

Resettlement Framework

November 2022

Cambodia: Cross-Border Livestock Health and Value-Chain Infrastructure Improvement Project

Prepared by Ministry of Agriculture, Forestry and Fisheries for the Asian Development Bank and the Asian Infrastructure investment Bank.

CURRENCY EQUIVALENTS
(as of 28 October 2022)

Currency unit	–	riel (KR)
KR1.0	=	\$0.00024
\$1.0	=	KR4,137

ABBREVIATIONS

ADB	–	Asian Development Bank
AP	–	affected people
BRP	–	Basic Resettlement Plan
CAO	–	Cadastral Administration Office
DCZ	–	disease control zone
DDR	–	due diligence report
DIMDM	–	Department of Internal Monitoring and Data Management
DKLBM	–	Doun Keo Live Bird Market
DMS	–	Detailed Measurement Survey
DP	–	displaced person
DRP	–	detailed resettlement plan
EMP	–	environmental management plan
FGD	–	focus group discussion
FMD	–	foot and mouth disease
GDR	–	General Department of Resettlement
GMS	–	Greater Mekong Subregion
GRM	–	Grievance Redress Mechanism
IRP	–	Income Restoration Program
IRC	–	Inter-Ministerial Resettlement Committee
IOL	–	Inventory of Loss
MAFF	–	Ministry of Agriculture, Forestry and Fisheries
MEF	–	Ministry of Economy and Finance
PGRC	–	Provincial Grievance Redress Committee
PV	–	Prey Veng
QC	–	Quarantine Center
RD2	–	Resettlement Department 2
RCS	–	Replacement Cost Study
RGC	–	Royal Government of Cambodia
RF	–	Resettlement Framework
ROW	–	Right-of-Way
SES	–	Socioeconomic Survey
SOP	–	Standard Operating Procedures
SPS	–	Safeguard Policy Statement (ADB 2009)
TWG	–	Technical Working Group
VAHW	–	village animal health worker

GLOSSARY

- Affected Person** – In the context of involuntary resettlement, affected persons are those who are physically displaced (relocation, loss of residential land, or loss of shelter) and/or economically displaced (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas. (ADB SPS 2009.)
Affected persons are also referred to as displaced persons.
- Compensation** – Refers to payment in cash or in kind for an asset or resource that is acquired or affected by a Project at the time the asset needs to be replaced. All compensation is based on the principle of replacement cost, which is the method of valuing assets to replace the loss at current market rates, plus any transaction costs such as administrative charges, taxes, registration and titling costs.
- Consultations** – A process that (i) begins early in the project preparation stage and is carried out at different stages of the project and land acquisition and involuntary resettlement cycle; (ii) provides timely disclosure of relevant and adequate information in Khmer Language that is understandable and readily accessible to Displaced Person (DP); (iii) is undertaken in an atmosphere free of intimidation or coercion with due regard to cultural norms; and (iv) is gender inclusive and responsive, and tailored to the needs of disadvantaged and vulnerable groups; enables to consider the incorporation of all relevant views of affected people and other stakeholders into decision making, such as project design, mitigation measures and implementation issues.
- Corridor of Impact** – It is the area which is required by the project or by the need to retain sites for future use for construction or for repair and maintenance of public works.
- Cut-off-date** – For this project (i) if the subproject is prepared based on a feasibility study, the cut-off date is the start date of the first consultation meeting with the DPs during the census, and (ii) if the subproject is prepared based on detailed engineering design, the cut-off date is the date of the commencement of the detailed measurement survey. It is also the date that establishes the eligibility for compensation and resettlement assistance for the project DPs. Only those DPs who own, occupy or reside on the land to be acquired under the Project as of this date, will be eligible for receiving compensation and resettlement assistance in accordance with the Entitlement Matrix specified in the land acquisition and resettlement plan.
- Detail Measurement survey** – With the aid of detailed engineering design, this activity involves the finalization of the inventory of loss (IOL), measurement of losses, 100% Socio-economic Survey, and 100% census of DPs.

Displaced Household (DH)	– Any household physically and/or economically directly affected because of land acquisition and involuntary resettlement. Household means all persons living and eating together as a single social unit.
Displaced Person (DP)	– In the context of involuntary resettlement, DPs are those who are physically displaced (relocation, loss of residential land, or loss of shelter) and/or economically displaced (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas.
Economic Displacement	– Refers to loss of land, assets, access to assets, income sources, or means of livelihood because of (i) involuntary acquisition of land, or involuntary restrictions on land use or on access to legally designated parks and protected areas.
Eligibility	– Refers to any person or persons, household, firm, private or public institution who has settled in the Project area before the cut-off date, that (i) loss of shelter, (ii) loss of assets or ability to access such assets, permanently or temporary, or (iii) loss of income sources or mean of livelihood, regardless of relocation will be entitled to be compensation and/or assistance.
Entitlements	– Refers to a range of measures comprising compensation, income restoration support, transfer assistance, relocation support, etc. which are due to the DPs, depending on the type and severity of their losses, to restore their economic and social base.
Income Restoration	– Refers to re-establishing productive livelihood of the DPs to enable income generation equal to or, if possible, better than that earned by the DPs before the resettlement or of pre-project levels.
Indigenous People	<p>According to the ADB SPS 2009, the term “Indigenous Peoples” is used in a generic sense to refer to a distinct, vulnerable, social and cultural group possessing all the following characteristics in varying degrees:</p> <ul style="list-style-type: none"> (i) self-identification as members of a distinct indigenous cultural group and recognition of this identity by others; (ii) collective attachment to geographically distinct habitats, ancestral territories in project area and to the natural resources in these habitats and territories; (iii) customary cultural, economic, social, or political institutions that are separate from those of the dominant society or culture; and (iv) a distinct language often different from the official language of the country or region.

- Inventory of Losses – This is the process where all fixed assets (i.e., lands used for residence, commerce, agriculture, including ponds; dwelling units; stalls and shops; secondary structures, such as fences, tombs, wells; trees with commercial value; etc.) and sources of income and livelihood inside the Project right-of-way are identified, measured, their owners identified, their exact location pinpointed, and their replacement costs calculated. Additionally, the severity of impact to the affected assets and the severity of impact to the livelihood and productive capacity of DPs will be determined.
- Involuntary Resettlement – Refers to when displaced persons have no right to refuse land acquisition by the state that result in their displacement which occurs when land is acquired through (i) expropriation by invoking the eminent domain power of the state, or (ii) land is acquired through negotiated settlement when the pricing is negotiated, and the failure will result in expropriation through invoking the eminent domain of power of the state.
- Land Acquisition – Refers to the process whereby individual, household, firm or private institution is compelled by a public agency to alienate all or part of the land it owns or possesses to the ownership and possession of that agency for public purposes in return for compensation at replacement costs.
- Negotiated Settlement – This applies to land rights or land use rights acquired or restricted through negotiated settlements with property owners or those with legal rights to the land, if failure to reach settlement would have resulted in expropriation or other compulsory procedures (SPS Appendix 2, Page 48, para. 25). Negotiated settlements is used to avoid expropriation and eliminate the need to use involuntary resettlement. The Government can acquire land and other assets through a negotiated settlement, based on meaningful consultation with affected persons, including those without legal title to assets. A negotiated settlement will offer adequate and fair price for land and/or other assets. The Government will ensure that any negotiations with displaced persons openly address the risks of asymmetry of information and bargaining power of the parties involved in such transactions. For this purpose, the Government can engage an independent external party to document the negotiation and settlement processes.
- Physical Displacement – Refers to relocation, loss of residential land, or loss of shelter because of (i) involuntary acquisition of land; or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas.
- Relocation – This is the physical relocation of a displaced people from her/his pre-project place of residence and/or business.

- Replacement Cost – Replacement cost involves replacing an asset, including land, at a cost prevailing at the time of its acquisition. This includes fair market value, transaction costs, interest accrued, transitional and restoration costs, and any other applicable payments, if any. Depreciation of assets and structures should not be considered for replacement cost. Where there are no active market conditions, replacement cost is equivalent to delivered cost and building materials, labor cost for construction or relocation costs. Where land market conditions are absent or in a formative stage, the DPs and host populations will be consulted with to obtain adequate information about recent land transactions, land value by types, land titles, land use, cropping patterns and crop production, availability of land in the project area and region, and other related information.
- Replacement Cost Study – This refers to the process involved in determining replacement costs of affected assets and land and performed by an independent qualified national consultant (firm or individual) with necessary expertise to conduct asset valuation.
- Resettlement Plan – This is a time-bound action plan, with budget, setting out the resettlement objectives and strategies, entitlements the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and implementation schedule.
- Major Impact – Refers to DHs who will (i) lose 10% or more of their total productive land and/or assets; (ii) have to relocate; and/or (iii) lose 10% or more of their total income sources due to the Project.
- Vulnerable Groups¹ – These are distinct groups of DPs who are likely to be more adversely affected than others and who are likely to have limited ability to reestablish their livelihoods or improve their status and comprise: (i) all households living below the national poverty rate established by the Royal Government of Cambodia,; (ii) female headed households with dependents living below the national poverty rate, (iii) disabled headed households with no other means of support, (iv) elderly headed households with no other means of support, and (v) indigenous people (who often have traditional land rights but no formal titles)
- Willing Buyer Willing Seller – Process where the Government purchases a property from private owner with a fair market value, which a willing seller approves. In the arrangement neither party is being under any compulsion to buy or to sell and both having reasonable knowledge of relevant facts, and eminent domain is not used.

¹ The group is classified under Sub-decree No. 291 ANKr. BK on Identification of Poor Households issued with ID Poor Cards by Royal Government of Cambodia

NOTE

In this report, "\$" refers to United States dollars.

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EXECUTIVE SUMMARY

1. This Resettlement Framework (RF) has been prepared for the Greater Mekong Subregion (GMS) Cross-Border Livestock Health and Value Chains Improvement Project (the Project). It outlines the resettlement policy principles, procedures, and institutional arrangements to mitigate risks and offer sustainable livelihood and development opportunities to the people affected by the Project. It is based on applicable Cambodian laws and regulations of the Safeguard Policy Statement 2009 of the Asian Development Bank (ADB).
2. The Project is aligned with the following impact: GMS vision as a leading supplier of safe and environment-friendly agriculture products realized (Strategy for Promoting Safe and Environment-friendly Agro-based Value Chains in the Greater Mekong Subregion and Siem Reap Action Plan, (2018–2022) (footnote 16). The Project will have the following outcome: health, value chains, and formal trade of livestock and livestock products improved. The project, which will target the provinces of Kampong Cham, Otdar Meanchey, Phnom Penh, Prey Veng and Siem Reap, Takeo, will have three outputs: (i) livestock health and value chain infrastructure expanded and upgraded in a climate-friendly manner; (ii) capacity for improved production and health of livestock and livestock products strengthened; and (iii) enabling policies for better supply, health, safety and trade in livestock and livestock products enhanced.
3. From the outset it is the Government's intention that it will rigorously seek to avoid any subprojects that involve any land acquisition or physical resettlement whatsoever, but it has acknowledged this RF is necessary to pre-empt any unforeseen impacts. The five subprojects: (i) Livestock Inspection Center in Otdar Meanchey (OMLIC); (ii) National Veterinary Vaccine Center (NVVC) in Kandal province; (iii) National Cattle Breeding Center (NCBC) in Kampong Thom province; (iv) Doun Keo Live Bird Market (DKLBM) in Takeo province; and (v) the National Animal and Health and Production Research Institute (NAHPRI) in Phnom Penh are based on due diligence undertaken between June 2021 and May 2022 and do not trigger involuntary resettlement impacts because there is no physical or economic displacement. All the construction works under the five subprojects will be conducted on the state-owned land, acquisition of private land of individuals and/or households, therefore, is not required. For the DKLBM, there will be some temporary impacts because live bird and carcass vendors will need to relocate to another section in the market, however, it has been determined that this will not affect the vendors income or wellbeing.
4. The RF has been prepared to guide the subproject selection, screening and categorization of the subprojects regarding involuntary resettlement (IR), IR impact assessment, preparation and implementation of detailed resettlement plans (DRP) and due diligence reports (DDRs) and monitoring of RP implementation. While the five planned subprojects do not trigger any IR concerns, this RF is required to identify possible impacts relating to land acquisition and involuntary resettlement by other possible subprojects in the future, the main issue being where Affected People (AP) deriving income from any facilities, such as abattoirs and markets that may be identified for upgrading and expansion could possibly be impacted on a temporary basis. However, the project will not support any form of physical relocation and the RF has excluded any provision for such actions. For subprojects developed during project implementation, measures will be undertaken to avoid all resettlement impacts.
5. Generally, there are no major gaps between the safeguards policy of the ADB vis-à-vis IR and that of the Government of Cambodia. Where there are gaps (relating to the impacts on living standards and severity of losses) the RF ensures that General Directorate of Animal Health and Production (GDAHP) take responsibility for monitoring outcomes on a quarterly basis and that

AP. This means any ensuing DRP can be monitored to ensure that all AP cannot only have their income restored to pre-project standards but ideally improved upon.

6. Following the screening of subprojects for IR impacts and it is assessed that there are such impacts a socio-economic information will be collected, and profiles prepared for any DRP preparation. This includes as a preliminary step, a socio-economic survey (SES) of APs. Concurrently a census and IOL will be undertaken based on the preliminary design of the subproject. Based on the detailed engineering design a detailed measurement survey (DMS) will be undertaken on affected land and non-land assets of all the households affected by a subproject will be carried out. Based on this DMS that compensation for income-generation or in the case of AP other affected assets will be undertaken, and any necessary income restoration measures will be offered as per the Entitlement Matrix in the RF. Entitlement to compensation will be based on the cut-off date. The Entitlement Matrix covers all known types of land use but of relevance to this Project there are likely, for the most part, to be temporary impacts. The methodology for assessing affected assets is based on the identified types of potentially affected assets. Also, the Replacement Cost Survey (RCS) will be undertaken by an independent firm qualified and experienced in asset valuations to determine the market rates of affected assets.

7. Consultation of APs is necessary during the preparation of the feasibility study, detailed design stage, civil works construction, and operation and maintenance if via screening for IR impacts it is assessed that there may be IR impacts. This process was undertaken for all five subprojects but only one, the DKLBM Upgrading in Takeo Province was assessed as possibly resulting in some temporary IR impacts. The DDRs undertaken and included in the project documentation are evidence that consultations were undertaken. These consultations will be facilitated at the village, commune and district level and are required to be socially inclusive of all APs irrespective of gender, age, or economic status. Focus Group Discussions (FGD) involving 10-15 participants and including, if necessary, separate women and men's FGDs or poor and vulnerable APs. Information in the Khmer language will be disclosed that includes the summarized project information brochure, RF, draft DRP, and implementation ready DRP and semi-annual monitoring reports. Suitable communication methods will be identified for illiterate people. GDAH and ADB will also post project relevant information on their websites in Khmer and English.

8. A Grievance Redress Mechanism (GRM) has been prepared that sets out the steps where APs may seek grievance redress. This GRM is based on processes that exist in Cambodia to seek grievance redress, including, in the last resort, seeking grievance redress in a Court of Law. It is also possible to seek grievance redress through the ADB if there is no satisfactory outcome locally. However, the RF has been prepared on the basis that, where possible, grievances should be resolved at the local level.

9. The cost for all compensation and resettlement assistance under the Subproject will be financed from the national budget and no financing will be required from the ADB loan and grant. After approval of a DRP and budget and prior to consultation with the APs, GDR will prepare a compensation plan and consult and draft contracts for compensation payments to the APs. Compensation payments will be done in full after the contracts have been signed, and completion of payments will be reported in the DRP Implementation Report submitted to ADB.

10. Subprojects will be implemented by GDAH as the implementing agency (IA) through the National Project Management Office (NPMO), which will support GDAH in undertaking overall oversight and management of the Project. The Project Implementation Consultant (PIC) will support Project Management Unit (PMU) to ensure that procedures are followed and that the implementation schedules are kept on track. It will not, however, be responsible for LAR activities

that are mandated to the General Department of Resettlement (GDR). GDAHP and its PMU will coordinate closely with the Inter-Ministerial Resettlement Committee-Working Group (IRC-WG) on all matters concerning IR, working closely with Resettlement Department 2 (RD2). This Department has been assigned responsibility for this Project by GDR within the Ministry of Economy and Finance (MEF) to implement the DRPs.

11. The RF includes two basic continuous tasks: (i) internal monitoring on a quarterly basis ; and (ii) semi-annual social safeguards monitoring both by the Department of Internal Monitoring and Data Management (DIMDM) of GDR. Monitoring and reporting is necessary in the following areas: (i) set up of institutional arrangements; (ii) compensation payments for entitlements; (iii) grievance redress; (iv) public consultations; (v) budget expenditures; (vi) livelihood support program, where applicable distribution/placement and temporary move of vendors from the market site; (vii) overall progress against agreed implementation schedule; and (viii) major problems and issues.

I. INTRODUCTION

1. This Resettlement Framework (RF) has been prepared for the Greater Mekong Subregion (GMS) Cross-Border Livestock Health and Value Chains improvement Project (the Project). It outlines the resettlement policy principles, procedures, and institutional arrangements to mitigate risks and offer sustainable livelihood and development opportunities to the people affected by the project. It is based on applicable Cambodian laws and regulations and the Safeguard Policy Statement 2009 of the Asian Development Bank (ADB). However, from the outset the Government's intention that it will rigorously seek to avoid any subprojects that involve any land acquisition or physical displacement whatsoever, but it has acknowledged this RF is necessary to pre-empt any unforeseen impacts. Thus, this RF is required to identify possible impacts relating to land acquisition and resettlement (LAR) activities, the main issue being where affected people (AP) deriving income from any facilities, such as abattoirs and markets that may be identified for upgrading and expansion could possibly be impacted permanently or on a temporary basis.

A. Project Description

2. The Project has three outputs that are explained in full detail in the Project Administration Manual but here it is sufficient to briefly identify the outputs as follows:

- (i) **Output 1:** Livestock health and value chain infrastructure expanded and upgraded in a climate-friendly manner;
- (ii) **Output 2:** Capacity for improved production and health of livestock and livestock products strengthened;
- (iii) **Output 3:** Enabling policies for better supply, health, safety, and trade in livestock and livestock products enhanced through gender-responsive policy support.

3. It is Output 1 that contains the subprojects relevant to Involuntary resettlement issues that constitute the ADB Safeguard Policy Statement (SPS) 2009 and for which reference will be made throughout this RF. The subprojects that either have been the subject of due diligence to date relate to quarantine centers and disease control zones, the National Veterinary Vaccine Center, a National Cattle Breeding Center, the National Animal Health and Production Research Institute and Doun Keo Live Bird Market. Apart from the National Veterinary Vaccine Production Center, which is in Kandal Province and the National Animal Health and Production Research Institute, which is in Phnom Penh, all the other subprojects will be in the actual project provinces of Otdar Meanchey, Siem Reap, Kampong Cham, Prey Veng and Takeo. However, it is important to provide some context as to the why this Project has been developed. The livestock subsector in the GMS which comprises Cambodia, Lao People's Democratic Republic, Myanmar, Thailand, and Viet Nam, as well as the Yunnan and Guangxi provinces of the People's Republic of China is one of the world's major food production regions where agriculture plays a particularly important economic role. The GMS has a high potential for economic growth and contribution to enhanced food security and livelihoods. Livestock production has more than doubled between 2006 and 2016 and is expected to continue in the medium-term. The GMS countries have enjoyed annual gross domestic product growth rates of more than 6% since 1995. Increasing household incomes have affected dietary preferences, leading to rapid growth in demand for livestock and livestock products. Such rising demand presents opportunities for smallholders, including women, and small and medium agribusinesses.

4. While rice production remains the major contributor to the agricultural sector, the GMS is an important producer of animal products including beef, poultry meat, eggs, and pork, with over 23 million smallholder livestock farmers. Small farms feed a substantial proportion of the

population who provide food for a large proportion of the population. Livestock constitutes a major asset and plays a key role in poverty alleviation and household food, including providing fertilizer, protein, saving for occasional expenses, irregular income from trade, and, nowadays rarely, draught power.

5. Livestock farming is typically part of a mixed farming system with agricultural activities. Nearly 90% of all livestock are owned by smallholder farmers. Smallholder farmers may own a few cows, pigs, and/or 10-30 chickens. Large ruminants are generally regarded as the most important domestic livestock species for rural farmers. In Cambodia, livestock contributions are not restricted to meat and milk; they are also a source of wealth, employment, and transport to smallholder farmers in rural communities. The country remains predominantly agrarian, and livestock is the main asset for approximately 70% of rural households.

6. The livestock subsector in Cambodia has great growth potential, due to the country's increasing meat consumption brought about by urbanization and its fast-growing population, but growth depends on how effectively Cambodia can improve the efficiency and competitiveness of its livestock industry.

7. The major constraints of the livestock industry in Cambodia are the high costs of local animal production, including the lack of access to quality breeding stock and endemic diseases, but are also related to poor infrastructure and high market volatility.

8. Within this background and context, the Department of Animal Health and Production in 2016 was upgraded to General Directorate of Animal Health and Production (GDAHP) and developed the "Strategic Planning Framework for Livestock Development: 2016–2025"¹ which identified strategic issues and planning to address the Cambodian livestock subsector during the next ten years, including addressing limitations on animal production, animal health, market growth, food safety, and public health amelioration, poverty alleviation and food security, strengthening of the private sector, support to farmer groups/associations, strengthening of the Village Animal Health Workers (VAHWs), regional economic integration and important cross-cutting issues such as gender and climate change.

9. The animals are typically free-ranging, without any biosecurity. While such a situation is suitable for rural and geographically limited economies, this poses problems for harnessing livestock rearing as a driver of economic growth: small-scale, family-based livestock husbandry does not easily lend itself to expansion or the development of regional trade and export industries. The lack of biosecurity also compromises animal health and makes epidemic diseases much more likely.

10. Over the past two decades, Cambodia has undergone a significant transition, reaching lower-middle-income status in 2015 and aspiring to attain upper-middle-income status by 2030. Driven by garment exports and tourism, Cambodia's economy has sustained an average growth rate of 8% between 1998 and 2018, making it one of the fastest-growing economies in the world. While easing slightly, growth remained strong, and was estimated to have reached 7.1% in 2019. Unfortunately, the coronavirus disease (COVID-19) pandemic is significantly impacting Cambodia's economy – in 2020 the economy is projected to register negative growth of -2%².

11. The agricultural subsector, which comprises crops, livestock, fisheries, and forestry/wildlife contributed approximately 21% (current price) of the Gross Domestic Product in

¹ Government of Cambodia. 2016. *GDAHP 10 Year Strategic Plan 2016-2025*. Phnom Penh, Cambodia.

² World Bank. 2020. *The World Bank in Cambodia*. <https://www.worldbank.org/en/country/cambodia/overview>.

2019 and employs a large part of the workforce. However, this is now decreasing because of mechanization and also of the growing industrial sector, such as the garment industry, which attracts an increasing number of rural people, in particular women. Rice is Cambodia's major crop, its principal food, and its most important export commodity. Livestock including poultry ranks third with an 11.11% contribution to the Agriculture Gross Domestic Product behind fisheries (24.3%).

12. A critical aspect is the main production system of Cambodia which still relies widely on family farming, including most of the cattle production as well as buffalo and small ruminant (predominantly goat) and poultry production (68.7%). Only pig production has shifted from family farming to commercial farming because of the increased use of artificial insemination.

13. Results of the Final Evaluation of the European Union's Promotion of inclusive and sustainable growth in the Agricultural Sector: Fisheries and Livestock Project found that in all visited provinces, 60–85% of free-range pig and chicken production systems (less significant for cattle) are now replaced by intensive rearing systems with successful and sustainable value chains developed for pigs and poultry. Artificial Insemination for cattle is functioning in 14 provinces and in 10 provinces for pigs. This has resulted in improved breed quality and increased farmer's income. Chicken raising enterprises are sustainable as a suitable occupation for women and responsive to market demands. Successful livestock marketing groups for chicken and pig enterprises have resulted in 11,000 smallholder households increasing capacity in animal health and production in line with market demands. To support the success and ensure sustainability, GDAHP has decided to include AI in its budget and training plan 2020 to reach 30% of AI breeding by 2023 in all 25 provinces, which is an objective of the Ministry of Agriculture, Forestry and Fisheries (MAFF) Agricultural Sector Strategic Development Plan 2019–2023.

14. The dependence on family farming, which relies on the use of many relatively small sized, unproductive animals taking up to 5 years to gain an acceptable slaughter weight, contributes to a very high rate of greenhouse gas emission. This could partly be mitigated by better feeding techniques, but genetic improvement and a reduction of cattle numbers are crucial parts enabling the production of the same amount of beef in a shorter time.

15. Despite some exports of cattle, Cambodia is a net importer of live cattle, pigs, and poultry. Imported beef, pork and chicken are needed to bridge the gap between the national meat production and consumption. MAFF estimates that during 2019, the consumption needs of at least 290,924 people, or about 18% of the population had to be covered with imported meat (approximately 50,000 tons annually).

16. Cambodia is vulnerable to Transboundary Animal Diseases like Foot and Mouth Disease (FMD), Lumpy Skin Disease (LSD) or African Swine Fever. These diseases often form a key non-tariff barrier to trade in live animals and, in some cases, animal products as per the World Trade Organization's SPS Agreement. The country is also vulnerable to newly emerging infectious diseases which are often zoonoses like COVID-19 and Avian Influenza. Thus, there is a need for setting up disease control zones for disease outbreaks. Amendment of Prakas 16 on the sanitation of animal and animal production is in progress. Stakeholders understand the importance of controlling animal movement and traceability, the role of quarantine stations and that an animal identification system is necessary for control of animal hygiene and disease. It is recommended that reviews/amendments for all Prakas should be done at least once every 5 years. However, currently, there is a lack of technical capacity to administer disease-free zones. GDAHP has a preliminary strategy in place for setting up quarantine stations in each province with external borders to hold animals under observation before allowing their movements, but now, this work is in a preliminary phase.

17. Foodborne hazards are prevalent because of lack of hygiene during animal slaughter and food handling, but also from more insidious threats caused by residues of Veterinary Medicinal Products. These are due to irresponsible and uncontrolled use of antimicrobials, which encourage the development of pathogens exhibiting Antimicrobial Resistance (AMR). This results in an increasing incidence of infectious diseases affecting the human population, which are untreatable without use of higher cost, more specialist drugs, with the resulting risk of rising numbers of death and increasing health care costs to be borne by society. Livestock production, along with human health misuse, are considered as the major causes of a rise in AMR, and the sector is a key factor in the dispersion of AMR in the environment. Misuse of medicines, particularly antimicrobials by livestock owners is widespread. Constraints include extensive use of veterinary medicines and biologicals by VAHWs and directly by livestock owners and illegal importation of veterinary medicines and biologicals; use of veterinary medicines, which should be restricted for specialist human use or only following sensitivity testing; and little monitoring of pharmacies and Agrovet stores and their distribution practices.

18. The government of Cambodia has enacted a new Law on Animal Health and Production in 2016 and is updating existing bylaws and decrees of implementation. A joint multisectoral action plan to fight Antimicrobial Resistance AMR had been put in place by the Ministries of Health, MAFF, and Ministry of Environment. Several joint technical working groups (TWGs) have been established, namely: (i) AMR Technical Working Group (AMR Technical Working Group [TWG]); (ii) Zoonosis TWG; (iii) Food Safety TWG; and (iv) an Inter-ministerial Foodborne disease outbreak Investigation and Response Team, was established to respond to “One Health” or “Health in All” policy promoted and supported by Food and Agriculture Organization, World Organization of Animal Health, and World Health Organization.

19. Besides the threats of endemic transboundary animal diseases, the weakness of the animal health services is a further obstacle to rapid livestock development. The animal health services rely to a large degree on the capacities of VAHWs who have limited training and are not yet effectively organized.

II. RATIONALE FOR A RESETTLEMENT FRAMEWORK

A. Output 1: Infrastructure Subprojects

1. Livestock Inspection and Quarantine Centers and Disease Control Zones

20. Potential sites for near-border livestock inspection in Otdar Meanchey (OM) and cattle quarantine in Prey Veng (PV) have been identified. The OM facility is an inspection station for the temporary holding and health inspection of pigs and cattle imported from Thailand that are intended to proceed directly for slaughter. However, the quarantine center in PV is for the holding cattle intended for export to Viet Nam, requiring an extended holding in a quarantine facility for 21 days. Buildings including a field diagnostic lab, staff accommodation (dormitory-style) and site security, load/unload ramps and inspection and holding pens have been designed, and environmental protection addressed through decentralized wastewater treatment system (DEWATS).

21. For initiating a disease control zone (DCZ), there currently isn't a good case for the Quarantine Center in OM to be associated with a DCZ as the OM facility is simply an inspection station for the temporary holding and inspection of imported pigs and cattle, intended to go directly for slaughter. However, the proposed quarantine center at PV is for the holding of cattle intended for export to Viet Nam, with a very strong case here for initiating a DCZ in the surrounding province. A pilot DCZ has been proposed in PV associated with the proposed quarantine center that aims

to protect the health status and add value to the large ruminant trade into Viet Nam. The PV DCZ should include the immediate surrounding districts extending to the border, with progressive expansion, as increased routine FMD and strategic lumpy skin disease (LSD) vaccination within the DCZ and movement control compliance through checkpoints is established. Success of the proposed PV DCZ initiative should enable the whole of the province to become a DCZ within the life of the project, with subsequent expansion to incorporate the adjoining Takeo province. This subproject ensures that animal health quarantine protocols are observed that prevent both inter-country and intra-country transfer of animal health diseases such as FMD, LSD and African swine fever.

2. National Veterinary Vaccine Centre (NVVC)

22. To address the current dependency of Cambodia on the importation of all livestock vaccines, a NVVC is proposed that would initially manufacture essential livestock vaccines, including Hemorrhagic septicemia (HS) for cattle and buffalo, Classical Swine Fever for pigs, and Newcastle Disease, Fowl Pox, Fowl Cholera, and Duck Plague for poultry. This will enable replacement of parts of the imported vaccine demand by the national vaccine production in the near future. The production of FMD vaccines should not be a primary target (as there are already 14 vaccine institutes in the region) with FMD vaccines to continue to be imported due to the importance of vaccine matching to the continuously evolving milieu of serotypes in the GMS and beyond. The proposed NVVC site is in Tanou village, Phnom Sa'ang commune, Sa'ang district, Kandal province, on 15 ha of public land owned by GDAH/MAFF. As the site is in the lowland area of the Mekong River Basin, there is flooding in the wet season, although considerable remediation works are occurring to fill the land and provide access. The nearest houses are located >0.7km from the site. Vaccines produced at this center will be available for distribution throughout Cambodia and enable the owners of livestock – cows, buffalo, pigs, goats, chickens and ducks – vaccinate their livestock against animal health disease such New Castle Disease and fowl cholera in chickens and hemorrhagic septicemia and LSD in ruminant animals.

3. National Cattle Breeding Center (NCBC)

23. The proposed NCBC is a priority initiative to be progressed to tender-readiness, aimed at improving cattle genetics through enhancing bovine artificial insemination (AI) capacity in Cambodia. It involves establishing the facility on a 131.2-hectare site that has already been acquired by GDAH in Kampong Thom province, about 208 km from Phnom Penh. The NCBC will create a bio-secure area that will house up to 16 elite bulls, enabling collection, storage and distribution of bovine semen and the training of AI technicians, vets, Royal University of Agriculture staff and students, and potentially leading farmers. Infrastructure required include: livestock housing, feed and hay sheds, a semen laboratory, a training center, offices, staff and trainee accommodation, Liquid N2 capacity up to 150L/day; bio-secure fencing to limit entry of animals and people; and a wastewater management via a DEWATS. The semen produces from these bulls will be available through artificial assistance (AI) for all farmers seeking to improve the quality of the cattle they raise.

4. Doun Keo Live Bird Market and Wet Market Upgrades

24. The Doun Keo Live Bird Market (DKLBM) infrastructure includes a 10m x 19.5m live bird market in Doun Keo, the capital city of Takeo province. The market will include space for up to 40 live bird traders and 5 bird slaughter persons. The live bird sale area will be separate to the slaughter area and customers will be excluded from the live bird holding area by a wire rail fence. The market will include an electrically boosted solar hot water supply to the slaughter points, high

pressure washdown capacity and an underground DEWATS, which will discharge into the town sewerage system. The infrastructure will be constructed on about 200 m² of government owned land located beside the main Doun Keo market.

25. The DKLBM, which will replace an existing unsanitary bird market, will ensure significantly greater levels of food safety by separating and improving both the sales and slaughtering processes, improving hygiene, reducing the risk of people and carcass contamination from highly pathogenic avian influenza virus and other potential pathogens and improving animal welfare. It is also designed to ensure that existing poor disposal of solid and liquid waste generated by the holding and live slaughter of poultry.

26. The DKLBM will be managed by the Doun Keo Market Management Committee. Bird traders and slaughter persons will pay a monthly fee to respectively sell and slaughter birds in the market. The due diligence process included a study on the impact of the relocation of the bird traders and slaughter persons during the construction of the DKLBM and concluded that they would not be materially or socially impacted by that relocation. That study also established that shops adjoining the construction area would also not be impacted by the market construction.

27. Based on several rounds of consultations with affected DKLBM vendors, they do not believe their incomes will be reduced because of a temporary relocation of up to six months during market construction because customers will continue to want to purchase either live birds or freshly slaughtered birds. Their major concern is that if there are more lockdowns as a result of the COVID-19 pandemic, but this is unlikely because Cambodia had demonstrated it is one of the better managers of the pandemic in the region. It was also found during due diligence that other affected stall holders or businesses such as women hairdresser shops adjoining the market area, will not be affected during or after the DKLBM construction. This subproject will serve as an example for any subsequent poultry market upgrades because involuntary resettlement impacts have been avoided apart from some minor temporary impacts and people that buy poultry will be more confident that the poultry they purchase has been inspected for disease and slaughtered hygienically and humanely.

28. Upgrading of existing government and the private sector owned wet markets will also occur in the project provinces Biosecurity and hygiene measures will be established limit disease spread, including provision of access to clean water and soap for washing hands and foot-ware, processing equipment and the removal of animal waste will limit the risk of disease spread between animals and protect animal owners, traders, market workers and consumers due to reduced risk of pathogen exchange. The processes will be established to ensure the health inspections of all animals that enter the markets, implementing a livestock identification system to support an animal production and health information system, and the regular closing of the markets for cleaning and disinfection are advised. High levels of government and live animal market owner(s) participation will be required to ensure these biosecurity actions are implemented and reduced pathogen transmission is achieved to minimize the risk to public health. All upgraded markets will have DEWATS/Biogas systems installed.

5. National Animal Health and Production Research Institute (NAHPRI)

29. GDAHP has requested an upgrading of NAHPRI capacity for the emerging demands for feed quality and food safety testing capability. The 3 story NAHPRI building within the GDAHP complex will be upgraded to enable it to be entirely biosecurity level 2, with movement of the offices currently occupying half of the 2nd level elsewhere and dedication of this half of this level to expand the Meat and Residues Testing lab capacity, respectively. The ground floor level will

be refurbished to create a dedicated specimen reception and storage area and a Feed Testing laboratory. A detailed list of expected annual tests and the new equipment required has been developed and waste disposal issues are being addressed. All people in Cambodia who consume meat products are likely to benefit from the activities of NAHPRI because basis food safety of meat of meat products quality of produced meats products will be enhanced.

III. OBJECTIVES, POLICY FRAMEWORK AND ENTITLEMENTS

A. Objective of the Resettlement Framework

30. This RF provides the procedures and key principles of IR safeguards that will govern the preparation, updating and implementation of the DRPs for this Project in line with ADB's SPS 2009 requirements and Cambodian laws and regulations for all subprojects and monitoring of DRP implementation. The RF has been prepared based on various consultations held with affected communities and government officials that were somewhat truncated because of access restrictions in place because of the COVID-19 Pandemic. Nevertheless, face-to-face consultations were undertaken in June and July 2021 by the National Transaction Technical Assistance Social Safeguard Consultant in June and July 2021 and April and May 2022 and by the International Transaction Technical Assistance Social Safeguard Consultant with the assistance of the General Directorate of Animal health and Production staff in November and December 2021 and May and June 2022.

B. Policy and Legal Framework

31. The project's land acquisition and compensation policies will be planned and implemented in accordance with ADB requirements and the Cambodian laws and regulations. A detailed analysis of the existing legislation and policies of the country was carried out to describe their applicability within this framework as follows:

1. Constitution of Cambodia 1993

32. The 1993 Constitution of Cambodia sets out the key principle for land acquisition in the public interest. The first is Article 44 of the 1993 Constitution which state that expropriation of ownership from any person shall be exercised only in the public interest as provided for by law and shall require fair and just compensation in advance.

2. Land Law 2001

33. The 2001 Land Law is a comprehensive law that land and property rights in Cambodia. Based on the provisions of the 1993 Constitution, it defines the regime of ownership of immovable properties, such as land, trees and fixed structures.

34. The rights and responsibilities of the government with respect to eminent domain are specified in the Land Law. The government can acquire private land for public purposes but must pay a fair and just compensation in advance of the land acquisition. The Land Law, Article 5, states that "No person may be deprived of his ownership, unless it is in the public interest. Ownership deprivation shall be carried out in accordance with the forms and procedures provided by law and regulations and after the payment of fair and just compensation in advance."

35. Other provisions of the Land Law that are relevant to land acquisition, compensation and resettlement include:

- (i) Legal possession as defined by the Law is the sole basis for ownership, and all transfer or changes of ownership shall be carried out in accordance with the required general rules for sale, succession, exchange and gift or by court decision. (Article 6)
- (ii) Any regime of ownership of immovable property prior to 1979 shall not be recognized. (Article 7)
- (iii) Only persons or legal entities of Khmer nationality are entitled to own land in Cambodia; or to buy or sell land. (Article 8, 66)
- (iv) State public land includes, among other categories, any property: (a) that has a natural origin, such as forests, courses and banks of navigable and floatable rivers or natural lakes; (b) that is made available for public use such as roads, tracks, oxcart ways, pathways, gardens, public parks and reserved land; or (c) that is allocated to render a public service, such as public schools, public hospitals or administrative buildings. (Article 15)
- (v) Persons that illegally occupy, possess, or claim title to state public land cannot claim any compensation. This includes land established by the government as public rights-of-way for roads and railways. Moreover, failure to vacate illegally occupied land in a timely manner is subject to fines and/or imprisonment. (Article 19)
- (vi) Ownership of the lands that is granted by the State to indigenous communities as collective ownership, including all the rights and protections enjoyed by private owners. The exercise of collective ownership rights are the responsibility of the traditional authorities and decision-making mechanisms of the indigenous community, according to their customs and subject to laws such as the law on environmental protection. As per Article 23 of the Land Law, "An indigenous community is a group of people that resides in Cambodia whose members manifest ethnic, social, cultural and economic unity and who practice a traditional lifestyle, and who cultivate the lands in their possession according to the customary rules of collective use". (Article 26)
- (vii) Persons with legally valid possession of land for five years (at the time the law came into effect) are allowed to be registered as the owner of the land (Article 30). Persons who (**at the time the law came into effect - 2001**) held legally valid possessions for less than five years, can remain in possession until they are eligible to be registered as the owner. (Article 30)

3. Expropriation Law

36. The law was passed by the National Assembly on 29 December 2009 and promulgated by the King on 4 February 2010, contains 8 Chapters with 39 Articles. It provides clear procedures on acquiring private properties for national and public interests. Some of the Key Articles of the Law are listed below:

- (i) Article 2: the law has the following purposes: (a) ensure just and fair deprivation of a legal rights to private property; (b) ensure prior fair and just compensation; (c) serve the national and public interests; and (d) development of public physical infrastructure.
- (ii) Article 7: Only the State may carry out an expropriation for use in the public and national interests.
- (iii) Article 8: The State shall accept the purchase of part of the real property left over from an expropriation at a reasonable and just price at the request of the owner of

- and/or the holder of right in the expropriated real property who is unable to live near the expropriated scheme or to build a residence or conduct any business.
- (iv) Article 11: Before exercising any expropriation, the government shall prepare enough annual budgets, and grant adequate and timely fund to the Expropriation Committee at the request the MEF for compensating the owner of and/or holder of real right to the immovable property by the expropriation.
 - (v) Article 12: An Expropriation Committee shall be established and headed by a representative from the MEF and composed of representatives from relevant ministries and institutions. The organization and functioning of the Expropriation Committee shall be determined by a sub-decree [Sub Decree No 22 ANK/BK promulgated on 22 February 2018].
 - (vi) Article 16: Before proposing an expropriation project, the Expropriation Committee shall publicly conduct a survey with detailed description about the owner and/or rightful owner of the immovable property and other properties which might need compensation; and all other problems shall be recorded as well. In conducting this survey, the Expropriation Committee shall arrange a public consultation with the authorities at provincial, district and commune level, the commune councils and village representatives or the communities affected by the expropriation in order to give them clear and specific information and to have all opinions from all concerned parties about the proposed public infrastructure project.
 - (vii) Article 22: An amount of compensation to be paid to the owner and/or holder of rights in the real property shall be based on the market value of the real property or the alternative value as of the date of the issuance of the Prakas on the expropriation scheme. The market value or the alternative value shall be determined by an independent commission or agent appointed by the expropriation committee.

4. Other Relevant National Laws and Regulations

37. **Sub-Decree No.115 dated 26 May 2016** concerns the upgrading of the Resettlement Department to the General Department of Resettlement (GDR). This is more of a procedural instrument which outlines the roles and responsibilities of the GDR with respect to the preparation and implementation of Resettlement Plans and in coordinating the Inter-Ministerial Resettlement Committee (IRC).

38. **Sub Decree No. 22 ANK/BK promulgated on 22 February 2018** concerns the SOP for Land Acquisition and Involuntary Resettlement for Externally Financed Projects and sets out the policies, regulations and procedures for carrying out LAR that will apply to this project. The SOP provides for the use of Development Partners Safeguard Policy and for gap filling measures where the provisions of the SOP conflict with the Development Partners mandatory safeguard requirements.

39. **Sub-Decree on Social Land Concession of March 2003** provides for allocations to landless people of state lands for free for residential or family farming purposes, including the provision of replacement land lost in the cases of involuntary resettlement.

40. **Sub-Decree No. 25 on Providing House Ownership of April 1989** recognize private house ownership including land and confirmed in the 2001 Land Law (Article 4). Cambodians are able to register the land they occupy with the local Cadastral Administration Office (CAO), whereupon a Certificate of Land Title is granted. Issuing a land title is a lengthy process and most offices have major backlogs and pending applications. People are given a receipt and until the

official title deed is issued, and the receipt is acceptable proof of real occupants of the land for purposes of sale. The present legal status of land use in Cambodia can be classified as follows:

- (i) *Privately-owned land with title:* The owner has official title to land and both owners and the CAO have a copy of the deed.
- (ii) *Privately-owned land without title:* The owner has a pending application for land title and is waiting for the issuance of a title deed. The Cadastral Administration Office recognizes the owner.
- (iii) *Land Use Rights Certificate:* In this case, a receipt for long-term land use has been issued. CAO recognizes this land use right.
- (iv) *Leased Land:* The government or private owners lease the land, usually for a short period. The government can reclaim land if it is needed for a development.
- (v) *Non-legal occupation:* The user has no land use rights on land s/he occupies or uses. The CAO does not recognize the use of this land.

41. **Circular No. 2 of 26 Feb. 2007** states that:

- (i) illegal occupants of state land have no right to compensation and can be punished in accordance with the land law 2001, and
- (ii) illegal occupants who are poor, landless and part of vulnerable group can be provided a plot of land.

5. ADB'S Policy on Resettlement, Safeguard Policy Statement, 2009

42. The objectives of ADB SPS 2009 on Involuntary Resettlement Safeguards are to (i) avoid involuntary resettlement wherever possible; (ii) minimize involuntary resettlement by exploring project and design alternatives; (iii) enhance or at least restore, the livelihoods of all displaced persons in real terms relative to pre-project levels; and (iv) improve the standards of living of the displaced poor and other vulnerable groups.

43. The Involuntary Resettlement Safeguards covers physical displacement (relocation, loss of residential land, or loss of shelter) and economic displacement (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas. It covers whether such losses and involuntary restrictions are full or partial, permanent or temporary.

44. For any ADB operation requiring involuntary resettlement, resettlement planning is an integral part of project design, to be addressed from the earliest stages of the project cycle, considering ADB's involuntary resettlement policy principles as follows:

- (i) Screen the project early on to identify past, present, and future involuntary resettlement impacts and risks. Determine the scope of resettlement planning through a survey and/or census of displaced persons (DPs), including a gender analysis, specifically related to resettlement impacts and risks.
- (ii) Carry out meaningful consultations with DPs, host communities and concerned nongovernment organizations. Inform all displaced persons of their entitlements and resettlement options. Pay particular attention to the needs of the vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, and Indigenous peoples, and those without legal title to land, and ensure their participation in consultations. Establish a grievance redress mechanism.

- (iii) Improve, or at least restore, the livelihoods of all DPs through: (a) land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation at replacement value for land when the loss of land does not undermine livelihoods; (b) prompt replacement of assets with access to assets of equal or higher value; (c) prompt compensation at full replacement cost for assets that cannot be restored; and (d) additional revenues and services through benefit sharing schemes where possible.
- (iv) Provide physically and economically DPs with needed assistance, including the following: (a) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically and socially into their host communities, and extension of project benefits to host communities; (b) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (c) civic infrastructure and community services, as required.
- (v) Improve the standards of living of the affected poor and other vulnerable groups, including women, to at least national minimum standards. In rural areas provide them with legal and affordable access to land and resources, and in urban areas provide them with appropriate income sources and legal and affordable access to adequate housing.
- (vi) Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement.
- (vii) Ensure that DPs without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets.
- viii) Prepare a DRP elaborating on DPs' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.
- (viii) Disclose a draft DRP, including documentation of the consultation process in a timely manner, before project appraisal, in an acceptable place and a form and language(s) understandable to DPs and other stakeholders. Disclose the DRP and its updates to DPs and other stakeholders.
- (ix) Conceive and execute involuntary resettlement as part of a development project or program. Include the full costs of resettlement in the presentation of the project's cost and benefits. For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation.
- (x) Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the DRP under close supervision throughout the project's implementation.
- (xi) Monitor and assess resettlement outcomes, their impacts on the standards of living of DPs, and whether the objectives of the DRP have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.

6. Other Relevant ADB Policies

45. **Indigenous peoples.** Subprojects involving involuntary resettlement of indigenous people will not be financed under the Project.³

³ Indigenous people will be identified in accordance with ADB SPS Safeguard Requirement 3.

46. **Gender.** Gender concerns and issues will be considered in resettlement planning and implementation. Gender differentiated benefit-sharing measures will included in the DRPs to ensure that women and men of the households are treated equally.

C. Comparison of ADB's SPS (2009) and Cambodian Laws and Regulations

47. In general, the main principles of the Royal Government of Cambodia (RGC) policies on land acquisition, compensation, assistance and resettlement reflect those in ADB's SPS. Comparison of ADB's SPS and Cambodian laws and regulations are provided in Table 1 and solutions/clarification to fill the key gaps have been incorporated into the RF.

Table 1: Gap Analysis and Reconciliation of ADB's SPS (2009) and RGC's SOP

No	ADB's SPS Requirements on Involuntary Resettlement (IR) and SR-2	Land Acquisition and Involuntary Resettlement Standard Operating Procedures (SOP), 2018	Gap between ADB SPS and SOP	Clarifications
1	<p>Meaningful Consultations and Disclosure</p> <ul style="list-style-type: none"> • Carry out Meaningful consultations with APs including vulnerable groups (VGs), relevant stakeholders and information disclosure on entitlements and resettlement options. • (VGs include: those below poverty line, the landless, the elderly, female headed households, women and children, IPs, and those without legal title to land). • To comply with ADB SPS IR Principles 2, 9, 12 (page 17), para 54 (page 20), para.73 (page 26), Appendix 2, para 18 (page 47), para 26, 27, 28 (page 49) 	<ul style="list-style-type: none"> • The SOP, in its chapter IV and under its key tasks in basic resettlement plan preparation, mentions about consultation as one of the tasks which aims at bringing awareness about the Project to the affected communities and inform them about the possible alignment and seek their feedback. • In Chapter V, under key tasks in detailed resettlement plan (updated RP after detailed design), it mentions about consultation as one of the tasks which aims to inform APs about the overall entitlements and methods of compensation and the GRM procedures; about relocation to Resettlement Sites; and house to house consultation to confirm measurement survey. • Chapter- VIII of SOP describes in detail the need for public consultations, participation and disclosure. In para 126, it mentions that the consultation is undertaken throughout the project cycle. 	<ul style="list-style-type: none"> • The SOP mostly complies with the requirement of SPS, 2009, however, it does not specifically mention about disclosing the entitlement matrix (EM) to the people during consultation. However, it mentions that the BRP/RP and the DRP/UDRP are disclosed at the Commune Offices for disclosure to affected communities. The EM is integral part if these documents and hence are disclosed to the affected communities. This is explained in more detail in Appendix 7. It is clearly pointed out that the EM and the entitlement under the EM is explained to each AH during the household-to-household consultation. • Also, there is no mention of disclosure of monitoring reports. The SOP does not specifically mention about particular attention to women and vulnerable groups for their inclusion during consultation. 	<p>Some of the proposed clarification include:</p> <ul style="list-style-type: none"> • Personal detailed information of the displaced persons and their socio-economic status and other sensitive information compromising their privacy will not be disclosed at any time. • RPs/updated RPs/resettlement monitoring reports contain summary of AP consultations (including VGs) through- out the project cycle. • RPs/updated RPs/ resettlement monitoring reports are disclosed on the ADB, and project websites and Khmer versions left at communes and district levels offices. • SOP para. 120; generic information for the PIB includes the compensation policy (the generic entitlements) as stated in para 119. • Four specific consultation meetings are mentioned in the

No	ADB's SPS Requirements on Involuntary Resettlement (IR) and SR-2	Land Acquisition and Involuntary Resettlement Standard Operating Procedures (SOP), 2018	Gap between ADB SPS and SOP	Clarifications
				<p>SOP but as the SOP states consultation will be carried out as an on-going process throughout implementation.</p> <ul style="list-style-type: none"> • ADB staff may participate in consultation meetings. • Efforts will be made to consult with potentially vulnerable affected people (as defined in para 53-55) and will be done throughout implementation.
2.	<p>Grievance Redress Mechanism</p> <ul style="list-style-type: none"> • Establish a grievance redress mechanism that is understandable, readily accessible, transparent procedures, gender responsive and culturally appropriate. <p><i>To comply with ADB SPS IR Principle 2 (page 17), para 59, 60 (page 22), Appendix 2, para 29 (page 49)</i></p>	<p>Chapter IX of the SOP deals with Grievance Redress Mechanism.</p> <ul style="list-style-type: none"> • The GRM is established as a locally based arrangement at the provincial level for receiving, recording, assessing and facilitating the resolution of complaints and grievances raised by the affected persons in relation to their compensation and entitlements for the expropriation of land and other immovable property under the Law on Expropriation. 		<ul style="list-style-type: none"> • Status of complaints at the commune level will be included in the periodic monitoring report to ADB. • Appendix 8.2 is the Register of Complaint, however when reporting, the status of complaints will be included.
3.	<p>Compensation and assistance</p> <ul style="list-style-type: none"> • Provide physically and economically APs with compensation and needed assistance <p><i>To comply with ADB SPS policy principle 3, 4, 5, 7 (pg. 17) and Appendix 2, paras 7, 8, 9,10 (page 45), 11 and 12 (page 46), 16 and 17 (page 47).</i></p>	<ul style="list-style-type: none"> • The SOP includes the compensation and transition/disturbance allowance to the APs in its entitlement. • SOP has provisions for relocation land (for APs with titles or recognized rights to land) and are subject to conditions i.e., availability of government land. This does not apply to illegal squatters or occupiers. • SOP has provisions for loss of livelihoods for all DPs (limited 		<ul style="list-style-type: none"> • SOP EM 2b transitional allowance to be commensurate with the time taken to relocate the business but to re-establish the business is much more complex and requires more time than relocation. • Livelihood restoration will be commensurate with the impact assessed during DMS social economic survey of the APs. • For vulnerable groups except for illegal

No	ADB's SPS Requirements on Involuntary Resettlement (IR) and SR-2	Land Acquisition and Involuntary Resettlement Standard Operating Procedures (SOP), 2018	Gap between ADB SPS and SOP	Clarifications
		<p>to selection of 1 out of 3 pre-defined programs)</p> <ul style="list-style-type: none"> SOP has provisions for providing relocation site to eligible DPs which is selected factoring in location, the availability of the basic social services and infrastructure development, depending on availability of land at affordable prices and availability of State land near the project area. 		<p>squatters, provision of legal and affordable access to adequate housing and income sources.</p> <ul style="list-style-type: none"> Valuation rates are valid for a period of one year from the date of endorsement of RCS report by the IRC and thereafter updated. Affected people with legal rights both with hard and soft titles are treated the same.
4.	<p>Procedures for Negotiated Settlement</p> <p>Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement</p> <p><i>To comply with ADB SPS IR safeguards policy principle 6 (page 17), para 73, (page 26), Appendix 2, para 25 (page 48-49)</i></p>	<p>Chapter-X (Section-B) of the SOP mentions that in the case of acquisition of private land where the seller is willing to sell and the buyer is willing to buy, such land may be acquired under a commercial contract. The price will be negotiated as part of commercial norms.</p>		<ol style="list-style-type: none"> For the willing buyer willing seller cases (where expropriation will not be used), ADB will have access to all the documentation for on-site verification at GDR. If agreement between the willing buyer and willing seller cannot be reached, alternate site will be selected. Where negotiated settlement is applied in lieu of compulsory land acquisition based on SR 2 requirements para 25 will be followed, documented and described in the resettlement plan and information of the negotiations included in the monitoring reports. <ul style="list-style-type: none"> A negotiated settlement will offer adequate and fair price for land/or other assets. Ensure that any negotiations with displaced persons openly addresses the risks of asymmetry of information and bargaining power of the parties involved in such transactions.

No	ADB's SPS Requirements on Involuntary Resettlement (IR) and SR-2	Land Acquisition and Involuntary Resettlement Standard Operating Procedures (SOP), 2018	Gap between ADB SPS and SOP	Clarifications
				<ul style="list-style-type: none"> Negotiated settlement procedures will follow para 25 of Appendix 2 of SPS and agreed with ADB.
5.	<p>AHs (without titles or recognizable rights to land)</p> <ul style="list-style-type: none"> Ensure that APs without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets <p><i>To comply with ADB SPS IR policy principles 2, 5, 7 (page 17), Appendix 2, paras 9, 11, 12, 16 and 17 (pages 45, 46 and 47.</i></p>	<p>Chapter-VII:</p> <p>Section B para 104 says:</p> <ul style="list-style-type: none"> No compensation for land will be paid for AP occupying land in the ROW. <p>Section C of the SOP states that:</p> <ul style="list-style-type: none"> The entitlement to compensation of affected persons largely depends on the legality of possession or ownership to the land and other assets at the time of the Cut-Off Date. The following types of displaced persons shall be eligible to compensation, but compensation would vary depending on their situation: Legal owners and holders of title or rights to land, including customary rights. Tenants and leaseholders, including employees, workers and hawkers. Those who have no formal title or rights to the land (illegal occupiers) who are engaged in farming or businesses. Poor and vulnerable groups. 	<p>Clarification needed for how poor and vulnerable APs are provided legal and affordable access to land.</p>	<ul style="list-style-type: none"> Social land concession is not an entitlement. However, IRC can just inform the relevant and competent local authorities about the affected poor, landless households who may be eligible to apply for social land concession. Criteria for providing social land concession will be defined by other competent authority. The decision on granting a social land concession will also be made at the sole discretion of the relevant authorities in accordance with Cambodia regulations on social land concession. GDR will provide information if there is any social land concession program available in the Project area in its monitoring report

Source: Asian Development Bank. Aide Memoire Attachment 3 of the Safeguard Policy Dialogue Mission 22-23 August 2019.

D. Subproject Screening and Involuntary Resettlement Categorization

48. ADB SPS categorizes projects/subprojects and its activities into social safeguard categories. Screening of activities determines both the significance and severity of potential involuntary resettlement (IR) impacts. Adverse impacts are reviewed, and project/subprojects designs adjusted to the extent possible so that such impacts can be avoided and if unavoidable, they are minimized. All the subprojects will be screened and categorized under the project using the IR categorization screening checklist form provided in **Annex 1** of this RF. Each subproject's IR category is to be determined by the category of its most sensitive component in terms of its impacts and guided by the criteria set out in page 3 of 19 of the ADB Operations Manual Section F1/OP.⁶

49. Subprojects with significant IR impacts (Category A) and those requiring physical displacement of Indigenous People will not be eligible for support under the Project. Only subprojects with insignificant IR impacts (Category B) or no IR impacts (Category C) will be eligible for support under the Project.

- (i) For a subproject involving IR (Category B), a DRP will be prepared commensurate with the extent and degree of the impacts as described in this RF, but not compromising the content and the prescribed issues to be addressed in DRP as per ADB SPS (2009).⁴
- (ii) Category C subprojects will be subject to due diligence before eventually being confirmed under the subject category.⁵

50. Measures will be taken to avoid or at least minimize the resettlement impact by considering potential alternatives and/or adjustment to the design, etc.

E. Eligibility and Entitlements

1. Eligibility

51. Eligibility will be determined with regards to the cut-off date, which will be defined during the conduct of the IOL and census of APs to be validated and confirmed during the DMS at DED stage. All APs identified in the subproject's COI as of the cut-off date will become entitled for compensation and resettlement assistance under the project. The information about cut-off date will be documented and disseminated throughout the subproject area through posting on commune and provincial notice boards and through pagodas. Those who encroach into the surveyed area, particularly in the COI after the cut-off date regardless of their vulnerability status will not be entitled to compensation or any other assistance unless there has been a change in subproject design. Likewise, any changes or improvements to existing assets after the cut-off date will neither be included nor compensated.

52. The DPs in a subproject area are categorized into three types; (i) persons with formal legal rights to land (land title) lost in its entirety or in part; (ii) person who lost the land they occupy in its entirety or in part who have no formal legal rights to such land (land title), but have claims to such lands that are recognized or recognizable under Cambodian Laws; and (iii) person who lost the land they occupy in its entirety or in part who have neither formal legal rights (land title) nor recognized or recognizable claims to such land.

53. Those DPs covered under (i) and (ii) are either provided with replacement land or cash compensation at full replacement cost for the land they lose, payment for partially or fully affected non-land assets they own and resettlement assistance in cash or in-kind. DPs covered under (iii) are provided compensation at full replacement cost for non-land assets they own and for improvements they made on land, and resettlement assistance if they occupy the subproject area prior to the cut-off date of the subproject. DPs who occupy the subproject area after the cut-off date will not be eligible to any compensation or assistance.

2. Entitlements

⁴ The DRP will be prepared by GDR will support of the resettlement specialists engaged by the EA under the project. The DRP will be approved by the IRC and cleared by ADB.

⁵ The Due Diligence Report will be prepared by the consultants engaged by the EA and approved by ADB. GDR will not be involved in IR Category C subproject.

54. Entitlements are based on the eligibility as of the cut-off date, principles and policies on compensation, mitigation and other criteria as defined by the project. All compensation for affected assets will be based on the principle of full replacement cost as required by the ADB SPS (2009).⁶ To conduct a replacement cost study (RCS), the GDR will recruit one professional independent appraiser/firm (RCS Consultant) in all the subproject areas during the DMS in order to determine compensation rates reflecting current market prices for (i) agricultural, residential and commercial land; (ii) different types of affected structures; and (iii) crops and trees; business losses; transportation cost; allowance for essential basic infrastructure services; timber/fence trees include under the crops and trees.

55. The RCS valuation rates in the subproject areas will be valid for one year from the date of approval of the RCS by the IRC⁷ and if the offer of the compensation and/or assistance is not made to the AH within this period, the replacement cost will be updated to reflect the then prevailing market valuation by the RCS Consultant. The RCS results will be the basis for estimating the budget for financing the resettlement costs.

56. Where market conditions are absent or in a formative stage, APs, community members and local authorities will be consulted to obtain adequate information, such as for land with regard to recent land transactions, land value by types, land titles, land use, availability of land in the subproject area, and other related information.

F. Approaches and Options of Land Acquisition and Involuntary Resettlement

57. This RF describes three prone approaches to land acquisition and involuntary resettlement as follows:

- (i) The acquisition of land thorough Willing Buyer Willing Seller (WBWS) methodology;
- (ii) The acquisition of land will through Negotiated Settlement methodology; and
- (iii) The acquisition of land will be through Involuntary Resettlement.

58. Where the number of AHs is small, items (i) and (ii) above will apply and no DRP will be prepared. For a large number of AHs, a DRP will be prepared under item (iii) approach. While the RF describes detail procedures for (iii) following ADB's SPS and Cambodian laws and regulations, the methodology on land acquisition under items (i) and (ii) are as follows:

1. WBWS Methodology

59. WBWS can take place where land markets are functioning, the transaction takes place with the seller's consent, and the seller receives a price consistent with prevailing market prices. This is not to be applied to infrastructure projects where there are multiple affected persons, or where there are no options to change the siting of infrastructure in the absence of agreements. During preparation of the RF for the SCMF, no AHs have been identified or are expected under WBWS methodology. This will be reviewed during project implementation but there is unlikely to be any significant change. In case of **WBWS**, the following process would be adopted:

- (i) The General Department of resettlement (GDR) will conduct meaningful consultation in an understandable language with the AHs to ensure they are properly informed about the project/subproject, its benefits, the land needed for the project/subproject, resettlement policies, laws and regulations, entitlements and

⁶ Appendix 2, Subsection D. para 10, page 45, ADB SPS (2009).

⁷ Para 186, page 51, Land Acquisition and Involuntary Resettlement Standard Operating Procedures (2018).

compensation at full replacement costs at current market rates. The GDR will discuss with the AHs on their willingness to sell the land for the construction of the project/subproject and obtain their approval.

- (ii) The GDR will conduct the DMS and the RCS to determine the inventory of losses and the replacement costs.
- (iii) The RCS will calculate the market value of the land that will need to be acquired.
- (iv) If there is a loss of income, the RCS consultant will calculate the amounts of losses based on the Entitlement Matrix (EM) attached to the RF.
- (v) In case of loss of fruit trees, the RCS consultant will calculate the economic loss based on maturity and formula shown in the EM.
- (vi) If there is physical displacement, transitional allowances will be provided at the rate shown in the EM.
- (vii) The total amount of compensation will be calculated and offered as a lump sum amount to each AHs.
- (viii) A contract will be prepared showing the breakdown and the total amount of the compensation and negotiated with each AH. Minutes will be prepared and signed by the IRC-WG and the AH.
- (ix) If all AHs agree with their lump sum compensation package, the lump sum amount will be paid upon signing of the contracts.
- (x) Due to the confidentiality of information and the commercial nature of the contract, all documents on WBWS negotiations will be kept at GDR for verification by ADB.⁸

2. Negotiated Settlement Methodology

60. For negotiated settlement, the GDR will develop procedures in a transparent, consistent, and equitable manner if land acquisition or changes in land use rights are acquired through negotiated settlement, to ensure that AHs who enter into negotiated settlements maintain the same or better income and livelihood status.

61. The following process will be adopted for **negotiated settlement** following the process in para. 25, Appendix 2 of SPS:

- (i) To ensure any negotiations with AHs address the risks of asymmetry of information and bargaining power of the parties involved in such transactions, the GDR will engage an independent external party to document the negotiation and settlement processes and agree with ADB on the processes, policies, calculation of costs and record-keeping requirements.
- (ii) The GDR will conduct meaningful consultation in an understandable language with the AHs to ensure they are properly informed about the project/subproject, its benefits, the land needed for the project/subproject, resettlement policies, laws and regulations, entitlements and compensation at full replacement costs at current market rates. This will be adequately documented
- (iii) The GDR will conduct the socioeconomic and census survey, DMS and the RCS to determine the inventory of losses and the replacement costs.
- (iv) The RCS will calculate the affected land and/or other assets' market values equivalent at their full replacement value. Where market rates for land are unavailable, the RCS unit rates will be developed in consultation with the AHs or land users to determine the compensation amounts for the land to be purchased and the assets attached to the land.

⁸ Aide Memoire Attachment 3, Item 4 (1) of the Safeguard Policy Dialogue Mission 22-23 August 2019.

- (v) If there is a loss of income, the RCS consultant will calculate the amount of losses based on the EM in this RF.
- (vi) In case of loss of fruit trees, the RCS consultant will calculate the economic loss based on maturity and formula as defined in the SOP.
- (vii) In case of annual crops, these will be valued at net market rates for the one-year crop yield.
- (viii) If there is physical displacement, transitional allowances will be provided at the rate shown in the EM.
- (ix) The total amount of compensation will be calculated and offered as a lump sum amount.
- (x) A contract will be prepared showing the breakdown and the total amount of the compensation and negotiated with each AH. Minutes will be prepared and signed by the IRC-WG and the AH and witnessed by the commune or village official.
- (xi) If all AHs agree with their lump sum compensation package, the lump sum amount will be paid upon signing of the contracts.
- (xii) In case an AH does not agree on the negotiated settlement, the offer of negotiated settlement for all the AHs will be withdrawn and GDR will proceed to prepare the DRP for submission to ADB for review and approval. Principles agreed in this RF will apply, if DRP will need to be prepared upon failure of negotiations. In such cases, ADB's involuntary resettlement requirements laid out in the SPS will apply.
- (xiii) The information on negotiated settlement will be included in the monitoring reports after the process is completed and submitted to ADB.⁹

G. Measures to Avoid and Minimize Resettlement Impacts

62. Measures for subprojects have been taken to avoid or at least minimize the resettlement impact by considering potential alternatives and/or adjustment to the design. Specifically where subprojects would have required land acquisition to ensure year round access to facilities, notably Animal Quarantine Stations and Disease Control Zones in Otdar Meanchey and Prey Veng, the Vaccine Production Center in Kandal, the National Animal Health and Production Research Institute in Phnom Penh have been selected to avoid impacts to the greatest extent possible on any residential areas, houses and other structures, business premises and agricultural cropping, forestry land and heritage sites. For the upgrading of the Takeo Poultry Market every attempt has been made to ensure involuntary resettlement impacts that will involve impacts directly and indirectly of up to 28 DPs and this is covered in the Due Diligence Report prepared as part of the Feasibility Study for this subproject.

⁹ Aide Memoire Attachment 3, Item 4 (2) of the Safeguard Policy Dialogue Mission 22-23 August 2019.

IV. SOCIOECONOMIC INFORMATION

A. Social Impact Assessment

63. The Social Impact Assessment (SIA) requires assessing the past, present and future potential social impacts and gender analysis. For any subproject that involves LAR impacts, a socioeconomic survey(s) and a census will be carried out, with the appropriate socioeconomic baseline data collected to identify all persons who will be displaced by the subproject and to assess the project's socioeconomic impacts on them at the feasibility and detailed engineering design stage .

64. The Government has developed a standard Questionnaire (called DMS Questionnaire) based on the socioeconomic survey (SES) questionnaire used in past ADB financed projects, which will be utilized to collect the socio-economic data. An inventory of AHs and their assets, an assessment of their income and livelihoods, and gender-disaggregated information pertaining to the economic and sociocultural conditions of AHs will be assessed and prepared. Relevant local statistics will be collected from communes and villages in the project area.

65. As part of the social impact assessment, the subproject will identify the poor and vulnerable groups of AHs who may be differentially or disproportionately affected by the subproject because of their disadvantaged or vulnerable status in accordance with the criteria established by the GDR (and defined in the definitions). Where such individuals and groups are identified, the subproject will propose and implement targeted measures so that adverse impacts do not fall disproportionately on them, and they are not disadvantaged in relation to sharing the benefits and opportunities resulting from development.

66. The collection of information and their requirements will depend on the type and scale of impacts. At current project stage, the project's outputs will not cause adverse impacts. This will be reviewed at implementation stage. It has been assumed that for example output 2.1 related adjustments through the DED on proposed infrastructures sites will not lead to a new IR categorization. Should there be an unforeseen need for land acquisition at very minor (negligible) scale the approach of negotiated settlement will be applied by GDR before entering into the DRP based approach. This will be subject to agreement of AHs of their willingness to engage in negotiated settlement.

B. Methodology for Detailed Measurement Survey¹⁰

67. The Project will carry out a 100% census and assets inventory of the AHs to determine (i) who they are, (ii) what they do for a livelihood, and (iii) what they possess and are likely to lose due to the project. The DMS/SES information and data to be collected are in the DMS Questionnaire.

68. After the ADB Board approval of the Project and the completion of the subproject appraisal studies and the DED (to the stage where the demarcation of the actual boundaries of the required land are identified) by the consultants engaged under the Project and PMU, the GDR will carry out a DMS using the DMS Questionnaire. AHs will be provided the ID cards detailing their affected assets, income and land after the DMS.

69. The IRC-WG together with the PRSC-WG, established for the subproject by the IRC, will carry out the DMS which will determine 100% of the census of AHs; 100% of the SES;

¹⁰ Refer to the SOP for survey tools.

identification and measurement of 100% of the land and non-land asset losses (100% IOL). The DMS survey will be carried through household interviews and consultation.

70. The DMS Questionnaire captures relevant and key SES data for 100% of the DPs. This will include household data like size and ethnicity; gender, age, marital status, education of the household head; type and sources of income; employment status and total household income; gender disaggregated data; household headed by women, elderly, disabled or indigenous people; and other livelihood sources, if any.

71. Data on affected land (area and type), houses and structures (area and type), and other assets; ownership status (title or right); and affected trees and crops; and other productive assets will be enumerated, and detailed measurements carried out. Preference for resettlement options, where physical relocation is required, will also be sought and detailed.

C. Determination of Replacement Cost

72. **Principle.** All compensation will be based on the principle of full replacement cost as required by the ADB SPS 2009.¹¹ To conduct a replacement cost study (RCS), GDAHP will recruit one professional independent appraiser/valuator (RCS Consultant) following the detailed engineering design, and during the DMS in order to determine compensation rates reflecting current market prices for (i) agricultural, residential and commercial land; (ii) different types of affected structures; and (iii) crops and trees; business losses; transportation cost; allowance for essential basic infrastructure services; timber/fence trees include under the crops and trees.

73. The RCS will be valid for one year after the completion of DMS and if the offer of the compensation and/or assistance is not made to the DP, or if compensation is not paid to them within this period, the replacement cost will be updated to reflect the then prevailing market valuation by the RCS Consultant. . The RCS results will be the basis for estimating the budget for financing the resettlement costs.

74. **For replacement costs of land**, the RCS Consultant will directly interview households that have recently bought or sold land to collect the evidence of the rate of land transaction; and interview households who are looking for properties to sell or buy within and around the subproject area. The RCS Consultant will also find out from local residents, subject to confirmation/validation through official records of local authorities, the price of various types of land that have been the subject of transactions in the past six (6) months to one (1) year in the community or nearby areas and the prices of various types of land local residents are willing to buy or sell as well as collects data from government offices on recent land transactions and land market assessment. These will be well documented and attached to the DRP.

75. **For structures**, the RCS Consultant will interview owners of structures to determine the construction materials usually used in the locality for each type of building following existing government categories or standards; sources of construction materials used and the unit costs of said materials, including the costs of transporting the same to the locality; and the cost of labor for constructing each type of building found in the locality. In the survey, interviews will also be conducted with building contractors to determine the cost of construction materials for each type of structures in the subproject area following existing government categories; the cost of transporting construction materials to the subproject area (community); the cost of labor for constructing each type of building; and the unit cost per meter square of each type of building in

the subproject area following existing government categories. The replacement cost will be based on the latest item rates for construction within the subproject area.

76. **For the crops and trees**, interviews will be conducted with owners, market vendors and seedling suppliers to determine the current selling farm gate price of fruits or crops in the area and compensated accordingly as described above. RCS will collect data from statistics offices on average yields per type of crop and/or tree identified during the DMS.

D. Preparation and Submission of Draft and DRPs

77. The information and the data collected through the DMS will be used to prepare the DRP in accordance with the ADB SPS (2009) and Cambodian laws and Regulations for each subproject or for all subprojects in one town based on the situation in case of unsuccessful negotiations that result in expropriation. The socio-economic data collected at the DMS stage will establish the baseline key indicators for monitoring and evaluation purposes, as necessary. The Entitlement Matrix will be updated for each subproject/group of subprojects in each town based on the actual type of losses and included in the DRP.

78. The unit cost determined by the RCS will be used to calculate the compensation for each DP based on their measured loss of assets. In addition, cost of resettlement assistance for transitional income loss, other applicable allowances and livelihood restoration programs, if any, will be calculated. The firm budget for the cost of LAR will be included in the DRP. The DRPs will be prepared by GDR and submitted to the IRC for formal approval prior to submitting to ADB for clearance.

V. CONSULTATION, PARTICIPATION AND INFORMATION DISCLOSURE

A. Consultation and Participation

79. The MAFF together with GDR will conduct meaningful consultation with DPs, their host communities and civil society for each subproject under the Project where IR impacts is identified. Consultations will also include Focus Group Discussions with all APs, including the poor and vulnerable groups and one-on-one individual consultations conducted during the census and SES. The consultation process will begin early during project preparation stage and will continue throughout the project cycle. The DPs will be fully consulted and provided with opportunities to participate in the planning and implementation of land acquisition and resettlement. They will be informed in an appropriate and timely manner of the outcomes of the planning process, as well as the schedules and procedures for implementation of the DRP.

80. MAFF and GDR will ensure the consultation is gender inclusive and special attention is made to ensure the participation of women and the vulnerable group of APs, as much as possible. All efforts will be made to incorporate mitigation measures to address their concerns, where relevant and possible.

81. The Government has developed a four-step comprehensive and inclusive public consultation and participation process to carry out meaningful dialogue with the APs, affected communities and civil society. The role of MAFF and the GDR differ at the different steps of the consultation process which is described in detail in **Annex 2**.

B. Information Disclosure

82. Summaries of the approved RF, draft DRP and DRP, will be translated in the Khmer language and posted at the commune, district and provincial offices for easy and free access of the DPs and affected communities. For illiterate people, suitable other communication methods will be used based on the discussion and in consultation with the DP. The RF and DRPs will also be uploaded on MAFF website in Khmer and English once approved by the IRC and cleared by ADB. Three sets of PIBs will also be prepared for different phases of consultative and participatory meetings and disseminated directly to the DPs as well as posted at Commune and Village Offices. Subprojects involving involuntary resettlement of indigenous people will not be financed under the Project. Gender concerns and issues will be considered in resettlement planning and implementation. Gender differentiated benefit-sharing measures will be included in the DRPs to ensure that women and men of the households are treated equally. Information pertaining to indigenous peoples and gender issues will be disclosed to both groups, so they are aware of the policy of both the ADB and Project to both indigenous people and women.

83. The GDR will submit the following documents to ADB for disclosure on ADB's website after their approval by IRC and a cleared by ADB:

- (i) RF and draft RPs prepared for the subproject(s) during project preparation prior to completion of project appraisal (at ADB management or Staff review Meetings) and this RF approved by the IRC and endorsed by ADB prior to project appraisal;
- (ii) Draft DRP(s) prepared for subprojects after approval of the Project by the ADB; the DRPs approved by IRC and endorsed by ADB;
- (iii) DRPs of subprojects and updates, if any, and a new DRP, and updated DRP, and corrective action plans prepared during project implementation, if any, and
- (iv) Semi-annual safeguards monitoring reports of LAR or the resettlement monitoring report.

VI. COMPENSATION, INCOME RESTORATION AND RELOCATION

A. Compensation Measures

84. The overall objective of the LAR related policy of the project is to ensure that all APs will be able to at least maintain and, preferably, improve their pre-project living standards and income-earning capacity by providing compensation for the loss of physical and non-physical assets and as required, other assistance and rehabilitation measures to re-establish their affected livelihood.

85. An Entitlement Matrix (**Table 3**) has been developed for the Project considering all possible potential impacts of the Project. The Entitlement Matrix includes the complete package for compensation for loss of land and non-land assets, the resettlement assistance (loss of income, disturbance and transportation allowances) and the livelihood restoration/support program together with the additional support/measures for poor and vulnerable group. Consistent with the Project specific resettlement principles and policies, compensation to be paid for affected assets based on replacement costs without deduction for taxes and/or costs of transaction. This Entitlement Matrix will guide the preparation of the DRP and is based on Cambodian's Laws and the requirements of ADB SPS (2009). The entitlements in the matrix in Table xx may not cover all types of impacts and will be enhanced or improved in the DRP based on the findings of the DMS, SES and RCS during project implementation stage, but will not be downgraded in case there will be LAR related impacts identified during the project implementation stage.

86. Only those DPs confirmed to be residing in, doing business, or cultivating land, or having rights over resources within the subproject sites or land to be acquired or used for the subproject before the cut-of-date will be eligible for compensation for lost assets and resettlement assistance. The validity of the eligibility of DPs will be determined during the DMS stage. The budget for compensation and other resettlement assistances will be included in the DRP and approval of the MEF sought after the formal approval of the DRP by the ADB.

B. Income Restoration Program (IRP)

87. The DPs who permanently lose their source of livelihood will be provided with support to re-establish means of their livelihood. This may be either in the form of cash grants for them to seek new or upgrade their skills or through an income support program (land based, employment base, or business based) depending on the choice of the DPs and as listed below.

88. The IRP will be designed in close consultation and active participation with the DPs. The IRP will include vocational or skills training for the eligible DPs. Details of the IRP such as types of vocational/skill training, number of DPs eligible for IRP, institutional arrangements, enrolment procedure, etc. as well as the budget will be described in the DRP. Those DPs who are classified as poor and vulnerable as per the category stipulated in the definition of Vulnerable Groups and will substantiate with ID Poor Cards will also be provided additional assistance to improve their living status.

89. **Land-based livelihood restoration program.** This program includes (i) access to other land-based sources of income, like vegetable gardening, fruit trees and livestock if alternative affordable agricultural land is available. The Project will not provide the land except in the case of land for land swap. DPs will need to acquire the land at their own costs. Specifically, designed skills training in farming and livestock will be provided to the DPs; and (ii) financial support in the form of a lump sum cash grant of \$200 to assist in reestablishing the livelihood.

90. In case no alternative agricultural land is available, these DPs will be offered the option to participate either in the employment or business-based livelihood restoration program.

91. **Employment-based livelihood restoration program.** The program includes (i) Provision of employment skills training. A survey of the employment opportunities in the proximity of the relocation sites will be conducted as part of the preparation of the DRP which will be analyzed to determine the types of jobs available, and the skills set requirements. The training program will be developed in coordination with the vocational training centers in the project area to help build these skills set for the DPs. The cost will be included in the DRP budget; (ii) Financial support in the form of cash grant equivalent to 3 months of income based on the official poverty rate prescribed by the government to support the displaced person during the training period. The amount will be the monthly poverty rate x number of members in the DH x 3; and (iii) Access to temporary job opportunities at the construction site, at the office, or other places that may be available under the Project.

92. **Business-based livelihood restoration program.** This program includes (i) provision of business skills training focusing on micro or home-based businesses; and (ii) financial support in the form of a lump sum cash grant of \$200 to assist in starting or re-establishing micro or homebased businesses.

93. **Special package for poor and vulnerable groups.** In case of permanent loss of livelihood source due to physical relocation, the DPs who are classified as poor and vulnerable as per the category stipulated in the definition of Vulnerable Groups and substantiate ID Poor

Cards can participate in any of the three programs and the corresponding skills training program depending on their choice. In addition, this category of DPs will be entitled to the following: (i) double the financial support rate offered in the three different livelihood programs; and (ii) priority access to employment opportunities under the Project.

94. **Relocation.** The Project will not support physical relocation. However, during the upgrade of the Takeo Poultry Market several vendors that include those not either directly or indirectly with the slaughter and sale of chickens and ducks will need to be temporarily relocated although within the existing confines of the market. Subprojects to be identified during Project implementation especially those associated with the upgrading/expansion of abattoirs and markets to be partially financed by private sector investors of such facilities will not be approved if there is a requirement for any form of permanent relocation although as in the case of the Takeo Poultry Market temporary relocation within the confines of the existing physical confines of the facility will be permitted. GDAHP at the national level understands this issue very well because initiated it in the first instance.

Table 1: Entitlement Matrix

Cat	Type of Loss	Application	Category of DH	Entitlements	Clarification
Loss of Land					
1a	Loss of Land	Agricultural, residential and commercial land	Legal owners and holders of real right of land, including those covered by customary rights	<ul style="list-style-type: none"> • Cash compensation for land at full replacement cost or land swap of equal productive value. • Provision of stamp duties, land registration fees and other similar taxes, if applicable, for acquiring legal rights in case of replacement land (land for land swap) • Includes option of compensation at same replacement cost for affected land that remain after acquisition if remaining land becomes unviable or unusable. • For customary ownership, replacement land to sustain livelihood and way of life. Land registration, stamp duty and other fees to register land ownership or right to use will be reimbursed at cost 	<p>If land for land is offered, title will go to both husband and wife.</p> <p>Applies to only partial loss of land</p>
1b	Loss of Land		Tenants and Leaseholders	<ul style="list-style-type: none"> • No compensation for loss of land as not legal owners of land 	
1c	Loss of Land		Illegal occupiers/squatters without legal titles or rights to land	<ul style="list-style-type: none"> • No compensation for land loss as not legal owners of land 	

Loss of Use of Land					
2a	Loss of Crops and Fruit and Non-Fruit Trees	Agricultural land	All DHs who are engaged in farming	<ul style="list-style-type: none"> For rice/crop farming: Net annual income X 1year <p>In addition, AHs can harvest and retain income from standing crop.</p> <ul style="list-style-type: none"> For fruit trees, replacement cost of loss based on following formula: [Quantity Harvested per Year) X (Market Price) X (Number of years it will bear fruit)] + Cost of Seedling <p>Perennial trees that have a growth period of more than 5 years are classified as follows:</p> <ul style="list-style-type: none"> Sapling Trees under 1 year-not compensated as it can be replanted. Cost of seedling provided. Young Tree (1 to 3 years): Valued at 1/3 of its full price as it can be replanted plus cost of seedlings Young Tree (More than 3 to 5 years) bearing some fruits: valued at 2/3 of its full price plus cost of seedlings Mature Tree (more than 5 years) full bearing fruits valued at full price plus cost of seedlings 	<p>RCS will determine the amounts</p> <p>Market Price is based on Farm-Gate Price</p> <p>Full Price is amount calculated from the formula shown in [] without cost of seedling</p>
2b	Loss of Business	Commercial land and businesses	All DHs who are engaged in businesses	<ul style="list-style-type: none"> For businesses which need to be relocated to a new site, an amount equal to loss of projected net income for 2 months For businesses relocated on-site (move back or same area), an amount equal to loss of projected net income for one month. For operating of illegal nature of businesses like gambling, prostitution, drugs and similar types, no compensation is paid. 	<p>RCS will determine the amounts</p> <p>Both registered and unregistered businesses are compensated except when the nature of business is illegal</p>

Loss of Houses and Structures					
3a	Loss of Houses and Structures	Residential, commercial structures and other assets	Owners of houses, buildings and structures	<ul style="list-style-type: none"> • Cash compensation equivalent to replacement value of lost portion of the house/building/structure. If the owner rents or leases, compensation for any improvements/construction carried out by the renter/leaseholder will be deducted from the compensation payment to the owners. • In case of loss of only part of the houses/buildings/structure and the remaining portion is not livable or useable, compensation will be paid for complete structure at same replacement cost. • In case houses/buildings are rented/leased, any improvements/construction added by renters and leaseholders will be compensated at replacement cost and paid to renter/leaseholder. Owners will not get compensation for such improvements/construction 	<p>RCS will determine the replacement cost</p> <p>When loss is 75 % or more of the floor space</p>
3b	Loss of Houses and Structures	Residential, commercial structures and other assets	Tenants and Leaseholders	<ul style="list-style-type: none"> • Cash compensation at replacement cost for any improvements or construction by the tenants or leaseholders • In case of no improvements or construction, no compensation is paid. • Transfer/Disturbance Allowance equivalent to 1 month of rental or lease amount 	<p>RCS will determine replacement cost</p> <p>Documentary evidence is required</p>
3c	Loss of Houses and Structures	Residential, commercial structures and other assets	Illegal occupiers or squatters	<ul style="list-style-type: none"> • Cash compensation equivalent to replacement value of loss of structures constructed by illegal occupier/squatters 	RCS will determine replacement value
3d	Loss of Houses and Structures (Transport Allowance)	Transport allowance for household and personal goods	DHs	<ul style="list-style-type: none"> • Fixed Lump Sum allowance per AH based on average cost of transportation to new relocation place. • Up to 5 km • More than 5 km 	RCS will determine the lump sum amount for the 2 rates

Loss of Income and Livelihood					
4a	Loss of Income during Transition Period- Subsistence Allowance	Loss of Income	DHs who lose income during the transition period.	<ul style="list-style-type: none"> Lump sum amount equivalent to 3 months of income based on the official monthly poverty rate established by RGC. <p>Periodic Poverty Rate X Number of Members in DH X 3</p>	Periodic Poverty Rate as established by the RGC
4b	Permanent Loss of Livelihood Source due to Physical Relocation	Income Restoration	DHs who lose their source of livelihood permanently	<ul style="list-style-type: none"> Entitled to participate in any one of the 3 Livelihood Restoration/Support Programs: Land Based Livelihood Restoration for AHs engaged in land-based livelihood. (i) facilitate access to other land-based sources of income, if productive land is available, like vegetable gardening, fruit tree, livestock and other similar land-based income generating sources; (ii) provision of training in farming or livestock; and (iii) lump sum cash grant of USD 200 to re-start land-based livelihood In case of unavailability of suitable land, the AHs can opt for either employment or business base livelihood program. <p>OR</p> <ul style="list-style-type: none"> Employment Based Livelihood Restoration for AHs who lose employment permanently. (i) provision of employment skills training; and (ii) lump sum cash grant equivalent to 3 months of income based on official poverty rate to supplement income support during the training period. <p>OR</p> <ul style="list-style-type: none"> Business Based Livelihood Restoration for AHs who lose businesses permanently or AHs who opt for this as an alternative livelihood source. (i) provision of business skills; and (iii) a lump sum cash grant of USD 200 to assist in starting micro or home-based business. 	<p>Land Based for AH who lose land-based livelihood</p> <p>Employment based for AH who lose employment-based livelihood</p> <p>Business based livelihood program for AH who lose business-based livelihood.</p> <p>Can be provided for the AHs who may opt for this.</p> <p>AHs will only be eligible for any one of the above three options</p>

				<ul style="list-style-type: none"> For Poor and Vulnerable AHs. In addition to skills training, (i) lump sum cash grant will be doubled; and (ii) priority in any employment opportunity under the Project 	Classification will be carried out during the DMS and in accordance with the established criteria prescribed in Section IV.D SOP and with ID Poor Cards
5	Impacts During Construction			<ul style="list-style-type: none"> Land outside of the alignment or corridor of impact that is adversely impacted by construction activities will be compensated in cash or in-kind at replacement cost by the civil works contractor 	<ul style="list-style-type: none"> Impacts due to construction (for example, damages of structures, restricted access to business/income sources resulting from construction activities) and compensation measures will be included in the project environmental management plan. Principles adopted for this RF apply.
6	Unanticipated involuntary resettlement impacts beyond 1 to 7 above		New eligible AHs	<ul style="list-style-type: none"> New DPs that will be identified are entitled to the same entitlements as those of the other DPs. 	<ul style="list-style-type: none"> GDR shall ensure the conduct of a social assessment and update the DRP or formulate a DRP depending on the extent of the impact changes covering all applicable requirements specified in the DRP in accordance with the SPS and RGC laws and regulations.

Source: Appendix 6 of SOP.

VI. GRIEVANCE REDRESS MECHANISM

A. The objective of the GRM

95. A well-structured and functioning grievance redress mechanism (GRM) will be established at the local level following standard government procedures to resolve grievances and complaints in a timely and satisfactory manner as required under the ADB SPS (2009). The Expropriation Law of the RGC provides for a Grievance Redress Committee (GRC) to manage complaints with the additional provision for the AHs to seek judicial redress in case they dispute the decision of the GRC.

B. Grievance Redress Process

96. A Provincial Grievance Redress Committee (PGRC) will be established each province where the subprojects will be located and implemented.¹³ The PGRC is empowered, at the administrative level, to make binding decisions on the resolution of eligible complaints. The PGRC will be trained, operationalized, and made fully functioning in the Subproject provinces prior to DMS. Training on GRM will be provided by GDR for the PGRC prior to DMS. The information on PGRC will be included in the updated PIB to be distributed to AH prior to DMS. The GRM guidelines, including procedures and forms in Khmer language will be distributed as an attachment to the PIB. The PGRC comprises representatives from the relevant provincial authorities and MEF as follows:

- (i) Provincial Governor – Chair,
- (ii) Director of Provincial Department of Land management, Urban Planning and Construction – Vice Chair,
- (iii) Director of Provincial Department of Ministry of Economy and Finance - Member
4. Director of Provincial Department of Public Works and Transport – Member,
- (iv) Chief of Provincial Office of Law and Public Security – Member,
- (v) District Governor – Member, and
- (vi) A Representative of Locally Based Civil Society Organization - Member.

97. The grievances will be handled through a 3-step formal approach detailed below. However, prior to the First Step, the AH may informally seek the assistance of the commune chief or a community elder to discuss and find an amicable solution to his/her complaint or grievance with the leader of the PRSC-WG. This is done verbally and informally, and moreover, its aim is to resolve the matter to avoid lodging formal written complaints. Complaints raised at all levels, including at the commune level will be reflected in the quarterly/semi-annual monitoring reports submitted to ADB.¹⁴ If the verbal process of problem-solving does not resolve the complaint to the satisfaction of the AH, s/he can seek the formal route for lodging the grievance. Formal lodging can be done verbally (to a community elder or representative who will record the complaint) or in writing. In addition, APs will have the flexibility to convey their grievances or concerns either through complaint/suggestions boxes that will be installed in accessible locations, mobile/telephone, email should be honored, etc., taking into account the literacy and education levels of the APs; and contact information of the GRC will be made available in the project site. The GRM process as outlined in the standard of practice (SOP) is detailed below:

¹³ There are PGRCs already established and fully functioning in some of the provinces which could serve for the subprojects.

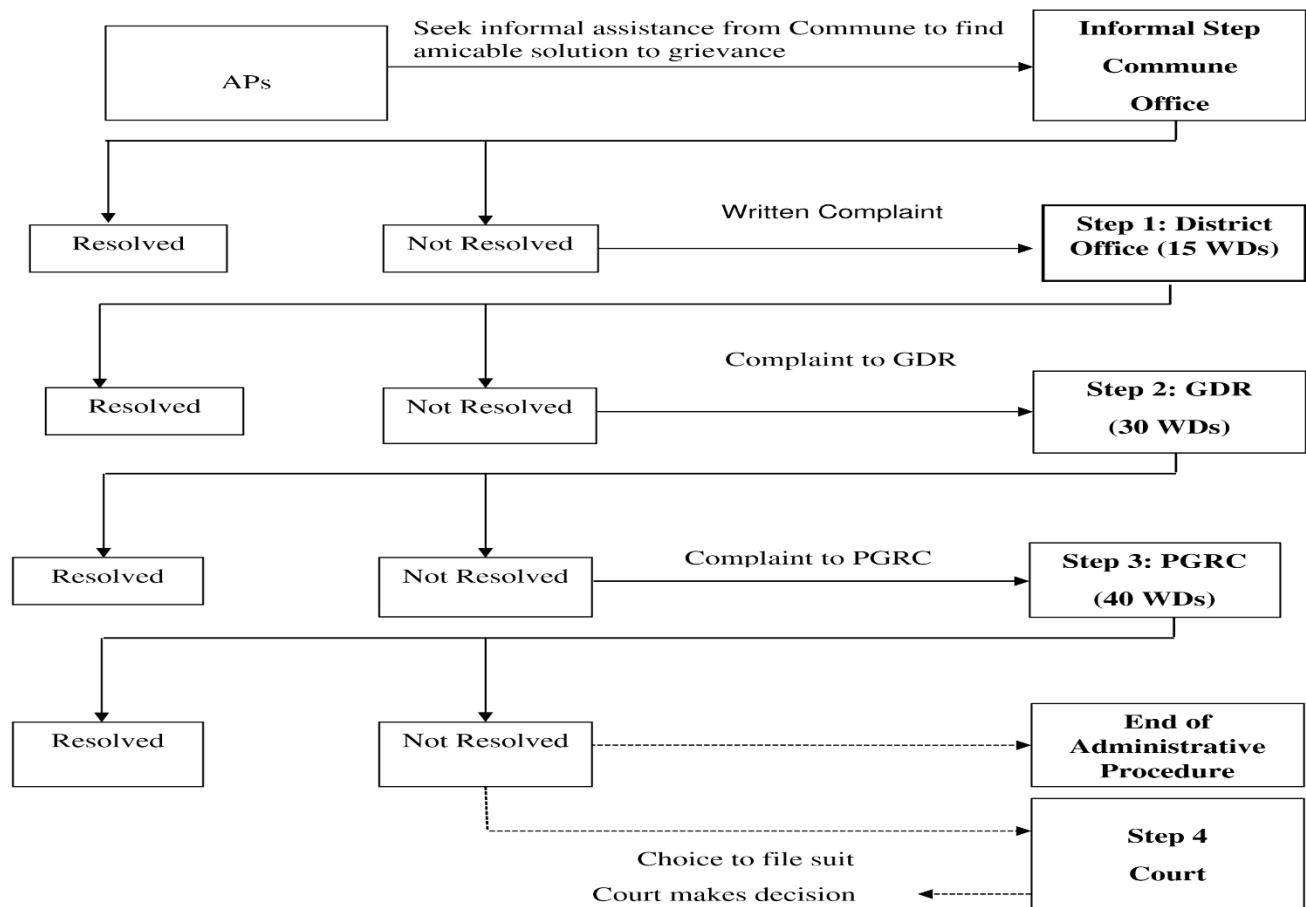
¹⁴ Para. 12 of the Aide Memoire of the Safeguard Policy Dialogue Mission 22-23 August 2019.

- (i) **First Step:** The aggrieved AH can lodge a written complaint to the Head of the District Office where the Subproject is located. The AH can bring a **community elder or representative** to mediate in the matter at the District level. The IRC-WG will appraise the Head of the District Office about the matter. The conciliation meeting must be held, and a decision taken within **15 working days** after the date of registration of the complaint by the District Office. If the complaint is resolved at the District Level to the satisfaction of the AH, the IRC-WG will inform GDR's DIMDM, which will review and seek the approval of the Director General, GDR for appropriate remedial action. The AH will be informed in writing by the GDR of the decision and the remedial action that will be taken within **15 working days** from the receipt of the letter from the District Office. If the complaint is rejected at this stage, the District Office will inform the AH in writing and if the AH is not satisfied with the result, s/he can proceed to the next step and lodge a written complaint to the GDR for resolution.
- (ii) **Second Step:** The GDR through its DIMDM will conduct a holistic review of the complaint and submit a report on its findings with the relevant recommendations, if any, to the Director General, GDR for a decision. It may also conduct a field visit to meet the aggrieved AH and the IRC-WG to gather the relevant details. The final report must be completed **within 30 working days** from the date of receipt of the complaint and submitted to the Director General, GDR for a final decision within **5 working days** of receipt of the final report. In the event that the subject matter requires a policy level intervention, it will be referred to the IRC for a decision in which case **10 more working days** will be added to the deadline for final decision.
- (iii) **Third Step:** The AH will submit a written complaint with the PGRC through the Provincial Governor's Office. The AH or a representative will be given an opportunity to present its case during the meeting and the PGRC may consider any compelling and special circumstances of the AH when reaching a decision. The GDR will send a representative, as a non-voting member, to provide explanation for the rejection of the complaint at the second step by the GDR. The decision of the PGRC must be reached on a consensus basis and will be final and binding except when the matter relates to any policy of the Government. Decisions on Government policy matters on LAR is decided by the IRC. The PGRC will have **40 working days** from the date of receipt of the complaint to reach a final decision. The decision of the PGRC will be sent to the IRC through the GDR for endorsement before taking any remedial action.

98. The handling of the complaint at the administrative stage ends at the Third Step. There are no fees or charges levied on the AH for lodging and processing of the complaints under the First, Second and Third Steps. However, as provided for in the Expropriation Law, the aggrieved AH can file a suit at the Provincial/Municipal Courts, as applicable, to seek a resolution. At this stage, there is no involvement of the GDR, PRSC or IRC-WG unless there is a judicial order from the competent court. AHs can lodge their complaints at no cost and without retribution and it will not impede the GRM should not prevent them from accessing the country's judicial or administrative remedies.

99. If an AH is still not satisfied and believes s/he has been harmed due to non-compliance with ADB policy and s/he has made good faith efforts to solve the problems by working with the ADB Project Team, s/he may submit a complaint to ADB's Office of Special Project Facilitator or Office of Compliance Review in accordance with ADB's Accountability Mechanism. The information can be found at www.adb.org/site/accountability-mechanism/main. **Figure 1** illustrates the flow chart of the GRM process.

Figure 1: Flow Chart of the GRM Process



Source: Asian Development Bank.

VII. INSTITUTIONAL ARRANGEMENTS AND IMPLEMENTATION

A. Institutional Arrangements

100. Ministry to Agriculture Forestry and Fisheries (MAFF) will be the project Executing Agency (EA). The GDAHP will be the Implementing Agency (IA). Subprojects will be implemented by GDAHP as the IA through the Project Management Unit (PMU) which will support GDAHP in undertaking overall oversight and management of the Project. It will be supported by consultants to ensure that procedures are followed and that the implementation schedules are kept on track. However, it will not be responsible for carrying out the land acquisition and resettlement activities which is mandated to the GDR. GDAHP will coordinate closely with the IRC-WG on all matters concerning involuntary resettlement, working closely with RD2 of GDR to prepare, update, and implement the DRP.

101. **PMU under GDAHP.** A dedicated PMU will be established in GDAHP to carry out the day-to-day tasks in the overall implementation of the Project. However, it is not mandated to carry out resettlement activities but will coordinate with GDR in the implementation of DRP which is the lead agency directly responsible for all LAR activities in the ROW. The PMU has a designated focal person on resettlement and is tasked to undertake specific PMU responsibilities with regards

to LAR and coordinate with GDR, the PRSC and the PIU in all matters concerning LAR planning and implementation. The specific tasks of the PMU related to LAR include the following:

- (i) Conduct a social impact assessment of the Project/Subproject;
- (ii) Prepare the draft Basic Resettlement Plan (BRP) based on preliminary-detailed design alignments/demarcation, preparation of DDR when there is no IR impacts, of the Subproject site for GDR's review and endorsement;
- (iii) Set out the demarcation of the land requirement along the final alignment within a month after completion of the detailed engineering drawing (DED) in coordination with GDR;
- (iv) Provide GDR with the proposed construction schedule identifying the completion schedule of LAR and handover of sites by sections to the contractor before the planned contract award date;
- (v) Inform GDR in a timely manner if the progress of construction is hampered by LAR issues or any anticipated bottleneck;
- (vi) Assist and cooperate with GDR in seeking solutions to problems encountered during Project/Subproject implementation;
- (vii) Invite GDR to participate in supervision missions and wrap-up meetings with APs and ensure that GDR's comments on LAR issues are incorporated in Aide Memoires Memorandum of Understanding (MOU) and Minutes of Discussions (MOD);
- (viii) Ensures that no further encroachment on the ROW after handover by GDR of the land for the Project/Subproject;
- (ix) Ensure that the subprojects conform to selection criteria;
- (x) collect, analyze and report relevant information associated with unanticipated resettlement impacts and/or IP impacts resulting from the project implementation (if any);
- (xi) immediately report any unanticipated IR and/or IP impacts to GDR and ADB and take part in developing mitigation measures for such impacts and update ADB on the status of such cases in a timely manner;
- (xii) review and finalize subproject category for IR and IP;
- (xiii) participate and contribute as needed in preparation of updated or new RPs, DDRs, IPPs as relevant;
- (xiv) confirm these social safeguards plans are updated or prepared based on the DED, and in accordance with the resettlement framework and indigenous peoples planning framework prepared for the project;
- (xv) ensure that the social safeguards plans are included in bidding documents and civil works contracts;
- (xvi) provide oversight on social safeguards management aspects of subprojects;
- (xvii) ensure timely disclosure of final RPs, DDRs, IPPs in locations and form accessible to the public and affected persons;
- (xviii) provide inputs related to social safeguards planning, implementation and monitoring into the quarterly progress reports; and
- (xix) submit the semi-annual social safeguards monitoring reports and quarterly progress reports to ADB.

102. The Provincial Project Implementation Unit will be responsible for:

- (i) Responsible for project/subproject implementation at the provincial, district and village level;
- (ii) Lead annual province level project/subproject planning and budgeting;

- (iii) Submit withdrawal applications to the PMU, retain supporting documents, submit all reporting requirements, including financial statements;
- (iv) Coordinate project review missions and prepare progress reports;
- (v) Support PMU to ensure safeguard policy compliance, safeguard document preparation, reporting and monitoring. GRM implementation and management;
- (vi) Support the PMU to carry out baseline, midterm, and outcome surveys;
- (vii) Establish province level project performance monitoring system, including a website for project disclosure;
- (viii) Support the PMU to supervise contractors that are implementing output 1, 2 and 3 at provincial level;
- (ix) Manage the evaluation of subproject proposals allocation of livestock sector matching grant funds;
- (x) Support GDAH to pilot/roll out Livestock Identification and Traceability System, Laboratory Information Management System, Animal Production and Health Information System, Good Management Practice and Good Animal Husbandry Practice programs; and
- (xi) Manage the implementation of the forage, animal breeding and VAHW training and certification programs.

103. **Inter-Ministerial Resettlement Committee (IRC).** The IRC is the decision-making and oversight body for LAR activities. It has the mandate to review and evaluate the resettlement impact and land acquisition for public physical infrastructure development projects in the Kingdom of Cambodia. The IRC is a collective entity, permanently chaired and led by the Ministry of Economy and Finance (MEF), with members from different line ministries. The IRC carries out its roles through an IRC-WG which is established by MEF for each public investment Project. Key responsibilities of IRC include:

- (i) Provide effective oversight and ensure LAR complies with the laws and implements rules and regulations;
- (ii) Ensure effective coordination between line ministries, provincial/local authorities, and GDR in carrying out the LAR;
- (iii) Review and approve the DRP and endorse DRP prior to submission to ADB for its review and the approval;
- (iv) Initiate the establishment of PGRC; and
- (v) Provide overall guidance on implementing rules and regulations for LAR and propose updates as necessary.

104. **General Department of Resettlement (GDR).** The GDR is the permanent technical Secretariat of the IRC and the lead agency for the preparation, implementation, and monitoring and reporting of LAR. The GDR will carry out activities under the Kampot sewerage network improvement Subproject through its Resettlement Department 2 (RD2). For this, detailed tasks of RD2 GDR include:

- (i) Coordinate and collaborate with line ministries, GDAH, and other agencies involved in LAR activities;
- (ii) Conduct public consultations and Focus groups discussions with the affected persons and vulnerable groups;
- (iii) Prepare the DRP for the Subproject and submit to ADB for review and acceptance;
- (iv) Develop terms of reference and recruit the replacement cost surveyor;
- (v) Prepare and secure the necessary budget for the implementation of the DRP;

- (vi) Calculate, prepare contracts, and make payments for compensation for each AH based on the entitlement matrix in the DRP;
- (vii) Implement all LAR activities in compliance with the DRP;
- (viii) Ensure proper functioning of the GRM;
- (ix) Supervise, monitor, and report on implementation progress of the DRP;
- (x) Send Land Handover Letter to GDAHP with a copy to ADB;
- (xi) Prepare and submit to ADB quarterly progress and semi-annual monitoring reports;
- (xii) Prepare, agree with ADB and implement corrective action plan, if any, during implementation; and submit the corrective action plan implementation report to ADB for concurrence and disclosure;
- (xiii) Conduct awareness workshops for GDAHP, line ministries, local authorities, and construction contractor on the implementing rules and regulations as specified in the DRP; and
- (xiv) Serve as the focal knowledge center for resettlement of the Project or Subprojects.

105. In addition, the DIMDM of GDR is responsible for carrying out the internal monitoring of the implementation of the DRP and the verification and validation of the compliance of the entitlements and compensation payments with the provisions of the entitlement matrix in the DRP. Its role extends to internal verification of all LAR activities for compliance with the provisions under the agreed DRP and reports directly to the Director-General of GDR. In addition, it records and reviews all complaints and grievances submitted by displaced persons; investigates them and makes recommendations on compliance to the Director-General of GDR. After the payment of compensation and other entitlements is completed, GDR will prepare and submit to ADB the DRP implementation report to obtain “no objection” for civil works. In addition, DIMDM will prepare and submit quarterly progress reports to GDAHP and semi-annual social safeguard monitoring reports to ADB, the latter report for review and disclosure.

106. **Cadastral Administration Office.** The Cadastral Administration Offices under the Ministry of Land Management, Urban Planning and Construction (MLMUPC) is responsible for issuing titling documents, including the certificate of land use rights, hard titles and social land concession as part of securing tenure for landless and issuing title documents for the land plots acquired in favor of GDAHP.

107. **The concerned local administrative authorities (district, commune, and village).** The districts, communes, and villages where the Subproject is located will coordinate and work closely with the PRSC-WG and IRC on the DRP preparation and implementation. Their roles and responsibilities include:

- (i) Identify and coordinate the venue for the public consultation meetings and invite AHs to participate in the consultation activities, such as DMS, SES, RCS and other resettlement related activities;
- (ii) Implement GRM, and
- (iii) Assist the IRC-WG, PRSC-WG, and GDR in developing suitable measures to assist the vulnerable AHs by the Subproject.

108. **Inter-Ministerial Resettlement Committee Working Group (IRC-WG).** The IRC-WG will carry out the day-to-day LAR activities under the Project which is led by the Deputy Director/Chief of the Department of Resettlement of the GDR and comprise technical PMU staff of the GDAHP/GDAHP/PMU, staff of the Resettlement Department and staff of the Ministry of Land Management, Urban Planning and Construction. The IRC-WG will be responsible for all the field

work under the supervision of the Director of the Resettlement Department and overall guidance and direction of the Director General of the GDR.

109. **Provincial Resettlement Sub-Committee (PRSC).** The PRSC will be established in each province in subprojects with LAR impacts by the Provincial Governor at the request of the IRC for the Subproject. The role of the PRSC is as follows:

- (i) Provide the coordination and supporting role to the GDR, IRC, and IRC-WG for LAR activities at the local level;
- (ii) Ensure all relevant provincial and local government authorities provide the necessary support for LAR;
- (iii) Manage the public consultation meetings at Provincial Level;
- (iv) Oversee and monitor the work of PRSC-WG;
- (v) Responsible and accountable for the disbursements of the compensation payments at the provincial level; and
- (vi) Assist the IRC-WG in developing measures to assist vulnerable households by the Subprojects.

110. **Provincial Resettlement Sub-Committee Working Group (PRSC-WG).** The PRSC-WG will be established in each province with LAR impact by the Provincial Governor and is mainly responsible for the technical functions of the PRSC and works with the IRC-WG in conducting the LAR activities at the provincial level. The PRSC, through the provincial and district working groups, is responsible for the following functions:

- (i) Facilitate public information campaign, ensuring that the public, especially the AHs, are updated on any developments regarding the Subproject and resettlement activities;
- (ii) Participate in the DMS and updating of the census of AHs, including the updating of the entitlements
- (iii) Spearhead the selection, acquisition, and preparation of replacement plots, including the preparation of a coordinated schedule of delivery of compensation and other entitlements, the relocation of people, harvesting of standing crops, and the start of civil works in a particular section of the Project road sections;
- (iv) Spearhead the delivery of compensation and other entitlements to the AHs;
- (v) Receive and act on the complaints and grievances of AHs in accordance with the Project resettlement policy; and
- (vi) Maintain a record of all public meetings, grievances, and actions taken to address complaints and grievances.

111. **Project Implementation Consultants (PIC).** The PIC will assist GDAHP in the management and supervision of civil works activities and will ensure that the contractor adheres to the terms of their contracts relative to avoiding and/or minimizing resettlement impacts. The PIC's role is minimal in the implementation of DRP and is only related to the compilation of the reporting requirements for the Project and reporting to RD2 of GDR on any bottlenecks posed by resettlement during the construction phase of the Project/Subproject.

B. Implementation Schedule

112. The Project is expected to be implemented over a period of 7 years, from 2023 to 2030

113. The procurement of civil works can commence after the DED has been completed and while the DRP is under preparation by the GDR. It is expected that the DMS will be completed

within 2 months after the demarcation of the land required for the subproject or component. The preparation of the DRP and its approval by the IRC and the ADB is expected within 3 months thereafter. The implementation of the DRP will range from 3 to 6 months depending on the number of DPs and the scope of the LAR impacts.

114. However, the DRP of the subproject must be approved by the IRC and the ADB prior to the award of any contract for construction under the subproject. Hence no contracts can be signed for a subproject unless the DRP for that subproject is approved.

115. Civil works for any contract can commence only after the payment of compensation at full replacement cost and other entitlements listed in the DRP and a comprehensive income program supported by an adequate budget is in place for any LAR impacts. In case any DP refuses the compensation payment or where complaints have been lodged for resolution under the GRM for the subproject, these cannot prevent the commencement of civil works. Civil works may also commence in subprojects or sections where there are no such impacts.

VIII. BUDGET AND FINANCING

A. Budget and Financing

116. The cost for all land acquisition, compensation, resettlement assistances, including the cost of any income restoration or support program, if required, for the Project will be financed from the national budget by RGC as counterpart funds for the Project. The cost of the preparation of the DRP will be met from the overall administrative and operation budget of the GDR. No financing will be required from the loan and grant proceeds of the Project provided by the ADB. Estimated budget will be prepared based on the latest item rates within the subproject area, following the preliminary census and inventory of subproject affected assets and reflected in the draft RP. The final budget for LAR will be prepared after the completion of the DMS, updated IOL, and RCS and will be included in the DRP.

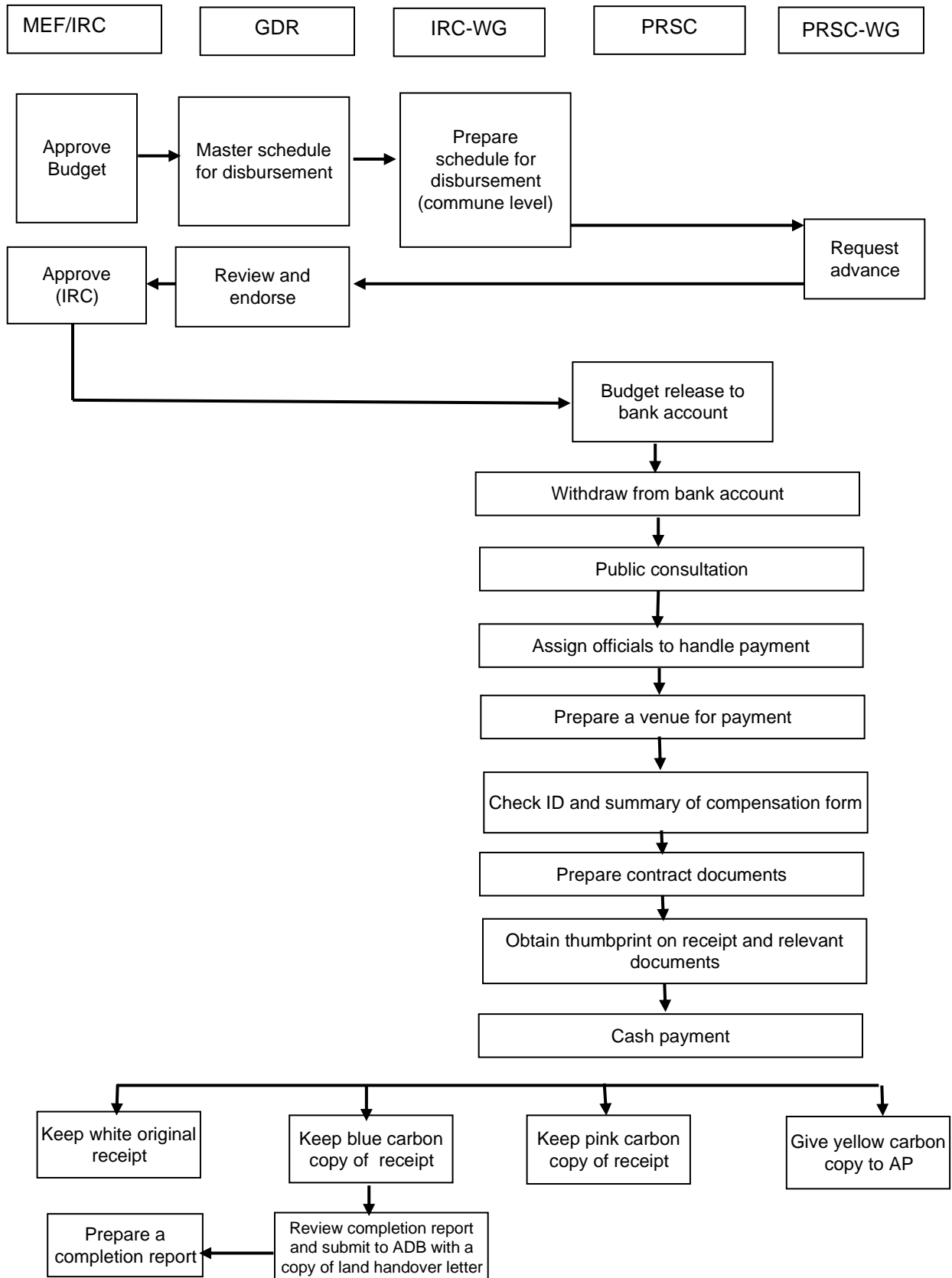
B. The Flow of Funds for Compensation and Cash Assistance

117. After approval of DRP and budget and prior to consultation with the AHs, GDR will prepare a compensation plan and consult and draft contracts for compensation payments to the AHs. Compensation payments will be done in full after the contracts have been signed, and completion of payments will be reported in the DRP implementation Report submitted to ADB.

118. The GDR will be responsible and accountable for all financial management functions relating to the use of the budgeted funds. The Government will set up a designated account, called the counterpart funds to account for the Project at the National Bank of Cambodia. The funds for LAR are provided to the GDR from the counterpart funds account. The budget is prepared by the GDR and submitted to MEF for approval once the DRP is approved by IRC and cleared by ADB. The GDR will submit a request for the release of the allocated budget to the General Department of International Cooperation and Debt Management which will process the request and submit to the General Department of National Treasury. The funds are released and deposited into a project-designated account established by the GDR for the subproject at the National Bank of Cambodia. The funds are released from the project designated account, as and when necessary, and provided to the PRSC which is responsible for the disbursement of payments to the AHs. The compensation payments will be made in a public place by the PRSC-WG in close collaboration with IRC-WG

119. Past donor financed projects, including ADB, have not experienced any difficulties in the availability and timely release of the budget for LAR. The Project is not likely to encounter any difficulties in the timely availability and release of the budget for the implementation of LAR activities. Figure 2 **Fund Flow Diagram** illustrates the fund flow diagram.

Figure 2: Fund Flow Diagram



Source: Asian Development Bank.
 INTERNAL. This information is accessible to ADB Management and staff. It may be shared outside ADB with appropriate permission.

IX. MONITORING AND REPORTING

120. While the GDAHP/PPMU will be responsible for the monitoring of the overall implementation of the Project and Subproject, the Department of Internal Monitoring and Data Management (DIMDM) of GDR will be directly responsible for the monitoring and reporting of the implementation of the DRP. As the impacts of the Project are not deemed significant, external monitoring will not be required.

A. Internal Monitoring

121. All internal monitoring and reporting on the implementation of the DRP will be conducted by the DIMDM of GDR in accordance with the principles agreed in this LARF and RPs and the monitoring indicators. DIMDM of the GDR will perform routine internal monitoring. The objective of internal monitoring is to (i) measure and report on the progress in the preparation and implementation of the DRP; (ii) identify problems and risks if any, and the measures to mitigate them; and (iii) assess if the compensation and rehabilitation assistance are in accordance with the provisions under the DRP. Internal monitoring with results will be reported to IRC and GDAHP/PMU on a quarterly basis. The IRC-WG and the PRSC-WG will gather data and information on the progress of the LAR from the field and prepare and submit monthly reports to RD2. The RD2 will compile the field reports and prepare a consolidated report on the implementation of DRP on monthly basis. The report will be submitted to the DIMDM which will (i) review the monthly progress reports, including fielding its own missions to verify the progress and the validity of the data and information, if deemed necessary; and (ii) compile quarterly monitoring report for submission to the Director-General of GDR. The GDR will provide GDAHP a quarterly progress report by 15th of following month from end of each quarter. DIMDM will compile semi-annual social safeguards monitoring reports and submit them to ADB for disclosure on ADB website by 30th of following month from end of the last quarter for the semi-annual report in question.

122. An indicative list of internal monitoring indicators is in **Annex 3** of the RF. The internal monitoring report summarizes progress on resettlement activities and notifies ADB of approval by IRC-GDR of any changes, as required, to the implementation of the DRP. The contents of the report include the status of the following:

- (i) Set up of Institutional Arrangements
- (ii) Compensation Payments for Entitlements
- (iii) Development of Resettlement Sites and Relocation if any
- (iv) Grievance Redress
- (v) Public Consultations
- (vi) Budget Expenditures
- (vii) Livelihood Support Program, where applicable
- (viii) Distribution/placement and temporary move of vendors from the market site
- (ix) Overall Progress against agreed Implementation Schedule
- (x) Major Problems and Issues
- (xi) Proposed Remedial Actions

123. The DIMDM will also validate that the (i) entitlements and the corresponding compensation are paid in accordance with the entitlement matrix in the approved DRP; and (ii) GRM is functioning as per the guidelines. During subsequent monitoring periods, the DIMDM will look into whether or not corrective actions agreed to address land acquisition and resettlement issues in the past monitoring period (i.e., outstanding resettlement issues) have been resolved.

Involuntary Resettlement Impact Screening Checklist

Potential Involuntary Resettlement Effects	Yes	No	Unknown	Remarks
Involuntary Acquisition of Land				
1. Will there be land acquisition?				<ul style="list-style-type: none"> • Discuss with the design engineers on what are the subproject components • Field visit to examine if there are DHs on the affected areas.
2. Is the site for land acquisition known?				<ul style="list-style-type: none"> • Discuss with the design engineers and local authorities on the locations of the components.
3. Is the ownership status and current usage of land to be acquired known?				<ul style="list-style-type: none"> • Discuss with the design engineers • Consultations with the communities
4. Will easement be utilized within an existing Right of Way (ROW)?				<ul style="list-style-type: none"> • Discuss with the design engineers • Discuss with local authorities • Consultations with the communities
5. Will there be loss of shelter and residential land due to land acquisition?				<ul style="list-style-type: none"> • Discuss with the design engineers • Discuss with local authorities • Consultations with the communities • Field assessment.
6. Will there be loss of agricultural and other productive assets due to land acquisition?				<ul style="list-style-type: none"> • Discuss with the design engineers • Discuss with local authorities • Consultations with the communities • Field assessment.
7. Will there be losses of crops, trees, and fixed assets due to land acquisition?				<ul style="list-style-type: none"> • Discuss with the design engineers • Discuss with local authorities • Consultations with the communities • Field assessment.
8. Will there be loss of businesses or enterprises due to land acquisition?				<ul style="list-style-type: none"> • Discuss with local authorities • Consultations with the communities • Field assessment.
9. Will there be loss of income sources and means of livelihoods due to land acquisition?				<ul style="list-style-type: none"> • Discuss with local authorities • Consultations with the communities • Field assessment.

Potential Involuntary Resettlement Effects	Yes	No	Unknown	Remarks
Involuntary restrictions on land use or on access to legally designated parks and protected areas				
10. Will people lose access to natural resources, communal facilities and services?				<ul style="list-style-type: none"> • Discuss with the design engineers • Discuss with local authorities • Consultations with the communities • Field assessment.
11. If land use is changed, will it have an adverse impact on social and economic activities?				<ul style="list-style-type: none"> • Field assessment and consultations with DHs and local authorities
12. Will access to land and resources owned communally or by the state be restricted?				<ul style="list-style-type: none"> • Discuss with the design engineers • Field assessment and consultations with DHs and local authorities
Information on Displaced Persons:				
<i>Any estimate of the likely number of persons that will be displaced by the Project/Subproject?</i>				
<i>[] No [] Yes</i>				
If yes, approximately how many? _____				
Category for IR impacts ¹ : A [] B [] C []				
<i>Are any of them poor, female-heads of households, or vulnerable to poverty risks?</i>				
<i>[] No [] Yes</i>				
<i>Are any DPs from indigenous or ethnic minority groups?</i>				
<i>[] No [] Yes</i>				
<i>Potentially affected lands by Project's/Subproject's interventions/components</i>				

Source: Asian Development Bank.

¹ Likely to have significant impacts are classified as Category A when 200 or more persons experience major resettlement impacts either through being physically displaced from housing or losing 10% or more of their productive (income generating) assets. Not deemed to have significant impacts (i.e., other than Category A) will be classified as Category B. No impacts will be classified as Category C.

Consultation Process

A. First Consultation

1. The **first** public consultative meeting was held with the affected communities and the potential DPs at the commune level across all the proposed subprojects prior to the preparation of the RF and draft RPs. The meeting was conducted by the MPWT and the provincial authorities with participation of the GDR and the ADB/Project Preparation Consultants. The purpose of the meeting was to provide the community and the DPs with generic information about the Project/subprojects, the benefits and potential impacts, the anticipated land requirement, compensation policy and entitlement and eligibility and the grievance redress mechanism. Documentation of the meetings (minutes of the meeting, summaries of discussions, lists of participants and photos) will be provided to ADB as part of the reporting requirements.

2. A Project Information Booklet (PIB) for the Project, which was prepared by the MPWT with the assistance of the ADB financed PPCs and endorsed by the GDR, was made available at the commune/village council offices and distributed to all the attendees during the meeting at draft RP preparation.

B. Second Consultation

3. The **second** public consultation will take place prior to the DMS stage and is undertaken jointly by the IRC-WG and PRSC-WG. Prior to the commencement of the DMS, consultation meeting will be held with the affected communities at the commune or village level. Consultations will also include FGDs with all the affected persons, including the poor and vulnerable groups and one-on-one individual consultations conducted during the census and DMS. The PIB will be updated by the GDR with the information about the entitlements, local GRM, including contact persons, as described in this RF. The detailed guidelines on GRM will be included in the PIB as an attachment. The updated PIB for the Project, its GRM attachment and the DMS Questionnaire will be made available and explained to all attendees. DPs will be informed that they will be provided the ID cards detailing their affected assets, income and land after the DMS.

4. The updated PIB will also be shared and explained to individual DPs during the house-to-house DMS survey and measurements of land and property losses. The DPs will be required to confirm the loss of assets and the measurements and get a full understanding of the basis on which the compensation will be paid for the loss assets and other entitlements.

C. Third Consultation

5. The **third** public consultative meeting will be held prior to the signing of the agreement/contract for the compensation package and will be undertaken jointly by the IRC-WG and PRSC-WG. At this stage, the GRM is functional, the DMS and the RCS are completed, the compensation package for each DH is known and draft contracts prepared. The consultative meeting will be carried out in two parts and an advance notice of the meeting will be provided to the DHs through the commune/village council offices. In the first part, the consultation will be through a public meeting which will be held at the commune/village level for all DHs and commune/village representatives. Minutes of the meeting, including all the supporting documents (lists of participants, photos etc.) will be provided to ADB under the reporting requirements. .

6. A PIB for Compensation Package under the Project will be prepared in advance and provided and explained to all the participants. The second part will commence soon after the completion of the first part and held on the same day. Each DH will be provided with the draft contract and the compensation amounts explained to the satisfaction of the DH on one-to-one basis. For those DHs who were unable to participate in the meeting, best efforts will be made to visit them at their homes or seek the assistance of the village office to make contact with them. DPs will be given one week to study the contract, verify the impact scope and sign it.

D. Fourth Consultation

7. The **Fourth** Consultative Meeting will be conducted when the compensation payments are ready to be disbursed and is undertaken jointly by the IRC-WG and PRSC-WG. The schedule for compensation payments will be informed to DPs at least one week in advance through the commune and village offices. The meeting will be held in a public place at the commune or village.

8. Prior to commencement of the compensation payment the DHs are informed about the GRM for the Project, the **setup of the local GRM committees in their province** and the procedures that will be followed in case they have any complaints. Soon after the public consultation, compensation payments will be made on household-to-household basis and each DH will be provided an opportunity to seek clarifications about the compensation package prior to receiving the payment.

Indicative DRP Internal Monitoring Indicators

Purpose	Activities	Monitoring Indicators
Identification of compensation recipients	Verify the list of compensation recipients against eligibility criteria for compensations	Number of persons in the list of compensation recipients, who do not meet eligibility criteria (included by mistake)
	Identification of persons, who may claim eligibility for compensation, but are not included in the lists of compensation recipients. Separate verification should be performed on each type of compensation	Number of persons who meet the criteria, but are not included in the list of compensation recipients (excluded by mistake)
Verification of affected area	Confirmation of the areas of affected assets (including land plots and real property) against the RP	Area of land subject to acquisition, for which compensation has been paid
		Area of structures subject to acquisition for which compensation has been paid
Verification of compensation amount, processing and payment	Examination of financial documents	Number of persons who received compensation in time and in full amount disaggregated by compensation types
	Identification and analysis of reasons for compensations not being paid in full amount and in time.	Number of persons who did not receive compensation in time and in full amount, disaggregated by compensation types
		Amount of funding allocated for payment of compensations
	Identification of reasons for which funds for compensations have been under/overspent	Rate of spending of funds allocated for compensations, % of amount envisaged in the RP
Verification of compensation timeline	Identification of reasons for which payment of compensations was delayed (e.g., due to the court trial, inheritance issue, etc.)	Number of persons who received compensation with delay, disaggregated by compensation types and reasons of delay; changes in amount of compensation (if any) should also be noted
Verification of consultation and participation	Determine the level of involvement and identification of reasons of inadequate participation	Number of compensation recipients who participated in consultations and coordination meetings at each stage of land acquisition
	Examination of grievance cases; analysis of disputes and complaints content, and resolution of conflicts	Number of complaints received
		Number of complaints resolved

Source: Asian Development Bank.