

during construction are able to return after construction to the same space. Space for mobile vendors to operate will be maintained during and after the period of civil works upgrades.

51. Affected persons will be included in the lists of small and medium enterprise owners to receive business support services and training on how to increase their incomes from tourism under the project's capacity development activities (Output 3). This includes training for (i) business planning and management; (ii) how to access microfinance and financial literacy; (iii) service/production group formation/strengthening; (iv) handicraft/food production and marketing, quality enhancement, and efficient production techniques; and (v) hospitality services. The training is to be financed by loan proceeds, coursed through MOT and Department of Tourism. The project will result in higher numbers of tourists and local traffic in the market area and the affected persons will benefit from these investments in tourism training.

52. **Gender.** Women represent two-thirds of the affected business owners at the crab market. Women participated in the consultations leading to the identification of entitlements, and the measures included in the resettlement plan will ensure that they are compensated for any losses. Such consultations will be continued during the entire project cycle from the time of resettlement plan updating, and during implementation to address specific resettlement concerns, such as compensation for business losses. In keeping with the project's categorization as effective gender mainstreaming, women household members will have priority for gaining access to training opportunities. Men will also have opportunities participate in hospitality services and microenterprise training.

IX. Resettlement Budget

53. The cost for resettlement will be covered from the counterpart funds of the Royal Government of Cambodia. At the official request of the IRC, the Ministry of Economy and Finance shall provide the funds for the implementation of the resettlement plan in a timely manner through the Provincial Department of Economy and Finance.

54. An accounting procedure and format for the disbursement of compensation will be prepared by the RD-MEF for approval by the IRC. Payment of compensation and any allowances shall be given to the AHs in the office of the commune by the Provincial Department of Economy and Finance in the presence of IRC-WG, Provincial Resettlement Subcommittee (PRS), commune/village chief or committee, and representatives of the AHs. The total cost of resettlement is estimated at \$11,028. Of this total \$4,950 is the estimated direct cost of compensation for business losses, \$4,240 is the implementation cost, and \$1,838 (20%) has been allocated for contingency. The budget will be updated at the time of the DMS/consultation with AHs. The Royal Government of Cambodia will cover the costs in the resettlement budget (Table 5). The cost for the dismantling and repair of the floors to connect restaurants to the septic tanks at the Crab Market is included in the project's civil works budget (estimated at \$10,000), to be financed by loan proceeds.

Table 5: Resettlement Budget – Kep Crab Market

No.	Items	Unit of Measure	Rate (\$/unit)	Quantity	Amount (\$)
1	Business income – 3 days, based on estimate of daily sales of \$50 day	AH	150	33	4,950
	Direct Cost				4,950
2	Community consultations	Event	150	6	900

3	Set up temporary market site ^a	Lump-sum		-	1,000
4	Capacity building for RP implementation	Lump-sum		-	1,500
5	Monitoring	5%		-	420
6	Administrative costs	5%		-	420
	Implementation Cost				4,240
7	Contingency	20%			1,838
	Total				11,028

^aFor mobile vendors at crab market during civil works construction, if necessary.
Source: PPTA consultants.

X. Institutional Arrangements

55. **The Ministry of Tourism (MOT).** MOT is the project's executing agency and will oversee all project activities including RPs. MOT will establish a Project Coordination Unit (PCU) that will assure coordination of the implementation of this resettlement plan. The MOT/PCU and MPWT shall nominate its officials to participate in the resettlement implementation under the guidance of the Inter-Ministerial Resettlement Committee (IRC) . MOT and the PCU will coordinate closely with the IRC and IRC Working Group (IRC-WG) on all matters of involuntary resettlement, working closely with the Resettlement Department of the MEF (RD-MEF) to prepare, and update the RP. MOT's specific tasks include the following:

- Secure the approval of the RP from the IRC;
- Secure prior approval by IRC and the ADB for any variations in the approved RP;
- Update the RP after the detailed measurement survey (DMS);/consultation with AHs during actual implementation .
- Secure the data base of affected households and assets that will be gathered during the preparation and updating of the RP.
- Prepare progress reports/internal monitoring on overall project implementation including the RP implementation and submit to the IRC and ADB.

56. The Kep Provincial Department of Tourism (DOT) will establish a Project Implementation Unit comprising staff of the DOT and DPWT. The PIU will have one full time Safeguards Officer to coordinate implementation of the RP. The PCU will provide technical assistance to PIU as necessary.

57. **Inter-Ministerial Resettlement Committee.** Based on the Prime Minister Decision No. 13, dated 18 March 1997, the Inter-Ministerial Resettlement Committee (IRC) was firstly established in 1999 to review and evaluate the resettlement impact and land acquisition for Phnom Penh-Ho Chi Minh City Highway Project funded by the ADB Loan 1659-CAM. The IRC is a collective entity composed of representatives from different line ministries, such as the MPWT (Project Executing Agency), the Council of Ministers (COM), the Ministry of Agriculture, Forestry and Fisheries (MAFF); Government Delegate in Charge of Phnom Penh Capital City; and Governor and Deputy Governor of the Provinces where the project located (Kandal, Preyveng and Svayreang Provinces). The IRC has emerged as the decision making body on resettlement issues and has since been involved in other foreign-assisted government infrastructure projects with involuntary resettlement. The MEF is the permanent Chair of the IRC and represents it for all development projects.

58. The IRC shall assume the function of a quasi-regulatory body, ensuring that funds for resettlement are spent properly and that the RP is carried out as intended. The technical arm of the IRC is the RD-MEF, tasked to assist the IRC in carrying out the following:

- Review and approve the RP, ensuring that the RP is consistent with ADB's 2009 Safeguard Policy Statement and later, the loan/project agreement;
- Endorsing the approved RP to ADB;
- Leading the RP implementation at the Project areas such as DMS, public consultations with AHs, information disclosure, etc; based on the agreed policy and principles of this RP;
- Establishing or convening the Provincial Resettlement Committee and its Working Group;
- Securing from the national treasury the budget for carrying out the RP, ensuring that funds are available in a timely manner and in sufficient amounts;
- Approving all disbursements connected with the implementation of the RP, such as payment of compensation and other entitlements, acquisition and preparation of replacement plots, operational expenses of personnel, etc.;
- Ensuring that funds for resettlement are spent judiciously; and

59. **Provincial Resettlement Sub-Committee (PRSC):** The PRSC is a collegial body at the provincial level headed by the Provincial Governor or Deputy Governor of the Provinces where the Project located. The members of the PRSC are provincial department directors of line ministries represented in the IRC, and also the chiefs of the districts and communes where the Project located.

60. The technical arm of the PRSC is the Working Group (PRSC-WG). The PRSC-WG is headed by the Chief or Deputy Chief of the Provincial Cabinet, with a Director (or a representative) of the Provincial Department of Public Works and Transport (DPWT) as members. The PRSC-WG has a counterpart at the district level and commune level composed of personnel from various line agencies.

61. The PRSC, through the provincial and district working groups are responsible for the following functions:

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

62. The concerned **local administrative authorities** (District/Town and Commune) will coordinate and work closely with IRC during the RP implementation. Their roles and responsibilities are to:

- Arrange places for consultation with AHs during the DMS and other resettlement-related activities;
- Facilitate discussions with AHs during the negotiation and compensation process;
- Register new settlers in the area. The local authorities will monitor and be responsible for informing residents and new settlers not to construct houses/structures in the areas where there will be improvement/construction.

63. **Project Consultants.** A national social safeguards specialist (3 months, intermittent inputs) will be hired by (whom) to support the PCU in updating the RP. The resettlement consultant will have experience in both planning and implementation of resettlement plans in Cambodia, and help develop the capacity of national, provincial and local officials responsible for updating, and internal monitoring of the RP. Specific tasks include:

- Assist MOT to update the RP and provided needed technical support to facilitate its approval;
- Ensure that due diligence in implementing the RP is carried out;
- Design and deliver capacity development activities on ADB social safeguard policies for all relevant agencies as needed, including requirements for participation, communication, and gender mainstreaming;
- Assist the PCU and PIU to prepare the methodology and required materials to undertake effective information campaigns about the project resettlement related information, project implementation/construction schedule and conduct of public consultations;
- Assist in the conduct of the information campaigns, public consultation, and community participation on social safeguards;
- Coordinate the detailed measurement survey (DMS)/community consultations, based on detailed engineering design and update the list of affected persons if any change from the preliminary design;
- Verify the calculations of compensation during the RP updating, based on the DMS/community consultations, conducted by the IRC-WG and PRSC-WG, in relation to the provisions of the RP entitlement matrix;
- Participate and monitor compensation payments to AHs and advise the IRC-WG and PRSC-WG of any actions needed to ensure compensation is paid in full and in a timely manner;
- Ensure that grievances are addressed promptly and properly and that the grievance redress mechanism is functioning well;
- Provide periodic training on grievance redress procedures, if necessary;
- Closely coordinate to ensure proper technical and logistical support to PIUs, local administrative authorities, resettlement committees and concerned government departments;
- Establish and implement procedures for internal monitoring;
- Train PIU and PCU assigned social safeguards focal persons to carry out internal monitoring and reporting of the RP implementation;
- Review the survey materials and methods that will be used to complete the detailed measurement survey during detailed design, and recommend improvements as may be required;
- Coordinate with IRC-WG and PRSC-WG in implementing the RP;
- Together with members of the IRC-WG, brief officials at all levels on the content and procedures for implementing the RP and if necessary, provide suggestions to improve procedures for the coordination of resettlement and compensation;

- Prepare quarterly status reports and periodic spot checks on the implementation of RP, to be submitted to IRC and ADB through the PIU and PCU.

XI. Indicative Implementation Schedule

64. All resettlement activities will be coordinated with the civil works schedule. The civil works contract shall not be awarded until the updated RP has been reviewed and approved by ADB. All the resettlement impacts are expected to be limited to the construction period and hence will be assessed further and paid based on actual loss. The tentative implementation schedule for resettlement actions is in Table 7.

Table 7: Implementation Schedule

Tasks	Schedule
Establish the PCU and PIUs	Quarter 1, Year 1
Undertake consultation and participation programs	Continuous
Establish compensation and resettlement committees at all levels	Quarter 2, Year 1
Updated census of affected persons and carry out detailed measurement survey (after detailed design)	Quarter 1, Year 2
Prepare and confirm post-construction plan for market upgrades (at detail design)	Quarter 1, Year 2
Update RP and obtain ADB concurrence	Quarter 2, Year 2
Establish temporary market spaces, if needed	Quarter 3, Year 2
Start of civil works	Quarter 3, Year 2
Present compensation payment during construction based on actual losses to AHs in Kep crab market	Quarter 3, Year 2
Internal monitoring	Continuous

XII. Monitoring and Reporting

65. Monitoring and evaluation of the RP allows project owners to ensure smooth progress of RP implementation by providing a review of information on the progress of implementation of RP activities. Importantly, monitoring must also address the degree to which the resettlement activities have achieved their desired outcomes.

66. These monitoring objectives will be addressed through internal monitoring by the MOT-based PCU at the central level and the Kep DOT-based PIU. The PCU and PIU will designate Safeguards Officers, which will be responsible for internal monitoring. The National Resettlement Specialists will support the PCUs and PIUs in monitoring. The scale of resettlement does not warrant an external monitor. This requirement will be reassessed if any changes during the RP updating so warrant.

67. The role of internal monitoring and evaluation is to ensure that resettlement institutions are well functioning during the course of project implementation, and that the resettlement activities are undertaken in accordance with the implementation schedule described in the undated RP. In this way, the protection of AHs' interests and the schedule for civil works can be assured.

68. The primary responsibility for internal monitoring lies with MOT as the project executing agency. MOT will be responsible for overseeing the formation, function, and activities of the Kep DOT, and through quarterly monitoring reports, summarize this progress. All monitoring data will be collected to ensure sex and ethnicity disaggregation.

69. The indicators that will be monitored regularly are in Table 6 (as applicable, based on the DMS and updated RP).

Table 6: Monitoring and Evaluation Indicators

Type	Indicator	Examples of Indicators
Process Indicators	Consultation, Participation , and Grievance Resolution	<ul style="list-style-type: none"> • PRSC-WG established • Summary RP available at relevant Commune Offices; design plan posted in subproject area (at market) • Consultations and participation undertaken as scheduled in the RP • Grievances by type and resolution • Number of locally-based organizations participating in project
Output Indicators	Compensation and Rehabilitation	<ul style="list-style-type: none"> • Number of business owners compensated by type of loss • Amount compensated by type and owner • Number and amount of payment paid • Number of temporary mobile vendor sites established at crab market • Number of owners requesting additional assistance, if any. • Data to be disaggregated by gender

Annex 1: Minutes of Meeting – Kep Resettlement Consultations

Kep Crab Market Environmental Improvements

Province: Kep
 District: Kep City
 Sangkat: Prey Thom
 Village/s: Thmey

Objective

The PPTA consultants provided an introduction/briefing on LARC aspects to businesses/residents (restaurant owners/renter) with provincial representatives and consultant staff, along with conducting IOL in the subproject implementation area. PPTA Consultants provided information about the subproject, the expected impact on the businesses, ADB and Government of Cambodia social safeguards policies, entitlement policies and eligibility, including the cut-off date.

Date of Consultation

Date: 19 September 2013

Summary of Consultation

1. Participants:

Total	No. of female participants	No. of male participants	Main ethnic group	Minority group
26	22	4	Khmer	0
Names of participants are shown in the attached attendance list				

2. Public attitudes to the project and resettlement (extract of discussed items)

Questions/Issues		Respondents					
		Male			Female		
		Yes	No	Unclear	Yes	No	Unclear
2.1	Do you support the project?	04	0	0	22	0	0
2.2	Do you support the waste water treatment plan?	04	0	0	22	0	0
2.3	Would you agree in permanent sewer pipe passing the front of your compound restaurant?	04	0	0	22	0	0
2.4	Would you agree in temporary construction the sewer pipe in front of your restaurant compound?	04	0	0	22	0	0
Questions/Issues		Respondents					
		Male			Female		
		Yes	No	Unclear	Yes	No	Unclear
2.5	In case private land had to be acquired by the project which compensation option would you prefer:						
	• Donation of land as your contribution to the Project	04	0	0	22	0	0
	• Land for land compensation in specific case	0	04	0	0	22	0
	• Land for land compensation in any case	0	04	0	0	22	0
	• Cash compensation for land in specific case	0	04	0	0	22	0

Questions/Issues		Respondents					
		Male			Female		
		Yes	No	Unclear	Yes	No	Unclear
	• Cash compensation for land in any case	0	04	0	0	22	0
2.6	Do you prefer conflict resolution through:						
	• Village / Commune committee	04	0	0	22	0	0
	• District committee	0	04	0	0	22	0
	• Provincial committee	0	04	0	0	22	0
	• Civil court	0	04	0	0	22	0
	• Others						
Questions/Issues		Respondents					
		Male			Female		
		Yes	No	Unclear	Yes	No	Unclear
2.8	How wide of space need to be dug?						
	• Up to 2 meters	04	0	0	22	0	0
	• More than 2 meters	0	04	0	0	22	0
2.9	When would you like the project implementation start?						
	• Rainy season (June – October)	04	0	0	22	0	0
	• Dry season (November-May)	0	04	0	0	22	0

3. Suggestions for land acquisition and relocation of structures

Suggestions
• They suggest to the project should not do the construction work at the weekend and public holiday because at that time a lot of domestic and international tourism come to visit Kep.
• They agreed to contribute for the operating and maintaining fee but they suggested not much higher than 5,000 to 10,000 Riels per month if possible.
• Concern about business losses and request for provisions to avoid business losses during construction including compensation. The priority was on managing construction properly to avoid losses. All respondents were interested to participate in further consultations.

4. Facilitators

No.	Organization
1	Kep City
2	Kep Department of Tourism
3	Crab Market Community
4	ADB/Camconsult