

# **Cambodia Solid Waste and Plastic Management Improvement Project**

## **Resettlement Policy Framework (RPF)**

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Prepared by the Ministry of Interior with the assistance of consultants under the guidance and direction of the General Department of Resettlement of the Ministry of Economy and Finance for the World Bank.



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## ACRONYMS AND ABBREVIATIONS

AH	Affected Household
AP	Affected People
COD	Cut-off Date
DMS	Detailed Measurement Survey
DRP	Detailed Resettlement Plan
ESF	Environment and Social Framework
EM	Entitlement Matrix
ESSs	Environmental and Social Standards
ESMF	Environmental and Social Management Framework
GDR	General Department of Resettlement
GRM	Grievance Redress Mechanism
IOL	Inventory of Losses
IRC	Inter-Ministerial Resettlement Committee
LAR	Land Acquisition and Involuntary Resettlement
MAFF	Ministry of Agriculture, Forestry, and Fisheries
MEF	Ministry of Economy and Finance
MLMUPC	Ministry of Land Management, Urban Planning and Construction
MOI	Ministry of Interior
MPWT	Ministry of Public Works and Transport
MRF	Materials Recovery Facilities
PGRC	Provincial Grievance Redress Committee
PRSC	Provincial Resettlement Sub-Committee
RCS	Replacement Cost Study
RGC	Royal Government of Cambodia
ROW	Right of Way
RPF	Resettlement Policy Framework
SEP	Stakeholder Engagement Plan
SES	Socio-economic Survey
SOP	Standard Operating Procedure
WB	World Bank
WG	Working Group

## DEFINITIONS

**Affected Households (AHs)/Affected People (AP).** In the context of involuntary resettlement, AP are those who are physically displaced (relocation, loss of residential land, or loss of shelter) and/or economically affected (loss of land, assets, access to assets, income sources, or means of livelihood) as a result of (i) land acquisition and involuntary resettlement; or (ii) involuntary restrictions on land use<sup>1</sup> or on access to legally designated parks and protected areas. In the case of AHs, it includes all members residing under one roof and operating as a single economic unit, who are adversely affected by a project or any of its components. In this RPF the term used will be “AP”.

**Consultation.** 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 that is understandable and readily accessible to AP; (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.

**Corridor of Impact (COI).** It is the area which is required by civil works in the implementation of the Project, and it is agreed by the implementing agency and demarcated by the civil work consultant within which the construction activities will take place.

**Cut-off date (COD).** Date established by the government that establishes the eligibility for receiving compensation and the resettlement assistance by the project affected persons. As per WB ESS5 para 20, the COD needs to be well-documented and is normally the date of the completion of the consultation process with the displaced persons and is done in conjunction with the census (ESS5, para 20). Persons not covered can be eligible in case they can show proof that they have been inadvertently missed during the census.

**Detailed Measurement Survey (DMS) –** With the aid of detailed engineering design, this activity involves the finalization of the results of the inventory of losses, measurement of losses, 100% socio-economic survey and 100% census of displaced persons.

**Detailed Resettlement Plan (DRP).** Prepared when detailed designs or land demarcation have been completed and the full impacts following a DMS are known.

**Economic Loss.** 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; or generally projects affecting livelihoods or income generation (ESS5, para 33).

**Eligibility.** All AHs confirmed to be residing in, doing business or use as means of livelihood, or cultivating land within the project affected area or land to be acquired or used for the

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<sup>1</sup> This includes restrictions on access to common property resources.

project before the COD are eligible for resettlement compensation for their affected properties.

**Eminent Domain.** The right of Cambodia using its sovereign power to acquire land for public purposes. National law establishes which public agencies have the prerogative to exercise eminent domain.

**Entitlement.** – Refers to a range of measures comprising compensation, assistance and income restoration, relocation support etc. which are due to the APs, depending on the type and severity of their losses, to restore their economic and social base.

**Expropriation.** 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 the 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.

**Grievance Redress Mechanism (GRM)**– Refers to an established mechanism to receive and facilitate the resolution of affected persons’ concerns and grievances/complaints about physical and economic displacement and other project impacts, paying particular attention to the impacts on vulnerable groups. As per WB ESS10, the grievance mechanism is expected to: (a) address concerns promptly and effectively, in a transparent manner that is culturally appropriate and readily accessible to all project-affected parties, at no cost and without retribution, and without preventing access to judicial processes. Affected people will be appropriately informed about the GRM and keep adequate records that are made publicly available, and (b) handling of grievances will be done in a culturally appropriate manner and be discreet, objective, sensitive and responsive to the needs and concerns of the project-affected parties. The mechanism will also allow for anonymous complaints to be raised and addressed. In the context of this RPF, the GRM is for grievances/complaints arising from involuntary land acquisition, resettlement, or land use restrictions. The GRM for handling grievances/complaints related to other ESS aspects i.e., environment requirements, labor and working conditions, etc. are stipulated in the Stakeholder Engagement Plan as per WB ESS10.

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

**Income Support.** Re-establishing 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:

- (i) Self-identification as members of a distinct indigenous social and cultural group and recognition of this identity by others;

- (ii) Collective attachment<sup>2</sup> to geographically distinct habitats, ancestral territories, or areas of seasonal use or occupation, as well as to the natural resources in these areas;
- (iii) Customary cultural, economic, social, or political institutions that are distinct or separate from those of the mainstream society or culture, and
- (iv) A distinct language or dialect, often different from the official language or languages of the country or region in which they reside.

**Information Disclosure.** The process of disseminating project information to stakeholders to allow them to understand the risks and impacts of the project, and potential opportunities. Information disclosure should be in line with the project's Stakeholder Engagement Plan and the requirements of ESS10, which require the disclosure of project information including: (a) the purpose, nature and scale of the project; (b) the duration of proposed project activities; (c) potential risks and impacts of the project on local communities, and the proposals for mitigating these, highlighting potential risks and impacts that might disproportionately affect vulnerable and disadvantaged groups and describing the differentiated measures taken to avoid and minimize these; (d) the proposed stakeholder engagement process highlighting the ways in which stakeholders can participate; (e) the time and venue of any proposed public consultation meetings, and the process by which meetings will be notified, summarized, and reported; and (f) the process and means by which grievances can be raised and will be addressed.

**Inventory of Losses.** This is the process where all fixed assets (i.e., lands used for residence, commerce, agriculture, including ponds; dwelling units; stalls and shops; secondary structures, such as fences, tombs, wells; trees with commercial value; etc.) and sources of income and livelihood inside the Project locations and right-of-way are identified, measured, their owners identified, their exact location pinpointed, and their replacement costs calculated. Additionally, the severity of impact to the affected assets and the severity of impact to the livelihood and productive capacity of AP will be determined.

**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.

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<sup>2</sup> Collective attachment means that for generations there has been a physical presence in and economic ties to land and territories traditionally owned, or customarily used or occupied, by the group concerned, including areas that hold special significance for it, such as sacred sites.

**Meaningful Consultation.** As per WB ESS10, is a two-way process that: (a) begins early in the project planning process to gather initial views on the project proposal and inform project design; (b) encourages stakeholder feedback, particularly as a way of informing project design and engagement by stakeholders in the identification and mitigation of environmental and social risks and impacts; (c) continues on an ongoing basis, as risks and impacts arise; (d) is based on the prior disclosure and dissemination of relevant, transparent, objective, meaningful and easily accessible information in a timeframe that enables meaningful consultations with stakeholders in a culturally appropriate format, in relevant local language(s) and is understandable to stakeholders; (e) considers and responds to feedback; (f) supports active and inclusive engagement with project-affected parties; (g) is free of external manipulation, interference, coercion, discrimination, and intimidation; and (h) is documented and disclosed by the Borrower. Under this Resettlement Policy Framework which is specific for land acquisition and involuntary resettlement, the meaningful consultation refers to consultation in respect of land acquisition and involuntary resettlement (LAR) which is clearly stipulated in the Government's SOP for LAR and incorporates all the above elements.

**Negotiated Settlement.** This applies to land rights or land use rights acquired or restricted through negotiated settlements with property owners or those with legal rights to the land, if failure to reach settlement would have resulted in expropriation or other compulsory procedures (ESS5, para 4, item (b)). Negotiated settlements is used to avoid expropriation and eliminate the need to use involuntary resettlement. The Government can acquire land and other assets through a negotiated settlement, based on meaningful consultation with affected persons, including those without legal title to assets. A negotiated settlement will offer adequate and fair price for land and/or other assets. The Government will ensure that any negotiations with displaced persons openly address the risks of asymmetry of information and bargaining power of the parties involved in such transactions. For this purpose, the Government can engage an independent external party to document the negotiation and settlement processes.

**Physical 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.** This is the physical relocation of a displaced person from her/his pre-project place of location and/or business to another location or shifting back.

**Replacement Cost.** Replacement cost involves replacing an asset, including land, at a cost prevailing at the time of its acquisition. This includes fair market value, transaction costs, interest accrued, transitional and restoration costs, and any other applicable payments, if any. In all instances where physical displacement results in loss of shelter, replacement cost must at least be sufficient to enable purchase or construction of housing that meets acceptable minimum community standards of quality and safety. Depreciation of assets and structures should not be considered for replacement cost. As per WB ESS5, replacement market is the value as established through independent and competent real estate valuation, plus transaction costs. The valuation method for determining replacement cost should be



documented. Transaction costs include administrative charges, registration or title fees, reasonable moving costs, and any similar costs imposed on affected persons

**Relocation Assistance.** 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 location, such as moving expenses and lost workdays.

**Resettlement Policy Framework (RPF).** Prepared when project components or locations are not known and therefore land acquisition needs cannot be identified. The RPF will guide the preparation of future Detailed Resettlement Plans if these become necessary.

**Voluntary Donations.** 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. Other conditions under WB ESS5, footnote 10, apply, including that the donor benefits directly from project activities. Under WB ESS5, paragraph 6, ESS5 does not apply to voluntary, legally recorded market transactions unless such voluntary land transactions may result in displacement of persons, other than the seller.

**Vulnerable Groups.**<sup>3</sup> Group of affected 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).

**Willing Buyer Willing Seller.** Process where the Government purchases a property from private owner with a fair market value, which a willing seller approves. In the arrangement neither party is being under any compulsion to buy or to sell and both having reasonable knowledge of relevant facts, and eminent domain is not used.

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<sup>3</sup> The group is classified under Sub-decree No. 291 ANKr. BK on Identification of Poor Households issued with ID Poor Cards by Royal Government of Cambodia.

## **EXECUTIVE SUMMARY**

This is an Executive Summary of main points discussed in this Resettlement Policy Framework (RPF). The Executive Summary should not be relied for full information; the full RPF should be read for this purpose.

This RPF has been prepared by the Ministry of Interior for the Proposed Cambodia Solid Waste and Plastic Management Improvement Project (the Project) with assistance of international and national consultants, and under the guidance and direction of the General Department of Resettlement (GDR). The RPF will apply to all Project activities and specifically Component 3: Solid Waste and Plastic Management Infrastructure under the management of the Ministry of Public Works and Transport (MPWT), which is the only component with civil work activities. The RPF is part of the Environmental and Social Management Framework. This RPF will be applied to all investments to be financed by the World Bank (WB) Group for technical and/or financial support for the Project. The RPF has been prepared in line with the Royal Government of Cambodia's (RGC's) Standard Operating Procedures (SOP) on Land Acquisition and Involuntary Resettlement (LAR), and the WB's Environmental and Social Framework (ESF).

The Detailed Resettlement Plans (DRP) will be developed when and if necessary, in close consultation with affected stakeholders and the WB. Clearance of future DRPs by the WB will be necessary.

The Project aims to improve solid waste and plastic management in Cambodia. To achieve the objective of improving solid waste and plastic management and capacity in selected cities and nationally, the Project will support an approach that combines support for policy development, regulatory improvements, and monitoring at the national level with support for selected provinces and municipalities.

This RPF is developed to provide the screening criteria for the sub-projects where there will be civil construction activities to take place. This is to determine should any land acquisition and livelihood impacts will occur, and if they do, the steps that are required to address and mitigate land acquisition impacts and livelihood impacts due to restriction of access to resources are in place.

In Cambodia, the Expropriation Law (2010) is the main legal framework that governs land acquisition and involuntary resettlement. Under Article 3 of the Expropriation Law that governs the provision for projects financed by development partners in Cambodia, the RGC issued in 2018 the Standard Operating Procedures (SOP) for Land Acquisition and Involuntary Resettlement (LAR). The GDR of the Ministry of Economy and Finance (MEF) is responsible for providing guidance and clarification to users of the SOP-LAR. Given that the proposed project is to be financed by the World Bank (WB), the SOP-LAR is the guiding RGC sub-decree for land acquisition and should be read together with this document. This RPF also complies with the WB's Environmental and Social Standard (ESS5) on Land Acquisition, Restrictions on Land Use and Involuntary Resettlement. There are some minor, but no

significant gaps between the policies of the SOP-LAR and WB's ESS5, which are addressed and clarified in this RPF.

The WB ESS5 on Land Acquisition, Restrictions on Land Use and Involuntary Resettlement covers: (a) Land rights or land use rights acquired or restricted through expropriation or other compulsory procedures in accordance with national law; (b) Land rights or land use rights acquired or restricted through negotiated settlements with property owners or those with legal rights to the land, if failure to reach settlement would have resulted in expropriation or other compulsory procedures; (c) Restrictions on land use and access to natural resources that cause a community or groups within a community to lose access to resource usage where they have traditional or customary tenure, or recognizable usage rights. This may include situations where legally designated protected areas, forests, biodiversity areas or buffer zones are established in connection with the project; (d) Relocation of people without formal, traditional, or recognizable usage rights, who are occupying or utilizing land prior to a project specific cut-off date; (e) Displacement of people as a result of project impacts that render their land unusable or inaccessible; (f) Restriction on access to land or use of other resources including communal property and natural resources such as marine and aquatic resources, timber and non-timber forest products, fresh water, medicinal plants, hunting and gathering grounds and grazing and cropping areas; (g) Land rights or claims to land or resources relinquished by individuals or communities without full payment of compensation<sup>4</sup>; and (h) Land acquisition or land use restrictions occurring prior to the Project, but which were undertaken or initiated in anticipation of, or in preparation for, the Project.

Specifically, ESS5 recognizes that project-related land acquisition, restrictions on land use and access to resources (including sources of livelihoods) can have adverse impacts on communities and persons. As compared, both the WB's ESS5 and the MEF SOP-LAR cover the objectives and principles of LAR, and the principles are similar to a great extent. There are no significant gaps between the policies related to land acquisition and resettlement. However, there is a gap related to restrictions to use to resources as can be the case with waste pickers in the case of closing of dumpsites. Also, the income restoration programs to re-establish sources of livelihoods for those APs (including waste-pickers) affected by permanent loss of livelihood need to accurately meet the WB's provisions on livelihood restoration. These and other clarifications are reflected the gap analysis between the World Bank Environmental and Social Framework (WB ESF) and the RGC's SOP on-LAR.

The Project's approach to manage resettlement follows the WB's mitigation hierarchy by:

- a) Adjusting designs to avoid impact on land and assets as is being done by the Project;
- b) When impacts cannot be avoided, minimize them;
- c) Where land acquisition or resources impacts remain, deliver: (i) compensation at market or full replacement value for land and lost assets, or land-for-land replacement, or livelihood restoration and (ii) compensation paid before the

beginning of the construction works, with the resettlement framework/plan publicly disclosed and information provided about the grievance process.

This RPF covers resettlement where land, or assets, are involuntarily acquired or when there is economic displacement due to restrictions on land use or loss of access to resources. This will apply to Component 3 - Solid Waste and Plastic Management Infrastructure of the Project from where investments will take place for landfill and solid waste treatment facilities. Voluntary contributions by individuals will not be considered, except when the donation complies with the WB's requirements on voluntary land donations as per ESS5.

The RPF applies to permanent or temporary physical and economic displacement as described in the SOP-LAR, and compliant with WB's ESS5. All affected households (AHs) who have assets in the construction areas or who are affected to loss of access to use of land or waste resources before the Cut-off Date (COD) will be eligible for compensation as described in this RPF, regardless of their legal status. Eligibility will be determined with regards to the COD, which will be the last day of the first round of consultations, when the construction area and the impacted lands will be identified, and through announcement in the consultations and posting on commune/Sangkat/public boards and/or pagodas. Those who encroach into/or occupy the project area after the Cut-off-Date will not be eligible for any compensation or any other assistance.

A Grievance Redress Mechanism (GRM) will be established by the Provincial Governor in consultation with the Inter-ministerial Resettlement Committee specifically for receiving, recording, assessing and facilitating the resolution of complaints and grievances raised by the affected persons relating to land acquisition, loss and restoration of livelihood assets and sources, and the resettlement and livelihood restoration process under the Project/subproject. The GRM has to be easily understandable, culturally appropriate, and readily accessible to the affected persons and others. Grievances can be submitted by the affected persons if they believe that there is inadequacy of entitlements and compensation, inaccuracies in detailed measurements; and errors in compensation of the compensation payments

The RPF describes the process for consultation and information disclosure for land acquisition, physical and economic displacement, and land use restrictions. The principle of application of RPF to the Solid Waste and Plastics Improvement Project was discussed as part of the stakeholder engagement during November and December 2021 as well as February 2022. This RPF will be disclosed to the public after approval by the WB and prior to the WB's appraisal of the Project

The budget for LAR as well as livelihood restoration, will be prepared after the detailed measurement survey (DMS) and replacement cost study (RCS) are completed and included in the DRP. The budget is financed by the counterpart funds allocated from the national budget by the RGC. In addition, there are targeted measures to avoid disruption to waste-based livelihoods for adult waste pickers through continued access to waste resources at the Material Recovery Facilities as well as support activities for child waste pickers, which are detailed in the Environmental and Social Management Framework (ESMF) and implemented by MOI.

The procurement of civil works will commence once subproject sites have been selected and after the detailed construction designs have been completed, the demarcation of land is completed jointly by the, MOI, MPWT and the GDR, DMS and RCS are completed and DRP approved by IRC and cleared by WB and compensation payments made and the affected land is vacated by the AHs, and the cut-off date has been announced and disseminated as described in this RPF.

Keeping APs and the general public informed about the Project, its expected benefits and potential impacts is crucial. Disclosure of relevant project/subproject information helps the APs and other stakeholders to understand the risks, impacts and opportunities of the development project. Meanwhile meaningful dialogue in consultations can avoid the potential for conflicts, address the concerns of persons to the extent possible, avoid bottlenecks to minimize project delays and contribute towards mitigating adverse impacts. The consultation and disclosure activities are specified in the SOP-LAR and should be consistent with WB ESS10 including requirements for meaningful consultation and two-way dialogue, and the contents of the Projects' SEP.

The GDR will be responsible for monitoring and reporting of the implementation of the land acquisition, resettlement activities and livelihood restoration measures as required under this RPF in the DRPs. The MOI will be responsible for implementing and monitoring of the support measures for child waste pickers and the provision of continued access to waste resources through the Material Recovery Facilities.

## PROJECT DESCRIPTION

### 1.1 OVERVIEW

1. Cambodia has experienced remarkable economic growth over the past two decades and attained lower-middle-income country status in 2015 and aspiring to attain upper-middle-income status by 2030. Cambodia's urbanization rates are still relatively low but are expanding and is expected to further increase in the coming years.

2. The impressive increase of tourism has allowed the sector to become an important engine for growth, employment generation, and investment attraction. Cambodia received an estimated 6.6 million tourists in 2019, up from less than 250,000 in 1995 (Ministry of Tourism, 2020). In 2017, the tourism industry contributed around 32.4% of Cambodia's Gross Domestic Product (GDP), making tourism an important source of foreign exchange, investment, and employment ( Organisation for Economic Co-operation and Development, 2019). Siem Reap, with its world-famous Angkor Wat, received 1.6 million tourists by air alone, which represents about 25% of the total international tourist arrivals in 2019.

3. The continued growth of the urban cities in the country will require higher levels of infrastructure and municipal service levels, which are currently facing underinvestment together with weak institutional capacity in policy, planning, implementation, and enforcement. There is a risk that the lack of municipal services can hamper growth and have an impact on Cambodia's tourism assets that are an important engine for growth.

4. Over the years, a substantial increase solid waste generation has been observed. In 2017, 3.65 million tons were generated, or over 10,000 tons daily. Per capita waste generation in urban areas is twice that of the rural areas, at 1kg and 0.5 kg per capita respectively (United Nations Environment Program and the Coordinating Body on the Seas of East Asia, 2020). Of these generated municipal wastes, 48% are dumped in bodies of water or burnt, 41% are brought to dumpsites and landfills, and only 11% are recycled (United Nations Centre for Regional Development, 2019).

5. Plastic leakage into the environment, waterways, and ocean forms a particularly crucial part of solid waste mismanagement. About 20% of the generated municipal solid wastes are plastic, which are mainly produced in cities. Of the waste generated in Phnom Penh, 17.3% are plastic, while share of plastic among the municipal solid waste of Sihanoukville and Siem Reap are 34% and 20.7% respectively. Increasing evidence suggests that unique and endangered ecosystems found in these regions are suffering under increasing quantities of marine pollution, in particular plastics.

### 1.2 PROJECT DESCRIPTION

6. The Cambodia Solid Waste and Plastic Management Improvement Project (the Project) aims to improve solid waste and plastic management in Cambodia. To achieve the objective of improving solid waste and plastic management and capacity in selected cities and nationally, the Project will support an approach that combines support for policy development, regulatory improvements, and monitoring at the national level with support for selected provinces and municipalities. At the local level, the Project will support the

implementation of Cambodia's Sub-decree 113 that specifies in Article 9 that *"it is the cities and district administration that have the role to manage urban garbage and solid waste within their jurisdiction."* This is consistent with good international practice of solid waste being a service managed by the local government to ensure citizens can provide direct feedback for the services. The Project will include support for improvements in the waste collection, transport, and recovery/treatment/recycling/disposal and improvements in operational cost recovery by improving waste fee collection. It will also support improved monitoring and enforcement of private waste management companies, information availability and reliability, and citizen engagement and public information. The Project will also support plastic policies and improved plastics management to reduce the amount of waste that needs to be collected or landfilled, increase recovery and recycling, and contribute to reduced plastic leakage to the waterways and ocean.

7. The objectives will be achieved through systemic interventions and activities financed through the International Development Association Credit to three overall components: (a) a central component at the national level (Component 1) focusing on policies, regulations, and institutional strengthening at the national level; (b) a subnational policy and institutional strengthening component (Component 2) comprising local policy, regulations, and monitoring of technical assistance and capacity building for participating municipalities; and (c) investments to improve solid waste and plastic management and increase recycling and treatment (Component 3). Component 4 is the Contingent Emergency Response Component. The Project will be implemented over a six-year period.

8. The design of the Project is based on a flexible and adjustable approach that allows for coordination and collaboration with other financing sources for the solid waste infrastructure for the selected municipalities and districts. The design of the Project is also based on confirmation of eligibility of participating municipalities for Component 2 and Component 3; these criteria will be included in the Project Operations Manual. The solid waste sector development through the national- and local-level institutional capacity development, funded by the Project, has also been designed to allow for replication of the approach to improve the Solid Waste Management performance adaptable for a variety of different urban and more rural contexts in Cambodia.

9. The Project consists of four components that will be implemented over a six-year period, namely:

Component 1: Development and Strengthening of National Legislative, Regulatory, Policy, and Institutional Frameworks for Solid Waste and Plastic Management

Component 2: Integrated Solid Waste and Plastic Management, Planning, Monitoring and Capacity Building for the Participating Municipalities

Component 3: Solid Waste and Plastic Management Infrastructure

Component 4: Contingent Emergency Response

10. The design of the Project is also based on confirmation of eligibility of participating municipalities for Component 2 and Component 3. The eligibility criteria for participating municipalities are aligned with the provisions established in Sub-decree 113 on Management of Urban Garbage and Solid Waste, where municipalities/districts take responsibility for solid

waste management. Eligible selected municipalities will receive selected solid waste infrastructure, specifically landfills, to improve the environmental performance of the waste disposal.

11. Under Component 3 on Solid and Plastic Waste Infrastructure in Selected Cities in Cambodia regional solid waste landfill infrastructure is proposed to be financed, along with materials recovery facilities (MRFs), composting facilities, and equipment investments for eligible municipalities and neighboring districts.

12. These eligibility criteria are based on requirements of cost-effective solid waste treatment and disposal infrastructure for which more than 100,000 population equivalent waste generators are needed, willingness for cost recovery for at least operational costs of the landfill disposal and landfill management contracts with performance indicators and payments for operation and management of waste disposal; and availability of land for solid waste landfills and other treatment infrastructure which are in line with WB ESF requirements. The preliminary identified municipalities foreseen to receive investment financing under Component 3 are (a) Siem Reap, (b) Kampong Speu, and (c) Kandal.

13. Specifically, the component will improve effectiveness and efficiency of waste management and the environmental and social performance of waste disposal. Priority investments include management, transport/transfer, and disposal facilities. The disposal facilities can be realized through establishment of new landfills with closing of the current dumpsites or rehabilitating the current open dumps into landfills to minimize the environmental and social impacts of the currently operated open dumpsites.

14. Furthermore, every municipality receiving investment financing will first be supported with technical assistance support and capacity building under Component 2 of the Project. This is a key aspect of increasing the quality of solid waste services and enabling sustainability of investments and has been proven effective in other World Bank-financed projects.

15. Component 3 will also support investment preparation for the solid waste and plastic management investments for proper transfer, treatment/recycling, and disposal of plastics and waste. Such preparation of investment are: (i) solid waste management and performance specification designs, (ii) site-specific Environmental and Social Impact Assessments /Environmental and Social Management Plan, DRPs, including livelihood support measures in line with the Environmental and Social Management Framework; and (iii) bidding documents, etc. At national level, development of landfill design and operation standards for construction operation, closure and aftercare for waste treatment and disposal will be developed, together with landfill management and operation contract template - including payment, operational manuals.

### **1.3 LAND ACQUISITION AND RESTRICTIONS ON LAND USE IMPACTS AS WELL AS RATIONALE FOR RESETTLEMENT FRAMEWORK**

16. For Component 3 of the Project which is on Solid and Plastic Waste Infrastructure in Selected Cities in Cambodia, there are potential land acquisition impacts to occur in line with the civil works and construction activities for the proposed regional solid waste landfill infrastructure, along with materials recovery facilities (MRFs), composting facilities for



eligible municipalities and neighboring districts of the three selected cities of Siem Reap, Kampong Speu and Kandal in Cambodia. At this time, the locations for the infrastructure subprojects of the respective cities are still to be decided upon based on the site suitability study being undertaken considering new alternative landfill sites for the selected cities where such land acquisition, resettlement and restriction of access to resources impacts may occur.

17. As the project locations for the waste infrastructure are not yet selected, for the potential impacts on waste pickers, the vulnerable groups and other stakeholder groups, such as junk shop businesses dependent on the recycled waste resources from the dumpsite, whose livelihood and source of income may be impacted in relation to possible rehabilitation for the continued utilization or the closure and decommissioning of the old dumpsites, this Resettlement Policy Framework (RPF) is prepared to provide guidance on how those impacts can be properly mitigated. The full determination of impacted waste pickers, other impacted stakeholder groups and vulnerable groups will be determined during the census and surveys as part of the DRP when the sites for the landfill and waste treatment infrastructure have been determined and on that basis the impact can be assessed.

18. This RPF is developed to provide the screening criteria for the subprojects where there will be civil construction activities to take place and/or restrictions of access to resources. This is to determine should any land acquisition impacts will occur, and if they do, the steps that are required to address and mitigate land acquisition, economic displacement impacts, and livelihood losses are in place. As provided, a sample screening form is found in **Annex A**.

#### **1.4 APPROACHES TO LAND ACQUISITION AND INVOLUNTARY RESETTLEMENT**

19. This RPF describes three prone approach to land acquisition and involuntary resettlement as follows:

- (i) The acquisition of land thorough Willing Buyer Willing Seller (WBWS) methodology;
- (ii) The acquisition of land through Negotiated Settlement methodology; and
- (iii) The acquisition of land through Involuntary Resettlement or impacts on livelihoods through economic displacement through a subproject.

20. A DRP will be prepared for a subproject when there are AHs, irrespective whether the number is small or large. While the RPF describes detail procedures for (iii) following WB's ESF and ESS5 and RGC's laws and regulations, the methodology on land acquisition under items (i) and (ii) are as follows:

##### **(i) WBWS Methodology**

21. Willing buyer/willing seller can take place where land markets are functioning, the transaction takes place with the seller's consent, and the seller receives a price consistent with prevailing market prices. This is not to be applied to infrastructure projects where there are multiple affected persons, or where there are no options to change the siting of infrastructure in the absence of agreements. In case of WBWS, the following process would be adopted:

- a) The General Department of resettlement (GDR) will conduct meaningful consultation in an understandable language with the AHs to ensure they are properly informed about the project/subproject, its benefits, the land needed for the project/subproject, resettlement policies, laws and regulations, entitlements and compensation at full replacement costs at current market rates. The GDR will discuss with the AHs on their willingness to sell the land for the construction of the project/subproject and obtain their approval.
- b) The GDR will conduct the DMS and the RCS to determine the inventory of losses and the replacement costs.
- c) The RCS will calculate the market value of the land that will need to be acquired.
- d) If there is a loss of income, the RCS consultant will calculate the amounts of losses based on the Entitlement Matrix (EM) in this RPF.
- e) In case of loss of fruit trees, the RCS consultant will calculate the economic loss based on maturity and formula shown in the EM.
- f) If there is physical displacement, transitional allowances will be provided at the rate shown in the EM.
- g) The total amount of compensation will be calculated and offered as a lump sum amount to each AHs.
- h) A contract will be prepared showing the breakdown and the total amount of the compensation and negotiated with each AH. Minutes will be prepared and signed by the IRC-WG and the AHs.
- i) If all AHs agree with their lump sum compensation package, the lump sum amount will be paid upon signing of the contracts.
- j) Due to the confidentiality of information and the commercial nature of the contract, all documents on WBWS negotiations will be kept at GDR for verification by WB staff.

**(ii) Negotiated Settlement**

22. In case of **negotiated settlement**, the following process will be adopted:

- a) To ensure any negotiations with displaced persons address the risks of asymmetry of information and bargaining power of the parties involved in such transactions, the GDR will engage an independent external party to document the negotiation and settlement processes and agree with WB on the processes, policies, calculation of costs and record-keeping requirements.
- b) The GDR will conduct meaningful consultation in an understandable language with the AHs to ensure they are properly informed about the project/subproject, its benefits, the land needed for the project/subproject, resettlement policies, laws and regulations, entitlements and compensation at full replacement costs at current market rates, taking into account pollution liabilities of the land -if applicable.
- c) The GDR will conduct the DMS and the RCS to determine the inventory of losses and the replacement costs.
- d) The RCS will calculate the market value of the land that will need to be acquired.
- e) If there is a loss of income, the RCS consultant will calculate the amounts of losses based on the Entitlement Matrix (EM) in the RPF.

- f) In case of loss of fruit trees, the RCS consultant will calculate the economic loss based on maturity and formula shown in the EM.
  - g) If there is physical displacement, transitional allowances will be provided at the rate shown in the EM.
  - h) The total amount of compensation will be calculated and offered as a lump sum amount.
  - i) A contract will be prepared showing the breakdown and the total amount of the compensation and negotiated with each AH. The draft negotiated results will be sent to the WB for no-objection before conclusion. Minutes will be prepared by the independent external party and signed by the IRC-WG and the AH and witnessed by the Commune or Village official.
  - j) If all AHs agree with their lump sum compensation package, the lump sum amount will be paid upon signing of the contracts.
  - k) In case an AH does not agree on the negotiated settlement, the offer of negotiated settlement for all the AHs will be withdrawn and GDR will proceed to prepare the DRP for submission to the World Bank for review and approval. In such cases, WB's involuntary resettlement requirements laid out in the ESF and ESS5 will apply.
23. The information on the negotiated settlement will be included in the monitoring reports after the process is completed and submitted to the WB.

## LEGAL AND POLICY FRAMEWORK

### 1.5 NATIONAL LAWS AND POLICIES

24. The Royal Government of Cambodia's (RGC's) **Expropriation Law 2010**, is the main legal framework that governs land acquisition and involuntary resettlement (LAR). The **Expropriation Law (2010)** has listed the development of public infrastructure as one of its objectives. The **Constitution** (Article 44) states that expropriation shall be exercised only in the public interest. Public interest is also understood in a broad manner as *"the use of land or property by the public or by public institutions or their agents."* The expropriation of the ownership of immovable property and real right to immovable property can be exercised only if the Expropriation Committee has paid fair and just compensation in advance to the owner and/or holder of real right.

25. Key articles are:

- Article 2: The law has the following purposes:
  - a) ensure reasonable and just deprivation of a legal right to ownership of private property;
  - b) ensure payment of reasonable and just prior compensation;
  - c) serve the public and national interests; and
  - d) development of public physical infrastructure.
- Article 7: Only the State may carry out an expropriation for use in the public and national interests.
- Article 22: An amount of compensation to be paid to the owner of and/or holder of rights in the real property shall be based on the market value of the real

property or the alternative value as of the date of the issuance of the Prakas on the expropriation scheme. The market value or the alternative value shall be determined by an independent commission or agent appointed by the expropriation committee.

- Article 29: For the expropriation of a location that is operating business activities, the owner of the immovable property shall be entitled to additional fair and just compensation for the value of the property actually affected by the expropriation as of the date of the issuance of the declaration on the expropriation project. A tenant of the immovable property who is operating a business shall be entitled to compensation for the impact on their business operation and to additional assistance at fair and just compensation to the capital value actually invested for the business operation activities as of the date of the issuance of the declaration on the expropriation project.

26. Under the Article 3 of the Expropriation Law (2010) that governs the provision for projects financed by development partners in Cambodia, the RGC issued in 2018, the Standard Operating Procedures (SOP) for LAR.<sup>5</sup> The SOP-LAR reflects the policies, regulations and procedures relating to LAR consistent with the safeguard instruments of Development Partners as applied to public infrastructure investment projects. Where appropriate, the SOP-LAR includes references to international good practices in resettlement planning, implementation, monitoring and reporting. The SOP-LAR has been promulgated under Sub Decree No. 22 ANK/BK on 22 February 2018 and applies to all externally financed projects in the Kingdom of Cambodia. The GDR of the Ministry of Economy and Finance (MEF) is responsible for providing guidance and clarification to users of the SOP. With the Project as a donor-funded project, the SOP-LAR provisions will apply and therefore should be read in consonance with this RPF.

## **1.6 WORLD BANK POLICY**

27. ESS5 recognizes that project-related land acquisition and restrictions on land use can have adverse impacts on communities and persons. Project-related land acquisition or restrictions on land use refer to:

- Physical displacement (relocation, loss of residential land or loss of shelter),
- Economic displacement (loss of land, assets or access to assets, leading to loss of income sources or other means of livelihood); or both.

28. The term “involuntary resettlement” refers to these impacts. Resettlement is considered involuntary when affected persons (APs) or communities do not have the right to refuse land acquisition or restrictions on land use that result in displacement.

29. All persons losing assets or use of resources and livelihoods as a direct result of a Bank-supported project are referred to as APs' entitled to compensation and/or other forms of assistance.

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<sup>5</sup> Ministry of Economy and Finance, Royal Government of Cambodia, “Land Acquisition and Involuntary Resettlement: Standard Operating Procedures for Externally Financed Projects in Cambodia” 2018 [henceforth referred to as “SOP-LAR”]

30. The Bank's standard extends beyond the corresponding laws in Cambodia in two key respects: a) a requirement that opportunities be provided to affected persons to improve (or at least restore) incomes or livelihoods reflects recognition that mere compensation for assets may not provide sufficient opportunity to restore livelihoods affected by restrictions of access to resources (such as recyclables in the case of waste pickers); and b) because the ultimate purpose of the Bank's standard is to protect livelihoods and living standards, the Bank's standard coverage includes APs who may lack legal title or rights to the land they occupy or the resources they use. It also includes tenants, artisans, and wage earners whose livelihoods or living standards would be adversely affected as a direct result of the Project.

31. For all projects involving land acquisition and impacts on restriction of access to resources caused by the project activities, the Bank requires preparation of an explicit plan to guide land acquisition, resettlement and livelihood restoration processes. These plans include arrangements for monitoring these activities, and procedures for responding to complaints received from APs.

32. The risks and impacts related to the permanent or temporary physical and economic displacement and livelihood impacts of project-affected persons with or without formal, recognizable usage rights brought about by the project shall be assessed and evaluated. The standard upholds the avoidance of involuntary resettlement, and for instances wherein it cannot be avoided, measures to minimize and mitigate the adverse impacts to the affected shall be established. ESS5 also has the objective of avoiding forced eviction, improving the livelihoods of the most vulnerable, and conducting resettlement activities as sustainable development programs and in a transparent and participatory manner.

33. The WB ESS5 on Land Acquisition, Restrictions on Land Use and Involuntary Resettlement covers (a) Land rights or land use rights acquired or restricted through expropriation or other compulsory procedures in accordance with national law; (b) Land rights or land use rights acquired or restricted through negotiated settlements with property owners or those with legal rights to the land, if failure to reach settlement would have resulted in expropriation or other compulsory procedures; (c) Restrictions on land use and access to natural resources that cause a community or groups within a community to lose access to resource usage where they have traditional or customary tenure, or recognizable usage rights. This may include situations where legally designated protected areas, forests, biodiversity areas or buffer zones are established in connection with the project; (d) Relocation of people without formal, traditional, or recognizable usage rights, who are occupying or utilizing land prior to a project specific cut-off date; (e) Displacement of people as a result of project impacts that render their land unusable or inaccessible; (f) Restriction on access to land or use of other resources including communal property and natural resources such as marine and aquatic resources, timber and non-timber forest products, fresh water, medicinal plants, hunting and gathering grounds and grazing and cropping areas; (g) Land rights or claims to land or resources relinquished by individuals or communities without full payment of compensation<sup>6</sup>; and (h) Land acquisition or land use restrictions occurring prior to the project, but which were undertaken or initiated in anticipation of, or in preparation for, the project.

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<sup>6</sup> In some circumstances, it may be proposed that part or all the land to be used by the project is donated on a voluntary basis without payment of full compensation. Subject to prior Bank approval, this may be acceptable providing the Borrower demonstrates that: (a) the potential donor or donors have been appropriately informed and consulted about the project and the

34. The ESS5 defines APs, which are entitled to compensation / support under ESS5, as the following:

***A. Those who have formal legal rights to land or assets.***

35. Those who have formal documentation under national law to prove their rights or are specifically recognized in national law as not requiring documentation. In the simplest case, an area is registered in the name of individuals or communities. In other cases, persons may have a lease on the land and therefore have legal rights.

***B. Those who do not have formal legal rights to land or assets but have a claim to land or assets that is recognized or recognizable under national law.***

36. The national law defines who these specific groups are. These groups may have been using the land for generations without formal documentation under customary or traditional tenure arrangements that are accepted by the community and recognized by national law. In other cases, they may have never been provided formal title or their documents may be incomplete or lost. They may have a claim for adverse possession if they have occupied land for a certain period of time as defined by national law, without the formal owner contesting the occupation. In such cases, national law often has legal procedures by which such claims can become recognized.

***C. Those who have no recognizable legal right or claim to the land or assets they occupy or use.***

37. These can be seasonal resource users that do not fall under Category A or B. They can also be persons occupying land in violation of applicable laws.

38. Compensation to the APs should be on full replacement cost basis. In addition, WB ESS5 requires that APs who experience economic displacement in association with the land loss or restriction of access to resources (e.g. loss of livelihoods) will be eligible for livelihood restoration programs/initiatives to ensure that their livelihoods and living conditions are restored at least to the pre-land acquisition/displacement or economic displacement conditions.

39. Feasible resettlement options shall be offered to the physically affected wherein the resettlement areas allow living conditions that are at least equivalent to those previously enjoyed, or consistent with prevailing minimum codes or standards, whichever set of standards is higher. . Those APs who are physically relocated who have no recognizable right to the land or assets acquired are entitled to arrangements to allow them to obtain adequate housing with security of tenure. Those that are economically affected shall be compensated according to the assets and other replacement costs that will allow them to restore and reestablish their livelihoods and income-earning capacity.

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choices available to them; (b) potential donors are aware that refusal is an option, and have confirmed in writing their willingness to proceed with the donation; (c) the amount of land being donated is minor 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. The Borrower will maintain a transparent record of all consultations and agreements reached.

## 1.7 DISCREPANCY AND CLARIFICATION BETWEEN RCG SOP-LAR AND WB ESS5

40. Specifically, ESS5 recognizes that project-related land acquisition and restrictions on land use can have adverse impacts on communities and persons. As compared, both the WB's ESS5 and the SOP-LAR cover the objectives and principles of land acquisition and involuntary resettlement, and the principles are similar to a great extent. However, there is some discrepancies which require clarifications. The discrepancy and clarification between the RCG SOP-LAR and WB ESS5 is summarized in **Table 1.7-1**.

Table 1.7-1: Summary of Discrepancies and Clarifications between RGC SOP- LAR and WB ESS5

Key Concern	RGC MEF SOP on LAR	WB ESS5	Discrepancies and measures to address differences	Clarifications
On APs who have no recognizable legal right or claim to the land or asset they occupy or use and vulnerability	<p>Under RGC's legal regulations, that the SOP prescribes all three Categories A, B and C and all are eligible for compensation.</p> <p>Poor and vulnerable groups are defined as those that are perceived to be more vulnerable than others, such as poor APs, headed by single mothers, elderly people, orphaned children, disable people among others.</p> <p>Negotiated settlements and voluntary donations are not specifically covered under the SOP</p>	<p>The WB ESS5 defines the eligibility categories as persons:</p> <p>(i) Category A: who have formal legal rights to the land or assets they occupy or use;</p> <p>(ii) Category B: who do not have formal legal rights to land or assets, but have a claim to land that is recognized or recognizable under national law; or</p> <p>(iii) Category C: who have no recognizable legal right or claim to the land or assets they occupy or use.</p> <p>Compensation to the APs should be on full replacement cost basis. The land acquisition and related assets will take place only after compensation has been made available and, where applicable, displaced people have been resettled and moving allowances provided to the displaced persons in addition to compensation.</p> <p>WB ESS5 also has as objective: to improve living conditions of poor or vulnerable persons<sup>7</sup> who are physically displaced, through provision of adequate</p>	<p>The RGC's national eligibility categories are generally consistent with the WB ESS5's requirements on eligibility criteria except for those who belong to Category C, defined as those who have no recognizable legal right or claim to the land or assets they occupy or use.</p> <p>These third category or affected persons who occupy or use land should also receive compensation following WB ESS5, but only for non-land affected assets or livelihoods.</p> <p>Voluntary Donations and Negotiated Settlement are not specifically covered under SOP-LAR. Voluntary donations can be applicable under the Project for the Right of Way for the access road to landfill and waste treatment facilities, in line with WB ESS5, specifically footnote 10.</p> <p>Negotiated settlement can be applicable under the Project and procedures for this are included in this RPF.</p>	<p>Under ESS5 para. 29, the category C APs are entitled to alternative housing arrangements with security of tenure if physically displaced.</p>

<sup>7</sup> ESF definition of vulnerability: Footnote 28 of ESS1: "Disadvantaged or vulnerable refers to those who may be more likely to be adversely affected by the project impacts and/or more limited than others in their ability to take advantage of a project's benefits. Such an individual/group is also more likely to be excluded from/unable to participate fully in the mainstream consultation process and as such may require specific measures and/ or assistance to do so. This will take into account considerations relating to age, including the elderly and minors, and including in circumstances where they may be separated from their family, the community or other individuals upon which they depend." Under the Cambodian law, the poor and vulnerable group of people will also need to comply with footnote 3 of this RPF.



Key Concern	RGC MEF SOP on LAR	WB ESS5	Discrepancies and measures to address differences	Clarifications
On Livelihood Restoration and Support	The SOP provides specific measures to permanent loss of livelihood source due to physical relocation to restore livelihoods which are land-based,	<p>housing, access to services and facilities, and security of tenure.</p> <p>In addition, WB ESS5 requires that APs who has economic displacement in association with the land loss (e.g. loss of livelihoods) will be eligible for livelihood restoration programs/initiatives to ensure that their livelihoods and living conditions are restored.</p> <p><b>Voluntary Donations</b> 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. Other conditions under WB ESS5, footnote 10, apply, including that the donor benefits directly from project activities.</p> <p><b>Negotiated Settlement.</b> This applies to land rights or land use rights acquired or restricted through negotiated settlements with property owners or those with legal rights to the land, if failure to reach settlement would have resulted in expropriation or other compulsory procedures (ESS5, para 4, item (b)).</p> <p>Livelihood restoration and assistance provision to achieve ESS5 objectives in cases of significant loss of livelihood to assist APs in their efforts to improve, or at</p>	<p>The SOP provision provides for compensation for temporary loss of livelihoods. In addition, it provides for a livelihood restoration program aiming to re-establish sources of livelihoods for those</p>	<p>Livelihood restoration and support measures will be applicable to affected people as identified during the preparation of the DRPs<sup>8</sup>.</p>

<sup>8</sup> Measures for adult waste pickers will be provided through providing continued access to waste resource in the MRF to avoid disruptions to waste-based livelihoods as well as support measures for child waste pickers and these are included in the ESMF for the Project. These will be implemented by MOI as per the ESMF.



Key Concern	RGC MEF SOP on LAR	WB ESS5	Discrepancies and measures to address differences	Clarifications
Grievance Redress Mechanism	<p>employment-based and business-based, including poor and vulnerable groups.</p> <p>SOP Appendix 8 provides the structure and operating guidelines and procedures of an effective functioning Grievance Redress Mechanism. The GRM is consists of 3-step process: the registration and recording of complaints and the judicial process if, the complaints remain unresolved at the administrative level. Procedures for at each step are also detailed in the SOP.</p>	<p>least restore, their livelihoods and living standards.</p> <p>Whereas Annex 1 of ESS10 details the administrative and judicial process on Grievances Redress Mechanisms to handle grievances/complaints under all ESS. As required, participation in resettlement planning and implementation are highlighted, including developing appropriate Grievances Redress Mechanisms that are useful and accessible to local people.</p>	<p>APs due to permanent and significant loss of livelihood or income generation</p> <p>With mechanisms in place, the GDR will ensure that it is accessible to all APs, in particular, the vulnerable APs and women.</p>	<p>The SOP ensures conduct of consultations with APs at various stages including during the preparation of DRP. Prior to the preparation of the DRP, consultation is carried out to confirm eligibility criteria and discuss entitlements, and to introduce the GRM. In addition, copies of the GRM Guidelines are translated in Khmer and provided and explained in detail to APs during the public consultation process. Clear mechanisms for grievance redress are present in the SOP and GRM is made fully operational prior to DMS.</p>
Consultations and Stakeholder Engagement	<p>SOP sets clearly the steps to conduct consultations at various stages of the process and compensation.</p> <p>Specifically mentioned in para 126, consultation is undertaken throughout project cycle.</p> <p>Mechanism is provided for stakeholder engagement for land acquisition and involuntary resettlement.</p> <p>Also, the mechanism is provided for disclosure of the RPF to the stakeholders and public before approval of the project. Similarly,</p>	<p>Whereas ESS1 also requires that stakeholder engagement with affected and interested stakeholders will be throughout the project cycle in line with the project's Stakeholder Engagement Plan (SEP), including ongoing consultations and document disclosures.</p>	<p>Meaningful consultations in line with ESS10 will be conducted, with particular attention to ensuring a two-way process, that allows for feedback from APs and informed on whether feedbacks have been incorporated.</p>	



**RESETTLEMENT POLICY FRAMEWORK**  
Cambodia Solid Waste and Plastic Management Improvement Project

Key Concern	RGC MEF SOP on LAR	WB ESS5	Discrepancies and measures to address differences	Clarifications
	DRPs are required to be disclosed to stakeholders and public after approval by the development partner.			

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## 1.8 PREPARATION OF DETAILED RESETTLEMENT PLAN

41. When there is physical or economic displacement and/or restriction of access to resources caused by the project activities, a DRP will be prepared. The scope of requirements and level of detail of the DRPs vary with the magnitude and complexity of resettlement and the nature of the impacts caused by the losses of access to resources. The DRP is based on up-to-date and reliable information about (a) the Project/subproject and its potential impacts on the displaced persons, groups affected on their livelihoods by the Project/subproject and other adversely affected groups, (b) appropriate and feasible mitigation measures, and (c) the legal and institutional arrangements required for effective implementation of resettlement measures.

42. If land acquisition or restrictions on use of, or access to, land or livelihood resources may cause significant economic displacement and/or impacts, arrangements to provide displaced persons with sufficient opportunity to improve, or at least restore, their livelihoods are incorporated into a livelihood restoration measures annexed in the DRP. A DRP will also be prepared in those subprojects where there is no land acquisition and involuntary resettlement, but the trash pickers are impacted by economic displacement or significant impacts on their livelihoods.

### **Initial Consultation with Potentially Affected Households**

43. Initial consultation with potentially affected households will be conducted as part of efforts to inform them about the Project/subproject and to solicit their participation.

### **Measurement Survey and Affected Asset Inventory (census)**

44. The conduct of measurement surveys and asset inventory (census) of all households and persons to be directly or indirectly affected by permanent acquisition of fixed assets and/or impacts on restriction of access to resources caused by the Project/subproject activities will help inform the study team of the potential impacts of the Project/subproject. The survey, inventory and census will collect both quantitative and qualitative data and information on compensation, resettlement and livelihood restoration, based on visual assessment and information collected from the community and potential APs. This survey, inventory and census will be conducted in parallel with the Social Economic Survey (SES).

### **Socioeconomic Survey of Potentially Affected Households / Persons**

45. Socioeconomic information on the potentially affected households will be obtained through the conduct of the SES. The SES will serve as a referenced baseline of AP's living conditions and will form part of the monitoring and evaluation data that will assess the extent to which the measures in the DRP are effective in mitigating land acquisition, resettlement and livelihood losses impacts. The SES will form part of the site-specific subproject's Environmental and Social Assessment and will include gender disaggregated data and vulnerable groups, specifically children and people with disabilities.

### **Development of Livelihood Restoration Options**

46. Options for livelihood restoration as outlined in the SOP-LAR will be developed based on data gathered from the SES, Focus Group Discussions, and Key Informant Interviews.

Information on current or planned livelihood programs of the concerned local governments and NGOs will also be considered.

### **Cut-off date**

47. A cut-off date (COD) is established to determine the eligibility for entitlements of genuine affected persons (APs) and to minimize fraudulent practices by preventing false claims for compensation or rehabilitation assistance following the disclosure of the Project/subproject. The COD is normally either (i) the date of completion of consultation process with the APs during the project/subproject feasibility stage or (ii) the date of completion of the consultation conducted prior to the DMS in the case where the detailed engineering designs are ready during the project feasibility stage and therefore no RPF or BRP is necessary. All APs in the project/subproject affected area at the COD will be eligible for compensation. The determination of the cut-off date will be done in conjunction with undertaking the census and meaningful consultation among the APs. Commonly the first date of census is considered the cut-off date, unless otherwise set by the government entity.

48. The MPWT with support from GDR will formally announce the COD for subprojects under Component 3 of the Project.

## **1.9 ELIGIBILITY CRITERIA AND ENTITLEMENT MATRIX**

### **Eligibility Criteria**

49. The RPF applies to the permanent or temporary physical, economic displacement and restriction of access to resources directly caused by the proposed project as described in the SOP-LAR, and compliant with WB's ESS5. All affected people who have assets and have access to resources (e.g. waste-pickers) in a subproject site before the COD for that subproject will be eligible for compensation, regardless of their legal status.<sup>9</sup> Eligibility will be determined with regards to the COD, after completion of the census, when the sites for construction of new solid waste management infrastructures such as landfills, materials recovery facilities, composting facilities, among others, have been identified with the accompanying existing dumpsites as associated facilities, and through announcement in the consultations and posting on commune/Sangkat/public boards and/or pagodas in the community. Anyone who occupies any portion of the subproject area after the COD will not be eligible for any compensation or any other assistance.

50. This RPF does not apply to impacts on incomes or livelihoods that are not a direct result of land acquisition or land or resource use restrictions imposed by the Project/subproject.

### **Step by Step Resettlement Process**

51. The Project/subproject will adopt a mitigation hierarchy in line with requirements set out in ESS1 and ESS5, which will:

- Adjust designs to anticipate and avoid impacts on land acquisition impacts and/or restriction of access to resources;

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<sup>9</sup> With formal legal rights to land or assets; without formal legal rights but with recognized or recognizable claim under national law; with no recognizable legal right or claim to land or assets they occupy and use.

- Where avoidance is not possible, minimize or reduce land acquisition and livelihood restoration impacts;
- Inform APs of their right to compensation and the steps in land acquisition and restriction of access in line with this RPF;
- Carry out the land acquisition through negotiated settlement following the procedures described in this RPF; and
- Where land acquisition and/or restriction of access to resources impacts remain, compensate affected people in line with this RPF before civil works begin, with appropriate disclosure of information and available grievance mechanism as described in this document.

52. If suitable land where the solid waste management infrastructures can be constructed on public land and alternative landfills sites are not possible; then land acquisition impacts cannot be avoided and MPWT will inform GDR, as the agency in charge of implementing land acquisition as defined in the SOP-LAR. At least three landfill subproject site options will be assessed and screened by MPWT for involuntary resettlement (IR) impacts.<sup>10</sup> If the subproject will have any IR impacts, MPWT will share the screening report including all technical information and pre-construction site plans of the selected sites concerning the areas to be impacted to GDR. The GDR and MPWT will then conduct joint site visits to review and assess the IR impacts and make suggestions on avoiding or minimizing IR impacts or find another site if IR impacts are large and outweigh the technical aspects of the subproject.

53. The GDR and MPWT will inform the APs along with local authorities of the extent of the land acquisition and/or restriction of access to resources impacts caused by the subproject. Based on the site suitability study for landfill site selection, in the event that land acquisition will be needed, it will be ascertained the numbers of APs that would be affected by involuntary land acquisition and/or restriction of access to resources at any of the sites. Therefore, a census of all the APs, including an inventory of the lost assets and/or restriction of access to resources, can be conducted by the GDR and MPWT. Based on this, GDR will prepare the DRP, including a detailed measurement survey of the land parcels to be acquired APs who will partially or totally lose their source of livelihoods, and a replacement cost study of the assets to be acquired.

### **1.9.1 Cut-off Dates**

54. The Cut-off Date (COD) for eligibility will be set by MPWT as per paras. 46 and 47 above. APs not covered by COD can still be eligible in case they can show proof that they have been inadvertently missed out during the census. The minutes of the consultations meeting with the APs will clearly record and disseminate the COD throughout the subproject area at regular intervals in written and nonwritten forms.

### **1.9.2 Detailed Measurement Survey**

55. A detailed measurement survey (DMS), consisting of census, socioeconomic and inventory of loss (IOL) information, will be conducted by the Inter-ministerial Resettlement Committee Working Group (IRC-WG) assisted by Provincial Resettlement Sub-Committee Working Group (PRSC-WG) and local authorities after the completion of the detailed

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<sup>10</sup> The consultants engaged under the project will assist MPWT with the IR impact screening and prepare the IR impact report.

engineering designs showing the corridor of impact demarcated on the ground, to prepare the inventory of land acquisition impacts and/or restriction of access to resources on the APs, assets, livelihoods and businesses. However, prior to DMS, the IRC-Working Group (IRC-WG) assisted by Provincial Resettlement Sub-Committee and the Provincial Resettlement Sub-Committee Working Group (PRSC-WG) and local authorities with conduct a public consultation meeting to discuss and explain the process of the DMS and explain in detail the DMS Questionnaire and informing the APs that the GRM has been operationalized and fully functional. The APs will be informed about the public consultation meeting and DMS activities in advance in view of the scheduled dates, through Commune and/or Village authorities.

56. The measurement of the land, structures, and other productive assets and livelihoods to be affected by land acquisition and/or restriction of access to resources is carried out during the DMS, which is the basis to determine the compensation package. The measurement is carried out with the full involvement of the APs, to avoid any disputes on incorrect measurements or calculations or underpayment of compensation. The MPWT detailed engineering design and DMS teams will install pegs or markers for the demarcation of the affected land in the corridor of impact in the presence of the APs and carry out the calculation of the land area and other assets or the losses caused to the restriction of access to resources that will be lost or impacted. The land is also classified at this time based on actual land use.

### **1.9.3 Replacement Cost Study and Asset Valuation**

57. The Replacement Cost Study (RCS) is the method of valuation of assets and losses related to the restriction of access to resources at full replacement cost yielding compensation sufficient to replace assets, plus necessary transaction costs associated with asset replacement. Transaction costs include administrative charges, registration or title fees, and any similar costs imposed on APs. The payment of compensation for lost assets is based on market value or at full replacement cost prevailing at the time of the DMS and is calculated and determined by an independent agent and confirmed by GDR.

58. The RCS will be carried out in parallel with the DMS by an independent national consultant with the necessary qualification and experience in asset valuation, as detailed in the SOP-LAR. The RCS will consider, among others, the type of trees and maturity of the tree; the type of materials, their quality and local market value; the costs to transport materials, the income lost by not having access to resources for waste-pickers, etc. based on local conditions. The compensation amount for each AP is calculated based on the DMS of the affected assets in the IOL and applying the unit costs from the RCS report to their measurements to arrive at the replacement costs of the affected assets. The agreement on the compensation package is confirmed under a formal and binding contract between the AP, IRC-WG and PRSC-WGs. If any errors are found during the consultation process, they will be corrected on the spot. Additional complaint procedures are available in the project Grievance Redress Mechanism.

59. A binding legal instrument will be used to record all loss of assets which will be signed by the APs, IRC-WG, PRSC-WG and witnessed by the local authority normally the Commune /Village Chief. The compensation eligible to each affected entity will be determined based on an Entitlement Matrix and the detailed methodology to calculate compensation will be articulated in the DRP. The methods of valuing the affected assets, the losses caused by the

restriction of access to resources and the calculation of the compensation for each eligible AP will be at full replacement cost.

60. The preparation of DRP will follow the procedures above as described in the SOP-LAR and be consistent and in compliance with the WB's ESS5, including the concept of full replacement cost. A sample outline for the DRP, consistent with SOP-LAR and the WB's ESS5, is provided in Annex 2. Key tasks for DRP preparation are summarized in Table 2-5-1. Clearance of DRPs and by the WB will be necessary.

**Table 1.9-1: Summary of Key Tasks by GDR on Detailed Resettlement Plan Preparation, based on the SOP-LAR (2018) and in Compliance with WB ESS5**

Task	Requirements
Institutional Arrangements	<ul style="list-style-type: none"> <li>• Establishment of the IRC and IRC-WG</li> <li>• Establishment of the Provincial Resettlement Sub-Committee and PRSC-WG.</li> </ul>
Detailed Measurement Survey	<ul style="list-style-type: none"> <li>• Demarcation of land and detailed Measurement Survey (100% APs survey, 100% Inventory of Losses, and full Census through DMS Questionnaire)</li> </ul>
Gender and age	<ul style="list-style-type: none"> <li>• Gather gender information and information on age of APs in categories: (i) under 14 years, (ii) between 14 and 18 years and (iii) above 18 years</li> </ul>
Poor and Vulnerable Groups	<ul style="list-style-type: none"> <li>• Update information based on DMS</li> <li>• Determine different categories of poor and vulnerable groups, and the eligibility of each to receive additional assistance package</li> <li>• Finalize the additional assistance package</li> </ul>
Replacement Cost Study (RCS)	<ul style="list-style-type: none"> <li>• Hire external expert to carry out the RCS to determine prevailing market rates to replace lost assets and losses caused by the restriction of access to resources. Methods of valuing affected assets and calculating compensation for each eligible affected person or household will be at full replacement cost.</li> </ul>
Compensation Package	<ul style="list-style-type: none"> <li>• Update the Entitlement Matrix to show the full and complete compensation package that will be made available to the Aps</li> </ul>
Livelihood Restoration Measures <i>(if applicable)</i>	<ul style="list-style-type: none"> <li>• Prepare measures for compensation for temporary loss of livelihoods and livelihood restoration for permanent losses of sources of livelihood caused by the subproject, in consultation with APs to be included in the DRP<sup>11</sup></li> </ul>
Grievance Redress Mechanism (GRM)	<ul style="list-style-type: none"> <li>• Make GRM at the provincial and local level operational</li> <li>• Outline procedures for handling complaints in line with SOP-LAR and provide details to APs during the consultation process. Ensure it is readily accessible and useful to the Aps</li> </ul>
Consultation	<ul style="list-style-type: none"> <li>• Conduct meaningful consultation with APs at the commune level based on the Project's SEP, to inform them of overall entitlements and the method of computation of compensations, as well as the GRM. Seek feedback from them on the resettlement, livelihood restoration and compensation processes</li> <li>• House to house and/or on-site consultations to confirm measurement surveys using DMS Questionnaire.</li> <li>• Consultations with APs on compensation rates prior to signing of contracts</li> </ul>
Monitoring and Reporting	<ul style="list-style-type: none"> <li>• Prepare arrangements, designate roles and responsibilities for monitoring and reporting implementation of the DRP, and reporting requirements</li> <li>• Determine scope of internal monitoring</li> </ul>
Formulation of Budget	<ul style="list-style-type: none"> <li>• Prepare estimates of land acquisition and compensation for losses caused by the restriction of access to resources costs by GDR, including 10% contingency provision and taking into account inflation.</li> </ul>

Source: WB's ESS5 and Based on the SOP-LAR, 2018

<sup>11</sup> Ibid footnote 9



#### **1.9.4 Compensation, other Resettlement/Livelihoods Restoration Assistance and Entitlement Matrix**

61. All APs whose land or other assets are within the area where construction is planned will be eligible for compensation for those lost assets or losses caused by the restriction of access to resources regardless of their legal status. This will include those who have been using state land where construction will occur. This also includes those whose livelihoods will be disrupted temporarily during construction. In cases where APs have legal claims to the land or other assets, compensation will be based on market or replacement rates plus transaction costs (which cover associated fees such as cover fees, relocation costs, transport, labor etc., as applicable).

62. For affected fruit trees, other economic trees and standing crops or income coming from waste-picking, these will be compensated according to the SOP-LAR and the WB ESS5. Where possible, APs will be allowed to harvest crops or continue picking up waste as they did before acquisition or temporary use of the land.

63. For affected businesses due to land acquisition, they will be compensated for loss of income, as well as provided with transport allowances where relevant.

64. For loss of structures or parts of structures (kiosks, fences, etc.), these will be compensated on the principles of replacement cost or moved to a new location. Transport allowances will be provided where relevant.

65. APs whose land is temporarily used during construction will be compensated for loss of income from crops or other assets during the period of construction and land will be restored after construction, if needed.

66. If any APs will lose all or a part of their livelihood due to land acquisition or restriction of access to resources caused by the project activities, livelihood restoration measures will be prepared as part of the DRP and livelihood restoration programs will be implemented. This is to assure those APs that their standard of living is not worse off on account of the subproject and will be restored or will be better off as to pre-subproject level. In case of where the APs are children under the age of 14 years, the definition of impact will include requirements of WB ESS2 and restoration programs will comply with WB ESS5 provision on livelihood restoration and the protection of children and the SOP- LAR.

67. If the acquisition of land or other assets or restriction of access to resources of vulnerable households cannot be avoided, additional assistance will be provided to those poor and vulnerable households as specified in the SOP-LAR.

68. The entitlements to compensation and assistance for APs shall be defined according to Cambodian regulations and in a consistent way with the WB ESS5. Regarding the compensation and assistance, the entitlement shall be categorized based on the eligibility to the loss as stated EM in Table 1.9-2 below. It is noted that for the land acquisition, as part of the landfill site suitability assessment, it appears that mostly agricultural land might be affected through acquisition for the establishment of new landfill and/or expansion and buffer zones of the old landfills.

**Table 1.9-2: Entitlement Matrix**

Category	Type of loss	Application	Categories of AH	Entitlements	Clarification
<b>1a</b>	Loss of Land	Agricultural, residential and commercial land	<b>1. Loss of Land</b>		
			<ul style="list-style-type: none"> <li>Legal owners and holders of real right of land, including those covered by customary rights.</li> <li>Hold a registered land title certificate for residential land plot, that was registered and recognized by the Cadastral Administration Office prior to the Cut-Off Date;</li> </ul>	<ul style="list-style-type: none"> <li>Cash compensation for land at full replacement cost or land swap of equal productive value or in established resettlement area.</li> <li>Security of tenure through the registered land title certificate for the new land plot;</li> <li>Provision of stamp duties, land registration fees for acquiring legal rights and moving and living transition under the RGC's regulations;</li> <li>Includes option of compensation at same replacement cost for affected land that remain after acquisition if remaining land becomes unviable or unusable.</li> <li>For customary ownership, replacement land to sustain livelihood and way of life. Land registration, stamp duty and other fees to register land ownership or right to use will be reimbursed at cost.</li> </ul>	<ul style="list-style-type: none"> <li>If land for land is offered, title will go to both husband and wife</li> <li>Applies to only partial loss of land</li> </ul>
<b>1b</b>	Loss of land		<ul style="list-style-type: none"> <li>Tenants and leaseholders</li> </ul>	<ul style="list-style-type: none"> <li>No compensation for loss of land as not legal owners of land.</li> <li>Tenants and leaseholders will be compensated for any outstanding leases</li> </ul>	
			<ul style="list-style-type: none"> <li>Illegal occupiers/squatters without legal titles or rights to land</li> </ul>	<ul style="list-style-type: none"> <li>No compensation for land loss as not legal owners of land.</li> </ul>	
<b>1c</b>	Loss of land				
<b>2. Loss of Use of Land</b>					
<b>2a</b>	Loss of use of land Loss of crops and	<ul style="list-style-type: none"> <li>Agricultural land or informal land users such</li> </ul>	<ul style="list-style-type: none"> <li>All AHs who are engaged in farming or informal land users</li> </ul>	<ul style="list-style-type: none"> <li>Compensation based on Appendix 6 of the SOP, specifically</li> </ul>	<ul style="list-style-type: none"> <li>RCS will determine the amounts on basis of</li> </ul>

	fruit trees	as grazing	such as cattle grazing farmers	<p>For rice/crop farming: Net annual income X 1 year In addition, AHs can harvest and retain income from standing crop.</p> <p>For fruit trees, Replacement cost of loss based on following formula: [Quantity Harvested per Year) X (Market Price) X (Number of years it will bear fruit)] + Cost of Seedling</p> <p>Perennial trees that have a growth period of more than 5 years are classified as follows: • Sapling Trees under 1 year not compensated as it can be replanted. Cost of seedling provided. • Young Tree (1 to 3 years): Valued at 1/3 of its full price as it can be replanted plus cost of seedlings. • Young Tree (More than 3 to 5 years) bearing some fruits: valued at 2/3 of its full price plus cost of seedlings. • Mature Tree (more than 5 years) full bearing fruits valued at full price plus cost of seedlings.</p>	entitlement matrix • Market price is based on Farming Gate price
2b	Loss of business	<ul style="list-style-type: none"> <li>Businesses and waste pickers who live on waste picking as main source of livelihoods</li> </ul>	<ul style="list-style-type: none"> <li>All Affected Households who are engaged in businesses and as independent waste pickers</li> </ul>	<ul style="list-style-type: none"> <li>Compensation as per Appendix 6 of the SOP</li> <li>Both registered and unregistered businesses and waste pickers compensated except when the nature of business is illegal.</li> </ul>	RCS will determine the amounts based on SOP
<b>3. Loss of Houses and Structures</b>					
3a	Loss of houses and structures	Residential, commercial structures and other assets.	<ul style="list-style-type: none"> <li>Owners of houses, buildings, and structures</li> </ul>	<ul style="list-style-type: none"> <li>Cash compensation equivalent to replacement value of lost portion of the house/building/structure. If the owner rents or</li> </ul>	<ul style="list-style-type: none"> <li>Full replacement cost of the house and security of tenure (i.e., no exposure to</li> </ul>

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				<p>leases, compensation for any improvements/construction carried out by the renter/leaseholder will be deducted from the compensation payment to the owners.</p> <ul style="list-style-type: none"> <li>In case of loss of only part of the houses/buildings/structure and the remaining portion is not livable or useable, compensation will be paid for complete structure at same replacement cost</li> <li>In case houses/buildings are rented/leased, any improvements/construction added by renters and leaseholders will be compensated at replacement cost and paid to renter/leaseholder. Owners will not get compensation for such improvements/construction.</li> </ul>	<p>additional displacement);</p> <ul style="list-style-type: none"> <li>RCS will determine the replacement costs</li> <li>Full compensation in case of partial loss when loss is 75% or more of total floor space.</li> </ul>
<b>3b</b>	Loss of houses and structures	Residential, commercial structures and other assets	<ul style="list-style-type: none"> <li>Tenants and Leaseholders</li> </ul>	<ul style="list-style-type: none"> <li>Cash compensation at replacement cost for any improvements or construction by the tenants or leaseholders.</li> <li>In case of no improvements or construction, no compensation is paid.</li> <li>Transfer/Disturbance Allowance equivalent to 1 month of rental or lease amount.</li> </ul>	<p>RCS will determine Replacement cost.</p> <p>Documentary evidence is required.</p>
<b>3c</b>	Loss of Houses and Structures	<ul style="list-style-type: none"> <li>Residential, commercial structures and other assets</li> </ul>	<ul style="list-style-type: none"> <li>Illegal occupiers/squatters</li> </ul>	<p>Cash compensation equivalent to replacement value of loss of structures constructed by illegal occupier/squatters</p>	<p>RCS will determine Replacement value</p>
<b>3d</b>	Loss of Houses and structures (transport allowance)	<ul style="list-style-type: none"> <li>Transport allowance for household and personal goods</li> </ul>	<ul style="list-style-type: none"> <li>Ahs</li> </ul>	<p>Transitional transport allowance to the new location of the material recovery facility, if owned by the waste pickers/AH, where continued access to waste resources is provided if this material recovery facility needs to be relocated to a new site</p> <p>Fixed Lump Sum allowance per AH based on average cost of transportation to new relocation place.</p>	<p>RCS will determine the actual cost of transportation of the material recovery facility.</p> <p>RCS will determine the lump sum amount for the 2 rates</p>

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<b>4. Loss of Income and Livelihoods</b>					
<b>4a</b>	Loss of income during Transition Period- Subsistence Allowance	<ul style="list-style-type: none"> <li>Loss of income</li> </ul>	<ul style="list-style-type: none"> <li>AHs who lose income during the transition period<sup>12</sup>.</li> </ul>	<ul style="list-style-type: none"> <li>Up to 5 km.</li> <li>More than 5 km.</li> </ul>	Monthly poverty rate as established by RGC
<b>4b</b>	Permanent loss of livelihood source due to physical relocation of the AHs or loss of access to waste resources	<ul style="list-style-type: none"> <li>Loss of income</li> </ul>	<ul style="list-style-type: none"> <li>AHs who lose their source of livelihood permanently<sup>13</sup></li> </ul>	<ul style="list-style-type: none"> <li>Lump sum amounts as per Appendix 6 of the SOP</li> <li>Lump sum amount equivalent to 3 months of income based on the official monthly poverty rate established by RGC.</li> <li>Monthly Poverty Rate X Number of Members in AH X 3</li> <li>In case AH is classified as poor vulnerable group, the above lump sum amount is doubled</li> <li>Entitled to participate in any one of the 3 types of Livelihood Restoration Programs:                             <ul style="list-style-type: none"> <li>Land Based Livelihood Restoration</li> <li>Employment based Livelihood Restoration</li> <li>Business Based Livelihood Restoration</li> </ul> </li> <li>Principle compensation based on Appendix 6 of the SOP and in line with ESS5.</li> <li>Entitled to participate in any one of the 3 types of Livelihood Restoration Programs:</li> </ul>	<ul style="list-style-type: none"> <li>AHs will only be eligible for one of the three categories of types of Livelihood Restoration Programs.</li> <li>Monitoring will be done to determine whether the compensation suffices for livelihood restoration.</li> </ul>

<sup>12</sup> As per the ESMF, the detailed design and site specific ESIA/ESMPs will include construction planning to ensure that the MRFs will be constructed prior to the landfill to ensure continuous access to waste resources.

<sup>13</sup> Ibid footnote 9



### 1.9.5 Vulnerable Groups<sup>14</sup>

69. Considerations for vulnerable persons are the following as provided: (1) Households living below the poverty rate as established by the RGC; (2) Elderly people headed households with no means of support; (3) female headed households with dependents living below the poverty rate; (4) Disabled headed household heads; and (5) Indigenous people (who often have traditional land rights but no formal titles). Disadvantaged or vulnerable also includes to those who may be more likely to be adversely affected by the subproject impacts and/or more limited than others in their ability to take advantage of a subproject's benefits.

70. If acquisition of land, other assets of vulnerable persons or losses in the livelihoods cannot be avoided by the subproject, the DRP will take into consideration their special needs such as special assistance and priority for employment opportunities among others under the subprojects. If lands or other assets of indigenous people (IP) are to be acquired or affected, the DRP should be prepared in accordance with the Indigenous Peoples Plan (IPP) relevant to that community.

71. Special consideration will be provided for child waste pickers under 18 years of age. Details of support measures for waste pickers under 18 years are included in the ESMF and will be implemented by MOI.

### 1.9.6 Livelihood Restoration

72. In case the APs lose any of their sources of livelihood permanently, caused by the restriction of access to resources due to the subproject, a livelihood restoration and support program will be prepared and implemented to assist them in re-establishing their livelihoods. The preparation of the livelihood restoration and support program will be done in consultation and active participation with the APs and based on applicable livelihood restoration measures in the DRP. Depending upon their existing livelihood, the APs would be provided with one of three types of programs as indicated in the SOP-LAR and based on preferences of APs, according to the following:

- Land-based Livelihood Restoration
- Employment-based Livelihood Restoration
- Business-based Livelihood Restoration

73. Each type of program would combine skills training and financial support to assist in the re-establishment of the livelihood<sup>15</sup>.

74. Special attention will be provided to the children who are working as waste pickers which will be confirmed at the DMS Stage. For children working as waste pickers, support shall be provided and administered by MOI in such a way that meets the ESS 2 compliance on child labor and through the measures specified in the ESMF. The full determination of impacted waste pickers, other impacted stakeholder groups and vulnerable groups will be determined during as part of the census and surveys as part of the DRP and ESIA's when the sites for the landfill and waste treatment infrastructure have been determined and on that basis the impact can be assessed.

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<sup>14</sup> See footnote 3

<sup>15</sup> Ibid footnote 9

75. For APs waste pickers who rely primarily on employment for their livelihood and have permanently totally or partially lost that employment as a result of the closure of existing dumpsites and construction, or for APs with land-based sources of livelihood lost due to the restriction of access to waste as a resource for recycling, different type of compensation will be made available for livelihood restoration (based on consultations with waste pickers).

76. For APs who depend upon land-based sources of livelihood and who would lose significant portions of their land will be provided with:

- Alternative agricultural land, if available, introduction of higher value, or of value-added production, and training in farming and related skills specifically designed for their needs.
- Financial support as a lump sum cash grant to assist in re-establishing their livelihood.

77. If no alternative agricultural land is available, or if the APs wish to undertake a new type of livelihood, they will be offered support for other employment-based or business-based livelihood restoration programs.

## INSTITUTIONAL ARRANGEMENTS

### 1.10 MINISTRY OF PUBLIC WORKS AND TRANSPORT

78. The Ministry of Public Works and Transport (MPWT) is the Component Management Unit for the Component 3 (CMU-3) of the Project. However, GDR is the mandated agency to prepare and implement the DRPs based on this RPF and hence, it will implement the activities using its existing institutional setup and departments.

#### 1.10.1 Personnel

##### Component Director

79. The Project Director will be responsible for overall guidance and policy advice, internal coordination, discussion and resolution of Project and subproject matters with counterparts within the ministry and with other government agencies, as well as public disclosure and stakeholder involvement (including other donors and civil society, if relevant).

##### Component Manager

80. The Component Manager at MPWT will provide day-to-day support to the Component Director and be responsible to ensure the Project Operations Manual is followed, environment and social activities are implemented, all consultants follow their terms of reference and delivery schedule, Project and subproject activities are carried out on schedule and within budget, and financial management reports are submitted on time.

##### Social and Environmental Officers

81. The Social and Environment Officers (SEO) of the Component Management Unit-3 (CMU-3) will be responsible for the compliance of the subproject with the environmental and social regulations of the RGC and of the WB ESF, except for the implementation of the activities under the DRP for which GDR shall be responsible.

#### 1.10.2 Role of MPWT

82. When the subproject's detailed engineering design is completed and there are impacts on land acquisition or economic displacement, and/or on livelihoods due the restriction of access to resources, whether permanent or temporary, the Component Manager and SEOs will liaise with the MOI and GDR to ensure timely preparation of Detailed Resettlement Plan<sup>1617</sup>. The SEOs will support and work with GDR by:

- Participating as members of the IRC-WG and assisting the PRSC-WG in carrying out land acquisition and livelihood restoration tasks at the provincial level, including participating in the DMS, consultations with APs, and delivery of entitlements;
- Ensuring that GDR participates and carries out all resettlement and livelihood restoration reviews during project review missions; and,

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<sup>16</sup> Ibid footnote 8

<sup>1717</sup> It is recommended that specialized experts with previous experience with waste-pickers and preferably in Cambodia are engaged to prepare the Livelihood restoration measures.



- Advising GDR on any problems arising from resettlement activities during construction and unforeseen impacts from the construction on livelihoods that may delay the implementation of the Project/subproject.

## **1.11 MINISTRY OF ECONOMY AND FINANCE**

### **1.11.1 Departments and Committees**

#### **Inter-Ministerial Resettlement Committee**

83. The Inter-Ministerial Resettlement Committee (IRC) is the decision making and oversight body for LAR activities and has the mandate to review and evaluate resettlement impacts and land acquisition for public physical infrastructure projects in the Kingdom of Cambodia. The IRC is a collective entity which is permanently chaired and led by the Ministry of Economy and Finance (MEF), and with members from other line Ministries including the Director General of GDR, Deputy Director General of GDR and Director of Resettlement Department.

84. The IRC carries out its responsibilities through the IRC-WG which is established by the MEF for each public investment project. Key responsibilities of the 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 in carrying out the LAR;
- Review and approve the DRP and endorse DRP prior to submission to the World Bank for its review and the approval;
- Initiate the establishment PGRC; and
- Provide overall guidance on implementing rules and regulations for LAR and propose updates as necessary.

#### **General Department of Resettlement**

85. The General Department of Resettlement (GDR) serves as the permanent Secretariat of the IRC and the lead agency for the preparation, implementation, and monitoring and reporting of land acquisition and resettlement activities, carried out through its Resettlement Department (RD). The Director General of GDR has assigned this Project to RD3. The RD3 assigns a team normally headed by Deputy Director to manage the day-to-day tasks for the review of RPF, BRP and preparation of DRP, its implementation and reporting of the progress. The RD3 is the first point of contact and interface with the MPWT and WB for the entire resettlement cycle. The RPF preparation is carried out by MPWT/MOI with the assistance of consultants, under the direction and guidance of GDR. This RPF will be reviewed and endorsed by the GDR before submission to the IRC for approval. The GDR is responsible for all other land acquisition, resettlement and livelihood restoration activities, including preparation of DRPs which also includes livelihood restoration measures, its implementation, establishment and function of the Grievance Redress Mechanism (GRM) for resettlement matters, and preparing the compliance report upon completion of the compensation payment and during implementation of the DRPs. The GDR will carry out activities under the Project/subprojects through its RD3. For this, detailed tasks of RD3 of GDR includes:

- (i) Coordinate and collaborate with line ministries, MPWT, and other agencies involved in LAR activities;
- (ii) Conduct public consultations and FGDs with the affected persons and vulnerable groups;
- (iii) Prepare the DRP and Negotiated Settlement Agreement if applicable for the subproject and submit to WB for review and acceptance;
- (iv) Develop terms of reference and recruit the replacement cost surveyor;
- (v) Prepare and secure the necessary budget for the implementation of the DRP;
- (vi) Calculate, prepare contracts, and make payments for compensation for each AH based on the entitlement matrix in the DRP;
- (vii) Implement all LAR activities in compliance with the DRP;
- (viii) Ensure proper functioning of the GRM;
- (ix) Supervise, monitor, and report MPWT on implementation progress of the DRP;
- (x) After the payment of compensation and other entitlements is completed, prepare and submit to MPWT with a copy to WB the DRP implementation compliance report and Land Handover Letter to obtain “no objection” for civil works;
- (xi) Prepare and submit to Department of Internal Monitoring and Data Management (DIMDM) of GDR monthly progress reports on the implementation of DRP;
- (xii) Prepare, agree with WB and implement corrective action plan, if any, during implementation; and submit the corrective action plan implementation report to WB for concurrence and disclosure;
- (xiii) Conduct awareness workshops for MPWT, line ministries, local authorities, and construction contractor on the implementing rules and regulations as specified in the DRP; and
- (xiv) Serve as the focal knowledge center for resettlement of the Project or subprojects.

86. In addition, the DIMDM of GDR is responsible for carrying out the internal monitoring of the implementation of the DRP and the verification and validation of the compliance of the entitlements and compensation payments with the provisions of the entitlement matrix in the DRP. Its role extends to internal verification of all LAR activities for compliance with the provisions under the agreed DRP and reports directly to the Director General of GDR. In addition, it records and reviews all complaints and grievances submitted by displaced persons; investigates them and makes recommendations on compliance to the Director General of GDR. The DIMDM of GDR will prepare the quarterly progress report and semi-annual monitoring reports submit to MPWT to WB, respectively.

#### **Inter-Ministerial Resettlement Committee Working Group**

87. The Inter-Ministerial Resettlement Committee Working Group (IRC-WG) is responsible for the day-to-day land acquisition activities under the Project/subproject. For this Project, the IRC-WG will led by the Deputy Director/Chief of the RD3 of the GDR and comprise the technical staff of the PMU of MPWT, staff of RD3 and and staff of Ministry of Land management, Urban Planning and Construction. The IRC -WG is responsible for all the field work under the supervision of the Director of the RD3 while the Director General of the GDR is responsible for the overall guidance and direction.

### **Provincial Resettlement Sub-Committee**

88. The Provincial Resettlement Sub-Committee (PRSC) is established by the Provincial Governor at the request of the IRC for each subproject and is comprised of (i) the Provincial Governor or the Deputy Provincial Governor as the head, (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 subproject as members. The Provincial Resettlement Sub-Committee is tasked to perform the following roles:

- Provide coordination and support to the GDR, IRC and IRC-WG for land acquisition and livelihood restoration activities at the local level;
- Ensure all relevant provincial and local government authorities provide the necessary support for land acquisition and livelihood restoration;
- Manage public consultation meetings at the Provincial Level; and,
- Responsible and accountable for the disbursements of the compensation payments at the provincial level.

### **Provincial Resettlement Sub-Committee Working Group**

89. The Provincial Resettlement Sub-Committee Working Group (PRSC-WG) is established by the Provincial Governor and is mainly responsible for performing the technical functions of the PRSC and works with the IRC-WG in carrying out the land acquisition and livelihood restoration activities at the provincial level. In addition to supporting the PRSC, the PRSC-WG must perform the following tasks:

- Facilitate all public consultation and information disclosure meetings and maintain records;
- Cooperate with IRC-WG in carrying out DMS and IOL and in the implementation of the approved DRP;
- Lead the payments of compensation; and
- Prepare monthly progress reports on all land acquisition activities at the provincial level to be submitted to the PRSC and the GDR.

### **Cadastral Administration Office**

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

### **The concerned local administrative authorities (district, commune, and village)**

91. The districts, communes, and villages where the subproject is located will coordinate and work closely with the PRSC-WG and IRC on the DRP preparation and implementation. Their roles and responsibilities include:

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

## **GRIEVANCE REDRESS MECHANISM**

92. A Grievance Redress Mechanism (GRM) will be established by the Provincial Governor in consultation with the IRC specifically to resolve concerns relating to unfair and unjust compensation like inadequacy entitlement, and compensation; inadequacy in detail measurements; and the errors in computation of compensation payments. Complaint regarding legality of the laws, and regulations, the compensation and related policies are not entertained or handled under the GRM.

93. Grievances or concerns relating to issues other than land acquisition, or the resettlement and livelihood restoration process should be referred to the specific subproject GRM for LAR described this RPF and in the Stakeholder Engagement Plan (SEP).

### **1.12 PROVINCIAL GRIEVANCE REDRESS COMMITTEE**

94. In provinces where the Project would require acquisition of land or loss of livelihoods, a GRM will be set up to handle complaints concerning unjust compensation, inadequate entitlements, inaccurate detailed measurements, errors in computing compensation payments, and other matters relating to the resettlement and livelihood restoration process and measures.

95. The Provincial Grievance Redress Committee (PGRC) will be established by the Provincial Governor in consultation with and facilitated by the GDR through the IRC.

96. The PGRC will consist of representatives from relevant provincial authorities and the MEF:

- Chair: Provincial Governor, or person appointed by the Provincial Governor
- Vice Chair: Director of Provincial Department of Land Management, Urban Planning and Construction
- Member: Director of Provincial Department of MEF
- Member: Chief of Provincial Office of Law and Public Security
- Member: District Governor or his/her representative
- Member: One Representative of a Local-Based Civil Society Organization

### **1.13 STEPS IN THE GRIEVANCE REDRESS MECHANISM (GRM)**

#### **1.13.1 Informal Resolution: Local Consultation with Provincial Resettlement Sub-Committee Working Group (PRSC-WG)**

97. Prior to submitting a formal complaint, aggrieved AP will be encouraged first to try to resolve their issues directly with the leader of the PRSC-WG. The AP should seek the assistance of their village or commune chief or other community elder to discuss the matter with the leader of the PRSC-WG, to try to find an amicable solution. The grievance can be made orally; the AP does not need to submit a formal written complaint at this stage. However, the complaint will be logged and how it was resolved (or not) will be recorded as part of the grievance records and subproject monitoring process.

98. The PRSC-WG will consult with the IRC-WG to ensure the grievance is properly addressed. However, if the grievance is not resolved to the satisfaction of the AP or in case the AP prefers, s/he may seek the formal route, described below, to lodge the grievance.

### **1.13.2 Formal Process**

99. The formal GRM requires written complaints (or comments / suggestions). While the GRM will allow for anonymous complaints to be raised and addressed, APs will be advised that anonymous complaints relating, for example, to specific entitlements may take longer to resolve without sufficient details. There may be instances, though, where anonymous complaints are appropriate and will be accepted. Such complaints will be addressed directly by the GDR, and if the matter is not resolved, the complaint will be forwarded to the third step of the GRM to the Provincial Grievance Redress Committee for resolution.

#### **First Step: District Level**

100. The aggrieved AP can lodge a written complaint to the Head of the District Office where the subproject is located. The AP can bring a community elder or representative to mediate the matter at the District level. The IRC working group will appraise the Head of the District Office about the issue. A conciliation meeting must be held, and a decision taken within 15 working days after the date of registration of the complaint by the District Office. If the complaint is resolved at the District Level to the satisfaction of the AP, the IRC-WG will inform the DIMDM of GDR, which will review and seek the approval of the Director General, GDR for appropriate remedial action. The AP will be informed in writing by the GDR of the decision and the remedial action that will be taken within 15 working days from the receipt of the letter from the District Office. If the complaint is rejected at this stage, the District Office will inform the AP in writing and if the AP is not satisfied with the result, she / he can proceed to the next step and lodge a written complaint to the GDR for resolution.

#### **Second Step: GDR**

101. The DIMDM of GDR will carry out a holistic review of the complaint and submit a report on its findings with the relevant recommendations to the Director General of the GDR for a decision. It may also conduct a field visit to meet the aggrieved AP and the IRC working group to gather relevant information. The final report must be completed within 30 working days from the date of receipt of the complaint and submitted to the Director General of the GDR for a decision within 5 working days of receipt of the final report. In the event that the subject matter requires policy level intervention, it will be referred to the IRC for a decision, in which case 10 more working days will be added to the deadline for the final decision by the Director General of the GDR.

102. It should be noted that in the case of an anonymous complaint, the matter will be taken up immediately by the GDR, omitting the First Step. If at this stage the AP continues to wish to be anonymous, s/he have a representative present the case.

#### **Third Step: Provincial Grievance Redress Committee**

103. If the AP does not agree with the decision at the second step, s/he will submit a written complaint to the PGRC through the Provincial Governor's Office. The AP or a representative will be given an opportunity to present the case during the meeting, and the PGRC may

consider any compelling and special circumstances of the AP when reaching a decision. The GDR will send a representative, as a non-voting member, to provide an explanation of the decision by the GDR in the second step.

104. The decision of the PGRC must be reached on a consensus basis and will be final and binding except when the matter relates to any policy of the Government. Decisions on Government policy matters on land acquisition and resettlement are decided by the IRC. The PGRC will have 40 working days from the date of receipt of the complaint to reach a final decision. The decision of the PGRC will be sent to the IRC through the GDR for endorsement before taking any remedial action.

105. The handling of the complaint under the GRM ends at the Third Step. There are no fees or charges levied on the AP for lodging the complaint or processing of the complaint under the First, Second and Third Steps. However, as provided for in the Expropriation Law, if the AP is not satisfied with the decision at the Third Step, the aggrieved AP can file a suit at the Provincial/Municipal Courts, as applicable, to seek a resolution. The AP will be made fully aware that such actions will be at the cost of the AP. At this stage, the GDR, PRSC, and IRC-WG will not be involved, unless there is a judicial order from the competent courts.

## **FUNDING AND IMPLEMENTATION ARRANGEMENTS**

### **1.14 BUDGET AND FINANCING**

106. The budget for land acquisition and resettlement, as well as any livelihood restoration and support program, will be prepared after the DMS and RCS are completed and included in the DRP. The budget is financed by the counterpart funds allocated from the national budget by the RGC.

107. The GDR will be responsible and accountable for all financial management functions relating to the use of the budgeted funds. The funds for land acquisition and livelihood compensation are provided to the GDR from the Counterpart Funds Account. Livelihood support activities can also be financed from the Project funds. Once the budget is approved by the MEF, the funds are released by the General Department of Treasury and deposited into a project designated account established by the GDR for the Project in the National Bank of Cambodia. Following an internal process, 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 APs.

### **1.15 IMPLEMENTATION SCHEDULE**

108. The procurement of civil works will commence once project sites have been selected and after the detailed construction designs have been completed, the demarcation of land is completed jointly by the MPWT and the GDR, and the cut-off date has been announced and disseminated as described in this RPF.

109. It can be expected that, in the event of land acquisition, there would be APs, and the detailed measurement survey (census and inventory of loss) will be undertaken as soon as the amount and location of land requirements are known on the basis of the detailed designs. The preparation of the DRP and its approval by the IRC and clearance by the WB is expected within 3 months thereafter. After approval of the budget and release of funds, compensation payments should be completed in no later than 2 months.

110. Civil works can commence only after compensation payments at full replacement cost and other entitlements have been provided to the APs, and an income restoration program, where applicable, supported by an adequate budget is in place.

111. In case any AP refuses the compensation payment or if complaints have been lodged for resolution under the GRM, civil works should commence only after the issues are resolved. If the Project determines the delay would be excessive, if for example the AP takes the matter to the courts, the Project may decide that civil works can commence, in which case funds should be put in a separate account on hold for the AP. If any assets are damaged during construction by the civil works contractor, the contractor will be required to restore the damaged assets to their original or higher standard.

## **INFORMATION DISCLOSURE AND CONSULTATIONS**

112. Keeping APs and the general public informed about the Project, its expected benefits and potential impacts is crucial. Disclosure of relevant project information helps the APs and other stakeholders to understand the risks, impacts and opportunities of the development project. Meanwhile meaningful dialogue in consultations can avoid the potential for conflicts, address the concerns of persons to the extent possible, avoid bottlenecks to minimize project delays and contribute towards mitigating adverse impacts. The consultation and disclosure activities are specified in the SOP and should be consistent with WB ESS10 including requirements for meaningful consultation and two-way dialogue, and the requirements of the Project's SEP.

### **1.16 INFORMATION DISCLOSURE**

113. The RPF is disclosed at the national-level on the MPWT and MOI website and World Bank website (TBC). The RPF is be consulted on and disclosed in national-level consultations, as per guidelines in the SEP, ahead of the WB project appraisal (TBC).

114. Once subproject sites for construction are identified and screened for land acquisition impacts and/or where restriction of access to waste as a resource is expected, consultations and disclosure for the components that do not entail land acquisition will follow guidance in the SEP.

115. For cases where there are land acquisition impacts or restriction of access to waste as a resource as a result of construction, relevant stakeholders would be consulted and the proposed project information explained to them in Khmer language and a Project Information Brochure (PIB) distributed to them. The PIB covers the following:

1. The purpose, nature and the scale of the project/subproject;
2. The location of the project/subproject and project/subproject components;
3. The duration of project/subproject activities;
4. The corridor impacts, right of way, timing of detailed measurement survey, eligibility, entitlements and compensation, replacement cost study, and the timing of the establishment of the grievance redress mechanism;
5. Potential risks and impacts of the project/subproject on local communities, and proposals for mitigating these, highlighting potential risks and impacts that might disproportionately affect vulnerable and disadvantage groups and describes the differentiated measures taken to avoid or minimize them; and
6. Names and contact details of key persons on land acquisition, resettlement, and livelihood.

116. The disclosure of relevant information will be made in a timely manner in places accessible to APs and the communities and in Khmer language and, if in an EM/IP community, in the local language. Information disclosed to APs relevant to land acquisition will be done through the PIB at first consultation stage, at second consultation stage at the time of the DMS, and at third consultation stage at the offer of the contracts. The RPF and the DRPs without sensitive personal information, will also be disclosed on the MOI, MPWT and the WB websites.



### **1.17 CONSULTATION AND PARTICIPATION FOR COMPONENTS INVOLVING LAND ACQUISITION AND IMPACTS TO LIVELIHOODS**

117. Consultations will begin early, once the subprojects that might require land acquisition are identified. These consultations will be led by the SEO with the participation of GDR, who will work with the community to determine if there are alternative sites available with less land acquisition impacts that were not yet considered during the initial pre-construction planning. Priority will be given to identify and acquire government owned land for each subproject, if suitable as determined from landfill site suitability analysis.

118. Once it is determined that some land acquisition, loss of productive assets will occur or restriction of access to waste as a resource, all the APs will be informed of their rights to compensation and other entitlements (if relevant), and livelihood restoration options (if relevant), as well as the process for grievance redress and the proposed design and construction schedule. Key concerns raised by APs will be recorded in the minutes of the meeting in summary form and incorporated in the land acquisition and resettlement process as much as possible. The consultation process will consist of several rounds, as set forth in the SOP-LAR and will be ongoing until the process is completed.

119. Key stakeholders will be identified in the consultation process for land acquisition and/or livelihood restoration and will include the following:

- APs, with special attention to waste pickers, specifically women and children working as waste pickers, poor and vulnerable people, and Indigenous Peoples (if applicable in the affected area);
- MPWT and its Provincial and District Offices;
- IRC and GDR, including IRC working group and Provincial Resettlement Sub-Committee working group;
- Provincial and Local authorities (District/Khan, Commune/Sangkat Councils and Village Offices), including representatives of women's groups;
- Community members with school-aged children; and
- Civil Society Organizations, specifically representing waste pickers.

120. The first round of consultation will be to introduce the project and subproject, its aims, benefits, impacts and the land acquisition and livelihood restoration process. The PIB prepared by MPWT and endorsed by GDR will be shared and made available to the affected community and APs at the commune/village council office in the subproject area. It will also be distributed, read out and explained in detail to all the attendees during the meeting. The GRM procedures and processes will be introduced to APs and their views on the subproject will be sought.

121. The second round of consultation will focus on subproject impacts and will be undertaken jointly by IRC-WG and PRSC\_WG assisted by local authorities. As updated by GDR, the PIB will contain additional information on entitlements, GRM and the DMS and IOL process. This consultation will take place with APs and relevant authorities, such as village/commune leaders or village elders, before the start of the DMS. The entitlements and DMS Questionnaire which also includes SES will be discussed and explained in detail to the APs. The purpose is for the APs to confirm the loss of assets and the measurements and fully understand the basis on which the compensation will be paid for the lost assets and other

entitlements. The GRM procedures will also be shared and discussed. The APs will be informed that the GRM has been operationalized and fully functional.

122. The third round of this public consultative meeting will be held prior to the signing of the agreement or contract for the compensation package and will be undertaken jointly by the IRC-WG and PRSC-WG. At this stage, the DMS and the RCS are completed, the compensation package for each AP is known and draft contracts will be prepared. In this consultative meeting, the following are to be explained: the PIB for compensation package, schedule for contract signing and legal requirements to receive compensation payments (national ID, evidence of land ownership). APs will be provided the option to sign the contract during the consultation or will be given three (3) working days to submit the signed contract to the IRC working group through the village council office.

123. If any APs are unable to participate in the meeting, best efforts will be made to visit them at their homes, their workplace or seek the assistance of the village office to contact them.

124. Additional formal consultative meetings will be conducted when the compensation payments will be ready to be disbursed. This consultation will be undertaken jointly by the IRC-WG and PRSC-WG. The schedule for compensation payments will be disclosed to the APs at least one week in advance through the commune/village office.

125. The consultation meeting is held at commune or village and prior to the commencement of compensation payments, the APs are informed about the GRM and the procedures to follow in case they have any complaints about the compensation payments.

126. Compensation payments are made on household-to-household basis and each AP is provided an opportunity to seek clarifications about the compensation package prior to receiving the payment. Consideration will be provided for multiple families residing in the same households, especially those who decide to split, include gender consideration for compensation payments.

## MONITORING AND REPORTING

127. While the MOI will be responsible for monitoring the overall implementation of the proposed Project, the MPWT will be responsible for monitoring and reporting for Component 3 and GDR will be responsible for monitoring and reporting of the implementation of the land acquisition, resettlement and livelihood restoration activities in the DRP.

### 1.18 INTERNAL MONITORING

128. The objectives of the internal monitoring which will be conducted by the DIMDM of GDR are the following:

- a) Measure and report on the progress in the preparation and implementation of the DRP;
- b) Identify problems and risks, if any, and the measures to mitigate them; and
- c) Assess if the compensation and rehabilitation assistance are in accordance with the provisions under the DRP.

129. The DIMDM of GDR will be responsible for carrying out the internal monitoring. The DIMDM will review the quarterly progress reports provided by the RD3, including fielding its own missions to verify the progress and the validity of the data and information, as necessary. The DIMDM will validate that the (i) entitlements and the corresponding compensation are paid in accordance with the EM in the DRP; and (ii) the GRM is functioning according to guidelines. The quarterly progress report will be based on the indicative internal monitoring indicators are described in **Annex C**.

130. As long as land acquisition and resettlement activities are still being implemented, the GDR will provide MOI and MPWT a quarterly progress report and submit a semi-annual monitoring report to the WB. There will be one monitoring report covering all subprojects requiring land acquisition, resettlement, and livelihood restoration under this Project.

## ANNEXES

### ANNEX A: SCREENING FORM FOR LAND ACQUISITION, RESETTLEMENT AND LIVELIHOOD RESTORATION

Name of Commune / Village		
District		
Province		
Name of Person Completing Form		
Position of Person Completing Form		
Contact information address		
Contact information telephone		
Marital status		
Number of children		
Relations to the head of the family (father, mother, son, daughter)		
Number of dependents financially		
Other family members that work		
<b>SECTION 1</b>		
1.1. Is the land to be used for the new solid waste management infrastructure facilities owned entirely by MPWT or by another government agency?	Yes	No
<b>If 'Yes', skip Section 2 and go directly to Section 3. If 'No', proceed to Section 2.</b>		
<b>SECTION 2</b>		
2.1. Is any of the land owned by individuals or households? <i>Note: The land does not need to have official ownership deeds, but can be recognized by the community as owned by individuals/households.</i>	Yes	No
2.1.1. If 'Yes', about how many individuals or households?		
2.1.2. About what size is the area?		
2.2. Is any of the land considered community property?	Yes	No
2.2.1. If 'Yes', about what size is the area?		
<b>If answered 'Yes' to any of the questions in Section 2, please discuss this with Project CMU and refer to Section 2.5 of this RPF.</b>		
<b>SECTION 3</b>		
3.1. Is anyone living on the land (even if it's not their property)?	Yes	No
3.1.1. If 'Yes', how many individuals? Or households?	No. of Indi.:	No. of HHs
3.2. Is anyone using the land for agriculture (even if it's not their property)?	Yes	No
3.2.1. If 'Yes', how many individuals? Or households?	No. of Indi.:	No. of HHs
3.3. Is anyone using the land for another non-agriculture type of livelihood?	Yes	No
3.3.1. If 'Yes', what type of use?		
	No. of Indi.:	No. of HHs

3.3.2. If 'Yes', how many individuals? Or households?		
3.4. Is anyone using the land for any other purpose?	Yes	No
3.4.1. If 'Yes', what type of use?		
3.4.2. If 'Yes', how many individuals? Or households?	No. of Indi.:	No. of HHs
<b>If answered 'Yes' to any of the questions in Section 3, please discuss this with Project CMU and refer to Section 2.5 of this RPF.</b>		
<b>SECTION 4</b>		
4. 1 Is anyone using the dumpsite site for their source of income and livelihood?	Yes	No
If 'Yes', how many individuals? Or households?	No. of Indi.:	No. of HHs
Background information on possible Affected Persons working at waste pickers at the dumpsite		
Work location _____		
Date of starting work _____		
Work conditions _____		
Fulltime from _____ to _____		
Part time from _____ to _____		
Fulltime in certain seasons from _____ to _____		
Part time in certain seasons from _____ to _____		
Days off _____		
Average daily income during workdays _____		
Key areas of expenditures _____		
Other jobs: Yes/No _____		
Description of other work _____		
Average daily income from other work _____		
4. 2 Are there any other people whose source of income and livelihood are impacted by the project?	Yes	No
If 'Yes', how many individuals? Or households?	No. of Indi.:	No. of HHs
Background information on possible Affected Persons working at waste pickers at the dumpsite		
Work location _____		
Date of starting work _____		
Work conditions _____		
Fulltime from _____ to _____		
Part time from _____ to _____		
Fulltime in certain seasons from _____ to _____		
Part time in certain seasons from _____ to _____		
Days off _____		
Average daily income during workdays _____		
Key areas of expenditures _____		
Other jobs: Yes/No _____		
Description of other work _____		
Average daily income from other work _____		
<b>If answered 'Yes' to any of the questions in Section 4, please discuss this with Project CMU and refer to Section 2.5.6 of this RPF</b>		

## ANNEX B: OUTLINE OF DETAILED RESETTLEMENT PLAN

Scope of requirements and level of details of the Detailed Resettlement Plan vary with the magnitude and complexity of resettlement and the below is an indicative outline. If the impact is small, it can be a compact DRP proportional to the impacts. As indicated in the SOP-LAR, the outline of the Detailed Resettlement Plan<sup>18</sup> is provided in **Table B-1**.

**Table B-1: Detailed Resettlement Plan Outline**

<b>A. Executive Summary</b>	Provide a concise statement of project scope, key survey findings, entitlements and recommended actions.
<b>B. Project Description</b>	<ul style="list-style-type: none"> <li>• Describe the project and project components that result in land acquisition, involuntary resettlement, or both and identify the project area [This is same as the description in Detailed Resettlement Plan.</li> <li>• Set out the measures taken to void or minimize resettlement and economic displacement.</li> </ul>
<b>C. Scope of Land Acquisition, Resettlement and Economic Displacement</b>	<ul style="list-style-type: none"> <li>• Discuss the project's impacts and includes maps of the areas or zone of impact of project components or activities.</li> <li>• Describe the key principles that will be followed in the implementation of the Involuntary Resettlement under the Project [Same as the description in RPF].</li> <li>• (Describe DMS and the methodology used for the Inventory of Losses, Census, and establishment of the Cut-Off-Date for eligibility [Refer to DMS Questionnaire, Appendix 5 of SOP].</li> <li>• Replacement Cost Study and Unit Rates.</li> <li>• Summarize the key effects in terms of assets acquired and affected persons [All categories of assets-Land and Structures, Waste pickers, waste pickers ,&lt;14 years and waste pickers &gt;14- &lt;18 years, Crops and Trees, Businesses &amp; All categories of APs- Non- Poor, Poor and Vulnerable; Indigenous and Ethnic Minorities, Women].</li> </ul>
<b>D. Socioeconomic Information and Profile</b>	<p>Outline the results from the 100% SES, Census, IOL (from DMS Questionnaire) with information and/or data disaggregated by gender, children groups, vulnerability, and other social groupings, including:</p> <ul style="list-style-type: none"> <li>• Describe the methodology used for SES (DMS Questionnaire and House to House Interviews) [same as described in RPF].</li> <li>• Identify, and enumerate the people and communities to be affected.</li> <li>• Provide the summary of socio-economic status in tabulated form (income level, income/livelihood sources, and other data collected in the DMS Questionnaire) disaggregated by gender, vulnerability, widow/women/disabled headed and other social group.</li> <li>• Describe the main social impacts.</li> <li>• Describe the impacts on poor, vulnerable, children, indigenous people and ethnic minorities and other vulnerable groups</li> </ul>
<b>E. Information Disclosure</b>	<ul style="list-style-type: none"> <li>• Describe the consultation and participation mechanisms used during the preparation of the Detailed Resettlement Plan.</li> <li>• Describe the contents of PIB.</li> <li>• Summarize the results of consultations with affected persons (including host communities), and discusses how concerns raised and suggestions made were addressed in the Detailed Resettlement Plan.</li> <li>• Confirm the disclosure of the draft detailed resettlement plan to affected persons and include arrangements to disclose any subsequent updated plans, if needed.</li> </ul>
<b>F. Grievance redress Mechanism</b>	<ul style="list-style-type: none"> <li>• Describe legal framework for Grievance Redress [Same as described in RPF].</li> </ul>

<sup>18</sup> As per definition in the Standard Operating Procedures (SOP) of the Ministry of Economy and Finance, Detailed Resettlement Plan is prepared when detailed designs or land demarcation have been completed and the full impacts following a detailed measurement survey are known. Also referred to as Full Resettlement Plan or Resettlement Action Plan. Where a Basic Resettlement Plan has been prepared, the Detailed Resettlement Plan is an update of the Basic Resettlement Plan.

	<ul style="list-style-type: none"> <li>• (Describe the mechanism for grievance redress for the Project [Same as the description in RPF</li> <li>• Describe the composition of the Provincial Grievance Redress Committee [Same as the description in RPF].</li> <li>• Mention Guidelines for GRM Procedures [Refer to Appendix 8 of the SOP].</li> </ul>
<b>G. Entitlements, Assistance, and Benefits</b>	<ul style="list-style-type: none"> <li>• Describe the legal framework for compensation policy [Same as description in RPF].</li> <li>• Define the entitlements and eligibility [Same as description in RPF].</li> <li>• Describe the public and AP consultations for compensation [Reproduce from SOP].</li> <li>• Provide Entitlement Matrix [Standard from SOP and as per the RPF].</li> <li>• Describe the special/additional assistance for the poor and each category of vulnerable groups.</li> <li>• Describe income support program, if any.</li> </ul>
<b>H. Relocation</b>	<ul style="list-style-type: none"> <li>• Describe the need for relocation, criteria for selection, and the number of APs to be relocated (if any).</li> <li>• Describe alternatives for resettlement sites considered and basis for selection of sites for the Project (give location).</li> <li>• Describe availability of access to schools, health centers, water, power, markets, employment/livelihood opportunities, road connectivity. Also describe the host communities.</li> <li>• Describe the size of land plot, legal arrangements for regularizing tenure and land title, and the plans for provision of basic civic infrastructure.</li> <li>• Describe the entitlements (transport allowances, income support/income support program).</li> <li>• Schedule for site development and relocation.</li> </ul>
<b>I. Livelihood Restoration</b>	<ul style="list-style-type: none"> <li>• Describe the legal framework for compensation policy [Same as description in RPF].</li> <li>• Define the entitlements and eligibility [Same as description in RPF].</li> <li>• Describe the public and AP consultations for compensation</li> <li>• Provide Entitlement Matrix</li> <li>• Describe the special/additional assistance for the children, poor and each category of vulnerable groups.</li> <li>• Describe livelihood restoration support</li> </ul>
<b>J. Budget and Financing Plan</b>	<ul style="list-style-type: none"> <li>• Budget estimates and breakdown for all resettlement and livelihood restoration activities</li> <li>• Describe the flow of funds</li> <li>• Financing Source</li> </ul>
<b>K. Institutional Arrangements</b>	<ul style="list-style-type: none"> <li>• Institutional arrangements and role and responsibilities [Reproduce from SOP]</li> <li>• Implementation capacity and implementation support, if any</li> </ul>
<b>L. Implementation Schedule</b>	<ul style="list-style-type: none"> <li>• Schedule for Construction works</li> <li>• Implementation schedule for key resettlement activities</li> </ul>
<b>M. Monitoring and Reporting</b>	<ul style="list-style-type: none"> <li>• Institutional arrangements for monitoring and reporting [Same as description in RPF]</li> <li>• Internal monitoring [Same as description in RPF]</li> <li>• External monitoring, if any [Same as description in RPF]</li> </ul>

## ANNEX C: INDICATIVE INTERNAL MONITORING INDICATORS FOR DETAILED RESETTLEMENT PLANS

**Table C-1: Indicative Internal Monitoring Indicators for Land Acquisition and Livelihood Restoration**

Purpose	Activities	Monitoring Indicators
Identification of compensation recipients and type of recipients	Verify list of compensation recipients against eligibility criteria for compensation	Number of Project Affected Persons eligible for compensation and number of Project affected persons in list of compensation recipients who do not meet eligibility criteria (included in error)
	Identification of persons who may claim eligibility for compensation but are not included in list of compensation recipients. Separate verification should be performed for each claim.	Number of persons who meet eligibility criteria but not included in list of compensation recipients (excluded in error)
	Type of Project affected persons	Number of vulnerable Project affected persons (including number of women as part of the Project affected Persons),  Number of children affected persons in categories < 18 and >14 - < 18 years categories as part of the Project affected Persons  Number of Project affected persons receiving livelihood restoration assistance  Number of children affected persons receiving livelihood restoration assistance in the different age categories as above
Verification of affected area and assets	Confirmation of area of affected assets, but with legal ownership and without, against the Detailed Resettlement Plan	Area of land subject to acquisition, for which compensation has been paid
		Area of other assets subject to acquisition, for which compensation has been paid
Verification of compensation amount, processing and payment	Examination of financial documents	Number of persons who received compensation in time and in full amount, disaggregated by compensation type
	Identification and analysis of reasons for compensation not being paid in full and in time	Number of persons who did not receive compensation in time and in full, disaggregated by compensation type
	Identification of reasons for which funds for compensation have been under- or overspent	Amount of funding allocated for payment of compensations  Rate of spending of funds actually allocated for compensation, as % of amount envisioned in the Detailed resettlement plan
Verification of compensation timeline	Identification of reasons payment of compensation is delayed (i.e., inheritance issues, court case)	Number of persons who received delayed compensation, disaggregated by compensation type and reason for delay; and any changes in amount of compensation (if any)
Verification of consultation and participation	Determine level of involvement and reasons for inadequate participation Information on the stakeholder engagements and public consultations	Number of compensation recipients participating in consultations and coordination meetings at each stage of land acquisition / resettlement process Information on the stakeholder engagements and public consultations.
	Examination of grievance cases; analysis of disputes and complaints content and the resolution of conflicts	Number of complaints received and actions taken  Number of complaints resolved and actions taken