SOUTH EAST ASIA DISASTER RISK MANAGEMENT (SEA DRM) PROJECT FOR CAMBODIA

INDIGENOUS PEOPLES PLANNING FRAMEWORK

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<th>Description</th>
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<tr>
<td>ARAP</td>
<td>Abbreviated Resettlement Action Plan</td>
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<td>BP</td>
<td>Bank Policy</td>
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<td>DIA</td>
<td>Designated Implementing Agency</td>
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<td>DRFI</td>
<td>Disaster Risk Financing and Insurance</td>
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<td>Disaster Risk Management</td>
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<td>Environmental and Social Management Framework</td>
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ACKNOWLEDGEMENTS

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1.0 INTRODUCTION

This document is the Indigenous People Planning Framework (IPPF) for the proposed South East Asia Disaster Risk Management (SEA DRM) Project prepared in conjunction with the Ministry of Rural Development (MRD) for possible financing by the World Bank (WB or Bank).

1.1 PROJECT DEVELOPMENT OBJECTIVE

The proposed SEA DRM Project funded by the World Bank through a proposed International Development Association (IDA) loan of USD 60 million and implemented by the governments of Cambodia, Lao PDR and Myanmar aims to reduce the risk of flooding and enhance disaster risk financing capacity within the Lower Mekong region.

The SEA DRM Project is envisioned as the start of a long-term regional engagement on disaster and climate resilience. At the regional level, the objective is to promote and harmonize disaster risk management. This will include: (i) facilitating trans-boundary approaches to watershed management and disaster and climate risk management; (ii) strengthening and deepening the resilience of regional economic trade corridors; (iii) establishing regional approaches to hydro-meteorological forecasting and early warning; (iv) promoting regional approaches for Disaster Risk Financing and Insurance (DRFI), including potentially risk pooling through common financial protection mechanisms if this is found to be cost-effective and politically feasible; and (v) strengthening regionally harmonized information systems and databases.

1.2 PROPOSED PROJECT DESIGN AND COMPONENTS

The proposed SEA DRM Project intends to cover key flood risk management investments that contribute to natural disaster risk and poverty reduction and strengthen local capacity for longer term disaster risk management in Cambodia, Lao PDR, and Myanmar. The scope of national and regional-level investments will be refined during project preparation and community planning. Consequently, the project will cover all three proposed countries although the most disaster prone areas of Cambodia, Lao PDR and Myanmar will be targeted for specific investments, and their scope will be refined during project preparation. The activities (Components 1, 2, 3, and 4) described below are planned under the project:

Component 1: Strengthening Rural Road and Community Resilience

This component will focus on resilience of rural road corridors through the upgrading rural roads and strengthening the preparedness of surrounding communities. It will be implemented by MRD in Steung Treng, Kratié, Kampong Cham, Tbong Khmum, Siem Reap, and Kandal, six highly flood-prone provinces along the Mekong and Tonlé Sap basins, which were most affected by recent major flood events.

Sub-component 1.1. Resilient Rural Road Rehabilitation and Upgrading: This component will finance the climate resilient rehabilitation and maintenance of about 250 km of rural roads that are regularly damaged from recurrent flood events. Sound engineering designs, sufficient drainage, and greening approaches will be applied to enhance the resilience of the road structures. Where appropriate, labor-intensive methods will be supported. These works will be complemented with traffic safety measures near communities and schools, building on a safe villages program that combines road safety with community disaster risk management and planning. Opportunities will be integrated to use the rural road network to strengthen water control measures, for example, by raising the road levels so as to
function as embankments or introducing water gates in certain elevated road links to control water flows in dry and wet seasons. Criteria used to prioritize rural roads for upgrading under this project focus on roads which have been regularly flooded and require resilient rehabilitation and upgrading investments.

**Sub-component 1.2. Institutional Strengthening:** This sub-component will finance institutional strengthening within the rural road sector. In particular, this component will (i) develop and adopt resilient roads planning, design, and construction standards, (ii) support quality control through field laboratories, and (iii) upgrade the rural road inventory.

**Component 2: Disaster Risk Financing and Insurance**

The objective of this component is to increase the financial resilience of Cambodia against natural disasters and the Government’s capacity to meet post-disaster funding needs. This component will be implemented by MEF.

**Sub-component 2.1. Support for strengthening national financial resilience (US$0.5 million TF Grant):** This sub-component will build capacity on disaster risk finance within MEF, support the preparation and implementation of a national disaster risk finance strategy, and facilitate the country engagement in the preparation and establishment of the Southeast Asia Disaster Resilience Insurance Fund (SEADRIF) as a regional disaster risk pooling mechanism, designed to provide participating countries with effective and affordable post-disaster rapid response financing. This sub-component will be financed through trust fund grants.

**Sub-component 2.2. Payment of disaster risk insurance premium (US$10 million IDA Credit):** This sub-component will assist the Government in securing access to sovereign disaster risk insurance by financing its premium for three years to an international risk carrier such as the newly established SEADRIF or through the World Bank Treasury. It is proposed to structure this component in a way that should the SEADRIF not be operational at mid-term review of the project, the funds of this sub-component will be reallocated to Component 1.

**Sub-component 2.3. Support for strengthening disaster resilience (US$0.5 million TF Grant):** This sub-component will build capacity MEF to systematically mainstream disaster and climate resilience into investment planning and development processes, in coordination with other relevant line Ministries and NCDM.

**Component 3 Project Management**

The objective of this component is to support the day-to-day implementation of the project. It will finance institutional support and capacity development for project management, coordination, procurement, financial management, technical and safeguards aspects, monitoring and evaluation (M&E), and reporting.

**Component 4: Contingent Emergency Response Component**

This component will allow for a reallocation of credit proceeds from other components to provide emergency recovery and reconstruction support following an eligible crisis or emergency. An Emergency Response Operations Manual will be developed for the specific eligible disaster, detailing financial management (FM), procurement, safeguard, and any other necessary implementation arrangements.
The WB Rapid Response to Crises and Emergencies Procedural Guidelines states: “Ensuring due diligence in managing potential risks while recognizing the critical nature of the proposed emergency operations and the need for providing immediate assistance will remain the primary objective of the Bank’s approach to managing environmental and social safeguards in emergencies. In line with this objective and in order to facilitate a rapid response, task teams would be expected to adopt, as with procurement, principles of greater delegation, speed, simplicity and flexibility in applying relevant safeguard policies.”

1.3 APPLICABLE WORLD BANK SAFEGUARD POLICIES

Under the Cambodia SEA DRM Project, it is intended that disaster prone areas will be targeted for specific investments. Various levels and magnitude of potential environmental and social impacts are envisaged from the implementation of sub-projects depending on their scale and location, which are still to be detailed in consultation with the governments and local communities. Based on the initial consultations with the recipients regarding possible investments, the Project will likely trigger the following two WB social safeguards policies: *Indigenous Peoples* (OP/Bank Policy (BP) 4.10) and *Involuntary Resettlement* (OP/BP 4.12) as well as the following three WB environmental safeguard policies: *Environmental Assessment* (OP/BP 4.01), *Natural Habitats* (OP/BP 4.04), and *Physical Cultural Resources* (OP/BP 4.11).

The *Indigenous Peoples* (OP/BP 4.10) safeguard policy applies to the project because ethnic minorities may be directly or indirectly impacted and, therefore, subject to the eligibility criteria of OP/BP 4.10.

This policy recognizes that the distinct identities and cultures of Indigenous Peoples (IP) remain inextricably linked to the lands they inhabit and the natural resources they depend upon to survive. OP/BP 4.10 has been designed to ensure that Bank-financed projects do not result in adverse impacts to indigenous peoples and ethnic minorities or when avoidance is not possible, to minimize, mitigate and/or compensate for such impacts. Its aim is to promote sustainable development benefits and opportunities for IPs in a manner that is accessible, culturally appropriate and inclusive. OP/BP 4.10 establishes processing requirements: screening, social assessment, consultation with communities involved, preparation of plan or framework, and disclosure. It also requires the borrower to seek broad community support of IPs through a process of free, prior and informed consultation before deciding to develop any project that targets or affects IPs, and to maintain an ongoing relationship based on meaningful consultation with the IPs affected by a project throughout the project’s life-cycle. Lastly, OP/BP 4.10 strives to recognize, respect and preserve the culture, knowledge, and practices of IPs, and to provide them with an opportunity to adapt to changing conditions in a manner and in a timeframe acceptable to them.

The OP/BP 4.10 does not provide a definition of the term “Indigenous Peoples” because there is no universally accepted definition. For purposes of this policy, the term “Indigenous Peoples” is used in a generic sense to refer to a distinct, vulnerable, social and cultural group possessing the following characteristics in varying degrees:

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

b) Collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories;
c) Customary cultural, economic, social, or political institutions that are separate from those of the dominant society and culture; and

d) An indigenous language, often different from the official language of the country or region.

The OP/BP 4.10 also applies to communities or groups of IPs who, during the lifetime of members of the community or group, have lost collective attachment to distinct habitats or ancestral territories in the project area, because of forced severance, conflict, government resettlement programs, dispossession of their land, natural disasters, or incorporation of such territories into an urban area. The policy also applies to forest dwellers, hunter-gatherers, pastoralists or other nomadic groups, subject to satisfaction of the Special Considerations’ criteria in paragraph 16 of the WB policy on Indigenous Peoples (OP/BP 4.10).

2.0 LEGAL AND REGULATORY FRAMEWORK CONCERNING INDIGENOUS PEOPLES

2.1 RELEVANT CAMBODIA LAWS

2.1.1 Cambodia’s Constitution Law (1993)

The Cambodian Constitution (1993) guarantees all Khmer citizens the same rights regardless of race, color, language and religious belief. The Royal Government of Cambodia also acknowledged the importance of having a multi-cultural Cambodian society in its political platform for the third legislature of the national assembly.

Article 31 states that every Khmer citizen shall be equal before the law, enjoying the same rights, freedom and fulfilling the same obligations regardless of race, color, sex, language, religious belief, political tendency, birth origin, social status, wealth or other status.

2.1.2 Land Law (2001)

The Cambodian Land Law (2001) grants collective land ownership rights to indigenous communities. Article 25 states that ownership of immovable properties is granted by the state to indigenous minorities as collective ownership. This collective ownership includes all of the rights and protections as enjoyed by private owners. The exercise of collective ownership rights is subject to the responsibility of traditional authorities and decision-making mechanisms of the indigenous community, according to their customs and subject to the laws of general enforcement related to immovable property such as the law on environmental protection (Article 26).

In Article 23, an indigenous community is defined as “A group of people that resides in Cambodia whose members manifest ethnic, social, cultural and economic unity and who practice a traditional lifestyle, and who cultivate the lands in their possession according to the customary rules of collective use.”

2.2 RELEVANT INTERNATIONAL INSTRUMENTS

Cambodia is a signatory to a number of international instruments that protect the rights of IPs. These include the International Convention on Economic, Social and Cultural Rights (ICESCR), International Convention on Civil and Political Rights (ICCPR) and the International Convention on the Elimination
of All Forms of Racial Discrimination (CERD). Cambodia is also a party to the Convention on Biological Diversity (1992) that recognizes the role of IPs in the protection of biodiversity.

3.0 INDIGENOUS PEOPLES IN THE PROJECT AREAS

Reliable demographic and ethnographic information is not available in Cambodia due to its recent history of genocide, war, mass migration, and forced resettlement. The 1998 Cambodian Population Census identified 17 different indigenous groups and Table 1 provides a summary list of ethnic groups in the six sub-project provinces. Based on spoken language, the census estimated the indigenous population at about 101,000 people or 0.9% of the then total population of 11.4 million. Empirical research, however, suggests that the figure is most likely underestimated and could be as high as 190,000 people or 1.4% of Cambodia’s population.

Table 1 Ethnic groups in the sub-project area by province.

<table>
<thead>
<tr>
<th>Ethnic Groups</th>
<th>Steung Treng</th>
<th>Kratié</th>
<th>Kampong Cham</th>
<th>Siem Reap</th>
<th>Kandal</th>
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</tbody>
</table>
4.0 POTENTIAL PROJECT IMPACTS ON INDIGENOUS PEOPLES

The Cambodia SEA DRM Project is not expected to adversely affect IP, including ethnic groups. However, indirect effects may be induced from sub-project implementation. For instance, mobility and accessibility to various services is a problem if road networks and bridges are in disrepair.

Access to health care is a priority for IP because their communes are located far away from the district hospital or health center. Children’s education is a priority for IP, however at least ten percent primary school-age children do not attend an education facility either because of the distance to school or the time that it takes to come to the school. There is also a high rate of dropouts due to a number of factors, including time to travel to school and/or disrepair of roads and bridges.

IP have concerns about natural resource extraction if roads are improved. IP cited deforestation, wildlife trading, loss of wildlife and fishery as key environmental concerns. They suggested awareness raising events and trainings on law enforcement against illegal logging and wildlife trading as part of commune development work.

5.0 IMPLEMENTATION ARRANGEMENTS FOR THE IPPF

Implementation of the IPPF for sub-projects funded in areas where indigenous people reside requires that (a) the Bank screens to identify whether IP are present in, or have collective attachment to, the project area; (b) the borrower undertakes a social impact assessment to assess potential impacts and identify culturally appropriate benefits; (c) the borrower conducts free, prior and informed consultations with affected ethnic minorities leading to their broad community support for the relevant project activities; and (d) the borrower prepares and discloses an Indigenous Peoples Development Plan (to complement the IPPF) in order to address particular issues concerning ethnic minorities, provide culturally appropriate benefits, and ensure the avoidance or mitigation of adverse impacts.

The level of detail necessary to meet the borrower’s requirements specified in points (b), (c), and (d) above is proportional to the complexity of the proposed project and commensurate with the nature and scale of the proposed project’s potential effects on IP, whether adverse or positive.

5.1 SCREENING FOR THE PRESENCE OF INDIGENOUS PEOPLE

The Bank will undertake a screening early in the project preparation phase, to determine whether IP are present in, or have collective attachment to, the project area. The Bank may seek the technical judgement of qualified social scientists with expertise on the social and cultural groups in the project area. The Bank will also consult IP concerned and the borrower. The Bank may follow the borrower’s framework for identification of IP during project screening, when that framework is consistent with this policy.

If, based on the screening, the Bank concludes that IP are present in, or have collective attachment to, the project area, OP/BP 4.10 is triggered and the procedures described in this IPPF will be followed. This includes the requirement that the borrower undertakes a social assessment to evaluate the project’s potential positive or adverse effects on IP, and to examine project alternatives where adverse effects may be significant.
5.2 SOCIAL IMPACT ASSESSMENT

A Social Impact Assessment (SIA) is the process of identifying and reviewing the social effects of current or proposed infrastructure projects and other development interventions. According to the International Association for Impact Assessment (IAIA), this includes the processes of analyzing, monitoring and managing the intended and unintended social consequences, both positive and negative, of planned interventions (policies, programs, plans, projects) and any social change processes invoked by those interventions.

The breadth, depth, and type of analysis in the social assessment are proportional to the nature and scale of the proposed project’s potential effects on a community, whether such effects are positive or adverse. The SIA should be integrated into the sub-project’s Environmental and Social Management Plan (ESMP) as described in the Environmental and Social Management Framework (ESMF) and results used to develop the Social Management and Monitoring Plan (SMMP).

In the case where the screening process described in section 5.1 identifies the presence of indigenous people in the project and sub-project area, a dedicated process of social assessment will be undertaken in accordance with the principles outlined in OP 4.10. This will include the following elements:

a) Depending on the scale of the sub-project, a review of the legal and institutional framework applicable to Indigenous Peoples in the affected community.

b) Collection and analysis of relevant baseline information on the cultural, socio-economic and political characteristics of the impacted indigenous communities, and if relevant the land and territories they traditionally occupy and natural resources they depend on.

c) Using this baseline information, key project stakeholders will be identified within the affected communities, and a culturally appropriate process for consulting with the Indigenous Peoples during sub-project preparation and implementation will be identified with those stakeholders (see paragraph 9 of this policy).

d) An assessment, based on free, prior, and informed consultation, with the affected Indigenous Peoples’ communities, of the potential adverse and positive effects of the project. This assessment will be sensitive to the unique vulnerabilities of IP communities, considering their distance circumstances, ties to the land and natural resources, and potentially limited access to development opportunities within the broader society.

e) The identification and evaluation, based on free, prior, and informed consultation with the affected Indigenous Peoples’ communities, of measures necessary to avoid adverse effects, or if such measures are not feasible, the identification of measures to minimize, mitigate, or compensate for such effects, and to ensure that the Indigenous Peoples receive culturally appropriate benefits under the project.

In the case of IP communities, this social assessment will be presented as a separate chapter of the ESMP, that can also be presented as a standalone document for the purposes of consultation and disclosure.
5.3 FREE, PRIOR AND INFORMED CONSULTATION PROCESS

The WB policy on IP requires a process of free, prior and informed consultation leading to broad community support from indigenous peoples benefiting from, or affected by, Bank-financed sub-projects. The principle of Free, Prior and Informed Consultation recognizes IPs’ inherent and prior rights to their lands, territories and resources and respects their legitimate authority and requires processes that allow and support meaningful choices by IP about their development path.

The borrower needs to use participatory consultative methods that are appropriate to the social and cultural values of the affected IPs’ communities and their local conditions and, in designing these methods, gives special attention to the concerns of Indigenous women, youth, and children and their access to development opportunities and benefits.

The usual platform for consultations is part of the SIA, and the scope of the consultations required will vary depending on the specific project and the nature of effects to be addressed. The methodology used will depend on the type of communities affected by the specific project (e.g., their vulnerability, language and ongoing interactions with the dominant society or neighboring communities).

The consultation process needs to ensure:

- IP are not coerced, pressured or intimidated in their choices of development;
- IPs’ consent is to be sought sufficiently in advance of any authorization or commencement of activities and respect is shown to time requirements of indigenous consultation/consensus processes; and
- IP have full information about the scope and impacts of the proposed development activities on their lands, resources and well-being. Information should be provided on the nature, size, pace, reversibility and scope of any proposed project or activity; the purpose of the project and its duration; locality and areas affected; a preliminary assessment of the likely economic, social, cultural and environmental impact, including potential risks; personnel likely to be involved in the execution of the project; and procedures the project may entail. This process may include the option of withholding consent.

Consultation and participation are crucial components of a consent process, and the consultation process must be documented.

Arrangements for consultations should be carefully considered and tailored to the sub-project context, the anticipated impacts and the context of the local communities. Consultations should be conducted in the ethnic language(s) when needed and sufficient lead time (minimum two weeks) should be given to ensure that all affected ethnic minority communities are able to participate in consultations fully informed of the sub-project. Consultation approaches may include:

- Community meetings, both with the community as a whole and with sub-groups;
- Focus group discussions and participatory planning exercises;
- Distribution of project information in both full format (project documents, assessment reports, etc.), simplified formats such as posters and brochures, and audio-visual material using local languages;
- Identification of contact persons within the communities (some training may be appropriate to enhance their ability to engage meaningfully in the consultation process);
Involvement of the affected IPs’ communities, the Indigenous Peoples Organizations (IPO) if any, and other local civil society organizations (CSO) identified by the affected IP communities; and

Opportunities for consultation at each stage of project preparation and implementation.

The mission team conducted random household interviews with an IP community, namely the Phnong ethnic group on 16 June 2016. In order to comply with the required Free, Prior and Informed Consultation, the team went to the Kampong Phnouv Village (Koh Khnhaer Commune, Sambo district, Kratié Province), situated at end of one of the proposed road lines. Aiming to minimize the influence from local authorities, arrangements for going to the village was announced shortly after meeting with local authorities. The Kampong Phnouv Village Chief accompanied the mission team, however he was requested not to be present during the interviews. The selection of the households was made randomly and walk-in guided interviews were conducted. To ensure the quality of data collection with gender consideration, the team split into two separate groups. One male mission team led and sourced male interviewees, while the female interviewees by the female team member.

The remote IP village is mostly accessed by boat and local ferry since a bridge connecting the village to the proposed road line is yet to be built. The bridge building project is proposed in the commune development plan; nevertheless, there is no commitment of funding confirmed for the bridge construction. The villagers need to pay for ferry fee of 2,000 Riels (about 0.50 United States Dollars [USD]) for a return trip, which is costly for the communities whose livelihood depends largely on agriculture (farming once in the rainy season), planting crops such as cassava (for dry season), pig farming, and providing seasonal labor to neighboring villages or districts. One of the female interviewees recalled her son’s experience of going to school. She said her son is staying at a pagoda near his school (in the district) and it usually takes him two hours by bicycle to get home for a visit from school break.

All female interviewees welcomed any road and bridge construction initiative. To them, such an initiative would provide access to social infrastructure such as schools, markets, and health facilities. One of female respondents, 25 years old and a mother of six children, said she gave birth to five of her children at home using a traditional midwife despite being informed about the safer way of delivery at the health center. She attributed her decision to travel costs and lengthy travel time from her place to the local health center.

Most female respondents have heard or joined community planning meetings related to: commune development plan, road construction, health and sanitation awareness raising. Nevertheless, when asked about the decision making dynamic between them and their husband or male counterparts, the decision making power remains with their male counterparts with respect to voluntary land or asset contributions. Concerning voluntary land or assets contributions, the villagers interviewed have no reservations about contributing if proposed road construction affects their properties. An elder female respondent mentioned their house structure is easily and cheaply built. Traditionally, the community will provide support when it comes to constructing houses or shelters. In other words, her neighbor will help her if she needs construction labor and, vice versa.

It is also noted that domestic violence and alcohol abuse is relatively high in this community. An elder female respondent said that half (5 out 10) of households experienced domestic violence. High alcohol consumption among women is also very evident. One out of five household interviews were interrupted by a household member was drunk and interfered with the interview. The elder female
interviewed attributed alcohol consumption as one of the main reasons for domestic violence; interestingly, she mentioned that improved access to markets through infrastructure improved their market trading, yet it came with some adverse changes. She said community members could now consume greater volumes of purchased alcohol compared to lower consumption of traditional (homemade) alcohol, which resulted in alcohol poisoning and deaths.

5.4 PREPARATION OF AN INDIGENOUS PEOPLES DEVELOPMENT PLAN

According to OP/BP 4.10, when screening indicates that IP with their collective attachment to the sub-project area are likely to be present, the findings from of the SIA and Free, Prior and Informed Consultation process will be used by the designated implementing partner to prepare an Indigenous Peoples Development Plan (IPDP) for the specific sub-project affecting ethnic minorities. The IPDP will establish the measures through which the borrower will ensure that (a) IP affected by the project receive culturally appropriate social and economic benefits; and (b) when potential adverse effects on Indigenous Peoples are identified, those adverse effects are avoided, minimized, mitigated, or compensated for. The IPDP should be prepared in a flexible and pragmatic manner, and its level of detail will vary depending on the specific sub-project and the nature of effects to be addressed. The borrower integrates the IPDP into the project design.

Where required, an IPDP should include the following elements, as needed (proportional to the scope, benefits, impacts and risks of the sub-project):

a) Project description and summary description of issues relating to ethnic minorities;

b) A summary of the legal and institutional framework applicable to ethnic minorities;

c) A summary of the social assessment including baseline information on the demographic, social, cultural, and political characteristics of the affected ethnic minorities, the land and territories that they have traditionally owned or customarily used or occupied, and the natural resources on which they depend;

d) A summary of the results of the free, prior and informed consultation, with the affected ethnic minorities that led to broad community support for the sub-project;

e) A framework to ensure Free, Prior and Informed Consultation, with the affected ethnic minorities during the implementation of sub-project activities;

f) Measures to ensure that the affected ethnic minorities receive social and economic benefits that are culturally appropriate;

g) A description of the institutional arrangements for the implementation of the IPDP;

h) Measures to avoid, minimize, mitigate, or compensate for adverse effects;

i) The cost estimates and financing plan for the IPDP;

j) Grievance redress mechanisms accessible to the affected ethnic minorities, and

k) Monitoring, evaluating and reporting on the implementation of the IPDP, along with specific monitoring indicators (disaggregated by ethnicity).

When IP are the sole or the overwhelming majority of direct project beneficiaries, the elements of an IPDP should be included in the overall project design, and a separate IPDP is not required. In this
In Cambodia the Ministry of Public Works and Transportation (MPWT) is in charge of development and management of roads, but also the MRD, the Ministry of National Defense (MND) and the Ministry of Land Management, Urban Planning, and Construction (MLMUPC) are involved in these activities. The MPWT is mainly responsible for planning and implementation of (inter)national and provincial roads. The other ministries are more involved in rural roads developments or in activities conducted in dangerous areas, where clearing of mines is necessary before construction can start, or in emergency areas, such as the MND, for instance.

The Cambodia SEA DRM Project will be implemented following the government systems. The MRD designated implementing authority (DIA) Project Management Office (PMO) will be responsible for the technical activities carried out by the Provincial Department of Rural Development (PDRD) under the SEA DRM Project. Provincial Hall management will be responsible for sub-project planning and implementation at the provincial level through the PDRD, while local level project planning and implementation will be led by the District PMOs. Districts and communes are under the authority of Provincial Hall management. The Provincial Hall provides notice to the district and commune to appoint a focal person to work with the MRD environmental and social safeguards team for each sub-project.

The MRD social and environmental safeguards office (SEO) will be responsible for implementing and monitoring safeguards for rural road improvement. Although there are existing safeguards guidelines for rural road improvement, the level of understanding of environmental and social safeguards issues is limited and requires more capacity through implicit safeguards guideline and procedures documents. The Ministry of Environment (MOE) will also be responsible for providing safeguard training, ensuring effective mainstreaming of safeguard requirements into road development project cycle, and undertaking research activities. In addition, the Ministry of Economy and Finance (MEF) General Department of Resettlement (formerly, Inter-Ministerial Resettlement Committee [IRC]) will be involved as there inevitably and unavoidably will be acquisition of land required on a temporary or permanent basis.

MRD is the DIA for the SEA DRM Project in Cambodia. The MRD PMO will be responsible for the environmental and social performance of the sub-projects implemented with the support of MOE and IRC. The central PMO should be staffed for this purpose with environmental and social safeguards officers. Depending upon training and professional experience in environmental and social safeguards implementation and monitoring, it is likely that these staff will require additional training and support. They should be supported by a technical assistance (TA) consultant team that will assist in the implementation of the ESMF requirements while building staff capacity to address safeguard issues.

As sub-projects are identified, the DIA PMO (under MRD) will clarify tasks and responsibilities regarding implementation of specific sub-projects. Central PMOs will review screening reports prepared by local PMOs and prepare draft terms of reference for an environmental and social management plan (ESMP) and requirements to prepare an IPDP. The ESMP and planning documents (i.e., Abbreviated Resettlement Action Plan [ARAP] and IPDP) will be shared with stakeholders and different populations during consultations. Issues and observations noted in the
consultations will be incorporated. Documentation will be released for public disclosure and submitted to the Bank for review.

The project management component (Component 3) of the Cambodia DRM Project will support the management and implementation of the sub-projects, covering institutional support and capacity development for project management, coordination, technical and safeguards aspects, including implementation of the IPPF and measures included in the IPPs, monitoring and evaluation, and reporting. The ESMF implementation cost will include the development of the specific site-specific safeguards instruments, including staff costs, travel, consultation workshops, translation and trainings. The total indicative cost reviewed by the World Bank and MRD is estimated at USD205,000 (see ESMF section 9.4) which will be supported by a combination of IDA and counterpart financing, from the project management component.

6.0 MONITORING AND EVALUATION ARRANGEMENTS

The Cambodia SEA DRM Project will conduct monitoring and evaluation of IP and, in particular, how the rehabilitated roadworks affect them both positively and adversely. If IP are impacted adversely due to acquisition of land or other assets then, monitoring and evaluation will examine land acquisition, demolition and relocation of IP and procedures documented in the ARAP.

In addition, as required by the ESMF, Monthly, quarterly- and semi-annual monitoring reports will be undertaken as per specific activities in order to:

- Improve environmental and social management practices;
- Ensure the efficiency and quality of the environmental and social assessment processes;
- Establish evidence- and results-based environmental and social assessment for the project; and
- Provide an opportunity to report the results of safeguards, impacts and proposed mitigation measures’ implementation.

With respect to the Cambodia DRM Project including proposed sub-project initiatives and/or activities’ implementation, the MRD PMO will conduct internal monitoring activities during the design and feasibility studies and ESMPs to determine the extent to which mitigation measures are successfully implemented. The SEO will also conduct internal quarterly monitoring activities and the report will be submitted to the IRC and WB for review. Monitoring will focus on three key areas, including:

(i) Compliance Monitoring: to verify that the required mitigation measures are considered and implemented. During the sub-project preparation phase, compliance monitoring activities will focus on ensuring effective ESMF implementation and respect of procedures. The MRD PMO Environmental and Social Specialist staff will ensure that Cambodia SEA DRM sub-project studies are properly and expeditiously conducted in compliance with RGC law and the WBG regulations.

The feasibility studies will also include an assessment of the conditions for implementation of the ARAP and IPDP related activities;

- Grievances, especially those that have not yet been resolved at the local level and which may require resolution at the higher levels as initially determined in the ESMF;
- Document completion of project resettlement and compensation if these are applicable, including for all permanent and temporary losses;
• Evaluation of the quality of compensation or other relevant mitigation measures that would be applied in accordance with the requirements of the potential future investment projects that have been initially identified, including impacts on livelihoods; and

• Mitigation measures when there are significant changes in the indicators that may require strategic interventions, for example, if different populations (ethnic peoples and vulnerable groups – women and female/male youth and children, men, the elderly and disabled, landless, and poor, etc.) are not receiving sufficient support from the potential sub-project.

During the implementation phase, compliance monitoring would include inspections during construction of the sub-project initiatives and/or activities to verify the extent with which conditions and licenses are issued and adhered. The effective project construction, operational and decommissioning phase will be the full responsibility of MRD and compliance monitoring ensured by MOE.

(ii) Impacts Monitoring: once the Cambodia DRM Project is under implementation, monitoring of sub-project initiatives and/or activities’ impact mitigation measures should be the duty of the DIA and SEO. It is expected that the environmental and social safeguards documents will be given to the contractor and the DIA will monitor to ensure that works are preceding in accordance with the agreed (between RGC and WBG) mitigation measures.

Monitoring and evaluation of the social impacts will measure the following:

• Impacts on affected individuals, different populations, households and communities to be maintained at their pre-project standard of living, or better;

• Gender differentiated impacts to be avoided, minimized or addressed;

• Post project socio-economic status of communities affected by the project; and

• Management of disputes or conflicts.

In order to measure these impacts, the pre-feasibility studies will identify:

• Specific indicators to be monitored with gender disaggregated data;

• Define how indicators will be measured on a regular basis; and

• Identify key monitoring milestones (e.g., at mid-point of the ARAP implementation process, if applicable).

An independent monitor may be recruited by the IRC to assess potential Project-related impacts depending on the nature and extent of impacts. Their report will be submitted to the IRC and WB.

(iii) Cumulative Impacts Monitoring: impacts of the sub-project initiatives and/or activities on the environmental and social resources for the six respective provinces will also be monitored in consideration of other developments which might be established.

In order to ensure indigenous people are engaged in the monitoring and evaluation process, a monitoring group will be established among beneficiary village. The composition of this committee will be subject to a process of free, prior and informed consultation and will build on the unique decision making structures of individual indigenous communities, as well as requirements for gender and intergenerational balance. These monitoring groups will review the environmental and social monitoring reports described above, as well as the quarterly reports produced by the commune council on the status of sub-project implementation. In addition, each year the village chief will review sub-project activities being implemented within village boundaries to confirm whether construction,
contracting arrangements, and other aspects have been implemented appropriately. Project authorities regularly inspect and monitor the implementation of an IPDP.

7.0 GRIEVANCE REDRESS MECHANISM

The Provincial Authority is expected to establish grievance redress committee(s) at the local (provincial, district, and commune) levels to be headed respectively by the Provincial Governor or Provincial Vice-Governor, Chief of District, and Chief of Commune. At the GRM commune level, the membership of the GRM a representative from affected households (AHs) who shall be chosen from among the PAPs. In the case of indigenous communities, village level committees will be established and subject to a process of free, prior and informed consultation and will build on the unique decision making structures of individual indigenous communities, as well as requirements for gender and intergenerational balance. These committees will receive, evaluate and facilitate the resolution of PAP and PAH concerns, complaints and grievances. The grievance redress committees will function, for the benefit of PAP and PAH, during the entire life of the sub-project(s), including the defects liability periods.

Grievances from PAP and PAHs in connection with the implementation of the RP will be handled through negotiation with the aim of achieving consensus. Complaints have the option of passing through four stages (described below) before potentially being elevated to a court of law as a last resort.

First Stage, Village Level

An aggrieved PAH may an aggrieved PAH may bring his/her complaint to village complaints committee established under the IPDP. The committee should attempt to resolve the complaint within 15 days following the lodging of the complaint by the aggrieved PAH. The composition of the group will vary depending on the village, and be subject to a process of free, prior and informed consultation, will build on the unique decision making structures of individual indigenous communities, as well as requirements for gender and intergenerational balance. If after 15 days the aggrieved PAH does not hear from Village or if the PAH is not satisfied with the decision taken during the first stage, the complaint may be brought to the District Office either in writing or verbally.

Second Stage, Commune Level

An aggrieved PAH may bring his/her complaint to the commune leader. The commune leader will call for a meeting of the group to decide on a course of action to resolve the complaint within 15 days, following the lodging of complaint by the aggrieved PAH. The group meeting should consist of the commune leader, representative(s) from PRSC-WG district offices, and the aggrieved PAH. The commune leader is responsible for documenting and maintaining files of all complaints that are processed. If after 15 days the aggrieved PAH does not hear from Village or Commune authorities, or if the PAH is not satisfied with the decision taken during the first stage, the complaint may be brought to the District Office either in writing or verbally. In the case of PAH from indigenous making a complaint, they will be accompanied by a facilitator paid for by the project, who is conversant in the relevant language, and who will serve as an advocate for the aggrieved PAH during the process.
**Third Stage, District Office**

The District office has 15 days within which to resolve the complaint to the satisfaction of all concerned. If the complaints cannot be solved in this stage, the district office will bring the case to the Provincial Grievance Redress Committee. In the case of PAH from indigenous community making a complaint, they will be accompanied by a facilitator paid for by the project, who is conversant in the relevant language, and who will serve as an advocate for the aggrieved PAH during the process.

**Fourth Stage, Provincial Grievance Redress Committee**

The Provincial Grievance Redress Committee, which consists of the Provincial Governor or Deputy Governor as the committee chairman and Directors of relevant Provincial Departments as members (which will be established in each province prior to DMS), meets with the aggrieved party and tries to resolve the complaint. The Committee may ask the PRSC-WG for a review of the DMS by the External Monitoring Agency (EMA). Within 30 days of the submission of the grievance to the Provincial Grievance Redress Committee a written decision must be made and a copy of the decision sent to IRC, MRD and the PAH. In the case of PAH from indigenous community making a complaint, they will be accompanied by a facilitator paid for by the project, who is conversant in the relevant language, and who will serve as an advocate for the aggrieved PAH during the process.

**Final Stage, the Court Procedures**

If the aggrieved PAH is not satisfied with proposed remedies developed by the Provincial Grievance Redress Committee based on agreed policies in the RF-RP, the committee shall file administrative procedures against the PAH with the participation of provincial prosecutors. The case will be brought to the Provincial Court and the same will be litigated under the rules of the court. At the same time, the PAH can bring the case to the Provincial court. During litigation of the case, RGC will ask the court that the project proceed without disruption while the case is being heard. If any party is not satisfied with the ruling of the provincial court, that party can bring the case to a higher court. The RGC shall implement the decision of the court.

In addition to the above mechanisms, and at the prerogative of the PAP and PAH, grievances may be taken to other mediating bodies, such as a council of elders, monks at a local pagoda, or any other dispute resolution body recognized by the PAP and PAH.

**8.0 DISCLOSURE ARRANGEMENTS FOR THE IPDP TO BE PREPARED UNDER THE IPPF**

In the case where the sub-projects are likely to directly impact or benefit indigenous communities, these sub-projects will not receive final approval until such time as the SIA-IPDP have been fully disclosed in a culturally appropriate manner at the level of the affected community. The means of disclosure will be discussed during the process of Free, Prior and Informed Consultation, but could involve making hard copies of the relevant documentation available in the local language in public meeting spaces (e.g. community centers), distributing one page summaries (in the appropriate language) of the relevant documents at public gatherings, as well as oral presentation in the appropriate language by the consultants contracted to prepare and consult on these instruments. Once these instruments have been fully disclosed and discussed at the community level, and this
process has been documented in the relevant instrument, they will subsequently be reviewed by the project social specialist and disclosed on the project website. They will also be sent to the World Bank for review and disclosure on the World Bank website.

10. BUDGET

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<th>No.</th>
<th>Activity</th>
<th>Description</th>
<th>Indicative Cost (USD)</th>
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<td>1</td>
<td>Consultation with IP in the six sub-project provinces at preparation for ESMP and Indigenous Peoples Development Plan (IPDP)</td>
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<td>2</td>
<td>Recruitment of national consultant(s) (part-time) to prepare IPDPs and relevant sections of EMSPs</td>
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<td>3</td>
<td>Recruitment (as needed) of bilingual facilitators to support IP PAH during the grievance redress process</td>
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<td>Recruitment of national consultant to conduct participatory evaluation of IPDPs</td>
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