comprehensive data currently available on the ethnicity of people living in Cambodia. The 2006 CBD due to be published in early 2007 will provide a database of the numbers of Khmer and other ethnic groups resident in all communes. The following is based on information provided by key informants and a small survey of non-Khmer communities conducted during the PPTA for the TSLSP.

Version 1: 2Dec06
(i) All surveys of socio-economic conditions of APs will identify separately the conditions, needs and preferences of poor households, women who head households (and other female APs) and non-Khmer APs; monitoring of resettlement activities will assess separately the impacts on vulnerable APs.

(ii) Entitlements to compensation and rehabilitation assistance will ensure that the process of land acquisition and resettlement does not disadvantage ethnic minorities, women and poor households. Special attention will be paid to cultural traditions of ethnic minorities; and, vulnerable APs that are landless, or at risk of becoming landless.

(iii) In the case of land acquisition with voluntary land acquisition, the agreement forms for voluntary contribution of land and/or other assets will be signed by both spouses in cases where the head of the AP household is married.

(iv) In the case of land acquisition with involuntary land acquisition, compensation money will be given to both men and women from vulnerable AP households. Title for replacement land received in lieu of cash compensation will be issued in the names of both spouses where the head of the AP household is married.

(v) The formation of Commune Land Acquisition Committees (CLACs), as well as other local officials involved in planning and implementation of subproject resettlement programs will include female and, as relevant, ethnic minority representatives. This may include, as appropriate: a) female and/or Cham Commune Councilors; b) designated Gender Focal Points (GFP) at the commune and district levels; c) female and Cham members of Village Development Committees (VDC); and, d) representatives of the provincial departments of Women’s Affairs and Rural Development (Ethnic Minority Development Departments). AP representatives on the CLACs must include representatives of vulnerable APs: members of poor households; women, including heads and/or members of AP households; and, as relevant, representatives from Cham households or other ethnic minority households.

(vi) Local NGOs and representatives of donor-funded programs in the TSLSP projects that target the issues and needs of poor households, women and ethnic minorities will be consulted and invited to participate in the assessment of needs of vulnerable APs, and development and/or implementation of the resettlement program.

(vii) APs that are female household heads, ethnic minorities and poor will participate as members of committees involved in the planning and implementation of resettlement activities. In particular, they will be involved in the development and implementation of consultation programs and, as required, resettlement, rehabilitation and income restoration strategies.

(viii) Separate consultations will be considered for different vulnerable AP groups such as women and ethnic minorities to facilitate and encourage their participation. The planning and implementation of these consultations and the preparation of information materials will take into consideration, as relevant, the language and literacy skills of participants, as well as other gender and cultural parameters that would affect their participation.

(ix) The TSLSP will give priority to vulnerable APs for employment for construction, operation and maintenance of physical infrastructure or other initiatives financed under the Project. The form of payment will be cash or work-for-food, at levels commensurate with current wage levels in the TSLSP project area.

(x) As per the Labor Code (1997) all employment for the Project will respect Government commitments to gender equity including (i) employment targets for women; (ii) ensuring that no child labor or trafficked labor will be used; (iii) no discrimination against the employment of qualified women; and, (iv) no differential wages paid to men and women for work of equal value.
(xi) The TSLSP Implementing Agency (IA) and Provincial Implementation Units (PIUs) will designate women and, where relevant, ethnic minorities as members to work with vulnerable APs in all kinds of resettlement activities, including where required the planning and implementation of income restoration and other rehabilitation programs.

11. In some instances, Vietnamese households living in the TSLSP project area may not be recognized as Cambodian citizens and are not, therefore, entitled to own land. If they cultivate land that is acquired for a TSLSP subproject, they will have the same entitlements as other non-titled APs; that is, they will not receive compensation for the affected land, but will receive cash assistance for loss of land use and, as required, other assistance (in cash and/or in kind) to help them restore their social and economic conditions. Moreover, if they are displaced from land they use for residential and/or commercial purposes and they have no other landholdings, they will be allocated replacement land under a leasehold form of tenure to ensure they are able to relocate and rebuild. These provisions are discussed further in the Entitlement Matrix (Section VI).

D. Scope and Organization of LARF

12. The LARF sets out the policies and procedures for planning and implementation of resettlement activities required by TSLSP subprojects. The LARF is organized in the following section:

(i) Section II, Legal and Policy Framework: The LARF is based on a legal and policy framework drawing on the laws and regulations of the Royal Government of Cambodia (RGC) and the resettlement and other safeguard policies of the Asian Development Bank (ADB).

(ii) Section III, Institutional Arrangements: This section sets out the roles and responsibilities for planning, implementation and monitoring of all land acquisition and resettlement activities.

(iii) Section IV, Subproject Screening: This section sets out the screening procedures for each subproject to determine from the perspective of land acquisition and resettlement impacts the appropriate policies and procedures for planning and implementing land acquisition and resettlement activities.

(iv) Section V, Voluntary Land Acquisition: This section sets out the policies and procedures for voluntary land acquisition, that is, for eligible small-scale subprojects where it is deemed acceptable to acquire land through contributions from affected people.

(v) Section VI, Compensation and Entitlement Policy: This section sets out the policies and procedures for involuntary land acquisition including the entitlements of affected people and the types of compensation and other assistance that will be provided for subprojects involving involuntary land acquisition.

(vi) Section VII, Land Acquisition and Resettlement Plan: This section sets out the criteria, requirements and procedures for preparation of a Land Acquisition and Resettlement Plan (LARP) for subprojects involving involuntary land acquisition.

(vii) Section VIII, Consultation, Disclosure and Grievance Redress: This section sets out the requirements and procedures for the LARF and all land acquisition and resettlement activities for public disclosure of information, consultation and participation of affected people and other stakeholders and grievance redress.

(viii) Section IX, Monitoring and Evaluation: This section sets out the requirements and procedures for monitoring and evaluation of all land acquisition and resettlement activities.

(ix) Section X, Resettlement Costs and Budget: This section sets out the criteria and procedures for estimating costs and the resettlement budget.
II. LEGAL AND POLICY FRAMEWORK

13. The Land Acquisition and Resettlement Framework (LARF) for the TSLSP derives from (i) the formal legal framework of the RGC, principally the 1993 Constitution, the 2001 Land Law and related sub-decrees and regulations; and, (ii) the ADB Policy on Involuntary Resettlement and Operations Manual F2 and other relevant ADB policies.

A. Legal and Policy Framework in Cambodia

14. At present, the Royal Government of Cambodia (RGC) has not adopted a national policy for involuntary resettlement although work is ongoing to draft a sub-decree\(^6\). The current legislation governing land acquisition is the Land Law, signed by the King on the 30 August 2001. It is based on the provisions of the 1993 Constitution.

1. 1993 Constitution

15. The 1993 Constitution of Cambodia states that the “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). Article 20 stipulates that “nobody shall be forced to transfer his or her ownership, if forcing is not necessary in the public interest and (if) no proper and just indemnity has been paid to the owner”.

16. Articles 73 and 74 of the Constitution stipulate special consideration and support for vulnerable people including mothers and children, the disabled and families of combatants who sacrificed their lives for the nation.

2. 2001 Land Law

17. The 2001 Land Law (NS/RKM/0801/14, 20 July 2001) governs land and property rights in Cambodia. Based on the provisions of the 1993 Constitution, it determines the regime of ownership of immovable properties that are defined as including land, trees and immovable structures.

18. The rights and responsibilities of the RGC with respect to eminent domain are specified in the Land Law. The RGC can acquire private land (i) for public purposes under condition of (ii) fair and just compensation, (iii) paid in advance. The Land Law, Article 5, states:

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

19. Other provisions of the Land Law that are relevant to land acquisition, compensation and resettlement in the context of the TSLSP include:

(i) Legal possession as defined by the Law is the sole basis for ownership, and all transfers or changes of rights of ownership shall be carried out in accordance with the required general rules for sale, succession, exchange and gift or by court decision. (Article 6)

(ii) Any regime of ownership of immovable property prior to 1979 shall not be recognized. (Article 7)

(iii) Only persons or legal entities of Khmer nationality are entitled to own land in Cambodia; or to buy or sell land. (Articles 8, 66)

(iv) State public land includes, among other categories, any property a) that has a natural origin, such as forests, courses and banks of navigable and floatable rivers or natural

\(^6\) Work is ongoing on the preparation of a sub-decree for involuntary resettlement under the ADB TA 4490.
lakes; b) that is made available for public use such as roads, tracks, oxcart ways, pathways, gardens, public parks and reserved land; or, c) that is allocated to render a public service, such as public schools, public hospitals or administrative buildings. (Article 15)

(v) Persons that illegally occupy, possess or claim title to State public land cannot claim any compensation. This includes land established by the RGC as public rights-of-way (ROW) for roads and railways. Moreover, failure to vacate illegally occupied land in a timely manner is subject to fines and/or imprisonment. (Article 19)

(vi) Ownership of the lands is granted by the State to indigenous communities\(^7\) as collective ownership, including all the rights and protections enjoyed by private owners. The exercise of collective ownership rights are the responsibility of the traditional authorities and decision-making mechanisms of the indigenous community, according to their customs and subject to laws such as the law on environmental protection. (Article 26)

(vii) Persons with legally valid possession of land for five years (at the time the law came into effect) are allowed to be registered as the owner of the land (Article 30). Persons who (at the time the law came into effect) held legal possession but had not yet completed the five years were allowed to remain in possession until they were eligible to be registered as the owner. (Article 31)

(viii) However, temporary possession claims made by persons after the law comes into effect will not be recognized, rescinding a previous right under the 1992 Land Law for acquiring land by taking possession. (Articles 29, 34)

(ix) Landless people may apply for land for residential and subsistence farming purposes at no cost, as part of a social land concessions scheme. The concessionaire may obtain ownership of this land after fulfilling conditions set out in a separate Sub-Decree on Social Land Concessions. (Articles 50, 51)

(x) Acquisition of land through gifts is permitted with the following conditions: a) the gift of immovable property is only effective if it is made in writing and registered with the Cadastral Registry Unit; b) once accepted, gifts of immovable property are irrevocable; and, c) the donor may retain the right of usufruct in the property, and the right of use and habitation of an immovable property. (Articles 80-84)

3. Other Regulations and Guidelines

The following identifies sub-decrees and other regulations and guidelines that may be relevant to the design and implementation of subprojects under the TSLSP.

(i) The Sub-Decree on Social Concessions (No. 19 ANK/BK, 19 March 2003) provides legal basis for allocations of State private land for purposes of the alleviation of landlessness and poverty, including the replacement of land lost in the context of involuntary resettlement.

(ii) With reference to road infrastructure, the RGC Prakas No. 6, “Measures to Crack Down on Anarchic Land Grabbing and Encroachment” (No. 06 BRK, 27 September 1999) prohibits private ownership of State lands, including land adjacent to roads and railways. The Prakas establishes rights-of-way (ROW) for commune roads of 15 meters from the centerline, as well as ROW for provincial and national roads. Ministry of Economy and Finance (MEF) Decree No. 961 (2000) declares that, in order to implement Prakas No. 6, the RGC will not pay compensation to people who occupy the ROW, for any structures or assets located on the land.

\(^7\) As per Article 23 of the Land Law, “An indigenous community is a group of people that resides in Cambodia whose members manifest ethnic, social, cultural and economic unity and who practice a traditional lifestyle, and who cultivate the lands in their possession according to the customary rules of collective use”. Few ethnic minorities in the TSLSP project area conform to the definition of an indigenous community in Cambodia.
4. Land Registration in Cambodia

21. The right to private occupation of land was re-established in 1989, and confirmed in the 2001 Land Law. Cambodians are able to register the land they occupy with the local Cadastral Administration Office, whereupon a certificate of land title is granted. Issuing land titles is a lengthy process and most offices have a major backlog of applications. People are given a receipt and until the official title deed is issued, this receipt is accepted as title for land purpose or sale.

22. The present legal status of land use in Cambodia can be classified as follows:

   (i) Privately owned land with title: The owner has official title to land, and both the owner and the Cadastral Administration Office have a copy of the deed.

   (ii) Privately owned land without title: The owner has made application for title to land, and is waiting for the issuance of a title deed. The Cadastral Administration Office recognizes the owner.

   (iii) Land use rights certified by the Government: In this case, a receipt for long-term land use has been issued. This land use right is recognized by the Cadastral Administration Office.

   (iv) Lease land: The Government or private owners lease the land, usually for a short period. There is provision for the owner to reclaim land if it is needed for development.

   (v) Non-legal occupation: The user has no land use rights to State land that he occupies or uses. The Cadastral Administration Office does not recognize the use of this land.

B. ADB Policies on Involuntary Resettlement, Gender and Development, Communications and Accountability

23. The following summarizes the key ADB policies relevant to the preparation of the Resettlement Plans under the TSLSP for any sub-projects that entail land acquisition.

24. The aim of the ADB Policy on Involuntary Resettlement (ADB, 2006; ADB, 1995) is to avoid or minimize the impacts on people, households, businesses and others affected by the land acquisition required by a project. Where resettlement is not avoidable, the overall goal of the ADB policy is to compensate and assist affected people to restore their living standards to levels equal to, if not better than, that which they had before the project.

25. The main objectives and principles of the ADB policy on involuntary resettlement are as follows:

   (i) Involuntary resettlement should be avoided where feasible.

   (ii) Where population displacement is unavoidable, it should be minimized by exploring all viable project options.

   (iii) People unavoidably displaced should be compensated and assisted, so that their economic and social future would be generally as favorable as it would have been in the absence of the Project.

   (iv) Affected people (APs) should be informed fully and closely consulted in resettlement and compensation options.

   (v) Existing social and cultural institutions of APs who must relocate should be supported and used to the greatest extent possible, and APs should be integrated economically and socially into host communities.

   (vi) Lack of legal rights to the assets lost or adversely affected will not prevent APs from entitlement to compensation and rehabilitation measures. Those without legal title to land...
occupied or used by them (e.g., non-titled APs) will be entitled to various kinds of
resettlement assistance to improve their socio-economic status.

(vii) Particular attention must be paid to the needs of the poorest APs and other vulnerable
groups that may be at high risk of impoverishment. This may include APs without legal
title to land or other assets, households headed by females, the elderly or disabled and
other vulnerable groups, particularly ethnic minority peoples. Appropriate assistance
must be provided to help them improve their socio-economic status.

(viii) All stages of resettlement identification, planning, and management will ensure that
gender concerns are incorporated, including gender-specific consultation and information
disclosure. This includes special attention to guarantee women’s assets, property, and
land-use rights; and to ensure the restoration of their income and living standards.

(ix) As far as possible, involuntary resettlement should be conceived and executed as part of
the project. Involuntary resettlement is to be treated as a development opportunity.

(x) The full costs of resettlement and compensation should be included in the presentation of
project costs and benefits.

(xi) The costs of resettlement and compensation may be funded by counterpart funds and/or
considered for inclusion in the Bank loan for financing of the project.

26. The ADB Policy on Indigenous Peoples (ADB 2006; ADB, n.d.) defines indigenous or
ethnic minority peoples as “those with a social or cultural identity distinct from the dominant or
mainstream society, which makes them vulnerable to being disadvantaged in the processes of
development.” The Policy recognizes the potential vulnerability of ethnic minorities in the
development process; that ethnic minorities must be afforded opportunities to participate in and
benefit from development equally with other segments of society; and, have a role and be able to
participate in the design of development interventions that affect them.

27. The ADB Policy on Gender and Development (ADB, 2006; ADB, 1998) adopts gender
mainstreaming as a key strategy for promoting gender equity, and for ensuring that women
participate in and that their needs are explicitly addressed in the decision-making process for
development activities. For projects that have the potential to have substantial gender impacts, a
gender plan is prepared to identify strategies to address gender concerns and the involvement of
women in the design, implementation and monitoring of the project.

28. The ADB Public Communications Policy (ADB, 2005) seeks to encourage the
participation and understanding of people affected by and other stakeholders to ADB-assisted
activities. Information on ADB-funded projects should start early in the preparation phase and
continue throughout all stages of project development, in order to facilitate dialogue with affected
people and other stakeholders. The Executing Agency should, as necessary, develop a project
communications plan and designate a focal point to maintain contact with affected people. With
respect to land acquisition, compensation and resettlement, information should be distributed to
affected peoples (APs) and publicly in the following manner: (i) prior to loan appraisal, the draft
Resettlement Plan (RP); (ii) following completion of the final RP, the final RP; and, (iii) following
any revisions, the revised RP. This information can be in the form of brochures, leaflets or
booklets, in the local language(s) as well as English, the working language of the ADB. When
APs include non-literate people, other appropriate methods of communications will be used.

The ADB Accountability Mechanism (ADB, 2003) serves to enhance the capacity of ADB to
respond to, prevent and/or resolve problems associated with the implementation of its policies in
ADB-funded project. It consists of two separate but complementary functions: (i) a consultation
phase consisting of a special project facilitator (SPF) who will respond to specific problems of
locally affected people in ADB-assisted projects through a range of informal and flexible
methods; and, (ii) a compliance review phase consisting of a compliance review panel (CRP) to
investigate and make recommendations to remediate alleged violations of ADB operational
policies and procedures that have resulted or are likely to result in direct, adverse and material
harm to project-affected people. The relevant ADB operations department has the initial responsibility to respond to the concerns of affected communities.

C. Resolving Inconsistencies

29. In all instances where TSLSP subprojects require land acquisition, the provisions and principles adopted in the Land Acquisition and Resettlement Framework for the TSLSP will supersede the provisions of relevant decrees currently in force in Cambodia wherever a gap exists between RGC laws and regulations and the policies of the ADB.

III. INSTITUTIONAL ARRANGEMENTS

30. The following presents the roles and responsibilities of different stakeholders for land acquisition and resettlement under the TSLSP.

A. Inter-Ministerial Resettlement Committee and Provincial Resettlement Unit

31. The Inter-Ministerial Resettlement Committee (IRC) was established in 1999. The Ministry of Economy and Finance (MEF) is the permanent Chair of the IRC; the secretariat for the IRC is the Resettlement Unit (RU) at MEF. The IRC is constituted for every project (TSLSP) with membership from MEF, the Council of Ministers, the Ministry of Public Works and Transport, the Ministry of Agricultural, Forestry and Fisheries and Governors and Deputy Governors of Project provinces. Members may also include representatives of other relevant ministries and/or provincial departments (e.g., Water Resources and Meteorology, Rural Development, Environment and Land Management, Urban Planning and Construction).

32. The IRC is responsible for the following aspects of land acquisition and resettlement for projects: (i) approval of compensation rates; (ii) reporting to the RGC on TSLSP resettlement activities and request approvals, if necessary, including approval for land acquisition and resettlement plans (LARPs); (iii) disbursement of funds to the office of the Provincial Governor for paying compensation and deliver all other entitlements to APs, in accordance with the approved LARPs; and, (iv) disbursement of funds directly to the IA and guidance for conducting the DMS, other surveys and fields and all other resettlement activities required to implement the approved LARP.

33. For the TSLSP, a Provincial Resettlement Unit (PRU) chaired by the Governor (or his representative) will be established in each of the 6 provinces. Membership will include Directors of provincial departments involved in the TSLSP (Economic and Finance, Public Works and Transport, Water Resources and Meteorology, Rural Development/Ethnic Minority Development, Environment, Land Management, Women’s Affairs, etc.); and, Governors or Deputy Governors of target districts. Under the review and guidance of the IRC, the PRU will assume the following roles and responsibilities for the TSLSP in each of the project provinces:

(i) Approve compensation rates for subprojects involving involuntary land acquisition, as proposed by IA and PIUs.

(ii) Review and endorse Voluntary Land Acquisition Reports (VLAR) for subprojects involving voluntary land acquisition and, in concert with IA and PIU, submit to ADB for no objection.

(iii) Review and approve Land Acquisition and Resettlement Plans (LARPs) for subproject involving involuntary land acquisition, and in concert with IA submit to ADB for approval.

(iv) Disburse funds to the office of the Provincial Governor to pay compensation and deliver all other entitlements to APs, in accordance with the approved LARPs.

(v) Disburse funds directly to the IA and guidance for conducting the DMS, other surveys and fields and all other resettlement activities required to implement the approved LARP.
(vi) Review and endorse quarterly provincial monitoring reports, and oversee remedial actions as required; and, review and endorse all external monitoring reports prepared by the independent monitoring organization (IMO).

B. Implementing Agency

34. The Ministry of [fill in] is the Implementing Agency (IA) and will assure overall coordination, planning, implementation and reporting for the TSLSP. The IA will guide, support, endorse and monitor the work of the Provincial Implementation Units (PIUs) in each TSLSP province for all activities related to planning, implementation and monitoring of land acquisition and resettlement where required for TSLSP subprojects, including:

(i) Guide, support and oversee the work of Provincial Implementation Units (PIUs), Commune Land Acquisition Committees (CLACs) and other stakeholders for all activities related to planning, implementation and monitoring of plans and activities for voluntary and involuntary land acquisition.

(ii) Review and endorse Voluntary Land Acquisition Reports (VLAR) for subprojects involving voluntary land acquisition and, in concert with PIU and PIU, submit to ADB for no objection.

(iii) Review and approve Land Acquisition and Resettlement Plans (LARPs) for subproject involving involuntary land acquisition and, in concert with PRU, submit to ADB for approval.

(iv) Manage and disburse funds to Provincial Implementation Units (PIUs) for conducting the DMS, other surveys and fields and all other resettlement activities required to implement the approved LARP.

(v) Recruit and oversee the work of an NGO or consultant to act as the independent monitoring organization (IMO).

(vi) Review and endorse quarterly provincial monitoring reports, particularly it concerns management of budget, other resources and schedules; and, oversee remedial actions as required. Review and endorse all external monitoring reports prepared by the IMO.

C. Provincial Implementation Units (PIUs)

35. In each province, a Provincial Implementation Unit (PIU) is responsible for planning, implementation, monitoring and overall management of subprojects financed under the TSLSP, including land acquisition and resettlement as required. For the duration of the TSLSP, each PIU will recruit, if necessary, and assign a resettlement/social officer with responsibility to coordinate, carry out and monitor land acquisition and resettlement activities; the qualifications for the resettlement/social officer include previous experience in Cambodia with land acquisition and resettlement in Cambodia, poverty reduction, gender and ethnic minorities.

36. The PIU and its resettlement/social officer will coordinate with the IA and PRU, and will collaborate with Commune Land Acquisition Committees (CLACs) and other stakeholders in carrying out the following roles and responsibilities:

(i) Guide, support and oversee the work of Commune Land Acquisition Committees (CLACs) and other stakeholders for the assessment of land acquisition and resettlement impacts of subprojects; data collection and surveys; preparation of Voluntary Land Acquisition Reports (VLAR) for subprojects with voluntary land acquisition; and, all aspects of implementation and monitoring of activities for voluntary and involuntary land acquisition.

(ii) For subprojects that involve involuntary land acquisition, prepare a provincial Land Acquisition and Resettlement Plan (LARP) for all subprojects with minor land acquisition and resettlement impacts; and, individual LARPs for subprojects with major land
acquisition and resettlement impacts. The PIUs will coordinate closely with CLACs in the preparation of LARPs. The LARPs will be submitted to the IA, PRU/IRC and ADB for review and approval.

(iii) Recruit professional appraiser to conduct a provincial replacement cost survey (RCS) in the context of the preparation of LARPs for subprojects involving involuntary land acquisition. Coordinate with the PRU to ensure their participation in the RCS. Prepare a proposal for compensation rates at replacement cost based on current market prices, and submit to the PRU/IRC for approval.

(iv) Guide, support and oversee all activities related to public disclosure of information, consultations with APs and other stakeholders and grievance redress for all subprojects with voluntary or involuntary land acquisition.

(v) Coordinate with the PRU and oversee the payment of compensation and allowances to APs. N.B. The funds for payment of compensation and allowances to APs will be disbursed by IRC directly to provincial Governors.

(vi) As necessary, coordinate, guide and support district and commune authorities, NGOs, community organizations and other stakeholders to address requirements for relocation of APs and/or income restoration strategies.

(vii) Guide, support and oversee that appropriate measures are included as required for subprojects that involve voluntary and involuntary land acquisition, to address the needs and preferences of women and female-headed households, poor households and other vulnerable APs.

(viii) Review and endorse monthly monitoring reports submitted by CLACs; consolidate and prepare quarterly monitoring reports, and submit to IA, PRU/IRC and ADB.

(ix) Support IMO by ensuring full and timely disclosure of relevant information and coordinating IMO participation in subproject activities; review and endorse IMO reports and submit to IA, PRU/IRC and ADB.

D. Commune Land Acquisition Committee

37. In each of the 30 target communes included in the TSLSP, a Commune Land Acquisition Committee will be established, chaired by the Commune Chief (or designated representative). The membership of the CLAC will include district, commune and village representatives; representatives of APs for subprojects; and, a resettlement officer from the PRU. In order to address issues of vulnerable APs adequately, the membership of the CLAC will include female and, as relevant, ethnic minority representatives, for example: (i) female and/or Cham Commune Councilors; (ii) designated Gender Focal Points (GFP) at the commune and district levels; (iii) female and Cham members of Village Development Committees (VDC); and, (iv) AP representatives that are members of poor households, women, including heads and/or members of AP households and, as relevant, representatives from Cham households or other ethnic minority households.

38. The roles and responsibilities of the CLAC include:

(i) Conduct field assessments for initial screening of subprojects to determine land acquisition requirements, and collaborate with PIU on preparation of an initial screening report and finalization of subproject proposals.

(ii) Conduct supplementary field assessments, as required, for subprojects with voluntary land acquisition, negotiate voluntary contributions and prepare Voluntary Land Acquisition Reports (VLAR) to be submitted to the PIU and IA for review and endorsement.
(iii) Conduct DMS and socio-economic surveys for subprojects with involuntary land acquisition.

(iv) Organize all activities for public disclosure of information and consultations with APs associated with the initial subproject screening, voluntary land acquisition and preparation of LARPs for involuntary land acquisition.

(v) Receive, hear and resolve the complaints and grievances of APs, preferably through a process of conciliation.

(vi) Coordinate with and assist PIUs to prepare LARPs for subprojects involving involuntary land acquisition, including provincial LARPs for subprojects with minor resettlement impacts and individual LARPs with major resettlement impacts.

(vii) Coordinate with and assist PIUs to implement LARPs including, among other activities, payment of compensation and other entitlements to APs; as required, identification of replacement land and implementation of income restoration measures; and, clearance of acquired land in coordination with schedules for civil works.

(viii) Prepare monthly monitoring reports and submit to PIU.

IV. SUBPROJECT SCREENING

39. In order to approve subprojects for funding under the TSLSP and to determine the appropriate approach to land acquisition and resettlement, the Provincial Implementation Unit (PIU) in conjunction the CLAC and, as required, district officials will conduct an initial screening of each subproject proposal in the province, including field measurements of the requirements, if any, to acquire land and other assets. An initial screening report must (i) describe present land use in the area to be affected and (ii) document whether and how any persons are to be affected by land acquisition, loss of structures or loss of access to other resources; a preliminary list of APs with affected assets will be appended to the report. The following describes the possible conclusions of the initial screening report regarding land acquisition.

A. Subprojects with No Land Acquisition

40. If the proposed subproject does not involve any land acquisition, no further resettlement-related planning is necessary in the preparation of the subproject.

B. Subprojects with Voluntary Land Acquisition

41. If the proposed subproject requires small amounts of land and meets the following conditions, land acquisition will be carried out through voluntary contributions by affected people (APs):

(i) The subproject will be implemented entirely on public land which is not under private use; OR

(ii) The amount of agricultural or other productive land to be acquired from each AP does not exceed 5% of the total productive landholdings of the household; AND

(iii) The value of other affected assets such as structures, crops or trees belonging to each AP does not exceed $100 (based on current market prices); AND

(iv) No APs are displaced from housing.

42. The procedures for land acquisition through voluntary contributions are discussed further in Section V.

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C. Subprojects with Involuntary Land Acquisition

43. If the proposed subproject does not meet the criteria for voluntary land acquisition, affected people (APs) will receive compensation in cash and/or in kind for affected assets as well as other assistance as required to help them to restore their living conditions, livelihoods and income levels. In particular, involuntary land acquisition will apply where one or more of the following conditions exists:

(i) The subproject will be implemented entirely on public land that is being used by individuals, households or private institutions; OR

(ii) The amount of agricultural or other productive land to be acquired from each AP equals 5% or more of the total productive landholdings of the household; OR

(iii) The value of other affected assets such as structures, crops or trees belonging to each AP is equal to or greater than $100 (based on current market prices); AND

(iv) APs are displaced from housing.

44. The compensation and entitlement policy for APs affected by involuntary land acquisition is set out in Section VI. The requirements for preparation of a Land Acquisition and Resettlement Plan (LARP) are contained in Section VII.

V. VOLUNTARY LAND ACQUISITION

45. The TSLSP includes components that will target community-driven investments at the village and/or commune levels, such as rehabilitation and upgrading of existing infrastructure, construction on new, small-scale infrastructure or agricultural demonstration projects. Subprojects undertaken under these components may require small amounts of land acquisition. If land in private ownership or private use is required, and provided that the amount required from any individual does not exceed 5% of that individual’s total holding, the most effective and preferred strategy of the TSLSP is to acquire the land through voluntary contribution of the affected people (APs).

46. The Commune Land Acquisition Committee (CLAC) in collaboration with the leadership of affected villages is responsible for the assessment of the feasibility of voluntary land acquisition, including the following activities:

(i) Field measurements to determine a) the amount of land required from each AP and to confirm that the voluntary land acquisition is less than 5% of the individual landholdings; b) that the value of other acquired assets (structures, crops and trees) is less than $100 per affected household; and, c) that no households will be displaced from housing.

(ii) Dissemination of information about the proposed voluntary land acquisition to all affected people and other stakeholders in subproject villages and/or communes. The information should a) describe the subproject, the benefits of the subproject and the rationale for voluntary land acquisition; b) inform people about their rights and options to accept or not accept voluntary land acquisition; and, c) include official lists of affected households indicating the amount of land to be contributed voluntarily and the value of other assets for each household. This information can be disseminated through brochures distributed to households and/or available at village and commune offices, posting official lists at village offices and other means.

(iii) Public meetings in each affected village to present information (including maps) about the proposed voluntary land acquisition and to respond to issues and concerns raised by affected people and other stakeholders.

(iv) Signed Statements of Voluntary Contribution from each individual or household agreeing to voluntarily contribute land (and any attached assets), indicating their informed consent.
Any voluntary contribution will be verified by an independent third party such as a designated NGO or legal authority. (See Appendix 1 for a sample form.)

(v) A grievance redress mechanism will be established in the subproject area based on the procedures outlined in Section VIII below. All APs and other stakeholders in the subproject area will be informed about their rights and the procedures of the grievance redress mechanism.

47. The CLAC will prepare a Voluntary Land Acquisition Report (VLAR) as an integral part of the proposal for each subproject that requires land acquisition. The VLAR will document the requirements for land acquisition; the procedures used to document and negotiate voluntary land acquisition with affected people; and, the list of APs and their affected assets. The VLAR will also contain a statement signed by the Commune Chief(s) in the affected commune(s) attesting that all APs have signed informed consent forms. The VLAR will be submitted to the IA, PRU/IRC and PIU for review and endorsement; and, to ADB for review and no objection.

VI. COMPENSATION AND ENTITLEMENT POLICY

48. Subprojects undertaken under the TSLSP component for trans-commune infrastructure may require involuntary land acquisition due to the nature and degree of losses. In these cases, APs will receive compensation in cash or in kind for the loss of land, other assets and business income and/or assistance to improve or, at least, to restore living standards, livelihoods and incomes to pre-subproject levels. This section sets out the compensation and entitlement policies for involuntary land acquisition under the TSLSP.

A. Objective

49. The overall objective of the compensation and entitlement policy for the TSLSP is to ensure that all people affected by the Project are able to maintain and, preferably, improve their pre-project living standards and income-earning capacity through compensation for the loss of physical and non-physical assets and, as required, other assistance and rehabilitation measures.

B. Principles

50. The following principles have been adopted for the TSLSP to guide the compensation and entitlement policy:

(i) Acquisition of land and other assets, and resettlement of people will be avoided or minimized as much as possible by identifying possible alternative project designs and appropriate social, economic, operation and engineering solutions that have the least impact on populations in the sub-project area.

(ii) All APs residing, working, doing business and cultivating land within the subproject impacted areas as of the cut-off date will be entitled to compensation for their affected assets; and, rehabilitation measures sufficient to assist them to improve or at least maintain their pre-project living standards, income-earning capacity and production levels. The cut-off date will be the final day of the detailed measurement survey (DMS) in each subproject area. Those who encroach into the subproject area after the cut-off date will not be entitled to compensation or rehabilitation, unless there has been a change in the subproject scope.

(iii) Lack of legal rights to the assets lost or adversely affected tenure status or citizenship, social or economic status will not bar the AP from entitlements to such compensation and rehabilitation measures or resettlement objectives.

8 People without legal rights are referred to as 'non-titled' in the ADB Operations Manual, and include those who have no recognizable rights or claims to the land that they are occupying and/or using. The policy also states that restoration measures must be determined in consultation with affected communities, including those people who
(iv) All affected populations will be eligible for compensation and rehabilitation assistance, irrespective of tenure status, social or economic standing and any such factors that may discriminate against achievement of the objectives outlined above.

(v) The principle of compensation at full replacement cost based on prevailing market prices will be applied for the following affected assets: legally occupied land; structures, crops, trees and other physical assets; and, businesses, business income and other sources of income. There will be no deductions in compensation payments for land, structures or other affected assets for materials salvage value, depreciation, taxes, stamp duties, fees or other payments.

(vi) Non-legal APs or those who have no recognizable rights or claims to the land that they occupy (e.g., squatters, immigrants or non-citizens) are entitled to assistance for loss of land use, compensation for non-land assets and various options for resettlement assistance to restore incomes and living standards provided they cultivated/occupied the land before the eligibility cut-off date. The resettlement package includes measures to ensure that such APs are able to find alternative sites or income sources, depending on their losses.

(vii) APs will be fully consulted and will participate in the preparation, updating, implementation and monitoring of the Land Acquisition and Resettlement Plan (LARP). The comments and suggestions of affected people and communities will be taken into account during the design and implementation phases of resettlement activities.

(viii) There shall be effective mechanisms for hearing and resolving grievances during implementation of the resettlement plan.

(ix) APs that lose only part of their physical assets will not be left with a portion that will be inadequate to sustain their current standard of living. The minimum size of a remaining residential plot of land will not be less than 30 m².

(x) Special measures will be incorporated in the LARP and in complementary mitigation and enhancement activities to protect socially and economically vulnerable groups at high risk of impoverishment, such as poor households, ethnic minorities, women-headed families, disabled-headed households, landless households, children and elderly people without support structures. Appropriate assistance through asset building strategies will be provided to help them improve their socio-economic status such as land-for-land, replacement housing of minimum standard and increased security of tenure.

(xi) Existing cultural and religious practices shall be respected and, to the maximum extent possible, preserved.

(xii) The Project will assist villages to prepare leveled residential land and sites for affected livestock and fishponds, especially for vulnerable households.

(xiii) Temporarily affected land and communal infrastructure will be restored to pre-project conditions.

(xiv) The Implementing Agency (IA) will establish institutional arrangements to ensure effective and timely design, planning, consultation and implementation of the land acquisition, compensation, resettlement and rehabilitation program.

(xv) Adequate resources will be identified and committed during resettlement planning for updating and implementing the TSLSP. This includes adequate budgetary support fully committed and made available to cover the costs of land acquisition, compensation, resettlement and rehabilitation within the agreed implementation period for the Project;
and, adequate human resources for supervision, liaison and monitoring of land acquisition, resettlement and rehabilitation activities.

(xvi) Appropriate reporting, monitoring and evaluation mechanisms will be identified and set in place as part of the resettlement management system. Monitoring and evaluation of the land acquisition, resettlement and rehabilitation processes and the final outcomes will be conducted by an independent monitoring agency.

(xvii) The LARP will be disclosed to APs through public meetings. The LARP (in a Khmer) will be placed in the commune offices for the reference of APs as well as other interested groups.

(xviii) Civil works contractors will not be issued a notice of possession for subproject area until, in accordance with the approved LARP a) compensation payments and, as required, relocation to new sites has been satisfactorily completed, b) agreed rehabilitation assistance is in place and c) the area is free of all encumbrances.

C. Categories of Affected People (APs)

51. As per ADB policy, the term “affected people (APs)” includes any person, household, firm or private institution that on account of changes resulting from land acquisition or other activities of a development will have its:

(i) standard of living adversely affected;

(ii) right, title or interest in any house, land (including residential, commercial, agricultural, forest, salt mining and/or grazing land), water resources 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, residence or habitat adversely affected, with or without displacement.

52. In the context of the TSLSP, the following categories of people using or occupying land in a subproject area may be affected and, as a consequence, be designated as APs:

(i) Legal land users: Owners of private land who have registered title to the land and their status is recognized by the Cadastral Administration Office.

(ii) Legalizable and recognized land users: Legalizable land users are owners of private land who are eligible for or waiting for issuance of registered title and their status is recognized by the Cadastral Administration office. Recognized land users are users/occupants of land that have a) proof of occupation dating prior to 30 July 2001 (the date of coming into force of the Land Law); and b) do not have legal title or proof of occupation prior to 30 July 2001, but recognition of permanence is obtained from local authorities.

(iii) Non-legal land users: Users/occupants of land without legal, possessory or recognized land use rights.

(iv) Owners of houses and other structures whether or not a) there is registered title to the land or b) a permit was issued to construct the structure.

(v) Owners of businesses whether or not the businesses are registered.

(vi) Lease or permissory users: Users/occupants that lease or have permission to use affected land and/or affected structures (houses, shops, market stalls, etc.) whether or not a) the land and/or structures are owned by private parties or the State or b) the tenancy is based on a formal lease or permission of the owner.
(vii) Agricultural laborers, non-agricultural laborers and employees temporarily or permanently affected by the Project.

(viii) Secondary APs including land users and occupants who are affected by the allocation of land for individual resettlement or the construction of group resettlement sites. They are entitled to compensation and/or rehabilitation assistance in accordance with the same provisions for other APs, depending on their legal status.

D. Eligibility

53. For subprojects involving involuntary land acquisition, a formal census of APs and detailed measurement survey (DMS) will be conducted following detailed design for the subproject; the completion of the DMS is the cut-off date for eligibility for entitlement under the TSLSP. All APs residing, working, doing business and cultivating land within the subproject area as of the cut-off date will be entitled to compensation for their affected assets; and, as required, rehabilitation measures sufficient to assist them to improve or at least maintain their pre-project living standards, income-earning capacity and production levels.

54. People that occupy land after the cut-off date will not be considered APs and will not be eligible for compensation or other assistance under the TSLSP; they will be required to remove at their own expense.

E. Entitlement Matrix

55. The Entitlement Matrix (Table 2) summarizes for different types of impacts, which APs are eligible and their entitlements for compensation; and, provides guidance on implementation issues.

<table>
<thead>
<tr>
<th>Type of Impact</th>
<th>Level of Impact</th>
<th>Entitled Persons</th>
<th>Compensation Policy</th>
<th>Implementation Issues</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Agricultural land (including fishponds)</td>
<td></td>
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</tr>
<tr>
<td>Temporarily affected agricultural land</td>
<td>Loss of use of the land for a period less than 1 year</td>
<td>User with legal or legalizable/recognized right</td>
<td>• No compensation for land (if returned to original user). &lt;br&gt;• Cash compensation for loss of standing crops and trees at market prices; AND &lt;br&gt;• Compensation for loss of net income from subsequent crops that cannot be planted.</td>
<td>• If more than 1 year, APs have options: (a) continue the temporary use arrangements or (b) permanent land acquisition at full replacement cost.</td>
</tr>
<tr>
<td>User with lease or permissory right</td>
<td></td>
<td></td>
<td>• No compensation for land (if returned to original user). &lt;br&gt;• Cash compensation for loss of standing crops and trees at market prices; AND &lt;br&gt;• Compensation for loss of net income from subsequent crops that cannot be planted within the remaining lease/assigned period.</td>
<td></td>
</tr>
<tr>
<td>Non-legal user</td>
<td></td>
<td></td>
<td>• No compensation for land (if returned to original user). &lt;br&gt;• Cash compensation for loss of standing crops and trees at market prices.</td>
<td>• All non-legal users are eligible regardless of citizenship status.</td>
</tr>
<tr>
<td>Permanently affected agricultural land</td>
<td>Loss is less than 10% of total productive assets (e.g., 10% of total landholdings)</td>
<td>User with legal or legalizable/recognized right</td>
<td>• Cash compensation at full replacement cost for affected land. &lt;br&gt;• Cash compensation for loss of standing crops and trees at market prices.</td>
<td>• In all cases, APs also receive cash compensation for loss of standing crops and trees at market prices. (See 5 below) &lt;br&gt;• All non-legal users are</td>
</tr>
<tr>
<td>Type of Impact</td>
<td>Level of Impact</td>
<td>Entitled Persons</td>
<td>Compensation Policy</td>
<td>Implementation Issues</td>
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<td>----------------</td>
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<td>-----------------------</td>
</tr>
<tr>
<td></td>
<td></td>
<td>lease or permissory right</td>
<td>for the remaining leased/assigned period. eligible regardless of citizenship status.</td>
<td></td>
</tr>
<tr>
<td>Non-legal user</td>
<td></td>
<td>• Cash compensation for loss of land use.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Loss is equal to 10% or more of total productive assets (e.g., 10% of total landholding)</td>
<td>User with legal or legalizable/recognized right</td>
<td>• Replacement land of equal area and productivity at a location acceptable to APs in the same commune, OR • Cash compensation for acquired land at full replacement cost.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>User with lease or permissory right</td>
<td>• Replacement land of equal area and productivity at a location acceptable to APs in the same commune; OR • Cash compensation for lost income from the affected land for the remaining lease/assigned period.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non-legal user</td>
<td>• Cash compensation for loss of land use. • If AP has no other productive land, replacement land will be allocated in lieu of compensation for loss of land use, with equal area and productivity at a location acceptable to APs in the same commune.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**(2. Residential and/or commercial land)**

<table>
<thead>
<tr>
<th>Temporarily affected</th>
<th>Any type</th>
<th>All users</th>
<th>• Land restored to the same, if not better condition as before.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permanently affected</td>
<td>With no structures</td>
<td>User with legal or legalizable/recognized right</td>
<td>• Cash compensation for the affected land at full replacement cost; OR • Replacement land of similar size at a location acceptable to the AP. • Cash compensation for any investment made on the land.</td>
</tr>
<tr>
<td></td>
<td>Non-legal user</td>
<td>• Cash compensation for loss of land use. • Cash compensation for any investment made on the land.</td>
<td>• Replacement land will be allocated with full title in the names of both spouses if AP is married. • All non-legal users are eligible regardless of citizenship status.</td>
</tr>
</tbody>
</table>

**With structures built AND remaining land sufficient to reorganize**

| User with legal or legalizable/recognized right | • Cash compensation for land lost at full replacement cost; AND • Cash or assistance for repair to rebuild the structure in case of partial impact. • Compensation for any investment made on the land. |
| Non-legal user | • Cash compensation for loss of land use. • Compensation for any investment made on the land. | • Issuance of a permanent land user right certificate in case of reorganizing, in names of both spouses if AP is married. • All non-legal users are eligible regardless of citizenship status. |

**With structures built AND remaining land NOT sufficient to reorganize**

<p>| User with permanent right (legal and legalizable) | • Replacement land of equal size at a location acceptable to APs in the same commune; OR • Cash compensation for the lost land at full replacement cost and assistance from Commune Land Acquisition Committee to |
| Non-legal user | • Cash compensation for loss of land use. • Compensation for any investment made on the land. | • Replacement land will be allocated with full title in the names of both spouses if AP is married. ||</p>
<table>
<thead>
<tr>
<th>Type of impact</th>
<th>Level of Impact</th>
<th>Entitled Persons</th>
<th>Compensation Policy</th>
<th>Implementation Issues</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>locate possible plots for relocation.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Non-legal user</td>
<td>• Cash compensation for loss of land use.</td>
<td>• Replacement land will be allocated under leasehold tenure.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• If AP has no other land to rebuild structure, replacement land will be allocated in lieu of compensation for loss of land use, of equal size at a location acceptable to the AP in the same commune. Compensation for any investment made on the land.</td>
<td>• All non-legal users are eligible regardless of citizenship status.</td>
</tr>
<tr>
<td>3. Residential and/or commercial structures</td>
<td>Completely affected or partially affected and unable to rebuild on remaining land</td>
<td>Owner of structure regardless of land tenure</td>
<td>• Compensation at full replacement cost in cash, materials or both, for entire structure. No deduction for depreciation or salvageable materials. • Assistance from Commune Land Acquisition Committee, as required, to rebuild.</td>
<td>• All APs eligible for relocation allowances. (see 8 below)</td>
</tr>
<tr>
<td></td>
<td>Partially affected and able to rebuild on remaining land</td>
<td>Owner of structure regardless of land tenure</td>
<td>• Compensation at full replacement cost in cash, materials or both, for the affected portion. No deduction for depreciation or salvageable materials.</td>
<td>• All APs eligible for rebuilding and repair allowances. (see 8 below) • Non-legal APs are eligible regardless of citizenship status.</td>
</tr>
<tr>
<td>4. Other private property</td>
<td>Owner regardless of land tenure</td>
<td></td>
<td>• Cash compensation for affected property at replacement cost with no deduction for depreciation or salvageable materials, OR • Compensation to relocate the property, OR Repair of property by contractor to original or better condition.</td>
<td></td>
</tr>
<tr>
<td>5. Trees/ standing crops/ fish crops</td>
<td>Owner regardless of land tenure</td>
<td></td>
<td>• Cash compensation for loss of trees and standing crops at market prices; • Compensation at market prices for trees, calculated on the basis of type, age, and productive value of affected trees.</td>
<td></td>
</tr>
<tr>
<td>6. Community assets</td>
<td>Village or Commune</td>
<td></td>
<td>• Restoration of affected community buildings and structures at least to their previous conditions; OR • Replacement of affected community buildings and structures, as identified in consultation with communities and relevant authorities.</td>
<td>• If income loss is expected (e.g., irrigation, community forest, community grazing land), the village is entitled to compensation for the total production loss (over 3 years); this compensation should be used collectively for income restoration measures and/or new infrastructure.</td>
</tr>
<tr>
<td>7. Business and income sources (non-land based assets)</td>
<td>Temporary loss</td>
<td>All APs</td>
<td>• Cash compensation for actual net income loss for the duration of business/income</td>
<td></td>
</tr>
<tr>
<td>Type of Impact</td>
<td>Level of Impact</td>
<td>Entitled Persons</td>
<td>Compensation Policy</td>
<td>Implementation Issues</td>
</tr>
<tr>
<td>---------------</td>
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<td>------------------</td>
<td>---------------------</td>
<td>----------------------</td>
</tr>
<tr>
<td>Permanent loss</td>
<td>Loss of less than 10% of business income</td>
<td>All business owners regardless of status</td>
<td>• Cash compensation equal to 6 months net income of respective income-generating activity.</td>
<td>• All APs are eligible regardless of citizenship status.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Employees or hired laborers</td>
<td>• Cash compensation for lost salary/wages for each month they cannot work. • If job is permanently lost, 6 months salary/wages AND assistance in securing new employment, including relevant skills.</td>
<td>• APs eligible for training will receive an expense allowance, if required. • All APs are eligible regardless of citizenship status.</td>
</tr>
<tr>
<td></td>
<td>Loss of 10% or more of business income and/or relocating business</td>
<td>All business owners regardless of status</td>
<td>• Cash compensation equal 6 months net income of respective income-generating activity, based on tax declaration, AND • Business rehabilitation package (see 8 below)</td>
<td>• Suitable income restoration measures will be provided, depending on specific conditions and aspiration of each affected household. • All APs are eligible regardless of citizenship status.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Employees or hired laborers</td>
<td>• Cash compensation for 6 months salary/wages, OR • Cash compensation for remaining contract period, whichever is higher. • If job is permanently lost, employees will receive severance pay and all APs (employees and hired labor) will be assisted to secure new employment.</td>
<td>• Businesses will be encouraged to retain existing employees. APs eligible for training will receive an expense allowance, if required. • All APs are eligible regardless of citizenship status.</td>
</tr>
</tbody>
</table>

8. Rehabilitation Assistance and Allowances
[N.B. Because of the scope of land acquisition is very minor, rehabilitation assistance and allowances may not be required.]

Economic rehabilitation package: APs losing 10% or more of productive land.
• Transition allowance: Cash equal to 20kg of rice per household member per month, for 6 months. • Agricultural support mechanisms to increase productivity on remaining or new land; or • Market-oriented job skills and business development training. • All APs are eligible regardless of citizenship status.

Relocation allowance: APs that relocate to rebuild their houses.
• Transition allowance: Cash equal to 20kg of rice per household member per month, for 6 months. • Moving allowance: Assistance in cash or kind to move structures, salvaged and new building materials and personal possessions to new sites. • All APs are eligible regardless of citizenship status.

Rebuilding allowance: APs that rebuild houses/shops on remaining land.
• Transition allowance: Cash equal to 20kg of rice per household member per month, for 3 months. • Repair allowance: Cash payment to cover the whole cost of repairs (in addition to compensation for affected portion of structure). • All APs are eligible regardless of citizenship status.
<table>
<thead>
<tr>
<th>Type of Impact</th>
<th>Level of Impact</th>
<th>Entitled Persons</th>
<th>Compensation Policy</th>
<th>Implementation Issues</th>
</tr>
</thead>
<tbody>
<tr>
<td>Business rehabilitation package: APs with severely affected businesses (loss of 10% or more of business income and/or APs that relocate their businesses.)</td>
<td></td>
<td>Assistance to establish a similar or new business (e.g., access to credit, site selection, labor arrangements, and training). Moving allowance (for APs that relocate their business): Assistance in cash or kind to move structures, salvaged and new building materials and business inventory to new sites.</td>
<td>All APs are eligible regardless of citizenship status.</td>
<td></td>
</tr>
<tr>
<td>Vulnerable APs: APs that are poor, female-headed households or belong to other vulnerable groups.</td>
<td></td>
<td>Transition allowance: Cash equal to 20kg of rice per household member per month, for 6 months. Assistance to prepare new land if relocating house.</td>
<td>This allowance is paid in addition to any other compensation or allowances for which vulnerable APs are eligible. All APs are eligible regardless of citizenship status.</td>
<td></td>
</tr>
</tbody>
</table>

**VII. LAND ACQUISITION AND RESETTLEMENT PLAN**

56. The TSLSP Provincial Implementing Unit (PIU) in collaboration with the Provincial Resettlement Unit (PRU) of the Provincial Department of Economy and Finance and assistance from the Commune Land Acquisition Committee (CLAC) are responsible for the preparation of a Land Acquisition and Resettlement Plan (LARP) for each subproject that involves involuntary land acquisition. This section sets out the scope and procedures for preparation, approval and implementation of the LARP.

**A. Scope of the Land Acquisition and Resettlement Plan**

57. The type of LARP is defined by the significance of probable involuntary land acquisition and resettlement impacts. Significant land acquisition and resettlement occurs when 200 people or more are severely affected by (i) being physically displaced from housing or (ii) losing 10% or more of their productive land or other income-generating assets.

58. A short LARP is prepared when the involuntary land acquisition and resettlement impacts are not significant. The purpose of the LARP is to provide concise information regarding:

(i) the scope and extent of land acquisition, compensation and resettlement, summarizing the results of the census and inventory of APs and their affected assets;

(ii) a socio-economic profile of APs including an analysis of vulnerable APs (women, ethnic minorities, poor households) based on a sample of 100% of severely affected APs and at least 20% of other APs;

(iii) the policy and legal framework, including eligibility criteria and an entitlement matrix;

(iv) community consultation and public disclosure arrangements, and mechanisms for resolution of conflicts and appeals procedures;

(v) roles and responsibilities of the IA, the PRU, the PIU, the CLAC and other stakeholders for resettlement planning, implementation and monitoring;

(vi) internal and external monitoring roles, responsibilities and procedures;

(vii) detailed rates and cost estimates for land acquisition, compensation and resettlement, and budget provisions;

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(viii) Implementation schedule showing how compensation and resettlement activities will be scheduled and coordinated with civil works.

(ix) A full LARP will be prepared for all subprojects with involuntary land acquisition and resettlement impacts that are significant. It will include a statement of objectives, policies and strategy, and cover the above topics in full detail. In particular, a full LARP will include rehabilitation and income restoration measures as required for displaced APs, APs losing 10% or more of their productive assets and/or vulnerable APs;

B. Preparation of a Land Acquisition and Resettlement Plan

59. The basic tools to prepare the LARP include: (i) detailed measurement survey of all affected people (APs) and their affected assets; and, (ii) a baseline socio-economic survey of APs.

1. Detailed Measurement Survey (DSM)

60. The CLAC with assistance as required from village and district authorities will conduct a detailed measurement survey (DMS) following detailed design of the subproject and demarcation of land acquisition requirements. APs will be notified at least two (2) weeks in advance of the DMS and asked to participate in the survey. The DMS will survey 100% of APs and collect data on (i) total landholdings and tenure; (ii) land, structures and other assets entirely or partially affected by land acquisition for the subproject; and, (iii) basic household information. Other relevant information will include: (i) technical drawing of structures; (ii) exact measurements of land and other fixed assets; (iii) detailed descriptions and specifications of building materials; and, (iv) photographs of each structure.

61. The DMS data constitute the basis for valuation of losses at replacement cost using the results of the replacement cost survey, to calculate compensation amounts and to determine compensation packages. The data are entered into a computerized database maintained by the IA; the database will be accessible to the Independent Monitoring Organization (IMO).

2. Baseline Socio-Economic Survey

62. In conjunction with the DMS, a socio-economic survey (SES) will be conducted to establish a baseline of demographic and socio-economic conditions of people affected by the subproject. The sampling for the SES includes 100% of APs that will be severely affected due to loss of 10% or more of their productive land and/or other productive assets, and/or because they will relocate to outside the ROW; and, at least 20% of all other APs.

63. The SES data encompasses a range of information on the demographic characteristics of all AP household members, ownership of land and other assets, household living conditions and sources and levels of household income. The data are disaggregated and analyzed by gender, ethnic group and income group; the analysis also includes, as relevant, the socio-economic conditions of specific AP groups. The results of the SES will be entered into a computerized database; the PIU will ensure that this information is accessible to the independent monitoring organization (IMO).

3. Preparation of Provincial LARP

64. In each province, the resettlement planning for all subprojects involving involuntary land acquisition with non-significant resettlement impacts will be consolidated into a single provincial Land Acquisition and Resettlement Plan (LARP) that will be prepared by the PIU with assistance from the CLACs in TSLSP target communes. Non-significant resettlement impacts mean that 200 people or fewer are severely affected due to (i) losses of 10% or more of their productive land, business income or other productive assets and/or (ii) relocation because they have insufficient remaining land to rebuild houses and/or shops. The procedures for preparation, finalization and approval of a provincial LARP are as follows:
(i) Following the DMS, the CLAC in each target commune will prepare an official list of APs and detailed inventory of losses (land, structures, crops, trees, business income, other losses), clearing documenting that there are no severely affected APs for the subproject. The official lists/inventories will be submitted from all CLACs to the PIU.

(ii) The PIU will recruit a professional appraiser to conduct a replacement cost survey (RCS) in the subproject areas, to determine current market prices for (i) agricultural, residential and commercial land; (ii) different types of structures; and, (iii) crops and trees. Terms of reference for the RCS are included in Appendix 2. A representative of the PRU and district and commune officials will participate in the RCS.

(iii) The PIU will prepare a draft provincial LARP as per the criteria for a short LARP. The LARP will clearly set out for each subproject the loss of land and other assets for each AP in accordance with the agreed entitlement matrix; and, compensation rates and amounts. The official lists of APs, their losses and compensation and assistance amounts will be appended to the draft provincial LARP. The draft provincial LARP will be made available to APs at village and commune offices in target communes.

(i) The draft provincial LARP will be presented to APs and other stakeholders in public meetings in villages and communes in the subproject areas. APs will be encouraged to raise issues and make suggestions about land acquisition requirements; compensation rates and amounts; and, other aspects of resettlement activities. Copies of the draft provincial LARP and/or summary brochures will be available during these consultations.

(iv) The PIU will prepare the final provincial LARP, incorporating the comments and suggestions of APs, and submit it for review and approval to the IA and PRU/IRC; the IA and PRU/IRC will submit the provincial LARP to ADB for review and approval. The provincial LARP will be disclosed in accordance with the ADB Public Communications Policy (ADB, 2005) to the affected communities and on the ADB website after it has been approved.

4. Preparation of Individual Subproject LARP

65. The PIU will prepare an individual subproject LARP for any subproject involving involuntary land acquisition with significant resettlement impacts, meaning that 200 or more people are severely affected APs due to loss of 10% or more of productive land, business income or other productive assets and/or relocation of house and/or shop. The procedures for preparation, finalization and approval of a subproject LARP are as follows:

(i) Following the DMS, the CLAC in each target commune will prepare an official list of APs and detailed inventory of losses (land, structures, crops, trees, business income, other losses), clearing documenting the subproject, if any, with severely affected APs. The official lists/inventories will be submitted from all CLACs to the PIU.

(v) The PIU will recruit a professional appraiser to conduct a replacement cost survey (RCS) in the subproject area, to determine current market prices for (i) agricultural, residential and commercial land; (ii) different types of structures; and, (iii) crops and trees. A representative of the PRU and district and commune officials will participate in the RCS.

(vi) The PIU will prepare a draft subproject LARP as per the criteria for a full LARP. The LARP will document the loss of land and other assets for each AP in accordance with the agreed entitlement matrix (see footnote 9); and, compensation rates and amounts. The official lists of APs, their losses and compensation and assistance amounts will be appended to the draft subproject LARP.

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9 If there are new categories of APs and/or losses identified during the DMS (other than those described in the entitlement matrix), the entitlements will be derived in accordance with ADB's policy and handbook.
(vii) In addition, the draft subproject LARP will set out detailed strategies to assist severely affected and vulnerable APs. This will include a) the requirements, availability, strategies and costs to provide replacement land as individual sites or group resettlement sites; b) detailed proposals with costs and implementation arrangements for economic and business rehabilitation assistance for APs that lose 10% or more of productive land, business income or other productive assets; c) detailed proposals with costs and implementation arrangements to provide other assistance, as required, to relocating and vulnerable APs; and, d) costs of allowances for severely affected and vulnerable APs.

(viii) The draft subproject LARP will be made available to APs at village and commune offices in the subproject area. It will be presented to APs and other stakeholders in public meetings in villages and communes in the subproject area. APs will be encouraged to raise issues and make suggestions about land acquisition requirements; compensation rates and amounts; and, other aspects of resettlement activities. Copies of the draft subproject LARP and/or summary brochures will be available during these consultations.

(ix) The PIU will prepare the final subproject LARP, incorporating the comments and suggestions of APs, and submit it for review and approval to the IA and PRU/IRC; the IA and PRU/IRC will submit the subproject LARP to ADB for review and approval. The subproject LARP will be disclosed in accordance with the ADB Public Communications Policy (ADB, 2005) to the affected communities and on the ADB website after it has been approved.

5. Implementation of LARP

66. The procedures for implementation of the provincial and individual LARPs include:

(i) Land acquisition, compensation and relocation of APs cannot commence until the LARP has been reviewed and approved by the IRC and no objection or approval given by ADB.

(ii) All resettlement activities will be coordinated with the civil works schedule. Civil works contractors will not be issued a notice of possession of the site until a) compensation and relocation of APs have been satisfactorily completed; b) agreed rehabilitation assistance is in place; and, c) the site is free of all encumbrances.

VIII. CONSULTATION, DISCLOSURE AND GRIEVANCE REDRESS

67. Throughout the process of preparation and implementation of TSLSP subprojects that require voluntary or involuntary land acquisition, the PIU in collaboration with CLAC and other district, commune and village officials will ensure full disclosure of information to and consultation with APs, and establish procedures for grievance redress.

A. Information Dissemination and Consultation

68. Dissemination of information and consultation with APs will occur at different points in the preparation and implementation of subprojects, to ensure that APs and other stakeholders have timely information about land acquisition, compensation and resettlement, as well as opportunities to participate in and express their preferences and concerns regarding the resettlement program.

1. Initial Screening of Subprojects

69. The CLAC will organize a public meeting following the field and other investigations involved in the initial screening of subprojects. The meeting will be open to all residents in the subproject area, with notice of the meeting at least two (2) weeks in advance through announcements posted in public places, on radio and/or television and in newspapers.

70. The purpose of the public meeting is to provide information on (i) the scope, objectives and beneficiaries of the proposed subproject; (ii) the requirements for land acquisition and proposed methods (voluntary or involuntary land acquisition); (iii) rights and responsibilities of
people affected by land acquisition; (iv) procedures for land acquisition; and, (v) other relevant information about the development and implementation of the subproject. The meeting will provide opportunities and encourage all participants to ask questions, express preferences and concerns and raise other issues. A report of the meeting will be included in the screening report prepared by the CLAC.

2. Preparation of Voluntary Land Acquisition Report

71. For all subprojects where land acquisition will be through voluntary contributions, the CLAC will organize a public meeting following the preparation of the draft Voluntary Land Acquisition Report (VLAR). The meeting will be open to all APs and other stakeholders in the subproject area. APs will be notified about the meeting at least two (2) weeks in advance and told that the official list of APs is available for consultation in village and/or commune offices, or other easily accessible location(s). Announcements will be posted in public places and made through on radio, television and/or newspapers.

72. The purpose of the public meeting is to provide information on (i) the objectives and beneficiaries of the proposed subproject; (ii) the scope and requirements for land acquisition and voluntary contributions; and, (iii) other relevant information about the development and implementation of the subproject. The draft VLAR and/or official list will be available at the meeting for consultation. The meeting will provide opportunities and encourage all participants to ask questions, express preferences and concerns and raise other issues. A report of the meeting will be included in the final VLAR prepared by the CLAC.

3. Preparation of Land Acquisition and Resettlement Plans

73. During preparation of the draft LARP for subprojects involving involuntary land acquisition, the PIU with assistance from CLACs and other district, commune and village officials will undertake the following activities to disseminate information and consult APs: (i) in the case of subprojects with significant resettlement impacts, organize consultations with severely affected and vulnerable APs; and in the case of all subprojects, (ii) prepare and distribute a public information brochure; and, (iii) organize a public meeting.

a. Consultations with Severely Affected and Vulnerable APs

74. For subprojects with significant resettlement impacts, the PIU in collaboration with CLACs will organize consultations with severely affected and vulnerable APs to define needs and preferences and identify strategies to assist them to restore living standards and incomes. The range of issues will include, depending on circumstances, (i) relocation of APs, (ii) economic and business rehabilitation programs and (iii) other needs of vulnerable APs. The consultations will be conducted in a format to facilitate and encourage active participation of APs in the development of strategies and will include, as required, separate consultations with APs depending on their losses, women or minority ethnic groups. The needs and preferences of APs will be fully considered and reflected in the draft subproject LARP.

b. Public Information Brochure

75. To disseminate information, the PIU in collaboration with CLACs will prepare and distribute a public information brochure (PIB) to all APs. The PIB will summarize the following information contained in the LARP: (i) subproject description, (ii) subproject impacts including land acquisition requirements, (iii) rights and entitlements of APs, (iv) compensation rates and allowances for different types of losses, (v) grievance redress procedures, (vi) organization roles and responsibilities and (vii) implementation schedules. In the case of a subproject LARP where involuntary land acquisition involves significant resettlement impacts, the PIB will also describe the types of relocation and rehabilitation strategies and allowances. The PIB will also clearly indicate where and how APs can obtain additional information.
c. Draft Provincial LARP

76. Prior to submitting the draft provincial LARP for approval, the PIU with assistance from CLACs will organize a series of public meetings covering the communes where subprojects are proposed. The meetings will be open to all APs and other stakeholders in the subproject area(s). APs will be notified about the meeting at least two (2) weeks in advance and told that the draft LARP is available for consultation in village and/or commune offices, or other easily accessible location(s). Announcements will be posted in public places and made through on radio, television and/or newspapers.

77. The purpose of the public meeting is to provide information on (i) the objectives and beneficiaries of the proposed subprojects; (ii) the scope and requirements for involuntary land acquisition; (iii) rights and entitlements of APs; (iv) compensation rates and allowances for different types of losses; (v) procedures and schedules for implementation of the LARP; and, (vi) other relevant information about the development and implementation of the subproject. The draft provincial LARP and copies of the PIB will be available at the meeting for consultation. The meeting will provide opportunities and encourage all participants to ask questions, express preferences and concerns and raise other issues. A report of the meeting and the issues raised will be included in the final provincial LARP prepared by the PIU.

d. Draft Subproject LARP

78. Prior to submitting a subproject LARP for approval, the PIU will organize a similar meeting for APs in the subproject area. The procedures and purpose of the meeting are the same as for a provincial LARP, although the presentation will also include strategies for relocation and rehabilitation of severely affected and vulnerable APs. The draft subproject LARP and copies of the PIB will be available at the meeting for consultation. The meeting will provide opportunities and encourage all participants to ask questions, express preferences and concerns and raise other issues. A report of the meeting and the issues raised will be included in the final subproject LARP prepared by the PIU.

4. Implementation of Voluntary and Involuntary Land Acquisition

79. At various points during the subproject implementation, the CLAC will notify APs about different aspects of the land acquisition program. For APs affected by involuntary land acquisition, a letter of notification will be sent to each AP with the time, location and procedures for payment of compensation and allowances. The APs will also be informed in advance about the documents (letter of authority, identity card, etc.) that they will need to bring with them for compensation payment purposes.

80. For all subprojects whether land acquisition is voluntary or involuntary, the CLAC will inform APs about the schedules for clearance from acquired land. The CLAC will also keep the general public as well as APs fully informed about the schedule of civil works. Public announcements will be made during village meetings, on the radio and through other media.

B. Public Disclosure

81. The TSLSP will ensure the public disclosure of resettlement plans following their endorsement or approval, including (i) the Voluntary Land Acquisition Report (VLAR), (ii) the provincial LARP and (iii) the subproject LARP. Disclosure will be in the form of the original document or a summary version of the document that will made be publicly available in Khmer in all commune offices in target communes and/or in other accessible locations.

82. The provincial LARP and any subproject LARP will, once approved, be posted on the ADB resettlement website.
C. Grievance Redress

83. APs are entitled to lodge complaints regarding any aspect of the LARF or procedures for voluntary and involuntary land acquisition, for example: the procedures and results of the DMS; compensation entitlements, rates and payment modalities; or, strategies and procedures for resettlement and rehabilitation assistance programs. A well-defined grievance redress and resolution mechanism will be established to address AP grievances and complaints in a timely and satisfactory manner. The objective is to resolve complaints as quickly as possible and at the local level through a process of conciliation; and, if that is not possible, to provide clear and transparent procedures for appeal. All APs will be made fully aware of their rights, and the detailed grievance redress procedures will be publicized through an effective public information campaign.

84. The grievance redress process includes four stages. There are three stages before complaints may be elevated to a court of law as a last resort.

(i) First stage: APs will present their complaints and grievances verbally or in writing to the CLAC. The CLAC will be obliged to provide immediate written confirmation of receiving the complaint. If after 15 days the aggrieved AP does not hear from the CLAC, or if the AP is not satisfied with the decision taken in the first stage, the complaint may be brought to the District Office.

(ii) Second stage: The District Office has 15 days within which to resolve the complaint to the satisfaction of all concerned. If the complaint cannot be solved at this stage, the District Office will bring the case to the Provincial Grievance Redress Committee.

(iii) Third stage: The Provincial Grievance Redress Committee meets with the aggrieved party and tries to resolve the situation. The Committee may ask for a review of the DMS by the external monitor (IMO). Within 30 days of the submission of the grievance, the Committee must make a written decision and submit copies to the IA, PIU, IMO, PRU/IRC and the AP.

(iv) Final stage: If the aggrieved AP does not hear from the Provincial Grievance Redress Committee or is not satisfied, he/she will bring the case to Provincial Court. This is the final stage for adjudicating complaints. Within 30 days of the submission of the grievance, the Court must make a written decision and submit copies to the IA, PIU, IMO, PRU/IRC and the AP. If any party is still unsatisfied with the Provincial Court judgment, he/she can bring the case to a higher-level court.

85. The Implementing Agency will shoulder all administrative and legal fees that will be incurred in the resolution of grievances and complaints if APs win their case. Other costs incurred by legitimate complaints will also be refunded by the Project if APs win their case.

86. It is recognized that, in many cases, APs do not have the writing skills or being able to express their grievances verbally, however, APs are encouraged to seek assistance from the IMO, the nominated local NGOs or other family members, village heads or community chiefs to have their grievances recorded in writing and to have access to the DMS or other documentation, and to any survey or valuation of assets, to ensure that where disputes do occur all the details have been recorded accurately enabling all parties to be treated fairly.

87. In the case of involuntary land acquisition, if efforts to resolve disputes at the village and Project level remain unresolved or unsatisfactory, APs have the right to directly discuss their concerns or problems with the ADB Operations Department, i.e., Infrastructure Division, Southeast Asia Department or SEID, through the ADB Cambodia Resident Mission in Phnom Penh. If APs are still not satisfied with the responses of SEID, they can directly contact the ADB Office of the Special Project Facilitator (OSPF) as outlined in the attached Information Guide to the Consultation Phase of the ADB Accountability Mechanism (Appendix 3).
IX. MONITORING AND EVALUATION

88. The Implementing Agency (IA) in collaboration with Provincial Implementation Units (PIU) and other stakeholders will ensure that procedures and methods are established and carried out to conduct internal and external monitoring of voluntary and involuntary land acquisition and resettlement required for all TSLSP subprojects.

A. Internal Monitoring

89. The purposes of internal monitoring are to assess (i) compliance with the LARF and agreed policies and procedures for the TSLSP; (ii) the availability of resources and efficient, effective use of these resources to implement land acquisition and resettlement activities; and, (iii) identification of problems, if any, and remedial actions.

90. The IA will develop internal monitoring indicators, procedures and reporting requirements for all subprojects that require involuntary land acquisition, including subprojects included in provincial LARPs and subprojects with individual LARPs. Internal monitoring indicators will include: (i) payment of compensation to APs in accordance with the LARF and TSLSP policies; (ii) coordination and completion of land acquisition, compensation and, as required, resettlement activities and commencement of civil works; (iii) adherence to public information dissemination and consultation procedures, and report on activities; and, (iv) adherence to grievance redress procedures, and report of activities.

91. In each province, the CLACs will prepare a monthly monitoring report. The PIU (or designated social/resettlement officer) will verify and consolidate these reports and submit a monthly provincial report to the IA. In turn, the IA will consolidate provincial monthly reports to prepare a TSLSP quarterly monitoring report to be submitted to the Executing Agency (EA), the IRC and ADB. The EA in collaboration with IRC will take appropriate steps to redress any problems that are identified, and confirm the resolution of issues to the ADB.

B. External Monitoring

92. The Implementing Agency (IA) will recruit an independent monitoring organization (IMO) to conduct external monitoring and evaluation of voluntary and involuntary land acquisition and resettlement for the TSLSP, focusing on the social impacts of the Project and whether APs are able to restore, and preferably improve, their pre-project living standards, incomes and productive capacity. The IMO will be a qualified NGO or independent consultant with recognized experience in Cambodia; the terms of reference (TOR) for the IMO and the IMO qualifications must be acceptable to both IRC and the ADB.

93. The IMO will be appointed prior to the beginning of any TSLSP subprojects that require land acquisition, and will continue for the duration of the TSLSP. The IA and PIUs will ensure full cooperation of the CLACs and other stakeholders with the IMO. The IMO will participate in and monitor the DMS and other fieldwork, all consultations, payment of compensation and, as required, relocation and income restoration activities. All data collected during DMS and socio-economic surveys will be made available to the IMO, as will all signed voluntary contribution forms; the IMO will also conduct its own periodic surveys.

(i) The key indicators for external monitoring and evaluation include: a) compliance with TSLSP policies and procedures; b) the level of satisfaction of APs with implementation of LARPs including compensation and assistance levels and grievance procedures; c) the level of income and livelihood restoration of APs; and, d) how well the IA, PIUs, CLACs and other stakeholders carry out their responsibilities and respect schedules.

(ii) The IMO will consistently and regularly monitor all activities related to resettlement planning, consultations, payment of compensation and, as required, relocation and income restoration activities for all subprojects involving involuntary land acquisition.
(iii) The IMO will conduct a post-resettlement evaluation twelve (12) months after completion of all land acquisition and, as required, compensation and relocation activities, for all subprojects involving voluntary and involuntary land acquisition. The post-resettlement evaluation will assess the degree to which APs have been successful in restoring, maintaining or improving their living standards, incomes and productive capacity.

94. The IMO will prepare monitoring reports every six (6) months up through the period when APs affected by involuntary land acquisition receive compensation and remove from the acquired land; the IMO reports will include, as required, recommendations for changes and mitigation measures. The IMO will also prepare a post-resettlement evaluation report for APs affected by voluntary and involuntary land acquisition. All IMO reports will be submitted simultaneously to the IA, the IRC and the ADB, with copies to the PIUs.

X. RESETTLEMENT COSTS AND BUDGET

95. The costs of involuntary land acquisition for TSLSP subprojects will be calculated based on (i) the losses inventoried during the detailed measurement survey (DMS); (ii) the entitlements set out in the entitlement matrix of the LARF; and, (iii) the findings of the replacement cost survey to establish current market prices. A contingency factor of 20% will be included in these cost estimates, to be used as required during implementation of the LARP.

96. The budget for all land acquisition, compensation and rehabilitation allowances for the TSLSP will be entirely financed by the Government. The Ministry of Economy and Finance (MEF) will provide the budget directly to the Provincial Resettlement Unit (PRU) in the provincial Department of Economy and Finance for payments of compensation and allowances to APs. The MEF will also disburse funds directly for the IMO.

97. The PIUs in collaboration with the IA will ensure during the preparation of subprojects that all other costs of land acquisition (staffing, administration costs and, as required, relocation and income restoration costs) are included in the overall cost estimates for the subproject, including appropriate contingencies.
APPENDIX 1: VOLUNTARY CONTRIBUTION CONSENT FORM

KINGDOM OF CAMBODIA

[INSERT NAME] Province
[INSERT NAME] District
[INSERT NAME] Village

CERTIFICATE OF LAND TRANSFER

I, [INSERT NAME, AGE, NATIONALITY, OCCUPATION], with residence located in [INSERT NAME] village, [INSERT NAME] district, [INSERT NAME] province,

Certify that I have been previously informed by local authority of my right to entitle compensation for any loss of property (house, land and trees) that might be caused by the construction of water supply system or urban environmental (development) improvements in [INSERT NAME] district ([INSERT NAME]). I confirm that I voluntarily accept the land of [INSERT AMOUNT LOSS] square meters located in [INSERT NAME] village ([INSERT NAME] district) to be provided by the local authority for compensation. I also confirm that I do not request any compensation of loss of [INSERT OTHER LOSSES SUCH AS TREES STRUCTURES] and would request the local authority to consider this as my contribution to the Project.

<table>
<thead>
<tr>
<th>Type of Loss</th>
<th>Area (sqm)</th>
<th>Number of Trees</th>
<th>Unit Rates</th>
<th>Total</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Therefore, I prepare and sign this certificate for the proof of my decision.

[INSERT NAME] district
[INSERT DATE]
The owner of the land
[INSERT NAME AND SIGN]

Witnesses:
1. [INSERT NAME]
2. [INSERT NAME]
3. [INSERT NAME]

Certified by the Chief of the Village [INSERT NAME AND SIGN]

The Chief of [INSERT NAME] district [INSERT NAME AND SIGN]
APPENDIX 2: REPLACEMENT COST SURVEY TOR

I. Objectives

1. The team shall verify and establish compensation rates for land, crops, trees, structures, and other non-land based income (e.g. fishponds) to ensure that APs are compensated at replacement cost at current market value at the time of compensation.

2. The team members will be composed of:
   (i) District Resettlement Committee.
   (ii) Representative from the Project Office (Resettlement Staff).
   (iii) Representative from the Project Supervision Consultant (Resettlement Specialist).
   (iv) Representative from the Affected Persons (APs).
   (v) Representative from the affected village (not AP).

II. Approach

3. The establishment of replacement costs will be carried out based on information collected from both Desk research and Direct interviews with people in affected area, both those persons who are affected and those not affected.

4. Desk research will focus on relevant publications, materials of Government authorities, both at central and local levels. However, these materials will play the supporting role only. As the work is aimed at obtaining reasonable replacement costs for different types of affected assets, market evidence will be the factor on which to most strongly base the formulation of these costs. Direct interviews with people in the affected area, both those, whose assets are affected by the Project and those, whose assets are not, will produce reliable data for establishment.

5. Methodologies to verify the replacement costs for each type of affected assets are described in the following parts.

III. Methodology

A. Data Collection

1. Structures

6. The objective of this establishment is to determine whether the provincial prices enable APs to rebuild their affected structures. The establishment of compensation for affected structures is based on the principle of replacement cost. The information to base the establishment will mainly be collected from direct interviews with parties involved, including owners of structures (both those whose structures are affected by the Project and those whose structures are not affected), construction contractors specialized in residential building.

7. The interviews will be conducted based on a pre-developed interview guide, which will cover the following issues:

   Interviews with owners of structures:
   − Construction materials:
     + Main materials they used for their current structures
     + Type of shops where they bought construction materials
     + Distance of transport
     + Origin of the materials (local or overseas)
     + Costs of various materials
   − Labor
     + Who built the structures: Owners themselves or Contractors, if owners built themselves, they use their own labor or hire other people

   Interviews with construction contractors:
   − Main materials which are most used by the local people to build their structures
   − Costs of those main materials
   − Cost of labor

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− Average construction cost (cost per sq m floor) for different types of houses according to different categories
− Validation of provincial construction prices (cost per sq m floor for each category)

The structures will include but not limited to the following:
− Houses
− Kitchens (in case they are separated from houses)
− Toilets, bathrooms (in case they are separated from houses)
− Breeding facilities
− Wells
− Any other structure associated to the house

SAMPLE SIZE:
− Owners of structures affected by the Project : 5 households
− Owners of structures not affected by the Project : 5 households
− Construction contractors
  + State-owned construction companies, (if available) : 2 companies
  + Private construction companies/groups : 5 companies
− Shops retailing construction materials : 5 shop owners

B. Land

8. The objective of this establishment is to determine whether the provincial prices are sufficient or not to purchase the same quality and quantity of land. The establishment of compensation for the loss of land is based on its market value. The best way to obtain this market value is to gather data of some sales of land, which have just taken place. However, the transfer of land use right does not always go along with such sales, which makes details of such sales not recorded. The consultant will make their best effort to collect the sales evidence to support the verification of provincial prices. In addition, information to base the establishment will be collected from direct interviews with owners of land in Project affected area, including those, whose land is resumed and those whose land is not. The interviews will cover the following issues:

− The recent land use rights transfer in the area
− The price, at which owners (affected and not affected persons) are willing to sell their land

Price of land will be differentiated based on the use of land, including:
− Residential land
− Garden land
− Agricultural land
− Forest land
− Land with water surface for fishery cultivation

The price of agricultural, forest land, and land with water surface for fishery cultivation will also be differentiated by quality of land and its capacity to produce income for the households.

SAMPLE SIZE:
− Owners of affected land : 5 households
− Owners of not-affected land (adjacent to affected land or within the village) : 5 households

C. Crops and Trees

9. The objective of this establishment is to determine whether the provincial prices paid to APs are equivalent, lower or higher than the average market price. The basis of the establishment is to determine the average market price for each type of crops and trees. The information to base the establishment will be collected from:

− Secondary sources
  + Publications of National Statistical Office
  + Publications of Price Committee
− Primary source: interviews with people who own the same crops and trees in the locality. The interviews will cover:
  + Price, at which owners are willing to sell each type of their crops and trees. The prices for perennial trees will be differentiated by the age of the trees.
  - Market, team will investigate the sales price of outputs of different types of crops and trees in the market.

SAMPLE SIZE:
− Owners of crops and trees affected by the Project : 5 households
− Owners of crops and trees not affected by the Project : 5 households
− Seedling suppliers : 5 persons
− Market vendors : 5 persons

D. Other community-based development projects and other facilities (electric posts, water supply system, water pipes)
10. For those facilities, the establishment will be based on the replacement costs. Similarly in the case of structure, cost to construct those facilities will be determined to see whether the compensation is enough to reconstruct them. Information to base the evaluation will be conducted with officials in charge of constructing such facilities to determine material cost and labor cost.

SAMPLE OUTLINE OF REPORT

I. OVERVIEW OF THE PROJECT

II. METHODOLOGY
   A. Information collection
      1. Study area
      2. Sample size and Sample selection
      3. Information to be collected
   B. Information processing

III. RESULTS
   A. Area 1 (Village, District, Province)
      1. Replacement costs from various groups
      2. Comparison of rates
      3. Recommendation
   B. Area 2 (Village, District, Province)
      1. Replacement costs from various groups
      2. Comparison of rates
      3. Recommendation
   C. Area 3 (Village, District, Province)
      1. Replacement costs from various groups
      2. Comparison of rates
      3. Recommendation

IV. CONCLUSION

V. ANNEXES
   A. Completed questionnaires
   B. Documents gathered from various groups

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APPENDIX 3: INFORMATION GUIDE, ADB ACCOUNTABILITY MECHANISM

[to be included]
REFERENCES

GFA, 2006. Household Resources and Livelihoods Survey
GFA, 2006. Rural Rapid Appraisal

RGC, 1999. Prakas No. 6, “Measures to Crack Down on Anarchic Land Grabbing and Encroachment” (No. 06 BRK, 27 September 1999)