

Indigenous Peoples Development Framework

February 2015

Cambodia: Greater Mekong Subregion Biodiversity
Conservation Corridors Project
– Additional Financing from Pilot Program for
Climate Resilience, Strategic Climate Fund

Prepared by the Ministry of Environment and the Ministry of Agriculture, Fisheries and Forestry
for the Asian Development Bank.

CURRENCY EQUIVALENTS

(as of 29 January 2015)

Currency unit	–	riel (KR)
KR1.00	=	\$0.00025
\$1.00	=	KR4,060.00

ABBREVIATIONS

ADB	Asian Development Bank
BCC	Biodiversity Conservation Corridors Project (Phase 2)
BCI	Biodiversity Conservation Corridors Initiative
C & P	Consultation and participation
CDF	Commune development funds
CPMU	Central Project Management Unit
DAFF	Department of Agriculture, Fisheries and Forestry
DOE	Department of Environment
DT	District Team
ELC	Economic Land Concession
EMO	External monitoring organization
FGD	Focus group discussions
GAP	Gender Action Plan
GMS	Greater Mekong Sub-region
IEC	Information, education and communication
IP	Indigenous peoples
IPDF	Indigenous Peoples Development Framework
IPDP	Indigenous Peoples Development Plan
KII	Key informant interviews
M & E	Monitoring and evaluation
MAFF	Ministry of Agriculture, Fisheries and Forestry
MOE	Ministry of Environment
NGO	Non-government organization
NP	National park
NREM	Natural resources and environmental management
NTFP	Non-timber forest products
OHCHR	Office of the United Nations High Commissioner for Human Rights
PAM	Project Administration Manual
PF	Protected forest
PPCR	Pilot Program for Climate Resilience
PPMU	Provincial Project Management Unit
RGC	Royal Government of Cambodia
SA	Social assessment
SIA	Social impact assessment
SPS	Safeguards Policy Statement
SR	Safeguards requirements
WS	Wildlife sanctuary

NOTE

In this report, "\$" refers to US dollars.

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I. INTRODUCTION

1. This Indigenous Peoples Development Framework (IPDF) is an updated version of the IPDF prepared for the Greater Mekong Subregion (GMS) Biodiversity Conservation Corridors (BCC) Project prepared in 2010 to guide in identifying Indigenous Peoples, the Project's impacts on them, appropriate ways of engaging with them and beneficial and mitigation measures, and (ii) preparing Indigenous Peoples Development Plans. The update is necessary to accommodate the Pilot Program for Climate Resilience (PPCR) additional financing proposed in 2014, and its impacts on indigenous peoples.

A. Project Description

2. The overall aim of the BCC is to secure forest areas for the local communities against further outside pressure/economic concessions by delineating and demarcating community forest areas and protected forest areas and giving tenure instruments to communities and not resettle them or restrict access. Any restrictions on use of community forests will be made by them (local people). Capacity building leading to community empowerment is built in to address such and eventually, any activity will be the choice of participating communities. Connectivity between forest-blocks will be restored through appropriate consultation and participation modalities. Preference for BCC is a linear design of the biodiversity corridor, but may resort to the stepping stone model anchored on decisions of target communes within the landscape.

3. The GMS BCC Project has four components: (i) Institutional and community strengthening for biodiversity conservation management, (ii) Biodiversity corridors restoration, ecosystem services protection, and sustainable management by local resource managers, (iii) Livelihood improvement and small scale infrastructure support in target communes, and (iv) Project management and support services.

4. In Cambodia the ongoing BCC Project covers 22 communes of which 12 communes are in Mondulkiri Province and 10 communes are in Koh Kong Province. With the PPCR additional financing, the commune of Kandol is added to the project due to its high vulnerability to seawater intrusion, making the coverage of 23 provinces. The project's biodiversity corridors particularly in Mondulkiri Province are predominantly in mountainous areas, home to majority of indigenous peoples¹. The provinces, districts, and communes covered by BCC in Cambodia are summarized in Table 1.

¹ In Cambodia the term Indigenous People refers to the origin hill tribe people and has official term as "Indigenous People Minorities". The country's majority of ethnic Khmer accounts for approximately ninety percent of the Cambodian population. The other ethnic minority groups include the Vietnamese, Chinese, Lao, Muslim Cham, Thai and others were voluntarily incorporated into the state through migration.

Figure 1: Corridor Design and Coverage in the Provinces of Koh Kong and MondulKiri

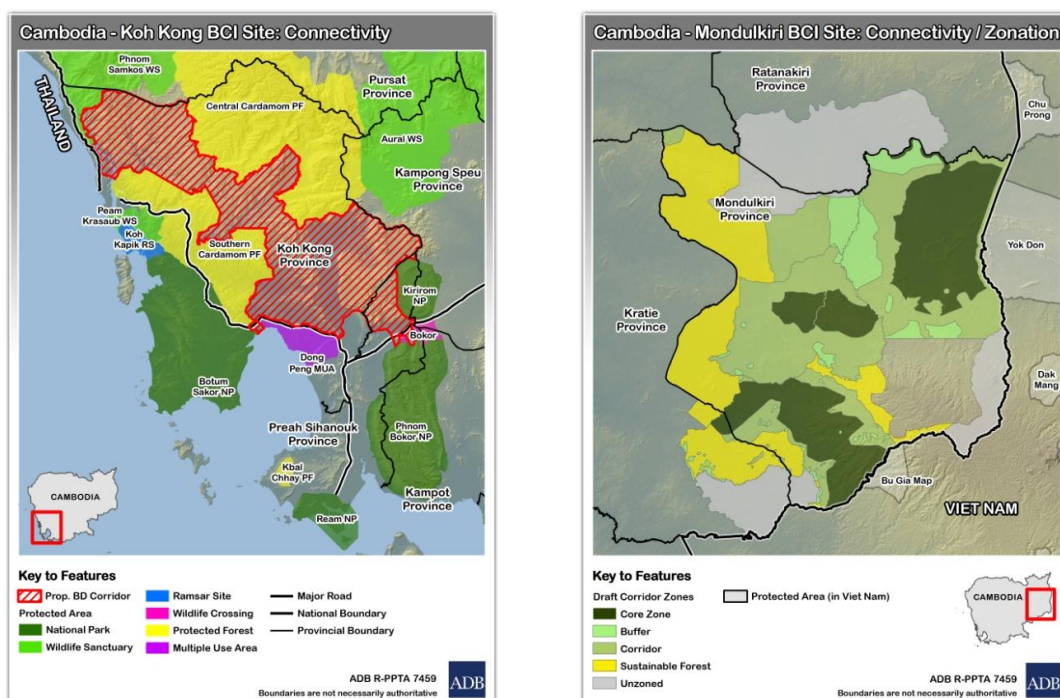


Table 1: BCC Project Sites in Cambodia

PROVINCE	DISTRICT	COMMUNE	TOTAL POPULATION	NO. OF HOUSEHOLDS
KOH KONG	5	11	34,166	7,350
	1. BotumSakor	1. AndoungTuek	5,723	1,164
		2. Kandol	3,680	852
	2. Koh Kong	3. Ta Tai Kraom	1,062	230
		4. Trapeang Rung	2,170	507
	3. MondolSeima	5. BakKhlang	12,236	2,608
		6. PeamKrasaob	1,313	282
	4. SreAmbil	7. Chi KhaLeu	3,718	761
	5. Thma Bang	8. Ta TeyLeu	526	119
		9. RuesseiChrum	929	203
		10. Chi Phat	2,446	553
11. ThmaDounPov		363	71	
MONDULKIRI	5	12	38,377	7,978
	1. Senmonorom	1. Romanear	3,108	578
		2. O Raing	1,498	349
	3. KeoSeima	3. Chong Phlah	3,073	648
		4. SraeChhuk	3,342	639
		5. SraeKhtum	8,847	1,977
		6. SraePreah	1,557	326
	4. KohNheak	7. Nang KhiLoek	3,172	564
		8. SokhSant	2,608	546
		9. SraeHuy	1,659	331
	5. PechChreada	10. KrangTeh	1,632	386
		11. Bu Chri	4,177	843
12. Bu Sra		3,704	791	
Total	10	23	72,543	15,328

Source: Based on 2008 Census

5. A Major Change of Scope for TA 7459-REG: GMS BCC Project in Cambodia was approved on 7 February 2013 to accommodate additional project preparatory activities to prepare a proposal for additional financing to the Project. The additional financing is estimated at \$7.4 million, funded under the Pilot Program for Climate Resilience (PPCR). The additional financing will complement the BCC Project efforts to improve biodiversity conservation within the corridor and connectivity between national protected areas and other protection and production forest areas in the surrounding area.

6. The additional financing is intended to: (i) support investment in infrastructure for future climate change scenarios that would support the original investments of the GMS BCC Project; (ii) increase the number of subprojects under the GMS BCC Project due to the future climate changes; or (iii) change the specification/design of original BCC subprojects due to the future climate changes. The additional financing will fund subprojects in each of four proposed subproject-models: (i) rainwater harvesting ponds with climate resilient high value crop productivity; (ii) climate resilient irrigation and system of rice intensification (SRI) techniques; (iii) bioengineered sea barriers reducing salt water intrusion; and (iv) ecosystem-based adaptation in two catchments in Monduliri.

7. The PPCR additional financing mainly supports Output 3 of the BCC Project (Appendix 1). It also adopts the BCC implementation approach and technical guidelines for forest protection and restoration and livelihood activities. It will be implemented in the BCC target 23 communes in Koh Kong and Monduliri Provinces that adjoin protected forests, wildlife sanctuaries or national parks. Appendix 2 presents the results of the assessment of climate change vulnerability in the BCC target communes² with the most vulnerable communes being rated as category 1, and the least vulnerable as category 3. The additional financing will prioritize communes assessed as the most vulnerable.

B. Rationale for the Indigenous Peoples Development Framework

8. The 2009 ADB Safeguards Policy Statement (SPS) that cover indigenous peoples (IP) is triggered if a project directly or indirectly affects the dignity, human rights, livelihood systems, or culture of IPs or affects the territories or natural or cultural resources that IPs own, use, occupy, or claim. Based on the socio-demographic and anthropological characteristics of Project site beneficiaries specifically in the province of Monduliri, an Indigenous Peoples Development Framework (IPDF) has been prepared and is herewith updated based on the social assessments conducted per commune under the original BCC Project and then for five subprojects undertaken during the PPCR R-PPTA in the period, May to August 2013. This updated IPDF is envisaged to provide guidance in the preparation and implementation of Indigenous People Development Plans (IPDP).

9. Technically and ideally, BCC and the PPCR additional financing (the Project) promotes a sequential and sector-like approach at implementation. The necessary land use and capability assessment, and participatory management planning have to be in place prior to subproject³ implementation. However, it is recognized that planning is an ongoing facet of natural resource management and as such, some subprojects may be ready for implementation within the whole planning phase for the landscape. Specifically under Component 1 (Institutional and community

² Based on the study by Katzfey, J., Jiao, X., Suppiah, R., Hoffmann, P., Nguyen, K. C. and Poun, S.(2013) Climate change projections for Monduliri and Koh Kong Provinces in Cambodia. CSIRO, Australia, and on focus group discussions in communes visited by the PPCR R-PPTA team.

³ Subproject refers to all sub-components of the Project including but not limited to physical infrastructure.

strengthening), the Project aims to secure forest areas for the local communities against further outside pressure/economic concessions by delineating and demarcating community forest areas and protected forest areas. It will provide tenure instruments to communities that are found peripheral to protected areas, which by law have defined uses. Communities will craft restrictions appropriate to their concerns and needs in order to protect their rights to the land and the natural resources therein and in so doing, protect the biodiversity. Capacity building leading to community empowerment is built in to address the need for balancing resource use and protection and eventually, within this context, any activity will be the choice of participating communities.

10. While an indicative menu of options for Component 3 (Livelihood improvement and small scale infrastructure support in target communes) were identified by stakeholders, specific activities under Component 1 still have to be undertaken/processed. Technical inputs for land use planning together with executing and implementing agencies, local government units, relevant Indigenous Peoples Offices, and the Cambodia Women's Affairs. Community ownership to subprojects is still subject to processing for and documentation of community support imperative not only for subproject investments, also to ensure sustainability towards biodiversity conservation and protection. All these are processed during Component 1 geared at strengthening local institutions for biodiversity conservation management. Thus, during the R-PPTA for the BCC, an Indigenous Peoples' Development Framework (IPDF) was deemed sufficient to take into account the possibility of preparing and implementing an IPDP for later selected subprojects. The R-PPTA for additional financing prepared four subproject-models to feasibility level and the updated IPDF guided the preparation of IPDPs for three subprojects that impact IPs.

11. This IPDF takes into account the uniqueness of prevailing conditions in Cambodia. Due considerations are made in the preparation of this framework document as follows: (i) significant number of the population in the biodiversity corridor areas of Monduliri Province are IPs, who generally have higher poverty rates compared to the nationally dominant groups, and (ii) impacts are expected to be positive as IP concerns have been incorporated in the overall project design.

II. OBJECTIVES OF THE IPDF

A. Principles and Objectives

12. **Objective.** The main objective of this updated IPDF is to help ensure that subprojects are designed and implemented in a way that fosters full respect for IPs' identity, dignity, human rights, livelihood systems, and cultural uniqueness as defined by the IPs themselves to enable them to (i) receive culturally appropriate social and economic benefits, (ii) do not suffer adverse impacts as a result of the project, and (iii) can participate actively in the project. This IPDF safeguards the rights of IPs to participate and equitably receive culturally appropriate benefits from the project. For this purpose, an IPDP will be prepared in participating communes subject to results of subproject screening that identifies (i) the presence of ethnic groups/IPs, and (ii) project impacts on ethnic groups/IPs whether positive or negative, direct or indirect, temporary or permanent. The IPDP will be translated into Khmer language to ensure awareness about this documentation.

13. **Principles.** In pursuit of the abovementioned objective, BCC and its subprojects will be governed by the following principles:

- (i) Early screening to determine IP presence and/or collective attachment to, the project area as well as potential project impacts on IPs.

- (ii) Conduct of culturally appropriate, gender-sensitive and technically backed-up social impact assessment where full consideration to IP-generated options as regards benefits and mitigation measures are taken into account and translated into IPplans that includes a framework for continued consultation and culturally appropriate disclosure modalities during project implementation, specifies measures to ensure IPs receive culturally matched benefits, identifies measures to avoid, minimize, mitigate, or compensate for any adverse project impacts, and includes culturally acceptable grievance procedures, monitoring and evaluation arrangements, and a budget and time-bound actions for implementing the planned measures.
- (iii) Undertake meaningful consultations with affected IP communities and concerned organizations to solicit their participation across project cycle to avoid adverse impacts or in cases when avoidance is not possible, to minimize, mitigate, or compensate for such effects by establishing culturally appropriate and gender inclusive capacity development modalities and grievance mechanisms.
- (iv) Ensure consent of affected IP communities to project activities that may introduce commercial development of cultural resources and indigenous knowledge, physical displacement from traditional or customary land, and commercial development of natural resources within customary lands that impact on livelihoods or cultural uses that define the identity and community of IPs. Consent refers to a collective expression by affected IP communities, through individuals and/or their recognized representatives, of broad community support for project/project activities even if some individuals or groups object.
- (v) Avoid restricted access to and physical displacement from protected areas and natural resources but when not possible, ensure that affected IP communities participate in all aspects of the project cycle and that their benefits are equitably shared.
- (vi) Prepare an IPDP that is based on the social impact assessment with the assistance of qualified and experienced experts that draw on indigenous knowledge and participation by the affected IP communities. The IPDP includes a framework for continued consultation with the affected IP communities during project implementation; specifies measures to ensure that IPs receive culturally appropriate benefits; identifies measures to avoid, minimize, mitigate, or compensate for any adverse project impacts; and includes culturally appropriate grievance procedures, monitoring and evaluation arrangements, and a budget and time-bound actions for implementing the planned measures.
- (vii) Disclose the draft IPDP, including documentation of the consultation process and the results of the social impact assessment in a timely manner, in an accessible place and in a form and local languages understandable to affected IPs communities and other stakeholders. The final IPDP and its updates will also be disclosed to the affected IP communities and other stakeholders,
- (viii) Prepare an action plan for legal recognition of customary rights to lands and territories or ancestral domains when the project involves (i) activities that are contingent on establishing legally recognized rights to lands and territories that IPs have traditionally owned or customarily used or occupied, or (ii) involuntary acquisition of such lands.
- (ix) Monitor implementation of the IPDP using qualified and experienced experts; adopt a participatory monitoring approach, wherever possible; and assess whether the IPP's objective and desired outcome have been achieved, taking into account the baseline conditions and the results of IPDP monitoring. Disclose monitoring report.

B. Legal and Policy Framework

1. National Policies and Programs for Indigenous Peoples

14. **Cambodia Constitution and the Land Law.** In the context of Cambodian legal framework, Article 31 of the Cambodian Constitution states that “*All Cambodian citizens 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*”; and the promulgation of the 2001 Cambodian Land Law marks explicit recognition of collective land rights of indigenous communities by the State that offer a unique chance for indigenous peoples in Cambodia to exercise their rights to self-determined development that include:

- (i) Ownership of the lands is granted by the State to indigenous communities as collective ownership, including all the rights and protections enjoyed by private owners. The exercise of collective ownership rights are the responsibility of the traditional authorities and decision-making mechanisms of the indigenous community, according to their customs and subject to laws such as the law on environment protection. (Article 26).
- (ii) No authority outside the community may acquire any rights to immovable properties belonging to an indigenous community. (Article 28).

15. Indigenous communities have the right to collective ownership of their lands, which gives them all the rights and protection of ownership as enjoyed by private landowners. The lands of indigenous communities include residential and agricultural land and encompass land actually cultivated and the lands reserved for shifting cultivation. Indigenous communities shall continue to manage their community land according to their traditional customs, pending the determination of their legal status. Once they are registered as legal entities, communities can apply for the registration of their collective title (Land Law 2001, Article 23 to 25).

16. According to the new constitution of 1993 and the Land Law of 2001 five main categories of property on land can be distinguished:

- (i) Private land,
- (ii) State public land (all areas need for public services such as roads, river banks, etc.),
- (iii) State private land (all other areas owned by the state),
- (iv) Communal land, and
- (v) Indigenous land.

17. Cambodia’s Administration Law of 2001, Article 43, stipulates the Commune Council’s role in protecting and preserving the environment and natural resources. They also have a role in the classifying and setting of boundaries for all forests in their area of jurisdiction, in coordination with the Ministry of Agriculture, Fisheries and Forestry (Forestry Law 2002, Article 10).

18. **Forestry Law 2003.** The Forestry Law authorizes the granting of forest concessions. The sub-decree on the Management of Forest Concessions states that cancelled or revoked forest concessions shall revert to natural forest protected areas and cannot be converted into an Economic Land Concession (ELC) or awarded to other companies.

19. **Protected Area Law of 2005.** Article 21: The Natural Protection and Conservation

Administration shall develop an implementation plan for managing each protected area designated by the Ministry of Environment and pursuant to the national strategic plan. The process of developing the implementation plan for managing each protected area shall be conducted in coordination and consultation with local authorities, local communities, indigenous ethnic minorities, and other stakeholders.

20. Article 30: The Natural Protection and Conservation Administration shall have the duties to conduct feasibility studies for organizing a protected area community by identifying a clear location and an appropriate size through consultation and coordination with the local authority, local community and indigenous ethnic minorities.

21. Article 11: The Natural Protection and Conservation Administration shall prepare proposals for establishing or modifying any protected areas based on research findings, criteria, management objectives, rights to use natural resources, rights to land ownership, and other relevant factors. The following shall be attached with the proposals for establishing or modifying any protected areas:

- (i) A description of the importance of biodiversity, landscape, geography, history, culture, and conservation for the area to be proposed or modified as a protected area.
- (ii) A legal description of the area to be proposed or modified with a map of clearly defined scale showing the exact location, boundaries and size of the protected area attached.
- (iii) The management objectives of the proposed area and threats.
- (iv) Study on the use of natural resources and land in the proposed protected area.
- (v) Findings from consultations with relevant institutions and parties and representatives of local authorities located in or near the protected area proposed for establishing or modifying.

22. **Land Concessions 2003 and 2005.** A sub-decree on Social Land Concessions (SLC) was established in 2003 to accompany the implementation of the Land Allocation for Social and Economic Development Project (LASED). The SLC aims at providing state private land for purposes of settlement and family farming to private families particularly the poor, disabled soldiers, and families of deceased soldiers who have no or not enough land.

23. In late December 2005, the ELC sub-decree was established, defining a mechanism to grant state private land through a specific ELC contract to a concessionaire to use the land for agricultural and agro-industrial production. This refers to the cultivation of food or industrial crops, animal raising and aquaculture and the construction of facilities for the processing of domestic agricultural raw materials (Sub-Decree No.146 on ELC, article 2). For an ELC, which can be granted to private or investment companies, it must have been classified and registered in the Land Register as state private land, complying with the necessary legal procedures (Land Law 2001 Article 17, Sub-Decree No.118 on State Land Management article. 3 & 21, Sub-Decree No. 146 on ELC article. 2).

24. All responsibilities and authorities in granting ELCs lie with the MAFF. The concession land cannot exceed 10,000 ha and may only be granted when some additional requirements are fulfilled as follows (sub decree No.146 on ELC, article 4 & 5):

- (i) A land use plan for the land has been adopted by the Provincial or Municipal State Land Management Committee, and the land use is consistent with the plan.
- (ii) Environmental and social impact assessments have been completed with respect to the land use and development plan.

- (iii) There are solutions for resettlement issues in accordance with the existing legal framework and procedures. There shall be no involuntary resettlement and access to private land shall be respected.
- (iv) Public consultations have been conducted with territorial authorities and local residents, relating to economic land concession projects or proposals.

25. Moreover, the proposal for ELC has to be evaluated against criteria that include the promotion of people's living standards, perpetual environmental protection and natural resource management, avoidance or minimization of adverse social impacts, creation of increased employment and with linkages and mutual support between SLC and ELC.

26. **Decentralization Reform of 2005.** The government has initiated a decentralization program to further be responsive to community needs, indigenous peoples included. This emanates from the Land Law and subsequently passed legislation create additional opportunities for commune council involvement in participatory land use/natural resources and environmental management (NREM) planning by clarifying issues related to state public and state private property, the designation of communal property that is managed and ultimately owned by indigenous communities, economic and social land concessions, procedures for creation of cadastral maps and land registers and land dispute resolution. While all of these issues can be worked into the commune development planning process, certain areas mandate direct involvement of commune councils.

27. Commune councils have a direct role to play in land conflict resolution procedures, creation of cadastral maps and land registries (both systematic and sporadic) and social land concessions. The provisions for social land concession planning are of critical importance; commune councils initiate the process at the local level, and it mirrors the commune development planning process, therefore creating the opportunity to integrate the two. It is hoped that the rules and regulations related to economic land concessions (industrial agricultural exploitation) will create a similar role, thereby further enhancing the ability of commune councils to be actively involved in land use/NREM planning.⁴

28. **Registration of Lands of Indigenous Communities 2009.** Sub-decrees on tenurial security have been issued by the RGC to put in place procedures whereby IPs can process claims to their rightful lands (provided they are the majority population at commune level). Recognition and certification of lands among IPs are ongoing with the issuance of the 2009 Sub-Decree on Procedures of Registration of Lands of Indigenous Communities.

29. **Other Policy Considerations.** Apart from its Constitution and other national laws, Cambodia has adopted and supports the UN Declaration of Rights of Indigenous Peoples (IP) by way of ending discrimination and promoting the rights of Cambodia's recognized IPs.

30. The Cambodian government initiated a decentralization program to be more responsive to community needs, indigenous peoples included. In the mid-1990s, the Cambodian government created the Inter-Ministerial Committee for Ethnic Minorities Development and the Inter-Ministerial Committee for Highland Peoples Development to address indigenous peoples' issues. The Department of Ethnic Minority Development at the Ministry of Rural Development was established in 1999 after the Inter-Ministerial Committee was abolished. The Department mainly works to maintain the culture, beliefs and traditions of IPs through a formal process of

⁴ Oberndorf, Robert, B. 2004. Law Harmonization in Relation to the Decentralization Process in Cambodia. Working Paper 31. Cambodia Development Resource Institute, Phnom Penh, Cambodia.

establishing the identity and conditions of IP groups in Cambodia (a total of 56 IP groups has been recognized as legal IP groups). The Department operates through IP Offices in the provinces. IPs are represented in the formal governance structures in Cambodia from the village, commune and through to the district/provincial levels.

2. ADB's Policy on Indigenous Peoples

31. ADB recognizes the rights of IPs to direct the course of their own development. Indigenous peoples do not automatically benefit from development, which is often planned and implemented by those in the mainstream or dominant population in the countries in which they live. Special efforts are needed to engage IPs in the planning of development programs that affect them, in particular, development programs that are supposedly designed to meet their specific needs and aspirations. Indigenous peoples are increasingly threatened as development programs infringe into areas that they traditionally own, occupy, use, or view as ancestral domain.

32. ADB's Safeguards Policy Statement (SPS) 2009 aims to: (i) Avoid adverse impacts of projects on the environment and affected people, where possible; (ii) Minimize, mitigate, and/or compensate for adverse project impacts on the environment and affected people when avoidance is not possible; and (iii) Assist in strengthening country safeguards systems and develop the capacity to manage environmental and social risks.

33. The SPS uses the term Indigenous Peoples in a generic sense to refer to a distinct, vulnerable, social and cultural group possessing the following characteristics in varying degrees: (i) Self-identification as members of a distinct indigenous cultural group and recognition of this identity by others; (ii) Collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories; (iii) Customary cultural, economic, social, or political institutions that are separate from those of the dominant society and culture; and (iv) A distinct language, often different from the official language of the country or region.

3. Equivalence and Gaps of the RGC and ADB Policy on Indigenous Peoples

34. As regards the sub-decree on the process of granting ELC, it is in general, accompanied by a lack of accountability and transparency, an increase in rent-seeking behavior, a lack of local consultation and weak law enforcement⁵. Despite the fact that a clear procedure is defined, as for instance mandatory environmental and social impact assessments, often the process does not comply with the regulations. It can be observed that the capacities to enforce the rule of law are partly weak and the lack of transparency encourages rent-seeking activities. The Office of the United Nations High Commissioner for Human Rights (OHCHR) has stated in its 2007 human rights report that the legal and regulatory framework "... have not been properly implemented and enforced; existing concessions have not been reviewed; and economic concessions have continued to be granted over forested areas and indigenous land in violation of the law." (UN 2007)

35. As a consequence, the number of overlapping land use rights for certain plots has increased dramatically, which augment social conflicts and endanger the rights of smallholders and indigenous groups.

⁵ Foreign Direct Investment (FDI) in Land in Cambodia. GTZ. 2009.

36. Table 2 therefore summarizes policy equivalence and gaps between the RGC and ADB. The 3rd column is observed as a means of harmonizing policies and regulations in the course of implementing BCC in Cambodia.

Table 2: Matrix on Equivalence and Gaps

ADB SPS 2009	Government Requirements	Implementation of the BCC Project
1. Screen early on to determine (i) whether IPs are present in, or have collective attachment to, the project area; and (ii) whether project impacts on IPs are likely.	No screening process is required in the Cambodian legal framework.	Screening for subproject selection will be carried out at a very early stage based on the ADB's IPs Impact Screening Checklist (Appendix 3). This will identify potential impacts and determine requirements under the ADB-SPS.
2. Undertake a culturally appropriate and gender-sensitive social impact assessment or use similar methods to assess potential project impacts, both positive and adverse, on IPs. Give full consideration to options the affected IPs prefer in relation to the provision of project benefits and the design of mitigation measures. Identify social and economic benefits for affected IPs that are culturally appropriate and gender and intergenerationally inclusive and develop measures to avoid, minimize, and/or mitigate adverse impacts on IPs.	<p>ELC sub-decree stipulates requirements that have to be fulfilled, among others, as follows (sub decree No.146 on ELC, article 4 & 5):</p> <ul style="list-style-type: none"> • Environmental and social impact assessments have been completed with respect to the land use and development plan. • Public consultations have been conducted with territorial authorities and local residents, relating to economic land concession projects or proposals. 	Social impacts assessment will be prepared and updated for all subprojects in areas with IPs under BCC Project. The assessment will cover both positive and adverse impacts on the local IPs as well as to develop the measures to minimize the potential adverse impacts with fully participation of local IPs.
3. Undertake meaningful consultations with affected IP communities and concerned organizations to solicit their participation (i) in designing, implementing, and monitoring measures to avoid adverse impacts or, when avoidance is not possible, to minimize, mitigate, or compensate for such effects; and (ii) in tailoring project benefits for affected IP communities in a culturally appropriate manner. To enhance IPs' active participation, projects affecting them will provide for culturally appropriate and gender inclusive capacity development. Establish a culturally appropriate and gender inclusive grievance mechanism to receive and facilitate resolution of IPs' concerns.	<p>The Law on Forestry (2002): All projects for public and forest road construction within the Permanent Forest Reserves shall be subject to consultation with local authorities and communities and an Environmental & Social Impact Assessment pursuant to Article 4 of this law.</p> <p>These do not however stress the need for culturally appropriate/sensitive approaches.</p>	<p><i>Under the Component 1 of the BCC, capacity building programs for IPs in the project area will be provided, including participation opportunities in the project activities.</i></p> <p><i>Meaningful consultations with local IPs will be carried in all stages of the project. The grievance redress mechanism has been developed and will be discussed and disclosed publicly in the communities.</i></p>
4. Ascertain the consent of affected IP communities to the following project activities: (i) commercial development of the cultural resources and knowledge of IPs; (ii) physical displacement from traditional or customary lands; and (iii) commercial development of natural resources within customary lands under use that would impact the livelihoods or the cultural, ceremonial, or spiritual uses that define the identity and community of IPs. For the purposes of policy application, the consent of affected IP communities refers to a collective expression by the affected IP communities, through individuals and/or their recognized representatives, of broad community support for such project activities. Broad community support may exist even if some individuals or groups object to the project activities.	<p>The existing policies do not require the consent of IPs for commercial exploitation of their culture and knowledge, their physical relocation from their traditional land, or the commercial development of natural resources on their traditional land.</p> <p>However, as a signatory to the UN DRIP, IPs may raise such issues and the necessary grievance procedures may take place.</p>	<p>The BCC Component 2 and Component 3 will ensure the rights of local IP to benefit from the use of their cultural resource and knowledge.</p> <p>Consent through broad community support will be observed.</p> <p>The BCC Component 2 particularly will protect local IP communities from commercial development of natural resources.</p>
5. Avoid, to the maximum extent possible, any restricted access to and physical displacement from protected areas and natural resources. Where avoidance is not possible, ensure that the affected IP communities participate in the design, implementation, and monitoring and evaluation of management arrangements for such areas and natural resources and that their benefits are equitably shared.	<p>ELC sub-decree stipulates requirements that have to be fulfilled, among others, as follows (sub decree No.146 on ELC, article 4 & 5):</p> <ul style="list-style-type: none"> • There are solutions for resettlement issues in accordance with the existing legal framework and procedures. There shall be no involuntary resettlement by lawful land holders and access to private 	The issues of access restriction and physical displacement from protected areas and natural resources will be avoided as much as possible by zoning and mapping exercises. Local IPs will participate in the zoning and mapping activities. Local IPs will be benefited by three components of the projects (as the fourth is on project management).

ADB SPS 2009	Government Requirements	Implementation of the BCC Project
	land shall be respected.	
6. Prepare an IP plan (IPP) that is based on the social impact assessment with the assistance of qualified and experienced experts and that draw on indigenous knowledge and participation by the affected IPs. The IPP includes a framework for continued consultation with the affected IP communities during project implementation; specifies measures to ensure that IPs receive culturally appropriate benefits; identifies measures to avoid, minimize, mitigate, or compensate for any adverse project impacts; and includes culturally appropriate grievance procedures, monitoring and evaluation arrangements, and a budget and time-bound actions for implementing the planned measures.\	No provision of the government on preparation of IPDP	The IPDP shall be prepared and updated for each subproject. Under the BCC, consultants will be recruited to assist the IPDP preparation, implementation and monitoring.
7. Disclose a draft IPP, including documentation of the consultation process and the results of the social impact assessment in a timely manner, before project appraisal, in an accessible place and in a form and language(s) understandable to affected IP communities and other stakeholders. The final IPP and its updates will also be disclosed to the affected IP communities and other stakeholders.	No provision of the government on IPDP disclosure	The IPDP and other project documents will be disclosed before subproject appraisal and in the languages of the local IPs.
8. Prepare an action plan for legal recognition of customary rights to lands and territories or ancestral domains when the project involves (i) activities that are contingent on establishing legally recognized rights to lands and territories that IPs have traditionally owned or customarily used or occupied, or (ii) involuntary acquisition of such lands.	Recognition and certification of lands among IPs are ongoing with the issuance of the 2009 Sub-Decree on Procedures of Registration of Lands of Indigenous Communities. However, process is still new and requires assistance/facilitation.	In full consultations with local IP communities, the zoning and mapping exercises will define the areas with customary rights of the local IP and reflect the issues in the updated IPDP with particular actions to protect or compensate the areas.
9. Monitor implementation of the IPP using qualified and experienced experts; adopt a participatory monitoring approach, wherever possible; and assess whether the IPP's objective and desired outcome have been achieved, taking into account the baseline conditions and the results of IPP monitoring. Disclose monitoring reports.	No regulation of the government on preparation or monitoring of IPDP implementation	Internal and external monitors of IPDP implementation will be carried out. Consultants shall be recruited for independent monitoring of IPDP implementation.

37. The ADB Policy on involuntary resettlement has been integrated with indigenous peoples under the ADB SPS and shall likewise govern this IPDF. The social safeguards on involuntary resettlement are triggered by proposed BCC subprojects as some may necessitate the acquisition of private land for road widening or improvements as well as any physical or economic displacement arising from the proposed subproject.

38. The ADB Policy on Gender and Development adopts gender mainstreaming as a key strategy for promoting gender equity, and for ensuring participation of women and that their needs are explicitly addressed in the decision-making process for development activities. For projects that have the potential to have substantial gender impacts, a gender plan is prepared to identify strategies to address gender concerns and the involvement of women in the design, implementation and monitoring of the project. The findings of a gender analysis are to be included in the IPDP, and at all stages: IP identification, planning, and management will ensure that gender concerns are incorporated, including gender-specific consultation and information disclosure. This includes special attention to guarantee women's assets, property, and land-use rights; and to ensure the restoration of their income and living standards.

39. The ADB Public Communications Policy seeks to encourage the participation and understanding of people and other stakeholders affected by ADB-assisted activities. Information on ADB-funded projects should start early in the preparation phase and continue throughout all

stages of project development, in order to facilitate dialogue with affected people and other stakeholders. The Executing/Implementing Agency should, as necessary, develop a project communications plan and designate a focal point to maintain contact with affected people.

C. Subproject Selection Criteria

40. Subproject selection shall ascertain the following:

- (i) The Project will benefit or target IPs;
- (ii) The Project will not impinge on IPs' traditional socio-cultural and belief practices (e.g. child-rearing, health, education, arts, and governance);
- (iii) The Project will not affect the livelihood systems of IPs (e.g., food production system, natural resource management, crafts and trade, employment status) without the necessary mitigating measures;
- (iv) The Project will be in an area (land or territory) occupied, owned, or used by IPs;
- (v) The Project will not promote any of the following activities without broad community support:
 - (a) Commercial development of the cultural resources and knowledge of IPs
 - (b) Physical displacement from traditional or customary lands
 - (c) Commercial development of natural resources (such as minerals, hydrocarbons, forests, water, hunting or fishing grounds) within customary lands under use that would impact the livelihoods or the cultural, ceremonial, spiritual uses that define the identity and community of IPs
- (vi) The Project will not promote any of the following activities without an action plan prepared in accordance with the SPS special requirements for such:
 - (a) Establishing legal recognition of rights to lands and territories that are traditionally owned or customarily used, occupied or claimed by IPs; and,
 - (b) Acquisition of lands that are traditionally owned or customarily used, occupied, or claimed by IPs.

41. Subprojects will undergo screening for impacts on Indigenous Peoples using the screening form in Appendix 3. Should results of screening identify potential impacts on Indigenous Peoples, an IPDP will be prepared.

III. IDENTIFICATION OF AFFECTED INDIGENOUS PEOPLES IN THE PROJECT AREAS

42. The Project will cover 23 communes in two provinces of Cambodia, with a total population of approximately 78,500 or 16,600 households (est. 2013) of which about 53% are poor households and 31% Indigenous Peoples.

A. Screening for Indigenous Peoples

43. Communes that are deemed covered for BCC Project implementation will be consulted by the Executing/Implementing Agency and project consultants adhering to existing protocols of the relevant IP Office and IP leaders at different levels. Qualified project social scientists will undertake a screening for the presence of IPs with the guidance of IP leaders and local authorities. The screening process will use the following guide questions in ascertaining the presence of IPs within each target commune:

- (i) Are there socio-cultural groups present in or use the project area who may be considered as "tribes" (hill tribes, scheduled tribes, tribal peoples), "minorities" (ethnic or national minorities), or "indigenous communities" in the project area?
- (ii) Are there national or local laws or policies as well as anthropological researches/studies that consider these groups present in or using the project area as belonging to "IPs", scheduled tribes, tribal peoples, national minorities, or cultural communities?
- (iii) Do such groups self-identify as being part of a distinct social and cultural group?
- (iv) Do such groups maintain collective attachments to distinct habitats or ancestral territories and/or to the natural resources in these habitats and territories?
- (v) Do such groups maintain cultural, economic, social, and political institutions distinct from the dominant society and culture?
- (vi) Do such groups speak a distinct language or dialect?
- (vii) Has such groups been historically, socially and economically marginalized, disempowered, excluded, and/or discriminated against?
- (viii) Are such groups represented as IPs in any formal decision-making bodies at the national or local levels?

44. Should results show that there indeed are IPs within the proposed subproject area, a social impact assessment for IPs will be planned and scheduled. The SIA for a subproject can be extended in scope to include the requirements of an SIA for IPs.

B. Indigenous Peoples and BCC

1. Status of Indigenous Peoples in Cambodia

45. The 2008 population for Cambodia⁶ is estimated at 13.4 million with an average annual growth rate 1.54%. Life expectancy for males is 59 years and 63 years for females. The predominant ethnic groups are Cambodian 90%, Vietnamese 5%, Chinese 1%, others like small numbers of Cham, Lao and hill tribes 4%. Khmer is the official language and is spoken by more than 95% of the population. Poor people are estimated at 4.8 million and 90% are in rural areas and at least 12% of poor people are landless. Landlessness is one of the causes of internal migration. Movement is from the more densely populated provinces to more sparsely populated and poorer provinces, particularly to indigenous people areas.

46. The period of the Khmer Rouge (1975-1979) had a tremendous impact on mobility in Cambodia as it forced all the population to move and work in rural communes on rice cultivation and construction of rural infrastructure. While no official data exists, crude estimates suggest that at least 35%-40% of the population were uprooted from their places of origin⁷.

47. The country's poor people include subsistence farmers, members of poor fishing communities, landless people and rural youth, as well as internally displaced persons and mine victims. Tribal peoples and women are generally the most disadvantaged.

48. Cambodia's indigenous peoples live mainly in Monduliri and Ratanakiri provinces in the Northeast of the country. Combined, they comprise the majority population of Indigenous Peoples in these two provinces.

⁶ Rural poverty in Cambodia. <http://www.ruralpovertyportal.org/web/guest/country/home/tags/cambodia>

⁷ Maltoni, Bruno (2005) Impact of Remittances on local Communities in Cambodia: The Case of Prey Veng Province.

49. Currently, the RGC is working with UNDP in implementing the Access to Justice Project, which piloted different alternative dispute resolution mechanisms in Cambodia, with women, indigenous people and land issues being focal areas for the interventions. In terms of working with indigenous people, the project has focused on enhancing and legitimizing customary dispute resolution mechanisms, promoting the awareness of rights and regulations related to land ownership, improving the dissemination of legal and judicial information, increasing recognition of the rights of indigenous people to communal lands and supporting the application of their customary rules and decision-making processes.

2. Indigenous Peoples within BCC Sites

50. **Overview of BCC Indigenous peoples.** Indigenous peoples are found in Monduliri BCC sites and these mainly are from the Mon Khmer language group: (i) Phnong, (ii) Kreung, (iii) J'arai, (iv) Kroal, (v) Thmon, (vi) Kuoy, and (vi) Tumpuon. The Phnong is the largest indigenous group in Monduliri. Provincial statistics in 2008 number this community at 29,382, which represent 52% of the total provincial population. There are small concentrations of settlements of Stieng and Kraol indigenous groups in other parts of the province. The Khmer is the second largest ethnic group, comprising 34% of the population, followed by the Cham at 7%. The rest of the population is comprised of other ethnic and indigenous groups⁸ such as Kampuchea Krom, Vietnamese, Lao, Kreung, J'arai, Kroal, Thmon, Kuoy and Tumpuon. The Khmer population in the province has been growing steadily as early as 1998.

51. An estimated 16,600 households will benefit from the BCC and additional financing, of which about 31% are indigenous peoples within the 12 of 23 BCC communes concentrated in Monduliri Province (Table 3). The dominant IP in Monduliri is the Bunong (also known as Phnong) people, believed to have a traditional subsistence way of life and a greater dependence on natural resources from the area. Subsistence activities included farming, fishing, hunting and NTFP collection. Shifting cultivation is not widely practiced to date due to emerging land scarcity brought about by such factors as increasing population, regulations in forest clearing under the present forestry laws, and exposure to other agricultural practices brought in by non-IP settlers.⁹

Table 3. Summary Characteristics of BCC and Additional Financing Sites

PARAMETER	ENTRY
BCC Area (km2)	15,032
BCC Population (est. 2013)*	78,523
Population Density	5
Covered Provinces	2
Covered Communes	23
Covered Households (est. 2013)*	16,592

⁸ Per the ADB SPS, 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: (i) self-identification as members of a distinct indigenous cultural group and recognition of this identity by others; (ii) collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories; (iii) customary cultural, economic, social, or political institutions that are separate from those of the dominant society and culture; and (iv) a distinct language, often different from the official language of the country or region. Ethnic minority groups are people, such as the Chinese, the Cham, the Laos and the Vietnamese, who have different religious and cultural backgrounds but have similar approaches to land, nature and society as the Khmer majority.

⁹ Maling, A.R. November 2007. Socio-Economic Profile Of Communities Around The Monduliri Protected Forest. Srepok Wilderness Area Project. Technical Paper Series - No. 5. WWF Greater Mekong - Cambodia Country Programme.

PARAMETER	ENTRY
Covered Poor Households	8,793
% Estimated Poor from BCC Population	53%
Covered IPs	24,342
% IP from BCC Population	31%
Female Population	38,476
% Female Population	49%

* Estimated for 2013 based on 2008 Census and annual population growth rate of 2%

52. **Land Holdings.** There are two major uses of land holdings among the IPs, the Phnong in particular: residential land and agricultural land. Land for agrarian activities is categorized into three types depending on location and use:¹⁰

- (i) Non-permanent Chamkar (the local term for farm field) – shifting farms cultivated for a number of years then left to fallow. This type of farm is diminishing as trends slowly shift towards permanent cultivation. Few families remain in practicing shifting agriculture. Fruits and vegetables are the main crops with some rice.
- (ii) Permanent Chamkar – old shifting farms that permanently cultivated mainly for vegetables, fruit trees and some upland rice.
- (iii) Rice farms - further divided into paddy rice farms located in mostly flat and low lying areas; and upland rice farms used mainly for cultivating upland rice and in higher elevations.

53. The land acquisition system is informal in almost all of the IP villages requiring simple permission from the village or commune chief. This has however been abused to date as land is claimed without securing permission from the commune chief or village chief. This is common for Chamkar.

54. The average size of lowland land owned by each household (including residential) is about 1.5 ha. Agricultural land on the other hand, especially upland rice farms range from 3 to 7 has per household. Lowland rice farms are deemed important among the communities in Mondulkiri as rice production is the main source of subsistence.

55. Irrigation systems are rare. Practically all farms are rain fed hence only one cropping per annum. Aside from the Department of Agriculture providing services in a few select communes, there are no other organizations working in these areas to extend agricultural support.

56. The forest offers a variety of products that are vital to the survival of communities living around it. These products are found to be important supplements to household income (cash and non-cash). Livelihood activities around the protection forest are vulnerable to external impacts such as floods or droughts, infestations of their rice crops, and decreases in productivity of both their rice crops and other cash crops, like corn, peanuts and other vegetables. During such times, IP communities resort to collection of forest products (both NTFPs and timber) as emergency sources for both cash and non-cash income. Root crops from forests supplement food resources and other forest vegetables and wildlife are important sources of nourishment and medicine. IPs further rely on the forests for hunting for wildlife, resin tapping, sleng seed collection, as well as honey, and orchids.

57. Other income generating activities are trading, as hired labor in agriculture, forestry or the mining industry.

¹⁰ Ibid.

58. **Gender Concerns at the Site Level.** Settlement patterns of IPs are scattered with clusters of 15-20 households causing difficulty to deliver social services like schools. There also exist strong beliefs and traditions that women rarely voice out their ideas, and are subservient to their husbands. About 40-50% of delivery is with traditional birth attendant thus high maternal mortality. IPs also have language barrier, especially women, as they seldom use Khmer, which is widely used during meetings or group discussions thus limiting their meaningful participation. IPs have apprehensions on mining exploration and land concessions as they are poorly educated, hence are easy to be misled and are therefore at risk.

59. In the project sites, it was observed that all members of the family contributed to the labor pool in every household's economic activities. The males played major roles in fishing, hunting, resin collection and the hiring out of their labor services. Animal-raising was the domain of females who also contributed significantly to farming activities such as weeding, land preparation and harvesting. Key gender issues that also apply to IPs are:

- (i) Literacy. Marked illiteracy among women, and in some cases lack of knowledge of mainstream languages, especially with IPs, compounded by lack of information on technologies results in low awareness, a requisite to participation.
- (ii) Lack of/poor rural infrastructure and social services in remote BCC areas. There is shortage of facilities, equipment and staff for the delivery of health and educational services. The distance from village to social services and market centers can reach as high as 100 km.
- (iii) Health and sanitation. Due to drought and lack of hygiene and clean water source, children are sick more often (diarrhea, cold, and fever). Related to the above concern on access to services, is the high maternal mortality rate due to lack of access to obstetric emergency services. The rise of sexually transmitted diseases in areas peripheral to BCC sites is a growing concern especially on HIV incidence. Cambodia has the highest rate of HIV incidence (2007) at 0.8% among the 3 countries. Attributions were directed to the entry of construction workers/ outsiders working for economic concessions (agri/forest plantations and mining) and hydropower plants.
- (iv) Low income is common to all sites, but for women, it is correlated with increased incidence of domestic violence, women working longer hours than men, increased labor migration by males, and female-headed households increasingly impoverished due to restricted ability to cope with the demands of agricultural production.
- (v) Credit. Women are found to be the focal persons engaging in household credit arrangements. Poor credit performance arising from investments in poultry and livestock production¹¹ with minimal technical support were noted, women household heads are caught in a vicious cycle of indebtedness.
- (vi) Increased work burden on women to cope with climate change impacts. Women are primarily responsible for household food security and nutrition especially for the younger and elderly members of the family. They absorb additional work burdens from coping with the stresses of prolonged drought periods on their upland and wet rice crops by cultivating cash crops or collecting NTFPs.

¹¹ Poultry and livestock highly susceptible to avian and swine flu.

C. BCC Benefits and Potential Impacts

1. *Potential Positive Benefits*

60. Potential benefits of BCC to indigenous peoples in the project area are:

- (i) Capacitation of local institutions that enable/ensure IP community participation in resource planning and management.
- (ii) Improved quality of life and food security among IPs through (a) provision of nondestructive livelihood opportunities, (b) improved availability of resources: water, timber, and other forest products, (c) improved soil fertility, decreased soil movement and reduced vulnerability to risks of climate change, and (d) enhanced biodiversity.
- (iii) Empowering IPs to legitimately utilize their natural resources, the framework for which will be spelled out by commune land use/development plans that the affected IPs themselves will design and agree on.
- (iv) Improved access to market and social and community services. Rehabilitation of farm-to-market roads will improve the local people's access to markets and social services, like education and health.
- (v) The rehabilitation of farm-to-market roads and communal irrigation systems, construction of rainwater harvesting ponds and associated technical assistance extended for appropriate nondestructive livelihood will improve farm productivity and household nutrition.
- (vi) Downloading of commune development funds further allow for IP community empowerment in project activities as they address organizational, community and household needs. This will be most significant if the women's union at the commune level is further capacitated in fund and associated technology management.

2. *Potential Negative Impacts*

61. Notwithstanding the aforementioned benefits, the Project could also bring about or reinforce a number of adverse social impacts that can be mitigated, such as the ones outlined below.

- (i) Encroachment due to improved access. With the rehabilitation of rural infrastructure, there is potential for increasing access to conservation sites especially by outsiders or those not belonging to the same indigenous peoples within a BCC-assisted area aggravating current resource use competition. Zoning and land use certification provide the necessary tools to regulate such threats.
- (ii) Social exclusion/elite capture. Protocols in a number of these communities require that project entry seek prior approval from commune/district heads, District Offices and other local governance structures. This includes how benefits are distributed, which have to be coursed through these entities. While protocols are imperative for project acceptability these can pose a challenge to ensuring that there is broad community support for the project and that members of the indigenous peoples benefit from it, regardless of social status. Participatory, multi-stakeholder consultations and priority identification as well as project social and participatory monitoring tools will be used to mitigate this.
- (iii) Increase in value of land in project sites. Investments introduced through the project increase the likelihood of land speculation, which may increase selling of

indigenous peoples' land rights to the likes of tree plantation investors. Benefits derived from such transactions will be transitory but their effects could be further marginalization of indigenous peoples. BCC therefore provides measures in mitigating such deals through collective land use certification.

- (iv) Increase in developmental dependency. Commune development grant arrangements may further encourage dependency to donors and government institutions. Such livelihood grants if not handled sensitively may result in corruption; thus BCC provides the necessary capacity building in funds management and financial auditing of CDFs. The CDFs are to generate self-sustaining projects and encourage communes to start their own enterprises and account for their own finances.

IV. SOCIAL IMPACT ASSESSMENT AND IP PLANNING

62. This section describes the essential steps in preparing an IPDP and provides suggested actions for inclusion in a BCC IPDP. Through the SIA each subproject will identify key project stakeholders, beneficiaries and ethnic minority groups and undertake a culturally appropriate and gender-sensitive process for meaningful consultation. The Project will retain qualified and experienced experts to carry out a SIA for each subproject, to determine the impacts on IPs and prepare an IPDP in conjunction with the feasibility study. The subproject's potential social impacts and risks will be assessed to include those required for IP safeguards.

A. Social Impact Assessment for IPs

63. Qualified and experienced experts will be contracted to conduct a full social impact assessment (SIA) in a gender-sensitive manner in consultation with IPs. The SIA will (i) establish the baseline socioeconomic profile of IPs in the project area and the project impact zone; (ii) assess access and opportunities to avail of basic social and economic services, (iii) determine the short- and long-term, direct and indirect, and positive and negative impacts of the project on each group's social, cultural, and economic status, (iv) assess and validate which indigenous peoples will trigger the SPS principles, and (v) assess subsequent approaches and resource requirements for addressing the various concerns and issues of projects that affect them. An IPDP in conjunction with the subproject feasibility study will be prepared if impacts on IPs are established.

64. The requirements for an SIA for IPs are in the outline for an IPDP in Appendix 5. However, Appendix 4 presents a menu of concepts and methods for undertaking an SIA for projects/subprojects, which can be tailored for SIAs for IPs.

65. **Data Collection and Analysis.** The SIA will be a field based exercise in which primary socio-economic data as well as the opinions and needs of the affected communities are collected through surveys, interviews, focus groups and participatory meetings conducted for each subproject feasibility study. The SIA will identify the project-affected indigenous peoples and the potential impacts of the proposed subproject on them. Whether potential effects on indigenous peoples are positive or negative, each subproject will prepare a SIA that will:

- (i) Provide a baseline socioeconomic profile of the IP groups in the subproject area. Baseline information will include ethnicity and sex disaggregated data on demographic, social, cultural, and wealth status (poverty levels) characteristics of the affected IP communities.
- (ii) Identify the land and territories that IPs have traditionally owned or customarily used or occupied; and the natural resources on which they depend.

- (iii) Assess their access to and opportunities to avail themselves of basic social and economic services.
- (iv) Include a gender-sensitive assessment of the affected IP perceptions about the project and its impact on their social, economic, and cultural status. A gender-sensitive analysis is critical to the determination of potential adverse impacts, relative vulnerability and risks to the affected IP communities given their particular circumstances and lack of access to opportunities relative to those available to other social groups.
- (v) Assess the potential adverse and positive effects of the subproject. These should be assessed for the short- and long-term, direct and indirect, and positive and negative impacts of the project on each group's social, cultural, and economic status.
- (vi) Assess and validate which ethnic minority groups will trigger the IP safeguards requirements.
- (vii) Identify and recommend measures necessary to avoid adverse effects or, if such measures are not possible, identifies measures to minimize, mitigate, and/or compensate for such effects. Such measures must ensure that IPs receive culturally appropriate benefits under the project.

66. Below are BCC suggested modalities for engaging IPs during the SIA. Before utilizing a modality on ethnic groups, the Project will ensure that the modality is culturally appropriate:

- (i) Key informant interviews (KII) - A series of one-on-one interviews used to collect information from a wide range of people who have in-depth knowledge of selected development issues related to the project/subproject.
- (ii) Focus group discussions (FGD) - A group interview, usually conducted with a relatively homogenous group of 8–12 participants to understand their attitudes, feelings, beliefs, and perceptions about the project/subproject.
- (iii) Participatory Learning and Action - A broad array of participatory methods—such as community meetings and mapping activities—to identify development priorities and to catalyze learning and action, especially for the illiterate and semi-literate sectors in the commune.
- (iv) Consultative-workshop – Conduct of facilitated workshop used to reach consensus on priority problems, project/subproject design elements, and monitoring plans, create a common vision and commitment to address development challenges, and build group understanding of opportunities, challenges, and strategic options to focus and address project/subproject priorities.
- (v) Write shop – Conduct of facilitated workshop to review, create, and shape new development policies, strategies, or procedures. Indigenous peoples may choose legitimate representatives as resource persons to attend or if as participants, those who are capable of reading and writing among them.

B. Indigenous Peoples Planning

67. By initial screening, if a subproject has potential impacts on IPs, the IPDP will respond to the issues identified in the SIA and through consultations and will set out the measures whereby the FA CPCU or GDANCP CPCU will ensure that:

- (i) Affected IPs receive culturally appropriate social and economic benefits;
- (ii) When potential adverse impacts on IPs are identified, these will be avoided to the maximum extent possible; and

- (iii) Where this avoidance is proven to be impossible, based on meaningful consultation with IP communities, the IPDP will outline measures to minimize, mitigate, and compensate for the adverse impacts.

68. Qualified and experienced experts will prepare the planning documents through meaningful consultation with affected groups to assist the Government in fulfilling the above.

69. The level of detail and comprehensiveness of IPDPs will vary depending on the specific subproject and the nature of impacts to be addressed. If IPs are the sole or the overwhelming majority of direct project beneficiaries, and when only positive impacts are identified, the elements of an IPDP could be included in the overall project design rather than preparing a separate IPDP. In such cases, the project document will include a summary of about how the project complies with the IP safeguards. In particular, it will explain how the requirements for meaningful consultation are fulfilled and how the accrual of benefits has been integrated into the subproject design. If a subproject only poses involuntary resettlement impacts on Indigenous Peoples, combined resettlement and IP plans will be prepared.

70. Appendix 5 of this report provides an outline for an IPDP report, based on the subproject outputs and potential positive and negative impacts on local IPs arising from SIA.

71. Following the completion of detailed engineering design and detailed measurement surveys, the IPDP will be updated. Mitigating measures to avoid adverse impacts on IPs and measures to enhance culturally appropriate development benefits will be adjusted, but the agreed outcomes as specified in the draft IPDP will not be lowered or minimized. If new groups of IPs are identified prior to submission of the final IPDP, meaningful consultation will be undertaken with them also.

72. The CPCUs should ensure that the resources, including financial and human resources, are sufficient before implementing the IPDP. The CPCUs and their respective FA Cantonment and provincial PA should also ensure that the appropriate IP Office, local authorities and IP leaders are fully informed the plan of IPDP implementation.

73. The CPCUs and their respective FA Cantonment and provincial PA, in coordination with the relevant IP Office, local authorities and IP leaders, implements the IP development activities and the potential negative impact mitigation measures that specified in the approved IPDP, following the plan that was already agreed with local people and IPs in the subproject area during the IPDP preparation. The activities and the outcomes of the IPDP implementation should be recorded in a manner and language understood by ethnic groups and placed in places accessible to them as well as communal, district levels, and at PPMU office.

V. INFORMATION DISCLOSURE, PARTICIPATION, CONSULTATION

A. Information Disclosure

74. **Information disclosure.** Disclosure modalities will be in accordance with prevailing customs and traditions, written in the ethnic minority language as authorized by community elders/leaders, delivered and posted in conspicuous places or if lengthy, copies provided to community elders/leaders. Popular forms of printed materials include: fact sheets, flyers, newsletters, brochures, issues papers, reports, surveys etc. Popularized materials aim to provide easily read information. These materials should be in a language IPs understand and enhanced with drawings, to inform a wide range of IPs about the planning and assessment

processes and activities.

75. **Documents disclosure.** For ADB, the following are required: (i) draft IPDF and/or IPDP as well as the social impact assessment, as endorsed by the government before appraisal; (ii) final IPDF and/or IPDP; (iii) new or updated IPDF and/or IPDP; and (iv) monitoring reports. These documents will be generated and produced in a timely manner, in both the ADB/BCC website or any locally accessible place in a form and language understandable to the affected IPs and other stakeholders.

76. For IP communities, pertinent information for disclosure are: (i) BCC concept and implementation arrangements, and (ii) results/minutes/ agreements made during meetings/consultations, grievance redress mechanisms, results of assessment studies, IPDF and/or IPDP, and M&E results.

77. The ADB SPS requirements (SR 2 & 3) as well as the ADB Public Communication Policy will serve as guide. The documents listed above will be uploaded in the BCC website as well as the ADB website.

B. Consultation and Participation

1. Consultation Across the Project Cycle

78. Meaningful consultation with IPs will be ensured through harnessing of culturally appropriate communication strategies and use of local language. Table 4 (Consultation and Participation Plan (C&P) presents the definitive points for stakeholder participation across the project cycle under BCC. The Plan will be undertaken to ensure informed participation in all facets of the project cycle such that project benefits that accrue to them shall be in a culturally appropriate manner. Timely disclosure of relevant and adequate information will be made that is understandable and readily accessible to affected people/gender, in an atmosphere free of intimidation or coercion.

Table 4: Consultation and Participation Plan: Summary Chart

ITEM	Stakeholder Group				
	Executing/ Implementing Agency	IP Offices	Ministries: Planning & Investments	Vulnerables: IPs, Farmers & Women (Commune Level)	Civil Society (i.e., Academe, &NGOs)
A. Project Cycle: Task/Objective of Stakeholder Participation					
1. Project identification	Prepare sectoral development framework plans and guidelines/strategies for programming & prioritization of subprojects requiring assistance			Prepare and prioritize community needs/ plans/ programs/ projects	Participate in consultations within mandated areas
	Subproject screening			Participation to free & prior informed consultations	
2. Project Preparation	Identify subproject proposals for possible foreign and local assistance in close coordination with implementing	Coordinate and oversee all consultations to project preparation in areas with IPs.	Provide technical staff support to subproject coordination & review	Participation to free & prior informed consultations (resulting in IPDP& RP)	Consultation and participation

ITEM	Stakeholder Group				
	Executing/ Implementing Agency	IP Offices	Ministries: Planning & Investments	Vulnerables: IPs, Farmers & Women (Commune Level)	Civil Society (i.e., Academe, &NGOs)
	units and other appropriate government agencies				
	Recommends criteria and system for evaluating projects	Coordinate preparation of appropriate social safeguards			Conduct of SIA
	Information disclosure				Preparation of Indigenous Peoples' Development Plan (if applicable)
					Preparation of Resettlement Plan (if applicable)
3. Appraisal	Coordinate the conduct of subproject appraisal	Ensure preparation of appropriate social safeguards	Monitor status of proposed subprojects for possible funding assistance by BCC;	Participation to free & prior informed consultations (resulting in issuance of consent document, if required)	Participate in validation of safeguards documents
		Verify adequacy of the policy and legal framework; adequacy of allocated technical, financial, & human resources.			
		Examines whether IPs have participated in IPDP formulation			
4. Project Implementation ¹² (including inception, subproject design, detailed engineering, monitoring, & review)	Provide basic policies, systems and procedures for the effective & efficient implementation of subproject;			Spearhead preparation of detailed engineering design of subprojects	Conduct external M&E and performance/impact assessment
	Provides technical assistance in detailed design, project monitoring and assessment;			Implement & manage subproject	Develop & implement IEC plan (to include disclosure measures), materials and/or training
	Monitor performance and impact of project in coordination with donor and oversight government agencies;			Involvement in participatory monitoring	
	Coordinate with funding/donor/ oversight agencies in project programming and monitoring;			Attend to capacity building	

¹² Majority of subprojects will only be identified at this stage. Consultation and participation will follow, if not improve on the consultation and participation done for subproject-models identified during project preparation.

ITEM	Stakeholder Group				
	Executing/ Implementing Agency	IP Offices	Ministries: Planning & Investments	Vulnerables: IPs, Farmers & Women (Commune Level)	Civil Society (i.e., Academe, &NGOs)
				activities	
	Oversee & coordinate subproject, IPDP& RP implementation;		Ensure project compliance to loan agreements/ commitments;		
	Prepare, conduct and attend (depending on nature of capacity building)subproject capacity building initiatives				
5. Completion & post evaluation	Evaluate project performance and impact in coordination with donors and oversight government agencies;			Participate in project & subproject impact assessment/post project completion	Conduct impact assessment/post project completion
	Document, disseminate lessons learned, & when applicable mainstream experiences gained and technologies generated from the subproject, and provide policy recommendations with reference to development initiatives and implications to future projects;			Ensure operation and maintenance/ sustainability of subproject	
	Coordinate with funding/donor/ oversight agencies in project evaluation;				
	Conducts post project evaluation and impact analyses.				
		Coordinate project evaluation in ethnic minority project areas.			

79. The approach is anchored on improving development outcomes for IPs through their informed participation and decision-making. Culturally sensitive social participation modalities are central to BCC operations. The approach involves building on peoples' knowledge and capacities. Safeguarding the rights and interests of IPs are basic elements to the main activities of the BCC development process.

80. The consultation processes must address the following: (i) IP customary rights pertaining to lands and resources, and access issues in regard to sustainability of their cultures and livelihood systems; (ii) protection of lands, and resources against illegal intrusion or encroachment; (iii) cultural and spiritual values that IPs attribute to such lands and resources; (iv) indigenous knowledge systems and practices viz long-term sustainability of such practices; and (v) rehabilitation of IP livelihood systems especially among those who may be restricted from their lands.

81. Since BCC involves activities that are contingent (BCC Components 2 and 3) on establishing legally recognized rights to lands and territories that IPs have traditionally owned or customarily used or occupied, an action plan for the legal recognition of customary rights to such lands and territories shall be integrated in the IPDP, prior to actual implementation.

82. BCC implementers will conduct consultation during the project planning process and preparations phases to initially commence with a social assessment where stakeholder identification and analysis is made. Records of consultation will be kept in particular those identities of recognized community representatives, respected key informants, and legitimate representatives of subgroups (i.e., women, farmers, and youth).

83. Individuals or groups identified to be vulnerable to adverse project impacts and risks will be consulted as regards mitigative measures to the satisfaction of these groups. It is imperative that ethnic minority groups are consulted in (i) identifying potential impacts and risks; (ii) assessing the consequences of these impacts and risks for their lives and (iii) providing input into the proposed mitigation measures, the sharing of development benefits and opportunities and implementation issues. If new impacts and risks are foreseen or shall crop up during the planning and assessment process, then appropriate consultative measures are made and taken into account in the overall project and subproject designs.

84. **Free, Prior and Informed Consultations.** Executing/Implementing agencies will conduct consultations with recognized community representatives, respected key informants, and legitimate representatives of sectoral groups. Consultations are characterized as follows:

- (i) Consultation mechanisms must not have manifestations of coercion or intimidation;
- (ii) Lead time is made for the following: a) project information to be interpreted/translated in the prevailing language common to the commune/village; b) consideration for local inputs to subproject siting, location, routing, sequencing, and scheduling); and c) attempts at consensus building for the choice and design of mitigation measures and sharing of development benefits and opportunities; and
- (iii) Consultation with IPs will be scheduled and conducted based on adequate and relevant disclosure of project information.

85. The executing/implementing agency will be assisted by qualified consultants who will disseminate information about the project, in a manner appropriate for the IPs in the project area. Special efforts will be made to ensure that all sectors of the communities will have equal opportunities to express their respective issues and concerns. Consultations will be iterative to ensure affected groups understand the project thus they are able to form and express an opinion about the project.

2. Participation of IPs

86. Participation under BCC will involve the transferring of power to IPs at the commune level enabling them to negotiate with development delivery systems, and deciding and acting on what is essential to their development. There are several types or forms of stakeholder participation that could range from shallow, or simply being informed, to deep, or actively participating to be responsible for their own actions and development pathways. Of these, BCC shall adopt combinations of these participation types for IPs, summarized as follows:

- (i) **Collaboration/Decision-Making.** While IPs or their legitimate representatives are invited about a pre-determined objective, problems or issues are identified and discussed, and solutions are collaboratively made. Indigenous peoples or their legitimate representatives may not have initiated the collaboration, but they significantly influence the results. Their ideas may change the project design or implementation plan, or contribute to a new policy or strategy. A development professional or organization engaged to solicit stakeholder involvement takes the IPs' perspectives seriously and acts on them.
- (ii) **Joint Empowerment/Shared Control.** Shared control involves deeper participation than collaboration. Indigenous peoples or their legitimate representatives are empowered by accepting increasing responsibility for developing and implementing action plans. They become accountable for either creating or strengthening local institutions. Development professionals are mere facilitators

of the locally driven process. Indigenous peoples assume control and ownership of their subproject component, and make decisions accordingly. Participatory monitoring is enabled where IPs assess their own actions using procedures and performance indicators they selected when finalizing their plans thereby reinforcing empowerment and sustainability.

3. Documentation of the Consultation Process

87. Process documentation¹³ is a process-oriented data-gathering tool that aims to enhance understanding of the relationship between process and structure. It is used to capture group dynamics, issues and concerns affecting decisions in support or against the project/subproject. It identifies the facilitating and constraining factors and eventually the consensus building process.

88. Process documentation therefore will serve as BCC documentation for broad community support. It will focus on dimensions that are most likely to affect or influence the decision making and consensus building among IPs and their perceptions, roles and relationships, decisions and trade-offs, strategies, priorities, activities and events, investments and accomplishments, factors that shape the context in which any focus of the project/subproject is operating including factors that help explain outcomes, implications, and lessons.

89. Documentation for broad community support will observe the following:

- (i) Context of the gathering (consultation or any activity initiated by or for BCC - reason for the activity, where, when, who are present.
- (ii) Involved stakeholders - note how actors or key players relate to one another (protagonist, antagonist, supporting roles, pro, anti, etc.) within the context of the activity.
- (iii) Identify what is being said; how it is said and may include for non-verbal actions.
- (iv) Note if politics, or the ability to influence others come into play. Determine and document the tactics employed.
- (v) Identify the major forces reckoned with, if any, and consider the possible entry points to deal with such force.

90. Results of process documentation should provide information sufficient enough to support decisions about the project/subproject C&P process. Reports should therefore be easy to read/use, and attached to all technical reports to capture broad community support. The process documentation per commune/IP group will be validated and endorsed by the relevant IP Office observing inherent institutional protocols across levels (commune to district and province).

VI. GRIEVANCE REDRESS MECHANISMS

91. The mechanism to receive and facilitate resolution of the affected indigenous peoples' concerns, complaints, and grievances is provided and ethnic communities will be appropriately informed about such mechanism. A culturally appropriate, gender responsive, and accessible mechanisms formulated but shall not impede access to the country's judicial or administrative remedies.

¹³ Botengan, MP and DM Cacha. (2005) *Multi-Stakeholder Participation Handbook*. Strengthening the Environmental Performance Monitoring and Evaluation System of the Philippine Environmental Impact Statement System (SEPMES-PEISS). EMB-DENR and The World Bank. Institutional Development Facility (IDF) Grant No. TF050534.

92. Traditional forms of governance still exist in most IP villages especially those dominated by the Phnong population. The Mei Kantrinh (a term used for local leaders) are still the most respected, oldest and most knowledgeable people of Phnong tradition and culture. They are responsible for maintaining peace and order in the area as well as in seeking justice for village members (MOSAIC Easternplains Team, 2003). The traditional system has now been integrated into the new political structures. Decision-making is now a joint process between the Mei Kantrinh, elders and the Commune Councils. Issues are brought to the attention of the District Council if unresolved at the commune level.

93. The village chiefs and Commune Councils play important roles in conflict mediation as well as disseminating relevant laws about natural resource management. These indigenous structures will be tapped by the Project for grievance redress.

94. IPs shall be exempted from all administrative and legal fees incurred pursuant to the grievance redress procedures.

VII. INSTITUTIONAL ARRANGEMENTS

A. National Level

95. The Executing Agencies are the Ministry of Environment (MOE) and the Ministry of Agriculture, Fisheries and Forestry (MAFF) which have under their General Department of Administration of Nature Conservation and Protection (GDANCP) and Forestry Administration, respectively, established a Central Project Coordination Unit (CPCU). Each of the two CPCUs is led by a National Project Coordinator responsible for day-to-day coordination of Project implementation at the national level. Qualified social safeguards consultants, under terms of reference acceptable to ADB, will be contracted by the Executing Agency.

96. The CPCUs will be supported by a National Social Safeguards Specialist (consultant) to undertake preliminary screening to determine the categorization of IP impacts arising from the Project and prepare the IPDPs. They will also be supported by an external monitoring entity (NGO or individual), to conduct annual assessments and final evaluation of all the social components of the Project including IP development, community participation, resettlement and gender aspects.

B. Provincial Level

97. A provincial project management unit (PPMU) will be established in each of the participating provinces. The PPMUs consists of three teams: the provincial FA Cantonment, provincial Protected Area (PA), and PPMU director's team. The responsibility for implementing the IPDPs rests with the FA Cantonment in Koh Kong and Mondulkiri, and provincial Protected Area (PA) in Mondulkiri and in Koh Kong, depending on the location of the activities following the EA's mandates. FA and GDANCP have mandates over protected forests and protected areas, respectively. The Provincial Project Management Unit (PPMU) established PPMU Project Director who represents the Provincial Governor. The IPDP will have an implementation schedule that is coordinated with project/subproject implementation. A capacity building on IPDP preparation and monitoring for EA/IA at national, provincial, and district levels will be considered. Specifically, the FA Cantonment/provincial PA shall:

- (i) Implement the SIA and undertake the participatory consultation with IPs.

- (ii) Use feasibility study socio-economic surveys, including ethnicity and sex disaggregated data, to understand local IP development issues;
- (iii) Undertake and document consultation with communities and local IP groups to determine the appropriate interventions;
- (iv) Design interventions to address identified issues relevant to the overall subproject.
- (v) Supervise the implementation and monitoring of the IPDPs, or the enhancement measures.

C. District and Commune Level

98. At the district and commune levels, District Teams (DT) will be established in each participating district. The DTs will be responsible for ensuring coordination of day-to-day activities at the district and commune level between the Project and district and commune authorities. This will include assisting the FA Cantonment/Provincial PA with data collection, undertaking the SIA and organizing public consultations with IPs. The DTs will involve technical personnel from the district line agencies, including the Cambodia Women's Affairs and the pertinent IP Office.

VIII. MONITORING AND REPORTING ARRANGEMENTS

99. There will be two monitoring mechanisms: internal monitoring and external monitoring that will determine if the IPDP is being carried out in accordance with this IPDF. The Executing/Implementing agencies with assistance from the national social safeguards specialist shall conduct the supervision and in-house monitoring of implementation of the IPDP. The procedure for monitoring will be guided by the monitoring, evaluation, and reporting arrangements set forth in the IPDP. An external monitoring organization (EMO) will verify internal monitoring reports. Prescribed indicators for internal and external monitoring are presented in Appendix 6.

100. **External Monitoring.** External Monitoring will be commissioned by the Executing agencies to undertake external monitoring and evaluation. The EMO for the Project will be a qualified individual, competent NGO, or a consultancy firm with qualified and experienced staff.

101. The Terms of Reference for the EMO is in Appendix 7. The CPCUs are responsible for the engagement of the EMO and ensures that funds are available for monitoring activities, and submits quarterly monitoring reports to the ADB.

102. Specifically, the activities of the EMO are as follows:

- (i) Determine if IPDPs are prepared in accordance with the approved IPDF;
- (ii) Conduct monitoring of implementation of IPDPs using the indicators in Appendix 6-2 as guide.
- (iii) Verify results of internal monitoring;
- (iv) Coordinate with the relevant IP Office regarding the monitoring and evaluation of the situation of affected IPs;
- (v) Verify and assess the results of the Project IEC for IPs;
- (vi) Assess efficiency, effectiveness, impact and sustainability of IPDP implementation;
- (vii) Suggest modification in the implementation procedures of the IPDP, if necessary, to achieve the principles and objectives of this IPDF;
- (viii) Review of the handling of compliance and grievances cases;

- (ix) Conduct final evaluation.

103. **Schedule of Monitoring and Reporting.** The Executing agency shall establish a schedule for the implementation of the IPDP taking into account the project's implementation schedule. It is expected that one month prior to the start of subproject implementation, internal and external monitoring key actors shall have determined all IPDP activities.

104. **Monitoring of Consistency between IPDP and Approved IPDF.** This is the first activity that both internal and external monitoring people shall undertake to determine whether or not the IPDP is implemented out as planned and according to this policy. The EMO will submit an Inception Report and Compliance Monitoring Report one month after receipt of Notice to Proceed for the engagement.

105. **Quarterly Monitoring.** The EMO will be required to conduct quarterly monitoring of IPDP implementation activities.

106. **Final Evaluation.** Final evaluation of the implementation of the IPDP will be three months after its completion. The EMO shall coordinate with the executing agency, relevant IP Office as well as the affected IPs on the dates of the final evaluation of the IPDP.

107. **Post-Evaluation.** This activity will be undertaken one year after the completion of the project/subproject in order to determine whether the social and economic conditions of affected IPs have improved or have been restored to pre-project levels.

108. Internal and external monitoring reports will be made available to all implementing units, including the IP communities. The EMO is accountable to the Executing agency as they submit copies of internal and external monitoring reports to ADB. Costs of monitoring requirements will be reflected in project budgets.

IX. BUDGET AND FINANCING

109. The IPDF provides the line item costs that will be subject to detailed planning and budgeting during implementation at the project and subproject levels. The CPCUs are responsible in the provision of necessary financing of all IPDF and IPDP activities. The IPDP will specify funding requirements for each of the actions in the plan. Cost estimates provided in the plans must be as detailed as possible, linked to specific activities. The IPDP will focus on costs involved in mitigating adverse socio-cultural impacts.

110. As such, BCC has allocated funds for planning and implementing IPDPs (budget has been included in implementing Components 1, 2 and 3). IPDP planning and budgeting will be conducted using culturally acceptable methods. Table 5 provides the line item costs that will be subject to detailed planning and budgeting during implementation at the project and subproject levels.

Table 5: Budget Items for Activities in Support of Indigenous Peoples

ACTIVITY	DESCRIPTION	DURATION
1. Social Assessment	All communes with IPs Conduct social impact assessment and benchmarking	3 months: before any subprojects are implemented
2. Processing of ancestral lands or land use certificates for IPHHs	Land delineation and certification/titling	Variable but before subprojects are implemented. May be during land use planning and

ACTIVITY	DESCRIPTION	DURATION
		delineation
3. Preparation of IPDP and RP		Cost and duration generally same for Social Assessment per study
4. Monitoring for IPDP as built into the project design.	<p><u>Quarterly Monitoring.</u> The EMO will be required to conduct quarterly monitoring of IPDP and RP implementation activities.</p> <p><u>Final Evaluation.</u> Final evaluation of the implementation of the IPDP will be three months after its completion. The EMO shall coordinate with the Project Implementation Unit and the affected IP community on the dates of the final evaluation for the IPDP.</p> <p><u>Post-Evaluation.</u> This activity will be undertaken one year after the completion of a project/ subproject in order to determine whether the social and economic conditions of the affected IPs have improved or have been restored to pre-project levels.</p>	Contracted to independent body/entity. Built into implementation arrangements for consulting/contractual services
7. Preparation of IEC materials	Aside from those enumerated in this Table, refer to GAP and coordinate activities/costs	Print materials
8. Capacity building for Gender Mainstreaming	Annual. Targets are beneficiaries, implementers and local government officials; integrate with GAP and RF costs/activities.	Annual for project as a whole and specific to subprojects separate.
9. Sensitivity to IP Culture	Target is project implementers and local government officials/staff	Project onset, mid and post project
10. Capacity building for IP communities	Organizational/Financial development and management, Biodiversity Conservation, climate change etc.	
11. Hiring of National Consultant for Social Safeguards		60 person-months
12. Hiring of International Consultant for Social Safeguards		8 person-months

Appendix 1: PPCR Additional Financing Contributions to the Project Outputs

1. The aggregate impact “climate resilient sustainable forest ecosystems benefiting local livelihoods” and outcome “sustainably managed biodiversity corridors” of the BCC project will not change as a result of the additional cofinancing; it will benefit a further 4,450 households with diversified livelihood assets and/or income generating opportunities by 2019 with spill-over affecting an additional 2,000 households by 2025. The BCC project outputs remain the same but beneficiary adaptive capacity to tackle climate change impacts is enhanced through specific interventions under Output 3 “improved livelihoods and income-enhancing small-scale infrastructure support”, such as: (i) rainwater harvesting ponds with climate resilient high value crop productivity; (ii) climate resilient irrigation and system of rice intensification (SRI) techniques; (iii) bioengineered sea barriers reducing salt water intrusion; and (iv) ecosystem-based adaptation in two catchments in Mondulki..

2. These interventions under additional financing are expected to enhance: (i) all year round water availability through construction of rainwater harvesting tanks for at least 2,400 households for high value crop production; (ii) at least 1,000 households adopt climate resilient system of rice intensification (SRI) rice production techniques with rice yields expected to increase by 50%; (iii) at least 15 km of bioengineered sea barriers with self-closing culverts are constructed preventing incursion of saline water during winter high tides benefiting over 750 ha; and (iv) over 900 households benefit from reduced flood risk, improved soil quality, and reduced impact from drought by diversifying income and climate resilient livelihoods through sustainable forest management in at least two catchments.

3. The direct beneficiaries of the additional financing are poor coastal and upland farmers, indigenous communities, and women living in and dependent on the marine and forest ecosystems in 23 communes in Koh Kong and Monduliri provinces of Cambodia. Majority of the additional 4,450 households that will benefit from the additional financing are indigenous peoples living in remote, mountainous areas in Monduliri. All subproject models of small-scale infrastructure, livelihood adaptations, and enhanced coping mechanisms to be undertaken under additional financing from PPCR reflect priorities identified during participatory, multi-stakeholder consultations carried out under RETA 7459. All civil works will only be undertaken on land voluntarily donated by virtue of written agreements by the communities for commune lands or state owners/managers of land (e.g. local government and line agencies). The focus of the civil works implementation will be on quality rather than maximizing coverage, and designs will be based on appropriate standards to ensure climate resilience and sustainability. The additional financing is expected to yield major benefits, including (i) access to water all year round for climate resilient productivity gains; (ii) losses avoided from flood damage, extreme weather events, saltwater inundation of coastal aquifers, and costs associated with reduced and irregular river flow. The additional financing is expected to generate social benefits that accrue to communities, local government units, and private and nongovernment organizations (NGOs) through stakeholder empowerment resulting from the institutional and capacity-building interventions.

Appendix 2: PPCR Additional Financing Priority Communes

Table A2.1: Climate Change Vulnerability Analysis of BCC Communes in Mondulkiri Province

Commune	District	Drought	Floods	Sea Inundation & Other	Vulnerability*
Romonea	Saen Monourum	Drought for six months all four villages	Road access during wet season is poor (flash floods)	Minor	1
Bus Sra	Pech Chreada	Drought for six months per year	District confirmed no flash flood problems	Minor	1
Pu Chrey	Pech Chreada	Drought for six months per year	District confirmed no flash flood problems	Minor	1
Krang Teh,	Pech Chreada	Drought for six months per year	District confirmed no flash flood problems	Minor	1
Dak Dam	Ou Reang	Drought less severe than in other communes	No flood problems except on cassava (soil erosion from flash flood)	Minor	2
Srae Chhuk	Kaev Seima	Drought less severe than in other communes	No significant flood problems	Minor	2
Srae Khtum	Kaev Seima	Drought for six months per year	Some flash floods but not economically major	Typhoon damage	1
Srae Preah	Kaev Seima	Drought for six months per year	No significant flood problems	Minor	1
Chong Phlah	Kaev Seima	Drought for six months per year	No significant flood problems	Minor	1
Sokh Sant	Kaoh Nheak	Drought for six months per year	No significant flood problems	Minor	1
Srae Huy	Kaoh Nheak	Drought for six months per year	River dyke breaks and rice flooded but not economic to repair	Minor	1
Nang Khi Lik	Kaoh Nheak	Drought for six months per year	Not visited but informed major river overflow in August / September damaging several 100 has of irrigated rice in some years.	Minor	1

* The most vulnerable communes are rated as category 1, the least vulnerable as category 3.

Table A2.2: Climate Change Vulnerability Analysis of BCC Communes in Koh Kong Province

Commune	District	Drought	Floods	Sea Inundation & Other	Vulnerability*
Pak Khlang	Mondol Seima	Medium exposure to drought but most houses have piped water	Little flood damage	Sea water intrusion damaging village (200 hh), land, crop and road, storms and heavy rain events	2
Peam Krasaob	Mondol Seima	Annual drought (Dec. to Apr.). Very hot.	Little flood damage	Saline water intrusion (Nov. to Dec.), storm/ heavy rain (June to Aug.)	1
Ta Tai Kraom	Kaoh Kong	Medium exposure to drought.	Heavy rain/ flood, road damage. Little river flooding.	Saltwater intrusion (Dec. to Mar.), large area of paddy abandoned (protected area?). Little storm exposure.	2
Trapeang Rung	Kaoh Kong	Minimal drought problems	Flood affecting a few houses and agriculture but economic loss not major	Minor risk of salt water intrusion	3
Ruessei Chrum	Thma Bang	Minimal drought problems	Little flood damage	Little risk of storm damage	Cardamom forest, low vulnerability, 3
Ta Tay Leu	Thma Bang	Minimal drought problems	Little flood damage	Little risk of storm damage	Cardamom forest, low vulnerability, 3
Chi Phat	Thma Bang	Drought annually (Feb. to Apr.)	Little flood damage	Little risk of storm damage	3
Thma Doun Pov	Thma Bang	Minimal drought problems	Little flood damage	Little risk of storm damage	Cardamom forest, low vulnerability, 3
Andoung Tuek	Botum Sakor	Drought annually (Feb. to Apr.)	Heavy rain/ flood, road damage. Little river flooding.	Saline water intrusion (Nov. to Dec.), storms annually but very bad in 2013.	1
Chi Kha Leu	Srae Ambel	Drought annually (Feb. to Apr.)	Little flood damage	Little risk of storm damage	2

* The most vulnerable communes are rated as category 1, the least vulnerable as category 3.

Appendix 3: IPs Impact Screening Checklist

KEY CONCERNS (Please provide elaborations on the Remarks column)	YES	NO	NOT KNOWN	Remarks
A. Indigenous Peoples Identification				
1. Are there socio-cultural groups present in or use the project area who may be considered as "tribes" (hill tribes, scheduled tribes, tribal peoples), "minorities" (ethnic or national minorities), or "indigenous communities" in the project area?				
2. Are there national or local laws or policies as well as anthropological researches/studies that consider these groups present in or using the project area as belonging to "ethnic minorities", scheduled tribes, tribal peoples, national minorities, or cultural communities?				
3. Do such groups self-identify as being part of a distinct social and cultural group?				
4. Do such groups maintain collective attachments to distinct habitats or ancestral territories and/or to the natural resources in these habitats and territories?				
5. Do such groups maintain cultural, economic, social, and political institutions distinct from the dominant society and culture?				
6. Do such groups speak a distinct language or dialect?				
7. Has such groups been historically, socially and economically marginalized, disempowered, excluded, and/or discriminated against?				
8. Are such groups represented as "Indigenous Peoples" or as "ethnic minorities" or "scheduled tribes" or "tribal populations" in any formal decision-making bodies at the national or local levels?				
B. Identification of Potential Impacts				
9. Will the project directly or indirectly benefit or target Indigenous Peoples?				
10. Will the project directly or indirectly affect Indigenous Peoples' traditional socio-cultural and belief practices? (e.g. child-rearing, health, education, arts, and governance)				
11. Will the project affect the livelihood systems of Indigenous Peoples? (e.g., food production system, natural resource management, crafts and trade, employment status)				

KEY CONCERNS (Please provide elaborations on the Remarks column)	YES	NO	NOT KNOWN	Remarks
12. Will the project be in an area (land or territory) occupied, owned, or used by Indigenous Peoples, and/or claimed as ancestral domain?				
C. Identification of Special Requirements <i>Will the project activities include:</i>				
13. Commercial development of the cultural resources and knowledge of Indigenous Peoples?				
14. Physical displacement from traditional or customary lands?				
15. Commercial development of natural resources (such as minerals, hydrocarbons, forests, water, hunting or fishing grounds) within customary lands under use that would impact the livelihoods or the cultural, ceremonial, spiritual uses that define the identity and community of Indigenous Peoples?				
16. Establishing legal recognition of rights to lands and territories that are traditionally owned or customarily used, occupied or claimed by indigenous peoples ?				
17. Acquisition of lands that are traditionally owned or customarily used, occupied or claimed by indigenous peoples?				

Anticipated project impacts on Indigenous Peoples

Subproject activity	Anticipated positive effect	Anticipated negative effect
1.		
2.		
3.		
4.		
5.		

Indigenous Peoples Category (Encircle 1)

Category	Description	Subproject Eligibility
A	Significant impacts on Indigenous Peoples	Not Eligible
B	Insignificant impacts on Indigenous Peoples	Eligible
C	No impact on Indigenous Peoples	Eligible

Appendix 4: Social Impact Assessment Concepts and Methods

I. SOCIAL DEVELOPMENT AND SOCIAL ANALYSIS

1. Inclusive social development” is considered essential to the reduction of poverty and achievement of development goals. In this Social Impact Assessment (SIA) outline, “social development” refers to equitable and sustainable improvements in the physical, social, and economic well-being of individuals and social groups, especially those that are socially or economically disadvantaged. Social development also has an institutional dimension, in that social variables such as gender, ethnicity, race, and age often shape the formal and informal rules and norms that influence people’s access to services, resources, opportunities, and decision making economic well-being of individuals and social groups, especially those that are socially or economically disadvantaged.

A. Social Development Goal and Outcomes

2. SIA assists in promoting inclusive social development by helping to achieve development outcomes that are equitable and sustainable, thereby contributing to poverty reduction and development goals. The social development outcomes sought through this approach to SIA are as follows:

- (i) Greater inclusiveness and equity in access to services, resources, and opportunities;
- (ii) Greater empowerment of poor and marginalized groups to participate in social, economic, and political life; and
- (iii) Greater security to cope with chronic or sudden risks, especially for poor and marginalized groups.

3. Participatory processes in which poor and excluded people can find a voice are especially important. More inclusive processes create a more positive environment in which poor and marginalized groups can make choices and pursue their interests. Effective social safety net programs and other mechanisms are also needed to cushion poor and vulnerable households from economic or other shocks so that they can make more steady progress in improving their quality of life.

B. Key Social Dimensions

4. The scope and depth of the social analysis will vary depending on the sector, the focus and complexity of the project, and the social context in which it will be implemented. Nevertheless, the thematic areas that a social analysis will cover generally includes the following key social dimensions and strategies:

- (i) Participation;
- (ii) Gender and development;
- (iii) Social safeguards; and
- (iv) Management of other social risks and vulnerabilities.

5. These social dimensions are interrelated and crosscutting and while they capture the main types of social issues that arise in development projects, they are not exclusive and can take on different attributes and significance depending on the local context.

C. Key Social Analysis Outputs

6. Social analysis is an integral part of project design process and should contribute to the technical and economic analyses, stakeholder consultations, consideration of alternative design options, and preparation of the final design, including monitoring and evaluation indicators. The overall results of the social assessment will provide the following key outputs:

- (i) Socioeconomic profiles of relevant population groups;
- (ii) Social action or mitigation plans, or other measures incorporated in the project design; and
- (iii) Social development targets and indicators.

II. DATA COLLECTION

7. This section describes some main tools and data collection methods for social analysis that are useful in designing projects. Data collected for the social analysis should provide a basis for setting appropriate targets, a baseline for monitoring social impacts of the project during implementation and for any social action or mitigation plans. Although there are several data collection methods available for carrying out the social analysis, in all cases, the social analysis should be organized and sequenced so as to:

- (i) Address the significant social issues identified;
- (ii) Provide relevant social development inputs to the technical, economic, and other analyses;
- (iii) Incorporate appropriate measures in the project design, including any social action or mitigation plans; and
- (iv) Provide relevant benchmark data for monitoring social impacts of the project during implementation.

A. Data Collection Methods

8. Various methods for data collection that can be used in the social analysis to investigate the poverty and/or social issues and to identify and clarify the expected impact of the project on different groups, including the poor and excluded. Based on the data collected, poverty, social, and/or risk analysis can be carried out and appropriate design measures, including action or mitigation plans, can be developed.

9. For most projects, the data collection process will include both primary and secondary data, and a combination of qualitative and quantitative methods. Qualitative approaches are particularly relevant to social analysis because they identify issues and capture variables not obtainable through quantitative surveys, particularly relating to social inclusion/exclusion, empowerment/disempowerment, and security/insecurity.

1. Qualitative Methods

10. Some main methods for collecting qualitative (i.e., nonnumerical) data include:

- (i) Direct Participant Observation. Under direct observation, the researcher observes individual, group, or community activities as unobtrusively as possible. Under participant observation, the researcher observes these activities while living and participating in the relevant community.
- (ii) Interviews. Depending on the circumstances, interviews can be structured (i.e., fairly formal and closely following a written interview guide), semi-structured (i.e., partially directed by a written interview guide, but open and conversational

- enough to allow interviewees to introduce and discuss other topics of interest), or unstructured (i.e., organized around a few general questions or topics, but generally informal and open-ended).
- (iii) Questionnaires. Similar to interviews, these can include formal, closed questions (e.g., multiple choice), semi-structured questions, open-ended questions, or a combination of these.
 - (iv) Focus Group Meetings. These semi-structured consultations with a small group (generally 5–10 participants plus 1–2 facilitators) are used to explore people's attitudes, concerns, and preferences. Focus groups are particularly useful to elicit the views of members of a community who may be reluctant to speak in a more public setting (such as women, indigenous peoples, or disadvantaged castes; the disabled, or poor individuals; and households).
 - (v) Workshops. These consultations, which can be highly structured or semi-structured, are generally conducted over 1–2 days and bring together a wide range of stakeholders to analyze a particular problem, identify alternative ways to address the problem, and endorse a particular solution or set of actions to be taken. Experienced facilitators are essential to the success of a workshop.
 - (vi) Town/Village Meetings. Community-level meetings can be organized for a variety of purposes, including information sharing, consensus building, prioritizing of issues, planning of interventions, and collaborative monitoring and evaluation.
 - (vii) Mapping. This exercise involves the creation of a pictorial description of a local area by the local inhabitants, usually in a focus group or larger group setting. Common types of maps created through this participatory process include resource maps, health maps, and institutional maps. The maps provide baseline data for further participatory analysis and planning.

2. Quantitative Methods

11. The quantitative data relevant to social analysis can include both primary and secondary data. Primary data can be collected through such instruments as a sample survey (discussed further in Appendix 5.3), a project-specific census (covering all relevant individuals or households), or land/asset inventory (also covering all relevant individuals/households). It is important to structure these instruments so that the data collected are disaggregated by gender, ethnicity, age, income level, and other relevant factors. Sources of secondary data that may be relevant include the following:

- (i) Population Census. A national census can usually provide basic data on employment, household size, housing, and access to basic services, including data disaggregated by region or state/province.
- (ii) Living Standard Measurement Surveys (LSMS) and Other Existing Household Surveys. LSMS and other multi-topic surveys can provide data on household income and expenditures, employment, health, education, ownership of land and other assets, and access to basic services and social programs.
- (iii) Demographic and Health Surveys. These surveys generally include data on (a) health, infant mortality, fertility, contraceptive practices and family planning, antenatal care, type of facility and care used by women for childbirth, feeding practices, vaccination, health center use by mothers and children, satisfaction with health services, and cost of treatment; (b) educational attainment; (c) occupations of men and women; (d) migration; (e) access to water, sanitation, and energy services; and (f) ownership of durable goods. These surveys can be used to calculate household wealth and are particularly relevant to gender analysis.

- (iv) Employment Surveys. These surveys provide data on (a) employment, unemployment, and underemployment patterns; (b) wages and other household income; (c) demographics; and (d) housing features. However, the surveys are unlikely to provide information on microenterprises and other informal business activities, or on the unpaid labor of household members involved in agriculture or household businesses.

B. Profile of Beneficiaries

12. Socioeconomic profiles are key inputs to the design of a project, and provide baseline data for monitoring the social impacts of the project on relevant groups. The purpose of these profiles is to:

- (i) Identify the relevant client/beneficiary population and any other populations likely to be affected by the project;
- (ii) Identify subgroups with different needs and interests; and
- (iii) Assess the relevant needs, demands, constraints, and capacities of these groups and subgroups in relation to the proposed project.

13. These profiles provide a basis for further analysis of significant social issues (e.g., related to gender, indigenous peoples, involuntary resettlement, labor, affordability, or health/trafficking risks related to large infrastructure projects). They also aid the project design team in framing project components, selecting technologies, and devising implementation arrangements that are appropriate, feasible, and responsive to local needs and capacities.

C. Content of Socioeconomic Profiles

14. Socioeconomic profiles are generally based on secondary data (such as existing census, household surveys, demographic and health surveys, country poverty analysis, and other sources), supplemented as needed by project-specific surveys and/or PRAs. A sample outlines of socioeconomic profile addressing social issues in agriculture and rural development is provided below.

1. Outline of Profile for Agriculture or Rural Development Project

- 15. Location and physical characteristics:
 - (i) Map (showing roads, land use, rivers, bridges, major settlement areas); and
 - (ii) Description of location.
- 16. Economic (including disaggregation of data by gender, ethnicity, and income level):
 - (i) Ownership of assets;
 - (ii) Land (e.g., amount, type, distribution, security of tenure);
 - (iii) Other (e.g., livestock, equipment, buildings);
 - (iv) Type of livelihood (e.g., subsistence, commercial, or both);
 - (v) Household income/expenditures;
 - (vi) Skills;
 - (vii) Employment and allocation of labor;
 - (viii) Use of and access to credit;
 - (ix) Use of and access to marketing service; and
 - (x) Use of and access to commercial inputs.

17. Social infrastructure (including disaggregation of data by gender, ethnicity, and income level):
 - (i) Access to health services;
 - (ii) Education (primary, secondary, informal);
 - (iii) Water and sanitation;
 - (iv) Housing;
 - (v) Roads and communications; and
 - (vi) Energy.
18. Demographic (including disaggregation of data by gender, ethnicity, and income level):
 - (i) Age/sex/family size;
 - (ii) Birth/death rates;
 - (iii) Health and nutrition (of adults and children);
 - (iv) Migration (in and out); and
 - (v) Number of single-parent households.
19. Social organization (including evidence of differences based on gender, ethnicity, or income level):
 - (i) Family structures;
 - (ii) Social structures in the community;
 - (iii) Information on how collective decisions are made;
 - (iv) Local institutional structures;
 - (v) Nongovernment organizations (NGOs) or community-based organizations (CBOs) in the area; and
 - (vi) Level of social cohesion, social respect, and initiative.

2. Surveys

20. Surveys provide important data to project design teams, especially in constructing a socioeconomic profile of the intended clients/beneficiaries and other groups likely to be affected by the project, and in analyzing significant social issues, such as involuntary resettlement or affordability. Much of the relevant data may already be available from the latest population census, living standards measurement survey, or demographic and health surveys. However, project-specific surveys may also be needed to investigate particular social issues in depth, especially if the issues pertain to a specific region or social group.

D. Designing a Sample Survey

21. In designing a sample survey to inform the design of a project, the project design team will need to specify:
 - (i) Objectives of the survey;
 - (ii) Target population (including relevant subgroups based on gender, ethnicity, income level, location, or other factors);
 - (iii) Data to be collected (keeping in mind that the survey should be as focused as possible);
 - (iv) Type of measurement instrument and survey technique;
 - (v) Sample frame (keeping in mind that the definition of “project-affected person” will vary depending on the project and on the social issue being investigated, and that some survey questions may be more appropriately directed to individuals rather than households);

- (vi) Sample size (which will also vary depending on the type of project, its location, and the social issues involved—discussed further below); and
- (vii) Sampling method.

E. Participatory Rapid Assessments

22. Participatory rapid assessment (PRA) is an approach and range of techniques that enable stakeholders to analyze their problems and then plan, implement, and evaluate agreed-upon solutions. PRA allow timely analysis of sufficient accuracy and accepted validity to ensure stakeholder commitment to outcomes. This is best achieved by an astute combination of inclusive group discussions, individual interviews, and analysis of background information.

F. PRA Techniques

23. PRA techniques emphasize visual and verbal analyses (e.g., observing, interviewing, mapping, sketching, ranking) to ensure that data collection and discussion processes can be public, transparent, and group oriented. Commonly applied PRA techniques include:

- (i) Key informant interviews;
- (ii) Semi-structured interviews;
- (iii) Transect walks;
- (iv) Participatory mapping and modeling;
- (v) Wealth ranking and matrix ranking;
- (vi) Oral histories;
- (vii) Trend analysis;
- (viii) Development of seasonal calendars;
- (ix) Storytelling;
- (x) Critical incident analysis; and
- (xi) Problem census, among others.

III. CONSULTATION AND PARTICIPATION

A. Stakeholder Analysis

24. Stakeholders are people, groups, or institutions that may be affected by, can significantly influence, or are important to the achievement of the stated outcome of a project. They include government, civil society, and the private sector at national, intermediate, and local levels. Stakeholder analysis identifies key project stakeholders, their project-related interests, and the ways they affect project risk and viability. The stakeholder analysis seeks to answer questions like:

- Who depends on the project?
 - (i) Who is interested in the outcome of the project?
 - (ii) Who will influence the project?
 - (iii) Who will be affected by the project?
 - (iv) Who may work against the project?
 - (v) Who can or should be included in the planning of the project?

B. Steps in Undertaking Stakeholder Analysis

25. Broadly speaking, stakeholder analysis consists of four steps:
- (i) Identifying major stakeholder groups:

- (a) The main population groups that may be affected—positively or negatively—by the project and their social characteristics;
- (b) Relevant subgroups that may be affected differently (such as women or girls; indigenous, ethnic minority, or disadvantaged caste groups; youth or the elderly);
- (c) Key informants, such as community leaders or local government officials;
- (d) Executing or implementing agency staff likely to be involved in the project;
- (e) Civil society organizations (CSOs) in the project area; and
- (f) Private sector firms likely to be involved in or affected by the project.
- (ii) Determining stakeholders' importance and influence on project planning;
- (iii) Analyzing their interests, resources/capacities, and mandates; and
- (iv) Selecting representation among stakeholders to be included in the participatory processes of the project.

26. A variety of participatory techniques, including PRA, may be used to collect data relevant to stakeholder information. Care should be taken to ensure that stakeholders with less voice and influence, such as women, indigenous peoples, and poor households and communities, are fully represented. For example, in most cases, the assessment should include separate consultations with women and men to ensure that those women's views are heard.

C. Communication and Participation Plan

27. Developing a Communication and Participation Plan (C&P Plan) is recommended for most projects. A C&P plan involves systematically deciding on whom to engage, in what manner, and when. Its purposes are to promote transparency, success, and sustainability, and to prevent delays and manage conflict. It builds on stakeholder analysis and aims to create a systematic plan of action for each phase of activity.

28. For projects in which beneficiary participation is important to the project's overall success, appropriate C&P mechanisms for project implementation should be identified and incorporated in the project design. These could include:

- (i) Targets for the participation of particular groups in project activities;
- (ii) Engagement of community mobilizers;
- (iii) Provisions for special training or outreach activities (e.g., to facilitate women's participation);
- (iv) Inclusion of beneficiary representatives in project review missions and workshops;
- (v) Engagement of NGOs or local research institutes to carry out independent monitoring of the project.

29. Every development situation is different, so each C&P plan is, to some extent, unique. It must balance short- and long-term objectives with both resource and time considerations and concerns over possible project delays or complaints if stakeholders feel they have been not sufficiently included in decision making. The relative importance of stakeholders varies in sector and project work.

D. Checklist for Preparing a Consultation and Participation Plan

30. The following points provide a checklist of questions for preparing a C&P plan.
- (i) Which stakeholder groups will be engaged in consultation and participation (C&P) processes based on the initial stakeholder analysis?

- (ii) What decisions need to be made through C&P? And how?
- (iii) What is the anticipated breadth and depth of stakeholder engagement at each stage of the project cycle?
- (iv) How will C&P be linked to summary poverty reduction and social strategy and safeguards requirements?
- (v) How will C&P be used during implementation?
- (vi) What C&P methods will be used?
- (vii) What is the time line for C&P activities?
- (viii) How will C&P methods be sequenced?
- (ix) How have roles and responsibilities for conducting C&P activities been distributed among the executing agency, consultants, nongovernment organizations, and others?
- (x) Are C&P facilitators required?
- (xi) What will the C&P plan cost to implement and what budget will be used?

IV. ADDRESSING GENDER DISPARITIES

31. Important differences in roles between women and men, or other gender norms, may have a significant bearing on the project. Because gender disparities usually result in women and men having different needs, demands, and constraints, it is crucial to identify them early in the design process before key decisions are made. If these differences are ignored, the prospects for success of the project may be adversely affected, and women may not have the opportunity to benefit from the project on equal terms with men. Social norms related to gender roles frequently result in:

- (i) Gender-based inequality in access to and control of key resources;
- (ii) Unequal opportunities for women and men in areas such as education, mobility, and public decision making; and
- (iii) Formal or informal discrimination against women in areas such as inheritance, ownership and registration of land, access to credit, and employment.

A. Gender Analysis

32. The purpose of conducting gender analysis is to determine if significant gender issues related to the proposed project are present. Significant gender issues will be present if:

- (i) Women are substantially involved in the relevant sector;
- (ii) The proposed project has the potential to directly improve women's or girls' access to opportunities, services, assets, or resources; or
- (iii) The project could have a negative impact on women or girls. Based on this analysis, appropriate measures need to be identified and included in the project design to ensure that women and/or girls can participate in and benefit from the project.

33. Gender analysis identifies:

- (i) Gender differences and disparities that may affect the feasibility and success of the program/project;
- (ii) Opportunities within the program/project to improve women's and/or girls' access to basic services, economic opportunities, assets, resources, or decision making; and
- (iii) Specific components, activities, or other mechanisms to ensure that both women and men (or girls and boys) participate in and benefit from the program/project.

B. Gender Checklist for Project Design

34. The project's gender analysis should be documented to allow a full assessment of the project design. The following checklist describes the details questions that should be answered as part of the project design documentation.

- (i) Do project objectives explicitly refer to women and men (or girls and boys)?
 - (a) Have the needs of both men and women (or boys and girls) in the project sector been defined?
 - (b) Do the project objectives state the benefits for men and women (or boys and girls)?
 - (c) Will women and/or girls be direct beneficiaries in all project components?
- (ii) Do project documents describe project consultation and participation (C&P) strategies?
 - (a) Have local women been consulted during data collection and design?
 - (b) Have local women's nongovernment organizations (NGOs) been consulted?
 - (c) Have any constraints to the participation of men and women (or boys and girls) in the project been identified (e.g., cultural, social, religious, economic, legal political, or physical constraints)?
 - (d) Have strategies and activities been formulated to address these constraints during project implementation?
 - (e) Has a C&P plan for men and women been developed?
- (iii) Has gender division of labor been considered?
 - (a) Have sex-disaggregated data been collected on the gender division of labor, including household and social responsibilities (i.e., who does what, where, when, and for how long)?
- (iv) As to who has access to and control over resources (including land, forests, waterways, markets, energy/fuel, equipment, technology, capital/credit, and training) been considered?
 - (a) Will project activities adversely affect access to and control over resources (e.g., through loss of land, reduced access to markets) of women or men?
 - (b) Will new technologies introduced under the project benefit both women and men?
 - (c) Are women and men equally involved in training opportunities offered?
 - (d) Are project-supported organizations, such as farmer, user, or credit groups, equally accessible to women and men?
 - (e) Are separate activities or components for women (or girls) required to ensure equal access to project resources?
- (v) Have gender concerns in the project design and scope been addressed?
 - (a) Does the project design include components, strategies, design features, or targets to promote and facilitate involvement of women (or girls) in the project?
 - (b) Are these design features sufficient to ensure the equitable distribution of project benefits between men and women (or boys and girls)?
 - (c) Does the project document describe these features and design mechanisms?
- (vi) Does the executing agency have the capacity to implement gender-sensitive projects?
 - (a) Does the executing or implementing agency have the capacity to deliver services to women and/or girls?

- (b) Does the executing or implementing agency have female field staff, e.g., female extension workers?
- (c) Have strategies been identified to strengthen counterpart gender analysis, gender planning, and implementation capacity; and have these strategies been cosseted?
- (vii) How will gender impacts on men and women (or boys and girls) and on the relationships between them be monitored?
 - (a) Are there indicators to measure progress in achieving benefits for men and women (or boys and girls)?
 - (b) Will there be a collection of sex-disaggregated data to monitor gender impacts?
- (viii) Are project resources adequate to deliver services and opportunities to both men and women (or boys and girls)?
 - (a) Are strategies to promote the participation of men and women (or boys and girls) and equal access to benefits budgeted?
 - (b) Does the budget include allocations for activities to facilitate the participation of women and/or girls?
 - (c) Are strategies and any targets for the participation of and benefits for men and women (or boys and girls) included in the logframe?
 - (d) How is gender expertise to be provided during project implementation?
 - (e) Is responsibility for gender issues included in the terms of reference for the project implementation consultants?
 - (f) Does a covenant/s in the financing documents for the project support the project gender strategies?

C. Gender Action Plans

35. For projects in which significant gender issues have been identified, a priority task of the social analyst or gender specialist is to prepare a Gender Action Plan (GAP) during the design phase. The GAP will follow from detailed gender and is developed to identify project design strategies, mechanisms, and components for addressing gender concerns. The project's gender plan is essentially a summary (no more than 5 pages, including a summary table of actions) that provides information on:

- (i) The preparatory work undertaken to address gender issues,
- (ii) The features or mechanisms included in the project design to promote women's involvement,
- (iii) Mechanisms to ensure implementation of the gender design elements, and
- (iv) Gender monitoring and evaluation.

36. The gender plan should also note what budget provision has been made for these components or design features. Without the allocation of adequate resources, it is unlikely that any separate provisions for the involvement of women or girls will be implemented. Any provision for a gender specialist to help in project implementation should also be noted.

V. SOCIAL RISKS AND VULNERABILITIES

A. Social Safeguards

37. Social safeguard policies¹ on indigenous peoples and involuntary resettlement are intended to identify, minimize or avoid, and if necessary mitigate potential adverse impacts that may be introduced by a project. Because of the nature of the potential adverse impacts, and the procedural requirements of the social safeguard policies themselves, it is important to identify and categorize these risks as early as possible in the project cycle.

B. Other Social Risks and Vulnerabilities

38. It is important to identify other risks and vulnerabilities that could undermine the project's objectives or affect the project's benefits to clients/beneficiaries. In addition to the social safeguard issues discussed above, other risks may be directly linked to a project, such as

- (i) Poor labor conditions for workers involved in project activities;
- (ii) Policy reforms supported by the project that could lead to loss of jobs or benefits through restructuring;
- (iii) Policy reforms under the project that could reduce access to services (e.g., through increases in user fees or other charges), or increase prices of essential commodities through tariff increases;
- (iv) Risks of HIV/AIDS transmission or human trafficking associated with large infrastructure projects; or
- (v) Risks or vulnerabilities related to caste, age, disability, or a combination of these factors.

39. Depending on the severity of the risks and vulnerabilities, further social analysis and the development of social protection measures or full mitigation plans may be required at the design stage. The project should identify whether any significant social risks or vulnerabilities may be introduced or exacerbated by the project. If so, the project team should determine the scope of social analysis to be undertaken and mitigation measures or plans to be developed during the project design phase.

¹ ADB's social safeguard policy for indigenous Peoples and categorization of risk (A, B or C) are described in the main text of the EMPF and further information may be found in ADB's *Indigenous Peoples' Policy Handbook*, 2007. Information related to social safeguards for Involuntary Resettlement may be found in ADB's "Safeguard Policy Statement 2009" and in ADB's *Handbook on Resettlement*, 1998.

Appendix 5: Outline of an Indigenous People Development Plan

1. This outline is part of the Safeguard Requirements 3. An IPDP is required for all projects with impacts on indigenous peoples. Its level of detail and comprehensiveness is commensurate with the significance of potential impacts on indigenous peoples. The substantive aspects of this outline will guide the preparation of IPDPs, although not necessarily in the order shown.

A. Executive Summary of the IPDP

2. This section concisely describes the critical facts, significant findings, and recommended actions.

B. Description of the Project

3. This section provides a general description of the project; discusses project components and activities that may bring impacts on indigenous peoples; and identify project area.

C. Social Impact Assessment

4. This section:

- (i) Reviews the legal and institutional framework applicable to indigenous peoples in project context.
- (ii) Provides baseline information on the demographic, social, cultural, and political characteristics of the affected indigenous peoples communities; the land and territories that they have traditionally owned or customarily used or occupied; and the natural resources on which they depend.
- (iii) Identifies key project stakeholders and elaborate a culturally appropriate and gender-sensitive process for meaningful consultation with indigenous peoples at each stage of project preparation and implementation, taking the review and baseline information into account.
- (iv) Assesses, based on meaningful consultation with the affected indigenous peoples, the potential adverse and positive effects of the project. Critical to the determination of potential adverse impacts is a gender-sensitive analysis of the relative vulnerability of, and risks to, the affected indigenous peoples given their particular circumstances and close ties to land and natural resources, as well as their lack of access to opportunities relative to those available to other social groups in the communities, regions, or national societies in which they live.
- (v) Includes a gender-sensitive assessment of the affected indigenous peoples' perceptions about the project and its impact on their social, economic, and cultural status.
- (vi) Identifies and recommends, based on meaningful consultation with the affected indigenous peoples, the measures necessary to avoid adverse effects or, if such measures are not possible, identifies measures to minimize, mitigate, and/or compensate for such effects and to ensure that the indigenous peoples receive culturally appropriate benefits under the project.

D. Information Disclosure, Consultation and Participation

5. This section: (i) describes the information disclosure, consultation and participation process with the affected indigenous peoples that was carried out during project preparation; (ii) summarizes their comments on the results of the social impact assessment and identifies

concerns raised during consultation and how these have been addressed in project design; (iii) in the case of project activities requiring broad community support, documents the process and outcome of consultations with affected indigenous peoples and any agreement resulting from such consultations for the project activities and safeguard measures addressing the impacts of such activities; (iv) describes consultation and participation mechanisms to be used during implementation to ensure ethnic minority participation during implementation; and (v) confirms disclosure of the draft and final IPDP to the affected indigenous peoples.

E. Beneficial Measures

6. This section specifies the measures to ensure that the indigenous peoples receive social and economic benefits that are culturally appropriate, and gender responsive.

F. Mitigative Measures

7. This section specifies the measures to avoid adverse impacts on indigenous peoples; and where the avoidance is impossible, specifies the measures to minimize, mitigate and compensate for identified unavoidable adverse impacts for each affected indigenous peoples.

G. Capacity Building

8. This section provides measures to strengthen the social, legal, and technical capabilities of (a) government institutions to address indigenous peoples issues in the project area; and (b) indigenous peoples organizations in the project area to enable them to represent the affected indigenous peoples more effectively.

H. Grievance Redress Mechanism

9. This section describes the procedures to redress grievances by affected indigenous peoples. It also explains how the procedures are accessible to indigenous peoples and culturally appropriate and gender sensitive.

I. Institutional Arrangement

10. This section describes institutional arrangement responsibilities and mechanisms for carrying out the various measures of the IPDP. It also describes the process of including relevant local organizations and NGOs in carrying out the measures of the IPDP.

J. Monitoring, Reporting and Evaluation

11. This section describes the mechanisms and benchmarks appropriate to the project for monitoring, and evaluating the implementation of the IPDP. It also specifies arrangements for participation of affected indigenous peoples in the preparation and validation of monitoring, and evaluation reports.

K. Budget and Financing

12. This section provides an itemized budget for all activities described in the IPDP.

Appendix 6: Suggested Internal and External Monitoring Parameters

Table A6.1: Internal Monitoring Indicators

Monitoring Indicators	Basis for Indicators
1. Consistency of the IPDP with the Approved IPDF	Approved IPDF and IPDP Have capacity building and training activities been completed on schedule? Are IPDP activities being implemented and targets achieved against the agreed time frame?
2. Budget and timeframe	Are funds for the implementation of the IPDP allocated to the proper agencies on time? Have agencies responsible for the implementation of the IPDP received the scheduled funds? Have funds been disbursed according to the IPDP? Has social preparation phase taken place as scheduled? Have all clearance been obtained from the IP Office? Have the consent of the ethnic minority community in the affected area been obtained?
3. Public Participation and Consultation	Have consultations taken place as scheduled including meetings, groups, and community activities? Have appropriate leaflets been prepared and distributed? Have any APs used the grievance redress procedures? What were the outcomes? Have conflicts been resolved? Was the social preparation phase implemented? Were separate consultations done for IPs? Was the conduct of these consultations inter-generationally exclusive, gender fair, free from external coercion and manipulation, done in a manner appropriate to the language and customs of the affected IPs and with proper disclosure?
4. Benefit Monitoring	How was the participation of IP women and children? Were they adequately represented? What changes have occurred in patterns of occupation, production and resources use compared to the pre-project situation? What changes have occurred in income and expenditure patterns compared to pre-project situation? What have been the changes in cost of living compared to pre-project situation? Have APs' incomes kept pace with these changes? What changes have taken place in key social and cultural parameters relating to living standards? What changes have occurred for IPs? Has the situation of the IPs improved, or at least maintained, as a result of the project? Are IP women reaping the same benefits as ethnic minority men? Are negative impacts proportionally shared by IPs men and women?

Adapted from ADB's Handbook on Resettlement: A Guide to Good Practice. 1998.

Table A6.2: External Monitoring Indicators

Monitoring Indicators	Basis for Indicators
1. Consistency of the IPDP with the approved IPDF	Approved IPDF and IPDP
2. Basic information on AP households	Location Composition and structures, ages, education and skill levels Gender of household head IP group Access to health, education, utilities and other social services Housing type Land use and other resource ownership and patterns Occupation and employment patterns Income sources and levels Agricultural production data (for rural households) Participation in neighborhood or community groups Access to cultural sites and events Value of all assets forming entitlements and resettlement entitlements
3. Levels of AP Satisfaction	How much do IPs know about grievance procedures and conflict resolution procedures? How satisfied are those who have used said mechanism? How much do the affected IPs know about the IPDP? Do they know their rights under the IPDP? How much do they know about the grievance procedures available to them?

Monitoring Indicators	Basis for Indicators
4. Other Impacts	<p>Do they know how to access to it?</p> <p>How do they assess the implementation of the IPDP?</p> <p>Were there unintended environmental impacts?</p> <p>Were there unintended impacts on employment or incomes?</p>
5. Ethnic Minority Indicators	<p>Are special measures to protect IP culture, traditional resource rights, and resources in place?</p> <p>How are these being implemented?</p> <p>Are complaints and grievances of affected IPs being documented?</p> <p>Are these being addressed?</p> <p>Did the project proponent respect customary law in the conduct of public consultation, in IPDP implementation, in dispute resolution?</p> <p>Did the project proponent properly document the conduct of public consultations, the formulation and implementation of the IPDP?</p> <p>Were the public consultations inter-generationally inclusive?</p> <p>Were women and children proportionally represented?</p> <p>Were representatives of the IP Office present in the public consultations? During the monitoring of IPDP implementation?</p>

Adapted from ADB's Handbook on Resettlement: A Guide to Good Practice. 1998.

Appendix 7: Terms of Reference of External Monitoring Organization

1. **Rationale.** The Biodiversity Corridors Conservation Project and the additional financing may entail insignificant Indigenous Peoples and involuntary resettlement impacts. In accordance with the ADB-approved Indigenous Peoples Development Framework (IPDF) and Resettlement Framework (RF), the services of an external monitoring organization are required to:

- (i) Determine if social safeguard plans were prepared in accordance with the approved frameworks;
- (ii) Verify the findings of internal monitoring and evaluation;
- (iii) Propose and provide an effective tool for assessing implementation of social safeguard plans;
- (iv) Conduct independent and periodic monitoring of implementation of social safeguard plans, and
- (v) Evaluate if the objectives of approved frameworks are being/have been met, i.e., affected persons' living standards are at par with their pre-project conditions and Indigenous Peoples' rights are upheld.

2. **Detailed Tasks.** The external monitoring agency is tasked with the following:

- (i) Review the IPDF and RF as well as all IP plans and resettlement plans prepared under the project
- (ii) Assess whether or IP plans and resettlement plans have been prepared in accordance with the approved IPDF and RF, respectively, and provide recommendations to fill in gaps
- (iii) Propose and carry out the mechanism for determining the effectiveness of the implementation of IP plans and resettlement plans including but not limited to:
 - a. Defining the monitoring system and the monitoring cycle to be followed
 - b. Preparing and applying gender disaggregated monitoring indicators and impact indicators
 - c. Developing and maintaining a monitoring and evaluation database
 - d. Proposing and applying standardized monitoring and evaluation checklists
 - e. Determining the efficiency of institutional arrangements and grievance redress mechanism in dispensing their duties
- (iv) Provide timely advise to project management on ways to improve implementation of IP plans and resettlement plans
- (v) Verify internal monitoring reports through field visits and interviews with affected persons, IPs, and other stakeholders
- (vi) Conduct independent and periodic monitoring of the progress of implementation of IP plans and resettlement plans
- (vii) Document changes in income and living standards among affected persons
- (viii) Document changes in living conditions, cultural practices, and communal ways of life among Indigenous Peoples
- (ix) Verify land donations, if any
- (x) Report on the grievances and concerns of Indigenous Peoples and affected persons
- (xi) Advise on the need for corrective action plans, if warranted
- (xii) Submit quarterly reports which includes discussion of all the above
- (xiii) Assess whether affected persons' living standards have been restored or improved by comparing post-resettlement with baseline socio-economic conditions

- (xiv) Assess whether IPs received culturally appropriate project benefits
- (xv) Prepare evaluation report based on (xiii) and (xiv)
- (xvi) Others as required or agreed upon during engagement of the external monitoring organization

3. **Deliverables**

- (i) Inception report
- (ii) Quarterly progress reports
- (iii) Evaluation report

4. **Minimum qualifications**

- (i) Must have significant expertise in social safeguards and very familiar with ADB's Safeguard Policy Statement and Royal Government of Cambodia's laws, regulations, and procedures for land acquisition, involuntary resettlement, land donation, and Indigenous Peoples
- (ii) Must have demonstrated experience in monitoring and evaluation
- (iii) Must be an institute, consultancy office, NGO, pool of experts from the Royal Government of Cambodia

5. **Requirements for Application**

- (i) Interested candidates are obliged to submit technical and financial proposals for the work with a brief statement of the approach, methodology, and relevant information demonstrating that they meet the qualifications set above
- (ii) The proposed budget should cover all costs including logistics
- (iii) Proposed staff members need to submit CVs showing their technical capacity to handle the tasks

6. **Duration of Assignment:** Intermittent, until 2018