Ministry of Industry Mines and Energy of the Royal Government of Cambodia and the International Development Association (World Bank)

Rural Electrification Strategy and Implementation Programme

Resettlement Policy Framework and Procedural Guidelines
August 2001
Rural Electrification Strategy and Implementation Programme

Resettlement Policy Framework and Procedural Guidelines

Prepared for
Ministry of Industry Mines and Energy of the Royal Government of Cambodia
and the
International Development Association (World Bank)

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1.0 Introduction and Scope

1.1 Background

Meritec Limited (Meritec) of New Zealand, with the assistance of Khmer Consultant Engineering Corporation Limited (KCEC) of Cambodia, is helping the Ministry of Mines and Energy (MIME) of the Royal Government of Cambodia (the Government) and the International Development Association (the Bank) prepare a rural electrification (RE) strategy and implementation programme for Cambodia. The services are being provided as part of the preparation of the Cambodia Rural Electrification and Transmission Project (the Project). Our findings and recommendations for the strategy have been presented separately in draft form and are now being finalised. In conjunction with this, we assisted the Government and the Bank with the formulation of a suitable grid-supplied sub-component for inclusion in the RE component of the project. We also reviewed the other RE sub-components in order to ensure that the overall content of the RE component of the project was matched to the overall RE objectives being developed in the strategy.

1.2 This Report

As part of the preparation of the RE strategy, Meritec prepared and presented in December 2000 / January 2001 a second draft report entitled “Draft Policy Framework and Procedural Guidelines for Resettlement and Compensation”. It discussed “available frames to address resettlement, compensation and rehabilitation tasks in RE projects in Cambodia, including needed modification of current laws to develop resettlement action plans fitting WB OD 4.30 on involuntary resettlement.”

An earlier draft of the report was reviewed by Bank staff and the report is now presented in its final form inclusive of agreed changes reflecting the likely final RE strategy.

1.3 Definition of Terms Used

For the purpose of this report, “Project” means the Bank’s proposed RE and Transmission Project; “RE Component” means the RE component of the Project; “grid component” means the grid-supplied sub-component of the RE component of the Project; and “other RE components” means the other RE sub-components of the Project. Other terms used in this report are:

Compensation: Payment in cash or in kind for the replacement cost of the acquired assets.

Eligibility: Fit or entitled to be chosen. Those eligible are PAF who will experience negative impacts on their assets and livelihoods as a result of the project.

1  Taken from our Terms of Reference.
Entitlement: Just claims. These claims are defined in the Resettlement and Compensation Policy and are made to PAF who are eligible for compensation. They include a range of measures comprising compensation, income restoration, transfer assistance, income substitution, and relocation which are due to affected people, depending on the nature of their losses, to restore their economic and social base.

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

Project Affected Family (PAF): All members of a household residing under one roof and operating as a single economic unit, who will be adversely affected by the project, or any of its components.

Project Affected Person (PAP): Any person who, on account of the execution of the Project, or any of its components or sub-projects would have their:

(i) right, title or interest in any house, land (including residential, agricultural and grazing land) or any other fixed or movable asset acquired or possessed, in full or in part, permanently or temporarily; or
(ii) business, occupation, work, place of residence or habitat adversely affected; or
(iii) standard of living adversely affected.

Rehabilitation: Re-establishing incomes, livelihoods, living and social systems.

Relocation: Compensatory measures provided under the Policy Framework other than the payment of the replacement cost of acquired assets. Rebuilding housing, assets, including productive land, and public infrastructure in another location.

Replacement Cost: The value determined to be fair compensation for agricultural land based on its productive potential, the market value of residential land, crops, trees, businesses and other commodities, and the replacement cost of houses and structures (current fair market price of building materials and labour without depreciation or deductions for salvaged building materials).

Replacement Rates: Cost of replacing lost assets and incomes, including costs of transactions.

Resettlement: All measures taken to mitigate any and all adverse impact of the Project on PAF’s property and/or livelihood, including compensation, relocation and rehabilitation.

1.4 Proposed RE Component of the Project

The RE component of the Project comprises:
a) EDC-managed grid extensions which will constitute the core of the initial RE effort and are expected to provide electricity to around 45,000 households by the end of the year 2006.

b) Private sector implementation of isolated systems and renewable energy systems, implemented with the assistance of (i) an RE Fund, established as part of the Project (the Fund will provide subsidies, where justified, to reduce high front-end costs) and (ii) a multi-purpose (IDA/IFC) line of credit, managed through commercial banks, for funding the systems.

c) Technical assistance.

1.5 Acknowledgements

We acknowledge with thanks the assistance of the officers and staff of MIME, EDC and the Bank in the compilation of this report.

2.0 Background

2.1 Objective

The primary objective of this component of the project is to assist the Government of Cambodia (GoC) in preparing a rural electrification strategy and 10-year programme to increase electricity access to the rural communities in Cambodia. This report has been prepared to guide project implementers how to compensate those families who are affected by the project. The main parts of the document are:

Section 1: Introduction
This section introduces the report and defines the Terms.

Section 2: Background
This section briefly identifies background, including the legal framework governing land ownership, resettlement and compensation in Cambodia. The strategy for dealing with inconsistency between The World Bank and Cambodian Law is described.

Section 3: Project Policy Framework
This provides the principles and objectives to compensate families, organisations and businesses negatively affected by the project to ensure that they will be assisted to improve, or at least restore their living standards, income and/or production capacity to pre-project levels.
Section 4: Project Procedural Guidelines

These guidelines provide instructions for implementing procedures and policies needed to implement the resettlement plan for the project, according to the principles set out in the Policy Framework.

2.2 Project Area

Administratively, Cambodia is divided into 24 Provinces. A total of 2,188,663 households live in the country, of which only 322,246 households live in the urban areas\(^2\). The vast majority (1,866,417) of households live in the rural areas. Almost all of these rural households have no access to electricity. Based on the 1998 census, only 7% of rural households use grid electricity and/or combination of grid electricity and local electric power generation. About 1% relies on small electric power generators and close to 4% use car batteries as the source of electricity for lighting.

2.3 Potential Effects of the Project

The effects of the rural electrification distribution works are expected to be minor. The majority of the distribution equipment will be single pole mounted, so little land will be required for each installation.

The general principle for installing distribution equipment will be to install alongside and as close as possible to roads. This allows for easy access for construction, operation and maintenance. Construction close to roads is generally much easier for pole placement and serving consumers with electricity than cross-country routes. Most equipment will generally be pole mounted e.g. hanging transformers, with minimal equipment located at ground level. Apart from the obvious improved safety aspects, this design preference will tend to reduce negative social impacts of the project.

The project may include (yet to be established) a generation component such as micro or mini-hydro development. In this case, there could be a need to establish either reservoirs and/or flood existing productive land. Other impacts could include limitation of existing river and stream use, reduced irrigation flows, navigation ability or fishing income. These aspects will be addressed during the feasibility study of that component and incorporated into this framework when/if applicable.

Although significant impacts are unlikely, there may be some unavoidable ones that require resettlement. This could result in a need for compensation due to loss of productive assets, lost production and disturbance during the construction period.

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\(^2\) The definition for urban and rural areas is based on the definition given by the National Institute of Statistics Office, Ministry of Planning - Urban Areas are defined as districts containing provincial headquarter towns. Rural Areas are therefore defined as villages located outside urban areas.
The likely effects for which compensation may be required include:

- Removal or relocation of houses and other buildings, given that a high proportion of buildings are located close to roads in the same area distribution lines will be constructed.
- Removal of trees which would otherwise be close enough to the line locations to cause insufficient electrical clearance or danger due to the possibility of a tree falling on the line.
- Temporary effects during construction. These could include damage to communal resources such as roads, crop loss and lost production, drainage and irrigation facilities or disruption to people and businesses for access and construction.

### 2.4 Measures Proposed to Minimise Impacts

The impacts will be minimised through careful selection of the proposed distribution routes and equipment locations. In distribution design there is usually flexibility of equipment location and line route within a design corridor. The ability to select sites, within a tolerance, will mean that buildings, culturally sensitive sites and particular problem areas will largely be avoided. Consultation with stakeholders (Local authorities, PAF, community leaders and relevant NGOs) and will begin early on and during the project preparation and implementation.

Other measures that are proposed to reduce impacts are:

- Construction will be timed to avoid crop growing or harvesting seasons where this would otherwise cause problems.
- Construction vehicles will use existing roads and paths for access as far as practicable. Construction methods and equipment will be chosen to minimise the need for access away from existing routes.
- Any damage to existing infrastructure occurring during construction will be repaired.
- Where micro or mini-hydro development is proposed, 'run-of-river' schemes will be preferred. Where reservoirs are required, the designs recommended will consider the other uses for the water resource.
- Resettlement and Rehabilitation Action Plans will be prepared during the implementation phase where warranted, in line with the Bank's requirements and policy.

### 2.5 Legal Framework - Cambodian Law

The current legislation governing land ownership, resettlement and compensation in Cambodia includes:

- Land Law of 1992
- the Constitution
Electricity Law (a new draft law is presently in the final enactment process).

The combined effects of these laws is that:

(i) All land in Cambodia is vested in the state. No land ownership prior to 1979 is acknowledged.

(ii) Registration of land by private citizens has been possible since 1989. Although there is a process for obtaining formal land title, progress has been slow with very few titles being issued.

(iii) There is provision for land acquisition where the public interest requires it. Where this is done, the registered owner is entitled to compensation.

(iv) The Electricity Law requires that the Licensee 'take reasonable commercial efforts to acquire necessary rights of way, and/or easements (to install electrical facilities) through negotiations with the owners of the lands and by paying appropriate compensation'. Where agreement is not reached, the Authority can deem the work to be in the public interest to allow compulsory acquisition of the land for the Licensee.

Presently the Government’s Inter-ministerial Resettlement Committee (IRC) is charged with determining entitlements, land values and appropriate compensation.

There are further decrees and edicts that affect land ownership. In Prime Ministerial Edict, 27 September 1999, Measures to Eliminate Anarchical Land Grabbing, declares public land on the verge of roads and railways that must not be occupied, as follows:

- National Road 2, 3, 6, 7, 11, 22, 64 and 78: 25 m from the centreline
- National Road 1, 4, 5: 30 m from the centreline
- Provincial roads: 20 m from the centreline
- Commune roads: 15 m from the centreline
- These restrictions are not applicable in towns
- Railways 20 m from the centreline in urban areas, 30 m in rural areas, 100 m where there is a threat of avalanche or in old growth forest.

### 2.6 Resolving Inconsistencies

The World Bank has stated that it is a condition of funding for the project that, where there is inconsistency between Cambodian law and Bank requirements, then the Cambodian law shall be waived to the extent necessary to achieve the World Bank requirements.

Thus, people relocated from areas where the Cambodian Government does not acknowledge ownership (for example close to roads and railways) will be eligible for compensation.
3.0 Policy Framework

3.1 General Principles

This policy framework provides principles and provisions to compensate families and organisations negatively affected by the project. Regardless of tenure status, PAFs will be assisted to improve, or at least restore, their living standards, income, earnings and/or production capacity to pre-project levels.

The policy framework is based on the World Bank Operational Directive OD4.30 Involuntary Resettlement and consideration is also given to Cambodian law. It is consistent with the Draft Policy for Resettlement and Compensation prepared by the Hydro Electric Corporation (HEC) as consultant for the transmission component of this project.

The framework includes:

- Statement of World Bank and Cambodian policies for resettlement
- Instructions to assess the eligibility of affected families for compensation including an eligibility matrix
- Entitlements of those eligible for compensation, including an entitlement matrix
- An outline of the complaints and grievances process.

Guidelines for how to apply this framework are given in Section 3 - Procedural Guidelines.

3.2 Principles for Resettlement and Compensation

The general principles and objectives on resettlement and compensation for the project will be based on World Bank’s Operational Directive OD 4.30: Involuntary Resettlement and can be summarised as follows:

- Land acquisition, other impacts and resettlement is to be minimised as much as is possible.
- The Resettlement/Compensation programme will improve, or at least maintain, the PAF’s pre-project living standards and will warrant their participation in project benefits.
- The compensations to be provided are:

  (i) Replacement cost for houses and other affected structures
  (ii) Land for land of equal productive capacity acceptable to the PAF for agricultural land (where land is not available, compensation is to be provided in cash at replacement cost)
  (iii) Replacement of premise/residential land of equal size acceptable to the PAFs.
(iv) Subsidies covering living allowance for transition period, relocation and rehabilitation assistance costs. Replacement cost of lost production, crop and business loss.

3.3 Eligibility for Compensation

In accordance with the Bank's requirements, families eligible for compensation will be those who will experience negative impacts on their assets and livelihoods as a result of the project. Possible Effects of the Project and measures that will be incorporated in the project to minimise these impacts are given in Section 1.4 Measures Proposed to Minimise Impacts.

Families eligible for compensation will include those affected in the following ways:

- Land required to be permanently acquired for the project
  (i) Owners with formal legal title
  (ii) Owners/occupiers eligible for formal legal title under Cambodian law
  (iii) Owners/occupiers not eligible for formal legal title under Cambodian law
  (iv) Owners/occupiers where informal/customary rights may be formalised.
- Permanent removal of houses, other structures and improvements and land based assets, such as trees and business premises:
  (i) Owners of houses and other such structures (whether with land title or not)
- Temporary effects, such as disturbance to crops and businesses during construction:
  (i) Farmers/land users
  (ii) Owners of business

Types of affected families and their proposed eligibility for compensation are summarised in Table 1 Eligibility for Compensation. Families eligible will be those included in the inventory to be prepared as part of the project screening exercise to be carried out during project implementation.

<table>
<thead>
<tr>
<th>Type of Affected Family</th>
<th>Proposed Type of Compensation</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. For land required to be permanently acquired for the project:</td>
<td>100% compensation, preferably as equivalent replacement land nearby, or for the cost of buying the same</td>
</tr>
<tr>
<td>Owners with formal land title of land to be acquired</td>
<td>Impact on the viability of remaining land also needs to be recognised</td>
</tr>
<tr>
<td>Owners/occupiers, eligible for formal legal title under Cambodian law, of land to be acquired and all cases in which informal/customary rights may be formalised</td>
<td>Full replacement value of structures (and associated infrastructure if they are required to be relocated to a new plot of land)</td>
</tr>
<tr>
<td></td>
<td>Cost of living allowance during re-establishment period. Livelihood subsidies to be given as fixed sum payment. By number of family members (to PAFs losing a house of 25% of their land) The transitional period is deemed to be 6 months.</td>
</tr>
<tr>
<td></td>
<td>Relocation and transitional expenses to cover moving expenses. To be given as lump sum for each relocating PAF</td>
</tr>
<tr>
<td></td>
<td>Rehabilitation assistance including (i) training and training allowance (ii) credit (iii) provision of work in project activities</td>
</tr>
<tr>
<td>Occupiers not eligible for formal legal title under</td>
<td>100% compensation for land for PAF settled prior to 27/5/99. A</td>
</tr>
<tr>
<td>Type of Affected Family</td>
<td>Proposed Type of Compensation</td>
</tr>
<tr>
<td>---------------------------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
</tbody>
</table>
| Cambodian law (e.g. Those occupying public land, such as along road sides)             | smaller percentage is proposed (70%) for those PAF settled after 27/9/99)  
|                                                                                                                                                      | • Cost of living allowance during re-establishment period. Livelihood subsidies to be given as fixed sum payment. By number of family members (to PAFs losing a house or 25% of their land) The transitional period is deemed to be 6 months.  
|                                                                                                                                                      | • Relocation and transitional expenses to cover moving expenses. To be given as lump sum for each relocating PAF  
|                                                                                                                                                      | • Rehabilitation assistance including (i) training and training allowance (ii) credit (iii) provision of work in project activities |
|                                                                                       | b. For structures that need to be permanently removed:                                                                                           |
| Owners of houses and other structures (whether with land title or not)                | • Full replacement value of structures  
|                                                                                                                                                      | • Cost of living allowance during re-establishment period. Livelihood subsidies to be given as fixed sum payment. By number of family members (to PAFs losing a house of 25% of their land) The transitional period is deemed to be 6 months.  
|                                                                                                                                                      | • Relocation and transitional expenses to cover moving expenses. To be given as lump sum for each relocating PAF  
|                                                                                                                                                      | • Rehabilitation assistance including (i) training and training allowance (ii) credit (iii) provision of work in project activities |
| Other residents (including tenants and occupiers)                                     | • Relocation, transitional expenses to cover moving expenses. To be given as lump sum for each relocating PAF  
|                                                                                                                                                      | • Rehabilitation assistance including (i) training and training allowance (ii) credit (iii) provision of work in project activities |
| Owners of land based assets, such as crops, trees                                    | • Full replacement value  
|                                                                                                                                                      | • Cost of living allowance during re-establishment period. Livelihood subsidies to be given as fixed sum payment. By number of family members (to PAFs losing a house of 25% of their land) The transitional period is deemed to be 6 months.  
|                                                                                                                                                      | • Relocation, transitional expenses to cover moving expenses. To be given as lump sum for each relocating PAF  
|                                                                                                                                                      | • Rehabilitation assistance to include: (i) training and training allowance (ii) credit (iii) provision of work in project activities |
| Owners of businesses                                                                  | • Full compensation for business losses  
|                                                                                                                                                      | • Cost of living allowance during re-establishment period. Livelihood subsidies to be given as fixed sum payment. By number of family members (to PAFs losing a house of 25% of their land) The transitional period is deemed to be 6 months.  
|                                                                                                                                                      | • Relocation and transitional expenses to cover moving expenses. To be given as lump sum for each relocating PAF  
|                                                                                                                                                      | • Rehabilitation expenses including (i) training and training allowance (ii) credit (iii) provision of work in project activities |
| c. For temporary impacts during construction                                            |                                                                                                                                                                                                                                |
| Owners of crops and businesses damaged or disturbed (including communally owned resources, such as roads, drainage and irrigation) | • Compensation for lost production, crop repair and business disturbance.                                                                                                                                                  |
| Owners of other assets or infrastructure damaged (including communally owned resources, such as roads, drainage and irrigation) | • Compensation for damage or cost of repair                                                                                                                                                                                  |

### 3.4 Cut-off Date

The cut-off for determining eligibility for compensation will be set at the time at which the census/inventory is completed. This will be undertaken no later than six months prior to the estimated date for commencement of subproject works. The purpose of the cut-off date is to minimise the incentive for land speculation and to not include people moving into the area in the hope of gaining compensation. People who move into the area after the cut-off date will not be eligible for compensation.
3.5 Entitlements

The entitlements of PAFs whom are eligible for compensation will be consistent with the Bank requirements. The value of compensation will be at least equal to the cost of replacement of the asset lost, without reduction for any depreciation or salvaging of materials. In the case of land, the preferred method of compensation is provision of land of equal area and value. However, where small areas of land are involved (<25% of land area) cash compensation will be acceptable.

For PAF settled prior to 27/9/99, full replacement value compensation is to be paid to land owners eligible for legal title regardless of whether they presently hold title to the land or not and includes all cases in which informal/customary rights may be formalised, and Compensation for land occupiers who will not be eligible for formal legal title under Cambodian law. A smaller percentage is proposed (70%) for those settled after 27/9/99.

Table 2: Compensation Entitlements Matrix summarises the types of impacts, who will be eligible for compensation, what their entitlements will be and provides comments on implementation issues. In addition to the comments given, the following will be provided at implementation:

- An implementation schedule of the various activities to be undertaken will be included in each inventory and RAP. A minimum of six months notice is to be given to the affected families.
- Compensation will be made at least one month prior to implementation. In some compensation will have to be arranged prior to this to allow time for replacement structures to be built before start up date of works in the respective sub project sites or before construction commences.
- There will be no deduction in compensation for salvage value, depreciation, taxes, stamp duty, fees or any other payments.

3.6 Complaints and Grievances Policy

Complaints and grievances related to any aspect of the inventories and RAPs, to include the determined area, quantity and price of lost assets. Every effort will be made to negotiate a fair and reasonable claim as the policy prescribes (refer Section 3.8).

PAFs will have the right to free legal council. All fees and administrative expenses and fines applicable to PAFs will be waived.
Table 2 - Compensation Entitlements Matrix

<table>
<thead>
<tr>
<th>Type of Impact</th>
<th>Type of Eligible Family</th>
<th>Compensation Entitlement</th>
<th>Notes on Implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Land Acquisition</td>
<td><strong>Permanent loss of land</strong></td>
<td>Owners with formal legal title of land to be acquired for the project</td>
<td>• 100% compensation: preferably equivalent replacement land nearby, or else cost for buying same (if less than 25% of land, then cash acceptable). &lt;br&gt; • Impact on viability of remaining land, due to fragmentation or reduced size to be considered.</td>
</tr>
<tr>
<td></td>
<td>Owners/occupiers who would be eligible for formal legal title, under Cambodian law, of land acquired for the project and includes all cases in which informal/customary rights may be formalised</td>
<td>• Full replacement value of structures and improvements &lt;br&gt; • Cost of living allowance during re-establishment period. Livelihood subsidies to be given as fixed sum payment. By number of family members (to PAFs losing a house of 25% of their land) The transitional period is deemed to be 6 months. &lt;br&gt; • Relocation and transitional expenses to cover moving expenses. To be given as lump sum for each relocating PAF &lt;br&gt; • Rehabilitation assistance including (i) training and training allowance (ii) credit (iii) provision of work in project activities</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Occupiers of land owned by others and includes all cases in which informal/customary rights may be formalised</td>
<td>Owners of land, not used by themselves</td>
<td>Market value of land</td>
</tr>
<tr>
<td></td>
<td>Owners of land, not used by themselves</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Land occupiers who would not be eligible for formal legal title under Cambodian law. (e.g. Those occupying public land, such as that alongside roads, wetlands and forests), and includes all cases in which informal/customary rights may be formalised</strong></td>
<td>Land occupiers who would not be eligible for formal legal title under Cambodian law. (e.g. Those occupying public land, such as that alongside roads, wetlands and forests), and includes all cases in which informal/customary rights may be formalised</td>
<td>As above or: 100% compensation for land settled prior to 27/9/99. A smaller percentage proposed (70%) for those settled after 27/9/99</td>
</tr>
</tbody>
</table>
### August 2001 Resettlement Policy Framework and Procedural Guidelines

<table>
<thead>
<tr>
<th>Type of Impact</th>
<th>Type of Eligible Family</th>
<th>Compensation Entitlement</th>
<th>Notes on Implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Removal of houses and other structures from project areas, where house can be</td>
<td>Owners of houses and other structures (whether with land title or not)</td>
<td>Full replacement value of structures (no reduction for depreciation or salvage value) Where structure is only partially within the project area. Compensation will be due for the whole structure. Cost of living allowance during re-establishment period. Livelihood subsidies to be given as fixed sum payment. By number of family members (to PAFs losing a house or 25% of their land). The transitional period is deemed to be 6 months. Relocation and transitional expenses to cover moving expenses. To be given as lump sum for each relocating PAF. Rehabilitation assistance including (i) training and training allowance (ii) credit (iii) provision of work in project activities.</td>
<td>Replacement value to be agreed at implementation stage, on basis of formula for type of house and area. Materials to be available for salvage by the owner, with no reduction in payment. Replacement or payment to be made 1 month before construction begins, with sufficient time allowed for re-establishment. Any permits needed for building to be arranged by the Implementing Agency.</td>
</tr>
<tr>
<td>relocated on the same block of land</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Removal of structures from project areas where they cannot be relocated on the</td>
<td></td>
<td>Full replacement value of structures as above, plus:</td>
<td></td>
</tr>
<tr>
<td>same block of land, requiring owners to relocate to another residence</td>
<td></td>
<td>• Equivalent replacement land nearby or cost thereof. Land to be equivalent in terms of area, access, within the same village, flood level etc.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Reinstatement of equivalent improvements including other buildings, fences, wells, ponds etc.</td>
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</tr>
<tr>
<td></td>
<td></td>
<td>• Relocation and transitional expenses to cover moving expenses. To be given as lump sum for each relocating PAF.</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>• Cost of living allowance [or livelihood subsidies are they the same] during re-establishment. Livelihood subsidies to be given as fixed sum payment. By number of family members (to PAFs losing a house of 25% of their land). The transitional period is deemed to be 6 months.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Rehabilitation assistance including (i) training and training allowance (ii) credit (iii) provision of work in project activities</td>
<td></td>
</tr>
<tr>
<td>Removal of houses</td>
<td>Tenants paying rent on houses owned by others</td>
<td>Relocation and transitional expenses to suitable replacement house to cover moving expenses. To be given as lump sum for each relocating PAF.</td>
<td>Relocation to be made 1 month before construction begins, with sufficient time allowed for re-establishment.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Cost of living allowance [or livelihood subsidies are they the same] during re-establishment period. Livelihood subsidies to be given as fixed sum payment. By number of family members (to PAFs losing a house of 25% of their land). The transitional period is deemed to be 6 months.</td>
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<td>Type of Impact</td>
<td>Type of Eligible Family</td>
<td>Compensation Entitlement</td>
<td>Notes on Implementation</td>
</tr>
<tr>
<td>-------------------------------------</td>
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<td>-----------------------------------------------------------------------------------------</td>
<td>-------------------------</td>
</tr>
<tr>
<td>Removal of trees and crops</td>
<td>Owners of trees</td>
<td>Full replacement value for type and size of tree and compensation for lost production and crop loss</td>
<td>• Trees to be available for salvage by the owner, with no reduction in payment</td>
</tr>
<tr>
<td>Removal/relocation of business premise</td>
<td>Owner of business</td>
<td>Full replacement of structures and infrastructure, with addition of livelihood subsidy equivalent to the lost business income during the re-establishment period</td>
<td>• As for removal of houses/structures above</td>
</tr>
<tr>
<td>Damage to crops, trees and businesses during construction</td>
<td>Owners of crops, trees, businesses</td>
<td>Compensation for lost production and business for the period of construction. This should be a minimum of one harvest where damage occurs during the growing season</td>
<td>• Construction should be timed, if practical and economical, outside the growing season</td>
</tr>
<tr>
<td>Damage to any other assets or infrastructure during construction, including communally owned resources, such as roads, drains and irrigation facilities.</td>
<td>Owners of the assets or infrastructure damaged</td>
<td>Compensation for damage or the cost of repair.</td>
<td>• Construction should be carried out so as to minimise damage. This would include preparing a construction Environmental Management Plan (EMP) where it is considered justified. Such an EMP could include a construction monitoring component to ensure compliance and financial penalties for Contractor’s non-compliance. • Right of ways required for construction access should be arranged to minimise the impacts on crops and other assets.</td>
</tr>
</tbody>
</table>
4.0 Procedural Guidelines

4.1 Application

These guidelines provide instructions regarding the implementation procedures needed to implement the resettlement plan for the project according to the principles set down in the Policy Framework.

4.2 Resettlement and Compensation Procedures

The procedure for resettlement and compensation of land and other assets should follow the flow of activities as detailed in Figure 1: Flowchart for Resettlement Action Plans.

Figure 1: Flowchart for Resettlement Compensation Planning

4.3 Initial Consultation, Public Information and Disclosure

In conjunction with the technical aspects of implementation, consultation will be carried out throughout project preparation and implementation. Table 3 shows the community consultation planning framework. Once the project areas are identified as requiring compensation and or resettlement initial consultation meetings will be held with local authorities, community leaders and PAF. This consultation will involve a discussion with community leaders aimed at obtaining stakeholder agreement to the process of consultation and resettlement and compensation planning. At this meeting consultation meetings to inform communities on the objectives of the project and the procedures and timeframe for completion of the initial design work will be detailed. An outline of the procedures to determine the eligibility and entitlements of people that are adversely affected will be presented in a manner as to inform, address initial concerns and to assess and gain support for the project implementation.

The implementing agency responsible for the project, with assistance as required from community facilitators, will prepare a pamphlet in Khmer explaining the compensation policy and the rights of the PAFs. This pamphlet will be distributed to the PAFs during the consultation meetings preceding project implementation. Each PAF will receive a detailed notification of the properties acquired by the project with relative compensation/ rehabilitation amounts due.
The RAP will need to be translated into Khmer prior to government approval, with the text made available to the public. The document in English and Khmer will be available for consultation at the Bank offices in Washington and Phnom Penh and be made available in project localities to permit ease of consultation by project stakeholders and local civil organisations.

Table 3 - Community Consultation Planning Framework

<table>
<thead>
<tr>
<th>No</th>
<th>Agency Responsible</th>
<th>Administrative Level</th>
<th>Stage of Consultation and Action Points</th>
<th>Stakeholders to be Consulted</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Executing Agency - EdC/ MIME - Implementing agency</td>
<td>District</td>
<td>Preparation for initial consultation with communities (may include community facilitators) Identification of PAF Identify if need for RAP Select representation on Community Resettlement and Compensation Management Committee (CRCC) Plan and agree on consultation plan</td>
<td>Village/commune authorities, village and community leaders PAF</td>
</tr>
<tr>
<td>2</td>
<td>Implementing Agency</td>
<td>Central Provincial District, Commune</td>
<td>Community meeting and site visits to commence the inventory/compensation data sheet for PAF</td>
<td>CRCC, commune leaders /representative, and project affected families (PAFs)</td>
</tr>
<tr>
<td>3</td>
<td>CRCC</td>
<td>District, CRCC</td>
<td>Review progress on compensation plans</td>
<td>Commune representatives, PAFs</td>
</tr>
<tr>
<td>4</td>
<td>PRCC</td>
<td>CRCC</td>
<td>To pay notify of payments and compensations</td>
<td>PAF</td>
</tr>
<tr>
<td>5</td>
<td>Implementing Agency World Bank</td>
<td>Central and Provincial</td>
<td>Internal and external monitoring to review outcomes</td>
<td>PAF and community discussion</td>
</tr>
</tbody>
</table>

After completing the inventory of affected assets and determining the compensation entitlements, the Implementers will deal with each PAF individually. Meetings with all affected families will take place to discuss the policy on compensation. Minutes will be taken of all meetings. Meetings will include discussions on the process of monitoring and evaluation of the project as per policy and procedure implementation.

4.4 Project Screening

Baseline information will be gathered through a project screening exercise. Project screening will be undertaken for all sub-projects. It will identify PAFs and list the level assets and impact for compensation.

A PAF and Impacts Inventory/Census is compiled for each PAF in the form of an individual inventory. It will contain an assessment the assets and the level of compensation. It will be signed by adult heads of households (men and women) as in Appendix A. It will contain the following information:

- PAFs identification
- Number of PAF members for each family
- Type of impacts suffered by each PAF and the magnitude
A summary sheet for each sub-project will be compiled as in Appendix B and will be submitted for approval and compensation reimbursement.

4.5 Preparation of PAFs

An Impacts/compensation data sheet will be required when less than 200 people are affected by a sub-project. The data sheet will identify the displacement of families and the remaining assets that are viable for continued use. A generic outline of the PAF and Impacts Inventory/Census (referred to as PAF Inventory) is shown in Annex A, and a Sub Project Impact/Compensation data sheet in Annex B.

A Summary Report is to be prepared by the Implementing Agency at the start of the preparation and implementation phase. On completion of the PAF Inventory and the Sub Project Impacts/Compensation data sheet, the Report is referred to the Central Agency for approval by the World Bank.

Impacts compensation will only begin after the sheet has been sent to the Bank and the Bank has expressed no objection to disbursement. The land acquisition and compensation process will commence only once the report has been accepted by the implementing agency (EdC). The implementation will be completed at least one month prior to the beginning of any construction work on the sub-project.

4.6 Preparation of a Full Resettlement Action Plan

If more than 200 people are affected, then a Resettlement Action Plan (RAP) should be prepared. A checklist of information required for preparation of a RAP is given in Annex C and a generic outline of a Sub Project Impacts/compensation data sheet is given in Annex B. A full RAP should be submitted by the Implementing Agency to the World Bank for approval. Compensation, resettlement and rehabilitation activities should only commence after the implementing agency (EdC) and the Bank have approved the RAP. The implementation of the RAP should be completed at least one month prior to the beginning of any construction work on the sub-project.
4.7 Negotiation on Compensation and Price Assessment

Land and houses valuation process will be carried out so as to guarantee that compensation is provided at replacement cost. Land market values should be set by a substitution-cost appraisal carried out by an independent appraiser. The appraised value will be used as a floor price in the negotiations. Negotiations and the compensation prices process will not be used to raise compensation values. In the case of non-agreement on the side of the PAFs and neither will it be used to lower the 'replacement values established by the committee.

These negotiations with the PAFs will be carried out by an ad hoc negotiating committee to be established at the community or village level.

Members of the local committee will include:

- a representative of the PAFs as agreed through community consultations and noted in the sub project summary impacts and inventory/census
- a representative from the implementing agency
- a representative of IRC, and
- a local land officer, if available or person with valuation knowledge/experience.

The above members should not be part of the complaints and grievance review process.

In the case of 'land for land' arrangements the committee needs to express an opinion on whether the new land is comparable to the plot lost by PAFs.

The compensation amounts agreed with the PAFs will be detailed in the Inventory of PAFs and Impacts Inventory/Census generally in the format provided in Annex A. This should be signed by the owners (by gender), occupants, tenant/s or squatter/s and implementer (EdC). A summary Impact/Compensation data sheet is compiled for the sub project area as in Appendix B.

Each Inventory and RAP will include detail costing of compensation and other rehabilitation and entitlements and relocation of PAFs, if that be the case, with a breakdown of land, structures and business and other assets as per as per Appendix A and B.

Compensation and entitlements for each PAF will be transferred from the Project Budget under the Central Agency to the respective PRCC. Upon receipt of the notification from the Central Agency Transfer, the PRCC will transfer the sum to the nearest deposit/bank to the PAFs residence and at the same time inform the PAF.
4.8 Complaints and Grievances

Complaints and grievances will be addressed as follows at two levels: Level I is the first community level contact through a Community Resettlement Compensation Management Committee (CRCC). Level II and at the provincial level through a Provincial Resettlement and Compensation Committee (PRCC). Level III will be to the District Court.

**Level I:** A Community Resettlement and Compensation Management Committee (CRCC) be established at the community level. It will be the first point of contact to hear complaints and grievances regarding the acquisition of land, houses and other assets and the loss of livelihood caused by the project. Its role will be to receive the complaints and grievances and it will be required to provide a written response to the PAF, within fifteen calendar days of receiving the compliant if the PAF is not satisfied with the decision of the CRCC.

The CRCC will be required to receive the complaints and grievances of the PAFs. It will have four representatives. This committee will be common to the transmission and distribution sub-projects and must follow the format and reporting requirements set out by the Cambodian Government’s Inter-Ministerial Resettlement Committee (IRC).

**Level II:** If a PAF is not satisfied or able to negotiate a settlement at the community level. It has recourse to an appeal process at a Provincial level. The PAF will be able to present their case to a Provincial Resettlement and Compensation Committee (PRCC). PAF will present their complaints within 15 calendar days of receiving the written response from the PRCC. The PRCC will be required to render a reply to the PAF within 30 days of receipt of the appeal. The PRCC can, at the request of the PAF within 50 days, be reviewed by an Independent Committee (yet to be determined).

The PAF will be expected to participate throughout the various stages of the planning and inventory development. For these purposes and prior to preparation of the inventories, the PAFs will be well informed of the provisions of the Project Policy Framework on Resettlement and Compensation. Each PAF family will be fully informed during the consultations of their entitlements and rehabilitation choices under the respective inventory.

4.9 Supervision, Monitoring and Evaluation

Implementation of the compensation and rehabilitation plans will be regularly supervised and monitored by the respective Provincial Project Implementation Agency. Co-ordination of this process will be undertaken with by the CRCC. The findings will be recorded in biannual reports to be furnished to the Central Agency. There will be an internal and external monitoring process as follows:
Internal monitoring and supervision will:

(i) Verify that the baseline information of all the PAFs has been collected and that the valuation of assets lost or damaged, and the provision of compensation, resettlement entitlements has been carried out in accordance with the Provisions of this Policy Framework

(ii) Oversee that the PAF Inventories and RAPs are implemented designed and approved

(iii) Verify that the funds for implementing the PAF Inventories and RAPs are provided to the PRCC in a timely manner and in amounts sufficient for their purposes, and that such funds are used by the PRCC in accordance with the provisions of the Inventory

(iv) Review the detailed compensation and rehabilitation measures including compensation for residential land, house and structures, agricultural land and crops, business losses and all other compensation issues

(v) Review the details of the routes or locations of equipment and the procedures and details for determining eligibility for compensation, entitlements

(vi) Ensure that all grievances and resolution and ensure that complaints are dealt with in a timely manner.

An independent agency appointed by the World Bank will be retained periodically to carry out external monitoring and evaluation of the implementation of the PAF Inventories. The independent agencies will be academic and/or research institutions or non-government organisations (NGOs) or independent consulting firms, all with qualified and experienced staff and Terms of Reference acceptable and approved by the World Bank.

In addition to verifying the information furnished in the internal supervision and monitoring reports of the PRCC, the external monitoring agency will visit a random sample of 20% of households of PAFs in each relevant Province six months after each PAF Inventory or RAP implementation to:

(i) Determine whether the procedures for PAFs participation and delivery of compensation and other rehabilitation entitlements has been done in accordance with this Project Policy Framework and the respective PAF Inventory or RAP.

(ii) Assess if the Project Policy Framework objective of enhancement or at least restoration of living standards and income levels of PAFs have been met.

(iii) Recommend modifications in the implementation procedures of the Inventories of RAPs, as is the case may be, to achieve the principles of this Policy.
## ANNEX A PAF and Impacts Inventory/Census for Eligibility and Entitlements Assessment - Generic Outline

**Name/s of the Occupier/s: Name of Household Heads**, Male __________________ Female __________________ Ethnicity __________________

<table>
<thead>
<tr>
<th>Province</th>
<th>District</th>
<th>Commune</th>
<th>Land or House status</th>
<th>Length of time settled on defined project site</th>
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</thead>
<tbody>
<tr>
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</tbody>
</table>

### Family data:

<table>
<thead>
<tr>
<th>Name of Occupier</th>
<th>Age</th>
<th>Education levels</th>
<th>Employment/Source of income</th>
<th>Income</th>
</tr>
</thead>
<tbody>
<tr>
<td>Man</td>
<td></td>
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<tr>
<td>Women</td>
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<tr>
<td>Children</td>
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<td><strong>TOTAL</strong></td>
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<td></td>
<td><strong>Average Family Income</strong></td>
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### Description

<table>
<thead>
<tr>
<th>Description</th>
<th>Class/Category</th>
<th>Tenure Status</th>
<th>Unit</th>
<th>Qty</th>
<th>PAC Rate</th>
<th>Market Rate</th>
<th>Negotiated Replacement Cost</th>
<th>Total</th>
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<tbody>
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<td>1. Land</td>
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<td>Owned/Leased</td>
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<td>m²</td>
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<td>garden</td>
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<td>m²</td>
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<td>Other</td>
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<td>m²</td>
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<tr>
<td>Structures</td>
<td>Housing/Building</td>
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<td>m²</td>
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<td>Permanent</td>
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<td>Semi-Permanent</td>
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<td>Temporary</td>
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<tr>
<td>Description</td>
<td>Class/Category</td>
<td>Tenure Status</td>
<td>Unit</td>
<td>Qty</td>
<td>PAC Rate</td>
<td>Market Rate</td>
<td>Negotiated Replacement Cost</td>
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<td>3. Crops</td>
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<td>5. Other Assets</td>
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<td>- Fixed (wells etc)</td>
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<td>production</td>
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<td>7. Other Entitlements</td>
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<td>- Cost of Living/ Transitional Costs</td>
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<td>- Relocation allowance</td>
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<td>- Loss of Income/ Income Restoration</td>
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<td>Other</td>
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<td>8. Rehabilitation Assistance</td>
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<td><strong>TOTAL COMPENSATION</strong></td>
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</tr>
</tbody>
</table>

Signature of Heads of Households (by gender) Female ___________________________ Male ___________________________ Implementer ___________________________

A copy of this PAF and Impacts Inventory/Census will be left with each PAF:

August 2001 Resettlement Policy Framework and Procedural Guidelines
# ANNEX B: Subproject Summary of Census for Impacts/Compensation Data Sheet (Generic Model)

### Province: Districts Commune: Subproject:

<table>
<thead>
<tr>
<th>Survey N°</th>
<th>Name of Heads of household</th>
<th>Compensation for Land by type (agriculture, residential, garden)</th>
<th>Compensation for structures</th>
<th>Compensation for crops and trees</th>
<th>Compensation for Housing and Buildings</th>
<th>Compensation for other assets (wells etc)</th>
<th>Compensation for Business</th>
<th>TOTAL RIEL</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
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</tbody>
</table>

August 2001

Resettlement Policy Framework and Procedural Guidelines
ANNEX C Resettlement Action Plan (RAP) - Generic Outline

(refer Procedural Guidelines 4.0)

1.0 Introduction

- Description of project components
- Physical, social and economic characteristics
- Summary description of asset acquisition and expected adverse impacts
- Identification of principal stakeholders
- Identification of social groups vulnerable to impoverishment or debilitation
- Indicate measures taken to minimise adverse affects.

2.0 Census and Socio-Economic Survey Results

- Review of socio-economic characteristics of Project Affected Persons (PAPs) including:
  
  (i) spatial distribution
  (ii) household size and composition
  (iii) age-sex structure
  (iv) income levels including primary occupation, supplementary sources of income and subsistence activities by gender
  (v) tenure status (land and structures), by gender
  (vi) characteristics of collective land holdings, including area and qualitative characteristics
  (vii) characteristics of structures including size and construction type.

- Categories and numbers of PAPs by type and degree of impacts such as (and by gender/ethnicity/religion):
  
  (i) Severely affected households required to relocate
  (ii) Partially affected households not required to relocate
  (iii) Households affected by minor impacts, receiving only easement compensation or ‘moving back’ assistance
  (iv) Tenants, labourers, employees or other non-landed persons adversely affected by the project.

3.0 Compensation Policy and Entitlement Criteria

- Description of objectives and compensation policy
- Eligibility criteria for PAPs, including cut-off date
- Methods used for asset valuation and assessment of compensation
- Categories of collective compensation and individual compensation
- Description of compensation entitlements and other forms of assistance for each category of PAPs
- Compensation matrix consistent with the above.
4.0 Relocation Plan (If Necessary)

- Review of the suitability of alternative relocation sites
- Site selection criteria
- Review of the consultation procedures with PAPs in selection of resettlement alternatives
- Socio-economic data regarding host population, if applicable
- Review of consultation procedures with host population
- Timetable for displacement and relocation

5.0 Income Restoration Measures

- Categorical review of employment patterns of PAPs
- Description of adverse impact on employment patterns
- Description of eligibility criteria for income restoration measures
- Feasibility analysis of any alternative income restoration programmes
- Description and feasibility of plans for use of collective land compensation
- Training needs of PAPs in the context of employment opportunities and market demand
- Access to credit and micro-enterprise support for PAPs interested in small business development
- Institutional arrangements to finance and manage income restoration programmes.

6.0 Public Participation and Consultation

- Description of procedures for consultation with PAPs
- Description of opportunities for PAPs to participate in resettlement planning and implementation
- Description of procedures for information dissemination

7.0 Grievance Resolution Mechanism

- Procedures adopted for filing complaints, review and in decision making

8.0 Organisational Responsibilities

- Administrative structure and agency responsible for implementation of resettlement activities
- Co-ordination among implementing agencies from different ministries or jurisdiction
- Assessment of organisational capacity, including attention to authority structure, prior experience, staffing, equipment and financial resources
- Plans for training and capacity building as needed
- Assessment of potential capacity of PAP organisations or NGOs in project areas

9.0 Monitoring and Supervision

- Listing of performance monitoring indicators
- Institutional responsibilities and procedures for internal project monitoring
- Discussion of role, if any, of PAPs and NGOs in monitoring
- Procedures for remedial actions following identification of problems
• Content and frequency of monitoring reports

10.0 Cost Estimates and Budget

• Statement of financial responsibility for all resettlement related costs
• Estimate of aggregate costs for each type of asset loss
• Estimated costs for income restoration programmes, including initial capital investment, recurring costs for continued provision of rehabilitation services and mitigation measures.

11.0 Implementation Arrangements

• Timetable for implementation of all resettlement activities, tied to overall project timetable
• Procedures for implementation or delivery of key elements, as relevant:

  (i) Review of land for land arrangements, including timetable and funding for development of relocation sites and necessary services and other inputs
  (ii) Review of procedures for payment and compensation
  (iii) Provisions for tenants, share-croppers, squatters and others with temporary tenure
  (iv) Review of operational procedures for job placement, micro-finance, or other income restoration programmes.