

KINGDOM OF CAMBODIA

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MINISTRY OF WATER RESOURCES AND METEOROLOGY



CLIMATE ADAPTIVE IRRIGATION AND SUSTAINABLE AGRICULTURE FOR RESILIENCE PROJECT

Executive Summary

LAND ACQUISITION AND RESETTLEMENT PLANNING FRAMEWORK

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Prepared by
Ministry of Water Resources and Meteorology with the assistance of the consultants under
the guidance of the **General Department of Resettlement of the Ministry of Economy and Finance.**

1. Project Background

Cambodia's irrigated agriculture faces increasing challenges from adverse impacts of climate change, especially the changes in rainfall patterns, duration and timing of the rainy season, and climate induced water disasters such as floods and droughts. Climate Resilient and low emission practices and investments in agriculture and water management are, therefore, crucial to protect and enhance Cambodia's agricultural production and productivity, and contribute to increasing food security, poverty reduction, and livelihood development.

Addressing the complex impacts of climate change on rain fed and irrigated agriculture requires action at both farm and irrigation scheme, including enabling environment at regional and national level. Farm level actions will help communities adapt to climate change while also saving water and decreasing Green House Gas (GHG) emissions from Business-As-Usual (BAU) of agriculture, water use and management. This will help farmers diversify their farming while addressing changing rainfall patterns and increasing drought conditions throughout cropping season. Actions at system level will help develop a modernized and climate proofed irrigation infrastructure delivering irrigation services to farmers in line with the requirements at the farm level. It will also protect the natural capital stocks, especially the land and water, against the increasing risk of flooding.

The project aims to achieve the following three outcomes: (1) Improved Resiliency of Small Holder Farmers (2) Resilient Water Control Infrastructure and Water Service Delivery with Less Crop and Asset Damage; and (3) Reduced Greenhouse Gas emission. These three outcomes are derived from interventions at farm and irrigation system level - together with institutional strengthening for project stakeholders. This will contribute to improving an irrigated agricultural system that is climate resilient and sustainably productive.

The CAISAR project will target smallholder farmers and vulnerable rural communities in four provinces of Cambodia, including Pursat, Kampong Chhnang, Kampong Speu, and Kandal provinces. The Project will be implemented through various activities that are organized under the following three components:

- **Component 1. Improving farm-level climate adaptation, resilience, and water use efficiency**
- **Component 2. Upgrading and climate-proofing water infrastructure for increased resilience**
- **Component 3. Institutional strengthening**

The Project will be implemented by the Ministry of Water Resources and Meteorology (MoWRAM) - from 2025 to 2032. The estimated cost of the Project is US\$240 million.

2. Preliminary Assessment of Land Acquisition & Resettlement Impacts

The Project will rehabilitate existing irrigation canals, some rural roads, and build some new irrigation channels in seven sub-schemes located in four above mentioned provinces. These sub-schemes include: Ou Ta Bong, Lum Hach, Chheang Leaug, Brombei Mom, Krapeau Trom, Yotasass, and Steung Krang Bat.

Because of rehabilitation of existing roads and canals and construction of some new canals, permanent acquisition of land for the purpose of the construction may be required. The extent of permanent land acquisition is expected to be small -- at household level, and would not significantly affect the livelihood of households whose income are land based. When land acquisition is required, physical resettlement is anticipated but the number of affected households would be very small, or none, since construction will take place in the command area where the number of houses are limited. In addition, the Project will make effort to avoid permanent land acquisition – through alternative engineering design, and/or use of public land to minimize impact to private land.

When land is acquired, assets established on the required land may be affected. These may include crops, trees, houses, structures, and business. Affected land and assets will be compensated at replacement cost principles and people who need to physically resettle will be supported for livelihood restoration. People whose loss of land affect their income generation remarkably will be supported in livelihood restoration (See Entitlement Matrix at the end of this document for more information about compensation payment and livelihood restoration support).

During construction of the seven sub-schemes, access to irrigation water may be restricted (in some irrigated areas) to facilitate the construction process. This temporary impact is anticipated to be very minor, or none, since construction will be carried during dry season when cultivated area is minimal.

3. Eligibility Criteria

People whose assets are located in a Corridor of Impact before the Cut-off-date of a sub-scheme will be eligible for compensation for affected assets, loss of livelihoods, and livelihood restoration support – regardless of the legal status of the affected land. People who occupy any land portion of the Corridor of Impact after the Cut-off-date is publicly announced will not be eligible for any compensation, or any resettlement assistance (Please see Section 7 - Entitlement Matrix, at the end of this document for more information about compensation payment and livelihood restoration support).

4. Grievance Redress Mechanism

The Project will establish a Grievance Redress Mechanism (GRM) that allows individual and households (who believe they are affected by the project) to lodge complaints related to land acquisition, loss of assets, compensation payment, and livelihood support. The GRM has three steps including district, departmental, and provincial levels. A complaint can be lodged verbally, or in writing.

In addition to the above project's GRM, in case the affected persons believe their project related concerns have not been addressed satisfactorily by the project's GRM, affected households may submit their complaints to the Project Affected People's Mechanism (PAPM) at the Asian Infrastructure Investment Bank (AIIB). AIIB's PAPM provides affected households with an opportunity for an independent and impartial review of complaints.

Project's GRM will be circulated and explained in detail to all affected households during consultation meeting that will be conducted during the preparation and implementation of the resettlement plan(s).

5. Information Disclosure and Stakeholder Consultation

Information disclosure.

For public consultation, the draft Land Acquisition and Resettlement Planning Framework (LARPF) (in English) will be disclosed on the website of MOWRAM (<http://www.mowram.gov.kh/>). The Executive Summary (this document, in Khmer) will be disclosed in hard copy at MoWRAM's public library in Phnom Penh, and in the offices of PDWRAM of four project provinces, and in the commune offices where the sub-schemes are located. Once the LARPF is finalized and approved, the final version of LARPF will be again disclosed through the above channels. The final approved LARPF will also be disclosed in English on AIIB's website.

Once the sub-schemes are identified and selected, the proposed sub-scheme information will be explained in detail to the sub-scheme stakeholders in Khmer language with translation into the language spoken by IPs for those locations where IPs are identified in the sub-scheme areas, and the PIB will be distributed to them. The proposed project/sub-scheme information in the PIB covers the following:

- (i) The purpose, nature, and the scale of the proposed project/sub-scheme.

- (ii) The location of the proposed project/sub-scheme, project/sub-scheme components and activities.
- (iii) The duration of proposed project/sub-scheme activities.
- (iv) The COIs, timing of census, IOL, DMS/SES, eligibility criteria, compensation policy, RCS, the timing of the establishment of the GRM, and contact details for the GRM focal persons.
- (v) The options for voluntary land contribution and relevant procedures.
- (vi) Potential risks and impacts of the proposed project/sub-scheme on local communities, and proposed mitigation measures, highlighting potential risks and impacts that might disproportionately affect vulnerable and disadvantaged groups and describes the differentiated measures taken to avoid or minimize them; and
- (vii) Names and contact details of key persons on LAR technical matters on the project/sub-scheme.

Stakeholder Consultation.

Once project implementation begins, potential affected households will be invited to consultation sessions to understand about the project's land acquisition and compensation processes. Special attention will be given to disadvantaged/vulnerable individuals/groups, women, and Indigenous Peoples, if any. Local authorities will also be invited to participate in these consultations.

Consultation will begin as early as location of the sub-scheme is identified and engineering design is prepared. Affected households will be consulted iteratively the the engineering design and subsequent resettlement plan are developed to avoid/minimize land impact and to inform affected households of their right to compensation payment and support.

6. Monitoring & Evaluation

MoWRAM will be responsible for overall monitoring of preparation and implementation of the Resettlement Plan. The Department of Internal Monitoring and Data Management (DIMDM) of the General Department of Resettlement (under the Ministry of Economy and Finance) will be directly responsible for monitoring and reporting of the implementation of the Detailed Resettlement Plan (DRP). MoWRAM will engage the Detailed Design Implementation and Supervision consultants under CAISAR to assist MoWRAM in the management and monitoring of resettlement related activities under the CAISAR project.

7. Entitlement Matrix

Category	Type of Loss	Application	Category of AH	Entitlements	Clarification
1. LOSS OF LAND					
1a	Land	Agricultural, residential and commercial land	Legal owners, including those covered by customary rights	<ul style="list-style-type: none"> • Cash compensation for land at full replacement cost or land swap of equal productive value. • Provision of all and full stamp duties, land registration fees and other similar taxes, if applicable by the time of compensation, for acquiring legal rights in case of replacement land (land for land swap). • Includes option of compensation at same replacement cost for affected land that remains after acquisition if remaining land becomes unviable or unusable. • For customary ownership, replacement land to sustain livelihood and way of life. Land registration, stamp duty and other fees to register land ownership or right to use will be reimbursed at cost 	<ul style="list-style-type: none"> • If land for land is offered, title will go to both husband and wife. • Applies only to partial loss of land.
1b	Land		Tenants and Leaseholders	<ul style="list-style-type: none"> • No compensation for loss of land as not legal owners of land (compensation made to landowner) 	
1c	Land		Illegal occupiers/squatters without legal titles or rights to land	<ul style="list-style-type: none"> • No compensation made for land loss as not legal owners of land. 	
2. LOSS OF USE OF LAND					
2a	Crops, Perennial trees, fruit trees, timber	Agricultural land	All AHs who are engaged in farming, irrespective of titled and non-titled	<ul style="list-style-type: none"> • For rice/crop farming: Net annual income X 1year. In addition, AHs can harvest and retain income from standing crops. • 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. • 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 will be provided. + Young trees (1 to 3 years): Valued at 1/3 of its full cost as it can be replanted plus cost of seedlings. • Young trees (More than 3 to 5 years) bearing some fruits: valued at 2/3 of its full cost plus cost of seedlings. 	<ul style="list-style-type: none"> • RCS will determine the amounts. • Market Price is based on Farm-Gate Price • RCS will determine the value. • Full compensation price is the amount to be calculated from the formula shown in [] without cost of seedling.

Category	Type of Loss	Application	Category of AH	Entitlements	Clarification
				<ul style="list-style-type: none"> • Mature trees (more than 5 years): full bearing fruits valued at full cost plus cost of seedling. • Wood and other Productive Trees: based on age and wood value. 	
2b	Businesses	Commercial use and business use	All AHs who are engaged in businesses, irrespective of titled and non-titled	<ul style="list-style-type: none"> • For businesses which need to be relocated to a new site, an amount equal to loss of projected net income for two months. • For businesses relocated on-site (move back or same area), an amount equal to loss of projected net income for one month. • For illegal businesses such as gambling, prostitution, drugs and similar types, no compensation is paid. 	<ul style="list-style-type: none"> • RCS will determine the amounts. • Both registered and unregistered businesses are compensated except businesses that are not legal.
3. LOSS OF HOUSES AND STRUCTURES					
3a	Houses and Structures	Residential, commercial structures and other assets	Owners of houses, buildings and structures	<ul style="list-style-type: none"> • Cash compensation equivalent to full replacement cost of lost portion of the house/ building/ structure (without depreciation) • If the owner rents or leases, compensation for any improvements/ construction carried out by the renter/leaseholder will be deducted from the compensation payment to the owners. • In case houses/ buildings are rented/leased, any improvements/construction added by renters and leaseholders will be compensated at replacement cost and paid to renter or leaseholder. Owners will not get compensation for such improvements or construction. • In case of loss of only part of the houses/ buildings/ structure and the remaining portion is not usable, compensation will be paid for complete structure at full replacement cost. 	<ul style="list-style-type: none"> • RCS will determine the replacement cost. • When loss is 75 % or more of the floor space
3b	Houses and Structures	Residential, commercial structures and other assets	Tenants and Leaseholders	<ul style="list-style-type: none"> • Cash compensation at full replacement cost for any improvements or construction by the tenants or leaseholders • In the case of no improvements or construction, no compensation is paid. • Transfer/ Disturbance Allowance equivalent to 1 month of rental or lease amount 	<ul style="list-style-type: none"> • RCS will determine replacement cost. • Documentary evidence is required.
3c	Houses and Structures	Residential, commercial structures and other assets	Illegal occupiers/squatters	<ul style="list-style-type: none"> • Cash compensation at full replacement value of affected structures, including also cost of labor involved in rebuilding such structure) 	<ul style="list-style-type: none"> • RCS will determine replacement value.
3d	Transport Allowance	Transport allowance for household and personal goods	AHs (legal owners, tenants and Illegal occupiers/ squatters)	<ul style="list-style-type: none"> • Fixed Lump Sum allowance per AH based on average cost of transportation to new relocation place for: <ul style="list-style-type: none"> ○ Up to 5 km ○ More than 5 km 	<ul style="list-style-type: none"> • RCS will determine the lump sum amount for 2 cases.

Category	Type of Loss	Application	Category of AH	Entitlements	Clarification
3e	Tombs/ graveyard	Relocation of affected tombs	AHs	<ul style="list-style-type: none"> • Compensation payment for affected tombs includes full replacement costs associated with a) buying of land (if needed) for re-burial, b) excavation, c) relocation, d) reburial, e) construction of new tombs, and f) other reasonable costs for conducting rituals in accordance with local customs. • If affected people are from EM community, consultation with affected EM households and local EM leaders will be held to ensure the impact is addressed in a manner that is culturally appropriate to the affected EM households/community. 	<ul style="list-style-type: none"> • The relocation of tombs shall be carried out based on full consultation with affected households to meet local customs of affected households. • In case the owner of the affected tombs could not be identified, public announcement has to be made (through popular local media) to look for the tomb owners. Within a reasonable time, if the tomb owners could not be identified, relocation of tombs could be done by a specialized unit in consultation with local authorities and local people. Prior to relocation, photos of unknown tomb(s) shall be taken, and procedures of tomb relocation, and the new location of the tombs shall be documented carefully. • If affected households are from EM group, local EM leaders and community shall be consulted to ensure tomb relocation rituals are fully observed and proceeded in accordance with local EM tradition/practice
4. LOSS OF INCOME AND LIVELIHOOD					
4a	Loss of Income during transition Period (Subsistence Allowance)	Loss of Income	AHs who lose income during the transition period including employees of businesses	<ul style="list-style-type: none"> • Lump sum amount equivalent to 3 months of income based on the official monthly poverty rate established by RGC. Monthly Poverty Rate X Number of Members in AH X 3 • In case affected person is classified as poor and vulnerable group, the above lump sum amount is doubled. 	<ul style="list-style-type: none"> • Monthly Poverty Rate as established by the RGC

Category	Type of Loss	Application	Category of AH	Entitlements	Clarification
4b	Permanent Loss of Livelihood Source	Income Restoration	AHs who lose their source of livelihood permanently	<p>AHs can choose to participate in one of the following Livelihood Restoration options:</p> <p>+ Land-Based Livelihood Restoration for AHs engaged in land-based livelihood (i) facilitate <u>access to replacement land</u> (land-for-land if land is available) to enable AHs to continue their farming activities (rice cultivation, gardening, growing fruit trees, livestock, and other similar land-based farming activities; (ii) <u>access to trainings on farming or livestock</u>; and (iii) <u>lump sum cash of USD 200</u> to assisted affected households to start new income generation activity.</p> <p>OR</p> <p>+ Business-Based Livelihood Restoration for AHs who opt for alternative non-farm business, including: (i) <u>access to training on new business skills</u>; (ii) <u>a lump sum cash of USD 200</u> to assist in starting a new non-farm business.</p> <p>OR</p> <p>+ Employment-Based Livelihood Restoration for members of AHs who lose land-based employment permanently, and prefer to learn new job skills, including: (i) <u>access to employment skills training</u>; (ii) <u>lump sum cash equivalent to 3 months of income</u> based on official poverty rate to supplement income support during the training period.</p> <p>Affected household who are “Poor” and “Vulnerable” by project’s definition will receive doubled lump sum cash (as mentioned above) and have priority in accessing suitable employment opportunity under the Project.</p>	AHs will be eligible for any one of the three options based on their preferred choice.
4c	Relocation	Self-relocation	AHs who will be permanently displaced and relocated	Cash compensation for self-relocation of the AHs to their preferred choice of site.	RCS will determine the cost of self-relocation.
5. TEMPORARY IMPACTS DURING CONSTRUCTION					
5.a	Damages to private and public assets, structures, properties		Local people, private sector and government	<ul style="list-style-type: none"> Damage to properties that are caused by civil works contractors during construction will be compensated for property owners by involved contractors. Compensation shall be at full replacement costs. Where public structures such as schools, health centers, recreational parks, public roads, water transmission pipelines, and electricity transmission lines (including electricity poles) are 	

Category	Type of Loss	Application	Category of AH	Entitlements	Clarification
				<p>affected, such affected works will be restored, and repaired, or compensated at full replacement cost to ensure normal operation is timely resumed at no cost to the local community, or private entities who own and operate such public facilities.</p> <ul style="list-style-type: none"> The principles adopted for this LARPF apply for calculation of compensation. 	
5.b	Unanticipated Impacts			<ul style="list-style-type: none"> Any unforeseen impacts or damage due to the Project will be properly assessed and compensated in accordance with the LARPF and AIIB's ESF. The Borrower will inform AIIB of the occurrence of the unanticipated impacts and actions to be undertaken to mitigate these. These shall also be included in the monitoring report to AIIB. 	

Source. Appendix 6 of Standard Operating Procedures for Externally Financed Projects in Cambodia (2018).