

Mekong Integrated Water Resource Management Project
(M-IWRMP)

**Cambodia: Resettlement Policy
Framework (RPF)**

11 November 2010_Final Version

PREFACE

This document is called the Resettlement Policy Framework (RPF) for Cambodia. It is developed on a basis of outcomes from the Initial Environmental and Social Examination (IESE) as a standalone document. It is connected to overall mitigation instrument namely the Environmental and Social Management Framework (ESMF) for the Mekong Integrated Water Resource Management (M-IWRM) project for Cambodia. This framework will be applied to all investments to be financed by the World Bank for technical and/or financial support from the M-IWRM project for Cambodia that involve land acquisition, compensation, and restriction to resources access as defined by the World Bank's safeguard polices on Involuntary Resettlement (OP 4.12).

The national Project Management Unit (PMU) of the Fisheries Administration (FiA) of the Ministry of Agriculture, Forestry, and Fisheries (MAFF) who is responsible for overall management of Cambodia activities and the respective Project Implementation Unit (PIUs) of FiA who are responsible for implementation of specific subcomponents are responsible for ensuring compliance with the RPF, including keeping proper documentation in the project file for possible review by the World Bank.

This document is considered a living document and could be modified and changed in line with the changing situation or scope of the activities. Close consultation with the World Bank and clearance of the revised RPF will be necessary.

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Section I: Introduction

1. The objective of the Cambodian Fishery Management is aligned with the overall project development objective of the Mekong Integrated Water Resources Management (M-IWRM) of which a brief project description are given in Section II. The Cambodia activities will be limited only to the Subcomponent 3-3 and they may involve land acquisition, land donation, and resources access restriction. The Cambodia subcomponent will be implemented through the following activities:

- Supporting to the fishing communities, including: (a) establishment, registration and organizational strengthening of Community Fisheries (CFi), (b) mainstreaming fisheries management into respective community development planning processes (Commune Development Plans) and (c) providing the fishing communities with complementary livelihood opportunities; and
- Supporting to the public sector, particularly for district and provincial FiA, to ensure adequate public sector capacity in surveillance on the implementation of the fisheries management plan, fish catch monitoring, promotion of aquaculture, and restocking of the key indigenous species.

2. Scope of the Cambodia activities would cover the Mekong mainstream from the Lao-Cambodia border to Stung Treng and Kratie Provinces. This area is known as one of the most critical habitats (mainly for refugees during the dry season and spawning season) for many long migratory species, including endangered fish species such as *Pangasius krempfi*, and *Pangasianodon gigas* and mammals like the critically endangered Irrawady dolphin (freshwater dolphin). It is also known that this area is inhabited by various indigenous peoples and they may be affected (positively and negatively) by the project.

3. To avoid potential negative impacts due to land acquisition, land donation, and resources access restriction and to comply with the World Bank (WB)'s safeguard policy on Involuntary Resettlement (OP 4.12), a Resettlement Policy Framework (RPF) has been developed and it will be applied to all M-IWRM activities to be implemented in Cambodia. For the new activities/subprojects to be identified during implementation, a safeguard screening process as defined in the Environment and Social Management Framework (ESMF) and the social checklist (*Annex 2*) will be carried out and the record will be kept in the project file for post review by the WB.

4. Section II below outlines the project description while Section III outlines the legal and policy framework for the RPF and *Annex 1* provides technical guidelines, including scope for preparation of a Resettlement Action Plan (RAP) which will be required if land acquisition and/or compensation is involved. Section IV describes the basic principles and implementation process for the RPF to be applied to the M-IWRM (the Project) for Cambodia activities, including actions that have been and will be undertaken during the implementation.

Section II. Project Description

5. M-IWRM project aims to establish key examples of integrated water resource management (IWRM) practices in the Lower Mekong Basin (LMB), at the regional, national

and sub-national level. The activities will be implemented through the following three components:

- **Component 1: Regional Water Resources Management: (US\$7.1 million).** The objective of this component is to promote IWRM at regional level through: (i) facilitating trans-boundary dialogue on critical water resources management issues among LMB countries to promote regionally-harmonized solutions (Subcomponent 1-1); (ii) establishing a regional approach on environmental and disaster risk assessment (Subcomponent 1-2); (iii) promoting understanding of regional IWRM principles to a broad range of stakeholders (Subcomponent 1-3); and (iv) facilitating implementation of the project activities at the national level, and supporting integration of the entire set of project activities under the Phase 1 APL Project. The Component would benefit all the LMB countries, including Lao PDR, Cambodia, Vietnam, and Thailand, and the IDA Regional Program would be used to finance the Component.
- **Component 2: National Water Resources Management (US\$5.2 million).** This component aims to support legal, institutional, and human resources strengthening to implement IWRM and better water resources planning in Lao PDR through: (i) development of a new Water Resources Law considering the regional enabling implementation of the IWRM in the Mekong River (Subcomponent 2-2); and (ii) installing essential institutional capacity regarding water quality monitoring (Subcomponent 2-2), hydro-metrological modelling (Subcomponent 2-3), collection and analysis of the hydro-metrological networks (Subcomponent 2-4); and support management of this component (Subcomponent 2-5). Lao PDR accounts for more than one third of the flow of the Mekong River; hence, strong and accountable systems at the national level are key to sound water management at regional level, specifically to: (i) regional harmonization of the underpinning legal framework for the IWRM; (ii) implementation of the procedures for water quality (PWQ), which were agreed among the LMB countries; (iii) better water resources infrastructure planning, considering upstream and downstream impacts; and (iv) sharing hydro-meteorological data with neighbouring countries and the MRC for integrated regional flood and drought forecasting.
- **Component 3: Improved Floodplain and Aquatic Resources Management in Regionally Significant Wetlands and Water-bodies (US\$19.4 million).** The component aims to contribute to establishment of a pilot common approach among the LMB countries for: (i) sustainable floodplain management, balancing livelihood support for local communities with enhancing regional ecological and biodiversity values in wetlands which are of basin-wise significance; and (ii) sustainable community fisheries co-management in key spawning and feeding habitats of regional significance. Two wetlands in the southern Lao PDR and important fishing grounds in the Lao PDR and the northern part of Cambodia have been selected as the project sites. The project activities will be implemented under the following subcomponents:
 - (3-1) *Management of River Basins and Floodplains in Xe Bang Fai and Xe Bang Hian Rivers* (US\$ 5.9 million to Lao PDR) through the following actions:
 - (3-1-1) support to development of river basin organizations and development of a floodplain management plan for the lower Xe Bang Fai (XBF) and Xe Bang Hian (XBH) rivers;

- (3-1-2) rehabilitation of existing water resources infrastructure, mainly floodgates and village based small irrigation schemes covering 14,000 hectares in total to enhance environmental benefits (e.g., allowing fish passage, and increased water efficiency); and
- (3-1-3) support for component management and administration including logistic support, office equipment, and incremental operating cost.
- (3-2) *Fisheries Management for Lao PDR (US\$4.7 million)*: This subcomponent would provide support for improved management of critical habitats for aquatic resources along the 200 km stretch of the mainstream Mekong between Champasak province (Lao PDR) and Kratie (Cambodia) as well as in the Sekong River, areas which have the richest fish spawning grounds. This subcomponent would support the following actions:
 - (3-2-1) fostering development of community-managed fisheries management organizations in Champasak, Attapeu, and Sekong Provinces in Lao PDR, including: (a) establishment of community-based fisheries management organizations; (b) development of participatory management plans; (c) demonstration of supplementary livelihood activities; and (d) providing support for local government capacity building and rural infrastructure;
 - (3-2-2) strengthening public sector fishery management, including: (a) fish catch data collection, monitoring and regulation; (b) supporting indigenous species aquaculture and stocking through rehabilitation/construction of small hatcheries at the provincial and district level; and (c) capacity building for assessing water resources infrastructure impacts on the fisheries; and
 - (3-2-3) facilitating component management and administration, including support for logistics, office equipment, and incremental operating costs.
- (3-3) *Fisheries Management for Cambodia (US\$8.8 million)*. This subcomponent would provide support for improved management of critical habitats for aquatic resources along the 200 km stretch of the mainstream Mekong between Champasak province (Lao PDR) and Kratie (Cambodia) as well as in the Sekong River, areas which have the richest fish spawning grounds. This subcomponent would support the following actions:
 - (3-3-1) fostering development of community-managed fisheries management organizations in Stung Treng and Kratie Provinces in Cambodia, including: (a) establishment of community-based fisheries management organizations; (b) development of participatory management plans; (c) demonstration of supplementary livelihood activities; and (d) providing support for local government capacity building and rural infrastructure;
 - (3-3-2) strengthening public sector fishery management, including: (a) fish catch data collection, monitoring and regulation; (b) supporting indigenous species aquaculture and stocking through rehabilitation/construction of small hatcheries at the provincial and district level; and (c) capacity building for assessing water resources infrastructure impacts on the fisheries; and

- (3-2-3) facilitating component management and administration, including support for logistics, office equipment, and incremental operating costs.

6. The M-IWRM is a regional project which will be implemented over a period of six years (2011-2016). The Mekong River Commission (MRC) through its secretariat will be the implementing agency for Component 1 while the Loa PDR agencies under the leadership of the Water Resources and Environment Administration (WREA) will be the implementing agency for Component 2 and coordinate the activities in Subcomponents 3-1 and 3-2. The Department of Irrigation (DOI) and the Department of Livestock (DLF) of the Ministry of Agriculture and Forestry (MAF) and its provincial offices in Khammouane, Savannakhet, Champasak, Sekong, and Attapeu are the implementing agencies for the Subcomponent 3-1 and 3-2 while the Fisheries Administration (FiA) of the Ministry of Agriculture, Forestry, and Fisheries (MAFF) of Cambodia is the implementing agency for the Subcomponent 3-3.

Section III. Legal and Policy Framework of the RPF

3.1 Government Laws, Decrees, and Guidelines

7. The Royal Government of Cambodia 2001 Land Law has created a legal mechanism called Social Land Concession (SLC) to transfer parts of State land to landless and land-poor families for residential and/or family farming purposes. Local SLC programs are initiated at commune level while national SLC programs relate to larger operations. Key provisions that are relevant include:

- The 2001 Land Law states that no person shall be “deprived of his or her ownership unless this action is for the public interest”. The law recognizes that deprivation of ownership opens right to “payment of just and fair compensation in advance”. The Constitution states that “the right to confiscate possessions from any person shall be exercised only in the public interest” and opens right to just compensation. However, there are currently no laws and regulations that govern the process of acquisition and the determination of just compensation.
- The 2001 Land Law has drawn a clear line between those who opened land for residential or farming purposes before August 30th, 2001, and those who did so after this date. In the first case, occupants may be recognized as legal occupants of State land in the future when land is registered as State private land. In the second case, occupants are illegal. Article 18 of the Land Law provides strong tools for evicting encroachers. They do not “have the right to claim compensation or reimbursement for expenses paid for the maintenance or management of immovable property that was illegally acquired” (Article 19).

8. A Circular No. 02 issued by the Royal Government of Cambodia on Illegal Occupation of State Land dated February 26, 2007, states that while occupation of land as a form of possession became illegal after August 30th, 2001, there is a need for the state to undertake SLCs for poor people and disadvantaged groups to meet their needs for land deriving from population growth, demobilization of soldiers, and land loss due to natural disasters. However, the current anarchical illegal taking of state land also provides opportunities for land speculators and powerful persons to take illegal possession of state lands through various means. To address this situation, Circular Number 02 determines that:

- (i) Generally, the illegal state land holders, especially land speculators, are not entitled to compensation (Para 6.1 in Circular No. 02).
- (ii) Illegal state land holders, who are poor families and landless or lack land and are disadvantaged, would not be entitled to compensation, but may receive preferential treatment to obtain an appropriate amount of land for their livelihood (Para 6.2 in Circular No. 02)
- (iii) For state private land, this can be done through sale, lease, gift, usufruct (right to use and enjoy the fruits of the land for life), social land concessions, economic land concessions, or use permits. A decision on specific options must be based on coordination between the territorial authority, the State Land Trustee Authority, and the person using the land, and be based on a land use plan. (Para 7.1 in Circular No. 02).

3.2 World Bank Policy on Involuntary Resettlement

9. The WB's *Operational Policy 4.12: Involuntary Resettlement* and OP 4.10: *Indigenous Peoples* are triggered for this Project. The policies describe objectives and guidelines to be followed in situations involving involuntary taking of land and involuntary restrictions of access to legally designated parks and protected areas and when indigenous peoples or ethnic minority are involved. The OP 4.12 aims to avoid involuntary resettlement to the extent feasible, or to minimize and mitigate its adverse social and economic impacts. It promotes participation of displaced people in resettlement planning and implementation, and its key economic objective is to assist displaced persons in their efforts to improve or at least restore their incomes and standards of living after displacement. The policy prescribes compensation and other resettlement measures to achieve its objectives and requires that borrowers prepare adequate resettlement planning instruments prior to Bank appraisal of proposed projects.

10. For land acquisition and limited access of resources, the policies require close consultation of the affected population and appropriate mitigation of the potential negative impacts given special attention to ethnic, gender, and other vulnerable group issues. The policies also specify the need for monitoring and evaluation and ensuring adequate budget and capacity of the agencies.

Section IV: Social Screening and RPF Process for M-IWRM

4.1 Social Screening

11. An initial environment and social examination (IESE) was conducted during the preparation of M-IWRM (the Project) based on the activities identified before appraisal. The study concluded that resettlement or demolition of any homes or business as well as the impacts on cultural habitats will not be involved. However, implementation of Component 3 may require small land acquisition for priority community infrastructures and would involve resource access restriction or land acquisition. The Social Screening conducted during project preparation found that the scale of expected Project impact is generally minor, which can be meaningfully managed by community members themselves, with active support from Project staff who will visit beneficiary communities for their capacity development in collective resource management throughout Project implementation. Mitigation measures would be

provided in line with WB's safeguard policy. To ensure this, all activities, subcomponents, and/or subprojects involving land acquisition, compensation, voluntary donation, and restriction of resources access will be required to complete the social screening (see form in *Annex 2*) and keep the record in the project file for possible review by the World Bank. Given that there will be activities identified during the project implementation, resettlement and structural demolition of any homes or business have been prohibited and included in the "negative list" of the Environment and Social Management Framework (ESMF) of the Project.

12. Mitigation measures of potential negative impacts due to both land acquisition and restriction of access to resources have been considered during the design of the project. It is recognized that beneficiary communities should be able to address potential negative impact themselves as part of collective water resource management mechanisms. Hence it was agreed that small land acquisition should be conducted by community members in a manner of voluntary donation. Support will be provided so impacts are addressed in line with Bank policy, is part of a project subcomponent. The technical guidelines provided in the *Annex 1* of this RPF, defines the threshold beyond which voluntary donation is not allowed and the detailed procedures and requirements that should be followed under voluntary donation. If the impact goes beyond the threshold, a Resettlement Action Plan (RAP) will be prepared in line with the provisions of RPF and the World Bank Operational Policy 4.12.

13. As for the impact on livelihood due to restriction of access to fishery resources, the Project will help community members, including those that belong to ethnic minorities, develop a collective water resource management mechanism to mitigate the short-term loss in impact, key ingredients of which are conflict resolution/ mediation mechanism and collective arrangement for sustainable water/ fishery resource management. Given that transparency and community participation are keys to its success, the Project will develop a built-in mechanism that will help community members address negative impact of the Project by themselves so that the community members are able to manage internal conflicts that may result from loss of assets or income. Indeed, the water/fishery resource management mechanisms to be developed under the Project will not be sustainable without such mechanisms in place. The Project will also provide training and do continuous monitoring so community members would address negative impacts in ways that will fully comply with World Bank's resettlement and indigenous peoples policies. Application of the guidelines and approach to the Project is outlined in the sections below.

4.2 Policy Framework for Land Acquisition and Compensation

(i) General principles

14. This Resettlement Policy Framework (RPF) establishes equivalence between current Cambodian law and the World Bank's OP 4.12 on Involuntary Resettlement by defining measures to fill the gaps between the national legal framework and OP 4.12. Both the procedures and principles described in 2001 Cambodia Land Law and the WB Operational Policy on Involuntary Resettlement (OP 4.12) will be applied. In this regard the following principles and objectives would be applied:

- a) Acquisition of land and other assets will be minimized as much as possible; resettlement of people and structure demolition of homes and business will not be allowed unless WB prior clearance is provided.

- b) All Project Affected Persons (PAPs) are identified in the Project impacted areas as of the date of the baseline surveys. They are entitled to be provided with rehabilitation measures sufficient to assist them to improve or at least maintain their pre-project living standards, income earning capacity and production levels. Lack of legal rights to the assets lost will not bar the PAP from entitlement/compensation to such rehabilitation measures.
- c) The rehabilitation measures to be provided are: (i) cash compensation at replacement cost without deduction for depreciation or salvage materials for houses and other structures; (ii) agricultural land for land of equal productive capacity acceptable to the PAP¹; (iii) replacement of residential and commercial land of equal size acceptable to the PAP; (iv) and transfer and subsistence allowances.
- d) Replacement of agricultural land will be as nearby as possible to the land that was lost, and acceptable to the PAP.
- e) Plans for acquisition of land and other assets and provision of rehabilitation measures will be carried out in consultation with the PAPs, to ensure minimal disturbance.
- f) The compensation and rehabilitation activities will be satisfactorily completed before awarding of contract of civil works under each sub-project
- g) The sources of funding for the compensation and rehabilitation of PAPs will be funded as follows: compensation for productive, residential and commercial land will come from the village land through the approval of the responsible Government Agency, and cash compensation for structures, trees, crops, income loss and rehabilitation assistance will come from the Government counterpart fund in the Project.
- h) The Project Management Unit (PMU) of FiA will oversee that institutional arrangements are in place to ensure effective and timely design, planning, consultation and implementation of the compensation program.
- i) Land acquisition of small scale will be conducted on a consensus basis in the manner of voluntary donation. Beneficiary communities will manage voluntary donation according to the principles and procedures set out in this RPF. The impact that go beyond the threshold of voluntary donation, a separate and standalone RAP (or abbreviated ones) will be prepared to fully comply with the OP 4.12. As for restriction of access to resources, the following mechanism to be established as part of community-managed fisheries management organizations will be applied: (i) complaints/ grievances will be addressed first under the community-based conflict resolution mechanisms, under the support of Project staff and, (ii) if this first tier mechanism fails to address complaints/ grievances, then the second tier mechanism,

¹ "Agricultural land for land of equal productive capacity" means that the land provided as compensation should be able to produce the same or better yield the PAP was producing on his/her previous land. The production should be in the planting season immediately following the land acquisition. It can be for a future period if transitional allowance equal to the household's previous yield is provided to the PAP household while waiting for the land to get back to the same productivity as the previous land.

which involves external/ third party mediation, will kick in and help solve problems. The grievance mechanism is described in Section 4.5.

(ii) Compensation and entitlements

15. *Eligibility:* All PAPs who are identified in the project-impacted areas on the cut-off date of M-IWRM 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 investment. Those who encroach into the investment area after the cut-off date will not be entitled to compensation or any other assistance.

16. *Entitlements:* Based on the types of impacts, category of PAPs, and their entitlements M-IWRM will prepare specific entitlements to each category of PAPs following the entitlement matrix (**Table 3 of Annex 1**) as appropriate. Following detailed design, DMS and socioeconomic surveys will be the basis for determining actual impacts, and replacement cost surveys will be carried out to determine actual replacement costs and rates, including information on affected land and infrastructures as described in **Annex 3**. An abbreviated Resettlement Action Plan (RAP) will be prepared in line with the technical guidelines (**Annex 1**).

(iii) Special considerations

17. *Vulnerability, gender, and ethnicity:* M-IWRM recognizes that certain social groups may be less able to restore their living conditions, livelihoods and income levels and has incorporated these concerns into the preparation and implementation of project activities through an adoption of participatory planning and decision making process. Women in the rural villages play a key role in household economy and community livelihood development. They will be empowered to become active members in community activities and projects and other collective endeavors in support of project implementation and monitoring.

18. During implementation, the Project will give special attention to women and female households as beneficiaries of the project interventions. Equal participation of women in the whole cycle of the project activities will be provided to increase likelihood of the project sustainability. Active participation of women and ethnic groups will be ensured during the development of appropriate measures to be responsive to specific needs or concerns of these groups such as landless, poor, and households headed by women, disabled, elderly or children without means of support. If a full Resettlement Action Plan (RAP) is required, appropriate and agreed among stakeholders, a gender strategy and ethnic groups specific actions, as described in the technical guidelines (**Annex 1**), will be included.

19. *Voluntary land donation:* Where minimal land acquisition or relocation is unavoidable, it may occur on a voluntary basis or with compensation (possibly in-kind) provided by the grant-recipient (typically the village), but not out of the Project fund. In accordance with traditional practices villagers may choose to voluntarily contribute land or assets and/or relocate temporarily or permanently from their land without compensation. This can often be justified because the Project will either increase the value of the remaining property or provide some other direct benefit to the affected people.

20. However, activities including voluntary contributions will not be approved where they would significantly harm incomes or living standards of individual owners or users. Voluntary donations will not be applied for any assets, except very minor donation/losses of residential and agricultural land following the criteria and process described below:

- Voluntary donation of small strips of residential land will be according to the following criteria that will be strictly complied with: (i) the PAP's total residential land area is not less than 300 square meters (m²); (ii) if the PAP's total residential land area is more than 300 m², the strip of land that can be donated cannot be more than 5% of the total land area; and (iii) there are no houses, structures or fixed assets on the affected portion of land.
- Voluntary contribution is an act of informed consent and the Project staff will assure that voluntary contributions are made with the prior knowledge that other options are available, and are obtained without coercion or duress.
- PAPs have the right to refuse and receive their entitlement and compensation for their land and assets lost. They will be informed of their rights and access to grievance mechanisms described in the Section 4.5 of this document if their entitlements and compensation are not provided in a satisfactory manner.

(iv) Implementation process

21. Where compensation is to be provided, Project staff will ensure that the following are agreed to before works are undertaken:

- replacement of land with an equally productive plot or other equivalent productive assets;
- materials and assistance to replace fully solid structures that will be demolished or removed;
- replacement of damaged crops, at market value; and
- other acceptable in-kind compensation.

22. For both types of land acquisition (voluntary contribution or against compensation), the Project staff will ensure that all occupants of land and owners of assets affected are consulted and agree to the arrangements. The proposal will include a description of the persons affected, impacts involved (e.g. land, trees, crops, houses and other structures) and agreements reached (e.g. nature and amount of compensation). Project staff will arrange a village meeting to inform villagers about their rights to compensation and options available in accordance with these guidelines. The minutes will reflect the discussions held and agreements reached and include the following:

- for any voluntary contribution: name of contributor, details about the contribution, and thumb print by both spouse's names, and approved by the local authority;
- for land/asset acquisition against compensation: names of affected persons, impacts and details about the nature and level of compensation.

23. The Project staff shall provide a copy of the minutes to affected persons and confirm in private discussion with each of them their requests and preferences for compensation, agreements reached, and any eventual complaint. Copies will be kept in the project documentation and be available for monitoring and supervision. For the activities or sub-grants with significant land acquisition (e.g. affecting more than 100 persons or more than 10% of the holdings of project affected persons) a separate Land Acquisition Report will be

required. For sub-grants requiring voluntary movement or resettlement of more than five households or household structures a Resettlement Report will be required. The reports will include the following elements, as relevant:

- basic data identifying impacts and persons affected;
- arrangements for in-kind replacement of land or for compensation at replacement cost, including signed statements by all affected landowners confirming that these arrangements are satisfactory;
- arrangements to ensure adequate performance by contractors relating to compensation for temporary impacts;
- a schedule of assets (other than land), which will require to be replaced as part of the construction contract, and signed statements by the affected owners confirming that these arrangements are satisfactory;
- an implementation schedule indicating that replacement land will have been provided before implementation of the project begins;
- a siting map and field measurements validated by villagers, showing land to be acquired and replacement land to be provided, sufficiently detailed to allow verification;
- arrangements for disclosure of information, consultations, and procedures for pursuing grievances.

24. The Project staff will assist the villagers in preparing the required reports, which will be reviewed by the Project Implementation Units (PIUs) and approved by the Project Management Unit (PMU). No activities requiring a Land Acquisition Report or Resettlement Report will be approved unless the report also has been approved by the Provincial Steering Committee and the World Bank. Thus, the activities that would require demolition of houses or acquire productive land, permanently or temporary will be carefully reviewed by Project staff. The review process will confirm that no satisfactory alternative is available, that affected persons have been informed about their rights to compensation and assures that they have agreed with the arrangements.

(v) Preparation of Resettlement Action Plan (RAP)

25. Two types of RAPs are foreseen for the M-IWRM activities (see the criteria in *Annex I*):

- *Abbreviated Resettlement Action Plan*. In case where the impact of land and property acquisition by the activity/subproject is minor², an abbreviated RAP for each activity/subproject will be prepared in line with this policy. Each abbreviated RAP will include: (a) an inventory; (b) a socioeconomic survey; (c) detailed compensation and entitlement information; (d) payment and rehabilitation schedule; and (e) cost estimate and funding source. An outline of the plan is provided in *Annex 4*. The abbreviated RAP will be submitted to the WB for clearance before the contract is awarded. RAP's implementation and compensation must be completed satisfactorily before commencement of the civil works.

² Impacts are considered minor if no affected people are physically displaced and less than 10 % of their productive assets are lost.

- *Full Resettlement Action Plan.* In case where the impact of land and property acquisition by the activity/subproject is significant³, a full RAP for each activity/subproject will be prepared in line with this policy. The RAP will be submitted to the WB for concurrence. Each RAP will include: (a) an inventory; (b) a socioeconomic survey; (c) detailed compensation and entitlement information; (d) implementation and rehabilitation activities; (e) grievance procedures; (f) arrangements for monitoring and evaluation, (g) implementation schedule and; and (h) cost estimate and funding source. An outline of RAP is provided in *Annex 5*. RAP will be submitted to the WB for clearance. RAP's implementation and compensation must be completed satisfactorily before commencement of the civil works.

4.3 Policy Framework for Resource Access Restriction

26. Natural resources management planning and implementation will be carried out by stakeholder community members themselves, under the support of the project staff who will provide general support for capacity development including on mitigating negative impact of the Project. Enforcement of laws and regulations that result in restriction of access to natural resources is a sensitive issue, which if handled badly has the potential to alienate local communities and undermine conservation efforts. Restricting access to resources is usually a necessary component of resource management, however, and must at some stage be addressed in any system of protected area management.

(i) *General principles*

27. Customary resource rights derive from established, traditional or locally-recognized use, and do not depend on the possession of legal titles. Beneficiary community members will agree on zoning and associated restriction of access to resources, based on the principle of transparent and participatory decision making processes, which will be established at the beginning, and will be strengthened throughout the process of, project implementation through active support from the project staff and with the offer of some form of compensatory mechanism to offset loss of resource use. The conflict management mechanism within beneficiary communities, including members of ethnic minorities to be developed as part of the Project under the support of the project staff, which will be the primary/ first tier grievance redress mechanism (Section 4.5). Voluntary land/ asset donation as well as restriction of access to resources will be collectively managed by them. The Project will develop the capacity, and closely monitor their progress. Informed consent must result from a process of consultation that ensures the inclusion of and equitable outcomes for the most vulnerable and most forest-dependent groups. A variety of different compensatory mechanisms is possible and may be combined, including:

- Improved resource management leading to higher future productivity;
- Assistance with resource management or planning;
- Assistance in securing resource access rights by excluding outsiders who do not enjoy such rights;

³ Impacts are considered significant if the following conditions apply:

- the affected people are physically displaced and more than 10 % of a household's productive assets are lost; or
- 200 or more people are affected for each sub-project (as per OD 4.12).

- Payment for villager involvement in patrolling or other protected area management activities;
- And support for other community development or small scale livelihood activities through demonstration activities (e.g. livestock raising, aquaculture on the part of the community to attract funds from other sources.

28. Access may also be restricted in cases where users do not have customary resource rights or are using resources in ways that are clearly illegal under national legislation. Clearly illegal activities include the use of explosives, military weapons, poisons or electricity in hunting or fishing, the hunting or possession of illegal species for sale.

(ii) Implementation process

29. In case that the resource access restrictions is applied, the Project will develop a village resource use agreement and will ensure acceptance of the communities before applying enforcement that would result in resource access restriction amongst customary users. A separate fund has been allocated for the Subcomponent 3-2 implementation for facilitating consultation and development of small scale livelihoods demonstration activities as a mean to mitigate the potential impacts. Activity 3-2-1 will support the establishment of community-managed fisheries management organizations in Champasak, Attapeu, and Sekong Provinces in Lao PDR, as well as in Stung Treng and Kratie in Cambodia. Key supports would include (a) establishment of Fisheries Management Committee (office, monitoring equipment, tools, etc), training, and demonstration of a small scale livelihood (subgrants); (b) preparation of community development plan (fishery management plan, identification of small scale livelihoods, and identification of priority infrastructure; and (c) financing the selected priorities investment and capacity building.

30. The Project staff will be responsible for ensuring proper documentation to demonstrate achievement of the subcomponent objective (i.e. to establish effective community-based fisheries co-management) and the Project development objective (i.e. to establish key examples of integrated water resource management practices in the LMB). Where proposed activities do include elements of such enforcement activities, they must include the following documents:

- A copy of the village resource use agreement, including details of the resources involved, their location, the volumes currently extracted and the user groups; the restrictions to be imposed; the compensatory mechanisms agreed upon; complaint mechanisms; and participatory monitoring arrangements. The monitoring and reporting will be done as much to meet safeguard requirements as to monitor Project progress per se. A sample of a village resource use agreement will be provided in the social safeguard operational manual. It will also explain to villagers that the function of the agreement document is not to bind them into a permanent contract, but to make it clear to everyone what the arrangements are. Village agreements can and will be updated and amended until a workable arrangement is found that is satisfactory to all. The agreement and project complaint mechanisms must be posted within the village in a location accessible to all.
- A short report detailing the process of consultation that led to the agreement. This will detail the approach for ensuring the inclusion of all relevant sub-groups within the community. If communities include a significant mix of ethnic groups, the report will

detail how the opinions and needs of each were included, typically through the inclusion of ethnically disaggregated discussions and use of local languages whenever possible.

31. During the preparation of M-IWRM, villagers have readily recognized the benefits of strengthened resource management and are eager to establish rules in conjunction with the local governments and the Project. However, it is anticipated that arrival at village resource use agreements would be a gradual process of developing cooperation and understanding, which will require special skills in consultation and participatory techniques. The community members will benefit from learning how better to manage internal conflicts and complaints in order to develop sustainable water/fishery resource management. The Project will support the communities learning and strengthen the mechanisms. This consideration has been incorporated in the design of the Subcomponent 3-3.

4.4 Monitoring and Information Disclosure

32. *Internal monitoring:* Implementation of the RPF will be regularly supervised and monitored by the Project Implementation Units (PIUs) responsible for implementation of the investment activities that involve land acquisition and/or resources access restriction. The findings and recommendations will be recorded in the project file for possible review by the World Bank. The Project Management Unit (PMU) will supervise and monitor the process at least one time per year and include the results in the Project annual reports and to be furnished to the World Bank. The Project staff (PIUs and PMU) in close consultation with local government and PAPs will establish a set of practical monitoring indicators in line with the technical guidelines (*Annex 1*).

33. *External monitoring:* Investment activities with a full RAP will be subjected to external monitoring by appropriate agency and/or an independent qualified consultant. The external monitoring agency or consultant should be hired under terms of reference that specify frequency of monitoring, sampling and interviewing methods, and reporting requirements. Monitoring reports will be maintained by the PMU and made available to the World Bank's supervision team.

34. *Information disclosure:* The Project will disclose all the progress reports available to public access by posting them in the Project website to be established at PMU offices.

4.5 Transparency and Grievance Mechanism

35. The World Bank's resettlement policy requires an investment project to establish mechanism for grievance resolution and determines that the prime responsibility for handling grievances raised by the Project Affected Peoples (PAPs) is the project developers. This mechanism aims to ensure PAPs' satisfaction with implementation of the RAP, and provide the PAPs with a legal platform for on the ground monitoring and reporting on the RAP implementation. Specifically, the purposes of the grievance mechanism is to allow PAPs and persons who believe they are affected persons to seek satisfactory resolution to grievances they may have in relation to the restriction of access to aquatic resources, possible land acquisition other project interventions. The key principles of the grievance mechanism are to ensure that:

- a) The basic rights and interests of PAPs are protected

- b) The concerns of PAPs arising from the project implementation process are adequately addressed; and
- c) Entitlements or livelihood support for PAPs are provided on time and accordance with the above stated government and World Bank’s safeguard policies.
- d) PAPs are aware of their rights to access and shall have access to grievance procedure free of charge for the above purposes.
- e) The grievance procedure will be part of the overall community based fishery management mechanism and form an important part of the conflict resolution mechanism that is community-based, involving ethnic minorities and representatives of other vulnerable groups, and therefore, collectively managed.

36. At the beginning of the project implementation, Grievance Redress Committees will be established from villages to provincial levels built on the existing structures consisting of concerned departments, mass organizations, women and ethnic representatives. At the village level the community based fishery management will incorporate in the existing grievance mechanisms that will be chaired by elder and/or spiritual/tribal leaders, which are largely acceptable to local communities, particularly the ethnic minority groups. The grievance mechanism and procedures will resolve complaints, and the availability of local resources to resolve conflicts not only on safeguard issues but also during project implementation. Based upon this structure, the community-based governance would assist during the project preparation, design, implementation, and future developments for improvement. The grievance mechanism will be applied to persons or groups that are directly or indirectly affected by a project, as well as those that may have interests in a project and/or have the ability to influence its outcome either positively or negatively. The project will provide training and support to strengthen these existing structures for effectively and collectively dealing with possible grievances that may raised by PAPs during the course of the RAP implementation.

37. PAPs, if not satisfied or unclear about the RAP implementation and compensation may raise their complaints to the village committees. The claim may be made orally or in writing with assistance from the village committees who shall provide response to the claimant within 5 days after receipt of the grievance. If the claimant is not satisfied with the decision made at the village level, s/he may submit the claim to the district level committee with support from the PIUs. Within 15 days after receipt of the claim, the district committees shall make decision and provide response to the claimant. The claim may be lodged with Provincial Court of Law whose judgment would be final. All complaints and grievances will be properly documented and filed by the district and village committee as well PIUs addressed through consultations in a transparent and proactive manner. These grievance documents and report will be made public accessible. All costs associated with grievance handing process incurred by the claimant and /her/his representatives are to be covered by the project developer. The grievance handling process is described below:

Procedures	Venue	Response Time	Responsible Unit/Institution	Means of Verification/Documentation
Step 1 – Village	Public place accessible	Within 5 days	Community Fishery	Written record of grievance, through the assistance of PIUs.

Level	to complainant/ beneficiaries or PAs		Association And Village Committee Leaders	Quarterly submission of names and pertinent information about the complainants, nature of complaint, dates the complaints are lodged, and resolution of the same to PIUs.
Step 2 - District Level	District authority's office	Within 15 days	District Authority/PIUs	Written record of grievance from the village committee, through the assistance of PIUs. Quarterly submission of names and pertinent information about the complainants, nature of complaint, dates the complaints are lodged, and resolution of the same to PIUs.
Step 3 – Provincial Level	Provincial government's office	Within 10 days	Provincial government/ PIUs	Written record of grievance from the village committee and District authority, through the assistance of PIUs. Quarterly submission of names and pertinent information about the complainants, nature of complaint, dates the complaints are lodged, and resolution of the same to PIUs.

Annex 1. Technical Guidelines when Land Acquisition, Compensation, and Involuntary Donation are involved in Investment Activities/Subprojects

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A1.1 Definition of Terms

1. Definitions of key terms are as follows:

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

Compensation - payment in cash or in kind of the replacement cost of the acquired assets.

Cut-of-date – The date that the Decision on the target beneficiaries and on the land acquisition of the project areas is issued by a competent authority and publicly announced to local target-communities and to affected or displaced persons.

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

Household - means all persons living and eating together as a single social unit. The census used this definition and the data generated by the census forms the basis for identifying the household unit.

Income restoration - means re-establishing income sources and livelihoods of PAPs to a minimum of the pre-project level.

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

Land Acquisition - the process whereby a person is compelled by a government agency to alienate all or part of the land a person owns or possesses, to the ownership and possession of the government agency, for public purpose in return for a consideration.

Project Affected Persons (PAPs) - includes any person or entity or organization affected by the investment project, who, on account of the involuntary acquisition of assets in support of the implementation of the investment project, would have their (i) standard of living adversely affected; (ii) right, title or interest in all or any part of a house and buildings, land (including residential, commercial, agricultural, plantations, forest and grazing land) water resources, fish ponds, communal fishing grounds, annual or perennial crops and trees, or any other moveable or fixed assets acquired or possessed, in full or in part, permanently or temporarily; and (iii) business, profession, work or source of income and livelihood lost partly or totally, permanently or temporarily.

Replacement Cost – is the term used to determine the amount sufficient to replace lost assets and cover transaction costs. When domestic laws do not meet the standard of compensation at full replacement cost, compensation under domestic law is supplemented by additional measures necessary to meet the replacement cost standards.

Resettlement – is the general term related to land acquisition and compensation for loss of asset whether it involves actual relocation, loss of land, shelter, assets or other means of livelihood.

Vulnerable Groups - are distinct groups of people who might suffer disproportionately or face the risk of being further marginalized by the effects of resettlement and specifically

include: (i) households headed by women, the elderly or disabled, (ii) households living below the poverty threshold, (iii) the landless, and (iv) ethnic groups.

A1.2 Basic Requirements of the World Bank Social Safeguard Policies

2. **Core requirements.** Table 1 below outlines the World Bank (WB) social safeguard policies and its core requirements under each safeguard policies.

Table 1.

World Bank Policies	Summary of Core Requirements	Public Consultation
Involuntary Resettlement and Land Acquisition (OP/BP 4.12)	The project will apply proper involuntary resettlement and compensation principles to ensure that all Project Affected People (PAPs) will be compensated for their losses at replacement cost and provided with rehabilitation measures to assist them to improve, or at least maintain, their pre-project living standards and income earning capacity.	Consult project affected persons (PAPs) and host community; incorporate expressed views in resettlement plans; list of choices by PAPs.
Resources restriction (OP/BP 4.12)	The project will develop village resource use agreements in close consultation with communities before seeking funds for enforcing resource access restriction amongst customary users. In many cases separate funding will be needed to support the process of reaching agreements, prior to the implementation stage.	A short report detailing the process of consultation that led to the agreement, including the approach for ensuring the inclusion of all relevant sub-groups within the community.
Indigenous People(OP 4.10)	The project will follow the key principles of the WB's policy concerning Indigenous People which are to "ensure that Indigenous People do not suffer adverse impacts during the development process," and that they receive "culturally compatible social and economic benefits." Indigenous People in Cambodia are those who are vulnerable to the development process and who meet the characteristics used in the WB's policy (see IPDF for Cambodia).	Consult indigenous people during the investment planning, implementation and monitoring and evaluation. Involve NGOs to assist in investment planning and implementation. If serious negative impacts are anticipated, prepare an Indigenous People Development Plan (IPDP).
Physical Cultural Resources (OP 4.11)	The project will investigate and provide inventory of cultural resources that are potentially affected. Although an impact on cultural resources is not anticipated, the civil works contract will include a specific clause on "chance find".	Consult and document affected resources with project affected groups, concerned national, provincial and district government offices/authority and relevant NGOs.

3. **Social screening and document required.** All the investment projects/activities will conduct a social screening to identify potential negative impacts and appropriate mitigation measures (see form in *Annex 2*) and if land acquisition and affected assets are involved provides more detailed information on affected land and assets (see form in *Annex 3*). *Table 2* below provides a general guideline for determining the type of social safeguard documents required while more detailed information is given in *Annexes 4, 5, 6, and 7*.

Table 2.

COVERAGE OF NEGATIVE SOCIAL IMPACT	TYPE DOCUMENTS REQUIRED
<ul style="list-style-type: none"> For investment that are determined to result in minor impacts, defined under the OP 4.12, when “the affected people are not physically displaced and less than 10% of their productive assets are lost”, 	<p><u>Abbreviated RAP is required.</u></p> <p>Outline of an abbreviated Resettlement Action Plan is provided in Annex 4.</p>
<ul style="list-style-type: none"> For investments that may result in more significant impacts, i.e. displacement of more than 200 people, and more than 10% of their productive assets are lost 	<p><u>RAP will be prepared.</u></p> <p>Outline of the Resettlement Action Plan (RAP) is shown in Annex 5.</p>
<ul style="list-style-type: none"> For investments that may result an adverse impacts on Indigenous People. 	<p>Indigenous People Development Plan (IPDP) must be prepared as a separate and standalone document. List of required information of IPDP is shown in Annex 6. A sample of the screening for IP in development projects is shown in Annex 7.</p>
<p>Notes:</p> <ul style="list-style-type: none"> (i) For investments not anticipated to result displacement, and where loss of assets are anticipated to be negligible, then this information shall also be indicated in the investment proposal form; and (ii) An IPDP is not necessary when the identified indigenous peoples are integrated socially and economically with the mainstream population, thus the description of impacts, basic socio-economic characteristics of indigenous peoples, and suggested mitigation measured shall be included as an attachment to the RAP. 	

A1.3 Compensation and Entitlements

(a) Eligibility

4. All PAPs who are identified in the project-impacted areas on 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.* Those who encroach into the subproject area after the cut-off date will not be entitled to compensation or any other assistance.

(b) Entitlements

5. Based on the types of impacts, category of PAPs and their entitlements should be prepared showing specific entitlements to each category of PAPs. An Entitlement Matrix is shown in **Table 3** as reference.

Table 3: Entitlement Matrix

Type of Losses	Entitled Persons	Entitlements	Implementation Issues
Productive Land (paddy, garden, and Teak Plantation)	Legal owner or occupant identified during census and tagging	<ul style="list-style-type: none"> • For marginal loss of land, cash compensation at replacement cost which is equivalent to the current market value of land within the village, of similar type, category and productive capacity, free from transaction costs (taxes, administration fees), • If the impacts on the total productive land is 10 % or more, as a priority, replacement land of similar type, category and productive capacity of land within or nearby the village, with land title or land use certificate, OR at the request of PAP, cash compensation at replacement cost plus assistance to purchase and register land 	<ul style="list-style-type: none"> • Legal owners are those who received land use certificates or land titles.
Residential Land	Legal owner or occupant identified during census and tagging	<ul style="list-style-type: none"> • <u>With</u> remaining land sufficient to rebuild houses/structures: (i) Cash compensation at replacement cost which is equivalent to the current market value of land of similar type and category, and free from transaction costs (taxes, administration fees) and (ii) District government to improve remaining residential land at no cost to PAPs (e.g. filling and leveling) so PAPs can move back on remaining plot. • <u>Without</u> remaining land sufficient to rebuild houses/structures: (i) Replacement land equal in area, same type and category, without charge for taxes, registration and land transfer, with land title or land use certificate, OR (ii) cash compensation at replacement cost which is equivalent to the current market value of land of similar type and category, free from transaction costs (taxes, administration fees) plus assistance to purchase and register land. 	<ul style="list-style-type: none"> • Legal owners are those who have land use certificates or land titles . • Voluntary donation of minor strips of residential land will only be allowed by the Project provided that the following criteria are strictly complied with: (i) the PAP's total residential land area is not less than 300 m²; (ii) if the PAP's total residential land area is more than 300 m², the strip of land that can be donated cannot be more than 5% of the total land area; and (iii) there are no houses, structures or fixed assets on the affected portion of land. • Voluntary donation according to these criteria will follow the process in accordance with the government regulation (para 7) and/or project operation manual.
Fish Pond (Remaining area is still viable or can still meet expected personal or commercial yield)	Owner of affected fishpond	<ul style="list-style-type: none"> • Cash compensation of affected portion at replacement cost which is equivalent to the current market value of fishpond, labor and rent of equipment to excavate fishpond, free from transaction costs (taxes, administration fees) • If the currently held fish stocks will not be harvested before the project takes possession of the fishpond, then cash compensation for the projected mature value of fish stock held at the time of compensation. 	<ul style="list-style-type: none"> • Adequate time provided for PAPs to harvest fish stocks • Voluntary donation of fishpond land will not be allowed by the Project.

Type of Losses	Entitled Persons	Entitlements	Implementation Issues
		<ul style="list-style-type: none"> • District government to restore/repair remaining fishpond. If support cannot be provided by the contractor, the PAP will be entitled to cash assistance to cover for payment of labor and rent of equipment to restore/repair fishpond. 	
<p>Totally Affected Houses/Shops, and Secondary Structures (kitchen, rice bins)</p> <p>Partially Affected Houses/Shops but no longer viable (Will require relocation)</p>	<p>Owners of affected houses whether or not land is owned</p>	<ul style="list-style-type: none"> • Cash compensation at replacement cost for the entire structure equivalent to current market prices of (i) materials, with no deduction for depreciation of the structure or salvageable materials; (ii) materials transport; and (iii) labor cost to cover cost for dismantling, transfer and rebuild; and • Excluding those who will move back to their residual land, timely provision of dump trucks for hauling personal belongings at no cost to the PAPs. 	<ul style="list-style-type: none"> • Adequate time provided for PAPs to rebuild/repair their structures • Affected houses and shops that are no longer viable are those whose remaining affected portion are no longer usable/habitable.
<p>Temporary Use of Land</p>	<p>Legal owner or occupant</p>	<ul style="list-style-type: none"> • For agricultural and residential land to be used by the civil works contractor as by-pass routes or for contractor's working space, (i) rent to be agreed between the landowner and the civil works contractor but should not be less than the unrealized income and revenue that could be generated by the property during the period of temporary use of the land; (ii) cash compensation at replacement cost for affected fixed assets (e.g., structures, trees, crops); and (iii) restoration of the temporarily used land within 1 month after closure of the by-pass route or removal of equipment and materials from contractor's working space subject to the conditions agreed between the landowner and the civil works contractor. 	<ul style="list-style-type: none"> • The construction supervision consultant will ensure that the (i) location and alignment of the by-pass route to be proposed by the civil works will have the least adverse social impacts; (ii) that the landowner is adequately informed of his/her rights and entitlements as per the investment project resettlement policy; and (iii) agreement reached between the landowner and the civil works contractor are carried out.
<p>Partially Affected Houses and Shops and secondary structures</p> <p>(Will not require relocation)</p>	<p>Owners of affected houses whether or not land is owned</p>	<ul style="list-style-type: none"> • Cash compensation at replacement cost for the affected portion of structure equivalent to current market prices of (i) materials and labor, with no deduction for depreciation of the structure or for salvageable materials (ii) materials transport, and (iii) cost of repair of the unaffected portion; 	
<p>Loss of business income during relocation or during</p>	<p>Owners of shops</p>	<ul style="list-style-type: none"> • For informal businesses (shops) cash compensation equivalent to the daily wage rate multiplied by the number of days of business 	<p>It will take one day to move the shops if made of traditional materials (bamboo)/movable (can be carried without totally</p>

Type of Losses	Entitled Persons	Entitlements	Implementation Issues
dismantling/repair of affected portion (without relocation)		disruption.	dismantling the structure. It will take about two days to remove and repair affected portion of shop made of permanent materials (such as good wood and concrete). The rate will be verified through interviews with informal shop owners to get an estimate of daily net profit.
Crops and Trees	Owner of crops and trees whether or not land is owned	<ul style="list-style-type: none"> • If standing annual crops are ripening and cannot be harvested, cash compensation at replacement cost equivalent to the highest production of crop over the last three years multiplied by the current market value of crops • For perennial crops and trees, cash compensation at replacement cost equivalent to current market value based on type, age, and productive capacity. • For timber trees, cash compensation at replacement cost equivalent to current market value based on type, age and diameter at breast height (DBH) of trees 	
Permanent loss of physical cultural resources/public structures/village or collective ownerships	Villagers or village households	<ul style="list-style-type: none"> • Compensation at replacement cost for present/existing structures based on its present value. 	
Graves located in the affected areas	Owners of graves	<ul style="list-style-type: none"> • Compensation for the removal, excavation, relocation, reburial and other related costs will be paid in cash to each affected family. 	
Electricity Poles	Electricity Companies	<ul style="list-style-type: none"> • Cash compensation for cost to dismantle, transfer and rebuild 	
Transition subsistence allowance	Relocating households – relocating on residual land or to other sites Severely affected PAPs losing 10% or more of their productive land	<ul style="list-style-type: none"> • Relocating PAPs without any impact on business or source of incomes will be provided with cash or in-kind assistance equivalent to 16 kilogram (kg) of rice at current market value for 3 months per household member • Relocating PAPs with main source of income affected (i.e., from businesses) or PAPs losing more than 10% of their productive land will be provided with cash or in-kind assistance equivalent to 16 kg of rice at current market value for 6 months per household member 	
Transportation allowance	Relocating households – to other sites	Provision of trucks to haul all old and new building materials and personal possessions	PAPs may also opt for cash assistance. The amount (cost of labor and distance from

Type of Losses	Entitled Persons	Entitlements	Implementation Issues
			relocation site) to be determined during implementation
Severe impacts on vulnerable PAPs (Relocating PAPs and those losing 10% or more of their productive assets)	Severely affected vulnerable PAPs such as the poorest, or households headed by women, the elderly, or disabled, and ethnic groups	<ul style="list-style-type: none"> An additional allowance of 1 month supply of rice per person in the household. Eligible to participate in income restoration program The contractors will make all reasonable efforts to recruit severely affected and vulnerable PAPs as laborers for road construction and road maintenance works 	The poorest will be those below the national poverty line as defined in the poverty partnership agreement with World Bank

(c) Voluntary donation

6. Voluntary donations will not be applied for any assets, except very minor donation/losses of residential and agricultural land following the criteria and process described in this framework. Voluntary donation of small strips of residential land will be according to the following criteria that will be strictly complied with:

- the PAP’s total residential land area is not less than 300 square meters (m²);
- if the PAP’s total residential land area is more than 300 m², the strip of land that can be donated cannot be more than 5% of the total land area; and
- there are no houses, structures or fixed assets on the affected portion of land.

7. Voluntary donation according to these criteria will follow the process in accordance with Government regulations as stated in the Commune/Sangkat Fund project Implementation Manual of the National Committee for the Management of Decentralization and Deconcentration Reform “NCDD”. The entitlement matrix may not cover all types of impacts but can be enhanced in the resettlement plans based on the findings of the social assessment and potential impacts. Standards described will not be lowered but can be enhanced in the Resettlement Action Plan (RAP) as required.

(d) Relocation and income restoration strategy

8. Households that have to relocate will participate in identifying and selecting options to relocate on their existing plots, or to move to plots provided by the district or to receive cash compensation and to make their own arrangements for relocation. In the case that any businesses have to relocate, they will be assisted to find viable new sites. Households who are severely affected through the loss of 10% or more productive assets will be provided with replacement land or assisted to purchase replacement land. PAPs will also be provided with farm inputs to increase productivity on remaining land and/or replacement land. Appropriate livelihood restoration programs will be designed and implemented during project implementation in consultation with PAPs. PAPs will not be displaced until the village allocates land within the same or neighboring village.

(e) Vulnerability, gender and ethnicity

9. The resettlement policy framework should recognize that certain social groups may be less able to restore their living conditions, livelihoods and income levels; and therefore, at greater risk of impoverishment when their land and other assets are affected. The project will identify any specific needs or concerns that need to be considered for the indigenous peoples groups and other vulnerable groups such as landless, poor, and households headed by women, disabled, elderly or children without means of support. A gender strategy and indigenous peoples specific actions, as required will be included in the RAP.

(f) Indigenous peoples

10. To ensure that the indigenous peoples PAPs receive full benefit of resettlement activities related to land acquisition and compensation the following specific activities will be integral to the RAP.

- (i) In villages with indigenous peoples, one man and one woman representative from each indigenous peoples group will be included in each of the land and indigenous peoples committee (District and Commune level).
- (ii) During the final DMS both men and women, and female-headed indigenous people households will participate in the DMS, and will be accompanied by a member of the land and indigenous peoples committee (District and/or Commune level) or their representatives. Local facilitator will provide translation as needed to ensure PAPs understand and are in agreement with the DMS results.
- (iii) Compensation will be given to both men and women from indigenous peoples households.
- (iv) Where indigenous peoples households are required to rebuild or relocate, rehabilitation options and sites will be acceptable to the household and ensure they are able to continue their existing livelihood and lifestyle, and remain within their community (if they so choose).
- (v) Where land is allocated or use rights assigned, registration will be in the name of husband or wife if the affected land was acquired prior to marriage and joint registration in the names of both husband and wife for indigenous peoples PAPs if the land was acquired by both husband and wife.
- (vi) All public information and consultation meetings in indigenous people villages will include local translation in indigenous peoples languages so that information and exchange of views is facilitated for all men and women PAPs. Village meetings will be held to raise PAP awareness and understanding of resettlement related issues such as project timing, entitlements, compensation determination and payments, grievance process, support for relocation/rebuilding etc., and specific women focus groups will also be held to cover the same issues.
- (vii) Rehabilitation measures for businesses will ensure that indigenous people households and/or female headed households as well as other PAPs are treated equitably in terms of assistance to find and/or allocation of replacement land, and in the provision of allowances (including business income loss, transition and vulnerability allowances).

- (viii) Where indigenous peoples households live within villages of another ethnicity, resettlement committees will pay special attention to their compensation and transition. External monitoring will also review these cases.
- (ix) Monitoring of RAP preparation, consultation and awareness, implementation, and PAP rehabilitation and satisfaction will all be undertaken using ethnicity disaggregated data.
- (x) Internal monitoring will ensure consultation incorporates translation to indigenous people languages in minority villages and for minorities living in villages of other ethnicity.
- (xi) Both male and female indigenous people members will be able to participate in the jobs that are created by the project.

A1.4 RAP Preparation and Implementation

(a) Preparation

11. If resettlement impacts are unavoidable and preparation of a resettlement action plan (RAP) is therefore required, a short RAP will be prepared using the following procedures:

- (i) Undertake a census of all PAPs.
- (ii) Undertake detailed measurement survey (DMS)⁴ of all losses of all PAPs. At the same time, inform potential PAPs (without discrimination) of the investment, its likely impacts, and principles and entitlements as per the RPF.
- (iii) Undertake a socioeconomic survey (SES)⁵ of at least 10% of all PAPs, 20% of severely affected PAPs and ethnic group population.
- (iv) Undertake a replacement cost survey for various types of affected assets as a basis for determining compensation rates at replacement cost. Determine the losses in accordance with the entitlement matrix.⁶
- (v) Provide project and resettlement information to all persons affected in a form and language that are understandable to them, and closely consult them on compensation and resettlement options, including relocation sites and economic rehabilitation.
- (vi) Prepare the draft RAP with time-bound implementation schedule, procedures for grievance mechanism and monitoring and evaluation, and a budget.
- (vii) Finalize the investment RAP and translate in local language.
- (viii) Disclose the draft and final RAP in accordance with World Bank’s policy on public disclosure to the affected communities and on World Bank’s Infoshop. The draft RAP will be disclosed to PAPs prior to submission to World Bank for approval. The final RAP will be disclosed after approval.

Table 4: Surveys for RAP Preparation

Detailed Measurement Survey (DMS)	<p>The census and detailed measurement survey (DMS) of lost assets will collect data on the affected assets from 100% of PAPs following detailed engineering design. The data collected during the DMS will constitute the formal basis for determining PAP entitlements and levels of compensation. For each PAP, the scope of the data will include:</p> <ul style="list-style-type: none"> • Total and affected areas of land, by type of land assets; • Total and affected areas of structures, by type of structure (main or secondary); • Legal status of affected land and structure assets, and duration of tenure and ownership;
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⁴ Data will be gender and ethnic groups disaggregated.

⁵ It will include gender analysis and data will be gender and ethnic minority disaggregated.

⁶ If there are new categories of PAPs and/or losses identified during the DMS (other than those described in the entitlement matrix), the entitlements will be derived in accordance with World Bank’s policy and guidelines.

	<ul style="list-style-type: none"> Quantity and types of affected crops and trees; Quantity of other losses, e.g., business or other income, jobs or other productive assets; estimated daily net income from informal shops; Quantity/area of affected common property, community or public assets, by type; Summary data on PAP households, by ethnicity, gender of head of household, household size, primary and secondary source of household income viz-a-viz poverty line, income level, whether household is headed by women, elderly, disabled, poor or ethnic groups; Identify whether affected land or source of income is primary source of income; and PAP knowledge of the investment and preferences for compensation and, as required, relocation sites and rehabilitation measures.
Socioeconomic Survey	<p>At a minimum, the socioeconomic survey (SES) will collect information from a sample of 10% of affected people and 20% of severely affected PAPs, disaggregated by gender and ethnicity. The purpose of the socioeconomic survey is to provide baseline data on PAPs to assess resettlement impacts, and to be sure proposed entitlements are appropriate, and to be used for resettlement monitoring. The scope of data to be collected includes:</p> <p>A. Household head: name, sex, age, livelihood or occupation, income, education and ethnicity;</p> <p>B. Household members: number, livelihood or occupation, school age children and school attendance, and literacy, disaggregated by gender;</p> <p>C. Living conditions: access to water, sanitation and energy for cooking and lighting; ownership of durable goods; and</p> <p>D. Access to basic services and facilities.</p>
Replacement Cost Survey	<p>The replacement cost survey (RCS) will be done in parallel with DMS and SES activities by collecting information from both secondary sources and primary sources (direct interviews with people in the affected area, material suppliers, house contractors), and from both those affected and those not affected. The government rates will be adjusted, as necessary, based on the findings of a RCS. Compensation rates will be continuously updated to ensure that PAPs receive compensation at replacement cost at the time of compensation payment.</p>

(b) RAP implementation

12. Land acquisition, compensation and relocation of PAPs cannot commence until the RAP has been reviewed and approved by the World Bank. Commencement of civil works may commence in sections where there are no resettlement impacts. All resettlement activities will be coordinated with the civil works schedule. World Bank will not allow construction activities in specific sites until all resettlement activities have been satisfactorily completed, agreed rehabilitation assistance is in place, and the site is free of all encumbrances.

A1.5 Community Consultation and Participation Process

13. A sample framework for participatory processes for the project is presented in **Table 5** which defines the roles of beneficiaries and PAPs and the reasons for their participation in all stages of community action and resettlement activities.

Table 5: Framework for Community Consultation and Participation Process

Stages	Subject of Consultation	Role of Target Communities and Affected Persons/Households	Reasons for Community Participation
Preparation Stage			
<ul style="list-style-type: none"> Consultation and focused- group 	<ul style="list-style-type: none"> Understanding the investment. 	<ul style="list-style-type: none"> Participate in community 	<ul style="list-style-type: none"> Ensure that target beneficiaries and PAPs fully

Stages	Subject of Consultation	Role of Target Communities and Affected Persons/Households	Reasons for Community Participation
<p>discussions/meetings</p> <ul style="list-style-type: none"> • Planning for investment/s • Formulating compensation and entitlement package. • Consultation on proposed investment/s before submission. 	<ul style="list-style-type: none"> • Design and planning investments • Compensation and entitlement package for PAPs. • Contents of proposed investment/s. 	<p>consultation.</p> <ul style="list-style-type: none"> • Create committees with at least 25-50 percent of the members is composed of women. • Approve the design and proposed by the beneficiaries and PAPs. • Approve the compensation and entitlement package of the PAPs. • Review and concur the contents of proposed investment/s. 	<p>understand the proposed investment and its benefits.</p> <ul style="list-style-type: none"> • Promote an informed and collective-decision making. • Gather issues and concerns of the community that can be incorporated in the proposed investment. • This measure will lessen conflicts and send the message to target beneficiaries and PAPs that they are involve and came from their collective decisions. • This also promotes an informed and collective decision-making among beneficiaries and PAPs. • Such consultation delivers the message of transparency seeing to it that their comments /suggestions are incorporated in the proposed investment/s.
Implementation Stage			
<ul style="list-style-type: none"> • Consultation on the implementation of investment/s and provision for and transfer or relocation, if any • Consultation with PAPs concerning affected land and/or structures, livelihood, etc. • Engagement in livelihood undertakings. • Employment of beneficiaries in the 	<ul style="list-style-type: none"> • Phasing of investment implementation and transfer to agreed area(s) for PAPs. • Agreement on the schedule of transfer or relocation to agreed area in the community. • Boundaries on plot allocation, road access and provision for social services, i.e., water sewerage, drainage. • Livelihoods for target-community beneficiaries and that of those of the PAPs. 	<ul style="list-style-type: none"> • Orderly dismantling and reconstruction of affected structures, if any • Inform PAPs for the scheduling of transfer • Mark the affected lot boundaries as determined by land surveyors consistent with the assigned area and plans. • Provide information on the actual negative and positive impact to PAPs • Involvement of women in livelihood development. 	<ul style="list-style-type: none"> • Ensure that the impacts of disruption are lessened. • It will also enable the implementing agency to determine the budgets for food and transport of PAPs/ household • Participation in plot marking in the presence of designated staff/facilitator will avoid misunderstanding among PAPs and beneficiaries. • Enable the implementing agency to estimate budgets for entitlements like allowances for foods, transportation and special assistance. • Women are known to have skills in livelihood management which could enhance family income. • Employment with the

Stages	Subject of Consultation	Role of Target Communities and Affected Persons/Households	Reasons for Community Participation
investment • Grievance and redress. • External Monitoring	<ul style="list-style-type: none"> • Additional assistance to beneficiaries and PAPs. • Grievance and redress mechanism. • Implementation of investment/s 	<ul style="list-style-type: none"> • Beneficiaries or any of their household members will be employed as laborer during the construction of a investment/s. • Provide background of the issues. • Provide inputs and status for implementation on investments. 	project will also provide additional or enhance their income. <ul style="list-style-type: none"> • Ensure that problems are address within reasonable time. • The officers will serve as the GRC, and they will also assist agency in implementing the policies in each community as part of the management of the investment. • The information from PAPs and beneficiaries will assist the PMU to assess the level of compliance in every stage of investment implementation. • This will give lessons learnt in shaping up future policies on resettlement for the project.

A1.6 Gender Strategies

14. A number of strategies will be adopted to ensure gender-sensitive resettlement and rehabilitation measures and, to engage women actively in the planning and implementation of the resettlement program as well as other programs. The resettlement committees, resettlement specialists will be directly involved in all aspects of the development and implementation of the gender strategy, to ensure that these measures are adequately implemented.

15. The strategies for PAPs that will relocate from, or rebuild on residential and/or commercial land they occupy in the investment areas will be made gender-sensitive in the following ways:

- (i) The resettlement committees will make concerted efforts to consult with female PAPs (household heads and women in PAP households). This will be done through individual and women focus group discussions. The role of local NGOs and/or civil society representatives will be crucial in facilitating these consultations and ensuring women’s specific needs are met.
- (ii) In addition to village forums, specific women’s focus group meetings will be held to raise awareness and understanding of resettlement related issues such as project timing, entitlements, compensation determination and payments, grievance process, support for relocation/rebuilding etc.

- (iii) Women will be consulted specifically to establish criteria for replacement land or improvements to existing lands, particularly in relation to the planning of available lands and maintenance of the household utility areas, as well as issues relating to access to community services and facilities such as schools, health facilities and markets, as well as their economic activities.
- (iv) Consultations with PAPs regarding arrangements for secure tenure will ensure that women including women-headed households and other female household members understand clearly what their options and obligations are; and, that the views of women are considered in making decisions.
- (v) New land registrations will be made in both spouse's names if the land acquired by the Project was acquired by husband and wife during marriage, or in the case of female headed households, in the women's name.
- (vi) Compensation payments will be signed off by both spouses, or in the case of female headed households, by the women.
- (vii) The civil works contracts will include employment targets for the poor, and women from the Project affected villages and local area. They will also include commitments to gender equity including: i) ensuring that no child labor or trafficked labor will be used; ii) no discrimination against the employment of qualified women; and iii) no differential wages paid to men and women for work of equal value.
- (viii) Special measures will be taken in disseminating information to and consulting with women to ensure that they understand clearly the policies, entitlements and other procedures of the resettlement program, and are able to make informed decisions.
- (ix) The NGOs and/or civil society in affected villages will monitor vulnerable PAPs, including female headed households for signs of stress or health impacts due to resettlement activities. If noted, these will be reported to the resettlement committees and the project management unit for assistance.
- (x) The resettlement information system for the project will ensure that all databases and monitoring indicators are disaggregated by gender.
- (xi) The project management unit will provide training for all resettlement committees to build capacity in resettlement administration and to enhance gender and ethnicity sensitivity in resettlement management.

16. Women who are heads and/or members of PAP households as well as other women in the communities will be encouraged and assisted to participate fully in the planning and implementation of the project resettlement program, by drawing on their knowledge, skills and interests. Actions contained in the RAP aim to facilitate this participation including, among others:

- (i) Female members of resettlement committees will be supported in their roles through local exchanges with women in resettlement committees from other road sections to learn from the experiences in other villages.
- (ii) Female PAPs (heads and/or members of PAP households) will be involved with local officials in the identification, review and selection of replacement land for individual residential and/or commercial land, as well as for resettlement sites. Women will also be consulted about resettlement site development such as the location of water supply points.

- (iii) Women will be consulted in the plan for relocation or replacement of village affected structures, such as rice mills and water points, particularly as women and children are the main collectors of water.
- (iv) Female PAPs and other women in local communities will be involved in the planning of local resettlement activities through close coordination with the community mobilizers, and will be assisted by them to develop plans for their own households, including, as necessary, coordinating technical, construction and relocation advice and support from the village and the district officials.
- (v) Female PAPs and other women in local communities will be involved in other initiatives to address the social and environmental impacts of the Project, such as: a) road safety education (due to increased traffic and vehicle speeds); and b) prevention programs for HIV/AIDS/STI and trafficking of women and children.

17. The project will give special attention to women and female households as beneficiaries of the project interventions. Equal participation of women in the whole cycle of the project activities is needed to increase likelihood of the project sustainability. Women in the rural villages play a key role in household economy and community livelihood development. They will be empowered to become active members in community activities and projects and other collective endeavors in support of project implementation and monitoring. Shown in **Table 6** is the Gender Action Plan Matrix.

Table 6: Gender Action Planning Matrix

Project Component	Objective	Activities/ Tasks	Responsible Entity	Indicator	Means of Verification
1. Project Preparation	<p>Identify gender-specific issues and needs to be taken into account in the design of investments and livelihood interventions</p> <p>Involve women in identifying these needs and issues</p> <p>Develop gender-specific indicators for women participation and empowerment to be used for project monitoring and evaluation</p>	<p>Formulate gender baseline information to be included in survey</p> <p>Conduct a survey with gender indicators</p> <p>Conduct focus group discussions with women to identify gender-specific issues and concerns for input into community planning process and design of development interventions</p> <p>Select and train women who will serve as project monitors and motivators</p> <p>Develop gender indicators for project monitoring and evaluation.</p>	PMUs, with participation of Women Community Groups (WCGs)	<p>Gender indicators incorporated in the survey instrument</p> <p>Number of focus group discussions (FGDs) held</p> <p>Number of women and women heads of household who participated in FGDs</p> <p>Set of gender-specific indicators incorporated in project monitoring and evaluation tool</p> <p>Number of community women volunteers willing to serve as project monitors</p>	<p>Survey Instrument</p> <p>Feasibility Study/Village Development Plan/RAP</p> <p>Documented Feedback from women beneficiaries and participants of FGDs</p> <p>List of women volunteers and or list of organizations</p>

Project Component	Objective	Activities/ Tasks	Responsible Entity	Indicator	Means of Verification
2. Project Design	<p>Ensure that community development plans and investment designs take into account women's needs for safety, security, mobility and child care</p> <p>Access to potable water, safe and well, waste disposal facilities with child and senior citizen friendly investment designs</p>	<p>Give GAD briefings and orientation to women members of community associations</p> <p>Prepare the GAD component of the project to include capacity building in understanding the basic areas where they can participate during detailed planning activities of building designs preparation</p>	PMUs, Community/ Village Groups	<p>Investment designs with gender-sensitive and vulnerable groups features</p> <p>Livelihood programs specifically targeting women heads of households</p>	<p>Investment designs</p> <p>Livelihood program plans</p>
3. Project Implementation					
a. Basic Services	<p>Ensure women's access to project benefits</p> <p>Ensure that tenure instruments and contracts give women equal decision-making and asset-ownership Rights Regular consultation with women's group during construction for design adjustments and monitoring of construction activities. Women to project their interest by making it sure that whatever have been agreed upon in the design stage is faithfully</p>	<p>Information and Education Campaign (IEC) directed at women community members to inform them of project benefits and value of participation</p>	<p>PMUs</p> <p>Women motivators</p>	<p>IEC materials distributed. Material to be included is as follows, checklist of eligible investments. Access to micro-financing for the women to have a start –up livelihood activities.</p> <p>Number of women participating in community action planning</p>	<p>Progress Reports</p> <p>Documented Feedback from women beneficiaries</p>

Project Component	Objective	Activities/ Tasks	Responsible Entity	Indicator	Means of Verification
	adhered to during the construction or implementation stage.				
b. Livelihood Interventions	<p>Ensure women's access to project services and benefits</p> <p>Increase the income-earning capacity of women beneficiaries, especially women household heads</p>	<p>Information and Education Campaign</p> <p>Skills trainings to women heads of households</p> <p>Trainings on savings and financial management</p> <p>Organize collective enterprises and self-help groups managed by women</p> <p>Organize community based women collection arm for the livelihood.</p>	<p>PMUs</p> <p>Contracted NGOs, MFIs</p>	<p>Number of women receiving IEC materials</p> <p>Number of trainings conducted</p> <p>Number of participants in trainings</p> <p>Number of enterprises, cooperatives, savings groups, mutual aid groups formed by women</p> <p>Number of women members of these groups</p> <p>Number of microfinance loans extended by MFIs to women headed households</p> <p>Number of skills job referrals and successful marketing referrals</p>	<p>IEC materials produced and used as an information, education and communication tools.</p> <p>Progress Reports</p> <p>Evaluation forms filled out by trainees</p> <p>Existence of functional livelihood support groups (cooperatives, mutual-aid groups and enterprises)</p> <p>Reports of NGOs, MFIs</p> <p>Feedback from women beneficiaries of livelihood loans</p> <p>Reports of external monitoring team for the project</p>
c. Capability Building and Institutional Development	<p>Develop the capacities of women in project and community management and project monitoring</p> <p>Ensure women participation in project management, livelihood programs and project monitoring</p>	<p>Trainings on leadership, organizational management, financial management, investment management, monitoring and evaluation</p> <p>Formation of women's organizations</p> <p>Organizational meetings</p>	<p>PMUs</p> <p>Leaders/Officers of women's groups and committees</p>	<p>Number of trainings conducted</p> <p>Training manuals</p> <p>Number of participants in trainings</p> <p>Number of women's groups and committees formed</p>	<p>Progress reports</p> <p>Evaluation forms filled out by participants of trainings conducted</p> <p>Minutes of organizational meetings</p> <p>List of beneficiaries and the income comparison before the assistance and the current</p>

Project Component	Objective	Activities/ Tasks	Responsible Entity	Indicator	Means of Verification
					income level after the assistance.
d. Monitoring and Evaluation	<p>Involve women in project monitoring and evaluation</p> <p>Assess the project's impact on the welfare of women through the use of gender-specific indicators</p>	<p>Monitoring and evaluation workshops with the community</p> <p>Data collection and review of reports and pertinent documents</p>	<p>PIU</p> <p>External Monitoring Agency (EMA)</p>	<p>Monitoring and Evaluation tools</p> <p>Number of monitoring workshops</p> <p>Number of monitoring and evaluation reports</p>	<p>Monitoring and Evaluation Reports</p> <p>Report card per project beneficiary and their progress in terms of income and or rehabilitation status after the project assistance.</p>

A1.7 Grievance Redress

18. In Cambodia, there is a Decision on the Establishment of National Accountability Working Group (NAWG), and Guideline on the Establishment of Provincial /Municipal Accountability Working Group (PAWG), signed by the Chairman of National Committee for the Management of decentralization and deconcentration reform (NCDD, to ensure accountability, transparency, effectiveness of utilization of all funding sources under the NCDD Budget and Commune/Sangkat Fund. PAWG performs screening and complaint resolution process, disciplinary measures and sanction.

19. The objectives of this mechanism are to ensure PAPs satisfaction with implementation of the RAP, and in effect provide for on the ground monitoring by PAPs of the adequate implementation of the RAP.

20. The project implementer who is responsible for carrying out project activities which are likely the source of grievances (such as the DMS, establishing replacement costs, determining other allowances) is responsible for responding to and resolving grievances in the most timely and acceptable method. However, should PAPs remain dissatisfied, they may bring up their complaints through other avenues as described below.

21. The project will have to set-up the Grievance Redressal Committees (GRC) at the district and provincial levels, composed of concerned departments, local officials, village chiefs, PAP representatives, women representatives, mass organizations will also act as grievance officers. All complaints and grievances will be properly documented by both the district authority; village offices; project implementation unit (PIUs) and addressed through consultations in a transparent manner aimed at resolving matters through consensus. *Table 7* shows the project grievance redress procedure for an investment project.

Table 7. Grievance redress procedure for an investment project

Procedures	Venue	Response Time	Responsible Unit/Institution	Means of Verification/Documentation
Step 1 – Village Level	Public place accessible to complainant/beneficiaries or PAPs	Within 5 days	Village Leader and Village Committee	Written record of grievance, through the assistance of PIUs. Quarterly submission of names and pertinent information about the complainants, nature of complaint, dates the complaints are lodged, and resolution of the same to PIUs.
Step 2 - District Level	District authority's office	Within 15 days	District Authority/PIUs	Written record of grievance from the village committee, through the assistance of PIUs. Quarterly submission of names and pertinent information about the complainants, nature of complaint, dates the complaints are lodged, and resolution of the same to PIUs.
Step 3 – Provincial Level	Provincial government's office	Within 10 days	Provincial government/PIUs	Written record of grievance from the village committee and District authority, through the assistance of PIUs. Quarterly submission of names and pertinent information about the complainants, nature of complaint, dates the complaints are lodged, and resolution of the same to PIUs.

22. The complaint, as a last resort, will be lodged with the Provincial Court of Law and whose decision would be final. Although the technical guidelines for resettlement designate this elevating of the complaint to the local mass organizations, non-benefit organizations and complainant representatives, in order to ensure the availability of adequate resources to carry out this procedure, the PIUs will be responsible for forwarding the complaint and ensuring its process in the courts.

23. In addition the grievance mechanism described above, complainants may also (or permit representatives on their behalf raise their concern or complaint with the World Bank Office in Cambodia if complainants are still not satisfied with the resolution of their complaints at the project and provincial level.

24. All legal and administrative costs incurred by complainants and their representatives at the GRC are to be covered by the project proponent.

A1.8 Monitoring and Evaluation

(a) Internal Monitoring

25. The investment project should be designed to involve community-beneficiaries and affected persons in monitoring the implementation and status of investment activities/subprojects. The district and village authority, together with the community-beneficiary and NGOs will be jointly responsible for the internal monitoring of the actual implementation against the planned activities, time frame, budget and entitlement that will be done on an on-going basis throughout the duration of investment construction. *Table 8* provides the indicators for the internal monitoring by district and village authority for the regular feedback to the project management unit.

Table 8: Internal Monitoring Indicators

Type of Monitoring	Basis for Indicators	Sources of Information
Budget and Time Frame	<ul style="list-style-type: none"> • Have the personnel of PIU and counterpart staff from district and village authority been organized, deputized and provided their office as scheduled? • Have capacity building and training of staff of PIU; District and Village government been conducted on time? • Have the district authority provided adequate budgetary support for compensation of PAPs and beneficiaries? • Have the district authority released and disbursed the equity funding for implementing the project on time? • Has the social preparation phase been undertaken according to schedule? • Have the proposed investment/s been agreed with beneficiaries and PAPs and concurred by the respective district and village authorities? 	PIUs and District authority
Delivery of investment/s and Entitlements	<ul style="list-style-type: none"> • Have all the beneficiaries and PAPs received their respective investment's and compensation and entitlements according to their numbers? • Have the PAPs received their payments on time? • Have special assistance been provided to vulnerable PAPs? • Have all PAPs received the agreed transportation and food allowances? • Have all PAPs that lost their livelihoods or small business received their compensation? • Have all the beneficiaries entitled been implementing investments? • Have the women been trained according to their desired livelihood? • Was the number of women trained on desired livelihood the same as that of the actual number engaged in micro enterprises? • Are the beneficiaries engaged in micro enterprises assisted by micro financing institutions? • Were the actual amounts of investment costs and compensation been disclosed to beneficiaries and PAPs? 	PMUs and District authority Beneficiary-communities
Consultation, Grievance and Special Issues	<ul style="list-style-type: none"> • Were IEC campaign materials prepared and distributed to stakeholders during investment disclosures? • Have consultations, focus group discussions and/or public meetings been undertaken as scheduled? • Were the beneficiaries and PAPs took active participation in planning and implementation according to what were prescribed in the project? • Have any beneficiaries and/or PAPs used the grievance and redress procedures? What were the outcomes? • How many have filed their grievances? What were the outcomes? • Was social preparation for the PAPs taken place? 	Beneficiaries/District authority/PMUs

Benefit Monitoring	<ul style="list-style-type: none"> • Where there changes occurred in patterns of occupation of the beneficiaries compared to their pre-project situation? 	Beneficiaries
	<ul style="list-style-type: none"> • What changes have occurred in income and expenditures patterns compared to pre-project situation? What have been the changes in cost of living compared to pre-project situation? Have the incomes of housing beneficiaries kept pace with these changes? 	Beneficiaries
	<ul style="list-style-type: none"> • What changes have taken place in the lifestyle of beneficiaries? 	Beneficiaries

(b) External Monitoring

29. Where applicable, the PIUs will hire the services of External Monitoring Advisor (EMA) to assess the implementation of the investment project, and will report the key finding directly to World Bank. External monitoring should be conducted twice a year during the implementation of the project to identify any issues that might need immediate response from PIUs and the implementing District governments. Related to operational procedures, the EMA will identify the associated issues and problems encountered in the staffing of district offices, consultations and grievances resolution as well as the critical operation procedures like the provision of adequate budgetary support. *Table 9* sets out the essential indicators that should be highlighted in external monitoring.

Table 9: External Monitoring Indicators

Type of Indicators	Indicators	Information Required in Monitoring and Evaluation
Process Indicators	Staffing	<ul style="list-style-type: none"> • Number of PIU and district staff assigned for project implementation; • Number of Social Development and Resettlement Specialist assigned by PIUs.
	Consultation, Participation, and Grievances Resolution	<ul style="list-style-type: none"> • Number of consultations and participation programs held with PAPs and various stakeholders; • Types of IEC campaign materials distributed to target-beneficiaries and PAPs; • Number and types of grievances received from beneficiaries and PAPs and the number of days consumed in resolving them by concerned GRCs; • Number and names of representatives who participated in the consultations and in the implementation of the investment project.
	Operational Procedures	<ul style="list-style-type: none"> • Types of forms used in recording the activities undertaken in the project implementation; • Efficiency of coordination with PIUs., district authority; PAPs and other institutions/stakeholders; • Type of database being maintained; • Efficiency of PIUs. and district government staff; • Efficiency of compensation payment system; • Adequacy of logistical support for implementing the investment project; • Asses if the project policies in RAPs have adequately been complied with.
	Issues and Problems Encountered	<ul style="list-style-type: none"> • Indicate the issues and problems encountered in staffing, during consultations and grievances resolution, and in the execution of operational procedures.
	Compensation and Entitlement	<ul style="list-style-type: none"> • Number of PAPs awarded with housing units, if any; • Indicate if the type of compensation delivery is either one time or installment; • Indicate the number of PAPs engaged in micro business who were compensated for their loss of business incomes; • Indicate if the number of PAPs provided with transportation assistance; • Indicate if food assistance were given to PAPs who transferred to staging area or to other destinations; • Indicate if the PAPs were given allowance/assistance for the dismantling and reconstruction of their housing units in as well as for the dismantling of their structures upon transfer.
	Social Rehabilitation	<ul style="list-style-type: none"> • Indicate the number of women that attended the livelihood trainings; • Indicate the number of PAPs, especially women, who have set up their micro enterprises after the training on livelihood development; • Indicate if the PAPs have adequate access on safe drinking water.

	Issues and Problems Encountered	<ul style="list-style-type: none"> • Indicate the issues and problems encountered in the implementation of investment/s, payment of compensation and entitlement and social rehabilitation of PAPs.
Impact Indicators	Household Earning Capacity	<ul style="list-style-type: none"> • Present income as compared to income from pre-project level; • Employment of housing beneficiary members in investment construction; • Change in income of micro entrepreneurs.
	Health and Environment	<ul style="list-style-type: none"> • Problems/issues on waste management disposal; • Improved access to safe drinking water; • Improvement on health conditions of women and children.
	Changes in Socio-cultural Pattern	<ul style="list-style-type: none"> • More women participating in micro enterprises; • Access to new technology brought about by having electricity connections;

A1.9 WB Policies for Public Consultation and Information Disclosure

30. Public Consultation and Information Disclosure (OP. 17.50) defines the Bank's requirements for giving the public access to project information and documentation. It requires that during the planning and preparatory process, project beneficiaries and affected groups and local NGOs shall be consulted and the environment and social aspects of the project should be presented. The consultation should be an on-going process throughout the design and implementation of investments and must be compliant with all other applicable safeguard policies. The policy also requires that any relevant material such as the environmental assessment study, social assessments, resettlement action plan, etc. should be made accessible, in a timely manner and in a form language understandable to the groups being consulted.

Annex 2: Social Screening Checklist Form

Proposed Activity:

Brief Description:

.....

Location:

Filled out by:

Organization:

Date:

Attachments:

Prepared with the following Partner Organizations / Community Representatives:

Remarks:

General Instructions:

- This checklist is to be completed to support the verification of the project activity or subproject that involves land acquisition, compensation, and/or restriction of resources access. It focuses on social issues to ensure that social dimensions are adequately considered during selection of the activities/subprojects. If applicable please use the “remarks” section to discuss any suggested mitigation measures. The information should be collected in consultation and coordination with local government, communities, NGOs and leaders of affected community.*

QUESTIONS	No	Yes	MITIGATION MEASURES REQUIRED?
A. PROJECT SITING			
ARE THERE ANY OF THE FOLLOWING STRUCTURES OR RESOURCES IN THE SUB-PROJECT CONSTRUCTION AREA?			
• Private households	<input type="checkbox"/>	<input type="checkbox"/>	
• Private small businesses/shops	<input type="checkbox"/>	<input type="checkbox"/>	
• Roads, footpaths or other access routes	<input type="checkbox"/>	<input type="checkbox"/>	
• Agricultural land	<input type="checkbox"/>	<input type="checkbox"/>	
• Natural resources shared by community members	<input type="checkbox"/>	<input type="checkbox"/>	
• Cemetery or other area/structures of religious or cultural significance	<input type="checkbox"/>	<input type="checkbox"/>	
• Other:	<input type="checkbox"/>	<input type="checkbox"/>	
ADDITIONAL REMARKS/SUGGESTIONS:			
B. POTENTIAL SOCIAL IMPACTS			
WILL THE SUB-PROJECT CAUSE:			
• Temporary loss of land or resources for any families?	<input type="checkbox"/>	<input type="checkbox"/>	
• Permanent loss of land or resources for any families?	<input type="checkbox"/>	<input type="checkbox"/>	
• Conflicts in water supply rights and related social conflicts?	<input type="checkbox"/>	<input type="checkbox"/>	
• Impediments to movements of people and animals?	<input type="checkbox"/>	<input type="checkbox"/>	
• Dislocation or involuntary resettlement of people?	<input type="checkbox"/>	<input type="checkbox"/>	
• Potential social conflicts arising from land tenure and land use issues?	<input type="checkbox"/>	<input type="checkbox"/>	
• Deterioration of livelihoods or living conditions of women or the poorest families in the sub-project service area?	<input type="checkbox"/>	<input type="checkbox"/>	
• Other:	<input type="checkbox"/>	<input type="checkbox"/>	
.....			
C. OTHER REMARKS:			

QUESTIONS	No	Yes	MITIGATION MEASURES REQUIRED?
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D. Involuntary Resettlement Category⁷

After reviewing the answers above, the PIUs or PIU consultants agree, subject to confirmation, that the project is a:

- “The affected people are not physically displaced and less than 10% of their productive assets are lost”, an abbreviated Resettlement Action Plan is required
- The proposed subproject may result in more significant impacts, i.e. displacement of people and more than 10% of their productive assets are lost, then a RAP will be prepared.
- No anticipated displacement, and loss of assets are negligible

E. POTENTIAL SOCIAL IMPACTS ON VULNERABLE GROUPS, IF ANY:

WILL THE SUB-PROJECT:

- | | | |
|--|--------------------------|--------------------------|
| • Affect poverty group? | <input type="checkbox"/> | <input type="checkbox"/> |
| • Affect women headed households? | <input type="checkbox"/> | <input type="checkbox"/> |
| • Affect Ethnic Groups or Indigenous People? | <input type="checkbox"/> | <input type="checkbox"/> |
| • Affect other vulnerable groups? | <input type="checkbox"/> | <input type="checkbox"/> |

F. OTHER REMARKS:

REQUIRED SAFEGUARD DOCUMENTS:

- | | | |
|--|--------------------------|--------------------------|
| • Resettlement Action Plan (RAP)? | <input type="checkbox"/> | <input type="checkbox"/> |
| • Indigenous People’s Dev’t Plan (IPDP)? | <input type="checkbox"/> | <input type="checkbox"/> |
| • Land Titles or Documentation? | <input type="checkbox"/> | <input type="checkbox"/> |
| • Community Declarations? | <input type="checkbox"/> | <input type="checkbox"/> |
| • Other? | <input type="checkbox"/> | <input type="checkbox"/> |

⁷ World Bank OP 4.12, Policy on Involuntary Resettlement

QUESTIONS	No	Yes	MITIGATION MEASURES REQUIRED?
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G. OTHER REMARKS:

H. CONCLUSIONS/RECOMMENDATIONS:

I. SIGNING OFF:

IMPLEMENTING AGENCY:

**KDP SAFEGUARD
COORDINATOR:**

NAME:

.....

POSITION:.....

DATE:

.....

NAME:

.....

POSITION:.....

DATE:

.....

Annex 4 – Contents of an Abbreviated RAP

- Project Description and Location
- Potential displacement due to proposed subprojects
- Legal Framework
- Census and socioeconomic survey of affected families, properties and businesses
- Impacts caused by displacement
- Main findings of socio-economic survey
- Proposed assistance to affected families/persons
- Responsible partner Organizations/Institutions
- Source of Funds and Cost Estimates
- Resettlement Schedules
- Monitoring and Evaluation

Annex 5 - Outline for a Resettlement Action Plan

I. Introduction

- Description of project components
- Summary Description of adverse impacts and assets acquisition
- Identification of principal stakeholders including social groups vulnerable to impoverishment or debilitation
- Indicate measures taken to minimize adverse impacts

II. Census and Socioeconomic Survey Results

- Review socio-economic characteristics of Project Affected Persons (PAPs), including: spatial distribution, household size and composition; age-sex structure; income levels, including primary occupation, supplementary sources of income, and subsistence activities; tenure and ownership status (land and structures); characteristics of collective land holdings, including area and qualitative characteristics; characteristics of structures, including construction types.
- Information should be provided disaggregated by ethnic groups, if any and gender
- Categories and numbers of PAPs by type and degree of impacts such as:
 - a) Severely affected households due to loss of productive assets and required to relocate
 - b) Severely affected households due to loss of residence, business premises
 - c) Partially affected households likely to be marginalized due to the loss of land, house, or business premises but not required to relocate
 - d) Households affected by minor impacts, receiving only easement compensation or “moving back” assistance
 - e) Tenants, laborers, employees, or other non-landed persons adversely affected by the project

III. Compensation Entitlement Criteria

- Description of objectives of compensation policy
- Eligibility criteria for PAPs, including “cut-off date”, if necessary
- Description of compensation entitlements and other forms of assistance for each category of PAPs
- Description of specific measures to mitigate adverse impacts on vulnerable groups (if relevant)
- Entitlement Matrix

IV. Resettlement Action Plan (if necessary)

- Review of suitability of alternative relocation sites
- Site selection criteria
- Review of environmental protection and management at resettlement sites
- Preliminary relocation options of PAPs
- Review of options for provision of shelter, infrastructure and social services
- Review of consultation procedures with PAPs in selection of resettlement alternatives during implementation
- Socioeconomic data gathering host population, if applicable

V. Income Restoration Measures (as necessary)

- Description of eligibility criteria for income restoration measures

- Feasibility analysis of any alternative income restoration programs including use of collective land compensation, training needs of PAPs in the context of employment opportunities and market demand, access to credit and micro-enterprise support for PAPs interested in small business development
- Institutional arrangements to finance and manage income restoration programs

VI. Public Participation, Consultation, Disclosure and Grievance Redress Mechanism

- Public Consultation exercises conducted during the RAP preparation (provide details), including gender-specific consultation and information disclosure. This would include special attention to guarantee women's assets, property, and land use rights and to ensure the restoration of their income and living standards
- Description of opportunities for PAPs to participate in resettlement planning and implementation
- Procedures adopted for filing complaints, review and decision-making
- Procedures for disclosing RAP and resettlement information on compensation and resettlement options to PAPs in a form and language that they can understand

VII. Organizational set-up

- Administrative set-up and plans for training and capacity building as needed

VIII. Monitoring and Supervision

- Listing of performance monitoring indicators
- Institutional responsibilities and procedures for internal project monitoring
- Discussion of role, if any, of Community based organization and non-benefit organizations
- Content and frequency of monitoring reports

IX. Cost Estimates and Budget

- Estimate of aggregate costs for each type of asset loss
- Estimated costs for income restoration programs, administration, supervision and monitoring
- Statement of financial responsibility for all resettlement-related costs
- Physical and Price Contingencies

X. Implementation Arrangement

- Timetable for implementation of all resettlement activities, tied to overall subproject timetable
- Procedures for implementation or delivery of key elements, as relevant:
 - a) Review of land-for-land arrangements, including timetable and funding for development of relocation sites and necessary services or other inputs
 - b) Review of procedures for payment of compensation
 - c) Procedures for assessing adequacy of compensation
 - d) Operational procedures for job placement, microfinance, or other income restoration programs

Annex 6 - Information Required for the Preparation of IPDP

- The basic census, socio-economic data and inventory of affected assets;
- Household ownership of economic and productive assets
- Annual income from primary and secondary employment opportunities
- Economic information of community (e.g. brief information on economic and natural resources, production and livelihood systems, tenure systems)
- Social information of community (e.g. description of kinship, value system, types of social organizations of formal and informal groups)
- Potential impact of proposed subproject on basic social services (e.g. water supply, health clinics and schools)
- Potential impact of subproject on the social and economic livelihood.

