

KINGDOM OF CAMBODIA

**LAND ALLOCATION FOR SOCIAL AND ECONOMIC DEVELOPMENT PROJECT III
(LASED III)**

**RESETTLEMENT POLICY FRAMEWORK
(RPF)**

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*Phnom Penh, Cambodia
October 8, 2020 (Re-disclosed)*

ABBREVIATIONS USED IN THE TEXT

Term	Meaning
AH	Affected Household
AP	Affected Person
AWPB	Annual Work Plan and Budget
C/S Fund	Commune /Sangkat Fund
CC	Commune Council
CDO	Community Development Officer
CHM	Complaints Handling Mechanism (LASED II)
CPR	Common Property Resources
DIMDM	Department of Internal Monitoring and Data Management (of MEF-GDR)
DMS	Detailed Measurement Survey
DP	Development Partner
DRP	Detailed Resettlement Plan
EA	Executing Agency
ESS	Environmental and Social Standards
ESS1	Assessment and Management of Environmental and Social Risks and Impacts
ESS5	Land Acquisition, Restrictions on Land Use and Involuntary Resettlement.
ESS7	Indigenous Peoples
FPIC	Free, Prior and Informed Consent
GDA	General Directorate of Agriculture
GDCG	General Department of Cadastre and Geography
GDH	General Department of Housing
GDR	General Department of Resettlement
GRC	Grievance Redress Committee
GRM	Grievance Redress Mechanism (LASED III)
IA	Implementing Agency
IC	Indigenous Community
ICLT	Indigenous Community Land Title
IP	Indigenous People
IC	Indigenous Community
IPM	Interim Protection Measures (forbidding land transactions in a proposed ICLT area)
IRC-WG	Inter-Ministerial Resettlement Committee Working Group
JSDF	Japan Social Development Fund
LAR	Land acquisition and resettlement
LASED	Land Allocation for Social and Economic Development
MAFF	Ministry of Agriculture, Forests and Fisheries
MEF	Ministry of Economy and Finance
MLMUPC	Ministry of Land Management, Urban Planning and Construction
MOIO	Ministry of Interior
MOU	Memorandum of Understanding
MRD	Ministry of Rural Development
NCDD-S	National Committee for Sub-National Economic Development
NGO	Non-Governmental Organization
NTFP	Non-Timber Forest Product
PDEF	Provincial Department of Economy and Finance
PIB	Project Information Booklet
PIM	Project Implementation Manual
PDLMUPC	Provincial Department of Land Management, Urban Planning and Construction
PLUAC	Provincial Land Use Allocation Committee
PPC	Project Preparation Consultant
PRSC	Provincial Resettlement Sub-Committee

RCS	Replacement Cost Study
RGC	Royal Government of Cambodia
ROW	Right of Way
RP	Resettlement Plan
RPF	Resettlement Policy Framework
SLC	Social Land Concession
SOP-LAR	Standard Operating Procedures for Land Acquisition and Resettlement

TERMS AND DEFINITIONS

Affected Households (AH) are any household which is physically and/or economically affected as a result of land acquisition and involuntary resettlement. Household means all persons living and eating together as a single social unit. Can also be referred to as Affected Person (AP).

Collective ownership: Areas of land that are jointly owned by a community of a group of Indigenous Peoples. Within such collectively owned areas, the plots used by individuals or households are not their private property, and the community does not have the right to dispose of any immovable property that is under their collective ownership and which is State public property to any person or group.

Community Committee is a local management body that members of an entire indigenous community have selected to solve community problems, including resolution of disputes within the communities outside the jurisdiction of the court. Under the ICLT process, a Community Committee is formed at Phase 2, Step 3, and at the same time community by-laws are adopted. The by-law are internal rules that serve to ensure equitable use and management of collectively owned land and to resolve internal disputes. They also serve to preserve the identity, culture, and traditions of an indigenous community, as well as good customs regarding the sustainable use and management of land as well as of natural resources.

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

Compensation is payment in cash or in kind at replacement value for an asset or a resource that is acquired or affected by the plan/design for a specific Social Land Concession or Indigenous Peoples Land Titling.

Cut-off date for SLCs supported by LASED III is defined as the date of the decision issued by the Provincial Governor to proceed with State Land Classification, when the land identified and mapped for an SLC is registered as State Private Land (Step 4 in the ten-step Commune SLC Process). While this date may not be the same as the date of the census which identifies the persons/households adversely affected by the project, the gap between the date the SLC is registered as a legal entity and the subsequent date of the census is not expected to be substantial, and in practice the registration and the census can proceed at the same time (see Table 2). The Commune Council will use existing records on residence and land use within the Commune to provide a baseline on unauthorized occupation within the proposed SLC area. This information will be verified by the CC and the Provincial Land Use Allocation Committee and through a public meeting during the SLC planning process.

Cut-off date for ICLTs supported by LASED III is defined as the date when the Indigenous People Community (IPC) has gone through a participatory planning process where they collect data and produce a preliminary map that defines the boundaries of the proposed ICLT area (at Step 2 under Phase 2.5 in the ICLT Process), and submit an application with this map for an ICLT to MLMUPC (Step 3 under Phase 2.5). The preliminary map will be made public, and there will be a 30 days period to submit complaints to the Community Representative Committee.

Detailed Measurement Survey (DMS) is the measurement of the loss of land, structures, other productive assets, and livelihoods of each person/household affected by land acquisition. The DMS is the census that provides the data on losses and impacts to determine the compensation and assistance package for a sub-project Resettlement Plan. The measurement is carried out with the full involvement

of the displaced person to avoid any disputes on incorrect measurements or calculations and under payment of compensation.

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

Eminent Domain is the right of the Royal Government of Cambodia (RGC) to use its sovereign power to acquire land for public purposes. National law establishes which public agencies have the prerogative to exercise eminent domain.

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

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

Free, Prior, and Informed Consent: Where Indigenous Peoples are affected by a World Bank supported project, the World Bank requires that the Borrower obtains the Free, Prior and Informed Consent (FPIC) by the affected Indigenous Peoples regarding the project design, implementation arrangements and expected outcomes related to risks and impacts. There is no universally accepted definition of FPIC. It does not require unanimity and may be achieved even when individuals or groups within or among affected Indigenous Peoples explicitly disagree. Consent refers to the collective support of affected Indigenous Peoples communities for the project activities that affect them, reached through a culturally appropriate process.

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

Income Support is an entitlement provided to re-establish the productive livelihood of the displaced persons to enable income generation equal to or, if possible, better than that earned by the displaced persons before the resettlement.

Indigenous Peoples: According to the World Bank's Environment and Social Framework, the term 'Indigenous Peoples' is used in a generic sense to refer exclusively to a distinct social and cultural group possessing all the following characteristics in varying degrees:

- a) Self-identification as members of a distinct indigenous social and cultural group and recognition of this identity by others; and
- b) Collective attachment to geographically distinct habitats, ancestral territories, or areas of seasonal use or occupation, as well as to the natural resources in these areas; and
- c) Customary cultural, economic, social, or political institutions that are distinct or separate from those of the mainstream society or culture, and
- d) A distinct language or dialect, often different from the official language or languages of the country or region in which they reside.

The Land Law (2001) defines an indigenous community as “a group of people that resides in the territory of the Kingdom of Cambodia whose members manifest ethnic, social, cultural and economic unity and who practice a traditional lifestyle, and who cultivate the lands in their possession according to customary rules of collective use.” For all practical purposes, the characteristics of Indigenous People in the Land Law closely resemble and overlap with the four criteria used by ESS7 to define an

indigenous people, although the Land Law gives primacy to customary and collective land tenure, which is the second criteria for IPs in ESS7.

Interim Protection Measures (IPM): A letter to freeze all buying, selling and transferring of the land rights of the area of land that was requested to be registered as the indigenous collective land title (ICLT). This document is of particular importance as it forbids all forms of land transactions in the area, protecting it against any encroachment until the community has received the official title for their land, and since it is the first official document providing some tenure security to the IPC. Under the ICLT process, the IPM is issued at Phase 3, Step 3.

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

Land acquisition refers to all methods of obtaining land for project purposes, which may include outright purchase, expropriation of property and acquisition of access rights, such as easements or rights of way. Land acquisition may also include: (a) acquisition of unoccupied or unutilized land whether or not the landholder relies upon such land for income or livelihood purposes; (b) repossession of public land that is used or occupied by individuals or households; and (c) project impacts that result in land being submerged or otherwise rendered unusable or inaccessible. Land acquisition refers to anything growing on or permanently affixed to land, such as crops, buildings and other improvements.

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

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

Replacement Cost is defined as a method of valuation yielding compensation sufficient to replace assets, plus necessary transaction costs associated with asset replacement. Where functioning markets exist, replacement cost is the market value as established through independent and competent real estate valuation, plus transaction costs. Where functioning markets do not exist, replacement cost may be determined through alternative means, such as calculation of output value for land or productive assets, or the undepreciated value of replacement material and labor for construction of structures or other fixed assets, plus transaction costs.

Resettlement Policy Framework is prepared when the location and land acquisition impacts of sub-projects (i.e. the Social Land Concession or Indigenous Peoples Land Titling sub-projects in specific localities) are not known and therefore land acquisition needs cannot be identified. The RPF will guide the preparation of future Resettlement Plans if these are necessary.

Resettlement Plan (RP) is prepared when this Resettlement Policy Framework requires a Resettlement Plan in order to manage and mitigate the land acquisition impacts generated by the plan/design for a specific Social Land Concession or Indigenous Peoples Land Titling. The RP will be submitted to the World Bank for review and approval before the completion of detailed design and/or land demarcation mapping for a specific SCL/ICLT.

Sketch map and preliminary map for ICLT: The 'sketch map' is a hand-drawn map showing the village boundaries and types of land use therein, without specifying the size of the area under claim or its exact position. During the ICLT process it is developed into a digital 'preliminary map', and both the sketch map and the preliminary map are developed at Phase 2.5, Step 2

State Land is part of the State's property and comprises State Public Land and State Private Land. State Public Land comprises (i) any property that is specially developed for general use, and (ii) any property that is made available, either in its natural state or post-development, for public use. State Public Land becomes State Private Land when it no longer has public interest use, and State Private Land may then be alienable and may be provided for social purposes (such as Social Concessions, or parts of Indigenous Community Land Title areas).

Sub-Project is the aggregate activities involved in preparing and implementing a SLC or ICLT process in a specific location along with the associated infrastructure and agriculture/livelihood support, as well as the preparation and implementation of any required environmental or social safeguard instruments.

Voluntary Donations are defined as the ceding of a property by an owner who is (a) appropriately informed about the project and their right to seek compensation, and (b) can refuse to donate.

Vulnerable Groups are groups of persons who are likely to be more adversely affected by land acquisition than others and who are likely to have limited ability to re-establish their livelihoods or improve their status. Vulnerable persons are categorized as: (i) households living below the poverty rate as established by the RGC; (ii) elderly people headed households with no means of support; (iii) female headed households with dependents living below the poverty rate; (iv) disabled headed households, and (v) indigenous peoples (who often have traditional land rights but no formal titles).

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1 INTRODUCTION

1.1 Structure of the Resettlement Policy Framework

1. This Resettlement Policy Framework (RPF) describes how risks arising from land acquisition and resettlement (LAR) and associated negative impacts upon project affected persons (PAP) will be managed in the LASED III project. The risks and negative impacts will be managed in accordance with the laws of the Kingdom of Cambodia and with the requirements of the World Bank's Environmental and Social Framework (ESF) and in particular with its Environmental and Social Standards ESS1, ESS5, and ESS7.

2. The LASED and LASED II projects have managed LAR risks primarily by avoiding the need for land acquisition and, where necessary, by entering into voluntary agreements with land users who are beneficiaries of the project. LASED III is likewise expected to avoid the need for land acquisition in most cases.

3. The Royal Government of Cambodia has recently introduced its Sub-Decree 22 mandating Standard Operating Procedures for LAR (SOP-LAR) in externally financed projects and has indicated that these SOP procedures should apply to LAR in LASED III. As described in this RPF, the project will adopt some supplementary provisions to ensure full compliance with ESS1 and ESS5.

4. This RPF presents a description of the LASED III project, lessons learned from LASED and LASED II, the legal framework for LAR, and a gap analysis of areas in which SOP-LAR does not ensure full compliance with ESS1, ESS5, and ESS7. The subsequent description in the RPF of measures to avoid or minimize LAR, and where this is not possible to prepare and implement a Resettlement Plan (RP), integrates the analysis of gaps between SOP-LAR and ESS1, ESS5, and ESS7 requirements. The LASED III Financing Agreement will refer to this RPF cleared by the World Bank and agreed with the RGC as the applicable instrument regarding land acquisition and resettlement for this project. If specific Social Land Concession (SLC) or Indigenous Community Land Titling (ICLT) sub-projects are found to require Resettlement Plans to address LAR impacts, these plans will be prepared in close consultation with stakeholders and the World Bank. Project activities that will cause physical and/or economic displacement will not commence until such specific plans have been finalized and approved by the World Bank.

1.2 Project Background

5. Sustainable and secure access to natural resources by rural communities and to land by small agriculture producers is an integral part of the Royal Government of Cambodia's (RGC) strategy for the rural sector. In 2001, Cambodia adopted a Land Law which included a legal framework for Social Land Concessions (SLC) to provide for the equitable, orderly and legally clear transfer of ownership of unused, State-owned land to poor households.

6. The framework for the operationalization of Social Land Concessions was established in 2003 through adoption of Sub-Decree 19, which defines criteria and procedures for granting SLCs. Article 2(a) defined SLCs as "a legal mechanism to transfer private state land¹ for social purposes to the poor who lack land for residential and/or family farming purposes." Two types of SLCs were established by the Sub-Decree: Articles 5 and 6 established "local" SLCs which are initiated and run by Commune Councils and are exclusively for residents of the Commune, while Article 7 established a National

¹ All government land in Cambodia is divided into "state public land" and "state private land." Article 4 of Sub-decree 118 on State Land Management [2005] stipulates that "state public land" has a public interest use and therefore includes forests, natural lakes, government airports, etc. Article 5 says "private state land is all the land that is neither state public land, nor legally privately or collectively owned or possessed under the Land Law of 2001." The 2001 Land Law article 58 says all concessions of any kind can only be created on state private land. Some state public lands, e.g. irreversibly degraded forests, can also be transformed into private state land and subsequently allocated as SLC.

Social Land Concession Program under which SLC can be established by national institutions for various purposes. In practice, National Social Land Concessions seem to have been used so far mainly to resettle military veterans.

7. Beginning in 2008, the World Bank has financed the RGCs Commune Social Land Concession program through two Land Allocation for Social and Economic Development (LASED) projects. LASED, from 2008 to 2013, was financed by IDA and the Japanese Social Development Fund (JSDF) and was co-financed by GIZ. LASED piloted the implementation of Sub-Decree 19 on 13 SLC sites covering 14,110 hectares and benefitting 4,441 households. LASED III started implementation in 2016 and is expected to close in 2021. LASED II provides ongoing support to the 13 SLC sites established by LASED plus one new SLC site in Kampong Thom. The Project covers a total of 17,000 hectares to benefit some 5,010 households beyond what had been accomplished already.

8. The 2001 Land Law also provides for communities of indigenous people to establish collective ownership of traditional community lands through Indigenous Community Land Titles (ICLT). The government framework for ICLT² was ratified in 2009 through sub-decree 83 on the procedure of communal land title registration.

9. Cambodia has about 24 different types of Indigenous Peoples (IP), totaling approximately 200,216 people³ or about 1.2% of Cambodia's total population of 16.5 million. They are concentrated in the provinces of Rattanakiri (about 45% of the province's estimated 200,000 people) and Mondulkiri (about 75% of the province's estimated 89,000 people). Small numbers of IP are also spread across another 13 provinces. In 2009, the Ministry of Interior (MoI) compiled a list of 455 villages in Cambodia that had anywhere from 6% to 100% IP. New research by the Cambodian Indigenous People Organization (CIPO) shows there are at least 573 indigenous villages in Cambodia⁴. Land tenure security is crucial to their ability to maintain their distinct cultures and to develop economically. Of great concern is therefore the current rapid loss of IPs' control over their lands and related natural resources in Cambodia. This is unfolding in a context of increasing non-indigenous migration into indigenous areas. The IPs' limited opportunities to influence circumstances that are crucial to them and to their loss of land and livelihood, have led to IPs being one of the most disadvantaged and vulnerable groups in Cambodia, with overall low living standards.

10. The Land Law (2001) defines an indigenous community for the purpose of entitlement to hold communal land titles as "a group of people that resides in the territory of the Kingdom of Cambodia whose members manifest ethnic, social, cultural and economic unity and who practice a traditional lifestyle, and who cultivate the lands in their possession according to customary rules of collective use." The Indigenous People Planning Framework (IPPF) prepared for LASED III notes that the definition of IP in World Bank's ESS7 may include some ethnic groups that fall outside this definition and / or are not, in practice, considered as eligible for ICLT by RGC. This may include ethnic Lao and Cham who may be present in the project target areas. The IPPF also notes that Indigenous Peoples may live intermingled with ethnic Khmer communities as well as in traditional Indigenous Communities (IC).

11. LASED III will support ICs that have received recognition as 'legal entities' from MoI in Phase 2 of the ICLT Process, or that may have reached any later stage in the ICLT Process including ICs that have completed land titling but need rural development assistance (Phase 2.5 and Phase 3 in Table 2 below). Therefore, eligibility of an IC for inclusion in the ICLT program will *de facto* be determined by the criteria applied by RGC (or they would not have MRD and MoI recognition). For any other purpose in LASED III, the term "IP" should be understood as meaning any people or groups falling within the definition in ESS7.

² A manual on indigenous communities' identification, legal entity registration, and communal land registration process in Cambodia was also supported by the UNHCHR in collaboration with the Ministry of Land Management, Urban Planning and Construction, Ministry of Interior, and Ministry of Rural Development.

³ See document entitled "Statistics of Types of Indigenous Peoples in Cambodia".

⁴ Phnom Penh Post - 27 Oct 2016

12. Project affected people (PAP) at SLC and ICLT locations may include intermingled communities of IP and non-IP. Also, project affected people at ICLT locations may include IP who are not members of the community obtaining the land title, either because they are members of a separate group or because for individual reasons they do not wish to participate. The IPPF discusses these different potential situations and the circumstances under which the provisions of ESS7 will apply. Also, if the ICLT process results in physical or economic displacement of non-IP PAP they may be entitled to compensation under ESS5.

13. The ICLT program is designed to assist the IPs maintain control of their traditional lands in the face of economic and social change, in-migration of ethnic Khmer to IP areas, and competing demands for land. Establishment of an ICLT is a structured process with three phases; first, recognition as an indigenous community (IC) by the Ministry of Rural Development (MRD); second, establishment of the IC as a legal entity by the Ministry of Interior (MoI); and third, land registration with the Ministry of Land Management, Urban Planning and Construction (MPLUPC) (see Annex 2). This process has proved to be time-consuming and up to 2016 only 11 ICs had received titles⁵. The process has accelerated significantly with renewed commitment from MLMUPC. As of December 2019, there were 150 ICs recognized by MRD (Stage 1) with 141 having achieved legal status (Stage 2) and 30 having received the ICLT title.

14. LASED III will follow a two-pronged approach, (i) consolidating through complementary activities the current SLC program under LASED II and expanding it into new SLC sites; and (ii) implementing an adapted approach into communities of indigenous people in new project provinces.

1.3 Project Objective and Components

15. The **development objective** of LASED III is to provide access to land tenure security, agricultural and social services, and selected infrastructure to small farmers and communities in the project areas.

1.4 Project Components and Targeting

16. **Component 1: Selection and Development Planning of Social Land Concessions (SLC) and Indigenous Communal Land Titling (ICLT).** LASED III will support applications for SLC, and ICLT or development support to ICs, on a first come, first served basis. For new SLCs, first, communes must express a request; then, once the availability of the land is deemed compliant with the needs of the communities, a comprehensive environmental and social assessment and a land use planning are carried out before the sites are endorsed for the project. For ICLT and development assistance to ICs, the ICs themselves must come forward and ask for assistance. For ICLT, the Project will provide support throughout the different steps necessary to complete the registration process. This includes ICs whose land registration applications have already been successfully received by provincial land departments but for whom the land registration has not yet started (start of Phase 3), and also for those who have legal recognition from MOI, (result of Phase 2), but have not yet created and gathered all necessary documents to be able to file land registration applications (the activities and result of Phase 2.5). For ICs that as of the start of the Project have already completed the ICLT process, development assistance will be provided through infrastructure and service support, which will be delivered through Components 2 and 3. Planning activities in ICs will be supported by experienced local and international technical assistance, employed by the Project.

17. **Component 2: Community Infrastructure Development.** This will support prioritized and viable infrastructure investments at new project sites. These include the provision of productive/economic and social community infrastructure investments such as rural roads, side drains,

⁵ CCHR (2016): Access to Collective Land Titles for Indigenous People Communities in Cambodia

culverts, drifts, water supply and sanitation facilities, small-scale irrigation systems, school buildings, teachers' houses, health posts and community centers, among others.

18. **Component 3: Agriculture and Livelihood Development** will support the settlement process of beneficiary households, the building of socio-economic capital (producer groups/cooperatives) and the development of climate-change resilient and market demand driven agricultural production systems. These will include support for: (a) settling-in assistance to newly-installed land recipients and land preparation assistance for a first cover crop and/or planting of seedlings for tree crops such as cashew to provide the basis for land recipients to establish a new residency and start using their new agriculture land; (b) implementation of a comprehensive agricultural services strategy with an emphasis on climate-smart agriculture techniques and proceeding with a pluralistic service provider approach, leveraging modern ICT and promoting farmer-managed demonstration plots on improved technologies and practices; (c) establishment and/or strengthening of farmers organizations for production and marketing activities and other community interest groups; and (d) provision of a Community Fund for Development (CFD) to scale up successful local initiatives.

19. **Component 4: Project Management, Coordination and M&E** will ensure the timely and transparent financial management system, flow of funds, procurement, auditing and reporting. The Ministry of Land Management Urban Planning and Construction (MLMUPC) will be the executing agency (EA), with participation from the Ministry of Agriculture, Forestry and Fisheries (MAFF) as implementing agency (IA).

20. **Component 5: Contingent Emergency Response**, with a provisional zero allocation, would allow for the reallocation of financing to provide immediate response to an eligible crisis or emergency.

21. **Geographical Targeting.** In principle, the project can operate nation-wide, excluding Phnom Penh, depending on relevant demands and opportunities for development of SLCs and ICLTs. However, current (and likely final) agreement with authorities limit the project's coverage to the 14 provinces⁶ that would host about 71 sites and IP communities. At least in the early stages of the project, activities are likely to be geographically concentrated as follows:

- a) Provinces with existing Social Land Concession sites: Kampong Chhnang, Kampong Speu, Kampong Thom, Kratie, and Tbong Khmum;
- b) Provinces with a large number of ICs: Ratanakiri, Mondulakiri, Stung Treng and Preah Vihear (as well as Kratie which is a LASED II Province);
- c) Provinces with land available for new SLC. Potentially, these could be any Province in Cambodia. However, the Provinces with most available land resources are those in the northeast of the country, particularly Kampong Thom, Kratie and Preah Vihear.

22. **Beneficiary targeting.** The approach to the delivery of LASED III relating to SLCs and ICLT is "demand-driven", i.e. the allocation of both SLCs and ICLTs is commune-based or IC driven, rather than pre-determined by the Project. This ensures that the project responds to the needs of land recipients and capacities of communes / communities and IPCs, and beneficiaries to have more ownership of project supported activities. Within this framework, the project would support: (i) about 15 ICs to carry out their respective ICLT processes; (ii) about 30 ICs, that have completed their titling processes, with development activities; (iii) about 12 SLC new sites within currently covered and new provinces with land allocation and development activities; and (iv) the current 14 SLC sites currently covered by LASED II with limited, discrete and complementary activities such as small-scale irrigation and agriculture support services, and access tracks across SLC sites. However, it is not likely that all the estimated 57 new sites and communities would be identified and fully delineated before the start of the

⁶ Administratively, Cambodia consists of Phnom Penh Capital and 25 Provinces, which are sub-divided into urban Municipalities and rural Districts. Districts are sub-divided into Communes administered by a directly elected Commune Council which is recognised as the lowest level of formal sub-national administration. Village chiefs and assistants report to the Commune Council.

Project. The ESMF will include necessary guidance to ensure that during project implementation all sites and communities, for which the project beneficiaries are selected would be in accordance with the law and with ESF requirements. Direct LASED III beneficiaries would approximate 15,000 rural households. Benefits from improved infrastructure availability and usage would accrue to a broader population, beyond the targeted households in the project areas.

Figure 1: Provinces of Cambodia



2 LESSONS LEARNED FROM LASED AND LASED II

23. The LASED and LASED II projects have supported development of Social Land Concessions since 2007. LASED II has a Resettlement Policy Framework (RPF) developed to meet the requirements of the World Bank’s OP 4.12 on Involuntary Resettlement, which differs in some respects from the requirements of ESS5. Nevertheless, the overall SLC land identification, screening, mapping and titling process and the procedures for planning and implementing infrastructure projects in LASED III will be very similar to those in LASED II. Support to ICLT is a new activity in LASED III, but the ICLT titling process shares some features with the SLC process, while the process for infrastructure sub-projects will be similar at both types of location. Therefore, lessons learned on land acquisition and resettlement in LASED II are relevant and applicable to LASED III.

24. LASED and LASED II have prioritized avoidance of involuntary resettlement, with the result that there has been no sub-project in which a Resettlement Action Plan, as provided for in the LASED II RPF, has been required. Involuntary resettlement was avoided primarily by excluding areas with existing private ownership claims, established before a publicly announced cut-off date, from the area of the SLC. Vacant land was reserved for infrastructure construction and for public purposes such as community forests during the land use planning activities.

25. There were cases where existing claims to land inside the SLC were not identified until after completion of the land use planning and State Private Land titling process. For this reason, the SLC sites included a land reserve which can be used for in-kind compensation to address such claims, and

existing land claimants agreed in some cases to give up their land in return for being included as land recipients in the SLC framework.

26. In the case of Dong Commune SLC, the only new SLC supported by LASED II, the Notice of Declaration of legal property of individual and State Institutions, displayed publicly from 24/04/2017 to 09/05/2017, generated 732 letters of complaint from individuals claiming to own plots of land inside or overlapping with the area mapped as State Land and therefore available for the SLC. After investigation, 318 of the relevant plots were found to be under cultivation and were excluded from the SLC area. Twenty-nine complaints were found to relate to plots outside the proposed SLC area. There were 359 complaints ruled to be invalid and rejected. Twenty-six complainants did not participate in the resolution process.

27. The LASED II Complaints Handling Mechanism (CHM) struggled to deal with the large volume of complaints and the resolution process required 11 months, as compared with the intended standard of 40 days to resolve a complaint.

28. At Dong SLC, the initial sketch map of the proposed SLC land was displayed publicly in November 2014, meaning that more than two years elapsed before the formal declaration notice. It is believed that there was significant movement onto the SLC land during this period, leading to the large volume of complaints. This has important implications for the cut-off date both at SLC and ICLT sites in that a long period elapsing between the time when the proposed SLC or ICLT becomes public knowledge, and the formal cut-off date, may have the effect of encouraging encroachment upon the land.

29. Based on the Dong experience, and the often informal or confused nature of land tenure in the degraded forest land areas and cancelled economic land concession land which are most often allocated for SLCs, it must be anticipated that similar situations may arise in LASED III. The LASED III Grievance Redress Mechanism (GRM) must be capable of handling a large number of complaints while maintaining the quality of complaint handling and avoiding delays beyond the time limits set for response and resolution.

30. In LASED II, there were cases of opportunistic settlement occurring after the cut-off date, requiring a process of negotiation and facilitation to remove the encroachers (who will not be regarded as legitimate claimants within the scope of ESS5).

31. It is not clear that the impacts of restricting access to CPR resources was specifically considered as a resettlement issue within LASED and LASED II, but the participatory approach and extensive stakeholder consultations around identification, mapping and land use planning of SLC land would be expected to reveal any issues, and this does not seem to have occurred. There are no records of complaints submitted through the LASED II CHM in respect of CPR resource access issues.

32. Infrastructure sub-projects on SLCs were mainly constructed on unused land reserved for the purpose, and so land acquisition and resettlement did not take place during sub-project implementation. There could be exceptions to this if technical feasibility studies conducted at later date reveal a need to change the proposed location of the infrastructure away from the land reserved for the purpose (one example of this occurred at an SLC site in Kampong Chhnang in context of an access road constructed by the IPLR project). Site access roads normally follow existing routes so any land acquisition needs are very small – e.g. for widening a road or constructing an embankment. Possibly, a case could arise where the only feasible way to provide road access to an SLC or ICLT would be to construct a road across privately held land.

33. Lessons from LASED and LASED II suggest that land acquisition and resettlement issues at ICLT sites would be similar to those at SLC sites, i.e. to the extent that land acquisition or resettlement would be required, it would be of limited scale and mostly in connection with infrastructure construction (e.g. roads or irrigation structures) outside the SLC or ICLT area, where there would be less scope for

voluntary land donations. At the same time, lessons also suggest that more effort should be given during the early stages of planning to assess existing claims to land inside the SLC/ICLT in order to strengthen the identification of both beneficiaries and of persons or households who might be adversely affected by the demarcation of an SLC/ICLT. Finally, to address complaints arising from both potential land acquisition, and from the demarcation and mapping of land titling areas, an effective and accessible grievance redress mechanism is critical.

3 LEGAL FRAMEWORK FOR LAND ACQUISITION AND RESETTLEMENT

3.1 Basic Provisions of Cambodian Law

34. National *Legal Framework on Compensation: The Constitution of the Kingdom of Cambodia (1993)* states that “the right to confiscate possessions from any person shall be exercised only in the public interest” and opens right to just compensation. **The Land Law (2001)** states that no person shall be “deprived of his or her ownership unless this action is for the public interest”. The law recognizes that deprivation of ownership opens right to “payment of just and fair compensation in advance”.

35. The **Expropriation Law (2010)** “aims to define an expropriation in the Kingdom of Cambodia by defining the principles, mechanisms, and procedures of expropriation, and defining fair and just compensation for any construction, rehabilitation, and public physical infrastructure expansion project for the public and national interests and development of Cambodia.” The law establishes a structure of Expropriation Committees and sub-Committees led by the Ministry of Economy and Finance at national level and by the Provincial Board of Governors at sub-national level. The Law also provides for a Complaint Resolution Committee led by MLMUPC. Notable features of the Law include:

- For the most part, those entitled to compensation are referred to as “owners and rightful owners” of land and immovable property;
- Property owners can receive compensation based on market prices for expropriated property;
- Business owners operating businesses on leased land can be entitled to compensation for the impact on their business (the law is less clear that this provision also applies to a business operated by the property owner);
- Decisions on expropriation can be challenged through the Complaints Resolution Committee (CRC) or in court. It is not explicitly stated that a decision by the CRC would invalidate a subsequent court challenge;
- There are criminal penalties for persons who hinder the process of expropriation, or who encroach on expropriated land.

36. National *Legal Framework on State Land Encroachment*. The 2001 Land Law has drawn a clear line between those who opened land for residential or farming purposes before August 30th, 2001, and those who did so after this date. In the first case, occupants may be recognized as legal occupants of State land in the future when land is registered as State private land. In the second case, occupants are illegal. Article 18 of the Land Law provides strong tools for evicting encroachers. They do not “have the right to claim compensation or reimbursement for expenses paid for the maintenance or management of immovable property that was illegally acquired” (Article 19).

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

- Generally, the illegal state landholders, especially land speculators, are not entitled to compensation (Para 6.1 in Circular No. 02).
- Illegal state landholders, who are poor families and landless or lack land and are disadvantaged, will not be entitled to compensation, but may receive preferential treatment to obtain an appropriate amount of land for their livelihood (Para 6.2 in Circular No. 02).

38. For state private land, this can be done through sale, lease, gift, usufruct (right to use and enjoy the fruits of the land for life), social land concessions, economic land concessions, or use permits. A decision on specific options must be based on coordination between the territorial authority, the State Land Trustee Authority, and the person using the land, and be based on a land use plan. (Para 7.1 in Circular No. 02).

3.2 Sub-Decree 22/Standard Operating Procedures for Land Acquisition and Resettlement

39. Sub-Decree 22 dated February 2018 mandates the use of Standard Operating Procedures (SOP) for Land Acquisition and Involuntary Resettlement for Externally Financed Projects in Cambodia, referred to below as Sub-Decree 22 / SOP-LAR. This document complements existing SOP documents dealing with project management, financial management and procurement for externally financed projects, which are applied mainly to projects supported by loan finance from World Bank, Asian Development Bank, IFAD and other agencies. Sub-Decree 22 / SOP-LAR is a relatively new document (so it post-dates the existing resettlement framework for LASED II), but it is largely derived from existing laws and regulations including the Expropriation Law of 2010. Sub-Decree 22 / SOP-LAR states that externally financed infrastructure projects must comply with the safeguard policies of the development partner financing the project, with such obligations to be clarified in the project financing agreement. Payment of compensation is to be financed from RGC funds which are separate from and additional to project counterpart funding reflected in the project cost tables.

40. Sub-Decree 22 / SOP-LAR (1) defines roles and responsibilities of key Ministries and Agencies, broadly in line with the provisions of the Expropriation Law; (2) summarizes the legal and policy framework; (3) describes a process of resettlement planning and social impact assessment; (4) sets out detailed guidance for calculation of compensation; (5) mandates a process of public consultation, information disclosure and a grievance redress mechanism; and (6) describes implementation arrangements including budget disbursement and monitoring and reporting.

41. Sub-Decree 22 / SOP-LAR is mainly concerned with land acquisition needs of infrastructure projects. In this context, the SOP defines the extent of land considered as “Right of Way” (RoW) and, therefore., public land, adjacent to roads, railways and water bodies. In general, no compensation is to be paid for land within the existing ROW, though there can be exceptions including assistance for poor and vulnerable groups or in the case that the pre-existing ROW is extended as a result of the project. The SOP recognizes that in some cases subsistence farming is permitted on public land that forms part of a Right of Way (ROW), e.g. adjacent to a road or canal, but no compensation is to be paid in respect of loss of use of land in this category.

42. Sub-Decree 22 / SOP-LAR defines the extent of ROW for national roads (outside urban areas), railways and water courses. Of relevance to LASED III, land within 10m of the outside edge of a main canal or 5m from the outside edge of a sub-canal is defined as ROW and thus State Public Land. However, Sub-Decree 22 / SOP-LAR does not appear to provide guidance on ROW for rural roads. Ministry of Rural Development (MRD) generally interpret the ROW for rural roads to include land within 15m either side of the median line.

43. Sub-Decree 22 / SOP-LAR states that resettlement planning is guided by the following principles:

- Avoid involuntary resettlement or when unavoidable, minimize involuntary resettlement by exploring alternative project designs.
- Mitigate unavoidable adverse social and economic impacts from land acquisition by providing timely compensation for loss of assets at replacement cost and assisting displaced persons in their efforts to restore their livelihoods to at least pre-project levels.
- Provide assistance and opportunities to the poor and vulnerable group of physically displaced persons to improve their living standards.

44. Sub-Decree 22 / SOP-LAR provides guidance and templates for preparation of either a Basic Resettlement Plan (BRP, where there is adequate information about affected persons) or a Resettlement Framework (RF) to be prepared at project design, followed by a Detailed Resettlement Plan (DRP) to be prepared during implementation. The basic contents of a resettlement plan are listed as: (a) socioeconomic profile of displaced persons and assessment of social impacts, including gender concerns, (b) information disclosure, consultation and participation, (c) entitlements to compensation, (d) income and livelihood support strategy, (e) institutional arrangements, (f) grievance redress mechanism, (g) monitoring and reporting (h) budget (i) implementation schedules, and (j) legal framework, including identification of gaps between national laws and DP requirements.

45. The SOP defines affected households as “any household physically and / or economically affected as a result of land acquisition and involuntary resettlement.” Categories of affected persons include legal owners, tenants / lessees and occupiers with no formal rights. Clause 48 states that Displaced Persons includes “those who will lose whole or part of their physical and nonphysical assets including home, lands, building/structures, commercial properties, crops, resources, tenancy, subsistence income earning opportunities, communities, and social and cultural networks. The loss can be temporary or permanent.”

46. Sub-Decree 22 / SOP-LAR recognizes as special categories of affected persons (1) poor and vulnerable groups; and (2) indigenous peoples. Poor and vulnerable groups are entitled to additional assistance for resettlement and livelihood restoration, including in cases where they have no legal claim to the land. The SOP also recognizes the possibility of gender differences in how people are affected by resettlement, though broadly the framework deals with the household as the basic unit for assessing loss and compensation.

47. Depending on circumstances, compensation may be paid to (1) Legal owners and holders of title or rights to land, including customary rights; (2) Tenants and leaseholders, including employees, workers and hawkers; (3) Those who have no formal title or rights to the land (illegal occupiers) who are engaged in farming or businesses; and (4) Poor and vulnerable groups.

48. Compensation and assistance to affected persons can include (1) compensation for loss of land and physical assets, calculated at market value; (2) compensation for loss of livelihoods and income, including loss of income from businesses located on the land; (3) transport costs; (4) transitional livelihood assistance, calculated as three months income at three times the national poverty rate, or six months for poor and vulnerable households; and (5) options for income restoration for those facing permanent loss of livelihood.

49. Sub-Decree 22 / SOP-LAR also includes provisions for penalties for illegal occupation of state land, which can be doubled in the case that the illegal occupation results in delay to an infrastructure project; and penalties for hindering the expropriation process.

50. Sub-Decree 22 / SOP-LAR provides for an institutional structure to prepare and implement resettlement plans. In summary, this consists of:

- An Inter-Ministerial Resettlement Committee (IRC) which exercises the authority of the Expropriation Committee under the Expropriation Law. The IRC is chaired by MEF;
- The General Department of Resettlement of MEF, as the Permanent Secretariat of the IRC;
- Project executing agencies / implementing agencies, which are responsible for preparation of resettlement plans;
- Provincial Resettlement Sub-Committees (PRSC), which, inter alia, is responsible for disbursement of compensation;
- The PRSC Working Group.

3.3 Provisions of SLC and ICLT Regulatory Framework

51. Sub-Decree 118 (October 2005) on management of state land includes the process to be followed in identifying land as state public land or state private land (the latter category is potentially available for allocation as either social or economic land concession). The sub-decree states the following general principles:

- In general, the State is the owner of all land that is not legally privately or collectively owned or possessed under the Land Law of 2001;
- State land includes state public land and state private land;
- Each piece of state land shall be registered in the Land Register as public or private land of the state;
- State land can be granted for social land concessions, economic land concessions or other concessions if the land has been registered in the Land Register as state public or state private land and in accordance with the legal procedure.

52. There is a District State Land Working Group under the leadership of the Provincial State Land Management Committee and responsible for identification of state land through a transparent process, including:

- the location and approximate boundaries of state land,
- information useful for registering the land as public or private state land, and
- information about the type of land and any current use of the land.

53. The Sub-Decree indicates that State land excludes land that is in private ownership under the Land Law of 2001 but does not provide a detailed process for identifying or verifying private claims to land ownership. The sub-decree does provide that, prior to submitting its report, the District State Land Working Group “shall post, for 30 (thirty) days, a summary of the assertions, the map showing the assertions, and a clear statement of purposes of State Land Identification and Mapping for public comment, and shall upon request provide copies of the posted documents upon payment of reasonable charge.” The sub-decree does not describe in detail a procedure for complaints handling or resolution.

54. The framework for social land concessions is defined by Sub-Decree 19 of March 2003 and Prakas 200 of November 2003; however these documents mainly describe the process for allocation of land that is already identified as state private land, and so do not provide details of the process of identifying the land or safeguards for existing land owners or users.

55. The right of indigenous peoples (IP) to hold land collectively is established in the Land Law of 2001. The Forest Law (2002) also recognizes the rights of IPs to use forest resources. The procedures for preparation of Indigenous Community Land Titles (ICLT) are legally established by the following instruments:

- Sub-decree 83 in 2009 on procedures of registration of land of indigenous communities;
- MOI and MLMUPC, Inter-ministerial circular on interim protective measures protecting land of indigenous peoples (2011).

- Instruction #15 issued on 04 July 2012, and instructions #17 issued on 13 July 2012 for further implementation of land title registration for indigenous people and communities;
- Manual on Indigenous Communities Identification, Legal Entity Registration and Communal Land Registration Process in Cambodia (December 2018) published by MRD, MoI and MLMUPC with support from UN-OHCHR.

4 INCONSISTENCIES AND GAPS IN RELATION TO ESS REQUIREMENTS

56. The provisions for recognizing existing land users' rights and assessing compensation specified in the Land Law (2001) and the Expropriation Law (2010) appear to fall short of the requirements of ESS1 and ESS5 in a number of respects including (1) the categories of existing land user recognized as having rights; (2) provisions for compensation; (3) a transparent, consultative process for land acquisition and resettlement, and (4) an adequate grievance redress mechanism. However, these major gaps are fully or partially addressed by Sub Decree 22/SOP-LAR (2018).

57. A gap analysis of Sub-Decree 22 / SOP-LAR in comparison to ESS1, ESS5, and ESS7 requirements is presented in Table 1 below together with an outline of mitigation measures that are included in this RPF for LASED III (see also Annex 1 for a more detailed summary of these measures). The LASED III Financing Agreement will refer to this RPF cleared by the World Bank and agreed with the RGC as the applicable instrument regarding land acquisition and resettlement for this project.

Table 1: Gap Analysis of Sub-Decree 22 / SOP-LAR as Compared with ESS1 and ESS5 Requirements			
ESS1/ESS5/ESS7'	SOP-LAR	Gaps	Mitigating Measures Needed
Classification of types of land claim			
With formal legal rights to land or assets	Legal land owners and holders of real rights to land, including customary rights	Meaning of "customary rights" not clarified	All land holders with rights recognizable under Land Law 2001 to be regarded as legal owners, irrespective of whether they hold "hard" land titles.
Holds non formal legal right, but have a claim that is recognizable under national law	Tenants and Leaseholders	Other affected persons could include employees on affected land etc.	Ensure all affected persons are identified and eligible for compensation in line with ESS5
No recognizable legal rights	Illegal occupiers / squatters without legal titles or rights to land	Rights to compensation are restricted, or excluded in some cases (squatters on road right-of-way)	<ul style="list-style-type: none"> • Land users whose occupation or use is established and unchallenged not to be considered as "illegal occupiers". • Clarify that all persons using the land including CPR before cut-off date are eligible for compensation. • Compensation - if displaced - to include adequate housing with security of tenure. • Compensation to include loss of crops and improvements to land.
ESS7 recognizes that IPs exercise and/or claim culturally specific tenure rights to land that they have traditionally owned or used under	SOP-LAR defines IPs as "those who have traditional collective ownership of land granted by the RGC" (para 26)	There is notn a specific IP category or definition in ESS5, but there is in ESS7, which applies a four-criteria definition of IPs, one of which is 'collective attachment to geographically distinct habitats' (para 8).	Although terminology is slightly different, SOP-LAR and the World Bank ESF have congruent views of IPs and customary land rights. Customary land refers to land held/claimed by IPs under culturally specific land tenure systems involving collective ownership.

Table 1: Gap Analysis of Sub-Decree 22 / SOP-LAR as Compared with ESS1 and ESS5 Requirements			
ESS1/ESS5/ESS7'	SOP-LAR	Gaps	Mitigating Measures Needed
customary occupation.			These are the lands subject to or eligible for ICLT under LASED III.
Compensation and Benefits for Affected Persons			
All categories of affected persons entitled to compensation	Occupiers of right-of-way land not entitled to compensation. Illegal occupiers not entitled to compensation for land value. Entitlement of non-occupying land users (employees, CRP users) not clearly mentioned	ESS5 requires that AP with no legal rights are entitled to resettlement assistance including adequate housing with security of tenure, compensation for loss of crops and improvements to land etc.	<ul style="list-style-type: none"> Clarify that all persons on the land or gaining livelihoods from the land before cut-off date are eligible for compensation. Compensation for non-legal occupiers to include adequate housing with security of tenure. Compensation to include loss of crops and improvements to land.
Compensation at replacement cost.	Compensation based on market prices.	Market prices may not be equivalent to full replacement cost.	Compensation to be based on full replacement cost as defined in Footnote 6 of ESS5.
Compensation to restore or improve livelihoods and living standards.	SOP-LAR provides for lumpsum loss-of-livelihood payment during transition. Calculated based on 3 months or 6 months for poor and vulnerable. AP with permanent loss of livelihood due to physical relocation entitled to join income restoration program. Poor and vulnerable groups	SOP-LAR provisions may not improve or fully restore livelihoods in all cases. Definition of "poor and vulnerable" does not include IPs (as would be the case under ESS1). However, ESS5 does not distinguish between poor and non-poor APs for compensation entitlements.	<ul style="list-style-type: none"> Ensure overall compensation package consistent with ESS5. APs who are / become SLC or ICLT beneficiaries participate in livelihoods sub-projects. Additional livelihood support activities provided for APs who are not project beneficiaries in some cases.
Voluntary donations	SOP-LAR deals with land acquisition and resettlement.	SOP-LAR has no guidance on voluntary land donations	ESS5 (footnote 10) defines the requirements for acceptable voluntary land donations.
Community Engagement			
Disclosure of information	Public disclosure of the RP. Project Information Booklet provided and explained to stakeholders.	Disclosure methods may not adequately reach AP who are illiterate or whose first language is not Khmer.	Additional measures to be taken to ensure information is accessible to these groups.
Meaningful consultation and participation, throughout process, including choosing from alternative options. Intra-household analysis (women's / men's perspectives) to be included.	Series of Consultative Meetings: At resettlement framework (RF) stage. At detailed measurement survey (DMS) stage. Explain compensation package. APs encouraged to sign contracts for compensation at the meeting when compensation package is ready	Permit AP to choose from alternative compensation options. Consultation may not include land users who are not settled occupiers. Consultation is largely described as a process of sharing information Consultation may not capture different views within the household (women/men etc.) Expectation that AP will sign compensation contract	<ul style="list-style-type: none"> Engage AP in meaningful discussion of different compensation options. Ensure non-occupying land users are identified and consulted. Ensure intra-household perspectives are considered and women's views are heard. Contracts to be signed at separate occasion 1 week after CM3.

Table 1: Gap Analysis of Sub-Decree 22 / SOP-LAR as Compared with ESS1 and ESS5 Requirements			
ESS1/ESS5/ESS7'	SOP-LAR	Gaps	Mitigating Measures Needed
		at CM3 may not provide sufficient time for consideration / intra-household discussion and may lead to undue pressure.	
Free, Prior and Informed Consent	Series of Consultative Meetings as outlined above.	No concept of Free, Prior and Informed Consent as defined in ESS7.	<ul style="list-style-type: none"> • Ensure that the engagement and consultation with the IP community during the ICLT process establishes FPIC for the project activities that affect them, and that this is reached through a culturally appropriate process. • Ensure that any IP community neighboring the ICLT area and affected by planned ICLT activities is engaged in FPIC.
Grievance Redress Mechanism (GRM)	Grievance mechanism established under Provincial Grievance Redress Committee Project GRM may be used on case-by-case basis	Project use of different GRMs adds complexity. Result is likely reduced AP understanding of, access to, and confidence in the grievance redress arrangements.	Project will establish a GRM, accessible to both intended beneficiaries and those adversely affected, and compliant with ESS5 and ESS10. Project GRM will accept and handle complaints related to implementation of the resettlement plan. Complaints that require MEF/GRD involvement will be referred to the GRM defined by the SOP-LAR.
Planning and Implementation			
<p>Census of APs</p> <p>Social assessment to include seasonal resource users</p> <p>Prepare a RP</p> <p>Cost of resettlement activities included in project cost</p>	<p>Detailed Measurement Survey includes household survey. Prepare RP. Prepare individual contracts for compensation to be signed by APs. APs requested to sign contracts at 3rd Consultative Meeting. AP who do not sign contract or submit a formal complaint may lose right to compensation after 3 months.</p> <p>Cost of resettlement is financed by MEF-GDR and is not included in the project budget.</p>	<p>Census as described in SOP-LAR may omit seasonal resource (CPR) users and other users who are not settled occupiers.</p> <p>Automatic loss of right to compensation is not compatible with ESS1 / ESS5.</p>	<p>Ensure non-occupying land users including seasonal resource / CPR users are identified and included in census.</p> <p>AP who do not sign DMS compensation contract or submit a complaint will be considered as having submitted a complaint and case will be followed up through GRM.</p> <p>Expectation that AP will sign compensation contract at CM3 may not provide sufficient time for consideration / intra-household discussion and may lead to undue pressure. Therefore, Contracts to be signed at separate occasion 1 week after CM3</p> <p>RPF section on financing will describe sources of funding.</p>
Monitoring	External monitoring only significant impacts and resettlement above 200 persons.	External monitoring of LASED III (rationale includes knowledge gaps (para 25 - 31 above) and lessons regarding the new	Engage external monitoring consultant under ToR agreed by MEF-GER, MLMUPC and World Bank.

Table 1: Gap Analysis of Sub-Decree 22 / SOP-LAR as Compared with ESS1 and ESS5 Requirements			
ESS1/ESS5/ESS7'	SOP-LAR	Gaps	Mitigating Measures Needed
		ICLT process and mgt of adverse impacts).	

5 RESETTLEMENT POLICY FRAMEWORK: OBJECTIVES, PRINCIPLES, AND APPROACH TO MINIMIZE LAND ACQUISITION

5.1 Objectives

58. Since the selection of beneficiary Communes for SLCs and IP communities for ICLT will be based on a 'demand' driven process, their location and the potential land acquisition impacts from land titling or infrastructure activities will only be known during project implementation. A Resettlement Policy Framework (RPF) is therefore required, and has been prepared under the guidance of the Ministry of Land Management, Urban Planning, and Construction (MCMUPC) to manage and mitigate any land acquisition impacts that will result from project activities in the selected SLC or ICLT locations. As detailed in this RPF, once SLC or ICLT locations are identified and screening confirm potential adverse impacts deriving from land acquisition, a Resettlement Plan (RP) will be prepared in close consultation with stakeholders and the World Bank. Project activities that will cause physical and/or economic displacement will not commence until such specific plans have been finalized and approved by the World Bank.

59. The objectives of this Resettlement Policy Framework are the objectives of ESS5 and are consistent with the objectives defined in paragraph 36 of the Sub-Decree 22 and the SOP-LAR:

- To avoid land acquisition and involuntary resettlement or, when unavoidable, minimize land acquisition and involuntary resettlement by exploring project design alternatives;
- To avoid forced eviction;
- To mitigate unavoidable adverse social and economic impacts from land acquisition or restrictions on land use by: (a) providing timely compensation for loss of assets at replacement cost and (b) assisting displaced persons in their efforts to improve, or at least restore, their livelihoods and living standards, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher;
- To improve living conditions of poor or vulnerable persons who are physically displaced, through provision of adequate housing, access to services and facilities, and security of tenure;
- To conceive and execute resettlement activities as sustainable development programs, providing sufficient investment resources to enable displaced persons to benefit directly from the project, as the nature of the project may warrant; and
- To ensure that resettlement activities are planned and implemented with appropriate disclosure of information, meaningful consultation, and the informed participation of those affected.

60. Consistent with the established practice of LASED and LASED II, LASED III will avoid land acquisition and involuntary resettlement wherever possible by two measures, which will be applied both in connection with the mapping and demarcation of SCL and ICLT sites, and with the siting of infrastructure. The first measure consists in identifying land that is in legitimate private use (including land that is privately occupied without a formal land title) and excluding such land from the site area of the SLC or ICLT, or from the site area of the infrastructure provided for an SLC or ICLT area. The second measure consists of agreements on voluntary land donations negotiated by the project with

land users who will become project beneficiaries⁷, provided such agreements are based on informed consent, leave the beneficiary better off as a result, and are clearly documented (see Section 7.3 on principles for voluntary land donations). Where neither of these two measures are feasible and there is a need to acquire land for implementation of the project, a resettlement plan will be prepared and implemented within the framework of this RPF.

5.2 Entitled Persons and Households

61. The following categories of persons and households can be considered affected and entitled persons (AP) or households (AH) for the purpose of land acquisition and resettlement (LAR):

- Persons and households who are legal owners of land (within the meaning of the Land Law 2001, regardless of whether they hold a “hard” land title) and whose land is included within the area of a Social Land Concession (SLC) or an Indigenous Community Land Title (ICLT) site, or is acquired for construction of access roads or other infrastructure required for the site;
- Persons or households who are not legal owners of land within the meaning of the Land Law 2001, but who have occupied the land for residence, agriculture or other purposes, before the Cut-Off Date for land claims in the SLC or ICLT area;
- Persons and households who are renting or leasing land, that is included in the area of an SLC or ICLT, or who are employed as workers on such land, whether or not the land is legally owned by the renter or employer;
- Persons and households who gain all or part of their livelihood from Common Property Resources (CPR) uses of land that is included in the SLC or ICLT area, for example for grazing, collection of non-timber forest products, firewood collection, fishing etc.

5.3 Measures to Minimize Land Acquisition, and Situations where Land Acquisition Cannot be Avoided

62. In principle, land acquisition and involuntary resettlement within the scope of ESS5 may result from LASED III project activities in the following situations:

- a) Land that is in private ownership, occupation or use, whether legally owned or not, is classified as State Private Land and included in the area of an SLC or ICLT;
- b) State Public Land that is used for common property resource uses, such as non-timber forest product (NTFP) livelihood activities, is re-classified as State Private Land and included in the area of an SLC or ICLT. It is expected that most of those who used such a common property resource when it was State Public Land would continue to do so as SLC land recipients or ICLT community members. However, for some access might be restricted, for example those who do not want to join the SLC, or who do not meet the eligibility criteria, or in case of an ICLT are not members of the IP community.
- c) Land in private ownership, occupation or use, whether legally owned or not, is needed for construction of infrastructure. In some cases, this could include land outside the boundaries of the SLC or ICLT, such as land needed for construction or widening of an access road or for construction of irrigation infrastructure.

63. Regarding situation (a) above, the SLC land identification, screening, mapping and titling process under LASED II managed to exclude land that was subject to valid private claims. LASED III will follow these procedures and will continue the practice from LASED and LASED II, by which negotiations were conducted with eligible project beneficiaries for voluntary arrangements to swap existing plots for SLC plots of equal or greater value. As in the SLC mapping, the ICLT process will also entail the exclusion of privately held land from the proposed ICLT area. In exceptional cases,

⁷ For example, for swapping an existing plot for another plot within the SLC, or contributing a minor amount of land for an infrastructure project from which the land user will benefit.

members of the indigenous minority group who currently hold land under individual title or in private ownership, occupation or use within the proposed ICLT area, might choose the option of voluntarily joining the communal land title registration following the guidance of MLMUPC. Only in very exceptional circumstances where, without the land in question, the SLC or ICLT would not be viable, will land acquisition through involuntary resettlement be used to acquire the land for an SLC or ICLT. An example would be if the only possible route for an access road crosses land in private ownership⁸.

64. Situation (b) above involving potential impacts on CPR users is likely to occur to some degree, but the extent and severity is not known as this issue has not been studied under the previous projects. LASED III will include this aspect in site screening and will ensure that affected parties suffering losses are compensated (e.g. by being included as project beneficiaries, or through provision of alternative CPR access of equal value, or through compensation).

65. In cases of land within the proposed SLC or ICLT area that is not legally owned, but is in private occupation and use, discussions will be held with the land users to find a solution that avoids land acquisition. Options will include:

- The land in question is re-classified as private land and is excluded from the SLC or ICLT;
- The land users agree to give up the land in return for being included as land recipients in the SLC, or members of the ICLT community;
- Voluntary donations of small amounts of land for infrastructure projects where the land user will benefit from the project and will experience a net benefit as a result (see Section 7.3 below).

66. Compensation of land users without legal rights (including renters, lessees, employees on the land and CPR users) through inclusion as project beneficiaries (i.e. the second bullet point in the preceding paragraph) will be voluntary and subject to the informed consent of the land users. There may be cases where the land users do not consent to this option. There may also be cases where this option is not possible because the land users do not meet the eligibility criteria for SLC land recipients, or because they are not members of the IP community for the ICLT. In either of these cases, acquisition of the land will be considered as involuntary resettlement and the land users will be entitled to compensation consistent with ESS1 and ESS5.

67. Regarding situation (c) above, the SLC planning process endeavors to ensure that vacant land is reserved for infrastructure purposes within the SLC boundaries.⁹ Similarly, LASED III will work with IP communities to ensure that suitable vacant land within the planned ICLT area is identified for infrastructure sub-projects. Exceptions could occur, in the case that feasibility studies reveal the need to re-locate infrastructure away from the planned siting and onto land that has already been allocated for private use, or in case it is not technically feasible (e.g. for irrigation infrastructure) to change the siting and avoid impacting land under private ownership, occupation or use. In these cases, it is expected that the problem will usually be solvable by allocating alternative land from the land reserve or by voluntary land donation. If these options are not feasible, acquisition of the land will be considered as involuntary resettlement and the land users will be entitled to compensation consistent with ESS1 and ESS5.

68. The most likely case in which a need for land acquisition could arise is for construction of access roads or irrigation infrastructure outside the boundaries of the SLC or ICLT itself. Both access roads and irrigation infrastructure may have linear land acquisition impacts of limited scale. While

⁸ No example of acquisition of privately held land occurred under either LASED or LASED II.

⁹ Land requirements for infrastructure under LASED III may well be more substantial than in the earlier LASED projects for two reasons: (i) in LASED III, there will be a broad range of different types of infrastructure comprising access roads (with culverts, side drains etc), small scale irrigation systems, school buildings and teacher housing, health posts, community centers, and water supply and sanitation infrastructure, and (ii) the infrastructure will involve climate change adaptations, which for roads would require raised embankments, and side and cross drain structures. Site access roads would be 30 m wide, and residential and access roads 24 m. (PAD para 31-34).

irrigation infrastructure will require new alignments, access roads will normally be constructed fully or largely on the alignment of an existing road. Land users may accept a limited loss of land through voluntary donation, or even localized relocation in return for improvements and increase in property value that the development entails (e.g. improved road access).

69. Situations where land acquisition and possibly also involuntary resettlement would be needed, and therefore requiring preparation of a Resettlement Plan, include:

- a) The planned SLC or ICLT site includes land that is not legally owned, but that is occupied and used before the cut-off date, and the land users cannot be adequately compensated by including them as SLC land recipients or ICLT community members;
- b) Any case where there is no feasible existing access road to the SLC or ICLT site, and the site would only be viable if an access road is constructed across private land (with or without a hard land title);
- c) Any case where the access road can only be improved to adequate standard by moving or clearing buildings at the roadside (e.g. in built-up areas);
- d) Any case where the siting of irrigation infrastructure is only technically feasible if land under private ownership, occupation or use is acquired.
- e) Any other case where an affected land holder is not willing to make a voluntary donation of the land for infrastructure construction whether inside or outside the planned SLC or ICLT site.

70. In the event that it is not possible to avoid adverse land acquisition impacts related to the situations considered above, a Resettlement Plan will be developed to manage and mitigate the impacts in question, so that all people adversely affected by the project will be able to maintain or improve their pre-project living standards. In cases where all the land in private ownership, occupation or use, whether legally owned or not that is needed to establish a viable SLC or ICLT will be voluntarily donated by individuals/households, detailed Resettlement Plans will not need to be prepared but this RPF will guide the process for assessing and carefully documenting voluntary donations (Section 7.3 below). This documentation will be included as an Annex to RPs or as stand-alone documents.

6 CUT-OFF DATE FOR ELIGIBILITY FOR COMPENSATION AND ASSISTANCE

6.1 Principle of Cut-Off Date

71. A cut-off date for claims to be eligible to receive compensation and assistance for adverse impacts caused by land acquisition will be publicly announced at an early stage of the land identification and planning process for each SLC or ICLT sub-project. Since the processes for establishment of an SCL or ICLT differ, the cut-off date definitions for SCLs and ICLTs will also be different. A single cut-off date will apply to the entirety of an SLC or ICLT, and to land that may be required outside the SCL or ICLT area for provision or improvement of infrastructure (e.g. an access road). The extent of land to which the cut-off date applies, including land for infrastructure outside the SLC or ICLT, will be made clear in a public announcement and accompanying map. The cut-off date is intended to help prevent encroachment and compensation claims by opportunistic settlers. In exceptional cases, it may be necessary to announce an additional later cut-off date if extra land has to be acquired. This could be the case if modifications are required to the proposed infrastructure in the 14 SLC sites where works were started during LASED II, and where LASED III will support completion of development activities. It could also be the case regarding the infrastructure in the 30 indigenous communities where ICLT is completed, and where LASED III will support the required development activities.

72. In World Bank supported investment projects requiring land acquisition, the cut-off date is normally established in conjunction with the census which (i) identifies the persons/households who are affected by land acquisition under the project, (ii) establishes an inventory of land and assets to be affected, and (iii) determines who will be eligible for compensation and assistance. However, the cut-off dates for both SLCs and ICLTs will not be triggered by the timing of the census (the DMS process) to identify those affected by land acquisition under the project. For both SLCs and ICLTs, the

demarcation of the areas they will cover and the planning of physical infrastructure are the result of a demand driven selection of beneficiary communities followed by an extended participatory planning process. As a result, local knowledge of the approximate boundaries of particular SLC and ICLT areas will be common long before their demarcation is finalized and officially approved, and therefore long before a census of land acquisition impacts can be conducted. Consequently, for both SLCs and ICLTs the definition of the cut-off date involves consideration of risk management, and of balancing the risk between the two options of either predating the cut-off date (and possibly harming some who have settled, cultivated, or constructed in good faith within the SCL/ICLT after this early cut-off date), or establishing the date when the SCL/ICLT area mapping is done (either in a preliminary form or officially approved), and an assessment (or a census) of impacts can be undertaken (which would leave ample time for encroachment since there would have been knowledge of the preparation of an SCL/ICLT for a long time prior to the finalization of the mapping of the exact area and infrastructure plans).

6.2 Cut-Off Date for SLC

73. The cut-off date for eligibility for claims regarding compensation and assistance related to land acquisition under an SLC will be the date of the decision issued by the Provincial Governor to proceed with State Land Classification, that is when the land identified for an SLC is registered as State Private Land (Step 4 in the Summary 10-Step Commune SLC Process – Table 22 below), and officially approved for the SLC. The cut-off date will apply to the land proposed for the SLC, and for any SLC related infrastructure outside the SLC area such as land that would need to be acquired for an access road or irrigation infrastructure¹⁰. This land will be indicated on a sketch map, which will be posted on public noticeboards in the SLC area and adjacent to the access road, as soon as possible after the announcement by the Provincial Governor. The Provincial Department of Land Management, Urban Planning and Construction (PDLMUPC) and sub-national administrations will be notified to ensure that no legally recognizable claims to the land are created after the cut-off date. The announcement will also inform people that complaints regarding the demarcation of the SLC area and related infrastructure can be submitted through the GRM within a 30 days period. During this period a Provincial official will be present at the Commune Office to register any claims on the land.

74. It is noted that this definition of the cut-off date is different from the definition used in LASED II, which was defined as the date two months prior to the first public information meeting on the SLC (Step 1 in the Summary 10-Step Commune SLC Process). The rationale for this predated cut-off date which preceded the actual start of the SLC planning process (and knowledge about it) was, that it would effectively forestall the risk of opportunistic encroachments to obtain compensation from land acquisition under the SLC process. However, a two-month predating of the cut-off date would at the same time create the risk that between this cut-off date and the time of the census, there could be good-faith purchase and/or construction of assets, which could be adversely affected by land acquisition related to the SLC, and which since they took place after the backdated cut-off date might not be recognized as eligible for compensation. The current definition under LASED III of the cut-off date as the date when the land identified for an SLC is registered as State Private Land is expected to pragmatically address both these risks.

75. Moreover, to monitor opportunistic encroachment in the period prior to the cut-off date, the Commune Council will use existing records on residence and land use within the Commune to provide a baseline on unauthorized occupation within the proposed SLC area. This information will be verified by the Commune Council and Provincial Land Use and Allocation Committee (PLUAC), and through a public meeting during the SLC planning process.

76. The Commune Council (CC) supported by PLUAC and the District Working Group (DWG) will make all efforts to ensure that relevant communities are made aware of the cut-off date and its

¹⁰ MRD's definition of right-of-way (ROW) for rural roads is 15m on either side of the centre-line, though it does not appear in the SOP-LAR.

implications to them. These measures may include, but not be limited to 1) public community/village posters; 2) Information Booklets; 3) information to relevant households; engagement of the community support group (CSG) to play their role in further sharing information and advice.

6.3 Cut-Off Date for ICLT

77. The process for identification of ICLT land¹¹ does not include a specific cut-off date for conflicting claims on the land (see Annex 2 with diagram of the ICLT Process). After Step 3 under Phase 2.5 of the process (application by the IP community to MLMUPC for a community land title), the Provincial / District Governor issues a public notification no later than 20 days prior to the date of the official surveying of the land (which is Step 1 of Phase 3). Once land claims have been identified and resolved, the Provincial Governor issues Interim Protection Measures (IPM) forbidding all forms of land transaction in the proposed ICLT area.

78. In order to curtail the scope for opportunistic encroachments after the mapping and demarcation of the proposed ICLT area, but before the IPM is issued, the cut-off date for ICLTs supported by LASED III will be the date on which the IP Community has developed preliminary maps of the boundaries of the proposed ICLT area (Step 2 of Phase 2.5), and submitted an application for an Indigenous Community Land Title to the MLMUPC (Step 3 of Phase 2.5). The cut-off date will be announced publicly (i.e. the public notification after Step 3 in Phase 2.55), including through notification to PDLMUPC and sub-national administrations, and through posting of notices on public noticeboards, with a sketch map of the proposed ICLT area. The announcement will also inform people that complaints regarding the demarcation of the ICLT area can be submitted through the GRM within a 30 days period.

79. The cut-off date for land that might be required for an access road to an ICLT will, wherever possible, be the same date as the public notification of the ICLT application. The land affected will be the land 15m either side of the center-line of the proposed access road. The information, with sketch maps, will be posted on public noticeboards adjacent to the road.

6.4 Additional Land Outside SLC or ICLT and Needed for Infrastructure

80. In exceptional cases, when a need is identified for land acquisition for infrastructure sub-projects that were not foreseen during land use planning, or is outside the boundaries of the SLC or ICLT site, there may be a need to announce a further cut-off date for claims to the land, in line with Sub-Decree 22 / SOP-LAR. The most likely case is that the route initially proposed for the access road is changed as a result of technical feasibility studies. It is also possible that irrigation works could be found to affect land outside the SLC or ICLT boundaries.

81. In this case, the cut-off date for land claims will be the date of public announcement of the census that identifies the persons/households who will be affected by land acquisition, and this will be as early as possible after the extent of land needs are determined by technical studies. The cut-off date will be announced by the Provincial Governor and will be publicized by posting of public notices and maps which depict land acquisition impacts adjacent to the proposed road or other infrastructure, and by notification of PDLMUPC and sub-national administrations.

¹¹ Indigenous Communities Identification; Legal Entity Registration; and Communal Land Registration Process in Cambodia (2028)

7.1 Land Identification, Exclusion of Private Land, Provision of Compensatory SLC Land, and Assessment of Land Acquisition Requirements within the SLC Planning Framework

Table 22: Summary of 10-Step Commune SLC Process

STEP	DESCRIPTION	RESULTS
1	Initiate and Screen SLC	Commune Council propose SLC (preparation of sketch map and land use profile)
		Authorization to Proceed
2	Plan Technical Studies	Work-plan for SLC process
3	Awareness Raising by Commune Council	Local Residents Understand About SLC
		Method of selecting land recipients agreed
		Identification of poor households and illegal land occupants
4	State Land Meeting	Updated sketch map with individual and collective land
		Final SLC mapping by GDCG (basis for cut-off date)
		Identify access route and determine if land acquisition will be needed for construction / improvement of access road
		Assess impacts on users of common property resources (CPR), e.g. grazing, firewood, NTFP etc. on the proposed SLC land. Ensure either (1) access to equivalent alternative; (2) inclusion of CPR users as SLC beneficiaries; or (3) appropriate compensation arrangements.
		Review of land acquisition and involuntary resettlement impacts
		In case of a determination that land acquisition is needed: preparation and implementation of Resettlement Plan by MEF-GDR
		SLC land registered as State Private Land
5	Participatory Land Use Planning & Mapping	Agro-Ecosystems Analysis
		Infrastructure Needs Assessment
		Social and Environmental Safeguards
		Social Land Concession Report
6	Review of SLC Report	Allocation for Rural Infrastructure and Services
7	Land Recipient Selection	Priority Application List
		Reserve Application List
8	Full SLC Plan	Plots Allocated
		Full SLC Plan Approved
9	Site Preparation	Boundaries Marked of SLC Plots
		Rural Water Supplies
		Land Clearing

Steps 3, 4 and 5 can proceed at the same time

		Access Tracks
		Official Transfer of Land
10	Settling in and Rural Development	Settling-in Assistance
		Rural Infrastructure and Services
		Sustainable Community

82. Table 2 summarizes the 10-step process of preparation and implementation of a Commune Social Land concession. This table is reproduced from the LASED III PIM and reflects the process defined in law and secondary legislation. LASED III will introduce new activities at Step 4 of the process:

- Determination of whether any of the situations defined in Section 5.3 above, paragraph 62 (a), (b) and (c); apply to any land that cannot be excluded from the proposed SLC area;
- In case that such a determination is made, preparation and implementation of a Resettlement Plan by MEF-General Department of Resettlement (MEF/GDR).

83. As noted above in Section 5.3, implementation of the SLC planning process will in most cases result in avoiding the need for land acquisition and involuntary resettlement. Further, the SLC planning process fulfills many of the requirements of ESS5 for consultation with project affected persons. The key activities in each step to safeguard the rights of land users' and avoid land acquisition and resettlement are described in the following paragraphs.

84. **Step 1:** The SLC proposal is initiated by the Commune Council after a meeting with the citizens of the commune. The Commune Council prepares a simple sketch map and land use profile at this stage. The Provincial Governor then leads a meeting of the Provincial Land Use Allocation Committee (PLUAC) to review the proposal. The sketch map is reviewed at this stage and areas that are ineligible to be included in the SLC are excluded. An evaluation team visits the Commune and further revises the Sketch Map as a result of this visit.

85. **Step 3:** The Commune Council, with support from the project, conducts an information campaign which has the dual purpose of (1) ensuring that potentially eligible land recipients are aware of the process; and (2) that existing land owners and users are aware of the SLC proposal and how they may be affected. Also, in Step 3, poor households in the Commune are identified using the Identification of Poor Households methodology of Ministry of Planning (MoP). In addition to identifying potential land recipients, this step also identifies whether current illegal land occupants are entitled to be considered as poor and vulnerable households and so eligible for additional compensation and support if they are displaced by the project, as required by Sub-Decree 22 / SOP-LAR.

86. At **Step 4**, a detailed survey of the proposed SLC area is carried out. This survey should identify land that is privately owned and / or in use as residential or agricultural land, as well as land that is collectively owned by an IP community. In general, all such land, as well as land required for public purposes (water bodies, land under environmental protection, archaeological sites as well as public infrastructure) is excluded from the SLC area. Boundaries are provisionally marked using paint or wooden pegs at this stage. The sketch map of the SLC site, updated after the survey, together with a table of individually and collectively owned land, is then displayed at the Commune Office for 30 days. During this period a Provincial official is present at the Commune Office to register any claims on the land. Claims are registered and are then investigated with support from NGOs and community groups. The District Working Group prepares a report and the sketch map is updated to reflect legitimate claims.

87. The cut-off date for land claims in the SLC area will be the date of public display of the sketch map at the Commune Office.

88. In LASED III, as an addition to the procedures followed in LASED / LASED III, the survey of the SLC land area will also identify persons potentially affected by land acquisition, who are not land owners or direct occupiers. Persons in this category may include renters, lessees, employees on the land and CPR users (grazing, NTFP, fishing etc.). If land users in this category are identified, the project will evaluate the extent of negative impacts they may suffer as a result of the SLC. CPR users may be compensated by (1) ensuring they have access to equivalent alternative resources; (2) inclusion as SLC land recipients; or (3) appropriate compensation.

89. Following preparation of the report on land claims in the SLC area, a team appointed by the LASED III Project Director and including the Social Risk Management Adviser and the Social Risk Management Focal Point of MLMUC will examine the report and will also visit and inspect the SLC area. Based on this examination and inspection, the team will recommend to the Project Director whether development of the SLC, on the proposed land area, will result in any of the situations defined in Section 5.3 above, paragraph 62 (a), (b) and (c). In any of these situations, preparation of a Resettlement Plan will be required. Wherever possible, involuntary resettlement will be avoided by excluding potentially impacted plots of land from the SLC.

90. In case that it is determined that involuntary resettlement is essential to development of the SLC, the Project Director will request MLMUPC to write to MEF-GDR requesting preparation and implementation of a Resettlement Plan. MEF/GDR will then prepare and implement the Resettlement Plan including payment of compensation in line with this RPF. These procedures are described in Section 9 below.

91. Following this process, the PLUAC recommends to the Provincial Governor to authorize or reject the proposed SLC. If the decision is taken to proceed, an accurate survey is conducted by the General Department of Cadastre and Geography (GDCG) of MLMUPC. The Sketch Map is further updated and becomes the Social Land Concession Map. This map is again displayed for 30 days at the Commune Office and there is a further opportunity to register claims. Only after these claims have been investigated, the GDCG issues the land title as State Private Land, which is the basis for allocation of land in the SLC.

92. In **Step 5**, Participatory Land Use Planning is carried out to prepare a land use map of the SLC area, indicating residential land, agriculture land, and land to be reserved for public purposes including infrastructure, community forest etc.

93. A further check of compliance with all ESS requirements, including ESS1 and ESS5, is carried out at **Step 6**.

94. Physical demarcation of the SLC plots using boundary markers is carried out at **Step 9**, before the official transfer of the land to possession of the land recipients.

95. Infrastructure development also begins with priority activities in Step 9 and continues, together with livelihoods sub-projects including farming land clearance, in **Step 10**.

7.2 Land Identification, Exclusion of Private Land, and Assessment of Land Acquisition Requirements within the ICLT Planning Framework

96. **Table 3** summarizes the steps in identifying and registering land under the Indigenous Community Land Title (ICLT) process (see Annex 2 for more detail on the ICLT process). LASED III will provide support to IP communities that have already received recognition as indigenous communities from MRD (Phase 1) and as legal entities from MoI (Phase 22). Therefore, LASED III

will provide support from Phase 2.5 (first application to MLMUPC for a land title) or will intervene at a later stage of the process.¹²

Table 3: Steps in ICLT Process		
Phase	Description	Comment
Phase 1	The end result of activities under Phase 1 is that MRD Issues Identity Certificate to Indigenous Community	
Phase 2	The end result of activities under Phase 2 is that Ministry of Interior registers IP Community as Legal Entity	
Phase 2.5	IP Community: Launching ICLT Application to MLMUPC	Support from LASED III will start at this step or later.
Step 1	The IPC establish its internal rules Facilitated by NGO (drafted by MoI). participation)	Emphasis on FPIC involving cross-section of IP community.
Step 2	Collect data and produce preliminary maps by defining boundaries type with participation by all land owners.	<ul style="list-style-type: none"> • Sketch map of ICLT area prepared through an inclusive process among community members and neighboring villagers. • Emphasis on FPIC involving cross-section of IP community and consultation with neighboring IP communities, if any. • Assess both within proposed ICLT area and in neighboring IP communities (if any) potential impacts as required by the Cultural Heritage Protection Framework.
Step 3	The IPC to apply for a CLT to MLMUPC	<ul style="list-style-type: none"> • Includes a list of all community members and their thumb prints; IPC submits CLT application with sketch map, which establishes the cut-off date (see para 78). • Provincial Governor issues notification 20 days before official survey begins. Interim Protection Measures issued, and cut-off date established.
Phase 3	MLMUPC: Measuring, Public Display, Reclassification and Issuing ICLT to IP Community	
Step 1	Measurement and data collection of land boundaries by type of use, determination of boundaries and identification of state land (Emphasis on FPIC)	PDLMPUC team and villagers as well as NGOs involved
Step 2	Public display of land evaluation documents	Documents displayed for 30 days Provision for complaints to be submitted to technical working group but process not clear.
Step 3	Reporting on the result of display of land evaluation documents Reporting on the result of display of land evaluation documents	Knowledge available on the number and content of complaints regarding the ICLT mapping.
Step 4	Meeting with the PSLC to decide on the report on the result of the public display of the land evaluation, and request to the MLMUPC to issue land titles to the IP community.	Usually, it takes at least six months in order to get MLMUPC's replies which prolongs the process of ICLT. Determination of whether a RP is needed will be made at this step.

¹² For more detail, see IPPF section 7.3, Table 3 on Phase 2.5 and Section 7.5, Table 4 on Phase 3.

		In case an RP is needed, MEF/GDR will be requested to prepare and implement the RP
Step 5	MLMUPC issues a letter to the MoE and the MAFF asking for an examination and approval of the land concerned.	Guideline refers to classification of land by MoE (protected areas) and MAFF (agriculture land, community forest and forest land).
Step 6	The MLMUPC issues a letter to the Council of Ministers requesting the land reclassification to be registered as a collective land in accordance with the decision of the MoE and the MAFF.	
Step 7	Issue collective land titles to indigenous communities.	Note that basic ICLT process does not specifically include reserving land for infrastructure.

97. Table 3 summarizes the process of establishment of a registered IP Community and the issuing of an ICLT. This table is based on legislation and established practice in the ICLT process. In LASED III the following additional activities will be carried out at Phase 3, Step 4, i.e. before issue of the ICLT.

- Determination of whether any of the situations defined in paragraph Section 5.3 above, paragraph 62 (a), (b) and (c); apply to any land that cannot be excluded from the ICLT land;
- In case that such a determination is made, preparation and implementation of a Resettlement Plan by MEF-GDR.

98. The process summarized in Table 33 is open and participatory and is adequate to ensure that competing claims to proposed ICLT land are identified. As described in the ICLT guideline, there is a presumption that any land subject to contested claims will be excluded from the ICLT title. Therefore, it seems unlikely that acquisition of land in private ownership could occur through the basic ICLT process.

99. The ICLT guideline does not specifically mention announcement of a cut-off date for claims on the proposed ICLT land. For ICLTs supported by LASED III, a cut-off date will be set as the date when an Indigenous Community submits their ICLT application with a sketch map defining the boundaries of the community land to MLMUPC (Step 3(Step 3 of Phase 2.5).

100. Following preparation of the report on land claims in the ICLC area (Phase 3, Step 4), a team appointed by the LASED III Project Director and including the Social Risk Management Adviser and the Social Risk Management Focal Point of MLMUC will examine the report and will also visit and inspect the SLC area. Based on this examination and inspection, the team will recommend to the Project Director whether there are any land issues regarding the proposed ICLT area itself or construction of any proposed associated infrastructure (e.g. access road)) on the area that would result in any of the situations defined in Section 5.3 above, paragraph 62 (a), (b) and (c). In any of these situations, preparation of a Resettlement Plan will be required.

101. In case it is determined that involuntary resettlement is essential to establish the ICLT, the Project Director will request MLMUPC to write to MEF-GDR requesting preparation and implementation of a Resettlement Plan. MEF/GRD will then prepare and implement the Resettlement Plan including payment of compensation in line with this RPF. These procedures are described in Section 9 below.

7.3 Affected Persons Identified after Completion of the SLC Plan or ICLT Plan.

102. There may be cases where the SLC or ICLT land identification or planning process fails to identify all APs. This could include shifting-cultivation farmers who were not aware of the SLC /ICLT process or failed to report their land claim during the detailed land survey and mapping. Land use

planning of SLC / ICLT sites will include reserve land that can be allocated in such cases. The project will also investigate how APs in this situation can participate in and benefit from infrastructure and livelihoods sub-projects.

103. In occasional cases, there may be a need for minor land acquisition for infrastructure sub-projects, that was not identified during the land use planning process. This may occur within the boundaries of an SLC or ICLT site if, for technical reasons, the infrastructure has to be located in a different place from that planned, or if a need for additional infrastructure is identified after land use planning is complete. The case can also arise where there is a need for land acquisition outside the boundary of the SLC or ICLT, most likely in order for an access road. The alignment of access roads for SLCs will always be identified during the land use planning stage, and in most cases will follow an existing road alignment, but additional land adjacent to the existing alignment may be needed for road widening, construction of embankment slopes and side drains, or construction of road drainage structures.

104. If the land in question is ICLT land and the affected persons are IP community members, the IP community will first seek to resolve the issue in line with the bylaws and internal rules of the IP community. In this case, the Project will verify that the proposed solution complies with principles of fairness and equity. Land acquired from individuals must be within the permitted scope of the framework for voluntary land donations (Section 7.3 below) or else must be compensated by provision of alternative land of equal value.

7.4 Framework for Voluntary Land Donations

105. As described above in Section 5.3 and also in Section 7, efforts will be made when preparing and planning SLCs and ICLTs to avoid land acquisition whenever possible both regarding the demarcation of the SLC/ICLT areas, and regarding infrastructure whether inside or outside the SLC/ICLT areas. The different types of infrastructure to be constructed to make the SLCs and ICLTs viable are small scale, requiring modest amounts of land, and are identified through a participatory, community-based planning process.

106. To the extent feasible, such land will be obtained through voluntary donations under circumstances that meet the following conditions:

- a) the potential donor or donors have been appropriately informed and consulted by PDLMUPC about the project and the choices available to them;
- b) potential donors have been informed that refusal to donate is an option (in which case the land may be expropriated, and compensation paid), and have confirmed in writing their willingness to proceed with the donation;
- c) the amount of land being donated is minor (less than 10% of the productive asset is lost), and will not reduce the donor's remaining land area below that required to maintain the donor's livelihood at current levels;
- d) no household relocation is involved;
- e) the donor is expected to benefit directly from the project; and
- f) for community or collective land, donation can only occur with the consent of individuals using or occupying the land;
- g) PDLMUPC will maintain a transparent record of all consultations and agreements reached.
- h) Any person who considers that they have been adversely affected by the donation will have the right to submit complaints through the project Grievance Redress Mechanism.

107. A record of the process that has been followed will be maintained for each voluntary donation, and will include the following:

- a) The notification indicating the location and amount of land that is sought and its intended use for the project, with a record of when and where this was made public;

- b) Records of the consultations that were held and what was discussed;
- c) A copy of the due diligence that was conducted regarding who holds the rights to the donated asset, and any competing claims;
- d) Copies of each of the formal statements of donation, establishing informed consent as described above, and signed by each owner or user involved;
- e) Copies of all documents, registrations or records evidencing the legal transfer of the land;
- f) A map, showing each parcel of land.

108. MLMUPC as the project implementing agency will maintain a record with documentation for each parcel of land donated (see Annex 3 for Voluntary Asset Donation Form). This documentation will be available for World Bank review, and for review in relation to any grievances that may arise.

8 PREPARATION OF A RESETTLEMENT PLAN

8.1 Framework for Resettlement Plan

109. For any SLC, ICLT or infrastructure sub-project where land acquisition and involuntary resettlement is found necessary, a Resettlement Plan (RP) will be prepared in compliance with the requirements of this RPF. Consistent with Sub-Decree 22 / SOP-LAR Section D, supplementary provisions have been adopted to ensure full compliance with the requirements of ESS1 and ESS5. These supplementary provisions are derived from the Gap Analysis presented in Section 44 above. The supplementary provisions are reflected in the process description below, and are summarized in Annex 1. As described in Section 4, the LASED III Financing Agreement will refer to this RPF cleared by the World Bank and agreed with the RGC as the applicable instrument regarding land acquisition and resettlement for this project.

110. The RP will be prepared and implemented by the General Department of Resettlement (GDR) of MEF, working through the institutional structure described in Sub-Decree 22 / SOP-LAR and summarized below. GDR will work in close cooperation with LASED III implementing agencies, particularly for purposes of information disclosure and stakeholder engagement.

111. Preparation of the RP will be initiated by a national level request from MLMUPC to MEF-GDR. The request will take the form of an official letter attaching a sketch map and available details including:

- The location and area of the land to be acquired;
- The purpose for which the land is to be acquired, demonstrating that land acquisition is needed because the relevant SLC or ICLT would otherwise not be viable;
- The existing land use and ownership status of the land;
- The estimated number of affected land users, categorized by type consistent with the typology described below, and including people who use the land for purposes such as grazing, collecting NTFP, fishing etc.;
- The proposed timeline for implementation of the SLC, ICLT or sub-project.

112. The request letter to GDR will be copied to World Bank for information.

113. After the request to prepare an RP is accepted by GDR, the procedures of this RPF will be followed. The following sections of Chapter 88 of this RFP (1) summarize the key provisions of Sub-Decree 22 / SOP-LAR; and (2) identify supplementary provisions to be followed to ensure compliance with the requirements of ESS1 and ESS5.

8.2 Types of Affected Persons and Eligibility for Compensation

Table 4 presents a summary typology of Affected Persons

Table 44: Categories of Affected Persons	
Type of Affected Persons/Groups	Brief Description
Affected Persons	Those who will lose whole or part of their physical and non-physical assets including home, lands, building/structures, commercial properties, crops, resources, tenancy, subsistence, income earning opportunities, communities, and social and cultural networks. The loss can be temporary or permanent.
Poor and Vulnerable Persons/Groups	Those who are perceived to be more vulnerable than others such as (1) poor affected households headed by single mothers, elderly people, orphaned children, disabled people among others; and (2) members of indigenous minorities. Women are considered as potentially having specific needs and specific rights to be consulted during the resettlement process
Indigenous Peoples	Those who have traditional collective ownership of land granted by the RGC and exhibit the four criteria in ESS7 that define indigenous peoples.

114. The following categories of affected people have the right to compensation for lost assets and other assistance as may be necessary to help them improve or at least restore their standards of living:

- Persons and households who are legal owners of land (within the meaning of the Land Law 2001, regardless of whether they hold a “hard” land title) and whose land is included within the area of a Social Land Concession (SLC) or an Indigenous Community Land Title (ICLT) site, or is acquired for construction of access roads or other infrastructure required for the site;
- Persons or households who are not legal owners of land within the meaning of the Land Law 2001, but who have occupied the land for residence, agriculture or other purposes, before the Cut-Off Date for land claims in the SLC or ICLT area;
- Persons and households who are renting or leasing land, that is included in the area of an SLC or ICLT, or who are employed as workers on such land, whether or not the land is legally owned by the renter or employer;
- Persons and households who gain all or part of their livelihood from Common Property Resources (CPR) uses of land that is included in the SLC or ICLT area, for example for grazing, collection of non-timber forest products, firewood collection, fishing etc.

115. Affected persons considered as legal owners and holders of title or rights to the land, including customary rights, will include:

- People with formal (hard) land titles;
- People with “soft” land titles, meaning any type of document issued by local authorities recognizing the right to occupy and use the land and not specifically stating that the land is to be vacated when needed for a public purpose;
- Any other person who can demonstrate a valid claim to ownership of the land under the Land Law of 2001;
- Any other person who can demonstrate that at the cut-off date, he/she was occupying the land without their occupancy being challenged or subjected to conditions and restrictions by the local authorities (i.e. their occupancy of the land would have continued unchallenged if it were not for the project activities).

116. Land users who, before the cut-off date, occupied the land without any legal challenge or notice to vacate the land, will not be termed “illegal occupiers” or regarded as illegal occupiers for the purposes of Sub-Decree 22 / SOP-LAR.

117. People who gain part of their livelihood from common property resources (CPR) such as non-timber forest products, grazing, fishing etc., on the land, are entitled to compensation for their loss of livelihood.

118. The provision of Sub-Decree 22 / SOP-LAR Paragraph 104, “No Compensation for Squatters on Existing Rights of Way” (RoW) will apply only in cases where either:

- It is documented that the occupiers had been instructed to vacate the RoW before the cut-off date and for reasons not directly related to the proposed project activity; OR
- Affected persons were enjoying temporary and / or restricted use of RoW land under a documented agreement stipulating that they must vacate the land if it is needed for a public purpose.

8.3 Basis for Compensation

119. The entitlements for compensation and other assistance that apply in LASED III, are summarised in Table 5.

Type of Loss	Eligible Categories of Displaced Persons	Basis for Calculation of Compensation
Land	Legal Owners according to Land Law 2001, with or without hard title; and Any other person who can demonstrate that at the cut-off date, he/she was occupying the land without their occupancy being challenged or subjected to conditions and restrictions by the local authorities (i.e. their occupancy of the land would have continued unchallenged if it were not for the project activities).	Full replacement cost (NB this could be different from market value in some cases); OR Replacement with equivalent land, acceptable to the landowner.
Land	Customary Owners (Indigenous People)	Replacement land of equivalent suitability to sustain livelihoods and way of life, with relocation costs.
Use of Land	All APs engaged in farming, i.e. legal owners, tenants and lessees	Crop Land: Net annual income. Standing crop will be harvested. Tree crops: full replacement cost, based on maturity and yield.
	Business owners including Legal Owners, Tenants and Lessees	Businesses: If relocated, 2 months net income. If not relocated off the site (e.g. move back from road) 1 month net income.
Houses and Structures	Legal Owners according to Land Law 2001, with or without hard title; and Any other person who can demonstrate that at the cut-off date, he/she was occupying the land without their occupancy being challenged or subjected to conditions and restrictions by the local authorities (i.e. their occupancy of the land would have continued unchallenged if it were not Tenants who have invested in houses and structures or in improvements	Full replacement cost of immovable structures Cost of dismantling, transporting and re-erecting moveable structures. Transportation allowance for household and personal goods.
	Tenants and Lessees	Transportation allowance for household and personal goods Disturbance allowance equivalent to 1 month rent.

Livelihood	Displaced Persons who lose their livelihood during the transition period	<ul style="list-style-type: none"> • Monthly Poverty Rate x Number of Household Members x 3 months. • Poor and Vulnerable: Monthly Poverty Rate x Number of Household Members x 6 months.
	Displaced Persons who lose their livelihood permanently	<ul style="list-style-type: none"> • Income Restoration / Support Program: EITHER Land Based Income Restoration; OR Employment Based Income Restoration OR Business-based Income Restoration • Cash Grants. • Poor and Vulnerable groups: double amount of cash grant and priority in employment opportunities in the project, if any.
	Loss of access to Common Property Resources	Provision of access to alternative equivalent resources OR other compensation of equivalent value to the loss.

120. The term “customary owners” is not clearly defined in Sub-Decree 22 / SOP-LAR and does not appear to correspond precisely to a category of land ownership defined by the Land Law of 2001. For LASED III, “customary ownership” will be taken to mean land that is under an Indigenous Community Land Title (ICLT) or that is subject to a proposal to classify as ICLT land by an indigenous community recognized by the Ministry of Rural Development (MRD). Indigenous persons and households will have the same right as others to assert individual ownership of land and receive cash compensation if eligible.

121. In LASED III, the right to receive compensation for loss of use of land for agricultural purposes or for businesses (other than clearly illegal activities like gambling, prostitution, drugs or similar nature) will not be affected by the legal status of the land occupation.

122. Sub-Decree 22 / SOP-LAR recognizes that employees on land to be acquired may be entitled to compensation and implies that this may apply to other categories of AP who lose all or part of their livelihoods. In LASED III, employees who were resident on the land will be entitled to removal costs on the same basis as tenants and lessees. Employees and other categories of land user who obtained part of their livelihood from the land including CPR users, will be entitled to compensation for loss of livelihoods.

123. Income restoration / support programs for APs will be implemented within the framework of LASED III livelihood support sub-projects. LASED III will make every effort to ensure that poor and vulnerable APs can benefit from the project activities. This may include sub-projects implemented within the workplan and budget of the SLC or ICLT but physically outside the SLC or ICLT and designed to provide compensatory benefits to affected land users. The costs of such sub-projects will be financed through the LASED III Annual Work-Plan and Budget (AWPB).

8.4 Institutional Arrangements

124. **Ministry of Land Management, Urban Planning and Construction (MLMUPC)** as the EA for LASED III is responsible for implementing this RPF, and will together with the Provincial Project Teams:

- Be represented on the Inter-Ministerial Resettlement Committee Working Group (IRC-WG) and the Provincial Resettlement Sub-Committee (PRSC);
- Be responsible to keep the World Bank fully informed of the progress of resettlement planning and implementation and any issues encountered;

- Conduct initial site screening and assessment of impacts, leading to preparation of an Environmental and Social Management Plan (ESMP) for each SLC or ICLT, including impacts on land users;
- Plan and implement measures to avoid or minimize involuntary resettlement, as described in Section 5.3 and 8 above;
- Announce the cut-off date (Section 66 above);
- Inform GDR when resettlement is needed, including (i) the location and area of the land to be acquired; (ii) the purpose for which the land is to be acquired, demonstrating that land acquisition is needed because the relevant SLC or ICLT would otherwise not be viable; (iii) the existing land use and ownership status of the land; (iv) the estimated number of affected land users, categorized by type consistent with the typology in Table 4 and 5 above, and including people who use the land for purposes such as grazing, collecting NTFP, fishing etc.; and (v) the proposed timeline for implementation of the SLC, ICLT or sub-project;
- Survey and physically demarcate the land to be acquired jointly with GDR;
- In case the land is needed for an infrastructure sub-project, provide GDR with the proposed construction schedule identifying the schedule for completion of LAR and handover of sites by sections to the contractor at least 6 months before planned contract award date;
- Inform GDR in a timely manner if construction progress is hampered by LAR or in case of any anticipated bottleneck;
- Assist and cooperate with GDR in seeking solutions to problems encountered during implementation of the Project;
- Invite GDR to participate in supervision missions and wrap up meetings with DPs and ensure GDR comments on LAR issues are incorporated in AMs, MOUs or MODs;
- Responsible for ensuring there is no further encroachment on the Right of Way (ROW) after it has been handed over by GDR.

125. **Ministry of Economy and Finance (MEF)**, through its General Department of Resettlement (GDR), will take overall responsibility for preparation and implementation of the Resettlement Plan (RP). MEF will:

- Appoint the Project Level Inter-Ministerial Resettlement Committee Working Group (IRC-WG);
- Initiate the establishment of the Provincial resettlement Sub-Committee (PRSC);
- Approve policies, implementing rules and regulations relating to LAR;
- Clarify and provide instructions on the implementation of the rules and regulations, as necessary;
- Review, approve and allocate the budget for LAR, including the costs for the preparation and implementation of the resettlement plans.

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

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

- Approve the project Resettlement Policy Framework and sub-project Resettlement Plans (also in other contexts called Basic Resettlement Plans (BRP), Resettlement Framework (RF), Detailed Resettlement Plans (DRP) and Updated Detailed Resettlement Plan (UDRP).

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

- Coordinate and collaborate with line ministries, Executing Agencies (EAs)/ Implementing Agencies (IAs) and other agencies involved in LAR activities;
- Act as focal RGC counterpart for all LAR activities for cooperation with DPs;
- Guide the EAs/IAs and /or the project preparation consultants (PPCs) in carrying out the sample socio-economic surveys (SES) and in the preparation of the RPF during project feasibility;
- Review and endorse the draft RPF prepared by the EAs/IAs during the project preparation phase for approval by IRC;
- Review and endorse all issues related to LAR contained in Aide Memoires, Memorandum of Understandings and Minutes of Discussions prepared by DPs during the project preparation, loan negotiations and project implementation stage;
- Review and endorse covenants related to LAR in draft Project Administration Manual (PAM)/Project Implementation Manual (PIM) and draft Financing Agreements and participate in their negotiations, as necessary;
- Conduct consultation with affected households and local authorities during the preparation of the sub-project Resettlement Plans;
- Recruit consultant to undertake the Replacement Cost Study (RCS) which furnishes the data for valuation of assets acquired under land acquisition. The RCS is carried out in parallel with the DMS by an independent national consultant (individual or firm) with the necessary experience in asset valuation. Conduct the Detailed Measurement Survey (DMS) and based on this, prepare the sub-project Resettlement Plans;
- Submit sub-project Resettlement Plans for review by the World Bank.
- Update the sub-project Resettlement Plans as and when necessary;
- Prepare and secure the necessary budget for the implementation of sub-project Resettlement Plans;
- Implement all LAR activities in compliance with the RPF and sub-project Resettlement Plans (or updated Resettlement Plans);
- Calculate, prepare contracts and make payments for compensation for each affected household based on the entitlement matrix in the sub-project Resettlement Plans (or updated Resettlement Plans);
- Ensure proper functioning of the Grievance Redress Mechanism (GRM);
- Supervise, monitor, and report on implementation progress of the sub-project Resettlement Plans (or updated Resettlement Plans) including to the World Bank;
- Conduct awareness workshops for line ministries and local authorities on the implementing rules and regulations as specified in the RPF and related guidelines prepared by GDR from time to time;
- Serve as the focal knowledge center for LAR.

128. The **Provincial Resettlement Sub-Committee (PRSC)** will be established by the Provincial Governor at the request of the IRC for each project and consists of (i) the Provincial Governor or the Deputy Provincial Governor as the Head and (ii) Provincial Department Directors of the Line Ministries

represented in the IRC and (iii) the respective chiefs of the Districts and Communes of the locations affected by the project as Members. The key role of the PRSC is as follows:

- Provide the coordination and supporting role to the GDR, IRC and IRC-WG for the preparation, implementation and monitoring of the resettlement plans in the field and at the local level; and
- Ensure all relevant provincial and local government authorities provide the necessary support for LAR;
- Manage the public consultation meetings at Provincial Level;
- Assist the IRC-WG in the selection of possible sites for resettlement;
- Oversee and monitor the work of the PRSC-WG;
- Responsible and accountable for the disbursements of the compensation payments at the provincial level.

129. **PRSC Working Group (PRSC-WG)** is established by the Provincial Governor and is mainly responsible for technical functions of the PRSC and works with the IRC-WG in carrying out LAR activities at the provincial level. In addition to supporting the PRSC, the PRSC-WG has the following specific functions:

- Facilitate all public consultation and information disclosure meetings and maintain records;
- Cooperate with IRC-WG in carrying out the DMS and Inventory of Losses and in the implementation of the approved sub-project Resettlement Plans;
- Lead the payments of compensation to APs;
- Prepare monthly progress reports on all LAR activities at the provincial level and submit to PRSC and GDR.

8.5 Preparation of the Resettlement Plan

130. Detailed arrangements and responsibilities for preparation of the sub-project Resettlement Plans under LASED III are described in Table 6 below:

		Activity	Responsible
1	Institutional Arrangements	<ul style="list-style-type: none"> • Establishment of the IRC and IRC-WG • Establishment of the PRSC and Provincial Resettlement Sub-Committee Working Group (PRSC-WG). 	<ul style="list-style-type: none"> • MEF (appoints IRC-WG); MLMUPC, MAFF, NCDD-S • Provincial Governor
2	Detailed Measurement Survey (DMS)	<ul style="list-style-type: none"> • Demarcation of Land • DMS (100% household survey, 100% IOL and Full Census through DMS Questionnaire). • Draft DMS contract preparation 	<ul style="list-style-type: none"> • PRSC-WG • Consultants for survey contracted by MEF-GDR • Department of Internal Monitoring and Data Management (DIMDM)
3	Gender	<ul style="list-style-type: none"> • Update gender Information. • Prepare plan for provision of social support, services, employment, and means of subsistence for income support for women headed households. 	<ul style="list-style-type: none"> • PRSC-WG
4	Poor and Vulnerable Groups	<ul style="list-style-type: none"> • Update the database based on DMS • Determine the different categories and eligibility to receive additional assistance package • Finalize the additional assistance package 	<ul style="list-style-type: none"> • PRSC-WG

5	Replacement Cost Study	<ul style="list-style-type: none"> Carry out a Replacement Cost Study to determine the prevailing market rates for replacing lost assets for each RP. 	<ul style="list-style-type: none"> PRSC-WG Consultants for survey contracted by PRSC-WG
6	Compensation Package	<ul style="list-style-type: none"> Update the Entitlement Matrix to show the full and complete compensation package that will be made available to displaced persons 	<ul style="list-style-type: none"> PRSC-WG IRC-WG
7	Resettlement Site (where required)	<ul style="list-style-type: none"> Complete acquisition of land required for resettlement sites. Prepare site plans for basic infrastructure and services. LASED III: It is not expected that resettlement sites will be needed, except in the case that displaced persons are resettled in SLC or ICLT land. 	<ul style="list-style-type: none"> PRSC-WG
8	Livelihood Support Plan	<ul style="list-style-type: none"> Prepare Plan for Livelihood Support Program for permanent loss of sources of livelihood 	<ul style="list-style-type: none"> PRSC-WG LASED III provincial project team (where livelihood support activities are delivered through LASED III sub-projects)
9	Grievance Redress Mechanism	<ul style="list-style-type: none"> Operationalize the Grievance Redress Mechanism at Provincial level; Outline the procedures for handling complaints. Information dissemination to the population in the SCL/ICLT area on the GRM 	<ul style="list-style-type: none"> LASED III Provincial Grievance Redress Committee If GDR determine it is needed, LAR GRC will be formed.
10	Consultation	<ul style="list-style-type: none"> Consultation with APs at commune level to inform about the overall entitlements and method of computation of compensation and the GRM procedures; Consultation with APs eligible for relocation on the Resettlement Sites at commune/village level; House to house consultation to confirm measurement surveys during DMS. 	<ul style="list-style-type: none"> PRSG-WG Provincial Project Team District Authorities Commune Authorities NGOs PAPs Other stakeholders
11	Monitoring and Reporting	<ul style="list-style-type: none"> Arrangements, roles, and responsibilities for monitoring and reporting of the implementation of DRP; and the reporting requirements Scope of internal monitoring Scope of external monitoring, where required 	<ul style="list-style-type: none"> MEF-GDR has mandate to monitor resettlement activities IRC-WG and PRSC-WG submit monthly reports to DIMDM DIMDM to share reports with MLMUPC MLMUPC to consolidate quarterly report and submit to WB
12	Formulation of Budget	<ul style="list-style-type: none"> Prepare estimates to include, but not limited to (i) assets and economic losses based on replacement costs;(ii) cost for acquisition and development of new resettlement sites, where required; (iii) cost for transitional income lost support; (iv) cost for additional assistance to poor and vulnerable group for livelihood restoration; (v) costs for external monitoring; (vi) cost for SES, RCS and other surveys; (vii) administration, operating and overhead costs; and (viii) other costs related to LAR. 	<ul style="list-style-type: none"> Budget to be approved by MEF-General Department of International Cooperation and Debt Management

131. The **Detailed Measurement Survey (DMS)** is a household survey of all households occupying the land to be acquired. A standard format for the DMS is provided in Sub-Decree 22 / SOP-LAR. In LASED III, the PRSC will (1) take steps to identify households that obtain an important part of their livelihoods for common property resource (CPR) purposes such as grazing, NTFP collection, fishing etc., on the affected land; and (2) include these households in the DMS and subsequent compensation

and livelihood support plans (the DMS process and consultations with AHs on their DMS contract is described below in Section 9.6.2).

132. The household survey will establish whether all AP are holders of national ID cards which they will be required to present to claim compensation. In case AP are identified who do not hold national ID cards, but are entitled to ID cards, the project will assist them to obtain ID cards. No AP will be excluded from compensation due to non-possession of an ID card. If necessary, alternative means of verifying identity will be established.

133. The **Replacement Cost Study (RCS)** will establish the basis for the asset replacement valuation, and will also determine the basis for the cost of other entitlements like transportation. The RCS is carried out in parallel with the DMS by an independent national consultant (individual or firm) with the necessary experience in asset valuation. The recruitment of the RCS consultant is carried out by the GDR. The replacement valuation as determined in the RCS is valid for one year from the date of approval of the RCS by the IRC.

134. **Gender** studies should include an assessment, based on focus group discussions, of the differential effects of land acquisition on men and on women, and of whether women's views are significantly different from men's views on adequate compensation arrangements.

135. In LASED III, identification of **Poor and Vulnerable Groups** in the DMS will be cross-checked with the results of the Identification of Poor Households survey.

136. **Compensation entitlements** will be calculated in accordance with Section 9.3 above and with the provisions of Sub Decree 22 / SOP LAR (with Section 9.3 above taking precedence where there is a difference).

8.6 Public Consultation, Participation and Information Disclosure

137. Public consultation, participation and information disclosure arrangements mandated by Sub-Decree 22 / SOP-LAR are summarized in the following paragraphs.

8.6.1 Information Disclosure

138. The RP is disclosed, in English and in Khmer language, on EA and World Bank websites and in Khmer at the Commune Office, after approval by IRC and No Objection from World Bank.

139. Generic information disclosed to project affected persons includes: (i) Project Background and Location (Map); (ii) Objective, Description and Potential Benefits; (iii) Scope of Land Acquisition and Likely Impacts (iv) General Information on Compensation Policy and Eligibility Criteria. (v) Methodology for Calculation of Compensation Rates (through RCS) and (vi) Contact person in the IRC-WG.

140. Two **Project Information Brochures (PIB)** will be prepared and distributed. The first PIB contains generic information (above). The second, more detailed PIB presents specific information on (i) entitlements and compensation; (ii) relocation and possible sites; and (iii) GRM. The Updated PIB will be shared and disclosed to the affected communities prior to the start of the DMS.

141. Distribution of the PIB will not be sufficient where APs include non-literate people and people whose first language is not Khmer (as in indigenous communities). LASED III will provide additional support to ensure that APs have access to advice and explanation of the PIB in their own language.

8.6.2 Consultative Meetings

142. Affected persons will be consulted through a series of Consultative Meetings. These meetings broadly follow the process described in Sub-Decree 22 / SOP-LAR. In LASED III, land users who are not owners or direct occupiers (e.g. employees on the land, people who use the land for CPR purposes, etc.) will be included in consultations. Affected persons will be given different options for compensation (e.g. replacement land or cash compensation) for their consideration. Consultations will include exploring the different perspectives of different social groups, particularly women, who may have different concerns or preferences from men.

143. The **First Consultative Meeting** is conducted prior to preparation of the Resettlement Policy Framework. In LASED III, this consultation process consists of (1) stakeholder consultations conducted during preparation of the project including disclosure of the ESMF, the SEF and this RPF; and (2) participatory meetings conducted as part of the SLC and ICLT land identification and planning process.

144. The **Second Consultative Meeting** is held at commune or village level prior to conducting the DMS. The PIB will be presented and explained to affected communities. The DMS is explained and shared. During the DMS, households will have the opportunity for further, face-to-face explanation of the information in the PIB. At this meeting, different options for compensation will be presented and discussed. The methodology of the meeting will include sub-groups (women, men, poor and vulnerable groups, IPs as relevant) to ensure that all viewpoints are heard.

145. The **Third Consultative Meeting** is held prior to the signing of the agreement/contract for the compensation package and is undertaken jointly by the IRC-WG and PRSC-WG. At this stage, the DMS and the RCS are completed, the compensation package for each AH is known and draft contracts prepared. The consultative meeting is carried out in two parts and advance notice of the meeting is provided to the AHs through the commune/village council offices. In the first part, a public meeting is held at the commune/village level for all AHs and commune/village representatives and the PIB for Compensation Package is provided and explained to all the displaced persons. The schedule for the displaced persons contract signing (with deadlines), and the legal requirements to receive the compensation (national ID, evidence of land ownership) will also be explained. In the second part, each AH is provided with the draft contract and the compensation amounts explained to the satisfaction of the AH on one to one basis. Errors can be identified and corrected on the spot. However, AHs will not be required or permitted to sign the contract directly at the meeting (this is a variation from the process described in Sub-Decree 22 / SOP-LAR). The draft contract will be kept with the PRSC-WG. The AH will be provided with a copy of the Summary of Compensation Form.

146. AH will be asked to consider the proposed contract and discuss it within their household. AH will be required to come to the Commune Office within seven days to sign the contract, or to notify the Commune Authorities of their decision not to sign, with reasons (see Section 9.8.1 below).

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

148. Sub-Decree 22 / SOP-LAR also provides for **consultation with AH relocated to resettlement sites**, including provision of a Community Development Officer (CDO) who will provide advice and assistance to the AHs. In LASED III, if resettlement of APs is needed, this will normally be on an SLC or ICLT site where the APs will benefit from the regular settling-in assistance provided by the project.

9.1 DMS Contract format for compensation

149. Affected people (AP) are offered a compensation package through a formal and binding DMS contract between the IRC-WG and the AP/AH. The draft DMS contract is prepared by the IRC-WG based on the compensation calculations by the Department of Internal Monitoring and Data Management (DIMDM) which will include a Summary Compensation Form showing the Inventory of Lost Assets (IOL), the detailed measurements and the computation of the compensation for each category of lost assets and other supporting documentation.

150. As described above, AP will be requested to sign the DMS contract at the Commune Office within seven days of the date of the Third Consultative Meeting. A PRSCWG representative will be present in the Commune Office in working hours during this period to provide the draft contracts for signing. After signing the AP is given a copy of the Summary of Compensation Form. This is required to be presented by the AP during the payment stage.

151. The AP also has the right to:

- To refuse to sign the contract. In this case, the AP will be asked to complete a complaint form stating the reason for not signing. This will be treated as notification of a grievance to be addressed through the GRM;
- Sign the contract and also complete a complaint form to be addressed through the Grievance Redress Mechanism.

152. APs that do not agree to sign the contract and have not lodged a complaint for resolution under the GRM process within a period of 1 months from the date of offer (excepting cases that cannot be contacted by the local authorities) will be automatically considered as having submitted a complaint and the case will be followed up through the GRM. Failure to sign or submit a formal complaint will not automatically lead to loss of the entitlement for compensation.

153. In cases where the APs cannot be contacted or are unable to attend contract signing, the IRC-WG with the assistance of the PRSC-WG will undertake the following outreach steps:

- A general notice will be placed at the Commune and Village Offices or at the Community Hall, if available.
- Commune and Village authorities will be requested to locate them through friends and families in the affected community;
- If the AP is not located within 15 calendar days of the posting of the notice in the Commune and Village Offices, an advertisement will be placed in the local daily newspaper with a deadline of 30 calendar days from the date of the advertisement. If the AP does not respond or come forward before the deadline, no further attempts will be made to contact the APs regarding payment of compensation.

154. Compensation will be paid through a project account established for this purpose by the PRSC. The GDR must ensure transparency and integrity of the budget disbursement and compensation payments process which will be governed by the following principles:

- Full payment of the compensation shall be offered and made to all APs prior to land acquisition.
- Payments for all allowances must be completed prior to relocation to the new sites or self-relocation.

- Payments will be made in the joint names of both spouses or the single head of the AH where applicable, or a designated adult member of the AH in case both spouses are unable to receive the payments.
- Payments should preferably be made by bank transfer. However, where access to banking facilities is not available or difficult, cash payments can be made with the necessary safeguard protection for the APs to verify that payments have actually been received by them.
- All payments should be made in a public place as far as possible and witnessed by a representative of the local authorities, and at least one witness who is not a Project or local authority official.

155. The PDEF plays a key role as part of the PRSC-WG in the disbursement of payments. The DIMDM is responsible for oversight and verification of the payment process. The PRSC-WG will inform the commune and the village authorities on the scheduled dates for the commencement of the payments at least 3 days in advance. A notice will be placed at the Commune and Village office and community hall, if any, at the same time. The commune and village authorities will make best efforts to inform the APs about the scheduled dates for commencement of payments. On the date for the payments, a public consultation meeting will be conducted to explain the procedures that will be followed prior to the commencement of the payment to each individual AP. The actual payments are made in a public place by the PRSC-WG in close collaboration with IRC-WG.

9.2 Income Restoration Program Activities

156. Activities under the Income Restoration Program will be implemented through the normal mechanisms for implementation of livelihoods sub-projects under LASED III.

157. The Income Restoration Program Activities should start before the date for vacation of the land or as soon as possible afterwards.

158. At the time of payment of compensation, the Project Team will compile a full list of the participants in each activity of the Income Restoration Program, with updated contact details, so that the participants can be informed of how, when, and where to participate in the activities.

9.3 Date of Vacating of Land

159. The owner of and/or holder of real right to the immovable property shall not occupy the immovable property for more than 1 month after the expropriation committee has provided the full compensation or offered the full compensation in case of the displaced person who refuses to accept.

160. The APs will be informed that under the Expropriation Law, the expropriation of their land and assets will still proceed despite any unresolved dispute.

161. In case the owner of and/or holder of real right in the expropriated immovable property refuse to vacate it, expropriation committee may request any competent institution or public authority to take measures to vacate the expropriated immovable property. The relevant provincial level authorities will be responsible for ensuring that the expropriated immovable property is vacated before the deadline of one month.

9.4 Monitoring of the Resettlement Plans

162. The primary responsibility for gathering the data and information on the progress of the implementation of sub-project RPs from the field rests with IRC-WG and the PRSC-WG which will submit monthly reports to the General Resettlement Department (GDR.) The GDR will compile the field reports and prepare a consolidated report for the Project on a monthly basis. The report will be

submitted to the DIMDM which is responsible for internal monitoring. The responsibility of the DIMDM is to (i) review the monthly progress reports, including fielding its own missions to verify the progress and the validity of the data and information, if deemed necessary; and (ii) compile quarterly monitoring report for submission to the Director General of GDR. After the quarterly report is endorsed by the GDR, it will be submitted to the DPs, where required.

163. In LASED III, the draft report will be submitted for comment to MLMUPC before finalizing.

164. MLMUPC will quarterly submit summary sub-project specific RP progress reports and a consolidated progress report to the World Bank, and will also routinely update the World Bank Task Team Leader on RP implementation and any issues encountered. Formats for the sub-project specific RP progress reports are in Annex 4, and for the consolidated progress report in Annex 5.

165. The format for progress reports will include (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) Overall Progress against agreed Implementation Schedule; (ix) Major Problems and Issues; and (x) Proposed remedial actions.

166. **External Monitoring:** Sub-Decree 22 / SOP-LAR provides for external monitoring of LAR for projects with significant involuntary resettlement impacts and large-scale resettlement exceeding 200 displaced persons. While this scale of impacts would likely not take place under LASED III, the project nevertheless confronts significant risks regarding encroachments into both SLC and ICLT areas and related land acquisition challenges, and will only now begin to establish experience regarding preparation and implementation of ICLTs and RPs in connection with these. For these reasons, robust external monitoring to identify and describe challenges and the opportunities to address these would help the project draw early lessons. To that end the GDR will recruit a qualified and experienced local external agency (a local firm or an individual) to verify the internal monitoring reports and advise the GDR on any safeguard compliance issues with TOR to be agreed between MEF-GDR, MLMUPC and World Bank, in any case in which a Resettlement Plan is prepared under LASED III

10 GRIEVANCE REDRESS MECHANISM

10.1 LASED III and SOP-LAR Grievance Redress Mechanisms

167. LASED III will establish a Project Grievance Redress Mechanism (GRM) as described in the Stakeholder Engagement Plan (SEP). All stakeholders in LASED III will have access to the GRM and will be able to submit complaints through verbal and written media, with the option of anonymity. All grievances received will be recorded and an initial screening conducted. Grievances that cannot be resolved immediately will be forwarded to a Grievance Redress Committee (GRC) which will conduct an investigation and make recommendations for action. Investigation of grievances will be completed within 30 days wherever possible and where this cannot be done, the complainant will be informed of the reason. The complainant will be kept informed of progress and outcomes. No sanctions will be permitted against persons submitting grievances to the GRM. The rights of the complainant of recourse to the courts or other remedies will not be affected.

168. For any case where preparation of a Resettlement Plan is required, MEF-GDR will consider whether the project GRM is adequate to meet the requirements for a GRM as set out in Sub-Decree 22 / SOP-LAR. The decision on this matter will take into account the scale of resettlement required. If MEF-GDR consider it necessary to meet the requirements of Sub-Decree 33 / SOP-LAR, the project GRM will receive a sufficient strengthening of staffing to address the expected complaint caseload.

169. In any case where MEF-GDR determines that it is necessary to establish a separate resettlement GRM as provided for in the SOP-LAR (referred to below as the LAR-GRM), the LASED III GRM will remain available to project affected people and stakeholders. In that case, grievances will be considered

first by the LASED III Provincial Grievance Redress Committee. If the LASED III PGRC decides that the case requires intervention from MEF-GDR it will forward the case, with any evidence gathered, to the LAR-GRM. The complainant will be notified that the complaint has been forwarded to LAR-GRM. The complaint, and the decision to forward, will be recorded in the LASED III GRM complaints log. Complainants will also have the option of submitting complaints directly to the LAR-GRM.

10.2 Description of the LASED III Grievance Redress Mechanism

170. The LASED III Grievance Redress Mechanism (LASED III GRM) is defined and described in the LASED III Stakeholder Engagement Plan (SEP). The LASED III GRM will be accessible to all project affected persons and other stakeholders for grievances related to any aspect of LASED III including matters covered by ESS1-ESS10. However, the project will establish a separate grievance redress mechanism for project workers, as required by ESS2.

171. The LASED III GRM will receive, record and review grievances on any matter related to the project and its impacts, in fair and transparent manner, and will provide appropriate redress. The GRM will maintain confidentiality and will accept grievances submitted anonymously. All stakeholders will be fully informed of the GRM including how to submit grievances, the procedure for handling grievances and the time within which a decision will be reached. The LASED III GRM will be linked to existing grievance mechanisms (Ombudsman system and Cadastral Commission). Use of the LASED III GRM will not affect the complainant's access to judicial or alternative administrative remedies.

172. The key principles of (1) openness and transparency; (2) fairness; (3) accessibility; (4) responsiveness and effectiveness; and (5) anonymity and confidentiality underlie the design of the GRM.

173. MLMUPC as EA will have overall responsibility for the LASED III GRM. This will include (1) maintaining a consolidated register of grievances submitted and outcomes; (2) building capacity and providing backstopping support and advice to all implementing agencies and partners; and (3) directly intervening to support resolution of a grievance where this becomes necessary.

174. The project will establish a Grievance Redress Committee (GRM) at national level, chaired by the Project Director and including GRM Focal Points from each national implementing agency. The GRM will include non-government membership. The Project will establish a Provincial Grievance Redress Committee (PGRC) in each province with SLC or ICLT. The PGRC will be chaired by the head of the Provincial Project Team and will include representatives of each agency with implementing responsibilities, as well as a member of the Provincial Administration Complaints Inspection Unit. Each SLC Land Recipients Committee and each ICLT Land Management Committee will select one representative who will be trained in the operation of the GRM and will join as a member of the PGRC when grievances related to the SLC or ICLT they represent are considered.

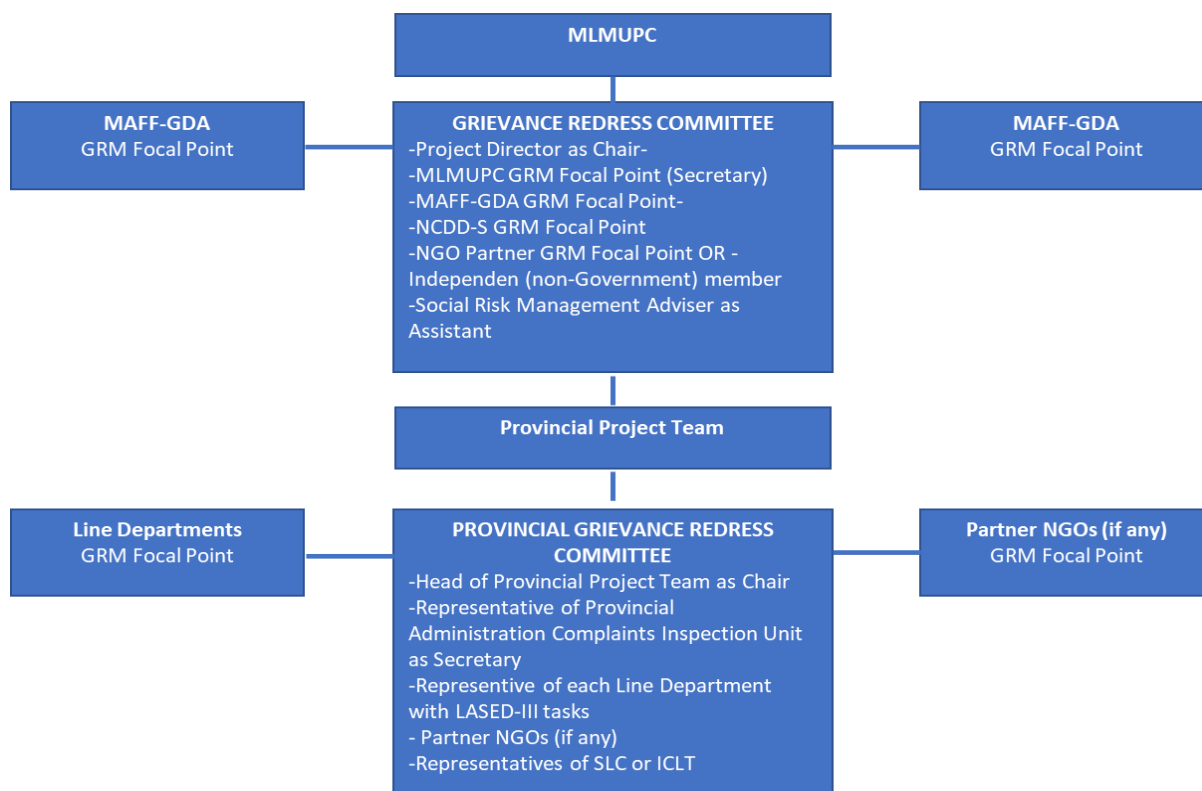


Figure 1: LASED III GRM Institutional Responsibilities

175. Stakeholders may submit grievances by any suitable method. Complainants may request anonymity, in which case their names will not be made public. Confidentiality will also be observed during the period in which the GRM is considering a case.

176. Project staff will be trained on action to take if they are informed of a grievance, including 1) how to explain the rights of the stakeholder submitting the grievance, the grievance process, and the option of remaining anonymous; and (2) recording the grievance on a standard form (Annex 9); and (3) passing the completed grievance form together with any written complaint or other documentary evidence to the Secretary of the PGRC.

177. On being notified of a grievance, the Secretary of PGRC will (1) enter the details in the complaints register, which is consolidated nationally; (2) copy the updated register to the Head of the Provincial Project Team; (3) with one other trained staff member, screen the complaint to determine whether it is related to LASED and concerns a matter of substance that can be investigated; and (4) notify the complainant in writing, acknowledging the complaint, stating what follow-up action will be taken, and stating the rights of the complainant.

178. The chair of the PGRC will assign two project staff with appropriate training to investigate the grievance, including interviews with the complainant and other stakeholders, review of documents and inspection of physical evidence. Where requested, the complainant's anonymity will be prioritised. The investigation team reports to PGRC.

179. PGRC may decide (1) that no action is required; (2) to take appropriate action to redress the grievance; or (3) to refer the grievance from the PGRC to the national GRC. The complainant will be notified in writing of the decision of the PGRC.

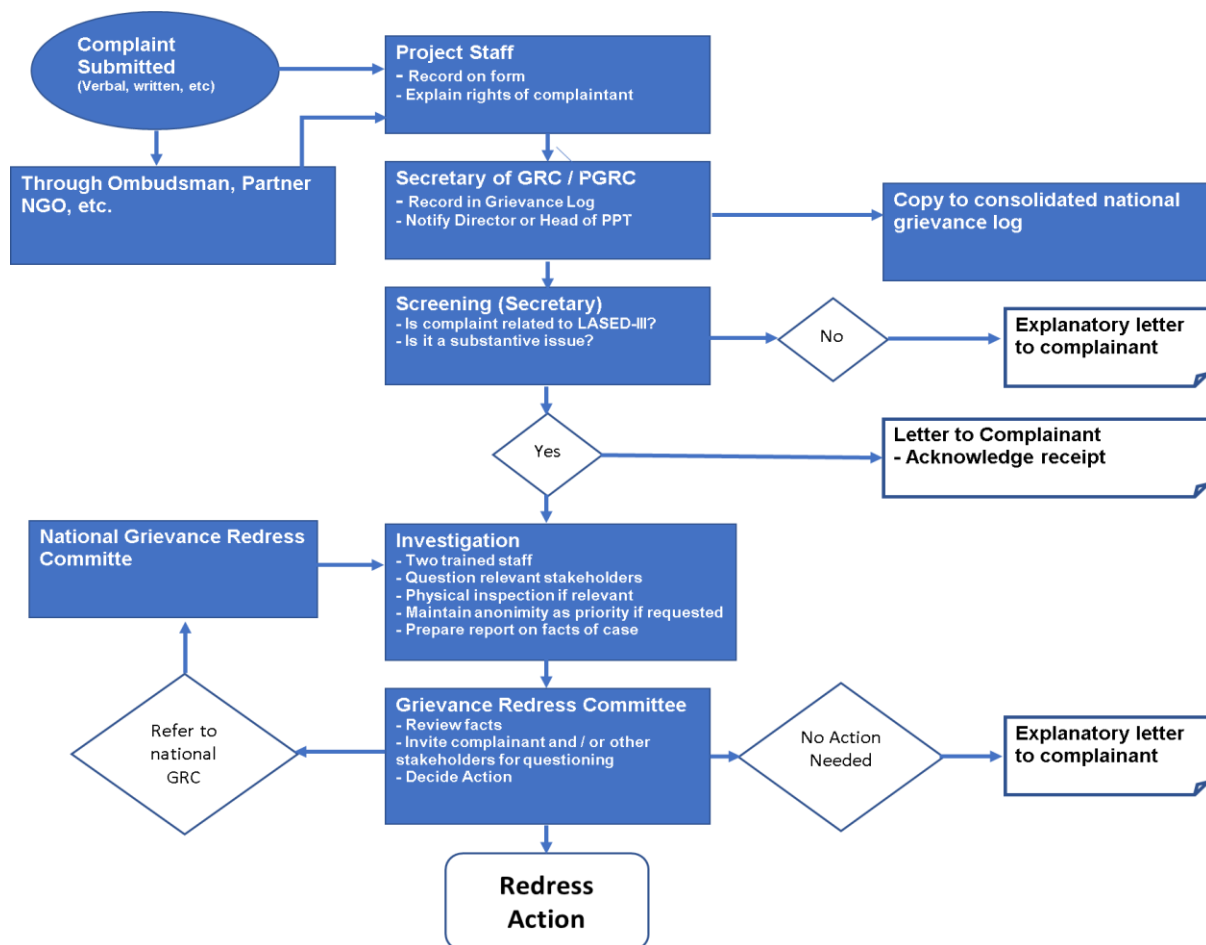


Figure 2: Flow Diagram of LASED III GRM

180. Indigenous People will be provided with additional assistance to ensure they have equal access to the GRM. The project will support and pay the costs of a facilitator chosen by the IP and conversant in the IP language or dialect, to serve as an advocate for the complainant. Grievances related to matters internal to the IP community will be handled within the IC, following culturally acceptable dispute resolution processes, in the first instance.

10.3 Description of the SOP-LAR Grievance Redress Mechanism

181. The GRM for LAR 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 adversely affected persons in relation to their compensation and entitlements for the expropriation of land and other immovable property under the Law on Expropriation.

182. The GRM for LAR complements and does not replace the LASED III GRM described in the Stakeholder Engagement Framework (SEF). Any affected person has the right to submit a complaint to the LASED III GRM on any subject, including LAR, if they so wish.

183. MEF will facilitate the formation of a Provincial Grievance Redress Committee with the following members:

- Provincial Governor – Chair;
- Director of Provincial Department of Land Management, Urban Planning and Construction - Vice Chair;
- Director of Provincial Department of MEF (PDEF) – Member;

- Chief of Provincial Office of Law and Public Security – Member;
- District Governor – Member;
- One Representative of Local Based CSO – Member.

184. The GRM for LAR operates through a series of hierarchical steps:

- Informal mediation at Commune level;
- Step 1: Written or verbal complaint followed by mediation at District Authority level;
- Step 2: Written complaint submitted to GDR which is then reviewed by GDR’s Department of Internal Monitoring and Data Management (DIMDM). This review is mainly to establish whether the complaint arises from an administrative error, for example in calculation of the compensation amount;
- Step 3: Written complaint submitted to the PGRC through the Provincial Governor’s Office, followed by a review meeting at which the complainant can present his or her case. A GDR representative will attend to explain why the complaint was rejected at Step 2. PGRC must make a decision within 40 days of receiving the complaint.

185. The decision of PGRC is sent via GDR to the IRC for endorsement before any remedial action is taken. In the event the complaint is rejected, the complainant has the right of recourse to the courts as provided in the Expropriation Law.

186. Sub-Decree 22 / SOP-LAR also provides for a separate process for resolution of group complaints that “do not relate to individual claims but a grievance that is common to all or a distinct group of displaced persons.” These complaints must be lodged with the GDR and are then investigated by the DIMDM through the following steps:

- Verification that the complaint is eligible to be considered a group complaint, within 10 working days from receipt of complaint;
- DIMDM investigate and report with recommendations to the Director of GDR, within 30 working days from receipt of complaint;
- GDR make a decision within 5 working days and communicate the decision within a further 5 working days.

187. In the event that a group complaint is rejected by GDR, the group may then submit a complaint to the PGRC which will handle the complaint according to Step 3 above.

10.4 World Bank Grievance Redress Service

188. Communities and individuals who believe that they are adversely affected by a World Bank (WB) supported project may submit complaints to existing project-level grievance redress mechanisms or the WB’s Grievance Redress Service (GRS). The GRS ensures that complaints received are promptly reviewed in order to address project-related concerns. Project affected communities and individuals may submit their complaint to the WB’s independent Inspection Panel which determines whether harm occurred, or could occur, as a result of WB non-compliance with its policies and procedures. Complaints may be submitted at any time after concerns have been brought directly to the WB’s attention, and Bank Management has been given an opportunity to respond. For information on how to submit complaints to the World Bank’s corporate GRS, please visit <http://www.worldbank.org/en/projects-operations/products-and-services/grievance-redress-service>. For information on how to submit complaints to the World Bank Inspection Panel, please visit www.inspectionpanel.org.

11 FUNDING ARRANGEMENTS

189. This section is relevant to land acquisition only. The budget for land acquisition and resettlement is prepared after the Detailed Measurement Survey is completed and is included in the sub-

project Resettlement Plan (RP). The RP budget is financed by the counterpart funds allocated from the national budget by the RGC. There is no financing for land acquisition from the World Bank financing for LASED III.

190. The General Department of Resettlement (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 Account for the Project in the National Bank of Cambodia, which is used for expenditures for the implementation of the particular sub-project RP. The funds for land acquisition are provided to the GDR from the Counterpart Funds Account. The budget is prepared by the GDR and submitted to MEF approval once the Project is approved by the World Bank. The GDR will submit a request for the release of the allocated budget to the General Department of International Cooperation and Debt Management (GDICDM) 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 PRSC for the Project in 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 making payments to the AHs.

191. Income restoration and support programs for AHs will be implemented within the framework of LASED III livelihood support sub-projects. This may include sub-projects implemented within the workplan and budget of a SLC or ICLT, but physically outside the SLC or ICLT and designed to provide compensatory benefits to affected land users. The costs of such sub-projects will be financed through the LASED III Annual Work-Plan and Budget (AWPB).’

192. The AWPB will also finance information dissemination efforts on process in SCL and ICLT areas, and engagement of non-government entities to assist facilitation of the SCL process in selected Communes, and the ICLT process in selected indigenous communities.

193. The costs of the LASED III Grievance Redress Mechanism (GRM) will be funded through the project AWPB. An estimate of the cost of the GRM is provided in the SEP.

12 STAKEHOLDER CONSULTATION AND DISCLOSURE OF THE RPF

194. Consultation with stakeholders on LASED-III ESF instruments including this RFP will be undertaken in parallel with appraisal – after the documents have been publicly disclosed that will be on late April 2020. Disclosure and consultations will need to be planned to take place with interested and affected stakeholder in the northeast provinces (where most IP Communities, including all those that have received ICLT to date, and most existing SLC are located) as well as in Phnom Penh. In view of government measures to avoid the spread of COVID-19 to transfer face-to-face consultations to virtual consultations to the extent possible and appropriate. The proposed LASED III consultation during COVID 19 would be organized as following the WB financing project a 3-way approach including online, phone calls / emails and commune office.

A. Online:

- Implementing agencies (IAs) including MLMUPC, MAFF announce the documents are online on their website and other online sources (such as Facebook page) providing links to documents. This also includes translation into Khmer executive summaries of documents, GRM and Table 10 on ESMFs (summary of risks/impacts and mitigation measures). MLMUPC produces a short 5-10 min video (or audio) explaining the project, impacts, mitigation measures, GRM, where documents can be found online and how to share concerns/comments/questions.

B. Phone Calls:

- IAs designate SEO staff to quickly draw up a list of participants/affected people from project area and their telephone numbers -- ensuring there is a good representation of women in the list.
- During each phone call, the SEO team can brief each person (participant) on the project, potential impacts and risks as well as mitigation measures, grievance redress and contact info, and ask for their feedback. They can also send a link via SMS, after the phone call, with the Facebook and YouTube (if have) pages and links of the documents. Participants can also be asked to forward the information to their neighbors.

C. Commune Office:

- All translated documents, including GRM and Table 10 of ESMF (summary of risks/impacts and mitigation measures), to be made available at commune office. Posters letting people know of documents can also be posted in visible locations such as outside of schools, pagodas and markets.

D. Documentation and Feedback

- In phone calls and Facebook/website, IA to establish a clear deadline to receive the feedback of the draft documents.
- As comments/questions get posted, for these to be included on Facebook site so other people can also see them (since in consultation people get to hear other people as questions).
- Based on the feedback, prepare a Consultations Report, noting the method used and comments/questions received.

195. A record of stakeholder engagement consultations and key issues is presented as Annex 11 to the SEP.

196. Stakeholder consultations during project implementation, including all stakeholder consultation procedures described in Sections 1 – 10 above, will take place using face-to-face methods. Use of remote methods for stakeholder consultations in preparation of an RP would not be practical in the project affected communities and would not be likely to achieve an acceptable standard of results. Therefore, project implementation activities requiring stakeholder consultations, including preparation of RP, will not be able to commence until such time as the emergency measures to prevent COVID-19 transmission have been lifted.

ANNEX 1: SUPPLEMENTARY PROVISIONS TO SUB-DECREE 22 / SOP-LAR

197. The following provisions will apply to preparation and implementation of Resettlement Plans in LASED III, in addition to the provisions of Sub-Decree 22 / SOP-LAR.

198. In line with the requirements of ESS1 and ESS5, all affected persons who occupied land, or gained a livelihood from the land, before the cut-off date, are potentially eligible for compensation and improvement or full restoration of livelihoods.

199. Affected persons (AP) considered as legal owners and holders of title or rights to the land, including customary rights, will include:

- People with formal (hard) land titles;
- People with “soft” land titles, meaning any type of document issued by local authorities recognizing the right to occupy and use the land and not specifically stating that the land is to be vacated when needed for a public purpose;
- Any other person who can demonstrate a valid claim to ownership of the land under the Land Law of 2001;
- Any other person who can demonstrate that at the cut-off date, he/she was occupying the land without their occupancy being challenged or subjected to conditions and restrictions by the local authorities (i.e. their occupancy of the land would have continued unchallenged if it were not for the project activities).

200. AP who, before the cut-off date, occupied the land without any legal challenge or notice to vacate the land, will not be termed “illegal occupiers” or regarded as illegal occupiers for the purposes of Sub-Decree 22 / SOP-LAR.

201. AP without legal rights to land, and who are physically displaced from the land, are entitled to adequate housing with security of tenure, in addition to compensation for loss of crops and improvements they made to the land.

202. AP who gain part of their livelihood from common property resources (CPR) such as non-timber forest products, grazing, fishing etc. on the land, are entitled to compensation for their loss of livelihood.

203. The provision of Sub-Decree 22 / SOP-LAR Paragraph 104, “No Compensation for Squatters on Existing Rights of Way” (RoW) will apply only in cases where EITHER:

- It is documented that the occupiers had been instructed to vacate the RoW before the cut-off date and for reasons not directly related to the proposed project activity; OR
- AP were enjoying temporary and / or restricted use of RoW land under a documented agreement stipulating that they must vacate the land if it is needed for a public purpose.

204. For LASED III, “customary ownership” will be taken to mean land that is under an Indigenous Community Land Title (ICLT) or that is subject to a proposal to classify as ICLT land by an indigenous community recognized by the Ministry of Rural Development (MRD). Indigenous persons and households will have the same right as others to assert individual ownership of land and receive cash compensation if eligible.

205. The right to receive compensation for loss of use of land for agricultural purposes or for businesses (other than clearly illegal activities like gambling, prostitution, drugs or similar nature) will not be affected by the legal status of the land occupation.

206. Census of land users will include non-occupying land users (CPR users etc) who are to be included in the consultation process and considered for compensation.
207. Census will verify whether all AP hold national ID cards (required to claim compensation). AP who do not hold ID cards will be assisted to obtain ID cards and / or otherwise will not be excluded from compensation as a result.
208. LASED III will support additional measures to ensure APs are fully aware of the proposed project, resettlement plans and their rights, especially in cases where APs have low levels of literacy or have a first language other than Khmer.
209. Consultations with AP will include allowing them to choose from different options for compensation.
210. Consultations with AP will include ensuring that the views of different groups within the community and within households (e.g. women's perspectives) are heard and considered.
211. Contracts for compensation will not be signed immediately after they are presented and explained at the Third Consultative Meeting. Instead, AP will be requested to sign the contracts at the Commune Office within seven days, or to submit a grievance.
212. AP who do not sign a contract or submit a formal grievance within three months after presentation of the contract, will not automatically lose rights to compensation. Instead, they will be considered as having submitted a grievance.
213. In addition to the Grievance Redress Mechanism to be established by GDR under the Resettlement Plan, APs have the right to submit grievances through the general LASED III grievance redress mechanism.
214. Income restoration / support programs for APs will be implemented within the framework of LASED III livelihood support sub-projects. LASED III will make every effort to ensure that poor and vulnerable APs can benefit from the project activities. Where necessary, additional infrastructure or livelihood support sub-projects may be implemented outside the SLC or ICLT area, under the SLC or ICLT work plan and budget, for AP who are not beneficiaries of the SLC or ICLT.
215. Resettlement Plans will be submitted to World Bank for No Objection.
216. LAR progress reports will be provided as drafts for comment to MLMUPC before finalizing. All reports on LAR will be shared with MLMUPC.
217. MLMUPC will be responsible for sharing reports and information on resettlement with World Bank.
218. For any resettlement plan prepared by MEF-GDR in connection with LASED III, MEF-GDR will engage an external monitoring consultant under TOR to be agreed by MEF-GER, MLMUPC and the World Bank.

ANNEX 2: INDIGENOUS COMMUNAL LAND TITLING (ICLT) PROCESS

Indigenous Community Land Titling Process			
Phase 1	Phase 2	Phase 2.5	Phase 3
MRD: IP Community Identification Process	MoI: Official Registration of IP Community as “Legal Entity”	IP Community: Launching ICLT Application to MLMUPC	MLMUPC: Measuring, Public Display, Reclassification and Issuing ICLT to IP Community
Step 1: Publicize awareness among provincial authorities (relevant departments) and authorities at the district, commune and village levels and IC.	Step 1: The IPC to draft community by-laws as well as forming Community Representative Committee	Step 1: Collect data and produce preliminary maps by defining boundaries of community land type participated by all land owners (This is where the FPIC emphasis is.)	Step 1: Measurement and data collection of land boundaries by type of use, determination of boundaries and identification of state land (This is where the FPIC emphasis is)
Step 2: Indigenous communities show their willingness to initiate identification process of the indigenous communities	Step 2: Reviewing community members’ commitment and purposes	Step 2: The IPC establish its internal rules Facilitated by NGO (drafted by MoI)	Step 2: Public display of land evaluation documents + complaints related to ICLT site mapping
Step 3: Raising awareness about the process among the target communities	Step 3: The IPC to organize Community Congress in order to formally adopt the “community by-laws” and “Community’s Committee”	Step 3: The IPC to apply for a CLT to MLMUPC This is the RP Cut-Off Date	Step 3: Reporting on the result of display of land evaluation documents
Step 4: The IPC to elect a Community Commission Representative and self-identify as “indigenous”.	Step 4: The IPC to submit the legal entity registration application to the MoI		Step 4: Meeting with the PSLC to decide on the report on the result of the public display of the land evaluation, and requesting the MLMUPC to issue land titles to the IP community.
<i>Step 5: MRD issues Identity Certificates to the indigenous communities</i>	<i>Step 5: The MoI to register the IPC as a “Legal Entity”</i>		Step 5: MLMUPC issues a letter to the MoE and the MAFF asking for an examination and approval of the land concerned
			Step 6: The MLMUPC issues a letter to the CoM requesting the land reclassification to be registered as a collective land in accordance with the decision of the MoE and the MAFF.
			Step 7: Issue collective land titles to indigenous communities.

ANNEX 3: VOLUNTARY ASSET DONATION FORM

Province:		
District:		
Commune / Sangkat:		
Village:		
Type of Infrastructure for which Donation is made		
Name of Person Donating Gender:		ID Number:
Is asset that is donated being used by anyone other than the owner? Please detail:		
Type of Asset Donated	Details (e.g. land area and use; type of crop grown, number of trees)	What the donating person is left with
Land (state what land is used for)		
Trees (including fruit, timber, medicinal trees, shade trees, etc.)		
Assets (including parts of structures, wells, fences, etc.)		
Other		
If asset being donated is used by someone other than the owner, a description on the remaining assets of that person, and/or description of why their livelihoods are not made worse by the donation.		

By signing or providing thumbprint on this form the owner and/or user agrees to contribute assets for road rehabilitation. The contribution is voluntary and the person affected understands they could refuse or had the option to seek compensation but they are choosing to donate. If the owner or user does not want to contribute his/ her assets to the project, he or she should refuse to sign or provide thumbprint and ask for compensation instead.

Date

Date

PDLMUPC representative's signature

Donating person signature
(both husband and wife if applicable)

Witnessed by village/commune authority:

ANNEX 4: REPORTING FORMAT FOR SUB-PROJECT RESETTLEMENT PLAN

Province: _____; District: _____; Commune: _____; Village: _____

SLC or ICLT Sub-Project: _____, Reporting Period: _____

Status of Detailed Measurement Survey process				Types of losses and number of eligible AHs		
1	Replacement Cost Study (RCS) completed	Date		Type of loss	Eligible category of affected persons / households	# of APs / AHs
2	Village/Commune consultation on DMS prior to implementation	Date		Land	Legal owners or others with legally recognized claim	
3	DMS conducted and DMS Contracts prepared	Date		Land	Customary Owners (IPs)	
		# of AHs located		Land	Resident occupiers with no legal claim to the land	
		# of AHs ¹³ not yet located			Use of land	APs engaged in farming: legal owners, tenants and lessees
4a	Consultation with Village / Commune on DMS results	Date		Houses and structures	Business owners: legal owners, tenants and lessees	
		4b	Consultation with Affected Households (AHs) to verify impacts and compensation / assistance in DMS contracts		Date	
# of AHs					Tenants and lessees with investment in house or structures	
# of AHs					Tenants, lessees, and employees with no investment in house or structures	
5	AHs to sign or reject DMS contract within 7 days after consultation to verify DMS	Date		Resident occupiers with no legal claim to the land		
		# of AHs who signed		Livelihood	Displaced AHs losing livelihood during transition period	
		# of AHs ¹⁴ who rejected			Poor/vulnerable AHs losing livelihood during transition period	
6a	DMS: Payment of cash compensation and cash allowances	Start date			Displaced AHs losing livelihood permanently	
		End date		Livelihood	AHs losing access to use of Common Property Resources	
		# of AHs		Voluntary Land Donations for infrastructure		
6b	DMS: Provision of replacement land or housing/house plots	Start date		# of HHs/Persons who have donated land		
		End date		# of voluntary donations inside the SCL/ICLT area		
		# of AHs		# of voluntary donations outside the SCL/ICLT area		
6c	DMS: Provision of livelihood restoration assistance (Component 3)	Start date		Grievance Redress Mechanism		
		End date		# of complaints submitted		
		# of AHs		# of complaints resolved with acceptance by Ahs		
Comments (use additional space if needed):				# of complaints with resolution rejected by Ahs		
				Budget and disbursements		
				Compensation budget (land, houses/structures etc)		
				Disbursements against compensation budget		

¹³ For the AHs that could not be located, describe steps taken to locate them (e.g. under Comments).

¹⁴ Rejection of signing of DMS contract means submission of complaint through the GRM.

During implementation of a Resettlement Plan (RP), MLMUPC will compile and submit to World Bank quarterly monitoring reports based on the following template.

Section Heading	Brief description of content
1. Set up of Institutional Arrangements	Describe actual institutional arrangements in place for implementation of the RP
2. Compensation Payment for Entitlements	Summary and table of compensation paid
3. Development of Resettlement Sites and Relocation	If applicable, progress on development of resettlement sites and relocation of people planned under the RP
4. Grievance Redress	Number and type of grievances submitted, redress process followed, outcomes, time required, issues
5. Public Consultations	Summary details of public consultation meetings – date, place, number of participants, subject of consultation, any important feedback
6. Budget Expenditures	Summary of expenditures for implementation of the resettlement programme
7. Livelihood Support Programme	Progress of implementation of livelihood support programme established under the RP, including participation of PAPs in the LASED III livelihood sub-projects (number and type of activities, participants, etc)
8. Overall Progress Against Implementation Schedule	Progress against implementation schedule, identify any delays, with reason, cross-reference to updated implementation schedule (Annex)
9. Major Problems and Issues	Any major problems and issues encountered in implementing the RP
10. Proposed Remedial Actions	Actions proposed to remedy problems identified in previous section.
Annex: Updated Implementation Schedule	

ANNEX 5: CONSOLIDATED REPORT ON RP IMPLEMENTATION

Reporting Period: _____

Overall status of Resettlement Plan (RP) preparation and implementation	# of SLC Sub-Projects	# of ICLT Sub-Projects	Total
Number of Sub-Projects receiving assistance under LASED III			
Number of Sub-Projects requiring RPs (to be prepared, under preparation, under implementation, and completed)			
Sub-Projects with RPs under preparation			
Sub-Projects with RPs prepared (incl. DMS) and cleared by WB			
Sub-Projects with RPs under implementation			
Sub-Projects with RP implementation completed			

Replacement Cost Studies (RCS)	
Number of RCS planned (to cover regional variations in replacement costs)	
Number of RCS completed	

Overall status of Detailed Measurement Surveys		
Completed DMS including required consultations and draft DMS Contract preparation	Number of RPs with completed DMS and draft DMS Contracts with AHs	
	Number of AHs identified in the RPs with completed DMS	
	Number of AHs in SLC Sub-Projects with completed DMS	
	Number of AHs in ICLT Sub-Projects with completed DMS	
Status of DMS Contract signing	Number of Sub-Projects with (most of the) DMS Contracts Signed	
	Number of AHs across RPs with signed DMS Contracts	
	Number of AHs across RPs who rejected signing & complained via GRM	
	Number of AHs across RPs who could not yet be located / contacted	
Impacts	Number of AHs across RPs who are displaced due to land/house loss	
	Number of AHs across RPs who suffer livelihood losses (temp or permanent)	
	Number of AHs across RPs who are poor/vulnerable	

Overall status of land acquisition and resettlement compensation and assistance		
Provision of replacement land or housing/house plots	Number of Sub-Projects/RPs which provide agricultural replacement land or housing / house plots to AHs	
	Number of AHs receiving replacement land or housing / house plots	
Payment of cash compensation and cash allowances	Number of Sub-Projects/RPs with cash compensation and cash allowances	
	Number of AHs receiving cash compensation and/or cash allowances	
Provision of livelihood restoration assistance (Project Component 3)	Number of Sub-Projects/RPs providing livelihood restoration assistance	
	Number of AHs receiving livelihood restoration assistance	

Overall status of Voluntary Land Donations for SCL/ICLT infrastructure	
Number of SCL/ICLT Sub-Projects with voluntary land donations	
Number of HHs/Persons who have provided voluntary land donations	
Number of voluntary land donations for infrastructure outside the SCL/ICLT area	
Number of voluntary land donations for infrastructure inside the SCL/ICLT area	

Grievance Redress Mechanism – overall status	
Number of complaints submitted	
Number of complaints regarding the DMS (scale or valuation of losses)	
Number of complaints resolved with acceptance of AHs	
Number of complaints with resolution rejected by AHs	

Aggregate budget and disbursements across Resettlement Plans	
Aggregate compensation budget (land, houses/structures, crops/trees, allowances)	
Aggregate disbursements against compensation budget	

Add description of major problems and issues together with proposed remedial actions.